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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 ORANGE

BRIANA ARREOLA, individually, on a
representative basis, and on behalf of all
others similarly situated;

Plaintiff,

vs.

FLEET SERVICES, INC., a California
Corporation; DICK VAN ECK, an
individual; and DOES 1 through 20,
inclusive;

Defendants.

Case No.: 30-2023-01316151-CU-OE-CXC
*[Assigned to Hon. Layne Melzer, Dept CX102,
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: September 18, 2025

Time: 2:00 p.m.

Dept.: CX102

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 Briana Arreola 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 Plaintiff's Motion for Final Approval of Class Action Settlement. If called as a witness, I could and would competently

1 testify thereto.

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

7 **COUNSEL'S EXPERIENCE**

8 3. I have been a member, in good standing, of the State Bar of California since 2006.
9 I am licensed to practice before all courts of the State of California and am admitted to practice
10 in the United States District Court for the Central District of California and have litigated cases
11 in various courts and counties throughout California.

12 4. I began working as an attorney for Fernandez & Lauby, LLP (now Lauby,
13 Mankin & Lauby, LLP) in 2006. From 2006 through March 2018, I worked in the firm's
14 insurance defense department as the handling attorney in approximately 250-350 complex
15 construction defect litigation matters that I successfully managed and settled on behalf of
16 multiple insurance carrier and contractor clients.

17 5. In or around March 2018, I transitioned to handling exclusively employee vs.
18 employer litigation matters.

19 6. The vast majority of my employment cases have been litigated as class actions,
20 representative PAGA actions or a combination of the two.

21 7. I have been the handling attorney on over 47 class action and/or representative
22 PAGA actions. And, on these cases, myself and/or my firm have been appointed Class Counsel
23 on over 27 cases, and have helped recover over \$23,000,000 for my clients, the employees, and
24 the State of California.

25 8. I have been involved in one contested class certification motion in a case that
26 settled just prior to the class certification hearing.

27 9. Attached as **Exhibit A** is a list of 31 resolved and/or settlement class actions,
28 collective actions, and/or PAGA actions that I have handled in the last 5.5 years (note: this list

excludes currently active cases and settlements pending approval).

HOURS INCURRED

10. I have spent 114.2 hours working on this action and have kept contemporaneous records of these billable hours. To that end, I performed substantial work on this case, including significant pre-filing work, legal research regarding nuanced and issues unique to this matter, review and analysis of voluminous records from Defendant to verify and value the claims herein, and work on the mediation session, preliminary and final approval processes. A spreadsheet of my billing is attached hereto as **Exhibit B**.

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. For instance, the 2023 Wolters Kluwer Real rate Report (“Real Rate Report”) states that the rates for partners in Los Angeles are between \$840 and \$1,159 for the middle and upper quartiles.

13. Importantly, the Real Rate Report data is not based on self-reported numbers, surveys, or sampling – instead, these figures are based on an analysis of the actual amounts billed to clients based on more than 160 billion in billing entries.

14. 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 2006 is \$878.

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

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

b. *Morales v. VPET*, San Bernardino Superior Court, Case No. CIVSB2108161 (November 22, 2022) (\$250,000 wage-and-hour class and PAGA settlement approved with

lodestar cross-check of \$650 rate).

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

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

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

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

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

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

i. *Lopez v. Martinez Concrete*, San Bernardino Superior Court Case No. 20STCV44506, (February 27, 2024)(\$350,977.22 wage-and-hour class and PAGA settlement approved with lodestar cross-check of \$650 rate).

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

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

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

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

n. *Nava v. Temecula Valley Drywall, Inc.*, Riverside Superior Court Case No. CVRI2400423 (July 15, 2025) (\$475,000 wage-and-hour class and PAGA settlement approved with lodestar cross-check of \$650 rate).

o. *Gallardo v Classic Collision*, Riverside Superior Court Case No. CVRI2303068 (August 14, 2025) (\$1,400,000 wage-and-hour class and PAGA settlement approved with lodestar cross-check of \$650 rate).

p. *Ramirez v. Inland 211*, Riverside Superior Court Case No. CVRI2305899 (August 14, 2025) (\$217,500 wage-and-hour class and PAGA settlement approved with lodestar cross-check of \$650 rate).

CONCLUSION

16. As set forth above, I have litigated over 47 class and representative actions, and have successfully resolved at least 31 of those cases, with many others still pending that will resolve in the future.

17. 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 final approval of the settlement as being fair, reasonable, and in the best interests of the class, (2) appoint Plaintiffs as the Class Representatives, and (3) appoint Brian J. Mankin and Misty M. Lauby of Lauby, Mankin & Lauby LLP as Class Counsel,

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1 I declare under penalty of perjury under the laws of the State of California that the
2 foregoing is true and correct. Executed on August 26, 2025, at Los Angeles, California.
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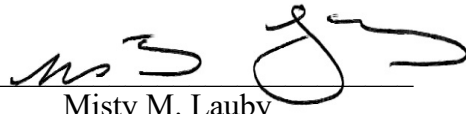
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5 By: 
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EXHIBIT “A”

