

Roman Otkupman, CSBN 249423
Roman@OLFLA.com
Nidah Farishta, CSBN 312360
Nidah@OLFLA.com
OTKUPMAN LAW FIRM, A LAW CORPORATION
5743 Corsa Ave., Suite 123
Westlake Village, CA 91362
Telephone: (818) 293-5623
Facsimile (888) 850-1310

Attorneys for Plaintiffs

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN JOAQUIN

JOSHUA D. HODGES, as an individual
and on behalf of all others similarly
situated,

Plaintiff,

vs.

CALIFORNIA TRUCK CENTERS, LLC,
a California Limited Liability Company;
DELTA TRUCK CENTER, a California
Company; and DOES 1 through 100,

Defendants.

CASE NO. STK-CV-UOE-2022-0000168

*[Case assigned for all purposes to the Hon.
George J. Abdallah, Dept. 10A]*

**DECLARATION OF ROMAN OTKUPMAN
IN SUPPORT OF PLAINTIFF'S MOTION
FOR PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

Action Filed: January 10, 2022

Trial Date: None Set

- 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

I, Roman Otkupman, declare as follows:

1. I am an attorney duly admitted to the practice of law in the State of California. I am a Principal of Otkupman Law Firm, A Law Corporation, and co-counsel for Plaintiffs in this matter. I have personal knowledge of the facts set forth herein and if called as a witness to testify in this matter, I could and would do so competently.

Education and Experience:

2. I obtained my Bachelor's degree from the University of California at Los Angeles in 2003. I majored in Economics at the Anderson School of Business and obtained a Minor in Slavic Languages.

3. Thereafter, I attended the Thomas Jefferson School of Law, where I focused on studies on Employment law and related litigation. After completing my first year of legal studies, I secured an externship at the Equal Employment Opportunity Commission (“EEOC”), where I worked under the Supervisory Administrative Judge, Larry A. Abrams. While at EEOC, I evaluated the merits of federal employment discrimination claims and recommended dispositions. I further reviewed motions, researched case law, prepared summaries of arguments, and assisted in the preparation of court rulings on summary judgments, motions to compel, and motion to strike decisions. Furthermore, I attended numerous conferences, hearings, and trials pertaining to employee complaints.

4. Thereafter, I volunteered at the Employee Rights Center of San Diego where I informed numerous employees about their options and legal avenues in wage and hour and/or employment discrimination disputes.

5. Otkupman Law Firm, ALC prosecutes wage and hour cases on behalf of the employees whose rights have been violated. Otkupman Law Firm, either on its own or with co-counsel is currently serving as Plaintiff's counsel of record in dozens of wage and hour and employment class action cases pending in both state and federal court.

6. Otkupman Law Firm, ALC has successfully litigated and resolved numerous wage

1 and hour class actions involving failure to pay wages, wage statement violations and derivative
2 Labor Code claims and penalties. See, *Barrios v. Freeway*, Superior Court of California County
3 of Sacramento, Case No. 34-2015-00183162-CU-OE-GDS; *Hernandez v. CoWorx*, Superior
4 Court of California, County of San Joaquin, Case No. 39-2015-0032567-CU-OE-STK; *Sigourney*
5 *Esh v. Be.Group*, Superior Court of California, County of San Diego, Case No. 37-2014-
6 00006162-CU-OE-NC; *Pakiza A. Ali v. Rainbow USA Inc.*, Superior Court of California, County
7 of San Joaquin, Case No. 39-2015-00320655-CU-OE-STK; *Rosie Orta v. Walgreen Co.*, Superior
8 Court of California, County of Los Angeles, Case No. BC530605; *Jennifer Underwood v. Payroll*
9 *Direct, Inc.*, Superior Court of California, County of Merced, Case No. 15CV-03112; *Jeremiah*
10 *Putnam v. Sagar Diner, Inc.*, Superior Court of California, County of Merced, Case No.
11 SCV011040; *Amanda Maniord v. Hue & Cry, Inc.*, Superior Court of California, County of
12 Shasta, Case No. 182115; *Andrew Mojica v. Dedicated Fleet Systems Inc., and Osterkamp*
13 *Transportation Group*, Superior Court of California, County of Los Angeles, Central Civil West,
14 Case No. BC621739; *Holly Pinheiro v. Stanton Optical Florida LLC, Vision Precision Holdings,*
15 *LLC*, Superior Court of California, County of San Joaquin, Case No. 39-2015-00323663-CU-OE-
16 STK; *Jared Sewell v. Gary D Nelson Associates Inc.*, Superior Court of California, County of
17 Sonoma, Case No. SCV 254929; *David Jimenez v. Modern Interiors*, Superior Court of
18 California, County of Los Angeles, Case No. BC549815; *Patricia Mosley v. Shields for Families*,
19 Superior Court of California, County of Los Angeles, Case No. BC590656; *Teri Parker v. Toms*
20 *Sierra Co, Inc.*, Superior Court of California, County of Placer, Case No. SCV0036376.

