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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
FOR THE COUNTY OF RIVERSIDE

CARLOS FLORES, individually, on a
representative basis, and on behalf of all
others similarly situated;

Plaintiff,

vs.

NIKKISO AMERICA, INC., a Delaware
Corporation; ACD, LLC, a California
Limited Liability Company; CRYOGENIC
INDUSTRIES, INC., a Delaware
Corporation; CRYOGENIC INDUSTRIES
SERVICE COMPANIES, LLC, a
California Limited Liability Company;
CRYOQUIP, LLC, a California Limited
Liability Company; COSMODYNE, LLC,
a California Limited Liability Company;
and DOES 1 through 20, inclusive;

Defendants.

Case No.: CVRI2204626
*[Assigned to Hon. Harold Hopp, Dept 1, for all
purposes]*

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

Hearing

Date: June 18, 2024

Time: 8:30 a.m.

Dept.: 1

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 Carlos Flores
4 ("Plaintiff"). I am fully familiar with the facts of this case and submit this declaration in support
5 of Plaintiff's Motion for Preliminary Approval. The matters set forth herein are based upon my
6 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 why the
10 settlement is fair and reasonable. Those topics are covered in detail in the concurrently filed
11 Declaration of Brian Mankin. This declaration simply provides information requested by the
12 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 over 165 class action and/or representative
25 PAGA actions. And, on these cases, myself and/or my firm have been appointed Class Counsel
26 on over half of these cases and have helped negotiate settlements totaling over \$103,000,000 for
27 my 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, 2023, and 2024, I was also selected as a Super Lawyers Rising Star.

CONCLUSION

10. As set forth above, I have litigated over 165 class and representative actions, and have successfully resolved many of those cases, with many others still pending 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, 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 May 6, 2024, at Riverside, California.

By:


Peter J. Carlson, Esq.