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11 *Plaintiffs' Steering Committee*

12 IN THE UNITED STATES DISTRICT COURT
13 FOR THE NORTHERN DISTRICT OF CALIFORNIA
14 SAN JOSE DIVISION
15

16 IN RE ANTHEM, INC. DATA BREACH
LITIGATION

Case No. 15-MD-02617-LHK

17 **DECLARATION OF MICHAEL W.
SOBOL IN SUPPORT OF PLAINTIFFS'
18 MOTION FOR ATTORNEYS' FEES,
LITIGATION EXPENSES, AND SERVICE
19 AWARDS**

20 Date: February 1, 2018
21 Time: 1:30 p.m.
Judge: Hon. Lucy H. Koh
22 Crtrm: 8, 4th Floor

23
24 I, Michael W. Sobol, declare as follows:

25 1. I am a member in good standing of the State Bar of California, and a partner in
26 Lieff, Cabraser, Heimann & Bernstein, LLP ("LCHB"), and one of the two attorneys appointed
27 by the Court to serve on Plaintiff's Steering Committee. I make this Declaration of my own
28

1 personal knowledge. If called upon to testify, I could and would testify competently to the truth
2 of the matters stated herein.

3 2. I submit this declaration in support of Class Counsel's application for an award of
4 attorneys' fees and expenses. I have served as Plaintiffs' counsel in this litigation continuously
5 since this case was filed in 2015. On August 25, 2017, in connection with the Court's order on
6 Plaintiffs' motion for preliminary approval of the settlement in this case, the Court appointed
7 myself and LCHB to serve as co-lead Class Counsel for that settlement class (Dkt. 903).

8 **I. Qualifications of Counsel**

9 3. I am a 1989 graduate of Boston University School of Law. I practiced law in
10 Massachusetts from 1989 to 1997. From 1995 through 1997, I was a Lecturer in Law at Boston
11 University School of Law. In 1997, I left my partnership in the Boston firm of Shafner, Gilleran
12 & Mortensen, P.C. to move to San Francisco and to LCHB. Since joining LCHB in 1997, I have
13 represented plaintiffs in numerous consumer protection and other class actions. I have been a
14 partner with LCHB since 1999, since 2002 have served as the head of LCHB's Consumer
15 Protection practice group, and since 2016 have served as the head of LCHB's Cybersecurity and
16 Data Privacy practice group.

17 4. LCHB is a national law firm with offices in San Francisco, New York, and
18 Nashville. LCHB's practice focuses on complex and class action litigation involving consumer
19 protection, employment, financial, securities, environmental, and personal injury matters. A copy
20 of LCHB's firm resume, which describes some of the firm's experience in class actions and other
21 complex litigation can be found at
22 https://www.lieffcabraser.com/pdf/Lieff_Cabraser_Firm_Resume.pdf.

23 **A. Expertise in Data Breach and Privacy Cases**

24 5. As the chair of my firm's consumer protection practice group, I have developed an
25 expertise in privacy and data breach cases. For example, I currently play or have played
26 leadership or other substantial roles in the following privacy and data breach cases:

27 a. I served as Co-Lead Class Counsel in *Corona v. Sony Pictures*
28 *Entertainment, Inc.*, No. CV 14-09600-RGK (Ex) (C.D. Cal.), a nationwide class action alleging

1 that Sony had inadequate security measures in place, which allowed cyber attackers to
2 successfully steal its employees' personally identifying information. On April 6, 2016, the court
3 granted final approval of a settlement which provided for injunctive relief, identity
4 protection/credit monitoring, and approximately \$500-\$1,500 compensation to valid claimants.

5 b. LCHB, along with co-counsel, represented plaintiffs in *Shurtleff v. Health*
6 *Net of Cal., Inc.*, No. 34-2012-00121600-CU-CL (Sacramento Cnty. Superior Court), a patient
7 privacy class action in which the defendant had lost service drives containing highly sensitive
8 personal information of its patients and employees. A class settlement resulted in significant
9 monetary relief and important data security improvements.

10 c. I serve as Chair of Plaintiffs' Executive Committee and interim Class
11 Counsel in *In re Intuit Data Litigation*, No. 15-1778 (N.D. Cal.), representing identity theft
12 victims in a nationwide class action lawsuit against Intuit for facilitating the filing of fraudulent
13 tax returns through its TurboTax software program. The case is being actively litigated.

