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Attorneys for Plaintiff and Aggrieved Employees

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SANTA CLARA

MATTHEW ONG, as an individual and on behalf
of aggrieved employees,

Plaintiff,

vs.

EHEALTHINSURANCE SERVICES, INC., a
Delaware corporation; and DOES 1 through 50,
inclusive,

Defendants.

Case No. 22CV399893

[Assigned for all purposes to the Hon. Charles F.
Adams, Dept. 7]

**DECLARATION OF MAX W. GAVRON IN
SUPPORT OF PLAINTIFF'S MOTION TO
APPROVE SETTLEMENT AGREEMENT
PURSUANT TO THE PRIVATE
ATTORNEYS GENERAL ACT**

Date: June 6, 2024

Time: 1:30 P.M.

Dept.: 7

Complaint Filed: July 5, 2022

Trial Date: None

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I, Max W. Gavron, hereby declare and state as follows:

1. I am an attorney at law duly admitted to practice before all courts in the State of California and am a member of the law firm of the Diversity Law Group, P.C., one of the attorneys of record for Plaintiff Matthew Ong (“Plaintiff”) in the above-entitled action. I have personal knowledge of the matters set forth herein, and if called upon as a witness to testify thereto, I could and would competently do so.

2. From the inception of the case, Plaintiff's counsel has zealously represented the interests of the Aggrieved Employees. The settlement was obtained for the benefit of the aggrieved employees, as opposed to the individual Plaintiff.

3. I strongly believe that Plaintiff can prevail at trial. However, after taking into account sharply disputed factual and legal issues involved in this litigation, the risks attending further prosecution, including the still-developing law under PAGA, and the substantial benefits to be received pursuant to the compromise and settlement of the litigation, I have concluded that settlement on the terms set forth in the Settlement Agreement is appropriate and in the best interests of Plaintiff and the Aggrieved Employees.

4. My qualifications are as follows: I received a full-tuition scholarship, and graduated from Southwestern Law School in 2013, magna cum laude. I was in the top 5% of my class. During my time at Southwestern, I was a Notes and Comments Editor on the Southwestern Law Review. I also received awards for achieving the highest grade in my class in several courses. In 2012, I was a full-time extern, at the United States District Court for the Central District. Immediately after law school, I taught several courses at Southwestern, including Principles of Legal Analysis and Legal Methods. I taught those courses for approximately four years.

5. I practiced civil litigation at Haight Brown & Bonesteel LLP from approximately September 2013, through January 2016. I was third-chair in a federal court jury trial that resulted in a defense verdict in our client's favor on a \$21 million commercial breach of contract dispute. I also regularly litigated cases across the civil litigation spectrum, including employment matters.

6. From February 2016, through Fall 2017, I practiced at the international law firm of

1 Arnold & Porter, which had recently merged with Kaye Scholer, LLP. I defended Fortune 50
2 companies in Multi-District Litigation primarily in the product liability sphere. I also successfully
3 drafted an appellate brief in the Ninth Circuit resulting in the reversal of a summary judgment decision
4 regarding trade secret issues, in addition to working in several other practice groups. See *Experian Info.*
5 *Solutions v. Nationwide Marketing Servs. Inc.*, 893 F.3d 1176 (9th Cir. 2018).

6 7. From September 2017, through September 2018, I served as a law clerk to a Judge sitting
7 on the United States District Court, Central District of California. I regularly prepared bench
8 memoranda, on cases involving all types of civil litigation, including regularly working on wage and
9 hour class actions.

10 8. I am currently an attorney at the law firm Diversity Law Group, P.C., an employment law
11 firm that has handled numerous wage and hour class and individual actions, on both plaintiff and
12 defense sides. My current practice focuses on employment matters involving both class actions, and
13 single plaintiffs. The firm currently has cases in the Los Angeles Superior Courts, the Orange County
14 Superior Courts, the San Diego County Superior Courts, and the United States District Courts for the
15 Central, Northern, and Eastern Districts of California. I am currently handling, or have handled,
16 numerous wage and hour class action lawsuits with the firm, including, but not limited to: *Agar v.*
17 *Sensient Natural Ingredients, LLC* (Case No. CV-19-001906, Stanislaus County Superior Court);
18 *Heredia v. Eddie Bauer LLC* (Case No. 16CV300475, United States District Court, Northern District of
19 California); *Parsons v. Estenson Logistics, LLC* (Case No. 34-2019-00252929, Sacramento County
20 Superior Court); *Wood v. Reeve Trucking Co., Inc.* (Case No. STK-CV-UOE-2018-0004414, San
21 Joaquin County Superior Court); *Coronel v. Pinnacle Agriculture* (Case No. 18CV004287, Monterey
22 County Superior Court), and *Tice v. Trader Joe's Company* (Case No. 20CV00892, Santa Barbara
23 County Superior Court), among others.

