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Attorneys for Plaintiffs and the Class

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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

Plaintiff,

v.

SECURUS TECHNOLOGIES, INC.,

Defendant.

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

CLASS ACTION

**DECLARATION OF EILEEN
RIDLEY 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

1 I, Eileen R. Ridley, hereby declare as follows:

2 1. I am a partner with the firm of Foley & Lardner, LLP (“Foley”) counsel
3 of record on behalf of Plaintiffs Juan Romero, Frank Tiscareno, Kenneth Elliott and
4 the certified class (collectively referred to herein as “Plaintiffs”). The Court has
5 confirmed myself and Foley & Lardner LLP as appropriate class counsel in its
6 November 21, 2018 Order certifying a class in this Action [Dkt. 141]. As the lead
7 partner at Foley handling the matter, I am familiar with the file, the events regarding
8 the litigation and the litigation and billing records regarding the firm’s representation
9 of Plaintiffs in the case. I make the following declaration from my personal knowledge
10 and if called to testify I could and would competently testify to the matters described
11 herein.

12 2. I (on behalf of Foley), along with co-counsel Robert L Teel and co-
13 counsel at the Law Offices of Ronald A. Marron, am counsel of record for Plaintiffs. I
14 am a member in good standing of the State Bar of California and the Southern District
15 for the State of California.

16 3. I respectfully submit this Declaration in Support of Plaintiffs’ Motion for
17 Attorneys’ Fees, Costs, and Incentive Awards (“Fee Motion”).

18 4. In brief summary, Foley has worked closely with co-counsel Robert L
19 Teel and co-counsel at the Marron Firm in prosecuting this action since our association,
20 including both litigation duties and costs. Specifically, from its appearance in the
21 Action, Foley took the lead in conducting discovery, including document review and
22 responding to discovery requests, participating in meet and confer telephone calls and
23 case related correspondence and communications, conducting settlement negotiations,
24 developing a comprehensive litigation, certification and notice plan, leading the
25 litigation on behalf of the Plaintiffs (including motion practice and appellate work),
26 and overall case prosecuting and strategy. Further, Foley took the lead in drafting and
27 arguing the successful motion to certify the class in this matter – in coordination with

1 co-counsel.

2 5. My firm and I are experienced and qualified to evaluate Plaintiffs' and the
3 Settlement Class's claims and the viability of Securus's defenses. I have been
4 practicing law since 1990 and have been involved in class action litigation (both on
5 behalf of plaintiffs and defendants) throughout my career. I have handed in excess of
6 50 class actions and have tried over 30 matters. Given my extensive experience as a
7 class action trial lawyer, it is my view that the settlement is fair, reasonable, and
8 adequate, in the best interest of the class members, and should be approved by this
9 Court.

10 6. My firm and co-counsel are fully committed to prosecuting this action
11 against Defendant to achieve a successful outcome for the proposed Settlement Class
12 and have the financial means to do so.

13 7. My firm currently employs over 1000 full-time attorneys and
14 approximately 141 paralegals. Foley is a full-service law firm with 24 offices across
15 the United States, Mexico, Europe and Asia. Foley has an in-depth knowledge of
16 litigating consumer class action cases. The attorneys at my firm – including myself -
17 have decades of experience litigating class action cases, and are well-versed, in
18 particular, in the respective merits and risks of consumer class action cases. A full
19 description of Foley and its services may be found at its website (found at www.foley.com)
20 and my curriculum vitae may be found on Foley's website as well (found at
<https://www.foley.com/en/people/r/ridley-eileen-r>).

21 8. In the interest of judicial economy, I incorporate by reference paragraphs
22 9 to 18 of the Declaration of Ron A. Marron in Support of Plaintiffs' Motion for
23 Attorneys' Fees, Costs, and Incentive Awards, as if fully stated herein. Said paragraphs
24 detail the efforts of Class Counsel in obtaining the Settlement Agreement. Based on
25 my experience, I believe that the Settlement provides exceptional results for the Class
26 while sparing the Class from the uncertainties of continued and protracted litigation.

27 9. My firm incurred \$19,222.25 in costs that were reasonably necessary for

1 the prosecution of this litigation and would normally have been billed to a client
 2 paying for counsel's services on a regular basis. It is my understanding that my co-
 3 counsel, Robert L Teel, also incurred \$4,007.45 in costs that were necessary for the
 4 prosecution of this litigation. Additionally, it is my understanding that co-counsel at
 5 the Marron firm incurred \$3,229.27 in costs that were necessary for the prosecution
 6 of this litigation. Accordingly, Class Counsel requests \$26,458.97 for costs.

