

Declaration Attachment 22

1 WILENTZ, GOLDMAN & SPITZER, P.A.
2 90 Woodbridge Center Drive
3 Woodbridge, New Jersey, 07095
4 (732) 636-8000

5 *Counsel for Plaintiff(s) Todd Mayo*

6 UNITED STATES DISTRICT COURT
7 NORTHERN DISTRICT OF CALIFORNIA
8 SAN JOSE DIVISION

9 In re APPLE iPhone 4 PRODUCTS
10 LIABILITY LITIGATION

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

) CLASS ACTION

11 This Document Relates To:

12 ALL ACTIONS.

) DECLARATION OF DANIEL R. LAPINSKI
) FILED ON BEHALF OF WILENTZ,
) GOLDMAN & SPITZER, P.A. IN SUPPORT
) OF AN AWARD OF ATTORNEYS' FEES
) AND EXPENSES TO NON-LEAD
) COUNSEL

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

1 I, DANIEL R. LAPINSKI, declare as follows:

2 1. I am a member of the firm of WILENTZ, GOLDMAN & SPITZER, P.A. 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 TODD MAYO. 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 attorneys who worked on this
10 matter is attached hereto 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 56.4 hours. The
24 total lodestar amount for attorney/paraprofessional time based on the firm's current rates is
25 \$31,417.50. 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

<i>NAME</i>		<i>HOURS</i>	<i>RATE</i>	<i>LODESTAR</i>
Daniel R. Lapinski	(P)	39.9	500.00	19,950.00
Philip A. Tortoreti	(P)	15.3	695.00	10,633.50
Lynne M. Kizis	(P)	1.2	695.00	834.00
	(A)			
	(A)			
TOTAL				\$31,417.50

(P) Partner

(A) Associate

6. My firm seeks an award of \$546.40 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	\$545.37
Photocopies (in-house: ----- copies @ \$0.25 per page)	
Postage & Delivery	
Telephone, Facsimile	1.03
Filing, Witness & Other Fees	
Lexis, Westlaw, Online Library Research	
Mediation Fees	
TOTAL	\$546.40

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

(a) Out-of-town Meals, Hotels and Transportation: \$545.37.

<i>NAME</i>	<i>DATE</i>	<i>DESTINATION</i>	<i>PURPOSE</i>
Daniel Lapinski	9/29/10	Nashville, TN	Travel to/from MDL hearing

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

<i>DATE</i>	<i>VENDOR</i>
	N/A

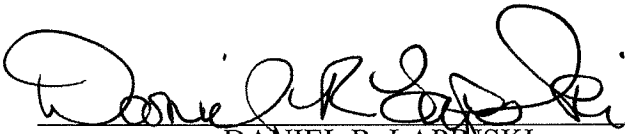
(c) Lexis, Westlaw, Online Library Research: \$0. These included vendors such as Westlaw, and Pacer. These databases were used to obtain access to legal research and

1 cite-checking of briefs. The charges for these vendors vary depending upon the type of services
2 requested.

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

6 9. I submit that the time and expense submission included in this Declaration were
7 incurred in this litigation. I request that the Court award my firm \$ **31,417.50** in attorneys' fees
8 and \$ **546.40** in expenses reimbursement for a total of \$ **31,963.90**.

9 I declare under penalty of perjury under the laws of the State of California that the
10 foregoing is true and correct. Executed this 22nd day of August, 2012, at Woodbridge, NJ.

11
12 
13 _____
14 DANIEL R. LAPINSKI

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Exhibit A

WILENTZ, GOLDMAN & SPITZER, P.A.
CLASS ACTION BIOGRAPHY

WILENTZ, GOLDMAN, & SPITZER, P.A., has a strong reputation in complex litigation and consumer class actions. The Wilentz name has become synonymous with law firm excellence and the commitment to make a difference for the businesses and individuals it serves. The depth and breadth of the capabilities of Wilentz lawyers is noteworthy.

