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12 *Attorneys for Plaintiffs Lynn Slovin, Samuel Katz,*  
13 *Jeffery Price, and Justin Birkhofer, on their own*  
14 *behalf, and on behalf of all others similarly situated*

15 **IN THE UNITED STATES DISTRICT COURT**  
16 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

17 LYNN SLOVIN, an individual, on her own  
18 behalf and on behalf of all others similarly  
19 situated,

19 Plaintiff,

20 v.

21 SUNRUN, INC., a California corporation,  
22 CLEAN ENERGY EXPERTS, LLC, a  
23 California limited liability company doing  
24 business as SOLAR AMERICA, and  
25 DOES 1-5, inclusive,

25 Defendants.

Case No. 4:15-cv-05340-YGR

**DECLARATION OF DAVID C. PARISI  
IN SUPPORT OF MOTION FOR  
ATTORNEYS' FEES, COSTS AND  
SERVICE AWARDS**

Hon. Yvonne Gonzalez Rogers

Date: July 9, 2019

Time: 2:00 p.m.

Location: Courtroom 1  
Ronald V. Dellums Fed. Bldg.  
1301 Clay Street  
Oakland, California 94612

1 I, David C. Parisi, declare as follows:

2 1. I am a partner in the law firm of Parisi & Havens LLP and, along with my partner,  
3 am responsible for the handling of this litigation at my firm. I am counsel of record for Plaintiffs  
4 Lynn Slovin, Samuel Katz, Jeffery Price, and Justin Birkhofer (collectively, “Class  
5 Representatives”). I am a member of the Bar of the State of California. I make this declaration  
6 based upon my own personal knowledge. I submit this declaration in support of Plaintiffs’  
7 Motion for Attorneys’ Fees and Costs and Named Plaintiffs’ Service Awards. If called to testify,  
8 I could and would testify to the facts contained herein.

9 **I. QUALIFICATIONS OF COUNSEL**

10 2. The principals of Parisi & Havens LLP are Suzanne Havens Beckman and me. I  
11 graduated with a law degree from Boston University School of Law and have been practicing  
12 law since passing the California State Bar in 1992. My law partner, Ms. Havens Beckman,  
13 obtained her law degree from the University of Southern California and was admitted to the  
14 California State Bar in 1997. I am admitted to practice law in the States of California and  
15 Washington, and before the United States District Courts for the Northern, Central, Eastern and  
16 Southern Districts of California. Together, my partner and I have successfully litigated  
17 numerous complex class actions and insurance coverage cases on behalf of plaintiffs. Over the  
18 past fifteen or more years of practice, well over ninety-five percent of my firm’s work has been  
19 devoted to representing consumers in class actions. A copy of my firm’s resume is attached as  
20 **Exhibit 1.**

21 3. As our firm resume indicates, we have litigated numerous complex class actions in  
22 both trial courts as well as appellate courts. In addition to the cases identified on the firm resume,  
23 my office has and continues to be involved in a significant number of actions which are based on  
24 alleged violations of the Telephone Consumer Protection Act (“TCPA”). Some of these actions  
25 are as follows: *Thomas v. Taco Bell Corp, et al.*, No. SACV09-1097 (C.D. Cal.); *Ellison v.*  
26 *Steven Madden, LTD*, No. CV11-05935 (C.D. Cal.); *Wannemacher v. Carrington Mortg.*  
27 *Services, LLC*, No. 8:12-cv-02016-FMO-AN (C.D. Cal.); *Snyder v. Ivisionmobile, Inc.*, No. 5:13-  
28 *cv-05946-HRL* (N.D. Cal.); *McKenna v. Whispertext, LLC*, No. 5:14-cv-00424-PSG (N. D.

1 Cal.); *Brown v. Directv, LLC*, No. 2:12-cv-08382-DMG-E (C.D. Cal.); *Smith v. Microsoft Corp.*,  
2 No. 11-CV-01958 (S.D. Cal.); *Fernandez v. Curacao Ltd., et al*, No CV-13-03439 (C.D. CA);  
3 *Gomez v. Campbell-Ewald Co.*, No. CV-10-02007 (C.D. Cal.); *Meyer v. Portfolio Recovery*  
4 *Assoc.*, No. 11-CV-01008 (S.D. Cal.), *transferred to MDL, In re PRA*, No. 2295 (Dec. 21, 2011);  
5 *Lofton v. Verizon Wireless (VAW) LLC*, Case No. 4:13-cv-05665 (N.D. Cal.); *Katz v. American*  
6 *Honda Motor Co., Inc.*, No. 2:15-cv-04410-CBM-RAO (C.D. Cal.); *In re Collecto, Inc.*  
7 *Telephone Consumer Protection Act (TCPA) Litigation*, No. 1:14-md-02513-RGS (Dist. Mas.);  
8 and *Oliver v. The Mens Wearhouse*, Case No. 2:16-CV-01100 (C.D. Cal.).

