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2 EILEEN R. RIDLEY (SBN 151735)
3 *eridley@foley.com*

4 **FOLEY & LARDNER LLP**
5 555 California Street, Suite 1700
6 San Francisco, CA 94104-1520
7 Telephone: (415) 434-4484
8 Facsimile: (415) 434-4507

RONALD A. MARRON (SBN 175650)
ron@consumersadvocates.com

LAW OFFICES OF
RONALD A. MARRON, APLC
651 Arroyo Drive
San Diego, California 92103
Telephone: (619) 696-9006
Facsimile: (619) 564-6665

7 ROBERT L. TEEL (SBN 127081)
8 *lawoffice@rlteel.com*

9 **LAW OFFICE OF ROBERT L. TEEL**
10 1425 Broadway, Mail Code: 20-6690
11 Seattle, Washington 98122
12 Telephone: (866) 833-5529
13 Facsimile: (855) 609-6911

14 *Attorneys for Plaintiffs and the Class*

15 **UNITED STATES DISTRICT COURT**
16 **SOUTHERN DISTRICT OF CALIFORNIA**

17 JUAN ROMERO, FRANK
18 TISCARENO, and KENNETH ELLIOTT
19 on behalf of themselves and all others
20 similarly situated,

21 Plaintiff,

22 v.

23 SECURUS TECHNOLOGIES, INC.,

24 Defendant.

Case No. 16-CV-1283-JM-MDD

CLASS ACTION

**DECLARATION OF RONALD A.
MARRON IN SUPPORT OF
PLAINTIFFS' MOTION FOR
COSTS, INCENTIVE AWARDS,
AND ATTORNEYS' FEES**

Date: September 28, 2020

Time: 10:00 AM

Ctrm: 5D

Judge: Hon. Jeffrey T. Miller

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1 I, Ronald A. Marron, hereby declare as follows:

2 1. I, along with my colleagues Kas L. Gallucci, Michael Houchin, Lilach
3 Halperin, and Elisa Pineda, as well as co-counsel Robert L Teel and co-counsel at
4 Foley & Lardner LLP, am counsel of record for Plaintiffs Juan Romero, Frank
5 Tiscareno, and Kenneth Elliott. The Court has confirmed my firm and co-counsel as
6 appropriate class counsel in its November 21, 2018 Order certifying a class in this
7 Action. [D.E. 141]. I am a member in good standing of the State Bar of California
8 and of the United States District Courts for the Central, Eastern, Northern, and
9 Southern Districts of California as well as the Ninth Circuit Court of Appeals and the
10 United States Supreme Court.

11 2. I respectfully submit this Declaration in Support of Plaintiffs' Motion for
12 Costs, Incentive Awards, and Attorneys' Fees ("Fee Motion"). I make this
13 Declaration based on my personal knowledge and could testify to the matters
14 contained herein if called upon to do so.

15 3. In brief summary, my firm has worked closely with co-counsel Robert
16 Teel and co-counsel at Foley & Lardner LLP in prosecuting this action since our
17 association, sharing both litigation duties and costs. Specifically, my firm aided in
18 discovery, including document review and responding to discovery requests, meet
19 and confer telephone calls and correspondence, settlement negotiations, developing a
20 comprehensive notice plan, and overall case prosecuting and strategy.

21 4. I and my firm are experienced and qualified to evaluate Plaintiffs' and
22 the Settlement Class' claims and the viability of Securus' defenses. Given my
23 extensive experience as a class action litigator, it is my view that the settlement is
24 fair, reasonable, and adequate, in the best interest of the class members, and should be
25 approved by this Court.

26 5. My firm, co-counsel Robert Teel, and co-counsel at Foley & Lardner
27 LLP are fully committed to prosecuting this action against Defendant to achieve a

1 successful outcome for the proposed Settlement Class and have the financial means to
2 do so.

3 **Ronald A. Marron's Firm's Qualifications and Experience Prosecuting**

4 **Consumer Class Action Lawsuits**

5 6. My firm, the Law Offices of Ronald A. Marron, APLC, currently
6 employs six full-time attorneys and two paralegals. My firm has an in-depth
7 knowledge of litigating consumer class action cases. The attorneys at my firm have
8 years of experience litigating class action cases, and are well-versed, in particular, in
9 the respective merits and risks of consumer class action cases.

