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5 **UNITED STATES DISTRICT COURT FOR THE**  
6 **NORTHERN DISTRICT OF CALIFORNIA**  
7 **SAN FRANCISCO DIVISION**

8 STEPHEN ADKINS, an individual and  
9 Michigan resident, on behalf of himself and all  
10 others similarly situated,

11 Plaintiffs,

12 v.

13 FACEBOOK, INC.,

14 Defendant.

No. C 18-05982 WHA (JSC)

**SUPPLEMENTAL DECLARATION  
OF RANDI S. ELLIS  
IN SUPPORT OF PLAINTIFF'S  
MOTION FOR ATTORNEYS' FEES  
AND LITIGATION COSTS**

15 Date: April 8, 2021

16 Time: 81:00 am

17 Courtroom: TBD Under Court Safety  
Protocols

18 Hon. William H. Alsup

19 I, Randi S. Ellis, hereby declare as follows:

20 1. I am an attorney at law licensed to practice in the State of Louisiana. I was admitted  
21 to the Louisiana Bar in 1997 and I am in good standing.

22 2. As described in my original declaration (ECF No. 318, Exh. 20), Co-Lead Class  
23 Counsel for the certified class in this litigation retained me as a consulting expert to review  
24

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1 Plaintiffs' counsel's detailed aggregate time and expenses in preparation for the final approval and  
2 fee application filings to assess the reasonableness of the reported fees and expenses to be sought  
3 and ensure the records conformed with Federal Rule of Civil Procedure 23 and the case law in the  
4 Northern District of California.

5 3. As with my prior review, *I reviewed each time and expense entry in January and*  
6 *February 2021*, to ensure that it conformed with ECF No. 72-6, Memorandum regarding Time  
7 and Expense Reporting Protocol for Plaintiffs' Firms.

8 4. The data provided by Class Counsel included time entries from each timekeeper  
9 with the following columns that were searchable by field:

- 11 • Name of Law Firm
- 12 • Name of Timekeeper
- 13 • Title of Timekeeper
- 14 • Date Work Performed
- 15 • Category of Work Performed (Litigation Code)
- 16 • Description
- 17 • Hours
- 18 • Rate
- 19 • Total Fee

20 5. The January and February 2021 time related to settlement, preparing settlement  
21 documents, preparing the motion for final settlement approval and the supporting documents, and  
22 some administrative work. As is my practice and relevant to the subject matter of the time before  
23 me, I reviewed entries to confirm that:

- 24 ■ Counsel maintained time in tenth-of-an-hour (six-minute) increments.
- 25 ■ Counsel included full and complete descriptions of work performed. Vague task  
26 descriptions were not sufficient and were flagged as requiring supplemental

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satisfactory information.

- Counsel did not employ “block billing,” meaning that counsel did not present several events collectively within a single block of time, but rather separately designated time for each distinct task. Only very closely related tasks were to be billed together.
- Counsel provided time entries related to telephone calls or meetings by listing all participants, either by title or general group (e.g., “opposing counsel,”) or, preferably, by name.
- Counsel reported reasonable and necessary time and did not exceed the fair value of the services performed.
- Counsel did not report unnecessarily duplicative work by multiple lawyers in the same firm. To the extent that multiple lawyers from a particular firm billed for the same project, I scrutinized such entries and permitted only those for which, in my opinion, Class Counsel provided me with a reasonable explanation.

6. As I reviewed each entry, I considered the experience of the person performing the task, the number of people performing the task within the same time frame or within close time proximity, how many firms were involved in the particular task, and the number of hours spent by the timekeeper and any other timekeeper billing for the same task (*i.e.*, the combination of time by timekeepers on the same task). I also considered the category of work performed (Litigation Code) for accuracy and continuity throughout the litigation, as well as whether the timing of the work corresponded with the litigation timeline as provided by the pleadings and other case materials.

7. Based upon my comprehensive review of the data presented to me, in conjunction with key documents relating to the prosecution of this case and Class Counsel’s subsequent reports

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1 as to modifications, and, in some instances, deletions of time based on my interaction with Class  
2 Counsel, I have reached the informed opinion that the time and expenses presented to the Court  
3 as the basis for their application for fees and expenses in this litigation comply with the Protocol  
4 and are reasonable and appropriate under both Rule 23 and applicable case law within this District  
5 and Circuit and the guidelines set by this Court.

6  
7  
8 I hereby declare under penalty of perjury that the foregoing is true and correct to the best  
9 of my knowledge.

10  
11 Dated: March 26, 2021



Randi S. Ellis