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Attorneys for Plaintiffs
Trung Le and Kevin Lam

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ORANGE

TRUNG LE, individually, KEVIN LAM,
individually, and on behalf of other members
of the general public similarly situated,

Plaintiff,

v.

M4D LLC, and DOES 1 through 25,

Defendants.

CASE NO.: 30-2021-01182977

[Honorable Judge Melissa R. McCormick,
Dept. CX104]

**DECLARATION OF JUAN D. GARCIA,
ESQ. IN SUPPORT OF REQUEST FOR
ATTORNEYS' FEES**

Date: June 6, 2024

Time: 2:00 pm

Dept.: CX104

FAC Filed: August 11, 2022

Complaint Filed: February 5, 2021

Trial Date: None Set

I, Juan D. Garcia, declare:

1. I am an attorney duly licensed to practice law in the State of California. I am an attorney with Garcia & Phan, APLC, counsel of record for Plaintiffs Trung Le and Kevin Lam in

1 this matter. I submit this declaration in support of Garcia & Phan, APLC's Request for
2 Attorneys' fees. I have personal knowledge of the matters set forth herein and would and could
3 testify thereto if called as a witness.

4 **EXPERIENCE**

5 2. I have practiced law in Orange County, California for 23 years. I am the founding
6 partner of the law offices of Garcia & Phan, APLC which was founded approximately 21 years
7 ago. I have personally managed and handled numerous employment and labor law cases which
8 include but are not limited to wage and hour cases, discrimination cases, wrongful termination
9 cases, and FLSA cases.

10 3. I have also been counsel in other class action cases which include *Khan Nguyen v.*
11 *Microvention Inc.*, Case No. 30-2015-00782145, *Keren Figueroa v. Falcon Dynamics*, Case No.
12 30-2020-01169794-CU-OE-CXC, and *Rodriguez v. Coastline Medical Clinic, Inc.*, Case No. 30-
13 2016-00839963-CU-OE-CXC.

14 4. I have also been counsel in qui tam actions such as the *State of California v. Garden*
15 *Regional Medical Center, et al.*, Case No. BC53466 and *State of California v. CPH Hospital*
16 *Management, LLC, et al*, Case No. BC572062.

17 5. I also have experience in prosecuting complex FLSA employment law cases in federal
18 court and have, for example, been engaged in trial for 40 days in San Diego Federal Court as
19 second chair in the case *Abbe v. City of San Diego*, Case No 3:2005cv1629.

20 **ATTORNEY'S FEES**

21 6. Attorneys' fees agreed to under the settlement were arrived at by using Class
22 Counsel's lodestar which will include all work performed up to date and shall include all work to
23 be performed up to and including final judgment. I maintained contemporaneous time records
24 during the litigation, and I have included a true and correct copy of such time record as Exhibit
25 No. 4. This billing record contains the hours I spent on the case, the tasks I performed, and dates
26 when I performed such tasks. To date, my lodestar in this matter amounts to \$44,955.00 (See
27 attached Exhibit No. 4). The total loadstar amount for our firm Garcia & Phan, APLC, which
28

1 includes my billing and that of Robert N. Phan, is \$99,697.50, and I have included a true and
2 correct copy of such time record as Exhibit No. 4. (See attached Exhibit No. 4 to this
3 Declaration). I believe the fees charged and billed by our office are fair, reasonable, necessary,
4 and consistent with class action and attorneys' fees principles.

5 7. As an attorney practicing law in southern California for the twenty-three (23) years, I
6 am generally familiar with rates charged by attorneys which specifically practice this type of
7 litigation. Based on my experience, I know that my hourly rate of \$675.00 is generally lower
8 than the rates charged by firms with attorneys of comparable experience and qualifications doing
9 this type of litigation. Consequently, my billable rate of \$675.00 an hour is fair, reasonable, and
10 consistent with billable rates for this type of case.

