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

11 CARL BARRETT, et al.,

12 Plaintiffs,

13 v.

14 APPLE, INC., et al.,

15 Defendants.

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

**AMENDED DECLARATION OF NYRAN  
ROSE RASCHE IN SUPPORT OF  
PLAINTIFFS’ MOTION FOR  
ATTORNEYS’ FEES, EXPENSES AND  
NAMED PLAINTIFF SERVICE  
AWARDS ON BEHALF OF CAFFERTY  
CLOBES MERIWETHER & SPRENGEL  
LLP**

Judge: Hon. Edward J. Davila

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18 I, Nyran Rose Rasche, declare and state as follows:

19 1. I am a partner at the law firm Cafferty Clobes Meriwether & Sprengel LLP. I  
20 submit this Declaration in support of Plaintiffs’ Motion for Attorneys’ Fees, Costs and Named  
21 Plaintiff Service Awards in connection with time spent and expenses incurred by my firm in  
22 connection with this litigation.

23  
24 2. On February 17, 2023, the Court appointed Cafferty Clobes Meriwether and  
25 Sprengel LLP, Kirby McInerney LLP, and Scott+Scott Attorneys at Law LLP as interim co-lead  
26 counsel for the proposed class in the above-captioned action (the “Litigation”). ECF No. 132. On  
27

1 May 16, 2024, the Court appointed the same firms as Class Counsel to represent the Settlement  
2 Class. ECF No. 269.

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

5 4. My firm's work on behalf of Plaintiffs includes the following: originating the case,  
6 including pre-filing and continuing case investigation; researching and drafting the initial  
7 complaint and certain sections of the amended complaint; researching and drafting certain sections  
8 of the oppositions to Apple's motions to dismiss; briefing and appearing in Court on case  
9 management issues and discovery disputes; participating in meetings of Class Counsel; obtaining  
10 discovery from Apple, including negotiating and reviewing document productions and transaction  
11 data and taking several of the ten depositions of Apple employees; defending certain of the  
12 depositions of named Plaintiffs, researching and drafting certain sections of the motion for class  
13 certification; mediating the case, negotiating the settlement agreement and obtaining preliminary  
14 approval thereof; liaising with the claims administrator in connection with the settlement process;  
15 and engaging and working with experts and consultants on numerous aspects of the case. The  
16 specifics of the work performed by my firm are set forth in the Joint Declaration of Nyran Rose  
17 Rasche, Anthony F. Fata and Joseph P. Guglielmo in Support of Plaintiffs' Motion for Attorneys'  
18 Fees, Costs and Named Plaintiff Service Awards (ECF No. 273-2).  
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22 5. Exhibit 1 sets forth the time spent by category of work performed by partners,  
23 attorneys, and support staff of my firm, from inception of the Litigation through July 31, 2024.  
24 The billing rates for the partners, attorneys, and support staff align with the firm's standard billing  
25 rates for contingent cases. The rates reflected are historical rates, *i.e.*, the rates that were in effect  
26 at the time when the work was done.  
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**CERTIFICATE OF SERVICE**

I, Joseph P. Guglielmo, certify that on October 1, 2024 the foregoing document entitled ***AMENDED DECLARATION OF NYRAN ROSE RASCHE IN SUPPORT OF PLAINTIFFS’ MOTION ATTORNEYS’ FEES, EXPENSES AND NAMED PLAINTIFF SERVICE AWARDS ON BEHALF OF CAFFERTY CLOBES MERIWETHER & SPRENGEL LLP*** was filed electronically in the Court’s ECF; thereby upon completion the ECF system automatically generated a “Notice of Electronic Filing” as service through CM/ECF to registered e-mail addresses of parties of record in this case.

*/s/ Joseph P. Guglielmo*

# **EXHIBIT 1**

Barrett, et al. v. Apple, Inc., et al.  
Case No. 5:20-cv-04812 (N.D. Cal.)  
Time Summary

Firm Name: Cafferty Clobes Meriwether and Sprengel LLP  
Date: Inception through July 2024

Categories: 1. Investigations and Factual Research; 2. Case Management and Litigation Strategy; 3. Discovery (other than document review); 4. Document Review; 5. Pleadings, Briefs and Legal Research; 6. Court Appearances and Preparation; 7. Experts/Consultants; 8. Class Certification; 9. Trial & Preparation; 10. Post-trial proceedings; 11. Appeal; 12. Settlement; 13. Miscellaneous (describe)

