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23 Attorneys for Plaintiffs and the Class

24 SUPERIOR COURT FOR THE STATE OF CALIFORNIA

25 COUNTY OF LOS ANGELES

26 HOLLY WEDDING, et al.,

27 Plaintiffs,

28 vs.

CALIFORNIA PUBLIC EMPLOYEES’
RETIREMENT SYSTEM, et al.,

Defendants.

LEAD CASE NO. BC 517444
JCCP CASE NO. 4936

**DECLARATION OF GREGORY L.
BENTLEY IN SUPPORT OF CLASS
COUNSEL’S MOTION FOR
ATTORNEYS’ FEES AND COSTS**

Hearing:

Date: July 26, 2023
Time: 11:00 a. m.
Dept: 10 – Spring Street Courthouse

Trial: Not Set
Complaint Filed: August 6, 2013

1 I, Gregory L. Bentley, declare as follows:

2 1. I am a founding partner at the law firm Bentley & More LLP, duly licensed to
3 practice before all Courts in this state, and serve as one of the appointed Class Counsel in this
4 matter for Plaintiffs Holly Wedding and Richard and Eileen Lodyga, as well as the Class. This
5 declaration is submitted in support of Plaintiffs’ motion for an award of attorneys’ fees, costs,
6 service awards and administration expenses with respect to a settlement that has been achieved
7 between Plaintiffs Holly Wedding, Richard M. Lodyga, and Eileen Lodyga (“Plaintiffs”),
8 individually and on behalf of the Settlement Class (the “Settlement Class”), and Defendant
9 California Public Employees’ Retirement System (“CalPERS”)¹ (the “Second Settlement”). My
10 firm has been involved in this litigation since the formation of Bentley & More LLP in August
11 2016. Prior to that time period, I was a partner at Shernoff Bidart Echeverria LLP—then
12 Shernoff Bidart Echeverria Bentley LLP—along with Bentley & More LLP attorneys Matthew
13 Clark and Clare Lucich. I have been actively involved in this matter since its inception. The
14 time periods discussed below specifically note the total time expended, though we have only
15 sought hours in this declaration for our time at Bentley & More LLP. The hours incurred from
16 case inception through August 2016 will be requested in the declaration of Shernoff Bidart
17 Echeverria.

18 2. My firm resume and biographical information concerning myself and the
19 attorneys at this firm are included below. To the best of my knowledge following a reasonable
20 investigation, there are no conflicts between my firm and the members of the Class in this matter.

21 3. I have personal knowledge of the facts stated in this declaration, and could testify
22 to those facts under oath. That personal knowledge is based on my own involvement in this
23 matter, as well as a thorough review of the file kept in our litigation management software,
24 which stores electronic copies of any and all documents generated on this matter and kept in the
25 regular course of Bentley & More LLP’s business and litigation of the instant matter.

26 4. Attorneys, paralegals and clerks from this firm have been involved in almost all
27

28 ¹ In this declaration, Plaintiffs and CalPERS are collectively referred to as the “Parties.”

1 aspects of this case from prior to its filing, including, among other things, the filing of a
2 governmental claim, preparation of the initial complaint, developing the litigation strategy,
3 drafting and responding to discovery requests, preparing for and taking depositions of
4 defendants' corporate representatives and experts, analyzing documents produced by the
5 defendants, briefing discovery motions, oppositions to the demurrer and motions for summary
6 judgment, class certification, decertification, motions in limine, working with and preparing
7 expert reports and preparing experts for depositions, preparing for and trying the first two phases
8 of the trial in the matter, participating in multiple mediation sessions, preparing filings in support
9 of the three settlements achieved in this case, extensive work on the three settlements, and
10 extensive (*tens of thousands of*) written, electronic, and telephonic communications with class
11 members. Lawyers in my firm were also initially contacted by certain of the plaintiffs and
12 worked directly with them and other Plaintiffs' counsel to review the evidence, legal theories of
13 the case and to prepare the case prior to its filing. I or lawyers from my firm have been involved
14 in virtually every aspect of this case, including all mediations and all efforts made to try to help
15 resolve the case.

