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Attorneys for Plaintiff VERONICA FERRUFINO,  
on behalf of herself and all others similarly situated

*Additional Plaintiffs' Counsel on Next Page*

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF TULARE**

VERONICA FERRUFINO, on behalf of  
herself and all others similarly situated,

Plaintiffs,

v.

FAMILY HEALTHCARE NETWORK, a  
California corporation; and DOES 1 to 100,  
inclusive,

Defendants.

**CLASS ACTION**

Case No.: VCU283726

**DECLARATION OF KEVIN T. BARNES  
IN SUPPORT OF FINAL APPROVAL OF  
CLASS ACTION SETTLEMENT AND  
AWARD FOR ATTORNEY FEES,  
COSTS AND CLASS REPRESENTATIVE  
ENHANCEMENTS**

Final Approval Hearing:

Date: October 24, 2022

Time: 8:30 a.m.

Dept: 7

Honorable Bret D. Hillman  
Department 7

Action filed: July 29, 2020  
Trial Date: None Set

**Consolidated (on October 26, 2020) with:**

ANTONIO MUNOZ, individually, and on  
behalf of other members of the general  
public similarly situated;

Plaintiff,

v.

**CLASS ACTION**

Lead Case No.: VCU282194

Honorable Bret D. Hillman  
Department 7

**DECLARATION OF KEVIN T. BARNES IN SUPPORT OF FINAL APPROVAL OF  
CLASS ACTION SETTLEMENT AND AWARD FOR ATTORNEY FEES, COSTS AND  
CLASS REPRESENTATIVE ENHANCEMENTS**

1 FAMILY HEALTHCARE NETWORK, a )  
2 California corporation; and DOES 1 to 100, )  
3 inclusive, )  
4 Defendants. )

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Action filed: February 24, 2020  
Trial Date: None Set

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6 *Additional Counsel for Plaintiffs:*

7 Edwin Aiwazian, Esq. (#232943)  
8 Joanna Ghosh, Esq. (#272479)  
9 LAWYERS FOR JUSTICE, PC.  
10 410 West Arden Avenue, Suite 203  
11 Glendale, CA 91203  
12 Tel.: (818) 265-1020 / Fax: (818) 265-1021  
13 Email: Edwin@calljustice.com

14 Attorneys for Plaintiff ANTONIO MUNOZ,  
15 on behalf of herself and all others similarly situated  
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**DECLARATION OF KEVIN T. BARNES**

I, KEVIN T. BARNES, declare:

1. I am an attorney duly licensed to practice law in the State of California and am the principal attorney at The Law Offices of Kevin T. Barnes, and am co-counsel for the class action Plaintiff Veronica Ferrufino. I have personal knowledge of the matters set forth herein, and would and could testify thereto if called as a witness herein.

2. I graduated from the University of Colorado at Boulder in 1985 with a degree in Business Administration and Real Estate. I graduated from Loyola Law School of Los Angeles in 1988. I am currently the managing partner in The Law Offices of Kevin T. Barnes in Los Angeles. I am admitted to practice before the following Courts: United States Court of Appeal, Ninth Circuit; United States District Court- Northern, Central, and Eastern Districts of California; United States District Court- District of Colorado, United States District Court- Fourth Circuit; all of California State Courts; and the United States Supreme Court. I have an AV rating with Martindale Hubbell.

3. In 1997, I was one of the first attorneys in the State of California to represent a plaintiff in a class action wage and hour case, specifically the case of Amezcuca, et. al. v. Trak Auto Corporation, Los Angeles County Superior Court Case No. BC183900 coordinated with Tett v. Trak Auto Corporation, Los Angeles County Superior Court Case No. BC186931. Since that time, my firm has been hired by many plaintiffs and law firms to serve as class counsel in such cases. Few, if any, attorneys in California are more experienced in wage and hour class action cases than my firm.

4. I have been invited on numerous occasions to speak on class action and wage-and-hour employment issues. I have spoken at seminars by the Labor and Employment Section of the Los Angeles County Bar Association, various labor lawyer associations, mediator seminars and Nuts & Bolts seminars for new lawyers. I was selected as one of the top 10 Plaintiff Labor and Employment Attorneys in 2008 by the Daily Journal. I have been selected as a Southern California Super Lawyer from 2007-2023 in Employment and Labor. This recognition is a selection by my peers based upon ethics, experience and reputation and represents the top 5% of

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**DECLARATION OF KEVIN T. BARNES IN SUPPORT OF FINAL APPROVAL OF  
CLASS ACTION SETTLEMENT AND AWARD FOR ATTORNEY FEES, COSTS AND  
CLASS REPRESENTATIVE ENHANCEMENTS**

1 our profession. I am also AV rated by Martindale-Hubbell, the highest possible rating for a  
2 lawyer.

3 5. In 2008 I tried with Joseph Antonelli the case of Mutuc v. Huntington Memorial  
4 Hospital, Case number BC288727. This is one of the few wage and hour class action cases tried  
5 in the state of California. Judge William A. MacLaughlin Issued a Statement of Decision  
6 awarding Plaintiffs' \$32.8 million which led to a \$60 million lump sum settlement. Also in 2008,  
7 I tried another wage and hour class action entitled Solis v. Worldwide Network, Inc., et al.,  
8 Orange County Superior Court Case no. 03CC00069, before Hon. Ronald L. Bauer, which  
9 resulted in judgment in favor of Defendant Worldwide Network, Inc.

10 6. My firm has also been involved in numerous favorable appellate court decisions  
11 which have been very important in wage and hour class action law. These appellate decisions  
12 include the following cases:

- 13 a. Huntington Memorial Hospital v. Superior Court (2005) 131 Cal.App.4<sup>th</sup> 893 (a  
14 landmark decisions regarding the manner in which the regular rate must be  
15 calculated and what is considered a "subterfuge" to avoid the correct payment of  
16 the regular rate and overtime rate);
- 17 b. Tien v. Sup. Ct. (Tenet Healthcare) (2006) 139 Cal.App.4<sup>th</sup> 528 (protecting the  
18 interest of putative class members in a wage and hour case who want their identity  
19 protected);
- 20 c. Jaimez v. Daiohs USA, Inc. (2010) 181 Cal.App.4<sup>th</sup> 1286 (the criteria required to  
21 certify pay stub claims, waiting time penalty claims, and meal and break claims  
22 among other matters);
- 23 d. Williams v Superior Court (Allstate) (2013) 221 Cal.App.4<sup>th</sup> 1353 (confirms  
24 several important legal theories which support certification regarding common  
25 questions);
- 26 e. Cochran v. Schwan's Home Service, Inc. (2014) 228 Cal.App.4<sup>th</sup> 1137 (one of  
27 the first California cases to consider the California Supreme Court decision in  
28 Duran v. U.S. National Bank Association (2014) 59 Cal.4<sup>th</sup> 1, holding that

1 plaintiffs can use statistical sampling evidence to establish either liability or  
2 damages in a wage and hour class action case. The Schwan's opinion is also a  
3 seminal case regarding an employers' obligation to reimburse employees'  
4 business expenses under California Labor Code §2802); and

5 f. Laffitte v. Robert Half International Inc. (2014) 231 Cal.App.4<sup>th</sup> 860 (Review  
6 granted and Opinion superseded by Laffitte v. Robert Half Intern., 342 P.3d 1232,  
7 February 25, 2015) (use of a common fund recovery for attorneys' fees in class  
8 action cases). I argued this case to the California Supreme Court on May 27,  
9 2016. On August 11, 2016 the California Supreme Court affirmed the court of  
10 appeal decision and held that trial courts may grant attorney fees in a common  
11 fund case based on a percentage of the recovery;

12 g. Vaquero v. Ashley Furniture Industries Inc., --- F.3d ---, 2016 WL 3190862 (9th  
13 Cir. June 8, 2016) (limits the impact of *Wal-Mart v. Dukes*, 564 U.S. 338 (2011)  
14 with respect to the issue of commonality, limits the impact of *Comcast v.*  
15 *Behrend*, 133 S.Ct. 1426 (2013) with respect to predominance and underscores  
16 the 9<sup>th</sup> Circuit rule that the need for individualized finding with respect to  
17 damages does not defeat class certification); and

18 h. Vaquero v. Ashley Furniture Industries Inc., (2017) 9 Cal.App.5<sup>th</sup> 98 (expands the  
19 impact of Bluford v. Safeway Stores, Inc., (2013) 216 Cal.App.4<sup>th</sup> 864 to  
20 commissioned employees for the first time; they must be separately compensated  
21 for rest breaks).

22 7. Declarant is a very experienced class action counsel, including specializing in the  
23 area of wage and hour issues. Some of the class action and wage and hour litigation on which  
24 The Law Offices of Kevin T. Barnes has served as Lead and/or Class Counsel are as follows:  
25 Cruz v. Suntory Water Group, Inc., Case No. BC243596; Joel v. Athlete's Foot Group, Inc.,  
26 Case No. BC 234231; Cardilino v. Perrier, Case No. BC 210181 and Holt v. Great Springs  
27 Water, OC Superior Court Case No. 810642 ("Arrowhead"); Hines v. CSK Auto; Tett v. CSK  
28 Auto and Noel v. CSK Auto, Case No. San Diego Superior Court, Case No. 720346 ("Kragen

Auto”); Soto et. al. v. Park Uniform Rental Service, et. al., Case No. BC215318; Amezcuca, et. al. v. Trak Auto Corporation, Case No. BC 183900 coordinated with Tett v. Trak Auto Corporation, Case No. BC 186931 matter (“Trak Auto”); Maldonado v. Footstar Center, Inc., Case No. 00CC06359; Calvo, et. al. v. McKesson HBOC, Inc., et. al., Case No. BC 228366 coordinated with Ware, et. al. v. McKesson Water Products Company, Case No. BC 231420 “(Sparkletts”); Franco v. Vans Inc., Case No. 01CC03995; Cruz v. Suntory Water Group, Inc., Case No. BC243596; Toney v. McDonald’s Restaurant, et al., Case No. BC234243; Tong v. 21st Century Insurance Company, Case No. 01CC10913 coordinated with Echegaray v. 21st Century Insurance Co., Case No. BC255189 and Requirme v. 21st Century Insurance Co., Case No. BC253952 (“21st Century”); Wood v. Hollywood Entertainment, Case No. CV779511 coordinated with Dannelley v. Hollywood Entertainment, Inc., Case No. OC 816155 and Peterson v. Hollywood Entertainment Corp., Case No. CV788126 (“Hollywood”); and Lynn Lazdowski, et al. v. Bowne of Los Angeles, Inc., Case No. 02CC16722.

8. I believe that a collective attorney fee of 1/3 of the total value of this case for all Plaintiffs’ counsel is fair and reasonable. Below is a list of cases approving attorneys’ fees based on a common fund in the State of California.

A. In Abzug v. Kerkorian, CA-000981 (Los Angeles Superior Court, Nov. 1990), the Honorable R. William Schoettler awarded a 45% fee on a \$35,000,000.00 securities class action settlement.

B. In Haitz v. Meyer, et al., No. 512968-3 (Alameda County Superior Court, August 20, 1990), the court awarded a 40% fee of a \$2,670,000.00 settlement.

C. In Steiner v. Whittaker Corp., CA000817 (Los Angeles County Superior Court, March 23, 1989), Judge Eli Chernow awarded a fee of 35% of a \$17,750,000.00 recovery in a securities class action.

D. In Hess v. Dayton Hudson, et al., No. 777130 (Orange County Superior Court, 2000), Judge William F. McDonald awarded a 33-1/3% fee of a \$7,000,000.00 settlement.

