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7 *Executive Committee Members for the Proposed Class*

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

In re Carrier IQ, Inc. Consumer Privacy
Litigation

Case No. 3:12-md-2330-EMC

**DECLARATION OF PAUL R. KIESEL IN
SUPPORT OF MOTION FOR
ATTORNEYS' FEES, LITIGATION
COSTS AND INCENTIVE AWARDS**

Date: July 28, 2016
Time: 1:30 p.m.
Ctrm: Courtroom 5, 17th Floor
Judge: Hon. Edward M. Chen

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DECLARATION OF PAUL R. KIESEL, ESQ.

I, Paul R. Kiesel, hereby declare as follows:

1. I am an attorney at law licensed to practice before all Courts of the State of California and the United States District Court for the Northern District of California. I am a partner at the law firm of Kiesel Law LLP and am a member of one of the counsel of record for Plaintiffs herein. The following is based upon my personal knowledge, and if called upon as a witness to testify in this matter, I could and would testify competently thereto.

2. I am one of the attorneys principally responsible for the handling of this matter at Kiesel Law LLP. I have personal knowledge of the matters set forth herein, and if called as a witness, I could and would competently testify to the following:

I. BACKGROUND AND EXPERIENCE OF KIESEL LAW LLP

3. I am a partner at Kiesel Law LLP. The members of the firm and I have been involved in litigating and settling dozens of consumer class action cases in California and elsewhere, both in Federal and State Courts. Kiesel Law LLP has an office in Beverly Hills, California.

4. Attached hereto as Exhibit “A” is a true and correct copy of my firm’s resume which includes information pertaining to the predecessor firms of “Kiesel Boucher Larson LLP” and “Kiesel + Larson LLP”. As set forth in that Exhibit, my firm has a long history of being an advocate for plaintiffs and consumers in class actions, mass actions and individual actions, nationally and state-wide. In that regard, my firm has held lead, liaison or co-lead positions in a variety of actions. In addition, I personally have been appointed class counsel in many cases both in Federal and State Courts in California, New York and New Jersey. Examples of the firm’s experience includes:

- *Clergy Cases I, II, & III*, California JCCPs 4286, 4297, and 4359: Litigated childhood sexual abuse cases against the Los Angeles Archdiocese with the total settlement exceeding \$1.2 billion;
- *Nader v. Capital One Bank (U.S.A.), N.A.* (United States District Court – Central District of California), Case No. 12-CV-01265-DSF; *Stone v. Howard Johnson International, Inc.* (United States District Court – Central District of California), Case No. 12-CV-1684-PSG; *Greenberg v. E-Trade Financial Corporation*, Case No.

1 BC360152 (Los Angeles Superior Court); *Mount v. Wells Fargo Home Mortgage, Inc.*,
2 Case No. BC395959 (Los Angeles Superior Court); *Raymond v. Carsdirect.com*, Case
3 No. BC256282 (Los Angeles Superior Court). Businesses must provide the familiar
4 admonition that telephone calls with consumers “may be recorded for quality
5 assurance and training purposes” in order to comply with California law, which
6 requires the consent of all parties to a telephone conversation before it may be
7 recorded. Failure to comply with this requirement constitutes a serious personal
8 privacy violation for which consumers may recover monetary damages. In these cases,
9 the firm represented classes of California individuals, in both federal and state court,
10 whose calls were recorded without their knowledge or permission. All cases were
11 favorably resolved on classwide bases and the firm was appointed counsel for the
12 classes in each instance;

- 13 • *In re Facebook Internet Tracking Litigation*, Case No. 5:12-md-02314 (N.D. Cal.).
14 The firm serves as Liaison Counsel for Plaintiffs in this proceeding alleging the
15 interception of Facebook users’ internet communications and activity after logging out
16 of Facebook;
- 17 • *In Re: Avandia Marketing, Sales Practices and Product Liability Litigation*, MDL
18 1871. The Plaintiffs’ Steering Committee for this multi-district litigation selected Paul
19 Kiesel to serve as Lead Counsel for the Plaintiffs’ Steering Committee in March 2011.
20 This national litigation involved numerous federal lawsuits brought against defendant
21 GlaxoSmithKline PLC, manufacturer of the onetime “blockbuster” type 2 diabetes
22 drug Avandia, which has been pulled from the shelves in Europe, India, and New
23 Zealand, and which is only available in the United States as a drug of last resort. The
24 firm now represents the County of Santa Clara in a claim for the return of all moneys
25 used to purchase this toxic drug;
- 26 • *Wright Hip System Cases*, California JCCP 4710. In November 2012, the firm was
27 appointed Liaison Counsel in this coordinated proceeding involving injuries arising
28 out of the defective design of metal-on-metal hip implants; and

- 1 • *In Re: Wright Medical Technology, Inc., Conserve Hip Implant Products Liability*
2 *Litigation*, Multidistrict Litigation 2329. In May 2012, the firm was appointed Co-
3 Lead Counsel in this federal coordinated action arising out of injuries sustained as a
4 result of implantation of defective metal-on-metal hip devices.

5 **II. THE FIRM'S INVOLVEMENT IN, AND LODESTAR AND COSTS**

6 5. In July 2012, Kiesel Law LLP was appointed to the Executive Committee by Co-Lead
7 Counsel Hagens Berman and Pearson Simon Warshaw, LLP. As part of the Executive Committee,
8 Kiesel Law LLP was involved in overall strategy and organizational decisions at the outset of the
9 litigation. Further, my firm was actively involved in the research and drafting of the opposition to the
10 Motion to Compel Arbitration and Motion to Dismiss. The firm also had extensive strategic meetings
11 with co-counsel both before and after the filing of the action so as to properly focus the litigation.
12 Those meetings included, but were not limited to, strategic meetings centered around the framing of
13 the issues so as to achieve the best result for the class, strategy relating to the prosecution of the case,
14 and how to handle a potential counsel structure so as to focus the work to be performed and minimize
15 the duplication of such work. After the filing of the action, my firm participated in discovery and
16 general litigation tasks as they were assigned by lead counsel.

