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9 Attorneys for Plaintiff Marko Djoric

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **COUNTY OF LOS ANGELES**

12 MARKO DJORIC, an individual, on behalf of
13 himself and all others similarly situated,

14 Plaintiff,

15 v.

16 JUSTIN BRANDS, INC.; and DOES 1
17 through 10, inclusive.

18 Defendants.

Case No. BC574927

CLASS ACTION

**DECLARATION OF MARKO DJORIC
IN SUPPORT OF MOTION FOR AN
INCENTIVE AWARD**

Date: July 31, 2018

Time: 9:00 a.m.

Dept.: SSC, Dept. 17

Assigned to: Hon. Maren Nelson

Action Filed: March 12, 2015

Trial Date: Not set

1 I, Marko Djoric, declare:

2 1. I am the representative plaintiff in this case. I make this declaration of my own
3 personal knowledge, and if called to testify, I could and would competently testify hereto under
4 oath.

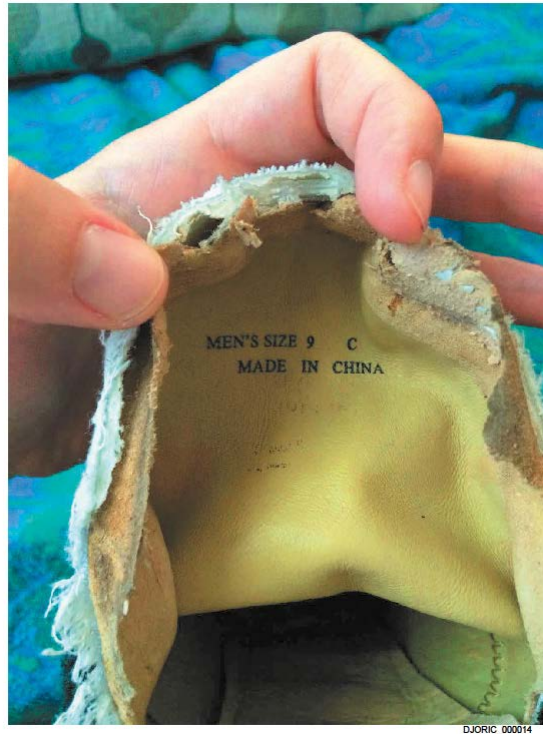
5 2. I am a resident of California and have been for approximately 17 years.

6 3. While in California, on or about July 28, 2012, I purchased a pair of Chippewa
7 Men's 8-Inch Black Motorcycle Steel Toe Boots online from the Working Person's Store. The
8 total purchase price for the boots, including tax and shipping, was \$292.56. I chose to purchase
9 Chippewa boots, as opposed to comparable, but less expensive boots of a different brand,
10 because I believed, based on representations on both Defendant's and the Working Person's
11 Store websites, that the Chippewa boots and/or their principal components had been
12 manufactured in the U.S.A. I had also previously been exposed to Defendant's representations
13 that the Chippewa brand embodied America's history, culture and values, and that Chippewa
14 products were "handcrafted in the U.S.A.," which I understood to mean that the boots and/or
15 their principal components were made in the U.S.A.
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18 4. On or around August 7, 2012, I was involved in a motorcycle accident that
19 caused me extensive bodily injury. I was wearing the Chippewa boots I had purchased in July
20 2012 when the accident occurred.

21 5. In October of 2012, I purchased a second pair of Chippewa Men's 8-Inch Black
22 Motorcycle Steel Toe Boots to replace the pair damaged as a result of the accident. I purchased
23 these boots at a Work Boot Warehouse, a brick and mortar store located in Los Angeles County.
24 The purchase price of those boots was approximately the same as the pair I purchased in July
25 2012. Just as before, I chose the Chippewa brand partly because I believed the boots and/or
26 their principal components were made in the U.S.A.
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1 6. In June 2014, I decided to frame the Chippewa boots I wore when I suffered the
2 motorcycle accident. This required that I cut the boots apart, and that's when I discovered the
3 boots and/or their principal components were not substantially made in the U.S.A. Specifically,
4 I found that the boots' inner, leather linings were "MADE IN CHINA." I would never have
5 discovered this fact if I had not attempted to frame the boots. Below is a photograph of the
6 boot's inner lining.



