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Attorneys for Plaintiff and the Class

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ORANGE

TARA JOY, as a private attorney general and as
an individual and on behalf of all others similarly
situated,

Plaintiffs,

vs.

CONTROL AIR ENTERPRISES LLC, a
Delaware limited liability company; CONTROL
AIR CONDITIONING CORP., a California
corporation; and DOES 1 through 50, inclusive,

Defendants.

Case No. 30-2020-01155488-CU-OE-CXC

[Hon. Lon F. Hurwitz, Department CX103]

**DECLARATION OF ROGER R. CARTER
IN SUPPORT OF PLAINTIFF'S MOTION
FOR FINAL APPROVAL OF CLASS
ACTION SETTLEMENT**

Date: August 25, 2023
Time: 1:30 p.m.
Department: CX103

1 I, Roger R. Carter, declare as follows:

2 1. I am an attorney duly licensed to practice law in all courts in the State of California and
3 am principal and founder of the Carter Law Firm, co-counsel for Plaintiff in this action.

4 2. I submit this declaration In Support of Plaintiff's Motion for Approval of Class Action
5 Settlement.

6 **Class Counsel Background and Experience**

7 3. I am admitted, in good standing, to practice as an attorney in the State of California, the
8 District of Columbia, and the United States District Courts for the Central, Northern and Southern
9 Districts of California. I have never been subject to discipline by any state bar.

10 4. I graduated from Tufts University in 1984 and received my law degree from William &
11 Mary in 1987. In 1988 I earned a Master's Degree in International Business and Taxation (LL.M.) and
12 I was admitted to the California bar in 1989. For approximately the last fifteen years I have narrowed
13 my practice exclusively to class action litigation.

14 5. My associate, Bianca A. Sofonio, graduated from law school in 1995, and has represented
15 and advised a variety of businesses and individuals, primarily in the area of employment law. Ms.
16 Sofonio has been my associate for the last fifteen years and her focus has also been cases involving class-
17 wide wage and hour issues. She has been instrumental in handling approximately 100 class cases from
18 settlement through final approval.

19 6. Since early 2007, my practice has been focused almost exclusively on wage and hour class
20 action cases. I have been appointed as class counsel or co-class counsel in more than 80 class actions in
21 state and federal courts, both through contested motions for class certification and motions for approval
22 of class action settlements. These cases have resulted in substantial monetary recoveries for hundreds of
23 thousands of employees. I have prosecuted wage and hour class actions against defendants such as
24 AT&T, Sprint, Verizon, Brinks, Abercrombie & Fitch Trading Co., Cisco Systems, Experian, Home
25 Depot, Big Lots, The Gap, Kmart, Kraft Foods, MetLife, Morgan Stanley, Petco, Ralphs, Rockwell
26 Collins, T-Mobile, Toys-R-Us, Burlington Coat Factory, Babies-R-Us and Western Digital, among
27 others.

28 7. I have litigated many cases involving the same issues raised in this case and am well-
versed in the law that applies to this case. I have a deep working knowledge of applicable case law,

1 statutes, and regulations relating to the claims alleged in this and related cases. I keep track of and review
2 trial court and appellate decisions on these issues as they are released.

3 8. Based on this research and knowledge of the law, along with my extensive experience in
4 wage and hour class actions, I believe that the settlement in this case is fair and appropriate given all
5 factors involved. We consider ourselves experienced and qualified to evaluate class claims and viability
6 of the defenses. That experience and those qualifications allowed our firm to assist in achieving an
7 efficient resolution of the claims in this matter.

8 9. I have successfully resolved cases involving wage and hour claims and have been
9 approved as Class Counsel on numerous occasions in both State and Federal Courts. I have certified
10 classes in *Gabriel Jimenez v. O'Reilly Automotive, et al.* (USDC Case No. SACV 12-310 AG, class
11 certified October 2016); *Felix, et al. v. Automobile Club of Southern California* (OCSC Case No.
12 07CC01421, class certified January 2012); and *Greg Smith, et al. v. California Pizza Kitchen, Inc.* (SDSC
13 Case No. 37-2008-0083992-CU-OE-CTL, class certified December 2009).

14 10. In the matters of *Michael Raziano, et al. v. Albertson's LLC*. Case No. 19-CV-04373 JAK
15 (ASx) (July 2021) *Mercqdo, et al. v. Gate Gourmet, et al.* Case No. CV07-2305 JHN (CWx), (October
16 2010) and *Buncio v. Host, International, et al.* CV09-01374DMG (PJWx), (July 2011) certification
17 motions were fully briefed and argued. Prior to the Court's issuance of an order on the certification
18 motion, the defendants in both cases agreed to mediate the matters and the cases subsequently settled.

19 11. My firm has a record of commitment to high standards of practice in both state and federal
20 courts and possesses extensive knowledge and experience in the field of wage and hour class actions,
21 which has resulted in meaningful recoveries for classes in courts throughout the state. *See Plows et al.*
22 *v. Rockwell Collins, Inc.*, Case No. SACV 10-1936 DOC (MANx) (C.D. Cal., August 2012)
23 (misclassification of high-tech engineers); *Henshaw et al. v. Home Depot U.S.A., Inc.*, Case No. SACV
24 10-01392-CJC (RNBx) (C.D. Cal., August 2012) (underpayment of vacation pay); *Dunn v. The Kroger*
25 *Company et al.*, Case No. BC323252 (Los Angeles Superior Court, May 2012) (meal and rest period
26 violations); *Smith v. California Pizza Kitchen, Inc.*, Case No. 37-2008-00083992-CU-OE-CTL (San
27 Diego County Superior Court, February 2012) (misclassification of restaurant managers); *Brown v.*
28 *Experian Information Solutions, Inc.*, Case No. 30-2010-00375163 (Orange County Superior Court,
December 2011) (misclassification of computer software employees); *Negrete v. Parker Hannifin, et al.*,

