

BURSOR & FISHER, P.A.

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Lead Interim Class Counsel

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

In Re: Smashburger AP Holder, LLC, et al.

ALL CASES

Lead Case No. LA CV19-0093 JAK
(JEMx)

**DECLARATION OF L. TIMOTHY
FISHER IN SUPPORT OF
MOTION FOR AWARD OF
ATTORNEYS' FEES,
REIMBURSEMENT OF
EXPENSES, AND PLAINTIFFS'
REQUEST FOR SERVICE
AWARDS**

Date: January 30, 2023
Time: 8:30 a.m.
Courtroom: 10B
Judge: Hon. John A. Kronstadt

1 I, L. Timothy Fisher, declare as follows:

2 1. I am an attorney at law licensed to practice in the State of California. I
3 am a member of the bar of this Court, and I am a partner at Bursor & Fisher, P.A.,
4 Class Counsel for Plaintiffs and the Settlement Class in this action. I make this
5 declaration in support of Plaintiffs' Motion for an Award of Attorneys' Fees, Costs
6 and Expenses, and Incentive Awards for the Class Representatives. I have personal
7 knowledge of the facts set forth in this declaration, and, if called as a witness, could
8 and would competently testify thereto under oath.

9 **I. BACKGROUND AND OVERVIEW OF THE LITIGATION**

10 **A. Litigation History**

11 2. On February 8, 2019, Plaintiff Andre Galvan filed a class action
12 complaint against Defendants in the United States District Court for the Central
13 District of California, Case No. 2:19-CV-00993-JAK-(JEMx), alleging that
14 Defendants mislabeled their Triple Double Burgers as containing "Double the Beef,"
15 when in fact the Triple Double Burgers consisted of two patties totaling the same
16 weight as the basic "Smashburger Classic."

17 3. On March 11, 2019, Barbara Trevino, represented by Class Counsel
18 Ahdoot & Wolfson, filed a similar lawsuit against Defendants in the United States
19 District Court for the Central District of California, Case No. 2:19-CV-02794.

20 4. Plaintiffs in both actions moved for appointment of their respective
21 counsel as Lead Interim Class Counsel. On May 16, 2019, the Court ordered
22 Galvan's lawsuit consolidated with the Trevino lawsuit and appointed Bursor &
23 Fisher, P.A. as Lead Interim Class Counsel.

24 5. On August 22, 2019, Plaintiffs filed their Second Amended
25 Consolidated Class Action Complaint, which asserts claims for violations of the
26 California Consumers Legal Remedies Act (Cal. Civ. Code §§ 1750, et seq.)
27 ("CLRA"), California's Unfair Competition Law (Cal. Bus. & Prof. Code §§ 17200,
28 et seq.) (the "UCL"), California's False Advertising Law (Cal. Bus. & Prof. Code §§

1 17500, et seq.) (the “FAL”), and violations of New York General Business Law §§
2 349 and 350 (collectively, “NYGBL”), as well as claims for Breach of Express
3 Warranty, Fraud, and Unjust Enrichment.

4 **B. Discovery**

5 6. Before entering into the Settlement Agreement, the Parties engaged in
6 significant discovery. The Parties exchanged and met and conferred concerning a
7 number of discovery requests, including interrogatories and requests for production.
8 Smashburger produced critical documents concerning the merits of the case and its
9 overall financial condition to Plaintiffs. Plaintiffs reviewed over 14,500 documents.
10 Plaintiffs also reviewed numerous files from the trademark case filed against
11 Smashburger, entitled *In-N-Out Burgers v. Smashburger IP Holder LLC and*
12 *Smashburger Franchising LLC*, Case No. 8:17-cv-01474 (C.D. Cal. August 28,
13 2018). *Id.* Finally, Plaintiffs retained a damages expert, who analyzed Defendants’
14 sales information and worked with Plaintiffs’ counsel to develop a potential damages
15 model. *Id.*

16 7. Before entering into the Settlement Agreement, the Parties, by and
17 through their respective counsel, conducted a thorough examination, investigation,
18 and evaluation of the relevant law, facts, and allegations to assess the merits of the
19 claims and potential claims to determine the strength of liability, potential remedies,
20 and all defenses thereto, including an extensive investigation into the facts and law
21 relating to (i) the marketing and advertising of the products; (ii) sales, pricing, and
22 financial data; and (iii) the sufficiency of the claims and appropriateness of class
23 certification.

24 **C. Arms’ Length Settlement Negotiations**

25 8. The Settlement Agreement was reached as a result of extensive arm’s-
26 length negotiations between the Parties and their counsel. The Parties have engaged
27 in extensive settlement discussions to determine if the Parties could reach a resolution
28 short of protracted litigation. This included two full-day mediations before Jill R.

1 Sperber, Esq. of Judicate West and many months of intense settlement negotiations
2 before a settlement in principle was reached. A settlement term sheet was signed on
3 October 8, 2020. More months of negotiation followed until a final Stipulation of
4 Class Action Settlement was executed on February 1, 2021.

5 9. On March 1, 2021, Plaintiffs filed a Motion for Preliminary Approval of
6 Class Action Settlement. On July 12, 2022 the Court issued an Order requiring
7 supplemental briefing and evidence concerning Plaintiffs' attorneys' fees. The Court
8 issued an Order of Preliminary Approval on September 19, 2022.

9 **D. Settlement Terms**

10 10. Under the settlement, Defendants agreed to provide \$2,500,000 in cash
11 (the "Cash Settlement Fund") and 1.5 million vouchers valued between \$2.00 and
12 \$2.49 each, conservatively worth \$3,000,000 in total vouchers, to pay claims for
13 those who purchased one or more of the Subject Products. Class Members can
14 receive a \$4.00 cash award for each Subject Product the Authorized Claimant
15 purchased during the Class Period, up to a maximum of five (5) claims (or \$20.00 in
16 cash) without Proof of Purchase, subject to pro rata reduction if the value of the
17 claims exceeds the cash settlement fund. Alternatively, the Authorized Claimant
18 may choose to receive up to 10 product vouchers. The product vouchers will be
19 fully and freely transferrable and allow the bearer, upon the purchase of a regularly-
20 priced entrée at a company owned Smashburger-branded restaurant, to either
21 upgrade a single beef hamburger to a double beef hamburger for no additional cost
22 or receive a free small fountain drink, subject to the same potential pro rata
23 reduction. If fewer than 1.5 million vouchers are requested, the remaining vouchers
24 will be donated to the Boys and Girls Clubs of America, or some other charitable
25 organization chosen by the Defendants, subject to the Court's approval.

26 11. As discussed in the Declaration of Frank Ballard, over 539,000 Class
27 members have already made claims.
28

E. Challenges of Litigating Plaintiffs' Claims

12. Class Counsel undertook significant financial risk in prosecuting this case. A favorable outcome was not assured. Class Counsel also recognized that they would face risks at class certification, summary judgment, and trial. Smashburger, well-represented by able and experienced attorneys, argued that its advertising campaign was not false or misleading and that Plaintiffs would be unable to certify any class. Defendants would no doubt have presented a vigorous defense at trial, and there is no assurance that the Class would prevail.

13. Plaintiffs also faced the possibility that a class might not be certified, or only partially certified. For example, whether and to what extent a consumer class can be certified whose members, as here, must self-identify, remains a question in dispute. *See Algarin v. Maybelline, LLC*, 300 F.R.D. 444, 455 (S.D. Cal. 2014) (discussing ascertainability issues with class member self-identification); *Morales v. Kraft Foods Group*, Case 2:14-cv-04387-JAK-PJW (Order Re Plaintiff's Motion for Class Certification filed 06/23/15) (reviewing conflicting circuit law re self-identification). Furthermore, Plaintiffs would have likely faced an argument that the class should include only those consumers who purchased the Triple Double Burger based on Smashburger's false advertising claims, and not for some other reason. *Id.* (limiting class to those who purchased cheese based on "natural" advertising claims).

14. Even if the Class did prevail at trial, there was a danger that they would not be able to obtain an award of damages significantly more than achieved here absent such risks. Indeed, Plaintiffs' own damages expert estimated that if Plaintiffs were to prove their liability case, certify a nationwide class, and prevail at trial, potential recovery of actual damages would range from, on the low end, \$1,380,783, to the high end, approximately \$6,706,809. Thus, in the eyes of Plaintiffs' Lead Counsel, the proposed Settlement provides the Class with an outstanding opportunity to obtain significant relief at this stage in the litigation, and abrogates the risks that might prevent them from obtaining relief.

1 15. This was not a “novel” case in the sense that no one had ever brought
2 similar claims before. Class Counsel did, however, take significant risks in taking on
3 this case. In light of these risks, the \$5.5 million Settlement is an outstanding result.

4 **II. BACKGROUND AND EXPERIENCE OF CLASS COUNSEL**

5 16. I received my Juris Doctor from Boalt Hall at the University of
6 California at Berkeley in 1997. While in law school, I was an active member of the
7 Moot Court Board and participated in moot court competitions throughout the United
8 States. In 1994, I received an award for Best Oral Argument in the first-year moot
9 court competition. Prior to founding Bursor & Fisher, P.A., I was an associate with
10 Bramson, Plutzik, Mahler & Birkhaeuser, LLP in Walnut Creek, California for 13
11 years. I also taught appellate advocacy at John F. Kennedy University School of
12 Law in 2003 and 2004. More recently, I contributed jury instructions, a verdict
13 form, and comments to the consumer protection chapter of Justice Elizabeth A.
14 Baron’s *California Civil Jury Instruction Companion Handbook* (West 2010). In
15 2014, I was appointed to a four-year term as a member of the Standing Committee
16 on Professional Conduct for the U.S. District Court for the Northern District of
17 California.

18 17. In 2011, my partner Scott Bursor and I established our firm. Bursor &
19 Fisher now has offices in California, New York, and Florida. Mr. Bursor graduated
20 from the University of Texas Law School in 1996, where he was Articles Editor of
21 the Texas Law Review, and a member of the Board of Advocates and Order of the
22 Coif. Mr. Bursor began his practice as a litigation associate in New York City with
23 Cravath, Swaine & Moore (1996-2000) and Chadbourne & Parke LLP (2001), where
24 he represented large telecommunications, pharmaceutical, and technology companies
25 in commercial litigation and class actions. Bursor & Fisher has focused on large-
26 scale class action litigation from its inception.

1 18. Class actions are rarely brought to trial. However, Mr. Bursor and I
2 have served as trial counsel for class action plaintiffs in six jury trials and have won
3 all six, with recoveries ranging from \$21 million to \$299 million.

- 4 a. In 2007, Mr. Bursor and I served as lead trial counsel in *Thomas v.*
5 *Global Vision Products* (Alameda County Superior Court), representing
6 a class of approximately 150,000 California consumers who had
7 purchased the Avacor hair regrowth system, asserting claims for
8 violations of California's consumer protection statutes. After a four-
9 week trial the jury returned a \$37 million verdict for the class. The trial
10 judge increased the award to \$40 million.
- 11 b. In 2008, Mr. Bursor and I served as lead trial counsel in *Ayyad v. Sprint*
12 *Spectrum L.P.* (Alameda County Superior Court), representing a class
13 of 2 million California consumers who were charged an early
14 termination fee under a Sprint cellphone contract, asserting claims that
15 such fees were unlawful liquidated damages under Civil Code §
16 1671(d), as well as other statutory and common law claims. After a
17 five-week trial, the jury returned a verdict in June 2008, and the Court
18 issued a Statement of Decision in December 2008 awarding the class
19 more than \$299 million in cash and debt cancellation. The class
20 prevailed on six of six counts asserted in the complaint and was
21 awarded 100% of the relief sought.
- 22 c. In 2008, Mr. Bursor and I served as lead trial counsel in *White v.*
23 *Verizon Wireless* (Alameda County Superior Court), representing a
24 class of 1.4 million California consumers who were charged an early
25 termination fee under a Verizon cellphone contract, asserting claims
26 that such fees were unlawful liquidated damages under Civil Code §
27 1671(d), as well as other statutory and common law claims. After Mr.
28 Bursor presented the class's case-in-chief, rested, then cross-examined
Verizon's principal trial witness, Verizon agreed to settle the case for a
\$21 million cash payment and an injunction restricting Verizon's ability
to impose early termination fees in future subscriber agreements.
- d. In 2009, Mr. Bursor and I served as lead trial counsel in a second trial
in *Thomas v. Global Vision Products*, in which the class asserted claims
against a minority shareholder in the company. After another four-
week trial the jury returned a verdict awarding more than \$50 million to
the class. The legal trade publication VerdictSearch reported this was
the second largest jury verdict in California in 2009.

- 1 e. In 2013, Mr. Bursor and I served as lead trial counsel in a second trial
2 in *Ayyad v. Sprint Spectrum L.P.* (Alameda County Superior Court).
3 After we had prevailed on the class claims challenging Sprint's
4 termination fees in 2008, Sprint asserted a \$1.06 billion cross-claim
5 against the class for breach of contract. *See Garrett v. Coast &*
6 *Southern Federal Sav. & Loan Ass'n*, 9 Cal. 3d 731, 740-41 (1973)
7 (holding that invalidation of a liquidated damages provision does not
8 permit the breaching party to "escape[] unscathed," because he
9 "remains liable for the actual damages resulting from his default").
10 After a four-week trial, the jury returned a verdict awarding only 2% of
11 Sprint's claimed damages. This verdict secured the Class's net cash
12 recovery of at least \$55 million after a setoff for Sprint's actual
13 damages.
- 14 f. In 2019, Mr. Bursor and I served as lead counsel (along with our
15 partner Yeremey Krivoshey) in *Perez v. Rash Curtis & Associates*
16 (N.D. Cal.), representing a nationwide class of 40,420 people that
17 received autodialed and prerecorded messages on their cellular
18 telephones without their prior express consent, asserting that the phone
19 calls violated the Telephone Consumer Protection Act ("TCPA"). After
20 a one-week trial, the jury returned a verdict in May of 2019 finding that
21 Defendant made 534,712 calls that violated the TCPA. Pursuant to the
22 TCPA, each of the 534,712 calls entitled class members to a minimum
23 of \$500 per unlawful phone call, entitling class members to a \$267
24 million judgment. The District Court entered judgment in favor of
25 Plaintiff and the Class in the amount of \$267,349,000 on May 4, 2020.

19 19. In addition to these six trial victories, I have been counsel to class action
20 plaintiffs in dozens of cases in jurisdictions throughout the United States. Since
21 December 2010, my firm has won appointment as Class Counsel or Interim Class
22 Counsel in:

- 23 a. *O'Brien v. LG Electronics USA, Inc.* (D.N.J. Dec. 16, 2010) to represent a
24 certified nationwide class of purchasers of LG French-door refrigerators,
25 b. *Ramundo v. Michaels Stores, Inc.* (N.D. Ill. June 8, 2011) to represent a
26 certified nationwide class of consumers who made in-store purchases at
27 Michaels Stores using a debit or credit card and had their private financial
28 information stolen as a result,

- c. *In re Haier Freezer Consumer Litig.* (N.D. Cal. Aug. 17, 2011) to represent a certified class of purchasers of mislabeled freezers from Haier America Trading, LLC,
- d. *Loreto v. Coast Cutlery Co.* (D.N.J. Sep. 8, 2011) to represent a certified nationwide class of purchasers of knives or tools made by Coast Cutlery,
- e. *Rodriguez v. CitiMortgage, Inc.* (S.D.N.Y. Nov. 14, 2011) to represent a certified nationwide class of military personnel against CitiMortgage for illegal foreclosures,
- f. *Avram v. Samsung Electronics America, Inc., et al.* (D.N.J. Jan. 3, 2012), to represent a proposed nationwide class of purchasers of mislabeled refrigerators from Samsung Electronics America, Inc. and Lowe's Companies, Inc.,
- g. *Rossi v. The Procter & Gamble Co.* (D.N.J. Jan. 31, 2012), to represent a certified nationwide class of purchasers of Crest Sensitivity Treatment & Protection toothpaste,
- h. *Dzielak v. Whirlpool Corp. et al.* (D.N.J. Feb. 21, 2012), to represent a proposed nationwide class of purchasers of mislabeled Maytag Centennial washing machines from Whirlpool Corp., Sears, and other retailers,
- i. *In re Sensa Weight Loss Litig.* (N.D. Cal. Mar. 2, 2012), to represent a certified nationwide class of purchasers of Sensa weight loss products,
- j. *In re Sinus Buster Products Consumer Litig.* (E.D.N.Y. Dec. 17, 2012) to represent a certified nationwide class of purchasers of Sinus Buster products,
- k. *Scott v. JPMorgan Chase & Co., et al.* (S.D.N.Y. May 30, 2013) to represent a proposed nationwide class of Chase customers who were allegedly unilaterally enrolled into Chase's Overdraft Protection service and charged unauthorized fees,
- l. *Podobedov v. Living Essentials, LLC* (C.D. Cal. Nov. 8, 2013) to represent a proposed nationwide class of purchasers of 5-hour Energy products,
- m. *Ebin v. Kangadis Food Inc.* (S.D.N.Y. Feb. 25, 2014) to represent a certified nationwide class of purchasers of Capatriti 100% Pure Olive Oil,
- n. *Forcellati v. Hyland's, Inc.* (C.D. Cal. Apr. 9, 2014) to represent a certified nationwide class of purchasers of children's homeopathic cold and flu remedies,
- o. *Ebin v. Kangadis Family Management LLC, et al.* (S.D.N.Y. Sept. 18, 2014) to represent a certified nationwide class of purchasers of Capatriti 100% Pure Olive Oil,

- 1 p. *In re Scotts EZ Seed Litig.* (S.D.N.Y. Jan. 26, 2015), to represent a certified
2 class of purchasers of Scotts Turf Builder EZ Seed,
- 3 q. *Dei Rossi v. Whirlpool Corp., et al.* (E.D. Cal. Apr. 28, 2015), to represent
4 a certified class of purchasers of mislabeled KitchenAid refrigerators from
5 Whirlpool Corp., Best Buy, and other retailers,
- 6 r. *Hendricks v. StarKist Co.* (N.D. Cal. July 23, 2015) to represent a certified
7 nationwide class of purchasers of StarKist tuna products,
- 8 s. *In re NVIDIA GTX 970 Graphics Card Litig.* (N.D. Cal. May 8, 2015), to
9 represent a proposed nationwide class of purchasers of NVIDIA GTX 970
10 graphics cards, and
- 11 t. *Melgar v. Zicam LLC, et al.* (E.D. Cal. March 30, 2016) to represent a
12 certified ten-jurisdiction class of purchasers of Zicam Pre-Cold products.
- 13 u. *In re Trader Joe's Tuna Litigation* (C.D. Cal. December 21, 2016), to
14 represent a nationwide class of purchasers of Trader Joe's tuna products.
- 15 v. *In re Welspun Litigation* (S.D.N.Y. January 26, 2017), to represent a
16 proposed nationwide class of purchasers of Welspun Egyptian cotton
17 bedding products.
- 18 w. *Retta v. Millennium Products, Inc.* (C.D. Cal. January 31, 2017) to
19 represent a certified nationwide class of Millennium kombucha beverages,
- 20 x. *Moeller v. American Media, Inc.*, (E.D. Mich. June 8, 2017) to represent a
21 class of magazine subscribers under the Michigan Preservation of Personal
22 Privacy Act,
- 23 y. *Hart v. BHH, LLC* (S.D.N.Y. July 7, 2017) to represent a nationwide class
24 of purchasers of Bell & Howell ultrasonic pest repellers,
- 25 z. *Perez v. Rash Curtis & Associates* (N.D. Cal. September 6, 2017) to
26 represent a certified nationwide class of individuals who received calls
27 from Rash Curtis & Associates,
- 28 aa. *Lucero v. Solarcity Corp.* (N.D. Cal. September 15, 2017) to represent a
certified nationwide class of individuals who received telemarketing calls
from Solarcity Corp.,
- bb. *Taylor v. Trusted Media Brands, Inc.* (S.D.N.Y. Oct. 17, 2017) to
represent a class of magazine subscribers under the Michigan Preservation
of Personal Privacy Act,
- cc. *Gasser v. Kiss My Face, LLC* (N.D. Cal. Oct. 23, 2017) to represent a
proposed nationwide class of purchasers of cosmetic products,

- 1 dd. *Gastelum v. Frontier California Inc.* (S.F. Superior Court February 21,
2 2018) to represent a certified California class of Frontier landline telephone
3 customers who were charged late fees,
4 ee. *Williams v. Facebook, Inc.* (N.D. Cal. June 26, 2018) to represent a
5 proposed nationwide class of Facebook users for alleged privacy violations,
6 ff. *Ruppel v. Consumers Union of United States, Inc.* (S.D.N.Y. July 27,
7 2018) to represent a class of magazine subscribers under the Michigan
8 Preservation of Personal Privacy Act,
9 gg. *Bayol v. Health-Ade* (N.D. Cal. August 23, 2018) to represent a proposed
10 nationwide class of Health-Ade kombucha beverage purchasers,
11 hh. *West v. California Service Bureau* (N.D. Cal. September 12, 2018) to
12 represent a certified nationwide class of individuals who received calls
13 from California Service Bureau,
14 ii. *Gregorio v. Premier Nutrition Corporation* (S.D.N.Y. Sept. 14, 2018) to
15 represent a nationwide class of purchasers of protein shake products,
16 jj. *Moeller v. Advance Magazine Publishers, Inc. d/b/a Condé Nast* (S.D.N.Y.
17 Oct. 24, 2018) to represent a class of magazine subscribers under the
18 Michigan Preservation of Personal Privacy Act,
19 kk. *Bakov v. Consolidated World Travel Inc. d/b/a Holiday Cruise Line* (N.D.
20 Ill. Mar. 21, 2019) to represent a certified class of individuals who received
21 calls from *Holiday Cruise Line*,
22 ll. *Martinelli v. Johnson & Johnson* (E.D. Cal. March 29, 2019) to represent a
23 certified class of purchasers of Benecol spreads labeled with the
24 representation “No Trans Fat,”
25 mm. *Edwards v. Hearst Communications, Inc.* (S.D.N.Y. April 24, 2019) to
26 represent a class of magazine subscribers under the Michigan Preservation
27 of Personal Privacy Act,
28 nn. *Kokoszki v. Playboy Enterprises, Inc.* (E.D. Mich. Feb. 7, 2020) to
represent a class of magazine subscribers under the Michigan Preservation
of Personal Privacy Act,
oo. *Russett v. The Northwestern Mutual Life Insurance Co.* (S.D.N.Y. May
28, 2020) to represent a class of insurance policyholders that were
allegedly charged unlawful fees,
pp. *In re: Metformin Marketing and Sales Practices Litigation* (D.N.J. June
3, 2020) to represent a proposed nationwide class of purchasers of generic
diabetes medications that were contaminated with a cancer-causing
carcinogen,

1 qq. *Hill v. Spirit Airlines, Inc.* (S.D. Fla. July 21, 2020) to represent a proposed
2 nationwide class of passengers whose flights were cancelled by Spirit
3 Airlines due to the novel coronavirus, COVID-19, and whose tickets were
not refunded,

4 rr. *Kramer v. Alterra Mountain Co.* (D. Colo. July 31, 2020) to represent a
5 proposed nationwide class of purchasers to recoup the unused value of their
6 Ikon ski passes after Alterra suspended operations at its ski resorts due to
the novel coronavirus, COVID-19,

7 ss. *Qureshi v. American University* (D.D.C. July 31, 2020) to represent a
8 proposed nationwide class of students for tuition refunds after their classes
9 were moved online by American University due to the novel coronavirus,
COVID-19.

10 20. A copy of my firm's resume, which includes more detailed information
11 about our practice and the qualifications of the other Bursor & Fisher lawyers who
12 worked on this case, is attached as **Exhibit 1**.

13 **III. CLASS COUNSEL'S LODESTAR AND EXPENSES**

14 21. Attached as **Exhibit 2** is a summary of my firm's time in this case as
15 well as my firm's detailed billing diaries. The time entries in the summary have
16 been categorized to conform to the categories referenced in the Court's standing
17 order. I have personally reviewed all of my firm's time entries, and have used billing
18 judgment to ensure that duplicative or unnecessary time has been excluded and that
19 only time reasonably devoted to the litigation has been included. The time and
20 descriptions displayed in these records were regularly and contemporaneously
21 recorded by me and the other timekeepers of the firm pursuant to firm policy and
22 have been maintained in the computerized records of my firm.

23 22. Bursor & Fisher served as Interim Lead Class Counsel. Class Counsel
24 worked with Reich Radcliffe & Hoover LLP, a frequent co-counsel. The two firms
25 are accustomed to working together and routinely divide tasks for maximum
26 efficiency. Like Bursor & Fisher, Reich Radcliffe & Hoover has not been paid a
27 single dollar for their valuable work on this case. A third law firm, Ahdoot &
28 Wolfson, PC, filed a second case against Smashburger, which this Court

consolidated with the *Galvan* case. Ahdoot & Wolfson also worked in concert with Interim Lead Counsel and performed unique tasks that contributed to the successful outcome in this case.

23. The Court in its Preliminary Approval Order expressed the view that certain work performed by the law firms was duplicative or inefficient, and proposed to exclude those hours from lodestar. Plaintiffs have analyzed the time records and submit that these hours were neither duplicative nor inefficient.

Bursor & Fisher, P.A. - In re Smashburger IP Holder Hours Summary Through 7/19/2022		
Pre-Suit & Pleadings		
ATTORNEY	TITLE	HOURS
Angeli Patel (AP)	Summer Associate	1.5

Ms. Patel, at that time a summer associate, was assigned the appropriate lawyer-in-training task of conducting research on the summary judgment motion in *In-N-Out v. Smashburger*. This research provided a preview of Smashburger's defenses and possible outcomes, important considerations in the pre-suit phase.

Bursor & Fisher, P.A. - In re Smashburger IP Holder Hours Summary Through 7/19/2022		
Case Management		
ATTORNEY	TITLE	HOURS
Brittany Scott (BSS)	Associate (2019)	2.7
Molly Sasseen (MCS)	Senior Litigation Support Specialist	7.0

Brittany Scott conducted research regarding issue preclusion, which again was an important issue that the *In-N-Out* case presented. She also performed research on this Court and its previous rulings, *id.*, which every conscientious litigation attorney, whether representing plaintiffs or defendants, must do when first assigned to a judge.

Molly Sasseen, an experienced litigation paralegal, did the critical work of filing and arranging service of the complaint, providing this Court with the initiating documents, and arranging the filing of the Rule 26(f) report. In addition, she

communicated with the lead plaintiffs and class members as necessary, as well as monitoring Ahdoot & Wolfson's complaint, which was ultimately consolidated with the *Galvan* action. *Id.* Those were important tasks assigned appropriately to a paralegal who could work on them independently.

Bursor & Fisher, P.A. - In re Smashburger IP Holder Hours Summary Through 7/19/2022		
Leadership		
ATTORNEY	TITLE	HOURS
Debbie Schroeder (DLS)	Senior Litigation Support Specialist	3.1

Ms. Schroeder, Bursor & Fisher's most senior legal assistant, either carried out or supervised the support tasks involved in counsel's motion for Bursor & Fisher's appointment for lead counsel.

Bursor & Fisher, P.A. - In re Smashburger IP Holder Hours Summary Through 7/19/2022		
Settlement		
ATTORNEY	TITLE	HOURS
Brittany Scott (BSS)	Associate (2019)	1.5
Jenna L. Gavenman (JLG)	Summer Associate	1.0
Emma Blake (EFB)	Summer Associate	3.1
Debbie Schroeder (DLS)	Senior Litigation Support Specialist	7.7

Each of these individuals performed necessary, nonduplicative, and useful work on the settlement of the case. Ms. Scott drafted a portion of the settlement term sheet. Ms. Gavenman, then a summer associate, procured supplemental authority to submit to the Court after the preliminary approval motion was on file. Ms. Blake conducted additional research to learn this Court's preferences and rules for class action settlements. Ms. Schroeder handled virtually all of the support tasks for the mediation, a status report to the Court, and the preliminary approval motion.

24. All of these tasks were necessary for the effective prosecution and settlement of the case. Before making this application, Class Counsel reviewed all of

1 the time spent in the case and removed duplicative or unnecessary work, or any time
2 spent getting a newly assigned attorney or staff member up to speed.

3 25. As of December 2, 2022, Bursor & Fisher has expended 693.6 hours in
4 this case. Bursor & Fisher's lodestar fee in this case, based on current billing rates,
5 is \$422,160. More than 47% of attorneys' hours (331.5 hours) were billed by
6 associates. At the same time, leadership and settlement of this case required
7 significant involvement by more experienced lawyers. Bursor & Fisher partners
8 billed approximately 36% of the total hours (249 hours) primarily on developing the
9 litigation strategy, discovery, attending mediation, and negotiating the settlement.

10 26. As detailed in the Declarations of Marc G. Reich and Tina Wolfson
11 filed with these Motions, these two firms have expended 190.2 and 219.8 hours on
12 the case, respectively. Their respective lodestar fees are \$163,285 and \$164,880.

13 27. A fee award of 15% of the total settlement fund or 33% of the Cash
14 Settlement Fund would represents would represent a multiplier of 1.09 over the total
15 base lodestar fee of \$750,625.

16 28. Included within **Exhibit 2** is a chart setting forth the hourly rates
17 charged for lawyers and staff at my firm. Based on my knowledge and experience,
18 the hourly rates charged by my firm are within the range of market rates charged by
19 attorneys of equivalent experience, skill, and expertise. These are the same hourly
20 rates that we actually charge to our regular hourly clients who have retained us for
21 non-contingent matters, and which are actually paid by those clients. As a matter of
22 firm policy, we do not discount our regular hourly rates for non-contingent hourly
23 work. I have personal knowledge of the range of hourly rates typically charged by
24 counsel in our field in New York, California, and throughout the United States, both
25 on a current basis and in the past. In determining my firm's hourly rates from year to
26 year, my partners and I have consciously taken market rates into account and have
27 aligned our rates with the market.

1 29. Through my practice, I have become familiar with the non-contingent
2 market rates charged by attorneys in New York, California and elsewhere (my firm's
3 offices are in New York City, Miami, and Walnut Creek, California). This
4 familiarity has been obtained in several ways: (1) by litigating attorneys' fee
5 applications; (2) by discussing fees with other attorneys; (3) by obtaining
6 declarations regarding prevailing market rates filed by other attorneys seeking fees;
7 and (4) by reviewing attorneys' fee applications and awards in other cases, as well as
8 surveys and articles on attorney's fees in the legal newspapers and treatises. The
9 information I have gathered shows that my firm's rates are in line with the non-
10 contingent market rates charged by attorneys of reasonably comparable experience,
11 skill, and reputation for reasonably comparable class action work. In fact,
12 comparable hourly rates have been found reasonable by various courts for reasonably
13 comparable services, including:

- 14 a. *Pearlman v. Cablevision Systems Corp.*, 2019 WL 3974358 (E.D.N.Y.
15 Aug. 20, 2019), approving partner rates up to \$875.
- 16 b. *Nozzi v. Hous. Auth. for the City of Los Angeles*, No. CV 07-380 PA
17 (FFMX), 2018 WL 1659984, at *7 (C.D. Cal. Feb. 15, 2018) (at 2017
18 rates, rates of \$1,150, \$750 and \$765 for senior attorneys in private law
19 firm approved);
- 20 c. *In re Sears, Roebuck & Co. Front-Loading Washer Prod. Liab. Litig.*,
21 2018 WL 3707804, at *7 (N.D. Ill. Aug. 3, 2018), approving hourly
22 rates of \$725, 650, and 500.
- 23 d. *Dover v. British Airways, PLC*, No. 12-cv-05567-RJD-CLP, ECF No.
24 321 (E.D.N.Y. Oct. 9, 2018), approving partner rates up to \$875.
- 25 e. *Laydon v. Mizuho Bank, Ltd.*, No. 1:12-cv-03419-GBD, ECF No. 837
26 (S.D.N.Y. Dec. 7, 2017), approving partner rates of \$875 to \$975 and
27 associate rates of \$325 to \$600.
- 28

- 1 f. *In re Credit Default Swaps Antitrust Litig.*, 2016 WL 2731524, at *17
2 (S.D.N.Y. April 26, 2016), approving partner rates of \$834 to \$1,125
3 and associate rates of \$411 to \$714.
- 4 g. *State Compensation Insurance Fund v. Khan et al*, Case No. SACV 12-
5 01072-CJC(JCGx) (C.D. Cal.), Order Granting in Part and Denying in
6 Part the Zaks Defendants' Motion for Attorneys' Fees, filed July 6, 2016
7 (Dkt. No. 408) (in 2016, fees approved include \$890 for a 22-year
8 lawyer, \$840 for a 2-year lawyer).
- 9 h. *In re Amgen Inc. Sec. Litig.*, 2016 WL 10571773, at *9 (C.D. Cal. Oct.
10 25, 2016) (approving “a billing rate ranging from \$750 to \$985 per hour
11 for partners, \$500 to \$800 per hour for ‘of counsels’/senior counsel, and
12 \$300 to \$725 per hour for other attorneys”); *id.* (“The Court has
13 reviewed the attorneys’ hourly rates and hours worked, and found them
14 reasonable, given the duration of this litigation and the favorable
15 settlement for the class”).
- 16 i. *In re Platinum & Palladium Commod. Litig.*, Slip Op. No. 10-cv-3617,
17 2015 U.S. Dist. LEXIS 98691, at *13 (S.D.N.Y. July 7, 2015),
18 approving billing rates of \$950 and \$905 per hour and referring to a
19 recent National Law Journal survey yielding an average hourly partner
20 billing rate of \$982 in New York.
- 21 j. *In re Toyota Motor Corp. Unintended Acceleration Mktg., Sales*
22 *Practices, and Products Liability Litig.*, No. 10-ml- 02151 NS (FMOx),
23 Dkt. No. 3933 (C.D. Cal. June 24, 2013) (finding that “[c]lass counsel’s
24 experience, reputation, and skill, as well as the complexity of the case”
25 justified their rates that ranged from \$150 to \$950);
- 26 k. *Negrete v. Allianz Life Ins. Co. of N. Am.*, 2015 U.S. Dist. LEXIS
27 168586, at *51-52 (C.D. Cal. Mar. 17, 2015) (finding hourly rates
28

1 ranging from \$335 to \$905 “reasonable for complex class action
2 litigation in Los Angeles”).

- 3 l. *In re Bear Stearns Cos., Inc. Sec., Deriv., & ERISA Litig.*, Case No.
4 1:08-md01963-RWS, 909 F. Supp. 2d 259, 271-72 (S.D.N.Y. 2012),
5 approving fee award based on hourly rates ranging from \$275 to \$650
6 for associates and \$725 to \$975 for partners, as set forth in ECF No.
7 302-5.
- 8 m. *In re TFT-LCD (Flat Panel) Antitrust Litigation*, No. M 07 1827 SI,
9 MDL, No. 1827 (N.D. Cal. 2013), an antitrust class action, in which the
10 court found blended hourly rates of \$1000, \$950, \$861, \$825, \$820, and
11 \$750 per hour reasonable for the lead class counsel.
- 12 n. *Williams v. H&R Block Enterprises, Inc.*, Alameda County Superior Ct.
13 No. RG08366506, Order of Final Approval and Judgment filed
14 November 8, 2012, a wage and hour class action, in which the court
15 found the hourly rates of \$785, \$775, and \$750 reasonable for the more
16 senior class counsel.
- 17 o. *Luquetta v. The Regents of the Univ. of California*, San Francisco
18 Superior Ct. No. CGC-05-443007, Order Granting Plaintiffs’ Motion for
19 Common Fund Attorneys’ Fees and Expenses, filed October 31, 2012, a
20 class action to recover tuition overcharges, in which the court found the
21 hourly rates of \$850, \$785, \$750, and \$700 reasonable for Plaintiffs’
22 more experienced counsel.
- 23 p. *Pierce v. County of Orange*, 905 F. Supp. 2d 1017 (C.D. Cal. 2012), a
24 civil rights class action brought by pre-trial detainees, in which the court
25 approved a lodestar-based, inter alia, on 2011 rates of \$850 and \$825
26 per hour.
- 27 q. *Holloway et. al. v. Best Buy Co., Inc.*, No. 05-5056 PJH (N.D. Cal.
28 2011) (Order dated November 9, 2011), a class action alleging that Best

- 1 Buy discriminated against female, African American and Latino
2 employees by denying them promotions and lucrative sales positions, in
3 which the court approved lodestar-based rates of up to \$825 per hour.
- 4 r. *Californians for Disability Rights, Inc. v. California Department of*
5 *Transportation*, 2010 U.S. Dist. LEXIS 141030 (N.D. Cal. 2010),
6 adopted by Order Accepting Report and Recommendation filed
7 February 2, 2011, a class action in which the court found reasonable
8 2010 hourly rates of up to \$835 per hour.
- 9 s. *Credit/Debit Card Tying Cases*, San Francisco County Superior Court,
10 JCCP No. 4335, Order Granting Plaintiffs' Motion for Attorneys' Fees,
11 Expenses, and Incentive Awards, filed August 23, 2010, an antitrust
12 class action, in which the court, before applying a 2.0 lodestar
13 multiplier, found reasonable 2010 hourly rates of \$975 for a 43-year
14 attorney, \$950 for a 46-year attorney, \$850 for 32 and 38 year attorneys,
15 \$825 for a 35-year attorney, \$740 for a 26-year attorney, \$610 for a 13-
16 year attorney, and \$600 for a 9-year attorney, and \$485 for a 5-year
17 attorney.
- 18 t. *Savaglio, et al. v. WalMart*, Alameda County Superior Court No. C-
19 835687-7, Order Granting Class Counsel's Motion for Attorneys' Fees,
20 filed September 10, 2010, a wage and hour class action, in which the
21 court found reasonable, before applying a 2.36 multiplier, rates of up to
22 \$875 per hour for a 51-year attorney, \$750 for a 39-year attorney, and
23 \$775 for a 33-year attorney.
- 24 u. *Qualcomm, Inc. v. Broadcom, Inc.*, Case No. 05-CV-1958-B, 2008 WL
25 2705161 (S.D. Cal. 2008), in which the court found the 2007 hourly
26 rates requested by Wilmer Cutler, Pickering, Hale & Dorr LLP
27 reasonable; those rates ranged from \$45 to \$300 for staff and paralegals,
28

1 from \$275 to \$505 for associates and counsel, and from \$435 to \$850
2 for partners.

3 30. The reasonableness of my firm's hourly rates is also supported by
4 several surveys of legal rates, including the following:

- 5 a. The 2022 Real Rate Report survey compiled by Wolters Kluwer,
6 which presents the real market rates of Los Angeles area
7 attorneys who practice litigation. For that category, the third
8 quartile 2022 rate was \$1,045 per hour for partners and \$855 for
9 associates. Likewise, page 32 of the Report describes the rates
10 charged by 183 Los Angeles partners with "21 or more years of
11 experience" and "Fewer than 21 years." For those categories, the
12 third quartile Los Angeles partner rate in 2022 were \$1,133 per
13 hour for 21 or more years and \$1,075 for attorneys with fewer
14 than 21 years. A true and correct copy of portions of the 2022
15 Real Rate Report is attached hereto as **Exhibit 3**.
- 16 b. In an article entitled "Big Law Rates Topping \$2,000 Leave
17 Value 'In Eye of Beholder,'" written by Roy Strom and published
18 by Bloomberg Law on June 9, 2022, the author describes how
19 Big Law firms have crossed the \$2,000-per hour rate. The article
20 also notes that law firm rates have been increasing by just under
21 3% per year. A true and correct copy of this article is attached
22 hereto as **Exhibit 4**.
- 23 c. The CounselLink Enterprise Management Trends Report for June
24 2022 states that the median partner rate in New York was \$1,030.
25 The report also notes that median partner rates have grown by
26 4.0% in San Francisco and 4.3% in New York. A true and correct
27 copy of this article is attached hereto as **Exhibit 5**.
- 28

- 1 d. In an article entitled “On Sale: The \$1,150-Per Hour Lawyer,”
2 written by Jennifer Smith and published in the Wall Street
3 Journal on April 9, 2013, the author describes the rapidly growing
4 number of lawyers billing at \$1,150 or more revealed in public
5 filings and major surveys. The article also notes that in the first
6 quarter of 2013, the 50 top-grossing law firms billed their
7 partners at an average rate between \$879 and \$882 per hour. A
8 true and correct copy of this article is attached hereto as **Exhibit**
9 **6**.
- 10 e. Similarly, on February 23, 2011, the Wall Street Journal
11 published an on-line article entitled “Big Law’s \$1,000-Plus an
12 Hour Club.” A true and correct copy of that article is attached
13 hereto as **Exhibit 7**. That article notes that in 2011 partner rates
14 at some firms were as high as \$1,250 per hour and that associate
15 rates were as much as \$700 per hour.
- 16 f. On February 22, 2011, the ALM’s Daily Report listed the 2006-
17 2009 hourly rates of numerous San Francisco attorneys. A true
18 and correct copy of that article is attached hereto as **Exhibit 8**.
19 Even though rates have increased significantly since that time,
20 my firm’s rates are well within the range of rates shown in this
21 survey.
- 22 g. The Westlaw CourtExpress Legal Billing Reports for May,
23 August, and December 2009 (attached hereto as **Exhibit 9**) show
24 that as far back as 2009, attorneys with as little as 19 years of
25 experience were charging \$800 per hour or more, and that the
26 rates requested here are well within the range of those reported.
27 Again, current rates are significantly higher.
28

- 1 h. The National Law Journal’s December 2010, nationwide
2 sampling of law firm billing rates (attached hereto as **Exhibit 10**)
3 lists 32 firms whose highest rate was \$800 per hour or more,
4 eleven firms whose highest rate was \$900 per hour or more, and
5 three firms whose highest rate was \$1,000 per hour or more.
- 6 i. On December 18, 2009, The American Lawyer published an
7 online article entitled “Bankruptcy Rates Top \$1,000 in 2008-
8 2009.” That article is attached hereto as **Exhibit 11**. In addition
9 to reporting that several attorneys had charged rates of \$1,000 or
10 more in bankruptcy filings in Delaware and the Southern District
11 of New York, the article also listed 18 firms that charged median
12 partner rates of from \$625 to \$980 per hour.
- 13 j. According to the National Law Journal’s 2014 Law Firm Billing
14 Survey, law firms with their largest office in New York have
15 average partner and associate billing rates of \$882 and \$520,
16 respectively. Karen Sloan, *\$1,000 Per Hour Isn’t Rare Anymore;*
17 *Nominal Billing Levels Rise, But Discounts Ease Blow*, National
18 Law Journal, Jan. 13, 2014. The survey also shows that it is
19 common for legal fees for partners in New York firms to exceed
20 \$1,000 an hour. *Id.* A true and correct copy of this survey is
21 attached hereto as **Exhibit 12**.

22 31. Given Bursor & Fisher’s unique experience and track record of success
23 winning 6 of 6 class action trials, my hourly rate is set at \$1,000.00, which is the
24 same rate that my firm charges to clients who retain us on an hourly basis, and which
25 we never discount. This rate has been deemed reasonable in connection with the
26 approval of my firm’s fee applications in these recent matters:

- 27 a. *Kaupelis v. Harbor Freight Tools USA, Inc.*, 2022 WL 2288895,
28 at *9 (C.D. Cal. Jan. 12, 2022) (finding Bursor & Fisher rates

1 ranging from \$250/hr to \$1000/hr as “reasonable compared to
2 other awards in California courts”).

3 b. *Elder v. Hilton Worldwide Holdings, Inc.*, 2021 WL 4785936, at
4 *9 (N.D. Cal. Feb. 4, 2021) (finding Bursor & Fisher rates
5 ranging from \$200/hr to \$1000/hr “are reasonable”).

6 c. *Perez v. Rash Curtis & Associates*, 2020 WL 1904533, at *20
7 (N.D. Cal. Apr. 17, 2020) (concluding that “blended rate of
8 \$634.48 is within the reasonable range of rates”).

9 d. *Hendricks v. Starkist Co.*, 2016 WL 5462423 (N.D. Cal.
10 September 29, 2016) (“The Court further finds that the billing
11 rates used by class counsel to calculate the lodestar are reasonable
12 and in line with prevailing rates in this District for personnel of
13 comparable experience, skill, and reputation.”).

14 e. *In re Haier Freezer Consumer Litig.*, Case No. C11-02911 EJD,
15 N.D. Cal. (Oct. 25, 2013 Final Judgment And Order Granting
16 Plaintiffs’ Motion For Final Approval Of Class Action Settlement
17 And For Award Of Attorneys’ Fees, Costs And Incentive
18 Awards).

19 f. *Russett v. Northwestern Mutual Life Insurance Co.*, Case No. 19-
20 cv-07414, S.D.N.Y. (Oct. 6, 2020 Final Judgment And Order Of
21 Dismissal With Prejudice).

22 g. *Edwards v. Hearst Communications, Inc.*, Case No. 15-cv-09279,
23 S.D.N.Y. (Apr. 24, 2019 Final Judgment And Order Of Dismissal
24 With Prejudice).

25 h. *Taylor v. Trusted Media Brands, Inc.*, Case No. 16-cv-01812,
26 S.D.N.Y. (Feb. 1, 2018 Final Judgment And Order Of Dismissal
27 With Prejudice).

28 i. *Rodriguez v. CitiMortgage, Inc.*, Case No. 11-cv-4718, S.D.N.Y.

(Oct. 6, 2015), the court concluded during the *fairness* hearing that Bursor & Fisher’s rates for two of its partners, Joseph Marchese and Scott Bursor, were “reasonable.”

- j. *Kokoszki v. Playboy Enterprises, Inc.*, Case No. 19-cv-10302, E.D. Mich. (Aug. 19, 2020 Final Judgment And Order Of Dismissal With Prejudice).
- k. *Moeller v. American Media, Inc.*, Case No. 16-cv-11367, E.D. Mich. (Sept. 28, 2017 Order And Judgment Of Dismissal With Prejudice).
- l. *In re Michaels Stores Pin Pad Litigation*, Case No. 11-cv-03350, N.D. Ill. (Apr. 17, 2013 Order Approving *Settlement*).
- m. *In re Blue Buffalo Company, Ltd. Marketing and Sales Practices Litigation*, Case No. 14-md-02562, E.D. Mo. (June 16, 2016 Order Awarding Fees And Costs).
- n. *Rossi v. The Procter & Gamble Co.*, Case No. 11-7238, D.N.J. (Oct. 3, 2013 Final Approval Order And Judgment).

32. No court has ever cut my firm’s fee application by a single dollar on the ground that our hourly rates were not reasonable.

33. My firm undertook this representation on a wholly contingent basis recognizing that the risk of non-payment has been high throughout this litigation. There were substantial uncertainties in the viability of this case as a class action, as well as substantial uncertainties in the merits of the underlying claims, and the ability to collect on any judgment that might be obtained. Although we believed the case to be meritorious, a realistic assessment shows that the risks inherent in the resolution of the liability issues, protracted litigation in this action as well as the probable appeals process, are great.

34. Had we not resolved this matter through settlement, we would have vigorously prosecuted the case through class certification, summary judgment, trial,

1 and appealed any determinations that may have been adverse to the Class's interests.
2 We were therefore at great risk for non-payment. In addition, as described above, we
3 have advanced significant expenses that would not have been reimbursed absent a
4 successful result.

5 35. To date, Bursor & Fisher has expended \$20,371.98 in out-of-pocket
6 expenses in connection with the prosecution of this action. Attached as **Exhibit 13** is
7 an itemized listing of each out-of-pocket expense my firm incurred in this case.
8 These expenses are reflected in the records of Bursor & Fisher, and were necessary
9 to prosecute this litigation. All expenses were carefully and reasonably expended,
10 and they reflect market rates for various categories of expenses incurred. Expense
11 items are billed separately and such charges are not duplicated in my firm's billing
12 rates.

13 **IV. THE CLASS REPRESENTATIVES' ROLE IN THIS LITIGATION**

14 36. Pursuant to the Settlement Agreement, the five Class Representatives
15 are permitted to request approval of an incentive award up to \$5,000 each for their
16 service. The Court's Order of Preliminary Approval indicated that the Court would
17 approve awards of \$2,500 for each class representative.

18 37. The Class Representatives contributed valuable work throughout the
19 litigation. They assisted in Class Counsel's pre-suit investigation by discussing their
20 experiences and providing information on their purchases of the Smashburger Triple
21 Double Burger, among other matters. They assisted in drafting the four versions of
22 the complaints that have been filed in this litigation, and they reviewed the
23 complaints for accuracy before they were filed. The Class Representatives have kept
24 abreast of Counsel's settlement efforts and have provided comments on the
25 parameters of the settlement. They were prepared to litigate this case to a verdict if
26 necessary. Their dedication and efforts have conferred a significant benefit on
27 millions of Smashburger customers across the United States. The Class
28 Representatives also took significant time away from work and personal activities to

1 initiate and litigate this action. They were prepared to litigate this case to a verdict if
2 necessary. Their dedication and efforts have conferred a significant benefit on
3 purchasers of the Smashburger Triple Double across the United States. In light of
4 their contributions and efforts, an incentive award of \$2,500 to each of the Class
5 Representatives is appropriate and should be approved.

6 I declare under penalty of perjury under the laws of the United States and the
7 State of California that the foregoing is true and correct. Executed on December 5,
8 2022, at Walnut Creek, California.

9
10 /s/ L. Timothy Fisher
11 L. Timothy Fisher
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FIRM RESUME

With offices in Florida, New York, and California, BURSOR & FISHER lawyers have represented both plaintiffs and defendants in state and federal courts throughout the country.

The lawyers at our firm have an active civil trial practice, having won multi-million-dollar verdicts or recoveries in six of six class action jury trials since 2008. Our most recent class action trial victory came in May 2019 in *Perez v. Rash Curtis & Associates*, in which Mr. Bursor served as lead trial counsel and won a \$267 million jury verdict against a debt collector found to have violated the Telephone Consumer Protection Act.

In August 2013 in *Ayyad v. Sprint Spectrum L.P.*, in which Mr. Bursor served as lead trial counsel, we won a jury verdict defeating Sprint's \$1.06 billion counterclaim and securing the class's recovery of more than \$275 million in cash and debt relief.

In *Thomas v. Global Vision Products, Inc. (II)*, we obtained a \$50 million jury verdict in favor of a certified class of 150,000 purchasers of the Avacor Hair Regrowth System. The legal trade publication VerdictSearch reported that this was the second largest jury verdict in California in 2009, and the largest in any class action.

The lawyers at our firm have an active class action practice and have won numerous appointments as class counsel to represent millions of class members, including customers of Honda, Verizon Wireless, AT&T Wireless, Sprint, Haier America, and Michaels Stores as well as purchasers of Avacor™, Hydroxycut, and Sensa™ products. Bursor & Fisher lawyers have been court-appointed Class Counsel or Interim Class Counsel in:

1. *O'Brien v. LG Electronics USA, Inc.* (D.N.J. Dec. 16, 2010) to represent a certified nationwide class of purchasers of LG French-door refrigerators,
2. *Ramundo v. Michaels Stores, Inc.* (N.D. Ill. June 8, 2011) to represent a certified nationwide class of consumers who made in-store purchases at Michaels Stores using a debit or credit card and had their private financial information stolen as a result,
3. *In re Haier Freezer Consumer Litig.* (N.D. Cal. Aug. 17, 2011) to represent a certified class of purchasers of mislabeled freezers from Haier America Trading, LLC,
4. *Rodriguez v. CitiMortgage, Inc.* (S.D.N.Y. Nov. 14, 2011) to represent a certified nationwide class of military personnel against CitiMortgage for illegal foreclosures,
5. *Rossi v. The Procter & Gamble Co.* (D.N.J. Jan. 31, 2012) to represent a certified nationwide class of purchasers of Crest Sensitivity Treatment & Protection toothpaste,

6. *Dzielak v. Whirlpool Corp. et al.* (D.N.J. Feb. 21, 2012) to represent a proposed nationwide class of purchasers of mislabeled Maytag Centennial washing machines from Whirlpool Corp., Sears, and other retailers,
7. *In re Sensa Weight Loss Litig.* (N.D. Cal. Mar. 2, 2012) to represent a certified nationwide class of purchasers of Sensa weight loss products,
8. *In re Sinus Buster Products Consumer Litig.* (E.D.N.Y. Dec. 17, 2012) to represent a certified nationwide class of purchasers,
9. *Ebin v. Kangadis Food Inc.* (S.D.N.Y. Feb. 25, 2014) to represent a certified nationwide class of purchasers of Capatriti 100% Pure Olive Oil,
10. *Forcellati v. Hyland's, Inc.* (C.D. Cal. Apr. 9, 2014) to represent a certified nationwide class of purchasers of children's homeopathic cold and flu remedies,
11. *Ebin v. Kangadis Family Management LLC, et al.* (S.D.N.Y. Sept. 18, 2014) to represent a certified nationwide class of purchasers of Capatriti 100% Pure Olive Oil,
12. *In re Scotts EZ Seed Litig.* (S.D.N.Y. Jan. 26, 2015) to represent a certified class of purchasers of Scotts Turf Builder EZ Seed,
13. *Dei Rossi v. Whirlpool Corp., et al.* (E.D. Cal. Apr. 28, 2015) to represent a certified class of purchasers of mislabeled KitchenAid refrigerators from Whirlpool Corp., Best Buy, and other retailers,
14. *Hendricks v. StarKist Co.* (N.D. Cal. July 23, 2015) to represent a certified nationwide class of purchasers of StarKist tuna products,
15. *In re NVIDIA GTX 970 Graphics Card Litig.* (N.D. Cal. May 8, 2015) to represent a proposed nationwide class of purchasers of NVIDIA GTX 970 graphics cards,
16. *Melgar v. Zicam LLC, et al.* (E.D. Cal. March 30, 2016) to represent a certified ten-jurisdiction class of purchasers of Zicam Pre-Cold products,
17. *In re Trader Joe's Tuna Litigation* (C.D. Cal. December 21, 2016) to represent purchaser of allegedly underfilled Trader Joe's canned tuna.
18. *In re Welspun Litigation* (S.D.N.Y. January 26, 2017) to represent a proposed nationwide class of purchasers of Welspun Egyptian cotton bedding products,
19. *Retta v. Millennium Products, Inc.* (C.D. Cal. January 31, 2017) to represent a certified nationwide class of Millennium kombucha beverages,
20. *Moeller v. American Media, Inc.*, (E.D. Mich. June 8, 2017) to represent a class of magazine subscribers under the Michigan Preservation of Personal Privacy Act,
21. *Hart v. BHH, LLC* (S.D.N.Y. July 7, 2017) to represent a nationwide class of purchasers of Bell & Howell ultrasonic pest repellers,
22. *McMillion v. Rash Curtis & Associates* (N.D. Cal. September 6, 2017) to represent a certified nationwide class of individuals who received calls from Rash Curtis & Associates,
23. *Lucero v. Solarcity Corp.* (N.D. Cal. September 15, 2017) to represent a certified nationwide class of individuals who received telemarketing calls from Solarcity Corp.,

24. *Taylor v. Trusted Media Brands, Inc.* (S.D.N.Y. Oct. 17, 2017) to represent a class of magazine subscribers under the Michigan Preservation of Personal Privacy Act,
25. *Gasser v. Kiss My Face, LLC* (N.D. Cal. Oct. 23, 2017) to represent a proposed nationwide class of purchasers of cosmetic products,
26. *Gastelum v. Frontier California Inc.* (S.F. Superior Court February 21, 2018) to represent a certified California class of Frontier landline telephone customers who were charged late fees,
27. *Williams v. Facebook, Inc.* (N.D. Cal. June 26, 2018) to represent a proposed nationwide class of Facebook users for alleged privacy violations,
28. *Ruppel v. Consumers Union of United States, Inc.* (S.D.N.Y. July 27, 2018) to represent a class of magazine subscribers under the Michigan Preservation of Personal Privacy Act,
29. *Bayol v. Health-Ade* (N.D. Cal. August 23, 2018) to represent a proposed nationwide class of Health-Ade kombucha beverage purchasers,
30. *West v. California Service Bureau* (N.D. Cal. September 12, 2018) to represent a certified nationwide class of individuals who received calls from California Service Bureau,
31. *Gregorio v. Premier Nutrition Corporation* (S.D.N.Y. Sept. 14, 2018) to represent a nationwide class of purchasers of protein shake products,
32. *Moeller v. Advance Magazine Publishers, Inc. d/b/a Condé Nast* (S.D.N.Y. Oct. 24, 2018) to represent a class of magazine subscribers under the Michigan Preservation of Personal Privacy Act,
33. *Bakov v. Consolidated World Travel Inc. d/b/a Holiday Cruise Line* (N.D. Ill. Mar. 21, 2019) to represent a certified class of individuals who received calls from Holiday Cruise Line,
34. *Martinelli v. Johnson & Johnson* (E.D. Cal. March 29, 2019) to represent a certified class of purchasers of Benecol spreads labeled with the representation “No Trans Fat,”
35. *Edwards v. Hearst Communications, Inc.* (S.D.N.Y. April 24, 2019) to represent a class of magazine subscribers under the Michigan Preservation of Personal Privacy Act,
36. *Galvan v. Smashburger* (C.D. Cal. June 25, 2019) to represent a proposed class of purchasers of Smashburger’s “Triple Double” burger,
37. *Kokoszki v. Playboy Enterprises, Inc.* (E.D. Mich. Feb. 7, 2020) to represent a class of magazine subscribers under the Michigan Preservation of Personal Privacy Act,
38. *Russett v. The Northwestern Mutual Life Insurance Co.* (S.D.N.Y. May 28, 2020) to represent a class of insurance policyholders that were allegedly charged unlawful paper billing fees,
39. *In re: Metformin Marketing and Sales Practices Litigation* (D.N.J. June 3, 2020) to represent a proposed nationwide class of purchasers of generic diabetes medications that were contaminated with a cancer-causing carcinogen,
40. *Hill v. Spirit Airlines, Inc.* (S.D. Fla. July 21, 2020) to represent a proposed nationwide class of passengers whose flights were cancelled by Spirit Airlines

due to the novel coronavirus, COVID-19, and whose tickets were not refunded,

41. *Kramer v. Alterra Mountain Co.* (D. Colo. July 31, 2020) to represent a proposed nationwide class of purchasers to recoup the unused value of their Ikon ski passes after Alterra suspended operations at its ski resorts due to the novel coronavirus, COVID-19,
42. *Qureshi v. American University* (D.D.C. July 31, 2020) to represent a proposed nationwide class of students for tuition and fee refunds after their classes were moved online by American University due to the novel coronavirus, COVID-19,
43. *Hufford v. Maxim Inc.* (S.D.N.Y. Aug. 13, 2020) to represent a class of magazine subscribers under the Michigan Preservation of Personal Privacy Act,
44. *Desai v. Carnegie Mellon University* (W.D. Pa. Aug. 26, 2020) to represent a proposed nationwide class of students for tuition and fee refunds after their classes were moved online by Carnegie Mellon University due to the novel coronavirus, COVID-19,
45. *Heigl v. Waste Management of New York, LLC* (E.D.N.Y. Aug. 27, 2020) to represent a class of waste collection customers that were allegedly charged unlawful paper billing fees,
46. *Stellato v. Hofstra University* (E.D.N.Y. Sept. 18, 2020) to represent a proposed nationwide class of students for tuition and fee refunds after their classes were moved online by Hofstra University due to the novel coronavirus, COVID-19,
47. *Kaupelis v. Harbor Freight Tools USA, Inc.* (C.D. Cal. Sept. 23, 2020), to represent consumers who purchased defective chainsaws,
48. *Soo v. Lorex Corporation* (N.D. Cal. Sept. 23, 2020), to represent consumers whose security cameras were intentionally rendered non-functional by manufacturer,
49. *Miranda v. Golden Entertainment (NV), Inc.* (D. Nev. Dec. 17, 2020), to represent consumers and employees whose personal information was exposed in a data breach,
50. *Benbow v. SmileDirectClub, Inc.* (Cir. Ct. Cook Cnty. Feb. 4, 2021), to represent a certified nationwide class of individuals who received text messages from SmileDirectClub, in alleged violation of the Telephone Consumer Protection Act,
51. *Suren v. DSV Solutions, LLC* (Cir. Ct. DuPage Cnty. Apr. 8, 2021), to represent a certified class of employees who used a fingerprint clock-in system, in alleged violation of the Illinois Biometric Information Privacy Act,
52. *De Lacour v. Colgate-Palmolive Co.* (S.D.N.Y. Apr. 23, 2021), to represent a certified class of consumers who purchased allegedly “natural” Tom’s of Maine products,
53. *Wright v. Southern New Hampshire University* (D.N.H. Apr. 26, 2021), to represent a certified nationwide class of students for tuition and fee refunds after their classes were moved online by Southern New Hampshire University due to the novel coronavirus, COVID-19,
54. *Sahlin v. Hospital Housekeeping Systems, LLC* (Cir. Ct. Williamson Cnty. May 21, 2021), to represent a certified class of employees who used a

fingerprint clock-in system, in alleged violation of the Illinois Biometric Information Privacy Act,

55. *Landreth v. Verano Holdings LLC, et al.* (Cir. Ct. Cook Cnty. June 2, 2021), to represent a certified class of employees who used a fingerprint clock-in system, in alleged violation of the Illinois Biometric Information Privacy Act.
56. *Rocchio v. Rutgers, The State University of New Jersey*, (Sup. Ct., Middlesex Cnty. October 27, 201), to represent a certified nationwide class of students for fee refunds after their classes were moved online by Rutgers due to the novel coronavirus, COVID-19,
57. *Malone v. Western Digital Corp.*, (N.D. Cal. Dec. 22, 2021), to represent a class of consumers who purchased hard drives that were allegedly deceptively advertised,
58. *Jenkins v. Charles Industries, LLC*, (Cir. Ct. DuPage Cnty. Dec. 21, 2021) to represent a certified class of employees who used a fingerprint clock-in system, in alleged violation of the Illinois Biometric Information Privacy Act,
59. *Frederick v. Examsoft Worldwide, Inc.*, (Cir. Ct. DuPage Cnty. Jan. 6, 2022) to represent a certified class of exam takers who used virtual exam proctoring software, in alleged violation of the Illinois Biometric Information Privacy Act,
60. *Isaacson v. Liqui-Box Flexibles, LLC, et al.*, (Cir. Ct. Will Cnty. Jan. 18, 2022) to represent a certified class of employees who used a fingerprint clock-in system, in alleged violation of the Illinois Biometric Information Privacy Act,
61. *Goldstein v. Henkel Corp.*, (D. Conn. Mar. 3, 2022) to represent a proposed class of purchasers of Right Guard antiperspirants that were allegedly contaminated with benzene,
62. *McCall v. Hercules Corp.*, (N.Y. Sup. Ct., Westchester Cnty. Mar. 14, 2022) to represent a certified class of who laundry card purchasers who were allegedly subjected to deceptive practices by being denied cash refunds,
63. *Lewis v. Trident Manufacturing, Inc.*, (Cir. Ct. Kane Cnty. Mar. 16, 2022) to represent a certified class of workers who used a fingerprint clock-in system, in alleged violation of the Illinois Biometric Information Privacy Act,
64. *Croft v. Spinx Games Limited, et al.*, (W.D. Wash. Mar. 31, 2022) to represent a certified class of Washington residents who lost money playing mobile applications games that allegedly constituted illegal gambling under Washington law,
65. *Fischer v. Instant Checkmate LLC*, (N.D. Ill. Mar. 31, 2022) to represent a certified class of Illinois residents whose identities were allegedly used without their consent in alleged violation of the Illinois Right of Publicity Act,
66. *Rivera v. Google LLC*, (Cir. Ct. Cook Cnty. Apr. 25, 2022) to represent a certified class of Illinois residents who appeared in a photograph in Google Photos, in alleged violation of the Illinois Biometric Information Privacy Act,
67. *Loftus v. Outside Integrated Media, LLC*, (E.D. Mich. May 5, 2022) to represent a class of magazine subscribers under the Michigan Preservation of Personal Privacy Act,
68. *D'Amario v. The University of Tampa*, (S.D.N.Y. June 3, 2022) to represent a certified nationwide class of students for tuition and fee refunds after their

classes were moved online by The University of Tampa due to the novel coronavirus, COVID-19.

