

EXHIBIT F

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14 Attorneys for Plaintiffs

15 UNITED STATES DISTRICT COURT
16 CENTRAL DISTRICT OF CALIFORNIA
17 EASTERN DIVISION
18

19 EVERARDO CARRILLO, *et al.*, for
20 themselves and all others similarly
21 situated and the general public,

21 Plaintiffs,

22 v.

23 SCHNEIDER LOGISTICS, INC.,
24 *et al.*,

25 Defendants.
26
27
28

Case No. CV 11-8557 CAS (DTBx)

**DECLARATION OF CAROL A.
SOBEL IN SUPPORT OF
PLAINTIFFS' MOTION FOR
INTERIM ATTORNEYS' FEES**

Date: December 16, 2013
Time: 10:00 a.m.
Judge: Hon. Christina A. Snyder

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DECLARATION OF CAROL A. SOBEL

I, CAROL A. SOBEL declare:

1. I am an attorney admitted to practice before the Supreme Court of California and the United States District Court for the Central District of California. I have personal knowledge of the facts set forth below and, if I were called to testify to these facts, could and would do so competently.

2. I graduated law school in 1978 and was admitted to practice that same year. Until April of 1997, I was employed by the ACLU Foundation of Southern California (“ACLU”). Throughout the time that I was an attorney at the ACLU, my primary areas of litigation were First Amendment rights and police litigation. For six years, I was a Senior Staff Counsel in the legal department. A copy of my résumé is attached at Exhibit 1. I have received numerous awards for my work in the area of First Amendment litigation and, more recently, on behalf of homeless persons. I have been qualified as an expert in ethics and the practices of public-interest legal groups, including once before the State Bar and once in the Los Angeles Superior Court.

3. My current billing rate is \$850 an hour. Until recently, most of my fee awards were reached through settlement. By contrast, in the past few years, almost every fee award has been the result of a contested motion. Although I rarely have paying clients, in 2012 I was paid at the rate of \$795 an hour in a case in the Central District in which I am defending an outside director of a small bank taken over and sued by the Federal Deposit Insurance Corporation (“FDIC”) in an attempt to recover investment losses. In 2010, I was awarded fees at \$725 an hour by Judge Otero of the Central District of California in a contested fee motion. The case, *Long Beach Area Peace Network v. City of Long Beach*, involved a First Amendment challenge to a permitting scheme. *See* 574 F.3d 1011 (9th Cir. 2009). In 2009 I was awarded fees at \$710 an hour in two fee motions in the district court, first by Judge Pregerson and then by Judge Matz in a hybrid class action. The motion before Judge Pregerson was contested both as to reasonable rates and hours. *See Fitzgerald v. City of Los Angeles*,

1 2009 U.S. Dist. LEXIS 34803 (CD Cal. 2009). The motion before Judge Matz was filed
2 in the context of approval of a class settlement. *See MIWON v. City of Los Angeles*,
3 CV 07-7032 AHM (C.D. Cal. 2009). In 2008, in another contested fee motion in the
4 district court, I was awarded fees at the rate of \$695 an hour by Judge Real. *See Jones*
5 *v. City of Los Angeles*, cv 03-1142 R. *See* 444 F.3d 1118 (2006), *vacated per settlement*
6 505 F.3d 1006 (9th Cir. 2007). *Jones* is presently on appeal to the Ninth Circuit.

7 4. In the past six billing years, my rate has increased from \$695 an hour to
8 \$850 an hour, which is approximately 22 percent or slightly less than 4 percent a year
9 on average. The increase was greater in some years as I reviewed rates awarded in the
10 Los Angeles legal market to other attorneys of comparable skill, experience and
11 reputation to me. From 2008 to 2009, my rate increased only \$15, or slightly more than
12 2 percent. This year, my rate increased \$55, or slightly less than 7 percent. I made the
13 greater increase this year after reviewing fee applications and awards approving rates
14 nearly equal or equal to mine for attorneys with far less experience.

