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Attorneys for Petitioner and Plaintiff

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN BERNARDINO

CHRISTINA LOPEZ-BURTON, an  
individual, on behalf of herself and all others  
similarly situated,

Petitioner and Plaintiff,

v.

TOWN OF APPLE VALLEY, a general law  
city; and DOES 1-10,

Respondents and Defendants.

Case No.: CIVDS1725027

*Assigned for all purposes to Hon. David S. Cohn*

**DECLARATION OF ERIC J. BENINK IN  
SUPPORT OF PETITIONER AND  
PLAINTIFF CHRISTINA LOPEZ-  
BURTON'S MOTION FOR ATTORNEY'S  
FEES, REIMBURSEMENT OF  
EXPENSES, AND SERVICE AWARD**

Petition/Complaint Filed: December 20, 2017

DATE: October 16, 2019  
TIME: 8:30 a.m.  
DEPT: S26

I, Eric J. Benink, declare as follows:

1. I am a partner at Benink & Slavens, LLP f/k/a Krause, Kalfayan, Benink & Slavens, LLP., and one of the attorneys representing Plaintiff and Petitioner Christina Lopez-Burton ("Plaintiff") in the above-entitled action. I have been directly involved in and have supervised every

1 stage of the prosecution of this action since its inception. On July 23, 2019, I was provisionally  
2 designated by the Court as Class Counsel together with Prescott W. Littlefield. I have personal  
3 knowledge of the facts stated below and, if called upon, I could and would testify competently thereto.

4 2. My firm's practice is, and was during all times in this case, to maintain  
5 contemporaneous time records of the legal work we perform. This means we record our time while  
6 the work is being performed or as soon thereafter as it is practical to do so (rather than estimating our  
7 time.) Through June 30, 2019, we recorded our time in a program called TimeSlips at 1/10 hour  
8 intervals. Beginning July 1, 2019, we changed to a program called MyCase. We also recorded our  
9 time at 1/10 hour intervals in MyCase.

10 3. Attached hereto as **Exhibits 1** is a redacted printout of entries of time my firm  
11 recorded for this matter in TimeSlips and MyCase through September 4, 2019, for which we seek to  
12 be compensated. Included in the entries are the date of the work, the timekeeper who performed the  
13 work, a description of the work performed, and the total amount of time incurred for each entry. Our  
14 work has included, but was not limited to: propounding to the Town of Apple Valley ("Town")  
15 Requests for Production of Documents (two sets), Special Interrogatories (two sets), Requests for  
16 Admission, and Form Interrogatories; reviewing 8,000+ pages of documents produced by the  
17 Town; subpoenaing and reviewing documents from third-party Burrtec Waste Industries  
18 ("Burrtec") (1,600+ pages); deposing third- party witness Richard Nino from Burrtec, third-party  
19 witness Marc Puckett (former Town Finance Director) and a PMQ for the Town, Kofi Antobam,  
20 on 18 separate topics; and reviewing and analyzing the Town's expert report and declaration  
21 regarding the value of the "franchise fee." We have requested and received information directly  
22 from the Town's attorneys as well to better understand and corroborate various aspects of the  
23 issues raised herein. In addition, we reviewed evidence and drafted Plaintiff's opening brief on  
24 petition for writ of mandate and reviewed the Town's opposition brief. We prepared a mediation  
25 brief and attended two mediation sessions before reaching an agreement in principle. Once the  
26 Settlement was approved by the Town Council, we worked with opposing counsel to draft the  
27 settlement agreement, which included numerous exhibits such as short and long form class  
28 notices, opt out form, and claim form. We drafted and prepared the motion for preliminary  
approval, including drafting all supporting exhibits and declarations in support thereof. We  
obtained bids from claims administrators, hired the current Claims Administrator, and thereafter

1 coordinated the implementation of the notice program. We also drafted the motion for final  
2 approval of the settlement. The total hours expended by each attorney at Benink & Slavens, LLP  
3 through September 4, 2019 is as follows:

TIMEKEEPER	NUMBER OF HOURS
ERIC J. BENINK	325.8
VINCENT D. SLAVENS	36
<b>TOTAL</b>	<b>361.8</b>

4  
5  
6  
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10 4. The above hours do not include time spent preparing the motion for attorney's fees.  
11 estimate that after September 4, 2019, we will expend at least another 25 hours finalizing the motion  
12 for final approval, responding to questions from class members, preparing responses to any timely  
13 and proper objections and notifying the court of the number of claims and timely requests for  
14 exclusions received, attending the fairness hearing, and coordinating with the Claims Administrator  
15 and the Town regarding the distribution of funds. Thus, the total number of actual and estimated  
16 hours is expected to be at least **386.8**.

17 5. I believe an hourly rate of \$650 for the three attorneys who worked on this matter is  
18 reasonable based on our years of experience, qualifications and my understanding of rates for  
19 attorneys with class action experience and similar qualifications in the Los Angeles/Southern  
20 California region. I have been practicing 22 years in the area of complex litigation, including in the  
21 area of consumer protection, securities, Propositions 218 and 26, including individual actions and  
22 class actions. I have prosecuted at least 20 Proposition 218 and 26 cases including a class action  
23 against the City of San Diego that recovered \$40 million for sewer ratepayers and a class action  
24 against the City of Los Angeles with a \$293 million settlement value. I have been appointed by the  
25 San Diego Superior Court as a Receiver in securities fraud cases five times, and I have been retained  
26 and have testified as a securities law expert witness. I was named to the Super Lawyers list from  
27 2014 through 2019 (this designation is given to only 5% of all attorneys). My partner Vincent  
28 Slavens devotes a substantial portion of his practice to Proposition 218 and 26 cases as well.

1 Attached hereto as **Exhibit 2** is our most recent firm résumé which sets forth our firm's and our  
2 attorney's experience, qualifications and background.

3 6. In a majority of our successful Proposition 218 cases, we have negotiated a fee with  
4 the opposing party. For example, I negotiated an hourly fee of \$600 per hour with the opposing party  
5 after the court granted our client's petition for writ of mandate in a Proposition 218 tiered water case  
6 against the City of Glendale in Los Angeles County, albeit that negotiation including other moving  
7 parts, including whether a multiplier was appropriate. Earlier this year, the City of Sacramento agreed  
8 to pay me an hourly rate of \$600 plus a multiplier in two separate Proposition 218 cases (one post-  
9 ruling on a writ petition and one at an early stage of litigation.) We have had similar results in  
10 contested attorney's fee applications. In February of 2018, the superior court in *Eck v. City of Los*  
11 *Angeles, et al.*, a Proposition 218/26 class action, awarded my firm attorney's fees in connection with  
12 a class action settlement in which we submitted an hourly rate of \$650 for myself and \$625 for  
13 Vincent Slavens. Based upon our hourly rates, our firm lodestar for this matter (inclusive of the  
14 estimated 25 hours in the future) is **\$251,420**. Our co-counsel on this matter, Prescott W. Littlefield is  
15 submitting a separate declaration setting for his firm's total hours and hourly rate, and presenting his  
16 experience.

17 7. Our firm's practice is largely contingency-based and we file cases across the state.  
18 We do not maintain a "customary" hourly rate per se because we know that as a practical matter, an  
19 appropriate rate in one jurisdiction may not be reasonable in another (we have filed cases in remote  
20 areas of the state like Amador County). In other words, it is not easy to set a uniform hourly rate  
21 "prevailing in the community for similar work." (See *PLCM Group v. Drexler* (2000) 22 Cal.4th  
22 1084, 1095.)

23 8. I obtained the document previously referred to as the Laffey Matrix (and now called  
24 the "USAO Attorney's fees Matrix") for the period 2015-2019 from the Department of Justice's  
25 website at <https://www.justice.gov/usao-dc/file/796471/download> (last visited on September 7,  
26 2019). Attached hereto as **Exhibit 3** is a true and correct copy of the USAO Attorney's fees Matrix  
27 that I downloaded and printed from the website. Explanatory Note 1 in the Matrix explains that  
28 "[t]his matrix is intended for use in cases in which a fee-shifting statute permits the prevailing party to

1 recover ‘reasonable’ attorney’s fees.” I separately located from the U.S. Court’s website at  
2 <http://www.uscourts.gov/careers/compensation/judiciary-salary-plan-pay-rates> (last visited on  
3 September 7, 2019) the “locality” adjustment information for the “Judicial Salary Plan” which courts  
4 have used to adjust the USAO Attorney’s fees Matrix rates based on the locale of the case. Attached  
5 as **Exhibit 4** are the Judiciary Salary Plans for Washington-Baltimore-Arlington and Los Angeles-  
6 Long Beach, effective January 7, 2019 that I downloaded from the website and printed. There is no  
7 specific salary plan for San Bernardino County. The closest locale is Los Angeles.

8         9. My firm undertook this case on a contingency fee basis. While the risks were  
9 significant, my firm aggressively prosecuted this case without payment, and without knowing if we  
10 would ever be paid for our time or reimbursed our expenses. The issues presented in the case were  
11 complex and unprecedented, and required not only a deep understanding of the Town’s solid waste  
12 ratemaking processes, documents and franchise agreements, but also an appreciation of how courts  
13 (both trial and appellate) could possibly adjudicate the unique and untested issues raised in this case.  
14 It is my belief that there are few attorneys from the plaintiffs bar that possess the expertise to  
15 successfully analyze, brief and prosecute the claims raised in this type of case and this case in  
16 particular. The Town was represented by sophisticated and able counsel; Best, Best and Krieger,  
17 LLP. is one of the premier municipal law firms in California. We currently represent two plaintiffs on  
18 appeal in Proposition 218 cases (one as the losing party and one as the prevailing party) and we have  
19 in the past year agreed to a stay of cases pending decisions in Proposition 218 cases that were pending  
20 before the California Supreme Court. Thus, we are plainly aware from experience that Proposition  
21 218 cases can often take years to resolve because they are often appealed and we are always prepared  
22 to prosecute or defend an appeal if appropriate.

