

Brian J. Mankin, Esq. [CSB No.: 216228]
brian@lmlfirm.com
Misty M. Lauby, Esq. [CSB No. 243009]
misty@lmlfirm.com
LAUBY, MANKIN & LAUBY LLP
5198 Arlington Avenue, PMB 513
Riverside, CA 92504
Tel: (951) 320-1444 | Fax: (951) 320-1445

Attorneys for Plaintiff and others similarly situated

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KEITH GUTHRIE, individually, on a
representative basis, and on behalf of
all others similarly situated;

Plaintiff,

vs.

ITS LOGISTICS, LLC, a Delaware
Company, and DOES 1 through 20,
inclusive;

Defendants.

Case No.: 1:21-CV-00729-KES-EPG

**DECLARATION OF BRIAN J.
MANKIN IN SUPPORT OF
MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT**

Hearing

Date: January 8, 2026

Time: 10:30 a.m.

Courtroom: 6

Complaint filed: March 9, 2021

I, Brian J. Mankin, state and declare:

1. I am an attorney licensed to practice before all of the courts of the State of California. I manage the employment law department and am a partner with the law firm of Lauby, Mankin & Lauby LLP, which has offices in Orange County and Riverside County. I am thoroughly familiar with and have personal knowledge of all of the facts set forth herein. I submit this declaration in support of Plaintiff's motion for final approval of this class action and PAGA settlement. If called as a witness, I could and would competently testify thereto.

DECLARATION OF BRIAN J. MANKIN IN SUPPORT OF
MOTION FOR FINAL APPROVAL

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

3. I have handled well over 500 employee vs. employer litigation matters during my 23 years in practice. Over the last 18 years, my practice has almost entirely consisted of representing employees, the majority of which has included class action and representative action wage and hour matters. In total, I have handled well over 300 class action and representative action wage/hour cases, and have been appointed by the court as class counsel and have received final court approval and judgment in over half of those actions to date, and anticipate receiving final approval in many more of those in the future.

4. As part of these settlements and judgments, I have recovered well in excess of \$250 million in damages for my clients and the class members (who often work as nurses, ambulance drivers, technicians, warehouse workers, truck drivers, sales, professional occupations and countless other trades). My team and I once held the record for the largest known PAGA-only case 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*, Los Angeles Superior Court).

5. I have tried two major class and PAGA cases against Fortune 100 companies. In 2018, I was lead counsel in a PAGA case that my firm tried in the Orange County Superior Court and received a \$425,000 judgment. In 2019, I was co-counsel in a class action case against Walmart in District Court, wherein the jury awarded Plaintiffs and the class over \$6 million. Both cases were appealed.

6. I was named by the LA Times as one “Southern California Leading Lawyers” in the May 2023 issue of Consumer Attorney’s of Southern California (a

1 recognition given to 17 employment/labor law attorneys in 2023). Additionally,
2 over the last five consecutive years, I have been selected by my peers as a “Super
3 Lawyer” in Employment Litigation, a distinction that only 5% of lawyers receive.

4 **Adequacy of the Settlement**

5 7. This topic is thoroughly addressed in the concurrently filed
6 declaration of my partner, Misty Lauby.

7 **Adequacy of Counsel and Reasonableness of Requested Fees and Costs**

8 8. As set forth above, I have handled well over 300 class and
9 representative actions. I have been appointed as class counsel and have
10 successfully resolved over half of those cases (while many are ongoing and will
11 successfully resolve in the future) while recovering hundreds of millions of dollars
12 for my clients and Class Members. This is substantially better than average
13 accordingly to Mayer Brown LLP’s study entitled, *An Empirical Analysis of Class*
14 *Actions*, cited in *Laguna v. Coverall North America, Inc.*, No. 12-55479 (9th Cir.
15 2014), which found that only one-third of class actions are successful, compared to
16 two-thirds that are defeated and result in no payment to the class members.^[1]

17 9. When this case was taken on a contingency fee basis, with my firm
18 agreeing to assume responsibility for all litigation costs, the ultimate result was far
19 from certain. In the course of this litigation, my firm paid all costs including filing
20 fees, court costs, research fees, and mediation costs. There was never a guarantee
21 that we would recoup those expenditures.

22 10. Here, in accordance with the Settlement Agreement, my firm is
23 seeking a fee of 25% of the Settlement Amount.

24 11. There are several factors why I believe that the Court should award
25 this percentage of the common fund as reasonable attorneys’ fees. First, my firm
26 aggressively litigated this action, which resulted in a fair and reasonable

27 ^[1]

28 www.mayerbrown.com/files/uploads/Documents/PDFs/2013/December/DoClassActionsBenefitClassMembers.pdf

1 settlement, especially in light of the disputed nature of the claims alleged. This
2 result was achieved by the work and success of my office, who negotiated the
3 settlement after extensive preparation, investigation, mediation, and substantial
4 work thereafter.

