

Brian J. Mankin, Esq. [CSB No. 216228]  
*brian@lmlfirm.com*  
Peter J. Carlson, Esq. [CSB No. 295611]  
*peter@lmlfirm.com*  
LAUBY, MANKIN & LAUBY LLP  
5198 Arlington Avenue, PMB 513  
Riverside, CA 92504  
Tel: (951) 320-1444 | Fax: (951) 320-1445

Kirk D. Hanson, State Bar No. 167920  
LAW OFFICES OF KIRK D. HANSON  
2790 Truxtun Rd., Suite 140  
San Diego, California 92106  
(619) 523-1992 Tel.  
(619) 523-9002 Fax

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

EDUARDO RIVERA, individually, on a  
representative basis, and on behalf of all  
others similarly situated;

Plaintiff,

vs.

PATRIOT PAVING, INC., a California  
Corporation; and DOES 1 through 20,  
inclusive;

Defendants.

Case No.: CIVSB2210619  
*[Assigned to Hon. Judge David Cohn, Dept S26,  
for all purposes]*

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

Hearing

Date: July 14, 2023

Time: 9:00 a.m.

Dept.: S26

Complaint filed: May 27, 2022

1 I, Peter J. Carlson, state and declare:

2 1. I am an attorney duly licensed to practice law in the State of California and am a  
3 senior associate at Lauby, Mankin & Lauby LLP, attorneys of record for Plaintiff. I am fully  
4 familiar with the facts of this case and submit this declaration in support of Plaintiff's Motion for  
5 Preliminary Approval. The matters set forth herein are based upon my personal knowledge and,  
6 if called upon as a witness, I could and would give competent testimony with respect to the  
7 matters contained herein.

8 **QUALIFICATION OF COUNSEL**

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

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

19 4. I have been the handling attorney on over 155 class action and/or representative  
20 PAGA actions. And, on these cases, myself and/or my firm have been appointed Class Counsel  
21 on over half of these cases and have helped negotiate settlements totaling over \$88,000,000 for  
22 my clients, the employees, and the State of California.

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

27 6. I have tried two major class and PAGA cases against Fortune 100 companies,  
28 both of which were appealed. In 2018, I was the handling attorney on a PAGA-only case in

1 Orange County where my firm succeeded on a motion for summary adjudication and litigated  
2 through trial to obtain a \$425,000 judgment for over 1,600 aggrieved employees. Also, in 2019,  
3 I was the handling attorney for my firm on a class action against Walmart, where we obtained  
4 class certification on behalf of over 5,000 employees. After extensive litigation, the matter went  
5 to trial, and the jury returned a verdict of approximately \$6.1 million on the meal period claims.

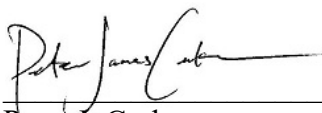
6 7. In 2022 and 2023, I was also selected as a Super Lawyers Rising Star.

7 **CONCLUSION**

8 8. As set forth above, I have litigated over 155 class and representative actions, and  
9 have successfully resolved over half of those cases, with many others still pending that will  
10 resolve in the future.

11 9. For these reasons, as well as the facts and information presented in the  
12 concurrently filed Declaration of Brian J. Mankin, it is respectfully requested that the Court: (1)  
13 grant preliminary approval of the settlement as being fair, reasonable, and in the best interests of  
14 the class, (2) appoint Plaintiff as the Class Representative, (3) appoint Brian J. Mankin and Peter  
15 J. Carlson of Lauby, Mankin & Lauby LLP, along with Kirk Hanson of the Law Offices of Kirk  
16 D. Hanson as Class Counsel, and (4) preliminarily approve the requested attorneys' fees, costs,  
17 and enhancement payment to the Class Representative.

18 I declare under penalty of perjury under the laws of the State of California that the  
19 foregoing is true and correct. Executed on June 21, 2023, at Riverside, California.  
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21 By:   
22 Peter J. Carlson  
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