23         10. Attached hereto as **Exhibit 5** is an itemization of expenses that Class Counsel  
24 reasonably incurred in the prosecution of this action. Those expenses include, inter alia, filing and  
25 Court Call fees, courier/messenger fees, postage, legal research (Westlaw) fees, copy and printing

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27 ///

28 ///

costs, mediation fees, and travel expenses. These expenses are categorized and totaled as follows:

CATEGORY OF EXPENSE	AMOUNT
Filing Fees/ Court Call	\$ 1,474.72
Courier/Messenger, Service Fees and Postage	\$ 1,079.00
Copying, Scanning and Printing	\$ 1,389.15
Legal Research (Westlaw)	\$ 44.51
Deposition Costs	\$ 4,493.98
Mediation Fees	\$ 2,129.00
Travel Expenses	\$ 663.11
TOTAL	\$ 11,273.47

11. My firm has agreed to split the attorney's fees recovered in this matter with our co-counsel Kearney Littlefield, LLP 50/50. The amount of hours expended on this matter have not increased in any way due to this fee-split agreement. Ms. Burton has been informed of this fee split arrangement in writing and has given her signed written consent to the fee split.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 9, 2019 in San Diego, CA.

  
Eric J. Benink, Esq.

# EXHIBIT 1

Benink & Slavens, LLP Attorneys:

Eric Benink  
Vincent Slavens

Client Matter	Time Keeper	Transaction Date	Time Spent	Rate Value	Amount Billed	Description
Lopez-Burton v. Apple Valley	Eric Benink	7/21/2017	5	\$650	\$3,250	Review issues regarding franchise fees and transfers
Lopez-Burton v. Apple Valley	Eric Benink	7/21/2017	2.5	\$650	\$1,625	draft memo to co-counsel
Lopez-Burton v. Apple Valley	Vincent Slavens	10/11/2017	0.9	\$650	\$585	Review pleading and discuss with E. Benink.
Lopez-Burton v. Apple Valley	Eric Benink	10/10/2017	7.5	\$650	\$4,875	Draft complaint; research various issues; review materials from PRA requests.
Lopez-Burton v. Apple Valley	Eric Benink	10/11/2017	6.5	\$650	\$4,225	Draft complaint; revise and edit
Lopez-Burton v. Apple Valley	Eric Benink	10/11/2017	0.4	\$650	\$260	Emails to/from co-counsel re: edits and proposed changes
Lopez-Burton v. Apple Valley	Eric Benink	10/11/2017	0.4	\$650	\$260	Draft supplement claim letter.
Lopez-Burton v. Apple Valley	Eric Benink	12/12/2017	1.3	\$650	\$845	Revise complaint
Lopez-Burton v. Apple Valley	Eric Benink	12/12/2017	0.1	\$650	\$65	Emails to/from co-counsel re: revised complaint
Lopez-Burton v. Apple Valley	Vincent Slavens	2/23/2018	0.9	\$650	\$585	Prepare for and attend pre-CMC telephone conference.
Lopez-Burton v. Apple Valley	Vincent Slavens	2/28/2018	5.5	\$650	\$3,575	Attend CMC.
Lopez-Burton v. Apple Valley	Eric Benink	2/23/2018	1.2	\$650	\$780	Prepare for case management meet and confer
Lopez-Burton v. Apple Valley	Eric Benink	2/23/2018	0.4	\$650	\$260	Meet and confer with opposing counsel
Lopez-Burton v. Apple Valley	Eric Benink	2/23/2018	1	\$650	\$650	Draft CMC statement
Lopez-Burton v. Apple Valley	Eric Benink	4/3/2018	6.5	\$650	\$4,225	Draft discovery to TOAV.



**Lopez-Burton v. Apple Valley**  
**San Bernardino County Superior Court**  
**Case No. CIVDS1725027**

**Attorney Time Report**

Lopez-Burton v. Apple Valley	Eric Benink	4/4/2018	1.7	\$650	\$1,105	Draft discovery to TOAV.
Lopez-Burton v. Apple Valley	Eric Benink	6/19/2018	0.3	\$650	\$195	T/C with PL and VS re: upcoming case management conference
Lopez-Burton v. Apple Valley	Eric Benink	6/19/2018	0.1	\$650	\$65	Email to OPC re: draft statement.
Lopez-Burton v. Apple Valley	Eric Benink	6/20/2018	0.2	\$650	\$130	Emails to/from JL re: case management hearing issues.
Lopez-Burton v. Apple Valley	Eric Benink	6/21/2018	0.2	\$650	\$130	Review Guidelines and CRC
Lopez-Burton v. Apple Valley	Eric Benink	6/21/2018	0.1	\$650	\$65	Email to PL re need for CMC statement
Lopez-Burton v. Apple Valley	Eric Benink	6/21/2018	0.1	\$650	\$65	Emails to/from JL re: same
Lopez-Burton v. Apple Valley	Eric Benink	6/21/2018	1.2	\$650	\$780	Draft stipulation re: bifurcation, briefing schedule, etc.
Lopez-Burton v. Apple Valley	Eric Benink	6/27/2018	0.2	\$650	\$130	Emails to/from PL re: status conference issues.
Lopez-Burton v. Apple Valley	Eric Benink	6/28/2018	0.2	\$650	\$130	Emails to/from PL re: status conference issues.
Lopez-Burton v. Apple Valley	Eric Benink	6/26/2018	0.2	\$650	\$130	Update client via email.
Lopez-Burton v. Apple Valley	Eric Benink	6/25/2018	0.8	\$650	\$520	Pull files to forward to co-counsel re: PRA case.
Lopez-Burton v. Apple Valley	Eric Benink	7/5/2018	3.6	\$650	\$2,340	Review discovery responses and initial review of documents
Lopez-Burton v. Apple Valley	Eric Benink	7/5/2018	2.3	\$650	\$1,495	Draft meet and confer letter
Lopez-Burton v. Apple Valley	Eric Benink	7/27/2018	0.5	\$650	\$325	T/C with PL re: depositions.
Lopez-Burton v. Apple Valley	Eric Benink	7/25/2018	0.4	\$650	\$260	Review supplemental discovery reponse.
Lopez-Burton v. Apple Valley	Eric Benink	7/26/2018	0.2	\$650	\$130	Update client via email.

**Lopez-Burton v. Apple Valley**  
**San Bernardino County Superior Court**  
**Case No. CIVDS1725027**

**Attorney Time Report**

Lopez-Burton v. Apple Valley	Eric Benink	7/30/2018	0.4	\$650	\$260	Review subpoenas and email comments to/from PL.
Lopez-Burton v. Apple Valley	Vincent Slavens	8/15/2018	1.5	\$650	\$975	Review case law and discovery responses.
Lopez-Burton v. Apple Valley	Vincent Slavens	8/16/2018	0.9	\$650	\$585	Brainstorm ideas for the case.
Lopez-Burton v. Apple Valley	Eric Benink	8/6/2018	0.2	\$650	\$130	Review emails from PL re: SDT to Burtecc and final SDT.
Lopez-Burton v. Apple Valley	Eric Benink	8/8/2018	0.4	\$650	\$260	T/C with PL re: various issues (subpoena, strategy, etc.)
Lopez-Burton v. Apple Valley	Eric Benink	8/16/2018	7.5	\$650	\$4,875	Careful review and index of document production.
Lopez-Burton v. Apple Valley	Eric Benink	8/17/2018	6.3	\$650	\$4,095	Review documents and index.
Lopez-Burton v. Apple Valley	Eric Benink	8/17/2018	0.7	\$650	\$455	Emails to JL re: deficiencies in document production and discovery response.
Lopez-Burton v. Apple Valley	Eric Benink	8/20/2018	0.8	\$650	\$520	T/C with PL re: various issues.
Lopez-Burton v. Apple Valley	Eric Benink	8/21/2018	0.1	\$650	\$65	Review email from Burrtec attorney Brent Clemmers
Lopez-Burton v. Apple Valley	Eric Benink	8/21/2018	0.1	\$650	\$65	T/C with PL re: same email from Burrtec attorney Brent Clemmers
Lopez-Burton v. Apple Valley	Eric Benink	8/21/2018	0.3	\$650	\$195	Draft email response to email from Burrtec attorney Brent Clemmers
Lopez-Burton v. Apple Valley	Eric Benink	8/28/2018	0.2	\$650	\$130	Emails to/from PL and BClemmer re: deposition issues and additional subpoena
Lopez-Burton v. Apple Valley	Eric Benink	8/28/2018	0.2	\$650	\$130	Prepare additional subpoena to Burrtec
Lopez-Burton v. Apple Valley	Eric Benink	9/4/2018	0.1	\$650	\$65	Revise subpoena with paralegal
Lopez-Burton v. Apple Valley	Eric Benink	9/4/2018	0.2	\$650	\$130	T/C with Brent Clemmer re: depo
Lopez-Burton v. Apple Valley	Eric Benink	9/4/2018	0.1	\$650	\$65	Email to JL

**Lopez-Burton v. Apple Valley**  
**San Bernardino County Superior Court**  
**Case No. CIVDS1725027**

**Attorney Time Report**

Lopez-Burton v. Apple Valley	Eric Benink	10/3/2018	4.7	\$650	\$3,055	Review Burrtec docs and TOAV docs in preparation for deposition.
Lopez-Burton v. Apple Valley	Eric Benink	10/4/2018	7.3	\$650	\$4,745	Prepare for deposition of Richard Nino.
Lopez-Burton v. Apple Valley	Eric Benink	10/4/2018	3.8	\$650	\$2,470	Prepare for Nino deposition.
Lopez-Burton v. Apple Valley	Eric Benink	10/8/2018	1.5	\$650	\$975	Travel to Irvine
Lopez-Burton v. Apple Valley	Eric Benink	10/8/2018	5.5	\$650	\$3,575	Prepare / attend deposition of Richard Nino
Lopez-Burton v. Apple Valley	Eric Benink	10/8/2018	2.5	\$650	\$1,625	Travel to SD
Lopez-Burton v. Apple Valley	Eric Benink	10/12/2018	0.6	\$650	\$390	T/C with PL re: theories.
Lopez-Burton v. Apple Valley	Vincent Slavens	11/1/2018	1.4	\$650	\$910	Review discovery and brainstorm additional discovery needed.
Lopez-Burton v. Apple Valley	Eric Benink	11/1/2018	0.7	\$650	\$455	Conference with VS re: legal strategies and need for additional discovery
Lopez-Burton v. Apple Valley	Eric Benink	11/1/2018	2.5	\$650	\$1,625	Review further documents and prior discovery.
Lopez-Burton v. Apple Valley	Eric Benink	11/2/2018	0.5	\$650	\$325	T/C with PL
Lopez-Burton v. Apple Valley	Eric Benink	11/2/2018	3.7	\$650	\$2,405	Draft further discovery and PMQ topics
Lopez-Burton v. Apple Valley	Eric Benink	11/15/2018	0.6	\$650	\$390	Review and revise stipulation extending dates; email to PL re: same.
Lopez-Burton v. Apple Valley	Eric Benink	12/5/2018	8.3	\$650	\$5,395	Prepare for deposition of Marc Puckett
Lopez-Burton v. Apple Valley	Eric Benink	12/7/2018	11.5	\$650	\$7,475	Travel to Marc Puckett deposition, attend deposition, travel back to SD.
Lopez-Burton v. Apple Valley	Eric Benink	12/10/2018	6.8	\$650	\$4,420	Review docs from document production for draft stipulation; prepare draft stipulation and email to OPC.
Lopez-Burton v. Apple Valley	Eric Benink	12/12/2018	7.2	\$650	\$4,680	Prepare discovery responses to rogs (review documents produced by TOAV to assist)

