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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  
DOES 1-5, inclusive,

25 Defendants.

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

**DECLARATION OF**  
**GRACE E. PARASMO IN SUPPORT OF**  
**PLAINTIFFS' MOTION FOR**  
**ATTORNEYS FEES AND COSTS AND**  
**NAMED PLAINTIFFS' INCENTIVE**  
**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

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**DECLARATION OF GRACE E. PARASMO**

I, Grace E. ParasmO, declare as follows:

1. I am a partner in the law firm of ParasmO Lieberman Law and am responsible for the handling of this litigation at the Firm. I am counsel of record for Plaintiffs Lynn Slovin, Jeffery Price, Samuel Katz, and Justin Birkhofer. I am a member in good standing of the Bars of the States of California and New York. I submit this declaration in support of Plaintiffs’ Motion for Attorneys’ Fees and Costs, and Named Plaintiffs’ Service Awards. Except as otherwise noted, I have personal knowledge of the facts set forth in this Declaration and could testify competently to them if called upon to do so.

**I. QUALIFICATIONS OF COUNSEL**

2. ParasmO Lieberman Law (“the Firm”) is a law firm with offices in California and New York. The principals of ParasmO Lieberman Law are Yitzchak Lieberman and myself. The Firm represents consumers, employees, and other aggrieved individuals in class actions. The Firm focuses on cases involving consumer fraud, privacy and data security, and wage and hour law.

3. I graduated from New York Law School in 2006. I am admitted to practice law in the States of New York and California and before the United States District Courts for the Northern and Central Districts of California and the Southern and Eastern Districts of New York.

4. I have over twelve years experience in class action and complex litigation. I served as counsel in dozens of class actions across the country resulting in hundreds of millions of dollars in relief for class members. I have substantial experience on a wide range of class actions and group litigation, including wage and hour, deceptive and false advertising, antitrust, privacy and data security, securities fraud, and shareholder derivative litigation.

5. From 2006 through 2010, I was an associate at Abbey Spanier Rodd Abrams, LLC, a plaintiffs-side class action firm based in New York City. At Abbey Spanier, I was counsel on class actions and other complex litigations in state and federal courts across the country, including wage and hour, consumer protection, antitrust, and securities fraud actions,

1 and shareholder derivative claims. I also was part of the legal team on a wage and hour class  
2 action jury trial against Wal-Mart for wage and hour violations, which resulted in a judgment in  
3 excess of \$187 million on behalf of 187,000 hourly employees. In that particular matter, I  
4 worked on the pre and post trial motions and appeal of the verdict, which was affirmed on appeal  
5 before the Supreme Court of Pennsylvania.

6           6.           In 2011, I joined KamberLaw, LLC, where I was counsel on a number of  
7 cutting-edge Internet technology and privacy class actions against technology companies. Many  
8 of these actions resulted in class settlements that reformed the consumer privacy and data  
9 collection practices of the target companies. As a partner at KamberLaw, I, along with co-  
10 counsel, obtained class certification and was appointed class counsel in a consumer protection  
11 case, *Guido v. L'Oréal U.S.A., Inc.*, No. 11-CV-01067.

12           7.           As a member of the International Association of Privacy Professionals, I obtained  
13 certification as an Information Privacy Professional. I have given various lectures about data  
14 privacy and technology law.

15           8.           During law school, I served as Executive Articles Editor for the New York Law  
16 School Law Review and as a Judicial Extern for the Honorable Burton R. Lifland, former Chief  
17 Bankruptcy Judge of the Southern District of New York. I received a B.A., *cum laude*, with  
18 Departmental Honors, from Fordham University.

19           9.           Before law school, I worked for the Bureau of Internet and Technology of the  
20 New York State Attorney Generals' Office, cataloging consumer complaints and identifying  
21 patterns of Internet fraud and illegality for potential enforcement actions. During law school, I  
22 transferred to the Bureau of Consumer Fraud and Protection. As a Complaint Mediator and  
23 Legal Intern for the Bureau, I worked on a variety of consumer fraud enforcement actions and  
24 mediated disputes between consumers and companies.

25           10.          My law partner, Yitzchak Lieberman, is a founding partner of the Firm. He  
26 obtained his law degree from Boston University School of Law in 2006. He is admitted to  
27 practice law in the States of New York and California and before the United States District  
28 Courts for the Northern and Central Districts of California.

1           11.     Mr. Lieberman is also a former a partner of KamberLaw, a firm that represented  
2 consumers in a variety of class actions alleging violations of federal and state consumer privacy  
3 laws. He has extensive experience in litigating class actions involving violations of the  
4 Telephone Consumer Protection Act claims.

5           12.     During law school, Mr. Lieberman was a Judicial Intern for the Hon. David I.  
6 Schmidt, New York State Supreme Court, Kings County. Mr. Lieberman studied at Talmudical  
7 academies and received his Bachelor of Talmudic Law (BTL). A BTL is a law degree  
8 comprising the study, analysis and critical thinking methodology of Talmud, and focuses on  
9 textual analysis, principles of logic, and game theory. Mr. Lieberman also studied ancient  
10 Hebrew and Aramaic texts.

