

Larry W. Lee (State Bar No. 228175)
lwlee@diversitylaw.com
Christine S. Lee (State Bar No. 339947)
christine@diversitylaw.com
DIVERSITY LAW GROUP, P.C.
515 S. Figueroa St., Suite 1250
Los Angeles, California 90071
(213) 488-6555
(213) 488-6554 facsimile

Attorneys for Plaintiffs
(Additional Plaintiff's Counsel on Next Page)

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

DAMONTAE LEVINGSTON, KEVIN
PEARSON, MARK GUTIERREZ, and
PAUL RODRIGUEZ, as individuals and
on behalf of all others similarly situated,

Plaintiffs,

v.

COMMERCE DISTRIBUTION
COMPANY LLC., a California Limited
Liability Company; SMART & FINAL
LOGISTICS LLC, a Delaware limited
liability company; SMART & FINAL
STORES, LLC, a California limited
liability company, and SMART & FINAL
LLC, a Delaware limited liability company
and DOES 1 through 50, inclusive,

Defendants.

Case No. 22STCV05730

[Assigned for all purposes to the Hon. Randolph
M. Hammock, Dept. 49]

**DECLARATION OF CHRISTINE S. LEE
IN SUPPORT OF MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Date: April 5, 2023

Time: 8:30 a.m.

Dept.: 49

ADDITIONAL COUNSEL

POLARIS LAW GROUP

William L. Marder (SBN 170131)
bill@polarislawgroup.com
501 San Benito Street, Suite 200
Hollister, CA 95023
Telephone: (831) 531-4214
Facsimile: (831) 634-0333

Edward W. Choi, Esq. SBN 211334

LAW OFFICES OF CHOI & ASSOCIATES, APLC

515 S. Figueroa St., Suite 1250
Los Angeles, CA 90071
Telephone: (213) 381-1515
Facsimile: (213) 465-4885
Email: edward.choi@choiandassociates.com

HAINES LAW GROUP, APC

Paul K. Haines (SBN 248226)
phaines@haineslawgroup.com
Fletcher W. Schmidt (SBN 286462)
fschmidt@haineslawgroup.com
Matthew K. Moen (SBN 305956)
mmoen@haineslawgroup.com
Susan J. Perez (SBN 329044)
sperez@haineslawgroup.com
2155 Campus Drive, Suite 180
El Segundo, California 90245
Tel: (424) 292-2350
Fax: (424) 292-2355

BLUMENTHAL NORDREHAUG BHOWMIK DE BLOUW LLP

Norman B. Blumenthal (State Bar #068687)
Kyle R. Nordrehaug (State Bar #205975)
Aparajit Bhowmik (State Bar #248066)
Nicholas J. De Blouw (State Bar #280922)
2255 Calle Clara
La Jolla, CA 92037
Telephone: (858)551-1223
Facsimile: (858) 551-1232

ADDITIONAL COUNSEL

ZAKAY LAW GROUP, APLC

Shani O. Zakay (State Bar #277924)
Jackland K. Hom (State Bar #327243)
Julieann Alvarado (State Bar #334727)
5440 Morehouse Drive, Suite 3600
San Diego, CA 92121
Telephone: (619) 255-9047
Facsimile: (858) 404-9203
shani@zakaylaw.com
jackland@zakaylaw.com
julieann@zakaylaw.com

JCL LAW FIRM, APC

Jean-Claude Lapuyade (State Bar #248676)
Eduardo Garcia (State Bar #290572)
5440 Morehouse Drive, Suite 3600
San Diego, CA 92121
Telephone: (619) 599-8292
Facsimile: (619) 599-8291
jlapuyade@jcl-lawfirm.com
egarcia@jcl-lawfirm.com

Attorneys for Plaintiffs

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

I, Christine S. Lee, hereby declare and state as follows:

1. I am an attorney at law, duly licensed to practice before all Courts in the State of California, and am a member of the law firm Diversity Law Group, counsel of record for Plaintiff DAMONTAE LEVINGSTON (“Plaintiff”). 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 attorneys on this matter. My qualifications are as follows: Prior to attending law school, I had approximately 5 years of experience as a Litigation Paralegal. During law school, I was a Legal Intern for the U.S. Department of Veterans Affairs, a Judicial Intern for the Honorable James A. Bonifant of the Circuit Court for Montgomery County, and a Summer Associate for the Law Firm of Paley Rothman. I was also a Law Clerk for the Law Offices of Choi and Associates until I began my employment at Diversity Law Group, P.C. I received my JD from University of Baltimore in 2021. Upon graduation from law school, I was admitted to the California Bar in 2021.