Wilentz and its attorneys have extensive experience in pharmaceutical, health care, complex commercial and consumer class action litigation. Firm attorneys served on the litigation team that negotiated a \$3.75 billion landmark class action settlement on behalf of people claiming injury by the diet drugs Pondimin and Redux, popularly known as “Fen-Phen.” *In re Diet Drugs (Phentermine/Fenfluramine Dexfenfluramine) Products Liability Litigation*, MDL Docket No. 1203. In addition to serving as Co-Lead counsel in *In re Ford Explorer Cases*, a class action on behalf of 500,000 Ford Explorer purchasers and lessees that recently settled after a 50-day bench trial, Wilentz attorneys served on the litigation team that successfully negotiated a \$215 million consumer class action settlement in *Wachtel v. Health Net, Inc.*, Case No. 00-cv-4183 (FSH)(D.N.J.), a case involving the health insurer’s underpayment to health care recipients and providers. Wilentz attorneys have also served as Co-Lead counsel and successfully negotiated a \$141 million consumer class action settlement in *Extensis, Inc. v. Hewlett Packard Company*, and a \$12 million nationwide settlement of *Levine v. McGraw*, a dietary supplement class action against TV personality Dr. Phil McGraw.

Firm attorneys currently represent plaintiffs in class actions alleging underpayment to health care recipients and providers (including representing the American Medical Association, the Medical Society of the State of New York, and the Missouri State Medical Association), arising out of health care insurers’ schemes to under-reimburse for “out-of-network” services, *The American Medical Association v. United Healthcare Corp.*, Master File No. 00 Civ. 2800 (LMM) (S.D.N.Y.); *Cooper v. Aetna Health Inc. PA Corp.*, Case No. 07-cv-3541 (FSH) (D.N.J.). Firm attorneys also serve on the litigation team currently representing labor union health and welfare funds litigating “off-label prescription” claims against one of the country’s largest pharmaceutical manufacturers. *In re Schering-Plough Corp.*

Intron/Temodar Consumer Class Action, MDL Docket No. 1857 (D.N.J.); serve as Co-Lead counsel for a class of nearly 200,000 vehicle owners in a case pending before Judge Ackerman of the District of New Jersey, *In re Ford Motor Company E-350 Van Products Liability Litigation*, MDL Docket No. 1687; and serve as counsel for plaintiffs in consumer class actions currently pending against manufacturers of Snapple iced tea beverages, *Holk v. Snapple Beverage Corporation*, Case No. 07-cv-3018 (D.N.J.); and makers of AriZona Iced Tea, *Coyle v. Hornell Brewing Co.*, Case No. 08-2797 (D.N.J.).

**Wilentz Class Action Attorneys Appearing in
In re Apple iPhone 4 Products Liability Litigation
Case No. 10-md-02188-RMW**

DANIEL R. LAPINSKI – Mr. Lapinski is a graduate of Rutgers University (1990) and a graduate of Seton Hall University School of Law (1999). He is a Shareholder in Wilentz’s Mass Tort/Class Action Group where he concentrates his practice on complex litigation, including class actions alleging violations of consumer protection laws, unfair trade practices, securities fraud, civil RICO litigation, and mass tort litigation representing victims who have been harmed by dangerous pharmaceutical products.

Mr. Lapinski has successfully represented plaintiffs in consumer class actions including *In re Ford Explorer Cases*, JCCP Nos. 4266 & 4270, in which Mr. Lapinski was a member of the Wilentz trial team during a 50-day bench trial; *In re: Michelin North America, Inc., Pax System Marketing and Sales Practices Litigation*, MDL No. 1911, in which Mr. Lapinski was a member of a team of plaintiffs’ counsel who successfully negotiated a nationwide settlement on behalf of Honda vehicle owners; *Alexander, et al v. Solvay Pharmaceuticals, Inc.*, Case No. BC 300364 (Superior Court of California, County of Los Angeles) a California Class action wherein a \$30 million settlement was negotiated on behalf of purchasers of the pharmaceutical, Estratest; *Slaughter v. Unilever United States, Inc.*, Civil Action No. 09-02072 (D.N.J.), which is currently pending final approval of nationwide settlement on behalf of purchasers of Promise Supershots fruit blend products.

Mr. Lapinski has successfully argued federal preemption issues before the United States Court of Appeals for the Third Circuit in *Holk v. Snapple*

Beverage Corp., Case No. 08-3060 (3d Cir.), and has been appointed to and currently serves as Co-Lead Counsel in *In re: DePuy ASR Hip Implant Litig.*, Superior Court of New Jersey, Case No. 293, and as a member of Plaintiffs' Steering Committee in *In re: Heparin Products Liability Litigation*, MDL Docket No. 1953 and *In re: NexGen Knee Implant Prods. Liab. Litig.*, MDL Docket No. 2272.

