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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

JANE ROE, on behalf of herself and all others similarly situated,

Plaintiff,

v.

JOSE TORRES L.D. LATIN CLUB BAR, INC. *et al.*,

Defendants.

Civil Case No. 3:19-cv-06088-LB

DECLARATION OF STEVEN G. TIDRICK, ESQ. IN SUPPORT OF PLAINTIFF'S MOTION FOR AWARD OF ATTORNEYS' FEES AND COSTS AND SERVICE AWARDS

The Honorable Laurel Beeler

Date: August 27, 2020
Time: 9:30 A.M.
Courtroom: Courtroom B, 15th Floor
450 Golden Gate Avenue
San Francisco, California
Judge: The Honorable Laurel Beeler

I, Steven G. Tidrick, do declare and state as follows:

1. I am an attorney with The Tidrick Law Firm LLP, attorneys of record for Plaintiff in the above-entitled action. I am licensed to practice before all of the courts of the States of California and Massachusetts, and all U.S. District Courts in the State of California, including the Northern District of California, and the U.S. Court of Appeals for the First and Ninth Circuits. I have personal knowledge of the facts set forth herein and, if called as a witness, I could and would competently testify thereto.

The Tidrick Law Firm LLP

2. The Tidrick Law Firm LLP, founded in 2008, concentrates its practice in class action litigation. The firm has represented numerous clients across the United States in employment, wage and hour, and consumer class actions. The firm regularly engages in major complex litigation, and has significant experience in wage and hour class action lawsuits that are similar in size, scope, and complexity to this action.

3. Of particular relevance to this case, The Tidrick Law Firm LLP has significant experience representing workers in employment class actions, as exemplified by our firm's appointment as Class Counsel in a lawsuit certified as a Rule 23(b)(3) class action on behalf of a class consisting of more than three thousand (3,000) individuals currently or formerly employed by the City and County of San Francisco as bus and train operators, in which the court granted final approval of an $8 million settlement. *See Stitt v. San Francisco Mun. Transp. Agency*, 2014 U.S. Dist. LEXIS 61522 (N.D. Cal. May 2, 2014). *See also Rai v. Santa Clara Valley Transportation Authority*, Civil Case No. 5:12-cv-04344-PSG, Dkt. 300, May 17, 2016 (granting final approval of a $4.2 million settlement). In addition to these examples, our firm has represented plaintiffs in numerous other employment class actions.

Experience of Steven G. Tidrick, Esq.

4. I am a graduate of Harvard College (A.B. *magna cum laude* 1994, Phi Beta Kappa) and Harvard Law School (J.D. 1999), where I was an editor of the *Harvard Law Review*. After graduation from law school I clerked for the Honorable M. Margaret McKeown, U.S. Court of Appeals for the Ninth Circuit (1999-2000). In 2000, upon

completion of my clerkship, I became a litigation associate in Boston, Massachusetts at the law firm of Foley, Hoag & Eliot LLP (later re-named Foley Hoag LLP), took the Massachusetts bar exam, and was admitted to the Massachusetts bar in 2001. I worked as a litigation associate at Foley Hoag until 2003, when I became an associate at Boies, Schiller & Flexner LLP, in its Oakland, California office, and was admitted to the California Bar. From 2003 until 2007, my practice focused on complex civil litigation and class actions. In 2007, I switched from representing primarily defendants to representing primarily plaintiffs in class actions, when I became a partner at the law firm of Girard Gibbs LLP in San Francisco. I founded The Tidrick Law Firm in 2008 and since that time, plaintiff's-side employment litigation has been and is my principal practice area. I am a member of the Labor and Employment Section of the State Bar of California and the National Employment Law Project's Wage and Hour Clearinghouse, among other organizations.

Experience of Joel B. Young, Esq.

5. My law partner Joel B. Young is a graduate of the University of California, Berkeley (B.A. 2000) and the University of California, Berkeley School of Law, Boalt Hall (J.D. 2004). He was admitted to the California Bar in June 2005 and is also admitted in various federal courts including the Northern District of California. Before joining The Tidrick Law Firm, Mr. Young was associated with Gunderson Dettmer LLP and Reed Smith LLP. Mr. Young is a member and former officer of the Charles Houston Bar Association. He has worked with me on numerous employment, wage and hour, and consumer class actions. Mr. Young has worked with me on all of the firm's class actions.

