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HONORABLE BENJAMIN H. SETTLE

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON AT TACOMA

STEVEN EILERMAN, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

MCLANE COMPANY, INC. DBA
MCLANE/NORTHWEST, a Washington
Corporation

Defendant.

Case No.: 3:16-CV-05303-BHS

**DECLARATION OF INDIA BODIEN IN
SUPPORT OF PLAINTIFF’S MOTION
FOR ATTORNEYS’ FEES AND COSTS**

DECLARATION OF INDIA BODIEN
ISO PLAINTIFF’S MOTION FOR FINAL APPROVAL

INDIA LIN BODIEN, ATTORNEY AT LAW
2522 N. PROCTOR ST. #387
TACOMA, WA 98406
PH: 253-212-7913/F:253-276-0081

1 **I. INTRODUCTION**

2 1. I am a member in good standing of the Bar of the State of Washington. I am
3 licensed to practice before all courts in the State of Washington. I am a solo practitioner. I have
4 personal knowledge of the facts set forth in this declaration and could and would testify
5 competently to them.

6 2. I am local counsel for Ackerman and Tilajef, P.C., (“A & T”) and HammondLaw,
7 P.C. (“HammondLaw”) in this lawsuit (“Action”). I make this Declaration in Support of
8 Plaintiff’s Motion for Approval of Class Action Settlement.

9 3. I have no knowledge of the existence of any conflicting interests between myself
10 and A&T and/or Hammond Law, on the one hand, and Plaintiff or any other Class Member, on
11 the other.

12 **II. ATTORNEY EXPERIENCE**

13 4. Since becoming a solo practitioner in 2013, I have devoted a substantial
14 percentage of my practice to litigating wage and hour violations, the bulk of these being class
15 actions. I have served as local counsel and co-counsel on numerous wage and hour class actions
16 and in individual discrimination claims. I have also worked on class action matters with A &T
17 and Hammondlaw on a contract basis. A number of these class action cases were piece-rate wage
18 claims brought by Washington truck drivers with facts very similar to this Action. Craig
19 Ackermann, the founder and managing shareholder of A&T and a labor and employment law
20 practitioner since 1997, has amassed a significant amount of experience in complex and class
21 action litigation in this practice area. Julian Hammond, the managing shareholder and founder of
22 HammondLaw, who founded his firm in 2010, has also amassed a significant amount of
23 experience in complex and class action litigation in this practice area.

24 5. The class action cases that I have been involved in as local counsel or co-counsel
25 in Washington State are still pending. I am currently putative class local counsel or co-counsel in
26

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1 numerous putative class action cases in addition to *Eilerman v. McLane*, including:

- 2 • ***Stone v. Interstate Distributor Co.***, Case No. 15-2-1462-8 (Wash. Sup. Ct. Pierce Cty.) (\$400,000 settlement of Washington Minimum Wage Act §49.46 and Industrial Welfare Act §49.12 *et seq.* putative class action on behalf of approximately 730 truck drivers);
- 3 • ***McMakin v. Dominos***, Case No. 16-2-20655-7 (Wash. Sup. Ct. King Cty.) (\$160,000 settlement of Washington Minimum Wage Act §49.46 and Industrial Welfare Act § 49.12
- 4 *et seq.* putative class action on behalf of approximately 65 truck drivers);
- 5 • ***Hedglin v. Swift Transportation Company of Arizona, L.L.C.***, Case No. 3:16-cv-05127-RJB (W.D. WA- Tacoma) (Washington Minimum Wage Act § 49.46 and Industrial Welfare Act § 49.12 *et seq.* putative class action on behalf of approximately
- 6 600 truck drivers);
- 7 • ***Newton v. Oak Harbor***, Case No. 16-2-11137-8 KNT (Wash. Sup. Ct. King Cty.) (Washington Minimum Wage Act § 49.46 and Industrial Welfare Act § 49.12 *et seq.* putative class action on behalf of approximately 150 truck drivers);
- 8 • ***Harris, et al. v. Jerry Debraie Logging Co., Inc.***, Case No. 16-2-00402-5 (Wash. Sup. Ct. Cowlitz Cty.) (\$205,000 Settlement of Washington Minimum Wage Act §49.46 and Industrial Welfare Act § 49.12 *et seq.* on behalf of approximately 31 truck drivers);
- 9 • ***Asplund v. White Timber Industries, Inc.***, Case No. 16-2-00870-5 (Wash. Sup. Ct. Cowlitz Cty.) (\$195,000 Settlement of Washington Minimum Wage Act § 49.46 and Industrial Welfare Act § 49.12 *et seq.* on behalf of approximately 60 truck drivers); and
- 10 • ***Lindholm v. Tate Transportation, Inc.***, Case No. 17-2-00013-3 (Wash. Sup. Ct. Walla Walla Cty.) (Wash. Sup. Ct. King Cty.) (\$75,000 Settlement of Washington Minimum Wage Act § 49.46 and Industrial Welfare Act § 49.12 *et seq.* on behalf of approximately
- 11 72 truck drivers).

