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8  
 9 Attorneys for Plaintiff RACHAEL SHAY,  
 on behalf of herself and all others similarly situated

10  
 11 **UNITED STATES DISTRICT COURT**  
 12 **SOUTHERN DISTRICT OF CALIFORNIA**

13 RACHAEL SHAY, individually and  
 14 on behalf of all others similarly  
 situated,

15  
 16 Plaintiff,

17 v.

18 APPLE INC., a Delaware corporation;  
 19 APPLE VALUE SERVICES, LLC, a  
 20 Virginia limited liability corporation;  
 and DOES 1 through 10, inclusive,

21  
 22 Defendants.

Case No. 3:20-cv-1629-JO-BLM

**CLASS ACTION**

**DECLARATION OF JAMES R.  
 HAWKINS IN SUPPORT OF  
 MOTION FOR AWARD OF  
 ATTORNEYS' FEES, COSTS, AND  
 CLASS REPRESENTATIVE  
 SERVICE AWARD**

Date: January 17, 2024

Time: 9:30 a.m.

Judge: Hon. Jinsook Ohta

Courtroom: 4C, 4th Floor

1 I, James Hawkins, declare as follows:

2 1. I am an individual over the age of 18. I am the Founding Partner at the  
3 law firm of James Hawkins, APLC, counsel of record for Plaintiff and the  
4 conditionally certified Class. The following facts are within my personal knowledge  
5 and if called to testify I could and would competently testify thereto.

6 2. I submit this declaration in support of Plaintiff Rachael Shay’s Motion  
7 for Award of Attorneys’ Fees, Costs, and Class Representative Service Award.  
8 Plaintiff will file a Motion for Final Approval to be heard concurrently with this  
9 Motion on January 17, 2024.

10 3. On October 6, 2023, the Court preliminarily approved the Settlement.  
11 [Dkt. No. 94].

12 4. The Settlement provides for the following terms: Plaintiff and  
13 Defendant Apple, Inc. and Apple Value Services, LLC (collectively, “Defendants”  
14 or “Apple”) have agreed to a class wide settlement of \$1,800,000. The Settlement is  
15 non-reversionary and all consumers who submit valid claims will be compensated  
16 100% for their losses. The Class Representative Service Award will be paid from  
17 the Settlement Amount. In addition to the Settlement Amount, Defendant has agreed  
18 to pay Plaintiff’s attorneys fees, costs and the Settlement Administrator’s costs  
19 separately. Defendants agree that they will not object to an attorneys’ fee award  
20 equal to up to 25% of the Settlement Amount (or \$450,000) and Plaintiff agreed that  
21 it would seek an award equal to up to 33 1/3% of the Settlement Amount (or  
22 \$600,000).

23 **THE REQUESTED CLASS REPRESENTATIVE**  
24 **ENHANCEMENT AWARD IS JUSTIFIED**

25 5. Under the terms of the Settlement Agreement, Plaintiff seeks a Service  
26 Award for her service in prosecuting this class action on behalf of the Class.

27 6. I strongly support the Service Award to Plaintiff as the Court-appointed  
28 Class Representative in the amount of \$10,000. Plaintiff’s assistance to Class

1 Counsel and services to the Class have been invaluable. (See generally, Declaration  
2 of Rachael Shay). Through Ms. Shay's selfless efforts, Class Members who submit  
3 valid claims will be entitled to receive up to 100% of the value of their gift cards.  
4 Without her efforts, the Class would have received no recovery. Thus, I believe that  
5 the requested Service Award to Plaintiff as Class Representative is justified,  
6 extremely fair and warranted in this case.

7 7. Coming forward and pursuing this class action lawsuit, in this  
8 information age, can easily be discovered by members of the public and it  
9 demonstrates that Plaintiff has placed the interest of the Class above her own.  
10 Additionally, Plaintiff made the decision from the very beginning of the litigation to  
11 protect the interest of the Class by not wavering from her decision to prosecute and  
12 settle the claims on behalf of putative class members for a settlement that was in the  
13 best interests of the Class. Indeed, she turned down Apple's offers to resolve the  
14 case on an individual basis because she was determined to fight for the Class.

15 8. I do not believe that Plaintiff has any interests that are adverse or  
16 antagonistic to the Class Members' interests.

17 9. Plaintiff was a crucial participant in the prosecution of this litigation.  
18 Plaintiff worked closely with my firm in all aspects of the litigation in this case. She  
19 provided an extraordinary amount of factual information necessary for the  
20 prosecution and settlement of the class claims. This information proved invaluable  
21 in our settlement discussions and negotiation of the Settlement Agreement. Plaintiff  
22 also spent a significant amount of time searching for and producing documents in  
23 the case. Plaintiff sat for her own deposition and at all times she showed a  
24 commitment to the case and the Class. Plaintiff actively participated in the litigation  
25 of this action, including settlement and approval.

26 10. Plaintiff took on significant risks, including the risk of paying an award  
27 of costs to Defendants if she was not successful in litigating her claims.

28 11. Plaintiff has been an exceptional Class Representative, and the Class  
has benefited immensely from her services. The enhancement payment is reasonable  
in light of the time and effort Plaintiff has spent on this litigation and the excellent  
result she obtained on behalf of the Class. Thus, I submit the Service Award to

1 Plaintiff is appropriate and justified as part of the overall Settlement and warrants  
2 final approval.

3 **THE ATTORNEYS' FEES AND LITIGATION COSTS THAT CLASS**  
4 **COUNSEL SEEK ARE REASONABLE, FAIR AND ADEQUATE**

5 12. Class Counsel seeks an award of attorneys' fees of \$600,000 (equal  
6 to 33 1/3% of the Settlement Amount) and costs of \$22,653.30. The fee is  
7 warranted and reasonable because of the substantial work and effort incurred to  
8 achieve the Settlement on behalf of the Settlement Class, the litigation risks and  
9 complexities of prosecuting these types of cases, the contingency nature of any  
10 fee, Class Counsel's skill and experience in handling cases of this type, and fees  
11 commonly awarded in analogous wage and hour lawsuits and settlements. Class  
12 Counsel's fees and costs request is further warranted by the significant benefits  
13 achieved on behalf of the Class Members, including a \$1,800,000 non-  
14 reversionary cash settlement to the Class.

15 13. The expenses incurred primarily involve the costs for initial filing fees,  
16 mediation fees, expert costs, deposition fees, all of which are costs normally billed  
17 to and paid by the client.

18 14. Although case law supports as high as a 50% fee award on common  
19 settlement funds of less than \$10 million, Class Counsel requests an attorneys'  
20 fees award of \$600,000.00 which is equal to one-third of the common fund  
21 Settlement, but which will **not** be paid from the Settlement Amount. Rather, the  
22 attorneys' fees will be paid **in addition to** the Settlement Amount unless there  
23 are funds remaining from the Settlement Amount after all valid claims have been  
24 paid.

25 15. Class Counsel's fees request is reasonable considering: (a) the work  
26 involved in achieving an excellent result for the Class and bringing the action to  
27 an efficient resolution, (b) the associated risks to my firm in taking a matter on a  
28 contingency basis, (c) the substantial benefits conferred on the Settlement Class.

1 In this case, Class Counsel tenaciously litigated this matter over the course of  
2 several years through state and federal court against Defendants. All of these efforts  
3 ultimately culminated in the proposed settlement and the relief now being provided  
4 to the Settlement Class Members. Without this dogged pursuit by Class Counsel and  
5 Plaintiff, and the investment of substantial resources and time, I respectfully submit  
6 that the Settlement Class may have received nothing. Moreover, as detailed above  
7 and in my declaration on preliminary approval, Defendant mounted serious factual  
8 and legal challenges at every turn, and asserted numerous defenses which threatened  
9 all recovery.

10 16. In my opinion, the requested fee award takes into account the  
11 excellent result and the risks undertaken in bringing this case on a contingency  
12 basis, advancing all costs and deferring payment for the time that Class Counsel  
13 has worked on this case, with no guarantee that any of the fees and costs incurred  
14 would ever be recovered.

15 17. Plaintiff signed a retainer agreement providing for an attorneys' fee  
16 request up to 33-1/3% of any recovery achieved in this case. Plaintiff was not  
17 able and is not responsible for paying our fees, and Class Counsel would only  
18 collect attorneys' fees if we were successful in prosecuting her claims. In  
19 addition, taking on this case meant that my firm had to turn away other fee-  
20 generating work because the case required Class Counsel to dedicate sufficient  
21 resources to the prosecution of this case.

