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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA—WESTERN DIVISION

ALI ASGHARI, DANIEL TRAN,
YUNG KIM, ARA
DERSARKISSIAN, and KATRINA
NOBLE individually, and on behalf
of a class of similarly situated
individuals,

Plaintiffs,

vs.

VOLKSWAGEN GROUP OF
AMERICA, INC., VOLKSWAGEN
AG, AND AUDI AG,

Defendants.

Case No. CV13-02529-MMM-(JEMx)

Hon. Margaret M. Morrow

CLASS ACTION

**DECLARATION OF REBECCA
LABAT IN SUPPORT OF
PLAINTIFFS' MOTION FOR
ATTORNEYS' FEES, EXPENSES,
AND COSTS**

Date: May 4, 2015
Time: 10:00 am
Place: Courtroom 780

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DECLARATION OF REBECCA LABAT

I, Rebecca Labat, declare:

1. I am an attorney admitted to the Bar of the State of California. I am the managing partner of Capstone Law APC (“Capstone”), co-lead Class Counsel in the above-captioned matter. My knowledge of the information and events described herein derives from a combination of my personal knowledge and a careful review of the file and billing records, and if called as a witness, I could and would competently testify to them. I submit this declaration in support of Plaintiffs’ Motion for Award of Attorney’s Fees, Expenses, and Costs (“Fee Application”).

2. I am submitting a firm resume for Capstone that details the firm’s recent accomplishments, along with biographical profiles of Capstone’s attorneys, including most of the attorneys who worked on this case. A true and correct copy of the Capstone Law APC firm resume is attached as **Exhibit 1**.

3. Along with the firm resume, my declaration provides additional information as to firm’s experience in class action litigation, staffing, rates, and hours in this action.

CAPSTONE’S EXPERIENCE

4. As detailed in the firm resume, Capstone, with twenty-five attorneys, is one of the largest California firms that prosecutes aggregate actions on a wholly contingent basis. Recognized for its active class action practice and cutting-edge appellate work, Capstone’s recent accomplishments have included three of its attorneys being honored as *California Lawyer’s Attorneys of the Year* (“CLAY”) in the employment practice area for 2014 for their work in the landmark case *Iskanian v. CLS Transportation Los Angeles*, 59 Cal. 4th 348 (2014). Among the recipients is Ryan H. Wu, who is one of the primary attorneys on this case. Capstone is also lead counsel in *Baumann v. Chase Inv. Servs.*, 747 F.3d 1117 (9th Cir. 2014), which addressed an issue of first

1 impression involving the Class Action Fairness Act.

2 5. Capstone is currently prosecuting eight class actions certified
3 following contested motion practice:

- 4 • *Lopes v. Kohl's Department Stores, Inc.*, Case No. RG08380189
5 (Alameda Super. Ct.) (certified class of over 120,000 non-
6 exempt employees for wage and hour claims);
- 7 • *In re: Taco Bell Wage And Hour*, 2013 U.S. Dist. LEXIS 380
8 (N.D. Cal.) (certified class of over 30,000 non-exempt employees
9 for wage and hour claims)
- 10 • *In Re: Autozone, Inc., Wage and Hour Employment Practices*
11 *Litigation*, Case No.: 3:10-md-02159-CRB (E.D. Cal.) (certified
12 class of over 30,000 non-exempt employees for rest break
13 claims);
- 14 • *Shiferaw/Tameifuna v. Sunrise Senior Living Management, LLC*,
15 Case No. 13-06294 (C.D. Cal.) (certified class of over 30,000
16 non-exempt employees for wage claims);
- 17 • *Romo v. GMRI, Inc.*, Case No. 12-cv-00715-JLQ-SP (C.D. Cal.)
18 (certified class of over 11,000 non-exempt employees for wage
19 claims);
- 20 • *Aldo US Wage and Hour Cases*, JCCP Case No. 4581 (Orange
21 Super. Ct.) (certified class of over 2,000 non-exempt employees
22 for wage claims);
- 23 • *Rodriguez v. Swissport N. Am.*, Case No. BC 441173 (Los
24 Angeles Super. Ct.) (certified class of approximately 2,000 non-
25 exempt employees for wage penalties)
- 26 • *Cook v. United Ins. Of America*, Case No. MC-10-00425 (Contra
27 Costa Super. Ct.) (conditional certification of non-exempt
28 employees alleging un-reimbursed business expenses).

1 6. As detailed in the firm resume, over the past three years, Capstone,
2 as lead or co-lead counsel, has obtained final approval of thirty-five employment
3 class actions valued at over \$65 million dollars.

4 7. Capstone has also served as class counsel on a number of consumer
5 settlements, including *Aarons v. BMW of North America*, Case No. 11-7667
6 (C.D. Cal.) (class action settlement providing up to \$4,100 for repairs and
7 reimbursement of transmission defect for Class Vehicles) and *Klee v. Nissan*
8 *North America*, Case No. 12-08238 (C.D. Cal.) (providing full repair or
9 replacement of Lithium batteries for electric class vehicles; final approval
10 motion currently pending).

11 8. The individual backgrounds and qualifications of Capstone's present
12 attorneys are set forth in the Capstone firm resume. However, two attorneys on
13 this case no longer work at Capstone, and I provide a short biography for each
14 attorney:

15 (a) **Robert E. Byrnes**. Mr. Byrnes, a 15th-year attorney, is a
16 former senior counsel at Capstone Law, where he contributed to the
17 briefing and litigation strategy for appeals, class certification
18 motions, and other complex motions. His hourly rate is \$670. Prior
19 to Capstone, Mr. Byrnes's plaintiff-side work included successfully
20 securing a multi-million dollar class action settlement on behalf of a
21 major retailers employees who experienced violations of
22 California's meal break statute, drafting a successful writ petition
23 reversing a trial court's denial of class certification, and obtaining
24 class certification on behalf of 1,500 nurses and healthcare
25 professionals. Mr. Byrnes began his career and received his training
26 as a litigation associate, including class-action defense, at Quinn
27 Emmanuel Urquhart & Sullivan. Mr. Byrnes graduated from
28 Stanford Law School, received his undergraduate degree at degree

1 from Brown University, and earned a master’s degree in public
2 policy from the Harvard Kennedy School. Prior to law school, he
3 served as Chief Speechwriter to Massachusetts Governor William F.
4 Weld.

5 (b) **David Cheng**. Mr. Cheng, a tenth-year lawyer, previously held
6 the position of senior counsel at Capstone, where he handled all
7 aspects of litigation including preparing motions for class
8 certifications, taking depositions of corporate witnesses and
9 engaging and preparing experts for certification purposes. Mr.
10 Cheng represents management in employment class actions in his
11 practice at Ford & Harrison, a national law firm. He graduated from
12 Boston College Law School and received his undergraduate degree
13 from the University of Chicago. Mr. Cheng has been named a
14 “Southern California Rising Star” for 2012, 2013, and 2014 in Law
15 & Politics magazine’s annual *Super Lawyers* publication.

16 **CAPSTONE’S STAFFING IN THIS ACTION**

17 9. Based on my personal knowledge, as well as my review of
18 Capstone’s billing records in this action, I can attest to Capstone’s staffing as
19 well as the work performed.

20 10. Eight attorneys from Capstone materially contributed to this case,
21 including two former attorneys. In assigning duties to various attorneys, our
22 firm aimed to avoid inefficiencies and unnecessary duplication of work, as well
23 coordinating on assignments between our firm and co-Lead Class Counsel
24 Strategic Legal Practices. Among our considerations were matching the
25 experience level of the attorney to the task assigned and the current workload of
26 each attorney. Overall, each senior attorney had a defined role, and was
27 supported by a few junior attorneys on tasks appropriate for their experience
28 level:

1 (a) Jordan Lurie (Of Counsel): One of the firm’s senior litigators,
2 Mr. Lurie was responsible for making important strategic decisions
3 preparing for hearings and the Rule 30(b) declaration, editing and
4 finalizing important motions and supporting papers, and, along with
5 co-lead counsel Payam Shahian, negotiating and finalizing the
6 settlement terms.

7 (b) Robert E. Byrnes (Former Senior Counsel): Mr. Byrnes,
8 admitted to the State Bar in 1999, was responsible for much of
9 litigation motion drafting, including the motion to transfer, before
10 leaving the firm in 2013. Mr. Byrnes has continued to work on this
11 case on a contract basis, including analyzing consumer case law, oil
12 consumption issues, and evaluating the strengths and weaknesses of
13 the case.

