

Michael F. Ram, SBN 104805
Email: mram@forthepeople.com
Marie N. Appel, SBN 187483
Email: mappel@forthepeople.com
MORGAN & MORGAN COMPLEX LITIGATION GROUP
711 Van Ness Avenue, Suite 500
San Francisco, California 94102
Telephone: (415) 358-6913
Facsimile: (415) 358-6923

[Additional Counsel Appear on Signature Page]

Class Counsel

U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

KAREN SOLBERG, NANCY MORIN, and NARISHA
BONAKDAR, on their own behalf and on behalf
of others similarly situated,

Plaintiffs,

v.

VICTIM SERVICES, INC., d/b/a
CorrectiveSolutions, NATIONAL CORRECTIVE
GROUP, INC., d/b/a CorrectiveSolutions,
AMERICAN JUSTICE SOLUTIONS, INC., d/b/a
CorrectiveSolutions, BIRCH GROVE HOLDINGS,
INC., MATS JONSSON and KARL THOMAS
JONSSON,

Defendants.

NO. 3:14-cv-05266-VC

**DECLARATION OF MICHAEL F. RAM IN
SUPPORT OF PLAINTIFFS' MOTION FOR
ATTORNEYS' FEES, REIMBURSEMENT OF
LITIGATION COSTS, AND SERVICE AWARDS**

Honorable Vince Chhabria

CLASS ACTION

DATE: August 5, 2021
TIME: 2 p.m.
LOCATION: Zoom video conference

I, Michael F. Ram, declare as follows:

1. I am a member of the law firm of Morgan and Morgan Complex Litigation Group, counsel of record for Plaintiffs in this matter. I am admitted to practice before this Court and am a member in good standing of the bar of the state of California. I respectfully submit this declaration in support of Plaintiff's Motion for Attorneys' Fees, Reimbursement of Litigation Costs, and Service Awards. Except as otherwise noted, I have personal knowledge of the facts set forth in this declaration and could testify competently to them if called upon to do so.

2. The tasks undertaken by Morgan and Morgan in this action included: (1) Case Assessment, Development, and Administration (0.5 hours) and (2) Settlement (7.7 hours). As of May 26, 2021, we have billed 8.2 hours, which represents a lodestar of \$6,605.10 incurred, representing the Plaintiffs. Each biller kept contemporaneous, daily time records which are maintained by the firm and are available at the request of the Court.

3. The attorneys and other professionals of our firm who worked on this matter are as follows. A firm resume and more detail about the attorneys is attached as Exhibit A:

- a. **Michael F. Ram** – Counsel, 39 years of trial and appellate experience, \$899 per hour. Mr. Ram is a 1982 graduate of Harvard Law School. He has focused his practice on complex litigation, and since the early 1990's, has particularly focused on plaintiff-side class actions. Mr. Ram is admitted to practice before the Supreme Court of the United States and various state and federal courts.
- b. **Marie N. Appel** – Counsel, 24 years of experience litigating consumer class action cases in both state and federal courts. Ms. Appel is a 1996 graduate of the University of San Francisco School of Law. Her rate is \$899.

- c. **Jennifer Miller** – Ms. Miller has been working as a paralegal since 1994. She has spent time working on this case. Her current rate is \$202.

4. The tasks undertaken by ROCK Law in this action included: (1) Case Assessment, Development, and Administration; (2) Pre-trial Pleadings and Motions; (3) Discovery; (4) Class Certification; (5) Settlement. ROCK Law billed 23.55 hours, which represents a lodestar of \$18,980.00 incurred, representing the Plaintiffs. The hours worked by each attorney are as follows: Michael Ram: 7.30 hours @ \$850/hour, Karl Olson: 13.50 hours @ \$850/hour, and Susan Brown: 2.75 hours @ \$400/hours. Each biller kept contemporaneous, daily time records which are maintained by the firm and are available at the request of the Court.

5. Attorneys and other professionals at ROCK Law, who worked on this matter are Michael F. Ram, referenced above, and as follows. A firm resume and more detail about the attorneys attached as Exhibit B.