22 18. None of the signs of collusion identified in the *Bluetooth* test are present  
23 here. This Settlement was not driven by attorneys' fees, and Class Counsel is not  
24 receiving a disproportionate distribution of the Settlement. The \$1,800,000  
25 Settlement amount is 3 times greater than the fees requested by Class Counsel who  
26 are requesting \$600,000 (equal to 1/3 of the Settlement amount but not taken from  
27 the Settlement Amount). Moreover, when considering the total settlement package  
28 (between S\$2,492,653.30 and \$2,642,653.30), wherein Apple is also paying the

1 Administrative and Notice Costs, the fees requested by Class Counsel are only  
2 22.7% of the maximum possible total settlement package (\$2,642,653.30), and  
3 24.07% of the minimum possible total settlement package (\$2,492,653.30).

4 19. James Hawkins APLC has spent approximately 778.9 hours of  
5 attorney and para-professional time prosecuting this case resulting in a lodestar  
6 of approximately \$553,415.00.

7 20. James Hawkins APLC's skill and experience support their hourly  
8 rates ranging from \$450 to \$1050, which are in line with the rates typically  
9 approved in wage and hour class action litigation in California.

10 21. I am the Founding Partner at James Hawkins, APLC and have devoted  
11 approximately 126.9 hours in prosecuting this case and the related cases on behalf  
12 of Plaintiff and the Class. My hourly rate is \$1050 per hour. The number of hours I  
13 have expended for work performed and the corresponding attorney's fees of  
14 \$133,245.00 are reasonable and necessary. I graduated from the University of  
15 California, Los Angeles in 1993 and received my law degree from Whittier Law  
16 School in 1997. I was also a full-time Judicial Extern for United States District Judge  
17 Consuelo B. Marshall and the United States Attorney's Office. I have been a member  
18 of the State Bar of California since 1997. From 1997 to 2007, I was a named partner  
19 at Hawkins & Sofonio, a law firm based out of Irvine, California. At Hawkins &  
20 Sofonio, I pioneered the employment department litigating plaintiff related  
21 employment issues such as wrongful termination, age discrimination, disability,  
22 wage and hour, and sexual harassment claims. Through the success and experience  
23 I obtained litigating employment related matters, I commenced litigating wage and  
24 hour class actions in 2002. Since then, I have spent the vast majority of my practice  
25 litigating Wage and Hour Class Actions. In 2007, I incorporated my wage and hour  
26 class action practice as James Hawkins, APLC. Since its inception, this law firm  
27 has been exclusively involved in class action and complex litigation. In 2009, I  
28 opened an additional office in Miami, Florida, prosecuting wage and hour class

1 actions. Since 2002, I have been lead or co-lead counsel in hundreds of wage and  
2 hour class actions.

3 22. The following is a summary of my activities in litigating this matter and  
4 the related actions: day to day correspondence and conference; review client intake;  
5 review documents provided by client; conferences regarding claims and causes of  
6 action; review and revise multiple class action complaints; conferences regarding  
7 strategy; strategizing regarding the case; conference re Rule 26 report; reviewing  
8 Rule 26 draft report; reviewing the motion to dismiss and strategizing regarding  
9 legal issues; research in support; reviewing class data and documents produced by  
10 Defendants for mediation; strategy regarding mediation; conferences with expert  
11 regarding liability theories; review and revising mediation brief; prepare for and  
12 attend mediation; post-mediation calls with mediator; review and conference  
13 regarding settlement agreement and notice documents; review and revise motion for  
14 preliminary approval of settlement agreement and related declarations; strategy  
15 regarding settlement; correspondence regarding settlement administration; review  
16 motion for award of attorneys' fees and costs. My hourly rate is \$1050 per hour. The  
17 number of hours I have expended for work performed and the corresponding  
18 attorney's fees of \$133,245.00 are reasonable and necessary to this action and in  
19 obtaining the class-wide settlement that Plaintiff now asks the Court to finally  
20 approve.

21 23. Samantha Smith is a former attorney at James Hawkins APLC. She  
22 was responsible for the day to day activity on this case prior to leaving the firm.  
23 Ms. Smith was admitted to the California Bar in December of 2004. She received  
24 her J.D. from the University of California, Hastings College of the Law and her  
25 Bachelor of Arts from the University of California, Davis. Since 2005, she has  
26 worked exclusively on class action cases, and her experience includes over a  
27 decade of successful work on class action appeals, class certification motions  
28 and class settlements. See, e.g., *Blue Diamond Growers Product Labeling Cases*,

1 JCCP No. 4822 (Los Angeles County Superior Court) (false advertising of Blue  
2 Diamond food products); *Adam vs. eHealth, Inc.*, Case No. 17CV309050 (Santa  
3 Clara Superior Court) (employee data breach); *Birdsell v. Geo Corp.*, Case No.  
4 CIV DS 1613061 (San Bernardino Superior Court) (data breach); *Overton v.*  
5 *Armour-Eckrich Meats, LLC*, Case No. CIVDS 1501325 (San Bernardino County  
6 Superior Court) (unpaid wages, meal period and rest break claims, and PAGA  
7 violations for non-exempt employees); *DeLeon et al. v. Westlake Services, LLC*,  
8 Case No. BC 526750 (Los Angeles County Superior Court) (unpaid overtime,  
9 meal period and rest break claims for call center employees); *Sawyer v. Retail*  
10 *Data, LLC*, Case No. 30-2014-00753767-CU-OE-CXC (Orange County Superior  
11 Court) (unpaid wage and rest break claims for piece rate workers); *Nguyen v.*  
12 *Pharmerica Corporation et al.*, Case No. 30-2014-00716072-CU-OE-CXC  
13 (Orange County Superior Court) (unpaid wages and unreimbursed expenses for  
14 pharmacists); *Laumea v. Performance Food Group, Inc.*, Case No.  
15 CIVDS1407509 (San Bernardino Superior Court) (unpaid wages, meal and rest  
16 break claims for non-exempt employees); *Durroh v. East West Bank*, Case No.  
17 BC528860 (Los Angeles Superior Court) (overtime claims for failure to include  
18 bonuses in regular rate of pay for bank workers); *Gonzalez et al. v. SFFI*  
19 *Company, Inc. et al.*, Case No. CIVDS1504287 (San Bernardino Superior Court)  
20 (unpaid wages, meal period and rest break claims for non-exempt employees).

21 24. Ms. Smith devoted 35.9 hours prosecuting this case which included  
22 day to day case management, correspondence and communications; reviewing  
23 intake and investigation notes; drafting initial complaint; legal research regarding  
24 claims; reviewing and opposing motions to dismiss; drafting amended complaints;  
25 strategizing regarding discovery issues and issues for investigation; review  
26 documents provided by client; research regarding Defendants' corporate structure  
27 and related entities; numerous calls with clients regarding claims and complaint;  
28 draft rule 26(f) report; draft interrogatories and requests for production to Defendant;



1 review Defendants’ responses to written discovery; draft meet and confer  
2 correspondence. Ms. Smith’s hourly rate is \$750 per hour. The number of hours he  
3 expended on the case, and the resulting attorney’s fees of \$26,925 are reasonable  
4 and necessary.

5 25. Christina Lucio is Of Counsel to James Hawkins APLC, and has  
6 devoted 137.7 hours in prosecuting this action on behalf of Plaintiff and the  
7 Settlement Class. All hours spent were reasonable and necessary to this action and  
8 in obtaining the class-wide settlement that Plaintiff now asks the Court to finally  
9 approve. Ms. Lucio graduated from the University of California, Riverside in 2003  
10 and received her law degree from the University of Southern California, Gould  
11 School of Law (USC Law School) in 2007. She has been a member of the State Bar  
12 of California since 2007 and am a member of the Labor and Employment Law  
13 section of the California Bar Association and American Bar Association. She was  
14 selected as a “Rising Star” for 2015 by Super Lawyers Magazine. Ms. Lucio’s  
15 practice is focused primarily on employment law including wrongful termination,  
16 discrimination, retaliation, wage and hour violations (individual and class action),  
17 and sexual harassment claims. In recent years, a substantial part of her practice has  
18 been focused on class actions, including wage and hour litigation. She is a member  
19 of California Employment Lawyers Association. The following is a summary of Ms.  
20 Lucio’s activities in litigating this matter: review file including orders regarding  
21 motions to dismiss; conferences with client; draft Rule 30(b)(6) notice; prepare for  
22 and take depositions of Defendants; draft and revise various joint stipulations;  
23 review the protective order; conferences with defense counsel; correspondence with  
24 defense counsel; legal research regarding class certification; correspondence and  
25 conferences with non-retained expert consultant; draft class certification motions;  
26 review opposition to motion for class certification; attend oral argument on motion  
27 for class certification; review class data and documents produced by Defendants for  
28 mediation; review and revise mediation brief; prepare for and attend mediation;

1 multiple post-mediation calls with mediator; review and revise Settlement  
2 Agreement; numerous discussions with counsel regarding terms and conditions of  
3 Settlement Agreement; numerous discussions with client regarding Settlement  
4 Agreement; draft and revise Motion for Preliminary Approval of Settlement  
5 Agreement; review weekly reports from Settlement Administrator. Ms. Lucio's  
6 hourly rate is \$775 per hour. The number of hours she has expended for work  
7 performed and the corresponding attorney's fees of \$106,717.50 are reasonable and  
8 necessary.