9 **II. SUMMARY OF TIME PERFORMED BY MY FIRM**

10 4. The time spent on this action by myself and my partner can generally be broken  
11 down into phases which occurred at different times during the litigation. These time periods are  
12 the same periods described in the declaration by my co-counsel, Grace Parasmó. I have  
13 reviewed my firm's time sheets and describe these phases as follows:

14 5. **Case Investigation, Initiation, and Rule 26(f) Conference – November 18,**  
15 **2015 through February 29, 2016.** During this period my firm's attorneys billed \$31,820.00 for  
16 58.9 hours of time. This time was spent investigating the facts and preparing and filing the  
17 initial complaint for Plaintiff Lynn Slovin. This early investigation was extensive and included  
18 Freedom of Information Act requests to the Federal Trade Commission and Federal  
19 Communications Commission and other informal discovery designed to begin the process of  
20 fleshing out targets for relevant subpoenas, Defendants' patterns of conduct, as well as  
21 Defendants' relationships to their various vendors. The public records act requests alone revealed  
22 thousands of similar complaints as those made by Ms. Slovin. This informal discovery, along  
23 with other factors, led to the drafting and filing of the First Amended Complaint. During this  
24 period we retained an expert on telephone technology, Randall Snyder, who assisted us with  
25 focusing subpoenas on certain third parties, in order to identify which entities were responsible  
26 for the various calls to our client. This time frame also included setting the stage for the initial  
27 period of the litigation, including drafting and negotiating a protective order for the case and  
28 preparation for and completion of the multiple-session Rule 26(f) conference. It was during this

1 time period that Plaintiff also started serving the first round of subpoenas in an attempt to locate  
2 call detail records relevant to Plaintiffs' allegations and tie Defendants to the calls made to our  
3 client.

4           **6. Briefing Defendants' Motion to Strike, Discovery, and filing of the Second**  
5 **and then Third Amended Complaints – March 1, 2016 through July 31, 2016.** During this  
6 period my firm's attorneys billed \$111,137.50 for 204 hours of time. During this period, three  
7 additional class representatives, Samuel Katz, Jeffery Price and Justin Birkhofer, retained us to  
8 represent them with respect to their TCPA claims against the defendants. In this phase, the  
9 parties appeared at the initial status conference, Plaintiffs' filed their Second Amended  
10 Complaint (which added the additional plaintiffs and claims) and then faced the first challenge to  
11 their pleadings – a Motion to Strike Plaintiffs' class allegations. Dkt. No. 36. The thrust of  
12 Defendants' Motion to Strike was that Plaintiffs had, among other things, failed to tie the  
13 telephone calls in question to Defendants. From the outset of the litigation, Defendants denied  
14 any connection to the calls at issue and instead argued that Defendants were actually victims of  
15 other unscrupulous companies who used Defendants' names to make impermissible calls. This  
16 refusal to acknowledge even the possibility of Defendants' connection to the telemarketing calls  
17 to Plaintiffs set the tone for the litigation as a whole, and most importantly, with respect to  
18 contentious discovery. Indeed, due to the importance of call logs in TCPA litigation for  
19 identifying class members, these denials necessitated significant discovery focused on  
20 Defendants' computer systems and those systems' capabilities and forced Plaintiffs to continue  
21 to seek call logs from third parties, and the identification of third parties, through subpoenas to  
22 Defendants' vendors. On April 28, 2016, this Court granted the Motion to Strike without  
23 prejudice and ordered Plaintiffs to identify the third-party vendors which plaintiffs believed  
24 made calls on Defendants' behalf. Dkt. No. 40.

25           7. During this time, my firm and co-counsel pressed ahead serving eight sets of  
26 written discovery to each Defendant and began the process of serving subpoenas on third parties  
27 to uncover Defendants' "connection" to calls placed to plaintiffs and class members – by the end,  
28 we had served over forty subpoenas on third parties. I worked extensively with our telephone

1 technology consultant to draft subpoenas and identify entities responsible for calls to our clients.  
2 It was often difficult to identify callers to our clients, or obtain call records, because many  
3 vendors were offshore and nearly impossible to serve process upon. This period ended with the  
4 filing of the Third Amended Complaint, which added our fourth named plaintiff and adjusted the  
5 allegations to conform to new information learned from third-parties as a result of responses to  
6 subpoenas.

7           8.           **Discovery and Status Conference – August 1, 2016 through November 30,**  
8 **2016.** During this period my firm’s attorneys billed \$67,867.50 for 126.70 hours of time. The  
9 bulk of the time spent during this period was trying to settle the pleadings, which required  
10 briefing to oppose the second motion to strike. Further, my firm and my co-counsel continued  
11 our discovery efforts to determine Defendants’ relevant call vendors and analyzed defendants’  
12 initial document productions. We successfully opposed the motion to strike, which included  
13 filing an objection to Defendants’ supplemental evidence on reply. Dkt. Nos. 61 & 64. On  
14 November 14, 2016, the parties attended a status conference and the Court issued its scheduling  
15 order setting the course for the litigation.

