

Declaration Attachment 13

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8 *Counsel for Plaintiff Christopher Dydyk*

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

12 In re APPLE iPHONE 4 PRODUCTS
13 LIABILITY LITIGATION

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

) CLASS ACTION

14 This Document Relates To:

15 ALL ACTIONS.

) DECLARATION OF MICHAEL F. RAM
) FILED ON BEHALF OF RAM, OLSON,
) CEREGHINO & KOPCZYNSKI 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
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1 I, MICHAEL F. RAM, declare as follows:

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

6 2. The firm is counsel of record for plaintiff Christopher Dydyk. 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 17.40. The total
24 lodestar amount for attorney/paraprofessional time based on the firm's current rates is \$13,050.
25 The hourly rates shown below are the usual and customary rates charged for each individual in
26 litigation of this kind. A breakdown of the lodestar is as follows:

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<i>NAME</i>		<i>HOURS</i>	<i>RATE</i>	<i>LODESTAR</i>
M. RAM	(P)	16.30	\$750.00	\$12,225.00
K. OLSON	(P)	1.10	\$750.00	\$825.00
	(A)			
	(A)			
	(A)			
TOTAL		17.40		\$13,050.00

(P) Partner

(A) Associate

6. My firm seeks an award of \$494.00 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: 140 copies @ \$0.25 per page)	\$35.00
Postage & Delivery (MESSENGER)	\$109.00
Telephone, Facsimile	
Filing, Witness & Other Fees	\$350.00
Lexis, Westlaw, Online Library Research	
Mediation Fees	
TOTAL	\$494.00

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

(a) Out-of-town Meals, Hotels and Transportation: \$0.00.

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

(b) Filing, Witness and Other Fees: \$350.00

<i>DATE</i>	<i>VENDOR</i>
6/30/2010	Clerk, USDC, Northern District of California

(c) Lexis, Westlaw, Online Library Research: \$0.00.

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 \$13,050.00 in attorneys' fees and \$494.00 in expenses reimbursement for a total of \$13,544.00.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 24th day of August, 2012, at San Francisco, California.



 Michael F. Ram

EXHIBIT A

RAM, OLSON, CEREGHINO & KOPCZYNSKI LLP
ATTORNEYS

RAM, OLSON, CEREGHINO & KOPCZYNSKI LLP

Ram, Olson, Cereghino & Kopczynski LLP is a class action, media law, and construction defect litigation law firm founded in 1997 by experienced class action and media lawyers who began their careers in 1982 at Morrison & Foerster in San Francisco. They reunited after pursuing diverse and successful litigation practices, culminating in partnerships at other San Francisco firms. The partners' practical experience and excellent reputation among the bench and bar allow the firm to provide high-caliber legal services with small firm responsiveness and efficiency. The firm's partners have consistently achieved the highest ratings for legal ability and ethics.

The firm's practice emphasizes consumer and employment class actions, media and First Amendment law, and construction defect litigation.

RAM, OLSON, CEREGHINO & KOPCZYNSKI LLP

MICHAEL F. RAM

Michael F. Ram is a consumer class action lawyer with 29 years of experience at both the trial and appellate court levels. He is admitted to practice before the Supreme Court of the United States and various state and federal courts. He graduated cum laude from Harvard Law School in 1982. In 1992 he was a co-recipient of the Trial Lawyer of the Year Award given by Trial Lawyers for Public Justice. He is currently co-lead counsel in an electronic privacy class action, *Whitaker v. Health Net of California, Inc., and International Business Machines Corp.*, No. 2:11-cv-0910 KJM DAD (E.D. Cal. 2011), and liaison counsel in another, *In Re Google Buzz User Privacy Litigation*, No. 10-Cv-00672-Jw (N.D. Cal. 2011).

