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10 Attorneys for Plaintiffs

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **FOR THE COUNTY OF LOS ANGELES – CENTRAL**

13 ROGER HARRIS, DUANE BROWN, AND
14 BRIAN LINDSEY,

15 Plaintiffs,

16 vs.

17 FARMERS INSURANCE EXCHANGE
18 AND MID CENTURY INSURANCE
19 COMPANY,

20 Defendants.

Case No. BC579498

*[Assigned to the Hon. Maren Nelson in Dept. 17
of Spring Street Courthouse]*

**DECLARATION OF WILMER J. HARRIS
IN SUPPORT OF PLAINTIFFS' MOTION
FOR ATTORNEYS' FEES, COSTS,
SERVICE AWARDS, AND NOTICE AND
ADMINISTRATION EXPENSES**

Date: June 17, 2020

Time: 9:00 a.m.

Department: 17

Complaint filed: April 22, 2015

Trial Date: None Set

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19 *Attorneys for Plaintiffs*
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1 I, Wilmer J. Harris, declare as follows:

2 1. I am an attorney at law duly licensed to practice before all of the courts in the
3 State of California. I am local counsel of record for Plaintiffs in the above-referenced matter. I
4 submit this declaration in support of Plaintiffs' Motion for Attorneys' Fees, Costs, Service
5 awards, and Notice and Administration Expenses. The facts set forth in this Declaration are true
6 and of my own personal knowledge, except as to those made on information and belief. If
7 called as a witness, I could and would testify competently under oath to the facts set forth
8 herein.

9 **OVERVIEW OF EXPERIENCE**

10 1. I am a partner at the firm of Schonbrun Seplow Harris & Hoffman, LLP
11 ("SSH.H.") I graduated from Stanford University in 1986 with an A.B. degree in Economics,
12 with Distinction, and Honors in Humanities. I was elected to membership in Phi Beta Kappa in
13 1985. I graduated from UCLA School of Law in 1990, earning Order of the Coif honors and
14 American Jurisprudence Awards in Evidence, Moot Court and Remedies.

15 2. I worked as Law Clerk to the Honorable David W. Williams for one year after
16 my law school graduation. I entered private practice, thereafter, practicing business litigation
17 for two years with the law firms Kaye, Scholer, Fierman, Hays & Handler and Blanc, Williams,
18 Johnston & Kronstadt.

19 3. In January 1994, I joined the Law Offices of Johnnie L. Cochran, Jr. My
20 practice area changed dramatically as I began representing clients in civil rights cases, including
21 Reginald Denny. In August 1995, I joined my current firm (named Schonbrun De Simone
22 Seplow Harris & Hoffman in 1999), where I have concentrated primarily on the representation
23 of employees in disputes with employers and individuals in civil rights cases. In November
24 1999, I opened the Pasadena office of the firm where I remain the resident partner.

25 4. I have garnered several settlements in excess of \$1 million in personal injury and
26 employment cases. In July 2004, my client recovered a \$1.6 million judgment (including
27 attorney's fees and costs) against Boeing Satellite Systems. In August 2006, my client received
28 a judgment of over \$1.7 million (including fees and costs).

1 5. In May 2017, a jury returned a \$5.3 million verdict in favor of my client in a
2 child sexual abuse case against a group home. I was nominated by the Consumer Attorney
3 Association of Los Angeles as Trial Lawyer of the Year for 2017 as a result.

4 6. I have given employment law presentations at seminars for the Los Angeles
5 County Bar Association (“LACBA”), the State Bar Labor & Employment Section, the
6 American Bar Association and the California Employment Lawyers Association (“CELA”). In
7 February 2003, I was one of the speakers at the LACBA Nuts and Bolts Seminars regarding
8 employment law. In November 2004, I spoke at the California State Bar Labor & Employment
9 Section’s Annual Conference. I presented at the CELA Annual Conference in September 2006
10 and October 2010. I also presented at the Los Angeles County Bar Association Dinner meeting
11 in November 15, 2006. I spoke at the American Bar Association Annual Conference in San
12 Francisco in August 2007. I was one of two attorneys who summarized the developments in
13 California employment law in 2007 at the 2008 LACBA Annual Symposium and presented at
14 the 30th Annual Labor and Employment Law Symposium in March 2010. I regularly presented
15 and/or moderated at California State Bar Labor and Employment Section conferences and was
16 one of the speakers presenting the Wage & Hour Update in September 2010. I was a speaker at
17 CELA’s 11th Annual Advanced Wage and Hour Seminar and at the 29th Annual CELA
18 Employment Law Conference: Wage and Hour Bootcamp in 2016. I spoke at the CELA
19 Employment Law Conference in 2017 and 2019. I was a speaker at both the Bridgeport 2017
20 and 2018 Wage & Hour Litigation and Management Seminars.

