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7
8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN JOSE DIVISION**

11 CARL BARRETT, et al.,

12 Plaintiffs,

13 v.

14 APPLE, INC., et al.,

15 Defendants.

Case No. 5:20-cv-04812-EJD

**DECLARATION OF NYRAN ROSE
RASCHE IN SUPPORT OF
PLAINTIFFS' MOTION FOR
ATTORNEYS' FEES, EXPENSES AND
NAMED PLAINTIFF SERVICE
AWARDS ON BEHALF OF CAFFERTY
CLOBES MERIWETHER & SPRENGEL
LLP**

Judge: Hon. Edward J. Davila

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18 I, Nyran Rose Rasche, declare and state as follows:

19 1. I am a partner at the law firm Cafferty Clobes Meriwether & Sprengel LLP. I
20 submit this Declaration in support of Plaintiffs' Motion for Attorneys' Fees, Costs and Named
21 Plaintiff Service Awards in connection with time spent and expenses incurred by my firm in
22 connection with this litigation.

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24 2. On February 17, 2023, the Court appointed Cafferty Clobes Meriwether and
25 Sprengel LLP, Kirby McInerney LLP, and Scott+Scott Attorneys at Law LLP as interim co-lead
26 counsel for the proposed class in the above-captioned action (the "Litigation"). ECF No. 132. On
27

1 May 16, 2024, the Court appointed the same firms as Class Counsel to represent the Settlement
2 Class. ECF No. 269.

3 3. My firm's submission of its time and expenses in this Declaration adheres to the
4 reporting protocols established by Class Counsel in this Litigation.

5 4. My firm's work on behalf of Plaintiffs includes the following: originating the case,
6 including pre-filing and continuing case investigation; researching and drafting the initial
7 complaint and certain sections of the amended complaint; researching and drafting certain sections
8 of the oppositions to Apple's motions to dismiss; briefing and appearing in Court on case
9 management issues and discovery disputes; participating in meetings of Class Counsel; obtaining
10 discovery from Apple, including negotiating and reviewing document productions and transaction
11 data and taking several of the ten depositions of Apple employees; defending certain of the
12 depositions of named Plaintiffs, researching and drafting certain sections of the motion for class
13 certification; mediating the case, negotiating the settlement agreement and obtaining preliminary
14 approval thereof; liaising with the claims administrator in connection with the settlement process;
15 and engaging and working with experts and consultants on numerous aspects of the case. The
16 specifics of the work performed by my firm are set forth in the concurrently-filed Joint Declaration
17 of Nyran Rose Rasche, Anthony F. Fata and Joseph P. Guglielmo in Support of Plaintiffs' Motion
18 for Attorneys' Fees, Costs and Named Plaintiff Service Awards.
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22 5. Exhibit 1 sets forth the time spent by partners, attorneys, and support staff of my
23 firm, from inception of the Litigation through July 31, 2024. The billing rates for the partners,
24 attorneys, and support staff align with the firm's standard billing rates for contingent cases. The
25 rates reflected are historical rates, *i.e.*, the rates that were in effect at the time when the work was
26 done.
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EXHIBIT 1

PROFESSIONAL	STATUS	HOURLY RATE	TOTAL HOURS	TOTAL LODESTAR AT HOURLY RATES
Nyran Rose Rasche	P	1,125.00	428.8	482,400.00
Nyran Rose Rasche	P	1,025.00	1486.4	1,523,560.00
Nyran Rose Rasche	P	950.00	990.2	940,690.00
Nyran Rose Rasche	P	900.00	612.2	550,980.00
Nyran Rose Rasche	P	825.00	409.3	337,672.50
Anthony F. Fata	P	950.00	2.8	2,660.00
Anthony F. Fata	P	900.00	79.3	71,370.00
Anthony F. Fata	P	925.00	92.2	85,285.00
Anthony F. Fata	P	775.00	.8	620.00
Nickolas J. Hagman	P	800.00	15	12,000.00
Nickolas J. Hagman	P	700.00	243.6	170,520.00
Nickolas J. Hagman	P	650.00	271.2	176,280.00
Nickolas J. Hagman	P	600.00	437.8	262,680.00
Nickolas J. Hagman	P	575.00	281.5	161,862.50
Nickolas J. Hagman	P	400.00	5.1	2,040.00
Alex Lee	A	550.00	25.1	13,805.00
Mohammed Rathur	A	650.00	20	13,000.00
Paige Smith	A	550.00	77.8	42,790.00
Edward Khatskin	A	650.00	94.3	61,295.00
Olivia Lawless	A	525.00	146.3	76,807.50
Olivia Lawless	A	475.00	108.9	51,727.50
Olivia Lawless	A	450.00	40.6	18,270.00
Olivia Lawless	A	400.00	272.2	108,880.00
Christopher P. Tourek	A	600.00	5.8	3,480.00
Christopher P. Tourek	A	575.00	21.9	12,592.50
Christopher P. Tourek	A	525.00	18.6	9,765.00
Sharon M. Nyland	PL	425.00	9.3	3,952.50
Sharon M. Nyland	PL	375.00	22.5	8,437.50
Sharon M. Nyland	PL	350.00	30.4	10,640.00
Sharon M. Nyland	PL	325.00	8.9	2,892.50
Sharon M. Nyland	PL	300.00	4.8	1,440.00
Kelly McDonald	PL	425.00	24.6	10,455.00
Kelly McDonald	PL	375.00	72.9	27,337.50
Kelly McDonald	PL	350.00	38.3	13,405.00
Kelly McDonald	PL	325.00	30.8	10,010.00
Kelly McDonald	PL	300.00	10.7	3,210.00
Kathy Hollenstine	PL	350.00	35.2	12,320.00
Kathy Hollenstine	PL	325.00	.5	162.50
TOTAL			6476.6	5,297,295.00

EXHIBIT 2

EXHIBIT 2 – CCMS Expenses

EXPENSE	AMOUNT
Filing Fees	975.00
Miscellaneous (Poston Incident Report)	10.00
Miscellaneous (City of Salem Police Report)	23.00
Miscellaneous (Client Rodriguez Fax Charges)	20.42
Miscellaneous (Electronic Agreements)	63.00
On Line Research	15,927.44
Overnight Delivery	62.61
Photocopies	4,122.75
Postage	69.15
Service of Process	370.00
Travel (Hotel, Meals, Transportation)	10,367.37
TOTAL	32,010.74

EXHIBIT 3

EXHIBIT 3 – Common Expenses Paid through the Litigation Fund

EXPENSE	AMOUNT
Expert Bruce McFarlane	281,673.00
Expert Claudiu Dimofte	57,000.00
Mediator Randall W. Wulff	12,500.00
Miscellaneous (litigation fund check purchase)	147.96
Veritext Deposition Services	62,363.25
TOTAL	413,684.21