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Attorneys for Plaintiff, on a representative basis and on behalf of all others similarly situated

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

ROBERT THREADGILL, individually, on a
representative basis, and on behalf of all
others similarly situated;

Plaintiff,

vs.

DECKER TRUCK LINE, INC., a Iowa
Corporation; and DOES 1 through 20,
inclusive;

Defendants.

Case No.: CIVDS2018856
*[Assigned to Hon. Judge David Cohn, Dept
S26, for all purposes]*

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

Complaint filed: August 6, 2020

I, Peter J. Carlson, state and declare:

1. I am an attorney duly licensed to practice law in the State of California and am a senior associate at Lauby, Mankin & Lauby LLP, attorneys of record for Plaintiff Robert Threadgill ("Plaintiff"). I am fully familiar with the facts of this case and submit this declaration in support of Plaintiff's Motion for Final Approval of this Class Action Settlement. The matters set forth herein are based upon my personal knowledge and, if called upon as a witness, I could and would give competent testimony with respect to the matters contained herein.

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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 155 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 half of these cases and have helped negotiate settlements totaling over \$88,000,000 for
15 my clients, the employees, and 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,
21 both of which were appealed. In 2018, I was the handling attorney on a PAGA-only case in
22 Orange County where my firm succeeded on a motion for summary adjudication and litigated
23 through trial to obtain a \$425,000 judgment for over 1,600 aggrieved employees. Also, in 2019,
24 I was the handling attorney for my firm on a class action against Walmart, where we obtained
25 class certification on behalf of over 5,000 employees. After extensive litigation, the matter went
26 to trial, and the jury returned a verdict of approximately \$6.1 million on the meal period claims.

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

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1 **HOURS INCURRED**

2 8. I have spent 238.5 hours working on this action and have kept contemporaneous
3 records of these billable hours. This includes: significant pre-filing work; legal research
4 regarding nuanced and issues unique to this matter; extensive litigation work connected to
5 Defendant's motion to quash for alleged lack of personal jurisdiction, along with the resulting
6 petitions filed by Defendant for review at the appellate and California Supreme Court levels;
7 discovery, deposition, and litigation work in relation to opposing (and defeating) Defendant's
8 motion for summary judgment; review and analysis of voluminous records from Defendant to
9 verify and value the claims herein; analyzing all relevant documents and data and drafting a
10 mediation brief and damage model; and work on the approval processes.

11 **HOURLY RATE**

12 9. My billing rate is \$575 per hour, and this rate is usual and customary for class
13 action and/or PAGA practitioners with my level of expertise and experience.

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

21 11. Importantly, the Real Rate Report data is not based on self-reported numbers,
22 instead, this is based on an analysis of the actual amounts billed to clients based on 25.8 million
23 billing entries and 23.9 million hours billed by over 112,100 individual timekeepers from 4,620
24 law firms, totaling \$9.02 billion in fees billed. And, specifically, the Los Angeles data is based
25 on review of 1,311 associates and the corresponding time and rates each billed to their client.

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

