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Attorneys for Plaintiff Daniel Lopez and on behalf of the Proposed Class

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO

DANIEL LOPEZ, individually, on a
representative basis, and on behalf of all
others similarly situated;

Plaintiff,

vs.

MARTINEZ CONCRETE, INC., a
California Corporation, ROBERTO
MARTINEZ, an Individual, and DOES 1
through 20, inclusive;

Defendants.

Case No.: CIVSB2208282
*[Assigned to Hon. Joseph Ortiz, Dept. S17, for
all purposes]*

**DECLARATION OF MISTY LAUBY IN
SUPPORT OF PLAINTIFF'S MOTION
FOR PRELIMINARY APPROVAL**

Hearing

Date: November 6, 2023
Time: 1:30 p.m.
Dept.: S17

Complaint filed: April 21, 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 Plaintiff Daniel Lopez 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 competently testify thereto.

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1 **COUNSEL'S EXPERIENCE**

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

6 3. I began working as an attorney for Fernandez & Lauby in 2006. From 2006
7 through March 2018, I worked in the firm's insurance defense department as the handling
8 attorney in approximately 250-350 complex construction defect litigation matters that I
9 successfully managed and settled on behalf of multiple insurance carrier clients.

10 4. In or around March 2018, I transitioned to handling exclusively employee vs.
11 employer litigation matters.

12 5. Leading up to the transition and continuing through the present, I have taken
13 seriously the responsibility of acquiring expertise in the field by participating in numerous
14 continuing legal education seminars specific to the representation of employees in litigated
15 matters, mediation, and complex litigation.

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

18 7. I have been the handling attorney on over 40 class action and/or representative
19 PAGA actions. And, on these cases, myself and/or my firm have been appointed Class Counsel
20 on over 16 cases, and have helped recover over \$11,000,000 for my clients, the employees, and
21 the State of California. Moreover, I have an additional approximately \$9,000,000 in pending
22 settlements at various stages of the approval process.

23 8. I have been involved in one contested class certification motion in a case that
24 settled just prior to the class certification hearing.

25 **CONCLUSION**

26 9. As set forth above, I have litigated over 40 class and representative actions, and
27 have successfully resolved at least 18 of those cases, with many more still pending that will
28 resolve in the near future.

10. For the foregoing reasons, it is respectfully requested that the Court grant preliminary approval of the settlement as being fair, reasonable, and in the best interests of the class, as well as preliminarily approve the requested attorneys' fees, costs, and enhancement payment to the Class Representatives.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on October 12, 2023, at Los Angeles, California.

By: _____

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Misty M. Lauby