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4 *Attorneys for Anthony Jones*
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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF SAN FRANCISCO**

10 MATTHEW PAGOAGA and ANTHONY
JONES, on behalf of themselves and all others
11 similarly situated,

12 Plaintiffs,

13 v.

14 STEPHENS INSTITUTE d/b/a ACADEMY
OF ART UNIVERSITY,

15 Defendant.
16

Case No. CGC 16-551952

**DECLARATION OF MATT J. MALONE
IN SUPPORT OF PLAINTIFFS' MOTION
FOR ATTORNEYS' FEES, COSTS, AND
SERVICE AWARDS**

Judge: Curtis E.A. Karnow
Dept.: 304
Action Filed: May 11, 2016

17 STEPHENS INSTITUTE d/b/a ACADEMY
OF ART UNIVERSITY,

18 Cross-Complainant,
19

20 v.

21 NAVISITE, LLC,

22 Cross-Defendant.
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24 I, Matt J. Malone, hereby declare as follows:

25 1. I am a member in good standing of the California State Bar and a partner at ROCK
26 Law LLP and its predecessor Ram, Olson, Cereghino & Kopczynski, counsel for Anthony Jones
27 in this matter and in his previously-dismissed putative class action, *Jones v. Academy of Art*, San
28 Francisco Superior Court Case No. CGC-16-554902. I submit this declaration in support of

1 Plaintiffs' Motion for Attorneys' Fees, Costs, and Service Awards. I make this declaration based
2 on personal knowledge and could testify to the matters herein if called to do so.

3 2. I was admitted to practice in 2002 after graduating from the University of Southern
4 California School of Law. I have practiced for 16 years and have practiced in consumer class
5 actions for approximately 10 years.

6 3. ROCK Law LLP and its predecessor entity served as counsel to Mr. Jones both in
7 his putative class action and when he joined as a class representative in this action. Among other
8 things, ROCK Law LLP investigated Mr. Jones's claims, prepared his complaint, negotiated on
9 his behalf for joinder as a class representative in the *Pagoaga* action, and assisted with deposition
10 preparation.

11 **I. Description of Work Performed**

12 4. I performed virtually all of the work on behalf of Mr. Jones in his case, with limited
13 assistance by our office paralegal, David Blum. I spent a total of 19.1 hours in representing Mr.
14 Jones and performing the tasks described above. Mr. Blum spent a total of 3.4 hours assisting me
15 in this work. These figures reflect efficient staffing, work that the firm reasonably expended for
16 the benefit of Mr. Jones and ultimately the class, and hourly rates that are consistent with
17 prevailing market rates. ROCK Law LLP's attorney and paralegal time is summarized as follows:

Name	Position	Bar Admission Year	Experience	Rate	Hours	Lodestar
Rock Law (Counsel for Plaintiff Jones)						
Matt Malone	Partner	2002	16 years	\$600/hr.	19.1	\$11,460.00
David Blum	Paralegal	N/A	6 years	\$150/hr.	3.4	\$510
TOTAL					22.5	\$11,970.00

23 5. The work performed by ROCK Law LLP on this matter includes the following:

24 a. I conducted initial discussions with Mr. Jones concerning his putative class
25 action. I reviewed all of his documents and prepared his complaint. On Mr. Jones's
26 behalf, I collaborated with counsel in the *Pagoaga* matter on strategy for both cases and
27 ultimately coordinated the addition of Mr. Jones as a class representative in the *Pagoaga*
28

1 matter. I thereafter negotiated dismissal and cost waivers with counsel for defendant. I
2 assisted in initial deposition preparation discussions with Mr. Jones.

3 b. David Blum worked performed paralegal litigation tasks, including proofing
4 and filing of Mr. Jones's complaint, as well as preparing the dismissal and the association
5 of counsel in this case. Mr. Blum has been a paralegal for approximately 6 years and holds
6 an A.A.S. (Associate in Applied Science) degree in Paralegal Studies. He is billed at the
7 rate of \$150 per hour which is comparable to the standard, market rate of a San Francisco
8 paralegal of his level and experience. I personally reviewed his hours, all of which were
9 reasonably incurred.

10 6. My practice primarily focuses on consumer class actions, plaintiffs' construction
11 defect and real estate litigation (including attendant insurance disputes), and appeals. I have been
12 or currently am class counsel, along with ROCK Law LLP, in numerous consumer product and
13 class action cases in state and federal court, including the following ongoing matters: *Parsons v.*
14 *Kimpton Hotels* (N.D. Cal; data breach); *McAdams v. Monier* (Placer County Superior Court;
15 roofing tiles); *Durnford v. MusclePharm* (N.D. Cal.; nutrition supplement product; 9th Circuit
16 appeal argued and pending); *Gold v. Lumber Liquidators* (N.D. Cal.; flooring product; classes
17 certified); *Ehret v. Uber* (N.D. Cal.; misrepresentation concerning driver tips); *Fox v. Nissan* (S.F.
18 Superior Court; automotive product failure).