17 6. A true and correct summary of the total hours billed on this case and the hourly rates
18 for Kiesel Law LLP's attorneys and non-attorneys through present are attached in a Summary Report
19 as Exhibit "B". The report indicates a total lodestar for the firm of \$197,606.25, reflecting a total of
20 507.76 hours of work. This summary was prepared from contemporaneous time records reflecting the
21 rates of Kiesel Law LLP attorneys at the time the work took place. These rates are the same rates
22 charged to hourly clients in California and elsewhere and based on my experience and practice, I
23 believe the hourly rates charged by Kiesel Law LLP are consistent with the rates charged in the San
24 Francisco legal community for attorneys of similar caliber and experience. Further, my hourly rate has
25 been submitted in fee applications, and ultimately approved, in class cases in this District (*James v.*
26 *UMG Recordings, Inc.*, Case No. 3:11-cv-01613-SI (N.D. Cal.)), the Central District of California
27 (*Stone v. Howard Johnson International, Inc.*, Case No. 12-CV-1684-PSG (C.D. Cal.); *Nader v.*
28 *Capital One Bank (U.S.A.), N.A.*, Case No. 12-CV-01265-DSF (C.D. Cal.)) and most recently was

1 discussed in a California Court of Appeal opinion, albeit unpublished (*Mount v. Wells Fargo Bank,*
2 *N.A.*, 2016 Cal. App. Unpub. LEXIS 969 at *40 (“Here, there was sufficient evidence to support the
3 court’s approval of the hourly rates” which included my hourly rate of \$1,100 per hour).

4 7. All work reported by attorneys on behalf of the Class members in this case was
5 performed on a wholly contingent basis.

6 8. As detailed below and in the Summary Report, Kiesel Law LLP spent time performing
7 the following categories of work:

8 a. Preparation of Complaint: 9.3 hours reviewing and revising the operative
9 Complaints;

10 b. Case Management: 106.06 hours reviewing and responding to emails,
11 reviewing case management orders, discussing strategy with co-counsel; this includes 70.41
12 hours of non-attorney time processing documents;

13 c. Discovery: 29.3 hours Paul Kiesel, Jeffrey Koncius, Glenn Anaiscourt, and
14 Mariana Aroditis review and drafting of discovery;

15 d. Investigation and Research: 3.7 hours Paul Kiesel, Jeffrey Koncius, Mariana
16 Aroditis, and Matt Young conducting legal research and speaking with class representatives;

17 e. Motion to Compel Arbitration: 117.5 hours Paul Kiesel, Jeffrey Koncius,
18 Mariana Aroditis, and Tiffany Howard speaking to class representatives, drafting declarations
19 in support of the Opposition to Motion to Compel Arbitration, reviewing, conducting research
20 and reviewing, revising, and drafting portions of the Opposition to Motion to Compel
21 Arbitration;

22 f. Motion to Dismiss: 220.1 hours Paul Kiesel, Jeffrey Koncius, Mariana Aroditis,
23 Cherisse Cleofe, Joel Gordon, Matt Young and Melanie Palmer reviewing and researching
24 Motion to Dismiss, researching for the Opposition to Motion to Dismiss, drafting and revising
25 portions of the Opposition to Motion to Dismiss;

26 g. Motion to Stay Arbitration Decisions: 0.5 hours Jeffrey Koncius and Mariana
27 Aroditis review of Motion to Stay Arbitration Decisions;

1 h. Work on Appeal: 2.0 hours Jeffrey Koncius, Mariana Aroditis, Cherisse
2 Cleofe, Melanie Palmer reviewing documents and emails pertaining to work on appeal;

3 i. Settlement: 19.3 hours Paul Kiesel, Jeffrey Koncius, Glenn Anaiscourt,
4 Mariana Aroditis, Cherisse Cleofe, reviewing emails and phone conferences regarding
5 settlement; reviewing and compiling declarations and hours for settlement purposes.

6 9. A true and correct summary of the expenses incurred by Kiesel Law LLP during the
7 course of this litigation is attached in a Summary Report as Exhibit "C". The expenses pertaining to
8 this case are reflected in the books and records of my firm. The expense summary was prepared based
9 on expense vouchers, check records, and other documents and are an accurate record of the firm's out
10 of pocket expenses.

11 10. The expense summary indicates a total of \$5,665.20 in expenses by Kiesel Law LLP to
12 date in connection with the prosecution of this litigation. I believe the litigation expenses incurred
13 were reasonable and necessary given the complex nature and scope of the case. Further, those
14 expenses have not been reimbursed to date.

15 11. As should be made clear by the above and attached, my firm not only has experience in
16 litigating complex cases but also has the resources to litigate this case on a classwide basis if a fair
17 settlement had not been negotiated. In that regard, and based on my experience in the related matters
18 as set out above and in the attached, and knowledge of the issues in this case, I believe that the
19 proposed settlement is fair, reasonable and adequate and merits final approval and the requested fees
20 and expenses awarded.

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12. I understand that other law firms will also be submitting time and expenses in this settlement on behalf of the work that their respective law firms performed in these matters. All time and expenses submitted on behalf of Kiesel Law LLP are separate and non-duplicative of any time and expenses submitted by the other law firms.

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

Executed on May 12, 2016 at Beverly Hills, California.



Paul R. Kiesel

EXHIBIT “A”



Kiesel Law

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Kiesel Law LLP is one of the most accomplished consumer law firms in the United States. KL successfully represents classes or groups of persons, individuals, businesses, and public and private entities in courts nationwide in the areas of personal injury, mass torts, pharmaceutical and medical device litigation, privacy, construction and product defects, toxic exposure, consumer protection, professional malpractice, financial fraud, insurance bad faith, and human rights. We possess the sophisticated skills and financial resources necessary to litigate and resolve large, complex cases on our clients' behalf.

KL and its predecessor firms have a long history of extensive litigation in complex matters. KL has litigated and resolved some of the most important civil cases in the nation. Our attorneys possess a diverse range of professional skills and come from a wide variety of backgrounds.