16           9.           **Class Discovery, Depositions, and the First Mediation Session – December 1,**  
17 **2016 through March 31, 2017.** During this period my firm’s attorneys billed \$212,140.00 for  
18 393.20 hours of time. My firm and my co-counsel began in earnest to shift our discovery efforts  
19 from shaping the pleadings to obtaining the necessary evidence to support a motion for class  
20 certification and then the additional shift to prepare for an early attempt at settlement. This  
21 included written discovery, the securing of an additional expert, Anya Verkhovskaya, as well as  
22 the preparation and defense of the depositions of Plaintiff Price in San Diego and Plaintiffs  
23 Slovin and Birkhofer in Washington, D.C. Additionally, counsel prepared for and took the  
24 deposition of the first witness for Defendants, Reginald Norris in San Diego. This deposition  
25 was focused on understanding Defendants’ call records, computer systems and those systems’  
26 capabilities as Defendants had, in counsel’s opinion, not been forthcoming in written discovery  
27 and been very slow to produce the requested and necessary documents and call evidence critical  
28 to class certification.

1           10.     It was also during this time that the parties sought the Court’s assistance – on an  
2 emergency basis – for the first of many discovery disputes *via* Magistrate Judge Jacqueline Scott  
3 Corley. Dkt. No. 72. (In all, the parties needed the assistance of Judge Corley over seven times  
4 over the course of the litigation to resolve discovery disputes.) This initial dispute centered on  
5 the integrity of a recording produced by Defendants of a telemarketing call to Plaintiff Katz. Mr.  
6 Katz had contemporaneously recorded the same phone call, and the version produced by  
7 Defendants seemed to have been manipulated. We retained an expert on audio recordings to  
8 analyze the recordings. The issue alerted me and my co-counsel to the contentious tone of the  
9 discovery in this matter and the vigilance it would take on our part to fully prosecute Plaintiffs’  
10 claims.

11           11.     During this period Defendants began their production of call records for the class,  
12 which would be necessary for class certification as well as mediation. I worked with our experts  
13 to analyze the data and began the process of assessing the data to identify potential class  
14 members.

15           12.     Pursuant to the Court’s scheduling order, the parties were ordered to complete a  
16 mandatory settlement conference no later than February 14, 2017. However, the given the  
17 court’s busy calendar, it proved too difficult to schedule a date. Accordingly, the parties agreed  
18 to secure a private mediator and put their efforts into preparing for a mediation. To that end, on  
19 March 7, 2017, the parties spent the day with Judge Edward A. Infante, a highly successful  
20 mediator with extensive class action, and TCPA, settlement experience. Unfortunately, despite  
21 the parties’ and Judge Infante’s best efforts, the case did not come close to settling, but rather  
22 made it clear to me and my co-counsel that this case would take much more time and effort to  
23 resolve, if settlement was even possible. Shortly thereafter, we enlisted the assistance of our  
24 other co-counsel, Alan Himmelfarb of the Law Offices of Alan Himmelfarb and Ethan Preston  
25 of the Preston Law Firm. I have worked with both of these new counsel for over a decade on  
26 consumer class action litigation, and I knew that their knowledge and skills could be used to  
27 address discrete tasks which could be assigned to them as needed as we moved towards class  
28 certification.

1           13.     **Discovery, Numerous Depositions and the Rule 68 Motion – April 1, 2017**  
2 **through July 31, 2017.** During this period my firm’s attorneys billed \$244,340.00 for 448.70  
3 hours of time. The period of time that followed the failed mediation was a significant one both  
4 in terms of gathering evidence for class certification but also in terms of highlighting the risks of  
5 continuing with the litigation. During this phase, Plaintiff Katz’s deposition was taken in New  
6 Jersey and class counsel completed each of Defendants’ five 30(b)(6) witnesses on a total of 18  
7 topics related to class certification and merits, including but not limited to the topics related to  
8 Defendants’ telephone dialing systems, lead databases, relationships with telemarketing vendors,  
9 policies for TCPA compliance, and evidence of prior express consent. At the same time, we  
10 continued our efforts with respect to written discovery which led to several additional discovery  
11 letter briefs and hearings with Judge Corley.

12           14.     However, perhaps the most critical event in the case to date came on March 21,  
13 2017 when Defendants made a Rule 68 Offer of Judgment (the “Offer”) whereby each of the  
14 four named Plaintiffs would be awarded \$100,000, as well as injunctive relief as to the individual  
15 Plaintiffs only. In all my years of class action litigation, including being one of several counsel  
16 representing the plaintiff in *Campbell-Ewald Co. v. Gomez*, 136 S. Ct. 663, 668 (2016), as  
17 revised (Feb. 9, 2016), where the Supreme Court analyzed whether a class representative could  
18 be “picked off” with Rule 68 offer, I had never seen a defendant offer such a large sum to a class  
19 representative in order to try to avoid a class action. The Offer appeared to be a blatant attempt  
20 to pressure Plaintiffs to accept the offer or risk invoking the cost shifting provisions of Rule 68.  
21 I and my co-counsel believed that the offer was a deliberate and improper attempt to undermine  
22 the class action process and scare and/or lure Plaintiffs to disregard their obligations to absent  
23 class members. After much discussion with each of the named Plaintiffs as to how they wanted  
24 to proceed, the Offer was rejected. On April 11, 2017, we filed a Motion to Declare Rule 68  
25 Offer of Judgment Ineffective. Dkt. No. 89. The decision to reject the Offer and challenge its  
26 validity was a brave and commendable decision by Plaintiffs given the personal risks, and I  
27 believe one that showed their strong commitment to absent class members. The Court  
28 apparently agreed with our assessment, granted Plaintiffs’ motion, and noted that “the Offer runs

1 contrary to the purpose of Rule 68 because there is an indication that the offer was not made in  
2 good faith.” Dkt. 108, 4:19-20.

