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FINKELSTEIN & KRINSK LLP
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Attorneys for Plaintiff

ELECTRONICALLY FILED
Superior Court of California,
County of San Diego
11/16/2017 at 02:19:00 PM
Clerk of the Superior Court
By Katelin O'Keefe, Deputy Clerk

SUPERIOR COURT FOR THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

KARL BECK, individually and on behalf of all other similarly situated California residents,

Plaintiff,

v.

POINT LOMA PATIENTS CONSUMER COOPERATIVE CORPORATION, A California Corporation, **ADAM KNOPF**, an Individual, **JUSTUS H. HENKES IV**, an Individual, **419 CONSULTING INC.**, a California Corporation, **GOLDEN STATE GREENS LLC**, a California LLC, **FAR WEST MANAGEMENT, LLC**, a California LLC, **FAR WEST OPERATING, LLC**, a California LLC, **FAR WEST STAFFING, LLC**, a California LLC, and **DOES 1-50**,

Defendants.

Case No: 37-2017-00037524-CU-BT-CTL

CLASS ACTION

DECLARATION OF JEFFREY R. KRINSK IN SUPPORT OF MOTION PURSUANT TO CALIFORNIA CORPORATIONS CODE §§ 12603-12607 FOR:

- (1) PRODUCTION OF RECORDS;**
- (2) APPOINTMENT OF INDEPENDENT ACCOUNTANT; and**
- (3) AWARD OF ATTORNEY FEES AND COSTS**

Date: January 5, 2018

Time: 9:00 a.m.

Judge: Hon. Joel R. Wohlfeil

Ctrm: C-73

1 I, Jeffrey R. Krinsk, hereby declare as follows:

2 1. I am an attorney with the law firm Finkelstein & Krinsk LLP, counsel to Plaintiff
3 Karl Beck ("Plaintiff"). I have personal knowledge of the matters set forth herein, based on my
4 active participation in the litigation. If called upon, I could and would testify competently to the
5 facts herein. I submit this Declaration in support of Plaintiff's Motion Pursuant to California
6 Corporations Code §§ 12603-12607 for: (1) Production of Records; (2) Appointment of
7 Independent Accountant, and (3) Award of Attorney Fees and Costs (the "Motion").

8 2. Finkelstein & Krinsk undertook this action on a contingent fee basis, assuming
9 significant risk that the action would yield no recovery and leave the firm uncompensated. From
10 the outset of this action in July 2017, Finkelstein & Krinsk has not been compensated for *any* time
11 or expenses incurred.

12 3. The information in this declaration regarding Finkelstein & Krinsk's time and
13 expenses is taken from time and expense records prepared and/or maintained by Finkelstein &
14 Krinsk in the ordinary course of business. I reviewed these records to confirm both the accuracy
15 of the entries as well as the necessity for, and reasonableness of, the time committed to the
16 litigation.

17 4. To date, I spent 2.4 hours drafting the records demand that is the subject of the
18 Motion, 3.9 hours preparing the Complaint, and 10.8 hours researching and preparing the Motion (a
19 total of 17.1 hours). Trenton Kashima, an associate with Finkelstein & Krinsk, spent 1.4 hours
20 researching and preparing the Motion. Additionally, Rebecka Garcia and Shelby Ramsey, both
21 paralegals at Finkelstein & Krinsk, spent 2.8 hours preparing and filing the Complaint and 5.2 hours
22 preparing and filing the Motion (a total of 8.0 hours). Accordingly, the total time expended by
23 Finkelstein & Krinsk in this matter is 18.5 attorney hours, and 8.0 paralegal hours.

