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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 SAN BERNARDINO

CLARENCE PHILLIPS, individually, on a  
representative basis, and on behalf of all  
others similarly situated;

Plaintiff,

vs.

HARDY WINDOW COMPANY, a  
California Corporation; and DOES 1  
through 20, inclusive;

Defendants.

Case No.: CIVSB2312048

*[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**

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 Clarence Phillips ("Plaintiff").

2. 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.

1 QUALIFICATION OF COUNSEL

2 3. 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 4. 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 5. I have been the handling attorney on over 180 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 \$117,000,000 for  
15 my clients, the employees, and the State of California.

16 6. 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 7. 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.

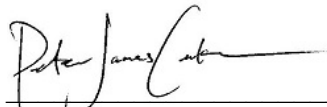
27 8. Additionally, I have handled approximately 6 cases for which we received class  
28 certification orders following contested certification motions concerning similar claims.



1 of counsel: (a) for associates generally, the median rate is \$680 per hour, with the upper quartile  
2 rate at \$880 per hour, and (b) for associates with seven or more years of experience, the median  
3 rate is \$674 per hour, and the upper quartile rate is \$888 per hour. Being that I have been in  
4 practice for over 10 years and helped collect more than \$117,000,000 for my clients on  
5 class/PAGA cases, I firmly believe that the Real Rate Report's metrics (and the "upper quartile"  
6 rate) are an accurate standard to measure the reasonableness of my requested rate.

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

19 I declare under penalty of perjury under the laws of the State of California that the  
20 foregoing is true and correct. Executed on November 18, 2024, at Riverside, California.

21  
22 By:   
23 Peter J. Carlson, Esq.  
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