14 (c) Ryan H. Wu (Senior Counsel): Mr. Wu, a thirteenth-year
15 attorney, is responsible for handling the drafting of supporting
16 settlement documents, the motion for preliminary approval, motion
17 for final approval, discrete sections of the motion for attorneys’ fees,
18 along with supervising junior attorneys’ communications with class
19 members and dealers to ensure full compliance with the settlement
20 terms.

21 (d) David Cheng (Former Senior Counsel): Mr. Cheng, a tenth-
22 year attorney, worked with experts on Plaintiffs’ independent
23 investigation, reviewing important discovery documents, and
24 drafting pleadings before leaving the firm in mid-2013.

25 (e) Tarek Zohdy (Associate): Mr. Zohdy, a ninth-year attorney
26 with deep knowledge of automobile defect issues, handled the more
27 technical aspects of discovery, including analyzing warranty
28 documents and data and investigating class member complaints to

1 determine the pervasiveness of the automobile defect.

2 (f) Eduardo Santos (Associate): Mr. Santos, an eighth-year
3 attorney, assisted Mr. Wu on discrete research projects, reviewing
4 the billing and categorizing the entries, developing the class member
5 script, and preparing supporting documents to the final approval and
6 fee motions.

7 (g) Lucas Rogers (Associate): Mr. Rogers, a seventh-year
8 attorney, shared responsibilities with Mr. Padgett in the discovery
9 phase of the litigation, as well as being primarily responsible for
10 communicating with Class Members and Audi dealers regarding the
11 Settlement terms.

12 (h) Cody Padgett (Associate): Mr. Padgett, a fourth-year
13 attorney, handled all aspects of this case appropriate for a junior
14 associate, including, *inter alia*, drafting supporting documents and
15 discovery responses, sharing responsibilities for discovery, drafting
16 research memoranda and fact sheets, communicate with Plaintiffs
17 regarding the status of the litigation.

18 **CAPSTONE’S REQUESTED RATES**

	Lawyer	Title	Cal. Bar Adm.	Rate	
19	JL	Jordan Lurie	Of Counsel	1987	\$695
20	RB	Robert Byrnes	Former Senior Counsel	1999	\$670
21	RW	Ryan Wu	Senior Counsel	2002	\$595
22	DC	David Cheng	Former Senior Counsel	2005	\$520
23	TZ	Tarek Zohdy	Associate	2006	\$495
24	ES	Eduardo Santos	Associate	2007	\$470
25	LR	Lucas Rogers	Associate	2008	\$445
26	CP	Cody Padgett	Associate	2011	\$370

27 11. Capstone’s requested rates, ranging from \$370 to \$695 for senior
28 attorneys, are within the range of comparable attorneys in the Southern
California market, as attested to by Professor William E. Rubenstein in his

1 expert declaration.

2 12. Capstone's rates are comparable to those judicially approved for
3 other plaintiff's firms, such as Baron & Budd (rates ranging from \$775 for the
4 requested partner to \$390-\$630 for non-partners), Wasserman Comden
5 Casselman & Essensten (rates ranging from \$670-750 for partners and \$300-500
6 for associates), and Blood Hurst & Reardon (\$510-695 for partners). *See Aarons*
7 *v. BMW of North America*, No. 11-7667-PSG, 2014 U.S. Dist. LEXIS 118442,
8 *40-41 (C.D. Cal. Apr. 29, 2014) (also approving rates of Strategic and
9 Capstone). Other courts have approved hourly rates in this range for plaintiff's
10 side law firms in the Southern California area. *See, e.g., Kearney v. Hyundai*
11 *Motor Am.*, 2013 U.S. Dist. LEXIS 91636, *24 (C.D. Cal. June 28, 2013)
12 (approving hourly rates of \$650-\$800 for senior attorneys in consumer class
13 action); *Parkinson v. Hyundai Motor America*, 796 F. Supp. 2d 1160, 1172 (C.D.
14 Cal. 2010) (approving hourly rates between \$445 and \$675); *Faigman v. AT&T*
15 *Mobility LLC*, 2011 U.S. Dist. LEXIS 15825, * 2 (N.D. Cal. Feb. 15, 2011)
16 (approving hourly rates of \$650 an hour for partner services and \$500 an hour
17 for associate attorney services); *Richard v. Ameri-Force Mgmt. Servs., Inc.* (San
18 Diego Super. Ct., August 27, 2010, No. 37-2008-00096019) (\$695 to \$750 an
19 hour for partners; \$495 an hour for associates); *Barrera v. Gamestop Corp.* (C.D.
20 Cal. Nov. 29, 2010, No. CV 09-1399) (\$700 an hour for partners; \$475 an hour
21 for associates); *Anderson v. Nextel Retail Stores, LLC* (C.D. Cal. June 20, 2010,
22 No. CV 07-4480) (\$655 to \$750 an hour for partners; \$300 to \$515 an hour for
23 associates); *Luquetta v. Regents of Cal.*, CGC-05-443007 (San Francisco Super.
24 Ct.) (approving 2012 partner rates between \$550 and \$850 per hour); and
25 *Holloway v. Best Buy Co.*, C-05-5056-PJH (MEJ) (N.D. Cal.) (approving 2011
26 partner rates of \$825 to \$700 an hour, associate rates between \$355 and \$405 per
27 hour).

28 13. Capstone's billing rates have been approved by over thirty courts in

1 the last three years, including in the following cases: *Sheldon v. AHMC*
2 *Monterey Park Hospital LP*, Case No. BC440282 (L.A. Super. Ct. Feb. 22,
3 2013) (“The Court finds that the requested attorneys’ fees award is reasonable
4 for a contingency fee in a class action such as this. Moreover, Capstone [has]
5 provided sufficient evidence to establish that the award is appropriate by way of
6 their lodestar/multiplier cross-check, demonstrating to the Court’s satisfaction
7 that the attorney rates and hours billed to the litigation were reasonable.”);
8 *Zamora v. Balboa Life & Casualty LLC*, Case No. BC360026 (L.A. Super. Ct.
9 Feb. 13, 2013) (“Plaintiffs’ counsel have provided sufficient evidence to
10 establish that the award is less than the reasonable lodestar expended on this case
11 [i.e.] the reasonably hourly rates multiplied by time spent. . . .”); *Monjazez v.*
12 *Neiman-Marcus Group*, No. CGC-10-502877 (San Francisco Super. Ct., Oct. 7,
13 2014) (order granting attorneys’ fees and expenses), *Marquez v. Shakey’s USA,*
14 *Inc.*, Case No. BC424205 (L.A. County Super. Ct. July 30, 2014) (“the hourly
15 rates charged also appear to be reasonable and in line with prevailing rates in the
16 community”); *Johnson v. Lane Bryant, Inc.*, Case No. BC478260 (L.A. County
17 Super. Ct. May 30, 2014) (same); *Jones v. ADT Security Services Inc.*, No.
18 BC466697 (L.A. County Superior Court March 25, 2014)); *Islas v. Carniceria*
19 *Vallarta Inc.*, No. BC477531 (L.A. County Superior Court Feb. 13, 2014);
20 *Coleman v. Estes Express Lines Inc.*, No. BC429042 (L.A. County Superior
21 Court Oct. 3, 2013); *Silva v. Jo-Ann Stores, Inc.*, No. 30-2011-00526396-CU-
22 OE-CXC (Orange County Superior Court July 18, 2013); *Weisbarth v. Banc*
23 *West Investment Services Inc.*, Case No. BC422202 (L.A. Super. Ct. May 24,
24 2013); *Glover v. Petco Animal Supplies, Inc.*, Case No. BC463794 (L.A. Super.
25 Ct. May 7, 2013); and *Zelaya v. Destination Long Point, Inc.*, Case No.
26 BC472286 (L.A. Super. Ct. May 7, 2013).

