

1 James T. Ryan, Esq. (SBN 210515)
JAMES T. RYAN, PC
2 1110 Glenville Drive #307
Los Angeles, California 90035
3 Phone: (310) 990-2889
jr@jamestryan.com

4 Kenneth A. Goldman, Esq. (SBN 250941)
5 LAW OFFICE OF KENNETH A. GOLDMAN, PC
15300 Ventura Boulevard, Suite 207
6 Sherman Oaks, California 91403
Phone: (818) 287-7689
7 Facsimile: (818) 287-7816
ken@kengoldmanlaw.com

8 For Plaintiff Alana Schwartz
9 and other persons similarly situated

10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**
12

13 **ALANA SCHWARTZ**, individually
and on behalf of other persons similarly
14 situated,

15 Plaintiff,

16 vs.

17 **DESTINATION MATERNITY**
CORPORATION and DOES 1-20,

18 Defendants.
19

Case No.: 14-CV-01477-GHK-FFM

DECLARATION OF DAVID H. ROBERTS IN SUPPORT OF PLAINTIFF'S MOTION FOR ATTORNEYS' FEES, LITIGATION COSTS, AND INCENTIVE AWARD

Date: December 7, 2015
Time: 9:30 a.m.
Courtroom: 650
Before the Honorable George H. King

20
21
22
23
24
25
26
27
28

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

Declaration of David H. Roberts

I, David H. Roberts, declare and state:

1. I am a Certified Public Accountant at Armanino, LLP (“Armanino”), which, on August 1, 2015, merged with RBZ, LLP, where I have been a partner since 1998. I am the Partner-in-Charge of the firm’s Law Firm Services Group. I have personal knowledge of all matters stated herein.

2. I have over 30 years of experience working with over 1,200 law firms. I consult with law firms of all sizes with respect to partner compensation, billing rates, profitability issues, retirement, financing, strategic planning, capitalization, budget preparation, tax compliance and other management issues.

3. I have written and lectured on numerous law firm compensation and management issues and have published articles in the American Bar Association Journal and California Lawyer. I was formerly associated with Price Waterhouse where I headed the West Coast Law Firm Consulting Group/Financial and Management Practice. I am also a member of the California Society of Certified Public Accountants and American Institute of Certified Public Accountants.

4. I have personally supervised and published RBZ’s survey of law firm compensation, billing rates and benefits for the past 22 years. The 2014 report is titled “Southern California Law Firm Compensation, Billing Rate and Benefits Survey” (“Survey”). Based on my knowledge and experience, the survey is the most comprehensive survey of compensation, billing rates and benefits of Southern California law firms.

5. The 2014 survey collected data regarding billing rates on 151 local law firms, which included individual billing rate data on more than 7,000 attorneys and 860 legal assistants. Of the 151 participating firms, 71 of them range from 1 to 25 attorneys, 50 from 26 to 75 attorneys and 30 firms have 76 or more attorneys. The report is conducted and published under my direction and supervision, and I am personally familiar with its methodology and findings.

6. Survey participants answer a range of specific and general questions relating to compensation, billing rates, and benefits. Each law firm reports its base salary, bonuses, billing

1 rates and billable hours individually for its partners, associates, summer associates, legal
2 assistants and others. The salaries and billing rates reported were those in effect on July 1, 2014.

3 7. I was asked by Class Counsel to review the hourly rates they are using in
4 connection with their motion for attorney's fees in the matter of Alana Schwartz vs. Destination
5 Maternity Corporation and Does 1-20, identified as Case No. 14-CV-01477-GHK-FFM in the
6 United States District Court, Central District of California. As part of my work on this case, I
7 have reviewed the reputation, experience level and qualifications of the attorneys that performed
8 work on this case, as well as the reputation and experience of opposing counsel (i.e., a partner and
9 two associates at Morgan, Lewis & Bockius LLP). I have been asked to render an opinion about
10 the market billing rates charged by Southern California attorneys of comparable experience who
11 handle similar cases. I am qualified to do this based on my more than 30 years of experience in
12 working with more than 1,200 law firms and my current client base of over 100 law firm clients,
13 assisted by the comprehensive data contained in the Survey.

14 8. I have read the Declarations of both James T. Ryan and Kenneth A. Goldman in
15 Support of the Plaintiff's Amended Motion for Preliminary Approval of Class Action Settlement,
16 and therefore have an understanding of the type of legal services performed in this case.

17 9. Many factors have been taken into account to determine the comparability of each
18 lawyer. These factors are: years of practice, law school, practice area, reputation of individual,
19 opposing counsel, law firms or attorneys they compete with, and general economic conditions.
20 My understanding of the attorneys involved in this matter are as follows:

21 (a) James T. Ryan graduated from Pepperdine University School of Law in 2000.
22 He is a member of the State Bar of California and United States Court for the
23 Central District of California. Since admission to the Bar, he has handled
24 numerous large-scale litigations, including copyright, breach of contract and
25 class actions involving consumer rights and invasion of privacy, defamation and
26 business litigation cases. He was employed as an associate at Johnson &
27 Johnson LLP, located in Beverly Hills, from 2000 to 2007 and continues to
28 provide assistance to that firm on an Of Counsel basis. He has established

1 expertise in the area of invasion of privacy torts for individual plaintiffs, and has
2 participated in the litigation of several class action suits.

3 (b) Kenneth A. Goldman graduated from Loyola Law School in 2007. He was
4 employed as an associate at the firm of Carpenter & Zuckerman, where he
5 worked in plaintiff's injury litigation matters, after which he was an associate at
6 Musick Peeler & Garrett, where he worked on numerous complex litigation
7 matters including toxic torts, construction defects, and insurance coverage
8 cases. In 2012, he was selected as a Rising Star by Super Lawyers. He has
9 obtained final approval of seven class action settlements, is currently counsel of
10 record in fourteen class action matters in California courts as well as one class
11 arbitration, and has significant experience in the numerous specialty facets of
12 class action matters.

13 10. Based on these factors, my general knowledge of the legal industry in Southern
14 California, the experience and reputation of Class Counsel, opposing counsel in this matter, the
15 data contained in the RBZ 2014 Southern California Law Firm Compensation, Billing Rate and
16 Benefits Survey, along with data we may have from various other sources, I believe the hourly
17 billing rates of attorneys specializing in litigation in this region are as follows:

	<u>Average</u>	<u>75th Percentile</u>	<u>90th Percentile</u>
20 James T. Ryan	\$605	\$685	\$740
21 Kenneth A. Goldman	\$420	\$495	\$590

22
23 I declare under penalty of perjury under the laws of the State of California and the United
24 States that the foregoing is true and correct. Executed this 18 day of August, 2015 at Los
25 Angeles, California.

26
27 
28 _____
David H. Roberts