3 15. During this period I deposed Sunrun and CEE through their employees and  
4 representatives, and thus deposed CEE’s Director of Engineering, Sunrun’s Senior Manager in  
5 Contact Operations, Sunrun’s Senior Marketing Manager, and one of the co-founders of CEE.  
6 These depositions were held all over the country. The corporate deponents were designated as  
7 corporate witnesses on various topics which we identified in extensive deposition notices. The  
8 depositions of Defendants’ witnesses proved invaluable when we prepared our motion for class  
9 certification, as well as when I worked with our experts to create methodologies to identify class  
10 members from the disparate data that we obtained in discovery.

11 16. **Fourth Amended Complaint and Class Certification – August 1, 2017**  
12 **through December 31, 2017.** During this period my firm’s attorneys billed \$458,965.00 for  
13 849.10 hours of time. This portion of the litigation focused on synthesizing and analyzing the  
14 voluminous discovery (which was still being produced on a rolling basis), providing the  
15 information to our experts Ms. Verkhovskaya and Mr. Snyder, working with the experts and  
16 analyzing their reports, traveling to Florida and Las Vegas to defend the depositions of our  
17 experts, analyzing Defendants’ responsive expert reports, working with co-counsel to depose  
18 Defendants’ experts, attending one defense expert deposition in person in Paolo Alto and one via  
19 telephone, working with our experts who prepared rebuttal reports, and successfully seeking  
20 court intervention to enforce a third-party subpoena to another of Defendants’ call vendors,  
21 CallFire, in the Central District. *See* Order re Plaintiffs’ Motion to Compel Production, *Slovin v.*  
22 *CallFire, Inc.*, No. 17-mc-00091 (C.D. Cal.), Dkt. No. 14.

23 17. We worked extensively with our experts to consolidate and integrate the many  
24 different sources of call data to identify class members. Defendants’ and third parties produced  
25 over 27 gigabytes of data, which we needed to analyze and provide to our experts. The experts  
26 we retained have stellar credentials in the area of TCPA litigation. Our experts’ reports were  
27 significant in size and breadth – Plaintiffs’ expert reports and rebuttal reports exceeded a  
28 combined 115 pages. Defendants responded to these reports with thorough expert reports for

1 themselves. Analyzing Defendants' experts' reports and identifying their weaknesses and  
2 inaccuracies was exceptionally time consuming.

3 18. With this wide breadth of information concerning Defendants, their operations,  
4 and relationships with third party vendors digested and analyzed, we drafted and filed our motion  
5 for class certification. Dkt. 189. During this time, we also continued to respond to Defendants'  
6 discovery to Plaintiffs.

7 19. **Second and Third Mediation Sessions and Preliminary Approval – January**  
8 **1, 2018 through September 30, 2018.** During this period my firm's attorneys billed  
9 \$279,087.50 for 519.50 hours of time. In the midst of preparing and filing the Motion for Class  
10 Certification, the parties began to again discuss settlement and were able to secure January 9,  
11 2018 with Bruce Friedman, another private mediator with extensive TCPA mediation  
12 experience. Accordingly, right after filing the Motion for Class Certification, we turned our  
13 efforts to preparing once again for the mediation. The mediation was not successful, but the  
14 parties continued to communicate and explore other ways to reach a resolution. On January 31,  
15 2018, the parties participated in a settlement conference with Magistrate Judge Corley, which  
16 culminated in Judge Corley making a mediator's recommendation. The parties then participated  
17 in a telephonic conference with Magistrate Judge Corley on April 5, 2018, during which the  
18 parties accepted the mediator's proposal and an agreement was reached on the scope of the  
19 settlement. Much of the intervening time between the January conference with Judge Corley and  
20 the telephonic conference in April was spent carefully revisiting the data and analyzing  
21 additional data produced by Defendants. It took months for the parties to negotiate the fine  
22 details of the Settlement Agreement, and analyze the final data to define the contours of the class  
23 and develop a notice and claims procedure.

24 20. Further, my firm and co-counsel spent substantial time during this period  
25 negotiating the breadth of the injunctive relief, which was the final portion of the agreement to  
26 be resolved. I and my co-counsel are particularly satisfied with the injunctive relief that we were  
27 able to obtain through this settlement. My firm has litigated and settled many TCPA actions and  
28 this is by far the most robust and far-reaching injunctive relief that we have been able to achieve,

1 or even found in research, and the most tailored to the complaints of the class members.  
2 Moreover, it is the type of relief that I have rarely seen in my 25 plus years of practice. On  
3 September 27, 2018, counsel filed the Motion for Preliminary Approval. Dkt. No. 189.

4 21. **Preliminary Approval Hearing and Final Revisions to Preliminary Approval**  
5 **Documents – October 1, 2018 through January 31, 2019.** During this period my firm’s  
6 attorneys billed \$53,550.00 for 100 hours of time. Time during this period was spent  
7 supplementing the preliminary approval documents to conform with the “Procedural Guidance  
8 for Class Action Settlements” implemented by Northern District on November 1, 2018,  
9 preparing for the hearing on the Motion for Preliminary Approval, and revising the notices and  
10 other supporting documents as directed by the Court. Additionally, I and my co-counsel, in  
11 conjunction with defense counsel, spent time providing all necessary information to the  
12 designated claim administrator and working with them to finalize the notice documents,  
13 settlement website, and otherwise, prepare for notice to the class which went out on March 1,  
14 2019.

