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AKILA DAVENPORT, and PEARL PALACIOS
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10 **SUPERIOR COURT OF CALIFORNIA**
11 **IN AND FOR THE COUNTY OF LOS ANGELES**
12

13 CHRISTIAN SOLIS, RENE A. SORTO,
14 AKILA DAVENPORT, PEARL
PALACIOS, CHRISTIAN FERNANDEZ,
15 and RYAN CROWE, as individuals and on
behalf of all others similarly situated,

16 Plaintiffs,

17 v.

18 WORLDWIDE FLIGHT SERVICES,
19 INC., a Delaware corporation; and DOES
1-100, inclusive,

20 Defendants.
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Case No.: 22STCV04332

Assigned for All Purposes to: Hon. Timothy
Patrick Dillon Dept. SSC-15

**DECLARATION OF MICHAEL
NOURMAND IN SUPPORT OF MOTION
FOR FINAL APPROVAL OF CLASS
ACTION AND PAGA SETTLEMENT**

Date: September 10, 2026
Time: 10:00 a.m.
Dept.: SSC-15

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1 3. My associate James A. De Sario graduated from UCI with a B.A. in Political
2 Science in 1998. Thereafter he attended University of West Los Angeles School of Law and
3 graduated in 2006. Mr. De Sario became a member of the California State Bar in March 2009. In
4 February 2009 Mr. De Sario became an associate at Kokozian & Nourmand LLP and thereafter in
5 June 2010 Mr. De Sario became a senior associate at The Nourmand Law Firm, APC. Mr. De
6 Sario exclusively represented employees in the area of employment law, wage and hour litigation
7 on an individual and class wide basis. Mr. De Sario is admitted to practice in all state courts in
8 California, the United States District Courts of California - Central District, Southern District,
9 Eastern District, Northern District and Ninth Circuit Court of Appeal. Mr. De Sario is also an
10 active member of the California Employment Lawyer's Association ("CELA"). Mr. De Sario
11 recently was named as a Super Lawyer.

12 4. Class Counsel are respected members of the California Bar with strong records of
13 vigorous and effective advocacy of their clients, and they are experienced in handling complex
14 class action litigation. Both Class Counsel and Plaintiffs were prepared to litigate the claims in
15 this action, but they strongly and unequivocally support the proposed settlement as being in the
16 best interest of the settlement class based on the circumstances referenced herein. Class Counsel
17 are experienced in wage and hour class action litigation. The Nourmand Law Firm, APC is acting
18 as lead counsel in at least twenty other wage and hour class actions. Class Counsel has been
19 appointed class counsel on several wage and hour class actions and one FACTA class action.
20 Thus, Class Counsel is sufficiently experienced and qualified to evaluate the Class Members'
21 claims and viability of Defendant's defenses.

22 5. In the opinion of Class Counsel, the recovery for each class member is well within
23 the acceptable range for this type of action. This settlement is also favorable given that settlement
24 class will promptly receive compensation rather than facing uncertainties inherent in further
25 litigation and waiting for years for this action to be tried. It is also telling that the settlement class
26 have overwhelmingly supported the settlement on the terms set forth in the Settlement Agreement.
27 Based on all considerations, this settlement is highly favorable and is in the best interests of the
28 settlement class.

1 **The Requested Attorneys' Fees and Costs are Fair, Reasonable, and Appropriate**

2 6. Class Counsels' application for an award of attorneys' fees in an amount of one-
3 third of the settlement value created on behalf of the settlement class is reasonable and fair. The
4 requested fee falls on the lower end of the Ninth Circuit's historical benchmark for attorneys' fees
5 of 20% to 50% of a common fund and is fair compensation for undertaking complex, risky,
6 expensive, and time-consuming litigation on a contingent basis.

7 7. For Class Counsel, the fees here were wholly contingent in nature and the case
8 presented far more risk than the usual contingent fee case. There was the prospect of the enormous
9 cost inherent in class action litigation, as well as a long battle with corporate Defendant. That
10 prospect has previously become reality, in both trial courts and the Court of Appeal in other wage
11 and hour class litigation. Class Counsel risked not only a great deal of time, but also a great deal
12 of expense to ensure the successful litigation of this action on behalf of all Class Members.