11 8. Our law firm undertook this class action case on a purely contingent basis with
12 absolutely no assurances of recovering fees or costs. Regardless of this fact, our office spent
13 considerable time to prosecute this case on behalf of the Class. When I and my partner Robert
14 N. Phan, Esq. worked on this case, it limited our ability to take on or work on other potentially
15 profitable cases for our firm Garcia & Phan, APLC.

16 I declare under the penalty of perjury under the laws of the State of California that the
17 foregoing is true and correct and that this Declaration is executed this 25th day of March 2024, at
18 Costa Mesa, California.

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20 By: Juan Garcia
21 Juan D. Garcia, Esq.
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Exhibit No. 4

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March 29, 2023

Juan. D. Garcia (Bar No. 215980)
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Billable Rate for Juan D. Garcia, Esq. (JDG) \$675.00

Billable Rate for Robert N. Phan, Esq. (RNP) \$675.00

Note: Mr. Trung Le and Kevin Lam are Vietnamese speaker whose English is limited, and therefore required the presence of RNP during each interaction with Plaintiffs

Re: *TRUNG LE v. M4D, LLC*; CASE NO.: 30-2021-01182977

Date	Task	Att.	Time	Total
03/10/20	Prepare for and meeting with Mr. Le re wage and hour claims against his employer M4D, LLC	JDG	4.7	3172.50
03/10/20	Meeting with Mr. Le re wage and hour claims against his employer M4D, LLC	RNP	3.9	2632.50
03/11/20	Conduct legal research on the causes of action for Mr. Le's claims against M4D, LLC and research on M4D, LLC	JDG	4.6	3105.00
03/12/20	Prepare outline of causes of action and factual support for the proposed causes of action.	JDG	6.2	4185.00
03/12/20	Review, analyze, and catalog documents provided by client and prepare timeline	RNP	3.8	2565.00

03/12/20	Prepare extensive memo to file re meeting with client and analysis of and proposal of discovery plan	RNP	2.9	1957.50
03/13/20	Meeting with RNP to discuss strategy for litigating class action case and divide legal work moving forward.	JDG	2.4	1620.00
03/13/20	Meeting with JDG to discuss strategy for litigating class action case and divide legal work moving forward.	RNP	2.4	1620.00
03/13/20	Conduct research regarding client's claims as individual, class action, or PAGA	JDG	3.9	2632.50
03/13/20	Prepare memo for legal research regarding client's claims as individual, class action, or PAGA	JDG	1.8	1215.00
03/16/20	Prepare for and meet with partner RNP to discuss pre-litigation and litigation plan and discovery plan	JDG	3.9	2632.50
03/16/20	Meeting with partner JDG to discuss pre-litigation and litigation plan and discovery plan	RNP	2.9	1957.50
3/30/20	Work on extensive timeline of facts, corresponding exhibits/documents, law and witnesses	JDG	4.8	3240.00
03/31/20	Conduct further legal research including jury instructions for legal elements needed to be proven for working timeline	JDG	3.6	2430
03/31/20	Continue to work on extensive timeline of facts, corresponding exhibits/documents, law and witnesses	JDG	5.6	3780.00
04/30/20	Meeting with client to discuss case and strategy	RNP	2.9	1957.50
04/30/20	Prepare extensive memo to file regarding meeting with client	RNP	1.6	1080.00
05/11/20	Review and analyze client payroll records for damages analysis	RNP	3.2	2160.00