9       26. Malte L. L. Farnaes is Of Counsel to James Hawkins APLC. Mr.  
10 Farnaes has devoted 72.6 hours in representing Plaintiff and the Class in this  
11 case. All hours spent were reasonable and necessary to this action and in obtaining  
12 the class-wide settlement that Plaintiff now asks the Court to finally approve. Mr.  
13 Farnaes is a 1997 graduate of the University of California, San Diego and a 2002  
14 graduate of the University of San Diego School of Law. He has been a member of  
15 the State Bar of California since 2002. Since 2016 he has also served as the  
16 Honorary Consul of Denmark in San Diego and Imperial Counties. His practice has  
17 focused primarily of commercial litigation and class actions. The following is a  
18 summary of his tasks and activities in the litigation of this matter: preparing for and  
19 taking the deposition of Apple's VP of Gift Cards, Phil Luongo; reviewing all  
20 discovery responses and drafting the class certification motion, draft additional  
21 discovery requests; Drafting motions to seal and replies, conferences regarding  
22 strategy; correspondence regarding status; drafting motion for attorney's fees and  
23 service award; conferences regarding settlement and related actions; assisting with  
24 day to day case management of this action and related cases. Mr. Farnaes's hourly  
25 rate is \$775 per hour. The number of hours he expended on the case, and the resulting  
26 attorney's fees of \$56,265.00 are reasonable and necessary.

27       27. Mitchell J. Murray is Of Counsel to James Hawkins APLC. Mr.  
28 Murray has devoted 239.6 hours in representing Plaintiff and the Class in this case.

1 All hours spent were reasonable and necessary to this action and in obtaining the  
2 class-wide settlement that Plaintiff now asks the Court to finally approve. Mr.  
3 Murray is a 2007 graduate of the University of California, San Diego and 2012  
4 graduate of California Western School of Law. He was admitted to the State Bar of  
5 California in 2012. Mr. Murray is a member of the Consumers Attorneys of San  
6 Diego. He was selected as a “Rising Star” in 2019 by Super Lawyers Magazine. His  
7 legal experience has focused primarily on personal injury and all areas employment  
8 law. Since 2016, Mr. Murray has further focused his practice in the area of wage and  
9 hour and consumer class actions. The following is a summary of his tasks and  
10 activities in the litigation of this matter: reviewing file including orders regarding  
11 motions to dismiss; legal research re remaining class; review discovery responses;  
12 drafting interrogatories, requests for production and requests for admission to  
13 Defendants reviewing responses and meeting and conferring with Apple’s counsel;  
14 drafting class certification motion; research in support; defending the deposition of  
15 Plaintiff and preparing her for deposition; preparation and attend deposition of  
16 Defendants’ designees; preparing for hearing on motion for class certification and  
17 oral argument; drafting mediation brief; attending mediation and post mediation  
18 negotiations; draft joint motions; review and revise Term Sheet; multiple  
19 conferences with defense counsel regarding settlement terms; review and revise  
20 Settlement Agreement; multiple conferences with defense counsel regarding the  
21 Settlement Agreement; review and revise notice documents; correspondence with  
22 Settlement Administrator regarding notice plan and documents; draft motion for  
23 preliminary approval; correspondence with client regarding case status. Mr.  
24 Murray’s hourly rate is \$725 per hour. The number of hours he expended on the  
25 case, and the resulting attorney’s fees of \$173,710 are reasonable and necessary.

26 28. Danielle Piskor was a junior associate attorney and Of Counsel to our  
27 firm at the time of her work. Ms. Piskor is a 2016 graduate of the University of  
28 Texas at Austin and 2020 graduate of the California Western School of Law. She

1 was admitted to the State Bar of California in 2021. Ms. Piskor has devoted 22.4  
2 hours to this action and the related actions. The following is a summary of Ms.  
3 Piskor's tasks and activities in this case: draft cases status reports, assist with  
4 preparing Plaintiff for deposition; review discovery and assist in drafting  
5 memorandum of points and authorities and other supporting documents for  
6 Plaintiff's class certification motion. Ms. Piskor's hourly rate is \$450.00 per hour.  
7 The number of hours expended by Ms. Piskor for work performed and the  
8 corresponding attorney's fees of \$10,080.00 are reasonable and necessary.

9 29. Paul A. Brown is a junior associate attorney and worked in an Of  
10 Counsel role. Mr. Brown is a 2014 graduate of New York University and 2021  
11 graduate of the University of San Francisco School of Law. He was admitted to the  
12 State Bar of California in 2021. Mr. Brown has devoted 61.5 hours to this matter.  
13 The following is a summary of Mr. Brown's tasks and activities in this case: review  
14 Defendants' opposition to motion for class certification; review Defendants' expert  
15 report; review motion for class certification, background research on Defendant's  
16 expert; legal research for reply to class certification motion; drafting the notice,  
17 motion, memorandum of points and authorities, and other supporting documents for  
18 Plaintiff's preliminary approval motion; research and drafting for final approval  
19 motion. Mr. Brown's hourly rate is \$450.00 per hour. The number of hours expended  
20 by Mr. Brown for work performed and the corresponding attorney's fees of  
21 \$27,675.00 are reasonable and necessary.

22 30. Our paralegals have dedicated in excess of 73.8 hours in assisting with  
23 the prosecution of this litigation. Their hourly rate is \$200.00 per hour. The number  
24 of hours expended for work performed and the corresponding fees of \$14,760 are  
25 reasonable and necessary.

26 31. The number of hours (778.9 hours) that James Hawkins APLC has  
27 invested in working on pursuing these claims against Defendant Apple. were  
28 necessary and reasonable in pursuit of the resolution of this action and the

1 asserted claims. Based on those hours, my firm has incurred approximately  
 2 \$553,415.00 in attorneys' fees to date, not including the final approval motion and  
 3 hearing and any associated issues.. The following table summarizes the hours and  
 4 fees now documented for the Court's review:

5 <b>Attorney Name</b>	<b>Position - Years</b>	<b>Total</b>	<b>Hourly</b>	<b>Lodestar</b>
	<b>Admitted</b>	<b>Hours</b>	<b>Rate</b>	
6 James R. Hawkins	Partner - 26	126.9	\$1050	\$ 133,245.00
7				
8 Malte L. L. Farnaes	Of Counsel -21	72.6	\$775	\$ 56,265.00
9				
10 Christina M. Lucio	Of Counsel - 16	137.7	\$775	\$ 106,717.50
11				
12 Samantha Smith	Of Counsel - 19	35.9	\$750	\$ 26,925.00
13				
14 Mitchell J. Murray	Of Counsel -11	239.6	\$725	\$ 173,710.00
15				
16 Danielle Piskor	Of Counsel - 2	22.4	\$450	\$ 10,080.00
17				
18 Paul A. Brown	Of Counsel - 2	61.5	\$450	\$ 27,675.00
19				
20 Anthony Draper	Of Counsel -1	8.5	\$450	\$ 4,037.50
21				
22 Paraprofessionals		73.8	\$200	\$14,760.00
	<b>Total</b>	<b>778.9</b>		<b>\$ 553,415.00</b>

23 32. I submit that the requested attorneys' fees of \$600,000 (equal to one-  
 24 third the Settlement Amount that Class Counsel has obtained on behalf of the Class  
 25 Members) is fair and reasonable, as are the hourly rates at which our attorneys bill.

26 33. The total fees incurred by attorneys and paralegals in this case on  
 27 behalf of Plaintiff and the class amounts to a lodestar of approximately  
 28 \$553,415.00. This corresponds to a lodestar multiplier of approximately 1.084.

1 We respectfully submit that this multiplier is warranted and should be approved.  
2 Plaintiff's counsel has expended significant resources, costs and time in  
3 investigating, bringing and litigating this action over the last nearly three years in  
4 the courts. The requested fee award is well within the range approved by  
5 California Courts and is undoubtedly reasonable.

