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9 *Attorneys for Plaintiff and the Proposed Class*

10 U.S. DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN JOSE DIVISION

13 ALAN BRINKER, AUSTIN RUGG, and ANA  
14 SANDERS, individually and on behalf of all  
15 others similarly situated,

16 Plaintiff,

17 v.

18 NORMANDIN'S, a California corporation, d/b/a  
19 NORMANDIN CHRYSLER JEEP DODGE  
20 RAM, and ONECOMMAND, INC.,

21 Defendants.

NO. 5:14-cv-03007 EJD HRL

**DECLARATION OF MICHAEL F.  
RAM IN SUPPORT OF PLAINTIFFS'  
FEE PETITION**

Honorable Edward J. Davila

CLASS ACTION

Motion Hearing

DATE: 03/29/2018

TIME: 10:00 a.m.

LOCATION: Courtroom 4 - 5th Floor

22 I, Michael F. Ram, declare as follows:

23 1. I am an attorney admitted to the Bar of the State of California. I am a partner of  
24 Robins Kaplan LLP and co-counsel for Plaintiff in this case. I have personal knowledge of the  
following facts.

2. I make this declaration in support of Plaintiff's Fee Petition.

DECLARATION OF MICHAEL F. RAM IN SUPPORT OF PLAINTIFFS' FEE  
PETITION – 1

CASE No. 5:14-cv-03007 EJD HRL

1           3.       I have been co-lead counsel in numerous national consumer class actions.

2           4.       I graduated cum laude from Harvard Law School in 1982. I have participated in  
3 several class action trials and, in 1992, I was a co-recipient of the Trial Lawyer of the Year  
4 Award given by Trial Lawyers for Public Justice.

5           5.       From 1993 through 1997, I was a partner with Lieff, Cabraser, Heimann and  
6 Bernstein where I represented plaintiffs in several major class actions, including:

7           a.       *Cox v. Shell*, Civ. No 18,844 (Obion County Chancery Court, Tennessee  
8 (Chancellor Maloan). A nationwide class of approximately six million owners of property  
9 equipped with defective polybutylene plumbing systems and yard service lines. The settlement  
10 has paid out a billion dollars in compensation to consumers.

11           b.       *In re Louisiana-Pacific Inner-Seal Litigation*, No. 95-CV-879 JO-LEAD  
12 (District of Oregon). A nationwide class of homeowners with defective exterior siding on their  
13 homes.

14           c.       *ABS Pipe Litigation*, Judicial Council Coordination Proceeding No. 3126  
15 (Contra Costa County Superior Court). A nationwide class of homeowners with defective ABS  
16 pipes.

17           6.       In 1997, I reunited with lawyers I practiced with in the early 1980s to found  
18 Levy, Ram, & Olson, which became Ram, Olson, Cereghino & Kopczynski. With Ram, Olson,  
19 Cereghino & Kopczynski, I focused on consumer class actions. I have been co- lead counsel in  
20 a number of consumer class actions including a national certified class of half a million owners  
21 of allegedly dangerous glass pane gas fireplaces in *Keilholtz et al. v. Superior Fireplace*  
22 *Company*, N.D. Cal Case No. CV-08-00836 CW. I was co-lead counsel for plaintiffs in  
23 *Chamberlan v. Ford Motor Company*, N.D. Cal Case No. CV-03-2628 CW, a national class  
24 action involving defective intake manifolds that generated four published opinions, including  
one by the Ninth Circuit, and settled one court day before the class trial. I was liaison class

1 counsel in *In re Google Buzz User Privacy Litigation*, No. 10-cv-00672-JW (N.D. Cal.) and co-  
2 lead counsel for plaintiffs in *Whitaker v. Health Net of California, Inc.*, N.D. Cal. Case No.  
3 2:11-cv-0910 KJM DAD, another case involving California's Confidentiality of Medical  
4 Information Act. I was also co-counsel for plaintiffs in a number of additional consumer class  
5 actions, including:

6 a. *Milligan v. Toyota Motor Sales, U.S.A., Inc.*, United States District  
7 Court, N.D. Cal. Case No. C09-05418-RS. I served as co-counsel for a national class of  
8 235,000 past and present owners of Toyota RAV-4 vehicles manufactured in 2001-2003 for  
9 defects in the transmission and electronic control modules (settled on national basis).

10 b. *In re Kitec Plumbing System Products Liab. Litigation*, United States  
11 District Court, N.D. Texas, Case No. 09-MD-2098. I served as co-lead counsel for a multi-  
12 national class action involving claims concerning defective Kitec plumbing systems in more  
13 than 225,000 homes in the United States and Canada (settled on national basis).

14 c. *Richison v. American Cemwood Corp.*, San Joaquin Superior Court Case  
15 No. 005532. I served as co-counsel for a multistate class of tens of thousands of owners of  
16 homes and other structures on which defective Cemwood Shakes were installed.

