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8 *Co-Lead Class Counsel*

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

12 CARL BARRETT, et al.,

13 Plaintiffs,

14 v.

15 APPLE, INC., et al.,

16 Defendants.

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

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

Judge: Hon. Edward J. Davila

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

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

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

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

3 4. The work performed by Scott+Scott on behalf of Plaintiffs and the Class includes
4 the following: investigating and developing the claims, including pre-filing factual and legal
5 development; drafting the initial complaint and subsequent amended complaints; opposing
6 Apple’s motions to dismiss; briefing and appearing in Court on various matters, including motion
7 practice and case management issues; participating in meetings of Class Counsel; obtaining and
8 reviewing discovery from Apple, including negotiating and reviewing document productions and
9 transaction data, taking and defending depositions; mediating the case, negotiating the settlement
10 agreement and obtaining preliminary approval thereof; liaising with the claims administrator in
11 connection with the settlement process; and engaging and working with experts and consultants
12 on numerous aspects of the case. The specifics of the work performed by my firm are set forth in
13 the concurrently-filed Joint Declaration of Nyran Rose Rasche, Anthony F. Fata and Joseph P.
14 Guglielmo in Support of Plaintiffs’ Motion for Attorneys’ Fees, Costs and Named Plaintiff Service
15 Awards.

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

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

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

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

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

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

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

15 Executed on this 10th day of September, 2024 at Richmond, Virginia.

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18 _____
Daryl F. Scott

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EXHIBIT 1

| PROFESSIONAL | STATUS | HOURLY RATE | TOTAL HOURS | TOTAL LODESTAR AT HOURLY RATES |
|--------------------------|---------------|--------------------|--------------------|---------------------------------------|
| Daryl F. Scott | P | \$1,495.00 | 1.50 | \$2,242.50 |
| Daryl F. Scott | P | \$1,545.00 | 14.50 | \$22,402.50 |
| Chris Burke | P | \$1,295.00 | 15.20 | \$19,684.00 |
| Joe Guglielmo | P | \$1,150.00 | 342.90 | \$394,335.00 |
| Joe Guglielmo | P | \$1,395.00 | 610.70 | \$851,926.50 |
| Joe Guglielmo | P | \$1,420.00 | 81.20 | \$115,304.00 |
| Erin Comite | P | \$995.00 | 5.30 | \$5,273.50 |
| Erin Comite | P | \$1,095.00 | 13.40 | \$14,673.00 |
| Alex Outwater | A | \$725.00 | 481.70 | \$349,232.50 |
| Alex Outwater | A | \$750.00 | 260.70 | \$195,525.00 |
| Alex Outwater | A | \$795.00 | 85.60 | \$68,052.00 |
| Alex Outwater | A | \$875.00 | 1.40 | \$1,225.00 |
| Amanda Rolon | A | \$525.00 | 495.60 | \$260,190.00 |
| Amanda Rolon | A | \$550.00 | 365.20 | \$200,860.00 |
| Amanda Rolon | A | \$575.00 | 84.00 | \$48,300.00 |
| Melanie Porter (doc rev) | SA | \$400.00 | 1312.20 | \$524,880.00 |
| Victoria Burke (doc rev) | SA | \$400.00 | 1548.50 | \$619,400.00 |
| Ellen DeWan | PL | \$395.00 | 92.90 | \$36,695.50 |
| Kim Jager | PL | \$395.00 | 7.50 | \$2,962.50 |
| Kim Jager | PL | \$415.00 | 17.30 | \$7,179.50 |
| Kim Jager | PL | \$435.00 | 0.50 | \$217.50 |
| Michael Himes | PL | \$395.00 | 3.20 | \$1,264.00 |
| Michael Himes | PL | \$415.00 | 21.00 | \$8,715.00 |
| Michael Himes | PL | \$435.00 | 1.50 | \$652.50 |
| Matthew Malloy | PL | \$395.00 | 19.60 | \$7,742.00 |
| Sumner Caesar | PL | \$395.00 | 31.90 | \$12,600.50 |
| Sumner Caesar | PL | \$415.00 | 46.40 | \$19,256.00 |
| Mario Tlatenchi | O | \$395.00 | 14.40 | \$5,688.00 |
| Mario Tlatenchi | O | \$415.00 | 6.60 | \$2,739.00 |
| Jonathan Swerdloff | O | \$750.00 | 30.50 | \$22,875.00 |
| Jonathan Swerdloff | O | \$795.00 | 17.00 | \$13,515.00 |
| Jenna Goldin | O | \$500.00 | 9.50 | \$4,750.00 |

| PROFESSIONAL | STATUS | HOURLY RATE | TOTAL HOURS | TOTAL LODESTAR AT HOURLY RATES |
|---------------------|---------------|--------------------|--------------------|---------------------------------------|
| Jenna Goldin | O | \$525.00 | 7.00 | \$3,675.00 |
| Michelle Petrick | O | \$395.00 | 52.50 | \$20,737.50 |
| Ekene Avery | O | \$395.00 | 5.00 | \$1,975.00 |
| Ekene Avery | O | \$415.00 | 33.50 | \$13,902.50 |
| TOTAL | | | 6137.40 | \$3,880,647.50 |

EXHIBIT 2

EXHIBIT 2 – Scott+Scott Attorneys at Law LLP Expenses

| EXPENSE | AMOUNT |
|---|--------------------|
| | |
| Filing/Court Fees | \$1,027.00 |
| Federal Express/Local Courier, etc. | \$218.61 |
| Lexis/Westlaw/Pacer | 9,725.34 |
| Photocopying | \$1,418.40 |
| Postage | \$1.71 |
| Travel (Hotel, Meals, Transportation) | \$14,943.90 |
| Long Distance | \$372.64 |
| Witness/Expert Fees | \$75.00 |
| Investigation Fees/Service Fees | \$1,858.65 |
| Transcripts | \$882.15 |
| Miscellaneous (Electronic Document Storage costs, Supplies) | \$39,819.33 |
| | |
| | |
| TOTAL | \$70,342.73 |
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EXHIBIT 3

EXHIBIT 3 – Common Expenses Paid through the Litigation Fund

| EXPENSE | AMOUNT |
|--|-------------------|
| Expert Bruce McFarlane | 281,673.00 |
| Expert Claudiu Dimofte | 57,000.00 |
| Mediator Randall W. Wulff | 12,500.00 |
| Miscellaneous (litigation fund check purchase) | 147.96 |
| Veritext Deposition Services | 62,363.25 |
| | |
| TOTAL | 413,684.21 |
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