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12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 COUNTY OF SAN FRANCISCO

14 BEAVER COUNTY EMPLOYEES)
15 RETIREMENT FUND, et al., Individually and)
on Behalf of All Others Similarly Situated,)
16)
Plaintiffs,)
17)
vs.)
18)
19 CYAN, INC., et al.,)
20 Defendants.)

Lead Case No. CGC-14-538355
(Consolidated with No. CGC-14-539008)
CLASS ACTION
Assigned to: Judge A.C. Massullo
MEMORANDUM OF POINTS AND
AUTHORITIES IN RESPONSE TO
TENTATIVE RULING ON MOTION FOR
APPROVAL OF SETTLEMENT, PLAN OF
ALLOCATION, AND ATTORNEYS' FEES
AND EXPENSES

DATE: July 11, 2019
TIME: 3:30 p.m.
DEPT.: 304

DATE ACTION FILED: 04/01/14

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07/03/2019
Clerk of the Court
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Deputy Clerk

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1 At the June 5, 2019 hearing on Lead Plaintiffs’ and Lead Counsel’s motion for final approval of
2 the proposed Settlement reached in the above-captioned action, this Court issued a Tentative Ruling
3 which requested additional information concerning: (1) the reaction of the Class to the Settlement; (2)
4 the LENS notice; (3) the proposed *cy pres* recipient; (4) Lead Counsel’s time; (5) Lead Counsel’s
5 expenses; and (6) the Claims Administrator’s costs. This memorandum and the accompanying
6 declarations provide the requested information and explanations.¹

7 **I. INTRODUCTION**

8 As detailed in the previously-submitted briefs and declarations submitted in support of final
9 approval of the Settlement and Lead Counsel’s fee and expense request, the Settlement obtained for the
10 Class here is an excellent one. The exceptional outcome for the Class is only underscored by the fact
11 that the recovery was achieved only after the Parties spent over four years in contentious litigation after
12 the completion of fact and expert discovery, briefing of competing summary judgment motions, two in-
13 person mediation sessions and follow-up negotiations with one of this country’s foremost mediators,
14 and numerous appeals, including an extremely rare 9-0 win for the Class in the United States Supreme
15 Court. It took a team of lawyers, support staff and experts, and thousands of hours and hundreds of
16 thousands of dollars in necessarily-incurred litigation expenses to settle this case, as Lead Plaintiffs
17 were opposed by similarly determined defense counsel and their experts.

18 **II. SPECIFIC RESPONSES TO THE COURT’S TENTATIVE RULING**

19 **A. The Reaction of the Class**

20 As noted in the memoranda in support of the Settlement, following a comprehensive notice
21 program approved by Judge Karnow, after his careful scrutiny and supplemental submissions by the
22 Parties, not a single objection to any aspect of the Settlement was received by counsel or the Claims
23 Administrator. *See* Stewart Decl., ¶3; Joaquin Decl., ¶¶2-3. The lack of even a single objection weighs
24 strongly in favor of finding that both the Settlement and the fee request are fair and reasonable and
25

26 ¹ Capitalized terms not otherwise defined herein have the same meanings as that ascribed to them in
27 the Amended Stipulation of Settlement (the “Stipulation”). Also submitted herewith is the Declaration
28 of Ellen Gusikoff Stewart (“Stewart Decl.”), the Declaration of Michael Joaquin (“Joaquin Decl.”), and
the Declaration of Christine Milliron (“Milliron Decl.”). The exhibits to the Stewart Decl. are being
separately submitted for *in camera* review.

1 should be granted. *See, e.g., 7-Eleven Owners for Fair Franchising v. Southland Corp.*, 85 Cal. App.
2 4th 1135, 1152-53 (2000) (finding response of the class members “overwhelmingly positive” where “[a]
3 mere 80 of the 5,454 [noticed] class members elected to opt out” and nine objected); *Wershba v. Apple*
4 *Computer*, 91 Cal. App. 4th 224, 250 (2001) (same); *Coordination Proceeding Special Title Rule 3.550*,
5 No. JCCP4605, 2016 Cal. Super. LEXIS 13415, at *6 (Sup. Ct. Los Angeles County, Nov. 15, 2016)
6 (finding settlement fair, adequate, and reasonable where the “percentage of objectors is small”).