13 8. The Nourmand Law Firm, APC will have worked approximately 340 hours on this
14 case. The hourly rate for The Nourmand Law Firm, APC in this case for Michael Nourmand is
15 \$975 per hour; James A. De Sario is \$675 per hour; Paralegal is \$150 per hour; and Legal
16 Assistant \$100 per hour. At this hourly rate, this results in a total lodestar amount of \$255,450
17 ($196 \times \$975 = \$191,100$; $84 \times \$675 = \$56,700$; $33 \times \$150 = \$4,950$; and $27 \times \$100 = \$2,700$).

18 9. A survey conducted by the National Law Journal for the year 2002 provides a
19 sample of a billing rate for California Lawyers. In that survey, six California firms provided their
20 hourly billing rates. Of those six firms, five regularly charge in excess of \$500.00 per hour for
21 their partners. In fact, four of the firms charge as high as \$600.00, \$620.00, \$650.00, and up to
22 \$850.00 per hour. These firms are located in Orange County, Los Angeles County, San Francisco
23 County and San Diego County and are the types of firms that Plaintiffs' counsel regularly opposes
24 in these class action cases. A true and correct copy of the National Law Journal Survey is attached
25 hereto as Exhibit "1." The only difference is that these defense attorneys are paid on a monthly
26 basis and do not have to advance any costs on a case.

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1 10. Finally, I attach the Declaration of Richard Pearl in support of the Motion for Final
2 Approval in the case of *Rosa Cantu, et al v. Pacific Bell Telephone Company*, Case No.
3 BC441237, dated January 4, 2011. A true and correct copy of the Declaration Richard Pearl is
4 attached hereto as Exhibit "2." Mr. Pearl specializes in issues related to cost-award attorney's
5 fees, including the representation of parties in fee litigation and appeals, serving as an expert
6 witness, mediator and arbitrator in disputes concerning attorney's fees and related issues. Mr.
7 Pearl is also the author of California Attorney's Fee Awards (3d ed Cal. CEB 2010), as well as the
8 author of the Second Edition, years 1994 through 2008. He has also authored numerous other
9 publications on attorney's fees, as set forth in his Declaration. (*Id.* at ¶¶4-5).

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

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

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

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13. The following are the itemized litigation costs incurred by The Nourmand Law Firm, APC for the above-referenced matter:

(1)	Filing Fees	\$ 1,945.00
(2)	Photocopies (565 x .20)	\$ 113.00
(3)	e-Filing Fee	\$ 317.34
(5)	Process Service	\$ 145.00
(6)	Electronic Service	\$ 412.20
(7)	Parking	\$ 22.00
(8)	Mediation	\$ 6,375.00
(9)	Postage	<u>\$ 55.85</u>
	Total	\$ 9,385.69

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct this 12th day of August 2026, at Beverly Hills, California.

/s/ Michael Nourmand
Michael Nourmand

EXHIBIT “1”



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A Firm-by-Firm Sampling of Billing Rates Nationwide

The *National Law Journal* asked the respondents to its 2002 survey of the nation's 250 largest law firms to provide hourly billing rate information for partners and associates firmwide. The firms that supply information -- including some firms that are not in the NLJ 250 -- are listed below in alphabetical order. The number after a firm's name indicates the total number of attorneys at that firm. The city listed before the name of a firm is the location of the firm's principal office or largest office.

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

A B C D

Akin, Gump, Strauss, Hauer & Feld (1,017)
(Washington, D.C.)
Partners \$350-\$600
Associates \$170-\$330

Alston & Bird (674)
(Atlanta)
Partners \$330-\$575
Associates \$170-\$500

Altheimer & Gray (361)
(Chicago)
Partners \$220-\$525
Associates \$115-\$360

Andrews & Kurth (375)
(Houston)
Partners \$310-\$595
Associates \$170-\$400

Arent Fox Kintner Plotkin & Kahn (249)
(Washington, D.C.)
Partners \$315-\$560
Associates \$165-\$360

Armstrong Teasdale (230)
(St. Louis)
Partners \$210-\$310
Associates \$105-\$240

Arter & Hadden (273)
(Cleveland)
Partners \$215-\$450
Associates \$150-\$285

Baker, Donelson, Bearman & Caldwell (240)
(Memphis, Tenn.)
Partners \$175-\$480
Associates \$110-\$275

Ballard Spahr Andrews & Ingersoll (441)
(Philadelphia)

Kelley Drye & Warren (350)
(New York)
Partners \$300-\$590
Associates \$180-\$375

