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11 *Attorneys for Plaintiff Omar Rodriguez*

**CONFORMED COPY
ORIGINAL FILED**
Superior Court of California
County of Los Angeles

JUN 12 2017

*Sherri B. Carter, Executive Officer/Clerk
By: Maria Aguirre, Deputy*

12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
13 **LOS ANGELES COUNTY—CENTRAL CIVIL WEST**

FILED BY FAX

Case No. BC625121

*Assigned to the Hon. John Shepard Wiley, Jr.,
Department 311*

**DECLARATION OF JOSEPH M. HEKMAT
IN SUPPORT OF MOTION FOR AWARD OF
ATTORNEYS' FEES, REIMBURSEMENT
OF COSTS, AND ENHANCEMENT AWARD**

[Class Action]

Complaint Filed: June 24, 2016
Trial Date: Not Set

15 OMAR RODRIGUEZ, individually and on
16 behalf of all others similarly situated,
17 Plaintiff,
18 v.
19 HAWK II ENVIRONMENTAL CORP., a
20 California corporation; and DOES 1-10,
inclusive,
21 Defendants.

1 I, Joseph M. Hekmat, declare as follows:

2 1. I am a member in good standing of the State Bar of California, and I am one of the
3 attorneys for Plaintiff in the within action. I make this Declaration in Support of Plaintiff's Motion for
4 Award of Attorneys' Fees, Reimbursement of Costs, and Enhancement Award. The requested fees and
5 costs were incurred in litigating the above-captioned matter, including negotiating the Stipulation of
6 Settlement of Class Action and Release of Claims ("Settlement Agreement"). I have personal
7 knowledge of the facts set forth herein, and if called as a witness to testify to them, I could and would do
8 so competently.

9 2. I am owner or and attorney at the Hekmat Law Group. I have been a licensed attorney in
10 California since 2009 and in New York since 2011. I am a graduate of the University of California,
11 Irvine (B.A. 2004) and Loyola Law School (J.D. 2009) where I served as Chief Articles Editor for the
12 International and Comparative Law Review and extern for the Honorable Ronald S. W. Lew, United
13 States District Court, Central District of California. Upon graduating from Loyola Law School, I joined
14 the litigation group of Glaser Weil Fink Howard Avchen & Shapiro LLP and subsequently worked as
15 general counsel of Evergreen Financial Holdings, LLC. In 2014, I founded the Hekmat Law Group,
16 where I have worked for the past three years representing employees in cases involving discrimination,
17 harassment, and retaliation and related to violations of California wage and hour laws. I have
18 represented employees in numerous disputes concerning their receipt of pay in connection with their
19 employment and represented aggrieved employees in PAGA litigation. I am a member of the California
20 Employment Lawyers Association ("CELA"), as well as the Los Angeles County Bar Association
21 ("LACBA") and Beverly Hills Bar Association ("BHBA") employment law sections.

22 3. My Co-Class Counsel in this matter are the attorneys at the Jaurigue Law Group. Their
23 qualifications are listed in the Declaration of Abigail Zelenski filed herewith.

24 4. Attached hereto as **Exhibit 1** are detailed time records of the time spent by the Hekmat
25 Law Group researching the claims, litigating the action in state court, attending hearings, preparing
26 motions, preparing for mediation and attending mediation, negotiating the settlement, preparing the
27 settlement documents, obtaining preliminary approval, overseeing the claims-administration process,
28

1 and preparing the within Motion. With respect to attorneys' fees, I spent approximately **130.25 hours** of
2 required work on this matter, resulting in a lodestar of **\$80,775.84**. As explained in the accompanying
3 Memorandum of Points and Authorities, the Laffey Matrix, adjusted to the Los Angeles — where Class
4 Counsel work — was used to determine the market rates for Class Counsel timekeepers. According to
5 the Laffey Matrix, my hourly rate (Los Angeles, 8–10 years) is \$620.16.

