

Beth E. Terrell, CSB #178181
Email: bterrell@terrellmarshall.com
Mary B. Reiten, CSB #203412
Email: mreiten@terrellmarshall.com
Adrienne D. McEntee, Admitted Pro Hac Vice
Email: amcentee@terrellmarshall.com
TERRELL MARSHALL LAW GROUP PLLC
936 North 34th Street, Suite 300
Seattle, Washington 98103-8869
Telephone: (206) 816-6603
Facsimile: (206) 319-5450

[Additional Counsel Appear on Signature Page]

Attorneys for Plaintiffs and the Proposed Class

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ALAN BRINKER, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

NORMANDIN’S, a California corporation,
d/b/a NORMANDIN CHRYSLER JEEP
DODGE RAM,

Defendant.

NO. 5:14-cv-03007-EJD-HRL

**JOINT DECLARATION OF ROB
WILLIAMSON AND KIM WILLIAMS
IN SUPPORT OF REQUEST FOR
APPROVAL OF ATTORNEYS’ FEES**

JURY TRIAL DEMAND

HON. EDWARD J. DAVILA

DATE: March 29, 2018

TIME: 10:00 a.m.

LOCATION: Courtroom 4 – 5th Floor

We, Rob Williamson and Kim Williams, hereby declare as follows:

1. We, along with our co-counsel, are the attorneys for the Plaintiffs and the proposed Settlement Classes, and submit this declaration in support of Plaintiffs’ Motion for Award of Attorneys’ Fees and Costs and Incentive Award for the Plaintiffs. We are members in

1 good standing of the bar of Washington State. Mr. Williamson is also a member of the bar of
2 California and Ms. Williams of the Oregon bar. Except as noted otherwise, we have personal
3 knowledge of the facts set forth in this declaration, and could testify competently to them if
4 called upon to do so.

5 2. Rob Williamson is a graduate of Princeton University in 1966 and Harvard Law
6 School in 1970. He is a member of the Washington and California bars. After law school, Rob
7 Williamson was in private practice for a brief period in Los Angeles, and then from 1972
8 through 1979, was Director of Clinical Studies at Southwestern University School of Law in Los
9 Angeles, and a tenured law professor. Rob Williamson moved to Seattle in 1979 and served as
10 the Regional Training Coordinator for the Legal Services Corporation, and then briefly as a
11 Litigation Coordinator for Evergreen Legal Services. He has been in private practice in Seattle
12 since 1981, first with the law firm of Davies, Roberts and Reid and with our present firm he and
13 Kim Williams founded in April 1998.

14 3. Rob Williamson has been involved in complex personal injury matters in state
15 and federal court, primarily in Washington, including railroad and maritime injury claims. He
16 has represented plaintiffs in medical negligence, product liability and federal court multi-district
17 litigation, and employees in wage claims. Our firm has also represented over 170 engineers and
18 oilers on the Washington State ferries with hearing loss claims.

19 4. Kim Williams is a graduate of Whitman College in 1974 and Willamette
20 University College of Law in 1978. After law school, Kim Williams practiced law for 6 years
21 with the firm of Critchlow & Williams in Richland, Washington. Kim Williams has been in
22 private practice in Seattle since 1985, first with the law firm of Hafer Price Rinehart & Schwerin
23 (1985-1989), then with the firm of Davies Roberts & Reid (1989-1998), and with our present
24 firm since she founded it with Mr. Williamson in April 1998.

25 5. Over the course of Kim Williams' legal career, Kim Williams has been involved
26 in complex personal-injury matters in both state and federal court. Kim Williams has represented
27 numerous clients in medical negligence, product liability and premises liability litigation.

1 6. In addition, Kim Williams has been involved in multi-district litigation in the
2 federal court system. On behalf of our firm, for seven years beginning in the late 1990s, Kim
3 Williams represented over 50 claimants, mostly healthcare providers, with product liability
4 claims for latex allergy against various latex glove manufacturers. Kim Williams served as Lead
5 Plaintiffs' Counsel in the Western and Eastern Districts of Washington for latex glove product
6 liability claimants following remand of their cases from MDL 1148 (United States District Court,
7 Eastern District of Pennsylvania). In conjunction with co-counsel, Kim Williams also
8 represented over 30 claimants with products liability claims for myocardial infarction and stroke
9 against Merck & Company, the former manufacturer of the drug Vioxx, in MDL 1657 until those
10 cases settled in 2008/2009.

11 7. Our firm focuses on class action litigation with an emphasis on consumer
12 protection matters. Our firm has been appointed class counsel as part of orders granting class
13 certification or approved as class counsel as part of judicial review of a settlement in
14 approximately 70 cases, in the Western District of Washington, and the Superior Courts of King,
15 Whatcom, Yakima, Kitsap and Spokane Counties. These actions have included claims under the
16 Telephone Consumer Protection Act, actions involving fees charged by lenders at the time of a
17 home sale or refinance, claims against collection agencies for violations of the Fair Debt
18 Collection Practices Act and litigation for overtime pay for workers.