10 7. I have practiced civil litigation for over 24 years. My work experience
11 and education began in 1984 when I enlisted in the United States Marine Corps
12 (Active Duty 1984- 1988, Reserves 1988-1990) and thereafter received my Bachelor
13 of Science in Finance from the University of Southern California (1991). While
14 attending Southwestern University School of Law (1992-1994), I also studied
15 Biology and Chemistry at the University of Southern California and interned at the
16 California Department of Corporations with emphasis in consumer complaints and
17 fraud investigations. I was admitted to the State Bar of California in January of 1995
18 and have been a member in good standing since that time. In 1996, I started my own
19 law firm with an emphasis in consumer fraud. A copy of my firm's current resume is
20 attached hereto as **Exhibit A**.

21 8. Over the years, I have acquired extensive experience in class actions and
22 other complex litigation and have obtained large settlements as lead counsel. In
23 recent years, I have devoted almost all of my practice to the area of consumer fraud,
24 including false and misleading labeling of food, nutrition, and over-the-counter
25 ("OTC") drug products and cosmetics; cases involving violations of the Telephone
Consumer Protection Act; and other privacy cases.

26 **Obtaining Settlement**

1 litigation. The Settlement also abrogates the risks that might prevent them from
2 obtaining any relief.

3 16. Securus has agreed to settle this matter via meaningful injunctive relief
4 designed to eliminate risk of inadvertent recording of confidential detainee/attorney
5 phone calls. *See* Settlement Agreement at Section III. In addition, Securus agreed to
6 provide compliance reporting within 12 months of final approval of the Settlement
7 describing Securus' compliance with the requirements of the Settlement. *Id.* at
8 Section III, subsection E, subdivision 4. Moreover, under the terms of the Settlement,
9 Class Members, but not the Class Representatives, are free to pursue monetary
10 damages from Securus related to the subject matter of this litigation. *Id.* at Section
11 IV, subsection A. Therefore, Class Counsel has achieved a successful result through
12 this class action settlement.

13 17. Based on my experience, I believe that the Settlement provides
14 exceptional results for the Class while sparing the Class from the uncertainties of
15 continued and protracted litigation.

16 18. In undertaking to prosecute this case on a contingent fee basis, Class
17 Counsel assumed a significant risk of nonpayment or underpayment. Despite Class
18 Counsel's effort in litigating this Action, Class Counsel remains completely
19 uncompensated for the time invested in the Action, in addition to the substantial
20 expenses that were advanced.

21 19. My firm incurred \$3,229.27 in costs that were reasonably necessary for
22 the prosecution of this litigation and would normally have been billed to a client
23 paying for counsel's services on a regular basis. It is my understanding that my co-
24 counsel, Robert Teel, also incurred \$4,007.45 in costs that were necessary for the
25 prosecution of this litigation. Additionally, it is my understanding that co-counsel at
26 Foley & Lardner LLP incurred \$19,222.25 in costs that were necessary for the
27 prosecution of this litigation. Accordingly, Class Counsel requests \$26,458.97.

20. The total lodestar for the Marron Firm is \$336,249.00. This lodestar is based on 589.3 hours of work (468.7 attorney hours and 120.6 paralegal and law clerk hours). My firm's requested rates are summarized in Table 1 below:

TABLE 1

Timekeeper	Position	Rate Requested	Total Hours	Total Amount
Ronald Marron	Partner	\$815.00	191.3	\$155,909.50
Alexis Wood	Senior Associate	\$615.00	47.4	\$29,151.00
Kas L. Gallucci	Senior Associate	\$575.00	112.4	\$64,630.00
Michael Houchin	Senior Associate	\$550.00	62.7	\$34,485.00
Lilach Halperin	Associate	\$490.00	1.3	\$637.00
Skye Resendes	Associate	\$475.00	20.5	\$9,737.50
Elisa Pineda	Associate	\$440.00	0.9	\$396.00
William Richards, Jr.	Associate	\$440.00	32	\$14,080.00
Tania Babaie	Associate	\$440.00	0.2	\$88.00
Paralegal	Heather Mora	\$225.00	14	\$3,150.00
Paralegal	Allison Cardwell	\$225.00	16.3	\$3,667.50
Paralegal	Andrea Vasquez	\$225.00	90.2	\$20,295.00
Paralegal	Zechs Taduran	\$225.00	0.1	\$22.50
TOTAL:				\$336,249.00