12 **III. OVERVIEW OF THE LITIGATION AND WORK PERFORMED**

13 6. This case involved vigorously disputed legal and factual issues but, in my
 14 professional opinion, was litigated efficiently so as to maximize the benefit to the Class. My
 15 firm participated actively in the investigation, litigation, and settlement negotiations for this case,
 16 drafting and reviewing pleadings, reviewing and analyzing documents produced by Defendant,
 17 preparation of and attending a full-day mediation (with Judge Infante) on October 26, 2016,
 18 reviewing the preliminary approval papers, and drafting my supporting declaration. At all times
 19 the firms strived to divide up work assignments so as to avoid duplication of efforts and promote
 20 efficiency. I communicated frequently with Mr. Ackermann and Mr. Hammond to manage our
 21 collective workload and ensure there was no duplication of work.

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1 7. The firms were able to litigate and settle this case in an effective and efficient
2 manner. Both firms have litigated and settled a number of very similar cases involving *inter alia*,
3 unpaid rest breaks and non-driving time, as in the instant case. My and lead-counsel's offices
4 were able to rely on that experience to evaluate the status of the case as well as Defendant's
5 likely liability early in the litigation process and so reasonably settle the claims.

6 **IV. ATTORNEYS' FEES AND COSTS**

7 8. As of March 13, 2017, I have spent approximately 60¹ hours working on this case.
8 A breakdown of my hours by task is as follows:

- 9
- 10 • approximately 27 hours of work that I performed on this case was spent on case
11 initiation tasks including reviewing the complaint, researching the applicable law,
12 and discussing the Plaintiff's potential class claims with my co-counsel, as well as
13 drafting initial disclosures, interviewing declarations, and drafting pro hac vice
14 motions for class counsel;
 - 15 • approximately 16 hours were spent preparing for the mediation including
16 reviewing the discovery produced by Defendant and discussing it with lead
17 counsel, researching the law, drafting witness declarations, and reviewing both
18 parties' detailed mediation briefs and damages analysis prior to the mediation;
 - 19 • approximately 12 hours were spent traveling from Tacoma, Washington to San
20 Francisco to attend the mediation, attending the full-day mediation, and following
21 up with the mediator, opposing counsel, and noticing the Court of the Settlement;
 - 22 • approximately 2 hours were spent advising the client of the final settlement; and
- 23

24

25 ¹ In Plaintiff's Motion for Preliminary Approval, my time spent on the case up to February,
26 2017, was incorrectly calculated as being approximately 36 hours. By that time, I had spent
27 approximately 55 hours on the case.

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- approximately 3 hours were spent reviewing the case file and drafting this declaration.

9. At my 2016 billing rate of \$420² per hour, these hours translate to \$25,200.

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

Dated: April 21, 2017

/s/ India Lin Bodien

INDIA LIN BODIEN

² My hourly rate is calculated using the “Laffey Matrix” for attorneys who have been out of law school for 4-7 years in 2017. See <http://www.laffeymatrix.com/see.html>. My hourly rate was cited in the Motion for Preliminary approval as \$300, but this was cited before my hourly rate had been updated to reflect that as of March, 2017, I am nearly 5 years out of law school.

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