69. *Fittipaldi v. Monmouth University*, (D.N.J. Sept. 22, 2022) to represent a certified nationwide class of students for tuition and fee refunds after their classes were moved online by Monmouth University due to the novel coronavirus, COVID-19.

SCOTT A. BURSOR

Mr. Bursor has an active civil trial practice, having won multi-million verdicts or recoveries in six of six civil jury trials since 2008. Mr. Bursor's most recent victory came in May 2019 in *Perez v. Rash Curtis & Associates*, in which Mr. Bursor served as lead trial counsel and won a \$267 million jury verdict against a debt collector for violations of the Telephone Consumer Protection Act (TCPA).

In *Ayyad v. Sprint Spectrum L.P.* (2013), where Mr. Bursor served as lead trial counsel, the jury returned a verdict defeating Sprint's \$1.06 billion counterclaim and securing the class's recovery of more than \$275 million in cash and debt relief.

In *Thomas v. Global Vision Products, Inc.* (2009), the jury returned a \$50 million verdict in favor of the plaintiff and class represented by Mr. Bursor. The legal trade publication VerdictSearch reported that this was the second largest jury verdict in California in 2009.

Class actions are rarely tried to verdict. Other than Mr. Bursor and his partner Mr. Fisher, we know of no lawyer that has tried more than one class action to a jury. Mr. Bursor's perfect record of six wins in six class action jury trials, with recoveries ranging from \$21 million to \$299 million, is unmatched by any other lawyer. Each of these victories was hard-fought against top trial lawyers from the biggest law firms in the United States.

Mr. Bursor graduated from the University of Texas Law School in 1996. He served as Articles Editor of the Texas Law Review, and was a member of the Board of Advocates and Order of the Coif. Prior to starting his own practice, Mr. Bursor was a litigation associate at a large New York based law firm where he represented telecommunications, pharmaceutical, and technology companies in commercial litigation.

Mr. Bursor is a member of the state bars of New York, Florida, and California, as well as the bars of the United States Court of Appeals for the Second, Third, Fourth, Sixth, Ninth and Eleventh Circuits, and the bars of the United States District Courts for the Southern and Eastern Districts of New York, the Northern, Central, Southern and Eastern Districts of California, the Southern and Middle Districts of Florida, and the Eastern District of Michigan.

Representative Cases

Mr. Bursor was appointed lead or co-lead class counsel to the largest, 2nd largest, and 3rd largest classes ever certified. Mr. Bursor has represented classes including more than 160 million class members, roughly 1 of every 2 Americans. Listed below are recent cases that are representative of Mr. Bursor's practice:

Mr. Bursor negotiated and obtained court-approval for two landmark settlements in *Nguyen v. Verizon Wireless* and *Zill v. Sprint Spectrum* (the largest and 2nd largest classes ever certified). These settlements required Verizon and Sprint to open their wireless networks to third-party devices and applications. These settlements are believed to be the most significant legal development affecting the telecommunications industry since 1968, when the FCC's Carterfone decision similarly opened up AT&T's wireline telephone network.

Mr. Bursor was the lead trial lawyer in *Ayyad v. Sprint Spectrum, L.P.* representing a class of approximately 2 million California consumers who were charged an early termination fee under a Sprint cellphone contract, asserting claims that such fees were unlawful liquidated damages under the California Civil Code, as well as other statutory and common law claims. After a five-week combined bench-and-jury trial, the jury returned a verdict in June 2008 and the Court issued a Statement of Decision in December 2008 awarding the plaintiffs \$299 million in cash and debt cancellation. Mr. Bursor served as lead trial counsel for this class again in 2013 during a month-long jury trial in which Sprint asserted a \$1.06 billion counterclaim against the class. Mr. Bursor secured a verdict awarding Sprint only \$18.4 million, the exact amount calculated by the class's damages expert. This award was less than 2% of the damages Sprint sought, less than 6% of the amount of the illegal termination fees Sprint charged to class members. In December 2016, after more than 13 years of litigation, the case was settled for \$304 million, including \$79 million in cash payments plus \$225 million in debt cancellation.

Mr. Bursor was the lead trial lawyer in *White v. Cellco Partnership d/b/a Verizon Wireless* representing a class of approximately 1.4 million California consumers who were charged an early termination fee under a Verizon cellphone contract, asserting claims that such fees were unlawful liquidated damages under the California Civil Code, as well as other statutory and common law claims. In July 2008, after Mr. Bursor presented plaintiffs' case-in-chief, rested, then cross-examined Verizon's principal trial witness, Verizon agreed to settle the case for a \$21 million cash payment and an injunction restricting Verizon's ability to impose early termination fees in future subscriber agreements.

Mr. Bursor was the lead trial lawyer in *Thomas v. Global Visions Products Inc.* Mr. Bursor represented a class of approximately 150,000 California consumers who had purchased the Avacor® hair regrowth system. In January 2008, after a four-week combined bench-and-jury trial, Mr. Bursor obtained a \$37 million verdict for the class, which the Court later increased to \$40 million.

Mr. Bursor was appointed class counsel and was elected chair of the Official Creditors' Committee in *In re Nutraquest Inc.*, a Chapter 11 bankruptcy case before Chief Judge Garrett E. Brown, Jr. (D.N.J.) involving 390 ephedra-related personal injury and/or wrongful death claims, two consumer class actions, four enforcement actions by governmental agencies, and multiple adversary proceedings related to the Chapter 11 case. Working closely with counsel for all parties and with two mediators, Judge Nicholas Politan (Ret.) and Judge Marina Corodemus (Ret.), the committee chaired by Mr. Bursor was able to settle or otherwise resolve every claim and reach a fully consensual Chapter 11 plan of reorganization, which Chief Judge Brown approved in late 2006. This settlement included a \$12.8 million recovery to a nationwide class of consumers who alleged they were defrauded in connection with the purchase of Xenadrine® dietary supplement products.

Mr. Bursor was the lead trial lawyer in *In re: Pacific Bell Late Fee Litigation*. After filing the first class action challenging Pac Bell's late fees in April 2010, winning a contested motion to certify a statewide California class in January 2012, and defeating Pac Bell's motion for summary judgment in February 2013, Mr. Bursor obtained final approval of the \$38 million class settlement. The settlement, which Mr. Bursor negotiated the night before opening statements were scheduled to commence, included a \$20 million cash payment to provide refunds to California customers who paid late fees on their Pac Bell wireline telephone accounts, and an injunction that reduced other late fee charges by \$18.6 million.

L. TIMOTHY FISHER

L. Timothy Fisher has an active practice in consumer class actions and complex business litigation and has also successfully handled a large number of civil appeals.

Mr. Fisher has been actively involved in numerous cases that resulted in multi-million dollar recoveries for consumers and investors. Mr. Fisher has handled cases involving a wide range of issues including nutritional labeling, health care, telecommunications, corporate governance, unfair business practices and consumer fraud. With his partner Scott A. Bursor, Mr. Fisher has tried five class action jury trials, all of which produced successful results. In *Thomas v. Global Vision Products*, Mr. Fisher obtained a jury award of \$50,024,611 — the largest class action award in California in 2009 and the second-largest jury award of any kind. In 2019, Mr. Fisher served as trial counsel with Mr. Bursor and his partner Yeremey Krivoshey in *Perez v. Rash Curtis & Associates*, where the jury returned a verdict for \$267 million in statutory damages under the Telephone Consumer Protection Act.

Mr. Fisher was admitted to the State Bar of California in 1997. He is also a member of the bars of the United States Court of Appeals for the Ninth Circuit, the United States District Courts for the Northern, Central, Southern and Eastern Districts of California, the Northern District of Illinois, the Eastern District of Michigan, and the Eastern District of Missouri. Mr. Fisher taught appellate advocacy at John F. Kennedy University School of Law in 2003 and 2004. In 2010, he contributed jury instructions, a verdict form and comments to the consumer protection chapter of Justice Elizabeth A. Baron's *California Civil Jury Instruction Companion Handbook* (West 2010). In January 2014, Chief Judge Claudia Wilken of the United States District Court for the Northern District of California appointed Mr. Fisher to a four-year term as a member of the Court's Standing Committee on Professional Conduct.

Mr. Fisher received his Juris Doctor from Boalt Hall at the University of California at Berkeley in 1997. While in law school, he was an active member of the Moot Court Board and participated in moot court competitions throughout the United States. In 1994, Mr. Fisher received an award for Best Oral Argument in the first-year moot court competition.

In 1992, Mr. Fisher graduated with highest honors from the University of California at Berkeley and received a degree in political science. Prior to graduation, he authored an honors thesis for Professor Bruce Cain entitled "The Role of Minorities on the Los Angeles City Council." He is also a member of Phi Beta Kappa.

Representative Cases

Thomas v. Global Vision Products, Inc. (Alameda County Superior Court). Mr. Fisher litigated claims against Global Vision Products, Inc. and other individuals in connection with the sale and marketing of a purported hair loss remedy known as Avacor. The case lasted more than seven years and involved two trials. The first trial resulted in a verdict for plaintiff and the class in the amount of \$40,000,000. The second trial resulted in a jury verdict of \$50,024,611, which led to a \$30 million settlement for the class.

In re Cellphone Termination Fee Cases - Handset Locking Actions (Alameda County Superior Court). Mr. Fisher actively worked on five coordinated cases challenging the secret locking of cell phone handsets by major wireless carriers to prevent consumers from activating them on competitive carriers' systems. Settlements have been approved in all five cases on terms that require the cell phone carriers to disclose their handset locks to consumers and to provide unlocking codes nationwide on reasonable terms and conditions. The settlements fundamentally changed the landscape for cell phone consumers regarding the locking and unlocking of cell phone handsets.

In re Cellphone Termination Fee Cases - Early Termination Fee Cases (Alameda County Superior Court and Federal Communications Commission). In separate cases that are a part of the same coordinated litigation as the Handset Locking Actions, Mr. Fisher actively worked on claims challenging the validity under California law of early termination fees imposed by national cell phone carriers. In one of those cases, against Verizon Wireless, a nationwide settlement was reached after three weeks of trial in the amount of \$21 million. In a second case, which was tried to verdict, the Court held after trial that the \$73 million of flat early termination fees that Sprint had collected from California consumers over an eight-year period were void and unenforceable.

Selected Published Decisions

Melgar v. Zicam LLC, 2016 WL 1267870 (E.D. Cal. Mar. 30, 2016) (certifying 10-jurisdiction class of purchasers of cold remedies, denying motion for summary judgment, and denying motions to exclude plaintiff's expert witnesses).

Salazar v. Honest Tea, Inc., 2015 WL 7017050 (E.D. Cal. Nov. 12, 2015) (denying motion for summary judgment).

Dei Rossi v. Whirlpool Corp., 2015 WL 1932484 (E.D. Cal. Apr. 27, 2015) (certifying California class of purchasers of refrigerators that were mislabeled as Energy Star qualified).

Bayol v. Zipcar, Inc., 78 F.Supp.3d 1252 (N.D. Cal. 2015) (denying motion to dismiss claims alleging unlawful late fees under California Civil Code § 1671).

Forcellati v. Hyland's, Inc., 2015 WL 9685557 (C.D. Cal. Jan. 12, 2015) (denying motion for summary judgment in case alleging false advertising of homeopathic cold and flu remedies for children).

Bayol v. Zipcar, Inc., 2014 WL 4793935 (N.D. Cal. Sept. 25, 2014) (denying motion to transfer venue pursuant to a forum selection clause).

Forcellati v. Hyland's Inc., 2014 WL 1410264 (C.D. Cal. Apr. 9, 2014) (certifying nationwide class of purchasers of homeopathic cold and flu remedies for children).

Hendricks v. StarKist Co., 30 F.Supp.3d 917 (N.D. Cal. 2014) (denying motion to dismiss in case alleging underfilling of 5-ounce cans of tuna).

Dei Rossi v. Whirlpool Corp., 2013 WL 5781673 (E.D. Cal. October 25, 2013) (denying motion to dismiss in case alleging that certain KitchenAid refrigerators were misrepresented as Energy Star qualified).

Forcellati v. Hyland's Inc., 876 F.Supp.2d 1155 (C.D. Cal. 2012) (denying motion to dismiss complaint alleging false advertising regarding homeopathic cold and flu remedies for children).

Clerkin v. MyLife.com, 2011 WL 3809912 (N.D. Cal. August 29, 2011) (denying defendants' motion to dismiss in case alleging false and misleading advertising by a social networking company).

In re Cellphone Termination Fee Cases, 186 Cal.App.4th 1380 (2010) (affirming order approving \$21 million class action settlement).

Gatton v. T-Mobile USA, Inc., 152 Cal.App.4th 571 (2007) (affirming order denying motion to compel arbitration).

Selected Class Settlements

Melgar v. Zicam (Eastern District of California) - \$16 million class settlement of claims alleging cold medicine was ineffective.

Gastelum v. Frontier California Inc. (San Francisco Superior Court) - \$10.9 million class action settlement of claims alleging that a residential landline service provider charged unlawful late fees.

West v. California Service Bureau, Inc. (Northern District of California) - \$4.1 million class settlement of claims under the Telephone Consumer Protection Act.

Gregorio v. Premier Nutrition Corp. (Southern District of New York) - \$9 million class settlement of false advertising claims against protein shake manufacturer.

Morris v. SolarCity Corp. (Northern District of California) - \$15 million class settlement of claims under the Telephone Consumer Protection Act.

Retta v. Millennium Products, Inc. (Central District of California) - \$8.25 million settlement to resolve claims of bottled tea purchasers for alleged false advertising.

Forcellati v. Hyland's (Central District of California) – nationwide class action settlement providing full refunds to purchasers of homeopathic cold and flu remedies for children.

Dei Rossi v. Whirlpool (Eastern District of California) – class action settlement providing \$55 cash payments to purchasers of certain KitchenAid refrigerators that allegedly mislabeled as Energy Star qualified.

In Re NVIDIA GTX 970 Graphics Chip Litigation (Northern District of California) - \$4.5 million class action settlement of claims alleging that a computer graphics card was sold with false and

misleading representations concerning its specifications and performance.

Hendricks v. StarKist Co. (Northern District of California) – \$12 million class action settlement of claims alleging that 5-ounce cans of tuna were underfilled.

In re Zakskorn v. American Honda Motor Co. Honda (Eastern District of California) – nationwide settlement providing for brake pad replacement and reimbursement of out-of-pocket expenses in case alleging defective brake pads on Honda Civic vehicles manufactured between 2006 and 2011.

Correa v. Sensa Products, LLC (Los Angeles Superior Court) - \$9 million settlement on behalf of purchasers of the Sensa weight loss product.

In re Pacific Bell Late Fee Litigation (Contra Costa County Superior Court) - \$38.6 million settlement on behalf of Pac Bell customers who paid an allegedly unlawful late payment charge.

In re Haier Freezer Consumer Litigation (Northern District of California) - \$4 million settlement, which provided for cash payments of between \$50 and \$325.80 to class members who purchased the Haier HNCM070E chest freezer.

Thomas v. Global Vision Products, Inc. (Alameda County Superior Court) - \$30 million settlement on behalf of a class of purchasers of a hair loss remedy.

Guyette v. Viacom, Inc. (Alameda County Superior Court) - \$13 million settlement for a class of cable television subscribers who alleged that the defendant had improperly failed to share certain tax refunds with its subscribers.

JOSEPH I. MARCHESE

Joseph I. Marchese is a Partner with Bursor & Fisher, P.A. Joe focuses his practice on consumer class actions, employment law disputes, and commercial litigation. He has represented corporate and individual clients in a wide array of civil litigation, and has substantial trial and appellate experience.

Joe has diverse experience in litigating and resolving consumer class actions involving claims of mislabeling, false or misleading advertising, privacy violations, data breach claims, and violations of the Servicemembers Civil Relief Act.

Joe also has significant experience in multidistrict litigation proceedings. Recently, he served on the Plaintiffs' Executive Committee in *In Re: Blue Buffalo Company, Ltd. Marketing And Sales Practices Litigation*, MDL No. 2562, which resulted in a \$32 million consumer class settlement. Currently, he serves on the Plaintiffs' Steering Committee for Economic Reimbursement in *In Re: Valsartan Products Liability Litigation*, MDL No. 2875.

Joe is admitted to the State Bar of New York and is a member of the bars of the United States District Courts for the Southern District of New York, the Eastern District of New York, and the Eastern District of Michigan, as well as the United States Court of Appeals for the Second Circuit.

Joe graduated from Boston University School of Law in 2002 where he was a member of The Public Interest Law Journal. In 1998, Joe graduated with honors from Bucknell University.

Selected Published Decisions:

Boelter v. Hearst Communications, Inc., 269 F. Supp. 3d 172 (S.D.N.Y. Sept. 7, 2017), granting plaintiff's motion for partial summary judgment on state privacy law violations in putative class action.

Boelter v. Hearst Communications, Inc., 192 F. Supp. 3d 427 (S.D.N.Y. June 17, 2016), denying publisher's motion to dismiss its subscriber's allegations of state privacy law violations in putative class action.

In re Scotts EZ Seed Litigation, 304 F.R.D. 397 (S.D.N.Y. 2015), granting class certification of false advertising and other claims brought by New York and California purchasers of grass seed product.

Ebin v. Kangadis Food Inc., 297 F.R.D. 561 (S.D.N.Y. 2014), granting nationwide class certification of false advertising and other claims brought by purchasers of purported "100% Pure Olive Oil" product.

In re Michaels Stores Pin Pad Litigation, 830 F. Supp. 2d 518 (N.D. Ill. 2011), denying retailer's motion to dismiss its customers' state law consumer protection and privacy claims in data breach putative class action.

Selected Class Settlements:

Edwards v. Hearst Communications, Inc., Case No. 15-cv-09279-AT (S.D.N.Y. 2019) – final approval granted for \$50 million class settlement to resolve claims of magazine subscribers for alleged statutory privacy violations.

Moeller v. Advance Magazine Publishers, Inc. d/b/a Condé Nast, Case No. 15-cv-05671-NRB (S.D.N.Y. 2019) – final approval granted for \$13.75 million class settlement to resolve claims of magazine subscribers for alleged statutory privacy violations.

In re Scotts EZ Seed Litigation, Case No. 12-cv-4727-VB (S.D.N.Y. 2018) – final approval granted for \$47 million class settlement to resolve false advertising claims of purchasers of combination grass seed product.

In Re: Blue Buffalo Marketing And Sales Practices Litigation, Case No. 14-MD-2562-RWS (E.D. Mo. 2016) – final approval granted for \$32 million class settlement to resolve claims of pet owners for alleged false advertising of pet foods.

Rodriguez v. Citimortgage, Inc., Case No. 11-cv-4718-PGG (S.D.N.Y. 2015) – final approval granted for \$38 million class settlement to resolve claims of military servicemembers for alleged foreclosure violations of the Servicemembers Civil Relief Act, where each class member was entitled to \$116,785 plus lost equity in the foreclosed property and interest thereon.

O'Brien v. LG Electronics USA, Inc., et al., Case No. 10-cv-3733-DMC (D.N.J. 2011) – final approval granted for \$23 million class settlement to resolve claims of Energy Star refrigerator purchasers for alleged false advertising of the appliances' Energy Star qualification.

JOSHUA D. ARISOHN

Joshua D. Arisohn is a Partner with Bursor & Fisher, P.A. Josh has litigated precedent-setting cases in the areas of consumer class actions and terrorism. He participated in the first ever trial to take place under the Anti-Terrorism Act, a statute that affords U.S. citizens the right to assert federal claims for injuries arising out of acts of international terrorism. Josh's practice continues to focus on terrorism-related matters as well as class actions.

Josh is admitted to the State Bar of New York and is a member of the bars of the United States District Courts for the Southern District of New York, the Eastern District of New York, the District Court for the District of Columbia, and the United States Courts of Appeals for the Second and Ninth Circuits.

Josh previously practiced at Dewey & LeBoeuf LLP and DLA Piper LLP. He graduated from Columbia University School of Law in 2006, where he was a Harlan Fiske Stone Scholar, and received his B.A. from Cornell University in 2002. Josh has been honored as a 2015, 2016 and 2017 Super Lawyer Rising Star.

Selected Published Decisions:

Fields v. Syrian Arab Republic, Civil Case No. 18-1437 (RJL), entering a judgment of approximately \$850 million in favor of the family members of victims of terrorist attacks carried out by ISIS with the material support of Syria.

Farwell v. Google LLC, 2022 WL 1568361 (C.D. Ill. Mar. 31, 2022), denying social media defendant's motion to dismiss BIPA claims brought on behalf of Illinois school students using Google's Workspace for Education platform on laptop computers.

Weiman v. Miami University, Case No. 2020-00614JD (Oh. Ct. Claims), certifying a class of students alleging a breach of contract based on their school's failure to provide a full semester of in-person classes.

Smith v. The Ohio State University, Case No. 2020-00321JD (Oh. Ct. Claims), certifying a class of students alleging a breach of contract based on their school's failure to provide a full semester of in-person classes.

Waitt v. Kent State University, Case No. 2020-00392JD (Oh. Ct. Claims), certifying a class of students alleging a breach of contract based on their school's failure to provide a full semester of in-person classes.

Duke v. Ohio University, Case No. 2021-00036JD (Oh. Ct. Claims), certifying a class of students alleging a breach of contract based on their school's failure to provide a full semester of in-person classes.

Keba v. Bowling Green State University, Case No. 2020-00639JD (Oh. Ct. Claims), certifying a class of students alleging a breach of contract based on their school's failure to provide a full semester of in-person classes.

Kirkbride v. The Kroger Co., Case No. 2:21-cv-00022-ALM-EPD, denying motion to dismiss claims based on the allegation that defendant overstated its usual and customary prices and thereby overcharged customers for generic drugs.

Selected Class Settlements:

Morris v. SolarCity Corp., Case No. 3:15-cv-05107-RS (N.D. Cal.) - final approval granted for \$15 million class settlement to resolve claims under the Telephone Consumer Protection Act ("TCPA"), 47 U.S.C. § 227 *et seq.*

Marquez v. Google LLC, Case No. 2021-CH-1460 (Cir. Ct. Cook Cnty. 2022) – final approval granted for \$100 million class settlement to resolve alleged BIPA violations of Illinois residents appearing in photos on the Google Photos platform.

JOEL D. SMITH

Joel D. Smith is a Partner with Bursor & Fisher, P.A. Joel is a trial attorney who has practiced in lower court and appeals courts across the country, as well as the U.S. Supreme Court.

Prior to joining Bursor & Fisher, Joel was a litigator at Crowell & Moring, where he represented Fortune 500 companies, privately held businesses, and public entities in a wide variety of commercial, environmental, and class action matters. Among other matters, Joel served as defense counsel for AT&T, Enterprise-Rent-A-Car, Flowers Foods, and other major U.S. businesses in consumer class actions, including a class action seeking to hold U.S. energy companies accountable for global warming. Joel represented four major U.S. retailers in a case arising from a devastating arson fire and ensuing state of emergency in Roseville, California, which settled on the eve of a trial that was expected to last several months and involve several dozen witnesses. Joel also was part of the trial team in a widely publicized trial over the death of a contestant who died after participating in a Sacramento radio station's water drinking contest.

More recently, Joel's practice focuses on consumer class actions involving automotive and other product defects, financial misconduct, false advertising, and privacy violations.

Joel received both his undergraduate and law degrees from the University of California at Berkeley. While at Berkeley School of Law, he was a member of the California Law Review, received several academic honors, externed for the California Attorney General's office and published an article on climate change policy and litigation.

Joel is admitted to the State Bar of California, as well as the United States Courts of Appeals for the Second, Third and Ninth Circuits; all California district courts; the Eastern District of Michigan; and the Northern District of Illinois.

Selected Published Decisions:

Javier v. Assurance IQ, LLC, --- Fed App'x --- 2022 WL 1744107 (9th Cir. May 31, 2022), reversing dismissal in a class action alleging surreptitious monitoring of internet communications.

Revitch v. DIRECTV, LLC, 977 F.3d 713 (9th Cir. 2020), affirming denial of motion to compel arbitration in putative class action alleging unlawful calls under the Telephone Consumer Protection Act.

Kaupelis v. Harbor Freight Tools USA, Inc., 2020 WL 5901116 (C.D. Cal. Sept. 23, 2020), granting class certification of consumer protection claims brought by purchasers of defective chainsaws.

Selected Class Settlements:

Crandell et al. v. Volkswagen Group of America, Case No. 2:18-cv-13377-JSA (D.N.J.) – final approval granted for a settlement providing relief for Volkswagen Touareg owners to resolve allegations that defects in Touareg vehicles caused the engines to ingest water when driving in the rain.

Isley et al. v. BMW of N. America, LLC, Case No. 2:19-cv-12680-ESK (D.N.J.) – final approval granted for settlement providing BMW owners with reimbursements and credit vouchers to resolve allegations that defects in the BMW N63TU engine caused excessive oil consumption.

Kaupelis v. Harbor Freight Tools USA, Inc., 8:19-cv-01203-JVS-DFM (C.D. Cal.) – final approval granted for a settlement valued up to \$40 million to resolve allegations that Harbor Freight sold chainsaws with a defective power switch that could prevent the chainsaws from turning off.

Morris v. SolarCity Corp., Case No. 3:15-cv-05107-RS (N.D. Cal.) - final approval granted for \$15 million class settlement to resolve claims under the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227 *et seq.*

NEAL J. DECKANT

Neal J. Deckant is a Partner with Bursor & Fisher, P.A., where he serves as the firm's Head of Information & e-Discovery. Neal focuses his practice on complex business litigation and consumer class actions. Prior to joining Bursor & Fisher, Neal counseled low-income homeowners facing foreclosure in East Boston.

Neal is admitted to the State Bars of California and New York, and is a member of the bars of the United States District Court for the Northern District of California, the United States District Court for the Eastern District of California, the United States District Court for the Central District of California, the United States District Court for the Southern District of California, the United States District Court for the Southern District of New York, the United

States District Court for the Eastern District of New York, and the bars of the United States Courts of Appeals for the Second and Ninth Circuits.

Neal received his Juris Doctor from Boston University School of Law in 2011, graduating cum laude with two Dean's Awards. During law school, Neal served as a Senior Articles Editor for the Review of Banking and Financial Law, where he authored two published articles about securitization reforms, both of which were cited by the New York Court of Appeals, the highest court in the state. Neal was also awarded Best Oral Argument in his moot court section, and he served as a Research Assistant for his Securities Regulation professor. Neal has also been honored as a 2014, 2015, 2016, and 2017 Super Lawyers Rising Star. In 2007, Neal graduated with Honors from Brown University with a dual major in East Asian Studies and Philosophy.

Selected Published Decisions:

Martinelli v. Johnson & Johnson, 2019 WL 1429653 (N.D. Cal. Mar. 29, 2019), granting class certification of false advertising and other claims brought by purchasers of Benecol spreads labeled with the representation "No Trans Fats."

Dzielak v. Whirlpool Corp., 2017 WL 6513347 (D.N.J. Dec. 20, 2017), granting class certification of consumer protection claims brought by purchasers of Maytag Centennial washing machines marked with the "Energy Star" logo.

Duran v. Obesity Research Institute, LLC, 204 Cal. Rptr. 3d 896 (Cal. Ct. App. 2016), reversing and remanding final approval of a class action settlement on appeal, regarding allegedly mislabeled dietary supplements, in connection with a meritorious objection.

Marchuk v. Faruqi & Faruqi, LLP, et al., 100 F. Supp. 3d 302 (S.D.N.Y. 2015), granting individual and law firm defendants' motion for judgment as a matter of law on plaintiff's claims for retaliation and defamation, as well as for all claims against law firm partners, Nadeem and Lubna Faruqi.

Ebin v. Kangadis Food Inc., 297 F.R.D. 561 (S.D.N.Y. 2014), granting nationwide class certification of false advertising and other claims brought by purchasers of purported "100% Pure Olive Oil" product.

Ebin v. Kangadis Food Inc., 2014 WL 737878 (S.D.N.Y. Feb. 25, 2014), denying distributor's motion for summary judgment against nationwide class of purchasers of purported "100% Pure Olive Oil" product.

Selected Class Settlements:

In Re NVIDIA GTX 970 Graphics Chip Litigation, Case No. 15-cv-00760-PJH (N.D. Cal. Dec. 7, 2016) – final approval granted for \$4.5 million class action settlement to resolve claims that a computer graphics card was allegedly sold with false and misleading representations concerning its specifications and performance.

Hendricks v. StarKist Co., 2016 WL 5462423 (N.D. Cal. Sept. 29, 2016) – final approval granted for \$12 million class action settlement to resolve claims that 5-ounce cans of tuna were allegedly underfilled.

In re: Kangadis Food Inc., Case No. 8-14-72649 (Bankr. E.D.N.Y. Dec. 17, 2014) – class action claims resolved for \$2 million as part of a Chapter 11 plan of reorganization, after a corporate defendant filed for bankruptcy, following claims that its olive oil was allegedly sold with false and misleading representations.

Selected Publications:

Neal Deckant, *X. Reforms of Collateralized Debt Obligations: Enforcement, Accounting and Regulatory Proposals*, 29 Rev. Banking & Fin. L. 79 (2009) (cited in *Quadrant Structured Products Co., Ltd. v. Vertin*, 16 N.E.3d 1165, 1169 n.8 (N.Y. 2014)).

Neal Deckant, *Criticisms of Collateralized Debt Obligations in the Wake of the Goldman Sachs Scandal*, 30 Rev. Banking & Fin. L. 407 (2010) (cited in *Quadrant Structured Products Co., Ltd. v. Vertin*, 16 N.E.3d 1165, 1169 n.8 (N.Y. 2014)); *Lyon Village Venetia, LLC v. CSE Mortgage LLC*, 2016 WL 476694, at *1 n.1 (Md. Ct. Spec. App. Feb. 4, 2016); Ivan Ascher, *Portfolio Society: On the Capitalist Mode of Prediction*, at 141, 153, 175 (Zone Books / The MIT Press 2016); Devon J. Steinmeyer, *Does State National Bank of Big Spring v. Geithner Stand a Fighting Chance?*, 89 Chi.-Kent. L. Rev. 471, 473 n.13 (2014)).

YITZCHAK KOPEL

Yitzchak Kopel is a Partner with Bursor & Fisher, P.A. Yitz focuses his practice on consumer class actions and complex business litigation. He has represented corporate and individual clients before federal and state courts, as well as in arbitration proceedings.

Yitz has substantial experience in successfully litigating and resolving consumer class actions involving claims of consumer fraud, data breaches, and violations of the telephone consumer protection act. Since 2014, Yitz has obtained class certification on behalf of his clients five times, three of which were certified as nationwide class actions. Bursor & Fisher was appointed as class counsel to represent the certified classes in each of the cases.

Yitz is admitted to the State Bars of New York and New Jersey, the bar of the United States Court of Appeals for the Second, Eleventh, and Ninth Circuits, and the bars of the United States District Courts for the Southern District of New York, Eastern District of New York, Eastern District of Missouri, Eastern District of Wisconsin, Northern District of Illinois, and District of New Jersey.

Yitz received his Juris Doctorate from Brooklyn Law School in 2012, graduating *cum laude* with two Dean's Awards. During law school, Yitz served as an Articles Editor for the Brooklyn Law Review and worked as a Law Clerk at Shearman & Sterling. In 2009, Yitz graduated *cum laude* from Queens College with a B.A. in Accounting.

Selected Published Decisions:

Bassaw v. United Industries Corp., --- F. Supp. 3d ---, 2020 WL 5117916 (S.D.N.Y. Aug. 31, 2020), denying motion to dismiss claims in putative class action concerning insect foggers.

Poppiti v. United Industries Corp., 2020 WL 1433642 (E.D. Mo. Mar. 24, 2020), denying motion to dismiss claims in putative class action concerning citronella candles.

Bakov v. Consolidated World Travel, Inc., 2019 WL 6699188 (N.D. Ill. Dec. 9, 2019), granting summary judgment on behalf of certified class in robocall class action.

Krumm v. Kittrich Corp., 2019 WL 6876059 (E.D. Mo. Dec. 17, 2019), denying motion to dismiss claims in putative class action concerning mosquito repellent.

Crespo v. S.C. Johnson & Son, Inc., 394 F. Supp. 3d 260 (S.D.N.Y. 2019), denying defendant's motion to dismiss fraud and consumer protection claims in putative class action regarding Raid insect fogger.

Bakov v. Consolidated World Travel, Inc., 2019 WL 1294659 (N.D. Ill. Mar. 21, 2019), certifying a class of persons who received robocalls in the state of Illinois.

Bourbia v. S.C. Johnson & Son, Inc., 375 F. Supp. 3d 454 (S.D.N.Y. 2019), denying defendant's motion to dismiss fraud and consumer protection claims in putative class action regarding mosquito repellent.

Hart v. BHH, LLC, 323 F. Supp. 3d 560 (S.D.N.Y. 2018), denying defendants' motion for summary judgment in certified class action involving the sale of ultrasonic pest repellers.

Hart v. BHH, LLC, 2018 WL 3471813 (S.D.N.Y. July 19, 2018), denying defendants' motion to exclude plaintiffs' expert in certified class action involving the sale of ultrasonic pest repellers.

Penrose v. Buffalo Trace Distillery, Inc., 2018 WL 2334983 (E.D. Mo. Feb. 5, 2018), denying bourbon producers' motion to dismiss fraud and consumer protection claims in putative class action.

West v. California Service Bureau, Inc., 323 F.R.D. 295 (N.D. Cal. 2017), certifying a nationwide class of "wrong-number" robocall recipients.

Hart v. BHH, LLC, 2017 WL 2912519 (S.D.N.Y. July 7, 2017), certifying nationwide class of purchasers of ultrasonic pest repellers.

Browning v. Unilever United States, Inc., 2017 WL 7660643 (C.D. Cal. Apr. 26, 2017), denying motion to dismiss fraud and warranty claims in putative class action concerning facial scrub product.

Brenner v. Procter & Gamble Co., 2016 WL 8192946 (C.D. Cal. Oct. 20, 2016), denying motion to dismiss warranty and consumer protection claims in putative class action concerning baby wipes.

Hewlett v. Consolidated World Travel, Inc., 2016 WL 4466536 (E.D. Cal. Aug. 23, 2016), denying telemarketer's motion to dismiss TCPA claims in putative class action.

Bailey v. KIND, LLC, 2016 WL 3456981 (C.D. Cal. June 16, 2016), denying motion to dismiss fraud and warranty claims in putative class action concerning snack bars.

Hart v. BHH, LLC, 2016 WL 2642228 (S.D.N.Y. May 5, 2016) denying motion to dismiss warranty and consumer protection claims in putative class action concerning ultrasonic pest repellers.

Marchuk v. Faruqi & Faruqi, LLP, et al., 100 F. Supp. 3d 302 (S.D.N.Y. 2015), granting clients' motion for judgment as a matter of law on claims for retaliation and defamation in employment action.

In re Scotts EZ Seed Litigation, 304 F.R.D. 397 (S.D.N.Y. 2015), granting class certification of false advertising and other claims brought by New York and California purchasers of grass seed product.

Brady v. Basic Research, L.L.C., 101 F. Supp. 3d 217 (E.D.N.Y. 2015), denying diet pill manufacturers' motion to dismiss its purchasers' allegations for breach of express warranty in putative class action.

Ward v. TheLadders.com, Inc., 3 F. Supp. 3d 151 (S.D.N.Y. 2014), denying online job board's motion to dismiss its subscribers' allegations of consumer protection law violations in putative class action.

Ebin v. Kangadis Food Inc., 297 F.R.D. 561 (S.D.N.Y. 2014), granting nationwide class certification of false advertising and other claims brought by purchasers of purported "100% Pure Olive Oil" product.

Ebin v. Kangadis Food Inc., 2014 WL 737878 (S.D.N.Y. Feb. 25, 2014), denying distributor's motion for summary judgment against nationwide class of purchasers of purported "100% Pure Olive Oil" product.

Selected Class Settlements:

Hart v. BHH, LLC, Case No. 1:15-cv-04804 (S.D.N.Y. Sept. 22, 2020), resolving class action claims regarding ultrasonic pest repellers.

In re: Kangadis Food Inc., Case No. 8-14-72649 (Bankr. E.D.N.Y. Dec. 17, 2014), resolving class action claims for \$2 million as part of a Chapter 11 plan of reorganization, after a corporate defendant filed for bankruptcy following the certification of nationwide claims alleging that its olive oil was sold with false and misleading representations.

West v. California Service Bureau, Case No. 4:16-cv-03124-YGR (N.D. Cal. Jan. 23, 2019), resolving class action claims against debt-collector for wrong-number robocalls for \$4.1 million.

FREDERICK J. KLORCZYK III

Frederick J. Klorczyk III is a Partner with Bursor & Fisher, P.A. Fred focuses his practice on complex business litigation and consumer class actions.

Fred has substantial experience in successfully litigating and resolving consumer class actions involving claims of mislabeling, false or misleading advertising, and privacy violations. In 2019, Fred certified both a California and a 10-state express warranty class on behalf of purchasers of a butter substitute. In 2014, Fred served on the litigation team in *Ebin v. Kangadis Food Inc.* At class certification, Judge Rakoff adopted Fred's choice of law fraud analysis and research directly into his published decision certifying a nationwide fraud class.

Fred is admitted to the State Bars of California, New York, and New Jersey, and is a member of the bars of the United States District Courts for the Northern, Central, Eastern, and Southern Districts of California, the Southern, Eastern, and Northern Districts of New York, the District of New Jersey, the Northern District of Illinois, the Eastern District of Missouri, the Eastern District of Wisconsin, and the Eastern District of Michigan, as well as the bars of the United States Court of Appeals for the Second and Ninth Circuits.

Fred received his Juris Doctor from Brooklyn Law School in 2013, graduating *magna cum laude* with two CALI Awards for the highest grade in his classes on conflict of laws and criminal law. During law school, Fred served as an Associate Managing Editor for the Brooklyn Journal of Corporate, Financial and Commercial Law and as an intern to the Honorable Alison J. Nathan of the United States District Court for the Southern District of New York and the Honorable Janet Bond Arterton of the United States District Court for the District of Connecticut. In 2010, Fred graduated from the University of Connecticut with a B.S. in Finance.

Selected Published Decisions:

Revitch v. New Moosejaw, LLC, 2019 WL 5485330 (N.D. Cal. Oct. 23, 2019), denying defendants' motions to dismiss consumer's allegations of state privacy law violations in putative class action.

In re Welspun Litigation, 2019 WL 2174089 (S.D.N.Y. May 20, 2019), denying retailers' and textile manufacturer's motion to dismiss consumers' allegations of false advertising relating to purported "100% Egyptian Cotton" linen products.

Martinelli v. Johnson & Johnson, 2019 WL 1429653 (E.D. Cal. Mar. 29, 2019), granting class certification of California false advertising claims and multi-state express warranty claims brought by purchasers of a butter substitute.

Porter v. NBTY, Inc., 2016 WL 6948379 (N.D. Ill. Nov. 28, 2016), denying supplement manufacturer's motion to dismiss consumers' allegations of false advertising relating to whey protein content.

Weisblum v. Prophase Labs, Inc., 88 F. Supp. 3d 282 (S.D.N.Y. 2015), denying supplement manufacturer's motion to dismiss consumers' allegations of false advertising relating to a homeopathic cold product.

In re Scotts EZ Seed Litigation, 304 F.R.D. 397 (S.D.N.Y. 2015), granting class certification of false advertising and other claims brought by New York and California purchasers of grass seed product.

Marchuk v. Faruqi & Faruqi, LLP, et al., 100 F. Supp. 3d 302 (S.D.N.Y. 2015), granting individual and law firm defendants' motion for judgment as a matter of law on plaintiff's claims for retaliation and defamation, as well as for all claims against law firm partners, Nadeem and Lubna Faruqi.

Ebin v. Kangadis Food Inc., Case No. 13-4775 (2d Cir. Apr. 15, 2015), denying olive oil manufacturer's Rule 23(f) appeal following grant of nationwide class certification.

Ebin v. Kangadis Food Inc., 297 F.R.D. 561 (S.D.N.Y. 2014), granting nationwide class certification of false advertising and other claims brought by purchasers of purported "100% Pure Olive Oil" product.

Ebin v. Kangadis Food Inc., 2014 WL 737878 (S.D.N.Y. Feb. 25, 2014), denying distributor's motion for summary judgment against nationwide class of purchasers of purported "100% Pure Olive Oil" product.

Selected Class Settlements:

Gregorio v. Premier Nutrition Corp., Case No. 17-cv-05987-AT (S.D.N.Y. 2019) – final approval granted for \$9 million class settlement to resolve claims of protein shake purchasers for alleged false advertising.

Ruppel v. Consumers Union of United States, Inc., Case No. 16-cv-02444-KMK (S.D.N.Y. 2018) – final approval granted for \$16.375 million class settlement to resolve claims of magazine subscribers for alleged statutory privacy violations.

In Re: Blue Buffalo Marketing And Sales Practices Litigation, Case No. 14-MD-2562-RWS (E.D. Mo. 2016) –final approval granted for \$32 million class settlement to resolve claims of pet owners for alleged false advertising of pet foods.

In re: Kangadis Food Inc., Case No. 8-14-72649 (Bankr. E.D.N.Y. Dec. 17, 2014) – resolved class action claims for \$2 million as part of a Chapter 11 plan of reorganization, after a corporate defendant filed for bankruptcy following the certification of nationwide claims alleging that its olive oil was sold with false and misleading representations.

YEREMEY O. KRIVOSHEY

Yeremey O. Krivoshey is a Partner with Bursor & Fisher, P.A. Mr. Krivoshey has particular expertise in COVID-19 related consumer litigation, unlawful fees and liquidated

damages in consumer contracts, TCPA cases, product recall cases, and fraud and false advertising litigation. He has represented clients in a wide array of civil litigation, including appeals before the Ninth Circuit.

Mr. Krivoshey served as trial counsel with Mr. Bursor in *Perez v. Rash Curtis & Associates*, where, in May 2019, the jury returned a verdict for \$267 million in statutory damages under the Telephone Consumer Protection Act. Since 2017, Mr. Krivoshey has secured over \$200 million for class members in consumer class settlements. Mr. Krivoshey has been honored multiple times as a Super Lawyers Rising Star.

Mr. Krivoshey is admitted to the State Bar of California. He is also a member of the bars of the United States Court of Appeals for the Ninth Circuit and the United States District Courts for the Northern, Central, Southern, and Eastern Districts of California, as well as the District of Colorado.

Mr. Krivoshey graduated from New York University School of Law in 2013, where he was a Samuel A. Herzog Scholar. Prior to Bursor & Fisher, P.A., Mr. Krivoshey worked as a Law Clerk at Vladeck, Waldman, Elias & Engelhard, P.C, focusing on employment discrimination and wage and hour disputes. In law school, he has also interned at the American Civil Liberties Union and the United States Department of Justice. In 2010, Mr. Krivoshey graduated *cum laude* from Vanderbilt University.

Representative Cases:

Perez v. Rash Curtis & Associates, Case No. 16-cv-03396-YGR (N.D. Cal. May 13, 2019). Mr. Krivoshey litigated claims against a national health-care debt collection agency on behalf of people that received autodialed calls on their cellular telephones without their prior express consent. Mr. Krivoshey successfully obtained nationwide class certification, defeated the defendant's motion for summary judgment, won summary judgment as to the issue of prior express consent and the use of automatic telephone dialing systems, and navigated the case towards trial. With his partner, Scott Bursor, Mr. Krivoshey obtained a jury verdict finding that the defendant violated the Telephone Consumer Protection Act ("TCPA") 534,712 times. Under the TCPA, class members are entitled to \$500 per each call made in violation of the TCPA – in this case, \$267 million for 534,712 unlawful calls.

Selected Published Decisions:

Goodrich, et al. v. Alterra Mountain Co., et al., 2021 WL 2633326 (D. Col. June 25, 2021), denying ski pass company's motion to dismiss its customers' allegations concerning refunds owed due to cancellation of ski season due to COVID-19.

Bayol v. Zipcar, Inc., 2014 WL 4793935 (N.D. Cal. Sept. 25, 2014), denying enforcement of forum selection clause based on public policy grounds.

Bayol v. Zipcar, Inc., 78 F. Supp. 3d 1252 (N.D. Cal. Jan. 29, 2015), denying car-rental company's motion to dismiss its subscriber's allegations of unlawful late fees.

Brown v. Comcast Corp., 2016 WL 9109112 (C.D. Cal. Aug. 12, 2016), denying internet service provider's motion to compel arbitration of claims alleged under the Telephone Consumer Protection Act.

Chaisson, et al. v. University of Southern California (Cal. Sup. Ct. Mar. 25, 2021), denying university's demurrer as to its students' allegations of unfair and unlawful late fees.

Choi v. Kimberly-Clark Worldwide, Inc., 2019 WL 4894120 (C.D. Cal. Aug. 28, 2019), denying tampon manufacturer's motion to dismiss its customer's design defect claims.

Horanzy v. Vemma Nutrition Co., Case No. 15-cv-298-PHX-JJT (D. Ariz. Apr. 16, 2016), denying multi-level marketer's and its chief scientific officer's motion to dismiss their customer's fraud claims.

McMillion, et al. v. Rash Curtis & Associates, 2017 WL 3895764 (N.D. Cal. Sept. 6, 2017), granting nationwide class certification of Telephone Consumer Protection Act claims by persons receiving autodialed and prerecorded calls without consent.

McMillion, et al. v. Rash Curtis & Associates, 2018 WL 692105 (N.D. Cal. Feb. 2, 2018), granting plaintiffs' motion for partial summary judgment on Telephone Consumer Protection Act violations in certified class action.

Perez v. Indian Harbor Ins. Co., 2020 WL 2322996 (N.D. Cal. May 11, 2020), denying insurance company's motion to dismiss or stay assigned claims of bad faith and fair dealing arising out of \$267 million trial judgment.

Perez v. Rash Curtis & Associates, 2020 WL 1904533 (N.D. Cal. Apr. 17, 2020), upholding constitutionality of \$267 million class trial judgment award.

Salazar v. Honest Tea, Inc., 2015 WL 7017050 (E.D. Cal. Nov. 12, 2015), denying manufacturer's motion for summary judgment as to customer's false advertising claims.

Sholopa v. Turk Hava Yollari A.O., Inc. (d/b/a Turkish Airlines), 2022 WL 976825 (S.D.N.Y. Mar. 31, 2022), denying airline's motion to dismiss its customers claims for failure to refund flights cancelled due to COVID-19.

Selected Class Settlements:

Perez v. Rash Curtis & Associates, Case No. 16-cv-03396-YGR (N.D. Cal. Oct. 1, 2021) granting final approval to a \$75.6 million non-reversionary cash common fund settlement, the largest ever consumer class action settlement stemming from a violation of the Telephone Consumer Protection Act.

Strassburger v. Six Flags Theme Parks Inc., et al. (Ill. Cir. Ct. 2022) granting final approval to \$83.6 million settlement to resolve claims of theme park members for alleged wrongful charging of fees during the COVID-19 pandemic.

Juarez-Segura, et al. v. Western Dental Services, Inc. (Cal. Sup. Ct. Aug. 9, 2021) granting final approval to \$35 million settlement to resolve claims of dental customers for alleged unlawful late fees.

Moore v. Kimberly-Clark Worldwide, Inc. (Ill. Cir. Ct. July 22, 2020) granting final approval to \$11.2 million settlement to resolve claims of tampon purchasers for alleged defective products.

Retta v. Millennium Prods., Inc., 2017 WL 5479637 (C.D. Cal. Aug. 22, 2017) granting final approval to \$8.25 million settlement to resolve claims of kombucha purchasers for alleged false advertising.

Cortes v. National Credit Adjusters, L.L.C. (E.D. Cal. Dec. 7, 2020) granting final approval to \$6.8 million settlement to resolve claims of persons who received alleged autodialed calls without prior consent in violation of the TCPA.

Bayol et al. v. Health-Ade LLC, et al. (N.D. Cal. Oct. 11, 2019) – granting final approval to \$3,997,500 settlement to resolve claims of kombucha purchasers for alleged false advertising.

PHILIP L. FRAIETTA

Philip L. Fraietta is a Partner with Bursor & Fisher, P.A. Phil focuses his practice on data privacy, complex business litigation, consumer class actions, and employment law disputes. Phil has been named a “Rising Star” in the New York Metro Area by Super Lawyers® every year since 2019.

Phil has significant experience in litigating consumer class actions, particularly those involving privacy claims under statutes such as the Michigan Preservation of Personal Privacy Act, the Illinois Biometric Information Privacy Act, and Right of Publicity statutes. Since 2016, Phil has recovered over \$100 million for class members in privacy class action settlements. In addition to privacy claims, Phil has significant experience in litigating and settling class action claims involving false or misleading advertising.

Phil is admitted to the State Bars of New York, New Jersey, Illinois, and Michigan, the bars of the United States District Courts for the Southern District of New York, the Eastern District of New York, the Western District of New York, the Northern District of New York, the District of New Jersey, the Eastern District of Michigan, the Western District of Michigan, the Northern District of Illinois, the Central District of Illinois, and the United States Court of Appeals for the Second, Third, and Ninth Circuits. Phil was a Summer Associate with Bursor & Fisher prior to joining the firm.

Phil received his Juris Doctor from Fordham University School of Law in 2014, graduating cum laude. During law school, Phil served as an Articles & Notes Editor for the Fordham Law Review, and published two articles. In 2011, Phil graduated cum laude from Fordham University with a B.A. in Economics.

Selected Published Decisions:

Fischer v. Instant Checkmate LLC, 2022 WL 971479 (N.D. Ill. Mar. 31, 2022), certifying class of Illinois residents for alleged violations of Illinois' Right of Publicity Act by background reporting website.

Kolebuck-Utz v. Whitepages Inc., 2021 WL 157219 (W.D. Wash. Apr. 22, 2021), denying defendant's motion to dismiss for alleged violations of Ohio's Right to Publicity Law.

Bergeron v. Rochester Institute of Technology, 2020 WL 7486682 (W.D.N.Y. Dec. 18, 2020), denying university's motion to dismiss for failure to refund tuition and fees for the Spring 2020 semester in light of the COVID-19 pandemic.

Porter v. NBTY, Inc., 2019 WL 5694312 (N.D. Ill. Nov. 4, 2019), denying supplement manufacturer's motion for summary judgment on consumers' allegations of false advertising relating to whey protein content.

Boelter v. Hearst Communications, Inc., 269 F. Supp. 3d 172 (S.D.N.Y. 2017), granting plaintiff's motion for partial summary judgment on state privacy law violations in putative class action.

Selected Class Settlements:

Edwards v. Hearst Communications, Inc., Case No. 15-cv-09279-AT (S.D.N.Y. 2019) – final approval granted for \$50 million class settlement to resolve claims of magazine subscribers for alleged statutory privacy violations.

Ruppel v. Consumers Union of United States, Inc., Case No. 16-cv-02444-KMK (S.D.N.Y. 2018) – final approval granted for \$16.375 million class settlement to resolve claims of magazine subscribers for alleged statutory privacy violations.

Moeller v. Advance Magazine Publishers, Inc. d/b/a Condé Nast, Case No. 15-cv-05671-NRB (S.D.N.Y. 2019) – final approval granted for \$13.75 million class settlement to resolve claims of magazine subscribers for alleged statutory privacy violations.

Benbow v. SmileDirectClub, LLC, Case No. 2020-CH-07269 (Cir. Ct. Cook Cnty. 2021) – final approval granted for \$11.5 million class settlement to resolve claims for alleged TCPA violations.

Gregorio v. Premier Nutrition Corp., Case No. 17-cv-05987-AT (S.D.N.Y. 2019) – final approval granted for \$9 million class settlement to resolve claims of protein shake purchasers for alleged false advertising.

Taylor v. Trusted Media Brands, Inc., Case No. 16-cv-01812-KMK (S.D.N.Y. 2018) – final approval granted for \$8.225 million class settlement to resolve claims of magazine subscribers for alleged statutory privacy violations.