14 d. I served as class counsel in *Ebarle et al. v. LifeLock Inc.*, No. 3:15-cv-
15 00258 (N.D. Cal.), alleging LifeLock failed to protect the personal information of its subscribers
16 from hackers and criminals, contrary to its representations. On September 21, 2016, the court
17 granted final approval to a \$68 million settlement of the case.

18 e. I serve as Co-Lead Counsel and Plaintiffs' Liaison Counsel in *Campbell v.*
19 *Facebook*, No. 4-13-cv-5996 (N.D. Cal.), a nationwide class action lawsuit alleging that
20 Facebook intercepts private data in users' personal and private e-mail messages on the social
21 network and profits by sharing that information with third parties. The court certified a litigation
22 class pursuant to Rule 23(b)(2), and thereafter granted final approval of an injunctive relief
23 settlement.

24 f. I served as Co-Lead Class Counsel in *Perkins v. LinkedIn Corporation*,
25 No. 13-04303 (N.D. Cal.), alleging that individuals who joined LinkedIn's network had their
26 names and likenesses used without consent by LinkedIn to endorse LinkedIn's services and send
27 repeated emails to their contacts asking that they join LinkedIn. On February 16, 2016, the court
28 granted final approval to a \$13 million settlement, one of the largest per-class member settlements

1 ever in a digital privacy class action. In addition to the monetary relief, LinkedIn made
2 significant changes to Add Connections disclosures and functionality.

3 g. My firm was appointed Liaison Counsel in *In re Google Inc. Street View*
4 *Electronic Communications Litigation*, No. 10-md-2184 (N.D. Cal.), a class action alleging that
5 Google intentionally equipped its Google Maps “Street View” vehicles with Wi-Fi antennas and
6 software that collected personal, private data being transmitted over private Wi-Fi networks
7 located in homes within range of the vehicles’ receptors. LCHB took the lead on briefing and
8 arguing Google’s appeal of the court’s denial of its motion to dismiss and, on September 10,
9 2013, the Ninth Circuit Court of Appeals agreed with plaintiffs that Google’s actions are not
10 exempt from the Wiretap Act.

11 **B. Experience As Class Counsel**

12 6. In addition to my work on the cases described above, during my time at LCHB I
13 have overseen a wide range of consumer protection litigation and have served as plaintiffs’ class
14 counsel in numerous nationwide consumer class action cases. The following cases are
15 representative examples of class actions in which I have played or am currently playing a
16 leadership role:

17 a. I served as Co-Lead Class Counsel in *Gutierrez v. Wells Fargo Bank, N.A.*,
18 No. C 07-05923 WHA (N.D. Cal.), a class action alleging unfair practices and false
19 representations by Wells Fargo in connection with its imposition of overdraft charges. In 2013,
20 the court reinstated a \$203 million class judgment that had been entered in 2010 following a
21 bench trial, and in 2014 the reinstated judgment was affirmed by the Ninth Circuit. Judge Alsup
22 noted that LCHB “performed at a superior level as class trial counsel” and that LCHB’s trial
23 performance “ranks as one of the best this judge has seen in sixteen years on the bench.”
24 *Gutierrez v. Wells Fargo Bank, N.A.*, No. C 07-05923 WHA, 2015 WL 2438274, at *1, 7 (N.D.
25 Cal. May 21, 2015). In 2011, I was named a finalist of Consumer Attorneys of California’s
26 (“CAOC”) Consumer Attorney of the Year award for my work in this case.

27 b. I served on the Plaintiffs’ Executive Committee in *In re Checking Account*
28 *Overdraft Litigation*, MDL 2036 (S.D. Fla.), a multidistrict litigation involving more than two

1 dozen banks and allegations of unfair practices and false representations in connection with the
2 banks' imposition of overdraft charges. Class settlements totaling over a billion dollars have been
3 approved by the court to date. In 2012, I was named as a finalist for Trial Lawyer of the Year by
4 Public Justice for my work in this litigation. The same year, I was named a finalist by CAOC for
5 the Consumer Attorney of the Year award for my work in the *Yourke v. Bank of America*, a case
6 that was a part of the MDL which resulted in a settlement of \$410 million.

