

**ALEXANDER MORRISON & FEHR LLP**

Michael S. Morrison (SB #205320)  
Erin Lim (SB # 323930)  
1900 Avenue of the Stars, Suite 900  
Los Angeles, CA 90067  
Tel: (310-394-0888  
Fax: (310) 394-0811  
[mmorrison@amflp.com](mailto:mmorrison@amflp.com)  
[elim@amflp.com](mailto:elim@amflp.com)

*Attorneys for Plaintiffs and the Proposed Class*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

IN RE UKG INC CYBERSECURITY  
LITIGATION

Case No.: 3:22-cv-00346-SI

**DECLARATION OF JONATHAN M. LEBE  
IN SUPPORT OF PLAINTIFFS' NOTICE  
OF MOTION AND MOTION FOR  
ATTORNEYS' FEES**

THIS DOCUMENT RELATES TO:

All Actions.

**Date: November 17, 2023**

**Time: 10:00 a.m.**

**Dept.: Courtroom 1, 17th Floor**

**Judge: Honorable Susan Illston**

1 **DECLARATION OF JONATHAN M. LEBE**

2 I, Jonathan M. Lebe, declare as follows:

3 1. I am an attorney duly licensed to practice law before all courts in the State of  
4 California. I am the Managing Attorney of Lebe Law, A Professional Law Corporation and I  
5 represent Cindy Villanueva (“Plaintiff”) in this action. I have personal knowledge of the facts set  
6 forth herein and, if called and sworn in as a witness, could and would testify competently thereto.

7 2. I submit this supplemental declaration in support of Plaintiffs’ Motion for Attorneys’  
8 Fees.

9 **Experience of Class Counsel**

10 3. I received Bachelor of Arts degrees in Political Science and International Studies  
11 from Northwestern University in 2008. I received my Juris Doctorate from Santa Clara University  
12 School of Law in 2012. During law school, I was a legal extern to the Honorable Nandor J. Vadas  
13 of the U.S. District Court, Northern District of California. I also had legal internships during law  
14 school with the Civil Division of the U.S. Attorney’s Office and the Complex Litigation Division  
15 of the San Francisco City Attorney’s Office.

16 4. I was admitted to the California State Bar in the Fall of 2012. I am admitted to  
17 practice in all state courts in California and in all United States District Courts in California.

18 5. Upon admission to the State Bar, I became a Deputy County Counsel in the  
19 Litigation Section of the Santa Clara County Counsel’s office. The Santa Clara County Counsel’s  
20 office is one of the largest and most sophisticated offices of government lawyers in the county. The  
21 County Counsel’s office engages in significant impact litigation and, of course, is responsible for  
22 the legal representation of the County. In my capacity as Deputy County Counsel, I litigated cases  
23 ranging from employment disputes to constitutional challenges to County jail policies.

24 6. Before starting my own firm, I also worked as an associate attorney with Lawyers  
25 for Justice, P.C., a class action law firm in California. In that capacity, I was responsible for the  
26 day-to-day management of numerous wage and hour class actions at a given time.

27 7. I started my own law firm in early 2016. In 2018, 2019, 2020 and 2021, I was  
28 selected as a Super Lawyer Rising Star based on nominations from my peers, a distinction only

1 received by 2.5% of attorneys. The vast majority of my practice consists of litigating wage and  
2 hour class actions filed in California. Some of our firm's representative matters include:

3 a. *Midwest Motor Supply Co. v. Superior Court* (2020) 56 Cal.App.5th 702: In its  
4 published opinion, the Court of Appeal affirmed the trial court's denial of Defendants'  
5 motion to dismiss or stay action for forum non conveniens because Defendants'  
6 purported forum selection clause was unenforceable under Labor Code section 925.

7 b. *Zakaryan v. The Men's Wearhouse, Inc.* (2019) 33 Cal.App.5th 659: In its  
8 published opinion, Court of Appeal affirmed a trial court's denial of Defendants' motion  
9 to compel arbitration (disapproved on another ground in *ZB, N.A. v. Superior Court*  
10 (2019) 8 Cal.5th 175).

