

Declaration Attachment 4

1 FARMER, JAFFE, WEISSING,
2 EDWARDS, FISTOS & LEHRMAN, P.L.
3 STEVEN R. JAFFE (*Pro Hac Vice*)
4 SETH M. LEHRMAN CBN 178303
5 425 North Andrews Avenue, Suite 2
6 Fort Lauderdale, FL 33301
7 Telephone: 954/524-2820
8 954/524-2822 (fax)

9
10
11 *Counsel for Plaintiff Stacy Milrot*

12
13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN JOSE DIVISION

16 In re APPLE iPHONE 4 PRODUCTS)
17 LIABILITY LITIGATION)

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

CLASS ACTION

18 This Document Relates To:)

19 ALL ACTIONS.)

20 DECLARATION OF SETH LEHRMAN
21 FILED ON BEHALF OF FARMER JAFFE
22 WEISSING IN SUPPORT OF AN AWARD
23 OF ATTORNEYS' FEES AND EXPENSES
24 TO NON-LEAD COUNSEL

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

1 I, SETH LEHRMAN, declare as follows:

2 1. I am a member of the firm of Farmer, Jaffe, Weissing, Edwards, Fistos &
3 Lehrman, P.L. ("Farmer Jaffe Weissing"). I am submitting this declaration in support of my
4 firm's application for an award of attorneys' fees and expenses in connection with services
5 rendered in the above-entitled action, pursuant to the Court's order of August 10, 2012.

6 2. The firm is counsel of record for plaintiff Stacy Milrot. 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 31.20. The total
24 lodestar amount for attorney/paraprofessional time based on the firm's current rates is \$14,850.
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:

<i>NAME</i>		<i>HOURS</i>	<i>RATE</i>	<i>LODESTAR</i>
Steven R. Jaffe	(P)	16.2	\$500	\$8,100
Seth Lehrman	(P)	15.0	\$450	\$6,750
	(A)			
	(A)			
<i>TOTAL</i>		<i>31.20</i>		<i>\$ 14,850</i>

(P) Partner
(A) Associate

6. My firm seeks an award of \$1,380.06 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	0
Photocopies (in-house: 301 copies @ \$0.25 per page)	75.25
Postage & Delivery	0.88
Telephone, Facsimile	0
Filing, Witness & Other Fees	0
Lexis, Westlaw, Online Library Research	53.93
Consulting Expert	1,250.00
<i>TOTAL</i>	<i>\$1,380.06</i>

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

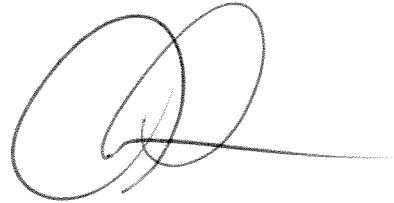
(a) Lexis, Westlaw, Online Library Research: \$53.93. These included vendors such as Westlaw, and Pacer. These databases were used to obtain access to legal research and cite-checking of briefs. The charges for these vendors vary depending upon the type of services requested.

(b) Expert witness: \$1,250. This includes fees paid to consult Phd engineers regarding technical defects alleged in the complaint.

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.

1 9. I submit that the time and expense submission included in this Declaration were
2 incurred in this litigation. I request that the Court award my firm \$14,850 in attorneys' fees and
3 \$1,380.06 in expenses reimbursement for a total of \$16,230.06.

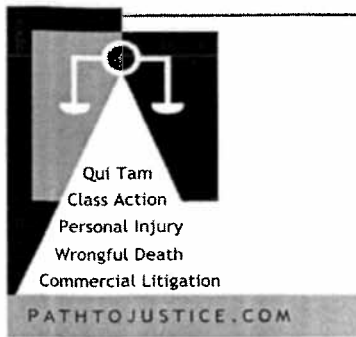
4 I declare under penalty of perjury under the laws of the State of California that the
5 foregoing is true and correct. Executed this 24th day of August, 2012, at Fort Lauderdale,
6 Florida.

7
8 

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Seth M. Lehrman

EXHIBIT “A”



Farmer, Jaffe, Weissing, Edwards, Fistos & Lehrman, P.L.