Completed Class/Collective/PAGA Cases		
Case Name	Venue	Case Number
Allen v. KSG	Riverside	CVRI2303841
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. Classic Collision	Riverside	CVRI2303068
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
Nava v. Temecula Valley Drywall	Riverside	CVRI2400423
Northrup v. Guyou	Riverside	CVRI2105858
Palmer v. Charter	San Bernardino	CIVDS2013037
Ramirez v. InlandSoCal211	Riverside	CVRI2305899
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

EXHIBIT “B”

LML Time Records
Billing Spreadsheet for Misty M. Lauby

Date	Attorney	Description	Hours
2/23/2023	MML	Review intake, client paystubs, preliminary research on company, review Courtlink and LWDA for competing cases	1.60
2/23/2023	MML	Initial call with client	1.20
2/23/2023	MML	Draft retainer and other initial case documents	0.60
3/3/2023	MML	Extensive research re company, officers/administrators, California locations, acquisitions; reseach issues related to fact including wage claims, meal and rest, prepare litigation plan including proposed timeline and milestones, discovery plan, class certification requirements and discovery needs including depositions, third party discovery, and expert discovery, and identify potential research issues	3.90
3/27/2023	MML	Draft LWDA Letter, demand for documents, preservation of evidence letter	4.20
3/28/2023	MML	Draft Class Action Complaint	5.60
4/11/2023	MML	TC with client re status and case timeline	0.60
4/12/2023	MML	Review Guidelines ot Complex	0.60
4/21/2023	MML	Review client's personnel file, payroll hisotry, timecards,and policy manual produced by Defendant	4.30
5/5/2023	MML	Review Answer to Complaint	0.40
5/11/2023	MML	Review Minute Order re CMC	0.10
7/24/2023	MML	Email exchange with OC re meditation, proposed mediators, scheduleing	0.40
7/31/2023	MML	FU with OC re mediation	0.10
8/2/2023	MML	Draft Plaintiff's CMS	0.70
8/8/2023	MML	Review Minute Order re CMC continuance	0.10
8/14/2023	MML	Exchnage emails with OC re mediator selection and available dates	0.30
8/21/2023	MML	Review email from OC re date for mediation	0.10
8/25/2023	MML	Exchange emails with client re case status	0.30
8/31/2023	MML	Review engagement agreement with Judicate West.	0.10
9/8/2023	MML	TC with client re case status	0.40
9/20/2023	MML	Draft First Amended Complaint adding PAGA	3.40
9/20/2023	MML	Draft Stip for Leave to File FAC	0.60
10/18/2023	MML	Draft Joint CMS, exchange emails with OC	1.10
10/18/2023	MML	Email to consultant re engagement for mediation analysis	0.20
10/19/2023	MML	Draft Informal Requests for Mediation	1.40
10/30/2023	MML	Review Minute Order re CMC continuance	0.10
11/13/2023	MML	TC with OC re mediation requests	0.30
11/13/2023	MML	Exchange emails with consultant re proposed sampling by OC	0.20
11/15/2023	MML	Review Defendant's Answer to FAC	0.60
1/15/2024	MML	FU re mediation production to OC	0.20
1/18/2024	MML	Review Defendant's mediation production of pay statements, timecard reports, time card edits, meal break violation premiums, 2018 Handbook, 2022 Handbook, 2023 Handbook, and 2024 Handbook	7.30
1/19/2024	MML	TC with client re status and mediation production	0.60
2/5/2024 - 2/13/2024	MML	Draft Mediation Brief, prepare exemplars/exhibits for mediation	37.40
2/7/2024	MML	TC with client re mediation	0.70
2/9/2024	MML	Review consultant's mediation analysis	2.10
2/9/2024	MML	Prepare Risk Analysis for mediation	3.40
2/20/2024	MML	Appear for Mediation with Kelly Knight	8.60

LML Time Records

Date	Attorney	Description	Hours
2/21/2024	MML	Draft MOU	1.30
2/21/2024	MML	TC with client re MOU	0.40
2/26/2024	MML	Review revised MOU from OC	0.80
3/1/2024	MML	Exchange emails with OC re MOU issues	0.70
3/4/2024	MML	Review additional OC revisions to MOU	0.40
3/6/2024	MML	FU call with client re MOU and revisions	0.30
3/13/2024	MML	Review long form settlement docs prepared by BJM	1.20
4/10/2024	MML	Draft Joint CMS	0.40
4/15/2024	MML	Review Minute Order re continuance of CMC	0.10
6/3/2024	MML	Draft email to client re approval timeline	0.60
6/3/2024	MML	Review OC revision to settlement docs	0.40
6/3/2024	MML	TC with client re long form settlement agreement	0.20
8/1/2024	MML	Draft Joint CMC Statement	0.20
8/8/2024	MML	Draft Kullar analysis for MPA, draft declaraion in support for MML and client	6.20
10/20/2024	MML	Draft Joint CMC Statement	0.20
2/7/2025	MML	Review Notice of Reassignment	0.10
4/10/2025	MML	Draft email to client re updated approval timeline after granting of MPA	0.20
5/10/2025	MML	Draft Stip to Continue CMC	0.30
5/13/2025	MML	Email to client re continuance of MFA	0.10
7/22/2025	MML	Draft client declaration in support of MFA	0.60
8/21/2025	MML	Draft declaration of MML in support of MFA	0.70
TBD	MML	Est. future work	5.00
Subtotals for Misty M. Lauby			114.20