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Attorneys for Plaintiffs and others similarly situated

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

BLAIR WOODS and KENNETH JACKSON,
individually, on a representative basis, and on
behalf of all others similarly situated;

Plaintiff,

vs.

JUST IN TIME CARGO INC., a California
Corporation; and DOES 1 through 10,
inclusive;

Defendants.

Case No.: CIVDS 2000750
*[Assigned to Hon. Judge David Cohn, Dept
S26 for all purposes]*

**DECLARATION OF PETER J.
CARLSON, ESQ., IN SUPPORT OF
MOTION FOR FINAL APPROVAL OF
CLASS ACTION SETTLEMENT**

Hearing
Date: June 9, 2022
Time: 10:00 a.m.
Dept: S26

Complaint filed: January 10, 2020

I, Peter J. Carlson, state and declare:

1. I am an attorney licensed before all courts of the State of California and am a senior associate at Lauby, Mankin & Lauby LLP, attorneys of record for Plaintiffs Blair Woods and Kenneth Jackson in this action. I am thoroughly familiar with and have personal knowledge of all facts set forth herein. I submit this declaration in support of Plaintiff's Motion for Final Approval of this Class Action Settlement and, if called as a witness, I would competently testify thereto.

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1 QUALIFICATION OF COUNSEL

2 2. I graduated from the University of Oregon School of Law in May 2013 and have
3 been a member, in good standing, of the State Bar of California since January 2014. I am
4 licensed to practice before all courts of the State of California and am admitted to practice in the
5 United States District Court for the Central District of California and have litigated cases in
6 various courts and counties throughout California, including successful briefing and argument in
7 the Court of Appeal.

8 3. I began working at Fernandez & Lauby LLP (the predecessor of Lauby, Mankin
9 & Lauby LLP) in March 2016 and, since that time, my practice has consisted solely of
10 representing employees. The vast majority of my cases have been litigated as class actions,
11 representative PAGA actions, or a combination of the two.

12 4. I have been the handling attorney on over 120 class action and/or representative
13 PAGA actions. And, on these cases, myself and/or my firm have been appointed Class Counsel
14 on over 50 cases, and have helped recover over \$71,000,000 for my clients, the employees, and
15 the State of California.

16 5. I was the handling attorney for the second largest PAGA-only settlement in
17 California's history – a \$12.5 million-dollar court approved settlement, which followed extensive
18 litigation, summary adjudication and writs to the CA Supreme Court against a Fortune 50
19 company (Garcia v. Macy's, San Bernardino Superior Court Case No. CIVDS1516007).

20 6. I have tried two major class and PAGA cases against Fortune 100 companies. In
21 2018, I was the handling attorney on a PAGA-only case in Orange County where my firm
22 succeeded on a motion for summary adjudication and litigated through trial to obtain a \$425,000
23 judgment for over 1,600 aggrieved employees. Also, in 2019, I was the handling attorney for my
24 firm on a class action against Walmart, where we obtained class certification on behalf of over
25 5,000 employees. After extensive litigation, the matter went to trial, and the jury returned a
26 verdict of approximately \$6.1 million on the meal period claims.

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HOURS INCURRED

7. I have spent 121.3 hours working on this action. This includes, but is not limited to, tasks such as: preliminary research of all Labor Code claims; in-depth research into Defendant's corporate entities and docket searches to identify all potentially-related cases; investigation of the entities whom we believed to be relevant and potentially liable for these claims; drafting of the LWDA letter setting forth facts and claims on behalf of the Aggrieved Employees; drafting lengthy class and representative PAGA action complaint; meetings and conference calls to discuss viability of claims and impacts of new information learned during course of litigation; drafting and revising various pleadings; reviewing and editing detailed list of informal requests for mediation; review, evaluation, and statistical analysis of records produced for mediation; editing and preparing the class/PAGA damage model and confidential mediation brief for mediation; post-mediation work on various documents; and the review and editing of preliminary and final approval documents.

HOURLY RATE

8. My billing rate increased in 2022 to \$575 per hour (up from \$540 in previous years), and this rate is usual and customary for class action and/or PAGA practitioners with my level of expertise and experience.

