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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 DIEGO**

SALVADOR RAMOS, individually, on a  
representative basis, and on behalf of all others  
similarly situated;

Plaintiff,

vs.

WHITE LINE SYSTEMS, LLC, a Texas  
Limited Liability Company, DRIVEN 2  
DRIVE LEASING, LLC, a Texas Limited  
Liability Company, and DOES 1 through 20,  
inclusive;

Defendants.

Case No.: CIVSB2216314  
*[Assigned to Hon. Jessica Morgan, Dept. S26,  
for all purposes]*

**DECLARATION OF MISTY M. LAUBY  
IN SUPPORT OF MOTION FOR FINAL  
APPROVAL OF CLASS ACTION  
SETTLEMENT**

Hearing

Date: August 22, 2024

Time: 8:30 a.m.

Dept.: S26

Complaint filed: 12/1/2022

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 Salvador Ramos 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 Plaintiff's Motion for Final Approval of Class Action Settlement. If called as a witness, I could and would competently testify thereto.

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

## COUNSEL'S EXPERIENCE

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

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

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

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

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

- f. California Lawyers Association Labor & Employment Law Section 35<sup>th</sup> 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 15<sup>th</sup> Annual Advanced Wage & Hour Seminar in May 2019;
- j. CELA 6<sup>th</sup> 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 32<sup>nd</sup> 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 9<sup>th</sup> 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

on over 24 cases, and have helped recover over \$19,000,000 for my clients, the employees, and the State of California.

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

10. Attached as **Exhibit A** is a list of 24 resolved and/or settlement class actions, collective actions, and/or PAGA actions that I have handled in the last 5.5 years (note: this list excludes currently active cases and settlements pending approval).

#### **HOURS INCURRED**

11. I have spent 154.4 hours working on this action and have kept contemporaneous records of these billable hours. To that end, I performed substantial work on this case, including significant pre-filing work, legal research regarding nuanced and issues unique to this matter, review and analysis of voluminous records from Defendant to verify and value the claims herein, and work on the mediation session, preliminary and final approval processes.

#### **HOURLY RATE**

12. 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.

13. This rate is consistent with Plaintiff and Defense attorneys who handle complex class action litigation, if not somewhat lower. For instance, the 2023 Wolters Kluwer Real rate Report (“Real Rate Report”) states that the rates for partners in Los Angeles are between \$840 and \$1,159 for the middle and upper quartiles.

14. Importantly, the Real Rate Report data is not based on self-reported numbers, surveys, or sampling – instead, these figures are based on an analysis of the actual amounts billed to clients based on more than 160 billion in billing entries.

15. 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 2006 is \$878.

16. My hourly rate has been approved by various courts in California, including the following non-exhaustive list of recent settlements for which I have been the handing attorney:

1 a. *Robertson v. All Care*, Los Angeles Superior Court, Case No 20STCV18318  
2 (March 17, 2022) (\$1.4M wage-and-hour class and PAGA settlement approved with lodestar  
3 cross-check of \$650 rate).

4 b. *Morales v. VPET*, San Bernardino Superior Court, Case No. CIVSB2108161  
5 (November 22, 2022) (\$250,000 wage-and-hour class and PAGA settlement approved with  
6 lodestar cross-check of \$650 rate).

7 c. *Moreno v. JJ Kane*, Riverside Superior Court, Case No. CVRI2101236  
8 (September 7, 2022) (\$235,000 wage-and-hour class and PAGA settlement approved with  
9 lodestar cross-check of \$650 rate).

10 d. *Blanton v. CTDI*, San Joaquin Superior Court, Case No. STK-CV-UOE-2021-  
11 0005136, (August 23, 2023) (\$2,000,000 wage-and-hour class and PAGA settlement approved  
12 with lodestar cross-check of \$650 rate).

13 e. *Zuniga v. Desert AIDS Project*, Riverside Superior Court, Case No. RIC2003219,  
14 (August 25, 2023) (\$400,000 wage-and-hour class and PAGA settlement approved with lodestar  
15 cross-check of \$650 rate).

