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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

SIMON MAJDIPOUR, PAMELA
AUSTIN, BRIAN FUCHS, CHARLES
MANIS, JASON MANOWITZ, and
MARVINA ROBINSON, individually, and
on behalf of a class of similarly situated
individuals,

Plaintiffs,

v.

JAGUAR LAND ROVER NORTH
AMERICA, LLC,

Defendant.

No.: 2:12-cv-07849-MCA-LDW

**DECLARATION OF DARA TABESH IN
SUPPORT OF PLAINTIFFS' MOTION
FOR AWARD OF ATTORNEYS' FEES,
EXPENSES AND INCENTIVE AWARDS**

I, Dara Tabesh, under penalty of perjury, declare as follows:

1. I am an attorney admitted to the Bar of the State of California. I am a member of EcoTech Law Group P.C. ("EcoTech"), counsel for Plaintiffs in the above-captioned matter. My knowledge of the information and events described herein derives from a combination of my personal knowledge and a careful review of the file, relevant court records, and communications with co-counsel, and if called as a witness, I could and would competently testify thereto. I submit this declaration in support of Plaintiffs' Motion for Award of Attorneys' Fees, Expenses and Incentive Awards.

2. I graduated from the University of California, Hastings College of the Law in 2002.

3. Since 2009, I have represented consumers in over 15 consumer class action matters.

4. From 2002 to 2009, I worked as a litigation associate at Morrison and Foerster LLP, where my practice focused on large commercial litigation brought in federal courts, primarily patent litigation. From 2010 to 2012, I worked part-time as a litigation associate at McDowall Cotter LLP, focusing primarily on representing defendants in insurance defense claims brought in California state court. From 2009 to the present I have worked both in my individual capacity and as an attorney and shareholder at EcoTech Law Group, P.C., gaining extensive experience, in part, in consumer protection litigation, focusing to this end primarily on automotive defect cases brought under California's consumer protection statutes. *See, e.g., Ehrlich v. BMW of N. America*, 801 F. Supp. 2d 908 (C.D. Cal. 2010); *Keegan v. Am. Honda Motor Co., Inc.*, 838 F. Supp. 2d 929 (C.D. Cal. Jan. 6, 2012); *Cholakyan v. Mercedes-Benz USA, LLC*, 796 F. Supp. 2d 1220 (C.D. Cal. 2011).

5. In *Keegan et al. v. American Honda Motor Co., Inc.*, 284 F.R.D. 504 (C.D. Cal. 2012), I, along with co-counsel, helped certify a multi-state class of owners and lessees of 2006-2007 Honda Civics and 2006-2008 Honda Civic Hybrids with defective rear suspensions. In addition to certifying various causes of action, based on my personal research, *Keegan* was the first case in which an implied warranty cause of action under the Song-Beverly Act was certified.

6. In *Falco v. Nissan North America, Inc.*, 2016 U.S. Dist. LEXIS 46115 (C.D. Cal. April 5, 2016), I, along with co-counsel, helped certify a California and Washington class of Nissan owners and lessees alleging violations of, among others, California's Unfair Competition Law, Consumer Legal Remedies Act, Song-Beverly Consumer Warranty Act, and Washington's

consumer protection statutes in connection with allegations that Nissan failed to disclose, pre-purchase, material information about the timing chain tensioning system to the class members.

7. In *Meyer v. Bebe Stores, Inc.*, I, along with co-counsel, successfully certified a class of individuals who received text messages from Bebe after October 16, 2013, and defeated a motion to decertify and motion to strike the class allegations. See *Meyer v. Bebe Stores, Inc.*, 2015 WL 431148 (N.D. Cal. Feb. 2, 2015); *Meyer v. Bebe Stores, Inc.*, 2017 WL 558017 (N.D. Cal. Feb. 10, 2017).

8. I have also helped achieve preliminary or final approval of settlements on behalf of thousands of class members. See, e.g., *In re Mini Windshield Actions (Ehrlich v. BMW)*, No. 10-cv-01151-ABC (C.D. Cal. 2011) (nationwide class action settlement on behalf of consumers of MINI Coopers for alleged windshield defects); *Asghari v. Volkswagen Group of America*, Case No. 13-02529, Dkt. No. 185 (C.D. Cal. May 29, 2015) (nationwide settlement on behalf of consumers of certain Audi and Volkswagen vehicles for alleged oil consumption defect); *Keegan v. American Honda Motor Co, Inc.*, Case No. 10-09508, Dkt. No. 171 (C.D. Cal. Jan. 21, 2014) (nationwide settlement on behalf of consumers of certain Honda Civics for alleged rear suspension defect); *Sadowska v. Volkswagen Group of America, Inc.*, Case No. 11-00665, Dkt. No. 127 (C.D. Cal. 2013) (nationwide settlement on behalf of approximately 64,000 consumers of certain Audi vehicles for alleged transmission defect); *Gray v. BMW of North America, LLC*, Case No. 13-3417, Dkt. No. 86 (D.N.J. Aug. 24, 2017) (nationwide settlement on behalf of consumers of certain BMW vehicles for alleged convertible top defect); *Haghayeghi v. Guess?, Inc.*, Case No. 14-cv-00020, Dkt. No. 100 (S.D. Cal. Apr. 25, 2017) (achieved nationwide settlement on behalf of consumers who received text messages from Guess?, Inc.).