1 Case No. 30-2009-00241508-CU-OE-CXC (Orange County Superior Court, October 2011) (meal and
2 rest period violations); *Mercado v. Gate Gourmet, Inc.*, Case No. CV07-2305 JHN (CWx) (C.D. Cal.,
3 April 2011) (meal and rest period violations); *Durrani v. Western Digital Corporation*, Case No. 30-
4 2009-00268212 (Orange County Superior Court, February 2011) (misclassification of high-tech
5 engineers); *Gregg v. Belo Corp.*, Case No. RIC 523697 (Riverside County Superior Court, February
6 2011) (misclassification of newspaper delivery drivers as independent contractors); *Polar v. Kraft Foods,*
7 *Inc.*, Case No. 30-2008-00096152 (Orange County Superior Court, December 2010) (meal and rest
8 period violations due to donning and doffing requirements); *Azurin v. Harbor Distributing*, Case No. BC
9 421392 (Los Angeles County Superior Court, November 2010) (misclassification of beverage
10 distributors); *Kohlenberg v. Lululemon USA, Inc.* Case No. 30-2009-00255551 (Orange County Superior
11 Court, September 2010) (meal and rest period violations); *Shana Mayfield v. International Coffee Bean*
12 *& Tea LLC*, BC 397233 (Los Angeles County Superior Court, September 2010) (meal and rest period
13 violations); *Glen Graham v. DST Output of California, et al.*, Case No. PC 2008-0109 (El Dorado County
14 Superior Court, September 2010) (misclassification of computer software employees).

15 12. My firm will continue to dedicate the necessary resources, both in terms of money and
16 time, to prosecute this case properly, aggressively, and efficiently.

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1 Class Counsel Fees & Costs

2 13. Class Counsel Costs. To date, the Carter Law Firm has incurred approximately \$1,501.95
3 in costs in this action. A summary of my firm's expenses is attached as Exhibit A.

4 14. Class Counsel Hours. I have worked a total of approximately 42.90 hours on this case and
5 have a lodestar of \$32,175. All this time spent and the tasks we performed were reasonable and necessary
6 to the prosecution of this case. My detailed timesheets documenting all the hours I worked prosecuting
7 this case and the tasks performed are attached as Exhibit B. Co-counsel have concurrently filed
8 declarations detailing their experience, litigation expenses, and estimated hours related to this case from
9 the attorneys in their firms.

10 I declare under penalty of perjury under the laws of the State of California that the foregoing is
11 true and correct and that this Declaration was executed on July 31, 2023, at Newport Beach, California.

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14 ROGER R. CARTER
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EXHIBIT A

The Carter Law Firm

Joy v. Control Air Enterprises LLC

Costs

Expense Description	Expense
Copier Costs	
Printed (.25/each)	96.25
Copied (.25/each)	86.50
Scanned (.20/each)	74.20
Faxes (.15/each)	0.00
Subtotal:	\$256.95
Professional Fees	
Mediation	1,245.00
Subtotal:	\$1,245.00
Total	\$1,501.95

EXHIBIT B

Roger R. Carter, Esq. - Total Hours*Case Name: Joy v. Control Air Enterprises LLC*

Date	Activity	Time
7/23/20	Investigate paystub issues and review file; review retainer signed by class representative; negotiate terms of association agreement; draft and execute association agreement.	6.50
7/28/20	Review and approve draft PAGA letter.	.70
8/18/20	Review CA complaint prepared by co-counsel; legal research; read and respond to e-mails from co-counsel.	3.60
8/20/20	Read draft joint status report; discuss same.	.50
9/3/20	Read and respond to emails regarding cure issue.	.80
9/24/20	Read reply letter to defendant's alleged cure dispute; legal research re: issues raised.	3.80
11/17/20	Read supplemental PAGA letter; discuss same; send e-mail regarding receipt of draft discovery.	.90
11/18/20	Review and discuss discovery prepared by co-counsel.	2.60
1/26/21	Read mediator's rate sheet.	.20
2/8/21	Read email and attachment confirming mediation date; discuss same.	.30
2/9/21	Read notice of further CMC.	.10
2/10/21	Review draft FAC, stipulation for leave to amend CA complaint and proposed Order; review file.	3.00
5/24/21	Read and respond to e-mails regarding payment of mediation fees.	.30
6/21/21	Review mediation brief and supporting exhibits; legal research and review file.	3.30
6/22/21	Send e-mails regarding likelihood of mediator's proposal; review and discuss proposed settlement terms.	1.80
6/28/21	Read and discuss e-mail exchange regarding inclusion of vacation class.	.70
6/30/21	Review co-counsel's edits to memorandum of settlement.	.40
7/1/21	Read and respond to e-mails regarding edits to settlement terms.	.60
7/2/21	Review and discuss final draft of memorandum of settlement.	.80
1/31/22	Read draft long form settlement agreement	1.70
5/23/22	Read draft declaration of class representative ISO motion for approval; discuss same and status of draft motion with co-counsel.	1.00
6/7/22	Review file; read and respond to e-mails regarding review; prepare draft declaration ISO settlement approval; review draft declarations of co-counsel.	3.70
6/14/22	Read motion for preliminary approval of settlement, proposed Order and supporting declarations; discuss same.	2.70

6/17/22	Read joint CMC statement.	.20
4/15/23	Read supplement motion for approval, revised proposed Order, and supporting declarations.	2.30
7/26/23	Read draft declaration of class representative ISO motion for final approval.	.40
	TOTAL:	42.90
	42.90 @ \$750/HOUR = \$32,175	