21. It is my understanding that my co-counsel, Robert Teel, has a total lodestar of \$974,804.95 based on 1,392.6 hours of work that Mr. Teel devoted to prosecuting this Action. In addition, it is my understanding that co-counsel at Foley & Lardner LLP has a total lodestar of \$509,287.05 based on 884.70 hours of work that co-counsel also devoted to prosecuting this Action.

22. In the interest of settling the matter, Class Counsel has agreed to a total sum of \$900,000 for litigation costs, service awards, and attorneys' fees. This sum includes not more than \$60,000 for incentive awards for the three class representatives (\$20,000 each) and not less than \$840,000 to cover attorneys' fees and costs in this litigation and represents a significant negative multiplier for Class

1 Counsels' respective lodestars.

2 23. My firm's practice is to keep contemporaneous records for each
3 timekeeper and to regularly record time records in the normal course of business. My
4 firm kept time records in this case consistent with that practice. Moreover, my firm's
5 practice is to bill in 6-minute (tenth-of-an-hour) increments. My firm's detailed
6 billing records are voluminous and contain information that is protected from
7 disclosure by the attorney-client privilege and the attorney work-product doctrine.
8 However, my firm will make its detailed billing records available to the Court for *in*
9 *camera* review upon the Court's request.

10 24. Prior to finalizing my firm's lodestar, we carefully reviewed our hours
11 and made cuts for time entry errors, duplications, and instances where we determined
12 the hours should be reduced or not billed.

13 25. My firm's requested rates are consistent with the prevailing rates for
14 attorneys and support staff of similar experience, skill, and reputation. For example,
15 survey data confirms the reasonableness of such rates. A 2010 survey by the National
16 Law Journal (NLJ) shows rates of firms in Los Angeles for \$495-\$820 for partners
17 and \$270-\$620 for associates. A 2011 survey by the NLJ shows partner rates of \$275-
18 \$860 in the Southern California area, with a range of \$205-\$635 for associates in the
19 same geographic region. Copies of the NLJ surveys are in my firm's possession but
20 are not being filed due to their volume. As this evidence shows, my firm's requested
21 attorney rates fall within the average prevailing market rates within the community.

22 26. A summary chart of the NLJ surveys from 2010-2012 is attached hereto
23 as **Exhibit B**.

24 27. Attached hereto as **Exhibit C** is a true and correct copy of the 2014
25 Report on the State of the Legal Market put out by The Center for the Study of the
26 Legal Profession at the Georgetown University Law Center and Thomson Reuters
27 Peer Monitor (Peer Monitor Report). The Peer Monitor report shows that "from the

1 third quarter of 2010 through November 2013 . . . firms increased their standard rates
2 by 11 percent[,] from an average of \$429 per hour to \$476 per hour.” This average
3 rate from 2014, *see id.*, supports my firm’s current hourly rates.

4 28. My firm’s requested rates fall within the average/mean range of the
5 typical rates of a San Diego law firm that practices complex litigation. *See generally*
6 *Catala v. Resurgent Capital Servs., L.P.*, 2010 U.S. Dist. LEXIS 63501, at *19 n.3
7 (S.D. Cal. June 22, 2010).

8 29. Courts have also recognized that my law firm’s attorney’s hourly rates
9 are reasonable. For example:

10 a) On October 7, 2019, the Marron Firm’s hourly rates of \$785 for Ronald
11 Marron, \$495 for Michael Houchin, \$440 for Lilach Halperin and other associate
12 attorneys, and \$215 for paralegals were approved in the matter of *Woodard v.*
13 *Labrada*, Case No. 5:16-cv-00189-JGB-SP that is pending in the United States
14 District Court for the Central District of California before the Honorable Jesus G.
15 Bernal. (Dkt. No. 295-2 (declaration in support of fee motion) & Dkt. No. 321 (final
16 approval order)).

