

Michael D. McLachlan (State Bar No. 181705)
McLACHLAN LAW, APC
2447 Pacific Coast Highway, Suite 100
Hermosa Beach, California 90254
Telephone: (310) 954-8270
Facsimile: (310) 954-8271
mike@mclachlan-law.com

Daniel M. O'Leary (State Bar No. 175128)
LAW OFFICE OF DANIEL M. O'LEARY
2300 Westwood Boulevard, Suite 105
Los Angeles, California 90064
Telephone: (310) 481-2020
Facsimile: (310) 481-0049
dan@danolearylaw.com

Attorneys for Plaintiff Richard Wood and the Class

SUPERIOR COURT FOR THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

Coordination Proceeding
Special Title (Rule 1550(b))

ANTELOPE VALLEY GROUNDWATER
CASES

RICHARD A. WOOD, an individual, on
behalf of himself and all others similarly
situated,

Plaintiff,

v.

LOS ANGELES COUNTY
WATERWORKS DISTRICT NO. 40; et
al.

Defendants.

Judicial Council Coordination
Proceeding No. 4408

Lead Case No. BC 325201

Case No.: BC 391869

**DECLARATION OF RICHARD M.
PEARL**

1 I, Richard M. Pearl, declare,

2 1. I am a member in good standing of the California State Bar. I am in
3 private practice as the principal of my own law firm, the Law Offices of Richard
4 M. Pearl, in Berkeley, California. I specialize in issues relating to court-awarded
5 attorneys' fees, including: the representation of parties in fee litigation and
6 appeals; serving as an expert witness; and serving as a mediator and arbitrator in
7 disputes concerning attorneys' fees and related issues.

8 2. In this case, I have been asked by counsel for the Plaintiffs and
9 Appellants Richard A. Wood and the Small Pumper Class – McLachlan Law and
10 the Law Office of Daniel M. O'Leary ("Class Counsel") – to render my opinion as
11 to the reasonableness of their request for an attorneys' fee award of \$1,338,328
12 for their appellate work in this matter.¹ This represents a lodestar (hours times
13 hourly rates) of \$892,219, plus the application of a 1.5 lodestar multiplier based,
14 *inter alia*, on the significant risk Class Counsel undertook to obtain a reversal of
15 the trial court's initial fee award rulings.

16 3. To form my opinion as to the reasonableness of the attorneys' fees
17 Class Counsel request for their appellate work in this case, I have reviewed the
18 Court of Appeal's 65-page opinion (*Antelope Valley Groundward Cases*, No.
19 F083138 (JCCP No. 4408), unpublished Opinion filed August 24, 2021), as well
20 as materials that describe the history of this matter, the results achieved,
21 counsel's qualifications and experience, the nature of the work required by this
22 case, and the attorney's fees it requests. I also have previous familiarity with this
23 case, having filed a declaration in support of Class Counsel's trial court fees on
24 February 2, 2016, which the Court of Appeal refers to at pages 30-31, 3642 n.11,

25
26
27
28 ¹ It is my understanding that the pre-2016 fees will be submitted on the
record previously presented, including my prior supporting declaration filed
February 2, 2016.

1 and 44. I also have consulted with Mr. McLachlan and Mr. O’Leary about this
2 motion and the underlying facts of the case.

3 **MY BACKGROUND AND EXPERIENCE**

4 4. Briefly summarized, my background is as follows: I am a 1969
5 graduate of Berkeley School of Law (then Boalt Hall), University of California,
6 Berkeley, California. I took the California Bar Examination in August 1969 and
7 learned that I had passed it in November of that year, but because I was working
8 as an attorney in Atlanta, Georgia for the Legal Aid Society of Atlanta (LASA), I
9 was not admitted to the California Bar until January 1970. I worked for LASA
10 until the summer of 1971, when I went to work in California's Central Valley for
11 California Rural Legal Assistance, Inc. (CRLA), a statewide legal services
12 program. From 1977 to 1982, I was CRLA's Director of Litigation, supervising
13 more than fifty attorneys. In 1982, I went into private practice, first in a small
14 law firm, then as a sole practitioner. Martindale Hubbell rates my law firm “AV.”
15 I also have been selected as a Northern California “Super Lawyer” in Appellate
16 Law for 2005, 2006, 2007, 2008, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017,
17 2018, 2019, 2020, and 2021. A true and correct copy of my Resume is attached
18 as **Exhibit A**.

19 5. Since 1982, the focus of my legal work has been in general civil
20 litigation and appellate practice, with an emphasis on cases and appeals involving
21 court-awarded attorneys' fees. I have lectured and written extensively on court-
22 awarded attorneys' fees. I have been a member of the California State Bar's
23 Attorneys' Fees Task Force and have testified before the State Bar Board of
24 Governors and the California Legislature on attorneys' fee issues. I am the author
25 of *California Attorney Fee Awards* (3d ed., Cal. CEB 2010) (“Cal. Fee Awards”)
26 and its cumulative annual Supplements between 2011 and March 2021. I also was
27 the author of *California Attorney Fee Awards*, 2d Ed. (Cal. Cont. Ed. of Bar 1994),
28 and its 1995 through 2008 annual Supplements. Several courts have referred to

1 this treatise as “[t]he leading California attorney fee treatise.” *Calvo Fisher &*
2 *Jacob LLP v. Lujan*, 234 Cal.App.4th 608, 621 (2015); *see also, e.g., Int’l Billing*
3 *Servs., Inc. v. Emigh*, 84 Cal.App.4th 1175, 1193 (2000) (“the leading treatise”);
4 *Stratton v. Beck*, 30 Cal.App.5th 901, 911 (2019) (“a leading treatise”); *Orozco v.*
5 *WPV San Jose, LLC*, 36 Cal.App.5th 375, 409 (2019) (“a leading treatise on
6 California attorney’s fees”). It also has been cited by the California Supreme
7 Court and Court of Appeal on many occasions, including the Court of Appeal in
8 this case. (Sl. Op. at 36). *See also Graham v. DaimlerChrysler Corp.*, 34 Cal.4th
9 553, 576, 584 (2004); *Lolley v. Campbell*, 28 Cal.4th 367, 373 (2002); *In re*
10 *Conservatorship of Whitley*, 50 Cal.4th 1206, 1214–15, 1217 (2010); *Sonoma*
11 *Land Trust v. Thompson*, 63 Cal.App.5th 978, 986 (2021); *Yost v. Forestiere*, 51
12 Cal.App.5th 509, 530 n. 8 (2020); ; *Highland Springs Conference & Training*
13 *Ctr. v. City of Banning*, 42 Cal.App.5th 416, 428 n. 11 (2019); *Sweetwater Union*
14 *High Sch. Dist. v. Julian Union Elementary Sch. Dist.*, 36 Cal.App.5th 970, 988
15 (2019); *Hardie v. Nationstar Mortg. LLC*, 32 Cal. App. 5th 714, 720 (2019);
16 *Syers Props III, Inc. v. Rankin*, 226 Cal.App.4th 691, 698, 700 (2014). California
17 Superior Courts also cite the treatise with approval. *See, e.g., Davis v. St. Jude*
18 *Hosp.*, No. 30201200602596CUOECX, 2018 WL 7286170, at *4 (Orange Cty.
19 Super. Ct. Aug. 31, 2018); *Hartshorne v. Metlife, Inc.*, No. BC576608, 2017 WL
20 1836635, at *10 (Los Angeles Super. Ct. May 02, 2017). Federal courts also have
21 cited it. *See In re Hurtado*, Case No. 09-16160-A-13, 2015 WL 6941127 (E.D. Cal.
22 Nov. 6, 2015); *TruGreen Companies LLC v. Mower Brothers, Inc.*, 953 F.
23 Supp. 2d 1223, 1236 nn.50, 51 (D. Utah 2013). I also authored the 1984
24 through 1993 annual Supplements to the predecessor treatise, *CEB’s*
25 *California Attorney’s Fees Award Practice*. In addition, I authored a federal
26 manual on attorneys’ fees entitled “Attorneys’ Fees: A Legal Services Practice
27 Manual,” published by the Legal Services Corporation. I also co-authored the
28

chapter on “Attorney Fees” in Volume 2 of CEB's Wrongful Employment Termination Practice, 2d Ed. (1997).

6. More than 95% of my practice is devoted to issues involving court-awarded attorney's fees. I have appeared as counsel in over 200 attorneys' fee applications in state and federal courts, primarily representing other attorneys. I also have briefed and argued more than 40 appeals, at least 30 of which have involved attorneys' fees issues. I have successfully handled five cases in the California Supreme Court involving court-awarded attorneys' fees: (1) *Maria P. v. Riles*, 43 Cal. 3d 1281 (1987), which upheld a C.C.P. section 1021.5 fee award based on a preliminary injunction obtained against the State Superintendent of Education, despite the fact that the case ultimately was dismissed under C.C.P. section 583; (2) *Delaney v. Baker*, 20 Cal. 4th 23 (1999), which held that heightened remedies, including attorneys' fees, are available in suits against nursing homes under California's Elder Abuse Act; (3) *Ketchum v. Moses*, 24 Cal. 4th 1122 (2001), which reaffirmed that contingent risk multipliers are an essential consideration under California attorney fee law (note that in *Ketchum*, I was primary appellate counsel in the Court of Appeal and “second chair” in the California Supreme Court); (4) *Flannery v. Prentice*, 26 Cal. 4th 572 (2001), which held that under California law, in the absence of an agreement to the contrary, statutory attorneys' fees belong to the attorney whose services they are based upon; and (5) *Graham v. DaimlerChrysler Corp.*, 34 Cal. 4th 553 (2004), which held, *inter alia*, that the “catalyst” theory of fee recovery remained viable under California law and that lodestar multipliers could be applied to fee motion work. In that case, I represented trial counsel in both the Court of Appeal (twice) and California Supreme Court, as well as on remand in the trial court. I also represented and argued on behalf of *amicus curiae* in *Conservatorship of McQueen*, 59 Cal. 4th 602 (2014), which held that attorneys' fees incurred for appellate work were not “enforcement fees” subject to California's Enforcement

1 of Judgments law; I presented the argument relied upon by the Court. Along with
2 Richard Rothschild of the Western Center on Law and Poverty, I also prepared
3 and filed an *amicus curiae* brief in *Vasquez v. State of California*, 45 Cal. 4th 243
4 (2009). I also have handled numerous other appeals involving review of trial
5 court fee orders, including *Horsford*, *Citizens for Biological Diversity*, *EPIC*,
6 *Molina*, and *Robles, Davis, Mangold, and Camacho v. Bridgeport Financial, Inc.*
7 (9th Cir. 2008) 523 F.3d 973. An expanded list of reported decisions in cases I
8 have handled is set out in Exhibit A at pages 4-8.

9 7. I have been retained by various governmental entities, including the
10 California Attorney General's office, at my then current rates to consult with them
11 and serve as their expert regarding their affirmative attorney fee claims. *See, e.g.,*
12 *In re Tobacco Cases I*, 216 Cal. App. 4th 570, 584 (2013); *Dep. of Fair Employ.*
13 *and Hous. v. Law Sch. Admission Council, Inc.*, 2018 WL 5791869 (N.D. Cal. No.
14 12-cv-08130, filed Nov. 5, 2018).

15 8. I am frequently called upon to opine about the reasonableness of
16 attorneys' fees, and numerous federal and state courts have relied on my
17 testimony on those issues. For example:

18 ➤ In *Human Rights Defense Center v. County of Napa*, 2021
19 U.S.Dist.LEXIS 59778 *; 2021 WL 1176640 (N.D. Cal. No. 20-cv-
20 01296-JCS, Doc. 50, filed March 28, 2021), the Court expressly
21 stated that it had "place[d] significant weight on the opinion of Mr.
22 Pearl that the rates charged by all of the timekeepers listed above are
23 reasonable and in line with the rates charged by law firms that
24 engage in federal civil litigation in the San Francisco Bay Area. Mr.
25 Pearl has extensive experience in the area of attorney billing rates in
26 this district and has been widely relied upon by both federal and
27 state courts in Northern California [] in determining reasonable
28 billing rates." 2021 U.S.Dist.LEXIS 59778, at *32.

- 1 ➤ Subsequently, in *Andrews v. Equinox Holdings, Inc.*, N.D. Cal. No.
2 20-cv-00485-SK, Oder on Motion for Attorney Fees and Costs filed
3 November 9, 2021 (Doc. 110), the court quoted the above language
4 from the *Human Rights Defense Center* case and concluded the
5 same: “This Court similarly finds Pearl’s opinions well supported
6 and persuasive.” Order at p. 4:13-19.
- 7 ➤ Similarly, in *Sonoma Land Trust v. Thompson, supra*, 63
8 Cal.App.5th 978, 986 (2021), the Court of Appeal expressly held that
9 my expert declaration provided evidentiary support for the trial
10 court’s fee determination.
- 11 ➤ Lastly, at my declaration was cited favorably by the Court of Appeal
12 in the instant case. Sl. Op. at pp. 42, fn. 11 and 44.

13 9. In addition to the *Sonoma Land Trust* and instant cases, the
14 following California appellate and reported trial court cases also have referenced
15 my testimony favorably:

- 16 • *Kerkeles v. City of San Jose*, 243 Cal.App.4th 88 (2015);
- 17 • *Kaku v. City of Santa Clara*, No. 17CV319862, 2019 WL 331053,
18 at *3 (Santa Clara Cty. Super. Ct. Jan. 22, 2019), *aff’d* 59 Cal. App.
19 5th 385, 431 (2020);
- 20 • *Davis v. St. Jude Hosp.*, No. 30201200602596CUOECX, 2018
21 WL 7286170, at *4 (Orange Cty. Super. Ct. Aug. 31, 2018);
- 22 • *Hartshorne v. Metlife, Inc.*, No. BC576608, 2017 WL 1836635, at
23 §*10 (Los Angeles Super. Ct. May 2, 2017).
- 24 • *Habitat and Watershed Caretakers v. City of Santa Cruz*, 2015 Cal.
25 App. Unpub. LEXIS 7156 (2015);
- 26 • *Laffitte v. Robert Half Int’l Inc.*, 231 Cal.App.4th 860 (2014),
27 *aff’d* (2016) 1 Cal.5th 480;
- 28 • *In re Tobacco Cases I*, 216 Cal.App.4th 570 (2013);

- Heritage Pacific Financial, LLC v. Monroy, 215 Cal.App.4th 972 (2013);
- *Wilkinson v. South City Ford*, 2010 Cal. App. Unpub. LEXIS 8680 (2010);
- Children's Hospital & Medical Center v. Bonta, 97 Cal.App.4th 740 (2002);
- Church of Scientology v. Wollersheim, 42 Cal.App.4th 628 (1996).

Many other trial courts also have relied on my testimony in unreported fee awards.

