

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

BNVS Transport LLC and MEIN & MEEN  
TRUCKING, INC., individually and on behalf of  
all others similarly situated,

Plaintiffs,

vs.

C&K TRUCKING, LLC,

Defendants.

Case No. 1:20-CV-04305

HON. JOHN ROBERT BLAKEY

HON. M. DAVID WEISMAN

DATE: February 15, 2023

TIME: 11:00 a.m.

LOCATION: Courtroom 1203

219 South Dearborn Street

Chicago, IL 60604

JUDGE: Hon. John Robert Blakey

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**DECLARATION OF STACEY B. VUCKO IN SUPPORT OF  
PLAINTIFFS' MOTIONS FOR ATTORNEYS' FEES, COSTS AND SERVICE AWARDS**

I, Stacey B. Vucko, declare as follows:

1. I am one of the attorneys of record for Plaintiffs in the above-captioned case and have been licensed to practice law in the state of Illinois since 2008. I am submitting this declaration in support of Plaintiffs' Motion for reasonable attorneys' fees and costs and Plaintiffs' Motion for service awards in connection with the class action settlement agreement. I am familiar with the file, the documents, and the history related to this case. The following statements are based on my personal knowledge and review of the files. If called on to do so, I could and would testify competently thereto.

2. I am a member of the general and trial bars for the United States District Court for the Northern District of Illinois – Eastern Division. I have been a member of the Northern District of Illinois trial bar since 2013. Since the beginning of this case, I have been working together with my co-counsel, Joshua Konecky, Sarah McCracken, and James Bloom of Schneider Wallace Cottrell Konecky LLP.

3. Mr. Konecky is submitting herewith a separate declaration in support of the aforementioned Motions. Among other details, Mr. Konecky's declaration discusses the case's procedural history, the factors that we took into consideration in reaching the settlement that Plaintiffs have now submitted to the Court, the value of the settlement, and the significant contributions Ms. Stephens and Messrs. Shurn and Muhammad made to the case that we believe support the requested service awards. I have reviewed Mr. Konecky's declaration and agree that it accurately depicts this information.

#### **CONTENTS AND STRUCTURE OF THIS DECLARATION**

4. This declaration is organized into multiple parts.

5. First, I provide an overview of the case background up to the point I began

collaborating with Schneider Wallace Cottrell Konecky LLP. I go on to summarize the fees and costs my firm is seeking in this matter.

6. Next, I provide a summary of my experience and expertise as a litigator, including my focus on employment and civil rights cases over the past several years. I then discuss my firm's typical fee arrangements.

7. I also provide a summary of my firm's total lodestar and the total out-of-pocket costs incurred. I also provide documentation and a discussion of our billing rates showing that they are within the market range of hourly rates charged by attorneys of comparable skill and experience, working on similar matters. This includes a recent court order approving our firm's reasonable rate. In addition, I provide an overview of my firm's billing practices.

8. I then discuss the need for firms like mine to receive reasonable fees in cases like this.

9. I then provide documentation to account for the out-of-pocket costs my firm incurred in this case.

### **PRE-FILING CASE BACKGROUND**

10. In or about February and March, 2020, Valinda Stephens, Bernard Shurn, and Damien Muhammad contacted my office concerning their work at C&K Trucking, LLC. Ms. Stephens and Mr. Shurn were working for C&K at the time through their small business, BNVS Transport LLC. Mr. Muhammad had also worked for C&K through his small business, Mein & Meen Trucking, Inc. I met with Messrs. Shurn and Muhammad and Ms. Stephens in person at my office and spoke with each of them on multiple occasions by phone for a period of time, in the aggregate, of approximately 7 attorney hours. Messrs. Shurn and Muhammad, Ms. Stephens and I also exchanged multiple email communications regarding their work for C&K and other

background of their possible claims and related documentation. Ms. Stephens and Messrs. Shurn and Muhammad were concerned about ongoing underpayments, confusing and inadequately documented or explained deductions from their pay, and general problems with a lack of transparency in C&K's pay processes. I found their complaints compelling and got in contact with my co-counsel, with whom I have been working on this case ever since.

11. Mr. Konecky's declaration details the rest of the case's procedural history. Again, I have reviewed his declaration and agree that the procedural history recited therein is accurate.

### **SUMMARY OF FEES AND COSTS SOUGHT**

12. Plaintiffs are seeking a total attorneys' fee award of 1/3 the net settlement amount<sup>1</sup>, which we estimate to be \$1,062,636.71.

