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12 UNITED STATES DISTRICT COURT  
13 CENTRAL DISTRICT OF CALIFORNIA  
14 (SOUTHERN DIVISION)  
15

16 TERRI N. WHITE, et al.,  
17 Plaintiffs,

18 v.

19 EXPERIAN INFORMATION  
SOLUTIONS, INC.,  
20 Defendant.

Case No. 05-CV-1070 DOC (MLGx)  
(Lead Case)

**DECLARATION OF F. PAUL BLAND, JR.  
IN SUPPORT OF PLAINTIFFS' PETITION  
FOR FEES AND COSTS**

21 and Related Cases:

- 22 05-CV-01073-DOC (MLGx)  
23 05-CV-7821-DOC (MLGx)  
24 06-CV-0392-DOC (MLGx)  
25 05-cv-1172-DOC(MLGx)  
06-cv-5060-DOC (MLGx)

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27  
28

1 I, F. Paul Bland, Jr., do hereby declare as follows:

2 1. I am the Executive Director of Public Justice, P.C. (“Public Justice”), a  
3 national public interest law firm. I submit this declaration in support of Plaintiffs  
4 Petition for Fees and Costs.

5 2. I am the primary attorney who has worked on this case. This  
6 declaration is made upon personal knowledge, unless otherwise noted. I am  
7 familiar with the facts discussed below and attach as exhibits true and correct  
8 copies of the documents mentioned below.

9 3. Since May 3, 2013, Public Justice has spent 508.41 hours in attorney  
10 time on this case, with a lodestar of \$454,517.10. Public Justice also incurred out-  
11 of-pocket expenses of \$12,430.66. The total for Public Justice’s attorney time and  
12 expense is \$466,947.80.

13 4. Each of the Public Justice attorneys who worked on this case kept  
14 contemporaneous time records in a software called “Timeslips,” and recorded their  
15 time in either “real time” or increments of one-tenth of an hour. These records  
16 accurately describe the work that each Public Justice attorney performed and the  
17 number of hours they worked.

18 **Background and Experience**

19 5. I am a member in good standing of the Bars of California, Maryland,  
20 the District of Columbia, the U.S. District Court for the District of Maryland and  
21 the Supreme Court of the United States. In addition to these bar memberships, I am  
22 admitted to practice before the United States Courts of Appeals for the Second,  
23 Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, and Eleventh Circuits.

24 6. I received an A.B., *magna cum laude*, in 1983 from Georgetown  
25 University, and a J.D. in 1986 from Harvard Law School, *cum laude*, where I was  
26 President of the *Harvard Journal on Legislation*.

27 7. I have worked at Public Justice since 1997, first as a Staff Attorney,  
28 and then as a Senior Attorney. Since 2014, I have been the Executive Director of

1 Public Justice. Prior to coming to Public Justice, I worked for six years as an  
2 attorney with a law firm in Baltimore that specialized in consumer class actions.  
3 Prior to that, I was Chief Nominations Counsel to the U.S. Senate Judiciary  
4 Committee.

5 8. I have argued or co-argued and won more than 30 reported decisions  
6 from federal and state courts across the nation, including cases in five of the federal  
7 Circuit Courts of Appeal and at least one victory in nine different state high courts.  
8 I was named the “Vern Countryman” Award winner in 2006 by the National  
9 Consumer Law Center, which “honors the accomplishments of an exceptional  
10 consumer attorney who, through the practice of consumer law, has contributed  
11 significantly to the well-being of vulnerable consumers.” In 2010, I received the  
12 Maryland Legal Aid Bureau’s “Champion of Justice” Award. In 2013, I received  
13 the Maryland Consumer Rights Coalition’s “Legal Champion” Award, and in 2016  
14 was awarded the Justice Janie L. Shores Trailblazer Award from the Litigation  
15 Counsel of America.