15 5. During the time that I was Senior Staff Counsel at the ACLU, I was
16 responsible for preparing many of the fee motions in cases where the ACLU
17 represented the prevailing party. Because the ACLU does not bill its clients on an
18 hourly basis for its services, I was required to obtain information to establish
19 reasonable market rates for the ACLU lawyers. It was my practice to obtain current
20 billing rates for lawyers of comparable skill and experience at several firms throughout
21 the Los Angeles legal market. I did this on an annual basis, contacting partners who
22 were familiar with the ACLU lawyers in question so that they could make an informed
23 judgment about the comparable skill levels of the attorneys at their firms, whose rates
24 were then used to establish ACLU billing rates. At the time that I contacted these
25 individuals, I was aware that the partners had been personally involved in pro bono
26 litigation with the ACLU. Since these firms had worked directly with the ACLU
27 lawyers for whom I sought to establish a market billing rates, they were able, based on
28 personal knowledge, to assess the skill and experience of the ACLU lawyers and

1 compare them to lawyers in their firms.

2 6. Since entering private practice, I have followed a similar approach each
3 year to obtain relevant comparisons for billing rates since I rarely “charge” my clients
4 as I continue to do the same type of civil liberties and civil rights litigation I did when
5 I was employed at the ACLU. My cases almost exclusively are brought on behalf of
6 low-income individuals who are unable to afford legal representation. So, any
7 recovery of fees is contingent upon my clients prevailing in the litigation. To keep
8 current with market rates, I survey annual billing rates the first time in each year I
9 prepare a fee motion or enter into settlement discussions regarding fees. I continue to
10 review information available throughout the year, adjusting my rate as necessary to
11 reflect changes in the Los Angeles legal market. As part of my review, I make it a
12 point to obtain information about rates for attorneys in both larger law firms engaged
13 in complex litigation, as well as smaller boutique and public interest civil rights law
14 firms.

15 7. I have presented at CLEs on attorney fees on several occasions, including
16 for the Legal Aid Foundation of Los Angeles and the National Lawyers Guild. My
17 supporting fee declarations have been cited favorably by numerous courts, including
18 in *Nadarajah v. Holder*, 569 F.3d 906, 916–917 (9th Cir. 2009); *Orantes-Hernandez*
19 *v. Holder*, 713 F.Supp.2d 929, 963–964 (C.D.Cal. 2010); *Torrance Unified Sch. Dist.*
20 *v. Magee*, CV 07-2164 CAS (Rzx) (C.D.Cal. 2008), [2008 U.S. Dist. Lexis 95074, 21];
21 *Atkins v. Miller*, CV-01-01574 DDP (C.D.Cal 2007); and *Jochimsen v. County of Los*
22 *Angeles*, B223518 (2d Dist. June 23, 2011) (unpublished).

23 8. Based on the information I have obtained regarding market rates, I have
24 formed the opinion that there is a growing difference between the fees sought and
25 awarded to boutique civil rights firms and public-interest law groups and the fees
26 awarded to larger business firms that occasionally do pro bono civil rights and civil
27 liberties. This is so even when the civil rights lawyers co-counsel a case with the large
28 firms and even though the skill and experience of the attorneys in question is

1 comparable. For example, in *Rogel v. City of Lynwood*, Gibson Dunn served as co-
2 counsel with Public Counsel and other public interest and civil rights lawyers. I am
3 familiar with the *Rogel* case as I provided a declaration in support of the fee
4 application in that action. In *Rogel*, Gibson Dunn applied the firm's regular billing
5 rates. The 2009 billing rate for a 2005 graduate at Gibson Dunn was nearly 50 percent
6 greater than the rate for an attorney at Public Counsel graduated the same year. The
7 declaration filed by Gibson Dunn in *Rogel* is attached at Exhibit 8 and discussed more
8 fully in paragraphs 25 and 26.

9 9. In *Vasquez v. Rauckauckus*, 2011 U.S. Dist. LEXIS 83696, *3 (C.D. Cal.
10 July 29, 2011), the rate for Peter Bibring, a 2002 graduate, was slightly below the rate
11 for a 2003 graduate at Munger Tolles & Olson who co-counseled the case. I have
12 worked extensively with Mr. Bibring and, based on my personal knowledge, hold the
13 opinion that he is highly skilled and experienced. I am also aware that he completed
14 two federal clerkships after graduation from law school. Despite this divergence, the
15 public-interest and private civil rights bar is closer to large firm rates than to those of
16 small firms doing general litigation.