10. In addition to the *Andrews* and *Human Rights Defense Center* cases, the following reported federal decisions also have referenced my testimony favorably:

- *Antoninetti v. Chipotle Mexican Grill, Inc.*, No. 08-55867 (9th Cir. 2012), Order filed Dec. 26, 2012, at 6;
- *Prison Legal News v. Schwarzenegger*, 608 F.3d 446, 455 (9th Cir. 2010) (the expert declaration referred to is mine);
- *Wit v. United Behavioral Health*, 2022 U.S.Dist.LEXIS 2083 (N.D. Cal. January 5, 2022);
- *Independent Living Center of S. Cal. v. Kent*, 2020 U.S.Dist.LEXIS 13019 (C.D. Cal. 2020);
- *Ridgeway v. Wal-Mart Stores, Inc.*, 269 F. Supp. 3d 975 (N.D. Cal. 2017), *aff'd* 269 F.3d 1066 (9th Cir. 2020);
- *Beaver v. Tarsadia Hotels*, 2017 U.S.Dist.LEXIS 160214 (S.D. Cal. 2017);
- *Notter v. City of Pleasant Hill*, 2017 U.S.Dist.LEXIS 197404, 2017 WL 5972698 (N.D. Cal. 2017);

- 1 • *Villalpondo v. Exel Direct, Inc.*, 2016 WL 1598663 (N.D. Cal.
2 2016);
- 3 • *State Compensation Insurance Fund v. Khan et al*, Case No.
4 SACV 12-01072- CJC(JCGx) (C.D. Cal.), Order Granting in Part
5 and Denying in Part the Zaks Defendants' Motion for Attorneys'
6 Fees, filed July 6, 2016 (Dkt. No. 408);
- 7 • *In re Cathode Ray Tube Antitrust Litig.*, Master File No. 3:07-cv-
8 5944 JST, MDL No. 1917 (N.D. Cal. 2016) 2016 U.S. Dist. LEXIS
9 24951 (Report And Recommendation Of Special Master Re
10 Motions (1) To Approve Indirect Purchaser Plaintiffs' Settlements
11 With the Phillips, Panasonic, Hitachi, Toshiba, Samsung SDI,
12 Technicolor, And Technologies Displays Americas Defendants,
13 and (2) For Award Of Attorneys' Fees, Reimbursement Of
14 Litigation Expenses, And Incentive Awards To Class
15 Representative), Dkt. 4351, dated January 28, 2016, *adopted in*
16 *relevant part*, 2016 U.S. Dist. LEXIS 88665;
- 17 • *Gutierrez v. Wells Fargo Bank*, 2015 U.S. Dist. LEXIS 67298
18 (N.D. Cal. 2015);
- 19 • *Holman v. Experian Information Solutions, Inc.*, 2014 U.S. Dist.
20 LEXIS 173698 (N.D. Cal. 2014);
- 21 • *In re TFT-LCD (Flat Panel) Antitrust Litig.*, No. M 07-1827 SI,
22 MDL No. 1827 (N.D. Cal.), Report and Recommendation of
23 Special Master Re Motions for Attorneys' Fees And Other
24 Amounts By Indirect-Purchaser Class Plaintiffs And State
25 Attorneys General, Dkt. 7127, filed Nov. 9, 2012, adopted in
26 relevant part, 2013 U.S. Dist. LEXIS 49885 (N.D. Cal. 2013)
27 ("*TFT-LCD (Flat Panel) Report & Recommendation*");
28

- *Walsh v. Kindred Healthcare*, 2013 U.S. Dist. LEXIS 176319 (N.D. Cal. 2013);
- *A.D. v. California Highway Patrol*, 2009 U.S. Dist. LEXIS 110743, at *4 (N.D. Cal. 2009), rev'd on other grounds, 712 F.3d 446 (9th Cir. 2013), reaffirmed and additional fees awarded on remand, 2013 U.S. Dist. LEXIS 169275 (N.D. Cal. 2013);
- *Hajro v. United States Citizenship & Immigration Service*, 900 F.Supp.2d 1034, 1054 (N.D. Cal 2012);
- *Rosenfeld v. United States Dep't of Justice*, 904 F. Supp. 2d 988, 1002 (N.D. Cal. 2012);
- *Stonebrae, L.P. v. Toll Bros., Inc.*, 2011 U.S. Dist. LEXIS 39832, at *9 (N.D. Cal. 2011) (thorough discussion), aff'd 2013 U.S. App. LEXIS 6369 (9th Cir. 2013);
- *Armstrong v. Brown*, 2011 U.S. Dist. LEXIS 87428 (N.D. Cal. 2011);
- *Lira v. Cate*, 2010 WL 727979 (N.D. Cal. 2010);
- *Californians for Disability Rights, Inc. v. California Dep't of Transportation*, 2010 U.S. Dist. LEXIS 141030 (N.D. Cal. 2010);
- *Nat'l Federation of the Blind v. Target Corp.*, 2009 U.S. Dist. LEXIS 67139 (N.D. Cal. 2009);
- *Prison Legal News v. Schwarzenegger*, 561 F.Supp.2d 1095 (N.D. Cal. 2008) (an earlier motion);
- *Bancroft v. Trizechahn Corp.*, No. CV 02-2373 SVW (FMOx), Order Granting Plaintiffs Reasonable Attorneys' Fees and Costs In the Amount of \$168,886.76, Dkt. 278 (C.D. Cal. Aug. 14, 2006);

- *Willoughby v. DT Credit Corp.*, No. CV 05-05907 MMM (CWx), Order Awarding Attorneys' Fees After Remand, Dkt. 65 (C.D. Cal. July 17, 2006);
- *Oberfelder v. City of Petaluma*, 2002 U.S. Dist. LEXIS 8635 (N.D. Cal. 2002), aff'd 2003 U.S. App. LEXIS 11371 (9th Cir. 2003).

SUMMARY OF OPINION AND OVERVIEW OF DECLARATION

11. Class Counsel request attorneys' fees in the amount of \$1,296,631, which represents a \$864,421 lodestar and the application of a 1.5 lodestar multiplier. In my opinion, based on my extensive experience and expertise involving appellate practice, court-awarded attorneys' fees, and their value in the Los Angeles legal marketplace under California law, that request is eminently reasonable: the hourly rates requested are modest by Los Angeles area standards; the number of hours is well-documented; and a 1.5 multiplier is well-justified by counsel's contingent risk, the high burden counsel faced in seeking reversal of the trial court's discretionary fee award, District 40's aggressive defense, the high level of skill and quality of work needed to achieve this result, the unique procedural posture that resulted in the largest appellate record ever presented to the Fifth District, and fee awards in comparable California and federal cases.

12. This was not a run-of-the-mill appeal. This litigation was initiated in late 1999, and grew over the years to involve some 70,000 parties, most of whom were represented in two class actions consolidated with the various other actions in this JCCP proceeding. The seven phases of trial spanned approximately ten years. I am told this is the largest groundwater adjudication in California history, and as noted below in paragraph 13, produced a gigantic appellate record the likes of which I have never seen or heard of. From the very start, District 40 waged an aggressive appeal, seeking a ruling that Class Counsel were not entitled to *any* fees, contractually or pursuant to Code of Civil Procedure section 1021.5,

1 based on a wide variety of arguments. District 40 also asserted that Class
2 Counsel were not entitled to have a multiplier applied as part of any fee award,
3 were not entitled to recover costs, that the fee award should have been equitably
4 apportioned to other parties, that District 40 was entitled to make periodic
5 payments under Government Code section 970.6 or alternatively section 984.
6 District 40 filed briefs totaling 131 pages, exclusive of its Petition for Review to
7 the California Supreme Court.

8 13. I am also told that it is believed the record on appeal is one of the
9 largest in California history. The appendices totaled 219 volumes and over
10 180,000 pages. The reporters' transcript was a combined 87 volumes totaling
11 over 49,000 pages. This case on appeal was so large that it caused the Fourth
12 Appellate District to request the Supreme Court to transfer it to another appellate
13 district pursuant to California Rule of Court 10.1000(a)(1)(C).

14 14. In addition to the work at the Court of Appeal spanning more than
15 five years, District 40 then filed a Petition for Review with the Supreme Court.
16 Class Counsel filed a written Answer, and review was denied.

17 15. Prosecuting these extremely hard-fought appeals and cross-appeals
18 required great skill and expertise from Class Counsel. The result of that effort is
19 the Court of Appeal's 65-page Opinion that not only affirmed Class Counsel's
20 entitlement to a fee award but, despite the trial court's broad discretion in such
21 matters, reversed the trial court's fee award as unreasonably low on both legal
22 and factual grounds.

23 16. My review of Class Counsel's declarations shows that their lodestar
24 as of January 3, 2022, is based on each attorney's 2021 hourly rate, which range
25 between \$670 and \$915 per hour. See paragraph 19 *infra*. I have examined each
26 attorney's requested lodestar rate, along with each attorney's experience and
27 background and work product here. Based on that review, in my opinion the
28 rates requested are well within the range of hourly rates charged by comparably

qualified attorneys in the Los Angeles Area performing similar work and with those that other Los Angeles area courts have found reasonable for attorneys with comparable complex litigation experience performing similar services. Similarly, the paralegal rate of \$150 per hour also is a modest and reasonable hourly rate for such services in the Los Angeles area legal marketplace.

17. It also is my opinion that the well-documented number of hours billed by the law firms representing the Class is entirely appropriate and reasonable in light of District 40's fierce resistance, the stakes involved, the complexity of the factual and legal issues, the high quality of the work I have reviewed, and most importantly, the excellent result obtained, i.e. Class Counsel prevailed on all of their substantive attorney fee appeals, while defeating all of the issues raised in the cross-appeals.

18. In my opinion, a \$1,338,328 fee is eminently reasonable under the lodestar/multiplier method: (a) the hourly rates utilized in the lodestar cross-check are within the range of those charged by comparably qualified attorneys for comparable work in the Los Angeles legal marketplace; (b) the hours spent are fully documented and consistent with those that would be expected in a matter of this duration, complexity, and stakes, as well as with the excellent results achieved; and (c) the 1.5 lodestar multiplier requested is appropriate to achieve a fee that is consistent with the legal marketplace for similarly contingent, successful cases. I base my opinion on the following:

COUNSEL'S LODESTAR IS REASONABLE.

19. Class Counsel here have requested the following lodestar for the McLachlan and O'Leary attorneys and paraprofessionals:

Attorney Name	Graduation Date	Hourly Rate	Hours	Lodestar
Michael D. McLachlan	1995	\$915.00	741.9	\$678,838
Daniel M. O'Leary	1994	\$915.00	151.6	\$138,714
Marybeth LippSmith	2002	\$775.00	67.9	\$52,622

Rolando Gutierrez	2011	\$670.00	10.0	\$6,700
Paralegal		\$150.00	102.3	\$15,345
Total				\$892,219

Class Counsel's Hourly Rates Are Reasonable.

20. Under California law, Class Counsel's hourly rates are reasonable if they are "within the range of reasonable rates charged by and judicially awarded comparable attorneys for comparable work." *Children's Hosp. & Med. Ctr. v. Bonta*, 97 Cal.App.4th 740, 783 (2002).

21. Through my writing and practice, I have become familiar with the non-contingent market rates charged by attorneys in California and elsewhere. This familiarity has been obtained in several ways: (a) by handling attorneys' fee litigation; (b) by discussing fees with other attorneys; (c) by obtaining declarations regarding prevailing market rates in cases in which I represent attorneys seeking fees; and (d) by reviewing attorneys' fees applications and awards in other cases, as well as surveys and articles on attorneys' fees in the legal newspapers and treatises. I also have testified before trial courts or arbitrators on numerous occasions, and have submitted expert testimony by declaration on hundreds of occasions: each of those efforts require me to be aware of the hourly rates being charged.

22. Here, I have reviewed Class Counsel's work product, qualifications, backgrounds, experience, and the results they have achieved as set forth in their declarations in support of the Fee Motion. Based on the information I have gathered, some of which is set forth below, it is my opinion that the rates requested by Class Counsel are well within the range of the non-contingent market rates charged by attorneys of reasonably comparable experience, skill,

1 and reputation for reasonably comparable services.² Several factors support my
2 opinion:

3 23. *First*, it is my understanding that Class Counsel's then current hourly
4 rates have been awarded in numerous cases. This is a highly probative fact. See
5 *Margolin v. Regional Planning Comm'n*, 134 Cal.App.3d 999, 1005 (1982)
6 (rejecting defendants' argument that rates awarded plaintiff's counsel in prior
7 litigation were not relevant because they may have reflected special factors such
8 as difficulty of case).

9 24. *Second*, Class Counsel's current rates reflect a reasonable increase
10 since their prior filing in February of 2015. At that point, lead counsel requested
11 a \$720 hourly rate, which the Court of Appeal described as an appropriate market
12 rate (Opinion, p. 29, 37). Their current (2021) rate is \$915, which reflects only a
13 27% increase over a six-year period – less than 5% per annum. Such modest
14 increases are more than justified by counsel's increased skill, experience, and
15 reputation, as well as by general rate increases in the legal marketplace. For
16 example, in *Planned Parenthood Federation of America, Inc. v. Center for*
17 *Medical Progress*, 2020 U.S. Dist. LEXIS 241035, at *13 (N.D. Cal. Dec. 22,
18 2020), the district court applied a 25% rate increase for the period from 2016 to
19 2020. Similar rate increases in the legal marketplace have been observed by
20 commentators. *See, e.g., Will Billing Rates for Elite Firms Rise in 2020?*, The
21 Recorder (California)(Online) (July 30, 2020); Simons, *Big Law Should Raise*
22 *Partner Billing Rates 10+ Percent Now*, The Recorder (Nov. 15, 2018) at 3 ("In a
23 normal year, partner rates would go up around 5 or 6 percent").

24
25
26 ² Most California courts use current rates to determine reasonable fees, as
27 rough compensation for the delay in payment the prevailing attorneys have
28 experienced. *See, e.g., Graham v. DaimlerChrysler Corp.*, 34 Cal.4th 553 (2004);
Robles v. Employment Dev. Dept., 38 Cal.App.5th 191, 205 (2019); *Pearl,*
California Fee Awards, § 9.113, p. 9-106.

25. *Third*, my opinion also is based on the numerous findings of reasonable hourly rates made by Los Angeles Area courts, which also are highly probative. See *Children's Hosp. & Med. Ctr. v Bontá*, 97 Cal.App.4th at 783. Those findings are summarized in **Exhibit B** attached hereto. For example:

- In *Independent Living Center of S. Cal. v. Kent*, 2020 U.S. Dist. LEXIS 13019 (C.D. Cal. 2020), an action challenging the State's right to alter reimbursement rates for Medi-Cal providers, the court found the following 2019 hourly rates reasonable (plus a 1.5 lodestar multiplier):

LAW SCHOOL GRADUATION YEAR	RATES
1975	\$1,025
1976	\$965
1979	\$1,025
2007	\$815
2011	\$800
2015	\$640
2016	\$600
2019	\$440
1975	\$1,025
1976	\$930
1979	\$995
2015	\$570

- Similarly, in *Hadsell v. City of Baldwin Park*, No. BC 548 602 (L.A. Super. Ct. Jun. 25, 2019), Notice of Ruling on Plaintiff's Motion for Attorneys' Fees, the court found the following hourly rates reasonable (before applying a 1.5 multiplier):

CAL BAR ADMISSION DATE	RATES
1987	\$1,100
1990	\$1,100
2008	\$800
2008	\$650
2012	\$550
2016	\$500

- Likewise, in *Frias v. City of Los Angeles*, 2020 U.S. Dist. LEXIS 129936 at *6; 2020 WL 4001620 (C.D.Cal. 2020), the court found that \$1,100 per hour was a reasonable hourly rate for a 31-year highly-regarded civil rights attorney, even though it was \$200 an hour higher than the Real Rate Report's Third Quartile rate. (The Real Rate Report is discussed below.) It also applied a 1.5 lodestar multiplier.
- Lastly, in *State Compensation Insurance Fund v. Khan et al*, Case No. SACV 12-01072-CJC(JCGx) (C.D. Cal. Jul. 6, 2016), Order Granting in Part and Denying in Part the Zaks Defendants' Motion for Attorneys' Fees (Dkt. No. 408), a multi-defendant RICO action, the court found the following 2016 hourly rates reasonable:

Years of Experience	Rates
22	\$890
20	\$840
5	\$670
4	\$560
Paralegals	\$325-340
Case Assistants	\$220-230
Docket Clerk	\$230

Class Counsel's hourly rates here are well within this range.

Hourly Rates Charged by Other Law Firms

26. Class Counsel's rates also are in line with the standard hourly non-contingent rates charged by Los Angeles Area law firms that regularly engage in civil litigation of comparable complexity. A chart showing the hourly rates charged by numerous Los Angeles area law firms, as stated in court filings, depositions, surveys, or other reliable sources, is attached hereto as **Exhibit C**. The rates requested here are well in line with those rates. For example, in 2020, Lieff Cabraser, a class action litigation firm, billed a 22-year attorney at \$950 per hour. In 2019, Pearson Simon & Warshaw, another class action firm, billed attorneys with 23-38 years of experience at \$1,150 per hour; rates have generally increased at least 5-10% since 2019.