21 7. In 2005, I was selected to sit on the California State Bar Labor & Employment
22 Executive Committee. After joining the Labor & Employment Executive Committee, I regularly
23 spoke at our Annual Conferences. I served as Chair of the California State Bar Labor and
24 Employment Section from 2010 to 2011. In my capacity as Chair, I co-chaired the Section’s
25 inaugural Wage and Hour Conference in August 2011.

26 8. I am an active member of various professional organizations, including the
27 California Employment Lawyers Association (CELA). I served on the Board of Directors of
28 the California Employment Lawyers Association from 2007-2014. I am also a member of the

1 National Employment Lawyers Association (NELA), the Consumer Attorneys Association of
2 Los Angeles (CAALA), the Los Angeles County Bar Association and its Labor & Employment
3 Section and the John M. Langston Bar Association. I have been selected as a “Southern
4 California Super Lawyer” by Los Angeles Magazine for several years.

5 9. I have been appointed class counsel in several class actions many of which have
6 resulted in very substantial settlements: *Boyd v. Bank of America*, No. CV13-00561 DOC
7 (JPRx) (C.D. Cal.) (\$41.8 million), *Petzold v. Metrocities Mortgage LLC et al*, BC 365594 (Los
8 Angeles Sup. Ct.) (\$2.35 million); *Manukyan v. Regis Corporation*, No. CV09-04807 MMM
9 (FFMx) (C.D. Cal.), related to *Bonilla v. Regis Corp.*, 30-2009-00329724 (Orange Cty. Sup.
10 Ct.) (\$4.1 million).

11 10. I am currently working on the following putative and/or certified class action
12 cases: *Boyadzhyan, et al. v. Bridgestone Retain Operations LLC*, BC621145 [Los Angeles
13 Superior Court]; *Sacro v. Brookdale Senior Living Communities, Inc., et al.*, 2;17-CV-02632-
14 VAP-SS [United States District Court, Central District of California]. In 2012, my clients
15 successfully appealed the grant of a motion to compel arbitration, which resulted in a published
16 decision, *Elijahjuan v. Superior Court* (2012) 210 Cal.App.4th 15.

17 11. My firm has extensive experience litigating employment and civil rights cases
18 throughout California. We currently have approximately twenty (20) putative and/or certified
19 class actions in various stages of litigation, in addition to the numerous class actions we have
20 litigated over the years. Four class actions in the recent past have resulted in eight-figure
21 settlements: \$41,800,000 (*Boyd v. Bank of America*, No. CV13-00561 DOC (JPRx) (C.D. Cal.);
22 \$10,500,000 (*Doyle et. al. v. AT&T et. al.*, Case No. CV 08-1275-JAH (S.D. Cal. Mar. 1,
23 2010), \$17,000,000 (*Waters, Turner and Fajardo, et al v. AT&T Services, Inc.*, Case No. 3:09-
24 CV-03983 BZ), and \$16,000,000 (*Shoff, et al. v. AT&T, et al.*, Case No. CV 07 3289 DSF
25 (AGRX) [United States District Court, Central District of California].

26 12. Other class actions cases in which firm has been involved in the recent past have
27 resulted in the following settlements: \$5,000,000.00, *Lita v. Bunim-Murray*, Case No. BC
28 350590 [Superior Court of Los Angeles, Central Civil West]; \$1,500,000.00, *Fontana v. St.*

1 *Joseph Hospital of Orange*, Case No. 03CC02559 [Orange County Superior Court, Civil
2 Complex Center]; \$4,100,000.00, *Manukyan v. Regis Corporation*, CV09-04807 MMM
3 (FFMx) [United States District Court, Central District of California], related to *Bonilla v. Regis*
4 *Corp.*, 30-2009-00329724 [Orange County Superior Court]; and \$2,350,000.00, *Petzold v.*
5 *Metrocities Mortgage, LLC*, et al., BC365594 [Los Angeles Superior Court]. We have also
6 obtained final approval by courts for settlement in other recent class action cases, including
7 *Charlebots v. Angels Baseball, LP*, SACV 10-853 [United States District Court, Central District
8 of California]; *Mult-Ethnic Immigrant Workers Organization Network et al., v. City of Los*
9 *Angeles*, CV07-3072 [United States District Court, Central District of California]; *Rodriguez v.*
10 *Roto-Rooter Corp., et al.*, BC446008 [Los Angeles Superior Court]; *Cinquergrani v. Dept. of*
11 *Motor Vehicles*, BC355720 [Los Angeles Superior Court]; and *Todorova v. DPI Investments,*
12 *Inc.*, et al., 1382928 [Santa Barbara Superior Court].