From 1993 through 1997, Mr. Ram was a partner with Lief, Cabraser, Heimann and Bernstein where he participated in representing plaintiffs in several major class actions, including:

- *Cox v. Shell*, Civ. No 18,844 (Obion County Chancery Court, Tennessee (Chancellor Maloan). A nationwide class of approximately six million owners of property equipped with defective polybutylene plumbing systems and yard service lines. The settlement has paid out a billion dollars in compensation to consumers.
- *In re Louisiana-Pacific Inner-Seal Litigation*, No. 95-cv-879 (Dist. Oregon filed June 19, 1995). A nationwide class of homeowners with defective exterior siding on their homes.
- *ABS Pipe Litigation*, Judicial Council Coordination Proceeding No. 3126 (Contra Costa County Superior Court). A nationwide class of homeowners with defective ABS pipes.

In 1997, Mr. Ram reunited with lawyers he practiced with in the early 1980s to found Levy, Ram & Olson, now Ram, Olson, Cereghino & Kopczynski ("ROCK"). With ROCK, he continues to focus on consumer class actions. He is currently, and has been, co-lead counsel in a number of consumer class actions including a national certified class of half a million owners of allegedly dangerous glass pane gas fireplaces in *Keilholtz et al. v. Superior Fireplace Company*, No. 08-cv-00836 (N.D. Cal. 2008). He was co-lead counsel for plaintiffs in *Chamberlan v. Ford Motor Company*, No. 03-cv-2628 (N.D. Cal. filed June 5, 2003), a class action involving defective intake manifolds that generated four published opinions, including one by the Ninth Circuit, and settled one court day before the class trial. He was also co-counsel for plaintiffs in a number of other consumer class actions, including:

- *Richison v. American Cemwood Corp.*, San Joaquin Superior Court Case No. 005532. Mr. Ram served as co-counsel for a multistate class of tens of thousands of owners of homes and other structures on which defective Cemwood Shakes were installed.

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- *Williams v. Weyerhaeuser*, San Francisco Superior Court Case No. 995787. Mr. Ram served as co-counsel on behalf of a nationwide class of hundreds of thousands or millions of owners of homes and other structures with defective Weyerhaeuser hardboard siding.
- *Naef v. Masonite*, Mobile County, Alabama Circuit Court Case No. CV-94-4033. Mr. Ram served as co-counsel on behalf of a nationwide class of homeowners with defective hardboard siding on their homes. Settlement payments are approaching a billion dollars.
- *Keilholtz v. Superior Fireplace Co.*, No. 08-cv-00836 (N.D. Cal. 2008). Co-Lead Counsel in a certified class action representing 500,000 owners of allegedly defective glass pane glass fireplaces.
- *Chamberlan v. Ford Motor Co.*, 402 F.3d 952 (9th Cir. 2005) (affirming class certification; Ram & Olson co-lead counsel).
- *Hanlon v. Chrysler Corp.*, 150 F.3d 1011 (9th Cir. 1998) (approving class action settlement).
- *McAdams v. Monier, Inc.* (2010) 182 Cal. App. 4th 174 (reversing denial of class certification in consumer class action).
- *Gardner v. Stimson Lumber Co.* (King County Wash. No. 2-17633-3-SEA) (nationwide consumer class action involving defective siding).
- *Rosenberg v. U-Haul* (Santa Cruz Superior Ct. No. CV-144045 (certified consumer class action for false and deceptive conduct tried successfully to judgment).
- *In re Google Buzz User Privacy Litigation*, No. 10-cv-00672-JW (N.D. Cal. 2011) (approving class action settlement).
- *Whitaker v. Health Net of California, Inc., and International Business Machines Corp.*, No. 2:11-cv-0910 KJM DAD (E.D. Cal. 2011) (electronic privacy class action under the California Confidentiality of Medical Information Act).

Over the years, Ram & Olson's and ROCK's cases have helped shape the law in the consumer class action area, to the benefit of consumers. In addition to vindicating the rights of numerous classes of consumers in particular cases by successfully certifying class actions by way of contested motions, several of Ram & Olson's cases have gone on to become landmark appellate decisions.