16 **A. My background and qualifications in litigating difficult, high-stakes matters**

17 5. I have been an attorney licensed with the State of California for more than 32
18 years, and have spent decades litigating catastrophic personal injury actions, wrongful death
19 actions, product liability actions, and insurance bad faith matters, including complicated
20 discussions with insurance carriers and public and private entities providing tiered layers of
21 insurance for massive injuries. I also have experience in complicated class action matters,
22 including being appointed as co-lead counsel in this matter. Finally, my office, which was
23 formed in August 2016 and has experienced a string of high-profile successes across multiple
24 practice areas, has extensive experience evaluating, litigating, and pursuing to resolution claims
25 with massive, catastrophic injuries, complicated contractual interpretation issues, and other
26 issues that involve extensive workup, and considerable expert discovery, such as the matter at
27 hand. That experience, across a number of practice areas, and in particular my experience with

28

1 insurance litigation, has been instrumental in working with the other class counsel to achieve
2 resolution in this matter.

3 6. I am a member of the American Board of Trial Advocates (serving as President of
4 the San Bernardino/Riverside Chapter in 2015), a Fellow of the International Academy of Trial
5 Lawyers, a Fellow of the American College of Trial Lawyers, and a Fellow of the International
6 Society of Barristers.

7 7. I am a past President, as well as the current Chair of the Executive Committee of
8 the PAC Board, of the Consumer Attorneys of California, a statewide organization of thousands
9 of consumer attorneys, and have been named as the Trial Lawyer of the Year by the Orange
10 County Trial Lawyers Association twice (2016 and 2013), the Consumer Attorney of the Year by
11 the statewide organization CAOC (2014), as well as numerous other awards and recognitions for
12 excellence as an attorney, including the Daily Journal's Top 100 Lawyers List, and Super
13 Lawyers Top 50 in Orange County and Top 100 in Southern California (2021-2023). I have also
14 been honored to serve on the Orange County Judicial Selection Advisory Committee, following
15 my appointment by California Governor Gavin Newsom. A full list of my accomplishments, and
16 additional awards and peer recognition, can be found on my website, located at:
17 bentleymore.com/greg-bentley/

18 8. I have also achieved multiple six, seven, and eight figure verdicts, awards, and
19 settlements on behalf of my clients, as well as considerable experience with class actions and
20 other mass tort matters. I list a brief summary of the most notable here, as I believe Bentley &
21 More LLP's reputation for aggressively litigating matters up to and through trial—and achieving
22 considerable results in the process—was instrumental to achieving resolution.

- 23 • *The Insurance Company Cases*, J.C.C.P. No. 4249, in the coordinated “Med Pay”
24 class action cases before the Los Angeles Superior Court, entitled *Goodman v.*
25 *Mercury and Theis v. 21st Century*;
- 26 • *The LG Chem Product Cases*, J.C.C.P. No. 5003, involving the attempted
27 coordination of more than a dozen actions in which Bentley & More was the lead
28

1 counsel for LG Chem lithium-ion battery defects. Bentley & More ultimately
2 received a considerable resolution on behalf of its clients.

- 3 • *Kimura v. CSAA Insurance Exchange*, Sonoma Superior Court Case No. SCV-
4 263694, where we served as the lead counsel for more than a dozen homeowners
5 litigating against CSAA for underinsurance issues stretching from the 2017
6 Northern California wildfires, and achieving a confidential and considerable
7 settlement on behalf of their clients.
- 8 • *Allergan Biocell Textured Breast Implant Cases*, J.C.C.P. Case No. 5104, alleging
9 product defects in defendants' textured breast implants, in which Bentley & More
10 represents a considerable number (hundreds) of plaintiffs who are part of the
11 coordinated proceeding.
- 12 • A \$31.5 million jury verdict against Caltrans in 2012 for a dangerous condition of
13 public property (*David Evans v. State of California, et al.*, San Bernardino
14 Superior Court Case No. CIVVS1002497);
- 15 • A \$67 million judgment, following a special reference, against a contractor who
16 negligently removed fall protection from a roofing project, leading another
17 contractor's employee to suffer catastrophic injuries;
- 18 • A \$30 million settlement in January 2018 on behalf of a woman and her husband
19 after she was injured when the driveshaft of a truck broke loose, pierced her
20 windshield, and struck her in the face;
- 21 • A \$26.075 million settlement in March 2023 on behalf of a injured young man
22 and his wife when he was catapulted off of his motorcycle due to the negligent
23 design, maintenance, and oversight of a traffic control plan that led to vehicles,
24 including the one our client struck, making unsafe, illegal U-turns in front of
25 trailing traffic.
- 26 • A \$26 million settlement in April 2018 on behalf of four family members who
27 were struck from behind on the freeway, resulting in a death to one family
28 member, and catastrophic injuries to the rest;