**Lopez-Burton v. Apple Valley**  
**San Bernardino County Superior Court**  
**Case No. CIVDS1725027**

**Attorney Time Report**

Lopez-Burton v. Apple Valley	Eric Benink	12/13/2018	6.6	\$650	\$4,290	Prepare discovery responses to TOAV rogs (in conjunction with further document review).
Lopez-Burton v. Apple Valley	Eric Benink	12/13/2018	0.2	\$650	\$130	Email to client re: [REDACTED]
Lopez-Burton v. Apple Valley	Eric Benink	12/26/2018	2.3	\$650	\$1,495	Review and revise [REDACTED]
Lopez-Burton v. Apple Valley	Eric Benink	12/26/2018	0.2	\$650	\$130	Instructions to client re: [REDACTED]
Lopez-Burton v. Apple Valley	Eric Benink	2/7/2019	5.7	\$650	\$3,705	Draft Opening Brief (review depo transcripts of witnesses and evidence)
Lopez-Burton v. Apple Valley	Eric Benink	2/7/2019	2.5	\$650	\$1,625	Review further documents produced by JL and assemble all proper versions of exhibits to stipulation
Lopez-Burton v. Apple Valley	Eric Benink	2/7/2019	0.2	\$650	\$130	Email to JL re: missing docs
Lopez-Burton v. Apple Valley	Eric Benink	2/8/2019	8	\$650	\$5,200	Draft Opening Brief.
Lopez-Burton v. Apple Valley	Eric Benink	2/9/2019	5.8	\$650	\$3,770	Draft brief
Lopez-Burton v. Apple Valley	Eric Benink	2/10/2019	6	\$650	\$3,900	Draft Opening Brief
Lopez-Burton v. Apple Valley	Eric Benink	2/11/2019	7.6	\$650	\$4,940	Draft Opening Brief.
Lopez-Burton v. Apple Valley	Eric Benink	2/1/2019	2.3	\$650	\$1,495	Pull documents together for deposition of PMQ.
Lopez-Burton v. Apple Valley	Eric Benink	2/2/2019	7.5	\$650	\$4,875	Prepare for deposition of PMQ deponent.
Lopez-Burton v. Apple Valley	Eric Benink	2/3/2019	8	\$650	\$5,200	Prepare for deposition of PMQ deponent.
Lopez-Burton v. Apple Valley	Eric Benink	2/4/2019	2.3	\$650	\$1,495	Travel to Corona
Lopez-Burton v. Apple Valley	Eric Benink	2/4/2019	6.5	\$650	\$4,225	Depose PMQ witness
Lopez-Burton v. Apple Valley	Eric Benink	2/4/2019	2.5	\$650	\$1,625	Travel to SD

**Lopez-Burton v. Apple Valley**  
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**Attorney Time Report**

Lopez-Burton v. Apple Valley	Eric Benink	2/5/2019	0.2	\$650	\$130	Emails to/from client re: [REDACTED]
Lopez-Burton v. Apple Valley	Eric Benink	2/5/2019	0.1	\$650	\$65	Email to client RE re: [REDACTED]
Lopez-Burton v. Apple Valley	Eric Benink	1/2/2019	0.7	\$650	\$455	Review docs needed to stipulation
Lopez-Burton v. Apple Valley	Eric Benink	1/2/2019	0.1	\$650	\$65	Email to JL re: documents for stipulation
Lopez-Burton v. Apple Valley	Eric Benink	1/11/2019	0.4	\$650	\$260	Review 2034 demand exchange and review rules/deadlines
Lopez-Burton v. Apple Valley	Eric Benink	1/11/2019	0.1	\$650	\$65	Email to PL re: 2034 demand
Lopez-Burton v. Apple Valley	Eric Benink	1/11/2019	0.1	\$650	\$65	Emails re: scheduling of deposition dates.
Lopez-Burton v. Apple Valley	Eric Benink	1/9/2019	0.2	\$650	\$130	Emails to/from JL and PL re: scheduling depositions.
Lopez-Burton v. Apple Valley	Vincent Slavens	2/13/2019	1.3	\$650	\$845	Draft and edit opening brief.
Lopez-Burton v. Apple Valley	Vincent Slavens	2/14/2019	5.5	\$650	\$3,575	Prepare exhibits and other documents for filing opening brief.
Lopez-Burton v. Apple Valley	Vincent Slavens	2/15/2019	2.5	\$650	\$1,625	Review, edit and comment on opening brief.
Lopez-Burton v. Apple Valley	Vincent Slavens	2/15/2019	6.1	\$650	\$3,965	Review EJB Declaration.
Lopez-Burton v. Apple Valley	Vincent Slavens	2/15/2019	1.5	\$650	\$975	Review of EJB Declaration and other documents relating to opening brief.
Lopez-Burton v. Apple Valley	Eric Benink	2/12/2019	9	\$650	\$5,850	Pull exhibits together for Opening Brief; revise and draft sections of brief,
Lopez-Burton v. Apple Valley	Eric Benink	2/13/2019	7.3	\$650	\$4,745	Revise opening brief and plug in citations, etc;
Lopez-Burton v. Apple Valley	Eric Benink	2/14/2019	2	\$650	\$1,300	Draft EJB declaration and compare against brief and AE.

**Lopez-Burton v. Apple Valley**  
**San Bernardino County Superior Court**  
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**Attorney Time Report**

Lopez-Burton v. Apple Valley	Eric Benink	2/15/2019	4.5	\$650	\$2,925	Pull all documents/exhibits together for final review, supervise assembly, final proof read of all documents, revise declaration, revise notice of hearing.
Lopez-Burton v. Apple Valley	Eric Benink	2/18/2019	0.1	\$650	\$65	Emails to/from PL and JL re: mediation.
Lopez-Burton v. Apple Valley	Eric Benink	2/26/2019	2.5	\$650	\$1,625	Revise mediation brief.
Lopez-Burton v. Apple Valley	Eric Benink	2/27/2019	0.1	\$650	\$65	Email from JL re: expert disclosures
Lopez-Burton v. Apple Valley	Eric Benink	2/27/2019	0.2	\$650	\$130	T/C with PL re: expert disclosures
Lopez-Burton v. Apple Valley	Eric Benink	2/27/2019	0.1	\$650	\$65	Review proposed email to JL
Lopez-Burton v. Apple Valley	Eric Benink	2/27/2019	0.3	\$650	\$195	Review expert disclosure
Lopez-Burton v. Apple Valley	Eric Benink	2/27/2019	0.5	\$650	\$325	High-level review expert reports from Jacks case
Lopez-Burton v. Apple Valley	Eric Benink	2/27/2019	1.5	\$650	\$975	Prepare damage analysis
Lopez-Burton v. Apple Valley	Eric Benink	2/27/2019	0.7	\$650	\$455	T/C with PL re: damages analysis
Lopez-Burton v. Apple Valley	Eric Benink	2/27/2019	0.5	\$650	\$325	Further analysis.
Lopez-Burton v. Apple Valley	Eric Benink	2/28/2019	2.2	\$650	\$1,430	Travel to mediation
Lopez-Burton v. Apple Valley	Eric Benink	2/28/2019	8	\$650	\$5,200	Prepare for and attend mediation
Lopez-Burton v. Apple Valley	Eric Benink	2/28/2019	2	\$650	\$1,300	Travel to SD
Lopez-Burton v. Apple Valley	Eric Benink	3/14/2019	0.3	\$650	\$195	T/C with R. Egger
Lopez-Burton v. Apple Valley	Eric Benink	3/14/2019	0.1	\$650	\$65	Email update to PL.

**Lopez-Burton v. Apple Valley**  
**San Bernardino County Superior Court**  
**Case No. CIVDS1725027**

**Attorney Time Report**

Lopez-Burton v. Apple Valley	Eric Benink	3/6/2019	1.5	\$650	\$975	Review expert report.
Lopez-Burton v. Apple Valley	Eric Benink	3/7/2019	0.4	\$650	\$260	T/C with PL re: expert
Lopez-Burton v. Apple Valley	Eric Benink	3/12/2019	0.4	\$650	\$260	T/C with PL re: strategy issues.
Lopez-Burton v. Apple Valley	Eric Benink	3/20/2019	2.2	\$650	\$1,430	Review opposition papers.
Lopez-Burton v. Apple Valley	Eric Benink	3/21/2019	2.5	\$650	\$1,625	Prepare for mediation.
Lopez-Burton v. Apple Valley	Eric Benink	3/22/2019	2.5	\$650	\$1,625	Travel to mediation
Lopez-Burton v. Apple Valley	Eric Benink	3/22/2019	5	\$650	\$3,250	Prepare and attend mediation
Lopez-Burton v. Apple Valley	Eric Benink	3/22/2019	2.5	\$650	\$1,625	Travel to SD
Lopez-Burton v. Apple Valley	Eric Benink	3/25/2019	0.7	\$650	\$455	Emails to/from RE re: stipulation, prepare stipulation and ready for filing.
Lopez-Burton v. Apple Valley	Eric Benink	3/24/2019	0.5	\$650	\$325	Prepare stipulation / notice of settlement.
Lopez-Burton v. Apple Valley	Eric Benink	4/11/2019	3.8	\$650	\$2,470	Draft settlement agreement.
Lopez-Burton v. Apple Valley	Eric Benink	4/9/2019	5.4	\$650	\$3,510	Draft settlement agreement.
Lopez-Burton v. Apple Valley	Eric Benink	4/26/2019	4.6	\$650	\$2,990	Review and Revise exhibits to SA.
Lopez-Burton v. Apple Valley	Eric Benink	5/28/2019	4.4	\$650	\$2,860	Review exhibits to SA.
Lopez-Burton v. Apple Valley	Eric Benink	5/29/2019	4.8	\$650	\$3,120	Revise exhibits to SA, review SA again and compare to exhibits to check for consistencies; review Judge Cohn's order to ensure compliance; draft Final Judgment and Final Order.
Lopez-Burton v. Apple Valley	Eric Benink	5/29/2019	3	\$650	\$1,950	Draft motion for preliminary approval.