Name (Title)	Status	1	2	3	4	5	6	7	8	9	10	11	12	13	Current Hourly Rate	Total Hours	Total Lodestar
Nyran Rose Rasche	PT	98.60	65.1	72.5		173.10									\$825.00	409.3	\$337,672.50
Nyran Rose Rasche	PT	20.00	30.3	290.2		263.10	7.70						0.9		\$900.00	612.2	\$550,980.00
Nyran Rose Rasche	PT	6.9	55.8	756.7		89.0	28.5	20.0	33.3						\$950.00	990.2	\$940,690.00
Nyran Rose Rasche	PT	9.5	71.2	569.8		77.2	150.3	133.5	216.3				258.6		\$1,025.00	1,486.4	\$1,523,560.00
Nyran Rose Rasche	PT	1.2	0.5				64.9						362.2		\$1,125.00	428.8	\$482,400.00
Anthony F. Fata	PT	0.8													\$775.00	0.8	\$620.00
Anthony F. Fata	PT	38.3	20.3	5.2		15.5									\$900.00	79.3	\$71,370.00
Anthony F. Fata	PT	15.4	3.6	3.7		66.2							3.3		\$925.00	92.2	\$85,285.00
Anthony F. Fata	PT		0.4	2.4											\$950.00	2.8	\$2,660.00
Nickolas J. Hagman	PT				5.1										\$400.00	5.1	\$2,040.00
Nickolas J. Hagman	A	91.6	49.3	26.0		114.6									\$575.00	281.5	\$161,862.50
Nickolas J. Hagman	A	9.3	17.5	213.5		197.1							0.4		\$600.00	437.8	\$262,680.00
Nickolas J. Hagman	A	1.0	25.8	178.3		63.8			2.3						\$650.00	271.2	\$176,280.00
Nickolas J. Hagman	P	2.2	15.7	143.5		24.9	1.3	1.0	51.6				3.4		\$700.00	243.6	\$170,520.00
Nickolas J. Hagman	P						0.6						14.4		\$800.00	15.0	\$12,000.00
Alex Lee	A		9.9						15.2						\$550.00	25.1	\$13,805.00
Mohammed A. Rathur	A												20.0		\$650.00	20.0	\$13,000.00
Olivia Lawless	A				272.2										\$400.00	272.2	\$108,880.00
Olivia Lawless	A			2.4		38.2									\$450.00	40.6	\$18,270.00
Olivia Lawless	A			91.5		14.2		3.2							\$475.00	108.9	\$51,727.50
Olivia Lawless	A	0.1	0.4	144.0					1.8						\$525.00	146.3	\$76,807.50
Chris Tourek	A	18.6													\$525.00	18.6	\$9,765.00
Chris Tourek	A					21.9									\$575.00	21.9	\$12,592.50
Chris Tourek	A			5.0		0.8									\$600.00	5.8	\$3,480.00
Edward Khatskin	A			94.3											\$650.00	94.3	\$61,295.00
Paige Smith	A	2.9		38.2		12.8			23.9						\$550.00	77.8	\$42,790.00
Sharon M. Nyland	PL	1.4	2.9	0.2		0.3									\$300.00	4.8	\$1,440.00
Sharon M. Nyland	PL	2.1	1.5	3.8		1.5									\$325.00	8.9	\$2,892.50
Sharon M. Nyland	PL		22.3	8.1											\$350.00	30.4	\$10,640.00
Sharon M. Nyland	PL	0.6	14.6	4.6		0.1			1.4				1.2		\$375.00	22.5	\$8,437.50
Sharon M. Nyland	PL		1.3				2.3						5.7		\$425.00	9.3	\$3,952.50
Kelly McDonald	PL		9.9	0.4		0.4									\$300.00	10.7	\$3,210.00
Kelly McDonald	PL		6.8	18.9		5.1									\$325.00	30.8	\$10,010.00
Kelly McDonald	PL		8.7	28.1					1.5						\$350.00	38.3	\$13,405.00
Kelly McDonald	PL	2.7	3.4	31.6		0.6	0.3		29.9				4.4		\$375.00	72.9	\$27,337.50
Kelly McDonald	PL					0.1			1.9				22.6		\$425.00	24.6	\$10,455.00
Kathy Hollenstine	PL			0.5											\$325.00	0.5	\$162.50
Kathy Hollenstine	PL		0.9	34.3											\$350.00	35.2	\$12,320.00
<b>TOTALS</b>		<b>323.2</b>	<b>438.1</b>	<b>2,767.7</b>	<b>277.3</b>	<b>1,180.5</b>	<b>255.9</b>	<b>157.7</b>	<b>379.1</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>697.1</b>	<b>0.0</b>		<b>6,476.6</b>	<b>\$5,297,295.00</b>

Partner (PT)  
Of Counsel (OC)  
Associate (A)  
Contract (C)  
Paralegal (PR)  
Other (O)  
Law Clerk (LC)

## **EXHIBIT 2**

**EXHIBIT 2 – CCMS Expenses**

<b>EXPENSE</b>	<b>AMOUNT</b>
Filing Fees	975.00
Miscellaneous (Poston Incident Report)	10.00
Miscellaneous (City of Salem Police Report)	23.00
Miscellaneous (Client Rodriguez Fax Charges)	20.42
Miscellaneous (Electronic Agreements)	63.00
On Line Research	15,927.44
Overnight Delivery	62.61
Photocopies	4,122.75
Postage	69.15
Service of Process	370.00
Travel (Hotel, Meals, Transportation)	10,367.37
<b>TOTAL</b>	<b>32,010.74</b>



## **EXHIBIT 3**

**EXHIBIT 3 – Common Expenses Paid through the Litigation Fund**

<b>EXPENSE</b>	<b>AMOUNT</b>
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
<b>TOTAL</b>	<b>413,684.21</b>