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    TRANSPORTATION, LLC and the Putative Class

11   UNITED STATES DISTRICT COURT

12   FOR THE CENTRAL DISTRICT OF CALIFORNIA

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15 ELITE LOGISTICS   )   Case No.: 2:11-cv-02952 DDP (PLAx)
    CORPORATION, NGL   )
16 TRANSPORTATION, LLC, and on   )   Judge Assigned: Judge Dean D. Pregerson
    behalf of all others similarly situated,)
)   Complaint Filed: April 7, 2011
17   Plaintiff,   )   Trial Date: None Set
)
18   v.   )   **DECLARATION OF ARTHUR OLSEN IN**
)   **SUPPORT OF PLAINTIFF'S MOTION**
19 MOL (AMERICA), INC., and DOES   )   **FOR FINAL APPROVAL OF CLASS**
    1-10,   )   **SETTLEMENT**
20   )
                Defendant.   )
21 _____   )
    MOL (AMERICA) INC. and MITSUI   )
22 O.S.K. LINES, LTD.,   )   Hearing Date: Monday, April 26, 2021
)   Hearing Time: 10:00 a.m.
23   Counterclaim Plaintiffs,)   Courtroom: 9C
)
24   v.   )
    ELITE LOGISTICS   )
25 CORPORATION, and ROES 1-10,   )
)
26   Counterclaim Defendant.)
    _____   )
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DECL. OF ARTHUR OLSEN   IN SUPPORT OF PL.'S MOT. FOR FINAL APPROVAL
Case No.: 2:11-cv-02952 DDP (PLAx)

I, Arthur Olsen, do declare as follows:

1.   Based on my experience in the information technology field ("IT") and my prior work as a data management expert in other cases, I was retained by Plaintiff's counsel to perform an analysis of data produced by Defendant MOL (America), Inc. ("MOL") regarding per diem charges MOL assessed to trucking companies for the use of MOL's shipping containers during weekends and holidays when the port terminal is closed in California.

2.   I have over 20 years of professional information technology experience, specializing in the areas of database development, database administration and database support. I have received extensive training related to Oracle Corporation ("Oracle") database software in the areas of relational database design, architecture and administration, as well as SQL and PL/SQL, application tuning, database tuning and advanced database concepts. I was also trained by Microsoft Corporation ("Microsoft") in database architecture and administration, database tuning and TSQL.

3.   For three years, I worked as a database engineer for Microsoft where my responsibilities primarily involved database design and administration. Among other duties at Microsoft, I participated in the design, implementation and support of an extensive data warehousing solution for Microsoft's licensing division, and managed and supported numerous databases throughout the company. I received Microsoft's award for operational excellence for my database-related work at the company.

4.   In addition to my experience working for Microsoft, I worked for six years at Hewlett-Packard Company ("Hewlett-Packard") as a database engineer. Among other responsibilities at Hewlett-Packard, I served as the primary database administrator for both Oracle and SQL Server systems that supported multiple divisions. My responsibilities at Hewlett-Packard also included serving as lead analyst in charge of compiling, analyzing and processing data from various internal database systems throughout Hewlett-Packard for use in litigation support.

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DECL. OF ARTHUR OLSEN   IN SUPPORT OF PL.'S MOT. FOR FINAL APPROVAL
Case No.: 2:11-cv-02952 DDP (PLAx)

1   5.   I was the database expert in the class action case *Gutierrez v. Wells Fargo, N.A.*, in the Northern District of California, and continue to be the database expert in the multi-district litigation case *In re: Checking Account Overdraft Litigation* in the Southern District of Florida. In both cases, I have analyzed bank data in order to identify each individual customer's wrongful checking account overdraft charges.

6.   My qualifications and background are set forth in more detail in my consultant profile, which is attached hereto as Exhibit 1.

7.   I was provided data extracts in the form of Excel spreadsheets covering the period March 24, 2007, through December 6, 2011. I was advised that the spreadsheets were generated by MOL's accounting program which keeps track of per diem invoices charged to trucking companies for use of MOL's shipping containers in California.

8.   The spreadsheets contained the information necessary to determine the portion of charges that corresponded to the use of containers on weekends and holidays. This included the name of the trucking company for which per diem charges were assessed, the total amount of such charges for each period of use, as well as the date ranges for which the charges applied.

9.   I also read the deposition transcript of MOL's employee who has been designated the person most knowledgeable on its per diem practice, Donald Licata, taken on October 16, 2012. Mr. Licata indicated that MOL has a record of all days when each of the port terminals were closed.

10.   For each instance of per diem charges, I created an algorithm that analyzed the individual date ranges and identified the portion of those ranges that fell on Saturdays, Sundays and holidays.

11.   In conducting this analysis, I was able to determine that 434 trucking companies were charged per diem fees on Saturdays, Sundays, and holidays, and I was able to calculate the total amount of such per diem charges for each trucking company.

12.   Furthermore, I determined that $417,429.34 in per diem charges were assessed on Saturdays, $388,679.58 were charged on Sundays, and $70,806.00 were

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1   charged on holidays. Therefore, the total charged on Sundays and holidays was

2    $459,485.58.

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4   I so declare the above is true and correct under penalty of perjury under the laws of

5   the United States.

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7   Executed this 13th day of April 2021, at Seattle, Washington.

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10   ARTHUR OLSEN

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DECL. OF ARTHUR OLSEN   IN SUPPORT OF PL.'S MOT. FOR FINAL APPROVAL
Case No.: 2:11-cv-02952 DDP (PLAx)

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CERTIFICATE OF SERVICE

3   I certify that on April 14, 2021, I electronically filed the foregoing with the Clerk

4   of the Court using the CM/ECF system which will send a notice of electronic filing to all

5   CM/ECF participants in the above-referenced matter.

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7   By: /s/ *David C. Wright*

8   David C. Wright

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Certificate of Service
Case No.:   CV11-02952 DDP (PLAx)