27 **CAPSTONE’S HOURS**

28 14. To provide the Court with a more detailed accounting of the work

1 done by my firm, without producing the voluminous time records themselves, all
 2 counsel divided their time into six general categories: (1) Pre-Filing
 3 Investigation and Pleadings; (2) Post-Filing Investigation and Discovery; (3)
 4 Motions to Dismiss and Motions to Transfer; (4) Mediation, Settlement
 5 Negotiations, and Settlement Agreement; (5) Settlement and Fee Motions; (6)
 6 Class Member Communication and Supervision of Settlement/Notices/Benefits.
 7 For each of these categories, I provide a list of the various tasks that Capstone
 8 performed, and provide a breakdown of the hours the lawyers spent performing
 9 those tasks. Along with more detail provided below, I have also attached a
 10 separate document detailing the type of tasks performed for each category. (A
 11 true and correct copy of the Appendix for Time Categories is attached hereto as
 12 **Exhibit 2.**)

13 15. During the regular course of business, my firm has
 14 contemporaneously tracked its time in this action. Based on these
 15 contemporaneous time records, which were recorded in one-tenth increments,
 16 my firm has billed a total of 1,236.8 hours litigating this action, for a total
 17 lodestar of \$642,046. To assist the Court in evaluating the reasonableness of the
 18 hours spent in this action, Capstone divided the work performed in this case into
 19 six distinct categories. Using these contemporaneous time records, Capstone
 20 then assigned each individual time entry to the most applicable time category, as
 21 reflected in the chart below:

Categories	Hours	Fees
1. Pre-Filing Investigation & Pleadings	74.8	\$27,676.00
Cody Padgett	74.8	\$27,676.00
2. Post-Filing Investigation and Discovery	405	\$201,307.50
Cody Padgett	143.2	\$52,984.00
David Cheng	27.1	\$14,092.00
Eduardo Santos	0.2	\$94.00
Jordan Lurie	105.8	\$73,531.00
Lucas Rogers	80	\$35,600.00

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Categories	Hours	Fees
Ryan Wu	9	\$5,355.00
Tarek Zohdy	39.7	\$19,651.50
3. Motion to Dismiss/Transfer	159.1	\$91,002.00
Cody Padgett	25.3	\$9,361.00
David Cheng	18	\$9,360.00
Jordan Lurie	37.7	\$26,201.50
Robert Byrnes	42.4	\$28,408.00
Tarek Zohdy	35.7	\$17,671.50
4. Mediation/Settlement Negotiation/Settlement Agreement	71.4	\$43,203.00
Cody Padgett	10.4	\$3,848.00
Jordan Lurie	35	\$24,325.00
Lucas Rogers	2	\$890.00
Ryan Wu	22.6	\$13,447.00
Tarek Zohdy	1.4	\$693.00
5. Settlement/Fee Motions	409.6	\$222,859.50
Cody Padgett	68.6	\$25,382.00
Eduardo Santos	58.3	\$27,401.00
Jordan Lurie	34.4	\$23,908.00
Lucas Rogers	9.8	\$4,361.00
Ryan Wu	237.5	\$141,312.50
Tarek Zohdy	1	\$495.00
6. Class Member Communication/Supervision of Settlement/Notice/Benefits	116.9	\$55,998.00
Cody Padgett	35.6	\$13,172.00
Eduardo Santos	9.3	\$4,371.00
Jordan Lurie	20.3	\$14,108.50
Lucas Rogers	38.5	\$17,132.50
Ryan Wu	6.8	\$4,046.00
Tarek Zohdy	6.4	\$3,168.00
Total	1236.8	\$642,046.00

16. In the course of reviewing the billing entries, I have eliminated over 185 hours, or roughly 12.5% of the hours, in the exercise of billing discretion.¹ I have also not sought to claim any hours worked from non-attorneys, including

¹ This includes cutting an additional 117 hours from the billing upon a second review, after our submission to Professor Rubenstein for his analysis.

1 certified paralegals who have worked on this case, including on case research.²

2 17. In concert with Mr. Shahian, my firm has assigned tasks to avoid
3 duplication of effort while maintaining the focus on strong work-product. To
4 assist the Court, I have provided the following description of the tasks for each
5 category.

6 18. Pre-Filing Investigation and Pleadings. The work performed by
7 Lead Class Counsel in this category include, *inter alia*, the following:

- 8 • Conducting evidentiary research re online complaints about oil
9 consumption defect;
- 10 • Conducting evidentiary research re motor oil consumption in
11 preparation for drafting complaint;
- 12 • Conducting evidentiary research re Defendant's vehicles containing
13 2.0 liter turbo engines;
- 14 • Reviewing client's purchase agreement and warranty information
- 15 • Investigating client's repair history details;
- 16 • Reviewing and analyzing internet blog consumer complaints about
17 excessive oil consumption;
- 18 • Reviewing and analyzing NHTSA consumer complaints;
- 19 • Researching technical service bulletins pertinent to oil consumption
20 in class vehicles;
- 21 • Drafting the pre-litigation demand letter;
- 22 • Researching Audi engine models and oil consumption complaints;
- 23 • Drafting and revising Consumer Legal Remedies Act section of
24 complaint;
- 25 • Reviewing and analyzing service bulletins no. 17-11-15 and 17-11-
- 26

27 ² Work performed by paralegals and support staff are compensable. See
28 *Browne v. American Honda Motor Co.*, No. 09-06750-MMM, 2010 U.S. Dist.
LEXIS 144823, *27-30 (C.D. Cal. Oct. 5, 2010).

1 18 relating to engine oil consumption;

- 2 • Conducting evidentiary research re defendants' representations re oil
3 consumption in connection with the sale of various class vehicles;
4 • Drafting Complaint.

5 19. Post-Filing Investigation and Discovery. The work performed by
6 Lead Class Counsel in this category include, *inter alia*, the following:

- 7 • Drafting amended complaints and pleadings;
8 • Consulting with automobile expert regarding inspection of class
9 vehicles and possible cause of defect;
10 • Preparing and drafting Initial Disclosures / Rule 26(f) Report;
11 • Propounding and responding to written discovery (document
12 requests and interrogatories);
13 • Preparing for and attending the Rule 30(b)(6) deposition in New
14 York.
15 • Conducting research on issues for class certification, including
16 research on the various consumer laws of different states for choice-
17 of-law analysis.
18 • Analyzing over 100,000 pages of documents produced by
19 Defendants regarding excessive oil consumption defect
20 • Conducting legal research re display requirements for motor
21 vehicles and motorcycles;
22 • Conducting evidentiary research re model and year vehicles
23 containing Volkswagen 2.0 TFSI engine, as well as at what mileage
24 or year the defect is most likely to manifest;
25 • Reviewing the express warranty booklet and owner's manual for
26 select class vehicles
27 • Coordinating the storage and retrieval of engine parts.

28 20. Motions to Dismiss and Motion to Transfer. This included research

1 and drafting the opposition and supplemental briefing to the two separate
2 motions to dismiss and the motion to transfer, as well as preparation and
3 appearance at the hearing. While the firms contributed to all of these motions,
4 my firm took the lead on the Motion to Transfer, while Strategic took the lead on
5 the Motions to Dismiss.

6 21. Mediation and Settlement Agreement. The work performed by
7 Lead Class Counsel in this category include, *inter alia*, the following:

- 8 • Drafting mediation brief setting forth plaintiffs' valuation of the
9 case and estimate of the class' damages;
- 10 • Preparing for and attending the mediation in San Diego;
- 11 • Negotiating the attorneys' fees and final terms in numerous phone
12 conference following the San Diego mediation;
- 13 • Prepare summary, fact sheet and talking points memoranda for
14 mediation;
- 15 • Legal research on comparable automobile settlement terms;
- 16 • Negotiating the final settlement terms, including exchanging
17 multiple drafts of Settlement Agreement, Class Notice, Claim Form,
18 and Request for Exclusion between counsel.

19 22. Settlement and Fee Motions. The work performed by Lead Class
20 Counsel in this category include, *inter alia*, the following:

- 21 • Conducting legal research case law re court approval of auto defect
22 settlements;
- 23 • Conducting legal research into case law on conditional certification
24 of national classes for purposes of settlement;
- 25 • Draft motion for preliminary approval and supporting documents;
- 26 • Draft stipulation to extend dates and stipulation for leave to file
27 Fourth Amended Complaint;
- 28 • Research certification of auto defect cases for purposes of

- 1 discussing the risks of continued litigation in the motion for final
- 2 approval;
- 3 • Research warranty database for purposes of monetizing value of
- 4 service repair adjustment settlement relief;
- 5 • Draft the publication notice;
- 6 • Work with valuation expert to assist in monetizing value of
- 7 settlement relief;
- 8 • Conferences with mediator re declaration to be submitted in support
- 9 of final approval of the settlement;
- 10 • Retain expert to opine on reasonableness of counsel's hourly rates
- 11 and hours expended on the litigation;
- 12 • Review time records in connection with the motion for attorneys'
- 13 fees;
- 14 • Communicate with co-counsel regarding providing supporting
- 15 documents;
- 16 • Review objections and class member feedback;
- 17 • Review important discovery supporting the valuation of the
- 18 benefits;
- 19 • Draft motion for preliminary approval and supporting documents;
- 20 • Draft motion for final approval and supporting documents;
- 21 • Draft motion for attorneys' fees and supporting documents.