- 1 • An \$18.25 million settlement in Fall 2021 on behalf of an injured plaintiff and his
2 family when a commercial device exploded and caused serious burns and other
3 bystander injuries;
- 4 • A \$16.75 million settlement in early 2022 with the City of Pasadena (dangerous
5 condition of public property) and a negligent driver where a motorcycle-driving
6 plaintiff struck a vehicle emerging from a cross-street due to improper and
7 insufficient sight distance (*Cantley v. City of Pasadena*, Los Angeles Superior
8 Court Case No. 20STCV03179);
- 9 • A \$14.5 million settlement in Spring 2022 on behalf of an elderly bicycle rider
10 who was runover by a commercial vehicle and suffered a catastrophic crush and
11 degloving injury to his leg;
- 12 • A \$12 million settlement in June 2018 on behalf of the family of a newlywed who
13 was tragically run over by an errant vehicle on the Venice Beach Boardwalk.
14 Despite a difficult dangerous condition claim, as well as a trail immunity issue
15 that reached the California Supreme Court, we were successful in achieving the
16 largest individual wrongful death settlement in City of Los Angeles history
17 (*Gruppioni v. City of Los Angeles*, LASC Case No. BC553109);
- 18 • An \$8.75 million settlement in August 2018 on behalf of a father and two children
19 who lost their spouse/mother due to police misconduct; and
- 20 • A \$1.9 million verdict that was the first of its kind in the nation against an e-cig
21 distributor.

22 9. As demonstrated by the above, I have extensive experience litigating complicated,
23 multi-party personal injury matters, regularly seek to take cases to and through trial, and push for
24 full value for clients with difficult, complicated claims.

25 **B. The involvement of attorneys and staff at Bentley & More LLP in the current**
26 **litigation**

27 10. I have been involved and instrumental in this action since its inception, both
28 during my time at the Shernoff firm as well as at Bentley & More LLP. I have taken the lead

1 (particularly on behalf of and during my time at Bentley & More LLP) on preparing for,
2 traveling to, and attending appearances with the Court, attending mediations, discussions, and
3 meetings with the mediator, reviewing and revising the *hundreds* of filings, orders, and other
4 pleadings in this matter, attending and participating in the first two phases of trial before the
5 Court, taking certain of the critical witness and expert witness depositions, working with the
6 brokers and other interested parties in attempting to procure a replacement policy during the first
7 attempted settlement with CalPERS, considerable and ongoing contacts with opposing and co-
8 counsel, and have been involved in, sent, or reviewed the vast majority of the emails, calls, and
9 other communications sent on this matter over its nearly 10 year history. Based on my time
10 records, as well as my review of the case file, pleadings, and papers kept as part of our trial
11 management software, I would estimate that I have expended *at least* 4018.6 hours on this
12 litigation during the life of this matter from inception to the present. Of those, approximately
13 845.4 hours were expended at Shernoff Bidart Echeverria Bentley LLP before my departure in
14 August 2016. As such, time expended on this matter while at Bentley & More LLP amounted to
15 3,173.2. In addition to myself, at least the following individuals worked on this matter:

16 a. Matthew W. Clark—Mr. Clark is a partner at Bentley & More LLP, is in his 13th
17 year practicing law, graduated *magna cum laude* from the University of Notre
18 Dame Law School after serving as an Articles Editor for the Law Review, and
19 currently serves as the firm’s lead law and motion and appellate attorney. Mr.
20 Clark has successfully opposed numerous summary judgment and other
21 dispositive motions, has appeared successfully before the California Courts of
22 Appeal and the Ninth Circuit, has been published repeatedly in the Advocate
23 Magazine and the Gavel, and has been a Super Lawyers Rising Star from 2015-
24 2023. Mr. Clark has also been recognized as a Best Lawyers – Ones to Watch for
25 2021 and 2022, and by Best Lawyers for 2023.
26 Mr. Clark's role at Bentley & More LLP and on this matter in particular has been
27 to serve as the firm's primary law and motion attorney, responsible for preparing,
28 opposing, and appearing on complicated law and motion issues throughout the