17 b) On June 17, 2019, the Marron Firm’s hourly rates of \$785 for Ronald A.
18 Marron, \$495 for Michael Houchin, \$440 for Lilach Halperin and other associate
19 attorneys, and \$215 for paralegals were approved in the matter of *Littlejohn v.*
20 *Ferrara Candy Company*, Case No. 3:18-cv-00658-AJB-WVG that was pending in
21 the United States District Court for the Southern District of California. (Dkt. No. 30-2
22 (declaration in support of fee motion) & Dkt. No. 47 (final approval order)). During
23 the final approval hearing, the Honorable Anthony J. Battaglia stated that the Marron
24 Firm’s rates “appear to the Court to be typical for the community and counsel that are
25 handling a class action, consumer-type litigation, in particular, I find them fair,
26 reasonable and will approve those.” (Dkt. No. 51 [June 14, 2019 Hr.’g Tr. at 11:3-9]).

27 c) On January 15, 2019, the Marron Firm’s hourly rates of \$785 for Ronald

1 A. Marron and \$495 for Michael Houchin and other associate attorneys, and \$350 for
2 post-bar law clerks were approved in the matter of *William Jackson, et al. v. Lang*
3 *Pharma Nutrition, Inc., et al.*, Case No. 37-2017-00028196-CU-BC-CTL that was
4 pending in the California Superior Court for the County of San Diego. (Dkt. No. 86
5 (declaration in support of fee motion) & Dkt. No. 112 (final approval order)). In his
6 Final Approval Order, the Honorable Joel R. Wohlfeil stated that my firm had
7 “adequately represented the Class” and that the “value of the settlement is fair,
8 represents a reasonable compromise after five years of litigation, and is adequate for
9 the Class.” (Dkt. No. 112).

10 d) On August 14, 2018, the Marron Firm’s hourly rates of \$785 for Ronald
11 A. Marron, \$495 for Michael Houchin and other associate attorneys, and \$245 for law
12 clerks were approved in *Mollicone v. Universal Handicraft, Inc.*, Case No. 1:17-cv-
13 21468-RNS (S.D. Fla.) (Dkt. No. 122-1 (declaration in support of fee motion) & Dkt.
14 No. 134 (Final Approval Order)). In his Final Approval Order, the Honorable Robert
15 N. Scola, Jr. awarded 31.9% of the total Settlement Fund and stated that “[t]he
16 requested percentage from the Settlement Fund is reasonable, considering the results
17 obtained, the nature of the case, and Class Counsel’s significant work in this case and
18 experience in litigating class actions.” (Dkt. No. 134).

19 e) On May 4, 2018, the Marron Firm’s hourly rates of \$745 for Ronald A.
20 Marron, \$440 for Michael Houchin and other associate attorneys, and \$245 for law
21 clerks were approved in *In re Tommie Copper Products Consumer Litigation*, Case
22 No. 7:15-cv-03183-AT (S.D. N.Y.) (Dkt. No. 127 (declaration in support of fee
23 motion) & Dkt. No. 129 (Final Approval Order)). In her Final Approval Order, the
24 Honorable Analisa Torres found that the settlement was “entered into by experienced
25 counsel and only after extensive, arms-length negotiations conducted in good faith
26 and with the assistance” of a mediator. (Dkt. No. 129).

27 f) On September 5, 2017, The Marron Firm’s hourly rates of \$745 for

1 Ronald A. Marron, \$440 for Michael Houchin and other associate attorneys, and
2 \$245 for law clerks were also approved in a class action captioned *Elkind et al. v.*
3 *Revlon Consumer Products Corporation*, Case No. 2:14-cv-02484-AKT (E.D. N.Y.)
4 (Dkt. No. 125-2 (Declaration in Support of Fee Motion) & Dkt. No. 131 (Final
5 Approval Order)). In her Final Approval Order dated September 5, 2017, the
6 Honorable Judge Tomlinson stated that the settlement was “negotiated by highly
7 capable and experienced counsel with full knowledge of the facts, the law and the
8 risks inherent in litigating the Action and was the product of vigorously fought
9 litigation.” (Dkt. No. 131).

