

**ACKERMANN & TILAJEF, P.C.**

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*Attorneys for Plaintiff and the Putative Class*

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

CURTIS MARKSON, MARK  
MCGEORGE, CLOIS MCCLENDON,  
and ERIC CLARK, individually and on  
behalf of all others similarly situated,

Plaintiffs,

vs.

CRST INTERNATIONAL, INC., CRST  
EXPEDITED, INC.; C.R. ENGLAND,  
INC., WESTERN EXPRESS, INC.,  
SCHNEIDER NATIONAL CARRIERS,  
INC., SOUTHERN REFRIGERATED  
TRANSPORT, INC., COVENANT  
TRANSPORT, INC., PASCHALL  
TRUCK LINES, INC., STEVENS  
TRANSPORT, INC., and DOES 1-10,  
inclusive,

Defendants.

CASE NO.: 5:17-cv-01261-SB (SPx)

**DECLARATION OF CRAIG J.  
ACKERMANN IN SUPPORT OF  
PLAINTIFFS' MOTION FOR  
ATTORNEYS' FEES AND COSTS**

Judge: Hon. Stanley Blumenfeld, Jr.

Date: July 29, 2022

Time: 8:30 a.m.

Location: Courtroom 6C  
350 West 1st Street  
Los Angeles, CA 90012

Discovery Cutoff Date: 7/2/2021

Pretrial Conference Date: TBD

Trial Date: TBD

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  
3 and state courts of California, Washington State, and Texas. I am over 18 years of age. I  
4 have personal knowledge of the facts set forth in this declaration and could and would  
5 testify competently to them.

6 2. I am a founding shareholder in the law firm of Ackermann & Tilajef, P.C.,  
7 co-counsel of record (along with Susman Godfrey L.L.P., Mayall Hurley P.C., and  
8 Melmed Law Group P.C.) for Plaintiffs Curtis Markson, Mark McGeorge, Clois  
9 McClendon, and Eric Clark (“Plaintiffs” or “Class Representatives”) and the proposed  
10 settlement class (the “Class”) in the above-captioned matter. I submit this Declaration in  
11 support of Plaintiffs’ Motions for Final Approval of Class Action Settlement  
12 (forthcoming) and Attorneys’ Fees and Costs (filed herewith).

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

16 Introduction

17 4. The Court has preliminarily approved the class action settlements between  
18 Plaintiffs and Defendants PASCHALL TRUCK LINES, INC. (“PTL”), SCHNEIDER  
19 NATIONAL CARRIERS, INC. (“SNC”), COVENANT TRANSPORT, INC. (“CT”),  
20 SOUTHERN REFRIGERATED TRANSPORT, INC. (“SRT”), WESTERN EXPRESS,  
21 INC. (“WE”), and STEVENS TRANSPORT, INC. (“ST”) (the “Settling Defendants”)  
22 (collectively with Plaintiffs, the “Parties”). See Orders preliminarily approving the  
23 settlement (the “PA Orders”) (Docs. 562 and 590). The settlement administration process  
24 as set forth in Plaintiffs’ Motion for Approval of Notice to Settlement Class Members  
25 and Appointment of Settlement Administrator (the “Notice Motion”) has been completed,  
26 as will be set forth in the declaration of the Settlement Administrator submitted in the  
27 forthcoming Motion for Final Approval of Class Action Settlement. In accordance with  
28 reports from the Settlement Administrator, as of the date of this filing, there have been

1 six opt-outs and no objections to the Court-approved postcard notice, long form notice,  
2 and email notice that were mailed and e-mailed out by the Settlement Administrator to  
3 all Class Members. The Settlement Administrator will submit a declaration after the  
4 response deadline to update the Court on the final administration results. Plaintiffs now  
5 seek final approval of the Settlement, including Class Counsel's award of attorneys' fees  
6 in the amount of 25% of the Settlement amount (i.e., \$2,437,500) to be shared amongst  
7 the law firms representing the Class. The Settlement Agreements provide for attorneys'  
8 fees of up to 25% of the value of the settlement, including non-cash relief. Class Counsel  
9 is seeking less than 25% of the value of the settlement when taking into account the non-  
10 monetary relief. Plaintiffs also seeks reimbursement for their litigation costs in an amount  
11 up to \$2,895,543.98.