E. In Bushnell v. Cremer, Inc., No. 657778 (Orange County Superior Court), Judge Donald E. Smallwood awarded a 38% fee of a \$16,100,000 pre-trial settlement.

1           9.       I am very familiar with the contingent fee market throughout California and in  
2 the Los Angeles County area, particularly as it pertains to complex employment, wage and hour,  
3 and class action litigation. Contingency fee agreements with Plaintiffs, both as individuals and  
4 as representatives in class action suits, commonly provide that counsel will receive a fee that is  
5 between 1/3-40% of any recovery that is obtained, and, in addition, that counsel be reimbursed  
6 for the costs they incurred out of a recovery amount. These are typical and standard percentages  
7 in employment related contingency agreements in the Los Angeles, Orange County, and  
8 throughout California. Indeed, in my opinion, the Plaintiffs in this complex wage and hour case  
9 could not have retained competent counsel in California, particularly with the considerable skill  
10 and expertise of my firm for any amount significantly less than the contingency fee percentage  
11 provided in these retainer agreements. As the Court is well aware, Plaintiffs' counsel has never  
12 been paid any money for attorneys' fee on this case, and has advanced all costs for over two  
13 years.

14           10.     Class Counsel are experienced and qualified to evaluate the Class claims and  
15 viability of the defenses. The recovery for each Class Member in the present is fair and  
16 reasonable based on all risk factors.

17           11.     **My law office will have a total of approximately 224.9 attorney hours**, which  
18 includes approximately 15 hours I expect to spend reviewing/revising the final approval motion  
19 and declarations of other Plaintiff's counsel and Rust in support of final approval, preparing for  
20 and attending the final approval hearing, ensuring all class members are paid and the case is  
21 properly concluded. My standard hourly rate for Class Action Litigation is \$795 per hour. I am  
22 the Managing partner in my law firm and have extensive experience handling Class Action  
23 Litigation as set forth in this declaration. My law partner, Gregg Lander, regularly bills for Class  
24 Action Litigation at \$750 per hour. Gregg Lander has twenty years' experience in wage and hour  
25 class action litigation and is well versed in all aspects of this litigation. Mr. Lander graduated  
26 from Texas A&M University in 1989 with a Bachelor of Business Administration degree in  
27 Marketing. He graduated from California Western School of Law in San Diego and was admitted  
28 to the California Bar in 1997. He joined The Law Offices of Kevin T. Barnes in 2001 and

1 became a partner in 2004. Mr. Lander was recognized as a Southern California Super Lawyer in  
2 2004 and the years 2019, 2020, 2021 and 2022, and was a speaker at the Bridgeport December  
3 2008 Wage & Hour Litigation Conference. In 2015, Mr. Lander received an AV Preeminent  
4 Rating as part of Martindale-Hubbell's Peer Review Rating process. He is admitted to practice  
5 before the following Courts: all California State Courts, all Texas State Courts, United States  
6 District Court for the following California Districts: Northern, Central, Eastern and Southern,  
7 United States Court of Appeal for the Ninth Circuit, United States Court of Appeals for  
8 Veteran's Claims, United States Court of Appeals for the Armed Forces, United States Court of  
9 Appeals for the Federal Circuit, United States Tax Court, United States Court of International  
10 Trade, United States Court of Federal Claims and United States Supreme Court. **My firms'**  
11 **lodestar will be approximately \$175,767** (see Itemization of Hours of the Law Office of Kevin  
12 T. Barnes as **Exhibit 1**). All these hours were reasonable and necessary and related to this  
13 litigation.

14 12. Furthermore, a key point to consider when awarding Plaintiffs' counsel fees is  
15 that Defendant's firm is able to bill its client on a monthly basis. A survey conducted by The  
16 National Law Journal for the year 2010 and 2011 provides a sample of a billing rate for California  
17 lawyers. The requested hourly rates are consistent with the prevailing rates for attorneys of similar  
18 experience, skill and reputation in this district. A 2010 survey by the National Law Journal (NLJ)  
19 shows rates of firms in Los Angeles from \$495-\$820 for partners and \$270-\$620 for associates; and in  
20 Irvine from \$395-\$710 for partners and \$285-\$450 for associates. A 2011 survey by the NLJ shows  
21 partner rates of \$275-\$860 in the Southern California area, with a range of \$205-\$635 for associates in  
22 the same geographic region. Copies of the NLJ surveys are in Class Counsel's possession but are not  
23 being filed due to their volume. (See also generally Catala v. Resurgent Capital Servs., L.P., 2010 U.S.  
24 Dist. LEXIS 63501, at \*19 n.3 (S.D. Cal. June 22, 2010) (relying on same to award fees).) These are  
25 the types of firms that Plaintiffs' counsel regularly opposes in these Class Action cases. The only  
26 difference is that these defense attorneys are paid on a monthly basis and do not have to advance any  
27 costs on a case. To the contrary, Plaintiffs' counsel is only paid if they win, which in this case will  
28 result in payment over two years after the case was originally filed.

1           13.     Finally, Plaintiffs attach the Declaration of Richard M. Pearl in support of a  
2 Plaintiff's Motion for Final Approval in the case of Rosa Cantu, et al. v. Pacific Bell Telephone  
3 Company, Case No. BC 441237, dated January 4, 2011 (*see* Declaration of Richard M. Pearl  
4 attached as **Exhibit 2**). Mr. Pearl specializes in issues related to cost-award attorney's fees,  
5 including the representation of parties in fee litigation and appeals, serving as an expert witness  
6 and serving as a mediator and arbitrator in disputes concerning attorney's fees and related issues.  
7 Mr. Pearl is also the author of California Attorney's Fee Awards (3d ed Cal. CEB 2010), as well  
8 as the author of the Second Edition, years 1994 through 2008. He has also authored numerous  
9 other publications on attorney's fees, as set forth in his Declaration. (*See* paragraph numbers 4  
10 and 5).

11           14.     Mr. Pearl has reviewed the comparable hourly rates of attorney fees in California.  
12 He confirms that courts have approved hourly rates of attorneys as follows:

- 13                 • Rates up to \$875.00 in Savaglio, et al. v. Wal-Mart, Alameda County Superior  
14 Court, Case No. C-835687-7 (before applying a 2.36 multiplier);
- 15                 • Rates of up to \$750.00 in Kashmiri, et al. v. Regents of UC, San Francisco  
16 County Superior Court (before applying a 3.7 multiplier);
- 17                 • Rates of up to \$750.00 in Environmental Law Foundation v. Laidlaw Transit,  
18 Inc., San Francisco Superior Court, Case No. CGC-06-451832 (before  
19 applying a 1.25 multiplier). (*See* pages 4 and 5).

20           15.     Additionally, Mr. Pearl has reviewed numerous declarations, depositions and  
21 surveys of legal rates on a non-contingent basis for the year 2009 and found hourly rates of up to  
22 \$775.00, \$795.00, \$800.00, \$855.00, \$950.00, etc. (*See* pages 6-12). These are non-contingent  
23 rates where payment in full is expected promptly upon billing (*See* page 13). These rates  
24 indicate that the requested hourly rate, as well as the multiplier, is reasonable in the case-at-hand  
25 in view of Plaintiffs' counsel's experience, the result achieved in this case and the contingent  
26 nature of the fees in Class Action cases.

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1           16.     The Law Offices of Kevin T. Barnes has total costs in the amount of \$5,185.20.  
2 These are costs related to the subject case for expert fees and copying for the prosecution of this  
3 case. Attached as **Exhibit 3** is an itemized cost sheet for my firm.

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

6           Executed this 23rd day of September, 2022, at Los Angeles, California.

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10 KEVIN T. BARNES  
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## EXHIBIT 1

# **FAMILY HEALTHCARE NETWORK**

## **KTB TIMESHEET**

| <b><u>Date</u></b> | <b><u>Subject Matter</u></b>                                | <b><u>Time</u></b> | <b><u>Atty</u></b> |
|--------------------|-------------------------------------------------------------|--------------------|--------------------|
| <b><u>KB</u></b>   |                                                             |                    |                    |
| 2/6/20             | Review new case memo/docs; research; emails                 | 5.8                | KB                 |
| 2/7/20             | Emails re new case                                          | 0.7                | KB                 |
| 2/8/20             | Emails re venue; research                                   | 2.2                | KB                 |
| 2/9/20             | Emails                                                      | 0.2                | KB                 |
| 2/10/20            | Teleconf w/ potential class rep; emails                     | 1.3                | KB                 |
| 2/11/20            | Emails re new case                                          | 0.4                | KB                 |
| 4/23/20            | Review intake for 2nd potential plaintiff                   | 0.6                | KB                 |
| 4/30/20            | Teleconference with potential rep; emails                   | 1.2                | KB                 |
| 5/4/20             | emails                                                      | 0.3                | KB                 |
| 5/5/20             | Teleconf w/ 3rd potential rep; emails; research             | 1.7                | KB                 |
| 5/22/20            | Review personnel files/documents                            | 2.4                | KB                 |
| 6/18/20            | Review file/memo                                            | 0.6                | KB                 |
| 6/19/20            | Memo to expert re doc analysis                              | 0.8                | KB                 |
| 6/30/20            | review expert analysis                                      | 0.6                | KB                 |
|                    | review expert liability analysis, tel's with P, emails with |                    |                    |
| 7/8/20             | co-counsel, emails re retainer                              | 3.2                | KB                 |
|                    | review filing history, tel with GL, emails with co-         |                    |                    |
| 7/17/20            | counsel                                                     | 1.6                | KB                 |
| 7/19/20            | review all notes/docs, prepare Data Sheet                   | 4.2                | KB                 |
|                    | finalize Data Sheet/exhibits, emails to GL re LWDA          |                    |                    |
| 7/20/20            | letter and complaint                                        | 2.1                | KB                 |
|                    | tel with class rep, meeting with GL re 203, emails,         |                    |                    |
| 7/21/20            | finalize LWDA letter                                        | 1.6                | KB                 |
| 7/28/20            | revise/finalize complaint, emails                           | 1.8                | KB                 |
| 8/5/20             | emails re filing                                            | 0.2                | KB                 |
| 9/2/20             | review D's answer to complaint                              | 0.4                | KB                 |
|                    | review all cases, chart re class/claims/etc, review         |                    |                    |
| 10/7/20            | other complaint, emails                                     | 2.3                | KB                 |
|                    | emails re complaint/FAC, emails to Edwin re related         |                    |                    |
| 10/8/20            | cases                                                       | 0.9                | KB                 |
| 10/19/20           | review Reply re motion to consolidate, emails               | 0.5                | KB                 |
|                    | emails re ruling on motion to consolidate, draft email      |                    |                    |
| 10/26/20           | to Joanna re fee spit/lead counsel, emails                  | 1.1                | KB                 |
|                    | emails to Joanna re working relationship, memos re          |                    |                    |
| 10/28/20           | lead counsel motion                                         | 2.2                | KB                 |
|                    | emails with other P counsel re working together, tel        |                    |                    |
|                    | with Haines re lead counsel motion, review all filing       |                    |                    |
| 11/2/20            | docs by Edwin firm                                          | 3.3                | KB                 |
|                    | message/emails to Joanna re working relationship,           |                    |                    |
| 11/4/20            | emails to GL re discovery                                   | 0.3                | KB                 |
|                    | emails to Joanna re co-counsel agreement, emails re         |                    |                    |
| 11/16/20           | Joint Statement                                             | 0.4                | KB                 |
|                    | emails re co-lead agreements with Joanna, review            |                    |                    |
| 11/18/20           | redlines, emails                                            | 0.6                | KB                 |
| 11/30/20           | emails re signed docs                                       | 0.5                | KB                 |
| 12/1/20            | emails re signed JPA and fee split                          | 0.4                | KB                 |
| 12/3/20            | emails                                                      | 0.4                | KB                 |
| 1/5/21             | emails re mediation/brief                                   | 0.3                | KB                 |
| 1/26/21            | review/revise mediation brief, emails                       | 5.2                | KB                 |
| 1/27/21            | prep for mediation                                          | 3.8                | KB                 |