16 9. For my work in arguing and briefing *Chen v. Allstate Insurance Co.*,  
17 819 F.3d 1136 (9th Cir. 2016)—a case in which the Ninth Circuit agreed with our  
18 position that it should reject a defendant’s attempt to avoid legal liability to a class  
19 of thousands by settling with the named representative—I received the Pound  
20 Institute’s 2017 Appellate Advocacy Award, “which strives to recognize excellence  
21 in appellate advocacy in America and those who achieve it.”

22 10. I am a former co-chair and member of the Board of Directors of the  
23 National Association of Consumer Advocates.

24 11. Throughout my time with Public Justice, I have been—and continue to  
25 be—personally involved in the prosecution of several nationally important  
26 individual and class action cases. I have authored a wide variety of articles for  
27 publication on cutting-edge legal issues and have spoken at more than 100 legal  
28 seminars on a wide range of issues relating to consumer, civil rights and complex

1 litigation. I am a co-author of *Consumer Arbitration Agreements: Enforceability*  
2 *and Other Issues* (published by the National Consumer Law Center). I have  
3 testified in both houses of the U.S. Congress more than half a dozen times, and in a  
4 number of state legislatures and regulatory agencies.

5 12. Arthur Bryant received an A.B. with Honors in 1976 from Swarthmore  
6 College and a J.D. in 1979 from Harvard Law School, where he captained his team  
7 to the Ames Moot Court Championship. While in law school, he also worked on  
8 the Harvard Civil Rights - Civil Liberties Research Committee and contributed to  
9 the *Harvard Women's Law Journal*.

10 13. After graduating from law school, he served as a law clerk to the  
11 Honorable Gabrielle K. McDonald of the United States District Court for the  
12 Southern District of Texas. From 1980 to 1984, he was associated with the  
13 Philadelphia law firm of Kohn, Savett, Marion, and Graf, P.C., where he worked  
14 primarily on class action, First Amendment, and sex discrimination matters.  
15 During that time period, as cooperating counsel for the American Civil Liberties  
16 Union, he represented the plaintiff class in, successfully tried, and handled the  
17 appeal of *Newberg v. Board of Public Education*, 26 D. & C. 3d 682 (C.P. Phila.  
18 1983), *appeal quashed*, 338 Pa. Super. 65, 478 A.2d 1352 (1984), which resulted in  
19 female students being admitted to Philadelphia's previously all-male Central High  
20 School.

21 14. Since joining Public Justice in 1984, Arthur joined Public Justice as its  
22 then-sole Staff Attorney, and became its Executive Director in 1987, and Chairman  
23 in 2014. Since 1984, he has participated in, among other things, the prosecution of  
24 several class actions, co-authored a successful *amicus* brief challenging the  
25 certification of a no-opt-out settlement class in the *Bendectin* litigation, *see In re*  
26 *Bendectin Prod. Liab. Litig.*, 749 F.2d 300 (6th Cir. 1984), and assisted Herbert  
27 Newberg, Esq., in the preparation of the second edition of *Newberg on Class*  
28 *Actions*. He has authored a wide variety of articles for publication on cutting-edge

1 legal issues and has spoken at scores of legal seminars on prosecuting and  
2 successfully litigating consumer, mass tort, civil rights, Title IX, class action, and  
3 public interest litigation.

4 15. Arthur Bryant is a member in good standing of the Bars of the State of  
5 California, the Commonwealth of Pennsylvania, the District of Columbia, and the  
6 Supreme Court of the United States. In addition to these bar memberships, he is  
7 admitted to practice before the United States Courts of Appeals for the District of  
8 Columbia, First, Third, Fourth, Fifth, Sixth, Seventh, Ninth, Tenth, and Eleventh  
9 Circuits; the United States District Courts for the Northern District of California,  
10 the District of Columbia and the Eastern District of Pennsylvania; and the Courts of  
11 California, the District of Columbia and the Commonwealth of Pennsylvania.

