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28 **UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

29 JOHN SMITH, individually and as  
30 a representative of the Class,

31 Plaintiff,

32 v.

33 A-CHECK AMERICA INC. d/b/a  
34 A-CHECK GLOBAL,

35 Defendant.

Case No.: 5:16-cv-00174-VAP-KK

**PLAINTIFF'S MOTION FOR  
ATTORNEYS' FEES, COSTS,  
AND CLASS  
REPRESENTATIVE SERVICE  
PAYMENTS AND  
MEMORANDUM IN SUPPORT**

Date: July 10, 2017

Time: 2:00 p.m.

Location: Courtroom 8A, 8<sup>th</sup> Floor

Judge: Hon. Virginia A. Phillips

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**NOTICE OF MOTION AND MOTION**

PLEASE TAKE NOTICE that on July 10, 2017, at 2:00 p.m. in Courtroom 8A on the 8<sup>th</sup> floor, at First Street Courthouse, 350 West First Street, Los Angeles, California, the Honorable Virginia A. Phillips presiding, Plaintiff John Smith and Class Counsel will respectfully move the Court to award one-third of the Settlement Fund (\$133,333.33) in attorneys' fees, \$17,224.22 to reimburse Counsel for out-of-pocket, documented expenses, \$3,500 as a service payment to the Named Plaintiff, and settlement administration expenses to be determined at the Final Approval hearing.

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19 *King v. Gen. Info. Serv., Inc.*, No. 10-cv-6850, ECF Nos. 125-126 (E.D. Pa.

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1 **I. INTRODUCTION**

2 Pursuant to Fed. R. Civ. P. 23(h), and in accordance with the Court’s  
3 Preliminary Approval order (ECF No. 59), Plaintiff John Smith (“Plaintiff”)  
4 and Class Counsel seek approval of an award of one-third of the Settlement  
5 Fund (\$133,333.33) in attorneys’ fees, \$17,224.22 to reimburse Counsel for  
6 out-of-pocket, documented expenses, \$3,500 as a service payment to the  
7 Named Plaintiff, and settlement administration expenses to be demined at the  
8 Final Approval hearing. In its preliminary approval order, the Court did a  
9 preliminary evaluation of the requested fee, but concluded that it lacked  
10 information regarding several important factors. (ECF No. 59). This briefing  
11 is designed to supply the information that the Court noted was absent.

12 Compared to the results in similar matters, the results obtained in this  
13 case are impressive, and the risks that Counsel overcame to reach them were  
14 significant. Further, the fee requested in this case is just over *half* of Counsel’s  
15 lodestar. The risks that Counsel undertook in this case, accompanied by the  
16 fact that Counsel seeks a less than full recovery of fees, justify a departure  
17 from this Court’s benchmark rate of 25% and the award of one-third of the  
18 fund in fees.

19 **II. STATEMENT OF THE ISSUE TO BE DECIDED**

20 Whether the requested attorneys’ fees, expenses, and service payments  
21 are reasonable and should be awarded.

22 **III. BACKGROUND**

23 **RELEVANT FACTS**

24 **A. THE PARTIES ENGAGED IN LITIGATION, FORMAL AND**  
25 **INFORMAL DISCOVERY, AND MEDIATION BEFORE REACHING**  
26 **THIS SETTLEMENT**

27 **1. Procedural History**

28 Prior to reaching the Settlement Agreement in this matter, this case was

1 very actively litigated, with Counsel’s lodestar nearly doubling the fee  
2 requested here. On December 3, 2015, Plaintiff Smith filed his proposed class  
3 action against A-Check in the Superior Court of the State of California. On  
4 January 29, 2016, A-Check removed the lawsuit to this Court. On February 17,  
5 2016, Plaintiff filed his First Amended Complaint (“FAC”). (ECF No. 15.) On  
6 behalf of himself and the proposed class, Plaintiff Smith sought statutory  
7 damages of between \$100 and \$1000 per violation, plus attorneys’ fees, costs,  
8 and all other available relief. (*Id.*) Defendant moved to dismiss the FAC, a  
9 motion the Court denied. (ECF Nos. 28, 35.) Defendant filed its Answer on  
10 May 6, 2016. (ECF. No. 36.)

11 During the litigation, the parties exchanged numerous pieces of  
12 information through both formal and informal discovery. In formal discovery,  
13 both parties produced hundreds of pages of documents, and Plaintiff also  
14 received significant discovery from a third party subpoena directed at an  
15 industry organization. (Hashmall Dec., ¶ 4.) Additionally, Plaintiff deposed  
16 Defendant’s Rule 30(b)(6) designee. (*Id.*) In advance of mediation, the parties  
17 also worked cooperatively to exchange information regarding how  
18 Defendant’s electronic systems could be queried to identify members of the  
19 classes. (*Id.*) In service of this effort, the parties engaged in numerous  
20 conference calls, some of which included technical consultants advising the  
21 parties on how best to extract information from Defendant’s databases. (*Id.*)

22 On December 1, 2016, the parties attended a full-day mediation. Prior  
23 to this successful mediation, both parties prepared mediation briefs indicating  
24 their positions on the merits of Plaintiff’s claims and on an appropriate  
25 settlement value and structure. (Hashmall Decl., ¶ 5.) Defendant provided a  
26 detailed account of how it had identified putative class members in its  
27 databases and Plaintiff reviewed that methodology. The mediation, conducted

1 by Joan Kessler, an experienced third-party mediator, culminated in both  
2 parties signing a binding terms sheet, which served as the basis for the instant  
3 Settlement Agreement. (*Id.*)

4 **2. Summary of Plaintiff’s Settled Claims Against**  
5 **Defendant**

6 All the settled claims relate to background checks that Defendant  
7 produced on job applicants. As expressed in the First Amended Complaint  
8 (ECF No. 15.), the FCRA prohibits a consumer reporting agency (“CRA” or  
9 “agency”) from including non-conviction adverse information older than  
10 seven years.

11 Plaintiff Smith alleged that Defendant violated the FCRA by producing  
12 a background report that included information relating to non-convictions that  
13 predated the report by more than seven years. Defendant denies any liability  
14 for these claims.

15 These claims were far from risk-free. A substantially similar case  
16 recently was dismissed on jurisdictional grounds, and serious challenges have  
17 been raised to 1681c claims on First Amendment grounds. See *Schartel v. One*  
18 *Source Tech., LLC*, No. 1:15 CV 1434, 2016 WL 6024558, (N.D. Ohio Oct.  
19 14, 2016) (dismissing case); *King v. Gen. Info. Servs., Inc.*, 903 F. Supp. 2d  
20 303 (E.D. Pa. 2012) (discussing 1681c and First Amendment). More  
21 generally, there simply are not very many practitioners doing cases of this type,  
22 and relatively little precedent.

23 To avoid the further costs and burdens of litigation, the parties have  
24 agreed to settle the claims. The proposed Settlement Class consists of the  
25 approximately 2,717 persons who Defendant has identified as (1) having been  
26 the subject of a background report prepared by A-Check, (2) whose  
27 background report contained one or more items of criminal information which

1 were non-convictions predating the report by more than seven years, and (3)  
2 whose report was issued at any time dating from February 17, 2014 to the date  
3 of the Settlement Agreement, January 27, 2017. (Settlement Agreement, ¶ 27.)

4 The Settlement Class Members will release only claims that were or  
5 could have been raised in this litigation, namely all claims arising under 15  
6 U.S.C. § 1681c of the FCRA and state law analogs.

7 **3. Settlement Negotiations**

8 On December 1, 2016, the parties engaged in a full day of vigorous,  
9 arm's-length negotiations in a mediation with Joan Kessler. At the conclusion  
10 of this mediation, the parties reached an agreement as to the material terms of  
11 a settlement. While the parties negotiated the case, the parties did not negotiate  
12 any terms relating to attorneys' fees for Plaintiff's Counsel or incentive awards  
13 for the Named Plaintiff until after all other material terms were agreed upon.  
14 (Settlement Agreement, ¶ 36-37.) The material terms of the Settlement were  
15 reduced to a terms sheet signed at the conclusion of mediation. In negotiations  
16 over subsequent weeks, a full Settlement Agreement was reached and  
17 executed.

18 **B. THE PARTIES' SETTLEMENT AGREEMENT**

19 **1. Overview of Terms and Settlement Administration**

20 In consideration for the release of the Settlement Class Members'  
21 claims, A-Check has, first, implemented an automated process to screen out  
22 information that should not be reported under 15 U.S.C. § 1681c. (Settlement  
23 Agreement, ¶ 30.) Defendant agrees to keep this process in place for at least  
24 two years after the Settlement's Effective Date unless the Defendant believes  
25 in good faith that a change in existing law warrants a departure from this  
26 practice.

27 Second, Defendant has implemented procedures to ensure that criminal

1 charges which are dismissed due to amendment prior to conviction are no  
2 longer reported after seven years. (Settlement Agreement, ¶ 31.) Defendant  
3 agrees to keep this process in place for at least two years after the Settlement’s  
4 Effective Date unless the Defendant believes in good faith that a change in  
5 existing law warrants a departure from this practice.

6 Third, Defendant agrees to provide Class Members who request a copy  
7 of their background report with a copy, free of charge. (Settlement Agreement,  
8 ¶ 32.) The benefit of these three non-monetary provisions is substantial both  
9 for Settlement Class Members and future applicants for employment who have  
10 their background reports prepared by A-Check.

11 Finally, A-Check will deposit the Gross Settlement Amount (“GSA”) of  
12 \$400,000 with the Settlement Administrator for the benefit of the Class.  
13 (Settlement Agreement, ¶ 33.)

14 After the deductions for any Court-awarded attorneys’ fees, litigation  
15 expenses, settlement administration costs, and Named Plaintiff service award,  
16 this fund will be distributed to all Settlement Class Members who do not opt  
17 out. (Settlement Agreement, ¶ 20.) Defendant, in assembling the class list,  
18 shall note which Settlement Class Members had outdated information related  
19 to criminal charges on their reports, and which Settlement Class Members had  
20 only outdated information related to traffic offenses on their reports. The net  
21 settlement fund shall be distributed to Settlement Class Members such that  
22 individuals with any outdated criminal charges on their reports shall receive a  
23 payment four times greater than those with only outdated traffic violations on  
24 their reports. (*Id.* ¶ 35.)

25 If settlement checks are not cashed, those funds will be donated to the  
26 *cy pres* recipient, the Southern Center for Human Rights in Atlanta, subject to  
27 Court approval. (Settlement Agreement, ¶¶ 15, 39.) No portion of the

1 settlement fund will revert to the Defendant in any circumstance. (*Id.* ¶ 34.)

2                   **2. Reaction of Settlement Class Members to the**  
3                   **Settlement**

4           On April 7, 2017, the Settlement Administrator mailed Notice to 2,668  
5 Settlement Class Members in accordance with the procedures outlined in the  
6 Settlement Agreement. On the same date, the Settlement Administrator also  
7 activated the Settlement Website, [www.backgroundchecksettlement.com](http://www.backgroundchecksettlement.com), and  
8 a toll-free telephone line for Class Members to use. As of May 8, 2017, there  
9 have been zero opt-outs and zero objections received. The postmark deadline  
10 for opt-outs and objections is May 22, 2017. As settlement administration  
11 activities are far from finished, the Administrator will submit a declaration in  
12 conjunction with the final approval motion which spells out more fully its  
13 activities in administering the settlement, as well as its precise requested fee.  
14 The Administrator's fee is not expected to exceed \$26,000.

15                   **3. Class Counsel's Fees and Costs to Date**

16           To date, Berger & Montague, P.C. has incurred \$15,225.50 in costs and  
17 \$187,496.10 in lodestar. (Hashmall Decl. ¶¶ 9, 11.) Nichols Kaster, PLLP has  
18 incurred \$1,998.72 in costs and \$46,285.00 in lodestar. (*Id.*, ¶¶ 7, 11.) The  
19 Tatar Law Firm has incurred \$4,547.50 in lodestar. (*Id.*, ¶ 12.)

20           The requested awards are one-third of the Settlement Fund as attorneys'  
21 fees (\$133,333.33), and reimbursement of total out-of-pocket expenses in the  
22 amount of \$17,224.22, not including the Settlement Administrator's expenses.  
23 The requested fees award results in a 0.56 multiplier of Class Counsel's  
24 cumulative lodestar to date, which, as outlined below, weighs strongly in favor  
25 of the requested amount.

26           **IV. ARGUMENT**

1           **A. THE COURT SHOULD APPROVE THE REQUESTED ATTORNEYS’**  
2           **FEES AND COSTS**

3           It is well-settled that “a lawyer who recovers a common fund for the  
4           benefit of persons other than himself or his client is entitled to a reasonable  
5           attorney’s fee from the fund as a whole.” *Boeing Co. v. Van Gemert*, 444 U.S.  
6           472, 478 (1980); *see also Mills v. Elec. Auto-Lite Co.*, 396 U.S. 375, 393  
7           (1970). “[T]hose who benefit from the creation of the fund should share the  
8           wealth with the lawyers whose skill and effort helped create it.” *In re Wash.*  
9           *Pub. Power Supply Sys. Sec. Litig.*, 19 F.3d 1291, 1300 (9th Cir. 1994). This  
10          principle is particularly important in complex litigation, where private  
11          enforcement is a necessary component of legal compliance. *See, e.g., Pillsbury*  
12          *Co. v. Conboy*, 459 U.S. 248, 262-3 (1983); *Reiter v. Sonotone Corp.*, 442 U.S.  
13          330, 331 (1979); *Hawaii v. Standard Oil Co. of Cal.*, 405 U.S. 251, 266 (1972);  
14          *Perma Life Mufflers, Inc. v. In’l Parts Corp.*, 392 U.S. 134, 139 (1968). Fee  
15          awards in successful cases, such as this one, encourage class actions, and  
16          thereby promote private enforcement and compliance with federal consumer  
17          protection laws, such as the FCRA.

18          Courts have encouraged litigants to resolve fee issues by agreement. *See*  
19          *Hanlon v. Chrysler Corp.*, 150 F.3d 1011, 1029 (9th Cir. 1998). Federal Rule  
20          of Civil Procedure 23(h) expressly states that “the court may award reasonable  
21          attorney’s fees and nontaxable costs that are authorized by law or by the  
22          parties’ agreement.” Further, the Ninth Circuit has held that “the court need  
23          not inquire into the reasonableness of the fees even at the high end with  
24          precisely the same level of scrutiny as when the fee amount is litigated.” *Staton*  
25          *v. Boeing Co.*, 327 F.3d 938, 966 (9th Cir. 2003). This Circuit recognizes that  
26          “the parties are compromising precisely to avoid litigation.” *Laguna v.*  
27          *Coverall N. Am., Inc.*, 753 F.3d 918, 922 (9th Cir. 2014), *vacated on other*



1 grounds, 772 F.3d 608 (9th Cir. 2014).

2 Here, the parties' Settlement Agreement, which was negotiated under  
3 adversarial and non-collusive circumstances, provides for a reasonable award  
4 of attorneys' fees of up to one-third of the Settlement Fund and reimbursement  
5 of out-of-pocket costs, and those fees and costs should be approved.

6 **1. The Proportion of the Settlement Fund Requested**  
7 **(One-Third) Is Reasonable**

8 The Ninth Circuit has approved two methods of assigning attorneys'  
9 fees in common fund cases: the "percentage of the fund" method and the  
10 "lodestar" method. *Vizcaino v. Microsoft Corp.*, 290 F.3d 1043, 1047 (9th Cir.  
11 2002) (citing *In re. Wash. Pub. Power Supply*, 19 F.3d at 1295-96). Under the  
12 percentage method, the court may award class counsel a percentage of the  
13 common fund recovered for the class. (*Id.*) The percentage method is  
14 particularly appropriate in common fund cases, because "the benefit to the  
15 class is easily quantified." *In re Bluetooth Headset Prods. Liab. Litig.*, 654  
16 F.3d 935, 942 (9th Cir. 2011). The Ninth Circuit's approved "benchmark"  
17 percentage is 25%. (*Id.*) (quoting *Six (6) Mexican Workers v. Ariz. Citrus*  
18 *Growers*, 904 F.2d 1301, 1311 (9th Cir. 1990)). However, courts in this Circuit  
19 often award even more than the benchmark percentage. *See Knight v. Red*  
20 *Door Salons, Inc.*, No. 08-cv-1520, 2009 WL 248367, at \*6 (N.D. Cal. Feb. 2,  
21 2009) ("in most common fund cases, the award exceeds [the] benchmark");  
22 *see also In re Activision Sec. Litig.*, 723 F. Supp. 1373, 1377 (N.D. Cal. 1989)  
23 ("nearly all common fund awards range around 30%"); *In re Pac. Enters. Sec.*  
24 *Litig.*, 47 F.3d 373, 379 (9th Cir. 1995) (affirming fee award equal to 33% of  
25 fund); *In re TFT-LCD (Flat Panel) Antitrust Litig.*, No. 07-md-1827, 2013 WL  
26 149692 (N.D. Cal. Jan. 14, 2013) (30%).

1           When analyzing a fee request under the percentage method, courts in  
2 this Circuit look at: (1) the results achieved; (2) the risks of litigation; (3) the  
3 skill required and the quality of work; (4) the contingent nature of the fee; (5)  
4 the burdens carried by the class counsel; and (6) the awards made in similar  
5 cases. (ECF No. 59 at 18.) Applied here, all of these factors support Class  
6 Counsel's request for one-third of the Settlement Fund.

7                           **a.     The Monetary and Non-Monetary Results**  
8                           **Obtained Are Significant and Impressive**

9           Plaintiff and Class Counsel achieved a noteworthy result in this matter,  
10 especially in light of the relatively small individual amounts at issues (the  
11 FCRA provides for statutory damages of \$100 - \$1,000). The monetary relief  
12 achieved for the Settlement Class will result in payments of approximately  
13 \$116 for the 1,864 Class Members with criminal records on their reports, and  
14 approximately \$29 for the 800 Class Members with only traffic infractions on  
15 their reports.<sup>1</sup>

16           In the preliminary approval order, the Court correctly noted that the  
17 average award is below the minimum statutory recovery of \$100. (ECF No 59  
18 at 18 (noting average per Class Member recovery of \$88).) However, this  
19 means that if Plaintiff had prevailed on a contested class certification motion  
20 and at summary judgment or trial, all of these efforts might have only resulted  
21 in an additional \$12 per Class Member, on average. This settlement, at this  
22 phase in the proceedings, is an impressive result. This is especially true when  
23 this case is compared with similar settlements of 1681c cases. *See, e.g., King*

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24  
25 <sup>1</sup> In the preliminary approval briefing, Plaintiff noted that the per-class-member recovery  
26 could not be estimated until the relative proportion of the class with criminal, rather than  
27 traffic, charges on their reports was known. (ECF No 56 at 19 n. 2.) The estimates above  
28 reflect the fact that this proportion is now known. However, the final amounts will depend  
on the number of opt-outs, as well as other factors.

1 v. *Gen. Info. Serv., Inc.*, No. 10-cv-6850, ECF No. 125 (E.D. Penn. Nov. 4,  
2 2014) (final approval of settlement of claims that Defendant reported outdated  
3 non-conviction information, payments of approximately \$49 net per Class  
4 Member); *Ernst v. Sterling Infosystems, Inc.* No. 12-cv-8794, ECF No. 237  
5 (S.D.N.Y. Oct. 13, 2015) (final approval of settlement that provided payments  
6 of \$42 to \$61 per class member for reporting obsolete information). This result  
7 is particularly impressive when considered in light of the litigation risks,  
8 discussed below, and the similar cases where the class received no recovery,  
9 because the case was dismissed. *See, e.g., Schartel*, No. 1:15 CV 1434, 2016  
10 WL 6024558.

11 Further, the settlement provides substantive non-monetary relief that  
12 directly addresses the claims at issue in the case. (*See supra* § III.B.1.) Given  
13 that there is a disagreement about whether injunctive relief is even available to  
14 private plaintiffs under the FCRA, the non-monetary relief in particular is  
15 remarkable, and may achieve more for Class Members than could have ever  
16 been achieved in litigation. *See Gauci v. Citi Mortg.*, No. 11-cv-01387, 2011  
17 WL 3652589, at \*3 (C.D. Cal. Aug. 19, 2011) (“District courts in the Ninth  
18 Circuit agree that a private party may not obtain injunctive relief under the  
19 FCRA.”). For some Class Members (and members of the public), the  
20 injunctive relief could make the difference in a future job application,  
21 rendering it significantly more valuable than the monetary relief in this case.

22  
23 **b. Class Counsel Assumed Significant Risks in this Complex  
Litigation**

24 The requested fee award is even more reasonable considering the  
25 complexity of the litigation, and the risks that Class Counsel assumed in  
26 undertaking the representation on a contingent-fee basis. Class action litigation  
27 is inherently complicated and time-consuming. On top of the demands that

1 come with this type of litigation, Class Counsel also had to be prepared to  
2 make this investment with the very real possibility of an unsuccessful outcome  
3 and no fee recovery of any kind. The Ninth Circuit has recognized the  
4 importance of rewarding attorneys who take cases on a contingency basis. *In*  
5 *re Wash. Pub. Power Supply*, 19 F.3d at 1299 (“[c]ontingent fees that may far  
6 exceed the market value of the services if rendered on a non-contingent basis  
7 are accepted in the legal profession as a legitimate way of assuring competent  
8 representation for plaintiffs who could not afford to pay on an hourly basis  
9 regardless whether they win or lose.”); *see also Graham v. DaimlerChrysler*  
10 *Corp.*, 101 P.3d 140, 157(Cal. 2004) (“[a] contingent fee must be higher than  
11 a fee for the same legal services paid as they are performed. The contingent  
12 fee compensates the lawyer not only for the legal services he renders but for  
13 the loan of those services.”) (internal citations omitted).

14 Here, there were risks in this case not taken into account in the Court’s  
15 preliminary approval order. (ECF No. 59 at 18.) In addition to the risk  
16 discussed by the Court, there was real risk associated with bringing class  
17 claims for violation of 15 U.S.C. § 1681c. The recent Supreme Court Decision  
18 in *Spokeo, Inc. v. Robins*, 136 S. Ct. 1540 (2016) has lead defendants in FCRA  
19 actions to challenge the plaintiff’s standing under Article III. While several  
20 courts, including one in this state, have found that standing exists in a FCRA  
21 class action seeking statutory damages for violation of § 1681c, at least one  
22 court has found otherwise. *Compare Hawkins v. S2Verify*, No. C 15-03502  
23 WHA, 2016 WL 3999458, at \*5–6 (N.D. Cal. July 26, 2016) *and Gambles v.*  
24 *Sterling Infosystems, Inc.*, 15-cv-9746, ECF No. 72 (S.D.N.Y. Feb. 13, 2107)  
25 (finding standing) with *Schartel v. One Source Tech., LLC*, No. 1:15 CV 1434,  
26 2016 WL 6024558 (dismissing § 1681c putative class action for lack of Article  
27 III standing). The jurisdictional risk in this case was very real.

1           These risks were compounded by constitutional arguments Defendants  
2 have made in other similar cases, including First Amendment arguments. *See*  
3 *King*, 903 F. Supp. 2d at 303 (discussing 1681c and First Amendment).

4           All of this was in addition to the need to establish Defendant's alleged  
5 violation was willful in order to obtain statutory damages for the class. 15  
6 U.S.C. § 1681n. These risks were compounded by all of the other risks that  
7 come with class litigation, including the need to certify a class, prevail on  
8 dispositive motions, and to prevail at trial.

9           **c. Counsel's Experience Skill, and Quality of Work**

10           Class Counsel are highly experienced in complex class action litigation  
11 and consumer litigation in general. (*See* ECF No. 53-3.) Berger & Montague,  
12 P.C. was founded in 1970, and has been concentrated on representing plaintiffs  
13 in complex class actions ever since. (*Id.*) The firm has been recognized by  
14 courts for its skill and experience in handling major complex litigation. (*Id.*)  
15 Berger has been recognized by The National Law Journal in 11 of the last 15  
16 years for its "Hot List" of top plaintiffs' oriented litigation firms in the nation.  
17 (*Id.*).

18           Class Counsel's substantial litigation skills were necessary to bring this  
19 action to a successful conclusion. Counsel not only defeated Defendant's  
20 motion to dismiss, they thoroughly investigated Plaintiff's claims, analyzed  
21 documents and data and used them to Plaintiff's advantage at settlement  
22 negotiations, and ultimately settled this matter on terms that are highly  
23 favorable to the Settlement Class.

24           This action was vigorously litigated by both sides before the parties  
25 settled. As described above in the Background section, the parties engaged in  
26 motion practice, discovery, detailed analysis of data provided by Defendant,  
27

1 and informed settlement negotiations. Given the time devoted to litigating and  
2 settling this action, this factor weighs in favor of the requested award.

3 **d. Contingent Nature of the Fee**

4 Counsel took this matter on a purely contingent basis. (Hashmall Dec.,  
5 ¶ 15.) To date, Counsel has received no compensation in this matter, and has  
6 advance all costs of litigation. (*Id.* ¶¶ 16, 17.) If this case had been  
7 unsuccessful, Counsel would have received no compensation. (*Id.* ¶ 15.) This  
8 factor weighs strongly in favor of the modest fee requested in this case.

9 **e. The Burden Carried By Counsel, and Class Counsel's  
10 Lodestar, Weigh Strongly in Factor of the Fee Request.**

11 In this case, not only have Counsel advanced all litigation costs, but  
12 Counsel have invested far more time in this case than they are requesting  
13 compensation for. The lodestar comparison confirms this. *See Vizcaino*, 290  
14 F.3d at 1050 (“the lodestar calculation can be helpful in suggesting a higher  
15 percentage when litigation has been protracted”). The “cross-check calculation  
16 need entail neither mathematical precision nor bean counting . . . [courts] may  
17 rely on summaries submitted by the attorneys and need not review actual  
18 billing records.” *Covillo v. Specialty's Café*, No. 11-cv-594, 2014 WL 954516,  
19 at \*21-22 (N.D. Cal. Mar. 6, 2014) (quoting *In re Rite Aid Corp. Sec. Litig.*,  
20 396 F.3d 294, 306-7 (3d Cir. 2005)).

21 The lodestar method is calculated by multiplying “the number of hours  
22 . . . reasonably expended on the litigation . . . by a reasonable hourly rate.” *In*  
23 *re Bluetooth Headset*, 654 F.3d at 941. In considering rates, courts examine  
24 the rate “prevailing in the community for similar services by lawyers of  
25 reasonably comparable skill, experience, and reputation.” *Blum v. Stenson*, 465  
26 U.S. 886, 895 n.11 (1984). Here, Class Counsel's hourly rates are comparable  
27 to those approved in this District, and in California in general. *See In re*

1 *Magsafe Apple Power Adapter Litig.*, No. 09-cv-1911, 2015 WL 428105, at  
2 \*12 (N.D. Cal. Jan. 30, 2015) (“In the Bay Area, reasonable hourly rates for  
3 partners range from \$560 to \$800, for associates from \$285 to \$510, and for  
4 paralegals and litigation support staff from \$150 to \$240”) (citing cases); *see*  
5 *also Bohannon v. Facebook, Inc.*, No. 12-cv-1894, 2016 WL 2962109, at \*5-  
6 6 (N.D. Cal. May 23, 2016) (approving attorney hourly rates of \$525-800); *In*  
7 *re LinkedIn User Privacy Litig.*, 309 F.R.D. 573, 591-92 (N.D. Cal. 2015)  
8 (approving attorney rates from \$335 - 685); *Klee v. Nissan N. Am., Inc.*, No.  
9 12-cv-08238, 2015 WL 4538426, at \*13 (C.D. Cal. July 7, 2015) (approving  
10 rates of \$370 to \$695); *Parkinson v. Hyundai Motor Am.*, 796 F. Supp. 2d  
11 1160, 1172 (C.D. Cal. 2010) (approving rates of \$445 – 675).

12 Class Counsel’s detailed fee records are attached to the Hashmall  
13 Declaration, with redactions for privilege. (Hashmall Decl., Exs. A-D.) To  
14 date, Counsel’s cumulative lodestar is \$238,328.60. (Hashmall Decl., ¶ 12.)  
15 The lodestar cross-check of the percentage requested thus results in a  
16 multiplier of 0.56. That is, awarding the full amount requested will result in  
17 Counsel being paid just over *half* their hourly rate. This strongly supports the  
18 requested fee. *Schiller v. David's Bridal, Inc.*, No. 1:10-CV-00616-AWI, 2012  
19 WL 2117001, at \*23 (E.D. Cal. June 11, 2012) (awarding one-third of the fund,  
20 when award would be less than counsel’s lodestar); *Chun-Hoon v. McKee*  
21 *Foods Corp.*, 716 F. Supp. 2d 848, 854 (N.D. Cal. 2010) (“multiplier of less  
22 than one, (sometimes called a negative multiplier) suggests that the negotiated  
23 fee award is a reasonable and fair valuation of the services rendered to the class  
24 by class counsel.”); *In re Portal Software, Inc. Sec. Litig.*, No. C-03-5138  
25 VRW, 2007 WL 4171201, at \*16 (N.D. Cal. Nov. 26, 2007); *Rosado v. Ebay*  
26 *Inc.*, No. 5:12-CV-04005-EJD, 2016 WL 3401987, at \*8 (N.D. Cal. June 21,  
27 2016)

1           The requested multiplier of 0.56 is significantly less than is commonly  
2 awarded in this Circuit. *See Vizcaino*, 290 F.3d at 1051, n. 6 (finding that in  
3 approximately 83% of cases surveyed by the court, the multiplier was between  
4 1.0 and 4.0 and affirming a multiplier of 3.65); *McIntosh v. McAfee, Inc.*, No.  
5 06-cv-7694, 2009 WL 673976, at \*2 (N.D. Cal. 2009) (recognizing a range  
6 from “2 to 4 or even higher”); *Van Vranken v. Atlantic Richfield Co.*, 901 F.  
7 Supp. 294, 298 (N.D. Cal. 1995) (“[m]ultipliers in the 3-4 range are  
8 common”).

