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Attorneys for Plaintiff and the Class

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SHASTA**

RYAN MIDDLEBROOKS, as an individual
and on behalf of all others similarly situated,

Plaintiff,

vs.

FLEETPRIDE, INC., an Alabama
corporation; and DOES 1 through 50,
inclusive,

Defendants

Case No. 23CV-0202247

(Assigned to the Hon. Stephen H. Baker, Dept. 3)

**DECLARATION OF MAX W. GAVRON IN
SUPPORT OF PLAINTIFF’S MOTION FOR
FINAL APPROVAL OF CLASS ACTION
SETTLEMENT**

Date: March 24, 2025

Time: 8:30 A.M.

Dept.: 3

Action Filed: May 16, 2023

Trial Date: November 5, 2024

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I, Max W. Gavron, declare as follows:

1. I am an attorney at law, duly licensed to practice before all Courts in the State of California, and am with the law firm Diversity Law Group, counsel of record for Plaintiff Ryan Middlebrooks (“Plaintiff”). I have personal knowledge of the facts set forth below and if called to testify I could and would do so competently.

2. The Joint Stipulation Re: Class Action and Representative Action Settlement (“Settlement,” “Agreement,” or “Settlement Agreement”) was the product of negotiation between highly able and experienced attorneys on both sides who possessed the relevant data and legal research which they had carefully analyzed. Class Counsel engaged in extensive factual investigation before settling, including reviewing class data and Defendant’s pertinent policies and practices relevant to valuing this case. This allowed Plaintiff to conduct a full damage analysis.

3. Further, the Class Notice provided Settlement Class Members with my office's contact information, where they could further seek information regarding the settlement, leave questions for the Settlement Administrator, and update their address.

4. There were no objections to the amount of attorney's fees or litigation costs that Class Counsel seek in this case and for which Plaintiff asks the Court for final approval.

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

6. I am one of the primary attorneys on this matter. 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

1 several courses at Southwestern, including Principles of Legal Analysis and Legal Methods. I
2 taught those courses for approximately four years.

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

7 8. From February 2016, through Fall 2017, I practiced at the international law firm
8 of Arnold & Porter, which had recently merged with Kaye Scholer, LLP. I defended Fortune 50
9 companies in Multi-District Litigation primarily in the product liability sphere. I also
10 successfully drafted an appellate brief in the Ninth Circuit resulting in the reversal of a summary
11 judgment decision regarding trade secret issues, in addition to working in several other practice
12 groups.

13 9. From September 2017, through September 2018, I served as a law clerk to a
14 Judge sitting on the United States District Court, Central District of California. I regularly
15 prepared bench memoranda, on cases involving all types of civil litigation, including regularly
16 working on wage and hour class actions. *See Experian Info. Solutions v. Nationwide Marketing*
17 *Servs. Inc.*, 893 F.3d 1176 (9th Cir. 2018).

18 10. I am currently an associate at the law firm Diversity Law Group, P.C., an
19 employment law firm that has handled numerous wage and hour class and individual actions, on
20 both plaintiff and defense sides. My current practice focuses on employment matters involving
21 both class actions, and single plaintiffs. The firm currently has cases in the Los Angeles Superior
22 Courts, the Orange County Superior Courts, the San Diego County Superior Courts, and the
23 United States District Courts for the Central, Northern, and Eastern Districts of California. I am
24 currently handling, or have handled, numerous wage and hour class action lawsuits with the firm,
25 including, but not limited to: *Agar v. Sensient Natural Ingredients, LLC* (Case No. CV-19-
26 001906, Stanislaus County Superior Court); *Cunningham, et al. v. Diverse Business Solutions*
27 *(Case No. CIVDS1817095, San Bernardino County Superior Court); Heredia v. Eddie Bauer*
28 *LLC* (Case No. 16CV300475, United States District Court, Northern District of California);

1 *Parsons v. Estenson Logistics, LLC* (Case No. 34-2019-00252929, Sacramento County Superior
2 Court); *Wood v. Reeve Trucking Co., Inc.* (Case No. STK-CV-UOE-2018-0004414, San Joaquin
3 County Superior Court); and *Coronel v. Pinnacle Agriculture* (Case No. 18CV004287, Monterey
4 County Superior Court), *Pevey v. Lumber City Corp.* (Case No. CIVDS2010240, San Bernardino
5 County Superior Court), and *Weybrew v. BEI Construction, Inc.* (Case No. FCS055658, Solano
6 County Superior Court), among many others.

7 11. On June 14, 2019, I argued two related cases in front of the Ninth Circuit Court of
8 Appeals. One of them was *Rodriguez v Nike Retail Service Inc.*, Case No. 17-16866. On June 28,
9 2019, the Ninth Circuit issued a published decision, reversing and remanding in favor of our
10 clients. *Rodriguez v. Nike Retail Servs., Inc.*, 928 F.3d 810 (9th Cir. 2019).

