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Attorneys for *Plaintiffs*

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA – SOUTHERN DIVISION

PAMELA CARTER, DEBORAH
MARTIN, CHRISTINE MORALES,
STANLEY CARAKER, STANLEY
NICKS, MICHAELA VECHT, BERT
SCHORLING, JEANETTE BREITEN,
RAYMOND BACHAR, KATHERINE
MITCHELL, STEPHANIE CASTRO,
BRUCE HINSLEY, ARLENE POUNDS,
JOSE GURROLA, AARON STRAW,
ELDON ROSS, individually and as
Representatives of the Participants and
Beneficiaries of the Fleet Card Fuels
Employees Stock Ownership Plan,

Plaintiffs,

vs.

SAN PASQUAL FIDUCIARY TRUST
COMPANY; FLEET CARD FUELS;
WILLIAM DAVIES; RICHARD
DAVIES; STRATEGIC EQUITY
GROUP; CHRISTOPHER KRAMER;
SHORELINE CAPITAL, INC.;
EDGEWATER CAPITAL, LLC,

Defendants.

CASE NO.: 8:15-CV-01507-JVS-JCG

**DECLARATION OF ALEXANDER
H. WINNICK IN SUPPORT OF
PLAINTIFFS' MOTION FOR
AWARD OF ATTORNEYS' FEES,
LITIGATION EXPENSES, AND
SERVICE PAYMENTS**

Date: February 26, 2018
Time: 1:30 p.m.
Ctrm: 10C
Judge: Hon. James V. Selna

1 I, Alexander H. Winnick, declare as follows:

2 1. I am an attorney licensed to practice law in the State of California and
3 before this Court and a partner with Trujillo & Winnick, LLP.

4 2. I make this declaration in support of Plaintiffs' concurrently filed Motion
5 for Award of Attorneys' Fees, Litigation Expenses, and Service Payments and the
6 Declaration of Jeffrey T. Belton, Esq. The following facts are within my personal
7 knowledge and, if called as a witness herein, I could and would competently testify
8 thereto.

9 3. I graduated from Brown University in 2000 and from Pepperdine Law
10 School in 2005. I have been a member of the California bar since 2005.

11 4. I have previously worked at the Rhode Island Commission for Human
12 Rights, as a Senate Intern, a White House Intern, and as a coordinator for the California
13 Democratic Party during the election of 2000. During and following law school, I have
14 clerked at the District Attorney's Office of Los Angeles County, worked as in-house
15 counsel at a prestigious real estate investment firm from 2006 until 2008, and as an
16 associate counsel at the litigation firm Rosoff, Schiffres & Barta ("RSB") from June
17 2009 to December 2012. Beginning in January 2013, I co-founded Trujillo & Winnick,
18 LLP with Anthony W. Trujillo, Esq., who has an extensive background in employment
19 matters.

20 5. I have represented a wide array of clients in civil matters in state court. My
21 practice is focused on employment litigation and complex bank cases. Trujillo &
22 Winnick, LLP consistently faces off against large banking entities, such as Wells Fargo
23 and Bank of America, and their determined and adept counsel. I have litigated or
24 currently am litigating cases involving wage-and-hour, discrimination and harassment,
25 identity theft, California Rosenthal Fair Debt Collections Practices Act claims,
26 fraudulent conveyance, California Homeowners Bill of Rights cases, and foreclosure
27 matters. I am currently litigating a wage-and-hour case with 15 defendants. I, along
28

1 with Mr. Trujillo, have litigated or currently am litigating numerous appeals before the
2 California Court of Appeals. I also have experience litigating shareholder derivative
3 actions and claims by shareholders against corporate officers and directors. This is my
4 first ERISA case, but I found that my skills and experience on my other cases translated
5 well to working on this case.

6 6. In this case, I worked extensively on the Oppositions to the three motions to
7 Dismiss filed by the Defendants, the motion for class certification, the 26f Joint Report,
8 the motion for preliminary approval and its exhibits. I was primarily engaged in
9 drafting, legal research, document analysis and discovery. I communicated with the
10 Plaintiffs regarding document production, the facts of this case, and the settlement. I
11 worked in large part on Plaintiffs' mediation briefs and attended both mediations. I have
12 actively worked on this case since mid-June 2015, but I did not bill on this case until
13 August 2015. The total amount of time I spent working on this case from August 12,
14 2015 until August 28, 2017 was 367.8 hours. However, I reduced my hours for that time
15 by approximately 20%, and am only claiming, for the purposes of my lodestar, 290.7
16 total billed hours. I further did not include any hours that could be considered duplicate,
17 such as the time spent meeting and conferring with co-counsel, or my attendance with
18 Mr. Belton for the hearing on Plaintiffs' Motion for Preliminary Approval. For the
19 mediations attended by all three Plaintiffs' attorneys, I only billed for half of my time,
20 even though my knowledge of the facts and law in this case made my presence
21 necessary. Attached to the Declaration of Jeffrey T. Belton ("Belton Decl.") as **Exhibit**
22 **2** is a detailed billing report for the hours worked by me, in this matter.

23 7. While the majority of my cases are handled purely on contingency, since
24 June 2016, I do maintain, and charge when applicable, an hourly billing rate of \$375. I
25 believe that this rate is comparable to, if not below, other attorneys with my level of
26 experience and skill in the greater Los Angeles area and attorneys involved in class
27 action litigation in the Central District.

1 8. On or about January 27, 2016, Hon. Daniel S. Murphy of Los Angeles
2 County Superior Court awarded me my then reasonable hourly rate of \$350.00 following
3 a successful special motion to strike (Anti-SLAPP) on seven causes of action against
4 three plaintiffs and subsequent motion for attorneys' fees. (*U Turn Seven Corporation,*
5 *et. al. v. Ben Marc Golub, et. al.* Los Angeles County Superior Court Case No.
6 BC576862; January 28, 2016. On or about June 1, 2016, my hourly rate increased to
7 \$375.00.

8 9. My time records in this case, Exhibit 2 to the Belton Declaration, reflect a
9 billing rate of \$350 for the time period August 12, 2015 to May 31, 2016 and a billing
10 rate of \$375 for the time period June 1, 2016 to the present. My total lodestar in this
11 case is **\$105,321.94**.

12 10. Attorney Belton has attached a detailed breakdown of all expenses incurred
13 by Trujillo & Winnick in the litigation to his Declaration, and the amount claimed in
14 expenses by Class Counsel is a true and correct accounting.

15 11. Trujillo & Winnick took this case on a contingent basis. This case was a
16 risk for our law firm. I believe Class Counsel has obtained an excellent result in this
17 case, based on the payouts to the Class Members and the risks and costs involved in
18 pursuing the claims.

19
20 I declare under penalty of perjury under the laws of the United States of America
21 that the foregoing is true and correct. Executed on this 16th day of October, 2017 at
22 Santa Monica, California.

23 TRUJILLO & WINNICK, LLP

24 /s/ Alexander H. Winnick

25 _____
26 Alexander H. Winnick
27 Attorneys for Plaintiffs
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