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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 LARRY W. LEE IN
SUPPORT OF MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT**

Date: April 5, 2023

Time: 8:30 a.m.

Dept.: 49

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Attorneys for Plaintiffs

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

2 1. I am an attorney at law, duly licensed to practice before all Courts in the State of
3 California, and am with the law firm Diversity Law Group, P.C., counsel of record for Named
4 Plaintiff DAMONTAE LEVINGSTON ("Plaintiff"). I have personal knowledge of the facts set
5 forth below and if called to testify I could and would do so competently.

6 2. Based on their own independent investigations and evaluations, the Parties and
7 their respective counsel are of the opinion that settlement for the consideration and on the terms
8 set forth in the Stipulation of Settlement ("Settlement Agreement") is fair, reasonable, and
9 adequate and is in the best interests of the Class and Defendants in light of all known facts and
10 circumstances and the expenses and risks inherent in litigation.

11 3. Both Plaintiffs' and Defendants' counsel have a great deal of experience in wage
12 and hour class action litigation. Furthermore, counsel for Plaintiff is an experienced team of
13 lawyers with substantial complex litigation experience. Plaintiff's counsel has been approved as
14 class counsel in other wage/hour class actions, including in this case.

15 4. I am one of the primary attorneys on this matter. My qualifications are as
16 follows: I received my J.D. from Arizona State University College of Law in 2003. During law
17 school, I was a summer associate at the law firm of Brobeck, Phleger & Harrison. I graduated
18 cum laude from Arizona State University College of Law in the top 10% of my class. While I
19 was in law school, I was the Associate Managing Editor of the Arizona State University College
20 of Law, Law Journal. Upon graduation, I practiced law as an associate at the Los Angeles
21 County offices of Ogletree Deakins Nash Smoak & Stewart, P.C., a national employment
22 defense law firm that represents a significant number of Fortune 500 companies.

23 5. My firm's primary focus is employment law. I have handled a number of wage
24 and hour matters including class actions and multiple-plaintiff actions. I have a practice that
25 encompasses cases in the Los Angeles Superior Courts, the Orange County Superior Courts, the
26 Sacramento County Superior Courts, the Alameda County Superior Courts, the San Diego
27 County Superior Courts, and the United States District Courts for the Central, Eastern and
28 Northern Districts of California.

