

1 JOSEPH P. GUGLIELMO (*pro hac vice*)
2 **SCOTT+SCOTT ATTORNEYS AT LAW LLP**
3 230 Park Ave., 17th Floor
4 New York, NY 10169
5 Telephone: (212) 223-6444
6 Facsimile: (212) 223-6334
7 jguglielmo@scott-scott.com

8 *Co-Lead Class Counsel*

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

12 CARL BARRETT, et al.,

13 Plaintiffs,

14 v.

15 APPLE, INC., et al.,

16 Defendants.

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

**AMENDED DECLARATION OF DARYL
F. SCOTT IN SUPPORT OF
PLAINTIFFS’ MOTION FOR
ATTORNEYS’ FEES, EXPENSES AND
SERVICE AWARDS ON BEHALF OF
SCOTT+SCOTT ATTORNEYS AT LAW
LLP**

Judge: Hon. Edward J. Davila

17
18 I, Daryl F. Scott, subject to the penalties of perjury provided by 18 U.S.C. § 1746, hereby
19 declare as follows:

20 1. I am a partner at the law firm Scott+Scott Attorneys at Law LLP (“Scott+Scott”).
21 I submit this Declaration in support of Plaintiffs’ Motion for Attorneys’ Fees, Expenses, and
22 Service Awards in connection with time spent and expenses incurred by my firm in connection
23 with this litigation.

24 2. On February 17, 2023, the Court appointed Cafferty Clobes Meriwether and
25 Sprengel LLP, Kirby McInerney LLP, and Scott+Scott as interim co-lead counsel for the proposed
26 class in the above-captioned action (the “Litigation”). ECF No. 132. On May 16, 2024, the Court
27 appointed the same firms as Class Counsel to represent the Settlement Class. ECF No. 269.

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

3 4. The work performed by Scott+Scott on behalf of Plaintiffs and the Class includes
4 the following: investigating and developing the claims, including pre-filing factual and legal
5 development; drafting the initial complaint and subsequent amended complaints; opposing
6 Apple’s motions to dismiss; briefing and appearing in Court on various matters, including motion
7 practice and case management issues; participating in meetings of Class Counsel; obtaining and
8 reviewing discovery from Apple, including negotiating and reviewing document productions and
9 transaction data, taking and defending depositions; mediating the case, negotiating the settlement
10 agreement and obtaining preliminary approval thereof; liaising with the claims administrator in
11 connection with the settlement process; and engaging and working with experts and consultants
12 on numerous aspects of the case. The specifics of the work performed by my firm are set forth in
13 the Joint Declaration of Nyran Rose Rasche, Anthony F. Fata and Joseph P. Guglielmo in Support
14 of Plaintiffs’ Motion for Attorneys’ Fees, Costs and Named Plaintiff Service Awards (ECF No.
15 273-2).

16 5. **Exhibit 1** sets forth the time spent by category of work performed by partners,
17 attorneys, and support staff of my firm, from inception of the Litigation through July 31, 2024.
18 The billing rates for the partners, attorneys, and support staff align with the firm’s standard billing
19 rates for contingent cases. The rates reflected are historical rates, *i.e.*, the rates that were in effect
20 at the time when the work was done.

21 6. The hours spent by my firm from inception of the Litigation through July 31, 2024
22 totals 6,137.40. The firm’s lodestar totals \$3,880,647.50. Total hours were calculated through an
23 examination of contemporaneous time records regularly prepared and maintained by my firm. My
24 firm and I have reviewed the accuracy of these time records and their relevance and have concluded
25 they are reasonable and necessary for the prosecution of the Litigation. While conducting this
26 review, my firm and I made adjustments to align certain entries with the reporting protocol
27

1 established in this Litigation, as well as to adhere to the firm’s policies and procedures. These
2 adjustments were not only consistent with the firm’s best practices but also beneficial to the class.