7 **B. Cy pres Beneficiary**

8 The Stipulation proposes that after the exhaustion of distribution efforts, any *de minimus*
9 residual funds be donated to Bay Area Legal Aid. Stipulation, ¶7.8. Earlier this year, it came to the
10 attention of Lead Counsel that one of its partners now serves on the board of “Legal Aid at Work,”
11 which counsel initially understood to be a part of Bay Area Legal Aid. However, we have since
12 determined that they are not affiliated organizations. Therefore, any residual amount should be donated
13 to Bay Area Legal Aid (or any other organization approved by the Court). No Robbins Geller
14 employees, attorneys or staff, hold any positions at that organization (Stewart Decl., ¶5). Bay Area
15 Legal Aid has been approved as a recipient of residual funds by a number of courts in the Bay Area,
16 including Judge Karnow of this Court, and Judge Weiner in the San Mateo Superior Court. *Id.*

17 **C. Fees and Expenses**

18 Counsel seeks a fee award of one-third of the \$15 million settlement. When counsel takes cases
19 on a contingency fee basis, and litigation is protracted, the risk of non-payment after years of litigation
20 justifies a significant fee award. *In re Heritage Bond Litig.*, No. 02-ML-1475 DT, 2005 U.S. Dist.
21 LEXIS 13555, at *18 (C.D. Cal. June 10, 2005); *see also Lafitte v. Robert Half Int’l*, 1 Cal. 5th 480, 504
22 (2016).

23 **1. Lodestar Multiplier Analysis**

24 The Court has requested a further breakdown of all time spent on this case over its four-and-one-
25 half year history. Tentative Ruling at 2. Exhibit 1 to the Stewart Declaration provides a breakdown of
26 the projects and hours that were reasonably spent on this Litigation. This information, which was
27 painstakingly compiled from contemporaneous time sheets, provides a level of detail that informs the
28 Court of the tremendous amount of work performed by Lead Counsel and its paraprofessionals and staff

1 but avoids “reveal[ing] specific research or litigation strategy which would be entitled to protection
2 from disclosure.” *Clarke v. Am. Commerce Nat’l Bank*, 974 F.2d 127, 130 (9th Cir. 1992); *see United*
3 *States v. Amlani*, 169 F.3d 1189, 1195 (9th Cir. 1999) (“requested billing records are subject to the
4 privilege to the extent they represent . . . ‘time records which also reveal the motive of the client in
5 seeking representation, litigation strategy, or the specific nature of the services provided, such as
6 researching specific areas of the law’”) (citation omitted).

7 Each project on this list was undertaken in the best interests of the Class and was performed
8 conscientiously and efficiently. Likewise, prior to submitting it to the Court in March 2019, the time
9 spent on the case by each time-keeper over more than four years was reviewed by the litigation partners
10 and senior firm management and reduced by more than 400 hours and \$250,000 in resulting lodestar.²
11 Even with this exercise in billing judgment, Lead Counsel’s lodestar is over \$6.2 million, an amount
12 that significantly exceeds the \$5,000,000 fee sought. Therefore, no further time submitted in pursuit of
13 these projects should be excluded from the Court’s consideration.³

14 The Court has also asked for support for the hourly rates charged for its attorneys and support
15 staff. Robbins Geller sets hourly rates for its employees, including staff attorneys, associates, of-
16 counsel, as well as its partners based, in large part, on law school graduation year, seniority and in
17 comparison with the prevailing rates in the legal community for like-skilled professionals. One of the
18 most objective measures of the reasonableness of the hourly rates for Lead Counsel is the fees incurred
19 in defense of this case.⁴ The 2019 Valeo Attorney Hourly Rate Report (2019 Valeo Report) provides

20 _____
21 ² Moreover, since that March 2019 submission, Lead Counsel has spent more than 150 hours working
22 on this case and will continue to do so after final approval, until Settlement proceeds are fully
23 distributed. Moreover, this time does not include the scores of hours spent by support staff who have
24 prepared information provided in this supplemental submission.

25 ³ Per the Tentative Ruling, attached as Exhibit 2 to the Stewart Declaration are the qualifications,
26 experience and role of each attorney, paraprofessional and other firm employee who performed work on
27 the case and whose time is included in the lodestar analysis. Exhibit A to the previously-filed
28 Declaration of James Jaconette lists John Grant, David Walton and Michael Dowd, as “of counsel.”
They are all former senior partners of the firm; Mr. Walton and Mr. Dowd are former members of the
firm’s executive committee. During the majority of the litigation, they were all partners of Robbins
Geller.

