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Attorneys for Plaintiff LUBEN ROMANOV, on behalf of himself and all others
similarly situated

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

LUBEN ROMANOV, on behalf of
himself and all others similarly
situated,

Plaintiff,

v.

AMAZON.COM SERVICES, LLC
a Delaware limited liability
company; and DOES 1 through 20,
inclusive,

Defendants.

Case No. 2:20-cv-02692 SB (KSx)

CLASS ACTION

**DECLARATION OF ROGER R.
CARTER IN SUPPORT OF MOTION
FOR ORDER GRANTING AWARD OF
ATTORNEYS' FEES, COSTS,
SERVICE PAYMENT, AND
ADMINISTRATION EXPENSES**

Hearing:

Date: March 25, 2022

Time: 8:30 a.m.

Ctrm: 6C

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1. I am an attorney duly licensed to practice law in all courts in the State of California and am principal and founder of the Carter Law Firm, counsel for Plaintiffs and proposed Class Representative Luben Romanov (“Plaintiff”), on behalf of himself and all others similarly situated hourly, non-exempt employees of Defendant, Amazon.com Services, LLC (“Defendant” or “Amazon”).
2. On or about January 13, 2020, my firm and The Phelps Law Group were retained by Luben Romanov to represent him against his employer Amazon.com Services, LLC. (“AMZN”). After initial meetings and review of documents, Mr. Phelps and I decided to associate the law firm of Cohelan Khoury & Singer to assist with prosecution of this case, with Michael Singer, Esq., and Jason Hill, Esq., being the lead attorneys. Plaintiff consented to the association.
3. Mr. Singer, Mr. Hill and Mr. Phelps have been the primary attorneys handling the litigation of this matter.
4. This case involved a review and analysis of Defendants’ documents and time data. Defendant provided the class size, number of pay periods and former employees, the average hourly rate, Plaintiff’s personnel file with employment manuals, and the names and phone numbers of 50 class members. From the information provided, Class Counsel applied extrapolation methods to calculate damages. This enabled Class Counsel to evaluate Defendants’ potential class liability, a necessary predicate to achieving a stipulated settlement rationally based upon the value of the class claims presented.
5. **The Litigation.** Plaintiff filed this class action on January 23, 2020, in Los Angeles Superior Court. Defendant then removed the lawsuit to this Court. Plaintiff did not challenge removal, reserving the right to seek remand if federal jurisdiction appeared inappropriate or unfounded.

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Class Counsel Background and Experience

6. I am admitted, in good standing, to practice as an attorney in the State of California, the District of Columbia, and the United States District Courts for the Central, Northern and Southern Districts of California. I have never been subject to discipline by any state bar.

7. I graduated from Tufts University in 1984 and received my law degree from William & Mary in 1987. In 1988 I earned a Master's Degree in International Business and Taxation (LL.M.) and I was admitted to the California bar in 1989. For the last twelve years I have narrowed my practice exclusively to class action litigation.

8. My associate, Bianca A. Sofonio, graduated from law school in 1995, and has represented and advised a variety of businesses and individuals, primarily in the area of employment law. Ms. Sofonio has been my associate for the last fifteen years and her focus has also been cases involving class-wide wage and hour issues. She has been instrumental in handling approximately 100 class cases from settlement through final approval.

9. Since early 2007, my practice has been focused almost exclusively on wage and hour class action cases. I have been appointed as class counsel or co-class counsel in more than 80 class actions in state and federal courts, both through contested motions for class certification and motions for approval of class action settlements. These cases have resulted in substantial monetary recoveries for hundreds of thousands of employees. I have prosecuted wage and hour class actions against defendants such as AT&T, Sprint, Verizon, Brinks, Abercrombie & Fitch Trading Co., Cisco Systems, Experian, Home Depot, Big Lots, The Gap, Kmart, Kraft Foods, MetLife, Morgan Stanley, Petco, Ralphs, Rockwell Collins, T-Mobile, Toys-R-Us, Burlington Coat Factory, Babies-R-Us and Western Digital, among others.

10. I have litigated many cases involving the same issues raised in this case

1 and am well-versed in the law that applies to this case. I have a deep working
2 knowledge of applicable case law, statutes, and regulations relating to the claims
3 alleged in this and related cases involving rest period violations, including reporting
4 time. I keep track of and review trial court and appellate decisions on these issues as
5 they are released.

6 11. Based on this research and knowledge of the law, along with my
7 extensive experience in wage and hour class actions, I believe that the settlement in
8 this case is fair and appropriate given all factors involved. We consider ourselves
9 experienced and qualified to evaluate Class claims and viability of the defenses. That
10 experience and those qualifications allowed our firm to assist in achieving an
11 efficient resolution of the claims in this matter.

12 12. I have successfully resolved cases involving wage and hour claims, and
13 have been approved as Class Counsel on numerous occasions in both State and
14 Federal Courts. I have certified classes in *Gabriel Jimenez v. O'Reilly Automotive, et*
15 *al.* (USDC Case No. SACV 12-310 AG, class certified October 2016); *Felix, et al. v.*
16 *Automobile Club of Southern California* (OCSC Case No. 07CC01421, class certified
17 January 2012); and *Greg Smith, et al. v. California Pizza Kitchen, Inc.* (SDSC Case
18 No. 37-2008-0083992-CU-OE-CTL, class certified December 2009).