LYNNE M. KIZIS – Ms. Kizis is a graduate of Lafayette College (1984) and an honors graduate of Seton Hall University School of Law (1987). Ms. Kizis is a Shareholder of Wilentz and co-administers the Mass Tort-Class Action Team. She has practiced in the fields of complex, class action and toxic tort litigation since joining Wilentz in 1989. Ms. Kizis has served as lead or co-lead counsel in a variety of consumer protection class actions and has represented victims of occupational and environmental illness in trial and appellate courts for personal injury, wrongful death, property damage and economic loss due to hazardous substances, including asbestos, lead, and toxic chemicals, as well as dangerous pharmaceutical products and defective consumer products.

In addition to her extensive legal practice, Ms. Kizis has been a frequent author and lecturer for the Association of Trial Lawyers of America–New Jersey (ATLA-NJ), the New Jersey State Bar Association, the Middlesex County Bar Association and the New Jersey Institute of Continuing Legal Education, on a variety of topics including products liability, procedural and evidence issues, causation and other tort issues, consumer fraud and class action law, and issues of women in the law. She has served on the Board of Governors of ATLA-NJ since 1998. She serves on the Class Action Committee of the New Jersey State Bar Association. She is on the Executive Committee and Womens' Initiative of the National Association of Shareholder and Consumer Attorneys (NASCAT). She previously served as a Trustee, Treasurer and Secretary of the Middlesex County Bar Association and chaired its Women Lawyers' Section. Since 1996, Ms. Kizis has served as a Peer Educator for the New Jersey Supreme Court Committee on the Status of Women in the Courts. She has served continually on the Superior Court of New Jersey Middlesex County Asbestos Advisory Council since 1996 and on its Mass Tort Electronic Filing Committee since 1997. During 1997-1998, she served on the Mass Tort Advisory Committee to the New Jersey Supreme Court. She is a barrister of the Joseph Halpern-David Furman American Inn of Court. She provided volunteer legal services following the September 11, 2001, attack

on the World Trade Center as part of “Trial Lawyers Care” one of the largest *pro bono* efforts in U.S. legal history, which Wilentz helped establish.

PHILIP A. TORTORETI – Mr. Tortoreti is an Honors graduate of Rutgers-Camden School of Law (1974). He is Counsel to Wilentz and is admitted to practice in New Jersey, the United States Virgin Islands and the United States District Court for the District of Puerto Rico. Mr. Tortoreti is and has been involved in Toxic Tort litigation for over thirty years, having cut his teeth as one of the attorneys that represented 683 plaintiffs in the first asbestos case in New Jersey in 1976. He has successfully represented thousands of asbestos and other toxic exposure victims over the years resulting in payments to those victims in the hundreds of millions of dollars. Mr. Tortoreti has, during the course of his career, also been involved in many other aspects of representing plaintiffs in personal injury litigation, including, but not limited to, automobile negligence, premises liability, medical negligence and product liability. With respect to product liability litigation, his recent focus has been in the area of pharmaceuticals. Mr. Tortoreti also has extensive involvement as lead or co-lead counsel in consumer class action litigation involving defective products (running the gamut from electronics to cosmetics to beverages), as well as, unfair business practice schemes and claims against insurance carriers for fraudulent practices. Mr. Tortoreti has been a member of the Middlesex County (Superior Court of New Jersey) Asbestos Advisory Counsel since the mid-1990’s. He provided volunteer legal services following the September 11, 2001, attack on the World Trade Center as part of “Trial Lawyers Care”, one of the largest *pro bono* efforts in U.S. legal history.

Finally, Mr. Tortoreti is a member of the New Jersey State Bar Association, the Middlesex County Bar Association, the Middlesex County Trial Lawyers Association, the Virgin Islands Bar Association, the American Association for Justice, and the American Association for Justice – New Jersey; and a participant in the National Association of Shareholder and Consumer Attorneys (NASCAT) through the Wilentz membership in that organization.

