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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
COUNTY OF ORANGE

ASHLEY BROWN, individually, on a
representative basis, and on behalf of all
others similarly situated;

Plaintiff,

vs.

MINUTECLINIC DIAGNOSTIC MEDICAL
GROUP OF CALIFORNIA, INC., a
California Corporation; et al.;

Defendants.

Case No.: 30-2021-01185270-CU-OE-CXC
*[Assigned to Hon. Lon F. Hurwitz, Dept
CX103, for all purposes]*

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

Complaint filed: February 22, 2021

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 Ashley Brown ("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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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.

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).

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

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

HOURS INCURRED

8. I have spent 185.6 hours working on this action on tasks including: preliminary research of all Labor Code claims; in-depth research into Defendant's corporate entity and state-wide docket searches to identify any pending or related cases; investigation of the entities whom we believed to be relevant and potentially liable for these claims; drafting of the LWDA letter setting forth facts and claims on behalf of the Aggrieved Employees; drafting class and representative PAGA action complaint; meetings and conference calls to discuss viability of claims and impacts of new information learned during course of litigation; drafting and revising various pleadings; review, evaluation, and analysis of hundreds of pages of documents and over 135,000 rows of excel data produced by Defendant prior to mediation; post-settlement work on various documents; and the review and editing of preliminary and final approval documents. The 185.6 total hours spent on this case fall into these categories: (1) investigation and litigation, 87.6 hours, (2) mediation work, 58.9 hours, (3) settlement approval processes, 36.1 hours, and (4) estimated work after final approval, 3 hours.

HOURLY RATE

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

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

11. Importantly, the Real Rate Report data is not based on self-reported numbers, surveys, or sampling; instead, these figures are based on the actual amounts billed to clients on more than 25.8 million billing entries and 23.9 million hours billed by over 112,100 individual timekeepers from 4,620 law firms. And, specifically, the Los Angeles data is based on review of

1,311 associates and the corresponding time and rates each billed to their client.

12. 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 \$676 per hour.

13. My hourly rate has been approved by various courts in California, including the following non-exhaustive list of recent settlements for which I have been the handling attorney:

a. *Elizarraras v. Future Foam*, Orange County Superior Court, Case No. 30-2020-01152286-CU-OE-CXC (Sept. 13, 2022) (\$1,200,000 wage-and-hour class and PAGA settlement approved with lodestar cross-check of \$575 rate);

b. *Arevalos v. Americor Funding*, Orange County Superior Court, Case No. 30-2019-01068606-CU-OE-CXC (Aug. 16, 2022) (\$2,212,500 wage-and-hour class and PAGA settlement approved with lodestar cross-check of \$575 rate);

c. *Guzman v. Deckers Outdoor*, Riverside County Superior Court, Case No. CVRI2100707 (Sept. 30, 2022) (\$950,000 wage-and-hour class and PAGA settlement approved with lodestar cross-check of \$575 rate);

d. *Finger v. Professional Registry Holdings, LLC, et al.*, Riverside Superior Court, Case No. CVRI2101956 (June 28, 2022) (\$500,000 wage-and-hour class and PAGA settlement approved with lodestar cross-check of \$575 rate);

e. *Woods, et al. v. Just In Time Cargo, Inc.*, San Bernardino Superior Court, Case No. CIVDS200750 (June 8, 2022) (\$450,000 wage-and-hour class and PAGA settlement approved with lodestar cross-check of \$575 rate);

f. *Torres, et al. v. ePac Los Angeles, LLC, et al.*, San Bernardino Superior Court, Case No. CIVDS2017140 (April 19, 2022) (wage-and-hour class and PAGA settlement approved with lodestar cross-check of \$575 rate).

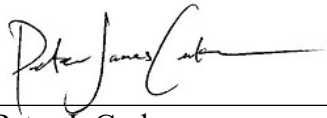
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1 I declare under penalty of perjury under the laws of the State of California that the
2 foregoing is true and correct. Executed on May 26, 2023, at Riverside, California.

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4 By: 
5 Peter J. Carlson
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