

1 **SCHONBRUN SEPLOW HARRIS**  
2 **HOFFMAN & ZELDES, LLP**

HELEN I. ZELDES (220051)

3 *hzeldes@sshzlaw.com*

BEN TRAVIS (SBN 305641)

4 *btravis@sshzlaw.com*

501 W. Broadway, Suite 800

San Diego, CA 92101

Telephone: (619) 400-4990

6 Facsimile: (310) 399-7040

7 Attorneys for Plaintiff and the Putative Class

**ELECTRONICALLY FILED**

Superior Court of California,  
County of San Diego

**10/22/2020** at 03:22:00 PM

Clerk of the Superior Court  
By Gen Dieu, Deputy Clerk

8  
9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

10 **COUNTY OF SAN DIEGO**

11  
12 JEFFREY GARVIN, an individual, on behalf of  
himself and all others similarly situated,

13 Plaintiff,

14 vs.

15  
16 SAN DIEGO UNIFIED PORT DISTRICT; and  
DOES 1-100 inclusive,

17 Defendants.

Case No. 37-2020-00015054-CU-MC-CTL

CLASS ACTION

**DECLARATION OF HELEN I. ZELDES  
IN SUPPORT OF PLAINTIFF'S MOTION  
FOR FINAL APPROVAL OF CLASS  
ACTION SETTLEMENT, AWARD OF  
ATTORNEYS FEES AND COSTS, AND  
APPROVAL OF CLASS  
REPRESENTATIVE SERVICE AWARD**

Date: November 13, 2020

Time: 1:30 PM

Department: C-69

Judge: Katherine A. Bacal

Complaint Filed: May 26, 2020

1 **DECLARATION OF HELEN I. ZELDES**

2 I, HELEN I. ZELDES, declare under penalty of perjury, that the following is true and correct:

3 1. I am over the age of 18 years and I am competent to make this Declaration. I have  
4 personal knowledge of the facts as stated in this Declaration, or if I rely on business records, I will so  
5 personally state. I am one of the attorneys for Plaintiff Jeffrey Garvin (“Plaintiff”). I am a member in  
6 good standing of the State Bar of California. I submit this declaration in support of Plaintiff’s Motion  
7 for Final Approval of Class Action Settlement, Award of Attorneys’ Fees and Costs and Approval of  
8 Class Representative Service Award (“Motion”).

9 **QUALIFICATIONS OF COUNSEL**

10 2. I am a partner at Schonbrun Seplow Harris Hoffman & Zeldes. LLP, counsel for  
11 Plaintiff and the putative class in this matter.

12 3. I have extensive experience in civil litigation, with the concentration of my practice  
13 focused on complex class action litigation in the areas of consumer fraud, product defect, and  
14 employment litigation. I have settled class actions which provided millions of dollars in benefits to  
15 settlement classes. For example, I served as co-lead counsel on behalf of a certified class of Trump  
16 University seminar purchasers against Trump University, LLC and Donald Trump for violations of  
17 California, Florida, and New York consumer protection statutes and California and Florida elder abuse  
18 claims regarding its real estate investing seminars, which resulted in a \$25 million settlement for the  
19 plaintiffs. *Makaeff v. Trump University, LLC, et al.*, Case No. 3:10-CV-00940-GPC-WVG (S.D. Cal.),  
20 as well as Co-Lead Counsel on behalf of a putative nationwide class of Trump University students  
21 alleging violations of the Racketeer Influenced and Corrupt Organizations Act (“RICO”) by Donald  
22 Trump, *Cohen v. Donald J. Trump*, Case No. 3:13-CV-02519-GPC-WVG (S.D. Cal.). I have also  
23 recently served as Co-Lead (and settled) other large consumer cases. See, e.g., *In Re Sony VAIO*  
24 *Computer Notebook Trackpad Litigation*, Case No. 3:09-CV-02109-BAS-MDD (S.D. Cal.); *In re*  
25 *Magsafe Apple Power Adapter Litig.*, Case No. 5:09-cv-01911-JW (N.D. Cal.); *Gordon v. Apple, Inc.*,  
26 Case No. 5:06-cv-05358-JW (N.D. Cal). I am currently also Co-Lead Class Counsel in a statewide  
27 privacy class action against the Toll Roads in Orange County where I represent more than ten million  
28 class members. *In re Toll Roads Litigation*, 8:16-cv-00262-ODW(ADSx) (C.D. Cal.). I currently also

1 represent putative classes in federal and state courts throughout the state, including but not limited to  
2 the following cases: *Keich et al. v. US Healthworks et al.*, 37-2017-00015343-CU-OE-CTL (San Diego  
3 Superior)(employment class action); *Aspeytia et al. v. M.A. Mortenson Company*, 37-2019-00013863-  
4 CU-OE-CTL (San Diego Superior)(employment class action); *Cohen v. Mylife, Inc.*, 37-2018-  
5 00060911-CU-BT-CTL (San Diego Superior) (privacy class action); *Guzman et al. v. Allan Company,*  
6 *Inc. et al.* (San Diego Superior) (employment class action); *Walker v. Nestle USA Inc.*, 3:19-cv-723-L-  
7 BGS (S.D. Cal.)(false labeling class action); *Myers v. Starbucks et al.*, 5:20-cv-00335-CJC-SHK (C.D.  
8 Cal.)(false labeling class action); *Treppa v. American Honda*, RG19039655 (Alameda Superior) (auto  
9 defect class action); *Kendrick et al. v. Bay Area Toll Authority et al.*, CGC17562613(San Francisco  
10 Superior) (privacy class action); *Avelar et al. v. Los Angeles County Metropolitan Transportation*  
11 *Authority et al.*, 19STCV11537 (Los Angeles Superior) (privacy class action); *Quintero v. SANDAG*,  
12 37-2019-00017834-CU-NP-CTL (San Diego Superior) (privacy class action). These are just a sampling  
13 of the more recent cases I have played a lead or co-lead counsel role in. For more information about  
14 my class action litigation background, as well as the extensive experience of the attorneys at my firm,  
15 please see my Firm Resume attached as **Exhibit 1** to this Declaration.

16 4. My firm stands ready, willing and able to devote the resources necessary to litigate this  
17 case vigorously and see it through to an optimal resolution.

#### 18 **BACKGROUND FACTS**

19 5. On April 10, 2018, the Board of Port Commissioners of the San Diego Unified Port  
20 District (the “Port”) adopted Resolution 2018-065, which purported to re-enact San Diego Port  
21 Ordinance 2030 and imposed a special tax, disguised as a “user fee,” on car renters. The special tax is  
22 a charge of \$3.50 that renters are assessed for each rental car transaction that takes place on San Diego  
23 Port tidelands, which includes San Diego International Airport and the adjacent Rental Car Center. The  
24 Resolution ordered the rental car companies to commence collecting the fee on May 10, 2018.

25 6. *Enterprise Rent-A-Car Co. of Los Angeles, LLC and The Hertz Corporation v. San*  
26 *Diego Unified Port District*, Case No. 37-2018-00028276-CU-MC-CTL (the “Reverse Validation  
27 Action”) was commenced on June 8, 2018. In the Reverse Validation Action the rental car company  
28 Plaintiffs sought: (a) a declaration that the Port’s Resolution 2018-065, which resumed the Port’s

1 Ordinance 2030 and which required Plaintiffs and other rental car companies to collect from their  
2 customers and remit to the Port a \$3.50 Fee for each transaction on Port tidelands, was an illegal and  
3 unconstitutional tax, and (b) a refund of the Fees so collected and remitted to the Port by the Reverse  
4 Validation Plaintiffs. On or about June 6, 2019, Plaintiffs in that case also filed *Enterprise Rent-A-Car*  
5 *Co. of Los Angeles, LLC and The Hertz Corporation v. San Diego Unified Port District*, Case No. 37-  
6 2019-00029137-CU-MC-CTL (the “Refund Action”), seeking a refund of Fees collected and remitted  
7 to the Port pursuant to Resolution 2018-065 and Ordinance 2030 (collectively referred to as the  
8 “Enterprise Actions”).

9         7.         A bench trial was held on October 16, 2019. On or about December 4, 2019, the Court  
10 issued its tentative decision in the Reverse Validation Action, declaring Resolution 2018-065 and the  
11 associated \$3.50 Fee unconstitutional and illegal. The Parties were ordered to meet and confer and  
12 submit a Proposed Statement of Decision and a Proposed Order on Refund Process. The Parties  
13 submitted briefing on various issues, but no Statement of Decision or Order on Refund Process was  
14 entered; instead, the Parties engaged in settlement discussions, and stipulated to a stay of the Enterprise  
15 Actions pending potential preliminary and final approval of this Class Action Settlement by this Court.

16         8.         On or about December 19, 2019, Plaintiff, Jeffrey Garvin, contacted me and asked me  
17 to represent him in a class action on behalf of all renters who paid the Fee. My associate and I  
18 investigated his claims and the status of the reverse validation action and on January 24, 2020, Plaintiff  
19 Garvin filed a proposed class action in the United States District Court for the Southern District of  
20 California titled *Jeffrey Garvin v. Payless Car Rental, Inc. et al.* Case No. 3:20-cv-00172-AJB-WVG,  
21 against several rental car companies seeking refunds of the Fees that he and other proposed Class  
22 Members paid to those companies that were remitted to the Port.