9           The lodestar cross-check thus strongly supports the reasonableness of  
10 the requested fee award.

#### 11           **f. Awards In Similar Cases Support The Requested Fee**

12           The requested award is supported by the awards in similar class cases,  
13 both in and out of the Ninth Circuit. *King v. Gen. Info. Serv., Inc.*, No. 10-cv-  
14 6850, ECF No. 126 (E.D. Penn. Nov. 4, 2014) (awarding counsel one-third of  
15 fund in 1681c class action); *Ford v. CEC Entm't Inc.*, No. 14CV677 JLS (JLB),  
16 2015 WL 11439033, at \*1 (S.D. Cal. Dec. 14, 2015) (awarding fee of one-third  
17 in FCRA class action); *Razilov v. Nationwide Mut. Ins. Co.*, No. 01-CV-1466-  
18 BR, 2006 WL 3312024, at \*1 (D. Or. Nov. 13, 2006) (awarding 30% in FCRA  
19 class action).

#### 20           **g. The Reaction of the Class To Date is Positive**

21           Notice of the settlement, including the proposed amounts to be  
22 requested in fees, costs, and service payments, was emailed on April 7, 2017  
23 to the class. Not a single Class Member has filed an objection to the requested  
24 fee award to date, and none have opted out. (Hashmall Decl., ¶ 20.) This factor  
25 supports the requested award. *Barbosa v. Cargill Meat Sols. Corp.*, 297 F.R.D.  
26 431, 448 (E.D. Cal. 2013) (finding only one opt-out and zero objections from  
27 1,837 class members weighed in favor of awarding 33% of the common fund);



1 *Razilov v. Nationwide Mut. Ins. Co.*, 2006 WL 3312024 at \*3 (finding 27 opt-  
2 outs out of 60,000 class members weighed in favor of granting fee award in  
3 excess of 25% benchmark); *Thieriot v. Celtic Ins. Co.*, No. 10-cv-4462, 2011  
4 WL 1522385, at \*6 (N.D. Cal. April 21, 2011) (“[t]he fact that no members of  
5 the 390-person class objected to the proposed 33% fee award —which was  
6 also communication in the notice — supports an increase in the benchmark  
7 rate.”).

## 8 **2. Class Counsel’s Litigation Costs Are Recoverable**

9 Class Counsel also seek, and Defendants do not oppose, reimbursement  
10 of documented out-of-pocket expenses incurred in litigating and settling this  
11 matter. *See Harris v. Marhoefer*, 24 F.3d 16, 19 (9th Cir. 1994) (counsel should  
12 recover “those out-of-pocket expenses that would normally be charged to a fee  
13 paying client”) (internal citations omitted); *Ashker v. Sayre*, No. 05-cv-3759,  
14 2011 WL 825713, at \*3 (N.D. Cal. Mar. 7, 2011) (finding “costs of  
15 reproducing pleadings, motions and exhibits are typically billed by attorneys  
16 to their fee-paying clients” and are thus reimbursable); *Trustees of Const.*  
17 *Indust. & Laborers Health & Welfare Trust v. Redland Ins. Co.*, 460 F.3d  
18 1253, 1258-59 (9th Cir. 2006) (legal research costs reimbursable); *In re*  
19 *Immune Response Secs. Litig.*, 497 F. Supp. 2d 1166, 1177-8 (S.D. Cal. 2007)  
20 (mediation expenses, expert fees, legal research, copies, postage, filing fees,  
21 messenger, and federal express costs reimbursable); *Marhoefer*, 24 F.3d at 19  
22 (postage costs reimbursable).

23 As Counsel’s expense records show, all of the costs incurred were  
24 reasonable and necessary to the successful conclusion of this litigation. (*See*  
25 *Hashmall Decl.*, Exs. C-D.) These costs include: filing fees, legal research,  
26 service of process, expert fees, deposition and mediation expenses, and FedEx  
27 costs. These types of expenses are routinely reimbursed by the courts as noted

1 above, thus Counsel’s requested costs of \$17,224.22 should be awarded.

2 **B. THE REQUESTED SERVICE PAYMENT IS APPROPRIATE**

3 The Ninth Circuit has recognized that named plaintiffs are eligible for  
4 reasonable service awards. *Rodriguez v. West Pub. Corp.*, 563 F.3d 948, 958  
5 (9th Cir. 2009) (service awards “are fairly typical in class action cases.”). Such  
6 awards are intended to compensate class representatives for work done on  
7 behalf of the class, to make up for financial or reputational risk undertaken in  
8 bringing the action, and to recognize their willingness to act as private  
9 attorneys general. (*Id.* at 958-59.)

10 In evaluating requests for service awards, the court should consider  
11 “relevant factors including ‘the actions the plaintiff has taken to protect the  
12 interests of the class, the degree to which the class has benefitted from those  
13 actions, . . . [and] the amount of time and effort the plaintiff expended in  
14 pursuing the litigation.’” *Thieriot*, 2011 WL 1522385 at \*7 (quoting *Staton*, 327  
15 F.3d at 977). Here, all of these factors support the requested awards. Plaintiff  
16 has expended significant time and effort in this matter, consistently putting the  
17 Class Members’ interests first. Plaintiff provided documentation regarding his  
18 experiences with Defendant, was prepared to travel and sit for depositions,  
19 stayed abreast of developments in the case, and evaluated the Settlement  
20 Agreement. (Hashmall Decl. ¶ 4.) As a result of Plaintiff’s efforts, and his  
21 willingness to pursue this action, substantial benefits have been achieved on  
22 behalf of the Settlement Class.

23 Moreover, the requested service payments of \$3,500 to Plaintiff is  
24 relatively modest compared to awards granted in other complex litigation in  
25 this Circuit. *See, e.g., Razilov*, 2006 WL 3312024 at \*2-4 (approving incentive  
26 award of \$10,000); *Ralston v. Mortg. Inv’rs Grp., Inc.*, No. 08-cv-536, 2013  
27 WL 5290240, at \*5 (N.D. Cal. Sept. 19, 2013) (approving service payment of

1 \$12,500); *In re Netflix Privacy Litig.*, No. 11-cv-379, 2013 WL 1120801, at  
2 \*11 (N.D. Cal. March 18, 2013) (approving service awards of \$6,000 for each  
3 named plaintiff); *Vedachalam v. Tata Consultancy Servcs. Ltd.*, No. 06-cv-  
4 0963, 2013 WL 3929129, at \*7 (N.D. Cal. July 18, 2013) (approving service  
5 awards of \$25,000 and \$35,000).

6 Accordingly, the service awards are fully justified, reasonable, and  
7 should be awarded.

8 **V. CONCLUSION**

9 Based on the foregoing, Plaintiff respectfully requests that the Court  
10 grant Class Counsel's requested awards of \$133,333.33 as attorneys' fees,  
11 \$17,224.22 in costs, a service payment to the Plaintiff of \$3,500, and  
12 settlement administration expenses to be demined at the Final Approval  
13 hearing.

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BERGER & MONTAGUE, P.C.

Dated: May 8, 2017

/s/ Joseph C. Hashmall  
Joseph C. Hashmall (*pro hac vice*)

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25 \*\* *pro hac vice* application forthcoming

26 *Attorneys for Plaintiff and the Proposed Class*  
27 *[Additional Attorneys Listed on Next Page]*

28 **UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

29 JOHN SMITH, individually and as  
30 a representative of the Class,

31 Plaintiff,

32 v.

33 A-CHECK AMERICA INC. d/b/a  
34 A-CHECK GLOBAL,

35 Defendant.

Case No.: 5:16-cv-00174-VAP-KK

**DECLARATION OF  
JOSEPH C. HASHMALL**

Date: July 10, 2017  
Time: 2:00 p.m.  
Location: Courtroom 8A, 8<sup>th</sup> Floor  
Judge: Hon. Virginia A. Phillips

DECLARATION OF JOSEPH C. HASHMALL  
Case No. 5:16-cv-00174-VAP-KK

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*Attorneys for Plaintiff and the Proposed Class*

1 I, Joseph C. Hashmall, hereby declare as follows:

2 1. I am one of Class Counsel in the above matter.

3 2. I make this Declaration in support of Plaintiff's Motion for  
4 Attorneys' Fees, Costs, and Class Representative Service Payments.

5 3. I have been actively involved in Plaintiff's representation in this  
6 matter.

7 4. Class Counsel have invested a substantial amount of time and  
8 resources investigating and litigating this matter. Class Counsel's efforts  
9 relating to the case against A-Check have included, among other things,  
10 investigating the case, vetting the Named Plaintiff, drafting the Complaint,  
11 drafting and answering numerous discovery requests, reviewing hundreds of  
12 pages of documents produced by both parties, examining meaningful  
13 discovery from a third-party subpoena directed at an industry organization,  
14 taking a 30(b)(6) deposition, successfully briefing a motion to dismiss,  
15 retaining an expert in databases to assist in identifying class members, and  
16 participating in numerous discussions and negotiations with A-Check  
17 regarding the identification of class members.

18 5. The parties attended a full-day mediation, which resulted in the  
19 signing of a binding Terms Sheet. Preparation for mediation included, among  
20 other things, analyzing Defendant's detailed account of the methodology by  
21 which it identified putative class members in its databases, and drafting a brief  
22 which summarized the merits of Plaintiff's claims and an appropriate  
23 settlement value and structure. Further, Class Counsel spent time evaluating  
24 the Settlement Agreement.

25 6. Attached as Exhibits A-B to this Declaration are true and correct  
26 copies of the fees records of Class Counsel. This includes both the time Class  
27 Counsel worked at Nichols Kaster, PLLP and at their current firm of Berger &

28

1 Montague, P.C. Throughout the life of this case the primary attorneys have  
 2 remained constant despite the change in firms, which occurred in January  
 3 2016. The records appear by firm and are redacted for privilege.

4 7. To date, Nichols Kaster has spent approximately 99.3 hours on  
 5 this matter, totaling \$46,285.00 in lodestar.

6 8. Nichols Kaster's timekeepers who have assisted on this matter are  
 7 as follows:

<b>Timekeeper</b>	<b>Position</b>	<b>Hourly Rate</b>	<b>Hours Billed</b>
Dan Bryden	Associate	\$475.00	35.4
Dan Brome	Associate	350.00	0.6
Eleanor E. Frisch	Associate	300.00	0.4
Erin Odenthal	Paralegal	175.00	11.8
E. Michelle Drake	Shareholder	675.00	30.5
Jean Hibray	Paralegal	275.00	9.9
Matthew Helland	Partner	550.00	0.1
Megan Yelle	Associate	350.00	10.6
Total			99.3

16 9. To date, Berger & Montague has spent approximately 425.9 hours  
 17 on this matter, totaling \$187,496.10 in lodestar.

18 10. Berger & Montague's timekeepers who have assisted on this  
 19 matter are as follows:

<b>Timekeeper</b>	<b>Position</b>	<b>Hourly Rate</b>	<b>Hours Billed</b>
Angi Kittelson	Paralegal	\$275.00	46.8
Arun Rajendran	Litigation Support	43.00	2.7
Harriet L. Cable	Law Clerk	275.00	31.0
Jean Ebersperger	Paralegal	275.00	80.1
John G. Albanese	Associate	415.00	2.1
Joseph C. Hashmall	Associate	500.00	150.0
Jean Hibray	Paralegal	275.00	9.4
E. Michelle Drake	Shareholder	675.00	95.6

<b>Timekeeper</b>	<b>Position</b>	<b>Hourly Rate</b>	<b>Hours Billed</b>
Rachel Gebo	Case Intake Analyst	150.00	5.4
Sandy McCollum	Litigation Support	57.50	2.8
Total			425.9

11. Attached as Exhibits C-D to this Declaration are true and correct copies of the expenses of Class Counsel, organized by firm. To date, Nichols Kaster has incurred approximately \$1,998.72 in out-of-pocket expenses and Berger & Montague has incurred approximately \$15,225.50 in out-of-pocket expenses in this matter. All costs incurred were reasonable and necessary to the successful conclusion of this litigation.

12. The Tatar Law Firm incurred \$4,547.50 in lodestar. Together, Nichols Kaster, Berger & Montague, and The Tatar Law Firm have incurred \$17,224.22 in costs and \$238,328.60 in lodestar, as documented by each firm's declaration.

13. Class Counsel are highly experienced in complex class action litigation and consumer litigation. Berger & Montague, P.C. was founded in 1970, and the firm has repeatedly received published judicial praise for its expertise in developing, litigating, and settling large class actions and other complex litigation, including commercial litigation. For example, the *National Law Journal* in 11 of the last 15 years has named Berger & Montague to its "Hot List" of top plaintiffs-oriented litigation firms in the nation. Numerous Berger & Montague attorneys have received *Martindale-Hubbell's* "AV" Peer Reviewed rating and Lawdragon awards, including "500 Leading Lawyers in America," "500 Leading Litigators," "500 Leading Plaintiffs' Lawyers in America," and "100 Lawyers You Need to Know in Securities Litigation." The 2016 United States edition of *The Legal 500*, an international legal referral guide, has recommended Berger & Montague as a Top Tier Firm for Civil



1 Litigation/Class Actions-Antitrust. A copy of the firm's resume is filed at ECF  
2 No. 56-3.

3 14. Class Counsel took this case on a purely contingent basis. Had  
4 this case been unsuccessful, Class Counsel would have received no  
5 compensation.

6 15. Class Counsel have advanced all costs of this litigation out-of-  
7 pocket.

8 16. To date, Class Counsel have been paid nothing for their time and  
9 out-of-pocket expenses incurred in this litigation and settlement.

10 17. Class Counsel will also incur further time and resources  
11 researching and drafting final approval papers, preparing for the final fairness  
12 hearing, traveling to and arguing at the hearing, as well as continuing to  
13 oversee the administration of the Settlement.

14 18. I am familiar with the fees charged for attorneys with my  
15 experience and expertise and believe the rates of my law firm are consistent  
16 with the prevailing market rates in California and nationally for lawyers of  
17 similar expertise, credentials, and experience.

18 19. The Named Plaintiff played a valuable role in bringing this  
19 litigation to a successful conclusion and has diligently represented the interests  
20 of the Class Members. He has actively engaged in discovery and settlement  
21 negotiations and has had frequent correspondence with Class Counsel to stay  
22 abreast of developments.

23 20. Notice of the settlement was mailed on April 7, 2017, and not a  
24 single Class Member has filed an objection to the fee award to date, and none  
25 have opted out.

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21. The requested attorneys' fees and class representative service payment were not negotiated until after the Parties had reached agreement on the total amount of the Settlement Fund.

The foregoing statement is made under penalty of perjury and is true and correct to the best of my knowledge and belief.

BERGER & MONTAGUE, P.C.

Dated: May 8, 2017

/s/ Joseph C. Hashmall  
Joseph C. Hashmall (*pro hac vice*)

ATTORNEYS FOR PLAINTIFF

# **Exhibit A**

**Berger & Montague, P.C.**

ATTORNEYS AT LAW

Lodestar = Current

Sort Options: Employee, Date, Code

Show Detail? Y

**Client Matter Time Report**

1/1/1900 - 4/18/2017

Client: 16330 A-CHECK (SMITH)

Matter: 00000 A\_CHECK (SMITH)

Employee	Date	Task Code	Billed?	Hours	Amount	Narrative
AK	02/15/2016	2	N	0.60	\$165.00	Review amended complaint and prepare exhibits.
AK	02/15/2016	2	N	0.20	\$55.00	Revise exhibits to amended complaint.
AK	02/15/2016	2	N	0.10	\$27.50	Email correspondence with J Hashmall re exhibits to amended complaint.
AK	02/17/2016	2	N	0.60	\$165.00	Finalize and send amended complaint and exhibits to co-counsel for filing.
AK	02/17/2016	2	N	0.30	\$82.50	Draft and send Certification and Notice of Interested Parties to co-counsel for filing.
AK	02/17/2016	6	N	0.30	\$82.50	Draft proposed order and send to co-counsel.
AK	02/29/2016	25	N	0.20	\$55.00	Email correspondence with local counsel.
AK	02/29/2016	25	N	0.80	\$220.00	Draft Michelle Drake's pro hac vice application.
AK	03/02/2016	7	N	0.30	\$82.50	Discussion with Joe Hashmall re [REDACTED].
AK	03/04/2016	7	N	1.40	\$385.00	Draft discovery requests and cover letter.
AK	03/08/2016	7	N	0.70	\$192.50	Continue drafting requests for production.
AK	03/10/2016	7	N	0.80	\$220.00	Proofread requests for production.
AK	03/11/2016	7	N	0.70	\$192.50	Finalize and serve discovery requests.
AK	03/17/2016	25	N	0.30	\$82.50	Review local rules and draft notices of address change.
AK	03/17/2016	4	N	0.50	\$137.50	Research local rules regarding dispositive motions.
AK	03/18/2016	4	N	0.80	\$220.00	Review local rules and draft template motion response.
AK	03/25/2016	6	N	1.40	\$385.00	Review local rules and generate tables.
AK	03/28/2016	4	N	1.10	\$302.50	Proofread brief and finalize tables.
AK	03/28/2016	4	N	0.40	\$110.00	Draft proposed order.
AK	03/28/2016	4	N	0.60	\$165.00	Finalize and file response to motion to dismiss.
AK	03/28/2016	4	N	0.30	\$82.50	Prepare and send courtesy copies.
AK	04/04/2016	25	N	0.20	\$55.00	Finalize and file notice of change of address.
AK	04/05/2016	4	N	1.00	\$275.00	Prepare [REDACTED]
AK	04/11/2016	25	N	0.10	\$27.50	Email correspondence with M. Drake regarding [REDACTED]. [REDACTED] Review and update case deadlines.

Tuesday, April 18, 2017

1/25

## Client Matter Time Report

1/1/1900 - 4/18/2017

Client: 16330 A-CHECK (SMITH)

Matter: 00000 A\_CHECK (SMITH)

Employee	Date	Task Code	Billed?	Hours	Amount	Narrative
AK	04/11/2016	25	N	0.10	\$27.50	Finalize and send [REDACTED].
AK	05/12/2016	7	N	1.00	\$275.00	Draft FTC and CFPB subpoena requests.
AK	05/19/2016	25	N	1.20	\$330.00	Draft 26(f) report.
AK	05/23/2016	11	N	1.20	\$330.00	Research and draft protective order.
AK	05/24/2016	11	N	0.30	\$82.50	Finish drafting protective order.
AK	05/24/2016	11	N	0.50	\$137.50	Draft NAPBS subpoena.
AK	05/24/2016	11	N	1.50	\$412.50	Draft interrogatories, requests for admission, and 30(b)(6) deposition notice.
AK	05/25/2016	11	N	2.20	\$605.00	Finalize and serve discovery requests.
AK	05/26/2016	11	N	0.20	\$55.00	Arrange for service of subpoenas.
AK	05/26/2016	25	N	1.20	\$330.00	Draft stipulation and proposed order regarding continuance of scheduling conference.
AK	05/31/2016	11	N	0.20	\$55.00	Email correspondence with J Hashmall regarding documents for production.
AK	06/01/2016	11	N	0.70	\$192.50	Research [REDACTED].
AK	06/01/2016	7	N	0.10	\$27.50	Discussion with Joe Hashmall re discovery responses.
AK	06/02/2016	11	N	1.50	\$412.50	Telephone call regarding [REDACTED].
AK	06/02/2016	11	N	0.30	\$82.50	Email correspondence with J Hashmall.
AK	06/02/2016	11	N	1.20	\$330.00	Telephone call with M Rabinowitch regarding [REDACTED].
AK	06/02/2016	11	N	1.00	\$275.00	Prepare template for responses to document requests.
AK	06/02/2016	11	N	0.70	\$192.50	[REDACTED].
AK	06/02/2016	11	N	1.50	\$412.50	Telephone call regarding [REDACTED].
AK	06/02/2016	11	N	0.30	\$82.50	Email correspondence with J Hashmall.
AK	06/02/2016	11	N	1.20	\$330.00	Telephone call with M Rabinowitch regarding [REDACTED].
AK	06/02/2016	11	N	1.00	\$275.00	Prepare template for responses to document requests.
AK	06/02/2016	11	N	0.70	\$192.50	[REDACTED].
AK	06/03/2016	11	N	0.30	\$82.50	Draft letter withdrawing CFPB subpoena.
AK	06/03/2016	11	N	0.40	\$110.00	[REDACTED].
AK	06/03/2016	11	N	0.30	\$82.50	Draft letter withdrawing CFPB subpoena.
AK	06/03/2016	11	N	0.40	\$110.00	[REDACTED].
AK	06/06/2016	11	N	0.30	\$82.50	Email correspondence with S McCollum regarding document production.
AK	06/06/2016	11	N	0.60	\$165.00	Email correspondence and telephone call with M Rabinowitch regarding [REDACTED].
AK	06/06/2016	11	N	0.10	\$27.50	Draft letter to FTC withdrawing subpoena.
AK	06/06/2016	11	N	0.10	\$27.50	Finalize and send letter to FTC withdrawing subpoena.

Tuesday, April 18, 2017

2/25

## Client Matter Time Report

1/1/1900 - 4/18/2017

Client: 16330 A-CHECK (SMITH)

Matter: 00000 A\_CHECK (SMITH)

Employee	Date	Task Code	Billed?	Hours	Amount	Narrative
AK	06/06/2016	11	N	1.20	\$330.00	Draft initial disclosures.
AK	06/06/2016	11	N	0.50	\$137.50	Draft [REDACTED].
AK	06/06/2016	11	N	0.10	\$27.50	Finalize and send [REDACTED].
AK	06/06/2016	11	N	0.50	\$137.50	Research and draft [REDACTED].
AK	06/06/2016	11	N	0.20	\$55.00	Conversation with Joe Hashmall re [REDACTED].
AK	06/07/2016	11	N	0.20	\$55.00	Revise initial disclosures.
AK	06/07/2016	11	N	0.50	\$137.50	Finalize and serve initial disclosures.
AK	06/07/2016	11	N	0.50	\$137.50	Finalize and send [REDACTED].
AK	06/07/2016	11	N	0.10	\$27.50	Email correspondence regarding production of [REDACTED].
AK	06/07/2016	25	N	0.10	\$27.50	Email correspondence with J Hashmall regarding ADR-01 form (Request: ADR Procedure Selection).
AK	06/08/2016	11	N	0.20	\$55.00	Generate redline of Rule 26 Report.
AK	06/08/2016	2	N	0.50	\$137.50	Review and finalize Rule 26(f) Report.
AK	06/08/2016	2	N	0.70	\$192.50	Review local rules and file Rule 26(f) Report.
AK	06/08/2016	25	N	0.50	\$137.50	Prepare and send mandatory chambers copies.
AK	06/09/2016	11	N	0.70	\$192.50	Discuss responsive documents with J Hashmall and prepare for attorney review.
AK	06/09/2016	25	N	0.60	\$165.00	Update stipulation regarding scheduling conference.
AK	06/09/2016	25	N	0.60	\$165.00	Finalize and file stipulation.
AK	06/09/2016	25	N	0.40	\$110.00	Prepare and send mandatory chambers copies.
AK	06/13/2016	11	N	0.30	\$82.50	Email correspondence with litigation support regarding [REDACTED].
AK	06/13/2016	11	N	0.10	\$27.50	Review [REDACTED].
AK	06/14/2016	11	N	0.10	\$27.50	Email correspondence with T Wright regarding [REDACTED].
AK	06/17/2016	11	N	0.30	\$82.50	Review client documents.
AK	06/20/2016	11	N	0.30	\$82.50	Email correspondence regarding [REDACTED].
AK	06/20/2016	11	N	0.50	\$137.50	Review client documents and correspondence regarding same.
AK	06/21/2016	11	N	0.10	\$27.50	Email correspondence regarding documents to produce.
AK	06/23/2016	11	N	0.20	\$55.00	Email correspondence regarding [REDACTED].
AK	06/23/2016	11	N	0.30	\$82.50	Telephone call with S McCollum regarding upcoming document production.
AK	06/24/2016	11	N	0.50	\$137.50	Review documents for production; email correspondence regarding same.
<b>Total for AK</b>				<b>46.80</b>	<b>\$12,870.00</b>	
AR	02/18/2016	DI	N	0.40	\$17.20	Copy/upload discovery data to server; load data into database; coding data; create new database; copy native files to server and to case directory.

## Client Matter Time Report

1/1/1900 - 4/18/2017

Client: 16330 A-CHECK (SMITH)  
 Matter: 00000 A\_CHECK (SMITH)

Employee	Date	Task Code	Billed?	Hours	Amount	Narrative
AR	06/07/2016	DI	N	0.20	\$8.60	Copy/upload discovery data to server; load data into database; coding data; copy native files to server and case directory.
AR	06/13/2016	DI	N	0.20	\$8.60	Copy/upload discovery data to server; load data into database; coding data.
AR	06/17/2016	DI	N	0.20	\$8.60	Copy/upload discovery data to server; load data into database; coding data.
AR	06/28/2016	DI	N	0.20	\$8.60	Copy/upload discovery data to server; load data into database; coding data.
AR	07/07/2016	DI	N	0.40	\$17.20	Copy/upload discovery data to the server; load data in to the database; coding data; copy native files to server and to case directory.
AR	07/21/2016	DI	N	0.40	\$17.20	Copy/upload discovery data to the server; load data in to the database; coding data.
AR	07/22/2016	DI	N	0.50	\$21.50	Copy/upload discovery data to the server; load data in to the database; coding data; copy native files to server and to case directory.
AR	09/07/2016	DI	N	0.20	\$8.60	Copy the discovery data from cd/hard drive/ftp/website to the server. The data in some cases is encrypted using Truecrypt or other encryption schemes; load the data into the database; extract the coding data from the summation load files (this may need significant effort based on the type of data received); create extra fields needed for the new coding fields in the database; copy the coding data to the temp table in the database and update the database with the coding data; copy the native files to the server and to the case directory; rename the files if needed to match with the Bates numbers; create links to the documents loaded, so that native linking works correctly; setup the scope/database to handle native documents.
<b>Total for AR</b>				<b>2.70</b>	<b>\$116.10</b>	
HLC	09/27/2016	15	N	1.00	\$275.00	Finding mediator.
HLC	09/28/2016	15	N	1.10	\$302.50	Finding a mediator.
HLC	09/29/2016	15	N	0.20	\$55.00	Follow up on finding mediator.
HLC	10/05/2016	15	N	0.20	\$55.00	Finding mediator.
HLC	10/06/2016	15	N	0.40	\$110.00	Finding mediator availability.
HLC	01/10/2017	15	N	4.70	\$1,292.50	Drafting preliminary approval papers.
HLC	01/10/2017	ST	N	0.40	\$110.00	Meeting with Joe Hashmall re drafting preliminary approval.
HLC	01/11/2017	15	N	5.00	\$1,375.00	Drafting settlement brief.
HLC	01/12/2017	15	N	7.40	\$2,035.00	Drafting settlement brief.
HLC	01/17/2017	15	N	3.60	\$990.00	Drafting settlement brief.
HLC	01/18/2017	15	N	7.00	\$1,925.00	Drafting settlement brief.
<b>Total for HLC</b>				<b>31.00</b>	<b>\$8,525.00</b>	

## Client Matter Time Report

1/1/1900 - 4/18/2017

Client: 16330 A-CHECK (SMITH)  
 Matter: 00000 A\_CHECK (SMITH)

Employee	Date	Task Code	Billed?	Hours	Amount	Narrative
JE	07/21/2016	25	N	5.00	\$1,375.00	Prepare, format, coordinate communication with all counsel re availability for meet & confer; prepare, format, coordinate attorney input for drafting of meet & confer letter; prepare, format, proof meet & confer letter.
JE	07/22/2016	2	N	0.80	\$220.00	Research local rules, judge's orders; update calendar deadlines.
JE	07/22/2016	25	N	1.00	\$275.00	Review orders & rules; schedule court deadlines.
JE	07/25/2016	11	N	1.00	\$275.00	Review local rules; calendar court deadlines.
JE	08/02/2016	11	N	2.00	\$550.00	Prepare, format, finalize, proof joint stipulation of the issues; review local rules, judge's orders re same.
JE	08/11/2016	2	N	2.30	\$632.50	Prepare, format, finalize, proof, cite-check, serve, file joint stipulation of the issues.
JE	08/15/2016	9	N	0.30	\$82.50	Email court reporter to confirm upcoming depositions.
JE	08/15/2016	9	N	0.60	\$165.00	Email and phone correspondence with opposing counsel, court reporter re coordinating logistics of upcoming deposition.
JE	08/16/2016	9	N	0.50	\$137.50	Phone calls & emails to opposing counsel, court reporter to set test for deposition equipment,
JE	08/18/2016	11	N	4.60	\$1,265.00	Research proper parties to serve; draft subpoenas to produce documents; serve on opposing counsel; send to Metro Legal for service on parties.
JE	08/23/2016	2	N	0.50	\$137.50	Prepare, format, proof, cite-check, finalize notice of supplemental authority & exhibits; serve and file.
JE	08/23/2016	25	N	0.40	\$110.00	Review local rules; calendar new court deadlines.
JE	08/23/2016	8	N	1.30	\$357.50	Prepare, format, proof, cite-check, finalize, serve subpoenas on SJV Associates and Innovative Enterprises.
JE	08/24/2016	2	N	2.10	\$577.50	Prepare, format, proof, cite-check, finalize declaration in support of joint stipulation; gather exhibits.
JE	08/30/2016	25	N	0.60	\$165.00	Download deposition transcripts & exhibits for attorney review.
JE	08/30/2016	25	N	0.30	\$82.50	Download ECF documents; review local rules, judge's orders; calendar court deadlines.
JE	08/31/2016	9	N	0.30	\$82.50	Download deposition transcript and exhibits to database for attorney review .
JE	09/02/2016	11	N	0.50	\$137.50	Prepare, revise, finalize, send letter to opposing counsel re data base searches.
JE	09/12/2016	25	N	0.20	\$55.00	Download pleadings; calendar court deadlines.
JE	09/22/2016	25	N	0.60	\$165.00	Review case deadlines and calendar updates for attorney review and planning.
JE	10/05/2016	9	N	0.10	\$27.50	Download discovery documents to iManage and forward copies to attorneys for review.
JE	10/20/2016	25	N	0.20	\$55.00	Review court deadlines for the next month; prepare and coordinate workload list for attorney use.