12 5. Whereas proceeding with litigation would impose significant risk of no  
13 recovery (particularly in light of the Court's denial of class certification as to the non-  
14 Settling Defendants) as well as ongoing, substantial additional expenditures of time and  
15 resources, the Settlement achieved confers a benefit on the Class. If Settlements were not  
16 achieved, continued litigation of the claims would take substantial time and possibly  
17 confer no benefit on Class Members. By contrast, the Settlements will yield a prompt,  
18 certain, and substantial recovery for Class Members, which also benefits the Parties and  
19 the Court. Counsel on both sides share the view that these Settlements are fair and  
20 reasonable in light of Defendants' defenses to Plaintiffs' claims and damages  
21 calculations, as fully discussed (and to be discussed further) in Plaintiffs' extensive  
22 briefing in support of both preliminary and final approval of the Settlements.  
23 Furthermore, the Court's denial of class certification as to the Non-Settling Defendants  
24 here further underscores the reasonableness of the Settlements, given the fact that without  
25 the Settlements, the Class would have received substantially less or nothing at all.

26 6. Through my practice, I have gained significant experience regarding the  
27 obligations and burdens of representing a class. This knowledge has allowed me and my  
28 firm, Ackermann & Tilajef, P.C., to successfully represent plaintiffs in many class actions

1 in the past years. As noted here and in detail in my Declaration in Support of Plaintiffs’  
2 Motion for Certification of their Antitrust Claims (Doc. 494-63) (“Ackermann Antitrust  
3 Decl.”), numerous state and federal courts in California have found that my firm and my  
4 co-counsel are competent and capable of representing classes of employees, including the  
5 Central District of California. Ackermann Antitrust Decl., ¶¶ 3-10.

6 7. Given the risks inherent in litigation and the defenses asserted, I believe that  
7 the Settlements before the Court for final approval are fair, adequate, reasonable, and are  
8 in the best interest of the Class Members. Moreover, continued litigation would be costly,  
9 time consuming, and uncertain in outcome, particularly given this Court’s denial of class  
10 certification as to the non-Settling Defendants. By contrast, the Settlements ensure timely  
11 relief to the Class.

12 Attorney Experience and Contributions

13 8. The PA Orders state that “Plaintiffs and their counsel have demonstrated  
14 both the inclination and capability to vigorously prosecute this case, and there are no  
15 apparent conflicts of interest between Plaintiffs, their counsel, and the class. Plaintiffs  
16 therefore appear to adequately represent the interests of the Settlement Class.” PA Order  
17 (Doc. 562). As demonstrated by our numerous successes in class actions, Susman  
18 Godfrey L.L.P., Mayall Hurley P.C., Ackermann & Tilajef, P.C. and Melmed Law Group  
19 P.C. are experienced and skilled law firms with experience representing employees in  
20 California class actions. In an avoidance of redundancy, I will not repeat all facts  
21 supporting my experience, nor recount the factual and procedural history already set forth  
22 in my Antitrust Declaration. However, it is worth reiterating that I have been exclusively  
23 practicing employment law for over 24 years and have successfully represented well over  
24 250,000 workers in more than 300 wage and hour class actions since 2004. *See*  
25 Ackermann Antitrust Decl., ¶ 3.

26 9. I, along with the attorneys, paralegals, and legal assistants at our law firm,  
27 have diligently investigated and prosecuted this case. Our work, in conjunction with the  
28 work of our co-counsel, resulted in the creation of a significant, non-reversionary

1 settlement amount for the benefit of the Class. As a result of our efforts, we were able to  
2 obtain favorable Settlements for the Class. Because of the risks involved in litigating the  
3 case, particularly the contested legal and factual issues, including among other things, the  
4 risks of non-certification which was realized as to the non-Settling Defendants, I believe  
5 these Settlements are fair, reasonable, and favorable to the Class, particularly in light of  
6 the many risks posed.