A. CASE PROFILES

1. Mass Torts

Clergy Cases I, II, & III, California JCCPs 4286, 4297, and 4359. In 2002, the state of California passed a law that opened a one-year window of time to file civil suits based on claims of sexual abuse of a minor that would otherwise have been time-barred as of January 1, 2003. That year, in the wake of the very public Clergy sexual abuse scandal involving Boston's Archdiocese, many hundreds of survivors came forward to file civil suits based on these revived claims. These survivors alleged that the Church was liable for the molestations because, among other things, it (1) knew or had reason to know that the priests were molesting minors, and yet failed to supervise the priests to ensure that the priests would not molest again; (2) concealed facts relating to the priests' molestations; and (3) harbored, aided, and concealed the priests to avoid arrest and prosecution.

KL led the fight for justice and accountability in California against numerous corrupt Church entities on behalf of hundreds of these survivors, and was appointed Liaison Counsel on behalf of hundreds more who filed revived claims against the Dioceses of Orange, Los Angeles, San Diego, and Fresno.

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Diocese of Orange

Ninety survivors of Clergy sexual abuse filed lawsuits against the Roman Catholic Diocese of Orange. In December 2004, after nearly two years of intense negotiations, the firm helped to successfully settle all claims against the Roman Catholic Diocese of Orange (“Diocese of Orange”) for \$100 million. One of the key terms of the settlement was a promise that the secret files of the Diocese of Orange would be made public.

Archdiocese of Los Angeles

Five-hundred and eight survivors of clergy sexual abuse filed lawsuits against the Roman Catholic Archbishop of Los Angeles (“Archdiocese of Los Angeles”). KL was appointed Liaison Counsel on behalf of these individuals, all of whom were sexually abused as minors, and many of whom were abused by priests who were incardinated.

Over the course of five years and as a result of hard-fought discovery battles, the mountain of damning evidence in support of the plaintiffs’ claims continued to grow. For example, many of the accused priests had multiple victims because they were moved by their superiors from one parish to another as accusations arose. The documents from priest-perpetrator files revealed that the Church had failed time and again to protect its most innocent and vulnerable parishioners from harm.

In July 2007, on the very eve of the first of more than a dozen scheduled trials, KL reached an agreement with the Roman Catholic Archbishop of Los Angeles (“Archdiocese of Los Angeles”) to settle all cases against it for \$660 million. KL is well-regarded for having successfully negotiated this, the largest settlement with any diocese in the United States. More importantly, KL never faltered in keeping its promise to ensure that the Archdiocese of Los Angeles kept one of the key terms of the settlement: that it make certain of its confidential files public to shed light on exactly what Church officials knew about the abuse accusations, and when they learned about them.

Archdiocese of San Diego

One-hundred and forty-four survivors were sexually abused by Clergy members in the Roman Catholic Diocese of San Diego under lax supervision by the Church. In September 2007, the Diocese agreed to pay nearly \$200 million to these 144 survivors. This is the second-largest settlement by a Roman Catholic diocese nationwide since claims of sexual abuse by clergy members came to light in 2002.



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Chatsworth Metrolink Collision Cases, Lead Case No. PC043703, Los Angeles Superior Court. On the afternoon of Friday, September 12, 2008, Metrolink Train 111 collided head-on with a Union Pacific freight train in the Chatsworth district of Los Angeles, resulting in twenty-four passenger deaths and numerous passenger injuries, many of them serious and permanent.

The family members of deceased passengers and most of the injured passengers filed suit against Metrolink and other defendants to recover through the California judicial system. KL represented passengers and family members in eleven of the cases, and in 2008 Paul Kiesel was selected and appointed Plaintiffs' Liaison Counsel in the coordinated proceedings. Working closely with other members of the Plaintiffs' Steering Committee and with counsel for the defendants, Mr. Kiesel successfully negotiated the recovery of \$200 million for the plaintiffs, the maximum amount that the defendants could be required to pay under federal law.

Federal Express Vehicle Collision Cases, Judicial Council Coordination Proceeding No. 4788, Los Angeles Superior Court. Interim Lead and Liaison Counsel for Plaintiffs. On Thursday, April 10, 2014, a Federal Express truck driver towing two 28 foot-long freight trailers began to make a lane change from the southbound Interstate 5 number two lane into the number one southbound lane. However, the tractor and trailers did not stop and, instead, crossed over the rumble strip on the eastern edge of the southbound lanes, veered into and crashed through and across a 58' center median, crossed over the rumble strip on the western edge of the northbound lanes, entered into the northbound number one lane of I-5 where it struck a Nissan Altima automobile, continued into the number two northbound lane and, four seconds after beginning his original lane change, struck a northbound 2014 Setra bus. The impact was so massive that it forced the tractor trailer and the bus onto the shoulder where they caught fire and burned in an uncontrolled conflagration.

2. Privacy

In re: Pellicano Cases, Lead Case No. BC316318 (Los Angeles Superior Court). Once a high-profile private investigator, Anthony Pellicano is currently serving a lengthy sentence in federal prison for unlawful wiretapping and racketeering. In 2008, KL was appointed Co-Lead Class Counsel in this putative class action case arising from Mr. Pellicano's wiretapping in violation of California Penal Code Sections 630 *et seq.*

Nader v. Capital One Bank (U.S.A.), N.A. (United States District Court – Central District of California), Case No. 12-CV-01265-DSF; ***Stone v. Howard Johnson International, Inc.*** (United States District Court – Central District of California), Case No. 12-CV-1684-PSG; ***Greenberg v. E-Trade Financial Corporation***, Case No.



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BC360152 (Los Angeles Superior Court); *Mount v. Wells Fargo Home Mortgage, Inc.*, Case No. BC395959 (Los Angeles Superior Court); *Raymond v. Carsdirect.com*, Case No. BC256282 (Los Angeles Superior Court). Businesses must provide the familiar admonition that telephone calls with consumers “may be recorded for quality assurance and training purposes” in order to comply with California law, which requires the consent of all parties to a telephone conversation before it may be recorded. Failure to comply with this requirement constitutes a serious personal privacy violation for which consumers may recover monetary damages. In these cases, KL represented classes of California individuals, in both federal and state court, whose calls were recorded without their knowledge or permission.