## Client Matter Time Report

1/1/1900 - 4/18/2017

Client: 16330 A-CHECK (SMITH)  
 Matter: 00000 A\_CHECK (SMITH)

Employee	Date	Task Code	Billed?	Hours	Amount	Narrative
JE	10/27/2016	25	N	0.80	\$220.00	Research local rule and case law governing [REDACTED]
JE	10/28/2016	2	N	0.70	\$192.50	Prepare Declaration of E. Michelle Drake in support of joint stipulation to continue motion, discovery, and settlement conference deadlines.
JE	10/31/2016	ST	N	0.60	\$165.00	Prepare, edit, finalize letter to co-counsel re [REDACTED]
JE	11/01/2016	25	N	0.30	\$82.50	Download ECF documents to iManage; review pleadings for court deadlines.
JE	11/01/2016	25	N	0.40	\$110.00	Download ECF documents to iManage; calendar court deadlines.
JE	11/03/2016	25	N	0.20	\$55.00	Prepare and download attorney notices to iManage.
JE	11/08/2016	25	N	0.30	\$82.50	Prepare and coordinate upcoming case deadlines and workflow list for attorney reference.
JE	11/09/2016	25	N	0.10	\$27.50	Continue to prepare and coordinate upcoming case deadlines and workflow list for attorney reference.
JE	11/15/2016	25	N	0.20	\$55.00	Download ECF documents to iManage; review pleadings for court deadlines.
JE	11/29/2016	15	N	2.30	\$632.50	Prepare, cite-check, edit, finalize mediation brief, demand letter and exhibits; email to parties.
JE	12/06/2016	ST	N	6.90	\$1,897.50	Prepare, edit, finalize class settlement agreement.
JE	12/07/2016	2	N	4.90	\$1,347.50	Review pleadings and other documents in the case; finalize and edit settlement agreement.
JE	12/08/2016	2	N	3.40	\$935.00	Edit and finalize latest version of settlement agreement and release.
JE	12/09/2016	ST	N	0.80	\$220.00	Edit and finalize settlement agreement.
JE	12/19/2016	25	N	0.20	\$55.00	Download ECF documents to iManage; calendar court deadlines.
JE	12/29/2016	ST	N	3.80	\$1,045.00	Prepare, edit, finalize settlement postcard, preliminary approval order, final approval order, long-form notice.
JE	12/30/2016	ST	N	2.70	\$742.50	Edit and finalize long-form notice.
JE	01/05/2017	25	N	0.30	\$82.50	Review and update deadlines and case status for upcoming department meeting for the purpose of coordinating workload.
JE	01/10/2017	25	N	0.10	\$27.50	Coordinate upcoming deadlines and assignments for staff.
JE	01/17/2017	ST	N	0.20	\$55.00	Prepare redlined versions of settlement documents & download to iManage.
JE	01/18/2017	25	N	0.30	\$82.50	Download settlement documents to iManage.
JE	01/24/2017	ST	N	0.30	\$82.50	Download signature pages to iManage; insert signatures into master settlement agreement.
JE	01/30/2017	2	N	8.00	\$2,200.00	Review federal rules, local rules, judge's orders re form of pleadings; prepare, edit, finalize notice of motion, motion, declaration, exhibits; e-file.
JE	01/31/2017	2	N	1.00	\$275.00	Review ECF filing for preliminary approval; download ECF documents to iManage; submit proposed order to chambers.

## Client Matter Time Report

1/1/1900 - 4/18/2017

Client: 16330 A-CHECK (SMITH)

Matter: 00000 A\_CHECK (SMITH)

Employee	Date	Task Code	Billed?	Hours	Amount	Narrative
JE	01/31/2017	25	N	0.40	\$110.00	Review calendar deadlines; amend deadlines due to settlement.
JE	02/01/2017	25	N	0.50	\$137.50	Review pleadings and correspondence in the case; prepare, edit, finalize [REDACTED].
JE	02/06/2017	25	N	0.40	\$110.00	Review judge's orders and rules; telephone call to clerk of court re status of February 27 hearing; telephone call to judge's deputy clerk re status of hearing.
JE	02/08/2017	25	N	0.20	\$55.00	Download ECF documents to iManage; review pleadings for court deadlines.
JE	02/08/2017	25	N	0.40	\$110.00	Review pleadings; telephone call to Judge Phillips' courtroom deputy to determine whether Feb. 27th preliminary approval hearing will take place in person, by phone, or whether the judge will not hold a hearing; email attorneys that in-person hearing is set; calendar deadline.
JE	03/02/2017	25	N	2.00	\$550.00	Upload preliminary approval order to iManage; calendar court deadlines; review settlement agreement and calendar all deadlines approved by court.
JE	03/06/2017	2	N	4.00	\$1,100.00	Prepare, review, edit time entries for Berger & Montague in preparation for fee petition.
JE	03/06/2017	25	N	0.30	\$82.50	Review email from settlement administrator to ensure administrator has current court deadlines.
JE	03/06/2017	ST	N	0.40	\$110.00	Review settlement documents for final version of postcard and long-form notices to send to settlement administrator; download final versions received from co-counsel.
JE	04/03/2017	25	N	0.10	\$27.50	Review and organize attorney notes; download to iManage.
JE	04/11/2017	ST	N	3.00	\$825.00	Review pleadings; prepare notice of motion and motion for fees, costs and awards in preparation for final approval hearing; continue to review and edit lodestar report.
JE	04/12/2017	ST	N	0.50	\$137.50	Continue to prepare redacted lodestar for fee petition.
JE	04/17/2017	ST	N	3.90	\$1,072.50	Continue to edit and prepare time and expense reports for supplemental settlement brief for attorneys' fees.
<b>Total for JE</b>				<b>80.10</b>	<b>\$22,027.50</b>	
JXA	03/18/2016	1	N	0.70	\$290.50	Discuss [REDACTED] with Joe Hashmall and Michelle Drake.
JXA	05/06/2016	NS	N	0.10	\$41.50	Discuss [REDACTED] at case meeting.
JXA	05/18/2016	NS	N	0.10	\$41.50	Discuss [REDACTED] with Michelle Drake and Joe Hashmall.
JXA	06/17/2016	NS	N	0.10	\$41.50	Discuss [REDACTED] with Michelle Drake and Joe Hashmall.
JXA	07/08/2016	3	N	0.10	\$41.50	Discuss [REDACTED] with Michelle Drake and Joe Hashmall
JXA	07/18/2016	3	N	0.10	\$41.50	Discuss [REDACTED] with Michelle Drake and Joe Hashmall

## Client Matter Time Report

1/1/1900 - 4/18/2017

Client: 16330 A-CHECK (SMITH)

Matter: 00000 A\_CHECK (SMITH)

Employee	Date	Task Code	Billed?	Hours	Amount	Narrative
JXA	09/22/2016	NS	N	0.40	\$166.00	Discuss [REDACTED] with Joe Hashmall and Michelle Drake.
JXA	11/22/2016	3	N	0.10	\$41.50	Meet with Michelle Drake and Joe Hashmall re case status.
JXA	01/10/2017	3	N	0.10	\$41.50	Meet with Michelle Drake and Joe Hashmall re case status.
JXA	01/27/2017	NS	N	0.10	\$41.50	Discuss case strategy with Michelle Drake and Joe Hashmall.
JXA	03/10/2017	3	N	0.10	\$41.50	Meet with Michelle Drake and Joe Hashmall re next steps.
JXA	03/21/2017	NS	N	0.10	\$41.50	Discuss case strategy with Michelle Drake and Joe Hashmall.
<b>Total for JXA</b>				<b>2.10</b>	<b>\$871.50</b>	
JXH	01/25/2016	CA	N	0.30	\$150.00	Emails to opposing counsel regarding status report for court.
JXH	01/26/2016	CA	N	0.20	\$100.00	Email to opposing counsel regarding upcoming deadlines.
JXH	01/26/2016	CA	N	0.70	\$350.00	Review of case file in advance of call with opposing counsel.
JXH	01/26/2016	CA	N	0.40	\$200.00	Call with opposing counsel regarding motion to dismiss, removal to federal court.
JXH	01/26/2016	CA	N	1.00	\$500.00	Drafting email to opposing counsel regarding 26(f); drafting discovery requests.
JXH	01/29/2016	CA	N	0.10	\$50.00	Review of docket for removal papers.
JXH	01/29/2016	CA	N	0.10	\$50.00	Email to opposing counsel regarding removal.
JXH	01/30/2016	CA	N	0.20	\$100.00	Review of removal documents, emails to Michelle Drake and opposing counsel regarding same.
JXH	02/03/2016	CA	N	0.20	\$100.00	Review of revised [REDACTED].
JXH	02/04/2016	CA	N	0.50	\$250.00	Review of defendant's motion to dismiss.
JXH	02/10/2016	2	N	0.80	\$400.00	Drafting amended complaint.
JXH	02/11/2016	2	N	0.20	\$100.00	Emails with Michelle Drake regarding [REDACTED].
JXH	02/12/2016	2	N	0.70	\$350.00	Drafting amended complaint.
JXH	02/15/2016	2	N	0.10	\$50.00	Email to co-counsel regarding [REDACTED].
JXH	02/15/2016	2	N	0.30	\$150.00	Review of Angi Kittleson's version of draft amended complaint, exhibits.
JXH	02/16/2016	2	N	0.50	\$250.00	Drafting amended complaint.
JXH	02/17/2016	2	N	0.50	\$250.00	Final pre-filing review of first amended complaint.
JXH	02/18/2016	4	N	0.10	\$50.00	Email to opposing counsel regarding deadline to respond to motion to dismiss.
JXH	02/22/2016	2	N	0.10	\$50.00	Emails with Angi Kittleson and Michelle Drake regarding [REDACTED], review of local rules regarding same.
JXH	03/02/2016	7	N	0.30	\$150.00	Review of case status, conversation with Angi Kittleson about drafting discovery requests.
JXH	03/08/2016	4	N	0.20	\$100.00	Email with opposing counsel regarding meet and confer call on motion to dismiss.
JXH	03/08/2016	7	N	0.70	\$350.00	Review of and edits to draft request for production of documents.
JXH	03/08/2016	7	N	0.20	\$100.00	Email to co-counsel regarding [REDACTED].

## Client Matter Time Report

1/1/1900 - 4/18/2017

Client: 16330 A-CHECK (SMITH)

Matter: 00000 A\_CHECK (SMITH)

Employee	Date	Task Code	Billed?	Hours	Amount	Narrative
JXH	03/10/2016	4	N	0.20	\$100.00	Meet and confer call with opposing counsel regarding motion to dismiss.
JXH	03/10/2016	4	N	0.70	\$350.00	Legal research regarding [REDACTED].
JXH	03/10/2016	7	N	1.60	\$800.00	Edits to requests for production, emails with co-counsel regarding same.
JXH	03/17/2016	4	N	0.30	\$150.00	Review of defendant's motion to dismiss.
JXH	03/18/2016	3	N	0.70	\$350.00	Discussion of [REDACTED] with John Albanese and Michelle Drake.
JXH	03/21/2016	4	N	0.30	\$150.00	Making travel plans for motion to dismiss hearing.
JXH	03/21/2016	4	N	4.20	\$2,100.00	Drafting response to defendant's motion to dismiss.
JXH	03/23/2016	4	N	1.50	\$750.00	Edits to response to motion to dismiss, email with co-counsel regarding same.
JXH	03/25/2016	4	N	0.30	\$150.00	Emails to co-counsel re draft response to motion to dismiss, edits to same.
JXH	03/27/2016	4	N	0.40	\$200.00	Revisions to response to motion to dismiss.
JXH	03/28/2016	4	N	0.30	\$150.00	Final pre-filing review of response to motion to dismiss.
JXH	04/04/2016	11	N	0.20	\$100.00	Email to opposing counsel regarding [REDACTED].
JXH	04/04/2016	4	N	0.50	\$250.00	Review of defendant's reply in support of motion to dismiss.
JXH	04/05/2016	NONE	N	0.20	\$100.00	Review of [REDACTED].
JXH	04/06/2016	11	N	0.10	\$50.00	Review of email from opposing counsel regarding rule 16(f) conference.
JXH	04/08/2016	4	N	0.70	\$350.00	Prepare for [REDACTED].
JXH	04/11/2016	6	N	0.20	\$100.00	Email to local counsel regarding [REDACTED].
JXH	04/13/2016	6	N	0.50	\$250.00	Changes to travel plans after canceled motion to dismiss hearing.
JXH	04/22/2016	4	N	0.60	\$300.00	Review of court's order on motion to dismiss, internal emails regarding same.
JXH	05/03/2016	3	N	0.20	\$100.00	Review of case calendar, email with Angi Kittelson regarding same.
JXH	05/06/2016	2	N	0.30	\$150.00	Review of defendant's answer.
JXH	05/06/2016	2	N	0.10	\$50.00	Email with Angi Kittelson regarding case calendar.
JXH	05/06/2016	3	N	0.20	\$100.00	Case meeting with John Albanese and Michelle Drake to check current deadlines and next steps.
JXH	05/10/2016	NONE	N	0.20	\$100.00	Review of Court's order regarding status conference and email to opposing counsel regarding 26(f) conference.
JXH	05/11/2016	7	N	0.10	\$50.00	Conversation with Angi Kittelson regarding [REDACTED].
JXH	05/12/2016	7	N	0.90	\$450.00	Review of and edits to draft third-party subpoenas, emails with recipient of production regarding same.
JXH	05/12/2016	7	N	0.20	\$100.00	Email exchange with opposing counsel regarding 26(f) conference.

## Client Matter Time Report

1/1/1900 - 4/18/2017

Client: 16330 A-CHECK (SMITH)

Matter: 00000 A\_CHECK (SMITH)

Employee	Date	Task Code	Billed?	Hours	Amount	Narrative
JXH	05/13/2016	7	N	0.20	\$100.00	Conversation with Angi Kittelson regarding draft discovery requests, email regarding same.
JXH	05/17/2016	7	N	0.10	\$50.00	Email to opposing counsel regarding 26(f) conference.
JXH	05/17/2016	7	N	0.40	\$200.00	Conversations with [REDACTED]
JXH	05/17/2016	CC	N	0.30	\$150.00	Drafting [REDACTED]
JXH	05/18/2016	3	N	0.10	\$50.00	Discuss case strategy with Michelle Drake.
JXH	05/18/2016	NONE	N	0.20	\$100.00	Emails with co-counsel regarding 26(f) conference.
JXH	05/19/2016	8	N	0.10	\$50.00	Email to opposing counsel regarding 26(f) conference.
JXH	05/20/2016	7	N	0.60	\$300.00	Review of and edits to draft 26(f) report, emails with Michelle Drake and counsel regarding same.
JXH	05/23/2016	7	N	0.50	\$250.00	Research regarding [REDACTED].
JXH	05/23/2016	7	N	0.20	\$100.00	Email to opposing counsel regarding upcoming 26(f) conference.
JXH	05/24/2016	7	N	0.40	\$200.00	Review of draft protective order, email to opposing counsel regarding same.
JXH	05/24/2016	7	N	0.40	\$200.00	Review of defendant's requests for production.
JXH	05/24/2016	7	N	1.40	\$700.00	Review of and edits to draft Requests for Admission, Interrogatories, 30(b)(6) notice and subpoena documents. Emails to co-counsel and local counsel regarding same.
JXH	05/25/2016	7	N	0.40	\$200.00	Rule 26(f) call with opposing counsel.
JXH	05/25/2016	7	N	0.40	\$200.00	Final pre-service review of requests for admission, interrogatories and subpoenas, cover letter to opposing counsel regarding same.
JXH	05/25/2016	NONE	N	0.10	\$50.00	Internal emails regarding [REDACTED].
JXH	05/26/2016	NONE	N	0.90	\$450.00	Review of and edits to draft stipulation moving Rule 16 conference, emails with Michelle Drake, Angi Kittelson and co-counsel regarding same.
JXH	05/26/2016	NONE	N	0.10	\$50.00	Email to opposing counsel to follow up on 26(f) conference.
JXH	05/27/2016	7	N	0.60	\$300.00	Review of defendant's requests for production.
JXH	05/27/2016	7	N	0.30	\$150.00	Email to [REDACTED].
JXH	05/27/2016	NONE	N	0.40	\$200.00	Edits to stipulation moving Rule 16 conference, email to opposing counsel regarding same.
JXH	05/31/2016	7	N	1.00	\$500.00	Review and coding of client's documents for response to Defendant's requests for production.
JXH	05/31/2016	7	N	0.20	\$100.00	Internal emails regarding [REDACTED].
JXH	05/31/2016	CC	N	0.10	\$50.00	Left message for [REDACTED].
JXH	05/31/2016	CC	N	0.30	\$150.00	Call with [REDACTED].
JXH	06/01/2016	7	N	0.20	\$100.00	Email to opposing counsel regarding 26(f) report, other discovery issues.

## Client Matter Time Report

1/1/1900 - 4/18/2017

Client: 16330 A-CHECK (SMITH)

Matter: 00000 A\_CHECK (SMITH)

Employee	Date	Task Code	Billed?	Hours	Amount	Narrative
JXH	06/01/2016	7	N	0.30	\$150.00	Email to [REDACTED], [REDACTED], discussion with Angi Kittelson regarding same.
JXH	06/02/2016	7	N	0.20	\$100.00	Emails with [REDACTED]
JXH	06/02/2016	7	N	0.20	\$100.00	Email to opposing counsel regarding service of discovery.
JXH	06/03/2016	CC	N	0.20	\$100.00	Email to [REDACTED], [REDACTED].
JXH	06/06/2016	7	N	0.20	\$100.00	Review of draft FOIA requests.
JXH	06/06/2016	7	N	0.10	\$50.00	Internal email regarding subpoena to FTC.
JXH	06/06/2016	7	N	0.20	\$100.00	Conversation with Angi Kittelson regarding [REDACTED].
JXH	06/06/2016	7	N	0.20	\$100.00	Call with CFPB regarding subpoena.
JXH	06/06/2016	7	N	0.20	\$100.00	Review of draft initial disclosures.
JXH	06/07/2016	7	N	0.10	\$50.00	Email to opposing counsel regarding 26(f) report
JXH	06/07/2016	7	N	0.10	\$50.00	Review of draft initial disclosures
JXH	06/08/2016	NONE	N	1.70	\$850.00	Finalizing 26(f) report, including review of defendant's edits to report, further edits to same, emails and phone call with opposing counsel, final pre-filing review of report, review of draft stipulation moving case management conference
JXH	06/09/2016	7	N	2.50	\$1,250.00	Review of client documents for production
JXH	06/09/2016	NONE	N	0.20	\$100.00	Emails with Angi Kittelson and opposing counsel regarding scheduling stipulation
JXH	06/09/2016	NONE	N	0.20	\$100.00	Review of Defendant's initial disclosures
JXH	06/13/2016	NONE	N	0.20	\$100.00	Review of order continuing status conference
JXH	06/16/2016	NONE	N	0.20	\$100.00	Email with opposing counsel regarding various discovery issues
JXH	06/20/2016	3	N	0.20	\$100.00	Email to cocounsel regarding 30(b)(6) dates, Rule 16 conference
JXH	06/20/2016	7	N	0.90	\$450.00	Review of client documents for production
JXH	06/21/2016	7	N	0.40	\$200.00	Review of client's documents in advance of production
JXH	06/21/2016	9	N	0.20	\$100.00	Emails with opposing counsel and cocounsel regarding 30(b)(6)
JXH	06/23/2016	NONE	N	0.20	\$100.00	Call with attorney for NAPBS regarding subpoena response
JXH	06/27/2016	9	N	0.20	\$100.00	Email exchange with opposing counsel regarding deposition date
JXH	06/28/2016	7	N	0.30	\$150.00	Review of FOIA response from CFPB
JXH	06/28/2016	7	N	0.10	\$50.00	Internal correspondence regarding plaintiff's document production
JXH	06/29/2016	7	N	0.10	\$50.00	Email to NAPBS's counsel regarding subpoena
JXH	07/01/2016	9	N	0.30	\$150.00	Email to opposing counsel regarding deposition logistics, call with IT professional from opposing counsel's office regarding same
JXH	07/05/2016	7	N	0.10	\$50.00	Email with NAPBS counsel regarding subpoena response
JXH	07/08/2016	3	N	0.20	\$100.00	Discussion of case strategy with Michelle Drake and John Albanese
JXH	07/08/2016	7	N	0.20	\$100.00	Email to NABPS's counsel regarding subpoena response

## Client Matter Time Report

1/1/1900 - 4/18/2017

Client: 16330 A-CHECK (SMITH)

Matter: 00000 A\_CHECK (SMITH)

Employee	Date	Task Code	Billed?	Hours	Amount	Narrative
JXH	07/08/2016	7	N	0.20	\$100.00	Emails to opposing counsel regarding discovery extension
JXH	07/08/2016	NONE	N	0.40	\$200.00	Review of defendant's proposed edits to protective order, further edits to same, email to cocounsel regarding same
JXH	07/11/2016	NONE	N	0.20	\$100.00	Email to opposing counsel regarding protective order
JXH	07/12/2016	7	N	2.20	\$1,100.00	Drafting responses to Defendant's discovery requests
JXH	07/12/2016	7	N	0.10	\$50.00	Email to [REDACTED]
JXH	07/13/2016	7	N	0.30	\$150.00	Call with cocounsel regarding responses to written discovery
JXH	07/14/2016	7	N	0.10	\$50.00	Email to Jean Hibray regarding document production
JXH	07/14/2016	7	N	0.10	\$50.00	Email to NAPBS regarding subpoena response
JXH	07/14/2016	7	N	0.50	\$250.00	Meet with Michelle Drake re discovery responses.
JXH	07/14/2016	NONE	N	0.10	\$50.00	Email to opposing counsel regarding protective order
JXH	07/18/2016	7	N	0.60	\$300.00	Pre-service review of discovery responses
JXH	07/19/2016	7	N	0.20	\$100.00	Review of materials received from NAPBS, email to counsel regarding same
JXH	07/19/2016	7	N	0.20	\$100.00	Review of discovery materials received from Defendant
JXH	07/19/2016	7	N	2.00	\$1,000.00	Review of defendant's document production, [REDACTED], email to cocounsel regarding same
JXH	07/20/2016	7	N	0.40	\$200.00	Review of and edits to draft meet and confer letter to defendant
JXH	07/20/2016	7	N	0.40	\$200.00	Review of documents produced by Defendant
JXH	07/21/2016	NONE	N	0.40	\$200.00	Review of edits to protective order, email to Michelle Drake, opposing counsel regarding same
JXH	07/22/2016	7	N	0.30	\$150.00	Internal email exchange regarding production of documents received via subpoena
JXH	07/22/2016	NONE	N	0.30	\$150.00	Email to opposing counsel regarding protective order, internal emails regarding filing of same
JXH	07/25/2016	15	N	0.30	\$150.00	Call with [REDACTED]
JXH	07/25/2016	7	N	0.10	\$50.00	Email to opposing counsel regarding discovery meet and confer
JXH	07/25/2016	7	N	0.80	\$400.00	Emails and calls with opposing counsel regarding document production, internal emails regarding same
JXH	07/27/2016	7	N	0.10	\$50.00	Email to NAPBS counsel regarding subpoena response
JXH	07/27/2016	7	N	0.10	\$50.00	Email to opposing counsel regarding document production
JXH	07/27/2016	7	N	0.10	\$50.00	Internal emails regarding document production
JXH	07/27/2016	NONE	N	0.20	\$100.00	Emails with counsel for NAPBS regarding subpoena response
JXH	07/28/2016	3	N	0.30	\$150.00	Emails with cocounsel regarding [REDACTED]
JXH	07/28/2016	7	N	0.70	\$350.00	Email exchange with opposing counsel regarding discovery responses, internal discussions regarding [REDACTED]
JXH	07/29/2016	7	N	0.60	\$300.00	Review of discovery materials [REDACTED]

## Client Matter Time Report

1/1/1900 - 4/18/2017

Client: 16330 A-CHECK (SMITH)

Matter: 00000 A\_CHECK (SMITH)

Employee	Date	Task Code	Billed?	Hours	Amount	Narrative
JXH	07/29/2016	7	N	0.80	\$400.00	Meet and confer call with defendant regarding discovery responses
JXH	07/29/2016	7	N	0.20	\$100.00	Call with Michelle Drake regarding discovery responses, [REDACTED]
JXH	07/29/2016	NONE	N	0.40	\$200.00	Meeting with Michelle Drake regarding upcoming meet and confer call with defendant
JXH	08/02/2016	7	N	0.10	\$50.00	Email to opposing counsel regarding meet and confer on discovery
JXH	08/04/2016	7	N	1.20	\$600.00	Drafting [REDACTED]
JXH	08/05/2016	7	N	0.70	\$350.00	Review of notes from previous meet and confer call with opposing counsel, email to and meeting with Michelle Drake regarding upcoming call with opposing counsel
JXH	08/08/2016	7	N	2.00	\$1,000.00	Drafting [REDACTED]
JXH	08/09/2016	7	N	0.70	\$350.00	Edits to draft [REDACTED]
JXH	08/10/2016	7	N	1.20	\$600.00	Downloading A-check production, emails internally and with opposing counsel regarding loading it into document management system, review of documents
JXH	08/10/2016	7	N	0.80	\$400.00	Edits to draft [REDACTED]
JXH	08/11/2016	15	N	0.10	\$50.00	Email to potential mediator regarding availability
JXH	08/11/2016	7	N	0.40	\$200.00	Email to opposing counsel regarding [REDACTED]
JXH	08/11/2016	7	N	0.30	\$150.00	Emails with Michelle Drake regarding [REDACTED] upcoming depositions, etc
JXH	08/11/2016	9	N	0.30	\$150.00	Review of Defendant's objections to 30(b)(6) notice, email to Michelle Drake regarding same
JXH	08/11/2016	9	N	2.20	\$1,100.00	Review of discovery materials, pulling exhibits for use in 30(b)(6) deposition
JXH	08/11/2016	9	N	0.20	\$100.00	Email to expert regarding availability for deposition
JXH	08/11/2016	9	N	0.30	\$150.00	Edits to [REDACTED]
JXH	08/12/2016	15	N	0.50	\$250.00	Emails with opposing counsel, potential mediator regarding mediation dates
JXH	08/12/2016	7	N	0.40	\$200.00	Email to opposing counsel requesting meet and confer
JXH	08/12/2016	9	N	0.30	\$150.00	Review of draft deposition notice, email to cocounsel regarding same
JXH	08/12/2016	9	N	0.60	\$300.00	Preparation for 30(b)(6) deposition
JXH	08/15/2016	7	N	0.20	\$100.00	Review of draft email to [REDACTED]
JXH	08/15/2016	9	N	2.50	\$1,250.00	Prep for 30(b)(6) deposition, including review of exhibits, meetings with Michelle Drake
JXH	08/16/2016	9	N	0.50	\$250.00	Call with opposing counsel regarding upcoming deposition, settlement class, etc; follow up calls with Michelle Drake re same
JXH	08/16/2016	9	N	3.90	\$1,950.00	Prepare for Defendant's 30(b)(6) deposition; review documents, outline questions, etc



## Client Matter Time Report

1/1/1900 - 4/18/2017

Client: 16330 A-CHECK (SMITH)

Matter: 00000 A\_CHECK (SMITH)