- a. **Karl Olson** – Counsel, 39 years of experience litigating consumer class action cases in both state and federal courts. Mr. Olson is a 1982 graduate of the University of California Hastings College of the Law. His rate is \$850.
- b. **Susan S. Brown** - Counsel, with 10 years in practice. Ms. Brown is a graduate of the University of Toronto Law School and has focused on consumer class actions throughout her career. She was admitted to the California Bar in 2012, after practicing law in Ontario, Canada for 3 years. Ms. Brown has also been named a Northern California Super Lawyers Rising Star (2015-2018). Her rate is \$400.

6. The tasks undertaken by Robins Kaplan in this action included: (1) Case Assessment, Development, and Administration (0.3 hours), (2) Pre-Trial Motions and Hearings (4.7 hours); and (3) Class Certification (3.2 hours). Robins Kaplan billed 8.2 hours, which

represents a lodestar of \$4,414.00 incurred, representing the Plaintiffs. Each biller kept contemporaneous, daily time records which are maintained by the firm and are available at the request of the Court.

7. The attorneys and other professionals of our firm who worked on this matter are Michael F. Ram, Marie N. Appel, and Susan S. Brown, whose information has been provided above and in Exhibits A and B, and Ashleigh M. Sullivan:

- a. **Ashleigh Sullivan** – Ms. Sullivan obtained her paralegal certificate from Heald College in 2012 and has been working as a paralegal since 2012. She has spent significant time working on this case. Her current rate is \$245.

8. In this action, Robins Kaplan incurred expenses totaling \$22.76. These expenses were all reasonably and necessarily incurred in the prosecution of the case and have not been marked up. The expenses pertaining to this action are reflected in the books and records of our firm which are available upon the Court's request. These books and records are prepared from expenses, vouchers, check records and other documents, and are an accurate record of the expenses.

9. Similar rates charged by the attorneys and other professionals in prior cases I was involved have been approved by other federal courts including:

- a. *Parsons v. Kimpton Hotel & Restaurant Group, LLC*, U.S.D.C. Northern District of California, No. 3:16-cv-5387-VC, in which Judge Chhabria found on July 11, 2019 that the rate of \$900 an hour was reasonable for Mr. Ram.
- b. *Fowler v. Wells Fargo Bank, N.A.*, U.S.D.C. Northern of District of California No. 4:17-cv-02092-HSG in which Judge Haywood Gilliam last year awarded fees at rates of \$850 an hour for Mr. Ram.

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

EXECUTED at San Francisco, California, this 10th day of June, 2021.

MORGAN & MORAGN
COMPLEX LITIGATION GROUP

By: /s/ Michael F. Ram, SBN 104805
Michael F. Ram, SBN 104805

- Exhibit A -



Morgan & Morgan is a leading civil trial law firm representing consumers and commercial clients nationwide. With over 500 lawyers, and more than 2,000 non-lawyer employees, Morgan & Morgan is the largest plaintiffs' firm in the state of Florida and one of the largest if not the largest in the nation. Morgan & Morgan maintains over 50 offices in multiple states including Alabama, Arkansas, California, Florida, Georgia, Indiana, Illinois, Kentucky, Massachusetts, Michigan, Mississippi, New York, Pennsylvania, and Tennessee. Among its lawyers are a former Cabinet member of President Clinton's administration, a former United States Congressman, a former state attorney general and present and former members of state legislatures.

Morgan & Morgan has a dedicated Complex Litigation Group staffed with lawyers, paralegals, and retired FBI agents serving as investigators committed to representing consumers in complex litigation, MDL proceedings and class action cases throughout the country. It has achieved many remarkable results in class litigation, including the settlement of *In re Black Farmers Discrimination Litigation*, no. 08-0511 (D.C. Oct. 27, 2017), where one of its partners served as co-lead. The case resulted in a settlement with the United States Government in the amount of \$1.2 billion for African American farmers who had been systematically discriminated against on the basis of race, in violation of the Fifth Amendment to the United States Constitution, the Equal Credit Opportunity Act, Title VI of the Civil Rights Act, and the Administrative Procedure Act.

