

Larry W. Lee (State Bar No. 228175)
Max W. Gavron (State Bar No. 291697)
Kwanporn "Mai" Tulyathan (State Bar No. 316704)
DIVERSITY LAW GROUP, P.C.
515 S. Figueroa Street, Suite 1250
Los Angeles, CA 90071
(213) 488-6555
(213) 488-6554 facsimile
lwlee@diversitylaw.com
mgavron@diversitylaw.com
ktulyathan@diversitylaw.com

William L. Marder (State Bar No. 170131)
bill@polarislawgroup.com
Polaris Law Group
501 San Benito Street, Suite 200
Hollister, CA 95023
(831) 531-4214
(831) 634-0333 facsimile

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
PLAINTIFFS' MOTION FOR
FINAL APPROVAL OF CLASS
ACTION SETTLEMENT**

Date: December 11, 2023
Time: 2:30 p.m.
Judge: Michael M. Anello
Ctrm.: 3C (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 Final
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. On August 1, 2023, the Court granted preliminary approval of the
12 proposed settlement and authorized distribution of notice to the class.

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

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

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

27 9. Plaintiff's counsel has been approved as class counsel in a number of
28 wage and hour class actions and have extensive litigation experience.

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

10 11. I practiced civil litigation at Haight Brown & Bonesteel LLP from
11 approximately September 2013, through January 2016. I was third-chair in a
12 federal court jury trial that resulted in a defense verdict in our client's favor on a
13 \$21 million commercial breach of contract dispute. I also regularly litigated cases
14 across the civil litigation spectrum, including employment matters.

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

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

27 14. I am currently a lawyer at the law firm Diversity Law Group, P.C.,
28 an employment law firm that has handled numerous wage and hour class and

individual actions, on both plaintiff and defense sides. My current practice focuses on employment matters involving both class actions, and single plaintiffs. The firm currently has cases in the Los Angeles Superior Courts, the Orange County Superior Courts, the San Diego County Superior Courts, and the United States District Courts for the Central, Northern, and Eastern Districts of California. I am currently handling, or have handled, numerous wage and hour class action lawsuits with the firm, including, but not limited to: *Agar v. Sensient Natural Ingredients, LLC* (Case No. CV-19-001906, Stanislaus County Superior Court); *Cunningham, et al. v. Diverse Business Solutions* (Case No. CIVDS1817095, San Bernardino County Superior Court); *Heredia v. Eddie Bauer LLC* (Case No. 16CV300475, United States District Court, Northern District of California); *Parsons v. Estenson Logistics, LLC* (Case No. 34-2019-00252929, Sacramento County Superior Court); and *Coronel v. Pinnacle Agriculture* (Case No. 18CV004287, Monterey County Superior Court); *Johnson v. Foot Locker Retail, Inc.* (Case No. 3:21-cv-02040-WHO, United States District Court for the Northern District of California).

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

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

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

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

1 19. 15. To date, I have incurred approximately 78.3 hours in
2 connection with the litigation of this lawsuit. Attached hereto as **Exhibit A** is a
3 summary of the hours I have incurred to date.

4 20. The total lodestar for my hours will be approximately \$46,980.00
5 based on an hourly rate of \$600.00 per hour (78.3 hours x \$600). I have been
6 approved at \$600.00 per hour in *Weybrew v. BEI Construction*, Solano County
7 Superior Court Case No. FCS055658 (January 14, 2022), *In re See's Candies*
8 *Wage and Hour Cases*, Case No. JCCP5004 (March 30, 2022), Los Angeles
9 Superior Court, *Pevey v. Lumber City Corp*, San Bernardino County Superior
10 Court Case No. CIVDS2010240 (May 2, 2022), *Ross v Stater Bros. Markets*, San
11 Bernardino County Superior Court Case No. CIVDS1902518 (September 8,
12 2022), *Schneider v. Amazon Retail LLC*, Los Angeles County Superior Court
13 Case No. 21STCV26226 (December 1, 2022), *Negrete v. Winsupply, Inc., et al.*,
14 Orange County Superior Court Case No. 30-2021-01188066-CU-OE-CXC (July
15 14, 2023), and *Brown-Baxter v Tutor Perini Corporation, et al.*, Los Angeles
16 County Superior Court Case No. 21STCV30039 (August 1, 2023). Prior to that
17 throughout 2020 and 2021, I was approved at an hourly rate of at \$550.00 per
18 hour in *James v RADC Enterprises, Inc.*, San Bernardino County Superior Court,
19 Case No. CIV-DS1933035 (September 29, 2020), *Hector Luna v. Triple Canopy,*
20 *Inc.*, Santa Clara County Superior Court, Case No. 19CV345169 (October 22,
21 2020), *Melbert Magpugay v. Harbor Electronics, Inc.*, Santa Clara County
22 Superior Court Case No. 19CV352547 (January 27, 2021), *Foster v. Schindler*
23 *Elevator Corp.*, Alameda County Superior Court Case no. RG19029640 (March
24 2, 2021), *Martin v. Streetplus Company, LLC, et al*, Los Angeles Superior Court
25 Case No. 19STCV15522 (July 13, 2021), *Morris v. Blue Mountain Enterprises,*
26 *LLC*, Solano County Superior Court, Case No. FCS05.858 (August 4, 2021).

1 21. In conjunction with the litigation of the Action, my firm has incurred
2 costs. Attached as **Exhibit B** is a true and correct copy of the cost incurred while
3 prosecuting this case.

4 I declare under penalty of perjury under the laws of the State of California
5 and United States of America that the foregoing is true and correct. Executed on
6 November 2, 2023, in Los Angeles, California.