7 c. I served as Plaintiffs' Liaison Counsel and on the Plaintiffs' Executive
8 Committee in *In re Chase Bank USA, N.A. "Check Loan" Contract Litigation*, MDL No. 2032
9 (N.D. Cal.), a nationwide multidistrict class action alleging that Chase breached its good faith
10 obligation to credit card holders by modifying the terms of their long-term fixed rate loans. In
11 November 2012, the court granted final approval to a \$100 million nationwide settlement that
12 provides direct payments to approximately one million cardholders and important injunctive
13 relief. In 2013, I was named a finalist for CAOC's Consumer Attorney of the Year award for my
14 efforts in this litigation.

15 d. I served as co-class counsel in *In re TracFone Unlimited Service Plan*
16 *Litigation*, Case No. 13-cv-03440-EMC (N.D. Cal.), a class action alleging that TracFone falsely
17 advertised its cell phone plans as providing "unlimited" data when it imposed secret data caps on
18 the plans, pursuant to which it would throttle (*i.e.*, severely slow down) or suspend consumers'
19 data. On July 2, 2015, Judge Chen granted final approval to a \$40 million settlement which
20 included industry-leading business practice changes.

21 e. I serve as interim class counsel in *In re Arizona Theranos, Inc. Litigation*,
22 No. 2:16-cv-2138-HRH (D. Ariz.). This class action alleges that Walgreens and startup company
23 Theranos, Inc. and its top executives committed fraud and battery by prematurely marketing to
24 consumers blood testing services that were still in-development, not ready-for-market, and
25 dangerously unreliable. Plaintiffs allege that Walgreens' and Theranos' conduct violates Arizona
26 and California consumer protection statutes and common law.

27 f. I served as Class Counsel in *Brazil v. Dell Inc.*, No. C-07-01700 RMW
28 (N.D. Cal.), a class action alleging false reference price advertising in connection with

1 defendant's online sale of computers. This was the first class action of its kind to receive
2 certification, and resulted in a settlement which allowed class members to submit claims for \$50
3 payments, and included important practice changes.

4 g. I served as Lead Plaintiffs' Counsel in *In re Apple and AT&T iPad*
5 *Unlimited Data Plan Litigation*, No. 10-cv-02553 RMW (N.D. Cal.), a class action alleging that
6 defendants falsely advertised access to an unlimited data plan for the iPad device. In 2014, the
7 court granted final approval of a settlement which allowed class members to submit claims for
8 \$40 payments and provided other benefits to class members.

9 h. I served as Co-Class Counsel in *Pakeman, et al. v. American Honda*
10 *Finance Corporation* (M.D. Tenn.), a case raising race discrimination claims under the Equal
11 Credit Opportunity Act. On April 18, 2005, court granted final approval of a class settlement
12 requiring defendant to establish a refinance program applicable to \$1 billion of its existing loan
13 portfolio under which African Americans and Hispanic Americans are eligible for a reduction on
14 their auto loan interest rate. The settlement also imposed a limit to the amount of "mark-up"
15 lenders can impose on interest rates, increased the transparency of consumer disclosures, and
16 funded consumer education programs. The monetary benefit to the class is estimated to be
17 between about \$47 million to \$72 million.

18 i. I was Co-Lead Plaintiffs' Counsel in *Morris v. AT&T Wireless Services,*
19 *Inc.*, No. C-04-1997-MJP (W.D. Wash.), a case alleging that a nationwide class of cell phone
20 customers was subjected to an end-of-billing cycle cancellation policy implemented by AT&T
21 Wireless, thereby breaching customers' service agreements. On May 19, 2006, the New Jersey
22 Superior Court granted final approval to a class settlement that guaranteed delivery to the class of
23 \$40 million in benefits.

24 j. I served as Co-Lead Counsel in *Yarrington v. Solvay Pharmaceuticals,*
25 *Inc.*, No. 09-CV-2261 (D. Minn.), a class action alleging that Solvay deceptively marketed and
26 advertised Estratest as an FDA-approved drug when in fact Estratest was not FDA-approved for
27 any use. In March 2010, the court granted final approval to a \$16.5 million settlement, pursuant
28 to which consumers obtained partial refunds of up to 30% of the purchase price paid for Estratest.

1 k. I served as Co-Lead Plaintiffs' Counsel in *Reverse Mortgage Cases*,
2 J.C.C.P. No. 4061 (San Mateo Sup. Ct.), an action brought against Transamerica alleging that it
3 targeted senior citizens to market and sell "reverse mortgages" which were misleading as to loan
4 terms and contained unfair charges and fees. A nationwide settlement provided relief to
5 approximately 1600 members of the class averaging about \$5,000 per class member, with some
6 class members receiving many times that amount.