1 state and the nation. With respect to the instant matter, Mr. Clark's work included
2 preparing, reviewing, researching, and serving the portions of the motions and
3 oppositions assigned to Bentley & More LLP on this matter, including the
4 oppositions to motions for summary judgment, motions in limine, decertification
5 motion, the first and second settlement motions for preliminary and final
6 approval, and various other pleadings, motions, and research throughout this case.
7 In addition, Mr. Clark has been the primary point of contact for all class member
8 contacts with Bentley & More LLP, responding to thousands of class member
9 inquiries throughout the life of this matter. In all, and based on a review of
10 Bentley & More LLP's file, discussions with Mr. Clark, his time records, and my
11 knowledge, training, and experience of the time spent on a complicated case such
12 as the one at issue, I would estimate that Mr. Clark spent at least 2386.3
13 *hours* litigating this case to and through resolution. Only 51.9 of those hours came
14 before the formation of Bentley & More LLP. As such, Mr. Clark expended
15 approximately 2,334.4 hours while at Bentley & More LLP on this matter.

- 16 b. Clare H. Lucich (SBN #287157) – Ms. Lucich is a partner at Bentley & More
17 LLP, in her 11th year practicing law, graduated *magna cum laude* from
18 Pepperdine University School of Law after serving on the Pepperdine Law
19 Review, and currently serves as one of the firm's trial attorneys on the day-to-day
20 handling of large, catastrophic, multi-party cases. Ms. Lucich has been involved
21 in numerous seven-figure trials and settlements, including serving as one of the
22 primary handling attorneys on a \$30 million settlement on behalf of a woman
23 injured by a detached truck driveshaft that pierced her windshield, a \$16.75
24 million settlement for a young man catastrophically injured due a dangerous
25 intersection, a \$12 million wrongful death settlement against the City of Los
26 Angeles due to a dangerous condition on the Venice Beach Boardwalk, and a \$14
27 million settlement for an injured worker. She has also co-tried numerous cases to
28 verdict including a first-of-its-kind \$1.9 million verdict against an electronic

1 cigarette distributor, serving as the second chair on a \$3.8 million verdict against
2 a school district that violated safety standards and nearly amputated a student's
3 fingers in shop class, and earning 2018 Top 100 Jury Verdicts in California for
4 Personal Injury. Ms. Lucich is a Board Member of the Orange County Trial
5 Lawyers Association, and serves as the Second Vice President of the Orange
6 County Trial Lawyers Association. In 2022 Ms. Lucich was awarded the Top Gun
7 Trial Lawyer of the Year Award: Young Gun. In addition, she is a member of
8 multiple other consumer organizations, and has been a Super Lawyers Rising Star
9 from 2016-2022, and was named a Super Lawyer in 2023. Ms. Lucich has also
10 been recognized as a Best Lawyers – Ones to Watch for 2021 and 2022.
11 Ms. Lucich worked at the Shernoff firm at the commencement of this litigation in
12 2013, and was the only assigned associate on the case. In 2016 she continued her
13 work on the case with managing partner Gregory Bentley, at Bentley and More
14 LLP who associated in on the Class Action. From the outset of the case Ms.
15 Lucich was the lead day-to-day associate in the litigation handling the initial
16 pleadings such as the 910 claim and complaint, also corresponding with opposing
17 counsel, drafting, reviewing and responding to extensive written discovery,
18 conducting research, reviewing thousands of pages of document production,
19 coordinating with class members, preparing for depositions, drafting subpoenas,
20 protective orders, interviewing witnesses, reviewing annual actuarial reports and
21 coordinating with expert actuaries. Ms. Lucich continued her work throughout the
22 case including during the first phase of trial, including coordinating with and
23 retaining expert witnesses, reviewing and preparing trial documents, reviewing
24 expert witness files and preparing expert witness deposition outlines, input on law
25 and motion including opposition to the MSJ, decertification motion, motions in
26 limine, and mediation matters. From my review of the records and discussions
27 with Ms. Lucich, as well as her time records, I would estimate that she has *easily*
28 spent in excess of two thousand and six hours (2006.1) on the case. Of those,

1 903.1 hours were incurred during her time at the Shernoff firm. The rest have
2 been incurred here at Bentley & More LLP.