Daniel R. Lapinski



Practice Areas: Class Action Litigation
Mass Tort Litigation

Areas of Emphasis: Product Liability
Consumer Protection
Securities Fraud
Consumer Fraud

Bar Admission: New Jersey
New York, First Department
Pennsylvania
Supreme Court of the United States
United States Court of Appeals (First Circuit; Third Circuit; Fourth Circuit;
and Tenth Circuit)
United States District Courts (District of New Jersey; Eastern District of New York;
Southern District of New York; Eastern District of Pennsylvania; and Middle District
of Pennsylvania)

Education: J.D., Seton Hall University School of Law, 1999
B.A., Rutgers University, 1990

Biographical Information: Daniel R. Lapinski is a shareholder with Wilentz, Goldman & Spitzer, P.A. in Woodbridge, New Jersey, and is a member of the firm's Mass Tort Class Action Group. He concentrates his practice on complex litigation, including class actions alleging violations of consumer protection laws, unfair trade practices, wage & hour claims and securities fraud, and mass tort litigation representing victims who have been harmed by dangerous pharmaceutical products and medical devices.

Mr. Lapinski has had significant involvement in complex cases. He has successfully argued federal preemption issues before the United States Court of Appeals for the Third Circuit and has been actively involved in the resolution of noteworthy cases, including: *In re Ford Explorer Cases*, JCCP Nos. 4266 & 4270, a California class action that was settled on behalf of nearly one million vehicle owners residing in California, Connecticut, Illinois and Texas following 50 days of trial in Sacramento, California; *Alexander v. Solvay Pharmaceuticals, Inc.*, Case No. BC300364, a \$30 million settlement on behalf of a class of California purchasers of a pharmaceutical product that was alleged to have been falsely and deceptively advertised; *Slaughter v. Unilever United States, Inc.*, Civil Action No. 09-cv-2027 (D.N.J.), a nationwide settlement on behalf of a class of consumers who purchased Super Shots, a fruit blend product deceptively alleged to help control blood pressure; *In re: Ortho Evra Birth Control Patch Litigation*, a mass tort litigation involving injuries and damages resulting from the use of a transdermal birth control patch; *In re: Propulsid Litigation*, a mass tort litigation involving injuries and damages resulting from the use of a drug prescribed for the treatment of acid reflux; and *In re: Rezulin Litigation*, a mass tort litigation involving injuries and damages resulting from the use of a drug prescribed for the treatment of diabetes.



www.wilentz.com

continued on reverse

New Jersey

Main Office:
90 Woodbridge Center Drive
Suite 900 Box 10
Woodbridge, NJ 07095
Phone: 732.636.8000
Fax: 732.855.6117

Meridian Center I
Two Industrial Way West
Eatontown, NJ 07724
Phone: 732.542.4500
Fax: 732.493.8387

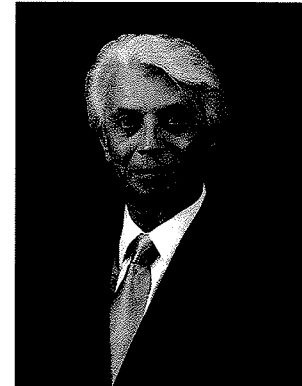
New York

110 William Street
26th Floor
New York, NY 10038
Phone: 212.267.3091
Fax: 212.267.3828

Pennsylvania

Two Penn Center Plaza
Suite 910
Philadelphia, PA 19102
Phone: 215.940.4000
Fax: 215.636.3999

Philip A. Tortoreti



Practice Areas: Consumer Class Actions
Asbestos and Toxic Exposure Litigation
Mesothelioma
Mass Torts
Pharmaceutical Product Liability Cases

Bar Admission: New Jersey, 1975
Virgin Islands, 1991
United States District Court, Puerto Rico, 1991
U.S. Court of Appeals 3rd Circuit, 1981
U.S. Court of Appeals 4th Circuit, 2010
U.S. Court of Appeals 10th Circuit, 2010
United States Supreme Court, 2010

Education: Rutgers, The State University of New Jersey School of Law - Camden, Camden, New Jersey, 1974

Law Review: Rutgers-Camden Law Journal, Managing Editor

Biographical Information: Philip Tortoreti, a shareholder of the firm, is a member of the Bars in New Jersey and the Virgin Islands, and is also a member of the Federal Bar of Puerto Rico. He has been practicing law for over thirty-six years. He was the Managing Editor of the Rutgers-Camden Law Journal, and previously worked at Asch, Suss & Tortoreti; Garruto, Galex, and Cantor; Galex, Tortoreti and Tomes; and Tortoreti, Tomes & Callahan.