# **FAMILY HEALTHCARE NETWORK**

## **KTb TIMESHEET**

|          |                                                            |     |    |
|----------|------------------------------------------------------------|-----|----|
|          | prepare for mediation, review damage analysis, tel         |     |    |
| 1/28/21  | with class rep                                             | 6.1 | KB |
| 1/29/21  | prep/attend Zoom mediation, memos                          | 4.7 | KB |
| 2/10/21  | emails re second mediation                                 | 0.3 | KB |
| 2/17/21  | emails re mediators                                        | 0.3 | KB |
| 3/2/21   | emails re mediation                                        | 0.5 | KB |
| 3/9/21   | Tel wit class rep re mediation #2                          | 0.3 | KB |
| 3/30/21  | emails                                                     | 0.3 | KB |
| 4/22/21  | emails re mediation                                        | 0.2 | KB |
| 6/30/21  | emails re mediation                                        | 0.3 | KB |
| 7/6/21   | emails re PA motion                                        | 0.2 | KB |
| 7/17/21  | emails re motion to compel/mediation                       | 0.5 | KB |
| 8/24/21  | review updated mediation brief, emails                     | 1.1 | KB |
| 8/29/21  | prep for mediation                                         | 4.9 | KB |
| 8/30/21  | prep for mediation day 2                                   | 5.7 | KB |
| 9/1/21   | prep/attend via Zoom mediation, emails                     | 8.4 | KB |
| 9/2/21   | review mediator's proposal, emails                         | 0.6 | KB |
| 9/3/21   | tel with class rep re proposal, emails                     | 0.8 | KB |
| 9/12/21  | emails re PA motion and settlement docs                    | 0.6 | KB |
| 9/14/21  | prepare settlement docs                                    | 3.2 | KB |
| 9/21/21  | prepare settlement docs, emails                            | 6.8 | KB |
| 9/22/21  | revise settlement docs, email to co-counsel                | 1.1 | KB |
| 9/29/21  | emails re stip/order                                       | 0.3 | KB |
| 10/3/21  | emails                                                     | 0.2 | KB |
| 10/4/21  | emails re PAGA def in settlement docs                      | 0.3 | KB |
| 10/5/21  | revise settlement docs, emails to co-counsel/D atty        | 1.6 | KB |
| 10/27/21 | emails re settlement docs                                  | 0.2 | KB |
| 11/10/21 | emails re settlement docs                                  | 0.3 | KB |
| 11/22/21 | email re settlement docs, review GL redlines               | 0.3 | KB |
|          | review D's redlines to settlement agreement, finalize,     |     |    |
| 11/22/21 | emails                                                     | 0.9 | KB |
| 12/7/21  | emails re signatures and PA motion                         | 0.6 | KB |
| 12/20/21 | emails re settlement docs                                  | 0.3 | KB |
| 12/22/21 | prepare PA motion, emails to co-counsel                    | 6.2 | KB |
| 12/23/21 | emails re PA motion                                        | 0.4 | KB |
| 1/3/22   | emails re PA Motion                                        | 0.7 | KB |
| 1/4/22   | emails re signatures                                       | 0.3 | KB |
| 1/5/22   | review co-counsel revisions to PA motion, emails           | 2.1 | KB |
|          | emails with co-counsel re settlement agreement,            |     |    |
|          | emails/call re revisions, review their revisions, email to |     |    |
| 1/6/22   | all, revise PA motion                                      | 3.2 | KB |
| 1/7/22   | review co-counsel redlines, emails                         | 0.4 | KB |
| 1/10/22  | emails re signatures, prepare Supp KB Decl                 | 0.9 | KB |
| 1/25/22  | emails re PA hearing                                       | 0.3 | KB |
| 1/28/22  | review TR emails                                           | 1.2 | KB |
| 1/31/22  | revise settlement docs per TR                              | 2.4 | KB |
| 2/1/22   | prepare supplemental KB Decl                               | 1.3 | KB |
|          | emails to cocounsel re revised settlement docs; email      |     |    |
| 2/2/22   | WH re atty decl                                            | 0.4 | KB |
| 2/3/22   | review costs/emails                                        | 0.3 | KB |
| 2/3/22   | emails with cocounsel re revised docs                      | 0.2 | KB |
| 2/3/22   | revise KB Second Supp Decl, emails                         | 0.6 | KB |

# **FAMILY HEALTHCARE NETWORK**

## **KTb TIMESHEET**

|                   |                                                       |              |                     |
|-------------------|-------------------------------------------------------|--------------|---------------------|
|                   | revise KB supp decl; emails to cocounsel; emails to   |              |                     |
| 2/4/22            | defense attorney re: revised settlement documents     | 1.1          | KB                  |
| 2/4/22            | review lodestar; update                               | 1.3          | KB                  |
|                   | Review D's redlines, revise settlement docs, teleconf |              |                     |
| 2/10/22           | with class rep, emails                                | 2.4          | KB                  |
|                   | Review Walter H. decl, revise KB supp                 |              |                     |
| 2/15/22           | decl/costs/lodestar                                   | 1.5          | KB                  |
| 2/17/22           | Emails re filing                                      | 0.6          | KB                  |
|                   | emails re PA filing review Edwin delc, emails, revise |              |                     |
| 2/18/22           | KB Supp Decl                                          | 1.4          | KB                  |
| 2/27/22           | prepare for PA hearing                                | 1.1          | KB                  |
| 2/28/22           | attend PA hearing, emails                             | 0.8          | KB                  |
| 3/11/22           | review minute order, emails                           | 0.3          | KB                  |
| 4/26/22           | emails re FA hearing                                  | 0.3          | KB                  |
| 5/4/22            | emails                                                | 0.2          | KB                  |
| 6/16/22           | review numbers in settlement admin email, emails      | 0.5          | KB                  |
| 6/20/22           | emails with Rust re format/issues                     | 0.5          | KB                  |
| 7/7/22            | emails re new FA hearing date                         | 0.3          | KB                  |
| 7/8/22            | emails re FA date                                     | 0.4          | KB                  |
| 7/11/22           | emails re FA hearing, review/approve format           | 0.5          | KB                  |
| 7/15/22           | emails with Rust                                      | 0.1          | KB                  |
| 8/30/22           | emails with class member                              | 0.2          | KB                  |
| 9/20/22           | review Rust report                                    | 0.2          | KB                  |
| <b>KB TOTAL =</b> |                                                       | <b>142.6</b> | <b>\$113,367.00</b> |

### **GL**

|         |                                                    |     |    |
|---------|----------------------------------------------------|-----|----|
| 2/7/20  | Email from/to KB re filing location + research     | 0.3 | GL |
| 7/8/20  | Email from CD re retainer docs                     | 0.1 | GL |
| 7/14/20 | Emails f/t KB/JL re pre-filing steps + draft       | 0.6 | GL |
| 7/15/20 | Email from KB re SoL                               | 0.1 | GL |
| 7/16/20 | Emails f/t KB re new Def report + run              | 0.4 | GL |
| 7/17/20 | Emails t/f KB re datasheet                         | 0.2 | GL |
|         | Emails from/to KB/CD re new LWDA letter +          |     |    |
| 7/20/20 | research/draft                                     | 4.2 | GL |
| 7/21/20 | Emails f/t KB/CD re LWDA letter + finalize         | 0.8 | GL |
| 7/27/20 | Email CD re Complaint + draft                      | 3.2 | GL |
| 7/28/20 | Email from KB re complaint                         | 0.1 | GL |
| 7/28/20 | Emails from CC/KB re P's docs + review             | 0.2 | GL |
| 7/29/20 | Emails f/t CD/KB re complaint + finalize           | 0.2 | GL |
| 8/5/20  | Email from KB re complaint                         | 0.1 | GL |
| 8/6/20  | Email from CD re filing                            | 0.1 | GL |
| 8/6/20  | Email from CD re filing                            | 0.1 | GL |
| 8/11/20 | Emails f/t CD re service                           | 0.1 | GL |
| 8/17/20 | Disc1                                              | 0.4 | GL |
| 9/2/20  | Email f/t CD re D's Answer + review                | 0.3 | GL |
| 9/17/20 | Emails from/to KB/OPC re disc/FAC + draft FAC/Stip | 0.9 | GL |
| 9/18/20 | Email f/t OPC re ext re Disc1                      | 0.1 | GL |
| 9/28/20 | Review motion to consolidate                       | 0.5 | GL |
| 9/28/20 | Email from CD re D's M2Consolidate + review        | 0.3 | GL |
| 9/28/20 | Emails f/t CD/VR re M2Consolidate + review         | 0.4 | GL |
| 9/29/20 | Draft correspondence re consolidation              | 0.5 | GL |
| 9/29/20 | Email from KB re PAGA/Complaint                    | 0.1 | GL |
| 9/29/20 | Email KB re Motion to Consolidate                  | 0.2 | GL |

# **FAMILY HEALTHCARE NETWORK**

## **KTb TIMESHEET**

|          |                                                            |     |    |
|----------|------------------------------------------------------------|-----|----|
| 9/29/20  | Emails f/t VR/Kb re M2Consolidate                          | 0.4 | GL |
| 9/30/20  | Email Kb re Paga ltr / complaint filing                    | 0.1 | GL |
| 10/6/20  | Email Kb re EA/M2Consolidate                               | 0.1 | GL |
| 10/7/20  | Email from VR re consolidation                             | 0.1 | GL |
| 10/7/20  | Emails f/t Kb re Munoz case + research                     | 0.3 | GL |
| 10/8/20  | Emails f/t Kb re FAC/Complaint                             | 0.2 | GL |
| 10/8/20  | Emails from Kb/CC re Munoz action                          | 0.1 | GL |
| 10/9/20  | Emails from Kb re conf                                     | 0.1 | GL |
| 10/9/20  | Tcw Kb re consolidation + emails t/f CC JG/Kb              | 0.2 | GL |
| 10/10/20 | Email from VR re non-Opp                                   | 0.1 | GL |
| 10/10/20 | Emails from Kb re Aiwazian cases/Ferr efforts              | 0.1 | GL |
| 10/12/20 | Email to Kb re Aiwazian cases                              | 0.4 | GL |
| 10/13/20 | Email from CD re non-Opp                                   | 0.1 | GL |
| 10/13/20 | Email from Kb re CC mtg                                    | 0.1 | GL |
| 10/16/20 | Emails from/to Kb/VR re Munoz Opp/Reply + review           | 0.3 | GL |
| 10/19/20 | Email from Kb re Munoz case                                | 0.1 | GL |
| 10/19/20 | Emails f/t CD/Kb re M4Consolidation                        | 0.1 | GL |
| 10/21/20 | Emails f/t OPC/VR re Disc1 resps + review                  | 0.4 | GL |
| 10/22/20 | Email from VR re M&C                                       | 0.1 | GL |
| 10/23/20 | Emails f/t CD re Crtcall                                   | 0.1 | GL |
| 10/23/20 | Emails f/t CD/Kb re D's M2Consolidate Reply + review       | 0.3 | GL |
| 10/25/20 | Emails/txts from/to VR re M2Consolidate + prep             | 0.8 | GL |
| 10/26/20 | Email from CD re disc resps                                | 0.1 | GL |
| 10/26/20 | Email from Kb re Em to CC re lead counsel                  | 0.1 | GL |
| 10/26/20 | Emails f/t CC/Kb re M2Consolidate                          | 0.2 | GL |
| 10/26/20 | M2Consolidate (tel) + Emails f/t VR re lead counsel        | 0.9 | GL |
| 10/27/20 | Email CD re POS                                            | 0.1 | GL |
| 10/27/20 | Emails f/t Kb/CC re lead counsel email + review/revise     | 0.2 | GL |
| 10/27/20 | Emails f/t Kb/VR re Disc/M&C                               | 0.1 | GL |
| 10/27/20 | Tcw Kb re CC + EMs f/t Kb/CC                               | 0.2 | GL |
| 10/28/20 | Emails f/t Kb/VR/JC re lead counsel mtg + research         | 0.4 | GL |
| 11/1/20  | Review disco responses and docs; Draft M&C                 | 1.0 | GL |
| 11/1/20  | Email from VR re M&C                                       | 0.1 | GL |
| 11/2/20  | Draft disco 2                                              | 1.5 | GL |
| 11/2/20  | Email from Kb re conf                                      | 0.1 | GL |
| 11/2/20  | Email from V re Disc2                                      | 0.2 | GL |
| 11/2/20  | Email OPC re FAC/Stip                                      | 0.2 | GL |
| 11/2/20  | Email OPC re SROG1                                         | 0.4 | GL |
| 11/2/20  | Email VR re Disco2                                         | 0.1 | GL |
| 11/3/20  | Emails f/t VR/CD re Zoom PMQ                               | 0.1 | GL |
| 11/4/20  | Email from Kb re fee split                                 | 0.1 | GL |
| 11/5/20  | Email from Kb re lead counsel agt                          | 0.1 | GL |
| 11/5/20  | Email VR/SP + finalize Disc2                               | 0.6 | GL |
| 11/5/20  | Emails from CC/Kb re conf                                  | 0.1 | GL |
| 11/5/20  | Emails from CC/Kb re fee split agt + review                | 0.2 | GL |
| 11/6/20  | Emails f/t OPC re FAC + revise                             | 0.6 | GL |
| 11/6/20  | Emails from CC/Kb re fee split agt + review                | 0.2 | GL |
| 11/8/20  | Email from Kb re fee split/joint prosecution agts + review | 0.2 | GL |
| 11/9/20  | Email f/t CD re FAC                                        | 0.1 | GL |

