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12 Attorneys for Plaintiff

13 **UNITED STATES DISTRICT COURT**  
14 **CENTRAL DISTRICT OF CALIFORNIA**

15 KRISTINA MCCONVILLE on behalf of  
16 herself, all others similarly situated, and on  
17 behalf of the general public,

18 Plaintiffs,

19 vs.

20 RENZENBERGER, INC., and DOES 1-10,  
21 Defendants.

Case No. 2:17-cv-02972-EMO-JS

**DECLARATION OF DAVID MARA  
IN SUPPORT OF PLAINTIFF'S  
MOTION FOR ATTORNEYS' FEES,  
COSTS, AND CLASS  
REPRESENTATIVE  
ENHANCEMENT**

Date: May 21, 2020

Time: 10:00 a.m.

Judge: Hon. Fernando M. Olguin

Courtroom: 6D

Complaint Filed: April 14, 2016

1 I, DAVID MARA, declare the following:

- 2 1. I am President of Mara Law Firm, PC and counsel of record for Plaintiffs and the  
3 putative class in this matter. I am duly admitted to practice before all the courts  
4 of the state of California. The following facts are within my personal knowledge  
5 and, if called to testify, I could and would competently testify thereto.
- 6 2. I have been practicing law in California since 2004.
- 7 3. I extensively handle employment cases which involve violations of the California  
8 Labor Code and Industrial Welfare Commission Wage Orders, such as wage and  
9 hour class actions and cases alleging violations of the Private Attorneys General  
10 Act of 2004 (“PAGA”).
- 11 4. I was co-class counsel in *Hohnbaum v. Brinker Restaurant Corp.*, San Diego  
12 Superior Court, Case No. GIC834348, which was the underlying case in the  
13 California Supreme Court’s landmark decision in *Brinker Restaurant Corp. v.*  
14 *Superior Court* (2012) 53 Cal.4th 1004, in which the California Supreme Court  
15 delineated the scope of employer obligations to provide, and employee rights to  
16 receive, meal and rest periods under California law.
- 17 5. I wrote an Amicus brief on behalf of Consumer Attorneys Of California  
18 (“CAOC”) in the recent decision by the California Supreme Court in *Augustus v.*  
19 *ABM Security Services, Inc.* (2016) 2 Cal.5th 257 (rest breaks must be duty-free  
20 and time spent being on call during rest breaks is not considered duty-free).
- 21 6. My firm also wrote an Amicus brief on behalf of CAOC in the recent decision by  
22 the California Supreme Court in *Williams v. Superior Court* (2017) 3 Cal. 5th  
23 531 (PAGA and wage and hour class action).
- 24 7. My firm has been granted class certification in both state and federal courts.
- 25 8. I am also Plaintiff’s counsel in a host of other class actions involving violations  
26 of California’s wage and hour laws, many of which involve the transportation

1 industry. For example, I have been and am involved as counsel for plaintiffs in  
2 the following sampling of class action cases involving wage and hour violations  
3 under California law: *Davis v. Apria Healthcare Group* (Case No. 37-2015-  
4 00007743); *Norona v. B&G Delivery System, Inc.* (Case No. RG1577005); *Perez*  
5 *v. City of San Diego* (Case No. 37-2014-00016621); *Cuellar-Ramirez v. US*  
6 *Foods, Inc.* (Case No. RG15770766); *Peron v. The Vons Companies, Inc.* (Case  
7 No. 15-cv-01567-L-JMA); *Hilderbrand v. LinkUs Enterprises, LLC* (Case No.  
8 DR150155); *Belton v. Pacific Pulmonary Services* (Case No. CGC-15-547564);  
9 *Medina v. Central Cal Transportation, Inc.* (Case No. RG15770011); *Eure v.*  
10 *Dotson v. Asbury Environmental Services* (Case No. RG16842620); *Spikes v.*  
11 *Bear Trucking, Inc.* (Case No. 16CECG02389); *Helton v. Pepsi Cola Sales and*  
12 *Distribution, Inc.*, (Case No. 3:17-cv-001135-EMC); *Montes v. Coram Specialty*  
13 *Infusion Services, Inc.* (Case No. 37-2016-00028950-CU-OE-CTL); *Rodriguez*  
14 *v. Delta Sierra Beverage, LLC* (Case No. 34-2017-00206727); *Clavel v. La Jolla*  
15 *Beach & Tennis Club, Inc.* (Case No. 37-2017-00004802-CU-OE-CTL); *Martin*  
16 *v. Sysco Central California, Inc.* (Case No. 9000052).

- 17 9. I devoted 422 hours to this case. The following is a summary of my tasks and the  
18 activities I performed in this litigation: review and revise complaint; discussions  
19 and meetings with class members, Plaintiff, defense counsel, and *Wright* counsel;  
20 review Defendant's removal papers; analyze documents produced by Defendant  
21 relating to its policies, pay-structures, and time keeping; research and  
22 investigation in California's ever evolving wage and hour laws, class certification  
23 requirements, and misclassification laws; review, research, and revise motion for  
24 class certification; review, research, and revise motion for summary adjudication;  
25 numerous conferences with Plaintiff, counsel in related matters and Defendant  
26 on numerous issues throughout the litigation, mediation, and settlement; review  
27 discovery responses; draft discovery responses; review case file and evidence for

1 mediation; review and revise mediation brief and exposure analysis; prepare for  
2 and attend all-day mediation; continued settlement negotiations with defense  
3 counsel; revise and review settlement agreement; review and edit preliminary  
4 approval motion and draft declaration in support thereof; conferences with  
5 associates; draft declaration in support of fee motion; review and edit fee motion.  
6 It is anticipated that I will review and edit the final approval motion and draft a  
7 declaration in support thereof.

8 10. My hourly rate is \$750. Based on my hourly rate and the hours expended (422),  
9 my fee is \$316,500, which is reasonable and necessary to the successful litigation  
10 of this matter.

11 11. Ms. Jamie Serb is an associate at the Mara Law Firm. Ms. Serb has been a  
12 member of the California Bar since 2013. She has gained extensive experience  
13 in wage and hour class litigation. Ms. Serb co-drafted an amicus brief on behalf  
14 of CAOC in the recent decision by the California Supreme Court in *Williams v.*  
15 *Superior Court* (2017) 3 Cal. 5th 531 (PAGA and wage and hour class action).  
16 She has been substantially involved in all phases of this litigation. Ms. Serb was  
17 also substantially involved in the following sampling of wage and hour class  
18 action and PAGA cases, of which our firm is the attorney of record: *Perez v. City*  
19 *of San Diego* (Case No. 37-2014-00016621); *Porras v. DBI Beverage, Inc.* (Case  
20 No. 114CV266154); *Hernandez v. Classic Distributing and Beverage Group,*  
21 *Inc.* (Case No. BC615317); *Huguez v. KKW Trucking, Inc.* (Case No. 34-2016-  
22 00190517); *Hilderbrand v. LinkUs Enterprises, LLC* (Case No. DR150155);  
23 *Parker v. Selland Auto Transport, Inc.* (Case No. 3:15-cv-05635-ECM); *Smith v.*  
24 *Werner Enterprises, Inc.* (Case No. 8:150cv0287); *Vega v. Advance Beverage*  
25 *Co., Inc.* (Case No. BCV-16-100848); *Zamudio v. Ameripride Services, Inc.*  
26 (Case No. RG16809666); *Henricks v. Antonini Freight Express, Inc.* (Case No.

1 STK-CV-UOE-2016-6999); *Payton v. Atech Logistics, Inc.* (Case No. SCV-  
2 258595); *Mendoza v. Bi-Rite Food Service, Inc.* (Case No. 17CIV02044); *Austin*  
3 *v. Canteen Vending; Compass Group, USA, Inc.* (Case No. RG16809670);  
4 *Timothy v. Coastal Transport Co., Inc.* (Case No. 37-2016-00023458-CU-OE-  
5 CTL); *Beach-Barrow v. The Hertz Corporation* (Case No. RG17848833); *Cruz*  
6 *v. Hertz Equipment Rental Corporation* (Case No. 16-cv-03889); *Caulfield v. ITS*  
7 *Logistics, LLC* (Case No. 37-2016-00044111-CU-OE-CTL); *Hobson v. Linde,*  
8 *LLC* (Case No. CIVDS1613085); *Clavel v. La Jolla Beach & Tennis Club, Inc.*  
9 (Case No. 37-2017-00004802-CU-OE-CTL); *Helton v. Pepsi-Cola Sales and*  
10 *Distribution, Inc.* (Case No. 17-cv-1135); *Randall v. Professional Auto*  
11 *Transport, Inc.* (Case No. RG17847058); *McConville v. Renzenberger, Inc.*  
12 (Case No. 16-cv-00578); *Thomas, et al. v. TransitAmerica Services, Inc.* (Case  
13 No. 37-2014-00018867-CU-OE-CTL).

14 12. Ms. Serb devoted 355 hours to this case. The following is a summary of her tasks  
15 and activities performed in the litigation of this matter: discussions with *Wright*  
16 counsel, Plaintiff, defense counsel and class members; interoffice meetings re  
17 strategy and litigation; review discovery and evidence produced by Defendant;  
18 prepare for and take deposition of Defendant's Rule 30(b)(6) witness; meet with  
19 and prepare Plaintiff for her deposition; prepare for and defend Plaintiff's  
20 deposition; discuss case and hire expert for class certification; prepare for and  
21 defend expert deposition; prepare for and attend mediation; draft and revise  
22 preliminary approval motions; revise settlement agreement; prepare for, travel to,  
23 and attend both preliminary approval hearings; have discussions with the  
24 settlement administrator regarding its duties; draft and edit attorney's fee motion  
25 and supporting papers; it is anticipated that she will review and proof declaration  
26 from the settlement administrator; it is anticipated that she will draft and edit the

1 final approval motion and supporting papers and attend the hearing thereon.

2 13. Ms. Serb's hourly rate is \$500. Based on her hourly rate and the hours expended  
3 (355), her lodestar fee is \$177,500.00, which was reasonable and necessary to the  
4 successful litigation of this matter.

5 14. Tony Roberts is an associate at the Mara Law Firm. Mr. Roberts has been a  
6 member of the California Bar since 2017. He is also an adjunct professor of law  
7 at the University of San Diego School of Law. He has been substantially  
8 involved in all phases of this litigation. Mr. Roberts was also substantially  
9 involved in the following sampling of wage and hour class action and PAGA  
10 cases, of which our firm is the attorney of record: *Perez v. City of San Diego*  
11 (Case No. 37-2014-00016621); *Hilderbrand v. LinkUs Enterprises, LLC* (Case  
12 No. DR150155); *Hernandez v. Classic Distributing and Beverage Group, Inc.*  
13 (Case No. BC615317); *DeCaro v. LinkUs Enterprises, LLC* (Case No.  
14 DR170706); *Vega v. Advance Beverage Co., Inc.* (Case No. BCV-16-100848);  
15 *Zamudio v. Ameripride Services, Inc.* (Case No. RG16809666); *Payton v. Atech*  
16 *Logistics, Inc.* (Case No. SCV-258595); *Mendoza v. Bi-Rite Food Service, Inc.*  
17 (Case No. 17CIV02044); *Sanchez v. Exact Staff, Inc.* (Case No.  
18 CIVDS1702554); *Beach-Barrow v. The Hertz Corporation* (Case No.  
19 RG17848833); *Cruz v. Hertz Equipment Rental Corporation* (Case No. 16-cv-  
20 03889); *Hobson v. Linde, LLC* (Case No. CIVDS1613085); *Clavel v. La Jolla*  
21 *Beach & Tennis Club, Inc.* (Case No. 37-2017-00004802-CU-OE-CTL); *Helton*  
22 *v. Pepsi-Cola Sales and Distribution, Inc.* (Case No. 17-cv-1135); *Randall v.*  
23 *Professional Auto Transport, Inc.* (Case No. RG17847058); *McConville v.*  
24 *Renzenberger, Inc.* (Case No. 16-cv-00578); *Thomas, et al. v. TransitAmerica*  
25 *Services, Inc.* (Case No. 37-2014-00018867-CU-OE-CTL).

26 15. Mr. Roberts devoted 317 hours to this case. The following is a summary of his

1 tasks and activities performed in the litigation of this matter: discussions with  
2 class members; draft stipulations and CMC statements; review discovery  
3 responses and evidence produced by Defendant; draft meet and confer  
4 correspondence; review and analyze thousands of documents; research and  
5 analyze various legal issues; draft class certification motion; draft motion for  
6 summary adjudication; attend deposition of Plaintiff.

7 16. Mr. Robert's hourly rate is \$400. Based on his hourly rate and the hours expended  
8 (317), his lodestar fee is \$126,800.00, which was reasonable and necessary to the  
9 successful litigation of this matter.

10 17. My firm's total lodestar amount so far is \$620,800, based on 1,094 hours of  
11 attorney time, all of which was reasonable and necessary to the successful  
12 litigation of this matter.

13 18. In addition, my firm has incurred \$26,589.68 in costs to date, and is requesting  
14 reimbursement of these costs.

15 19. The proposed settlement is the product of serious, informed, non-collusive  
16 negotiations, has no obvious defects, does not improperly grant preferential  
17 treatment to the class representative or segments of the class and falls within the  
18 range of fair and reasonable settlements. I believe that this non-reversionary  
19 settlement is in the best interests of the class as fair, reasonable, and adequate.  
20 Therefore, I recommend approval of the settlement.

21 20. A true and correct copy of the Summary of Time and Costs is attached hereto as  
22 **Exhibit 1.**

23 21. A true and correct copy of the Westlaw Court Express's Legal Billing Report,  
24 Volume 14, Number 3, California Region for December 2012 and 2012 National  
25 Law Journal survey of hourly billing rates for Partners and Associates is attached  
26 hereto as **Exhibit 2.**

27 22. A true and correct copy of the 2012 Richard Pearl Declaration in *Hohnbaum v.*

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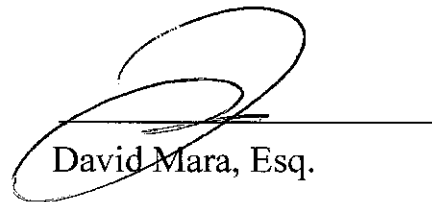
*Brinker Restaurant Corp.*, SDSC No. GIC834348 is attached hereto as **Exhibit 3**.

23. Class Counsel undertook this representation at their own expense, with compensation contingent on providing a benefit to the Class. Class Members will substantially benefit by the terms of the Settlement. Because there is a defined and clearly traceable monetary benefit to the Class, the Court can base an award of attorneys' fees on the Class Members' benefit, using a common fund approach. Class Counsel's request for 25% of the common fund is fair compensation for obtaining an excellent result for the Class Members and, in doing so, undertaking complex, risky, expensive, and time-consuming litigation purely on a contingent basis.

24. The attorneys' fees here were wholly contingent, and the case presented far more risk than the usual contingent fee case. There was the prospect of the enormous cost inherent in class action litigation, as well as a long battle with Defendants who retained experienced, reputable legal counsel. That prospect has previously become reality, in both trial courts and the Court of Appeals, and in other wage and hour class litigation. Class Counsel risked not only a great deal of time, but also a great deal of expense, to ensure the successful litigation of this action on behalf of all Settlement Class Members.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: February 14, 2020



David Mara, Esq.