24 5. I am managing partner at Finkelstein & Krinsk with over 30 years of experience and
25 an active member of both the New York and California Bars. My hourly rate is \$675. Mr.
26 Kashima is a fourth-year associate and his hourly rate is \$485. Both Ms. Garcia's and Ramsey's

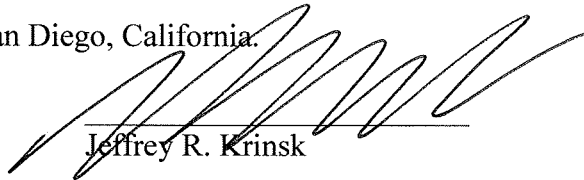
1 hourly rates is \$150. When the above hours and rates are considered, Finkelstein & Krinsk's total
2 lodestar associated with the litigation is \$13,421.50.

3 6. Finkelstein & Krinsk's expenses in connection with the prosecution of the litigation
4 are \$588.24. This includes \$492.21 for fees and costs associated with filing the Complaint¹, \$24.52
5 in postage and copying costs, and \$71.51 for fees and costs associated with filing this Motion.

6 7. Attached hereto as **Exhibit A** is the firm resume of Finkelstein & Krinsk.

7 I declare under penalty of perjury under the laws of the State of California that the forgoing
8 is true and correct.

9 Executed on November 15, 2017 in San Diego, California.

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11 Jeffrey R. Krinsk

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26 ¹ These costs exclude the \$1,000.00 surcharge filing fee for class actions.

EXHIBIT A

FINKELSTEIN & KRINSK LLP
ATTORNEYS AT LAW

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The following is a concise summary of the resume of the law firm of Finkelstein & Krinsk LLP. The named partners of this San Diego, California-based law firm have been recognized for successfully prosecuting hundreds of class action lawsuits since 1987. The firm's experience centers on the prosecution of violations of the federal and state securities and antitrust laws, the laws of corporate governance, including derivative actions, and business/consumer fraud cases.

THE FIRM

Since its inception, the firm has specialized in investigating and prosecuting large-scale securities violations on behalf of private and institutional investors, as well as derivative claims arising from directors' failure to comply with their statutory duties. The firm is a long-standing member of the National Association of Securities and Commercial Law Attorneys and has received consistent recognition for its creative persistence in handling complex litigation.

The credentials of the firm include being appointed lead counsel and to executive committee positions on behalf of plaintiff classes in multiple successful securities fraud, shareholder derivative and consumer class action cases, including, for example, *In Re Chiron Shareholders Derivative Litigation*, a shareholder derivative action alleging various breaches of fiduciary duties; *In Re Chiron Shareholders Deal Litigation*, a shareholder class action involving a \$4.5 billion merger transaction; *In Re Great American Bank Securities Litigation*, a class action alleging violations of the Federal Securities Acts; *In Re Safeskin Sec. Litig.* (same); *In Re Revlon Sec. Litig.* (same); *Risk v. Caribiner International*; *Hurst v. Monarch Equities Corporation*, a class action alleging violations of the Commodities & Exchange Act; *Weld v. Chiron Corp.*; *Chiment v. M/A-COM, Inc.*, a class action alleging violations of ERISA; *In Re State Farm Mutual Automobile Insurance Company*, a California resident consumer class action alleging unfair business practices; *In Re Manufacturers Life Insurance Premium Litigation*, a nationwide consumer class action alleging insurance fraud; *Levine v. The Guardian Life Insurance Company of America*, a California resident disability policyholder class action; *In Re Massachusetts Mutual Life Ins. Co. Vanishing Premium Sales Litig.*, a nationwide policyholder class arising out of "vanishing premium" life insurance policy sales practices; *Campbell v. AirTouch Cellular*, nationwide consumer class action against Verizon Wireless for violations of unfair trade practices (lead counsel in a nationwide consumer class of over 43 million consumers); *In Re DSL Service Cases*, a J.C.C.P. California resident class action involving claims of false advertising and consumer fraud (lead counsel in coordinated action); *Burton v. MTL Ins. Co.*, a nationwide policyholder class action involving violations of Illinois consumer fraud laws; *Kushner v. AT&T Corp.*, a California resident consumer class action (lead counsel); *Maugeri v. The Credit Store*, a nationwide consumer class action involving deceptive debt collection practices; and *Smith v. Wells Fargo*, a California resident consumer class action involving false advertisement claims (lead counsel); *Phebus v. Wells Fargo Bank* (lead counsel in coordinated action); *Feferman v. Hewlett Packard* (lead counsel); *Berensen v. Toyota Motor Corp.* (lead counsel); *Maugeri v. The Credit Store*, (lead counsel); *Sanai v. BMW of North America, LLC*; *Hahn v. Massage Envy Franchising LLC* (lead counsel).