# **FAMILY HEALTHCARE NETWORK**

## **KTb TIMESHEET**

|          |                                                      |     |    |
|----------|------------------------------------------------------|-----|----|
| 11/9/20  | Emails f/t OPC/VR re M&C                             | 0.2 | GL |
| 11/10/20 | Emails f/t VR re M&C + draft privacy ntx             | 0.4 | GL |
| 11/11/20 | Email f/t CD re CMC re lead counsel                  | 0.2 | GL |
| 11/15/20 | Email from KB re fee split                           | 0.1 | GL |
| 11/16/20 | Email from KB re Joint Statement                     | 0.1 | GL |
| 11/16/20 | Emails from CD/KB re Joint Report                    | 0.1 | GL |
| 11/17/20 | Emails f/t CC/KB re agts + review                    | 0.2 | GL |
| 11/18/20 | Emails from KB/CC re fee split                       | 0.1 | GL |
| 11/19/20 | Email from CC re final joint P agt                   | 0.1 | GL |
| 11/19/20 | Email OPC re FAC/Stip                                | 0.1 | GL |
|          | Emails f/t CD/KB/OPC/CC re Joint Report +            |     |    |
| 11/19/20 | review/revise                                        | 0.6 | GL |
| 11/22/20 | Emails f/t CC re Statement + review/revise           | 0.4 | GL |
| 11/23/20 | Emails f/t CD/CC/OPC/KB re Joint Statement           | 0.2 | GL |
| 11/24/20 | Emails f/t CD/OPC re Stip re FAC                     | 0.1 | GL |
| 11/25/20 | Email CD re Stip re CMC                              | 0.1 | GL |
| 11/28/20 | Email VR re Disc2                                    | 0.1 | GL |
| 11/28/20 | Emails t/f VR/OPC re Disc1 M&C                       | 0.4 | GL |
| 11/30/20 | Emails from/to CD re CMC                             | 0.1 | GL |
| 12/1/20  | Emails f/t OPC re privacy ntx                        | 0.1 | GL |
| 12/2/20  | Email f/t OPC re discovery                           | 0.2 | GL |
| 12/2/20  | Email CD re CMC                                      | 0.1 | GL |
| 12/3/20  | Email CD re FAC Stip                                 | 0.1 | GL |
| 12/3/20  | Email f/t CD/OPC re CMC                              | 0.1 | GL |
| 12/3/20  | Emails f/t OPC/CC re discovery stay                  | 0.1 | GL |
| 12/14/20 | Email from KB re signatures                          | 0.1 | GL |
| 12/15/20 | Email from CD re Settlement agt                      | 0.1 | GL |
| 12/17/20 | Email CD re Stip re FAC                              | 0.1 | GL |
| 12/28/20 | Emails f/t CD/KB re Mtx/FAC                          | 0.3 | GL |
| 12/30/20 | Emails from/to CD/KB re motion                       | 0.2 | GL |
| 12/31/20 | Emails t/f KB/CD re motion                           | 0.1 | GL |
| 1/4/21   | Email from KB re Motion                              | 0.1 | GL |
| 1/5/21   | Emails from KB/CC re mediation brief                 | 0.1 | GL |
| 1/13/21  | Emails from KB/CC re mediation brief/analysis        | 0.1 | GL |
| 1/19/21  | Email from CC re mediation analysis                  | 0.1 | GL |
| 1/20/21  | Email f/t CD re FAC                                  | 0.1 | GL |
| 1/25/21  | Email f/t CC re mediation brief + review             | 0.4 | GL |
| 1/25/21  | Emails from KB/CC re data analysis/mediation brief   | 0.1 | GL |
| 1/26/21  | Emails from KB/CC re mediation brief/expert analysis | 0.2 | GL |
| 1/27/21  | Emails from CC/KB re mediation brief + review        | 0.3 | GL |
| 1/28/21  | Email from CC/KB re Def's med brief + review         | 0.4 | GL |
| 1/28/21  | Emails from KB/Med/CD re mediation                   | 0.1 | GL |
| 1/29/21  | Email from JL re mediation brief                     | 0.1 | GL |
| 1/29/21  | Emails from/to KB re mediation                       | 0.2 | GL |
| 2/1/21   | Email from CC re mediation                           | 0.1 | GL |
| 2/2/21   | Emails to CC/KB re Email re mediation                | 0.1 | GL |
| 2/3/21   | Email from CC re mediation                           | 0.1 | GL |
| 2/3/21   | Email from CC re mediation                           | 0.1 | GL |
| 2/4/21   | Emails f/ CD/CC/KB re mediation                      | 0.1 | GL |
| 2/4/21   | Emails from CC/CD re mediation date                  | 0.1 | GL |
| 2/5/21   | Emails from CC/CD re mediator availability           | 0.1 | GL |
| 2/10/21  | Email from KB re mediation #2                        | 0.1 | GL |

## **FAMILY HEALTHCARE NETWORK**

### **KTB TIMESHEET**

|         |                                                |     |    |
|---------|------------------------------------------------|-----|----|
| 2/11/21 | Email from CC re mediators                     | 0.1 | GL |
| 2/11/21 | Emails f/t JL re status letter + review/revise | 0.1 | GL |
| 2/11/21 | Emails from KB/CC re mediator                  | 0.1 | GL |
| 2/12/21 | Email from JL re Status                        | 0.1 | GL |
| 2/12/21 | Email from KB re mediator GB                   | 0.1 | GL |
| 2/12/21 | Email from OPC re mediators                    | 0.1 | GL |
| 2/16/21 | Email from CC re mediation                     | 0.1 | GL |
| 2/17/21 | Emails from OPC/KB/CC re mediators             | 0.1 | GL |
| 2/18/21 | Email from CC re mediation                     | 0.1 | GL |
| 2/19/21 | Doc summary; Correspondence re weird emails    | 1.5 | GL |
| 2/19/21 | Email f/t VR re P file/docs + review           | 0.3 | GL |
| 2/22/21 | Email to KB re weird emails                    | 0.2 | GL |
| 2/22/21 | Email f/t VR re doc summary + review           | 0.3 | GL |
| 2/22/21 | Email from CD re Joint Report                  | 0.1 | GL |
| 2/22/21 | Email from VR re P's emails                    | 0.2 | GL |
| 2/23/21 | Email from CC re mediation date                | 0.1 | GL |
| 2/24/21 | Email from OPC re mediators                    | 0.1 | GL |
| 2/24/21 | Emails from/to CC/KB re amended complaint      | 0.1 | GL |
| 2/25/21 | Emails f/t CC/OPC/CD re Joint Report + review  | 0.3 | GL |
| 2/25/21 | Emails f/t KB/OPC re consolidated complaint    | 0.1 | GL |
| 3/1/21  | Email from OPC re mediation dates              | 0.1 | GL |
| 3/1/21  | Emails from KB/CC re mediation                 | 0.1 | GL |
| 3/2/21  | Email f/t CC/KB re fee split                   | 0.2 | GL |
| 3/2/21  | Email f/t CD re CMC/Stip re FAC                | 0.2 | GL |
| 3/2/21  | Emails from CC/KB re mediation date            | 0.1 | GL |
| 3/2/21  | Emails from CD/KB re mediation dates           | 0.1 | GL |
| 3/3/21  | Email from CC re fee agt                       | 0.1 | GL |
| 3/3/21  | Email from CD re class rep call                | 0.1 | GL |
| 3/15/21 | Email from CC re FACC + review                 | 0.2 | GL |
| 3/16/21 | Revise FACC+Stip + EMs t/f CC                  | 0.4 | GL |
| 3/26/21 | Email f/t CC re FACC + review/revise           | 0.7 | GL |
| 3/30/21 | Emails from CC re FACC                         | 0.1 | GL |
| 4/1/21  | Email from OPC re amended complaint            | 0.1 | GL |
| 4/16/21 | Email OPC re Consolidated Complaint            | 0.1 | GL |
| 4/19/21 | Email from OPC re complaint                    | 0.1 | GL |
| 4/19/21 | Email from OPC re Stip                         | 0.1 | GL |
| 4/22/21 | Emails from KB/CD re mediation                 | 0.1 | GL |
| 4/27/21 | Emails f/t CC/CD re Stip re FAC                | 0.2 | GL |
| 6/10/21 | Emails from Med/CC re mediation                | 0.1 | GL |
| 6/10/21 | Emails t/f CC re FACC                          | 0.2 | GL |
| 6/17/21 | Email from CC re FACC                          | 0.1 | GL |
| 6/21/21 | Email from CD re FACC                          | 0.1 | GL |
| 6/25/21 | Email from OPC re mediator                     | 0.1 | GL |
| 6/25/21 | Emails from OPC/CC re mediation                | 0.1 | GL |
| 6/28/21 | Email from KB re mediation                     | 0.1 | GL |
| 6/28/21 | Email from KB re mediation/discovery           | 0.1 | GL |
| 6/28/21 | Emails from CC/OPC re mediation                | 0.1 | GL |
| 6/30/21 | Emails from OPC/CC/KB re mediation             | 0.1 | GL |
| 7/1/21  | Email f/t CC re Jnt Stmnt + review             | 0.2 | GL |
| 7/6/21  | Email from CC re discovery + review            | 0.6 | GL |
| 7/6/21  | Email from CC re Stmnt                         | 0.1 | GL |
| 7/6/21  | Email from KB re mediation date                | 0.1 | GL |