⁴ “In determining a reasonable hourly rate, the district court should be guided by the rate prevailing in
the community for similar work performed by attorneys of comparable skill, experience, and
reputation.” *Chalmers v. Los Angeles*, 796 F.2d 1205, 1210-11 (9th Cir. 1986), *amended on other*

1 the Court with useful comparisons to the rates of large defense firms, including Wilson Sonsini
2 Goodrich & Rosati LLP and Sidley Austin LLP, the firms which represent the Defendants in this
3 Litigation. Relevant pages of the 2019 Valeo Report are attached as Exhibit 3 to the Stewart
4 Declaration. Lead Counsel’s hourly rates are well within the range of what attorneys and their support
5 staff from large Bay Area defense firms charge, according to the 2019 Valeo Report. Likewise,
6 attached as Exhibit 4 to the Stewart Declaration are relevant pages of fee statements submitted by
7 Simpson Thacher & Bartlett LLP, Milbank LLP, Cravath, Swaine & Moore LLP and Weil Gotshal &
8 Manges LLP, counsel to various parties in the PG&E Corporation bankruptcy proceedings currently
9 pending in San Francisco.

10 As the 2019 Valeo Report and the PG&E fee applications demonstrate, Robbins Geller’s hourly
11 rates are commensurate with the outstanding level of representation the Class received here and should
12 be approved by the Court. Moreover, the firm-wide blended rates for attorneys, para-professionals and
13 other staff of these firms far exceeds Robbins Geller’s blended rates for the individuals who worked on
14 the *Cyan* matter.

15 Finally, the Court inquired whether Robbins Geller’s non-attorney staff time should be recorded
16 as hours to be considered in the lodestar analysis or as an expense to be borne by the Class. While this
17 time is customarily and appropriately included in the lodestar analysis, *see, e.g., In re King Digital*
18 *Entertainment plc Shareholder Litigation*, Lead Case No. CGC-15-544770 (awarding fees and expenses
19 with non-attorney staff time included in lodestar); *Earthquake Sound Corp. v. Bumper Indus.*, 352 F.3d
20 1210, 1214-15 (9th Cir. 2003) (upholding a lodestar-based fee award that included work performed by
21 attorneys, paralegals, and clerks); *Grays Harbor Adventist Christian Sch. v. Carrier Corp.*, No. 05-
22 05437 RBL, 2008 U.S. Dist. LEXIS 106515, at *5 (W.D. Wash. Apr. 24, 2008) (accepting class
23 counsel’s lodestar calculation that included fees for support staff); *Newby v. Enron Corp.*, 586 F. Supp.
24 2d 732, 823 (S.D. Tex. 2008) (allowing “expenses” generated by forensic accountants, economic
25 analysts, investigators and document clerks to be included in the lodestar); *DeHoyos v. Allstate Corp.*,

26
27 *grounds* by 808 F.2d 1373 (9th Cir. 1987). The relevant community for the purposes of determining the
28 prevailing market rate is generally the “forum” in which the court sits. *Camacho v. Bridgeport Fin.,*
Inc., 523 F.3d 973, 979 (9th Cir. 2008).

1 240 F.R.D. 269, 325 (W.D. Tex. 2007) (fees for legal assistant, paralegals, investigators, and non-
2 secretarial support staff included in the lodestar), Lead Counsel is, of course, happy to treat them as an
3 expense if that is the Court’s preferred practice. *See In re Boeing Sec. Litig.*, No. 2:97-cv-01715-TSZ,
4 slip op. at 9 (W.D. Wash. Apr. 10, 2002). Had the time spent by non-legal employees in this Litigation
5 been included in expenses, however, the recovery to the Class would be significantly decreased. Lead
6 Counsel would have requested the full value of that time. Where there is a negative multiplier on
7 counsel’s time, as here, any awarded non-legal time will be paid at a deep discount.

8 2. **Litigation Costs-Generally**

9 Lead Counsel seek expenses of \$854,771.78, significantly less than the \$1.1 million maximum
10 the Class was informed that counsel would seek. Attached as Exhibits 6, 7, 8, 9 and 10 to the Stewart
11 Declaration are charts which provide certain additional expense detail requested by the Court. Given
12 the contingent nature of the representation here, and in virtually all of the cases litigated by Lead
13 Counsel, counsel was incentivized to keep costs and expenses to a minimum.