Kramer Levin Nattali & Frankel (295)
(New York)
Partners \$440-\$625
Associates \$210-\$440

L M N

Lane Powell Spears Lubersky (175)
(Seattle)
Partners \$225-\$380
Associates \$175-\$260

Lewis, Rice & Fingersh (170)
(St. Louis)
Partners \$160-\$355
Associates \$110-\$270

Little Mendelson (395)
(San Francisco)
Partners \$220-\$440
Associates \$135-\$350

Locke Liddell & Sapp (408)
(Houston)
Partners \$300-\$595
Associates \$150-\$340

Loeb & Loeb (175)
(Los Angeles)
Partners \$350-\$650
Associates \$185-\$325

Lord, Bissell & Brook (325)
(Chicago)
Partners \$165-\$510
Associates \$140-\$285

Lowenstein Sandler (193)
(Roseland, N.J.)

Partners \$240-\$525
Associates \$145-\$300

Bell, Boyd & Lloyd (226)
(Chicago)
Partners \$250-\$550
Associates \$200-\$275

Blackwell Sanders Paper Martin (301)
(Kansas City, Mo.)
Partners \$165-\$410
Associates \$110-\$210

Blank Rome Comisky & McCauley (398)
(Philadelphia)
Partners \$285-\$565
Associates \$175-\$360

Boult, Cummings, Connors & Barry (89)
(Nashville, Tenn.)
Partners \$185-\$375
Associates \$138-\$235

Bracewell & Patterson (362)
(Houston)
Partners \$210-\$600
Associates \$125-\$325

Bradley, Arant, Rose & White (181)
(Birmingham, Ala.)
Partners \$205-\$365
Associates \$150-\$275

Brinks Hofer Gilson & Lione (138)
(Chicago)
Partners \$295-\$500
Associates \$165-\$290

Bryan Cave (841)
(St. Louis)
Partners \$225-\$720
Associates \$135-\$410

Buchalter, Nemer, Fields & Younger (137)
(Los Angeles)
Partners \$310-\$450
Associates \$160-\$350

Duchanan Ingerson (382)
(Pittsburgh)
Partners \$225-\$720
Associates \$135-\$360

Buckingham Doolittle & Burroughs (135)
(Akron, Ohio)
Partners \$205-\$360
Associates \$135-\$260

Burns, Deane, Swicker & Mathis (97)
(Alexandria, Va.)
Partners \$300-\$550
Associates \$175-\$300

Burr & Forman (169)
(Birmingham, Ala.)
Partners \$205-\$365
Associates \$140-\$225

Butzel Long (204)
(Detroit)
Partners \$205-\$380
Associates \$135-\$215

Partners \$285-\$525
Associates \$140-\$295

Lugo, Forward, Hamilton & Scripps (202)
(San Diego)
Partners \$310-\$500
Associates \$150-\$300

Manatt, Phelps & Phillips (244)
(Los Angeles)
Partners \$375-\$600
Associates \$200-\$355

Marshall, Donnelly, Warner, Coleman & Goggin
(288)
(Philadelphia)
Partners \$130-\$255
Associates \$115-\$180

Mathews and Branscomb (51)
(San Antonio)
Partners \$175-\$325
Associates \$125-\$195

McCarter & English (270)
(Newark, N.J.)
Partners \$250-\$495
Associates \$140-\$285

McGuire Woods (550)
(Richmond, Va.)
Partners \$210-\$575
Associates \$85-\$325

Michael Best & Friedrich (349)
(Milwaukee)
Partners \$180-\$425
Associates \$180-\$240

Miller, Canfield, Paddock and Stone (301)
(Detroit)
Partners \$220-\$475
Associates \$125-\$230

Miller & Chevalier (123)
(Washington, D.C.)
Partners \$320-\$650
Associates \$175-\$340

Miller Nash (140)
(Portland, Ore.)
Partners \$210-\$350
Associates \$125-\$225

Nelson Mullins Riley & Scarborough (282)
(Columbia, S.C.)
Partners \$200-\$390
Associates \$145-\$270

Nutter, McClennen & Fish (170)
(Boston)
Partners \$330-\$480
Associates \$175-\$300

O - R

Obermayer Robmann Maxwell & Hippel (110)
(Philadelphia)
Partners \$300-\$475
Associates \$145-\$325