Moeller v. American Media, Inc., Case No. 16-cv-11367-JEL (E.D. Mich. 2017) – final approval granted for \$7.6 million class settlement to resolve claims of magazine subscribers for alleged statutory privacy violations.

Rocchio v. Rutgers, The State University of New Jersey, Case No. MID-L-003039-20 (Sup. Ct. Middlesex Cnty. 2022) – final approval granted for \$5 million class settlement to resolve claims for failure to refund mandatory fees for the Spring 2020 semester in light of the COVID-19 pandemic.

Heigl v. Waste Management of New York, LLC, Case No. 19-cv-05487-WFK-ST (E.D.N.Y. 2021) – final approval granted for \$2.7 million class settlement to resolve claims for charging allegedly unlawful fees pertaining to paper billing.

Frederick v. Examsoft Worldwide, Inc., Case No. 2021L001116 (Cir. Ct. DuPage Cnty. 2022) – final approval granted for \$2.25 million class settlement to resolve claims for alleged BIPA violations.

SARAH N. WESTCOT

Sarah N. Westcot is a Partner with Bursor & Fisher, P.A. Ms. Westcot focuses her practice on complex business litigation, consumer class actions, and employment law disputes. She has represented clients in a wide array of civil litigation, and has substantial trial and appellate experience.

Ms. Westcot served as trial counsel in *Ayyad v. Sprint Spectrum L.P.*, where Bursor & Fisher won a jury verdict defeating Sprint's \$1.06 billion counterclaim and securing the class's recovery of more than \$275 million in cash and debt relief.

Ms. Westcot also has significant experience in high-profile, multi-district litigations. She currently serves on the Plaintiffs' Steering Committee in *In re Zantac (Ranitidine) Products Liability Litigation*, MDL No. 2924 (S.D. Florida).

Ms. Westcot is admitted to the State Bars of California and Florida, and is a member of the bars of the United States District Courts for the Northern, Central, Southern, and Eastern Districts of California and the Southern and Middle Districts of Florida.

Ms. Westcot received her Juris Doctor from the University of Notre Dame Law School in 2009. During law school, Ms. Westcot was a law clerk with the Cook County State's Attorney's Office in Chicago and the Santa Clara County District Attorney's Office in San Jose, CA. She graduated with honors from the University of Florida in 2005.

ALEC M. LESLIE

Alec Leslie is a Partner with Bursor & Fisher, P.A. He focuses his practice on consumer class actions, employment law disputes, and complex business litigation.

Alec is admitted to the State Bar of New York and is a member of the bar of the United States District Courts for the Southern and Eastern Districts of New York. Alec was a Summer Associate with Bursor & Fisher prior to joining the firm.

Alec received his Juris Doctor from Brooklyn Law School in 2016, graduating *cum laude*. During law school, Alec served as an Articles Editor for Brooklyn Law Review. In addition, Alec served as an intern to the Honorable James C. Francis for the Southern District of New York and the Honorable Vincent Del Giudice, Supreme Court, Kings County. Alec graduated from the University of Colorado with a B.A. in Philosophy in 2012.

Selected Class Settlements:

Gregorio v. Premier Nutrition Corp., Case No. 17-cv-05987-AT (S.D.N.Y. 2019) – final approval granted for class settlement to resolve claims of protein shake purchasers for alleged false advertising.

Wright v. Southern New Hampshire Univ., Case No. 1:20-cv-00609-LM (D.N.H. 2021) – final approval granted for class settlement to resolve claims over COVID-19 tuition and fee refunds to students.

Mendoza et al. v. United Industries Corp., Case No. 21PH-CV00670 (Phelps Cnty. Mo. 2021) – final approval granted for class settlement to resolve false advertising claims on insect repellent products.

Kaupelis v. Harbor Freight Tools USA, Inc., Case No. 8:19-cv-01203-JVS-DFM (C.D. Cal. 2021) – final approval granted for class settlement involving allegedly defective and dangerous chainsaws.

Rocchio v. Rutgers Univ., Case No. MID-L-003039-20 (Middlesex Cnty. N.J. 2021) – final approval granted for class settlement to resolve claims over COVID-19 fee refunds to students.

Malone v. Western Digital Corporation, Case No. 5:20-cv-03584-NC (N.D. Cal.) – final approval granted for class settlement to resolve false advertising claims on hard drive products.

Frederick et al. v. ExamSoft Worldwide, Inc., Case No. 2021L001116 (DuPage Cnty. Ill. 2021) – final approval granted for class settlement to resolve claims over alleged BIPA violations with respect to exam proctoring software.

STEPHEN BECK

Stephen is an Associate with Bursor & Fisher, P.A. Stephen focuses his practice on complex civil litigation and class actions.

Stephen is admitted to the State Bar of Florida and is a member of the bars of the United States District Courts for the Southern and Middle Districts of Florida.

Stephen received his Juris Doctor from the University of Miami School of Law in 2018. During law school, Stephen received an Honors distinction in the Litigation Skills Program and was awarded the Honorable Theodore Klein Memorial Scholarship for excellence in written and oral advocacy. Stephen also received the CALI Award in Legislation for earning the highest grade on the final examination. Stephen graduated from the University of North Florida with a B.A. in Philosophy in 2015.

BRITTANY SCOTT

Brittany Scott is an Associate with Bursor & Fisher, P.A. Brittany focuses her practice on data privacy, complex civil litigation, and consumer class actions. Brittany was an intern with Bursor & Fisher prior to joining the firm.

Brittany has substantial experience litigating consumer class actions, including those involving data privacy claims under statutes such as the Illinois Biometric Information Privacy Act, the Fair Credit Reporting Act, and the Michigan Preservation of Personal Privacy Act. In addition to data privacy claims, Brittany has significant experience in litigating class action claims involving false and misleading advertising.

Brittany is admitted the State Bar of California and is a member of the bars of the United States District Courts for the Northern, Central, Southern, and Eastern Districts of California, the Eastern District of Wisconsin, and the Northern District of Illinois.

Brittany received her Juris Doctor from the University of California, Hastings College of the Law in 2019, graduating cum laude. During law school, Brittany was a member of the Constitutional Law Quarterly, for which she was the Executive Notes Editor. Brittany published a note in the Constitutional Law Quarterly entitled “Waiving Goodbye to First Amendment Protections: First Amendment Waiver by Contract.” Brittany also served as a judicial extern to the Honorable Andrew Y.S. Cheng for the San Francisco Superior Court. In 2016, Brittany graduated from the University of California Berkeley with a B.A. in Political Science.

Selected Class Settlements:

Morrissey v. Tula Life, Inc., Case No. 2021L0000646 (18th Judicial Circuit Court DuPage County 2021) – final approval granted for \$4 million class settlement to resolve claims of cosmetics purchasers for alleged false advertising.

MAX ROBERTS

Max Roberts is an Associate with Bursor & Fisher, P.A. Max focuses his practice on complex civil litigation, data privacy, and class actions. Max was a Summer Associate with Bursor & Fisher prior to joining the firm.

Max is admitted to the State Bar of New York and is a member of the bars of the United States District Courts for the Northern, Southern, and Eastern Districts of New York, the Northern and Central Districts of Illinois, the Eastern District of Michigan, the District of Colorado, and the United States Court of Appeals for the Ninth Circuit.

Max received his Juris Doctor from Fordham University School of Law in 2019, graduating *cum laude*. During law school, Max was a member of Fordham's Moot Court Board, the Brennan Moore Trial Advocates, and the Fordham Urban Law Journal, for which he published a note entitled *Weaning Drug Manufacturers Off Their Painkiller: Creating an Exception to the Learned Intermediary Doctrine in Light of the Opioid Crisis*. In addition, Max served as an intern to the Honorable Vincent L. Briccetti of the Southern District of New York and the Fordham Criminal Defense Clinic. Max graduated from Johns Hopkins University in 2015 with a B.A. in Political Science.

Outside of the law, Max is an avid triathlete.

Selected Published Decisions:

Javier v. Assurance IQ, LLC, 2022 WL 1744107 (9th Cir. May 31, 2022), reversing district court and holding that the California Invasion of Privacy Act § 631 requires prior consent to wiretapping. Max personally argued the appeal before the Ninth Circuit, which can be viewed [here](#).

Soo v. Lorex Corp., 2020 WL 5408117 (N.D. Cal. Sept. 9, 2020), denying defendants' motion to compel arbitration and denying in part motion dismiss consumer protection claims in putative class action concerning security cameras.

Salerno v. Florida Southern College, 488 F. Supp. 3d 1211 (M.D. Fla. 2020), denying motion to dismiss student's allegations that university committed a breach of contract by failing to refund students after it shifted to online learning during the COVID-19 pandemic.

Saleh v. Nike, Inc., --- F. Supp. 3d ---, 2021 WL 4437734 (C.D. Cal. Sept. 27, 2021), denying in part motion to dismiss alleged violations of California Invasion of Privacy Act.

Bugarin v. All Nippon Airways Co., 2021 WL 4974978 (N.D. Cal. Oct. 26, 2021), denying motion to compel arbitration of airline passenger's breach of contract claims.

Sholopa v. Turk Hava Yollari A.O., Inc. d/b/a Turkish Airlines, 2022 WL 976825 (S.D.N.Y. Mar. 31, 2022), denying motion to dismiss passenger's allegations that airline committed a breach of contract by failing to refund passengers for cancelled flights during the COVID-19 pandemic.

Selected Class Settlements:

Miranda v. Golden Entertainment (NV), Inc., Case No. 2:20-cv-534-AT (D. Nev. 2021) – final approval granted for class settlement valued at over \$4.5 million to resolve claims of customers and employees of casino company stemming from data breach.

Malone v. Western Digital Corp., Case No. 5:20-cv-3584-NC (N.D. Cal. 2021) – final approval granted for class settlement valued at \$5.7 million to resolve claims of hard drive purchasers for alleged false advertised.

Frederick v. ExamSoft Worldwide, Inc., Case No. 2021-L-001116 (18th Judicial Circuit Court DuPage County, Illinois 2021) – final approval granted for \$2.25 million class settlement to resolve claims of Illinois students for alleged violations of the Illinois Biometric Information Privacy Act.

CHRISTOPHER R. REILLY

Chris Reilly is an Associate with Bursor & Fisher, P.A. Chris focuses his practice on consumer class actions and complex business litigation.

Chris is admitted to the State Bar of Florida and is a member of the bar of the United States District Courts for the Southern and Middle Districts of Florida.

Chris received his Juris Doctor from Georgetown University Law Center in 2020. During law school, Chris clerked for the Senate Judiciary Committee, where he worked on antitrust and food and drug law matters under Senator Richard Blumenthal. He has also clerked for the Mecklenburg County District Attorney's Office, the ACLU Prison Project, and the Pennsylvania General Counsel's Office. Chris served as Senior Editor of Georgetown's Journal of Law and Public Policy. In 2017, Chris graduated from the University of Florida with a B.A. in Political Science.

JULIA VENDITTI

Julia Venditti is an Associate with Bursor & Fisher, P.A. Julia focuses her practice on complex civil litigation and class actions. Julia was a Summer Associate with Bursor & Fisher prior to joining the firm.

Julia is admitted to the State Bar of California and is a member of the bars of the United States District Courts for the Northern and Southern Districts of California.

Julia received her Juris Doctor in 2020 from the University of California, Hastings College of the Law, where she graduated *cum laude* with two CALI Awards for the highest grade in her Evidence and California Community Property classes. During law school, Julia was a member of the UC Hastings Moot Court team and competed at the Evans Constitutional Law Moot Court Competition, where she finished as a national quarterfinalist and received a best brief award. Julia was also inducted into the UC Hastings Honors Society and was awarded Best Brief and an Honorable Mention for Best Oral Argument in her First-Year Moot Court section.

In addition, Julia served as a Research Assistant for her Constitutional Law professor, as a Teaching Assistant for Legal Writing & Research, and as a Law Clerk at the San Francisco Public Defender's Office. In 2017, Julia graduated *magna cum laude* from Baruch College/CUNY, Weissman School of Arts and Sciences, with a B.A. in Political Science.

SEAN L. LITTERAL

Sean L. Litteral is an Associate with Bursor & Fisher, P.A. Sean focuses his practice on complex business litigation, consumer class actions, and employment law disputes. He holds degrees from Berea College, the London School of Economics and Political Science, and Berkeley Law.

Sean has represented clients in a variety of matters, including survivors against the Boy Scouts of America for covering up decades of sexual abuse; warehouse workers against Walmart for failing to comply with COVID-19 health and safety guidelines; and drivers against Corinthian International Parking Services for systematically violating California's wage and hour laws.

Sean clerked for the Alaska Supreme Court and served as a fellow for the U.S. House Committee on Education and Labor and the Atlanta City Council. He previously externed for the Special Litigation Section, Civil Rights Division of the U.S. Department of Justice; the Berkeley Environmental Law Clinic; and the Corporate Sustainability Program at the Pontificia Universidad Católica de Chile.

He has published in the UC Davis Environmental Law & Policy Journal, the Harvard Latinx Law Review, and the Stanford Law and Policy Review on a broad scope of matters, including corporate sustainability, international trade, and national security.

JULIAN DIAMOND

Julian Diamond is an Associate with Bursor & Fisher, P.A. Julian focuses his practice on privacy law and class actions. Julian was a Summer Associate with Bursor & Fisher prior to joining the firm.

Julian received his Juris Doctor from Columbia Law School, where he was a Harlan Fiske Stone Scholar. During law school, Julian was Articles Editor for the Columbia Journal of Environmental Law. Prior to law school, Julian worked in education. Julian graduated from California State University, Fullerton with a B.A. in History and a single subject social science teaching credential.

MATTHEW GIRARDI

Matt Girardi is an Associate with Bursor & Fisher, P.A. Matt focuses his practice on complex civil litigation and class actions, and has focused specifically on consumer class actions involving product defects, financial misconduct, false advertising, and privacy violations. Matt was a Summer Associate with Bursor & Fisher prior to joining the firm.

Matt is admitted to the State Bar of New York, and is a member of the bars of the United States District Courts for the Southern District of New York, the Eastern District of New York, and the Eastern District of Michigan

Matt received his Juris Doctor from Columbia Law School in 2020, where he was a Harlan Fiske Stone Scholar. During law school, Matt was the Commentary Editor for the Columbia Journal of Tax Law, and represented fledgling businesses for Columbia's Entrepreneurship and Community Development Clinic. In addition, Matt worked as an Honors Intern in the Division of Enforcement at the U.S. Securities and Exchange Commission. Prior to law school, Matt graduated from Brown University in 2016 with a B.A. in Economics, and worked as a Paralegal Specialist at the U.S. Department of Justice in the Antitrust Division.

Bursor & Fisher, P.A. - In re Smashburger IP Holder Hours Summary Through 11/29/2022				
Total Lodestar				
ATTORNEY	TITLE	HOURS	RATE	TOTAL
L. Timothy Fisher (LTF)	Partner (1997)	246.5	\$1000	\$246,500.00
Jennifer S. Rosenberg (JSR)	Associate (1985)	1.9	\$875	\$1,662.50
Neal J. Deckant (NJD)	Partner (2011)	2.2	\$775	\$1,705.00
Yeremey Krivoshey (YOK)	Partner (2013)	0.3	\$725	\$217.50
Blair Reed (BER)	Associate (2017)	316.1	\$425	\$134,342.50
Brittany Scott (BSS)	Associate (2019)	4.6	\$375	\$1,725.00
Jenna L. Gavemann (JLG)	Summer Associate	1.0	\$325	\$325.00
Emma Blake (EFB)	Summer Associate	3.1	\$325	\$1,007.50
Angeli Patel (AP)	Summer Associate	1.5	\$325	\$487.50
Joshua Wilner (JRW)	Summer Associate	4.5	\$325	\$1,462.50
Shinhye Choi (SC)	Summer Associate	1.9	\$325	\$617.50
Debbie Schroeder (DLS)	Senior Litigation Support Specialist	27.3	\$300	\$8,190.00
Rebecca Richter (RSR)	Senior Litigation Support Specialist	0.1	\$300	\$30.00
Molly Sasseen (MCS)	Senior Litigation Support Specialist	46.9	\$300	\$14,070.00
Judy Fontanilla (JMF)	Litigation Support Specialist	34.7	\$275	\$9,542.50
Amy Michel-Arce (ASM)	Litigation Support Specialist	1.0	\$275	\$275.00
		693.6		\$422,160.00
			Expenses:	\$20,371.98
			Total:	\$442,531.98

Bursor & Fisher, P.A. - In re Smashburger IP Holder Hours Summary Through 11/29/2022				
Pre-Suit & Pleadings				
ATTORNEY	TITLE	HOURS	RATE	TOTAL
L. Timothy Fisher (LTF)	Partner (1997)	5.4	\$1000	\$5,400.00
Blair Reed (BER)	Associate (2017)	11.4	\$425	\$4,845.00
Angeli Patel (AP)	Summer Associate	1.5	\$325	\$487.50
Debbie Schroeder (DLS)	Senior Litigation Support Specialist	1.3	\$300	\$390.00
Molly Sasseen (MCS)	Senior Litigation Support Specialist	7.9	\$300	\$2,370.00
Total:		27.5		\$13,492.50

Bursor & Fisher, P.A. - In re Smashburger IP Holder Hours Summary Through 11/29/2022				
Case Management				
ATTORNEY	TITLE	HOURS	RATE	TOTAL
L. Timothy Fisher (LTF)	Partner (1997)	24.5	\$1000	\$24,500.00
Yeremey Krivoshey (YOK)	Partner (2013)	0.3	\$725	\$217.50
Blair Reed (BER)	Associate (2017)	37.5	\$425	\$15,937.50
Brittany Scott (BSS)	Associate (2019)	2.7	\$375	\$1,012.50
Debbie Schroeder (DLS)	Senior Litigation Support Specialist	9.6	\$300	\$2,880.00
Molly Sasseen (MCS)	Senior Litigation Support Specialist	7.0	\$300	\$2,100.00
Judy Fontanilla (JMF)	Litigation Support Specialist	0.6	\$275	\$165.00
Total:		82.2		\$46,812.50

Bursor & Fisher, P.A. - In re Smashburger IP Holder Hours Summary Through 11/29/2022				
Leadership				
ATTORNEY	TITLE	HOURS	RATE	TOTAL
L. Timothy Fisher (LTF)	Partner (1997)	29.9	\$1000	\$29,900.00
Blair Reed (BER)	Associate (2017)	29.3	\$425	\$12,452.50
Debbie Schroeder (DLS)	Senior Litigation Support Specialist	3.1	\$300	\$930.00
Molly Sasseen (MCS)	Senior Litigation Support Specialist	17.3	\$300	\$5,190.00
Judy Fontanilla (JMF)	Litigation Support Specialist	2.7	\$275	\$742.50
Total:		82.3		\$49,215.00

Bursor & Fisher, P.A. - In re Smashburger IP Holder Hours Summary Through 11/29/2022				
Discovery				
ATTORNEY	TITLE	HOURS	RATE	TOTAL
L. Timothy Fisher (LTF)	Partner (1997)	16.6	\$1000	\$16,600.00
Blair Reed (BER)	Associate (2017)	43.9	\$425	\$18,657.50
Brittany Scott (BSS)	Associate (2019)	0.3	\$375	\$112.50
Debbie Schroeder (DLS)	Senior Litigation Support Specialist	1.6	\$300	\$480.00
Judy Fontanilla (JMF)	Litigation Support Specialist	5.9	\$275	\$1,622.50
Total:		68.3		\$37,472.50

Bursor & Fisher, P.A. - In re Smashburger IP Holder Hours Summary Through 11/29/2022				
Settlement				
ATTORNEY	TITLE	HOURS	RATE	TOTAL
L. Timothy Fisher (LTF)	Partner (1997)	170.1	\$1000	\$170,100.00
Jennifer S. Rosenberg (JSR)	Associate (1985)	1.9	\$875	\$1,662.50
Neal J. Deckant (NJD)	Partner (2011)	2.2	\$775	\$1,705.00
Blair Reed (BER)	Associate (2017)	194.0	\$425	\$82,450.00
Brittany Scott (BSS)	Associate (2019)	1.6	\$375	\$600.00
Jenna L. Gavemann (JLG)	Summer Associate	1.0	\$325	\$325.00
Emma Blake (EFB)	Summer Associate	3.1	\$325	\$1,007.50
Joshua Wilner (JRW)	Summer Associate	4.5	\$325	\$1,462.50
Shinhye Choi (SC)	Summer Associate	1.9	\$325	\$617.50
Debbie Schroeder (DLS)	Senior Litigation Support Specialist	11.7	\$300	\$3,510.00
Rebecca Richter (RSR)	Senior Litigation Support Specialist	0.1	\$300	\$30.00
Molly Sasseen (MCS)	Senior Litigation Support Specialist	14.7	\$300	\$4,410.00
Judy Fontanilla (JMF)	Litigation Support Specialist	25.5	\$275	\$7,012.50
Amy Michel-Arce (ASM)	Litigation Support Specialist	1.0	\$275	\$275.00
Total:		433.3		\$275,167.50

Bursor & Fisher, P.A. - In re Smashburger IP Holder Hours Summary Through 11/29/2022				
ATTORNEY	RATE	TASK	HOURS	TOTAL
L. Timothy Fisher (LTF)	\$1000	Pre-Suit and Pleadings	5.4	\$246,500.00
		Case Management	24.5	
		Leadership	29.9	
		Discovery	16.6	
		Settlement	170.1	
Jennifer S. Rosenberg (JSR)	\$875	Pre-Suit and Pleadings	0.0	\$1,662.50
		Case Management	0.0	
		Leadership	0.0	
		Discovery	0.0	
		Settlement	1.9	
Neal J. Deckant (NDJ)	\$775	Pre-Suit and Pleadings	0.0	\$1,705.00
		Case Management	0.0	
		Leadership	0.0	
		Discovery	0.0	
		Settlement	2.2	
Yeremey O. Krivoshey (YOK)	\$725	Pre-Suit and Pleadings	0.0	\$217.50
		Case Management	0.3	
		Leadership	0.0	
		Discovery	0.0	
		Settlement	0.0	
Blair E. Reed (BER)	\$425	Pre-Suit and Pleadings	11.4	\$134,342.50
		Case Management	37.5	
		Leadership	29.3	
		Discovery	43.9	
		Settlement	194.0	
Brittany S. Scott (BSS)	\$375	Pre-Suit and Pleadings	0.0	\$1,725.00
		Case Management	2.7	
		Leadership	0.0	
		Discovery	0.3	
		Settlement	1.6	

Bursor & Fisher, P.A. - In re Smashburger IP Holder Hours Summary Through 11/29/2022				
ATTORNEY	RATE	TASK	HOURS	TOTAL
Jenna L. Gavemann (JLG)	\$325	Pre-Suit and Pleadings	0.0	\$325.00
		Case Management	0.0	
		Leadership	0.0	
		Discovery	0.0	
		Settlement	1.0	
Emma Blake (EFB)	\$325	Pre-Suit and Pleadings	0.0	\$1,007.50
		Case Management	0.0	
		Leadership	0.0	
		Discovery	0.0	
		Settlement	3.1	
Angeli Patel (AP)	\$325	Pre-Suit and Pleadings	1.5	\$487.50
		Case Management	0.0	
		Leadership	0.0	
		Discovery	0.0	
		Settlement	0.0	
Joshua Wilner (JRW)	\$325	Pre-Suit and Pleadings	0.0	\$1,462.50
		Case Management	0.0	
		Leadership	0.0	
		Discovery	0.0	
		Settlement	4.5	
Shinhye Choi (SC)	\$325	Pre-Suit and Pleadings	0.0	\$617.50
		Case Management	0.0	
		Leadership	0.0	
		Discovery	0.0	
		Settlement	1.9	
Debbie Schroeder (DLS)	\$300	Pre-Suit and Pleadings	1.3	\$8,190.00
		Case Management	9.6	
		Leadership	3.1	
		Discovery	1.6	
		Settlement	11.7	

Bursor & Fisher, P.A. - In re Smashburger IP Holder Hours Summary Through 11/29/2022				
ATTORNEY	RATE	TASK	HOURS	TOTAL
Rebecca Richter (RSR)	\$300	Pre-Suit and Pleadings	0.0	\$30.00
		Case Management	0.0	
		Leadership	0.0	
		Discovery	0.0	
		Settlement	0.1	
Molly Sasseen (MCS)	\$300	Pre-Suit and Pleadings	7.9	\$14,070.00
		Case Management	7.0	
		Leadership	17.3	
		Discovery	0.0	
		Settlement	14.7	
Judy Fontanilla (JMF)	\$275	Pre-Suit and Pleadings	0.0	\$9,542.50
		Case Management	0.6	
		Leadership	2.7	
		Discovery	5.9	
		Settlement	25.5	
Amy Michel-Arce (ASM)	\$275	Pre-Suit and Pleadings	0.0	\$275.00
		Case Management	0.0	
		Leadership	0.0	
		Discovery	0.0	
		Settlement	1.0	

Date	Matter	M No.	Initials	Description	Time	Rate	Amount
2019.02.07	Smashburger	334	BER	Reviewed article from LTF.	0.3	\$ 425.00	\$ 127.50
2019.02.07	Smashburger	334	BER	Conf. w/LTF re: article.	0.2	\$ 425.00	\$ 85.00
2019.02.07	Smashburger	334	BER	Reviewed In-n-out complaint.	0.6	\$ 425.00	\$ 255.00
2019.02.07	Smashburger	334	LTF	Reviewed article regarding Lanham Act case, discussed it with Marc Reich and Blair Reed and sent email to Joe Marchese regarding same and exchanged emails with Mr. Reich and Adam Hoover regarding same.	0.9	\$ 1,000.00	\$ 900.00
2019.02.07	Smashburger	334	MCS	Gathered relevant documents from 'In n Out v. Smashburger', sent to BER.	3.2	\$ 300.00	\$ 960.00
2019.02.08	Smashburger	334	AP	Researched Judge Selna class cert motion.	1.5	\$ 325.00	\$ 487.50
2019.02.08	Smashburger	334	BER	Conf. w/LTF re: complaint.	0.4	\$ 425.00	\$ 170.00
2019.02.08	Smashburger	334	BER	Conf. w/M. Reich re: complaint.	0.2	\$ 425.00	\$ 85.00
2019.02.08	Smashburger	334	BER	Reviewed In-n-out complaint and orders.	1.2	\$ 425.00	\$ 510.00
2019.02.08	Smashburger	334	BER	Drafted complaint.	6.4	\$ 425.00	\$ 2,720.00
2019.02.08	Smashburger	334	BER	Conf. w/LTF re: complaint.	0.1	\$ 425.00	\$ 42.50
2019.02.08	Smashburger	334	BER	Filed complaint.	0.4	\$ 425.00	\$ 170.00
2019.02.08	Smashburger	334	DLS	Reviewed complaint and initiating docs, made corrections, finalized and filed	1.3	\$ 300.00	\$ 390.00
2019.02.08	Smashburger	334	LTF	Drafted CLRA demand letter, reviewed and revised complaint, discussed various issues with Blair Reed, Marc Reich and Adam Hoover and exchanged emails with Joe Marchese, Ms. Reed, Mr. Reich and Mr. Hoover throughout the day.	4.2	\$ 1,000.00	\$ 4,200.00
2019.02.08	Smashburger	334	MCS	Created complaint template, drafted and finalized initiating docs, put together exhibits for complaint, finalized and sent demand letter, assisted with finalizing and filing complaint.	4.7	\$ 300.00	\$ 1,410.00
2019.02.09	Smashburger	334	LTF	Reviewed retainer agreement and exchanged emails with Marc Reich regarding same	0.3	\$ 1,000.00	\$ 300.00
2019.02.11	Smashburger	334	BER	Conf. w/LTF re: first to file and service.	0.2	\$ 425.00	\$ 85.00
2019.02.11	Smashburger	334	BER	Conf. w/LTF and DLS re: summons.	0.2	\$ 425.00	\$ 85.00
2019.02.11	Smashburger	334	LTF	Reviewed assignment to Judge Kronstadt and discussed same with Blair Reed (.2); call with Marc Reich regarding plaintiffs (.2).	0.4	\$ 1,000.00	\$ 400.00
2019.02.12	Smashburger	334	BER	Conf. w/LTF, DLS, MCS re: service.	0.3	\$ 425.00	\$ 127.50
2019.02.12	Smashburger	334	BER	Checked in re: copycat lawsuits.	0.2	\$ 425.00	\$ 85.00
2019.02.12	Smashburger	334	DLS	Edited summons and filed.	0.2	\$ 300.00	\$ 60.00
2019.02.12	Smashburger	334	LTF	Discussed judge research with Blair Reed and executed retainer agreements.	0.2	\$ 1,000.00	\$ 200.00
2019.02.12	Smashburger	334	MCS	Served complaint and initiating docs.	0.7	\$ 300.00	\$ 210.00
2019.02.13	Smashburger	334	BER	Followed up w/A. Patel re: research assignment.	0.3	\$ 425.00	\$ 127.50
2019.02.13	Smashburger	334	BSS	Researched Judge John Kronstadt.	2.0	\$ 375.00	\$ 750.00
2019.02.13	Smashburger	334	LTF	Reviewed research regarding Judge Kronstadt's decisions and exchanged emails regarding same.	0.2	\$ 1,000.00	\$ 200.00
2019.02.13	Smashburger	334	MCS	Corresponded w First Legal re Service of Complaint.	0.3	\$ 300.00	\$ 90.00
2019.02.15	Smashburger	334	BER	Confirmed service w/DLS.	0.2	\$ 425.00	\$ 85.00
2019.02.18	Smashburger	334	BER	Checked for copycat lawsuits.	0.2	\$ 425.00	\$ 85.00
2019.02.22	Smashburger	334	LTF	Call with defendant's counsel.	0.1	\$ 1,000.00	\$ 100.00
2019.02.25	Smashburger	334	BER	Conf. w/DLS re: Service, disclosures, and orders.	0.2	\$ 425.00	\$ 85.00
2019.02.25	Smashburger	334	DLS	Filed proofs of service of complaint.	0.3	\$ 300.00	\$ 90.00
2019.02.25	Smashburger	334	LTF	Discussed dismissal of Jollibee with Marc Reich and Blair Reed.	0.1	\$ 1,000.00	\$ 100.00
2019.02.27	Smashburger	334	LTF	Reviewed and approved stipulation extending deadline to file response to complaint	0.1	\$ 1,000.00	\$ 100.00
2019.02.27	Smashburger	334	MCS	Sent initiating docs to Judge.	0.2	\$ 300.00	\$ 60.00
2019.02.28	Smashburger	334	BER	Conf. w/DLS re: Courtesy copy.	0.1	\$ 425.00	\$ 42.50
2019.03.05	Smashburger	334	BER	Conf. w/LTF and DLS re: 30 and 90 day rules.	0.2	\$ 425.00	\$ 85.00
2019.03.13	Smashburger	334	BER	Drafted FAC.	0.9	\$ 425.00	\$ 382.50
2019.03.13	Smashburger	334	LTF	Reviewed amended complaint and exchanged emails with Blair Reed regarding same	0.3	\$ 1,000.00	\$ 300.00

Date	Matter	M No.	Initials	Description	Time	Rate	Amount
2019.03.14	Smashburger	334	BER	Conf. w/LTF re: New plaintiff and addition.	0.1	\$ 425.00	\$ 42.50
2019.03.14	Smashburger	334	BER	Emailed M. Reich re: FAC.	0.2	\$ 425.00	\$ 85.00
2019.03.14	Smashburger	334	LTF	Discussed amended complaint with Marc Reich and Blair Reed.	0.2	\$ 1,000.00	\$ 200.00
2019.03.15	Smashburger	334	BER	Drafted stipulation.	0.6	\$ 425.00	\$ 255.00
2019.03.15	Smashburger	334	BER	Updated calendar.	0.3	\$ 425.00	\$ 127.50
2019.03.15	Smashburger	334	BER	Conf. w/LTF re: FAC (.1); Drafted email to M. Reich re: Same (.2).	0.3	\$ 425.00	\$ 127.50
2019.03.15	Smashburger	334	BER	Added Plaintiff Lopez to FAC.	0.7	\$ 425.00	\$ 297.50
2019.03.15	Smashburger	334	BER	Reviewed In-in-Out Complaint.	0.4	\$ 425.00	\$ 170.00
2019.03.15	Smashburger	334	LTF	Discussed amended complaint with Blair Reed.	0.1	\$ 1,000.00	\$ 100.00
2019.03.18	Smashburger	334	BER	Reviewed FAC for filing.	0.2	\$ 425.00	\$ 85.00
2019.03.18	Smashburger	334	BER	Prepared stipulation and proposed order (.5); Conf. w/LTF re: Same (.1).	0.6	\$ 425.00	\$ 255.00
2019.03.18	Smashburger	334	BER	Reviewed standing order and local rules.	0.3	\$ 425.00	\$ 127.50
2019.03.18	Smashburger	334	DLS	Reviewed and fixed formatting amended complaint.	0.4	\$ 300.00	\$ 120.00
2019.03.18	Smashburger	334	DLS	Fixed formatting of amended complaint; finalized and filed	1.0	\$ 300.00	\$ 300.00
2019.03.18	Smashburger	334	LTF	Reviewed and revised L.R. 23-3 stipulation and discussed it with Blair Reed and sent stipulation to defendant's counsel.	0.4	\$ 1,000.00	\$ 400.00
2019.03.19	Smashburger	334	DLS	Reviewed Judge rules and emailed filed docs for chamber delivery	0.2	\$ 300.00	\$ 60.00
2019.03.19	Smashburger	334	LTF	Email exchange with defendant's counsel regarding extension of time and L.R. 23-3 stipulation and discussed same with Blair Reed.	0.2	\$ 1,000.00	\$ 200.00
2019.03.19	Smashburger	334	MCS	Sent Chambers Copies to First Legal.	0.5	\$ 300.00	\$ 150.00
2019.03.20	Smashburger	334	BER	Drafted stipulation re: LR 23-3 (.8); Emailed LTF re: Same (.1).	0.9	\$ 425.00	\$ 382.50
2019.03.21	Smashburger	334	BER	Drafted updated proposed order (.3); Emailed defense counsel re: same (.2).	0.5	\$ 425.00	\$ 212.50
2019.03.21	Smashburger	334	DLS	Finalized and filed stip and prop order.	0.6	\$ 300.00	\$ 180.00
2019.03.21	Smashburger	334	LTF	Discussed stipulation with Blair Reed and Debbie Schroeder.	0.1	\$ 1,000.00	\$ 100.00
2019.04.05	Smashburger	334	BER	Emailed M. Roberts.	0.2	\$ 425.00	\$ 85.00
2019.04.11	Smashburger	334	BER	Conf. w/LTF re: NY client.	0.1	\$ 425.00	\$ 42.50
2019.04.11	Smashburger	334	LTF	Discussed case status with Blair Reed and Marc Reich.	0.3	\$ 1,000.00	\$ 300.00
2019.04.12	Smashburger	334	BER	Followed up w/NY client.	0.1	\$ 425.00	\$ 42.50
2019.04.15	Smashburger	334	BER	Conf. w/LTF re: Copycat case.	0.2	\$ 425.00	\$ 85.00
2019.04.15	Smashburger	334	BER	Conf. w/LTF and NJD re: Copycat case.	0.1	\$ 425.00	\$ 42.50
2019.04.15	Smashburger	334	BER	Reviewed copycat case file and compare complaint.	1.7	\$ 425.00	\$ 722.50
2019.04.15	Smashburger	334	BER	Conf. w/YOK re: copycat.	0.1	\$ 425.00	\$ 42.50
2019.04.15	Smashburger	334	BER	Reviewed CD Cal local rules.	0.4	\$ 425.00	\$ 170.00
2019.04.15	Smashburger	334	LTF	Discussed copycat case with Blair Reed and sent email to Marc Reich and Adam Hoover regarding same	0.5	\$ 1,000.00	\$ 500.00
2019.04.15	Smashburger	334	YOK	Emailed BER and LTF re copycat case and reviewed same.	0.3	\$ 725.00	\$ 217.50
2019.04.16	Smashburger	334	BER	Conf. w/LTF re: Copycat case.	0.3	\$ 425.00	\$ 127.50
2019.04.16	Smashburger	334	BER	Conf. w/LTF and Ahdoot and Wolfson.	0.1	\$ 425.00	\$ 42.50
2019.04.16	Smashburger	334	BER	Reviewed Judge Kronstadt class certification orders.	1.6	\$ 425.00	\$ 680.00
2019.04.16	Smashburger	334	LTF	Discussed 23(g) motion with Blair Reed and researched prior rulings on such issues (.8); spoke with Ahdoot & Wolfson lawyer briefly about their late filed complaint (.1); email exchange with defendants' counsel regarding same (.2).	1.1	\$ 1,000.00	\$ 1,100.00
2019.04.16	Smashburger	334	MCS	Compared copycat complaint.	1.2	\$ 300.00	\$ 360.00
2019.04.17	Smashburger	334	BER	Conf. w/LTF re: call with counsel.	0.1	\$ 425.00	\$ 42.50
2019.04.17	Smashburger	334	BER	Call w/A. Hoover, LTF, and defense counsel.	0.2	\$ 425.00	\$ 85.00
2019.04.17	Smashburger	334	BER	Researched Ahdoot and Wolfson and related 23(g) motions.	2.3	\$ 425.00	\$ 977.50
2019.04.17	Smashburger	334	LTF	Call with defendant's counsel and discussed 23(g) motion with Blair Reed.	0.4	\$ 1,000.00	\$ 400.00

Date	Matter	M No.	Initials	Description	Time	Rate	Amount
2019.04.18	Smashburger	334	BER	Conf. w/LTF re: 23(g).	0.3	\$ 425.00	\$ 127.50
2019.04.18	Smashburger	334	BER	Conf. w/YOK re: Notice of related cases.	0.2	\$ 425.00	\$ 85.00
2019.04.18	Smashburger	334	BER	Drafted 23(g).	4.2	\$ 425.00	\$ 1,785.00
2019.04.18	Smashburger	334	BER	Reviewed A&W complaint for comparison.	4.8	\$ 425.00	\$ 2,040.00
2019.04.18	Smashburger	334	BER	Reviewed Trevino docket.	0.2	\$ 425.00	\$ 85.00
2019.04.18	Smashburger	334	LTF	Discussed 23(g) motion with Blair Reed and reviewed and revised 23(g) motion	0.5	\$ 1,000.00	\$ 500.00
2019.04.18	Smashburger	334	MCS	Prepared 23(g) tables, created template for motion to relate, sent to BER.	3.3	\$ 300.00	\$ 990.00
2019.04.19	Smashburger	334	BER	Reviewed LTF redlines to 23(g).	0.4	\$ 425.00	\$ 170.00
2019.04.19	Smashburger	334	BER	Monitored Trevino docket.	0.2	\$ 425.00	\$ 85.00
2019.04.19	Smashburger	334	BER	Conf. w/DLS re: Notice of related cases.	0.2	\$ 425.00	\$ 85.00
2019.04.19	Smashburger	334	LTF	Reviewed notice of related cases and exchanged emails with Blair Reed regarding same	0.2	\$ 1,000.00	\$ 200.00
2019.04.19	Smashburger	334	MCS	Checked copycat docket for BER, finalized draft notice of related case.	1.2	\$ 300.00	\$ 360.00
2019.04.22	Smashburger	334	BER	Drafted 23(g).	0.2	\$ 425.00	\$ 85.00
2019.04.22	Smashburger	334	BER	Drafted email to M. Reich re: 23(g).	0.1	\$ 425.00	\$ 42.50
2019.04.22	Smashburger	334	LTF	Discussed 23(g) motion with Blair Reed.	0.1	\$ 1,000.00	\$ 100.00
2019.04.23	Smashburger	334	BER	Reviewed Facebook 23(g).	0.6	\$ 425.00	\$ 255.00
2019.04.23	Smashburger	334	BER	Drafted 23(g).	1.4	\$ 425.00	\$ 595.00
2019.04.23	Smashburger	334	BER	Drafted email to M. Reich re: 23(g).	0.1	\$ 425.00	\$ 42.50
2019.04.23	Smashburger	334	BER	Emailed defense counsel re: 23(g).	0.1	\$ 425.00	\$ 42.50
2019.04.23	Smashburger	334	LTF	Discussed 23(g) motion with Blair Reed and reviewed emails regarding same.	0.2	\$ 1,000.00	\$ 200.00
2019.04.24	Smashburger	334	BER	Reviewed Judge Kronstadt standing order (.2); Conf. w/DLS re: Same (.1).	0.3	\$ 425.00	\$ 127.50
2019.04.24	Smashburger	334	BER	Drafted declaration re: 23(g) motion.	0.8	\$ 425.00	\$ 340.00
2019.04.24	Smashburger	334	BER	Drafted notice of motion (.3); Conf. w/LTF re: Same (.2).	0.5	\$ 425.00	\$ 212.50
2019.04.24	Smashburger	334	BER	Conf. w/Defense counsel re: 23(g) and consolidated complaint.	0.2	\$ 425.00	\$ 85.00
2019.04.24	Smashburger	334	BER	Drafted supporting documents to 23(g).	1.4	\$ 425.00	\$ 595.00
2019.04.24	Smashburger	334	BER	Reviewed Judge Kronstadt standing order.	0.3	\$ 425.00	\$ 127.50
2019.04.24	Smashburger	334	BER	Conf. w/LTF re: 23(g).	0.1	\$ 425.00	\$ 42.50
2019.04.24	Smashburger	334	DLS	Prepared notice of motion; finalized and filed.	0.9	\$ 300.00	\$ 270.00
2019.04.24	Smashburger	334	LTF	Email exchange with Marc Reich regarding 23(g) motion (.2); reviewed and revised 23(g) motion, Judge Kronstadt's standing orders and discussed motion and hearing dates with Blair Reed and Debbie Schroeder several times (1.5).	1.7	\$ 1,000.00	\$ 1,700.00
2019.04.24	Smashburger	334	MCS	Combined all exhibits into PDF, attached to declaration, assisted with filing 23(g).	1.3	\$ 300.00	\$ 390.00
2019.04.25	Smashburger	334	LTF	Discussed 23(g) motion with Marc Reich.	0.1	\$ 1,000.00	\$ 100.00
2019.04.25	Smashburger	334	MCS	Sent chambers copies to First Legal.	0.5	\$ 300.00	\$ 150.00
2019.04.26	Smashburger	334	BER	Reviewed defendant's stipulation and responded.	0.3	\$ 425.00	\$ 127.50
2019.05.13	Smashburger	334	LTF	Briefly reviewed Trevino motions and response to 23(g) and exchanged messages with Blair Reed regarding same.	0.3	\$ 1,000.00	\$ 300.00
2019.05.14	Smashburger	334	LTF	Reviewed motions filed by Trevino plaintiff and sent email to Blair Reed regarding same	0.8	\$ 1,000.00	\$ 800.00
2019.05.14	Smashburger	334	MCS	Discussed research for 23(g) opp/reply with BER and LTF.	0.5	\$ 300.00	\$ 150.00
2019.05.15	Smashburger	334	BER	Conf. w/LTF re: 23(g).	0.3	\$ 425.00	\$ 127.50
2019.05.15	Smashburger	334	BER	Conf. w/LTF and MCS re: 23(g) research.	0.2	\$ 425.00	\$ 85.00
2019.05.15	Smashburger	334	LTF	Worked on opposition to 23(g) and 23(g) reply and discussed it with Blair Reed and Molly Sasseeen	4.7	\$ 1,000.00	\$ 4,700.00
2019.05.15	Smashburger	334	MCS	Began research re Trevino complaint.	3.0	\$ 300.00	\$ 900.00
2019.05.16	Smashburger	334	BER	Conf. w/LTF re: 23(g).	0.4	\$ 425.00	\$ 170.00
2019.05.16	Smashburger	334	BER	Reviewed complaints for 23(g) brief.	0.7	\$ 425.00	\$ 297.50
2019.05.16	Smashburger	334	DLS	Prepared template.	0.7	\$ 300.00	\$ 210.00

Date	Matter	M No.	Initials	Description	Time	Rate	Amount
2019.05.16	Smashburger	334	LTF	Worked on 23(g) reply and opposition to Trevino 23(g) and discussed it with Blair Reed	2.3	\$ 1,000.00	\$ 2,300.00
2019.05.16	Smashburger	334	MCS	Continued research re Trevino complaint.	2.2	\$ 300.00	\$ 660.00
2019.05.17	Smashburger	334	BER	Conf. w/MCS re: Research for 23(g).	0.1	\$ 425.00	\$ 42.50
2019.05.17	Smashburger	334	BER	Conf. w/LTF re: 23(g).	0.2	\$ 425.00	\$ 85.00
2019.05.17	Smashburger	334	LTF	Discussed 23(g) dispute with Blair Reed and thought about possibility of resolution.	0.4	\$ 1,000.00	\$ 400.00
2019.05.17	Smashburger	334	MCS	Continued research re Trevino complaint.	2.2	\$ 300.00	\$ 660.00
2019.05.19	Smashburger	334	LTF	Discussed case status with Marc Reich.	0.2	\$ 1,000.00	\$ 200.00
2019.05.20	Smashburger	334	BER	Call B. King w/LTF (.4); Conf. w/LTF re: Same (.2).	0.6	\$ 425.00	\$ 255.00
2019.05.20	Smashburger	334	BER	Reviewed 23(g) brief.	0.7	\$ 425.00	\$ 297.50
2019.05.20	Smashburger	334	LTF	Reviewed order on intervention and consolidation and discussed it with Blair Reed and Debbie Schroeder (.3); calls with Trevino counsel regarding possible lead counsel agreement and discussed same with Ms. Reed and Marc Reich (.5); reviewed Molly Sasseen's research regarding Ahdoot & Wolfson's injunctive relief only CLRA claims and discussed same with Ms. Reed and Ms. Sasseen (.2).	1.0	\$ 1,000.00	\$ 1,000.00
2019.05.20	Smashburger	334	MCS	Finished research re Trevino complaint and 23(g) contest, finalized chart and sent to LTF/BER	4.3	\$ 300.00	\$ 1,290.00
2019.05.21	Smashburger	334	BER	Call w/LTF and B. King (.2); Conf. w/LTF re: Same (.2).	0.4	\$ 425.00	\$ 170.00
2019.05.21	Smashburger	334	LTF	Discussed counter proposal with Blair Reed and had two calls with Trevino counsel regarding same (.4); sent email to Marc Reich regarding status of negotiations (.1).	0.5	\$ 1,000.00	\$ 500.00
2019.05.21	Smashburger	334	LTF	Email exchange with Trevino counsel regarding pre-26(f) call.	0.1	\$ 1,000.00	\$ 100.00
2019.05.22	Smashburger	334	BER	Reviewed 23(g) reply and circulate to LTF and M. Reich.	0.7	\$ 425.00	\$ 297.50
2019.05.22	Smashburger	334	BER	Drafted portion of 23(g) reply.	0.4	\$ 425.00	\$ 170.00
2019.05.22	Smashburger	334	LTF	Reviewed updated 23(g) reply brief and discussed it with Blair Reed.	0.3	\$ 1,000.00	\$ 300.00
2019.05.23	Smashburger	334	BER	Call w/Ahdoot and Wolfson w/LTF.	0.2	\$ 425.00	\$ 85.00
2019.05.23	Smashburger	334	BER	Conf. w/M. Reich and LTF.	0.3	\$ 425.00	\$ 127.50
2019.05.23	Smashburger	334	LTF	Call with Marc Reich, Adam Hoover and Blair Reed prior to call with Trevino counsel and reviewed email from Trevino counsel (.3); call with Trevino counsel and follow up discussion with Ms. Reed (.2).	0.5	\$ 1,000.00	\$ 500.00
2019.05.24	Smashburger	334	LTF	Reviewed edits to 23(g) reply and discussed an additional edit with Blair Reed	0.4	\$ 1,000.00	\$ 400.00
2019.05.28	Smashburger	334	BER	Reviewed 23(g) reply and prepared for filing.	0.7	\$ 425.00	\$ 297.50
2019.05.28	Smashburger	334	BER	Drafted declaration ISO 23(g) with exhibits.	3.8	\$ 425.00	\$ 1,615.00
2019.05.28	Smashburger	334	DLS	Assisted with reply brief/opposition.	1.0	\$ 300.00	\$ 300.00
2019.05.28	Smashburger	334	DLS	Instructed Judy re research project.	0.2	\$ 300.00	\$ 60.00
2019.05.28	Smashburger	334	JMF	Helped prepare table for BER.	0.5	\$ 275.00	\$ 137.50
2019.05.28	Smashburger	334	LTF	Reviewed and revised 23(g) opposition/reply brief and discussed same with Blair Reed and Debbie Schroeder.	1.3	\$ 1,000.00	\$ 1,300.00
2019.05.29	Smashburger	334	DLS	Coordinated chamber copy delivery.	0.1	\$ 300.00	\$ 30.00
2019.05.30	Smashburger	334	LTF	Email exchange with Blair Reed regarding draft 26(f) report.	0.1	\$ 1,000.00	\$ 100.00
2019.05.31	Smashburger	334	BER	Reviewed Judge Kronstadt standing order for 26(f) report.	0.5	\$ 425.00	\$ 212.50
2019.05.31	Smashburger	334	BER	Drafted 26(f) report.	3.2	\$ 425.00	\$ 1,360.00
2019.05.31	Smashburger	334	BER	Conf. w/LTF re: 26(f).	0.3	\$ 425.00	\$ 127.50
2019.05.31	Smashburger	334	DLS	Prepared draft CMC template.	0.6	\$ 300.00	\$ 180.00
2019.05.31	Smashburger	334	LTF	Discussed 26(f) report with Blair Reed and reviewed and revised report and sent it to Trevino's counsel	0.8	\$ 1,000.00	\$ 800.00
2019.06.03	Smashburger	334	BER	Reviewed 23(g) brief.	0.8	\$ 425.00	\$ 340.00
2019.06.04	Smashburger	334	LTF	Email exchange with Trevino counsel regarding deadline for 26(f) report (.1); reviewed edits to 26(f) report and discussed them with Blair Reed (.3).	0.4	\$ 1,000.00	\$ 400.00
2019.06.05	Smashburger	334	BER	Drafted CMC statement.	1.6	\$ 425.00	\$ 680.00
2019.06.05	Smashburger	334	BER	Reviewed and drafted sections of protective order.	1.8	\$ 425.00	\$ 765.00
2019.06.05	Smashburger	334	BER	Conf. w/LTF re: CMC statement and protective order.	0.2	\$ 425.00	\$ 85.00

Date	Matter	M No.	Initials	Description	Time	Rate	Amount
2019.06.05	Smashburger	334	BER	Drafted email to counsel re: Protective order.	0.3	\$ 425.00	\$ 127.50
2019.06.05	Smashburger	334	LTF	Discussed updated 26(f) report with Blair Reed (x2) and reviewed emails regarding same	0.5	\$ 1,000.00	\$ 500.00
2019.06.06	Smashburger	334	BER	Reviewed and incorporated T. Wolfson and M. Reich redlines to CMC statement.	1.2	\$ 425.00	\$ 510.00
2019.06.06	Smashburger	334	LTF	Email exchange and telephone call with Blair Reed regarding 26(f) report and reviewed emails regarding same.	0.4	\$ 1,000.00	\$ 400.00
2019.06.07	Smashburger	334	LTF	Email exchange with Blair Reed regarding call with defendant's counsel.	0.1	\$ 1,000.00	\$ 100.00
2019.06.11	Smashburger	334	BER	Prepared for and discussed call w/counsel w/LTF.	0.3	\$ 425.00	\$ 127.50
2019.06.11	Smashburger	334	BER	Set up conference line and circulated number.	0.3	\$ 425.00	\$ 127.50
2019.06.11	Smashburger	334	BER	Call w/Counsel w/LTF.	0.4	\$ 425.00	\$ 170.00
2019.06.11	Smashburger	334	LTF	Prepared for call with defendants' counsel (.2); call with defendants' counsel regarding 26(f) statement (.4).	0.6	\$ 1,000.00	\$ 600.00
2019.06.12	Smashburger	334	LTF	Reviewed edits to 26(f) report and discussed it with Blair Reed on the phone and by email	0.3	\$ 1,000.00	\$ 300.00
2019.06.13	Smashburger	334	BER	Conf. w/LTF re: 26(f) statement (.1); Emailed counsel re: Same (.2).	0.3	\$ 425.00	\$ 127.50
2019.06.13	Smashburger	334	LTF	Discussed 26(f) report with Blair Reed and reviewed emails regarding same.	0.3	\$ 1,000.00	\$ 300.00
2019.06.14	Smashburger	334	BER	Incorporated redlines to 26(f) and draft Exhibit A.	1.1	\$ 425.00	\$ 467.50
2019.06.14	Smashburger	334	BER	Filed 26(f) statement w/DLS.	0.2	\$ 425.00	\$ 85.00
2019.06.14	Smashburger	334	DLS	Fixed formatting and filed 26(f) report.	1.0	\$ 300.00	\$ 300.00
2019.06.14	Smashburger	334	MCS	Sent 26(f) Report and exhibit to First Legal for service.	0.5	\$ 300.00	\$ 150.00
2019.06.19	Smashburger	334	LTF	Email exchange with Marc Reich regarding lead counsel hearing and A&W proposal.	0.2	\$ 1,000.00	\$ 200.00
2019.06.20	Smashburger	334	DLS	Assisted Judy w hearing book.	0.2	\$ 300.00	\$ 60.00
2019.06.20	Smashburger	334	JMF	Prepared book for LTF.	1.5	\$ 275.00	\$ 412.50
2019.06.21	Smashburger	334	BER	Call w/B. King.	0.3	\$ 425.00	\$ 127.50
2019.06.21	Smashburger	334	LTF	Discussed 23(g) hearing with Blair Reed.	0.2	\$ 1,000.00	\$ 200.00
2019.06.22	Smashburger	334	LTF	Traveled to L.A. for 23(g) hearing and prepared for hearing.	4.3	\$ 1,000.00	\$ 4,300.00
2019.06.23	Smashburger	334	LTF	Prepared for 23(g) hearing and exchanged messages with Marc Reich regarding same.	1.7	\$ 1,000.00	\$ 1,700.00
2019.06.24	Smashburger	334	BER	Conf. w/LTF re: 23(g) hearing.	0.3	\$ 425.00	\$ 127.50
2019.06.24	Smashburger	334	LTF	Meeting with Marc Reich prior to 23(g) hearing, attended hearing and returned to Walnut Creek afterwards.	6.2	\$ 1,000.00	\$ 6,200.00
2019.06.26	Smashburger	334	LTF	Reviewed lead counsel order and exchanged emails with Debbie Schroeder regarding same and request for a transcript.	0.3	\$ 1,000.00	\$ 300.00
2019.06.27	Smashburger	334	JMF	Prepared hearing transcript order (0.5); sent check (0.2).	0.7	\$ 275.00	\$ 192.50
2019.06.30	Smashburger	334	LTF	Email exchange with Marc Reich regarding other states in which Smashburger sold the Triple Double Burger.	0.1	\$ 1,000.00	\$ 100.00
2019.07.01	Smashburger	334	LTF	Email exchange with Marc Reich regarding additional states where Smashburger does business and prospect of adding additional plaintiffs.	0.4	\$ 1,000.00	\$ 400.00
2019.07.02	Smashburger	334	BER	Conf. w/LTF re: Joint Report.	0.2	\$ 425.00	\$ 85.00
2019.07.02	Smashburger	334	DLS	Prepared joint status report draft.	0.3	\$ 300.00	\$ 90.00
2019.07.02	Smashburger	334	LTF	Drafted status report and discussed it with Blair Reed and Marc Reich and circulated it to Trevino counsel.	1.3	\$ 1,000.00	\$ 1,300.00
2019.07.03	Smashburger	334	LTF	Reviewed transcript from 23(g) hearing.	0.3	\$ 1,000.00	\$ 300.00
2019.07.05	Smashburger	334	LTF	Reviewed edits to status report.	0.2	\$ 1,000.00	\$ 200.00
2019.07.07	Smashburger	334	LTF	Email exchange with Marc Reich regarding status report.	0.2	\$ 1,000.00	\$ 200.00
2019.07.08	Smashburger	334	BER	Reviewed status report and filed.	0.4	\$ 425.00	\$ 170.00
2019.07.08	Smashburger	334	DLS	Filed status report.	0.3	\$ 300.00	\$ 90.00
2019.07.08	Smashburger	334	JMF	Prepared and sent chamber copies.	0.2	\$ 275.00	\$ 55.00