3. **Construction Defect**

In Re: Galvanized Steel Pipe Litigation, Case No. BC174649 (Los Angeles Superior Court). As Class Counsel, KL prosecuted and settled claims made on behalf of thousands of named plaintiff and class member homeowners against the developer defendants and cross-defendants for defective plumbing in this complex suit involving nineteen separate individual and class action product liability cases. The actions resolved for more than \$41 million.

Silver v. Del Webb, Nevada Case No. A437325. Paul Kiesel and Bill Larson were appointed Lead Counsel in this certified class construction defect suit to recover for the installation of faulty plumbing systems in approximately 3,000 new homes in Las Vegas. KL negotiated a resolution of the case for \$21 million on the day before trial was to begin. At the time, this was the largest construction defect case in Nevada history.

4. **Economic Injury Product Defects**

In Re: Avandia Marketing, Sales Practices and Product Liability Litigation. The Plaintiffs’ Steering Committee for this multi-district litigation selected Paul Kiesel to serve as Lead Counsel for the Plaintiffs’ Steering Committee in March 2011. This national litigation involves numerous federal lawsuits brought against defendant GlaxoSmithKline PLC, manufacturer of the onetime “blockbuster” type 2 diabetes drug Avandia, which has been pulled from the shelves in Europe, India, and New Zealand, and which is only available in the United States as a drug of last resort. KL represents the County of Santa Clara in a claim for the return of all moneys used to purchase this toxic drug.

In re: Rio Hair Naturalizer Products Liability Litigation, MDL 1055 (E.D. MI). In 1995, Paul Kiesel was appointed Co-Lead Counsel in multi-district litigation arising from a defective hair straightening product that injured over 50,000 plaintiffs. The matter resolved successfully as a limited fund, non-opt-out class action.

In re: Packard Bell Consumer Certified Class Action Litigation, Case No. BC125671 (Los Angeles County Superior Court). In 1995, Paul Kiesel was a member of the Plaintiffs' Steering Committee in this consumer class action involving product defect claims, which resolved successfully.

Mikhail v. Toshiba America Inc., Case No. BC278163 (Los Angeles Superior Court); ***Kan v. Toshiba, Inc.***, Case No. BC327273 (Los Angeles Superior Court). KL was appointed Lead Counsel in these class actions brought to recover for the distribution of faulty computers. The cases resolved with class members eligible to receive up to \$36 million (*Kan*) and \$50 million (*Mikhail*).

Anderson v. Toshiba America, Case No. BC299977 (Los Angeles Superior Court). In 2003, KL was counsel for the plaintiffs in a class action alleging product defects, which resolved successfully.

5. **Personal Injury Product Defects**

Wright Hip System Cases, California JCCP 4710. In November, 2012, KL was appointed Liaison Counsel in this coordinated proceeding involving injuries arising out of the defective design of metal-on-metal hip implants.

In Re: Wright Medical Technology, Inc., Conserve Hip Implant Products Liability Litigation, Multidistrict Litigation 2329. In May 2012, KL was appointed Co-Lead Counsel in this federal coordinated action arising out of injuries sustained as a result of implantation of defective metal-on-metal hip devices.

Yaz, Yasmin and Ocella Contraceptive Cases, California JCCP 4608. KL was appointed Co-Liaison Counsel in this litigation arising out of injuries and deaths that occurred following the ingestion of oral contraceptives.

In Re: Toyota Motor Corp. Hybrid Brake Marketing, Sales Practices, and Products, Federal Multidistrict Litigation 2172. KL was appointed Liaison Counsel in this case involving defective automotive brakes.

Serrano v. City of Los Angeles, Case No. BC144230, Los Angeles County Superior Court. Paul Kiesel was appointed Lead Counsel in this multi-fatality product liability litigation which led to an \$8.2 million settlement.

In Re: Diet Drug Litigation, California JCCP 4032. In 2003, KL served as the Plaintiffs' Lead Counsel in this action involving claims arising out of use of the diet drug Phen-Fen, which settled confidentially.

Algaro et al. v. Eli Lilly and Company et al., Lead Case No. BC347855, Los Angeles Superior Court. In 2006, KL was appointed Lead Counsel in this class

action to recover for injuries resulting from ingestion of the medication Zyprexa. The case settled favorably.

In Re: Vioxx Cases, California JCCP 4247. In 2007, KL served on the Plaintiffs' Executive Committee for this California JCCP which involved claims arising out of the use of the drug Vioxx.

6. **Unfair Employment Practices**

In Re: The Securitas Security Services, California JCCP 4460. KL represented the plaintiffs in this class action to recover for violations of California labor laws, which resolved successfully.

7. **Toxic Exposure**

In Re: Unocal Refinery Litigation, Case No. C94-0414. Paul Kiesel served as a member of the Direct Action Steering Committee and as Chair of the Allocation Committee in this case involving the toxic contamination of several communities. Mr. Kiesel developed a methodology and plan of allocation for an \$80 million settlement on behalf of approximately 1,500 plaintiffs.

Zachary, et al. v. Arco, et al., Case No. BC 209944 (Los Angeles County Superior Court). Paul Kiesel was appointed Lead Counsel in this mass toxic tort case resulting from a ruptured oil pipeline. The case resolved successfully.

Tosco Refinery Fire, Lead Case No. NC028924 (Los Angeles Superior Court). KL was appointed Lead Counsel in the Tosco Refinery Fire mass toxic tort litigation, in which thousands of people were affected as a result of an explosion and blaze at the Tosco refinery facility in Wilmington, California. The toxic plume caused by this massive fire affected over three thousand people. The matter settled with all defendants on July 1, 2005.

8. **Consumer Protection**

Pilkington v. U.S. Search.com, Case No. BC234858 (Los Angeles Superior Court). In 2000, Paul Kiesel was appointed Lead Counsel in this matter involving a technically flawed online search facility which purported to provide adoptees and their biological parents with information about one another upon demand.

Black v. Blue Cross of America, Case No. BC250339 (Los Angeles Superior Court). KL was co-counsel in this class action against the largest health care service plan in California for improper mid-year contract modifications. KL prosecuted and settled claims made on behalf of the named plaintiff and class members. Following a finding of liability against the insurer for breach of contract and



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breach of the covenant of good faith and fair dealing, KL successfully reached agreement to settle all claims for \$25 million. The terms of the settlement called for a reimbursement of 100 percent of the actual damages to nearly 66,000 overpaying subscribers.