Employee	Date	Task Code	Billed?	Hours	Amount	Narrative
JXH	08/17/2016	7	N	0.70	\$350.00	Communication with opposing counsel regarding discovery disputes, including call and revisions to draft letter regarding same
JXH	08/17/2016	7	N	0.50	\$250.00	Drafting third party subpoenas
JXH	08/17/2016	9	N	4.50	\$2,250.00	Conduct 30(b)(6) deposition
JXH	08/17/2016	9	N	0.80	\$400.00	Prepare for 30(b)(6) deposition
JXH	08/18/2016	7	N	0.50	\$250.00	Drafting third party subpoenas
JXH	08/18/2016	7	N	0.40	\$200.00	Calls with Michelle Drake regarding upcoming meet and confer call
JXH	08/18/2016	7	N	0.60	\$300.00	Review of court's rules regarding [REDACTED]
JXH	08/18/2016	7	N	0.40	\$200.00	Meet and confer call with opposing counsel regarding settlement dispute
JXH	08/23/2016	7	N	0.10	\$50.00	Email to NAPBS' counsel regarding subpoena response
JXH	08/23/2016	7	N	0.60	\$300.00	Email exchange with opposing counsel regarding [REDACTED], emails to Michelle Drake and [REDACTED]
JXH	08/23/2016	CC	N	0.30	\$150.00	Voicemail, email and conversation with [REDACTED] [REDACTED]
JXH	08/24/2016	NONE	N	0.20	\$100.00	Email to opposing counsel regarding stipulation extending deadlines
JXH	08/26/2016	NONE	N	0.40	\$200.00	Emails with opposing counsel regarding upcoming call on database discovery
JXH	08/26/2016	NONE	N	0.50	\$250.00	Edits to draft declaration of support of stipulation extending deadlines
JXH	08/31/2016	9	N	0.20	\$100.00	Review of 30b6 transcript
JXH	09/01/2016	7	N	0.70	\$350.00	Emails with opposing counsel, [REDACTED] in advance of settlement call
JXH	09/01/2016	7	N	0.80	\$400.00	Call with opposing counsel regarding database discovery
JXH	09/01/2016	7	N	0.90	\$450.00	Drafting letter to opposing counsel regarding database discovery, email with [REDACTED]
JXH	09/01/2016	CC	N	0.20	\$100.00	Email to [REDACTED] [REDACTED]
JXH	09/12/2016	7	N	0.10	\$50.00	Email to opposing counsel regarding database production
JXH	09/20/2016	NONE	N	0.10	\$50.00	Email to opposing counsel regarding call about e-discovery
JXH	09/21/2016	NONE	N	0.10	\$50.00	Email to opposing counsel regarding status update call
JXH	09/22/2016	3	N	0.20	\$100.00	Meet with Michelle Drake and John Albanese to discuss next steps in litigation.
JXH	09/26/2016	7	N	0.30	\$150.00	Call with opposing counsel regarding database discovery
JXH	09/27/2016	7	N	0.60	\$300.00	Review of Defendant's database disclosures, emails with expert regarding same
JXH	09/28/2016	15	N	0.10	\$50.00	Internal emails regarding mediator selection
JXH	09/28/2016	NONE	N	0.20	\$100.00	Internal emails regarding mediator selection
JXH	10/03/2016	15	N	0.10	\$50.00	Email to cocounsel regarding mediator selection
JXH	10/04/2016	CC	N	0.40	\$200.00	[REDACTED]
JXH	10/05/2016	15	N	0.30	\$150.00	Internal emails regarding [REDACTED]

## Client Matter Time Report

1/1/1900 - 4/18/2017

Client: 16330 A-CHECK (SMITH)

Matter: 00000 A\_CHECK (SMITH)

Employee	Date	Task Code	Billed?	Hours	Amount	Narrative
JXH	10/06/2016	15	N	0.20	\$100.00	Internal emails regarding [REDACTED]
JXH	10/06/2016	7	N	0.10	\$50.00	Email to opposing counsel regarding database discovery
JXH	10/07/2016	15	N	0.20	\$100.00	Emails with cocounsel, opposing counsel regarding mediation selection
JXH	10/07/2016	9	N	0.30	\$150.00	Review of defendant's database disclosures
JXH	10/11/2016	7	N	0.30	\$150.00	Call with expert re [REDACTED]
JXH	10/14/2016	7	N	0.30	\$150.00	Review of Defendant's additional database disclosures, [REDACTED]
JXH	10/18/2016	15	N	0.20	\$100.00	Internal emails regarding [REDACTED]
JXH	10/24/2016	15	N	0.80	\$400.00	Emails and call with potential mediator, call to mediator's references
JXH	10/25/2016	NONE	N	0.30	\$150.00	Email to Michelle Drake regarding stipulation extending deadlines
JXH	10/26/2016	NONE	N	0.30	\$150.00	Email to Michelle Drake regarding [REDACTED]
JXH	10/27/2016	NONE	N	0.60	\$300.00	Emails with Michelle Drake regarding [REDACTED]
JXH	10/28/2016	3	N	0.50	\$250.00	Meeting with Michelle Drake regarding next steps in case
JXH	10/28/2016	NONE	N	0.50	\$250.00	Review of stipulation regarding deadlines, edits to draft declaration in support of same
JXH	10/28/2016	NONE	N	0.80	\$400.00	Drafting letter to opposing counsel regarding further pre-mediation data requests
JXH	10/31/2016	15	N	0.20	\$100.00	Meeting with Michelle Drake re settlement bids
JXH	10/31/2016	15	N	0.50	\$250.00	Emails to settlement administrators re bids
JXH	10/31/2016	7	N	0.30	\$150.00	Review of proofing edits to letter to opposing counsel regarding database queries
JXH	11/01/2016	NONE	N	0.30	\$150.00	Email to Michelle Drake re [REDACTED]
JXH	11/04/2016	15	N	0.50	\$250.00	Call with opposing counsel regarding data exchange in advance of mediation
JXH	11/04/2016	15	N	0.30	\$150.00	Review of bid for settlement administration
JXH	11/15/2016	15	N	0.20	\$100.00	Email to Michelle Drake regarding upcoming mediation
JXH	11/22/2016	15	N	0.30	\$150.00	Review of email from opposing counsel regarding class size, email with Michelle Drake regarding same
JXH	11/22/2016	15	N	0.20	\$100.00	Email to opposing counsel regarding class data
JXH	11/22/2016	15	N	2.00	\$1,000.00	Drafting settlement demand
JXH	11/22/2016	3	N	0.10	\$50.00	Meet with Michelle Drake and John Albanese re case status.
JXH	11/28/2016	15	N	1.20	\$600.00	Drafting mediation brief
JXH	11/28/2016	15	N	0.70	\$350.00	Review of defendant's data in advance of mediation
JXH	11/28/2016	15	N	0.50	\$250.00	Revisions to demand letter, mediation brief
JXH	11/28/2016	CC	N	0.30	\$150.00	Call with [REDACTED]
JXH	11/29/2016	15	N	2.00	\$1,000.00	Creating mediation binder, spreadsheet; emails with Michelle Drake re upcoming mediation

## Client Matter Time Report

1/1/1900 - 4/18/2017

Client: 16330 A-CHECK (SMITH)

Matter: 00000 A\_CHECK (SMITH)

Employee	Date	Task Code	Billed?	Hours	Amount	Narrative
JXH	11/29/2016	15	N	0.30	\$150.00	Final review of settlement demand and mediation brief
JXH	11/30/2016	15	N	5.00	\$2,500.00	Travel to CA for mediation
JXH	11/30/2016	15	N	0.30	\$150.00	Review of [REDACTED] in advance of mediation
JXH	12/01/2016	15	N	8.00	\$4,000.00	Attend Mediation
JXH	12/02/2016	15	N	5.50	\$2,750.00	Return travel to MN after mediation
JXH	12/05/2016	15	N	0.20	\$100.00	Email to staff regarding drafting of settlement documents
JXH	12/07/2016	15	N	1.60	\$800.00	Edits to draft settlement agreement
JXH	12/08/2016	15	N	1.20	\$600.00	Revisions to draft settlement agreement
JXH	12/09/2016	15	N	0.60	\$300.00	Revisions to draft settlement agreement, emails with Michelle Drake re same
JXH	12/12/2016	15	N	0.50	\$250.00	Edits to draft settlement agreement, emails to opposing counsel regarding same
JXH	12/14/2016	15	N	0.30	\$150.00	Review of revised settlement bid
JXH	12/19/2016	15	N	0.30	\$150.00	Review of draft notice of settlement, email to opposing counsel regarding same
JXH	12/21/2016	15	N	0.20	\$100.00	Email to opposing counsel regarding status of settlement
JXH	12/22/2016	15	N	1.80	\$900.00	Review of defendant's edits to settlement agreement, further edits to same
JXH	12/28/2016	15	N	0.50	\$250.00	Review of Defendant's edits to settlement agreement, email to opposing counsel regarding same
JXH	12/29/2016	15	N	0.80	\$400.00	Edits to draft exhibits to settlement agreement
JXH	12/30/2016	15	N	0.90	\$450.00	Editing draft exhibits to settlement, email to opposing counsel regarding same
JXH	01/05/2017	15	N	0.50	\$250.00	Review of edits to draft settlement, email to opposing counsel regarding same
JXH	01/09/2017	15	N	0.30	\$150.00	Internal emails re drafting of preliminary approval
JXH	01/10/2017	15	N	0.40	\$200.00	Meeting with law clerk re drafting of preliminary approval
JXH	01/10/2017	15	N	0.10	\$50.00	Email to opposing counsel regarding edits to settlement agreement
JXH	01/10/2017	3	N	0.20	\$100.00	Meet with John Albanese and Michelle Drake re case status and next steps in litigation.
JXH	01/10/2017	9	N	0.10	\$50.00	Email to subpoena recipient regarding settlement
JXH	01/16/2017	15	N	0.10	\$50.00	Email to opposing counsel regarding status of revised settlement documents
JXH	01/17/2017	15	N	0.80	\$400.00	Review of Defendant's edits to draft settlement and exhibits, further edits to same
JXH	01/19/2017	15	N	0.90	\$450.00	Review of defendant's edits to settlement agreement, emails to opposing counsel, [REDACTED]
JXH	01/19/2017	15	N	1.60	\$800.00	Review of and edits to preliminary approval brief

## Client Matter Time Report

1/1/1900 - 4/18/2017

Client: 16330 A-CHECK (SMITH)  
 Matter: 00000 A\_CHECK (SMITH)

Employee	Date	Task Code	Billed?	Hours	Amount	Narrative
JXH	01/23/2017	15	N	0.20	\$100.00	Review of signed settlement, communication with [REDACTED]
JXH	01/24/2017	15	N	0.20	\$100.00	Email to opposing counsel regarding signed settlement
JXH	01/27/2017	15	N	0.40	\$200.00	Emails to opposing counsel regarding settlement agreement, preliminary approval motion
JXH	01/27/2017	3	N	0.20	\$100.00	Meet with Michelle Drake and John Albanese re next steps in litigation.
JXH	01/30/2017	15	N	0.30	\$150.00	Emails to opposing counsel regarding preliminary approval
JXH	01/30/2017	15	N	0.80	\$400.00	Final pre-filing review of preliminary approval brief and supporting documents
JXH	02/01/2017	15	N	0.20	\$100.00	Emails with settlement administrator regarding CAFA notice, other issues
JXH	02/02/2017	CC	N	0.20	\$100.00	Edits to [REDACTED]
JXH	02/06/2017	15	N	0.20	\$100.00	Internal emails regarding preliminary approval logistics
JXH	02/06/2017	15	N	0.30	\$150.00	Call with defense counsel regarding settlement logistics
JXH	02/08/2017	15	N	0.20	\$100.00	Email with opposing counsel regarding outstanding subpoenas
JXH	02/13/2017	CC	N	0.20	\$100.00	[REDACTED]
JXH	02/15/2017	3	N	0.10	\$50.00	Meet with Michelle Drake and John Albanese re next steps in litigation.
JXH	02/27/2017	15	N	0.20	\$100.00	Call with Michelle Drake regarding preliminary approval hearing
JXH	02/27/2017	15	N	0.60	\$300.00	Legal research for Michelle Drake [REDACTED]
JXH	03/01/2017	15	N	0.10	\$50.00	Email to settlement administrator regarding preliminary approval
JXH	03/02/2017	15	N	0.40	\$200.00	Review of preliminary approval order, email with settlement administrator regarding same
JXH	03/02/2017	15	N	0.20	\$100.00	Email with cocounsel regarding fee petition
JXH	03/06/2017	15	N	0.20	\$100.00	Emails with settlement administrator regarding settlement logistics
JXH	03/09/2017	15	N	0.10	\$50.00	Email to opposing counsel regarding class list
JXH	03/15/2017	15	N	0.70	\$350.00	Review of Administrator's proposed edits to class notice, email to administrator regarding same
JXH	03/16/2017	15	N	0.20	\$100.00	Emails to administrator, opposing counsel, regarding class notice
JXH	03/21/2017	3	N	0.20	\$100.00	Meet with John Albanese and Michelle Drake re next steps in litigation.
JXH	03/30/2017	15	N	0.40	\$200.00	Making travel plans for final approval hearing
JXH	04/03/2017	15	N	0.10	\$50.00	Email to settlement administrator regarding notice
JXH	04/05/2017	15	N	0.40	\$200.00	Emails with opposing counsel, administrator regarding the mailing of notice
JXH	04/06/2017	15	N	0.70	\$350.00	Review of draft settlement website, emails with edits to settlement administrator
JXH	04/07/2017	15	N	0.50	\$250.00	Emails with settlement administrator, opposing counsel regarding settlement website

## Client Matter Time Report

1/1/1900 - 4/18/2017

Client: 16330 A-CHECK (SMITH)  
 Matter: 00000 A\_CHECK (SMITH)

Employee	Date	Task Code	Billed?	Hours	Amount	Narrative
JXH	04/11/2017	15	N	0.20	\$100.00	Internal emails regarding fee petition
<b>Total for JXH</b>				<b>150.00</b>	<b>\$75,000.00</b>	
JZH	02/01/2016	NS	N	1.00	\$275.00	Review removal documents, review judicial assignment, review judge's standing orders, emails regarding case.
JZH	02/01/2016	NS	N	0.20	\$55.00	Edit co-counsel agreement.
JZH	02/04/2016	25	N	0.20	\$55.00	Requests for certificates for pro hac applications.
JZH	02/04/2016	25	N	0.20	\$55.00	Edits to co-counsel agreement, emails re: same.
JZH	02/04/2016	6	N	0.20	\$55.00	Review defendant's motion to dismiss.
JZH	02/09/2016	2	N	1.50	\$412.50	Format complaint for C.D. Cal., [REDACTED]
JZH	02/11/2016	25	N	0.50	\$137.50	Draft notice of appearance for local counsel, prepare pro hac application for J Hashmall.
JZH	02/23/2016	25	N	0.10	\$27.50	Emails regarding outstanding signatures on co-counsel agreements
JZH	07/01/2016	11	N	0.20	\$55.00	Emails re: upcoming depo to schedule
JZH	07/01/2016	11	N	0.10	\$27.50	Emails re: [REDACTED]
JZH	07/05/2016	11	N	0.70	\$192.50	Prepare amended notice of deposition, draft service documents and send
JZH	07/11/2016	2	N	0.20	\$55.00	Finalize and file ADR form.
JZH	07/13/2016	3	N	0.20	\$55.00	Discovery discussions with team
JZH	07/14/2016	7	N	0.50	\$137.50	Proof requests for production responses
JZH	07/18/2016	7	N	0.50	\$137.50	Finalize request for production responses, draft service documents, serve via email and mail
JZH	07/21/2016	2	N	0.30	\$82.50	Create blackline compare of protective order, emails to ensure client doc production ready to go once order is on file
JZH	07/25/2016	25	N	0.20	\$55.00	Pull fees and costs numbers for attorney.
JZH	07/25/2016	8	N	0.30	\$82.50	Finalize service doc, add subpoena response docs, send email re: production on FTP site to opposing counsel
JZH	07/26/2016	25	N	0.10	\$27.50	Email to [REDACTED]
JZH	07/27/2016	8	N	0.50	\$137.50	Emails re: production issue from opposing counsel, transfer files to their site, upload additional subpoena doc
JZH	07/28/2016	8	N	0.30	\$82.50	Compile production into PDF format for opposing counsel and re-submit to them.
JZH	02/21/2017	25	N	0.10	\$27.50	Email court clerk re: hearing status, review response and email attorney
JZH	02/22/2017	13	N	0.30	\$82.50	Prepare hearing binder for attorney for preliminary approval, emails re same
JZH	02/27/2017	15	N	0.20	\$55.00	Email materials to attorney for hearing
JZH	02/27/2017	15	N	0.30	\$82.50	Review settlement agreement, create timeline calculator

## Client Matter Time Report

1/1/1900 - 4/18/2017

Client: 16330 A-CHECK (SMITH)

Matter: 00000 A\_CHECK (SMITH)

Employee	Date	Task Code	Billed?	Hours	Amount	Narrative
JZH	02/28/2017	15	N	0.10	\$27.50	Review minutes from hrg
JZH	03/02/2017	15	N	0.40	\$110.00	Review preliminary approval order, discuss same with paralegal
<b>Total for JZH</b>				<b>9.40</b>	<b>\$2,585.00</b>	
MXD	01/18/2016	25	N	0.20	\$135.00	Email with [REDACTED].
MXD	02/04/2016	25	N	0.40	\$270.00	Review and revise local counsel agreement, email Stephanie Tatar regarding same.
MXD	02/04/2016	25	N	0.30	\$202.50	Review local counsel agreement and email Jean Hibray re various required revisions.
MXD	02/05/2016	25	N	0.50	\$337.50	Review and redline draft co-counsel agreement; circulate to team; emails re getting pro hacs on file.
MXD	03/10/2016	2	N	0.50	\$337.50	Call with Jim Francis re [REDACTED].
MXD	03/18/2016	2	N	0.70	\$472.50	Meet with John Albanese and Joe Hashmall re next steps in litigation and [REDACTED].
MXD	03/23/2016	4	N	1.90	\$1,282.50	Review redline and revise response to motion to dismiss; email Joe Hashmall with additional comments.
MXD	04/11/2016	3	N	0.20	\$135.00	Team meeting to discuss case status and next steps.
MXD	04/22/2016	4	N	0.50	\$337.50	Review court's order on motion to dismiss; [REDACTED].
MXD	05/06/2016	3	N	0.20	\$135.00	Case meeting with John Albanese and Joe Hashmall to check in on current deadlines and next steps in litigation.
MXD	05/10/2016	25	N	0.20	\$135.00	Review order scheduling Rule 16 conference and Joe Hashmall email re dates and times for 26f.
MXD	05/10/2016	25	N	0.20	\$135.00	Email co-counsel re attendance at Rule 16 conferene on June 20.
MXD	05/18/2016	NS	N	0.10	\$67.50	Discuss [REDACTED] strategy with Michelle Drake and Joe Hashmall.
MXD	05/25/2016	6	N	0.50	\$337.50	26f conference with opposing counsel.
MXD	06/08/2016	6	N	0.20	\$135.00	Emails with Joe Hashmall re reschedule Rule 16.
MXD	06/08/2016	6	N	0.30	\$202.50	Emails with co-counsel re Defendant admit jurisdiction and wanting to move for remand.
MXD	06/21/2016	25	N	0.20	\$135.00	Email co-counsel re Rule 16 and 30b6 depo dates.
MXD	06/21/2016	7	N	0.40	\$270.00	Email re [REDACTED] Rule 16 conference.
MXD	06/27/2016	9	N	0.30	\$202.50	Emails with opposing counsel and co-counsel re deposition scheduling.
MXD	07/12/2016	25	N	0.20	\$135.00	Email with Lauren Brennan re attendance at Rule 16.
MXD	07/12/2016	7	N	0.50	\$337.50	Review discovery reponses; [REDACTED].
MXD	07/13/2016	7	N	0.30	\$202.50	Call with co-counsel re [REDACTED].
MXD	07/14/2016	7	N	0.50	\$337.50	Meet with Joe Hashmall re discovery responses.
MXD	07/18/2016	6	N	0.30	\$202.50	Email opposing counsel re protective order.
MXD	07/20/2016	6	N	0.20	\$135.00	Email Joe Hashmall re protective order status.

## Client Matter Time Report

1/1/1900 - 4/18/2017

Client: 16330 A-CHECK (SMITH)  
 Matter: 00000 A\_CHECK (SMITH)

Employee	Date	Task Code	Billed?	Hours	Amount	Narrative
MXD	07/25/2016	15	N	1.20	\$810.00	Review Defendant's settlement offer; gather fees and expenses in case to calculate payout; [REDACTED]
MXD	07/25/2016	7	N	0.30	\$202.50	Review Defendant's correspondence re meet and confer; email with Joe Hashmall re same.
MXD	07/26/2016	15	N	0.30	\$202.50	Email with co-counsel re depositions and rejection of individual settlement offer.
MXD	07/27/2016	15	N	0.30	\$202.50	Email opposing counsel rejecting individual settlement offer.
MXD	07/27/2016	4	N	0.30	\$202.50	Review [REDACTED]; email to John Albanese as supplemental authority on pending motions.
MXD	07/28/2016	7	N	0.30	\$202.50	Review correspondence from opposing counsel re production format.
MXD	07/28/2016	7	N	0.20	\$135.00	Email to Joe Hashmall and [REDACTED].
MXD	07/29/2016	3	N	0.40	\$270.00	Meet with Joe Hashmall re upcoming meet and confer.
MXD	07/29/2016	7	N	1.00	\$675.00	Review Defendant's discovery responses.
MXD	07/29/2016	7	N	1.00	\$675.00	Attend meet and confer on Defendant's discovery responses.
MXD	07/29/2016	7	N	0.50	\$337.50	Email co-counsel re [REDACTED].
MXD	07/29/2016	7	N	0.20	\$135.00	Call with Joe Hashmall re discovery responses.
MXD	08/03/2016	25	N	0.50	\$337.50	Call with Jim Francis re next steps in litigation and strategy [REDACTED]
MXD	08/03/2016	25	N	0.40	\$270.00	Memo to team re next steps and work assignments.
MXD	08/05/2016	7	N	0.80	\$540.00	Meet and confer with opposing counsel re outstanding discovery disputes.
MXD	08/05/2016	7	N	0.30	\$202.50	Email with co-counsel re next steps in litigation.
MXD	08/05/2016	7	N	0.30	\$202.50	Meet with Joe Hashmall re topics to cover at meet and confer.
MXD	08/05/2016	7	N	0.40	\$270.00	Review previous correspondence and notes from prior meet and confer.
MXD	08/08/2016	7	N	1.70	\$1,147.50	Review redline and revise joint stipulation of the issues.
MXD	08/10/2016	7	N	0.80	\$540.00	Further review and redline of joint stipulation; legal research [REDACTED] [REDACTED] add case citations.
MXD	08/10/2016	9	N	0.30	\$202.50	Email re potential plaintiffs depo dates and depo prep needs.
MXD	08/11/2016	9	N	0.30	\$202.50	Emails with Joe Hashmall re prep for 39b6 deposition and exhibits and notice new deposition and plaintiffs deposition.
MXD	08/15/2016	3	N	0.10	\$67.50	Meet with team re case status.
MXD	08/15/2016	8	N	3.40	\$2,295.00	Review exhibits in advance of 30b6 deposition.
MXD	08/15/2016	9	N	2.50	\$1,687.50	Prepare outline for 30b6 deposition.
MXD	08/16/2016	3	N	0.50	\$337.50	Update to team on developments in litigation.
MXD	08/16/2016	9	N	0.80	\$540.00	Call with opposing counsel re class size and deposition tomorrow;

Tuesday, April 18, 2017

20/25

## Client Matter Time Report

1/1/1900 - 4/18/2017

Client: 16330 A-CHECK (SMITH)  
 Matter: 00000 A\_CHECK (SMITH)

Employee	Date	Task Code	Billed?	Hours	Amount	Narrative
						email with Joe Hashmall [REDACTED].
MXD	08/17/2016	3	N	0.40	\$270.00	Update to team on depositoin and call with opposing counsel afterwards.
MXD	08/17/2016	5	N	0.50	\$337.50	Call with opposing counsel.
MXD	08/17/2016	5	N	2.60	\$1,755.00	Review defendant's discovery responses and draft letter to opposing counsel re outstanding deficiencies.
MXD	08/17/2016	9	N	2.50	\$1,687.50	Prepare for 30b6 deposition.
MXD	08/17/2016	9	N	6.30	\$4,252.50	Attend 30b6 deposition.
MXD	08/18/2016	3	N	0.40	\$270.00	Calls with Joe Hashmall re upcoming meet and confer.
MXD	08/18/2016	6	N	1.50	\$1,012.50	Prepare for and attend meet and confer with opposing counsel on database discovery.
MXD	08/23/2016	7	N	0.40	\$270.00	Email re terms of stipulation to extend schedule.
MXD	09/01/2016	7	N	1.50	\$1,012.50	Prepare for and attend call with opposing counsel and Jon Jaffe re database discovery.
MXD	09/02/2016	7	N	0.50	\$337.50	Review redline and revise correspondence to opposing counsel re database discovery.
MXD	09/08/2016	3	N	0.10	\$67.50	Review new [REDACTED] opinion [REDACTED].
MXD	09/09/2016	3	N	0.10	\$67.50	Review new [REDACTED] opinion [REDACTED].
MXD	09/22/2016	3	N	0.20	\$135.00	Meet with Joe Hashmall and John Albanese to discuss next steps in litigation.
MXD	09/23/2016	25	N	0.10	\$67.50	Review redline and approve [REDACTED].
MXD	09/26/2016	15	N	0.50	\$337.50	Email with co-counsel re potential mediators who we might propose.
MXD	09/26/2016	7	N	0.60	\$405.00	Call with opposing counsel re database discovery.
MXD	09/27/2016	3	N	0.60	\$405.00	Review discovery provided by Defendant, [REDACTED].
MXD	10/05/2016	15	N	0.40	\$270.00	Emails re timing of mediation.
MXD	10/07/2016	7	N	1.20	\$810.00	Review data from Defendant and email with Joe Hashmall re same.
MXD	10/17/2016	3	N	0.10	\$67.50	Call with [REDACTED].
MXD	10/21/2016	15	N	0.70	\$472.50	Calls and emails re potential mediators.
MXD	10/24/2016	15	N	1.00	\$675.00	Review mediator references, email with Joe Hashmall re same.
MXD	10/25/2016	15	N	0.60	\$405.00	Call with opposing counsel re mediation dates and additional potential data we will need for settlement.
MXD	10/25/2016	15	N	0.50	\$337.50	Email with Joe Hashmall re need to schedule time to discuss [REDACTED].
MXD	10/26/2016	25	N	0.30	\$202.50	Review proposed scheduling change, agree on mediation dates.
MXD	10/26/2016	3	N	0.10	\$67.50	Meet to discuss impact of [REDACTED].
MXD	10/27/2016	15	N	0.20	\$135.00	Email re scheduling mediation and need to prepare declaration for extension.



## Client Matter Time Report

1/1/1900 - 4/18/2017

Client: 16330 A-CHECK (SMITH)

Matter: 00000 A\_CHECK (SMITH)

Employee	Date	Task Code	Billed?	Hours	Amount	Narrative
MXD	10/27/2016	3	N	0.20	\$135.00	Prepare memo re next steps in case and need to get estimates from settlement administrators for admin work.
MXD	10/28/2016	25	N	0.40	\$270.00	Review redline and revise declaration in support of extension.
MXD	10/28/2016	3	N	0.80	\$540.00	Meet with Joe Hashmall re [REDACTED] and request letter to opposing counsel specifying additional data.
MXD	10/28/2016	7	N	0.40	\$270.00	Review, revise and redline letter to opposing counsel requesting additional data in advance of mediation.
MXD	10/28/2016	8	N	1.50	\$1,012.50	Review all data provided by Defendant. [REDACTED]
MXD	10/31/2016	25	N	0.50	\$337.50	Call with Steph Tatar re [REDACTED].
MXD	10/31/2016	ST	N	0.20	\$135.00	Meeting with Joe Hashmall re settlement bids.
MXD	11/04/2016	15	N	0.70	\$472.50	Call with opposing counsel re additional data we need to [REDACTED].
MXD	11/15/2016	15	N	0.30	\$202.50	Email opposing counsel re information we need for mediation.
MXD	11/22/2016	25	N	0.10	\$67.50	Meet with Joe Hashmall and John Albanese on case status.
MXD	11/28/2016	15	N	1.60	\$1,080.00	Review redline and revise demand letter and mediation statement.
MXD	11/29/2016	15	N	0.50	\$337.50	Email with Joe Hashmall re settlement values.
MXD	11/30/2016	15	N	4.50	\$3,037.50	Travel to mediation, prepare for mediation [REDACTED]
MXD	12/01/2016	15	N	10.00	\$6,750.00	Prepare for and attend mediation.
MXD	12/02/2016	15	N	4.50	\$3,037.50	Travel back from mediation.
MXD	12/05/2016	15	N	0.20	\$135.00	Email co-counsel re settlement terms.
MXD	12/06/2016	15	N	0.50	\$337.50	Call with [REDACTED]
MXD	12/09/2016	15	N	0.50	\$337.50	Begin review of settlement agreement.
MXD	12/10/2016	15	N	1.00	\$675.00	Review redline and revise draft settlement agreement.
MXD	12/21/2016	15	N	1.10	\$742.50	Review redline and revise settlement agreement.
MXD	12/28/2016	3	N	0.20	\$135.00	Meet with litigation team to discuss case status and next steps in litigation.
MXD	12/28/2016	3	N	0.20	\$135.00	Meet with litigation team to discuss case status and next steps in litigation.
MXD	01/10/2017	3	N	0.20	\$135.00	Meet with Joe Hashmall, John Albanese and litigation team re case status and next steps in litigation.
MXD	01/18/2017	25	N	0.20	\$135.00	Review and revise [REDACTED].
MXD	01/27/2017	3	N	0.20	\$135.00	Meet with Joe Hashmall and John Albanese and litigation team re next steps in case.
MXD	02/15/2017	3	N	0.10	\$67.50	Meet with team and discuss next steps in litigation.
MXD	02/26/2017	15	N	0.30	\$202.50	Email re [REDACTED]
MXD	02/27/2017	15	N	1.50	\$1,012.50	Meet with opposing counsel and attend preliminary approval hearing.

