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12 [Additional Counsel listed on signature page]

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

16 TERRI N. WHITE, *et al.*,

17 Plaintiffs,

18 v.

19 EXPERIAN INFORMATION
20 SOLUTIONS, INC. *et al*

21 Defendants.

22 and Related Cases:

- 23 05-cv-017073-DOC (MLGx)
- 24 05-cv-7821-DOC (MLGx)
- 25 06-cv-0392-DOC (MLGx)
- 26 05-cv-1172-DOC (MLGx)
- 27 06-cv-5060-DOC (MLGx)

Case No. SA 05-cv-1070 DOC (MLGx)
(Lead Case)

**DECLARATION OF JAMES A.
FRANCIS IN SUPPORT OF
PLAINTIFFS' MOTION FOR
ATTORNEYS' FEES AND
REIMBURSEMENT OF EXPENSES
INCURRED ON BEHALF OF FRANCIS
& MAILMAN, P.C.**

Date:
Time:
Courtroom:
Judge:

1 I, James A. Francis, declare as follows:
2

3 1. I am a founding shareholder of the firm of Francis & Mailman, P.C., a
4 law firm in Philadelphia, Pennsylvania. I submit this Declaration in support of the
5 firm's application for an award of attorneys' fees in connection with services
6 rendered in this case, as well as the reimbursement of expenses incurred by my firm
7 in connection with this litigation.
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10 2. I am a member in good standing of the Bars of the Commonwealth of
11 Pennsylvania and the State of New Jersey, admitted *pro hac vice* in this case. I have
12 also been admitted to practice before and am presently a member in good standing
13 of the Bars of the following courts:
14

15 Court	16 Date Admitted
17 Eastern District of Michigan	2011
18 Northern District of Oklahoma	2010
19 Court of Appeals for the Third Circuit	2002
20 Court of Appeals for the Ninth Circuit	2012
21 Court of Appeals for the Fourth Circuit	2014
22 Court of Appeals for the Second Circuit	2016
23 Court of Appeals for the Sixth Circuit	2016
24 Court of Appeals for the Eleventh Circuit	2016
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1 3. I have been admitted *pro hac vice* in jurisdictions across the country,
2 including, by example only, California, Florida, Rhode Island, Connecticut,
3 Maryland, Maine, Arizona, Michigan and Washington.

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5 4. My firm has concentrated its practice in in Fair Credit Reporting Act
6 (FCRA) and consumer protection litigation and consumer class actions since 1999.
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8 5. I have spoken at many continuing legal education presentations and
9 consumer law conferences around the country on the FCRA.
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11 6. I personally have litigated hundreds of FCRA cases, primarily in federal
12 courts throughout the country. My firm has tried a number of individual and class
13 action FCRA cases, obtaining the highest FCRA jury verdicts in Pennsylvania. *See,*
14 *e.g., Cortez v. Trans Union, LLC*, 2008 WL 19442160 (E.D. Pa. May 1, 2008), *aff'd*
15 617 F.3d 688 (3d Cir. 2010). In addition to *Cortez*, I have handled many other
16 appellate cases involving the FCRA.
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19 7. My firm is in the small of minority of class action firms that has actual
20 experience in the trial of a class action. We have brought four class actions to trial,
21 three of which resulted in successful verdicts for the consumer classes tried over a
22 period of weeks, and the fourth which resulted in a settlement.
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25 (a) Earlier this year, my firm obtained a jury verdict in a case against
26 a consumer reporting agency where the jury awarded statutory damages of \$ and
27 punitive damages of \$6,353.08 for each of 8,185 class members. The total verdict
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1 exceeded \$60,000,000, which is believed to be the largest FCRA verdict ever
2 obtained. *Ramirez v. Trans Union, LLC*, No. 3:12-cv-632 (N.D. Cal. June 21, 2017)
3 (ECF 309).
4

5 (b) In *Samuel-Bassett v. Kia Motors America, Inc.*, 34 A.3d 1 (Pa.
6 2011), we obtained a \$5.6 million verdict for class of Pennsylvania car purchasers,
7 plus award of attorney's fees upheld by Pennsylvania Supreme Court.
8

