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17 *Attorneys for Plaintiff and the Settlement Class*

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19 **UNITED STATES DISTRICT COURT**
20 **EASTERN DISTRICT OF CALIFORNIA – FRESNO DIVISION**

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

23 Plaintiff,

24 v.

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

28 Defendants.

CASE NO.: 1:16-CV-01730-DAD-SKO
[Class Action]

**DECLARATION OF CRAIG J.
ACKERMANN IN SUPPORT OF
PLAINTIFF'S MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT**

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

1 I, Craig J. Ackermann, Esq., declare as follows:

2 1. I am an attorney licensed to practice law before this Court and the federal and state courts
3 of California, Washington State, and Texas.

4 2. I am a founding shareholder in the law firm of Ackermann & Tilajef, P.C., co-counsel of
5 record (along with Julian Hammond of HammondLaw, P.C.) for Plaintiff Robert Martinez (“Plaintiff”
6 or “Class Representative”) and the proposed settlement class (the “Class”) in the above-captioned
7 matter. I submit this Declaration in support of Plaintiff’s Motions for Final Approval of Class Action
8 Settlement (filed herewith) and Attorneys’ Fees and Costs (previously filed).

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

11 4. A true and correct copy of the Stipulation of Class and PAGA Representative Action
12 Settlement and Release (the “Settlement Agreement”) is attached as **Exhibit 1** to the Proposed Order
13 Granting Plaintiff’s Motion for Final Approval of Class Action Settlement and Plaintiff’s Motion for
14 Attorneys’ Fees and Costs, filed concurrently herewith. True and correct copies of the Class Notice and
15 Claim Form sent to the Class Members after Preliminary Approval are attached as **Exhibits A and B** to
16 the Settlement Agreement, respectively.

17 5. Throughout the Claims process, the parties have received regular reports from the Claims
18 Administrator regarding the number of claims filed. At the time we reached the deadline provided for
19 in the Settlement for the timely filing of claims, it was apparent that the claims filed were not going to
20 reach the 50% floor for distribution of the Net Settlement Amount (“NSA”). In order to ensure that more
21 Class Members could participate in the Settlement and receive their individual settlement shares, I
22 negotiated with Counsel for Defendant and the Parties agreed that the Claims Administrator could accept
23 late claims up to the earlier of the time at which 50% of the NSA had been claimed and one week before
24 the final approval hearing.

25 6. Within 10 days of the entry of the Court order preliminarily approving the Settlement
26 Agreement in this matter, Defendant timely served the CAFA notice pursuant to 28 U.S.C. § 1715.

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

3 Executed on August 16, 2023 in Beverly Hills, California.

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5 /s/ Craig J. Ackermann
6 Craig J. Ackermann
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