

**Declaration Attachment 21**

GARY E. MASON  
WHITFIELD BRYSON & MASON LLP  
1625 Massachusetts Ave., NW, Ste. 605  
Washington, DC 20036  
Ph.: (202) 429-2290  
Fax: (202) 429-2294

*Counsel for Plaintiff Christopher Dydyk*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

In re APPLE iPhone 4 PRODUCTS LIABILITY LITIGATION	)	Master File No. 5:10-md-02188-RMW
_____	)	<u>CLASS ACTION</u>
This Document Relates To:	)	DECLARATION OF GARY E. MASON
ALL ACTIONS.	)	FILED ON BEHALF OF WHITFIELD
_____	)	BRYSON & MASON LLP IN SUPPORT OF
	)	AN AWARD OF ATTORNEYS' FEES AND
	)	EXPENSES TO NON-LEAD COUNSEL

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

1 I, GARY E. MASON, declare as follows:

2 1. I am a member of the firm of WHITFIELD BRYSON & MASON LLP. 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 38.25. The total  
24 lodestar amount for attorney/paraprofessional time based on the firm's current rates is  
25 \$22,363.75. The hourly rates shown below are the usual and customary rates charged for each  
26 individual. A breakdown of the lodestar is as follows:

27

28 DECLARATION OF GARY E. MASON FILED ON BEHALF OF WHITFIELD BRYSON & MASON  
LLP IN SUPPORT OF AN AWARD OF ATTORNEYS' FEES AND EXPENSES

<i>NAME</i>		<i>HOURS</i>	<i>RATE</i>	<i>LODESTAR</i>
GARY E. MASON	(P)	18.50	\$680	\$12,580.00
DONNA F. SOLEN	(P)	16.50	\$570	\$9,405.00
NICOLAS A. MIGLOACCIO	(P)	.75	\$505	\$378.75
MONICA C. DICOCCO	(PL)	2.5	\$180	\$450.00
	(A)			
<b>TOTAL</b>		<b>38.25</b>		<b>\$22,813.75</b>

(P) Partner

(PL) Paralegal

6. My firm seeks an award of \$963.30 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	\$880.00
Lexis, Westlaw, Online Library Research	\$83.30
Mediation Fees	
<b>TOTAL</b>	<b>\$963.30</b>

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

(a) Filing, Witness and Other Fees: \$880

<i>DATE</i>	<i>VENDOR</i>
\$210	Pro Hac Fee
\$210	Pro Hac Fee
\$460	Filing Fee

(b) Lexis, Westlaw, Online Library Research: \$83.30. This includes both Lexis and Pacer. These databases were used to obtain access to legal research and pleadings. The charges for these vendors vary depending upon the type of services requested.

DECLARATION OF GARY E. MASON FILED ON BEHALF OF WHITFIELD BRYSON & MASON LLP IN SUPPORT OF AN AWARD OF ATTORNEYS' FEES AND EXPENSES





WHITFIELD BRYSON  
& MASON LLP  
ATTORNEYS AT LAW

**FIRM RESUME**

## **FIRM PROFILE**

With offices located in Washington, D.C., Raleigh, N.C., and Madisonville, Kentucky Whitfield Bryson & Mason LLP is dedicated to representing plaintiffs in class actions, mass torts and individual actions in courts throughout the United States. Founded in January 2012, the firm was created by a merger of three firms with decades of experience representing plaintiffs.

For the ten years, Mason LLP exclusively represented plaintiffs in class actions and mass torts and obtained settlements totaling more than \$1 billion in a variety of contexts, including consumer fraud, toxic torts, civil rights and antitrust price fixing. Bryson Law was recognized nationally as a leading construction negligence law firm and recovered tens of millions of dollars for homeowners and homeowner associations throughout the United States. For more than 15 years, Whitfield & Cox has represented plaintiffs and recovered tens of millions of dollars for victims of mining accidents, auto and truck accidents, medical malpractice and other negligent conduct throughout the Commonwealth of Kentucky.

## **FIRM RESUME Attorney Profiles**

### **Gary E. Mason Founding and Managing Partner**

Gary is a nationally recognized leader of the class action bar. Focusing on consumer class actions and mass torts, Gary has recovered more than \$1.5 billion in the 22 years he has represented plaintiffs.

With his broad experience, Gary is nationally known for representing consumers in class actions involving a wide range of defective products, including Chinese drywall, fire retardant plywood, polybutylene pipe, high-temperature plastic venting, hardboard siding, pharmaceutical products, consumer electronics and automobiles.

Gary has served in leadership positions in many consumer class actions in State and Federal Courts nationwide as well as in Multi-District Litigation (see Practice Highlights, below).