11 **II.     RELEVANT EXPERIENCE OF COUNSEL**

12           13.     The attorneys at Parasmo Lieberman Law have relevant experience in class  
13 actions alleging violations of state and federal consumer privacy laws, including the Telephone  
14 Consumer Protection Act (“TCPA”). Selected consumer privacy actions are listed below:

- 15       • *Katz v. Liberty Power Corp., LLC*, No. 18-cv-10506 (D. Mass.) (class action alleging  
16 violations of the TCPA arising from telemarketing calls promoting retail electricity using  
17 prerecorded messages and to telephone numbers registered to the National Do Not Call  
18 List and to consumers who requested that their numbers be placed on a company Do Not  
19 Call list).
- 20       • *In re Collecto, Inc. Telephone Consumer Protection Act (TCPA) Litigation*, Master, No.  
21 1:14-md-2513-RGS (D. Mass) (TCPA class action alleging that third party debt collector  
22 placed calls to collect debts to cellular telephone numbers without an agreement with the  
23 creditor for whom it sought to collect the debt).
- 24       • *Lofton v. Verizon*, No. 13-cv-05665 (N.D. Cal.) (class action alleging violations of the  
25 TCPA against third party debt collectors who employed predictive dialers and recorded  
26 calls without consent).
- 27       • *In Re Hulu Privacy Litigation*, No. 3:11-CV-03764-LB (N.D. Cal.) (class action alleging  
28 violations of the federal Video Privacy Protection Act arising from company’s  
unauthorized disclosure of consumers’ video viewing information to third-party  
advertisers, metrics companies, and social networks).
- *In Re: iPhone/iPad Application Consumer Privacy Litigation*, MDL No. 2250 (N.D. Cal.)  
(class action involving the interaction of Apple mobile devices and mobile apps to

1 transmit consumers' personal information and geolocation data to third-party advertisers  
2 and analytics networks without consent)

- 3 • *In Re Clearspring Flash Cookie Litig.*, No. 10-cv-05948-GW; *In Re Quantcast*  
4 *Advertising Cookie Litig.*, 10-cv-05484-GW-JCG (C.D. Cal.) (class actions that resulted  
5 in landmark settlements including *cy pres* funds and injunctive relief that enjoined third-  
6 party ad and analytics companies' repurposing of consumers' Adobe Flash software to  
7 override browser privacy and security settings to track consumers).
- 8 • *Kim v. Space Pencil d/b/a Kissmetrics*, No. 3:11-cv-03796-LB (N.D. Cal. 2011) (class  
9 action arising out of third-party analytics company's repurposing of consumers' computer  
10 resources to override their browser privacy and security settings to track consumers;  
11 settlement resulted in injunctive relief for class that stopped the complained-of tracking  
12 activities).
- 13 • *Valentine v. NebuAd*, No. C 08-05113 TEH (N.D. Cal. 2011) (class action alleging  
14 violation of the Electronic Communications Privacy Act (Wiretap Act) arising out of  
15 online ad-serving company's use of deep packet inspection for behavioral targeting of  
16 online ads; obtained a *cy pres* fund for ECPA violations).
- 17 • *Fernandez v. Curacao Ltd., et al*, No CV13-03439 (C.D. Cal.) (class action alleging  
18 violations of the TCPA arising from text messages and prerecorded telephone calls to  
19 cellular phones of class members through an automatic telephone dialing system without  
20 prior express consent).

21 14. The Firm is also counsel for plaintiffs in the following consumer protection and  
22 wage and hour class actions:

- 23 • *King v. Bumble Trading, Inc.*, 5:18-cv-06868-NC (N.D.Cal.) (class action alleging that  
24 dating software application's no-refund policy violates California's Dating Services Law,  
25 California's Auto Renewal Law, the California Consumer Legal Remedies Act,  
26 California's Unfair Competition Law).
- 27 • *Vester v. Werner Enterprises Inc. and Drivers Management LLC*, No. 8:17-cv-00145 (D.  
28 Nebraska) (class action on behalf of employee truck drivers for violations of the  
California Labor Code and the California Bus. & Prof. Code).
- *Guerra v. SCC Transport, Inc.*, No. BC645449 (Cal. Sup. Ct. Los Angeles Cty.) (PAGA  
representative and class action for misclassification of owner-operator truck drivers as  
independent contractors and violations of the California Labor Code and the California  
Bus. & Prof. Code).
- *In re Quaker Oats Maple & Brown Sugar Instant Oatmeal Litigation*. No. 16-01442  
(C.D. Cal) (food mislabeling class action alleging violations of the California UCL,  
CLRA, and Sherman Law).

- *Vancleave v. Wal-Mart Stores, Inc.*, No. 15-01657 (N.D. Cal) (class action alleging unfair and deceptive practices arising out of overcharging consumers for eye care good and services covered by their insurance in violation of the California UCL and CLRA).

### III. SUMMARY OF TIME PERFORMED BY MY FIRM

15. As summarized below, investigating, litigating, and negotiating a resolution of this matter required substantial commitments of time and resources from our firm. We worked with co-counsel and throughout the litigation all reasonable efforts were made to avoid duplication of efforts and to ensure the most efficient management and prosecution of this matter reasonably possible.

