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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

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

Date: September 20, 2023
Time: 9:00 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. The Notice of Class Action Settlement (“Class Notice”) provided Class Members with
8 my office’s contact information, where they could further seek information regarding the class
9 settlement, leave questions for the Administrator, and update their address.

10 3. There were no objections to the amount of attorneys’ fees or litigation costs that Class
11 Counsel seek in this case and for which Plaintiff asks the Court for final approval.

12 4. Class Counsel engaged in extensive factual investigation before settling, including the
13 exchange of informal discovery and class data. This allowed Plaintiff to conduct a full damage analysis.
14 The Agreement was the product of negotiation between highly able and experienced attorneys on both
15 sides who possessed the relevant data and extensive legal research which they had carefully analyzed.

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

20 6. My firm has a great deal of experience in wage and hour class action litigation and has
21 been approved as class counsel in a number of class actions.

22 7. I am one of the primary attorneys on this matter. My qualifications are as follows: I
23 received my J.D. from Arizona State University College of Law in 2003. During law school, I was a
24 summer associate at the law firm of Brobeck, Phleger & Harrison. I graduated cum laude from Arizona
25 State University College of Law in the top 10% of my class. While I was in law school, I was the
26 Associate Managing Editor of the Arizona State University College of Law, Law Journal. Upon
27 graduation, I practiced law as an associate at the Los Angeles County offices of Ogletree Deakins Nash
28

1 Smoak & Stewart, P.C., a national employment defense law firm that represents a significant number of
2 Fortune 500 companies, including wage and hour class actions.

3 8. My firm's primary focus is employment law. I have handled a number of wage and hour
4 matters including class actions and individual actions, on both plaintiff and defense sides. I have a
5 practice that encompasses cases throughout the State of California, including but not limited to the Los
6 Angeles Superior Courts, the Orange County Superior Courts, the San Francisco County Superior
7 Courts, the San Diego County Superior Courts, and the United States District Courts for the Central,
8 Eastern, Northern, and Southern Districts of California. I have been named as Class Counsel in a
9 number of class actions that have been granted final approval by the Superior Courts of Los Angeles
10 County, Orange County, San Francisco County, Alameda County, Contra Costa County, Monterey
11 County, San Bernardino County, Santa Clara County, Sonoma County, and the United States District
12 Court for the Central, Eastern, and Northern Districts of California.

13 9. My firm has incurred costs in the amount of \$941.96. The costs are all litigation related
14 costs, including filing fees and mediation fees. Attached hereto as **Exhibit A** is copy of the costs my
15 firm has incurred in connection with prosecution of this lawsuit.

16 10. On June 8, 2023, Plaintiff uploaded the Order Granting Plaintiff's Motion for Preliminary
17 Approval of Class Action Settlement to the LWDA's website. Concurrent with the filing of this motion,
18 Plaintiff also has uploaded the final approval motion to the LWDA.

19 I declare under penalty of perjury under the laws of the State of California that the foregoing is
20 true and correct. Executed this 28th day of August 2023, at Los Angeles, California.

21 

22 _____
Larry W. Lee

EXHIBIT A

8/21/2023
1:10 PM

DIVERSITY LAW GROUP
Slip Listing

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Selection Criteria

Slip Classification Open
Client (hand select) Include: Vaughns, Kalum v. Berry
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		
72976	EXP	Olympia	1	81.21	81.21
8/18/2022		Atty Service			
WIP		Vaughns, Kalum v. Berry			
Attorney Service - Notice of Association					
73320	EXP	Olympia	1	69.27	69.27
9/28/2022		Atty Service			
WIP		Vaughns, Kalum v. Berry			
Attorney Service - FAC					
73362	EXP	Olympia	19	0.25	4.75
9/30/2022		Photocopies			
WIP		Vaughns, Kalum v. Berry			
Photocopies					
73363	EXP	Olympia	1	1.92	1.92
9/30/2022		Postage			
WIP		Vaughns, Kalum v. Berry			
Postage					
73175	EXP	Simon Yang	1	94.00	94.00
10/4/2022		Court fees			
WIP		Vaughns, Kalum v. Berry			
Courtcall					
73779	EXP	Olympia	1	7.82	7.82
11/30/2022		Postage			
WIP		Vaughns, Kalum v. Berry			
Postage					
73778	EXP	Olympia	2	0.25	0.50
11/30/2022		Photocopies			
WIP		Vaughns, Kalum v. Berry			
Photocopies					
74595	EXP	Olympia	1	205.87	205.87
2/24/2023		Atty Service			
WIP		Vaughns, Kalum v. Berry			
Attorney Service - MPA					

8/21/2023
1:10 PM

DIVERSITY LAW GROUP
Slip Listing

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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		
74513	EXP	Christine S. Lee	1	72.00	72.00
2/27/2023		Court fees			
WIP		Vaughns, Kalum v. Berry			
Courtcall					
75056	EXP	Erika Mejia	1	104.62	104.62
4/7/2023		Atty Service			
WIP		Vaughns, Kalum v. Berry			
Attorney Service - Amended SLY Decl iso					
MPA					
75980	EXP	Simon Yang	1	300.00	300.00
8/21/2023		Court fees			
WIP		Vaughns, Kalum v. Berry			
Costs					
Grand Total					
			Billable	0.00	941.96
			Unbillable	0.00	0.00
			Total	0.00	941.96