14 “The appropriate analysis in making a determination whether particular costs are compensable is
15 whether the costs are of the type typically billed by attorneys to paying clients in the marketplace.”
16 *Ashraf v. Fortinet, Inc.*, No. 1-10-cv-185571, 2012 CA Sup. Ct. Motions LEXIS 18099, at *23 (Santa
17 Clara County Dec. 7, 2012) (approving awards of expenses including: “(1) telephone, photocopying and
18 facsimile charges; (2) overnight delivery and messenger services; (3) legal filing and court reporter fees;
19 (4) on-line legal and factual research; (5) transportation, meals and hotels; (6) significant expenses
20 incurred by consultants and experts; and (7) Claims Administrator”); *Beasley v. Wells Fargo Bank*, 235
21 Cal. App. 3d 1407, 1419 (1991), *overruled in part on other grounds* by *Olson v. Auto. Club of S. Cal.*,
22 42 Cal. 4th 1142 (2008). The *Fortinet* court found that:

23 [t]he expenses for which Plaintiff’s Counsel seek reimbursement are those which are
24 normally charged to paying clients, over and above hourly fees. Further, the expenses
25 which have been incurred and for which reimbursement is sought were necessary for the
conduct of the Litigation, are reasonable in amount and thus should be reimbursed to the
extent requested.

26 *Id.* at *25. *See also Serrano v. Priest*, 20 Cal. 3d 25, 31-31, 34-48 (1977) (holding that an award of
27 costs in a common fund case is “grounded in ‘the historic power of equity to permit the trustee of a fund
28 or property, or a party preserving or recovering a fund for the benefit of others in addition to himself, to

1 recover his costs, including his attorneys' fees from the fund [or] property.'") (citation omitted). The
2 expenses sought here are identical to those awarded in *Fortinet*, and by Judge Karnow in the *King*
3 litigation. See Stewart Decl., Ex. 5.

4 **a. Class Action Notices**

5 Exhibit B to the Joaquin Declaration provides Gilardi's invoices for the notice of pendency of
6 class action provided in 2015. These costs and expenses were reasonably and necessarily incurred, and
7 should be approved.

8 **b. Travel Expenses**

9 During the course of the litigation, counsel was required to travel for various purposes: court
10 appearances, fact and expert depositions, meetings and mediation. It was also necessary to travel to
11 meet in person with each of the Lead Plaintiffs in advance of their depositions and to defend those
12 depositions. Likewise, in connection with the Supreme Court appeal, Lead Counsel (and Defendants,
13 separately) met with the United States Solicitor General's Office to address what, if any, position the
14 government would take with respect to the appeal. The breakdown of all travel costs is set forth in
15 Exhibit 11 to the Stewart Declaration. Respectfully, it is not uncommon for more than one partner to
16 attend a mediation. As this litigation was proceeding through dispositive motions and discovery, each
17 participant in the mediation brought his own particularized expertise and knowledge about the case such
18 that he was available to respond to the mediator's questions during the course of the mediation. It was
19 also necessary to have participants attend the mediation who had "settlement authority." The actual
20 travel costs for each of the mediations' attendees is set forth in Exhibit 11 to the Stewart Declaration.
21 Further, at the Court's direction, Exhibit 12 to the Stewart Declaration contains the breakdown of travel
22 costs for each deposition where travel was necessary.

23 **c. Meal Expenses**

24 The Court has requested additional information with respect to \$237.41 in meal charges. As
25 detailed in Exhibit 13 to the Stewart Declaration, these expenses were incurred for a breakfast and a
26 lunch for attendees at the Foust and Nolan depositions which took place at Lead Counsel's office. Such
27 expenses are appropriate for reimbursement. See *Fortinet*, 2012 CA Sup. Ct. Motions LEXIS 18099, at
28 *25. Judge Karnow has also approved meal expenses. See *King*, Lead Case No. CGC-15-544770.