15 22. Though not accounted for in the hours submitted here, consistent with our  
16 obligations as class counsel, my firm and my co-counsel have fielded calls and other  
17 communications from claimants since notice has gone out and continue to provide support to  
18 members of the class where necessary.

19 **III. PARISI & HAVENS LLP’S HOURLY RATE AND LODESTAR**

20 23. The attorneys at Parisi & Havens LLP record their time contemporaneously with  
21 the work performed. Our firm’s practice is to keep contemporaneous records for each  
22 timekeeper and to regularly record time records in the normal course of business. We kept time  
23 records in this case consistent with that practice. Moreover, our firm’s practice is to bill in 6-  
24 minute (tenth-of-an-hour) increments. As reflected in the chart below (segregating time by  
25 attorney), as of January 31, 2019, the total number of attorney hours spent on this matter by my  
26 firm is 2,700.1 hours and our total lodestar is \$1,458,925.00. This lodestar figure is based on the  
27 ordinary professional billing rate that my law office charges clients. Expenses are accounted for  
28 and billed separately and are not duplicated in our professional billing rate. The time breaks

1 down as follows:  
2  
3

4 <b>Attorney</b>	<b>Years Practicing</b>	<b>Hourly Rate</b>	<b>Hours Billed</b>	<b>Total</b>
5 David C. Parisi	(1992 law school graduate)	\$550.00	1,654.9	\$910,195.00
6 Suzanne Havens Beckman	(1996 law school graduate)	\$525.00	1,045.2	\$548,730.00
7 <b>Total:</b>			<b>2,700.1</b>	<b>\$1,458,925.00</b>

9 24. I personally reviewed the time reported for my partner and myself and did not  
10 include any of my firm's time spent working on Plaintiffs' motion for an award of fees and costs  
11 and the named Plaintiffs' service awards, or this supporting declaration and exhibits, within the  
12 lodestar reported above.

13 **IV. THE RATES BILLED ARE CONSISTENT WITH ATTORNEY RATES IN THIS**  
14 **DISTRICT**

15 25. The figures stated above reflect hours worked and tasks performed throughout the  
16 litigation. The hourly rates of my firm as stated above is the usual and customary hourly rate  
17 charged for our services in similar litigation. Based on my years of experience handling similar  
18 complex and class action litigation, I believe the rates are reasonable and in line with (and  
19 actually less than) the rates charged for comparable work in the Northern District of California  
20 by professionals with similar levels of experience, expertise, and reputations. The rates stated  
21 above were determined by my law partner and me, during the ordinary course of business, and  
22 they apply equally to all of the firm's litigation. These are rates that we seek in fee applications  
23 submitted in each of contingency-fee class actions. These rates contain no premium for the  
24 contingency nature of our practice.

25 26. In determining our firm's hourly rates, we consider a variety of factors, including  
26 but not limited to: (a) my knowledge of the market in which I have been practicing since 1992,  
27 including my knowledge of the rates established by other attorneys in the Northern District of  
28 California as well as other districts; (b) my review of attorney fee declarations of other attorneys

1 in the Northern District of California at plaintiff class action firms with whom my firm  
2 competes; (c) review of publicly available information regarding prevailing rates, such as reports  
3 in legal newspapers; (d) review of rates charged by other firms with whom my firm has  
4 associated in its litigation matters; and (e) review of reported decisions and fee rulings reflecting  
5 other firm's hourly rates.

6       27. My firm's hourly rate of \$550 per hour for myself and \$525 per hour for Suzanne  
7 Havens Beckman have been approved by Courts and have never been rejected by a Court.  
8 Indeed, Judge John A. Houston approved these rates in *In re Portfolio Recovery Associates, LLC*  
9 *Telephone Consumer Protection Act Litigation*, No. 11-md-02295 (S.D. Cal., Oct. 6, 2016);  
10 Judge Timothy M. Casserly approved these rates on a contested fee motion in *Meyer v. PYOD,*  
11 *et al*, No. 37-2014-00008110-CU-BT-NC (Sup. Ct. San Diego, Sept. 7, 2017); Judge Richard G.  
12 Stearns approved these rates in *In re Collecto, Inc. Telephone Consumer Protection Act (TCPA)*  
13 *Litigation*, No. 1:14-md-02513-RGS (Dist. Mas., Jan. 17, 2018); Judge Maren Nelson approved  
14 these rates in *Djoric v. Justin Brands, Inc., et al.*, Case No. BC574927 (Sup. Ct. Los Angeles,  
15 July 31, 2018); and most recently, Judge Terry J. Hatter approved my firm's rates in *Oliver v.*  
16 *The Men's Wearhouse*, Case No. 2:16-CV-01100 (C.D. Cal.) (March 22, 2019).

