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Attorneys for Plaintiffs and the Class

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

KIMBERLY BANKS and CAROL
CANTWELL, on behalf of themselves
and all others similarly situated,

Plaintiffs,

v.

R.C. BIGELOW, INC., a corporation;
and DOES 1 through 10, inclusive,

Defendants.

Case No.: 2:20-cv-06208-DDP (RAOx)

**DECLARATION OF JASON H. KIM
IN SUPPORT OF PLAINTIFFS'
MOTION FOR ATTORNEYS' FEES
AND COSTS AND SERVICE
AWARDS**

DECLARATION OF JASON H. KIM

I, Jason H. Kim, hereby declare as follows:

1. I am an attorney at law licensed to practice in the State of California. I am a partner of the law firm Schneider Wallace Cottrell Konecky (“SWCK”), who along with the Wand Law Firm, P.C. (“WLF”), is class counsel in this action. I was the attorney at SWCK that supervised all the work of firm attorneys and other professionals in this matter and personally billed the most time for this matter among SWCK attorneys and professionals.

2. I make this declaration based on personal knowledge. If called as a witness, I could and would readily and competently testify to all matters stated within.

3. I make this declaration in support of Plaintiffs’ Motion for Attorneys’ Fees and Costs and Service Awards.

4. I have close to 27 years of litigation experience. I currently focus my practice on representing plaintiffs in complex civil litigation, including antitrust matters and class actions. I have substantial trial experience in antitrust, health care, securities fraud, and civil rights matters. I have argued successful appeals before various federal circuits. I have served as lead class counsel in class actions to vindicate the rights of consumers, retirement plan participants, disabled individuals, public benefit recipients, and public housing tenants that led to substantial settlements. I am also the co-author of the Hawaii section of the American Bar Association’s Practitioner’s Guide to Class Actions.

5. My representations include the following matters:

Antitrust

In re Generics Pharmaceuticals Pricing Antitrust Litig. (E.D. Pa.), represent several large health insurers against dozens of pharmaceutical companies in one of the largest-price fixing cases in U.S. history;

In re Pork Antitrust Litig. (D. Minn.), represent the Commonwealth of Puerto

1 Rico in an action alleging a conspiracy to manipulate the pork market;
2 *Travelpass Group, LLC v. Caesar's Entm't Corp.*, (E.D. Tex.), represented
3 an online travel agency in an antitrust case relating to the market for Internet
4 paid search against the nation's largest hotel companies – the case resulted in
5 confidential settlements; and
6 *In re Anadarko Basin Oil & Gas Lease Antitrust Litig.* (W.D. Okla.), obtained
7 a \$6.95 million settlement for a class of landowners in a case alleging a
8 conspiracy to fix oil and gas leases.

9 Consumer class actions

10 *Knapp v. Art.com* (N.D. Cal.), obtained a settlement in a class action alleging
11 Art.com advertised perpetual sales in violation of California law; and
12 *Dashnaw v. New Balance Athletics, Inc.* (S.D. Cal.), obtained a settlement in
13 a class action alleging New Balance falsely marketed certain athletic shoes
14 as “Made in USA” in violation of California law.

15 Civil rights

16 *E.R.K. v. State of Hawaii Dep't of Educ.*, 728 F.3d 982 (9th Cir. 2013); *K.L.*
17 *v. Rhode Island Bd. Of Educ.*, 907 F.3d 639 (1st Cir. 2018) and *A.R. v.*
18 *Connecticut State Board of Education*, 5 F.4th 155 (2d Cir. 2021) – lead trial
19 and appellate counsel in three successful class actions establishing that the
20 states at issue had violated the Individuals With Disabilities Education Act
21 by prematurely terminating special education services for class members;
22 *Lovell v. Chandler*, 303 F.3d 1039 (9th Cir. 2002), established that the State
23 of Hawaii violated the Americans With Disabilities Act and the
24 Rehabilitation Act by excluding a class of individuals with disabilities from
25 a state-funded healthcare program and that such exclusion was intentional,
26 allowing recovery of compensatory damages; and
27 *McMillion v. State of Hawaii* (D. Haw.), obtained a settlement in a class
28 action alleging that Hawaii's public housing authority violated the Americans

1 With Disabilities Act with respect to access for individuals with disabilities
2 at the largest public housing complex in the state.

3 ERISA

4 *In re J.P. Morgan Stable Value Fund ERISA Litigation* (S.D.N.Y.), obtained
5 a \$75 million settlement in a class action alleging J.P. Morgan mismanaged
6 its stable value funds, an investment option offered by hundreds of major
7 employers – this was the largest non-church plan ERISA settlement in 2019.