## Client Matter Time Report

1/1/1900 - 4/18/2017

Client: 16330 A-CHECK (SMITH)

Matter: 00000 A\_CHECK (SMITH)

Employee	Date	Task Code	Billed?	Hours	Amount	Narrative
MXD	02/27/2017	15	N	5.00	\$3,375.00	Travel to and prepare for preliminary approval hearing.
MXD	02/27/2017	15	N	0.30	\$202.50	Email team re outcome of hearing.
MXD	02/27/2017	ST	N	0.20	\$135.00	Call with Joe Hashmall re preliminary approval hearing.
MXD	02/28/2017	26	N	4.50	\$3,037.50	Return from LA hearing.
MXD	03/10/2017	25	N	0.10	\$67.50	Meet with team re next steps in litigation.
MXD	03/21/2017	15	N	0.20	\$135.00	Email re fee petition and co-counsel lodestar.
MXD	03/21/2017	3	N	0.10	\$67.50	Meet with entire team re next steps in litigation.
<b>Total for MXD</b>				<b>95.60</b>	<b>\$64,530.00</b>	
RXG	07/19/2016	25	N	0.60	\$90.00	Download and submit docs from defendant to kal, revise and ticket and resubmit with correct coding info
RXG	08/10/2016	8	N	0.20	\$30.00	Download and submit docs from defendant to kal
RXG	08/15/2016	9	N	3.60	\$540.00	Format and prepare exhibits for 306B, create binders and ship additional copies to depo site. Save digital copies for EMD.
RXG	09/01/2016	8	N	0.20	\$30.00	Download and submit Hanley trans to kal and imanage
RXG	09/22/2016	8	N	0.10	\$15.00	Email with Sandy McCollum and DTI re Hanley trans coding
RXG	09/26/2016	25	N	0.30	\$45.00	
RXG	10/06/2016	25	N	0.20	\$30.00	Download and submit docs from NAPBS to kal
RXG	11/29/2016	25	N	0.20	\$30.00	Pull lodestar and costs for JCH
<b>Total for RXG</b>				<b>5.40</b>	<b>\$810.00</b>	
SM	02/18/2016	DI	N	0.20	\$11.50	Create groups and add users and give permissions to access database
SM	08/04/2016	DI	N	0.30	\$17.25	Create coding fields for document production database.
SM	08/11/2016	DI	N	0.60	\$34.50	Create user account, including login information, setting up workspace, adding to appropriate groups, and setting proper permissions to access; send e-mail with Kaleidoscope link to new user; send e-mail with login information; schedule training
SM	08/12/2016	DI	N	0.20	\$11.50	Create user account, including login information, setting up workspace, adding to appropriate groups, and setting proper permissions to access; send e-mail with Kaleidoscope link to new user; send e-mail with login information; schedule training
SM	08/15/2016	DI	N	0.50	\$28.75	Assist Rachel with obtaining a copy of a bates-numbered document from the production database; e-mail document to her; follow up to locate problem with export
SM	08/17/2016	DI	N	1.00	\$57.50	Provide detailed training on Kaleidoscope including its features and functionality for working in a document production database.
<b>Total for SM</b>				<b>2.80</b>	<b>\$161.00</b>	
<b>Total 16330/00000</b>				<b>425.90</b>	<b>\$187,496.10</b>	

Tuesday, April 18, 2017

23/25

**Client Matter Time Report**

1/1/1900 - 4/18/2017

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Client: 16330 A-CHECK (SMITH)  
Matter: 00000 A\_CHECK (SMITH)

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Employee	Date	Task Code	Billed?	Hours	Amount	Narrative
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**Client Matter Time Report**

1/1/1900 - 4/18/2017

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	<b>Hours</b>	<b>Amount</b>
<b>Report Totals</b>	<b>425.90</b>	<b>\$187,496.10</b>

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# **Exhibit B**

Date	Staff_ID	Work_Description_(m)	Hours	Rate	Amount
4/3/2015	Dan Bryden	Travel to Atlanta, meet w/ John Smith, travel back to MSP.	11.9	475	\$5,652.50
4/4/2015	Dan Bryden	Draft complaint; research re both defendants and review [REDACTED]	2.7	475	\$1,282.50
4/5/2015	Dan Bryden	Edit complaint.	1.5	475	\$712.50
4/6/2015	Dan Bryden	Edit complaint; research [REDACTED].	5.8	475	\$2,755.00
4/7/2015	Dan Bryden	Review plaintiff's criminal records & compare to report.	1.4	475	\$665.00
4/8/2015	Dan Bryden	Further review of Smith's criminal records and comparison to report.	2.1	475	\$997.50
4/9/2015	Dan Bryden	Edit complaint; research venue issues and investigate if defendants do business in Philadelphia.	3.5	475	\$1,662.50
4/10/2015	Dan Bryden	Edit draft complaint.	2.2	475	\$1,045.00
4/11/2015	Dan Bryden	Research [REDACTED].	2.9	475	\$1,377.50
4/12/2015	Dan Bryden	Edit complaint and research venue issues.	1.4	475	\$665.00
4/13/2015	Dan Brome	Review draft complaint and confer with Megan D. Yelle re same.	0.6	350	\$210.00
4/14/2015	Eleanor E. Frisch	Review complaint.	0.3	300	\$90.00
4/15/2015	Eleanor E. Frisch	Review summons.	0.1	300	\$30.00
4/16/2015	Erin Odenthal	Drafted motion, memo., and proposed order to transfer venue. Sent via e-correspondence to M. Yelle for review.	1.1	175	\$192.50
4/17/2015	Erin Odenthal	Reviewed correspondence re settlement release and check from opposing counsel. Sent info. via e-correspondence to M. Drake re accounting.	0.4	175	\$70.00
4/18/2015	Erin Odenthal	Drafted CA state complaint. Sent via e-correspondence to M. Yelle for review.	1.6	175	\$280.00
4/19/2015	Erin Odenthal	Revised complaint and prepped exhibits for filing.	0.3	175	\$52.50
4/20/2015	Erin Odenthal	Reviewed local rules. Reviewed complaint and drafted civil cover sheet and certificate of counsel. Sent via e-correspondence to M. Yelle for review.	1.4	175	\$245.00
4/21/2015	Erin Odenthal	E-fax filed the complaint, exhibits, civil cover sheet and certificate of counsel.	0.4	175	\$70.00

4/22/2015	Erin Odenthal	Created Riverside County case record login. Reviewed docket and downloaded file stamped complaint, civil cover sheet, cert. of counsel and updated litigation file. Submitted filing fee receipts to J. Dereu for accounting.	1	175	\$175.00
4/23/2015	Erin Odenthal	Reviewed local rules. Drafted summons and sent via e-correspondence to M. Yelle and M. Drake for review.	1.1	175	\$192.50
4/24/2015	Erin Odenthal	Finalized summons and sent to E. Frisch for review via e-correspondence. E-fax filed the summons. Updated litigation file and team.	0.8	175	\$140.00
4/25/2015	Erin Odenthal	Drafted settlement check cover letter for client and co-counsel. Sent via e-correspondence to M. Drake and M. Yelle for review.	0.5	175	\$87.50
4/26/2015	Erin Odenthal	Finalized and mailed settlement checks to client and co-counsel.	0.5	175	\$87.50
4/27/2015	Erin Odenthal	Reviewed local rules, drafted service cover letter and packet, sent via e-correspondence to M. Drake for review.	2.3	175	\$402.50
4/28/2015	Erin Odenthal	Finalized and sent service letter and packet to Metro Legal for service.	0.2	175	\$35.00
4/29/2015	Erin Odenthal	Reviewed proof of service of summons. [REDACTED]	0.2	175	\$35.00
4/30/2015	E. Michelle Drake	Email D Bryden re venue.	0.3	675	\$202.50
5/1/2015	E. Michelle Drake	Review emails re secretary of state and service issues.	0.2	675	\$135.00
5/2/2015	E. Michelle Drake	Review and redline draft complaint, email D Bryden regarding citations needed.	1.5	675	\$1,012.50
5/3/2015	E. Michelle Drake	Call with [REDACTED] and send email memorializing same to team.	0.8	675	\$540.00
5/4/2015	E. Michelle Drake	Call with Jim Francis and David Searles re co-counsel.	0.6	675	\$405.00
5/5/2015	E. Michelle Drake	Call with APP re [REDACTED]	0.3	675	\$202.50
5/6/2015	E. Michelle Drake	Email Jim Francis re [REDACTED].	0.3	675	\$202.50
5/7/2015	E. Michelle Drake	Review complaint and exhibits, email draft to Jim Francis.	0.5	675	\$337.50

5/8/2015	E. Michelle Drake	Review and redline complaint. Add [REDACTED].	2.3	675	\$1,552.50
5/9/2015	E. Michelle Drake	Review and revise draft co-counsel agreement and client update letter, review and revise complaint and exhibits; email same to co-counsel.	1.4	675	\$945.00
5/10/2015	E. Michelle Drake	Email co-counsel regarding status of filing.	0.2	675	\$135.00
5/11/2015	E. Michelle Drake	Email co-counsel regarding [REDACTED].	0.3	675	\$202.50
5/12/2015	E. Michelle Drake	Call with co-counsel re case filing and next steps.	0.4	675	\$270.00
5/13/2015	E. Michelle Drake	Email with co-counsel re edits to complaint and need for client verification.	0.3	675	\$202.50
5/14/2015	E. Michelle Drake	Call with client re [REDACTED].	0.3	675	\$202.50
5/15/2015	E. Michelle Drake	Review notices of filing.	0.2	675	\$135.00
5/16/2015	E. Michelle Drake	Emails with Jim Francis re communications with opposing counsel-- [REDACTED].	0.4	675	\$270.00
5/17/2015	E. Michelle Drake	Email co-counsel re status on service.	0.1	675	\$67.50
5/18/2015	E. Michelle Drake	Review PA rule re acceptance of service, review draft document, email JKH and Jim Francis re same.	0.4	675	\$270.00
5/19/2015	E. Michelle Drake	Email opposing counsel re acceptance of service.	0.2	675	\$135.00
5/20/2015	E. Michelle Drake	Email with co-counsel re remand motion and new juridical assignment.	0.3	675	\$202.50
5/21/2015	E. Michelle Drake	Call with co-counsel.	0.4	675	\$270.00
5/22/2015	E. Michelle Drake	Call with opposing counsel.	0.3	675	\$202.50
5/23/2015	E. Michelle Drake	Draft email to co-counsel re call with opposing counsel.	0.3	675	\$202.50



5/24/2015	E. Michelle Drake	Email co-counsel re [REDACTED].	0.2	675	\$135.00
5/25/2015	E. Michelle Drake	Emails with co-counsel and opposing counsel re stipulation.	0.3	675	\$202.50
5/26/2015	E. Michelle Drake	Draft first amended complaint; gather and review documents from [REDACTED] [REDACTED]	1.8	675	\$1,215.00
5/27/2015	E. Michelle Drake	Legal research on personal jurisdiction; review [REDACTED] and options for transfer.	0.4	675	\$270.00
5/28/2015	E. Michelle Drake	Call with opposing counsel re issues in case, prospect of individual settlement, email co-counsel regarding same.	0.6	675	\$405.00
5/29/2015	E. Michelle Drake	Email opposing counsel re extension.	0.2	675	\$135.00
5/30/2015	E. Michelle Drake	Call with opposing counsel re extension of time and motion to transfer venue, email co-counsel.	0.3	675	\$202.50
5/31/2015	E. Michelle Drake	Review and approve draft stip to extend.	0.1	675	\$67.50
6/1/2015	E. Michelle Drake	Email opposing counsel re where are our documents.	0.1	675	\$67.50
6/2/2015	E. Michelle Drake	Email opposing counsel and co-counsel re settlement and motion to transfer.	0.3	675	\$202.50
6/3/2015	E. Michelle Drake	Review dates in complaint and send email re [REDACTED] [REDACTED]	0.2	675	\$135.00
6/4/2015	E. Michelle Drake	Email with opposing counsel re status of settlement agreement, motion to transfer, and stipulation to extend deadline so we can determine if we agree on transfer.	0.4	675	\$270.00
6/5/2015	E. Michelle Drake	Email re schedule deadlines.	0.2	675	\$135.00
6/6/2015	E. Michelle Drake	Email opposing counsel re position on change of venue.	0.2	675	\$135.00
6/7/2015	E. Michelle Drake	Email opposing counsel re motion to transfer venue.	0.2	675	\$135.00
6/8/2015	E. Michelle Drake	Email opposing counsel re agreement on order of briefing for transfer motion.	0.2	675	\$135.00

6/9/2015	E. Michelle Drake	Begin drafting memo in support of motion to transfer/opposition to defendant's motion to transfer.	1.3	675	\$877.50
6/10/2015	E. Michelle Drake	Continue drafting memo in support of motion to transfer/opposition to defendant's motion to transfer.	2.7	675	\$1,822.50
6/11/2015	E. Michelle Drake	Call with co-counsel Jim Francis re motion to transfer.	0.4	675	\$270.00
6/12/2015	E. Michelle Drake	Finish first draft of motion to transfer.	1.6	675	\$1,080.00
6/13/2015	E. Michelle Drake	Revise draft of motion to transfer per call with co-counsel.	0.8	675	\$540.00
6/14/2015	E. Michelle Drake	Meet with MDY re additional revisions to motion to transfer.	0.3	675	\$202.50
6/15/2015	E. Michelle Drake	Work on motion to transfer to CDCA.	2	675	\$1,350.00
6/16/2015	E. Michelle Drake	Review MDY edits to motion for transfer.	0.4	675	\$270.00
6/17/2015	E. Michelle Drake	Legal research for additional cases on [REDACTED].	0.3	675	\$202.50
6/18/2015	E. Michelle Drake	Legal research for additional authority supporting [REDACTED].	0.3	675	\$202.50
6/19/2015	E. Michelle Drake	Email co-counsel revised brief on motion to transfer.	0.1	675	\$67.50
6/20/2015	E. Michelle Drake	Call with co-counsel re motion for transfer.	0.3	675	\$202.50
6/21/2015	E. Michelle Drake	Research [REDACTED].	0.5	675	\$337.50
6/22/2015	E. Michelle Drake	Email co-counsel re complaint filing in California and fee split.	0.2	675	\$135.00
6/23/2015	E. Michelle Drake	Email co-counsel re complaint filing in California state court.	0.1	675	\$67.50
6/24/2015	E. Michelle Drake	Call with Steph Tatar re filing in Riverside.	0.2	675	\$135.00
6/25/2015	E. Michelle Drake	Email and call with M Yelle re venue issues.	0.3	675	\$202.50

6/26/2015	E. Michelle Drake	Meet with J Hibray re fax filing tomorrow.	0.1	675	\$67.50
6/27/2015	E. Michelle Drake	Review summons prior to service.	0.2	675	\$135.00
6/28/2015	E. Michelle Drake	Email re status of service.	0.3	675	\$202.50
6/29/2015	E. Michelle Drake	Email re status of service.	0.1	675	\$67.50
6/30/2015	Jean Hibray	Research and book travel for [REDACTED].	0.6	275	\$165.00
7/1/2015	Jean Hibray	Move over client documents from Access, organize same in file.	0.2	275	\$55.00
7/2/2015	Jean Hibray	Discuss requesting court records with D Bryden.	0.1	275	\$27.50
7/3/2015	Jean Hibray	Research court files for client, calls with courts regarding request process, draft request letters and send.	1	275	\$275.00
7/4/2015	Jean Hibray	Prepare complaint template.	0.1	275	\$27.50
7/5/2015	Jean Hibray	Review court files received.	0.2	275	\$55.00
7/6/2015	Jean Hibray	Review court files received.	0.5	275	\$137.50
7/7/2015	Jean Hibray	Research [REDACTED]	0.2	275	\$55.00
7/8/2015	Jean Hibray	Proof complaint, prepare exhibits. Draft co-counsel agreement, letter to client. Emails regarding same.	2	275	\$550.00
7/9/2015	Jean Hibray	Prepare letter and form, [REDACTED].	0.2	275	\$55.00
7/10/2015	Jean Hibray	Prepare [REDACTED] letter, email co-counsel.	0.2	275	\$55.00
7/11/2015	Jean Hibray	Research acceptance of service, draft form.	0.3	275	\$82.50
7/12/2015	Jean Hibray	Research Pennsylvania rules re discovery and class cert.	0.3	275	\$82.50
7/13/2015	Jean Hibray	Review ED Pa rules and procedures.	1	275	\$275.00
7/14/2015	Jean Hibray	Prepare Drake pro hac.	0.2	275	\$55.00
7/15/2015	Jean Hibray	Order documents from secretary of state and calls re same.	0.5	275	\$137.50
7/16/2015	Jean Hibray	Discuss amendment deadline with M Drake. Finalize amended complaint and prepare exhibits. Email local counsel to file.	1	275	\$275.00
7/17/2015	Jean Hibray	Review client docs for importing into Relativity.	0.2	275	\$55.00
7/18/2015	Jean Hibray	Review file for status of legal services and co-counsel agreements.	0.1	275	\$27.50
7/19/2015	Jean Hibray	Discussions with team re motion to transfer plan.	0.2	275	\$55.00
7/20/2015	Jean Hibray	Discussions with team re motion to transfer, statute of limitations, and dismissal.	0.3	275	\$82.50
7/21/2015	Jean Hibray	Proof, format notice of dismissal, finalize and file same.	0.2	275	\$55.00

7/22/2015	Jean Hibray	Research Riverside filing procedures, emails with attorney re same.	0.3	275	\$82.50
7/23/2015	Matthew Helland	Review complaint.	0.1	550	\$55.00
7/24/2015	Megan Yelle	Meet with EMD regarding case.	0.3	350	\$105.00
7/25/2015	Megan Yelle	Review and revise client letter re assignment of attorneys' fees.	0.4	350	\$140.00
7/26/2015	Megan Yelle	Review and revise motion to transfer.	1.8	350	\$630.00
7/27/2015	Megan Yelle	Meet with EMD regarding motion to transfer.	0.4	350	\$140.00
7/28/2015	Megan Yelle	Revise motion to transfer.	1.5	350	\$525.00
7/29/2015	Megan Yelle	Review defendant's motion to transfer.	0.5	350	\$175.00
7/30/2015	Megan Yelle	Review case law regarding [REDACTED]	0.3	350	\$105.00
7/31/2015	Megan Yelle	Correspond with team regarding filing in California state court.	0.3	350	\$105.00
8/1/2015	Megan Yelle	Review and revise California state court complaint.	1.1	350	\$385.00
8/2/2015	Megan Yelle	Phone call with EMD regarding claims in California state court.	0.3	350	\$105.00
8/3/2015	Megan Yelle	Research California state court claims.	0.4	350	\$140.00
8/4/2015	Megan Yelle	Phone call with DSB regarding filing in California state court.	0.2	350	\$70.00
8/5/2015	Megan Yelle	Review complaint prior to filing.	0.6	350	\$210.00
8/6/2015	Megan Yelle	Phone call with EMD regarding filing jurisdiction.	0.3	350	\$105.00
8/7/2015	Megan Yelle	Phone call with JKH regarding filing jurisdiction.	0.2	350	\$70.00
8/8/2015	Megan Yelle	Correspond with litigation team regarding filing jurisdiction.	0.5	350	\$175.00
8/9/2015	Megan Yelle	Review filing documentation.	0.4	350	\$140.00
8/10/2015	Megan Yelle	Review correspondence with co-counsel.	0.1	350	\$35.00
8/11/2015	Megan Yelle	Review draft summons.	0.2	350	\$70.00
8/12/2015	Megan Yelle	Research California rules regarding service of summons and time to respond and draft correspondence to EMD regarding same.	0.8	350	\$280.00
			99.3		\$46,285.00

# **Exhibit C**

**Berger & Montague Expenses**

**Expense Activity**

1/1/1900 - 4/18/2017

Expense Code/Description	Date	Description	Check Number	Recorded Amount
<b>16330 A-CHECK (SMITH)</b>				
00000 A_CHECK (SMITH)				MXD
40 Telephone				
	06/23/2016	Long Distance		0.64
	08/09/2016	LOOP-UP - JULY 2016		7.30
	09/16/2016	LOOP-UP - AUGUST 2016		3.82
	09/16/2016	LOOP-UP - AUGUST 2016		4.84
	10/13/2016	LOOP-UP - SEPT. 2016		1.66
<b>Total 40 Telephone</b>				<b>18.26</b>
41 Travel				
	03/04/2016	AMEX-31000 - 02/04/2016		10.00
	04/01/2016	MICHELLE DRAKE - 02/08/16 - COURT FEE - CERTIFICATE		28.15
	04/01/2016	MICHELLE DRAKE - 02/03/16 - COURT FEE - CERTIFICATE		28.15
	05/04/2016	AMEX-01005 - 03/23/16 - HASHMALL, JOSEPH - from Los Angeles, CA. to Boston, MA.		188.10
	05/04/2016	AMEX-01005 - 03/23/16 - HASHMALL, JOSEPH - from Minneapolis, MN. to Los Angeles, CA.		303.10
	05/04/2016	AMEX-01005 - 04/18/16 - DRAKE, MICHELL - from Minneapolis, MN. to Phila.		500.20
	08/08/2016	AMEX-01005 - 7/08/16 - DRAKE, MICHEL- from Minneapolis, MN. to Los Angeles, CA.		532.20
	08/08/2016	AMEX-01005 - 7/08/16 - DRAKE, MICHEL- from Minneapolis, MN. to Los Angeles, CA.		849.70
	12/07/2016	AMEX-01005 - 11/11/16- MICHELLE DRAKE - from MINNEAPOLIS, MN. to LOS ANGELES, CA.		517.20
	12/07/2016	AMEX-01005 - 11/18/16- JOSEPH HASHMALL - from MINNEAPOLIS, MN. to LOS ANGELES, CA.		706.20
	12/13/2016	JOE HASHMALL; Invoice # 16330 113016; Travel attend mediation LA	112896	868.53
	03/24/2017	MICHELLE DRAKE; Invoice # December 2016; Travel trip 12/1/16 to 12/5/16	113617	1,245.16
	03/24/2017	MICHELLE DRAKE; Invoice # February 2017; Travel 2/27/17 - 2/28/17	113617	78.21
<b>Total 41 Travel</b>				<b>5,854.90</b>
42 Reproduction costs				
	05/25/2016	Copies		21.60
	06/07/2016	Copies		3.15
	07/05/2016	Copies		4.05
	07/18/2016	Copies		13.05
	08/15/2016	Copies		63.00

## Expense Activity

1/1/1900 - 4/18/2017

Expense Code/Description Client/Matter/Originating Timekeeper	Date	Description	Check Number	Recorded Amount
	08/19/2016	Copies		20.25
	08/24/2016	Copies		0.15
	08/24/2016	Copies		0.30
	09/02/2016	Copies		0.60
	12/07/2016	Copies		0.15
Total 42		Reproduction costs		126.30
42B		Reproduction costs Print		
	04/08/2016	Printing		0.10
	04/11/2016	Printing		0.10
	05/25/2016	Printing		0.30
	05/25/2016	Printing		0.10
	05/25/2016	Printing		0.30
	05/25/2016	Printing		0.30
	05/25/2016	Printing		0.30
	05/25/2016	Printing		0.10
	05/25/2016	Printing		0.30
	05/25/2016	Printing		0.30
	05/25/2016	Printing		0.60
	05/25/2016	Printing		0.70
	05/25/2016	Printing		0.30
	05/25/2016	Printing		1.70
	05/25/2016	Printing		0.30
	05/25/2016	Printing		0.10
	05/25/2016	Printing		0.10
	05/25/2016	Printing		0.50
	05/25/2016	Printing		1.60
	05/25/2016	Printing		0.60
	05/27/2016	Printing		1.90
	06/07/2016	Printing		0.30
	06/07/2016	Printing		0.10
	06/07/2016	Printing		0.10
	06/07/2016	Printing		0.10
	06/07/2016	Printing		0.40
	06/08/2016	Printing		0.20
	06/08/2016	Printing		1.00
	06/08/2016	Printing		0.10
	06/08/2016	Printing		0.20
	06/09/2016	Printing		0.40
	06/09/2016	Printing		0.20
	06/09/2016	Printing		0.20
	07/05/2016	Printing		0.10
	07/05/2016	Printing		0.10
	07/05/2016	Printing		0.10
	07/05/2016	Printing		0.10

## Expense Activity

1/1/1900 - 4/18/2017

Expense Code/Description Client/Matter/Originating Timekeeper	Date	Description	Check Number	Recorded Amount
	07/05/2016	Printing		0.60
	07/05/2016	Printing		0.30
	07/11/2016	Printing		0.10
	07/18/2016	Printing		0.10
	07/18/2016	Printing		0.10
	07/18/2016	Printing		0.10
	07/18/2016	Printing		2.40
	07/18/2016	Printing		0.30
	07/20/2016	Printing		0.20
	07/20/2016	Printing		0.20
	07/20/2016	Printing		0.20
	07/20/2016	Printing		0.20
	07/20/2016	Printing		0.10
	07/20/2016	Printing		1.40
	07/20/2016	Printing		0.20
	07/20/2016	Printing		1.40
	07/20/2016	Printing		1.40
	07/20/2016	Printing		0.20
	07/20/2016	Printing		0.40
	07/20/2016	Printing		0.10
	07/20/2016	Printing		0.10
	07/20/2016	Printing		0.10
	07/20/2016	Printing		0.10
	07/20/2016	Printing		0.10
	07/20/2016	Printing		0.10
	07/20/2016	Printing		0.10
	07/20/2016	Printing		0.80
	07/20/2016	Printing		0.30
	07/20/2016	Printing		0.30
	07/20/2016	Printing		0.50
	07/20/2016	Printing		0.10
	07/20/2016	Printing		0.10
	07/20/2016	Printing		0.10
	07/22/2016	Printing		1.70
	07/22/2016	Printing		0.10
	07/25/2016	Printing		1.40
	07/25/2016	Printing		0.20
	07/25/2016	Printing		0.10
	07/25/2016	Printing		0.20
	07/25/2016	Printing		1.40
	07/25/2016	Printing		0.20
	07/25/2016	Printing		0.10
	07/25/2016	Printing		0.20
	07/29/2016	Printing		0.50
	07/29/2016	Printing		0.20



## Expense Activity

1/1/1900 - 4/18/2017

Expense Code/Description Client/Matter/Originating Timekeeper	Date	Description	Check Number	Recorded Amount
	07/29/2016	Printing		0.20
	07/29/2016	Printing		5.20
	07/29/2016	Printing		1.00
	07/29/2016	Printing		1.80
	07/29/2016	Printing		5.00
	07/29/2016	Printing		0.40
	08/02/2016	Printing		1.40
	08/02/2016	Printing		0.20
	08/02/2016	Printing		0.10
	08/03/2016	Printing		0.10
	08/03/2016	Printing		0.20
	08/04/2016	Printing		0.10
	08/04/2016	Printing		0.10
	08/04/2016	Printing		0.10
	08/04/2016	Printing		0.20
	08/04/2016	Printing		0.10
	08/04/2016	Printing		0.70
	08/04/2016	Printing		0.70
	08/05/2016	Printing		0.30
	08/05/2016	Printing		0.20
	08/11/2016	Printing		0.70
	08/11/2016	Printing		1.30
	08/11/2016	Printing		1.30
	08/11/2016	Printing		0.30
	08/11/2016	Printing		0.30
	08/12/2016	Printing		0.10
	08/12/2016	Printing		0.10
	08/12/2016	Printing		0.10
	08/12/2016	Printing		0.10
	08/12/2016	Printing		0.10
	08/12/2016	Printing		0.10
	08/12/2016	Printing		0.20
	08/12/2016	Printing		0.20
	08/12/2016	Printing		0.20
	08/12/2016	Printing		0.10
	08/15/2016	Printing		2.00
	08/15/2016	Printing		2.10
	08/15/2016	Printing		0.70
	08/15/2016	Printing		0.20
	08/15/2016	Printing		0.70
	08/15/2016	Printing		0.60
	08/15/2016	Printing		0.50
	08/15/2016	Printing		4.20
	08/15/2016	Printing		1.10

## Expense Activity

1/1/1900 - 4/18/2017

Expense Code/Description Client/Matter/Originating Timekeeper	Date	Description	Check Number	Recorded Amount
	08/15/2016	Printing		1.10
	08/15/2016	Printing		2.10
	08/15/2016	Printing		0.20
	08/15/2016	Printing		0.70
	08/15/2016	Printing		0.60
	08/15/2016	Printing		0.60
	08/15/2016	Printing		0.60
	08/15/2016	Printing		0.30
	08/15/2016	Printing		0.60
	08/15/2016	Printing		0.10
	08/15/2016	Printing		1.60
	08/15/2016	Printing		0.90
	08/15/2016	Printing		0.50
	08/15/2016	Printing		0.10
	08/15/2016	Printing		2.00
	08/15/2016	Printing		2.90
	08/15/2016	Printing		3.60
	08/15/2016	Printing		4.60
	08/15/2016	Printing		2.60
	08/15/2016	Printing		0.70
	08/15/2016	Printing		0.60
	08/15/2016	Printing		0.20
	08/15/2016	Printing		0.30
	08/15/2016	Printing		0.30
	08/15/2016	Printing		0.90
	08/15/2016	Printing		1.30
	08/15/2016	Printing		4.20
	08/15/2016	Printing		2.60
	08/15/2016	Printing		0.90
	08/15/2016	Printing		0.50
	08/15/2016	Printing		0.10
	08/15/2016	Printing		0.70
	08/15/2016	Printing		0.20
	08/15/2016	Printing		2.90
	08/15/2016	Printing		3.60
	08/15/2016	Printing		4.60
	08/15/2016	Printing		0.60
	08/15/2016	Printing		0.50
	08/15/2016	Printing		0.90
	08/15/2016	Printing		1.30
	08/15/2016	Printing		0.30
	08/15/2016	Printing		0.10
	08/15/2016	Printing		4.20
	08/15/2016	Printing		0.70
	08/15/2016	Printing		0.60