**Lopez-Burton v. Apple Valley**  
**San Bernardino County Superior Court**  
**Case No. CIVDS1725027**

**Attorney Time Report**

Lopez-Burton v. Apple Valley	Eric Benink	6/3/2019	2.7	\$650	\$1,755	Draft motion for preliminary approval.
Lopez-Burton v. Apple Valley	Eric Benink	6/7/2019	1.7	\$650	\$1,105	Review credit calculations materials from J.Lomakin.
Lopez-Burton v. Apple Valley	Eric Benink	6/7/2019	0.1	\$650	\$65	Emails to/from J.Lomakin re: setting up call to discuss credits issue
Lopez-Burton v. Apple Valley	Eric Benink	6/7/2019	0.1	\$650	\$65	Email to PL re: same
Lopez-Burton v. Apple Valley	Eric Benink	6/10/2019	0.3	\$650	\$195	T/C with JL, RE, PLittlefield to discuss credit calculations.
Lopez-Burton v. Apple Valley	Eric Benink	6/15/2019	1.3	\$650	\$845	Review credit calculations prepared by Town and send questions for Town to answer
Lopez-Burton v. Apple Valley	Eric Benink	6/15/2019	1	\$650	\$650	Prepare declaration for motion for preliminary approval
Lopez-Burton v. Apple Valley	Eric Benink	6/19/2019	0.3	\$650	\$195	Review new credit spreadsheet provided by Town
Lopez-Burton v. Apple Valley	Eric Benink	6/19/2019	0.5	\$650	\$325	Incorporate credit information into exhibits
Lopez-Burton v. Apple Valley	Eric Benink	6/19/2019	0.3	\$650	\$195	Communcations with SB Sun re: publication costs
Lopez-Burton v. Apple Valley	Eric Benink	6/19/2019	0.7	\$650	\$455	Review scope of work provided by Phoenix, email Phoenix proposed revisions and T/C with MMoore of Phoenix re: same
Lopez-Burton v. Apple Valley	Eric Benink	6/19/2019	0.7	\$650	\$455	Edits to exhibits to SA.
Lopez-Burton v. Apple Valley	Eric Benink	6/21/2019	5.7	\$650	\$3,705	Draft PAAs, Notice of Motion, EJB Declaration in support of motion for preliminary approval.
Lopez-Burton v. Apple Valley	Eric Benink	6/24/2019	3.3	\$650	\$2,145	Revise drafts of PAAs and Benink Declaration; draft declaration of Burton for preliminary approval.
Lopez-Burton v. Apple Valley	Eric Benink	6/25/2019	0.2	\$650	\$130	Emails to/from client re; [REDACTED]
Lopez-Burton v. Apple Valley	Eric Benink	6/26/2019	3.5	\$650	\$2,275	Review and revise PA motion



Lopez-Burton v. Apple Valley	Eric Benink	6/26/2019	0.9	\$650	\$585	Incorporate updated settlement terms and email to client re: [REDACTED]
Lopez-Burton v. Apple Valley	Eric Benink	6/27/2019	2.8	\$650	\$1,820	Careful review of SA and Prelim Approval moving papers to ensure consistency and coordinate filing with paralegal.
Lopez-Burton v. Apple Valley	Eric Benink	6/27/2019	0.2	\$650	\$130	Attention to efforts to obtain Town's signature (emails / calls with PL)
Lopez-Burton v. Apple Valley	Eric Benink	7/1/2019	0.5	\$650	\$325	Emails to/from Phoenix re: instructions for web build out, review PDF of forms.
Lopez-Burton v. Apple Valley	Eric Benink	7/23/2019	1.4	\$650	\$910	Travel to SB
Lopez-Burton v. Apple Valley	Eric Benink	7/23/2019	1.5	\$650	\$975	Prepare for preliminary approval hearing
Lopez-Burton v. Apple Valley	Eric Benink	7/23/2019	1	\$650	\$650	Attend hearing on preliminary approval
Lopez-Burton v. Apple Valley	Eric Benink	7/23/2019	1.6	\$650	\$1,040	Travel to San Diego
Lopez-Burton v. Apple Valley	Eric Benink	8/1/2019	0.9	\$650	\$585	Careful review of draft website; provide further instructions to Phoenix and T/C with E.Kruckenbug re: proposed changes.
Lopez-Burton v. Apple Valley	Vincent Slavens	8/29/2019	0.9	\$650	\$585	Draft motion for final approval.
Lopez-Burton v. Apple Valley	Vincent Slavens	9/3/2019	4.6	\$650	\$2,990	Draft motion for final approval.
Lopez-Burton v. Apple Valley	Vincent Slavens	9/4/2019	2.5	\$650	\$1,625	Draft and edit motion for final approval and related papers.

<b>Benink &amp; Slavens, LLP</b>	<b>Total:</b>	<b>361.8</b>	<b>\$235,170</b>
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# EXHIBIT 2

## **BENINK & SLAVENS, LLP**

### **FIRM RÉSUMÉ**

Benink & Slavens, LLP is a boutique law firm located in San Diego, CA that focuses on the representation of ratepayers and taxpayers in actions against cities, towns, counties, and special districts throughout California.

#### ***Eric J. Benink, Partner***

Mr. Benink was admitted to the California Bar in 1997. He received a Bachelor of Business Administration degree from the University of Massachusetts - Amherst in 1992 and a joint Juris Doctor and Master of Business Administration degree from the University of San Diego in 1996.

In 1997, Mr. Benink began working in the Enforcement Division of the Department of Corporations (now the Department of Business Oversight), California's securities, commodities, franchise, and finance and mortgage lender regulator. He investigated dozens of illegal stock offerings, private placement frauds, illicit brokerage practices, and Ponzi schemes; and brought civil and administrative actions against the perpetrators. He also worked closely with criminal agencies in their prosecution of violators of laws under the jurisdiction of the Department.

In 2002, Mr. Benink joined Krause & Kalfayan as an associate and in 2005, became a partner in the firm, which was renamed Krause Kalfayan Benink & Slavens, LLP (KKBS) and then renamed to Benink & Slavens, LLP in 2019. He represents consumers, businesses and shareholders in securities, consumer fraud, business litigation, in actions in state and federal court. He has prosecuted consumer and business litigation cases against Wells Fargo Bank, Sprint, Ticketmaster, Fleet Bank, and Apple Computer. He has represented hedge funds in securities actions.

Mr. Benink is the author of The Model State Commodities Code, A Regulator's Perspective, published in the Law Enforcement Reporter, Winter 1999. He has testified as a securities expert witness for the San Diego District Attorney's Office and has been appointed by the California Superior Court as a receiver in five securities/investment fraud cases (three civil and two criminal). As a receiver he has seized and liquidated assets, including bank accounts, securities accounts, vehicles, and real estate; initiated adversary proceedings against third parties on behalf of the receivership estate; developed and implemented victim distribution plans; and prepared reports to the appointing courts. In December 2018, the San Mateo Superior Court (Judge Ayoub) appointed him a receiver, pursuant to Penal Code section 186.1,1 in *People v. Gamos*, et al., Case No. 18SF014404AB.

Mr. Benink is a member of the San Diego County Bar Association, the Consumer Attorneys of San Diego, a graduate of LEAD San Diego, and former President of the Old Mission Rotary Club (2009 - 2010) and current member. He is a former member and Vice-Chair of the Board of Directors for the George G. Glenner Alzheimer's Centers, Inc. He has been a contributor to the Trial Bar News, a publication of the Consumer Attorneys of San Diego. He is a member of the

Art Pratt Foundation which funds charitable causes throughout San Diego county. He was designated a *Super Lawyer* by Super Lawyers magazine in each year, 2014 - 2019.

Mr. Benink acted as lead counsel in *Shames v. City of San Diego*, (San Diego Superior Court, Case No. GIC 831539), a class action that recovered \$40 million for residential sewer customers for violations of Proposition 218. He has also prosecuted numerous class actions cases, including but not limited to: *Soto v. STI Prepaid, LLC* (San Diego Superior Court, Case No. GIC868083) (violation of prepaid calling card statute); *Neborsky v. Redem Technologies, Inc.* (San Diego Superior Court, Case No. GIC GIC804280) (securities fraud); *Milne v. Ticket Innovations, Inc.* (breach of fiduciary duty to shareholders) (Los Angeles Superior Court, Case No. BC 311258); *Ruffalo v. En Pointe Technologies, Inc.* (United States District Court, Southern District of California, Case No. 3:01-cv-00205 BEN-AJB) (federal securities fraud); *Rivera v. Sprint International Communications Corp.*, (San Diego Superior Court, Case No. GIC799868) (international phone overcharges); and *Horn v. Commercial Lending Capital, Inc.*, (Riverside Superior Court, Case No. RIC10019819) (illegal lender advance fees).