6 34. In support of Class Counsel's hourly rates, attached hereto as **Exhibit**  
7 **1** is an excerpt of the 2021 Real Rate Report compiled by Wolters Kluwer that  
8 surveyed the hourly rates charged in 2021 by hundreds of attorneys in the Los  
9 Angeles County area. For example, the real market rates of Los Angeles County  
10 area attorneys who practiced "Litigation" are surveyed at page 17 of the report,  
11 which describes the 2021 rates charged by 342 Los Angeles County partners and  
12 433 Los Angeles County associates. For that category, the Third Quartile Los  
13 Angeles County rates were \$1,042 per hour for partners and \$806 per hour for  
14 associates. Similarly, page 26 of the report describes the 2021 rates charged by 70  
15 Los Angeles County associates with "Fewer Than 3 Years" of experience. For this  
16 category, the Third Quartile Los Angeles County rate was \$622 per hour for  
17 associates. Page 26 of the report also describes the 2021 rates charges by 128 Los  
18 Angeles County associates with "3 to Fewer Than 7 Years" of experience. For that  
19 category, the Third Quartile Los Angeles County rate was \$821 per hour for  
20 associates. Likewise, page 32 of the report describes the 2021 rates charged by 173  
21 Los Angeles County partners with "Fewer Than 21 Years" of experience. For this  
22 category, the Third Quartile Los Angeles County rate was \$1,065 per hour for  
23 partners.

24 35. Finally, our requested hourly rates are in line with the Laffey Matrix,  
25 attached hereto as **Exhibit 2**.

26 36. Class Counsel respectfully requests the Court award its fees in  
27 accordance with the percentage of the common fund approach, based upon a  
28 reasonable contingency fee on the Settlement Amount. (*See Laffitte v. Robert Half  
International, Inc.* (2016) 1 Cal. 5th 480). The total billable hours Class Counsel

1 has invested and will continue to invest in prosecution of this action, should they  
2 be approved by the Court, have been substantial. As detailed above, Class Counsel  
3 has spent significant time over approximately the last three years prosecuting this  
4 case. Plaintiff and Class Counsel respectfully submit the fees provision of the  
5 Settlement is fair and can be cross-checked for reasonableness under lodestar.

6 37. My firm has been the only counsel to represent Plaintiff and the Class  
7 in this matter, and we have borne the entire risk and cost of this litigation on a pure  
8 contingency basis. The issues and arguments Class Counsel has encountered and  
9 overcome in arriving at the parties' negotiated settlement terms were also many  
10 and complex and required skillful advocacy that can arise only out of experience,  
11 professional perspective, and success. Such claims are complex, evidence  
12 intensive, and nuanced, and can be very challenging to certify. The Settlement was  
13 only possible because Class Counsel was able to tentatively prevail on her motion  
14 for class certification and other disputed legal issues regarding liability as well as  
15 prove damages at trial.

16 38. To date, Class Counsel has not received any compensation and  
17 expended litigation costs on behalf of the Class. Class action contingency cases  
18 are inherently risky. Upon retention, counsel makes a commitment to litigate the  
19 case through trial. These types of cases can take years, hundreds of hours of work  
20 and enormous amount of money. The risks involved coupled with the contingency  
21 basis of the case further support Class Counsel's request for attorneys' fees and  
22 costs.

23 39. James Hawkins APLC also seeks reimbursement of out-of-pocket  
24 costs of \$22,653.30. These costs were necessary and reasonable to successfully  
25 prosecuting the action against Defendant to resolution, including fees associated  
26 with mediation, filing fees, deposition costs, expert consultant costs, and service  
27 charges, which are normally billed to and paid by the client. These costs have been  
28 necessary costs associated with the prosecution of this important matter. A true and  
correct copy of James Hawkins APLC's litigation costs is attached as **Exhibit 3**

1 hereto. I respectfully request that the Court grant the request for reimbursement of  
2 these costs in accordance with the Settlement Agreement.

3 40. As detailed above and in my Preliminary Approval declaration, I, and  
4 the other lawyers in my firm, have a great deal of experience in class action  
5 litigation. I have been certified and approved as class counsel in many other class  
6 actions, and I am currently litigating numerous others before this Court and others.  
7 Although not an all-inclusive list, over the years I have prosecuted the following  
8 class action matters as lead and/or co-lead counsel:

- 9 a. ***Mojica v. Compass Group, Inc., et. al.*** USDC Central  
10 District, Case No. 8:13-cv-01754. Wage and Hour Class  
11 Action case seeking past wages for meal and rest break  
12 violations for production workers in the State of California.  
13 Plaintiff’s Counsel preliminarily appointed as Class  
14 Counsel. Case settled. Final approval granted, and funds  
15 fully disbursed.
- 16 b. ***Dao v. 3M Company, et al.*** USDC, CENTRAL DISTRICT,  
17 Case No. CV-08-04554. Wage and Hour Class Action case  
18 seeking past wages for “off the clock”, overtime and meal  
19 and rest break violations for production workers in the State  
20 of California. Plaintiff’s Counsel appointed as Lead  
21 Counsel. Case settled, Final Approval granted, no objections  
22 and funds fully distributed.
- 23 c. ***Ortiz v. Kmart***, USDC, CENTRAL DISTRICT, Case No.  
24 SACV 06-638 ODW. Wage and Hour Class Action case  
25 seeking past wages for meal and rest period violations for  
26 retail employees in the State of California. Plaintiff’s  
27 counsel appointed co-lead counsel. Case settled, Final  
28 Approval granted, no objections and funds fully distributed.



- 1           d.     ***Morgan v. Aramark Campus***, LLC, USDC, CENTRAL  
2           DISTRICT, Case No. SACV08-00412. Wage and Hour  
3           Class Action case seeking past wages for meal and rest  
4           period violations for retail employees in the State of  
5           California. Plaintiff’s Counsel appointed as Lead Counsel.  
6           Case settled, Final Approval granted, no objections and  
7           funds fully distributed.
- 8           e.     ***West v Iron Mountain Information Management, Inc, et***  
9           ***al.***; Los Angeles County Superior Court, Case No.  
10           BC393709. Wage and Hour Class Action seeking past  
11           wages for overtime, meal and rest break violations for driver  
12           employees in the State of California. Stipulation for  
13           “binding arbitration.” Arbitration Award for Plaintiff Class.  
14           Arbitration Award confirmed. Plaintiff’s counsel lead trial  
15           counsel and class counsel.
- 16           f.     ***Gonzalez v. Superior Industries International, Inc., et al.***,  
17           Los Angeles County Superior Court, Case No. BC 357912.  
18           Wage and Hour Class Action seeking past wages for  
19           overtime, meal and rest breaks violations for production  
20           employees in the State of California. Plaintiff’s counsel  
21           appointed as lead counsel. Case settled, Final Approval  
22           granted, no objections and funds fully distributed.
- 23           g.     ***Acosta v. Fleetwood Travel Trailers of California, Inc., et***  
24           ***al.***, Riverside County Superior Court, Case No. RIC 440630.  
25           Wage and Hour Class Action seeking past wages for  
26           overtime, meal and rest break violations for production  
27           employees in the State of California. Plaintiff’s counsel  
28           appointed as co-lead counsel. Case settled, Final Approval  
          granted, no objections and funds fully distributed.

- 1           h.     ***Walker v. Sharkeez, et al.***, Orange County Superior Court,  
2           Case No. 05CC00293. Wage and Hour Class Action seeking  
3           past wages for unlawful deductions, meal and rest break  
4           violations for restaurant employees in the State of  
5           California. Plaintiff’s counsel appointed as lead counsel.  
6           Case settled. Final Approval granted and funds fully  
7           distributed.
- 8           i.     ***Padron v. Universal Protection Service, et al***, Orange  
9           County Superior Court, Case No. 05CC00013. Wage and  
10          Hour Class Action seeking past wages for overtime, meal  
11          and rest break violations for security officers in the State of  
12          California. Plaintiff’s counsel appointed as co-lead counsel.  
13          Case settled, Final Approval granted, no objections and  
14          funds fully distributed.
- 15          j.     ***Martinez v. Securitas Security Services USA, et al.***, Santa  
16          Clara Superior Court, Case No. 105-CV047499, et al.  
17          J.C.C.P. No. 4460. Wage and Hour Class Action seeking  
18          past wages for meal and rest break violations for security  
19          officers employed by defendant in the State of California.  
20          Plaintiff’s counsel and co-counsel. Case settled, Final  
21          Approval granted and funds fully distributed.
- 22          k.     ***Velasquez-Lopez v. Hotel Cleaning Services, Inc. et al.***,  
23          Riverside Superior Court, Case No. RIC 420909. Wage and  
24          Hour Class Action seeking past wages for overtime, meal  
25          and rest break violations for housekeepers employed by  
26          defendant in the State of California. Plaintiff’s counsel  
27          appointed as lead counsel. Case settled, Final Approval  
28          granted, no objections and funds fully distributed.