13. As of December 21, 2022, the total lodestar for my law firm in prosecuting and resolving the class claims in this action was approximately \$63,945.00. My understanding is that as of the same date, the total lodestar of my co-counsel's firm, Schneider Wallace Cottrell Konecky LLP, was \$1,065,174. These amounts do not include the work I have performed and will perform on and after December 22, 2022, such as collaborating with co-counsel to complete the motion for final approval and working with the settlement administrator.

14. Thus, Plaintiffs' request for reasonable attorneys' fees in the amount of one-third (1/3) the net settlement amount is commensurate with both the preferred Seventh Circuit approach and Plaintiffs' counsel's lodestar.

15. In addition, Plaintiffs are seeking reimbursement of \$47,131.05 for actual, out-of-

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<sup>1</sup> The net settlement amount is the gross settlement amount of \$3,350,000, less the proposed service awards, the fees and costs of the settlement administrator, and Counsel's costs. We estimate the net amount to be approximately \$3,187,910.14, recognizing that this could change based on the final attorneys' costs, service awards, and settlement administration fees that the Court may award. In any event, one-third of this current estimate of the net settlement amount is \$1,065,476.

pocket costs and litigation expenses. This includes \$649.81 incurred by my firm and \$47,131.05 incurred by my co-counsel's firm. **Exhibit 1** to this Declaration and **Exhibit 1** to the Declaration of my co-counsel, Joshua Konecky, are ledgers of the reasonable out-of-pocket costs incurred by our firms in prosecuting this case.

### **EXPERIENCE OF COUNSEL**

16. I have been practicing law since 2008, when I graduated from Washington University School of Law in St. Louis. I am the lead trial attorney for a busy civil rights and employment law firm in the Chicago suburbs in which I am a partner, Vucko Law LLP. I represent clients before the Equal Employment Opportunity Commission, Illinois Department of Human Rights, the Department of Labor, and in state and federal court in cases involving violations of the U.S. Constitution, Title VII, the Americans with Disabilities Act, the Age Discrimination in Employment Act, the Family and Medical Leave Act, the Equal Pay Act, the Pregnancy Discrimination Act, § 1981, § 1983, the Air 21 Act, the Surface Transportation Assistance Act and other state and federal employment and wage and hour laws.

17. My legal experience includes prosecuting a whistleblower retaliation case as first chair on behalf of an aircraft mechanic against a major commercial airline in a seven-day bench trial before the Department of Labor's Office of Administrative Law Judges.

18. I founded Vucko Law in 2015 with the goal of advancing human rights - particularly women's rights - in the workplace.

19. Before opening my own firm, I worked for a trial and litigation practice in Chicago where I refined my litigation skills under the guidance of a Fellow of the American College of Trial Lawyers. I have represented both individual and corporate clients prosecuting and defending matters before Illinois state and federal courts and administrative agencies in complex cases

involving piercing the corporate veil allegations, consumer fraud, the Illinois Fraudulent Transfer Act, the Federal False Claims Act, employment law, common law conspiracy, breach of contract and quasi-contractual theories, environmental litigation, bankruptcy litigation, legal malpractice, trust disputes and personal injury claims.

20. A copy of my biography and my firm's information, which reflects my background, education and experience and the firm's practice areas, can be found on my law firm's website at [www.vuckolaw.com](http://www.vuckolaw.com).

21. My role in this case included assessing Plaintiffs' claims at the outset, recruiting co-counsel with significant class action experience, and working with my co-counsel to make decisions about legal strategy, how best to move the case forward, and how best to represent the Classes' interests. Throughout the case, I closely reviewed and edited pleadings, motions, and other documents. Additionally, I helped prepare Ms. Stephens and Messrs. Shurn and Muhammad for their depositions, as well as defending Ms. Stephens' deposition. I also kept in regular contact with Plaintiffs' representatives. Among other tasks, I kept them abreast of case developments, discussed case strategy with them, and helped them search for and gather important documents. I participated in both mediation sessions as well as related discussions that occurred before and between the formal mediation sessions. I also interviewed class members in preparation for filing Plaintiffs' motion for class certification. I was admitted to the Missouri state bar in 2009 and to the Illinois state bar in 2008. My current billing rate is \$450 per hour.

#### **COUNSEL TAKE CASES ON A CONTINGENCY BASIS**

22. My firm frequently takes cases on a contingency basis, though we do also have hourly clients. Our typical practice in contingency cases is to specify in the retainer agreement that 1/3 of any recovery will be allocated to fees, with an escalator if a case goes to trial.