# **EXHIBIT 1**

**SUMMARY OF TIME AND COSTS**

Total Hours (to date): 1094  
 Total Lodestar (to date): \$ 620,800 \*\*\*  
 Total Costs (to date): \$ 26,589.68

As of 2/14/2020

FIRM/ATTORNEYS	YEAR ADMITTED	HOURS	HOURLY RATE	TOTAL
<b>Mara Law Firm, PC</b>				
David Mara	2004 (16)	422	\$ 750	\$ 316,500
Jamie Serb	2013 (7)	355	\$ 500	\$ 177,500
Tony Roberts	2017 (3)	317	\$ 400	\$ 126,800
<b>Mara Law Firm, PC TOTAL:</b>		1094		\$ 620,800

<b>LITIGATION EXPENSES</b>	
Mara Law Firm, PC	\$ 26,589.68
<b>TOTAL:</b>	\$ 26,589.68

\*\*\*The above mentioned time **includes** anticipated attorney time to take the Action through the final approval process, attend final approval and any supplemental hearings, provide any necessary supplemental administrator declarations, work with defense counsel and settlement administrator re: funding, distribution, tax forms, transmittal process, answer class member questions, etc.\*\*\*

**TABLE 1**

<b>Task 1: Client Intakes / Client Communications / Pre-Filing Investigation / Class Member Communications</b>			
<b>Attorney</b>	<b>Hourly Rate</b>	<b>Hours</b>	<b>Fee</b>
D. Mara (Partner)	\$ 750	32.00	\$ 24,000
J. Serb (Assoc.)	\$ 500	19.00	\$ 9,500
T. Roberts (Assoc.)	\$ 400	18.00	\$ 7,200
<b>Fee Request for Task 1:</b>		<b>69.00</b>	<b>\$ 40,700</b>

<b>Task 2: Legal Research/Motions</b>			
<b>Attorney</b>	<b>Hourly Rate</b>	<b>Hours</b>	<b>Fee</b>
D. Mara (Partner)	\$ 750	134	\$ 100,500
J. Serb (Assoc.)	\$ 500	39	\$ 19,500
T. Roberts (Assoc.)	\$ 400	203	\$ 81,200
<b>Fee Request for Task 2:</b>		<b>376</b>	<b>\$ 201,200</b>

<b>Task 3: Preparing evidence/ case strategy</b>			
<b>Attorney</b>	<b>Hourly Rate</b>	<b>Hours</b>	<b>Fee</b>
D. Mara (Partner)	\$ 750	56	\$ 42,000
J. Serb (Assoc.)	\$ 500	33	\$ 16,500
T. Roberts (Assoc.)	\$ 400	48	\$ 19,200
<b>Fee Request for Task 3:</b>		<b>137</b>	<b>\$ 77,700</b>

<b>Task 4: Pleadings</b>			
<b>Attorney</b>	<b>Rate</b>	<b>Hours</b>	<b>Fee</b>
D. Mara (Partner)	\$ 750	2	\$ 1,500
J. Serb (Assoc.)	\$ 500	12	\$ 6,000
<b>Fee Request for Task 4:</b>		<b>14</b>	<b>\$ 7,500</b>

<b>Task 5: Communications with defense counsel</b>			
<b>Attorney</b>	<b>Hourly Rate</b>	<b>Hours</b>	<b>Fee</b>
D. Mara (Partner)	\$ 750	16	\$ 12,000
J. Serb (Assoc.)	\$ 500	9	\$ 4,500
T. Roberts (Assoc.)	\$ 400	7	\$ 2,800
<b>Fee Request for Task 5:</b>		<b>32</b>	<b>\$ 19,300</b>

**TABLE 1**

<b>Task 6: Status/Case Management Conference statements and appearances</b>			
<b>Attorney</b>	<b>Hourly Rate</b>	<b>Hours</b>	<b>Fee</b>
D. Mara (Partner)	\$ 750	1	\$ 750
J. Serb (Assoc.)	\$ 500	2	\$ 1,000
T. Roberts (Assoc.)	\$ 400	3	\$ 1,200
<b>Fee Request for Task 6:</b>		<b>6</b>	<b>\$ 2,950</b>

<b>Task 7: Discovery</b>			
<b>Attorney</b>	<b>Hourly Rate</b>	<b>Hours</b>	<b>Fee</b>
D. Mara (Partner)	\$ 750	42	\$ 31,500
J. Serb (Assoc.)	\$ 500	59	\$ 29,500
T. Roberts (Assoc.)	\$ 400	38	\$ 15,200
<b>Fee Request for Task 7:</b>		<b>139</b>	<b>\$ 76,200</b>

<b>Task 8: Mediation preparation, damage models, attend mediation, subsequent negotiations, financial expert preparation</b>			
<b>Attorney</b>	<b>Hourly Rate</b>	<b>Hours</b>	<b>Fee</b>
D. Mara (Partner)	\$ 750	103	\$ 77,250
J. Serb (Assoc.)	\$ 500	56	\$ 28,000
<b>Fee Request for Task 8:</b>		<b>159</b>	<b>\$ 105,250</b>

<b>Task 9: Settlement agreement and class notice negotiations, review, revisions, issues</b>			
<b>Attorney</b>	<b>Hourly Rate</b>	<b>Hours</b>	<b>Fee</b>
D. Mara (Partner)	\$ 750	28	\$ 21,000
J. Serb (Assoc.)	\$ 500	15	\$ 7,500
<b>Fee Request for Task 9:</b>		<b>43</b>	<b>\$ 28,500</b>

<b>Task 10: Motion for preliminary approval, declarations and exhibits, preparation, travel, court appearance</b>			
<b>Attorney</b>	<b>Hourly Rate</b>	<b>Hours</b>	<b>Fee</b>
D. Mara (Partner)	\$ 750	2	\$ 1,500
J. Serb (Assoc.)	\$ 500	56	\$ 28,000
<b>Fee Request for Task 10:</b>		<b>58</b>	<b>\$ 29,500</b>

**TABLE 1**

<b>Task 11: Settlement administration issues following class mailings</b>			
<b>Attorney</b>	<b>Hourly Rate</b>	<b>Hours</b>	<b>Fee</b>
D. Mara (Partner)	\$ 750	1	\$ 750
J. Serb (Assoc.)	\$ 500	2	\$ 1,000
<b>Fee Request for Task 11:</b>		<b>3</b>	<b>\$ 1,750</b>

<b>Task 12: Motion for final approval and attorneys' fees, costs, PAGA payment, settlement administration costs, and Plaintiffs' general release payments *** Includes anticipated time for final approval hearing ***</b>			
<b>Attorney</b>	<b>Hourly Rate</b>	<b>Hours</b>	<b>Fee</b>
D. Mara (Partner)	\$ 760	5	\$ 3,800
J. Serb (Assoc.)	\$ 500	48	\$ 24,000
<b>Fee Request for Task 12:</b>		<b>53</b>	<b>\$ 27,800</b>

<b>Task 13: monitoring notice process, class member communications, disputes, and settlement distribution process ***Includes anticipated time for post-final approval class member inquiries***</b>			
<b>Attorney</b>	<b>Hourly Rate</b>	<b>Hours</b>	<b>Fee</b>
J. Serb (Assoc.)	\$ 500	5	\$ 2,500
<b>Fee Request for Task 13:</b>		<b>5</b>	<b>\$ 2,500</b>

**TABLE 2**

MARA LAW FIRM, PC				
Attorney	Hourly Rate	Hours by Task*	Fee	
D. Mara (Partner)	\$ 750	Task 1	32	\$ 316,500
		Task 2	134	
		Task 3	56	
		Task 4	2	
		Task 5	16	
		Task 6	1	
		Task 7	42	
		Task 8	103	
		Task 9	28	
		Task 10	2	
		Task 11	1	
		Task 12	5	
J. Serb (Associate)	\$ 500	Task 1	19	\$ 177,500
		Task 2	39	
		Task 3	33	
		Task 4	12	
		Task 5	9	
		Task 6	2	
		Task 7	59	
		Task 8	56	
		Task 9	15	
		Task 10	56	
		Task 11	2	
		Task 12	48	
		Task 13	5	
T. Roberts (Associate)	\$ 400	Task 1	18	\$ 126,800
		Task 2	203	
		Task 3	48	
		Task 5	7	
		Task 6	3	
		Task 7	38	
<b>Mara Law Firm, PC Total:</b>		<b>1094</b>	<b>\$ 620,800</b>	

\*Tasks are defined in Table 1.

## Mcconville v. Renzenberger

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### Costs Summary

Attorney Service:	\$	1,015.78
Court Fees:	\$	1,083.40
Mediation:	\$	3,145.00
Legal & Factual Investigation	\$	3,225.00
Postage:	\$	198.14
Court Reporters:	\$	3,716.05
Experts:	\$	11,025.00
Travel:	\$	3,014.26
Miscellaneous:	\$	167.05
<b>TOTAL COSTS</b>	<b>\$</b>	<b><u>26,589.68</u></b>

## Mcconville v. Renzenberger

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### Attorney Service

Date:	Description:	Description:	Amount:
4/19/2018	ACE Attorney Service Inc	Courtesy Copy to Court	\$ 229.31
5/11/2018	ACE Attorney Service Inc	Courtesy Copy to Court	\$ 100.06
4/21/2016	One Legal	10255374	\$ 37.95
7/18/2019	ACE Attorney Service Inc	Courtesy Copy to Court	\$ 194.06
11/15/2018	ACE Attorney Service Inc	Courtesy Copy to Court	\$ 203.06
9/12/2019	ACE Attorney Service Inc	Courtesy Copy to Court	\$ 251.34

**TOTAL \$ 1,015.78**



## Mcconville v. Renzenberger

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### Court Fees

Date:	Description:	Invoice/Check No.:	Amount:
04/19/16	One Legal	Court Filing Fee	\$ 535.45
10/29/18	LWDA	Filing Fee	\$ 75.00
04/14/16	One Legal	Complaint	\$ 435.00
04/27/16	One Legal	Process Serve	\$ 37.95

**TOTAL \$ 1,083.40**

## Mcconville v. Renzenberger

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### Mediation

<u>Date:</u>	<u>Description:</u>	<u>Description:</u>	<u>Amount:</u>
10/10/2017	Judicate West	Mediation	\$ 3,145.00

**TOTAL** \$ 3,145.00

## Mcconville v. Renzenberger

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### Legal & Factual Investigation

Date:	Description:	Amount:
4/2016 - 9/2018	Lexis Monthly	\$ 725.00
07/19/18	FRP Enterprises	\$ 2,500.00
	<b>TOTAL:</b>	<b><u>\$ 3,225.00</u></b>

## Mcconville v. Renzenberger

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### Postage

Date:	Description:	Invoice/Check No.:	Amount:
11/27/13	UPS Overnight		\$ 18.42
11/27/13	SASE		\$ 0.62
11/30/13	Ltr Discovery		\$ 1.82
12/20/13	Envelope to Defense		\$ 0.88
10/05/17	UPS Overnight	Depo Notice Def	\$ 9.74
12/15/17	USPS	Esquire	\$ 0.46
12/21/17	USPS	Def	\$ 0.88
01/22/17	UPS Overnight		\$ 10.05
03/13/18	UPS Overnight	Def	\$ 11.98
03/23/18	UPS Overnight	Linda Harless	\$ 33.62
03/23/18	UPS Overnight	Linda Harless Return	\$ 13.16
03/23/18	UPS Overnight	Jarrett Gorlick	\$ 66.04
01/11/19	UPS Overnight	CC to Court	\$ 10.50
10/06/17	UPS Overnight	Def	\$ 9.74
10/29/18	UPS Overnight	USCD	\$ 10.23
<b>TOTAL</b>			<b>\$ 198.14</b>

## Mcconville v. Renzenberger

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### Court Reporter

<u>Date:</u>	<u>Deponent:</u>	<u>Company:</u>	<u>Amount:</u>
12/11/17	Lawrence H Purnell	Esquire	\$ 2,444.80
04/09/18	Depo of McConville& Gorlick	US Legal Support Inc	\$ 1,271.25

**TOTAL** \$ 3,716.05

## Mcconville v. Renzenberger

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### Experts

<u>Date:</u>	<u>Description:</u>	<u>Amount:</u>
4/28/2018	Berger Consulting Group	\$3,750.00
12/26/2017	Berger Consulting Group	\$575.00
02/01/18	Berger Consulting Group	\$ 2,150.00
7/1/2018	Accounting - Farshid	\$4,550.00
	<b>Total</b>	<b><u>\$ 11,025.00</u></b>

## Mcconville v. Renzenberger

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### Travel

Date:	Description:	Amount:
9/21/2017	Plaintiff Flight	\$ 485.96
1/31/2018	Gorlick Hotel Room	\$ 269.35
1/26/2017	Plaintiff Hotel	\$ 553.35
9/21/2017	Plaintiff Hotel	\$ 269.35
9/22/2017	JS Food @ Depo	\$ 22.43
9/21/2017	Depo Prep Food	\$ 11.69
9/22/2017	Depo Food	\$ 17.72
9/23/2017	JS Uber	\$ 29.36
11/28/2017	JS Parking	\$ 24.00
12/13/2018	JS Amtrak	\$ 109.30
12/13/2018	TR Amtrak	\$ 108.20
9/17/2019	JS - Food, Gas, Parking	\$ 257.38
8/30/2019	JV - Reimbursement	\$ 105.69
12/21/2019	TR- Reimbursment	\$ 60.05
1010/2017	JS - Mediation Reimbursement	\$ 293.55
9/22/2017	McConville Reimbursment	\$ 33.81
9/17/2019	JS - Reimbursement	\$ 257.38
8/30/2019	JV - PA Reimbursement	\$ 105.69

**Total: \$ 3,014.26**

## Mcconville v. Renzenberger

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### Miscellaneous

<u>Date:</u>	<u>Description:</u>	<u>Invoice/Check No.:</u>	<u>Amount:</u>
5/30/2019	Printing, lunch		\$ 105.69
8/30/2019	Mat Adame - Reimbursement		\$ 61.36
		<b>TOTAL</b>	<b><u>\$ 167.05</u></b>



# **EXHIBIT 2**

**Westlaw Court Express**

**LEGAL BILLING REPORT**

**VOLUME 14, NUMBER 3**

**December 2012**

**CA REGION**

**BY REGION, BY FIRM**

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Seyfarth Shaw LLP	5
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Taylor LLP	7

Table of Contents (By Firm Name)

California Report

FIRM	GRANTED	ADMITTED	STATE	RATE	HOURS	TOTAL
AXIN Group Strauss Fleuer & Field LLP	1989	1989	CA	\$ 815.00	8.10	\$ 6,607.50
Partner: David P. Simmonds	1989	1989	CA	788.00	2.50	1,000.00
Partner: Edward P. Christian	1989	1989	CA		10.70	\$ 8,567.50
<b>TOTAL</b>						

U.S.S.C. New York Southern  
 Elizabeth Airlines Company (EASL)  
 From the fee application covering  
 July 1, 2012 through October 31, 2012

NJ Ranking: 40  
 Firm Size: 781

FIRM	GRANTED	ADMITTED	STATE	RATE	HOURS	TOTAL
DLA Piper LLP	1989	1989	CA	\$ 790.00	0.00	\$ 474.00
Partner: Maria McGuejek	1979	1979	CA	700.00	29.40	30,782.00
Partner: Richard J. Kovach	1989	2000	CA	750.00	50.30	85,178.50
Partner: Ann Lawler	2000	2000	CA	700.00	1.30	818.50
Partner: Heather D. Hart	1989	1989	CA	800.00	14.70	1,394.00
Partner: Gregory D. Armstrong	2002	2002	CA	800.00	3.40	1,074.00
Partner: Ben Gibson	2004	2004	CA	800.00	17.00	1,074.00
Associate: Richard Pan	2009	2009	CA	810.00	67.00	31,170.00
Associate: Diana M. Hebert	2011	2011	CA	470.00	1.00	859.00
Associate: Anthony Hahn	2000	2000	CA	400.00	4.70	1,940.00
Associate: Tara Brachall					390.00	
<b>TOTAL</b>						

U.S.S.C. Delaware  
 TIGET Information Systems, Inc. (TIGET/ISSI)  
 From the fee application covering  
 October 1, 2012 through October 31, 2012

NJ Ranking: 2  
 Firm Size: 3,246

FIRM	GRANTED	ADMITTED	STATE	RATE	HOURS	TOTAL
Gibson Dunn & Crutcher, LLP	2010	2010	CA	\$ 145.00	33.20	\$ 8,542.00
Associate: Virginia Pitt	2011	2011	CA	895.00	12.50	1,817.00
Associate: Matthew Sauter					31.80	
<b>TOTAL</b>						