9 (c) In *Little v. Kia Motors America, Inc.*, 2003 WL 25568765 (N.J.
10 Super. L. 2003), we obtained an approximate \$6 million verdict for a class of New
11 Jersey car purchasers.
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13 (d) In *Chakejian v. Equifax Information Services, LLC*, 275 F.R.D.
14 201 (E.D. Pa. 2011), we obtained a favorable class settlement following opening
15 statements to the jury.
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18 8. My firm, and I personally, have been certified to serve as class
19 counsel by numerous courts in cases throughout the country. *See, e.g., Berry v.*
20 *LexisNexis Risk & Info. Analytics Group, Inc.*, 2014 WL 4403524, *11 (E.D. Va.
21 Sept. 5, 2014), *aff'd sub nom. Berry v. Schulman*, 807 F.3d 600 (4th Cir. 2015);
22 *Miller v. Trans Union, LLC*, 2017 WL 412641 (M.D. Pa. Jan. 18, 2017); *Larson v.*
23 *Trans Union, LLC*, 2016 WL 4367253 (N.D. Ca. Aug. 11, 2016); *Magallon v. Robert*
24 *Half International, Inc.*, 2015 WL 8778398 (D. Or. Nov. 10, 2015); *Patel v. Trans*
25 *Union, LLC*, 308 F.R.D. 292 (N.D. Ca. 2014); *Ramirez v. Trans Union, LLC*, 2014
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1 WL 3734525 (N.D. Ca. July 24, 2014); *Blandina v. Midland Funding, LLC*, 2014
2 WL 7338744 (E.D. Pa. Dec. 23, 2014); *Sapp v. Experian Info. Solutions*, No. 10-
3 4312, 2013 WL 2130956 (E.D. Pa. May 15, 2013); *LaRocque v. TRS Recovery*
4 *Services, Inc.*, 285 F.R.D. 139 (D. Me. 2012); *Giddiens v. First Advantage LNS*
5 *Screening Solutions, Inc.*, No. 2:12-cv-2624 (E.D. Pa. Jan. 20, 2015); *Serrano v.*
6 *Sterling Testing Systems, Inc.*, 711 F. Supp. 2d 402, 412 (E.D. Pa. 2010);
7 *Summerfield v. Equifax Info. Services, LCC*, 264 F.R.D. 133 (D.N.J. 2009);
8 *Chakejian v. Equifax Info. Services, LLC*, 256 F.R.D. 492 (E.D. Pa. 2009); *Jones v.*
9 *Midland Funding, LLC*, C.A. No. 3:08cv802 (RNC) (D. Conn. October 13, 2009);
10 *Jordan v. Commonwealth Financial Systems, Inc.*, 237 F.R.D. 132 (E.D. Pa. 2006);
11 *Bonett v. Education Debt Services, Inc.*, No. 01-6528, 2003 WL 21658267, *3 (E.D.
12 Pa. 2003).

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18 9. My firm was appointed as a member of the team of interim class
19 counsel in this case. *White v. Experian Info. Solutions*, 993 F.Supp.2d 1154, 1169,
20 1172 (C.D. Cal. 2014), *aff'd sub nom. Radcliffe v. Experian Info. Solutions, Inc.*, 818
21 F.3d 537, 548 (9th Cir. 2016).