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For example, in *McAdams v. Monier* (2010) 182 Cal. App. 4th 174, Mr. Ram represents a class of consumers who allege that the defendant/manufacturer affirmatively represented that its roof tiles had a 50-year lifetime, that their color was permanent, and that they were maintenance-free. *Id.* In reversing the denial of class certification, the Court of Appeal held that an inference of common reliance was adequate to show causation as to each class member.

In *Chamberlan v. Ford Motor Co.*, 402 F.3d at 952, the Ninth Circuit denied Ford's petition to appeal class certification in a case alleging that Ford had made material omissions to consumers, and underscored that review of district courts' rulings certifying class actions should be a "rare occurrence." *Id.*

And in *Hanlon v. Chrysler Corp.*, 150 F.3d at 1011 – a case cited in many class action approval papers filed in federal court – the Ninth Circuit approved a settlement negotiated on behalf of a class of owners of 1984 through 1994 minivans with defective rear latches on 1984-1994.

Over the past several years, as co-lead counsel, Mr. Ram has helped to certify numerous class actions by way of contested motions. These cases include:

- *Naef v. Masonite*, No. CV-94-4033 (Mobile County, Alabama Circuit Court);
- *Chamberlan v. Ford Motor Company*, No. 03-cv-2628 (N.D. Cal. filed June 5, 2003);
- *Mazza v. Amer. Honda*, 254 F.R.D. 610 (C.D. Cal. 2009);
- *Amico v. General Motors Corp.* (Maricopa County Ariz. Super Ct. No. 2004-092816);
- *McAdams v. Monier, Inc.*, 182 Cal. App. 4th 174 (2010) (reversing denial of class certification in consumer class action);
- *Richison v. American Cemwood Corp.* (San Joaquin Civil Action No. 005532);
- *Gross, et al., v. Mobil Oil Corp., et al.*, No. 95-cv-01237 (N.D. Cal. filed April 12, 1995);
- *Keilholtz et al. v. Superior Fireplace Company*, No. 08-cv-00836 (N.D. Cal. filed February 6, 2008);
- *National Association of Radiation Survivors v. Walters* No. 83-c-1861 (N.D. Cal. filed April 13, 1983); and

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- *Rosenberg v. U-Haul Co. of California* (Santa Cruz Sup. Ct. No. CV144045).

For several years running Mr. Ram has been named a “Northern California Super Lawyer” by Law & Politics.

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KARL OLSON

Karl Olson specializes in defending news media clients and individuals against defamation and “SLAPP suits” (Strategic Lawsuits Against Public Participation). He has successfully defended dozens of such cases, disposing of most of them at a very early stage. He also specializes in handling cases involving access to government records. In 2005, he received the James Madison Award from the Northern California Society of Professional Journalists given annually to one legal counsel. In 2007, he won a landmark California Supreme Court case involving public access to public employee salaries. He is currently handling a variety of media law and other cases.

Mr. Olson’s practice has also emphasized consumer and employment class action litigation, employment law, insurance coverage and bad faith litigation, construction defect and real estate litigation, and other commercial litigation matters. He has been counsel in cases recovering millions of dollars for consumers, employees and corporate insureds. He has extensive experience in both the trial and appellate courts and has been counsel in dozens of reported appellate decisions. He has been named a “Northern California Super Lawyer” and as one of the “Best Lawyers in America.” Mr. Olson’s practice has also focused on pre-publication and pre-broadcast counseling; intellectual property matters such as copyright and trademark infringement claims; and trade secret litigation. He has authored numerous articles on media law issues and lectured widely on defamation and First Amendment topics for both professional journalists and lawyers.

From 1982 to 1983, Mr. Olson was a research attorney for Justice Joseph Grodin of the California Supreme Court. He worked as an associate at Morrison & Foerster from 1983 to 1986 and was at Cooper, White & Cooper as an associate from 1986 to 1989 and as a partner from 1990 to 1997 before starting Levy, Ram & Olson in 1997 and Ram & Olson in 2009.