23         9.         After meeting and conferring with the defendants in that action about their anticipated  
24 Motions to Dismiss pursuant to Federal Rules of Civil Procedure 12 and hearing their defenses, and  
25 after the defendants presented me with evidence that Plaintiff’s contract with them included arbitration  
26 provisions and class action waivers, and upon further review of his claims, Plaintiff determined that it  
27 was in the best interests of the proposed Class to seek refunds directly from the Port.

28

1           10.     On or about February 13, 2020, Plaintiff filed the requisite pre-filing claim with the Port,  
2 pursuant to Government Code sections 910 *et seq.*, on behalf of himself and all others similarly situated,  
3 seeking a refund of the Fees collected by the rental car companies and remitted to the Port. On March  
4 5, 2020, the Port rejected the claim.

5           11.     On March 12 and 13, 2020, the Port reached out to the Plaintiffs in the Enterprise  
6 Actions and expressed interest in resolving all three matters: the two Enterprise cases and the putative  
7 class action. The Enterprise Plaintiffs reached out to me to notify me of the Port’s interest in possible  
8 resolution of his class claims. The parties thus commenced global settlement discussions.

9           12.     Having not reached an agreement, on or about March 20, 2020, Plaintiff Garvin filed  
10 his class action complaint in the San Diego Superior Court against the Port seeking refunds on behalf  
11 of himself and others similarly situated who rented vehicles and paid the \$3.50 Fee to the rental car  
12 companies, which Fee was then remitted to the Port (the “Class Action Complaint”). Counsel for the  
13 Port accepted service of the Class Action Complaint by email on the same date, however, due to the  
14 COVID-19 pandemic, the San Diego Superior Court was not processing filings and therefore the Court  
15 did not issue a summons or process the filing of the Class Action Complaint until it reopened on May  
16 26, 2020.

17           13.     While the court was closed due to the COVID-19 pandemic, the Parties continued to  
18 meet and confer frequently and engaged in good faith, arm’s-length settlement discussions to attempt  
19 to resolve all three actions.

20           14.     On or about April 20, 2020, Plaintiff, the Port and the Plaintiffs in the Enterprise Actions  
21 entered into a settlement in principle, signing a formal “Term Sheet” setting forth the terms for  
22 settlement of the disputes in both the Enterprise Actions and the proposed Class Action.

23                   **THE SETTLEMENT IS FAIR, ADEQUATE AND REASONABLE**

24           15.     The settlement provides tremendous relief for the Class, even more than would have  
25 been available had the matter gone to trial. The Gross Settlement Amount is estimated to be \$7 million.  
26 After deduction of administration costs of approximately \$1,115,215 and the requested named  
27 Plaintiff’s service award of \$5,000, the amount remaining in the Net Settlement Fund to pay Cash  
28 Awards is approximately \$5,884,785. Assuming that claims are filed for 20% of the approximately

1 2,359,441 Rentals, each Class Member will receive the full amount that was collected from them and  
2 remitted to the Port, with approximately \$4,281,206.39 still remaining in the Settlement Fund. To  
3 help ensure that Settlement Class Members receive the full amount of their claims, Class Counsel has  
4 agreed to receive their attorneys' fees and costs once Cash Awards are paid to the settlement class. The  
5 Port will bear its own costs.

6 16. Plaintiff and class members would not be able to do any better at trial. The Port would  
7 argue that the statute of limitations on Plaintiff's claims is only one year, cutting the relief achieved  
8 through this settlement in almost half. And the cost and time to get to trial is not insignificant. Plaintiff  
9 would have to engage in the lengthy litigation process, pursuing further discovery and file a resource  
10 heavy motion for class certification (and pay for class notice if he prevailed – a reimbursable cost that  
11 would come out of class members' pockets). Attorneys' fees and litigation costs would increase  
12 significantly if Plaintiff was to take this case through class certification, summary judgment and trial.  
13 Moreover, Defendant argued it would appeal the decision in the reverse validation action and it would  
14 undoubtedly do the same if it received an adverse verdict at trial here, thus any relief to class members  
15 would be postponed for years.

16 17. Additionally, the Port took the position in the Enterprise Actions that California law  
17 would permit it to continue to assess and collect the fee during the pendency of any appeal, whereas  
18 this settlement cuts off collection of the charge years earlier than would be possible through litigation  
19 of this matter.

20 18. The Settlement takes into consideration the strengths and weaknesses of both parties'  
21 respective positions. My associate and I extensively researched the legality of the Fee imposed by the  
22 Port and believe that Plaintiff has a viable claim that Defendant improperly imposed the Fee and forced  
23 rental car companies to collect the Fee from renters of their vehicles. Furthermore, in its tentative  
24 decision, this Court concluded after a trial in the Enterprise Actions that the Fee was unconstitutional  
25 and improperly assessed. Plaintiff is confident in his claims and that he would ultimately prevail at  
26 trial.

27 19. However, Defendant believes that class certification of the same or similar claims would  
28 be denied for lack of predominance and contends that the Fee was proper. Defendant would put

1 forward an aggressive attack on certification. In Defendant's view, there is no guarantee that class  
2 certification would be granted if the case were to proceed to the class certification stage. Further, even  
3 if class certification were granted, Defendant argues that there would be no guarantee of a good  
4 outcome for Plaintiff at trial in this case. Finally, even if Plaintiff were to obtain a favorable judgment,  
5 there would be a significant risk that such result would be significantly smaller than achieved through  
6 this Settlement given Defendant's one-year statute of limitation defense under the Government Claims  
7 Act and its defense under the Reverse Validation statutes, and any appeal by the Defendant would delay  
8 the outcome of this action for several years.

9       20. Prior to filing, my associate and I completed an extensive and detailed analysis of the  
10 issues in the Enterprise Actions, on Plaintiff Garvin's claims and Defendant's potential liabilities. I  
11 was also aware of the defenses the Port could raise and knew that the Port would likely put forth as  
12 vigorous a defense to the class action as it had to the Reverse Validation Action. I was aware the Port  
13 threatened appeal in the Reverse Validation Action and knew there was significant risk that it would  
14 be many years before this matter would be resolved.

15       21. The Port is refunding 100% of the money it collected from the rental car companies to  
16 resolve these cases as well as interest on those monies. It is also paying its own costs and fees. This  
17 is a substantial win, likely better than could have been achieved at trial, for class members. For the  
18 foregoing reasons, I submit that the settlement is fair, adequate and reasonable.

19   **Fairness of the Proposed Service Award**

20       22. The proposed service award of \$5,000 for Plaintiff is fair and reasonable. Compensation  
21 for all of the class members in this case could not have been achieved but for individuals such as  
22 Plaintiff being willing to step forward. A \$5,000 service award is quite modest under these  
23 circumstances. I believe the requested service award is reasonable and well within precedent.

24   **Factors to be Considered in Support of the Requested Attorneys' Fees Award**

25   **A. Skill and Experience of Class Counsel**

26       23. Class Counsel are well-respected leaders in the fields of complex consumer and  
27 employment class action litigation. The identification and background of my firm and its partners is  
28 contained in my firm's resume, a true and correct copy of which is attached hereto as **Exhibit 1**. Class

1 Counsel's skills in developing evidence and understanding the strengths and weaknesses of this case  
2 was critical to the results achieved for the settlement Class. Class Counsel were in a position to properly  
3 evaluate the risks and expenses of continued litigation, including the possibility that class certification  
4 might not be maintained, or liability not established.

5 **B. The Nature, Complexity and Risks of this Litigation**

6 24. This litigation was undertaken by Class Counsel on a wholly contingent basis. From the  
7 outset, Class Counsel understood that we were embarking on an expensive and lengthy litigation with  
8 no guarantee of compensation for the enormous investment of time, money, and effort the case would  
9 require. The nature of our contingent practice involving complex class actions involves undertaking  
10 cases lasting several years, during which time the firm must not only pay regular overhead, but also  
11 advance the substantial expense of the litigation. The financial burden on our firm in such cases is far  
12 greater than on a firm that is paid on an ongoing basis. And there is never any guarantee of success.  
13 Indeed, there are cases where Class Counsel in high stakes contingent cases, after the expenditure of  
14 thousands of hours, received no compensation.

15 25. The specific risks involved in filing and prosecuting this case were significant. When  
16 Class Counsel analyzed the risk of filing this lawsuit, it was known that legal and factual issues  
17 involving class certification and damages would be complex and difficult and would require a  
18 substantial investment of time and money. In undertaking that responsibility, Class Counsel were  
19 obligated to assure that sufficient resources of attorneys were dedicated to the prosecution of the  
20 litigation and that funds were available to compensate staff and for the considerable out-of-pocket costs  
21 a case such as this would entail. Moreover, in committing to prosecute this case to the fullest, Class  
22 Counsel sacrificed work on other matters.

23 26. Although Plaintiff and Class Counsel firmly believed that the claims asserted against  
24 the Port have merit, in light of the risks Plaintiff faced, success was far from guaranteed.

25 27. Since the inception of this case, Class Counsel have not been paid anything for their  
26 efforts in this litigation. Rather, in aggregate, Class Counsel have invested thousands in necessary  
27 expenses to obtain the settlement on behalf of the Class.

28



1                   **C.     Class Counsel’s Fees Are Reasonable**

2           28.     Under the terms of the Settlement Agreement, Class Counsel is requesting twenty  
3 percent of the Settlement Fund in attorneys’ fees. As the Settlement Fund is at minimum \$7,000,000,  
4 Class Counsel are requesting \$1,400,000 in attorneys’ fees. This fee amount is fair, reasonable and  
5 consistent with awards obtained in other class action cases in courts in California.

