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6 *Attorneys for the Plaintiffs*

7
8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN MATEO

9 AARON VAN FLEET, PAUL
10 OVBORG, and JAMES LONGFIELD,
individually and on behalf of all others
similarly situated,

11 Plaintiffs,

12 v.

13 TRION WORLDS, INC.,

14 Defendant.

NO. CIV 535304

**DECLARATION OF VENKAT
BALASUBRAMANI IN
SUPPORT OF PLAINTIFFS'
MOTION FOR ATTORNEYS'
FEES, REIMBURSEMENT OF
COSTS, AND SERVICE
AWARDS**

Complaint Filed:
September 8, 2015

CLASS ACTION

Assigned for All Purposes to:
Honorable Marie S. Weiner,
Department 2

DEPT.: 2
DATE: April 17, 2020
TIME: 3:00 p.m.

1 I, Venkat Balasubramani, declare as follows:

2 1. I am a member of Focal PLLC, and co-counsel for Plaintiffs in this
3 action.

4 2. For purposes of a lodestar cross-check, Focal attorneys and staff
5 have dedicated more than 355 hours to prosecuting the case. At the hourly rates
6 we charge for similar cases, Focal has a lodestar of \$199,002. This lodestar does
7 not include duplicative time, hours worked by attorneys and staff who billed
8 minimum time to the case, and administrative time, all of which we deleted after
9 a careful review of contemporaneously maintained time records.

10 3. Focal anticipates it will expend additional hours seeing this case
11 through to final resolution, including briefing final approval and managing the
12 administration of the settlement.

13 4. Our lodestar calculations are based on reasonable hourly rates. We
14 set these rates for attorneys and staff members based on a variety of factors,
15 including among others: the experience, skill and sophistication required for the
16 types of legal services typically performed; the rates customarily charged in the
17 markets where the legal services are typically performed; and the experience,
18 reputation and ability of the attorneys and staff members.

19 5. I am the lead attorney from Focal in this case. I graduated from the
20 University of Denver College of Law in 1998 and concentrate my practice on

1 commercial and intellectual property litigation. I have represented clients in a
2 wide variety of matters, including contract disputes, and disputes involving trade
3 secrets, intellectual property, data aggregation, privacy and free speech. I have
4 been named several times to the annual *Super Lawyers* list in Washington Law &
5 Politics.

6 6. Nathan Webb is a founding partner of Focal PLLC. Nathan
7 graduated from the University of Michigan School of Law in 1998. His practice
8 focuses on technology law and commercial transactions for emerging technology,
9 entertainment and media companies. Nathan has over 20 years of experience in
10 dealing with intellectual property licensing, online privacy, product distribution,
11 mergers and acquisitions, strategic alliance, advertising, join venture, trademark
12 and copyright issues. Nathan works closely with Focal PLLC litigation attorneys
13 on cases involving contract disputes, including disputes related to consumer
14 terms.

15 7. Sean McChesney is a partner of Focal PLLC. Sean graduated from
16 Seattle University School of Law in 2005. He been an attorney at Focal PLLC for
17 over ten years. Sean has litigated disputes involving commercial agreements and
18 intellectual property in state and federal courts in Washington, California,
19 Virginia and other states, and had represented clients in matters before the United
20 States Patent and Trademark Office and private arbitration bodies. Sean works

1 closely with Focal PLLC litigation attorneys on cases involving contract disputes,
2 including disputes related to consumer terms.

3 8. Stacia Lay is a senior attorney at Focal PLLC. Stacia graduated from
4 Rutgers University School of Law in 2000. Her practice focuses on commercial
5 and intellectual property litigation in state and federal courts both at the trial and
6 appellate levels. Stacia also counsels clients on trademark and copyright
7 protection, licensing and public records issues.

8 9. Lachlan Huck is an associate attorney at Focal PLLC. Lachlan
9 graduated from University of Washington School of Law in 2015. Lachlan
10 primary acts as corporate and deal counsel in a wide variety of commercial
11 transactions, with an emphasis on financings, mergers and acquisitions, and
12 corporate governance and formation. A large portion of Lachlan's practice
13 previously involved licensed gambling operations in the state of Washington. He
14 has been involved in every stage of complex transactions, including private equity
15 buyouts; venture capital fund formations; venture capital investments; and real
16 estate acquisitions. He has also represented corporate litigants in civil litigation,
17 including in state securities law, administrative licensing, breach of contract, and
18 partnership disputes.

19 10. Garrett Heilman was formerly an associate attorney at Focal PLLC.
20 Garrett graduated from the University of Washington School of Law in 2014.

1 Garrett has experience litigating commercial disputes involving issues of
2 technology, intellectual property, privacy and free speech.

