

1 Rosemary M. Rivas (SBN 209147)
rrivas@finkelsteinthompson.com
2 **FINKELSTEIN THOMPSON LLP**
3 One California Street, Suite 900
San Francisco, California 94111
4 Telephone: (415) 398-8700/Facsimile: (415) 398-8704

5 Kathleen Fisher (State Bar No. 70838)
kfisher@calvofisher.com
6 **CALVO FISHER & JACOB LLP**
7 555 Montgomery Street, Suite 1155
San Francisco, California 94111
8 Telephone: (415) 373-8370/Facsimile: (415) 374-8373

9 James Pizzirusso (*pro hac vice*)
jpizzirusso@hausfeld.com
10 **HAUSFELD LLP**
11 1700 K Street NW, Suite 650
Washington, DC 20006
12 Telephone: (202) 540-7200/Facsimile: (202) 540-7201

13 *Class Counsel*

14 **UNITED STATES DISTRICT COURT**
15 **NORTHERN DISTRICT OF CALIFORNIA**
16

17 In re SONY PS3 "OTHER OS" LITIGATION

Case No. 4:10-CV-01811-YGR

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19 **DECLARATION OF KATHLEEN V.**
20 **FISHER IN SUPPORT OF PLAINTIFF'S**
21 **MOTION FOR AWARD OF ATTORNEYS'**
FEES, COSTS, AND INCENTIVE
AWARDS

22 Date: January 24, 2017

23 Time: 2:00 PM

24 Judge: Hon. Yvonne Gonzalez Rogers

Courtroom: 1, 4th Floor

1 I, Kathleen V. Fisher, declare as follows:

2 1. I am a partner with Calvo Fisher & Jacob LLP (“CF&J”) one of the appointed Class
3 Counsels for Plaintiffs in this class action. I make this declaration in support of Plaintiffs’ Motion
4 for Award of Attorneys’ Fees, Costs, and Incentive Awards. I have personal knowledge of the
5 matters set forth herein and could testify thereto under oath if called as a witness.

6 2. I am admitted to practice law in California and before this Court, and a member in
7 good standing of the State Bar of California. I have practiced for almost 40 years. I have extensive
8 experience litigating complex class-action cases. Prior to joining CF&J, I was an associate and
9 then a partner at Morrison & Foerster for almost 30 years. During that period, in addition to other
10 management positions, I served as chair of Morrison’s global litigation practice.

11 3. My firm filed a consolidated class action complaint on behalf of named plaintiff
12 Anthony Ventura on July 30 2010 and was appointed Co-Lead Counsel for the class with law
13 firms Hausfeld LLP and Finkelstein Thompson LLP.

14 4. Until January 1, 2016, when my partner William (“Bill”) Hebert retired, he and our
15 former partners James (“Jim”) A. Quadra and Rebecca (“Becca”) M. Coll, both of whom departed
16 in 2012, and associates Kevin Moon, Jay Trickett and Genevieve Rapadas were extensively
17 involved in representing and prosecuting claims against defendant SCEA. Following
18 January 1, 2016, when Bill Hebert retired, I took over his responsibilities and continued to work
19 with Co-Lead Counsel at Hausfeld LLP and Finkelstein LLP, primarily on settlement- related
20 tasks. During the course of my firm’s representation, as reflected on Attachment 1, individual
21 CF&J attorneys and legal assistants spent significant time investigating claims, researching,
22 drafting pleadings, participating in extensive discovery, motions practice, reviewing document
23 productions, taking and defending depositions, participating in court hearings and arguments, and
24 participating in settlement negotiations for the benefit of the class.

25 5. In particular, Jim Quadra argued the first motion to dismiss under the Unfair
26 Competition Law and the False Advertising Law claims. He also argued the second motion to
27 dismiss. Becca Coll took the lead on negotiating the stipulated protective order and the protocol for
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1 the imaging of the plaintiffs' PS3s. They also assisted in drafting the motion to compel discovery
2 and finding a vendor for online storage and review of SCEA's document production.

