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Attorneys for Plaintiffs and Class Counsel

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

KATHLEEN SONNER on Behalf of
Herself and All Others Similarly Situated,

Plaintiff,

v.

SCHWABE NORTH AMERICA, INC. and
NATURE'S WAY PRODUCTS, LLC,

Defendants.

Case No: 5:15-cv-01358-VAP (SPx)

CLASS ACTION

**DECLARATION OF TODD D.
CARPENTER IN SUPPORT OF
PLAINTIFFS' UNOPPOSED MOTION
FOR ATTORNEYS' FEES, COSTS,
AND INCENTIVE AWARDS**

Date: January 25, 2021
Time: 2:00 p.m.
USDJ: Virginia A. Phillips
Courtroom: 8A, 8th Fl., 1st Street-LA
USMJ: Sheri Pym
Courtroom: 3 or 4, 3rd Fl., R'side

I, Todd D. Carpenter, declare:

1. I am an attorney duly admitted to practice law before all courts of the State of California, and I am a shareholder in the law firm of Carlson Lynch LLP, counsel for Plaintiffs and the Class herein. I make this declaration in support of Plaintiffs' Unopposed Motion for Attorneys' Fees, Costs, and Incentive Awards. If called as a witness, I could and would competently testify to the following:

2. I have personally been involved in the investigation and prosecution of this class action from its inception through the present. I directed the investigation through the use of my paralegals / investigators and reviewed their time entries and work product accordingly. I was also actively involved in the management of the Action. I primarily

1 vetted and worked with our liability experts and reviewed the scientific studies and their
 2 opinions regarding the efficacy of the product. I also was the primary point of contact with
 3 Plaintiff Sonner, including responding to her discovery and defending her deposition. I
 4 assigned litigation tasks to my associates, but performed, along with my co-counsel, the
 5 high-level negotiation of the Settlement and oversaw the approval process and law &
 6 motion work.

7 3. The law firm of Carlson Lynch LLP has expended a substantial amount of
 8 time and effort in prosecuting this Action and achieving an adequate benefit for the Class.
 9 The requested fee is reasonable and appropriate based on the risks of litigation, Class
 10 Counsel's refusal of alternative employment opportunities with guaranteed payment, and
 11 the benefit obtained for the Class.

12 4. After reaching agreement on the material terms of the Settlement, the Parties
 13 negotiated an agreement on attorneys' fees, costs, and incentive awards that Defendant will
 14 pay separate and apart from its payment to the Class.

15 5. We have established our billable rates of: \$750.00 per-partner hour;
 16 \$395.00 per-associate hour; and \$125 per-paralegal hour through an annual, informal
 17 survey of similarly experienced consumer class action attorneys in the Southern California
 18 legal market. My firm has spent approximately \$4,719.12 in un-reimbursed expenses
 19 incurred in connection with this case. A breakdown of my firm's costs incurred in this
 20 action is set forth below:

COSTS

No.	General Description	Cost
1.	Mediation Fees	---
2.	Court Fees	\$1757.12
3.	Electronic Research	\$321.00
4.	Scanning, photocopying, printing, and other office-related costs	Waived
5.	Expert Fees	\$1738.89
6.	Travel expenses, mileage for investigators, attorney travel related to investigations	\$893.11
TOTAL:		\$4,710.12

1 6. My lodestar billing time records are available if required by the Court. A
2 general summary of my firm's accrued time is as follows:

No.	Partner / Associate / Paralegal	Hours	Rate	Lodestar
1.	<i>Todd D. Carpenter (Partner)</i>	96.5	\$750	\$72,375
2.	<i>Brittany C. Casola (Associate)</i>	76.2	\$395	\$30,099
3.	<i>Jessica Nava (Paralegal)</i>	46.3	\$125	\$5,788
	Total:			\$108,262

9 7. Plaintiff Kathie Sonner maintained continued involvement in the litigation,
10 including reviewing initial pleadings and communicating with Class Counsel on the status
11 of the Action. Prior to becoming a party to the Action, Plaintiff provided substantive
12 information to Class Counsel regarding the circumstances surrounding her transaction with
13 Defendant.

14 8. I agreed to accept Plaintiff's cases on a pure contingency fee basis.

15 9. My hourly rate of \$750.00 is in line with comparable hourly rates charged by
16 other law firms that handle class action litigation in Southern California. Indeed, my current
17 hourly rate of \$750.00 was recently approved on September 27, 2019, by Judge Joel R.
18 Wohfeil in *Rael v. RTW Retailwinds, Inc., et al.*, No. 37-2019-00003850-CU-MC-CTL
19 (Super. Ct. San Diego Cnty.), and on July 12, 2019, by Judge Ronald F. Frazier in *Dennis v.*
20 *Ralph Lauren Corp., et al.*, No. 37-2018-00058462-CU-MC-CTL (Super. Ct. San Diego
21 Cnty.), both on unopposed fee applications in similar false and deceptive sale discounting
22 class action cases. My hourly rate was also recently approved on April 5, 2019, in an
23 \$8,000,000 all-cash FACTA settlement in *Mocek, et al., v. AllSaints USA Ltd.*, No. 2016-
24 CH-10056 (Cir. Ct. Cook Cnty. Ch. Div.). My previous hourly rate of \$650.00 was
25 approved in 2017 by Judge Judith Hayes on an unopposed fee application in a Song-
26 Beverly Credit Card Act case, *Manner v. Summit Pizza West, LLC*, No. 37-2015-
27 00005909-CU-MC-CTL (Super. Ct. San Diego Cnty.). My rate has increased over the last
28

1 two years commensurate with other plaintiff's class action practitioners in Southern
2 California with my level of experience and success.

