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7 *Attorney for Plaintiff Maureen Harrold and the*  
8 *Class*

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
10 **COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

11 MAUREEN HARROLD, individually and on  
12 behalf of all others similarly situated,

13 Plaintiff,

14 v.

15 MUFG UNION BANK, N.A.,

16 Defendant.

Case No. BC680214

**(Assigned for All Purposes to the Honorable  
Yvette M. Palazuelos, Dept. 9)**

**DECLARATION OF JEFFREY D.  
KALIEL IN SUPPORT OF UNOPPOSED  
MOTION FOR ATTORNEYS' FEES,  
COSTS, AND INCENTIVE AWARD**

Date: July 25, 2024  
Time: 10:00 a.m.

Complaint Filed: October 19, 2017

Amended Complaint Filed: July 29, 2020  
Trial Date: None Set

1        **DECLARATION OF JEFFREY D. KALIEL IN SUPPORT OF UNOPPOSED MOTION**  
2                                    **FOR ATTORNEYS' FEES, COSTS, AND INCENTIVE AWARD**

3                I, Jeffrey D. Kaliel, declare as follows:

4                1.        I am an attorney admitted to practice in California and Washington, DC, and in  
5        appellate and district courts across the country. I am a partner at KalielGold PLLC. I submit this  
6        Declaration in support of Plaintiff's Unopposed Motion for Attorneys' Fees, Costs, and Incentive  
7        Award. I have personal knowledge of the following, except where stated upon information and  
8        belief, and if sworn as a witness, I could and would competently testify thereto.

9                2.        KalielGold PLLC was founded in 2017 and is a 100% contingency Plaintiff-side law  
10        firm. Our attorneys have decades of combined experience and have secured hundreds of millions of  
11        dollars for their clients. Our firm's practice focuses on representing consumers in class action  
12        litigation and specifically on cases in the consumer financial services sector. In the four years since  
13        our firm was founded, our firm has been appointed lead counsel or co-lead counsel in numerous  
14        class action and putative class action lawsuits in state and federal courts nationwide including most  
15        recently in *Roberts v. Capital One*, No. 1:16-cv-04841 (S.D.N.Y.); *Walters v. Target Corp.*, No.  
16        3:16-cv-00492 (S.D. Cal.); *Robinson v. First Hawaiian Bank*, Civil No.17-1-0167-01-GWBC (1st  
17        Cir. Haw.); *Liggio v. Apple Federal Credit Union*, No. 18-cv-01059 (E.D. Va.); *Morris et al. v.*  
18        *Bank of America, N.A.*, No. 3:18-cv-00157- RJC-DSC (W.D.N.C.); *Brooks et al. v. Canvas Credit*  
19        *Union*, 2019CV30516 (Dist. Ct. for Denver Cnty., Colo.); *Figueroa v. Capital One, N.A.*, Case No.  
20        3:18-cv-00692-JM-BGS (S.D. Cal.); *White v. Members 1st Credit Union*, Case No. 1:19-cv-00556-  
21        JEJ (M.D. Pa.); *Plummer v. Centra Credit Union*, Case No. 03D01-1804-PL-001903 (Cnty. Of  
22        Bartholomew, Ind.); *Holt v. Community America Credit Union*, Case No. 4:19-cv-00629-FJG (W.D.  
23        Mo.); *Trinity Management v. Charles Puckett*, Case No. GCG-17-558960 (Super. Ct., San Francisco  
24        Cnty, Cal.); *Martin v. L&N Federal Credit Union*, No. 19-CI-022873 (Jefferson Cir. Ct., Div. One);  
25        *Clark v. Hills Bank and Trust Company*, No. LACV080753 (Iowa Dist. Ct. Johnson Cnty.); *Morris*  
26        *v. Provident Credit Union*, Case No. CGC-19-581616 (Super. Ct., San Francisco Cnty., Cal.).

27                3.        KalielGold PLLC is well versed in class action litigation and zealously advocates for  
28        its clients.

                  4.        The \$5,000,000.00 recovery is in my opinion an excellent and favorable result given

1 the complexity of the litigation. Based on Plaintiff's expert data analysis, the Settlement Class's  
2 most likely recoverable damages at trial would have been approximately \$13.3 million. The  
3 Settlement will afford Plaintiff and the Settlement Class a recovery of approximately 37% of their  
4 most probable damages. The Settlement will provide Settlement Class Members with substantial  
5 relief that is well within the range of reasonable recovery in this Circuit in light of the many  
6 continued litigation risks and challenges such as Defendant's arbitration clause arguments, Motion  
7 for Judgement on the Pleadings, and certification.