## Expense Activity

1/1/1900 - 4/18/2017

Expense Code/Description Client/Matter/Originating Timekeeper	Date	Description	Check Number	Recorded Amount
	08/15/2016	Printing		0.60
	08/15/2016	Printing		0.70
	08/15/2016	Printing		0.20
	08/15/2016	Printing		2.10
	08/15/2016	Printing		0.60
	08/15/2016	Printing		0.10
	08/15/2016	Printing		0.50
	08/15/2016	Printing		0.90
	08/15/2016	Printing		2.60
	08/15/2016	Printing		0.70
	08/15/2016	Printing		0.60
	08/15/2016	Printing		0.10
	08/15/2016	Printing		1.10
	08/15/2016	Printing		0.90
	08/15/2016	Printing		1.60
	08/15/2016	Printing		0.30
	08/15/2016	Printing		4.60
	08/15/2016	Printing		3.60
	08/15/2016	Printing		2.90
	08/15/2016	Printing		2.00
	08/15/2016	Printing		0.80
	08/15/2016	Printing		0.40
	08/15/2016	Printing		10.40
	08/15/2016	Printing		2.60
	08/15/2016	Printing		0.50
	08/15/2016	Printing		0.10
	08/15/2016	Printing		0.30
	08/15/2016	Printing		0.90
	08/15/2016	Printing		1.30
	08/15/2016	Printing		0.10
	08/15/2016	Printing		0.90
	08/15/2016	Printing		0.20
	08/15/2016	Printing		0.10
	08/16/2016	Printing		0.10
	08/16/2016	Printing		0.20
	08/18/2016	Printing		0.10
	08/18/2016	Printing		0.40
	08/18/2016	Printing		0.10
	08/19/2016	Printing		0.10
	08/19/2016	Printing		1.60
	08/19/2016	Printing		0.10
	08/19/2016	Printing		0.20
	08/19/2016	Printing		0.40
	08/19/2016	Printing		0.80
	08/19/2016	Printing		0.10

## Expense Activity

1/1/1900 - 4/18/2017

Expense Code/Description Client/Matter/Originating Timekeeper	Date	Description	Check Number	Recorded Amount
	08/19/2016	Printing		0.10
	08/19/2016	Printing		0.10
	08/19/2016	Printing		0.10
	08/19/2016	Printing		0.30
	08/19/2016	Printing		0.10
	08/19/2016	Printing		0.10
	08/19/2016	Printing		0.10
	08/19/2016	Printing		0.10
	08/19/2016	Printing		0.10
	08/19/2016	Printing		0.10
	08/19/2016	Printing		0.10
	08/22/2016	Printing		0.10
	08/22/2016	Printing		0.10
	08/22/2016	Printing		0.10
	08/22/2016	Printing		0.10
	08/22/2016	Printing		0.10
	08/22/2016	Printing		0.10
	08/22/2016	Printing		0.10
	08/22/2016	Printing		0.10
	08/22/2016	Printing		2.90
	08/22/2016	Printing		0.10
	08/24/2016	Printing		0.40
	08/24/2016	Printing		0.10
	08/24/2016	Printing		0.10
	08/24/2016	Printing		0.30
	08/24/2016	Printing		0.10
	08/24/2016	Printing		0.10
	08/24/2016	Printing		0.90
	08/24/2016	Printing		0.10
	08/24/2016	Printing		0.10
	08/24/2016	Printing		0.10
	08/24/2016	Printing		0.20
	08/25/2016	Printing		0.20
	08/25/2016	Printing		0.10
	08/25/2016	Printing		0.10
	08/25/2016	Printing		0.10
	08/26/2016	Printing		0.40
	09/22/2016	Printing		0.10
	09/22/2016	Printing		1.40
	09/22/2016	Printing		0.20
	09/23/2016	Printing		0.20
	09/23/2016	Printing		0.30
	09/28/2016	Printing		1.00
	10/04/2016	Printing		0.70

## Expense Activity

1/1/1900 - 4/18/2017

Expense Code/Description Client/Matter/Originating Timekeeper	Date	Description	Check Number	Recorded Amount
	10/04/2016	Printing		0.30
	10/05/2016	Printing		0.20
	10/28/2016	Printing		0.50
	11/01/2016	Printing		0.20
	11/28/2016	Printing		0.10
	11/28/2016	Printing		0.60
	11/28/2016	Printing		2.80
	11/28/2016	Printing		3.80
	11/28/2016	Printing		0.20
	11/29/2016	Printing		0.30
	11/29/2016	Printing		0.10
	11/29/2016	Printing		0.30
	11/29/2016	Printing		0.30
	11/30/2016	Printing		0.20
	11/30/2016	Printing		0.20
	12/01/2016	Printing		0.10
	12/01/2016	Printing		0.20
	12/01/2016	Printing		0.10
	12/01/2016	Printing		0.10
	12/01/2016	Printing		0.10
	12/01/2016	Printing		0.20
	12/01/2016	Printing		0.10
	12/07/2016	Printing		0.10
	12/07/2016	Printing		2.30
	12/08/2016	Printing		0.20
	01/10/2017	Printing		2.10
	01/24/2017	Printing		2.10
	01/24/2017	Printing		0.10
	01/30/2017	Printing		2.30
	01/30/2017	Printing		0.50
	01/30/2017	Printing		5.00
	01/30/2017	Printing		3.20
	01/30/2017	Printing		3.20
	01/30/2017	Printing		0.40
	02/02/2017	Printing		0.10
	02/02/2017	Printing		0.10
	02/06/2017	Printing		0.10
	03/02/2017	Printing		1.90
	03/06/2017	Printing		0.10
	03/06/2017	Printing		0.10
	03/06/2017	Printing		0.10
	03/06/2017	Printing		0.10
	03/06/2017	Printing		0.10
	03/06/2017	Printing		0.10
	03/06/2017	Printing		0.10
	03/06/2017	Printing		0.10

## Expense Activity

1/1/1900 - 4/18/2017

Expense Code/Description Client/Matter/Originating Timekeeper	Date	Description	Check Number	Recorded Amount
	03/06/2017	Printing		2.20
	03/06/2017	Printing		0.20
	03/06/2017	Printing		0.10
	03/06/2017	Printing		0.10
	03/06/2017	Printing		0.80
	03/06/2017	Printing		0.10
	04/11/2017	Printing		2.40
	04/11/2017	Printing		0.40
	04/11/2017	Printing		7.20
Total 42B		Reproduction costs Print		239.40
42C		Reproduction costs Scans		
	06/07/2016	Scanning		0.15
	06/07/2016	Scanning		0.20
	06/07/2016	Scanning		0.20
	07/05/2016	Scanning		0.45
	07/18/2016	Scanning		0.15
	07/18/2016	Scanning		1.25
	07/18/2016	Scanning		0.05
	08/19/2016	Scanning		2.10
	08/23/2016	Scanning		0.45
	08/24/2016	Scanning		1.15
	09/12/2016	Scanning		0.10
	10/05/2016	Scanning		0.45
	10/13/2016	Scanning		0.30
	10/13/2016	Scanning		0.35
	11/03/2016	Scanning		0.10
	01/24/2017	Scanning		1.10
	04/03/2017	Scanning		0.15
Total 42C		Reproduction costs Scans		8.70
42D		COLOR PRINTS		
	04/11/2016	Color Printing		0.30
	05/25/2016	Color Printing		0.30
	05/25/2016	Color Printing		0.30
	05/25/2016	Color Printing		0.30
	05/25/2016	Color Printing		0.30
	05/25/2016	Color Printing		0.30
	05/25/2016	Color Printing		0.30
	05/25/2016	Color Printing		0.30
	05/25/2016	Color Printing		0.30
	05/25/2016	Color Printing		0.30
	05/25/2016	Color Printing		0.30
	05/25/2016	Color Printing		0.30
	05/25/2016	Color Printing		0.30
	05/25/2016	Color Printing		0.30
	05/25/2016	Color Printing		0.30
	05/25/2016	Color Printing		0.30
	05/25/2016	Color Printing		0.30

## Expense Activity

1/1/1900 - 4/18/2017

Expense Code/Description Client/Matter/Originating Timekeeper	Date	Description	Check Number	Recorded Amount
	05/25/2016	Color Printing		0.30
	05/25/2016	Color Printing		1.80
	06/07/2016	Color Printing		0.60
	06/07/2016	Color Printing		0.60
	06/07/2016	Color Printing		0.90
	07/11/2016	Color Printing		0.30
	07/18/2016	Color Printing		0.30
	07/18/2016	Color Printing		0.30
	07/22/2016	Color Printing		0.30
Total 42D COLOR PRINTS 42E Convert To Tiff				9.90
	06/08/2016	Convert To Tiff		26.85
	06/10/2016	Convert To Tiff		0.15
	06/17/2016	Convert To Tiff		1.65
	06/23/2016	Convert To Tiff		1,194.36
	06/27/2016	Convert To Tiff		17.10
	07/13/2016	Convert To Tiff		0.09
	07/21/2016	Convert To Tiff		0.60
	07/21/2016	Convert To Tiff		3.12
	07/21/2016	Convert To Tiff		0.21
	07/27/2016	Convert To Tiff		1.62
	08/10/2016	Convert To Tiff		13.20
	09/06/2016	Convert To Tiff		17.82
Total 42E Convert To Tiff 42F OCR				1,276.77
	06/08/2016	OCR		8.95
	06/17/2016	OCR		0.55
	06/23/2016	OCR		398.12
	06/27/2016	OCR		5.70
	07/13/2016	OCR		0.03
	07/21/2016	OCR		0.20
	07/21/2016	OCR		1.04
	07/21/2016	OCR		0.07
	07/27/2016	OCR		0.54
	08/10/2016	OCR		4.40
	09/06/2016	OCR		5.94
Total 42F OCR 42G Endorse				425.54
	06/27/2016	Endorse		5.70
	07/13/2016	Endorse		0.03
Total 42G Endorse 42H HOSTING				5.73
	03/31/2016	March 2016 Hosting		0.49
	04/30/2016	April 2016 Hosting		0.49
	05/31/2016	May 2016 Hosting		0.49
	07/13/2016	June 2016		3.01

## Expense Activity

1/1/1900 - 4/18/2017

Expense Code/Description Client/Matter/Originating Timekeeper	Date	Description	Check Number	Recorded Amount
	07/31/2016	July 2016		68.74
	08/31/2016	August 2016		69.51
	09/30/2016	September 2016		69.44
	10/31/2016	October 2016		70.56
	11/30/2016	Nov-16		70.56
	12/31/2016	Dec 2016		70.56
	01/31/2017	January 2017		70.56
	02/28/2017	Feb 2017		70.56
	03/31/2017	Mar-17		70.56
Total 42H HOSTING 43 Transcripts				635.53
	09/21/2016	DOCUMENT TECHNOLOGIES INC.; Invoice # M-088298; Transcripts	112363	1,281.75
Total 43 Transcripts 46 Office Expense				1,281.75
	08/04/2016	AMEX-31000- 6/23/16/ MN - SYSTOOLS SOFTWARE		29.00
Total 46 Office Expense 47 Filing & Misc. Fees				29.00
	05/17/2016	SUPREME COURT; Invoice # 163330 2232016; Filing & Misc. Fees	2232016	10.00
	06/16/2016	TATAR LAW FIRM; Invoice # 112; Filing & Misc. Fees	111763	650.00
Total 47 Filing & Misc. Fees 48 Commercial Copying & Printing				660.00
	03/28/2016	ADV DOCUMENT SYS. INVOICE#10432		14.06
Total 48 Commercial Copying & Printing 55 Computer Research				14.06
	02/19/2016	PACER - DEC.2015 - JAN.2016		0.10
	03/02/2016	WEST - FEB. 2016		67.07
	03/10/2016	COURTLINK - INVOICE # EA-659779		13.00
	04/13/2016	COURTLINK - INVOICE# EA-663243		2.54
	04/13/2016	COURTLINK - INVOICE# EA-663243		0.41
	04/13/2016	PACER - FEBRUARY - MARCH 2016		1.40
	08/02/2016	WEST - MARCH 2016		155.15
	09/02/2016	WEST - AUGUST 2016		137.78
	09/20/2016	PACER - JULY 2016		0.20
	09/20/2016	PACER - AUGUST 2016		0.70
	11/16/2016	COURTLINK - INVOICE# EA-688137		0.39
	12/07/2016	WEST - NOV. 2016		44.02
	12/15/2016	COURTLINK - NOV.2016		0.38
	12/15/2016	COURTLINK - NOV.2016		0.38
	01/03/2017	WEST - DEC. 2016		43.79
	02/14/2017	Computer Research West January 2017		53.78
	02/21/2017	COURTLINK - INVOICE# EA-698987		0.35
	03/01/2017	WEST - FEB.2017		102.59



**Expense Activity**

1/1/1900 - 4/18/2017

Expense Code/Description Client/Matter/Originating Timekeeper	Date	Description	Check Number	Recorded Amount
Total 55 Computer Research				624.03
59 Delivery & freight				
	08/04/2016	FEDEX - INVOICE#5-493-81751 - 07/21/16 - RECIPIENT: PAM STATHAM		42.57
	08/04/2016	FEDEX - INVOICE#5-493-81751 - 07/25/16 - RECIPIENT: HON KENLY KATO		20.60
	08/24/2016	FEDEX-INVOICE# 5-523-69283 - 08/16/16 - RECIPIENT: PAMELA DEVATA		47.46
Total 59 Delivery & freight				110.63
60 Consulting fees				
	10/21/2016	ITS-YOUR-INTERNET.COM; Invoice # 1751; Consulting fees usg/sept	122547	600.00
	11/16/2016	ITS-YOUR-INTERNET.COM; Invoice # 1766; Consulting fees	112709	650.00
Total 60 Consulting fees				1,250.00
77 Outside Contractor				
	06/22/2016	METRO LEGAL; Invoice # 2931718; Outside Contractor	111852	310.00
	10/07/2016	METRO LEGAL; Invoice # 2949841; Outside Contractor	122473	345.00
Total 77 Outside Contractor				655.00
87 Mediation Fees				
	11/16/2016	Kessler & Kessler; Invoice # 16-2628- JBK-USDC; Mediation Fees	112713	2,000.00
Total 87 Mediation Fees				2,000.00
Total 00000 A_CHECK (SMITH)				15,225.50
<b>Total 16330 A-CHECK (SMITH)</b>				<b>15,225.50</b>
<b>Report Totals</b>				<b>15,225.50</b>

# **Exhibit D**

**Nichols Kaster Expenses**

<b>Date</b>	<b>Work_Description_(m)</b>	<b>Hours</b>	<b>Rate</b>	<b>Amount</b>
12/4/2015	Check issued to Riverside Court - Docket access	0	0	\$1.00
12/4/2015	Check issued to Riverside Court - Docket access	0	0	\$2.00
12/4/2015	Check issued to Riverside Court - E-fax filing fee	0	0	\$36.00
12/4/2015	Check issued to Riverside Court - Filing fee	0	0	\$450.00
12/7/2015	Check issued to Riverside Court - Complex designation fee	0	0	\$1,000.00
12/7/2015	Check issued to Riverside Court - E-fax filing fee	0	0	\$1.50
12/17/2015	Westlaw	0	0	\$100.00
12/30/2015	PACER	0	0	\$17.90
12/31/2015	Postage	0	0	\$13.47
1/7/2016	Westlaw	0	0	\$100.00
1/14/2016	Check issued to Metro Legal Services - Courier service - A-Check America	0	0	\$175.00
1/29/2016	Postage	0	0	\$1.85
2/16/2016	Westlaw	0	0	\$100.00
				<b>\$1,998.72</b>

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*Stephanie@TheTatarLawFirm.com*

Attorney for Plaintiff,  
*Plaintiff and the Proposed Class*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

JOHN SMITH, individually and as a  
representative of the Class,

Plaintiff,

vs.

A-CHECK AMERICA, INC. d/b/a A-  
CHECK GLOBAL

Defendants.

**Case Action No.:**  
**5:16-cv-00174-VAP-KK**

**DECLARATION OF STEPHANIE  
R. TATAR IN SUPPORT OF  
MOTION FOR AWARD OF  
ATTORNEYS' FEES AND COSTS**

Hearing Date: July 10, 2017  
Courtroom: 8A  
Time: 2:00 p.m.

I, Stephanie R. Tatar, do hereby state and declare:

1. I am an attorney at law, duly licensed to practice before all courts in the State of California and the State of Illinois. I am the principal in the law firm of Tatar Law Firm, APC, counsel of record for Plaintiff John Smith. I am many years over the age of twenty-one years and am personally familiar with every fact as set forth in this Declaration, and, if called as a witness in a court of law, could competently testify thereto.

1           2.     Tatar Law Firm, APC utilizes computer software that assists in keeping  
2 track of actual time expended in performing various legal tasks on any given case.  
3 Tatar Law Firm, APC bills in minimum increments of one tenth (0.1) of an hour, or  
4 six minutes. This is the case for all clients, whether they are a regular paying client  
5 or have a deferred billing arrangement.

6           3.     I personally input the time I expend on any given activity into the time  
7 tracking software, Amicus Attorney. Insofar as the records of fees, costs and  
8 expenses are concerned regarding each individual case file in the office, I am the  
9 custodian of those records. These time records are routinely prepared in the ordinary  
10 course of business by me, I have personal knowledge of the tasks performed and I  
11 enter my time into the computer, at or near the time each task is actually performed.

12           4.     Attached hereto, collectively identified as Exhibit "A" and incorporated  
13 by this reference, is a true and correct copy of a computer-generated document that  
14 itemizes attorneys' fees actually incurred in this case. This document is the final  
15 billing in this matter, except for time expended to litigate or appear at any subsequent  
16 hearings.

17           5.     I have personally reviewed the document and all of the hours and tasks  
18 contained therein, and I attest that all of these tasks were actually done, and took at  
19 least as much time to perform as is reflected in the time sheets.

20           6.     I have not received payment for any of the time I have incurred in this  
21 matter, and had agreed to co-counsel and represent the Plaintiff on a "contingent"  
22 basis. By this, I mean that I agreed to take on the considerable risk of not being paid  
23 for any of my time, in the event that Plaintiff did not prevail at trial or through  
24 settlement.

25           6.     Tatar Law Firm, APC has dedicated itself to consumer protection law.  
26 I have practiced extensively in consumer protection litigation for fourteen (14) years.

27  
28

1           7. I have represented consumers in the United States District Courts for  
2 the Central District of California, the Northern District of California, the Eastern  
3 District of California and the Southern District of California. I have prosecuted  
4 claims in the Superior Court of California for the Counties of Los Angeles, Ventura,  
5 Orange, San Bernardino, Riverside, Santa Barbara, and San Diego. I have also  
6 represented consumers in the United States District Court for the Northern District  
7 of Illinois, and various state courts in Illinois. I have personally prosecuted over  
8 twenty-five trials and arbitrations involving consumer rights litigation. My litigation  
9 experience also includes consumer warranty issues brought in state and federal  
10 courts.

11           8. I have argued before the Illinois Appellate Court on a consumer  
12 protection case involving consumer fraud.

13           9. I attended DePaul University, College of Law where I graduated cum  
14 laude in 2002.

15           10. I immediately began working at a national law firm which focused on  
16 consumer rights litigation in Chicago, Illinois. I worked with this firm for four years,  
17 and gained extensive experience in prosecuting consumer warranty and consumer  
18 fraud claims in state and federal courts.

19           11. In 2006, I began working for Norman Taylor & Associates, a widely  
20 recognized consumer litigation firm which focused on cases brought under the  
21 Magnuson Moss Warranty Act, the Song-Beverly Consumer Warranty Act and the  
22 Consumer Legal Remedies Act. I also handled cases alleging violations of the Fair  
23 Credit Reporting Act and the Fair Debt Collection Practices Act. As director of  
24 litigation, I was responsible for overseeing the conduct of litigation, managed several  
25 associate attorneys, paralegals and secretaries.

26           12. In August 2010, I left Norman Taylor & Associates and started my own  
27 practice. Tatar Law Firm, APC is a consumer rights litigation firm which handles  
28

1 cases throughout the State of California. The majority of these cases allege  
2 violations of the Fair Credit Reporting Act, the California Consumer Credit  
3 Reporting Agencies Act, the California Identity Theft Law, the Fair Debt Collection  
4 Practices Act and the Rosenthal Fair Debt Collection Practices Act.

5 13. I am a frequent speaker at conferences offering CLE-approved  
6 presentations. In May 2015, I was spoke at the National Association of Consumer  
7 Advocates' Fair Credit Reporting Act Conference in Las Vegas, Nevada and in April  
8 2017 in Baltimore, Maryland. I was a speaker at the Practicing Law Institute in San  
9 Francisco, California and presented a Course on the Fair Credit Reporting Act. In  
10 October of 2016, I presented a seminar at the annual Consumer Rights Litigation  
11 Conference in Anaheim, California on matters relating the Fair Credit Reporting  
12 Act.

13 14. I was also a guest lecturer for a consumer law class at California State  
14 University, Long Beach.

15 16. I have been selected as a *Super Lawyers Rising Star* for 2015, 2014,  
16 and 2013. This recognition is awarded to only 2.5% of lawyers in the state.  
17 [http://www.superlawyers.com/about/selection\\_process.html](http://www.superlawyers.com/about/selection_process.html). I was also selected as  
18 a *Super Lawyer* for 2017.

19 17. I am a member of the National Association of Consumer Advocates and  
20 a member of the Illinois State Bar Association.

21 18. My hourly rate is \$425.00. Over the years, a number of courts have  
22 upheld my then current hourly rates and time billed. For example, five years ago, in  
23 October 2011, Honorable Christina A. Snyder, District Court Judge for the United  
24 States District Court for the Central District of California awarded me an hourly rate  
25 of \$350.00 in the matter of *Bora v. Imperial Recovery Partners, LLC*, Case No. CV-  
26 11-3578 CAS (JCGx). Honorable John F. Walter also awarded my then reasonable  
27 hourly rate of \$350.00, in April 2012, in the matter of *Perucca v. Vandenberg Chase*  
28

1 *and Associates, LLC*, Case No. 11-8432 JFW (FFMx). Additionally, Honorable  
2 Josephine Staton held that, in the matter of *Powell v. Blackrock Asset Management*,  
3 Case No. SACV11-0517 JST (RNBx) in September 2011, my hourly rate of \$350.00  
4 was reasonable, and that the time expended was reasonable. Judge Staton also stated  
5 that my declaration, which referenced the Consumer Law Attorneys' Fees Survey of  
6 2010, sufficiently supported my requested rate.

7 20. Most recently, Judge Beverly Reid O'Connell, in awarding attorneys' fees  
8 and costs after obtaining a \$430,000 jury verdict in a Fair Credit Reporting Act and  
9 California Identity Theft matter, held that my hourly rate of \$425.00 was reasonable  
10 as compared to other attorneys in the community with similar experience. *Seungtae*  
11 *Kim v. BMW Financial Services NA, LLC*, 14-cv-01752-BRO (JCx).

12 19. Over the last four years, I have increased my hourly rate incrementally  
13 to account for my experience and to match current market rates for attorneys in my  
14 field with my level of experience.

15 20. My hourly rate of \$425.00 is reasonable for trial counsel in the Los  
16 Angeles metropolitan area with fourteen years of experience. Additionally, the time  
17 I have expended on the various tasks, as presented on my Time Entries printout  
18 attached as Exhibit A, is also reasonable and necessary.

19 21. In addition to discussing attorneys' fees rates with consumer attorneys  
20 in Los Angeles, and across the country, I have also researched and relied on The  
21 United States Consumer Law Attorney Fee Survey Report. This Report publishes  
22 the results of the United States Consumer Law Attorney Fee Survey for 2013-2014.  
23 See Excerpts attached hereto Exhibit "B". Attorneys in every state and the US  
24 Territories took part in the national survey and the results are the most  
25 comprehensive since this project's research work began on the subject in 1999. This  
26 survey verifies that Plaintiff seeks a reasonable rate commensurate with actual rates  
27 for attorneys with similar experience. According to this report, in the State of  
28



1 California, attorneys practicing consumer law with eleven to fifteen years of  
2 experience charge an average hourly rate of \$433.00. See Page 34, Exhibit B. More  
3 specifically, in the Los Angeles metropolitan area, attorneys with eleven to fifteen  
4 years of experience charge an average hourly rate of \$588.00. See Page 80, Exhibit  
5 B. My hourly rate is well below the average of Los Angeles consumer attorneys.

6 22. Because most consumers generally cannot afford to spend tens of  
7 thousands of dollars to enforce the rights guaranteed to them under the Fair Credit  
8 Reporting Act, the California Consumer Credit Reporting Agencies Act and the  
9 California Identity Theft Law, Tatar Law Firm, APC practices “deferred billing” for  
10 lawsuits brought under these statutes. Under this practice, Tatar Law Firm, APC  
11 receives no payment for services rendered until the successful conclusion of the  
12 matter, at which time, in accordance with the Acts, the defendants are responsible  
13 for our attorneys’ fees based on actual time expended.

14 23. As detailed in Exhibit A, my firm has incurred a total of \$4,547.50 in  
15 attorney’s fees in connection with the prosecution of this litigation.  
16  
17

18 I declare under penalty of perjury under the laws of the State of California that  
19 the foregoing is true and correct.  
20  
21

22  
23 DATED: May 3, 2017

Respectfully Submitted,  
**TATAR LAW FIRM, APC**

24 By: /s/ Stephanie R. Tatar  
25 Stephanie R. Tatar, Esq.  
26 Attorney for Plaintiff,  
27 John Smith and the class  
28

## EXHIBIT A

**Smith, John v. A-Check America, Inc.**  
**Client ID: Smith, John**  
**Tatar Law Firm, APC**

0.10 Apr 25, 2017

Exchanged emails with co-counsel regarding status of case and fee petition

0.30 Mar 1, 2017

Received and reviewed Order Granting Motion for Preliminary Approval of Class Settlement (.3) noted and updated file (n/c)

0.10 Feb 28, 2017

Receive and review Minutes from Motion for Preliminary Approval hearing

0.30 Feb 6, 2017

Received and Reviewed Statement of Non-Opposition to Motion and Motion Preliminary Approval of the Proposed Settlement

0.30 Jan 30, 2017

Received conformed copy of Plaintiff's Notice of Motion and Motion for Preliminary approval (.3) updated file (n/c)

0.10 Nov 15, 2016

Receive and Review Notice of Change Designation of Local Counsel and added RFB to file

0.10 Nov 7, 2016

Receive and Review change of address for judge and update file

0.10 Nov 7, 2016

Exchanged correspondence with JH re local counsel documents and appearance of RFB

0.20 Nov 1, 2016

Receive and Review Order Granting Joint Stipulation to Continue Motion, Discovery and Settlement Conference Deadlines and updated file and calendar

0.10 Oct 28, 2016

Received conformed copy of Stipulation to continue dates

0.30 Sep 28, 2016

Receive and Review Signature Page and Errata Sheet to Deposition of Gary Hanley

0.30 Sep 14, 2016

Received and reviewed correspondence and deposition documents from M. Rodriguez regarding deposition of Gary Hanley

0.20 Aug 31, 2016

Receive and Review Order Granting Joint Stipulation to Continue Motion, Discovery and Settlement Conference Deadlines

0.20 Aug 26, 2016

Receive and Review Joint Stipulation Continue Motion, Discovery and Settlement Conference Deadlines

0.20 Apr 19, 2017

Receive and Review Correspondence and Subpoena for documents from JE regarding Innovative Enterprises Subpoena

0.20 Aug 12, 2016

Received notice of deposition from JE for Krishna Inty and calendared (.1) reviewed file and updated (.1)

0.30 Jul 28, 2016

Receive and Review Joint Stipulated Protective Order

0.10 Jul 27, 2016

Received email from Monica Rodriguez and Jean Hilbray regarding access to documents

0.10 Jul 25, 2016

Receive and Review Civil Trial Scheduling Order

0.50 Jul 25, 2016

Received and reviewed Document Production from JH

0.20 Jul 22, 2016

Received and reviewed Scheduling Order from Court and Calendared

0.10 Jul 22, 2016

Received and reviewed Joint Stipulated Protective Order filed by JH

0.10 Jul 14, 2016

Received text order from Court vacating scheduling conference

0.10 Jul 11, 2016

Receive and Review ADR Procedure Selection No. 3

0.10 Jul 7, 2016

Received and Reviewed order granting pro hac vice application of Lauren Brennan (.1) updated file (n/c)

0.30 Jul 5, 2016

Finalized and filed Pro Hac Vice Application for Lauren Brennan

0.10 Jun 23, 2016

Received correspondence cancelling deposition from JH

0.10 Jun 14, 2016

Correspondence with EMD and JH regarding unavailability for conference

0.10 Jun 10, 2016

Received order continuing conference to July

0.10 Jun 9, 2016

Received conformed copy of Stipulation to continue Conference

0.10 Jun 8, 2016

Received conformed copy of Rule 26(f) Report

0.10 Jun 7, 2016

Received Plaintiff's 26(a) Disclosures and cover letter

0.30 May 25, 2016

Received correspondence and subpoenas to FTC, CFPB, NAPBS, discovery to Defendant and 30(b)(6) notice of Deposition

0.10 May 24, 2016

Received correspondence from JH regarding deposition and conference room

0.10 May 10, 2016

Received Order setting Rule 26 Scheduling conference (.1) calendared and updated file (n/c)

0.30 May 6, 2016

Receive and Review Answer to Plaintiff's First Amended Class Action Complaint

0.40 Apr 21, 2016

Received and reviewed Order Denying Motions to Dismiss and Strike the First Amended Complaint

0.30 Apr 4, 2016

Received and reviewed Reply in Support of Motion to Dismiss First Amended Complaint

0.50 Mar 28, 2016

Received and reviewed conformed copy of Opposition to Motion to Dismiss

0.50 Mar 17, 2016

Received and reviewed Defendant's Motion to Dismiss Case

0.20 Mar 11, 2016

Received discovery requests for Defendant and calendared due date

0.10 Mar 4, 2016

Receive and Review Order Pro Hac Vice for Michelle Drake

0.10 Feb 26, 2016

Received Order Denying Motion to Dismiss and forwarded to EMD

0.20 Feb 17, 2016

Completed and Filed Pro Hac Vice Application for JH

0.10 Feb 17, 2016

Received Defendant's Notice of Removal Proof of Service

0.20 Feb 17, 2016

Filed Amended Class Action Complaint

0.20 Feb 17, 2016

Prepared and Filed Notice of Appearance

0.10 Feb 11, 2016

Received correspondence from EMD regarding MTD

1.10 Feb 11, 2016

Downloaded and reviewed Notice of Removal (.1) Civil Cover Sheet (.1) Certificate of Interested Parties (.1) Notice of Assignment (.1) Notice of ADR (.1) Motion to Dismiss (.4) reviewed standing Order (.2)

0.20 Feb 11, 2016

Received correspondence from JH regarding filing for the CD California matter

0.10 Feb 4, 2016

Received correspondence from EMD regarding serving as counsel

**TOTAL HOURS: 10.7**  
**TOTAL FEES: \$4,547.50**

**EXHIBIT B**

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**UNITED STATES CONSUMER LAW**

**ATTORNEY FEE SURVEY REPORT**

**2013-2014**

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**Ronald L. Burdge, Esq.**



**United States Consumer Law  
Attorney Fee Survey Report 2013-2014**

Conducted By

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This publication was created to provide you with accurate and authoritative information concerning the subject matter covered. The publisher is not engaged in rendering legal or other professional advice and this publication is not a substitute for the advice of an attorney or expert. If you require legal or other expert advice, you should seek the services of a competent attorney or other professional.