Examples of other recent class cases include automobile defect litigation such as *In re: Volkswagen "Clean Diesel" Marketing, Sales Practices, and Products Liability Litigation*, 3:15-MD-02672 (N.D. Cal.) (alleging misrepresentations regarding performance and low pollution, and cheating on emissions tests); *In Re: ZF-TRW Airbag Control Units Products Liability Litigation*, No. 2:19-ml-2905 (C.D. Cal.) (defective airbags); data breach litigation such as *In re Brinker Data Incident Litigation*, 3:18-cv-00686 (M.D. Fla.) (data breach of Chili's restaurants customers' credit and debit card information stolen by hackers); *In re: Capital One Consumer Data Security Breach Litigation*, No. 1:19-MD-2915 (E.D. Va.) (data breach where millions of customers' financial and identifying information stolen by hacker); and product defect litigation such as *In re: Juul Labs, Inc. Marketing, Sales Practices & Products Liability Litigation*, 3:19-md-2913 (N.D. Cal.) (alleging unfair business practices, fraud, misrepresentation in marketing defective product to minors).

MICHAEL F. RAM

Michael F. Ram is a consumer class action lawyer with 38 years of experience. He graduated cum laude from Harvard Law School in 1982. He has co-tried several class action trials and frequently lectures on class trials. In 1992 he was a co-recipient of the Trial Lawyer of the Year Award given by Trial Lawyers for Public Justice for *National Association of Radiation Survivors v. Walters* No. 83-c-1861 (N.D. Cal.) (tried to class-wide judgment on remand from Supreme Court).

From 1993 through 1997, Mr. Ram was a partner with Lieff, Cabraser, Heimann and Bernstein where he represented plaintiffs in several major class actions, including: *Cox v. Shell*, Civ. No 18,844 (Obion County Chancery Court, Tenn.) national class of six million owners of property with defective polybutylene plumbing systems; *In re Louisiana-Pacific Inner-Seal Litigation*, No. 95-cv-879 (D. Oregon) (co-lead counsel) national class of homeowners with defective siding; *ABS Pipe Litigation*, Cal. Judicial Council Coordination Proceeding No. 3126 (Contra Costa County) national class of homeowners.

In 1997, Mr. Ram founded Levy, Ram & Olson which became Ram & Olson and then Ram, Olson, Cereghino & Kopczynski. He was co-lead counsel in many consumer class actions including a national class of half a million owners of dangerous glass pane gas fireplaces in *Keilholtz et al. v. Superior Fireplace Company*, No. 08-cv-00836 (N.D. Cal. 2008). He was co-lead counsel for plaintiffs in *Chamberlan v. Ford Motor Company*, No. 03-cv-2628 (N.D. Cal.), a class action involving defective intake manifolds that generated four published opinions, including one by the Ninth Circuit, 402 F.3d at 950, and settled one court day before the class trial. He was also co-counsel for plaintiffs in a number of other consumer class actions, including:

- *Falk v GM* 496 F. Supp. 2d 1088 (2007) which became *In re General Motors Corp. Product Liability Lit.* MDL. No. 1896 (W.D. Wash.) involving defective speedometers.
- *Richison v. American Cemwood Corp.*, San Joaquin Superior Court Case No. 005532. multistate class of tens of thousands of owners of homes with defective Cemwood Shakes
- *Williams v. Weyerhaeuser*, San Francisco Superior Court Case No. 995787. National class of hundreds of thousands of owners of homes and other structures with defective Weyerhaeuser hardboard siding.
- *Naef v. Masonite*, Mobile County, Alabama Circuit Court Case No. CV-94-4033. A nationwide class of homeowners with defective hardboard siding on their homes.
- *Hanlon v. Chrysler Corp.*, 150 F.3d 1011 (9th Cir. 1998) (approving class action settlement).