17 d. *Williams v. Weyerhaeuser*, San Francisco Superior Court Case No.  
18 995787. I served as co-counsel on behalf of a nationwide class of hundreds of thousands or  
19 millions of owners of homes and other structures with defective Weyerhaeuser hardboard  
20 siding.

21 e. *Naef v. Masonite, Mobile County*, Alabama Circuit Court Case No. CV-  
22 94-4033. I served as co-counsel on behalf of a nationwide class of homeowners with defective  
23 hardboard siding on their homes. Settlement payments exceeded a billion dollars.

24 f. *Keilholtz v. Superior Fireplace Co.*, United States District Court, N.D.  
Cal. Case No. 08-cv-00836. I was Co-Lead Counsel in a certified class action representing

1 500,000 owners of allegedly defective glass pane glass fireplaces that settled on a nationwide  
2 basis.

3 g. *Hanlon v. Chrysler Corp.*, 150 F.3d 1011 (9th Cir. 1998) (approving  
4 national class action consumer settlement).

5 h. *McAdams v. Monier, Inc.*, 182 Cal. App. 4th 174 (2010) (reversing  
6 denial of class certification in consumer class action; later decision reinstated classwide jury  
7 verdict).

8 i. *Gardner v. Stimson Lumber Co.* (King County Wash. No. 2-17633-3-  
9 SEA) (nationwide consumer class action involving defective siding).

10 j. *Rosenberg v. U-Haul* (Santa Cruz Super Ct. No. CV-144045 (certified  
11 consumer class action for false and deceptive conduct tried successfully to judgment).

12 7. In April 2017, I left Ram, Olson, Cereghino & Kopczynski to become a partner  
13 at Robins Kaplan LLP. I am currently co-lead counsel in numerous consumer class actions,  
14 including *Gold v. Lumber Liquidators*, United States District Court, N.D. Cal. Case No. 14-cv-  
15 05373, a certified multistate class action involving allegedly defective bamboo floors, and  
16 *Fowler v. Wells Fargo*, United States District Court, N.D. Cal. Case No. 3:17-cv-02092, a class  
17 action involving unlawful interest charges.

18 8. The purpose of this declaration is to detail and authenticate the hours worked on  
19 this case by personnel at Ram, Olson, Cereghino & Kopczynski. I was a partner at Ram, Olson,  
20 Cereghino & Kopczynski before I joined Robins Kaplan LLP. The hours and expenses of  
21 Ram, Olson, Cereghino & Kopczynski are detailed in the attached exhibits.

22 9. Our firm worked on this case on an entirely contingent basis. We recorded our  
23 time using time-tracking billing software. The rates claimed for timekeepers at that firm is  
24

1 comparable to attorneys of similar experience and expertise in the Bay Area, and have been  
2 approved by courts in the past.

3 10. Together with our co-counsel in this case, we have endeavored to avoid  
4 duplication and staff this case as efficiently as possible.

5 11. As counsel in this case I assisted in briefing, strategy and case development,  
6 factual and legal research, and discovery.

7 12. Attached as **Exhibit A** to this declaration is a true and correct copy of my  
8 current resume.

9 13. A chart setting forth the hours spent by timekeepers at Ram, Olson, Cereghino  
10 & Kopczynski is attached as **Exhibit B**.

11 14. A chart setting forth the incurred expenses is attached to as **Exhibit C**.

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

13 EXECUTED at Mountain View, California, this 11th day of January, 2017.

14 /s/ Michael F. Ram, CSB, #104805  
15 Michael F. Ram, CSB, #104805

CERTIFICATE OF SERVICE

1  
2 I, Beth E. Terrell, hereby certify that on January 12, 2018, I electronically filed the  
3 foregoing with the Clerk of the Court using the CM/ECF system which will send notification of  
4 such filing to the following:

5 Andrew V. Stearns, SBN #164849  
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*Attorneys for Cross Defendant OneCommand, Inc.*

6 DATED this 12th day of January, 2018.

7 TERRELL MARSHALL LAW GROUP PLLC

8  
9 By: /s/ Beth E. Terrell, CSB #178181  
Beth E. Terrell, CSB #178181  
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13 *Attorneys for Plaintiffs and the Proposed Class*

Exhibit A



## Michael F. Ram

Partner

MRam@RobinsKaplan.com

650.784.4007

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**Silicon Valley** | 2440 West El Camino Real | Suite 100 | Mountain View, CA 94040

### Practice Areas

- Antitrust and Trade Regulation
- Business Litigation
- Class Action Litigation
- Construction
- Mass Tort Attorneys
- Personal Injury Attorneys

### Education

- Harvard Law School, J.D. with honors (1982)
- Cornell University, B.A. in Government, *magna cum laude* (1979)

### Professional Associations

- American Civil Liberties Union of Northern California, Lawyers Committee Board
- San Francisco Bar Association; Legal Services Volunteer, Homeless Advocacy Project Volunteer

### Bar Admissions

- California
- U.S. Court of Appeals, Eleventh Circuit
- U.S. Court of Appeals, Ninth Circuit
- U.S. Court of Appeals, Third Circuit
- U.S. District Court, Central District of California
- U.S. District Court, Eastern District of California

### Experience

A steadfast supporter of consumers' rights, Michael F. Ram has devoted his career to providing class action representation to those who have suffered financial losses as the result of defective products. Backed by 35 years of experience, Michael has served as co-lead counsel on a number of national and statewide consumer class actions.

