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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 RIVERSIDE

JOSHUA SHEETS, individually, on a
representative basis, and on behalf of all
others similarly situated;

Plaintiff,

vs.

KAYDAN LOGISTICS LLC, a California
limited liability company; and DOES 1
through 20, inclusive;

Defendants.

Case No.: CVRI2200610

*[Assigned to Hon. Harold Hopp, Dept 1, for all
purposes]*

**DECLARATION OF KRISTINA BUI
CARLSON, ESQ., IN SUPPORT OF
PLAINTIFF'S MOTION TO APPROVE
SETTLEMENT PURSUANT TO THE
PRIVATE ATTORNEYS GENERAL ACT
OF 2004**

Hearing

Date: May 28, 2024

Time: 8:30 a.m.

Dept.: 1

Complaint filed: February 14, 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 to
Approval of this Settlement Pursuant to the Private Attorneys General Act of 2004 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 am licensed to practice before all courts of the State of California and am admitted to practice in the United States District Court for the Central District of California and have litigated cases in various courts and counties throughout California, including the Court of Appeal.

3. I began working at Fernandez & Lauby LLP (the predecessor of Lauby, Mankin & Lauby LLP) in September 2015 and worked as in the firm's insurance defense department, handling complex construction defect actions. In 2021, I transitioned to my current practice that consists solely of representing employees. All of my current cases have been litigated as class actions, representative PAGA actions, or a combination of the two.

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

5. I have yet to be involved in a contested class certification motion or trial involving class claims as I have successfully resolved majority of my cases prior to a contested motion for class certification.

HOURS INCURRED

6. I have spent 192.6 hours working on this matter and have kept contemporaneous records of these billable hours – the detailed billing records are attached to the Declaration of Brian J. Mankin, Esq. and are submitted for the Court’s review. My time spent on this case reflects the time spent for tasks, such as reviewing and analyzing the case file and all documents during the transition of this matter to myself for daily handling; legal research into issues unique to this matter based on the facts presented by Plaintiff; meetings and conference calls to discuss viability of claims and impacts of new information learned during course of litigation; drafting of stipulation to set aside defaults against Defendants; drafting of the first amended complaint to add corresponding class claims; drafting and revising various pleadings;

1 reviewing and analyzing Defendant’s Motion for Removal; meeting and conferring with
2 defense counsel related to stipulation to remand the matter to State Court; drafting of
3 stipulation for remand; review, evaluation, and analysis of thousands of pages of data and
4 documents produced by Defendant prior to mediation; drafting of settlement documents;
5 drafting of all required class dismissal documents and declarations; drafting of a second
6 amended complaint to allege only PAGA causes of actions; drafting of the motion for approval
7 and notice documents; additional post-settlement work on various documents; and the review
8 and editing of preliminary and final approval documents.

9 **HOURLY RATE**

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

12 8. This rate is consistent with Plaintiff and Defense attorneys who handle complex
13 class action litigation, if not somewhat lower. For instance, the Wolters Kluwer 2020 Real
14 Rate Report (“Real Rate Report”) states that the median rates for associates in Los Angeles is
15 \$576.00 per hour, with the upper quartile rate at \$770.00 per hour. The Real Rate Report also
16 notes that the median and upper quartile rates for associates with 7 or more years of experience
17 are \$520 and \$789, respectively. Being that I have been in practice for over 9 years, my
18 experience falls squarely within the confines of that range, at a rate lower than those in the
19 Real Rate Report.

20 9. Importantly, the Real Rate Report data is not based on self-reported numbers,
21 surveys, or sampling – instead, these figures are based on an analysis of the actual amounts
22 billed to clients based on more than 25.8 million billing entries and 23.9 million hours billed by
23 over 112,100 individual timekeepers from 4,620 law firms, totaling \$9.02 billion in fees billed.
24 And, specifically, the Los Angeles data is based on review of 1,311 associates and the
25 corresponding time and rates each billed to their client.

26 10. My requested rate is also reasonable, consistent, and less than the rate found in
27 the Laffey Matrix (www.laffeymatrix.com), which indicates that the benchmark rate for an
28 attorney that graduated law school in 2013 is \$676 per hour.

11. My hourly rate of \$550 has been approved by various courts in California, including the following non-exhaustive list of recent settlements for which I have been the handling attorney:

- a. *Flores v. Sunrise Respiratory Care, Inc., et al.*, San Bernardino Superior Court, Case No. CIVSB2127592 (June 14, 2023) (\$385,300 wage-and-hour class and PAGA settlement)
- b. *Harper v. Hamner Towing, Inc.*, San Bernardino Superior Court, Case No. CIVSB2127523 (July 17, 2023) (\$290,000 wage-and-hour class and PAGA settlement)
- c. *Constant v. Rooter Ranger, LLC, et al.*, San Bernardino Superior Court, Case No. CIVSB2206149 (June 22, 2023) (\$400,000 wage-and-hour class and PAGA settlement)
- d. *Barboza v. Rudolph Foods Company, Inc.*, San Bernardino Superior Court, Case No. CIVSB2129090 (August 23, 2023) (\$1,250,000 wage-and-hour and PAGA settlement)
- e. *Dominguez v. Kenco Logistic Services, LLC*, Riverside Superior Court, Case No. CVRI2105393 (October 11, 2023) (\$1,624,068.84 wage-and-hour and PAGA settlement)
- f. *Cuevas v. Tarlani Corp.*, San Bernardino Superior Court, Case No. CIVSB2202953 (August 23, 2023) (\$1,063,471.88 wage-and-hour and PAGA settlement)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on May 2, 2024, at Riverside, California.

By:


Kristina Bui Carlson, Esq.