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d. Airfare

A significant amount of travel was necessary during the course of this litigation. The Court has asked whether all air travel was in coach class. All air fare was billed to the Class at actual cost or the fare for flexible coach, whichever was lower, regardless of what class of travel was booked. Exhibit 11 to the Stewart Declaration identifies the reductions that were made for each trip if it was necessary.⁵ In some instances, reduced first class tickets were less expensive than full-fare coach tickets. No reductions were made in those few instances.

e. Postage and Telephone⁶

Lead Counsel is entitled to payment for its postage and telephone expenses. *See Brown v. Pro Football, Inc.*, 839 F. Supp. 905, 916 (D.D.C. 1993) (“Plaintiffs’ out-of-pocket costs for telephone . . . postage . . . are routinely billed to fee-paying clients, and thus are all compensable as part of a reasonable attorney’s fee.”); *see also Fortinet*, 2012 CA Sup. Ct. Motions LEXIS 18099, at *23; *Harris v. Marhoefer*, 24 F.3d 16, 19 (1994). Judge Karnow has approved payment for these expenses as well. *See King*, Lead Case No. CGC-15-544770.

f. Messenger/Overnight Delivery

Overnight delivery and messenger charges are customarily awarded to plaintiffs’ counsel. *See Fortinet*, 2012 CA Sup. Ct. Motions LEXIS 18099, at *23; *see also King*, Lead Case No. CGC-15-544770. A breakdown of each shipment is provided in Exhibit 9 to the Stewart Declaration.

g. Court Hearing Transcripts

Attached as Exhibit 7 to the Stewart Declaration is a breakdown of court hearing and deposition reporting transcripts. The Court appears to have accepted the deposition transcript expenses. With respect to court hearing transcripts, Department 304 does not provide the parties with a court reporter. As noted on the Court’s website, however, where a party arranges “for the presence of a certified shorthand reporter to serve as an official pro tempore reporter,” the expense of that reporter “may be

⁵ Where a coach versus first class fare comparison was not provided by the firm’s travel agent, the ticket price was written down to an estimate of the coach fare at that approximate time.

⁶ The only telephone charges submitted to the Court are those paid to an outside vendor for conference calls.

1 recoverable as part of the costs, provided by law.” See <https://sfsuperiorcourt.org/node/63> (attached as
2 Exhibit 20 to the Stewart Decl.). Throughout the course of the Litigation, the cost of court reporters has
3 been shared equally with Cyan’s counsel. The requested amount, therefore, is only one half of the full
4 charge of the court reporter. Further, because it is unknown prior to a court hearing whether the Court
5 will “make certain findings” (Tentative Ruling at 5), a court reporter was retained here for most of the
6 Court’s hearings. Having a court reporter record these appearances ensured that there was no
7 misunderstanding regarding what was said, either by the Court or the Parties. Court reporter fees are
8 customarily awarded expenses. *Fortinet*, 2012 CA Sup. Ct. Motions LEXIS 18099, at *23, *25; *King*,
9 Lead Case No. CGC-15-544770.

10 **h. Outside Appellate Counsel**

11 Lead Counsel retained outside, experienced Supreme Court appellate counsel Thomas Goldstein
12 and his firm, to assist it with the appellate stages of the case. See Stewart Decl., Exhibit 14. This non-
13 contingent out-of-pocket expense conferred a direct benefit on the Class. Retention of specialized
14 Supreme Court counsel put the Class in an optimal position on the appeal to the Supreme Court. Cyan
15 also retained experienced appellate counsel, Neal Kaytal, of Hogan Lovells US LLP, the former acting
16 U.S. Solicitor General, to assist them on the Supreme Court appeal. Mr. Goldstein is an appellate
17 advocate known as one of the nation’s most experienced Supreme Court practitioners. He has served as
18 counsel to a party in over 100 merits cases before the Supreme Court and personally argued more than
19 40 cases, more than almost anyone else in modern history. Mr. Goldstein represents the complete
20 spectrum of litigants; he is not associated with any particular perspective or ideology. See
21 www.goldsteinrussell.com. Mr. Goldstein’s outstanding work was instrumental in the Supreme Court
22 ultimately issuing its precedential unanimous opinion concerning concurrent jurisdiction of claims
23 brought under the Securities Act of 1933. Courts regularly approve as expenses the costs of retention of
24 specialized Supreme Court counsel. See, e.g., *Indiana State District Counsel of Laborers and HOD*
25 *Carriers Pension and Welfare Fund v. Omnicare*, Civil Action No. 2:06-cv-00026-WOB-CJS (E.D. Ky.
26 June 27, 2019) (awarding \$535,000 in costs for Goldstein & Russell, P.C.); *In re Amgen Inc. Sec. Litig.*,
27 No. CV07-2536 PSG (PLAx) (C.D. Cal. Oct. 25, 2016) (awarding \$577,057.54 for Goldstein &
28

1 Russell, P.C.); *In re Merck & Co., Inc.*, No. 2:05-cv-01151-SRC-CLW (D.N.J. June 28, 2016)
2 (awarding \$713,228 for “specialized and local counsel”). Stewart Decl., Exs. 15-17.