Class Counsel's Lodestar

6. Based on detailed contemporaneous time records, the lodestar of The Tidrick Law Firm in this action is $50,189.00, which is the sum of the following:

a. Partner Steven G. Tidrick, Esq., 29.8 hours multiplied by hourly rate of $825/hour = $24,585.00, for time spent: reviewing documents from client; drafting PAGA notice; researching and drafting the complaint; drafting motion to proceed under pseudonym and reply regarding same; reviewing

Defendant's answer and research regarding the same; drafting discovery requests; reviewing Defendant's discovery responses; reviewing Defendant's document production; conferences with J. Young regarding case strategy and settlement; drafting motion for preliminary approval of settlement; obtaining bids for settlement administration; communicate with settlement administrator regarding settlement administration.

b. Partner Joel B. Young, Esq., 34.6 hours multiplied by hourly rate of $740/hour = $25,604.00, for time spent: meetings with client; investigating claims; conferring with S. Tidrick re case strategy; reviewing documents provided by client; research and draft PAGA notice; researching and drafting the complaint and amended complaints; conferences with opposing counsel; drafting CMC statements; reviewing Defendant's answer; drafting discovery requests; reviewing Defendant's discovery responses; reviewing Defendant's document production; drafting responses to Defendant's discovery requests; negotiating settlement; drafting settlement agreement; conferring with S. Tidrick re same; preparing for hearing on preliminary approval.

Reasonableness of the Hours and Hourly Rates

7. Other courts have approved The Tidrick Law Firm's hours and hourly rates as being reasonable, including the hourly rates requested in this fee application. *See Kinney v. National Express Transit Servs. Corp.*, 2018 U.S. Dist. LEXIS 10808, at *11 (E.D. Cal. Jan. 22, 2018) (Nunley, J.) (finding my hours and hourly rate of $825/hour to be reasonable, and likewise with respect to Mr. Young's hours and hourly rate of $740/hour, stating "The Court finds that Class Counsel's hours and hourly rates are reasonable."); *Jones v. San Diego Metropolitan Transit System*, 2017 WL 5992360, at *5 (S.D. Cal. Nov. 30, 2017) (Crawford, J.) (finding my hours and hourly rate of $825/hour to be reasonable, and likewise with respect to Mr. Young's hours and hourly rate of $740/hour, stating "The Court finds that counsel's hours and hourly rates are reasonable."); *Munoz v. Big Bus Tours Limited*, Civil Case No. 3:18-cv-05761-SK (N.D. Cal. Feb. 12, 2020) (Kim, J.), ECF No. 40 (finding my hours and

hourly rate of $825/hour to be reasonable, and likewise with respect to Mr. Young's hours and hourly rate of $740/hour, stating "the court finds that Class Counsel's hours and hourly rates are reasonable").

8. In earlier years, courts have approved as being reasonable The Tidrick Law Firm's hourly rates that were previously in effect. *See, e.g., Williams v. SuperShuttle Int'l, Inc.*, 2015 U.S. Dist. LEXIS 19341, at *5 (N.D. Cal. Feb. 12, 2015) (Orrick, J.) (finding my hours and hourly rate of $750/hour to be reasonable, and likewise with respect to Mr. Young's hours and hourly rate of $675/hour, stating "The Court finds that Class Counsel's hours and hourly rates are reasonable"); *Bradford v. Lux Bus America Co.*, Civil Case No. CGC-12-526030 (San Francisco Superior Court) (Robertson, J.), Order of April 16, 2015, at 4:27-28 (finding my hours and hourly rate of $750/hour to be reasonable, and likewise with respect to Mr. Young's hours and hourly rate of $675/hour, stating "The Court finds that Class Counsel's hours and hourly rates are reasonable."); *Armstrong v. Bauer's Intelligent Transp., Inc.*, 2015 U.S. Dist. LEXIS 134863, at *6 (N.D. Cal. Sept. 21, 2015) (Chesney, J.) (finding my hours and hourly rate of $750/hour to be reasonable, and likewise with respect to Mr. Young's hours and hourly rate of $675/hour, stating "The Court finds that Class Counsel's hours and hourly rates are reasonable."); *Rai v. Santa Clara Valley Transportation Authority*, Case No. 5:12-cv-04344-PSG, Dkt. 300, ¶ 22 (N.D. Cal. May 17, 2016) (Grewal, J.) (finding my hours and hourly rate of $750/hour to be reasonable, and likewise with respect to Mr. Young's hours and hourly rate of $675/hour, stating "The Court finds that Class Counsel's hours and hourly rates are reasonable.").

9. The hourly rates requested in this application are comparable to, or lower than, rates charged by other law firms in California employment class actions. For example, in *Nitsch v. DreamWorks Animation SKG Inc.*, 2017 WL 2423161, at *9 (N.D. Cal. June 5, 2017) (Koh, J.), the court found that hourly rates of up to $1,200 per hour—far above Plaintiff's counsel's requested hourly rates here—for plaintiffs' class action lawyers based in California were "fair, reasonable, and market-based, particularly for the 'relevant community' in which counsel work." Similarly, in *Koz v. Kellogg Co.*, 2013 U.S. Dist. LEXIS 129205

(C.D. Cal. Sept. 10, 2013) (Gonzalez, J.), the court approved attorney hourly rates of up to $950. *See id.* at *23-24.