U.S.S.C. New York Southern  
 Lightsource (LSC)  
 From the fee application covering  
 October 1, 2012 through October 31, 2012

NJ Ranking: 21  
 Firm Size: 1,039

California Report

FIRM	SCHEDULED	ADMITTED	STATE	DATE	HOURS	TOTAL
(Camfield, Nether), Bandag & Kuhnert, P.C., Palo Alto, CA	1987	1987	CA	\$ 495.00	16.90	\$ 7,482.50
Edo A. Nether				\$ 50.00	0.30	24.00
Professional Nancy L. Nyberg					17.20	\$ 7,482.50
<b>TOTAL</b>						

U.S.B.C California, Northern  
 From the fee application covering  
 August 1, 2012 through August 31, 2012  
 M.J. Rankins: n/a  
 Firm Size: 3

FIRM	SCHEDULED	ADMITTED	STATE	DATE	HOURS	TOTAL
Loeb & Loeb	1987	1987	CA	\$ 985.00	1.90	\$ 1,320.50
James H. Jorish					48.20	50,030.50
Chaffin W. Campbell					122.30	67,293.00
David M. Auer					18.20	7,317.00
James E. Ventresca					0.20	52.00
Professional S. Stetsman					163.10	\$ 106,664.50
<b>TOTAL</b>						

U.S.B.C California, Central  
 From the fee application covering  
 July 1, 2012 to September 30, 2012  
 M.J. Rankins: 144  
 Firm Size: 301

FIRM	SCHEDULED	ADMITTED	STATE	DATE	HOURS	TOTAL
Patel Shahi Shang Zhiel Young Jones & Weintraub	1976	1976	CA	\$ 745.00	0.10	\$ 74.50
OT Cetonesi	1985	1985	CA	\$ 725.00	40.90	29,522.50
Parsons	1984	1984	CA	\$ 516.00	1.60	507.50
DiCaruso	1984	1984	CA	\$ 615.00	1.40	1,007.00
Parsons	1981	1981	CA	\$ 615.00	47.40	29,057.00
Parsons	1976	1976	CA	\$ 595.00	3.80	2,291.00
OT Cetonesi	1985	1985	CA	\$ 684.00	0.60	237.50
Parsons	1985	1985	CA	\$ 484.00	1.40	4,150.00
Associates	2004	2004	CA	\$ 284.00	1.10	324.50
Ulinsky					23.00	6,225.00
Professional Felice Harrison					127.90	73,904.50
<b>TOTAL</b>						

U.S.B.C California, Central  
 From the fee application covering  
 July 1, 2012 to July 31, 2012  
 M.J. Rankins: n/a  
 Firm Size: 05

Page 4

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California Report

NAME	GRADUATED	ADMITTED	STATE	RATE	HOURS	TOTAL
Pachulski Shery Young James & Weintraub						
Partner Richard M. Pfeiffer	1978	1978	CA	\$ 878.00	0.00	\$ 780.00
Partner Ira D. Katerach	1982	1982	CA	878.00	12.00	11,200.00
Of Counsel James K. Hunter	1978	1978	CA	745.00	4.00	2,980.00
Partner John D. Piero	1988	1988	CA	745.00	50.80	37,846.00
Partner Ross Goldberg	1988	1988	CA	745.00	11.10	8,157.30
Of Counsel Jerry Hochman	1987	1987	CA	678.00	15.30	10,463.80
Of Counsel Gabriele Reinher	1997	1997	CA	678.00	5.20	3,534.00
Of Counsel William Kneiser	1989	1989	CA	678.00	4.98	2,472.96
Associate John W. Lueers	2001	2010	CA	525.00	31.00	16,275.00
Professional Patricia Dumb				285.00	2.50	862.50
Paralegal/Assistant Laura Ticebank				285.00	7.70	2,197.50
Paralegal/Assistant Cheryl A. Rhodes				285.00	1.00	285.00
Paralegal/Assistant Cheryl A. Rhodes				285.00	8.40	888.00
Case Manager/Secretary Patricia				185.00	6.40	888.00
Case Manager/Dora K. Winsky				185.00	6.40	888.00
<b>TOTAL</b>					<b>132.58</b>	<b>\$ 71,193.51</b>

U.S.B.C. Disasters  
 Tidient Microsystems, Inc 72-10000 CESSA  
 From the fee application covering  
 September 1, 2012 through September 30, 2012  
 N.J. Ranking: na  
 Firm Size: 55

NAME	GRADUATED	ADMITTED	STATE	RATE	HOURS	TOTAL
Paul Hastings LLP						
Partner J. M. Latham, Jr.	1976	1976	CA	\$ 149.00	15.80	\$ 19,272.50
Partner Jennifer S. Balbooni	1993	1993	CA	158.00	182.40	118,082.00
Associate William A. Garban	2006	2006	CA	214.00	21.10	18,158.80
Associate Robert E. Zuber	2007	2008	CA	214.00	161.70	134,477.80
Associate Lisa M. Pavez	2008	2008	CA	483.00	72.90	72,945.00
Associate Li Han Kim	2010	2010	CA	988.00	87.30	37,845.00
Associate Mark C. O'Brien	2010	2010	CA	205.00	160.30	81,877.00
<b>TOTAL</b>					<b>728.30</b>	<b>\$ 383,203.60</b>

U.S.B.C. New York Bankrupt  
 Alfa Entertainment Services, Inc. II  
 From the fee application covering  
 July 1, 2012 through July 31, 2012  
 N.J. Ranking: 3D  
 Firm Size: 651

NAME	GRADUATED	ADMITTED	STATE	RATE	HOURS	TOTAL
Seyfarth Shaw LLP						
Colony	1995	1995	CA	\$ 800.00	2.40	\$ 1,680.00
Partner Colleen M. Rietzl	1985	1985	CA	820.00	1.50	890.00
Christina Foster Bishop	1987	1987	CA	540.00	59.60	30,564.00
<b>TOTAL</b>					<b>63.50</b>	<b>\$ 23,134.00</b>

U.S.B.C. New York-Southern  
 Greep & Silje Chartered (72-10000 CESSA)  
 From the fee application covering  
 July 2, 2012 through October 31, 2012  
 N.J. Ranking: 9D  
 Firm Size: 733

California Report

FIRM	GRADUATED	ADMITTED	STATE	RATE	HOURS	TOTAL
<b>FRM</b>						
<b>Stine &amp; Ho LLP</b>						
Partner	1985	1985	CA	\$ 675.00	12.10	\$ 12,217.50
Michael Y. Gaudreau	2010	2010	CA	450.00	117.30	53,065.00
Associate	2011	2011	CA	355.00	41.00	14,533.00
Francis S. Lam			CA		177.00	\$ 19,827.50
<b>TOTAL</b>						
<b>Teris LLP</b>						
Partner	1983	1983	CA	\$ 985.00	5.50	\$ 5,472.50
John Gannon			CA		0.40	398.00
Partner	1974	1974	CA	310.00	0.50	405.00
Shofa Block			CA		23.10	14,884.50
Michael Robinson	1977	1977	CA	618.00	11.00	8,001.00
Associate	2008	2008	CA	555.00	0.50	262.50
James Bueckert			CA		0.50	262.50
Associate	2007	2007	CA	500.00	0.50	250.00
Adam Stevens			CA		0.50	250.00
Associate	2008	2008	CA	355.00	0.50	127.25
Matthew Alley			CA		0.50	127.25
Cheryl Malin			CA	375.00	28.50	13,237.50
Law Clerk			CA		28.50	7,324.00
Erinley Tarlek			CA	250.00	24.30	6,075.00
Parapatatani Charne Reish			CA		24.30	10,345.50
<b>TOTAL</b>						

U.S.B.C Delaware  
Tribune Company et al. (08-55143) (NCJ21)

From the fee application covering  
September 1, 2012 through September 30, 2012

NCJ Ranking: 10  
Firm Size: 1,592

U.S.B.C Delaware  
Merrill Lynch & Co. (08-50128)

From the fee application covering  
August 1, 2012 through October 31, 2012

NCJ Ranking: NA  
Firm Size: 238

**Westlaw Court Express**

**LEGAL BILLING REPORT**

VOLUME 14, NUMBER 3

December 2012

CA REGION

**BY BILLING RATE**

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California Rate Report

PROFESSIONAL	FIRM	GRADUATED	ADMITTED	STATE	RATE	HOURS	TOTAL
					\$		\$
Partner	John Coleman	1983	1983	CA	885.00	5.00	5,472.50
Partner	Shirley Black	1974	1974	CA	265.00	0.40	391.00
Partner	Richard M. Packard	1973	1973	CA	275.00	0.40	704.00
Partner	Ira D. Kobrin	1982	1982	CA	976.00	12.50	11,200.00
Partner	J. A. Johnson Jr.	1978	1978	CA	976.00	15.00	14,640.00
Partner	David F. Srinivas	1983	1983	CA	825.00	9.18	7,569.00
Partner	Miriam Rosenthal	1977	1977	CA	670.00	0.50	405.00
Partner	Neta Mandelkern	1969	1969	CA	700.00	0.60	674.00
Partner	Richard Washburn	1973	1973	CA	700.00	35.43	30,195.00
Partner	Anna Lawler	1989	1989	CA	733.00	30.30	22,209.00
Of Counsel	Jennifer S. Reder	1993	1993	CA	753.00	152.40	119,952.00
Of Counsel	Jessie K.V. Hanler	1976	1976	CA	746.00	0.10	74.60
Partner	John D. Reed	1978	1978	CA	745.00	4.00	2,980.00
Partner	Edward P. O'Neil	1989	1989	CA	745.00	2.80	1,085.00
Partner	Samuel R. Madgal	1984	1984	CA	745.00	40.30	29,892.00
Partner	Richard Washburn	1973	1973	CA	745.00	11.70	8,627.50
Partner	Heather Blum	2000	2000	CA	705.00	1.50	1,057.50
Partner	Laura N. Smith	1977	1977	CA	693.00	1.90	1,326.30
Of Counsel	Kathleen Bullock	2000	2000	CA	693.00	21.40	14,864.50
Of Counsel	Ellen Shick	1985	1985	CA	680.00	2.40	1,632.00
Partner	Henry Friedman	1987	1987	CA	675.00	15.50	10,462.50
Partner	Mark G. Fisher	1985	1985	CA	675.00	10.10	6,817.50
Partner	Jeffrey D. Asanoun	1988	1988	CA	680.00	12.70	8,736.00
Partner	Christopher W. Campbell	1989	1989	CA	680.00	46.30	31,248.00
Of Counsel	Bob Blum	2002	2002	CA	640.00	3.18	2,006.40
Associate	Barbara Pan	2004	2004	CA	530.00	110.00	58,300.00
Partner	Carsten M. Nelson	1985	1985	CA	670.00	1.80	1,206.00
Of Counsel	James Smith	1984	1984	CA	615.00	0.50	307.50
Partner	Michael S. Pease	1982	1982	CA	615.00	1.50	922.50
Partner	Stella Westphal	1980	1980	CA	615.00	47.80	29,362.50
Associate	Martin A. Gordon	2009	2009	CA	615.00	31.10	19,126.50
Of Counsel	Mary Leno	1978	1978	CA	615.00	3.80	2,337.00
Partner	Nina Kern	1985	1985	CA	615.00	0.90	553.50
Of Counsel	Geoffrey Roberts	1987	1987	CA	615.00	8.20	5,044.50

California Rate Report

PROFESSIONAL:	FIRM	GRADUATED	ADMITTED	STATE	RATE	HOURS	TOTAL
Of Counsel	William Kamoyat	1980	1980	CA	\$ 574.00	4.30	\$ 2,474.50
Associate	Patrick Slings Zohi Young Jones & Weintraub	2007	2007	CA	181.00	181.00	181,000.00
Associate	Paul Hastings LLP	2007	2007	CA	118.00	118.00	118,000.00
Associate	Leah & Leach	2007	2007	CA	122.50	122.50	122,500.00
Associate	Leah & Leach	2007	2007	CA	240.00	240.00	240,000.00
Associate	Leah & Leach	2007	2007	CA	37.00	37.00	37,000.00
Associate	Leah & Leach	2007	2007	CA	10,278.00	10,278.00	10,278,000.00
Associate	Leah & Leach	2008	2008	CA	57.00	57.00	57,000.00
Associate	Leah & Leach	2008	2008	CA	8.40	8.40	8,400.00
Associate	Leah & Leach	2008	2008	CA	41,184.00	41,184.00	41,184,000.00
Associate	Leah & Leach	2008	2008	CA	255.00	255.00	255,000.00
Associate	Leah & Leach	2008	2008	CA	470.00	470.00	470,000.00
Associate	Leah & Leach	2008	2008	CA	117.50	117.50	117,500.00
Associate	Leah & Leach	2008	2008	CA	10.20	10.20	10,200.00
Associate	Leah & Leach	2008	2008	CA	235.00	235.00	235,000.00
Associate	Leah & Leach	2008	2008	CA	2182.50	2182.50	2182,500.00
Associate	Leah & Leach	2008	2008	CA	4.10	4.10	4,100.00
Associate	Leah & Leach	2008	2008	CA	450.00	450.00	450,000.00
Associate	Leah & Leach	2008	2008	CA	18.00	18.00	18,000.00
Associate	Leah & Leach	2008	2008	CA	4,574.00	4,574.00	4,574,000.00
Associate	Leah & Leach	2008	2008	CA	87.00	87.00	87,000.00
Associate	Leah & Leach	2008	2008	CA	14,385.00	14,385.00	14,385,000.00
Associate	Leah & Leach	2008	2008	CA	284.00	284.00	284,000.00
Associate	Leah & Leach	2008	2008	CA	43.50	43.50	43,500.00
Associate	Leah & Leach	2008	2008	CA	324.50	324.50	324,500.00
Associate	Leah & Leach	2008	2008	CA	8.50	8.50	8,500.00
Associate	Leah & Leach	2008	2008	CA	2,040.00	2,040.00	2,040,000.00
Associate	Leah & Leach	2008	2008	CA	7.00	7.00	7,000.00
Associate	Leah & Leach	2008	2008	CA	285.00	285.00	285,000.00
Associate	Leah & Leach	2008	2008	CA	1.00	1.00	1,000.00
Associate	Leah & Leach	2008	2008	CA	280.00	280.00	280,000.00
Associate	Leah & Leach	2008	2008	CA	28.20	28.20	28,200.00
Associate	Leah & Leach	2008	2008	CA	185.00	185.00	185,000.00
Associate	Leah & Leach	2008	2008	CA	0.40	0.40	400.00
Associate	Leah & Leach	2008	2008	CA	76.00	76.00	76,000.00
Associate	Leah & Leach	2008	2008	CA	84.00	84.00	84,000.00

# **EXHIBIT 3**

1 DEBRA L. HURST (SBN 106118)  
KYLE VAN DYKE (SBN 171186)  
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9  
10 Additional Counsel Listed After Signature Page  
Attorneys for Plaintiffs and the certified Class

11  
12  
13 SUPERIOR COURT OF CALIFORNIA  
14 FOR THE COUNTY OF SAN DIEGO, CENTRAL DIVISION

15  
16 ADAM HOHNBAUM, ILLYA HAASE,  
ROMEO OSORIO, AMANDA JUNE RADER,  
17 and SANTANA ALVARADO and ROES 1  
through 500, Inclusive on behalf of themselves  
18 and all others similarly situated, and on behalf  
of the general public,

19 Plaintiffs,

20 v.

