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Attorneys for Plaintiff and the Proposed Class

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DAVID RASMUSSEN, an individual, on
behalf of himself and all others similarly
situated,

Plaintiff,

v.

TESLA, INC. d/b/a TESLA MOTORS,
INC., a Delaware corporation,

Defendant.

Case No. 5:19-cv-04596-BLF

**DECLARATION OF EDWARD C. CHEN
IN SUPPORT OF PLAINTIFFS' MOTION
FOR PRELIMINARY APPROVAL OF
CLASS SETTLEMENT**

Date: December 9, 2021
Time: 9:00 a.m.
Judge: Hon. Beth Labson Freeman
Courtroom: 3

1 I, Edward C. Chen, declare as follows:

2 1. I am Senior Counsel at the law firm of YK Law LLP. I have been one of the
3 lawyers primarily responsible for the prosecution of Plaintiff's claims on behalf of the proposed
4 class.

5 2. I am a member in good standing of the Bar of the State of California, and I am
6 admitted to practice in the United States District Court for the Northern and Central Districts of
7 California, the Northern District of Illinois, the Eastern District of Texas, and in the United States
8 Court of Appeals for the Ninth Circuit. I respectfully submit this Declaration in Support of
9 Plaintiff's Motion for Preliminary Approval of Class Settlement and Direction of Notice Under
10 Rule 23(e). Except as otherwise noted, I have personal knowledge of the facts set forth in this
11 Declaration, and could testify competently to them if called upon to do so.

12 3. Since my admission to the California State Bar in 2016, I have represented both
13 plaintiffs and defendants in federal and state courts for a wide variety of litigation matters. From
14 2016–2018, I worked as an associate at a law firm that was dedicated to complex commercial
15 litigation matters and was heavily involved in several high-stakes patent infringement litigation
16 matters. From 2018–2019, I worked as an associate at the downtown Los Angeles office of
17 Lewis Brisbois Bisgaard & Smith, LLP, where I continued to litigate extensively with the firm's
18 general liability practice group. In March 2019, I began my own law practice and continued to
19 work on a variety of litigation matters as a solo practitioner. Since joining YK Law LLP in
20 September 2020, I have been primarily working on and serve as lead counsel representing both
21 plaintiffs and defendants in complex, cross-border litigation that typically involve Chinese
22 parties. These cases include, but are not limited to:

- 23 a. *Ningxia Communications Construction Co. Ltd. vs. American Kono Group*
24 *et al.*, Case No. 2:21-cv-00917-JCC (W.D. Wash.);
- 25 b. *Tatfook Technology (Hong Kong) Co. Ltd. v. Schok LLC*, Case No. 4:21-
26 cv-00411 (E.D. Tex.);
- 27 c. *Xi'an Television Copyright Exchange Center Co. Ltd. v. Xiaodi Dong*,
28 Case No. 2:20-cv-08412-RGK-JC (C.D. Cal.);

- d. *Delta T, LLC vs. Kale Fans S.A. et al.*, Case No. 6:20-cv-170-PGB-EJK (M.D. Fla.);
- e. *Viahart LLC vs. Suzhou Everich Imp. Exp. Co. Ltd. et al.*, Case No. 1:20-cv-05651 (N.D. Ill.);
- f. *Jiaxing Zichi Trade Co. Ltd. vs. Yang et al.*, Case No. 1:21-cv-00973 (N.D. Ill.);
- g. *Michael Kors, L.L.C., et al. v. AirTnMax Store, et al.*, Case No. 20-cv-62455 (S.D. Fla.);
- h. *Wham-O vs. the Partnerships et al.*, Case No. 1:20-cv-06011 (N.D. Ill.);
- i. *Levi Strauss & Co. v. The Partnerships et al.*, Case No. 1:20-cv-07047 (N.D. Ill.);
- j. *KTM AG v. The Partnerships et al.*, Case No. 1:20-cv-06677 (N.D. Ill.).

4. Prior to co-counseling with the Lieff Cabraser firm, I met with Plaintiff and discussed the claims at issue here, drafted and filed the operative pleading, and investigated the claims. After drafting and filing the complaint, I continued to spend a significant amount of time fielding inquiries and outside contact from interested parties and potential class members. I also dedicated a significant effort towards continued investigation and follow up research as the case continued forward. Most, if not all, of this work was conducted during my time as a solo practitioner in my own law practice.

5. Upon co-counseling with the Lieff Cabraser firm, I continued to assist with the investigation and mediation efforts described in the July 28, 2021 Declaration Robert J. Nelson filed concurrently herewith.

6. My firm and our fellow Class Counsel litigated this case on a purely contingent basis, foregoing other work in order to handle this complex matter with no guarantee of recovery. While Plaintiff's Counsel will request attorneys' fees as a percentage of the common fund, for the Court's reference, I report my firm's current summary time, lodestar, and costs incurred in and attributable to this litigation.

7. According to our time records, my firm had invested 204.0 hours on behalf of the Class through July 21, 2021, all of which consisted of attorney billable time. At our customary and Court-approved rates, the resulting lodestar is \$105,375.00. A summary of my firm's lodestar is attached hereto as **Exhibit A**.

8. In addition to attorney time, my firm spent \$475.25 in connection with the investigation, prosecution and settlement of this case, including for court fees, mailing and postage, and messenger and courier services. These expenses are presented in summary form in **Exhibit B** hereto. All of these expenses were reasonably and necessarily incurred in Plaintiff's Counsel's efforts to prosecute the Class claims. The expenses here are in line with expenses my firm has incurred in the other complex federal court litigation that I am frequently involved with, and are the type typically billed by attorneys to clients.

9. Based on thorough examination and investigation of the facts and law relating to Plaintiff's claims on behalf of the Settlement Class, including the discovery exchanged, Plaintiff's Counsel believe the Settlement is in the best interest of the Class. Our investigation informed us about the strengths and weaknesses of Plaintiff's claims, as well as Tesla's defenses, and allowed us to conduct an informed, fair, and objective evaluation of the value and risks of continued litigation. In my professional opinion, the proposed Settlement is fair, adequate, reasonable, and in the best interests of the Settlement Class, and I respectfully recommend it to the Court for its preliminary (and, ultimately final) approval.

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

Executed on July 28, 2021 at Los Angeles, California.

By:  _____
Edward C. Chen

Exhibit A

SUMMARY OF TIME AND LODESTAR

For the Law Offices Of Edward Chen & YK Law LLP

Reported Hours And Lodestar From Inception – July 21, 2021

Name	Hourly Rate	Hours Worked	Total Lodestar\$
Edward Chen (LOC)	\$500	181.5	\$90,750
Edward Chen (YK)	\$650	22.5	\$14,625
TOTALS		204.0	\$105,375

Law Offices of Edward Chen (LOC)

YK Law LLP (YK)

Exhibit B

RASMUSSEN V. TESLA (5:19-cv-04596-BLF)

Expense Report

For the Law Offices of Edward Chen & YK Law LLP

Inception – July 21, 2021

Name	Type	Amount
(LOC)	Filing Fee	\$400.00
(LOC)	Mailing/Postage	\$20.00
(LOC)	Messenger/Courier Services	\$55.25
TOTAL		\$475.25

Law Offices of Edward Chen (LOC)

YK Law LLP (YK)