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13 ORLANDO CASTILLO

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA

16 DANIEL ACOSTA, JOSE HERNANDEZ,
17 DENNIS EASLEY, and ORLANDO
18 CASTILLO,

Case No.: 15-cv-02128-JSC

CLASS ACTION

19 Plaintiffs,
20 vs.

Magistrate Judge:
Hon. Jacqueline Scott Corley

21 FRITO-LAY, INC.; FL TRANSPORTATION
22 INC.; PEPSICO, INC.; and DOES 1-100,
23 inclusive,

**DECLARATION OF LAWRENCE M.
ARTENIAN IN SUPPORT OF MOTION
FOR ATTORNEYS' FEES, LITIGATION
COSTS AND ENHANCEMENT AWARDS**

24 Defendants.

DATE: 5/3/2018
TIME: 11 am
CRTRM: F (15TH Floor)

25 I, LAWRENCE M. ARTENIAN, declare as follows:

26 1. I am an attorney at law, licensed to practice before all the courts of this State and
27 one of the attorneys of record for the Plaintiffs and Plaintiff Class in the within action. I have
28 personal knowledge of the matters set forth in this Declaration and if called to testify thereto I
could and would do so competently. This declaration is submitted in support of Plaintiffs'

1 Motion for Attorneys' Fees, Costs, and Enhancement Awards.

2 2. Wagner, Jones, Kopfman & Artenian is a plaintiffs employment and personal
3 injury firm based in Fresno and practicing generally throughout the State of California. A
4 primary focus of the firm is the representation of Plaintiffs in employment litigation and wage
5 and hour class actions suits. In the last ten years, Wagner Jones has represented employees in
6 every federal court district in California and in Superior Court in various counties throughout
7 California's major metropolitan concentrations--the Bay Area, Los Angeles, Sacramento, Fresno
8 and Central Valley, Orange County and San Diego. The firm also has represented clients in
9 many smaller areas including coastal and mountain counties. Wagner, Jones, Kopfman &
10 Artenian LLP (formerly Wagner & Jones LLP) is or has been the attorney of record in numerous
11 wage and hour class actions, including those in the following non-exhaustive list:

12 a. *Juarez v. BCI Coca-Cola Bottling Company of Los Angeles*, Fresno County
13 Superior Court Case No. 02CECG00796;

14 b. *Batrich v. Prudential Overall Supply*, Fresno County Superior Court Case No.
15 010ECG02512;

16 c. *Collins v. Superstores of America, Inc. DBA MOR Furniture*, Fresno County
17 Superior Court Case No. 03CECG01393;

18 d. *Kripsy Kreme Overtime Cases*; Coordinated Actions, Alameda County Superior
19 Court Case No. JCC4489;

20 e. *Galanti v. Cambridge Investments LLC*, San Diego County Superior Court Case
21 No. G1C828845;

22 f. *Goodman v. The Pepsi Bottling Group, Inc.*, Ventura Superior Court Case No.
23 CIV241341;

24 g. *Brewer v. First American Title Company*, Orange County Superior Court Case
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1 No. 30-2007-00035365-CU-OE-CAC;

2 h. *Cardoso v. First American Title Company*, Orange County Superior Court Case

3 No. 66CC00179;

4 i. *English v. Financial Title Co.*, Fresno County Superior Court Case No.
5 05CECG01766;

6 j. *Lane v. Stewart Title of California*, Fresno County Superior Court Case No.
7 07CECG01735;

8 k. *Orlando v. Alarm One*, Fresno County Superior Court Case No. 05CECG05185;

9 l. *Alvarado v. Bobby Salazar's Restaurant*, Fresno County Superior Court Case No.
10 05CECG00159;

11 m. *Martin, et al. and O'Bryant et al. v. AmeriPride Services, Inc.*, United States
12 District Court, Southern District of California Case No.: 08-CV-0440 MMA (JMA);

13 n. *Jones v. Seven-Up Bottling Company of California*, Los Angeles County Superior
14 Court Case No. BC381293;

15 o. *Chaffin v. Landamerica Financial Group, et al.*, Los Angeles County Superior
16 Court Case No. BC381693;

17 p. *Hay v. Landamerica Financial Group, et al.*, Los Angeles Superior Court Case
18 No. BC 382210;

19 q. *Cortina v. North American Title Company*, Fresno County Superior Court Case
20 No. 07CECG01169;

21 r. *Kalashian v. Weyerhauser*, Alameda County Superior Court Case No.
22 RG08414595;

23 s. *Nazeri v. Placer Title Co.*, Sacramento County Superior Court Case No. 34-2008
24

1 00012849;

2 t. *Andronicous v. BJs Restaurant*, Fresno County Superior Court Case No. 09

3 CECG00374;

4 u. *Williams v. Ruan et al.*, Tulare County Superior Court Case No.