16. A chronological summary of the Firm's work is provided below. We actively worked on all aspects of the litigation from the inception to the present motion, and are committed to continue the work in this action.

17. The time spent on this action by the Firm can generally be broken down into phases. These phases are the same time periods used by Mr. Parisi in his declaration in support of the motion for attorneys' fees and costs. I have reviewed my firm's billing and time records and describe these phases as follows:

18. **Case Investigation, Pleadings, and Third-Party Discovery – November 2015 through February 2016.** During this period the Firm's attorneys billed \$89,100.00 for 190.5 hours of time. When the Firm was contacted by Ms. Slovin in early November 2015, we interviewed her and listened to her experience receiving constant, harassing solar telemarketing calls. We immediately began our pre-suit investigation, which consisted largely of using publicly available information and Ms. Slovin's phone records in an attempt to identify the entities who called her. Because the callers displayed changing and "spoofed" caller ID's and used fictitious names on the live transfer calls, such as "Solar America," this was a challenging task. After extensive factual research, we determined that "Solar America" was the registered fictitious business name of Clean Energy Experts, LLC ("CEE"), the largest residential lead generation company, which was delivering leads to solar companies in real time through "live transfers calls," and determined that CEE was a likely defendant. We then learned that CEE had

1 been acquired by and was integrated into Sunrun, a residential solar company. We conducted an  
2 investigation into Sunrun's telemarketing activities and CEE's lead generation telemarketing  
3 activities for Sunrun. We also learned that many other consumers were complaining about  
4 unwanted solar calls from these entities.

5 19. During this period, we also researched and drafted the initial complaint, which  
6 was filed on November 20, 2015. The complaint alleged that Ms. Slovin received numerous  
7 solar calls through an automated telephone dialing system, without her consent, in violation of  
8 the TCPA. Shortly thereafter, we discovered additional evidence supporting claims for violation  
9 of the TCPA's provisions prohibiting calls to telephone numbers listed on the National Do Not  
10 Call Registry and to consumers who requested to be placed on a company Do Not Call list. We  
11 prepared Ms. Slovin's First Amended Complaint to add claims for Defendants' "Do Not Call"  
12 violations. ECF No. 7. We also made public record requests for robocall and Do Not Call  
13 complaints to the Federal Trade Commission and Federal Communications Commission. As a  
14 result, we discovered that thousands of other consumers were affected by the telemarketing  
15 practices of Defendants and their telemarketing vendors.

16 20. We also participated at the parties' Rule 26(f) conference and prepared Plaintiff's  
17 portion of the Joint Report, which sought the identity of Defendants' third-party telemarketing  
18 vendors so that Plaintiff could send a preservation letter to these companies. Because Defendants  
19 disclaimed responsibility for the telemarketing calls, we focused initial discovery on identifying  
20 which calls to Plaintiff were made by Defendants or their agents and which may have been made  
21 by some third-party competitor, as Defendants had contended. We therefore served over ten  
22 subpoenas on wireless carriers to obtain the identity of the parties that placed calls to Ms. Slovin.

23 21. **Discovery, 2nd Amended Complaint, 3rd Amended Complaint – March 2016**  
24 **through July 2016.** During this period, the Firm's attorneys billed \$149,002.50 for 326.1 hours  
25 of time. The Firm was retained by an additional three plaintiffs during this time period, and as a  
26 result, we spent a considerable amount of time, interviewing these individuals, reviewing their  
27 documents and phone records, and performing factual investigations to trace the calls to  
28 Defendants and their telemarketing vendors.

1           22.     We continued to serve telecommunications companies with subpoenas to trace the  
2 numbers that appeared as caller ID numbers on Plaintiffs’ phones. This was a multi-layered  
3 process –the subpoenaed party would often refer us to another company to whom the number  
4 was registered, who then would refer us to yet another company. Sometimes, this process led to  
5 relevant call records and sometimes a dead end.

6           23.     In late March, we prepared and filed the Second Amended Complaint, which  
7 added Jeffery Price and Samuel Katz as named plaintiffs. ECF No. 35. On April 15, 2016,  
8 Defendants moved to strike the class allegations, and supported their motion with a declaration  
9 from the co-founder of CEE and in-house counsel of Sunrun and CEE, who averred that the third  
10 parties that made the alleged calls to Plaintiffs were imposters who had no relation to  
11 Defendants. ECF No. 36 at 3. Later that month, we attended the Initial Case Management  
12 Conference. At the conference, the Court granted the motion to strike and ordered Plaintiffs to  
13 file a Third Amended Complaint (“TAC”) that identifies the telemarketing vendors that Plaintiffs  
14 believed made calls to Plaintiffs on behalf of Defendants. ECF No. 40.

15           24.     To comply with the Court’s Order, we conducted extensive third-party discovery  
16 to identify which of Defendants’ telemarketing vendors called Plaintiffs, and whether the  
17 additional Plaintiffs were live transferred to Defendants and/or called directly by Defendants. We  
18 consulted with our experts to determine the most efficient way of identifying the relevant caller.  
19 We continued to serve third-party subpoenas on telecommunications entities. We were able to  
20 obtain call records from the Ytel dialer for calls allegedly made by Solar Media Team (“SMT”)  
21 on behalf of Sunrun. We used this information to identify SMT in the TAC as one of  
22 Defendants’ vendors, among others, that called Plaintiffs.