17 10. Billing by lawyers at civil rights firms and public interest organizations at
18 rates even marginally comparable to those of attorneys who do other types of complex
19 litigation is consistent with the direction of the U.S. Supreme Court in *Blum v.*
20 *Stenson*, 465 U.S. 886, 894-95 (1984) and the California Supreme Court in *Serrano v.*
21 *Unruh*, 32 Cal.3d 621, 643 (1982). These cases hold that the determination of
22 appropriate market billing rates for prevailing party attorneys of similar skill,
23 experience and reputation does not depend upon whether the attorneys work for a
24 non-profit, represent individuals on contingency, serve as in-house counsel, or charge
25 a minimal rate for paying clients with the possibility of receiving a market rate award
26 if successful. This approach recognizes that few, if any, civil rights attorneys are paid
27 hourly market rates for their services. *See e.g.*, Pearl, *California Attorney Fee Awards*,
28 CEB 2012, §9.109 (2012). Based on my experience over the past 35 years working at

1 the ACLU and as part of the pro bono bar, civil rights lawyers are often more skilled
2 and experienced than their classmates because they handle major litigation from the
3 beginning of their employment, no matter how many years of practice they may have.
4 Thus, the comparison to attorneys at large firms is apt.

5 11. I have also become familiar with rates charged by attorneys in the Los
6 Angeles legal market by reviewing declarations filed in support of fee applications in
7 other civil rights cases. In particular, I look to awards made to the ACLU Foundation
8 of Southern California, the Mexican American Legal Defense and Educational Fund
9 (“MALDEF”), the Western Center on Law and Poverty, Public Counsel, the Disability
10 Rights Legal Center (“DRLC”), and other public interest groups in Los Angeles to
11 determine what is being sought and awarded as market rates.

12 12. I understand that attorney fees are being sought in this action for counsel
13 at Altshuler & Berzon, Traber & Voorhees, and several other public-interest and solo
14 practitioners. The chart below sets out the billers for whom fees are sought, their year
15 of graduation where applicable, and the rate sought.

Name	Firm	Year	Rate
Michael Rubin	Altshuler	1977	\$875
Theresa Traber	Traber	1984	\$795
Jonathan Weissglass	Altshuler	1994	\$725
Janet Herold		1995	\$650
Sandra Munoz	Munoz	1997	\$615
Lauren Teukolsky	Traber	2000	\$570
Danielle Leonard	Altshuler	2001	\$565
Kevin Kish	Bet Tzedek	2004	\$490
Jennifer Sung	Altshuler	2004	\$490
Eric Brown	Altshuler	2008	\$400
Law Clerks		n/a	\$250
Paralegals		n/a	\$225

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28 13. I am personally familiar with several of the attorneys for whom fees are

1 sought. The public-interest attorney community in Los Angeles is very connected. I
2 have known Ms. Traber for approximately 20 years and Ms. Teukolsky since her
3 graduation from law school. Although I have never co-counseled a case with them,
4 I have had opportunities to review briefs that they have filed as I prepared my own
5 cases. I was recently present when the named partners at Traber & Voorhees
6 received an award presented by the Hon. Fernando Olguin. Judge Holguin described
7 the exceptional achievements by both Ms. Traber and Mr. Voorhees. I also personally
8 know Sandra Munoz, Janet Herold and Kevin Kish. I first met Ms. Munoz when she
9 was a law student clerking at the former firm of Litt & Stormer. Ms. Herold previously
10 practiced in the Los Angeles area and is one of the attorneys, along with Michael
11 Rubin, for whom I submitted a supporting fee declaration a few years ago in *Vasquez*
12 *v. State of California*, 45 Cal.4th 243 (2008). I have known Mr. Kish for several years
13 and have been present at panel presentations by him on wage justice litigation. To
14 prepare my declaration, I also reviewed background materials for the attorneys I do
15 not know personally. Based on this information, I am of the opinion that each attorney
16 enjoys a reputation as highly skilled and experienced and that the rates they seek by
17 this motion are within the range of rates for attorneys of comparable skill, experience
18 and reputation in the Los Angeles legal market.

19 14. I understand that the requested rates for Theresa Traber and Lauren
20 Teukolsky represent increases of approximately 14 and 10 percent, respectively, from
21 the rates they were awarded in 2012 in Los Angeles Superior Court. My opinion
22 remains the same that the rates sought by this motion are reasonable for each of them
23 for two reasons. First, the 2012 award was explicitly based on the 2011 rates set forth
24 in the firm's retainer. *Hickman Mechanical, Inc. v. FTR International, Inc.*, LASC
25 Case No. 398074, Order Granting Plaintiffs' Motion for Attorney Fees, Aug. 28, 2012,
26 at ¶12. It is indisputable that Traber and Teukolsky would have been entitled to fees
27 at their 2012 current market rates and were not limited to the historical 2011 rate set
28 forth in their retainer. *Missouri v. Jenkins*, 491 U.S. 274 (1989).