Gary graduated magna cum laude, Phi Beta Kappa, from Brown University in 1984 and earned his law degree from Duke University Law School. He then clerked for the Honorable Andrew J. Kleinfeld, U.S. District Court Judge, in Anchorage, Alaska.

**John C. Whitfield**  
**Founding Partner**

For nearly 30 years, John has been one of Kentucky's premier trial attorneys. He has represented numerous injured parties in the Paducah, Ohio Valley and Western Kentucky areas. He has concentrated primarily on complex civil litigation cases, and over his career has brought to settlement or judgment over 30 cases in excess of a million dollars each.

John is certified as a civil trial specialist by the National Board of Trial Advocacy\* and has represented individuals in all walks of life against negligent workplace practices, reckless physicians, predatory businesses, and inattentive automobile and truck drivers.

Throughout his career, John has represented scores of patients who have been the victims of medical negligence, obtaining verdicts and settlements in both state and federal courts. He has handled cases for landowners victim to fraudulent mine royalty practices, for homeowners whose homes and business contained defective concrete, and for Kentucky residents who were overcharged for premium insurance taxes. In addition, John's trial experience extends to the defense of individuals in criminal cases.

John is a frequent lecturer of litigation subjects with the Kentucky Justice Association and American Association for Justice, and has been recognized as a Kentucky Super Lawyer. He is AV rated by the Martindale-Hubbell rating service.

**Daniel K. Bryson**  
**Founding Partner**

Dan is one of the nation's most respected and experienced attorneys in the areas of construction defects involving mass torts, class actions or individual lawsuits.

For over 20 years, Dan has focused his practice on complex civil litigation, successfully representing thousands of homeowners in a wide variety of defective construction product suits, class actions, and various mass torts and recovering more than \$1.25 billion for his clients in numerous states throughout the country.

Dan frequently collaborates with other attorneys in order to assemble the most effective team possible. He is a frequent lecturer on a variety of defective construction products and consumer mass tort related disputes. Dan has been quoted by a variety of media outlets including the Wall Street Journal, Washington Post, and New York Times. He has been named as a member of the Legal Elite and Super Lawyers in North Carolina on numerous occasions. Dan is the past chair of the NC Bar Association, Construction Law Section.

He has also been involved with a number of AAJ litigation groups and committees through the years and is currently the Co-Chair of the AAJ Chinese Drywall Litigation Group and a member of the Plaintiffs' Steering Committee for the Multi-District Litigation involving Chinese Drywall.



A settlement approaching \$1 billion was recently announced involving one of the primary defendants, Knauf Plasterboard Tianjin. Dan served on the trial team in Federal Court in Louisiana for the first two Chinese Drywall bellwether cases.

Dan was recently assigned to the Science Committee of the DePuy MDL matter "In re: DePuy Orthopaedics, Inc., ASR Hip Implant Products Liability Litigation."

**Donna F. Solen**  
**Founding Partner**

Donna focuses on complex litigation and class actions involving violations of the antitrust, consumer protection, environmental and products liability laws.

Donna served as counsel in many successful consumer and environmental actions including those listed under "Practice highlights" and is currently involved in consumer fraud and products liability cases relating to defective Chinese drywall and in a variety of antitrust cases.

Prior to joining Whitfield Bryson & Mason, Donna was a partner at Mason LLP. Before that, Donna was an attorney with Cohen Milstein Hausfeld & Toll, PLLC, one of the largest plaintiffs' class action law firms in the country.

Donna earned her law degree, with honors, from the University of Florida College of Law; while there, she served as editor-in-chief of the Florida Journal of International Law and won several "best of" honors for articles on international environmental law and on Forum Non Conveniens.

**Nicholas A. Migliaccio**  
**Founding Partner**

Nick represents plaintiffs in a variety of cases including claims for wage and hour violations, civil rights violations, defective products, environmental torts, and unfair and deceptive trade practices.

Nick joined his previous law firm, Mason LLP, as an associate in 2003 and became a partner in 2011. Prior to that, he was an associate at Environmental Protection International in Washington, D.C.

Nick earned his undergraduate degree *cum laude* from the State University of New York at Binghamton, and went on to earn his law degree from Georgetown University Law Center where he served as an editor of the Georgetown International Environmental Law Review. He is admitted to practice in New York; the District of Columbia; the United States Courts of Appeal for the Third, Fourth and Sixth Circuits; the United States District Courts for the Districts of Maryland, the District of Columbia, and the Southern District of New York.

**Scott Harris**  
**Associate**

Scott Harris has been with Whitfield Bryson & Mason since its inception.

Scott's practice is focused on fighting for individuals and homeowners in complex litigation, including construction defect, mass tort, product liability, and wrongful death litigation. Scott has played a key role in securing substantial verdicts and settlements in a variety of cases, including a multi-million dollar verdict in favor of homeowners for a developer's unfair and deceptive advertising and shoddy road construction, a legal malpractice case, and several defective condominium construction cases.