Date	Matter	M No.	Initials	Description	Time	Rate	Amount
2019.07.08	Smashburger	334	LTF	Reviewed and revised status report and exchanged emails with Trevino counsel and discussed report with Blair Reed.	1.1	\$ 1,000.00	\$ 1,100.00
2019.07.08	Smashburger	334	LTF	Reviewed defendants' initial disclosures, reviewed Plaintiffs' initial disclosures and arranged for service and discussed same with Ms. Reed.	0.4	\$ 1,000.00	\$ 400.00
2019.07.16	Smashburger	334	LTF	Sent email to co-counsel regarding consolidated amended complaint and reviewed order setting deadline for same.	0.2	\$ 1,000.00	\$ 200.00
2019.07.17	Smashburger	334	LTF	Reviewed emails regarding NY clients.	0.2	\$ 1,000.00	\$ 200.00
2019.07.18	Smashburger	334	LTF	Discussed amended complaint with Marc Reich and Blair Reed.	0.3	\$ 1,000.00	\$ 300.00
2019.07.19	Smashburger	334	BER	Drafted amended complaint.	1.8	\$ 425.00	\$ 765.00
2019.07.19	Smashburger	334	BER	Drafted amended complaint.	0.7	\$ 425.00	\$ 297.50
2019.07.19	Smashburger	334	LTF	Reviewed amended complaint and discussed it with Blair Reed via email	0.2	\$ 1,000.00	\$ 200.00
2019.07.20	Smashburger	334	LTF	Email exchange with Trevino counsel.	0.1	\$ 1,000.00	\$ 100.00
2019.07.21	Smashburger	334	LTF	Email exchange with Marc Reich regarding NY client.	0.1	\$ 1,000.00	\$ 100.00
2019.07.22	Smashburger	334	BER	Drafted amended complaint.	0.6	\$ 425.00	\$ 255.00
2019.07.22	Smashburger	334	BER	Emailed M. Reich re: Amended complaint.	0.2	\$ 425.00	\$ 85.00
2019.07.22	Smashburger	334	BER	Conf. w/LTF re: Amended complaint.	0.3	\$ 425.00	\$ 127.50
2019.07.22	Smashburger	334	LTF	Calls with Blair Reed and Marc Reich regarding amended complaint and reviewed updated amended complaint (.4); worked on client questionnaire (.8)	1.2	\$ 1,000.00	\$ 1,200.00
2019.07.23	Smashburger	334	BER	Conf. w/LTF re: Amended complaint.	0.2	\$ 425.00	\$ 85.00
2019.07.23	Smashburger	334	BER	Review A&W redlines.	0.3	\$ 425.00	\$ 127.50
2019.07.23	Smashburger	334	LTF	Reviewed and approved amended complaint, discussed it with Blair Reed and Marc Reich and reviewed edits from Trevino counsel.	0.7	\$ 1,000.00	\$ 700.00
2019.07.24	Smashburger	334	BER	Prepared amended complaint for filing (.6); Conf. w/LTF re: Same (.1).	0.7	\$ 425.00	\$ 297.50
2019.07.24	Smashburger	334	DLS	Finalized and filed consol. Amend. Complaint.	0.9	\$ 300.00	\$ 270.00
2019.07.24	Smashburger	334	JMF	Prepared and sent chambers copies.	0.2	\$ 275.00	\$ 55.00
2019.07.24	Smashburger	334	LTF	Reviewed complaint prior to filing.	0.2	\$ 1,000.00	\$ 200.00
2019.08.09	Smashburger	334	LTF	Email exchange with opposing counsel regarding L.R. 7-3 conference.	0.2	\$ 1,000.00	\$ 200.00
2019.08.12	Smashburger	334	BER	Drafted discovery requests.	1.2	\$ 425.00	\$ 510.00
2019.08.12	Smashburger	334	LTF	Circulated dial-in for L.R. 7-3 call tomorrow.	0.1	\$ 1,000.00	\$ 100.00
2019.08.13	Smashburger	334	BER	Call w/Defense counsel and LTF and M. Reich.	0.2	\$ 425.00	\$ 85.00
2019.08.13	Smashburger	334	BER	Conf. w/LTF and M. Reich re: Next steps.	0.1	\$ 425.00	\$ 42.50
2019.08.13	Smashburger	334	LTF	Call with defendants' counsel regarding MTD and discussed same with Blair Reed and Marc Reich before and after call and reviewed complaint.	0.5	\$ 1,000.00	\$ 500.00
2019.08.14	Smashburger	334	BER	Conf. w/LTF re: Discovery.	0.2	\$ 425.00	\$ 85.00
2019.08.14	Smashburger	334	BER	Reviewed draft discovery requests from B. King.	0.4	\$ 425.00	\$ 170.00
2019.08.14	Smashburger	334	BER	Drafted discovery requests.	0.9	\$ 425.00	\$ 382.50
2019.08.14	Smashburger	334	LTF	Discussed amended complaint proposal with Blair Reed and sent email regarding same	0.2	\$ 1,000.00	\$ 200.00
2019.08.14	Smashburger	334	LTF	Reviewed email regarding discovery and sent response to Brad King.	0.2	\$ 1,000.00	\$ 200.00
2019.08.15	Smashburger	334	BER	Conf. w/LTF re: Discovery.	0.2	\$ 425.00	\$ 85.00
2019.08.15	Smashburger	334	BER	Conf. w/LTF re: Amended complaint.	0.1	\$ 425.00	\$ 42.50
2019.08.15	Smashburger	334	LTF	Email exchange with defendants' counsel regarding amended complaint and related stipulation and discussed discovery with Blair Reed.	0.3	\$ 1,000.00	\$ 300.00
2019.08.16	Smashburger	334	BER	Drafted email re: Discovery requests to M. Reich and A. Hoover.	0.1	\$ 425.00	\$ 42.50
2019.08.16	Smashburger	334	LTF	Reviewed and approved stipulation for filing of amended complaint	0.2	\$ 1,000.00	\$ 200.00
2019.08.17	Smashburger	334	LTF	Reviewed RFPs and sent email to Blair Reed and Marc Reich regarding same.	0.8	\$ 1,000.00	\$ 800.00
2019.08.19	Smashburger	334	BER	Reviewed damages models and discovery.	0.7	\$ 425.00	\$ 297.50

Date	Matter	M No.	Initials	Description	Time	Rate	Amount
2019.08.19	Smashburger	334	BER	Conf. w/LTF re: Damages and discovery requests.	0.2	\$ 425.00	\$ 85.00
2019.08.19	Smashburger	334	BER	Conf. w/LTF and C. Weir re: damages.	0.2	\$ 425.00	\$ 85.00
2019.08.19	Smashburger	334	BER	Drafted discovery requests re: damages.	0.3	\$ 425.00	\$ 127.50
2019.08.19	Smashburger	334	LTF	Discussed RFPs with Blair Reed and Colin Weir.	0.4	\$ 1,000.00	\$ 400.00
2019.08.20	Smashburger	334	BER	Attention to stipulation re: Response and amended complaint.	0.1	\$ 425.00	\$ 42.50
2019.08.20	Smashburger	334	BER	Drafted discovery requests.	0.9	\$ 425.00	\$ 382.50
2019.08.20	Smashburger	334	BER	Conf. w/LTF re: Discovery requests (.3); Draft email to M. Reich re: Same (.1).	0.4	\$ 425.00	\$ 170.00
2019.08.20	Smashburger	334	BER	Reviewed amended consolidated complaint.	0.3	\$ 425.00	\$ 127.50
2019.08.20	Smashburger	334	LTF	Reviewed revised RFPs and discussed them with Blair Reed.	0.5	\$ 1,000.00	\$ 500.00
2019.08.21	Smashburger	334	BER	Reviewed order and calendared dates.	0.3	\$ 425.00	\$ 127.50
2019.08.21	Smashburger	334	BER	Prepared SAC to file.	0.2	\$ 425.00	\$ 85.00
2019.08.21	Smashburger	334	DLS	Fixed proof of service to discovery.	0.3	\$ 300.00	\$ 90.00
2019.08.21	Smashburger	334	LTF	Discussed RFPs with Blair Reed and reviewed emails from co-counsel regarding same.	0.2	\$ 1,000.00	\$ 200.00
2019.08.22	Smashburger	334	BER	Reviewed B. King email and incorporated discovery request.	0.4	\$ 425.00	\$ 170.00
2019.08.22	Smashburger	334	BER	Conf. w/DLS re: Discovery requests.	0.3	\$ 425.00	\$ 127.50
2019.08.22	Smashburger	334	DLS	Finalized and filed SAC.	0.5	\$ 300.00	\$ 150.00
2019.08.22	Smashburger	334	DLS	Fixed formatting of RFPs.	0.2	\$ 300.00	\$ 60.00
2019.08.22	Smashburger	334	JMF	Prepared and sent chamber copies.	0.2	\$ 275.00	\$ 55.00
2019.08.22	Smashburger	334	LTF	Reviewed final amended complaint, discussed it with Blair Reed and assisted with filing	0.4	\$ 1,000.00	\$ 400.00
2019.08.23	Smashburger	334	BER	Calendared discovery response dates.	0.1	\$ 425.00	\$ 42.50
2019.08.23	Smashburger	334	LTF	Discussed response date for RFPs with Blair Reed and Neal Deckant.	0.2	\$ 1,000.00	\$ 200.00
2019.08.26	Smashburger	334	LTF	Reviewed and executed ETI retainer.	0.1	\$ 1,000.00	\$ 100.00
2019.08.28	Smashburger	334	BER	Reviewed email from B. King (.1) and conf. w/LTF re: Same (.4).	0.5	\$ 425.00	\$ 212.50
2019.08.28	Smashburger	334	LTF	Discussed expert issue with Blair Reed and exchanged emails with co-counsel regarding same	1.3	\$ 1,000.00	\$ 1,300.00
2019.08.29	Smashburger	334	LTF	Discussed expert retention issue with Colin Weir and Blair Reed.	0.3	\$ 1,000.00	\$ 300.00
2019.09.03	Smashburger	334	LTF	Worked on plaintiff questionnaire.	0.4	\$ 1,000.00	\$ 400.00
2019.09.04	Smashburger	334	BER	Reviewed plaintiff questionnaire from LTF.	0.4	\$ 425.00	\$ 170.00
2019.09.04	Smashburger	334	LTF	Worked on plaintiff questionnaire and circulated it to Blair Reed and exchanged emails with Marc Reich	2.3	\$ 1,000.00	\$ 2,300.00
2019.09.05	Smashburger	334	LTF	Incorporated edits to questionnaire and circulated it to all plaintiffs' counsel	0.4	\$ 1,000.00	\$ 400.00
2019.09.09	Smashburger	334	BER	Reviewed answer to complaint.	0.9	\$ 425.00	\$ 382.50
2019.09.09	Smashburger	334	BER	Conf. w/LTF re: Answer to complaint.	0.2	\$ 425.00	\$ 85.00
2019.09.09	Smashburger	334	BER	Reviewed status of In-n-Out v. Smashburger.	0.3	\$ 425.00	\$ 127.50
2019.09.09	Smashburger	334	LTF	Reviewed defendants' answer and discussed it with Blair Reed.	0.3	\$ 1,000.00	\$ 300.00
2019.09.16	Smashburger	334	BER	Conf. w/A. Stowell (.2); Draft email to LTF re: Same (.1).	0.3	\$ 425.00	\$ 127.50
2019.09.16	Smashburger	334	BER	Drafted email to co-counsel re: Extension to respond.	0.1	\$ 425.00	\$ 42.50
2019.09.16	Smashburger	334	LTF	Email exchange with Blair Reed regarding request for extension of time and call to discuss possible mediation.	0.3	\$ 1,000.00	\$ 300.00
2019.09.17	Smashburger	334	LTF	Email exchange with Tina Wolfson regarding request for extension of time and email exchange with Blair Reed regarding same.	0.2	\$ 1,000.00	\$ 200.00
2019.10.02	Smashburger	334	LTF	Prepared fee and expense spreadsheet and sent it to co-counsel.	0.9	\$ 1,000.00	\$ 900.00
2019.10.14	Smashburger	334	BER	Conf. w/LTF re: Next steps.	0.1	\$ 425.00	\$ 42.50
2019.10.21	Smashburger	334	BER	Conf. w/LTF re: Email from A. Stowell requesting extension.	0.2	\$ 425.00	\$ 85.00
2019.10.21	Smashburger	334	BER	Drafted email to A. Wolfson and M. Reich re: Defendants' request for extension	0.2	\$ 425.00	\$ 85.00
2019.10.21	Smashburger	334	LTF	Discussed request for extension of time and protective order with Blair Reed and reviewed emails regarding same.	0.4	\$ 1,000.00	\$ 400.00
2019.10.22	Smashburger	334	BER	Reviewed proposed protective order (.4); Conf. w/LTF re: Same (.2).	0.6	\$ 425.00	\$ 255.00

Date	Matter	M No.	Initials	Description	Time	Rate	Amount
2019.10.23	Smashburger	334	BER	Reviewed emails re: Protective order.	0.2	\$ 425.00	\$ 85.00
2019.10.29	Smashburger	334	BER	Drafted good cause statement for protective order.	0.4	\$ 425.00	\$ 170.00
2019.10.29	Smashburger	334	BER	Reviewed and draft sections of protective order.	0.3	\$ 425.00	\$ 127.50
2019.10.29	Smashburger	334	BER	Conf. w/LTF re: Protective order.	0.2	\$ 425.00	\$ 85.00
2019.10.29	Smashburger	334	BER	Drafted email to A. Stowell re: Protective order redlines.	0.2	\$ 425.00	\$ 85.00
2019.10.29	Smashburger	334	LTF	Reviewed and revised protective order and discussed it with Blair Reed	0.5	\$ 1,000.00	\$ 500.00
2019.11.04	Smashburger	334	LTF	Email exchange with Brad King regarding protective order and discovery responses and exchanged emails with Blair Reed regarding same (.6); reviewed discovery responses and saved them to Box (.2).	0.8	\$ 1,000.00	\$ 800.00
2019.11.05	Smashburger	334	LTF	Reviewed discovery responses and discussed same with Blair Reed and reviewed emails regarding protective order.	0.4	\$ 1,000.00	\$ 400.00
2019.11.07	Smashburger	334	BER	Reviewed email from A. Stowell regarding production of documents (.1) and discussed with LTF (.1); Downloaded and previewed production of documents (.8).	1.0	\$ 425.00	\$ 425.00
2019.11.12	Smashburger	334	BER	Drafted email to A. Stowell.	0.2	\$ 425.00	\$ 85.00
2019.11.13	Smashburger	334	BER	Discussed class certification deadlines with LTF.	0.1	\$ 425.00	\$ 42.50
2019.11.13	Smashburger	334	DLS	Formatted letter.	0.9	\$ 300.00	\$ 270.00
2019.11.13	Smashburger	334	LTF	Worked on document hosting and discussed it with Joel Smith, Blair Reed and Debbie Schroeder and signed up for Logikull account (1.2); reviewed draft of meet and confer letter and exchanged emails with co-counsel regarding same (.4).	1.6	\$ 1,000.00	\$ 1,600.00
2019.11.14	Smashburger	334	BER	Discussed document production with LTF.	0.2	\$ 425.00	\$ 85.00
2019.11.14	Smashburger	334	DLS	Reviewed letter.	0.2	\$ 300.00	\$ 60.00
2019.11.14	Smashburger	334	LTF	Reviewed, revised and redlined meet and confer letter and arranged for it to be sent to opposing counsel and discussed same with Debbie Schroeder (.8); continued working on document hosting and discussed same with Ms. Schroeder and Blair Reed (.3).	1.1	\$ 1,000.00	\$ 1,100.00
2019.11.19	Smashburger	334	LTF	Worked on document hosting and sent email to co-counsel regarding same.	0.3	\$ 1,000.00	\$ 300.00
2019.11.22	Smashburger	334	LTF	Email exchange with opposing counsel and co-counsel regarding discovery meet and confer call.	0.3	\$ 1,000.00	\$ 300.00
2019.11.25	Smashburger	334	BER	Attended call with A. Stowell, LTF, and B. King regarding document production and next steps	0.5	\$ 425.00	\$ 212.50
2019.11.25	Smashburger	334	BER	Set up document review for co-counsel and emailed co-counsel regarding the same	0.4	\$ 425.00	\$ 170.00
2019.11.25	Smashburger	334	BER	Reviewed docket entries for In-n-Out matter against Smashburger.	0.3	\$ 425.00	\$ 127.50
2019.11.25	Smashburger	334	LTF	Prepared for meet and confer call and participated in call with defendant's counsel and discussed same with Blair Reed (.8); discussed document sharing with Ms. Reed (.1).	0.9	\$ 1,000.00	\$ 900.00
2019.11.26	Smashburger	334	BER	Reviewed documents.	1.6	\$ 425.00	\$ 680.00
2019.11.26	Smashburger	334	BER	Discussed mediator proposal with LTF.	0.2	\$ 425.00	\$ 85.00
2019.11.26	Smashburger	334	LTF	Reviewed and approved Trevino dismissal stipulation.	0.1	\$ 1,000.00	\$ 100.00
2019.11.26	Smashburger	334	LTF	Discussed mediators with Blair Reed and researched same.	0.4	\$ 1,000.00	\$ 400.00
2019.12.02	Smashburger	334	BER	Reviewed email exchange with B. King regarding document review (.2) and reviewed assignment on document review platform regarding the same (.3).	0.5	\$ 425.00	\$ 212.50
2019.12.03	Smashburger	334	BER	Reviewed documents.	1.6	\$ 425.00	\$ 680.00
2019.12.03	Smashburger	334	LTF	Discussed financial documents with Blair Reed.	0.2	\$ 1,000.00	\$ 200.00
2019.12.04	Smashburger	334	LTF	Email exchange with co-counsel and defendants' counsel regarding mediators and next call to discuss case status (.4); discussed mediators with Blair Reed (.1).	0.5	\$ 1,000.00	\$ 500.00
2019.12.05	Smashburger	334	LTF	Discussed class certification schedule with Blair Reed and reviewed scheduling order.	0.2	\$ 1,000.00	\$ 200.00
2019.12.09	Smashburger	334	BER	Discussed damages with LTF.	0.2	\$ 425.00	\$ 85.00
2019.12.09	Smashburger	334	LTF	Discussed financial documents with Blair Reed.	0.2	\$ 1,000.00	\$ 200.00
2019.12.10	Smashburger	334	BER	Conferred with LTF and C. Weir regarding damages.	0.2	\$ 425.00	\$ 85.00
2019.12.10	Smashburger	334	BER	Met and conferred with defense counsel and LTF regarding mediation and next steps (.2); Discussed the same with LTF and M. Reich (.2).	0.4	\$ 425.00	\$ 170.00

Date	Matter	M No.	Initials	Description	Time	Rate	Amount
2019.12.10	Smashburger	334	LTF	Call with defendants' counsel and discussed potential mediators with Marc Reich (on the phone) and Tina Wolfson and Brad King (by email).	0.8	\$ 1,000.00	\$ 800.00
2019.12.11	Smashburger	334	LTF	Email exchange with co-counsel regarding mediators and researched Judge Andler and sent email to opposing counsel regarding same.	0.5	\$ 1,000.00	\$ 500.00
2019.12.13	Smashburger	334	LTF	Email exchange regarding mediator and left message for Jill Sperber (.5); sent email to Ahdoot & Wolfson re: tardy billing records (.2).	0.7	\$ 1,000.00	\$ 700.00
2019.12.18	Smashburger	334	BER	Called A. Stowell regarding classic smash burgers.	0.2	\$ 425.00	\$ 85.00
2019.12.18	Smashburger	334	BER	Attended call with LTF, M. Dennis, and C. Weir regarding damages (.3) and discussed with LTF regarding the same (.1).	0.4	\$ 425.00	\$ 170.00
2019.12.18	Smashburger	334	BSS	Call w/ C. Weir and M. Dennis re: damages.	0.3	\$ 375.00	\$ 112.50
2019.12.18	Smashburger	334	LTF	Call with Mike Dennis and Colin Weir (.3); telephone call with Judicate West and email exchange regarding potential mediation dates (.3).	0.6	\$ 1,000.00	\$ 600.00
2019.12.19	Smashburger	334	BER	Conferred with A. Stowell regarding discovery (.2) and discussed with LTF regarding the same (.2)	0.4	\$ 425.00	\$ 170.00
2019.12.19	Smashburger	334	BER	Reviewed documents.	3.4	\$ 425.00	\$ 1,445.00
2019.12.19	Smashburger	334	LTF	Prepared Dennis retention letter and exchanged emails with Dr. Dennis regarding same.	0.3	\$ 1,000.00	\$ 300.00
2019.12.26	Smashburger	334	LTF	Left message for mediator regarding 2/6 mediation date and email exchange regarding same	0.3	\$ 1,000.00	\$ 300.00
2019.12.30	Smashburger	334	BER	Reviewed documents.	1.7	\$ 425.00	\$ 722.50
2019.12.30	Smashburger	334	LTF	Telephone call and email exchange with Heather Reed regarding mediation	0.2	\$ 1,000.00	\$ 200.00
2020.01.02	Smashburger	334	LTF	Discussed mediation with Blair Reed.	0.1	\$ 1,000.00	\$ 100.00
2020.01.03	Smashburger	334	LTF	Discussed schedule for class certification with Blair Reed.	0.1	\$ 1,000.00	\$ 100.00
2020.01.05	Smashburger	334	LTF	Email exchange with Marc Reich regarding scheduling stipulation.	0.1	\$ 1,000.00	\$ 100.00
2020.01.06	Smashburger	334	BER	Reviewed stipulation regarding schedule.	0.2	\$ 425.00	\$ 85.00
2020.01.06	Smashburger	334	LTF	Email exchange with Judicate West regarding split of mediation fees.	0.2	\$ 1,000.00	\$ 200.00
2020.01.07	Smashburger	334	DLS	Prepared drafts of stip and proposed order.	1.0	\$ 300.00	\$ 300.00
2020.01.07	Smashburger	334	LTF	Reviewed Judge Kronstadt's scheduling order and standing order regarding continuances and drafted stipulation, declaration and proposed order continuing deadlines and exchanged emails with Blair Reed and Debbie Schroeder regarding same.	2.2	\$ 1,000.00	\$ 2,200.00
2020.01.13	Smashburger	334	DLS	Reviewed stip and order, made edits and filed.	0.5	\$ 300.00	\$ 150.00
2020.01.13	Smashburger	334	LTF	Reviewed, revised and finalized stipulation regarding case schedule and exchanged emails with opposing counsel and discussed various filing issues with Debbie Schroeder.	1.9	\$ 1,000.00	\$ 1,900.00
2020.01.13	Smashburger	334	LTF	Reviewed and executed mediation agreement.	0.1	\$ 1,000.00	\$ 100.00
2020.01.14	Smashburger	334	BER	Conferred with DLS regarding admin. filing.	0.3	\$ 425.00	\$ 127.50
2020.01.14	Smashburger	334	BER	Drafted and reviewed email exchange w/ A. Hoover.	0.3	\$ 425.00	\$ 127.50
2020.01.14	Smashburger	334	DLS	Followed up w/ Clerk re dismissal error.	0.3	\$ 300.00	\$ 90.00
2020.01.14	Smashburger	334	LTF	Discussed document review and documents needed for mediation with Blair Reed	0.2	\$ 1,000.00	\$ 200.00
2020.01.15	Smashburger	334	BER	Reviewed documents.	1.8	\$ 425.00	\$ 765.00
2020.01.16	Smashburger	334	BER	Reviewed documents and culled hot documents.	3.4	\$ 425.00	\$ 1,445.00
2020.01.16	Smashburger	334	LTF	Reviewed order regarding new deadlines and calendared new deadlines	0.2	\$ 1,000.00	\$ 200.00
2020.01.17	Smashburger	334	BER	Conferred w/A. Stowell (.5) and conferred with LTF regarding the same (.2).	0.7	\$ 425.00	\$ 297.50
2020.01.17	Smashburger	334	BER	Reviewed documents.	2.2	\$ 425.00	\$ 935.00
2020.01.17	Smashburger	334	LTF	Discussed damages issues with Blair Reed.	0.2	\$ 1,000.00	\$ 200.00
2020.01.17	Smashburger	334	LTF	Email exchange with Ahdoot & Wolfson regarding time records.	0.2	\$ 1,000.00	\$ 200.00
2020.01.21	Smashburger	334	JMF	Collected documents from similar cases for BER.	1.2	\$ 275.00	\$ 330.00
2020.01.21	Smashburger	334	LTF	Discussed mediation at firm meeting (.1); call with Scott Bursor regarding mediation strategy (.2); discussed mediation with Blair Reed (.3).	0.6	\$ 1,000.00	\$ 600.00
2020.01.22	Smashburger	334	BER	Conferred with LTF regarding document review and mediation.	0.2	\$ 425.00	\$ 85.00

Date	Matter	M No.	Initials	Description	Time	Rate	Amount
2020.01.22	Smashburger	334	BER	Compiled and reviewed hot document chron.	1.9	\$ 425.00	\$ 807.50
2020.01.22	Smashburger	334	JMF	Collected documents from similar cases for BER.	0.7	\$ 275.00	\$ 192.50
2020.01.22	Smashburger	334	LTF	Call with Marc Reich regarding mediation (.2); call with opposing counsel regarding mediation and documents needed for damages analysis (.2); discussed new Gruen campaign with Blair Reed (.1).	0.5	\$ 1,000.00	\$ 500.00
2020.01.23	Smashburger	334	JMF	Collected documents from similar cases for BER.	4.0	\$ 275.00	\$ 1,100.00
2020.01.23	Smashburger	334	LTF	Email exchange with Blair Reed regarding supplemental production and damages analysis	0.2	\$ 1,000.00	\$ 200.00
2020.01.24	Smashburger	334	BER	Drafted hot document chron (1.2) and conferred with LTF regarding the same (.2).	1.4	\$ 425.00	\$ 595.00
2020.01.24	Smashburger	334	BSS	Conf. w/ LTF re: issue preclusion research (0.1); research (0.6).	0.7	\$ 375.00	\$ 262.50
2020.01.24	Smashburger	334	LTF	Drafted mediation statement and discussed it with Blair Reed and reviewed hot documents and documents from In-N-Out litigation.	4.9	\$ 1,000.00	\$ 4,900.00
2020.01.27	Smashburger	334	BER	Conferred with LTF regarding mediation.	0.2	\$ 425.00	\$ 85.00
2020.01.27	Smashburger	334	DLS	Prepared mediation template and added LTF draft.	0.7	\$ 300.00	\$ 210.00
2020.01.27	Smashburger	334	LTF	Worked on mediation statement.	5.4	\$ 1,000.00	\$ 5,400.00
2020.01.28	Smashburger	334	BER	Attended call with C. Weir.	0.1	\$ 425.00	\$ 42.50
2020.01.28	Smashburger	334	BSS	Conf. w/ LTF re: assisting with term sheet (0.1); Reviewed mediation statement and made comments (0.3).	0.4	\$ 375.00	\$ 150.00
2020.01.28	Smashburger	334	LTF	Discussed mediation and mediation statement with Brittany Scott and reviewed Ms. Scott's edits and comments on statement (.4); booked travel for mediation (.1) and discussed mediation at firm meeting (.2)	0.7	\$ 1,000.00	\$ 700.00
2020.01.28	Smashburger	334	LTF	Call with Colin Weir regarding damages.	0.2	\$ 1,000.00	\$ 200.00
2020.01.29	Smashburger	334	BSS	Drafted term sheet (1); Conf. w/ LTF re: drafting term sheet (0.1).	1.1	\$ 375.00	\$ 412.50
2020.01.29	Smashburger	334	LTF	Reviewed mediation statement and discussed it with Blair Reed and Brittany Scott (.7); discussed term sheet with Ms. Scott and reviewed her draft term sheet (.4).	1.1	\$ 1,000.00	\$ 1,100.00
2020.01.29	Smashburger	334	MCS	Drafted intake email, attention to leads.	0.3	\$ 300.00	\$ 90.00
2020.01.30	Smashburger	334	DLS	Reviewed mediation notes.	0.2	\$ 300.00	\$ 60.00
2020.01.30	Smashburger	334	LTF	Call with Colin Weir regarding damages.	0.3	\$ 1,000.00	\$ 300.00
2020.01.30	Smashburger	334	LTF	Discussed damages and mediation statement with Blair Reed and Brittany Scott (.4); revised and circulated to Ms. Reed an updated mediation statement (.5).	0.9	\$ 1,000.00	\$ 900.00
2020.01.31	Smashburger	334	BER	Reviewed mediation brief (.9) and conferred with LTF re: Same (.3)	1.2	\$ 425.00	\$ 510.00
2020.01.31	Smashburger	334	DLS	Prepared TOC for exhibits.	0.9	\$ 300.00	\$ 270.00
2020.01.31	Smashburger	334	JMF	Assisted BER with final mediation statement and sent copies to mediator	1.2	\$ 275.00	\$ 330.00
2020.01.31	Smashburger	334	LTF	Worked on mediation statement, term sheet and discussed it with Blair Reed (1.8); calls and email exchange with Marc Reich regarding mediation statement and calculation of damages (.7); email exchange with Tina Wolfson regarding mediation statement and incorporated Ms. Wolfson's proposed edits (.4); reviewed defendants' mediation statement (.5).	3.4	\$ 1,000.00	\$ 3,400.00
2020.01.31	Smashburger	334	MCS	Attention to leads.	0.2	\$ 300.00	\$ 60.00
2020.02.03	Smashburger	334	LTF	Reviewed and revised pre-mediation term sheet and discussed mediation with Blair Reed	1.1	\$ 1,000.00	\$ 1,100.00
2020.02.04	Smashburger	334	ASM	Prepared books for BER and LTF.	1.0	\$ 275.00	\$ 275.00
2020.02.04	Smashburger	334	BER	Reviewed all briefing in preparation for mediation (1.2) and conferred with LTF regarding mediation (.4)	1.6	\$ 425.00	\$ 680.00
2020.02.04	Smashburger	334	JMF	Prepared mediation books for BER and LTF.	0.7	\$ 275.00	\$ 192.50
2020.02.04	Smashburger	334	JMF	Prepared lodestar.	1.2	\$ 275.00	\$ 330.00
2020.02.04	Smashburger	334	LTF	Prepared for mediation, reviewed defendants' mediation statement and discussed same with Blair Reed and Debbie Schroeder.	1.1	\$ 1,000.00	\$ 1,100.00
2020.02.04	Smashburger	334	MCS	Attention to Gruen leads.	0.7	\$ 300.00	\$ 210.00
2020.02.05	Smashburger	334	BER	Traveled from Walnut Creek to Orange County with LTF for mediation (3.5); Reviewed mediation book and materials (1.3); Attended dinner with LTF and discussed mediation (2.0).	6.8	\$ 425.00	\$ 2,890.00

Date	Matter	M No.	Initials	Description	Time	Rate	Amount
2020.02.05	Smashburger	334	LTF	Prepared for mediation, traveled to Orange County for mediation and met with Blair Reed to discuss mediation game plan.	6.2	\$ 1,000.00	\$ 6,200.00
2020.02.06	Smashburger	334	BER	Attended breakfast with LTF and M. Reich and discussed mediation strategy (1.2); Attended mediation with Jill Sperber with LTF, M. Reich, and T. Wolfson (6.6); Traveled with LTF from Orange County to Oakland (3.5).	11.3	\$ 425.00	\$ 4,802.50
2020.02.06	Smashburger	334	LTF	Met with Marc Reich and Blair Reed prior to mediation (.8); attended mediation, revised term sheet and returned to Walnut Creek afterwards (10.8).	11.6	\$ 1,000.00	\$ 11,600.00
2020.02.07	Smashburger	334	BER	Typed mediation notes (.4) and conferred with LTF regarding mediation (.1).	0.5	\$ 425.00	\$ 212.50
2020.02.07	Smashburger	334	LTF	Exchanged messages with Scott Bursor regarding mediation (.2); call with Jill Sperber regarding next steps in mediation efforts and discussed same with Blair Reed (.5).	0.7	\$ 1,000.00	\$ 700.00
2020.02.07	Smashburger	334	MCS	Attention to leads.	0.2	\$ 300.00	\$ 60.00
2020.02.10	Smashburger	334	LTF	Discussed next steps with Blair Reed.	0.1	\$ 1,000.00	\$ 100.00
2020.02.11	Smashburger	334	LTF	Discussed class cert schedule with Mike Dennis.	0.1	\$ 1,000.00	\$ 100.00
2020.02.12	Smashburger	334	LTF	Discussed status report with Debbie Schroeder.	0.1	\$ 1,000.00	\$ 100.00
2020.02.12	Smashburger	334	LTF	Telephone call and text message exchange with Jill Sperber regarding settlement	0.6	\$ 1,000.00	\$ 600.00
2020.02.12	Smashburger	334	MCS	Attention to leads.	0.3	\$ 300.00	\$ 90.00
2020.02.13	Smashburger	334	DLS	Prepared joint status report draft.	0.6	\$ 300.00	\$ 180.00
2020.02.13	Smashburger	334	LTF	Drafted status report and reviewed Judge Kronstadt's standing orders.	0.4	\$ 1,000.00	\$ 400.00
2020.02.13	Smashburger	334	LTF	Discussed settlement status with Blair Reed.	0.2	\$ 1,000.00	\$ 200.00
2020.02.14	Smashburger	334	LTF	Reviewed and circulated status report to defendants' counsel and exchanged messages with Jill Sperber regarding settlement.	0.4	\$ 1,000.00	\$ 400.00
2020.02.17	Smashburger	334	LTF	Email exchange with opposing counsel regarding status report, finalized document and attempted to file.	0.6	\$ 1,000.00	\$ 600.00
2020.02.18	Smashburger	334	LTF	Filed status report and exchanged emails with Brad King regarding same and discussed status report with Debbie Schroeder.	0.6	\$ 1,000.00	\$ 600.00
2020.02.20	Smashburger	334	LTF	Booked travel for status conference, exchanged emails with Tina Wolfson regarding same and discussed status conference with Blair Reed (.5); cancelled travel plans after receiving order from Judge Kronstadt (.2).	0.7	\$ 1,000.00	\$ 700.00
2020.02.20	Smashburger	334	LTF	Exchanged messages with Jill Sperber regarding settlement (.2).	0.2	\$ 1,000.00	\$ 200.00
2020.02.21	Smashburger	334	BER	Discussed mediation with LTF and Jill Sperber.	0.4	\$ 425.00	\$ 170.00
2020.02.21	Smashburger	334	LTF	Call with Jill Sperber regarding settlement (.4).	0.4	\$ 1,000.00	\$ 400.00
2020.02.21	Smashburger	334	MCS	Attention to leads.	0.7	\$ 300.00	\$ 210.00
2020.02.24	Smashburger	334	LTF	Sent email to co-counsel and discussed next steps with Blair Reed (.3); sent message to Jill Sperber regarding settlement (.1).	0.4	\$ 1,000.00	\$ 400.00
2020.02.25	Smashburger	334	BER	Discussed mediation with LTF and M. Reich.	0.2	\$ 425.00	\$ 85.00
2020.02.25	Smashburger	334	LTF	Telephone call and email exchange with co-counsel regarding settlement and next steps	0.4	\$ 1,000.00	\$ 400.00
2020.02.27	Smashburger	334	LTF	Sent follow-up message to mediator (.1); discussed damages analysis and class cert schedule with Colin Weir (.3).	0.4	\$ 1,000.00	\$ 400.00
2020.02.28	Smashburger	334	BER	Attended call with LTF, M. Dennis and C. Weir (.2) and discussed with LTF (.1).	0.3	\$ 425.00	\$ 127.50
2020.02.28	Smashburger	334	LTF	Call with Mike Dennis regarding case schedule (.1).	0.1	\$ 1,000.00	\$ 100.00
2020.03.03	Smashburger	334	LTF	Exchanged emails with Jill Sperber.	0.1	\$ 1,000.00	\$ 100.00
2020.03.04	Smashburger	334	BER	Discussed next steps with LTF.	0.1	\$ 425.00	\$ 42.50
2020.03.05	Smashburger	334	BER	Attended call with LTF and C. Weir to discuss damages and next steps in case.	0.4	\$ 425.00	\$ 170.00
2020.03.05	Smashburger	334	BER	Discussed with LTF regarding the same.	0.2	\$ 425.00	\$ 85.00
2020.03.05	Smashburger	334	BER	Reviewed discovery and any pending possible discovery issues.	2.3	\$ 425.00	\$ 977.50
2020.03.05	Smashburger	334	LTF	Call with Colin Weir and pre-call discussion with Blair Reed.	0.4	\$ 1,000.00	\$ 400.00

Date	Matter	M No.	Initials	Description	Time	Rate	Amount
2020.03.06	Smashburger	334	LTF	Call with Jill Sperber regarding settlement.	0.3	\$ 1,000.00	\$ 300.00
2020.03.09	Smashburger	334	LTF	Discussed call with Jill Sperber with Blair Reed.	0.1	\$ 1,000.00	\$ 100.00
2020.03.10	Smashburger	334	LTF	Sent email to co-counsel regarding settlement.	0.3	\$ 1,000.00	\$ 300.00
2020.03.11	Smashburger	334	LTF	Exchanged messages with Jill Sperber and Tina Wolfson regarding settlement.	0.2	\$ 1,000.00	\$ 200.00
2020.03.12	Smashburger	334	LTF	Call with co-counsel and circulated opinions (.3); sent email to Jill Sperber (.2)	0.5	\$ 1,000.00	\$ 500.00
2020.03.16	Smashburger	334	BER	Reviewed document production and correspondence to date and outlined issues for discovery letter	3.8	\$ 425.00	\$ 1,615.00
2020.03.16	Smashburger	334	BER	Discussed discovery letter with LTF.	0.1	\$ 425.00	\$ 42.50
2020.03.16	Smashburger	334	LTF	Discussed discovery dispute letter with Blair Reed (.2).	0.2	\$ 1,000.00	\$ 200.00
2020.03.16	Smashburger	334	LTF	Exchanged messages with Jill Sperber regarding follow-up mediation (.2).	0.2	\$ 1,000.00	\$ 200.00
2020.03.17	Smashburger	334	BER	Drafted discovery dispute/meet and confer letter.	1.8	\$ 425.00	\$ 765.00
2020.03.18	Smashburger	334	BER	Discussed discovery letter with LTF.	0.1	\$ 425.00	\$ 42.50
2020.03.18	Smashburger	334	BER	Drafted discovery dispute/meet and confer letter.	2.4	\$ 425.00	\$ 1,020.00
2020.03.18	Smashburger	334	LTF	Reviewed meet and confer letter and discussed it (x2) with Blair Reed	0.9	\$ 1,000.00	\$ 900.00
2020.03.19	Smashburger	334	LTF	Discussed meet and confer letter with Blair Reed and reviewed emails regarding same	0.2	\$ 1,000.00	\$ 200.00
2020.03.20	Smashburger	334	BER	Discussed class certification schedule and discovery with LTF.	0.2	\$ 425.00	\$ 85.00
2020.03.20	Smashburger	334	LTF	Email exchange with Tina Wolfson regarding settlement and reviewed final meet and confer letter	0.1	\$ 1,000.00	\$ 100.00
2020.03.23	Smashburger	334	LTF	Email exchange with opposing counsel regarding case schedule and meet and confer call to discuss discovery and exchanged emails with Tina Wolfson regarding same and spoke with Marc Reich regarding same.	0.5	\$ 1,000.00	\$ 500.00
2020.03.24	Smashburger	334	LTF	Telephone call and email exchange with Jill Sperber regarding settlement	0.3	\$ 1,000.00	\$ 300.00
2020.03.25	Smashburger	334	BER	Reviewed emails from A. Stowell regarding stipulation (.2) and discussed with LTF (.1)	0.3	\$ 425.00	\$ 127.50
2020.04.03	Smashburger	334	LTF	Call with Jill Sperber regarding settlement.	0.2	\$ 1,000.00	\$ 200.00
2020.04.06	Smashburger	334	BER	Drafted stipulation, declaration, and proposed order regarding case schedule (1.6) and discussed same with LTF (.2).	1.8	\$ 425.00	\$ 765.00
2020.04.06	Smashburger	334	LTF	Worked on scheduling mediation and exchanged emails with co-counsel regarding same and exchanged messages with Blair Reed regarding settlement status.	0.6	\$ 1,000.00	\$ 600.00
2020.04.07	Smashburger	334	BER	Drafted stipulation and prepared for filing.	0.6	\$ 425.00	\$ 255.00
2020.04.07	Smashburger	334	DLS	Finalized and filed stip and proposed order; emailed proposed order to Judge	0.9	\$ 300.00	\$ 270.00
2020.04.07	Smashburger	334	LTF	Reviewed and approved scheduling stipulation and exchanged emails with co-counsel and mediator regarding dates for mediation.	0.3	\$ 1,000.00	\$ 300.00
2020.04.08	Smashburger	334	BER	Discussed mediation with LTF.	0.1	\$ 425.00	\$ 42.50
2020.04.08	Smashburger	334	LTF	Sent emails to Marc Reich and Tina Wolfson regarding new mediation date.	0.2	\$ 1,000.00	\$ 200.00
2020.04.09	Smashburger	334	LTF	Scheduled video mediation and exchanged messages with Brad King regarding same.	0.2	\$ 1,000.00	\$ 200.00
2020.04.16	Smashburger	334	LTF	Arranged for payment of mediation fees and reviewed documents regarding mediation	0.2	\$ 1,000.00	\$ 200.00
2020.04.20	Smashburger	334	LTF	Email exchange with Marc Reich regarding settlement.	0.2	\$ 1,000.00	\$ 200.00
2020.04.21	Smashburger	334	LTF	Email exchange with Marc Reich and Adam Hoover regarding mediation.	0.1	\$ 1,000.00	\$ 100.00
2020.04.30	Smashburger	334	LTF	Email exchange with mediator regarding mediation statement.	0.1	\$ 1,000.00	\$ 100.00
2020.05.01	Smashburger	334	BER	Executed confidentiality agreement for mediation.	0.1	\$ 425.00	\$ 42.50
2020.05.01	Smashburger	334	LTF	Executed confidentiality agreement.	0.1	\$ 1,000.00	\$ 100.00
2020.05.04	Smashburger	334	BER	Discussed mediation with LTF and M. Reich.	0.3	\$ 425.00	\$ 127.50
2020.05.04	Smashburger	334	LTF	Calls with Marc Reich and Blair Reed regarding mediation.	0.3	\$ 1,000.00	\$ 300.00
2020.05.05	Smashburger	334	BER	Discussed mediation with LTF and reviewed email exchange.	0.7	\$ 425.00	\$ 297.50
2020.05.05	Smashburger	334	BER	Reviewed past mediation notes and drafted memo for LTF.	0.7	\$ 425.00	\$ 297.50
2020.05.05	Smashburger	334	LTF	Discussed mediation with Blair Reed and reviewed settlement summary notes and sent email to Tina Wolfson regarding same.	0.6	\$ 1,000.00	\$ 600.00
2020.05.06	Smashburger	334	BER	Prepared for mediation and discussed mediation with LTF.	3.3	\$ 425.00	\$ 1,402.50

Date	Matter	M No.	Initials	Description	Time	Rate	Amount
2020.05.06	Smashburger	334	JMF	Discussed lodestar with DLS.	0.3	\$ 275.00	\$ 82.50
2020.05.06	Smashburger	334	LTF	Prepared for mediation and discussed same with Blair Reed and Debbie Schroeder and exchanged voicemail messages with Tina Wolfson.	3.9	\$ 1,000.00	\$ 3,900.00
2020.05.07	Smashburger	334	BER	Attended mediation and discussed with LTF and co-counsel.	9.3	\$ 425.00	\$ 3,952.50
2020.05.07	Smashburger	334	DLS	Assisted with lodestar.	0.4	\$ 300.00	\$ 120.00
2020.05.07	Smashburger	334	JMF	Updated lodestar.	1.0	\$ 275.00	\$ 275.00
2020.05.07	Smashburger	334	LTF	Mediation and calls with co-counsel.	9.1	\$ 1,000.00	\$ 9,100.00
2020.05.08	Smashburger	334	BER	Discussed mediation with LTF and reviewed email exchange.	0.4	\$ 425.00	\$ 170.00
2020.05.08	Smashburger	334	LTF	Discussed mediation with Blair Reed and exchanged messages with Jill Sperber, Tina Wolfson and Marc Reich regarding status update from Ms. Sperber.	0.8	\$ 1,000.00	\$ 800.00
2020.05.13	Smashburger	334	BER	Discussed settlement status and mediation with LTF.	0.3	\$ 425.00	\$ 127.50
2020.05.13	Smashburger	334	LTF	Telephone call with Jill Sperber and Blair Reed and sent messages to Marc Reich and Tina Wolfson regarding same.	0.5	\$ 1,000.00	\$ 500.00
2020.05.14	Smashburger	334	BER	Emailed LTF regarding term sheet and reviewed draft term sheet.	0.8	\$ 425.00	\$ 340.00
2020.05.14	Smashburger	334	BER	Drafted term sheet.	0.9	\$ 425.00	\$ 382.50
2020.05.14	Smashburger	334	LTF	Exchanged messages with Blair Reed regarding term sheet.	0.2	\$ 1,000.00	\$ 200.00
2020.05.15	Smashburger	334	BER	Discussed term sheet with LTF.	0.2	\$ 425.00	\$ 85.00
2020.05.15	Smashburger	334	LTF	Reviewed and revised term sheet and discussed it with Blair Reed and circulated it to Jill Sperber	0.8	\$ 1,000.00	\$ 800.00
2020.05.19	Smashburger	334	LTF	Email exchange with Tina Wolfson and Jill Sperber regarding settlement status and discussed same with Marc Reich and Blair Reed.	0.3	\$ 1,000.00	\$ 300.00
2020.05.26	Smashburger	334	LTF	Exchanged messages and voicemails with Jill Sperber.	0.2	\$ 1,000.00	\$ 200.00
2020.05.28	Smashburger	334	LTF	Call with Jill Sperber regarding settlement status.	0.2	\$ 1,000.00	\$ 200.00
2020.06.02	Smashburger	334	BER	Reviewed emails regarding settlement negotiations.	0.4	\$ 425.00	\$ 170.00
2020.06.02	Smashburger	334	LTF	Call with Jill Sperber regarding settlement status and exchanged emails with co-counsel regarding same	0.4	\$ 1,000.00	\$ 400.00
2020.06.05	Smashburger	334	LTF	Call with Jill Sperber regarding settlement and sent email to co-counsel regarding same	0.4	\$ 1,000.00	\$ 400.00
2020.06.09	Smashburger	334	LTF	Exchanged messages with Jill Sperber regarding settlement.	0.1	\$ 1,000.00	\$ 100.00
2020.06.11	Smashburger	334	BER	Discussed settlement with LTF.	0.5	\$ 425.00	\$ 212.50
2020.06.11	Smashburger	334	LTF	Exchanged messages with Jill Sperber regarding settlement and exchanged emails with co-counsel regarding same and call with Blair Reed regarding settlement.	0.5	\$ 1,000.00	\$ 500.00
2020.06.15	Smashburger	334	LTF	Exchanged messages with Greg Haber regarding settlement and claims administration.	0.2	\$ 1,000.00	\$ 200.00
2020.06.17	Smashburger	334	LTF	Email exchange with Jill Sperber regarding settlement.	0.1	\$ 1,000.00	\$ 100.00
2020.06.18	Smashburger	334	LTF	Email exchange with Greg Haber regarding notice and administration proposal and reviewed his proposal.	0.2	\$ 1,000.00	\$ 200.00
2020.06.19	Smashburger	334	LTF	Call with Jill Sperber regarding settlement.	0.2	\$ 1,000.00	\$ 200.00
2020.06.23	Smashburger	334	LTF	Call with Jill Sperber regarding settlement.	0.2	\$ 1,000.00	\$ 200.00
2020.06.25	Smashburger	334	LTF	Reviewed and approved stipulation extending class cert deadline.	0.1	\$ 1,000.00	\$ 100.00
2020.06.26	Smashburger	334	LTF	Reviewed message from Jill Sperber regarding settlement terms.	0.2	\$ 1,000.00	\$ 200.00
2020.06.29	Smashburger	334	LTF	Reviewed proposed settlement terms and discussed them with Jill Sperber (.3); reviewed and approved declaration and proposed order and exchanged messages with Marc Reich regarding same (.2).	0.5	\$ 1,000.00	\$ 500.00
2020.06.30	Smashburger	334	BER	Reviewed emails from mediator and discussed with LTF, and researched and drafted response regarding the same.	3.2	\$ 425.00	\$ 1,360.00
2020.06.30	Smashburger	334	LTF	Reviewed term sheet from defendants' counsel and exchanged emails with Blair Reed and co-counsel regarding same.	0.8	\$ 1,000.00	\$ 800.00
2020.07.01	Smashburger	334	BER	Discussed response to settlement with LTF and drafted response email and reviewed draft response and thought about potential counters.	0.7	\$ 425.00	\$ 297.50

Date	Matter	M No.	Initials	Description	Time	Rate	Amount
2020.07.01	Smashburger	334	LTF	Discussed response to settlement proposal with Blair Reed, reviewed draft response and thought about potential counters.	0.9	\$ 1,000.00	\$ 900.00
2020.07.06	Smashburger	334	LTF	Drafted response to settlement proposal and exchanged emails with co-counsel regarding same and discussed same with Marc Reich.	1.6	\$ 1,000.00	\$ 1,600.00
2020.07.07	Smashburger	334	BER	Reviewed response to settlement proposal.	0.4	\$ 425.00	\$ 170.00
2020.07.07	Smashburger	334	LTF	Reviewed, revised and finalized response to settlement proposal and sent it to mediator and defendants' counsel.	0.6	\$ 1,000.00	\$ 600.00
2020.07.14	Smashburger	334	BER	Discussed settlement status with LTF and M. Reich.	0.1	\$ 425.00	\$ 42.50
2020.07.14	Smashburger	334	LTF	Discussed settlement status with Marc Reich and Blair Reed.	0.1	\$ 1,000.00	\$ 100.00
2020.07.15	Smashburger	334	LTF	Email exchange with Jill Sperber regarding settlement.	0.2	\$ 1,000.00	\$ 200.00
2020.07.29	Smashburger	334	LTF	Email exchange with Jill Sperber regarding settlement.	0.1	\$ 1,000.00	\$ 100.00
2020.07.31	Smashburger	334	LTF	Telephone calls with Jill Sperber regarding settlement status and exchanged messages with defendants' counsel regarding same.	0.6	\$ 1,000.00	\$ 600.00
2020.08.03	Smashburger	334	BER	Call with defendants' counsel and discussed same with LTF.	0.5	\$ 425.00	\$ 212.50
2020.08.03	Smashburger	334	LTF	Call with defendants' counsel and discussed same with Blair Reed.	0.5	\$ 1,000.00	\$ 500.00
2020.08.04	Smashburger	334	BER	Researched and reviewed cases regarding cash voucher settlements.	3.4	\$ 425.00	\$ 1,445.00
2020.08.04	Smashburger	334	LTF	Email exchange with Blair Reed regarding voucher research and sent her an excerpt from a relevant brief.	0.3	\$ 1,000.00	\$ 300.00
2020.08.05	Smashburger	334	BER	Reviewed cash/voucher cases and exchanged emails with LTF and defendants' counsel regarding same and telephone call with defendants' counsel regarding next steps in the settlement process and exchanged emails with LTF and defendants' counsel regarding term sheet.	0.8	\$ 425.00	\$ 340.00
2020.08.05	Smashburger	334	LTF	Reviewed cash/voucher cases and exchanged emails with Blair Reed and defendants' counsel regarding same and telephone call with defendants' counsel regarding next steps in the settlement process and exchanged emails with Ms. Reed and defendants' counsel regarding term sheet.	0.8	\$ 1,000.00	\$ 800.00
2020.08.19	Smashburger	334	BER	Reviewed term sheet and discussed with LTF (.3); Researched Online DVD and addressed changes in term sheet (1.2).	1.5	\$ 425.00	\$ 637.50
2020.08.19	Smashburger	334	BER	Reviewed and addressed term sheet changes and reviewed case law regarding the same	3.2	\$ 425.00	\$ 1,360.00
2020.08.19	Smashburger	334	LTF	Reviewed term sheet and Blair Reed edits to it and discussed same with Ms. Reed	0.3	\$ 1,000.00	\$ 300.00
2020.08.20	Smashburger	334	BER	Conducted further research regarding Online DVD factors.	2.2	\$ 425.00	\$ 935.00
2020.08.20	Smashburger	334	LTF	Discussed term sheet with Blair Reed and exchanged messages with Ms. Reed regarding same.	0.4	\$ 1,000.00	\$ 400.00
2020.08.21	Smashburger	334	LTF	Reviewed, redlined and circulated term sheet to co-counsel.	1.3	\$ 1,000.00	\$ 1,300.00
2020.08.23	Smashburger	334	BER	Reviewed email exchange regarding term sheet.	0.2	\$ 425.00	\$ 85.00
2020.08.23	Smashburger	334	LTF	Email exchange with Marc Reich regarding term sheet.	0.2	\$ 1,000.00	\$ 200.00
2020.08.24	Smashburger	334	BER	Reviewed final term sheet and emailed LTF regarding the same.	0.7	\$ 425.00	\$ 297.50
2020.08.24	Smashburger	334	LTF	Reviewed edits to term sheet from Marc Reich and Tina Wolfson, incorporated those edits and exchanged emails with Blair Reed regarding same.	0.8	\$ 1,000.00	\$ 800.00
2020.08.25	Smashburger	334	BER	Revised term sheet and discussed same with LTF.	1.2	\$ 425.00	\$ 510.00
2020.08.25	Smashburger	334	LTF	Revised term sheet and sent it to defendants' counsel and discussed same with defendants' counsel on the phone and follow up discussion with Blair Reed regarding same.	1.1	\$ 1,000.00	\$ 1,100.00
2020.09.08	Smashburger	334	BER	Reviewed redlines to settlement term sheet and discussed same with LTF.	0.4	\$ 425.00	\$ 170.00
2020.09.08	Smashburger	334	LTF	Reviewed redlines to settlement term sheet and discussed same with Blair Reed via email	0.3	\$ 1,000.00	\$ 300.00
2020.09.09	Smashburger	334	BER	Researched additional case law regarding settlement and reviewed and revised settlement	1.9	\$ 425.00	\$ 807.50
2020.09.09	Smashburger	334	LTF	Reviewed edits to term sheet and sent redlined term sheet to co-counsel and exchanged emails with Marc Reich regarding same.	1.0	\$ 1,000.00	\$ 1,000.00
2020.09.10	Smashburger	334	BER	Reviewed and revised term sheet and exchanged emails with LTF and defendants' counsel regarding same.	1.9	\$ 425.00	\$ 807.50

Date	Matter	M No.	Initials	Description	Time	Rate	Amount
2020.09.10	Smashburger	334	LTF	Reviewed and revised term sheet and exchanged emails with Blair Reed and defendants' counsel regarding same and discussed same with Marc Reich and incorporated suggested changes by Mr. Reich.	1.4	\$ 1,000.00	\$ 1,400.00
2020.09.11	Smashburger	334	BER	Discussed settlement with LTF.	0.1	\$ 425.00	\$ 42.50
2020.09.11	Smashburger	334	LTF	Discussed settlement with Blair Reed.	0.1	\$ 1,000.00	\$ 100.00
2020.09.16	Smashburger	334	LTF	Sent email to defendants' counsel regarding term sheet status and reviewed last updates to term sheet	0.2	\$ 1,000.00	\$ 200.00
2020.09.17	Smashburger	334	BER	Reviewed email from defendants' counsel regarding status of term sheet.	0.1	\$ 425.00	\$ 42.50
2020.09.17	Smashburger	334	LTF	Reviewed email from defendants' counsel regarding status of term sheet.	0.1	\$ 1,000.00	\$ 100.00
2020.09.18	Smashburger	334	BER	Reviewed redlined term sheet and exchanged messages with LTF.	1.1	\$ 425.00	\$ 467.50
2020.09.18	Smashburger	334	LTF	Reviewed redlined term sheet and exchanged messages with Blair Reed and Marc Reich regarding same and exchanged messages with opposing counsel regarding next steps and reviewed additional edit from Tina Wolfson.	1.1	\$ 1,000.00	\$ 1,100.00
2020.09.21	Smashburger	334	BER	Discussed edits to term sheet with LTF.	0.3	\$ 425.00	\$ 127.50
2020.09.21	Smashburger	334	LTF	Discussed edits to term sheet with Blair Reed and sent email to Tina Wolfson regarding same	0.3	\$ 1,000.00	\$ 300.00
2020.09.22	Smashburger	334	BER	Reviewed email exchange with co-counsel regarding execution of settlement agreement and reviewed finalized sheet.	0.6	\$ 425.00	\$ 255.00
2020.09.22	Smashburger	334	LTF	Email exchange with co-counsel regarding execution of settlement agreement, finalized term sheet and sent it to co-counsel and defendants' counsel.	0.5	\$ 1,000.00	\$ 500.00
2020.09.29	Smashburger	334	BER	Discussed next steps with LTF.	0.2	\$ 425.00	\$ 85.00
2020.09.29	Smashburger	334	LTF	Discussed next steps with Blair Reed and sent email to defendants' counsel regarding signatures on term sheet.	0.2	\$ 1,000.00	\$ 200.00
2020.09.30	Smashburger	334	BER	Discussed next steps with LTF.	0.3	\$ 425.00	\$ 127.50
2020.09.30	Smashburger	334	BER	Worked on preliminary approval.	1.2	\$ 425.00	\$ 510.00
2020.09.30	Smashburger	334	LTF	Sent model settlement agreements to Marc Reich and discussed settlement game plan with Blair Reed	0.4	\$ 1,000.00	\$ 400.00
2020.10.06	Smashburger	334	BER	Discussed settlement with LTF.	0.2	\$ 425.00	\$ 85.00
2020.10.06	Smashburger	334	LTF	Discussed settlement with Blair Reed (.1); exchanged messages with Marc Reich regarding settlement agreement (.2); reviewed latest Smashburger ads and exchanged emails with Mr. Reich and Adam Hoover regarding same (.2).	0.5	\$ 1,000.00	\$ 500.00
2020.10.08	Smashburger	334	BER	Reviewed Term sheet and exchanged messages with LTF regarding same.	0.4	\$ 425.00	\$ 170.00
2020.10.08	Smashburger	334	BER	Combined signatures for term sheet.	0.3	\$ 425.00	\$ 127.50
2020.10.08	Smashburger	334	LTF	Executed term sheet and exchanged messages with Blair Reed and defendants' counsel regarding same (.3); email exchange with Scott Bursor regarding settlement (.1).	0.4	\$ 1,000.00	\$ 400.00
2020.10.08	Smashburger	334	MCS	Combined signature pages on settlement agreement, sent to BER.	1.0	\$ 300.00	\$ 300.00
2020.10.14	Smashburger	334	LTF	Email exchange with co-counsel regarding settlement status.	0.1	\$ 1,000.00	\$ 100.00
2020.10.16	Smashburger	334	BER	Discussed preliminary approval motion and settlement agreement with LTF.	0.2	\$ 425.00	\$ 85.00
2020.10.16	Smashburger	334	EFB	Conf. w/ BR re research request (0.1); research re Judge Kronstadt (3).	3.1	\$ 325.00	\$ 1,007.50
2020.10.16	Smashburger	334	LTF	Discussed preliminary approval motion and settlement agreement with Blair Reed (.2); discussed damages declaration with Colin Weir (.2).	0.4	\$ 1,000.00	\$ 400.00
2020.10.18	Smashburger	334	LTF	Email exchange with Marc Reich regarding draft settlement agreement.	0.1	\$ 1,000.00	\$ 100.00
2020.10.19	Smashburger	334	LTF	Briefly reviewed settlement agreement and sent message to Blair Reed regarding same and discussed same with Marc Reich.	0.3	\$ 1,000.00	\$ 300.00
2020.10.20	Smashburger	334	BER	Reviewed emails from LTF regarding settlement agreement.	0.2	\$ 425.00	\$ 85.00
2020.10.20	Smashburger	334	LTF	Email exchange with Lori Castaneda regarding notice and administration and forwarded Ms. Castaneda's email to Blair Reed (.2); exchanged messages with Marc Reich regarding settlement agreement (.1).	0.3	\$ 1,000.00	\$ 300.00
2020.10.21	Smashburger	334	BER	Reviewed and drafted settlement agreement and exhibits.	4.3	\$ 425.00	\$ 1,827.50

