

DIVERSITY LAW GROUP, P.C.
Larry W. Lee (State Bar No. 228175)
lwlee@diversitylaw.com
Simon L. Yang (State Bar No. 260286)
sly@diversitylaw.com
515 South Figueroa Street, Suite 1250
Los Angeles, California 90071
Telephone: (213) 488-6555
Facsimile: (213) 488-6554

D. LAW, INC.
Emil Davtyan (State Bar No. 299363)
emil@d.law
400 N. Brand Blvd., Suite 700
Glendale, California 91203
Telephone: (818) 875-2008
Facsimile: (818) 722-3974

Attorneys for Plaintiffs and the Class

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ALAMEDA

PATRICIA O'CONNOR and STEVEN
RODRIGUEZ, as individuals and on behalf of all
others similarly situated,

Plaintiffs,

vs.

WHOLE FOODS MARKET CALIFORNIA,
INC., a California corporation; and DOES 1
through 50, inclusive,

Defendants.

Case No. 22CV008620

[Hon. Noël Wise, Department 21]

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

Date: June 18, 2024
Time: 1:30 p.m.
Department: 21

Reservation ID: 120997891563

Complaint Filed: March 18, 2022

1 I, Larry W. Lee, declare as follows:

2 1. I am an attorney admitted to practice in the State of California and, with the law firm
3 Diversity Law Group, P.C., am counsel of record for Plaintiffs. I make this declaration on the basis of
4 my own personal knowledge, except as to those matters stated on information and belief and, as to those
5 matters, I believe them to be true. If called as a witness, I could testify competently as to the facts stated
6 in this declaration.

7 2. The Notice of Class Action Settlement (“Class Notice”) provided Class Members with
8 my office’s contact information, where they could further seek information regarding the class
9 settlement, leave questions for the Administrator, and update their address.

10 3. There were no objections to the amount of attorneys’ fees or litigation costs that Class
11 Counsel seek in this case and for which Plaintiffs ask the Court for final approval.

12 4. Class Counsel engaged in extensive factual investigation before settling, including the
13 exchange of extensive informal discovery and class data. This allowed Plaintiffs to conduct a full
14 damage analysis. The Agreement was the product of negotiation between highly able and experienced
15 attorneys on both sides who possessed the relevant data and extensive legal research which they had
16 carefully analyzed.

17 5. The settlement in the case at bar warrants approval and carries a presumption of fairness.
18 As previously noted in the application for Preliminary Approval, this current settlement was negotiated
19 at arm’s length. I support the settlement as fair, reasonable, and adequate, and in the best interest of the
20 Class Members as a whole.

21 6. My firm has a great deal of experience in wage and hour class action litigation and has
22 been approved as class counsel in a number of class actions.

23 7. I am one of the primary attorneys on this matter. My qualifications are as follows: I
24 received my J.D. from Arizona State University College of Law in 2003. During law school, I was a
25 summer associate at the law firm of Brobeck, Phleger & Harrison. I graduated cum laude from Arizona
26 State University College of Law in the top 10% of my class. While I was in law school, I was the
27 Associate Managing Editor of the Arizona State University College of Law, Law Journal. Upon
28 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 number of
2 Fortune 500 companies, including wage and hour class actions.

3 8. My firm's primary focus is employment law. I have handled a number of wage and hour
4 matters including class actions and individual actions, on both plaintiff and defense sides. I have a
5 practice that encompasses cases throughout the State of California, including but not limited to the Los
6 Angeles Superior Courts, the Orange County Superior Courts, the San Francisco County Superior
7 Courts, the San Diego County Superior Courts, and the United States District Courts for the Central,
8 Eastern, Northern, and Southern Districts of California. I have been named as Class Counsel in a
9 number of class actions that have been granted final approval by the Superior Courts of Los Angeles
10 County, Orange County, San Francisco County, Alameda County, Contra Costa County, Monterey
11 County, San Bernardino County, Santa Clara County, Sonoma County, and the United States District
12 Court for the Central, Eastern, and Northern Districts of California.

13 9. My firm has incurred costs in the amount of \$2,143.07. The costs are all litigation related
14 costs, including filing fees. Attached hereto as **Exhibit A** is copy of the costs my firm has incurred in
15 connection with prosecution of this lawsuit.