10 g) On November 16, 2015, the Honorable Maxine M. Chesney of the U.S.
11 District Court for the Northern District of California approved the following hourly
12 rates for attorneys at the Marron Firm in relation to approval of a class settlement:
13 Ronald Marron at \$745; associate attorneys at \$440; and law clerks at \$290 in the
14 case of *Johnson v. Triple Leaf Tea, Inc.*, Case No. 3:14-cv-10 01570-MMC (Dkt. No.
15 65). The Court found that the fee requested was “reasonable when judged by the
16 standards in this circuit,” and also that my firm’s attorney, law clerk and staff rates
17 were “reasonable in light of the complexity of this litigation, the work performed,
18 Class Counsel’s reputation, experience, competence, and the prevailing billing rates
19 for comparably complex work by comparably-qualified counsel in the relevant
20 market.” Dkt. No. 65.

21 h) On August 7, 2015, the Honorable Brendan Linehan Shannon of the U.S.
22 Bankruptcy Court for the District of Delaware approved the following hourly rates
23 for Marron Firm attorneys: Mr. Marron at \$745; associate attorneys at \$440; and law
24 clerks at \$290 in the case of *In re: LEAF 123, INC (f/k/a NATROL, INC), et al.*, Case
25 No. 14-11446 (BLS). The court found the settlement in that case “fair, reasonable and
26 adequate,” which settlement included an award of \$799,000 in fees and a \$1,000
27 incentive award for the named plaintiff.

1 i) On August 6, 2015, the Honorable Kenneth R. Freeman of the Superior
2 Court of California, County of Los Angeles approved the following hourly rates for
3 Marron Firm attorneys: Mr. Marron at \$745; associate attorneys at \$440; and law
4 clerks at \$290 in the case of *Perry v. Truong Giang Corp.*, Case No. BC59568. In so
5 holding, the Court noted that “the attorneys displayed skill in researching and settling
6 this case, which provides a benefit not only to Class Members but to the public at
7 large, and that in so doing, the attorneys undertook significant risk by spending time
8 on this litigation on a contingency basis.”

9 j) On September 22, 2014, this Court approved Mr. Marron’s hourly rate
10 of \$715 per hour, associate attorney rates of \$400-\$440 per hour, and Mr. Marron’s
11 law clerk and paralegal rates of \$245 and \$215 per hour, respectively. *See Vaccarino*
12 *v. Midland Nat. Life Ins. Co.*, 11 CV-5858-CAS MANX, 2014 WL 4782603, at ¶ 11
13 (C.D. Cal. Sept. 22, 2014); *see also* Dkt. No. 407.

14 k) On July 29, 2014, the Hon. Richard Seeborg of the Northern District of
15 California approved Mr. Marron’s rate at \$715, associate attorney rates at \$400, and
16 law clerks at \$290 in *In re Quaker Oats Labeling Litig.*, No. C 10-0502 RS, 2014 WL
17 12616763, at *1 (N.D. Cal. July 29, 2014).

18 l) On March 13, 2014, the Honorable Gonzalo P. Curiel of the Southern
19 District of California approved Mr. Marron’s hourly rate of \$715 per hour; associate
20 attorney rates of \$400-\$440 per hour; a post-Bar law clerk rate of \$290 per hour; and
21 \$215 per hour for legal assistants in *Mason v. Heel, Inc.*, No. 3:12-cv-3056-GPC-
22 KSC, 2014 WL 1664271 (S.D. Cal. Mar. 13, 2014).

23 m) On October 31, 2013, the Honorable Michael M. Anello of the Southern
24 District of California awarded Mr. Marron fees of \$680 per hour and associate
25 attorney fees of \$385-\$400 per hour in a homeopathic drug consumer class action
26 case. The Court also approved \$280 per hour for a post-bar law clerk; \$245 per hour
27 for regular law clerks; and \$215 hourly rates for support staff such as paralegals. *Nigh*

1 *v. Humphreys Pharmacal Incorporated*, 3:12-cv-02714-MMA-DHB, 2013 WL
2 5995382 (S.D. Cal. Oct. 23, 2013).