Hourly Rate Surveys and Articles

27. Counsel's requested rates also are supported by several surveys and articles describing legal rates, including the following:

28. The 2020 Mid-Year Real Rate Report compiled by Wolters Kluwer surveyed the hourly rates charged in the second quarter of 2020 by hundreds of Los Angeles area attorneys, relevant excerpts of which are attached hereto as **Exhibit D**. The real market rates of Los Angeles area attorneys who practice "litigation" are surveyed at page 28, which describes the Second Quarter 2020 rates charged by 387 Los Angeles partners and 478 associates who practiced "Litigation." For that category, the Third Quartile rate was **\$940** per hour for "Partners" and **\$740** for "Associates". Likewise, page 34 of the Report describes the rates charged by 365 Los Angeles partners with "21 or more years of experience" and 199 attorneys with "Fewer than 21 years". For those categories, the Third Quartile Los Angeles rates were **\$1,047** per hour for attorneys with 21 or more years of experience and **\$912** for attorneys with fewer than 21 years. Moreover, in my experience, since the Second Quarter of 2020, most Los Angeles Area firms have raised their rates by at least 3-6%.

1 29. Class Counsel's rates are consistent with the "Adjusted Laffey
2 Matrix" (laffymatrix.com), which is based on a survey of hourly rates charged in
3 the Baltimore-Washington, D.C. area. This survey is frequently used across the
4 country, with adjustments for differences in cost of living, to evaluate the
5 reasonableness of hourly rates. For 2021, the Adjusted Laffey Matrix lists a
6 current rate of **\$919** per hour attorneys who have been out of law school for 20+
7 years, **\$764** per hour for attorneys who have been out of law school for 11-19
8 years, **\$676** for attorneys who have been out of law school for 8-10 years, **\$468**
9 per hour for attorneys who have been out of law school for 4-7 years, and **\$381**
10 per hour for attorney who have been out of law school for 1-3 years. Here, even
11 without adjustment for significantly higher Los Angeles Area rates, Class
12 Counsel's rates are *lower* than the *Laffey* rates.

13 30. The 2018 Peer Monitor Public Rates survey, attached hereto as
14 **Exhibit E**, shows that Plaintiffs' counsel's rates here are well within the range of
15 hourly rates billed by other top-flight Los Angeles area law firms.

16 31. The preceding hourly rates data supports my opinion that Class
17 Counsel's rates are well within the range of non-contingent rates charged by
18 comparably qualified Los Angeles Area attorneys for reasonably similar work.

19 **The Number of Hours Counsel Have Spent Is Reasonable.**

20 32. Based on my review of the materials noted above, including Class
21 Counsel's time records and my extensive experience with comparable appeals,
22 the number of hours expended by Class Counsel here, and the distribution of
23 hours amongst Class Counsel described by Class Counsel in their declarations in
24 support of the Fee Motion, appears to be well within the ballpark for an appeal of
25 this breadth, record, long duration, and ultimate success.

26 33. As noted above, I have reviewed a meaningful sample of the
27 documents filed in this appeal, including the description of counsel's work set out
28 in Class Counsel's declarations and time records. Based on that review, as well as

1 my extensive experience with comparable appeals, in my opinion, the number of
2 hours for which Class Counsel request compensation appear to be consistent with
3 the number of hours I would expect to have been spent in a case of this duration,
4 intensity, and complexity. *See, e.g., Villalpondo v. Exel Direct, Inc., supra*, 2016
5 WL 7740854, at *4 (N.D. Cal. 2016) (hours spent by class counsel reasonable
6 “given the nature of the case and the defenses presented, the work class counsel
7 had to undertake, the manner in which class counsel allocated their work, and the
8 results achieved”). For example, in *Citizens Against Rent Control v. City of*
9 *Berkeley*, 181 Cal.App.4th 213, 232 (1986), the Court of Appeal affirmed an award
10 for 1,940 hours spent in one year on a federal Supreme Court matter, even
11 though the issue had previously been briefed in both the California Court of
12 Appeal and California Supreme Court. In *Thompson v. Santa Clara County Open*
13 *Space Authority*, Santa Clara County Superior Court No. 1-02-CV-804474, Order
14 re Final Approval of Class Action Settlement and For Attorneys’ Fees and
15 Litigation Expenses, filed September 21, 2009, a challenge to an invalid tax
16 statute, the trial court determined that the Petitioner’s lodestar, which mainly
17 consisted of appellate work, was \$2,598,122.50, to which it applied a 2.85
18 multiplier.

19 34. My opinion regarding counsel’s hours also is based on the fact that
20 those hours accomplished an extraordinary result. Obtaining the reversal of a
21 trial court’s discretionary decision to reduce a requested statutory attorney’s fee
22 is a rare occurrence. In my experience, appellate courts rarely want to second-
23 guess trial court determinations. Indeed, §16.23 of my CEB Treatise is entitled
24 “Determinations of Amount of Fees Given Particularly Deferential Review”. The
25 maxim that the “experienced trial judge is the best judge of the value of
26 professional services rendered in his court, and while his judgment is of course
27 subject to review, it will not be disturbed unless the appellate court is convinced
28 that it is clearly wrong” (*Serrano v. Priest*, 20 Cal.3d 25, 49 (1977) (“*Serrano III*”))

1 is highly-respected and oft-cited. See also *In re Lugo*, 164 Cal.App.4th 1522,
2 1544 (2008) (“The only proper basis of reversal of the amount of an attorney fees
3 award is if the amount awarded is so large or small that it shocks the conscience
4 and suggests that passion and prejudice influenced the determination”), citing
5 *Akins v Enterprise Rent-A-Car Co.*, 79 Cal.App.4th 1127, 1134 (2000). This wide
6 deference is particularly applicable to the trial court’s factual determinations. See
7 *Graham v DaimlerChrysler Corp.*, 34 Cal.4th 553, 581 (2004) (reaffirming “the
8 principle that the awarding of attorney fees and the calculation of attorney fee
9 enhancements are highly fact-specific matters best left to the discretion of the
10 trial court”). The normal presumption in favor of trial court decisions, the rule
11 that trial court orders must be sustained if they are correct on any grounds, and
12 the implied findings rule also apply to appellate review of fee awards.

13 35. In the instant case, Class Counsel beat these high odds. Overcoming
14 these obstacles here required an exceptional effort -- extremely careful and
15 thorough review and analysis of the over-sized record and the case law, as well as
16 substantial writing and editing. Throw in a well-funded, well-represented,
17 aggressive opponent and a fully successful result, and the time spent by counsel
18 here is well within the range of the number of hours I would expect in this case.

19 36. To summarize, in my opinion, Class Counsel’s lodestar is eminently
20 reasonable.

21 **A MODEST 1.5 LODESTAR ENHANCEMENT IS CONSISTENT WITH**
22 **THE LEGAL MARKETPLACE.**

23 37. Class Counsel request that this Court apply a 1.5 lodestar
24 enhancement to reflect the legal marketplace for contingent fee matters. I am
25 familiar with the legal standards governing the application of lodestar
26 enhancements, commonly known as “multipliers,” in cases in which fees are
27 recoverable under fee-shifting statutes section 1021.5. In fact, I was lead
28 appellate counsel in *Horsford v. Board of Trustees of California State Univ.*,

1 *supra*, 132 Cal.App.4th 359, 399 (2005), a seminal case on lodestar multipliers in
2 statutory fee cases. I also was lead appellate counsel in *Graham v.*
3 *DaimlerChrysler, supra*, 34 Cal.4th at 578, which re-enforced the importance of
4 multipliers in public interest cases, both for work on the merits and for fee
5 motion work. I also was co-appellate counsel in *Ketchum v. Moses, supra*, 24
6 Cal.4th 1122, the seminal case on contingent risk multipliers.

7 38. The basic purpose of lodestar multipliers was summarized in
8 *Ketchum*: “Under *Serrano III*, the lodestar is the basic fee for comparable legal
9 services in the community; it may be adjusted by the court based on factors
10 including ... (1) the novelty and difficulty of the questions involved, (2) the skill
11 displayed in presenting them, (3) the extent to which the nature of the litigation
12 precluded other employment by the attorneys, (4) the contingent nature of the
13 fee award. [Citation.] The purpose of such adjustment is to fix a fee at the fair
14 market value for the particular action. In effect, the court determines,
15 retrospectively, whether the litigation involved a contingent risk or required
16 extraordinary legal skill justifying augmentation of the unadorned lodestar in
17 order to approximate the fair market rate for such services.” 24 Cal.4th at 11231-
18 1132. In *Graham*, the California Supreme Court expressly recognized that the
19 same factors apply to the determination of reasonable attorneys’ fees for
20 litigation over entitlement to fees. *Graham*, 34 Cal.4th at 579.

21 39. In my opinion, these factors – contingent risk and extraordinary
22 legal skill – readily support the modest 1.5 lodestar multiplier requested here.
23 The significant financial risk Class Counsel faced in pursuing their appeals and
24 defending against the cross-appeals arising from the trial court’s initial fee
25 rulings amply justify a fee that is 1.5 higher than the fee they would have
26 recovered had they represented a fee-paying client. That risk was exacerbated
27 here by District 40’s insistence on appealing Counsel’s entitlement to any fees at
28 all: the 14 pages that the Court of Appeal devoted to this argument is indicative

1 of how seriously Class Counsel were required to take this argument and respond
2 to it: a reversal on these grounds would have resulted in their recovering *no*
3 compensation for their nearly 15 years and over 6,700 hours of hard work, as well
4 as their substantial out-of-pocket expenses.

5 40. Other factors also support a lodestar enhancement. District 40's
6 unrelenting and intransigent opposition, which required Class Counsel to win the
7 right to fees only by securing a favorable judgment after eight years of litigation
8 and trials; and the excellent result obtained for the Class, *i.e.*, the public benefits
9 that will accrue from that victory further support the lodestar enhancement. In
10 the legal marketplace, those factors would justify a reasonable fee that was
11 significantly higher than the fee that would have been charged to a fee-paying
12 client on a non-contingent, win or lose, basis.

13 **Counsel's Significant Financial Risk Justifies a 1.5 Multiplier.**

14 41. In the legal marketplace, it is well-accepted that attorneys who
15 litigate on a contingent basis in which any compensation is wholly contingent on
16 success do and should expect to receive significantly higher fees when those cases
17 are successful than they would have received from a fee-paying client, win or lose.
18 The case law repeatedly recognizes this fact. *See, e.g., Ketchum*, 24 Cal.4th at
19 1132. This is particularly true in hard-fought cases like this one, where any
20 successful result is uncertain.

21 42. As both the marketplace and the case law recognize, this does not
22 result in any "windfall" or undue "bonus." In the legal marketplace, a lawyer who
23 assumes a significant financial risk on behalf of a client rightfully expects that his
24 or her compensation will be significantly greater than if no risk was involved (*i.e.*,
25 if the client paid the bill on a monthly basis). *See, e.g., Graham*, 34 Cal.4th at 579;
26 *Cazares v Saenz* 208 Cal.App.3d 279, 288 (1989) ("in theory, a contingent fee in
27 a case with a 50 percent chance of success should be twice the amount of a
28 noncontingent fee for the same case.").

1 43. Adjusting court-awarded fees upward in contingent fee cases to
2 reflect the risk of recovering no compensation whatsoever for hundreds of hours
3 of labor simply makes those fee awards consistent with the legal marketplace.
4 See, e.g., *Cotchett, Pitre & McCarthy v Universal Paragon Corp.*, 187 Cal.App.4th
5 1405, 1423 (2010) (approving negotiated fee that amounted to 7.0 multiplier). In
6 so doing, a risk multiplier helps to ensure that meritorious cases will be brought
7 to enforce important public interest policies and that clients who have
8 meritorious claims will be better able to obtain qualified counsel. As the
9 Supreme Court recognized in *Ketchum v. Moses*: “A lawyer who both bears the
10 risk of not being paid and provides legal services is not receiving the fair market
11 value of his work if he is paid only for the second of these functions. If he is paid
12 no more, competent counsel will be reluctant to accept fee award cases.” 24
13 Cal.4th at 1133, quoting Leubsdorf, *The Contingency Factor in Attorney Fee*
14 *Awards*, 90 Yale L.J. 473, 480 (1981).

15 44. It also is my experience that these risks are exaggerated greatly when
16 the prevailing attorneys are sole proprietors or from small firms. See, e.g.,
17 *Amaral v. Cintas Corp. No. 2*, 163 Cal.App.4th 1157, 1217 (2008). Unlike larger
18 firms, they lack the ability to have large numbers of non-involved attorneys
19 bringing in revenue while highly intensive, contingent fee cases like this one
20 consume a high percentage of the firm’s resources.

21 45. The courts also recognize that any case in which counsel must obtain
22 the reversal of a dispositive ruling involves a particularly grave risk. For example,
23 in *Cates v. Chiang* (2013) 213 Cal.App.4th 791, a case challenging the State’s
24 failure to collect certain gambling taxes, the Court of Appeal affirmed a 1.85
25 lodestar multiplier based in part on the trial court’s finding that “The mere fact
26 that the trial court ... *granted* summary judgment in favor of the State indicates
27 that the risk to plaintiff’s counsel was substantial. Indeed, it seems unlikely that
28

1 any reasonable lawyer evaluating this case at the outset would have predicted
2 even a 50-percent chance of ultimate success.” *Id.* at 823.

3 46. That principle applies in spades to Class Counsel’s cross-appeal here.
4 In my view, the risks counsel faced here were extraordinary. Indeed, the chance
5 of success on any civil appeal is lower than 20%. Add to that: a) the highly
6 deferential standard of review that applies to trial court fee awards; b) the opacity
7 of the trial court’s award and the gray area regarding how much explanation trial
8 courts have to give when awarding fees; c) the implied findings rule, which
9 requires appellate courts to presume trial court’s made any unstated findings that
10 are supported by the record; d) the legal standards that counsel had to show were
11 disregarded; and e) the factual findings that had to be shown to be unsupported,
12 and the prospects for success were, in my opinion, very slim.

13 47. I am very familiar with the legal issues and risks involved in appeals
14 challenging trial courts’ attorneys’ fees awards, particularly appeals like this one
15 that challenge fee awards as inadequate. I have brought or consulted on
16 numerous fee awards that, in my view, showed reversible trial court errors. In
17 the cases that counsel have decided to appeal, however, I have been amazed at
18 how far some appellate courts would go to uphold the trial court’s discretion. See
19 paragraph 34, above.

20 48. In this case specifically, I would not have given Class Counsel more
21 than a 10-20% chance of winning their appeal from the trial court’s hourly rate
22 determinations or its refusal to apply a lodestar multiplier. On a strictly risk-
23 reward economic basis, an appeal with a 1 in 9 or 1 in 10 chance of winning
24 should support a fee that is many times the lodestar. In this light, the 1.5
25 multiplier requested by Class Counsel here is quite modest and understates the
26 substantial risk counsel undertook over the 6-year appellate history of this case.

1 **The Other Lodestar Enhancement Factors Also Strongly Support**
2 **A 1.5 Enhancement.**

3 49. My opinion also is based on other lodestar enhancement factors that
4 must be considered in determining reasonable attorneys' fees. Indeed, the high
5 quality and efficiency of counsel's work, coupled with the excellent results
6 achieved, also strongly supports a multiplier. See *Graham*, 34 Cal.4th at 582
7 (noting that "results obtained" multiplier may be appropriate "where an
8 exceptional effort produced an exceptional benefit"). Litigating this entire case
9 with only two principal attorneys (plus two others on an as-needed basis) is as
10 efficient as realistically possible. Larger firms would have a much larger team of
11 attorneys to deal with a record like this one.

12 50. Likewise, the novel and unique issues presented and the public
13 interests served by fully compensating counsel who are willing to take on such
14 critically important cases further support a 1.5 enhancement. The Court of
15 Appeal itself has recognized that this case has involved novel and unique issues.
16 Likewise, reaffirming and applying the standards for allowing successful
17 attorneys to recover their full marketplace rates and lodestar enhancements goes
18 a long way toward providing the incentive required to allow water users to find
19 competent, highly-skilled attorneys willing to take their case wherever their claim
20 is located.