21
22 7. Upon becoming a member of the bar, I worked at a boutique employment firm
23 specializing in defense of multi-plaintiff and single plaintiff defense of Wage and Hour claims as
24 well as other various employment claims. There, I was involved in numerous wage and hour
25 actions as well as employment discrimination lawsuits including but not limited to: violation of
26 Labor Code 226, failure to pay overtime, PAGA claims Labor Code 2699 et seq., sexual
27 harassment, gender discrimination, racial discrimination, intentional infliction of emotional
28 distress, breach of contract, conspiracy, breach of good faith and fair dealing, disability

1 discrimination and failure to accommodate, as well as Labor Code Section 132 (a) claims under
2 worker's compensation law.

3 8. I have written numerous articles on various wage and hour and related employment
4 litigation issues, three of which were published in recent years¹.

5 9. Based on my own investigation and evaluation, I am of the opinion that the
6 Settlement, its allocation among Class Members, and the recovery for each Class Member, is fair
7 and reasonable. I believe I have a strong understanding of the trends in both the likelihood of
8 certification of wage and hour cases and the value of settlements of cases such as this one.

9 10. My opinion takes into consideration, the amounts received in other similar class
10 actions, which I have litigated and/or am familiar with, the risks inherent in litigation of this genre,
11 and the reasonable tailoring of each Class Member's claim to the amount received in the
12 settlement. Based on that knowledge, I am of the opinion the settlement is fair, reasonable and
13 adequate and is in the best interests of the Class. I am also of the opinion that the total
14 consideration and payment outlined in the Settlement Agreement is adequate in light of the
15 uncertainties surrounding the risk of further litigation, and the possible defenses that Defendant
16 has asserted and could assert.

17 **Class Counsel's Attorneys' Fees and Costs:**

18 11. The Parties have agreed that Class Counsel will seek no more than \$1,221,968.33
19 (i.e., 1/3 of the Maximum Settlement Amount) in attorneys' fees. This agreement is fully
20 disclosed in the Settlement Agreement. Any attorneys' fees awarded are subject to this Court's
21 approval at the final approval hearing, in advance of which Plaintiff will file a formal noticed
22 motion.

23 12. This Court can appreciate that litigating a high stakes case against a large
24 Defendant represented by a highly respected law firm in an evolving area of law is not appealing
25 to most lawyers, particularly when the Plaintiff's lawyers will have to finance the litigation. This
26

27
28

¹ 1. Employment Equality in the Workplace – Published in the Valley Lawyer Magazine October 2010 issue.
2. Applying Cat's Paw Theory to Discrimination Cases - Published in the Valley Lawyer Magazine August 2011 issue.
3. ADR in the Employment Arena – Published In the Valley Lawyer Magazine issue June 2012 issue.

case was taken solely on a contingency basis and is not a case undertaken lightly. The risk of advancing substantial costs in this type of litigation can be very high.

13. We have expended substantial time to date litigating the case and bringing it to fruition. We expect to expend substantially more time through a comprehensive notice and claims program and final approval process. We have aggressively litigated this case from the start. Plaintiff's counsel achieved a result whereby each member of the class will receive a payment depending on the number of workweeks that person worked during the relevant time. The class members will not be obliged to submit a claim form or worry about sending it in. Moreover, Plaintiff counsel's work is not yet complete, as we will spend a significant amount of time overseeing and participating in the settlement administration process and final approval proceedings.

14. Finally, the Settlement Agreement provides that we will seek to recover litigation costs of no more than \$100,000.00 from the Maximum Settlement Amount. At the final approval stage, we will submit an itemized statement of costs incurred to the Court for its approval.

No Conflict of Interest with Administrator

15. I confirm that I am not affiliated in any way with the proposed Settlement Administrator, ILYM Group, Inc. I do not have any financial interest, ownership interest, or other relationship with ILYM Group, Inc. that could create a conflict of interest or call into question the neutrality of the settlement administration process.

I declare under penalty and perjury under the laws of the States of California that the foregoing is true and correct.

Executed this 10th day of April 2025 at Westlake Village, California.



Roman Otkupman