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17
18 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
19 **FOR THE COUNTY OF MONTEREY**
20

21 LORENA RAMIREZ, on behalf of herself
22 and all similarly aggrieved employees,

23 Plaintiff,

24 v.

25 COVENANT SURGICAL PARTNERS,
26 INC.; SALINAS ENDOSCOPY CENTER,
27 LLC; AND DOES 1 through 50, inclusive,

28 Defendants.

Case No.: 22CV000081

(Assigned to the Honorable Thomas W. Wills,
Dept. 15)

**DECLARATION OF LARRY W. LEE IN
SUPPORT OF PLAINTIFFS' MOTION
FOR FINAL APPROVAL OF CLASS
ACTION SETTLEMENT**

Date: December 8, 2023

Time: 8:30 a.m.

Dept.: 15

Complaint Filed: January 10, 2022

Trial Date: None

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I, Larry W. Lee, declare as follows:

1. I am an attorney at law, duly licensed to practice before all Courts in the State of California, and am with the law firm Diversity Law Group, counsel of record for Plaintiffs Lorena Ramirez and Teresa Martinez (“Plaintiffs”). I have personal knowledge of the facts set forth below and if called to testify I could and would do so competently.

2. I am one of the primary attorneys on this matter. Based on my own independent investigation and evaluation, I am of the opinion that settlement for the consideration and on the terms set forth in the Joint Stipulation of Class Action Settlement (“Settlement Agreement” or “Agreement”) is fair, reasonable, and adequate and is in the best interests of the Class, in light of all known facts and circumstances and the expenses and risks inherent in litigation.

3. My office was retained based upon a contingency fee arrangement wherein Class Counsel agreed to advance all costs and receive no fee unless a recovery was accomplished. Specifically, had Plaintiffs failed to prevail in the matter, Class Counsel would have spent a significant amount of time, money and other resources without any benefit or return. For instance, my office has expended costs to file the instant action, effect service of process, pay mediation fees and other litigation related costs. In addition, had Plaintiffs also failed to prevail in the present cases, Defendants would have been able to seek costs in connection with their defense of the case.

4. Class Counsel are experienced and well-qualified class action litigators who have litigated many wage and hour class actions and have each been certified as class counsel in numerous other class actions, particularly wage and hour class actions.

5. My qualifications are as follows: I received my J.D. from Arizona State University College of Law in 2003. During law school, I was a summer associate at the law firm of Brobeck, Phleger & Harrison. I graduated cum laude from Arizona State University College of Law in the top 10% of my class. While I was in law school, I was the Associate Managing Editor of the Arizona State University College of Law, Law Journal. Upon graduation, I practiced law as an associate at the Los Angeles County offices of Ogletree Deakins Nash

1 Smoak & Stewart, P.C., a national employment defense law firm that represents a significant
2 number of Fortune 500 companies.

3 6. My firm's primary focus is employment law. I have handled a number of wage
4 and hour matters including class actions and multiple-plaintiff actions. I have a practice that
5 encompasses cases throughout the State of California, including but not limited to the Los
6 Angeles Superior Court, Orange County Superior Court, San Francisco County Superior Court,
7 San Diego County Superior Court, and the United States District Courts for the Central, Eastern,
8 and Northern Districts of California.

9 7. I have been named as Class Counsel in a number of class actions that have been
10 granted final approval by the Superior Courts of Los Angeles County, Orange County, San
11 Francisco County, and the United States District Court for the Central District of California,
12 including the following Class Actions: *Chan Lanier v. Citigroup, Inc. et al.*, San Francisco
13 Superior Court Case No. CGC-05-445143; *Naqvi v. Acoustic Home Loans et al.*, Orange County
14 Superior Court Case No. 05CC00263; *Ortega v. AIG*, Central District of California Case No. CV
15 06-0196-RSWL (PJWx); *Universal Protection Overtime Cases*, Orange County Superior Court,
16 Judicial Council Coordination Proceeding No. 4480; and *Hernandez v. CVS Corp. et al.*, Judicial
17 Council Coordination Proceeding No. 4539.