7 10. The total lodestar for my firm is \$509,287.05. This lodestar is based on
 8 884.70 hours of work (809.3 attorney hours and 75.4 paralegal and law clerk hours).
 9 My firm's requested rates are summarized in Table 1 below:

TABLE 1

Timekeeper	Position	Rate Requested	Total Hours	Total Amount
Alan R. Ouellette	Sr. Counsel	\$550.00	12.8	\$7,040.00
Mikle S-K Jew	Associate	\$315.00	123.2	\$38,808.00
Jesus Torres	Paralegal	\$240.00	5.3	\$1,272.00
Kerry A. Farrar	Paralegal	\$285.00	14.6	\$4,161.00
Wendy DelValle	Paralegal	\$290.25	55.5	\$16,109.00
Eileen R. Ridley	Partner	\$634.19	168.7	\$106,988.50
Geoffrey M. Raux	Partner	\$632.06	46.3	\$29,264.50
J. Mark Waxman	Partner	\$839.66	129.7	\$108,904.50
Jaikaran Singh	Partner	\$625.00	1.5	\$937.50
Michael D. Leffel	Partner	\$670.00	0.4	\$268.00
Nicholas J. Fox	Sr. Counsel	\$539.67	326.7	\$176,311.50
TOTAL:				\$490,064.50

20
 21 11. It is my understanding that my co-counsel, Robert L Teel, has a total
 22 lodestar of \$974,804.95 based on 1,392.6 hours of work that Mr. Teel devoted to
 23 prosecuting this Action. In addition, it is my understanding that co-counsel at the
 24 Marron Firm has a total lodestar of \$336,249.00 based on 589.3 hours of work that co-
 25 counsel also devoted to prosecuting this Action.

26 12. In the interest of settling the matter, Class Counsel has agreed to a total
 27 sum of \$900,000 for litigation costs, service awards, and attorneys' fees. This sum

1 includes not more than \$60,000 for incentive awards for the three class representatives
2 (\$20,000 each) and not less than \$840,000 to cover attorneys' fees and costs in this
3 litigation and represents a significant negative multiplier for Class Counsels' respective
4 lodestars.

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

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

16 15. My firm's requested rates are consistent with the prevailing rates for
17 attorneys and support staff of similar experience, skill, and reputation.

18 16. My firm's requested rates fall within the average/mean range of the typical
19 rates of a San Diego law firm that practices complex litigation. *See generally Catala v.*
20 *Resurgent Capital Servs., L.P.*, 2010 U.S. Dist. LEXIS 63501, at *19 n.3 (S.D. Cal.
21 June 22, 2010). A 2011 survey by the NLJ shows partner rates of \$275-\$860 in the
22 Southern California area, with a range of \$205-\$635 for associates in the same
23 geographic region. Copies of the NLJ surveys are available for the Court upon request
24 and a summary chart of the NLJ surveys from 2010-2012 is attached to Mr. Marron's
25 declaration submitted concurrently herewith as Exhibit B.

26 17. Courts have also recognized that my law firm's attorney's hourly rates are
27 reasonable. A small, non-exhaustive, list follows:

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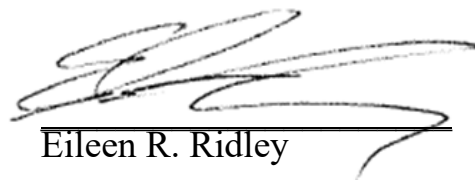
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- a. *In re Capitol Bank Corp.* (U.S. Bankruptcy Court – Eastern District of Michigan Case No.: 12-58409);
- b. *In re QF Liquidation, Inc. (f/k/a Quantum Fuel Systems Technologies Worldwide, Inc., dba Quantum Technologies)* (U.S. Bankruptcy Court – Central District of California Case No.: 8:16-bk-11202-MW);
- c. *In re LeClairRyan PLLC* (U.S. Bankruptcy Court – Eastern District of Virginia Case No.: 19-34574-KRH);
- d. *In re PIER 1 IMPORTS, INC., et al.* (U.S. Bankruptcy Court – Eastern District of Virginia Case No.: 20-30805 (KRH)); and
- e. *In re Licking River Mining, LLC, et al.* (U.S. Bankruptcy Court – Eastern District of Kentucky – Case No. 14-10201).

18. In the interest of judicial economy, I incorporate by reference paragraphs 17 to 23 of the Declaration of Robert Teel in Support of Plaintiffs’ Motion for Costs, Incentive Awards, and Attorneys’ Fees as if fully stated herein. Said paragraphs detail the efforts of the representative Plaintiffs in prosecuting the action; thereby demonstrating the reasonableness of their incentive reward requests of \$20,000.00 per Class Representatives.

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

Executed on this 17th day of August 2020 at San Francisco, California.



Eileen R. Ridley