3 6. Bill Hebert and CF&J associate Jay Trickett took the lead in preparing the appellate
4 briefs arguments under California's Consumer Legal Remedies Act, the Unfair Competition Law
5 and the False Advertising Law claims following dismissal of this case without leave to amend on
6 December 8, 2011. Bill Hebert successfully argued the appeal from the dismissal before the Ninth
7 Circuit in October 2013 that resulted in reversal of the dismissal of some of the claims in January
8 2014. Bill Hebert also worked on defending named plaintiffs Anthony Ventura's and Jason
9 Baker's depositions.

10 7. Attached hereto as **Attachment 1** is a chart of CF&J's billing summary of time
11 spent during the course of its representation in this action. This and other attachments hereto were
12 prepared under my direction and supervision and were based on contemporaneous time records
13 submitted by each time keeper and maintained by CF&J.

14 8. The rates indicated on Attachment 1 are the rates that my firm normally charges and
15 is paid by our other clients and are commensurate with rates charged for attorneys with similar
16 experience in the San Francisco Bay Area. CF&J spent over 1,919.90 hours for a total of
17 \$895,333.00. This amount does not include the approximately 55 hours of time I wrote off during
18 my billing review, which amounts to over \$15,000.00.

19 9. Also submitted herewith as **Attachment 2** is a summary of the costs and expenses
20 incurred by CF&J during the course of its representation in this action. These costs and expenses
21 include court fees and associated expenses, deposition costs, travel expenses, courier costs,

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1 photocopy costs and other related expenses. The total amount of costs/expenses actually incurred
2 is \$19,426.28.

3 I declare under penalty of perjury under the laws of the State of California that the
4 foregoing is true and correct.

5 Executed this 30th day of November, 2016 at San Francisco, California.

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8 Kathleen V. Fisher

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ATTACHMENT 1

ATTACHMENT 1**Calvo Fisher & Jacob LLP**

IN RE: SONY PS3 "OTHER OS" LITIGATION – FEES				
ATTORNEY / Non-Attorney	YEARS OF EXPERIENCE	HOURS	HOURLY RATE	LODESTAR
Kathleen V. Fisher (Partner)	39	17.30	\$650	\$11,245.00
William N. Hebert (Partner)	27	353	\$650	\$229,450.00
James A. Quadra (Partner)	28	248.60	\$650	\$161,590.00
Rebecca M. Coll (Partner)	19	433.10	\$650	\$281,515.00
Kevin O. Moon (Associate)	9	218.20	\$300	\$65,460.00
Jay D. Trickett (Associate)	8	30.20	\$300	\$9,060.00
Genevieve P. Rapadas (Associate)	7	356.60	\$300	\$106,980.00
Joy A. Valdez (Former Paralegal)	9	71.80	\$100.00	\$7,180.00
Michele K. Ho (Paralegal)	14	81.80	\$100.00	\$8,180.00
Matthew Leon Guerrero (Paralegal)	2	65.30	\$150.00	\$9,795.00
Dominique S. Palacios (Paralegal)	18	15.30	\$150.00	\$2,295.00
Catherine W. Arnstein (Case Assistant.)	2	28.70	\$90.00	\$2,583.00
TOTAL		1,919.90		\$895,333.00

ATTACHMENT 2

ATTACHMENT 2**Calvo Fisher & Jacob LLP**

IN RE: SONY PS3 "OTHER OS" LITIGATION – COSTS	
CATEGORY	Amount
COURT COSTS/FILING FEES	\$693.00
DEPOSITION COSTS	\$3,369.85
EXPERTS/CONSULTANTS	\$6,225.00
FEDERAL EXPRESS	\$260.37
HEARING TRANSCRIPTS	\$41.20
LEXIS/WESTLAW ONLINE RESEARCH	\$3,280.58
MESSENGER/DELIVERY	\$179.98
PHOTOCOPIES – IN HOUSE	\$2,491.80
POSTAGE	\$8.29
SERVICE OF PROCESS	\$60.00
TELEPHONE/CONFERENCE SERVICES	\$55.19
TRAVEL/LODGING/MEALS	\$594.64
MISCELLANEOUS/WEBSITE HOSTING	\$2,166.38
TOTAL	\$19,426.28