

Declaration Attachment 9

1 KERSHAW, CUTTER & RATINOFF, LLP
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 4 C. Brooks Cutter (State Bar No. 121407)
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 8 John R. Parker, Jr. (State Bar No. 257761)
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9 *Counsel for Plaintiff(s)* Michael James Goodglick,
 10 Karen Young, Joshua Gilson, Brandon Ellison Reininger,
 11 Trevor Antunez, Jessica Lares, Jaywill Sands,
 12 Bryan Colver, Jaclyn Badolato, Nicole
 13 Stankovitz, and Vinny Curbelo

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 _____)
 19 This Document Relates To:)

20 ALL ACTIONS.)

DECLARATION OF C. BROOKS CUTTER
 FILED ON BEHALF OF KERSHAW,
 CUTTER & RATINOFF LLP IN SUPPORT
 OF AN AWARD OF ATTORNEYS' FEES
 AND EXPENSES TO NON-LEAD
 COUNSEL

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

1 I, C. Brooks Cutter, declare as follows:

2 1. I am a member of the firm of Kershaw, Cutter & Ratinoff LLP. I am submitting
3 this declaration in support of my firm's application for an award of attorneys' fees and expenses
4 in 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 plaintiffs Michael James Goodglick, Karen
7 Young, Joshua Gilson, Brandon Ellison Reininger, Trevor Antunez, Jessica Lares, Jaywill Sands,
8 Bryan Colver, Jaclyn Badolato, Nicole Stankovitz, and Vinny Curbelo. Our firm was not
9 appointed lead counsel in this consolidated MDL, but our firm did file the first case in the
10 Northern District of California and engaged in extensive motion practice regarding the
11 coordination and organization of these cases prior to appointment of lead counsel. Neither I nor
12 any member of firm has ever been paid or reimbursed any fees or expenses in this case as of the
13 filing of this document.

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

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

1 5. The total number of hours spent on this litigation by my firm is 234.86 hours.
 2 The total lodestar amount for attorney/paraprofessional time based on the firm's current rates is
 3 \$102,990.50. The hourly rates shown below are the usual and customary rates charged for each
 4 individual. A breakdown of the lodestar is as follows:

<i>NAME</i>		<i>HOURS</i>	<i>RATE</i>	<i>LODESTAR</i>
William A. Kershaw	(P)	47.65	\$750	\$35,737.50
C. Brooks Cutter	(P)	16.30	\$750	\$12,225.00
John R. Parker, Jr.	(A)	96.70	\$500	\$48,350.00
Jennifer Wilkinson	(PL)	74.20	\$90	\$6,678.00
<i>TOTAL</i>		<i>234.86</i>		<i>\$102,990.50</i>

12 (P) Partner
 13 (A) Associate
 (PL) Paralegal

14 6. My firm seeks an award of \$1,084.83 in expenses which were reasonably and
 15 necessarily committed to the prosecution of the litigation. They are broken down as follows:

17 ***EXPENSES***

18 From Inception to May 21, 2012

<i>EXPENSE CATEGORY</i>	<i>TOTAL</i>
Out-of-Town Meals, Hotels & Transportation	\$586.96
Photocopies (in-house: 1,888 copies @ \$0.25 per page)	\$472.00
Postage & Delivery	\$81.63
Telephone, Facsimile	N/A
Filing, Witness & Other Fees	\$463.00
Lexis, Westlaw, Online Library Research	\$325.16
Mediation Fees	N/A
<i>TOTAL</i>	<i>\$1,928.75</i>

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

26 (a) Out-of-town Meals, Hotels and Transportation: \$586.96.

<i>NAME</i>	<i>DATE</i>	<i>DESTINATION</i>	<i>PURPOSE</i>
John R. Parker, Jr.	September 30, 2010	Nashville, Tennessee	Meet with other plaintiff's counsel to discuss, prepare for, and attend hearing before Judicial Panel on Multidistrict Litigation

(b) Filing, Witness and Other Fees: \$1296


<i>DATE</i>	<i>VENDOR</i>
July 12, 2010	One Legal, Inc. (Service of Process)
June 30, 2010	Northern District of California (filing fee)

(c) Lexis, Westlaw, Online Library Research: \$325.16. 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 \$102,990.50 in attorneys' fees and \$1,928.75 in expenses reimbursement for a total of \$104,919.25.

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



 C. Brooks Cutter

EXHIBIT A

Contact Information:

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KERSHAW | CUTTER | & RATINOFF | LLP

C. BROOKS CUTTER

Mr. Cutter is a partner dedicated to representing plaintiffs in personal injury, consumer, products liability, False Claims Act (Qui Tam) and class action matters.

