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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF RIVERSIDE

CHRISTIAN MATTHEW MARTINEZ,
JOEL SUAREZ, and HUGO GAMEZ, as
aggrieved employees and on behalf of all
other aggrieved employees under the Labor
Code Private Attorney's General Act of
2004,

Plaintiffs,

v.

BUILDER SERVICES GROUP, INC.,dba
TRUTEAM OF CALIFORNIA, a Florida
Corporation; and DOES 1 through 100,
inclusive,

Defendants.

Case No.: CVRI2305906

*[Assigned to Hon. Harold Hopp, Dept 1, for all
purposes]*

**DECLARATION OF BRIAN J. MANKIN,
ESQ., IN SUPPORT OF MOTION FOR
APPROVAL OF PAGA SETTLEMENT**

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1 I, Brian J. Mankin, state and declare:

2 1. I am an attorney licensed to practice before all of the courts of the State of
3 California. I manage the employment law department and am a partner with the law firm of
4 Lauby, Mankin & Lauby LLP, which has offices in Orange County and Riverside County. I am
5 thoroughly familiar with and have personal knowledge of all of the facts set forth herein. I
6 submit this declaration in support of Plaintiffs' motion for approval of this PAGA settlement. If
7 called as a witness, I could and would competently testify thereto.

8 **COUNSEL'S EXPERIENCE**

9 2. I have been a member, in good standing, of the State Bar of California since 2001.
10 I am admitted to practice in the United States District Courts for the Central and Southern
11 District of California and the Ninth Circuit Court of Appeal and have tried cases in various
12 courts in California.

13 3. I have handled well over 500 employee vs. employer litigation matters during my
14 23 years in practice. Over the last 18 years, my practice has almost entirely consisted of
15 representing employees, the majority of which has included class action and representative
16 action wage and hour matters. In total, I have handled well over 300 class action and
17 representative action wage/hour cases, and have been appointed by the court as class counsel and
18 have received final court approval and judgment in over half of those actions to date, and
19 anticipate receiving final approval in many more of those in the future.

20 4. As part of these settlements and judgments, I have recovered well in excess of
21 \$250 million in damages for my clients and the class members (who often work as nurses,
22 ambulance drivers, technicians, warehouse workers, truck drivers, sales, professional
23 occupations and countless other trades). My team and I once held the record for the largest
24 known PAGA-only case in California's history - a \$12.5 million-dollar court approved
25 settlement, which followed extensive litigation, summary adjudication and writs to the CA
26 Supreme Court against a Fortune 50 company (*Garcia v. Macy's*, Los Angeles Superior Court).

27 5. I have tried two major class and PAGA cases against Fortune 100 companies. In
28 2018, I was lead counsel in a PAGA case that my firm tried in the Orange County Superior Court

1 and received a \$425,000 judgment. In 2019, I was co-counsel in a class action case against
2 Walmart in District Court, wherein the jury awarded Plaintiffs and the class over \$6 million.
3 Both cases were appealed.

4 6. I was named by the LA Times as one “Southern California Leading Lawyers” in
5 the May 2023 issue of Consumer Attorney’s of Southern California (a recognition given to 17
6 employment/labor law attorneys in 2023). Additionally, over the last five consecutive years, I
7 have been selected by my peers as a “Super Lawyer” in Employment Litigation, a distinction that
8 only 5% of lawyers receive.

9 **ADEQUACY OF THE SETTLEMENT**

10 7. This topic is thoroughly addressed in the concurrently filed declarations of my co-
11 counsel.