11 8. I have been appointed certified Class Counsel in the following proceedings in  
12 connection with approvals of class action and Private Attorney General Act settlements: *Amie*  
13 *Pfiefer v. Zesty Inc.*, San Francisco Superior Court, CGC-19-574570; *Anthony Dirico, et al. v. Seek*  
14 *Capital, LLC*, Los Angeles Superior Court Case No. BC698076; *Brandon Centino v. Arrowhead*  
15 *Products, Orange County Superior Court*, Case No. 30-2018-00988493; *Donna Burris v. Resort*  
16 *Vacations, Inc.*, Orange County Superior Court, Case No. 2018-00997260; *Elizabeth Merritt v.*  
17 *Houzz Inc.*, Santa Clara Superior Court, Case No. 19CV341181; *Janet Manteon v. M.A.C.*  
18 *Cosmetics, Inc.*, Los Angeles County Superior Court, Case No. BC702940; *Jamal Holcomb v.*  
19 *Weiser Security Services, Inc.*, Los Angeles Superior Court, Case No. 19STCV03843; *Jerome*  
20 *Hughes, et al. v. Surveillance Security, Inc.*, Judicial Coordination Proceeding Case No. 4969;  
21 *Jihwan Kim v. Demandforce, Inc.*, San Francisco Superior Court, Case No. CGC-18-570997;  
22 *Jordan Olson v. Medtronic, Inc., et al.*, San Francisco Superior Court, Case No. CGC-19-576875;  
23 *Joseph Jun Caballero v. MLTD, Inc.*, Los Angeles Superior Court Case No. BC659936; *Kendall*  
24 *Klette v. Balboa Capital Corporation*, Orange County Superior Court, Case No. 30-2018-  
25 00970552; *Kevin Klein v. Loomis Armored, US LLC*, San Bernardino Superior Court Case No.  
26 CIVDS1704547; *Leslie Walling v. National Funding Inc.*, San Diego Superior Court, Case No.  
27 201800061889; *Lorena Sanchez v. Valley Presbyterian Hospital*, Los Angeles Superior Court Case  
28 No. BC678638; *Lucas Cardena v. Strata Capital Corporation*, Orange County Superior Court,

1 Case No. 30-2018-01041233-CU-OE-CXC; *Michael Schmitz, et al. v. HealthIQ Re Inc.*, Santa  
2 Clara Superior Court, Case No. 18CV337951; *Patricia Martinez v. Whaler LLC*, Los Angeles  
3 Superior Court Case No. BC621047; *Rhett Hubbard v. Caliber Home Loans, Inc.*, Orange County  
4 Superior Court, 30-2018-01017838; *Shameka Watson v. Aegis Security & Investigations Inc.*, Los  
5 Angeles Superior Court Case No. BC695411; *Shayna Amster v. Starbucks Corporation*, San  
6 Bernardino Superior Court, Case No. CIVDS1922016; *Suzana Mederos v. Consolidated Disposal*  
7 *Service, L.L.C.*, Los Angeles Superior Court, Case No. BC677379; *Tyler Jones, et al. v. Citiguard,*  
8 *Inc.*, Los Angeles County Superior Court Case No. BC664890; *Lamir McQueen v. City of Santa*  
9 *Monica*, Los Angeles County Superior Court Case No. BC627227; *David Kassis v. Paychex North*  
10 *America Inc.*, Sacramento County Superior Court Case No. 2019-00270896-CV; *George Van Heel*  
11 *v. GCA Educational Services, Inc.*, Los Angeles County Superior Court Case No. 19STCV44969;  
12 *Don Vasquez v. Milk Specialties Company*, Tulare County Superior Court Case No. VCU282778;  
13 *Chafen Suttle v. Children's Hospital Los Angeles*, Los Angeles County Superior Court Case No.  
14 19STCV46960; *Tanya Savidis v. Lumber Liquidators Inc.*, Alameda County Superior Court Case  
15 No. RG20057480; *Patrick Finch v. Midwest Motor Supply Co.*, Contra Costa Superior Court Case  
16 No. CIVMSC19-02038; *Beniyam Kebede v. Wrike, Inc.*, Santa Clara County Superior Court Case  
17 No. 20CV366599; *Jason Mitchiner v. Move Sales, Inc.*, Los Angeles County Superior Court Case  
18 No. 20STCV23141; *Craig Russell v. Nutanix, Inc.*, Santa Clara County Superior Court Case No.  
19 20CV3669431; *James Fleming v. Mission Linen Supply*, Sacramento County Superior Court Case  
20 No. 2019-00267357-CV; *LaDonna Page v. Insource Performance Solutions, LLC*, Alameda  
21 Superior Court Case No. RG21096367.

