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Attorneys for Plaintiffs
Tiffany Lockett and Tocashema Williams

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

PENNY A. SCOTT, on behalf of
herself and other similarly-situated
employees,

Plaintiff,

v.

BLACKSTONE CONSULTING,
INC., a California Corporation; and
DOES 1 Through 10, inclusive,

Defendants.

CASE NO. 21CV1470 MMA (KSC)

CLASS ACTION

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

Date: July 10, 2023
Time: 2:30 p.m.
Judge: Michael M. Anello
Ctrm.: 3D (3rd Floor)

Complaint filed: May 21, 2021
Removal Date: August 18, 2021
Trial date: Not set

1 I, Max W. Gavron, declare:

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

7 2. I submit this declaration in support of the Motion for Preliminary
8 Approval of Class Action Settlement.

9 3. On April 8, 2022, Plaintiffs filed a putative class action lawsuit in
10 Riverside County Superior Court, Case No. CVRI2201443 against Defendant
11 Blackstone Consulting, Inc. (“Defendant”) (the “*Lockett Matter*”). Plaintiffs
12 alleged wage and hour claims relating to Defendant’s alleged violation of the
13 California Labor Code and Business and Professions Code. Plaintiffs also
14 provided notice to the Labor and Workforce Development Agency (“LWDA”)
15 regarding their anticipated claims under the Private Attorneys’ General Act
16 (“PAGA”).

17 4. On May 17, 2022, Defendant removed the action to the federal court
18 on the basis of the preemption under the Labor Management Relations Act
19 (“LMRA”) and 28 U.S.C. § 1367 (supplemental jurisdiction). On June 2, 2022,
20 the United States District Court for the Central District remanded the action to
21 Riverside Superior Court. Thereafter, the Parties discussed additional class and
22 PAGA actions that had been filed recently against Defendant and which raised
23 related claims: (1) *Penny Scott v. Blackstone Consulting, Inc.*, Case No. 21-cv-
24 1470-MMA-KSC, which was pending before the United States District Court for
25 the Southern District of California, and (2) *Ahmir Ringo v. Blackstone*
26 *Consulting, Inc.*, Case No. 22SMCV00066, which was pending before the
27 Superior Court of Los Angeles. In both cases, the plaintiffs alleged similar claims,
28 including claims for failure to pay minimum and overtime wages, failure to

1 provide meal and rest breaks, failure to provide complete and accurate wage
2 statements, failure to timely pay wages upon termination and violations of the
3 Business and Professions Code section 17200, *et seq.* Two similar additional
4 cases were also filed against Defendant including *Kawana Anderson v.*
5 *Blackstone Consulting, Inc.*, Case No. 22SMCV01667, pending in Los Angeles
6 Superior Court, and *Kawana Anderson v. Blackstone Consulting, Inc.*, Case No.
7 22STCV31450, pending in Los Angeles Superior Court. Given the other cases,
8 the Parties agreed to stay the *Lockett* Matter to participate in a global mediation,
9 which ultimately resulted in the proposed settlement being presented to the Court
10 for approval now.

11 5. From the inception of the case, Plaintiffs' counsel has zealously
12 represented the interests of the putative class. The settlement was obtained for the
13 benefit of the putative class, as opposed to the individual Plaintiffs.

14 6. I strongly believe that Plaintiffs can prevail at trial. However, I also
15 believe in the fairness of the settlement, which is based on factoring in in the
16 inherent risks in drawn-out litigation and the specific risks that a class might not
17 be certified and/or that Plaintiffs could fail to establish liability, as well as the
18 possibility of appeals.

19 7. After taking into account sharply disputed factual and legal issues
20 involved in this litigation, the risks attending further prosecution, and the
21 substantial benefits to be received pursuant to the compromise and settlement of
22 the litigation, I have concluded that settlement on the terms set forth in the Class
23 Action and PAGA Settlement Agreement ("Settlement Agreement") is
24 appropriate and in the best interests of Plaintiffs and the putative class.

25 8. Plaintiff's counsel has been approved as class counsel in a number of
26 wage and hour class actions and have extensive litigation experience.

27 9. I am one of the primary attorneys on this matter. My qualifications
28 are as follows: I received a full-tuition scholarship, and graduated from

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

8 10. I practiced civil litigation at Haight Brown & Bonesteel LLP from
9 approximately September 2013, through January 2016. I was third-chair in a
10 federal court jury trial that resulted in a defense verdict in our client's favor on a
11 \$21 million commercial breach of contract dispute. I also regularly litigated cases
12 across the civil litigation spectrum, including employment matters.

13 11. From February 2016, through Fall 2017, I practiced at the
14 international law firm of Arnold & Porter, which had recently merged with Kaye
15 Scholer, LLP. I defended Fortune 50 companies in Multi-District Litigation
16 primarily in the product liability sphere. I also successfully drafted an appellate
17 brief in the Ninth Circuit resulting in the reversal of a summary judgment
18 decision regarding trade secret issues, in addition to working in several other
19 practice groups. *See Experian Info. Solutions v. Nationwide Marketing Servs.*
20 *Inc.*, 893 F.3d 1176 (9th Cir. 2018).

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

25 13. I am currently a lawyer at the law firm Diversity Law Group, P.C.,
26 an employment law firm that has handled numerous wage and hour class and
27 individual actions, on both plaintiff and defense sides. My current practice
28 focuses on employment matters involving both class actions, and single plaintiffs.

1 The firm currently has cases in the Los Angeles Superior Courts, the Orange
2 County Superior Courts, the San Diego County Superior Courts, and the United
3 States District Courts for the Central, Northern, and Eastern Districts of
4 California. I am currently handling, or have handled, numerous wage and hour
5 class action lawsuits with the firm, including, but not limited to: *Agar v. Sensient*
6 *Natural Ingredients, LLC* (Case No. CV-19-001906, Stanislaus County Superior
7 Court); *Cunningham, et al. v. Diverse Business Solutions* (Case No.
8 CIVDS1817095, San Bernardino County Superior Court); *Heredia v. Eddie*
9 *Bauer LLC* (Case No. 16CV300475, United States District Court, Northern
10 District of California); *Parsons v. Estenson Logistics, LLC* (Case No. 34-2019-
11 00252929, Sacramento County Superior Court); and *Coronel v. Pinnacle*
12 *Agriculture* (Case No. 18CV004287, Monterey County Superior Court); *Johnson*
13 *v. Foot Locker Retail, Inc.* (Case No. 3:21-cv-02040-WHO, United States District
14 Court for the Northern District of California).

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

20 15. I have also assisted the firm in numerous wage and hour class action
21 mediations.

22 16. My co-counsel and I will adequately represent the Class Members in
23 this action. Class Counsel have and will zealously represent Plaintiffs and the
24 Class and pursue this lawsuit to its conclusion.

25 17. I do not have any relationship that would create a conflict of interest
26 with Legal Aid at Work, which is the designated cy pres recipient.

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1 I declare under penalty of perjury under the laws of the State of California
2 and United States of America that the foregoing is true and correct. Executed on
3 April 20, 2023, in Los Angeles, California.

4
5 Dated: April 20, 2023

6 By:

7 

8 Max W. Gavron