Ogletree, Deakins, Nash, Smoak & Stewart
(162)

Cades Schutte Fleming & Wright (59)
(Honolulu)
Partners \$185-\$325
Associates \$135-\$205

Carlton Fields (211)
(Tampa, Fla.)
Partners \$230-\$400
Associates \$130-\$270

Casa Bigelow & Lombardi (20)
(Honolulu)
Partners \$210-\$340
Associates \$125-\$210

Chouteau, Hall & Stewart (159)
(Boston)
Partners \$375-\$575
Associates \$195-\$345

Cooley Godward (560)
(Palo Alto, Calif.)
Partners \$330-\$600
Associates \$190-\$425

Covington & Burling (322)
(Washington, D.C.)
Partners \$325-\$600
Associates \$160-\$390

Cazen O'Connor (440)
(Philadelphia)
Partners \$185-\$450
Associates \$120-\$325

Crosby, Hascy, Roach & May (237)
(Oakland, Calif.)
Partners \$234-\$454
Associates \$170-\$320

Cummings & Lockwood (171)
(Stamford, Conn.)
Partners \$250-\$450
Associates \$155-\$290

Curtis, Malter-Prevost, Colt & Mosie (168)
(New York)
Partners \$420-\$625
Associates \$180-\$435

Davis Graham & Stubbs (97)
(Denver)
Partners \$200-\$425
Associates \$125-\$210

Davis Wright Tremaine (389)
(Seattle)
Partners \$225-\$525
Associates \$130-\$270

Day, Berry & Howard (231)
(Hartford, Conn.)
Partners \$275-\$450
Associates \$160-\$330

Dickinson Wright (200)
(Detroit)
Partners \$215-\$410
Associates \$130-\$210

Dickstein Shapiro Morin & Oshinsky (311)
(Washington, D.C.)
Partners \$350-\$550

(Atlanta)
Partners \$200-\$460
Associates \$170-\$265

Oppenheimer Wolff & Donnelly (246)
(Minneapolis)
Partners \$225-\$500
Associates \$125-\$375

Patton Boggs (386)
(Washington, D.C.)
Partners \$235-\$700
Associates \$180-\$315

Pennie & Edmonds (233)
(New York)
Partners \$365-\$500
Associates \$190-\$360

Pepper Hamilton (389)
(Philadelphia)
Partners \$245-\$525
Associates \$150-\$295

Perkins Cole (585)
(Seattle)
Partners \$160-\$650
Associates \$135-\$415

Phelps Dunbar (293)
(New Orleans)
Partners \$145-\$300
Associates \$110-\$175

Phillips, Lytle, Hitchcock, Blaine & Huber (171)
(Buffalo, N.Y.)
Partners \$185-\$350
Associates \$105-\$265

Piper Rudnick (794)
(Chicago)
Partners \$295-\$615
Associates \$140-\$405

Pitney, Hardin, Kipp & Szuch (195)
(Morristown, N.J.)
Partners \$280-\$450
Associates \$155-\$290

Powell, Goldstein, Frazer & Murphy (290)
(Atlanta)
Partners \$265-\$515
Associates \$160-\$300

Proton Gates & Ellis (386)
(Seattle)
Partners \$180-\$500
Associates \$120-\$410

Reed Smith (739)
(Pittsburgh)
Partners \$240-\$620
Associates \$100-\$415

Robinson & Cole (202)
(Hartford, Conn.)
Partners \$260-\$500
Associates \$150-\$300

Ross & Hardies (101)
(Chicago)
Partners \$260-\$465
Associates \$160-\$290

Associates \$180-\$340

Plasmore & Shohl (254)
(Cincinnati)
Partners \$190-\$345
Associates \$125-\$235

Dow, Lohnes & Albertson (147)
(Washington, D.C.)
Partners \$310-\$600
Associates \$160-\$335

Drinker Biddle & Reath (433)
(Philadelphia)
Partners \$280-\$450
Associates \$145-\$275

Duane Morris (492)
(Philadelphia)
Partners \$174.86-\$523.47
Associates \$146.97-\$394.36

Dykema Gossett (252)
(Detroit)
Partners \$210-\$380
Associates \$140-\$240

E F G

Eckert Seamans Cherin & Mellott (193)
(Pittsburgh)
Partners \$220-\$425
Associates \$135-\$240