COMPLEX LITIGATION RESUME

The attorneys of Farmer, Jaffe, Weissing, Edwards, Fistos & Lehrman, P.L., ("FJW") are litigators and trial attorneys, who have significant experience in prosecuting fraud, class actions, and consumer litigation.

Representative Matters:

Ruderman v. Washington Nat. Ins. Co., --- F.R.D. ----, 2010 WL 62871 (SD Fla. 2010)(pending). Co-Lead Counsel; prevailing on a vigorously contested class certification motion recently granted for elderly long term care insurance policyholders. Case is proceeding to trial. Court rejected defendant's argument that extrinsic evidence was admissible to dispel a patent ambiguity in an insurance policy. Rule 23(f) petition filed.

Fresco et al., v. Auto Data Direct, et al., Case No. 07-cv-60695-JEM (SD FL.)—Nationwide injunctive class settlement composed of over 200 million Americans whose personal information was allegedly brokered in violation of federal privacy laws. The settlement requires companies to implement extensive programs and policies to protect consumers' privacy, and to stop alleged misuse of their personal information.

Pro v. Hertz Equipment Rental Co. Case No. 06-CV-3830 (DNJ)(pending). Class certification granted for nationwide class of renters; Rule 23(f) petition rejected; case proceeding to trial.

Thomas J. Dolan v. Hewlett-Packard Company, Case No. 51-2002-CA-001245, in the Circuit Court for Pasco County, Florida, and *Melissa Dukes v. Hewlett-Packard Company*, Case No. CV-2002-270, in the Circuit Court for Phillips County, Arkansas—Winning nationwide class settlement including approximately 5 million class members and relief to the Class valued at over \$144,000,000.

Rios v. Direct Mail Express, Case No. 05-61689 (SD Fl.)—lead counsel; Wining injunctive class settlement prohibiting marketer of trading in personal information unlawfully.

Curry v. Fairbanks Capital Corporation, Case No. 03-10875-DPW (D. Mass.)—Winning \$55 million settlement on behalf of nationwide class of borrowers who were allegedly subject to predatory lending.

Yolanda M. Spund, et al. v. Associates Financial Services Case No. 3D01-2454 (3rd DCA Fla.)—Co-lead counsel; Achieving settlement of class case

consisting of 5000 members and a settlement fund of \$2.5 million.

Hernandez v. GE Capital Consumer Card Co., Case Nos. 00-4828-CIV-SEITZ and 01-23566 (S.D. Fla. and Fla. Cir. Ct.)-lead counsel; Winning \$67 million settlement of national payment posting class action against credit card banks.

Davis v. Bank of America, N.A., Case No. 05-80806 (SD Fl.)--\$6 million class settlement on behalf of persons whose personal information was allegedly taken in violation of the federal Drivers Privacy Protection Act; settlement requires destruction of personal information allegedly obtained unlawfully.

Saltzman, et al., v. Pella Windows, Case No. No.: 06 C 4481 (ND Ill.)(Pending) Prevailing on highly contested class certification motion granted for a multi-state class. Rule 23(f) petition filed.

Collier, et al. v. Fred O. Dickinson, et al., Case No. 04-21351-CIV (SD Fl.)-Class settlement valued at \$10-18 million for a class of drivers whose personal information was allegedly sold to private marketers by the state of Florida.

Pino v. Warranty Acceptance Corp., Case No. 05-61576 (SD Fl.)—Co-lead counsel; Winning class settlement which provided that defendant was permanently enjoined from using certain personal information obtained from a state motor vehicle bureau.

PNR, Inc. v. Beacon Property Management, Inc. 842 So.2d 773 (Fla. 2003)—Landmark case from the Florida

Supreme Court establishing that a single act may violate Florida Deceptive and Unfair Trade Practices Act. FJW counsel appeared as amicus on behalf of the Florida Justice Association.

America Online, Inc. v. Pasioka 870 So.2d 170 (Fla. 1st DCA 2004)—Successful challenge to internet provider's use of a subscriber agreement which required all suits against the company to be brought in a state that didn't allow class actions.

Corder v. Ford Motor Co., Case No. 07-5533 (Court of Appeals, Sixth Circuit)—Winning reversal of a summary Judgment for defendant on deceptive trade practice claim allowing class case to continue.

