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8 Attorneys for Plaintiff

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 11
 12 IN THE UNITED STATES DISTRICT COURT
 13 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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16 VLAHO MILETAK, an individual on his own)
 17 behalf and on behalf of all other automobile)
 18 insureds of Allstate Insurance Company,)

18 Plaintiff,

19 v.

20 ALLSTATE INSURANCE COMPANY, an)
 21 Illinois corporation,)

22 Defendant.

) Case No. C 06-03778 JW (RS)

) **DECLARATION OF SAMUEL**
) **KORNHAUSER IN SUPPORT OF**
) **PLAINTIFF'S MOTION TO**
) **COMPEL DEFENDANT TO MAKE**
) **RULE 26 DISCLOSURES AND TO**
) **COMPEL ANSWERS TO**
) **INTERROGATORIES AND**
) **PRODUCTION OF DOCUMENTS**
) **AND FOR SANCTIONS AND**
) **REQUEST FOR EXPEDITED**
) **HEARING PURSUANT TO LOCAL**
) **RULE 6-2**

) Date: May 28, 2008

) Time: 9:30 AM

) Dept.: 4

) HONORABLE RICHARD SEEBORG

LAW OFFICES
 SAMUEL KORNHAUSER
 155 Jackson Street, Suite 1807
 San Francisco, CA 94111

1 I, Samuel Kornhauser, declare as follows:

2 1. I am over the age of 18 and have personal knowledge of the facts set forth herein
3 and if called as a witness, I would be competent to testify thereto.

4 2. On March 28, 2008, pursuant to Rule 37(a)(5)(A)(i) of the Federal Rules of
5 Civil Procedure, my co-counsel and I sent a detailed meet and confer letter to counsel for
6 Defendant Allstate in a good faith effort to resolve these discovery disputes without the need
7 for a motion to compel. (A copy of the letter is attached as Exhibit G to the accompanying
8 Memorandum filed herewith.) My co-counsel and I also met and conferred with Gayle
9 Athanacio, counsel for Defendant Allstate, by phone for nearly two hours on April 18, 2008,
10 going over the various categories of discovery in an attempt to resolve the dispute. I requested
11 that, without either party waiving any discovery rights, Allstate produce at least the gross
12 number of its California motor vehicle insureds during the relevant class period and the gross
13 amount of premiums the insureds paid 30 days or more in advance during the class period and
14 stipulate that the form of the renewal bills sent to Plaintiff (which is the subject of this
15 deceptive, unfair trade practices action) constitutes the same form of renewal bill with various
16 iterations uniformly made to all other California insureds during the relevant times during the
17 class period so that the parties might possibly narrow some of the discovery disputes. Allstate's
18 counsel said she might do so but would have to consult with her client. She also said that she
19 believed she could produce some of these stipulated items early this week. Allstate failed to do
20 so.

21 3. On April 18, 2008, I sent a confirming letter regarding our meet and confer
22 telephone meeting. A copy of the letter is attached as Exhibit H to the accompanying
23 Memorandum filed herewith.

24 4. On April 21, 2008, Ms. Acevedo sent her "confirming letter" attempting to
25 backtrack from her earlier promises.

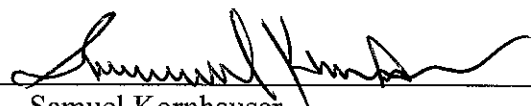
26 5. On April 22, 2008, I sent a response. Plaintiff still has not received any
27 additional discovery beyond that "promised" by Defendant in its responses to Plaintiff's
28 interrogatories and document requests.

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6. I have spent and expect to spend 23 hours attempting to resolve this matter and preparing and responding to Allstate's opposition to this motion to compel. My billing rate is \$400/hour for an estimated total of \$9,200.

7. My co-counsel, Mark Millen, has spent and expects to spend 16 hours on this matter. His billing rate is \$300/hour for a total of \$4,800.

I declare under penalty of perjury the foregoing is true and correct and was executed by me in San Francisco, California on April 23, 2008.



Samuel Kornhauser

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