PRIOR PROFESSIONAL EXPERIENCE

- *Law Clerk, Chief Judge James R. Browning, U.S. Court of Appeals for the Ninth Circuit (1985-1986)*
- *Latham & Watkins (1986 – 1990)*
- *Friedman, Collard, Cutter & Panneton (1990 – 2002)*

Representative Cases

- In re: Medtronic Sprint Fidelis Leads Litigation – Member of the Plaintiffs’ Steering Committee and of Claims Committee in medical device case settled for \$268 million.
- Johnson v. CSAA – Co-Lead Counsel in class action against CSAA relating to failure to waive deductible. Resolved by settlement providing complete reimbursement, plus interest to many class members. Settlement valued at over \$80 million.
- In re: Guidant Corp. Implantable Defibrillators Products Liability Litigation – Member of the Plaintiffs’ Steering Committee and designated co-trial counsel for bellwether trials. Settlement for \$245 million reached shortly before trial pending before Judge Frank.
- Vanderpool v. Allstate – Co-lead counsel in statewide class action in Sacramento Superior Court relating to overcharges to auto policyholders. Case resolved by Allstate agreeing to pay full refund plus interest to affected policyholders.
- America Online “SOSA” Litigation: (CD Cal.) Co-lead Counsel in nationally coordinated consumer class actions involving double billing of AOL customers through “spin off sub-accounts” in U.S. D.C. Central District of California. Case resolved through nationwide settlement in conjunction with Illinois state court proceeding.
- Stickles, et al. v. Ford Motor Credit Corporation – Lead Counsel in nationwide class action against Ford Motor Credit Corporation regarding late fees. Resolved on eve of trial with FMCC agreeing to return up to \$80 million to lessees.
- Cornn v. UPS – Filed and assisted with prosecution of wage and hour class action against UPS, which resolved by UPS agreeing to pay over \$87 million to settle the action.
- In re: Vicryl Sutures – Co-Lead Counsel in nationwide case against Johnson & Johnson for contaminated sutures. Tried to a final conclusion in confidential proceeding.
- Ette – Pro Bono representation of family of Sadie Ette before U.S. Victim’s Compensation Fund arising from Ms. Ette’s death at the World Trade Center on September 11, 2001.
- In re: Telectronics – Special Counsel to the Plaintiffs’ Steering Committee – Assisted in prosecution and settlement of a nationwide class settlement on behalf of people implanted with defective Telectronics pacemakers.
- Tyler v. Wickland – Lead counsel in shareholder suit for breach of fiduciary duty against the President and Directors of a local bank.

- In re: Vierra – Co-Class Counsel in matter brought and resolved on behalf of thousands of families affected by mishandling of cremated remains.
- In re: Sulzer – Member of the Plaintiff’s Steering Committee and Co-Chair of the Hip Committee in nationwide class action and settlement in federal court in Ohio on behalf of people implanted with defective Sulzer hip components.

TRIAL EXPERIENCE

Results include: \$7.6 million medical malpractice verdict, Sacramento County Superior Court; \$3 million summary jury verdict federal court, Cincinnati, wrongful death, medical device; multiple verdicts in motor vehicle trials; successful defense of fraud claim. Over 12 jury trials. In binding arbitration or binding confidential proceedings: over \$20 million for group of medical device victims; \$1.2 million in UIM Arbitration for low impact collision victim; several favorable Kaiser arbitration decisions for clients.

SETTLEMENTS

Multiple individual settlements on behalf of injured people. Examples include \$3 million on behalf of farm worker injured by contact with a power line; \$2.5 million for a woman injured by medical negligence; \$3.6 million for quarry worker injured by a defective product.

ACADEMIC BACKGROUND

B.A. U.C. Berkeley 1980

M. Phil. Cambridge University 1982

J.D. Stanford Law School 1985

(Editor in Chief Stanford Journal of International Law, 1984-1985, Author: Territorial Distribution and Patent Licensing in the European Community: Towards a Rule of Reason 20 Stan. J. Int’l Law 503 (1984))

PROFESSIONAL ACTIVITIES, AFFILIATIONS, & ACCOMPLISHMENTS

- Judge Pro Tem, Sacramento County Superior Court; El Dorado County Superior Court
- Past President of Sacramento Consumer Attorneys and past member of Board of Governors Consumer Attorneys of California
- Trial Lawyers College – Faculty Member – 1999 to present
- Stanford Trial Advocacy Program – Faculty 2002 to present
- 2007 Advocate of the Year, Capitol City Trial Lawyers Association
- Finalist, 2005 Consumer Attorney of the Year, Consumer Attorneys of California
- Presidential Award of Merit, 2005, Consumer Attorneys of California
- Martindale-Hubbell AV rated
- American Board of Trial Advocates
- Northern California Super Lawyer, 2005 to present

COMMUNITY SERVICE

- Rotary Club of Sacramento (Past Chair Orthopedic Challenged Children’s Committee; Community Service Committee)
- WIND Youth Services, Board of Directors
- Trustee, Sacramento Country Day School

PERSONAL

Married; three children

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KERSHAW | CUTTER | & RATINOFF | LLP

John R. Parker

PROFESSIONAL EXPERIENCE

Mr. Parker represents plaintiffs in both individual and class actions, in trial and on appeal. He is admitted to state and federal courts in California, and is also a member of the bar in Alabama, Georgia, and South Carolina.

PROFESSIONAL ACTIVITIES & AFFILIATIONS

- Member, Consumer Attorneys of California
- Member, American Bar Association
- Member, American Association for Justice
- Member, Taxpayers Against Fraud

PRIOR PROFESSIONAL EXPERIENCE

- Spotswood Sansom & Sansbury LLC (Birmingham, Alabama) (2004 – 2008)
- Conley, Sacks & Griggs LLP (Atlanta, Georgia) (2003 – 2004)
- Law Clerk to Hon. Joseph F. Anderson, Jr., Chief Judge, U. S. District Court, South Carolina (2002 – 2003)

BAR MEMBERSHIP

- California
- Alabama
- Georgia
- South Carolina

ACADEMIC BACKGROUND

- J.D., Harvard Law School, 2002
- A.B., University of Georgia

FAMILY

Married; one child

CONTACT

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