6 5. I have reviewed the professional time and expenses of all of the above attorneys, and I
7 believe that they accurately, yet conservatively, reflect the time productively and necessarily spent in the
8 prosecution of this case.

9 6. As discussed in the Memorandum of Points and Authorities in Support of the within
10 Motion, filed and served herewith, the attorneys at the Hekmat Law Group and the Jaurigue Law
11 Group—collectively, Class Counsel—seek attorneys' fees in the amount of \$83,325. The requested fee
12 award will also include compensation for all additional work in this case, including further work on this
13 Motion, drafting the Motion for Final Approval of Class-Action Settlement, appearing at the hearing for
14 final approval of the Settlement Agreement, dealing with any inquiries from the named Plaintiff and
15 Class Members, filing any supplemental documents the Court may require, and attending to related
16 administrative matters.

17 7. An enhancement award in the amount of \$7,500 is entirely reasonable and appropriate in
18 this matter for Omar Rodriguez, as it will fairly compensate Mr. Rodriguez for the work he did in
19 securing this settlement, as well as compensate him for any employment-related backlash he may suffer
20 in the future on account of filing a class-action lawsuit against one of his former employers. Attached as
21 **Exhibit 2** hereto is a true and correct copy of Omar Rodriguez's Declaration in support of this Motion.

22 I have read the foregoing, and the facts set forth therein are true and correct of my own personal
23 knowledge.

24 Dated: June 9, 2017

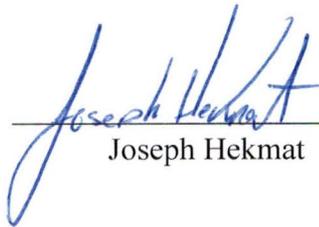
25 
26 _____
27 Joseph Hekmat
28

EXHIBIT 1

Date	Attorney Billing - Joseph Hekmat	Description	Hours	Hourly Rate	Total
1/8/2016	JMH	Meet with potential client to discuss case.	2	\$ 620.16	\$ 1,240.32
1/9/2016	JMH	Review client's intake.	1.5	\$ 620.16	\$ 930.24
1/21/2016	JMH	Discuss matter via e-mail and phone with co-counsel (AZ)	0.25	\$ 620.16	\$ 155.04
1/25/2016	JMH	Discuss matter via e-mail and phone with co-counsel (AZ)	0.3	\$ 620.16	\$ 186.05
1/27/2016	JMH	Review fee agreement with client.	1	\$ 620.16	\$ 620.16
2/1/2016	JMH	Prepare complaint.	8.5	\$ 620.16	\$ 5,271.36
2/9/2016	JMH	Discuss matter via e-mail and phone with co-counsel (AZ)	0.2	\$ 620.16	\$ 124.03
2/10/2016	JMH	Discuss matter via e-mail and phone with co-counsel (AZ)	0.1	\$ 620.16	\$ 62.02
2/11/2016	JMH	Review complaint.	3	\$ 620.16	\$ 1,860.48
2/16/2016	JMH	Discuss strategy with co-counsel (AZ).	0.1	\$ 620.16	\$ 62.02
2/16/2016	JMH	Prepare demand letter.	5	\$ 620.16	\$ 3,100.80
2/17/2016	JMH	Discuss matter with opp. counsel.	0.1	\$ 620.16	\$ 62.02
2/23/2016	JMH	Discuss strategy with co-counsel (AZ).	0.1	\$ 620.16	\$ 62.02
2/24/2016	JMH	Discuss strategy with co-counsel (AZ).	0.3	\$ 620.16	\$ 186.05
2/24/2016	JMH	E-mail correspondence with opp. counsel re filing.	0.5	\$ 620.16	\$ 310.08
2/25/2016	JMH	Conference call with opp. counsel and co-counsel re preliminary informal discovery and tolling agreement.	0.8	\$ 620.16	\$ 496.13
2/26/2016	JMH	Prepare tolling agreement and communicated with opp. counsel re same.		\$ 620.16	
3/2/2016	JMH	Conference call with opp. counsel and co-counsel re preliminary informal discovery and tolling agreement.	0.5	\$ 620.16	\$ 310.08
3/23/2016	JMH	E-mail opp. counsel re status of informal discovery	0.2	\$ 620.16	\$ 124.03
4/1/2016	JMH	Review and respond to e-mails with opp. counsel re status of informal discovery	0.2	\$ 620.16	\$ 124.03
4/13/2016	JMH	E-mail opp. counsel re status of informal discovery	0.2	\$ 620.16	\$ 124.03
4/19/2016	JMH	E-mail opp. counsel re status of informal discovery	0.2	\$ 620.16	\$ 124.03
4/20/2016	JMH	Prepare and distribute updated tolling agreement.	0.5	\$ 620.16	\$ 310.08
4/20/2016	JMH	Discuss strategy with co-counsel (AZ/DZ).	0.8	\$ 620.16	\$ 496.13
4/22/2016	JMH	Conference call with co-counsel re PAGA waivers.	0.5	\$ 620.16	\$ 310.08