For several years running Mr. Olson has been named a “Northern California Super Lawyer” and has been named one of the Best Lawyers in America.

Mr. Olson was born, raised and still lives in San Francisco.

Education:

- University of California’s Hastings College of the Law, 1982 (magna cum laude, Order of the Coif)
- Articles Editor, Hastings Law Journal

Professional Associations and Memberships:

- ABA Forum on Communications Law

RAM, OLSON, CEREHINO & KOPCZYNSKI LLP

Bar Admissions:

- Mr. Olson is admitted to practice in the Supreme Court of the United States, the 9th Circuit Court of Appeals, the U.S. District Courts for the Northern, Eastern and Central Districts of California, and in the State of California.

RAM, OLSON, CEREGHINO & KOPCZYNSKI LLP

JEFFREY CEREGHINO

Areas of Practice:

Jeffrey B. Cereghino is a partner at Ram, Olson, Cereghino & Kopczynski LLP, located in San Francisco, California. His practice area primarily focuses upon complex litigation and class actions. He represents consumers in class action matters as well as property owners in complex construction and product liability actions.

He has been or is a class counsel on *Blangeras v. Stimson Lumber Company* (exterior siding), King County Superior Court, Washington; *Trinity Properties v. Central Sprinkler Company* (fire sprinklers), United States District Court, Eastern District of Pennsylvania; *The Sutterfield Owners Association v. Tyco International* (fire sprinklers), San Francisco Superior Court, California; *Weiner v. Shake Company of California* (roofing tiles), Contra Costa County Superior Court, California; *Whitley, et al. v. Perfection Corporations, et al.* (hot water heaters), United States District Court, Western District of Missouri; *Sun v. Mexalit, SA* (roofing tiles), Los Angeles County Superior Court, California; *Vega v. Mallory* (rent overcharges), Sacramento County Superior Court, California; *Shah v. Recon* (roofing tiles), Contra Costa County Superior Court, California; *In Re Elevator Litigation* (anti-trust), United States District Court, Southern District of New York; *Wallace v. Monier Company* (roofing tiles), Placer County Superior Court, California; *Ruyack v. Del Webb* (soil and foundations), Maricopa County Superior Court, Arizona; *Garner v. State Farm* (underpayment of claims), United States District Court, Northern District of California; *Ward v. Ipex, Inc.* (water pipes), United States District Court, Central District of California; *Fliss v. Ipex, Inc.* (water pipes), United States District Court, Western District of Washington; *Lyle J. Muenzenberger, et al. v. North Salinas Partners, LLC, et al.* (product liability), Monterey County Superior Court, and; *Milligan v. Toyota Motor Co.*, United States District Court, Northern District of California. He is presently class counsel for the administration of the *Forestex Siding* claims program which provides recovery for thousands of property owners in seven states.

Legal History:

Previously a Partner at Merrill, Nomura & Molineux, LLP and Principal at Berding & Weil, LLP, Mr. Cereghino has been practicing law since 1982, and has settled or tried over 90 complex multi-family construction, class action, single family home and/or product defect cases, resulting in a recovery in excess of \$345 million.

Mr. Cereghino has been retained on several occasions as counsel to Building Owners and Managers Association (BOMA) to represent the interests of BOMA members in nationwide building product defect claims. Mr. Cereghino has been a frequent lecturer to various real estate industry groups, including common interest development organizations, BOMA, real estate organizations, and state and local health officials involved in "toxic mold" issues. He has spoken at the National Multi-Housing Council on mold and mold related issues. He is admitted to numerous Federal District Courts, the Ninth Circuit Court of Appeals and multiple state courts.

RAM, OLSON, CEREGHINO & KOPCZYNSKI LLP

JAN A. KOPCZYNSKI

Jan A. Kopczynski is one of the founding partners of Ram, Olson, Cereghino, & Kopczynski LLP in San Francisco, California. He specializes in handling complex construction-defect cases, consumer and product-liability class actions, as well as business litigation and real-estate disputes. He also provides general counsel to the firm's commercial and community-association clients.

