

Brian J. Mankin, Esq. [CSB No. 216228]  
*brian@lmlfirm.com*  
Peter J. Carlson, Esq. [CSB No. 295611]  
*peter@lmlfirm.com*  
LAUBY, MANKIN & LAUBY LLP  
5198 Arlington Avenue, PMB 513  
Riverside, CA 92504  
Tel: (951) 320-1444 | Fax: (951) 320-1445

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 SAN BERNARDINO

MARLENE MOLINA, individually, on a  
representative basis, and on behalf of all  
others similarly situated;

Plaintiff,

vs.

U.S. BANK NATIONAL ASSOCIATION;  
and DOES 1 through 20, inclusive;

Defendants.

Case No.: CIVSB2300344  
c/w CIVSB2302908  
*[Assigned to Hon. Christian Towns, Dept  
S26, for all purposes]*

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

Complaint filed: April 3, 2023

I, Peter J. Carlson, state and declare:

1. I am an attorney duly licensed to practice law in the State of California and am a senior associate at Lauby, Mankin & Lauby LLP, attorneys of record for Plaintiff Marlene Molina ("Plaintiff"). I am fully familiar with the facts of this case and submit this declaration in support of Plaintiff's Motion for Final Approval. The matters set forth herein are based upon my personal knowledge and, if called upon as a witness, I could and would give competent testimony with respect to the matters contained herein.

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

1 QUALIFICATION OF COUNSEL

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

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

12 4. I have been the handling attorney on over 175 class action and/or representative  
13 PAGA actions. And, on these cases, myself and/or my firm have been appointed Class Counsel  
14 on over half of these cases and have helped negotiate settlements totaling over \$116,000,000 for  
15 my clients, the employees, and the State of California.

16 5. I was the handling attorney for the second largest PAGA-only settlement in  
17 California's history – a \$12.5 million-dollar court approved settlement, which followed extensive  
18 litigation, summary adjudication and writs to the CA Supreme Court against a Fortune 50  
19 company (*Garcia v. Macy's*, San Bernardino Superior Court Case No. CIVDS1516007).

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

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

8. In 2022, 2023, and 2024, I was also selected as a Super Lawyers Rising Star.

### HOURS INCURRED

9. I have spent 309.4 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 separate class action and PAGA complaints, and drafting various pleadings during litigation. Moreover, this total captures the substantial time spent drafting discovery, preparing responses to discovery, and meeting and conferring about various discovery topics. Additionally, my total hours includes time spent researching several nuanced issues for class certification and mediation. I also drafted informal discovery requests tailored to the claims herein, engaged in the meet and confer process with defense counsel about the requests, and then received, reviewed, and conducted an in-depth analysis of policy documents and payroll and timekeeping data spanning hundreds of pages of documents and more than 1,250,000 rows of excel data – after which time I drafted a detailed mediation brief and created a damage model for all claims alleged herein. Moreover, this total time includes the hours spent doing an exhaustive comparison and analysis of prior class action settlements by Defendant to determine the impact (if any) on class size, workweek count, and the claims that were (or were not) released. Finally, this total also includes all time spent attending mediation, preparing the settlement documents, reviewing revisions from defense counsel, and then drafting and filing all approval documents.

## HOURLY RATE

10. 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.

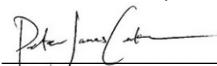
11. This rate is consistent with Plaintiff and Defense attorneys who handle complex class action litigation, if not somewhat lower.

1           12. For example, my requested rate is also reasonable, consistent, and less than the  
2 rate found in the Laffey Matrix ([www.laffeymatrix.com](http://www.laffeymatrix.com)), which indicates that the benchmark  
3 rate for an attorney that graduated law school in 2013 (the “11-19 Years Out of Law School”  
4 category) is \$878 per hour.

5           13. Additionally, the 2023 Wolters Kluwer Real Rate Report (the “Real Rate Report”)  
6 confirms the reasonableness of my requested rate because it notes that for the Los Angeles area,  
7 which is a logical and reasonable comparison to this geographical marketplace given the overlap  
8 of counsel: (a) for associates generally, the median rate is \$680 per hour, with the upper quartile  
9 rate at \$880 per hour, and (b) for associates with seven or more years of experience, the median  
10 rate is \$674 per hour, and the upper quartile rate is \$888 per hour. Being that I have been in  
11 practice for over 10 years and helped collect more than \$116,000,000 for my clients on  
12 class/PAGA cases, I firmly believe that the Real Rate Report’s metrics (and the “upper quartile”  
13 rate) are an accurate standard to measure the reasonableness of my requested rate.

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

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

28           By:   
Peter J. Carlson, Esq.