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8 *Attorneys for Plaintiff*

**ELECTRONICALLY FILED**  
Superior Court of California,  
County of San Diego  
**04/03/2019** at 04:38:00 PM  
Clerk of the Superior Court  
By Vanessa Bahena, Deputy Clerk

9  
10 **SUPERIOR COURT FOR THE STATE OF CALIFORNIA**  
11 **COUNTY OF SAN DIEGO**

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

14 Plaintiff,

15 v.

16 **POINT LOMA PATIENTS**  
17 **CONSUMER COOPERATIVE**  
18 **CORPORATION**, A California  
19 Corporation, **ADAM KNOPF**, an  
20 Individual, **JUSTUS H. HENKES IV**, an  
21 Individual, **419 CONSULTING INC.**, a  
22 California Corporation, **GOLDEN**  
23 **STATE GREENS LLC**, a California  
24 LLC, **FAR WEST MANAGEMENT,**  
25 **LLC**, a California LLC, **FAR WEST**  
26 **OPERATING, LLC**, a California LLC,  
27 **FAR WEST STAFFING, LLC**, a  
28 California LLC, and **DOES 1-50**,

Defendants.

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

**CLASS ACTION**

**DECLARATION OF WILLIAM R. RESTIS  
IN SUPPORT OF CLASS  
REPRESENTATIVE'S MOTION FOR  
ATTORNEYS FEES & EXPENSES and  
CLASS REPRESENTATIVE INCENTIVE  
AWARD**

Date: June 28, 2019

Time: 9:00 a.m.

Judge: Hon. Joel R. Wohlfeil

Ctrl: C-73

1 I, William R. Restis, hereby declare as follows:

2 1. I am the CEO of The Restis Law Firm, P.C. (“RLF”). I have personal knowledge  
3 of the matters set forth herein, based on my active participation in all material aspects of this  
4 litigation. If called upon, I could and would testify competently to the facts herein based upon my  
5 personal involvement in this case. I submit this declaration in support of Class Representative  
6 Karl Beck’s Motion for Attorneys’ Fees and Expenses, and Class Representative Incentive Award.

7 2. My *Curriculum Vitae* is attached hereto as Exhibit A.

8 **I. INTRODUCTION**

9 3. RLF has been primarily responsible for the prosecution of this litigation and  
10 negotiation of the Amended Settlement Agreement now before the Court.

11 **II. ATTORNEY FEES AND LITIGATION EXPENSES**

12 4. RLF undertook this action on a contingent fee basis, assuming significant risk that  
13 the action would yield no recovery and leave me uncompensated. From the outset of this action in  
14 July 2017, RLF has not been compensated for *any* time or expenses incurred.

15 5. I have over 13 years of experience prosecuting consumer and securities class  
16 actions. My usual and customary hourly rate for paying clients is \$750 per hour. My hourly rate at  
17 the commencement of this litigation in 2017 was \$650 per hour. I have maintained my \$650 rate  
18 consistently throughout this litigation, and have not adjusted it upwards. RLF’s usual and  
19 customary hourly rate for paralegal time to paying clients is \$195 per hour.

20 6. The information in this declaration regarding RLF’s time and expenses is taken  
21 from contemporaneous electronic time and expense records prepared and/or maintained by RLF in  
22 the ordinary course of business. I reviewed these records to confirm both the accuracy of the  
23 entries as well as the necessity for, and reasonableness of, the time committed to the litigation. As  
24 a result of this review, I have reduced my hourly rate from \$650 to \$600 per hour for the purposes  
25 of this fee and cost application, and reduced the rate for paralegal time from \$195 to \$150 per hour  
26 to ensure billing reasonableness in the San Diego legal marketplace.