3. I am currently an associate at the law firm Diversity Law Group, P.C., an employment law firm that has handled numerous wage and hour class and individual actions, on both plaintiff and defense sides. The firm currently has cases in Alameda Superior Court, San Diego Superior Court, Santa Clara Superior Court, Sacramento Superior Court, Alameda Superior Court, Monterey Superior Court, San Francisco Superior Court, San Joaquin Superior Court, Kern County Superior Court, San Bernardino Superior Court, and the United States District Courts for the Central, Northern, and Eastern Districts of California.

4. I am currently handling numerous wage and hour class action and PAGA lawsuits, including *Marin v. Sea World LLC* (Case Number 37-2021-00047859-CU-OE-CTL, Case Number Case Number 37-2022-00001083-CU-OE-CTL); *Marin v. HB Leisure, Inc.* (Lead Case Number 37-2021-00048225-CU-OE-CTL); *McFarland v. Helix Electric, Inc.* (Case Number 21CV391268, Case Number 22CV394399); *Ford v. The Silver F, Inc.* (Case Number 34-202100313161, Case Number 34-2022-00315620); *Cook-Farrar v. The RealReal, Inc.* (Case Number CGC-22-597986, Case Number CGC-22-599036); *Brown v. HP Hood LLC* (Case

1 Number 34-2022-00315068, Case Number 34-2022-00318020); *Levingston v. Commerce*
2 *Distribution Company LLC* (Case Number 22STCV05730); *Deaver v. Blue Diamond Growers*
3 (Case Number 34-2022-00316490, Case Number 34-2022-00319378); *Lang v. PNS Stores, Inc.*
4 (Case Number 34-2022-00318520); *White v. Cortech West Staffing, LLC* (Case Number STK-
5 CV-UOE-2022-0009807); *Chanley v. Growers Transplanting, Inc.* (Case Number
6 22CV002837); *Bolding v. Cardinal Financial Company* (Case Number CIVSB2206543); *Parra-*
7 *Marquez v. PRC DeSoto International, Inc.* (Case Number BCV-22-100704); *Khoshchin v. Atria*
8 *Management Company, LLC* (Case Number 2:22-cv-00916-TLN-KJN, Case Number 34-2022-
9 00322277-CU-OE-GDS); *Galvez v. Joseph J. Albanese, Inc.* (Case Number 22CV397197);
10 *Marsh v. Burberry* (Case Number 22CV016122); *Conner v. Red Wing Brands of America* (Case
11 Number 22-CIV-03830) . I have also assisted the firm in numerous wage and hour class action
12 mediations. Most recently, I assisted the firm in successfully obtaining class certification by the
13 United States District Court, Central District of California in the case of *Sims v. QG Printing II,*
14 *LLC* (Case Number ED CV 20-1632-DMG (KKx)) and by the Santa Clara Superior Court in the
15 case of *Abernathy v. Deacon Construction LLC* (Case Number 20CV367327).

16 5. From the inception of the case, Plaintiff's counsel has zealously represented the
17 interests of Plaintiff and the putative class. The settlement was obtained for the benefit of the
18 class, as opposed to the individual Plaintiff. Based on own independent investigation and
19 evaluation, I believe this settlement to be fair, adequate, and reasonable in light of all known
20 circumstances and the expenses and risks inherent in litigation. I also believe in the fairness of
21 the settlement based on factoring in the uncertainty and risks to Plaintiffs involved in not
22 prevailing on their class claims at trial and the possibility of appeals.

23 6. I have no conflicts with the Settlement Class and will adequately represent the
24 Settlement Class.

25 7. Pursuant to Rules of Professional Conduct Rule 1.5.1., Plaintiffs previously
26 provided written authorization for the attorney's fee to be split as follows: Haines Law Group,
27 APC - 50%; Blumenthal Nordrehaug Bhowmik De Blouw LLC - 25%; JCL Law Firm, APC -
28 6.25%; Zakay Law Group, APLC - 6.25%; Diversity Law Group, P.C. – 4.06%; Law Offices of

1 Choi & Associates, P.C. – 4.06%; and Polaris Law Group, P.C. – 4.38%.

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

4
5 Executed on March 7, 2023, at Los Angeles, California.

6
7 

8 _____
Christine S. Lee