10. A true and correct copy of the *Laffey* matrix as of 2019 is attached hereto as **Exhibit 1**. In order to account for regional variations in reasonable billing rates, courts have held that an adjustment from *Laffey* matrix in accordance with the locality pay differentials applicable to the federal judiciary is appropriate. *See, e.g., Garnes v. Barnhardt*, 2006 WL 249522, at *7 (N.D. Cal. Jan. 31, 2006) (Walker, C.J.) ("It is this court's practice to adjust fees drawn from the *Laffey* matrix in accordance with the locality pay differentials applicable to the federal judiciary, an agency that employs legal professionals throughout the United States. See *http:// www.opm.gov/oca/05tables/pdf/salhr.pdf.* The Washington-Baltimore area is subject to a +15.98% locality pay differential, whereas the Los Angeles-Long Beach-Riverside area is subject to a 23.18% locality pay differential. The discrepancy between these two percentages-6.2%-amounts to the upward adjustment from the *Laffey* rates to which Mr McIntyre and Madrigal are entitled."); *Chanel, Inc. v. Doan*, 2007 WL 781976, at *7 (N.D. Cal. Mar. 13, 2007) (Walker, J.) (similar).

11. The locality differentials published in 2019 by the federal government source that the court in *Garnes* referenced indicate that the Washington-Baltimore area is subject to a +29.32% locality pay differential, whereas the San Jose-San Francisco-Oakland is subject to a +40.35% locality pay differential. *See* https://www.federalpay.org/gs/locality, a true and correct printout of which is attached hereto as **Exhibit 2**. The discrepancy between these two percentages—8.5%[1]—amounts to the upward adjustment from the *Laffey* rates that accounts for differences in the applicable regional marketplaces.[2] After making that upward adjustment of 8.5%, the *Laffey* matrix indicates that a reasonable hourly rate for an attorney in the San Francisco Bay Area with 11-19 years of experience is **$810/hour**, and a reasonable hourly rate for an attorney in the San Francisco Bay Area with 20+ years of experience is **$975/hour**.

[1] (140.35-129.32)/129.32 = 0.08529, or about 8.5%.

[2] According to the *Laffey* matrix, in the timeframe of June 2019 through May 2020, an attorney with 11-19 years of experience may charge a reasonable hourly rate of $747/hour, and an attorney with 20+ years of experience may charge a reasonable hourly rate of $899/hour. *See* Exhibit B.

12. An upward adjustment from the *Laffey* matrix is supported by an article reporting on a survey of law firm billing rates published in the *San Francisco Daily Journal* on August 10, 2012. According to this survey, the 2012 average billing rate in the San Francisco market was $675 for a partner, up from $654 in 2011, and $482/hour for an associate, up from $449/hour in 2011. Those rates are significantly higher than the rates indicated by the *Laffey* matrix for the year 2012. A true and correct copy of that article is attached hereto as **Exhibit 3**.

13. The hourly rates set forth in the *Laffey* matrix and the *San Francisco Daily Journal* reflect those rates that are charged where full payment is expected promptly upon the rendition of the billing and without consideration of factors other than hours and rates. If any substantial part of the payment were to be contingent or deferred for any substantial period of time, the fee arrangement would typically be adjusted so as to compensate the attorneys for those factors. In my experience, fee awards are almost always determined based on current rates, *i.e.*, the attorney's rate at the time when a motion for fees is made, rather than the historical rate at the time the work was performed. This is a common and accepted practice that provides some compensation to attorneys for the delay in being paid.

14. In cases where compensation is contingent on success, attorneys reasonably expect to receive significantly higher effective hourly rates, particularly where, as in this case, the result is uncertain. As the case law recognizes, this does not result in any undue "bonus" or "windfall." In the legal marketplace, a lawyer who assumes a significant financial risk on behalf of a client reasonably expects that his or her compensation will be significantly greater than if no risk was involved (for example, if the client paid the bill on a monthly basis), and that the greater the risk, the greater the "enhancement." As Judge Virginia Phillips has stated, "Adjusting court-awarded fees upward in contingent fee cases to reflect the risk of recovering no compensation for hundreds of hours of work makes those fee awards consistent with the legal marketplace, and in so doing, helps to ensure that meritorious cases will be brought to enforce important public interest policies and that clients who have meritorious claims, but lack financial resources, will be better able to obtain qualified counsel." *Jeter-Polk v. Casual*

Male Store, LLC, 2016 WL 9450452, at *8 (C.D. Cal. Mar. 4, 2016) (Phillips, J.).