23           25.     Without the aid of discovery, we obtained key documents that formed the basis of  
24 allegations of agency and control in the TAC: CEE’s form lead generation agreements, lead  
25 purchase agreements, publisher terms and conditions, telemarketing vendor protocols,  
26 telemarketing scripts used by Defendants’ telemarketing vendors on live transfer calls and voice-  
27 to-data calls allegedly made on behalf of Defendants, and Defendants’ internal training videos on  
28 how CEE’s own call center employees were required to disposition leads and transfer live calls

1 to Sunrun. Obtaining these documents early on allowed us to serve targeted discovery on  
2 Defendants. We spent several months propounding discovery requests on Defendants – four sets  
3 of requests for production (totaling 134 requests), and the first set of interrogatories (totaling 9  
4 interrogatories) and the first set requests for admissions (totaling 8 requests).

5 26. During this time, the Firm was contacted by an individual, Justin Birkhofer, who  
6 claimed to have received a call from an entity and then was live transfer to Sunrun, and who  
7 received a direct call by Sunrun marketing solar panels. We immediately interviewed Mr.  
8 Birkhofer and discovered that he had captured the evidence of the Sunrun calls with a disclosed  
9 audio recording.

10 27. On July 12, 2016, we added Mr. Birkhofer to the TAC as an additional named  
11 plaintiff and alleged that Defendants actively participated on calls initiated by the telemarketing  
12 vendors and live transferred to the Defendants. Based on hours of expansive legal research on  
13 vicarious liability under the TCPA and largely on our independent investigation, we identified  
14 which telemarketing vendors had called Plaintiffs and alleged detailed and specific facts  
15 supporting the allegations that Defendants controlled the manner and method by which their  
16 vendors conducted aggressive solar telemarketing campaigns across the nation. ECF No. 46.

17 28. During this period, Defendants began to respond to Plaintiffs' discovery with  
18 rolling productions, though limited in scope. We reviewed these rolling productions as they  
19 were made. We corresponded with Defendants regarding discovery disputes over the  
20 productions. We also prepared discovery responses and document productions for Plaintiffs  
21 Slovin, Price and Katz, totaling 162 responses to requests for production and 54 interrogatory  
22 responses.

23 29. **Discovery and a Status Conference – August 2016 through November 2016.**  
24 During this period, the Firm's attorneys billed \$118,850.00 for 256 hours of time. On August  
25 19, 2016, Defendants filed their second motion to strike the class allegations, supported by two  
26 declarations of Defendants' employees. ECF No. 51. In this motion, Defendants presented  
27 purported evidence of consent and disputed that the claims were appropriate for class treatment.  
28 We drafted an opposition and lodged an objection to Defendants' reply evidence.

1           30. Defendants withheld all class discovery pending the outcome of their motions to  
2 strike the class allegations. We therefore drafted a deficiency letter and sought to meet and  
3 confer on class discovery and other deficiencies in Defendants' discovery responses and  
4 document production, including a challenge to Defendants' privilege and redaction logs.

5           31. In late September, we met and conferred with defense counsel in Los Angeles for  
6 several hours on deficiencies in Defendants' discovery responses. After the second motion to  
7 strike was denied in October 2016 (ECF No. 67), Defendants began to produce class discovery  
8 on a rolling basis. We reviewed Defendants' rolling productions as they were made as well as  
9 Defendants' discovery responses. We continued to serve third-party subpoenas on Defendants'  
10 telemarketing vendors and to investigate the dialers used by those telemarketers. We also worked  
11 with our clients to supplement their discovery responses based on agreements arrived at during  
12 additional meet and confers with Defendants.

13           32. **Discovery; Depositions of Named Plaintiffs and Fact Witness; and the Initial**  
14 **Mediation – December 2016 through March 2017.** During this period, the Firm's attorneys  
15 billed \$302,147.50 for 654.1 hours of time. This phase was focused on class discovery,  
16 defending the depositions of three named plaintiffs, and participating in the first mediation.

17           33. During this period, the Firm took the lead in working with Defendants on  
18 narrowing and devising protocols for call record and other class discovery, as well as discovery  
19 focused on the telemarketing vendors that allegedly made calls to Plaintiffs on behalf of  
20 Defendants. This required a series of meet and confers, crafting and negotiating ESI terms, and  
21 ultimately exchanging multiple drafts of joint discovery letter briefs (pursuant to Magistrate  
22 Judge Corley's discovery rules) with Defendants to narrow the parties' various disputes about  
23 the scope of call records and other class discovery.

24           34. In December 2016, we drafted and served Defendants with the fifth set of requests  
25 for production (totaling an additional 70 requests), and a second set of interrogatories (totaling  
26 and additional 22 interrogatories) and a second set of requests for admissions (totaling an  
27 additional 100 requests). We also reviewed Defendants' rolling document productions,  
28 including lengthy training videos, which described Defendants' lead database, methods of calling

1 and transferring calls, and methods of dispositioning calls.