Michael is a 1982 graduate of Harvard Law School. Prior to joining Robins Kaplan, he was a founding partner at a San Francisco law firm, where he focused his practice on the representation of plaintiffs in consumer class action disputes and other complex business litigation.

Michael's experience in this area covers a wide range of industries and products. His past cases include the representation of homeowners who suffered losses due to leaky KITEC piping, owners of Ford vehicles that use faulty intake manifolds, and owners of defective Monier roof tiles.

Michael is admitted to practice in a number of state and federal jurisdictions, including the U.S. Supreme Court. His published cases include *Lowell v. American Cyanamid* 177 F.3d 1228 (11th Cir. 1999) *Chamberlan v. Ford* 402 F.3d 952 (9th Cir. 2005) and *McAdams v. Monier* 182 Cal. App. 4th 174 (2010).

### Selected Case Results\*

In *McAdams v. Monier* (2010) 182 Cal. App. 4th 174, Mr. Ram represents a class of consumers who allege that the defendant/manufacturer failed to disclose its colored roof tiles would erode to bare concrete despite statements that the tiles had a 50-year lifetime, that their color was permanent, and that they were maintenance-free. *Id.* In reversing the denial of class certification, the Court of Appeal held that an inference of common reliance was adequate to show causation as to each class member. (Prior to joining Robins Kaplan LLP)

In *Chamberlan v. Ford Motor Co.*, 402 F.3d at 952, Mr. Ram represented a class of consumers with allegedly defective intake manifolds in their Ford vehicles. The

- U.S. District Court, Northern District of California
  - U.S. District Court, Southern District of California
  - U.S. Supreme Court
- Ninth Circuit denied Ford’s petition to appeal class certification in a case alleging that Ford had made material omissions to consumers, and underscored that review of district courts’ rulings certifying class actions should be a “rare occurrence.” *Id.* (Prior to joining Robins Kaplan LLP)

Past results are reported to provide the reader with an indication of the type of litigation we practice. They do not and should not be construed to create an expectation of result in any other case, as all cases are dependent upon their own unique fact situation and applicable law.

### Recognition\*\*

- Recipient of the “Trial Lawyer of the Year Award,” Trial Lawyers for Public Justice (1992)
- Named a “California Super Lawyer” by Super Lawyers (2006-2017)

\*\*Being named to the list or receiving the award is not intended and should not be viewed as comparative to other lawyers or to create an expectation about results that might be achieved in a future matter.

### Resources

#### Articles

- New Class Certification Developments in Non-Personal Injury Product Defects/Consumer Protection Cases: Nationwide vs. Statewide Classes and the Role of Choice of Law  
*Co-Author, American Bar Association's Ninth Annual National Institute on Class Actions (2005)*

#### News

- Silicon Valley Attorneys Listed as “Super Lawyer” and “Rising Star”
- Michael Ram and Susan Brown join Robins Kaplan LLP

#### Speeches

- 2017 Class Action Litigation Conference  
*Bridgeport Continuing Education, San Francisco, California (September 8, 2017)*

Exhibit B

**Ram, Olson, Cereghino, and Kopczynski  
Time in Brinker, et al. v. Normandin's, et al.  
Incurred from 11/24/2014 - 02/22/2017**

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**Recorded Hours, Rates and Lodestar Calculations**

	<u>NAME</u>	<u>HOURS</u>	<u>RATE</u>	<u>LODESTAR</u>
PARTNER				
	M. Ram	142.30	\$ 850.00	\$ 120,955.00
COUNSEL				
	S. Brown	7.18	\$ 550.00	\$3,950.83
PARALEGAL				
	D. Blum	8.00	\$ 185.00	\$ 1,480.00
	<b>GRAND TOTAL</b>	<b>149.48</b>		<b>\$ 126,385.83</b>

Exhibit C

**Ram, Olson, Cereghino, and Kopczynski  
Brinker, et al. v. Normandin's, et al.  
Incurred from 03/15/2016 - 04/20/2016**

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**Total Expenses**

<b>Date</b>	<b>Charge</b>	<b>Amount</b>
3/15/2016	In-House Copying	\$ 62.50
3/31/2016	Meal [Lunch with co-counsel]	\$ 124.91
4/9/2016	Deposition Transcript: Adam Langhals [Vertitext Invoice #: SF2599974]	\$ 2,019.25
4/9/2016	Deposition Transcript: Adam Langhals Videoconference [Vertitext Invoice #: SF2602650]	\$ 950.00
4/12/2016	FedEx/Postage	\$62.41
4/20/2016	Meal and travel expenses incurred during Mediation	\$ 605.73
	<b>GRAND TOTAL</b>	<b>\$ 3,824.80</b>