Edwards & Angell (290)
(Boston)
Partners \$300-\$550
Associates \$140-\$300

Epstein Becker & Green (333)
(New York)
Partners \$220-\$540
Associates \$150-\$350

Fish & Richardson (279)
(Boston)
Partners \$350-\$500
Associates \$185-\$360

Foster Pepper & Shofelman (106)
(Seattle)
Partners \$225-\$400
Associates \$190-\$250

Foulston Sletkin (73)
(Wichita, Kan.)
Partners \$145-\$300
Associates \$100-\$155

Fowler White Boggess Banker (180)
(Tampa, Fla.)
Partners \$175-\$350
Associates \$125-\$225

Gardere Wynne Sewell (288)
(Dallas)
Partners \$250-\$550
Associates \$130-\$320

Gibbons, Del Deo, Dolan, Griffinger & Vecchione (260)
(Newark, N.J.)
Partners \$235-\$600
Associates \$145-\$265

Rutan & Tucker (123)
(Costa Mesa, Calif.)
Partners \$250-\$425
Associates \$165-\$275

S - W

Saul Ewing (228)
(Philadelphia)
Partners \$250-\$475
Associates \$145-\$265

Schnader Harrison Segal & Lewis (301)
(Philadelphia)
Partners \$220-\$465
Associates \$135-\$285
Soyfarth Shaw (505)
(Chicago)
Partners \$260-\$600
Associates \$160-\$265

Shaw Pittman (407)
(Washington, D.C.)
Partners \$315-\$576
Associates \$170-\$325

Sheppard, Mullin, Richter & Hampton (336)
(Los Angeles)
Partners \$305-\$525
Associates \$170-\$295

Shipman & Goodwin (237)
(Hartford, Conn.)
Partners \$235-\$360
Associates \$140-\$230

Sills Cummie Radin Tischman Epstein & Gross
(155)
(Newark, N.J.)
Partners \$290-\$500
Associates \$125-\$290

Smith, Gambrell & Russell (177)
(Atlanta)
Partners \$185-\$465
Associates \$130-\$350

Steel Hector & Davis (195)
(Miami)
Partners \$240-\$600
Associates \$175-\$280

Stites & Harrison (213)
(Louisville, Ky.)
Partners \$175-\$325
Associates \$105-\$190

Stool Rives (364)
(Portland, Ore.)
Partners \$210-\$400
Associates \$140-\$340

Stradley Ronon Stevens & Young (145)
(Philadelphia)
Partners \$200-\$465
Associates \$140-\$250

Strasburger & Price (224)
(Dallas)
Partners \$190-\$450
Associates \$155-\$250

Suprune Mien (94)

Gray Cary Ware & Freidenrich (402)
(Palo Alto, Calif.)
Partners \$310-\$620
Associates \$195-\$345

Greenbaum Doll & McDonald (172)
(Louisville, Ky.)
Partners \$190-\$365
Associates \$130-\$205

Greenberg Glusker (104)
(Los Angeles)
Partners \$325-\$850
Associates \$210-\$325

Greenberg Traurig (878)
(Miami)
Partners \$250-\$800
Associates \$150-\$375

H - K

Haigh & Brown & Bonestell (91)
(Los Angeles)
Partners \$200-\$300
Associates \$115-\$175

Hale and Dorr (480)
(Boston)
Partners \$350-\$675
Associates \$230-\$395

Haynes and Boone (468)
(Dallas)
Partners \$265-\$500
Associates \$125-\$330

Hodgson Russ (189)
(Buffalo, N.Y.)
Partners \$200-\$475
Associates \$110-\$320

Hogan & Hartson (937)
(Washington, D.C.)
Partners \$230-\$750
Associates \$90-\$405

Holland & Knight (1,273)
(Washington, D.C.)
Partners \$200-\$575
Associates \$145-\$365

Holme Roberts & Owen (188)
(Denver)
Partners \$215-\$525
Associates \$145-\$275

Hughes Hubbard & Reed (282)
(New York)
Partners \$375-\$625
Associates \$175-\$415

Husch & Eppenhoefer (278)
(St. Louis)
Partners \$160-\$340
Associates \$115-\$185

Jackson Lewis (351)
(White Plains, N.Y.)
Partners \$245-\$450
Associates \$150-\$350