4/24/2016	JMH	Prepare LWDA letter.	1.5	\$ 620.16	\$ 930.24
4/25/2016	JMH	Revise LWDA letter.	1.2	\$ 620.16	\$ 744.19
4/28/2016	JMH	Prepare and send e-mail to opp.counsel re status of informal discovery.	0.1	\$ 620.16	\$ 62.02
5/9/2016	JMH	E-mail opp. counsel re status of informal discovery	0.2	\$ 620.16	\$ 124.03
5/22/2016	JMH	Meeting with client.	1	\$ 620.16	\$ 620.16
5/23/2016	JMH	Work with JLG paralegal to organize defendant's production.	1.2	\$ 620.16	\$ 744.19
6/6/2016	JMH	Work with JLG paralegal to organize defendant's production.	0.7	\$ 620.16	\$ 434.11
6/8/2016	JMH	Work with JLG paralegal to organize defendant's production.	0.4	\$ 620.16	\$ 248.06
6/17/2016	JMH	Prepare tolling agreement extension; discuss filing deadlines etc with co-counsel	1.3	\$ 620.16	\$ 806.21
6/18/2016	JMH	Discuss filing deadlines etc with co-counsel	0.2	\$ 620.16	\$ 124.03
6/20/2016	JMH	Work with JLG paralegal to organize defendant's production.	0.4	\$ 620.16	\$ 248.06
6/23/2016	JMH	Review draft complaint.	1.5	\$ 620.16	\$ 930.24
7/15/2016	JMH	Prepare complaint for sevice	0.2	\$ 620.16	\$ 124.03
9/15/2017	JMH	Conference call with opp. counsel and co-counsel re initial status conference	0.8	\$ 620.16	\$ 496.13
9/15/2016	JMH	Conference call with ADR services re mediator Steve Pearl	0.3	\$ 620.16	\$ 186.05
9/15/2016	JMH	Meet & Confer with opp. counsel re CMC.	1	\$ 620.16	\$ 620.16
9/15/2017	JMH	Prepare/review joint initial status conference statement	1.2	\$ 620.16	\$ 744.19
9/20/2016	JMH	Discuss mediator options and joint status statemen revisions with opp.counsel	0.3	\$ 620.16	\$ 186.05
9/28/2016	JMH	Discuss mediator coordination with opp.counsel.	0.3	\$ 620.16	\$ 186.05
9/30/2016	JMH	Attend Initial Status Conference	4	\$ 620.16	\$ 2,480.64
10/5/2016	JMH	Coordinate mediator time and place.	0.2	\$ 620.16	\$ 124.03
11/7/2016	JMH	Discuss upcoming deposition of Plaintiff with co-counsel, prepare/revise letter to client	0.8	\$ 620.16	\$ 496.13
11/17/2016	JMH	Review defendant's answer to complaint	1.2	\$ 620.16	\$ 744.19
11/17/2016	JMH	Review supplemental production from defendant	2.1	\$ 620.16	\$ 1,302.34
11/18/2016	JMH	e-mail correspondence with opp.counsel and co-counsel re supplemental production	0.3	\$ 620.16	\$ 186.05
11/18/2016	JMH	Review damages spreadsheet and revise	4.5	\$ 620.16	\$ 2,790.72
11/28/2016	JMH	Review damages spreadsheet and revise	2.6	\$ 620.16	\$ 1,612.42
11/30/2016	JMH	Plaintiff's deposition.	8	\$ 620.16	\$ 4,961.28

