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Attorneys for Plaintiffs, on behalf of the State of California as the Real Party In Interest

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO

ANGEL WALDEN, on behalf of the State of
California as the Real Party In Interest;

Plaintiff,

vs.

ADVANCED PAYROLL SOLUTIONS,
INC., a California Corporation; ADVANCED
REAL ESTATE SERVICES, INC., a
California Corporation; and DOES 1 through
20, inclusive;

Defendants.

Case No.: CIVSB2300104

*[Assigned to Hon. Jessica Morgan, Dept S26
for all purposes]*

**DECLARATION OF PETER J.
CARLSON, ESQ., IN SUPPORT OF
MOTION TO APPROVE SETTLEMENT
PURSUANT TO THE PRIVATE
ATTORNEYS GENERAL ACT OF 2004**

Hearing

Date: August 1, 2024

Time: 8:30 a.m.

Dept.: S26

Complaint filed: 1/10/2023

FAC filed: 2/29/2024

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 Plaintiffs Angel Walden
4 and Paige Collins ("Plaintiffs"). I am fully familiar with the facts of this case and submit this
5 declaration in support of Plaintiffs' Motion to Approve this Settlement under PAGA. The matters
6 set forth herein are based upon my personal knowledge and, if called upon as a witness, I could
7 and would give competent 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 my qualification, billable hours, and hourly rate.

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 170 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 \$107,000,000 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.

HOURS INCURRED

10. I have spent 128.9 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 various pleadings prior to and after filing. Moreover, this total captures the substantial time spent researching issues for litigation 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. Finally, this total also includes all time spent attending mediation, pursuing additional litigation efforts after mediation failed, engaging in further settlement discussions, preparing the settlement documents, reviewing revisions from defense counsel, and then drafting and filing all approval documents.

HOURLY RATE

11. 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.

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

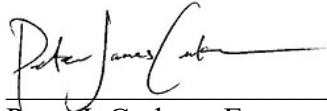
13. For example, my requested rate is also reasonable, consistent, and less than the rate found in the Laffey Matrix (www.laffeymatrix.com), which indicates that the benchmark rate for an attorney that graduated law school in 2013 is \$777 per hour.

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

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

1 market” rates actually billed to clients “in the community for similar work”).

2 I declare under penalty of perjury under the laws of the State of California that the
3 foregoing is true and correct. Executed on July 8, 2024, at Riverside, California.

4
5 By: 
6 Peter J. Carlson, Esq.