7 10. I participated primarily in drafting and reviewing the pleadings in this case,  
8 including, preparation for the mediation and negotiating the Settlement, attending the  
9 mediation, and reviewing the settlement and approval motion papers. The other attorneys  
10 at our firm, Avi Kreitenberg, Sam Vahedi, and Brian Denlinger, who respectively have  
11 11, 9, and 9 years of legal experience, also worked diligently on this case, as did our legal  
12 assistants Jaclyn Blackwell, our former law clerk, Alex McIntosh, our former paralegal,  
13 Laurie Ritz, and our former office manager, Kaitlyn Morales.

14 11. The following is a more detailed summary of the experience and  
15 contributions of the attorneys associated with our firm on this case:

16 a. Avi Kreitenberg, Esq. has been admitted to practice law in California  
17 since 2009, and has significantly participated in, among other things, drafting pleadings,  
18 including the preliminary approval papers as to PTL, SNC, CT, SRT, and WE  
19 Settlements, notice motion papers, and fees motion papers.

20 b. Sam Vahedi, Esq. has been licensed to the practice of law in  
21 California since 2012 and has earned a J.D. from Loyola Law School and an M.B.A. from  
22 Loyola Marymount School of Business, and provided assistance on tasks during this  
23 litigation.

24 c. Brian Denlinger, Esq. has served as co-counsel or a consulting  
25 attorney on numerous Washington and California wage and hour class actions that have  
26 received approval of the Courts, and participated in drafting settlement agreements and  
27 the motion for class certification for the California class claims.

28 d. Our legal assistant, Jaclyn Blackwell, has over 9 years of legal

1 experience, including working on complex litigation matters and class actions. She  
2 provided administrative assistance throughout this case.

3 e. Our former law clerk, Alex McIntosh, has one year of experience and  
4 was involved in several discovery matters during the course of the litigation.

5 f. Our former paralegal, Laurie Ritz, has over 4 years of legal experience  
6 and provided assistance to the attorneys in the tasks above.

7 g. Our formal legal assistant and office manager, Kaitlyn Morales, has  
8 two years of experience and was involved in administrative tasks related to this case.

9 12. Our co-counsel and our firm sought to efficiently manage, staff, assign, and  
10 divide the work between their respective attorneys and to avoid duplication of effort. As  
11 summarized in the chart in the section below, to date, my firm has expended no less than  
12 **483.78** hours in connection with the prosecution of this action for a total lodestar of no  
13 less than **\$344,323.76** to date, not including any time incurred prior to the Third Amended  
14 Complaint when then anti-trust claims were first brought. Our co-counsel has set forth its  
15 lodestar information in its respective declaration submitted herewith.

16 Attorneys' Fees

17 13. Under the terms of the Settlement Agreement, Class Counsel is collectively  
18 requesting attorneys' fees in the amount of 25% of the total Gross Settlement Amounts  
19 (i.e., \$2,437,500). As discussed in the preliminary approval motions and Motion for  
20 Attorneys' Fees and Costs, this fee amount is fair, reasonable and less than typical fee  
21 awards in settlements we have obtained in similar class action cases approved by district  
22 and state courts throughout California, including this district. Class Counsel is seeking  
23 the benchmark fee amount in this Circuit of 25% of the non-reversionary common fund  
24 generated for the benefit of the Class (without including the settlement value of the non-  
25 monetary relief), which is patently reasonable, especially after considering the lodestar  
26 cross-check figure contained herein.

27 14. Moreover, if it becomes necessary to litigate this matter further, my firm and  
28 our co-counsel have the financial resources and are prepared to devote whatever time and

1 effort are required to zealously advocate on behalf of Plaintiffs and the Class.