7
8 Dated: November 2, 2023

9 By:

10 

11 Max W. Gavron

EXHIBIT A

Scott v. Blackstone Consulting, Inc.
(Lockett v Blackstone Consulting, Inc)
MG Time and Task Chart

Hours	Description of Work
13.4	Initial research and review of background facts in preparation for filing of class action claims; draft PAGA letter; confer with co-counsel re theories of liability and conduct research re same; analysis and research re defendant
2.1	Draft and revise complaint; confer with co-counsel re same.
8.2	Analyze and review notice of removal, Defendant's answer; research issues re remand to determine whether to move for remand; confer with co-counsel re same
3.1	Meet and confer with defense counsel following removal re Rule 26(f) issues; confer re anticipated motion to dismiss and possible motion for remand.
11.5	Analyze and review Defendant's Motion to Dismiss, request for judicial notice, and supporting declarations; conduct legal research re the same; confer with co-counsel re same
9.5	Draft and revise opposition to Motion to Dismiss; conduct further legal research re same; analyze whether to file amended complaint; confer with co-counsel re same.
.5	Analyze and review notices setting case management conference and local rules re same.
3.5	Conduct legal research re LMRA preemption and scope of federal jurisdiction.
.4	Prepare draft of initial disclosures
1.1	Prepare drafts of initial discovery requests
1.5	Analyze and review Court's Order remanding action to state court; analysis and strategy re path forward considering same; confer with co-counsel re litigation strategy
2.3	Conduct research re related cases; review and analyze pleadings filed in related actions to determine strategy moving forward; confer with defense counsel and other plaintiffs' counsel re same.
.5	Analyze and review notices from state court upon remand; strategize re same.
1.8	Meet and confer with defense counsel and other plaintiffs' counsel re prospect of global mediation; strategize re same; draft and revise joint stipulation to stay <i>Lockett</i> matter pending global mediation in <i>Penny</i> matter.
2.1	Confer with co-counsel in preparation for mediation; analyze and review client documents to prepare for and inform conversations re same.

Hours	Description of Work
.4	Draft and revise joint status report re status of mediation to state court.
2.1	Analyze and review settlement agreement and related documents (i.e., settlement agreement, class notice); conversations with co-counsel re same; confer with co-counsel re terms of settlement agreement.
2.9	Review and revise declarations in support of preliminary approval; confer with co-counsel and opposing counsel re same
.9	Analyze and review Court's preliminary approval order; confer with co-counsel re same
3.4	Analyze and review correspondence with settlement administrator regarding distribution of class notice; analyze and review reports from class administrator re opt-outs received; correspond and confer with class members and respond to inquiries re settlement
7.1	Draft and revise declarations in support of motion for final approval; confer with co-counsel re the same.
78.3	TOTAL HOURS

EXHIBIT B

10/31/2023
11:59 AM

DIVERSITY LAW GROUP
Slip Listing

Page 1

Selection Criteria

Slip Classification Open
Client (hand select) Include: Lockett, Tiffany v. Blackstone
Slip.Transaction Ty 2 - 2

Rate Info - identifies rate source and level

Slip ID		Timekeeper	Units	Rate	Slip Value
Dates and Time		Activity	DNB Time	Rate Info	
Posting Status		Client	Est. Time	Bill Status	
Description		Reference	Variance		
71241	EXP	Mariana Becerra	1	75.00	75.00
3/18/2022		Court fees			
WIP		Lockett, Tiffany v. Blackstone			
LWDA					
71459	EXP	Olympia	4	0.25	1.00
3/31/2022		Photocopies			
WIP		Lockett, Tiffany v. Blackstone			
Photocopies					
71460	EXP	Olympia	1	6.13	6.13
3/31/2022		Postage			
WIP		Lockett, Tiffany v. Blackstone			
Postage					
71514	EXP	Erika Mejia	1	1499.31	1499.31
4/15/2022		Court fees			
WIP		Lockett, Tiffany v. Blackstone			
ACE E Filing - Complaint					
71686	EXP	Linda Lee	1	73.85	73.85
4/15/2022		Atty Service			
WIP		Lockett, Tiffany v. Blackstone			
Attorney Service - Complaint Service					
71633	EXP	Erika Mejia	1	5.81	5.81
5/4/2022		Court fees			
WIP		Lockett, Tiffany v. Blackstone			
ACE E Filing - POS of Summons					
72188	EXP	Olympia	1	5.81	5.81
6/13/2022		Court fees			
WIP		Lockett, Tiffany v. Blackstone			
ACE E Filing - 170.6					
72533	EXP	Olympia	6	0.25	1.50
6/30/2022		Photocopies			
WIP		Lockett, Tiffany v. Blackstone			
Photocopies					

10/31/2023
11:59 AM

DIVERSITY LAW GROUP
Slip Listing

Page 2

Slip ID		Timekeeper	Units	Rate	Slip Value
Dates and Time		Activity	DNB Time	Rate Info	
Posting Status		Client	Est. Time	Bill Status	
Description		Reference	Variance		
72534	EXP	Olympia	1	0.73	0.73
6/30/2022		Postage			
WIP		Lockett, Tiffany v. Blackstone			
Postage					
76451	EXP	Erika Mejia	1	14.61	14.61
10/26/2023		Court fees			
WIP		Lockett, Tiffany v. Blackstone			
ACE E Filing - Joint CMS					
Grand Total					
			Billable	0.00	1683.75
			Unbillable	0.00	0.00
			Total	0.00	1683.75