2 35. In January 2017, Defendants began producing call records which could be used o  
3 identify class members. We learned that each of the Defendants had transitioned to new dialers  
4 during the class period, and consequently, that we needed to obtain discovery related to each of  
5 these dialers. We also learned that each defendant used a different CRM database, which  
6 interfaced with their dialers in different ways and had different functionalities and modalities.  
7 We collected and analyzed call records and lead records from each of Defendants' systems and  
8 databases. As a cross-reference, using subpoenas, we continued to collect and analyze call  
9 records from Defendants' vendors.

10 36. During this period, we worked with our clients and prepared their objections and  
11 responses to Defendants' second set of requests for production and Defendants' second set of  
12 interrogatories. With respect to requests for production, we worked with Plaintiff Katz who  
13 responded to an additional 82 requests, Plaintiff Birkhofer, who responded to 117 requests (first  
14 set), Plaintiff Price, who responded to an additional 82 requests, and Plaintiff Slovin, who  
15 responded to an additional 85 requests. With respect to interrogatories, we prepared a total of 7  
16 interrogatory responses for Plaintiffs Slovin, Katz, and Price and 20 interrogatory responses for  
17 Plaintiff Birkhofer, who was responding to a first set of interrogatory responses. We worked  
18 with Plaintiffs on searching for and producing responsive documents.

19 37. In January 2017, we drafted a letter brief related to alleged tampering with  
20 evidence of audio call recordings and appeared for a telephonic discovery hearing before  
21 Magistrate Judge Corley.

22 38. During February and March 2017, Plaintiffs Price was deposed in San Diego,  
23 California and Plaintiff Slovin and Plaintiff Birkhofer were deposed in Washington D.C. We  
24 traveled to these cities, met with our clients and prepared them for their depositions, and  
25 defended their depositions. We also supplemented some of their discovery responses during this  
26 period. I also took the deposition of a fact witness who was a co-founder of Defendant CEE and  
27 the Senior Counsel at Sunrun and General Counsel at CEE in San Diego, California.

28 39. The Firm spent considerable amount of time preparing for and attending the

1 parties' first mediation before former Chief Magistrate Judge Edward A. Infante in San  
2 Francisco on March 7, 2017. In addition to researching and drafting the mediation brief, we  
3 reviewed thousands of pages of Defendants' document productions, and worked with Plaintiffs'  
4 experts to analyze call records. The case did not resolve at the mediation.

5       40.     **Discovery; Rule 68 Motion – April 2017 through July 2017.** During this  
6 period, the Firm's attorneys billed \$334,145.00 for 723.4 hours of time. Shortly after the first  
7 mediation, Defendants made a Rule 68 offer of judgment pursuant to Federal Rule of Civil  
8 Procedure 68 to each individual plaintiff for \$100,000, "costs and prejudgment interest now  
9 accrued," and "an injunction . . . prohibiting Defendants and their officers and employees from  
10 calling Plaintiffs without their prior express consent . . ." (the "Offer"). The Firm counseled  
11 each of the Plaintiffs regarding the costs and benefits of accepting or declining the offer. Based  
12 on the feedback from the clients, we researched and drafted a motion to declare the Offer  
13 ineffective. The Court granted the motion and declared the Offer ineffective, including the cost-  
14 shifting provisions. Dkt. 108.

15       41.     During this period, the Firm worked on discovery motion practice and informal  
16 discovery negotiations with Defendants and third parties. We met and conferred and exchanged  
17 multiple draft discovery letter briefs with Defendants regarding the parties' various discovery  
18 disputes. As the parties were able to reach some agreement and narrow their disputes, the letter  
19 briefs underwent several rounds (often for weeks) of exchange and editing process until they  
20 were ultimately filed with the Court. We also drafted and served on Defendants a sixth set of  
21 requests for production totaling an additional 90 requests.

22       42.     During this period, we continued our efforts to obtain the call records demanded  
23 in subpoenas we served on Defendants' telemarketing vendors. We also interviewed and  
24 obtained a declaration from the Chief Executive Officer of one Defendants' telemarketing  
25 vendors. This individual attested to the relationship between the entities, identified  
26 telemarketing campaigns conducted for Defendants, and confirmed calls, including a recording  
27 to one of the named plaintiffs. Through these efforts, we learned of the existence of a Civil  
28 Investigative Demand by the Federal Trade Commission, which had not been previously

1 disclosed by Defendants in discovery.