2 15. The following table summarizes the time each timekeeper at our firm  
3 expended on this case (after the filing of the Third Amended Complaint), their respective  
4 years of experience, and hourly billing rates, which have been approved by California  
5 state and federal Courts in other wage and hour class actions:

6

7 **Ackermann & Tilajef, P.C. Lodestar Summary**

	<b>Yrs.</b>	<b>Hours</b>	<b>Rate</b>	<b>Amount</b>
Craig Ackermann, Esq.	24	138.9	\$919	\$127,649.10
Avi Kreitenberg, Esq.	11	83.71	\$764	\$63,959.54
Sam Vahedi, Esq.	9	50.6	\$600	\$30,360.00
Brian Denlinger, Esq.	9	168.2	\$676	\$113,568.02
Jaclyn Blackwell	8	27.3	\$200	\$5,460.00
Laurie Ritz	4	1.0	\$200	\$200.00
Kaitlyn Morales	2	3.5	\$	\$439.60
Alex McIntosh	1	10.75	\$250	\$2,687.50
<b>TOTAL</b>		<b>483.78</b>		<b>\$344,323.76</b>

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16 16. Adding in the lodestar of our co-counsel, Susman Godfrey L.L.P., Mayall  
17 Hurley P.C., and Melmed Law Group P.C., as set forth in their declarations, Class  
18 Counsel's total lodestar to date collectively amounts to **\$7,547,108.08**, which is  
19 significantly greater than the \$2,437,500 we are collectively requesting as an attorneys'  
20 fee award, amounting to a non-existent (i.e., negative) 0.32 multiplier as of today.

21 17. In addition, the table above does not include the additional hours our firm  
22 anticipates spending between now and the conclusion of this matter, including drafting  
23 and filing Plaintiffs' Motion for Final Approval and supporting papers, our time in  
24 connection with traveling to, preparing for, and appearing at the final approval hearing,  
25 corresponding with the settlement administrator and opposing counsel throughout the  
26 settlement administration process, corresponding with our clients, writing tax letters to  
27 our clients, and other typical and reasonably necessary tasks that arise post-final approval.  
28 Class counsel may also expend further time and effort to resolve any objections that are

1 lodged, and litigate any appeals that result therefrom. Past experience shows that this  
2 ongoing work will add significant time to the work already undertaken in this case.  
3 Therefore, no multiplier will actually be sought as of final approval.

4 18. Notably, our 2021 and earlier yearly rates have been approved by numerous  
5 Courts. *See e.g. Pagh v. Wyndham Vacation Ownership, Inc.*, Case No. 8:19-cv-00812-  
6 JWH-ADS, Order Granting Plaintiffs’ Motion for Attorneys’ Fees and Costs, dated  
7 March 23, 2021, including detailed discussion and approval of our firm’s rates for 2021;  
8 *Hollis v. Union Pacific Railroad Co.*, Case No. 5:17-cv-02499-JGB-SHK, Order  
9 Granting Final Approval and Attorneys’ Fees, dated September 19, 2018 (Docket No. 28)  
10 (“Here, Plaintiff’s counsel billed at hourly rates ranging from \$200-\$800 for attorney  
11 timekeepers. ... Craig Ackerman billed \$800/hour. ... The Court reviewed the experience  
12 of the respective attorneys and finds the amount billed per hour to be reasonable.”); *Moss*  
13 *v. USF Reddaway, Inc.*, Case No. 5:15-cv-01541-JAK-FFM, See Docket No. 124 at p.  
14 13 of 15 (Order Granting Final Approval, dated July 25, 2018), the Hon. Judge John  
15 Kronstadt (noting that “The attorneys and paralegals who worked on this matter have  
16 substantial experience in complex employment litigation ... For example, Craig  
17 Ackermann has served as lead counsel or co-lead counsel in more than 200 class actions  
18 during his 23-year career”, and the court approved my hourly rates of \$660 to \$800 for  
19 each respective year of the litigation, including \$715 for work in 2018, as “within the  
20 range of reasonableness” for the “hourly rates that are charged within this District”)  
21 (trucker piece-rate class action); *Santamour v. UPS Freight, Inc.*, Case No. 2:17-cv-  
22 00196, ECF No. 33 (Order Granting Final Approval, dated June 26, 2018) (the Hon. Chief  
23 Judge Thomas Rice of the Eastern District of Washington) (“The Court, based on its  
24 independent review as well as its review of the supporting documents submitted by  
25 Plaintiffs, finds the rates billed by Plaintiffs’ counsel and paralegals are commensurate  
26 with the prevailing rates for similar representation in the relevant market”, and approved  
27 my rate at \$717 per hour) (trucker piece-rate class action).

