

1 THE WAND LAW FIRM, P.C.
2 Aubry Wand (SBN 281207)
3 400 Corporate Pointe, Suite 300
4 Culver City, California 90230
5 Telephone: (310) 590-4503
6 Facsimile: (310) 590-4596
7 E-mail: awand@wandlawfirm.com

SCHNEIDER WALLACE COTTRELL
KONECKY WOTKYNS LLP
Todd M. Schneider (SBN 158253)
Jason H. Kim (SBN 220279)
Kyle G. Bates (SBN 299114)
2000 Powell Street, Suite 1400
Emeryville, California 94608
Telephone: (415) 421-7100
Facsimile: (415) 421-7105
E-mail: tschneider@schneiderwallace.com
jkim@schneiderwallace.com
kbates@schneiderwallace.com

8 *Attorneys for Plaintiff and the Class*

9
10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION
13

14 JAMES KNAPP, individually and on behalf
15 of all others similarly situated,

16 Plaintiff,

17 v.

18 ART.COM, Inc., a California corporation;
and DOES 1 through 50, inclusive,

19 Defendants.
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CASE NO.: 3:16-cv-00768-WHO

[Honorable William H. Orrick]

**DECLARATION OF AUBRY WAND IN
SUPPORT OF PLAINTIFF'S RENEWED
MOTION FOR APPROVAL OF
ATTORNEYS' FEES AND COSTS**

Date: October 3, 2018
Time: 2:00 p.m.
Courtroom: 2

Action Filed: February 16, 2016
Trial Date: None Set

DECLARATION OF AUBRY WAND

I, Aubry Wand, hereby declare as follows:

1. I am an attorney at law, licensed to practice in the State of California. I am the principal of the Wand Law Firm, P.C. My firm, along with Schneider Wallace Cottrell Konecky Wotkyns LLP, serves as co-counsel of record in the above-entitled action (hereinafter, "Class Counsel"). I make this declaration on the basis of personal firsthand knowledge unless another source of information or belief clearly appears from the context, and as to all such matters, I believe them to be true. If called as a witness, I could and would readily and competently testify to all matters stated within.

2. I make this declaration in support of Plaintiff's Renewed Motion for Approval of Attorneys' Fees and Costs.

Qualifications and Experience

3. I received a B. A. from the University of Pennsylvania in 2007 in English and Political Science. I received my J.D. from UC Hastings College of the Law in 2011. I became an active member of the State Bar of California in December 2011, and I have been an active member in good standing continuously since then. I also became a member of the State Bar of Hawaii in June 2012. In 2012, I completed a judicial clerkship for the Honorable Colette Y. Garibaldi, of the First Circuit Court, State of Hawaii.

4. I have been practicing as a litigation attorney, focusing primarily on protecting the rights of employees and consumers, in Los Angeles since 2012. From 2012 to 2016, I worked as an associate at a law firm that was dedicated almost exclusively to employment litigation, frequently litigating class actions on behalf of employees. During that time period, I served as lead or co-lead counsel in approximately 11 wage-and-hour class actions in which over \$13 million was recovered for thousands of class members. I also successfully litigated a number of single-plaintiff employment cases during that time period.

5. In the beginning of 2016 I founded the Wand Law Firm, P.C., which is dedicated to litigating cases on behalf of consumers and employees. A substantial portion of my firm's practice is dedicated to representing consumers in class actions like this one. For example, my

1 office is currently litigating several consumer class actions in federal court.

2 6. Over the past several years, my firm has also successfully recovered substantial
 3 compensation on behalf of employees. Recently, my firm prevailed on a FEHA discrimination
 4 claim on behalf of an employee in a private arbitration after completing a six-day hearing.

5 7. I have been named a "Rising Star" in 2018 for the Southern California Super
 6 Lawyers magazine.

7 **Lodestar Analysis**

8 8. I am the firm's managing partner and am responsible for all litigation decisions.
 9 For example, along with co-counsel, not only did I directly work on all of the day-to-day aspects
 10 of this litigation (such as discovery, drafting pleadings, etc.), I was also directly involved in all
 11 strategic decisions, including the decision that the Settlement in this case is in the best interest of
 12 the Class.

13 9. In my initial declaration in support of Plaintiff's Motion for Attorneys' Fees and
 14 Costs, filed on June 30, 2017 (ECF No. 69-8), I requested an hourly rate of \$500 per hour. My
 15 current hourly rate has since gone up to \$525 per hour. However, in this renewed fee motion, I
 16 am requesting that the Court approve an hourly rate of \$500 per hour, as originally requested.