11 12. I have also assisted the firm in numerous wage and hour class action mediations.

12 13. To date, I have incurred approximately 103.2 hours in connection with the
13 litigation of this lawsuit. Attached hereto as **Exhibit A** is a summary of the hours I have incurred
14 to date.

15 14. The total lodestar for my hours will be approximately \$72,240 based on an hourly
16 rate of \$700.00 per hour (103.2 hours x \$700.00). In 2025, I increased my hourly rate to \$700. I
17 have been approved at this rate in *Abernathy v. Deacon Construction, LLC*, Santa Clara County
18 Superior Court Case No. 20CV367327 (February 10, 2025). Since January 2024, I have been
19 approved at the rate of \$650.00 per hour. I was approved at this rate in *Jaramillo v. USS-UPI,*
20 *LLC*, Contra Costa County Case No. C22-00641 (April 24, 2024), *Conner v Red Wing Brands of*
21 *America, Inc.*, San Mateo County Case No. 22CIV03830 (August 12, 2024), and *Buford, et al. v.*
22 *Estenson Logistics, LLC, et al.*, San Bernardino County Case No. CIVSB2133332 (October 23, 2024).
23 Prior to that, I have been approved at \$600.00 per hour in *Weybrew v. BEI Construction*, Solano
24 County Superior Court Case No. FCS055658 (January 14, 2022), *In re See's Candies Wage and*
25 *Hour Cases*, Case No. JCCP5004 (March 30, 2022), Los Angeles Superior Court, *Pevey v.*
26 *Lumber City Corp*, San Bernardino County Superior Court Case No. CIVDS2010240 (May 2,
27 2022), *Ross v Stater Bros. Markets*, San Bernardino County Superior Court Case No.
28 CIVDS1902518 (September 8, 2022), and *Schneider v. Amazon Retail LLC*, Los Angeles County

1 Superior Court Case No. 21STCV26226 (December 1, 2022), *Negrete v. Winsupply, Inc., et al.*,
2 Orange County Superior Court Case No. 30-2021-01188066-CU-OE-CXC (July 14, 2023). Prior
3 to that throughout 2020 and 2021, I was approved at an hourly rate of at \$550.00 per hour in
4 *James v RADC Enterprises, Inc.*, San Bernardino County Superior Court, Case No. CIV-
5 DS1933035 (September 29, 2020), *Hector Luna v. Triple Canopy, Inc.*, Santa Clara County
6 Superior Court, Case No. 19CV345169 (October 22, 2020), *Melbert Magpugay v. Harbor*
7 *Electronics, Inc.*, Santa Clara County Superior Court Case No. 19CV352547 (January 27, 2021),
8 *Foster v. Schindler Elevator Corp.*, Alameda County Superior Court Case no. RG19029640
9 (March 2, 2021), *Martin v. Streetplus Company, LLC, et al*, Los Angeles Superior Court Case
10 No. 19STCV15522 (July 13, 2021), *Morris v. Blue Mountain Enterprises, LLC*, Solano County
11 Superior Court, Case No. FCS05.858 (August 4, 2021).

12 15. Combining the lodestar of Plaintiff's counsel results in a total anticipated lodestar
13 of \$123,540.00, which results in a negative multiplier of 0.89 ($\$110,250.00$ (requested fees) $\div$
14 $\$123,540.00$ (lodestar amount)).

15 16. My firm has incurred costs in the amount of \$8,068.22. The costs are all litigation
16 related costs, including filing fees, messenger costs, mediation fees, and other costs. Attached
17 hereto as **Exhibit B** is a copy of the costs my firm has incurred in connection with prosecution of
18 this lawsuit.

19 17. Concurrent with the filing of Plaintiff's Motion, my office uploaded the motion
20 and proposed order to the LWDA's website. Attached hereto as **Exhibit C** is a true and correct
21 copy of the confirmation of submission.

