

David J. Lee, Esq., State Bar No. 296294
david@davidjleelaw.com
DAVID LEE LAW, APC
515 S. Flower Street, Suite 1900
Los Angeles, California 90071
T: (213) 236-3536
F: (866) 658-4722

DIVERSITY LAW GROUP, P.C.
Larry W. Lee (State Bar No. 228175)
lwlee@diversitylaw.com
Simon L. Yang (State Bar No. 260286)
sly@diversitylaw.com
515 South Figueroa Street, Suite 1250
Los Angeles, California 90071
Telephone: (213) 488-6555
Facsimile: (213) 488-6554

Attorneys for Plaintiff and the Class

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO**

KALUM VAUGHNS, as an individual and on
behalf of all others similarly situated,

Plaintiff,

vs.

BERRY GLOBAL, INC., a Delaware corporation;
and DOES 1 through 50, inclusive,

Defendants.

Case No. CIVSB2129167

[Hon. David Cohn, Department S-26]

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

Date: May 10, 2023
Time: 8:30 a.m.
Department: S-26

Complaint Filed: November 24, 2021

1 I, Larry W. Lee, declare as follows:

2 1. I am an attorney admitted to practice in the State of California and, with the law firm
3 Diversity Law Group, P.C., am counsel of record for Plaintiff. I make this declaration on the basis of my
4 own personal knowledge, except as to those matters stated on information and belief and, as to those
5 matters, I believe them to be true. If called as a witness, I could testify competently as to the facts stated
6 in this declaration.

7 2. From the inception of the case, Class Counsel has zealously represented the interests of
8 the Class. Class Counsel engaged in significant discussions with opposing counsel to obtain informal
9 data on behalf of the Class. This settlement was obtained for the benefit of the Class, as opposed to the
10 individual Class Representatives.

11 3. I have spent significant time researching and pursuing the claims that have been alleged
12 in this action. I engaged in numerous discussions with Defendant's counsel and in informal discovery
13 that included the exchange of class data and Defendant's pertinent policies and practices. Although I am
14 confident that litigation of the claims would result in a classwide judgment against Defendant, I
15 recognize the inherent risks in litigation, including the specific risks that class certification could be
16 denied, liability could not be established at trial, or the applicable law could change, as well as the
17 potential for appeals and the costs of pursuing litigation. Based on my review of all the information, and
18 based on my experience in class action litigation, I believe this settlement to be fair, adequate, and
19 reasonable.

20 4. I was retained based upon a contingency fee arrangement wherein Plaintiff's counsel
21 agreed to advance all costs and receive no fee unless a recovery was accomplished. Specifically, had
22 Plaintiff failed to prevail in this case, counsel for Plaintiff would have spent a significant amount of
23 time, money, and other resources without any benefit or return. In addition, had Plaintiff failed to prevail
24 in the present case, Defendant also would have been able to seek costs in connection with its defense of
25 the case.

26 5. I am one of the primary attorneys on this matter. My qualifications are as follows: I
27 received my J.D. from Arizona State University College of Law in 2003. During law school, I was a
28 summer associate at the law firm of Brobeck, Phleger & Harrison. I graduated cum laude from Arizona

1 State University College of Law in the top 10% of my class. While I was in law school, I was the
2 Associate Managing Editor of the Arizona State University College of Law, Law Journal. Upon
3 graduation, I practiced law as an associate at the Los Angeles County offices of Ogletree Deakins Nash
4 Smoak & Stewart, P.C., a national employment defense law firm that represents a significant number of
5 Fortune 500 companies.

6 6. My firm's primary focus is employment law. I have handled a number of wage and hour
7 matters including class actions and multiple-plaintiff actions. I have a practice that encompasses cases in
8 the Superior Courts of California for the Counties of Alameda, Los Angeles, Orange, Riverside,
9 Sacramento, San Bernardino, San Diego, San Francisco, Santa Barbara, and Santa Clara, among others,
10 as well as the United States District Courts for the Central, Eastern, Northern, and Southern Districts of
11 California.

12 7. I have been approved as Class Counsel in a number of class actions, including but not
13 limited to *Chan-Lanier v. Citibank* (Case No. CGC-050445143); *Hernandez v. CVS Pharmacy, Inc.*
14 (Judicial Council Coordination Proceeding No. 4539), *Tse v. Best Buy Co, Inc.* (Case Number BC
15 393717), *Orgeta v. AIG, Inc* (Case Number CV 06—196-RSWL (PJWx)), and *Castro v. UPS Freight,*
16 *Inc.* (Case Number CV 08-4898 ODW (CWx)), and *Chavez v. PVH* (Case No. C 13-01797 LHK).

17 8. In addition, I was certified as class counsel by the United States District Court, Central
18 District of California in the cases *Abdullah v. U.S. Security* (Case Number CV 09-09554 GHK), *Avilez*
19 *v. Pinkerton Government Services, Inc.* (Case Number SACV 11-0493-DOC), *Dynabursky v. Allied*
20 *Barton Security Services* (Case Number SACV 12-02210 JST); and *Pace v. PetSmart, Inc.* (Case
21 Number SACV 13-500-DOC); by the Northern District of California in the cases of *Harris v. Vector*
22 *Marketing Corp.,* (Case Number CV 08 5198 EMC), and *Lemus et al. v. H&R Block Enterprises, LLC*
23 (Case Number CV-09-03179-SI); and by the Superior Court of California, Orange County in the cases
24 of *De la Cruz v. Abercrombie & Fitch Co. et al.* (Case Number 30-2007-00036240) and *Wu v. General*
25 *Nutrition Corporation* (Case Number 30-2012-00593759), all as part of the Courts' orders granting class
26 certification pursuant to Rule 23 of the FRCP and California Code of Civil Procedure § 382. I served as
27 lead counsel on these cases.

1 9. My co-counsel and I will adequately represent the Class Members in this action.
2 Plaintiff's Counsel have and will dutifully represent Plaintiff and the Class and pursue this lawsuit to its
3 conclusion. I have no conflicts with the Class.

4 I declare under penalty of perjury under the laws of the State of California that the foregoing is
5 true and correct. Executed this 24th day of February 2023, at Los Angeles, California.

6 

7 _____
Larry W. Lee