3 10. My hourly rate is consistent with my level of expertise in consumer class
4 actions. I have extensive experience in class actions: During the course of my career, I have
5 taken and defended over 100 depositions in personal injury, complex and class action
6 cases. I have successfully participated in mediations resulting in more than \$100,000,000
7 in settlements or awards in class action cases. I have drafted, filed, and argued multiple
8 motions in complex consumer class actions, including all forms of discovery, dispositive
9 and certification motions. My practice focuses exclusively on consumer class action and
10 complex litigation, representing plaintiff classes in major insurance fraud, unfair business
11 practices, false and deceptive advertising, product liability and anti-trust violations.
12 Additionally, my San Diego office maintains a robust pro-bono practice serving socio-
13 economically disadvantaged individuals in consumer finance, consumer lending and
14 insurance matters.

15 11. I have represented plaintiffs in numerous class action proceedings in
16 California and throughout the country, in both state and federal courts. I have represented
17 thousands of purchasers of consumer products, food, food supplements and over-the-
18 counter drugs in state and federal courts throughout the United States in cases arising out
19 of various false advertising claims made by manufacturers and retailers, including:
20 Proctor & Gamble, General Mills, Bayer, Clorox, WD-40, Dean Foods, Botanical
21 Laboratories, Inc., Irwin Naturals, Inc., General Nutrition Corporation and Pharmavite. As
22 a shareholder, I was also counsel of record at my prior firm in the MDL proceeding, *In re:*
23 *Hydroxycut Mktg. and Sales Practices Litig.*, No. 09-02087 (S.D. Cal.), wherein my
24 previous firm was designated as co-lead counsel for the class. I was also class counsel for
25 the Settlement Class in FACTA cases against Hugo Boss, U.S.A., Inc. (*Benware v. Hugo*
26 *Boss, U.S.A., Inc.*, No. 3:12-cv-01527-L-MDD (S.D. Cal.)) and Southwest Airlines
27 (*Lumos v. Southwest Airlines, Co.*, No. 3:13-cv-01429-CRB (N.D. Cal.)) and *Mocek, et*
28 *al., v. AllSaints USA Ltd.*, No. 2016-CH-10056 (Cir. Ct. Cook Cnty. Ch. Div.).

1 12. I have represented thousands of consumer credit cardholders against several
2 major retailers arising from violations of the Song-Beverly Credit Card Action
3 section 1747.08 and have achieved excellent results, including, but not limited to a class
4 benefit of a retail gift valued between \$40 and \$120 in a class action settlement with Gucci
5 America, Inc. I have also represented thousands of consumer debit card holders against
6 major commercial banks, including assuming a leadership role as prosecuting counsel in
7 *In re: Checking Account Overdraft Litig.*, MDL No. 2036 (S.D. Fl.). I have filed similar
8 actions against several other banks and credit unions across the country, alleging that each
9 institution manipulated the processing of customer debit card purchases to maximize
10 overdraft fees, including actions against Northwest Savings Bank, (*Toth v. Northwest*
11 *Savings Bank*, No. GD-12-8014, (Ct. Com. Pl. Allegheny Cnty.), Pinnacle National Bank
12 (*Higgins v. Pinnacle Bank*, No. 11-C4858 (Cir. Ct. 12th Jud. Dist.) and Mission Federal
13 Credit Union (*Taylor v. Mission Fed. Credit Union*, No. 37-2012-00092073-CU-BT-CTL,
14 (Super. Ct. San Diego Cnty.)).

15 13. I was also appointed class counsel in *Plantier, et al. v. Ramona Municipal*
16 *Water Dist.*, No. 37-2014-00083195-CU-BT-CTL (Super. Ct. San Diego Cnty.).

17 14. I have been recognized as a semi-finalist as a “Top Corporate Litigation
18 Attorney,” by the San Diego Daily Transcript in 2012, and I have been named a San Diego
19 “Super Lawyer” in 2015, 2016, 2017, 2018, 2019 and 2020.

20 I declare under penalty of perjury under the laws of the State of California that the
21 foregoing is true and correct, and that this declaration was executed in San Diego,
22 California.

23 Dated: December 16, 2020

CARLSON LYNCH LLP

24 By: /s/ Todd D. Carpenter
25 Todd D. Carpenter (CA 234464)

26 *Attorneys for Plaintiffs and Class Counsel*

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CERTIFICATE OF SERVICE

I hereby certify that on December 16, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the Electronic Mail Notice List, and I hereby certify that I have mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the Electronic Mail Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on December 16, 2020.

s/ Paula R. Brown

PAULA R. BROWN

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