

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CLAUDIA MARTINEZ, *on behalf of*)
herself and others similarly situated)
,)
)
Plaintiffs,)
)
)
)
LA FOX BP, INC and WAQAR QURESHI)
individually,)
)
)
Defendants.)

Case No. 17-cv-3849

Honorable Judge Sharon Johnson Coleman

PROVE UP OF DAMAGES FOR DEFAULT

Plaintiff Claudia Martinez submits the following by and through their attorney, Jorge Sanchez in support of her claim for damages under the Fair Labor Standards Act and Illinois Minimum Wage Law and submit the following in support thereof.

1. Plaintiff Claudia Martinez, has executed a declaration (attached as Exhibit A) detailing the amount of wages owing and due to her.
2. Plaintiff Martinez is owed \$4644 in unpaid overtime wages by Defendants Quereshi and LA FOX BP, Inc.
3. The wages are owed to her since April of 2017.
4. Plaintiffs also attach to this filing a spread sheet (Exhibit B) which totals the amounts of unpaid wages, liquidated damages in an amount equal to the unpaid wages, and 2% interest per month for the time the wages have gone unpaid.
5. The Plaintiff's total damages which she seek this Court to award her are \$11,474 jointly and severally by Defendants Quereshi and LA FOX BP, Inc.

6. Additionally, Plaintiffs request that this Court enter an award of attorneys' fees of \$6162.5 which equals 14.5 hours of attorney time spent by Plaintiffs' counsel at a rate of \$425/hour.
7. Plaintiff attaches to this motion as Exhibit C a declaration and supporting exhibits to which go to the determination of Counsel's hourly rate.
8. Plaintiffs request that the Court issue an order finding Defendants liable for a total of \$17,636.5 representing \$11,474 damages, penalties and interest to Plaintiff and \$6162.5 in attorneys' fees.

By: /s/ Jorge Sanchez
One of Plaintiffs' Attorneys

Jorge Sanchez
Lopez & Sanchez LLP
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Chicago, IL 60602
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312-420-6784

Dated: December 18, 2018

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CLAUDIA MARTINEZ, *on behalf of*)
herself and others similarly situated)
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Plaintiffs,)
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LA FOX BP, INC and WAQAR QURESHI)
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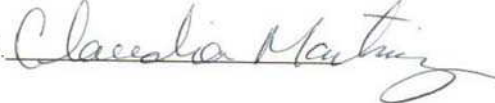
Case No. 17-cv-3849

Honorable Judge Sharon Johnson Coleman

DECLARATION OF CLAUDIA MARTINEZ

I, Claudia Martinez, hereby declare as follows:

1. I am the Plaintiff in the above case.
2. I worked for Defendants LA FOX BP, INC and WAQAR QURESHI from November 1, 2016 through April 8 2017.
3. When I worked for Defendants they failed to pay me all the wages that were due to me on account of my having worked for him. They never paid any overtime compensation despite my working substantially more hours than 40 hours per week.
4. I have calculated that Defendants failed to pay me a total of \$4644 for work I performed and was not paid for.
5. All of the foregoing I declare to be true.

By: 

Dated: December 15, 2018

Claudia Martinez damages

Week ending	Hours	straight time owed 40 hrs*\$9/hr	overtime owed (83-40) hrs*13.5	amount paid	amount due	interest months*.02* monthly pay	#of
1-Nov-16	83	360	580.5	940.5	193.5		
8-Nov-16	83	360	580.5	940.5	193.5		
15-Nov-16	83	360	580.5	940.5	193.5		
22-Nov-16	83	360	580.5	940.5	193.5		
29-Nov-16	83	360	580.5	940.5	193.5		464.4
6-Dec-16	83	360	580.5	940.5	193.5		
13-Dec-16	83	360	580.5	940.5	193.5		
20-Dec-16	83	360	580.5	940.5	193.5		
27-Dec-16	83	360	580.5	940.5	193.5		356.04
3-Jan-17	83	360	580.5	940.5	193.5		
10-Jan-17	83	360	580.5	940.5	193.5		
17-Jan-17	83	360	580.5	940.5	193.5		
24-Jan-17	83	360	580.5	940.5	193.5		
31-Jan-17	83	360	580.5	940.5	193.5		425.7
7-Feb-17	83	360	580.5	940.5	193.5		
14-Feb-17	83	360	580.5	940.5	193.5		
21-Feb-17	83	360	580.5	940.5	193.5		
28-Feb-17	83	360	580.5	940.5	193.5		406.35
7-Mar-17	83	360	580.5	940.5	193.5		
14-Mar-17	83	360	580.5	940.5	193.5		
21-Mar-17	83	360	580.5	940.5	193.5		
28-Mar-17	83	360	580.5	940.5	193.5		387
4-Apr-17	83	360	580.5	940.5	193.5		
11-Apr-17	83	360	580.5	940.5	193.5		147.06
Overtime pay owed					4644		2186.55
Liquidated damages					4644		
Interest					2186.55		
Total							11474.55