28 ///



A&T Costs

1  
2 19. To date our firm has and expects to incur **\$2,083.45** in litigation costs in  
3 connection with this case, and an additional **\$464,167.68** in expert costs. An itemized list  
4 of litigation costs is attached as **Exhibit A** hereto. An itemized list of expert costs is  
5 attached as **Exhibit B** hereto. All of these costs were and are reasonably necessary for  
6 the successful prosecution of this action.

7 20. Pursuant to the costs itemized in the declarations of our co-counsel, the total  
8 collective litigation costs amount to **\$2,895,543.98**. Class Counsel is requesting litigation  
9 cost reimbursement in that amount.

Plaintiffs' Service Awards

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11 21. The Settlements contemplate a service/enhancement award to each of the  
12 Plaintiffs in an amount of \$25,000.00, to recognize the time and effort they expended on  
13 behalf of the Class, including time spent in meetings with Class Counsel, in efforts in  
14 gathering and providing documents, being available during the full-day mediations, the  
15 acceptance of the financial risk in pursuing this litigation, and the fact that they entered  
16 into releases that are broader than the Class releases. The Class would have received no  
17 benefit from this action had it not been for the contributions of Plaintiffs. As noted, in  
18 contrast to the more limited class release, Plaintiffs also agreed to a more robust general  
19 release of their claims. Additionally, the Court noted in its PA Order (Doc. 562) that "this  
20 case has been litigated for nearly five years, and a higher-than-average award might be  
21 justified based on Plaintiffs' involvement."

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*Class's Response to Proposed Settlements*

22. The most recent report from the settlement administrator showing no objections to date is attached as **Exhibit C** hereto.

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

Executed on June 14, 2022 in Los Angeles, California.

/s/ Craig J. Ackermann  
Craig J. Ackermann

# EXHIBIT A

# Expense List

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Date	Client Name	Project	Type	Description	Quantity	Unit Amount	Amount
10/16/2018	CRST CA - 282	Craig J. Ackermann	Services Fees	PACER - flat fee to A&T federal cases			\$50.00
6/25/2021	CRST CA - 282	Craig J. Ackermann	Parking	Watt Plaza - CJA parking for in-person mediation			\$35.00
8/30/2021	CRST CA - 282	Craig J. Ackermann	Runner Service	First Legal - compilation and FedEx overnight delivery of chambers' copies of Ps' Motion for Class Cert re CA Claims to Judge Blumenfeld			\$464.95
12/3/2021	CRST CA - 282	Craig J. Ackermann	Transportation	Uber - CJA transportation to attend in-person mediation			\$80.05
12/6/2021	CRST CA - 282	Craig J. Ackermann	Runner Service	First Legal - compilation and FedEx overnight delivery of chambers' copies of Ps' PAM to Judge Blumenfeld			\$133.00
1/21/2022	CRST CA - 282	Craig J. Ackermann	Parking	Pcam Archdiocese - CJA parking to attend hearing on Ps' PAM re Paschall, Schneider, Covenant, SRT, Western			\$24.00
3/9/2022	CRST CA - 282	Craig J. Ackermann	Legal Research	PACER legal research charge (BD 2021Q4)			\$7.30
6/2/2022	CRST	Craig J.	Legal Research	LexisNexis Advance - legal			\$579.00