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21 7. It was important to me that the boots I purchased were made in the U.S.A., for
22 several reasons, including my belief that products made in the U.S.A. are of better quality than
23 many foreign-made products, particularly those manufactured in China, as well as my general
24 sense of patriotism. I would not have purchased Defendant's boots for the premium price I paid
25 if I had known that they were not manufactured in the U.S.A., with U.S.A. – made component
26 parts.
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1 8. Upon discovering that the boots contain foreign-made parts, I conducted
2 extensive research about Defendant company on my own. I then contacted Defendant, but
3 Defendant ultimately gave me the run around and did not address my concerns. Thereafter,
4 realizing that an average consumer would have no way of discovering that Defendant's boots
5 contain foreign-made parts, and wanting to stop Defendant from continuing to misrepresent its
6 boots as being made in the U.S.A., in early October, 2014, I began researching class action
7 attorneys to take my case, to try to stop Defendant's wrongful conduct. I researched and
8 contacted more than one attorney until, after extensive communications by email and telephone,
9 I ultimately retained Strange & Carpenter to represent me. I communicated with and assisted
10 my attorneys regularly over the next several months, ultimately leading to the filing of this class
11 action suit in March 2015. Had I not attempted to find class action attorneys to
12 pursue these claims, they would likely never have been pursued, which also would have
13 allowed Defendant's misrepresentations to continue unabated.

18 9. I wanted to be a Class Representative in this case because I believe Defendant
19 acted deceitfully and unfairly in misrepresenting that its boots and their component parts were
20 made or "handcrafted" in the U.S.A., when in fact, they were not, and in charging premium
21 prices for Chippewa products based on these representations. I am fully committed in my role
22 as a Class Representative. However, I did incur additional risk and inconvenience (as well as
23 substantial time) in serving as the representative plaintiff in this case. For example, if
24 Defendant had prevailed in this litigation, I might have been legally responsible for Defendant's
25 costs of litigation, which could have been a significant financial risk. In addition, I am an artist,
26 and at certain times in this litigation, a Google search of my name yielded results relating to this
27 litigation, rather than my art, which was also an inconvenience.

1 10. In the several months before this case was filed, as well as throughout the more
2 than three years this case has been pending, I have vigorously pursued the rights and interests of
3 other persons who, like myself, have been wronged by paying premium prices for Defendant's
4 products which were not made in the U.S.A. and/or which contained foreign-made components.
5 Far more than simply lending my name to this case, I have actively participated at all stages of
6 this case, including discovering the misrepresentations on my own in the first place, researching
7 and retaining attorneys to file this lawsuit, meeting with my attorneys in person, communicating
8 with my attorneys by telephone and email, educating my attorneys about the underlying facts,
9 reviewing and providing input to numerous documents filed with the court (including the
10 complaints, class certification papers, and settlement-related documents), providing input and
11 submitting a declaration in support of class certification, assisting in the preparation of and
12 reviewing discovery responses (including responses to form interrogatories, special
13 interrogatories, and requests for production of documents), gathering and producing documents
14 in discovery, and participating at all stages of the lengthy settlement negotiations, including
15 reviewing multiple settlement drafts. Overall, over the course of the last four years, I have
16 spent approximately 100 hours on matters leading up to and related to this litigation. In
17 addition, I was fully prepared to appear for my deposition and to testify at trial, if this case had
18 gone to trial.
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21 11. In addition to the substantial time I have spent on this case, I also agreed, as part
22 of the Settlement Agreement, to a general release of my claims against Defendant and a Code of
23 Civil Procedure section 1542 waiver. This release and waiver are over and above the Class
24 release that binds absent Class members.
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26 12. Based on my time and efforts on behalf of the Class in this case and the
27 additional risks and inconvenience I incurred as a result of acting as the representative plaintiff,
28 as well as the excellent results achieved by this Settlement and the substantial benefits conferred

1 on the Class, of which I was the catalyst, I respectfully request that the Court award me an
2 incentive award of \$10,000.

3 13. With respect to any award of attorneys' fees, I have agreed in writing to the
4 following fee split among counsel: 47.5% to Carpenter Law; 47.5% to Parisi & Havens, LLP;
5 and 5% to Brian R. Strange, APC (formerly of Strange & Carpenter, the firm who initially filed
6 this case).

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8 Executed this 8 day of July, 2018, at Sylmar, California. I declare under penalty of
9 perjury under the laws of the State of California that the foregoing is true and correct.

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13 Marko Djoric
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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the county of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is:

CARPENTER LAW
1230 Rosecrans Ave., Suite 300
Manhattan Beach, CA 90266

On July 9, 2018, I served the foregoing documents, described:

**DECLARATION OF MARKO DJORIC IN SUPPORT OF
MOTION FOR AN INCENTIVE AWARD**

via electronic transmission addressed as follows:

Robert Hicks
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Counsel for Defendant

Co-Counsel for Plaintiff

**VIA ELECTRONIC TRANSMISSION TO CASE ANYWHERE AT
WWW.CASEANYWHERE.COM**

VIA ELECTRONIC MAIL

Executed on July 9, 2018, at Anaheim, California.

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



Carlo Aguilar