21 **The Multipliers Applied in Comparable Cases Support a 1.5**
22 **Enhancement.**

23 51. Finally, a 1.5 multiplier is consistent with the multipliers applied in
24 numerous other appellate fee cases. These include:

- 25 • In *Hope v. State of California, Department of Youth*
26 *Authority*, Los Angeles County Superior Court No. BC
27 258985, the court compensated Petitioner's counsel for
28 459.5 hours for a single FEHA appeal, at 2006 rates of up to

\$750 per hour, *plus* a **2.0** multiplier. Order re: Award of Appellate Attorney Fees Pursuant to Government Code § 12965, filed April 21, 2006.

- In *Thompson v. Santa Clara County Open Space Authority*, Santa Clara County Superior Court No. 1-02-CV-804474, Order re Final Approval of Class Action Settlement and For Attorneys' Fees and Litigation Expenses, filed September 21, 2009, a challenge to an invalid tax statute, the trial court determined that the Petitioner's lodestar, which mainly consisted of appellate work, was \$2,598,122.50, to which it applied a 2.85 multiplier.
- In *Jordan v. Dept. of Motor Vehicles*, JAMS Ref. No. 1100040574, Arbitration Award and Decision, dated April 14, 2004 (arbitrating fees incurred in Sacramento Superior Court Nos. 95AS05228, 01CS0006, 01CS0007), a lodestar of \$716,000 was found reasonable for defending the trial court's judgment on appeal, and a 2.5 multiplier was applied to that lodestar.
- In *City of Oakland v. Oakland Raiders*, 203 Cal.App.3d 78 (1988), a 2.43 multiplier was applied to the entire case, including appellate work.
- In *Horsford v. Bd. of Trustees*, on remand from the appellate decision found at 132 Cal.App.4th 359 (2005), the Fresno County Superior Court applied a 1.5 multiplier to counsel's fee for appellate services.
- In *Lealao v. Beneficial California, Inc.*, San Francisco County Sup. Ct. No. 972921, Fee Order filed Dec. 5, 2000, on remand from 82 Cal.App.4th 19 (2000), a 2.5 multiplier

1 was applied to time spent on counsel's successful appellate
2 reversal of an unreasonably low fee award).

3
4 The instant case fits squarely within these parameters.

5 52. In sum, it is my opinion that in the legal marketplace, for the reasons
6 stated above, Class Counsel's requested \$1,338,328 attorneys' fee, consisting of a
7 \$892,219 lodestar for merits litigation, and a 1.5 lodestar enhancement for their
8 contingent risk, is eminently reasonable.

9 If called as a witness, I could and would competently testify from my
10 personal knowledge to the facts stated herein. I declare under penalty of perjury
11 that the foregoing is true and correct. Executed this 25th day of February 2022, in
12 Berkeley, California.

13
14
15 
16 RICHARD M. PEARL

Exhibit A

RESUME OF RICHARD M. PEARL

RICHARD M. PEARL

LAW OFFICES OF RICHARD M. PEARL

1816 Fifth Street

Berkeley, CA 94710

(510) 649-0810

(510) 548-3143 (facsimile)

rpearl@interx.net (e-mail)

EDUCATION

University of California, Berkeley, B.A., Economics (June 1966)

Berkeley School of Law (formerly Boalt Hall), Berkeley, J.D. (June 1969)

BAR MEMBERSHIP

Member, State Bar of California (admitted February 1970)

Member, State Bar of Georgia (admitted June 1970) (inactive)

Admitted to practice before all California State Courts; the United States Supreme Court; the United States Court of Appeals for the District of Columbia and Ninth Circuits; the United States District Courts for the Northern, Central, Eastern, and Southern Districts of California, for the District of Arizona, and for the Northern District of Georgia; and the Georgia Civil and Superior Courts and Court of Appeals.

EMPLOYMENT

LAW OFFICES OF RICHARD M. PEARL (April 1987 to Present): Civil litigation practice (AV rating), with emphasis on court-awarded attorney's fees, class actions, and appellate practice. Selected Northern California "Super Lawyer" in Appellate Law for 2005, 2006, 2007, 2008, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, and 2021.

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

ADJUNCT PROFESSOR, HASTINGS COLLEGE OF THE LAW (January 1988 to 2014):

Taught *Public Interest Law Practice*, a 2-unit course that focused on the history, strategies, and issues involved in the practice of public interest law.

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

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

Director of Litigation (July 1977 to July 1982)

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

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

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

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

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

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

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

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

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

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

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

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

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

PUBLICATIONS

Pearl, *California Attorney Fee Awards, Third Edition* (Cal. Cont. Ed. Bar 2010) and February 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, and March 2021 Supplements

Pearl, *California Attorney Fee Awards, Second Edition* (Cal. Cont. Ed. Bar 1994), and 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, and 2008 Supplements

Graham v. DaimlerChrysler Corp. and *Tipton-Whittingham v. City of Los Angeles*, Civil Litigation Reporter (Cal. Cont. Ed. Bar Feb. 2005)

Current Issues in Attorneys' Fee Litigation, California Labor and Employment Law Quarterly (September 2002 and November 2002)

Flannery v. Prentice: Shifting Attitudes Toward Fee Agreements and Fee-Shifting Statutes, Civil Litigation Reporter (Cal. Cont. Ed. Bar Nov. 2001)

A Practical Introduction to Attorney's Fees, Environmental Law News (Summer 1995)

Wrongful Employment Termination Practice, Second Edition (Cal. Cont. Ed. Bar 1997) (co-authored chapter on "Attorney Fees")

California Attorney's Fees Award Practice (Cal. Cont. Ed. Bar 1982) (edited), and 1984 through 1993 Supplements

Program materials on attorney fees, prepared as panelist for CEB program on Attorneys' Fees: Practical and Ethical Considerations in Determining, Billing, and Collecting (October 1992)

Program materials on Attorney's Fees in Administrative Proceedings: California Continuing Education of the Bar, prepared as panelist for CEB program on Effective Representation Before California Administrative Agencies (October 1986)

Program materials on Attorney's Fees in Administrative Proceedings: California Continuing Education of the Bar, prepared as panelist for CEB program on Attorneys' Fees: Practical and Ethical Considerations (March 1984)

Settlers Beware/The Dangers of Negotiating Statutory Fee Cases (September 1985) Los Angeles Lawyer

Program Materials on Remedies Training (Class Actions), sponsored by Legal Services Section, California State Bar, San Francisco (May 1983)

Attorneys' Fees: A Legal Services Practice Manual (Legal Services Corporation 1981)

PUBLIC SERVICE

Member, Attorneys' Fee Task Force, California State Bar

Member, Board of Directors, California Rural Legal Assistance Foundation

REPRESENTATIVE CASES

ACLU of N. Cal. v. DEA

(N.D. Cal. 2012) 2012 U.S.Dist.LEXIS 190389

Alcoser v. Thomas

(2011) 2011 Cal.App.Unpub.LEXIS 1180

Arias v. Raimondo

(2018) 2018 U.S.App.LEXIS 7484

Boren v. California Department of Employment

(1976) 59 Cal.App.3d 250

Cabrera v. Martin

(9th Cir. 1992) 973 F.2d 735

Camacho v. Bridgeport Financial, Inc.

(9th Cir. 2008) 523 F.3d 973

Campos v. E.D.D.

(1982) 132 Cal.App.3d 961

Center for Biological Diversity v. County of San Bernardino

(2010) 185 Cal.App.4th 866

Children & Families Commission of Fresno v. Brown

(2014) 228 Cal.App.4th 45

Committee to Defend Reproductive Rights v. A Free Pregnancy Center

(1991) 229 Cal.App.3d 633

David C. v. Leavitt

(D. Utah 1995) 900 F.Supp. 1547

Delaney v. Baker

(1999) 10 Cal.4th 23

REPRESENTATIVE CASES (cont.)

Dixon v. City of Oakland

(2014) 2014 U.S.Dist.LEXIS 169688

Employment Development Dept. v. Superior Court (Boren)

(1981) 30 Cal.3d 256

Environmental Protection Info. Ctr. v Department of Forestry & Fire Protection

(2010) 190 Cal.App.4th 217

Environmental Protection Information Center, Inc. v. Pacific Lumber Co.

(N.D. Cal. 2002) 229 F. Supp.2d 993, *aff'd* (9th Cir. 2004) 103 Fed. Appx. 627

Flannery v Prentice

(2001) 26 Cal. 4th 572

Guerrero v. Cal. Dept. of Corrections etc.

(2016) 2016 U.S.Dist.LEXIS 78796, *aff'd in relevant part*, (9th Cir. 2017) 701 Fed.Appx. 613

Graham v. DaimlerChrysler Corp.

(2004) 34 Cal. 4th 553

Heron Bay Home Owners Assn. v. City of San Leandro

(2018) 19 Cal.App.5th 376

Horsford v. Board of Trustees of Univ. of Calif.

(2005) 132 Cal.App.4th 359

Ketchum v. Moses

(2001) 24 Cal.4th 1122

Kievlan v. Dahlberg Electronics

(1978) 78 Cal.App.3d 951, *cert. denied* (1979)
440 U.S. 951

Lealao v. Beneficial California, Inc.

(2000) 82 Cal.App.4th 19

Lewis v. California Unemployment Insurance Appeals Board

(1976) 56 Cal.App.3d 729

REPRESENTATIVE CASES (cont.)

Local 3-98 etc. v. Donovan

(N.D. Cal. 1984) 580 F.Supp. 714,
aff'd (9th Cir. 1986) 792 F.2d 762

Mangold v. California Public Utilities Commission

(9th Cir. 1995) 67 F.3d 1470

Maria P. v. Riles

(1987) 43 Cal.3d 1281

Martinez v. Dunlop

(N.D. Cal. 1976) 411 F.Supp. 5,
aff'd (9th Cir. 1977) 573 F.2d 555

McQueen, Conservatorship of

(2014) 59 Cal.4th 602 (argued for *amici curiae*)

McSomebodies v. Burlingame Elementary School Dist.

(9th Cir. 1990) 897 F.2d 974

McSomebodies v. San Mateo City School Dist.

(9th Cir. 1990) 897 F.2d 975

Molina v. Lexmark International

(2013) 2013 Cal.App. Unpub. LEXIS 6684

Moore v. Bank of America

(9th Cir. 2007) 2007 U.S. App. LEXIS 19597

Moore v. Bank of America

(S.D. Cal. 2008) 2008 U.S. Dist. LEXIS 904

Mora v. Chem-Tronics, Inc.

(S.D. Cal. 1999) 1999 U.S. Dist. LEXIS 10752,
5 Wage & Hour Cas. 2d (BNA) 1122

Nadaf-Rahrov v. Nieman Marcus Group

(2014) 2014 Cal.App. Unpub. LEXIS 6975

Orr v. Brame

(9th Cir. 2018) 727 Fed.Appx. 265, 2018 U.S.App.LEXIS 6094

REPRESENTATIVE CASES (cont.)

Orr v. Brame

(9th Cir. 2019) 793 Fed.Appx. 485

Pena v. Superior Court of Kern County

(1975) 50 Cal.App.3d 694

Ponce v. Tulare County Housing Authority

(E.D. Cal 1975) 389 F.Supp. 635

Ramirez v. Runyon

(N.D. Cal. 1999) 1999 U.S. Dist. LEXIS 20544

Ridgeway v. Wal-Mart Stores, Inc., 269 F. Supp. 3d 975 (N.D. Cal. 2017), *aff'd on merits (fees not appealed)* 269 F.3d 1066 (9th Cir. 2020)

Robles v. Employment Dev. Dept.

(2019) 38 Cal.App.5th 191

Rubio v. Superior Court

(1979) 24 Cal.3d 93 (amicus)

Ruelas v. Harper

(2015) 2015 Cal.App. Unpub.LEXIS 7922

Sokolow v. County of San Mateo

(1989) 213 Cal. App. 3d. 231

S.P. Growers v. Rodriguez

(1976) 17 Cal.3d 719 (amicus)

Swan v. Tesconi

(2015) 2015 Cal.App. Unpub. LEXIS 3891

Tongol v. Usery

(9th Cir. 1979) 601 F.2d 1091,
on remand (N.D. Cal. 1983) 575 F.Supp. 409,
revs'd (9th Cir. 1985) 762 F.2d 727

Tripp v. Swoap

(1976) 17 Cal.3d 671 (amicus)

REPRESENTATIVE CASES (cont.)

United States (Davis) v. City and County of San Francisco
(N.D. Cal. 1990) 748 F.Supp. 1416, *aff'd in part*
and revs'd in part sub nom Davis v. City and County
of San Francisco (9th Cir. 1992) 976 F.2d 1536,
modified on rehearing (9th Cir. 1993) 984 F.2d 345

United States v. City of San Diego
(S.D.Cal. 1998) 18 F.Supp.2d 1090

Vasquez v. State of California
(2008) 45 Cal.4th 243 (*amicus*)

Velez v. Wynne
(9th Cir. 2007) 2007 U.S. App. LEXIS 2194

AUGUST 2021

Exhibit B

Exhibit B

Rates Approved by Los Angeles Area Courts

- In *The Kennedy Commission v. City of Huntington Beach*, Los Angeles County Superior Court No. 30-2015-00801675, Ruling on Submitted Matter filed July 8, 2021, a writ of mandate action challenging a land use amendment adopted by the City of Huntington Beach, the court found the following hourly rates reasonable (prior to application of a 1.4 lodestar multiplier):

2020 Rates:	Years of Experience	Rates
	38	\$910
	40	\$900
	26	\$815
	23	\$750
	16	\$710
	14	\$680
	10	\$565
	7	\$500
	6	\$475
	5	\$450
	2	\$365

In an earlier ruling in the same case, the court found the following hourly rates reasonable for the Plaintiffs' private *pro bono* law firm (prior to application of a 1.4 multiplier)¹:

2016 Rates:	Bar Admission Year	Rates
	2001	\$900
	2014	\$450
2015 Rates:	Bar Admission Year	Rates
	2001	\$875
	2014	\$400

- In *Rea v. Blue Shield*, Los Angeles County Superior Court No. BC468900, Fee Order filed November 13, 2020, a class action challenging Blue Shield's practices regarding mental health claims, in which the court found that \$900 per hour was reasonable for plaintiffs' three lead attorneys, with 35, 37, and 44 years of experience. It also applied a 1.5 multiplier.
- In *Caldera v. State of California*, San Bernardino County Superior Court No. DS1000177, Ruling on Plaintiff's Motion for Attorney's Fees filed October 23, 2020, an individual Fair Employment and Housing Act case, the court found that \$825 per hour was a reasonable hourly rate in the Los Angeles legal marketplace for 26-year attorney's appellate work (before applying a 1.65 lodestar multiplier).
- In *Independent Living Center of S. Cal. v. Kent*, 2020 U.S.Dist.LEXIS 13019 (C.D. Cal. 2020), an action seeking to enjoin the challenging the State's right to alter reimbursement rates for Medi-Cal providers, the court found the following hourly rates reasonable (before applying a 1.5 lodestar multiplier):

¹ The initial *Kennedy Commission* fee award was remanded in conjunction with the reversal of the merits. 2017 Cal.App.Unpub.Lexis 7488 (2017).