# **FAMILY HEALTHCARE NETWORK**

## **KTB TIMESHEET**

|         |                                               |     |    |
|---------|-----------------------------------------------|-----|----|
| 7/7/21  | Email from OPC/CC re Jnt Stmt + review        | 0.2 | GL |
| 7/7/21  | Emails from OPC/KB/JL re mediation            | 0.1 | GL |
| 7/9/21  | Email f/t CC re Stmt                          | 0.1 | GL |
| 7/9/21  | Email f/t OPC re discovery                    | 0.2 | GL |
| 7/9/21  | Email from CC re Stmt                         | 0.1 | GL |
| 7/9/21  | Email from JL re CNS/PAGA search              | 0.1 | GL |
| 7/9/21  | Email t/ CC re privacy notice/discovery       | 0.2 | GL |
| 7/14/21 | Emails f/t CC re privacy notice + revise      | 0.3 | GL |
| 7/14/21 | Emails f/t CD/CC re CMC                       | 0.3 | GL |
| 7/14/21 | Emails f/t OPC/VR re M&C/M2C/Privacy ntx      | 0.2 | GL |
| 7/15/21 | Emails f/t CC re Stip re Munoz trial dates    | 0.1 | GL |
| 7/15/21 | Emails f/t VR/CD/KB re M2C                    | 0.3 | GL |
| 7/16/21 | Email from CC re Stip                         | 0.1 | GL |
| 7/16/21 | Email from CC re supp resps                   | 0.1 | GL |
| 7/17/21 | Email from KB re M2C                          | 0.1 | GL |
| 7/19/21 | Emails t/f KB/VR/CD re M2C                    | 0.2 | GL |
| 7/21/21 | Email JL re CNS                               | 0.1 | GL |
| 7/23/21 | Email CD re m2C                               | 0.1 | GL |
| 7/26/21 | Email from OPC re Disc resps + review         | 0.2 | GL |
| 8/17/21 | Email f/ CC re D's Opp re M2C + review        | 0.3 | GL |
| 8/18/21 | Email from CC re mediation data               | 0.1 | GL |
| 8/19/21 | Emails from OPC/CC re mediation data + review | 0.2 | GL |
| 8/22/21 | Emails from KB re mediation data              | 0.1 | GL |
| 8/23/21 | Email from CC re Reply/Mtx + review           | 0.3 | GL |
| 8/23/21 | Email KB re mediaion data                     | 0.1 | GL |
| 8/24/21 | Emails f/t CC/KB re mediation brief + review  | 0.4 | GL |
| 8/26/21 | Email from CD re Reply, etc.                  | 0.1 | GL |
| 8/26/21 | Email from OPC re discovery response + review | 0.2 | GL |
| 8/26/21 | Emails f/t CD re Haines address change        | 0.1 | GL |
| 8/27/21 | Email from CC re M2C                          | 0.1 | GL |
| 8/27/21 | Emails from OPC/CC re mediation data          | 0.1 | GL |
| 8/29/21 | Email from KB re med info                     | 0.1 | GL |
| 8/30/21 | Email from CC re avg rate of pay question     | 0.1 | GL |
| 8/30/21 | Email from OPC re med info                    | 0.1 | GL |
| 8/30/21 | Emails from CC/Med re info                    | 0.1 | GL |
| 8/31/21 | Email from Med re link                        | 0.1 | GL |
| 9/3/21  | Emails from/to KB re mediators proposal       | 0.1 | GL |
| 9/11/21 | Email from KB re settlement                   | 0.1 | GL |
| 9/12/21 | Emails from KB/CC/OPC re settlement docs      | 0.1 | GL |
| 9/14/21 | Email from CD re PAH                          | 0.1 | GL |
| 9/14/21 | Email from KB re PA                           | 0.1 | GL |
| 9/21/21 | Email from KB re admin estimate               | 0.1 | GL |
| 9/22/21 | Email from KB re settlement docs + review     | 0.2 | GL |
| 9/23/21 | Emails from KB/EB re admin estimate           | 0.1 | GL |
| 9/24/21 | Email from JL re TPA estimate                 | 0.1 | GL |
| 9/27/21 | Email f/t CD re Report + review               | 0.2 | GL |
| 9/27/21 | Email from KB re settlement docs + review     | 0.3 | GL |
| 9/29/21 | Email from CD re Statement                    | 0.1 | GL |
| 9/29/21 | Emails from OPC/CD/CC re Stip                 | 0.1 | GL |
| 10/4/21 | Emails from CC/KB re settlement docs          | 0.1 | GL |
| 10/5/21 | Emails from KB re settlement docs + review    | 0.3 | GL |
| 10/7/21 | Emails f/t CD/OPC re CMC                      | 0.1 | GL |

# **FAMILY HEALTHCARE NETWORK**

## **KTb TIMESHEET**

|          |                                                      |     |    |
|----------|------------------------------------------------------|-----|----|
| 10/27/21 | Email from KB re settlement                          | 0.1 | GL |
| 11/10/21 | Emails from KB/CC re settlement docs                 | 0.1 | GL |
| 11/18/21 | Email from CC re settlement docs                     | 0.1 | GL |
| 11/19/21 | Emails from/to KB/CC re class notice + review/revise | 0.2 | GL |
| 11/22/21 | Emails from KB/CC re settlement docs                 | 0.1 | GL |
| 11/23/21 | Email from CC re settlement docs                     | 0.1 | GL |
| 12/7/21  | Emails from KB/CD re settlment agt signatures        | 0.1 | GL |
| 12/21/21 | Email from JL re PA mtg + review                     | 0.2 | GL |
| 12/22/21 | Emails f/t JL re Munoz case #                        | 0.1 | GL |
| 12/22/21 | Emails from KB re PAD + review                       | 0.3 | GL |
| 12/23/21 | Email from KB re Haines decl                         | 0.1 | GL |
| 12/28/21 | Emails f/t KB/CC re revised settlement term          | 0.2 | GL |
| 12/30/21 | Email from/to CC/KB re settlement docs               | 0.2 | GL |
| 1/2/22   | Email from KB re settlement docs                     | 0.1 | GL |
| 1/3/22   | Emails from KB/CC re settlement docs/conf            | 0.2 | GL |
| 1/5/22   | Email from CC re PAD                                 | 0.2 | GL |
| 1/5/22   | Email from CC re settlement doc revisions + review   | 0.2 | GL |
| 1/5/22   | Emails from OPC/KB re Stip/settlment docs            | 0.1 | GL |
| 1/6/22   | Email from CC re Declarations + review               | 0.3 | GL |
| 1/6/22   | Emails f/ KB/CC re PAD                               | 0.2 | GL |
| 1/7/22   | Emails from KB/CC/JL re revised docs + review        | 0.4 | GL |
| 1/10/22  | Emails from CC/KB re settlement docs                 | 0.1 | GL |
| 1/11/22  | Email from CD re KB supp decl                        | 0.1 | GL |
| 1/11/22  | Email from OPC re signed settlement agt              | 0.1 | GL |
| 1/25/22  | Email from CD re PAH                                 | 0.1 | GL |
| 1/28/22  | Emails from CD/KB/JL/CC/EB re TR re PAH              | 0.3 | GL |
| 1/31/22  | Email f/ JL re revised settlement docs + review      | 0.3 | GL |
| 1/31/22  | Email from CC re PAH                                 | 0.1 | GL |
| 2/2/22   | Emails f/t SP/KB re lodestar + calc                  | 0.3 | GL |
| 2/2/22   | Emails from KB/SP re settlement docs                 | 0.1 | GL |
| 2/3/22   | Email from CC re lodestar decl                       | 0.1 | GL |
| 2/3/22   | Email from KB re KB decl + review                    | 0.2 | GL |
| 2/3/22   | Emails from EB/JL re TPA decl + review               | 0.2 | GL |
| 2/4/22   | Emails from KB re settlement docs + review           | 0.3 | GL |
| 2/4/22   | Tcw KB re Lodestar                                   | 0.2 | GL |
| 2/10/22  | Emails from OPC/KB/CC re enhs/supp decls             | 0.2 | GL |
| 2/11/22  | Email from CC re Haines decl                         | 0.1 | GL |
| 2/15/22  | Emails f/t KB re fee agts                            | 0.2 | GL |
| 2/15/22  | Emails from KB/JL re Haines decl                     | 0.1 | GL |
| 2/16/22  | Email from KB re CC lodestar                         | 0.1 | GL |
| 2/17/22  | Emails from/to OPC/KB re LS + calc                   | 0.4 | GL |
| 2/18/22  | Emails from CC/KB re EA decl + review                | 0.2 | GL |
| 2/24/22  | Email from CD re PAH                                 | 0.1 | GL |
| 2/25/22  | Emails from CD/KB/CC re PAH TR                       | 0.2 | GL |
| 2/28/22  | Emails from KB/CC re hrg                             | 0.1 | GL |
| 3/1/22   | Email from CC re PAH                                 | 0.1 | GL |
| 3/11/22  | Emails from CD/KB re Crt Order                       | 0.1 | GL |
| 4/4/22   | Email from CC re PA                                  | 0.1 | GL |
| 4/25/22  | Emails t/f CD/KB re FAH                              | 0.1 | GL |
| 4/26/22  | Emails from KB/CC re final approval                  | 0.1 | GL |
| 5/4/22   | Email t/f CC re FAH                                  | 0.1 | GL |
| 5/5/22   | Email from OPC re FAH                                | 0.1 | GL |