3 c. Evan Grant (SBN #234031) was an attorney at Bentley & More LLP, graduating
4 from Berkeley Law in 2004. During his time at Bentley & More LLP, which
5 ended in 2020, Mr. Grant had been an attorney for more than 15 years, and
6 specialized in complex, difficult law and motion, complicated discovery matters,
7 and other highly technical work. Mr. Grant worked at Bentley & More LLP from
8 2017 through 2020, and was involved in preparing portions of the law and motion
9 assignments given to Bentley & More LLP, including on the motions for
10 summary judgment and others matters. Based on my review of his time records,
11 and the records and documents in our system, Mr. Grant spent in excess of 100.5
12 hours on this matter.

13 d. Samuel S. Hibbs (SBN #335282) is an associate at Bentley & More LLP in his
14 third year of practice. Mr. Hibbs attended McGeorge School of Law University
15 of the Pacific, where he participated in the national ranked McGeorge Mock Trial
16 Team with an externship with the Sacramento District Attorney's office, and has
17 been one of the attorneys assigned during the second settlement to assist with the
18 overwhelming volume of class member contacts, calls, emails, and other
19 communications regarding the second settlement. Based on my review of his
20 time records, Mr. Hibbs has spent at least 20.2 hours in litigation of this matter.

21 e. Braydon R. Bentley (SBN #339940) is an associate at Bentley & More LLP in his
22 second year of practice. Mr. Bentley graduated *cum laude* from Pepperdine
23 Caruso School of Law and was awarded the CALI achievement awards for Legal
24 Research and Writing and Remedies. Mr. Bentley has been one of the attorneys
25 assigned during the second settlement to assist with the overwhelming volume of
26 class member contacts, calls, emails, and other communications regarding the
27 second settlement. Based on my review of his time records, Mr. Bentley has
28 spent at least 12.4 hours in litigation of this matter.

- 1 f. Ericka Villalpando is the primary legal assistant to Gregory L. Bentley and has
2 more than 20 years' experience in assisting on high-stakes litigation. During the
3 course of this matter, she has assisted me with extensive review, preparation,
4 calendaring, scheduling, preparing documents, assisting in proofreading, and
5 other vital services that assisted in litigating this matter to and through resolution.
6 From my review of her time records and emails, Ms. Villalpando spent at least
7 170.8 hours working on this matter. Her rate of \$150 per hour is in recognition
8 that she is performing blended tasks that may be both clerical and paralegal in
9 nature, but is still integral to the successful workup and resolution of this matter.
- 10 g. Trini Rodriguez is the primary legal assistant to Clare Lucich and has more than
11 20 years' experience in assisting on high stakes litigation. During the course of
12 this matter, she has assisted Ms. Lucich with extensive review, preparation,
13 calendaring, scheduling, preparing documents, assisting in proofreading, and
14 other vital services that assisted Ms. Lucich in litigating this matter to and through
15 resolution. From my review of her time records and emails, Ms. Rodriguez spent
16 at least 116.9 hours working on this matter. Her rate of \$150 per hour is in
17 recognition that she is performing blended tasks that may be both clerical and
18 paralegal in nature, but is still integral to the successful workup and resolution of
19 this matter.
- 20 h. Yvette Robles is the primary legal assistant to Matthew Clark and has more than a
21 decade of experience in assisting on high stakes litigation. During the course of
22 this matter, she has assisted Mr. Clark with respect to preparing document shells,
23 calendaring deadlines, assisting in proofreading, and other vital services that
24 assisted litigation. In addition, Ms. Robles was assigned a considerable number
25 of class member contacts for some of the more readily handled inquiries during
26 the course of the second settlement. In total, and from reviewing her time records
27 and emails, Ms. Robles spent at least 81.3 hours working on this matter. Her rate
28 of \$150 per hour is in recognition that she is performing blended tasks that may

1 be both clerical and paralegal in nature, but is still integral to the successful
2 workup and resolution of this matter.