2 43. During this period, we defended the deposition of Plaintiff Katz, which took place  
3 on June 26, 2017 in Parsippany, New Jersey. We also prepared for, traveled to, and deposed  
4 Defendants' Rule 30(b)(6) witnesses on various topics related to class certification and merits,  
5 including but not limited to the topics related to Defendants' telephone dialing systems, lead  
6 databases, relationships with telemarketing vendors, policies for TCPA compliance, DNC  
7 policies and procedures, and evidence of prior express consent. In order to efficiently focus  
8 preparation and document review on a topic-by-topic basis, the Parisi & Havens Firm deposed  
9 witnesses on certain topics and our Firm deposed them on other topics. In total, the following  
10 corporate witnesses were deposed in various cities during this time period:

- 11 • CEE's Director of Engineering, CEE's corporate designee on CEE's dialers, among other  
12 topics. He was deposed in Chicago, Illinois, on April 26, 2017.
- 13 • Sunrun's Senior Manager in Contact Center Operations Department at Sunrun Call  
14 Center, who was designated as Sunrun's corporate witness on its call records and dialers  
15 among, other topics. He was deposed in Scottsdale, Arizona on May 19, 2017.
- 16 • Sunrun's Senior Marketing Manager of Direct and Digital Acquisition, who was  
17 Sunrun's corporate witness on its relationships with telemarketing vendors, among other  
18 topics. She was deposed in Oakland, California on May 17, 2017.
- 19 • The co-founder of CEE and the form Senior Director Acquisition Marketing at Sunrun,  
20 who was CEE's corporate witness. He was deposed in Los Angeles, California on June  
21 15, 2017.
- 22 • The other co-founder of CEE, and General Counsel for CEE and Sunrun. He was  
23 deposed in his capacity as a corporate witness for Defendants in Los Angeles, California  
24 on June 16, 2017.

25 44. Defendants' Rule 30(b)(6) testimony laid down the groundwork for motions to  
26 compel in upcoming months.

27 45. After the Firm met and conferred and exchanged a series of draft letter briefs with  
28 Defendants over the course of several weeks, on June 1, 2017, we filed a joint discovery letter

1 brief with Judge Corley to compel Defendants to produce certain lead databases. We attended  
2 in-person and argued before Judge Corely at the discovery hearing on this motion on June 8,  
3 2017. Judge Corely granted the motion, and as result, Defendants produced additional records,  
4 which supplemented Defendants' call records and provided us with information about certain  
5 telemarketing vendors. This data, which includes many email addresses, allowed us to create a  
6 notice plan that included notice to class members by two methods – email and U.S. mail.

7 46. Following the deposition of CEE's corporate witness on its telephone dialing  
8 systems, we endeavored to obtain Defendants' CallFire call records through a subpoena served  
9 on Defendants' CallFire dialer. On July 13, 2017, we commenced a subpoena enforcement  
10 proceeding in the Central District of California before Magistrate Judge John E. McDermott.  
11 (Motion to Compel Production by *CallFire, Inc., Slovin v. CallFire, Inc.*, No. 17-mc-00091  
12 (C.D. Cal. July 13, 2017, ECF No. 1).)

13 47. **Amended Complaint and Class Certification – August 2017 through**  
14 **December 2017.** During this period, the Firm's attorneys billed \$530,087.50 for 1150 hours of  
15 time. During this phase, we focused on motions to compel call records, motions to compel  
16 completion of Defendants' rolling productions, expert discovery, a motion to amend the  
17 complaint, and a motion for class certification.

18 48. On August 18, 2017, the Central District of California granted Plaintiffs' motion  
19 to compel CallFire to comply with Plaintiffs' subpoena for Defendants' call records. (Order re  
20 Plaintiffs' Motion to Compel Production, *Slovin v. CallFire, Inc.*, No. 17-mc-00091 (C.D. Cal.  
21 Aug. 8, 2017, ECF No. 14.). After several filings and many meet and confer efforts, we obtained  
22 additional call records to identify additional class members. This is not to imply that obtaining a  
23 complete production from CallFire was a simple effort of moving to compel. As the docket (with  
24 over 40 entries, including an *ex parte* application for non-compliance with the Order) in that  
25 action demonstrates, the litigation with CallFire was a small lawsuit onto itself.

26 49. On August 29, 2017, the parties submitted a joint discovery letter brief relating to  
27 Plaintiffs' attempt to compel Defendants to complete their production by a date certain and to  
28 run additional searched based on additional ESI search terms and additional custodians. *See* Dkt.

1 117. On September 8, 2017, the parties filed a joint discovery letter brief related to Defendants'  
2 attempt to compel further depositions of Plaintiffs and additional document and interrogatory  
3 responses. *See* Dkt. 122. On September 11, 2017, we filed a discovery letter brief in which  
4 Plaintiffs moved for curative measures under Rule 37(e)(1) for the lost or missing Skype call  
5 records. *See* Dkt 129. Again, these letter briefs were the culmination of an exchange of various  
6 drafts and multiple meet and confers. We also drafted and served on Defendants a seventh set of  
7 requests for production, totaling an additional 10 requests.

8 50. On September 14, 2017, we appeared in-person and argued before Judge Corely  
9 at a discovery hearing, which lasted several hours and addressed the parties' various pending  
10 discovery letter briefs. After the hearing, we conferred with defense counsel on a set of new ESI  
11 terms and custodians and reached agreement. The next day, Judge Corley ordered Defendants to  
12 produce outstanding written discovery by a date certain.

13 51. During this period, the Firm worked extensively with Plaintiffs' experts Anya  
14 Verkovskaya, a data analyst who identified methodologies to identify class members, and  
15 Randall Snyder, a telecommunications expert who opined on whether Defendants' dialers, and  
16 their vendors' dialers, are dialers, which are the type subject to the TCPA. We analyzed and  
17 synthesized the voluminous call and lead data produced by Defendants and third parties. We  
18 also assisted in the preparation of the experts for their depositions and attended the depositions.