7 **C. Biographies of Attorneys**

8 7. I have been the primary attorney at LCHB responsible for the conduct and
9 supervision of this litigation. Over the course of this litigation, numerous lawyers at LCHB have
10 contributed significant amounts of time and effort to this case. The following are the primary
11 LCHB partners and associates who worked on this case:

12 a. Roger N. Heller graduated from Columbia University School of Law in
13 2001, where he was a Senior Editor for the Columbia Law Review. From 2001 through 2005, he
14 was a litigation associate at O'Melveny & Myers LLP. From 2005 through 2008, he worked for
15 the non-profit law firm Disability Rights Advocates, where he was a Senior Staff Attorney and
16 worked primarily on prosecuting class actions under federal and state anti-discrimination laws.
17 Roger joined LCHB in 2008, and became a partner at LCHB in 2011. During his time at LCHB,
18 his practice has been focused on consumer protection class actions. He has successfully
19 represented large classes in numerous consumer cases, including cases involving consumer
20 banking, credit cards, credit agencies, and false advertising. Among other recognitions, he was a
21 finalist for the CAOC Consumer Attorney of the Year Award (2012 and 2013) and for the Public
22 Justice Trial Lawyer of the Year Award (2012), and was a two-time Law 360 "Rising Star" (2014
23 and 2015), which recognizes the top lawyers in the country under the age of 40.

24 b. Nicholas Diamand graduated from Columbia University School of Law in
25 2002, with an LLM degree as a Stone Scholar. He thereafter clerked for then-Chief Judge Edward
26 R. Korman, of the U.S District Court, Eastern District of New York. He joined LCHB in 2003
27 where he was an associate until 2006. He was a partner from 2007 until July 2008 and has been a
28 partner since 2013. In the intervening period, he was Of Counsel at LCHB. During his time at

1 LCHB, Mr. Diamand's practice has been focused on consumer, securities fraud, and privacy
2 litigation.

3 c. David Rudolph graduated from University of California, Berkeley, School
4 of Law (Berkeley Law) in 2004. From 2007 to 2008 he was a law clerk for the Honorable
5 Sandra Brown Armstrong, United States District Court for the Northern District of California.
6 Prior to joining LCHB, Mr. Rudolph worked as an associate at Quinn Emmanuel. Since joining
7 LCHB, Mr. Rudolph has become a partner in the San Francisco office. He has litigated numerous
8 patent, copyright, antitrust, and privacy cases.

9 d. Jason Lichtman graduated from University of Michigan Law School in
10 2006. He is a partner in LCHB's New York office, and his practice is focused on financial fraud,
11 damages, and appeals. He is court-appointed co-lead counsel in *In re: Whirlpool Corp. Front-*
12 *Loading Washer Products Liability Litigation*, MDL No. 2001 (N.D. Ohio) and *In re VTech*, No.
13 1:15-cv-10889 (N.D. Ill). Lichtman also has a lead role representing consumers in the *British*
14 *Airways Fuel Surcharge Litigation* pending in federal court in New York and in qui tam litigation
15 against several large banks related to alleged mortgage fraud. He has also secured major victories
16 as counsel of record before numerous federal appellate courts. Lichtman is a member of the qui
17 tam (whistleblower law), consumer protection, and defective products practice groups.

18 e. Nicole D. Sugnet graduated from University of California, Hastings
19 College of the Law in 2006. Prior to her departure from LCHB in February 2017, she was a
20 partner in LCHB's San Francisco office and represented consumers in cases involving false
21 advertising, bait-and-switch schemes, and bad faith conduct, including litigating several class
22 actions brought against banks and financial institutions for false and deceptive business practices,
23 as well as multiple privacy cases. Prior to joining LCHB, she was an associate attorney at Green
24 Welling, P.C.