3 11. As of June 30, 2023, attorneys and other professionals at my firm have spent
4 7,112.7 hours on this case. Moreover, given the nature of the case and our role, I anticipate
5 spending substantial time after final approval making sure that the settlement and resulting
6 claims process is efficient and effective for class members. None of the time that I anticipate
7 that we will spend after final approval is reflected below. However, given the nature of the
8 extensive communications that we have had with class members, I anticipate that we will spend
9 well in excess of an additional several *hundred* hours after final approval addressing the many
10 details of the claims process that will occur after final approval, including a steady stream of
11 class member contacts, emails, and phone calls.

12 12. The amount of time expended by each timekeeper as of June 30, 2023 and the
13 current hourly rate for each is as follows. This amount reflects the extraordinary time spent by
14 Bentley & More LLP on this matter from its formation in August 2016 to the present, spanning
15 the *entire* history of the firm's existence, and extensively involving its lead partner and two of
16 its primary attorneys.

17

18 Timekeeper	Position	Hours	Billing Rate	Lodestar
19 Gregory L. Bentley*	Founding Partner	3,173.2	\$1050	\$3,331,860.00
20 Matthew W. Clark*	Partner	2334.4	\$829	\$1,935,217.60
21 Clare H. Lucich*	Partner	1103	\$829	\$914,387.00
22 Evan W. Grant	Attorney	100.5	\$750	\$75,375.00
23 Samuel S. Hibbs	Attorney	20.2	\$413	\$8,342.60
24 Braydon R. Bentley	Attorney	12.4	\$413	\$5,121.20
25 Ericka Villalpando	Legal Assistant	170.8	\$150	\$25,620.00
26 Trini Rodriguez	Legal Assistant	116.9	\$150	\$17,535.00
27 Yvette Robles	Legal Assistant	81.3	\$150	\$12,195.00
28 Total:		7,110.7		\$6,325,653.40

1 * = The hours denoted here are for hours worked while at Bentley & More LLP (August
2 29, 2016 to the present)—they do *not* include the time that Gregory Bentley, Matthew
3 Clark, and Clare Lucich worked on this matter while at Shernoff Bidart Echeverria LLP
4 (i.e., inception of this case through August 29, 2016). Those hours are captured in the
 declaration filed by Shernoff Bidart Echeverria LLP.

5 13. I firmly believe, based on my knowledge and experience, that all of the time
6 expended by this firm was necessary to pursuing this case. Upon request, my firm can provide
7 more detailed time records to the Court.

8 14. Although my firm does not traditionally bill by the hour, the hourly rates used to
9 calculate the lodestar for my firm’s work in this case are reasonable, commensurate with my
10 experience and the experience of all of the attorneys, clerks and paralegals in this firm.

11 15. In addition, a report published by the National Law Journal providing the 2017
12 billing rates for firms based in California or with significant offices in California confirms the
13 reasonableness of our fees. According to the report, the billing rates in 2017 for the following
14 firms are: Greenberg Traurig (Partners: \$625-\$1080, Associates \$450-\$475); Jones Day
15 (Partners: \$700-\$1050, Associates: \$300-\$800); Kirkland & Ellis (Partners: \$235-\$1,410,
16 Associates \$210-295); Pillsbury Winthrop Shaw Pittman (Partners: \$790-\$1235, Associates,
17 Average \$680); Reed Smith (Partners: \$820-\$902, Associates: \$425-\$675); Sidley Austin
18 (Partners: \$965-\$1180, Associates: Not available); Winston & Strawn (Partners: Average \$930,
19 Associates \$560-\$750); Locke Lord LLP (Partners: \$295-\$1195, Associates \$250-\$875). Based
20 on significant inflation since 2017, no doubt rates have gone up substantially since that time.

21 16. Defense counsel in this case, Morrison & Foerster, submitted a fee application in
22 2021 in the case of *National Abortion Federation v. The Center for Medical Progress*, (N.D.
23 Cal) Case No. 3:15-cv-3522, in which it sought recovery for its hourly rates for partners or of
24 counsel from the period 2018 to 2021 ranging from \$925 to \$1200 per hour, associates at rates
25 ranging from \$550 to \$925 and paralegals ranging from \$295 to \$400 per hour. And, in *Chuck*
26 *Close v. Sotheby’s Inc.*, 909 F.3d 1204, 1213-14 (9th Cir. 2018), the Ninth Circuit granted
27 Morrison & Foerster’s application for attorneys’ fees at hourly rates of \$1,057.50 in 2018 for
28

1 partners and hourly rates of \$540 and \$625.50 for associates. (See Dkt. No. 72-3, 9th Cir. Case
2 No. 16-56234.)