19 8. We have filed, actively litigated, and resolved a number of class actions alleging
20 violations of the TCPA arising out of the transmission by businesses of junk faxes, robo-calls
21 text messages, violations of Do-Not-Call statutes, and violations of Washington State statutes.
22 We successfully defended preemption challenges to the Washington statute forbidding use of
23 automatic dialing and announcing devices (ADAD) for purposes of commercial solicitation
24 (RCW 80.36.400) (the Washington Automatic Dialing and Announcing Device statute or the
25 "WADAD") in *Hovila v. Tween Brands* (No. 09-0491 RSL), *Palmer v. Sprint*, (No. C09- 01211
26 JLR), and *Chesbro v. Best Buy Stores, L.P.* (C10-00774 RAJ). On the latter case, we also
27 prevailed on an appeal to the 9th Circuit regarding whether the robo-call message was a

1 solicitation. In *Tween Brands*, the defendant sought permission to appeal the ruling denying
2 preemption to the Ninth Circuit Court of Appeals, which permission was denied.

3 9. Our firm is a two-lawyer firm with no associates, and the two partners must
4 perform all lawyer tasks on their cases. We make every to avoid duplication of work. In this
5 case, Ms. Williams played a limited role at the beginning of the case with the drafting of written
6 discovery and the first and amended complaints. It is only because both partners work on the
7 class action cases that the firm is able to accept and prosecute the cases on behalf of clients such
8 as Plaintiffs.

9 10. The lodestar hourly rates at which judges in the Western District of Washington
10 have approved for us in cases similar to this one are as follows:

11 In 2009, the Western District of Washington Judge Coughenour) approved Rob
12 Williamson's lodestar at \$760 per hour and Kim Williams' lodestar at \$500 per hour in *Gardner*
13 *v. Capital Options LLC et al*, (No. 07-1918). In 2012, Judge Coughenour reduced our request
14 for a fee, and set Rob Williamson at \$600 and Kim Williams at \$515 in *Clark v. Payless Shoe*
15 *Source et al* (No. 09-0915-JCC), based on the Court's view that the case did "... not require that
16 class counsel utilize extraordinary skill or possess uniquely specialized knowledge. Aside from
17 Defendants' motion to dismiss—which was never ruled upon because the parties stipulated to a
18 stay pending mediation—the case presented few novel legal questions or particularly thorny
19 issues." (Dkt. No. 73). This matter involved complex issues, including matters of first impression
20 leading to extensive research and briefing. the onerous limitation on FDCPA class damages to
21 1% of the net worth of a defendant. On May 13, 2016 in *Rinky Dink v. World Business Lenders*
22 (No. 14-00248), Judge Coughenour approved hourly rates for Rob Williamson of \$760.00 and
23 \$625.00 for Kim Williams.

24 Judge Lasnik approved Rob Williamson's lodestar at \$760 per hour and Kim Williams'
25 lodestar at \$650 per hour in the WADAD cases of *Hovila v. Tween Brands* (No. 09-0491 RSL)
26 (2012), *Global Education Services, Inc. v. Intuit, Inc. et al* (No. 09-0944 RSL) (2011), and
27 *Hartman et al v. Comcast Business Communications, LLC et al* (No. 10-00413 RSL) (2011).

1 Judge Robart, in 2010, approved Rob Williamson's lodestar at \$760 per hour and Kim
 2 Williams' lodestar at \$500 per hour in the WADAD case, *Baron v. Direct Capital, Inc.* (No. 09-
 3 669), and, in 2011, approved Rob Williamson at \$760 per hour and Kim Williams at \$650 per
 4 hour in the TCPA and WADAD case, *Palmer v. Sprint Solutions, Inc. et al* (No. 09-01211 JLR)
 5 and the same rates in *Kwan et al. v. Clearwire Corporation, et al.* (No. C09-1392 (JLR) on May
 6 6, 2013.

7 Judge Jones, in 2012, approved Rob Williamson's lodestar at \$760 per hour and Kim
 8 Williams' lodestar at \$650 per hour in the TCPA text message solicitation case of *McClintic v.*
 9 *Lithia Motors, Inc.* (No. C11-859 RAJ). The same rates were presented to Judge Jones in
 10 *Chesbro v. Best Buy Stores, L.P.* (No, C10-00774) on September 19, 2014, approving the
 11 attorney fee request, however, as a percentage of the common fund created (Dkt. No. 107).
 12 Judge Pechman approved the same rates in *Meilleur v. AT&T Corp.* (No. C11-01025 MJP).

