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Counsel 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 MARC H.
PHELPS IN SUPPORT OF MOTION
FOR ORDER GRANTING
PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

Hearing:

Date: October 1, 2021
Time: 8:30 a.m.
Ctrm: 6C

DECLARATION OF MARC H. PHELPS

I, Marc H. Phelps, hereby declare:

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 Phelps Law Group, 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. I am admitted, in good standing, to practice as an attorney before this Court. I have never been subject to discipline by the State Bar of California.

3. I am a 2004 graduate of The University of Southern California Law School. While in law school, I was a participant in and an editor of the Interdisciplinary Law Journal. I served as a law clerk for the Hon. Ronni MacLaren, and performed a summer associate job with the large, multinational firm Paul, Hastings, Janofsky and Walker. I received a Bachelor’s degree *magna cum laude* from Amherst College in 1998.

4. From 2004-2008, I worked for Paul, Hastings, Janofsky and Walker as an associate in the Los Angeles office’s Labor and Employment Department. From 2008-2009, I worked for Bryan Cave as an associate in the Santa Monica office’s Litigation Department. In March 2009, I started The Phelps Law Group, specializing in Plaintiffs’ employment litigation.

5. Both as an employment defense and plaintiffs’ attorney, I have achieved successful outcomes for numerous clients. As a plaintiffs’ attorney, I have achieved excellent results for multiple clients seeking recovery for unpaid wages (including overtime), pay stub violations, meal and rest period premium pay, and unreimbursed business expenses in individual cases as well as in representative actions brought pursuant to the Private Attorney Generals’ Act (“PAGA”) and class action matters.

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6. The Phelps Law Group has co-counseled with The Carter Law Firm on many wage and hour class action cases, and has also co-counseled with Cohelan, Khoury & Singer. The firm has successfully resolved cases involving failure to pay wages for hours worked, failure to pay overtime, failure to pay meal and rest period premium pay, failure to reimburse for business expenses, and paystub violations. See e.g., *Harchegani v. Cellco Partnership, Inc. dba Verizon Wireless*, Case No. 37-2017-00019977 (2017) (inaccurate itemized pay statements); *Jones v. Abercrombie & Fitch Trading Co., et. al.*, No. 2:15-cv-001050-JGB-E (Hon. Jesus G. Bernal) (failure to pay reporting time pay/unpaid wages) (C.D. 2018); *Bui, et al. v. Sprint Corporation, et al.* Case No. 2:14-CV-02461-TLN-AC (Hon. Troy L. Nunley) (E.D. 2016) (unpaid wages, failure to reimburse for business expenses); *Hernandez v. HRM Restaurant Management, Inc.*, Case No. 30-2012-00616819-CU-OE-CXC (2015) (failure to pay wages for hours worked); *Cerami, et. al. v. Metlife, Inc.*, Case No. 11-CV-00681-CJC (MLG) (2013) (failure to pay wages for hours worked due to misclassification of mortgage loan employees); *Plows, et al. v. Rockwell Collins, Inc.* Case No. SACV 10-1936 DOC (MANx) (2012) (failure to pay wages for hours worked due to misclassification of high tech employees); *Carney v. Hillstone Restaurant Group, Inc.*, Case No. CV10-2988 (2011) (failure to pay wages for hours worked, failure to reimburse for business expenses); *Kohlenberg v. Lululemon, Inc.*, Case No. 30-2009000255551 (2010) (same); *Rivero v. Schafer Ambulance*, Case No. BC 425838 (2011) (unpaid overtime); *Mercado et. al. v. Gate Gourmet, Inc.*, Case No. CV07-2305JHN (CWX) (2011) (meal and rest period premium pay claims); *Dunn v. The Kroger Company*, Case No. BC323252 (2012) (meal and rest period premium pay claims).

7. I have been appointed as class counsel or co-class counsel in multiple wage and hour class actions in state and federal courts. Within the past eleven years, I have served as class counsel on cases that have resulted in substantial monetary recoveries for thousands of California employees. My firm is currently prosecuting

(along with other counsel) multiple wage and hour class and PAGA actions in state and federal courts throughout California.

8. I have litigated cases involving the same types of issues raised in this case in numerous industries, as detailed above.

9. I am well-versed in the facts of this case and the law that applies to the claims asserted. In addition to my knowledge of applicable existing case law, statutes, and regulations, I spent considerable effort during the litigation researching other cases involving these issues.

10. Specifically, my firm and The Carter Law Firm were retained by Luben Romanov to represent him against his employer Amazon.com Services, LLC. ("AMZN"). I spent considerable time conferring with Mr. Romanov and assessing the viability of a lawsuit, including researching other pending cases against Amazon, conducting extensive legal research regarding claims to be asserted, and reading reports regarding Amazon's treatment of its drivers. Once Mr. Carter and I had decided that a lawsuit was viable, we agreed to associate the law firm of Cohelan Khoury & Singer to assist with the prosecution of this case. While Cohelan, Khoury & Singer served as lead counsel, I continued to assist in the prosecution of the action, by filing the complaint, reviewing Defendant's removal papers and determining whether a basis for a motion to remand existed, preparing initial disclosures (including correspondence with Mr. Romanov regarding the same), preparing the initial Rule 26(f) statement, assisting in the preparation of written discovery, and reviewing Defendant's discovery responses -- including participation in the meet and confer process. I also helped with mediation preparation, and attended the mediation. I have been the primary point of contact with Mr. Romanov and plan to assist with any contact with putative class members following dissemination of the class notice.

11. My firm will continue to dedicate the necessary resources, both in terms of money and time, to properly, aggressively, and efficiently prosecute this

1 case on behalf of the putative class.

2 12. Plaintiffs' Counsel are seeking a fee award in an amount up to 33.33%
3 (1/3) of the gross settlement fund. I believe that this request is fair and reasonable
4 in light of the excellent result achieved, and the fact that all work was expended by
5 counsel with no guarantee of recovery (on a contingency basis), and at the expense
6 of other cases that could have been taken on.

7 13. This case was litigated during the height of the COVID-19 pandemic
8 and accordingly, costs were fairly limited due to no in-person appearances and
9 depositions. The Phelps Law Group has incurred approximately \$125 in costs in
10 this action. I will provide a complete summary of my firm's expenses prior to final
11 approval.

12 I declare under penalty of perjury under the laws of the State of California
13 that the foregoing is true and correct and that this Declaration was executed on
14 August 9, 2021, in Irvine, California.

15
16 s/ Marc H. Phelps
17 MARC H. PHELPS

18 **ATTESTATION REGARDING ELECTRONIC SIGNATURES**

19 I, J. Jason Hill, attest pursuant to Central District Local Rule 5-4.3.4(a)(2)(i)
20 that Marc H. Phelps, on whose behalf this filing is submitted, concurs in the filing's
21 content and has authorized this filing. I declare under penalty of perjury under the
22 laws of the United States of America that the foregoing is true and correct.

23 Dated: August 9, 2021

COHELAN KHOURY & SINGER

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25 s/J. Jason Hill
26 J. Jason Hill, Esq.
27 Attorneys for Plaintiff Luben Romanov
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