17       28. As stated above, the rates sought here and previously approved for my firm (and  
18 co-counsel) are consistent with (and oft-times lower than) the attorney fee rates typically  
19 approved for plaintiff law firms in class action settlements in the Northern District - including  
20 the rates sought in TCPA class actions specifically. For instance, in *Rose v. Bank of Am. Corp.*,  
21 No. 11-02390, 2014 WL 4273358, \*7-8 (N.D. Cal. Aug. 29, 2014), Judge Davila found hourly  
22 billing rates of between \$325 per hour and \$525 per hour for associates with up to ten-years  
23 experience acceptable, and partner rates of between \$350 and \$775 per hour acceptable.

24       29. In another TCPA settlement, *Steinfeld v. Discovery Fin. Servic., et al.*, No. 3:12-  
25 cv-1118-JSW (N. Dist. Cal., March 31, 2014), Judge White approved a fee request where class  
26 counsel had billed attorney rates between \$415 and \$775 per hour.

27       30. In still another TCPA action, *True Health Chiropractic, Inc. v. McKesson Corp.*,  
28 No. 13-cv-2219-HSG (N.D. Cal. 2015), Magistrate Judge Donna M. Ryu approved an hourly

1 rate of \$900 for partners litigating the matter on behalf of the class.

2 31. More recently, in *Etter v. Allstate Ins. Co.*, No. C 17-00184 WHA, 2018 WL  
3 5791883, at \*4 (N.D. Cal. Nov. 4, 2018), Judge William Alsup found that attorney fee rates  
4 ranging from \$600 to \$950 per hour to be reasonable in a TCPA class action settlement.

5 **V. CAREFUL ASSIGNMENT OF WORK**

6 32. Throughout my firm's involvement in this action, we did our part to ensure that  
7 the tasks necessary to prosecute the case were allocated among counsel in our firm and outside of  
8 our firm appropriately and were conducted efficiently, without undue duplication of effort, and at  
9 minimal expense. We worked very efficiently with our co-counsel and complemented each  
10 other's work and skill-set. Not being paid by the hour, we had an incentive to conduct our  
11 efforts efficiently. So too, being responsible for advancing all expenses, we had an incentive not  
12 to expend funds unnecessarily.

13 33. While my co-counsel, Grace Parasmo and Shaun Lieberman, Ethan Preston, and  
14 Alan Himmelfarb, are not at the same firm, we work together well. We have worked with each  
15 of these attorneys in many cases, for over ten years, and we find that we have complementing  
16 skill sets. My firm was generally responsible for assisting in formulating strategy decisions,  
17 working with experts and consultants, and reviewing and finalizing all work product. My partner  
18 and I were heavily involved in every strategic decision in this case as well as the extensive  
19 written discovery and motion work. Further, I helped to prepare each of the named  
20 representatives for their depositions, and took, or second chaired with my co-counsel, nearly  
21 every deposition of a defense witness or expert. The work performed by plaintiffs' counsel,  
22 including my firm, is further detailed in the concurrently submitted declaration of Ms. Parasmo,  
23 Mr. Preston, and Mr. Himmelfarb.

24 **VI. LITIGATION COSTS INCURRED**

25 34. As of April 1, 2019, my office has incurred a total of \$456,605.00 in  
26 unreimbursed third-party expenses in connection with the prosecution of this litigation. The  
27 majority of these expenses were incurred by the experts we retained, Ms. Anya Verkhovskaya  
28 and Mr. Randall Snyder. Each of these experts are highly skilled and specialized. These costs

1 were high in large part because these experts prepared significant reports for use with Plaintiffs'  
 2 motion for class certification, and Ms. Verkhovskaya worked with a team of data analysis  
 3 persons to identify class members from data obtained from over ten different computer systems.  
 4 Ms. Verkhovskaya's initial expert report was seventeen pages and her rebuttal report was thirty-  
 5 five pages. Mr. Snyder's initial report was forty-three pages and his rebuttal report was twenty-  
 6 two pages. In addition, each of Plaintiffs' experts was deposed and each assisted us with  
 7 depositions of Defendants' proposed experts. I determined that the experts and consultants that  
 8 we retained were crucial and indispensable to this litigation, and without them in this particular  
 9 case, we would not have been successful. We incurred these costs because we determined that  
 10 these expenses and the written reports would have been integral to succeeding on the motion for  
 11 class certification, overcoming any motion for summary judgment, and proving the claims at  
 12 trial.

13 35. These expenses have been fully paid by my firm and were reasonable and  
 14 necessary for the prosecution of this litigation. Our costs itemized below do not include our  
 15 normal cost of doing business expenses, such as in-office printing or office supplies, subscription  
 16 services like Westlaw or Lexis, or other computerized services that law firms such as ours  
 17 employ to run our office. We work to keep our travel expenses low, and they are incurred only  
 18 when deemed necessary to be conducted in person, such as to attend depositions, meet with  
 19 clients, or interview witnesses.

20 36. The actual expenses incurred in the prosecution of this case by my firm are  
 21 reflected in my firm's accounting records. Those accounting records are prepared based on  
 22 invoices for this litigation and accurately reflect all actual expenses incurred. These expenses are  
 23 categorized below.

