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Attorneys for Plaintiff and others similarly situated

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CINNAMON MILLS, individually, on
a representative basis, and on behalf of
all others similarly situated;

Plaintiff,

vs.

TARGET CORPORATION, a
Minnesota Corporation; and DOES 1
through 20, inclusive;

Defendants.

Case No.: 5:20-CV-01460-JGB-KK
[Assigned to Hon. Jesus G. Bernal]

FRCP RULE 23 CLASS ACTION

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

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

2 1. I am an attorney duly licensed to practice law in the State of California and
3 am a senior associate at Lauby, Mankin & Lauby LLP, attorneys of record for Plaintiff
4 Cinnamon Mills (“Plaintiff”). I am fully familiar with the facts of this case and submit
5 this declaration in support of Plaintiff’s Motion for Final Approval. The matters set forth
6 herein are based upon my personal knowledge and, if called upon as a witness, I could
7 and would give competent testimony with respect to the matters contained herein.

8 **QUALIFICATION OF COUNSEL**

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

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

19 4. I have been the handling attorney on over 160 class action and/or
20 representative PAGA actions. And, on these cases, myself and/or my firm have been
21 appointed Class Counsel on over half of these cases and have helped negotiate
22 settlements totaling over \$100,000,000 for my clients, the employees, and the State of
23 California.

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

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

9 7. In 2022, 2023, and 2024, I was also selected as a Super Lawyers Rising Star.

10 **HOURS INCURRED**

11 8. I have spent 407.6 hours working on this action and have kept
12 contemporaneous records of these billable hours. This total includes significant pre-filing
13 work, including legal research regarding nuanced and issues unique to this matter,
14 conducting a search of all state and federal venues to determine if there were any prior or
15 ongoing cases that overlap with Plaintiff's claims, drafting the letter to the LWDA to
16 begin the exhaustion of administrative remedies, and drafting the initial class action
17 complaint. It also includes significant work during early litigation, including opposing
18 Defendant's Motion to dismiss, drafting the first amended complaint to add causes of
19 action under PAGA (along with a stipulation re: the same), and drafting the second
20 amended complaint to clarify the class definition in line with Labor Code § 227.3.
21 Moreover, I devoted significant time to discovery, including written discovery, preparing
22 for and defending Plaintiff's deposition, and preparing for and taking the deposition of
23 Defendant's Person Most Qualified under 30(b)(6). Then I spent substantial time
24 bringing a motion for class certification and opposing Defendant's concurrent motion for
25 summary judgment. After class certification was granted, I worked with co-counsel on
26 the appeal to the Ninth Circuit Court of Appeal. Finally, after the Ninth Circuit's ruling, I
27 participated in settlement negotiations, reviewed all settlement documents, worked on the
28 approval processes, and communicated with class members regarding the settlement.

9. In April 2023, and as part of the settlement negotiations with defense counsel, I estimated that I would spend a total of 344.4 hours through final approval (which included actual hours incurred to that point plus an estimated amount through final approval). However, given the many moving parts finalizing this settlement and seeking approval, my estimated hours were too low as shown by the fact that my *actual* hours are 407.6 (versus 344.4).

HOURLY RATE

10. My billing rate is \$650 per hour, and this rate is usual and customary for class action and/or PAGA practitioners with my level of expertise and experience.

11. This rate is consistent with Plaintiff and Defense attorneys who handle complex class action litigation, if not somewhat lower.

12. For example, 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 \$777 per hour.

13. Additionally, the 2023 Wolters Kluwer Real Rate Report (the “Real Rate Report”) confirms the reasonableness of my requested rate because it notes that for the Los Angeles area, which is a logical and reasonable comparison to this geographical marketplace given the overlap of counsel: (a) for associates generally, the median rate is \$680 per hour, with the upper quartile rate at \$880 per hour, and (b) for associates with seven or more years of experience, the median rate is \$674 per hour, and the upper quartile rate is \$888 per hour. Being that I have been in practice for over 10 years and helped collect more than \$100,000,000 for my clients on class/PAGA cases, I firmly believe that the Real Rate Report’s metrics (and the “upper quartile” rate in particular) are an accurate standard to measure the reasonableness of my requested rate.

14. I believe that the Real Rate Report is perhaps the best method to analyze my requested rate because it is based on an enormous and statistically significant compilation of data which is compiled to provide the hourly rates *actually* billed by partners and associates in metropolitan areas (such as Los Angeles). Thus, unlike other analyses or

1 methods to review the reasonableness of hourly rates, the Real Rate Report is not based
2 on self-reported numbers, surveys, sampling, or reviews or other publications – instead,
3 the Real Rate Report is based on the actual hours and fees that law firms billed to clients.
4 For this reason, the Real Rate Report is “a much better reflection of true market rates than
5 self-reported rates in all practice areas.” *Brown v. CVS Pharmacy, Inc.* (C.D. Cal. Apr.
6 24, 2017) 2017 U.S. Dist. LEXIS 182309, at *21; see also *PLCM Group, Inc. v. Drexler*
7 (2000) 22 Cal.4th 1084, 1085 (holding that rates should be premised upon precisely this
8 form of independent, “objective” rate data that reflects “fair market” rates actually billed
9 to clients “in the community for similar work”).

10 I declare under penalty of perjury under the laws of the State of California and the
11 United States of America that the foregoing is true and correct. Executed on March 22,
12 2024, at Riverside, California.

13
14 By: 
15 Peter J. Carlson, Esq.
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