12 **ADEQUACY OF COUNSEL AND REASONABLENESS OF REQUESTED FEES AND COSTS**

13 8. As set forth above, I have handled well over 300 class and representative actions.
14 I have been appointed as class counsel and have successfully resolved over half of those cases
15 (while many are ongoing and will successfully resolve in the future) while recovering hundreds
16 of millions of dollars for my clients and Class Members. This is substantially better than average
17 accordingly to Mayer Brown LLP’s study entitled, An Empirical Analysis of Class Actions, cited
18 in *Laguna v. Coverall North America, Inc.*, No. 12-55479 (9th Cir. 2014), which found that only
19 one-third of class actions are successful, compared to two-thirds that are defeated and result in no
20 payment to the class members.¹

21 9. When this case was taken on a contingency fee basis, with my firm and co-
22 counsel agreeing to assume responsibility for all litigation costs, the ultimate result was far from
23 certain. In the course of this litigation, my firm and co-counsel paid all costs including filing
24 fees, court costs, research fees, and mediation costs. There was never a guarantee that we would
25 recoup those expenditures.

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¹ www.mayerbrown.com/files/uploads/Documents/PDFs/2013/December/DoClassActionsBenefitClassMembers.pdf

1 10. It has been my experience that the benchmark for attorney fee awards in
2 California state cases is one-third of a common settlement fund, which the CA Supreme Court
3 upheld in the *Laffitte v. Robert Half*, 1 Cal.5th 480 case. Here, in accordance with the Settlement
4 Agreement, my firm and co-counsel are seeking a fee of one-third of the Settlement Amount.

5 11. There are several additional factors why I believe that the Court should award
6 one-third of the common fund as reasonable attorneys' fees. First, my firm and my co-counsel
7 aggressively litigated these actions, which resulted in a very good result, especially in light of the
8 disputed nature of the claims alleged. This result was achieved by the work and success of my
9 office and co-counsel, who negotiated the settlement after extensive preparation, investigation,
10 mediation, and substantial work thereafter.

11 12. Second, Plaintiffs faced significant risks going forward with the litigation. As
12 discussed in the motion for approval, Defendant raised various defenses throughout this
13 litigation, any one of which, if successful, could have decimated Plaintiffs' case. And Defendant
14 vowed to raise all these defenses at trial. Accordingly, Plaintiffs faced risky issues going forward
15 with this litigation, and it would have taken several more years to realize any recovery in this
16 action along with the possibility of post-trial appeals.

17 13. Third, my firm and co-counsel are experienced class action and PAGA litigators.
18 This experience and expertise, combined with the high quality of work performed in this case,
19 resulted in the settlement achieved in this case.

20 14. Fourth, my firm and co-counsel have been representing Plaintiffs strictly on a
21 contingency fee basis. To that end, we have incurred the risk of non-recovery after investing a
22 substantial amount of time, money, and resources, and have done so since the inception of this
23 case without any payment or compensation. If Plaintiffs had lost this case, we would have
24 recovered nothing, and would have lost our out-of-pocket costs. This is not an easy burden for
25 my office, which is a small firm. While some cases result in a positive lodestar and some in a
26 negative lodestar, if, despite these hardships and risks, the best my office could hope for is
27 merely to be paid our hourly rate, then we would not be compensated for the hardships and
28 serious risks we face when litigating contingency fee cases, and would not be incentivized to

1 take on similar cases in the future. Indeed, not all class/PAGA cases are successful. Many cases
2 end with no fees or a greatly reduced fee that is far less than lodestar like this one, often due to
3 no fault of counsel (*i.e.*, bankruptcy, change in the law, consolidation-coordination-preemption,
4 being top filed, etc.).

5 15. Fifth, the request for attorney's fees in the amount of one-third of the common
6 fund falls well within the norms accepted by state and federal courts in California in comparable
7 wage and hour actions actually handled by my office. Moreover, the award of a one-third fee
8 recovery under the common fund doctrine was approved by the California Supreme Court in
9 *Laffitte, supra*, 1 Cal.5th 480, 503.

10 16. For these reasons, a common fund fee award here in the amount of one-third of
11 the common fund created by Plaintiffs and the work of my firm and co-counsel is fair and
12 reasonable.

13 17. At my office, this case was handled by Peter Carlson while I performed the role of
14 the supervising attorney. Peter Carlson's experience is set forth in his declarations, but in sum,
15 he works exclusively with me on employment law matters and has been in practice for 11 years.
16 Mr. Carlson bills at the hourly rate of \$750/hour. I have been in practice for over 23 years, with
17 most of those years handling complex litigation and for over the last 18 years, my practice has
18 almost entirely consisted of handling class action wage and hour matters. My billing rate is
19 \$950/hour.