15. The attorneys' fees request here, $33,750, is about 67% of the lodestar, which is $50,189.00. Thus, the requested fee award results in a "negative multiplier," which supports a finding that the requested percentage of the total settlement value, 25%, is reasonable and fair.

16. The fee request is reasonable, among other reasons, because of the risks associated with Plaintiff's counsel's contingent-based representation. Plaintiff's counsel should be compensated for their work because "[i]t is an established practice to reward attorneys who assume representation on a contingent basis with an enhanced fee to compensate them for the risk that they might be paid nothing at all." *Thieriot v. Celtic Ins. Co.*, 2011 WL 1522385, at *6 (N.D. Cal. Apr. 21, 2011) (Beeler, J.). Moreover, privately negotiated contingency agreements in employment matters in California typically range from 33% to 40% of any recovery.

Costs

17. The Settlement Agreement permits a request for reimbursement for incurred litigation costs. To date, counsel have advanced all costs incurred in this case. The attached **Exhibit 4** is a true and correct accounting of the total incurred litigation expenses in this matter, totaling $5,875.75, and does not include the modest, but real, expenses that will be incurred in the future. All of these costs have been necessary to the prosecution of this litigation and would normally have been billed to a client paying for counsel's services on a regular basis. These costs are reasonable.

Service Award

18. The service award (also known as an enhancement payment) requested is to the named Plaintiff, Jane Roe, in the amount of $10,000. The amount requested is justified by her service to the class. Plaintiff spent at least 45 hours of her personal time assisting in the prosecution of the lawsuit, including time spent gathering and reviewing documents, identifying witnesses, and conferring with counsel throughout the litigation, including during the settlement negotiations.

19. The service award requested is also justified because, in addition to spending time on the case, Plaintiff also incurred personal risk, including risks undertaken for payment of costs and stigma in connection with future employment opportunities, because even though she prosecuted this action under a pseudonym, her true identity is known to the Defendants.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 20, 2020.

/s/ Steven G. Tidrick

STEVEN G. TIDRICK, ESQ.

Exhibit 1

LAFFEY MATRIX

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			Years Out of Law School *				
Year	Adjustmt Factor**	Paralegal/ Law Clerk	1-3	4-7	8-10	11-19	20 +
6/01/19- 5/31/20	1.0049	$203	$372	$458	$661	$747	$899
6/01/18- 5/31/19	1.0350	$202	$371	$455	$658	$742	$894
6/01/17- 5/31/18	1.0463	$196	$359	$440	$636	$717	$864
6/01/16- 5/31/17	1.0369	$187	$343	$421	$608	$685	$826
6/01/15- 5/31/16	1.0089	$180	$331	$406	$586	$661	$796
6/01/14- 5/31/15	1.0235	$179	$328	$402	$581	$655	$789
6/01/13- 5/31/14	1.0244	$175	$320	$393	$567	$640	$771
6/01/12- 5/31/13	1.0258	$170	$312	$383	$554	$625	$753
6/01/11- 5/31/12	1.0352	$166	$305	$374	$540	$609	$734
6/01/10- 5/31/11	1.0337	$161	$294	$361	$522	$589	$709
6/01/09- 5/31/10	1.0220	$155	$285	$349	$505	$569	$686
6/01/08- 5/31/09	1.0399	$152	$279	$342	$494	$557	$671
6/01/07-5/31/08	1.0516	$146	$268	$329	$475	$536	$645
6/01/06-5/31/07	1.0256	$139	$255	$313	$452	$509	$614
6/1/05-5/31/06	1.0427	$136	$249	$305	$441	$497	$598
6/1/04-5/31/05	1.0455	$130	$239	$293	$423	$476	$574
6/1/03-6/1/04	1.0507	$124	$228	$280	$405	$456	$549
6/1/02-5/31/03	1.0727	$118	$217	$267	$385	$434	$522
6/1/01-5/31/02	1.0407	$110	$203	$249	$359	$404	$487
6/1/00-5/31/01	1.0529	$106	$195	$239	$345	$388	$468
6/1/99-5/31/00	1.0491	$101	$185	$227	$328	$369	$444
6/1/98-5/31/99	1.0439	$96	$176	$216	$312	$352	$424
6/1/97-5/31/98	1.0419	$92	$169	$207	$299	$337	$406
6/1/96-5/31/97	1.0396	$88	$162	$198	$287	$323	$389

6/1/95-5/31/96	1.032	$85	$155	$191	$276	$311	$375
6/1/94-5/31/95	1.0237	$82	$151	$185	$267	$301	$363

The methodology of calculation and benchmarking for this Updated Laffey Matrix has been approved in a number of cases. See, e.g., McDowell v. District of Columbia, Civ. A. No. 00-594 (RCL), LEXSEE 2001 U.S. Dist. LEXIS 8114 (D.D.C. June 4, 2001); Salazar v. Dist. of Col., 123 F.Supp.2d 8 (D.D.C. 2000).