2019 Rates:	Law School Graduation Year	Rates
	1975	\$1,025
	1976	\$965
	1979	\$1,025
	2007	\$815
	2011	\$800
	2015	\$640
	2016	\$600
	2019	\$440
2018 Rates:	Law School Graduation Year	Rates
	1975	\$1,025
	1976	\$930
	1979	\$995
	2015	\$570

- In *Lavinsky v. City of Los Angeles*, Los Angeles County Superior Court No. BC542245, Fee Award filed October 9, 2019, a class action challenge to a municipal tax, the court found the following hourly rates reasonable (before applying a 3.8 lodestar multiplier for contingent risk, etc.):

YEARS OF EXPERIENCE	RATE
25	\$850
29	\$800
17	\$695
9	\$475
5-7	\$450
1	\$295
Paralegal	\$125

- In *Hadsell v. City of Baldwin Park*, Los Angeles County Superior Court No. BC 548 602, Notice of Ruling on Plaintiff's Motion for Attorneys' Fees filed June 25, 2019, the court found the following hourly rates reasonable (before applying a 1.5 multiplier):

CAL BAR ADMISSION DATE	RATE
1987	\$1,100
1990	\$1,100
2008	\$800
2008	\$650
2012	\$550
2016	\$500

- In *Pinter-Brown v. UCLA*, Los Angeles Superior Court No. BC624838, Fee Order filed August 3, 2018, the court found the following 2018 hourly rates reasonable:

CAL BAR ADMISSION DATE	RATE
1990	\$1,100
2008	\$675
2012	\$500
2016	\$400
2015	\$350
2016	\$325
2017	\$300

- In *Wishtoyo Foundation et al v. United Water Conservation Dist.*, 2019 U.S.Dist.LEXIS 39927 (C.D. Cal. 2019), an environmental action under the federal Endangered Species Act, the court found the following hourly rates reasonable:

	Bar Admittance or Law School Graduation	2018 Rates
	1986	\$840
		\$780
		\$735
		\$720
		\$670
		\$600
		\$425
		\$680
	Paralegals	\$200-250

• In *Monster, LLC, et al., v. Beats Electronics, LLC et al.*, Los Angeles Superior Court Case No. BC595235 (2017), Order Granting Defendant and Cross-Complainant Beats Electronics, LLC's Motion for Attorneys' Fees and Costs, filed June 27, 2018, a commercial dispute, the court found the following hourly rates reasonable for Beats' attorneys' work on the successful jury trial that determined the amount of reasonable attorneys' fees Monster would be required to pay as damages:

	Bar Admittance or Law School Graduation	2016/2017 Rates
<u>Boies, Schiller & Flexner</u> Partners:	1986	\$960/\$1,049
	2006	\$920/\$972
	2000	\$880
	2001	\$880
	2002	\$830
	1999	\$830
	2004	\$740 (2015); \$760 (2016)
	2006	\$680
	2007	\$650/\$714
	2009	\$600/\$800
Associates:	2004	\$680
	2009	\$610
	2013	\$460/\$533
	2013	\$490
	2010	\$630
	2011	\$480/\$602
	2014-2015	\$420
Non-Attorneys Timekeepers:		\$190-284

<u>Gibson Dunn & Crutcher</u>	Bar Admittance or Law School Graduation	2017 Rates
	1987	\$852 (through

		Aug. 2017) \$956 (from Sept. 2017)
	2008	\$592 (through Aug. 2017) \$696 (from Sept. 2017)
	2013	\$404 (through Aug. 2017) \$600 (from Sept. 2017)
	2015	\$520
	2016	\$472
	1997	\$960
	2006	\$736
	1987	\$944
Non-Attorneys Timekeepers:		\$216-\$335

- In *Nozzi v. Housing Authority*, 2018 U.S.Dist.LEXIS 26049 (C.D. Cal. 2018), tenant class action, the court approved the following hourly rates as reasonable:

Kaye McLane Bednarski & Litt	Bar Admittance or Law School Graduation	2017 Rates
	1969	\$1,150
	1992	\$750
	1993	\$765
	2008	\$730
	Sr. Paralegal	\$335
	Jr. Paralegal	\$150
	Law Clerk	\$200

- In *Monster, LLC, et al., v. Beats Electronics, LLC et al.*, Los Angeles Superior Court Case No. BC595235 (2017), the same commercial dispute listed above, the court found the following 2017 rates to be reasonable for Beats's co-defendants who had obtained relief by summary judgment (see Order Granting Motions for Attorneys' Fees, filed October 12, 2017, p. 2):

	Bar Admittance or Law School Graduation	2016 Rates (unless otherwise noted)
Partners:	1966	\$1,000 (2015); 1,245 (2016)
	1977	\$1,110 (2015)
	1981	\$910
	1985	\$995

	Bar Admittance or Law School Graduation	2016 Rates (unless otherwise noted)
	1992	\$875-885
	1995	\$910
	2002	\$750
Of Counsel:	1976	\$705
Associates:	2009	\$615 (2015); \$660 (2016)
Non-Attorneys Timekeepers:		\$380-90

- In *The Kennedy Commission v. City of Huntington Beach*, Los Angeles County Superior Court No. 30-2015-00801675, Order Granting Petitioners' Motion for Attorneys' Fees Pursuant to California Code of Civil Procedure § 1021.5, filed July 13, 2016, a writ of mandate action challenging a land use amendment adopted by the City of Huntington Beach, the court found the following hourly rates reasonable for the Plaintiffs' private *pro bono* law firm (prior to application of a 1.4 multiplier)²:

2016 Rates:	Bar Admission Year	Rates
	2001	\$900
	2014	\$450
2015 Rates:	Bar Admission Year	Rates
	2001	\$875
	2014	\$400

- In *Willits et al v. City of Los Angeles*, No. CV 10-5782 CCBM (RZx) (C.D. Cal.), Order Granting Motion for Attorneys' Fees and Costs, filed August 25, 2016 (Dkt. No. 418), a class action lawsuit against the City of Los Angeles by persons with mobility disabilities under the Americans with Disabilities Act and the

² The *Kennedy Commission* fee award was remanded in conjunction with the reversal of the merits. 2017 Cal.App.Unpub.Lexis 7488 (2017).

Rehabilitation Act of 1973 challenging the inaccessibility of the City's sidewalks, the court found the following 2015 hourly rates reasonable:

Law School Graduation	Rates
1976	\$1,115.60
1977 (associate)	700
1981	795
1987	680-775
1993	750
1999	644-695
2001	625
2003	550
2006	525 — 550
2007	450
2008	473
2009	450
2010	350-400
2011	300-385
2012	300
2013	300-325
Paralegals and Law Clerks	110-250
Case Assistants	220-230
Docket Clerk	230

- In *State Compensation Insurance Fund v. Khan et al*, Case No. SACV 12-01072-CJC(JCGx) (C.D. Cal.), Order Granting in Part and Denying in Part the Zaks

Defendants' Motion for Attorneys' Fees, filed July 6, 2016 (Dkt. No. 408), a multi-defendant RICO action, the court found the following hourly rates reasonable:

Years of Experience	Rates
22	\$890
20	\$840
5	\$670
4	\$560
Paralegals	\$325-340
Case Assistants	\$220-230
Docket Clerk	\$230

- In *ScriptsAmerica, Inc. Ironridge Global LLC et al*, Case No. CV 14-03962-SJO (AGRx) (C.D. Cal.), Order Granting Defendant Ironridge Global LLC, John Kirkland, Brendan O'Neill's Motion for Attorney's Fees, filed January 12, 2016 (Dkt. No. 50), a contract dispute, the court found the following 2015 hourly rates reasonable:

Years of Experience	Rates
37	\$950
11	\$700
4	\$450
Paralegals	\$200-350

- In *Perfect 10, Inc. v. Giganews, Inc.*, 2015 U.S. Dist. LEXIS 54063 (C.D. Cal. 2015), filed March 24, 2015, *affirmed* 847 F.3d 657 (9th Cir. 2017), a copyright infringement action, the court found the following 2015 hourly rates reasonable:

Years of Experience	2015 Rate
29	\$825-930
18	\$750
17	\$705-750
12	\$610-640
11	\$660-690

10	670
9	660-690
8	470-525
7	640
5	375-560
4	350-410
3	505
2	450
1	360-370
Paralegals	240-345
Discovery Support Staff	245-290

- In *Rodriguez v. County of Los Angeles*, 96 F.Supp.3d 990 (C.D. Cal. 2014), Order Granting Plaintiffs' Motion for Attorneys' Fees, filed December 29, 2014, *affirmed* 891 F.3d 779 (9th Cir. May 30, 2018), a civil rights action on behalf of five county jail prisoners, the district court found the following hourly rates reasonable, plus a 2.0 lodestar multiplier for merits work performed on the plaintiffs' California cause of action; the entire award was affirmed on appeal:

Years of Experience		Rate
45		\$975
28		700-775
26		775
10		600
6		500
Senior Paralegal		295
Other Paralegals		175-235
Law Clerk		250

- In *Doe v. United Healthcare Insurance Co., et al.*, No. SACV13-0864 DOC(JPRx) (C.D. Cal.), Order Granting Attorney's Fees and Costs, filed October 15, 2014, a multi-Plaintiff consumer action, the court found the following hourly rates reasonable:

Whatley Kallas

Years of Experience	Rate
36	\$950
27	900
32	800
33	750
21	700
10	600
4	400
2	375
Paralegal	225

Consumer Watchdog

Years of Experience	Rate
35	\$925
19	650
4	425

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

Years of Experience	Rate
42	\$850
32	825
23	625
18	625
Law Clerks	250
Paralegals	250

Exhibit C

Exhibit C

Rates Charged by Los Angeles Area Law Firms

Ahdoot & Wolfson		
2019 Rates	Years of Experience	Rate
	25	\$850
	29	\$800
	17	\$695
	9	\$475
	5-7	\$450
	1	\$295
	Paralegal	\$125

Arnold Porter LLP		
2015 Rates:	Level	Rates
	Partners	Up to \$1,085
	Associates	Up to \$710
2014 Rates:	Years of Experience	Rates
	49	\$995
	45	\$720
	39	\$655
2013 Rates:	Level	Rates
	Average Partner	\$815
	Highest Partner	\$950

	Lowest Partner	\$670
	Average Associate	\$500
	Highest Associate	\$610
	Lowest Associate	\$345

The Arns Law Firm LLP		
2020 Rates:	Years of Experience	Rates
	1975	\$950
	2010	\$575
	2013	\$525

Bush Gottlieb		
2019 Rates:	Class Year	Rates
Lawyers:	1980	\$900
	1989	\$900
	1974	\$850
	2002	\$725
	2006	\$625
	2013	\$450
	2014	\$425
	2015	\$400
	2016	\$375
Law Clerks/Support Staff:		\$200

Cooley LLP		
2021 Rates:	Years of Experience	Rates
	27 (Partner)	\$1,415
	27 (Special Counsel)	\$1,210
2020 Rates	Years of Experience	Rates
	26 (Partner)	\$1,275
	26 (Special Counsel)	\$1,140
	12 (Associate)	\$1,120
2017 Rates:	Years of Experience	Rates
	22	\$905
2014 Rates:	Years of Experience	Rates
	31	\$1,095
	17	\$770
	9	\$685
2013 Rates:	Years of Experience	Rates
	30	\$1,035
	16	\$710
	8	\$645
Crowell & Moring		
2020 Rate:	Years of Experience	Rate
	27	\$1,090
Law Offices of James DeSimone		
2020 Rate:	Years of Experience	Rate
	33	\$1,000

Dordick Law		
2019 Rates:	Bar Admission Year	Rates
	1987	\$1,100

Duane Morris LLP		
2018 Rates:	Bar Admission Year	Rates
	1973	\$1,005
	2008	\$605
	2011	\$450
	2017	\$355
	Sr. Paralegal	\$395
2016 Rates:	Years of Experience	Rates
	43	\$880
	41	\$880
	26	\$720
	25	\$695
Galipo, Law Offices of		
2019 Rates:	Bar Admission Year	Rates
	1989	\$1,000

Gibson Dunn & Crutcher LLP		
2020 Rates:	Level	Rates
	Senior Partners	\$1,395 – 1,525
	Senior Associate	\$960
	Mid-level Associate	\$740
	Paralegals	\$480
2017 Rates:	Bar Admittance or Law School Graduation	Rates
	1987	\$956
	1987	\$944

	1997	\$960
	2006	\$736
	2008	\$*592/\$696
	2013	\$\$600
	2015	\$520
	2016	\$472
Non-Attorney		\$216-\$335
2016 Rates	Bar Admittance	Rates
	1987	\$852
	2010	\$540
	2013	\$404
2015 Rates	Years of Experience	Rates
	37	\$1,125
	23	\$955
	3	\$575

Goldstein Borgen Dardarian & Ho		
2020 Rates:	Bar Admission Year	Rates
	1987	\$945
	1992	\$895
	2006	\$750
	2017	\$415
	Senior Paralegal	\$325
	Paralegals	\$265-285
2019 Rates:	Law School Graduation	Rates
	1987	\$925
	2006	\$710

	2008	\$595
	2013	\$475
	2015	\$450
	2017	\$400
	Law Student	\$300
	Sr. Paralegals	\$325
	Paralegals	\$275-\$295

Hadsell, Stormer, Richardson & Renick		
2019 Rates:	Years of Experience	Rates
	46	\$1,150
	17	\$750
	10	\$575
	7	\$500
	6	\$475
2015 Rates:	Years of Experience/Level	Rates
	42	\$1,050
	20	\$750
	26	\$700
	16	\$650
	13	\$600
	5	\$425
	4	\$375
	Law Clerks	\$225
	Paralegals	\$175-250
2012 Rates:	Years of Experience	Rates

	38	\$825
	33	\$775
	22-23	\$625
	17	\$600
	12	\$525
	10	\$425
	4	\$275
	3	\$250

Hagens Berman Sobol Shapiro LLP		
2017 Rates:	Levels	Rates
	Senior Attorney	\$950
	Other Partners	\$578-\$760
	Associates	\$295-\$630

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

Hooper, Lundy & Bookman		
2019 Rates:	Law School Graduation Year	Rates
	1975	\$1,025
	1976	\$965
	1979	\$1,025
	2007	\$815
	2011	\$800
	2015	\$640
	2016	\$600
	2019	\$440
2018 Rates:	Law School Graduation Year	Rates
	1975	\$1,025
	1976	\$930
	1979	\$995
	2015	\$570

Jones Day		
2020 Rates:	Years of Experience e	Rates
	1 st	\$413.25
2018 Rates:		
	30+	\$1,025
2016 Rates:	Bar Admission Year	Rates

	2001	\$900
	2004	\$850 (partner)
	2004	\$657.70 (assoc.)
	2014	\$450
2015 Rates:	Bar Admission Year	Rates
	2001	\$875
	2014	\$400

Kaye, McLane, Bednarski & Litt		
2019 Rates:	Graduation Year	Rates
	1969	\$1,200
	1993	\$800
	2008	\$600-\$700
	2006	\$700
	Paralegals	\$125-360
	Law Clerks	\$225
2017 Rates:	Graduation Year	Rates
	1969	\$1,150
	1992	\$750
	1993	\$765
	2008	\$730
	Sr. Paralegal	\$335
	Jr. Paralegal	\$150
	Law Clerk	\$200

2014 Rates:	Years of Experience	Rates
	45	\$975
	28	\$700-775
	26	\$775
	10	\$600
	6	\$500
	Senior Paralegal	\$295
	Other Paralegal	\$175-235
	Law Clerk	\$250

Kirkland & Ellis		
2017 Rates:	Years of Experience	Rates
	20	\$1,165
	9	\$995
	8	\$965
	5	\$845
	4	\$845
	3	\$810
	2	\$555

Latham & Watkins		
2016 Rates:	Average Partner	\$1,185.83
	Highest Partner	\$1,595
	Lowest Partner	\$915

	Average Associate	\$754.62
	Highest Associate	\$1,205
	Lowest Associate	\$395

Lieff Cabraser Heimann & Bernstein, LLP		
2020 Rates:	Law School Grad. Year	Rates
	1972	\$1,075
	1998	\$950
	1993	\$900
	1984	\$850
	2000	\$775
	2001-2002	\$700
	2005	\$650
	2007	\$590
	2008	\$560
	2012	\$480-\$510
	2015	\$440
	2017	\$395
	Law Clerk	\$375-\$395
	Paralegal/Clerk	\$345-390
	Litigation Support/Research	\$345-495
2017 Rates:	Years of Experience	Rates
	11-16	\$510-\$675
	2-6	\$370-\$455
	0-13 (Contract Atty)	\$415
	Paralegals	\$360
2015 Rates:	Year of Bar Admission	Rates
	1972	\$975
	1989	\$850

	2001	\$625
	2006	\$435
	2009	\$435
2014 Rates:	Year of Bar Admission	Rates
	1998	\$825
	2001	\$600
	2006	\$435
	2009	\$415
	2013	\$325
	Paralegal/Clerk	\$305
2013 Rates:	Year of Bar Admission	Rates
	1975	\$925
	1998	\$800
	2001	\$525
	2003	\$490
	2006	\$415
	2009	\$395
	2013	\$320
	Paralegal/Clerk	\$285

