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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

KARINA MORALES, individually, on a  
representative basis, and on behalf of all  
others similarly situated;

Plaintiff,

vs.

VPET USA, LLC, a Delaware Limited  
Liability Company; WORKFORCE  
PERSONNEL, INC., a California  
Corporation; and DOES 1 through 20,  
inclusive;

Defendants.

Case No.: CIVSB 2108161  
*[Assigned to Hon. Judge David Cohn, Dept  
S26, for all purposes]*

**DECLARATION OF MISTY M. LAUBY  
IN SUPPORT OF MOTION FOR FINAL  
APPROVAL OF CLASS ACTION  
SETTLEMENT**

Hearing

Date: November 10, 2022  
Time: 10:00 a.m.  
Dept. S26

Complaint filed: 3/9/21

1 I, Misty M. Lauby, state and declare:

2 1. I am an attorney licensed to practice before all of the courts of the State of  
3 California. I am a partner at Lauby, Mankin & Lauby LLP. I represent the Plaintiff in this  
4 action and I am thoroughly familiar with and have personal knowledge of all of the facts set forth  
5 herein. I submit this declaration in support of Plaintiff's Motion for Final Approval of Class  
6 Action Settlement. If called as a witness, I could and would competently testify thereto.

7 2. For the sake of brevity, this declaration does not discuss the settlement itself, the  
8 procedural background of the litigation, the claims and investigation by my firm and co-counsel,  
9 why the settlement is fair and reasonable, or my qualifications as counsel. Those topics are  
10 covered in detail in the previously filed declarations in support of preliminary approval. This  
11 declaration simply provides information in support of our attorneys' fee request.

12 **HOURS INCURRED**

13 3. I have spent 77.6 hours working on this action and have kept contemporaneous  
14 records of these billable hours. To that end, I performed substantial work on this case, including  
15 significant pre-filing work, legal research regarding nuanced and issues unique to this matter,  
16 review and analysis of voluminous records from Defendant to verify and value the claims herein,  
17 and work on the mediation, preliminary and final approval processes.

18 **HOURLY RATE**

19 4. My billing rate is \$650 per hour, and this rate is usual and customary for class  
20 action and/or PAGA practitioners with my level of expertise and experience.

21 5. This rate is consistent with Plaintiff and Defense attorneys who handle complex  
22 class action litigation, if not somewhat lower. For instance, the 2020 Wolters Kluwer Real rate  
23 Report ("Real Rate Report") states that the rates for partners in Los Angeles are between \$740  
24 and \$1,015 for the middle and upper quartiles.

25 6. Importantly, the Real Rate Report data is not based on self-reported numbers,  
26 surveys, or sampling – instead, these figures are based on an analysis of the actual amounts billed  
27 to clients based on more than 25.8 million billing entries and 23.9 million hours billed by other  
28 112,100 individual timekeepers from 4,620 law firms, totaling \$9.02 billion in fees billed.

7. My requested rate is also reasonable, consistent and less than the rate found in the Laffey Matrix ([www.laffeymatrix.com](http://www.laffeymatrix.com)), which indicates that the benchmark rate for an attorney that graduated law school in 2006 is \$764.

## CONCLUSION

8. For these reasons, as well as the facts and information presented in the concurrently filed Declaration of Brian J. Mankin, it is respectfully requested that the Court: (1) grant final approval of the settlement as being fair, reasonable, and in the best interests of the class, (2) appoint Plaintiff as the Class Representative, and (3) appoint Brian J. Mankin and Misty M. Lauby of Lauby, Mankin & Lauby LLP as Class Counsel,

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on October 19, 2022, at Los Angeles, California.

By   
Misty M. Lauby