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Attorneys for Plaintiff Yvonne Labra and on behalf of the Proposed Class

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES – SPRING STREET COURTHOUSE

YVONNE LABRA, individually, on a
representative basis, and on behalf of all
others similarly situated;

Plaintiff,

vs.

SUTTER STREET MANUFACTURING,
INC., a California Corporation; WILLIAMS-
SONOMA, INC., a Delaware Corporation;
and DOES 1 through 20, inclusive;

Defendants.

Case No.: 20STCV18751
[Assigned to the Hon. Ann I. Jones, Dept.
SS11]

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

Hearing:

Date: September 23, 2021

Time: 10:00 a.m.

Dept.: 11

Complaint Filed: May 15, 2020

1 I, Peter J. Carlson, state and declare:

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

7 **QUALIFICATION OF COUNSEL**

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

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

18 4. I have been the handling attorney on over 100 class action and/or representative
19 PAGA actions. And, on these cases, myself and/or my firm have been appointed Class Counsel
20 on over 50 cases, and have helped recover over \$63,000,000 for my clients, the employees, and
21 the State of California.

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

26 6. I have tried two major class and PAGA cases against Fortune 100 companies. In
27 2018, I was the handling attorney on a PAGA-only case in Orange County where my firm
28 succeeded on a motion for summary adjudication and litigated through trial to obtain a \$425,000

1 judgment for over 1,600 aggrieved employees. Also, in 2019, I was the handling attorney for my
2 firm on a class action against Walmart, where we obtained class certification on behalf of over
3 5,000 employees. After extensive litigation, the matter went to trial, and the jury returned a
4 verdict of approximately \$6.1 million on the meal period claims.

5 **HOURS INCURRED**

6 7. I have spent 151.9 hours working on this action. This includes, but is not limited
7 to, tasks such as: preliminary research of all Labor Code claims; in-depth research into
8 Defendant's corporate entity and docket searches to identify all potentially-related cases;
9 investigation of the entities whom we believed to be relevant and potentially liable for these
10 claims; drafting of the LWDA letter setting forth facts and claims on behalf of the Aggrieved
11 Employees; drafting lengthy 35-page class and representative PAGA action complaint; meetings
12 and conference calls with co-counsel to discuss viability of claims and impacts of new
13 information learned during course of litigation; drafting and revising various pleadings;
14 reviewing and editing detailed list of informal requests for mediation; review, evaluation, and
15 statistical analysis of thousands of pages of records produced for mediation; coordination with
16 statistical expert to generate model of violation rates, etc.; editing and preparing the class/PAGA
17 damage model and confidential mediation brief for mediation; post-mediation work on various
18 documents; and the review and editing of preliminary and final approval documents.

19 **HOURLY RATE**

20 8. My billing rate is \$540 per hour, which is usual and customary for class action
21 and/or PAGA practitioners with my level of expertise and experience.

22 9. This rate is consistent with Plaintiff and Defense attorneys who handle complex
23 class action litigation, if not somewhat lower. For instance, the Wolters Kluwer 2020 Real Rate
24 Report ("Real Rate Report") states that the median rates for associates in Los Angeles is \$576.00
25 per hour, with the upper quartile rate at \$770.00 per hour. The Real Rate Report also notes that
26 the median and upper quartile rates for three to fewer-than-seven-year associates are \$562.00 and
27 \$665.00 per hour, respectively, while the median and upper quartile rates for associates with 7 or
28 more years of experience are \$520 and \$789, respectively. Being that I have been in practice for

1 7.5 years, my experience falls squarely within the confines of that range, at a rate lower than
2 those in the Real Rate Report.

3 10. Importantly, the Real Rate Report data is not based on self-reported numbers,
4 surveys, or sampling – instead, these figures are based on an analysis of the actual amounts billed
5 to clients based on more than 25.8 million billing entries and 23.9 million hours billed by over
6 112,100 individual timekeepers from 4,620 law firms, totaling \$9.02 billion in fees billed. And,
7 specifically, the Los Angeles data is based on review of 1,311 associates and the corresponding
8 time and rates each billed to their client.

9 11. My requested rate is also reasonable, consistent, and less than the rate found in the
10 Laffey Matrix (www.laffeymatrix.com), which indicates that the benchmark rate for an attorney
11 that graduated law school in 2013 is \$672 per hour.

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

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

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

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

24 d. *Brad Biggart v. Creative Communication Technologies, Inc., et al.*, San
25 Bernardino Superior Court, Case No. CIVDS1920394 (Feb. 22, 2021) (wage-and-hour PAGA
26 settlement approved with lodestar cross-check of \$540 rate);
27
28

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

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

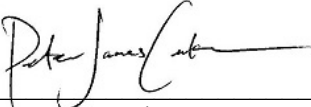
7 g. *Daniel Antuna v. GATX Corporation*, San Bernardino Superior Court,
8 Case No. CIVDS1928516 (July 6, 2021) (wage-and-hour class and PAGA settlement approved
9 with lodestar cross-check of \$540 rate);

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

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

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

19 I declare under the penalty of perjury under the laws of the State of California that the
20 foregoing is true and correct. Executed on August 19, 2021, in Riverside, California.

21 
22 _____
23 Peter J. Carlson, Esq.