* "Years Out of Law School" is calculated from June 1 of each year, when most law students graduate. "1-3" includes an attorney in his 1st, 2nd and 3rd years of practice, measured from date of graduation (June 1). "4-7" applies to attorneys in their 4th, 5th, 6th and 7th years of practice. An attorney who graduated in May 1996 would be in tier "1-3" from June 1, 1996 until May 31, 1999, would move into tier "4-7" on June 1, 1999, and tier "8-10" on June 1, 2003.

** The Adjustment Factor refers to the nation-wide Legal Services Component of the Consumer Price Index produced by the Bureau of Labor Statistics of the United States Department of Labor.

Exhibit 2

General Schedule (GS) Locality Pay Map

There are a total of 53 **General Schedule Locality Areas** (including 6 localities that were added in 2019), which were established by the GSA's Office of Personnel Management to allow the General Schedule Payscale (and the LEO Payscale, which also uses these localities) to be adjusted for the varying cost-of-living across different parts of the United States.

Each Locality Area has a Locality Pay Adjustment percentage, updated yearly, which specifies how much over the GS Base Pay government employees working within that locality will earn.

Therefore, localities with a higher cost of living have a higher adjustment percentage then cheaper localities. To automatically calculate location-adjusted pay, use our GS Pay Calculator.

GS Locality Name	Main Area	Code	Pay Adjustment	Year
ALBANY-SCHENECTADY, NY-MA	Albany, New York	ALB	17.19%	2019
ALBUQUERQUE-SANTA FE-LAS VEGAS, NM	Albuquerque, New Mexico	ALQ	16.2%	2019
ATLANTA--ATHENS-CLARKE COUNTY--SANDY SPRINGS, GA-AL	Atlanta, Georgia	ATL	21.64%	2019
AUSTIN-ROUND ROCK, TX	Austin, Texas	AUS	17.46%	2019
BIRMINGHAM-HOOVER-TALLADEGA, AL	Birmingham, Alabama	BH	15.77%	2019
BOSTON-WORCESTER-PROVIDENCE, MA-RI-NH-ME	Boston, Massachusetts	BOS	28.27%	2019
BUFFALO-CHEEKTOWAGA, NY	Buffalo, New York	BU	19.67%	2019
BURLINGTON-SOUTH BURLINGTON, VT	Burlington, Vermont	BN	16.18%	2019
CHARLOTTE-CONCORD, NC-SC	Charlotte, North Carolina	CHA	16.79%	2019
CHICAGO-NAPERVILLE, IL-IN-WI	Chicago, Illinois	CHI	28.05%	2019
CINCINNATI-WILMINGTON-MAYSVILLE, OH-KY-IN	Cincinnati, Ohio	CIN	20.21%	2019
CLEVELAND-AKRON-CANTON, OH	Cleveland, Ohio	CLE	20.45%	2019
COLORADO SPRINGS, CO	Colorado Springs, Colorado	COS	17.19%	2019
COLUMBUS-MARION-ZANESVILLE, OH	Columbus, Ohio	COL	19.47%	2019
CORPUS CHRISTI-KINGSVILLE-ALICE, TX	Corpus Christi, Texas	CC	16.01%	2019
DALLAS-FORT WORTH, TX-OK	Dallas, Texas	DFW	24.21%	2019
DAVENPORT-MOLINE, IA-IL	Davenport, Iowa	DAV	16.49%	2019
DAYTON-SPRINGFIELD-SIDNEY, OH	Dayton, Ohio	DAY	18.61%	2019
DENVER-AURORA, CO	Denver, Colorado	DEN	26.3%	2019
DETROIT-WARREN-ANN ARBOR, MI	Detroit, Michigan	DET	26.81%	2019
HARRISBURG-LEBANON, PA	Harrisburg, Pennsylvania	HAB	16.65%	2019
HARTFORD-WEST HARTFORD, CT-MA	Hartford, Connecticut	HAR	28.87%	2019
HOUSTON-THE WOODLANDS, TX	Houston, Texas	HOU	32.54%	2019
HUNTSVILLE-DECATUR-ALBERTVILLE, AL	Huntsville, Alabama	HNT	19.18%	2019
INDIANAPOLIS-CARMEL-MUNCIE, IN	Indianapolis, Indiana	IND	16.57%	2019
KANSAS CITY-OVERLAND PARK-KANSAS CITY, MO-KS	Kansas City, Missouri	KC	16.6%	2019
LAREDO, TX	Laredo, Texas	LAR	18.22%	2019
LAS VEGAS-HENDERSON, NV-AZ	Las Vegas, Nevada	LAS	17.04%	2019
LOS ANGELES-LONG BEACH, CA	Los Angeles, California	LA	31.47%	2019
MIAMI-FORT LAUDERDALE-PORT ST. LUCIE, FL	Miami, Florida	MFL	23.12%	2019
MILWAUKEE-RACINE-WAUKESHA, WI	Milwaukee, Wisconsin	MIL	20.58%	2019
MINNEAPOLIS-ST. PAUL, MN-WI	Minneapolis, Minnesota	MSP	24%	2019
NEW YORK-NEWARK, NY-NJ-CT-PA	New York City, New York	NY	33.06%	2019
OMAHA-COUNCIL BLUFFS-FREMONT, NE-IA	Omaha, Nebraska	OM	15.87%	2019
PALM BAY-MELBOURNE-TITUSVILLE, FL	Palm Bay, Florida	PAL	16.33%	2019
PHILADELPHIA-READING-CAMDEN, PA-NJ-DE-MD	Philadelphia, Pennsylvania	PHL	25.3%	2019