16 10. To date, I have incurred approximately 83.2 hours in the prosecution of this matter, with
17 an hourly rate of \$800.00 per hour. I anticipate spending an additional 10.0 hours through final approval
18 and post-approval, including conferring with class members, defense counsel, and the administrator. The
19 total lodestar for my hours will be approximately \$74,560.00. Attached as **Exhibit B** is a summary of
20 my hours and tasks on this matter.

21 11. Since at least 2020, I have been approved at an hourly rate of \$750.00 per hour by
22 various Courts, including this Court. Examples of these Courts include the following cases: *Hernandez*
23 *v. Wells Fargo Bank*, Santa Clara County Superior Court Case No. 16CV299319, *Carrillo v. New*
24 *Balance Athletics, Inc.*, Santa Clara County Superior Court Case No. 19CV352469; *Ramirez v.*
25 *Walgreen Co.*, United States District Court, Northern District of California Case No. 18-cv-03921-EJD,
26 *Chavez v. Converse, Inc.*, United States District Court, Northern District of California Case No. 15-cv-
27 03746-NC; *Foster v. Schindler Elevator Corporation*, Alameda County Superior Court Case No.
28 RG19029640; *Foaad Hanna v. Equinix, LLC*, Santa Clara County Superior Court Case No.

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

10 12. I also have been approved at an hourly rate of \$800.00 per hour in *Davila v. Hayward*
11 *Sisters Hospital*, Alameda County Superior Court Case No. RG20074747; *McCarthy, et al. v. The Vons*
12 *Companies, Inc.*, San Bernardino County Superior Court Case No. CIVDS2021085; *Martinez and*
13 *Acosta v. City of Hope National Medical Center, et al.*, San Bernardino County Superior Court Case No.
14 CIVDS2015729; *Moen v. Genentech, Inc.*, San Diego County Superior Court Case No. 37-2021-
15 00008619-CU-OECTL; *Murray v. Granite Wellness Centers et al.*, Nevada County Superior Court Case
16 No. CU20-084680, and *Smith, et al. v. Clean Harbors Environmental Services, Inc.*, Sacramento County
17 Superior Court Case No. 34-2021-00292526.

18 13. On March 5, 2024, Plaintiffs uploaded the Order Granting Plaintiffs' Motion for
19 Preliminary Approval of Class Action Settlement to the LWDA's website. Concurrent with the filing of
20 this motion, Plaintiffs also have uploaded the final approval motion to the LWDA.

21 I declare under penalty of perjury under the laws of the State of California that the foregoing is
22 true and correct. Executed this 23rd day of May 2024, at Los Angeles, California.

23 

24 _____
Larry W. Lee

EXHIBIT A

5/15/2024
9:12 AM

DIVERSITY LAW GROUP
Slip Listing

Page 1

Selection Criteria

Slip.Classification Open
Client (hand select) Include: O'Connor, Patricia v Whole Foo
Slip.Transaction Ty 2 - 2

Rate Info - identifies rate source and level

Slip ID		Timekeeper	Units	Rate	Slip Value
Dates and Time		Activity	DNB Time	Rate Info	
Posting Status		Client	Est. Time	Bill Status	
Description		Reference	Variance		
70783	EXP	Olympia	1	75.00	75.00
2/22/2022		Court fees			
WIP		O'Connor, Patricia v Whole F			
LWDA					
71246	EXP	Erika Mejia	1	1487.10	1487.10
3/18/2022		Court fees			
WIP		O'Connor, Patricia v Whole F			
ACE E Filing - Complaint					
71471	EXP	Olympia	26	0.25	6.50
3/31/2022		Photocopies			
WIP		O'Connor, Patricia v Whole F			
Photocopies					
71472	EXP	Olympia	1	8.09	8.09
3/31/2022		Postage			
WIP		O'Connor, Patricia v Whole F			
Postage					
71419	EXP	Olympia	1	9.05	9.05
4/12/2022		Court fees			
WIP		O'Connor, Patricia v Whole F			
ACE E Filing - Notice of Rescheduling					
71979	EXP	Olympia	6	0.25	1.50
4/30/2022		Photocopies			
WIP		O'Connor, Patricia v Whole F			
Photocopies					
71980	EXP	Olympia	1	0.73	0.73
4/30/2022		Postage			
WIP		O'Connor, Patricia v Whole F			
Postage					
71898	EXP	Erika Mejia	1	9.05	9.05
5/26/2022		Court fees			
WIP		O'Connor, Patricia v Whole F			
ACE E Filing - FAC					

