

Brian J. Mankin, Esq. [CSB No. 216228]
brian@lmlfirm.com
Kristina Bui Carlson, Esq. [CSB No. 294924]
kristina@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, 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

RICHARD HARPER, individually, on a
representative basis, and on behalf of all others
similarly situated;

Plaintiff,

vs.

HAMNER TOWING, INC., a California
Corporation; and DOES 1 through 20, inclusive;

Defendants.

Case No.: CIVSB2127523

*[Assigned to Hon. Judge David Cohn, Dept S26,
for all purposes]*

**DECLARATION OF KRISTINA BUI
CARLSON, ESQ., IN SUPPORT OF
PLAINTIFF'S MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT**

Complaint filed: October 4, 2022

I, Kristina Bui Carlson, state and declare:

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

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 December 2013. I

1 am licensed to practice before all courts of the State of California and am admitted to practice
2 in the United States District Court for the Central District of California and have litigated cases
3 in various courts and counties throughout California, including the Court of Appeal.

4 3. I began working at Fernandez & Lauby LLP (the predecessor of Lauby, Mankin
5 & Lauby LLP) in September 2015 and, my current practice consists solely of representing
6 employees. All of my current cases have been litigated as class actions, representative PAGA
7 actions, or a combination of the two.

8 4. I have been the handling attorney on nearly two dozen class action and/or
9 representative PAGA actions. And, on these cases, myself and/or my firm have been
10 appointed Class Counsel and have helped negotiate settlements totaling millions of dollars for
11 our clients, the employees, and the State of California.

12 **HOURS INCURRED**

13 5. I have spent 139.30 hours working on this action on tasks including: in-dept
14 research into Defendant's corporate entity; docket searches to identify any pending or related
15 cases; drafting of the LWDA letter setting forth facts and claims on behalf of the Aggrieved
16 Employees; drafting the class and PAGA complaints; meetings and conference calls to discuss
17 viability of claims and impacts of new information learned during course of litigation; drafting
18 and revising various pleadings; drafting complete set of written discovery requests; drafting
19 *Belaire-West* notice and completion of the opt-out process; meet and confer with opposing
20 counsel related to discovery issues; review, evaluation, and analysis of thousands of pages of
21 data and documents produced by Defendant prior to mediation; investigation into the
22 individual owners of Defendant and other corporate holdings and financial viability prior to
23 mediation; post-settlement work on various documents; and the review and editing of
24 preliminary and final approval documents.

25 **HOURLY RATE**

26 6. My billing rate is \$550 per hour, and this rate is usual and customary for class
27 action and/or PAGA practitioners with my level of expertise and experience.

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7. 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 nearly 10 years, my experience falls squarely within the confines of that range, at a rate lower than those in the Real Rate Report.

8. 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.

9. 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.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on June 20, 2023 at Riverside, California.

By: Kristina Bui Carlson
Kristina Bui Carlson, Esq.