19 52. We also analyzed Defendants' expert reports and assisted in identifying where  
20 rebuttal testimony from Plaintiffs' experts could be helpful. On November 22, 2017, Mr.  
21 Lieberman deposed one of Defendants' experts and we assisted co-counsel with the deposition of  
22 Defendants' second expert. We also met and conferred with Defendants on various disputes  
23 concerning the expert discovery and exchanged joint discovery letter briefs regarding Defendants  
24 motion to strike one of Plaintiffs' experts.

25 53. During this period we also worked on a motion for leave to amend to conform to  
26 evidence obtained and conducted interviews of witnesses related to Defendants' calling  
27 platforms.

28 54. By late November 2017, Defendants produced the equivalent of over 450,000

1 pages of documents and data. Our firm took the lead in reviewing the productions, cataloguing,  
2 analyzing the productions, and selecting the best documents for use on class certification. We  
3 researched and worked on drafting the class certification motion, which was filed on December  
4 8, 2018. The motion was supported by 100 exhibits as well as expert declarations, declarations  
5 of two of Defendants' former call center employees, and the CEO of one of Defendants'  
6 telemarketing vendors.

7       55.     **Mediation and Preliminary Approval – January 2018 through September**  
8 **2018.** During this period, the Firm's attorneys billed \$129,615 for 281.2 hours of time. This  
9 phase of the litigation was initially focused on class certification and ended with a hearing on  
10 preliminary approval of the class action settlement. With the motion to certify pending, the Firm  
11 continued to meet with and conduct interviews of confidential witnesses, including Defendants'  
12 employees with knowledge about the alleged TCPA violations, whose depositions we were  
13 scheduling.

14       56.     During this period, the Firm spent the lion's share of the time drafting mediation  
15 briefs, attending a second mediation session with Bruce Friedman in San Francisco on January 9,  
16 2019, and then participating in a settlement conference before Judge Corley. The settlement  
17 conference culminated in Judge Corley making a mediator's recommendation, which was  
18 accepted. Thereafter, we continued to negotiate with the Defendants on the contours of the key  
19 terms of the settlement and to consult with our clients.

20       57.     We spent the next several months negotiating and drafting the fine details of the  
21 settlement, with a focus on the injunctive relief provisions. We also worked with Defendants  
22 and the claims administrator on the form and method of disseminating class notice and consulted  
23 with our clients on obtaining approval on the final terms of the settlement agreement. We also  
24 prepared the motion for preliminary approval of the class settlement.

25       58.     **Preliminary Approval Hearing and Revisions to the Settlement Agreement –**  
26 **October 2018 through January 2019.** During this period, the Firm's attorneys billed  
27 \$16,557.50 for 35.7 hours of time. During this period, we prepared the supplemental brief in  
28 support of the motion for preliminary approval of the class settlement, which provided additional

1 information required by the Northern District’s new procedural guidance for class action  
2 settlements, and attended the preliminary approval hearing. Based on the Court’s comments at  
3 the Preliminary Approval Hearing, we modified the class notice and claims form, drafted a  
4 voluntary dismissal for a claim, and reviewed and obtained client approval and signatures for the  
5 amended settlement agreement.

6 **IV. PARASMO LIEBERMAN LAW’S HOURLY RATE AND LODESTAR**

7 59. In this case, the Firm (and our co-counsel) agreed to undertake Plaintiffs’ case on  
8 a contingent fee basis. We knew from the outset that we would be required to spend potentially  
9 thousands of hours investigating and litigating Plaintiffs’ claims with absolutely no guarantee of  
10 success, while simultaneously foregoing other opportunities. We also understood the complex  
11 issues that might be raised could require extensive litigation. Indeed, at every step of the way in  
12 this case, Defendants made clear that they would vigorously assert their defenses making  
13 negotiations contentious and complex. Given the contingent nature of the fee agreement with  
14 Plaintiffs, we had no incentive to “overbill” or expend unnecessary time or resources on this  
15 litigation.

16 60. The attorneys at Parasmol Lieberman Law record their time contemporaneously  
17 with the work performed. Our firm’s practice is to keep contemporaneous records for each  
18 timekeeper and to regularly record time records in the normal course of business. We kept time  
19 records in this case consistent with that practice. Moreover, our firm’s practice is to bill in 6-  
20 minute (tenth-of-an-hour) increments. As of April 1, 2019, the total number of attorney hours  
21 spent on this matter (excluding the time incurred preparing this motion and the supporting  
22 declarations) by my firm is 3,617 hours and our total lodestar is \$1,669,505.00. Expenses are  
23 accounted for and billed separately and are not duplicated in our professional billing rate. Below  
24 is a chart containing the currently hourly rate, number of hours billed after reductions discussed  
25 below, and total lodestar by attorney:  
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27  
28

<b>Attorney</b>	<b>Rate</b>	<b>Hours</b>	<b>Total</b>
Grace E. Parasmo	\$475	1,674.2	\$795,245.00
Yitzchak Lieberman	\$450	1,942.8	\$874,260.00
<b>Total</b>		<b>3,617.0</b>	<b>\$1,669,505.00</b>

61. The Firm's lodestar of \$1,669,505.00 is based on reasonable hourly rates for our time. Parasmo Lieberman Law sets its rates based on a variety of factors including the experience, skill and sophistication required for the types of legal services typically performed; the rates customarily charged in similar matters; the rates customarily charged by other lawyers of similar skill and experience; and our experience, reputation, and ability.