GS Locality Name	Main Area	Code	Pay Adjustment	Year
PHOENIX-MESA-SCOTTSDALE, AZ	Phoenix, Arizona	PX	19.6%	2019
PITTSBURGH-NEW CASTLE-WEIRTON, PA-OH-WV	Pittsburgh, Pennsylvania	PIT	18.86%	2019
PORTLAND-VANCOUVER-SALEM, OR-WA	Portland, Oregon	POR	23.13%	2019
RALEIGH-DURHAM-CHAPEL HILL, NC	Raleigh, North Carolina	RA	19.99%	2019
REST OF UNITED STATES	Rest of U.S.,	RUS	15.67%	2019
RICHMOND, VA	Richmond, Virginia	RCH	19.38%	2019
SACRAMENTO-ROSEVILLE, CA-NV	Sacramento, California	SAC	25.59%	2019
SAN ANTONIO-NEW BRAUNFELS-PEARSALL, TX	San Antonio, Texas	SO	16.07%	2019
SAN DIEGO-CARLSBAD, CA	San Diego, California	SD	28.8%	2019
SAN JOSE-SAN FRANCISCO-OAKLAND, CA	San Francisco, California	SF	40.35%	2019
SEATTLE-TACOMA, WA	Seattle, Washington	SEA	26.04%	2019
ST. LOUIS-ST. CHARLES-FARMINGTON, MO-IL	Saint Louis, Missouri	STL	17.05%	2019
STATE OF ALASKA	Alaska, Alaska	AK	28.89%	2019
STATE OF HAWAII	Hawaii, Hawaii	HI	18.98%	2019
TUCSON-NOGALES, AZ	Tucson, Arizona	TUC	16.68%	2019
VIRGINIA BEACH-NORFOLK, VA-NC	Virginia Beach, Virginia	VB	15.91%	2019
WASHINGTON-BALTIMORE-ARLINGTON, DC-MD-VA-WV-PA	Washington DC, District Of Columbia	DCB	29.32%	2019

Exhibit 3

Friday, August 10, 2012

Billing rates up, especially for associates

By Kevin Lee

Average law firm billing rates are back on the rise after stagnating somewhat in the years following the 2008 financial crisis. But most of the action is taking place in associate billing rates, which jumped 7.5 percent in the first half of the year compared to the same period in 2011, more than twice the average rate increase in partner billing rates nationwide.

Industry experts say the discrepancy appears to be the market correcting itself after firms sloughed off associates and froze associate hiring in 2009 and 2010.

Partner billing rates, by comparison, rose 3.4 percent in the first half of the year compared to the year-earlier period, according to the latest research by Valeo Partners LLC, a Washington D.C.-based consulting firm.

'If inflation goes up 3 percent, so do our associate billing rates, because that is what covers rent, lights, computers, telephones, desks.' - Marc A. Sockol

Valeo compiled data on the billing rates of lawyers at 550 U.S. law firms through publicly available documents, such as court filings, fee applications and disclosure statements submitted to federal agencies.

Chuck Chandler, a Valeo co-founder and partner, said this year's rate increases were instituted to offset the lack of rate movement during the recession.

"The associates took the hit after 2008. Some firms laid off as much as 10 percent of their associates, delayed hiring new classes and froze compensation," he said. "Naturally, billing rates were slow to increase during that period."