20 18. I believe these rates are comparable to those of other attorneys with equal or
21 similar experience, if not somewhat lower (*i.e.*, the Laffey Matrix at www.laffeymatrix.com
22 indicates that the benchmark rates are: \$878/hour for a 11–19-year attorney and \$1,057/hour for
23 a 20+ year attorney).

24 19. The reasonableness of these rates is reinforced by facts showing that local
25 attorneys in Los Angeles engaged in complex litigation bill at rates far higher than my office –
26 and far higher than the Laffey Matrix. Recent public filings confirm that the Los Angeles
27 Department of Water and Power is paying outside counsel at minimum rates of \$1,800 for
28 partners, \$1,180 per hour for associates with 7 years of experience or more, and LADWP even

1 pays first year associates \$745 per hour. See [https://www.latimes.com/california/story/2025-02-](https://www.latimes.com/california/story/2025-02-14/law-firm-1975-an-hour-defend-against-palisades-fire-lawsuits)
2 [14/law-firm-1975-an-hour-defend-against-palisades-fire-lawsuits](https://www.latimes.com/california/story/2025-02-14/law-firm-1975-an-hour-defend-against-palisades-fire-lawsuits).

3 20. Moreover, the Wolters Kluwer 2023 Real Rate Report (“Real Rate Report”) provides directly applicable information in this regard. The Real Rate Report is based on an
4 enormous and statistically significant compilation of data, comprising millions billing entries
5 from a hundred thousand individual timekeepers who worked at thousands of law firms. The
6 Real Rate Report then compiles and analyzes this data to provide the hourly rates for partners
7 and associates in major metropolitan areas. For the southern California area: (a) the rate for
8 partners in Los Angeles is between \$840 and \$1,159 per hour for the middle and upper quartiles,
9 and (b) the rates for associates with seven or more years of experience, the median rate is \$674
10 per hour, and the upper quartile rate is \$888 per hour. And, perhaps most importantly, the
11 information provided in the Real Rate Report is not based on self-reported numbers, surveys,
12 sampling, or reviews or other publications – instead, the Real Rate Report is based on the actual
13 hours and fees billed by law firms, which makes it “a much better reflection of true market rates
14 than self-reported rates in all practice areas.” *Brown v. CVS Pharmacy, Inc.* (C.D. Cal. Apr. 24,
15 2017) 2017 U.S. Dist. LEXIS 182309, at *21.

17 21. My firm has performed considerable work and invested significant time on the
18 litigation and settlement of this matter, all to the benefit of this PAGA action. This includes Mr.
19 Carlson’s 138.8 hours that he billed on this matter (as testified to in his declaration) plus my 46
20 hours. The requested fee is warranted and appropriate because of the results achieved in these
21 PAGA actions. Defendant does not oppose this fee request.

22 22. In the course of prosecuting this action, my office has incurred expenses
23 necessary to the effective litigation of the PAGA action. My firm’s expenses through the
24 approval hearing are estimated to be \$9,143.63, as set forth in the itemized statement that is
25 attached hereto as **Exhibit 1**. Defendant does not oppose this request for costs.

26 23. For the foregoing reasons, it is respectfully requested that the Court grant
27 approval of the PAGA settlement as being fair and reasonable, and approve the requested
28 attorneys’ fees, costs, and enhancements.

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 15, 2025, at Riverside, California.