22 23. Post-Settlement Class Member Communications and Supervision of
23 Settlement Notice and Benefits. The work performed by Lead Class Counsel in
24 this category include, *inter alia*, the following:

- 25 • Crafting talking points and scripts for class member
- 26 communications.
- 27 • Following up with the dealer or the Class Member if the Service
- 28 Adjustment was not made available;

- 1 • Calling over a hundred Audi Service Centers—across all fifty states
- 2 as well as Puerto Rico— personally speaking to either the Service
- 3 Manager or the Service Advisor at numerous Service Centers to
- 4 confirm that Defendants have advised them of the Class Action
- 5 Settlement.
- 6 • Supervising mailing of class notice by Rust Consulting and discuss
- 7 protocols and procedures for settlement administration;
- 8 • Approving the format and monitoring the settlement website;
- 9 • Researching the laws in different states regarding the obligations of
- 10 automobile repair businesses to maintain purchase and repair
- 11 records so as to better advise Class Members who have lost or
- 12 misplaced their repair documentation.

13 24. Capstone’s lodestar does not include hours already spent between
 14 February 22, 2015 and the date of this declaration, which involved extensive
 15 work to finalize the motion for final approval and motion for attorneys’ fees, or
 16 for expected future work to be performed prior to the hearing on the motion for
 17 final approval, including drafting the responses to the objections to Settlement
 18 approval, responding to further Class Member inquiries, monitoring the Class
 19 Administrator’s performance, calling dealers to ensure compliance, and
 20 reviewing Class Member responses on internet forums.

21 **Unreimbursed Costs and Expenses**

22 25. Over the course of this litigation, my firm incurred a total of
 23 \$50,503.61 in unreimbursed costs and expenses, calculated as follows:

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Category	Amount
Copying, Printing & Scanning and Facsimiles	\$4.00
Court Fees, Filings & Service of Process	\$858.28
Court Reporters, Transcripts & Depositions	\$241.92
Research Services (PACER, Lexis, etc.)	\$105.60

1	Travel & Lodging (Airfare, Mileage, Parking, Hotel, etc.)	\$2,576.31
2	Hemming Morse, LLP (forensic accountant)	\$3,217.50
3	SAS Forensic Consultant	\$21,000.00
3	William Rubenstein (expert re attorneys' fees)	\$22,500.00
4	Total	\$50,503.61

5
6 26. These incurred costs and expenses, which were recorded during the
7 regular course of business, were reasonable and necessary to properly prosecute
8 this matter as a potential class action and obtain a class-wide settlement.

9
10 I declare under penalty of perjury under the laws of the United States of
11 America that the foregoing is true and correct. Executed on February 27, 2015 at
12 Los Angeles, California.

13
14
15 
16 _____
17 Rebecca Labat

EXHIBIT 1



FIRM PROFILE

Capstone Law APC is one of California's largest plaintiffs-only labor and consumer law firms. With twenty-five seasoned attorneys, many formerly with prominent class action or defense firms, Capstone has the experience, resources, and expertise to successfully prosecute complex employment and consumer actions.

Since its founding, Capstone has emerged as a major force in aggregate litigation, making law on cutting-edge issues and obtaining tens of millions of dollars in recovery for employees and consumers. The firm's accomplishments include:

- In February, 2015, three Capstone attorneys, Glenn A. Danas, Raul Perez, and Ryan H. Wu, were honored with the prestigious California Lawyer of the Year (CLAY) award in labor and employment for their work in the landmark case *Iskanian v. CLS Transportation Los Angeles*, 59 Cal. 4th 348 (2014), which preserved the right of California workers to bring representative actions under the Labor Code Private Attorneys General Act ("PAGA") notwithstanding a representative action waiver in an arbitration agreement. The hard-fought *Iskanian* victory is a rare bright spot for plaintiffs in the challenging area of arbitration law.
- Recognized as a leading firm in the prosecution of PAGA enforcement actions, Capstone is responsible for several precedential decisions in this area. For instance, in *Baumann v. Chase Inv. Servs. Corp.*, 747 F.3d 1117 (9th Cir. 2014), a case of first impression, Capstone attorneys successfully argued that PAGA actions are state enforcement actions not covered by the Class Action Fairness Act. Law360, a leading legal news service, identified *Baumann* as one of the five most significant employment law decisions in California for the first half of 2014.
- In 2014, Capstone, along with co-counsel, certified one of the largest wage and hour classes in California, numbering over 120,000 non-exempt employees, in *Lopes v. Kohl's Department Stores, Inc.*, Case No. RG08380189 (Alameda Super. Ct.). This is one of *eight* certified class actions that Capstone is actively prosecuting following contested class certification motions.
- Capstone serves as class counsel in a number of significant wage and hour settlements, including \$12 million on behalf of a nationwide class of nonexempt tellers and personal bankers in *Hightower v. JPMorgan Chase Bank*, Case No. 11-01802 (C.D. Cal.), over \$10 million on behalf of non-exempt hourly workers in *Zamora v. Balboa Life & Casualty LLC*, Case No. BC360026 (L.A. Super. Ct.); \$10 million on behalf of non-exempt hourly workers in *Moore v. PetSmart, Inc.*, Case No. 12-03577 (N.D. Cal.); and \$6 million on behalf of non-exempt hourly workers in *Sheldon v. AHMC Monterey Park Hospital LP*, Case No. BC440282 (L.A. Super. Ct.).
- Capstone is class counsel in a number of significant consumer settlements, including *Aarons v. BMW of North America*, Case No. 11-7667 (C.D. Cal.) and *Klee v. Nissan North America*, Case No. 12-08238 (C.D. Cal.), that has resulted in benefits valued in the tens of millions. As a result of Capstone's efforts, hundreds of thousands of car owners and leases are entitled to complementary repairs, cash reimbursement, parts replacement and extended warranties for automobiles with design or manufacturing defects.



SUMMARY OF SIGNIFICANT SETTLEMENTS

In the past three years, Capstone has settled over 35 high-stakes class actions totaling over \$65 million dollars. Capstone's settlements have directly compensated hundreds of thousands of California workers and consumers. Capstone's actions have also forced employers to modify their policies for the benefit of employees, including changing the compensation structure for commissioned employees and changing practices to ensure that workers will be able to take timely rest and meal breaks. A leader in prosecuting PAGA enforcement actions, Capstone has secured hundreds of thousands in civil penalties for the State of California, including obtaining one of the largest civil penalties for PAGA on record.

The following is a representative sample of Capstone's settlements:

- *Perrin v. Nabors Well Services Co.*, Case No. 56-2007-00288718 (Ventura Super. Ct.): gross settlement of over \$6.5 million on behalf of off-shore and on-shore oil rig workers for sleep time and other wage violations;
- *York v. Starbucks Corp.*, Case No. 08-07919 (C.D. Cal.): gross settlement of nearly \$5 million on behalf of over 100,000 non-exempt workers for meal break and wage statement claims;
- *Forever 21 Wage and Hour Cases*, Case No. JCCP4745 (S.D. Super. Ct.): \$3.75 million settlement to resolve wage and hour claims, including the failure to pay meal and rest period premiums;
- *Monjażeb v. Neiman Marcus*, Case No. CGC-10-502877 (S.F. Super. Ct.): \$3.5 million settlement on behalf of over 6,000 non-exempt Neiman Marcus employees;
- *Hicks v. Toys 'R' Us-Delaware, Inc.*, Case No. 13-01302 (C.D. Cal.): \$4 million wage and hour settlement on behalf of over 39,000 class members and secured policy changes for current and future employees;
- *Thompson v. Smart & Final*, Case No. BC497198 (L.A. Super. Ct.): settlement over \$3 million on behalf of over 16,000 non-exempt Smart & Final employees;
- *Felix v. Auto Club of Southern Calif.*, Case No. 07CC01421 (Orange Cty. Super. Ct.): \$3.5 million settlement fund on behalf of over 2,000 insurance sales persons for wage and hour claims after taking this certified class action to trial;
- *Bernal v. DaVita Inc.*, Case No. 12-03255-PSG (N.D. Cal.): \$3 million settlement of wage and hour claims, including the failure to pay meal and rest period premiums;
- *Harmon v. Gap, Inc.*, Case No. RIC1206120 (Riverside Super. Ct.): \$2.5 million settlement on behalf of 16,500 non-exempt employees for wage and hour claims;
- *Morasco vs Interact PMTI Inc.*, Case No. 56-2013-00439020-CU-OE-VTA (Ventura Super. Ct.): \$925,000 non-reversionary settlement on behalf of approximately 50 non-exempt off-shore oil workers that secured an average payment of \$11,500 per class member;
- *Morales v. Daniel's Jewelers*, Case BC513353 (L.A. Super. Ct.): \$450,000 non-reversionary settlement of wage and hour claims resulting in an average payment of \$2,100 per class member;
- *Williams v. Veolia Transp. Svcs.*, Case No. 08-02582 (C.D. Cal.): \$230,000 in PAGA civil penalties for rest break violations, a result that a former district court judge, serving as an arbitrator, recognized as being one of largest payments of PAGA civil penalties on record.



