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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
COUNTY OF SAN BERNARDINO

PETER RODARTE, individually, on a
representative basis, and on behalf of all
others similarly situated;

Plaintiff,

vs.

WRIGHT BUSINESS GRAPHICS CA, a
California Limited Liability Company;
WRIGHT BUSINESS GRAPHICS LLC,
an Oregon Limited Liability Company;
ENNIS, INC., a Texas Corporation; and
DOES 1 through 20, inclusive;

Defendants.

Case No.: CIVSB2206705
*[Assigned to Hon. Judge David Cohn, Dept S26,
for all purposes]*

**DECLARATION OF MISTY M. LAUBY
ESQ. IN SUPPORT OF PLAINTIFF'S
UNOPPOSED MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Hearing

Date: July 31, 2023

Time: 9:00 a.m.

Dept.: S26

Complaint Filed: March 25, 2022

I, Misty M. Lauby, state and declare:

1. I am an attorney licensed to practice before all of the courts of the State of California. I am a partner at Lauby, Mankin & Lauby LLP. I represent the Plaintiff Peter Rodarte in this action and I am thoroughly familiar with and have personal knowledge of all of the facts set forth herein. I submit this declaration in support of Plaintiffs' Motion for Preliminary Approval of Class Action Settlement. If called as a witness, I could and would

1 competently testify thereto.

2 2. For the sake of brevity, this declaration does not discuss the settlement itself, the
3 procedural background of the litigation, the claims and investigation by my firm and co-counsel,
4 and why the settlement is fair and reasonable. Those topics are covered in detail in the
5 concurrently filed Declaration of Brian Mankin. This declaration simply provides information
6 requested by the court as to why I am adequate class counsel.

7 **COUNSEL’S EXPERIENCE**

8 3. I have been a member, in good standing, of the State Bar of California since 2006.
9 I am licensed to practice before all courts of the State of California and am admitted to practice
10 in the United States District Court for the Central District of California and have litigated cases
11 in various courts and counties throughout California.

12 4. I began working as an attorney for Fernandez & Lauby in 2006. From 2006
13 through March 2018, I worked in the firm’s insurance defense department as the handling
14 attorney in approximately 250-350 complex construction defect litigation matters that I
15 successfully managed and settled on behalf of multiple insurance carrier clients.

16 5. In or around March 2018, I transitioned to handling exclusively employee vs.
17 employer litigation matters.

18 6. Leading up to the transition and continuing through the present, I have taken
19 seriously the responsibility of acquiring expertise in the field by participating in numerous
20 continuing legal education seminars specific to the representation of employees in litigated
21 matters, mediation, and complex litigation, including the following non-exhaustive list:

- 22 a. California Employment Lawyers Association (“CELA”) Wage & Hour Boot
23 Camp in September 2016;
- 24 b. CELA 13th Annual Advanced Wage and Hour Seminar in May 2017;
- 25 c. CELA 30th Annual Employment Law Conference in October 2017;
- 26 d. Castle Publications and SheppardMullin Wage and Hour Laws in March
27 2018;
- 28 e. Bridgeport PAGA Claims 2018 Seminar in March 2018;

- f. California Lawyers Association Labor & Employment Law Section 35th Labor & Employment Law Annual Meeting April 2018;
- g. Bridgeport Class Action Litigation Conference Seminar in April 2018;
- h. Los Angeles County Bar Association 2018 Complex Court Symposium in November 2018;
- i. CELA 15th Annual Advanced Wage & Hour Seminar in May 2019;
- j. CELA 6th Annual Trial College in May-June 2019;
- k. Pepperdine University Strauss Institute for Dispute Resolution – Mediation: The Art of Facilitating Settlement, An Interactive Training Program in June 2019;
- l. CELA 32nd Annual Employment Law Conference in October 2019;
- m. CELA The Ethics of a PAGA Action in May 2020;
- n. CELA Annual Advanced Wage & Hour Update in May 2020;
- o. CELA Demystifying Video/Remote Depositions: A Technical and Legal Workshop in June 2020;
- p. CELA An Epic Problem: Mass Arbitration and Other Strategies for Responding to Class Action Waivers in June 2020;
- q. CELA 9th Annual CELA/Fair Diversity Leadership Summit in June 2020;
- r. CELA AB5 and the Future of Independent Contractors In California in June 2020;
- s. Trojan Horse, LLC – Various Participatory Case Analysis and Trial Advocacy MCLE programs throughout 2020 and 2021;
- t. CELA Advanced Wage & Hour Update in May 2021; and
- u. Trial Lawyers University Live in October 2021.

7. The vast majority of my employment cases have been litigated as class actions, representative PAGA actions or a combination of the two.

8. I have been the handling attorney on over 40 class action and/or representative PAGA actions. And, on these cases, myself and/or my firm have been appointed Class Counsel

1 on over 16 cases, and have helped recover over \$9,000,000 for my clients, the employees, and
2 the State of California. Moreover, I have an additional approximately \$9,000,000 in pending
3 settlements at various stages of the approval process.

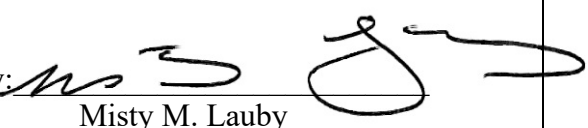
4 9. I have been involved in one contested class certification motion in a case that
5 settled just prior to the class certification hearing.

6 **CONCLUSION**

7 10. As set forth above, I have litigated over 40 class and representative actions, and
8 have successfully resolved at least 16 of those cases, with many others still pending that will
9 resolve in the future.

10 11. For these reasons, as well as the facts and information presented in the
11 concurrently filed Declaration of Brian J. Mankin, it is respectfully requested that the Court: (1)
12 grant preliminary approval of the settlement as being fair, reasonable, and in the best interests of
13 the class, (2) appoint Plaintiffs as the Class Representatives, and (3) appoint Brian J. Mankin and
14 Misty M. Lauby of Lauby, Mankin & Lauby LLP as Class Counsel,

15 I declare under penalty of perjury under the laws of the State of California that the
16 foregoing is true and correct. Executed on July 6, 2023, at Los Angeles, California.

17
18 By: 

Misty M. Lauby