7. As a result of this review and the adjustments made, I believe that the time reflected in the firm's lodestar calculation as set forth in this declaration is reasonable in amount and was necessary for the effective prosecution of this litigation. The following tables accurately reflects the time expended by RLF:

<b>Individual</b>	<b>Rate</b>	<b>Hours</b>	<b>Fee</b>
William R. Restis (P)	\$ 600.00	567.00	\$340,200.00
Paralegals	\$ 150.00	17.80	\$2,670.00
<b>TOTAL</b>		<b>584.8</b>	<b>\$342,870.00</b>

8. RLF spent **584.8 hours** on this cause, for a total lodestar of \$342,870 comprised as detailed below:

<b>Task</b>	<b>Hours</b>	<b>Fees</b>
Appear for / Attend Communications (Client)	13.2	\$7,920
Communications (Outside Counsel)	8.4	\$4,905
Data/File Management	50.8	\$30,390
Discovery & Discovery Motions	10.0	\$1,500
Draft/Revise Pleadings & Motions	130.7	\$78,420
Internal Meeting	293.8	\$172,995
Other	5.0	\$3,000
Planning & Preparation	1.0	\$600
Research	18.5	\$11,100
<b>TOTAL</b>	<b>53.4</b>	<b>\$32,040</b>
	<b>584.8</b>	<b>\$342,870</b>

9. If requested by the Court, I am prepared to submit detailed time and expense reports *in camera* for the Court's review.

### **III. CONTINUING OBLIGATIONS OF CLASS COUNSEL**

10. RLF's lodestar calculation does not include the substantial work that Class Counsel and support staff must still perform before the litigation is complete, such as responding to inquiries from Class members, responding to any associated objections, filing the final approval motion, appearing at the final approval hearing, and any related appeals. This work will further

1 benefit the Settlement Class, and could potentially last for years. Under the Settlement Agreement,  
2 Class Counsel will not be compensated for this additional work.

3 11. Based on my experience with prior class settlements and response from class  
4 members to class notice, a class with approximately 37,500 class members will likely require 1  
5 hour of attorney / professional time per day during the day notice period, and beyond.

6 12. RLF's lodestar calculation also does not include any time that will be expended  
7 analyzing and categorizing the time entries or preparation of this fee submission.

8 **IV. LITIGATION EXPENSES**

9 13. RLF's expenses and charges in connection with the prosecution of the litigation are  
10 \$2,516.06. Those expenses and charges are summarized by category below:

11 a. Research Lexis Nexis: \$58.32.

12 b. Misc. Administration (Copies/Parking): \$50.24

13 c. Filing and Service of Process Fees: \$997.50. These expenses have been paid to  
14 this Court's service provider for e-file and e-serve facilitator One Legal.

15 d. Mediation Fees: \$1,410.00.

16 14. The office manager of Finkelstein & Krinsk LLP ("F&K") provided me the printout  
17 of F&K's expenses incurred in this litigation in approximately August 2018. A true and correct  
18 copy of those expenses as received by me is attached hereto as Exhibit B.

19 I declare under penalty of perjury, under the laws of the State of California, that the  
20 forgoing is true and correct to the best of my knowledge, information and belief.

21 Executed on April 3, 2019 at San Diego, California.

22  
23   
24 \_\_\_\_\_  
25 William R. Restis, Esq.

# EXHIBIT A



## William R. Restis

### EDUCATION

- ❖ *U. San Diego School of Law*, J.D., 2006
- ❖ *James Madison College*, Michigan State University, B.A. 2002 (*Dean's List*)

### BAR ADMISSIONS

- ❖ California 2006

### COURT ADMISSIONS

- ❖ Southern District of California
- ❖ Northern District of California
- ❖ Central District of California
- ❖ Eastern District of California
- ❖ Ninth Circuit Court of Appeals
- ❖ California Fourth District Court of Appeals
- ❖ California Supreme Court

For over a decade, I have been litigating complex, multi-district, and multi-party class actions. I have recovered over two hundred million dollars in value for class members and clients, and changed the law to help protect them.

I founded The Restis Law Firm, P.C. in 2017. Prior to founding RLF, I represented investors and consumers at San Diego's oldest class action law firm, Finkelstein & Krinsk LLP.

In addition to class actions, I also practice other forms of complex litigation. This includes representing whistleblowers before the Department of Justice and Securities and Exchange Commission.

I also served as general counsel for two technology start-ups, and am a longtime board member of a highly successful non-profit.