Michelman & Robinson LLP		
2018 Rates:	Bar Admission Date	Rates
	Partners	\$995
	Senior Associate	\$580

	Associate	\$480
--	-----------	-------

Milbank, Tweed, Handley & McCloy LLP		
2016 Rates:	Bar Admission Date	Rates
	1983	\$1,025
	1984	\$1,350
	1992	\$1,350
	2002 (Associate)	\$915

Morrison Foerster LLP		
2018 Rates:	Years of Practice	Rates
	40	\$1,050
	22	\$950
	11	\$875
	3	\$550
	Paralegal	\$325
2017 Rates:	Bar Admission Date	Rates
	2007	\$608
	2012	\$575
2016 Rates:	Bar Admission Date	Rates
	1975	\$1,025
	1999	\$975
	1993	\$975
2013 Rates:	Level	Rates

	Average Partner	\$865
	Highest Partner	\$1,195
	Lowest Partner	\$595
	Average Associate	\$525
	Highest Associate	\$725
	Lowest Associate	\$230

Munger, Tolls & Olson		
2021 Rates	Law School Grad. Year	Rate
	1991	\$1,725
	2009	\$995
	2016	\$825
	Paralegal (43 years' experience)	\$365
2020 Rates:		
	1991	\$1,610
	2001	\$950
	2009	\$920
	2016	\$725
	Paralegal (42 years' experience)	\$345
2016 Rates (unless otherwise noted):	Bar Admittance or Law School Graduation	Rates
Partners:	1966	\$1,000 (2015); 1,245 (2016)
	1977	\$1,110 (2015)
	1981	\$910

	1985	\$995
	1992	\$875-885
	1995	\$910
	2002	\$750
Of Counsel:	1976	\$705
Associates:	2009	\$615 (2015); \$660 (2016)
Non-Attorneys Timekeepers:		\$380-90

O'Melveny & Myers		
2019 Rates:	Level	Rate
	Senior Partner	\$1,250
	Partner (1998 Bar Admittee)	\$1,050
	3rd Year Associate	\$640
	2nd Year Associate	\$565
2016 Rates:	Bar Admission Date	Rates
	1985	\$1,175
	2004	\$895
	2005	\$780
	2007	\$775
	2010	\$725
	2011	\$700
	2012	\$655
	2013	\$585

	2014	\$515
	2015	\$435
2013 Rates:	Level	Rates
	Average Partner	\$715
	Highest Partner	\$950
	Lowest Partner	\$615

Orrick Herrington & Sutcliffe		
2014 Rates:	Level	Rates
	Average Partner	\$845
	Highest Partner	\$1,095
	Lowest Partner	\$715
	Average Associate	\$560
	Highest Associate	\$710
	Lowest Associate	\$375

Paul Hastings LLP		
2020 Rates:	Years of Experience	Rates
	25	\$1,425
	7	\$885
	5	\$775
	3	\$645
	Research assistant	\$335
2016 Rates:	Bar Admission Date	Rates
	1973	\$1,175

	1997	\$895
	1990	\$750
2014 Rates:	Level	Rates
	Average Partner	\$815
	Highest Partner	\$900
	Lowest Partner	\$750
	Average Associate	\$540
	Highest Associate	\$755
	Lowest Associate	\$350

Pearson Simon & Warshaw LLP		
2019 Rates:	Years of Experience	Rates
	23-38	\$1,150
	10	\$900
	Of Counsel	\$825
	6	\$500
	4	\$450
	Paralegals	\$225
2018 Rates:	Years of Experience	Rates
	22-37	\$1,050
	9	\$650
	Of Counsel	\$725
	5	\$450
	3	\$400

2017 Rates:	Years of Experience	Rates
	35-36	\$1,035
	8	\$520
	4	\$400
	2	\$350

Proskauer Rose LLP		
2016 Rates:	Bar Admission Date	Rates
	1974	\$1,475
	1983	\$1,025
	1979	\$950
	2007	\$850
	2013	\$495
	2015	\$440-445

Quinn Emanuel Urquhart & Sullivan		
2018 Rates:	Law School Graduation Yr.	Rates
	1980	\$1,135
	2016	\$630
2013 Rates:	Level	Rates
	Average Partner	\$915
	Highest Partner	\$1,075
	Lowest Partner	\$810
	Average Associate	\$410
	Highest Associate	\$675

	Lowest Associate	\$320
--	------------------	-------

Reed Smith LLP		
2020 Rates:	Years of Experience	Rates
	22	\$930
	16	\$780
	14	\$840
	Paralegals	\$250
2014 Rates:	Years of Experience	Rates
	37	\$830
	18	\$695
	15	\$585
	6	\$485
	5	\$435
2013 Rates:	Years of Experience	Rates
	Partners	
	36	\$830
	30	\$805
	17	\$610-615
	14	\$570
	Associates	
	8	\$450-535
	6	\$495

Ropes & Gray		
2016 Rates:	Level	Rates
	Partner	\$880-1,450
	Counsel	\$605-1,425
	Associate	\$460-1050
	Paralegals	\$160-415

Schonbrun, DeSimone, Seplow, Harris & Hoffman		
2019 Rates:	Years of Experience	Rates
	43	\$1,050
2014 Rates:	Years of Experience	Rates
	29	\$750
	24	\$700
2012 Rates:	Years of Experience	Rates
	27	\$695
	22	\$630

Shegarian Law		
2018 Rates:	Years of Experience	Rate
	29	\$1,100
	10	\$675
	6	\$500
Skadden, Arps, Slate, Meagher & Flom		
2013 Rates:	Level	Rates

	Average Partner	\$1,035
	Highest Partner	\$1,150
	Lowest Partner	\$845
	Average Associate	\$620
	Highest Associate	\$845
	Lowest Associate	\$340

Law Office of Carol Sobel		
2020 Rate:	Years of Experience	Rate
	42	\$1,050
2019 Rate:	Years of Experience	Rate
	41	\$1,000
2015 Rates:	Years of Experience	Rate
	37	\$875

Wilson Sonsini Goodrich & Rosati PC		
2017 Rates:	Bar Admission Date	Rates
	2000	\$950

Winston & Strawn		
2019 Rates:	Level	Rates
	Partners:	
		\$1,515
		\$1,245

		\$1,105
		\$1,025
	Associates:	
		\$825
		\$660
		\$615
2018 Rates:	Level	Rates
	Partners:	
		\$1,445
		\$1,185
		\$1,050
		\$820
	Associates:	
		\$765
		\$585
	Paralegals:	\$170-340
	Litigation Support Mgr.	\$275
	Review Attorneys	\$85
2017 Rates:	Level	Rates
	Partners:	
		\$1,365
		\$1,120
		\$990
	Associates:	

		\$760
		\$690
		\$645
		\$520
		\$495
	Paralegals:	\$165-295
2016 Rates:	Level	Rates
	Partners:	
		\$1,290
		\$1,095
		\$965
		\$960
		\$885
	Associates:	
		\$715
		\$615
		\$575
		\$470
	Paralegals:	\$170-280
	Litigation Support Mgr.:	\$250

Exhibit D



2020 *Real Rate Report*® Mid-Year Update

The Industry's
Leading Analysis
of Law Firm Rates,
Trends, and Practices

Report Editor**Jeffrey Solomon**

Senior Director, Product Management Legal Analytics, Wolters Kluwer's ELM Solutions

Lead Data Analysts**Gary Clark**Data Engineer
Wolters Kluwer's ELM Solutions**Pankaj Saha**Data Engineer
Wolters Kluwer's ELM Solutions**ELM Solutions Creative****David Andrews**Senior Graphic Designer
Wolters Kluwer's ELM Solutions**Contributing Analysts and Authors****Joel Surdykowski**LegalVIEW Product Manager
Wolters Kluwer's ELM Solutions**Deniece Bushell**Senior Product Marketing Manager
Wolters Kluwer's ELM Solutions**Executive Sponsor****Jonah Paransky**Executive Vice President and
General Manager
Wolters Kluwer's ELM Solutions

© 2004 - 2020 Wolters Kluwer's ELM Solutions. All rights reserved. This material may not be reproduced, displayed, modified, or distributed in any form without the express prior written permission of the copyright holders. To request permission, please contact:

ELM Solutions, a Wolters Kluwer business
20 Church Street
Hartford, CT 06103 United States
ATTN: Marketing
+1-860-549-8795

LEGAL CAVEAT

Wolters Kluwer's ELM Solutions has worked to ensure the accuracy of the information in this report; however, Wolters Kluwer's ELM Solutions cannot guarantee the accuracy of the information or analyses in all cases. Wolters Kluwer's ELM Solutions is not engaged in rendering legal, accounting, or other professional services. This report should not be construed as professional advice on any particular set of facts or circumstances. Wolters Kluwer's ELM Solutions is not responsible for any claims or losses that may arise from any errors or omissions in this report or from reliance upon any recommendation made in this report.

Table of Contents - 2020 Real Rate Report

A Letter to Our Readers • 4

Report Use Considerations • 5

Section I: High-Level Data Cuts • 9

- Partners, Associates, and Paralegals
- Partners, Associates, and Paralegals by Practice Area and Matter Type
- Partners and Associates by City
- Partners and Associates by City and Matter Type
- Partners by City and Years of Experience
- Associates by City and Years of Experience
- Partners and Associates by Firm Size and Matter Type

Section II: Industry Analysis • 41

- Partners, Associates, and Paralegals by Industry Group
- Partners and Associates by Industry Group and Matter Type
- Basic Materials and Utilities
- Consumer Goods
- Consumer Services
- Financials (Excluding Insurance)
- Health Care
- Industrials
- Technology and Telecommunications

Section III: Practice Area Analysis • 56

- Bankruptcy and Collections
- Commercial
- Corporate: Mergers, Acquisitions, and Divestitures
- Corporate: Regulatory and Compliance
- Corporate: Other
- Employment and Labor
- Environmental
- Finance and Securities
- General Liability (Litigation Only)
- Insurance Defense (Litigation Only)
- Intellectual Property: Patents
- Intellectual Property: Trademarks
- Intellectual Property: Other
- Real Estate

Section IV: In-Depth Analysis for Select US Cities • 107

- Boston, MA
- Chicago, IL
- Los Angeles, CA
- New York, NY
- Philadelphia, PA
- San Francisco, CA
- Washington, DC

Section V: International Analysis • 125

Section VI: Matter Staffing Analysis • 152

Appendix: Data Methodology • 157

A Letter to Our Readers

Welcome to the Wolters Kluwer's ELM Solutions Real Rate Report®, the industry's leading data-driven benchmark report for lawyer rates.

Welcome to the Wolters Kluwer's ELM Solutions 2020 Mid-Year Real Rate Report®, the industry's leading data-driven benchmark report for lawyer rates. Our Real Rate Report has been a useful data analytics resource to the legal industry since its inception in 2010 and continues to evolve even in the current environment.

The Real Rate Report is powered by Wolters Kluwer's ELM Solutions LegalVIEW® data warehouse, the world's largest source of legal performance benchmark data, which has grown to include over \$140 billion in anonymized legal data.

As with past Real Rate Reports, all of the data analyzed are from corporations' and law firms' e-billing and time management solutions. We have included lawyer and paralegal rate data filtered by specific practice and sub-practice areas, metropolitan areas, and types of matters to give legal departments and law firms greater ability to pinpoint areas of opportunity.

So far, 2020 has been an unprecedented year with the global pandemic causing disruption to health, economies, and society. Many industry sectors have been impacted by COVID-19, and the legal industry is no exception. Our business intelligence experts have observed downward but uneven trends in law firm billing activity and intend to continue to track the legal industry response. We strive to make the Real Rate Report a valuable and actionable reference tool for legal departments and law firms.

In our current environment, the need for a reliable and comparative data source for rates has never been more important. As always, we welcome your comments and suggestions on what information would make this publication more valuable to you. We thank you for making Wolters Kluwer's ELM Solutions your trusted partner for legal industry domain expertise, data, and analytics and look forward to continuing to provide market-leading, expert solutions that deliver the best business outcomes for collaboration among legal departments and law firms.

Sincerely,



Jonah Paransky

Executive Vice President and General Manager
Wolters Kluwer's ELM Solutions

Report Use Considerations

2020 Mid-Year Real Rate Report

- Examines law firm rates over time
- Itemizes rates by location, experience, firm size, areas of expertise, industry, and timekeeper role (i.e., partner, associate, and paralegal)
- Identifies variables that drive rates up or down

All the analyses included in the report derive from the actual rates charged by law firm professionals as recorded on invoices submitted and approved for payment.

Examining real, approved rate information, along with the ranges of those rates and their changes over time, highlights the role these variables play in driving aggregate legal cost and income. The analyses can energize questions for both corporate clients and law firm principals.

Clients might ask whether they are paying the right amount for different types of legal services, while law firm principals might ask whether they are charging the right amount for legal services and whether to modify their pricing approach.

Some key factors¹ that drive rates²:

- **Geographic location** - Lawyers in urban and major metropolitan areas tend to charge more when compared with lawyers in rural areas or small towns.
- **Degree of difficulty** - The cost of representation will be higher if the case is particularly complex or time-consuming; for example, if there are a large number of documents to review, many witnesses to depose, and numerous procedural steps, the case is likely to cost more (regardless of other factors like the lawyer's level of experience).
- **Experience and reputation** - A more experienced, higher-profile lawyer is often going to charge more, but absorbing this higher cost at the outset may make more sense than hiring a less expensive lawyer who will likely take time and billable hours to come up to speed on unfamiliar legal and procedural issues.
- **Overhead** - The costs associated with the firm's support network (paralegals, clerks, and assistants), document preparation, consultants, research, and other expenses.

Additional analysis was performed to examine the impact of rates on law firm invoices relative to an e-billing providers' business model. It should be noted that there are several industry-standard business models that e-billing providers use to charge law firms and other legal service providers to submit invoices and perform other transactions through their systems. The three main model types are:

- Client pay, where the corporate client pays a subscription for the matter and spend solution.
- Law firm pay, where the law firm pays a subscription or usage fee based on the invoices submitted.
- Hybrid, which is a combination of a client pay and law firm pay.

¹ Source: 2018 RRR. Factor order validated in multiple analyses since 2010

² David Goguen, J.D., University of San Francisco School of Law (2017) Guide to Legal Services Billing Retrieved from <https://www.lawyers.com/legal-info/research/guide-to-legal-services-billing-rates.html>

Report Use Considerations

The data shows that the law firm pay model has become normative in the industry – 85%+ of Wolters Kluwer's ELM Solutions clients' law firms participate in a law firm pay or hybrid model. In addition, 99% of the Am Law 200 law firms participate in at least one law firm pay model paying 1% or more on the invoices submitted, and 97% of the Am Law 200 pay 2%.

The analysis performed then examined law firm rates from firms who participated in one of those law firm pay/hybrid models versus those who are in a client pay model. The analysis showed no statistical difference in rates, suggesting that the business model that the firm participates in does not impact the rates the firm charges to their corporate client.

Effects of COVID-19

Additional analyses were performed to assess any trends and potential effects of COVID-19 on rates and other measures. Across all industries, we see a decline of 7% in the number of new matters being opened. Legal spend is down 5%. Activity varies by industry with spend decreasing only 1% in the technology sector but up to 30% for consumer services.

In some instances, we see more than expected increases in attorney rates. Among the possible reasons for this are:

- Potential opportunistic billing created by the pandemic. Dislocations in the supply chain in some segments of the market which allow firms to charge more for services.
- Law firms may have reduced staff to cut expenses. The data in the mid-year report shows a slight increase in the number of billing partners and a decrease in billing paralegals. Be on guard for opportunistic pricing and weigh your outside counsel relationships accordingly.

Overall, the data in the 2020 Mid-Year Real Rate Report provides corporate counsel with an understanding of the rates they can expect to pay for a given matter type, division, industry, or practice area and offers in-depth analyses on key drivers of rates to help make informed selection decisions. For law firms, it provides a relative benchmark to ensure that pricing for legal services remains competitive.