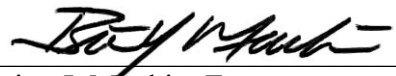
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4 By: 
5 Brian J. Mankin, Esq.
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EXHIBIT “1”

All Expenses
Lauby, Mankin & Lauby LLP

Staff Member = All (Inactive Included)
Group By Staff Member Group
Client - Project = 14000-00546 Suarez v Builders
Svc's Grp (Active Only)
Activity Code = All
Expense Code = All
View = Original
Approval Status = All
Selected Expenses = All
From Earliest To Latest

Entered	Status	Expense	Staff Member	Price	Mark Up %	Qty	Amount
<u>Joel Suarez</u> <u>14000-00546 Suarez v Builders Svcs Grp</u>							
05-08-2023	Approved	E108 Postage	Chiarito, Tracie	26.10	0.00	1.00	26.10
	Postage for February 2023 - record request						
05-08-2023	Approved	E101 Copying	Chiarito, Tracie	0.20	0.00	18.00	3.60
	18 copies @ .20 each - demand for docs to company						
05-08-2023	Approved	E112 Court fees	Chiarito, Tracie	75.00	0.00	1.00	75.00
	Fees to LWDA to submit PAGA letter						
05-08-2023	Approved	E101 Copying	Chiarito, Tracie	0.20	0.00	96.00	19.20
	96 copies @ .20 each - letters to company						
05-08-2023	Approved	E108 Postage	Chiarito, Tracie	27.54	0.00	1.00	27.54
	Postage for May 2023						
07-13-2023	Approved	Attorney Service	Chiarito, Tracie	462.66	0.00	1.00	462.66
	TurboCourt Order #8124799 - file Complaint						
07-24-2023	Approved	Attorney Service	Chiarito, Tracie	100.40	0.00	1.00	100.40
	Bosco Inv #9210756 Serve: Builder Services Group, Inc., a Florida Corporation Summons; Complaint; Civil Case Cover Sheet; Certifi cate of Assignment; ADR Court: San Bernardino County Superior Court - Central District Completed on: 07/19/2023						
08-02-2023	Approved	E112 Court fees	Chiarito, Tracie	1,002.00	0.00	1.00	1,002.00
	Receipt for San Bernardino Superior Court for complex fees						
10-23-2023	Approved	E112 Court fees	Chiarito, Tracie	13.00	0.00	1.00	13.00
	Receipt for RVSC for copy of complaint in related case						
10-31-2023	Approved	E112 Court fees	Chiarito, Tracie	6.50	0.00	1.00	6.50
	Receipt for RVSC for copy of Joint Statement in related case						
02-06-2024	Approved	Attorney Service	Chiarito, Tracie	20.68	0.00	1.00	20.68
	OnLegal Order #22173403 - file Joint Statement						
06-24-2024	Approved	E125 Mediation fees	Chiarito, Tracie	3,500.00	0.00	1.00	3,500.00
	JAMS Inv #7217996 for 12/4/24 Mediation with Judge West						
06-30-2024	Approved	E125 Mediation fees	Chiarito, Tracie	500.00	0.00	1.00	500.00
	JAMS Statement Ref #121003997 - Initial Non-Refundable Fee						
12-19-2024	Approved	E119 Experts	Chiarito, Tracie	3,195.00	0.00	1.00	3,195.00
	Berger Consulting Group Inv #12369-2						
04-09-2025	Approved	Attorney Service	Chiarito, Tracie	91.95	0.00	1.00	91.95

All Expenses
Lauby, Mankin & Lauby LLP

Staff Member = All (Inactive Included)
Group By Staff Member Group
Client - Project = 14000-00546 Suarez v Builders
Svcs Grp (Active Only)
Activity Code = All
Expense Code = All
View = Original
Approval Status = All
Selected Expenses = All
From Earliest To Latest

Entered	Status	Expense	Staff Member	Price	Mark Up %	Qty	Amount
<u>Joel Suarez</u>							
<u>14000-00546 Suarez v Builders Svcs Grp</u>							
Bosco Inv #13051816							
File and conform in Dept. S28.							
-Stipulation to Continue TSC; Proposed Order							
advance fee							
Court: San Bernardino County Superior Court - Central District							
Completed on: 4/8/2025							
11-01-2025	Approved	Attorney Service	Charito, Tracie	100.00	0.00	1.00	100.00
Estimated costs to file Request for Dismissal and supporting documents							

Project Total 9,143.63
Client Total 9,143.63
Grand Total 9,143.63