He concentrates his practice in the areas of consumer class action, asbestos and toxic exposure litigation, mass torts and pharmaceutical product liability cases. He has represented asbestos disease victims for thirty-five years beginning with the first asbestos cases filed in New Jersey in 1975. Mr. Tortoreti has co-lead counsel in consumer class actions that have generated large settlements for consumers nationwide and is also co-lead counsel in numerous pending class actions. Mr. Tortoreti is currently litigating product liability claims against heparin manufacturers in various states.

Direct Telephone: 732.726.6221
Direct Fax: 732.726.6542
Email: ptortoreti@wilentz.com



WILENTZ, GOLDMAN & SPITZER P.A. www.wilentz.com

New Jersey

Main Office:
90 Woodbridge Center Drive
Suite 900 Box 10
Woodbridge, NJ 07095
Phone: 732.636.8000
Fax: 732.855.6117

Meridian Center I
Two Industrial Way West
Eatontown, NJ 07724
Phone: 732.542.4500
Fax: 732.493.8387

New York

110 William Street
26th Floor
New York, NY 10038
Phone: 212.267.3091
Fax: 212.267.3828

Pennsylvania

Two Penn Center Plaza
Suite 910
Philadelphia, PA 19102
Phone: 215.940.4000
Fax: 215.636.3999



Lynne M. Kizis
email: lkizis@wilentz.com phone: 732.855.6424 fax: 732.726.6612

Bar Admission:
New Jersey and the United States District Court for the District of New Jersey, 1987
United States Court of Appeals, Third Circuit, 1992

Education:
J.D., Seton Hall University School of Law, *cum laude*, 1987
B.A., Lafayette College, 1984

[Download V-card](#)

Biographical Information:

Lynne M. Kizis is a Shareholder of Wilentz and administers the firm's Mass Tort / Class Action team. She has practiced in the fields of complex, class action and mass tort litigation since joining Wilentz in 1989. Ms. Kizis has represented victims of occupational and environmental illness in trial and appellate courts for personal injury, wrongful death, property damage and economic loss due to hazardous substances including asbestos, lead, and toxic chemicals, as well as dangerous pharmaceutical products, and defective consumer products. She has tried serious cases to verdict, settled numerous \$1 million plus cases, and second-chaired the largest punitive damage verdict against an asbestos company in New Jersey. She has been a leader and advocate for the New Jersey plaintiffs asbestos bar. She has served as lead or co-lead counsel in a variety of class actions.

Ms. Kizis has been distinguished with a Martindale Hubble AV® Preeminent Peer Review Rating, as a New Jersey Super Lawyer for Class Action and Mass Tort, and Best Lawyers in America. She ranked in the 2012 Top 50 Women Lawyers. The Mass Tort/Class Action Team Ms. Kizis co-leads has been distinguished as National and New Jersey Tier 1 US News & World Report Best Law Firms 2010-2011, 2011-2012. The pioneering work of this team has earned clients over 1.5 billion dollars in settlements.

In addition to her extensive legal practice, Ms. Kizis has been a frequent author and lecturer for the New Jersey Association for Justice(NJAJ), formerly Association of Trial Lawyers of America-New Jersey (ATLA-NJ), the New Jersey State Bar Association, the Middlesex County Bar Association and the New Jersey Institute of Continuing Legal Education, on a variety of topics including products liability, procedural and evidence issues, liens, ethics issues, causation and other tort issues, consumer fraud and class action law, and issues of women in the law. She has served on the Board of Governors of NJAJ/ATLA-NJ since 1998 and is an officer; Parliamentarian 2011 – 2012. She serves on the Class Action Committee and Consumer Protection Law Committee as well as the Products Liability and Toxic Tort Section of the New Jersey State Bar Association. She is a Benchler/Barrister Member of the Halpern – Furman Inn of Court since 1994 and serves as its Counsel since 2010. She has served continually on the Superior Court of New Jersey Middlesex County Asbestos Advisory Council since 1996 and on its Mass Tort Electronic Filing Committee since 1997, and previously served on the Mass Tort Advisory Committee to the New Jersey Supreme Court.

Areas of Emphasis:

- Asbestos Litigation
- Products Liability
- Occupational Disease
- Defective Consumer Products
- Defective Drugs & Medical Devices
- Consumer Fraud
- Health Care
- Class Action Litigation

Practice Area(s):

- » [Consumer Fraud](#)
- » [Class Actions](#)
- » [Asbestos & Mesothelioma](#)
- » [Unsafe Products / Product Liability](#)
- » [Healthcare](#)
- » [Mass Tort](#)
- » [Heparin](#)