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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

KRISTY ELWELL, individually, on a
representative basis, and on behalf of all others
similarly situated;

Plaintiff,

vs.

DIVERSITY WIRELESS PARTNERS LLC, a
California Limited Liability Company; and
DOES 1 through 20, inclusive;

Defendants.

Case No.: CIVSB2134554

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

**DECLARATION OF PETER J.
CARLSON, ESQ., IN SUPPORT OF
PLAINTIFF'S MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Complaint filed: August 5, 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 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 Preliminary 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.

2. For the sake of brevity, this declaration does not discuss the settlement itself, the procedural background of the litigation, the claims and investigation by my firm, and why the settlement is fair and reasonable. Those topics are covered in detail in the concurrently filed

1 Declaration of Brian Mankin. This declaration simply provides information requested by the
2 court as to why I am adequate class counsel.

3 **QUALIFICATION OF COUNSEL**

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

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

13 5. I have been the handling attorney on over 140 class action and/or representative
14 PAGA actions. And, on these cases, myself and/or my firm have been appointed Class
15 Counsel on over 50 cases and have helped negotiate settlements totaling over \$81,000,000 for
16 my clients, the employees, and the State of California.

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

22 7. I have tried two major class and PAGA cases against Fortune 100 companies.
23 In 2018, I was the handling attorney on a PAGA-only case in Orange County where my firm
24 succeeded on a motion for summary adjudication and litigated through trial to obtain a
25 \$425,000 judgment for over 1,600 aggrieved employees. Also, in 2019, I was the handling
26 attorney for my firm on a class action against Walmart, where we obtained class certification
27 on behalf of over 5,000 employees. After extensive litigation, the matter went to trial, and the
28 jury returned a verdict of approximately \$6.1 million on the meal period claims.

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

CONCLUSION

9. As set forth above, I have litigated over 140 class and representative actions, and have successfully resolved over half of those cases, with many others still pending that will resolve in the future.

10. 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 preliminary approval of the settlement as being fair, reasonable, and in the best interests of the class, (2) appoint Plaintiff as the Class Representative, (3) appoint Brian J. Mankin and Peter J. Carlson of Lauby, Mankin & Lauby LLP, as Class Counsel, and (4) preliminarily approve the requested attorneys' fees, costs, and enhancement payment to the Class Representative.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on March 21, 2023 at Riverside, California.

By:

Robert James Cook

Peter J. Carlson, Esq.