Draucker Development and True Communication, Inc. v. Yahoo!, Inc., Case No. CV06-2737 JFW (Rcx) (C.D. Cal.). KL was a member of the Plaintiffs' Steering Committee in this matter in which advertisers sought to recover from an online search engine for breach of contract and unfair business practices.

In re Carrier IQ, Inc. Consumer Privacy Litigation, Case No. 3:12-md-2330 (N.D. Cal). KL is a member of the Plaintiffs' Executive Committee in this class action involving alleged interception and manipulation of consumers' personal communications on smart phones.

In re Facebook Internet Tracking Litigation, Case No. 5:12-md-02314 (N.D. Cal.) KL serves as Liaison Counsel for Plaintiffs in this proceeding alleging the interception of Facebook users' internet communications and activity after logging out of Facebook.

9. Antitrust

In re: Wholesale Electricity Antitrust Cases I & II, California JCCP 4204-00005 and 4204-00006. In 2000, Paul Kiesel was a member of the Plaintiffs' Steering Committee in this litigation which the plaintiffs sought to recover damages from energy traders for unfair business practices.

10. Financial Misconduct

In re: Transient Occupancy Tax Cases, California JCCP 4472. In 2004, KL acted as Co-Lead Counsel representing the City of Los Angeles in a class action on behalf of all cities in the state of California to recover unremitted occupancy taxes from certain online travel companies.

American Medical Association, et al. v. Wellpoint, Inc., MDL 09-2074 (C.D. Cal.). In 2009, KL was appointed Co-Lead Counsel in this multi-district litigation in which physicians and physician groups seek to recover payments for treatment that they provided to certain of their medical patients.

Murray v. Belka - "First Pension", California JCCP 3131. KL joined forces with Aguirre & Meyer to take on a corrupt pension plan administrator, one of the nation's largest law firms, and the world's largest accounting firm to achieve settlements in providing full restitution for 340 mostly elderly consumers who had lost their life savings to a Ponzi scheme. In July 2000 after a six month trial, the



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jury found the accounting firm liable for fraud, misrepresentation, aiding and abetting a fraud, and concealment, and issued eighteen findings supporting punitive damages. PWC subsequently settled for a confidential amount which made the investors whole.

In re: Hilton Hotels Corporation Shareholder Litigation, Case No. BC373765 (Los Angeles Superior Court). In 2007, KL was appointed Co-Lead Counsel in this class action in which Hilton shareholders sought to block a proposed merger with the Blackstone Group.

11. Insurance Bad Faith

In re: Northridge Earthquake Litigation, Lead Case No. BC265082 (Los Angeles Superior Court). In 2002, KL served as Plaintiffs' Liaison Counsel in suits against State Farm Insurance, 21st Century Insurance, Farmers Insurance, and the USAA Insurance Company.

B. FIRM BIOGRAPHY

1. Partners

PAUL R. KIESEL, admitted to practice in California, 1985; admitted to practice before the United States Supreme Court; United States District Court, Central District of California; United States District Court, Northern District of California; Southern District of California; United States District Court, Eastern District of California. *Education*. Connecticut College, B.A. 1982; Whittier College School of Law, J.D. 1985, Honorary Doctor of Law 2005. *Awards and Honors*. California Judicial Council 2014 Distinguished Service Award—Stanley Mosk Defender Of Justice Award; 2014 State Bar President's Access to Justice Award; 2014 Daily Journal Top 100 Attorneys in California; Chief Justice Award for Exemplary Service and Leadership, 2012; Named one of the Twelve Techiest Lawyers in America, ABA Journal, 2012; Access to Justice Award Lawyers' Club of San Francisco, 2012. Named one of 500 Leading Lawyers in America, Lawdragon, 2009-2011; AV Peer Review Rated, Martindale-Hubbell; Named one of the one hundred most influential attorneys in California by the California Business Journal; Named one of the top fifty trial lawyers in Los Angeles by the Los Angeles Business Journal. *Publications and Presentations*. Co-author, Matthew Bender Practice Guide: California Pretrial Civil Procedure (treatise); Co-author, Matthew Bender Practice Guide: California Civil Discovery (treatise); frequent presenter for continuing legal education programs; frequent speaker and writer on subjects related to technology in the practice of law. *Member*. California State Bar Association; Appointed by California Supreme Court Chief Justice Ronald George to the California Judicial Council Civil and Small Claims Advisory Committee; Executive Committee, President-Elect, Los Angeles County Bar



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Association; Co-Chair, California Open Courts Coalition; Board of Governors, Association of Business Trial Lawyers, 2001-2005; Emeritus Member of the Board of Governors, Consumer Attorneys of California; Emeritus Member of the Board of Governors, Consumer Attorneys Association of Los Angeles.