This work is dedicated to the private and public practice members of the Consumer Law bar and the Judges who decide Consumer Law cases across the United States and its territories, all of whom tirelessly dedicate their careers to helping people find justice every day in our legal system. Without their support and participation the research for this publication would not have been possible.

A special thanks is extended to Ira Rheingold, Executive Director of the National Association of Consumer Advocates and Willard Ogburn, Executive Director of the National Consumer Law Center for their leadership, friendship, advice and tireless support of this research work during the last 15 years. Also, my sincerest of thanks is extended to Jon Sheldon of the National Consumer Law Center for his constant encouragement of this project since the survey began in 1999.

Ronald L. Burdge, Esq.  
March 2, 2015

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## 1. Introduction

This report publishes the results of the United States Consumer Law Attorney Fee Survey for 2013-2014. Survey results reported here cover every region, state, metropolitan area and non-metropolitan area in the United States and its Territories.

Several changes in format and content are introduced with this edition of the Survey Report that the reader may notice. One of those is that there is no longer a separate section for the hourly rates by years in practice tables. Those tables are now included under Section 5, the Region Tables. The title of that section was also shortened to indicate that all tables applicable to the Region are placed there. This change enables easier analysis of all data on a regional approach, rather than having to consult two different sections of the Report to obtain data applicable to one region.

After this introductory section, the results of this survey are reported in six sections.

Section 2 of this Survey Report is the Summary Profile of the Typical US Consumer Law Attorney, a collective approach to the entire survey results which yields a detailed picture of key aspects of the typical US Consumer Law practitioner in the United States and its territories. It is based on the survey results as a whole and may serve as a benchmark for regional, state and metropolitan comparisons by the reader.

Section 3 contains the Regional Summary Profiles analyses which reports a summary profile of the typical Consumer Law attorney in each of the 12 regions in the survey. It provides a collective approach to each region's survey results, which yields a more detailed summary picture of key aspects of the typical US Consumer Law practitioner in each survey Region. Although more detailed localized data is provided for the first time with this year's Report, the larger viewpoint on the data can only be represented by the Regional view's broader perspective. The Regional Summary Profile also is the only portion of the survey data that aligns with the only other similar survey known to exist, although it is not specific to Consumer Law.

Section 4 contains the Region Average Table for All Firms. This section reports the regional average hourly rates according to small and large firm classification and includes both attorney rates and paralegal rates. This table gives a broad overview at a glance with easy side by side comparisons of key data. It also is the only part of the survey that allows the reader to see the relative survey participation from each of the 12 surveyed regions.

Section 5 includes the Region Tables. These tables combine those sections that were previously reported in two sections, the Averages and Medians Tables and the Years in Practice Tables. Included in the two separate tables in this section of the Report, on a regional basis, is results of key survey questions and the average hourly rates according to only the number of years an attorney has been practicing law. It was deemed appropriate to combine the two types of tables so that all data for any one Region would be in one place in this Report, for the reader's easy analysis and use.

Section 6 contains data for 29 selected states and the District of Columbia. These selections were made based chiefly on the basis of their larger population count. Together these 30 high-population areas represent 81.2% of the total US population according to the US Census Bureau's 2015 estimates. The concentrated location of this significant portion of the US population makes a closer analysis of the data in these states particularly worthwhile since these are where the greatest quantity of consumers, consumer transactions, and Consumer Law attorneys can be expected to be found. This section contains, for each state and the District, similar Averages and Medians Tables as included in Section 5, but adds seven new attorney hourly points of data. Both the median metropolitan and the non-metropolitan attorney hourly rate are included along with the median attorney hourly rate in each of the five areas of the state. This allows for rate data to be localized far more than ever before.

Section 7 contains the metropolitan area tables for 46 metropolitan areas in the United States. Once again, these selections were made based chiefly on the basis of their larger population count. Together these metropolitan areas total an estimated 176,261,427 which is about 55% of the entire US population. This section contains, for each metropolitan area, similar averages and medians tables as were included in Section 5 and adds the years in practice tables to the metropolitan area analysis. This approach

allows for far more localized data reported than ever before in our Survey.

Attorneys in every state and the US Territories took part in the national survey and the results are the most comprehensive since our continuous research work began in 1999.

Consumer Law is recognized as a specialized area of law<sup>1</sup> dealing with issues arising from transactions involving one or more persons acting as individuals or as a family. Consumer Law, as an area of practice, typically includes bankruptcy, credit discrimination, consumer banking, warranty law, unfair and deceptive acts and practices, and more narrow topics of consumer law such as consumer protection rights enabled by specific statutes such as the Fair Credit Reporting Act, the Uniform Consumer Sales Practices Act, state and federal lemon laws, and many others.

Prior studies have shown that the factors most influencing an hourly rate are an attorney's years in practice, location of practice, and size of firm. These factors are variously surveyed and reported in this publication. More detailed location of practice data, and related customized data in relation to locale, is published in the separately available localized Reports and is available upon request.

In compiling this report, a valuable contribution was made by members of the National Association of Consumer Advocates and Consumer Law attorneys across the United States and its territories who were invited to participate during 2013 and 2014.

As previously, an on-line survey service was utilized to gather and tabulate the results with safeguards in place to limit data input to one participant per survey.

Similar studies were undertaken annually since 1999. The objective of these studies was to determine the demographics of Consumer Law private practitioners, including attorney hourly billing rate, firm size, years in

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<sup>1</sup> As said by the Ohio 9<sup>th</sup> District Court of Appeals, “[c]onsumer law is a specialty area that is not common among many legal practitioners.” *Crow v. Fred Martin Motor Co.*, 2003-Ohio-1293 (Summit App. No. 21128).



practice, concentration of practice, primary and secondary practice area prevalence, paralegal billing rates and other data.

The collected information has been condensed into this national reference to provide benchmarks to assist Consumer Law attorneys as they manage their practice and Courts as they seek to determine applicable reasonable hourly rates in cases before them.

Because of the ever increasing involvement of paralegals in the non-administrative daily aspects of a legal practice in most states, data is also presented on paralegal hourly rates.

The data is reported in various tables below, allowing the reader to consider the data from several viewpoints of selected factors or criteria. In addition, more detailed regional data with explanatory charts is available on request for any state, the geographical area of any state and the metropolitan area of any state.

#### Error Rate

Before this publication, a hand selected review was conducted of selected data received during this survey and compared with the data reported in the previous survey. The results indicate an error rate of less than one percent in the present survey Report, a number substantially lower than the error rate of most similar types of surveys.

#### Methodology

Survey results are based on the results of an on-line survey fielded during 2013 and 2014 and consisting of eleven key data questions. The survey was administered via email, ordinary mail, facsimile and telephonic invitations to a web-based questionnaire.

The entire active membership of the National Association of Consumer Advocates (except for persons employed in public employment or education) along with other known Consumer Law practitioners from around the United

States and its territories was surveyed.

Invitations to participate were also randomly sent to attorneys disclosed through internet search engine results conducted on a national level as well as randomly selected physical telephone book specialty listings where available. Invitations to participate were also randomly sent to attorneys identified through court filings in various jurisdictions and bar association directories where available.

To help practitioners understand and interpret the data below, a brief explanation of the data may help.

### Section 508 Compliance

The United States Consumer Law Attorney Fee Survey is the only survey program of its type that is Section 508 Certified. This means that the survey program on which this survey runs meets all current US Federal Section 508 certification guidelines.

Section 508 is a Federal law that outlines the requirements to make online information and services accessible to users with disabilities. The government web site that outlines the requirements and helpful links regarding section 508 is located on the internet at this page: <http://www.section508.gov/>. All Federal agencies are required to use 508 certified software and technologies when available.

The Voluntary Product Accessibility Template was used in the design of the survey. VPAT's purpose is to assist Federal contracting officials and other buyers in making preliminary assessments regarding the availability of commercial "Electronic and Information Technology" products and services with features that support accessibility. The VPAT was developed by the Information Technology Industry Council (ITI) in partnership with the U.S. General Services Administration (GSA).

Use of the VPAT means that this survey is built on programming that includes a text element for every non-text element of the survey web page, web pages are designed so that all information displayed with color is also

available without color, all parts of the survey are readable without having to open another window, and other techniques to enable disabled persons to fully participate in every aspect of the Fee Survey.

It is important for the Fee Survey to be able to reach the broadest range of potential respondents possible to provide the reader with the most accurate results. By including survey feedback from the disabled demographic, the Fee Survey ensures a more representative population is able to participate so that all demographics may be included in the Fee Survey results.

### The Average and the Median: What it Means to You

To help practitioners understand and interpret the data in this report, a brief explanation of common data terminology in this report may be useful.

The tables in this Report use some terms whose meaning, while understood by statisticians, may not be clear to attorneys and Judges.

The “average” (sometimes called the arithmetic average) is calculated by adding the values of all responses, then dividing by the number of responses.

For example, five responses are reported, 3, 4, 6, 8 and 12. The average is calculated by adding their values ( $3 + 4 + 6 + 8 + 12 = 33$ ), then dividing by the number of responses (5). Thus, the average is  $33 / 5 = 6.6$ .

The “median” has a different meaning. It is the middle value of a series of values, which is initially rank-ordered from low to high. By definition, half the numbers are greater and half are less than the median. Both mean and median values are used in this survey report as a pointer for the central area of survey results without regard to the average.

Statisticians variously agree that using the median as a statistic reduces the effect of extreme outer numbers (extremely high or low values, such as 12 in the above example). Using an average takes all numbers into accounting.

As an example of how using a median affects the above numbers, the same five responses are reported, 3, 4, 6, 8 and 12. The median is the middle number of the order of distribution, 6. Note, however, that the average of this same distribution of numbers is 6.6.

The median literally is the value in the middle. It represents the mid way point in a sequence of numbers. It is determined by lining up the values in the set of data (for example, in this fee survey that would be all of the individual fee rate responses logged in the survey) from the smallest on up to the largest. The one in the dead-center is the median number.

The median is not the average of the numbers (you don't add anything) in the list, but merely determine the center of the list. Some statisticians say that using the mean (instead of the average) gives less weight to the individual numbers that are on the outer limits of the survey responses and is more likely to direct the survey to the real center of the responses.

The median result of a set of numbers may be higher or lower than the average of that same set of numbers. Because the median number is commonly not the same as the average number, being either slightly above or below it, we are including both the average and the median results in many of the results in the survey.

### Geographic Areas Defined

The data has been compiled in twelve geographic regions, including several states identified as their own region. This approach is based on three factors: the long-established Altman-Weil<sup>2</sup> regional tables, the quantity of Consumer Law attorneys that were readily identified as practicing in each state, and the geographic proximity of any one state to a nearby overall

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<sup>2</sup>

Altman Weil, Inc. provides management consulting services exclusively to legal organizations. Its clients include law firms, law departments, governmental legal offices and legal vendors of all sizes and types throughout North America, the U.K. and abroad. The Altman Weil website address is <http://www.altmanweil.com/>.

region.

The twelve regions for this survey are:

Atlantic:	DC, DE, NC, NJ, PA, VA, WV
California	
Florida	
Mid West:	IA, IL, IN, KS, MI, MN, MO, ND, NE, SD, WI
New York	
North East:	CT, MA, MD, ME, NH, RI, VT
Ohio	
Pacific:	AK, HI, OR, WA
South:	AL, AR, GA, KY, LA, MS, OK, SC, TN
Texas	
USTerritories:	Puerto Rico, Guam, American Samoa, US Virgin Islands
West:	AZ, CO, ID, MT, NM, NV, UT, WY

Since this survey work first began in 1999, the states of California, Florida, New York, and Ohio have consistently had a larger overall quantity of Consumer Law practitioners than other states. For that reason, these four states are treated in the national survey report as being their own region.

The national survey report takes a national view of the survey data and also provides data for the most populous US states and metropolitan areas, providing a more detailed, specific and slightly different analysis of the survey data for the reader's review and further analysis.

In response to requests for even more detailed data, this year's survey added new questions which obtain from each survey participant the specific area of the state and a metropolitan versus non-metropolitan designation where each participant regularly practices law. The responsive data enables an even more localized set of data to be generated for geographic areas within each of area.

### Interpreting the Findings

An hourly rate may commonly be impacted by several factors,

including years of practice, firm size, practice location, degree of practice concentration, reputation, advertising, personal client relationships, and other factors. As a result, the information presented here may or may not be indicative of a particular attorney's reasonable hourly rate without further, more detailed analysis of the available data and other factors.

Caution is urged in the reader's review and use of the data provided by this report since no single attorney can truly be viewed as "typical" or "average" and the individual factors should be considered in arriving at any individual attorney's appropriate current hourly rate.

A Summary Profile of the Typical US Consumer Law Attorney is presented at the outset of this survey report in order to provide a summary profile of the average US Consumer Law attorney and their practice. It may be viewed as the average of all survey responses nationwide.

The National Average Table for All Firms by Region provides an at a glance view of the averages for respondents by the 12 survey regions. Presented in table format, it allows for quick and easy comparison of key data across several regions but is intended to only provide a summary statement of the key data and should be considered in tandem with the other data reported herein.

The Average Hourly Rates by Years in Practice Tables by Region presents an analysis of the impact that years in practice in Consumer Law has on the average attorney hourly rate. Each region has its own table of survey results with years in practice being divided in 9 time frames with less than one year and more than 31 years bracketing the outer limits at each end. One might think that longevity of practice would dictate an increasingly higher hourly rate and these tables report survey results that tests that assumption and, in some cases, variations are observed. Current economic trends outside of this survey test that assumption even further but are not considered in this survey.

The Median and Average Summaries Tables by Region are presented to give an overview of the practice of Consumer Law lawyers in each region. Note the use of both average and median results in this section, with the median used to reduce the effect of extremely high or low values in some

data. These tables also show the difference in survey results when comparing the average hourly rates and the median hourly rates, a factor considered by some statisticians to arrive at what they consider to be more neutral or accurate survey results.

Where necessary, insufficient data is represented by a dash mark instead of a numerical entry in the column.

## 2. Summary Profile of the Typical US Consumer Law Attorney

This section summarizes key statistics derived from the survey when viewed from a national approach. Emphasis here is on the average Consumer Law attorney in the United States without regard for any specific survey factor.

The typical Consumer Law attorney is in a small office of 4 or fewer practitioners. For the first time since the survey began over a decade ago, one state in the survey reported a majority of Consumer Law attorneys in the state were employed in larger firms, Illinois at 52%. At the same time, the Mid West region (which includes Illinois) was still dominated overall by small firm lawyers. The US Territories region was the only region that reported 100% employed 4 or fewer attorneys. At the other end of the spectrum is New York which reported that 46.2% were members of large firms employing 4 or more attorneys.

63.2% of all Consumer Law attorneys report that they practice law in a metropolitan area of 200,000 persons or more. Only 12.2% reported their practice to be in a non-metropolitan, rural area. 24.4% reported their regular practice to involve both types of population densities.

The typical Consumer Law attorney has been practicing law for 18.7 years, a slight increase over the number reported in the last survey, 17.3 years.

16.3% of all Consumer Law attorneys have been in practice 5 years or less, a slight increase from 15.4% in the last survey report, indicating the continuing slow growth of practitioners in this area of law. 58.2% have been in practice 20 years or less. Just 8.6% of all attorneys practicing any amount of Consumer Law have been in practice more than 35 years. Only 1.7% have been in practice 45 or more years.

More-experienced attorneys (those with 31 or more years of practice) make up 19.4% of survey respondents.

The region with the largest percentage of most-senior attorneys, those with 45 or more years of practice, is New York. The smallest percentage of most-senior attorneys were found in the Pacific, South and Texas regions.



62.8% of all respondents reported that their practice consists of 90-100% Consumer Law issues, a dramatic increase over the 49.2% reported in the last survey, but still well below the figure reported four years ago when 82.7% was the level reporting their practice to fall in the 90-100% range for Consumer Law issues.

The average Consumer Law practice is still supplemented in largest part by Bankruptcy work (an average of 14.5% in this report), as it has been for several years.

Following the recession of 2008-2009, hourly rates for Consumer Law practitioners went into a “holding pattern” but that is clearly over in many areas of the US, as observed in the post-recession data compiled in this Report.

The average Consumer Law attorney employs 1 paralegal (1.6 to be precise) whose hourly billable rate nationally averages \$116, a substantial increase above the last survey report of \$96. The paralegal hourly rate has been flat in the preceding four years, hovering between \$93 and \$96. The median hourly rate for a paralegal is \$125.

The average hourly rate for the typical Consumer Law attorney (regardless of all other factors) is \$361, a substantial increase from the last survey report of \$304. Like the paralegal hourly rate, the attorney hourly rate nationally has also been flat in the preceding four years, ranging from \$304 to \$307.

The median Attorney hourly rate is \$350 nationally, another substantial increase in light of the last survey report at \$300. Like the hourly rates, the median hourly rate in the last four years was essentially flat, ranging from \$293 to \$308.

The median 25% Attorney hourly rate (the point at which 25% of all survey participants reported an hourly rate lower than this number) is \$275, an increase from the last survey number reported at \$241. The median 75% Attorney hourly rate is \$425, an increase from the last survey report which was \$355 at the 75% median point. The median 95% Attorney hourly rate is \$650, a dramatic increase from the last survey, which was \$480, and only

\$443 in the survey before that.

The average attorney raised their hourly rate 19.5 months ago. 79.8% of all Consumer Law attorneys raised their hourly rates during the last 24 months and judging from the increases noted above, the change was a substantial increase after four years of essentially no change at all.

From a more historical perspective, several observations can be made when the survey data is viewed over the last decade.

Throughout the last fifteen years, small law firms have consistently dominated the area of Consumer Law, although more recently on a slightly decreasing scale.

The average number of years in practice for Consumer Law attorneys in the last decade have gone upward, from 16 to 18.7 presently, indicating that Consumer Law remains of interest to those who practice in this area of law, but also indicating that younger attorneys are less likely to focus on Consumer Law for their future.

The number of paralegals employed by the average Consumer Law firm is tied to the economy, regardless of the cost-effectiveness of the support paralegals provide to their firm. For instance, during the recession in 2009, the employment of paralegals dropped while post-recession it has exceeded its 2007 level.

Especially notable in this survey is the increase in attorney hourly rates in the last 4 years. During the recession, it was typical for hourly rates to remain flat or even drop a few percentage points. However, post-recession, hourly rates have risen an average of 120% at all levels (i.e., the average, the median, the median 25%, the median 75%, and the median 95%). And the highest increase occurred at the highest hourly rate level, those attorneys occupying the 95% median hourly rate level.

### 3. Region Summary Profiles

The reports which follow are highlights of the separately published data in the Region Reports, which contain further explanatory data, analyses and information particular to each regional area.

Each analysis below contains a summary profile of the typical Consumer Law attorney practice in each region with some comparisons with prior survey data where possible along with statistical and relevant observations.

## Summary Profile of the California Region

This section summarizes key statistics derived from the survey when viewed from the California regional approach. Emphasis here is on the average Consumer Law attorney in the California without regard for any specific survey factor.

The typical California Consumer Law attorney is in a small office of 4 or fewer practitioners (70.8%, down from last year's 75.7%) and has been practicing law for 14 years (only slightly higher than the 13 years in the last Report). Although 77.4% of survey participants reported that 90% or more of their practice was devoted to Consumer Law, 84.7% reported that Consumer Law represented the largest area of their practice time with the practice supplemented in largest part by Bankruptcy work, continuing a national trend that is now nearly 5 years old.

The average California Consumer Law firm employs 1 paralegal whose median billable hourly rate is \$125 (down from the \$137 in the last Report). However, 35% of all California paralegals have a billable hourly rate between \$140 and \$225. The upward shift in billable paralegal rates, which was first observed in the last Report, continues with 10.9% of California paralegals now billing above \$174. In this region, 28.5% of Consumer Law firms report they employ no paralegal support at all.

85.9% of all California Consumer Law attorneys (regardless of all other factors) have a billable hourly rate above \$325 and the average rate was \$439, a decrease from the last Report.

The median California Attorney hourly rate is \$425, up from the last Report's \$412. The median 25% California Attorney hourly rate (the point at which 25% of all California survey participants reported an hourly rate lower than this number) is \$300. The median 75% California Attorney hourly rate is \$500. 36.4% of California survey participants reported an hourly rate higher than \$475 and 12.41% reported an hourly rate higher than \$650.

18.98% of California survey participants reported an hourly rate higher than \$500.

## 4. Region Average Table for All Firms

This Table does not take into consideration the factors of the degree of concentration or years of practice, among other things, all of which will have a large impact on any particular person's hourly rate.

Region:	% of Total Survey Responses From This Region:	Small Firm % of Region (<5)	Large Firm % of Region (>5)	Small Firm Average Attorney Rate In this Region	Large Firm Average Attorney Rate In this Region	Small Firm Average Paralegal Rate In this Region	Large Firm Average Paralegal Rate In this Region
Atlantic (DC DE NC NJ PA VA WV)	15.91	70.1	29.9	341	396	107	128
California	20.75	70.8	29.2	446	423	132	137
Florida	4.85	59.4	40.6	389	373	114	123
Mid West (IA IL IN KS MI MN MO ND NE SD WI)	21.52	60.0	40.0	375	398	117	140
New York	3.94	53.8	46.2	434	494	93	137

Region:	% of Total Survey Responses From This Region:	Small Firm % of Region (<5)	Large Firm % of Region (>5)	Small Firm Average Attorney Rate In this Region	Large Firm Average Attorney Rate In this Region	Small Firm Average Paralegal Rate In this Region	Large Firm Average Paralegal Rate In this Region
North East (CT MA MD ME NH RI VT)	4.82	72.7	27.3	345	546	96	142
Ohio	3.64	75.0	25.0	317	313	71	115
Pacific (AK HI OR WA)	2.88	88.9	11.1	253	488	115	163
South (AL AR GA KY LA MS OK SC TN)	7.84	78.0	22.0	290	393	88	115
Texas	7.88	80.8	19.2	309	410	95	141
US Territories	.45	100	0	550	-	-	-
West (AZ CO ID MT NM NV UT WY)	5.43	69.7	30.3	328	370	99	129

## 5. Region Tables

## Explanation of Tables

Firm Size	The average number of attorneys in the firm.
Median Years in Practice	The median number of years that all attorneys in this region have been in practice.
Concentration of Practice in Consumer Law	The percentage of practice time expended in Consumer Law (not Bankruptcy) matters.
Primary Practice Area	The area comprising the largest percentage of the practice work.
Secondary Practice Area	The largest practice area outside of Consumer Law. Where no one area dominates a dash is entered in the table.
Median Number of Paralegals in Firm	The median number resulting from all survey responses.
Last Time Rate Change Occurred (months)	The median number, expressed in months.
Median Paralegal Rate for All Paralegals	Expressed in dollars, ranges are avoided where possible in preference to a specific result.
Average Attorney Rate for All Attorneys	Expressed in dollars, ranges are avoided where possible in preference to a specific result. Note that this is not the median.”
25% Median Attorney Rate for All Attorneys	25% of all survey responses are below this number, expressed in dollars.
Median Attorney Rate for All Attorneys	Half of all survey responses are above this number and half below, expressed in dollars.
75% Median Attorney Rate for All Attorneys	75% of all survey responses are below this number, expressed in dollars.
95% Median Attorney Rate for All Attorneys	5% of all survey responses are above this number, expressed in dollars.

Following each Region Summaries Table is a table of attorney hourly rates by years in practice for that Region. Combined, these tables are intended to provide the reader with a quick and easy snapshot of the data as viewed in the Region approach to the data.

The second chart also provides a view of the average hourly rates for an attorney as measured simply by years in practice in that Region, but the upper chart should still also be considered in making such a determination.

Of course, the years in practice of an attorney is often deemed related to the experience level of an attorney and is also one of the traditional ways of determining the reasonableness of a particular attorney's hourly rate.

The years in practice alone may not be a sufficient basis, by itself, to consider a particular hourly rate to be reasonable in a particular case. Other factors also relate to the determination of a reasonable hourly rate in a particular case.

In this section of the Report, the only data included is from attorneys who indicated they practiced in this Region. All other data was excluded. It should be noted that case law indicates that the hourly rate for the jurisdiction at hand often applies to an attorney's hourly rate when practicing in that jurisdiction, rather than the hourly rate for their office location. Thus an attorney whose home office is in one state but who seeks recovery of fees in a different state may find themselves recovering only the rate that is applicable in the state where the case is pending.



## California Region

Firm Size	2.6
Median Years in Practice	14.0
Concentration of Practice in Consumer Law	88.0
Primary Practice Area	Consumer Law
Secondary Practice Area	Bankruptcy, Other
Median Number of Paralegals in Firm	1.0
Last Time Rate Change Occurred (months)	16.8
Median Paralegal Rate for All Paralegals	125
Average Attorney Rate for All Attorneys	439
25% Median Attorney Rate for All Attorneys	300
Median Attorney Rate for All Attorneys	425
75% Median Attorney Rate for All Attorneys	500
95% Median Attorney Rate for All Attorneys	700

<b>Years Practicing Consumer Law</b>	<b>Average Attorney Hourly Rate</b>
<1	216
1-3	253
3-5	312
6-10	394
11-15	433
16-20	468
21-25	565
26-30	511
>31	545

## 6. Selected States Summary Tables

## Explanation of Tables

Firm Size	The average number of attorneys in the firm.
Median Years in Practice	The median number of years that all attorneys in this state have been in practice.
Concentration of Practice in Consumer Law	The percentage of practice time expended in Consumer Law (not Bankruptcy) matters.
Primary Practice Area	The area comprising the largest percentage of the practice work.
Secondary Practice Area	The largest practice area outside of Consumer Law.
Median Number of Paralegals in Firm	The median number resulting from all survey responses in this state
Last Time Rate Change Occurred (months)	The median number, expressed in months.
Median Paralegal Rate for All Paralegals	Expressed in dollars, ranges are avoided where possible in preference to a specific result.
Average Attorney Rate for All Attorneys	Expressed in dollars, ranges are avoided where possible in preference to a specific result. Note that this is not the median.
25% Median Attorney Rate for All Attorneys	25% of all survey responses are below this number, expressed in dollars.
Median Attorney Rate for All Attorneys	Half of all survey responses are above this number and half below, expressed in dollars.
75% Median Attorney Rate for All Attorneys	75% of all survey responses are below this number, expressed in dollars.
95% Median Attorney Rate for All Attorneys	5% of all survey responses are above this number, expressed in dollars.