Date	Matter	M No.	Initials	Description	Time	Rate	Amount
2020.10.23	Smashburger	334	LTF	Reviewed and redlined stipulation of settlement and sent emails to Blair Reed regarding same and briefly discussed settlement with Marc Reich (2.2); sent email to JND re: notice and administration and reviewed their bid (.2).	2.4	\$ 1,000.00	\$ 2,400.00
2020.10.25	Smashburger	334	LTF	Email exchange with Greg Haber regarding notice and claims administration proposal.	0.2	\$ 1,000.00	\$ 200.00
2020.10.26	Smashburger	334	BER	Worked on settlement agreement and exhibits (2.4) and discussed with LTF (.7).	3.1	\$ 425.00	\$ 1,317.50
2020.10.26	Smashburger	334	LTF	Reviewed and redlined settlement agreement exhibits and discussed various issues with Blair Reed (2.8); call with Colin Weir re: preliminary approval declaration (.2); email exchange with Greg Haber regarding claims administration (.2).	3.2	\$ 1,000.00	\$ 3,200.00
2020.10.27	Smashburger	334	BER	Drafted notice of settlement and discussed with LTF (.5); Discussed settlement and exhibits with LTF (1.0).	1.5	\$ 425.00	\$ 637.50
2020.10.27	Smashburger	334	BER	Drafted email to A. Stowell regarding notice of settlement and discussed same with LTF	0.3	\$ 425.00	\$ 127.50
2020.10.27	Smashburger	334	BER	Outlined motion for preliminary approval.	1.8	\$ 425.00	\$ 765.00
2020.10.27	Smashburger	334	LTF	Reviewed and approved notice of settlement and discussed same with Blair Reed and reviewed emails with opposing counsel regarding same (.2); prepared for call with Ms. Reed re: settlement agreement edits and discussed edits with Ms. Reed (1.0); updated Marc Reich regarding progress on settlement agreement (.1).	1.3	\$ 1,000.00	\$ 1,300.00
2020.10.28	Smashburger	334	BER	Filed notice of settlement.	0.2	\$ 425.00	\$ 85.00
2020.10.28	Smashburger	334	BER	Worked on settlement agreement and exhibits and postcard notice.	3.1	\$ 425.00	\$ 1,317.50
2020.10.28	Smashburger	334	LTF	Discussed edits to settlement agreement with Blair Reed and Marc Reich.	0.3	\$ 1,000.00	\$ 300.00
2020.10.28	Smashburger	334	MCS	Finalized and filed notice of settlement.	1.7	\$ 300.00	\$ 510.00
2020.10.29	Smashburger	334	LTF	Discussed settlement agreement and exhibits with Blair Reed and email exchange with Marc Reich and Ms. Reed regarding same.	0.3	\$ 1,000.00	\$ 300.00
2020.10.30	Smashburger	334	BER	Worked on settlement agreement and exhibits and postcard notice.	3.8	\$ 425.00	\$ 1,615.00
2020.10.30	Smashburger	334	LTF	Reviewed revised settlement documents and circulated them to co-counsel and discussed settlement papers and next steps with Marc Reich.	1.4	\$ 1,000.00	\$ 1,400.00
2020.11.02	Smashburger	334	BER	Researched case law for motion for preliminary approval.	3.7	\$ 425.00	\$ 1,572.50
2020.11.04	Smashburger	334	BER	Researched case law for preliminary approval.	4.2	\$ 425.00	\$ 1,785.00
2020.11.04	Smashburger	334	LTF	Discussed settlement papers with Blair Reed and Marc Reich.	0.2	\$ 1,000.00	\$ 200.00
2020.11.05	Smashburger	334	BER	Drafted motion for preliminary approval.	2.7	\$ 425.00	\$ 1,147.50
2020.11.05	Smashburger	334	BER	Reviewed settlement documents and exhibits.	1.9	\$ 425.00	\$ 807.50
2020.11.09	Smashburger	334	BER	Drafted motion for preliminary approval.	2.9	\$ 425.00	\$ 1,232.50
2020.11.09	Smashburger	334	LTF	Email exchange with Brad King regarding his tardy edits to settlement documents and reviewed same (.3); discussed same with Blair Reed (.1); email exchange with claims administrators (.2).	0.6	\$ 1,000.00	\$ 600.00
2020.11.10	Smashburger	334	BER	Drafted motion for preliminary approval.	4.3	\$ 425.00	\$ 1,827.50
2020.11.12	Smashburger	334	BER	Drafted motion for preliminary approval.	2.3	\$ 425.00	\$ 977.50
2020.11.13	Smashburger	334	BER	Drafted motion for preliminary approval.	3.6	\$ 425.00	\$ 1,530.00
2020.11.13	Smashburger	334	LTF	Exchanged messages with Blair Reed regarding status of defendants' review of settlement agreement	0.1	\$ 1,000.00	\$ 100.00
2020.11.16	Smashburger	334	LTF	Discussed status of settlement agreement with Blair Reed and reviewed email regarding same	0.1	\$ 1,000.00	\$ 100.00
2020.11.17	Smashburger	334	JMF	Prepared lodestar.	0.5	\$ 275.00	\$ 137.50
2020.11.18	Smashburger	334	JMF	Finalized lodestar.	1.3	\$ 275.00	\$ 357.50
2020.11.19	Smashburger	334	LTF	Reviewed draft Weir declaration and sent email to Blair Reed regarding preliminary approval motion and Weir declaration.	0.4	\$ 1,000.00	\$ 400.00
2020.11.20	Smashburger	334	DLS	Finalized and filed status report.	0.5	\$ 300.00	\$ 150.00
2020.11.20	Smashburger	334	LTF	Discussed status report with Debbie Schroeder and sent email to Blair Reed regarding same.	0.2	\$ 1,000.00	\$ 200.00
2020.11.23	Smashburger	334	LTF	Drafted joint status report, sent it to Blair Reed and discussed it with Ms. Reed.	0.8	\$ 1,000.00	\$ 800.00
2020.11.24	Smashburger	334	BER	Reviewed joint status report and exchanged messages with A. Stowell regarding the same	0.8	\$ 425.00	\$ 340.00

Date	Matter	M No.	Initials	Description	Time	Rate	Amount
2020.11.24	Smashburger	334	BER	Worked on motion for preliminary approval.	1.2	\$ 425.00	\$ 510.00
2020.11.24	Smashburger	334	DLS	Filed status report.	0.4	\$ 300.00	\$ 120.00
2020.12.07	Smashburger	334	BER	Discussed settlement agreement with LTF.	0.1	\$ 425.00	\$ 42.50
2020.12.07	Smashburger	334	LTF	Discussed settlement agreement status with Blair Reed and reviewed email regarding same	0.1	\$ 1,000.00	\$ 100.00
2020.12.09	Smashburger	334	BER	Drafted motion for preliminary approval.	3.9	\$ 425.00	\$ 1,657.50
2020.12.11	Smashburger	334	BER	Drafted motion for preliminary approval.	2.7	\$ 425.00	\$ 1,147.50
2020.12.14	Smashburger	334	BER	Drafted motion for preliminary approval.	3.2	\$ 425.00	\$ 1,360.00
2020.12.18	Smashburger	334	BER	Reviewed changes to settlement agreement and discussed same with LTF.	1.3	\$ 425.00	\$ 552.50
2020.12.18	Smashburger	334	LTF	Reviewed edits to settlement papers and discussed them with Blair Reed and sent another email to A&W re: time records.	0.9	\$ 1,000.00	\$ 900.00
2020.12.21	Smashburger	334	BER	Discussed settlement agreement with LTF.	0.1	\$ 425.00	\$ 42.50
2020.12.21	Smashburger	334	BER	Drafted motion for preliminary approval and reviewed settlement documents	4.8	\$ 425.00	\$ 2,040.00
2020.12.21	Smashburger	334	LTF	Discussed settlement papers with Blair Reed and sent email to defendants' counsel regarding call to discuss remaining issues (.1); email exchange with Brad King regarding tardy time records (.1).	0.2	\$ 1,000.00	\$ 200.00
2020.12.22	Smashburger	334	BER	Prepared for and attended call with defendants' counsel regarding edits to settlement and discussed same with LTF.	0.8	\$ 425.00	\$ 340.00
2020.12.22	Smashburger	334	BER	Revised settlement documents.	2.8	\$ 425.00	\$ 1,190.00
2020.12.22	Smashburger	334	LTF	Call with Blair Reed and defendants' counsel regarding edits to settlement agreement and follow up with Ms. Reed regarding same (.4); sent email to Greg Haber regarding notice (.1); reviewed co-counsel's time records (.2).	0.7	\$ 1,000.00	\$ 700.00
2020.12.23	Smashburger	334	BER	Reviewed and revised settlement agreement.	1.1	\$ 425.00	\$ 467.50
2020.12.23	Smashburger	334	LTF	Reviewed revised settlement documents, discussed them with Blair Reed, made some additional changes and sent them back to Defendants' counsel (1.4); email exchange and telephone call with Neal Deckant regarding settlement website (.3).	1.7	\$ 1,000.00	\$ 1,700.00
2020.12.23	Smashburger	334	NJD	Dealt with being locked out of NameBargain account.	1.4	\$ 775.00	\$ 1,085.00
2020.12.23	Smashburger	334	NJD	Registered BurgerSettlement.com.	0.4	\$ 775.00	\$ 310.00
2021.01.04	Smashburger	334	LTF	Call and email exchange with Marc Reich regarding settlement issues and sent email to defendants' counsel regarding same.	0.4	\$ 1,000.00	\$ 400.00
2021.01.05	Smashburger	334	LTF	Email exchange with defendants' counsel to schedule call.	0.1	\$ 1,000.00	\$ 100.00
2021.01.06	Smashburger	334	BER	Attended call with defendants' counsel regarding settlement issues and sent emails to various claims administrators.	0.7	\$ 425.00	\$ 297.50
2021.01.06	Smashburger	334	LTF	Call with defendants' counsel and Marc Reich regarding settlement issues and sent emails to various claims administrators.	0.7	\$ 1,000.00	\$ 700.00
2021.01.07	Smashburger	334	BER	Reviewed emails with settlement administrators and reviewed settlement documents	0.8	\$ 425.00	\$ 340.00
2021.01.07	Smashburger	334	LTF	Scheduled calls with claims administrators.	0.4	\$ 1,000.00	\$ 400.00
2021.01.08	Smashburger	334	DLS	Started drafting preliminary approval template.	0.7	\$ 300.00	\$ 210.00
2021.01.11	Smashburger	334	BER	Reviewed notice and administration proposals and email exchanges and discussed with LTF	0.3	\$ 425.00	\$ 127.50
2021.01.11	Smashburger	334	BER	Attention to motion for preliminary approval and settlement agreement	0.4	\$ 425.00	\$ 170.00
2021.01.11	Smashburger	334	DLS	Finished drafting preliminary approval template.	0.5	\$ 300.00	\$ 150.00
2021.01.11	Smashburger	334	LTF	Reviewed notice and administration proposals and prior emails regarding class size and discussed same with Greg Haber from JND (.7); discussed settlement agreement status with Blair Reed and reviewed email from defendants' counsel (.1).	0.8	\$ 1,000.00	\$ 800.00
2021.01.13	Smashburger	334	BER	Reviewed Heffler estimate and attended call with Heffler and defendants' counsel	0.6	\$ 425.00	\$ 255.00
2021.01.13	Smashburger	334	LTF	Reviewed Heffler estimate and participated in call with Heffler and defendants' counsel regarding revised estimate.	0.6	\$ 1,000.00	\$ 600.00
2021.01.14	Smashburger	334	BER	Reviewed settlement agreement and updated sections per settlement administrator discussions	0.8	\$ 425.00	\$ 340.00

Date	Matter	M No.	Initials	Description	Time	Rate	Amount
2021.01.14	Smashburger	334	LTF	Reviewed KCC bid and exchanged emails regarding same and exchanged emails with Greg Haber regarding JND bid and discussed finalizing settlement documents with Blair Reed.	0.8	\$ 1,000.00	\$ 800.00
2021.01.15	Smashburger	334	BER	Reviewed claims administrator bids and discussed them with LTF.	1.6	\$ 425.00	\$ 680.00
2021.01.15	Smashburger	334	LTF	Reviewed claims administrator bids and discussed them with Blair Reed and exchanged emails with Lori Castaneda.	1.3	\$ 1,000.00	\$ 1,300.00
2021.01.16	Smashburger	334	LTF	Reviewed revised Heffler bid and exchanged emails with Lori Castaneda and defendants' counsel regarding same.	0.5	\$ 1,000.00	\$ 500.00
2021.01.19	Smashburger	334	BER	Reviewed administrator bids and discussed bids with defendants' counsel and LTF.	0.8	\$ 425.00	\$ 340.00
2021.01.19	Smashburger	334	LTF	Reviewed administrator bids and discussed bids with defendants' counsel and Blair Reed	0.9	\$ 1,000.00	\$ 900.00
2021.01.20	Smashburger	334	BER	Reviewed email exchanges with claims administrators and discussed issues with LTF.	0.8	\$ 425.00	\$ 340.00
2021.01.20	Smashburger	334	BER	Attended to settlement agreement redlines.	1.3	\$ 425.00	\$ 552.50
2021.01.20	Smashburger	334	LTF	Email exchanges with claims administrators and discussed various issues with Heffler and Blair Reed	1.7	\$ 1,000.00	\$ 1,700.00
2021.01.21	Smashburger	334	BER	Discussed settlement with LTF and reviewed messages with Lori Castaneda.	0.9	\$ 425.00	\$ 382.50
2021.01.21	Smashburger	334	LTF	Discussed settlement agreement and notices with Blair Reed and exchanged messages with Lori Castaneda at Heffler regarding CAFA notice and Finnegan declaration and notices.	0.9	\$ 1,000.00	\$ 900.00
2021.01.22	Smashburger	334	BER	Drafted motion for preliminary approval and prepared settlement documents for execution	2.8	\$ 425.00	\$ 1,190.00
2021.01.22	Smashburger	334	BER	Reviewed Heffler edits to long-form notice and exchanged messages with LTF regarding same	0.4	\$ 425.00	\$ 170.00
2021.01.22	Smashburger	334	DLS	Drafted notice of motion.	0.7	\$ 300.00	\$ 210.00
2021.01.22	Smashburger	334	LTF	Email exchange with Lori Castaneda and Neal Deckant regarding settlement website domain (.2); reviewed Heffler edits to long-form notice and exchanged messages with Blair Reed regarding same (.4); discussed preliminary approval motion with Debbie Schroeder and exchanged messages with Phil Fraietta and Neal Deckant regarding rate issues (.4).	1.0	\$ 1,000.00	\$ 1,000.00
2021.01.24	Smashburger	334	BER	Drafted motion for preliminary approval and prepared settlement documents and various exhibits	6.9	\$ 425.00	\$ 2,932.50
2021.01.25	Smashburger	334	BER	Reviewed Weir declaration and discussed it and preliminary approval motion with LTF	0.3	\$ 425.00	\$ 127.50
2021.01.25	Smashburger	334	LTF	Reviewed Weir declaration and discussed it with Blair Reed and discussed various preliminary approval issues with Ms. Reed.	0.3	\$ 1,000.00	\$ 300.00
2021.01.25	Smashburger	334	MCS	Drafted lodestar, sent to BER.	1.3	\$ 300.00	\$ 390.00
2021.01.26	Smashburger	334	BER	Drafted preliminary approval motion and discussed same with LTF on the phone and via email and reviewed Judge Kronstadt's standing orders and available hearing dates.	3.4	\$ 425.00	\$ 1,445.00
2021.01.26	Smashburger	334	LTF	Reviewed and redlined preliminary approval motion and discussed same with Blair Reed on the phone and via email and reviewed Judge Kronstadt's standing orders and available hearing dates.	3.4	\$ 1,000.00	\$ 3,400.00
2021.01.26	Smashburger	334	MCS	Pulled preliminary approval example docs for BER.	1.0	\$ 300.00	\$ 300.00
2021.01.27	Smashburger	334	BER	Worked on preliminary approval motion and exhibits, and discussed same with LTF as well as exchanged messages with co-counsel.	3.6	\$ 425.00	\$ 1,530.00
2021.01.27	Smashburger	334	BER	Reviewed Judge's standing order regarding preliminary approval and worked on lodestar and fee section.	2.8	\$ 425.00	\$ 1,190.00
2021.01.27	Smashburger	334	LTF	Call and email exchange with opposing counsel regarding status of settlement agreement and preliminary approval motion (.3); discussed preliminary approval motion with Blair Reed (.2); discussed preliminary approval motion and settlement agreement with Marc Reich and exchanged emails with Mr. Reich regarding same (.4); reviewed Judge Kronstadt's standing order regarding fee motions and reviewed other preliminary approval motions submitted to Judge Kronstadt for research purposes (.5).	1.4	\$ 1,000.00	\$ 1,400.00
2021.01.27	Smashburger	334	MCS	Worked on supplementary tables for prelim approval motion.	0.5	\$ 300.00	\$ 150.00
2021.01.28	Smashburger	334	BER	Discussed case issues with LTF and made progress with lodestar chart and fee section.	0.9	\$ 425.00	\$ 382.50
2021.01.28	Smashburger	334	BER	Reviewed email from A. Stowell and discussed with LTF.	0.2	\$ 425.00	\$ 85.00
2021.01.28	Smashburger	334	LTF	Discussed edits to settlement agreement and exhibits as well as lodestar spreadsheet required by Judge Kronstadt with Blair Reed (.2); reviewed edits to settlement agreement and exhibits (.4).	0.6	\$ 1,000.00	\$ 600.00

Date	Matter	M No.	Initials	Description	Time	Rate	Amount
2021.01.28	Smashburger	334	MCS	Worked on supplementary tables for prelim approval motion.	1.0	\$ 300.00	\$ 300.00
2021.01.29	Smashburger	334	BER	Discussed settlement redlines with LTF and updated per discussions with defense counsel.	0.9	\$ 425.00	\$ 382.50
2021.01.29	Smashburger	334	LTF	Reviewed defendants' edits to settlement documents and discussed same with Blair Reed (.8); email exchange with defendants' counsel regarding summary notice and reviewed email regarding corporate restaurants (.1).	0.9	\$ 1,000.00	\$ 900.00
2021.01.30	Smashburger	334	BER	Reviewed settlement agreement, redlines, and finalized agreement for execution	4.2	\$ 425.00	\$ 1,785.00
2021.02.01	Smashburger	334	BER	Discussed settlement agreement with LTF.	0.2	\$ 425.00	\$ 85.00
2021.02.01	Smashburger	334	LTF	Discussed settlement document and preliminary approval motion with Blair Reed	0.2	\$ 1,000.00	\$ 200.00
2021.02.01	Smashburger	334	NJD	Dealt with domain registration for notice purposes.	0.4	\$ 775.00	\$ 310.00
2021.02.02	Smashburger	334	BER	Discussed settlement status with LTF.	0.2	\$ 425.00	\$ 85.00
2021.02.02	Smashburger	334	LTF	Discussed settlement status with Blair Reed and Marc Reich.	0.2	\$ 1,000.00	\$ 200.00
2021.02.02	Smashburger	334	MCS	Finalized table drafts for prelim approval, sent to BER.	0.8	\$ 300.00	\$ 240.00
2021.02.03	Smashburger	334	BER	Discussed settlement agreement and preliminary approval motion with LTF and drafted emails to defense counsel and co-counsel.	0.4	\$ 425.00	\$ 170.00
2021.02.03	Smashburger	334	LTF	Discussed settlement agreement and preliminary approval motion with Blair Reed and reviewed email exchange between Ms. Reed and defendants' counsel and reviewed email with preliminary approval motion sent to co-counsel.	0.4	\$ 1,000.00	\$ 400.00
2021.02.04	Smashburger	334	BER	Discussed next steps in preliminary approval process with LTF.	0.6	\$ 425.00	\$ 255.00
2021.02.04	Smashburger	334	LTF	Discussed next steps in preliminary approval process with Blair Reed and Marc Reich and reviewed emails regarding same.	0.9	\$ 1,000.00	\$ 900.00
2021.02.05	Smashburger	334	BER	Email exchange with LTF and co-counsel regarding settlement and preliminary approval and reviewed briefing and case law shared by co-counsel.	1.5	\$ 425.00	\$ 637.50
2021.02.05	Smashburger	334	LTF	Email exchange with Tina Wolfson regarding settlement and preliminary approval and discussed same issues with Blair Reed and Marc Reich and reviewed briefing and case law referenced by Ms. Wolfson.	1.7	\$ 1,000.00	\$ 1,700.00
2021.02.07	Smashburger	334	LTF	Reviewed email from Marc Reich regarding settlement and potential CAFA issues	0.2	\$ 1,000.00	\$ 200.00
2021.02.09	Smashburger	334	BER	Reviewed Sirius case documents and discussed them with LTF and co-counsel and reviewed defendants' edits to settlement agreement and discussed same with LTF.	2.3	\$ 425.00	\$ 977.50
2021.02.09	Smashburger	334	LTF	Reviewed Sirius case documents and discussed them with Blair Reed, Marc Reich and Tina Wolfson and reviewed defendants' latest edits to settlement agreement and discussed them with Ms. Reed.	1.9	\$ 1,000.00	\$ 1,900.00
2021.02.10	Smashburger	334	LTF	Email exchange with claims administrator.	0.1	\$ 1,000.00	\$ 100.00
2021.02.11	Smashburger	334	BER	Reviewed changes to settlement agreement, drafted memo regarding the same and discussed with LTF	1.8	\$ 425.00	\$ 765.00
2021.02.11	Smashburger	334	LTF	Reviewed Blair Reed's memo regarding changes to settlement documents and prepared for call with defendants' counsel and participated in call with defendants' counsel.	0.7	\$ 1,000.00	\$ 700.00
2021.02.16	Smashburger	334	BER	Discussed settlement status with LTF.	0.1	\$ 425.00	\$ 42.50
2021.02.16	Smashburger	334	BER	Discussed settlement status with LTF.	0.1	\$ 425.00	\$ 42.50
2021.02.16	Smashburger	334	LTF	Discussed settlement status with Blair Reed.	0.1	\$ 1,000.00	\$ 100.00
2021.02.17	Smashburger	334	LTF	Discussed settlement status with Marc Reich and Blair Reed.	0.3	\$ 1,000.00	\$ 300.00
2021.02.18	Smashburger	334	BER	Discussed settlement and preliminary approval with LTF.	0.2	\$ 425.00	\$ 85.00
2021.02.18	Smashburger	334	BER	Reviewed Judge Kronstadt class certification and settlement decisions and conducted additional research.	2.9	\$ 425.00	\$ 1,232.50
2021.02.18	Smashburger	334	LTF	Scheduled call with defendants' counsel and exchanged messages with Blair Reed regarding same and discussed next steps with Ms. Reed (.2); reviewed and circulated research regarding Judge Kronstadt's prior class action settlement decisions (.2).	0.4	\$ 1,000.00	\$ 400.00
2021.02.19	Smashburger	334	BER	Call with defendants' counsel regarding remaining settlement issues and drafted summary notice language and discussed same with LTF.	1.1	\$ 425.00	\$ 467.50

Date	Matter	M No.	Initials	Description	Time	Rate	Amount
2021.02.19	Smashburger	334	LTF	Call with defendants' counsel regarding remaining settlement issues and sent her an email with new summary notice language and discussed same with Blair Reed and Marc Reich and sent email to co-counsel regarding same.	0.9	\$ 1,000.00	\$ 900.00
2021.02.22	Smashburger	334	LTF	Discussed next steps with Blair Reed.	0.1	\$ 1,000.00	\$ 100.00
2021.02.23	Smashburger	334	LTF	Exchanged messages with Blair Reed regarding execution documents and exchanged emails with defendants' counsel regarding same.	0.2	\$ 1,000.00	\$ 200.00
2021.02.23	Smashburger	334	MCS	Combined signatures, fixed formatting, finalized and combined docs with exhibit tabs	3.0	\$ 300.00	\$ 900.00
2021.02.24	Smashburger	334	BER	Prepared stipulation of settlement for execution and exchanged messages with LTF regarding the same	0.8	\$ 425.00	\$ 340.00
2021.02.24	Smashburger	334	LTF	Reviewed and executed settlement agreement and exchanged messages with Blair Reed regarding preliminary approval motion.	0.3	\$ 1,000.00	\$ 300.00
2021.02.25	Smashburger	334	BER	Drafted declaration in support of preliminary approval, discussed preliminary approval with LTF, and reviewed Finegan declaration.	1.8	\$ 425.00	\$ 765.00
2021.02.25	Smashburger	334	LTF	Discussed motion for preliminary approval and outstanding signature on settlement agreement with Blair Reed and reviewed Judge Kronstadt's open law and motion dates.	0.2	\$ 1,000.00	\$ 200.00
2021.02.26	Smashburger	334	BER	Drafted motion for preliminary approval and prepared motion, declarations, and exhibits to file	4.0	\$ 425.00	\$ 1,700.00
2021.02.26	Smashburger	334	LTF	Exchanged messages with Blair Reed regarding preliminary approval motion and sent message to Tina Wolfson regarding same.	0.2	\$ 1,000.00	\$ 200.00
2021.02.26	Smashburger	334	MCS	Updated Iodestar and charts, sent to BER.	1.2	\$ 300.00	\$ 360.00
2021.03.01	Smashburger	334	BER	Prepared motion for preliminary approval, thoroughly read, and discussed with LTF.	4.7	\$ 425.00	\$ 1,997.50
2021.03.01	Smashburger	334	DLS	Made edits to preliminary approval motion and filed.	1.0	\$ 300.00	\$ 300.00
2021.03.01	Smashburger	334	LTF	Reviewed preliminary approval motion and related settlement documents and discussed them with Blair Reed at length and sent email to co-counsel regarding final signature on agreement.	1.4	\$ 1,000.00	\$ 1,400.00
2021.03.01	Smashburger	334	MCS	Updated hours summary tables for all firms involved in case, drafted table of future hours and expense table. Finalized and sent to BER. Combined signatures on settlement agreement and sent to BER.	2.5	\$ 300.00	\$ 750.00
2021.03.02	Smashburger	334	LTF	Email exchange with defendants' counsel and claims administrator regarding motion for preliminary approval and next steps and sent preliminary approval papers to claims administrator for eventual posting on settlement website.	0.3	\$ 1,000.00	\$ 300.00
2021.06.04	Smashburger	334	LTF	Email exchange with court clerk regarding attorneys' fees spreadsheets and discussed same with Molly Sasseeen.	0.4	\$ 1,000.00	\$ 400.00
2021.06.04	Smashburger	334	MCS	Sent excel sheets re hours to LTF.	0.1	\$ 300.00	\$ 30.00
2021.07.04	Smashburger	334	LTF	Reviewed order cancelling preliminary approval hearing and sent email to Marc Reich regarding same	0.2	\$ 1,000.00	\$ 200.00
2021.07.07	Smashburger	334	DLS	Filed notice of change of counsel - Reed.	0.4	\$ 300.00	\$ 120.00
2021.07.07	Smashburger	334	MCS	Drafted and finalized BER notice of withdrawal. Assisted Debbie with filing	0.6	\$ 300.00	\$ 180.00
2021.07.16	Smashburger	334	LTF	Email exchange with Scott Bursor regarding preliminary approval order and case schedule.	0.1	\$ 1,000.00	\$ 100.00
2021.07.26	Smashburger	334	LTF	Email exchange with Lori Castaneda regarding settlement status.	0.1	\$ 1,000.00	\$ 100.00
2021.09.10	Smashburger	334	LTF	Email exchange with Lori Castaneda regarding status of preliminary approval order.	0.1	\$ 1,000.00	\$ 100.00
2021.09.22	Smashburger	334	LTF	Email exchange with Lori Castaneda regarding CAFA invoice.	0.2	\$ 1,000.00	\$ 200.00
2021.10.14	Smashburger	334	LTF	Email exchange with Scott Bursor regarding status of preliminary approval.	0.2	\$ 1,000.00	\$ 200.00
2021.10.21	Smashburger	334	LTF	Email exchange with Marc Reich regarding new 9th Circuit decision and status of preliminary approval	0.1	\$ 1,000.00	\$ 100.00
2022.01.20	Smashburger	334	JLG	Discussed researching cases for motion of supplemental authority w/ LTF.	0.1	\$ 325.00	\$ 32.50
2022.01.31	Smashburger	334	JLG	Found supplemental authority cases for LTF & sent for review.	0.8	\$ 325.00	\$ 260.00
2022.01.31	Smashburger	334	LTF	Email exchange with Jenna Gavenman and reviewed cases for potential notice of supplemental authority.	0.3	\$ 1,000.00	\$ 300.00
2022.02.03	Smashburger	334	LTF	Drafted notice of supplemental authority and sent it to defendant's counsel.	0.5	\$ 1,000.00	\$ 500.00
2022.02.08	Smashburger	334	DLS	Made edits and finalized notice of supplemental authority.	0.7	\$ 300.00	\$ 210.00

Date	Matter	M No.	Initials	Description	Time	Rate	Amount
2022.02.08	Smashburger	334	LTF	Email exchange with defendants' counsel and reviewed and finalized notice of supplemental authority and discussed it with Debbie Schroeder.	0.4	\$ 1,000.00	\$ 400.00
2022.02.09	Smashburger	334	JLG	Reviewed LTF NOSA & email chain.	0.1	\$ 325.00	\$ 32.50
2022.05.24	Smashburger	334	LTF	Email exchange with Marc Reich and defendants' counsel regarding request for hearing and reviewed same.	0.2	\$ 1,000.00	\$ 200.00
2022.05.25	Smashburger	334	DLS	Made edits to request for hearing and filed.	0.6	\$ 300.00	\$ 180.00
2022.05.25	Smashburger	334	LTF	Reviewed and finalized request for oral argument.	0.2	\$ 1,000.00	\$ 200.00
2022.07.12	Smashburger	334	JMF	Worked on response to court order.	2.5	\$ 275.00	\$ 687.50
2022.07.12	Smashburger	334	LTF	Reviewed order regarding preliminary approval, discussed it with Marc Reich, Joshua Wilner and Debbie Schroeder and sent email to co-counsel regarding next steps.	0.8	\$ 1,000.00	\$ 800.00
2022.07.13	Smashburger	334	JMF	Worked on response to court order.	2.0	\$ 275.00	\$ 550.00
2022.07.13	Smashburger	334	LTF	Worked on response to Court's order and discussed same with Debbie Schroeder.	1.1	\$ 1,000.00	\$ 1,100.00
2022.07.14	Smashburger	334	LTF	Worked on response to Court's order on preliminary approval motion.	0.7	\$ 1,000.00	\$ 700.00
2022.07.18	Smashburger	334	JMF	Worked on response to court order.	1.0	\$ 275.00	\$ 275.00
2022.07.18	Smashburger	334	LTF	Reviewed time sheets and outlined supplemental declaration	0.6	\$ 1,000.00	\$ 600.00
2022.07.19	Smashburger	334	JMF	Worked on response to court order.	2.5	\$ 275.00	\$ 687.50
2022.07.19	Smashburger	334	JRW	Fee order table research (4.2); Discuss findings w/LTF (.3).	4.5	\$ 325.00	\$ 1,462.50
2022.07.19	Smashburger	334	LTF	Email exchange with co-counsel regarding spreadsheets and worked on response to Court's order with Joshua Wilner and Debbie Schroeder.	1.3	\$ 1,000.00	\$ 1,300.00
2022.07.20	Smashburger	334	JMF	Worked on response to court order.	2.5	\$ 275.00	\$ 687.50
2022.07.20	Smashburger	334	LTF	Email exchange with co-counsel and discussed response to Court's order with Judy Fontanilla.	0.4	\$ 1,000.00	\$ 400.00
2022.07.20	Smashburger	334	RSR	Calculate case expenses to date (.1).	0.1	\$ 300.00	\$ 30.00
2022.07.21	Smashburger	334	JMF	Worked on response to court order.	2.0	\$ 275.00	\$ 550.00
2022.07.21	Smashburger	334	LTF	Reviewed time records and worked on response to Court's July 12 order and discussed same with Debbie Schroeder and Judy Fontanilla and reviewed summaries received from co-counsel.	2.8	\$ 1,000.00	\$ 2,800.00
2022.07.22	Smashburger	334	BSS	Emailed LTF fee brief materials (0.1).	0.1	\$ 375.00	\$ 37.50
2022.07.22	Smashburger	334	DLS	Discussed declaration with LTF and Judy.	0.6	\$ 300.00	\$ 180.00
2022.07.22	Smashburger	334	JMF	Worked on response to court order.	3.3	\$ 275.00	\$ 907.50
2022.07.22	Smashburger	334	LTF	Drafted declaration in response to Court's July 12 order and discussed same with Debbie Schroeder and worked on exhibits to declaration (4.2); call and email exchange with Marc Reich regarding service awards and declaration (.2).	4.4	\$ 1,000.00	\$ 4,400.00
2022.07.23	Smashburger	334	LTF	Call with Marc Reich, reviewed Reich client summaries and revised declaration and sent it to Mr. Reich	0.4	\$ 1,000.00	\$ 400.00
2022.07.25	Smashburger	334	DLS	Assisted with declaration.	0.3	\$ 300.00	\$ 90.00
2022.07.25	Smashburger	334	JMF	Worked on response to court order.	1.5	\$ 275.00	\$ 412.50
2022.07.25	Smashburger	334	LTF	Worked on supplemental declaration and exhibits and exchanged emails with co-counsel regarding same and discussed same with Shinhye Choi, Judy Fontanilla and Debbie Schroeder.	2.8	\$ 1,000.00	\$ 2,800.00
2022.07.25	Smashburger	334	SC	Updated exhibits to 7/26 Decl. (1.6); confer w/ LTF and DLB (.2); emailed LTF and DLS (.1)	1.9	\$ 325.00	\$ 617.50
2022.07.26	Smashburger	334	DLS	Made edits to declaration; finalized and filed; emailed excel spreadsheets to Judge	1.0	\$ 300.00	\$ 300.00
2022.07.26	Smashburger	334	JMF	Finalize excel sheets re court order, finalized exhibits to declaration, and sent chambers' copies	2.0	\$ 275.00	\$ 550.00
2022.07.26	Smashburger	334	LTF	Revised, reviewed and finalized supplemental declaration for filing and discussed it with Debbie Schroeder and Judy Fontanilla.	2.7	\$ 1,000.00	\$ 2,700.00
2022.08.04	Smashburger	334	LTF	Discussed preliminary approval hearing with Joshua Wilner.	0.1	\$ 1,000.00	\$ 100.00
2022.08.09	Smashburger	334	LTF	Reviewed order re-scheduling preliminary approval hearing and exchanged emails with Marc Reich regarding same.	0.2	\$ 1,000.00	\$ 200.00
2022.08.11	Smashburger	334	LTF	Email exchange with claims administrator.	0.1	\$ 1,000.00	\$ 100.00

Date	Matter	M No.	Initials	Description	Time	Rate	Amount
2022.09.19	Smashburger	334	LTF	Reviewed preliminary approval order (.7); discussed it with Debbie Schroeder (.2); email exchange with Marc Reich regarding same (.1); email exchange with claims administrator regarding next steps (.2); reviewed settlement agreement, notice declaration and attorney declaration and sent detailed email to Lori Castaneda at Kroll regarding same (.8).	2.0	\$ 1,000.00	\$ 2,000.00
2022.09.20	Smashburger	334	LTF	Call with Lori Castaneda at Kroll regarding notice and reviewed notice documents and email from Ms. Castaneda regarding notice deadlines.	0.8	\$ 1,000.00	\$ 800.00
2022.09.21	Smashburger	334	LTF	Discussed statement with Debbie Schroeder (.2); reviewed media plan and exchanged emails with Lori Castaneda regarding same (.3).	0.5	\$ 1,000.00	\$ 500.00
2022.09.22	Smashburger	334	DLS	Prepared statement re proposed deadlines.	1.4	\$ 300.00	\$ 420.00
2022.09.22	Smashburger	334	LTF	Drafted statement of proposed deadlines, discussed it with Debbie Schroeder and sent draft statement to co-counsel.	1.2	\$ 1,000.00	\$ 1,200.00
2022.09.23	Smashburger	334	LTF	Revised statement and emails from co-counsel and exchanged emails with defendants' counsel	0.3	\$ 1,000.00	\$ 300.00
2022.09.26	Smashburger	334	DLS	Finalized and filed statement.	0.7	\$ 300.00	\$ 210.00
2022.09.26	Smashburger	334	LTF	Finalized statement and exchanged emails with defendants' counsel regarding same and instructed Debbie Schroeder to file.	0.3	\$ 1,000.00	\$ 300.00
2022.09.28	Smashburger	334	LTF	Email exchange with Marc Reich regarding final approval motion.	0.2	\$ 1,000.00	\$ 200.00
2022.09.29	Smashburger	334	LTF	Discussed final approval motion with Marc Reich.	0.1	\$ 1,000.00	\$ 100.00
2022.10.04	Smashburger	334	LTF	Reviewed and redlined email notice and long-form notice and sent comments to Kroll and defendants' counsel.	1.8	\$ 1,000.00	\$ 1,800.00
2022.10.06	Smashburger	334	LTF	Reviewed defendants' edits to notices and claim form (.3); reviewed IVR script and exchanged emails with opposing counsel and Kroll regarding same (.5); email exchange with Marc Reich regarding claims process (.1).	0.9	\$ 1,000.00	\$ 900.00
2022.10.07	Smashburger	334	LTF	Reviewed defendants' edits to IVR and exchanged emails with claims administrator regarding same (.2); reviewed and approved press release and exchanged messages with claims administrator regarding same (.2)	0.4	\$ 1,000.00	\$ 400.00
2022.10.10	Smashburger	334	LTF	Exchanged messages with claims administrator regarding press release and payments from settlement fund.	0.4	\$ 1,000.00	\$ 400.00
2022.10.12	Smashburger	334	LTF	Email exchange with Jennifer Rosenberg regarding settlement deadlines (.1); reviewed settlement website and claim form and reviewed email from claims administrator regarding same (.2).	0.3	\$ 1,000.00	\$ 300.00
2022.10.13	Smashburger	334	LTF	Finished review of settlement website and submitted test claim form and exchanged messages with defendants' counsel and claims administrator regarding same.	1.2	\$ 1,000.00	\$ 1,200.00
2022.10.14	Smashburger	334	LTF	Email exchange with claims administrator and opposing counsel regarding email notice	0.2	\$ 1,000.00	\$ 200.00
2022.10.17	Smashburger	334	LTF	Reviewed notices and exchanged emails with claims administrator regarding same	0.4	\$ 1,000.00	\$ 400.00
2022.10.18	Smashburger	334	LTF	Email exchange with court clerk and drafted and submitted proposed order and exchanged emails with claims administrator and opposing counsel regarding same (1.7); exchanged messages with Jennifer Rosenberg regarding settlement status (.2).	1.9	\$ 1,000.00	\$ 1,900.00
2022.10.19	Smashburger	334	LTF	Reviewed settlement deadlines order and saved it to Box and exchanged messages with Jennifer Rosenberg and Marc Reich regarding next steps.	0.4	\$ 1,000.00	\$ 400.00
2022.10.25	Smashburger	334	LTF	Reviewed claim statistics and confirmed no objections or exclusions yet.	0.3	\$ 1,000.00	\$ 300.00
2022.10.27	Smashburger	334	LTF	Reviewed settlement statistics and number of claims submitted (.1); call with claims administrator regarding invasive bot attacking settlement website (.2).	0.3	\$ 1,000.00	\$ 300.00
2022.10.28	Smashburger	334	LTF	Email exchange with class member (.1); email exchange with claims administrator (.1)	0.2	\$ 1,000.00	\$ 200.00
2022.10.31	Smashburger	334	LTF	Checked on claim status.	0.1	\$ 1,000.00	\$ 100.00
2022.11.01	Smashburger	334	LTF	Email exchange with Jennifer Rosenberg regarding meeting to discuss next steps and reviewed updated claims information.	0.2	\$ 1,000.00	\$ 200.00

Date	Matter	M No.	Initials	Description	Time	Rate	Amount
2022.11.03	Smashburger	334	JSR	Prepared notes on preliminary approval order for meeting with Tim; email with Ms. Gavenman re her research on Judge Kronstadt's orders.	1.9	\$ 875.00	\$ 1,662.50
2022.11.03	Smashburger	334	LTF	Reviewed latest claims statistics and discussed settlement research with Jenna Gavenman.	0.3	\$ 1,000.00	\$ 300.00
2022.11.08	Smashburger	334	LTF	Reviewed latest claims report and exchanged emails with Jennifer Rosenberg regarding same	0.2	\$ 1,000.00	\$ 200.00
2022.11.09	Smashburger	334	LTF	Reviewed settlement statistics.	0.1	\$ 1,000.00	\$ 100.00
2022.11.11	Smashburger	334	LTF	Email exchange with Kroll team regarding claims analysis.	0.1	\$ 1,000.00	\$ 100.00
2022.11.14	Smashburger	334	LTF	Reviewed memo regarding settlement and exchanged emails with Jenna Gavenman regarding same	0.3	\$ 1,000.00	\$ 300.00
2022.11.15	Smashburger	334	LTF	Reviewed memo regarding incentive awards and prior rulings by Judge Kronstadt and exchanged emails with Jennifer Rosenberg regarding same.	0.4	\$ 1,000.00	\$ 400.00
2022.11.16	Smashburger	334	LTF	Discussed claims issues with Kroll team and reviewed updated claims statistics.	0.6	\$ 1,000.00	\$ 600.00

ELM Solutions

2022 Real Rate Report[®]

The industry's leading
analysis of law firm rates,
trends, and practices

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Report Use Considerations

2022 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 factors¹ that drive rates²:

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.

¹ 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>

² Source: 2018 RRR. Factor order validated in multiple analyses since 2010

Section I: High-Level Data Cuts

All data and analysis based on
data collected thru Q2 2022

Section I: High-Level Data Cuts

Cities

By Matter Type

2022 - Real Rates for Associate and Partner

Trend Analysis - Mean

City	Matter Type	Role	n	First Quartile	Median	Third Quartile	2022	2021	2020
Jackson MS	Litigation	Associate	56	\$55	\$225	\$250	\$178	\$203	\$175
	Non-Litigation	Partner	24	\$315	\$420	\$485	\$418	\$394	\$375
		Associate	25	\$55	\$126	\$255	\$155	\$125	\$259
Kansas City MO	Litigation	Partner	74	\$413	\$450	\$556	\$472	\$450	\$450
		Associate	50	\$252	\$329	\$385	\$319	\$316	\$305
	Non-Litigation	Partner	101	\$411	\$487	\$615	\$519	\$487	\$464
		Associate	73	\$250	\$320	\$385	\$322	\$312	\$285
Las Vegas NV	Non-Litigation	Partner	20	\$350	\$425	\$525	\$440	\$422	\$432
		Associate	11	\$238	\$267	\$368	\$301	\$297	\$282
Little Rock AR	Non-Litigation	Partner	11	\$215	\$215	\$308	\$264	\$256	\$298
Los Angeles CA	Litigation	Partner	322	\$516	\$725	\$1,045	\$799	\$739	\$702
		Associate	408	\$400	\$615	\$855	\$642	\$606	\$564
	Non-Litigation	Partner	521	\$596	\$868	\$1,201	\$903	\$902	\$858
		Associate	667	\$441	\$603	\$845	\$653	\$712	\$648

Section I: High-Level Data Cuts

Cities

By Matter Type

2022 - Real Rates for Associate and Partner

Trend Analysis - Mean

City	Matter Type	Role	n	First Quartile	Median	Third Quartile	2022	2021	2020
Minneapolis MN	Non-Litigation	Associate	83	\$340	\$421	\$528	\$425	\$408	\$384
Nashville TN	Litigation	Partner	24	\$275	\$320	\$456	\$363	\$378	\$403
	Non-Litigation	Partner	78	\$412	\$484	\$576	\$505	\$481	\$470
		Associate	59	\$270	\$330	\$384	\$340	\$315	\$285
New Orleans LA	Litigation	Partner	47	\$290	\$332	\$412	\$343	\$330	\$340
		Associate	42	\$231	\$243	\$340	\$278	\$290	\$275
	Non-Litigation	Partner	32	\$295	\$347	\$405	\$419	\$380	\$391
		Associate	21	\$244	\$250	\$278	\$273	\$303	\$258
New York NY	Litigation	Partner	614	\$475	\$675	\$1,088	\$808	\$784	\$746
		Associate	631	\$323	\$460	\$729	\$545	\$527	\$509
	Non-Litigation	Partner	1,376	\$765	\$1,235	\$1,638	\$1,189	\$1,139	\$1,090
		Associate	1,809	\$550	\$776	\$1,050	\$796	\$766	\$716
Oklahoma City OK	Non-Litigation	Partner	14	\$235	\$338	\$393	\$337	\$319	\$311
Omaha NE	Litigation	Partner	12	\$293	\$339	\$353	\$329	\$338	\$341

Section I: High-Level Data Cuts

Cities

By Matter Type

2022 - Real Rates for Associate and Partner

Trend Analysis - Mean

City	Matter Type	Role	n	First Quartile	Median	Third Quartile	2022	2021	2020
Rochester NY	Non-Litigation	Partner	12	\$270	\$360	\$488	\$386	\$341	\$446
		Associate	13	\$220	\$310	\$375	\$314	\$278	\$287
Sacramento CA	Non-Litigation	Partner	11	\$381	\$437	\$682	\$534	\$559	\$516
Salt Lake City UT	Litigation	Partner	14	\$246	\$353	\$468	\$363	\$333	\$379
	Non-Litigation	Partner	42	\$297	\$371	\$447	\$391	\$363	\$353
		Associate	22	\$220	\$240	\$270	\$248	\$247	\$228
San Diego CA	Litigation	Associate	23	\$151	\$225	\$300	\$255	\$258	\$264
	Non-Litigation	Partner	89	\$332	\$540	\$1,066	\$699	\$667	\$649
		Associate	71	\$250	\$325	\$424	\$373	\$378	\$351
San Francisco CA	Litigation	Partner	143	\$423	\$675	\$995	\$742	\$711	\$691
		Associate	98	\$325	\$430	\$731	\$525	\$517	\$470
	Non-Litigation	Partner	221	\$475	\$750	\$950	\$758	\$746	\$741
		Associate	151	\$338	\$486	\$702	\$545	\$563	\$507
San Jose CA	Litigation	Partner	33	\$654	\$921	\$1,133	\$916	\$907	\$864

Section I: High-Level Data Cuts

Cities

By Matter Type

2022 - Real Rates for Associate and Partner

Trend Analysis - Mean

City	Matter Type	Role	n	First Quartile	Median	Third Quartile	2022	2021	2020
San Jose CA	Litigation	Associate	22	\$461	\$580	\$745	\$608	\$593	\$498
	Non-Litigation	Partner	50	\$660	\$864	\$1,303	\$969	\$985	\$887
		Associate	46	\$380	\$460	\$775	\$616	\$639	\$567
Seattle WA	Litigation	Partner	76	\$497	\$655	\$760	\$635	\$567	\$510
		Associate	61	\$394	\$468	\$530	\$447	\$453	\$395
	Non-Litigation	Partner	148	\$410	\$526	\$760	\$571	\$547	\$547
		Associate	113	\$310	\$395	\$502	\$422	\$401	\$377
St. Louis MO	Litigation	Partner	46	\$260	\$350	\$435	\$376	\$373	\$388
		Associate	17	\$197	\$225	\$250	\$228	\$237	\$232
	Non-Litigation	Partner	57	\$352	\$419	\$540	\$451	\$446	\$473
Tampa FL	Litigation	Partner	31	\$369	\$508	\$595	\$490	\$467	\$452
		Associate	15	\$269	\$298	\$368	\$316	\$302	\$306
Trenton NJ	Non-Litigation	Partner	21	\$408	\$600	\$700	\$569	\$620	\$581
		Associate	12	\$480	\$495	\$500	\$448	\$376	\$387

Section I: High-Level Data Cuts

Cities

By Years of Experience

2022 - Real Rates for Associate

Trend Analysis - Mean

City	Years of Experience	n	First Quartile	Median	Third Quartile	2022	2021	2020
Kansas City MO	3 to Fewer Than 7 Years	15	\$270	\$325	\$360	\$318	\$295	\$283
	7 or More Years	28	\$292	\$334	\$391	\$333	\$312	\$302
Los Angeles CA	Fewer Than 3 Years	63	\$429	\$595	\$654	\$556	\$524	\$488
	3 to Fewer Than 7 Years	144	\$486	\$688	\$838	\$662	\$626	\$530
	7 or More Years	171	\$351	\$550	\$840	\$600	\$634	\$586
Miami FL	3 to Fewer Than 7 Years	19	\$300	\$360	\$457	\$380	\$331	\$313
	7 or More Years	36	\$295	\$450	\$595	\$460	\$433	\$385
Minneapolis MN	Fewer Than 3 Years	11	\$374	\$405	\$446	\$408		\$230
	3 to Fewer Than 7 Years	27	\$340	\$451	\$510	\$421	\$358	\$356
	7 or More Years	27	\$423	\$468	\$585	\$478	\$438	\$392
Nashville TN	7 or More Years	12	\$219	\$245	\$345	\$282	\$266	\$262
New Orleans LA	3 to Fewer Than 7 Years	12	\$232	\$243	\$265	\$261	\$242	\$245
	7 or More Years	18	\$243	\$312	\$343	\$306	\$318	\$294
New York NY	Fewer Than 3 Years	142	\$443	\$622	\$775	\$629	\$600	\$652

Section I: High-Level Data Cuts

Cities

By Years of Experience

2022 - Real Rates for Partner

Trend Analysis - Mean

City	Years of Experience	n	First Quartile	Median	Third Quartile	2022	2021	2020
Kansas City MO	Fewer Than 21 Years	46	\$400	\$450	\$537	\$473	\$411	\$397
	21 or More Years	68	\$440	\$553	\$658	\$539	\$497	\$491
Las Vegas NV	Fewer Than 21 Years	12	\$284	\$381	\$495	\$389	\$349	\$343
	21 or More Years	13	\$350	\$425	\$515	\$468	\$456	\$472
Los Angeles CA	Fewer Than 21 Years	183	\$533	\$801	\$1,075	\$804	\$797	\$682
	21 or More Years	333	\$550	\$765	\$1,133	\$863	\$842	\$808
Memphis TN	Fewer Than 21 Years	14	\$288	\$331	\$380	\$345	\$317	\$328
	21 or More Years	15	\$355	\$415	\$425	\$394	\$382	\$375
Miami FL	Fewer Than 21 Years	57	\$370	\$450	\$598	\$490	\$498	\$443
	21 or More Years	104	\$388	\$581	\$749	\$584	\$580	\$536
Milwaukee WI	21 or More Years	16	\$302	\$454	\$613	\$589	\$515	\$530
Minneapolis MN	Fewer Than 21 Years	36	\$470	\$530	\$607	\$532	\$486	\$499
	21 or More Years	84	\$507	\$675	\$796	\$656	\$620	\$589
Nashville TN	Fewer Than 21 Years	28	\$375	\$405	\$535	\$449	\$405	\$397

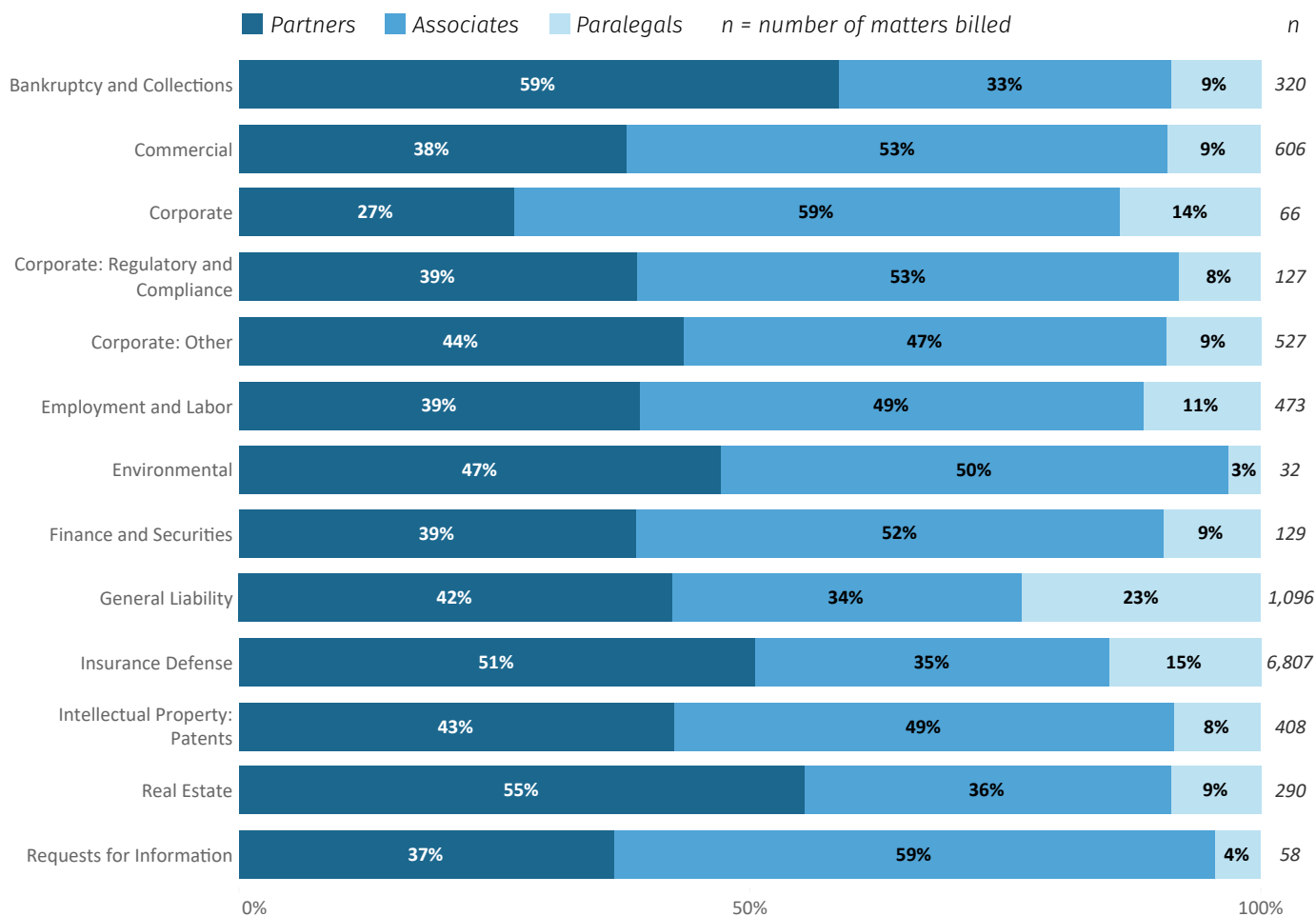
Section VI: Matter Staffing Analysis

All data and analysis based on
data collected thru Q2 2022

Section VI: Matter Staffing Analysis

Long Litigation Matters, More Than 100 Total Hours Billed

2019 to 2022 -- Percentage of Hours Billed per Matter



Section VII: Data Methodology

All data and analysis based on
data collected thru Q2 2022

Appendix: Data Methodology

Invoice Information

Data in Wolters Kluwer ELM Solutions' reference database and the 2022 Real Rate Report were taken from invoice line-item entries contained in invoices received and approved by participating companies.

Invoice data were received in the Legal Electronic Data Exchange Standard (LEDES) format (LEDES.org). The following information was extracted from those invoices and their line items:

- Law firm (which exists as a random number in the ELM Solutions reference database)
- Timekeeper ID (which exists as a random number in the ELM Solutions reference database)
- Matter ID (which exists as a random number in the ELM Solutions reference database)
- Timekeeper's position (role) within the law firm (partner, associate, paralegal, etc.)
- Uniform Task-Based Management System Code Set, Task Codes, and Activity Codes (UTBMS.com)
- Date of service
- Hours billed
- Hourly rate billed
- Fees billed

Non-Invoice Information

To capture practice area details, the matter ID within each invoice was associated with matter profiles containing areas of work in the systems of each company. The areas of work were then systematically categorized into legal practice areas. Normalization of practice areas was done based on company mappings to system-level practice areas available in the ELM Solutions system and by naming convention.

The majority of analyses included in this report have been mapped to one of 11 practice areas, further divided into sub-areas and litigation/non-litigation (for more information on practice areas and sub-areas, please refer to pages 232-234).

To capture location and jurisdiction details, law firms and timekeepers were systematically mapped to the existing profiles within ELM Solutions systems, as well as with publicly available data sources for further validation and normalization. Where city location information is provided, it includes any address within that city's defined Core-Based Statistical Area (CBSA) as defined by the Office of Management and Budget (OMB). The CBSAs are urban centers with populations of 10,000 or more and include all adjacent counties that are economically integrated with that urban center.

Where the analyses focus on partners, associates, and paralegals, the underlying data occasionally included some sub-roles, such as "senior partner" or "junior associate." In such instances, those timekeeper sub-roles were placed within the broader partner, associate, and paralegal segments.

Demographics regarding law firm size, location, and lawyer years of experience were augmented by incorporating publicly available information.