25 f. Melissa Gardner graduated in 2011 from Harvard Law School. After
26 graduating, she worked as a law clerk for South Brooklyn Legal Services and at the law firm
27 Emery Celli Brinckerhoff & Abady in New York. Since joining LCHB as an associate in 2012,
28

1 Ms. Gardner has represented plaintiffs in consumer protection, digital privacy, and mass tort
2 litigation.

3 g. Wilson Dunlavey graduated University of California, Berkeley, School of
4 Law (Berkeley Law), in 2015. Prior to joining Lief Cabraser, Wilson worked as a Law Clerk at
5 the Transgender Law Center, was a judicial extern to the Honorable William H. Alsup of the
6 United States District Court for the Northern District of California, and advocated for low-income
7 workers as a counselor at the East Bay Worker's Rights Clinic. Prior to law school, Wilson
8 studied in Germany, earning a PhD in modern German history and a dual-master's degree in
9 history and philosophy.

10 8. Additionally, the following LCHB staff and contract attorneys contributed
11 significant amounts of time and effort to this case:

12 a. Tanya Ashur graduated from Chicago-Kent College of Law, Chicago in
13 2000. She is a staff attorney in the San Francisco office of LCHB.

14 b. Corey Bennett graduated from University of San Francisco School of Law
15 in 2009. He was a staff attorney in the San Francisco office of LCHB until his departure from the
16 firm June 2017.

17 c. James Leggett graduated from Santa Clara University School of Law in
18 2012. He is a staff attorney in the San Francisco office of LCHB.

19 d. Phianh Nguyen graduated from Golden Gate University School of Law in
20 2008. She is a staff attorney in the San Francisco office of LCHB.

21 e. James Gilyard graduated from University of San Francisco School of Law
22 2002. He was a contract attorney at the San Francisco office of Lief Cabraser until December
23 2016.

24 f. Eva Guo graduated from University of California, Hastings College of the
25 Law in 1994. She was a contract attorney at the San Francisco office of Lief Cabraser until June
26 2017.

27 g. Donna Solen graduated from University of Florida College of Law in 1997.
28 She was a contract attorney at the San Francisco office of Lief Cabraser until May 2017.

1 **II. Time and Expenses Incurred**

2 9. To date, Class Counsel has expended considerable time and effort vigorously
3 litigating this case. Class Counsel have devoted thousands of attorney hours and hundreds of
4 thousands of dollars in out-of-pocket costs to cover the expenses of litigation since 2015.

5 10. I am the partner at LCHB who supervises its associates, paralegals, and litigation
6 support personnel in connection with their work regarding the Litigation. In addition, I have
7 personally drafted numerous motions, appeared at conferences and motion hearings before the
8 Court, and actively participated in the mediation sessions concerning the Litigation.

9 11. LCHB has spent time on this litigation that could have been spent on other matters.
10 At various times during the litigation of this class action, this lawsuit has consumed a substantial
11 percentage of billable time that could otherwise have been spent on other fee-generating work. In
12 addition to a substantial percentage of my time, this case has also required work by other lawyers
13 in my firm, as well as by our law clerks, paralegals, investigators, and computer database
14 personnel.

15 12. For nearly two years of active litigation, at any given time in this litigation this
16 case was staffed by at least two junior partners and one associate. While the pace and complexity
17 of this Litigation required this level of work, the time spent working on this case was time that
18 could have been spent on other fee-generating work.

19 13. The time my firm has spent on this case has been completely contingent on the
20 outcome of the action. LCHB has not been paid for any of the time spent on the action.

21 14. In connection with the Litigation, the attorney and staff timekeepers at LCHB have
22 billed a total of 10,594.6 hours from February 2015 to June 2017. The hours reported were
23 compiled from the firm's contemporaneous time records, which were reviewed by LCHB partners
24 and submitted to Lead Counsel on a monthly basis. At the conclusion of the litigation, they were
25 again reviewed both by LCHB and by Lead Counsel to ensure that the reported time was
26 necessary, non-duplicative, and in compliance with the time-keeping standards established by
27 Lead Counsel at the onset of the litigation. Exhibits 1 and 3 to the Declaration of Eve H.
28 Cervantez provide detailed summaries of the amount of time spent by my firm's partners,

1 attorneys, and professional support staff who were involved in this litigation through September
2 30, 2017.

3 15. I personally oversaw LCHB's work on this case and had substantive involvement
4 in all of the areas described below. I had substantial roles in developing overall case strategy and
5 briefing, including drafting of the amended complaints, the class certification and *Daubert*
6 briefing, and all settlement-related materials. I attended Plaintiffs' Steering Committee calls at
7 which case strategy and work assignments were discussed, and oversaw my firm's work as
8 directed by Lead Counsel. I also attended all three mediations and worked closely with other
9 members of the leadership team to develop the Plaintiffs' settlement strategies.