### **COUNSEL'S BILLING RATES**

23. This portion of my declaration documents the reasonableness of the billing rates charged by my firm in this case.

24. My lodestar for this case is based on my 2022 billing rate of \$450 per hour. I respectfully submit that this billing rate is commensurate with that of other litigators in the community and is appropriate based on my experience, background, and education.

25. My firm's hourly rates were recently approved by Magistrate Judge Maria Valdez in the matter of *Perez v. The City of Aurora et. al.*, Case No. 2020-cv-07759, November 28, 2022 Order, Dkt. No. 130, pending in the United States District Court for the Northern District of Illinois – Eastern Division.

### **BILLING PRACTICES AND LODESTAR**

41. I record my time in tenth-of-an-hour increments, as contemporaneously as possible with the expenditure of time.

42. Through December 21, 2022, I have billed 142.1 hours, for a total lodestar of \$63,945.00.

43. This figure was prepared from the contemporaneous computerized time records regularly prepared and maintained by my firm in the ordinary course of business.

### **CONTINGENT RISK**

44. As I mention above, my firm frequently takes cases on a contingency basis. This is especially common in employment- and pay-related cases similar to this one. In these cases, we rely on our contingent fee agreements and, where applicable, awards of attorneys' fees and costs to continue our work enforcing civil rights laws. We did not charge Plaintiffs or the class members any fees or costs to investigate, litigate, and successfully resolve this case. As I also note above,

my firm has incurred approximately \$649.81 in out-of-pocket expenses that we have not yet recovered. Additionally, we are a small firm with limited resources and had to turn down other potential clients so that we would be able to successfully represent Plaintiffs and the Classes in this matter.

45. I am an experienced litigator with expertise in public interest cases, especially those involving pay issues. My experience in public interest litigation has been that companies like Defendant here will fight tooth and nail against cases that challenge their pay practices. This often means extensive discovery, significant motion practice, and even trial or pretrial proceedings before cases can be resolved. And though we were able to resolve this matter at an earlier stage, we still faced stiff resistance and complex legal and factual issues that required dedication and skill to address. Being awarded the requested fees in cases like this helps incentivize us to continue enforcing civil rights and public interest laws, while also working with defendants to resolve cases sooner rather than later.

45. As I note above, Mr. Konecky's declaration details the risks and other factors my co-counsel and I took into consideration in evaluating settlement offers and ultimately negotiating the settlement Plaintiffs have now presented to the Court. Again, I have read and agree with the statements in his declaration regarding these risks and other considerations in negotiating the settlement, so I will not repeat them here.

### **COSTS**

46. My firm has incurred costs of suit of approximately \$649.81 as of December 21, 2022. **Exhibit 1** is a ledger identifying each individual charge for both actions. The date corresponding to each individual charge may reflect the date the charge was entered into our accounting system, rather than the date when the charge occurred.



47. The expenses incurred by our firm consist of filing fees, copying costs, and courier service costs.

48. These expenses were necessary to the prosecution and successful resolution of the case.

**EXHIBITS**

49. Attached hereto as **Exhibit 1** is a ledger of the reasonable out-of-pocket costs incurred by my firm in prosecuting this case.

I declare under penalty of perjury under the laws of the State of Illinois and the United States of America that the foregoing is true and correct and is based upon my personal knowledge.

Executed on December 22, 2022 in Downers Grove, Illinois

/s/ Stacey Vucko  
Stacey Vucko

**Expenses**

Type	Date	Notes	Quantity	Rate	Total
Expense	07/22/2020	Initial filing fee - NDIL	1.00	\$400.00	\$400.00
Expense	05/23/2022	Fedex - courtesy copies of class cert brief	1.00	\$88.90	\$88.90
Expense	05/23/2022	Dividers, additional index tabs, oversize envelope for class cert brief courtesy copy	1.00	\$46.72	\$46.72
Expense	05/23/2022	Courtesy copies of class cert brief - additional B&W copies - Fedex	1.00	\$28.64	\$28.64
Expense	05/24/2022	Courier service for copies of brief re class certification and attached exhibits to J. Blakey	1.00	\$63.46	\$63.46
Expense	05/24/2022	Fedex office - coil binding for class cert courtesy copy	1.00	\$16.16	\$16.16
Expense	06/27/2022	Office depot - tabs for courtesy copy for J. Blakey Cert Brief	1.00	\$5.93	\$5.93
<b>Expenses Subtotal</b>					<b>\$649.81</b>

# **EXHIBIT 1**