# **FAMILY HEALTHCARE NETWORK**

## **KTB TIMESHEET**

|         |                                                   |              |                     |
|---------|---------------------------------------------------|--------------|---------------------|
| 5/6/22  | Emails t/f CC/JLKB re PAD                         | 0.1          | GL                  |
| 5/9/22  | Email from JL re FA                               | 0.1          | GL                  |
| 5/9/22  | Emails f/t CD re status conf                      | 0.1          | GL                  |
| 5/9/22  | Emails f/t CD/OPC re Stip + revise                | 0.2          | GL                  |
| 5/10/22 | Emails to/f CD/OPC re Stip                        | 0.1          | GL                  |
| 5/11/22 | Email from CD re Stmnt                            | 0.1          | GL                  |
| 5/11/22 | Email from OPC re stip                            | 0.1          | GL                  |
| 5/16/22 | Emails from/to CD re Status Conf                  | 0.1          | GL                  |
| 5/18/22 | Emails f/t KB/P re status + tcw                   | 0.2          | GL                  |
| 6/14/22 | Email from CC re TPA                              | 0.1          | GL                  |
| 6/15/22 | Emails from CD/EB re admin                        | 0.1          | GL                  |
| 6/16/22 | Emails from Rust/OPC/KB re admin + review         | 0.2          | GL                  |
| 6/20/22 | Emails from KB/CC re calcs                        | 0.1          | GL                  |
| 6/23/22 | Emails from OPC/CC re class list                  | 0.1          | GL                  |
| 7/6/22  | Email from TPA re data                            | 0.1          | GL                  |
| 7/8/22  | Email from Rust re mailing                        | 0.1          | GL                  |
| 7/8/22  | Emails from KB/CD re FAH                          | 0.2          | GL                  |
| 7/11/22 | Emails from CD/KB/TPA re FA docs                  | 0.2          | GL                  |
| 7/11/22 | Emails from CD/OPC/TPA re notice/hearing          | 0.2          | GL                  |
|         | Emails from TPA/KB/OPC re mailing/engagement      |              |                     |
| 7/15/22 | confirm                                           | 0.2          | GL                  |
| 7/22/22 | Emails from OPC/TPA re claims                     | 0.1          | GL                  |
| 7/26/22 | Email from TPA re status                          | 0.1          | GL                  |
| 7/26/22 | Emails from TPA/KB re CMs                         | 0.1          | GL                  |
| 7/27/22 | Emails from OPC/TPA re 5 resps                    | 0.1          | GL                  |
| 8/2/22  | Emails from TPA/KB re status                      | 0.1          | GL                  |
| 8/9/22  | Email from TPA re status report                   | 0.1          | GL                  |
| 8/16/22 | Email from TPA re status report                   | 0.1          | GL                  |
| 8/24/22 | Email from TPA re status                          | 0.1          | GL                  |
| 8/31/22 | Email from TPA re status report                   | 0.1          | GL                  |
| 9/2/22  | Emails from OPC/KB re Status Conf Stmnt           | 0.1          | GL                  |
| 9/6/22  | Email from new OPC + revise casesheet/pos         | 0.2          | GL                  |
| 9/6/22  | Emails f/t CC/OPC re Stmnt/Jackson Lewis          | 0.4          | GL                  |
| 9/7/22  | Emails f/t CD/OPC re Stip re Status Conf + revise | 0.2          | GL                  |
| 9/9/22  | Emails from/to CD/CC re CMC                       | 0.1          | GL                  |
| 9/12/22 | Email from CC re dispute                          | 0.1          | GL                  |
| 9/12/22 | Email from CC re notice                           | 0.1          | GL                  |
| 9/13/22 | Email from TPA re weekly report                   | 0.1          | GL                  |
| 9/13/22 | Emails form TPA re notice/dispute                 | 0.1          | GL                  |
| 9/19/22 | Email from CC re FA TPA Decl                      | 0.1          | GL                  |
| 9/19/22 | Email from TPA re CM                              | 0.1          | GL                  |
| 9/20/22 | Email from TPA re decl                            | 0.1          | GL                  |
| 9/20/22 | Email from TPA re status report                   | 0.1          | GL                  |
| 9/22/22 | Emails from JL re FAD + review                    | 0.2          | GL                  |
| 9/23/22 | Email from KB re Haines decl                      | 0.1          | GL                  |
| 9/23/22 | Emails f/t KB re lodestar + calc                  | 0.1          | GL                  |
| 9/23/22 | <u>Emails f/t SP/KB re costs/LS</u>               | <u>0.1</u>   | <u>GL</u>           |
|         | <b>GL TOTAL =</b>                                 | <b>67.3</b>  | <b>\$50,475.00</b>  |
|         | <b>KTB TOTAL =</b>                                | <b>209.9</b> | <b>\$163,842.00</b> |

## EXHIBIT 2

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11 Attorneys for Plaintiffs ROSA CANTU and  
12 SANDRA CHU

13 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
14 COUNTY OF LOS ANGELES  
15

16 ROSA CANTU AND SANDRA CHU,  
17 individually and on behalf of others similarly  
situated,

18 Plaintiffs,

19 vs.

20 PACIFIC BELL TELEPHONE COMPANY  
d/b/a AT&T CALIFORNIA, and Does 1 through  
21 100, inclusive,

22 Defendants.  
23  
24  
25  
26  
27  
28

Case No.: BC441237

CLASS ACTION [Code Civ. Proc. § 382]

REPRESENTATIVE ACTION  
[Labor Code § 2698, *et seq.*]

**DECLARATION OF RICHARD M. PEARL  
IN SUPPORT OF PLAINTIFFS' MOTION  
FOR FINAL APPROVAL OF CLASS  
ACTION SETTLEMENT AND AN AWARD  
OF REASONABLE ATTORNEYS' FEES  
AND COSTS**

Date: February 4, 2011  
Time: 9:00 a.m.  
Dept: 324  
Judge: Emilie H. Elias

1 I, Richard M. Pearl, declare:

2 1. I make this Declaration of my own personal knowledge, and if called to testify, I could  
3 and would testify competently to the matters stated herein.

4 A. Background

5 2. I am a member in good standing of the California State Bar. I am in private practice as  
6 the principal of my own law firm, the Law Offices of Richard M. Pearl. I specialize in issues related to  
7 court-awarded attorneys' fees, including the representation of parties in fee litigation and appeals,  
8 serving as an expert witness, and serving as a mediator and arbitrator in disputes concerning attorneys'  
9 fees and related issues. In this case, I have been asked by Plaintiffs' counsel to express my expert  
10 opinion regarding their claim for reasonable attorneys' fees.

11 3. Briefly summarized, my background is as follows: I am a 1969 graduate of Boalt Hall  
12 School of Law, University of California, Berkeley, California. After graduation, I spent fourteen years  
13 in federally-funded legal services programs before going into private practice in 1982. From 1977 to  
14 1982, I was Director of Litigation for California Rural Legal Assistance, Inc., a statewide legal services  
15 program with more than fifty attorneys. Since April 1987, I have been a sole practitioner in the San  
16 Francisco Bay Area. Martindale Hubbell rates my law firm "AV." I also have been selected as a  
17 Northern California "Super Lawyer" in Appellate Law for 2005, 2006, 2007, 2008, and 2010. A copy  
18 of my Resume is attached hereto as Exhibit A.

19 4. Since 1982, my practice has been a general civil litigation and appellate practice, with an  
20 emphasis on cases and appeals involving court-awarded attorneys' fees. I have lectured and written  
21 extensively on court-awarded attorneys' fees. I have been a member of the California State Bar's  
22 Attorneys Fees Task Force and have testified before the State Bar Board of Governors and the  
23 California Legislature on attorneys' fee issues. I am the author of California Attorney Fee Awards, (3d  
24 ed Cal. CEB 2010). I also was the author of California Attorney Fee Awards, 2d Ed. (Calif. Cont. Ed.  
25 of Bar 1994), and its 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007,  
26 and 2008 Supplements. This treatise has been cited by the California appellate courts on more than 35  
27 occasions. I also authored the 1984, 1985, 1987, 1988, 1990, 1991, 1992, and 1993 Supplements to its  
28 predecessor, CEB's California Attorney's Fees Award Practice. In addition, I authored a federal

1 manual on attorneys' fees entitled Attorneys' Fees: A Legal Services Practice Manual, published by the  
2 Legal Services Corporation. I also co-authored the chapter on "Attorney Fees" in Volume 2 of CEB's  
3 Wrongful Employment Termination Practice, 2d Ed. (1997).

4 5. More than 90% of my practice is devoted to issues involving court-awarded attorney's  
5 fees. I have been counsel in over 140 attorneys' fee applications in state and federal courts, primarily  
6 representing other attorneys. I also have briefed and argued more than 40 appeals, at least 25 of which  
7 have involved attorneys' fees issues. In the past ten or so years, I have successfully handled four cases  
8 in the California Supreme Court involving court-awarded attorneys' fees: (1) *Delaney v. Baker* (1999)  
9 20 Cal. 4th 23, which held that heightened remedies, including attorneys' fees, are available in suits  
10 against nursing homes under California's Elder Abuse Act; (2) *Ketchum v. Moses* (2001) 24 Cal. 4th  
11 1122, which held, inter alia, that contingent risk multipliers remain available under California attorney  
12 fee law, despite the United States Supreme Court's contrary ruling on federal law (note that in  
13 *Ketchum*, I was primary appellate counsel in the Court of Appeal and "second chair" in the Supreme  
14 Court); (3) *Flannery v. Prentice* (2001) 26 Cal. 4th 572, which held that in the absence of an agreement  
15 to the contrary, statutory attorneys' fees belong to the attorney whose services they are based upon; and  
16 (4) *Graham v. DaimlerChrysler Corp.* (2004) 34 Cal. 4th 553, which I handled, along with trial counsel,  
17 in both the Court of Appeal and Supreme Court. I also successfully represented the plaintiffs in a  
18 previous attorneys' fee decision in the Supreme Court, *Maria P. v. Riles* (1987) 43 Cal. 3d 1281, and  
19 represented amicus curiae, along with Richard Rothschild, in the Supreme Court's most recent fee  
20 decision, *Vasquez v. State of California* (2009) 45 Cal. 4th 243. I also have handled several Ninth  
21 Circuit attorneys' fees matters, including *Davis v. City & County of San Francisco* (9th Cir. 1992) 976  
22 F.2d 1536, *Mangold v. CPUC* (9th Cir. 1995) 67 F.3d 1470, *Velez v. Wynne* (9th Cir. 2007) 2007 U.S.  
23 App. LEXIS 2194, and *Camacho v. Bridgeport Financial, Inc.* (9th Cir. 2008) 523 F.3d 973. See  
24 Exhibit A.

25 **B. Plaintiffs' Counsel's Rates**

26 6. I have been asked by Plaintiffs' counsel to submit this declaration in support of  
27 Plaintiffs' Motion for Final Approval of Class Action Settlement and an Award of Reasonable  
28 Attorneys' Fees and Costs. I submit this declaration to provide the Court information concerning

1 hourly rates for attorneys in the San Francisco Bay Area, and in particular to provide information  
2 demonstrating that the hourly rates requested by Plaintiffs' counsel in this matter are within the range of  
3 market rates being charged in the San Francisco Bay Area and the San Diego market for similar  
4 services, i.e. handling and trying complex class actions on behalf of employees against large employers  
5 like Pacific Bell Telephone Company in this case.

6 7. I understand that Plaintiffs' counsel are requesting an award of attorneys' fees at the  
7 following rates:

8 a. Goldstein Demchak Baller Borgen & Dardarian, Oakland, CA

9

| Name                | Grad Year | Billing Rate |
|---------------------|-----------|--------------|
| Roberta L. Steele   | 1993      | \$600        |
| Laura L. Ho         | 1994      | \$600        |
| Joseph E. Jaramillo | 1995      | \$550        |
| Senior Paralegal    |           | \$195        |
| Paralegal           |           | \$150        |

10  
11  
12

13 b. GraceHollis LLP, San Diego, CA

14

| Name               | Grad Year | Billing Rate |
|--------------------|-----------|--------------|
| Graham S.P. Hollis | 1985      | \$600        |
| Marta Manus        | 2008      | \$375        |
| Senior Paralegal   |           | \$170        |

15  
16

17 8. Through my writing and practice, I have become familiar with the non-contingent  
18 market rates charged by attorneys in California and elsewhere. This familiarity has been obtained in  
19 several ways: (1) by handling attorneys' fee litigation; (2) by discussing fees with other attorneys;  
20 (3) by obtaining declarations regarding prevailing market rates in cases in which I represent attorneys  
21 seeking fees; and (4) by reviewing attorneys' fee applications and awards in other cases, as well as  
22 surveys and articles on attorney's fees in the legal newspapers and treatises.

23 9. The information I have gathered, some of which is summarized below, shows that the  
24 rates requested by Plaintiffs' counsel in this case are well in line with the non-contingent market rates  
25 charged by litigation attorneys of similar qualifications and experience in San Francisco, San Diego,  
26 and similar markets.

27 ///

28 ///

c. Rates found reasonable in other cases.