16 f. *Northrup v Guyou*, Riverside Superior Court Case No. CVRI2105858 (December  
17 15, 2023) (\$300,000 wage-and-hour class and PAGA settlement approved with lodestar cross-  
18 check of \$650 rate).

19 g. *Rodarte v. Wright Business Graphics*, San Bernardino Superior Court Case No.  
20 CIVSB2206705, (December 6, 2023)(\$310,000 wage-and-hour class and PAGA settlement  
21 approved with lodestar cross-check of \$650 rate).

22 h. *Zubia v. Procter & Gamble*, Los Angeles Superior Court Case No.  
23 20STCV44506, (January 17, 2024)(\$3,750,000 wage-and-hour class and PAGA settlement  
24 approved with lodestar cross-check of \$650 rate).

25 i. *Lopez v. Martinez Concrete*, San Bernardino Superior Court Case No.  
26 20STCV44506, (February 27, 2024)(\$350,977.22 wage-and-hour class and PAGA settlement  
27 approved with lodestar cross-check of \$650 rate).  
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1 j. *Valenzuela v. Clarkwestern*, Sacramento Superior Court Case No. 34-2021-  
2 00307823, (April 12, 2024)(\$2,5000,000 wage-and-hour class and PAGA settlement approved  
3 with lodestar cross-check of \$650 rate).

4 **CONCLUSION**

5 17. As set forth above, I have litigated over 40 class and representative actions, and  
6 have successfully resolved at least 24 of those cases, with many others still pending that will  
7 resolve in the future.

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

13 I declare under penalty of perjury under the laws of the State of California that the  
14 foregoing is true and correct. Executed on July 29, 2024, at Los Angeles, California.

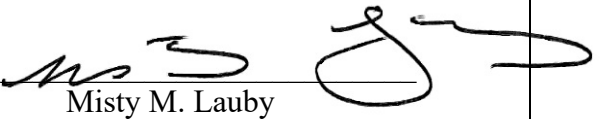
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17 By:   
18 Misty M. Lauby  
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EXHIBIT “A”

| Completed Class/Collective/PAGA Cases |                |                  |
|---------------------------------------|----------------|------------------|
| Case Name                             | Venue          | Case Number      |
| Calderon v. Prudential                | Los Angeles    | 22STCV13172      |
| Castelo v. Millemiaaero               | San Bernardino | CIVDS1825783     |
| Constante v. Eddie's Trucking         | San Bernardino | CIVDS1902466     |
| Blanton v. CTDI                       | San Joaquin    | 2021-0005136     |
| Diaz v. Shamrock Foods                | Riverside      | RIC2004126       |
| Gallardo v. Tee For 2                 | San Bernardino | CIVDS1719564     |
| Garcia v. Coach                       | USDC           | 5:18-cv-01537    |
| Garcia v. Harkins                     | USDC           | 5:18-cv-02314    |
| Legorreta v. Paradise                 | Riverside      | RIC1723591       |
| Lepe v. Big Lots                      | San Bernardino | CIVDS1825693     |
| Lopez v. Martinez Concrete            | San Bernardino | CIVSB2208282     |
| Lupercio v. Access Exterminator       | San Bernardino | CIVDS1921036     |
| McCulloch v. The Gill                 | Los Angeles    | BC722742         |
| Morales v. VPET                       | San Bernardino | CIVSB2108161     |
| Moreno v. JJ Kane                     | Riverside      | CVRI2101236      |
| Northrup v. Guyou                     | Riverside      | CVRI2105858      |
| Palmer v. Charter                     | San Bernardino | CIVDS2013037     |
| Redman v. Zenith                      | San Bernardino | CIVDS1826759     |
| Robertson v. All Care                 | Los Angeles    | 20STCV18318      |
| Rodarte v. Wright Business            | San Bernardino | CIVSB2206705     |
| Rueda/Valenzuela v. Clarkwestern      | Sacramento     | 34-2021-00307823 |
| Ruiz v. Unity Courier Service         | Los Angeles    | BC724435         |
| Zubia v. P&G                          | Los Angeles    | 20STCV44506      |
| Zuniga v. Desert AIDS                 | Riverside      | RIC2003219       |