His focus today is in the representing ratepayers and taxpayers in cases alleging illegal utility fees and taxes imposed by local government in violation of Proposition 218 and Proposition 26 and has presented Proposition 218 to civic organizations. Some of the cases he has prosecuted and/or is currently prosecuting include:

*Eck v. City of Los Angeles, Los Angeles Superior Court*, Case No. BC557082 (co-lead counsel in class action securing \$52 million in electric ratepayer refunds and \$243 million in injunctive relief);

*Milo v. Coachella Valley Water District*, Riverside Superior Court, Case No. PSC1600403 (class action obtaining \$2 million in water fee credits based on violations of Prop. 218);

*Glendale Coalition for Better Government v. City of Glendale*, Los Angeles Superior Court, Case No. BS153253 (obtained writ of mandate re: City's water rate structure for violation of Prop. 218);

*Hobbs, et al. v. Modesto*, Stanislaus Superior Court Case No. 2019186 (class action alleging illegal taxes disguised as electric rates);

*Mahon, et al. v. City of San Diego*, San Diego Superior Court Case No. 37-2015-00014540 (KKBS appointed co-lead counsel in class action alleging illegal taxes disguised as electric franchise fees [on appeal following adverse summary judgment ruling]);

*Lejins v. City of Long Beach*, Los Angeles Superior Court Case No. BS165724 (settlement providing \$12 million in return of transfers of water and sewer fees from City's general fund);

*Shames v. City of San Diego*, San Diego Superior Court Case No. (settlement restoring \$40 million to residential sewer rate payers);

*Rooney v. City of Pasadena*, Los Angeles Superior Court Case No. BS145352 (challenging transfers to City's general fund (settlement restoring \$7.2 million));

*Moreno v. City of Riverside*, Riverside Superior Court Case No. RCI 1210249 (challenging water fee transfers to City's general fund (settlement restoring \$10 million));

*Spencer v. City of Burbank*, Los Angeles Superior Court Case No. BS145021 (challenging transfers to City's general fund (settlement restoring \$1.5 million));

*Jackson, et al. v. City of Lincoln*, Placer County Superior Court, Case No. SCV0039384 (settlement restoring over \$1 million to water rate customers);

*Spencer v. City of Burbank*, Los Angeles Superior Court, Case No. BS162779 (obtained writ of mandate ordering City to cease imposition of 6.5% surcharge embedded in electric rates);

*Sacramento Taxpayers Assoc. v. Carmichael Park District*, Sacramento Superior Court, Case No. 2014-80001869 (writ of mandate obtained invalidating property assessments);

*Monroe v. City of Sacramento*, Sacramento Superior Court, Case No. 2018-00243701 (challenging property and business improvement district assessments);

*Horizon Capital Investments, et al. v. City of Sacramento*, Sacramento Superior Court, Case No. 2017-80002661 (obtained ruling invalidating Mello-Roos special tax to fund street car operations); and

*Pearson v. Rodeo Hercules Fire Protection Dist.*, Contra Costa Superior Court Case No. MSN14-1137 (settlement regard legality of fire assessments).

***Vincent D. Slavens, Partner***

Mr. Slavens is a litigation attorney practicing in the areas of municipal, securities, business/contracts, and consumer litigation. He earned his Bachelor of Arts degree in Corporate Finance from San Diego State University in 1994 and graduated with honors (*magna cum laude*) from California Western School of Law in 2001. Prior to law school, he worked as an investment broker for several of years. Mr. Slavens was a member of the California Western School of Law, Law Review. After passing the California Bar in 2001, he joined Krause & Kalfayan as an associate attorney and has put his securities experience to use in securities litigation, including arbitration matters with the National Association of Securities Dealers (NASD), now FINRA. In 2005, he became a partner in the firm, which was renamed Krause

Kalfayan Benink & Slavens, LLP. In 2019, the firm name was renamed to Benink & Slavens, LLP.

Over the past several years, Mr. Slavens has successfully represented investors, businesses, ratepayers and consumers in a variety of matters ranging from individual actions to complex class actions. He successfully defended individuals and corporations against multi-million dollar claims involving complex issues. Through his creative litigation and trial tactics, Mr. Slavens has participated in the recovery of tens of millions of dollars for the benefit of his clients and class members. He has extensive experience litigating individual and class actions in federal and state court, and arbitrating claims before AAA, FINRA and other arbitration forums. In addition, he is an experienced appellate advocate. Some of Mr. Slavens' successes include obtaining a jury verdict exonerating his clients of all liability in a complex multimillion dollar case alleging fraud and negligence. After a 25-day jury trial and four days of deliberations, the jury returned a unanimous verdict in favor of Mr. Slavens' clients. He further represented his clients in their successful defense of the verdict on appeal.

Mr. Slavens has acted as counsel in securities class actions such as *Glea F. Bobbs v. Southern Pacific Equities, LLC*, involving a multi-million Ponzi scheme. He also handled an arbitration on behalf of nearly 20 investors in *Larner, et al v. Wedbush Morgan Securities, et al* (alleging misrepresentations and violation of securities laws). He has also represented ratepayers and taxpayers in cases alleging illegal utility fees and taxes imposed by local government in violation of Proposition 218 and Proposition 26. Some of the cases he has prosecuted and/or is currently prosecuting include:

*Hobbs, et al. v. Modesto*, Stanislaus Superior Court Case No. 2019186 (appointed co-lead counsel in class action alleging illegal taxes disguised as electric rates);

*Mahon, et al. v. City of San Diego*, San Diego Superior Court Case No. 37-2015-00014540 (appointed co-lead counsel in class action alleging illegal taxes disguised as electric franchise fees);

*Eck v. City of Los Angeles*, Los Angeles Superior Court, Case No. BC557082 (class action securing \$52 million in electric ratepayer refunds and \$243 million in injunctive relief)

*Rooney v. City of Pasadena*, Los Angeles Superior Court Case No. BS145352 (alleging transfer of utility revenue to City's general fund in violation of Proposition 218 (settled restoring \$7.2 million);

*Spencer v. City of Burbank*, Los Angeles Superior Court Case No. BS145021 (alleging transfer of utility revenue to City's general fund in violation of Proposition 218 (settled restoring \$1.5 million);

*Wilson v. City of Anaheim*, Orange County Superior Court Case No. 30-2012-00614517 (alleging transfer of utility revenue to City's general fund in violation of Proposition 218 (settled restoring \$3 million);

*Palmer v. City of Anaheim*, Orange County Superior Court Case No. 30-2017-00938646 (alleging City's electric utility rates impose a tax in violation of Proposition 26);

*Green v. City of Palo Alto*, Santa Clara County Superior Court Case No. 16CV300760 (appointed co-lead counsel in case alleging City's electric utility rates impose a tax in violation of Proposition 26);

*Wyatt v. City of Sacramento*, Sacramento County Superior Court Case No. 16CV300760 (obtain judgment that City's utility rates are invalid and its transfer of funds from its utility funds to its general fund violates Proposition 218; City is appealing);

*Komesar v. City of Pasadena*, Los Angeles Superior Court Case No. BC677632 (alleging City's electric utility rates impose a tax in violation of Proposition 26); and

*Pearson v. Rodeo Hercules Fire Protection Dist.*, Contra Costa Superior Court Case No. MSN14-1137 (challenged legality of fire assessments - settled).

Mr. Slavens has also written an article on whistle blower standing under the RICO statutes, and an article titled "They Heard It Through the Grapevine" accepted for publication in Trial Bar News.

# EXHIBIT 3



## USAO ATTORNEY'S FEES MATRIX — 2015-2019

*Revised Methodology starting with 2015-2016 Year*

Years (Hourly Rate for June 1 – May 31, based on change in PPI-OL since January 2011)

Experience	2015-16	2016-17	2017-18	2018-19
31+ years	568	581	602	613
21-30 years	530	543	563	572
16-20 years	504	516	536	544
11-15 years	455	465	483	491
8-10 years	386	395	410	417
6-7 years	332	339	352	358
4-5 years	325	332	346	351
2-3 years	315	322	334	340
Less than 2 years	284	291	302	307
Paralegals & Law Clerks	154	157	164	166

### *Explanatory Notes*

1. This matrix of hourly rates for attorneys of varying experience levels and paralegals/law clerks has been prepared by the Civil Division of the United States Attorney's Office for the District of Columbia (USAO) to evaluate requests for attorney's fees in civil cases in District of Columbia courts. The matrix is intended for use in cases in which a fee-shifting statute permits the prevailing party to recover "reasonable" attorney's fees. *See, e.g.*, 42 U.S.C. § 2000e-5(k) (Title VII of the 1964 Civil Rights Act); 5 U.S.C. § 552(a)(4)(E) (Freedom of Information Act); 28 U.S.C. § 2412(b) (Equal Access to Justice Act). The matrix has not been adopted by the Department of Justice generally for use outside the District of Columbia, or by other Department of Justice components, or in other kinds of cases. The matrix does **not** apply to cases in which the hourly rate is limited by statute. *See* 28 U.S.C. § 2412(d).
2. A "reasonable fee" is a fee that is sufficient to attract an adequate supply of capable counsel for meritorious cases. *See, e.g., Perdue v. Kenny A. ex rel. Winn*, 559 U.S. 542, 552 (2010). Consistent with that definition, the hourly rates in the above matrix were calculated from average hourly rates reported in 2011 survey data for the D.C. metropolitan area, which rates were adjusted for inflation with the Producer Price Index-Office of Lawyers (PPI-OL) index. The survey data comes from ALM Legal Intelligence's 2010 & 2011 Survey of Law Firm Economics. The PPI-OL index is available at <http://www.bls.gov/ppi>. On that page, under "PPI Databases," and "Industry Data (Producer Price Index - PPI)," select either "one screen" or "multi-screen" and in the resulting window use "industry code" 541110 for "Offices of Lawyers" and "product code" 541110541110 for "Offices of Lawyers." The average hourly rates from the 2011 survey data are multiplied by the PPI-OL index for May in the year of the update, divided by 176.6, which is the PPI-OL index for January 2011, the month of the survey data, and then rounding to the nearest whole dollar (up if remainder is 50¢ or more).
3. The PPI-OL index has been adopted as the inflator for hourly rates because it better reflects the mix of legal services that law firms collectively offer, as opposed to the legal services that typical consumers use, which is what the CPI-

Legal Services index measures. Although it is a national index, and not a local one, *cf. Eley v. District of Columbia*, 793 F.3d 97, 102 (D.C. Cir. 2015) (noting criticism of national inflation index), the PPI-OL index has historically been generous relative to other possibly applicable inflation indexes, and so its use should minimize disputes about whether the inflator is sufficient.