- *McAdams v. Monier, Inc.* (2010) 182 Cal. App. 4th 174 (reversing denial of class certification in consumer class action). Tried to verdict. Prevailed on appeal. Mr. Ram represents a class of consumers who allege that the defendant/manufacturer affirmatively represented that its roof tiles had a 50-year lifetime, that their color was permanent, and that they were maintenance-free. *Id.* In reversing the denial of class certification, the Court of Appeal held that an inference of common reliance was adequate to show causation as to each class member.
- *Gardner v. Stimson Lumber Co.* (King County Wash. No. 2-17633-3-SEA) (nationwide consumer class action involving defective siding).
- *Rosenberg v. U-Haul* (Santa Cruz Superior Ct. No. CV-144045 (certified consumer class action for false and deceptive conduct; tried successfully to judgment)(co-lead counsel).
- *In re Google Buzz User Privacy Litigation*, No. 10-cv-00672-JW (N.D. Cal. 2011) (international class action settlement for false and deceptive conduct) (liaison counsel).
- *Whitaker v. Health Net of California, Inc., and International Business Machines Corp.*, No. 2:11-cv-0910 KJM DAD (E.D. Cal.) (electronic privacy class action under the California Confidentiality of Medical Information Act)
- *Milligan v. Toyota Motor Sales, U.S.A., Inc.*, United States District Court, N.D. Cal. Case No. C09-05418-RS. national class of 235,000 owners of Toyota RAV-4 vehicles for defects in the transmission and electronic control modules
- *In re Kitec Plumbing System Products Liab. Litigation MDL No 2098*, N.D. Texas, No. 09-MD-2098. co-lead counsel for a multi-national MDL class action involving claims concerning defective Kitec plumbing systems in more than 225,000 homes in the United States and Canada.
- *Ehret v. Uber Techs., Inc.*, 148 F. Supp. 3d 884 (N.D. Cal. Judge Chen)

From 2017 to 2020, Mr. Ram was a partner at Robins Kaplan LLP. In August, 2020, Mr. Ram joined Morgan & Morgan to open a San Francisco office for them. He is currently co-lead counsel in numerous consumer class actions, including *Gold v. Lumber Liquidators*, N.D. Cal. No. 14-cv-05373-RS, a certified multistate class action involving bamboo floors, and *Fowler v. Wells Fargo*, N.D. Cal. No. 3:17-cv-02092-HSG, a class action involving interest charges that settled for \$30 million.

Marie Noel Appel

Marie Noel Appel has dedicated her career to representing consumers in both individual and class action cases involving claims under consumer protection laws and other statutory and common law claims. She earned a B.A. in French from San Francisco State University in 1992, and graduated from University of San Francisco School of Law in 1996.

For most of her career, Ms. Appel has been in private practice litigating class claims related to defective products, mortgage fraud/Truth in Lending violations, unfair business practices relating to manufactured home sales, interest overcharges by the United States on military veterans' credit accounts, and statutory violations by the United States relating to offset of debts beyond the limitations period.

From 2012 to 2019, Ms. Appel left private practice to become the Supervising Attorney of the Consumer Project at the Justice & Diversity Center of the Bar Association of San Francisco which provides free legal services to low-income persons facing consumer issues.

In April 2019, Ms. Appel returned to private practice as Counsel at Robins Kaplan, LLP, then joined Morgan & Morgan in August 2020 where she focuses on class action litigation.

In addition to her legal practice, Ms. Appel is an Adjunct Professor at Golden Gate University School of Law in San Francisco where she teaches legal research and writing, and from 2011 to 2018 supervised students at the Consumer Rights Clinic, in which students performed legal work at the Justice & Diversity Center's Consumer Debt Defense and Education Clinics.

Admissions

Ms. Appel is admitted to practice in United States District Courts in the Central District of California; the Eastern District of California; the Northern District of California; and the Southern District of California.

JENNIFER MILLER

Ms. Miller is a Paralegal at Morgan and Morgan Complex Litigation Group. She has been employed as a litigation paralegal since 1994. She served as Vice-president of the Greater Memphis Paralegal Association from 2007 – 2013; and was a member of the Advisory Committee for Paralegal Studies at Southwest College. She has been working with Morgan and Morgan since 2020.