9. This rate is consistent with Plaintiff and Defense attorneys who handle complex class action litigation, if not somewhat lower. For instance, the Wolters Kluwer 2020 Real Rate Report ("Real Rate Report") states that the median rates for associates in Los Angeles is \$576.00 per hour, with the upper quartile rate at \$770.00 per hour. The Real Rate Report also notes that the median and upper quartile rates for associates with 7 or more years of experience are \$520 and \$789, respectively. Being that I have been in practice for 8 years, my experience falls squarely within the confines of that range, at a rate lower than those in the Real Rate Report.

10. Importantly, the Real Rate Report data is not based on self-reported numbers, surveys, or sampling – instead, these figures are based on an analysis of the actual amounts billed to clients based on more than 25.8 million billing entries and 23.9 million hours billed by over 112,100 individual timekeepers from 4,620 law firms, totaling \$9.02 billion in fees billed. And,

specifically, the Los Angeles data is based on review of 1,311 associates and the corresponding time and rates each billed to their client.

11. My requested rate is also reasonable, consistent, and less than the rate found in the Laffey Matrix (www.laffeymatrix.com), which indicates that the benchmark rate for an attorney that graduated law school in 2013 is \$676 per hour.

12. Moreover, my previous rate of \$540 per hour was approved by various courts in California, including the following non-exhaustive list of recent settlements for which I have been the handling attorney:

a. *Dr. Mohammad A. Gharavi v. Censeo Health, LLC, et al.*, San Bernardino Superior Court, Case No. CIVDS1906608 (Nov. 2, 2020) (\$1,200,000 wage-and-hour class and PAGA settlement approved with lodestar cross-check of \$540 rate);

b. *Maria Angulo v. CCX2931, LLC, et al.*, Los Angeles Superior Court, Case No. BC717320 (July 15, 2021) (\$2,350,000 wage-and-hour class and PAGA settlement approved with lodestar cross-check of \$540 rate);

c. *Octavio Torres v. Xerxes Corporation*, Orange County Superior Court, Case No. 30-2019-01095537 (Mar. 9, 2021) (wage-and-hour PAGA settlement approved with lodestar cross-check of \$540 rate);

d. *Brad Biggart v. Creative Communication Technologies, Inc., et al.*, San Bernardino Superior Court, Case No. CIVDS1920394 (Feb. 22, 2021) (wage-and-hour PAGA settlement approved with lodestar cross-check of \$540 rate);

e. *Sayra Aguirre v. WellQuest Living, LLC, et al.*, Los Angeles Superior Court, Case NO. 19STCV15699 (Apr. 22, 2021) (wage-and-hour class and PAGA settlement approved with lodestar cross-check of \$540 rate);

f. *Richard Pompa, et al. v. Landforce Corporation, et al.*, San Bernardino Superior Court, Case No. CIVDS1700451 (June 21, 2021) (wage-and-hour class and PAGA settlement approved with lodestar cross-check of \$540 rate);

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g. *Daniel Antuna v. GATX Corporation*, San Bernardino Superior Court, Case No. CIVDS1928516 (July 6, 2021) (wage-and-hour class and PAGA settlement approved with lodestar cross-check of \$540 rate);

h. *Zachary Lopez v. JBGC, Inc.*, San Bernardino Superior Court, Case No. CIVDS2013277 (July 21, 2021) (wage-and-hour PAGA settlement approved with lodestar cross-check of \$540 rate);

i. *Bobby Moody v. Dura Technologies, Inc., et al.*, San Bernardino Superior Court, Case No. CIVDS2008887 (Aug. 4, 2021) (wage-and-hour class and PAGA settlement approved with lodestar cross-check of \$540 rate); and

j. *Darren Logan v. Seaside Carriers, Inc.*, San Bernardino Superior Court, Case No. CIVDS1920346 (June 1, 2021) (wage-and-hour PAGA settlement approved with lodestar cross-check of \$540 rate).

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on May 13, 2022, in Riverside, California.


Peter J. Carlson, Esq.