5 VCU-09-231325;

6 v. *Ridgeway, et al. v. Wal-Mart Stores, Inc.*, United States District Court, Northern

7 District of California, Case No. 09-cv-05221-SI; and

8 w. *Erickson, et al. v. Old Republic Title Company, et al.*, United States District

9 Court, Southern District of California, Case No. 3:13-CV-0120-GPC-NLS.

10 x. *Singh et al. v. Roadrunner Intermodal Services, LLC et al.*, United States District

11 Court, Northern District of California, Case No. 3:15-cv-01701;

12 y. *Acosta et al., v. Frito Lay, Inc., et al.*, United States District Court, Northern

13 District of California, Case No. 3:15-cv-02128-JSC; and

14 z. *Topete et al. v. Ramos Furniture*, United States District Court, Northern District

15 of California, Case No. 3:15-cv-00845.

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19 3. I am a graduate of Harvard University and the University of San Francisco
20 School of Law. I was admitted to the California Bar in 1982 and have remained a member in
21 good standing since that date. Prior to law school, I served a six-month internship with the
22 United States Department of Labor, Office of Workers' Compensation Programs in Boston,
23 Massachusetts. My work there involved industrial hearing loss claims and performing an
24 analysis of attorney fee claims in compensation cases before the federal Workers' Compensation
25 Appeals Board. I also wrote a study concerning government failure to give notice of medical
26 findings to civilian employees of military installations in cases of progressive asbestosis and
27 mesothelioma. This latter work was supervised by faculty at the Sidney Farber Cancer Institute

1 at Harvard University.

2 4. From 1982 to 1987 I was an associate at the firm of Dooley, Anderson, Berg, Pardini,
3 Johnson & Ziegler in San Francisco, California practicing in general civil litigation, emphasizing
4 business and real property matters. From 1987 to 1989 I was associated with McCormick,
5 Barstow, Sheppard, Wayte & Carruth in Fresno, California, handling business transactions and
6 related litigation matters. From 1991 to 2010 I was a member of the full-time faculty at San
7 Joaquin College of Law in Fresno and Clovis, California, where I continue as an adjunct
8 professor. SJCL is a small, California State Bar accredited law school founded in 1969 by the
9 Honorable Oliver Wanger (ret.) Judge *emeritus* of the U.S. District Court, Eastern District of
10 California.

11 5. During my time as full-time law faculty, I continued to appear or consulted in
12 litigation and transactions, both for individual clients and outside law practices. I began working
13 with the firm of Wagner & Jones LLP in 2008. My practice at Wagner, Jones, Kopfman &
14 Artenian LLP consists primarily of representing plaintiffs in state and federal class action suits. I
15 have worked in the capacity of class or putative class counsel in approximately 24 class action
16 suits in California. Most have been certified, either for trial or for settlement purposes. Among
17 the most recent cases, *Williams et al. v. Ruan Transportation* also was certified (Tulare County
18 Superior Court) and we were preparing to begin a lengthy wage-and-hour trial on behalf of 1239
19 class-member truck drivers when the case was settled in 2015.

20 6. I also served as trial counsel for the plaintiffs in *Ridgeway v. Wal-Mart Stores,*
21 *Inc.*, which was tried to verdict and a \$60.8 million judgment for plaintiffs in this Court in 2016,
22 before the Honorable Susan J. Illston. I continue to serve as lead counsel for the Appellees in the
23 pending appeal.

24 7. In 2015, I was co-trial counsel in *Cortina v. North American Title Company, et*
25 *al.*, a successful three-month wage-and-hour class action trial in Fresno Superior Court. That case
26 is currently in post-trial referee proceedings to determine unpaid overtime restitution awards for
27 approximately 400 current and former escrow officers. I have appeared in class action cases in
28

1 each of the four districts of the U.S. District Court in California.

2 8. In the course of my legal career I have represented numerous clients, public and
3 private, in large or complex cases, both as plaintiffs and defendants. These include Safeway
4 Stores, the Pacific Lumber Company, Merrill's (San Francisco) Drug Stores, the Pleasant Hill
5 (Contra Costa County) Redevelopment Agency, the San Francisco Orpheum Theater
6 Corporation, and numerous Bay Area real estate developers and condominium owners'
7 associations. I have been a panelist in several MCLE programs, speaking about civil litigation.

8 9. In the instant case, my primary role would have been as co-trial counsel.
9 Accordingly, my involvement thus far has been primarily in consultation and review of
10 pleadings, strategy discussions, participation in mediation, and drafting proposed edits to
11 documents related to settlement. As in this case, my typical role is to assist Daniel Kopfman as
12 the case develops, help prepare for certification, and then draft and argue summary judgment
13 motions, *Daubert* and decertification motions, and other issues leading up to and including
14 preparation for trial. As such, a reasonable amount of discussion, written communication, and
15 review of documents was necessary on my part as the case progressed, and my time record
16 herein so reflects.

17 10. As of the date of this declaration, I have spent a total of 68.9 hours working on the
18 instant case. In September 2017, in a contested fee motion in *Ridgeway v. Wal-Mart Stores, Inc.*,
19 the Court approved my hourly rate at \$850 per hour for work performed through the 2016 trial
20 and early-2017 post-trial motions.

21 I declare under penalty of perjury under the laws of the State of California and United
22 States of America that the foregoing is true and correct.

23
24 Executed March 12, 2017 at Fresno, California.

25
26 /s/ Lawrence M. Artenian
27 Lawrence M. Artenian