For the first six months of this year, California markets all saw associate rate increases below the national average. Associates in San Francisco and Silicon Valley together claimed the highest average rate increase of the California markets - 7.3 percent.

"Northern California has all of the social media, the technology companies, which creates a lot of dealmaking and IPOs and also good fees and hourly rates," Chandler said.

By comparison, Los Angeles associates saw their rates go up an average of 6.6 percent. In San Diego, associate rates rose 4.2 percent.

Law firms generally increase billing rates each year, according to Sheppard, Mullin, Richter & Hampton LLP partner Marc A. Sockol, who manages the firm's Palo Alto office.

"If inflation goes up 3 percent, so do our associate billing rates, because that is what covers rent, lights, computers, telephones, desks," Sockol said. "During those first couple years of this recession, we chose not to boost our billing rates."

Sockol declined to provide specific billing rates but said the firm varies its associate rates by practice group and geography. For 2012, the firm raised associate billing rates

roughly 3 percent, he said.

James G. Leipold, executive director of the National Association for Law Placement in Washington D.C., said the jump in billing rates results from the overall decrease of associates at law firms, especially at large law firms. Large law firms, which are the biggest employers of junior lawyers, are relying less on partnership-track associates and more on staff lawyers, paralegals and contract lawyers.

NALP data reveals that from 2008 to 2011, large law firms on average hired entry-level associates at an annual starting salary of $160,000. Some law firms cut their starting salaries to $145,000 during that time but not many. Leipold said he thought more firms would follow suit.

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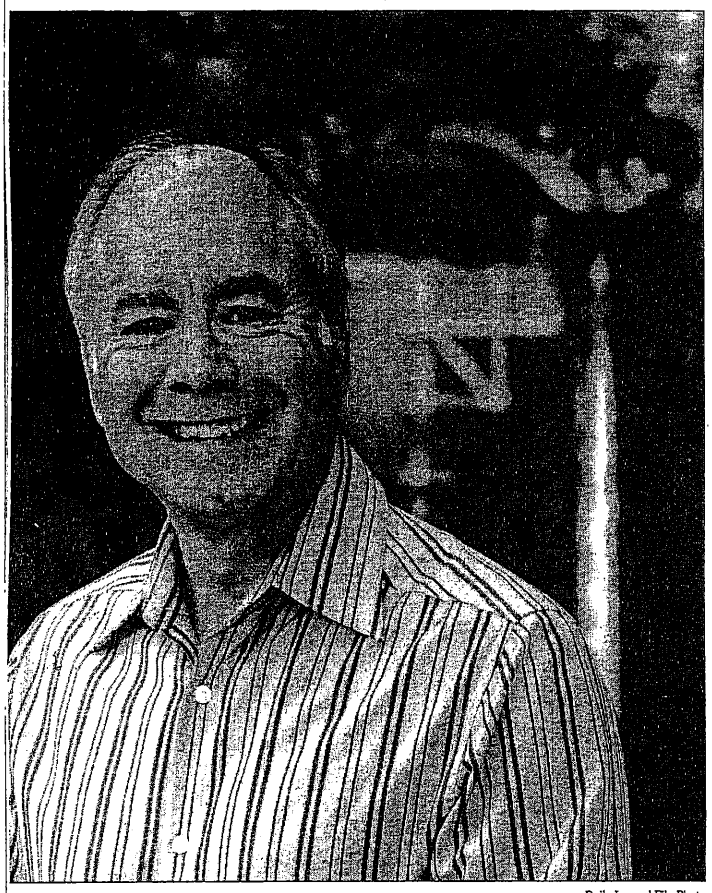

Daily Journal File Photo

, who represented the state in insurance litigation before the state Supreme Court

s large insurance suit

les insurers must pay out claims that are 'stacked.'

entitled to "all sums" coverage, or the full amount provided by their policy limit, even if some of the damage occurred outside of the policy period.

'This is going to make it much more difficult for insurers to offer such abysmally low sums to their insured during settlement negotiations.'

— *Roger W. Simpson*

The court also ruled that when an entity purchases insurance policies from several companies over an extended period of time, the insured can recoup the maximum amount of the policy limits from each company — a practice known as stacking. Insurance companies argued that the insured should only recover the maximum amount of money provided during a single policy period, and that the insurance companies would split that cost.

"An all-sums-with-stacking rule has numerous advantages," Chin wrote. He said it resolves the question of insurance coverage "as equitably as possible." It also "comports with the parties' reasonable expectations," both for the insurance companies which expect to pay for damage that occurs and for the policy holder that "reasonably expects indemnification for the time periods in which it purchased coverage." *State of California v. Continental Insurance Co.*, S170560.