Set forth below are rates that were awarded by the courts in the following cases:

**2010 Rates**

(1) *Savaglio, et al. v. WalMart*, Alameda County Superior Court No. C-835687-7, Order Granting Class Counsel's Motion for Attorneys' Fees, filed September 10, 2010, a wage and hour class action, in which the court found the following hourly rates reasonable (before applying a 2.36 multiplier):

| Years of Experience | Rate        |
|---------------------|-------------|
| 51                  | \$875       |
| 39                  | \$750       |
| 38                  | \$600       |
| 33                  | \$775       |
| 25                  | \$550       |
| 23                  | \$650       |
| 21                  | \$625       |
| 19                  | \$610       |
| 18                  | \$600       |
| 17                  | \$585       |
| 16                  | \$570       |
| 15                  | \$560       |
| 14                  | \$550       |
| 13                  | \$525       |
| 12                  | \$515       |
| 11                  | \$510       |
| 10                  | \$505       |
| 9                   | \$500       |
| 7                   | \$460       |
| 4                   | \$435       |
| Law Clerks          | \$125-\$260 |

**2009 Rates**

(1) *Center for Biological Diversity v. California Fish & Game Commission, San Francisco Superior Court* No. CPF-08-508759, Order Granting Petitioners' Motion for Attorneys' Fees, filed December 1, 2009, in which the court found reasonable the following hourly rates:

| Years of Experience | Rate  |
|---------------------|-------|
| 25                  | \$650 |
| 8                   | \$375 |
| 4                   | \$250 |
| Law Clerks          | \$150 |

(2) *Kashmiri et al v. Regents of U.C.*, San Francisco Superior Court, Order Granting Plaintiffs' Motion for Common Fund Attorneys' Fees and Expenses, filed September 30, 2008, in which the court found the following rates reasonable, plus a 3.7 lodestar multiplier:

| Years of Experience | Rate  |
|---------------------|-------|
| 40                  | \$750 |
| 22                  | \$690 |
| 14                  | \$590 |
| 7                   | \$420 |
| 4                   | \$345 |
| 2                   | \$295 |
| Law Clerks          | \$200 |
| Paralegals          | \$195 |

(4) *Environmental Law Foundation v. Laidlaw Transit, Inc.*, San Francisco Superior Court No. CGC-06-451832, Order Granting Motion for Court Approval of Parties Joint Stipulated Judgment, filed September 22, 2008, in which the court found the following hourly rates reasonable in a Proposition 65 action, plus a 1.25 multiplier:

| Years of Experience | Rate        |
|---------------------|-------------|
| 29                  | \$750       |
| 26                  | \$700       |
| 24                  | \$700       |
| 23                  | \$650       |
| 18                  | \$650       |
| 16                  | \$625       |
| 14                  | \$600       |
| 10                  | \$560       |
| 9                   | \$495-\$575 |
| 8                   | \$475       |
| 7                   | \$450       |
| 6                   | \$395       |
| 4                   | \$325       |
| 2                   | \$300       |
| 1                   | \$250       |
| Paralegals          | \$145-\$175 |
| Interns             | \$125       |

(5) *Gardner v. Schwarzenegger*, Alameda County Superior Court No. RG06-278911, Order After Hearing filed April 20, 2009, aff'd by unpublished opinion, 2010 Cal. App. Unpub. LEXIS 1240, in which the court found the following 2008 rates reasonable, plus a 1.75 multiplier:

| Years of Experience | Rate  |
|---------------------|-------|
| 17                  | \$640 |
| 14                  | \$590 |
| 8                   | \$445 |
| Paralegal           | \$170 |

a. **Rate Information from Surveys and Other Cases.**

I have reviewed numerous declarations and depositions filed in other cases, as well as various surveys of legal rates. These include the Westlaw CourtExpress Legal Billing Reports for May, August, and December 2009 (attached hereto as Exhibit B). These sources show the hourly rates for litigation undertaken on a non-contingent basis by the following California law firms, listed in alphabetical order:

**Altshuler Berzon LLP**

**2009 Rates:**

| Years Experience | Rate  |
|------------------|-------|
| 32               | \$775 |
| 15               | \$625 |
| 8                | \$475 |
| Law Clerks       | \$200 |
| Paralegals       | \$195 |

**2007 Rates:**

| Years Experience | Rate        |
|------------------|-------------|
| 23               | \$700       |
| 15               | \$550       |
| 5                | \$325       |
| Paralegals       | \$155-\$190 |

**Cooley Godward Kronish LLP**

**2008 Rates:**

| Years Experience | Rate        |
|------------------|-------------|
| Partners         | \$525-\$980 |
| Associates       | \$285-\$570 |

**2007 Rates:**

| Years Experience | Rate                           |
|------------------|--------------------------------|
| Partners         | \$470-\$875<br>(average \$673) |
| Associates       | \$250-\$555<br>(average \$403) |

**Coughlin Stoia Geller Rudman & Robbins, LLP**

**2007 Rates:**

| Years Experience | Rate  |
|------------------|-------|
| 42               | \$700 |
| 19               | \$650 |
| 14               | \$650 |
| 14               | \$600 |
| 13               | \$585 |
| 11               | \$510 |
| 6                | \$460 |
| 5                | \$285 |

**Duane Morris LLP**

**2009 Rates:**

| Years Experience | Rate        |
|------------------|-------------|
| Partners         | \$325-\$795 |
| Associates       | \$225-\$450 |

**Epstein Becker & Green LLP**

**2009 Rates:**

| Years Experience | Rate        |
|------------------|-------------|
| Partners         | \$350-\$855 |
| Associates       | \$180-\$475 |

**Fenwick & West**

**2007 Rates:**

| Years Experience | Rate                           |
|------------------|--------------------------------|
| Partners         | \$500-\$775<br>(average \$590) |
| Associates       | \$245-\$500<br>(average \$370) |

**Hadsell Stormer**

**2009 Rates:**

| Years Experience | Rate  |
|------------------|-------|
| 35               | \$775 |
| 20               | \$575 |

**Howard, Rice, Nemerovski, Canady, Falk & Rabkin**

**2008 Rates:**

| Years Experience | Rate        |
|------------------|-------------|
| Partners         | \$515-\$795 |
| Associates       | \$275-\$510 |

**2007 Rates:**

| Years Experience | Rate        |
|------------------|-------------|
| Partners         | \$495-\$775 |
| Associates       | \$275-\$485 |

**Litt, Estuar, Harrison & Kitson, LLP**

**2009 Rates:**

| Years Experience | Rate        |
|------------------|-------------|
| 39               | \$800       |
| 16               | \$550       |
| 3                | \$320       |
| 2                | \$285       |
| Paralegals       | \$125-\$235 |
| Law Clerks       | \$225       |

**Loeb & Loeb**

**2009 Rates:**

| Years Experience | Rate        |
|------------------|-------------|
| Partners         | \$475-\$950 |
| Associates       | \$285-\$450 |

**2008 Rates:**

| Years Experience | Rate        |
|------------------|-------------|
| Partners         | \$450-\$925 |
| Associates       | \$260-\$500 |

**2007 Rates:**

| Years Experience | Rate                              |
|------------------|-----------------------------------|
| Partners         | \$475-\$875<br>(average<br>\$606) |
| Associates       | \$240-\$500<br>(average<br>\$400) |

**Manatt, Phelps & Philips**

**2009 Rates:**

| <b>Years Experience</b> | <b>Rate</b> |
|-------------------------|-------------|
| Partners                | \$495-\$850 |
| Associates              | \$250-\$505 |

**2008 Rates:**

| <b>Years Experience</b> | <b>Rate</b> |
|-------------------------|-------------|
| Partners                | \$495-\$850 |
| Associates              | \$290-\$505 |

**2007 Rates:**

| <b>Years Experience</b> | <b>Rate</b>                       |
|-------------------------|-----------------------------------|
| Partners                | \$520-\$785<br>(average<br>\$600) |
| Associates              | \$265-\$480<br>(average<br>\$395) |

**Morrison Foerster**

**2009 Rates:**

| <b>Years Experience</b> | <b>Rate</b> |
|-------------------------|-------------|
| 24                      | \$750       |

**2008 Rates:**

| <b>Years Experience</b> | <b>Rate</b>     |
|-------------------------|-----------------|
| 45                      | \$675           |
| 36                      | \$725           |
| 33                      | \$785           |
| 14                      | \$650           |
| 12                      | \$600           |
| 9                       | \$560           |
| 7                       | \$535           |
| 5                       | \$485           |
| 1                       | \$520           |
| Paralegals              | \$185-<br>\$230 |

2007 Rates:

| Years Experience | Rate  |
|------------------|-------|
| 44               | \$675 |
| 11               | \$550 |
| 8                | \$520 |
| 6                | \$475 |
| 3                | \$250 |

O'Melveny & Myers

2009 Rates:

| Years Experience | Rate        |
|------------------|-------------|
| 36-37            | \$860-\$950 |
| 21               | \$820       |
| 16-18            | \$700-\$710 |
| 14               | \$595-\$675 |
| 10               | \$590       |
| 8                | \$565       |
| 7                | \$540-\$565 |
| 5-6              | \$480-\$520 |
| 2-4              | \$395-450   |
| Paralegals       | \$225-310   |

Reed Smith

2008 Rates:

| Years Experience | Rate                           |
|------------------|--------------------------------|
| Partners         | \$375-\$900<br>(average \$626) |
| Associates       | \$235-\$580<br>(average \$423) |

2007 Rates:

| Years Experience | Rate                           |
|------------------|--------------------------------|
| Partners         | \$350-\$825<br>(average \$558) |
| Associates       | \$200-\$510<br>(average \$374) |

**Rudy, Exelrod & Zieff**

**2009 Rates:**

| Years Experience | Rate  |
|------------------|-------|
| Partners<br>31   | \$700 |
| Associates<br>3  | \$305 |

**2007 Rates:**

| Years Experience      | Rate           |
|-----------------------|----------------|
| Partners<br>29<br>12  | \$700<br>\$500 |
| Associates<br>10<br>8 | \$400<br>\$330 |
| Law Clerk             | \$200          |
| Paralegal             | \$150          |

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

**2009 Rates:**

| Years Experience | Rate  |
|------------------|-------|
| 33               | \$750 |
| 25               | \$625 |
| 24               | \$625 |
| 8                | \$375 |
| 6                | \$370 |
| Paralegals       | \$125 |

**Sheppard, Mullin, Richter & Hampton**

**2008 Rates:**

| Years Experience | Rate        |
|------------------|-------------|
| Partners         | \$475-\$795 |
| Associates       | \$275-\$455 |

**2007 Rates:**

| Years Experience | Rate        |
|------------------|-------------|
| Partners         | \$425-\$795 |
| Associates       | \$260-\$550 |

**Townsend and Townsend and Crew**

**2009 Rates:**

| <b>Years Experience</b> | <b>Rate</b> |
|-------------------------|-------------|
| Partners                | \$480-\$750 |
| Associates              | \$260-\$460 |

**Winston & Strawn**

**2009 Rates:**

| <b>Years Experience</b> | <b>Rate</b> |
|-------------------------|-------------|
| Partners                | \$400-\$995 |
| Associates              | \$210-\$670 |

10. The hourly rates set forth above pertain largely to law firms headquartered in the San Francisco Bay Area and Los Angeles. To the extent those law firms handle cases in other jurisdictions, like San Diego, they almost always charge the same rates that they do for litigation in the Bay Area. To the extent Plaintiffs' claim is based upon San Diego rates, however, I also am of the opinion that they are in line with the rates charged by lawyers of comparable skill, experience, and reputation for comparable work, *i.e.*, complex representative litigation in San Diego. I base that opinion on the following facts:

a. In a report filed with the California Public Utilities Commission (attached as Exhibit C), the San Diego Gas & Electric Co. reported that in 2003, it hired outside counsel at rates of from \$477-625 per hour for partners with 13 or more years experience, \$435 per hour for partners with 8-12 years of practice, and \$239-425 per hour for associate attorneys with up to 7 years of practice. Hourly rates have increased significantly since then.

b. San Diego law firm Luce, Forward, Hamilton & Scripps reports that in 2010, its partner rates ranged from \$350 to \$670 per hour, and its associate rates ranged from \$245 to \$445 per hour. In 2009, its partner rates ranged from \$360 to \$650 per hour, and its associate rates ranged from \$240 to \$540 per hour.

11. My research regarding attorneys' fees in California has indicated a consistent increase in fees over the last several years. Most firms increased their rates over these periods. Consistent with this market, I raised my rates in 2009 and 2010, and will raise it again in 2011, to reflect both the

1 demand for my services and inflation in costs and legal rates; my rate is still significantly less than  
2 many attorneys with comparable experience, expertise, and skills at other firms.