18 8. To date, I have incurred approximately 74.90 hours in connection with the
19 litigation of this lawsuit. Attached hereto as **Exhibit A** is a summary of the hours I have incurred
20 to date. My hourly rate in class and representative actions is \$750.00 per hour. However, in this
21 motion, I request a reduced hourly rate of \$595.00. Accordingly, the total lodestar for my hours
22 will be approximately \$44,565.50 (74.90 hours x \$595).

23 9. Since at least 2020, I have been approved at an hourly rate of \$750.00 per hour by
24 various Courts, in a number of matters, including *Hernandez v. Wells Fargo Bank*, Santa Clara
25 County Superior Court Case No. 16CV299319, *Carrillo v. New Balance Athletics, Inc.*, Santa
26 Clara County Superior Court Case No. 19CV352469; *Ramirez v. Walgreen Co.*, United States
27 District Court, Northern District of California Case No. 18-cv-03921-EJD, *Chavez v. Converse,*
28 *Inc.*, United States District Court, Northern District of California Case No. 15-cv-03746-NC;

1 *Foster v. Schindler Elevator Corporation*, Alameda County Superior Court Case No.
2 RG19029640; *Foaad Hanna v. Equinix, LLC*, Santa Clara County Superior Court Case No.
3 18CV339365; *Alicia Harris v. 24 Seven LLC*, Los Angeles County Superior Court Case No.
4 BC720144; *Mary Della Maggiora v. Watsonville Community Hospital*, Santa Cruz County
5 Superior Court Case No. 18CV00191; *Pittman v. Martinez Steel Corporation*, San Bernardino
6 County Superior Court Case No. CIVDS1823132; *Michael Randolph v. Pacific Racing*
7 *Association*, Alameda County Superior Court Case No. RG18908139; *Markham v. Quik Stop*
8 *Markets, Inc.*, Santa Clara Superior Court Case No.19CV341582; *Siron v. Raypak, Inc.*, Ventura
9 Superior Court Case No. 56-2019-005279959-CU-OE-VTA; *Carter v. Kline Services, Inc.*, San
10 Bernardino Superior Court Case No. CIVDS1828867, and *Prexxie Pascual and Arturo Fonseca*
11 *v. Satellite Healthcare, Inc.*, Santa Clara Superior Court Case No. 19CV345211.

12 I declare under penalty of perjury under the laws of the State of California that the
13 foregoing is true and correct.

14 Executed on this 14th day of November 2023, at Los Angeles, California.

15 

16 _____
Larry W. Lee

EXHIBIT A

Ramirez v. Covenant Surgical Partners
Larry W. Lee Time and Task Chart

Hours	Description of Work
5.2	Review client documents and background information; confer with co-counsel re claims to be filed
8.9	Draft PAGA letter; review and revise class and PAGA complaints
1.6	Confer with counsel re CMC; review and revise joint statements re same
2.3	Review and revise stipulated protective order; confer with counsel re same
6.6	Review and revise first set of discovery to Defendants; review Defendants' responses and documents to same; meet and confer re same; review Defendants' amended responses
1.4	Review and revise PMK depo notice
2.3	Review and revise second set of discovery to Defendants
10.4	Review and revise outline for PMK depo; review exhibits for same; review Defendants' document production re same; review PMK depo transcript
5.7	Confer with counsel re mediation and data needed for mediation; review class member data for mediation
7.1	Review and revise damages analysis for mediation purposes
3.5	Review and revise MOU; confer with counsel re same
7.6	Review and revise long form settlement agreement and supporting documents; confer with counsel re changes to same
4.3	Review and revise Motion for Preliminary Approval and supporting documents
3.8	Confer with class members re settlement issues
4.2	Review and revise Motion for Final Approval and supporting documents
74.9	TOTAL HOURS