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11 Attorneys for Plaintiffs
12

13 **UNITED STATES DISTRICT COURT**
14 **NORTHERN DISTRICT OF CALIFORNIA**

15 DUANE WATERS, DEBRA TURNER)
16 and RUDY FAJARDO, on behalf of)
17 themselves, all others similarly situated)
and the general public,)

18 Plaintiffs,)

19 vs.)

20 AT&T SERVICES, INC. (formerly SBC)
Services, Inc.) and DOES 1 through 10;)

21 Defendants.)
22)
23)
24)
25)
26)
27)

Case No: CV 09-3983 BZ

DECLARATION OF TODD M. SCHNEIDER IN SUPPORT OF MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT AND MOTION FOR AWARD OF ATTORNEYS' FEES, COSTS, CLAIMS ADMINISTRATION EXPENSES AND CLASS REPRESENTATIVE ENHANCEMENTS

Date: February 9, 2011
Time: 10:00 a.m.
Courtroom: G

1 I, Todd M. Schneider, declare as follows:

2 1. I am an attorney at law duly licensed to practice in the State of California, including in the
3 Northern District of California. I am a member in good standing of the State Bar of
4 California.

5 2. I submit this Declaration in support of Plaintiffs' Motion for Award of Reasonable
6 Attorneys' Fees and Costs.

7 3. I have personal knowledge of the matters set forth below and, if called to testify, could and
8 would competently testify thereto.

9 **GENERAL BACKGROUND**

10 4. I am a partner in the firm Schneider Wallace Cottrell Brayton Konecky LLP ("Schneider
11 Wallace"). I have been the senior attorney of the firm since its inception in 1993.

12 5. I received my Juris Doctor degree from the University of Denver College of Law in
13 December 1990.

14 6. In June 1992, I was licensed to practice law in California.

15 7. Since that time I have gained considerable experience in the area of class action
16 employment litigation and class action consumer rights litigation.

17 8. I am a member of the America Association For Justice, The National Employment Lawyers'
18 Association, Public Justice, The National Association of Consumer Advocates, and The
19 California Employment Lawyers' Association.

20 9. I serve on the Board of Directors and the Executive Committee of The San Francisco Trial
21 Lawyers Association. I am also a member of the Board of Governors the Consumer
22 Attorneys of California and served as a vice president for the organization.

23 10. I was named 2005 Trial Lawyer of the Year by the San Francisco Trial Lawyers'
24 Association and have been honored as a Super Lawyer in the area of class actions and mass
25 torts by San Francisco Magazine for each year that the list has been published. In 2006 and
26 2010, I was a finalist for the Consumer Attorneys of California's Consumer Attorney of the
27 Year award.

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1 11. I am a published author on the litigation of class action matters and also lecture on the
2 subject of class action lawsuits.

3 12. Schneider Wallace's practice emphasizes class action litigation in state and federal court and
4 is regarded by many as one of the leading private plaintiffs firm in class action matters. A
5 substantial number of our cases are class action wage and hour cases.

6 **PROFESSIONAL EXPERIENCE**

7 13. I have extensive experience in class action litigation. Throughout my career, I have handled
8 a number of complex class action and impact civil rights law suits.

9 14. Schneider Wallace has acted or is acting as class counsel in numerous cases. A partial list of
10 cases which have been certified as class actions includes: *Carlson v. eHarmony* (Case No.
11 BC 371958) (Los Angeles County Superior Court) (certified class action on behalf of gays
12 and lesbians who were denied use of eHarmony); *Salcido v. Cargill* (Case No. 1:07-CV-
13 01347-LJO-GSA and 1:08-CV-00605-LJO-GSA) (Eastern District of California) (final
14 approval of class action settlement for off-the-clock work by production line employees of
15 meat-packing plant); *Elkin v. Six Flags* (Case No. BC342633) (Los Angeles County
16 Superior Court) (final approval of class action for missed meal and rest periods on behalf of
17 hourly workers at Six Flags amusement parks); *Jiminez v. Perot Systems Corp.* (Case No.
18 RG07335321) (Alameda County Superior Court) (final approval of class action settlement
19 for misclassification of hospital clerical workers); *Chau v. CVS RX Services, Inc.* (Case No.
20 BC349224) (Los Angeles County Superior Court) (final approval of class action settlement
21 for failure to pay overtime to CVS pharmacists); *Reed v. CALSTAR* (Case No.
22 RG04155105) (Alameda County Superior Court) (certified class action on behalf of flight
23 nurses); *National Federation of the Blind v. Target* (Case No. C 06-01802 MHP) (Northern
24 District of California) (certified class action on behalf of all legally blind individuals in the
25 United States who have tried to access Target.com); *Bates v. United Parcel Service, Inc.*
26 (2004 WL 2370633) (Northern District of California) (certified national class action on
27 behalf of deaf employees of UPS); *Satchell v. FedEx Express, Inc.* (Case No. 03-02659 SI)
28 (Northern District of California) (certified regional class action alleging widespread