11/30/2016	JMH	Conferences call with opp.counsel and co-counsel re signed arbitration agreements by class members.	0.6	\$ 620.16	\$ 372.10
12/1/2016	JMH	Review damages spreadsheet and revise	1.5	\$ 620.16	\$ 930.24
12/1/2016	JMH	Research arbitration agreement and waiver issues ahead of mediation.	2	\$ 620.16	\$ 1,240.32
12/2/2016	JMH	Research catalyst theory re defendant's obtaining of waivers.	4.5	\$ 620.16	\$ 2,790.72
12/2/2016	JMH	Research arbitration agreement and waiver issues ahead of mediation.	2	\$ 620.16	\$ 1,240.32
12/5/2016	JMH	Research catalyst theory re defendant's obtaining of waivers.	3.2	\$ 620.16	\$ 1,984.51
12/6/2016	JMH	Prepare/review mediation brief.	6	\$ 620.16	\$ 3,720.96
12/8/2016	JMH	Prepare/review mediation brief.	4.2	\$ 620.16	\$ 2,604.67
12/12/2016	JMH	Review defendant's mediation brief.	3.5	\$ 620.16	\$ 2,170.56
12/12/2016	JMH	Conference call with client about upcoming mediation.	0.2	\$ 620.16	\$ 124.03
12/13/2016	JMH	Mediation	7	\$ 620.16	\$ 4,341.12
12/14/2016	JMH	Obtain qualified claims administrator.	1.8	\$ 620.16	\$ 1,116.29
12/15/2016	JMH	Request bids from multiple claims administrators.	2.1	\$ 620.16	\$ 1,302.34
12/16/2016	JMH	Request bids from multiple claims administrators.	1.1	\$ 620.16	\$ 682.18
12/19/2016	JMH	Review/revise draft settlement agreement.	3.6	\$ 620.16	\$ 2,232.58
1/17/2017	JMH	Discuss joint statement with opp.counsel	0.2	\$ 620.16	\$ 124.03
1/18/2017	JMH	Discuss joint statement with opp.counsel	0.2	\$ 620.16	\$ 124.03
1/19/2017	JMH	Revise settlement agreement per opp.counsel changes.	1.6	\$ 620.16	\$ 992.26
1/20/2017	JMH	Prepare Motion for Preliminary Settlement Approval; declaration of JM and declaration of client.	6.5	\$ 620.16	\$ 4,031.04
1/24/2017	JMH	Request bids from more claims administrators.	0.8	\$ 620.16	\$ 496.13
1/24/2017	JMH	Revise settlement agreement per opp.counsel changes.	0.6	\$ 620.16	\$ 372.10
1/25/2017	JMH	Meeting with client.	0.5	\$ 620.16	\$ 310.08
1/31/2017	JMH	Review Motion for Preliminary Settlement Approval	1.5	\$ 620.16	\$ 930.24
2/1/2017	JMH	Review Joint Stipulation and Proposed Order	1.2	\$ 620.16	\$ 744.19
3/17/2017	JMH	Review class notice documents.	1.1	\$ 620.16	\$ 682.18
3/29/2017	JMH	Review class notice documents.	0.6	\$ 620.16	\$ 372.10
3/30/2017	JMH	Review supplemental brief.	2.2	\$ 620.16	\$ 1,364.35
4/13/2017	JMH	Attend CMC	3	\$ 620.16	\$ 1,860.48
4/13/2017	JMH	Review Court's Order	0.3	\$ 620.16	\$ 186.05
4/13/2017	JMH	Coordinate with claims administrator.	0.2	\$ 620.16	\$ 124.03