24 9. I have been certified as class counsel in a number of cases, including *Smith v. Gold*
25 *Country Health Center, Inc.* (Case No. PC20180491, El Dorado County Superior Court) and *Pantoja v.*
26 *RAMCO Enterprises, L.P.* (Case No. M126835, Monterey County Superior Court). I have also assisted
27 in numerous wage and hour class action mediations.

28 10. On June 14, 2019, I argued two related cases in front of the Ninth Circuit Court of

1 Appeals. One of them was *Rodriguez v Nike Retail Service Inc.*, Case No. 17-16866. On June 28, 2019,
2 the Ninth Circuit issued a published decision, reversing and remanding in favor of our clients.

3 *Rodriguez v. Nike Retail Servs., Inc.*, 928 F.3d 810 (9th Cir. 2019). The related case decision was
4 *Chavez v. Converse, Inc.*, 772 Fed. Appx. 571 (June 28, 2019).

5 11. To date, I have incurred approximately 43.4 hours in connection with the litigation of this
6 lawsuit. Attached hereto as **Exhibit A** is a summary of the hours I have incurred to date in connection
7 with this lawsuit.

8 12. In addition to the hours above, I also anticipate spending an additional 8 hours through
9 the completion of this case to handle any post-approval matter and any settlement issues.

10 13. The total lodestar for my hours will be approximately \$30,840.00 based on an hourly rate
11 of \$600.00 per hour at 51.4 hours. I have been approved at \$600.00 per hour in *Weybrew v. BEI*
12 *Construction*, Solano County Superior Court Case No. FCS055658 (January 14, 2022), *In re See's*
13 *Candies Wage and Hour Cases*, Case No. JCCP5004 (March 30, 2022), *Pevey v. Lumber City Corp*, San
14 Bernardino County Superior Court Case No. CIVDS2010240 (May 2, 2022), *Anguiano v. Mann*
15 *Packing Co., Inc.*, Monterey County Superior Court Case No. 19CV001178, and *Schneider v. Amazon*
16 *Retail LLC*, Los Angeles County Superior Court Case No. 21STCV26226 (December 1, 2022), among others.
17 Prior to that throughout 2020 and 2021, I was approved at an hourly rate of at \$550.00 per hour in *James*
18 *v RADC Enterprises, Inc.*, San Bernardino County Superior Court, Case No. CIV-DS1933035
19 (September 29, 2020), *Hector Luna v. Triple Canopy, Inc.*, Santa Clara County Superior Court, Case
20 No. 19CV345169 (October 22, 2020), *Melbert Magpugay v. Harbor Electronics, Inc.*, Santa Clara
21 County Superior Court Case No. 19CV352547 (January 27, 2021), *Foster v. Schindler Elevator Corp.*,
22 Alameda County Superior Court Case no. RG19029640 (March 2, 2021), *Martin v. Streetplus Company,*
23 *LLC, et al*, Los Angeles Superior Court Case No. 19STCV15522 (July 13, 2021), *Morris v. Blue*
24 *Mountain Enterprises, LLC*, Solano County Superior Court, Case No. FCS05858 (August 4, 2021).

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

3 Executed on this 24th day of January 2024, at Los Angeles, California.

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5 
6 Max W. Gavron

EXHIBIT A

Matthew Ong v. eHealthInsurance Services, Inc.
Time and Task Chart for Max W. Gavron

Hours	Description of Work
3.6	Confer with client re claims; analyze and review client documents to evaluate theories of liability; confer with counsel and clients re same.
2.0	Review PAGA letter and complaints
0.7	Review arbitration agreement, confer with co-counsel re same
2.3	Confer with defense counsel re arbitration agreement and mediation; conference with client and co-counsel re same.
6.8	Draft and revise request for data in advance of mediation; review file and case law to determine information necessary to obtain to conduct exposure analysis; meet and confer with defense counsel re same; investigation and research re potential mediators.
7.0	Analyze and review data produced by Defendant in advance of mediation; review damages analysis; review and revise mediation brief; conduct legal research re same; confer with client and co-counsel in advance of mediation.
9.8	Prepare for and attend mediation.
3.7	Post-mediation conferences with client, defense counsel, and mediator; further negotiations; review mediator's proposal; review and revise memorandum of understanding; confer with client re same.
4.4	Review and revise settlement agreement and supporting documents.
3.1	Review and revise Motion for Approval and supporting documents thereto.
43.4	TOTAL HOURS