Scott earned his law degree from Wake Forest University School of Law in 2006 and his Bachelor of Arts from Hampden-Sydney College, in 2001. While at Hampden-Sydney College, Scott was Chairman of the Honor Committee and a member of the national leadership honor society, Omicron Delta Kappa.

**Matthew Lee**  
**Associate**

Matt has been with Whitfield Bryson & Mason since its inception. Matt's practice is focused on fighting for individuals and homeowners in complex litigation, including construction defect, mass tort, product liability, and wrongful death cases. Matt has played a key role in securing substantial verdicts and settlements in a variety of cases, including a multi-million dollar verdict in favor of homeowners for a developers' unfair and deceptive advertising and shoddy road construction, a confidential pre-trial settlement on behalf of an individual in a defamation matter, and two substantial wrongful death settlements.

Matt earned his law degree from Wake Forest University School of Law in 2006 and his Bachelor of Arts from The Catholic University of America, *cum laude*, in 2001. While at Wake Forest, Matt was the Zeliff Trial Competition Champion, a member of the AAJ Trial Team that advanced to the regional finals in 2006, the AAJ Student Chapter President, and was selected as a member of the Order of Barristers. Matt is also a recent graduate of Leadership Raleigh 25 with the Greater Raleigh Chamber of Commerce.

**Jason Rathod**  
**Associate**

Jason litigates complex class actions related to consumer protection, worker rights, civil rights and public fee recovery.

His consumer protection practice focuses on defective products. His worker rights practice focuses on the improper denial of minimum wages and overtime pay. His civil rights practice focuses on violations of due process rights. and his public recovery practice focuses on the recovery of taxes and fees for local governments improperly evaded by corporations.

After graduating with honors from Grinnell College, Jason traveled to six countries on a Watson Fellowship, studying the Indian Diaspora. At the Duke University School of Law, he was an articles editor of the Duke Law Journal and did legal work for the Self-Employed Women's Association in Ahmedabad, India. He has also published a law review article and note on racial discrimination.

**Karl Amelchenko**  
**Associate**

Karl joined Whitfield, Bryson and Mason at the firm's inception, representing individuals who have been injured, taken advantage of and marginalized.

Karl's practice is concentrated on complex litigation including mass torts, serious personal injury and wrongful death, professional negligence, construction defects and products liability. He also has experience in medical negligence.

While earning his law degree from Wake Forest University, Karl captained the American Association for Justice Trial Team to the regional finals, and earned the Roger Goldberg Award in Trial Advocacy, which is awarded annually to a Wake Forest School of Law student who shows the highest aptitude and ethics in trial advocacy. Karl earned dual undergraduate degrees in philosophy and political science from the University of North Carolina at Wilmington, focusing in the areas of formal logic and international political economy.

**Monica Bansal**  
**Associate**

Monica joined Whitfield Bryson & Mason in October 2011. She is involved in complex class actions across the firm's areas of practice, including consumer protection, worker rights, and products liability.

Monica graduated from the University of Texas at Austin in 2008 (B.A., with high honors, Psychology) and obtained her law degree from American University Washington College of Law in 2011 (J.D., cum laude). In law school, she interned with the U.S. Department of Justice, Civil Rights Division, interned for the Honorable Magistrate Judge Mary Milloy of the Southern District of Texas, and clerked for a boutique civil litigation firm in Washington, D.C. Monica is admitted to practice in Texas and is supervised by the partners of the firm pending her admission to the D.C. bar.

**Notable Cases**

*In re: TFT-LCD (Flat Panel) Antitrust Litigation*, MDL No. 1827 (N.D. Cal.) (combined settlement totaling nearly \$1.1 billion in suit alleging the illegal formation of an international cartel to restrict competition in the LCD panel market).

*In re: Chinese Manufactured Drywall Products Liability Litigation*, MDL No. 2047, No. 2:09-md-02047 (E.D. La.) (litigation arising out of defective drywall) (appointed Co-Chair, Insurance Committee).

*In re Google Buzz Privacy Litigation*, CV 10-00672 (N.D. Cal.) (court-appointed Interim Lead Class Counsel; \$8.5 million *cy pres* settlement).

*Cordes et al v. IPEX, Inc.*, No. 08-cv-02220-CMA-BNB (D. Col.) (class action arising out of defective brass fittings; court-appointed member of Plaintiffs' Steering Committee).

*Sutton, et al v. The Federal Materials Company, Inc., et al*, No. 07-CI-00007 (Kty. Cir. Ct) (\$10.1 million class settlement for owners of residential and commercial properties constructed with defective concrete).

*Stillman v. Staples, Inc.*, Civil No. 07-849 (D.N.J. 2009) (FLSA collective action, plaintiffs' trial verdict for \$2.5 million; preliminarily approved national settlement for \$42 million).