PROFESSIONAL BIOGRAPHIES

Partners

Rebecca Labat. Rebecca Labat is the managing partner of Capstone Law APC. She supervises the pre-litigation phase for all of the firm's cases, including investigation, analysis, and client consultation. She also manages the firm's co-counsel relationships and assists the firm's other partners and senior counsel with case management and litigation strategy. Under Ms. Labat's leadership, Capstone has successfully settled over 35 cases, delivering tens millions of dollars to California employees and consumers while earning statewide recognition for its cutting-edge work in developing new law.

Ms. Labat's career accomplishments representing consumers and employees in class actions include the certification of a class of approximately 3,200 current and former automobile technicians and shop employees for the miscalculation of the regular rate for purposes of paying premiums for missed meal and rest breaks.

Before her work representing plaintiffs in class and representative actions, Ms. Labat was an attorney with Wilson Elser and represented life, health, and disability insurers in litigation throughout California in both state and federal courts. She graduated from the University of California, Hastings College of the Law in 2002, where she was a member of the Hastings Civil Justice Clinic, served as a mediator in Small Claims Court for the City and County of San Francisco, and received the CALI Award for Excellence in Alternative Dispute Resolution. She received her undergraduate degree from the University of California, Los Angeles. Ms. Labat is a member of the National Employment Lawyers Association (NELA), the Consumer Attorneys Association of Los Angeles (CAALA), and the Beverly Hills Bar Association.

Raul Perez. A partner at Capstone, Raul Perez has focused exclusively on wage and hour and consumer class litigation since 2011. Mr. Perez is the lead negotiator on numerous large settlements that have resulted in tens of millions to low-wage workers across California, including many of the most valuable settlements reached by Capstone.

During his career, Mr. Perez has successfully certified by way of contested motion and/or been appointed Lead Counsel or Interim Lead Counsel in several cases, including: *Lopes v. Kohl's Department Stores, Inc.*, Case No. RG08380189 (Alameda Super. Ct.); *Hightower v. JPMorgan Chase Bank*, Case No. 11-01802 (C.D. Cal.); *Tameifuna v. Sunrise Senior Living Managements, Inc.*, Case No. 13-02171 (C.D. Cal.) (certified class of over 10,000 hourly-paid employees); and *Berry v. Urban Outfitters Wholesale, Inc.*, Case No. 13-02628 (N.D. Cal.) (appointed lead counsel in a class action involving over 10,000 non-exempt employees). As the lead trial attorney in *Iskanian v. CLS Transportation Los Angeles*, 59 Cal. 4th 348 (2014), Mr. Perez, along with Mr. Danas and Mr. Wu, received the 2015 CLAY Award in labor and employment.

Mr. Perez received both his undergraduate degree and his law degree from Harvard University and was admitted to the California Bar in December 1994. Earlier in his career, Mr. Perez handled a variety of complex litigation matters, including wrongful termination and other employment related actions, for corporate clients while employed by some of the more established law firms in the State of California, including Morgan, Lewis & Bockius; Manatt Phelps & Phillips; and Akin Gump Strauss Hauer & Feld. Before Capstone, Mr. Perez was a partner at another large plaintiff's firm, helping to deliver millions of dollars in relief to California workers.

Matthew Theriault. Mr. Theriault is a partner at Capstone. An expert in wage-and-hour law and litigation strategy, Mr. Theriault currently manages and assists Capstone's class action certification efforts and trials.



Recently, Mr. Theriault was lead trial counsel in a rarely-seen class action trial, representing a certified class of insurance salespersons alleging unpaid wages and break premiums in *Felix v. Auto Club of Southern Calif.*, Case No. 07CC01421 (Orange Cty. Super. Ct.). The parties ultimately reached a multi-million dollar settlement in the middle of trial.

Over the course of his career, he has successfully certified numerous employee classes for claims involving misclassification, meal and rest breaks, and off-the-clock work, ultimately resulting in multi-million dollar settlements. Cases where Mr. Theriault was certified as class counsel include *Zamora v. Balboa Life & Casualty LLC*, Case No. BC360026 (L.A. Super. Ct.), *York v. Starbucks Corp.*, Case No. 08-07919 (C.D. Cal.), *In re: Taco Bell Wage And Hour*, 2013 U.S. Dist. LEXIS 380 (N.D. Cal.), *In Re: Autozone, Inc., Wage and Hour Employment Practices Litigation*, Case No.: 3:10-md-02159-CRB (E.D. Cal.), *Mansfield v. Brackenhoff Mgmt. Group, Inc.*, No. BC356188 (L.A. Super. Ct.), and *Blair v. Jo-Ann Stores, Inc.*, Case No. BC394795 (L.A. Super. Ct.).

Mr. Theriault graduated from the Western New England School of Law in Springfield, Massachusetts, and received his undergraduate degree with honors from the University of Connecticut. After graduation, Mr. Theriault practiced law in Connecticut starting in 2001. He litigated primarily consumer actions involving allegations of auto dealership fraud, loan financing, and unlawful debt collection practices. After moving to California, Mr. Theriault joined a large plaintiffs firm, where he litigated wage and hour class actions and was eventually made partner.

Glenn A. Danas. A partner at Capstone, Glenn A. Danas heads the complex motion and appeals practice group. A leading authority on arbitration law and PAGA actions, Mr. Danas was recently honored with the CLAY award for his work as lead counsel in *Iskanian v. CLS Transportation Los Angeles*, 59 Cal. 4th 348 (2014). Mr. Danas briefed and argued this closely-watched case before the California Supreme Court, which resulted in a landmark decision that preserved employees' right to pursue PAGA actions notwithstanding a waiver in an arbitration agreement. Mr. Danas was also recognized by The Daily Journal as one of California's Top 20 Lawyers Under 40 for 2013.

Mr. Danas has argued over twenty appeals in the California Court of Appeal, the California Supreme Court, and the Ninth Circuit Court of Appeals, and has served as lead appellate counsel in many more. While at Capstone, Mr. Danas argued before the Ninth Circuit as lead counsel in *Baumann v. Chase Inv. Servs. Corp.*, 747 F.3d 1117 (9th Cir. 2014), and *Chavarria v. Ralphs Grocery Co.*, 733 F.3d 916 (2013), which held that arbitration agreements may not be enforced if found unconscionable under general state contract law. Prior to joining Capstone, Mr. Danas successfully briefed and argued the precedent-setting appeal in *Brown v. Ralph's Grocery Co.*, 197 Cal. App. 4th 489 (2011), regarding the unenforceability of PAGA waivers. Mr. Danas also successfully defeated an appeal of a motion to remand under the CAFA "local controversy exception" in *Coleman v. Estes Express Lines, Inc.*, 631 F.3d 1010 (9th Cir. 2011), establishing a new standard on when the circuit court may grant review in a discretionary appeal under CAFA.

Mr. Danas graduated from Emory University School of Law in 2001 with honors and authored *The Interstate Class Action Jurisdiction Act of 1999: Another Congressional Attempt to Federalize State Law*, 49 EMORY L.J. 1305 (2000), which was selected by the ABA as one of the top three student-written law journal articles in its annual nationwide competition. He received his undergraduate degree in Industrial and Labor Relations from Cornell University. After law school, he clerked for the Honorable U.W. Clemon, Chief U.S. District Judge for the Northern District of Alabama and began his career at an international law firm in New York City, where he primarily focused on antitrust and securities litigation.



Of Counsel

Jordan Lurie. A renowned class action litigator, Jordan Lurie heads the consumer litigation practice group at Capstone, prosecuting cases involving violations of state and federal consumer protection laws, the Fair Credit Reporting Act, federal and state privacy laws, and federal securities law. Mr. Lurie is currently counsel in a consolidated class action against Sony Corporation for the massive data breach in 2014 as well as numerous automobile defect cases.