3 11. The following table identifies the attorneys and staff members from
4 my firm who worked on this case, a general description of the work performed,
5 the hourly rate charged for each individual, the number of hours worked by
6 individual, the amount of fees for each individual, and the total hours and fees for
7 the firm:

Name and position	Description of work performed	Rate	Hours Billed	Total
Attorneys				
Venkat Balasubramani Partner J.D. from University of Denver College of Law, 1998	Investigated potential claims; worked on pleadings, memoranda, and appellate brief; analyzed various legal and factual issues; worked on discovery matters; worked on case strategy; negotiated and worked on the settlement agreement and supporting documents; worked settlement administration issues.	\$700	145.5	\$101,850
Nathan Webb Partner J.D. from Univ. of Michigan School of Law, 1998	Investigated potential claims; worked on pleadings, memoranda, and appellate brief; analyzed various legal and factual issues;	\$700	67.1	\$49,970

Name and position	Description of work performed	Rate	Hours Billed	Total
	worked on discovery matters; worked on case strategy.			
Sean McChesney Associate J.D. from Seattle University School of Law, 2005	Investigated potential claims; worked on pleadings and memoranda; analyzed various legal and factual issues; worked on discovery matters; worked on case strategy.	\$425	52.3	\$22,227
Lachlan Huck Associate J.D. from Univ. of Washington, 2015	Investigated potential claims; analyzed various legal and factual issues; worked on discovery matters.	\$350	31.4	\$10,990
Garret Heilman Former Associate J.D. from University of Washington School of Law, 2014	Analyzed various legal and factual issues; drafted and revised pleadings.	\$350	20.4	\$7,140
Stacia N. Lay Senior Attorney J.D. from Rutgers University School of Law, 2000	Analyzed various legal and factual issues; drafted and revised pleadings.	\$425	12.0	\$5,100
Paralegals/Assistantb				
Misty Elwood Senior Paralegal	Prepared and revised pleadings and discovery documents; filed and served pleadings; researched court rules and procedures; analyzed data	\$175	27.0	\$4,725

Name and position	Description of work performed	Rate	Hours Billed	Total
	produced by defendant and third parties; conducted factual research.			
TOTAL			355.7	\$199,002

12. Since beginning work on this case in September 2016, Focal worked with no guarantee of being compensated for its time and efforts. Payment of Focal’s fees has always been contingent on successfully obtaining relief for the Plaintiffs and class members. As a result, there was a substantial risk of non-payment, particularly in light of the legal challenges involved in litigating this case. Work on this case has necessarily been to the exclusion of work on other matters that likely would have generated fees. Focal has also been denied use of the fees it earned over the course of this case.

13. Focal has also incurred \$2,165.71 in out-of-pocket costs prosecuting this litigation. These costs are customarily charged to and paid by hourly clients. The following chart summarizes the costs my firm has incurred to date in the prosecution of this matter:

Category of expense	Total
Airfare	\$1,552.40
Hotel	\$194.00

Category of expense	Total
Filing Fees	\$365.50
Printing	\$53.81
TOTAL	\$2,165.71

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

Executed in Seattle, Washington this 12th day of February, 2020.

By: /s/ Venkat Balasubramani
 Venkat Balasubramani

1 **PROOF OF SERVICE**

2 I am a citizen of the United States and am employed in King County,
3 Washington. I am over the age of eighteen (18) years and not a party to this
4 action; my business address is 936 North 34th Street, Suite 300, Seattle,
5 Washington, 98103-8869.

6 On February 12, 2020, I served the preceding document by placing a true
7 copy thereof enclosed in a sealed envelope and served in the manner and/or
8 manners described below to each of the parties herein and addressed as on the
9 attached list.

10
11 **BY MAIL:** I caused such envelope(s) to be deposited in the mail at my
12 business address, addressed to the addressee(s) designated. I am
13 readily familiar with Terrell Marshall Law Group PLLC’s practice for
collection and processing of correspondence and pleadings for mailing.
It is deposited with the United States Postal Service on that same day in
the ordinary course of business.

14 **BY HAND DELIVERY:** I caused such envelope(s) to be delivered by hand
15 to the addressee(s) designated.

16 **BY OVERNIGHT COURIER SERVICE:** I caused such envelope(s) to be
delivered via overnight courier service to the addressee(s) designated.

17 **BY FACSIMILE:** I caused said document to be transmitted to the telephone
18 number(s) of the addressee(s) designated.

19 **BY ELECTRONIC MAIL:** I caused said document to be transmitted to the
20 email addresses of the addressee(s) designated.

1 I declare under penalty of perjury under the laws of the State of
2 Washington that the foregoing is true and correct.

3 Executed at Seattle, Washington, on the 12th day of February, 2020.

4 By: /s/ Elizabeth A. Adams, CSB #290029
5 Elizabeth A. Adams, CSB #290029

1 **PROOF OF SERVICE LIST**

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3 Department 2
4 San Mateo County Superior Court
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