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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

BRETT CONSTANT, individually, on a  
representative basis, and on behalf of all others  
similarly situated;

Plaintiff,

vs.

ROOTER RANGER, LLC, an Arizona Limited  
Liability Company; BEEBE ENTERPRISES,  
INC., a California Corporation; and DOES 1  
through 20, inclusive;

Defendants.

Case No.: CIVSB 2206149

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

**DECLARATION OF KRISTINA BUI  
CARLSON, ESQ., IN SUPPORT OF  
PLAINTIFF'S MOTION FOR FINAL  
APPROVAL OF CLASS ACTION  
SETTLEMENT**

Complaint filed: March 21, 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 for  
Final 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.

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1 **QUALIFICATION OF COUNSEL**

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

7 3. I began working at Fernandez & Lauby LLP (the predecessor of Lauby, Mankin  
8 & Lauby LLP) in September 2015 and, my current practice consists solely of representing  
9 employees. All of my current cases have been litigated as class actions, representative PAGA  
10 actions, or a combination of the two.

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

15 **HOURS INCURRED**

16 5. I have spent 152.70 hours working on this action on tasks including: in-dept  
17 research into Defendant's corporate entity and owners; state-wide docket searches to identify  
18 any pending or related cases; drafting of the LWDA letter setting forth facts and claims on  
19 behalf of the Aggrieved Employees; drafting the class and PAGA; meetings and conference  
20 calls to discuss viability of claims and impacts of new information learned during course of  
21 litigation; drafting and revising various pleadings; meet and confer with opposing counsel  
22 related to potential demurrer issues; review, evaluation, and analysis of thousands of pages of  
23 data and documents produced by Defendant prior to mediation; investigation into the  
24 individual owners of Defendant and other corporate holdings and financial viability prior to  
25 mediation; post-settlement work on various documents; drafting of dismissal of incorrect  
26 defendant; and the review and editing of preliminary and final approval documents.

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**HOURLY RATE**

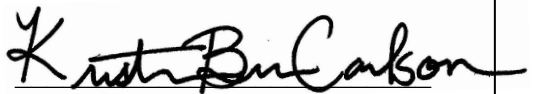
6. My billing rate is \$550 per hour, and this rate is usual and customary for class action and/or PAGA practitioners with my level of expertise and experience.

7. This rate is consistent with Plaintiff and Defense attorneys who handle complex class action litigation, if not somewhat lower. For instance, the Wolters Kluwer 2020 Real Rate Report ("Real Rate Report") states that the median rates for associates in Los Angeles is \$576.00 per hour, with the upper quartile rate at \$770.00 per hour. The Real Rate Report also notes that the median and upper quartile rates for associates with 7 or more years of experience are \$520 and \$789, respectively. Being that I have been in practice for nearly 10 years, my experience falls squarely within the confines of that range, at a rate lower than those in the Real Rate Report.

8. Importantly, the Real Rate Report data is not based on self-reported numbers, surveys, or sampling; instead, these figures are based on the actual amounts billed to clients on more than 25.8 million billing entries and 23.9 million hours billed by over 112,100 individual timekeepers from 4,620 law firms. And, specifically, the Los Angeles data is based on review of 1,311 associates and the corresponding time and rates each billed to their client.

9. My requested rate is also reasonable, consistent, and less than the rate found in the Laffey Matrix ([www.laffeymatrix.com](http://www.laffeymatrix.com)), which indicates that the benchmark rate for an attorney that graduated law school in 2013 is \$676 per hour.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on May 31, 2023 at Riverside, California.

By:   
Kristina Bui Carlson, Esq.