Median Metropolitan Attorney Rate	Half of all survey responses in metropolitan areas of the state are above this number and half are below
Median Non-Metropolitan Attorney Rate	Half of all survey responses in non-metropolitan areas of the state are above this number and half are below
Median Attorney Rate in Northern Area of State	Half of all survey responses in this area of the state are above this number and half are below
Median Attorney Rate in Southern Area of State	Half of all survey responses in this area of the state are above this number and half are below
Median Attorney Rate in Eastern Area of State	Half of all survey responses in this area of the state are above this number and half are below
Median Attorney Rate in Western Area of State	Half of all survey responses in this area of the state are above this number and half are below
Median Attorney Rate in Central Area of State	Half of all survey responses in this area of the state are above this number and half are below

## California

Firm Size	2.6
Median Years in Practice	14.0
Concentration of Practice in Consumer Law	88.0
Primary Practice Area	Consumer Law
Secondary Practice Area	Bankruptcy
Median Number of Paralegals in Firm	1.0
Last Time Rate Change Occurred (months)	16.8
Median Paralegal Rate for All Paralegals	125
Average Attorney Rate for All Attorneys	439
25% Median Attorney Rate for All Attorneys	300
Median Attorney Rate for All Attorneys	425
75% Median Attorney Rate for All Attorneys	500
95% Median Attorney Rate for All Attorneys	700
Median Metropolitan Attorney Rate	425
Median Non-Metropolitan Attorney Rate	450
Median Attorney Rate in Northern Area of State	475
Median Attorney Rate in Southern Area of State	400
Median Attorney Rate in Eastern Area of State	400
Median Attorney Rate in Western Area of State	425
Median Attorney Rate in Central Area of State	425

## 7. Metropolitan Area Tables

## Explanation of Table

Firm Size	The typical firm size in this city area.
Median Years in Practice	The median number of years that all attorneys in this city area have been in practice.
Concentration of Practice in Consumer Law	The largest percentage group, expressed as a percentage in the midpoint of all percentile ranges (90-100% is represented as 95% in the table).
Primary Practice Area	The area of law comprising the largest percentage of the practice work.
Secondary Practice Area	The largest practice area outside of the primary practice area; more than one may be listed.
Median Number of Paralegals in Firm	The median number resulting from all survey responses.
Last Time Rate Change Occurred (months)	The median number, expressed in months.
Median Paralegal Rate for All Paralegals	Expressed in dollars.
Average Attorney Rate for All Attorneys	Expressed in dollars. Note that this is not the "median."
25% Median Attorney Rate for All Attorneys	25% of all survey responses are below this number, expressed in dollars.
Median Attorney Rate for All Attorneys	Half of all survey responses are above this number and half below, expressed in dollars.
75% Median Attorney Rate for All Attorneys	75% of all survey responses are below this number, expressed in dollars.
95% Median Attorney Rate for All Attorneys	5% of all survey responses are above this number, expressed in dollars.

Metropolitan areas listed in this section appear alphabetically by state and not merely by the name of the city since the name may appear in more than one state. Thus, metropolitan areas in Alabama lead the list and metropolitan areas in Wisconsin are at the end of the list.

Following each Metropolitan Area Summaries Table is a table of attorney hourly rates by years in practice for that Metropolitan Area. Combined, these tables are intended to provide the reader with a quick and easy snapshot of the data as viewed in the narrow metropolitan approach to the data. The second chart also may provide a view of the average hourly rates for an attorney as measured simply by years in practice, but the upper chart should also be considered in making such a determination.

Of course, the years in practice of an attorney is often deemed related to the experience level of an attorney and is also one of the traditional ways of determining the reasonableness of a particular attorney's hourly rate.

The years in practice alone may not be a sufficient basis, by itself, to consider a particular hourly rate to be reasonable in a particular case. Other factors also relate to the determination of a reasonable hourly rate in a particular case.

In this section of the Report, the only data included is from attorneys who indicated they practiced in their metropolitan area. All non-metropolitan area data was excluded. A non-metropolitan data report by years in practice can be made available upon request. However, case law indicates that the hourly rate for the jurisdiction at hand often applies to an attorney's hourly rate when practicing in that jurisdiction, rather than the hourly rate for their office location.

## Los Angeles, California

Firm Size	3.8
Median Years in Practice	10.5
Concentration of Practice in Consumer Law	91.5
Primary Practice Area	Consumer Law
Secondary Practice Area	General Practice
Last Time Rate Change Occurred (months)	13.6
Median Number of Paralegals in Firm	2.8
Average Paralegal Rate for All Paralegals	111
Median Paralegal Rate for All Paralegals	125
Average Attorney Rate for All Attorneys	435
25% Median Attorney Rate for All Attorneys	320
Median Attorney Rate for All Attorneys	450
75% Median Attorney Rate for All Attorneys	525
95% Median Attorney Rate for All Attorneys	710

Years Practicing Consumer Law	Average Attorney Hourly Rate
<1	250
1-3	257
3-5	306
6-10	370
11-15	588
16-20	483
21-25	725
26-30	500
>31	56

## 8. Survey Techniques

Surveys are widely considered to be important tools in any evaluation process. There are fundamentally two types of surveys: open ended questioning and closed ended questioning.

Open ended questions allow the responder to respond in any manner at all with no definite answer. Close ended questions provide a limited number of possible answers from which a response can be chosen by the responder. Because open ended questions allow for an unlimited response, they can lead to a subjective analysis and the results are almost always more difficult to interpret and quantify for analysis.

Close ended questions, however, lend their responses to easy statistical analysis.

There are five types of close ended questions.

A Likert-scale question allows for responses on a scale and allows a responder to state their feelings about an issue, such as strongly agree to strongly disagree. Multiple choice questions allow the responder to select from a finite number of responses. Ordinal questions ask the responder to rate things in relation to each other, such as selecting the most important to the least important responses about an issue. Categorical questions first place the responder in a category and then poses questions based on those categories, such as preceding questions with the initial inquiry of whether the responder is male or female. Numerical questions are used when the answer must be a real number.

Different types of questions are used in survey work so that different types of results analyses may be conducted, but the most common survey techniques are the numerical and the multiple choice question because of the ease with which conclusions may be derived from the raw data.

This survey used numerical questions and one multiple choice question. This allows for precise responses that can readily be cataloged and statistically interpreted.



## 9. Cases Employing Use of Survey Report

Courts frequently consider and use survey data in decision making involving fee disputes, finding it an economical and impartial means of determining contested fee issues.

Some of the cases using the *US Consumer Law Attorney Fee Survey Report* when deciding attorney fee disputes in Consumer Law cases, include the following.

*Crafton v. Law Firm of Jonathan B. Levine*, 2014 U.S. Dist. LEXIS 29690 (E.D. Wis. Mar. 7, 2014) (“Several courts in this District have recognized the Fee Survey as a reliable resource in determining the reasonableness of an attorney's hourly rate, particularly in conjunction with consideration of counsel's experience. See *Moreland v. Dorsey Thornton & Assocs., LLC*, No. 10-CV-867, 2011 U.S. Dist. LEXIS 54487, 2011 WL 1980282, \*3 (E.D. Wis. May 20, 2011) (relying on counsel's website, which lists the attorney profiles, along with the United States Consumer Law Attorney Fee Survey in determining that the requested hourly rate was reasonable); *House v. Shapiro & Price*, No. 10-CV-842, 2011 U.S. Dist. LEXIS 38322, 2011 WL 1219247 (E.D. Wis. Mar. 30, 2011) (same); *Suleski v. Bryant Lafayette & Assocs.*, No. 09-CV-960, 2010 U.S. Dist. LEXIS 55353, 2010 WL 1904968 (E.D. Wis. May 10, 2010) (same).”)

*Davis v. Hollins Law*, 2014 U.S. Dist. LEXIS 81024, 10-12 (E.D. Cal. June 10, 2014) Plaintiff also relies on the United States Consumer Law Attorney Fee Survey Report 2010-2011 \* \* \* The court has reviewed the methodology underlying the Survey, and finds it credible.

*Decker v. Transworld Systems, Inc.*, 2009 WL 2916819, N.D. Ill., 2009., September 01, 2009 (finding results in the 2007 United States Consumer Law Attorney Fee Survey Report to be supported by the Laffey Matrix).

*Beach v. LVNV Funding, LLC*, 2013 U.S. Dist. LEXIS 162926 (E.D. Wis. Nov. 15, 2013) (“... several courts in this District have recognized the Fee Survey as a reliable resource in determining the reasonableness of an

attorney's hourly rate, particularly in conjunction with consideration of counsel's experience.”)

*Lockmon v. Thomas F. Farrell, P.C.*, No. 12-cv-02319-CMA-MEH, 2012 U.S. Dist. LEXIS 178661, 2012 WL 6590426, at \*3 (D. Colo. Dec. 18, 2012) (“the Court finds that the average rates set forth in the [Consumer Law Attorney Fee] Survey are reasonable”).

*LaFountain, Jr v. Paul Benton Motors of North Carolina, LLC*, 2010 WL 4457057, (ED NC, November 5, 2010) (Senior US District Judge James C. Fox specifically finds the *US Consumer Law Attorney Fee Survey Report* to be persuasive, after rejecting the National Law Journal’s fee survey and the US Attorney’s Laffey Matrix as **un**persuasive in consumer law cases: “The court does, however, find the evidence in the *United States Consumer Law Attorney Fee Survey* to be persuasive”).

*Ramirez v. N. Am. Asset Servs., LLC*, 2012 U.S. Dist. LEXIS 54641 (C.D. Cal. Apr. 9, 2012) (stating that the argument opposing the *Survey* was “untethered” to reality in light of the *Survey* report’s resulting data).

*Lindenbaum v. NCO Fin. Sys.*, 2011 U.S. Dist. LEXIS 78069 (E.D. Pa. July 18, 2011) (using both the *US Consumer Law Attorney Fee Survey Report* and the US Attorney’s Laffey Matrix in determining a fee award).

*Suleski v. Bryant Lafayette & Associates*, 2010 WL 1904968, E.D. Wis., 2010., May 10, 2010 (“However, the United States Consumer Law Attorney Fee Survey for 2008-09 for the Midwest and California, see [www.consumerlaw.org/feesurvey](http://www.consumerlaw.org/feesurvey) (last visited May 7, 2010), supports the reasonableness of the hourly rates sought by counsel in light of their experience”).

*Vahidy v. Transworld Systems, Inc.*, 2009 WL 2916825, N.D. Ill., 2009., September 01, 2009 (finding results in the 2007 United States Consumer Law Attorney Fee Survey Report to be “supported by the Laffey Matrix”).

*Bratton v. Thomas Law Firm PC*, 943 F. Supp. 2d 897 (N.D. Ind. 2013) (“In *Moore v. Midland Credit Mgmt., Inc.*, No. 3:12-CV-166-TLS, 2012

U.S. Dist. LEXIS 176600, 2012 WL 6217597 (N.D. Ind. Dec. 12, 2012), this Court recently analyzed the applicability of both the *Consumer Law Attorney Fee Survey Report* and the Laffey Matrix. [904] The Court found that the Report "provides a general range for billing rates that is useful as one factor in a court's multi-factor analysis." 2012 U.S. Dist. LEXIS 176600, [WL] at \*4.").

*Beach v. LVNV Funding, LLC*, 2013 U.S. Dist. LEXIS 162926 (E.D. Wis. Nov. 15, 2013). ("As Beach points out, several courts in this District have recognized the Fee Survey as a reliable resource in determining the reasonableness of an attorney's hourly rate, particularly in conjunction with consideration of counsel's experience.").

In addition to the cases noted above, other cases using the *US Consumer Law Attorney Fee Survey Report* when deciding attorney fee disputes in Consumer Law cases include those on the following list.

### **Arizona**

*Savage v NIC, Inc.*, 2010 WL 2347028, D. Ariz., June 9, 2010.

*Shelago v. Marshall & Ziolkowski Enterprise, LLC*, 2009 WL 1097534, D. Ariz., 2009., April 22, 2009.

### **California**

*Krapf v Nationwide Credit, Inc.*, 2010 WL 4261444, C.D. Cal., October 21, 2010.

*Broad. Music Inc. v. Antigua Cantina & Grill, LLC*, 2013 U.S. Dist. LEXIS 72122 (E.D. Cal. May 20, 2013).

*Brown v. Mandarich Law Group, LLP*, 2014 U.S. Dist. LEXIS 47020 (N.D. Cal. Apr. 2, 2014).

*Castro v. Commercial Recovery Sys.*, 2014 U.S. Dist. LEXIS 33675 (N.D. Cal. Mar. 13, 2014).

*Garcia v. Resurgent Capital Servs.*, 2012 U.S. Dist. LEXIS 123889 (N.D. Cal. Aug. 30, 2012).

*De La Torre v. Legal Recovery Law Office*, 2014 U.S. Dist. LEXIS 128220 (S.D. Cal. Sept. 12, 2014).

*Verdun v. I.C. Sys.*, 2014 U.S. Dist. LEXIS 52238 (S.D. Cal. Apr. 14, 2014).

*Delalat v. Syndicated Office Sys.*, 2014 U.S. Dist. LEXIS 33756 (S.D. Cal. Jan. 23, 2014).

*Crawford v. Dynamic Recovery Servs.*, 2014 U.S. Dist. LEXIS 4057 (S.D. Cal. Jan. 10, 2014).

*Breidenbach v. Experian*, 2013 U.S. Dist. LEXIS 82093 (S.D. Cal. June 11, 2013).

## **Colorado**

*Gregg v. N.A.R., Inc.*, 2014 U.S. Dist. LEXIS 32017 (D. Colo. Mar. 12, 2014).

*Reichers v. Del. Asset Mgmt., LLC*, 2013 U.S. Dist. LEXIS 164981 (D. Colo. Nov. 20, 2013)

*Andalam v. Trizetto Group*, 2013 U.S. Dist. LEXIS 159656 (D. Colo. Nov. 7, 2013).

*Bock v. APIM, LLC*, 2013 U.S. Dist. LEXIS 176648 (D. Colo. Nov. 7, 2013).

*Peterson-Hooks v. First Integral Recovery, LLC*, 2013 U.S. Dist. LEXIS 73907 (D. Colo. May 24, 2013).

*Scadden v. Weinberg, Stein & Associates, LLC*, No. 12-CV-02454-PAB-MEH, 2013 U.S. Dist. LEXIS 57939, 2013 WL 1751294, at \*6 (D. Colo. Apr. 23, 2013).

*Anderson v. Nat'l Credit Sys.*, 2010 U.S. Dist. LEXIS 134268 (D. Colo. Dec. 1, 2010).

## **Florida**

*Lane v. Accredited Collection Agency, Inc.*, 2014 U.S. Dist. LEXIS 58502 (M.D. Fla. Apr. 25, 2014)

*Renninger v Phillips & Cohen Associates, Ltd*, 2010 WL 3259417, M.D. Fla., August 18, 2010.

*Sandin v. United Collection Bureau, Inc.*, 2009 WL 2500408, S.D. Fla., 2009., August 14, 2009.

## **Georgia**

*Hebert v. Wallet Recovery Ltd.*, 2014 U.S. Dist. LEXIS 57012 (M.D. Ga. Apr. 24, 2014).

## **Idaho**

*Lecoultre v. Takhar Collection Servs.*, 2013 U.S. Dist. LEXIS 96443 (D. Idaho July 9, 2013).

## **Indiana**

*Moore v. Midland Credit Mgmt.*, 2012 U.S. Dist. LEXIS 176600 (N.D. Ind. Dec. 12, 2012)

## **Nevada**

*Feely v. Carrington Mortg. Serve., LLC*, 2014 U.S. Dist. LEXIS 161626 (D. Nev. Nov. 14, 2014).

*Schneider v. SSA*, 2014 U.S. Dist. LEXIS 119553 (D. Nev. Aug. 27, 2014).

## **Ohio**

*Simpson v. Comm'r of Soc. Sec.*, 2014 U.S. Dist. LEXIS 10875 (S.D. Ohio Jan. 29, 2014).

*Coy v. Astrue*, 2013 U.S. Dist. LEXIS 50328 (N.D. Ohio Apr. 8, 2013).

*Hakkarainen v. Astrue*, 2012 U.S. Dist. LEXIS 188466 (N.D. Ohio June 27, 2012).

*Paris v Regent Asset Management Solutions, Inc.*, 2010 WL 3910212, S.D. Ohio, October 5, 2010.

*Wamsley v. Kemp*, 2010 WL 1610734, S.D. Ohio, 2010, April 20, 2010 (using both the national survey and the regional survey reports).

*Livingston v. Cavalry Portfolio Services, LLC*, 2009 WL 4724268, N.D. Ohio, 2009, December 02, 2009.

### **Tennessee**

*McCutcheon v. Finkelstein Kern Steinberg & Cunningham*, 2013 U.S. Dist. LEXIS 121460 (M.D. Tenn. Aug. 27, 2013)

### **Texas**

*Szijarto v. Farias*, 2014 U.S. Dist. LEXIS 17406 (S.D. Tex. Feb. 12, 2014).

### **West Virginia**

*Pearson v. Prichard's Excavating & Mobile Home Transp.*, 2014 U.S. Dist. LEXIS 16089 (S.D. W.Va. Feb. 10, 2014).

*Harmon v. Virtuoso Sourcing Group LLC*, 2012 U.S. Dist. LEXIS 129770 (S.D. W. Va. Sept. 12, 2012).

## 10. Cases on Use of Survey Data

Additional considerations in using fee surveys may be relevant to a court's consideration in a particular case, including the following concepts drawn from the illustrative cases below.

In determining whether a requested hourly rate is appropriate, a court may look not only to past awards within the district, but the other submissions offered in support of the award such as surveys and affidavits. See, *Waldo v. Consumers Energy Co.*, 726 F.3d 802, 2013 U.S. App. LEXIS 16555, at \*37, 2013 WL 4038747 at \*12 (6th Cir. Aug. 9, 2013); also see *Sykes v. Anderson*, 419 Fed. Appx. 615, 618, 2011 U.S.App. LEXIS 7699 (6th Cir. 2011) ("[t]he appropriate rate . . . is not necessarily the exact value sought by a particular firm, but is rather the market rate in the venue sufficient to encourage competent representation.").

While different attorney fee surveys may exist for the Court's consideration, the question may be which "fee survey better served the purpose of assessing the skills, experience and reputation of counsel" in a particular case. *Strohl Systems Group, Inc. v. Fallon*, E.D.Pa., 2007, 2007 WL 4323008.

Moreover, a fee survey may be approved as probative evidence of the reasonableness of an hourly rate. *Taylor v. USF-Red Star Express, Inc.*, 2005 WL 555371, E.D.Pa., 2005, March 8, 2005.

However, the results of an attorney fee survey may be merely a starting point, a piece of evidence that still should be shown to apply in a particular case. See, *Ray v. Secretary of Dept. Of Health and Human Services*, 2006 WL 1006587, Fed.Cl., 2006, March 30, 2006.

The cost of performing a fee survey may be recoverable in some instances.

It is a matter of first impression that a fee applicant would hire another attorney to conduct a survey on her behalf. We cannot forget that Luessenhop has the burden of proving that her Fee Application is based upon prevailing market rates and that she

has the right to present evidence to support the rate she believes to be prevailing. Here, where we are required to weigh the presumptive prevailing market rate district wide, further pondering the geographical distance and economic disparities between the Plattsburgh and Albany communities and Schneider's relatively limited access to those attorneys who practice civil rights litigation in Albany, we acknowledge that Luessenhop was left with little option but to hire Mishler, an Albany attorney, to conduct a more comprehensive survey on her behalf. Luessenhop seeks \$787.50 for Mishler's endeavors, which appears to be modest. Considering the amount of time this Court spent to conduct a similar survey, we do not find this amount to be unreasonable and will award it.

*Luessenhop v. Clinton County, N.Y.* 558 F.Supp.2d 247, 272 (N.D.N.Y.,2008).



## 11. Recommendations for Future Survey Data

As always, we welcome your suggestions for improvements to the survey and this Report as we continue to gather useful information in the future.

Please email your suggestions to [Ron@TheLawCoach.com](mailto:Ron@TheLawCoach.com) or you may mail them to Ronald L. Burdge, Esq., 2299 Miamisburg Centerville Road, Dayton, Ohio 45459-3817.

## 11. Survey Questions

The following pages contain the survey questions and possible answers to each question.

**US Consumer Law Attorney Fee Survey**

**1. Below is a list of practice areas. Please select the practice area that represents the largest percentage of your practice time.**

<input type="radio"/> Bankruptcy	<input type="radio"/> Estate Planning, Probate, Wills	<input type="radio"/> Securities
<input type="radio"/> Consumer Law	<input type="radio"/> General Practice	<input type="radio"/> Workers Compensation
<input type="radio"/> Criminal Law	<input type="radio"/> Medical Malpractice	<input type="radio"/> Other
<input type="radio"/> Domestic Relations	<input type="radio"/> Personal Injury	
<input type="radio"/> Employment Law	<input type="radio"/> Real Estate	

**2. What percentage of your practice is devoted to Consumer Law?**

<input type="radio"/> 100	<input type="radio"/> 60	<input type="radio"/> 20
<input type="radio"/> 90	<input type="radio"/> 50	<input type="radio"/> 10
<input type="radio"/> 80	<input type="radio"/> 40	<input type="radio"/> 5
<input type="radio"/> 70	<input type="radio"/> 30	<input type="radio"/> 0

**3. How many attorneys are in your law firm?**

<input type="radio"/> 1	<input type="radio"/> 3	<input type="radio"/> 5 or more
<input type="radio"/> 2	<input type="radio"/> 4	

**US Consumer Law Attorney Fee Survey**

**4. How many years have you been practicing law?**

<input type="radio"/> 1	<input type="radio"/> 16	<input type="radio"/> 31
<input type="radio"/> 2	<input type="radio"/> 17	<input type="radio"/> 32
<input type="radio"/> 3	<input type="radio"/> 18	<input type="radio"/> 33
<input type="radio"/> 4	<input type="radio"/> 19	<input type="radio"/> 34
<input type="radio"/> 5	<input type="radio"/> 20	<input type="radio"/> 35
<input type="radio"/> 6	<input type="radio"/> 21	<input type="radio"/> 36
<input type="radio"/> 7	<input type="radio"/> 22	<input type="radio"/> 37
<input type="radio"/> 8	<input type="radio"/> 23	<input type="radio"/> 38
<input type="radio"/> 9	<input type="radio"/> 24	<input type="radio"/> 39
<input type="radio"/> 10	<input type="radio"/> 25	<input type="radio"/> 40
<input type="radio"/> 11	<input type="radio"/> 26	<input type="radio"/> 41
<input type="radio"/> 12	<input type="radio"/> 27	<input type="radio"/> 42
<input type="radio"/> 13	<input type="radio"/> 28	<input type="radio"/> 43
<input type="radio"/> 14	<input type="radio"/> 29	<input type="radio"/> 44
<input type="radio"/> 15	<input type="radio"/> 30	<input type="radio"/> 45 or more

**5. What is your (attorney) standard billable hourly rate?**

<input type="radio"/> 0	<input type="radio"/> 250	<input type="radio"/> 500
<input type="radio"/> 25	<input type="radio"/> 275	<input type="radio"/> 525
<input type="radio"/> 50	<input type="radio"/> 300	<input type="radio"/> 550
<input type="radio"/> 75	<input type="radio"/> 325	<input type="radio"/> 575
<input type="radio"/> 100	<input type="radio"/> 350	<input type="radio"/> 600
<input type="radio"/> 125	<input type="radio"/> 375	<input type="radio"/> 625
<input type="radio"/> 150	<input type="radio"/> 400	<input type="radio"/> 650
<input type="radio"/> 175	<input type="radio"/> 425	<input type="radio"/> 675
<input type="radio"/> 200	<input type="radio"/> 450	<input type="radio"/> 700
<input type="radio"/> 225	<input type="radio"/> 475	<input type="radio"/> 725 or more

**6. How many full or part time paralegal or law clerk or legal assistants do you employ?**

<input type="radio"/> 0	<input type="radio"/> 2	<input type="radio"/> 4
<input type="radio"/> 1	<input type="radio"/> 3	<input type="radio"/> 5 or more

**US Consumer Law Attorney Fee Survey**

**7. What is your average paralegal or law clerk or legal assistant standard billable hourly rate?**

<input type="radio"/> n/a	<input type="radio"/> 100	<input type="radio"/> 190
<input type="radio"/> 0	<input type="radio"/> 110	<input type="radio"/> 200
<input type="radio"/> 25	<input type="radio"/> 125	<input type="radio"/> 210
<input type="radio"/> 50	<input type="radio"/> 140	<input type="radio"/> 225
<input type="radio"/> 75	<input type="radio"/> 150	<input type="radio"/> 240
<input type="radio"/> 90	<input type="radio"/> 175	<input type="radio"/> 250 or more

**8. How long ago did you change your billable hourly rate?**

<input type="radio"/> n/a	<input type="radio"/> 1 1/2 years	<input type="radio"/> 3 1/2 years
<input type="radio"/> 0	<input type="radio"/> 2 years	<input type="radio"/> 4 years
<input type="radio"/> 1/2 year	<input type="radio"/> 2 1/2 years	<input type="radio"/> 4 1/2 years
<input type="radio"/> 1 year	<input type="radio"/> 3 years	<input type="radio"/> 5 years or more

**US Consumer Law Attorney Fee Survey**

**9. In what jurisdiction do you practice law? If you practice in more than one jurisdiction and your hourly rate is the same in all jurisdictions, then you may check more than one box below. If your rate differs in different jurisdictions, then you should complete this survey and then submit a new survey response for each additional jurisdiction where you practice.**

- |                                      |   |  |
|--------------------------------------|---|--|
| <input type="checkbox"/> Alabama     | <input type="checkbox"/> Maine          | <input type="checkbox"/> Oregon            |
| <input type="checkbox"/> Alaska      | <input type="checkbox"/> Maryland       | <input type="checkbox"/> Pennsylvania      |
| <input type="checkbox"/> Arizona     | <input type="checkbox"/> Massachusetts  | <input type="checkbox"/> Puerto Rico       |
| <input type="checkbox"/> Arkansas    | <input type="checkbox"/> Michigan       | <input type="checkbox"/> Rhode Island      |
| <input type="checkbox"/> California  | <input type="checkbox"/> Minnesota      | <input type="checkbox"/> South Carolina    |
| <input type="checkbox"/> Colorado    | <input type="checkbox"/> Mississippi    | <input type="checkbox"/> South Dakota      |
| <input type="checkbox"/> Connecticut | <input type="checkbox"/> Missouri       | <input type="checkbox"/> Tennessee         |
| <input type="checkbox"/> Delaware    | <input type="checkbox"/> Montana        | <input type="checkbox"/> Texas             |
| <input type="checkbox"/> Florida     | <input type="checkbox"/> Nebraska       | <input type="checkbox"/> Utah              |
| <input type="checkbox"/> Georgia     | <input type="checkbox"/> Nevada         | <input type="checkbox"/> Vermont           |
| <input type="checkbox"/> Hawaii      | <input type="checkbox"/> New Hampshire  | <input type="checkbox"/> Virginia          |
| <input type="checkbox"/> Idaho       | <input type="checkbox"/> New Jersey     | <input type="checkbox"/> Virgin Islands US |
| <input type="checkbox"/> Illinois    | <input type="checkbox"/> New Mexico     | <input type="checkbox"/> Washington        |
| <input type="checkbox"/> Indiana     | <input type="checkbox"/> New York       | <input type="checkbox"/> West Virginia     |
| <input type="checkbox"/> Iowa        | <input type="checkbox"/> North Carolina | <input type="checkbox"/> Wisconsin         |
| <input type="checkbox"/> Kansas      | <input type="checkbox"/> North Dakota   | <input type="checkbox"/> Wyoming           |
| <input type="checkbox"/> Kentucky    | <input type="checkbox"/> Ohio           | <input type="checkbox"/> Washington DC     |
| <input type="checkbox"/> Louisiana   | <input type="checkbox"/> Oklahoma       |  |

**10. In what geographical area of your state do you regularly practice? If more than one area, mark all that apply.**

- |                                |                               |                                  |
|--------------------------------|-------------------------------|----------------------------------|
| <input type="checkbox"/> North | <input type="checkbox"/> East | <input type="checkbox"/> Central |
| <input type="checkbox"/> South | <input type="checkbox"/> West |                                  |

**11. Do you regularly practice in a metropolitan area of more than 200,000 persons or less than 200,000 persons?**

- Both more and less
- More than 200,000
- Less than 200,000

## 12. About the Editor

Ronald L. Burdge is an attorney and the founder of Burdge Law Office Co LPA in Dayton, Ohio. Mr. Burdge is in private practice in Ohio, Kentucky and Indiana and elsewhere by *pro hac* admission, and is a nationally known Consumer Law attorney. For over a decade, Mr. Burdge has testified as an expert witness on Consumer Law and Attorney Fee issues in numerous state and federal courts. He is a member of the Total Practice Management Association and numerous professional associations.

He has authored numerous articles and lectured widely on Attorney Fee issues and Consumer Law and Consumer Trial Practice, and is a member of the American Society of Legal Writers and the Legal Writing Institute. Mr. Burdge has also lectured widely at national and state Consumer Protection Law seminars before attorneys, judges, and both public and business groups, and has testified before the Ohio Legislature and its committees on Consumer Law issues.

He has served as Board Examiner for the National Board of Trial Advocacy and has extensive Consumer Law trial and appellate experience in individual and class action cases involving lenders, retail sales practices, defective products, and warranty litigation. Since 2004, he remains the only Consumer Law attorney in Ohio who has been named to Ohio Super Lawyer status by *Law & Politics* Magazine and Thomson Reuters, and whose practice is entirely devoted to Consumer Law work for consumers only. Thomson Reuters is the world's leading source of intelligent information for businesses and professionals. In 2004, he was named Trial Lawyer of the Year by the National Association of Consumer Advocates and in 2010 he was elected to the Board of the National Association of Consumer Advocates.

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**UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

JOHN SMITH, individually and as  
a representative of the Class,

Plaintiff,

v.

A-CHECK AMERICA INC. d/b/a  
A-CHECK GLOBAL,

Defendant.

Case No.: 5:16-cv-00174-VAP-KK

**[PROPOSED] ORDER  
GRANTING PLAINTIFF'S  
MOTION FOR ATTORNEYS'  
FEES, COSTS, AND CLASS  
REPRESENTATIVE SERVICE  
PAYMENT**

AND NOW this \_\_\_\_\_ day of \_\_\_\_\_, 2017, upon  
consideration of the Plaintiff's Motion for Attorneys' Fees, Costs, and Class  
Representative Service Payment, it is hereby ORDERED that said motion is  
GRANTED.

**IT IS SO ORDERED.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Hon. Virginia A. Phillips  
Chief United States District Judge



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