4/14/2017	JMH	Coordinate with claims administrator.	0.2	\$ 620.16	\$ 124.03
4/27/2017	JMH	Review calculations spreadsheet for accuracy.	0.7	\$ 620.16	\$ 434.11
4/28/2017	JMH	Review revised class notice from administrator.	0.5	\$ 620.16	\$ 310.08
5/9/2017	JMH	Discuss potential class problems with admin and co-counsel.	0.4	\$ 620.16	\$ 248.06
5/12/2017	JMH	Review weekly admin report.	0.3	\$ 620.16	\$ 186.05
Totals			130.25		80,775.84

EXHIBIT 2

1 Abigail A. Zelenski (SBN 228610)
abigail@jlglawyers.com
2 David Zelenski (SBN 231768)
david@jlglawyers.com
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9 Telephone: 424.888.0848
Facsimile: 424.270.0242
10

11 *Attorneys for Plaintiff Omar Rodriguez*

12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
13 **LOS ANGELES COUNTY**
14 **CENTRAL CIVIL WEST**

15 OMAR RODRIGUEZ, individually and on
behalf of all others similarly situated,

16 Plaintiff,

17 v.

18 HAWK II ENVIRONMENTAL CORP., a
19 California corporation; and DOES 1–10,
20 inclusive,

21 Defendants.

Case No. BC625121

*Assigned to the Hon. John Shepard Wiley, Jr.,
Department 311*

**DECLARATION OF OMAR RODRIGUEZ IN
SUPPORT OF MOTION FOR AWARD OF
ATTORNEYS' FEES, REIMBURSEMENT OF
COSTS, AND ENHANCEMENT AWARD**

[Class Action]

Date: August 28, 2017
Time: 11:00 a.m.
Dept: 311

Date Action Filed: June 24, 2016
Trial Date: Not yet set

1 **OMAR RODRIGUEZ** declares under penalty of perjury under the laws of the State of California and
2 the United States as follows:

3 1. I make this Declaration in support of Plaintiff's Motion for Award of Attorneys' Fees,
4 Reimbursement of Costs, and Enhancement Award. If sworn as a witness, I could competently testify to
5 each and every fact set forth herein from my own personal knowledge.

6 2. I worked as a cashier, parking attendant, and general custodian for Hawk II
7 Environmental Corp.'s ("Defendant") Alameda gas station located in Los Angeles, California between
8 July 2013 and approximately December 10, 2015. I also briefly worked at Defendant's gas station in
9 Hacienda Heights, California. I filed the instant lawsuit on account of Defendant's failure to provide its
10 employees with proper overtime compensation, rest and meal breaks, reimbursements for uniforms,
11 timely payment of wages upon termination, and improper paystubs under the California Labor Code.

12 3. In connection with this lawsuit, I feel as though I am a good representative of the other
13 employees in this case. I have personally invested a lot of time in assisting with this case. This time
14 included spending many hours educating myself on the relevant employment laws and educating myself
15 on the issues related to being a class representative in a class-action lawsuit; working diligently to
16 provide my attorneys with any documents and information I had in my possession, or within my
17 knowledge. The information and documents I provided were used to assist in the class-action lawsuit,
18 which eventually resulted in the settlement.

19 4. In this case, I spent a lot of time meeting with my attorneys in person and talking to them
20 on the phone about the case. I first began talking with my attorneys in January 2016 to discuss my
21 potential claims in this case. Whenever my attorneys needed me, I was available to answer questions,
22 review documents, or discuss any information I had regarding my employment with Defendant.