*In re: Dept. of Veterans Affairs (VA) Data Theft Litig.*, MDL 1796 (D.D.C.) (Co-lead counsel representing veterans whose privacy rights had been compromised by the theft of an external hard drive containing personal information of approximately 26.6 million veterans and their spouses; creation of a \$20 million fund for affected veterans and a *cy pres* award for two non-profit organizations).

*Ersler, et. al v. Toshiba America et. al*, 07-civ- 2304 (D.N.J.) (settlement of claims arising from allegedly defective television lamps)

*Nnadili, et al. v. Chevron U.S.A., Inc*, No. 02-cv-1620 (D.D.C.) (\$6.2 million settlement for owners and residents of 200 properties located above underground plume of petroleum from former Chevron gas station).

*In re General Motors Corp. Speedometer Products Liability Litigation*, MDL 1896 (W.D. Wash.) (national settlement for repairs and reimbursement of repair costs incurred in connection with defective speedometers).

*Penobscot Indian Nation et al v United States Department of Housing and Urban Development*, N. 07-1282 (PLF) (D.D.C. 2008) (represented charitable organization which successfully challenged regulation barring certain kinds of down-payment assistance; Court held that HUD's promulgation of rule violated the Administrative Procedure Act).

*Nichols v. Progressive Direct Insurance Co., et al.*, No. 2:06cv146 (E.D. Ky.) (Class Counsel; class action arising from unlawful taxation of insurance premiums; statewide settlement with Safe Auto Insurance Company and creation of \$2 million Settlement Fund; statewide settlement with Hartford Insurance Company and tax refunds of \$1.75 million ).

*Staton v. IMI South, et al.* (Kentucky Cir. Ct) (class settlement for approximately \$30 million for repair and purchase of houses built with defective concrete).

*Maytag Neptune Washing Machines* (class action settlement for owners of Maytag Neptune washing machines).

*Roberts v. Fleet Bank (R.I.), N.A.*, Civil Action No. 00-6142 (E. D. Pa.) (\$4 million dollar settlement on claims that Fleet changed the interest rate on consumers' credit cards which had been advertised as "fixed.")

*Bruce, et. al. v. County of Rensselaer et. al.*, Case no. 02-CV-0847 (N.D.N.Y.) (class settlement of claims that corrections officers and others employed at the Rensselaer County Jail (NY) engaged in the practice of illegally strip searching all individuals charged with only misdemeanors or minor offenses).

*Baugh v. The Goodyear Tire & Rubber Company* (class settlement of claims that Goodyear sold defective tires that are prone to tread separation when operated at highway speeds; Goodyear agreed to provide a combination of both monetary and non-monetary consideration to the Settlement Class in the form of an Enhanced Warranty Program and Rebate Program).

*Stalcup, et al. v. Thomson, Inc.* (Illinois Cir. Ct.) (class settlement of claims that certain GE, PROSCAN and RCA televisions may have been susceptible to temporary loss of audio when receiving broadcast data packages that were longer than reasonably anticipated or specified).

*Hurkes Harris Design Associates, Inc., et al. v. Fujitsu Computer Products of America, Inc.* (settlement provides \$42.5 million to pay claims of all consumers and other end users who bought certain Fujitsu Desktop 3.5" IDE hard disk drives).

*Lubitz v. Daimler Chrysler Corp.* (national settlement for repairs and reimbursement of repair costs incurred in connection with defective brake system; creation of \$12 million fund; 7th largest judgment or settlement in New Jersey in 2007).

*Turner v. General Electric Company*, No. 2:05-CV-186 (M.D. Fl) (settlement of claims arising from allegedly defective refrigerators).

*Galanti v. Goodyear Tire & Rubber Co.*, No. 03-209 (D.N.J. 2003) (national settlement and creation of \$330 million fund for payment to owners of homes with defective radiant heating systems).

*In re Synthetic Stucco Litigation*, Civ. Action No. 5:96-CV-287-BR(2) (E.D.N.C.) (member of Plaintiffs' Steering Committee; settlements with four EIFS Manufacturers for North Carolina homeowners valued at more than \$50 million).

*In re Synthetic Stucco (EIFS) Products Liability Litigation*, MDL No. 1132 (E.D.N.C.) (represented over 100 individuals homeowners in lawsuits against homebuilders and EIFS manufacturers).

*Posey, et al v Dryvit Systems, Inc.*, Case No. 17,715-IV (Tenn. Cir. Ct) (Co-Lead Counsel; national class action settlement provided cash and repairs to more than 7,000 claimants).

*In re Swanson Creek Oil Spill Litigation*, No. 00-1429 (D. Md.) (Lead Counsel; \$2.25 million settlement of litigation arising from largest oil spill in history of State of Maryland).