<b>Description</b>	<b>Amount</b>
Court reporters and deposition transcripts	\$25,244.78
Experts costs (testifying and non-testifying consulting experts)	\$372,462.94
Filing and messenger fees	\$5,461.32



# Exhibit 1

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## The Law Firm

**Parisi & Havens LLP** prides itself in meeting the varying needs of our clients. Our firm is committed to providing each of our clients with the highest quality legal representation and achieving the most successful resolution of their cases possible. We primarily represent individuals and businesses in class actions as well as complex insurance coverage disputes. The firm counts as its clients several banks, a Fortune 500 Company and numerous consumers. In each area in which we practice, the firm and its partners have built a reputation in the community for representing clients with strength and integrity.

The attorneys at Parisi & Havens have served in leadership roles or were co-lead counsel in the following complex lawsuits and class actions:

*Lofton v. Verizon Wireless (VAW) LLC*, 4:13-cv-05665-YGR, a nationwide consumer class action which sought compensation for consumers called in violation of the TCPA and the California's Invasion of Privacy Act, which resulted in a \$4 million settlement.

*In re Collecto, Inc. Telephone Consumer Protection Act (TCPA) Litigation*, 1:14-md-2513-RGS, a nationwide consumer class action which sought compensation for consumers for violations of the TCPA and resulted in a \$3.2 million settlement.

*Djoric v. Justin Brands, Inc.*, Los Angeles Superior Court Case No. BC574927, a California class action which sought compensation for consumers for boots sold as "handcrafted in the USA" when in fact the boots or their components were manufactured outside the United States, and which resulted in injunctive relief and cash benefits or promotional codes for anyone who timely submitted a qualifying claim.

*Meyer v. PYOD, LLC, et al.*, San Diego Superior Court Case No. 37-2014-00008110-CU-BT-NC, a California class action which sought compensation for consumers harmed in violation of the California Rosenthal Act and which resulted in class members receiving the near maximum benefit allowed by law.

*In re Portfolio Recovery Associates, LLC Telephone Consumer Protection Act Litigation*, a consumer class action which sought compensation for consumers called in violation of the TCPA and which resulted in an \$18 million settlement.

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*Williams, et al. v. Motricity, Inc. et al*, Case No. 09 CH 19089 (Cook County, Illinois), a class action alleging the imposition of unauthorized mobile content charges which settled for \$9 million.

*Valdez-Marquez, et al. v. Netflix, Inc.*, Case No. 5:09-cv-05903 (N.D. Calif.), a class action involving the privacy consequences of the release of allegedly anonymized records from a customer database which resolved with changes in defendant's practices.

*Walker, et al. v. Openmarket, Inc., et al.*, Case No. 08 CH 40592 (Cook County, Illinois), a class action alleging the wrongful imposition of unauthorized mobile content charges.

*Slater v. Tagged, Inc.*, Case No. 3:09-cv-3697 (N.D. Cal.), a data privacy class action involving a social network's website and the acquisition of consumer's email address books.

*Holmes v. NCO, Inc.*, Case No. 3:10-cv-2543 (S.D. Cal.), a Fair Debt Collection Practices Act class action which resulted in over 1,000 persons whose credit reports were impacted to receive nearly the entire amount of possible damages recoverable, even after trial.

*DuFour v. Be, LLC, et al.*, Case No. 3:09-cv-3770-CRB (N.D. Cal.), a class action against a talent agency and its finance company which resulted in a \$1.25 million settlement fund and \$700,000 in debt relief to families based in part on allegations that defendants violated the Advance Fee Talent Services Act and related California law.

*In re Farmers Northridge Earthquake Commercial Litigation* and *In re Farmers Northridge Earthquake Commercial Litigation No. II*, two groups of consolidated and related complex lawsuits. The firm's clients' had over 169 claims in this litigation and resolved their disputes for in excess of \$191 million.

*Wang v. Asset Acceptance LLC and Trans Union LLC*, a class action which resulted in a settlement valued at in excess of \$11 million on behalf of consumers whose credit reports failed to report disputed debt.

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*Wang v. Bank of America*, a class action which resulted in 12,225 persons throughout California receiving compensation as a result of a dispute over the proper interpretation of a bank deposit agreement.

*Meyer v. Portfolio Recovery Associates, LLC*, 707 F.3d 1036 (2012), which resulted in the issuance of a preliminary injunction and provisional class certification against a debt collector with respect to alleged efforts to collect debts in violation of the Telephone Consumer Protection Act, 47 U.S.C. s. 227.

*Mendel v. Sirius Satellite Radio, Inc., et al.*, a consumer class action valued at just over \$1 million in which every consumer was awarded 100 percent reimbursement.

*August v. Sony Pictures Home Entertainment, Inc., et al.*, a consumer action which resulted in both Sony Pictures and Netflix, Inc. changing their practices with respect to all consumers nationwide.

*Eren v. Topa Insurance Company, Inc., et al.*, an insurance action which resulted in Topa changing its practices with respect to denying particular types of insurance claims and reimbursing affected insureds in State of California.

*Simonian v. Farmers Group, Inc., et al.*, an insurance class action which resolved with insureds receiving 100 percent reimbursement of approximately \$9 million withheld by the insurer, and which resulted in a change in the claims practice of the insurer.

*McGuire v. Farmers Group, Inc., et al.*, an insurance class action which challenged Farmers' practice of overinsuring property, thereby artificially inflating policy limits and artificially inflating policy premiums. The case was settled with Farmers agreeing to change its practices.