4. The methodology used to compute the rates in this matrix replaces that used prior to 2015, which started with the matrix of hourly rates developed in *Laffey v. Northwest Airlines, Inc.* 572 F. Supp. 354 (D.D.C. 1983), *aff'd in part, rev'd in part on other grounds*, 746 F.2d 4 (D.C. Cir. 1984), *cert. denied*, 472 U.S. 1021 (1985), and then adjusted those rates based on the Consumer Price Index for All Urban Consumers (CPI-U) for the Washington-Baltimore (DC-MD-VA-WV) area. Because the USAO rates for the years 2014-15 and earlier have been generally accepted as reasonable by courts in the District of Columbia, *see* note 9 below, the USAO rates for those years will remain the same as previously published on the USAO's public website. That is, the USAO rates for years prior to and including 2014-15 remain based on the prior methodology, *i.e.*, the original *Laffey* Matrix updated by the CPI-U for the Washington-Baltimore area. *See Citizens for Responsibility & Ethics in Washington v. Dep't of Justice*, 142 F. Supp. 3d 1 (D.D.C. 2015) and Declaration of Dr. Laura A. Malowane filed therein on Sept. 22, 2015 (Civ. Action No. 12-1491, ECF No. 46-1) (confirming that the USAO rates for 2014-15 computed using prior methodology are reasonable).
5. Although the USAO will not issue recalculated *Laffey* Matrices for past years using the new methodology, it will not oppose the use of that methodology (if properly applied) to calculate reasonable attorney's fees under applicable fee-shifting statutes for periods prior to June 2015, provided that methodology is used consistently to calculate the entire fee amount. Similarly, although the USAO will no longer issue an updated *Laffey* Matrix computed using the prior methodology, it will not oppose the use of the prior methodology (if properly applied) to calculate reasonable attorney's fees under applicable fee-shifting statutes for periods after May 2015, provided that methodology is used consistently to calculate the entire fee amount.
6. The various "brackets" in the column headed "Experience" refer to the attorney's years of experience practicing law. Normally, an attorney's experience will be calculated starting from the attorney's graduation from law school. Thus, the "Less than 2 years" bracket is generally applicable to attorneys in their first and second years after graduation from law school, and the "2-3 years" bracket generally becomes applicable on the second anniversary of the attorney's graduation (*i.e.*, at the beginning of the third year following law school). *See Laffey*, 572 F. Supp. at 371. An adjustment may be necessary, however, if the attorney's admission to the bar was significantly delayed or the attorney did not otherwise follow a typical career progression. *See, e.g., EPIC v. Dep't of Homeland Sec.*, 999 F. Supp. 2d 61, 70-71 (D.D.C. 2013) (attorney not admitted to bar compensated at "Paralegals & Law Clerks" rate); *EPIC v. Dep't of Homeland Sec.*, 982 F. Supp. 2d 56, 60-61 (D.D.C. 2013) (same). The various experience levels were selected by relying on the levels in the ALM Legal Intelligence 2011 survey data. Although finer gradations in experience level might yield different estimates of market rates, it is important to have statistically sufficient sample sizes for each experience level. The experience categories in the current USAO Matrix are based on statistically significant sample sizes for each experience level.
7. ALM Legal Intelligence's 2011 survey data does not include rates for paralegals and law clerks. Unless and until reliable survey data about actual paralegal/law clerk rates in the D.C. metropolitan area become available, the USAO will compute the hourly rate for Paralegals & Law Clerks using the most recent historical rate from the USAO's former *Laffey* Matrix (*i.e.*, \$150 for 2014-15) updated with the PPI-OL index. The formula is \$150 multiplied by the PPI-OL index for May in the year of the update, divided by 194.3 (the PPI-OL index for May 2014), and then rounding to the nearest whole dollar (up if remainder is 50¢ or more).
8. The USAO anticipates periodically revising the above matrix if more recent reliable survey data becomes available, especially data specific to the D.C. market, and in the interim years updating the most recent survey data with the PPI-OL index, or a comparable index for the District of Columbia if such a locality-specific index becomes available.
9. Use of an updated *Laffey* Matrix was implicitly endorsed by the Court of Appeals in *Save Our Cumberland Mountains v. Hodel*, 857 F.2d 1516, 1525 (D.C. Cir. 1988) (en banc). The Court of Appeals subsequently stated that parties may rely on the updated *Laffey* Matrix prepared by the USAO as evidence of prevailing market rates for litigation counsel in the Washington, D.C. area. *See Covington v. District of Columbia*, 57 F.3d 1101, 1105 & n.14, 1109 (D.C. Cir. 1995), *cert. denied*, 516 U.S. 1115 (1996). Most lower federal courts in the District of Columbia

have relied on the USAO's *Laffey* Matrix, rather than the so-called "*Salazar* Matrix" (also known as the "LSI Matrix" or the "Enhanced *Laffey* Matrix"), as the "benchmark for reasonable fees" in this jurisdiction. *Miller v. Holzmman*, 575 F. Supp. 2d 2, 18 n.29 (D.D.C. 2008) (quoting *Pleasants v. Ridge*, 424 F. Supp. 2d 67, 71 n.2 (D.D.C. 2006)); see, e.g., *Joaquin v. Friendship Pub. Charter Sch.*, 188 F. Supp. 3d 1 (D.D.C. 2016); *Prunty v. Vivendi*, 195 F. Supp. 3d 107 (D.D.C. 2016); *CREW v. U.S. Dep't of Justice*, 142 F. Supp. 3d 1 (D.D.C. 2015); *McAllister v. District of Columbia*, 21 F. Supp. 3d 94 (D.D.C. 2014); *Embassy of Fed. Republic of Nigeria v. Ugwuonye*, 297 F.R.D. 4, 15 (D.D.C. 2013); *Berke v. Bureau of Prisons*, 942 F. Supp. 2d 71, 77 (D.D.C. 2013); *Fisher v. Friendship Pub. Charter Sch.*, 880 F. Supp. 2d 149, 154-55 (D.D.C. 2012); *Sykes v. District of Columbia*, 870 F. Supp. 2d 86, 93-96 (D.D.C. 2012); *Heller v. District of Columbia*, 832 F. Supp. 2d 32, 40-49 (D.D.C. 2011); *Hayes v. D.C. Public Schools*, 815 F. Supp. 2d 134, 142-43 (D.D.C. 2011); *Queen Anne's Conservation Ass'n v. Dep't of State*, 800 F. Supp. 2d 195, 200-01 (D.D.C. 2011); *Woodland v. Viacom, Inc.*, 255 F.R.D. 278, 279-80 (D.D.C. 2008); *American Lands Alliance v. Norton*, 525 F. Supp. 2d 135, 148-50 (D.D.C. 2007). But see, e.g., *Salazar v. District of Columbia*, 123 F. Supp. 2d 8, 13-15 (D.D.C. 2000). Since initial publication of the instant USAO Matrix in 2015, numerous courts similarly have employed the USAO Matrix rather than the *Salazar* Matrix for fees incurred since 2015. E.g., *Electronic Privacy Information Center v. United States Drug Enforcement Agency*, 266 F. Supp. 3d 162, 171 (D.D.C. 2017) ("After examining the case law and the supporting evidence offered by both parties, the Court is persuaded that the updated USAO matrix, which covers billing rates from 2015 to 2017, is the most suitable choice here.") (requiring recalculation of fees that applicant had computed according to *Salazar* Matrix); *Clemente v. FBI*, No. 08-1252 (BJR) (D.D.C. Mar. 24, 2017), 2017 WL 3669617, at \*5 (applying USAO Matrix, as it is "based on much more current data than the *Salazar* Matrix"); *Gatore v. United States Dep't of Homeland Security*, 286 F. Supp. 3d 25, 37 (D.D.C. 2017) (although plaintiff had submitted a "'great deal of evidence regarding [the] prevailing market rates for complex federal litigation' to demonstrate that its requested [*Salazar*] rates are entitled to a presumption of reasonableness, . . . the Court nonetheless concludes that the defendant has rebutted that presumption and shown that the current USAO Matrix is the more accurate matrix for estimating the prevailing rates for complex federal litigation in this District"); *DL v. District of Columbia*, 267 F. Supp. 3d 55, 70 (D.D.C. 2017) ("the USAO Matrix ha[s] more indicia of reliability and more accurately represents prevailing market rates" than the *Salazar* Matrix). The USAO contends that the *Salazar* Matrix is fundamentally flawed, does not use the *Salazar* Matrix to determine whether fee awards under fee-shifting statutes are reasonable, and will not consent to pay hourly rates calculated with the methodology on which that matrix is based. The United States recently submitted an appellate brief that further explains the reliability of the USAO Matrix vis-à-vis the *Salazar* matrix. See Br. for the United States as *Amicus Curiae* Supporting Appellees, *DL v. District of Columbia*, No. 18-7004 (D.C. Cir. filed July 20, 2018).

# EXHIBIT 4

**JUDICIARY SALARY PLAN**  
**Washington-Baltimore-Arlington, DC-MD-VA-WV-PA - Table DCB**  
**29.32% Locality Payment Included**  
**Effective January 7, 2019**

<b>Grade</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>
<b>1</b>	\$24,633	\$25,458	\$26,278	\$27,091	\$27,911	\$28,390	\$29,199	\$30,016	\$30,049	\$30,813
<b>2</b>	\$27,696	\$28,356	\$29,273	\$30,049	\$30,386	\$31,280	\$32,174	\$33,067	\$33,961	\$34,854
<b>3</b>	\$30,219	\$31,227	\$32,234	\$33,242	\$34,249	\$35,257	\$36,264	\$37,271	\$38,279	\$39,286
<b>4</b>	\$33,925	\$35,055	\$36,185	\$37,315	\$38,446	\$39,576	\$40,706	\$41,836	\$42,967	\$44,097
<b>5</b>	\$37,955	\$39,220	\$40,485	\$41,750	\$43,014	\$44,279	\$45,544	\$46,809	\$48,073	\$49,338
<b>6</b>	\$42,308	\$43,719	\$45,130	\$46,541	\$47,952	\$49,363	\$50,774	\$52,184	\$53,595	\$55,006
<b>7</b>	\$47,016	\$48,583	\$50,150	\$51,718	\$53,285	\$54,852	\$56,420	\$57,987	\$59,554	\$61,122
<b>8</b>	\$52,068	\$53,804	\$55,539	\$57,275	\$59,010	\$60,745	\$62,481	\$64,216	\$65,952	\$67,687
<b>9</b>	\$57,510	\$59,426	\$61,343	\$63,259	\$65,176	\$67,093	\$69,009	\$70,926	\$72,842	\$74,759
<b>10</b>	\$63,332	\$65,442	\$67,553	\$69,663	\$71,774	\$73,884	\$75,995	\$78,105	\$80,216	\$82,326
<b>11</b>	\$69,581	\$71,901	\$74,221	\$76,541	\$78,861	\$81,181	\$83,501	\$85,821	\$88,141	\$90,461
<b>12</b>	\$83,398	\$86,179	\$88,959	\$91,740	\$94,520	\$97,300	\$100,081	\$102,861	\$105,642	\$108,422
<b>13</b>	\$99,172	\$102,477	\$105,782	\$109,088	\$112,393	\$115,699	\$119,004	\$122,310	\$125,615	\$128,920
<b>14</b>	\$117,191	\$121,098	\$125,005	\$128,911	\$132,818	\$136,725	\$140,632	\$144,538	\$148,445	\$152,352
<b>15</b>	\$137,849	\$142,443	\$147,038	\$151,633	\$156,228	\$160,822	\$165,417	\$166,500 **	\$166,500 **	\$166,500 **
<b>16</b>	\$161,671	\$167,059	\$172,448	\$176,900 *	\$176,900 *	\$176,900 *	\$176,900 *	\$176,900 *	\$176,900 *	\$176,900 *
<b>17</b>	\$176,900 *	\$176,900 *	\$176,900 *	\$176,900 *	\$176,900 *	\$176,900 *	\$176,900 *	\$176,900 *	\$176,900 *	\$176,900 *
<b>18</b>	\$176,900 *	\$176,900 *	\$176,900 *	\$176,900 *	\$176,900 *	\$176,900 *	\$176,900 *	\$176,900 *	\$176,900 *	\$176,900 *

\* Rate limited to the rate for Level III of the Executive Schedule.

