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16 Counsel for PLAINTIFFS

17 UNITED STATES DISTRICT COURT
 18 CENTRAL DISTRICT OF CALIFORNIA

19 ISIDORA LOPEZ-VENEGAS, *et al.*,

20 Plaintiffs,

21 v.

22 JE H JOHNSON, *et al.*,

23 Defendants.

No. CV 13-03972-JAK (PLAx)

**DECLARATION OF DARCIIE
 TILLY IN SUPPORT OF MOTION
 FOR ATTORNEYS' FEES**

**Hearing Date: February 9, 2015
 Hearing Time: 8:30 a.m.**

Judge: Hon. John A. Kronstadt

1 I, Darcie Tilly, declare as follows:

2 1. I am a member of the State Bar of California and am an associate at
3 the law firm of Cooley LLP. I am resident in the firm's San Diego office and have
4 been a member of the firm's litigation department since 2005. Unless otherwise
5 specified, I have personal knowledge of the facts in this declaration and can testify
6 competently to them if called as a witness.

7 **Procedural History of Settlement**

8 2. On April 10, 2014, in an effort to reach a resolution of the Action, the
9 parties and representatives of the parties attended an in-person settlement
10 conference before Magistrate Judge Paul L. Abrams. The parties arrived at the
11 settlement conference having provided Judge Abrams with extensive briefing on
12 their respective litigation and settlement positions. Over the course of that day, the
13 parties engaged in productive arms'-length negotiations but were unfortunately
14 unable to reach a settlement.

15 3. The parties and representatives of the parties thereafter participated in
16 additional in-person settlement conferences before Judge Abrams on April 25,
17 2014, and May 23, 2014. These later settlement conferences, combined with
18 additional telephonic and video discussions between counsel for the parties,
19 resulted in the parties tentatively agreeing to settlement terms. After reaching an
20 agreement in principle on the vast majority of the settlement terms, the parties
21 thereafter negotiated the attorneys' fee portion of the settlement agreement and
22 attended an additional settlement conference before Judge Abrams on June 10,
23 2014 to address this and the few other remaining issues.

24 4. Following the June 10, 2014 settlement conference, the parties
25 completed their exchange of drafts of a written agreement. Thereafter, the parties
26 executed the settlement agreement.

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1 5. The negotiations necessary to reach the comprehensive class
2 settlement preliminarily approved by the Court involved complex legal and
3 logistical issues that required a significant commitment of time. The majority of
4 the named plaintiffs attended each of the first three mediations. Thus, attorneys
5 were needed to help communicate with all of them in order to seek their guidance
6 and input as class representatives. Further, attorneys with specialization in
7 immigration law were needed to help craft the class definition and class relief. And
8 attorneys with class action expertise were needed to help craft issues related to the
9 class relief and notice. Further, drafting the settlement agreement was a time-
10 intensive project given that the parties had to agree upon, among other things, a
11 procedure for persons to return to the country without negatively impacting this
12 country's national security priorities and procedures to review decisions to deny
13 persons entrance into the country.

14 **Background on Cooley Attorneys Working on Action**

15 6. I, and the following Cooley attorneys (current and former), have
16 personally been involved in the prosecution of this Action prior to filing the
17 Complaint and through to the present: Brandon Batt, Lindsay Chapman, Peter
18 Dahlquist, Neal Gibeault, Kevin Henderson, Matt Kregel, Michael Nieto, Leo
19 Norton, Jose Rodriguez, Anthony Stiegler, Craig TenBroeck, Neda Weems, and
20 Blake Zollar. The firm biographies of the Cooley attorneys working on this Action
21 are attached as **Exhibit A**. Under the direction of Anthony Stiegler, I have
22 supervised the work of other Cooley LLP lawyers and paralegals working on this
23 case since its inception.

24 7. I am aware that Mr. Stiegler is a partner in the San Diego office of
25 Cooley LLP. Mr. Stiegler has been practicing law for approximately 32 years, is a
26 member of the State Bar of California and as detailed by his firm biography is a
27 well-respected veteran trial attorney.
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1 8. I am aware that Mr. Stiegler has litigated numerous complex civil
2 rights cases, including cutting-edge cases on behalf of immigrants. For instance,
3 Cooley LLP (led by Mr. Stiegler) were co-counsel with ACLUF-SDIC in the
4 lawsuit against the City of Escondido mentioned above that would have prohibited
5 landlords from renting to undocumented immigrants and the two complex cases –
6 one a certified class action (concerning overcrowding) and the other a putative class
7 action (concerning medical care) – on behalf of immigration detainees in ICE
8 custody also mentioned above.

