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Attorneys for Plaintiff and on behalf of the Proposed Class

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ORANGE

EDWARD CRUZ, individually, on a
representative basis, and on behalf of all
others similarly situated;

Plaintiff,

vs.

C T CORPORATION SYSTEM., a
Delaware Corporation; and DOES 1
through 20, inclusive;

Defendants.

Case No.: 30-2022-01261966-CU-OE-CXC
*[Assigned to Hon. Melissa McCormick, Dept
CX104, for all purposes]*

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

Hearing

Date: March 14, 2024

Time: 2:00 p.m.

Dept: CX104

I, Peter J. Carlson, state and declare:

1. I am an attorney duly licensed to practice law in the State of California and am a senior associate at Lauby, Mankin & Lauby LLP, attorneys of record for Plaintiff Edward Cruz ("Plaintiff"). I am fully familiar with the facts of this case and submit this declaration in support of Plaintiff's Motion for Final Approval. The matters set forth herein are based upon my personal knowledge 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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3. I began working at Fernandez & Lauby LLP (the predecessor of Lauby, Mankin & Lauby LLP) in March 2016 and, since that time, my practice has consisted solely of representing employees. The vast majority of my cases have been litigated as class actions, representative PAGA actions, or a combination of the two.

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

7. In 2022, 2023, and 2024 I was also selected as a Super Lawyers Rising Star.

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8. I have spent 248.8 hours working on this action and have kept contemporaneous records of these billable hours. This total includes significant pre-filing work, including legal research regarding nuanced and issues unique to this matter, conducting a state-wide search of filings in state and federal court to determine if there were pending (or prior) class/PAGA actions with claims that overlap those intended in this action, drafting the letter to the LWDA to begin the exhaustion of administrative remedies, drafting the initial class action complaint, and drafting various pleadings during litigation. Moreover, this total captures the substantial time spent researching issues for class certification and mediation, including drafting informal discovery requests, engaging in the meet and confer process with defense counsel about the requests, and then receiving, reviewing, and conducting an in-depth analysis of policy documents and payroll and timekeeping data for 113 putative class members (spanning more than 200,000 rows of excel data). Finally, this total also includes all time spent attending mediation, preparing the settlement documents, reviewing revisions from defense counsel, and then drafting and filing all approval documents.

9. My billing rate is \$650 per hour, and this rate is usual and customary for class action and/or PAGA practitioners with my level of expertise and experience.

10. This rate is consistent with Plaintiff and Defense attorneys who handle complex class action litigation, if not somewhat lower.

11. For example, my requested rate is also reasonable, consistent, and less than the rate found in the Laffey Matrix (www.laffeymatrix.com), which indicates that the benchmark rate for an attorney that graduated law school in 2013 is \$777 per hour.

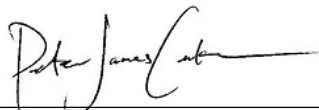
12. Additionally, the 2023 Wolters Kluwer Real Rate Report (the “Real Rate Report”) confirms the reasonableness of my requested rate because it notes that for the Los Angeles area, which is a logical and reasonable comparison to this geographical marketplace given the overlap of counsel: (a) for associates generally, the median rate is \$680 per hour, with the upper quartile rate at \$880 per hour, and (b) for associates with seven or more years of experience, the median

1 rate is \$674 per hour, and the upper quartile rate is \$888 per hour. Being that I have been in
2 practice for over 10 years and helped collect more than \$94,500,000 for my clients on
3 class/PAGA cases, I firmly believe that the Real Rate Report's metrics (and the "upper quartile"
4 rate) are an accurate standard to measure the reasonableness of my requested rate.

5 13. I believe that the Real Rate Report is perhaps the best method to analyze my
6 requested rate because it is based on an enormous and statistically significant compilation of data
7 which is compiled to provide the hourly rates *actually* billed by partners and associates in
8 metropolitan areas (such as Los Angeles). Thus, unlike other analyses or methods to review the
9 reasonableness of hourly rates, the Real Rate Report is not based on self-reported numbers,
10 surveys, sampling, or reviews or other publications – instead, the Real Rate Report is based on
11 the actual hours and fees that law firms billed to clients. For this reason, the Real Rate Report is
12 "a much better reflection of true market rates than self-reported rates in all practice areas."
13 *Brown v. CVS Pharmacy, Inc.* (C.D. Cal. Apr. 24, 2017) 2017 U.S. Dist. LEXIS 182309, at *21;
14 see also *PLCM Group, Inc. v. Drexler* (2000) 22 Cal.4th 1084, 1085 (holding that rates should be
15 premised upon precisely this form of independent, "objective" rate data that reflects "fair
16 market" rates actually billed to clients "in the community for similar work").

17 I declare under penalty of perjury under the laws of the State of California that the
18 foregoing is true and correct. Executed on February 21, 2024, at Riverside, California.

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20 By:


Peter J. Carlson