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

13
14 **IN RE HP PRINTER FIRMWARE**
15 **UPDATE LITIGATION**
16
17
18

Case No. 5:16-cv-05820-SVK-EJD

DECLARATION OF CHRISTOPHER B. HOOD IN SUPPORT OF MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT AND MOTION AND MOTION FOR ATTORNEYS' FEES, COSTS, AND SERVICE AWARDS

1 I am Christopher B. Hood, a partner at Heninger Garrison Davis, LLC, in Birmingham,
2 Alabama. I have first-hand knowledge of the following facts:

3 1. I and other attorneys at my law firm prepared and filed *Bayse v. HP Inc.*, No.
4 2:2016-cv-01583, in the U.S.D.C. for the Northern District Court of Alabama, in September,
5 2016.

6 2. In *Bayse*, on behalf of a proposed class, our representative plaintiff alleged many
7 of the same facts asserted and litigated in this case.

8 3. After we filed *Bayse*, we began to coordinate strategy with the Girard Sharp
9 attorneys later appointed class counsel in this case. We did so to obtain the best possible
10 outcome for the proposed class.

11 4. Shortly after we began to coordinate, we dismissed *Bayse* and started to assist
12 Girard Sharp in its prosecution of this case.

13 5. The work performed by my firm in this case, as reflected on **Exhibit A** of this
14 Declaration, was undertaken for the benefit of the class and was performed, once we began to
15 work with the Girard Sharp attorneys who are class counsel, at the request and direction of class
16 counsel. Our attorneys assisted with pleading, research into dispositive defenses, preparation of
17 responses to dispositive motion arguments, document review in preparation for depositions, and
18 deposition preparation.

19 6. **Exhibit A** shows the hours spent, the category of work performed, the billing rate,
20 and total lodestar for each attorney at my firm who worked on this matter. (Mr. Issis, who
21 performed 3.5 hours of work, did so as an associate attorney of François M. Blaudeau, MD, Esq.,
22 who is of counsel to my firm.)

23 7. The billing rates utilized in **Exhibit A** are drawn from the Laffey Matrix, with
24 adjustments in a few instances, and they are reasonable and appropriate for this type of complex
25 litigation. In the few instances of adjustment, the matrix rates are increased to account (1) for the
26 actual years of experience of the attorney within the matrix range which applies to him, or (2) for
27 elevation from law clerk to associate attorney during the case, or (3) elevation from associate
28 attorney to partnership during this case. The adjustments are reasonable because they more

1 precisely account for the person's current position and actual years of experience as the Laffey
2 Matrix defines experience.

3 8. The billing rates utilized in **Exhibit A**, excluding the aforementioned adjustments,
4 are no more than the billing rates my firm submitted in 2018 in its application for a common-
5 benefit attorney fee in the class settlement in *In re Syngenta AG MIR162 Corn Litigation, MDL*
6 *No. 2591* (D. Kan). That application is Dkt. 349 in *Poletti et al. v. Syngenta AG et al., No. 3:15-*
7 *cv-01221-DRH* (S.D. Ill.), and it is pending.

8 9. My firm's billing rates do not reflect charges for litigation expenses. Expense
9 items are billed separately, and such charges are not duplicated in my firm's lodestar. **Exhibit B**
10 shows \$2,834.33 unreimbursed expenses that my firm reasonably and necessarily incurred in
11 connection with this case.

12 I swear under penalty of perjury that the foregoing statements are true.

13
14 /s/ Christopher B. Hood
15 Christopher B. Hood

16
17 **ATTESTATION STATEMENT**

18 I, Elizabeth A. Kramer, am the ECF User whose identification and password are being
19 used to file this document pursuant to Civil L.R. 5-1(i)(3). I attest under penalty of perjury that
20 Christopher B. Hood concurred in this filing.

21
22 /s/ Elizabeth A. Kramer

EXHIBIT A

HENINGER GARRISON DAVIS, LLC **EXHIBIT A**

Name	Title	Hours By Category of Work					Hourly Rate	Lodestar
		1	2	3	4	5		
Bartlett, Taylor C.	P	22.5	52.2	38.4	0	3.5	\$685	\$ 79,871
Hood, Christopher B.	P	9.5	12	41	19.5	3.9	\$685	\$ 58,841.5
Ekonen, Mark	A	23	21.5				\$636	\$ 28,302
Issis, Odeh J.	A				3.5		\$440	\$ 1,540
Rosemore, Evan	LC				4.5		\$359	\$ 1615.5
TOTAL								\$ 170,170

Titles:

P Partner
OC Of Counsel
A Associate
LC Law Clerk
PL Paralegal

Category of Work:

1 – Case Investigation and Factual Research
2 – Pleadings
3 – Discovery and Document Review
4 – Pretrial Motions and Hearings
5 – Settlement Negotiations and Motions

1. Case investigation and factual research .
2. Pleadings would include the various complaints that were filed.
3. Discovery and document review would include written discovery served and responded to, depositions taken and defended, informal interviews conducted, and document review.
4. Motions and hearings would include the MDL motion, leadership motion, motions to dismiss, motion for class certification and our work with the experts on class certification.
5. Settlement would include all settlement negotiations and mediations, drafting the settlement agreements, drafting the preliminary and final approval motions, and settlement administration to date.

EXHIBIT B

Heninger, Garrison & Davis, LLC

Job Ledger Report

For the Period From Jan 1, 2006 to Sep 30, 2018

Filter Criteria includes: 1) IDs from 16093106 to 16093106. Report order is by ID. Report is printed including Balance Forward and including Retainage.

Job ID	Phase ID	GL Acct ID	Trx Date	Trans Description	Amount	Totals
16093106	Copies	11000	9/28/16	Copies	6.90	
			10/30/16	Copies	0.45	
						7.35
	Filing Fees	11000	10/3/16	PNC Bank - USDC-AL-SP	400.00	
			1/4/17	Taylor Bartlett - PHV Fee	310.00	
						710.00
	Mileage	11000	10/7/16	Stephen Nabors - Mileage to Target 9/23/16	3.24	
						3.24
	Misc	11000	9/27/16	Taylor Bartlett - HP Printer for Research	87.19	
						87.19
	Pacer	11000	11/22/16	Pacer Service Center - Pacer -ALNDC	0.30	
			1/26/17	Pacer Service Center - Pacer - ALMDC	0.60	
			1/26/17	Pacer Service Center - Pacer - JPMLDC	9.60	
						10.50
	Research	11000	1/3/17	RELX Inc DBA LexisNexis - Research	7.77	
			6/9/17	RELX Inc DBA LexisNexis - Research	20.14	
						27.91
	Westlaw	11000	10/17/16	West Payment Center - Westlaw Research	282.63	
			10/17/16	West Payment Center - Westlaw Research	59.53	
			12/19/16	West Payment Center - Westlaw Research	115.39	
			1/20/17	West Payment Center - Westlaw Research	7.72	
			6/26/17	West Payment Center - Westlaw Research	979.65	
			6/26/17	West Payment Center - Westlaw Research	472.00	
			6/26/17	West Payment Center - Westlaw Research	71.22	
						1,988.14
16093106	Total					2,834.33
Report	Total					2,834.33