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15 Attorneys for Plaintiffs

16 **UNITED STATES DISTRICT COURT**

17 **CENTRAL DISTRICT OF CALIFORNIA -- WESTERN DIVISION**

18 GERARDO ORTEGA and MICHAEL
 19 D. PATTON, individually and on
 20 behalf of themselves, all others
 21 similarly situated, and the general
 22 public,

23 Plaintiffs,

24 vs.

25 J. B. HUNT TRANSPORT, INC., an
 26 Arkansas corporation; and DOES 1 to
 27 10, inclusive,

28 Defendants.

CASE NO. 2:07-CV-08336-RGK-SH

CLASS ACTION (FRCP 23)

**DECLARATION OF CLASS
 REPRESENTATIVE GERARDO
 ORTEGA IN SUPPORT OF
 PLAINTIFFS' MOTION FOR
 ATTORNEYS' FEES, COSTS AND
 INCENTIVE AWARDS**

1
2 I, Gerardo Ortega, declare as follows:

3 1. I am the first named plaintiff in the above-captioned action. I am over
4 the age of 18 and a former Dedicated Contract Services (DCS) driver for Defendant
5 J.B. Hunt Transport, Inc. (“Defendant” or “J.B. Hunt”). I make this Declaration in
6 support of Plaintiffs’ Motion for Approval of Attorneys’ Fees, Costs, and Incentive
7 Awards in the above matter. Unless otherwise indicated, I have personal knowledge
8 of the facts set forth herein and could competently testify to them if called as a
9 witness.
10

11 2. I worked for J.B. Hunt as a Dedicated Contract Services (DCS) driver
12 in California from approximately August 2004 to March 2005. I also worked for
13 J.B. Hunt from approximately May 2006 until September 2006 as an intermodal
14 driver based in South Gate, California. The third time I worked for JB Hunt was in
15 October 2010, when I completed three days of orientation, after which I was told by
16 one of the men in charge of the South Gate facility that they could not hire me. I
17 was not provided any explanation as to why.

18 3. During the second time I worked for J.B. Hunt in 2006, I worked there
19 for approximately 3 months, and I was based in South Gate, California.

20 1. Along with Michael Patton and Alfredo Salvatierra, I hired the Cullen
21 law firm, and then Marlin & Saltzman, to help us challenge the pay practices at J.B.
22 Hunt that we firmly believed were wrong and illegal.

23 2. Mr. Patton, Mr. Salvatierra and I agreed to file a class action, because
24 we wanted to try to change the trucking industry practices, not just seek to obtain a
25 benefit for ourselves, but to benefit our fellow drivers.
26

27 3. I knew that by acting as a plaintiff class representative, I would be
28 exposed to publicity, making it harder for me to find a job. In fact, ever since having

1 gotten involved in this litigation, I have found it very difficult to find jobs in the
2 trucking industry. While I have been able to find work, it has typically been with
3 very small companies, who have pay practices that are even more egregious than
4 those I experienced at J.B. Hunt. Whenever I have applied for jobs with larger
5 companies, I simply do not even get a response, and, given that my name is not
6 particularly common, I strongly that because mine was the first name on this case it
7 has had an effect on my livelihood.

8 4. In addition to the risks I knew I would be undertaking with respect to
9 my ability to find employment in the trucking industry, I also knew I would be
10 exposed to considerable expenses, including the Defendant's costs in the lawsuit, if
11 J.B. Hunt were to prevail.

12 5. I knew that I had an obligation to treat my fellow drivers' interests
13 equal to those of my own. I knew that I would have to respond to discovery and
14 would likely be deposed. I also knew that the case might last a long time -- possibly
15 several years. I never expected that it would take 11 years.

16 6. Nevertheless, I undertook all of these risks, believing that the trucking
17 industry needed someone to stand up to help drivers obtain fair treatment. So, I
18 agreed to take on that responsibility.

19 7. Now that the case is settled, I am finally able to ask for compensation
20 for my efforts dedicated to the cause, as well as for the time I have spent working
21 to help see this case through to a fair and reasonable conclusion, and for the possible
22 harm caused to me by being a named plaintiff.

23 8. Over the years, I believe I have spent over 80 hours performing my
24 duties as a class representative in this case.

25 9. I spent at least 20 hours assisting my counsel in responding to written
26 discovery, which included 25 special interrogatories and 96 categories of
27 documents.
28

1 10. I also spent at least 30 hours preparing for deposition, driving round-
2 trip from my home to Toluca Lake and attending my deposition.

3 11. I routinely communicated with counsel every couple of months for the
4 past 11 years, and more frequently during significant events. I estimate I spent at
5 least 30 to 40 hours in telephone conferences and email exchanges with my counsel.

6 12. I always made myself available for any and all declarations which were
7 necessary for the prosecution of this case. In addition to this declaration, I provided
8 multiple declarations for the Court in this case, including a declaration in support of
9 the Motion for Class Certification, a Motion for Summary Judgment, an opposition
10 to a motion for summary judgment by the defendant.

11 13. In sum, I have spent at least 80 to 90 hours fulfilling my duties as the
12 class representative in this case.

13 14. I have also had this case hanging over my head for 11 years.

14 15. I believe that the settlement is fair and reasonable, and I believe that
15 the time and effort I provided to not only my counsel but to my fellow former
16 coworkers helped make this settlement a reality.

17 16. Accordingly, I request that the Court approved my incentive award of
18 \$15,000 in full.

19 I declare under penalty of perjury of the laws of the United States of
20 America that the foregoing is true and correct and that this declaration
21 was executed in the city of Ontario, California on December 27, 2018.
22

23 DocuSigned by:
24 *Gerardo Ortega*
By _____
25 55C9F9758ADF470...
26 Gerardo Ortega, Declarant
27
28