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24 10. I personally handled or was directly involved in many aspects of this
25 litigation. My firm's involvement in the litigation began in 2013 when, following a
26 series of meetings with existing counsel, and familiarizing ourselves with the
27 background of the case, we filed a motion in July 2013 to be included as a member
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1 of the team seeking appointment as interim class counsel. ECF 885. As noted above,
2 the motion was granted by this Court and the Court's ruling was affirmed by the
3 Court of Appeals.
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5 11. The attorneys in my firm spent approximately 702 hours in various
6 litigation tasks in this case, including working on the motion for interim
7 appointment, opposing the motion to disqualify *Hernandez* counsel, opposing the
8 petition for mandamus filed by other counsel, participating in the merits appeal of
9 this Court's ruling on those motions, litigating the addition of new plaintiffs,
10 preparing for and attending mediation sessions in efforts to achieve a resolution of
11 this matter, litigating the motion for leave to file a third amended complaint,
12 attending court hearings to consider motions and status conferences, preparing for
13 and attending the mandatory settlement conference ordered by the Court,
14 participating in the negotiation of the settlement achieved through the mandatory
15 settlement conference, and working on the motion for preliminary approval of the
16 settlement. We also responded to numerous inquiries from class members following
17 notice of the settlement.
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23 12. I anticipate the firm will spend significant further time during the period
24 prior to and leading up to the final approval hearing scheduled for December 11,
25 2017, with respect to handling calls from class members, responding to any
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1 objections to the settlement, working on the motion for final approval and preparing
2 for and attending the hearing.
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4 13. Set forth on Exhibit A hereto is a summary of the lawyers and
5 paralegals for whom Francis & Mailman is seeking compensation for legal services,
6 the hours expended by each individual and the hourly rate at which compensation is
7 sought. The hourly rates charged by the attorneys and paralegals of my firm are
8 reasonable and within the range of the appropriate market rates charged by attorneys
9 with comparable experience levels for litigation of a similar nature, given their
10 experience level, practice concentration and background. See February 27, 2017
11 expert report of Abraham C. Reich, Esquire, Co-Chair and Partner for the law firm
12 of Fox Rothschild, LLP, attached hereto as Exhibit B.
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16 12. The hourly rates petitioned for in this litigation are consistent with those
17 which have been approved for the undersigned and for other attorneys in the firm by
18 other courts in the past, subject to the slight recent increase outlined in Mr. Reich's
19 report, Exhibit B. See *Flores v. Express Services Inc.*, 2017 WL 1177098, *4 (E.D.
20 Pa. March 29, 2017) (approving hourly rates and granting multiplier of 4.6); *Carter*
21 *v. Shalhoub Management Company Inc.*, No. 15-cv-1531 (C.D. Ca. March 15, 2017)
22 (ECF 69) (granting firm's fee petition in full); *Blandina v. Midland Funding, LLC*,
23 2016 WL 3101270, *7-8 (E.D. Pa. 2016) (approving hourly rates and granting fee
24 request in full); *Giddiens v. Infinity Staffing Solutions, Inc.*, No. 2:13-cv-7115 (E.D.
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1 Pa. Jan. 12, 2016) (Doc. 36) (granting fee request in full based upon same analysis
2 and hourly rates proposed here); *Sholinsky v. Frost-Arnett Company*, No. 1:14-cv-
3 7889 (D.N.J. Jan. 19, 2016) (Doc. 33) (granting same); *Giddiens v. LexisNexis Risk*
4 *Solutions, Inc.*, No. 2:12-cv-2624 (E.D. Pa. Jan. 20, 2015) (Doc. 56) (granting same);
5 *King v. General Information Services, Inc.*, C.A. No. 10-6850 (E.D. Pa. Nov. 4,
6 2014) (Doc. 126) (approving same hourly rates and awarding lodestar multiplier of
7 1.38); *Robinson v. General Information Services, Inc.*, C.A. No. 11-7782 (E.D. Pa.
8 Nov. 4, 2014) (Doc. 57) (approving same hourly rates and awarding lodestar
9 multiplier of 1.50); *Sapp v. Experian Information Solutions, Inc.*, 2013 WL 2130956,
10 at *2-3 (E.D. Pa. 2013) (approving fee petition in full); *Baker v. International Bank*,
11 C.A. No. 08-5668 (D.N.J. Feb. 28, 2013) (Doc. 110) (approving firm's fee petition
12 in full); *Chakejian v. Equifax Information Services, LLC*, 275 F.R.D. 201, 216, n.
13 19-20 (E.D. Pa. 2011) (adopting expert opinion testimony of Abraham Reich, Esq.
14 and finding hourly rates of up to \$525 reasonable for Mr. Francis and Mr. Mailman;
15 \$700 for Mr. Searles); *Reibstein v. Rite Aid Corporation*, 761 F.Supp.2d 241, 260
16 (E.D. Pa. 2011) (approving hourly rate of \$650 for Mr. Searles); *McCall v. Drive*
17 *Financial*, January Term 2006, No. 0005 (C.P. Phila. July 20, 2010) (approving
18 hourly rate of \$650 for Mr. Searles).

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13. Attached hereto as Exhibit C is a true and correct copy of the updated Laffey Matrix, which was downloaded from the internet on October 27, 2017. The

1 Laffey Matrix was created during the litigation in *Laffey v. Northwest Airlines, Inc.*,
2 572 F. Supp. 354, 371 (D.D.C. 1983), where the court ruled that hourly rates for
3 attorneys practicing civil law in the Washington, D.C. metropolitan area could be
4 categorized by years in practice and adjusted yearly for inflation. See Exhibit C
5 hereto, available at <http://www.laffeymatrix.com/see.html>. All of the hourly rates
6 charged by the attorneys in my firm are below their current Laffey Matrix rates.
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9 14. My firm's lodestar figures are based upon the firm's billing rates, which
10 rates do not include charges for expense items. Expense items are billed separately,
11 and such charges are not duplicated in my firm's billing rates.
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14 15. As detailed in Exhibit D, my firm has incurred a total of \$36,379.65 in
15 unreimbursed expenses in connection with the prosecution of this litigation.
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17 16. The expenses incurred in this action are reflected on the books and
18 records of my firm. These books and records are prepared from expense vouchers,
19 check records and other source materials and are an accurate recordation of the
20 expenses.
21

22 I declare under the penalty of perjury that the foregoing is true and correct.
23

24 Signed this 27th day of October, 2017
25

26 /s/ James A. Francis
27 JAMES A. FRANCIS
28 Attorney for Plaintiff