- 1           l.       ***Ruiz, et al. v. Unisourse Worldwide, Inc., et al.***, USDC,  
2           CENTRAL DISTRICT, Case No. CV09-05848. Wage and  
3           Hour Class Action seeking past wages for meal and rest  
4           period violations for non-exempt employees employed by  
5           defendant in the state of California. Case settled. Awaiting  
6           Preliminary Approval hearing. Plaintiff has petitioned the  
7           Court for Lead Counsel.
- 8           m.       ***Herrador v. Culligan International Company, et al.***,  
9           USDC, CENTRAL DISTRICT, Case No. SACV 08-680.  
10          Wage and Hour Class Action seeking past wages for field  
11          and branch employees of defendant in the State of  
12          California. Plaintiff's counsel appointed as lead counsel.  
13          Case settled and awaiting Final Approval.
- 14          n.       ***Defries v. Domain Restaurants, et al.***, Orange County  
15          Superior Court, Case No. 05CC00128. Wage and Hour  
16          Class Action seeking past wages for restaurant employees of  
17          defendant in the State of California. Plaintiff's counsel  
18          appointed as lead counsel. Case settled, Final Approval  
19          granted, no objections and funds fully distributed.
- 20          o.       ***Denton v. BLB Enterprises, Inc., et al.***, Orange County  
21          Superior Court, Case No. 07CC01292. Wage and Hour  
22          Class Action seeking unpaid overtime, meal and rest break  
23          violations for security guards employed by defendant in the  
24          State of California. Plaintiff's counsel appointed as lead  
25          counsel. Case settled, Final Approval granted, no objections  
26          and funds fully distributed.
- 27          p.       ***Rios v. Sandberg Furniture Manufacturing Co., Inc, et al.***,  
28          Los Angeles Superior Court, Case No. BC411477. Wage  
            and Hour Class Action seeking unpaid meal and rest break

1 violations for production employees employed by defendant  
2 in the State of California. Plaintiff counsel appointed as lead  
3 counsel. Case settled, Final Approval granted, no objections  
4 and funds fully distributed.

5 q. ***McMurray v. Dave and Busters, Inc., et al.***, Orange County  
6 Superior Court, Case No. 06CC00099. Wage and Hour  
7 Class Action seeking past wages for meal and rest break  
8 violations for restaurant employees employed by defendant  
9 in the State of California. Plaintiff's counsel appointed as  
10 co-lead counsel. Case settled, Final Approval granted, no  
11 objections and funds fully distributed.

12 r. ***Osuna v. DFG Restaurants, Inc., et al.***, Los Angeles  
13 Superior Court, Case No. BC 330145. Wage and Hour  
14 Class Action seeking past wages of overtime for mis-  
15 classification of managers employed by Defendant, DBA  
16 Carl's Jr. in the State of California. Plaintiff's counsel  
17 appointed as co-lead counsel. Case settled, Final Approval  
18 granted, no objections and funds fully distributed.

19 s. ***Burns v. Gymboree Operations, Inc., et al.***, San Francisco  
20 Superior Court, Case No. CGC-07-461612. Wage and Hour  
21 Class Action seeking past wages for meal and rest break  
22 violations for retail employees employed by defendant in the  
23 State of California. Plaintiff's counsel appointed lead  
24 counsel. Case settled, Final Approval granted, no objections  
25 and funds fully distributed.

26 t. ***Willems v. Diedrich Coffee, Inc., et al.***, Orange County  
27 Superior Court, Case No. 07CC00015. Wage and Hour  
28 Class Action seeking past wages of overtime for mis-  
classification of managers employed by Defendant in the

1 State of California. Plaintiff's counsel appointed lead  
2 counsel. Case settled, Final Approval granted, no objections  
3 and funds fully distributed.

- 4 u. ***Davila, et al. v. Beckman Coulter, Inc., et al.***, Orange  
5 County Superior Court, Case No. 07CC01347. Wage and  
6 Hour Class Action seeking past wages for overtime, meal  
7 and rest break violations for production workers employed  
8 by defendant in the State of California. Plaintiff's counsel  
9 appointed lead counsel. Case settled, Final Approval  
10 granted, no objections and funds fully distributed.
- 11 v. ***Perez v. Naked Juice Company of Glendora, Inc.***, Los  
12 Angeles Superior Court, Case No. BC387088. Wage and  
13 Hour Class Action seeking past wages for overtime, meal  
14 and rest period violations for production employees  
15 employed by defendant in the State of California. Plaintiff  
16 counsel appointed as lead counsel. Case settled. Final  
17 Approval granted, no objections and funds fully distributed.
- 18 w. ***Coordination Proceeding Special Title [Rule 1550(b)]***  
19 ***Wackenhut Wage and Hour Cases***, Los Angeles Superior  
20 Court, Case No. JCCP 4545. Wage and Hour Class Action  
21 seeking past wages for overtime, meal and rest period  
22 violations for security guards employed by defendant in the  
23 State of California. Certification granted. Plaintiff's  
24 counsel appointed as co-lead counsel. Writ taken. Court  
25 stays action pending Appellate Court ruling. Court lifts stay.
- 26 x. ***Placencia v. Amcor Packaging Distribution, Inc.***, Orange  
27 County Superior Court, Case No. 30-2013-00694012-CU-  
28 OE-CXC. Wage and Hour Class Action seeking past wages  
for overtime, meal and rest period violations, and penalties

1 on behalf of non-exempt production, maintenance, shipping,  
2 and receiving employees employed by Defendant in  
3 California. Plaintiff counsel appointed as lead counsel. Case  
4 settled. Final Approval granted, no objections and funds  
5 fully distributed.

6 y. ***Trani v. Lisi Aerospace, et al.***, Los Angeles Superior Court,  
7 Case No. BC495527. Wage and Hour Class Action seeking  
8 past wages for overtime, meal and rest period violations, and  
9 penalties on behalf of non-exempt manufacturing employees  
10 employed by Defendant in California. Plaintiff counsel  
11 appointed as lead counsel. Case settled. Final Approval  
12 granted, no objections and funds fully distributed.

13 z. ***Galvan v. Goodwin Co.***, Orange County Superior Court,  
14 Case No. 30-2013-00637062-CU-OE-CXC, Wage and Hour  
15 Class Action seeking past wages for meal period violations,  
16 and non-compliant wage statements on behalf of non-  
17 exempt production employees employed by Defendant in  
18 California. Plaintiff counsel appointed as lead counsel.  
19 Case settled. Final Approval granted, no objections and  
20 funds fully distributed.

21 aa. ***Reyes v. Bristol Fiberlite***, Orange County Superior Court,  
22 Case No. 30-2013-00653425-CU-OE-CXC. Wage and Hour  
23 Class Action seeking past wages for overtime, meal and rest  
24 period violations, inaccurate wage statements, and penalties  
25 on behalf of non-exempt employees employed by Defendant  
26 in California. Plaintiff counsel appointed as lead counsel.  
27 Case settled. Final Approval granted, no objections and  
28 distribution of funds pending.

- 1                   bb.    ***Gutierrez v. HMT Tank***, USDC Central Dist., Case No.  
2                   CV14-1967-CAS(MANx). Wage and Hour Class Action  
3                   seeking past wages for meal and rest period violations,  
4                   failure to indemnify necessary expenses, inaccurate wage  
5                   statements, and penalties on behalf of non-exempt  
6                   employees working in positions related to servicing,  
7                   refabricating, and repairing storage tanks employed by  
8                   Defendant in California. Plaintiff counsel appointed as lead  
9                   counsel. Case settled. Final Approval granted, no objections  
10                  and funds fully distributed.
- 11               cc.    ***Williams v. Il Fornaio America Corp.***, Sacramento County,  
12               Case No. 34-2021-0009616. Wage and Hour Class Action  
13               seeking past wages for overtime, meal and rest period  
14               violations, reimbursements, and penalties on behalf of non-  
15               exempt restaurant employees employed by Defendant in  
16               California. Plaintiff counsel appointed as lead counsel.  
17               Case settled. Final Approval granted, and funds fully  
18               distributed.
- 19               dd.   ***Aguilar v. 7-Eleven, Inc.***, Orange County, Case No. 30-  
20               2009-002687141-CU-OE-CXC. Wage and Hour Class  
21               Action seeking past wages for overtime, meal and rest  
22               period violations, and penalties on behalf of non-exempt  
23               retail clerks employed by Defendant in California. Plaintiff  
24               counsel appointed as lead counsel. Case settled. Final  
25               Approval granted, no objections and funds fully distributed.
- 26               ee.   ***Madrigal v. Huntington Beach Market Broiler, Inc.***,  
27               Orange County, Case No. 30-2012-00611260. Wage and  
28               Hour Class Action seeking past wages for overtime, meal  
                 and rest period violations, reimbursements, and penalties on

1                   behalf of non-exempt employees employed by Defendant in  
2                   California. Plaintiff counsel appointed as lead counsel.  
3                   Case settled. Final Approval granted, no objections and  
4                   funds fully distributed.