5 12. Second, Plaintiff faced significant risks going forward with the
6 litigation. As discussed in the motion for approval, Defendant raised various
7 defenses throughout this litigation, any one of which, if successful, could have
8 decimated Plaintiff's case. And Defendant vowed to raise all these defenses at trial.
9 Accordingly, Plaintiffs faced risky issues going forward with this litigation, and it
10 would have taken several more years to realize any recovery in this action along
11 with the possibility of post-trial appeals.

12 13. Third, my firm is experienced class action and PAGA litigators. This
13 experience and expertise, combined with the high quality of work performed in this
14 case, resulted in the settlement achieved in this case.

15 14. Fourth, my firm has been representing Plaintiffs strictly on a
16 contingency fee basis. To that end, we have incurred the risk of non-recovery after
17 investing a substantial amount of time, money, and resources, and have done so
18 since the inception of this case without any payment or compensation. If Plaintiff
19 had lost this case, we would have recovered nothing, and would have lost our out-
20 of-pocket costs. This is not an easy burden for my office, which is a small firm.

21 15. Fifth, the request for attorney's fees as a percentage of the common
22 fund falls well within the norms accepted by state and federal courts in California
23 in comparable wage and hour actions actually handled by my office.

24 16. At my office, this case was jointly handled by Misty Lauby and me
25 through the initial preliminary approval hearing. Thereafter, Ms. Lauby took over
26 and handled the case through the present. Ms. Lauby's experience, hourly rate and
27 hours are set forth in her declaration. I have been in practice for over 23 years,
28 with most of those years handling complex litigation and for over the last 18 years,

1 my practice has almost entirely consisted of handling class action wage and hour
2 matters. My billing rate is \$950/hour.

3 17. I believe these rates are comparable to those of other attorneys with
4 equal or similar experience, if not somewhat lower (*i.e.*, the Laffey Matrix at
5 www.laffeymatrix.com indicates that the benchmark rates are: \$878/hour for a 11–
6 19-year attorney and \$1,057/hour for a 20+ year attorney).

7 18. The reasonableness of these rates is reinforced by facts showing that
8 local attorneys in Los Angeles engaged in complex litigation bill at rates far higher
9 than my office – and far higher than the Laffey Matrix. Recent public filings
10 confirm that the Los Angeles Department of Water and Power is paying outside
11 counsel at minimum rates of \$1,800 for partners, \$1,180 per hour for associates
12 with 7 years of experience or more, and LADWP even pays first year associates
13 \$745 per hour. See [https://www.latimes.com/california/story/2025-02-14/law-
14 firm-1975-an-hour-defend-against-palisades-fire-lawsuits](https://www.latimes.com/california/story/2025-02-14/law-firm-1975-an-hour-defend-against-palisades-fire-lawsuits).

15 19. Moreover, the Wolters Kluwer 2023 Real Rate Report (“Real Rate
16 Report”) provides directly applicable information in this regard. The Real Rate
17 Report is based on an enormous and statistically significant compilation of data,
18 comprising millions billing entries from a hundred thousand individual
19 timekeepers who worked at thousands of law firms. The Real Rate Report then
20 compiles and analyzes this data to provide the hourly rates for partners and
21 associates in major metropolitan areas. For the southern California area: (a) the rate
22 for partners in Los Angeles is between \$840 and \$1,159 per hour for the middle
23 and upper quartiles, and (b) the rates for associates with seven or more years of
24 experience, the median rate is \$674 per hour, and the upper quartile rate is \$888
25 per hour. And, perhaps most importantly, the information provided in the Real
26 Rate Report is not based on self-reported numbers, surveys, sampling, or reviews
27 or other publications – instead, the Real Rate Report is based on the actual hours
28 and fees billed by law firms, which makes it “a much better reflection of true

1 market rates than self-reported rates in all practice areas.” *Brown v. CVS*
2 *Pharmacy, Inc.* (C.D. Cal. Apr. 24, 2017) 2017 U.S. Dist. LEXIS 182309, at *21.

3 20. My firm has performed considerable work and invested significant
4 time on the litigation and settlement of this matter, all to the benefit of this action.
5 This includes Ms. Lauby’s considerable work and hours that she billed on this
6 matter (as testified to in his declaration) plus 34 hours I billed on this matter. The
7 requested fee is warranted and appropriate because of the results achieved in these
8 actions. Defendant does not oppose this fee request.

9 21. In the course of prosecuting this action, my office has incurred
10 expenses necessary to the effective litigation of the action, which are also set forth
11 in Ms. Lauby’s declaration.

12 22. For the foregoing reasons, it is respectfully requested that the Court
13 grant approval of the settlement as being fair and reasonable, and approve the
14 requested attorneys’ fees, costs, and enhancement.

15 I declare under penalty of perjury under the laws of the State of California
16 that the foregoing is true and correct. Executed on December 9, 2025, at
17 Riverside, California.

18
19 By: s/ Brian J. Mankin
20 Brian J. Mankin, Esq.
21
22
23
24
25
26
27
28