HELEN E. ZUKIN, admitted to practice in California, 1985; admitted to practice before the United States Supreme Court; United States District Court, Central District of California; United States District Court, Northern District of California; Southern District of California; United States District Court, Eastern District of California. *Education*: University of California at Santa Cruz, B.A., 1980; Loyola Law School, J.D. 1985. *Employment*. Greene, O'Reilly, Agnew & Broillet, 1985-1990; Simke, Chodos, Silberfeld & Anteau, 1990-95; Special Indoor Air Quality Counsel, Carrier Corporation, Syracuse, New York, 1991-98; Law Offices of Helen E. Zukin, 1995-2007; Kiesel Law, 2007-present. *Member*. Los Angeles County Superior Court Committee on Cost Reduction and Judicial Efficiency in Civil Operations, Member, 2012, Federal Magistrate Judge Merit Selection Panel, 2011-present, Los Angeles County Bar Association Judicial Appointments Committee, Vice-Chair, 2011-present, The Chancery Club, Member, 2011-present, Los Angeles Ethics Commission, President, 2008-2011, Vice President, 2007-2008, Commissioner, 2007-2007, Temporary Judges Program Los Angeles Superior Court, Participant, 2005-present, Commission on Judicial Nominees Evaluation (JNE) of the State Bar of California, Chair, 1998-99, Vice-Chair, 1997-98, Review Committee Chair, 2004-05, Annual Lecturer, 1999-present, Member, 1995-99, 2002-04; Chancery Club, Los Angeles County Bar Association; Executive Committee, Litigation Section, Los Angeles County Bar Association; Board Member Emeritus, Consumer Attorneys Association of Los Angeles; Board of Governors, Consumer Attorneys Association of Los Angeles; Consumer Attorneys of California; American Association for Justice; Women Lawyers Association of Los Angeles. *Awards & Honors*. City of Los Angeles City Council Commendation for Service to the Los Angeles City Ethics Commission; Commendation, Consumer Attorneys Association of Los Angeles, 2002; President's Award for Outstanding Contribution to the Association; Consumer Attorneys Association of Los Angeles, 2000. *Publications*. Editor in Chief, *Indoor Air Pollution Law Report* (1991-94); *How to Identify a Good Toxic Tort Case*, Consumer Attorneys Association of Los Angeles, 1997; Editor, *Indoor Air Quality Handbook for Building Owners and Operators*, Carrier Corporation, March 1997; *Proving Causation in a Toxic Tort Case*, Consumer Attorneys Association of Los Angeles, 1996; *How to Avoid Becoming a Target Defendant in an Indoor Air Quality Case*, American Society of Heating and Refrigerating Engineers Annual Journal, April 1992; *Legal Ramifications of Indoor Air Pollution*, University of Tulsa Environmental Journal, May 1992; *The Use of Experts in an Indoor Air Quality Case*, *Indoor Air Pollution Law Report*, March 1992; *What Is a Sick Building Syndrome Case?*, *The Advocate*, February 1992; *How to Prove a Sick Building Syndrome Case*, *Indoor Air Pollution Law Report*,



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December 1992; *Emerging Issues in Toxic Tort Cases*, Environmental Law Reporter, November 1990. *Presentations*. American Institute of Architecture; American Society of Heating and Refrigerating Engineers; Building Owners & Managers Association; Consumer Attorneys Association of Los Angeles; Continuing Education of the California State Bar; The Rutter Group; Mealey's Legal Publications; University of Tulsa Annual Environmental Symposium. *Community Service*. Los Angeles City Ethics Commission, President, 2008-11, Vice President, 2007-08, Commissioner, 2006-07; Temporary Judges Program, Los Angeles Superior Court, 2005-09; Environmental Protection Agency/Santa Susana Field Laboratory Task Force, 1990-97; Board of Directors, The Buckley School; Board of Trustees, California Historical Society; Chair, Board of Directors, The Brandeis-Bardin Institute.

STEVEN D. ARCHER, admitted to practice in California, 1975; United States Supreme Court, 1980; United States District Court, Central District of California, 1975; United States District Court, Eastern District of California; United States District Court, Southern District of California; United States District Court, Northern District of California; United States District Court, Eastern District of Pennsylvania; United States Court of Appeals, Ninth Circuit; United States Court of Federal Claims. *Education*. University of California at Los Angeles, B.A. in American History, Dean's List, 1970; Loyola Law School, Los Angeles, J.D., Dean's Honor List, 1974. *Employment*. Silber, Benezra & Taslitz, 1973-78; Belli & Choulos / Belli, Sayre, Archer & Sabih, Associate, Partner, 1978-82; Simke, Chodos, Silberfeld & Soll, Inc. / Simke, Chodos, Silberfeld & Anteau, Inc., Associate, Partner, 1982-95; Robins, Kaplan, Miller & Ciresi L.L.P., Partner, 1995-2010; Kiesel Law LLP, Partner, 2010-present. *Awards & Honors*. AV Peer Review Rated, Martindale-Hubbell; Super Lawyer, Law & Politics, 2006-present; Humanitarian Award, American Civil Liberties Union of Southern California, 2008; Advocate of the Year, Public Counsel, 2009; Nominee, Consumer Lawyer of the Year, Consumer Attorneys of California, 2009. *Publications*. *Update: Increased Concern over Mounting Numbers of Reported Deaths and Serious Injuries Prompt the FDA to Order Testing of Medical Devices Containing Heparin*, June 13, 2008; *Consumer Alert: Digitek Heart Failure Medications Recalled - A Serious Risk of Injury or Death to the Patient*, May 21, 2008; *Federal Judge Approves Settlement Over Baxter Infusion Pumps*, July 13, 2006; *Consumer Alert: Bausch & Lomb's Renu with MoistureLoc Soft Contact Lens Solution Recalled*, April 26, 2006; *The Dangers of the "Usual Stipulation" in Deposition Practice*, Los Angeles County Bar Association New Lawyers Manual, Fall 2005; *Consumer Alert: F.D.A. Orders Class 1 Recall of Baxter International's Colleague Volumetric Infusion Pumps*, July 13, 2006; *Consumer Alert: Guidant Ancure Endograft System Abdominal Aortic Stents*, September 2003; *Consumer Alert: St. Gobain Prozyr Zirconia Ceramic Coated Femoral Head Hip Implant Components*, February 2002; *A Practical Guide to Code of Civil Procedure Section 2032 - Taking Control of Defense Medical Examinations*, The Advocate,



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September 2000; *Trying the Soft Tissue Damages Case in California*, The National Business Institute, October 1995 (co-authored); Auto Accident Manual, Los Angeles Trial Lawyers Association, March 1985 (contributing author); *Using Thermograms to Argue Soft Tissue Damages*, Trial Magazine, February 1983. *Presentations*. Using Tort Law to Effect Social Change, Pepperdine University School of Law, November 17, 2009; Getting the Most Out of Discovery: Parts I and II, State Bar of California Continuing Education of the Bar, July 13, 2009, August 3, 2009; Discovery - Planning, Strategy and Dealing with Abusive Discovery Tactics, State Bar of California Continuing Education of the Bar, July 25, 2008; The Art of Advocacy: Tailoring the Message - Storytelling and Framing (moderator), American Association for Justice, July 14, 2008; Mock Mediation: Strategies for Successful Mediation of the Toxic Tort Case, ABA Tort Trial and Insurance Practice Section, April 12, 2008. *Member*. State Bar of California; American Association of Justice; Public Justice; Consumer Attorneys of California, Consumer Attorneys Association of Los Angeles; Los Angeles County Bar Association. *Community Service*. Pending Legislation Sub-Committee, Consumer Attorneys of California; Past Vice-Chair, Member, Client Relations Committee, Los Angeles County Bar Association; Los Angeles County Bar Association Lawyer Referral and Information Service (past member); Dependency Court Tort Committee, Los Angeles Juvenile Court (past member); Advisory Board, Loyola Law School Center for Conflict Resolution; Board of Directors, Public Counsel; Board of Directors, Los Angeles Conservancy (past member); Member Development Committee, Los Angeles Conservancy (past member); Legal Committee, Los Angeles Conservancy (past member); Board of Directors, Mt. Olympus Property Owners' Association (past member); Legal Counsel to the Board of Directors, Mt. Olympus Property Owners' Association.