Appendix: Data Methodology

A Note on US Cities

Principal City	CBSA Name
Hartford, CT	Hartford-East Hartford-Middletown, CT
Honolulu, HI	Urban Honolulu HI
Houston, TX	Houston-The Woodlands-Sugar Land, TX
Indianapolis, IN	Indianapolis-Carmel-Anderson, IN
Jackson, MS	Jackson, MS
Jacksonville, FL	Jacksonville, FL
Kansas City, MO	Kansas City, MO-KS
Lafayette, LA	Lafayette, LA
Las Vegas, NV	Las Vegas-Henderson-Paradise, NV
Lexington, KY	Lexington-Fayette, KY
Little Rock, AR	Little Rock-North Little Rock-Conway, AR
Los Angeles, CA	Los Angeles-Long Beach-Anaheim, CA
Louisville, KY	Louisville/Jefferson County, KY-IN
Madison, WI	Madison, WI
Memphis, TN	Memphis-Forrest City, TN-MS-AR
Miami, FL	Miami-Fort Lauderdale-Pompano Beach, FL
Milwaukee, WI	Milwaukee-Waukesha, WI
Minneapolis, MN	Minneapolis-St. Paul-Bloomington, MN-WI
Nashville, TN	Nashville-Davidson-Murfreesboro-Franklin, TN
New Haven, CT	New Haven-Milford, CT
New Orleans, LA	New Orleans-Metairie, LA
New York, NY	New York-Newark-Jersey City, NY-NJ-PA
Oklahoma City, OK	Oklahoma City, OK
Omaha, NE	Omaha-Council Bluffs, NE-IA
Orlando, FL	Orlando-Kissimmee-Sanford, FL
Philadelphia, PA	Philadelphia-Camden-Wilmington, PA-NJ-DE-MD
Phoenix, AZ	Phoenix-Mesa-Chandler, AZ
Pittsburgh, PA	Pittsburgh, PA
Portland, ME	Portland-South Portland, ME
Portland, OR	Portland-Vancouver-Hillsboro, OR-WA
Providence, RI	Providence-Warwick, RI-MA
Raleigh, NC	Raleigh-Cary, NC
Reno, NV	Reno-Carson City-Fernley, NV

Appendix: Data Methodology

Bankruptcy and Collections

Chapter 11
Collections

General/Other
Workouts and Restructuring

Commercial (Commercial Transactions and Agreements)

Contract Breach or Dispute
General, Drafting, and Review
General/Other

Corporate¹

Antitrust and Competition
Corporate Development
General/Other
Governance
Information and Technology
Mergers, Acquisitions, and Divestitures

Partnerships and Joint Ventures
Regulatory and Compliance
Tax
Treasury
White Collar/Fraud/Abuse

Employment and Labor

ADA
Agreements
Compensation and Benefits
Discrimination, Retaliation, and Harassment/EEO
Employee Dishonesty/Misconduct
ERISA

General/Other
Immigration
Union Relations and Negotiations/NLRB
Wages, Tips, and Overtime
Wrongful Termination

Environmental

General/Other
Health and Safety

Superfund
Waste/Remediation

Finance and Securities

Commercial Loans and Financing
Debt/Equity Offerings
Fiduciary Services
General/Other

Investments and Other Financial Instruments
Loans and Financing
SEC Filings and Financial Reporting
Securities and Banking Regulations

General Liability

Asbestos/Mesothelioma
Auto and Transportation
Consumer Related Claims
Crime, Dishonesty and Fraud
General/Other

Personal Injury/Wrongful Death
Premises
Product and Product Liability
Property Damage
Toxic Tort

¹ All references to "Corporate: General/Other" in the Real Rate Report are the aggregation of all Corporate sub-areas excluding the Mergers, Acquisitions, and Divestitures sub-area and the Regulatory and Compliance sub-area.

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Business & Practice

Big Law Rates Topping \$2,000 Leave Value ‘In Eye of Beholder’

By Roy Strom

Column

June 9, 2022, 2:30 AM

Welcome back to the Big Law Business column on the changing legal marketplace written by me, Roy Strom. Today, we look at a new threshold for lawyers' billing rates and why it's so difficult to put a price on high-powered attorneys. Sign up to receive this column in your inbox on Thursday mornings. Programming note: Big Law Business will be off next week.

Some of the nation's top law firms are charging more than \$2,000 an hour, setting a new pinnacle after a two-year burst in demand.

Partners at Hogan Lovells and Latham & Watkins have crossed the threshold, according to court documents in bankruptcy cases filed within the past year.

Other firms came close to the mark, billing more than \$1,900, according to the documents. They include Kirkland & Ellis, Simpson Thacher & Bartlett, Boies Schiller Flexner, and Sidley Austin.

Simpson Thacher & Bartlett litigator Bryce Friedman, who helps big-name clients out of jams, especially when they're accused of fraud, charges \$1,965 every 60 minutes, according to a court document.

In need of a former acting US Solicitor General? Hogan Lovells partner Neal Katyal bills time at \$2,465 an hour. Want to hire famous litigator David Boies? That'll cost \$1,950 an hour (at least). Reuters was first to report their fees.

Eye-watering rates are nothing new for Big Law firms, which typically ask clients to pay higher prices at least once a year, regardless of broader market conditions.

"Value is in the eye of the beholder," said John O'Connor, a San Francisco-based expert on legal fees. "The perceived value of a good lawyer can reach into the multi-billions of dollars."

Kirkland & Ellis declined to comment on its billing rates. None of the other firms responded to requests to comment.

Charge It Up

Big Law firms are crossing the \$2,000-an-hour threshold after two years of surging rates driven by an increase in demand for lawyers.

Firm	Highest Billing Rate
Hogan Lovells	\$2,465
Latham & Watkins	\$2,075
Kirkland & Ellis	\$1,995
Simpson Thacher & Bartlett	\$1,965
Boies Schiller Flexner	\$1,950
Sidley Austin	\$1,900

Source: Court documents

Bloomberg Law

Law firms have been more successful raising rates than most other businesses over the past 15 years.

Law firm rates rose by roughly 40 percent from 2007 to 2020, or just short of 3 percent per year, Thomson Reuters Peer Monitor data show. US inflation rose by about 28% during that time.

The 100 largest law firms in the past two years achieved their largest rate increases in more than a decade, Peer Monitor says. The rates surged more than 6% in 2020 and grew another 5.6% through November of last year. Neither level had been breached since 2008.

The price hikes occurred during a once-in-a-decade surge in demand for law services, which propelled profits at firms to new levels. Fourteen law firms reported average profits per equity partner in 2021 over \$5 million, according to data from The American Lawyer. That was up from six the previous year.

The highest-performing firms, where lawyers charge the highest prices, have outperformed their smaller peers. Firms with leading practices in markets such as mergers and acquisitions, capital markets, and real estate were forced to turn away work at some points during the pandemic-fueled surge.

Firms receive relatively tepid pushback from their giant corporate clients, especially when advising on bet-the-company litigation or billion-dollar deals.

The portion of bills law firms collected—a sign of how willingly clients pay full-freight—rose during the previous two years after drifting lower following the Great Financial Crisis. Collection rates last year breached 90% for the first time since 2009, Peer Monitor data show.

Professional rules prohibit lawyers from charging “unconscionable” or “unreasonable” rates. But that doesn’t preclude clients from paying any price they perceive as valuable, said Jacqueline Vinaccia, a San Diego-based lawyer who testifies on lawyer fee disputes.

Lawyers’ fees are usually only contested when they will be paid by a third party.

That happened recently with Hogan Lovells’ Katyal, whose nearly \$2,500 an hour fee was contested in May by a US trustee overseeing a bankruptcy case involving a Johnson & Johnson unit facing claims its talc-based powders caused cancer.

The trustee, who protects the financial interests of bankruptcy estates, argued Katyal’s fee was more than \$1,000 an hour higher than rates charged by lawyers in the same case at Jones Day and Skadden Arps Slate Meagher & Flom.

A hearing on the trustee’s objection is scheduled for next week. Hogan Lovells did not respond to a request for comment on the objection.

Vinaccia said the firm’s options will be to reduce its fee, withdraw from the case, or argue the levy is reasonable, most likely based on Katyal’s extensive experience arguing appeals.

Still, the hourly rate shows just how valuable the most prestigious lawyers’ time can be—even compared to their highly compensated competitors.

“If the argument is that Jones Day and Skadden Arps are less expensive, then you’re already talking about the cream of the crop, the top-of-the-barrel law firms,” Vinaccia said. “I can’t imagine a case in which I might argue those two firms are more reasonable than the rates I’m dealing with.”

Worth Your Time

On Cravath: Cravath Swaine & Moore is heading to Washington, opening its first new office since 1973 by hiring former heads of the U.S. Securities and Exchange Commission and Federal Deposit Insurance Corporation. Meghan Tribe reports the move comes as Big Law firms are looking to add federal government expertise as clients face more regulatory scrutiny.

On Big Law Promotions: It’s rare that associates get promotions to partner in June, but Camille Vasquez is now a Brown Rudnick partner after she shot to fame representing Johnny Depp in his defamation trial against ex-wife Amber Heard.

On Working From Home: I spoke this week with Quinn Emanuel’s John Quinn about why he thinks law firm life is never going back to the office-first culture that was upset by the pandemic. Listen to the podcast [here](#).



That's it for this week! Thanks for reading and please send me your thoughts, critiques, and tips.

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Documents

[Trustee's Objection](#)

Related Articles

[Overworked Big Law Can't Find Enough Lawyers With Demand Surging](#) Dec. 9, 2021, 3:00 AM

[Never Underestimate Big Law's Ability to Raise Billing Rates](#) Aug. 12, 2021, 3:00 AM

Law Firms

Simpson Thacher
Hogan Lovells
Jones Day
Skadden
Sidley Austin
Quinn Emanuel
Cravath Swaine & Moore
Latham & Watkins
Kirkland & Ellis
Boies Schiller Flexner

Topics

expert fees
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acquisitions
U.S. trustees
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Companies

Johnson & Johnson
Thomson Reuters Corp



Enterprise Legal Management Trends Report

INSIGHT INTO **7** KEY METRICS

JUNE 2022



Enterprise Legal Management Trends Report

INSIGHTS ARE BASED ON DATA DERIVED FROM

OVER
\$49 Billion
IN LEGAL SPENDING

MORE THAN
350,000
TIMEKEEPERS

MORE THAN
1.2 Million
MATTERS

Executive Highlights

Insights are based on data derived from over \$49 billion in legal spending, more than 350,000 timekeepers, and more than 1.2 million matters. The key metrics are based on 2021 charges billed by outside counsel.

2021 RECORD SETTING YEAR FOR MERGERS & ACQUISITIONS

LexisNexis® CounselLink® data aligns with reports of 2021 being a record setting year for global mergers and acquisitions. Mergers & Acquisitions (M&A) related legal fees processed through CounselLink in 2021 represented 7.4% of total legal billing, a significant increase from 4.3% in 2020. The data also reflects that greater demand for M&A legal expertise resulted in material price increases. The median partner rate billed for M&A work in 2021 was \$878, a 6.1% increase over the prior year median.

HOURLY RATE INCREASES SHOW NO SIGNS OF SLOWING

Consistent with what we observed in 2020, despite pandemic-related and other pressures for legal departments to reduce outside counsel spending, hourly rate increases paid to US firms showed no signs of slowing. On average, 2021 partner hourly rates increased by 3.4% relative to 2020. This compares to 3.5% growth in 2020 versus 2019.

USE OF ALTERNATIVE FEE ARRANGEMENT CONTINUES TO INCREASE

In 2021, 14.8% of matters had at least a portion of their billing under an arrangement other than hourly billing. Non-hourly fees billed accounted 9.6% of all billings. Use of alternative fee arrangements (AFAs) has been slowly rising over the years, showing an increased appetite by corporate counsel for AFAs, and a willingness by law firms to provide them.

THE “LARGEST 50” FIRMS ACCOUNT FOR LARGEST SHARE OF SPENDING

The “Largest 50” firms (those with more than 750 lawyers) continue to account for the largest share of U.S. legal spending. In 2021, 46% of outside counsel fees were paid to these firms, consistent with recent year results. Further, the largest firms are continuing to gain share of wallet for the highest rate work. The three practices commanding the highest partner rates are Mergers & Acquisitions; Finance, Loans & Investments; and Regulatory & Compliance. Combining these types of matters, the “Largest 50” firms had a 61% share of legal billings in 2021. Several sub-categories of other matter categories with high partner rates follow the same pattern. For example, those firms had a 77% share of IP Litigation and a 78% share of Corporate Antitrust work.

Introduction

The first edition of the annual CounselLink Enterprise Legal Management Trends Report was published in October 2013. That report established a set of six key metrics based on data available via the CounselLink Enterprise Legal Management platform and provided insights that corporate law departments and law firms could use to guide their decisions and subsequent actions. Beginning with the 2021 edition, a seventh key metric has been added to highlight hourly rates billed by law firm partners located in countries outside of the United States.

With the volume of data available for analysis growing with each passing year, the 2022 edition of the Trends Report represents the most up-to-date and detailed picture of how legal market dynamics are evolving over time.

As always, information about the methodologies used, definitions, and expert contributors conducting the analysis are presented at the end of the report.

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Update on seven key metrics

Each annual update of the CounselLink Enterprise Legal Management Trends Report covers a standard set of key metrics related to hourly legal rates and the corporate procurement of legal services.

1A

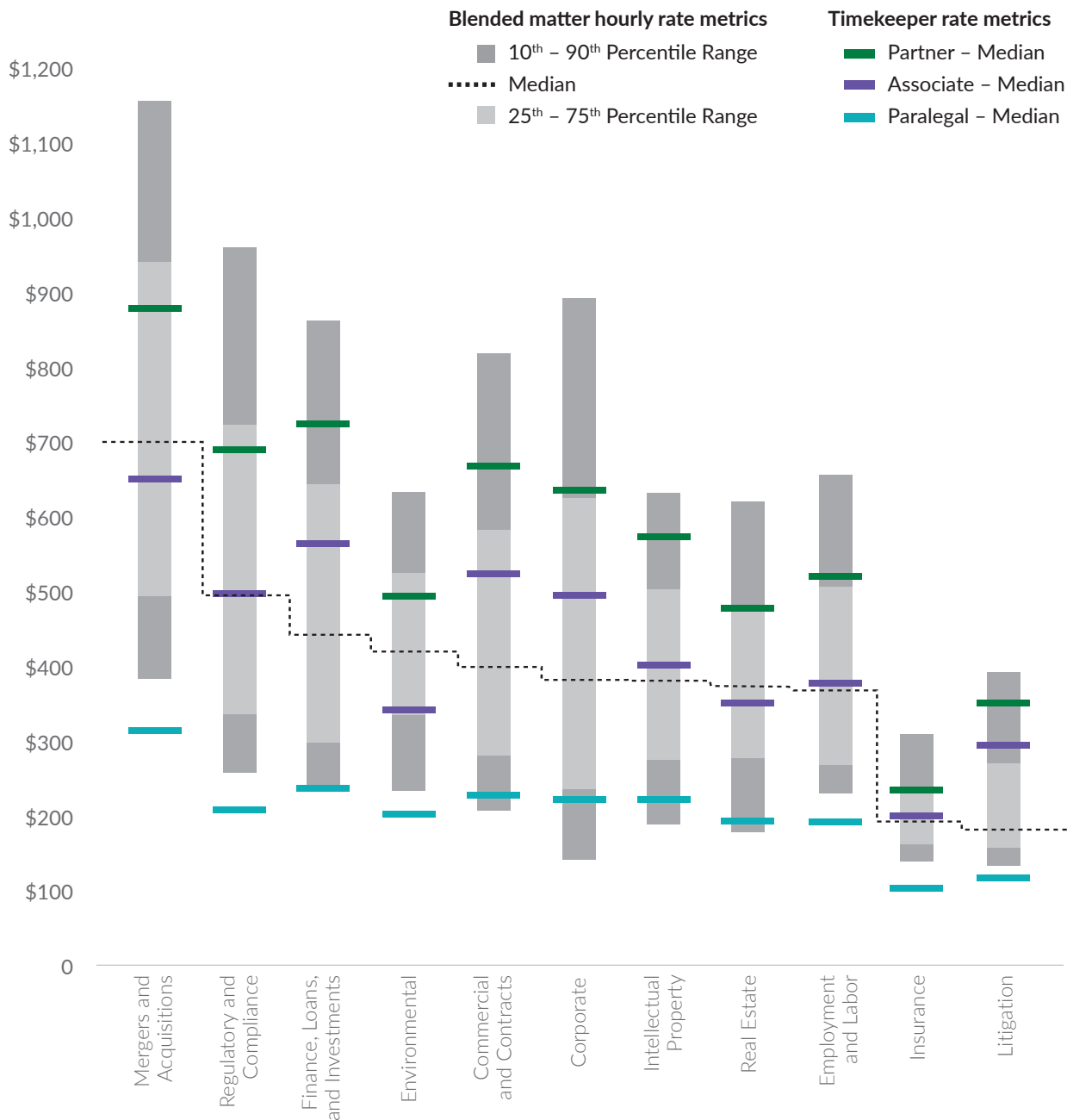
KEY
METRIC

Blended Hourly Rate for Matters by Practice Area

BLENDED HOURLY RATES AND RATE VOLATILITY DIFFER BY TYPE OF WORK

All analysis is based on data through December 31, 2021

Practice areas ordered by median blended matter rates



Volatility Rate

Volatility is a calculated indicator of blended rate variability. Higher numbers suggest better possibilities for negotiating rates and/or changing the assigned timekeeper mix.

See page 9 for guidance on interpreting all blended hourly rates charts.

1B

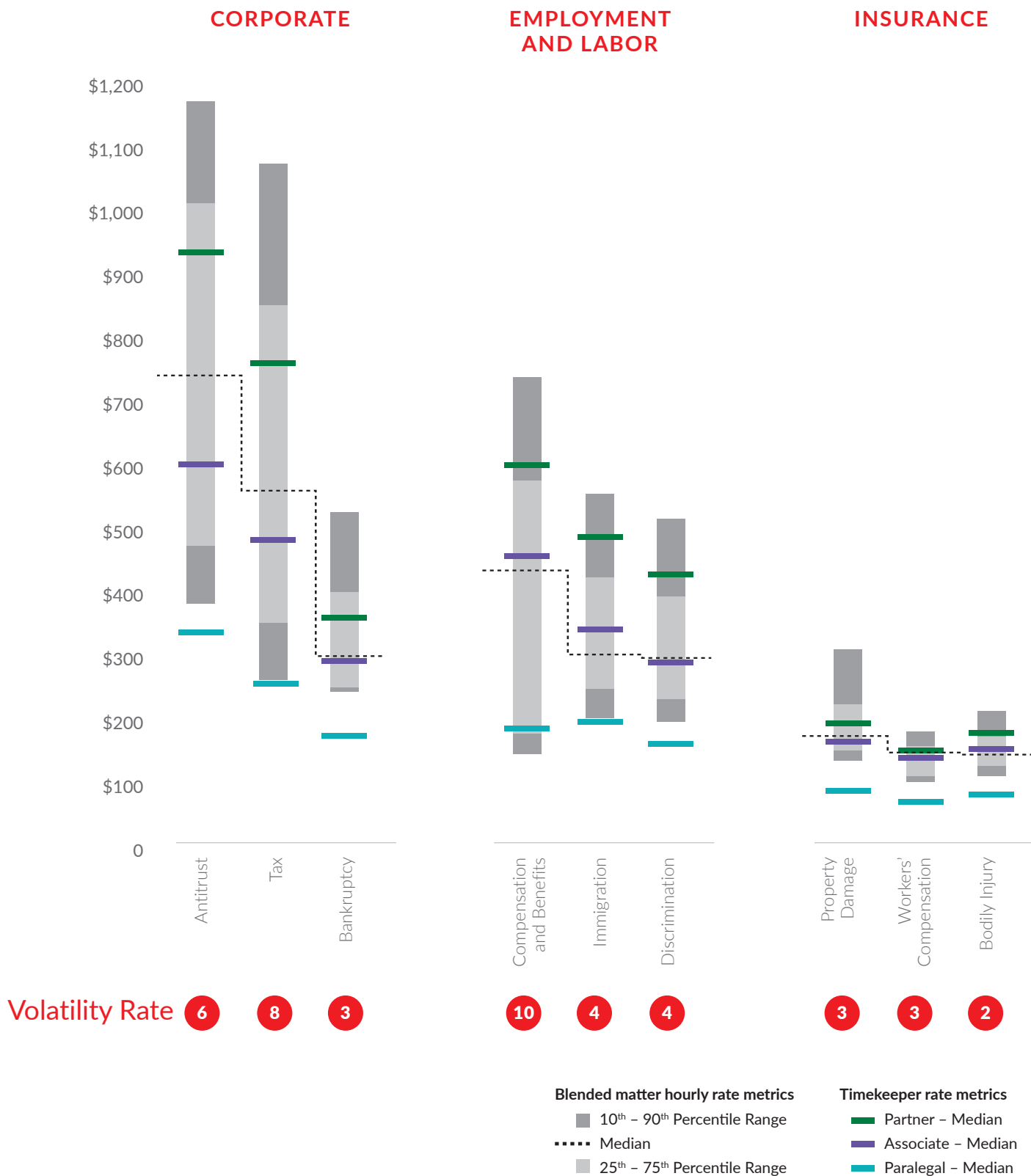
KEY
METRIC

Blended Hourly Rate for Matters – by Subcategory

BLENDED HOURLY RATES AND RATE VOLATILITY DIFFER BY SUBCATEGORY OF WORK

All analysis is based on data through December 31, 2021

Practice areas ordered by median blended matter rates



1B

KEY
METRIC

Blended Hourly Rate for Matters – by Subcategory

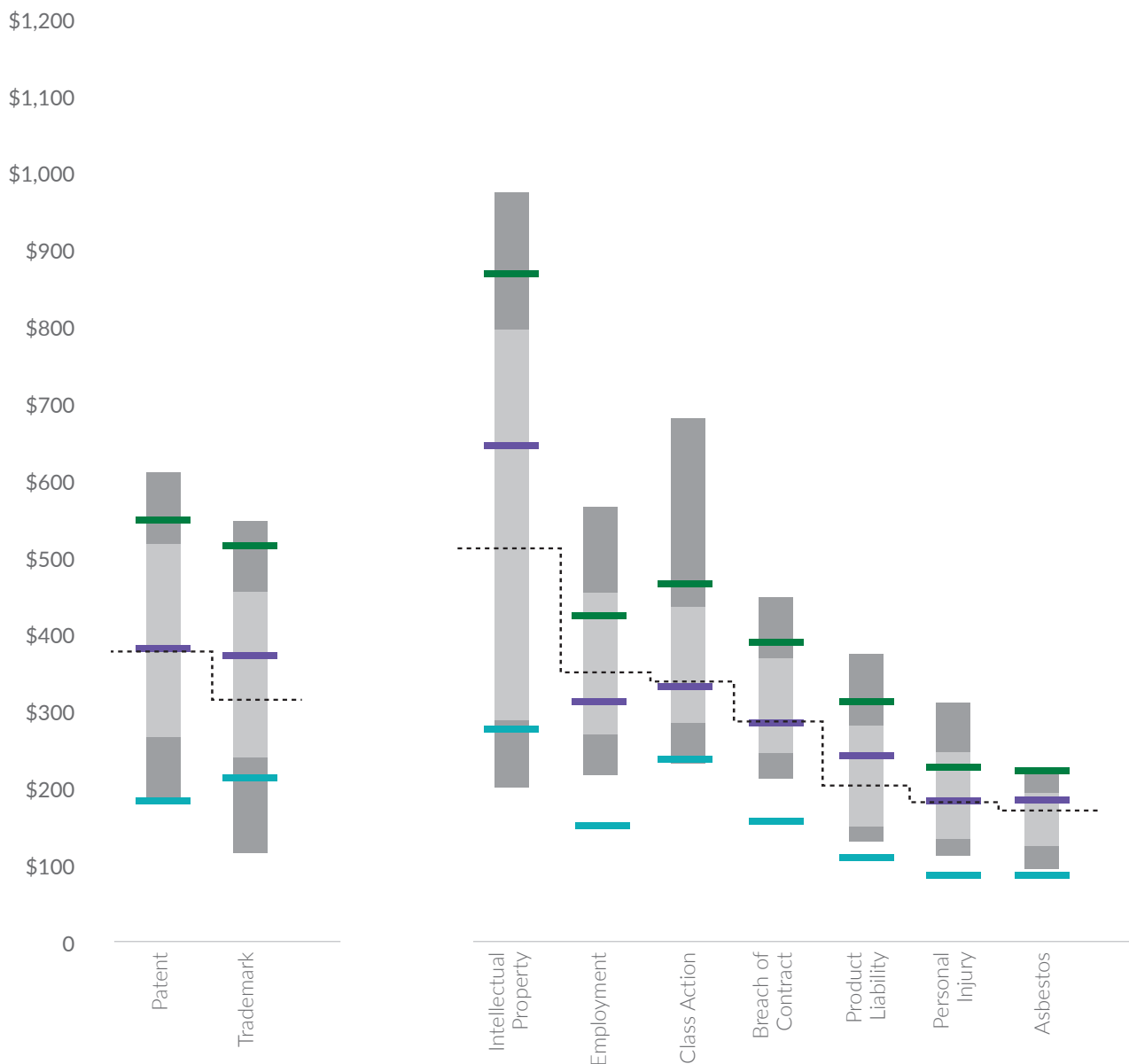
BLENDED HOURLY RATES AND RATE VOLATILITY DIFFER BY SUBCATEGORY OF WORK

All analysis is based on data through December 31, 2021

Practice areas ordered by median blended matter rates

INTELLECTUAL PROPERTY

LITIGATION



Volatility Rate

5

5

10

4

3

3

5

5

3

Blended matter hourly rate metrics

- 10th – 90th Percentile Range
- Median
- 25th – 75th Percentile Range

Timekeeper rate metrics

- Partner – Median
- Associate – Median
- Paralegal – Median

Interpreting the Charts:

The charts on the previous pages capture matter level benchmarks. It's important to distinguish that Metric 1 is not benchmarking individual timekeeper rates, but rather the blended rates that result from the multiple timekeepers that work on a given matter. As a guide to interpreting the output, compare the two categories Corporate and Employment & Labor. These two categories have very similar median blended average matter rate (\$376 and \$366, respectively). But note that Corporate matters have a median partner rate of \$636, considerably higher than that of Employment & Labor (\$520). This indicates that relative to Corporate work, Employment & Labor matters are staffed more significantly with non-partners, whose hourly rates bring down the overall blended average matter rates.

The Volatility Index provided in this section is a calculated marker that shows the variability in blended matter rates. Using a 10-point scale, the Index highlights the broad spread between the 25th and 75th percentiles of hourly rates. High volatility scores indicate greater variance in prices paid based on the mix of timekeepers and individual hourly rates.

Although individual lawyer rates are the focus of considerable industry attention, it is equally, or arguably more important, to look at the bigger picture: the blended average rate of the different timekeepers that work on a matter. The chart shows that the median blended hourly rate is highest for Mergers and Acquisitions, which often involve the most expensive firms and require significant partner engagement.

Comparing the Corporate category to Insurance as an example, the spread between the 25th and 75th percentiles of blended hourly rates for Corporate work is broader than the spread for Insurance. On a 10-point scale, Corporate has a Volatility Index of 10 while Insurance has an Index of three, which indicates that the mix of timekeepers and rates paid on Corporate matters vary significantly compared to the timekeeper mix and rates paid for Insurance matters. A high Volatility Index could also indicate that a category represents a wide range of matter types.

The 2020 data revealed that three matter categories have relatively low Volatility Indices (lower than 5), which means rates are consistent and less subject to negotiations between corporations and their firms:

- Insurance
- Real Estate
- Environmental

The two matter categories with the greatest change relative to the prior year are Mergers & Acquisitions and Commercial & Contracts. The median blended average matter rate for these categories increased 7% relative to 2020.

Legal departments can compare their own data against these rates and ranges for help managing costs. If departments are paying at or near the top of the range for more volatile matter types, there may be opportunities to negotiate lower rates or request a different mix of timekeepers to reduce costs. Note, however, that when looking at trends, it is important to evaluate the entire range of rates rather than focusing solely on the median rate.

Key Metric 1B: Blended Hourly Rates and Rate Volatility Differ by Legal Work Subcategories

Key Metric #1 measures average billing rates for high-level categories of legal work. Beginning in 2021, the Trends Report expanded upon this to include benchmarks for more granular categories of work to continue to provide more meaningful data points for decision-making in the legal industry.

Note that several of the sub-categories have Volatility Indices that are lower than that of their parent categories. For example, refer to the Corporate practice area in Key Metric #1 which had a Volatility Index of 10.

The three sub-categories of Corporate reflected in Key Metric #1B include Antitrust, Bankruptcy, and Tax. These areas have volatility scores of 6, 3, and 8 respectively. This can be interpreted to mean that as we narrow down to more granular/similar types of work, there is less variability between the 25th and 75th percentile blended average rates paid for these specific types of legal work relative to the broader category of Corporate. For example, there is greater consistency in the staffing and/or negotiated rates for these types of work, particularly for Antitrust and Bankruptcy.



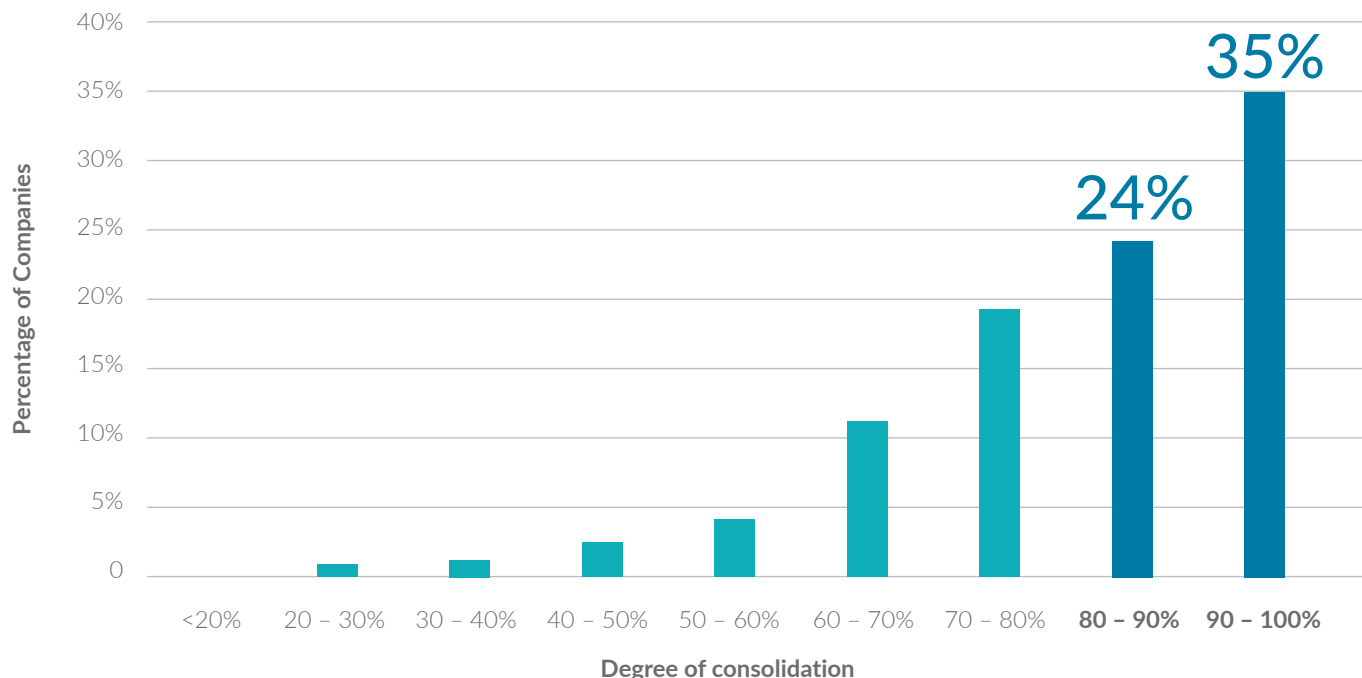
2

KEY
METRIC

Law Firm Consolidation: Number of Legal Vendors Used by Corporations

**HALF OF COMPANIES IN THE COUNSELLINK DATA POOL HAVE 10 FIRMS
OR FEWER THAT ACCOUNT FOR AT LEAST 80% OF THEIR OUTSIDE COUNSEL FEES**

All analysis is based on data through December 31, 2021



Interpreting the Chart:

This chart shows the degree of law firm consolidation among companies whose outside counsel legal billings are processed through CounselLink. The horizontal axis separates participating companies into nine segments representing different degrees of consolidation. For example, the bar on the far right shows that 35% of participating companies have 90 - 100% of their legal billings with 10 or fewer vendors; these are the most consolidated legal departments. The far left bar shows that just 1% of companies have 20 - 30% of their legal billings with 10 or fewer firms. In 2020, we noted a subtle shift of law departments that had dropped from between 80-90% on the chart to the 70-80% bucket. That shift has reversed itself, and we see 59% of companies with high levels of law firm consolidation, consistent with consolidation levels noted in the last five years (excepting 2020).

Industry type plays a significant role in consolidation.

HIGH DEGREES OF CONSOLIDATION:

88% Transportation and Warehousing
83% Information Companies
78% Retail Trade
74% Manufacturing

LOW DEGREES OF CONSOLIDATION:

40% Finance
Insurance
36% Utilities

3A

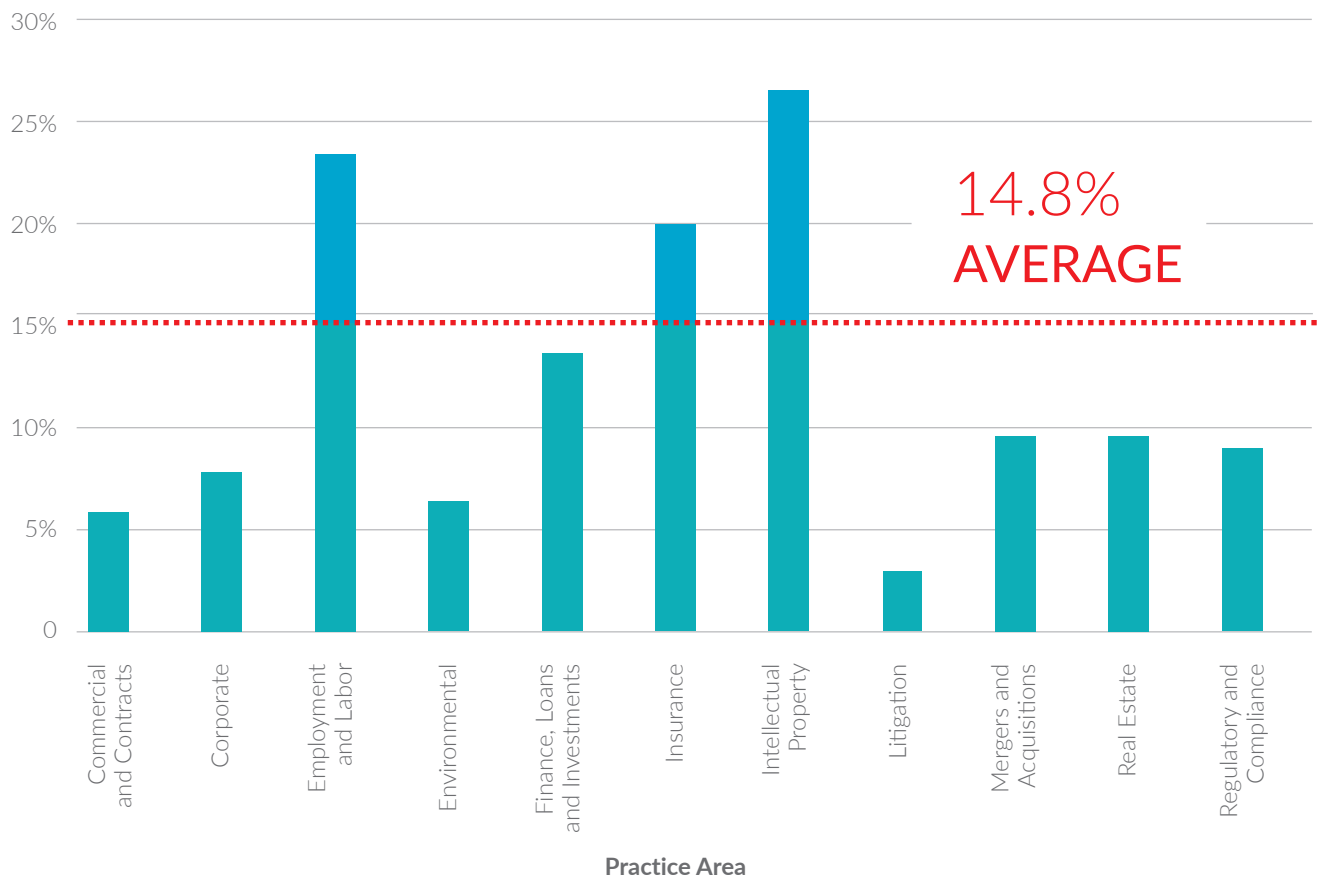
KEY
METRIC

Alternative Fee Arrangement (AFA) Usage by Matter

SOME FORM OF AFAs WERE USED IN 14.8% OF MATTERS

Based on 12 months of data ending December 31, 2021

PERCENTAGE OF MATTERS UTILIZING AFAs



The use of AFAs to govern legal service payments varies considerably by legal matter type. High volume, predictable work included in Intellectual Property, Insurance, and the Employment and Labor categories continue to have the highest volume of matters billed under AFAs.

INTELLECTUAL PROPERTY | INSURANCE | EMPLOYMENT & LABOR
utilized AFAs for at least **20%** of matters

Other matter categories are gaining in use of alternative billing. Mergers and Acquisitions, Real Estate, and Regulatory and Compliance have nearly 10% of matters with non-hourly billing.

3B

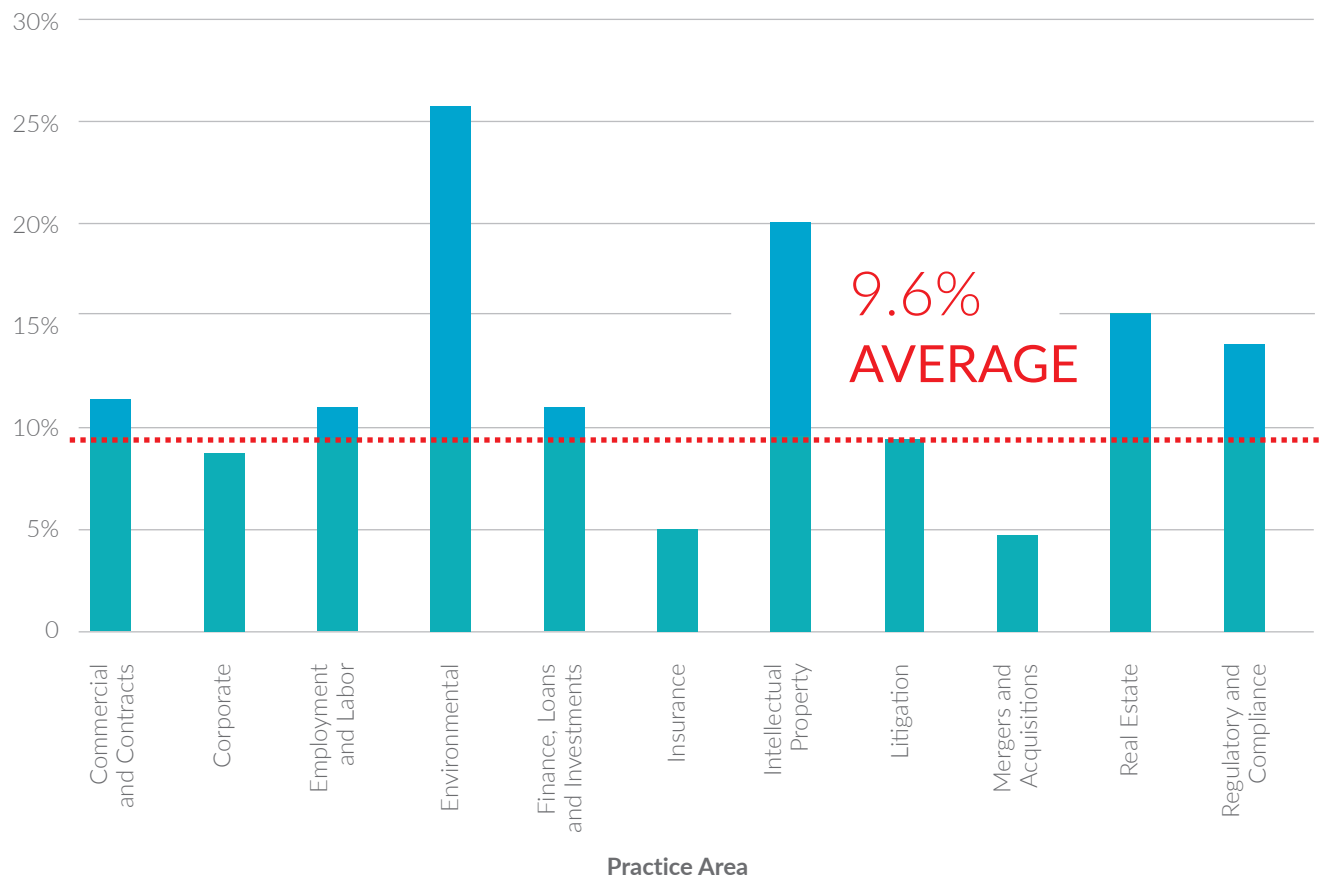
KEY
METRIC

Alternative Fee Arrangement (AFA) Usage by Billings

SOME FORM OF AFAs WERE USED IN 9.6% OF BILLINGS

Based on 12 months of data ending December 31, 2021

PERCENTAGE OF BILLINGS UTILIZING AFAs



The use of Alternative Fee Arrangements has been gradually increasing as the industry slowly moves in the direction of not relying solely on hourly billing as the mechanism for payment of legal services. When CounselLink first started reporting on these key metric ten years ago, AFAs were used in approximately 12% of matters and 7% of fees and billings.

4

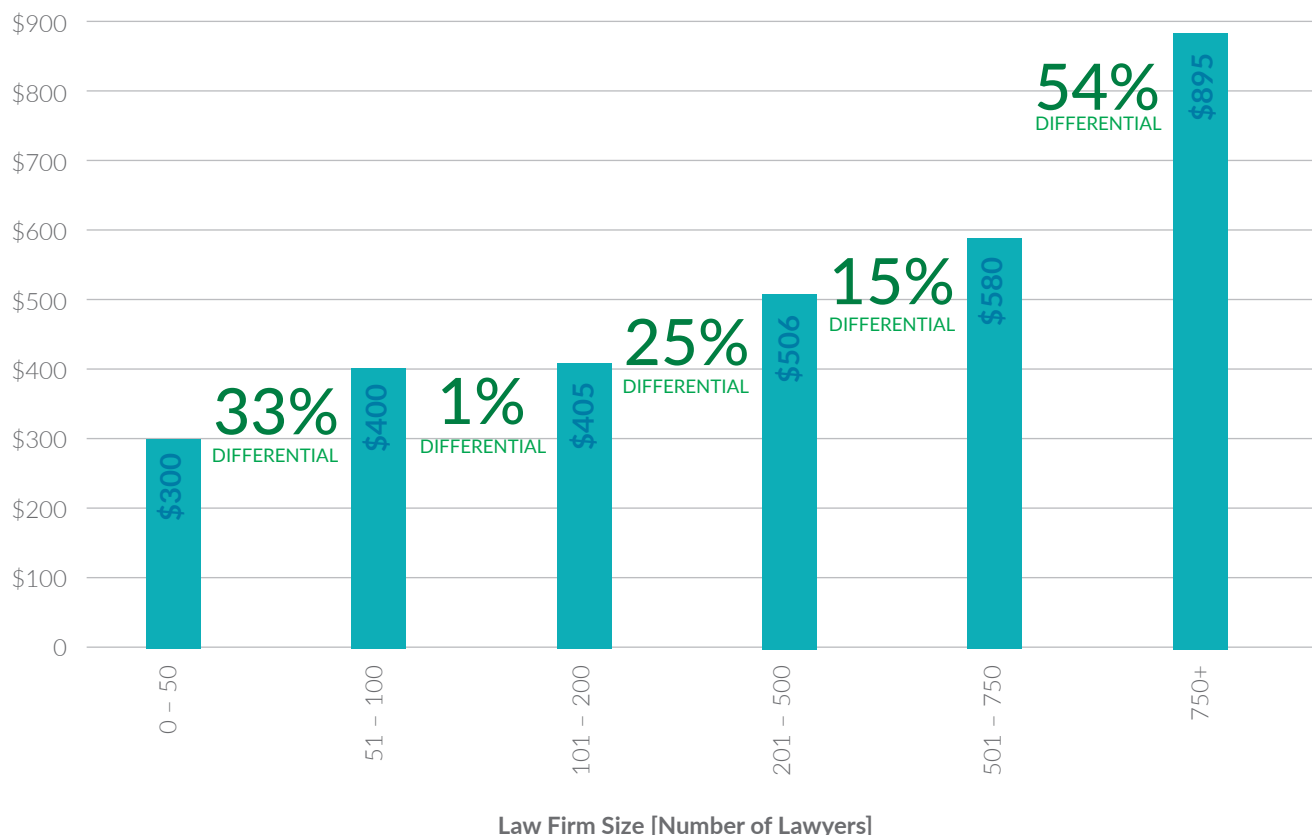
KEY
METRIC

Partner Hourly Rate Differences by Law Firm Size

MEDIAN RATES ACROSS PRACTICE AREAS, EXCLUDING INSURANCE

Based on 12 months of data ending December 31, 2021

MEDIAN PARTNER HOURLY RATES BY LAW FIRM SIZE



The size of a law firm is highly correlated to the rates billed by its lawyers. This progression is especially notable for the largest category of firms, those with 750 or more lawyers. The median hourly billing rate for partners in firms with more than 750 lawyers (\$895) is 54% higher than the median hourly billing rate billed by partners in the next smaller tier of firms (\$575).

Relative to prior years, the 54% differential for the largest firms compared to the next tier of firms is the largest in all the years we have tracked this metric. The differential was 47% for 2020.

Additionally, relative to prior years, the gap between mid-sized firm rates has narrowed. The median partner rate for firms with 51-100 lawyers (\$400) is nearly the same as that for firms with 101-200 lawyers (\$405).

The average partner growth rate for the largest firms was 4.6% in 2021 relative to 2020—the largest increase of the various law firm bands.

**AVERAGE PARTNER GROWTH RATE
FOR THE LARGEST FIRMS**

4.6% 2021 RELATIVE TO 2020

5A

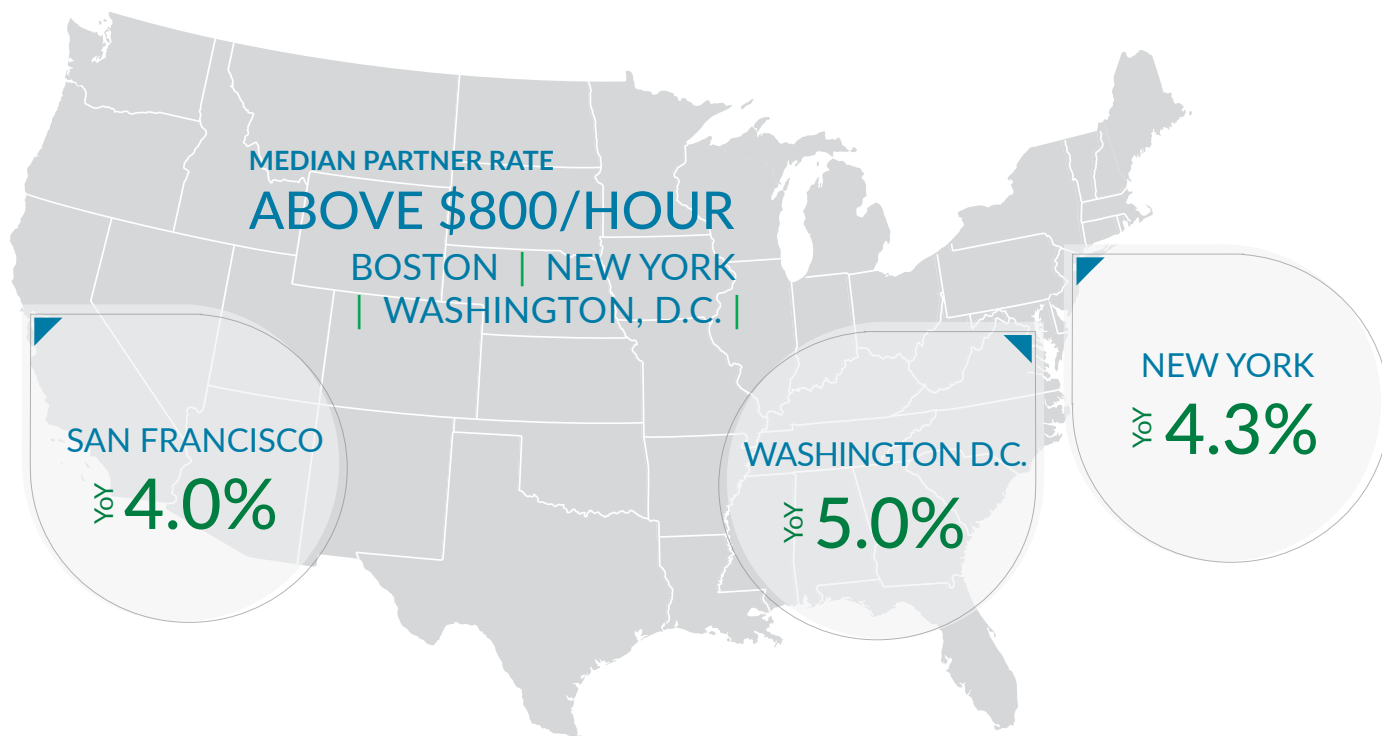
KEY
METRIC

Partner Hourly Rate Growth by City

FOUR MAJOR METROPOLITAN AREAS SHOW MEDIAN PARTNER RATE GROWTH OF MORE THAN 4.0%

Based on 12 months of data ending December 31, 2021

PARTNER RATE GROWTH IN THREE MAJOR CITIES



Interpreting the Chart:

Across the United States, partner hourly rates grew 3.4% on average in 2021.

The biggest growth spurts in attorney rates for the last year occurred in Washington D.C., New York, and San Francisco. Each of these four cities saw average attorney rates grow more than 4.0% relative to 2020.

On the opposite side of the spectrum, two cities saw hourly growth rate below 2%: Boston and Houston.

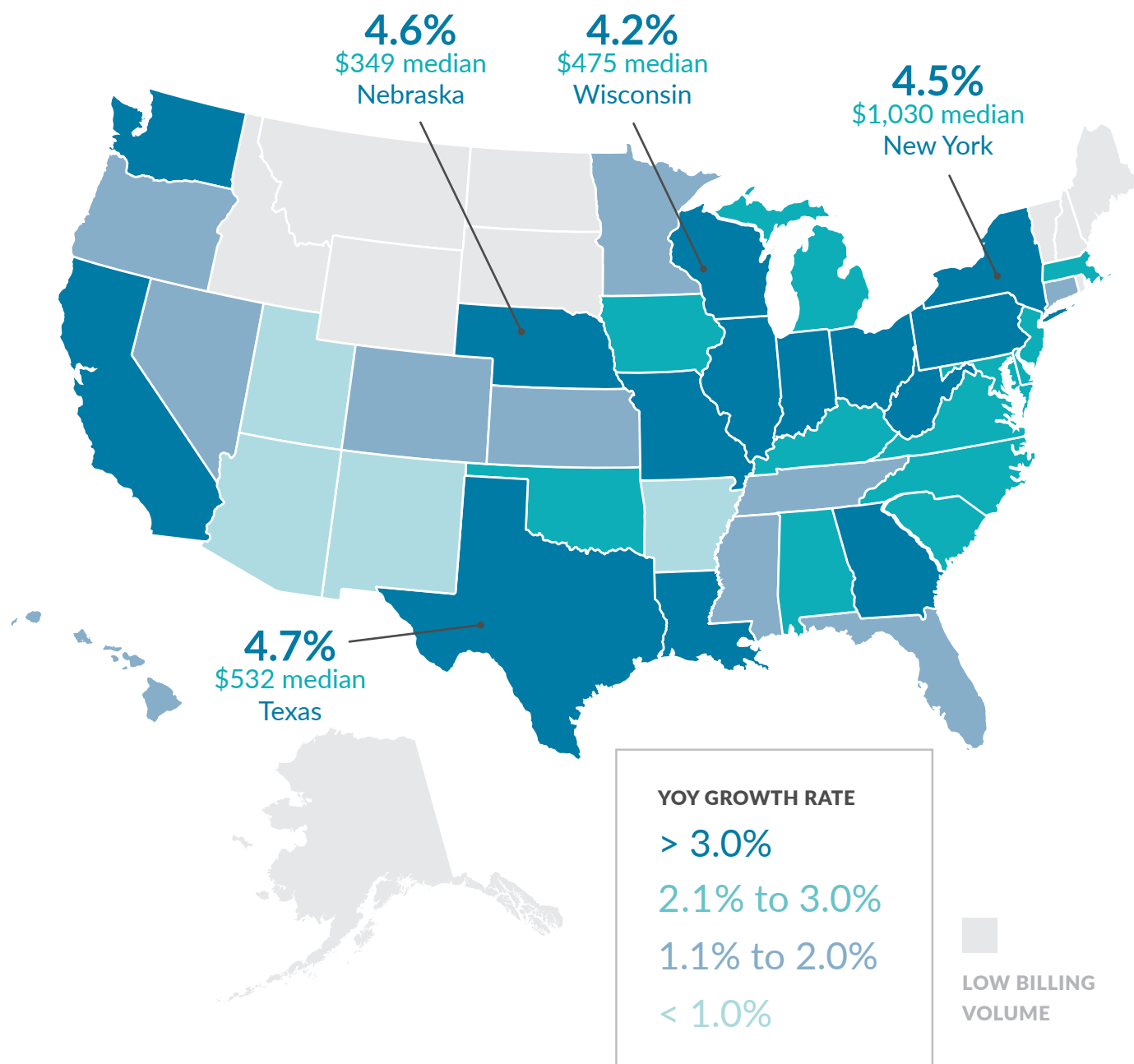
5B

KEY
METRIC

Partner Hourly Rate Growth by State

**GROWTH IN MEDIAN PARTNER RATES VARIES BY STATE,
AVERAGING 3.4% YEAR-OVER-YEAR INCREASE**

Based on 12 months data ending December 31, 2021

**3.4% AVERAGE GROWTH IN PARTNER RATES ACROSS STATES***The average growth in partner rates across states is 3.4%, in line with prior year increases.*

6A

KEY
METRIC

Median Partner Hourly Rate by Practice Area

MEDIAN PARTNER RATES IN FIVE PRACTICE AREAS ABOVE \$600 AN HOUR


Based on 12 months of data ending December 31, 2021


Mergers and Acquisitions
\$878

\$668
Commercial and Contracts

\$636
Corporate

\$575
Intellectual Property


Finance, Loans, and Investments
\$725

\$520
Employment and Labor

\$495
Environmental


Regulatory and Compliance
\$690

\$477
Real Estate

\$350
Litigation

\$234
Insurance

Aggregate statistics based on legal work performed in 2021 identify Mergers and Acquisition as the practice area with the highest median partner rate of \$878. Additionally, the other practices with median partner rates over \$600 per hour have such high medians in large part because companies often use larger firms for these kinds of matters. In 2021, the “Largest 50” firms handled 66% of Merger and Acquisition work, and 62% of Finance, Loans & Investment work. With regard to the other high rate practices of Regulatory and Compliance, Commercial and Contracts, and Corporate, the “Largest 50” firms had a 47%, 52%, and 53% share of the wallet.

Conversely, at the lower end of the hourly rate spectrum is insurance work. Insurance carriers demand and negotiate aggressively for low rates on their high-volume defense matters. Law firms with fewer than 100 lawyers handled 69% of insurance work in 2021.