21 BRINKER RESTAURANT CORPORATION,  
22 BRINKER INTERNATIONAL, INC. and  
BRINKER INTERNATIONAL PAYROLL  
23 COMPANY, LP a Delaware Corporation; and  
DOES 1 through 500, Inclusive

24 Defendants.  
25  
26

CASE NO.: GIC834348

CLASS ACTION

DECLARATION OF RICHARD M.  
PEARL IN SUPPORT OF PLAINTIFFS'  
UNOPPOSED MOTION FOR FINAL  
APPROVAL AND OF CLASS ACTION  
SETTLEMENT AND MOTION FOR  
AWARD OF ATTORNEYS' FEES,  
COSTS, CLASS REPRESENTATIVE  
SERVICE PAYMENTS, AND CLAIMS  
ADMINISTRATION EXPENSES

Date: December 12, 2014  
Time: 1:30 p.m.  
Dept: C-69  
Judge: Hon. Katherine A. Bacal

Complaint Filed: August 16, 2004

1 I, RICHARD M. PEARL, hereby declare the following:

2 1. I am a member in good standing of the California State Bar. I am in  
3 private practice as the principal of my own law firm, the Law Offices of Richard  
4 M. Pearl, in Berkeley, California. I specialize in issues related to court-awarded  
5 attorneys' fees, including the representation of parties in fee litigation and  
6 appeals, serving as an expert witness, and serving as a mediator and arbitrator in  
7 disputes concerning attorneys' fees and related issues. In this case, I have been  
8 asked by Plaintiffs' counsel to render my opinion on the reasonableness of the  
9 hourly rates they are requesting in this matter. I make this Declaration in Support  
10 of Plaintiffs' Motion for Award of Reasonable Attorneys' Fees.

11 **Professional Background**

12 1. Briefly summarized, my background is as follows: I am a 1969  
13 graduate of Boalt Hall School of Law, University of California, Berkeley,  
14 California. I took the California Bar Examination in August 1969 and passed it in  
15 November of that year, but because I was working as an attorney in Atlanta,  
16 Georgia for the Legal Aid Society of Atlanta (LASA), I was not admitted to the  
17 California Bar until January 1970. I worked for LASA until summer of 1971,  
18 when I then went to work in California's Central Valley for California Rural Legal  
19 Assistance, Inc. (CRLA), a statewide legal services program. From 1977 to 1982,  
20 I was CRLA's Director of Litigation, supervising more than fifty attorneys. In  
21 1982, I went into private practice, first in a small law firm, then as a sole  
22 practitioner. Martindale Hubbell rates my law firm "AV." I also have been  
23 selected as a Northern California "Super Lawyer" in Appellate Law for 2005,  
24 2006, 2007, 2008, 2010, 2011, 2012, 2013, and 2014. A copy of my current  
25 Resume is attached hereto as Exhibit A.

26 2. Since 1982, my practice has been a general civil litigation and  
27 appellate practice, with an emphasis on cases and appeals involving court-awarded  
28 attorneys' fees. I also am the author of *California Attorney Fee Awards* (3d ed.

1 Cal. CEB 2010) and its February 2011, 2012, 2013, and March 2014 Supplements,  
2 as well as all its previous editions and annual supplements. California appellate  
3 courts have cited this treatise on more than 35 occasions. *See, e.g., Graham v.*  
4 *DaimlerChrysler Corp.*(2004) 34 Cal.4<sup>th</sup> 553, 576, 584; *Lolley v. Campbell* (2002)  
5 28 Cal.4<sup>th</sup> 367, 373; *Chacon v. Litke* (2010) 181 Cal.App.4<sup>th</sup> 1234, 1259; *Syers*  
6 *Properties III, Inc. v. Rankin* (2014) 226 Cal.App.4<sup>th</sup> 691, 698, 700. I also have  
7 lectured and written extensively on court-awarded attorneys' fees. I have been a  
8 member of the California State Bar's Attorneys' Fees Task Force and have  
9 testified before the State Bar Board of Governors and the California Legislature on  
10 attorneys' fee issues. In addition, I authored a federal manual on attorneys' fees  
11 entitled *Attorneys' Fees: A Legal Services Practice Manual*, published by the  
12 Legal Services Corporation. I also co-authored the chapter on "Attorney Fees" in  
13 Volume 2 of CEB's *Wrongful Employment Termination Practice*, 2d Ed. (1997).

14 3. More than 90% of my practice is devoted to issues involving court-  
15 awarded attorneys' fees. I have been counsel in over 180 attorneys' fee  
16 applications in state and federal courts, primarily representing other attorneys. I  
17 also have briefed and argued more than 40 appeals, at least 25 of which have  
18 involved attorneys' fees issues. I have successfully handled five cases in the  
19 California Supreme Court involving court-awarded attorneys' fees: (1) *Maria P. v.*  
20 *Riles* (1987) 43 Cal.3d 1281, a landmark early decision on the scope of California  
21 Code of Civil Procedure section 1021.5; (2) *Delaney v. Baker* (1999) 20 Cal.4<sup>th</sup>  
22 23, which held that heightened remedies, including attorneys' fees, are available in  
23 suits against nursing homes under California's Elder Abuse Act; (3) *Ketchum v.*  
24 *Moses* (2001) 24 Cal.4<sup>th</sup> 1122, which held, *inter alia*, that contingent risk  
25 multipliers remain available under California attorney fee law, despite the United  
26 States Supreme Court's contrary ruling on federal law (note that in *Ketchum*, I was  
27 primary appellate counsel in the Court of Appeal and "second chair" in the  
28 Supreme Court); (4) *Flannery v. Prentice* (2001) 26 Cal.4<sup>th</sup> 572, which held that in

1 the absence of an agreement to the contrary, statutory attorneys' fees belong to the  
2 attorney whose services they are based upon; and (5) *Graham v. DaimlerChrysler*  
3 *Corp.* (2004) 34 Cal.4th 553, which held, *inter alia*, that the "catalyst" theory was  
4 still valid under California law despite federal Supreme Court authority to the  
5 contrary. I also represented and argued on behalf of *amicus curiae* in  
6 *Conservatorship of McQueen* (2014) 59 Cal.4th 602, and, along with Richard  
7 Rothschild, filed an *amicus curiae* brief in *Vasquez v. State of California* (2009) 45  
8 Cal.4th 243. I also have handled numerous other appeals involving attorney's fees,  
9 including: *Davis v. City & County of San Francisco* (9th Cir. 1992) 976 F.2d 1536;  
10 *Mangold v. CPUC* (9th Cir. 1995) 67 F.3d 1470; *Moore v. Bank of America* (9th  
11 Cir. 2007) 245 Fed.Appx. 613; *Velez v. Wynne* (9th Cir. 2007) 2007  
12 U.S.App.LEXIS 2194; *Camacho v. Bridgeport Financial, Inc.* (9th Cir. 2008) 523  
13 F.3d 973; *Center for Biological Diversity v. County of San Bernardino* (2010) 185  
14 Cal.App.4th 866; and *Environmental Protection Information Center v. California*  
15 *Dept. of Forestry & Fire Protection et al* (2010) 190 Cal.App.4th 217. For an  
16 expanded list of my representative decisions, see Exhibit A.

17 4. I also have been retained by various governmental entities, including  
18 the State of California, at my then current rates to consult with them regarding their  
19 affirmative attorney fee claims.

20 5. I am frequently called upon to opine about the reasonableness of  
21 attorneys' fees, and numerous federal and state courts have cited my testimony on  
22 that issue favorably. The reported cases referencing my testimony include the  
23 following California appellate courts: *Laffite v. Robert Half Int'l* (2014)  
24 \_\_ Cal.App.4th \_\_, 2014 Cal.App.LEXIS 1059; *In re Tobacco Cases I* (2013) 216  
25 Cal.App.4th 570; *Heritage Pacific Financial LLC v. Monroy* (2013) 215  
26 Cal.App.4th 972, 1009; *Children's Hospital & Medical Center v. Bonta* (2002) 97  
27 Cal.App.4th 740; *Wilkinson v. South City Ford* (2010) 2010 Cal.App.Unpub.  
28 LEXIS 8680; *Church of Scientology v. Wollersheim* (1996) 42 Cal.App.4th 628

1 (anti-SLAPP case). My declaration also has been favorably referenced by the  
2 following federal courts: *Prison Legal News v. Schwarzenegger* (9th Cir. 2010)  
3 608 F.3d 446, 455, in which the expert declaration referred to in that opinion is  
4 mine; *Antoninetti v. Chipotle Mexican Grill, Inc.* (9th Cir. 2012) Order filed Dec.  
5 26, 2012; *In re TFT-LCD (Flat Panel) Antitrust Litigation* (N.D.Cal. 2013) No. M  
6 07-1827 SI, MDL, No. 1827, Report and Recommendation of Special Master re  
7 Motions for Attorneys' Fees etc., filed Nov. 9, 2012, adopted in relevant part, 2013  
8 U.S. Dist. LEXIS 49885; *Rosenfeld v. United States Dept. of Justice* (N.D. Cal.  
9 2012) 904 F.Supp.2d 988; *Stonebrae v. Toll Bros.* (N.D. Cal. 2011) 2011  
10 U.S. Dist. LEXIS 39832, at \*9 (thorough discussion), *aff'd* (9th Cir. 2013) 2013  
11 U.S. App. LEXIS 6369; *Hajro v. United States Citizenship & Immigration Service*  
12 (N.D. Cal. 2012) 900 F.Supp.2d 1034, 1054; *Armstrong v. Brown* (N.D. Cal. 2011)  
13 2011 U.S. Dist. LEXIS 87428; *Californians for Disability Rights, Inc. v. California*  
14 *Dept. of Transportation* (N.D. Cal. 2010) 2010 U.S. Dist. LEXIS 141030; *Prison*  
15 *Legal News v. Schwarzenegger* (N.D. Cal. 2008) 561 F.Supp.2d 1095 (an earlier  
16 motion); *Oberfelder v. City of Petaluma* (N.D. Cal. 2002), 2002 U.S. Dist. LEXIS  
17 8635, *aff'd* (9th Cir. 2003) 2003 U.S. App. LEXIS 11371; *Bancroft v. Trizechahn*  
18 *Corp.*, C.D. Cal. No. CV 02-2373 SVW (FMOx), Order Granting Reasonable  
19 Attorneys' Fees etc., filed Aug. 14, 2006; *Willoughby v. DT Credit Corp.*, C.D.  
20 Cal. No. CV 05-05907 MMM (Cwx), Order Awarding Reasonable Attorneys' Fees  
21 After Remand, filed July 17, 2006; *A.D. v. California Highway Patrol* (N.D. Cal.  
22 2009) 2009 U.S. Dist. LEXIS 110743, *rev's'd on other grounds* (9th Cir. 2013) 712  
23 F.3d 446, *reaffirmed and additional fees awarded on remand* at 2013  
24 U.S. Dist. LEXIS 169275; *National Federation of the Blind v. Target Corp.*  
25 (N.D. Cal. 2009) 2009 U.S. Dist. LEXIS 67139. In addition, numerous trial courts  
26 have relied upon my testimony in unpublished fee orders.

27 6. I also have extensive experience litigating the merits of class actions,  
28 including numerous housing, government benefits, and consumer class actions.



1 See, e.g., *Employment Dev. Dept. v. Superior Court (Boren)* (1981) 30 Cal.3d 256.  
2 I also have represented Class Counsel on their fee requests in numerous highly-  
3 contested class actions, including *Davis v. City & County of San Francisco, supra*,  
4 *Duran v. First National Bank*, Alameda County Superior Court No. 2001-035537,  
5 and *Molina, et al. v. Lexmark International, et al.*, Los Angeles County Superior  
6 Court No. BC339177.

7 7. In this matter, I have reviewed several documents from the underlying  
8 litigation and fee motion, including the entire Motion for Preliminary Approval, as  
9 well as the declarations of Plaintiffs' principal counsel filed in support of the  
10 instant motion. I also have discussed the case with class counsel Julie Corbo-  
11 Ridley.

12 PLAINTIFFS' ATTORNEYS' HOURLY RATES ARE  
13 REASONABLE

14 8. Through my writing and practice, I have become knowledgeable  
15 about the non-contingent market rates charged by attorneys in California and  
16 elsewhere. I have obtained this knowledge in several ways: (1) by handling  
17 attorneys' fee litigation; (2) by preparing expert declarations in numerous cases;  
18 (3) by discussing fees with other attorneys; (4) by obtaining declarations regarding  
19 prevailing market rates in cases in which I represent attorneys seeking fees; and (5)  
20 by reviewing attorneys' fee applications and awards in other cases, as well as  
21 surveys and articles on attorneys' fees in the legal newspapers and treatises.

22 9. I am aware of the hourly rates being requested by Plaintiffs' attorneys  
23 in this case, their experience and qualifications, the nature of the work performed,  
24 and the results achieved. Under California law, Plaintiff's attorneys are entitled to  
25 their requested rates if those rates are "within the range of reasonable rates charged  
26 by and judicially awarded comparable attorneys for comparable work." *Children's*  
27 *Hosp. & Med. Ctr. v. Bonta [CHMC]* (2002) 97 Cal.App.4th 740, 783. In my  
28 opinion, the information about non-contingent hourly rates I have gathered, some

1 of which is summarized below, shows that the rates requested by Plaintiffs'  
2 counsel in this matter are well within the range of the non-contingent market rates  
3 charged by California and San Diego attorneys of reasonably comparable  
4 experience, skill, and expertise for reasonably comparable services. I base that  
5 opinion in large part on the following data:

6 Court Awards

7 10. Several of the Plaintiffs' law firms have had the hourly rates requested  
8 here, or their equivalent rates in prior years, approved by the courts in other class  
9 actions. For example, Hurst & Hurst's rates were found reasonable in *Serochi v.*  
10 *Bosa Development California II, Inc., et al.*, San Diego Superior Court Case No.:  
11 37-2009-00096686-CU-BT-CTL. Similarly, Ms. Lorens's 2012 rate of \$795/hour  
12 was approved in November 2012 in *Hoch v. Rockin' Baja Coastal Cantina, et al.*,  
13 San Diego Superior Court Case No. 37-2012-00095176-CU-OE-CTL/*Mojica v.*  
14 *Rockin' Baja Coastal Cantina, et al.*, San Diego Superior Court Case No. 37-2012-  
15 00091490-CU-OE-CTL. This is highly probative evidence of the reasonableness  
16 of their rates in subsequent reasonably similar cases.

17 11. Counsel's rates are also consistent with the following court awards  
18 from the Southern District of California<sup>1</sup>:

19 (1) In *Hartless v. Clorox*, 273 F.R.D. 630, 644 (S.D. Cal. 2011), the  
20 Court found, *inter alia*, that class counsel's requested rates were consistent with  
21 the hourly rates found reasonable in numerous other class actions and with rates  
22 charged by other firms in the San Diego area, including rates of \$795 per hour for a  
23 25-year attorney and \$675 per hour for an experienced partner. 273 F.R.D. at 644.

24  
25 <sup>1</sup> In my experience, for purposes of the hourly rates charged and found reasonable by the courts,  
26 the differences between types of class actions (i.e. wage and hour class actions versus consumer  
27 class actions) are not significant, either factually or legally. See, e.g., *Heritage Pacific Financial,*  
28 *LLC v. Monroy*, 215 Cal.App.4<sup>th</sup> 972, 1009 (2013); *Camacho v. Bridgeport Financial, Inc.*, 523  
F.3d 973, 979 (9<sup>th</sup> Cir. 2008).

1 Given the rate increases that have occurred over the ensuing three years, counsel's  
2 rates here are certainly within the same range.

3 (2) In *Shames v. Hertz Corp.*, 2012-2 Trade Case. (CCH) ¶78,120 (S.D.  
4 Cal. 2012), the Court, relying on *Hartless*, found that plaintiffs' San Diego  
5 Counsel there were comparable in skill and experience to the attorneys whose rates  
6 were found reasonable in *Hartless*. At \*59-61.

7 (3) In *Briarwood Capital LLC v. HCC Investors LLC*, San Diego  
8 Superior Court No. GIC877446, on March 30, 2011, the court (Judge William R.  
9 Nevitt Jr.) found that the 2009 hourly rates charged by the San Diego office of  
10 Bernstein Litowitz Berger & Grossman LLP -- \$725 for partners, \$490-550 for  
11 associates -- were reasonable.