1 15. The second reason I believe the 2013 requested rates for Traber and
2 Teukolsky are reasonable is that the appropriate measure of the lodestar is the current
3 market rate for an attorney of comparable skill, experience and reputation. Recently,
4 several courts have recognized that annual increases in rates may well be more than
5 any increase in the cost-of-living. For example, in *Charlebois v. Angels Baseball, LP*,
6 2012 U.S. Dist. LEXIS 91069, cv 10-0853 DOC (C.D. Cal. May 30, 2012), Judge Carter
7 rejected the defense's argument that the rate sought by V. James DeSimone of
8 Schonbrun, DeSimone, Seplow, Harris & Hoffman should be limited to what he had
9 received in prior years. "[C]ourts routinely recognize that fee rates increase over time
10 based on a variety of factors." 2012 U.S. Dist. LEXIS 91069, *24. Judge Carter noted
11 the recent decision by Judge Collins in *Parker v. Vulcan Materials Co. Long Term*
12 *Disability Plan*, No. EDCV 07-1512 ABC (OPx), 2012 WL 843623, *7 (C.D. Cal. Feb.
13 16, 2012), approving an increase of approximately 10 percent in one year because "[i]t
14 is common practice for attorneys to periodically increase their rates for various
15 reasons, such as to account for expertise gained over time, or to keep up with the
16 increasing cost of maintaining a practice."

17 16. This same principle was also recently applied by Judge Wilken in
18 *Armstrong v. Brown*, 94-cv-002307 CW (N.D. Cal. Aug. 8, 2011) Dkt. #1919.
19 Responding to the State's argument that the proposed increases in rates from 2008 to
20 2010 for plaintiffs' attorneys were too great, the Court noted that the 5 percent increase
21 in rates each year "reflects only the across-the-board rise in firms' overall rates, not the
22 increase in individual attorney's hourly rates for the additional experience accrued over
23 the two-year period." *Id.* at *5. Among the evidence Judge Wilken cited to for this
24 conclusion was the declaration of Bingham McCutcheon attorney Geoffrey Holtz, pro
25 bono counsel in *Armstrong*, and state regulations providing for "merit" increase
26 beyond the salary schedule. *Id.* See also *Pickett v. Sheridan Health Care Center*, 664
27 F.3d 632, 649 (7th Cir. 2011) ("market value increased by more than the amount of
28 inflation as [attorney] acquired additional experience and successful outcomes over the

1 past decade”). As the attached declaration of former Skadden partner Michael Lawson
2 avers, this is a common practice at large firms. *See* Exhibit 9, p.3, ¶7 (“Like many
3 private firms, Skadden reviews and adjusts hourly rates periodically as a reflection of
4 market rates, sometimes even adjusting rates biannually.”). In *Parkinson v. Hyundai*
5 *Motors America*, 796 F.Supp.2d 1160 (C.D. Ca. 2010), discussed at paragraph 18, Eric
6 Gibbs raised his rate twice in 2009 for a total increase of approximately 25 percent
7 from \$550 to \$675 an hour. Exhibit 10, ¶3 (listing fee awards in various jurisdictions).
8 A true and correct copy of the declaration Mr. Gibbs submitted in support of the fee
9 application is attached at Exhibit 10. Mr. Gibbs explained that he had raised his rate
10 a considerable amount to bring it up to the market rate after reviewing fee applications
11 by other attorneys he judged to be comparable to him. *Id.* at ¶3.

12 17. I understand that this motion seeks fees for attorneys both in Los Angeles
13 and San Francisco. In my experience, there is no longer any meaningful difference in
14 billing rates for attorneys in these two cities. *See Minor v. Christie*, 2011 U.S. Dist.
15 LEXIS 9219, *23 (N.D. Cal. 2011) (“the parties agree that the Los Angeles, San
16 Francisco, and New York communities have comparable community rates”). In the
17 last three years, I have reviewed multiple fee declarations seeking, and court orders
18 awarding, fees where the counsel are located in both geographic areas, or counsel from
19 Los Angeles is litigating in San Francisco and applying Los Angeles rates and vice
20 versa. For example, in *Santa Fe Pointe, L.P., et al. v. Greystone Servicing*
21 *Corporation, Inc.*, 2009 U.S. Dist. LEXIS 100448, *4 (N.D. CA 2009), the court
22 granted fees in the Northern District to Mark Kemple, a 1988 graduate and partner at
23 Jones Day’s Los Angeles office, at \$675 an hour.