#15115

CA - Ackermann  
282 research for duration of case

6/2/2022	CRST CA - 282	Craig J. Ackermann	In-house copying	2,029 pages as of today (.35 each)	\$710.15
<b>TOTALS</b>					<b>\$2,083.45</b>

# EXHIBIT B

DATE	CLIENT NAME	PROJECT	TYPE	DESCRIPTION	AMOUNT
12/6/2018	CRST CA - 282	Craig J. Ackermann	Expert Fees	Wire to Susman Godfrey Expert pool account	\$1,666.67
1/7/2019	CRST CA - 282	Craig J. Ackermann	Expert Fees	Wire to Susman Godfrey Expert pool account	\$1,666.67
3/11/2019	CRST CA - 282	Craig J. Ackermann	Expert Fees	Wire to Susman Godfrey Expert pool account	\$10,000.00
1/21/2020	CRST CA - 282	Craig J. Ackermann	Expert Fees	Wire to Susman Godfrey Expert pool account	\$13,333.33
3/5/2020	CRST CA - 282	Craig J. Ackermann	Expert Fees	Wire to Susman Godfrey Expert pool account	\$16,667.67
9/25/2020	CRST CA - 282	Craig J. Ackermann	Expert Fees	Wire to Susman Godfrey Expert pool account	\$25,000.00
12/22/2020	CRST CA - 282	Craig J. Ackermann	Expert Fees	Wire to Susman Godfrey Expert pool account	\$25,000.00
3/5/2021	CRST CA - 282	Craig J. Ackermann	Expert Fees	Wire to Susman Godfrey Expert pool account	\$41,666.67
5/26/2021	CRST CA - 282	Craig J. Ackermann	Expert Fees	Wire to Susman Godfrey Expert pool account	\$41,666.67
7/15/2021	CRST CA - 282	Craig J. Ackermann	Expert Fees	Wire to Susman Godfrey Expert pool account	\$41,666.67
8/20/2021	CRST CA - 282	Craig J. Ackermann	Expert Fees	Wire to Susman Godfrey Expert pool account	\$58,333.33
10/5/2021	CRST CA - 282	Craig J. Ackermann	Expert Fees	Wire to Susman Godfrey Expert pool account	\$50,000.00
10/28/2021	CRST CA - 282	Craig J. Ackermann	Expert Fees	Wire to Susman Godfrey Expert pool account	\$54,166.67
12/20/2021	CRST CA - 282	Craig J. Ackermann	Expert Fees	Wire to Susman Godfrey Expert pool account	\$50,000.00
2/24/2022	CRST CA - 282	Craig J. Ackermann	Expert Fees	Wire to Susman Godfrey Expert pool account	\$33,333.33
<b>TOTAL</b>					<b>\$464,167.68</b>

# EXHIBIT C





**Markson, et al. v. CRST International Inc., et al. – Status Report**  
**(as of June 9, 2022)**

<b>NOTICE LIST</b>	
Total Unique Records:	122,664

<b>MAILED NOTICE (Initial Mailing: May 10, 2022)</b>	
Total Notices Mailed:	123,853
Forwarded Notices:	3,028
Total Undeliverable Notices:	18,797
• Undeliverable Notices Returned with Updated Address Information:	2
• Undeliverable Notices Re-mailed After Research:	12,695

<b>EMAIL NOTICE (Commence: May 10, 2022)</b>	
Total Email Notices Sent:	111,696
Undeliverable Email Notices:	5,246

<b>OPT-OUTS/ EXCLUSIONS (Deadline: June 24, 2022)</b>	
Timely Opt-Outs:	6

<b>OBJECTIONS (Deadline: June 24, 2022)</b>	
Timely Objections:	0

<b>TOLL-FREE TELEPHONE NUMBER (1-877-540-0685)</b>	
Total Incoming Calls:	2,461

<b>SETTLEMENT WEBSITE (<a href="http://www.MarksonDriverSettlement.com">www.MarksonDriverSettlement.com</a>)</b>	
Unique Users:	5,664
Pageviews:	14,015