19 13. In the matters of *Michael Raziano, et al. v. Albertson's LLC*. Case No.
20 19-CV-04373 JAK (ASx) (July 2021) *Mercado, et al. v. Gate Gourmet, et al.* Case
21 No. CV07-2305 JHN (CWx), (October 2010) and *Buncio v. Host, International, et al.*
22 CV09-01374DMG (PJWx), (July 2011) certification motions were fully briefed and
23 argued. Prior to the Court's issuance of an order on the certification motion, the
24 defendants in both cases agreed to mediate the matters and the cases subsequently
25 settled.

26 14. My firm has a record of commitment to high standards of practice in
27 both state and federal courts and possesses extensive knowledge and experience in
28 the field of wage and hour class actions, which has resulted in meaningful recoveries

1 for classes in courts throughout the state. *See Plows et al. v. Rockwell Collins, Inc.*,
2 Case No. SACV 10-1936 DOC (MANx) (C.D. Cal., August 2012) (misclassification
3 of high-tech engineers); *Henshaw et al. v. Home Depot U.S.A., Inc.*, Case No. SACV
4 10-01392-CJC (RNBx) (C.D. Cal., August 2012) (underpayment of vacation pay);
5 *Dunn v. The Kroger Company et al.*, Case No. BC323252 (Los Angeles Superior
6 Court, May 2012) (meal and rest period violations); *Smith v. California Pizza*
7 *Kitchen, Inc.*, Case No. 37-2008-00083992-CU-OE-CTL (San Diego County
8 Superior Court, February 2012) (misclassification of restaurant managers); *Brown v.*
9 *Experian Information Solutions, Inc.*, Case No. 30-2010-00375163 (Orange County
10 Superior Court, December 2011) (misclassification of computer software
11 employees); *Negrete v. Parker Hannifin, et al.*, Case No. 30-2009-00241508-CU-OE-
12 CXC (Orange County Superior Court, October 2011) (meal and rest period
13 violations); *Mercado v. Gate Gourmet, Inc.*, Case No. CV07-2305 JHN (CWx) (C.D.
14 Cal., April 2011) (meal and rest period violations); *Durrani v. Western Digital*
15 *Corporation*, Case No. 30-2009-00268212 (Orange County Superior Court, February
16 2011) (misclassification of high-tech engineers); *Gregg v. Belo Corp.*, Case No. RIC
17 523697 (Riverside County Superior Court, February 2011) (misclassification of
18 newspaper delivery drivers as independent contractors); *Polar v. Kraft Foods, Inc.*,
19 Case No. 30-2008-00096152 (Orange County Superior Court, December 2010) (meal
20 and rest period violations due to donning and doffing requirements); *Azurin v.*
21 *Harbor Distributing*, Case No. BC 421392 (Los Angeles County Superior Court,
22 November 2010) (misclassification of beverage distributors); *Kohlenberg v.*
23 *Lululemon USA, Inc.* Case No. 30-2009-00255551 (Orange County Superior Court,
24 September 2010) (meal and rest period violations); *Shana Mayfield v. International*
25 *Coffee Bean & Tea LLC*, BC 397233 (Los Angeles County Superior Court,
26 September 2010) (meal and rest period violations); *Glen Graham v. DST Output of*
27 *California, et al.*, Case No. PC 2008-0109 (El Dorado County Superior Court,
28 September 2010) (misclassification of computer software employees).

15. My firm will continue to dedicate the necessary resources, both in terms of money and time, to properly, aggressively, and efficiently prosecute this case on behalf of the putative class.

Class Counsel Fees & Costs

16. Class Counsel Costs. To date, the Carter Law Firm has incurred approximately \$255.95 in costs in this action. A true and correct summary of my firm's expenses is attached as Exhibit A.

17. Class Counsel Fees. Plaintiffs' Counsel are seeking a fee award in an amount up to 33.33% of the gross settlement fund. I believe the requested percentage, and the amount of fees it produces, are fair and reasonable to the Class in light of the ample recovery it will benefit from and the time and effort expended by Class Counsel in this case. In order to properly handle and prosecute this case, Class Counsel were precluded from taking other cases, and in fact, had to turn away other meritorious fee generating cases. When this case was taken on a contingent fee basis, with Class Counsel fronting litigation costs, the ultimate result was far from certain. Practicing in this area of law involves a great deal of risk in that these cases can be lost on both class action procedural rulings as well as on the merits.

18. I have worked a total of approximately 61.70 hours on this case (which includes a two-hour estimate of the time I anticipate working on the Motion for Final Approval) and have a lodestar of \$46,275.00. All of this time spent and the tasks I performed were reasonable and necessary to the prosecution of this case. My detailed timesheets documenting all the hours I worked prosecuting this case and the tasks performed are attached as Exhibit B. Co-counsel have concurrently filed declarations detailing their experience, litigation expenses, and estimated hours related to this case from the attorneys in their firms.

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1 I declare under penalty of perjury under the laws of the State of California that
2 the foregoing is true and correct and that this Declaration was executed on January
3 10, 2022, at Newport Beach, California.

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