12 (4) Similarly, in the same case, the court found that the 2009 rates  
13 charged by the Century City office of O'Melveny & Myers LLP, including rates of  
14 \$860-950 for a 36-37 year attorney and \$700-710 for 16-18 year attorneys also  
15 were reasonable for San Diego litigation. Again, given the rate increases that have  
16 occurred over the past three years, Plaintiffs' attorneys' current rates here are in the  
17 same range as those found reasonable in *Briarwood Capital*.

18 (5) In *Atlas v. Accredited Home Lenders Holdings, Co.* Case No. 07-  
19 CV-488-H-CAB (S.D. Cal. 2009), the court (Judge Marilyn Huff) found the 2009  
20 rates charged by Bernstein Litowitz's San Diego office reasonable. Again, those  
21 rates ranged from \$490 to \$550 for associates, and \$725 for a partner.

22 (6) In *In re Virgil's Tours*, Case No. 08-30659 (Bank. N.D. Cal. 2008),  
23 the court found reasonable the 2008 rates requested by Morrison & Foerster LLP's  
24 San Diego office. Those rates ranged from \$600 to \$675 for partners, from \$350 to  
25 \$485 for associates, and from \$220 to \$245 for paralegals.

26 (7) In *Qualcomm, Inc. v. Broadcom, Inc.* Case No. 05-CV-1958-B,  
27 2008 WL 2705161 (S.D. Cal. 2008), the court found the 2007 hourly rates  
28 requested by Wilmer Cutler, Pickering, Hale & Dorr LLP reasonable for San

1 Diego-based litigation. Those rates ranged from \$45 to \$300 for staff and  
 2 Paralegals, from \$275 to \$505 for associates and counsel, and from \$435 to \$850  
 3 for partners.

4 12. In addition to local courts, the following hourly rates have been  
 5 found reasonable by various California courts for reasonably similar services:

6 2014

7 (1) *IPVX Patent Holdings, Inc. v. Voxernet LLC*, N.D. Cal. No.  
 8 5:13-CV-01708-HRL, a patent infringement case, in which the court found the  
 9 following hourly rates reasonable:

<u>Years of Experience</u>	<u>Rate</u>
<u>2014</u>	
45	\$750
35	750
23	725
19	695
5	400
3	350
Paralegal	125
<u>2013</u>	
18	\$755
11	595
2	425
<u>2012</u>	
40	\$865
17	755
10	595
1	375

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 23 (2) *Doe v. United Healthcare Insurance Co., et al.*, C.D. Cal. No.  
 24 SACV 13-0864 DOC(JPRx), Order Granting Attorney's Fees and Costs, filed  
 25 October 15, 2014, a multi-Plaintiff consumer action, in which the court found the  
 26 following hourly rates reasonable:

<u>Whatley Kallas</u>	
<u>Years of Experience</u>	<u>Rate</u>
36	\$950

<u>Whatley Kallas</u>	
<u>Years of Experience</u>	<u>Rate</u>
27	900
32	800
33	750
21	700
10	600
4	400
2	375
Paralegal	225
Intern	125
<u>Consumer Watchdog</u>	
35	\$925
19	650
4	425

(3) *Rose v. Bank of America Corp.*, N.D. Cal. No. 5:11-CV-02390-EJD; 5:12 CV-04009-EJD, Order Granting Motion for Final Approval of Settlement; Granting in Part and Denying in Part Motion for Attorney's Fees and Costs, filed August 29, 2014, a consumer class action involving the Bank's loan servicing calls, in which the court found the following hourly rates reasonable:

Partners: \$775-350

Associates: \$525-325

(4) *Carpio v. California Department of Social Services, Los Angeles County Superior Court*, No. BS 135127, Order Granting Petitioner's Motion For Attorney's Fees, filed July 24, 2014, a government benefits writ of mandate, in which the court found the following hourly rates reasonable:

<u>Years</u>	<u>Rate</u>
39	\$750
35	730
13	500
8	460
6	440

(5) *Cornell v. City & County of San Francisco*, San Francisco County

1 Superior Court No. CGC-11-509240, Order Granting Motion for Reasonable  
 2 Attorneys' Fees, Subject to Modifications, filed May 15, 2014, an individual police  
 3 misconduct/employment action, in which the court found the following hourly  
 4 rates reasonable, plus a 1.25 lodestar multiplier for merits work:

<u>Years of Experience</u>	<u>Rate</u>
45	\$750
35	750
23	725
19	695
5	400
3	350
Paralegal	125

11 2013 Rates

12 (1) *Ellis v. Costco Wholesale Corp.*, N.D. Cal. No. C04-3341 EMC,  
 13 Order Granting Motion for Final Approval of Class Action Settlement, filed May  
 14 27, 2014, an employment class action, in which the court found the following  
 15 hourly rates reasonable:

<u>Years of Experience</u>	<u>Rate</u>
38	\$700
35	825
30	650-825
29	875
19	725
9	500
8	460
7	425-575
6	435
3	315
Paralegals	155-295
Law Clerks	185-275

25 (2) *In re Pacific Bell Late Fee Litigation*, Contra Costa County Superior  
 26 Ct. No. MSC10-00840, Order Awarding Attorneys' Fees, Costs and Expenses and  
 27 Authorizing Payment of Incentive Award to the Class Representative, filed  
 28 October 18, 2013, a consumer class action, in which the court found the following

1 hourly rates reasonable:

<u>Years of Experience</u>	<u>Rate</u>
17	\$850
16	680
11 (partner)	680
36	675
32	675
28 (assoc.)	620
4	400
3	390
Paralegals and Litigation Support	160-180

10 (3) *Reuters America LLC v. The Regents of the Univ. of Calif., Alameda*  
 11 County Superior Court No. RG12-613664, Order Granting in Part Motion of  
 12 Petitioner for Attorneys' Fees filed May 2, 2013, reversed on the merits sub nom  
 13 *Regents of U.C. v. Superior Court* (2014) 222 Cal.App.4th 383, a California Public  
 14 Records Act action, in which the trial court found the following hourly rates  
 15 reasonable, before applying a 1.3 lodestar multiplier:

<u>Years of Experience</u>	<u>Rate</u>
31	\$785
27	600
6	400

19 (4) *Recouvreur v. Carreon* (N.D. Cal. 2013) 940 F.Supp.2d 1063, a  
 20 Lanham Act/ sanctions fee motion, in which the court found the following hourly  
 21 rate reasonable:

<u>Years of Experience</u>	<u>Rate</u>
20+	\$700

24 2012 Rates

25 (1) *In re TFT-LCD (Flat Panel) Antitrust Litigation* (N.D. Cal. 2013) No.  
 26 M 07 1827 SI, MDL, No. 1827, an antitrust class action, in which the court found  
 27 the following hourly rates reasonable:  
 28

1                    Zelle Hofman

2                    Bar Admission    Rate

3                    1967                    \$1000

4                    1978                    861

5                    2001                    619

6                    2002                    525

7                    2005                    500

8                    2006                    472

9                    2009                    417

10                    Steyer, Lowenthal et al.

11                    Bar Admission    Rate 2012    Rate 2011    Rate 2010

12                    1981                    \$820            \$770            \$730

13                    1995                    660             640             590

14                    2007                    380             360             320

15                    2008                    380             360             320

16                    1982                    750             710             680

17                    Paralegal             190

18                    Cooper & Kirkham

19                    Bar Admission                    Rates 2010-2012

20                    1964                    \$950

21                    1975                    825

22                    2001                    550

23                    (2) *Rosenfeld v. United States Dept. of Justice* (N.D. Cal. 2012) 904

24                    F.Supp.2d 988, a Freedom of Information Act action, in which the court found the following hourly rates reasonable:

25                    Years of Experience                    Rate

26                    28                    \$700

27                    21                    550

28                    1                    200

                    Law students                    160-180

                    (3) *Williams v. H&R Block Enterprises, Inc.*, Alameda County Superior

Ct. No. RG08366506, Order of Final Approval and Judgment filed November 8, 2012, a wage and hour class action, in which the court found the following hourly



1 rates reasonable:

<u>Year of Bar Admission</u>	<u>Rate</u>
1970	\$785
1976	775
1981	750
1993	650-700
1994-1997	500-650
2004	500
2005	470
2006	445-475
2007	450
2008	400
2009	350

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11 (4) *American Civil Liberties Union v. Drug Enforcement Administration*,  
12 N.D. Cal. No. C-11-01977 RS, Order Granting Motion for Attorneys' Fees and  
13 Litigation Costs Pursuant to 5 U.S.C. §552, filed November 8, 2012, a Freedom of  
14 Information Act case, in which the court found the following hourly rates  
15 reasonable:

<u>Year of Bar Admission</u>	<u>Rate</u>
1970	\$700
1996	595
1999	575
Law Clerks	150

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20 (5) *Luquetta v. The Regents of the Univ. of California*, San Francisco  
21 Superior Ct. No. CGC-05-443007, Order Granting Plaintiff's Motion for Common  
22 Fund Attorneys' Fees and Expenses, filed October 31, 2012, a class action to  
23 recover tuition overcharges, in which the court found the following hourly rates  
24 reasonable:

<u>Year of Bar Admission</u>	<u>Rate</u>
1977	\$850
1986	785
1991	750
1994	700
1998	625

1	2000	570
2	2001	550
3	2002	520
4	Law Clerks	250
	Paralegals	215

5 (6) *Davis v. Prison Health Services* (N.D. Cal. 2012) 2012 U.S. Dist.  
 6 LEXIS 138556, an individual Fair Employment and Housing Act case, in which  
 7 the court found the following hourly rates reasonable:

<u>Years of Experience</u>	<u>Rate</u>
8 33	\$750
9 29	675
10 4	300
6	265

11 2011 Rates

12 (1) *Pierce v. County of Orange* (C.D. Cal. 2012) 905 F.Supp.2d 1017, a  
 13 civil rights class action brought by pre-trial detainees, in which the court approved  
 14 a lodestar, including appellate fees, based on the following 2011 rates:

<u>Years of Experience</u>	<u>Rate</u>
15 42	\$850
16 32	825
17 23	625
18 18	625
Law Clerks	250
19 Paralegals	250

20 (2) *Davis v. Prison Health Services* (N.D. Cal. 2012) 2012 U.S. Dist.  
 21 LEXIS 138556, an individual Fair Employment and Housing Act case, in which  
 22 the court found the following hourly rates reasonable:

<u>Years of Experience</u>	<u>Rate</u>
23 33	\$750
24 29	675
25 4	300
26 6	265

27 (3) *Holloway et. al. v. Best Buy Co., Inc.* (N.D. Cal. 2011) No. 05-5056  
 28

1 PJH, Order dated November 9, 2011, a class action alleging that Best Buy  
2 discriminated against female, African American and Latino employees by denying  
3 them promotions and lucrative sales positions, in which the court approved a  
4 lodestar award based on the following rates:

<u>Years of Experience</u>	<u>Rate</u>
37	\$825
Associates	
8	490
6	405
Law Clerks	225
Paralegals	215

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10 (3) *Molina, et al. v. Lexmark International, et al.*, Los Angeles County  
11 Superior Court No. BC339177, Order Granting Petitioners' Motion for Attorneys'  
12 Fees and Costs in the Amount of \$5,722,008.07, filed October 28, 2011, *aff'd*  
13 (2013) 2013 Cal.App.Unpub. LEXIS 6684, a class action to recover forfeited  
14 vacation pay, in which the court found the following hourly rates reasonable  
15 (before applying a 2.0 multiplier):

<u>Years of Experience</u>	<u>Rate</u>
42	\$675
25	550
24	655-675
23	625
20	550
17	600
9	475
6	350
Paralegals	210
Paralegals	210

23 2010 Rates

24 (1) *Californians for Disability Rights, Inc., et al. v. California*  
25 *Department of Transportation, et al.* (N.D.Cal. 2010) 2010 U.S.Dist.LEXIS  
26 141030, adopted by Order Accepting Report and Recommendation filed February  
27 2, 2011, a disability-access class action, in which the court found the following  
28

1 2010 hourly rates reasonable:

<u>Years of Experience</u>	<u>Rate</u>
49	\$835
34	730
26	740
25	730
19	660
10	570
9	560
7	535
6	500
5	475
3	350
2	290
1	225-265
Senior Paralegals	265
Law Clerks	175
Case Clerks	165

14 **Rate Information from Surveys**

15 12. I also base my opinion on several credible surveys of legal rates,  
16 including the following:

- 17 • The 2014 *Laffey Matrix* is a survey of District of Columbia hourly  
18 rates that is often relied upon in other jurisdictions, with appropriate  
19 adjustments for differences in income levels, to determine reasonable  
20 hourly rates. See, e.g., *Syers Properties III, Inc. v. Rankin* (2014) 226  
21 Cal.App.4<sup>th</sup> 691, 695. A copy of that survey is attached hereto as  
22 Exhibit B. It shows that for attorneys with 20+ years out of law  
23 school, the prevailing market in the period between June 1, 2013, and  
24 May 31, 2014 was \$771 per hour. For lawyers with 11-19 years out of  
25 law school, the prevailing rate for the same period was \$640 per hour.  
26 The difference in the Local Pay Tables for the Washington D.C. area  
27 and the San Diego-Carlsbad-San Marcos areas are de minimis --  
28 .03%.

- 1           • On January 13, 2014, the National Law Journal published an article  
2           about its most recent rate survey. That article included a chart listing  
3           the billing rates of the 50 firms that charge the highest average hourly  
4           rates for partners. A true and correct copy of that article is attached  
5           hereto as Exhibit C. Of the 50 firms listed, several have offices in the  
6           San Diego area and many others have significant litigation experience  
7           in this area. And, although the rates that Plaintiffs' counsel are  
8           requesting here are significantly *lower* than many of the rates charged  
9           by the top 50 firms, the NLJ chart does show the *range* of rates  
10          charged for similar services, which is the applicable standard. See  
11          *CHMC*, 97 Cal.App.4th at 783.
- 12          • In an article entitled "On Sale: The \$1,150-Per Hour Lawyer,"  
13          written by Jennifer Smith and published in the Wall Street Journal on  
14          April 9, 2013, the author describes the rapidly growing number of  
15          lawyers billing at \$1,150 or more revealed in public filings and major  
16          surveys. A true and correct copy of that article is attached hereto as  
17          Exhibit D. The article also notes that in the first quarter of 2013, the  
18          50 top-grossing law firms billed their partners at an *average* rate  
19          between \$879 and \$882 per hour.
- 20          • In an article published April 16, 2012, the Am Law Daily described  
21          the 2012 Real Rate Report, an analysis of \$7.6 billion in legal bills  
22          paid by corporations over a five-year period ending in December  
23          2011. A true and correct copy of that article is attached hereto as  
24          Exhibit E. That article confirms that the rates charged by experienced  
25          and well-qualified attorneys have continued to rise over the five-year  
26          period between 2006 and 2011, particularly in large urban areas. It  
27          also shows, for example, that the top quartile of lawyers bill at an  
28          *average* of "just under \$900 per hour."

**Rates Charged by Other Law Firms**

14. The standard hourly non-contingent rates for comparable civil litigation stated in court filings, depositions, surveys, or other reliable sources by numerous California law firms or law firms with offices or practices in California also support counsel's rates. The following hourly rates are those 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, for example, the fee arrangement would be adjusted accordingly to compensate the attorneys for those factors. These rates include, in alphabetical order:<sup>2</sup>

**Altshuler Berzon LLP\*\***

<b><u>2014 Rates:</u></b>	<b><u>Years of Experience</u></b>	<b><u>Rate</u></b>
	38	\$895
<b><u>2012 Rates:</u></b>	<b><u>Years of Experience</u></b>	<b><u>Rate</u></b>
	34	\$850
	26	785
	21	750
	18	700
	14	625
	12	570
	11	550
	10	520
	6	410
	5	385
	4	335
	Law Clerks	250
	Paralegals	215
<b><u>2011 Rates:</u></b>	<b><u>Years of Experience</u></b>	<b><u>Rate</u></b>
	43	\$825
	17	675
	12	575
	10	520
	Law Clerks	225

<sup>2</sup> Firms based in San Diego are marked with an \*. Firms with substantial class action practices, which tend to be statewide, are marked "\*\*\*".