FINKELSTEIN & KRINSK LLP
ATTORNEYS AT LAW

The firm has successfully prosecuted hundreds of class action securities and consumer cases recovering hundreds of millions of dollars in losses suffered by victims of business, consumer and similar fraud recovering billions of dollars in losses.

In the insurance related area, the firm was lead counsel in *Tench v. Jackson National Life Ins. Co.*, an Illinois resident policyholder class for violations of Illinois consumer fraud laws arising from the sale of "vanishing premium" life insurance products; and *Albanoski v. American National Insurance Company*, a California resident class arising out of unlawful and deceptive sales practices involving the sale of universal life insurance products. In addition, the firm has also jointly prosecuted a number of cases throughout the United States against numerous insurance companies for various improper claims practices.

PARTNER

JEFFREY R. KRINSK

Jeffrey R. Krinsk graduated in 1974 from Boston University Law School in Boston, Massachusetts, and was admitted to active practice in the State of New York on November 17, 1975. As an associate at the New York law firm of Norton & Christenson, he contributed to numerous cases involving intricate violations of federal law and, thereafter, participated in assorted complex litigation against large corporations and particularly the United States Government and/or the Corps of Engineers.

This extensive litigation experience resulted in Mr. Krinsk relocating to California after being asked to join Hang Ten International, Inc. as Staff Counsel and, shortly thereafter, became General Counsel and Chief Legal Officer. Mr. Krinsk was subsequently promoted to Chief Operating Officer and General Counsel for the corporation, overseeing and managing in excess of thirty-five law firms in over sixty countries while fulfilling corporate litigation and transactional needs. In 1983, Mr. Krinsk relocated to Los Angeles, California, after joining Guess?, Inc. as its President, assuming a broad array of related legal and operational responsibilities as its licensing head. Thereafter, Mr. Krinsk was elected Chairman and CEO of publicly-traded Fabulous Inns of America, conducting complex derivative and securities litigation on behalf of its shareholders. This substantial business experience has provided an invaluable perspective in the prosecution of class actions against corporate defendants. Mr. Krinsk has effectively prosecuted and managed a host of class actions for Finkelstein & Krinsk over the last twenty-five years.

ASSOCIATES

DAVID J. HARRIS, JR.

David J. Harris, Jr. joined Finkelstein & Krinsk LLP in 2015 and specializes in securities and consumer class actions. Prior to joining the Firm, Mr. Harris specialized in class action litigation at another leading plaintiffs' firm, representing institutional and individual investors in securities fraud actions nationwide. Mr. Harris was a member of two litigation teams that recovered over \$100 million on behalf of aggrieved investors in mortgage-backed securities class actions. He was also part of a trial team that recovered \$65 million from a healthcare services company on the eve of trial, in an action alleging securities fraud under the Securities Exchange Act of 1934. In addition, Mr. Harris achieved a \$10 million recovery on behalf of damaged investors in an oil company that allegedly overstated its oil production prospects in an initial public offering. Mr. Harris was a member of the appellate team that won a landmark victory before the United States Supreme Court in *Omnicare, Inc. v. Laborers Dist. Council Construction Industry Pension Fund*, 135 S.Ct. 1318 (2015), which shaped and refined securities issuers' disclosure obligations under the Securities Act of 1933. He is currently representing the petitioner in a complex case pending before the California Supreme Court, which will determine the meaning of "insurance" under California law and the proper application of the California Insurance Code to risk-based transactions.