(Washington, D.C.)
Partners \$300-\$450
Associates \$200-\$350

Sutherland Asbill & Brennan (356)
(Atlanta)
Partners \$275-\$545
Associates \$160-\$280

Swidler Berlin Sheroff Friedman (298)
(Washington, D.C.)
Partners \$310-\$590
Associates \$170-\$380

Thelen Reid & Priest (440)
(New York)
Partners \$315-\$575
Associates \$165-\$390

Thompson Coburn (200)
(St. Louis)
Partners \$190-\$400
Associates \$105-\$220

Thompson & Knight (333)
(Dallas)
Partners \$260-\$475
Associates \$135-\$250

Thorp Reed & Armstrong (103)
(Pittsburgh)
Partners \$210-\$390
Associates \$175-\$230

Townsend and Townsend and Crew (151)
(San Francisco)
Partners \$415-\$525
Associates \$265-\$355

Vedder, Price, Kaufman & Kammholz (213)
(Chicago)
Partners \$270-\$495
Associates \$165-\$290

Venable (448)
(Baltimore)
Partners \$250-\$670
Associates \$165-\$310

Vorys, Sater, Seymour and Pease (353)
(Columbus, Ohio)
Partners \$235-\$400
Associates \$125-\$250

Wiley, Rein & Fielding (221)
(Washington, D.C.)
Partners \$300-\$525
Associates \$160-\$290

Williams & Connolly (211)
(Washington, D.C.)
Partners \$350-\$600
Associates \$185-\$330

Williams Hullen (237)
(Richmond, Va.)
Partners \$185-\$370
Associates \$125-\$225

Winstead Sachrest & Minick (233)
(Dallas)
Partners \$250-\$540
Associates \$145-\$300

Jenkins & Gilchrist (573)
(Dallas)
Partners \$275-\$525
Associates \$165-\$380

Jenner & Block (390)
(Chicago)
Partners \$350-\$625
Associates \$185-\$350

Jones, Walker, Waechter, Poitavant, Carrère &
Denègre (217)
(New Orleans)
Partners \$170-\$335
Associates \$110-\$185

Wombie Carlyle Sandridge & Rice (437)
(Winston-Salem, N.C.)
Partners \$190-\$500
Associates \$125-\$265

Wyatt, Tarrant & Combs (201)
(Louisville, Ky.)
Partners \$150-\$310
Associates \$100-\$190

(The National Law Journal, December 2002)

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11/19/03

EXHIBIT “2”

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rsteele@gdblegal.com

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BORGES & DARDARIAN

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12 Attorneys for Plaintiffs ROSA CANTU and
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
21 d/b/a AT&T CALIFORNIA, and Does 1 through
100, inclusive,

22 Defendants.

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

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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 - CASE NO.: BC441237

234747-2

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

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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 - CASE NO.: BC411237

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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

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13 b. GraceHollis LLP, San Diego, CA

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

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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 ///

1 c. Rates found reasonable in other cases.

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

3 2010 Rates

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

8

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

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21 2009 Rates

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

25

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

26
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(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 (average \$673)
Associates	\$250-\$555 (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 (average \$590)
Associates	\$245-\$500 (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 (average \$606)
Associates	\$240-\$500 (average \$400)

Manatt, Phelps & Phillips

2009 Rates:

Years Experience	Rate
Partners	\$495-\$50
Associates	\$250-\$505

2008 Rates:

Years Experience	Rate
Partners	\$495-\$850
Associates	\$290-\$505

2007 Rates:

Years Experience	Rate
Partners	\$520-\$785 (average \$600)
Associates	\$265-\$480 (average \$395)

Morrison Foerster

2009 Rates:

Years Experience	Rate
24	\$750

2008 Rates:

Years Experience	Rate
45	\$675
36	\$725
33	\$785
14	\$650
12	\$600
9	\$560
7	\$535
5	\$485
1	\$520
Paralegals	\$185- \$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 (average \$626)
Associates	\$235-\$580 (average \$423)

2007 Rates:

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

Rudy, Exelrod & Zieff

2009 Rates:

Years Experience	Rate
Partners 31	\$700
Associates 3	\$305

2007 Rates:

Years Experience	Rate
Partners 29	\$700
12	\$500
Associates 10	\$400
8	\$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:

Years Experience	Rate
Partners	\$480-\$750
Associates	\$260-\$460

Winston & Strawn

2009 Rates:

Years Experience	Rate
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