

Brian J. Mankin, Esq. [CSB No. 216228]  
*brian@lmlfirm.com*  
Misty M. Lauby, Esq. [CSB No. 243009]  
*misty@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 ORANGE

ANA ORTEGA, individually, on a  
representative basis, and on behalf of all  
others similarly situated;

Plaintiff,

vs.

AGGRESSIVE TRANSPORT LTD-USA,  
a California Corporation; and DOES 1  
through 20, inclusive;

Defendants.

Case No.: CV-23-003207  
*[Assigned to Hon. John R. Mayne, Dept 21, 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: August 21, 2025

Time: 8:30 a.m.

Dept.: 21

Complaint filed: June 8, 2023

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 testify thereto.

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

## COUNSEL'S EXPERIENCE

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

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

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

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

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

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

9. Attached as **Exhibit A** is a list of 29 resolved and/or settlement class actions, 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).

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

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.

14. My requested rate is also reasonable, consistent and less than the rate found in the Laffey Matrix ([www.laffeymatrix.com](http://www.laffeymatrix.com)), which indicates that the benchmark rate for an attorney that graduated law school in 2006 is \$878.

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).

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

4 d. *Blanton v. CTDI*, San Joaquin Superior Court, Case No. STK-CV-UOE-2021-  
5 0005136, (August 23, 2023) (\$2,000,000 wage-and-hour class and PAGA settlement approved  
6 with lodestar cross-check of \$650 rate).

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

10 f. *Northrup v Guyou*, Riverside Superior Court Case No. CVRI2105858 (December  
11 15, 2023) (\$300,000 wage-and-hour class and PAGA settlement approved with lodestar cross-  
12 check of \$650 rate).

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

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

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

22 j. *Valenzuela v. Clarkwestern*, Sacramento Superior Court Case No. 34-2021-  
23 00307823, (April 12, 2024)(\$2,5000,000 wage-and-hour class and PAGA settlement approved  
24 with lodestar cross-check of \$650 rate).

25 k. *Calderon v. Prudential*, Los Angeles Superior Court Case No. 22STCV13172  
26 (July 3, 2024) (\$438,361 wage-an-hour class and PAGA settlement approved with lodestar cross-  
27 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).

## CONCLUSION

16. As set forth above, I have litigated over 47 class and representative actions, and have successfully resolved at least 29 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,

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on July 30, 2025, at Claremont, California.

By:   
Misty M. Lauby, Esq.

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. 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     |
| 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       |