

1 **TRUJILLO & WINNICK, LLP**
 2 Anthony W. Trujillo, State Bar # 248860
 3 Email: atrujillo@trujillowinnick.com
 4 Alexander H. Winnick, State Bar #239430
 5 Email: awinnick@trujillowinnick.com
 6 Jeffrey T. Belton, State Bar #239443
 7 Of Counsel, Email: jbelton@trujillowinnick.com
 8 2919 1/2 Main Street
 9 Santa Monica, CA 90405
 10 Telephone: 310.210.9302
 11 Facsimile: 310.921.5616
 12 Attorneys for *Plaintiffs*

8 **UNITED STATES DISTRICT COURT**
 9 **CENTRAL DISTRICT OF CALIFORNIA – SOUTHERN DIVISION**

11 PAMELA CARTER, DEBORAH
 12 MARTIN, CHRISTINE MORALES,
 13 STANLEY CARAKER, STANLEY
 14 NICKS, MICHAELA VECHT, BERT
 15 SCHORLING, JEANETTE BREITEN,
 16 RAYMOND BACHAR, KATHERINE
 17 MITCHELL, STEPHANIE CASTRO,
 18 BRUCE HINSLEY, ARLENE POUNDS,
 19 JOSE GURROLA, AARON STRAW,
 20 ELDON ROSS, individually and as
 21 Representatives of the Participants and
 22 Beneficiaries of the Fleet Card Fuels
 23 Employees Stock Ownership Plan,

24 Plaintiffs,

25 vs.

26 SAN PASQUAL FIDUCIARY TRUST
 27 COMPANY; FLEET CARD FUELS;
 28 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
 R. WHEELER 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 R. Wheeler, declare as follows:

2 1. The following facts are within my personal knowledge and, if called as a
3 witness herein, I could and would competently testify thereto.

4 2. I am an attorney licensed to practice law in the State of California and
5 before this Court and am a partner with the Parris Law Firm. I am the leader of the
6 firm's class action practice group, and I specialize in representing plaintiffs in class
7 action matters. I have been a member of the California bar since December of 2005 and
8 am a graduate of Pepperdine University School of Law.

9 3. I have been appointed as class counsel in cases involving different subject
10 matters such as wage-and-hour claims, unfair business practices, and consumer
11 protection, among others. I have also handled numerous catastrophic personal injury
12 cases. My work on cases has resulted in settlements and verdicts totaling well more than
13 \$400 million.

14 4. During the course of my practice, I have been appointed as lead class
15 counsel in dozens of cases throughout California, in both state and federal court. In
16 addition, I have been appointed as class counsel many cases in the Central District of
17 California.

18 5. California federal courts have recently awarded me hourly lodestar rates of
19 \$560 per hour in the Eastern District and \$650 per hour in the Central District.

20 6. In July of 2013, I had 8 years of experience and was awarded \$560 per hour
21 in *Barbosa, et al. v. Cargill Meat Solutions Corp.* Eastern District Case No. 1:11-cv-
22 00275-SKO. A true and correct copy of the court's order is attached to this declaration
23 as **Exhibit 1**. Hourly rates awarded in the Eastern District are typically less than the
24 rates awarded in the Central District. In the *Barbosa* case the attorneys' fees awarded to
25 class counsel were 33.3% of a \$1,290,000 settlement.

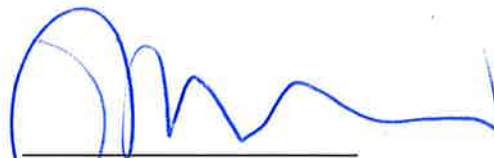
26 7. In June of 2015, the court determined my reasonable hourly rate was \$650
27 per hour in a Central District class action entitled *Campbell, et al. v. Best Buy Stores*,
28

1 L.P. Case No. LA CV12-07794 JAK (SHx). A true and correct copy of the court's order
2 is attached to this declaration as **Exhibit 2**.

3 8. At the time the court issued its order in the *Campbell* case approving my
4 rate at \$650 per hour, I had been practicing law for slightly less than 10 years. The size
5 of the common fund in that case was \$674,500. The Court awarded attorneys' fees of
6 one-third of that common fund. In that case our legal assistants were also awarded \$125
7 per hour for their work on behalf of the class.

8 9. Based on my significant class action experience, and my experience
9 litigating class action cases in the Central District of California, Class Counsel's
10 requested billing rates of less than \$500 per hour are consistent with, if not below, the
11 rates typically awarded to class counsel in this district. This is especially true for
12 lawyers with more than 10 years of experience.

13 I declare under penalty of perjury under the laws of the United States of America
14 that the foregoing is true and correct. Executed on October 9, 2017 at Los Angeles,
15 California.

16
17 

18 _____
Alexander R. Wheeler