3 **i. L.R. Hodges & Associates, Ltd.**

4 L.R. Hodges & Associates, Ltd. (“LRHA”) provided valuable investigative services to Lead
5 Counsel at various points in the Litigation. *See* Jaconette Decl., ¶7(f)(iii). LRHA’s redacted invoices
6 are submitted herewith as Exhibit 18 to the Stewart Declaration.

7 **j. Discovery Hosting Expenses**

8 As discussed in the previously-filed Jaconette Declaration, Robbins Geller uses an in-house
9 document hosting system that allows Robbins Geller to prosecute cases more efficiently and reduces its
10 time and expenses associated with maintaining and searching electronic discovery databases, saving the
11 Class money. In response to the Court’s request, submitted herewith is the Declaration of Christine
12 Milliron, Robbins Geller’s Director of eDiscovery and Litigation Support. Ms. Milliron explains that
13 the rates charged by Robbins Geller reflect the lowest rate of any comparable service found by Robbins
14 Geller. *See* Milliron Decl., ¶2(b). She also explains the use and cost of Database Analytics. *Id.*, ¶3.

15 **k. Mediator Fees**

16 The Court has requested additional information concerning the reasonableness of the fees of the
17 mediator, the Hon. Layn R. Phillips (Ret.). Judge Phillips is one of the nation’s premier and successful
18 mediators of complex litigation. He is retained by plaintiffs, defendants and insurance carriers
19 nationwide because of his particular expertise in complex securities class cases. *See*
20 <http://www.phillipsadr.com/bios/layn-phillips/>. *See* Stewart Decl., Ex. 19. Judge Phillips worked
21 tirelessly with the Parties over the course of several years until this Settlement was reached. *See*
22 Jaconette Decl., ¶7(k). Judge Phillips’ invoices are attached as Exhibit 19 to the Stewart Declaration.

23 **l. Publication/Subscription**

24 Lead Counsel purchased the book *The Transformation of Wall Street: A History of the Securities*
25 *and Exchange Commission and Modern Corporate Finance* for use in drafting the Class’ and amici
26 curiae’s Supreme Court briefs. *See* Stewart Decl., ¶19, Ex. 21. Therefore, the \$111.31 was a
27 reasonable and necessary expense and should be approved.

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3. Lead Plaintiff Awards

The Notice mailed to Class Members informed Class Members that the Plaintiffs may seek awards not to exceed \$30,000 in the aggregate for their representation of the Class. No such requests have been made.

III. CONCLUSION

Litigating complex securities cases (win or lose) against determined, well-funded adversaries requires hard work, creativity and the willingness to accept significant financial risk. It also takes a team of dedicated lawyers and staff, and the significant expenses and costs related thereto. Lead Counsel never wavered in its representation of the Class and the result reached here reflects these efforts. Therefore, the Court should approve the Settlement, proposed Plan of Allocation, and fees and expenses in their entirety.

DATED: July 3, 2019

Respectfully submitted,

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DECLARATION OF SERVICE BY LEXIS FILE AND SERVE XPRESS

I, the undersigned, declare:

1. That declarant is and was, at all times herein mentioned, a citizen of the United States and employed in the City and County of San Diego, over the age of 18 years, and not a party to or interested party in the within action; that declarant's business address is 655 West Broadway, Suite 1900, San Diego, California 92101.

2. That on July 3, 2019, declarant served the MEMORANDUM OF POINTS AND AUTHORITIES IN RESPONSE TO TENTATIVE RULING ON MOTION FOR APPROVAL OF SETTLEMENT, PLAN OF ALLOCATION, AND ATTORNEYS' FEES AND EXPENSES by serving electronically via Lexis File & Serve Xpress to the parties listed on the attached Service List.

I declare under penalty of perjury that the foregoing is true and correct. Executed on July 3, 2019, at San Diego, California.



JACLYN WILLIAMS

CYAN

Service List - 7/3/2019 (14-0050)

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