Mr. Harris graduated from the Boston University School of Law in 2012. While in law school, Mr. Harris served as an editor of the *Review of Banking & Financial Law*, and as a student-attorney in Boston University's Criminal Practice Clinic. Mr. Harris was also selected as a Legal Writing Fellow. Prior to law school, he worked as an operations analyst and project manager for a leading e-discovery services provider. Mr. Harris graduated *magna cum laude* from Rensselaer Polytechnic Institute in 2006, with a Bachelor of Science degree in Mathematics and a concentration in Operations Research.

Mr. Harris is admitted to practice in the State of California and in the United States District Courts for the Northern, Southern, Central, and Eastern Districts of California, and in the United States District Court for the Western District of Wisconsin.

TRENTON R. KASHIMA

Trenton R. Kashima joined Finkelstein & Krinsk LLP as an associate attorney in 2013 upon graduating from the University of San Diego School of Law. Mr. Kashima currently specializes in consumer class actions, with a particular emphasis on the false advertising of food and beverage products. While at Finkelstein & Krinsk LLP, Mr. Kashima lead discovery efforts in *Hahn v. Massage Envy Franchising LLC*, 3:12-cv-00153-DMS-BGS (S.D. Cal.). Mr. Kashima also helped develop Finkelstein & Krinsk LLP's appellate practice, assisting in briefing

FINKELSTEIN & KRINSK LLP
ATTORNEYS AT LAW

Heckart v. A-1 Self Storage et al., No. S232322 (Cal. 2016) and leading the firm's efforts in *Wiseley v. Amazon.com Inc.*, No. 15-56799 (9th Cir. 2015). In addition to practicing law, Mr. Kashima is currently an Adjunct Professor at the University of San Diego School of Law.

Prior to attending law school, Mr. Kashima was a student at the Maastricht University, in the Netherlands, where he earned an LL.M. in Globalization and Law. During his time at Maastricht University, Mr. Kashima was a Dutch National Semi-Finalist in the International Client Counseling Competition. Mr. Kashima earned his Juris Doctorate from the University of San Diego School of Law, where he was the Senior Editor of the San Diego Journal of Climate and Energy Law, an Honor Court Justice, and President of the VICAM (Vis International Commercial Arbitration Moot) team. During his time at USD School of Law, Mr. Kashima earned CALI Awards in Agency, Partnership & the LLC, Climate Change Law & Policy, and Anti-Trust. He also received the 2013 USD Enhancement Award.

Mr. Kashima was admitted to practice in the State of California on November 26, 2013. Mr. Kashima is also admitted to practice in the United States District Courts for the Northern and Southern Districts of California, and Ninth Circuit Court of Appeals.

LAUREN R. PRESSER

Lauren R. Presser joined Finkelstein & Krinsk LLP as an associate attorney in 2017. Ms. Presser currently focuses on consumer class actions. Prior to joining Finkelstein & Krinsk, Ms. Presser litigated on behalf of corporations in regards to labor and employment disputes, intellectual property issues, and real property disputes. During her time at Finkelstein & Krinsk LLP, Ms. Presser has lead discovery law and motion efforts in *Krinsk v. Monster Beverage Company, et al.*, 37-2014-20192-CU-BT-CTL.

Ms. Presser earned her Juris Doctorate from the University of San Diego School of Law in 2013, with a concentration in Business and Corporate law. During her time at USD School of Law, Ms. Presser successfully litigated a 9th Circuit case against the State of Arizona and a private company in *Castle v. Eurofresh, Inc.*, 734 F.Supp. 2d 938. Ms. Presser has additionally used her mastery of six languages to assist in immigration cases pro bono, and was awarded the Certificate of Merit in Recognition of Service for her pro bono work. Prior to law school, Ms. Presser helped found a successful private company while obtaining her degree from University of California, San Diego with Provost Honors.

Ms. Presser was admitted to practice in the State of California on December 3, 2013. Ms. Presser is also admitted to practice in the United States District Court for the Southern District of California.

FINKELSTEIN & KRINSK LLP
ATTORNEYS AT LAW

For more information regarding the firm and a list of cases successfully prosecuted by the firm, please contact:

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