10 16. Indeed, LCHB had a significant role in virtually every aspect of this case
11 including:

- 12 a. Drafting portions of the consolidated complaint and amendments thereto;
- 13 b. Fact discovery, including organizing and conducting significant document
14 review, meeting and conferring with defense counsel regarding discovery disputes, and drafting
15 and arguing discovery motions;
- 16 c. Extensive involvement in expert discovery, including defending and
17 conducting both technical and damages expert depositions and overseeing associated expert
18 reports;
- 19 d. Researching and drafting the *Daubert* motions and opposition and reply
20 briefs, and portions of the class certification brief; and
- 21 e. Participating in numerous mediation sessions, drafting settlement
22 agreements, and drafting notice and claim form materials.

23 17. LCHB was primarily responsible for overseeing the technical and damages expert
24 work for this case. Nicole Sugnet, a junior partner at LCHB, was responsible for management of
25 my firm's day-to-day work on this case. Ms. Sugnet identified and interviewed potential expert
26 witnesses and oversaw the multiple reports of Plaintiffs' primary technical expert, Matthew
27 Strebe. Ms. Sugnet prepared Mr. Strebe for and defended Mr. Strebe's deposition, deposed
28 Anthem's key technical witness Dr. Stefan Savage, and also deposed and defended numerous

1 other witnesses. Ms. Sugnet also oversaw much of the Plaintiffs' document review efforts,
2 including managing a substantial team of reviewers employed to review 3.8 million documents,
3 and drafted and argued numerous discovery motions.

4 18. In early 2017, another junior partner, David Rudolph, took over the technical
5 expert work in this case from Ms. Sugnet. Mr. Rudolph oversaw further expert reports by Mr.
6 Strebe, and prepared for and defended Mr. Strebe's second deposition. Mr. Rudolph had
7 substantial roles in other aspects of the case as well, including managing discovery disputes,
8 drafting portions of the class certification and *Daubert* motions, and drafting notice-related
9 materials for the settlement.

10 19. Jason Lichtman, another junior LCHB partner, had primary responsibility for
11 overseeing Plaintiffs' damages experts, Peter E. Rossi and James Van Dyke. Mr. Lichtman
12 oversaw the drafting of both experts' reports, defended Mr. Rossi at deposition, and also had
13 substantial roles in drafting the class certification and *Daubert* motions.

14 20. LCHB's primary associate on this case, Melissa Gardner, assisted in all of the
15 above tasks and eventually had primary responsibility for managing (while working closely with
16 attorneys from Girard Gibbs) document review in this case. Ms. Gardner also drafted and argued
17 discovery motions and led numerous meet and confer efforts with Defendants. Another LCHB
18 associate, Wilson Dunlavey assisted in many aspects of this case, including overseeing document
19 review, drafting discovery responses, preparing witnesses for deposition, and conducting class-
20 certification-related research.

21 21. Additionally, LCHB staff and contract attorneys Tanya Ashur, Corey Bennett,
22 James Leggett, Phianh Nguyen, James Gilyard, Eva Guo, and Donna Solen reviewed and coded
23 many thousands of documents, identified and summarized "hot" documents, and assisted with
24 deposition preparation.

25 22. Based upon my experience with other class action matters, I believe that the time
26 expended by LCHB in connection with this litigation and for which it seeks compensation, when
27 compared to the result achieved for the Class, is reasonable in amount and was necessary to
28 ensure the successful result obtained on behalf of the Class.

1 23. Based on my experience and expertise, and for the reasons set forth in Plaintiffs'
2 Motion in Support of Final Approval and the declaration of Eve Cervantez in support thereof, I
3 believe the proposed settlement is highly beneficial to the class, and I fully support it.