13 13. Our firm has actively commenced, prosecuted and concluded numerous other
14 class actions and other complex cases. Our firm was a member of the steering committee for
15 the Plaintiffs' side in the coordinated action *The Clergy Cases (Clergy I)*, Case No. JCCP 4286,
16 which settled for over \$660 million dollars with the Archdiocese of Los Angeles for sexual
17 abuse committed against minors by priests of the Los Angeles Archdiocese. Moreover, our
18 firm was one of the lead counsel in a class action case against Magic Mountain for race and
19 ethnic discrimination that settled for over \$5,000,000 (*Elizabeth Morrison, et al. v. Six Flags*
20 *Theme Park, Inc., et al.*, Case No. BC 253314).

21 14. Our firm was also lead counsel on the groundbreaking case, *Doe, et al. v. Unocal*
22 *Corp., et al.*, CV 96-6959-RSWL [United States District Court, Central District of California] in
23 which Unocal was sued for human rights abuses committed during the construction of an oil
24 pipeline in Myanmar. Currently, our firm is prosecuting complex putative and/or certified
25 human rights class action cases including the *In re Apartheid Cases*, 02 Civ. 4712 [United
26 States District Court, Southern District of New York], (suing companies who sponsored the
27 Apartheid regime in South Africa) and *Doe I v. Nestle USA, Inc.*, 2:05-CV-05133-SVW [United
28 States District Court, Central District of California]. These are just a sample of the many

1 complex matters that we and our firm have litigated.

2 15. Two former associates, Isabel Daniels and Stephanie T. Yu, have also worked on
3 this matter.

4 16. Isabel Daniels graduated *cum laude* from Pomona College with a degree in
5 Psychology. Ms. Daniels graduated *magna cum laude* from the University of Michigan Law
6 School in 2009, earning Order of the Coif and was admitted to practice law in California in
7 2010.

8 17. Before joining the firm of SSHH in July 2014, Ms. Daniels clerked for the
9 Honorable Cormac J. Carney of the Central District of California in 2009-2010. Following her
10 clerkship, Ms. Daniels worked as an associate at Irell & Manella LLP in Los Angeles, where
11 she handled a variety of complex intellectual property matters. Ms. Daniels then joined the firm
12 of Berger & Montague, P.C. in Philadelphia where she practiced plaintiff-side antitrust and
13 labor and employment law. Ms. Daniels currently works for Children's Law Center of Los
14 Angeles.

15 18. Stephanie Yu graduated with honors from Johns Hopkins University with a
16 degree in International Relations and French in 2008. Ms. Yu graduated from UCLA School of
17 Law in 2013 where she served as a Managing Editor for the UCLA Law Review. She was
18 admitted to practice law in California in 2013.

19 19. Prior to joining SSHH, Ms. Yu worked as a business litigation associate at
20 Dykema Gossett LLP in Los Angeles. From 2015-2016, Ms. Yu clerked as a floating law clerk
21 under the Honorable Dale S. Fischer of the Central District of California. Following her
22 clerkship, Ms. Yu worked as a staff attorney at Neighborhood Legal Services of Los Angeles
23 County focusing on bringing impact litigation on behalf of Los Angeles residents. Ms. Yu
24 currently works for the California Attorney General's Office as a Deputy Attorney General in
25 Healthcare Strike Force unit.

26 20. Kristina Akopyan is a paralegal at my firm who has worked on this matter. Ms.
27 Akopyan graduated from University of California at Irvine with degrees in Biology and History.
28 Ms. Akopyan completed the Paralegal Program and received her ABA Approved Paralegal

1 Certificate from University of California at Los Angeles Extension in 2004. She joined SSHH
2 as a paralegal in 2006.

3 21. In 2012, Ms. Akopyan was certified by the National Association of Legal
4 Assistants (NALA) and is currently an active member of the organization.