3 12. The hourly rates set forth above are those charged where full payment is expected  
4 promptly upon the rendition of the billing and without consideration of factors other than hours and  
5 rates. If any substantial part of the payment were to be deferred for any substantial period of time, for  
6 example, or if payment were to be contingent upon outcome or any other factor, the fee arrangement  
7 would be adjusted accordingly to compensate the attorneys for those factors.

8 13. In my experience, fee awards are almost always determined based on current rates, i.e.,  
9 the attorney's rate at the time a motion for fees is made, rather than the historical rate at the time the  
10 work was performed. This is a common and accepted practice to compensate attorneys for the delay in  
11 being paid.

12 **C. Plaintiffs' Counsel's Requested Percentage Fee**

13 14. I understand that Plaintiffs request an award of fees under the common fund doctrine as a  
14 percentage of the fund recovered in this litigation sufficient to provide them with a reasonable fee. This  
15 is an appropriate request because this is a fully-paid, non-reversionary settlement in which the value of  
16 the class recovery is fully monetized at \$2,000,000, inclusive of fees, expenses, and settlement  
17 administration costs. Under these circumstances, courts award fees as percentages of the common fund  
18 where they are in line with the range of fees freely negotiated in the legal marketplace in comparable  
19 litigation.

20 15. Based on the information I have gathered and my own experience and expertise, it is my  
21 opinion that the 33 1/3% common fund fee recovery requested by Class Counsel is, in the  
22 circumstances of this case, reasonable and consistent with awards approved by other California state  
23 courts reviewing class action settlements, based on the factors discussed below.

24 16. My opinion is based in part on the fact that, as a common fund case with the fund  
25 consisting of \$2 million, Plaintiffs' claimed fee of 33 1/3% is entirely consistent with the legal  
26 marketplace for attorneys' services in contingency fee cases involving similar financial recoveries. In  
27 the course of my practice, I have become familiar with the contingency fee percentages charged by law  
28 firms to sophisticated institutional clients in large damage cases. Based on that knowledge and my

1 experience in the attorneys' fees field generally, it is my opinion that if competent and experienced  
2 attorneys and a sophisticated client were to negotiate a contingency fee agreement under the  
3 circumstances where (a) a high risk, complex case was being contemplated, (b) it is anticipated that the  
4 opposition would be vigorous, and (c) the attorneys would not be paid unless and until they were able to  
5 obtain significant relief for the client, the sophisticated client would be more than willing to enter into a  
6 retainer agreement under which the client would pay only the litigation out-of-pocket costs, and the  
7 attorneys could reasonably expect to recover 5% to 35% of the total value of any recovery as fees.

8 17. An award of 33 1/3% of the common fund requested by Class Counsel here is consistent  
9 with legal marketplace for attorneys' services in contingency fee cases because of (a) the high risk  
10 involved in litigating an incentive compensation plan case on behalf of nearly 100 California  
11 employees; (b) the vigorous defense presented by the large defense firm that represents Defendant here;  
12 (c) the relatively small size of the common fund, which weighs toward a higher percentage; and (d) the  
13 fact that here, unlike in the paradigm market practices situation described in the previous paragraph,  
14 Class Counsel were obligated to advance the substantial litigation costs on a contingent basis with risk  
15 of delay in repayment as well as possible non-repayment, and to represent Plaintiffs through appeal of  
16 any judgment in this case. This award would also be appropriate to encourage settlement, reward  
17 counsel for maximizing their clients' recoveries, and promote the private enforcement of the wage and  
18 hour laws Plaintiffs allege were violated.

19 **D. Plaintiffs' Counsel's Lodestar Multiplier**

20 18. Courts often cross-check a percentage-based fee against a lodestar based fee to determine  
21 if it is reasonable. I understand that Plaintiffs' lodestar here is \$332,383.88 on non-fees work. The  
22 \$666,667 fee award requested represents a 2 multiplier on the non-fees lodestar.

23 19. The expense and risk of public interest litigation has not diminished over the years; to  
24 the contrary, these cases are in many ways more difficult than ever. As a result, fewer and fewer  
25 attorneys and firms are willing to take on such litigation, and the few who are willing to do so can only  
26 continue if their fee awards reflect true market value. Attorneys who litigate on a wholly or partially  
27 contingent basis expect to receive significantly higher effective hourly rates in cases where  
28 compensation is contingent on success. As the case law recognizes, this does not result in any

1 "windfall" or undue "bonus." In the legal marketplace, a lawyer who assumes a significant financial  
2 risk on behalf of a client rightfully expects that his or her compensation will be significantly greater  
3 than if no risk was involved (i.e., if the client paid the bill on a monthly basis), and that the greater the  
4 risk, the greater the "enhancement." Adjusting court-awarded fees upward in contingent fee cases to  
5 reflect the risk of recovering no compensation whatsoever for hundreds of hours of labor simply makes  
6 them competitive in the legal marketplace, helping to ensure that meritorious cases will be brought to  
7 enforce important public interest policies and that clients who have meritorious claims will be more  
8 likely to obtain qualified counsel.

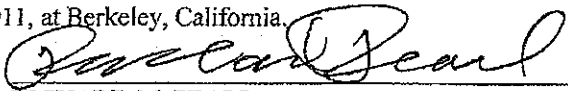
9 20. In my experience, lodestar multipliers of 2 to 4 are typical for class actions such as this  
10 case. Plaintiffs' requested fee falls well within this range.

11 **E. Plaintiffs' Counsel's Out-of-Pocket Expenses.**

12 21. I have reviewed the billing practices of hundreds of attorneys in California. Based on  
13 my experience and knowledge of these billing practices, I am aware that it is a common practice for  
14 firms to bill their clients for out-of-pocket expenses incurred in litigation on a monthly basis as they are  
15 incurred. Such expenses include, but are not limited to, charges incurred for copying, long-distance  
16 telephone calls, postage, messengers, travel, deposition and hearing transcripts, legal and non-legal  
17 computer research services, mediation services, and expert witnesses. I am informed that Plaintiffs  
18 expended \$16,258.08 in out-of-pocket litigation expenses in this case, including \$8,000 for the services  
19 of an experienced and skilled mediator, David Rotman, who brokered the settlement in this case. Based  
20 on my knowledge and experience of such costs and billing practices, it is my opinion that these  
21 expenses are reasonable given the complex nature of this case.

22 If called as a witness, I could and would competently testify from my personal knowledge to the  
23 facts stated herein. I declare under penalty of perjury under the laws of the state of California the  
24 foregoing is true and correct.

25 Executed this 4th day of January, 2011, at Berkeley, California.

26   
27 RICHARD M. PEARL

## EXHIBIT 3

# Disbursement Detail

Printed: 09/14/2022

Firm Firm not entered  
CaseID 20.009  
Style Ferrufino, Veronica vs. FAMILY HEALTHCARE NETWORK

## COURT COSTS

| <u>Payee/Description</u> | <u>Description</u> | <u>Check No.</u> | <u>Check Date</u> | <u>Amount</u> |
|--------------------------|--------------------|------------------|-------------------|---------------|
| Courtcall                | Courtcall          | 10914410         | 10/26/2020        | 94.00         |
| Courtcall                | Courtcall          | 10923368         | 10/26/2020        | 94.00         |
|                          |                    |                  |                   | <b>188.00</b> |

## FILING FEES

| <u>Payee/Description</u> | <u>Description</u> | <u>Check No.</u> | <u>Check Date</u> | <u>Amount</u>   |
|--------------------------|--------------------|------------------|-------------------|-----------------|
| LWDA                     | Filing             | 6986             | 07/21/2020        | 75.00           |
| Janney & Janney          | Filing             | 3725841          | 07/30/2020        | 1,630.00        |
| Allstar Atty Service     | Filing             | 70994            | 08/06/2020        | 200.00          |
| Janney & Janney          | Filing             | 3928611-02       | 10/27/2020        | 30.00           |
| Janney & Janney          | Filing             | 3928611-01       | 10/27/2020        | 125.00          |
| Janney & Janney          | Filing             | 4037566-02       | 11/21/2020        | 20.00           |
| Janney & Janney          | Filing             | 4050225-02       | 11/25/2020        | 30.00           |
| Janney & Janney          | Filing             | 4037566-01       | 12/02/2020        | 80.00           |
| Janney & Janney          | Filing             | 4037573-01       | 12/02/2020        | 80.00           |
| Janney & Janney          | Filing             | 4050272-01       | 12/08/2020        | 200.00          |
| Janney & Janney          | Filing             | 4050225-01       | 12/11/2020        | 140.00          |
| Janney & Janney          | Filing             | 4050219-01       | 12/14/2020        | 140.00          |
| Janney & Janney          | Filing             | 5006488-02       | 10/05/2021        | 20.00           |
| Janney & Janney          | Filing             | 5006488-01       | 10/05/2021        | 95.00           |
| Janney & Janney          | Filing             | 5367916-02       | 01/12/2022        | 38.00           |
| Janney & Janney          | Filing             | 5386506-01       | 01/13/2022        | 90.00           |
| Janney & Janney          | Filing             | 5386506-02       | 01/13/2022        | 20.00           |
| Janney & Janney          | Filing             | 5367916-01       | 01/14/2022        | 328.00          |
| Janney & Janney          | Filing             | 5552781-01       | 02/20/2022        | 275.00          |
| Janney & Janney          | Filing             | 5559300-01       | 02/23/2022        | 155.50          |
| Janney & Janney          | Filing             | 5559300-02       | 02/23/2022        | 30.50           |
| Janney & Janney          | Filing             | 5552781-02       | 02/24/2022        | 65.00           |
| Janney & Janney          | Filing             | 5901917-02       | 05/17/2022        | 30.00           |
| Janney & Janney          | Filing             | 5901917-01       | 05/17/2022        | 200.00          |
| Janney & Janney          | Filing             | 6407677          | 09/08/2022        | 62.95           |
| Janney & Janney          | Filing             | 6403378-01       | 09/08/2022        | 40.00           |
| Janney & Janney          | Filing             | 6403327-01       | 09/12/2022        | 200.00          |
| Janney & Janney          | Filing             | 6403327-02       | 09/12/2022        | 30.00           |
| Final Approval           | Filing             | 20220929         | 09/29/2022        | 105.00          |
|                          |                    |                  |                   | <b>4,534.95</b> |

## EXPERT FEES

| <u>Payee/Description</u> | <u>Description</u> | <u>Check No.</u> | <u>Check Date</u> | <u>Amount</u> |
|--------------------------|--------------------|------------------|-------------------|---------------|
| Berger Consulting Group  | Expert             | 3304             | 07/25/2020        | 168.75        |
|                          |                    |                  |                   | <b>168.75</b> |

## COSTS

| <u>Payee/Description</u> | <u>Description</u> | <u>Check No.</u> | <u>Check Date</u> | <u>Amount</u> |
|--------------------------|--------------------|------------------|-------------------|---------------|
| Photocopy/Scan           | Photocopy/Scan     | 20200727         | 07/27/2020        | 80.00         |
| Postage                  | Postage            | 20201125         | 11/25/2020        | 53.50         |
| Photocopy/Scan           | Photocopy/Scan     | 20210104         | 01/04/2021        | 80.00         |
| Photocopy/Scan           | Photocopy/Scan     | 20220106         | 01/06/2022        | 80.00         |

## Disbursement Detail

Printed: 09/14/2022

Firm

Firm not entered

CaseID

20.009

Style

Ferrufino, Veronica vs. FAMILY HEALTHCARE NETWORK

**TOTAL:**

**293.50**

**5,185.20**