3 7. **Exhibit 2** sets forth the unreimbursed expenses my firm incurred in prosecuting the
4 Litigation from inception through July 31, 2024, totaling \$70,342.73. This amount will be updated
5 at or shortly before the final approval hearing to reflect expenses occurred after July 31, 2024.

6 8. These unreimbursed expenses, incurred on behalf of the Plaintiffs, are accurately
7 reflected on the books and records of my firm and were prepared from expense reports with
8 attached receipts, check records, and other source materials.

9 9. To facilitate the sharing of expenses, Class Counsel contributed to a litigation fund
10 administered by my firm. **Exhibit 3** sets forth common expenses paid or incurred by the litigation
11 fund, which was fully funded by Class Counsel, from inception of the Litigation through the
12 present, 2024, totaling \$413,684.21.

13 I declare under penalty of perjury, under the laws of the United States of America, that to
14 the best of my knowledge, the foregoing is true and correct.

15 Executed on this 1st day of October, 2024 at Richmond, Virginia.

16
17 

18 _____
Daryl F. Scott

CERTIFICATE OF SERVICE

I, Joseph P. Guglielmo, certify that on October 1, 2024 the foregoing document entitled **AMENDED DECLARATION OF DARYL F. SCOTT IN SUPPORT OF PLAINTIFFS’ MOTION ATTORNEYS’ FEES, EXPENSES, AND SERVICE AWARDS ON BEHALF OF SCOTT+SCOTT ATTORNEYS AT LAW LLP** was filed electronically in the Court’s ECF; thereby upon completion the ECF system automatically generated a “Notice of Electronic Filing” as service through CM/ECF to registered e-mail addresses of parties of record in this case.

/s/ Joseph P. Guglielmo

EXHIBIT 1

Time Summary

Firm Name: Scott+Scott Attorneys at Law LLP

Date: Inception thru July 2024

Categories: 1. Investigations and Factual Research; 2. Case Management and Litigation Strategy; 3. Discovery (other than document review); 4. Document Review; 5. Pleadings, Briefs and Legal Research; 6. Court Appearances and Preparation; 7. Experts/Consultants; 8. Class Certification; 9. Trial & Preparation; 10. Post-trial proceedings; 11. Appeal; 12. Settlement; 13. Miscellaneous (describe)