22 9. I consider myself experienced and qualified to evaluate the class claims and viability  
23 of the defenses. Based on the history of the above-captioned case, and given my experience and  
24 analysis, it is my view that the settlement is fair, reasonable, and adequate, and in the best interest  
25 of the class members. Had the litigation not reached the proposed settlement set forth in the  
26 Settlement Agreement, I would have continued to prosecute the class's claims through certification,  
27 trial and beyond.

28 10. Zachary Gershman is an associate attorney of Lebe Law, APLC in good standing of

1 the State Bar of California and admitted to practice in all state courts in California, and in the  
2 Central, Eastern, and Northern United States District Courts in California.

3 11. Mr. Gershman began working for Lebe Law, APLC in August of 2019 as a law clerk  
4 after graduating from the USC Gould School of Law in May of 2019, where he was an Executive  
5 Senior Editor of the Southern California Law Review. He received his Bachelor of Arts degree in  
6 Political Science from the University of Connecticut in 2015. He was admitted to the California  
7 State Bar on December 2, 2019.

8 12. Brielle D. Edborg is an associate attorney of Lebe Law, APLC in good standing of  
9 the State Bar of California and admitted to practice in California.

10 13. Ms. Edborg began working for Lebe Law, APLC in September of 2022 as an  
11 associate attorney after graduating from Pepperdine Carudo School of Law in May of 2022. She  
12 received her Bachelor of Arts degree in English from SUNY Old Westbury in 2019. She was  
13 admitted to the California State Bar on December 8, 2022.

14 14. Nicolas Tomas was an associate attorney of Lebe Law, APLC during the prosecution  
15 of this matter, and to the best of my knowledge is in good standing of the State Bar of California  
16 and admitted to practice in California.

17 15. Mr. Tomas worked for Lebe Law, APLC from November of 2021 through August  
18 of 2022 as an associate attorney after graduating from Loyola Law School in May of 2021. To the  
19 best of my knowledge, he received his Bachelor of Science degree in Nutrition from California  
20 Polytechnic University, Pomona in 2016. He was admitted to the California State Bar on November  
21 19, 2021.

22 **Attorneys' Fees and Costs**

23 16. As of the filing of Plaintiffs' Motion for Attorneys' Fees, I have worked  
24 approximately 162.2 hours on this case. My work on this case has consisted of conducting initial  
25 investigations, drafting the initial complaint and administrative correspondence for my client,  
26 assisting in the preparation for mediation including assisting in the drafting of the briefing,  
27 participating in post-mediation settlement discussions, assisting in the drafting of the long-form  
28 settlement agreement in this matter, attending hearings, and my firm will also be preparing the first

1 draft of the final approval motion for the settlement reached in this matter, and provide an update  
2 regarding our billable hours simultaneously with the filing of that motion. At my billable rate of  
3 \$800 per hour my lodestar attorney's fees, before any multiplier, amount to \$129,760. Moreover,  
4 my firm has incurred \$7,291.62 in costs in this matter as of this time. My rate with annual increases  
5 has been approved by other California courts, including those listed in paragraph 8. Attached as  
6 "**Exhibit A**" is a breakdown of my firm's current costs in this matter.

7 17. As of the filing of Plaintiffs' Motion for Attorneys' Fees, Mr. Gershman has  
8 expended a total of 130.7 hours in the prosecution of this matter. His work on this case has consisted  
9 of assisting in the preparation for mediation including assisting in the drafting of the briefing,  
10 assisting to draft informal discovery, participating in post-mediation settlement discussions,  
11 assisting in the drafting of the long-form settlement agreement in this matter, attending hearings,  
12 working with the settlement administrator, and he will also be assisting in preparing the first draft  
13 of the final approval motion for the settlement reached in this matter, and provide an update  
14 regarding our billable hours simultaneously with the filing of that motion. None of his time  
15 duplicated the time expended by others. Mr. Gershman's rate with annual increases has also been  
16 approved by other California courts, including in those listed in paragraph 8. At his requested rate  
17 of \$475, his fees calculate out to \$62,082.5.