23 5. I have actively participated on this case. On November 30, 2016, I had my deposition
24 taken at Defendant's attorney's office in Signal Hill, California. I had to take time off from work to
25 attend my deposition.

26 6. On December 13, 2016, I had to take more time off from work to attend the all-day
27 mediation with my attorneys in downtown Los Angeles, California. We were able to settle the case
28 during the mediation. After the mediation, I spent time with my attorneys going over the long-form

1 settlement agreement to understand and accept the terms.

2 7. In addition to the time I spent on this case and the time I had to take off from work, I
3 chose to take stance against Defendant because I wanted to make sure that all employees are treated
4 fairly, and my interest in this pursuing this lawsuit was to secure compensation for the class on account
5 of Defendant's failure to comply with the Labor Code. With the assistance of my attorneys, we have
6 been able to secure a just settlement that can be shared by all employees. I have not been promised any
7 special monetary award or treatment for acting as a class representative. I also am not aware of any
8 interest that I have that is adverse to any member of the class, and I believe that my individual claims are
9 typical of the claims of the members of the class as a whole. I have been made aware that this is public
10 and the filings in this case are available to the public.

11 8. I have reviewed the settlement agreement and believe the terms are fair, adequate, and
12 reasonable to the Class. I understand my fiduciary obligations to the Class will continue until all
13 settlement procedures are concluded and the settlement funds distributed to Class Members.

14 I have read the foregoing, and the facts set forth therein are true and correct of my own personal
15 knowledge.

16 Executed June 8, 2017, in the City of Los Angeles, County of Los
17 Angeles, State of California.

18 
19 Omar Rodriguez

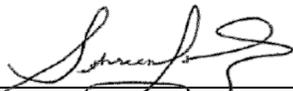
1 **PROOF OF SERVICE**

2 I am employed in the County of Los Angeles; I am over the age of eighteen years and am not a party to
3 the within action; and my business address is 114 North Brand Boulevard, Suite 200, Glendale,
4 California 91203.

5 On **June 12, 2017**, I served the document(s) described as **DECLARATION OF JOSEPH HEKMAT**
6 **IN SUPPORT OF MOTION FOR AWARD OF ATTORNEYS' FEES, REIMBURSEMENT OF**
7 **COSTS, AND ENHANCEMENT AWARD OF COSTS AND ENHANCEMENT AWARD** on ALL
8 INTERESTED PARTIES in this action as follows:

- 9 **BY U.S. MAIL:** I am readily familiar with the firm's practice of collection and processing
10 correspondence for mailing. Under that practice, an envelope(s) containing the document(s)
11 would be deposited with the U.S. Postal Service on that same day, with postage thereon fully
12 prepaid, at Glendale, California in the ordinary course of business. I am aware that, on motion
13 of the party served, service is presumed invalid if the postal-cancellation date or postage-meter
14 date is more than one day after the date of deposit for mailing.
- 15 **BY OVERNIGHT DELIVERY OR EXPRESS MAIL:** I enclosed the document(s) in an
16 envelope(s) or package(s) allowed by an overnight-delivery carrier and/or by the U.S. Post
17 Office for express mail, and addressed to the person(s) at the address(es) above. I placed the
18 envelope(s) or package(s) for collection and overnight delivery or express mail at an office or a
19 regularly utilized drop-box of the overnight-delivery carrier, or I dropped it off at the U.S. Post
20 Office.
- 21 **BY HAND DELIVERY:** I caused the document(s) to be delivered by hand in open court to at
22 least one of the individuals listed above.
- 23 **XXX BY ELECTRONIC MAIL VIA CASE ANYWHERE:** In accordance with the Court's ruling
24 governing Los Angeles Superior Court Case No. BC625121 and related actions requiring all
25 documents to be served upon interested parties via Case Anywhere system.

26 I declare under penalty of perjury under the laws of the State of California and the United States that
27 the foregoing is true and correct. Executed on **June 12, 2017**, at Glendale, California.

28 

Sehreen Ladak