JEFFREY A. KONCIUS, Admitted to practice in California, 1997; New Jersey, 1995; New York, 1997; admitted to practice before the United States District Court, Central District of California; United States District Court, Southern District of California; United States District Court, Northern District of California; United States District Court, Eastern District of California; United States District Court, District of New Jersey; United States District Court, Eastern District of New York; United States District Court, Southern District of New York; United States Court of Appeals for the Ninth Circuit. *Education*. Johns Hopkins University, B.A., 1989; Benjamin N. Cardozo School of Law, J.D., 1995. *Reported Decisions*. *Spielman v. Ex'pression Center for New Media*, 191 Cal. App. 4th 420 (2010); *Loeffler v. Target Corp.*, 58 Cal. 4th 1081 (2014); *Pioneer Electronics (USA) Inc. v. Superior Court*, 40 Cal. 4th 360 (2007); *Bush v. Cheaptickets, Inc.*, 425 F.3d 683 (9th Cir. 2005); *Morohoshi v. Pacific Home*, 34 Cal. 4th 482 (2004); *Bird, Marella, Boxer & Wolpert v. Superior Court*, 106 Cal. App. 4th 419 (2003). *Awards and Honors*. Supervising Editor, Cardozo Law Review, 1994-95. *Employment*. Cohn Lifland Pearlman Herrmann & Knopf, 1995-97; Law Office of Joseph J.M. Lange, 1997-2000; Lange & Koncius,



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LLP, 2000-11; Kiesel Law LLP, 2011-present. *Member.* Board of Governors, Association of Business Trial Lawyers (Los Angeles); California State Bar Association; New York State Bar Association; New Jersey State Bar Association; American Association for Justice; Consumer Attorneys Association of Los Angeles; Los Angeles County Bar Association; Public Justice Foundation. *Additional.* Past entrepreneur.

2. Associates

MARIANA ARODITIS, admitted to practice in California, 2010; admitted to practice before the United States District Court, Central District of California; United States District Court, Southern District of California; United States District Court, Northern District of California; United States District Court, Eastern District of California; *Education.* Pepperdine University, B.A., 2007; Southwestern Law School, J.D., *cum laude*, 2010; *Awards and Honors.* Paul Wildman Merit Scholarship, 2007-2010; Dean's Merit Scholarship, 2008-2010; Dean's List, 2008-2010; Super Lawyers Rising Star, 2015; *Employment.* Judicial Extern for the Honorable S. James Otero, 2007; Girardi & Keese, 2008-2013. *Member.* Los Angeles County Bar Association, Barristers Section Executive Committee Member, 2012-Present, Barristers Vice President, 2015-16; Consumer Attorneys of California, Board of Governors; Consumer Attorneys Association of Los Angeles. *Community Service.* Junior League of Los Angeles.

CHERISSE HEIDI A. CLEOFE, admitted to practice in California, 2013, U.S. District Court, Central District of California, 2013. *Education.* University of California, San Diego, B.S. in Management Science, 2003, University of San Francisco School of Law, J.D., 2012. *Employment.* Practice Development Coordinator for JAMS, 2012-2013; Frank C. Newman Intern for the University of San Francisco International Human Rights Clinic, 2012; Law Clerk for Law Offices of Waukeen McCoy, 2011; Acción Política y Redes Legal Research Intern for ALBOAN. *Awards and Honors:* University of San Francisco Student Bar Association Award, 2012; Zeif Award Scholarship Recipient, 2011; Blum Fund Scholarship Recipient, 2009. *Member.* State Bar of California, American Bar Association, Los Angeles County Bar Association, Orange County Bar Association, Philippine American Bar Association. *Community Service:* Volunteer Attorney at Legal Aid Society of Orange County, 2013 -2014; Volunteer Attorney at Filipino Migrant Center and the Marian Outreach Center Community Legal Clinic, 2013.

JOEL M. GORDON, admitted to practice in California, 2011, U.S. District Court, Central District of California, 2011. *Education.* Washington University in St. Louis, B.A. in History, 1997; University of Southern California, PhD, 2010; University of Southern California Gould School of Law, J.D., 2011. *Employment.* Extern for the Honorable Gregory Alarcon in the Los Angeles Superior Court, 2009; Law clerk for



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the Federal Trade Commission (specializing in consumer fraud); Intern for the Los Angeles District Attorney's Office in the habeas and appellate divisions, 2011. *Member.* Los Angeles County Bar Association, Beverly Hills Bar Association.

MELANIE MENESES PALMER, admitted to practice in California, 2012, U.S. District Court, Northern District of California, 2012. *Education.* University of San Francisco, B.A. in Psychology, 2009; University of San Francisco School of Law, J.D., 2012. *Experience.* Deputy City Attorney for the City of Los Angeles, 2013-2014; Certified Clerk, Child Advocacy Clinic for the University of San Francisco School of Law, 2011-2012; Certified Clerk, Children's Law Center Los Angeles, 2011; Criminal Defense Extern, Law Office of Jonah Chew, 2010; Juvenile Rights Intern, Legal Aid of Cambodia, 2010. *Awards and Honors:* Grant from the University of San Francisco Public Interest Law Foundation, 2011. *Member.* State Bar of California, American Bar Association, Los Angeles County Bar Association, Philippine American Bar Association, Beverly Hills Bar Association, Consumer Attorneys Association of Los Angeles. *Community Service:* Board Member, Search to Involve Pilipino Americans, 2014; Americorps VISTA, Los Angeles County Community Development Commission, 2009-2010.