I am currently Lead Counsel or co-counsel to Lead Counsel in the following cases:

✚ *In re Tezos Securities Litigation*, No. 3:17-cv-06779-RS (N.D. Cal.) (challenging whether "Initial Coin Offering" of cryptocurrency was an illegal offer and sale of securities in violation of the Securities Act of 1933) (Co-Counsel to Court appointed Lead Counsel)

✚ *Faasse et al. v. Coinbase, Inc.*, No. 3:18-cv-01382-JD (N.D. Cal.) (challenging Coinbase's ability to keep Bitcoin that was sent from Coinbase users to third parties but was never claimed) (Lead Counsel)

Notable past cases that I was either lead attorney or had significant involvement include:

✚ *Blevins v. Capital Alliance Group*, No. 2:18-cv-364-EAS-KAJ (S.D. Ohio) (won dismissal of TCPA class action within 4 months) (Lead Counsel for defendant)

A handwritten signature in black ink, appearing to read 'The Restis Law Firm, P.C.', is positioned above a horizontal line.

🚩 *Northrup v. Capital Alliance Group*, No. 8:18-cv-23-JLS-DFM (C.D. Cal.) (won dismissal of TCPA class action within 8 months) (Lead Counsel for defendant)

🚩 *Hahn v. Massage Envy Franchising LLC*, No. 3:12-cv-000153 (S.D. Cal.) (nationwide settlement with 75% restitution of class members' lost prepaid massages valued by experts between \$179-\$225 million). In *Massage Envy*, I won every motion, and established complete liability to the class on *plaintiff's* motion for summary judgment. 2014 WL 5100220 (S.D. Cal. Sept. 25, 2014). In doing so, the Court adopted my proposed extension of California's doctrines on unconscionability, liquidated damages and franchisor liability that have since been relied upon by several courts.

🚩 *Sanai v. BMW of North America*, No. 2:12-cv-06105 (D.N.J.) (nationwide settlement recovering lost warranty and 100% reimbursement of repair costs valued by expert at \$12.8 million)

🚩 *Derry v. Jackson Nat'l Insurance Co.*, No. 4:12-cv-1380 (N.D. Cal.) (California settlement recovering \$11.2 million in annuity surrender charges, and reducing future surrender charges)

🚩 *Klien v. Walgreen Company et al.*, No. GIC 795254 (S.D. Sup. Ct.) (California class settlement prohibiting pharmacies from using medical information for marketing)

🚩 *Utility Consumers Action Network v. Albertsons, Inc. et al.*, No. GIC830069 (S.D. Sup. Ct.) (California class settlement prohibiting pharmacies from using medical information for marketing)

🚩 *Scherer v. Tiffany and Company, Co.*, 3:11-cv-00532 (S.D. Cal.) (class action settlement providing free Tiffany's merchandise)

🚩 *Austin v. Michaels Stores Inc.*, No. 37-2011-00085906 (S.D. Sup. Ct.) (class action settlement providing free merchandise)

🚩 *Saratoga Advantage Trust v. ICG, Inc. et al.*, No. 2:08-cv-00011 (S.D.W. Va.) (\$1.4 million securities class action settlement)

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# EXHIBIT B



CASE EXPENSES

<u>Case</u>	<u>Date</u>	<u>Vendor</u>	<u>Amount</u>	<u>Total</u>	<u>Service</u>
Point Loma	10/10/17	One Legal	1,482.26		Complaint
Point Loma	10/12/17	One Legal	9.95		Summons
Point Loma	11/15/17	Postage	24.52		In house postage
Point Loma	12/05/17	One Legal	72.50		Notice of motion/Dec/P&As
Point Loma	12/27/17	One Legal	11.93		Reply/POS
Point Loma	01/04/18	One Legal	72.50		Notice of motion/Dec/P&As
Point Loma	01/05/18	One Legal	11.93		Opp to demurrer
Point Loma	01/16/18	One Legal	11.93		Objections/POS
Point Loma	01/05/18	FedEx	41.58		Inv. 6-048-12308/Deliveries to Attys Austin & Dart
Point Loma	03/16/18	Kramm and Associates	195.00		Court Reporter Deposit - 3/16 Hearing
Point Loma	05/08/18	Judicate West	1,420.00		Charged to Jeff CC
Point Loma	05/08/18	WRR Mediation reimbursement	(710.00)		WRR Check #1110
Point Loma	06/29/18	Judicate West	1,475.00		7/30/18 Mediation
Point Loma	07/09/18	WRR Mediation reimbursement	(700.00)		WRR Check #1118
Point Loma	08/24/18	Nationwide	52.50		Cancelled subpoena
				3,471.60	