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Attorneys for Plaintiffs, 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

Coordination Proceeding Special Title
(Rule 3.550)

AMERICAN TIRE WAGE AND HOUR
CASES

*Rafael Martinez, et al. v. American Tire
Distributors, Inc., et al.*

Case No.: CIVSB2133396
(San Bernardino Superior Court – 12-8-21)

*Germaine Tanner Sr., et al. v. American
Tire Distributors, Inc., et al.*

Case No.: 22CECG00735
(Fresno County Superior Court – 03-8-22)

Case No.: JCCP 5239
[Assigned to the Hon. Judge David Cohn, Dept.
S26, for all purposes]

**DECLARATION OF PETER J. CARLSON
IN SUPPORT OF MOTION FOR
PRELIMINARY APPROVAL**

Hearing

Date: April 25, 2023

Time: 10:00 a.m.

Dept.: S26

1 I, Peter J. Carlson, state and declare:

2 1. I am an attorney duly licensed to practice law in the State of California and am a
3 senior associate at Lauby, Mankin & Lauby LLP, attorneys of record for Plaintiff Rafael
4 Martinez (“Plaintiff”). I am fully familiar with the facts of this case and submit this declaration
5 in support of Plaintiff’s Motion for Preliminary Approval. The matters set forth herein are based
6 upon my personal knowledge and, if called upon as a witness, I could and would give competent
7 testimony with respect to the matters contained herein.

8 **QUALIFICATION OF COUNSEL**

9 2. I graduated from the University of Oregon School of Law in May 2013 and have
10 been a member, in good standing, of the State Bar of California since January 2014. I am
11 licensed to practice before all courts of the State of California and am admitted to practice in the
12 United States District Court for the Central District of California and have litigated cases in
13 various courts and counties throughout California, including successful briefing and argument in
14 the Court of Appeal.

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

19 4. I have been the handling attorney on over 145 class action and/or representative
20 PAGA actions. And, on these cases, myself and/or my firm have been appointed Class Counsel
21 on over half of these cases and have helped negotiate settlements totaling over \$87,000,000 for
22 my clients, the employees, and the State of California.

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

27 6. I have tried two major class and PAGA cases against Fortune 100 companies,
28 both of which were appealed. In 2018, I was the handling attorney on a PAGA-only case in

1 Orange County where my firm succeeded on a motion for summary adjudication and litigated
2 through trial to obtain a \$425,000 judgment for over 1,600 aggrieved employees. Also, in 2019,
3 I was the handling attorney for my firm on a class action against Walmart, where we obtained
4 class certification on behalf of over 5,000 employees. After extensive litigation, the matter went
5 to trial, and the jury returned a verdict of approximately \$6.1 million on the meal period claims.

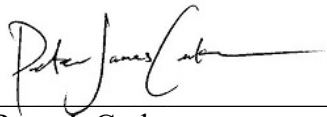
6 7. In 2022 and 2023, I was also selected as a Super Lawyers Rising Star.

7 **CONCLUSION**

8 8. As set forth above, I have litigated over 145 class and representative actions, and
9 have successfully resolved over half of those cases, with many others still pending that will
10 resolve in the future.

11 9. For these reasons, as well as the facts and information presented in the
12 concurrently filed Declaration of Brian J. Mankin, it is respectfully requested that the Court: (1)
13 grant preliminary approval of the settlement as being fair, reasonable, and in the best interests of
14 the class, (2) appoint Plaintiff as the Class Representative, (3) appoint Brian J. Mankin and Peter
15 J. Carlson of Lauby, Mankin & Lauby LLP, as well as Daniel Gaines of Gaines & Gaines, APLC
16 as Class Counsel, and (4) preliminarily approve the requested attorneys' fees, costs, and
17 enhancement payments to the Class Representatives.

18 I declare under penalty of perjury under the laws of the State of California that the
19 foregoing is true and correct. Executed on April 3, 2023, at Riverside, California.
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21 By: 
22 Peter J. Carlson
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