Over his distinguished career, Mr. Lurie has obtained settlements in excess of \$100 million in actions where he was lead or co-lead counsel. Notable cases where Jordan served as lead counsel include: *In re: Apria Healthcare Group Secs. Litig.*, where Jordan settled on behalf of investors for \$42 million in a securities fraud class action; *Morganstein v. Aura Systems*, where he settled claims for \$18 million in a securities fraud class action; *In re Quintus Secs. Litig.*, a securities fraud class action which settled for \$10.1 million; and *In re Southern Pacific Funding Corp., Sec. Litig.*, Case No. Civ. 98-1239-MA, (D. Or.), where he settled a class action for \$19.5 million. Mr. Lurie has been selected as one of Southern California's "Super Lawyer" every year from 2012 through 2015.

Prior to joining Capstone, Mr. Lurie spent most his career at a national plaintiffs' law firm specializing in corporate securities and consumer class actions, where he was the managing partner of the firm's Los Angeles office. Mr. Lurie graduated from the University of Southern California Gould School of Law in 1987, where he was Notes Editor of the University of Southern California Law Review. He received his undergraduate degree with honors from Yale University. When not litigating, Mr. Lurie is an active educator and community leader. Jordan participated in the first Wexner Heritage Foundation leadership program in Los Angeles and holds leadership and executive positions in various organizations in the Los Angeles community. He has also been the featured speaker at California MCLE seminars regarding securities fraud and class actions, and has authored several publications for the California Continuing Education of the Bar.

Senior Counsel

Liana Carter. Liana Carter is a senior counsel with Capstone Law APC, specializing in complex motions, writs, and appeals. Her work on recent appeals has included successfully defeating a challenge to overturn the denial of a motion to compel arbitration in *Jacoby v. Islands Rests., L.P.*, 2014 Cal. App. Unpub. LEXIS 4366 (2014) and reversal of a dismissal of class claims in *Rivers v. Cedars-Sinai Med. Care Found.*, 2015 Cal. App. Unpub. LEXIS 287 (Jan. 13, 2015). Ms. Carter also has extensive prior experience in overseeing settlement negotiations and obtaining court approval of class action settlements. Among other successes, in recent years she has helped to secure court approval of a multi-million dollar settlement on behalf of a class of several thousand non-exempt employees against a national distributor of professional beauty supplies, and court approval for approximately \$1 million in settlement of wage and hour claims based on misclassification, against a nationwide financial institution, for another class of non-exempt employees.

Ms. Carter was admitted to the California bar in 1999 after graduated from the University of Southern California Gould School of Law, where she was an Articles Editor on the board of the *Southern California Law Review*. She received her undergraduate degree with honors from the University of California, Irvine.

Robert Drexler. Robert Drexler is a senior counsel with Capstone Law where he leads one of the firm's litigation teams prosecuting wage-and-hour class actions. He has more than 25 years of experience representing clients in wage-and-hour and consumer rights class actions and other complex litigation in state



and federal courts. Over the course of his career, Mr. Drexler has successfully certified dozens of employee classes for claims such as misclassification, meal and rest breaks, and off-the-clock work, ultimately resulting in multi-million dollar settlements. He has also arbitrated and tried wage-and-hour and complex insurance cases. Mr. Drexler has been selected as one of Southern California's "Super Lawyers" every year from 2009 through 2015.

Before joining Capstone, Mr. Drexler was head of the Class Action Work Group at Khorrami Boucher, LLP and led the class action team at The Quisenberry Law Firm. Mr. Drexler graduated from Case Western Reserve University School of Law, where he served as Managing Editor of the Case Western Reserve Law Review and authored *Defective Prosthetic Devices: Strict Tort Liability for the Hospital?* 32 CASE W. RES. L. REV. 929 (1982). He received his undergraduate degree in Finance at Ohio State University where he graduated *cum laude*. Mr. Drexler is a member of Consumer Attorneys of California (CAOC) and Consumer Attorneys of Los Angeles (CAALA). He has been a featured speaker at class action and employment litigation seminars, and has published articles in CAOC's Forum Magazine and The Daily Journal.

Robert Friedl. Robert Friedl is a senior counsel at Capstone, where he devotes most of his time to the briefing and litigation strategy on consumer protection cases. Mr. Friedl has over 20 years of experience representing plaintiffs and defendants in consumer class actions, insurance coverage and defense, employment law, and personal injury. His lengthy service as an appellate attorney has yielded several published cases, including successful outcomes in *Goldstein v. Ralphs*, 122 Cal. App. 4th 229 (2004), *Morgan v. AT&T*, 177 Cal. App. 4th 1235 (2009), and *Hecimovich v. Encinal School Parent Teacher Organization*, 203 Cal. App. 4th 450 (2012). At Capstone, Mr. Friedl was responsible for the appellate win in *Grant v. Unifund CCR, LLC*, 577 Fed. Appx. 693 (9th Cir. 2014).

Prior to joining Capstone, Mr. Friedl was a partner at civil litigation boutique, where he handled the firm's most complex briefing. He is a graduate of the University of Connecticut, and received his law degree from Southwestern School of Law, where he earned an American Jurisprudence Book Award.

Stephen Gamber. A senior counsel with Capstone, Stephen Gamber handles the pre-litigation phase for prospective cases including investigation, claim identification and analysis and client consultation. He has an extensive background in wage-and-hour matters, having worked in this area of the law for more than a decade, and focusing on class actions for the past six years. Mr. Gamber's expertise includes claims for meal and rest violations, overtime wages, off-the-clock work, misclassification, and other employment and consumer claims.

Prior to joining Capstone, Mr. Gamber represented plaintiffs primarily in wage-and-hour class actions. Before attending Loyola Law School, where he graduated in 1994, Stephen worked as a controller and financial reporting accountant for several large corporations. He received his undergraduate degree with honors from the University of California, Santa Barbara and also earned an MBA from San Diego State University. Mr. Gamber is a member of LEFTJAW, a Southern California association of plaintiffs' employment lawyers, and is admitted to practice law in California.

Melissa Grant. Melissa Grant is senior counsel at Capstone. Ms. Grant is responsible for litigating many of the firm's most contentious and high-stakes class actions. The author of numerous successful motions for class certification, Ms. Grant is the lead or co-lead attorney on four certified class actions currently on track for trial, representing over 140,000 California employees in pursuing their wage and hour claims. She is also at the forefront in developing the law on PAGA, including administrative exhaustion, the scope of discovery,



and PAGA trials. Recently, in *Williams v. Veolia Transp. Svcs.*, Case No. 08-02582 (C.D. Cal.), Ms. Grant's tenacious prosecution led to a settlement with civil penalty payment of \$230,000, one of the largest on record for a PAGA enforcement action.

Prior to joining Capstone, Ms. Grant worked at the Securities and Exchange Commission as a staff attorney in the Enforcement Division, investigating ongoing violations of federal securities regulations and statutes and for Quinn Emanuel Urquhart & Sullivan, LLP, where she was an associate on the trial team that prosecuted the *Mattel v. Bratz* case. Ms. Grant began her legal career as a law clerk to the Honorable Harry Pregerson, Justice of the Ninth Circuit Court of Appeals before joining Sidley & Austin as an associate. She graduated from Southwestern Law School in 1999, where she served as editor-in-chief of the Law Review, and graduated *summa cum laude* and first in her class. Ms. Grant earned her undergraduate degree from Cornell University, where she received the JFK Public Service Award and the Outstanding Senior Award. Her published articles include: *Battling for ERISA Benefits in the Ninth Circuit: Overcoming Abuse of Discretion Review*, 28 Sw. U. L. Rev. 93 (1998), and CLE Class Actions Conference (SF) CAFA: *Early Decisions on Commencement and Removal of Actions* (2006).

Stan Karas. Stan Karas is a senior counsel at Capstone Law, where he focuses on many of the firm's most complex and high profile matters. He works on every stage of these cases from pleading challenges to class certification proceedings to trial and appeal. Mr. Karas is currently prosecuting four certified class actions. Mr. Karas started his legal career at Paul Hastings Janofsky and Walker, where he handled complex commercial and real estate litigation. Subsequently, he joined Quinn Emanuel Urquhart & Sullivan, where he specialized in class action and intellectual property litigation. Among other successes, Mr. Karas obtained a \$3 million jury verdict for a client, along with a finding that the defendant was liable for punitive damages. In another trial, the court granted non-suit in favor of his client after he delivered the opening argument. Mr. Karas has also obtained multi-million dollar settlements for his clients, including settlements that fully compensated his client for all claimed losses.

