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11 Attorneys for Plaintiffs

12 **UNITED STATES DISTRICT COURT**

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

14 GERARDO ORTEGA and MICHAEL
 15 D. PATTON, individually and on
 16 behalf of themselves, all others
 17 similarly situated, and the general
 18 public,

19 Plaintiffs,

20 vs.

21 J. B. HUNT TRANSPORT, INC., an
 22 Arkansas corporation; and DOES 1 to
 23 10, inclusive,

24 Defendants.

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

26 **CLASS ACTION (FRCP 23)**

27 **DECLARATION OF CLASS**
 28 **REPRESENTATIVE MICHAEL D.**
PATTON IN SUPPORT OF
PLAINTIFFS' MOTION FOR
ATTORNEYS' FEES, COSTS AND
INCENTIVE AWARDS

1 I, Michael D. Patton, declare as follows:

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

9 2. I was employed by J.B. Hunt in 1999, and again in 2006.

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

12 4. Along with Gerardo Ortega and Alfredo Salvatierra, I hired the Cullen
13 law firm, and then the Marlin & Saltzman firm, to help us challenge the pay
14 practices at J.B. Hunt that we firmly believed were wrong and illegal.

15 5. Mr. Ortega, Mr. Salvatierra and I agreed to file a class action, because
16 we wanted to try to change the trucking industry practices, not just obtain a benefit
17 ourselves, but to benefit our fellow drivers.

18 6. I knew that by acting as a plaintiff class representative, I would be
19 exposed to publicity, making it harder for me to find a job.

20 7. In fact, early in this case, back in about 2009, I recall being at work at
21 another trucking company, and I was talking with my boss when a process server
22 for J.B. Hunt came in the door and handed my boss a subpoena seeking records for
23 this case. While I was not terminated from that job right away, my relationship with
24 that employer seemed very different afterwards, as I was then clearly known to be
25 a litigant in a wage claim against my former employer. Due in part to the change
26 in atmosphere at that job, I ultimately left that workplace in the hopes of finding a
27
28

1 place where I would not be perceived as a potential liability.

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

6 9. I knew that I had an obligation to treat my fellow drivers' interests
7 equal to those of my own. I knew that I would have to respond to discovery and
8 would likely be deposed. I also knew that the case might last a long time -- possibly
9 several years.

10 10. I undertook all of these risks believing that the trucking industry
11 needed someone to stand up to help drivers obtain fair treatment. So, I agreed to be
12 one of those persons who would stand up for the group.

13 11. All these years later, I am finally able to ask for compensation for my
14 dedication to the cause, for the time I have spent working to help see this case
15 through to a fair and reasonable conclusion and for the likely harm caused to my
16 future employability.

17 12. Over the years, I believe I have spent over 90 hours performing my
18 duties as a class representative in this case.

19 13. I spent at least 20 hours assisting my counsel in responding to written
20 discovery, which included 25 special interrogatories and 96 categories of
21 documents.

22 14. I also spent at least 30 hours preparing for deposition, driving round-
23 trip from my home to Century City, and attending my deposition.

24 15. I routinely communicated with counsel every couple of months for the
25 past 11 years, and more frequently during significant events. I estimate I spent at
26 least 40 to 50 hours in telephone conferences and email exchanges with my counsel.
27

28 16. I always made myself available for any and all declarations which were
**DECLARATION OF MICHAEL D. PATTON ISO PLAINTIFFS' MOTION FOR ATTORNEYS'
FEES, COSTS AND INCENTIVE AWARDS**

1 necessary for the prosecution of this case. I provided multiple declarations to the
2 court during the course of this litigation, including one in support of the Motion for
3 Class Certification, in support of Motion for Summary Judgment and in support of
4 an opposition to Defendant’s motion for summary judgment.

5 17. In sum, I have spent at least 90 to 100 hours fulfilling my duties as the
6 class representative in this case.

7 18. I have also had this case hanging over my head for 11 years.

8 19. I believe that the settlement is fair and reasonable, and I believe that
9 the time and effort and dedication to the cause that I provided not only to my counsel
10 but also to my fellow former coworkers helped make this settlement a reality.

11 20. Accordingly, I request that the Court approved my incentive award of
12 \$15,000 in full.

13 I declare under penalty of perjury of the laws of the United States of
14 America that the foregoing is true and correct and that this declaration was
15 executed in the city of Kingman, Arizona on December 27, 2018.
16

17 DocuSigned by:
18 *Michael D Patton* 12/28/18
19 E02D58C082554ED...
20 By _____
21 Michael Patton, Declarant
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