**Altshuler Berzon LLP\*\***

Paralegals 215

**Arnold Porter LLP :**

**2013 Rates:** Average Partner \$815  
 Highest Partner 950  
 Lowest Partner 670  
 Average Associate 500  
 Highest Associate 610  
 Lowest Associate 345

**The Arns Law Firm LLP \*\***

**2014 Rates:** Years of Experience Rate  
 37 \$950  
 Law Clerks 165

**Bernstein Litowitz Berger & Grossman LLP**  
**(San Diego Office)\*, \*\***

**2009 Rates:** Years of Experience Rate  
 Partners \$725  
 Associates 490-550

**Bingham McCutchen**

**2013 Rates:** Average Partner \$795  
 Highest Partner 1,080  
 Lowest Partner 670  
 Average Associate 450  
 Highest Associate 605  
 Lowest Associate 185

**2011 Rates:** Years of Experience Rate  
 30 \$780

**2010 Rates:** Years of Experience Rate  
 13 \$655  
 4 480  
 2 400

**Blood Hurst & O'Reardon\*, \*\***

**2012 Rates:** Years of Experience Rate  
 22 \$655  
 17 585

**Blood Hurst & O'Reardon\*, \*\***

6	510
5	410
1	305
Paralegals	260

**Burson & Fisher\*\***

<u>2013 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	16	\$680-850
	11	680
	4	400
	3	390
	2	375
	1	300
	Law Clerks	225
	Litigation Support Specialists	180

**Chavez & Gertler\***

<u>2012 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	33	\$750
	29	725
	32	675
	21	575
	11	535
	7	475
	Legal Assistant	185
<u>2011 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	32	\$725
	28	700
	10	550
	9	510
	5	425
	Paralegals	225

**Coblentz Patch & Duffy**

<u>2013 Rates:</u>	<u>Year of Bar Admission</u>	<u>Rate</u>
	1979	\$720
	1994	575
	2008	320
	Paralegals/Case Clerks	295



Cohelan Khoury & Singer

<u>2012 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	38	\$750
	28	750
	11	400
	Paralegal	170

Cooper & Kirkham

<u>2012 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	48	\$950
	37	825
	11	600

Covington Burling

<u>2013 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	28	\$750
	16	670
	14	670
	7	510
	2	375
	5	490
	Litigation Support	110-355

<u>2012 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	27	\$730
	15	632-650
	13	650

<u>2011 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	26	\$710
	14	640
	12	600
	9	565
	7	550
	5	425
	3	390
	1	320

<u>2010 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	25	\$710
	13	640
	11	575-600
	8	550-565

1 Covington Burling

2	6	525-550
3	4	390-425
4	2	350-390

5 Farella Braun & Martell LLP

6	<u>2010 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
7		31	\$715

8 Fenwick & West

9	<u>2014 Rates</u>	<u>Years of Experience</u>	<u>Rate</u>
10		45	\$750
11		35	750
12		23	725
13		19	695
14		5	400
15		3	350
16		Paralegal	125
17	<u>2013 Rates</u>	18	\$755
18		11	595
19		2	425
20	<u>2012 Rates</u>	40	\$865
21		17	755
22		10	595
23		1	375

24 Furth Firm LLP\*\*

25	<u>2010 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
26		51	\$875
27		39	750
28		38	600
		33	775
		25	550
		23	650
		21	625
		19	610
		18	600
		17	585
		16	570
		15	560

**Furth Firm LLP\*\***

14	550
13	525
12	515
11	510
10	505
9	500
7	460
4	435
Law Clerks	125-260

**Gibson Dunn & Crutcher LLP**

**2013 Rates:**

Average Partner	\$980
Highest Partner	1,800
Lowest Partner	765
Average Associate	590
Highest Associate	930
Lowest Associate	175

**Goldstein, Borgen, Dardarian & Ho\*\***

**2014 Rates:**

<u>Years of Experience</u>	<u>Rate</u>
33	\$795
27	750
8	500
4	395
3	350
1	300
Law Clerks/Paralegals	160-250

**2012 Rates:**

<u>Years of Experience</u>	<u>Rate</u>
Partners	
42	\$785
36	750
31	700
18	650

**2011 Rates:**

<u>Years of Experience</u>	<u>Rate</u>
Partners	
41	\$725
35	725

Goldstein, Borgen, Dardarian & Ho\*\*

30	700
24	650
18	600
17	600
16	550

2010 Rates:

<u>Years of Experience</u>	<u>Rate</u>
<u>Partners</u>	
40	\$700
34	700
29	675
23	625
17	575
16	575
<u>Of Counsel</u>	
40	725
<u>Associates</u>	
15	\$500
11	440
6	375
5	365
4	355
3	340
2	325
1	305
Law Clerks	195
Paralegals	150-225

Greenberg, Traurig, LLP

<u>2010 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	22	\$850

Greines, Martin, Stein & Richland

<u>2012 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	41	\$850
	29	850
	23	650
	18	500
	Law Clerks	100

Hadsell, Stormer, Keeny, Richardson & Renick\*\*

<u>2012 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	38	\$825
	33	775
	22-23	625
	17	600
	12	525
	10	425
	4	275
	3	250

<u>2010 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	36	\$800
	31	750
	20-21	600
	15	575
	10	475-500
	8	425
	4	325
	2	275
	1	250

Hausfeld LLP\*\*

<u>2014 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	45	\$985
	37	935-895
	15	610-510
	14	600
	7	490
	3	370
	Paralegals	300-320
	Law Clerks	325

Irell & Manella

<u>2013 Rates:</u>		<u>Rate</u>
	Average Partner	\$890
	Highest Partner	975
	Lowest Partner	800
	Average Associate	535
	Highest Associate	750
	Lowest Associate	395

1 Janssen Malloy LLP

2 2014 Rates:

<u>Years of Experience</u>	<u>Rate</u>
33	\$775
Paralegals	175

4 Jones Day

5 2013 Rates:

Average Partner	\$745
Highest Partner	975
Lowest Partner	670
Average Associate	435
Highest Associate	775
Lowest Associate	205

10 Kaye, McLane, Bednarski & Litt \*\*

11 2013 Rates:

<u>Years of Experience</u>	<u>Rate</u>
44	\$925
27	725
24	725
7	525
5	475

15 Keker & Van Nest, LLP

16 2010 Rates:

<u>Years of Experience</u>	<u>Rate</u>
Partners	
32	\$775
Other Partners	525-975
Associates	340-500
Paralegals/Support Staff	120-260

21 Kemnitzer, Barron & Krieg

22 2014 Rates:

<u>Years of Experience</u>	<u>Rate</u>
38	\$750
32	750
8	475
3	350
Senior Paralegal	250

26 Kiesel, Boucher, Larson LLP \*, \*\*

27 2012 Rates:

<u>Years of Experience</u>	<u>Rate</u>
Partners	
27-28	\$890

1 Kiesel, Boucher, Larson LLP \*, \*\*

2 Associates 625-325

3 Kingsley & Kingsley\*\*

4 <u>2010 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	14	\$655
	8	475-515
	7	475
	6	485
	5	375
	3	350
	2	300

10 Kirkland & Ellis

11 <u>2013 Rates:</u>		
	Average Partner	\$825
	Highest Partner	995
	Lowest Partner	670
	Average Associate	540
	Highest Associate	715
	Lowest Associate	235

15 Knapp, Petersen & Clarke

16 <u>2012 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	36	\$753
	9	554
	6	383

19 Knobbe Martin Olson & Bear LLP

20 <u>2012 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	Partners	\$395-710
	Associates	285-450

23 Latham & Watkins

24 <u>2013 Rates:</u>		
	Average Partner	\$990
	Highest Partner	1,100
	Lowest Partner	670
	Average Partner	895
	Average Associate	605
	Highest Associate	725
	Lowest Associate	465

Lewis Feinberg Lee, Renaker & Jackson,  
P.C.\*\*

<u>2012 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	38	\$825
	29	750
	24	725
	21	700
	8	450
	7	425
	3	375
	Senior Paralegals	250
	Law Clerks	225

Litt, Estuar, & Kitson, LLP\*\*

<u>2011 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	42	\$825
	18	625
	17	625
	5	425
	3	375
	Senior Paralegals	125-235
	Law Clerks	225

Manatt, Phelps & Phillips

<u>2013 Rates:</u>	Average Partner	\$740
	Highest Partner	795
	Lowest Partner	670
	Lowest Partner	640
<u>2010 Rates:</u>	Partners	525-850
	Associates	200-525

McKenna Long & Aldridge LLP

<u>2014 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	30	\$775
	9	650



McKenna Long & Aldridge LLP

5	420
Litigation Support Mgr.	350
Paralegals	225

Minami Tamaki LLP

<u>2012 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	36	\$750
	15	525
	5	395
	Paralegals	175

Morrison Foerster LLP

<u>2013 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	Average Partner	\$865
	Highest Partner	1,195
	Lowest Partner	670
	Lowest Partner	595
	Average Associate	525
	Highest Associate	725
	Lowest Associate	230

<u>2011 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	22	\$775
	11	625
	10	620
	1	335

<u>2009 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	24	\$750

O'Melveny & Myers

<u>2013 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	Average Partner	\$715
	Highest Partner	950
	Lowest Partner	615

<u>2012 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	12	\$695
	4	495

Patton Boggs

<u>2010 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
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**Patton Boggs**

Partners	
14	\$830
29	750
20	750
33	700
27	700
13	575
24	550
14	530
Of Counsel	
30	600
15	500
Associates	
9	450
7	425
3	340
2	315
Senior Paralegals	200-265
Paralegals	170

**Pillsbury Winthrop Shaw Pittman LLP**

<b><u>2013 Rates:</u></b>	<b><u>Years of Experience</u></b>	<b><u>Rate</u></b>
	Average Partner	\$865
	Highest Partner	1,070
	Lowest Partner	670
	Average Associate	520
	Highest Associate	860
	Lowest Associate	375
<b><u>2010 Rates:</u></b>	<b><u>Years of Experience</u></b>	<b><u>Rate</u></b>
	Partners	
	30	\$705-775
	Other Partners	595-965
	Associates	320-650
	Paralegals/Support Staff	85-380

**Quinn Emanuel Urquhart & Sullivan**

<b><u>2013 Rates:</u></b>	Average Partner	\$915
	Highest Partner	1,075
	Lowest Partner	810
	Average Associate	410

Quinn Emanuel Urquhart & Sullivan

Highest Associate	675
Lowest Associate	320

Reed Smith LLP

<u>2013 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	Partner	
	36	\$830
	30	805
	17	610-615
	14	570
	Associates	
	8	450-535
	6	495

Robbins Geller Rudman & Dowd LLP \*, \*\*

<u>2012 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	Partners	
	26	\$695
	19	575
	Associates	535-345
	Paralegals	295

Rosen, Bien, Galvan & Grunfeld LLP

<u>2013 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	Partners	
	51	\$875
	33	780
	29	660
	16	630
	Of Counsel	
	30	580
	Associates	
	20	550
	10	480
	9	465
	8	445-450
	7	440
	6	435
	5	405
	4	375

Rosen, Bien, Galvan & Grunfeld LLP

3	355
Paralegals	220-280
Litigation Support/ Paralegal clerk	170
Law Clerk/Students	250
Word Processing	80

2012 Rates:

<u>Years of Experience</u>	<u>Rate</u>
<u>Partners</u>	
50	\$860
32	760
28	640
15	610
<u>Of Counsel</u>	
29	570
<u>Associates</u>	
19	540
10	470
9	460
7	400
6	400
5	380
4	360
3	340
Paralegals	215-280
Litigation Support/ Paralegal clerk	150
Law Clerk/Students	240
Word Processing	80

2011 Rates:

<u>Years of Experience</u>	<u>Rate</u>
<u>Partners</u>	
49	\$840
31	740
27	625
14	590
<u>Of Counsel</u>	
28	540
<u>Associates</u>	
18	525
11	465
10	450

Rosen, Bien, Galvan & Grunfeld LLP

1		9	440
2		8	420
3		6	385
4		5	365
5		4	350
6		3	325
7		2	315
8		Paralegals	205-275
9		Litigation Support/ Paralegal clerk	140-220
10		Law Clerk/Students	225
11		Word Processing	75

2010 Rates:

	<u>Years of Experience</u>	<u>Rate</u>
12	<u>Partners</u>	
13	48	\$800
14	30	700
15	26	575
16	13	560
17	Of Counsel	
18	27	520
19	Associates	
20	17	510
21	13	490
22	9	430
23	8	415
24	7	390
25	5	360
26	3	325
27	1	285
28	Paralegals	200-275
	Litigation Support/ Paralegal clerk	135-220
	Law Clerk/Students	190
	Word Processing	70

Rudy, Exelrod, Zieff & Lowe LLP

<u>2010 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	<u>Partners</u>	
27	42	\$725
28	32	725

Rudy, Exelrod, Zieff & Lowe LLP

15	625
Associates	
21	495
13	485
8	450

Schneider Wallace Cottrell Brayton Konecky LLP\*\*

<u>2014 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	Partners	
	13-22.	\$750
	Associates/Of Counsel	575
	20	535-345
	37	295
	10-13	650
	0-3	350-475
	Paralegals/Law Clerks	135-300

Schonbrun, DeSimone, Seplow, Harris & Hoffman\*\*

<u>2012 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	27	\$695
	22	630

Sheppard, Mullin, Richter & Hampton

<u>2010 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	Partners	\$495-820
	Associates	270-620

Sidley Austin

<u>2010 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	Partners	
	33	\$900
	Senior Partners	1,100
	Legal Assistants	120-280

Skadden, Arps, Slate, Meagher & Flom

<u>2013 Rates:</u>		<u>Rate</u>
	Average Partner	\$1,035
	Highest Partner	1,150
	Lowest Partner	845

Skadden, Arps, Slate, Meagher & Flom

Average Associate	620
Highest Associate	845
Lowest Associate	340

Spiro Moore LLP\*\*

<u>2012 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	30+	\$700
	17	600

Law Offices of Michael D. Thamer

<u>2014 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	31	\$775

Townsend and Townsend and Crew

<u>2010 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	Partners	\$470-475
	Associates	260-460

Wilson Sonsini Goodrich & Rosati PC

<u>2010 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	28	\$875
	Other Partners	650-975
	Associates	290-610
	Paralegals/Litigation Support	120-300

Zelle Hofmann Voelbel & Mason, LLP\*\*

<u>2012 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	Partners	Up to \$950
	Associates	Up to \$540
	Paralegals	Up to \$290
	Law Clerks	Up to \$250
<u>2012 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	Partners	
	38	\$800
	26	685
	23	650
	22	640
	Associates	
	9	500

Zelle Hofmann Voelbel & Mason, LLP\*\*

4	435
3	415
2	405
1	395
Paralegals	210-290

13. The declaration of San Diego attorneys Vincent J. Bartolotta and Timothy Blood, filed with this motion, also support the rates requested here. All of this evidence shows that Plaintiffs' requested rates are well within the range of rates charged in this forum by comparably qualified and experienced attorneys for comparably difficult work.

14. In my experience, fee awards are almost always determined based on current rates, *i.e.*, the attorney's rate at the time 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 to compensate attorneys for the delay in being paid. The hourly rates set forth above are those 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 deferred for any substantial period of time, for example, the fee arrangement would be adjusted accordingly to compensate the attorneys for those factors.

15. If called as a witness, I could and would competently testify from my personal knowledge to the facts stated herein. I declare under penalty of perjury that the foregoing is true and correct. Executed this 25<sup>th</sup> day of November 2014, in Berkeley, California.