3 17. Moreover, the hourly rates used to calculate the lodestar fall well within the range
4 approved as reasonable by courts in similar class action cases. (See, e.g., *Cummings v. Dolby*
5 *Labs., Inc.* (C.D.Cal. Apr. 20, 2021) 2021 U.S.Dist.LEXIS 76965, at *5 [noting how partners
6 have an hourly rate ranging from \$450 to \$955, and associates from \$382 to \$721, in Los
7 Angeles]; *Dawson v. Hitco Carbon Composites, Inc.* (C.D.Cal. Nov. 25, 2019) 2019
8 U.S.Dist.LEXIS 226687, at *23 [same]; *McAllister v. St. Louis Rams, LLC*, (C.D. Cal. July 2,
9 2018) 2018 U.S. Dist. LEXIS 227704 [\$610 to \$975 was reasonable rate for attorneys in Los
10 Angeles]; *Ellick v. Barnhart* (C.D. Cal. 2006) 445 F. Supp. 2d, 1166, 1169-1171 [reporting
11 decisions approving fee awards involving range of net hourly rates of up to \$ 982 per hour]; *In re*
12 *High-Tech Emp. Antitrust Litig.* (N.D. Cal. Sept. 2, 2015) No. 11-cv-2509-LHK, 2015 WL
13 5158730, at *9 [finding reasonable "billing rates for partners [that] range from about \$490 to
14 \$975. . .billing rates for non-partner attorneys, including senior counsel, counsel, senior
15 associates, associates and staff attorneys, [that] range from about \$310 to \$800, with most under
16 \$500"]; *Banas v. Volcano Corp.* (N.D. Cal. Dec. 12, 2014) No. 12-cv-01535-WHO, 2014 WL
17 7051682, at *5 [approving fees for rates with rates ranging from \$355 to \$1,095 per hour finding
18 the rates to be within the range of prevailing rates and relying on the Valeo Attorney Hourly
19 Rates and AFA Database].)

20 18. Finally, the hourly rates are commensurate with the market rates as reflected in a
21 court approved and adopted survey of attorney hourly rates known as the Laffey Matrix, a copy
22 of which is being submitted and is available at www.laffeymatrix.com/see.html.

23 19. During the course of this case from inception to present, my firm incurred a total
24 of \$289,145.54 in out of pocket expenses. My firm will likely incur additional expenses after
25 final approval for which we are not seeking recovery. Out of the Towers Watson settlement, my
26 firm was reimbursed \$100,999.55 in expenses. Thus, the total amount of the remaining expenses
27 for which we seek recovery is **\$188,145.99**. The total expenses incurred up to date during the
28 life of Bentley & More LLP's involvement include expenses for depositions (\$6,808.15), case-

1 related travel (\$3,885.44), Case Anywhere and other filing and document retention expenses
2 (\$3,725.65), CourtCall (\$684), Westlaw, Lexis and other research fees (\$3,034.59), as well as
3 Bentley & More LLP's initial paid amount upon formation (\$35,455.58) and Bentley & More
4 LLP's ongoing paid share of expenses (\$235,552.13) that were incurred by Shernoff Bidart
5 Echeverria LLP for shared items paid by SBE and reimbursed by B&M (and other counsel),
6 including extensive expert witness fees, trial preparation, and other shared expenses, and as
7 further detailed in the Shernoff Bidart Echeverria declaration.

8 20. All of the foregoing expenses were necessarily incurred to prosecute this case to
9 its conclusion. I have reviewed the expenses and accompanying invoices, as well as the other
10 declarations in this matter, and can confirm that they are reasonable.

11

12 I declare under penalty of perjury under the laws of the State of California that the
13 foregoing is true and correct, and that this declaration was executed on June 30, 2023, at Newport
14 Beach, California.

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GREGORY L. BENTLEY

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