GTE Communications Corporation (AG Case No. L99-3-1231); *Snyder Communications Inc.*; *Snyder Direct Services, Inc.* (AG Case No. L97-3-1301)-- Companion RICO/Theft matters involving "slamming" of long-distance telephone customers which yielded a \$3.1 million recovery. Consumers received redress and two of the Snyder-related entities agreed to surrender all licenses and cease all business operations in Florida (2001).

Prime Succession, Inc., Prime Succession of Florida, Inc., Fred Hunter Memorial Services, Inc. (AG Case #: L97-3-1214) RICO/Deceptive Trade Practice and Funeral Services statute matter based on Chapter 497, Florida Statutes. Recovery of \$500,000 and agreed-upon extensive additional consumer redress (2000).

Promark Telecommunications, Inc.; One Step Billing, Inc. (AG No. L97-3-1300) Telephone "slamming" matter resulting in a \$1.3 million recovery. Consumers were reimbursed. The target companies surrendered their licenses and ceased operations in Florida (1999).

Mack v. Bristol-Myers Squibb Co. 673 So.2d 100, 101 (Fla. 1st DCA 1996)—Prevailing as amicus for the state of Florida against argument that the indirect purchaser rule applies to claims brought pursuant to the Florida Deceptive and Unfair Trade Practices Act.

Credit Life Corp. (AG #93-400162; 94-1015-CI-07)--First viatical settlement case handled by the Office of the Attorney General and was one of the first of such cases ever litigated in the country. Consumers received restitution and the principal operator was permanently enjoined from ever engaging in the viatical and insurance businesses. The case served as a primary impetus for passage of a Viatical Settlement Act in Florida. FJW attorney was lead counsel.

Appel v Liberty American Insur. Case No. 08-cv-20385 (SD Fl.) - Co-lead counsel in class action which produced \$50 million common fund settlement following two appeals and four years of intense litigation. 8,875 Florida mobile home owners obtained right to claim settlement monies from alleged systematic under payment of hurricane property damage claims.

Margolis v Continental Casualty. Case No. (SD Fl.) - Co-lead counsel in class action challenging insurer's alleged

company wide practice of discriminating against Florida nurse registries which results in the denial of home health claims. Tentative settlement reached which will result in subject denied claims being paid and defendant insurer agreeing to afford coverage for previously denied Florida nurse registry claims. Class is seeking preliminary approval of class action settlement.

Mowatt v Stern, DJSP Ent., et al. Case No. 10-cv-62302 (SD Fl.)--Co-lead counsel in mass layoff class action filed under the Warn Act. Over 700 employees were terminated without the required statutory notice. Court has granted preliminary approval of class action settlement that proposes to provide statutory benefits to class members without a claim process.

FJW attorneys who litigate complex and class actions, include:

Steven R. Jaffe, Esq.

Steven Jaffe is a founding member of FJW. Mr. Jaffe began his career in the State Attorney's office. There he gained a great deal of trial experience. For 25 years, he has tried cases from the Florida Keys to Port St. Lucie. He focuses his practice on exclusively on complex civil jury trial matters.

Mr. Jaffe has handled class action cases that have been certified in federal court and state courts involving fraud, false and deceptive trade practices and violations of the driver privacy protection act. He continues to serve

class clients in cases involving unsafe and hazardous products, unlawful consumer charges and assessments, and other consumer debt and consumer fraud class action cases.

Mr. Jaffe has been rated AV by his professional peers through the Martindale-Hubbell® Peer Review Rating system. Mr. Jaffe has assumed positions of leadership in the Broward County legal community, recently having been named the president of the Broward County Justice Association. He has also been recognized by the American Trial Lawyers Association as one of Florida's Top 100 Trial Lawyers.

Mr. Jaffe is a member of the Broward County Justice Association and 2010 President. He is a member of the Broward County Bar Association Professionalism Committee (1999-present) and is on the Board of Directors of the Stephen Booher Inns of Court (2000-present).