24 18. Similarly, in *Parkinson v. Hyundai Motor America*, Judge Stotler
25 approved \$675 an hour for lead counsel Eric Gibbs, based in San Francisco, as a
26 “reasonable and customary” rate. 796 F.Supp.2d at 1172.

27 19. Most recently, Judge Marshall awarded fees to attorneys at the Disability
28 Rights Legal Center in Los Angeles and Disability Rights Advocates in San Francisco.

1 *Communities Actively Living Independent and Free v. City of Los Angeles*, 09-cv-
2 00287 CBM (C.D. Cal.) Dkt. # 255 (June 10, 2013). The rates awarded to attorneys in
3 San Francisco and Los Angeles were comparable and all within the range of
4 reasonable rates for the Los Angeles legal market. For example, fees were awarded to
5 attorney Shawna Parks at the same rate of \$665 an hour for the time incurred while she
6 was the legal director of DRLC in Los Angeles and the time expended at DRA in San
7 Francisco. Ex. 2, pp.6-7. The Court also awarded fees to three 2007 graduates at DRA
8 at \$430 an hour and to Debra Patkin, a 2007 graduate and staff attorney at DRLC, at
9 \$450 an hour. *Id.*

10 20. Attached at Exhibit 3 is the order awarding fees to attorneys in San
11 Francisco in *Rutti v. Lojack*, SACV 06-350 DOC, 2012 WL 3151077 (C.D. Cal. 2012),
12 a wage and hour case class action. Judge Carter approved fees for Matthew Righetti
13 at \$750 an hour and John Glugoski at \$650 an hour. *Id.* at p. 5. I reviewed the
14 California State Bar website and, based on the information posted there, that Mr.
15 Righetti is a 1985 graduate and Mr. Glugoski is a 1997 graduate.

16 21. Attached at Exhibit 4 is a 2013 fee declaration filed in the Central District
17 in *Simplis v. Culver City Police Department*, 10-cv-09497 MWF, a wrongful death
18 case. The attorneys sought \$800 an hour for Patrick McNicholas, a 1986 graduate;
19 \$750 an hour for Matthew McNicholas, a 1997 graduate; \$550 for a 2003 graduate; and
20 \$350-450 an hour for 2008 graduates. With the exception of the 2008 graduates, who
21 bracket the rates sought by plaintiffs in this case, the rates for McNicholas and
22 McNicholas, a small civil rights firm, are far higher than the rates requested for
23 plaintiffs' counsel here. I am very familiar with this firm as Patrick McNicholas and
24 I had cases against the Los Angeles Police Department raising similar issues in the late
25 90s. In addition, I filed a fee declaration in the same case for attorney Dale Galipo,
26 who represented a co-plaintiff in *Simplis*. Based on reviewing the docket and speaking
27 to Mr. Galipo's associate, it is my understanding that the fees and damages have been
28 resolved by a settlement. The declaration at Exhibit 4 was filed by the same attorney,

1 Matthew McNicholas, who was awarded fees in 2012 in *Avila v. Los Angeles Police*
2 *Department*. 11-cv-01326 SJO (C.D. Cal. Aug. 2, 2012). A true and correct copy of the
3 order of the court awarding fees is attached at Exhibit 5. The exhibit bears the ECF
4 heading of the Court. In *Avila*, Matthew McNicholas sought a rate of \$850 an hour
5 based on recent fee awards at \$800 and \$850 an hour. Judge Otero concluded that a
6 reasonable rate for Mr. McNicholas was \$700 an hour, rejecting the defense assertion
7 that he should only receive \$650 an hour because rates increase as attorneys gain more
8 skills. *See* Exhibit 5, pp.3-4.

9 22. Attached to my declaration at Exhibit 6 is a 2011 billing statement
10 submitted in support of a request for fees for three attorneys at Skadden Arps Meagher
11 & Flom, who represented MGA Entertainment against Mattel in copyright litigation
12 concerning the ownership of the Bratz dolls. *See* *Mattel v. MGA Entertainment*, 04-cv-
13 09049 DOC, Dkt # 10684-50. The exhibit displays the ECF header for the Central
14 District. The 2011 rates sought were \$1,095 an hour for Thomas Nolan, \$1,030 for
15 Jason Russell, and \$710 for Hillary Hamilton. I reviewed the Skadden website and the
16 California State Bar attorney listings. On the basis of the information I obtained from
17 both, I understand that Mr. Nolan is a 1975 graduate, Mr. Russell is a 1993 graduate
18 and Ms. Hamilton is a 2001 graduate. Judge Carter approved the request for fees. *Id.*
19 at Dkt. # 1074 (Aug. 4, 2011).