Name (Title)	Status	1	2	3	4	5	6	7	8	9	10	11	12	13	Hourly Rate	Cumulative Hours	Cumulative Lodestar
Chris Burke	PT	10.10	2.60			2.00		0.50							\$1,295.00	15.20	\$ 19,684.00
Daryl Scott	PT												1.50		\$1,495.00	1.50	\$ 2,242.50
Daryl Scott (new rate)	PT												14.50		\$1,545.00	14.50	\$ 22,402.50
Joe Guglielmo	PT	30.10	6.10	173.70	22.10	82.70	20.60	7.60							\$1,150.00	342.90	\$ 394,335.00
Joe Guglielmo	PT		111.80	241.90	7.50	54.50	44.40	27.80	35.80				87.00		\$1,395.00	610.70	\$ 851,926.50
Joe Guglielmo (new rate)	PT		1.30			5.30	23.80						50.80		\$1,420.00	81.20	\$ 115,304.00
Erin Comite	PT	0.30		0.10	0.50			4.40							\$995.00	5.30	\$ 5,273.50
Erin Comite (new rate)	PT		3.40			4.00			5.50				0.50		\$1,095.00	13.40	\$ 14,673.00
Alex Outwater	A	70.40	29.10	141.20	80.90	154.70	4.90	0.50							\$725.00	481.70	\$ 349,232.50
Alex Outwater	A	1.60	70.80	99.10	34.90	54.30									\$750.00	260.70	\$ 195,525.00
Alex Outwater	A		17.60	42.90	1.70	12.30	10.80		0.30						\$795.00	85.60	\$ 68,052.00
Alex Outwater (new rate)	A												1.40		\$875.00	1.40	\$ 1,225.00
Amanda Rolon	A	1.60	68.30	186.90	171.70	66.80	0.30								\$525.00	495.60	\$ 260,190.00
Amanda Rolon	A	5.10	86.70	102.00	4.30	42.20	54.90	9.40	48.10				12.50		\$550.00	365.20	\$ 200,860.00
Amanda Rolon (new rate)	A		4.50			31.30	1.00						47.20		\$575.00	84.00	\$ 48,300.00
Melanie Porter (doc rev)	SA	0.80	23.00	11.00	1273.50	3.90									\$400.00	1,312.20	\$ 524,880.00
Victoria Burke (doc rev)	SA		33.80	16.60	1441.60			56.50							\$400.00	1,548.50	\$ 619,400.00
Ellen DeWan	PR	16.00	4.80	21.30		50.80									\$395.00	92.90	\$ 36,695.50
Kim Jager	PR	1.00		3.50		3.00									\$395.00	7.50	\$ 2,962.50
Kim Jager	PR	0.50	1.50	0.30		5.00							10.00		\$415.00	17.30	\$ 7,179.50
Kim Jager (new rate)	PR												0.50		\$435.00	0.50	\$ 217.50
Michael Himes	PR	1.20		2.00											\$395.00	3.20	\$ 1,264.00
Michael Himes	PR		2.00	4.40			14.60								\$415.00	21.00	\$ 8,715.00
Michael Himes (new rate)	PR						1.50								\$435.00	1.50	\$ 652.50
Matthew Malloy	PR	5.90				13.70									\$395.00	19.60	\$ 7,742.00
Sumner Caesar	PR		3.20	14.90		13.80									\$395.00	31.90	\$ 12,600.50
Sumner Caesar (new rate)	PR		3.30	11.20		31.60	0.30								\$415.00	46.40	\$ 19,256.00
Mario Tlatenchi	O		5.00	7.20	2.20										\$395.00	14.40	\$ 5,688.00
Mario Tlatenchi (new rate)	O		3.30	1.60		0.70	1.00								\$415.00	6.60	\$ 2,739.00
Jonathan Swerdloff	O		4.40	19.70	6.40										\$750.00	30.50	\$ 22,875.00
Jonathan Swerdloff (new rate)	O		7.00	6.60	1.40	0.90	1.10								\$795.00	17.00	\$ 13,515.00
Jenna Goldin	O	9.50													\$500.00	9.50	\$ 4,750.00
Jenna Goldin (new rate)	O	7.00													\$525.00	7.00	\$ 3,675.00
Michelle Petrick	O	51.00	1.50												\$395.00	52.50	\$ 20,737.50
Ekene Avery	O		0.50	4.00	0.50										\$395.00	5.00	\$ 1,975.00
Ekene Avery (new rate)	O		15.50	4.00		14.00									\$415.00	33.50	\$ 13,902.50
TOTALS		212.10	495.50	1112.10	3049.20	633.50	179.20	106.70	89.70	0.00	0.00	0.00	225.90	0.00		6,137.40	\$ 3,880,647.50

Partner (PT)
 Of Counsel (OC)
 Associate (A)
 Contract (C)
 Paralegal (PR)
 Other (O)
 Law Clerk (LC)
 Staff Attorney (SA)

EXHIBIT 2

EXHIBIT 2 – Scott+Scott Attorneys at Law LLP Expenses

EXPENSE	AMOUNT
Filing/Court Fees	\$1,027.00
Federal Express/Local Courier, etc.	\$218.61
Lexis/Westlaw/Pacer	9,725.34
Photocopying	\$1,418.40
Postage	\$1.71
Travel (Hotel, Meals, Transportation)	\$14,943.90
Long Distance	\$372.64
Witness/Expert Fees	\$75.00
Investigation Fees/Service Fees	\$1,858.65
Transcripts	\$882.15
Miscellaneous (Electronic Document Storage costs, Supplies)	\$39,819.33
TOTAL	\$70,342.73

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