Richard M. Pearl



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**ADDITIONAL COUNSEL FOR PLAINTIFFS AND THE CERTIFIED CLASS**

Timothy D. Cohelan (Bar No. 60827)  
Michael D. Singer (Bar No. 115301)  
COHELAN KHOURY & SINGER  
605 "C" Street, Suite 200  
San Diego, CA 92101  
Telephone: (619) 595-3001

**EXHIBIT A**

## RESUME OF RICHARD M. PEARL

**RICHARD M. PEARL**  
**LAW OFFICES OF RICHARD M. PEARL**  
1816 Fifth Street  
Berkeley, CA 94710  
(510) 649-0810  
(510) 548-5074 (facsimile)  
rpearl@interx.net (e-mail)

### EDUCATION

University of California, Berkeley, B.A., Economics (June 1966)  
Boalt Hall School of Law, Berkeley, J.D. (June 1969)

### BAR MEMBERSHIP

Member, State Bar of California (admitted January 1970)  
Member, State Bar of Georgia (admitted June 1970) (inactive)  
Admitted to practice before all California State Courts; the United States Supreme Court; the United States Court of Appeals for the District of Columbia and Ninth Circuits; the United States District Courts for the Northern, Central, Eastern, and Southern Districts of California, for the District of Arizona, and for the Northern District of Georgia; and the Georgia Civil and Superior Courts and Court of Appeals.

### EMPLOYMENT

**LAW OFFICES OF RICHARD M. PEARL** (April 1987 to Present): Civil litigation practice (AV rating), with emphasis on court-awarded attorney's fees, class actions, and appellate practice. Selected Northern California "Super Lawyer" in Appellate Law for 2005, 2006, 2007, 2008, 2010, 2011, 2012, 2013, and 2014.

**QUALIFIED APPELLATE MEDIATOR, APPELLATE MEDIATION PROGRAM, Court of Appeal, First Appellate District** (October 2000 to 2013) (program terminated).

**ADJUNCT PROFESSOR, HASTINGS COLLEGE OF THE LAW** (January 1988 to Present): Teach Public Interest Law Practice, a 2-unit course that focuses on the history, strategies, and issues involved in the practice of public interest law.

**PEARL, McNEILL & GILLESPIE, Partner** (May 1982 to March 1987): General civil litigation practice, as described above.

**RICHARD M. PEARL**

Page 2

**CALIFORNIA RURAL LEGAL ASSISTANCE, INC. (July 1971 to September 1983) (part-time May 1982 to September 1983):**

**Director of Litigation (July 1977 to July 1982)**

**Responsibilities:** Oversaw and supervised litigation of more than 50 attorneys in CRLA's 15 field offices; administered and supervised staff of 4-6 Regional Counsel; promulgated litigation policies and procedures for program; participated in complex civil litigation.

**Regional Counsel (July 1982 to September 1983 part-time)**

**Responsibilities:** Served as co-counsel to CRLA field attorneys on complex projects; provided technical assistance and training to CRLA field offices; oversaw CRLA attorney's fee cases; served as counsel on major litigation.

**Directing Attorney, Cooperative Legal Services Center (February 1974 to July 1977) (Staff Attorney February 1974 to October 1975)**

**Responsibilities:** Served as co-counsel on major litigation with legal services attorneys in small legal services offices throughout California; supervised and administered staff of four senior legal services attorneys and support staff.

**Directing Attorney, CRLA McFarland Office (July 1971 to February 1974) (Staff Attorney July 1971 to February 1972)**

**Responsibilities:** Provided legal representation to low income persons and groups in Kern, King, and Tulare Counties; supervised all litigation and administered staff of ten.

**HASTINGS COLLEGE OF THE LAW, Instructor, Legal Writing and Research Program (August 1974 to June 1978)**

**Responsibilities:** Instructed 20 to 25 first year students in legal writing and research.

**CALIFORNIA AGRICULTURAL LABOR RELATIONS BOARD, Staff Attorney, General Counsel's Office (November 1975 to January 1976, while on leave from CRLA)**

**Responsibilities:** Prosecuted unfair labor practice charges before Administrative Law Judges and the A.L.R.B. and represented the A.L.R.B. in state court proceedings.

**ATLANTA LEGAL AID SOCIETY, Staff Attorney (October 1969 to June 1971)**

**Responsibilities:** Represented low-income persons and groups as part of 36-lawyer legal services program located in Atlanta, Georgia.

**RICHARD M. PEARL**

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**RICHARD M. PEARL**

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Member, Attorneys' Fee Task Force, California State Bar

Chairperson, Board of Directors, California Rural Legal Assistance Foundation

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**RICHARD M. PEARL**

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**RICHARD M. PEARL**  
Page 6

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**RICHARD M. PEARL**

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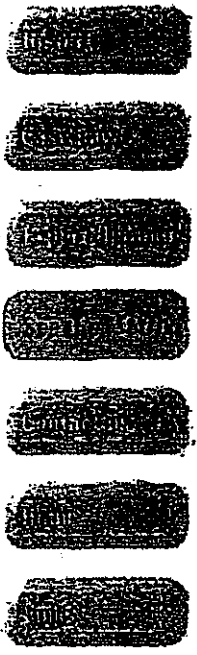
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Furnished upon request.

September 2014

**EXHIBIT B**

# LAFFEY MATRIX



Year	Adjustmt Factor**	Paralegal/ Law Clerk	Years Out of Law School *				
			1-3	4-7	8-10	11-19	20+
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

matrix

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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 C**

***\$1,000 Per Hour Isn't Rare Anymore; Nominal billing levels rise, but discounts ease blow.***

The National Law Journal

January 13, 2014 Monday

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**THE NATIONAL  
LAW JOURNAL**

Section: NLJ'S BILLING SURVEY; Pg. 1; Vol. 36; No. 20

Length: 1860 words

Byline: KAREN SLOAN

**Body**

As recently as five years ago, law partners charging \$1,000 an hour were outliers. Today, four-figure hourly rates for in-demand partners at the most prestigious firms don't raise eyebrows—and a few top earners are closing in on \$2,000 an hour.

These rate increases come despite hand-wringing over price pressures from clients amid a tough economy. But everrising standard billing rates also obscure the growing practice of discounts, falling collection rates, and slow march toward alternative fee arrangements.

Nearly 20 percent of the firms included in The National Law Journal's annual survey of large law firm billing rates this year had at least one partner charging more than \$1,000 an hour. Gibson, Dunn & Crutcher partner Theodore Olson had the highest rate recorded in our survey, billing \$1,600 per hour while representing mobile satellite service provider LightSquared Inc. in Chapter 11 proceedings.

Of course, few law firm partners claim Olson's star power. His rate in that case is nearly the twice the \$980 per hour average charged by Gibson Dunn partners and three times the average \$604 hourly rate among partners at NLJ 350 firms. Gibson Dunn chairman and managing partner Ken Doran said Olson's rate is "substantially" above that of other partners at the firm, and that the firm's standard rates are in line with its peers.

"While the majority of Ted Olson's work is done under alternative billing arrangements, his hourly rate reflects his stature in the legal community, the high demand for his services and the unique value that he offers to clients given his extraordinary experience as a former solicitor general of the United States who has argued more than 60 cases before the U.S. Supreme Court and has counseled several presidents," Doran said.

In reviewing billing data this year, we took a new approach, asking each firm on the NLJ 350—our survey of the nation's 350 largest firms by attorney headcount—to provide their highest, lowest and average billing rates for associates and partners. We supplemented those data through public records. All together, this year's survey includes information for 159 of the country's largest law firms and reflects billing rates as of October.

The figures show that, even in a down economy, hiring a large law firm remains a pricey prospect. The median among the highest partner billing rates reported at each firm is \$775 an hour, while the median low partner rate is \$405. For associates, the median high stands at \$510 and the low at \$235. The average associate rate is \$370.

Multiple industry studies show that law firm billing rates continued to climb during 2013 despite efforts by corporate counsel to rein them in. TyMetrix's 2013 Real Rate Report Snapshot found that the average law firm billing rate increased by 4.8 percent compared with 2012. Similarly, the Center for the Study of the Legal Profession at the Georgetown University Law Center and Thomson Reuters Peer Monitor found that law firms increased their rates by an average 3.5 percent during 2013.

Richard Pearl

**\$1,000 Per Hour Isn't Rare Anymore; Nominal billing levels rise, but discounts ease blow.**

Of course, rates charged by firms on paper don't necessarily reflect what clients actually pay. Billing realization rates-which reflect the percentage of work billed at firms' standard rates- have fallen from 89 percent in 2010 to nearly 87 percent in 2013 on average, according to the Georgetown study. When accounting for billed hours actually collected by firms, the realization rate falls to 83.5 percent.

"What this means, of course, is that- on average-law firms are collecting only 83.5 cents for every \$1.00 of standard time they record," the Georgetown report reads. "To understand the full impact, one need only consider that at the end of 2007, the collected realization rate was at the 92 percent level."

In other words, law firms set rates with the understanding that they aren't likely to collect the full amount, said Mark Medice, who oversees the Peer Monitor Index. That index gauges the strength of the legal market according to economic indicators including demand for legal services, productivity, rates and expenses. "Firms start out with the idea of, 'I want to achieve a certain rate, but it's likely that my client will ask for discounts whether or not I increase my rate,'" Medice said.

Indeed, firms bill nearly all hourly work at discounts ranging from 5 percent to 20 percent off standard rates, said Peter Zeughauser, a consultant with the Zeughauser Group. Discounts can run as high as 50 percent for matters billed under a hybrid system, wherein a law firm can earn a premium for keeping costs under a set level or for obtaining a certain outcome, he added. "Most firms have gone to a two-tier system, with what is essentially an aspirational rate that they occasionally get and a lower rate that they actually budget for," he said.

Most of the discounting happens at the front end, when firms and clients negotiate rates, Medice said. But additional discounting happens at the billing and collections stages. Handling alternative fee arrangements and discounts has become so complex that more than half of the law firms on the Am Law 100-NLJ affiliate The American Lawyer's ranking of firms by gross revenue-have created new positions for pricing directors, Zeughauser said.

#### **THE ROLE OF GEOGRAPHY**

Unsurprisingly, rates vary by location. Firms with their largest office in New York had the highest average partner and associate billing rates, at \$882 and \$520, respectively. Similarly, TyMetrix has reported that more than 25 percent of partners at large New York firms charge \$1,000 per hour or more for contracts and commercial work.

Washington was the next priciest city on our survey, with partners charging an average \$748 and associates \$429. Partners charge an average \$691 in Chicago and associates \$427. In Los Angeles, partners charge an average \$665 while the average associate rate is \$401.

Pricing also depends heavily on practice area, Zeughauser and Medice said. Bet-the-company patent litigation and white-collar litigation largely remain at premium prices, while practices including labor and employment have come under huge pressure to reduce prices.

"If there was a way for law firms to hold rates, they would do it. They recognize how sensitive clients are to price increases," Zeughauser said. But declining profit margins-due in part to higher technology costs and the expensive lateral hiring market-mean that firms simply lack the option to keep rates flat, he said.

#### **BILLING SURVEY METHODOLOGY**

The National Law Journal's survey of billing rates of the largest U.S. law firms provides the high, low and average rates for partners and associates.

The NLJ asked respondents to its annual survey of the nation's largest law firms (the NLJ 350) to provide a range of hourly billing rates for partners and associates as of October 2013.

For firms that did not supply data to us, in many cases we were able to supplement billing-rate data derived from public records.

In total, we have rates for 159 of the nation's 350 largest firms.

Richard Pearl

\$1,000 Per Hour Isn't Rate Anymore; Nominal billing levels rise, but discounts ease blow.

Rates data include averages, highs and low rates for partners and associates. Information also includes the average full-time equivalent (FTE) attorneys at the firm and the city of the firm's principal or largest office.

We used these data to calculate averages for the nation as a whole and for selected cities.

**Billing Rates at the Country's Priciest Law Firms**

Here are the 50 firms that charge the highest average hourly rates for partners.

**Billing Rates at the Country's Priciest Law Firms**

FIRM NAME	LARGEST U.S. OFFICE	AVERAGE FULL-TIME EQUIVALENT ATTORNEYS	PARTNER ASSOCIATE HOURLY RATES		AVERAGE HIGH LOW AVERAGE HIGH LOW			
			RATES	RATES				
* Full-time equivalent attorney numbers and the largest U.S. office are from the NLJ 350 published in April 2013. For complete numbers, please see <u>NLJ.com</u> .								
** Firm did not exist in this form for the entire year.								
Debevoise & Plimpton	New York	615	\$1,055	\$1,075	\$955	\$480	\$760	\$120
Paul, Weiss, Rifekind, Wharton & Garrison	New York	803	\$1,040	\$1,120	\$760	\$600	\$760	\$250
Skadden, Arps, Slate, Mcagher & Flom	New York	1,735	\$1,035	\$1,150	\$845	\$620	\$845	\$340
Fried, Frank, Harris, Shriver & Jacobson	New York	476	\$1,000	\$1,100	\$930	\$595	\$760	\$375
Latham & Watkins	New York	2,033	\$990	\$1,110	\$895	\$605	\$725	\$465
Gibson, Dunn & Crutcher	New York	1,086	\$980	\$1,800	\$765	\$590	\$930	\$175
Davis Polk & Wardwell	New York	787	\$975	\$985	\$850	\$615	\$975	\$130
Willkie Farr & Gallagher	New York	540	\$950	\$1,090	\$790	\$580	\$790	\$350
Cadwalader, Wickersham & Taft	New York	435	\$930	\$1,050	\$800	\$605	\$750	\$395
Weil, Gotshal & Manges	New York	1,201	\$930	\$1,075	\$625	\$600	\$790	\$300
Quinn Emanuel	New York	697	\$915	\$1,075	\$810	\$410	\$675	\$320
Urquhart & Sullivan	New York		\$905	\$1,250	\$735	\$290	\$695	\$75
Wilmer Cutler Pickering Hale and Dorr	Washington	961	\$905	\$1,250	\$735	\$290	\$695	\$75
Dechert	New York	803	\$900	\$1,095	\$670	\$530	\$735	\$295
Andrews Kurth	Houston	348	\$890	\$1,090	\$745	\$528	\$785	\$265
Hughes Hubbard & Reed	New York	344	\$890	\$995	\$725	\$555	\$675	\$365
Irell & Manella	Los Angeles	164	\$890	\$975	\$800	\$535	\$750	\$395
Proskauer Rose	New York	746	\$880	\$950	\$725	\$465	\$675	\$295
White & Case	New York	1,900	\$875	\$1,050	\$700	\$525	\$1,050	\$220



\$1,000 Per Hour Isn't Rare Anymore; Nominal billing levels rise, but discounts ease blow.