8           5.       Class Counsel entered into a fee sharing arrangement among their firms that is  
9 intended in part to reflect each firm's relative contribution to the investigation, development,  
10 litigation, and settlement of this class action lawsuit. Specifically, as already disclosed to the Court  
11 in conjunction with the Motion for Preliminary Approval, under the Joint Prosecution Agreement  
12 among the firms, which Plaintiff approved, the McCune Law Group and The Kick Law Firm, APC  
13 will collectively receive 25% of the total attorneys' fees or their relative lodestar, whichever is  
14 greater; Tycko and Zavareei LLP and Kopelowitz Ostrow P.A. will each receive 40% of the  
15 remainder of the attorneys' fees; and KalielGold PLLC would receive the final 20% of the attorneys'  
16 fees. This fee division was entered into via written agreement to which Plaintiff has consented in  
17 writing, and the total fee has not increased solely by reason of this agreement, as required by  
18 California Rule of Professional Conduct 1.5.1.

19           6.       KalielGold PLLC undertook this case on a contingent basis, with the understanding  
20 that the firm would not be compensated at all for any of its efforts unless the case was successful.  
21 The time spent on this matter has required considerable labor that could have, and would have, been  
22 spent on other fee generating matters.

23           7.       Class Counsel has agreed not to apply for attorneys' fees of more than one-third of  
24 the Settlement. Here, the Settlement is comprised of \$5,000,000.00. Accordingly, Class Counsel's  
25 total overall fee request amounts to \$1,666,500.00.

26           8.       I helped originate this matter—including performing case investigation, reviewing  
27 bank statements, and drafting the complaint—while I was with my former law firm and co-counsel  
28 in this matter, Tycko & Zavareei.

          9.       My current firm, KalielGold PLLC has continued to work on this matter. Together

1 with time I spent at my former firm and my current firm, I have spent a total of 63.3 hours on this  
2 litigation, totaling \$55,577.40 in fees. My partner at KalielGold PLLC, Sophia Gold, has also  
3 spent 9.5 hours on this litigation, totaling \$7,381.50 in fees.

4 10. To date, I have worked **63.3** hours on this case, and my work in this case was billed  
5 at \$878.00 per hour. I earned my law degree from Yale Law School in 2005. I graduated from  
6 Amherst College *summa cum laude* in 2000 with a degree in Political Science, and spent one year  
7 studying Philosophy at Cambridge University, England. Over the last several decades, I've  
8 achieved substantial class action experience. I received "Washington D.C. Rising Stars Super  
9 Lawyers 2015" recognition. Further, I have been appointed lead Class Counsel in numerous  
10 nationwide and state-specific class actions. In those cases, I've won contested class certification  
11 motions, defended dispositive motions, engaged in data-intensive discovery and worked  
12 extensively with economics and information technology experts to build damages models. I've  
13 also successfully resolved numerous class actions by settlement, resulting in hundreds of millions  
14 of dollars in relief for millions of class members. I am currently actively litigating several national  
15 class action cases, including numerous actions against financial services entities and other entities  
16 involved in predatory lending and financial services targeting America's most vulnerable  
17 populations.

18 11. Another attorney who worked on this case is Sophia G. Gold. Ms. Gold worked a  
19 total of **9.5** hours on this case, and her work on this case was billed at \$777.00 per hour. Ms. Gold  
20 is a third-generation Plaintiffs' lawyer. A *summa cum laude* graduate of Wake Forest  
21 University and the University of California, Berkeley, School of Law, she has spent her entire  
22 career fighting for justice. Ms. Gold's practice centers around taking on financial institutions,  
23 insurance companies, and other large corporate interests. Ms. Gold has participated in  
24 hundreds of individual and class cases in both state and federal courts across the country.  
25 Collectively, she has helped secure tens of millions of dollars in relief on behalf of the classes  
26 she represents. Ms. Gold is currently representing consumers in numerous cases involving  
27 the assessment of improper fees by banks and credit unions, such as overdraft fees,  
28 insufficient funds fees, and out of network ATM fees. She is also currently representing  
consumers who have been the victims of unfair and deceptive business practices. Ms. Gold is

1 admitted to practice in California and Washington, D.C.

2 12. The following is a chart of the attorneys from KalielGold PLLC seeking  
3 compensation for legal services in connection with this litigation, the hours each individual  
4 worked on the case, and the lodestar based on that timekeepers' current hourly rate:

<b>Timekeeper</b>	<b>Position</b>	<b>Hours</b>	<b>Rate</b>	<b>Lodestar</b>
Jeffrey D. Kaliel	Partner	63.3	\$878.00	\$55,577.40
Sophia G. Gold	Partner	9.5	\$777.00	\$7,381.50
<b>Total</b>		<b>72.8</b>		<b>\$62,958.90</b>

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6  
7  
8  
9  
10 13. A more detailed breakdown of KalielGold PLLC's lodestar in this matter is attached  
11 hereto as **Exhibit 1**.

