

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

Daniel J. Hyun, Esq. [CSB No. 309184]
daniel@torusllp.com
David Alami, Esq. [CSB No. 314628]
david@torusllp.com
TORUS LLP
1440 N. Harbor Blvd., Suite 900
Fullerton, CA 92835
Tel: (949) 590-4122 | Fax: (949) 528-2596

Attorneys for Plaintiffs, 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

VICTOR MEDINA and FRANCISCO
CRUZ, individually, on a representative basis,
and on behalf of all others similarly situated;

Plaintiff,

vs.

HOWARD ROOFING COMPANY, INC., a
California Corporation; and DOES 1 through
20, inclusive;

Defendants.

Case No.: CIVSB2312233
*[Assigned to Hon. Christina 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**

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. I am fully
4 familiar with the facts of this case and submit this declaration in support of Plaintiffs' Motion for
5 Final Approval. The matters set forth herein are based upon my personal knowledge and, if
6 called upon as a witness, I could and would give competent testimony with respect to the matters
7 contained herein.

8 **QUALIFICATION OF COUNSEL**

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

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

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

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

27 6. I have tried two major class and PAGA cases against Fortune 100 companies,
28 both of which were appealed. In 2018, I was the handling attorney on a PAGA-only case in

1 Orange County where my firm succeeded on a motion for summary adjudication and litigated
2 through trial to obtain a \$425,000 judgment for over 1,600 aggrieved employees. Also, in 2019,
3 I was the handling attorney for my firm on a class action against Walmart, where we obtained
4 class certification on behalf of over 5,000 employees. After extensive litigation, the matter went
5 to trial, and the jury returned a verdict of approximately \$6.1 million on the meal period claims.

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

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

9 **HOURS INCURRED**

10 9. I have spent 218.3 hours working on this action and have kept contemporaneous
11 records of these billable hours. This total includes significant pre-filing work, including legal
12 research regarding nuanced and issues unique to this matter, conducting a state-wide search of
13 filings in state and federal court to determine if there were pending (or prior) class/PAGA actions
14 with claims that overlap those intended in this action, drafting the letter to the LWDA to begin
15 the exhaustion of administrative remedies, drafting the initial class action complaint, and drafting
16 various pleadings during litigation. Moreover, this total captures the substantial time spent
17 researching issues for class certification and mediation. I also drafted informal discovery
18 requests tailored to the claims herein, engaged in the meet and confer process with defense
19 counsel about the requests, and then received, reviewed, and conducted an in-depth analysis of
20 policy documents and payroll and timekeeping data spanning more than 5,600 pages of
21 documents and tens of thousands of rows of excel data. Finally, this total also includes all time
22 spent attending mediation, preparing the settlement documents, reviewing revisions from defense
23 counsel, and then drafting and filing all approval documents.

24 **HOURLY RATE**

25 10. My billing rate is \$650 per hour, and this rate is usual and customary for class
26 action and/or PAGA practitioners with my level of expertise and experience.

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

12. 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 (the “11-19 Years Out of Law School” category) is \$878 per hour.

13. 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 \$115,000,000 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.

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

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on October 10, 2024, at Riverside, California.

By: 
Peter J. Carlson, Esq.