

# **Declaration Attachment 1**

1 Aaron H. Darsky S.B.N. 212229  
AARON DARSKY, P.C.  
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5 *Attorney for Plaintiff Matt Vines*

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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION

11 In re APPLE iPHONE 4 PRODUCTS  
12 LIABILITY LITIGATION

) Master File No. 5:10-md-02188-RMW

) CLASS ACTION

13 \_\_\_\_\_ )  
14 This Document Relates To: )

15 ALL ACTIONS. )

) DECLARATION OF AARON H. DARSKY  
) FILED ON BEHALF OF AARON DARSKY,  
) P.C. IN SUPPORT OF AN AWARD OF  
) ATTORNEYS' FEES AND EXPENSES TO  
) NON-LEAD COUNSEL

16 DATE: n/a  
17 TIME: n/a  
18 CTRM: The Honorable Ronald M. Whyte

1 I, AARON H. DARSKY, declare as follows:

2 1. I am a member of the firm AARON DARSKY, P.C. I am submitting this  
3 declaration in support of my firm's application for an award of attorneys' fees and expenses in  
4 connection with services rendered in the above-entitled action, pursuant to the Court's order of  
5 August 10, 2012.

6 2. The firm is counsel of record for plaintiff MATT VINES. Our firm was not  
7 appointed lead counsel in this consolidated MDL. I have not ever been paid or reimbursed any  
8 fees or expenses in this case as of the filing of this document.

9 3. The identification and background of my firm and its partners is attached hereto  
10 as Exhibit A.

11 4. The following information regarding the firm's time and expenses is taken from  
12 time and expense printouts prepared and maintained by my firm in the ordinary course of  
13 business. I am the attorney who oversaw and/or conducted the day-to-day activities in the  
14 litigation and who reviewed these printouts (and backup documentation where necessary or  
15 appropriate). The purpose of these reviews was to confirm both the accuracy of the entries on  
16 the printouts as well as the necessity for and reasonableness of the time and expenses committed  
17 to the litigation. As a result of these reviews, reductions were made to both time and expenses  
18 either in the exercise of billing judgment or to conform to the firm's guidelines and policies  
19 regarding certain expenses such as charges for hotels, meals, and transportation. As a result of  
20 these reviews and adjustments, I believe that the time reflected in the firm's lodestar calculation  
21 and the expenses for which payment is sought are reasonable in amount and were necessary for  
22 the effective and efficient prosecution and resolution of the litigation.

23 5. The total number of hours spent on this litigation by my firm is 18.7. The total  
24 lodestar amount for attorney/paraprofessional time based on the firm's current rates is \$ 8,415.  
25 The hourly rates shown below are the usual and customary rates charged for each individual. A  
26 breakdown of the lodestar is as follows:

27  
28

<i>NAME</i>		<i>HOURS</i>	<i>RATE</i>	<i>LODESTAR</i>
AARON H. DARSKY	(P)	18.7	\$450	\$8,415
	(P)			
	(A)			
	(A)			
	(A)			
<b><i>TOTAL</i></b>				<b><i>\$8,415</i></b>

(P) Partner  
 (A) Associate

6. My firm seeks an award of \$0 in expenses which were reasonably and necessarily committed to the prosecution of the litigation. They are broken down as follows:

***EXPENSES***

From Inception to May 21, 2012

<i>EXPENSE CATEGORY</i>	<i>TOTAL</i>
Out-of-Town Meals, Hotels & Transportation	\$
Photocopies (in-house: copies @ \$0.25 per page)	
Postage & Delivery	
Telephone, Facsimile	
Filing, Witness & Other Fees	
Lexis, Westlaw, Online Library Research	
Mediation Fees	
<b><i>TOTAL</i></b>	<b><i>\$</i></b>

7. The following is additional information regarding certain of these expenses:

(a) Out-of-town Meals, Hotels and Transportation: \$ 0

<i>NAME</i>	<i>DATE</i>	<i>DESTINATION</i>	<i>PURPOSE</i>

(b) Filing, Witness and Other Fees: \$ 0

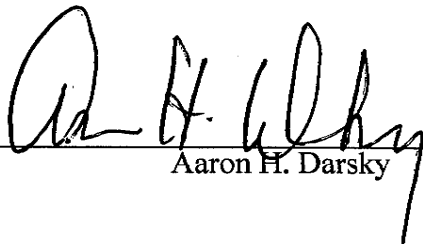
<i>DATE</i>	<i>VENDOR</i>

(c) Lexis, Westlaw, Online Library Research: \$ 0. These included vendors such as Westlaw, and Pacer. These databases were used to obtain access to legal research and cite-checking of briefs. The charges for these vendors vary depending upon the type of services requested.

8. The expenses pertaining to this case are reflected in the books and records of this firm. These books and records are prepared from expense vouchers, check records and other documents and are an accurate record of the expenses.

9. I submit that the time and expense submission included in this Declaration were incurred in this litigation. I request that the Court award my firm \$ 8,415 in attorneys' fees and \$ 0 in expenses reimbursement for a total of \$ 8,415.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 22<sup>nd</sup> day of August, 2012, at San Francisco, CA

  
 \_\_\_\_\_  
 Aaron H. Darsky

**EXHIBIT A**

## **Aaron Darsky, P.C.**

**345 Franklin St., San Francisco, CA. 94102 Tel.: (415) 515-4220 • Email:  
aaron@darskylaw.com**

### **PROFILE**

Accomplished attorney with a practice focusing on the nationwide prosecution of class and representative actions, including shareholder derivative actions, securities fraud, antitrust, consumer and defective product class actions. Significant experience litigating multi-level marketing fraud, minority rights shareholder class actions and Delaware appraisal actions. Member, State Bar of California, S.B.N. 212229. Admitted to United States District Courts for the Northern, Southern and Central Districts of California and the United States Court of Appeals for the Ninth Circuit.

### **LEGAL EXPERIENCE**

#### **Aaron Darsky, P.C. , San Francisco, CA (2010- Present)**

- Litigating consumer, defective product and antitrust class actions and tenants rights/habitability cases in conjunction with the Law Offices of Eric L. Lifschitz.

#### **Audet & Partners llp, San Francisco, CA**

##### **Associate Attorney (October 2008 – October 2009)**

- Litigating consumer, defective product and antitrust class actions.
- Developing cases and clients for the firm.

#### **Schubert Jonckheer Kolbe & Kralowec LLP, San Francisco, CA (formerly Schubert & Reed) Of Counsel (April 2008 – October 2008)**

#### **Schubert & Reed LLP, San Francisco, CA**

##### **Associate Attorney (May 2001 – April 2008)**

Extensive experience in all aspects of state and federal class action litigation:

- Identifying cases, developing client relationships, drafting complaints.
- Thinking creatively about case management and litigation strategies.
- Drafting and responding to discovery requests, meeting and conferring with opposing counsel, compelling document production, taking and defending depositions.
- Supervising web based document reviews involving teams of attorneys and millions of documents.
- Briefing and arguing motions.
- Drafting mediation briefs, attending mediation.
- Drafting class action settlement approval briefs.
- Supervising class action settlement administration.
- Appellate practice.

### **EDUCATION**

- J.D. (with Certificate of Specialization in Litigation), December 1998  
School of Law, Golden Gate University, San Francisco, CA
- Bachelor of Arts, Economics, May 1990  
College of Business, Michigan State University, East Lansing, MI