5                   ff.     ***Vang v. Jazz Semiconductor, Inc.***, Orange County, Case  
6                   No. 30-2011-00460278. Wage and Hour Class Action  
7                   seeking past wages for overtime, meal and rest period  
8                   violations, reimbursements, and penalties on behalf of non-  
9                   exempt production workers employed by Defendant in  
10                  California. Plaintiff counsel appointed as lead counsel.  
11                  Case settled. Final Approval granted, no objections and  
12                  funds fully distributed.

13                  41.     In sum, my firm has been lead or co-lead counsel in hundreds of  
14                  cases since its inception. We have recovered hundreds of millions of dollars for  
15                  employees and consumers in the State of California and millions for the State as  
16                  well through PAGA.

17                  42.     Our firm has served as class counsel in a number of significant wage  
18                  and hour settlements. Of particular note, in 2019, our firm was co-lead counsel in  
19                  securing the largest wage and hour class action settlement in California history at  
20                  \$130,000,000. During this case, plaintiffs appealed a decertification order. This  
21                  case involved several appeals. The appellate record amassed an extensive  
22                  appellate record comprising a 23-volume joint appendix, a three-volume reporters  
23                  transcript, five briefs, four letter briefs, two motions for judicial notice, a motion  
24                  to augment the record, and several additional letters informing the appellate court  
25                  of new legal authority issued after *Dukes*. The matter was argued to and  
26                  submitted by the Court of Appeal on September 15, 2016, and on November 21,  
27                  2016, the decertification order was reversed and the case was remanded for further  
28                  proceedings. (*Lubin v. The Wackenhut Corporation* (“*Lubin*”), 5 Cal. App. 5th 960



1 (2016)). Wackenhut filed a petition for review of the Court of Appeal decision to  
2 the California Supreme Court. The Supreme Court denied Wackenhut's petition  
3 for review of *Lubin*. The Court of Appeal issued remittitur on April 10, 2017.  
4 Eventually through more litigation, the parties were able to secure the \$130  
5 million settlement that was approved on October 21, 2019 by Judge Highberger in  
6 the Los Angeles Superior Court.

7 43. Additionally, in early 2020, our firm served as lead counsel in a class  
8 action jury trial in the Central District of California involving the class and PAGA  
9 representative claims of over 23,000 employees which successfully resolved in the  
10 midst of trial for \$8,500,000.

11 44. Based on our experience, demonstrated competence, resources to  
12 prosecute the claims at issue and reputation among our colleagues in both the  
13 defense and plaintiffs' bar, I respectfully submit our firm's experience in the field  
14 of class actions provides us the ability to prosecute claims effectively and  
15 efficiently. Although, as demonstrated in the *Wackenhut* cases, we do not give up  
16 fighting for class members when challenged and necessary.

17 45. Indeed, the Settlement that Class Counsel has negotiated in this case  
18 on behalf of the Class confronts very difficult and potentially individualized issues  
19 which make certification and proof of merits challenging and work/resource  
20 intensive. I and our firm's attorneys and paralegals have secured this Settlement  
21 through persistent advocacy of the class claims through multiple actions, which  
22 has applied legal nuances and negotiation techniques to achieve a very favorable  
23 result for the Class Members. Other attorneys without our experience and  
24 comprehensive knowledge and perspective in connection with complex litigation  
25 may not have been able to achieve such superior settlement terms on behalf of the  
26 Class in the relatively short time frame in which we negotiated this settlement. I  
27 believe the requested amount of up to \$600,000 in attorneys' fees under the  
28

1 Settlement is a reasonable allocation given the excellent result we have secured for  
2 the Settlement Class Members.

3 46. In sum, despite the complexity of the case, Class Counsel has,  
4 through the investment of substantial effort and the resources of my law firm, been  
5 able to secure an outstanding settlement on behalf of the Settlement Class.  
6 Defendant has vigorously contested liability, the amount of claimed damages, and  
7 the propriety of class certification, and would have continued to do so through  
8 trial. Class Counsel's prior experiences, allowed us to competently evaluate the  
9 claims, settlement versus trial on a fully informed basis, and the viability of  
10 Defendants' defenses. As such, we respectfully submit the Court should grant this  
11 Motion for Attorneys' Fees, Costs and Service Awards as requested.

12 I declare under penalty of perjury under the laws of the United States and the  
13 State of California that the foregoing is true and correct. Executed on December 4,  
14 2023 at Irvine, California.

15  
16 /s/ James R. Hawkins

17 James R. Hawkins  
18  
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# Exhibit 1



# 2021 Real Rate Report<sup>®</sup>

The Industry's  
Leading Analysis  
of Law Firm Rates,  
Trends, and Practices



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## A Letter to Our Readers

### Welcome to the Wolters Kluwer's ELM Solutions Real Rate Report®, the industry's leading data-driven benchmark report for lawyer rates.

Our Real Rate Report has been a relied upon data analytics resource to the legal industry since its inception in 2010 and continues to evolve. The Real Rate Report is powered by Wolters Kluwer's ELM Solutions LegalVIEW® data warehouse, the world's largest source of legal performance benchmark data, which has grown to include over \$150 billion in anonymized legal data.

This year, we launched our LegalVIEW Insights Report series, which explores the emerging trends behind the overall legal spend volatility seen in corporate legal departments. The insights reports coupled with the Real Rate Report are great tools to drive actionable decisions.

The legal services industry relies on internal analytics and the use of external data resources, such as the LegalVIEW® data warehouse, to support legal management strategies. The depth and details of the data in the Real Rate Report enable you to better benchmark and make more informed investment and resourcing decisions for your organization.

As with past Real Rate Reports, all of the data analyzed are from corporations' and law firms' e-billing and time management solutions. We have included lawyer and paralegal rate data filtered by specific practice and sub-practice areas, metropolitan areas, and types of matters to give legal departments and law firms greater ability to pinpoint areas of opportunity. We strive to make the Real Rate Report a valuable and actionable reference tool for legal departments and law firms.

As always, we welcome your comments and suggestions on what information would make this publication more valuable to you. We thank our data contributors for participating in this program. And we thank you for making Wolters Kluwer's ELM Solutions your trusted partner for legal industry domain expertise, data, and analytics and look forward to continuing to provide market-leading, expert solutions that deliver the best business outcomes for collaboration among legal departments and law firms.

Sincerely,



**Barry Ader**

Vice President, Product Management and Marketing  
Wolters Kluwer's ELM Solutions

## Report Use Considerations

### 2021 Real Rate Report

- Examines law firm rates over time
- Identifies rates by location, experience, firm size, areas of expertise, industry, and timekeeper role (i.e., partner, associate, and paralegal)
- Itemizes variables that drive rates up or down

All the analyses included in the report derive from the actual rates charged by law firm professionals as recorded on invoices submitted and approved for payment.

Examining real, approved rate information, along with the ranges of those rates and their changes over time, highlights the role these variables play in driving aggregate legal cost and income. The analyses can energize questions for both corporate clients and law firm principals.

Clients might ask whether they are paying the right amount for different types of legal services, while law firm principals might ask whether they are charging the right amount for legal services and whether to modify their pricing approach.

### Some key factors<sup>1</sup> that drive rates<sup>2</sup>:

**Attorney location** - Lawyers in urban and major metropolitan areas tend to charge more when compared with lawyers in rural areas or small towns.

**Litigation complexity** - The cost of representation will be higher if the case is particularly complex or time-consuming; for example, if there are a large number of documents to review, many witnesses to depose, and numerous procedural steps, the case is likely to cost more (regardless of other factors like the lawyer's level of experience).

**Years of experience and reputation** - A more experienced, higher-profile lawyer is often going to charge more, but absorbing this higher cost at the outset may make more sense than hiring a less expensive lawyer who will likely take time and billable hours to come up to speed on unfamiliar legal and procedural issues.

**Overhead** - The costs associated with the firm's support network (paralegals, clerks, and assistants), document preparation, consultants, research, and other expenses.