3 n) On March 13, 2013, the Honorable David O. Carter of the Central
4 District of California awarded Mr. Marron fees of \$680 per hour, former associate
5 Ms. Resendes fees of \$400 per hour, and former associate, Maggie Realin, fees of
6 \$375 per hour in a dietary supplement consumer fraud class action case. The Court
7 also approved \$245 per hour for law clerks and \$215 hourly rates for support staff
8 such as paralegals. *Bruno v. Quten Research Inst., LLC*, No. 8:11-cv-00173-DOC-E,
9 2013 WL 990495, at *4-5 (C.D. Cal. Mar. 13, 2013) (“Class Counsel, . . . the Law
10 Offices of Ronald A. Marron displayed competence and diligence in the prosecution
11 of this action, and their requested rates are approved as fair and reasonable.”); *see*
12 *also id.* at *4 (“The Court notes that, in addition to the monetary relief obtained by
13 Class Counsel for class plaintiffs, there is a high value to the injunctive relief
14 obtained in this case. New labeling practices affecting hundreds of thousands of
15 bottles per year, over ten years, bring a benefit to class consumers, the marketplace,
16 and competitors who do not mislabel their products.”).

17 o) On October 31, 2012, the Honorable John A. Houston of the Southern
18 District of California awarded Mr. Marron fees of \$650 per hour and former associate
19 Ms. Resendes fees of \$385 per hour in a homeopathic drug consumer fraud class
20 action case. *Gallucci v. Boiron, Inc.*, 2012 WL 5359485, at *9 (S.D. Cal. Oct. 31,
21 2012) (“The Court finds the [foregoing] hourly billing rates reasonable in light of the
22 complexity of this litigation, the work performed, Class Counsels' reputation,
23 experience, competence, and the prevailing billing rates for comparably complex
24 work by comparably-qualified counsel in the relevant market.”).

25 p) On August 21, 2012, the Honorable Thomas J. Whelan awarded Mr.
26 Marron fees of \$650 per hour, former associate Ms. Resendes at \$385 per hour and
27 former associate Ms. Realin at \$375 per hour, in the consumer dietary supplement

1 class action of *Burton v. Ganeden*, No. 11-cv-1471 W (NLS), Dkt. Nos. 52, 48, 45.

2 q) On July 9, 2012, the Honorable Marilyn L. Huff awarded Mr. Marron
3 fees of \$650 per hour, and approved the rates of his associate attorneys, former
4 associate Ms. Resendes at \$385 per hour, and former associate, Maggie Realin, at
5 \$375 per hour in the consumer food class action of *In re Fererro*, Case No. 3:11-cv-
6 00205 H (KSC) (S.D. Cal.), Dkt. No. 127. Judge Huff noted that the fees requested
7 were “appropriate given the contingent nature of the case and the excellent results
8 obtained for the Class, and because no enhancement or multiplier was sought above
9 the actual amount of Class Counsel's lodestar. The Court concludes the billing rates
10 used by Class Counsel to be justified by prior awards in similar litigation and the
11 evidence presented with their motion showing these rates are in line with prevailing
12 rates in this District.”

13 30. In the interest of judicial economic, I incorporate by reference
14 paragraphs 17 to 20 of the Declaration of Robert Teel in Support of Plaintiffs’ Motion
15 for Costs, Incentive Awards, and Attorneys’ Fees. Said paragraphs detail the efforts
16 of the representative Plaintiffs in prosecuting the action; thereby demonstrating the
17 reasonableness of their incentive reward requests of \$20,000.00 per Class
18 Representatives.

19 31. Plaintiffs’ fee motion will be uploaded to the settlement website upon its
20 filing with the Court so that class members are afforded an adequate opportunity to
21 object to the fee motion if they choose to do so.

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

24 Executed on this 12th day of August 2020 at San Diego, California.

25 /s/ Ronald A. Marron

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