Mr. Karas is a graduate of Stanford University, where he received a degree in History and Literature and was elected to Phi Beta Kappa. He graduated from Boalt Hall School of Law at UC Berkeley. In law school, Mr. Karas served as Articles Editor of the California Law Review and Notes and Comments Editor of the Berkeley Technology Law Journal. Mr. Karas has published on class action and privacy law issues including Privacy, Identity, Databases, 52 Am. U. L. Rev. 393 (2002) and The Role of Fluid Recovery in Consumer Protection Litigation, 90 Cal. L. Rev. 959 (2002). He is a member of the California Employment Lawyers Association (CELA), the Consumer Attorneys Association of Los Angeles (CAALA) and the National Employment Lawyers Association (NELA).

Katherine Kehr. A senior counsel at Capstone, Katherine Kehr prosecutes aggregate actions on behalf of California workers, handling all aspects of wage and hour litigation. While at Capstone, Ms. Kehr developed expertise on issues relating to arbitration and PAGA issues. At Capstone, Ms. Kehr was the primary attorney on *Brown v. Super. Ct. (Morgan Tire)*, 216 Cal. App. 4th 1302 (2013) (superseded by grant of review), as well as the primary drafter of the intermediate court briefing in *Iskanian*. Recently, Ms. Kehr was one of the primary drafters of a contested motion for class certification, by which Capstone successfully certified a class and was appointed class counsel in *Romo v. GMRI, Inc.*, Case No. 12-cv-00715-JLQ-SP (C.D. Cal.).

Ms. Kehr graduated from the University of Southern California Gould School Of Law in 2002, where she was a member of the Moot Court Honors Program. After law school, she clerked for the Honorable Richard D. Savell of the Alaska Superior Court and the Honorable Anthony J. Mohr of the Los Angeles Superior



Court. Ms. Kehr received her undergraduate degree in French literature *cum laude* from Bryn Mawr College. She received her training as an associate at Selman Breitman LLP, where she handled all aspects of pre-trial litigation, in both state and federal court.

Ryan H. Wu. Ryan H. Wu is a senior counsel at Capstone and is primarily responsible for complex motion work and supervising court approval of class action settlements. Mr. Wu handles many of the most challenging legal issues facing Capstone's clients, including opposing defendants' efforts to decertify or overturn certified class actions, the scope and operation of PAGA, contested attorneys' fees motions, and responding to objectors. Mr. Wu authored the appellate briefs in *Baumann v. Chase Inv. Servs. Corp.*, 747 F.3d 1117 (9th Cir. 2014), where, on an issue of first impression, the Ninth Circuit sided with Plaintiffs in holding that PAGA actions are state enforcement actions not covered by the CAFA. In February 2015, Mr. Wu, along with Mr. Danas and Mr. Perez, received the prestigious CLAY award for his successful appellate work, including briefing to the California Supreme Court, in *Iskanian*.

Mr. Wu graduated from the University of Michigan Law School in 2001, where he was an associate editor of the *Michigan Journal of Law Reform* and contributor to the law school newspaper. He received his undergraduate degree in political science with honors from the University of California, Berkeley. He began his career litigating international commercial disputes and commercial actions governed by the Uniform Commercial Code. Mr. Wu is co-author of "*Iskanian v. CLS Transportation: Employees' Perspective*" published in the *California Labor & Employment Bar Review*.

Associates

Arnab Banerjee. Arnab Banerjee is an associate with Capstone, where he litigates employment and consumer class actions. Mr. Banerjee's practice focuses primarily on wage and hour class action litigation where he has worked on more than 50 class action cases on behalf of employees for the failure to pay overtime and minimum wages, the failure to provide meal and rest breaks, and helping to obtain millions of dollars in recovery for employees. Admitted to the Bar in 2007, Mr. Banerjee began his career and received his training as an associate at Latham & Watkins LLP, where handled all aspects of pre-trial litigation, in both state and federal court in a wide variety of business litigation matters ranging from white collar defense to environmental litigation. Mr. Banerjee graduated from the University of Southern California Gould School of Law, where he was an editor on the Interdisciplinary Law Journal, and received his undergraduate degrees in Political Science and Sociology, with a minor in Humanities and Law from the University of California, Irvine where he graduated *cum laude* and Phi Beta Kappa.

Jamie Greene. Jamie Greene is an associate with Capstone where she evaluates potential new cases, develops new claims, and manages client relations. Well-versed in wage and hour law and federal and state consumer protection statutes, Ms. Greene supervises the pre-litigation phase for all cases, including investigation, analysis, and client consultation. Ms. Greene began her legal career at Makarem & Associates representing clients in a wide array of cases ranging from wrongful death, insurance bad faith, employment, personal injury, construction defect, consumer protection, and privacy law. She is a graduate of the University of Southern California Gould School of Law and earned her bachelor's degree from Scripps College in Claremont, California. She is an active member of the Consumer Attorneys Association of Los Angeles (CAALA), and the Beverly Hills, Los Angeles County, and Santa Monica Bar Associations.

Robin Hall. Robin Hall is an associate with Capstone Law, where she heads the firm's research department. Ms. Hall assists in pre-litigation investigation of employment and consumer statutory claims, and handles



complex research projects. A founding editor of the Impact Litigation Journal (ILJ), Ms. Hall has authored numerous articles on emerging legal issues published on ILJ. Ms. Hall began her career and received her training as an associate at Baker & Hostetler LLP, where she represented Fortune 500 companies in labor and employment litigation, including class actions. She attended Indiana University's Maurer School of Law, where she graduated *cum laude* in 2007. During law school, Ms. Hall served as Editor-in-Chief of the Indiana Journal of Global Legal Studies and Director of the Inmate Legal Assistance Clinic. She received her undergraduate degree from the University of Missouri and is admitted to practice law in California.

Jonathan Lee. An associate with Capstone, Jonathan Lee primarily litigates employment class actions. At Capstone, Mr. Lee has worked on several major successful class certification motions, and his work has contributed to multi-million dollar class settlements against various employers, including restaurant chains, retail stores, airport staffing companies, and hospitals. Prior to joining Capstone, Mr. Lee defended employers and insurance companies in workers' compensation actions throughout California. Mr. Lee graduated in 2009 from Pepperdine University School of Law, where he served as an editor for the Journal of Business, Entrepreneurship and the Law; he received his undergraduate degree from UCLA.

Cody Padgett. An associate with Capstone, Cody Padgett's practice focuses on prosecuting automotive defect and other consumer class action cases in state and federal court. He handles consumer cases at all stages of litigation, and has contributed to major settlements of automobile defect actions valued in the tens of millions. Prior to joining Capstone Law, Mr. Padgett was a certified legal intern with the San Diego County Public Defender's Office. During law school, Mr. Padgett served as a judicial extern to the Honorable C. Leroy Hansen, United States District Court for the District of New Mexico. He graduated from California Western School of Law in the top 10% of his class and received his undergraduate degree from the University of Southern California, where he graduated *cum laude*.

Lucas Rogers. Lucas Rogers is an associate attorney with Capstone. At Capstone, Mr. Rogers works on automotive class actions, including handling pre-litigation investigation, discovery and legal and factual analysis of consumer claims being pursued by Capstone's clients. Mr. Rogers also handled wage and hour class actions at Capstone. Mr. Rogers was admitted to the New York Bar and the California Bar in 2008 after receiving his J.D. from Benjamin N. Cardozo School of Law and his B.A. from University of Georgia. Prior to joining Capstone, Mr. Rogers was a Deputy City Attorney for the City of Santa Monica where he handled criminal prosecutions from arraignment through trial.

Eduardo Santos. Eduardo Santos, an associate at Capstone, represents employees and consumers in class action litigation, with a special focus on negotiating, structuring, managing, and obtaining court approval of Capstone's class action settlements. Having assisted in obtaining court-approval of over 60 wage and hour and consumer class action settlements during the course of his career, Mr. Santos has contributed significantly to the high approval rate of Capstone's settlements. Before joining Capstone, Mr. Santos was an associate at one of California's largest plaintiffs-only employment law firms, and prior to that, an associate at a prominent plaintiff's firm specializing in mass torts litigation, where he was part of a team that secured a total of \$4.85 billion for thousands of individuals with claims of injuries caused by taking Vioxx. Mr. Santos received his JD from Loyola Law School of Los Angeles in 2007, which he attended on a full academic scholarship. While in law school, he was an extern for the Honorable Thomas L. Willhite, Jr. of the California Court of Appeal. He graduated *magna cum laude* from UCLA with majors in Political Science and History, and was a recipient of the Ralph J. Bunche scholarship for academic achievement.