**IN THE UNITED STATES DISTRICT COURT
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CLAUDIA MARTINEZ, <i>on behalf of</i>)	Case No. 17-cv-3849
<i>herself and others similarly situated</i>)	
,)	
)	
Plaintiffs,)	Honorable Judge Sharon Johnson Coleman
)	
)	
LA FOX BP, INC and WAQAR QURESHI)	
individually,)	
)	
Defendants.)	

DECLARATION OF JORGE SANCHEZ

I, Jorge Sanchez, affirm and state that the following is true and correct:

1. I am one of the attorneys for plaintiffs in the above case.
 2. I received a B.A. from Brown University in 1989 and a J.D. from University of California Berkeley, Boalt Hall School of Law in May 1995.
 3. At Boalt Hall I served as a researcher for Professor Angela Harris and served as articles editor and an editor for the La Raza Law Journal.
 4. I was admitted to the Illinois State Bar and Northern District of Illinois in January 1998.
- I have also been admitted to the following courts: the United States District Court for the Central District of Illinois, United States District Court for Eastern District of Wisconsin, the United States District Court for Western District of Wisconsin, the United States District Court for Northern District of Indiana; the United States District Court for the Eastern District of Michigan; the United States District Court for the Central District of Pennsylvania; the United States District Court for the District of Nebraska and the Seventh Circuit Court of Appeals.

5. I have more than 20 years of legal and litigation experience and have split my career largely between the law firm Despres Schwartz and Geoghegan and the civil rights non-profit MALDEF, and co-founded my current firm Lopez & Sanchez, LLP in September 2016.

6. At the Despres law firm I litigated a number of employment and civil rights cases across a broad range of areas of law including the WARN Act, ERISA, Title VII, Section 1983, LMRDA, False Claims Act, and Section II of the Voting Rights Act.

7. Three cases in which I was the principle author of the appellate briefs and argued on appeal have been published in official reporters. *Brotherhood of Locomotive Engineers and Trainmen v. Union Pacific R. Co.*, 500 F.3d 591, (Cir. 7th Cir 2007)(overturing motion to dismiss and ordering enforcement of arbitration award under the Railway Labor Act); *Pena v. American Meat Packing Corp.*, 362 F.3d 418, (Cir. 7th Cir 2004) (overturning grant of summary judgment in a WARN Act case); *Boyd v. Illinois State Police*, 384 F.3d 888 (Cir. 7th 2004)(upholding verdict on basis of harmless error but finding that jury instructions given in Title VII case were erroneous as plaintiff had argued).

8. Additionally I was a contributing author and principle editor in the case *Hallinan v. Fraternal Order of Police Chicago Lodge 7*, 570 F.3d 811 (7th Cir. 2009), and the sole author in *Gonzalez v. City of Aurora*, 535 F.3d 594 (7th Cir. 2008). I argued both cases before the Court of Appeals.

9. Other reported decisions resulting from my efforts include *U.S. v. National Training and Information Center, Inc.*, 532 F.Supp.2d 946 (N.D.111., 2007)(granting in part my motion to dismiss a False Claims Act complaint); *US. ex rel. Salmeron v. Enterprise Recovery Systems, Inc.*, 464 F.Supp.2d 766, (N.D.III., 2006)(denying defendant's motion to dismiss my False Claims Act complaint); *Pena v. American Meat Packing Corp.*, 258 F.Supp.2d 864, (N.D.III.,

2003)(overtumed by my subsequent appeal); *Kozlowski v. Fry*, 238 F.Supp.2d 996, (N.D.III., 2002)(denying defendants' motion for summary judgement); *Dickieson v. DER Travel Service, Inc.*, 149 F.Supp.2d 1011, N.D.III., 2001 (denying defendant's motion to dismiss).