MATTHEW A. YOUNG, admitted to practice in California, 2009; United States Court of Appeals, Ninth Circuit, 2009; United States District Court, Central District of California, 2009. *Education.* University of California at Berkeley, B.A. with honors in Economics, 2005; University of Southern California School of Law, J.D., 2009; Southern California Interdisciplinary Law Journal, 2007-2009. *Publications.* *Adapting to Adaptive Reuse: Comments and Concerns About the Impacts of a Growing Phenomenon*, 18 S. Cal. Interdisc. L.J. 703 (2009) (proposals set forth in article subsequently adopted by the City of Los Angeles); *"Personal Injury: survive the changing court environment,"* L.A. Daily Journal, Vol. 126, No. 078 (Apr. 23, 2013). *Member.* State Bar of California; American Bar Association; Los Angeles County Bar Association; Association of Business Trial Lawyers, Young Lawyers Division Advisory Board; Consumer Attorneys of California; Beverly Hills Bar Association; Public Justice Foundation. *Employment.* Los Angeles City Attorney's Office, extern, 2007-2008. *Community Service.* Oakland Asian Students Educational Services.

EXHIBIT “B”

In Re Carrier IQ, Inc. Consumer Privacy Litigation

Firm Name: Kiesel Law LLP

Reporting Period: April 16, 2012 through Present

Categories:

- | | |
|----------------------------------|--|
| (1) Preparation of Complaint | (6) Motion to Dismiss |
| (2) Case Management | (7) Experts |
| (3) Discovery | (8) Motion to Stay Arbitration Decisions |
| (4) Investigation and Research | (9) Work on Appeal |
| (5) Motion to Compel Arbitration | (10) Settlement |

NAME	STATUS	(1)	(2)	(3)	(4)	(5)	(6)	(8)	(9)	(10)	Hours	Hourly Rate	Lodestar
Anascourt, Glenn	A		16.45	11.3						9.4	37.15	\$375.00	\$13,931.25
Aroditis, Mariana	A	0.7	3.1	0.2	0.3	40	63.6	0.4	0.7	4.5	113.5	\$375.00	\$42,562.50
Cleofe, Cherisse	A	3.8	0.6				93.7		0.2	0.4	98.7	\$325.00	\$32,077.50
Gordon, Joel	A						0.6				0.6	\$350.00	\$210.00
Howard, Tiffany	A	1				58.6					59.6	\$350.00	\$20,860.00
Kiesel, Paul	P	3	11	9.8		0.6					24.4	\$890.00	\$21,716.00
Kiesel, Paul	P			0.2	1.9		2.4			0.3	4.8	\$1,100.00	\$5,280.00
Koncius, Jeffrey	P	0.8	4.2	7.8	1.2	18.3	19.9	0.1	0.6	4.7	57.6	\$625.00	\$36,000.00
Palmer, Melanie	A		0.3				37.9		0.5		38.7	\$350.00	\$13,545.00
Young, Matt	A				0.3		2				2.3	\$375.00	\$862.50
ATTORNEY TOTALS		9.3	35.65	29.3	3.7	117.5	220.1	0.5	2	19.3	437.35		\$187,044.75
Arutunyan, Nora	PL		0.7								0.7	\$150.00	\$105.00
Haro, Sandra	PL		0.4								0.4	\$150.00	\$60.00
Mendez, Jessica	PL		42								42	\$150.00	\$6,300.00
Salgueiro, Julissa	PL		27.2								27.2	\$150.00	\$4,080.00
Tanck, Paul	L		0.11								0.11	\$150.00	\$16.50
NON-ATTORNEY TOTALS			70.41								70.41		\$10,561.50
TOTAL HOURS		9.3	106.06	29.3	3.7	117.5	220.1	0.5	2	19.3	507.76		
TOTAL LODESTAR		\$5,017.50	\$30,607.75	\$18,129.50	\$3,065.00	\$47,481.50	\$83,605.00	\$212.50	\$877.50	\$8,610.00			\$197,606.25

EXHIBIT “C”

**KIESEL LAW LLP
COST REPORT
CASE NAME: Carrier IQ
CASE # 11-1075**

	<u>Date</u>	<u>Paid To:</u>	<u>Description</u>	<u>Amount</u>
Cost Fund				
	11/6/2013	Hagens Berman Sobol Shapiro LLP	Contribution to the Shared Cost Litigation Fund	<u>5,000.00</u>
			TOTAL	5,000.00
Postage & Delivery				
	Various	Kiesel Law LLP	Postage Meter	3.20
	8/24/2014	Norco Delivery Service	Delivery - USDC San Francisco	<u>21.84</u>
			TOTAL	25.04
Investigation/Research				
	7/6/2012	PACER Service Center	Court Access - Public Records/Case Information	3.90
	10/24/2012	PACER Service Center	Court Access - Public Records/Case Information	15.00
	1/3/2013	PACER Service Center	Court Access - Public Records/Case Information	1.00
	2/28/2013	LexisNexis	Research - On-Line Research Service	5.63
	6/30/2013	LexisNexis	Research - On-Line Research Service	8.69
	12/31/2013	LexisNexis	Research - On-Line Research Service	5.01
	12/31/2013	LexisNexis	Research - On-Line Research Service	15.78
	1/31/2014	LexisNexis	Research - On-Line Research Service	29.48
	1/31/2014	LexisNexis	Research - On-Line Research Service	6.58
	7/31/2014	LexisNexis	Research - On-Line Research Service	4.79
	7/31/2014	LexisNexis	Research - On-Line Research Service	49.90
	7/31/2014	LexisNexis	Research - On-Line Research Service	7.20
	8/31/2014	LexisNexis	Research - On-Line Research Service	187.06
	8/31/2014	LexisNexis	Research - On-Line Research Service	<u>58.34</u>
			TOTAL	398.36
Xerox, Scans & Faxes				
	Various	Kiesel Law LLP	806 Xerox Copies, Scans & Faxes	<u>241.80</u>
			TOTAL	241.80
			TOTAL COSTS	5,665.20