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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

DAVID RUSSELL, individually, on a representative basis, and on behalf of all others similarly situated; Plaintiff, vs. DIGNITY HEALTH, a California Corporation; and DOES 1 through 20, inclusive; Defendants.	Case No.: CIVDS 2021522 *[Assigned to Hon. Joseph B. Widman, Dept S36, for all purposes]* **DECLARATION OF PETER J. CARLSON, ESQ., IN SUPPORT OF MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT**

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. I am fully familiar with the facts of this case and submit this declaration in support of Plaintiff's Motion for Final Approval. 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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QUALIFICATION OF COUNSEL

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

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

4. I have been the handling attorney on over 215 class action and/or representative PAGA actions. And, on these cases, myself and/or my firm have been appointed Class Counsel on over half of these cases and have helped negotiate settlements totaling over $150,000,000 for my clients, the employees, and the State of California.

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

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

7. Additionally, I have handled approximately 6 cases for which we received class certification orders following contested certification motions concerning similar claims.

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

HOURS INCURRED

9. Over the nearly 6-year period this case has been active (whether in litigation or the settlement process), I have spent 275.4 hours working on this action and have kept contemporaneous records of these billable hours. This total includes significant pre-filing work, including legal research regarding several nuanced issues unique to this matter. For instance, before filing and continuing throughout the litigation, I spent substantial time researching, assessing, and analyzing the potential claims alleged herein. Moreover, given the size of the company, I conducted an exhaustive pre-filing state-wide search of filings in state and federal court to determine if there were pending (or prior) class/PAGA actions with claims that overlap those intended in this action. My total hours also reflect the time spent opposing Defendant's various merits challenges to Plaintiff's case, including the Motion to Stay and Demurrer (which raised nuanced issues of LMRA preemption and other topics). Moreover, this includes all time spent preparation for mediation, including analysis of all necessary documents, data, and information needed for mediation (and class certification, if mediation was not successful), and then receiving, reviewing, and analyzing all pre-mediation documents. Finally, this total also includes all time spent attending mediation; drafting and negotiating the terms set forth in the settlement documents, reviewing and analyzing revisions from defense counsel, and then assisting with the full approval process.

HOURLY RATE

10. My billing rate is $750 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. For example, my requested rate is 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 (the "11-19 Years Out of Law School" category) is $878 per hour.

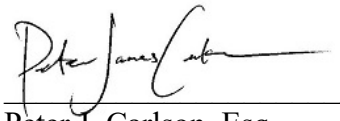
12. The reasonableness of my rate is also reinforced by facts showing that local attorneys in Los Angeles engaged in complex litigation bill at rates far higher than me – and far higher than the Laffey Matrix. Recent public filings confirm that the Los Angeles Department of Water and Power is paying outside counsel at minimum rates of $1,180 per hour for associates with 7 years of experience or more, and LADWP even pays first year associates $745 per hour. *See* https://www.latimes.com/california/story/2025-02-14/law-firm-1975-an-hour-defend-against-palisades-fire-lawsuits (last visited June 5, 2025). Considering these facts, my rate is reasonable as an 11-year attorney, since my rate ($750) is far less than the $1,180 LADWP pays to 7-year associates – and only $5 more than what LADWP pays to first-year associates.

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 upper quartile rate is $880 per hour, and (b) for associates with seven or more years of experience, the upper quartile rate is $888 per hour. Being that I have been in practice for over 11 years and helped collect more than $130,000,000 on class/PAGA cases, I firmly believe that the Real Rate Report's metrics (and the "upper quartile" rate) 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 methods to review the reasonableness of hourly rates, the Real Rate Report is not based on self-reported numbers, surveys, sampling, or reviews or other publications – instead, the Real Rate Report is based on the actual hours and fees that law firms billed to clients. For this reason, the Real Rate Report is "a much better reflection of true market rates than self-reported rates in all practice areas." *Brown v. CVS Pharmacy, Inc*. (C.D. Cal. Apr. 24, 2017) 2017 U.S. Dist. LEXIS 182309, at *21; *see also PLCM Group, Inc. v. Drexler* (2000) 22 Cal.4th 1084, 1085 (holding that rates should be premised upon precisely this form of independent, "objective" rate data that reflects "fair

market" rates actually billed to clients "in the community for similar work").

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on September 8, 2026, at Riverside, California.

By: 

Peter J. Carlson, Esq.