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

24 Executed on this 28 day of February 2025, at Los Angeles, California.

25 
26 Max W. Gavron

EXHIBIT A

Middlebrooks v. FleetPride, Inc.
Max W. Gavron Time and Task Chart

Hours	Description of Work
9.3	Initial research and review of background facts in preparation for filing of claims; draft PAGA letter; confer with co-counsel re theories of liability and conduct research re same; analysis and research re defendants
8.7	Conduct legal research re display of total hours worked on wage statements and compliance with Labor Code § 226 to prepare theories of case and draft complaint.
2.3	Interview Plaintiff and potential witnesses to address theories of liability and understand pay structure implemented in California.
2.6	Draft and revise class action complaint; confer with co-counsel re same; analyze and review Defendants' answer to same.
1.3	Analysis, research, and strategy re assignment to Judge and evaluation re initial court notices
3.4	Meet and confer with Defendants' counsel re CMCs and assess case progression and strategy for litigation;
1.1	Draft and revise stipulation to extend time to respond to complaint; confer with defense counsel re same.
1.4	Draft and revise First Amended Complaint; confer with defense counsel and co-counsel re same.
.9	Analyze and review answer to First Amended Complaint.
1.1	Meet and confer with defense counsel re continuing trial date to accommodate mediation; draft and revise stipulation to same.
1.8	Confer with defense counsel re prospect of mediation; confer with co-counsel re same; research potential mediators and confer re same.
4.4	Analyze and review pleadings to determine information necessary for Defendant to produce in advance of mediation prior to participating in mediation; conduct legal research re same; draft and revise requests re same; confer with co-counsel re same.
5.5	Confer with co-counsel re review of data produced by Defendant in advance of mediation; analyze and review data produced by Defendant to assist in damages exposure analysis advance of mediation.
9.9	Draft and revise mediation brief; conduct legal research for same; review of case law; review damages exposure in advance of mediation; confer with co-counsel; research prior settlements and verdicts for similar claims to prepare for mediation.
13.1	Prepare for, and attend, mediation; confer with and co-counsel client re same.

Hours	Description of Work
2.3	Follow up conversations with mediator and defense counsel after mediation; confer with client and co-counsel re same.
7.9	Review and revise settlement agreement and supporting documents; conversations with opposing counsel re same; confer with co-counsel re terms of settlement agreement and make revisions considering same.
1.3	Draft and revise proposed class notice; confer with co-counsel and defense counsel re same.
7.4	Draft and revise motion for preliminary approval and supporting documents; confer with co-counsel re the same; conduct legal research re same; analyze and review court's tentative re same; draft and revise amended proposed order and class notice considering court's tentative ruling.
1.7	Confer with settlement administrator and defense counsel re distribution of notice; confer with co-counsel re same.
8.9	Field calls from class members following notice process; respond to inquiries re same; correspond with administrator and co-counsel re same; analyze and review file in response to inquiries and correspond with administrator re responses.
6.9	Draft and revise motion for final approval and supporting documents; confer with co-counsel and client re same.
103.2	TOTAL HOURS

EXHIBIT B



INVOICE

Diversity Law Group

515 South Figueroa Street, Suite 1250,
Los Angeles, California, 90071
lwlee@diversitylaw.com

Invoice # 10051
Invoice Date 02/26/2025
Terms Upon Receipt
Due Date 02/26/2025
PO #

Summary- Middlebrooks, Ryan v. FleetPride, Inc. - CA (13160.001)

Type	Description	Amount
Expenses		8068.22

Subtotal: \$8,068.22
Discount: \$0.00
Subtotal after Discount: \$8,068.22
Taxable Subtotal: \$8,068.22
Tax: \$0.00
Total: \$8,068.22

Details - Middlebrooks, Ryan v. FleetPride, Inc. - CA (13160.001)

Expenses

Category	Date	Expense Code	Description	Amount (\$)
	05/31/2023	Photocopies	PhotocopiesPhotocopies	0.25
	05/31/2023	E108 Postage	PostagePostage	6.85
	05/25/2023	Attorney Service	Attorney Service - Complaint Service	78.74
	05/16/2023	Attorney Service	Attorney Service - ComplaintAttorney Service - Complaint	1780.25
	06/02/2023	Attorney Service	Attorney Service - POSAttorney Service - POS	168.75
	07/12/2023	Attorney Service	Attorney Service - FACAttorney Service - FAC	201.75
	11/07/2023	E121 Arbitrators/mediators	Cha Mediation ServicesCha Mediation Services	4500.00
	11/30/2023	E108 Postage	PostagePostage	0.63
	09/09/2024	E112 Court fees	CourtcallCourtcall	72.00
	08/01/2024	Attorney Service	Attorney Service - Notice of Settlement	201.75
	08/09/2024	Attorney Service	Attorney Service - MPAAAttorney Service - MPA	295.75
	09/12/2024	Attorney Service	Attorney Service - Amended Prop Order	234.75
	09/20/2024	Attorney Service	Attorney Service - NoticeAttorney Service - Notice	201.75
	05/08/2023	E112 Court fees	LWDALWDA	75.00
Court Fees	02/24/2025		MFA Costs	250.00



INVOICE

Diversity Law Group

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Invoice #	10051
Invoice Date	02/26/2025
Terms	Upon Receipt
Due Date	02/26/2025
PO #	

Category	Date	Expense Code	Description	Amount (\$)
Subtotal:				\$8,068.22
Tax:				\$0.00
Total:				\$8,068.22