6           29.     The requested award is more than justified in that Class Counsel achieved an  
7 outstanding settlement that will result in a likely 100% cash refund to all claimants – a result equivalent  
8 if not better than Plaintiff could have achieved at trial, that would not have been possible without the  
9 investigation, discovery and negotiation conducted by Class Counsel. My associate and I closely  
10 analyzed the pleadings and other documents in the Enterprise Actions and extensively conducted legal  
11 research. I believe that Plaintiff has a viable claim that Defendant improperly imposed the Fee on  
12 renters.

13           30.     Plaintiff’s case was the catalyst for resolution of the Enterprise Actions – the parties  
14 there had not discussed resolution in the two years that matter was pending<sup>1</sup> -- it was not until this  
15 consumer class action was filed that settlement was on the table. Class counsel have spent significant  
16 time procuring bids for the notice program, negotiating with numerous vendors, and fielding class  
17 member inquiries which have been flooding in since notice went out. Moreover, Class Counsel’s work  
18 is not yet complete, as we will spend significant time continuing to oversee and participate in the claims  
19 administration process, including working to ensure that Class Members have the information they  
20 need to properly file claims, and work involved in the final approval proceedings.

21           31.     Plaintiff also submits the Declaration of Ben Travis filed concurrently herewith, which  
22 further evidences the significant time Class Counsel has spent throughout the notice and claims period  
23 answering Class Members’ questions and assisting numerous Class Members, both individuals and  
24 large corporations, in properly filing their claims to obtain the Cash Awards they are entitled to.

25 \_\_\_\_\_  
26 <sup>1</sup> In the Reverse Validation Action, the Court determined that a claims process should be established  
27 to provide refunds to the rental car customers, but only the customers of the Plaintiffs in that action.  
28 The Port argued that the Plaintiff rental car companies did not have standing to seek refunds on behalf  
of their customers. Plaintiff Garvin’s claim and action provide the vehicle to seek refunds on behalf of  
not just those customers, but the customers of all rental car companies who have been charged the fees  
at issue in this litigation.

1           32.     If this settlement does not become final and it becomes necessary to litigate this matter  
2 further, my firm has the financial resources and is prepared to devote whatever time and effort are  
3 required to zealously advocate on behalf of Plaintiff and the Class.

4           33.     Finally, Class Counsel will not be paid any attorneys' fees and costs until Settlement  
5 Class Members are paid their Cash Awards. This helps to ensure that Class Members receive their full  
6 Cash Award.

7           34.     Furthermore, Class Counsel's lodestar confirms that the requested percentage award is  
8 fair and reasonable. The total number of hours expended on this litigation by my firm through October  
9 21, 2020 is 627.6 hours. The total hours that my firm is estimated to expend on this litigation from  
10 October 21, 2020 through final approval is 70. The total lodestar for my firm, broken down by  
11 timekeeper and their hourly rate, is attached hereto as **Exhibit 2**. The total lodestar for my firm is  
12 \$487,911 and is based on contemporaneous time records. I have reviewed the time submitted and  
13 believe all of the work performed was reasonable and necessary. There was no excessive performance  
14 of work or billing.

15           35.     My hourly rate is \$850 and the hourly rate for my associate, Ben Travis, is \$595. For  
16 the other attorneys who assisted on this case, Paul Hoffman's rate is \$1050 and John Washington's rate  
17 is \$450. Paralegal rates are at \$250-265. These rates are comparable to the rates of California law firms  
18 whose practices focus on class action litigation in Southern California

19           36.     The rates do not include charges for expense items. Expense items are billed separately  
20 and such charges are not duplicated in my firm's billing rates. In addition, lodestar does not include all  
21 post-approval work such as claims administration, class member communications, any claims disputes,  
22 appeals, and any other issues that may arise under the Settlement Agreement.

23           37.     Class Counsel expended unreimbursed expenses in connection with the prosecution of  
24 this litigation in the aggregate amount of \$4,651.11. Total expenses incurred are based on the  
25 information set forth in **Exhibit 2** to this Declaration.

26           38.     In addition, as this court is aware, another similar case was brought by the law firm Wolf  
27 Haldenstein Adler Freeman & Herz, LLP against the Port while the San Diego Superior Court was  
28 closed due to Covid-19, titled *Gauvin et al. v. San Diego Unified Port District*, Case No. 37-2020-

1 00018426-CU-CO-CTL. Counsel in that matter stated that they were unaware of the pending *Garvin*  
2 matter when they filed. After they reviewed the *Garvin* complaint, the settlement agreement and the  
3 notice plan and after several discussions, counsel in the *Gauvin* matter told me that they felt the class  
4 was adequately represented by Mr. Garvin and myself. At a status conference on July 10, 2020, Counsel  
5 for *Gauvin* told the Court that they agreed to stay their case pending the outcome of this settlement.  
6 They informed the Court that they will submit their time with the request for attorneys' fees by Class  
7 Counsel in this case but they will not request their own fees separately. Class Counsel agreed to pay  
8 them from the fees they are awarded by the Court. Since Class Counsel will reimburse *Gauvin* counsel  
9 for their fees out of any fee award this Court awards Class Counsel, *Gauvin* counsel's fees will not  
10 reduce the amount of funds available to class members. Class Counsel includes the *Gauvin* attorneys'  
11 lodestar and expenses here.

12 39. The Declaration of Rachele Byrd, filed concurrently herewith, sets forth the *Gauvin*  
13 attorneys' total lodestar of \$70,598 and expenses of \$2,090.33.

14 40. The total lodestar for both firms is \$558,509 and expenses are \$6,741.44. Plaintiff's  
15 request of 20% of the Settlement Fund, equaling \$1,400,000 in attorneys' fees, would cover their  
16 lodestar and a small multiplier of 2.51, which is fair and reasonable and is an amount that is frequently  
17 awarded by other Courts.

18 41. Based on the claims rate as of the date of this filing, there will be several million dollars  
19 remaining in the Settlement Fund for a cy pres award after all claims, fees and costs are paid.

20 **D. No Class Member Objected to the Fees**

21 42. As of the date of this Declaration, Class Counsel have not received any objections to  
22 the settlement, attorneys' fees and costs. In fact, as further explained by the Declaration of Ben Travis  
23 filed concurrently with this Declaration, the response to the settlement has been overly positive.

24 Executed this 21<sup>st</sup> day of October 2020, at San Diego, California.

25  
26 

27  
28 \_\_\_\_\_  
HELEN I. ZELDES

# EXHIBIT 1



Schonbrun Seplow Harris  
Hoffman & Zeldes, LLP

## FIRM CLASS ACTION RESUME

**Schonbrun Seplow Harris Hoffman & Zeldes, LLP** is a California based law firm with offices in West Los Angeles, Pasadena, Hermosa Beach and San Diego. Since its founding in 1990, SSHHZ has been dedicated to representing clients throughout California and the nation in complex consumer, employment, civil rights and human rights class action litigation, and individual police abuse and employment litigation.

**Class Action Practice.** Our firm is committed to excellence and integrity. SSHHZ has a long history of litigating cutting-edge consumer, employment, insurance, antitrust, human rights and civil rights class action cases of national importance and has successfully advocated for consumers and individuals against some of the largest corporations in the United States. Partners at the firm have successfully pursued class actions against corporations for a wide range of unlawful practices, including, but not limited to: false and deceptive advertising, product defect, mortgage lending fraud, banking fraud, insurance and senior annuities fraud, discriminatory underwriting, antitrust, wage/hour violations, employment discrimination based on race, religion, age, and disability, civil rights, police abuse and constitutional law matters. Whether we are vindicating the rights of defrauded consumers, representing employees who were wrongfully terminated, or individuals whose civil and constitutional rights have been violated, we are thorough, meticulous, and above all passionate about our work.

## RECENT NOTABLE CONSUMER CLASS CASES

- ▶ SSHHZ and Helen Zeldes currently serve as Co-Lead Counsel in **In re Toll Roads Litigation**, representing a certified class of millions of California drivers bringing claims against the Transportation Corridor Agencies and a handful of private defendants who plaintiffs allege are improperly and unfairly operating the toll roads in Southern California, violating their privacy rights and collecting unfair fines and penalties from them. *In re Toll Roads Litigation*, Case No. 8:16-cv-00262-ODW (ADSx) (C.D. Cal).
- ▶ Ms. Zeldes served as Co-Lead Counsel on behalf of a certified class of Trump University seminar purchasers against **Trump University, LLC and Donald Trump** for violations of California, Florida, and New York consumer protection statutes and California and Florida elder abuse claims regarding its real estate investing seminars, which resulted in a \$25 million settlement for the plaintiffs. *Makaeff v. Trump University, LLC, et al.*, Case No. 3:10-

Schonbrun Seplow Harris Hoffman & Zeldes, LLP Firm Resume

CV-00940-GPC-WVG (S.D. Cal.), as well as Co-Lead Counsel on behalf of a putative nationwide class of Trump University students alleging violations of the Racketeer Influenced and Corrupt Organizations Act (“RICO”) by **Donald Trump**, *Cohen v. Donald J. Trump*, Case No. 3:13-CV-02519-GPC-WVG (S.D. Cal.).

▶ Ms. Zeldes served as Co-Lead Counsel for a multi-state class action against **Sony Electronics, Inc.** alleging fundamental flaws in the design and/or manufacturing process in certain VAIO Touchpad Notebooks. *In Re Sony VAIO Computer Notebook Trackpad Litigation*, Case No. 3:09-CV-02109-BAS-MDD (S.D. Cal.). A settlement was approved.

