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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

MATTHEW NORTON, individually, on a
representative basis, and on behalf of all
others similarly situated;

Plaintiff,

vs.

CUMMINS INC., an Indiana Corporation;
and DOES 1 through 20, inclusive;

Defendants.

Case No.: 30-2023-01319123-CU-OE-CXC
*[Assigned to Hon. William Claster, Dept
CX101, for all purposes]*

**DECLARATION OF KRISTINA BUI
CARLSON, ESQ., IN SUPPORT OF
PLAINTIFF'S MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT**

I, Kristina Bui Carlson, state and declare:

1. I am an attorney duly licensed to practice law in the State of California and am an Associate at Lauby, Mankin & Lauby LLP, attorneys for Plaintiff in the above-entitled action. I am fully familiar with the facts of this case. The matters set forth herein are based upon my personal knowledge. I submit this declaration in support of Plaintiff's Motion for Final Approval of this Class Action Settlement and, if called upon as a witness, I could and would give competent testimony with respect to the matters contained herein.

QUALIFICATION OF COUNSEL

2. I graduated from the University of Oregon School of Law in May 2013 and have been a member, in good standing, of the State Bar of California since December 2013. I am

1 licensed to practice before all courts of the State of California and am admitted to practice in the
2 United States District Court for the Central District of California and have litigated cases in
3 various courts and counties throughout California, including the Court of Appeal.

4 3. I began working at Fernandez & Lauby LLP (the predecessor of Lauby, Mankin
5 & Lauby LLP) in September 2015 and, my current practice consists solely of representing
6 employees. All of my current cases have been litigated as class actions, representative PAGA
7 actions, or a combination of the two.

8 4. I have been the handling attorney on nearly two dozen class action and/or
9 representative PAGA actions. And, on these cases, myself and/or my firm have been appointed
10 Class Counsel and have helped negotiate settlements totaling millions of dollars for our clients,
11 the employees, and the State of California.

12 5. I have yet to be involved in a contested class certification motion or trial
13 involving class claims as I have successfully resolved majority of my cases prior to a contested
14 motion for class certification.

15 **HOURS INCURRED**

16 6. I have spent 202.1 hours working on this matter and have kept contemporaneous
17 records of these billable hours – the detailed billing records are attached to the Declaration of
18 Brian J. Mankin, Esq. and are submitted for the Court’s review. My time spent on this case
19 reflects the time spent for tasks, such as in-dept research into Defendant’s corporate entity;
20 docket searches to identify any pending or related cases; drafting of the LWDA letter setting
21 forth facts and claims on behalf of the Aggrieved Employees; reviewing and analyzing the case
22 file and all documents; legal research into issues unique to this matter based on the facts
23 presented by Plaintiff; meetings and conference calls to discuss viability of claims and impacts of
24 new information learned during course of litigation; drafting of the original and later the first
25 amended complaint; drafting and revising various pleadings; review, evaluation, and analysis of
26 thousands of pages of data and documents produced by Defendant prior to mediation; drafting of
27 settlement documents; drafting of the motion for preliminary approval and class notice
28 documents; additional post-settlement work on various documents; and the review and editing of

1 preliminary and final approval documents

2 **HOURLY RATE**

3 7. My billing rate is \$725 per hour, and this rate is usual and customary for class
4 action and/or PAGA practitioners with my level of expertise and experience.

5 8. This rate is consistent with Plaintiff and Defense attorneys who handle complex
6 class action litigation, if not somewhat lower. For instance, the Wolters Kluwer 2023 Real Rate
7 Report (“Real Rate Report”) states that the upper quartile rates for associates in Los Angeles is
8 \$880 per hour. The Real Rate Report also notes that the upper quartile rates for associates with 7
9 or more years of experience is \$888 per hour. Being that I have been in practice for over 10
10 years, my experience falls squarely within the confines of that range, at a rate lower than those in
11 the Real Rate Report.

12 9. Importantly, the Real Rate Report data is not based on self-reported numbers,
13 surveys, or sampling – instead, these figures are based on an analysis of the actual amounts billed
14 to clients based on millions of billing entries and million hours billed by over individual
15 timekeepers from law firms. And, specifically, the Los Angeles data is based on review of
16 thousands of partners and associates and the corresponding time and rates each billed to their
17 client. For this reason, the Real Rate Report is “a much better reflection of true market rates than
18 self-reported rates in all practice areas.” *Brown v. CVS Pharmacy, Inc.* (C.D. Cal. Apr. 24, 2017)
19 2017 U.S. Dist. LEXIS 182309, at *21; *see also PLCM Group, Inc. v. Drexler* (2000) 22 Cal.4th
20 1084, 1085 (holding that rates should be premised upon precisely this form of independent,
21 “objective” rate data that reflects “fair market” rates actually billed to clients “in the community
22 for similar work”).

23 10. My requested rate is also reasonable, consistent, and less than the rate found in the
24 Laffey Matrix (www.laffeymatrix.com), which indicates that the benchmark rate for an attorney
25 that graduated law school in 2013 is \$878 per hour.

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 October 2, 2025, at Riverside, California.

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4 By: _____
5 Kristina Bui Carlson, Esq.
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