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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

EDGAR HERNANDEZ, individually, on a
representative basis, and on behalf of all
others similarly situated;

Plaintiff,

vs.

ROOM & BOARD, INC., a Minnesota
Corporation; and DOES 1 through 20,
inclusive;

Defendants.

Case No.: 22STCV30047
*[Assigned to Hon. William F. Highberger,
Dept SS10, for all purposes]*

**DECLARATION OF PETER J.
CARLSON, ESQ., IN SUPPORT OF
MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT**

Complaint filed: September 15, 2022
FAC filed: December 15, 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 Edgar
4 Hernandez ("Plaintiff"). I am fully familiar with the facts of this case and submit this declaration
5 in support of Plaintiff's Motion for Preliminary Approval. The matters set forth herein are based
6 upon my personal knowledge and, if called upon as a witness, I could and would give competent
7 testimony with respect to the matters contained herein.

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

13 **QUALIFICATION OF COUNSEL**

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

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

24 5. I have been the handling attorney on 160 class action and/or representative PAGA
25 actions. And, on these cases, myself and/or my firm have been appointed Class Counsel on over
26 half of these cases and have helped negotiate settlements totaling over \$90,500,000 for my
27 clients, the employees, and the State of California.

6. 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. I have tried two major class and PAGA cases against Fortune 100 companies, both of which were appealed. In 2018, I was the handling attorney on a PAGA-only case in Orange County where my firm succeeded on a motion for summary adjudication and litigated through trial to obtain a \$425,000 judgment for over 1,600 aggrieved employees. Also, in 2019, I was the handling attorney for my firm on a class action against Walmart, where we obtained class certification on behalf of over 5,000 employees. After extensive litigation, the matter went to trial, and the jury returned a verdict of approximately \$6.1 million on the meal period claims.

8. Additionally, I have handled approximately 6 cases for which we received class certification orders following contested certification motions concerning similar claims.

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

CONCLUSION

10. As set forth above, I have litigated 160 class and representative actions, and have successfully resolved many of those cases, with many others that will resolve in the future.

11. For these reasons, as well as the facts and information presented in the concurrently filed Declaration of Brian J. Mankin, it is respectfully requested that the Court: (1) grant preliminary approval of the settlement as being fair, reasonable, and in the best interests of the class, (2) appoint Plaintiff as the Class Representative, (3) appoint Brian J. Mankin and Peter Carlson of Lauby, Mankin & Lauby LLP, and Mehrdad Bokhour of Bokhour Law Group, P.C., as Class Counsel, and (4) preliminarily approve the requested attorneys' fees, costs, and enhancement payment to the Class Representative.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on September 29, 2023, at Riverside, California.

By:


Peter J. Carlson, Esq.