▶ Ms. Zeldes served as Co-Lead Counsel for a nationwide consumer class action against **Apple, Inc.** representing a class of laptop owners for product defect claims that Apple’s power adapter is defectively designed. *In Re Magsafe Apple Power Adapter Litigation*, Case No. 5:09-CV-01911-EJD (N.D. Cal.). A nationwide settlement was approved, wherein eligible class members received relief for the defective adapters.

▶ Ms. Zeldes served as Co-Lead Counsel for a nationwide class of over two million purchasers of an alleged defective power adapter in a consumer product defect class action against **Apple, Inc.** *Gordon v. Apple Computer, Inc.*, Case No. 5:06-CV-05358-JW. A nationwide settlement was approved (in which Helen Zeldes was appointed Co-Lead Counsel for the settlement class), wherein eligible class members received \$25-\$79 each.

▶ SSHHZ represents a putative nationwide class of purchasers of chocolate and cocoa products in a false labeling class action alleging **Nestle USA, Inc.** falsely states on its labels that its products are sustainably sourced and supports farmers, when it actually sources its cocoa from farms that use child and slave labor and cause environmental destruction. *Walker v. Nestle USA, Inc.*, Case No. 3:19-cv-723-L-DEB (S.D. Cal.).

▶ SSHHZ represents a putative nationwide class of purchasers of chocolate and cocoa products in a false labeling class action alleging **Starbucks Corporation, Mars Wrigley Confectionery US, LLC, and The Quaker Oats Company** falsely state on their products that they are ethically and sustainably sourced, when the cocoa is actually sourced from farms that use child and slave labor and cause environmental destruction. *Myers v. Starbucks et al.*, Case No. 5:20-cv-00335-JWH-SHK (C.D. Cal.).

▶ Ms. Zeldes and Mr. Travis represent a plaintiff in an action against **Mylife, Inc.** alleging that it falsely posts information on its website stating people may have criminal records, seeking public injunctive relief on behalf of virtually all United States citizens. *Cohen v. Mylife, Inc.*, Case No. 37-2018-00060911-CU-BT-CTL (San Diego Super. Ct.).

▶ Ms. Zeldes and Mr. Travis represent a putative class of California consumers in an automobile defect case against **American Honda Motor Co.** alleging that certain models of its Acura vehicles have defective infotainment systems. *Treppa v. American Honda*, Case No. RG19039655 (Alameda Super. Ct.).

- ▶ Ms. Zeldes and Mr. Travis represent a putative class of California drivers in a case against the **Bay Area Toll Authority** and its contractor **Conduent** alleging that they violate drivers' privacy rights by sharing their personal information with third parties. *Kendrick et al. v. Bay Area Toll Authority et al.*, Case No. CGC17562613 (S.F. Super. Ct.).
- ▶ Ms. Zeldes and Mr. Travis represent a putative class of California drivers in a case against **SANDAG** alleging that it violates drivers' privacy rights by sharing their personal information with third parties. *Quintero v. SANDAG*, Case No. 37-2019-00017834-CU-NP-CTL (San Diego Super. Ct.).
- ▶ Ms. Zeldes and Mr. Travis represent a putative class of California drivers in a case against the **Los Angeles County Metropolitan Transportation Authority** and its contractor **Conduent** alleging that they violate drivers' privacy rights by sharing their personal information with third parties. *Kendrick et al. v. Bay Area Toll Authority et al Avelar et al. v. Los Angeles County Metropolitan Transportation Authority et al.*, Case No. 19STCV11537 (L.A. Super. Ct.).

## **RECENT NOTABLE EMPLOYMENT CLASS ACTIONS**

Schonbrun Seplow Harris Hoffman & Zeldes, LLP also represents employees in class actions involving violations of wage and hour laws. This is just a sampling of SSHHZ's employment class actions:

- ▶ *Keich et al. v. U.S. Healthworks, Inc.* Case No. 37-2017-00015343-CU-OE-CTL (San Diego Super. Ct.). Represent plaintiffs in a wage and hour class action against their employer for failure to pay overtime and meal and rest break premiums.
- ▶ *Sabato et al. v. AMG Demolition & Environmental Service*, Case No. 37-2018-00002502-CU-OE-CTL (San Diego Super. Ct.). Represented plaintiffs in a wage and hour class action against their employer for failure to pay for all time worked, overtime, and meal and rest break premiums. A settlement was approved
- ▶ *Aspeytia et al. v. M.A. Mortenson Company*, Case No. 37-2019-00013863-CU-OE-CTL (San Diego Super. Ct.). Represent plaintiffs in a wage and hour class action against their former employer for failure to provide sick leave. A settlement was reached and is awaiting final approval.
- ▶ *Boyd v Bank of America*: class action on behalf of real estate appraisers who were misclassified as non-exempt and were not paid overtime due to them. After certification and prevailing on summary judgment, two settlements were reached, totaling almost \$42 million. Case No. SA CV 13-0561-DOC (JPRx)(CD Cal)

## Schonbrun Seplow Harris Hoffman & Zeldes, LLP Firm Resume

- ▶ **CVS &-Day Cases:** class action on behalf of CVS pharmacists related to allegations that pharmacists worked more than six consecutive days without overtime. Settled for \$12,750,000. *Connell v. CVS Pharmacy, Inc.*, L.A.S.C. Case No. BC523172; *Paksy v. CVS Pharmacy, Inc.*, L.A.S.C. Case No. BC523491; and *Bystrom v. CVS Pharmacy, Inc.*, L.A.S.C. Case No. BC525991
- ▶ **Valerie Alberts v Aurora Behavioral Health Care:** certified wage hour class action on behalf of nurses, mental health workers, and psychiatric specialists. Los Angeles County Superior Court, Case NO. BC419340.
- ▶ **Waters v AT&T Services, Inc.:** Served as lead co-counsel in class action wage and hour case alleging that IT workers were mis-classified. Case settled for \$17,000,000, with class members each receiving an average of approximately \$20,000 in proceeds.

### **ATTORNEY PROFILES**

#### **BENJAMIN SCHONBRUN, PARTNER**

Ben Schonbrun is a founding partner of the firm. Mr. Schonbrun's primary areas of practice are Sexual Harassment, Race Discrimination, Wrongful Termination and Pregnancy Discrimination

Mr. Schonbrun has represented numerous plaintiffs in sexual harassment, race discrimination, wrongful termination, pregnancy discrimination and disability discrimination which resulted in settlements in the hundreds of thousands and millions of dollars.

Mr. Schonbrun is licensed to practice law in the state of California since 1985, and is admitted to the U.S. District Court Central District of California, U.S. District Court Northern District of California, U.S. District Court Eastern District of California, and U.S. Court of Appeals 9th Circuit.

**Education:** B.A. Brooklyn College, Brooklyn, Major: Political Science, Minor: Secondary Education; J.D., University of West Los Angeles School of Law, 1983.

#### **MICHAEL D. SELOW, PARTNER**

Mike Seplow is a founding member of the firm. Mr. Seplow's areas of practice are Employment Law, Wage and Hour, Civil Rights, Police Misconduct, Wrongful Convictions, Personal Injury, International Human Rights and Class Actions.

Mr. Seplow is licensed to practice law in the state of California, and is admitted to the U.S. District Court Central District of California, U.S. District Court Northern District of California,



## Schonbrun Seplow Harris Hoffman & Zeldes, LLP Firm Resume

U.S. District Court Eastern District of California, U.S. District Court Southern District of California and U.S. Court of Appeals 9th Circuit.

Mr. Seplow is a member of the Los Angeles County Bar Association, Consumer Attorneys Association of Los Angeles and California Employment Lawyers Association

**Education:** A.B., Duke University, magna cum laude, 1985; J.D. University of California at Los Angeles School of Law, 1990.

**Publications:** *Punishing Pundits: People v. Dyleski and the Gag Order as Prior Restraint in High-Profile Cases* LOYOLA OF LOS ANGELES LAW REVIEW 2007[Vol. 39:1195] (co-authored with Paul Hoffman)

### WILLIAM J. HARRIS, PARTNER

Mr. Harris is a founding member of the firm. Mr. Harris' practice focuses on the representation of employees in both class action and individual disputes with employers, and individuals in civil rights cases. In November 1999, Mr. Harris opened the South Pasadena office of the firm where he remains the resident partner. Prior to joining the firm, Mr. Harris worked as Law Clerk to the Honorable David W. Williams, United States District Court for the Central District of California. In January 1994, Mr. Harris joined the Law Offices of Johnnie L. Cochran, Jr. where he began representing clients in civil rights cases, including Reginald Denny.

Mr. Harris has been appointed class counsel in several class actions many of which have resulted in very substantial settlements: *Boyd v. Bank of America*, No. CV13-00561 DOC (JPRx) (C.D. Cal.) (\$41.8 million), *Petzold v. Metrocities Mortgage LLC et al*, BC 365594 (Los Angeles Sup. Ct.) (\$2.35 million); *Manukyan v. Regis Corporation*, No. CV09-04807 MMM (FFMx) (C.D. Cal.), related to *Bonilla v. Regis Corp.*, 30-2009-00329724 (Orange Cty. Sup. Ct.) (\$4.1 million).