6B

KEY
METRIC

Median Partner Rates by Subcategory of Work

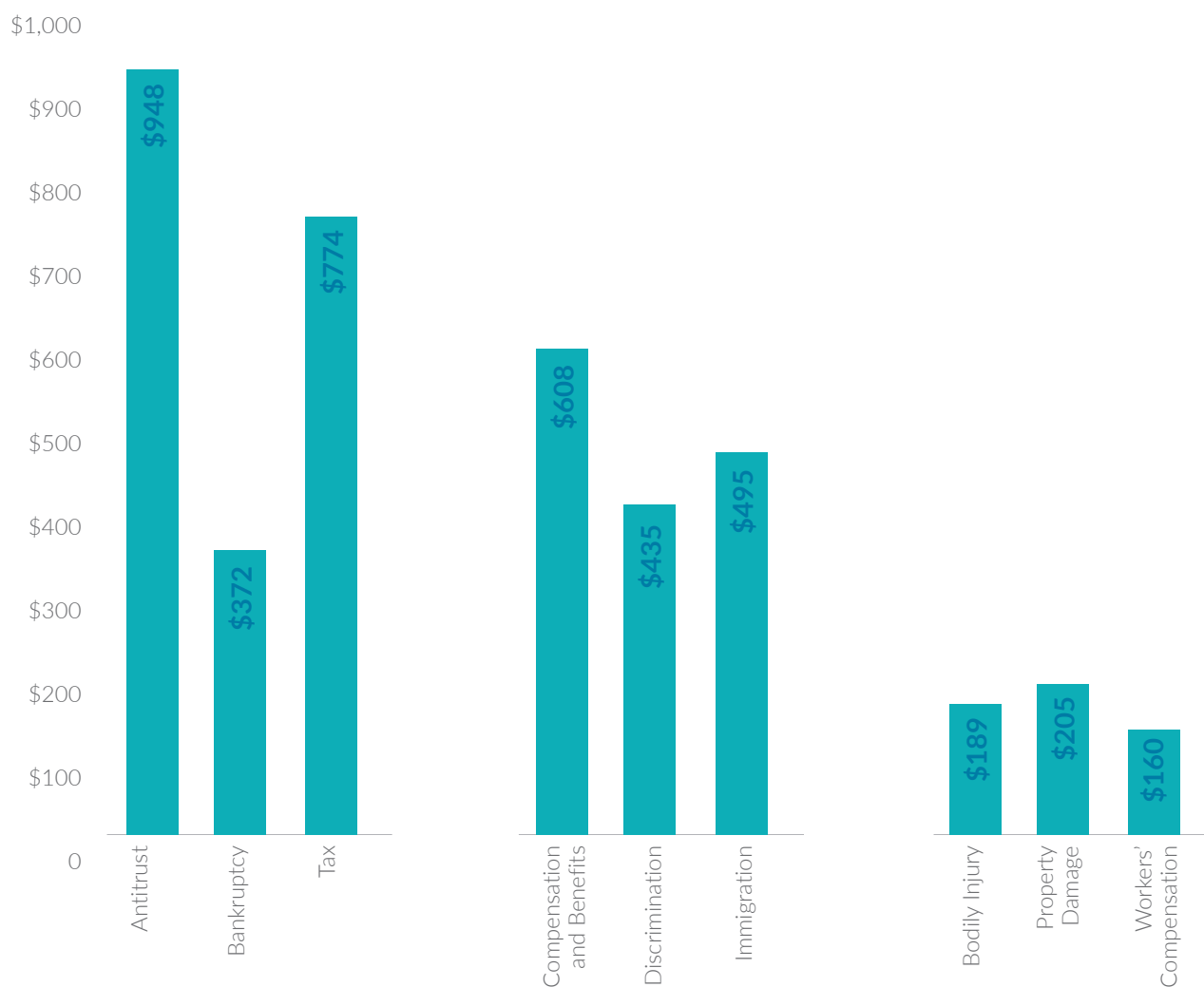
WITHIN PRACTICE AREAS, SUBCATEGORY RATES VARY CONSIDERABLY

Based on 12 months of data ending December 31, 2021

CORPORATE

EMPLOYMENT AND LABOR

INSURANCE



6B

KEY
METRIC

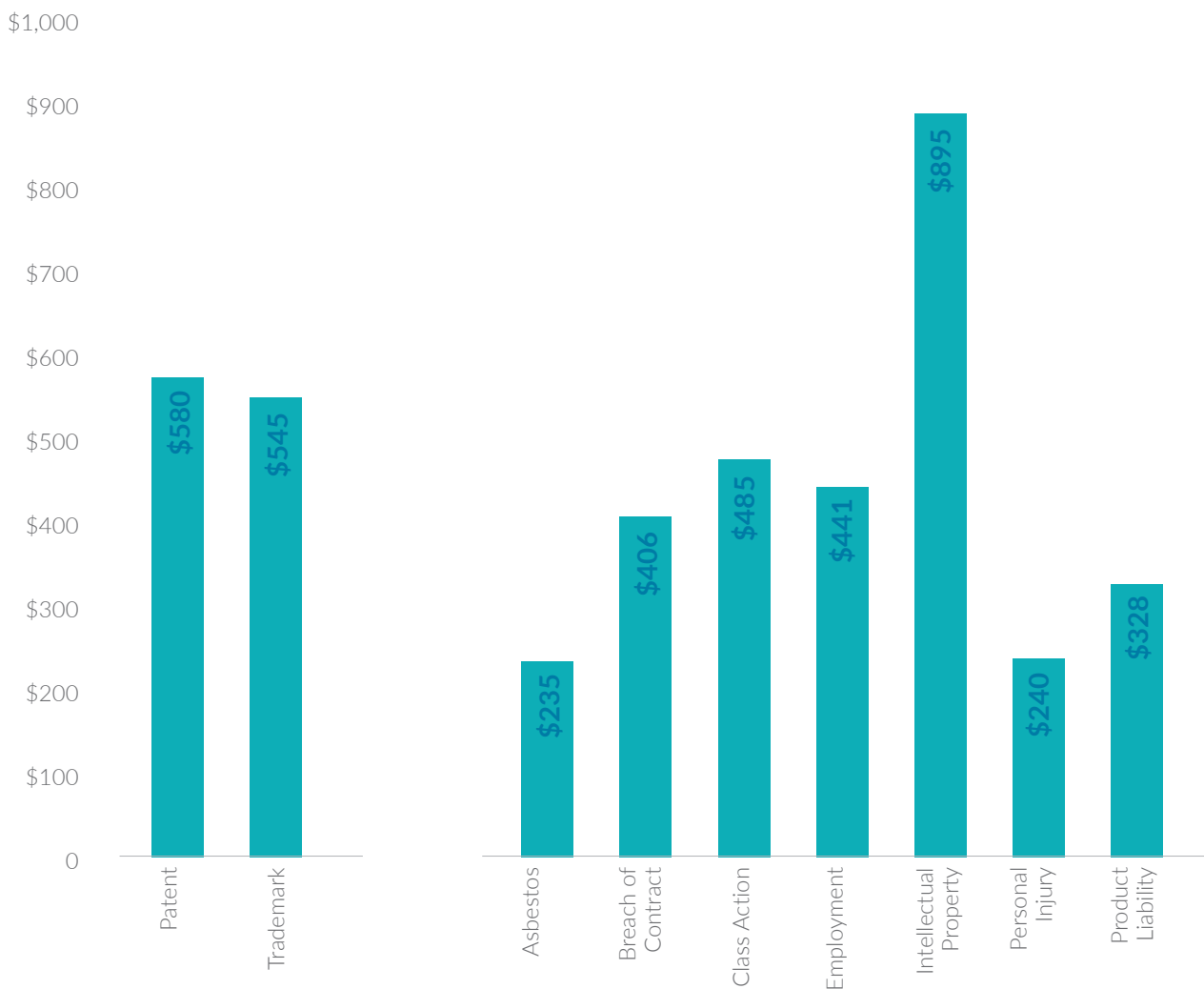
Median Partner Rates by Subcategory of Work

WITHIN PRACTICE AREAS, SUBCATEGORY RATES VARY CONSIDERABLY

Based on 12 months of data ending December 31, 2021

INTELLECTUAL PROPERTY

LITIGATION



New since the 2021 Trends Report, benchmarks are available for more granular categories of legal work. Litigation work, for example, encompasses a wide variety of practices that command very different rates. At the high end, Intellectual Property Litigation had a median partner hourly rate of \$895 in 2020, whereas Asbestos Litigation work was billed at a median partner hourly rate of \$235.

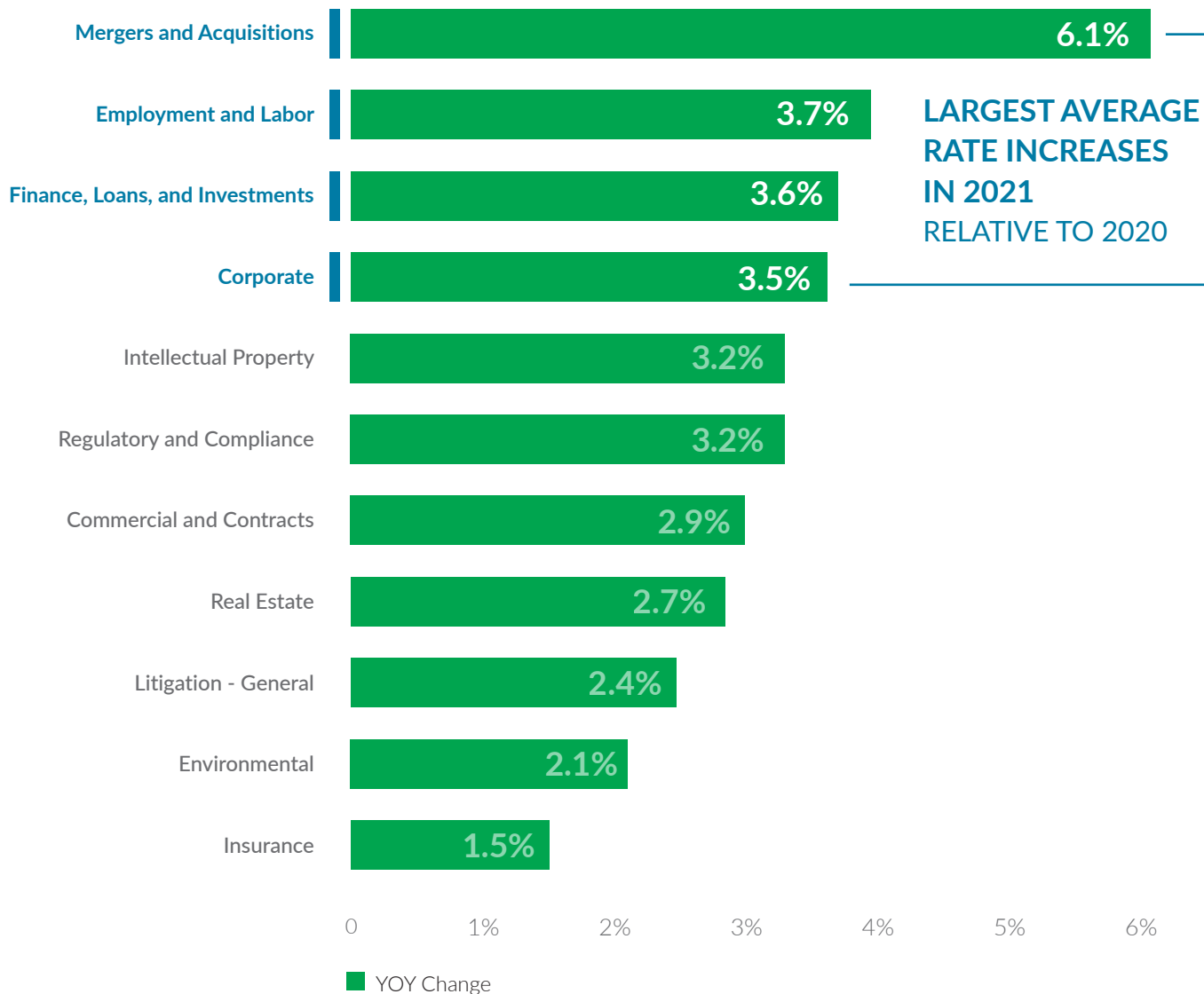
6C

KEY
METRIC

Partner Hourly Rate Growth by Practice Area

FOUR PRACTICE AREAS LEAD PARTNER RATE GROWTH IN 2021

Based on 12 months of data ending December 31, 2021



**LARGEST AVERAGE
RATE INCREASES
IN 2021
RELATIVE TO 2020**

Turning to partner rate growth by practice area, Mergers and Acquisitions was the area that far and away saw the largest increases in rates in 2021. The average rate change for Mergers and Acquisitions partners was 6.1%. Note that three of the types of work that command median hourly rates above \$600 (see Metric 6A) are at or near the top of this list. They are: Mergers and Acquisitions, Finance, Loans, and Investments, and Corporate.

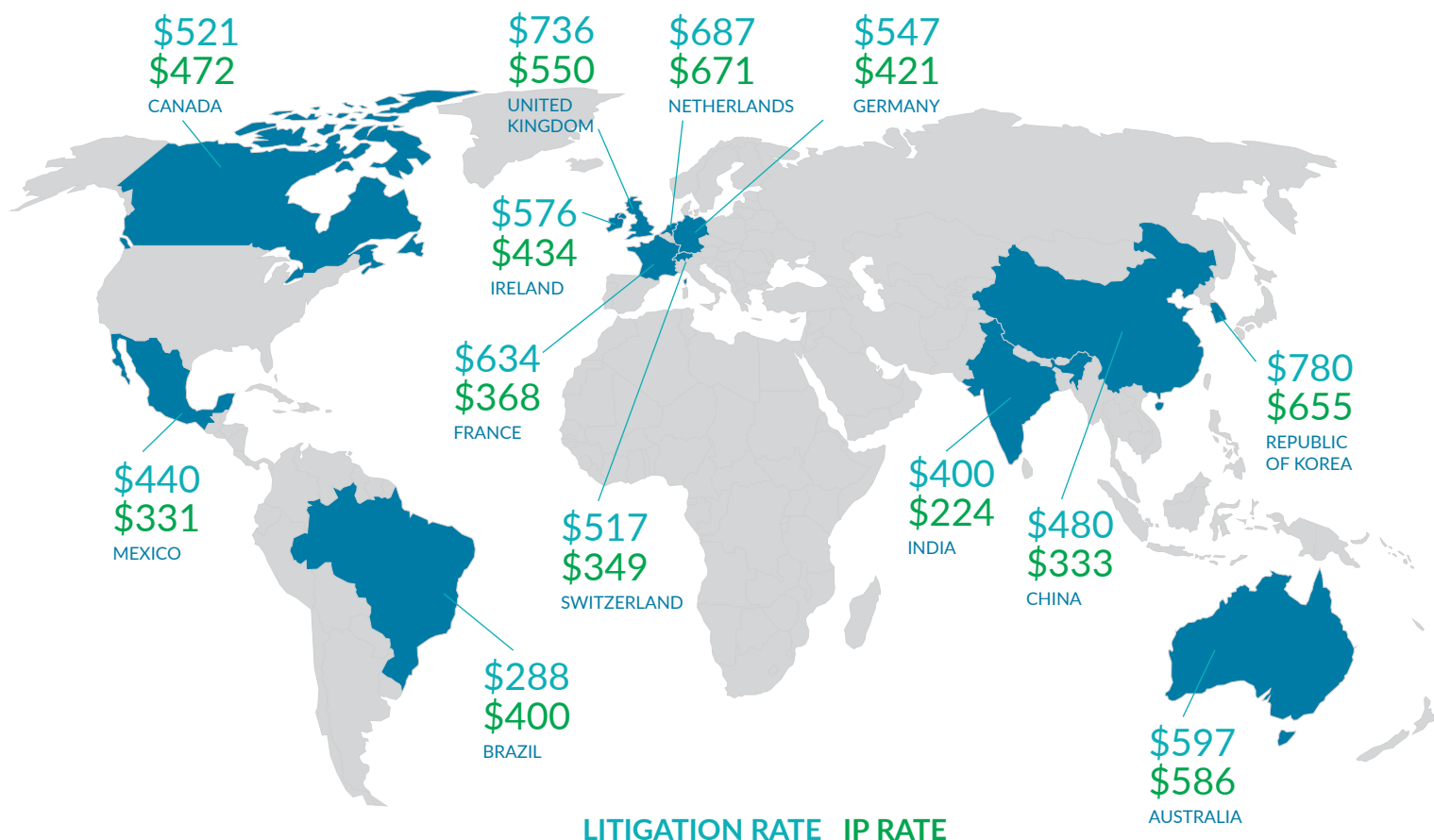
Partner rates for Insurance work increased notably less than rates in other practice areas.

7A

KEY
METRICInternational Partner Rates for Litigation and
Intellectual Property (non-Litigation)CORPORATIONS HIRED INTERNATIONAL OUTSIDE
COUNSEL FOR BOTH LITIGATION AND IP WORK

Based on 12 months data ending December 31, 2021

EXPANDED FOR 2021

MEDIAN PARTNER HOURLY RATES IN 13 INTERNATIONAL MARKETS
RATES IN \$USD

Corporations headquartered outside of the United States as well as U.S. corporations with international interests look to firms in many countries to handle their legal needs. Key Metric 7 provides benchmarks of partner hourly rates for countries where outside counsel is most often engaged for Litigation, Intellectual Property, Employment and Labor, and Corporate work.

In 2021, median hourly partner rates were among the highest in the Republic of Korea across all four practice areas. (See page 22 for Employment and Labor, and Corporate work.)

UK partner rates are relatively high particularly in Litigation and Corporate work.

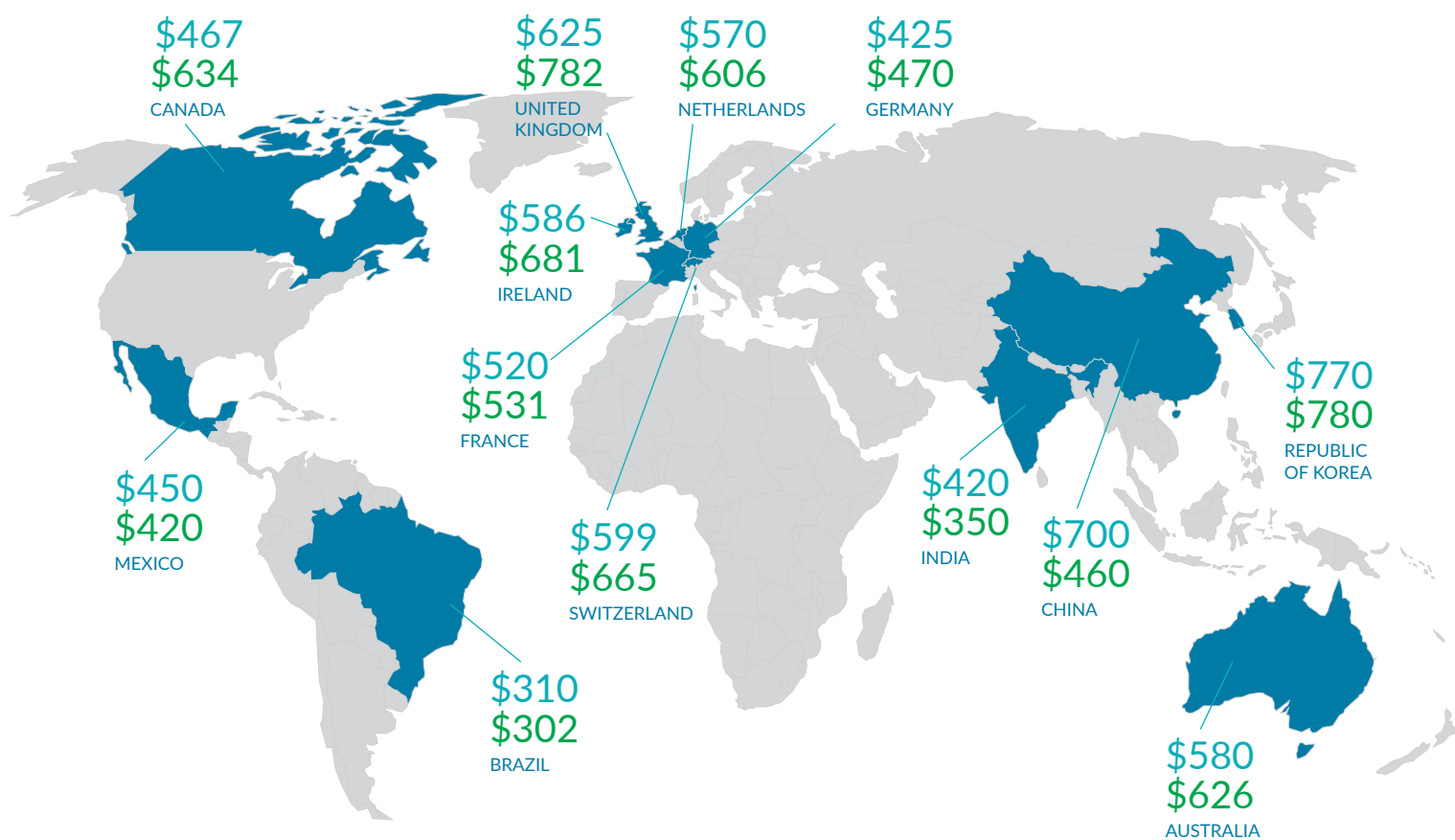
In all matter categories, India and Brazil had partners billing at considerably lower rates.

7B

KEY
METRICInternational Partner Rates for
Employment and Labor and CorporateCORPORATIONS HIRED INTERNATIONAL OUTSIDE
COUNSEL FOR BOTH EMPLOYMENT & LABOR AND
CORPORATE WORK

Based on 12 months data ending December 31, 2021

EXPANDED FOR 2021

MEDIAN PARTNER HOURLY RATES IN 13 INTERNATIONAL MARKETS
RATES IN \$USD

EMPLOYMENT & LABOR CORPORATE

About the Enterprise Legal Management Trends Report

TERMINOLOGY:

Matter Categorization: Counsellink solution users define the types of work associated with various matters that were analyzed and categorized into legal practice areas. For this analysis, all types of litigation matters are classified as Litigation regardless of the nature of the dispute.

Company Size: Based on revenue cited in public sources, companies were grouped into these three size categories:

- > \$10 Billion Plus
- > \$1 – 10 Billion
- > < \$1 Billion



Expert Contributor

Since the inception of the CounselLink Enterprise Legal Management Trends Report, Kris Satkunas has been the principal author. She has made notable contributions to this latest Enterprise Legal Management Trends Report in the analysis of CounselLink data and in preparing the surrounding narrative.

Author

KRIS SATKUNAS – DIRECTOR OF STRATEGIC CONSULTING

As Director of Strategic Consulting at LexisNexis CounselLink, Kris brings over 20 years of experience consulting in the legal industry to advise corporate legal department managers on improving operations with data-driven decisions. Kris is an expert in managing the business of law and in data mining, with specific expertise in matter pricing and staffing, practice area metrics, and scorecards.

Prior to joining CounselLink, Kris served as Director of the LexisNexis® Redwood Think Tank, which she also established. For five years, Kris worked closely with thought leaders in large law firms conducting unbiased data-based research studies focused on finding solutions to legal industry management issues. Before that, she led the business of law consulting practice for large law firms. During that time she worked with key management at over a hundred law firms to improve the financial models and analyses developed for large law firms.

Kris has authored numerous articles and spoken at many legal industry conferences and events. She came to LexisNexis in 2000 after honing her finance skills as a Senior Vice President in Strategic Finance at SunTrust Bank. She holds a B.B.A. in Finance from The College of William and Mary.

Kris may be reached at kristina.satkunas@lexisnexis.com.

LinkedIn



LexisNexis CounselLink is the leading cloud-based legal management solution designed to help corporate legal departments gain 100% visibility into all matters and invoices so they can control costs, maximize productivity, and make better decisions. For nearly 30 years, LexisNexis has been providing innovative solutions to corporate law departments based on insight from thought leaders, industry expertise, and customer feedback.

Here's how CounselLink supports your legal department:

- Financial Management improves the predictability of legal spend with complete visibility and oversight of every penny spent by the department.
- Work Management helps you collect, organize, track, audit, and report on all the work done within the legal department to increase productivity and drive better outcomes for your business.
- Vendor Management strengthens your relationships with law firms while measuring their performance, so you can select the best mix for your needs.
- Analytics provides you with full visibility over workloads and legal data analytics to make informed, data-driven decisions.

If you have questions or comments about the CounselLink Enterprise Legal Management Trends Report or want to learn more about CounselLink software and services, visit CounselLink.com, or contact us via email: LNCounselLink@LexisNexis.com.

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On Sale: The \$1,150-Per-Hour Lawyer

Lawyer Fees Keep Growing, But Don't Believe Them. Clients Are Demanding, and Getting, Discounts

By Jennifer Smith

Updated April 9, 2013 4:48 pm ET

Top partners at leading U.S. law firms are charging more than ever before, yet those hourly rates aren't all they appear to be.

Having blown past the once-shocking price tag of \$1,000 an hour, some sought-after deal, tax and trial lawyers are commanding hourly fees of \$1,150 or more, according to an analysis of billing rates compiled from public filings.

But, as law firms boost their standard rates, many are softening the blow with widespread discounts and write-offs, meaning fewer clients are paying full freight. As a result, law firms on average are actually collecting fewer cents on the dollar, compared with their standard, or "rack," rates, than they have in years.

Think of hourly fees "as the equivalent of a sticker on the car at a dealership," said legal consultant Ward Bower, a principal at Altman Weil Inc. "It's the beginning of a negotiation.... Law firms think they are setting the rates, but clients are the ones determining what they're going to pay."



Star lawyers still can fetch a premium, and some of them won't budge on price. The number of partners billing \$1,150-plus an hour has more than doubled since this time last year, according to Valeo Partners, a consulting firm that maintains a database of legal rates pulled from court filings and other publicly disclosed information. More than 320 lawyers in the firm's database billed at that level in the first quarter of 2013, up from 158 a year earlier.

That gilded circle includes tax experts such as Christopher Roman of King & Spalding LLP and Todd Maynes of Kirkland & Ellis LLP, intellectual-property partner Nader A. Mousavi of Sullivan & Cromwell LLP, and deal lawyers such as Kenneth M. Schneider of Paul, Weiss, Rifkind, Wharton & Garrison LLP.

Those lawyers and their firms either declined to comment or didn't reply to requests for comment.

When corporate legal departments need a trusted hand to fend off a hostile takeover or win a critical court battle, few general counsels will nitpick over whether a key lawyer is charging \$900 an hour or \$1,150 an hour. But for legal matters where their future isn't on the line, companies are pushing for—and winning—significant price breaks.

"We almost always negotiate rates down from the rack rates," said Randal S. Milch, general counsel for phone giant Verizon Communications Inc. The result, he said, is a "not-insignificant discount."

For the bread-and-butter work that many big law firms rely on, haggling has become the norm. Many clients grew accustomed to pushing back on price during the recession and continue to demand discounts.

Some companies insist on budgets for their legal work. If a firm billing by the hour exceeds a set cap, lawyers may have to write off some of that time.

Other clients refuse to work with firms who don't discount, lopping anywhere from 10% to 30% off their standard rates. Some may grant rate increases to individual partners or associates they deem worthy. Another tactic: locking in prices with tailored multiyear agreements with formulas governing whether clients grant or refuse a requested rate increase.

In practical terms, that means the gap between law firms' sticker prices and the amount of money they actually bill and collect from their clients is wider than it has been in years.

According to data collected by Thomson Reuters Peer Monitor, big law firms raised their average standard rate by about 9.3% over the past three years. But they weren't able to keep up on the collection side, where the increase over the same period was just 6%. Firms that used to collect on average about 92 cents for every dollar of standard time their lawyers worked in 2007, before the economic downturn, now are getting less than 85 cents. "That's a historic low," said James Jones, a senior fellow at the Center for the Study of the Legal Profession at Georgetown Law.

To be sure, things have certainly picked up some since the recession, when some clients flat-out refused to pay rate increases.

In the first quarter of 2013, the 50 top-grossing U.S. law firms boosted their partner rates by as much as 5.7%, billing on average between \$879 and \$882 an hour, according to Valeo Partners. Rates for junior lawyers, whose labors have long been a profit engine for major law firms, jumped even more.

While some clients resisted using associate lawyers during the downturn, refusing to pay hundreds of dollars an hour for inexperienced first- or second-year attorneys, the largest U.S. law firms have managed to send the needle back up again. This year, for the first time, the average rate for associates with one to four years of experience rose to \$500 an hour, according to Valeo.

The increases continue the upward trend of 2012, when legal fees in general rose 4.8% and associate billing rates rose by 7.4%, according to a coming report by TyMetrix Legal Analytics, a unit of Wolters Kluwer, and CEB, a research and advisory-services company. Those numbers are based on legal-spending data from more than 17,000 law firms.

More than a dozen leaders at major law firms declined to discuss rate increases on the record, though some said privately that the increase in associate rates could be caused in part by step increases as junior lawyers gain in seniority.

Joe Sims, an antitrust partner at Jones Day and former member of the firm's partnership committee, said clients don't mind paying for associates, as long as they feel they are getting their money's worth.

Sophisticated clients, he said, tend to focus on the overall price tag for legal work, not on individual rates. "They are more concerned about how many people are working on the

project and the total cost of the project," Mr. Sims said. "Clients want value no matter who is on the job."

While a handful of elite lawyers have successfully staked out the high end—the deal teams at Wachtell, Lipton, Rosen & Katz, for example—legal experts say that client pressure to control legal spending means most law firms must be considerably more flexible on price.

"There will always be some 'bet the company' problem where a client will not quibble about rates," said Mr. Jones, the Georgetown fellow. "Unfortunately, from the law firms' standpoint, that represents a small percentage of the work."

Write to Jennifer Smith at jennifer.smith@wsj.com

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Big Law's \$1,000-Plus an Hour Club

By Vanessa O'Connell

Updated Feb. 23, 2011 12:01 am ET

Leading attorneys in the U.S. are asking as much as \$1,250 an hour, significantly more than in previous years, taking advantage of big clients' willingness to pay top dollar for certain types of services.

A few pioneers had raised their fees to more than \$1,000 an hour about five years ago, at the peak of the economic boom. But after the recession hit, many of the rest of the industry's elite were hesitant, until recently, to charge more than \$990 an hour.

While companies have cut legal budgets and continue to push for hourly discounts and capped-fee deals with their law firms, many of them have shown they won't skimp on some kinds of legal advice, especially in high-stakes situations or when they think a star attorney might resolve their problem faster and more efficiently than a lesser-known talent.

Harvey Miller, a bankruptcy partner at New York-based Weil, Gotshal & Manges, said his firm had an "artificial constraint" limiting top partners' hourly fee because "\$1,000 an hour is a lot of money." It got rid of the cap after studying filings that showed other lawyers surpassing that barrier by about \$50.

Today Mr. Miller and some other lawyers at Weil Gotshal ask as much as \$1,045 an hour. "The underlying principle is if you can get it, get it," he said.

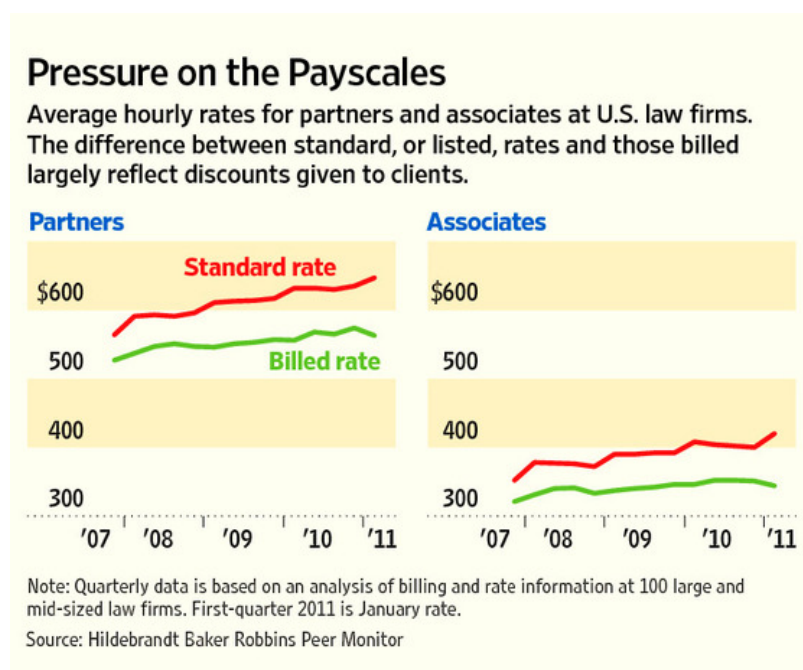
"Not many attorneys can command four figures hourly, and I do have trouble swallowing that," said Thomas L. Sager, general counsel at chemical maker DuPont Co. Still, he added, DuPont pays more than \$1,000 an hour to a "select few," particularly for mergers-and-acquisitions advice.

Janine Dascenzo, associate general counsel of General Electric Co., GE -0.03% ▼ said that her company is willing to pay what it must when it needs a lawyer with "unique" expertise. "We'll keep paying them a lot of money, because they're worth that," she added.

Industrywide, attorneys in finance-related practices such as M&A, bankruptcy law and taxes, tend to command a premium to their peers in other specialties.

One of the priciest attorneys over the past year, according to court filings, has been Kirk A. Radke, whose specialty at Kirkland & Ellis LLP in New York is advising clients on leveraged buyouts and forming private-equity funds. As of early 2010, Mr. Radke, whose clients include private-equity firm Avista Capital Partners, had an hourly fee of \$1,250.

Mr. Radke and Kirkland & Ellis declined to comment, as did Avista Capital.



Such rates are contributing to inflation across the \$100 billion-a-year global corporate-law industry as the slow economic recovery has left many law firms struggling to finance the hefty pay packages they award their stars. Since most law partners bill roughly 2,000 hours, those asking \$1,100 hourly will bring in \$2.2 million, a few million short of the \$3 million or \$4 million in annual compensation star attorneys get at many big firms.

To help fill the gap, the firms rely on the profit they often reap on the work of junior attorneys, or associates. Dozens of associates at a time can work on a single case, and some firms bill as much as \$700 an hour for their time, according to Valeo Partners, a Washington consulting firm that maintains a database of hourly legal rates in fields such as litigation, corporate law and intellectual property.

That strategy can fuel tensions with clients. "We are much less willing to pay an army of associates at the ever-increasing rate," said GE's Ms. Dascenzo.

"Plenty of clients say to me, 'I don't have any problems with your rate,' " said William F. Nelson, a Washington-based tax partner at Bingham McCutchen, who commands \$1,095 an hour, up from \$1,065 last year. "But there is price pressure for associates, especially junior lawyers.

A small but growing number of top lawyers are using other arrangements in place of hourly billing. David Boies, chairman of Boies, Schiller & Flexner and a prominent trial lawyer, charges \$960 an hour, a spokeswoman for the firm said. But just a third of his time is devoted to matters that are billed hourly. More often his deals with clients involve alternatives such as pegging fees to his success, she said.

More typically, big law firms' managing partners dictate hourly rates annually, often studying what their rivals charge, according to disclosures in their attorney-fee filings in corporate-bankruptcy cases, which provide a rare public peek at the industry. Such cases involve more than just bankruptcy lawyers; they frequently draw in a range of attorneys, including specialists in such areas as taxes, product liability and environmental and intellectual-property law.

This year, top litigators at Morgan, Lewis & Bockius LLP, a Philadelphia-based firm, are asking as much as \$1,200 an hour. A spokeswoman for the firm said "less than 1% of our partners are at rates of \$1,000 or more."



Gregory B. Craig, a former counsel to the Obama White House who joined Skadden, Arps, Slate, Meagher & Flom LLP a year ago as a Washington-based litigation partner, is asking \$1,065 an hour, according to a court filing last month. Skadden Arps declined to comment. Mr. Craig didn't respond to a request for comment

M&A lawyer John M. Reiss, from White & Case in New York, started billing \$1,100 an hour last year. "Some clients do focus on the hourly rate, but in the end what really matters is their total cost and whether they got a fair price," said Mr. Reiss.

In recent years, pressure from clients for discounts has made it increasingly difficult for law firms to increase their lawyers' fees across the board. Hourly rates for partners rose by an average 3% in 2009 and 2010, and 2.3% this year, compared with an 8% increase in 2008, according to Hildebrandt Baker Robbins. The average law-firm partner now asks \$635 an hour and bills \$575, the firm said. But a small group of attorneys in some specialties command significantly more.

Nearly 2.9% of partners at a group of 24 large U.S. and British law firms asked for \$1,000 an hour or more in U.S. cases last year, up from 1.5% in 2009, according to Valeo.

London-based lawyers have tended to charge higher per-hour rates than their U.S.-based counterparts. However, London attorneys typically don't bill as many hours on a case as do U.S. attorneys, some lawyers say.

"A thousand dollars an hour was a choke point for some clients," said Peter Zeughauser, a consultant to law firms. "I don't think there will be another significant psychological barrier until rates reach \$2,000 an hour, which they will do, probably in five to seven years."

Write to Vanessa O'Connell at vanessa.o'connell@wsj.com

Corrections & Amplifications

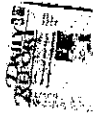
Thomas L. Sager is general counsel at DuPont Co. A previous version of this story incorrectly said he was assistant general counsel.

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4:19 P.M. EST
Tuesday, February 22, 2011

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Name	Title	Practice Area	Firm	City	State	Country	Graduated Law School
Adelson, Elliot A.	Partner	Litigation	Kirkland and Ellis	San Francisco	CA	United States	
Agnew, Aaron L.	Associate		Jones Day	San Francisco	CA	United States	
Alford, Harry J.	Associate		Kirkland and Ellis	San Francisco	CA	United States	
Baker, James P.	Partner	Employee Benefits and Exec Comp	Jones Day	San Francisco	CA	United States	1980
Bass, Eric	Associate		Farriss Braun and Menzel	San Francisco	CA	United States	
Benveniste, Peter J.	Partner	Business Restructuring and Reorganization	Jones Day	San Francisco	CA	United States	1974
Bering, Scott M.	Associate	Business and Finance	Morgan Lewis and Boekus	San Francisco	CA	United States	2007
Beitman, David M.	Partner	Commercial Litigation, Bankruptcy and Reorganization	Pechfeld, Stang, Zühl and Jones	San Francisco	CA	United States	
Borisch, Martha	Partner	Corporate/Criminal Investigations	Jones Day	San Francisco	CA	United States	1999
Bornstein, Jeffrey	Partner	White Collar Crime, Commercial Litigation	K and L Gates	San Francisco	CA	United States	
Brown, David W.	Partner	Business and Finance	Cunningham and Burking	San Francisco	CA	United States	
Brenning, J. Taylor	Associate	Tort and Environmental Litigation	Morgan Lewis and Boekus	San Francisco	CA	United States	1996
Bunag, Brenda H.	Partner	Environmental Litigation	King and Spalding	San Francisco	CA	United States	1994
Castro, Rich Ann	Associate	Corporate Finance and Real Estate	Farriss Braun and Menzel	San Francisco	CA	United States	
Christianson, C. Brophy	Partner	Business Restructuring and Reorganization	QMcKenney and Myers	San Francisco	CA	United States	
Christianson, Ryan M.	Associate	Business Restructuring and Reorganization	Kirkland and Ellis	San Francisco	CA	United States	
Comas, Michelle	Associate	Business Restructuring and Reorganization	Jones Day	San Francisco	CA	United States	
Cosby, Peter J.	Equity	Business Restructuring and Reorganization	Jones Day	San Francisco	CA	United States	
Davies, Doug	Partner	Employment	Farriss Braun and Menzel	San Francisco	CA	United States	
Doble, Sam	Partner	Business Transactions	Farriss Braun and Menzel	San Francisco	CA	United States	
Dijk, Benjamin	Associate	Complex Commercial Securities Litigation	Holler Emsman	San Francisco	CA	United States	
Blatt, Megan	Associate	Threat	Jones Day	San Francisco	CA	United States	
Dodrigowski, Daniel T.	Associate	Construction	Farriss Braun and Menzel	San Francisco	CA	United States	
Douglas, Scott	Partner		DLA Piper	San Francisco	CA	United States	
Dunn, Heather	Associate			San Francisco	CA	United States	

*Click on any Title, Practice Area, Firm, City, State, Country, Graduation or Practice Year for related rates

2007 Rates	2008 Rates	2009 Rates
430	520	750
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400	745	775
	505	345
		725
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575		350
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425		

1 2 3 4
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4:36 P.M. EST
Tuesday, February 22, 2011

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DAILY REPORT

End of:

Gojira Rate Home Page

Table 1

Eisenbach, Robert L. Partner

• **•**

and Robert
Partner

Edited: Joshua M,
Partner

Participants—Indruchis, John E.

Merking, Tyler
Associate

Partners

Partners; North

Partner
Trade

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David C. E. Ruppert, New U.
Partway

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Name	Title	Practice Area	Firm	City	State	Country	Graduated Law School Since	2004 Rates	2007 Rates	2009 Rates
Laudach, Justin	Counsel	Corporate Finance	Chakraborty and Myers	San Francisco	CA	United States	1997	540	625	
Marshall, Robert G.	Partner	Employee Benefits and Exec Comp	Jones Day	San Francisco	CA	United States				
Mason, Dory	Associate	Reinsuring and Indemnity	Faella Braun and Martel	San Francisco	CA	United States				
McFarland, Keith	Partner	Winston and Strawn	Winston and Strawn	San Francisco	CA	United States				
McDonald, Brian D.	Associate	Trial Practice	Jones Day	San Francisco	CA	United States	2002	245	340	
McKinn, Mark E.	Partner	Business and Finance	Kirkland and Ellis	San Francisco	CA	United States	1992	505	580	590
Myers, William A.	Partner	Insurance Liability and Recovery	Morgan, Lewis and Bockius	San Francisco	CA	United States	1987	595	700	
Myers, Martin H.	Partner		Jones Day	San Francisco	CA	United States				
Nages, Aditi	Associate	Litigation	Faella Braun and Martel	San Francisco	CA	United States		245		
Nelson, Casey M.	Associate	Banking and Finance	Kirkland and Ellis	San Francisco	CA	United States			395	775
Olson, James C.	Partner	Banking and Finance	Jones Day	San Francisco	CA	United States	1979		300	
Ost, Amanda M.	Associate	Labor and Employment	Jones Day	San Francisco	CA	United States			705	
Osgood, Michael C.E.	Associate	Litigation	Kirkland and Ellis	San Francisco	CA	United States			185	
Patten, Kate	Associate	Labor and Employment	Chakraborty and Myers	San Francisco	CA	United States			570	
Peterson, Karen H.	Associate	California Employment	Morgan, Lewis and Bockius	San Francisco	CA	United States				
Potter, Thomas R.	Partner	Counseling	Paul, Hastings, Janofsky and Walker	San Francisco	CA	United States	1950			
Potter, Alex	Associate	Corporate	Paul, Hastings, Janofsky and Walker	San Francisco	CA	United States		485		380
Rappaport, Ramona	Associate	Corporate	Faella Braun and Martel	San Francisco	CA	United States	2008			
Richter, Katherine S.	Partner	Trial Practice	Jones Day	San Francisco	CA	United States	1985		675	625
Ritter, Peter	Partner	Business Tax and Investment Funds	Chakraborty and Myers	San Francisco	CA	United States				
Roche, Laura	Associate	Business Tax and Investment Funds	Faella Braun and Martel	San Francisco	CA	United States				
Rodriguez, Noel	Associate	Business Tax and Investment Funds	Jones Day	San Francisco	CA	United States				
Sabnis, Cheryl	Counsel	Trial Practice	King and Spalding	San Francisco	CA	United States	2003	475	485	500
Schickel, Vladimir	Partner	Trial Practice	King and Spalding	San Francisco	CA	United States	1998			455
Selling, Jaralyn	Of Counsel	Private Clients	Faella Braun and Martel	San Francisco	CA	United States		595	725	
		Family Wealth Group	Faella Braun and Martel	San Francisco	CA	United States		450		

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Name	Title	Practice Area	Firm	CV	State	Country	Graduated Law School
Shepard, Michael	Associate	Securities Litigation	Heller Ehrman	San Francisco	CA	United States	2008
Shin, Susan	Associate	Labor and Employment	Heller Ehrman	San Francisco	CA	United States	2008
Shough, Leah	Associate	Commercial Litigation	K and L Gates	San Francisco	CA	United States	2003
Spooner, Leo	Associate	Commercial Litigation	K and L Gates	San Francisco	CA	United States	2003
Stephens, Eric	Associate	Business Transactions	Kimley-Horn and Associates	San Francisco	CA	United States	2003
Stewart, Rhonda L.	Associate	Business Transactions	Kimley-Horn and Associates	San Francisco	CA	United States	2003
Thaler, Alexandra (Sasha)	Associate	Labor and Employment	Kimley-Horn and Associates	San Francisco	CA	United States	2003
Thompson, Grant	Associate	Tax	Kimley-Horn and Associates	San Francisco	CA	United States	2003
Togwell, Christine D.	Associate	Tax	Kimley-Horn and Associates	San Francisco	CA	United States	2003
Tripodi, Helen	Associate	Business Restructuring and Reorganization	Kimley-Horn and Associates	San Francisco	CA	United States	2003
Trodeus, Robert A.	Partner	Business Restructuring and Reorganization	Kimley-Horn and Associates	San Francisco	CA	United States	2003
Ulland, Suzanne	Partner	Business Restructuring and Reorganization	Kimley-Horn and Associates	San Francisco	CA	United States	2003
Vogt, Gary M.	Senior Legal Assistant	Labor and Employment	Kimley-Horn and Associates	San Francisco	CA	United States	2003
Waggoner, Kristine	Associate	Business Transactions	Kimley-Horn and Associates	San Francisco	CA	United States	2003
Wall, Gregory A.	Senior Attorney	Business Transactions	Kimley-Horn and Associates	San Francisco	CA	United States	2003
Wassels, Kelly	Associate	Labor and Employment	Kimley-Horn and Associates	San Francisco	CA	United States	2003
Whalen, Joe	Partner	Labor and Employment	Kimley-Horn and Associates	San Francisco	CA	United States	2003
White, Jack L.	Associate	Business Transactions	Kimley-Horn and Associates	San Francisco	CA	United States	2003
Wilson, Nicholas	Counsel	Business Transactions	Kimley-Horn and Associates	San Francisco	CA	United States	2003
Woodruff, Kelly	Partner	Business Transactions	Kimley-Horn and Associates	San Francisco	CA	United States	2003
Zimolman, Michael	Partner	Business Transactions	Kimley-Horn and Associates	San Francisco	CA	United States	2003

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LEGAL BILLING REPORT

VOLUME 11, NUMBER 1

May 2009

BY BILLING RATE

California Rate Report

PROFESSIONAL	FIRM	GRADUATED	ADMITTED	STATE	RATE	HOURS	TOTAL
P Kelly, Jr., Daniel	Davis Polk & Wardwell (CA)	1986	1986	CA	\$ 980.00	4.50	4,320.00
P Condes, Julia	Davis Polk & Wardwell (CA)	1986	1990	CA	955.00	17.00	16,235.00
P Durrheim, Scott	O'Melveny & Myers LLP (CA)	1975	1875	CA	860.00	1.10	946.00
P Tuchin, Michael	Klee, Tuchin, Bogdanoff & Stern, LLP	1990	1990	CA	850.00	0.50	425.00
P Ballack, Karen	Weil, Gotshal & Manges LLP (CA)	1986	1986	CA	799.00	0.80	639.20
P Arnold, Dennis	Gibson Dunn & Crutcher, LLP (CA)	1975	1978	CA	750.00	4.50	3,555.00
OC Morris, Michael	Herrington Bennett & Dorman LLP	1979	1979	CA	750.00	65.20	45,652.00
P Averch, Craig	White & Case LLP (CA)	1984	1984	CA	750.00	128.10	96,075.00
P Kharasch, Ira D.	Pacholski Stang Ziehl Young Jones & Weintraub (CA)	1982	1982	CA	750.00	2.90	2,175.00
P Kornfeld, Alan	Pacholski Stang Ziehl Young Jones & Weintraub (CA)	1987	1987	CA	725.00	0.80	580.00
A Lamb, Peter	Davis Polk & Wardwell (CA)	2005	2005	CA	680.00	101.40	69,952.00
P Irving, Jeanne E.	Herrington Bennett & Dorman LLP	1976	1978	CA	680.00	18.10	6,868.00
P Kevane, Henry	Pacholski Stang Ziehl Young Jones & Weintraub (CA)	1985	1986	CA	675.00	19.10	12,892.50
A Gorsich, Ronald	White & Case LLP (CA)	2001	2001	CA	665.00	176.20	117,173.00
P Brown, Kenneth H.	Pacholski Stang Ziehl Young Jones & Weintraub (CA)	1977	1981	CA	650.00	27.30	17,745.00
P Fidler, David	Klee, Tuchin, Bogdanoff & Stern, LLP	1997	1998	CA	650.00	23.10	15,015.00
P Weismann, Henry	Munger Toiles & Olson LLC	1987	1987	CA	650.00	0.50	328.00
P Bernthal, David M.	Pacholski Stang Ziehl Young Jones & Weintraub (CA)	1989	1993	CA	645.00	35.60	22,962.00
P Montgomery, Cromwell	Gibson Dunn & Crutcher, LLP (CA)	1997	1997	CA	635.00	0.80	508.00
P Brown, Dennis	Munger Toiles & Olson LLC	1970	1970	CA	625.00	17.80	11,125.00
A Newman, Samuel	Gibson Dunn & Crutcher, LLP (CA)	2001	2001	CA	610.00	13.50	8,235.00
A Dattani, Shiva	White & Case LLP (CA)	2003	2003	CA	600.00	183.70	119,220.00
P Vincent, Garth	Munger Toiles & Olson LLC	1988	1988	CA	600.00	124.60	74,760.00
A Scott, Melanie	White & Case LLP (CA)	2004	2004	CA	600.00	20.90	12,540.00
P Buchanan, Laura	Klee, Tuchin, Bogdanoff & Stern, LLP	1991	1991	CA	590.00	0.20	118.00
A Ger Kwang-chien, B.	Weil, Gotshal & Manges LLP (CA)	2003	2003	CA	570.00	28.50	16,530.00
A Edgell, David	Gibson Dunn & Crutcher, LLP (CA)	2003	2003	CA	570.00	2.50	1,653.00
P Hahitz, Jeffrey	Munger Toiles & Olson LLC	1984	1984	CA	550.00	35.10	19,305.00
P Fried, Joshua	Pacholski Stang Ziehl Young Jones & Weintraub (CA)	1995	1995	CA	535.00	21.40	11,448.00
P Rutan, James	Munger Toiles & Olson LLC	1997	1997	CA	525.00	25.80	13,545.00
A Morse, Joshua	Herrington Bennett & Dorman LLP	2000	2000	CA	505.00	13.10	6,615.50
A Matralic, Michael	Weil, Gotshal & Manges LLP (CA)	2005	2005	CA	500.00	36.50	18,250.00
A Barstow, Melissa	Weil, Gotshal & Manges LLP (CA)	2006	2006	CA	470.00	14.00	6,580.00
A Liu, Leslie	Munger Toiles & Olson LLC	2006	2006	CA	465.00	45.90	21,343.50
A Kaufman, Derek	Munger Toiles & Olson LLC	2005	2005	CA	450.00	508.30	228,735.00
A Hochmeister, Brian	Munger Toiles & Olson LLC	2002	2002	CA	435.00	0.30	130.50
A Nathan, Joseph	Weil, Gotshal & Manges LLP (CA)	2007	2007	CA	415.00	25.20	10,458.00
A Jasper, M. Lance	Munger Toiles & Olson LLC	2006	2006	CA	400.00	96.20	38,488.00
A Esstend, Barney	Munger Toiles & Olson LLC	2006	2006	CA	400.00	8.80	3,520.00
A Rubin, Erendia E.	O'Melveny & Myers LLP (CA)	2006	2006	CA	385.00	8.40	3,318.00

California Rate Report

PROFESSIONAL	FIRM	GRADUATED	ADMITTED	STATE	RATE	HOURS	\$	TOTAL
A. Schneider, Bradley	Munger, Toiles & Olson LLC	2004	2004	CA	\$ 385.00	1.30		513.50
A. Reason, Matthew	Weil, Gotshal & Manges LLP (CA)	2006	2006	CA	355.00	13.50		4,792.50
A. Guzman, Tanya	O'Melveny & Myers LLP (CA)	2007	2007	CA	330.00	2.50		825.00
PP Neglia, Ross	O'Melveny & Myers LLP (CA)				260.00	6.20		1,612.00
Finelsson, Kaiha	Pachniski Slang Zien Young Jones & Weintraub (CA)				225.00	27.50		5,062.50
Jeffries, Patricia J.	Pachniski Slang Zien Young Jones & Weintraub (CA)				225.00	0.40		90.00
PP Pearson, Sandra	Klee, Tucke, Bogdanoff & Stern, LLP			CA	215.00	1.90		408.50
PP Floyd, Kevin	Hendman Bennett & Dorman LLP				210.00	0.30		63.00
PP Krojts, Cheryl	Pachniski Slang Zien Young Jones & Weintraub (CA)				205.00	2.20		451.00
CMA Pitman, Sharla	Pachniski Slang Zien Young Jones & Weintraub (CA)				125.00	2.50		312.50

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LEGAL BILLING REPORT

VOLUME 11, NUMBER 2

August 2009

BY BILLING RATE

California rate Report

PROFESSIONAL	FIRM	GRADUATED	ADMITTED	STATE	RATE	HOURS	TOTAL
P. Tolles, Stephen L.	Gibson Dunn & Crutcher, LLP (CA)	1982	1982	CA	\$ 860.00	0.10	\$ 86.00
P. Patterson, Thomas	Klee, Tuchin, Bogdanoff & Stern, LLP	1984	1984	CA	890.00	223.00	191,250.00
P. Tuchin, Michael	Klee, Tuchin, Bogdanoff & Stern, LLP	1980	1980	CA	850.00	74.40	63,240.00
P. Stern, David	Klee, Tuchin, Bogdanoff & Stern, LLP	1975	1975	CA	850.00	32.50	27,850.00
P. Issler, Paul S.	Gibson Dunn & Crutcher, LLP (CA)	1986	1986	CA	840.00	6.35	5,334.00
P. Arnold, Dennis	Gibson Dunn & Crutcher, LLP (CA)	1975	1976	CA	840.00	4.10	3,444.00
P. Thompson, Brian	Quinn Emanuel Urquhart Oliver & Hedges, LLP	1991	1991	CA	820.00	72.80	59,696.00
P. Balack, Karen	Well, Gotshall & Manges, LLP (CA)	1986	1986	CA	810.00	40.40	32,724.00
P. Ziehl, Dean A.	Pachulski Stang Ziehl Young Jones & Weintraub (CA)	1978	1978	CA	795.00	20.30	16,138.50
P. Gilmer, Danielle	Quinn Emanuel Urquhart Oliver & Hedges, LLP	1993	1994	CA	775.00	9.50	7,362.50
P. Averch, Craig	White & Case LLP (CA)	1984	1984	CA	750.00	189.20	141,900.00
P. Keller, Tobias	White & Case LLP (CA)	1980	1980	CA	750.00	1.90	1,425.00
P. Baker, James	Jones Day (CA)	1980	1980	CA	750.00	0.80	150.00
P. Winston, Eric D.	Quinn Emanuel Urquhart Oliver & Hedges, LLP	1999	1999	CA	740.00	7.10	5,254.00
P. Orr, Johanna Y.	Pachulski Stang Ziehl Young Jones & Weintraub (CA)	1997	1997	CA	740.00	6.30	4,662.00
P. Kornfeld, Alan	Pachulski Stang Ziehl Young Jones & Weintraub (CA)	1987	1987	CA	725.00	10.10	7,322.50
A. Blot, Jeffrey E.	Stidley Austin Brown & Wood LLP (CA)	1987	1988	CA	700.00	110.90	77,630.00
P. Myers, Martin	Jones Day (CA)	1987	1987	CA	700.00	26.50	18,550.00
P. Grassosoren, Debra L.	Pachulski Stang Ziehl Young Jones & Weintraub (CA)	1991	1992	CA	695.00	5.50	3,822.50
A. Gustafson, Mark E.	White & Case LLP (CA)	1988	1988	CA	685.00	117.70	80,824.50
P. Alash, Dora	Gibson Dunn & Crutcher, LLP (CA)	1995	1995	CA	675.00	39.40	28,595.00
A. Gershen, Ronald	White & Case LLP (CA)	2001	2001	CA	665.00	221.50	147,297.50
P. Montgomery, Cromwell	Gibson Dunn & Crutcher, LLP (CA)	1997	1997	CA	635.00	2.50	1,587.50
A. Neuman, Samuel	Gibson Dunn & Crutcher, LLP (CA)	2001	2001	CA	610.00	11.50	7,015.00
A. Debrahn, Shiva	White & Case LLP (CA)	2003	2003	CA	600.00	217.50	130,500.00
A. Scott, Melanie	White & Case LLP (CA)	2004	2004	CA	800.00	74.90	44,940.00
P. Trodella, Robert	Jones Day (CA)	1995	1995	CA	600.00	35.30	21,180.00
A. Ger Kwan-chien, B.	Well, Gotshall & Manges, LLP (CA)	2003	2003	CA	580.00	54.20	31,436.00
OC Metcalf, Brian	Klee, Tuchin, Bogdanoff & Stern, LLP	1998	1998	CA	575.00	12.40	7,130.00
A. Egoel, David	Gibson Dunn & Crutcher, LLP (CA)	2003	2003	CA	570.00	0.50	285.00
C. Crosby IV, Peter	Jones Day (CA)	1984	1984	CA	565.00	13.30	7,514.50
A. Martin, M.	White & Case LLP (CA)	2006	2006	CA	550.00	45.80	25,190.00
A. Correa, Michelle	Jones Day (CA)	2001	2001	CA	525.00	1.70	892.50
OC Brandt, Gina F.	Pachulski Stang Ziehl Young Jones & Weintraub (CA)	1976	1976	CA	525.00	1.30	682.50
A. Malekic, Michael	Well, Gotshall & Manges, LLP (CA)	2005	2005	CA	500.00	175.30	87,650.00
A. Rodriguez, Noel	Jones Day (CA)	2003	2003	CA	500.00	41.80	20,900.00
A. Heyn, Matthew	Klee, Tuchin, Bogdanoff & Stern, LLP	2003	2003	CA	495.00	111.80	55,341.00
A. Barshop, Melissa	Gibson Dunn & Crutcher, LLP (CA)	2006	2006	CA	470.00	4.10	1,927.00
A. Liu, Leslie	Well, Gotshall & Manges, LLP (CA)	2006	2006	CA	465.00	302.70	140,755.50
A. Chun, Sebyul	White & Case LLP (CA)	2008	2008	CA	460.00	162.10	74,566.00