Mr. Jaffe is a member of the Florida Bar, the Colorado Bar, and the U.S. District Court, Southern District of Florida and the Northern District of Illinois. He is also a member of the United States Court of Appeals for the Eleventh Circuit.

Mark S. Fistos, Esq.

Mark S. Fistos is a founding member of FJW. Mr. Fistos concentrates his practice on complex civil litigation, including claims relating breach of contract, unjust enrichment, breach of warranty, fraud, trade practice violations and qui tam litigation. Mr.

Fistos has successfully litigated class action and consumer cases in various state and federal jurisdictions for more than 15 years.

Fueled by a passion for consumer law that began in law school and grew through the years, Mr. Fistos has dedicated his career to protecting consumers against fraud and unfair trade practices. After receiving his Juris Doctor degree from Florida State University, Mr. Fistos began his legal career as an Assistant Attorney General in the Florida Attorney General's Economic Crimes Litigation Unit in Tallahassee. While in that position, he drafted and presented several pieces of consumer legislation, including the major amendments to the Florida Deceptive and Unfair Trade Practices Act in Chapter 93-38, Laws of Florida. He has investigative and prosecuted numerous cases involving consumer fraud, unfair methods of competition, the Racketeer Influenced and Corrupt Organizations (RICO) Act, deceptive trade practices, and whistleblowers, recovering millions of dollars for the state and consumers from large telecommunications companies, marketing enterprises and corporate-owned funeral providers.

As a class action and trade practice lawyer, Mr. Fistos' work has led to large recoveries in state and federal class cases and qui tam cases involving national computer manufacturers, utilities, banks, and data mining companies, among others.

Mr. Fistos has published articles and training materials for the Florida Bar.

Mr. Fistos is a member of the Florida Justice Association. He is a member of the Tallahassee Bar Association and is a Board Member and General Counsel of the Leon County Chapter of CHADD.

Mr. Fistos is also a member of The Florida Bar, the Trial Lawyers Section of the Florida Bar and the U.S. District Courts in the Southern, Middle and Northern Districts of Florida and the Northern District of Illinois. He is also a member of the United States Court of Appeals for the Eleventh Circuit.

Seth Lehrman, Esq.

Mr. Lehrman is a founding member of FJW. He has served as plaintiff's class counsel for more than ten years in consumer class action cases around the country.

Aside from class action cases, Mr. Lehrman has other significant experience with complex civil litigation. He represented thirty-seven individuals who were innocent victims of the largest Ponzi scheme in South Florida.

The Legal Aid Society of Broward County has recognized Mr. Lehrman on several occasions for having performed significant pro bono work.

Mr. Lehrman is a member of the Florida Justice Association and the Broward County Justice Association. Through these affiliations, Mr. Lehrman seeks to protect access to the courts and to promote professionalism in the practice of law.

Mr. Lehrman is a member of the Florida Bar and the California Bar. He is a

member of the U.S. District Court, Southern District of Florida, Middle District of Florida, Northern District of California, and Central District of California. He is also a member of the United States Supreme Court.

**IN RE APPLE IPHONE 4 PRODUCTS LIABILITY LITIGATION
FIRM: FARMER, JAFFE, WEISSING, EDWARDS, FISTOS & LEHRMAN
LODESTAR STATEMENT FROM INCEPTION THROUGH MAY 1, 2012**

<u>Professional</u>	<u>Total Hours</u>	<u>Hourly Rate</u>	<u>Lodestar</u>
<u>Shareholders (Partners):</u>			
Steven R. Jaffe	16.20	\$500.00	\$8,100.00
Seth M. Lehrman	15.00	\$450.00	\$6,750.00
<u>Associates:</u>			
None.			
ATTORNEY TOTAL	31.20		\$14,850.00
<u>Paralegals:</u>			
None.			
TOTAL FEES:	31.20		\$14,850.00
<u>COSTS INCURRED:</u>			
Giorgi a/k/a Goga Bit-Babik (Expert Fee)		625.00	
Antonio Faraone (Expert Fee)		625.00	
Westlaw Research		53.93	
Photocopies (301 pgs @ \$0.25 per pg)		75.25	
Postage		0.88	
TOTAL COSTS			1,380.06
GRAND TOTAL FEES AND COSTS			\$16,230.06