Mao Shiokura. Mao Shiokura is an associate with Capstone. Her practice focuses on identifying, analyzing, and developing new wage-and-hour and consumer claims, including violations of the Fair Credit Reporting Act, Consumers Legal Remedies Act, False Advertising Law, and Unfair Competition Law. Prior to joining Capstone, Ms. Shiokura was an associate at a California lemon law firm, where she represented consumers in Song-Beverly, Magnuson-Moss, and fraud actions against automobile manufacturers and dealerships. Ms. Shiokura graduated from Loyola Law School, Los Angeles in 2009, where she served as a staff member of Loyola of Los Angeles Law Review. She earned her undergraduate degree from the University of Southern California, where she was a Presidential Scholar and majored in Business Administration, with an emphasis in Cinema-Television and Finance.

Karen Wallace. An associate with Capstone, Karen Wallace handles the pre-litigation phase for prospective cases including investigation, claim identification and analysis, and client consultation. Ms. Wallace's expertise includes claims for meal and rest period violations, overtime wages, off-the-clock work, misclassification, and other employment and consumer claims. Before attending Southwestern Law School, Ms. Wallace worked as a teacher for many years. She received her doctorate in English from the University of California, Los Angeles, where she also earned her master's degree in American Indian Studies.

Alexandria Witte. Alexandria Witte, an associate with Capstone, is currently responsible for the day-to-day prosecution of over 60 putative class and representative actions as well as other complex litigation. Over the course of her career, Ms. Witte has litigated over 50 putative class actions, and has helped Mr. Perez (her supervisor) negotiate numerous high-profile class action settlements that have secured millions of dollars in relief for tens of thousands of California workers. Notably, Ms. Witte played a key role in preparing *Felix v. Automobile Club of Southern Calif.*, for trial, paving the way for the eventual multi-million dollar class settlement. More recently, Ms. Witte has been appointed co-Class Counsel in the certified cases of *Lopes/Bobadilla v. Kohl's Department Stores, Inc.*, Case No. RG08380189 (Alameda Cty. Super. Ct.) and *Shjferaw/Tameifuna v. Sunrise Senior Living Management, LLC*, Case No. 13-06294 (C.D. Cal.). She received her Bachelors of Arts at the University of California at Irvine in 2006, and earned her JD at Chapman University School of Law in May 2010.

Tarek Zohdy. An associate with Capstone, Tarek Zohdy litigates automotive defect class actions, along with other consumer class actions for breach of warranty and consumer fraud. At Capstone, he has worked on several large-scale automotive class action settlements that have provided significant relief to thousands of defrauded car owners. Before joining Capstone, Mr. Zohdy spent several years representing individual consumers in their actions against automobile manufacturers and dealerships for breaches of express and implied warranties pursuant to the Song-Beverly Consumer Warranty Act and the Magnuson-Moss Warranty Act, commonly referred to together as "Lemon Law." He also handled fraudulent misrepresentation and omission cases pursuant to the Consumers Legal Remedies Act. Mr. Zohdy graduated from Louisiana State University *magna cum laude* in 2003, and Boston University School of Law in 2006, where he was a member of the criminal clinic representing underprivileged criminal defendants.

OUTREACH AND EDUCATION

To increase public awareness about the issues affecting class action and other representative litigation in the consumer and employment areas, Capstone publishes the Impact Litigation Journal (www.impactlitigation.com). Readers have access to news bulletins, op-ed pieces, and legal resources. By taking advantage of social media, Capstone hopes to spread the word about consumer protection and employee rights to a larger audience than has typically been reached by traditional print sources, and to thereby contribute to the enforcement of California's consumer and workplace protection laws.

EXHIBIT 2

Category	Tasks Performed
Pre-filing investigation and pleadings	Conducting evidentiary research re online complaints about oil consumption defect; Conducting research regarding oil consumption rates of various vehicles; conduct research regarding similar lawsuits filed against Defendants; Conducting evidentiary research re motor oil consumption in preparation for drafting complaint; Conducting evidentiary research re Defendant's vehicles containing 2.0 liter turbo engines; Fielding inquiries from prospective class members; Reviewing client's purchase agreement and warranty information; Investigate client's repair history details; Reviewing and analyzing internet blog consumer complaints about excessive oil consumption; Reviewing and analyzing NHTSA consumer complaints; Researching technical service bulletins pertinent to oil consumption in class vehicles; Drafting the pre-litigation demand letter; Researching Audi engine models and oil consumption complaints; Drafting and revising Consumer Legal Remedies Act section of complaint; Reviewing and analyzing service bulletins no. 17-11-15 and 17-11-18 relating to engine oil consumption; Conducting evidentiary research re defendants' representations re oil consumption in connection with the sale of various class vehicles; Consulting and retaining automotive experts; Drafting Complaint.
Post-filing investigation and discovery	Drafting amended complaints and pleadings; Consulting with automobile expert regarding inspection of class vehicles and possible cause of defect; retain and meet experts and conduct testing of oil consumption; Purchasing exemplar Class Vehicle for expert analysis; attend in person meeting in New York in advance of Rule 26 conference; Preparing and drafting Initial Disclosures / Rule 26(f) Report; Propounding and and meet and conferring on written discovery (document requests and interrogatories); Preparing for and attending the Rule 30(b)(6) deposition in New York; Analyzing documents produced by Defendants regarding excessive oil consumption defect; Conducting legal research re display requirements of oil light monitors for motor vehicles and motorcycles; Conducting evidentiary research re model and year vehicles containing Volkswagen 2.0 TFSI engine, as well as at what mileage or year the defect is most likely to manifest; Reviewing the express warranty booklet and owner's manual for select class vehicles; Coordinating the storage and retrieval of engine parts.
Motion to Dismiss/Motion to Transfer	Researching consumer laws of New York and California; Drafting opposition to Defendants' motion to dismiss; Drafting opposition to Defendants' second motion to dismiss; Drafting supplemental brief re Defendant's second motion to dismiss; Drafting response to Defendants' motion to transfer.
Mediation/Settlement Negotiation/Settlement Agreement	Negotiating terms of a settlement agreement during in person meetings and various telephone conferences; researching settlement of comparable consumer class action defect cases and potential recoveries ; Drafting a mediation brief ; Preparing for and attending the mediation in San Diego; Prepare summary, fact sheet and talking points memoranda for mediation; Negotiating the final settlement terms, including exchanging multiple drafts of Settlement Agreement, Class Notice, Claim Form, and Request for Exclusion between counsel.
Settlement/Fee Motions	Conducting legal research case law re court approval of auto defect settlements; Conducting legal research into case law on conditional certification of national classes for purposes of settlement; Draft motion for preliminary approval and supporting documents; Draft stipulation to extend dates and stipulation for leave to file Fourth Amended Complaint; Research certification of auto defect cases for purposes of discussing the risks of continued litigation in the motion for final approval; Research warranty database for purposes of monetizing value of service repair adjustment settlement relief; Draft the publication notice; Work with valuation expert to assist in monetizing value of settlement relief; Conferences with mediator re declaration to be submitted in support of final approval of the settlement; Retain expert to opine on reasonableness of counsel's hourly rates and hours expended on the litigation; Communicate with co-counsel regarding providing supporting documents; Review objections and class member feedback; Review important discovery supporting the valuation of the benefits; Draft motion for preliminary approval and supporting documents; Draft motion for final approval and supporting documents; Draft motion for attorneys' fees and supporting documents.
Class Member Communication/Supervision of Settlement/Notice/Benefits	Supervising mailing of class notice by Rust Consulting and discuss protocols and procedures for settlement administration; Approving the format and monitoring the settlement website; Researching the laws in different states regarding the obligations of automobile repair businesses to maintain purchase and repair records so as to better advise Class Members who have lost or misplaced their repair documentation; Creating talking points and scripts for class member communications; Communicating with Class Members regarding participation in class action settlement or the scope of its benefits, and to ensure they are obtaining the relief under the Settlement; Calling Audi Service Centers across all fifty states and Puerto Rico and speaking with Service Manager or Service Advisor to confirm that Defendants have advised them of the Class Action Settlement.