California rate Report

PROFESSIONAL	FIRM	GRADUATED	ADMITTED	STATE	RATE	HOURS	TOTAL
A. Morrison, Kelley M.	White & Case LLP (CA)	2008	2008	CA	\$ 460.00	105.50	\$ 48,530.00
A. Hawk, Jonathan	White & Case LLP (CA)	2007	2007	CA	460.00	20.30	9,338.00
P. Phillip, Laurence	McKenna Long & Aldridge LLP (CA)	1997	1997	CA	450.00	15.00	6,750.00
P. Larsen, J. David	McKenna Long & Aldridge LLP (CA)	1997	1997	CA	450.00	10.00	4,500.00
A. Gussis, David	Klee, Tuchin, Bogdanoff & Stern, LLP	2005	2005	CA	430.00	366.70	157,881.00
A. Pczmaniter, Courtney	Klee, Tuchin, Bogdanoff & Stern, LLP	2005	2005	CA	430.00	23.20	9,976.00
A. Dickerson, Matthew	Sidley Austin Brown & Wood LLP (CA)	2007	2007	CA	425.00	25.30	10,752.50
A. Tran, William	Sidley Austin Brown & Wood LLP (CA)	2006	2006	CA	425.00	5.40	2,295.00
A. Nathan, Joseph	Weil, Gotshal & Manges LLP (CA)	2007	2007	CA	415.00	61.50	25,522.50
A. Williams, Lorna S.	Gibson Dunn & Crutcher, LLP (CA)	2008	2008	CA	400.00	4.00	1,600.00
A. Simonds, Ariella	Sidley Austin Brown & Wood LLP (CA)	2008	2008	CA	375.00	49.30	18,487.50
A. Dearlhan, Kevin	Klee, Tuchin, Bogdanoff & Stern, LLP	2008	2008	CA	300.00	4.70	1,410.00
A. Elliot, Kerin	Klee, Tuchin, Bogdanoff & Stern, LLP	2008	2008	CA	300.00	2.10	630.00
LIB Forrester, Leslie A.	Pachulski Slag Young Jones & Weintraub (CA)				250.00	4.90	1,225.00
PP Harris, Denise A.	Pachulski Slag Young Jones & Weintraub (CA)				225.00	8.50	1,912.50
PP Grycenker, Michelle	McKenna Long & Aldridge LLP (CA)				215.00	40.60	8,729.00
PP Pearson, Sandra	Klee, Tuchin, Bogdanoff & Stern, LLP			CA	215.00	36.00	7,740.00
PP Brown, Thomas J.	Pachulski Slag Young Jones & Weintraub (CA)				195.00	2.00	390.00
LIB Jones, Carla H.	Gibson Dunn & Crutcher, LLP (CA)				165.00	0.50	82.50

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LEGAL BILLING REPORT

VOLUME 11, NUMBER 3

December 2009

BY BILLING RATE

California Rate Report

PROFESSIONAL	FIRM	GRADUATED	ADMITTED	STATE	RATE	HOURS	TOTAL
P Pachnisi, Richard M.	Pachnisi Stang Zehn Young Jones & Weintraub (CA)	1978	1978	CA	\$ 685.00	287.62	\$ 257,419.90
P Patterson, Thomas	Klee, Tuchin, Bogdanoff & Stern, LLP	1994	1994	CA	850.00	382.60	333,740.00
P Tietz, Michael	Klee, Tuchin, Bogdanoff & Stern, LLP	1990	1990	CA	850.00	201.40	171,190.00
P Stiem, David	Klee, Tuchin, Bogdanoff & Stern, LLP	1975	1975	CA	850.00	68.60	58,480.00
P Pachnisi, Richard M.	Pachnisi Stang Zehn Young Jones & Weintraub (CA)	1979	1979	CA	850.00	68.00	57,800.00
P Arnold, David	Gibson Dunn & Crutcher, LLP (CA)	1975	1975	CA	840.00	1.00	840.00
P Ziehl, Dean A.	Pachnisi Stang Zehn Young Jones & Weintraub (CA)	1978	1978	CA	825.00	258.75	211,406.25
P Timmons, Brian	Quinn Emanuel Urquhart Oliver & Hedges, LLP	1991	1991	CA	820.00	240.60	197,282.00
P Lyons, Duane	Quinn Emanuel Urquhart Oliver & Hedges, LLP	1986	1986	CA	820.00	60.20	65,764.00
P Orgel, Robert B.	Pachnisi Stang Zehn Young Jones & Weintraub (CA)	1981	1981	CA	785.00	357.30	284,053.50
P Richards, Jeremy	Pachnisi Stang Zehn Young Jones & Weintraub (CA)	1980	1981	CA	795.00	158.50	126,007.50
P Ziehl, Dean A.	Pachnisi Stang Zehn Young Jones & Weintraub (CA)	1978	1978	CA	795.00	94.00	74,730.00
P Ziehl, Dean A.	Pachnisi Stang Zehn Young Jones & Weintraub (CA)	1978	1978	CA	785.00	20.30	16,136.50
P Winston, Eric D.	Quinn Emanuel Urquhart Oliver & Hedges, LLP	1999	1999	CA	740.00	54.00	39,960.00
P Ong, Johanna Y.	Quinn Emanuel Urquhart Oliver & Hedges, LLP	1997	1997	CA	740.00	11.20	8,288.00
P Kornfeld, Alan	Pachnisi Stang Zehn Young Jones & Weintraub (CA)	1987	1987	CA	725.00	10.10	7,322.50
P Grassman, Debra I.	Pachnisi Stang Zehn Young Jones & Weintraub (CA)	1991	1992	CA	695.00	6.50	3,822.50
C Galin, Andrew	Pachnisi Stang Zehn Young Jones & Weintraub (CA)	1983	1983	CA	685.00	3.40	2,363.00
P Parker, Daryl	Pachnisi Stang Zehn Young Jones & Weintraub (CA)	1986	1970	CA	675.00	60.80	41,040.00
P McInerney, James	Pachnisi Stang Zehn Young Jones & Weintraub (CA)	1986	1987	CA	675.00	16.60	11,205.00
P Arash, Dora	Gibson Dunn & Crutcher, LLP (CA)	1995	1995	CA	675.00	14.80	9,990.00
P Davids, Roni	Klee, Tuchin, Bogdanoff & Stern, LLP	1985	1985	CA	650.00	1.40	910.00
A Newman, Samuel	Gibson Dunn & Crutcher, LLP (CA)	2001	2001	CA	610.00	3.70	2,287.00
C Hochman, Harry	Pachnisi Stang Zehn Young Jones & Weintraub (CA)	1987	1987	CA	585.00	100.80	59,976.00
A Newman, Viktoria	Pachnisi Stang Zehn Young Jones & Weintraub (CA)	1986	1997	CA	595.00	32.50	18,397.50
C Cho, Shiny	Pachnisi Stang Zehn Young Jones & Weintraub (CA)	1987	1987	CA	595.00	19.40	11,543.00
C Hochman, Harry	Pachnisi Stang Zehn Young Jones & Weintraub (CA)	1987	1987	CA	575.00	57.60	33,120.00
A Dirckman, Jennifer	Klee, Tuchin, Bogdanoff & Stern, LLP	1988	1988	CA	575.00	1.40	805.00
OC Metcalf, Brian	Klee, Tuchin, Bogdanoff & Stern, LLP	1996	1999	CA	575.00	0.70	402.50
OC Brandt, Gina F.	Pachnisi Stang Zehn Young Jones & Weintraub (CA)	1976	1976	CA	525.00	1.30	682.50
A Heyn, Matthew	Klee, Tuchin, Bogdanoff & Stern, LLP	2003	2003	CA	495.00	109.70	54,301.50
P Brown, Brian	Pachnisi Stang Zehn Young Jones & Weintraub (CA)	1989	1989	CA	495.00	0.50	247.50
A Barstow, Melissa	Gibson Dunn & Crutcher, LLP (CA)	2006	2006	CA	470.00	2.10	987.00
A Liu, Leslie	Wall, Gelstein & Manos, LLP (CA)	1997	1997	CA	465.00	9.80	4,557.00
P Phelan, Laurence	McKenna Long & Aldridge, LLP (CA)	2005	2005	CA	450.00	2.70	1,215.00
A Guess, David	Klee, Tuchin, Bogdanoff & Stern, LLP	1997	1997	CA	380.00	4.80	1,440.00
PP Santos, Joseph C	Quinn Emanuel Urquhart Oliver & Hedges, LLP	2008	2008	CA	300.00	16.60	4,980.00
A Elliot, Robin	Klee, Tuchin, Bogdanoff & Stern, LLP	2008	2008	CA	250.00	20.30	5,075.00
PP Lacroix, Maurice	Quinn Emanuel Urquhart Oliver & Hedges, LLP	2008	2008	CA	250.00	20.30	5,075.00
LIB Fontaine, Leslie A.	Pachnisi Stang Zehn Young Jones & Weintraub (CA)	2008	2008	CA	250.00	4.90	1,225.00

California Rate Report

PROFESSIONAL	FIRM	GRADUATED	ADMITTED	STATE	RATE	HOURS	TOTAL
LIB Forrester, Leslie A.	Pachniski Slang Ziehl Young Jones & Weintraub (CA)				\$ 250.00	1.80	\$ 450.00
PP Harris, Denise A.	Pachniski Slang Ziehl Young Jones & Weintraub (CA)				225.00	47.80	10,777.50
PP Harris, Denise A.	Pachniski Slang Ziehl Young Jones & Weintraub (CA)				225.00	8.50	1,912.50
PP Harrison, Felice	Pachniski Slang Ziehl Young Jones & Weintraub (CA)				225.00	0.40	90.00
PP Gyncar, Michele	McKenna Long & Aldridge LLP (CA)				215.00	60.40	12,996.00
PP Brown, Thomas J.	Klee, Tustin, Bogdanoff & Stern, LLP				215.00	52.40	11,268.00
PP Brown, Thomas J.	Pachniski Slang Ziehl Young Jones & Weintraub (CA)				195.00	59.75	11,651.25
PP Matteo, Mike	Pachniski Slang Ziehl Young Jones & Weintraub (CA)				195.00	6.00	1,170.00
PP Brown, Thomas J.	Pachniski Slang Ziehl Young Jones & Weintraub (CA)				195.00	2.00	390.00
LS Everheart, Christine	McKenna Long & Aldridge LLP (CA)				180.00	3.00	540.00
PP Sahn, Andrew	Pachniski Slang Ziehl Young Jones & Weintraub (CA)				150.00	16.80	2,535.00
PP Bass, John	Pachniski Slang Ziehl Young Jones & Weintraub (CA)				150.00	0.80	120.00



2010 NLJ Billing Survey

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Fiscal Year	Firm Name	Location	Firmwide Average	Partner High	Partner Low	Partner Average	Associate High	Associate Low	Associate Average
2010	Adams and Reese	New Orleans	\$265	\$550	\$250	\$344	\$290	\$195	\$229
2010	Akerman Senterfitt	Miami							
2010	Akin Gump Strauss Hauer & Feld	Washington							
2010	Allen Matkins Lack	Los Angeles							
2010	Gamble Maffroy & Natsis	Atlanta	\$515	\$865	\$450	\$627	\$590	\$270	\$405
2010	Alston & Bird	Houston							
2010	Andrews Kurth	Haddonfield, NJ		\$560	\$305		\$340	\$175	
2010	Archer & Greiner	Washington							
2010	Arent Fox	St. Louis		\$765	\$400		\$475	\$240	
2010	Armstrong Teasdale	Washington		\$475	\$300		\$325	\$200	
2010	Arnold & Porter	Indianapolis							
2010	Baker & Daniels	Cleveland							
2010	Baker & Hostetler	Houston							
2010	Baker Botts LLP	Memphis, TN	\$312	\$595	\$255	\$357	\$320	\$165	\$231
2010	Baker, Donelson, Bearman, Caldwell & Berkowitz	Philadelphia							
2010	Ballard Spahr	Indianapolis	\$367	\$613	\$298	\$416	\$355	\$225	\$261
2010	Barnes & Thornburg	Nashville, TN							
2010	Bass, Berry & Sims	Cleveland	\$315	\$575	\$350	\$335	\$360	\$195	\$245
2010	Benesch, Friedlander, Coplan & Aronoff	Riverside, Calif.		\$550	\$310		\$395	\$225	
2010	Best Best & Krieger								

Fiscal Year	Firm Name	Location	Firmwide Average	Partner High	Partner Low	Partner Average	Associate High	Associate Low	Associate Average
2010	Bingham McCutchen	Boston							
2010	Blank Rome	Philadelphia	\$510	\$855	\$440	\$615	\$360	\$260	\$361
2010	Bond, Schoeneck & King	Syracuse, NY	\$260	\$475	\$220	\$309	\$280	\$160	\$208
2010	Briggs and Morgan	Minneapolis	\$373	\$600	\$290	\$437	\$315	\$210	\$240
2010	Brinks Hofer Gilson & Lyne	Chicago	\$435	\$725	\$345	\$541	\$420	\$195	\$308
2010	Broad and Cassel	Orlando, FL	\$307	\$475	\$260	\$372	\$350	\$175	\$242
2010	Brown Rudnick	Boston							
2010	Brownstein Hyatt Farber Schreck	Denver	\$391	\$810	\$295	\$463	\$360	\$200	\$256
2010	Bryan Cave	St. Louis	\$464	\$790	\$370	\$553	\$550	\$185	\$344
2010	Buchalter Nemer	Los Angeles	\$415	\$625	\$270	\$490	\$450	\$195	\$328
2010	Buchanan Ingersoll & Rooney	Pittsburgh		\$900	\$310		\$465	\$210	
2010	Burr & Forman	Birmingham, AL	\$328	\$500	\$210	\$361	\$335	\$200	\$250
2010	Butzel Long	Detroit		\$750	\$300		\$375	\$200	
2010	Cadwalader, Wickersham & Taft LLP	New York							
2010	Cahill Gordon Reindel LLP	New York							
2010	Carlton Fields	Tampa, FL	\$388	\$775	\$325	\$455	\$375	\$195	\$268
2010	Chadbourne & Parke	New York	\$456	\$995	\$390	\$769	\$625	\$110	\$442
2010	Chapman and Cutler	Chicago							
2010	Clark Hill	Detroit							
2010	Cooley	Palo Alto, CA							
2010	Covington & Burling	Washington							
2010	Cozen O'Connor	Philadelphia	\$422	\$880	\$310	\$497	\$585	\$225	\$326
2010	Crowell & Moring	Washington							
2010	Curtis, Mallet-Prevost, Colt & Mosle	New York	\$489	\$785	\$675	\$669	\$575	\$290	\$365
2010	Davis Wright Tremaine	Seattle	\$355	\$795	\$320	\$486	\$435	\$210	\$304
2010	Day Pitney	Florham Park, NJ							

Fiscal Year	Firm Name	Location	Firmwide Average	Partner High	Partner Low	Partner Average	Associate High	Associate Low	Associate Average
2010	Dewey & Leboeuf LLP	New York							
2010	Dickinson Wright	Detroit		\$575	\$355		\$275	\$195	
2010	Dickstein Shapiro	Washington	\$546	\$950	\$525	\$656	\$530	\$265	\$426
2010	Dinsmore & Shohl	Cincinnati	\$302	\$590	\$220	\$360	\$300	\$175	\$222
2010	DLA Piper	Chicago							
2010	Dorsey & Whitney	Minneapolis	\$410	\$795	\$290	\$515	\$440	\$180	\$285
2010	Duane Morris	Philadelphia	\$483	\$850	\$240	\$550	\$480	\$135	\$349
2010	Dykema Gossett	Detroit	\$445	\$535	\$360	\$495	\$450	\$225	\$325
2010	Eckert Seamans Chertin & Melloff	Pittsburgh		\$625	\$250		\$320	\$150	
2010	Edwards Angell Palmer & Dodge	Boston	\$451	\$780	\$345	\$571	\$610	\$200	\$323
2010	Epstein Becker & Green	New York	\$429	\$850	\$350	\$520	\$450	\$180	\$325
2010	Faegre & Benson LLP	Minneapolis							
2010	Finnegan, Henderson, Farabow, Garrett & Dunner	Washington							
2010	Fish & Richardson	Boston							
2010	Fisher & Phillips	Atlanta		\$505	\$340		\$360	\$220	
2010	Fitzpatrick, Calla, Harper & Scinto	New York		\$730	\$460		\$440	\$275	
2010	Foley & Lardner	Milwaukee	\$554	\$1,035		\$654			\$426
2010	Foley Hoag	Boston						\$255	
2010	Ford & Harrison	Atlanta		\$620	\$375		\$390	\$250	
2010	Fowler White Boggs	Tampa, FL	\$350	\$575	\$325	\$400	\$315	\$205	\$250
2010	Fox Rothschild	Philadelphia	\$407	\$690	\$315	\$473	\$475	\$235	\$298
2010	Frost Brown Todd	Cincinnati	\$279	\$515	\$200	\$326	\$250	\$150	\$189
2010	Fulbright & Jaworski	Houston							
2010	Gardere Wynne Sewell	Dallas	\$445	\$815	\$380	\$531	\$445	\$195	\$311
2010	Gibbons	Newark, NJ	\$404	\$790	\$390	\$479	\$450	\$250	\$289
2010	Gibson, Dunn & Crutcher LLP	Los Angeles							
2010	Godfrey & Kahn	Milwaukee		\$495	\$325		\$340	\$180	
2010	Goodwin Procter	Boston							

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Fiscal Year	Firm Name	Location	Firmwide Average	Partner High	Partner Low	Partner Average	Associate High	Associate Low	Associate Average
2010	Gordon & Rees	San Francisco, CA							
2010	GrayRobinson	Orlando, FL		\$750	\$225		\$315	\$150	
2010	Greenberg Traurig	New York	\$453	\$875	\$355	\$550	\$610	\$200	\$332
2010	Harris Beach	Rochester, NY		\$500	\$275		\$250	\$140	
2010	Haynes and Boone	Dallas							
2010	Hinshaw & Culbertson	Chicago							
2010	Hiscock & Barclay	Syracuse, NY	\$311	\$650	\$195	\$348	\$440	\$150	\$234
2010	Hodgson Russ	Buffalo, NY	\$328	\$665	\$230	\$374	\$410	\$175	\$238
2010	Hogan Lovells	Washington							
2010	Holland & Hart LLP	Washington							
2010	Holland & Knight	Washington	\$418	\$850	\$300	\$499	\$480	\$185	\$288
2010	Holme Roberts & Owen	Denver	\$355	\$635	\$285	\$415	\$530	\$170	\$295
2010	Honigman Miller Schwartz and Cohn	Detroit							
2010	Hughes Hubbard & Reed LLP	New York							
2010	Hunton & Williams	Richmond, VA							
2010	Husch Blackwell	St. Louis	\$329	\$804	\$230	\$357	\$415	\$171	\$220
2010	Ice Miller LLP	Indianapolis							
2010	Irell & Manella	Los Angeles							
2010	Jackson Kelly	Charleston, WV		\$495	\$245		\$275	\$155	
2010	Jackson Lewis	White Plains, NY	\$384	\$715	\$260	\$426	\$440	\$150	\$282
2010	Jones Day	Washington							
2010	Jones, Walker, Waechter, Poitavent, Carrara & Denegre	New Orleans		\$520	\$195		\$275	\$140	
2010	K&L Gates	Pittsburgh							
2010	Kelley Drye & Warren	New York		\$900	\$465		\$565	\$275	
2010	Kenyon & Kenyon LLP	New York							

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Fiscal Year	Firm Name	Location	Firmwide Average	Partner High	Partner Low	Partner Average	Associate High	Associate Low	Associate Average
2010	Kilpatrick Stockton	Atlanta	\$425	\$730	\$375	\$527	\$465	\$225	\$320
2010	Kirkland & Ellis	Chicago							
2010	Knobbe, Martens, Olson & Bear	Irvine, CA	\$432	\$710	\$395	\$611	\$450	\$285	\$332
2010	Kramer Levin Naftalis & Frankel	New York							
2010	Lane Powell	Seattle	\$349	\$600	\$310	\$431	\$350	\$230	\$278
2010	Lathrop & Gage	Kansas City		\$490	\$255		\$265	\$180	
2010	LeClairRyan, Professional Corporation	Richmond, VA							
2010	Leonard, Street and DeNard	Minneapolis							
2010	Lewis and Roca	Phoenix, AZ							
2010	Lewis Brisbois Bisgaard & Smith	Los Angeles							
2010	Lewis, Rice & Fingersh	St. Louis		\$460	\$250		\$315	\$150	\$235
2010	Lindquist & Vennum	Minneapolis	\$330			\$415			\$296
2010	Littler Mendelson	San Francisco	\$372	\$650	\$290	\$445	\$480	\$210	
2010	Locke Lord Bissell & Liddell	Dallas	\$486	\$1,120	\$400	\$599	\$525	\$215	\$320
2010	Loeb & Loeb	New York		\$975	\$475		\$575	\$275	
2010	Lowenstein Sandler	Roseland, NJ		\$825	\$440		\$575	\$235	
2010	Luce, Forward, Hamilton & Scripps	San Diego		\$670	\$350		\$445	\$245	
2010	Manatt, Phelps & Phillips	Los Angeles	\$568	\$850	\$525	\$651	\$525	\$200	\$405
2010	Marshall, Dennehey, Warner, Coleman & Goggin	Philadelphia		\$410	\$145		\$320	\$130	
2010	Maynard, Cooper & Gale	Birmingham, AL		\$600	\$325		\$295	\$235	
2010	McAndrews, Held & Malloy	Chicago		\$675	\$260		\$350	\$225	

Fiscal Year	Firm Name	Location	Firmwide Average	Partner High	Partner Low	Partner Average	Associate High	Associate Low	Associate Average
2010	McCartier & English	Newark, NJ	\$355	\$825	\$360	\$498	\$405	\$215	\$313
2010	McElroy, Deutsch, Mulvaney & Carpenter	Morristown, N.J.	\$210	\$550	\$295	\$280	\$275	\$150	\$190
2010	McGuireWoods	Richmond, Va.	\$455	\$830	\$325	\$543	\$600	\$220	\$355
2010	McKenna Long & Aldridge	Atlanta	\$455	\$775	\$375	\$540	\$490	\$220	\$366
2010	Michael Best & Friedrich	Milwaukee	\$345	\$650	\$235	\$400	\$320	\$190	\$239
2010	Miles & Stockbridge	Baltimore		\$695	\$325		\$370	\$220	
2010	Miller & Martin	Chattanooga, TN	\$328	\$610	\$235	\$361	\$275	\$180	\$218
2010	Miller, Canfield, Paddock and Stone	Detroit							
2010	Montgomery, McCracken, Walker & Rhoads	Philadelphia		\$625	\$380	\$461	\$395	\$205	\$284
2010	Moore & Van Allen	Charlotte, N.C.	\$364	\$785	\$265	\$441	\$360	\$180	\$257
2010	Morgan, Lewis & Bockius	Philadelphia							
2010	Morris, Manning & Martin	Atlanta	\$424	\$760	\$425	\$492	\$545	\$225	\$353
2010	Morrison & Foerster	San Francisco, CA							
2010	Munger, Tolles & Olson	Los Angeles							
2010	Neal, Gerber & Eisenberg	Chicago							
2010	Nelson Mullins Riley & Scarborough	Columbia, SC	\$347	\$850	\$245	\$399	\$335	\$185	\$248
2010	Nexsen Pruet	Columbia, SC		\$625	\$230		\$250	\$160	
2010	Nixon Peabody	New York		\$905	\$375	\$613	\$580	\$195	\$388
2010	O'Melveny & Myers	Los Angeles	\$429						
2010	Ogletree, Deakins, Nash, Smoak & Stewart	Greenville, S.C.	\$351	\$575	\$300	\$389	\$390	\$195	\$285

Fiscal Year	Firm Name	Location	Firmwide Average	Partner High	Partner Low	Partner Average	Associate High	Associate Low	Associate Average
2010	Orick, Herrington & Sutcliffe	San Francisco, CA							
2010	Parker Poe Adams & Bernstein LLP	Charlotte N.C.							
2010	Patton Boggs	Washington	\$482	\$990	\$355	\$645	\$550	\$215	\$399
2010	Paul, Hastings, Janofsky & Walker	New York							
2010	Paul, Weiss, Rifkind, Wharton & Garrison LLP	New York							
2010	Pepper Hamilton	Philadelphia	\$326	\$825	\$420	\$547	\$465	\$230	\$329
2010	Perkins Coie	Seattle	\$447	\$825	\$275	\$534	\$570	\$200	\$354
2010	Phelps Dunbar	New Orleans	\$226	\$385	\$180	\$272	\$240	\$145	\$183
2010	Phillips Lytle	Buffalo, NY	\$255	\$535	\$260	\$352	\$450	\$150	\$283
2010	Pillsbury Winthrop Shaw Pittman	New York							
2010	Polsinelli Shughart	Kansas City, MO		\$600	\$250		\$325	\$185	
2010	Quarles & Brady	Milwaukee	\$364	\$660	\$290	\$438	\$400	\$210	\$260
2010	Read Smith	Pittsburgh							
2010	Reinhart Boerner Van Duren	Milwaukee							
2010	Roetzel & Andress	Akron, OH	\$317	\$525	\$225	\$357	\$325	\$165	\$243
2010	Rutan & Tucker	Costa Mesa, CA		\$650	\$355		\$450	\$225	
2010	Saul Ewing	Philadelphia	\$412	\$800	\$320	\$491	\$475	\$225	\$310
2010	Schiff Hardin LLP	Chicago							
2010	Schnader Harrison Segal & Lewis	Philadelphia							
2010	Schulte Roth & Zabel	New York		\$895	\$735		\$690	\$275	
2010	Schwabe, Williamson & Wyatt	Portland, OR	\$350	\$540	\$310	\$415	\$450	\$200	\$260
2010	Sedgwick, Detert, Moran & Arnold	San Francisco							
2010	Seyfarth Shaw	Chicago	\$377	\$770	\$335	\$505	\$535	\$185	\$325

Fiscal Year	Firm Name	Location	Firmwide Average	Partner High	Partner Low	Partner Average	Associate High	Associate Low	Associate Average
2010	Sheppard Mullin	Los Angeles		\$820	\$495		\$620	\$270	
2010	Stelman & Howard	New York							
2010	Shook, Hardy & Bacon	Kansas City, MO							
2010	Shumaker, Loop & Kendrick	Toledo, OH	\$331	\$540	\$250	\$366	\$315	\$185	\$246
2010	Skadden, Arps, Slate, Meagher & Flom	New York							
2010	Smith, Gambrell & Russell	Atlanta		\$740	\$325		\$440	\$195	
2010	Snell & Wilmer	Phoenix							
2010	Squire, Sanders & Dempsey	Cleveland	\$338	\$795	\$315	\$486	\$550	\$175	\$282
2010	Stoetzel & Johnson LLP	Washington							
2010	Stevens & Lee	Reading, PA							
2010	Stinson Morrison Hecker	Kansas City, MO							
2010	Sites & Harbison	Louisville, KY							
2010	Stoel Rives	Portland, OR	\$381	\$600	\$315	\$441	\$390	\$190	\$270
2010	Strasburger & Price	Dallas	\$336	\$617	\$250	\$372	\$306	\$194	\$243
2010	Sullivan & Worcester	Boston	\$537	\$830	\$475	\$647	\$535	\$290	\$383
2010	Sutherland Asbill & Brennan	Atlanta							
2010	Taft, Stettinius & Hollister	Cincinnati	\$315	\$500	\$220	\$358	\$365	\$165	\$227
2010	Thompson & Knight	Dallas		\$825	\$410		\$440	\$265	
2010	Thompson Coburn	St. Louis		\$610	\$300		\$395	\$190	
2010	Townsend and Townsend and Crew	San Francisco, CA	\$320	\$750	\$470	\$563	\$460	\$260	\$345
2010	Troutman Sanders	Atlanta							
2010	Ulmer & Berne	Cleveland		\$665	\$260		\$375	\$185	
2010	Vedder Price	Chicago	\$425	\$720	\$370	\$483	\$365	\$255	\$326
2010	Venable	Washington	\$484	\$950	\$445	\$590	\$500	\$280	\$353

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Fiscal Year	Firm Name	Location	Firmwide Average	Partner High	Partner Low	Partner Average	Associate High	Associate Low	Associate Average
2010	Vorys, Sater, Seymour and Pease	Columbus, OH							
2010	Wachtell, Lipton, Rosen & Katz	New York							
2010	Weil, Gotshal & Manges LLP	New York							
2010	White and Williams	Philadelphia							
2010	Wildman, Harrold, Allen & Dixon LLP	Chicago							
2010	Wiley Rein	Washington							
2010	Williams Mullen	Richmond, Va.	\$368	\$645	\$315	\$428	\$370	\$230	\$279
2010	Willkie Farr & Gallagher LLP	New York							
2010	Wilmer Cutler Pickering Hale and Dorr	Washington							
2010	Winstead	Dallas	\$395	\$655	\$340	\$462	\$390	\$215	\$291
2010	Winston & Strawn	Chicago	\$486	\$1,075	\$475	\$670	\$610	\$250	\$393
2010	Womble Carlyle Sandridge & Rice	Winston Salem, NC	\$372	\$625	\$300	\$461	\$445	\$210	\$291
2010	Wyatt, Tarrant & Combs	Louisville, KY		\$500	\$245		\$285	\$180	



2010 NLJ Associate Class Billing Survey

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Fiscal Year	Firm Name	Associate Class							
		1st year	2nd year	3rd year	4th year	5th year	6th year	7th year	8th year
2010	Alston & Bird	\$270 - \$345	\$330 - \$395	\$365 - \$440	\$395 - \$470	\$420 - \$515	\$445 - \$550	\$470 - \$570	
2010	Benesch, Friedlander, Coplan	\$195	\$200	\$215	\$230	\$240	\$250	\$275	
2010	Blank Rome	\$250 - \$275	\$260 - \$290	\$280 - \$305	\$325 - \$360	\$345 - \$400	\$370 - \$435	\$390 - \$460	\$410 - \$480
2010	Brinks Hofer Gilson & Lione	\$240	\$265	\$285	\$310	\$340	\$365	\$390	\$410
2010	Brownstein Hyatt Farber Schreck	\$200							
2010	Bryan Cave	\$185 - \$300	\$215 - \$350	\$250 - \$385	\$275 - \$395	\$300 - \$420	\$275 - \$460	\$330 - \$480	\$340 - \$510
2010	Curtis, Mallet-Prevost, Colt &	\$290	\$335	\$375	\$415	\$455	\$495	\$535	\$575
2010	Davis Wright Tremaine	\$190 - \$285	\$205 - \$295	\$225 - \$325	\$235 - \$345	\$245 - \$365	\$265 - \$380	\$285 - \$405	\$295 - \$415
2010	Dickinson Wright	\$190	\$195	\$205	\$220	\$230	\$240	\$250	
2010	Dickstein Shapiro	\$265 - \$290	\$325 - \$375	\$375 - \$425	\$375 - \$425	\$425 - \$475	\$425 - \$475	\$475 - \$530	\$475 - \$530
2010	Dinsmore & Shohl	\$180	\$190	\$205	\$220	\$230	\$240	\$250	260
2010	Edwards Angell Palmer & Dodge	255	275						
2010	Fitzpatrick, Cella, Harper & Scinto	\$275	\$300	\$325	\$350	\$370	\$385	\$405	\$420

Fiscal Year	Firm Name	Associate Class							
		1st year	2nd year	3rd year	4th year	5th year	6th year	7th year	8th year
2010	Frost Brown Todd	\$150							
2010	Gardere Wynne Sewell	195	210	260	280	300	315	355	385
2010	Harris Beach	\$155	\$170	\$200	\$230	\$230	\$230	\$250	\$250
2010	Hiscock & Barclay	\$150 - \$340	\$150-340	\$165 - \$360	\$165 - \$360	\$165 - \$360	\$175 - \$380	\$175 - \$380	\$185 - \$440
2010	Kelley Dye & Warren	\$305	\$340	\$370	\$410	\$435	\$455	\$485	510
2010	Kipatrick Stockton	250	275	310	325	335	360	375	385
2010	Kiobbe Martens Olson & Bear	\$285	\$310	\$335	\$360	\$385			
2010	Lindquist & Verrum	\$200	\$210	225	235	245	260	265	290
2010	Locke Lord Bissell & Liddell	\$215	\$230	\$253	\$270	\$300	\$321	\$349	\$386
2010	Loeb & Loeb	\$350 - \$375							
2010	Maynard, Cooper & Gale	\$235	\$235	\$245	\$255	\$270	\$280	\$295	
2010	McElroy, Deutsch, Mulvaney & McKenna	\$150	\$175	\$185	\$195	\$200	\$205	\$210	\$220
2010	McKenna Long & Aldridge	279	312	325	346	363	381	382	415
2010	Montgomery, McCracken, Walker & Morris	\$205	\$215	\$235	\$255	\$275	\$295	\$315	\$335
2010	Morris, Manning & Martin	\$200	\$265	\$310	\$340	\$365	\$390	\$415	\$425

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Fiscal Year	Firm Name	Apprentice Class							
		1st year	2nd year	3rd year	4th year	5th year	6th year	7th year	8th year
2010	Frost Brown Todd	\$150							
2010	Gardere Wynne Sewell	195	210	260	280	300	315	355	385
2010	Harris Beach	\$155	\$170	\$200	\$230	\$230	\$230	\$250	\$250
2010	Hiscock & Barclay	\$150 - \$340	\$150 - \$340	\$165 - \$360	\$165 - \$360	\$165 - \$360	\$175 - \$380	\$175 - \$380	\$185 - \$440
2010	Kelley Dye & Warren	\$305	\$340	\$370	\$410	\$435	\$455	\$485	510
2010	Kilpatrick Stockton	250	275	310	325	335	360	375	385
2010	Knobbe Martens Olson & Bear	\$285	\$310	\$335	\$360	\$385			
2010	Lindquist & Vennum	\$200	\$210	225	235	245	260	265	290
2010	Locke Lord Bissell & Liddell	\$215	\$230	\$253	\$270	\$300	\$321	\$349	\$386
2010	Loeb & Loeb	\$350 - \$375							
2010	Maynard, Cooper & Gale	\$235	\$235	\$245	\$255	\$270	\$280	\$295	
2010	McElroy Deutsch, Mulvaney & Aldridge	\$150	\$175	\$185	\$195	\$200	\$205	\$210	\$220
2010	McKenna Long & Aldridge	279	312	325	346	363	381	382	415
2010	Montgomery, McCracken, Walker & Morris, Manning & Martin	\$205	\$215	\$235	\$255	\$275	\$295	\$315	\$335
2010		\$200	\$265	\$310	\$340	\$365	\$390	\$415	\$425

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Fiscal Year	Plan Name	Associate Class							
		1st year	2nd year	3rd year	4th year	5th year	6th year	7th year	8th year
2010	Patton Boggs	\$290	\$315	\$340	\$370	\$400	\$425	\$450	\$480
2010	Pepper Hamilton	\$230	\$275	\$300	\$330	\$355	\$370	\$385	\$395
2010	Perkins Cole	272	290	306	337	345	372	391	436
2010	Phillips Lytle	\$160	\$170	\$190	\$195	\$210	\$225	\$220	235
2010	Quanes & Brady	\$210 - \$235	\$220 - \$240						
2010	Saul Ewing	\$225 - \$235	\$230 - \$260	\$255 - \$275	\$240 - \$315	\$260 - \$285	\$285 - \$300	\$295 - \$425	\$275 - \$320
2010	Schulte Roth & Zabel	\$375	\$445	\$495	\$540	\$560	\$580	\$605	\$625
2010	Schwabe								
2010	Williamson & Wyatt	\$200							
2010	Sheppard, Mullin, Richter & Hampton	\$270 - \$335	\$330 - \$430	\$365 - \$475	\$395 - \$510	\$420 - \$540	\$445 - \$565	\$470 - \$595	\$490 - \$620
2010	Snell & Wilmer	\$185	\$200	\$225	\$260	\$285	\$315	\$350	\$365
2010	Strasburger & Price	\$200	\$220	\$240	\$260	\$280	\$300	\$320	\$340
2010	Sullivan & Worcester	\$290	\$305	\$330	\$350	\$370	\$390	\$425	
2010	Thompson & Knight	\$265	\$300	\$330	\$365	\$385	\$405	\$425	\$440
2010	Townsend and	260	290	325	370	390	420	450	460
2010	Townsend and Crew								
2010	Vedder Price	225	270	290	310	325	345	360	380

Fiscal Year	Firm Name	Associate Class							
		1st year	2nd year	3rd year	4th year	5th year	6th year	7th year	8th year
2010	Williams Mullen	\$230	\$250	\$265	\$295	\$295	\$310	\$345	\$345
2010	Winstead	\$215	215	227	260	280	300	325	350
2010	Winston & Strawn	\$295 - \$320	\$305 - \$335	\$325 - \$365	\$350 - \$400	\$380 - \$440	\$420 - \$480	\$455 - \$520	\$490 - \$555



Bankruptcy Rates Top \$1,000 Per Hour Mark in 2008-09

New York Law Journal (Online)

December 18, 2009 Friday

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New York Law Journal

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Byline: Amy Kolz,, web-editor@nylj.com, , Special to the new york law journal

Body

A review of bankruptcy rates in Delaware and the Southern District of New York shows that a handful of U.S.-based partners at Am Law 200 firms have inched above the \$1,000 rate barrier, making bankruptcy work as lucrative as it was plentiful in 2008 and 2009.

Over a 12-month period ending August 2009, there were more than 13,000 billing rate entries submitted by law firms in the nation's two busiest bankruptcy courts, according to a new database compiled by ALM Media, the Law Journal's parent.

Among U.S.-based lawyers at Am Law 200 firms, Shearman & Sterling tax partner Bernie J. Pistillo topped the rate chart with an hourly fee of \$1,065 for his work on the bankruptcy of Stock Building Supply Holdings LLC, a building products supplier, in Delaware. (One solo practitioner in Pleasantville, N.Y., Alan Harris, surpassed Mr. Pistillo's rate, charging \$1,200 an hour for his work as special real estate litigation counsel on the bankruptcy of Digital Printing Systems in the Southern District of New York.)

Eleven other U.S.-based Am Law 200 partners were in the \$1,000-plus club, according to the database. Cadwalader, Wickersham & Taft financial restructuring co-chair Deryck Palmer, a former Weil, Gotshal & Manges partner, billed Lyondell Chemical Co. at a rate of \$1,050 for work on its 2009 bankruptcy. Greenberg Traurig bankruptcy co-chair Bruce Zirinsky, who left Cadwalader last January, billed \$1,050 an hour as debtor's counsel for TH Agriculture and Nutrition LLC, as did White & Case global restructuring head Thomas Lauria for WCI Communities Inc., and Robert Pincus, the head of the corporate practice in Skadden, Arps, Slate, Meagher & Flom's Wilmington office, for Hayes Lemmerz International Inc., an automotive wheel supplier.

Neal Stoll, a Skadden antitrust partner, and Sally Thurston, a Skadden tax partner, billed \$1,035 for work on the bankruptcies of VeraSun Energy Corp. and Hayes Lemmerz, respectively, while Latham & Watkins corporate finance chair Kirk Davenport billed at \$1,025 an hour for Dayton Superior Corp.'s filing. Paul, Weiss, Rifkind, Wharton & Garrison partners Carl Reisner and Richard Bronstein billed at \$1,025 for the Buffets Inc., bankruptcy. (Mr. Reisner is co-head of the firm's M&A practice and Mr. Bronstein is co-chair of its tax practice.) Simpson

Bankruptcy Rates Top \$1,000 Per Hour Mark in 2008-09

Thacher & Bartlett partners Lee Meyerson and litigator Michael Chepiga charged Lehman Brothers \$1,000 an hour on the sale of its brokerage to Barclays Bank PLC.

Absent from the \$1,000 club are Weil, Gotshal & Manges restructuring partners Harvey Miller and Marcia Goldstein. Both clocked rates of \$950 an hour for their work on the Lehman Brothers and BearingPoint Inc. bankruptcies, respectively. Also, Kirkland & Ellis' James Sprayregen billed \$965 an hour for work on the bankruptcies of Lear Corp. and The Reader's Digest Association. And Jones Day partner Corinne Ball charged \$900 an hour for her work on Chrysler's filing.

Comparing the median partner rates among Am Law 200 firms in the database demonstrated there are few bargains when it comes to Chapter 11 work. Among those charging median partner rates of more than \$900 an hour were: Cadwalader; Cleary Gottlieb Steen & Hamilton; Davis Polk & Wardwell; Milbank, Tweed, Hadley & McCloy; Paul Weiss; Shearman & Sterling; Simpson Thacher; and Skadden.

Firms with median partner billing rates between \$800 and \$900 were Gibson Dunn, Fried Frank, Latham, Paul Hastings, Weil Gotshal, and White & Case. Firms billing \$700 or below were Akin Gump Strauss Hauer & Feld, Kirkland, Sidley Austin, and Sonnenschein Nath & Rosenthal. (Medians can be deceiving, since some firms, such as Kirkland, had a difference of more than \$500 between its highest- and lowest-rate partners.)

The bankruptcy case with one of the highest median partner rates was Nortel Networks. The phone equipment maker paid firms such as Cleary and Kirkland a median partner rate of \$940. Firms working on the Lehman filing billed a median partner rate of \$810 during the time period, while firms working on the filing of Tribune Co. billed a median of \$690, according to the database.

Associate rates occasionally topped \$700 an hour on bankruptcies including Lehman and Nortel Networks, as well as that of the lesser-known Sportsman's Warehouse. Discovery attorneys, research specialists and benefits consultants sometimes billed between \$500 and \$800 on cases such as Nortel, Charter Communications and Graphics Properties Holdings Inc.

@|Amy Kolz is a reporter at The American Lawyer, an ALM affiliate of the New York Law Journal. She can be reached at akolz@alm.com.

Load-Date: September 19, 2011

\$1,000 Per Hour Isn't Rare Anymore; Nominal billing levels rise, but discounts ease blow. The
National Law Journal January 13, 2014 Monday

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THE NATIONAL
LAW JOURNAL

The National Law Journal

January 13, 2014 Monday

SECTION: NLJ'S BILLING SURVEY; Pg. 1 Vol. 36 No. 20

LENGTH: 1860 words

HEADLINE: \$1,000 Per Hour Isn't Rare Anymore;
Nominal billing levels rise, but discounts ease blow.

BYLINE: KAREN SLOAN

BODY:

As recently as five years ago, law partners charging \$1,000 an hour were outliers. Today, four-figure hourly rates for indemand partners at the most prestigious firms don't raise eyebrows-and a few top earners are closing in on \$2,000 an hour.

These rate increases come despite hand-wringing over price pressures from clients amid a tough economy. But everrising standard billing rates also obscure the growing practice of discounts, falling collection rates, and slow march toward alternative fee arrangements.

Nearly 20 percent of the firms included in The National Law Journal's annual survey of large law firm billing rates this year had at least one partner charging more than \$1,000 an hour. Gibson, Dunn & Crutcher partner Theodore Olson had the highest rate recorded in our survey, billing \$1,800 per hour while representing mobile satellite service provider LightSquared Inc. in Chapter 11 proceedings.

Of course, few law firm partners claim Olson's star power. His rate in that case is nearly the twice the \$980 per hour average charged by Gibson Dunn partners and three times the average \$604 hourly rate among partners at NLJ 350 firms. Gibson Dunn chairman and managing partner Ken Doran said Olson's rate is "substantially" above that of other partners at the firm, and that the firm's standard rates are in line with its peers.

"While the majority of Ted Olson's work is done under alternative billing arrangements, his hourly rate reflects his stature in the legal community, the high demand for his services and the unique value that he offers to clients given his extraordinary experience as a former solicitor general of the United States who has argued more than 60 cases before the U.S. Supreme Court and has counseled several presidents," Doran said.

In reviewing billing data this year, we took a new approach, asking each firm on the NLJ 350-our survey of the nation's 350 largest firms by attorney headcount-to provide their highest, lowest and average billing rates for associates and partners. We supplemented those data through public records. All together, this year's survey includes information for 159 of the country's largest law firms and reflects billing rates as of October.

The figures show that, even in a down economy, hiring a large law firm remains a pricey prospect. The median among the highest partner billing rates reported at each firm is \$775 an hour, while the median low partner rate is \$405. For associates, the median high stands at \$510 and the low at \$235. The average associate rate is \$370.

Multiple industry studies show that law firm billing rates continued to climb during 2013 despite efforts by corporate counsel to rein them in. TyMetrix's 2013 Real Rate Report Snapshot found that the average law firm billing rate increased by 4.8 percent compared with 2012. Similarly, the Center for the Study of the Legal Profession at the Georgetown University Law Center and Thomson Reuters Peer Monitor found that law firms increased their rates by an average 3.5 percent during 2013.

Of course, rates charged by firms on paper don't necessarily reflect what clients actually pay. Billing realization rates-which reflect the percentage of work billed at firms' standard rates- have fallen from 89 percent in 2010 to nearly 87 percent in 2013 on average, according to the Georgetown study. When accounting for billed hours actually collected by firms, the realization rate falls to 83.5 percent.

"What this means, of course, is that- on average-law firms are collecting only 83.5 cents for every \$1.00 of standard time they record," the Georgetown report reads. "To understand the full impact, one need only consider that at the end of 2007, the collected realization rate was at the 92 percent level."

In other words, law firms set rates with the understanding that they aren't likely to collect the full amount, said Mark Medice, who oversees the Peer Monitor Index. That index gauges the strength of the legal market according to economic indicators including demand for legal services, productivity, rates and expenses. "Firms start out with the idea of, 'I want to achieve a certain rate, but it's likely that my client will ask for discounts whether or not I increase my rate,'" Medice said.

Indeed, firms bill nearly all hourly work at discounts ranging from 5 percent to 20 percent off standard rates, said Peter Zeughauser, a consultant with the Zeughauser Group. Discounts can run as high as 50 percent for matters billed under a hybrid system, wherein a law firm can earn a premium for keeping costs under a set level or for obtaining a certain outcome, he added. "Most firms have gone to a two-tier system, with what is essentially an aspirational rate that they occasionally get and a lower rate that they actually budget for," he said.

Most of the discounting happens at the front end, when firms and clients negotiate rates, Medice said. But additional discounting happens at the billing and collections stages. Handling alternative fee arrangements and discounts has become so complex that more than half of the law firms on the Am Law 100-NLJ affiliate The American Lawyer's ranking of firms by gross revenue-have created new positions for pricing directors, Zeughauser said.

THE ROLE OF GEOGRAPHY

Unsurprisingly, rates vary by location. Firms with their largest office in New York had the highest average partner and associate billing rates, at \$882 and \$520, respectively. Similarly, TyMetrix has reported that more than 25 percent of partners at large New York firms charge \$1,000 per

hour or more for contracts and commercial work.

Washington was the next priciest city on our survey, with partners charging an average \$748 and associates \$429. Partners charge an average \$691 in Chicago and associates \$427. In Los Angeles, partners charge an average \$665 while the average associate rate is \$401.

Pricing also depends heavily on practice area, Zeughauser and Medice said. Bet-the-company patent litigation and white-collar litigation largely remain at premium prices, while practices including labor and employment have come under huge pressure to reduce prices.

"If there was a way for law firms to hold rates, they would do it. They recognize how sensitive clients are to price increases," Zeughauser said. But declining profit margins-due in part to higher technology costs and the expensive lateral hiring market-mean that firms simply lack the option to keep rates flat, he said.

BILLING SURVEY METHODOLOGY

The National Law Journal's survey of billing rates of the largest U.S. law firms provides the high, low and average rates for partners and associates.

The NLJ asked respondents to its annual survey of the nation's largest law firms (the NLJ 350) to provide a range of hourly billing rates for partners and associates as of October 2013.

For firms that did not supply data to us, in many cases we were able to supplement billing-rate data derived from public records.

In total, we have rates for 159 of the nation's 350 largest firms.

Rates data include averages, highs and low rates for partners and associates. Information also includes the average full-time equivalent (FTE) attorneys at the firm and the city of the firm's principal or largest office.

We used these data to calculate averages for the nation as a whole and for selected cities.

Billing Rates at the Country's Priciest Law Firms

Here are the 50 firms that charge the highest average hourly rates for partners.

Billing Rates at the Country's Priciest Law Firms

FIRM NAME	LARGEST U.S. OFFICE*	AVERAGE FULL-TIME EQUIVALENT ATTORNEYS*	PARTNER HOURLY RATES	ASSOCIATE HOURLY RATES	AVERAGE	HIGH	LOW	AVERAGE	HIGH	LOW
* Full-time equivalent attorney numbers and the largest U.S. office are from the NLJ 350 published in April 2013. For complete numbers, please see NLJ.com .										
** Firm did not exist in this form for the entire year.										
Debevoise & Plimpton	New York	615	\$1,055	\$1,075	\$955	\$490	\$760	\$120		
Paul, Weiss,	New York	803	\$1,040	\$1,120	\$760	\$600	\$760	\$250		

Rifkind,
Wharton &
Garrison

Skadden, Arps, Slate, Meagher & Flom	New York	1,735	\$1,035	\$1,150	\$845	\$620	\$845	\$340
Fried, Frank, Harris, Shriver & Jacobson	New York	476	\$1,000	\$1,100	\$930	\$595	\$760	\$375
Latham & Watkins	New York	2,033	\$990	\$1,110	\$895	\$605	\$725	\$465
Gibson, Dunn & Crutcher	New York	1,086	\$980	\$1,800	\$765	\$590	\$930	\$175
Davis Polk & Wardwell	New York	787	\$975	\$985	\$850	\$615	\$975	\$130
Willkie Farr & Gallagher	New York	540	\$950	\$1,090	\$790	\$580	\$790	\$350
Cadwalader, Wickersham & Taft	New York	435	\$930	\$1,050	\$800	\$605	\$750	\$395
Weil, Gotshal & Manges	New York	1,201	\$930	\$1,075	\$625	\$600	\$790	\$300
Quinn Emanuel Urquhart & Sullivan	New York	697	\$915	\$1,075	\$810	\$410	\$675	\$320
Wilmer Cutler Pickering Hale and Dorr	Washington	961	\$905	\$1,250	\$735	\$290	\$695	\$75
Dechert	New York	803	\$900	\$1,095	\$670	\$530	\$735	\$395
Andrews Kurth	Houston	348	\$890	\$1,090	\$745	\$528	\$785	\$265
Hughes Hubbard & Reed	New York	344	\$890	\$995	\$725	\$555	\$675	\$365
Irell & Manella	Los Angeles	164	\$890	\$975	\$800	\$535	\$750	\$395
Proskauer Rose	New York	746	\$880	\$950	\$725	\$465	\$675	\$295
White & Case	New York	1,900	\$875	\$1,050	\$700	\$525	\$1,050	\$220
Morrison & Foerster	San Francisco	1,010	\$865	\$1,195	\$595	\$525	\$725	\$230
Pillsbury Winthrop Shaw Pittman	Washington	609	\$865	\$1,070	\$615	\$520	\$860	\$375
Kaye Scholer	New York	414	\$860	\$1,080	\$715	\$510	\$680	\$320
Kramer Levin Naftalis & Frankel	New York	320	\$845	\$1,025	\$740	\$590	\$750	\$400
Hogan Lovells	Washington	2,280	\$835	\$1,000	\$705	-	-	-

Kasowitz, Benson, Torres & Friedman	New York	365	\$835	\$1,195	\$600	\$340	\$625	\$200
Kirkland & Ellis	Chicago	1,517	\$825	\$995	\$590	\$540	\$715	\$235
Cooley	Palo Alto	632	\$820	\$990	\$660	\$525	\$630	\$160
Arnold & Porter	Washington	748	\$815	\$950	\$670	\$500	\$610	\$345
Paul Hastings	New York	899	\$815	\$900	\$750	\$540	\$755	\$335
Curtis, Mallet- Prevost, Colt & Mosle	New York	322	\$800	\$860	\$730	\$480	\$785	\$345
Winston & Strawn	Chicago	842	\$800	\$995	\$650	\$520	\$590	\$425
Bingham McCutchen	Boston	900	\$795	\$1,080	\$220	\$450	\$605	\$185
Akin Gump Strauss Hauer & Feld	Washington	806	\$785	\$1,220	\$615	\$525	\$660	\$365
Covington & Burling	Washington	738	\$780	\$890	\$605	\$415	\$565	\$320
King & Spalding	Atlanta	838	\$775	\$995	\$545	\$460	\$735	\$125
Norton Rose Fulbright	N/A**	N/A**	\$775	\$900	\$525	\$400	\$515	\$300
DLA Piper	New York	4,036	\$765	\$1,025	\$450	\$510	\$750	\$250
Bracewell & Giuliani	Houston	432	\$760	\$1,125	\$575	\$440	\$700	\$275
Baker & McKenzie	Chicago	4,004	\$755	\$1,130	\$260	\$395	\$925	\$100
Dickstein Shapiro	Washington	308	\$750	\$1,250	\$590	\$475	\$585	\$310
Jenner & Block	Chicago	432	\$745	\$925	\$565	\$465	\$550	\$380
Jones Day	New York	2,363	\$745	\$975	\$445	\$435	\$775	\$205
Manatt, Phelps & Phillips	Los Angeles	325	\$740	\$795	\$640	-	-	-
Seward & Kissel	New York	152	\$735	\$850	\$625	\$400	\$600	\$290
O'Melveny & Myers	Los Angeles	738	\$715	\$950	\$615	-	-	-
McDermott Will & Emery	Chicago	1,024	\$710	\$835	\$525	-	-	-
Reed Smith	Pittsburgh	1,468	\$710	\$945	\$545	\$420	\$530	\$295
Dentons	N/A**	N/A**	\$700	\$1,050	\$345	\$425	\$685	\$210
Jeffer Mangels Butler & Mitchell	Los Angeles	126	\$690	\$875	\$560	-	-	-
Sheppard,	Los	521	\$685	\$875	\$490	\$415	\$535	\$275

Mullin, Richter Angeles
& Hampton

Alston & Bird	Atlanta	805	\$675	\$875	\$495	\$425	\$575	\$280
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THE FOUR-FIGURE CLUB


These 10 firms posted the highest partner billing rates.

THE FOUR-FIGURE CLUB

Gibson, Dunn & Crutcher	\$1,800
Dickstein Shapiro	\$1,250
Wilmer Cutler Pickering Hale and Dorr	\$1,250
Akin Gump Strauss Hauer & Feld	\$1,220
Kasowitz, Benson, Torres & Friedman	\$1,195
Morrison & Foerster	\$1,195
Skadden, Arps, Slate, Meagher & Flom	\$1,150
Baker & McKenzie	\$1,130
Bracewell & Giuliani	\$1,125
Paul, Weiss, Rifkind, Wharton & Garrison	\$1,120

Contact Karen Sloan at ksloan@alm.com

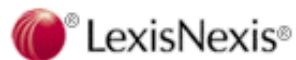
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Bursor & Fisher, P.A. - In re Smashburger IP Holder Fees & Expenses

\$400.00	Filing Fees
\$409.15	Court Reporter Fees
\$5,850.00	Expert Expenses
\$9,300.00	Mediation Expenses
\$1,525.41	Service & Delivery Expenses
\$497.89	Meals & Catering Expenses
\$2,389.53	Travel & Lodging Expenses
\$20,371.98	Total Smashburger Fees & Expenses

Filing Fees

DATE	MATTER	AMOUNT	DESCRIPTION
2019.02.08	Smashburger	\$400.00	USDC CA - Complaint
		\$400.00	Total Filing Fees

Court Reporter Fees

DATE	MATTER	AMOUNT	DESCRIPTION
2019.06.27	Smashburger	\$220.00	Lisa Gonzalez-Court Reporter
2020.02.05	Smashburger	\$189.15	Chari Bower Inc. - Court Reporter
		\$409.15	Total Court Reporter Fees

Expert Expenses

DATE	MATTER	AMOUNT	DESCRIPTION
2020.02.06	Smashburger	\$2,700.00	Economics & Technology, Inc.
2020.05.19	Smashburger	\$300.00	Economics & Technology, Inc.
2020.11.19	Smashburger	\$2,850.00	Economics & Technology, Inc.
		\$5,850.00	Total Expert Expenses

Mediation Expenses

DATE	MATTER	AMOUNT	DESCRIPTION
2020.01.23	Smashburger	\$4,650.00	Judicate West
2020.04.17	Smashburger	\$4,650.00	Judicate West
		\$9,300.00	Total Mediation Fees

Service & Delivery Expenses

DATE	MATTER	AMOUNT	DESCRIPTION
2019.03.08	Smashburger	\$991.45	First Legal - Service of Complaint
2019.05.06	Smashburger	\$28.75	First Legal - Chamber Delivery
2019.05.06	Smashburger	\$43.25	First Legal - Chamber Delivery
2019.05.06	Smashburger	\$47.25	First Legal - Chamber Delivery
2019.06.20	Smashburger	\$28.75	First Legal - Chamber Delivery

2019.06.20	Smashburger	\$43.25	First Legal - Chamber Delivery
2019.06.20	Smashburger	\$47.25	First Legal - Chamber Delivery
2019.06.20	Smashburger	\$64.25	First Legal - Chamber Delivery
2019.09.13	Smashburger	\$28.75	First Legal - Chamber Delivery
2019.09.13	Smashburger	\$28.75	First Legal - Chamber Delivery
2019.09.13	Smashburger	\$28.75	First Legal - Chamber Delivery
2019.09.13	Smashburger	\$28.75	First Legal - Chamber Delivery
2020.03.11	Smashburger	\$39.71	Goldenstate Overnight
2022.08.08	Smashburger	\$76.50	First Legal - Chamber Delivery
		\$1,525.41	Total Service & Delivery Expenses

Meals & Catering Expenses

DATE	MATTER	AMOUNT	DESCRIPTION
2020.02.06	Smashburger	\$73.92	Sanraku
2019.06.23	Smashburger	\$67.26	Marriot Spire Concess
2020.02.05	Smashburger	\$332.61	Pelican Hill
2020.02.06	Smashburger	\$24.10	Dickeys CA
		\$497.89	Total Meals & Catering Expenses

Travel & Lodging Expenses

DATE	MATTER	AMOUNT	DESCRIPTION
2019.06.19	Smashburger	\$280.98	Southwest
2019.06.24	Smashburger	\$9.31	76 World Oil
2019.06.24	Smashburger	\$31.83	DoubleTree
2019.06.24	Smashburger	\$48.40	DoubleTree
2019.06.24	Smashburger	\$55.66	Lyft
2019.06.24	Smashburger	\$149.93	Thrifty Car Rental
2019.06.24	Smashburger	\$264.30	DoubleTree
2019.06.25	Smashburger	\$8.00	Inflight WiFi
2019.07.26	Smashburger	\$106.91	L. Timothy Fisher- Expenses
2020.01.27	Smashburger	\$623.96	Southwest
2020.02.05	Smashburger	\$15.25	CMT Anaheim
2020.02.06	Smashburger	\$271.47	Double Tree
2020.02.06	Smashburger	\$25.34	Lyft
2020.02.06	Smashburger	\$83.10	Expresso Airport Parking
2020.02.06	Smashburger	\$348.09	Doubletree
2020.12.23	Smashburger	\$67.00	Web Register Website
		\$2,389.53	Total Travel & Lodging Expenses