1 discrimination within FedEx); *Siddiqi v. Regents of the University of California* (Case No.
 2 C-99-0790 SI) (northern District of California) (certified class action in favor of deaf
 3 Plaintiffs alleging disability access violations at the University of California); *Lopez v. San*
 4 *Francisco Unified School District* (Case No. C-99-03260 SI) (Northern District of
 5 California) (certified class action in favor of Plaintiffs in class action against school district
 6 for widespread disability access violations); *Campos v. San Francisco State University*
 7 (Case. No. C-97-02326 MCC) (Northern District of California) (certified class action in
 8 favor of disabled Plaintiffs for widespread disability access violations); *Singleton v. Regents*
 9 *of the University of California* (Alameda County Superior Court) (class settlement for
 10 women alleging gender discrimination at Lawrence Livermore National Laboratory);
 11 *McMaster v. BCI Coca-Cola Bottling Co.* (Case No. RG04173735) (Alameda County
 12 Superior Court) (final approval of class action settlement for drive-time required of Coca-
 13 Cola account managers); *Portugal v. Macy's West, Inc.* (Case No. BC324247) (Los Angeles
 14 County Superior Court) (California statewide wage and hour "misclassification" class action
 15 resulting in classwide settlement); *Taormina v. Siebel Systems, Inc.* (Case No. RG05219031)
 16 (Alameda County Superior Court) (final approval of class action settlement for failure for
 17 misclassification of Siebel's inside sales employees); *Joseph v. The Limited, Inc.* (Case No.
 18 CGC 04-437118) (San Francisco County Superior Court) (final approval of class action
 19 settlement for failure to provide meal and rest periods to employees of The Limited stores);
 20 *Rios v. Siemens Corp.* (Case No. C05-04697 PJH) (Northern District of California) (final
 21 approval of class action settlement for failure to pay accrued vacation pay upon end of
 22 employment); *DeSoto v. Sears, Roebuck & Co.* (Case No. RG0309669) (Alameda County
 23 Superior Court) and *Lenahan v. Sears, Roebuck & Co.* (Case No. 3-02-CV000045) (SRC)
 24 (TJB)) (final approval of class action settlement for failure to pay Sears drivers for all hours
 25 worked; among many others.

- 26 15. My legal career has been devoted to advocating for the rights of individuals who have been
 27 subjected to illegal pay policies, discrimination, harassment and retaliation, and representing
 28 employees in wage-and-hour and discrimination class actions, among other areas of

1 practice. I have litigated hundreds of wage-and-hour, employment discrimination, and civil
2 rights actions, and I manage many of the firm's current cases in these areas.

3 **KNOWLEDGE OF REASONABLE HOURLY RATES**

- 4 16. Based on my years of practice and review of fee application in complex litigation, I am
5 familiar with the hourly rates charged by attorneys practicing in complex employment and
6 civil rights litigation.
- 7 17. I supervise my firm's billing practices to ensure compliance and consistency with applicable
8 law and national and local standards.
- 9 18. My own billing rate is \$675.00 per hour (this is my 2011 rate, my 2010 rate was \$650 per
10 hour). This rate was not chosen arbitrarily. Rather, it was selected based on my knowledge
11 of the rates charged by competing law firms in California engaged in comparable class
12 action practice. The firm's hourly clients are always billed at my full rate.

13 **PROFESSIONAL OPINION OF THE RATES SOUGHT IN THIS CASE**

- 14 19. I have been informed that Plaintiffs have achieved a gross settlement result in this case of
15 \$17,000,000. Remarkably, 80% of the class members in this case have submitted claims
16 forms, an impressive result by any measure. Average payment to class members is \$18,450,
17 with some class members receiving over \$30,000.
- 18 20. In my opinion, this recovery is very reasonable, as it confers a substantial benefit on
19 settlement class members.
- 20 21. The recovery is also reasonable in light of the substantial risk Plaintiffs would face had they
21 elected to proceed with this lawsuit. Although Plaintiffs' claims seem to have a great deal of
22 merit, parties in the litigation process always face the risk of an adverse, or partially adverse,
23 result. This is particularly true where, as in this case, Plaintiffs are operating on a contingent
24 fee basis.
- 25 22. I have known Thomas Falvey and J.D. Henderson for several years. I am familiar with their
26 work and their skills. I have worked with them on occasion and know them to be highly
27 skilled and effective lawyers. I believe that the billing rates for Mr. Falvey and Mr.
28 Henderson in connection with the above-captioned case are reasonable and proper. Their

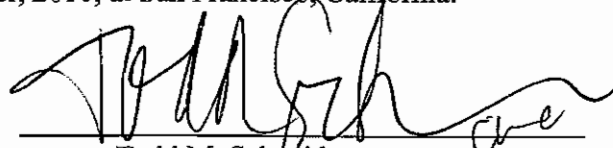
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rates are commensurate with rates prevailing in the Bay Area for attorneys with comparable skills and experience.

23. Although I do not know Messieurs DeSimone, Seplow, and Morrison, I am informed that they have spent a great deal of time and effort attaining this settlement result for Plaintiffs. Given their years in practice and the reasonableness of the settlement result in the above-captioned lawsuit, it is my opinion that the respective billing rates for Messieurs DeSimone, Seplow, and Morrison are reasonable under the circumstances.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 22nd day of December, 2010, at San Francisco, California.



Todd M. Schneider