\*\* Rate limited to the rate for Level IV of the Executive Schedule.

**JUDICIARY SALARY PLAN**  
**Los Angeles-Long Beach, CA - Table LA**  
**31.47% Locality Payment Included**  
**Effective January 7, 2019**

<b>Grade</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>
<b>1</b>	\$25,042	\$25,881	\$26,715	\$27,542	\$28,375	\$28,862	\$29,685	\$30,516	\$30,548	\$31,325
<b>2</b>	\$28,157	\$28,827	\$29,760	\$30,548	\$30,892	\$31,800	\$32,708	\$33,617	\$34,525	\$35,434
<b>3</b>	\$30,722	\$31,746	\$32,770	\$33,794	\$34,819	\$35,843	\$36,867	\$37,891	\$38,915	\$39,939
<b>4</b>	\$34,489	\$35,638	\$36,787	\$37,936	\$39,085	\$40,234	\$41,383	\$42,532	\$43,681	\$44,830
<b>5</b>	\$38,586	\$39,872	\$41,158	\$42,444	\$43,730	\$45,015	\$46,301	\$47,587	\$48,873	\$50,158
<b>6</b>	\$43,012	\$44,446	\$45,880	\$47,315	\$48,749	\$50,183	\$51,618	\$53,052	\$54,486	\$55,921
<b>7</b>	\$47,797	\$49,391	\$50,984	\$52,577	\$54,171	\$55,764	\$57,358	\$58,951	\$60,545	\$62,138
<b>8</b>	\$52,934	\$54,698	\$56,462	\$58,227	\$59,991	\$61,755	\$63,520	\$65,284	\$67,048	\$68,813
<b>9</b>	\$58,466	\$60,414	\$62,363	\$64,311	\$66,260	\$68,208	\$70,156	\$72,105	\$74,053	\$76,001
<b>10</b>	\$64,385	\$66,530	\$68,676	\$70,822	\$72,967	\$75,113	\$77,258	\$79,404	\$81,550	\$83,695
<b>11</b>	\$70,737	\$73,096	\$75,455	\$77,813	\$80,172	\$82,530	\$84,889	\$87,247	\$89,606	\$91,965
<b>12</b>	\$84,785	\$87,612	\$90,438	\$93,265	\$96,091	\$98,918	\$101,745	\$104,571	\$107,398	\$110,224
<b>13</b>	\$100,820	\$104,181	\$107,541	\$110,902	\$114,262	\$117,622	\$120,983	\$124,343	\$127,703	\$131,064
<b>14</b>	\$119,139	\$123,111	\$127,083	\$131,055	\$135,026	\$138,998	\$142,970	\$146,941	\$150,913	\$154,885
<b>15</b>	\$140,140	\$144,812	\$149,483	\$154,154	\$158,825	\$163,496	\$166,500 **	\$166,500 **	\$166,500 **	\$166,500 **
<b>16</b>	\$164,359	\$169,837	\$175,315	\$176,900 *	\$176,900 *	\$176,900 *	\$176,900 *	\$176,900 *	\$176,900 *	\$176,900 *
<b>17</b>	\$176,900 *	\$176,900 *	\$176,900 *	\$176,900 *	\$176,900 *	\$176,900 *	\$176,900 *	\$176,900 *	\$176,900 *	\$176,900 *
<b>18</b>	\$176,900 *	\$176,900 *	\$176,900 *	\$176,900 *	\$176,900 *	\$176,900 *	\$176,900 *	\$176,900 *	\$176,900 *	\$176,900 *

\* Rate limited to the rate for Level III of the Executive Schedule.

\*\* Rate limited to the rate for Level IV of the Executive Schedule.

# EXHIBIT 5

Selection Criteria

Slip.Transaction Dat 1/1/2017 - 5/31/2019  
Clie.Selection Include: AV Garbage  
Slip.Classification Open  
Slip.Transaction Typ 2 - 2

Rate Info - identifies rate source and level

Slip ID	Dates and Time	Posting Status	Description	User Activity	Client Reference	Units DNB Time Est. Time Variance	Rate Rate Info Bill Status	Slip Value
110154	EXP			Robin Griffin		1	3.98	3.98
	10/31/2017			Lexis/Westlaw				
	Billed	G:33837	11/22/2017	AV Garbage				
			Research - October					
110682	EXP			Robin Griffin		1	1,435.00	1,435.00
	12/21/2017			Filing fee				
	Billed	G:33893	1/12/2018	AV Garbage				
			Knox #4237441 (K1557366-01) - Filing fees for filing of Summons & Petition					
110683	EXP			Robin Griffin		1	143.50	143.50
	12/21/2017			Courier Charge				
	Billed	G:33893	1/12/2018	AV Garbage				
			Knox #4237441 (K1557366-01) - Filing of Summons & Petition					
110727	EXP			Robin Griffin		1	0.25	0.25
	12/31/2017			Photocopy				
	Billed	G:33893	1/12/2018	AV Garbage				
			Copy charges for December, 2017					
110747	EXP			Robin Griffin		18	0.10	1.80
	12/31/2017			Scanning				
	Billed	G:33893	1/12/2018	AV Garbage				
			Scan charges for December, 2017					
110843	EXP			Robin Griffin		1	99.75	99.75
	1/9/2018			Service Fees				
	Billed	G:33917	2/14/2018	AV Garbage				
			Knox #4239125 (K1557709) Service of Summons & Petition					
110916	EXP			Robin Griffin		1	65.75	65.75
	12/21/2017			Courier Charge				
	Billed	G:33917	2/14/2018	AV Garbage				
			Knox #4237440 (K1557366) Filing of Summons & Petition with the court					



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Slip Listing

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Slip ID	Dates and Time	User	Units	Rate	Slip Value
Posting Status		Activity	DNB Time	Rate Info	
Description		Client	Est. Time	Bill Status	
		Reference	Variance		
110932	EXP	Robin Griffin	1	2.00	2.00
1/17/2018		E-File/Fax File			
Billed	G:33917	2/14/2018			
Fax Filing - Proof of Service of S&P		AV Garbage			
110976	EXP	Robin Griffin	15	0.10	1.50
1/31/2018		Scanning			
Billed	G:33917	2/14/2018			
Scan charges for January, 2018		AV Garbage			
111174	EXP	Robin Griffin	4	0.25	1.00
2/28/2018		Photocopy			
Billed	G:33949	3/13/2018			
Copy charges for February, 2018		AV Garbage			
111195	EXP	Robin Griffin	4	0.25	1.00
2/28/2018		Printing			
Billed	G:33949	3/13/2018			
Printing charges for February, 2018		AV Garbage			
111196	EXP	Robin Griffin	13	0.10	1.30
2/28/2018		Scanning			
Billed	G:33949	3/13/2018			
Scan charges for February, 2018		AV Garbage			
111220	EXP	Robin Griffin	1	0.68	0.68
2/28/2018		Postage			
Billed	G:33949	3/13/2018			
Postage for February, 2018		AV Garbage			
111319	EXP	Vincent D. Slavens, Es	1	35.85	35.85
2/28/2018		Travel Expense			
Billed	G:33949	3/13/2018			
AmEx - Shell Oil - 2-28-18 CMC hearing		AV Garbage			
111326	EXP	Robin Griffin	1	7.00	7.00
3/1/2018		E-File/Fax File			
Billed	G:33982	4/13/2018			
Chase - Fax filing of Joint CMC Statement & POS		AV Garbage			
111807	EXP	Robin Griffin	25	0.25	6.25
4/30/2018		Photocopy			
Billed	G:34015	5/4/2018			
Copy charges for April, 2018		AV Garbage			
111818	EXP	Robin Griffin	20	0.25	5.00
4/30/2018		Printing			
Billed	G:34015	5/4/2018			
Printing charges for April, 2018		AV Garbage			

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Slip Listing

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Slip ID	Dates and Time	User	Activity	Units	Rate	Slip Value
	Posting Status	Client		DNB Time	Rate Info	
	Description	Reference		Est. Time	Bill Status	
				Variance		
111834	EXP	Robin Griffin	Scanning	28	0.10	2.80
4/30/2018		5/4/2018	AV Garbage			
Billed	G:34015					
Scan charges for April, 2018						
111855	EXP	Robin Griffin	Postage	1	2.05	2.05
4/30/2018		5/4/2018	AV Garbage			
Billed	G:34015					
Postage for April, 2018						
112234	EXP	Robin Griffin	Filing fee	1	20.00	20.00
6/25/2018		7/16/2018	AV Garbage			
Billed	G:34082					
Knox #4260505 (K1568323) Filing fee for Stip Re:						
Bifurcation Writ Petition Hearing & Briefing						
Schedule						
112260	EXP	Robin Griffin	Courier Charge	1	100.75	100.75
6/25/2018		7/16/2018	AV Garbage			
Billed	G:34082					
Knox #4260505 (K1568323) - Filing of Stip Re:						
Bifurcated Writ Petition Hearing & Briefing						
Schedule & POS						
112284	EXP	Robin Griffin	Printing	5	0.25	1.25
6/30/2018		7/16/2018	AV Garbage			
Billed	G:34082					
Printing charges for June, 2018						
112285	EXP	Robin Griffin	Scanning	1,844	0.10	184.40
6/30/2018		7/16/2018	AV Garbage			
Billed	G:34082					
Scanning charges for June, 2018						
112301	EXP	Robin Griffin	Postage	1	0.68	0.68
6/30/2018		7/16/2018	AV Garbage			
Billed	G:34082					
Postage charges for June, 2018						
112510	EXP	Robin Griffin	Lexis/Westlaw	1	6.57	6.57
7/31/2018		8/23/2018	AV Garbage			
Billed	G:34110					
July, 2018 Research charges						
112513	EXP	Robin Griffin	Postage	1	3.67	3.67
7/31/2018		8/23/2018	AV Garbage			
Billed	G:34110					
July, 2018 - Postage						

