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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

EMILIO ROSAS, individually, on a  
representative basis, and on behalf of all  
others similarly situated;

Plaintiff,

vs.

FURNITURE AVE, INC., a California  
Corporation; FURNITURE AVE CITY, a  
California Corporation; FURNITURE  
CITY WEST, a California Corporation;  
FARIS ESCHEIK, an individual; FAWZI  
SAED, an individual; OMAR RAHMAN,  
an individual; and DOES 1 through 20,  
inclusive;

Defendants.

Case No.: 30-2022-01284958-CU-OE-CXC  
*[Assigned to Hon. Randall J. Sherman, Dept  
CX105, for all purposes]*

**DECLARATION OF MISTY M. LAUBY,  
ESQ. IN SUPPORT OF PLAINTIFF'S  
UNOPPOSED MOTION FOR FINAL  
APPROVAL OF CLASS AND PAGA  
REPRESENTATIVE ACTION  
SETTLEMENT**

Hearing

Date: January 17, 2025  
Time: 10:00 a.m.  
Dept.: CX105

Complaint filed: October 7, 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 Emilio Rosas 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 Plaintiffs' Motion for Final Approval of Class Action Settlement. If called as a witness, I could and would competently



- 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.



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

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

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

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

12          d.     *Blanton v. CTDI*, San Joaquin Superior Court, Case No. STK-CV-UOE-2021-  
13 0005136, (August 23, 2023) (\$2,000,000 wage-and-hour class and PAGA settlement approved  
14 with lodestar cross-check of \$650 rate).

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

18          f.     *Northrup v Guyou*, Riverside Superior Court Case No. CVRI2105858 (December  
19 15, 2023) (\$300,000 wage-and-hour class and PAGA settlement approved with lodestar cross-  
20 check of \$650 rate).

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

24          h.     *Zubia v. Procter & Gamble*, Los Angeles Superior Court Case No.  
25 20STCV44506, (January 17, 2024) (\$3,750,000 wage-and-hour class and PAGA settlement  
26 approved with lodestar cross-check of \$650 rate).

27          i.     *Lopez v. Martinez Concrete*, San Bernardino Superior Court Case No.  
28 20STCV44506, (February 27, 2024)(\$350,977.22 wage-and-hour class and PAGA settlement

1 approved with lodestar cross-check of \$650 rate).

2 j. *Valenzuela v. Clarkwestern*, Sacramento Superior Court Case No. 34-2021-  
3 00307823, (April 12, 2024)(\$2,5000,000 wage-and-hour class and PAGA settlement approved  
4 with lodestar cross-check of \$650 rate).

5 k. *Calderon v. Prudential*, Los Angeles Superior Court Case No. 22STCV13172  
6 (July 3, 2024) (\$438,361 wage-an-hour class and PAGA settlement approved with lodestar cross-  
7 check of \$650 rate).

8 l. *Hagon v. Transport America*, San Bernardino Superior Court Case No.  
9 CIVSB2203409 (August 27, 2024) (\$515,000 wage-an-hour class and PAGA settlement  
10 approved with lodestar cross-check of \$650 rate).

11 m. *Ramos v. White Lines*, San Bernardino Superior Court Case No. CIVSB2216314  
12 (August 22, 2024) (\$825,000 wage-an-hour class and PAGA settlement approved with lodestar  
13 cross-check of \$650 rate).

14 **CONCLUSION**

15 17. As set forth above, I have litigated over 40 class and representative actions, and  
16 have successfully resolved at least 27 of those cases, with many others still pending that will  
17 resolve in the future.

18 18. For these reasons, as well as the facts and information presented in the  
19 concurrently filed Declaration of Brian J. Mankin, it is respectfully requested that the Court: (1)  
20 grant final approval of the settlement as being fair, reasonable, and in the best interests of the  
21 class, (2) appoint Plaintiffs as the Class Representatives, and (3) appoint Brian J. Mankin and  
22 Misty M. Lauby of Lauby, Mankin & Lauby LLP as Class Counsel,

23 I declare under penalty of perjury under the laws of the State of California that the  
24 foregoing is true and correct. Executed on December 23, 2024, at Claremont, California.

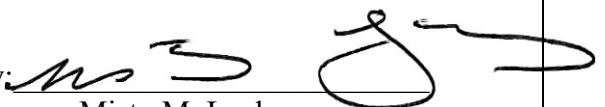
25  
26  
27 By:   
28 Misty M. Lauby

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    |
| Hagon v. Transport America            | San Bernardino | CIVSB2203409     |
| Johnson v. JG Wentworth               | San Diego      | 37-2022-00048277 |
| 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     |
| Ramos v. White Lines                  | San Bernardino | CIVSB2216314     |
| 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       |