In addition to litigating, Mr. Harris is a frequent speaker on employment law at seminars for the Los Angeles County Bar Association ("LACBA"), the State Bar Labor & Employment Section, the American Bar Association, and the California Employment Lawyers Association ("CELA"). In February 2003, Mr. Harris was one of the speakers at the LACBA Nuts and Bolts Seminars

In 2005, Mr. Harris was selected to sit on the California State Bar Labor & Employment Executive Committee. After joining the Labor & Employment Executive Committee, he regularly spoke at their Annual Conferences. Mr. Harris served as Chair of the California State Bar Labor and Employment Section from 2010 to 2011. In his capacity as Chair, Mr. Harris co-chaired the Section's inaugural Wage and Hour Conference in August 2011.

Mr. Harris is an active member of various professional organizations, including the California Employment Lawyers Association (CELA). Mr. Harris served on the Board of Directors of the California Employment Lawyers Association from 2007-2014. Mr. Harris is also a member of

## Schonbrun Seplow Harris Hoffman & Zeldes, LLP Firm Resume

the National Employment Lawyers Association (NELA), the Consumer Attorneys Association of Los Angeles (CAALA), the Los Angeles County Bar Association and its Labor & Employment Section and the John M. Langston Bar Association. He has been selected as a "Southern California Super Lawyer" by Los Angeles Magazine for several years.

Mr. Harris is licensed to practice law in the state of California.

**Education:** A.B., Stanford University, 1986; J.D., University of Los Angeles School of Law, 1990.

**Honors/Awards/Publications:** "Southern California Super Lawyer", Los Angeles Magazine for Several Years. Mr. Harris was also nominated by the Consumer Attorney Association of Los Angeles as Trial Lawyer of the Year for 2017 as a result.

### **PAUL L. HOFFMAN, PARTNER**

Mr. Hoffman has been a partner at the firm since 1999. Mr. Hoffman's areas of practice are Civil Rights and Human Rights Litigation, Class Actions, Constitutional, Copyright, Discrimination, First Amendment, General Business Litigation, Privacy Litigation, and Trademark Litigation.

Mr. Hoffman's practice has focused in the areas of constitutional and civil rights litigation, including First Amendment rights, criminal law and procedure, race, sex and disability discrimination, voting rights, police misconduct, freedom of information and privacy cases and general business litigation. Mr. Hoffman also specializes in civil and criminal appeals having argued more times than we can count before the United States Supreme Court, the Ninth Circuit, the California Supreme Court and many other courts of appeal.

In recent years, Mr. Hoffman has been approved as class counsel in several significant First Amendment cases. These include Multi-Ethnic Immigrant Worker Organizing Network ("MIWON") v. City of Los Angeles, 246 F.R.D. 621 (C.D. Cal. 2007)(May Day 2007 incident); Aichele v. City of Los Angeles, 314 F.R.D. 478 (C.D. Cal. 2013) (incident involving Occupy LA protests May 2011); and Chua v. City of Los Angeles, Case No. 2:16-cv-00237-JAK-GJS (C.D. Cal.)(Ferguson protests 2015).

Mr. Hoffman also teaches human rights, civil rights, constitutional law and human rights clinics at UC Irvine, UC Berkeley, Harvard, Oxford University/George Washington School of Law Human Rights School, Stanford Law School, UCLA School of Law, USC Law School Loyola Law School, Southwestern University School of Law, and was a Visiting Fellow and Tutor, Kellogg College, Oxford University. In all, Mr. Hoffman has taught more than 50 separate courses, including First Amendment, Civil Rights Litigation, Constitutional Law Seminars on Equality and Privacy, International Human Rights, International Criminal Justice, Police Abuse Litigation, Defamation and AIDS and the Law.

## Schonbrun Seplow Harris Hoffman & Zeldes, LLP Firm Resume

Mr. Hoffman is licensed to practice law in the state of California.

**Education:** B.A., The City College of the City University of New York, 1972; M.S., The London School of Economics and Political Science, 1973, Major: Economics; J.D., New York University School of Law, 1976.

### **Selected Publications:**

#### **Books**

Steinhardt, Hoffman and Camponovo, *Human Rights Lawyering: Cases and Materials* (West Publishing) (2009)

Stephens, Ratner, Chomsky, Green and Hoffman, *International Human Rights Litigation in U.S. Courts* (2d ed Martinus Nijhoff 2007).

Coliver, Hoffman, Fitzpatrick & Bowen, (Editors), “Security and Liberty: National Security, Freedom of Expression and Access to Information,” (Martinus Nijhoff 1999) (“Secrecy and Liberty”)

#### **Articles**

Qualified Immunity: The Shrinking of Constitutional Rights, *Consumer Attorneys of California, Forum* p. 26 (March, April 2018)

*Kiobel v. Royal Dutch Petroleum Co.: First Impressions*, 52 *Col. J. Trans. L.* 28 (2013)

The Alien Tort Statute: An Introduction for Civil Rights Lawyers, 2 *L.A. Pub. Int. L. J.* 129 (2010) (with Adrienne Quarry)

Celebrity Prosecutions: Punishing Pundits: *People v Dyleski* and the Gag Order As Prior Restraint in High-Profile Cases, 39 *Loy. L.A. L. Rev* 1197 (2006) (with Michael Seplow)

Wartime Security and Constitutional Liberty: Justice Jackson, Nuremberg and Human Rights Litigation, 68 *Alb. L. Rev.* 1145 (2005)

Holding Human Rights Violators Accountable By Using International Law in U.S. Courts: Advocacy Efforts and Complementary Strategies, 19 *Emory L. Rev.* 169 (2005)(with Sandra Coliver and Jennifer Green)

The Rules of the Road: Federal Common Law and Aiding and Abetting Under the Alien Tort Claims Act, 26 *Loy. L.A. Int’l & Comp L. Rev.* 47 (2003)(with Daniel Zaheer)

Pursuing Crimes against Humanity in the United States: The Need for a Comprehensive Liability Regime, in *Justice for Crimes Against Humanity*, Eds M. Lattimer and P. Sands(Hart Publishing 2003)(with William Aceves)

Using Immigration Law to Protect Human Rights: A Critique of Recent Legislative Proposals, 23 *Mich. J. Int’l L.* 733 (2002)(with William Aceves)

Schonbrun Seplow Harris Hoffman & Zeldes, LLP Firm Resume

*International Human Rights Law and Police Reform, in Zero Tolerance: Quality of Life and the New Police Brutality in New York City* (NYU Press 2001) Eds. A. McArdle and T. Erzen

Using Immigration Law to Protect Human Rights: A Legislative Proposal, 20 Mich. J. of Int'l L. 657 (1999) (with William Aceves)

Safeguarding Liberty: National Security, Freedom of Expression and Access to Information: United States of America, (with Kate Martin) in Secrecy and Liberty.

The Gag Order in the O.J. Simpson Civil Action: Lessons to be Learned?, 17 Loyola Ent. L.J. 333 (1997)

The 'Blank Stare Phenomenon': Proving Customary International Law in U.S. Courts, 25 Ga. J. Int'l and Comp. Law 181 (1996)

Enforcing International Human Rights Law in the United States, in Human Rights: An Agenda for the Next Century, American Society of International Law (1994) (with Nadine Strossen)

Double Jeopardy Wars: The Case for a Civil Rights 'Exception,' 41 UCLA L. Rev. 649 (1994)

The Feds, Lies and Videotape: The Need for an Effective Federal Role in Controlling Police Abuse in Urban America, 66 So. Cal. L. Rev. 1453 (1993)

The Elimination of Torture: International and Domestic Developments, 9 International Lawyer 1351 (Fall 1985) (with Linda Brackins)

Public Interest Lawyers: Three Success Stories, Los Angeles Lawyer (December 1984) (subject of the article)

Book Review, Hannum, "Guide to International Human Rights Practice," and Meron, "Human Rights in International Law: Legal and Policy Issues," 18 International Lawyer 741 (Summer 1984)

The Police Spying Settlement: New Safeguards for Political Expression, Los Angeles Lawyer (May 1984) (with Robert Newman)

The Application of International Human Rights Law in State Courts: A View from California, 18 The International Lawyer 59 (Winter 1984) (Symposium)

*Trade Union Rights Under Article 11 of the European Convention of Human Rights, 5 Comparative Labor Law 149 (1982)*

Assignment to Trial Department; Motions; Procedure in Chambers, in California Civil Procedure During Trial (C.E.B. 1982) (with Dale L. Gronemeier)

Environmental Law/The Clean Air Act Amendments, 1974/75 Annual Survey of American

## Schonbrun Seplow Harris Hoffman & Zeldes, LLP Firm Resume

### Law 641

The Right of Self-Determination in Very Small Places, 8 N.Y.U. Journal of International Law and Politics 331 (1976) (with Professor Thomas M. Franck)

Author of dozens of articles for a variety of publications, including the newsletters and magazines of various organizations, on civil liberties, civil rights and international human rights issues. See, e.g., "*The United Nations and the Death Penalty*," in *The Universal Declaration of Human Rights 1948-1988: Human Rights, The United Nations and Amnesty International*, at 89-99 (Published by AIUSA in Fall 1988)(with Zazi Pope); "The Use of International Law in ACLU Cases" (paper presented at ACLU Biennial Conference, Madison, Wisconsin, June 1989, updated in 1991 for the ACLU Biennial Conference in Burlington, Vermont).

Numerous op-ed pieces on civil liberties and international human rights topics in the Los Angeles Times, the Daily News, the Los Angeles Daily Journal, Newsday and the Herald Examiner.

Frequent speaker on civil and international human rights issues at dozens of CLE programs, law school talks, symposia, Bar Association meetings, and other public events. *See, e.g.*, XII N.Y.L. Sch. J. Hum.Rts. 599 (1995)(re human rights trials in Ethiopia).