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Slip ID	Dates and Time	User	Units	Rate	Slip Value
	Posting Status	Activity	DNB Time	Rate Info	
	Description	Client	Est. Time	Bill Status	
		Reference	Variance		
112531	EXP	Robin Griffin	1	25.15	25.15
7/31/2018		Reproduction			
Billed	G:34110	8/23/2018			
July, 2018 Print/Copy/Scan		AV Garbage			
112748	EXP	Robin Griffin	1	3.30	3.30
8/31/2018		Reproduction			
Billed	G:34145	9/17/2018			
Print, Copy & Scan charges for August, 2018		AV Garbage			
112764	EXP	Robin Griffin	1	0.68	0.68
8/31/2018		Postage			
Billed	G:34145	9/17/2018			
Postage for August, 2018		AV Garbage			
112774	EXP	Robin Griffin	1	23.59	23.59
8/31/2018		Research Exp			
Billed	G:34145	9/17/2018			
Research for August, 2018		AV Garbage			
112964	EXP	Robin Griffin	1	4.75	4.75
9/30/2018		Reproduction			
Billed	G:34181	10/18/2018			
Print/Copy/Scan charges for September, 2018		AV Garbage			
112985	EXP	Robin Griffin	1	0.94	0.94
9/30/2018		Postage			
Billed	G:34181	10/18/2018			
Postage charges for September, 2018		AV Garbage			
113063	EXP	Robin Griffin	1	6.49	6.49
10/8/2018		Travel Expense			
Billed	G:34214	11/14/2018			
Chase - EJB - Toll Road for travel to Depo of Richard Nino		AV Garbage			
113064	EXP	Robin Griffin	1	53.00	53.00
10/5/2018		Depo/Subpoena			
Billed	G:34214	11/14/2018			
Ck #7974 - Burntec witness fees payable to Richard Nino		AV Garbage			
113208	EXP	Robin Griffin	1	967.95	967.95
10/29/2018		Depo/Subpoena			
Billed	G:34214	11/14/2018			
Centext #162080 Transcripts from Depo of Richard Nino (10-5-18)		AV Garbage			
113255	EXP	Robin Griffin	1	18.60	18.60
11/2/2018		Postage			
Billed	G:34253	1/23/2019			
UPS #1ZF825520193851779 - Delivery of Add'l		AV Garbage			

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Slip Listing

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Slip ID	Dates and Time	User	Units	Rate	Slip Value
Posting Status		Activity	DNB Time	Rate Info	
Description		Client	Est. Time	Bill Status	
		Reference	Variance		
Discovery - Set 2 to OPC Lomakin					
113292	EXP	Robin Griffin	1	474.35	474.35
10/31/2018		Reproduction			
Billed	G:34214	11/14/2018			
Print, Copy & Scan charges for October 2018					
113312	EXP	Robin Griffin	1	0.68	0.68
10/31/2018		Postage			
Billed	G:34214	11/14/2018			
Postage for October 2018					
113341	EXP	Robin Griffin	1	129.75	129.75
11/1/2018		Service Fees			
Billed	G:34253	1/23/2019			
Knox #4276391/K1575713 - Service of Notice of Depo & Depo Subpoena on Marc Puckett					
113458	EXP	Robin Griffin	1	15.20	15.20
11/30/2018		Reproduction			
Billed	G:34253	1/23/2019			
Copy, Print & Scan charges for November, 2018					
113485	EXP	Robin Griffin	1	1.83	1.83
11/30/2018		Postage			
Billed	G:34253	1/23/2019			
Postage Charges for November, 2018					
113515	EXP	Eric J. Benink, Esq.	170	0.545	92.65
10/5/2018		Travel Expense			
Billed	G:34253	1/23/2019			
10-5-18 Mileage reimbursement for travel to/from Depo of Richard Nino					
113516	EXP	Eric J. Benink, Esq.	170	0.545	92.65
12/6/2018		Travel Expense			
Billed	G:34253	1/23/2019			
12-6-18 Mileage reimbursement for travel to/from Depo of Marc Puckett					
113540	EXP	Robin Griffin	1	23.50	23.50
12/13/2018		Misc. costs			
Billed	G:34253	1/23/2019			
Print documents from court website					
113544	EXP	Eric J. Benink, Esq.	1	11.56	11.56
12/6/2018		Meals			
Billed	G:34253	1/23/2019			
Meals during Depo of Marc Puckett - Pollos Maria -					

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Slip Listing

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Slip ID	Dates and Time	User	Units	Rate	Slip Value
Posting Status	Activity	DNB Time	Rate Info		
Description	Client	Est. Time	Bill Status		
	Reference	Variance			
113579	EXP	Robin Griffin	1	1,229.15	1,229.15
12/20/2018	Reporters Cost				
Billed	G:34253	1/23/2019			
Centext Invoice #165101 - Depo and transcript for Marc Puckett 12-6-18					
113632	EXP	Robin Griffin	1	31.60	31.60
12/31/2018	Reproduction				
Billed	G:34253	1/23/2019			
Copy/Print/Scan charges for December, 2019					
113705	EXP	Robin Griffin	1	6.70	6.70
12/28/2018	Postage				
Billed	G:34253	1/23/2019			
USPS - mailing of discovery responses					
113756	EXP	Robin Griffin	1	51.40	51.40
12/6/2018	Depo/Subpoena				
Billed	G:34253	1/23/2019			
Witness fees for Depo of Marc Puckett					
113941	EXP	Eric J. Benink, Esq.	1	16.75	16.75
2/4/2019	Travel Expense				
Billed	G:34336	4/26/2019			
Toll Roads - Toll road fees for travel to depo of PMK					
114041	EXP	Robin Griffin	1	22.04	22.04
2/15/2019	Postage				
Billed	G:34336	4/26/2019			
UPS #1ZF825520798373534 Delivery of Opening Brief Docs to OPC Lomakin					
114095	EXP	Robin Griffin	1	2,192.48	2,192.48
2/4/2019	Depo/Subpoena				
Billed	G:34336	4/26/2019			
Centext Invoice #167490 - Transcript of Kofi Antobam, PMQ					
114101	EXP	Robin Griffin	1	2,129.00	2,129.00
2/28/2019	Mediation Fees				
Billed	G:34336	4/26/2019			
JAMS Mediation fees Ref. #1220061519 2-28-19 @ 10:00 a.m.					
114104	EXP	Robin Griffin	1	19.30	19.30
2/22/2019	Postage				
Billed	G:34336	4/26/2019			
UPS #1ZF825520192510004 Delivery of Mediation Fees Deposit to JAMS					

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Benink & Slavens, LLP  
Slip Listing

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Slip ID	Dates and Time	User	Activity	Units	Rate	Slip Value
Posting Status		Client		DNB Time	Rate Info	
Description		Reference		Est. Time	Bill Status	
				Variance		
114152	EXP	Robin Griffin	Reproduction	1	590.80	590.80
2/28/2019		AV Garbage				
Billed	G:34336	4/26/2019				
Print, Copy, Scan charges for February, 2019						
114344	EXP	Robin Griffin	Courier Charge	1	128.75	128.75
3/27/2019		AV Garbage				
Billed	G:34336	4/26/2019				
Knox #4290619/K1583236 filing of Notice of Settlement & POS						
114464	EXP	Robin Griffin	Travel Expense	218	0.58	126.44
2/4/2019		AV Garbage				
Billed	G:34336	4/26/2019				
Mileage reimbursement to EJB for travel to Depo: 4740 Green River, Corona, CA 218 miles r/t						
114465	EXP	Robin Griffin	Travel Expense	242	0.58	140.36
2/28/2019		AV Garbage				
Billed	G:34336	4/26/2019				
Mileage reimbursement to EJB for travel to 1st Mediation: 3800 E. Concours Dr., Ontario, CA 242 miles r/t						
114466	EXP	Robin Griffin	Travel Expense	242	0.58	140.36
3/22/2019		AV Garbage				
Billed	G:34336	4/26/2019				
Mileage reimbursement to EJB for travel to 2nd Mediation: 3800 E. Concours Dr., Ontario, CA 242 miles r/t						
114473	EXP	Robin Griffin	Courier Charge	1	106.75	106.75
4/4/2019		AV Garbage				
Billed	G:34378	5/10/2019				
Knox #4291273/K1583236-02 - Filing of Notice of Settlement & POS						
114608	EXP	Robin Griffin	Lexis/Westlaw	1	10.37	10.37
2/28/2019		AV Garbage				
Billed	G:34336	4/26/2019				
Legal research for February, 2019						
114614	EXP	Robin Griffin	Reproduction	1	3.65	3.65
3/31/2019		AV Garbage				
Billed	G:34336	4/26/2019				
Copy, Print & Scan charges for March, 2019						

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3:19 PM

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Slip Listing

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Slip ID			User	Units	Rate	Slip Value
Dates and Time			Activity	DNB Time	Rate Info	
Posting Status			Client	Est. Time	Bill Status	
Description			Reference	Variance		
114640	EXP		Robin Griffin	1	0.50	0.50
3/31/2019			Postage			
Billed	G:34336	4/26/2019	AV Garbage			
Postage charges for March, 2019						
114676	EXP		Robin Griffin	1	225.00	225.00
2/15/2019			Courier Charge			
Billed	G:34336	4/26/2019	AV Garbage			
Delivery of opening brief to San Bernardino Superior Court via courier.						
114726	EXP		Robin Griffin	1	10.30	10.30
4/30/2019			Reproduction			
Billed	G:34378	5/10/2019	AV Garbage			
Print/Copy/Scan charges for April 2019						
114757	EXP		Robin Griffin	1	0.65	0.65
4/30/2019			Postage			
Billed	G:34378	5/10/2019	AV Garbage			
Postage charges for April 2019						
114765	EXP		Robin Griffin	1	10.72	10.72
5/3/2019			E-File/Fax File			
Billed	G:34411	6/20/2019	AV Garbage			
Fax Filing of Notice of Entry of Order Re: : Notice of Settlement and Stip to Vacate Hearing Date and Related Dates & POS						
Grand Total						
				Billable	0.00	11,273.47
				Unbillable	0.00	0.00
				Total	0.00	11,273.47