4 **III. LCHB's Rates**

5 24. LCHB's customary rates, which were used for purposes of calculating lodestar
6 here, are based on prevailing fees in this District and have been approved by this Court, other
7 Courts in the Northern District of California, and other Courts in this Circuit. LCHB sets its
8 hourly rates according to prevailing market rates, bills its hourly paying clients according to those
9 rates, and is routinely awarded fees according to those rates. A sample of California federal
10 courts that have approved LCHB's standard billing rates and reimbursement of costs as
11 reasonable are:

12 a. *Perkins v. LinkedIn Corp.*, No. 13-CV-04303-LHK, 2016 WL 613255, at
13 *15 (N.D. Cal. Feb. 16, 2016) (approving 2016 billing rates of myself (\$850), Mr. Diamand
14 (\$600), and Ms. Gardner (\$395) and granting requested attorneys' fees; collecting cases
15 approving LCHB's rates);

16 b. *In re High-Tech Employee Antitrust Litig.*, No. 11-cv-02509-LHK, 2015
17 WL 5158730, at *9 (N.D. Cal. Sept. 2, 2015) (approving 2015 LCHB partner rates ranging from
18 \$575 to \$975 and associate rates of \$490 to \$515);

19 c. *Bayat v. Bank of the W.*, No. C-13-2376 EMC, 2015 WL 1744342, at *9
20 (N.D. Cal. Apr. 15, 2015) (approving blended 2015 billing rates, including Ms. Sugnet's rate of
21 \$435);

22 d. *In re TracFone Unlimited Serv. Plan Litig.*, 112 F. Supp. 3d 993, 1009
23 (N.D. Cal. 2015) (approving 2015 billing rates of myself (\$850) and Ms. Sugnet (\$435), awarding
24 requested attorneys' fees);

25 e. *Gutierrez v. Wells Fargo Bank, N.A.*, No. C 07-05923 WHA, 2015 WL
26 2438274, at *5 (N.D. Cal. May 21, 2015), appeal dismissed (Oct. 30, 2015) (approving historical
27 billing rates for myself (\$700–850) and Mr. Heller (\$475–625)).
28

1 f. *Steinfeld v. Discover Financial Services*, Case No. 3:12-cv-01118-JSW, ,
2 2014 WL 1309692, at *2 (N.D. Cal. Mar. 31, 2014) (approving *inter alia* Ms. Sugnet’s 2013 rate
3 of \$415 and stating “Class counsel have submitted declarations that show the hourly rates that
4 they have requested are reasonable and have provided the Court with information about other
5 cases that approved their rates.”);

6 g. *Nwabueze v. AT&T Inc.*, No. C 09-01529 SI, 2014 U.S. Dist. LEXIS
7 11766, at *8 (N.D. Cal. Jan. 29, 2014) (approving my 2013 billing rate of \$800 and stating “the
8 Court also finds that the rates requested are within the range of reasonable hourly rates for
9 contingency litigation approved in this District”);

10 h. *Ross v. Trex Co., Inc.*, No. 09-cv-00670-JSW, 2013 WL 12174133, at *1
11 (N.D. Cal. Dec. 16, 2013) (approving 2013 billing rates and awarding requested attorneys’ fees);

12 i. *Vedachalam v. Tata Consultancy Services, Ltd.*, No. C-06-0963-CW (N.D.
13 Cal. July 18, 2013) (“Class Counsel’s hourly rates are reasonable in light of their experience (as
14 reflected in their declarations and the declarations of their peers in the field of class action
15 litigation), and the rates charged are comparable to other attorneys in this field.”);

16 j. *In re: Toyota Motor Corp. Unintended Acceleration Marketing, Sales*
17 *Practices, and Products Liability Litig.*, No. 10-ml-02151 JVS (FMOx), Dkt. No. 3933 (C.D. Cal.
18 June 24, 2013) (awarding requested fees and finding that “[c]lass counsel’s experience,
19 reputation, and skill, as well as the complexity of the case” justified their rates that ranged up to
20 \$950);

21 k. *In re AXA Rosenberg Investor Litigation*, No. 11-00536-JSW, 2012 WL
22 12920617, at *2 (N.D. Cal. April 2, 2012) (“The Court has also reviewed Lead Counsel’s hourly
23 rates and concludes that these rates are appropriate for attorneys in this locality of Lead Counsel’s
24 skills and experience.”).

25 25. My firm incurred a total of \$93,785 in unreimbursed internal expenses from
26 inception through October 5, 2017. In addition, my firm contributed \$223,000 to the cost fund.
27 All of these expenses were reasonable and necessary for the prosecution of this litigation. A
28

1 summary of those expenses by category is attached as Exhibit 7 to the Declaration of Eve
2 Cervantez.

3 I declare under penalty of perjury that the foregoing is true and correct to the best of my
4 knowledge, and that this Declaration was signed in San Francisco, California, on December 1,
5 2017.

6
7 /s/ Michael W. Sobol

8 Michael W. Sobol
9
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