20 23. Attached at Exhibit 7 is a 2012 opinion, awarding fees to attorneys at
21 Quinn Emanuel as a discovery sanction in the intellectual property litigation between
22 Apple and Samsung Electronics, *Apple v. Samsung Electronics Co., Ltd.*, 2012 U.S.
23 Dist. LEXIS 160668 (N.D.Cal. Nov. 7, 2012). The attorneys were from the Los
24 Angeles and Palo Alto offices of the firm. Notwithstanding reductions in hourly rates
25 by the court, Marc Becker, identified on the firm's website as a 1988 graduate and a
26 partner at the Los Angeles office, was awarded fees at \$800 an hour, a 20 percent
27 reduction from his requested rate of \$1,035 an hour. *Id.*, *38. In the same decision,
28 the court awarded \$700 an hour to several other attorneys at Quinn Emanuel. *Id.* For

1 example Diane Hutnyan, who was awarded \$700 an hour, is listed on the firm's
2 website as a partner in the Los Angeles office and a 1997 graduate. The court noted
3 that Ms. Hutnyan was seeking \$790 an hour. *Id.* In the same decision, Melissa Dalziel,
4 also awarded \$700 hourly, is listed as a 2000 graduate and of counsel in the Los
5 Angeles office. *Id.* Mr. Rubin's requested rate is less than 10 percent above the \$800
6 an hour awarded in 2012 to Mark Becker, a 1988 graduate and a partner at Quinn
7 Emanuel. *See Apple v. Samsung Electronics Co., Ltd.*, 2012 U.S. Dist. LEXIS 160668
8 (N.D.Cal. Nov. 7, 2012). Ex. 7, p. 14. Mr. Becker's rate is also above the rate now
9 sought for Ms. Traber, a 1984 graduate.

10 24. The 2012 Quinn Emanuel rates support the reasonableness of the rates
11 sought here. As noted in paragraph 23, the reduced rate awarded to Mr. Becker is less
12 than 10 percent below the rate for Mr. Rubin, graduated more than a decade earlier.
13 Mr. Becker's regular billing rate is almost 20 percent above Mr. Rubin's requested rate.
14 The rate approved for Ms. Hutnyan, a 1997 graduate, is slightly more than 10 percent
15 below the rate requested by Ms. Traber, who graduated 13 years earlier. Ms.
16 Hutnyan's requested rate is virtually the same as the rate requested for Ms. Traber. The
17 \$700 an hour is only slightly below the rate sought for Mr. Weissglass, a 1994 graduate,
18 who clerked and held a prestigious fellowship with the national ACLU. It is above the
19 rates sought for Ms. Herold and Ms. Munoz, 1995 and 1997 graduate, respectively.
20 Finally, even the reduced 2012 rate of \$700 an hour awarded to Quinn Emanuel
21 attorney Melissa Dalziel, listed as a 2000 graduate, is more than 20 percent above the
22 rates of \$570 and \$565 an hour now sought for Ms. Teukolsky, also a 2000 graduate,
23 and Danielle Leonard, a 2001 graduate.

24 25. Attached at Exhibit 8 is a true and correct copy of a declaration submitted
25 by Gibson Dunn & Crutcher partner Wayne Barsky in 2009 in *Rogel v. Redevelopment*
26 *Agency of the City of Lynwood*, Los Angeles Superior Court Case No. BS106592. The
27 case involved a challenge to a city's failure to adopt a plan for low-income housing
28 and its attempt to evict mobile home tenants to make way for upscale development.

1 Gibson Dunn was one of two large firms that served as co-counsel with attorneys from
2 Public Counsel and other public-interest groups, as well as solo civil rights
3 practitioners. Mr. Barsky averred that he was a 1983 graduate and that his 2009 market
4 rate was \$905 an hour. Mr. Barsky also averred that Gibson Dunn billed a 1977 and
5 1988 graduate, respectively, at \$840 and \$785 an hour in 2009. See Ex. 8, p.14:20-24.