**Firm size** - The rates can increase if the firm is large and has various timekeeper roles at the firm. For example, the cost to work with an associate or partner at a larger firm will be higher compared to a firm that has one to two associates and a paralegal.

### Rates increase in geographic areas with growing population

Additional analysis was performed to examine the impact of geographic location on law firm hourly rates. This report, like previous ones, shows that large, cosmopolitan legal services markets like New York City, San Francisco, and Los Angeles are associated with higher hourly rates. In addition, our analysis reveals a significant spike in hourly rates in areas of the country

<sup>1</sup> David Goguen, J.D., University of San Francisco School of Law (2020) Guide to Legal Services Billing Retrieved from: <https://www.lawyers.com/legal-info/research/guide-to-legal-services-billing-rates.html>

<sup>2</sup> Source: 2018 RRR. Factor order validated in multiple analyses since 2010



## Report Use Considerations

that are currently experiencing high population growth. Significant average rate increases occurred from 2020 to 2021 in many areas, but especially Fresno, California (~15% average rate increase), Greenville, SC (~18%), Miami, FL (~9%), Nashville, TN (~11%), Oklahoma City (~13%), Phoenix, AZ (~10%), and Seattle, WA (~11%) -- all of which have experienced much higher than average population growth in recent years.

The correlation between hourly rates and population growth makes sense. When people and businesses move into an area, it creates a spike in demand for all sorts of goods and services, including legal services. However, it is hard for the supply of legal services to move as quickly as demand because attorneys looking to move into a new geographic area face high switching costs that most will refuse to pay unless they absolutely have to.

First, attorneys looking to take work in a new state have to get licensed there, which takes time and effort and is a distraction that can reduce their current income in the form of the number of hours they are able to bill to clients. Second, despite the rise in remote working, many attorneys looking to establish practices in a new geographic location may have to establish at least some physical presence there, find a new office, new lodging, and potentially uproot their entire family. Third, even if the switching costs of licensure, physically moving, etc. are paid, attorneys may fear yet another switching cost in the form of attrition of their existing clients from their original geographic locale, who may view them as no longer investing in their knowledge of the legal problems and legal solutions that are specific to the original locale.

<sup>3</sup> Source: 2020 RRR. Factor order validated in multiple analyses since 2010

## Section I: High-Level Data Cuts

### Cities

By Matter Type

#### 2021 - Real Rates for Associate and Partner

#### Trend Analysis - Mean

City	Matter Type	Role	n	First Quartile	Median	Third Quartile	2021	2020	2019
Kansas City MO	Non-Litigation	Associate	95	\$250	\$320	\$385	\$323	\$288	\$278
		Litigation	Partner	14	\$285	\$350	\$484	\$402	\$445
Las Vegas NV	Non-Litigation	Partner	19	\$250	\$300	\$445	\$375	\$421	\$480
		Associate	12	\$238	\$323	\$377	\$320	\$282	\$280
Little Rock AR	Non-Litigation	Partner	12	\$215	\$215	\$300	\$267	\$290	\$274
Los Angeles CA	Litigation	Partner	342	\$475	\$715	\$1,042	\$759	\$708	\$694
		Associate	433	\$402	\$602	\$806	\$610	\$583	\$535
		Non-Litigation	Partner	559	\$600	\$880	\$1,160	\$894	\$872
Louisville KY	Litigation	Associate	761	\$480	\$685	\$895	\$696	\$665	\$620
		Partner	18	\$265	\$356	\$405	\$344	\$353	\$338
	Non-Litigation	Associate	16	\$178	\$200	\$278	\$225	\$227	\$214
Madison WI	Non-Litigation	Partner	12	\$208	\$215	\$249	\$224	\$230	\$197
		Associate	15	\$244	\$389	\$529	\$421	\$424	\$430
Memphis TN	Non-Litigation	Partner	16	\$290	\$415	\$425	\$364	\$355	\$347
		Partner	20	\$298	\$340	\$369	\$345	\$346	\$334
Miami FL	Litigation	Partner	100	\$282	\$475	\$614	\$465	\$473	\$453

## Section I: High-Level Data Cuts

### Cities

By Years of Experience

#### 2021 - Real Rates for Associate

#### Trend Analysis - Mean

City	Years of Experience	n	First Quartile	Median	Third Quartile	2021	2020	2019
Jackson MS	7 or More Years	22	\$55	\$55	\$183	\$124	\$125	\$183
Kansas City MO	3 to Fewer Than 7 Years	26	\$252	\$310	\$349	\$306	\$294	\$292
	7 or More Years	28	\$295	\$325	\$370	\$325	\$283	\$282
Los Angeles CA	Fewer Than 3 Years	70	\$494	\$533	\$622	\$543	\$511	\$413
	3 to Fewer Than 7 Years	128	\$533	\$709	\$821	\$673	\$582	\$510
	7 or More Years	164	\$412	\$565	\$841	\$629	\$604	\$576
Miami FL	3 to Fewer Than 7 Years	14	\$277	\$340	\$408	\$364	\$323	\$323
	7 or More Years	30	\$310	\$475	\$540	\$431	\$429	\$374
Minneapolis MN	3 to Fewer Than 7 Years	23	\$330	\$351	\$462	\$394	\$388	\$355
	7 or More Years	26	\$326	\$448	\$580	\$441	\$397	\$384
Nashville TN	7 or More Years	13	\$245	\$283	\$325	\$287	\$271	\$253
New Orleans LA	3 to Fewer Than 7 Years	13	\$235	\$238	\$280	\$251	\$260	\$248
	7 or More Years	13	\$260	\$340	\$364	\$324	\$326	\$276
New York NY	Fewer Than 3 Years	160	\$440	\$590	\$775	\$629	\$560	\$513
	3 to Fewer Than 7 Years	237	\$412	\$670	\$875	\$681	\$625	\$559

## Section I: High-Level Data Cuts

### Cities

By Years of Experience

#### 2021 - Real Rates for Partner

#### Trend Analysis - Mean

City	Years of Experience	n	First Quartile	Median	Third Quartile	2021	2020	2019
Los Angeles CA	Fewer Than 21 Years	173	\$550	\$855	\$1,065	\$815	\$724	\$703
	21 or More Years	332	\$527	\$725	\$1,145	\$844	\$818	\$758
Memphis TN	Fewer Than 21 Years	11	\$283	\$300	\$340	\$317	\$324	\$309
	21 or More Years	17	\$365	\$415	\$425	\$391	\$379	\$370
Miami FL	Fewer Than 21 Years	44	\$408	\$540	\$583	\$503	\$484	\$485
	21 or More Years	99	\$414	\$550	\$750	\$569	\$564	\$532
Milwaukee WI	Fewer Than 21 Years	14	\$306	\$358	\$433	\$373	\$355	\$323
	21 or More Years	26	\$375	\$470	\$545	\$535	\$530	\$431
Minneapolis MN	Fewer Than 21 Years	41	\$400	\$520	\$604	\$513	\$515	\$478
	21 or More Years	82	\$450	\$659	\$789	\$619	\$591	\$579
Nashville TN	Fewer Than 21 Years	27	\$375	\$464	\$495	\$436	\$413	\$374
	21 or More Years	49	\$420	\$470	\$536	\$481	\$472	\$433
New Orleans LA	Fewer Than 21 Years	24	\$275	\$305	\$390	\$346	\$361	\$337
	21 or More Years	40	\$295	\$332	\$412	\$352	\$373	\$369
New York NY	Fewer Than 21 Years	456	\$656	\$1,044	\$1,407	\$1,033	\$987	\$938

## Section I: High-Level Data Cuts

### Cities

By Role

#### 2021 - Real Rates for Associate and Partner

#### Trend Analysis - Mean

City	Role	n	First Quartile	Median	Third Quartile	2021	2020	2019
Little Rock AR	Partner	16	\$215	\$250	\$300	\$272	\$287	\$282
	Partner	786	\$536	\$822	\$1,101	\$843	\$808	\$766
Los Angeles CA	Associate	1,110	\$450	\$653	\$860	\$664	\$636	\$587
	Partner	25	\$278	\$355	\$400	\$348	\$363	\$348
Louisville KY	Associate	25	\$180	\$210	\$264	\$224	\$228	\$210
	Partner	15	\$241	\$389	\$536	\$419	\$435	\$440
Madison WI	Partner	15	\$241	\$389	\$536	\$419	\$435	\$440
Memphis TN	Partner	30	\$290	\$351	\$415	\$354	\$351	\$342
Miami FL	Partner	226	\$360	\$530	\$675	\$525	\$524	\$516
	Associate	149	\$265	\$361	\$475	\$375	\$381	\$365
Milwaukee WI	Partner	52	\$316	\$390	\$476	\$452	\$450	\$387
	Associate	36	\$270	\$305	\$358	\$316	\$305	\$269
Minneapolis MN	Partner	175	\$419	\$595	\$711	\$578	\$544	\$531
	Associate	137	\$295	\$406	\$521	\$405	\$377	\$376
Nashville TN	Partner	108	\$375	\$468	\$535	\$463	\$457	\$414
	Associate	73	\$252	\$311	\$338	\$305	\$283	\$257