8 6. Various other attorneys and professionals also worked on this matter.
9 As set forth below, the time for many of these individuals has been excluded from
10 this fee motion. The remaining attorneys and paralegals for which Plaintiffs are
11 seeking fees are attorneys Todd M. Schneider, Peter Schneider, and Raymond S.
12 Levine, and senior paralegal Kelle J. Winter.

13 7. Todd and Peter Schneider are experienced and accomplished trial
14 attorneys, each with over 30 years of litigation experience. Todd Schneider has,
15 among other accomplishments, been named Trial Lawyer of the Year by the San
16 Francisco Trial Lawyers' Association and has twice been a finalist for the Consumer
17 Attorneys of California's Consumer Attorney of the Year Award. Peter Schneider
18 has been recognized as one of the top 100 trial lawyers in the United States and is a
19 member of the Multimillion Dollar Advocates Forum.

20 8. Raymond S. Levine is an associate with over three years of litigation
21 experience.

22 9. SWCK attorneys and other professionals record their time
23 contemporaneously in a computerized time-keeping system. From the inception of
24 this case until the date of this declaration, SWCK incurred approximately \$1.5
25 million in time calculated according to SWCK's standard rates.

26 10. I have calculated a lodestar of \$1,353,874.00 for this matter. This is
27 based on deleting certain time entries in the exercise of billing judgment, namely
28 time entries for attorneys and other professionals who billed fewer than forty hours

1 to this matter. I have also reduced Raymond Levine's hours by 100 hours to avoid
2 duplicative billing for his time spent attending trial and the two pretrial conferences
3 and for internal conferences. The total number of hours per timekeeper after this
4 exercise is set forth below:

	Rate	Hours	Total
JHK	\$1,295.00	571.7	\$740,351.50
TMS	\$1,350.00	102.2	\$137,970.00
PS	\$1,350.00	164.70	\$222,345.00
RSL	\$775.00	206.7	\$160,192.50
KJW	\$450.00	206.7	\$93,015.00
TOTAL		1250.0	\$1,353,874.00

10
11 11. I am in the process of reviewing the detailed time entries for these
12 timekeepers to ensure, among other things, that no privileged or confidential
13 information is disclosed. I will file a supplemental declaration with such time entries
14 once that process is concluded.

15 12. Because SWCK represented Plaintiffs and the class on a contingency
16 basis, it had no incentive to overstaff or overwork this case. The vast majority of
17 SWCK's work on this case was done by me personally, working alongside Aubry
18 Wand. Mr. Wand did substantially more work than I did in this matter, which
19 allowed the matter to be staffed efficiently due to the differences in our experience
20 levels and billing rates. Todd and Peter Schneider and Raymond Levine were not
21 staffed on this matter until close to trial.

22 13. SWCK's rates are set based on real-time observation of rates charged
23 by attorneys of comparable skill and experience in the markets in which we operate,
24 as determined by third-party surveys and court opinions, among other sources.
25 While by size SWCK would be considered a mid-sized firm, we routinely litigate
26 (in most cases successfully) against the largest international firms and thus our rates
27 are calibrated against such firms. While the vast majority of SWCK's work is on a
28 contingency basis, the standard rates used for the calculation of the lodestar in this

1 matter are the rates we charge, and receive, for matters billed on an hourly basis.

2 14. The standard rates used for the calculation of the lodestar in this matter
3 are SWCK's rates as of February 2025. SWCK has used similar hourly rates in the
4 past, with the latest rates reflecting an increase for inflation and market changes.
5 Federal courts, including those in California, have routinely approved the past
6 version of these rates, typically in the context of a lodestar cross-check against a
7 percentage of a common fund recovery. I will provide a selection of recent cases
8 approving SWCK's hourly via a supplemental declaration.

9 15. All expenses incurred by SWCK are recorded in a computerized
10 system as invoices and requests for expense reimbursement supported by receipts
11 are received and paid. According to this system, SWCK's costs to date are
12 \$198,955.48. The underlying invoices and receipts are available for the Court's
13 review upon the Court's request and a further detailed breakdown of such expenses
14 will be provided to the Court via a supplemental declaration. These costs are the
15 type of attorney disbursements ordinarily billed to clients. Based on my experience,
16 these expenses were reasonably and necessarily incurred for the benefit of the Class
17 and to achieve a successful outcome in this matter.

18 16. Because the trial concluded only two weeks ago, SWCK continues to
19 receive and review invoices for this matter. The total above excludes, among other
20 expenses, the final bill for the hotel at which counsel, Plaintiffs, and witnesses
21 stayed for trial, which is estimated to be somewhat more than \$20,000. I will provide
22 an update on costs along with the detailed time entries as set forth above in a
23 supplemental declaration.

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

26 Executed on April 22, 2025 at New York, New York.

27 By: /s/ Jason H. Kim

28 Jason H. Kim