6 26. The Gibson Dunn rates, now four years old, are still well above the rates
7 being sought in this instance for attorneys of comparable skill and experience. For
8 example, Mr. Rubin, a 1977 graduate who completed three federal clerkships,
9 including at the United States Supreme Court, is seeking a rate below the 2009 rate of
10 \$905 for a 1983 graduate and just slightly higher than the 2009 rate of \$840 for a 1977
11 graduate. Gibson Dunn's 2009 rate of \$785 an hour for a 1988 graduate is just \$10
12 below the rate now sought four years later for Ms. Traber, a 1984 graduate.

13 27. I am informed that plaintiffs are seeking fees for Kevin Kish and Jennifer
14 Sung, both 2004 graduates, at \$490 an hour. I believe this rate to be at the middle to
15 low end of public interest rates in Los Angeles. In *Communities Living Actively*, Judge
16 Marshall approved the rate of \$525 an hour for Matthew Strugar, also a 2004 graduate.
17 Mr. Strugar was my law clerk after his 1L year. He has also been my co-counsel more
18 recently when he was a staff attorney at the Center for Constitutional Rights. Based
19 on my knowledge of both, I believe their skills and experience are comparable.

20 28. Plaintiffs also seek fees for Eric Brown, a 2008 graduate, at the rate of
21 \$400 an hour. This rate is well within the range of reasonable market rates for an
22 attorney of the skills and experience of Brown. He served multiple federal clerkships
23 and has exceptional academic credentials. In *Communities Living Actively*, Judge
24 Marshall awarded fees to several 2007 graduates at rates of \$430-\$450 an hour. In
25 2012 in *Avila v. Los Angeles Police Department*, 11-cv-01326 SJO, Judge Otero
26 awarded fees to a 2008 graduate, Alyssa Schabloski, at \$450 an hour. A true and
27 correct of Judge Otero's order awarding fees is attached at Exhibit 5. The rates are
28 approved at page 4. The Court also approved a rate of \$700 an hour for Matthew

1 McNicholas, a 1997 graduate; and \$550 for Catherine Schmidt, a 2000 graduate. Id.

2 29. I am informed that plaintiffs are also seeking compensation for paralegals
3 at rates of \$225 an hour. I am of the opinion that these rates are reasonable in the Los
4 Angeles legal market rate. In my experience, it is customary to bill separately for
5 paralegal time in Los Angeles, rather than include it in the firm's overhead. For
6 example, in 2009, Gibson, Dunn billed paralegals at rates ranging from \$160 to \$315.
7 Ex.8, p. 18. That same year, Jones Day billed paralegal staff at \$250 to \$275 an hour.
8 *Santa Fe Pointe*, 2009 U.S. Dist. LEXIS 100448, *3 (N.D. CA 2009). In *Vasquez*, the
9 ACLU was awarded fees for paralegals at the 2011 rate of \$165 to \$200 an hour,
10 depending upon the level of experience. Munger, Tolles & Olson, co-counsel in the
11 *Vasquez* case, were awarded compensation at \$200 to \$250 an hour, depending upon
12 paralegal certification levels. See 2011 U.S. Dist. LEXIS 83696, *3. In *Communities*
13 *Living Independently v. City of Los Angeles*, Judge Marshall awarded fees to two
14 disability rights organizations at \$230-240 an hour for paralegals. Exhibit 2, p.7.

15 30. I am also informed that plaintiff's counsel are seeking compensation for
16 law clerks at a rate of \$250 an hour. Based on the exhibits submitted with my
17 declaration and decisions referenced in my declaration, I believe this rate is reasonable.
18 In 2009, I and the ACLU were awarded fees for law clerks at the rate of \$200 an hour
19 in *Fitzgerald v. City of Los Angeles*, 2009 U.S. Dist. LEXIS 43803, *9 (C.D. Ca. 2009).
20 In *Communities Living Independently v. City of Los Angeles*, Judge Marshall awarded
21 fees to two disability rights groups at \$230-250 an hour for law clerks. Exhibit 2, p.7.

22 31. Attached at Exhibit 11 is a chart I created, summarizing the rate
23 comparisons in the various fee declarations and exhibits attached to my declaration.

24 I declare under penalty of perjury that the foregoing is true and correct.
25 Executed this 18th day of November, 2013 at Santa Monica, California.

26
27 
28 CAROL A. SOBEL