9. My hourly rate is \$610. This rate is commensurate with rates other courts have approved for my time in past class actions. *See, e.g., Asghari et al. v. Volkswagen Group of America, Inc. et al.*, Case No. 13-CV-02529, Dkt. No. 185 (C.D. Cal. May 29, 2015) (approving, in 2015, my hourly rate of \$560); *Sadowska et al. v. Volkswagen Group of America, Inc.*, Case No. 11-00665-BRO-AGR, Dkt. No. 127 (C.D. Cal. 2013) (approving, in 2013, my hourly rate of \$515); *Keegan et al. v. American Honda Motor Co., Inc.*, Case No. 10-cv-09508-MMM-AJW, Dkt. No. 171 (C.D. Cal. Jan. 1, 2014) (approving, in 2014, my hourly rate of \$545); *Haghayeghi v. Guess?, Inc.*, Case No. 14-cv-00020, Dkt. No. 100 (S.D. Cal. Apr. 25, 2017) (approving, in 2017, my hourly rate of \$575); *Gray v. BMW of North America, LLC*, Case No. 13-3417, Dkt. No. 86 (D.N.J. Aug. 24, 2017) (approving, in 2017, my hourly rate of \$575); *Falco et al. v. Nissan North America, Inc. et al.*, Case No. 2:13-cv-00686 (C.D. Cal. July 16, 2018) (approving, in 2018, my hourly rate of \$595).

10. My rate is also comparable to those approved for other plaintiff's firms in class actions. *See, e.g., Granillo v. FCA US LLC*, No. CV16153FLWDEA, 2019 WL 4052432, at *5 (D.N.J. Aug. 27, 2019) (finding rates of \$245 to \$725 to be reasonable in a class action against a vehicle manufacturer); *Saint v. BMW of North America, LLC*, No. 12-6105(CCC), 2015 WL 2448846, *15 (D.N.J. May 21, 2015) (approving, more than four-and-a-half years ago, average rates of \$421.73 and \$540.31 in class action against an automobile manufacturer); *McLennan v. LG Electronics USA, Inc.*, No. 2:10-CV-03604-WJM, 2012 WL 686020, at *10 (D.N.J. Mar. 2, 2012) (Hon. William J. Martini) (approving, seven years ago, class counsels' hourly billing rates of up to \$550 for associates and up to \$750 for partners); *In re Schering-Plough/Merck Merger Litig.*, No. 09-CV-1099 (DMC), 2010 WL 1257722, at *18 (Mar. 26, 2010) (finding, nine years ago, that "an overall hourly lodestar non-weighted average

ranging from \$465.68 to \$681.15 is not unreasonable in light of similar rates charged in the market"); *In re Merck & Co. Vytorin ERISA Litig.*, No. 08–CV–285 (DMC), 2010 WL 547613, at *13 (D.N.J. Feb. 9, 2010) (approving, nine years ago, rates between \$250 and \$835 per hour; associates at \$325 - \$525 per hour; and paralegal rates between \$100 - \$305 per hour); *McGee v. Cont'l Tire N. Am., Inc.*, No. 06-6234 (GEB), 2009 WL 539893, at *18 (D.N.J. Mar. 4, 2009) (approving, ten years ago, hourly rates of \$ 495 and \$600). *And see, e.g., Falco v. Nissan North America, Inc.*, Case No. 2:13-cv-00686, Dkt. No. 341 (C.D. Cal. July 16, 2018) (approving rates ranging from \$295 to \$550 for associates and from \$600 to \$895 for senior attorneys and partners); *Vargas v. Ford Motor Co.*, No. CV12-08388 AB (FFMX), 2017 WL 4766677, at *4 (C.D. Cal. Oct. 18, 2017) (approving rates ranging from \$245 to \$725); *Etter v. Thetford Corporation*, No. 13-00081-JLS, 2017 WL 1433312 (C.D. Cal. Apr. 14, 2017) (approving \$275 to \$775 for Southern California attorneys on a contested fee motion); *Bravo v. Gale Triangle, Inc.*, No. 16-03347 BRO, 2017 WL 708766, *17 (C.D. Cal. Feb. 16, 2017) (approving rates between \$350 and \$700); *Chambers v. Whirlpool Corp.*, 214 F.Supp.3d 877, 899 (C.D. Cal. 2016) (approving rates of \$485 to \$750 for consumer class action attorneys on a contested fee motion); *MacDonald v. Ford Motor Co.*, No. 13-02988-JST, 2016 WL 3055643, *9 (N.D. Cal. May 31, 2016) (approving rates of \$370 to \$695 on a contested catalyst motion); *Klee v. Nissan N. Am., Inc.*, 2015 U.S. Dist. LEXIS 88270, *38 (C.D. Cal. July 7, 2015) (approving rates of \$370 to \$695); *Asghari v. Volkswagen Grp. Of America*, No. 13-02529-MMM, 2015 WL 12732462 (May 29, 2015) (same); *Magsafe Apple Power Adapter Litig.*, No. 09-1911-EJD, 2015 U.S. Dist. LEXIS 11353, at *14 (N.D. Cal. Jan. 30, 2015) (finding reasonable rates for Bay Area attorneys ranging from \$560 to \$800 for partners and \$285 to \$510 for associates); *Rose v. Bank of Am. Corp.*, No. 5:11-CV-02390-EJD, 2014 U.S. Dist. LEXIS