13 11. Since our firm first began investigating the claims in this case, we have incurred
 14 \$113,340 in attorney fees and have expended \$4,516 in litigation expenses related to the
 15 prosecution of this action, including \$3,225 for our share of the mediation fee, \$303 for filing
 16 fees, and other miscellaneous expenses. The following table summarizes our work on the case
 17 that is included in the lodestar figure for Williamson & Williams, as well as the current hourly
 18 rates.

NAME	DESCRIPTION OF WORK PERFORMED	RATE	HOURS BILLED	TOTAL
ATTORNEYS				
Rob Williamson	Conferred with the plaintiff Brinker, and investigated their particular factual issues and claims; Communications with Brinker through the case regarding status of case and responding to discovery and potential settlement positions. Researched legal issues including	\$760	144	\$109,440
Kim Williams		\$650	6	\$3,900

NAME	DESCRIPTION OF WORK PERFORMED	RATE	HOURS BILLED	TOTAL
	application of <i>Spokeo</i> . Drafted the initial complaint and prepared motion to amend, drafted initial discovery to defendants, met and conferred with defense counsel regarding discovery deficiencies, including in person visit in San Jose, brought motions to compel discovery responses, conferred with Brinker and prepared responses to defendants' discovery, prepared class certification motion; reviewed documents and information provided by Defendants and prepared responses for all Plaintiffs to discovery requests of the Defendants; preparation of drafts of the settlement agreement, notice, claim and other forms; worked on joint status report, protective order and ESI agreement. Prepared and reviewed correspondence and emails, and conferred with co-counsel, clients and opposing counsel and the ADR Director.			
TOTAL:			150	\$113,340.00

12. As indicated, our lodestar calculations are based on hourly rates which have been approved for us by judges in the Western District of Washington in similar cases. We set our rates for attorneys and staff members based on a variety of factors, including among others: the experience, skill and sophistication required for the types of legal services typically performed; the rates customarily charged in the markets where legal services are typically performed; and the experience, reputation and ability of the attorneys and staff members. The above schedule was prepared from contemporaneous, daily time records regularly prepared and maintained by our firm in the regular course of business.

1 13. In agreeing to represent the Class on a contingent basis, we risked our own
2 resources with no guarantee of recovery. We do will not seek any fees beyond the present fee
3 request for the future work they expect to devote to the litigation.

4 We declare under penalty of perjury of the laws of the State of Washington that the
5 foregoing statements are true and correct.

6 DATED: January 8, 2018 in Seattle, Washington.

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WILLIAMSON & WILLIAMS

s/ Rob Williamson
Rob Williamson, *Admitted Pro Hac Vice*
Email: roblin@williamslaw.com
s/ Kim Williams
Kim Williams, *Admitted Pro Hac Vice*
Email: kim@williamslaw.com
WILLIAMSON & WILLIAMS
2239 West Viewmont Way West
Seattle, Washington 98199
Telephone: (206) 294-3085

Attorneys for Plaintiffs and the Proposed Class

CERTIFICATE OF SERVICE

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

Andrew V. Stearns, SBN #164849
Email: astearns@boglawyers.com
Robert B. Robards, SBN #166855
Email: rrobards@boglawyers.com
ROBARDS & STEARNS
718 University Avenue, Suite 216
Los Gatos, California 95032
Telephone: (408) 214-6432
Facsimile: (408) 560-9592

Attorneys for Defendant Normandin's

Sean P. Flynn, SBN #220184
Email: sflynn@gordonrees.com
GORDON & REES LLP
2211 Michelson Drive, Suite 400
Irvine, California 92612
Telephone: (949) 255-6950
Facsimile: (949) 255-2060

Daniel S. Kubasak, SBN #222336
Email: dkubasak@gordonrees.com
GORDON & REES LLP
275 Battery Street, Suite 2000
San Francisco, California 94111
Telephone: (415) 986-5900
Facsimile: (415) 986-8054

Steven C. Coffaro, *Admitted Pro Hac Vice*
Email: scoffaro@kmklaw.com
Drew Hicks, *Admitted Pro Hac Vice*
Email: dhicks@kmklaw.com
KMK LAW
One East Fourth Street, Suite 1400
Cincinnati Ohio 45202
Telephone: (513) 579-6400
Facsimile: (513) 579-6457

Attorneys for Cross Defendant OneCommand, Inc.

1 DATED this 12th day of January, 2018.

2 TERRELL MARSHALL LAW GROUP PLLC

3
4 By: /s/ Beth E. Terrell, CSB #178181

5 Beth E. Terrell, CSB #178181

6 Email: bterrell@terrellmarshall.com

7 936 North 34th Street, Suite 300

8 Seattle, Washington 98103

9 Telephone: (206) 816-6603

10 Facsimile: (206) 319-5450

11 *Attorneys for Plaintiffs and the Proposed Class*