5/15/2024
9:12 AM

DIVERSITY LAW GROUP
Slip Listing

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Slip ID		Timekeeper	Units	Rate	Slip Value
Dates and Time		Activity	DNB Time	Rate Info	
Posting Status		Client	Est. Time	Bill Status	
Description		Reference	Variance		
72311	EXP	Erika Mejia	1	16.85	16.85
7/1/2022		Court fees			
WIP		O'Connor, Patricia v Whole F			
ACE E Filing - CMS					
73622	EXP	Erika Mejia	1	16.85	16.85
11/23/2022		Court fees			
WIP		O'Connor, Patricia v Whole F			
ACE E Filing - CMS					
75360	EXP	Erika Mejia	1	17.85	17.85
6/7/2023		Court fees			
WIP		O'Connor, Patricia v Whole F			
ACE E Filing - CMS					
75777	EXP	Erika Mejia	1	17.85	17.85
7/28/2023		Court fees			
WIP		O'Connor, Patricia v Whole F			
ACE E Filing - CMS					
76250	EXP	Erika Mejia	1	17.85	17.85
9/29/2023		Court fees			
WIP		O'Connor, Patricia v Whole F			
ACE E Filing - Joint CMS					
76249	EXP	Olympia	1	1.00	1.00
10/2/2023		Court fees			
WIP		O'Connor, Patricia v Whole F			
MPA Reservation					
76329	EXP	Olympia	1	1.00	1.00
10/10/2023		Court fees			
WIP		O'Connor, Patricia v Whole F			
Rescheduling of MPA					
76431	EXP	Olympia	1	1.00	1.00
10/24/2023		Court fees			
WIP		O'Connor, Patricia v Whole F			
Rescheduled Hearing					
76802	EXP	Olympia	1	1.00	1.00
11/21/2023		Court fees			
WIP		O'Connor, Patricia v Whole F			
Reschedule Motion Hearing					
77004	EXP	Olympia	1	38.45	38.45
12/11/2023		Court fees			
WIP		O'Connor, Patricia v Whole F			
ACE E Filing - Stip for Leave to file SAC					

5/15/2024
9:12 AM

DIVERSITY LAW GROUP
Slip Listing

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Slip ID Dates and Time Posting Status Description	Timekeeper Activity Client Reference	Units DNB Time Est. Time Variance	Rate Rate Info Bill Status	Slip Value
77005 EXP 12/12/2023 WIP ACE E Filing - MPA	Erika Mejia Court fees O'Connor, Patricia v Whole F	1	79.65	79.65
77070 EXP 12/27/2023 WIP ACE E Filing - Amended Decl of SLY	Erika Mejia Court fees O'Connor, Patricia v Whole F	1	17.85	17.85
77474 EXP 2/8/2024 WIP ACE E Filing - Amendment to Stip for Settlement	Erika Mejia Court fees O'Connor, Patricia v Whole F	1	17.85	17.85
77630 EXP 2/29/2024 WIP MFA Reservation	Olympia Court fees O'Connor, Patricia v Whole F	1	1.00	1.00
78280 EXP 5/15/2024 WIP Filing Fees	Simon Yang Court fees O'Connor, Patricia v Whole F	1	300.00	300.00
Grand Total				
	Billable	0.00		2143.07
	Unbillable	0.00		0.00
	Total	0.00		2143.07

EXHIBIT B

Time and Task Summary
for O'Connor et al. v. Whole Foods Market California, Inc.
Larry W. Lee

Description of Work	Hours
Review clients' documents and research Defendant's theories of liability; confer with clients re same	7.6
Draft PAGA various letters; review and revise complaint and amended complaints; confer with client re same	10.1
Research and review Defendant's prior/pending wage/hour lawsuits/settlements; confer with counsel for same re related claims/issues	4.1
Review and revise joint CMS statements; meet and confer with counsel re same	2.8
Review and revise initial set of written discovery to Defendant	3.1
Confer with various counsel re mediation and mediation data; research potential	3.8
Review and revise mediation brief; legal research re liability issues; analyze data and calculate damages for same; attend mediation; review and revise MOU; confer with client and counsel re same	23.7
Review and revise long form settlement agreement; confer with counsel re same	7.4
Review and revise Motion for Preliminary Approval and supporting documents; prepare amended documents; review tentative ruling re same; confer with counsel re same	9.6
Confer with administrator and class members re settlement issues; review weekly reports	6.6
Review and revise Motion for Final Approval and supporting documents; confer with counsel re same	4.4
TOTAL	83.2