The decision could eventually lead to efforts by the insurance industry to exclude coverage for high exposure claims, such as buildings with potential asbestos problems.

The case concerns the Stringfellow quarry in Riverside County. Opened in 1956 as an industrial waste deposit site, it collected more than 30 million gallons of industrial waste during its operation. But the quarry had several flaws leading to contaminants reaching groundwater. In 1972, the site was closed, but it continued to leak. In 1998, a federal court

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Associate billing rates start climbing again

Average rates going back up after stagnation brought on by recession

By Kevin Lee
Daily Journal Staff Writer

Average law firm billing rates are back on the rise after stagnating somewhat in the years following the 2008 financial crisis. But most of the action is taking place in associate billing rates, which jumped 7.5 percent in the first half of the year compared to the same period in 2011, more than twice the average rate increase in partner billing rates nationwide.

Industry experts say the discrepancy appears to be the market correcting itself after firms sloughed off associates and froze associate hiring in 2009 and 2010.

Partner billing rates, by comparison, rose 3.4 percent in the first half of the year compared to the year-earlier period, according to the latest research by Valeo Partners LLC, a Washington D.C.-based consulting firm.

Valeo compiled data on the billing rates of lawyers at 550 U.S. law firms through publicly available documents, such as court filings, fee applications and disclosure statements submitted to federal agencies.

Chuck Chandler, a Valeo co-founder and partner, said this year's rate increases were instituted to offset the lack of rate movement during the recession.

"The associates took the hit after 2008. Some firms laid off as much as 10 percent of their associates, delayed hiring new classes and froze compensation," he said. "Naturally, billing rates were slow to increase during that period."

For the first six months of this year, California markets all saw associate rate increases below the national average. Associates in San Francisco and Silicon Valley together claimed the highest average rate increase of the California markets — 7.3 percent.

"Northern California has all of the social media, the technology companies, which creates a lot of dealmaking and IPOs and also good fees and hourly rates," Chandler said.

By comparison, Los Angeles associates saw their rates go up an average of 6.6 percent. In San Diego, associate rates rose 4.2 percent.

Law firms generally increase billing rates each year, according to Sheppard, Mullin, Richter & Hampton LLP partner Marc A. Sockol, who manages the firm's Palo Alto office.

"If inflation goes up 3 percent, so do our associate billing rates, because that is what covers rent, lights, computers, telephones, desks," Sockol said. "During those first couple years of this recession, we chose not to

See Page 5 — ASSOCIATE

ıel attorney explains belated admission to court

ertence and oversight, and my duct was not willful," Estrich te.

rewal filed an order Wednesday ng that Estrich explain why hadn't entered an appearance

Cupertino-based consumer technology company spoliated evidence. Grewal previously ordered a similar instruction against Samsung for failing to preserve evidence.

Attorneys for Apple claimSam-

John B. Quinn for defying the court by releasing excluded evidence to the media. Then, Samsung lawyers broke minor rules when they took some of the witnesses on a tour of the court when it wasn't in session

Average Law Firm Billing Rates

Location	Position	2012	2011	Percent Increase
Los Angeles	Partner	$797	$766	4.0%
	Associate	$550	$516	6.6%
San Diego	Partner	$568	$568	0%
	Associate	$394	$378	4.2%
San Francisco	Partner	$675	$654	3.2%
	Associate	$482	$449	7.3%
National	Partner	$750	$725	3.4%
	Associate	$495	$460	7.5%

Source: Valeo 2012 Halftime Report

Associate billing rates going up

Continued from page 1

boost our billing rates."

Sockol declined to provide specific billing rates but said the firm varies its associate rates by practice group and geography. For 2012, the firm raised associate billing rates roughly 3 percent, he said.

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kevin_lee@dailyjournal.com

Exhibit 4

Jane Roe v. Jose Torres -- expenses

DATE	CHARGE	DESCRIPTION
12/4/17	$ 648.25	court filing fee and messenger costs
12/11/17	$ 75.00	LWDA filing fee
6/20/18	$ 265.34	filing and messenger fees
6/20/18	$ 35.00	messenger fees for service
7/23/18	$ 136.34	messenger fees
7/23/18	$ 74.50	messenger fees
1/7/19	$ 2,420.00	Mediation fees
2/26/19	$ 208.84	Messenger fee
2/28/19	$ 1,000.00	Complex fee paid
8/14/19	$ 117.84	Messenger fee
9/19/19	$ 45.50	Messenger fee re Second Amended Complaint
9/23/19	$ 117.84	Messenger fee re proof of service
5/26/20	$ 731.30	Messenger fees re CAFA notice
TOTAL	**$ 5,875.75**	

TOTAL $ 11,751.50