### Honors and Awards

- Alexander Prize ("for using your legal expertise to help alleviate injustice and inequity"), University of Santa Clara Law School, 2017
- Cox Price Human Rights Award, University of Denver Law School, 2009
- Judith Lee Stronach Human Rights Award, Center for Justice and Accountability, 2007
- Co-Civil Rights Attorney of the Year, California State Bar, 2006
- Selected Super Lawyer from 2004 - 2019
- Selected Super Lawyer from 2004 - 2019
- Firm ranking highest tier nationally for Appellate Practice by U.S. News & Reports, available at <https://bit.ly/2v6Nx9B>
- Los Angeles Business Journal Top Trial Lawyer, 1999
- 100 Most Influential Lawyers of California, 1998
- Clarence Darrow Award for outstanding First Amendment advocacy for work on the policy spying cases, 1984
- Staff Member, Annual Survey of American Law, 1974 - 1975
- Research Associate, International Law Program, Carnegie Endowment for International Peace, 1975 - 1976
- Law Clerk, Manhattan Legal Services (N.Y.U. Public Interest Clinic), 1974 - 1975
- RFK Fellow, Office of Congressman Jonathan Bingham, Washington, D.C., 1974
- In 1984, Mr. Hoffman received the Clarence Darrow Award for outstanding First Amendment advocacy for my work in the police spying cases.
- In October 1998, Mr. Hoffman was named one of the 100 most influential attorneys in California by the Daily Journal and in February 1999 one of the top trial lawyers in Los Angeles County by the Los Angeles Business Journal.

## Professional Associations and Memberships

- California Academy of Appellate Lawyers, Member, Elected May 2000
- International Human Rights Committee, ABA Section on International Law and Practice, Co-Chair, 1999-2000
- Los Angeles Copyright Society, Member, 1997 - Present
- Ninth Circuit Judicial Conference, Lawyer Representative, 1989 - 1992
- The State Bar of California, Member, Committee on Private Bar Involvement in Pro Bono Work, 1988 - 1991
- ABA Section on Individual Rights and Responsibilities, Program Coordinator, International Human Rights Committee, 1984 - 1988
- The State Bar of California, Committee on Human Rights, 1983 - 1986
- Los Angeles County Bar Association, Individual Rights and Responsibilities Law Section, Executive Committee, 1985 - 1987
- Los Angeles County Bar Association, International Law Section, Executive Committee, 1982 - 1986
- Los Angeles County Bar Association, Arbitrator (Legal Fee Disputes), 1980 - 1983
- American Arbitration Association, Arbitrator, Commercial Panel, 1981 - 1985
- Los Angeles County Bar Association, Vice-Chair, Arbitration Committee, 1982 - 1983
- Los Angeles Municipal Court, Judge Pro Tem, 1983 - 1984
- Amnesty International, Member
- Amnesty International - USA, Chair of the Board
- International League for Human Rights, Member of Board
- Center For Human Rights and Constitutional Law, Member of Board
- International Human Rights Law Group, Member, Domestic Advisory Committee

## HELEN I. ZELDES, PARTNER

Ms. Zeldes' practice focuses on complex class action litigation. Ms. Zeldes has extensive experience litigating consumer class actions with an emphasis on consumer fraud and misrepresentation, actions brought by policyholders against life, auto and other insurers for deceptive sales practices, mortgage lending and banking fraud, product defect claims, wage/hour violations, discrimination, and human rights, civil rights, and antitrust violations.

Ms. Zeldes currently serves as Co-Lead Counsel in **In re Toll Roads Litigation**, representing a certified class of millions of California drivers bringing claims against the Transportation Corridor Agencies and a handful of private defendants who plaintiffs allege are improperly and unfairly operating the toll roads in Southern California, violating their privacy rights and collecting unfair fines and penalties from them. *In re Toll Roads Litigation*, Case No. 8:16-cv-00262-ODW (ADSx) (C.D. Cal).

Ms. Zeldes served as Co-Lead Counsel on behalf of a certified class of **Trump University** seminar purchasers against Trump University, LLC and Donald Trump for violations of

## Schonbrun Seplow Harris Hoffman & Zeldes, LLP Firm Resume

California, Florida, and New York consumer protection statutes and California and Florida elder abuse claims regarding its real estate investing seminars, which resulted in a \$25 million settlement for the plaintiffs. *Makaeff v. Trump University, LLC, et al.*, Case No. 3:10-CV-00940-GPC-WVG (S.D. Cal.), as well as Co-Lead Counsel on behalf of a putative nationwide class of Trump University students alleging violations of the Racketeer Influenced and Corrupt Organizations Act (“RICO”) by Donald Trump, *Cohen v. Donald J. Trump*, Case No. 3:13-CV-02519-GPC-WVG (S.D. Cal.).

Ms. Zeldes also represented a putative class of consumers in a product defect and consumer class action against **Sony Electronics, Inc.** alleging that fundamental flaws in the design and/or manufacturing process in the VAIO Touchpad Notebooks rendered it almost impossible to use because the touchpad is prone to cause the onscreen cursor to track in reverse, freeze; and/or engage in erratic behavior. *In Re Sony VAIO Computer Notebook Trackpad Litigation*, Case No. 3:09-CV-02109-BAS-MDD (S.D. Cal.). A multi-million dollar settlement was approved.

Ms. Zeldes served as Co-Lead Counsel in a nationwide putative class action against **Apple, Inc.** representing a class of approximately ten million consumers alleging product defect and consumer claims that Apple’s power adapter is defectively designed. *In Re Magsafe Apple Power Adapter Litigation*, Case No. 5:09-CV-01911-EJD (N.D. Cal). Ms. Zeldes also litigated a similar nationwide consumer product defect class action against **Apple, Inc.** on behalf of a class of over two million purchasers of a prior version of an alleged defective power adapter. *Gordon v. Apple Computer, Inc.*, Case No. 5:06-CV-05358-JW (N.D. Cal). A multi-million dollar settlement was approved.

Ms. Zeldes also currently represents putative classes in federal and state courts throughout the state, including but not limited to the following cases: *Cohen v. Mylife, Inc.*, 37-2018-00060911-CU-BT-CTL (San Diego Superior) (privacy class action); *Walker v. Nestle USA Inc.*, 3:19-cv-723-L-DEB (S.D. Cal.)(false labeling class action); *Myers v. Starbucks et al.*, 5:20-cv-00335-JWH-SHK (C.D. Cal.)(false labeling class action); *Treppa v. American Honda*, RG19039655 (Alameda Superior) (auto defect class action); *Kendrick et al. v. Bay Area Toll Authority et al.*, CGC17562613(San Francisco Superior) (privacy class action); *Avelar et al. v. Los Angeles County Metropolitan Transportation Authority et al.*, 19STCV11537 (Los Angeles Superior) (privacy class action); *Quintero v. SANDAG*, 37-2019-00017834-CU-NP-CTL (San Diego Superior) (privacy class action); *Keich et al. v. US Healthworks et al.*, 37-2017-00015343-CU-OE-CTL (San Diego Superior)(employment class action); *Aspeytia et al. v. M.A. Mortenson Company*, 37-2019-00013863-CU-OE-CTL (San Diego Superior) (employment class action); *Guzman et al. v. Allan Company, Inc. et al.* (San Diego Superior) (employment class action) These are just a sampling of the more recent cases she has played a significant role in.

Ms. Zeldes worked for many years at the nation’s largest plaintiff’s class action firm, **Robbins Geller Rudman & Dowd** (formerly “**Lerach Coughlin**” and “**Milberg Weiss**”) in its consumer and insurance fraud class action practice group. There, Ms. Zeldes was instrumental in litigating a series of nationwide senior annuities fraud class actions in which her former firm was

## Schonbrun Seplow Harris Hoffman & Zeldes, LLP Firm Resume

appointed Co-Lead Counsel.<sup>1</sup> Other nationwide class actions Ms. Zeldes litigated at her former firm include: a wage/hour overtime action against Cintas, one of the nation's largest commercial laundries for violations of the Fair Labor Standards Act for misclassifying truck drivers as salesmen to avoid payment of overtime wages; race discrimination underwriting class actions against large insurance companies for their practice of intentionally charging African-Americans and other minorities more for life insurance than similarly situated Caucasians (cases that collectively recovered over \$400 million for African-Americans and other minority class members as redress for the civil rights abuses they were subjected to); race discrimination underwriting class actions against insurance companies based upon the improper use of credit scoring or geographical redlining to charge minorities higher premiums against insurance giants like Allstate and State Farm; a statewide consumer class action over the propriety of a private contractor operating "red light camera" systems throughout California, *Red Light Photo Enforcement Cases*, JCCP No. 4305 (San Diego Super. Ct.), a case which Ms. Zeldes co-chaired at trial; a multi-state antitrust action entitled *In re Medical Waste Services Antitrust Litigation*, MDL No. 1546 (D. Utah), in which plaintiffs brought claims for defendants' alleged conspiracy to allocate customers and territories in the market for the collection, transportation and disposal of medical waste, as well as for unlawful monopolization. Ms. Zeldes was also involved in *Thomas & Thomas Rodmakers, Inc. v. Newport Adhesives & Composites, Inc. (Carbon Fiber Antitrust Litigation)*, Case No. CV-99-7796 (C.D. Cal.), in which a class of purchasers alleged that the major producers of carbon fiber fixed the price of carbon fiber from 1993 to 1999. The case ultimately settled for \$675 million.