19 **II. ROCK Law LLP's Hourly Rates**

20 7. ROCK Law LLP and its predecessor firm Ram, Olson, Cereghino & Kopczynski,
21 was founded in 2011. The firm has litigated class actions in federal and state courts, including
22 consumer protection and data breach cases. ROCK Law LLP attorneys have served or are serving
23 as counsel in numerous class actions including each of those described above. A firm resume is
24 attached as **Exhibit A**.

25 8. The hourly rates for ROCK Law LLP employees are the current rates charged for
26 our services. ROCK Law LLP sets its hourly rates based on our review of the hourly rates
27 charged by other plaintiffs' attorneys in comparable litigation. Our firm took this matter on an
28 entirely contingent basis. We record our time contemporaneously on a computerized Timeslips

1 program. Our firm and our co-counsel have endeavored to avoid duplication and to staff this case
2 as efficiently as possible. After Mr. Jones became a class representative in this matter, all work
3 was performed by co-counsel, with two narrow exceptions: 1) the dismissal of Mr. Jones's action;
4 and 2) my brief involvement in his initial deposition preparation. As a result, I believe the firm's
5 lodestar is reasonable and reflects efficiency.

6 9. Based on my years of relevant experience and my knowledge of the type and
7 quality of the work done in this litigation, I believe ROCK Law LLP's billing rates are
8 commensurate with the rates charged by other firms with similar experience and expertise in this
9 market.

10 **III. Litigation Costs**

11 10. The billing rates do not reflect charges for litigation expenses. Expense items are
12 billed separately and such charges are not duplicated in the lodestar. ROCK Law LLP's costs are
13 summarized in the table below, which shows **\$993.67** in unreimbursed expenses that ROCK Law
14 LLP incurred in connection with this case. These expenses were reasonable and necessary to the
15 successful prosecution of this action and include filing fees, service charges, and appearance fees.

Date	Expense	Description
10/18/2016	\$1,578.05	Filing fees
10/20/2016	\$75.00	Process service charge
12/21/2016	\$7.00	Filing fees
2/15/2017	\$85.52	Filing fees
4/28/2017	(\$1,000)	Refund of Complex Fee
6/1/2017	\$32.10	File and Serve express charge
6/5/2017	\$25.00	Filing service charge; Wheels of Justice
6/21/2017	\$86	CourtCall charge
7/20/2017	\$105	File and Serve express charge
TOTAL	\$993.67	

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27 11. The expenses set forth above are reflected in my firm's records. I will make those
28 records available to the Court upon request. They are an accurate record of the expenses incurred,

1 and have been prepared using invoices and receipts. The firm does not mark-up third-party
2 expenses; they reflect amount actually charged by the third party.

3 I declare under penalty of perjury under the laws of the State of California that the
4 foregoing is true and correct. Executed on this 23rd day of April, 2018, at San Francisco,
5 California.

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10 Matt J. Malone

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TO THE DECLARATION OF MATT J. MALONE IN SUPPORT OF
PLAINTIFFS' MOTION FOR ATTORNEYS' FEES, COSTS, AND
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EXHIBIT A

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.

MATT J. MALONE

Mr. Malone represents consumers in class actions nationwide involving defective building products, food product mislabeling and safety, and data breaches. He also counsels individuals, homeowners associations, municipalities, corporations and other real estate clients in residential and commercial construction defect actions; serves as corporate counsel to homeowners associations and businesses; and handles all levels of appeals.

Presently, he presents clients in numerous class actions including: *Parsons v. Kimpton Hotels* (N.D. Cal; data breach); *McAdams v. Monier* (Placer County Superior Court; roofing tiles); *Gold v. Lumber Liquidators* (N.D. Cal.; flooring product; classes certified); *Ehret v. Uber* (N.D. Cal.; misrepresentation concerning driver tips); *Fox v. Nissan* (S.F. Superior Court; automotive product failure). He is counsel for plaintiff and the putative class in the pending Ninth Circuit appeal in *Tucker Durnford v. MusclePharm, Inc.*, concerning federal preemption of state false-labeling claims. His appellate experience includes representing the Consumer Attorneys of California before the California Supreme Court as *amicus curiae* in *Beacon Residential Community Association v. Skidmore Owings & Merrill, LLP, et al.*, the landmark California Supreme Court case establishing an architect's duty of care to residential purchasers and their homeowners associations.

Mr. Malone also serves as a contract legal research attorney for the California Superior Court. He is a member of the American Bar Association and its Council of Appellate Lawyers, as well as the Consumer Attorneys of California and its Amicus Committee.

Mr. Malone is a regular author and speaker on current issues facing class action practitioners, including:

- Presenter: "2017 Class Action Update: Recent Developments and Upcoming Issues" – California State Bar Litigation Section, September 2017.
- Presenter: "Novel Approaches to Class Action Discovery" – Bridgeport Class Action Litigation Conference, September 2017.
- Presenter: "The United States Supreme Court Review" – Contra Costa County Bar Association, November 2016.
- "Expected the Unexpected: Supreme Court's 2015-2016 Term a Victory for Consumers?": American Association for Justice (AAJ) Class Action Litigation Group Newsletter, Summer 2016.
- "Class in Session: A Review of Class Action Cases in the Supreme Court's Current Term," AAJ Class Action Litigation Group Newsletter, Winter 2016.