

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

JOHN A. YANCHUNIS (*pro hac vice*)

jyanchunis@forthepeople.com

RYAN J. MCGEE (*pro hac vice*)

rmcgee@forthepeople.com

**MORGAN & MORGAN
COMPLEX LITIGATION GROUP**

201 N. Franklin Street, 7th Floor

Tampa, Florida 33602

Telephone: (813) 223-5505

Facsimile: (813) 223-5402

Appointed Class Counsel

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

IN RE GOOGLE PLUS PROFILE
LITIGATION

) No. 5:18-CV-06164-EJD (VKD)

)

) **SUPPLEMENTAL DECLARATION OF**
) **JOHN A. YANCHUNIS IN SUPPORT OF**
) **PLAINTIFFS' MOTION FOR**
) **ATTORNEYS' FEES, COSTS, AND**
) **EXPENSES, AND SERVICE AWARD**

)

)

)

)

)

)

1 I, John A. Yanchunis, pursuant to 28 U.S.C. § 1746, declare as follows:

2 1. I have been licensed to practice law in the state of Florida since 1981.

3 2. I previously provided a description of my firm, its professional staff dedicated to
4 consumer class litigation and my experience in the area of class action litigation. [ECF No. 88-1].

5 3. I was one of the principal lawyers in charge of all aspects of the litigation and I
6 worked collaboratively with my co-counsel in the case to ensure that Plaintiffs and the Class which
7 they sought to represent were zealously represented, while also ensuring efficiency and reducing
8 duplicative effort.

9 4. The hourly rates of the professionals in my firm, including my own, reflect
10 experience and accomplishments in the area of class litigation. The rate of \$950 per hour which I
11 charge for my time is commensurate with hourly rates charged by my contemporaries around the
12 country, including those rates charged by lawyers with my level of experience who practice in the
13 area of class litigation across the nation, and I have been awarded that rate by courts. For example,
14 most-recently in *In re Yahoo! Inc. Customer Data Sec. Breach Litig.*, a class case in which I was
15 lead counsel for the class, the Honorable Judge Lucy H. Koh found these rates to be reasonable
16 “in light of prevailing market rates in this district and that counsel for Plaintiffs have submitted
17 adequate documentation justifying those rates.” 2020 WL 4212811, *26 (N.D. Cal. July 22, 2020).

18 5. Prior to submitting the motion for attorneys’ fees, costs and expenses, I compared
19 and confirmed the hourly rate of the professionals in my firm with lawyers at other law firms
20 whose practice is focused on class litigation. Moreover, as I have been retained as an expert on
21 attorneys’ fees in other class cases, and as part of my legal education, I routinely survey hourly
22 rates charged by lawyers around the country in published surveys, and review continuously as part
23 of my continuing education, opinions rendered by courts on attorneys’ fee requests. Again, based
24 upon my research, our rates are within the range of lawyers with our levels of experience.

6. The lawyers and other professional staff of my firm maintain and record their respective time and the specific services they perform contemporaneously in a computerized system. Based upon the records in this system, and in support of Plaintiffs' Motion for Attorneys' Fees and Costs, my firm had expended 464 hours as of September 26, 2020, amounting to \$362,765.60 in lodestar. This time included investigating the case; drafting and filing the first complaint; attentively tracking news and announcements, including the announcement of the Second Data Leak increasing the potentially affected consumers from 500,000 to more than 53 million; amending the complaint; consolidating the cases before this Court; filing the consolidated complaint; defending against a complex motion to dismiss; conducting informal discovery; preparing for and attending mediation; obtaining post-mediation information; negotiating a complex Settlement Agreement; soliciting bids for and investigating potential notice and claims administrators and their respective plans; moving for and successfully obtaining preliminary approval; working in concert with the Settlement Administrator; preparing the Press Release; monitoring the notice and claims administration; and preparing motions for fees and final approval.

Name	Title	Hourly Rate	Time Spent	Total Billed
John A. Yanchunis	Partner	\$950	105.30	\$100,035.00
Jean Sutton Martin	Partner	\$894	5.5	\$4,917.00
Ryan J. McGee	Attorney	\$742	167.10	\$123,988.20
Jonathan Cohen	Attorney	\$742	100.1	\$74,274.20
Kenya Reddy	Attorney	\$894	37.4	\$33,435.60
Marcio Valladares	Attorney	\$864	24	\$20,736.00
Patrick A. Barthle	Attorney	\$658	0.9	\$592.20
Lorraine Carreiro	Paralegal	\$202	18.3	\$3,696.60
Jennifer Cabezas	Paralegal	\$202	5.4	\$1,090.80
Total			464.00	\$362,765.60

7. Since that submission, additional time was spent communicating with the settlement administrator, communicating with class members, responding to objections, preparing

1 the motion and memorandum in support of final approval, as well as preparing for and attending
 2 the fairness hearing. That additional time is reflected in the following chart:

Name	Title	Hourly Rate	Additional Time Spent	Additional Billed
John A. Yanchunis	Partner	\$950	6.5	\$6,175.00
Jean Sutton Martin	Partner	\$894	0.3	\$268.20
Ryan J. McGee	Attorney	\$742	111.6	\$82,807.20
Jonathan Cohen	Attorney	\$742	0	\$0.00
Kenya Reddy	Attorney	\$894	0	\$0.00
Marcio Valladares	Attorney	\$864	28.1	\$24,278.40
Patrick A. Barthle	Attorney	\$658	1.1	\$723.80
Tim Ross	Attorney	\$377	13.5	\$5,089.50
Lorraine Carreiro	Paralegal	\$202	0	\$0.00
Jennifer Cabezas	Paralegal	\$202	5.1	\$1,030.20
Total			166.2	\$125,461.80

13 8. The total time expended by my firm, therefore, is **\$488,227.40**.

14 9. Additional time will be required to defend any appeals taken from the final
 15 judgment approving settlement if such appeals are taken, to respond to inquiries from Class
 16 Members about the case and the Settlement, and ensure that the distribution of settlement proceeds
 17 to Class Members is done in a timely manner in accordance with the terms of the Settlement. I
 18 assert that the attorneys' fees sought in the motion for attorneys' fee is reasonable and seeks fair
 19 and reasonable compensation for undertaking this case on a contingency basis, and for obtaining
 20 the relief for Plaintiffs and the Class. Throughout this action, we have been challenged by highly
 21 experienced and skilled counsel who deployed very substantial resources on Defendant's behalf.
 22

23 10. As stated above, a number of tasks will be required of my firm to conclude the
 24 litigation. In my experience leading class actions of this magnitude, I reasonably estimate that the
 25 future number of hours required to bring this Settlement to finality would be:
 26
 27
 28

Additional Work Required of Class Counsel	Projected Hours
Responding to and litigating any appeals taken	200
Overseeing the administration of the Settlement	80
Total	280

11. Based on my past experience with matters of this type and magnitude, I reasonably anticipate that a blended rate of \$650 per hour would be reasonable for the anticipate hours to be expended bringing this matter to finality. Applying that rate to the anticipated 280 hours needed to bring this case to finality, the additional work required would result in a lodestar of approximately \$188,175.00. I also reasonably estimate that anticipated future costs to accomplish these same tasks would amount to \$5,000.00.

Executed this 6th of January, 2021 at Tampa, Florida.

By: /s/ John A. Yanchunis
John A. Yanchunis, Esq.