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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 FINAL APPROVAL OF CLASS
ACTION SETTLEMENT**

Action Filed: January 10, 2022

Trial Date: None Set

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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.

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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

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

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

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

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

Class Counsel's Attorneys' Fees and Costs:

11. The Parties have agreed that Class Counsel will seek no more than \$1,221,968.33 (i.e., 1/3 of the Maximum Settlement Amount) in attorneys' fees. This agreement is fully disclosed in the Settlement Agreement. I have worked no less than 107 hours on this case. My hourly rate is \$950 based on my 18 years of experience, qualifications, and expertise. My task summary along with the approximate number of hours spent on each task is below:

Attorney	Task	Hours
Roman Otkupman	Pre-filing investigation	12

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.

Roman Otkupman	Drafting Service Agreement and Reviewing Documents From Client	3
Roman Otkupman	Drafting PAGA Letter	3
Roman Otkupman	Class Complaint	4
Roman Otkupman	PAGA Complaint	3
Roman Otkupman	Drafting Formal Discovery Requests	6
Roman Otkupman	Reviewing Formal Discovery Responses and Document Production	8
Roman Otkupman	Drafting Discovery Meet and Confer Letter	3
Roman Otkupman	Reviewing Formal Discovery Requests and Drafting Responses	6
Roman Otkupman	Drafting Draft Belaire West Notice	1
Roman Otkupman	Reviewing Class List	1
Roman Otkupman	Drafting Multiple Joint Case Management Conference Statements and Reviewing Court Orders	5
Roman Otkupman	Reviewing informal production of documents, conducting research on wage and hour issues, and analyzing time and pay records	22
Roman Otkupman	Preparing for mediation	4
Roman Otkupman	Attending mediation	8
Roman Otkupman	Settlement documents	2
Roman Otkupman	Drafting Request for Dismissal and Supporting Documents	1
Roman Otkupman	Preliminary Approval Declarations	3
Roman Otkupman	Final Approval Declarations	2
Roman Otkupman	Estimated future work	10
TOTAL HOURS		107

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2 12. There are additional hours devoted by my office to this litigation that are not
3 reflected in Class Counsel's request for attorney's fees.

4 13. My firm has worked no less than 107 hours on the matter. My firm's fees from the
5 inception to completion of this matter are no less than \$101,650.00.

6 14. Class Counsel has significant experience in wage and hour litigation and the skill
7 and expertise required for the issues presented in this case. Class Counsel is qualified to handle
8 this litigation because Class Counsel is experienced in litigating Labor Code violations on both a
9 class and individual basis. Class Counsel has also frequently received fee awards of the requested
10 percentage from the gross recovery for the class and Class Counsel's experience in wage and hour
11 litigation was crucial in evaluating both the strengths and weaknesses of the case and the
12 reasonableness of the settlement.

13 15. Class Counsel has expended a significant amount of time litigating this case to
14 achieve an excellent result on behalf of the Class Members. In the event that the Court grants final
15 approval of the settlement, Class Counsel will spend additional time monitoring administration
16 of the settlement. The number of hours that Class Counsel has devoted to this case is reasonable.
17 Here, Class Counsel was required to expend considerable time and resources to investigate,
18 litigate, and successfully settle these claims for the benefit of the Class.

19 16. While I work exclusively on a contingency fee basis, I charge a rate of \$950.00
20 per hour when the award of fees is considered. My charge rate is commensurate with the market
21 rates in Los Angeles for attorneys of comparable experience and skill handling complex litigation,
22 based on my 18 years of experience, qualifications, and expertise. Moreover, this rate has been
23 approved by other courts.

24 17. My hourly rates are reasonable in light of my significant experience, expertise, and
25 skill. The attorneys at Otkupman Law Firm, A Law Corporation specialize in employment law
26 and have substantial experience in wage and hour litigation.

27 18. Class Counsel achieved a result whereby each Participating Class Member will
28 receive a payment without having to submit a claim form. The amount requested here will fairly

1 compensate Class Counsel for their successful vindication of Class Members' rights, taking into
2 account the quality, nature and extent of counsel's efforts, the results achieved and the fact that
3 the amount of fees is sought is consonant with legal precedent. Counsel's diligent, efficient and
4 creative pursuit of this matter positioned Plaintiff to settle this action successfully, affording
5 redress to the entire class and avoiding the inevitable expense and risk attendant to protracted
6 litigation. In sum, it was through the efforts of Plaintiff and Counsel that the settlement was
7 obtained.

8 19. Additional time will be required by Class Counsel to obtain final approval of the
9 settlement and requested awards, monitor the settlement and respond to Class Member inquiries,
10 and oversee the administration of the settlement. Given the time Class Counsel has spent on this
11 case, and the positive reaction by the Class Members, the requested fee award is reasonable and
12 fair and should be awarded.

13 20. This Court can appreciate that litigating a high stakes case against large
14 Defendants represented by highly respected law firms in an evolving area of law is not appealing
15 to most lawyers, particularly when the Plaintiff's lawyer will have to finance the litigation. This
16 case was taken solely on a contingency basis and is not a case undertaken lightly. The risk of
17 advancing substantial costs in this type of litigation can be very high. My office has incurred
18 \$2,692.33 in expenses litigating this action. The expenses were reasonably incurred by my office.
19 Attached hereto as **Exhibit "A"** are my firm's costs.

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1 **No Conflict of Interest with Administrator**

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

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

8 Executed this 17th day of September 2025 at Westlake Village, California.

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11
12 Roman Otkupman

EXHIBIT A

Daniel Vogel v. Golden Gate Freightliner, Inc.

Counsel's Costs

EXPENSE CATEGORY	EXPENSE
Filing Fee	\$1,961.02
Service Fee	\$198.23
PAGA Filing Fees	\$75.00
Filing Fees	\$423.68
Postage/Fedex Charges	\$32.00
Photocopy/ Printing Charges	\$2.40
Total Expenses	\$2,692.33