18 18. As of the filing of Plaintiffs' Motion for Attorneys' Fees, Mr. Tomas has expended a  
19 total of 52.9 hours in the prosecution of this matter. His work on this case has consisted of  
20 conducting initial investigations and performing legal research in the data privacy space, assisting  
21 in the drafting of the initial complaint and administrative correspondence for my client, and  
22 participating in discussions with other counsel. None of his time duplicated the time expended by  
23 others. At his requested rate of \$350, his fees calculate out to \$18,515.

24 19. As of the filing of Plaintiffs' Motion for Attorneys' Fees, Brielle Edborg has  
25 expended a total of 5.5 hours in the prosecution of this matter. Her work in this case consisted solely  
26 None of her time duplicated the time expended by others. At her requested rate of \$300, her fees  
27 calculate out to \$1,650.

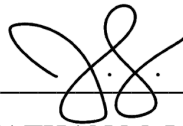
28 20. As of the filing of Plaintiffs' Motion for Attorneys' Fees, the combined lodestar for

1 Lebe Law APLC in this matter is \$212,007.5.

2 21. I have been practicing law for over ten years, and I have significant experience, skill,  
3 and expertise in class action matters. My firm, Lebe Law, APLC, sets the billing rates of its attorneys  
4 to be consistent with the prevailing market rates in the private sector for attorneys and staff of  
5 comparable skill, qualifications and experience by monitoring the prevailing market rates charged  
6 by both defense and plaintiff law firms. According to the 2023 Laffey Matrix, relevant portions of  
7 which are attached hereto as “**Exhibit B**”, my requested hourly rate of \$800 is reasonable for an  
8 attorney that is eleven years out of law school. In fact, my requested hourly rate is \$29 per hour  
9 less than the suggested rate for an attorney in his eleventh year of practice. Furthermore, according  
10 to the Laffey Matrix, Mr. Gershman’s requested hourly rate of \$475 is reasonable, as it is \$33 less  
11 per hour than the median hourly rate for an associate between their fourth and seventh year of  
12 practice. While, finally, both Ms. Edborg’s and Mr. Tomas’s hourly rate of \$300 and \$350 per hour  
13 respectively is also reasonable as these rates are \$103 less, and \$53 less, than the proposed rate for  
14 an associate between their first and third years of practice and is in line with rates typically approved  
15 in wage-and-hour class action litigation in California.

16 22. Class Counsel has undertaken representation at their own expense, with  
17 compensation wholly contingent upon providing a benefit to the Class and I believe that the Class  
18 Members will benefit significantly by the terms of the proposed Settlement by receiving substantial  
19 monetary compensation.

20 I declare under penalty of perjury under the laws of United States of America that the  
21 foregoing is true and correct. Executed on August 11, 2023, in the City of Los Angeles in the State  
22 of California.

23 

24 \_\_\_\_\_  
JONATHAN M. LEBE

# EXHIBIT A



# Activities Export

Date	Type	Description	Matter	User	Qty	Rate (\$)	Non-billable (\$)	Billable (\$)
02/17/2022	\$	Mailed engagement letter and documents to client, Cindy Villanueva.	00325-Villanueva Villanueva v. UKG, Inc.	Nicolas Tomas	1.00	\$10.51	-	\$10.51
03/21/2022	\$	Initial filing fee.	00325-Villanueva Villanueva v. UKG, Inc.	Zachary Gershman	1.00	\$402.00	-	\$402.00
03/22/2022	\$	CCPA Notice to UKG, Inc.	00325-Villanueva Villanueva v. UKG, Inc.	Diana Lopez	1.00	\$7.79	-	\$7.79
03/25/2022	\$	On-Call Legal 3/25/22 Invoice: 258297 Personal Service to UKG, Inc.	00325-Villanueva Villanueva v. UKG, Inc.	Diana Lopez	1.00	\$92.99	-	\$92.99
09/08/2022	\$	First mediation fee	00325-Villanueva Villanueva v. UKG, Inc.	Diana Lopez	1.00	\$2,500.00	-	\$2,500.00
12/15/2022	\$	Second mediation fee	00325-Villanueva Villanueva v. UKG, Inc.	Diana Lopez	1.00	\$4,278.33	-	\$4,278.33
						<b>\$0.00</b>		<b>\$7,291.62</b>
						0.00h		0.00h

# EXHIBIT B

# LAFFEY MATRIX

[History](#)
[Case Law](#)
[See the Matrix](#)
[Contact us](#)
[Home](#)