12 14. Class Counsel's lodestar based on reasonable hours worked at the prevailing market  
13 rates amounts to **\$62,958.90**. Accordingly, the lodestar multiplier here is around 3.97, which is  
14 within the range of approval. *See Wershba v. Apple Computer, Inc.* (2001) 91 Cal.App.4th 224,  
15 255).

16 15. Pursuant to the fee sharing arrangement among Class Counsel, McCune Law  
17 Group and The Kick Law Firm, APC will collectively receive 25% of the total attorneys' fees or  
18 their relative lodestar, whichever is greater; Tycko and Zavareei LLP and Kopelowitz Ostrow P.A.  
19 will each receive 40% of the remainder of the attorneys' fees; and KalielGold PLLC will receive  
20 the final 20% of the attorneys' fees. As indicated above, KalielGold PLLC's lodestar amounts to  
21 **\$62,958.90**. Therefore, the firm would receive the final 20% of \$1,666,500.00, which is  
22 \$249,975.00, assuming the full fee award is granted. The accompanying Motion argues the total  
23 fee awarded should be one-third, pursuant to the percentage of recovery, and if the Court were to  
24 conduct a lodestar crosscheck it should conduct such an analysis as to Class Counsel as a whole.

25 16. Class Counsel also seek reimbursement of the reasonable expenses incurred in the  
26 prosecution of this action. The following is a breakdown of the expenses Class Counsel incurred to  
27 date, and for which they seek reimbursement in this matter:

<b>Type</b>	<b>Amount</b>
Mediation Related Expenses	\$1,196.25

<b>Total</b>	<b>\$1,196.25</b>
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17. The foregoing expenses were incurred solely in connection with this litigation and are reflected in Class Counsel’s books and records as maintained in the ordinary course of business. The claimed expenses were incurred to retain the services of a preeminent mediator that has assisted the parties successfully settling the case. Overall, Class Counsel has agreed to cap total costs at \$60,458.10. (MPA Order). Because the costs and expenses are small relative to the common fund amount, and are facially reasonable and necessary, the Court should award the requested \$60,458.10 in costs and expenses. Moreover, if final costs are lower than \$60,458.10, any remaining funds will remain in the settlement fund for distribution to the Class Members.

18. In my opinion, the proposed class representative, Maureen Harrold, was highly important to the success of this case. Ms. Harrold provided essential information for the prosecution of this action, made herself available for multiple phone calls at all stages of the litigation, reviewed the complaint and first amended complaint before each was filed, gathered and provided pertinent documents, and participated in discussions with Class Counsel regarding the settlement and reviewed and approved the settlement documents. She spent approximately 75 hours helping Class Counsel prosecute this case over the course of six years with no guarantee of any success or recovery. A full recitation of Ms. Harrold’s important, pro-active, and substantial role in this case is documented in her declaration filed concurrently with this motion.

I declare under penalty of perjury pursuant to the laws of the State of California that the foregoing is true and correct.

Executed this 1<sup>st</sup> day of May 2024, at Washington, D.C.

*/s/ Jeffrey D. Kaliel*  
Jeffrey D. Kaliel

# **EXHIBIT 1**

<b>KalielGold PLLC Hours by Litigation Phase</b>						
<b>Category</b>	<b>Jeffrey Kaliel, Attorney Hours</b>	<b>Sophia Gold, Attorney Hours</b>	<b>[Insert Timekeeper 3 Name/Position] Hours</b>	<b>[Insert Timekeeper 4 Name/Position] Hours</b>	<b>[Insert Timekeeper 5 Name/Position] Hours</b>	<b>Total Hours</b>
<b>Case Development, Background Investigation, and Case Administration</b>  <i>Includes legal and factual research, review of relevant docs; other pre-suit tasks, etc.</i>	17					
<b>Finding Class Representative</b>  <i>Includes developing info to seek class rep, interviewing potential class reps; signing class rep, and review and assessment of class rep's specific information, etc.</i>	6.4					
<b>Strategy Development, Case Analysis, Class Counsel Conferences</b>  <i>Includes strategy meetings internally at firm and with co-counsel throughout case, etc.</i>	6.5	2				



<b>Pleadings</b> <i>Includes research, drafting, filing, etc.</i>	17.2	3.5				
<b>Settlement</b> <i>Includes drafting agreement, discussions between counsel related to settlement, tasks assigned by Court related to settlement, etc.</i>	11	4				
<b>Preliminary Approval</b> <i>Includes drafting motion, class notice, accompanying declarations, etc.</i>	2.2					
<b>Fee Petition Preparation</b>	2					
<b>Motion for Final Approval Preparation</b>	1					
<b>TOTAL</b>	<b>63.3</b>	<b>9.5</b>				

**Please include the hourly rate for each Timekeeper:**

<b>Name</b>	<b>Rate</b>
Jeffrey Kaliel	878
Sophia Gold	777