12 16. Victoria Ni became Deputy Director of Public Justice in August of  
13 2017. In that role she manages the day-to-day operations of the legal team while  
14 also overseeing Public Justice's finance, operations and administrative departments.  
15 Between 2000 and 2017, she was a Staff Attorney, then Senior Attorney, and then  
16 Managing Attorney for Public Justice, and has litigated class actions in a broad  
17 array of areas, including cases involving workers', consumers' and victims' rights,  
18 the rights of people with disabilities, and free speech issues. She has also served as  
19 a member of the Board of Directors for the National Employment Lawyers  
20 Association since 2006, and is currently the organization's Vice President.

21 17. Victoria is a member in good standing of the California State Bar and  
22 the New York State Bar, and also of the United States Supreme Court, the United  
23 States Court of Appeals for the Sixth Circuit, and the United States District Courts  
24 for the Southern and Eastern Districts of New York.

25 **Public Justice's Time and Hourly Rates**

26 18. In my professional judgment, the hours of requested compensable time  
27 by Public Justice (totaling 508.41) reflect the amount of time reasonably necessary  
28 to litigate this case successfully.

1 19. I served as the lead Public Justice attorney and worked 262.5 hours on  
2 the case. The other two Public Justice attorneys who assisted on the case worked in  
3 consultation with me: Arthur Bryant worked 243.3 hours on the case, and Victoria  
4 Ni worked 2.61 hours on the case.

5 20. Plaintiffs' counsel took reasonable steps to minimize duplication of  
6 time. Arthur Bryant and I coordinated our efforts, speaking regularly and  
7 cooperating throughout the litigation.

8 21. In the exercise of billing discretion, I also deducted a number of  
9 hours of time from our billing records, to try to ensure that we would be more  
10 efficient in our records.

11 22. The attorneys at Public Justice, including me, receive fixed salaries,  
12 and do not normally bill clients for their time. We did not bill our clients for our  
13 time in this case. Public Justice could thus only obtain fees in this case through a  
14 statutory fee award or through a settlement if the case was successful.

15 23. Our hourly rates in this case were based on survey data regarding  
16 attorney billing rates, for firms with a Bay Area presence, compiled annually by the  
17 National Law Journal.

#### 18 **Public Justice's Expenses**

19 24. Except for just under \$100 for PACER fees and photocopies, all  
20 of Public Justice's expenses are for travel for Paul Bland and Arthur Bryant for  
21 court appearances at this Court and the Ninth Circuit, and for the mediation  
22 sessions in San Francisco and Los Angeles.

#### 23 **General Background About Public Justice**

24 25. Public Justice is a national public interest law firm dedicated to using  
25 litigation and public education to advance the public good. With offices in  
26 Washington, D.C. and Oakland, California, Public Justice litigates a diverse docket  
27 of public interest cases in the state and federal courts, specializing in socially  
28 significant and precedent-setting litigation. Public Justice also provides a

1 substantial amount of assistance and information on a *pro bono* basis to consumers  
2 and attorneys who represent consumers victimized by unfair and deceptive  
3 practices.

4 26. Public Justice has successfully represented consumers in a large  
5 number of important and precedent-setting cases nationwide, including cases  
6 protecting consumers from illegal and fraudulent corporate conduct, unfair  
7 mandatory arbitration clauses, federal preemption of state consumer laws, class  
8 action bans and abuses, and excessive court secrecy. Public Justice also handles  
9 many significant civil rights, environmental.

10 **Work in This Case**

11 27. Both Arthur Bryan and I have participated in briefing, hearings,  
12 appearances before this Court and the mediation of this case since Public Justice  
13 became involved in the litigation. I successfully argued the appeal of this Court's  
14 ruling on the White Objectors Motion to Disqualify, and this Court's ruling on the  
15 Rule 23 (g) Motions. *Radcliffe v. Hernandez v. Experian Information Services,*  
16 *Inc., et al.*

17 I declare under penalty of perjury under the laws of the District of  
18 Columbia, the foregoing is true and correct. Executed this 30<sup>th</sup> day of October  
19 2017.

20 

21 \_\_\_\_\_  
22 Frank P. Bland