9 9. As noted, above, I am a litigation associate in the San Diego office of
10 Cooley LLP. A significant portion of my practice relates to litigating class actions.
11 Since 2011, I have served as counsel of record for the defense in the following
12 putative class actions, among others, that are or were pending in various federal
13 courts: *Anderson-Butler v. Charming Charlie, Inc.*, 14-cv-01921-WBS-AC (E.D.
14 Cal. 2014); *Staveley v. Express Fashion Apparel, LLC*, 14-cv-05258-DMG-SH
15 (C.D. Cal. 2014); *Haghayeghi v. Guess ?, Inc.*, 14-cv-00020 (S.D. Cal. 2014);
16 *Atebar v. Hawthorne Labs, Inc.*, 14-cv-01285-PSG (N.D. Cal. 2014); *Alcarion v.*
17 *Charlotte Russe, Inc.*, 13-cv-01176-DMS-NLS (S.D. Cal. 2014); *Rahimi v.*
18 *Nintendo of America Inc.*, 12-cv-06351-THE (N.D. Cal. 2013); *Murray v. Time Inc.*,
19 Case No. 12-cv-00431-JSW (N.D. Cal. 2012); *King v. Conde Nast Publications*,
20 12-cv-00719-GHK-E (C.D. Cal. 2012); *Miller v. Hearst Communications Inc.*, 12-
21 cv-00733-GHK-PLA (C.D. Cal. 2012); *Foos v. Ann, Inc.*, 11-cv-02794-L-MDD
22 (S.D. Cal. 2011); *In re LivingSocial Marketing & Sales Practices Litig.*, 11-mc-
23 00472-ESH (D.D.C. 2011); *Farrell v. OpenTable, Inc.*, 11-cv-01785-SI (N.D. Cal.
24 2011); and *Golba v. DSW Inc.*, 11-cv-06615-SJO –CW (C.D. Cal. 2011). I also
25 have civil rights experience, including *Rosado v. Alameida*, 03-cv-01110-J-POR
26 (S.D. Cal. 2003).

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Summary of Time Records

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10. It is the practice of the attorneys and paralegals at Cooley LLP to keep track of their time through the use of a computer billing program that makes contemporaneous timekeeping records. Pursuant to the Court’s instructions, the description of work done was categorized by “task” for purposes of this motion. A spreadsheet listing the time spent by day by each attorney working on this matter, with the description of work noted by “task” is attached as **Exhibit B.**

11. The amount of time Cooley LLP is utilizing to support the reasonableness of the parties’ agreed upon fees is reflected in the summary chart attached as Exhibit C.

12. Time spent related to the organizational plaintiffs’ claims, and the claims of the individual plaintiffs who were not class representatives, benefited the class claims. For instance, evidence related to those claims overlapped with issues relevant to class certification (*e.g.*, numerosity, commonality, and Defendants’ actions or refusals to act on grounds that apply generally to the class).

13. In determining the number of hours for which Cooley LLP would utilize to support the reasonableness of the fee request (Exhibit C), we reduced the work for which we seek compensation in several ways to ensure that the ultimate claimed amount was reasonable. While my co-counsel and I have taken special care to avoid duplicative work by dividing tasks and issues to the extent possible, for the purposes of this motion the following time entries were not included in **Exhibit C.** First, we eliminated all time expended by Mr. Gibeault and Mr. Henderson. Second, we did not seek compensation for any the time that was block-billed in the daily records. Third, we did not include any time spent by paralegals, other support staff, or by law students who participated in our summer program. The above resulted in over 350 hours being not included in Exhibit C. However,

1 we believe the fees we eliminated from Exhibit C would ultimately be compensable
2 if the parties were litigating a disputed fee-motion.

3 14. With respect to the rates charged for our work, assuming Cooley had
4 sought full compensation for all hours billed on this case (attorney, paralegal,
5 support staff, etc.) at its regular billing rates, the associated fee would be well more
6 than \$1 million. The Southern District of California has found that Cooley's rates
7 are within the parameters of rates prevailing in the community for similar work
8 performed by attorneys of comparable skill, experience and reputation. *See Gabriel*
9 *Tech. Corp. v. Qualcomm Inc.*, Case No. 08cv1992 AJB (MDD) (S.D. Cal. Feb. 1,
10 2013, Docket No. 371 at 14-15 (finding Cooley's hourly rates to be "reasonable"
11 and in fact "lower than those charged by comparable firms in California"). The
12 ruling from *Gabriel Tech.* is attached as **Exhibit D.**

13 15. The costs Cooley LLP is utilizing to support the reasonableness of the
14 parties' agreed upon fees is reflected in the summary chart attached as **Exhibit E.**

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16 I declare under the penalty of perjury under the laws of the United States of
17 America that the foregoing is true and correct. Executed on December 16, 2014, at
18 San Diego, California.

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Darcie A. Tilly