5 22. On January 19, 2016, the Honorable David O. Carter of the United States
6 District Court approved and awarded the following hourly rates for work done from 2013 to
7 2015 in the matter of Boyd, et al. v. Bank of America, et al., CV13-00561 DOC (JPRx): Wilmer
8 J. Harris at \$760 per hour, Isabel M. Daniels at \$480 per hour, and Kristina Akopyan at \$200
9 per hour. In approving the settlement, Judge Carter addressed me and other counsel with, “your
10 lawyering has just been excellent... I think the results were exceptional; and by that, I mean,
11 there were tremendous risks for the plaintiff... So you have nothing but the Court’s praise and
12 compliment. I think you’re excellent counsel. You worked very hard. Your briefing was just
13 extraordinary.”

14 23. My firm spent approximately 98.9 hours on this matter. The following chart
15 displays my firm’s lodestar in this matter.

16

	Years out of Law School	Hours Billed	Laffey Matrix Adjusted Rate for Los Angeles ¹	Total
17 Wilmer J. Harris	20+	15.4	\$940	\$14,476.00
18 Isabel M. Daniels	10	25.4	\$691	\$17,551.40
19 Stephanie T. Yu	6	6.3	\$479	\$3,017.70
20 Kristina Akopyan	n/a	51.8	\$212	\$10,981.60
21 TOTAL		98.9		\$46,026.70

22

23 24. The above chart was prepared from time records regularly prepared and
24 maintained by my firm utilizing timekeeping software. In my opinion, the time spent by
25 attorneys and staff of SSHH was reasonable and necessary. Indeed, by prosecuting this case
26 purely on a contingency basis and not being paid by the hour, SSHH attorneys and staff worked
27 efficiently and avoided unnecessary work. The detailed time and expense entries are available

28

¹ See paragraphs 27, *infra*.

1 to the Court *en camera* upon request.

2 25. SSHH incurred \$ 14,459 in unreimbursed case-related expenses, including
3 expenses related to filing fees, attorney service fees, court reporter fees, travel, copying, and
4 case administration. Expenses are accounted for and billed separately and are not duplicated in
5 my firm's professional billing rate. SSHH has not received reimbursement for expenses
6 incurred in connection with this litigation. The actual expenses incurred in the prosecution of
7 this case is reflected on the computerized accounting records of my firm prepared by
8 bookkeeping staff, based on receipts and check records, and accurately reflect all actual
9 expenses incurred. Below is the chart of expenses incurred by SSHH in this matter through
10 May 18, 2020:

SSHH Expense Summary	
Travel	\$96.73
Electronic Research	\$140.63
Printing	\$1,244.40
Court Reporting Fees	\$939.15
Filing Fees	\$7,793.00
Atty. Service/Courier/Postage	\$4,245.17
	\$ 14,459.08

17 26. The hourly rates are based on the typical hourly rates for lawyers of similar
18 experience in the communities in which Class Counsel practice.

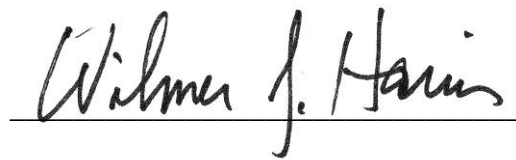
19 27. The hourly rates shown for the attorneys at SSHH are our 2020 rates charged as
20 delineated by the Adjusted Laffey Matrix (<http://www.laffeymatrix.com/>), which provides
21 market rates for attorneys working in the Washington, D.C. area. *See, e.g., DL v. District of*
22 *Columbia* (D.C. Cir. 2019) 924 F.3d 585 (discussing the history and basis of the Laffey matrix).
23 Since the hourly rates in the Laffey Matrix were established for D.C. Lawyers, Some California
24 Federal courts have accepted the same methodology, adjusting the Laffey Matrix upwards based
25 upon the higher costs of living in Los Angeles and other California cities. *In re HPL*
26 *Technologies, Inc. Securities Litigation* (N.D. Cal. 2005) 366 F.Supp.2d 912, 921. As such, the
27 Laffey Matrix rates should be adjusted upward 4.6% to reflect the current rates typical of
28 attorneys litigating within California. *See In re Chiron Corp. Securities Litigation* (N.D. Cal.,

1 Nov. 30, 2007, No. C-04-4293 VRW) 2007 WL 4249902, at *6 (“Adjusting the Laffey matrix
2 figures accordingly will yield appropriate rates for the respective geographical regions: ...
3 +4.6% for Los Angeles.”).