05/12/20	Discussions with damages expert regarding damages calculations	RNP	2.9	1957.50
01/14/21	Discussion with co-counsel from Gould's office re claims	JDG	1.6	1080.00
01/14/21	Discussion with co-counsel from Gould's office re claims	RNP	1.6	1080.00
02/03/21	Review and analysis of proposed complaint	RNP	1.9	1282.50
05/04/21	Review of Plaintiff's status conference statement	RNP	.3	202.50
5/10/21	Review of Defendant's status conference statement	RNP	.2	135.00
05/13/21	Review and analyze Defendant's answer to complaint	RNP	1.3	877.50
05/13/21	Conduct research and memo to file regarding Defendant's defenses and strategy moving forward	RNP	2.6	1755.00
06/27/21	Meeting with Client to obtain additional witnesses and their allegations against Defendant	RNP	1.9	1282.50
06/28/21	Telephone calls to list of witnesses provided by Client	RNP	2.5	1687.50
06/28/21	Meeting with JDG regarding new fact finding information from potential witnesses	RNP	1.8	1215.00
06/28/21	Meeting with RNP regarding new fact finding information from potential witnesses	JDG	1.8	1215.00
06/28/21	Update extensive timeline of facts, corresponding exhibits/documents, law and witnesses	JDG	2.1	1417.50
06/28/21	Meeting with Client to discuss status of case	RNP	1.6	1080.00
06/29/21	Emails to Client re proposed meeting to discuss settlement	RNP	.3	202.50
07/27/21	Analyze documents produced by Defense in response to document request and catalog and add documents to timeline	RNP	6.1	4117.50

07/28/21	Continue with analysis of payroll for client and continue process of making damages calculations	RNP	3.9	2632.50
07/28/21	Discussions with JDG re analysis of payroll Process of making damages calculations	RNP	1.3	877.50
07/28/21	Discussions with RNP re analysis of payroll Process of making damages calculations	JDG	1.3	877.50
06/03/22	Continue work on extensive timeline of facts, corresponding exhibits/documents, law and witnesses	JDG	5.6	3,780.00
06/26/22	Meeting with Client to discuss mediation	RNP	1.4	945.00
06/26/22	Discussion with damages expert to further discuss damages calculations and analysis in preparation for mediation	RNP	2.2	1485.00
06/26/22	Discussion with damages expert to further discuss damages calculations and analysis in preparation for mediation	RNP	2.2	1485.00
06/27/22	Prepare for mediation including discussions with RNP regarding anticipated issues and strategy for presenting case to mediator	JDG	5.8	3915.00
06/27/22	Discussions with JDG regarding anticipated issues and strategy for presenting case to mediator	RNP	4.6	3105.00
06/28/22	Prepare for and attend mediation	JDG	4.8	3240.00
06/28/22	Prepare for and attend mediation	RNP	4.2	2835.00
06/28/22	Review of email from mediator re settlement points	RNP	.4	270.00
06/29/22	Review and edits to Memorandum of Understanding	RNP	.6	405.00
07/08/22	Discussions with JDG re meeting with client regarding case update and settlement	RNP	.6	405.00
07/08/22	Discussions with RNP re meeting with client regarding case update and settlement	JDG	.6	405.00

07/08/22	Research on issue of adding plaintiff to complaint and discussions with RNP	JDG	1.4	945.00
07/09/22	Prepare for and meet with client regarding case update and settlement	RNP	2.9	1957.50
07/10/22	Coordinate with interpreter to attend meeting with Client to go over terms of settlement	RNP	.8	540.00
07/11/22	Meeting with Client to discuss settlement	RNP	1.9	1485.00
07/12/22	Review of emails from co-counsel regarding proposed new class rep.	RNP	.2	135.00
07/12/22	Prepare of email to co-counsel re proposed new plaintiff	RNP	.1	67.50
07/20/22	Email to co-counsel re case update	RNP	.1	67.50
07/20/22	Telephoned Kevin Lam to discuss him being appointed as the new class action rep	RNP	.6	405.00
07/26/22	Review email from co-counsel re adding new class representative	RNP	.1	67.50
08/22/22	Review of emails from co-counsel regarding proposed new class rep, amending complaint, and PAGA notification	RNP	.1	67.50
12/05/22	Email to co-counsel regarding case update	JDG	.1	67.50
01/23/23	Review email from co-counsel re settlement	RNP	.1	67.50
02/01/23	Coordinate with Vietnamese interpreter to attend Client meeting	RNP	.4	270.00
02/02/23	Review email from co-counsel re settlement agreement	RNP	.1	67.50
02/02/23	Meeting with Kevin Lam to go over settlement docs	RNP	1.6	1080.00
02/03/23	Meeting with client Lam regarding update of case and signature required by Defense	RNP	1.8	1215.00

\$99,697.50

TOTAL