Ms. Zeldes also has over 30 years of small business experience in industries ranging from retail and manufacturing to importing and wholesaling to e-commerce and has owned and operated eight businesses over the past three decades. Ms. Zeldes brings a business owner's sensibilities to the table in her litigation practice.

Ms. Zeldes was named a San Diego Super Lawyer in 2017, 2018 and 2019 and was nominated for the 2016 National Association of Women Business Owners' Woman Business Owner of The Year award and was a 2016 finalist in the San Diego Business Journal's Women Who Mean Business Awards.

Ms. Zeldes is licensed to practice law in the states of California and Hawaii and is admitted to practice before all the federal district courts in both states.

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<sup>1</sup> *Buhs v. American International Group, et al.*, No. CGC 04-435919 (S.F. Super. Ct. Oct. 24, 2004); *Bacon v. American International Group, et al.*, No. 3:2005-CV-04979 MMC (N.D. Cal. Dec. 2, 2005) (originally filed July 15, 2005 in San Francisco Super. Ct., No. CGC 05-443149); *Kaiser v. Midland National Life Insurance Co.*, No. 3:2005-00972-HLA-TEM (M.D. Fla. Sept. 20, 2005); *Healey v. Allianz Life Insurance Co. of North America*, No. 2:2005-CV-08908 (C.D. Cal. Dec. 22, 2005); *Anagnostis, et al. v. American Equity Investment Life Insurance Co., et al.*, No. 2:006-CV-00388 MMM (C.D. Cal. Jan. 20, 2006); *Edwards v. Amerus Group Co., et al.*, No. 8:2005-CV-01590 (M.D. Fla.); and *Petry, et al. v. National Western Life, et al.*, No. 3:2005-CV-2336 GPC-WVG (S.D. Cal.).



Schonbrun Seplow Harris Hoffman & Zeldes, LLP Firm Resume

**Education:** B.A., University of California at Davis, 1988; J.D., University of Hawaii, William S. Richardson School of Law, Honolulu, Hawaii, 2000 (*cum laude*).

**Honors/Awards:** University of Hawaii Law Review, Outside Articles Editor, Editorial Board Recipient, Edward H. Nakamura Memorial Public Interest/Service Scholarship; CALI Award for Highest Grade in Domestic Ocean & Coastal Law.

### **AIDAN C. McGLAZE, PARTNER**

Mr. McGlaze is a partner at Schonbrun Seplow Harris Hoffman & Zeldes, LLP. His primary practice areas are Employment, Civil Rights Litigation, Class Action Litigation and Appellate Litigation. Mr. Glaze joined the firm in August 2012. Previously, Mr. McGlaze practiced plaintiff-side business litigation at Quinn Emanuel Urquhart & Sullivan, LLP, and clerked for Judge Kim McLane Wardlaw on the U.S. Court of Appeals for the Ninth Circuit.

Mr. McGlaze received his Juris Doctorate from Stanford Law School in 2007, and his bachelor's degree from Yale University in 2002. At Stanford, Mr. McGlaze was Co-Editor-in-Chief of the Stanford Environmental Law Journal and a lead teacher for the Fresh Lifelines for Youth (FLY) program, which provides legal education, leadership training, and one-on-one mentoring to teenagers. Mr. McGlaze also spent time in India, with the South Asia Human Rights Documentation Centre, and Ghana, with the Centre for Public Interest Law, working on international human rights campaigns.

Before law school, Mr. McGlaze worked as an editorial assistant at the Papers of Benjamin Franklin and taught test-preparatory classes at the Princeton Review.

Mr. McGlaze is licensed to practice law in the states of California and New York.

**Education:** B.A., (*cum laude*) in English Language and Literature Yale University, 2002; J.D., (*with distinction*) Stanford Law School, 2007.

**Honors/Awards:** Stanford Law School, Law Review: Stanford Law Review, Development Editor, Law Review: Stanford Law Review, Development Editor; Yale University, Recipient of Lloyd Mifflin Prize for Outstanding Senior Essay in English Major.

### **SARAH DAWLEY, ASSOCIATE**

Ms. Dawley is an associate attorney at Schonbrun Seplow Harris Hoffman & Zeldes, LLP. Ms. Dawley's primary areas of practice are Employment Law, Wage and Hour, Civil Rights, Police Misconduct, Wrongful Convictions, Personal Injury, International Human Rights, and Class Actions. Ms. Dawley joined the firm in September 2019.

## Schonbrun Seplow Harris Hoffman & Zeldes, LLP Firm Resume

Prior to joining the firm, Ms. Dawley was a University of California, Irvine, Public Interest Fellow at the Elder Law and Disability Rights Center. Her time there focused on civil rights work on behalf of individuals experiencing homelessness in Orange County and estate planning.

During Law School, Ms. Dawley participated in Moot Court both as a competitor and on the board. As a law student, she also had the honor of participating in the Appellate Litigation Clinic where she argued in front of the Ninth Circuit on behalf of an inmate regarding civil rights violations. During her summers, Ms. Dawley was a Judicial Extern for the Honorable Jay Gandhi, a magistrate judge in the Central District of California, and a law clerk at the City Attorney's Office.

Ms. Dawley is licensed to practice law in the state of California and is admitted to the U.S. District Court Central District of California.

**Education:** B.A., Tufts University, 2013; J.D., University of California, Irvine School of Law, 2018.

### **Honors/Awards**

- Moot Court Competition, Second Place
- Moot Court Executive Board, Co-Vice President of Brief Writing
- Wiley W. Manuel Certificate for Pro Bono Legal Services
- Community Legal Aid of Southern California Supplemental Security Income Clinic Leader

## **KRISTINA A. HAROOTUN, ASSOCIATE**

Ms. Harootun is an associate attorney at Schonbrun Seplow Harris Hoffman & Zeldes, LLP. Ms. Harootun's primary practice areas are Civil Rights, Employment, Class Actions and Constitutional Litigation. Ms. Harootun joined the firm in October 2018.

Prior to joining the firm, Ms. Harootun was a Ford Foundation Public Interest Fellow at Lawyers' Committee for Civil Rights, focusing on criminal justice reform, immigration, and homeless rights. She also served as a law clerk to the Honorable Dorothy Wright Nelson on the Ninth Circuit Court of Appeals from 2017-2018.

Ms. Harootun received her J.D. from New York University School of Law in 2015 and her B.A. from UCLA in 2010, where she majored in Philosophy and minored in Public Policy. During law school, she interned at the American Civil Liberties Union, Criminal Law Reform Project and the Legal Aid Society's Immigration Unit. She also externed for the Honorable Goodwin Liu on the California Supreme Court.

Ms. Harootun is licensed to practice law in the state of California.

## Schonbrun Seplow Harris Hoffman & Zeldes, LLP Firm Resume

**Education:** B.A., University of California, Los Angeles, Major: Philosophy, 2015; J.D., New York University School of Law, New York, 2015.

### **BEN TRAVIS, ASSOCIATE**

Mr. Travis is an associate attorney at Schonbrun Seplow Harris Hoffman & Zeldes, LLP. Mr. Travis' practice is focused on representing consumers in all type of Consumer Class Actions and employees in individual and Class Actions for violations of Wage and Hour laws. Mr. Travis joined Schonbrun Seplow Harris Hoffman & Zeldes, LLP, in September 2019.

Mr. Travis currently serves as counsel in **In re Toll Roads Litigation**, representing a certified class of millions of California drivers bringing claims against the Transportation Corridor Agencies and a handful of private defendants who plaintiffs allege are improperly and unfairly operating the toll roads in Southern California, violating their privacy rights and collecting unfair fines and penalties from them. *In re Toll Roads Litigation*, Case No. 8:16-cv-00262-ODW (ADSx) (C.D. Cal).

Mr. Travis represents a putative nationwide class of purchasers of chocolate and cocoa products in a false labeling class action alleging **Nestle USA, Inc.** falsely states on its labels that its products are sustainably sourced and supports farmers, when it actually sources its cocoa from farms that use child and slave labor and cause environmental destruction. *Walker v. Nestle USA, Inc.*, Case No. 3:19-cv-723-L-DEB (S.D. Cal.).

Mr. Travis represents a putative nationwide class of purchasers of chocolate and cocoa products in a false labeling class action alleging **Starbucks Corporation, Mars Wrigley Confectionery US, LLC, and The Quaker Oats Company** falsely state on their products that they are ethically and sustainably sourced, when the cocoa is actually sourced from farms that use child and slave labor and cause environmental destruction. *Myers v. Starbucks et al.*, Case No. 5:20-cv-00335-JWH-SHK (C.D. Cal.).

Prior to joining Schonbrun Seplow Harris Hoffman & Zeldes, LLP, Mr. Travis worked for an employment class-action firm where the focus of his practice was in representing employees in class actions against some of the largest employers in the country for violations of federal and state labor laws as well as for Ms. Zeldes in Coast Law Group's class action practice.

Prior to moving to California, Mr. Travis worked for the City of New York as a Special Assistant Corporation Counsel where he defended them in high-profile and high exposure tort cases.

Mr. Travis is licensed to practice in California and New York. He is also admitted to practice in all Federal District Courts in California as well as the Southern and Eastern Districts of New York.

**Education:** B.S., CUNY Brooklyn College, 2005; J.D., Brooklyn Law School, 2011.

**JOHN C. WASHINGTON, ASSOCIATE**

Mr. Washington is an associate attorney at Schonbrun Seplow Harris Hoffman & Zeldes, LLP. Mr. Washington's practice is focused on International Human Rights and Civil Rights, including Class Action suits raising Consumer, Civil Rights and 42 U.S.C. § 1983 Claims. Mr. Washington joined the firm in August 2016.