*In re ATI HDCP Litigation*, a consumer class action which sought compensation for persons who purchased video graphics cards which were advertised as being able to process video pursuant to the HDCP protocol. The case settled with a value of \$11.5 million and all persons who made claims were given the opportunity to receive a new, more functional, graphics cards.

*Marootian v. New York Life Ins. Co., et al.*, a class action which involved claims stemming from the Armenian Genocide of 1915 which involved complex issues of International Jurisdiction.

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## The Attorneys

### David C. Parisi

Mr. Parisi represents consumers in class action lawsuits. He also represents consumers and businesses in conflicts with their insurance carriers. His consumer class actions range from lawsuits against companies which fail to honor rebates to insurance and privacy class actions. Most of his consumer class action lawsuits arise from companies which are untruthful in their advertising. In his career, Mr. Parisi has also addressed and resolved numerous insurance issues for businesses and homeowners, such as the application of complex exclusions in directors and officers liability insurance policies, the scope of business liability insurance policies, the degree to which insurance carriers may dictate the defense strategy of their insureds, whether insurance carriers can force insureds to participate in a costly appraisal process, as well as various automobile and homeowners policy interpretation issues.

Mr. Parisi's published appellate opinions, where he represented the insured or amici, include *Fireman's Fund Ins. Companies v. Younesi* (1996) 48 Cal.App.4th 451; *Doheny West Homeowners' Ass'n v. American Guarantee & Liability Ins. Co.* (1997) 60 Cal.App.4th 400; *Truck Insurance Exchange v. Superior Court* (1998) 67 Cal.App.4th 142; *Basich v. Allstate Ins. Co.* (2001) 87 Cal.App.4th 1112; *Kids' Universe v. In2Labs* (2002) 95 Cal.App.4th 870; *21<sup>st</sup> Century Ins. Co. v. Superior Court (Schwartz)* (2005) 127 Cal.App.4th 1351; *Doheny Park Terrace Homeowners Ass'n, Inc. v. Truck Ins. Exchange* (2005) 132 Cal.App.4th 1076; *Meyer v. Portfolio Recovery Associates, LLC* (2012) 707 F.3d 1036; *Holmes v. NCO Financial Services, Inc.* (2013) 538 Fed.Appx. 765; *Thomas v. Taco Bell Corp.*, 582 Fed.Appx. 678 (9th 2014); *Lofton v. Verizon Wireless (VAW) LLC*, 586 Fed.Appx. 420 (9th 2014); and *Schmukler v. Farmers Group, Inc.*, 553 F.Appx. 702 (9th Cir. 2014).

Mr. Parisi has taught attorneys about consumer class actions and insurance bad faith and is often called upon by insurance professionals for advice on complex insurance coverage issues. Mr. Parisi is admitted to the State Bar of California as well as the U.S. District Court for the Northern, Southern, Eastern and Central Districts of California.

As a consumer advocate, Mr. Parisi gives a great deal of his time to assist various consumer-related insurance organizations. Mr. Parisi is a 1992 graduate of the Boston University School of Law.

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### **Suzanne Havens Beckman**

Ms. Havens Beckman's practice is primarily focused on the prosecution of consumer class actions ranging from false advertising and misleading labeling to warranty and privacy issues. Ms. Havens Beckman has represented injured individuals and consumers in cases in California and throughout the country and has recovered millions of dollars for those who would otherwise have no recourse. Ms. Havens Beckman also has extensive experience in representing California policyholders in insurance bad faith. Ms. Havens Beckman has represented insureds and resolved hundreds of lawsuits dealing with a wide variety of complex insurance bad faith issues with clients ranging from individuals to small businesses and large corporations.

Ms. Havens Beckman has been successful at the appellate level. In recognition of her efforts to confirm the constitutionality of Code of Civil Procedure section 340.9, Ms. Havens Beckman received the Consumer Attorneys of California 2001 Presidential Award of Merit. Ms. Havens Beckman's published opinions include *Basich v. Allstate Ins. Co.* (2001) 87 Cal.App.4th 1112; *20th Century Ins. Co. v. Superior Court (Ahles)* (2001) 90 Cal.App.4th 1237; *Bialo v. Western Mutual Insurance Company* (2002) 95 Cal.App.4th 68; *Migliore v. Mid-Century Insurance Company* (2002) 97 Cal.App.4th 592; *E.M.M.I. Inc. v. Zurich American Insurance Company* (2004) 32 Cal.4th 465; *21st Century Ins. Co. v. Superior Court (Schwartz)* (2005) 127 Cal.App.4th 1351; and *Doheny Park Terrace Homeowners Ass'n, Inc. v. Truck Ins. Exchange* (2005) 132 Cal.App.4th 1076.

Ms. Havens Beckman is often called upon by other attorneys and insurance professionals for her advice in the litigation of class actions and responding to insurance company denials of claims and has spoken frequently on these topics.

Ms. Havens Beckman received her J.D. from the University of Southern California Law School in 1996. Ms. Havens Beckman is admitted to the State Bar of California, the U.S. District Courts for California, as well as several other districts across the country, and the 9<sup>th</sup> Circuit Court.