Wolters Kluwer's ELM Solutions research shows: you can evaluate these rates with confidence they are not affected by e-billing pricing models; you should stay sensitized to potential Covid influences on rates and activity in some markets and guard against overpaying.

Section I: High-Level Data Cuts

Cities

By Matter Type

Q2 2020 -- Real Rates for Partners and Associates

Trend Analysis (Mean)

City	Matter Type	Role	n	First Quartile	Median	Third Quartile	Q2 2020	Q2 2019	Q2 2018
New York City	Litigation	Partner	49	\$317	\$400	\$483	\$413	\$419	\$386
		Associate	35	\$190	\$251	\$321	\$264	\$268	\$264
		Senior Counsel	57	\$383	\$441	\$525	\$446	\$426	\$413
		Staff	31	\$236	\$262	\$301	\$276	\$263	\$269
New York City	Corporate	Partner	57	\$319	\$353	\$385	\$368	\$344	\$338
		Associate	57	\$135	\$225	\$251	\$202	\$236	\$182
		Staff	28	\$297	\$353	\$483	\$375	\$347	\$350
New York City	Real Estate	Partner	11	\$281	\$300	\$378	\$350	\$292	\$312
		Associate	12	\$145	\$208	\$404	\$265	\$225	\$248
		Staff	14	\$304	\$345	\$365	\$368	\$349	\$359
New York City	Securities	Partner	82	\$373	\$443	\$514	\$456	\$454	\$409
		Associate	80	\$275	\$308	\$340	\$306	\$294	\$270
		Senior Counsel	109	\$385	\$430	\$532	\$458	\$445	\$443
		Staff	100	\$225	\$277	\$320	\$283	\$279	\$259
New York City	Tax	Partner	15	\$150	\$150	\$150	\$170	\$170	\$206
		Associate	21	\$250	\$360	\$563	\$429	\$391	\$356
		Senior Counsel	19	\$247	\$280	\$313	\$284	\$273	\$261
		Staff	27	\$300	\$400	\$495	\$432	\$490	\$482
New York City	Banking	Partner	22	\$236	\$292	\$337	\$281	\$289	\$289
		Associate	11	\$235	\$250	\$250	\$272	\$286	\$268
		Senior Counsel	14	\$215	\$250	\$362	\$297	\$251	\$269
		Staff	387	\$425	\$660	\$940	\$694	\$673	\$650
New York City	Insurance	Partner	478	\$350	\$535	\$740	\$548	\$524	\$501
		Associate	583	\$564	\$795	\$1,085	\$837	\$803	\$771
		Senior Counsel	834	\$432	\$605	\$794	\$629	\$608	\$595
		Staff	17	\$301	\$349	\$391	\$351	\$348	\$340
New York City	Technology	Partner	21	\$180	\$210	\$260	\$218	\$218	\$212
		Associate	14	\$223	\$245	\$250	\$237	\$204	\$221
		Staff	18	\$361	\$415	\$478	\$423	\$422	\$429
New York City	Energy	Partner	16	\$290	\$365	\$425	\$360	\$344	\$351
		Associate	20	\$285	\$321	\$357	\$327	\$337	\$349
		Staff	12	\$195	\$213	\$225	\$215	\$235	\$229

Section I: High-Level Data Cuts

Cities

By Years of Experience

Q2 2020 -- Real Rates for Partners

Trend Analysis (Mean)

City	Years of Experience	n	First Quartile	Median	Third Quartile	Q2 2020	Q2 2019	Q2 2018
Atlanta, GA	0-5	31	\$300	\$329	\$400	\$346	\$337	\$343
	6-10	70	\$266	\$350	\$448	\$354	\$360	\$356
Boston, MA	0-5	14	\$390	\$455	\$495	\$460	\$438	\$414
Chicago, IL	0-5	17	\$338	\$425	\$487	\$421	\$358	\$383
	6-10	39	\$424	\$502	\$730	\$561	\$525	\$482
Dallas, TX	0-5	19	\$275	\$300	\$425	\$363	\$359	\$345
	6-10	73	\$502	\$675	\$828	\$691	\$673	\$652
Denver, CO	0-5	78	\$533	\$795	\$973	\$787	\$664	\$667
	6-10	32	\$297	\$384	\$420	\$367	\$366	\$338
Detroit, MI	0-5	56	\$378	\$465	\$551	\$459	\$450	\$423
	6-10	22	\$296	\$342	\$357	\$330	\$322	\$303
Houston, TX	0-5	18	\$295	\$370	\$440	\$384	\$348	\$369
	6-10	11	\$300	\$325	\$460	\$384	\$333	\$360
Los Angeles, CA	0-5	51	\$328	\$396	\$440	\$386	\$369	\$353
	6-10	68	\$411	\$500	\$600	\$511	\$500	\$449
Miami, FL	0-5	18	\$250	\$475	\$675	\$485	\$491	\$452
	6-10	12	\$230	\$250	\$275	\$273	\$266	\$278
Minneapolis, MN	0-5	199	\$450	\$655	\$912	\$683	\$685	\$641
	6-10	365	\$528	\$731	\$1,047	\$797	\$743	\$723
New York, NY	0-5	12	\$338	\$380	\$410	\$371	\$394	\$360
	6-10	11	\$286	\$290	\$365	\$317	\$303	\$311
Philadelphia, PA	0-5	17	\$325	\$400	\$425	\$373	\$368	\$371
	6-10	44	\$375	\$508	\$615	\$479	\$471	\$390
Portland, ME	0-5	107	\$350	\$546	\$726	\$541	\$530	\$482
	6-10	20	\$260	\$343	\$439	\$410	\$372	\$366
San Francisco, CA	0-5	36	\$378	\$458	\$611	\$516	\$407	\$402
	6-10	60	\$416	\$520	\$599	\$506	\$465	\$430
Seattle, WA	0-5	120	\$399	\$605	\$743	\$590	\$582	\$493
	6-10	22	\$360	\$409	\$457	\$398	\$361	\$353
Washington, DC	0-5	43	\$418	\$457	\$514	\$456	\$433	\$438
	6-10	34	\$301	\$348	\$442	\$367	\$341	\$327
Wichita, KS	0-5	48	\$290	\$360	\$463	\$376	\$362	\$336
	6-10	514	\$630	\$1,010	\$1,273	\$965	\$939	\$889
Total		1126	\$598	\$949	\$1,330	\$977	\$964	\$929

Section I: High-Level Data Cuts

Cities

By Years of Experience

Q2 2020 -- Real Rates for Associates

Trend Analysis (Mean)

City	Years of Experience	n	First Quartile	Median	Third Quartile	Q2 2020	Q2 2019	Q2 2018
Albany, NY	0-5 Years	25	\$272	\$300	\$325	\$295	\$290	\$247
	6-10 Years	29	\$269	\$295	\$311	\$295	\$277	\$271
	11-15 Years	17	\$250	\$288	\$330	\$285	\$282	\$286
Albuquerque, NM	0-5 Years	47	\$397	\$476	\$581	\$483	\$479	\$455
	6-10 Years	138	\$395	\$565	\$699	\$557	\$510	\$462
	11-15 Years	207	\$350	\$536	\$811	\$585	\$573	\$549
Albany, OR	0-5 Years	20	\$265	\$325	\$350	\$336	\$339	\$279
	6-10 Years	39	\$240	\$381	\$491	\$383	\$373	\$306
Albany, TX	0-5 Years	16	\$256	\$294	\$315	\$299	\$284	\$285
	6-10 Years	16	\$295	\$364	\$403	\$354	\$361	\$435
Albuquerque, NM	0-5 Years	26	\$312	\$355	\$418	\$368	\$363	\$321
	6-10 Years	29	\$295	\$378	\$508	\$379	\$384	\$331
Albuquerque, NM	0-5 Years	18	\$225	\$266	\$297	\$268	\$259	\$257
	6-10 Years	20	\$226	\$253	\$305	\$261	\$244	\$236
Albuquerque, NM	0-5 Years	22	\$238	\$325	\$369	\$304	\$276	\$234
	6-10 Years	153	\$385	\$513	\$647	\$536	\$501	\$517
Albuquerque, NM	0-5 Years	286	\$404	\$589	\$826	\$613	\$586	\$549
	6-10 Years	564	\$410	\$693	\$945	\$697	\$702	\$678
Albuquerque, NM	0-5 Years	16	\$281	\$305	\$348	\$326	\$304	\$276
	6-10 Years	60	\$300	\$325	\$395	\$342	\$329	\$339
Albuquerque, NM	0-5 Years	158	\$305	\$355	\$430	\$378	\$363	\$338
	6-10 Years	170	\$310	\$450	\$514	\$449	\$429	\$397
Albuquerque, NM	0-5 Years	11	\$213	\$275	\$315	\$275	\$236	\$278
	6-10 Years	21	\$251	\$335	\$393	\$320	\$297	
Albuquerque, NM	0-5 Years	36	\$275	\$355	\$425	\$345	\$327	\$317
	6-10 Years	40	\$265	\$356	\$474	\$372	\$349	\$335
Albuquerque, NM	0-5 Years	14	\$251	\$285	\$309	\$277	\$264	\$299
	6-10 Years	45	\$293	\$336	\$388	\$336	\$310	\$321
Albuquerque, NM	0-5 Years	51	\$332	\$415	\$458	\$389	\$359	\$366
	6-10 Years	15	\$350	\$417	\$450	\$393	\$381	\$330
Albuquerque, NM	0-5 Years	15	\$200	\$224	\$245	\$222	\$203	\$185
	6-10 Years	11	\$231	\$290	\$378	\$314	\$324	\$313
Albuquerque, NM	0-5 Years	33	\$288	\$365	\$545	\$412	\$419	\$453

Exhibit E

PEER MONITOR

INSIGHT. ADVANTAGE. COMPETITIVE INTELLIGENCE.

PUBLIC RATES

In a time when the legal market continues to face fluctuating demand and challenges containing expenses, it's critical that your firm stays on top of the latest billing trends and maintains fair, competitive rates while maximizing revenue.

Take Action to Inform Your Firm

Public Rates is a dynamic, web-based billing rate service that gives you anytime access to accurate, court reported, hourly rate data, with details drilling down to the named timekeeper.

It empowers you to quickly and easily slice and analyze rates across user-selected combinations of various attributes, sort targeted record results, view quartile and median rates for searched data, and more.

Then Take Your Rate Analysis One Step Further

As efficient as it is intuitive, **Public Rates** offers deeper billing evaluation with query comparison that allows for firm-to-firm, case-to-case, or even person-to-person rate examination.

What's more, you can quickly and easily find critical insights with features such as click sorting, query naming, and auto-saved search history.

Use Public Rates to:

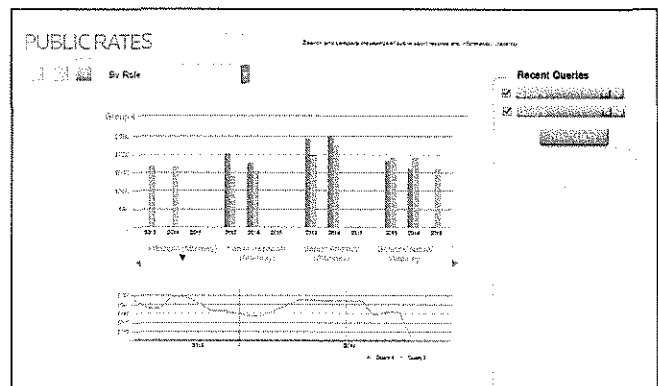
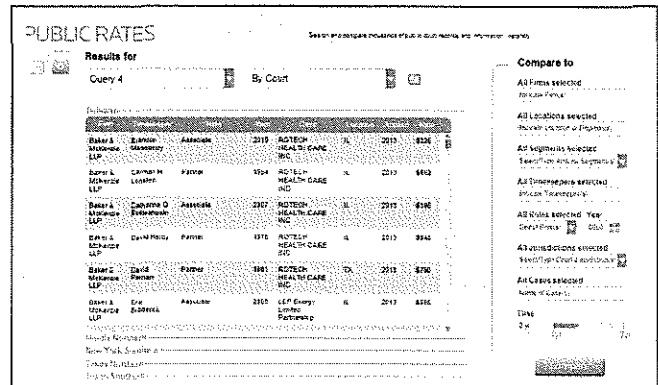
- Determine optimal rates and profit opportunities
- Justify rates submitted to courts on fee applications
- Track lawyer performance
- Get pricing transparency in the marketplace

Learn more at legalsolutions.com/peer-monitor

CONTACT US TODAY:

Ruth Bowen

ruth.bowen@thomsonreuters.com | 651.687.6891



Get Critical, Actionable Data

Search reported hourly rates by:

- Timekeeper
- Year of admission
- Firm
- Segment
- Location
- Jurisdiction
- Role
- Year of filing
- Case
- Historical records as far back as 7 years

California Rates (January–May 2018)

