

THE MARGARIAN LAW FIRM
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Attorney for Plaintiff,
ARA DERSARKISSIAN

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA—WESTERN DIVISION

ALI ASGHARI, DANIEL TRAN, YUNG
KIM, ARA DERSARKISSIAN, and
KATRINA NOBLE, individually, and on
behalf of a class of similarly situated
individuals,

Plaintiffs,

vs.

VOLKSWAGEN GROUP OF AMERICA,
INC., VOLKSWAGEN AG, AND AUDI
AG,

Defendants.

Case No.: CV13-02529-MMM-(JEMx)

CLASS ACTION

Honorable Margaret M. Morrow

**DECLARATION OF HOVANES
MARGARIAN IN SUPPORT OF
PLAINTIFFS' MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT; AND FOR AN AWARD
OF ATTORNEYS' FEES, COSTS, AND
EXPENSES, AND ENHANCEMENT
AWARDS TO CLASS
REPRESENTATIVES**

Date: May 4, 2015
Time: 10:00 a.m.
Place: Courtroom 780

Complaint Filed: May 1, 2012
Date of Transfer: April 10, 2013
Trial Date: None set

1 I, Hovanes Margarian, hereby declare as follows:

2 1. I am an attorney duly licensed to practice law in the State of California and am lead
3 counsel and founder of The Margarian Law Firm. I am the only attorney responsible for representing
4 Plaintiff, Ara Dersarkissian, previously named Plaintiffs Gary Krikorian, Artin Parseghian, Sevana,
5 Pirjan, and Hayk Serobyan in the original complaint filed in the Los Angeles Superior Court, and the
6 putative class in the above-captioned action on behalf of my law firm. I have personal knowledge of the
7 facts set forth below and if called upon to testify thereto could and would do so competently.

8 2. I have been practicing law and handling consumer protection cases for over eight (8)
9 years. I have handled several hundred such cases and presently have close to one hundred (100) such
10 pending matters. Approximately eighty-five percent (85%) of my legal practice focuses on consumer
11 rights litigation involving breaches of written and implied warranty pursuant to the Magnuson-Moss
12 Warranty Act, breaches of written and implied warranty pursuant to the Song-Beverly Consumer
13 Warranty Act, negligent manufacture, fraud and deceit, violations of the Consumer Legal Remedies Act
14 (CLRA) and Business & Professions Code §§ 17200 and 17500, breaches of contract and of the implied
15 covenant of good faith and fair dealing, etc.

16 3. I have handled consumer rights litigation against numerous major entities, including but
17 not limited to, City of Los Angeles, most major auto manufacturers and auto dealerships distributing
18 vehicles in the United States, and most major automobile financing and/or leasing lenders operating in
19 the State of California.

20 4. I completed my undergraduate degree Cum Laude at the University of Southern
21 California.

22 5. I completed my Juris Doctor degree at the University of Southern California Gould
23 School of Law.

24 6. I am currently a board member of the Armenian Bar Association and a member of
25 Consumer Attorneys Association of Los Angeles (CAALA).

26 7. In 2012, I was contacted by several consumers regarding their Audi vehicles having an
27 excessive consumption of engine oil. Over a span of several months, I reviewed repair documents from
28 close to twenty (20) consumers dealing with the defective engines manufactured and retailed by

1 Volkswagen which caused overconsumption of oil.

2 8. Once I realized there was a potential class action against Volkswagen for manufacturing
3 and retailing vehicles with defective engines causing overconsumption of oil, I conducted extensive
4 pre-litigation investigation into the class members' claims by interviewing the individual consumers,
5 reviewing their repair records, consulting with experts regarding the claims, investigating the general
6 practices of multiple authorized dealerships of Volkswagen Group of America, Inc., interviewing auto
7 mechanics at Volkswagen dealerships, and researching about Audi AG. In my investigation of general
8 practices of multiple authorized dealerships of Volkswagen Group of America, Inc. I found that the
9 dealerships had a business practice of not documenting many of the customers' concerns with regards
10 to the overconsumption of oil.

11 9. At the conclusion of my investigation I narrowed down the list of class representatives to
12 five (5) individuals. I was retained by Ara Dersarkissian, Gary Krikorian, Artin Parseghian, Sevana,
13 Pirjan, and Hayk Serobyanyan as Plaintiffs and Class Representatives for a class action against
14 Volkswagen Group of America, Inc. for overconsumption of engine oil by certain Audi vehicles. I
15 began working with them closely to research, draft, and submit the CLRA demand letter on their behalf
16 and on behalf of all other similarly situated. Concurrently, I researched, drafted, reviewed, and finalized
17 the original complaint against the Defendants in Superior Court.

18 **The pre-filing investigation and pleadings phase resulted in me expending 47.75 hours. At my**
19 **regular and customary rate of \$475.00 this results in a lodestar of \$22,681.25.**

20 10. After filing the complaint, Defendants challenged venue and insisted removal to federal
21 court. At such time I researched whether removal of the case to federal court was proper. I engaged in
22 communication with opposing counsel and ultimately the case was removed to federal court.