FIRM NAME	LARGEST U.S. OFFICE	AVERAGE FULL-TIME EQUIVALENT ATTORNEYS*	PARTNER HOURLY RATES		ASSOCIATE HOURLY RATES		LOW	HIGH
			AVERAGE	HIGH	LOW	AVERAGE		
Morrison & Foerster	San Francisco	1,010	\$865	\$1,195	\$595	\$525	\$725	\$230
Pillsbury Winthrop Shaw Pittman	Washington	609	\$865	\$1,070	\$615	\$520	\$860	\$375
Kaye Scholer	New York	414	\$860	\$1,080	\$715	\$510	\$680	\$320
Kramer Levin	New York	320	\$845	\$1,025	\$740	\$590	\$750	\$400
Naftalis & Frankel	Washington	2,280	\$835	\$1,000	\$705	-	-	-
Hogan Lovells	New York	365	\$835	\$1,195	\$600	\$340	\$625	\$200
Kazowitz, Benson, Torres & Friedman	Chicago	1,517	\$825	\$995	\$590	\$540	\$715	\$235
Kirkland & Ellis	Palo Alto	632	\$820	\$990	\$660	\$525	\$630	\$160
Cooley	Washington	748	\$815	\$950	\$670	\$500	\$610	\$345
Arnold & Porter	New York	899	\$815	\$900	\$750	\$540	\$755	\$335
Paul Hastings	New York	322	\$800	\$860	\$730	\$480	\$785	\$345
Curtis, Mullet-Prevost, Colt & Mosie	Chicago	842	\$800	\$995	\$650	\$520	\$590	\$425
Winston & Strawn	Boston	900	\$795	\$1,080	\$220	\$450	\$605	\$185
Bingham McChutchen	Washington	806	\$785	\$1,220	\$615	\$525	\$660	\$365
Alta Gump Strauss Hauer & Feld	Washington	738	\$780	\$890	\$605	\$415	\$565	\$320
Covington & Burling	Atlanta	838	\$775	\$995	\$545	\$460	\$735	\$125
King & Spalding	N/A**	N/A**	\$775	\$900	\$525	\$400	\$515	\$300
Norton Rose Fulbright	New York	4,036	\$765	\$1,025	\$450	\$510	\$750	\$250
DLA Piper	Houston	432	\$760	\$1,125	\$575	\$440	\$700	\$275
Bracewell & Giuliani	Chicago	4,004	\$755	\$1,130	\$260	\$395	\$925	\$100
Baker & McKenzie	Washington	308	\$750	\$1,250	\$590	\$475	\$585	\$310
Dickstein Shapiro	Chicago	432	\$745	\$925	\$565	\$465	\$550	\$380
Jenner & Block	New York	2,363	\$745	\$975	\$445	\$435	\$775	\$205
Jones Day	Los Angeles	325	\$740	\$795	\$640	-	-	-
Manatt, Phelps & Phillips	New York	152	\$735	\$850	\$625	\$400	\$600	\$290
Seward & Kissel	Los Angeles	738	\$715	\$950	\$615	-	-	-
O'Melveny & Myers	Chicago	1,024	\$710	\$835	\$525	-	-	-
McDermott Will & Emery	Pittsburgh	1,468	\$710	\$945	\$545	\$420	\$530	\$295
Reed Smith	N/A**	N/A**	\$700	\$1,050	\$345	\$425	\$685	\$210
Dentons	Los Angeles	126	\$690	\$875	\$560	-	-	-
Jeffer Mangels	Los Angeles	521	\$685	\$875	\$490	\$415	\$535	\$275
Butler & Mitchell	Los Angeles							
Sheppard, Mullin,								

Richard Pearl

\$1,000 Per Hour Isn't Rare Anymore; Nominal billing levels rise, but discounts cast blow.

FIRM NAME	LARGEST AVERAGE U.S. OFFICE ATTORNEYS*	PARTNER ASSOCIATE HOURLY RATES	HOURLY RATES						
			AVERAGE	HIGH	LOW	AVERAGE	HIGH	LOW	
Richter & Hampton	Angeles								
Alston & Bird	Atlanta	805	\$675	\$875	\$495	\$425	\$575	\$280	

THE FOUR-FIGURE CLUB

THE FOUR-FIGURE CLUB

These 10 firms posted the highest partner billing rates.

Gibson, Dunn & Crutcher	\$1,800
Dickstein Shapiro	\$1,250
Wilmer Cutler Pickering Hale and Dorr	\$1,250
Akin Gump Strauss Hauer & Feld	\$1,220
Kasowitz, Benson, Torres & Friedman	\$1,195
Morrison & Foerster	\$1,195
Skadden, Arps, Slate, Meagher & Flom	\$1,150
Baker & McKenzie	\$1,130
Bracewell & Giuliani	\$1,125
Paul, Weiss, Rifkind, Wharton & Garrison	\$1,120

Contact Karen Sloan at [ksloan@ain.com](mailto:ksloan@ain.com)

SATELLITE TECHNOLOGY (67%); SUPREME COURTS (63%)

**Classification**

Company: GIBSON DUNN & CRUTCHER LLP (93%); LIGHTSQUARED INC (83%)

Language: ENGLISH

Publication-Type: Newspaper

Industry: NAICS541110 OFFICES OF LAWYERS (93%); SIC8111 LEGAL SERVICES (93%); NAICS517410 SATELLITE TELECOMMUNICATIONS (83%); NAICS334220 RADIO & TELEVISION BROADCASTING & WIRELESS COMMUNICATIONS EQUIPMENT MANUFACTURING (83%)

Subject: POLLS & SURVEYS (90%); LEGAL SERVICES (90%); MAJOR US LAW FIRMS (90%); LAW FIRM BILLABLE RATES (90%); LAWYERS (89%); LAW PRACTICE (89%); LAW FIRM BILLABLE HOURS (78%); ECONOMIC CONDITIONS (76%); CORPORATE COUNSEL (73%); US CHAPTER 11 BANKRUPTCY (73%); LAW COURTS & TRIBUNALS (68%);

Geographic: UNITED STATES (92%)

Load-Date: January 13, 2014

EXHIBIT D

EXHIBIT D

**EXHIBIT D**

When It Comes to Billing, Latest Rate Report Shows the Rich Keep Ge... <http://amlawdaily.typepad.com/amlawdaily/2012/04/report-rates-kee...>

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April 16, 2012 5:20 PM

**When It Comes to Billing, Latest Rate Report Shows the Rich Keep Getting Richer**

Posted by Sara Randazzo

Hourly rates just keep rising—and the best-paid lawyers are raising their rates faster than everyone else.

Those are two of the key findings contained in the 2012 *Real Rate Report*, an analysis of \$7.6 billion in legal bills paid by corporations over a five-year period ending in December 2011. The report, released Monday, is the second such collaboration between TyMetrix, a company that manages and audits

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legal bills for corporate legal departments, and the Corporate Executive Board.

Many of the new rate report's findings echo those contained in the 2010 study, including the fact that rates keep going up, almost across the board, and that the cost of a given matter can vary dramatically depending on a law firm's size and location and its relationship with a particular client.

At the same time, this year's study shows that the legal sector is becoming increasingly bifurcated, with top firms raising rates faster than those at the bottom of the market and large firms charging a premium price based partly on their size.

"What it's really showing is that there's an increased premium being paid for experience and expertise," says Julie Peck, vice president of strategy and market development at TyMetric. "Some parts of the lawyer market are able to raise rates much more quickly, and are more impervious to economic forces than others."

To compile the current rate report, TyMetric received permission from its clients to examine legal fees billed to 62 companies across 17 industries including energy, finance, retail, technology, insurance, and health care. The bills, which represent the amount actually paid by the companies in question rather than the amount initially charged, came from more than 4,000 firms in 84 metropolitan areas around the country. Every firm on the 2011 Am Law 100 is represented in the data.

The report's key data points include:

**A Widening Gap:** Hourly rates charged by lawyers in the legal sector's upper echelon grew faster between 2009 and 2011 than those charged by lawyers teetering on the lower rungs. Particularly striking was the jump in associate rates billed by those falling in the report's top quartile: 18 percent on average, to just over \$600 per hour. Rates billed by top quartile partners, meanwhile, rose 8 percent, to just under \$900 per hour. In the bottom quartile, associate rates rose 4 percent and partner rates rose 3 percent during the same period.

**The Recession's (Minor) Toll:** Even amid the economic downturn, the cost of an hour of a lawyer's time continued to rise faster than key measures of inflation. That said, the legal industry wasn't completely immune to the broader economy's slowdown. After rising 8.2 percent between 2007 and 2008, hourly rates rose just 2.3 percent in 2009. Law firms bounced back a bit last year, with rates climbing 5.1 percent, to an average of \$530 an hour.

**Location Counts:** Not surprisingly, lawyers working in major metropolitan areas—where, as the rate report notes, rents are typically higher—are the priciest. An address in Boston, Chicago, Los Angeles, San Francisco, or Washington, D.C., alone adds about \$161 to the hourly rate charged by an individual lawyer. Those six cities and Baltimore, Houston, Philadelphia, and San Jose are the ten U.S. markets with the highest hourly rates. With an average partner rate topping \$700 per hour and average associate rate of more than \$450 per hour, New York is the most expensive market in the country. The least expensive? Riverside, California, where the average partner bills at under \$250 per hour and associates bill at just over \$300 an hour.

**In the Minority:** A small group of lawyers—12 percent—bucked the trend toward higher fees and actually lowered rates between 2009 to 2011—and 3 percent trimmed rates by \$50 or more per hour. (Most of those in the rate-cutting camp were based outside the big six markets identified above.) At the other end of the spectrum, 52 percent of lawyers increased rates by between \$25 and \$200 or more per hour. Another 18 percent increased rates by less than \$25 per hour, and the final 18 percent held rates steady.

**First-Year Blues:** Even before the recession bit, clients balked at paying for what they considered on-the-job training for first-year associates. The latest rate report is likely to reinforce that reluctance, given its finding that using entry-level lawyers adds as much as 20 percent to the cost of a legal matter. The report offers evidence that firms may be accommodating clients on this front: The percentage of bills attributed to entry-level associates dropped from 7 percent in 2009 to 2.9 percent last year.

**Ties That Bind:** The more work one firm handles for a client—and the longer the client relationship extends—the higher the average rate the firm charges. For companies that paid one firm \$10 million or more in a single year, the average hourly rate paid was \$553 in 2011. By comparison, clients that limited their spending on an individual firm to \$500,000 paid that firm an average of \$319 per hour.

**Four-Digit Frontier:** Data has consistently shown that many lawyers hesitate to charge more than \$1,000 an hour, and in 2011 just under 3 percent of the lawyers covered by the rate report had broken that barrier. Of those, the vast majority were working in the six main legal markets identified above and 60 percent of the time, they billed in increments of one hour or less.

**Playing Favorites:** Across all practice areas, 90 percent of lawyers charged different clients different rates for similar types of work. (The figure for mergers and acquisitions lawyers was 100 percent.) The differences from client to client can be extreme, and were even more pronounced in the current report than in the 2010 edition. Rates charged by intellectual property specialists, for instance, had a median variance of 23.1 percent, while lawyers doing commercial and contract work showed a 18.7 percent median difference.

**Who's Doing What?** A closer look at law firm bills for work performed on litigation and intellectual property assignments shows that the kind of timekeeper billing on a matter varies by practice type. On patent matters, the report shows, 47 percent of hours billed on average are attributed to paralegals, and 37 percent by partners. By comparison, paralegals account for just 8 percent of the work done on labor and employment litigation hours, while partners handle 45 percent.

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The Big Law law firm is a dinosaur - a dying species. This kind of self-interested greed will ultimately kill the beast.

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# On Sale: The \$1,150-Per-Hour Lawyer

Lawyer fees keep growing, but don't believe them. Clients are demanding, and getting, discounts

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MORE LAW

By JENNIFER SMITH

Top partners at leading U.S. law firms are charging more than ever before, yet those hourly rates aren't all they appear to be.



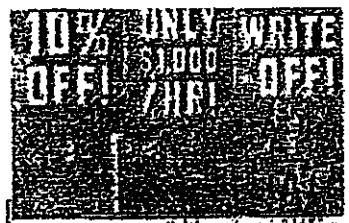
Top partners at leading U.S. law firms are charging more than ever — routinely \$1,150 or more an hour — but offer discounts and write-offs the nosebleed rates aren't all they appear to be. Jennifer Smith reports. Photo: Getty Images

Having blown past the once-shocking price tag of \$1,000 an hour, some sought-after deal, tax and trial lawyers are commanding hourly fees of \$1,150 or more, according to an analysis of billing rates compiled from public filings.

But, as law firms boost their standard rates, many are softening the blow with widespread discounts and write-offs, meaning fewer clients are paying full freight. As a result, law firms on

average are actually collecting fewer cents on the dollar, compared with their standard, or "rack," rates, than they have in years.

Think of hourly fees "as the equivalent of a sticker on the car at a dealership," said legal consultant Ward Bower, a principal at Altman Weil Inc. "It's the beginning of a negotiation....Law firms think they are setting the rates, but clients are the ones determining what they're going to pay."



the firm's database that says that fees in the first quarter of 2013, up from 158 a year earlier.

Star lawyers still can fetch a premium, and some of them won't budge on price. The number of partners billing \$1,150-plus an hour has more than doubled since this time last year, according to Valco Partners, a consulting firm that maintains a database of legal rates pulled from court filings and other publicly disclosed information. More than 320 lawyers in

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That gilded circle includes tax experts such as Christopher Roman of King & Spalding LLP and Todd Maynes of Kirkland & Ellis LLP, intellectual-property partner Nader A. Mousavi of Sullivan & Cromwell LLP, and deal lawyers such as Kenneth M. Schneider of Paul, Weiss, Rifkind, Wharton & Garrison LLP.

Those lawyers and their firms either declined to comment or didn't reply to requests for comment.

When corporate legal departments need a trusted hand to fend off a hostile takeover or win a critical court battle, few general counsels will nitpick over whether a key lawyer is charging \$900 an hour or \$1,100 an hour. But for legal matters where their future isn't on the line, companies are pushing for—and winning—significant price breaks.

"We almost always negotiate rates down from the rack rates," said Randal S. Milch, general counsel for phone giant Verizon Communications Inc. [VZ +0.28%] The result, he said, is a "not-insignificant discount."

For the bread-and-butter work that many big law firms rely on, haggling has become the norm. Many clients grew accustomed to pushing back on price during the recession and continue to demand discounts.

Some companies insist on budgets for their legal work. If a firm billing by the hour exceeds a set cap, lawyers may have to write off some of that time.

Other clients refuse to work with firms who don't discount, topping anywhere from 10% to 30% off their standard rates. Some may grant rate increases to individual partners or associates they deem worthy. Another tactic: locking in prices with tailored multiyear agreements with formulas governing whether clients grant or refuse a requested rate increase.

In practical terms, that means the gap between law firms' sticker prices and the amount of money they actually bill and collect from their clients is wider than it has been in years.

According to data collected by Thomson Reuters Peer Monitor, big law firms raised their average standard rate by about 9.3% over the past three years. But they weren't able to keep up on the collection side, where the increase over the same period was just 6%. Firms that used to collect on average about 92 cents for every dollar of standard time their lawyers worked in 2007, before the economic downturn, now are getting less than 85 cents. "That's a historic low," said James Jones, a senior fellow at the Center for the Study of the Legal Profession at Georgetown Law.

To be sure, things have certainly picked up some since the recession, when some clients flat-out refused to pay rate increases.

In the first quarter of 2013, the 50 top-grossing U.S. law firms boosted their partner rates by as much as 5.7%, billing on average between \$879 and \$882 an hour, according to Vane Partners. Rates for junior lawyers, whose labors have long been a profit engine for major law firms, jumped even more.

While some clients resisted using associate lawyers during the downturn, refusing to pay hundreds of dollars an hour for inexperienced first- or second-year attorneys, the largest U.S. law firms have managed to send the needle back up again. This year, for the first time, the average rate for associates with one to four years of experience rose to \$500 an hour, according to Vane.

The increases continue the upward trend of 2012, when legal fees in general rose 4.3% and associate billing rates rose by 7.4%, according to a coming report by TyMetrix Legal Analytics, a unit of Wolters Kluwer, [WKLAE +0.95%] and CEB, a research and advisory-services company. Those numbers are based on legal-spending data from more than 17,000 law firms.

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More than a dozen leaders at major law firms declined to discuss rate increases on the record, though some said privately that the increase in associate rates could be caused in part by step increases as junior lawyers gain in seniority.

Joe Sims, an audit partner at Jones Day and former member of the firm's partnership committee, said clients don't mind paying for associates, as long as they feel they are getting their money's worth.

Sophisticated clients, he said, tend to focus on the overall price tag for legal work, not on individual rates. "They are more concerned about how many people are working on the project and the total cost of the project," Mr. Sims said. "Clients want value no matter who is on the job."

While a handful of elite lawyers have successfully staked out the high end—the deal teams at Wachtell, Lipton, Rosen & Katz, for example—legal experts say that client pressure to control legal spending means most law firms must be considerably more flexible on price.

"There will always be some 'bat the company' problem where a client will not quibble about rates," said Mr. Jones, the Georgetown fellow. "Unfortunately, from the law firms' standpoint, that represents a small percentage of the work."

Write to Jennifer Smith at [jennifer.smith@wsj.com](mailto:jennifer.smith@wsj.com)

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