Title	Professional	Firm	Graduated	Admitted	State	Rate	Hours	Total
Partner	David M. Nemecek	Kirkland & Ellis LLP	2003	2003	CA	\$1,395	2.4	\$3,348.00
Partner	Leslie A. Plaskon	Paul Hastings LLP	1988	1988	CA	\$1,275	260	\$331,500.00
Partner	Thomas B. Walper	Munger Tolles & Olson LLC	1980	1980	CA	\$1,225	166.7	\$204,207.50
Partner	Jeffrey B Greenberg	Latham & Watkins LLP	1996	1996	CA	\$1,175	3.3	\$3,877.50
Partner	Mark E. McKane	Kirkland & Ellis LLP	1997	1997	CA	\$1,175	79.1	\$92,942.50
Partner	Paul D Tanaka	Kirkland & Ellis LLP	2003	2003	CA	\$1,145	1.1	\$1,259.50
Partner	Annie Kim	Proskauer Rose LLP	2004	2004	CA	\$1,125	22.1	\$24,862.50
Partner	Jonathan Benloulou	Proskauer Rose LLP	2006	2006	CA	\$1,125	2.9	\$3,262.50
Partner	Robert J Frances	Latham & Watkins LLP	2001	2001	CA	\$1,125	1.7	\$1,912.50
Partner	Dean A. Ziehl	Pachulski Stang Ziehl Young Jones &	1978	1978	CA	\$1,050	73.3	\$76,965.00
Partner	James I. Stang	Pachulski Stang Ziehl Young Jones &	1980	1980	CA	\$1,050	111.4	\$116,970.00
Partner	Alan J. Kornfeld	Pachulski Stang Ziehl Young Jones &	1987	1987	CA	\$1,025	78.9	\$80,872.50
Partner	Stephen D. Rose	Munger Tolles & Olson LLC	1991	1991	CA	\$1,025	63.9	\$65,497.50
Partner	Unger Sean	Paul Hastings LLP	2004	2004	CA	\$1,025	103.2	\$105,780.00
Partner	Stefanie I Gitler	Kirkland & Ellis LLP	2009	2009	CA	\$995	225.1	\$223,974.50
Partner	Tate Eric A.	Morrison & Foerster LLP	1995	1995	CA	\$990	0.3	\$297.00
Partner	Michael Esser	Kirkland & Ellis LLP	2009	2009	CA	\$965	542.6	\$523,609.00
Associate	Campbell Gavin	Kirkland & Ellis LLP	2012	2012	CA	\$950	227.7	\$216,315.00
Partner	David M. Bertenthal	Pachulski Stang Ziehl Young Jones &	1993	1989	CA	\$950	107.7	\$102,315.00
Associate	Olsen Katrina	Kirkland & Ellis LLP	2014	2014	CA	\$950	4.6	\$4,370.00
Partner	Janie F. Schulman	Morrison & Foerster LLP	1987	1987	CA	\$925	0.2	\$185.00
Associate	Jacob Johnston	Kirkland & Ellis LLP	2013	2013	CA	\$905	5	\$4,525.00
Partner	Kenneth H. Brown	Pachulski Stang Ziehl Young Jones &	1981	1977	CA	\$895	5.9	\$5,280.50
Partner	Kevin S. Allred	Munger Tolles & Olson LLC	1986	1986	CA	\$875	209.7	\$183,487.50
Partner	Knudsen Erik G.	Morrison & Foerster LLP	2007	2007	CA	\$875	269.4	\$235,725.00
Counsel	Adam Lin	Orrick, Herrington & Sutcliffe LLP	2004	2004	CA	\$850	3	\$2,550.00
Associate	Austin Klar	Kirkland & Ellis LLP	2013	2013	CA	\$845	173	\$146,185.00
Associate	Michael Saretsky	Kirkland & Ellis LLP	2015	2015	CA	\$835	237.2	\$198,062.00
Of Counsel	Harry D. Hochman	Pachulski Stang Ziehl Young Jones &	1987	1987	CA	\$825	69.1	\$57,007.50
Of Counsel	Lloyd W. Aubry	Morrison & Foerster LLP	1975	1975	CA	\$825	1.6	\$1,320.00
Partner	Seth Goldman	Munger Tolles & Olson LLC	2002	2002	CA	\$825	260.5	\$214,912.50
Of Counsel	Victoria A. Newmark	Pachulski Stang Ziehl Young Jones &	1996	1996	CA	\$825	1.6	\$1,320.00
Of Counsel	Yana S. Johnson	Morrison & Foerster LLP	1999	1999	CA	\$825	3.2	\$2,640.00
Associate	Austin Klar	Kirkland & Ellis LLP	2013	2013	CA	\$810	23.3	\$18,873.00
Associate	Cynthia Castillo	Kirkland & Ellis LLP	2015	2015	CA	\$810	178.8	\$144,828.00
Associate	Kevin Chang	Kirkland & Ellis LLP	2014	2014	CA	\$810	8.4	\$6,804.00
Of Counsel	Nardali Ali U.	Morrison & Foerster LLP	2008	2008	CA	\$795	4.4	\$3,498.00
Associate	Ramin Montazeri	Latham & Watkins LLP	2016	2016	CA	\$795	10.9	\$8,665.50
Associate	Lee Muhyung	Proskauer Rose LLP	2015	2015	CA	\$780	37.5	\$29,250.00
Of Counsel	Jeffrey L. Kandel	Pachulski Stang Ziehl Young Jones &	1984	1984	CA	\$750	10.7	\$8,025.00
Of Counsel	Bradley R. Schneider	Munger Tolles & Olson LLC	2004	2004	CA	\$735	88.9	\$65,341.50
Associate	Curtis Kelly M	Proskauer Rose LLP	2016	2016	CA	\$730	39.6	\$28,908.00
Associate	Cynthia Castillo	Kirkland & Ellis LLP	2015	2015	CA	\$725	30.3	\$21,967.50
Associate	Joanna A Gorska	Latham & Watkins LLP	2014	2014	CA	\$725	2.4	\$1,740.00
Counsel	Elissa A. Wagner	Pachulski Stang Ziehl Young Jones &	2001	2001	CA	\$695	5	\$3,475.00
Associate	Benjamin Butterfield	Morrison & Foerster LLP	2014	2014	CA	\$660	883.2	\$582,912.00
Partner	David M. Eaton	Kilpatrick Townsend & Stockton LLP	1996	1996	CA	\$660	5.3	\$3,498.00
Associate	Ankur Sharma	Kirkland & Ellis LLP	2016	2016	CA	\$645	16.4	\$10,578.00
Associate	Maxwell Coll	Kirkland & Ellis LLP	2016	2016	CA	\$630	15	\$9,450.00
Associate	Brashears Travis C	Proskauer Rose LLP	2016	2016	CA	\$595	8.3	\$4,938.50
Associate	Sadeghi Sam	Paul Hastings LLP	2016	2016	CA	\$585	22.9	\$13,396.50
Associate	Jenny Pierce	Kirkland & Ellis LLP	2016	2016	CA	\$555	1.2	\$666.00
Associate	Meg A Webb	Kirkland & Ellis LLP	2017	2017	CA	\$555	1.4	\$777.00

Associate	Peter E. Boos	Munger Tolles & Olson LLC	2014	2014	CA	\$550	88.05	\$48,427.50
Associate	Floyd Amani Solange	Morrison & Foerster LLP	2014	2014	CA	\$540	3.9	\$2,106.00
Associate	Glock Jana	Morrison & Foerster LLP	2015	2015	CA	\$540	22.2	\$11,988.00
Associate	Kerry C. Jones	Morrison & Foerster LLP	2014	2014	CA	\$540	11.5	\$6,210.00
Associate	Roumiantseva Dina	Morrison & Foerster LLP	2014	2014	CA	\$540	5	\$2,700.00
Associate	Scheinok Brittany	Morrison & Foerster LLP	2015	2015	CA	\$485	27.2	\$13,192.00
Associate	Coleman Matthew	Ropes & Gray LLP	2014	2014	CA	\$450	2.5	\$1,125.00
Associate	Tobyn Yael Aaron	Morrison & Foerster LLP	2016	2016	CA	\$435	26.4	\$11,484.00

California Rates (June–December 2018)

Title	Professional	Firm	Graduated	Admitted	State	Rate	Hours	Total
Partner	Kenneth Klee	Klee, Tuchin, Bogdanoff & Stern, LLP	1975	1974	CA	\$1,475	46.4	\$68,440.00
Partner	Eric Reimer	Milbank Tweed Hadley & McCloy LLP	1987	1987	CA	\$1,465	7.9	\$11,573.50
Partner	Gregory A. Bray	Milbank Tweed Hadley & McCloy LLP	1984	1984	CA	\$1,465	234.1	\$342,956.50
Partner	Madden P.C. Rick C	Kirkland & Ellis LLP	1995	1995	CA	\$1,445	31.2	\$45,084.00
Partner	David M. Nemecek	Kirkland & Ellis LLP	2003	2003	CA	\$1,395	2.4	\$3,348.00
Partner	Browning P.C. Marc D	Kirkland & Ellis LLP	1998	1998	CA	\$1,375	4.2	\$5,775.00
Partner	Isaac M Pachulski	Pachulski Stang Ziehl Young Jones &	2014	2014	CA	\$1,295	0.7	\$906.50
Partner	Walker Elizabeth W	Sidley Austin LLP	1984	1984	CA	\$1,250	3.7	\$4,625.00
Partner	David Stern	Klee, Tuchin, Bogdanoff & Stern, LLP	1975	1975	CA	\$1,245	67.4	\$83,913.00
Partner	Michael Tuchin	Klee, Tuchin, Bogdanoff & Stern, LLP	1990	1990	CA	\$1,245	191.1	\$237,919.50
Partner	Richard M. Pachulski	Pachulski Stang Ziehl Young Jones &	1979	1979	CA	\$1,245	274.7	\$342,001.50
Partner	Dennis Arnold	Gibson Dunn & Crutcher, LLP	1976	1975	CA	\$1,210	65.2	\$78,892.00
Partner	Cromwell Montgomery	Gibson Dunn & Crutcher, LLP	1997	1997	CA	\$1,205	0.9	\$1,084.50
Partner	Oscar Garza	Gibson Dunn & Crutcher, LLP	1990	1990	CA	\$1,205	116.1	\$139,900.50
Partner	Austin V Schwing	Gibson Dunn & Crutcher, LLP	2000	2000	CA	\$1,155	0.7	\$808.50
Partner	Douglas Michael Fuchs	Gibson Dunn & Crutcher, LLP	2007	2007	CA	\$1,155	53.5	\$61,792.50
Partner	Annie Kim	Proskauer Rose LLP	2004	2004	CA	\$1,125	11.6	\$13,050.00
Partner	Jonathan Benloulou	Proskauer Rose LLP	2006	2006	CA	\$1,125	2.9	\$3,262.50
Partner	James I. Stang	Pachulski Stang Ziehl Young Jones &	1980	1980	CA	\$1,095	63.4	\$69,423.00
Partner	Farshad E. More	Gibson Dunn & Crutcher, LLP	2003	2003	CA	\$1,080	0.8	\$864.00
Partner	Jesse I. Shapiro	Gibson Dunn & Crutcher, LLP	2000	2000	CA	\$1,080	10.9	\$11,772.00
Partner	David Fidler	Klee, Tuchin, Bogdanoff & Stern, LLP	1998	1997	CA	\$1,075	237.9	\$255,742.50
Special	Brian Stern	Milbank Tweed Hadley & McCloy LLP	2003	2003	CA	\$1,065	7.5	\$7,987.50
Special	Haig Maghakian	Milbank Tweed Hadley & McCloy LLP	2002	2002	CA	\$1,065	264.8	\$282,012.00
Partner	Jesse A. Cripps Jr.	Gibson Dunn & Crutcher, LLP	2011	2011	CA	\$1,045	16.2	\$16,929.00
Partner	Mehta Anjna	Kirkland & Ellis LLP	2000	2000	CA	\$1,045	10.9	\$11,390.50
Of Counsel	Richard J. Gruber	Pachulski Stang Ziehl Young Jones &	1982	1982	CA	\$1,025	9.1	\$9,327.50
Partner	Samuel Newman	Gibson Dunn & Crutcher, LLP	2001	2001	CA	\$1,010	326.5	\$329,765.00
Partner	Debra I. Grassgreen	Pachulski Stang Ziehl Young Jones &	1992	1992	CA	\$995	15.7	\$15,621.50
Associate	Jessica Dombroff	Milbank Tweed Hadley & McCloy LLP	2009	2009	CA	\$995	13.3	\$13,233.50
Partner	Katherine V.A Smith	Gibson Dunn & Crutcher, LLP	2015	2015	CA	\$995	0.6	\$597.00
Partner	Matthew B Dubeck	Gibson Dunn & Crutcher, LLP	2017	2017	CA	\$995	44.1	\$43,879.50
Partner	Robert J. Pfister	Klee, Tuchin, Bogdanoff & Stern, LLP	2001	2001	CA	\$995	123.3	\$122,683.50
Partner	David M. Bertenthal	Pachulski Stang Ziehl Young Jones &	1993	1989	CA	\$975	6.5	\$6,337.50
Partner	Jeffrey N. Pomerantz	Pachulski Stang Ziehl Young Jones &	1989	1989	CA	\$975	66.5	\$64,837.50
Associate	Campbell Gavin	Kirkland & Ellis LLP	2012	2012	CA	\$950	336.5	\$319,675.00
Partner	Henry C. Kevane	Pachulski Stang Ziehl Young Jones &	1986	1986	CA	\$950	4.8	\$4,560.00
Associate	Olsen Katrina	Kirkland & Ellis LLP	2014	2014	CA	\$950	4.6	\$4,370.00
Partner	Stanley E. Goldich	Pachulski Stang Ziehl Young Jones &	1980	1980	CA	\$925	7	\$6,475.00
Associate	Najeh Baharun	Milbank Tweed Hadley & McCloy LLP	2013	2013	CA	\$910	28.3	\$25,753.00
Partner	David M. Guess	Klee, Tuchin, Bogdanoff & Stern, LLP	2005	2005	CA	\$895	84.5	\$75,627.50
Partner	Maria Sountas	Klee, Tuchin, Bogdanoff & Stern, LLP	2006	2006	CA	\$895	23.2	\$20,764.00
Partner	Whitman L. Holt	Klee, Tuchin, Bogdanoff & Stern, LLP	2005	2005	CA	\$895	54.7	\$48,956.50
Associate	Allison Balick	Gibson Dunn & Crutcher, LLP	2009	2009	CA	\$875	5.4	\$4,725.00
Associate	Caldon Brendan W	Kirkland & Ellis LLP	2007	2007	CA	\$875	1.5	\$1,312.50
Associate	Daniel B. Denny	Gibson Dunn & Crutcher, LLP	2005	2005	CA	\$875	436.1	\$381,587.50
Associate	Douglas G. Levin	Gibson Dunn & Crutcher, LLP	2009	2009	CA	\$875	205.2	\$179,550.00
Associate	Genevieve G. Weiner	Gibson Dunn & Crutcher, LLP	2007	2007	CA	\$875	93.7	\$81,987.50
Partner	Maxim B. Litvak	Pachulski Stang Ziehl Young Jones &	1997	1997	CA	\$875	89.6	\$78,400.00
Associate	Melissa Leigh Barshop	Gibson Dunn & Crutcher, LLP	2006	2006	CA	\$875	5	\$4,375.00
Associate	Jonathan Schaeffer	Gibson Dunn & Crutcher, LLP	2016	2016	CA	\$860	1.9	\$1,634.00
Partner	Joshua M. Fried	Pachulski Stang Ziehl Young Jones &	1995	1995	CA	\$850	74.1	\$62,985.00
Of Counsel	Guruie Julian I	Klee, Tuchin, Bogdanoff & Stern, LLP	2007	2007	CA	\$825	39.3	\$32,422.50

Associate	Ian T. Long	Gibson Dunn & Crutcher, LLP	2015	2015 CA	\$820	140	\$114,800.00
Associate	Goldberg Zachary	Milbank Tweed Hadley & McCloy LLP	2016	2016 CA	\$790	162.4	\$128,296.00
Associate	Lee Muhyung	Proskauer Rose LLP	2015	2015 CA	\$780	28.2	\$21,996.00
Partner	Jamie L. Edmonson	Venable LLP	1996	1996 CA	\$765	180.3	\$137,929.50
Associate	Tiffany X. Phan	Gibson Dunn & Crutcher, LLP	2013	2013 CA	\$760	8.7	\$6,612.00
Of Counsel	Erin Gray	Pachulski Stang Ziehl Young Jones &	1992	1991 CA	\$750	9.9	\$7,425.00
Partner	Justin D. Yi	Klee, Tuchin, Bogdanoff & Stern, LLP	2009	2009 CA	\$750	3.9	\$2,925.00
Associate	Chapple Catherine L.	Morrison & Foerster LLP	2012	2012 CA	\$725	4	\$2,900.00
Associate	Jonathan M. Weiss	Klee, Tuchin, Bogdanoff & Stern, LLP	2012	2012 CA	\$725	195.4	\$141,665.00
Of Counsel	William Ramseyer	Pachulski Stang Ziehl Young Jones &	1980	1980 CA	\$725	18.8	\$13,630.00
Associate	Sarah A. Carnes	Cooley LLP	2014	2014 CA	\$710	146.1	\$103,731.00
Associate	Latta R T	Jones Day	2011	2011 CA	\$700	194.5	\$136,150.00
Associate	Samuel M. Kidder	Klee, Tuchin, Bogdanoff & Stern, LLP	2012	2012 CA	\$675	88.6	\$59,805.00
Associate	Thomas H Alexander	Gibson Dunn & Crutcher, LLP	2015	2015 CA	\$660	23.7	\$15,642.00
Associate	Sasha M. Gurvitz	Klee, Tuchin, Bogdanoff & Stern, LLP	2014	2014 CA	\$625	114.9	\$71,812.50
Associate	Robert J. Smith	Klee, Tuchin, Bogdanoff & Stern, LLP	2016	2016 CA	\$600	35.8	\$21,480.00
Associate	Brashears Travis C	Proskauer Rose LLP	2016	2016 CA	\$595	8.3	\$4,938.50
Associate	Matthew S Coe-Odess	Gibson Dunn & Crutcher, LLP	2016	2016 CA	\$595	16.9	\$10,055.50
Associate	Katherine A Lau	Gibson Dunn & Crutcher, LLP	2017	2017 CA	\$525	97.7	\$51,292.50
Associate	Tran J L	Jones Day	2015	2015 CA	\$525	60.2	\$31,605.00
Associate	Nicholas A. Koffroth	Venable LLP	2012	2012 CA	\$515	94.9	\$48,873.50
Associate	Liu R Q	Jones Day	2015	2015 CA	\$475	34.2	\$16,245.00
Associate	Stuart B W	Jones Day	2013	2013 CA	\$475	208.6	\$99,085.00
Associate	Doyle A M	Jones Day	2017	2017 CA	\$450	6.5	\$2,925.00
Associate	Udenka Honieh	Brown Rudnick LLP	2017	2017 CA	\$375	1	\$375.00

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

On February 28, 2022, I caused the foregoing document(s) described as **DECLARATION OF RICHARD M. PEARL**, to be served on the parties in this action, as follows:

- /s/ Katelyn Furman
Katelyn Furman