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18 **UNITED STATES DISTRICT COURT**

19 **EASTERN DISTRICT OF CALIFORNIA — FRESNO DIVISION**

20 ROBERT MARTINEZ, an individual, on behalf
21 of himself, all others similarly situated,

22 Plaintiff,

23 v.

24 KNIGHT TRANSPORTATION, INC. d/b/a
25 ARIZONA KNIGHT TRANSPORTATION,
26 INC.; and DOES 1 thru 50, inclusive,

27 Defendants.

28 Case No. 1:16-CV-01730-DAD-SKO
29 *[Class Action]*

30 **DECLARATION OF JULIAN HAMMOND,
ESQ., IN SUPPORT OF PLAINTIFF'S
MOTION FOR ATTORNEYS' FEES &
COSTS**

Date: September 20, 2023
Time: 9:30 a.m.
Courtroom: 7, 6th Floor
Judge: Hon. Dale A. Drozd
Magistrate: Hon. Sheila Oberto

Removal Filed: November 14, 2016

DECLARATION OF JULIAN HAMMOND

I, JULIAN HAMMOND, hereby declare and state as follows:

1. I am over the age of 18 and have personal knowledge of the facts set forth in this declaration and could and would testify competently to them.

2. I am an attorney admitted to practice before the courts of the State of California and California federal courts. I am also an active member of the Bar of the State of New York and of the Washington State Bar Association.¹

3. I am the founding shareholder of the law firm HammondLaw, P.C. (“HammondLaw” or “Class Counsel”), attorneys of record (along with Craig J. Ackermann of Ackermann & Tilajef, P.C.) for Plaintiff ROBERT MARTINEZ (“Plaintiff” or “Class Representative”) and the settlement class (the “Class”) in the above-captioned matter.

4. I submit this declaration in support of Plaintiff’s Motion for Attorneys’ Fees and Costs (filed herewith) and Plaintiff’s Motion for Final Approval of Class Action Settlement (forthcoming).

5. I have no knowledge of the existence of any conflicting interests between my firm and any of its attorneys and our co-counsel on the one hand, and Plaintiff or any other Class Member, on the other.

6. In its Order Granting Preliminary Approval (Dkt. 84), the Court appointed me and my co-counsel, Craig J. Ackermann of Ackermann & Tilajef, P.C., “as class counsel for settlement purposes.”

7. Both my law firm, HammondLaw, P.C., and Ackermann & Tilajef, P.C. have a great deal of experience handling wage and hour class actions in state and federal courts in California and elsewhere. I will not repeat all of the facts I included in my Declaration in support of Plaintiff’s Motion for Preliminary Approval regarding the experience of my firm in wage and hour class actions. But, I believe that the combined experience of my co-counsel and my own firm, which has represented thousands of truck drivers in California, securing settlements and compensation changes going forward against the largest trucking companies in the United States for unpaid wages and premium pay, makes us extremely well-qualified to serve as Class Counsel and to assess both the value of the claims of Class Members and the quality of the excellent and efficient settlement we have achieved on their behalf.

8. I am in agreement with my co-counsel’s assessment that the settlement achieved in this

¹ I am also admitted to practice as a Barrister-at-Law in both the New South Wales and Victorian Supreme Courts, located in Australia.

1 case is an exceptional result for the Class.

2 9. In order to achieve such a good result for the Class, my firm and co-counsel's firm have
3 worked extremely hard on this case. I was not surprised to learn that my co-counsel's lodestar currently
4 totals \$283,335.12.

5 10. Since November 1, 2022, my firm has spent 94.3 hours working on this case. I have
6 personally spent time reviewing drafts of briefs, court filings, court orders, and emails with co-counsel.
7 My colleague, Ari Cherniak, has also performed similar tasks. In order to remove any potentially
8 duplicative work, I have not included the hours worked by me and Mr. Cherniak in my calculation of my
9 firm's lodestar. Instead, I have included only the **72 hours** of work performed by Adrian Barnes, who is
10 Senior Counsel with my firm. Mr. Barnes was the primary drafter of Class Counsel's Renewed Motion
11 for Preliminary Approval and many of the supporting papers. Mr. Barnes also spend time drafting the
12 Supplemental Brief requested by the Court. Mr. Barnes is also the primary drafter of the instant Motion
13 for Fees and Costs. And, I expect that Mr. Barnes will spend an additional 15-20 hours working on Class
14 Counsel's Motion for Final Approval (hours that are not included in our lodestar calculation). True and
15 accurate copies of the contemporaneous time records maintained by HammondLaw, P.C., for the services
16 performed by Mr. Barnes in this case since November 1, 2022, are attached hereto as **Exhibit 1**.

17 11. Mr. Barnes is a recognized employment law and consumer protection attorney, with over
18 12 years of experience. Mr. Barnes graduated from the University of California, Berkeley, in 2001, and
19 from Columbia Law School, in 2007, where he was a member of the *Columbia Law Review* and received
20 Columbia's Emil Schlesinger prize for excellence in labor law. Since graduating from law school, Mr.
21 Barnes has spent the majority of his career representing the interests of employees and union members in
22 labor and employment cases. Mr. Barnes has obtained numerous multi-million-dollar judgments and
23 settlements in cases brought on behalf of employees and consumers.
24

25 12. *Billing Rate.* Mr. Barnes' current billing rate is \$775. Surveys I have reviewed and experts
26 I have consulted demonstrate to me that this rate is similar to rates charged by comparable attorneys for
27 similar class action work and complex litigation. Mr. Barnes' 2023 rate was recently approved in *Carr v.*
28 *Konica Minolta Business Solutions, U.S.A., Inc.*, Case No. 21CV001245 (Alameda County Superior
29 Court, June 27, 2023).

30 13. At Mr. Barnes' 2023 rate, our lodestar since November 1, 2022, equals **\$55,800**.

1 14. My firm has experienced significant problems with its historical time records and, despite
2 our best efforts, we have been unable to accurately determine the time we spent on this case prior to
3 November 1, 2022. I am confident that our lodestar for that additional time would exceed \$30,000.
4 However, because we cannot provide records, and because Class Counsel's combined lodestar is more
5 than three times the fee award requested, I have taken the decision not to include any amount from prior
6 to November 1, 2022, in our lodestar calculations. Combined, our two firms have a lodestar of no less
7 than **\$339,135.12** to date, and yet we are seeking a fee award of only \$100,000.

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

10
11 Executed on July 14, 2023

12
13 s/ Julian Hammond
14 JULIAN HAMMOND