# Exhibit 2

# LAFFEY MATRIX

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			Years Out of Law School *				
Year	Adjustmt Factor**	Paralegal/ Law Clerk	1-3	4-7	8-10	11-19	20 +
6/01/23- 5/31/24	1.059295	\$239	\$437	\$538	\$777	\$878	\$1057
6/01/22- 5/31/23	1.085091	\$225	\$413	\$508	\$733	\$829	\$997
6/01/21- 5/31/22	1.006053	\$208	\$381	\$468	\$676	\$764	\$919
6/01/20- 5/31/21	1.015894	\$206	\$378	\$465	\$672	\$759	\$914
6/01/19- 5/31/20	1.0049	\$203	\$372	\$458	\$661	\$747	\$899
6/01/18- 5/31/19	1.0350	\$202	\$371	\$455	\$658	\$742	\$894
6/01/17- 5/31/18	1.0463	\$196	\$359	\$440	\$636	\$717	\$864
6/01/16- 5/31/17	1.0369	\$187	\$343	\$421	\$608	\$685	\$826
6/01/15- 5/31/16	1.0089	\$180	\$331	\$406	\$586	\$661	\$796
6/01/14- 5/31/15	1.0235	\$179	\$328	\$402	\$581	\$655	\$789
6/01/13- 5/31/14	1.0244	\$175	\$320	\$393	\$567	\$640	\$771
6/01/12- 5/31/13	1.0258	\$170	\$312	\$383	\$554	\$625	\$753
6/01/11- 5/31/12	1.0352	\$166	\$305	\$374	\$540	\$609	\$734
6/01/10- 5/31/11	1.0337	\$161	\$294	\$361	\$522	\$589	\$709
6/01/09- 5/31/10	1.0220	\$155	\$285	\$349	\$505	\$569	\$686
6/01/08- 5/31/09	1.0399	\$152	\$279	\$342	\$494	\$557	\$671
6/01/07-5/31/08	1.0516	\$146	\$268	\$329	\$475	\$536	\$645
6/01/06-5/31/07	1.0256	\$139	\$255	\$313	\$452	\$509	\$614
6/1/05-5/31/06	1.0427	\$136	\$249	\$305	\$441	\$497	\$598
6/1/04-5/31/05	1.0455	\$130	\$239	\$293	\$423	\$476	\$574
6/1/03-6/1/04	1.0507	\$124	\$228	\$280	\$405	\$456	\$549
6/1/02-5/31/03	1.0727	\$118	\$217	\$267	\$385	\$434	\$522
6/1/01-5/31/02	1.0407	\$110	\$203	\$249	\$359	\$404	\$487
6/1/00-5/31/01	1.0529	\$106	\$195	\$239	\$345	\$388	\$468
6/1/99-5/31/00	1.0491	\$101	\$185	\$227	\$328	\$369	\$444
6/1/98-5/31/99	1.0439	\$96	\$176	\$216	\$312	\$352	\$424
6/1/97-5/31/98	1.0419	\$92	\$169	\$207	\$299	\$337	\$406
6/1/96-5/31/97	1.0396	\$88	\$162	\$198	\$287	\$323	\$389

6/1/95-5/31/96	1.032	\$85	\$155	\$191	\$276	\$311	\$375
6/1/94-5/31/95	1.0237	\$82	\$151	\$185	\$267	\$301	\$363

The methodology of calculation and benchmarking for this Updated Laffey Matrix has been approved in a number of cases. See, e.g., *DL v. District of Columbia*, 267 F.Supp.3d 55, 69 (D.D.C. 2017)

\*  $\frac{1}{2}$  Years Out of Law School:  $\frac{1}{2}$  is calculated from June 1 of each year, when most law students graduate.  $\frac{1}{2}$ 1-3" includes an attorney in his 1st, 2nd and 3rd years of practice, measured from date of graduation (June 1).  $\frac{1}{2}$ 4-7" applies to attorneys in their 4th, 5th, 6th and 7th years of practice. An attorney who graduated in May 1996 would be in tier  $\frac{1}{2}$ 1-3" from June 1, 1996 until May 31, 1999, would move into tier  $\frac{1}{2}$ 4-7" on June 1, 1999, and tier  $\frac{1}{2}$ 8-10" on June 1, 2003.

\*\* The Adjustment Factor refers to the nation-wide Legal Services Component of the Consumer Price Index produced by the Bureau of Labor Statistics of the United States Department of Labor.



# Exhibit 3

**Matter Billing Detail****JAMES HAWKINS APLC**

Date Range: 01/01/1900 to 12/01/2023

Client: APPLE 003 - Rachael Shay

Matter: APPLE - Apple Inc. -Rachael Shay v. Apple Inc.

Date	Expense Code	Description	Debit	Credit	Billing Status	On Hold	Invoice Number	Check Number	Payee
		<b>Balance Forward:</b>	\$0.00						
05/29/2020	ONE	One Legal Services- Complaint, Summons, Civil Case Cover Sheet- In#02635771	\$1,492.31		Unbilled				
07/15/2020	ONE	One Legal Services- First Amened Complaint- In#02713812	\$9.95		Unbilled				
07/23/2020	CRT	Court Documents - Application and Order	\$7.50		Unbilled				
08/04/2020	ONE	One Legal Services- Proof of service- In#02750462	\$9.95		Unbilled				
08/01/2022	FED	FED EX standard overnight	\$65.64		Unbilled				
08/11/2022	EXA	Expert Analysis Expert Rentention Agreement CK#10138	\$8,400.00		Unbilled				
08/25/2022	TRN	Transcript PMK of Lincoln Barker IN#94344	\$2,112.25		Unbilled				
08/25/2022	TRN	Transcript IN#5985520	\$864.75		Unbilled				
08/26/2022	TRN	Transcript-Depo of Michael Gomez IN#94015 CK#10170	\$1,812.90		Unbilled				
09/12/2022	FST	First Legal Network - PDF Courtesy: Decl x5, Mpa, Ntc of Mtn, Mtn to IN#30212421	\$537.75		Unbilled				
09/13/2022	TRN	Transcript- Depo of Philip Luango IN#94810 CK#10252	\$1,697.80		Unbilled				
03/21/2023	EXA	Expert Analysis- IN# 8377 CK#10693 03.16.23 BERGER CONSULTING	\$1,080.00		Unbilled				
03/23/2023	MED	Mediation Services- IN#6586602 CK#10713	\$5,575.00		Unbilled				
05/15/2023	MED	Mediation Services- Mediation Refund Portion CK#361947		\$1,012.50	Unbilled				
		<b>Total:</b>	<u>\$23,665.80</u>	<u>\$1,012.50</u>					
		<b>Balance:</b>	<u>\$22,653.30</u>						

# Matter Billing Detail

## JAMES HAWKINS APLC

Date	Expense Code	Description	Debit	Credit	Billing Status	On Hold	Invoice Number	Check Number	Payee
<b>Total Fees Billed</b> - - - - -			\$0.00						
<b>Total Fees Unbilled</b> : - - - - -			\$0.00						
<b>Total Fees Received</b> : - - - - -			\$0.00						
<b>Total Soft Cost Billed</b> : - - - - -			\$0.00						
<b>Total Soft Cost Unbilled</b> : - - - - -			\$0.00						
<b>Total Soft Cost Received</b> : - - - - -			\$0.00						
<b>Total Hard Cost Billed</b> : - - - - -			\$0.00						
<b>Total Hard Cost Unbilled</b> : - - - - -			\$22,653.30						
<b>Total Hard Cost Received</b> : - - - - -			\$0.00						
<b>Total Taxes Billed</b> : - - - - -			\$0.00						
<b>Total Taxes Unbilled</b> : - - - - -			\$0.00						
<b>Total Taxes Received</b> : - - - - -			\$0.00						
<b>Total Late Charges Billed</b> : - - - - -			\$0.00						
<b>Total Late Charges Unbilled</b> : - - - - -			\$0.00						
<b>Total Late Charges Received</b> : - - - - -			\$0.00						
<b>Trust Balance</b> : - - - - -			\$0.00						