10. In *Phason, et al. v. Meridian Rail Corp. et al.*, then Chief Judge Holderman approved a fee petition in a WARN Act Class action which stated hourly billing rates of \$450 per hour for my services in 2009. (See fee petition and order approving it, attached to this declaration).

11. Prior to beginning my legal career I spent three years working as an organizer with the United Farm Workers Union. Like the clients I encountered with the UFW a large number of my clients have uncertain legal statuses, limited English proficiency and often low educational attainment.

12. Many of my clients require additional attention and assurances to pursue their legal remedies. Many choose not to go forward out of fear.

13. My fluency in Spanish, my experience working with similar client populations and my knowledge of immigration and employment law allow me to counsel clients like those in the present case, as to their rights and the potential risks and consequences associated with pursuing legal action.

By: /s/ Jorge Sanchez

Lopez & Sanchez LLP
77 W. Washington St., Suite 1313
Chicago, IL 60602
(312) 420-6784

Dated: December 18, 2018

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ROBERT PHASON, JUAN ORTIZ,)
CLIFFORD RUSH, and)
RICHARD ZIMMERMAN, et al.,)

Plaintiffs)

v.)

MERIDIAN RAIL CORP. (a/k/a MERIDIAN)
RAIL ACQUISITION CORP., MERIDIAN RAIL)
PRODUCTS CORP., MERIDIAN RAIL)
SERVICES CORP., MERIDIAN RAIL)
TRACK PRODUCTS CORP, MERIDIAN)
RAIL SERVICES, LLC; MERIDIAN RAIL LLC;)

Defendant.)

Case No. 04-CV-05845

Judge James F. Holderman

Magistrate Judge Nan Nolan

**Plaintiffs' Motion to Recover Legal Fees
as outlined under the Settlement Agreement**

Counsel for plaintiffs respectfully move for recovery of legal fees as outlined under the Settlement Agreement in the amount of \$400,000.

In support of this motion plaintiffs state as follows:

1. This case involves the WARN Act, 29 U.S.C. section 2101 et seq. The parties in this case reached a settlement agreement which entitled class members to receive \$975,000 and plaintiffs' counsel to receive \$400,000, contingent on Court approval.

2. Counsel for plaintiffs have already billed over \$492,787.50 in this case (not including all time in April or any time in May 2009 and future time administering this settlement). The attorneys and legal assistant in this case have billed over 1322.07 hours. Thomas Geoghegan has billed roughly 259.57 hours at a rate of \$500 per hour. Jorge Sanchez has billed roughly 310.2 hours at a rate of \$450 per hour. Carol Nguyen has billed roughly 605.5 hours at a rate of \$325

an hour. Mike Persoon has billed roughly 104.1 hours at a rate of \$225 an hour. Lastly Scott Widmer, a legal assistant, has billed roughly 42.70 hours at a rate of \$75 an hour.

This \$492, 787.50 does not include all the time for April and May and also does not include future time that will be incurred to administer this settlement. The statutory provision allows the court in its discretion to grant a "reasonable attorney's fee as part of the costs." 29 U.S.C. section 2104(a)(6).

3. Class notice went out to all but 5 class members (184 of 189 class members). Not a single class member has objected to this settlement.

WHEREFORE, plaintiffs ask this Court to enter the above motion and grant plaintiffs' motion for fees under the settlement agreement in the amount of \$400,000.

May 18, 2008

S/ Carol Nguyen
One of the attorneys for plaintiffs

Thomas H. Geoghegan
Carol Nguyen
Jorge Sanchez
Despres Schwartz & Geoghegan, Ltd.
77 W. Washington St., Suite 711
Chicago, IL 60602
(312) 372-2511

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	James F. Holderman	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	04 C 5845	DATE	10/8/2009
CASE TITLE	Robert Phason et al vs. Meridan Rail Corp. Et al		

DOCKET ENTRY TEXT

ENTER ORDER APPROVING ATTORNEY'S FEES: The law firm Despres, Schwartz & Geoghegan, Ltd., as Class Counsel, is hereby awarded the sum of four-hundred thousand dollars and no cents (\$400,000.00) in complete and final compensation and remuneration for all their fees and costs incurred during and relating to this litigation, including any ongoing or future administration required by the Settlement Agreement.

■ [For further detail see separate order(s).]

Docketing to mail notices.

Courtroom Deputy Initials:	AMM
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