17 10. Several courts in California have recently approved my requested rate of \$525
 18 per hour in wage and hour class action cases, as set forth in the table below:

Case Name	Hourly Rate	Year
<i>Morales v. OPARC</i> , San Bernardino Superior Court Case No. CIVDS1622051.	\$525	2017
<i>Luis Aguilar v. Hook Burger LLC</i> , Los Angeles County Superior Court, Case No. BC608694	\$525	2018
<i>Delgado v. Cienega Medical Spa, Inc.</i> , Los Angeles County Superior Court, Case No. BC637702	\$525	2018

26 11. I am informed and believe that other courts have approved hourly rates in the
 27 range of my hourly rate in the context of fee motions in California, and in particular, federal
 28

1 courts sitting in the Northern District of California. *See, e.g., Moore v. PetSmart, Inc.*, No. 5:12-
2 CV-03577-EJD, 2015 WL 5439000, at *12 (N.D. Cal. Aug. 4, 2015) (finding rates of \$720 for
3 partner, \$520-\$670 for senior counsel, and \$375-\$480 for associates reasonable); *Faigman v.*
4 *AT&T Mobility LLC*, 2011 U.S. Dist. LEXIS 15825, at * 2 (N.D. Cal. Feb. 15, 2011) (approving
5 hourly rates of \$650 an hour for partner services and \$500 an hour for associate attorney
6 services); *Cotter v. Lyft Inc.*, 2017 WL 1033527 (N.D. Cal. Mar. 16, 2017) (approving hourly
7 rates of \$500 for class of 2010).

8 12. Additional authority regarding customary hourly rates for attorneys in this
9 District is provided in the Declaration of Richard Pearl, which is being filed in support of this
10 Motion.

11 13. I believe that my requested hourly rate is reasonable based on the Northern
12 California legal market for attorneys who manage complex class actions like this one. In
13 addition, this rate properly takes into account the result achieved for the Class, the skill
14 displayed by Class Counsel, the contingent risk in this case, and the considerable delay in any
15 payment. In sum, there is ample authority that supports the reasonableness of my requested
16 hourly rate of \$500.

17 14. In my initial declaration, I informed the Court that I had spent approximately
18 588.40 hours litigating this case up until June 30, 2017. Since then, I have devoted an additional
19 35.80 hours to this case, which has primarily involved finalizing Plaintiff's Motion for Final
20 Approval and assisting with administration of the Settlement.

21 15. My time records are attached hereto as Exhibit A. For ease of reference, the time
22 records from inception of the case to June 25, 2017 are identical to that submitted in my original
23 timesheet. After this date, I incurred additional compensable time.

24 16. The work I spent on this matter can generally be broken down to the following
25 categories:

- 26 • Pre-filing investigation.
- 27 • Propounding and responding to discovery.
- 28 • Document review.

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- Preparing for depositions and defending Plaintiff's deposition.
- Conferences and correspondence with Defendant's counsel.
- Client meetings and communications.
- Drafting briefs, including an opposition to a motion to dismiss, a motion for class certification, and a mediation brief.
- Attendance at full-day mediation session.
- Negotiating and drafting the Settlement Agreement and related settlement documents.
- Obtaining approval of the Settlement including drafting motions for preliminary and final approval.
- Facilitating the settlement administration process.

17. In total I have spent 624.2 hours on this case. At a rate of \$500 per hour, my lodestar is \$312,100 (\$500 x 625.8 hours). All of the time that I spent working on the original fee motion, and this renewed fee motion, has been excluded.

18. My office devoted a considerable amount of time to this case that could have been well spent on other fee-generating matters, particularly during the time period of intense litigation, such as opposing Defendant's motion to dismiss, conducting discovery, and drafting Plaintiff's motion for class certification.

19. My office, along with Schneider Wallace, has worked diligently to divide tasks and try to prevent duplication of efforts. By assigning specific tasks among firms, we were able to avoid replicating work. For example, during things like court appearances, meetings, and depositions, as a general matter, only one firm participated, so as to avoid duplicative work.

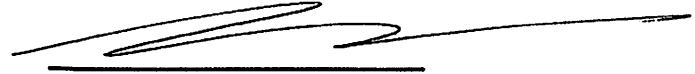
20. Counsel also worked very hard to move this case forward in an efficient manner. Although Class Counsel vigorously litigated this case behalf of the Class, as evidenced by our successful opposition to a motion to dismiss and the filing of a motion for class certification, we were also mindful of avoiding unnecessary battles that would create work, but not necessarily advance the case. For example, we were able to work out discovery disputes with Defendant without having to engage in costly motions practice.

21. Moreover, I have also endeavored to remove duplicative billing with co-counsel

1 by deleting from my time records internal communications, such as in-person meetings, phone
2 calls, and e-mail communications with co-counsel, even though I consider this work to have
3 been vital to achieving the success achieved here. In sum, all of these hours were reasonable and
4 necessary.

5 22. My office is not seeking reimbursement for any costs in addition to those already
6 requested and approved by the Court.

7 I declare under penalty of perjury under the laws of the United States of America and
8 the State of California that the foregoing is true and correct. Executed on July 9, 2018 at Los
9 Angeles, California.

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12 Aubry Wand

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