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24 *Counsel for Plaintiffs and the Settlement Class*

25 **UNITED STATES DISTRICT COURT**
26 **NORTHERN DISTRICT OF CALIFORNIA**

27 In re SONY PS3 "OTHER OS" LITIGATION

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

28 **DECLARATION OF KATHLEEN V. FISHER IN SUPPORT OF RENEWED MOTION FOR AWARD OF ATTORNEYS' FEES, COSTS, AND INCENTIVE AWARDS**

Date: May 29, 2018
Time: 2:00 PM
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 a partner at
9 Morrison & Foerster for almost 30 years, including as chair of Morrison’s Global Litigation
10 practice.

11 3. My firm filed a complaint on behalf of named plaintiff Anthony Ventura on
12 July 30, 2010 and was appointed Co-Lead Counsel for the class along-side the law firm of
13 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 A. Quadra and Rebecca M. Coll, who left in 2012, along with associates,
16 Kevin Moon, Jay Trickett and Genevieve (“Gen”) Rapadas, were extensively involved in
17 representing and prosecuting claims against defendant SCEA. Following January 1, 2016, when
18 Bill retired, I took over his responsibilities and continued to work with Co-Lead Counsel Hausfeld
19 and Finkelstein, primarily on settlement related tasks. During the course of my firm’s
20 representation, as reflected on **Attachment 1**, individual CF&J attorneys and legal assistants spent
21 significant time investigating claims, researching, drafting pleadings, participating in extensive
22 discovery, motions practice, reviewing document productions, taking and defending depositions,
23 participating in court hearings and arguments, and participating in settlement negotiations for the
24 benefit of the class. In particular, Bill Hebert and associate Jay Trickett took the lead in
25 researching and drafting appellate briefs following dismissal of the case by the district court on
26 December 8, 2011. Bill Hebert successfully argued the appeal from the dismissal before the Ninth
27 Circuit in October 2013.

28

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

5 6. The rates indicated on Attachment 1 are the rates that my firm normally charges and
6 are paid by our other clients and are commensurate with rates charged for attorneys with similar
7 experience in the San Francisco Bay Area. CF&J spent over 2,334.40 hours for a total of
8 \$999,518.00. This amount does not include the approximately 87.8 hours of time I wrote off
9 during my billing review, which amounts to \$22,963.50.

10 7. Also submitted herewith as **Attachment 2** is a summary of the costs and expenses
11 incurred by CF&J during the course of its representation in this action. These costs and expenses
12 include court fees and associated expenses, deposition costs, travel expenses, courier costs,
13 photocopy costs and other related expenses. The total amount of costs/expenses actually incurred
14 is \$35,324.17.

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

17 Executed this 6th day of March, 2018 at San Francisco, California.

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19
20 

Kathleen V. Fisher

ATTACHMENT 1

IN RE: SONY PS3 "OTHER OS" LITIGATION														
TIME REPORT														
Firm Name: Calvo Fisher & Jacob LLP				Reporting Period: April 1, 2010 - February 28, 2018										
Categories:		(1) Investigations, Factual Research					(6) Litigation Strategy, Analysis and Case					(P) Partner		
		(2) Discovery					(7) Class Certification					(A) Associate		
		(3) Pleadings, Briefs and Pretrial					(8) Trial Preparation and Trial					(OC) Of Counsel		
		(4) Court Appearances and Preparation					(9) Communications with Clients					(PL) Paralegal		
		(5) Settlements					(10) Experts					(LA) Legal Assistant		
												(CA) Case Assistant		
ATTORNEY OR PARALEGAL		1	2	3	4	5	6	7	8	9	10	HOURS	HOURLY RATE	LODESTAR
Kathleen V. Fisher (P)				16.70	7.80	21.90	1.70					48.10	\$650.00	\$ 31,265.00
William N. Hebert (P)			124.00	28.90	126.50	35.00	17.80	2.00		13.60	5.20	353.00	\$650.00	\$ 229,450.00
James A. Quadra (P)		3.90	73.30	62.80	24.30	29.90	47.70	3.90		1.40	1.40	248.60	\$650.00	\$ 161,590.00
Rebecca M. Coll (P)		4.30	167.30	143.40	33.20	8.70	65.60	5.70		2.80	2.10	433.10	\$650.00	\$ 281,515.00
Kevin O. Moon (A)		3.70	38.20	128.40	7.50	0.20	38.30			1.90		218.20	\$300.00	\$ 65,460.00
Jay D. Trickett (A)				28.50	0.70		1.00					30.20	\$300.00	\$ 9,060.00
Genevieve P. Rapadas (A)		4.60	231.40	83.30	24.10	9.30	10.40	1.50		0.90		365.50	\$300.00	\$ 109,650.00
Alexander M. Freeman (A)				118.30	4.80	29.30	6.00			10.10		168.50	\$300.00	\$ 50,550.00
Attorney Totals		16.50	634.20	610.30	228.90	134.30	188.50	13.10	0.00	30.70	8.70	1865.20		\$ 938,540.00
Joy A. Valdez (PL)			26.10	24.50	4.30		16.00			0.90		71.80	\$100.00	\$ 7,180.00
Michele K. Ho (PL)			17.80	13.70		1.90	48.40					81.80	\$100.00	\$ 8,180.00
Matthew Leon Guerrero (PL)			17.20	90.20	0.50	16.50	11.00			1.20		136.60	\$150.00	\$ 20,490.00
Dominique S. Palacios (PL)			6.10	135.40		8.30				0.50		150.30	\$150.00	\$ 22,545.00
Catherine W. Arnstein (CA)			4.10	16.00	1.10	0.50	7.00					28.70	\$90.00	\$ 2,583.00
Non-Attorney Totals		0.00	71.30	279.80	5.90	27.20	82.40	0.00	0.00	2.60	0.00	469.20		\$ 60,978.00
TOTALS:		16.50	705.50	890.10	234.80	161.50	270.90	13.10	0.00	33.30	8.70	2334.40		\$ 999,518.00

ATTACHMENT 2

NAME: Calvo Fisher & Jacob LLP

MONTH: As of March 5, 2018

**IN RE: SONY PS3 "OTHER OS" LITIGATION
MONTHLY COSTS REPORT**

CATEGORY	DESCRIPTION (If necessary)	PRIOR COSTS	CURRENT COSTS	CUMULATIVE COSTS
Litigation Assessment				\$ 10,000.00
Court Costs/Filing Fees				\$ 693.00
Deposition Costs				\$ 3,369.85
Experts/consultants				\$ 6,225.00
Federal Express				\$ 261.09
Hearing Transcripts				\$ 195.70
Investigation				\$ -
Lexis/Westlaw				\$ 7,954.08
Messenger/delivery				\$ 179.26
Photocopies - in House				\$ 2,497.80
Photocopies - Outside				\$ -
Postage				\$ 8.29
Service of Process				\$ 60.00
Special Supplies				\$ -
Telephone/telecopier	Conf. Services			\$ 55.19
Travel				\$ 1,036.04
Miscellaneous	Website Hosting			\$ 2,788.87
TOTAL				\$ 35,324.17