- Exhibit B -

ROCK LAW LLP

ROCK Law LLP, previously Ram, Olson, Cereghino & Kopczynski LLP, is a San Francisco firm with cases and clients across California and the nation. The firm was originally founded in 2011 with partners who had practiced together for decades.

Our class action practice focuses on protecting the ordinary consumer. We have represented homeowners in many national and multi-state class actions, usually involving defective building products. We also represent consumers in data breach, food safety, and employment class actions. The partners' practical experience and excellent reputation among the bench and bar allow the firm to provide high caliber legal services with small firm responsiveness and efficiency. The firm's partners have consistently achieved the highest ratings for legal ability and ethics.

ROCK Law LLP and/or its partners are or have been lead class counsel or class counsel in dozens of national, multi-state and state class actions including:

- Lead class counsel in *Gold v Lumber Liquidators*, N.D. Cal. (defective flooring); *King v National General Insurance Co.*, N.D. Cal. (failure to offer statutory good driver discounts); and *Fox v Nissan North America*, San Francisco County Superior Court (defective power valve screws);
- *Blangeras v. Stimson Lumber Company* (exterior siding), King County Superior Court, Washington;
- *Trinity Properties v. Central Sprinkler Company* (fire sprinklers), E.D. Penn.;
- *The Sutterfield Owners Association v. Tyco International* (fire sprinklers), San Francisco Superior Court, California;
- *Weiner v. Shake Company of California* (roofing tiles), Contra Costa County Superior Court, California;
- *Whitley, et al. v. Perfection Corporations, et al.* (hot water heaters), W.D. Mo.;
- *Sun v. Mexalit, SA* (roofing tiles), Los Angeles County Superior Court, California;
- *Vega v. Mallory* (rent overcharges), Sacramento County Superior Court, California;
- *Shah v. Recon* (roofing tiles), Contra Costa County Superior Court, California;
- *In Re Elevator Litigation* (anti-trust), S.D.N.Y.;
- *McAdams v. Monier Company* (roofing tiles), Placer County Superior Court, California;
- *Ruyack v. Del Webb* (soil and foundations), Maricopa County Superior Court, Arizona;
- *Garner v. State Farm* (underpayment of claim), N.D. Cal.;
- *Ward v. Ipex, Inc.* (water pipes), C.D. Cal.;
- *In re Kitec Plumbing Systems* (water pipes), N.D. Tex.;
- *Shurtleff v. Healthnet* (disclosure of confidential medical information), Sacramento County Superior Court; and *Sutter Medical Information Cases* (disclosure of confidential medical information), Coordinated Proceedings - Sacramento County Superior Court.

KARL OLSON

1
2 I was admitted to the California Bar in December of 1982 after graduating *magna cum*
3 *laude* from University of California's Hastings College of the Law that year. From 1982 to 1983 I
4 was employed by Justice Joseph Grodin as a law clerk and research attorney, respectively, first for
5 the California Court of Appeal (First District) and then for the California Supreme Court when he
6 was elevated to the Supreme Court in December of 1982. From 1983 to 1986 I was an associate at
7 Morrison & Foerster. From 1986 to the end of 1989, I was an associate at Cooper, White &
8 Cooper, and from January 1, 1990 to March 31, 1997, I was a partner at Cooper, White & Cooper.
9 On April 1, 1997, I co-founded Levy, Ram & Olson, which became Ram & Olson on June 1,
10 2009, and Ram, Olson, Cereghino & Kopczynski in February of 2011. In 2017, I joined my
11 current firm as partner. My practice consists of litigation at both the trial and appellate court
12 levels with a concentration on First Amendment and media law, Public Records Act and Freedom
13 of Information Act litigation, as well as class action and commercial litigation.

14 During my legal career, all of which has been spent in San Francisco, I have worked for a
15 large firm (Morrison & Foerster), a mid-sized firm (Cooper, White & Cooper) and for the last 24
16 years at small firms, including my present firm Cannata, O'Toole, Fickes & Olson. I am,
17 therefore, familiar with the hourly rates charged by counsel in San Francisco and throughout
18 California and awarded by state and federal courts for private law firms.