4 28. The total number of hours is based only on the hours reasonably expended to
5 achieve an excellent result for the Settlement Class. Our firm coordinated our efforts in the
6 litigation of this case with our co-counsel to ensure that there was no duplicative or unnecessary
7 work.

8 29. In my opinion, the time expended and expenses incurred in prosecuting this
9 action were reasonable and necessary for the diligent litigation and fair resolution of this matter.
10 The lodestar reflected in the above extract does not include all of the time to be devoted to
11 preparing for and appearing at the final approval hearing, or dealing with post-hearing matters.

12
13 I declare under penalty of perjury under the laws of the State of California that the
14 foregoing is true and correct. Executed on May 21, 2020 at South Pasadena, California.

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18 Wilmer J. Harris
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PROOF OF SERVICE
STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am a resident of the aforesaid county, State of California; I am over the age of 18 years and not a party to the within action; my business address is 715 Fremont Avenue, Suite A, South Pasadena, CA 91030.

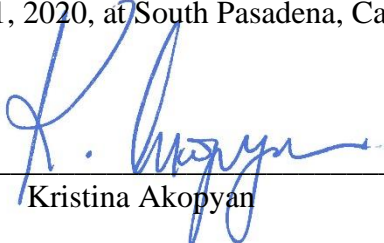
On May 21, 2020, I caused the service of the following document(s) described as:

**DECLARATION OF WILMER J. HARRIS IN SUPPORT OF PLAINTIFFS' MOTION
FOR ATTORNEYS' FEES, COSTS, SERVICE AWARDS, AND NOTICE AND
ADMINISTRATION EXPENSES**

to the person(s) listed on the Service List.

 x **[By E-MAIL or ELECTRONIC TRANSMISSION VIA CASE ANYWHERE]**
Pursuant to a court order, I electronically transmitted the document(s) listed above via Case Anywhere to the individual(s) listed on the Service List. The Case Anywhere system sends an e-mail notification of the electronic transmission to the parties and counsel of record who are registered with the Case Anywhere system.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on May 21, 2020, at South Pasadena, California.



Kristina Akopyan

SERVICE LIST

<p>1 2 3 Peter Kahana, Esq. pkahana@bm.net 4 Jeff Osterwise, Esq. josterwise@bm.net 5 BERGER & MONTAGUE, P.C. 1818 Market Street, Suite 3600 6 Philadelphia, PA 19103 7 Tel.: (215) 875-3000 8 Fax: (215) 875-4613 9 <i>Class Counsel</i></p>	<p>James C. Castle, Esq. jcastle@mail.hinshawlaw.com HINSHAW & CULBERTSON, LLP 633 West Fifth Street, 47th Floor Los Angeles, CA 90071 Tel.: (213) 614-7343 Fax: (213) 614-7399 <i>Attorneys for Defendants</i> Farmers Insurance Exchange and Mid Century Insurance Co.</p>
<p>10 Hassan A. Zavareei, Esq. hzavareei@tzlegal.com 11 Andrea Gold, Esq. agold@tzlegal.com 12 TYCKO & ZAVAREEI LLP 1828 L Street, NW 13 Washington, DC 20036 14 Tel.: (202) 973-0900 15 Fax: (202) 973-0950 16 <i>Class Counsel</i></p>	<p>Harvey Rosenfield, Esq. harvey@consumerwatchdog.org Pamela Pressley, Esq. pam@consumerwatchdog.org CONSUMER WATCHDOG 6330 San Vicente Blvd, Suite 250 Los Angeles, CA 90048 Tel.: (213) 897-2000 Fax: (213) 897-5775 <i>Attorneys for Consumer Watchdog</i></p>
<p>17 Jay Angoff, Esq. jay.angoff@findjustice.com 18 Cyrus Mehri, Esq. Cyrus@findjustice.com 19 MEHRI & SKALET PLLC 1250 Conneticut Ave. NW, Suite 300 20 Washington, DC 2003 21 Tel.: (202) 822-5100 22 Fax: (202) 822-4997 23 <i>Class Counsel</i></p>	<p>Laura Robbins, Esq. laura.robbs@doj.ca.gov Andrea Schoor, Esq. andrea.schoor@doj.ca.gov CALIFORNIA DEPARTMENT OF JUSTICE 300 South Spring Street, Suite 1702 Los Angeles, CA 90013 Tel.: (213) 897-2000 Fax: (213) 897-5775 <i>Attorneys for California Department of Insurance, Dave Jones, in his capacity as Insurance Commissioner of the State of California</i></p>