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Attorneys for Plaintiff and on behalf of the Proposed Class

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF STANISLAUS

NICHOLAS TOSTA, individually, on a
representative basis, and on behalf of all
others similarly situated;

Plaintiff,

vs.

FORMULATION TECHNOLOGY
INCORPORATED, a California
Corporation; and DOES 1 through 20,
inclusive;

Defendants.

Case No.: CV-22-000189
*[Assigned to Hon. Judge Sonny S. Sandhu, Dept
24, for all purposes]*

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

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 of record for Plaintiff Nicholas Tosta ("Plaintiff"). I am fully familiar with the facts of this case and submit this declaration in support of Plaintiff's Motion for Preliminary Approval. The matters set forth herein are based upon my personal knowledge and, if called upon as a witness, I could and would give competent testimony with respect to the matters contained herein.

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1 QUALIFICATION OF COUNSEL

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

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

12 4. I have been the handling attorney on 145 class action and/or representative PAGA
13 actions. And, on these cases, myself and/or my firm have been appointed Class Counsel on over
14 half of these cases and have helped negotiate settlements totaling over \$83,000,000 for my
15 clients, the employees, and the State of California.

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

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

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

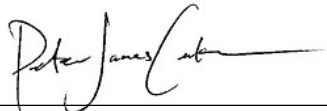
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1 **CONCLUSION**

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

5 9. For these reasons, as well as the facts and information presented in the
6 concurrently filed Declaration of Brian J. Mankin, it is respectfully requested that the Court: (1)
7 grant preliminary approval of the settlement as being fair, reasonable, and in the best interests of
8 the class, (2) appoint Plaintiff as the Class Representative, (3) appoint Brian J. Mankin and Peter
9 J. Carlson of Lauby, Mankin & Lauby LLP, as Class Counsel, and (4) preliminarily approve the
10 requested attorneys' fees, costs, and enhancement payment to the Class Representative.
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12 I declare under penalty of perjury under the laws of the State of California that the
13 foregoing is true and correct. Executed on May 15, 2023, at Riverside, California.

14 By: 
15 Peter J. Carlson
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