Mr. Washington has worked on civil rights lawsuits which include those raising claims of unconstitutional conditions of confinement and violations of Title II of the ADA and the Rehabilitation Act, as well as other constitutional violations.

Mr. Washington is currently co-teaching a clinic at the University of California and has co-taught lessons in civil rights litigation clinics there previously. Mr. Washington has provided training to counsel for counties throughout California concerning implementation of Title II of the ADA and Rehabilitation Act as part of the three-person panel.

Mr. Washington received his Juris Doctorate from New York University School of Law in 2016. During law school he interned at the Center for Constitutional Rights, assisting with cases involving international human rights violations and the right to free expression in the United States; with Human Rights Watch developing a preliminary report on the right to Primary School Education in East Africa; with the United Nations High Commissioner for Refugees' Regional West Africa Bureau, assisting countries in the region to develop approaches to migrant flows; and with Professor Philip Alston and the United Nations Commission of Inquiry on the Central African Republic.

Mr. Washington also worked as a research assistant concerning money-lending in India and its application to a U.S. court case involving trafficked laborers, and as an intern with International Rights Advocates on Alien Tort Statute cases involving corporate human rights abuses. Mr. Washington was also a Salzburg Cutler Fellow, for which he wrote a paper on the application of neutrality in the law of war to international refugee law; was a member of N.Y.U.'s team for the Jean-Pictet international law of war moot court competition; and was a Senior Executive Editor of the NYU Journal of International Law and Politics.

Prior to law school, Mr. Washington interned at the ACLU of Southern California; was a Peace Corps volunteer in Mali; and interned with the International Federation for Human Rights in France, assisting human rights defenders facing crackdowns by their governments. Mr. Washington received his B.A. in 2009 from the University of Florida, where he majored in English literature.

Mr. Washington is licensed to practice law in the state of California, and admitted to practice before U.S. Central District of California, the U.S. Southern District of California, and Ninth Circuit Court of Appeals.

**Education:** B.A., *summa cum laude*, University of Florida, Major: English Literature, 2009; J.D., New York University School of Law, 2016.

**Honors/Awards:** New York University School of Law: Salzburg Lloyd N. Cutler International Law Fellow; N.Y.U.'s team for the Jean-Pictet international law of war moot court competition; Law Journal: NYU Journal of International Law and Politics, Executive Editor. University of Florida: Phi Beta Kappa; Florida Academic Scholar, Art History Paper of the Year.

## ERWIN CHEMERINKSY, ATTORNEY OF COUNSEL

Mr. Chemerinsky serves as an "of counsel" attorney for Schonbrun Seplow Harris Hoffman & Zeldes, LLP.

Mr. Chemerinsky, Dean and Distinguished Professor of Law at the University of California, Berkeley and before that the University of California, Irvine School of Law. Mr. Chemerinsky is one of the nation's top experts in Constitutional Law, Federal Practice, Civil Rights and Civil Liberties, and Appellate Litigation. He is the author of seven books, the latest being *The Conservative Assault on the Constitution* (Simon & Schuster, 2010). His casebook, *Constitutional Law*, is one of the most widely read law textbooks in the country. Chemerinsky has also written nearly 200 law review articles in journals such as the *Harvard Law Review*, *Michigan Law Review*, *Northwestern Law Review*, *University of Pennsylvania Law Review*, *Stanford Law Review* and *Yale Law Journal*. He frequently argues appellate cases, including matters before the U.S. Supreme Court and the U.S. Court of Appeal, and regularly serves as a commentator on legal issues for national and local media.

Mr. Chemerinsky is licensed to practice law in the states of California, Illinois, and District of Columbia.

### Representative Cases

- *Andrade v. Attorney General* (2001)
- *Brown v. Mayle* (2002)

### Past Employment Positions

- United States Department of Justice, Trial Attorney
- Dobrovir, Oakes & Gebhardt in Washington, D.C., Attorney
- DePaul College of Law, Law Professor, 1980 - 1983

**Education:** B.S., Northwestern University, 1975 - Honors: With Highest Distinction (Top 1% of Class); J.D., *cum laude*, Harvard Law School, Cambridge Massachusetts, 1978.

### Honors/Awards:

- One of the 10 Most Influential Lawyers in California

## Schonbrun Seplow Harris Hoffman & Zeldes, LLP Firm Resume

- Community Service Award from the Anti-Defamation League, 2001
- Clarence Darrow Award from the People's College of Law, 2001
- Alumni Achievement Award, Northwestern University, 2000
- Eason Monroe Courageous Advocate Award, American Civil Liberties Union of Southern California, 1999
- Judge John Brown Award for Contributions to Federal Judicial Education, 1998

### **Published Work:**

- Interpreting the Constitution, 1987
- Federal Jurisdiction, 3d ed., 1999
- Constitutional Law: Principles and Policies, 2d ed., 2002
- Constitutional Law, 2001

## **CATHERINE SWEETSER, ATTORNEY OF COUNSEL**

After being a partner at the firm for many years, Ms. Sweetser recently transitioned to Attorney Of Counsel at the firm when she accepted a position as Director of the International Human Rights Clinic at UCLA. She practices in the areas of International Human Rights, Civil Rights, and Class Actions. She specializes in Alien Tort Statute litigation and in matters involving Forced Labor and Labor Trafficking, Police Misconduct, Unlawful Detention, and Constitutional Violations. Ms. Sweetser joined the firm in April 2012.

Prior to joining the firm, Ms. Sweetser practiced union and plaintiff-side labor and employment law at Altshuler Berzon LLP in San Francisco. She also clerked for Judge Judith W. Rogers of the U.S. Court of Appeals for the D.C. Circuit in 2009-2010.

Ms. Sweetser received an LL.M. in International Law from NYU in 2010; she wrote a thesis on the integration of legal interpretation by international organizations into judicial decision-making. Ms. Sweetser received her Juris Doctorate from New York University School of Law in 2008, and her B.A. from Yale University in 2005, where she majored in Political Science and International Studies. During law school, she interned at the Innocence Project, which handles post-conviction motions and appeals for prisoners claiming to be innocent, and at the Legal Resources Centre in South Africa, assisting with cases concerning detention of undocumented immigrants and sex discrimination. She also published a Note on accountability for abuse by U.N. peacekeeping personnel.

Ms. Sweetser was one of the attorneys for the class when our firm was appointed class counsel for a class action protest case in *Aichele v. City of Los Angeles*, 314 F.R.D. 478, 497 (C.D. Cal. 2013). More recently, Mr. Sweetser was one of the counsel representing the class in *Chua v. City of Los Angeles*, Case No. 2:16-cv-00237-JAK-GJS (C.D. Cal. 2017).

Ms. Sweetser also has experience litigating injunctive relief on behalf of vulnerable populations and in litigating policy changes with local governments. Cases in which I have litigated on behalf of vulnerable populations include *Mitchell v. City of Los Angeles*, No. 16-07350 (C.D.

Schonbrun Seplow Harris Hoffman & Zeldes, LLP Firm Resume

Cal), and *Orange County Catholic Worker v. County of Orange*, No. 8:17-cv-1340 (C.D. Cal). Both resulted in settlements which governed how the local government handled the constitutional rights of homeless populations.

**Education:** B.A., Yale University, 2005; J.D., New York University School of Law, 2008; LL.M., New York University School of Law, 2010. Major: International Law

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# EXHIBIT 2



**APPENDIX 1: CLASS COUNSEL'S LODESTAR**

**FEE LODESTAR**

<b>Timekeeper</b>	<b>Position</b>	<b>Rate</b>	<b>Total Hours</b>	<b>Total Amount</b>
<b>Schonbrun Seplow Harris Hoffman &amp; Zeldes, LLP</b>				
Paul Hoffman	Partner	\$1050.00	3.5	\$ 3,675.00
Helen Zeldes	Partner	\$850.00	303.1	\$ 257,635.00
Ben Travis	Attorney	\$595.00	288.2	\$ 171,479.00
John Washington	Attorney	\$450.00	.5	\$ 225.00
Lupe Suro Horn	Paralegal	\$265.00	29.8	\$ 7,897.00
Carlos Gallegos	Paralegal	\$250.00	2.5	\$ 625.00
<b>TOTALS:</b>			<b>627.6</b>	<b>\$ 441,536.00</b>

ESTMATED FEE LODESTAR FROM THE FILING OF THIS MOTION  
THROUGH THE FINAL APPROVAL HEARING

<b>Timekeeper</b>	<b>Position</b>	<b>Rate</b>	<b>Total Hours</b>	<b>Total Amount</b>
<b>Schonbrun Seplow Harris Hoffman &amp; Zeldes, LLP</b>				
Helen Zeldes	Partner	\$850.00	25	\$ 21,250.00
Ben Travis	Attorney	\$595.00	40	\$ 23,800.00
Lupe Suro Horn	Paralegal	\$265.00	5	\$ 1,325.00
<b>TOTALS:</b>			<b>70</b>	<b>\$ 46,375.00</b>

## APPENDIX 2: CLASS COUNSEL'S EXPENSES

Additional Expenses Reasonably Necessary to Prosecute Action:

<b>Description</b>	<b>Amount</b>
Courier/Filing/Court Fees	\$ 2,832.72
Lexis/Westlaw Research	\$ 497.39
Travel Expenses	\$ 42.00
Outside Vendor (Courtcall, Court Reporter)	\$ 1,279.00
<b>GRAND TOTAL:</b>	<b>\$ 4,651.11</b>