62. My billable rate is \$475 per hour. Mr. Lieberman's billable rate is \$450 per hour. We are familiar with the rates of attorneys with similar background and experience in the Bay Area and believe the rates are reasonable.

63. The rates are consistent with (and oft-times lower than) the attorney fee rates typically approved for plaintiff law firms in class action settlements in the Northern District - including the rates sought in TCPA class actions specifically. *See e.g., Rose v. Bank of Am. Corp.*, No. 11-02390, 2014 WL 4273358, \*7-8 (N.D. Cal. Aug. 29, 2014) (Judge Davila found hourly billing rates of between \$325 per hour and \$525 per hour for associates with up to ten-years experience acceptable, and partner rates of between \$350 and \$775 per hour acceptable.); *Etter v. Allstate Ins. Co.*, No. C 17-00184 WHA, 2018 WL 5791883, at \*4 (N.D. Cal. Nov. 4, 2018) (Judge William Alsup found that attorney fee rates ranging from \$600 to \$950 per hour to be reasonable in a TCPA class action settlement.).

64. In this district, courts typically approve as reasonable hourly rates billed by partners up to \$850 and associates up to \$510 in this District. Here, our rates are below these figures. *See del Toro Lopez v. Uber Techs., Inc.*, No. 17-CV-06255-YGR, 2018 WL 5982506, at \*4 (N.D. Cal. Nov. 14, 2018) ("Class Counsel's hourly rates, ranging from \$250 to \$850 for attorneys, are reasonable in light of the market for legal services of this type and quality."); *Moore v. Verizon Commc'ns Inc.*, No. C 09-1823 SBA, 2014 WL 588035, at \*14 (N.D. Cal. Feb.

1 14, 2014) (approving partner rates ranging from \$550 to \$825 as “reasonable given the  
2 geographic location and experience of counsel”); *In re Magsafe Apple Power Adapter Litig.*, No.  
3 5:091-CV-01911-EJD, 2015 WL 428105, at \*12 (N.D. Cal. Jan. 30, 2015)(“ In the Bay Area,  
4 reasonable hourly rates for partners range from \$560 to \$800, for associates from \$285 to  
5 \$510”); *Minichino v. First Cal. Realty*, No. 11-5185, 2012 WL 6554401, \*7 (N.D. Cal. Dec. 14,  
6 2012) (rates of \$555 per hour for attorney with fourteen years of practice and \$450-480 per hour  
7 for attorney with nine years of experience were consistent with San Francisco market)

8 65. I did not include any time spent working on Plaintiffs’ motion for an award of  
9 fees and costs, or this supporting declaration and exhibits, within the lodestar reported above.  
10 Further, I personally reviewed the time reported for all attorneys in my office listed above. I  
11 reviewed my firms billing records and reduced and eliminated time where appropriate. I made  
12 reductions where time arguably could have been more efficiently spent.

13 **V. CAREFUL ASSIGNMENT OF WORK, WORKING WITH CO-**  
14 **COUNSEL**

15 66. Throughout the Firm’s involvement in this action, we did our part to ensure that  
16 the tasks necessary to prosecute the case were allocated among counsel in our firm and outside of  
17 our firm appropriately and were conducted efficiently, without undue duplication of effort, and at  
18 minimal expense. We worked very efficiently with our co-counsel and complemented each  
19 other’s work and skill-set. Not being paid by the hour, we had an incentive to conduct our  
20 efforts efficiently. So too, being responsible for advancing all expenses, we had an incentive not  
21 to expend funds unnecessarily.

22 **VI. LITIGATION COSTS INCURRED**

23 67. As of April 1, 2019, my office has incurred a total of \$13,504.01 in unreimbursed  
24 expenses in connection with the prosecution of this case. These expenses were incurred by travel  
25 to depositions, mediations, discovery hearings, and settlement conferences, and for FedEx and  
26 other mail delivery services, Pacer research, and Court Call. These expenses were reasonable and  
27 necessary to prosecute this case.

28 68. The actual expenses incurred in the prosecution of this case by my firm are

1 reflected in my firm's accounting records. Those accounting records are prepared based on  
2 invoices for this litigation and accurately reflect all actual expenses incurred. These expenses are  
3 categorized below.

<b>Category</b>	<b>Amount</b>
Travel (airfare, hotel, meals, rides, parking)	\$12,221.29
FedEx and other mail delivery services	\$1042.82
Printing and copying (out of office expenses)	\$144.70
Pacer expenses	\$35.20
Court Call	\$60.00
<b>Total</b>	<b>\$13,504.01</b>

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11 I declare under penalty of perjury under the laws of the United States of America that the  
12 foregoing is true and correct and that this declaration was executed on April 5, 2019 at Los  
13 Angeles, California.

14

15 /s/ Grace E. Parasmó  
16 Grace E. Parasmó

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