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6 Attorneys for Plaintiffs

7
 8 **UNITED STATES DISTRICT COURT**
 9 **NORTHERN DISTRICT OF CALIFORNIA**
 10

11 JUSTIN LARKIN, ANTHONY TIJERINO and
 12 AHMAD DEANES, on behalf of themselves and
 all others similarly situated,

13 Plaintiffs,

14 v.

15 YELP! INC.,

16 Defendant.

Case No. 3:11-cv-01503-EMC

**DECLARATION OF THOMAS V.
 URMY, JR. IN SUPPORT OF MOTION
 FOR FINAL APPROVAL OF CLASS
 AND COLLECTIVE ACTION
 SETTLEMENT AND APPLICATION
 FOR AWARD OF ATTORNEYS' FEES
 AND EXPENSES**

Date: November 30, 2012
 Time: 2:30 pm
 Courtroom: 5
 Judge: Hon. Edward M. Chen

1 I, Thomas V. Urmey, Jr., declare as follows:

2 1. I am a partner with the firm of Shapiro Haber & Urmey LLP. Together with Rukin
3 Hyland Doria & Tindall LLP, my firm has represented the Plaintiffs Justin Larkin, Anthony
4 Tijerino and Ahmad Deanes ("Plaintiffs") in this action against Yelp! Inc. ("Yelp!").

5 2. I submit this declaration in support of Plaintiffs' Motion for Final Approval of Class
6 and Collective Action Settlement and the application of Plaintiffs' counsel for an award of
7 attorneys' fees and expenses in connection with services rendered in the above-entitled action.

8 3. My firm has regularly litigated wage and hour class and collective actions for over a
9 decade, both in Massachusetts and across the country. My firm has prosecuted wage and hour
10 cases that have recovered over \$50 million dollars in settlements for employees. Those settlements
11 include two settlements exceeding \$15 million for artists and computer programmers working in
12 the video game industry, another settlement against a different video game company for \$8.5
13 million, a settlement of \$7 million for municipal trash hauling service employees who were not
14 paid the correct prevailing wage rate, and a \$6.2 million settlement for automobile appraisers
15 working for an insurance company. The cases against the video game companies were California
16 state law claims brought in California state courts. An accurate description of some of my firm's
17 wage and hour cases is available on my firm's website at [http://www.shulaw.com/About-
18 Us/Litigation-Successes/Employee-Wage-Litigation/](http://www.shulaw.com/About-Us/Litigation-Successes/Employee-Wage-Litigation/).

19 4. My firm's substantial skill and experience in wage and hour class and collective
20 actions has been recognized even by opposing counsel in our prior cases. For example, in
21 connection with a \$7 million settlement of a wage and hour class action on behalf of municipal
22 trash hauling service workers, counsel for defendant in that case, David C. Casey of Littler
23 Mendelson P.C., recognized Shapiro Haber & Urmey LLP as a plaintiff-side firm of the highest
24 quality. Specifically, Mr. Casey stated:

25 Littler Mendelson is a national management sized labor and employment firm with .
26 . . almost 800 employer [clients] in nearly fifty cities at this point; we do more class
27 action defense work than any law firm in the country. And at any one time, we have
28 more than 300 active class action cases that we're defending. And I will say that
both the quality of the lawyering by the Plaintiffs and the result they got is very
much on the high end of the spectrum here, and they've earned what they're asking

1 for. They're fair requests, both for themselves and for the main Plaintiffs.

2 *Mullally v. Waste Mgmt. of Mass., Inc.*, NOCV2006-00882 (Norfolk Super. Ct. June 24, 2010),
3 Transcript of Motion Hearing Before the Honorable Elizabeth Donovan at 13 (typographical errors
4 corrected).

5 5. While Shapiro Haber & Urmy LLP has prosecuted many large wage and hour class
6 and collective actions, the firm also has a *pro bono* practice that provides legal services to
7 individuals in need, and also offers to represent some individuals on a reduced fee basis. My firm
8 has represented a number of low-income, and typically Spanish-speaking, employees who have not
9 been paid all their wages. In one case, my firm represented a Peruvian refugee who worked as a
10 nanny for a family in Brookline, Massachusetts. My firm recovered over \$30,000 in unpaid wages
11 for her.

12 6. In addition to our wage and hour practice, attorneys at my firm have handled asylum
13 cases on a *pro bono* basis. Shapiro Haber & Urmy LLP was honored with the 2011 Pro Bono Law
14 Firm Award from the Political Asylum/Immigration Representation Project (PAIR) for its work in
15 representing those seeking asylum here in the United States.

16 7. Throughout the litigation, my firm, among other things, conducted factual
17 investigations, interviewed clients and potential witnesses, drafted and revised pleadings, analyzed
18 Yelp data to determine potential damages, prepared damages analyses in advance of the mediation
19 of the case, and assisted in the preparation of Plaintiffs' mediation brief. Shapiro Haber & Urmy
20 partner Todd S. Heyman traveled to San Francisco to participate in the ultimately successful
21 mediation of the litigation.

22 8. The following schedule summarizes the amount of time spent by the attorneys and
23 paralegals of my firm on this litigation, as well as their current hourly rates. This schedule was
24 prepared from contemporaneous daily time records maintained by my firm. Time expended in
25 preparing this application for fees and expenses has not been included in this request. The total
26 lodestar amount for attorney and paralegal time based on my firm's current rates is \$54,026.50. A
27 breakdown of the lodestar is as follows:
28

<i>NAME</i>		<i>HOURS</i>	<i>RATE</i>	<i>LODESTAR</i>
Thomas G. Shapiro	(P)	0.30	\$850.00	\$255.00
Thomas V. Urmy, Jr.	(P)	0.80	\$850.00	\$680.00
Todd S. Heyman	(P)	62.00	\$750.00	\$46,500.00
Ian J. McLoughlin	(P)	0.40	\$650.00	\$260.00
Adam M. Stewart	(A)	8.30	\$525.00	\$4,357.50
Kristen E. Keen	(PL)	0.50	\$210.00	\$105.00
Kimberly D. Hagan	(PL)	7.10	\$210.00	\$1,491.00
Katelyn E. Saner	(PL)	1.40	\$210.00	\$294.00
Katherine L. Hermann	(PL)	0.40	\$210.00	\$84.00
TOTAL:		81.20		\$54,026.50

(P) Partner

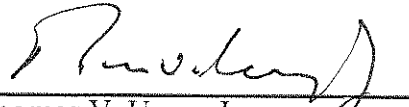
(A) Associate

(PL) Paralegal

9. The following schedule summarizes the expenses incurred by my firm in connection with this litigation, which total \$1,800.90. This expense summary was prepared from detailed expense records kept by my firm.

<i>EXPENSE CATEGORY</i>	<i>TOTAL</i>
Photocopies	\$165.75
Telephone, Facsimile	\$21.74
Messenger, Overnight Delivery	\$61.07
Lexis, Westlaw, PACER Research	\$94.01
Travel to Mediation	\$1,458.33
TOTAL	\$1,800.90

1 Signed under the pains and penalties of perjury, this 15th day of October, 2012.

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9 Telephone: (617) 439-3939
10 Facsimile: (617) 439-0134
11 *turmy@shulaw.com*

12 **CERTIFICATE OF SERVICE**

13 I hereby certify that a true copy of the above document was served upon the attorneys of
14 record for each other party through the Court's ECF system on the day this document was filed.

15 Executed this ___ day of October, 2012, at San Francisco, California.

16 /s/ Peter S. Rukin
17 Peter S. Rukin