During his twelve years of practice, Mr. Kopczynski has negotiated millions of dollars in settlements for his clients as a result of successful mediations, arbitrations, and court trials. He has also been involved in the litigation and settlement of many product-liability class actions, including *Richison et al. v. American Cemwood Corporation* (San Joaquin Superior Court); *Carr et al. v. Stimson Lumber Company* (Alameda County Superior Court); *Melvin Weiner v. Cal-Shake, Inc.* (Contra Costa County Superior Court); and *Trinity Properties v. Central Sprinkler Company of California* (Contra Costa Superior Court).

Education

Mr. Kopczynski received his Juris Doctor degree in 1998 from Santa Clara University School of Law in Santa Clara, California. He received his Bachelor of Arts degree, *Magna Cum Laude*, in political science from the University of California at San Diego in 1992 as well as a Masters Degree, *with honors*, in 1993. He is a recipient of two Research Scholar awards (1991 and 1992) from the University of California at San Diego. In addition to studying law at Santa Clara University, he participated in the law school's Moot Court Competition and was selected as a member of the Trial Team, which competed in two elite trial competitions during his final year of law school.

Bar Admissions

Mr. Kopczynski is a member of the State Bar of California (1999) and is admitted to practice before the United States District Court for the Northern District of California (1999) and the United States Court of Appeals for the Ninth Circuit (2005). He is also a member of the Bar Association of San Francisco.

Publications

Mr. Kopczynski has published numerous articles regarding legal issues involving community associations, the construction process, class actions, energy deregulation, and community-association management. His most recent articles include *Helping Lambs Slay Lions* (ECHO Journal, October 2010), *The Right to a Jury Trial in Disputes with Developers* (ECHO Journal, January 2009), *What Does it Mean for a Board Member to be a Fiduciary* (ECHO Journal, October 2008), *The Myth of Public Agency Protection in the Building Permit Process* (ECHO Journal, June 1999). All of Mr. Kopczynski's articles can be found on the ROCK website.

RAM, OLSON, CEREHINO & KOPCZYNSKI LLP

J. KIRK BOYD

Kirk Boyd was trained as a trial lawyer at Morrison & Foerster where he was in a six-month trial with James J. Brosnahan. Since then he has handled four jury trials and a number of bench trials in both state and federal courts, including a jury verdict of \$1.4 million in a civil rights case, and a six-month trial defending the Prosecutor for the City and County of Honolulu which resulted in a hung jury. He received his J.D. from the University of California Berkeley in 1985 and is admitted to practice in the U.S. Supreme Court, 9th Circuit and California. He received his L.L.M. in 1996 and a Doctorate of Laws in 2001.

RAM, OLSON, CEREGHINO & KOPCZYNSKI LLP

RAM, OLSON, CEREGHINO & KOPCZYNSKI LLP'S TRIAL EXPERIENCE

Ram, Olson, Cereghino & Kopczynski lawyers have extensive trial experience.

Jeff Cereghino has tried nine jury trials to verdict and an equal number of bench trials. He tried a California class action involving defective shingles in which the jury returned a verdict for his clients, the plaintiffs, and the case later settled with a total settlement to the class of \$68 million. His longest trial was a seven-week bench trial which he represented the plaintiff in a business dispute. His clients prevailed and retained their interest in the company. The majority of his trials have involved complex litigation with multiple parties and frequently over 100 *in limine* motions.

Mike Ram has tried numerous cases, both jury trials and bench trials, including several successful class action trials.

J. Kirk Boyd has tried four jury trial cases to verdict and a number of bench trials.

Karl Olson has tried a number of cases including an eight-week trial in which his client, a homebuilder, successfully obtained a \$7.6 million bad-faith verdict against its insurance carrier and was awarded its attorney's fees. He has also handled a number of arbitrations.