Year	Adjustmt Factor**	Paralegal/ Law Clerk	Years Out of Law School *				
			1-3	4-7	8-10	11-19	20 +
6/01/22- 5/31/23	1.085091	\$225	\$413	\$508	\$733	\$829	\$997
6/01/21- 5/31/22	1.006053	\$208	\$381	\$468	\$676	\$764	\$919
6/01/20- 5/31/21	1.015894	\$206	\$378	\$465	\$672	\$759	\$914
6/01/19- 5/31/20	1.0049	\$203	\$372	\$458	\$661	\$747	\$899
6/01/18- 5/31/19	1.0350	\$202	\$371	\$455	\$658	\$742	\$894
6/01/17- 5/31/18	1.0463	\$196	\$359	\$440	\$636	\$717	\$864
6/01/16- 5/31/17	1.0369	\$187	\$343	\$421	\$608	\$685	\$826
6/01/15- 5/31/16	1.0089	\$180	\$331	\$406	\$586	\$661	\$796
6/01/14- 5/31/15	1.0235	\$179	\$328	\$402	\$581	\$655	\$789
6/01/13- 5/31/14	1.0244	\$175	\$320	\$393	\$567	\$640	\$771
6/01/12- 5/31/13	1.0258	\$170	\$312	\$383	\$554	\$625	\$753
6/01/11- 5/31/12	1.0352	\$166	\$305	\$374	\$540	\$609	\$734
6/01/10- 5/31/11	1.0337	\$161	\$294	\$361	\$522	\$589	\$709
6/01/09- 5/31/10	1.0220	\$155	\$285	\$349	\$505	\$569	\$686
6/01/08- 5/31/09	1.0399	\$152	\$279	\$342	\$494	\$557	\$671
6/01/07-5/31/08	1.0516	\$146	\$268	\$329	\$475	\$536	\$645
6/01/06-5/31/07	1.0256	\$139	\$255	\$313	\$452	\$509	\$614
6/1/05-5/31/06	1.0427	\$136	\$249	\$305	\$441	\$497	\$598
6/1/04-5/31/05	1.0455	\$130	\$239	\$293	\$423	\$476	\$574
6/1/03-6/1/04	1.0507	\$124	\$228	\$280	\$405	\$456	\$549
6/1/02-5/31/03	1.0727	\$118	\$217	\$267	\$385	\$434	\$522
6/1/01-5/31/02	1.0407	\$110	\$203	\$249	\$359	\$404	\$487
6/1/00-5/31/01	1.0529	\$106	\$195	\$239	\$345	\$388	\$468
6/1/99-5/31/00	1.0491	\$101	\$185	\$227	\$328	\$369	\$444
6/1/98-5/31/99	1.0439	\$96	\$176	\$216	\$312	\$352	\$424
6/1/97-5/31/98	1.0419	\$92	\$169	\$207	\$299	\$337	\$406
6/1/96-5/31/97	1.0396	\$88	\$162	\$198	\$287	\$323	\$389
6/1/95-5/31/96	1.032	\$85	\$155	\$191	\$276	\$311	\$375
6/1/94-5/31/95	1.0237	\$82	\$151	\$185	\$267	\$301	\$363

The methodology of calculation and benchmarking for this Updated Laffey Matrix has been approved in a number of cases. See, e.g., *DL v. District of Columbia*, 267 F.Supp.3d 55, 69 (D.D.C. 2017)

\*  $\frac{1}{2}$ Years Out of Law School  $\frac{1}{2}$  is calculated from June 1 of each year, when most law students graduate.  $\frac{1}{2}$ 1-3" includes an attorney in his 1st, 2nd and 3rd years of practice, measured from date of graduation (June 1).  $\frac{1}{2}$ 4-7" applies to attorneys in their 4th, 5th, 6th and 7th years of practice. An attorney who graduated in May 1996 would be in tier  $\frac{1}{2}$ 1-3" from June 1, 1996 until May 31, 1999, would move into tier  $\frac{1}{2}$ 4-7" on June 1, 1999, and tier  $\frac{1}{2}$ 8-10" on June 1, 2003.

\*\* The Adjustment Factor refers to the nation-wide Legal Services Component of the Consumer Price Index produced by the Bureau of Labor Statistics of the United States Department of Labor.