19
20
21
22
23
24
25
26
27
28

SUSAN BROWN

LEGAL SERVICES

[ABOUT](#) [SERVICES FOR THE PUBLIC](#) [SERVICES FOR LAWYERS](#) [CONTACT](#)

ABOUT

I am licensed to practice in California and Ontario, Canada, and I provide advice on the law of both jurisdictions.

My expertise is in complex litigation, including employment, business, fraud, class actions, and cross-border disputes. I represent individuals and businesses as both plaintiffs and as defendants.

My work often focuses on legal writing at the trial court and appellate levels, and I have served as the lead brief writer in complex commercial and consumer cases in federal and state courts throughout the United States, as well as before the Ontario Superior Court of Justice, the Court of Appeal for Ontario, and the Federal Court of Canada. I have also co-written briefs/facts for matters before the Supreme Court of Canada and the United States Court of Appeals for the Ninth Circuit.

I have handled all aspects of complex civil litigation, including investigations, discovery, expert work, certification of class actions, summary judgment motions, settlement, trial, and appeals.

Before striking out on my own, I practiced with the Silicon Valley offices of [Robins Kaplan LLP](#) and [Paliare Roland Rosenberg Rothstein LLP](#) in Toronto, Canada. I have been named a Super Lawyers Northern California Rising Star every year since 2015.

I am passionate about pro bono work. I currently represent low income and vulnerable litigants through the Bar Association of San Francisco's Justice and Diversity Center and the Asylum Program of the Lawyers Committee for Civil Rights of San Francisco.

I am deeply committed to making legal services affordable for ordinary people. Contact me [here](#) or call 415.712.3026 to discuss working together.



- Exhibit C -

ROBINS KAPLAN LLP

About Robins Kaplan LLP

Robins Kaplan LLP is a national law firm known for its trial litigation practice, particularly in the intellectual property, complex business litigation, and mass tort arenas. The firm's attorneys are no strangers to high-profile, high-stakes trial work and multimillion-dollar verdicts.

Minneapolis Midsized Hotshot

Robins Kaplan was founded in 1938 as Robins & Davis in Minneapolis. The firm continues to be a strong presence in the Midwest—it is among the Top 30 firms in Vault's Best Law Firms in the Midwest—and about half of its attorneys continue to be based there. But it also has built its practice across California, Florida, Massachusetts, New York, North Dakota, and South Dakota. Today, the firm is home to around 250 attorneys.

High Stakes

Among the firm's core practices are business litigation, intellectual property & technology litigation, insurance, mass torts, and plaintiff's personal injury and medical malpractice litigation. The firm has a strong litigation practice, and with its catch phrase "rewriting the odds," Robins Kaplan doesn't shy away from high-stakes, complex litigation. Perhaps the firm's most famous case in the past few decades was when Robins Kaplan secured a \$7 billion dollar settlement—including \$500 million in fees—from Big Tobacco to pay Blue Cross/Blue Shield and the state of Minnesota in a mass tort action lawsuit in 1998, a payout which resulted in very high profits per partner that year. But that is just one of many high-profile litigations on the firm's resume.

Robins Kaplan is also known for its top-notch antitrust practice, including its work on *In re Payment Card Interchange Fee and Merchant Discount Litigation*. According to the firm, it has achieved nearly \$10 billion in recoveries on behalf of plaintiffs in antitrust matters. The firm also works on the defense side and assists clients with internal investigations. Outside of the courtroom, Robins Kaplan assists clients with antitrust risk assessments and counseling.

Another key practice for the firm is IP litigation, which includes such areas as copyright, Hatch-Waxman litigation, patents, privacy and cybersecurity, trade secrets, and trademarks, among others. Among the firm's notable clients include Best Buy, General Electric, General Mills, Honeywell, and Medtronic. Notably, the firm was first to be named "IP Litigation Department of the Year" by *The American Lawyer*.

Exceptional Training

Attorneys at Robins Kaplan are not thrown into the deep end without a life jacket; instead they receive extensive training through the firm's program The Exceptional Advocate. This program focuses on several core areas: business development, experiential learning, and writing advocacy. The firm also offers frequent presentations as well as online CLEs.