121641, at *12 (N.D. Cal. Aug. 29, 2014) (finding reasonable partners rates between \$350 - \$775 per hour); *Aarons v. BMW of North America*, No. 11-7667-PSG, 2014 WL 4090564, at *16 (C.D. Cal. Apr. 29, 2014) (approving rates ranging from \$510-750 for partners and \$300-\$500 for associates); *Kearney v. Hyundai Motor Am.*, 2013 U.S. Dist. LEXIS 91636, *24 (C.D. Cal. June 28, 2013) (approving hourly rates of \$650-\$800 for senior attorneys in consumer class action); *Kim v. Space Pencil, Inc.*, No. C 11-03796 LB, 2012 WL 5948951, at *8 (N.D. Cal. Nov. 28, 2012) (finding reasonable partner rates of \$725 - \$797 per hour; associates and counsel at \$350 - \$580 per hour); *In re Wells Fargo Loan Processor Over-Time Pay Litigation*, 2011 WL 3352460 (N.D. Cal. No. 07-1841, Aug. 2, 2011) (approving hourly rates of \$500-\$675 for attorneys); *Buccellato v. AT&T Operations, Inc.*, 2011 WL 4526673 (N.D. Cal. No. 10-00463, June 30, 2011) (approving \$290-\$740 for attorneys); *In re Nuvelo, Inc. Securities Litig.*, 2011 WL 2650592 (N.D. Cal. No. 07-04056, July 6, 2011) (approving \$500-\$700 for partners); *In re Charles Schwab Corp. Securities Litig.*, 2011 WL 1481424 (N.D. Cal. No. 08-01510, Apr. 19, 2011) (approving \$380-\$650 for partners); *Faigman v. AT&T Mobility LLC*, 2011 U.S. Dist. LEXIS 15825, * 2 (N.D. Cal. Feb. 15, 2011) (approving hourly rates of \$650 an hour for partner services and \$500 an hour for associate attorney services); *Parkinson v. Hyundai Motor America*, 796 F. Supp. 2d 1160, 1172 (C.D. Cal. 2010) (approving hourly rates between \$445 and \$675); *Barrera v. Gamestop Corp.* (C.D. Cal. Nov. 29, 2010, No. CV 09-1399) (\$700 an hour for partners; \$475 an hour for associates); *Richard v. Ameri-Force Mgmt. Servs., Inc.* (San Diego Super. Ct., August 27, 2010, No. 37-2008-00096019) (approving \$495 an hour for associates); *Anderson v. Nextel Retail Stores, LLC* (C.D. Cal. June 20, 2010, No. CV 07-4480) (approving \$300 to \$515 an hour for associates).

11. As of December 6, 2019, I have spent a total of 54 hours litigating this action, for a total lodestar of \$32,940. These hours were reasonable and necessary given the complex nature of the case and the results achieved. The hours are also reasonable under the factors used by the federal and state courts in New Jersey to determine and measure such matters.

12. To assist the Court in evaluating the reasonableness of the hours spent in this action, Plaintiffs' counsel divided the work performed in this case into eight distinct categories: (1) pre-filing investigation and pleadings; (2) post-filing investigation and discovery (including meet & confer and appearances); (3) motions to dismiss, related documents and research; (4) motion for class certification, related documents and research; (5) preparing for and attending mediations; (6) settlement negotiations, settlement agreements (and related documents) and research; (7) settlement motions (and related documents), appearances and research; and (8) settlement administration and post-settlement communications with class members.

13. I have assigned my billed time to the most applicable time category. The chart below sets forth my regular billable hourly rate (which is commensurate with the prevailing rates among firms that regularly litigate class actions) and my hours, by category.

Name	1	2	3	4	5	6	7	8	Hourly Rate	Hours	Lodestar
Dara Tabesh	0.0	0.0	54.0	0.0	0.0	0.0	0.0	0.0	\$610	54	\$32,940.00

14. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on December 9, 2019, at San Francisco, California.


DARA TABESH