23 **The Motion to Dismiss/Motion to Transfer phase resulted in me expending 3.8 hours. At my**
24 **regular and customary rate of \$475.00 this results in a lodestar of \$1,805.00.**

25 11. Concurrent with the removal to federal court, I worked closely with my clients and
26 began developing my discovery plan and deposition strategy for all dealerships involved in the
27 maintenance of the subject vehicles by my five (5) class representatives. I geared my depositions
28 towards the dealerships I investigated pre litigation where the dealerships had a business practice of

1 failing to document overconsumption of oil complaints by customers.

2 **The post filing investigation and discovery phase resulted in me expending 15.2 hours. At my**
3 **regular and customary rate of \$475.00 this results in a lodestar of \$7,220.**

4 12. Shortly thereafter, the case was consolidated with the current case against the above-
5 captioned Defendants (“Volkswagen”). Co-counsels and I conducted more thorough investigations
6 regarding my five (5) class representatives and their individual standing and we assessed whether it was
7 in the best interest to keep all five (5) clients as class representatives or to limit the count to one. I
8 engaged in extensive dialogue with each client regarding the case and in the interest of the class
9 representatives and their individual standing, and we concluded it was in the best interest of the class to
10 withdraw four (4) of the class representatives as named Plaintiffs and to keep only Ara Dersarkissian as
11 the class representative. Plaintiff Ara Dersarkissian was selected to remain as the class representative
12 because he was the most engaged in the process and was the most suitable candidate to continue
13 representing the class. Throughout the class action lawsuit, Plaintiff Ara Dersarkissian has always been
14 very receptive and within reach at all times, and always understanding of the class members’ needs and
15 the circumstances surrounding this matter. Furthermore, the other four (4) Plaintiffs were
16 accommodating to withdrawing as named Plaintiffs because we concluded doing so would be in the
17 best interest of the class.

18 13. Upon that decision, I worked with co-counsels to draft and finalize the Third Amended
19 Complaint where we incorporated Ara Dersarkissian as one of the named Plaintiffs.

20 14. Thereafter, I worked with my co-counsels and class members to engage in settlement
21 strategy and discussion with opposing counsel. In the course of resolving this matter, the parties
22 participated in a private mediation which lasted almost the full day. I was present during the entire
23 mediation session. Co-counsels and I jointly agreed that the terms reached were fair and adequate for all
24 the class members.

25 **The mediation/settlement negotiation/settlement agreement phase resulted in me expending 21.25**
26 **hours. At my regular and customary rate of \$475.00 this results in a lodestar of \$10,093.75.**

27 15. Since reaching the settlement, I have engaged with Plaintiff Ara Dersarkissian and I
28 have worked with co-counsels to finalize the terms of the preliminary and final approval papers and

1 documents such as the class notice and claim form. The work conducted on these related documents
2 includes communicating with all counsels regarding the settlement approval process, drafting,
3 reviewing, and finalizing the Motion for Preliminary and Final Approval and the Motion for Attorney
4 Fees and Expenses, including proposed orders and supporting declarations.

5 **The settlement/fee motions phase resulted in me expending 18.75 hours. At my regular and**
6 **customary rate of \$475.00 this results in a lodestar of \$8,906.25.**

7 16. After the District Court's entry of the Order Granting Preliminary Settlement Approval
8 and the subsequent mailing of the class notice, Class Counsels were contacted by class members with
9 questions about the settlement. I setup a protocol at my law firm for responding to telephone calls and
10 emails by providing basic information regarding the settlement terms and when appropriate, directing
11 such class members to the lead class counsel for further assistance.

12 **Class member communication/supervision of settlement/notice/benefits resulted in me expending**
13 **27.5 hours. At my regular and customary rate of \$475.00 this results in a lodestar of \$13,062.50.**

14 17. In this case, I have performed a total of 134.25 hours of work, which corresponds to a
15 lodestar of \$63,768.75 based on my hourly rate of four hundred dollars \$475 per hour.

16 18. I am seeking reimbursement of \$1,435 incurred in filing fees/costs upon filing the
17 original complaint in State Court (\$435 civil filing fee plus \$1,000 complex case fee). I will bare all
18 other costs incurred to date by my law firm on this matter.

19 19. Based on my participation in this case and my overall experience, the work I performed
20 was reasonable and necessary, and the allocation of the work in this case was consistent with that of
21 similar cases that my firm has handled.

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1 WHEREFORE, I declare under the penalty of perjury under the laws of the State of California
2 that the foregoing is true and correct, and that this Declaration was executed this 26th day of February,
3 2015 at Glendale, California.

4 Dated this 26th day of February, 2015

5 THE MARGARIAN LAW FIRM
6 801 N. Brand Blvd., Suite 210
7 Glendale, CA 91203

8 By /s/ Hovanes Margarian
9 Hovanes Margarian
10 Attorney for Plaintiff
11 ARA DERSARKISSIAN