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9 **UNITED STATES DISTRICT COURT**  
10 **CENTRAL DISTRICT OF CALIFORNIA – SOUTHERN DIVISION**  
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12 PAMELA CARTER, DEBORAH )  
13 MARTIN, CHRISTINE MORALES, )  
14 STANLEY CARAKER, STANLEY )  
15 NICKS, MICHAELA VECHT, BERT )  
16 SCHORLING, JEANETTE BREITEN, )  
17 RAYMOND BACHAR, KATHERINE )  
18 MITCHELL, STEPHANIE CASTRO, )  
19 BRUCE HINSLEY, ARLENE POUNDS, )  
20 JOSE GURROLA, AARON STRAW, )  
21 ELDON ROSS, individually and as )  
22 Representatives of the Participants and )  
23 Beneficiaries of the Fleet Card Fuels )  
24 Employees Stock Ownership Plan, )

21 Plaintiffs,

22 vs.

23 SAN PASQUAL FIDUCIARY TRUST )  
24 COMPANY; FLEET CARD FUELS; )  
25 WILLIAM DAVIES; RICHARD )  
26 DAVIES; STRATEGIC EQUITY )  
27 GROUP; CHRISTOPHER KRAMER; )  
28 SHORELINE CAPITAL, INC.; )  
EDGEWATER CAPITAL, LLC, )

Defendants.

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

**DECLARATION OF ROBERT J. MCKENNON, ESQ. IN SUPPORT OF PLAINTIFFS’ MOTION FOR AWARD OF ATTORNEYS’ FEES, LITIGATION EXPENSES, AND SERVICE PAYMENTS**

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



1 disability cases on behalf of both plaintiffs/claimants/plan participants and also on behalf  
2 of ERISA plan and claim administrators and fiduciaries allows me to bring a unique and  
3 broader perspective not offered by the vast majority of ERISA counsel who represent  
4 plaintiffs/claimants/plan participants.

5 6. During my time as an attorney, I have handled hundreds of ERISA  
6 insurance and bad faith litigation matters, mostly involving disability insurance/group  
7 benefit matters. While a vast majority of the cases settled prior to trial, I have been  
8 involved with numerous ERISA trials, and I have been appellate counsel in several  
9 ERISA appeals before the Ninth Circuit Court of Appeals. I have also authored several  
10 ERISA and non-ERISA insurance articles, including several that were published in the  
11 Los Angeles Daily Journal, all of which are listed on my firm's website at  
12 [www.mckennonlawgroup.com](http://www.mckennonlawgroup.com).

13 7. In an Order filed May 13, 2014, in the Central District case of *Melinda*  
14 *Cinader v. Life Insurance Company of North America*, Case No. EDCV 13-01449-MMM  
15 (SPx), United States District Court Judge Margaret Morrow approved a \$650 hourly rate  
16 for me.

17 8. In October 2014, in the Central District matter of *Kathy Harmon v.*  
18 *Aetna Life Insurance Co.*, CV 13-068800 DMG (VBKx), an ERISA case litigated before  
19 District Court Judge Dolly M. Gee, an Order was issued approving an hourly rate of \$650  
20 for me and \$250 per hour for my associate, Ms. Chou. In approving an hourly rate of  
21 \$250 for Ms. Chou, Judge Gee noted that another California court approved hourly rates  
22 of \$275 for a first-year attorney many years ago in 2009. *Whealen v. Hartford Life &*  
23 *Accident Ins. Co.*, 2009 U.S. Dist. LEXIS 114971 (C.D. Cal. Nov. 20, 2009).

24 9. On June 7, 2016, in the matter of *Kim v. Life Insurance Company of*  
25 *North America*, Case No. 15-CV-00418 JVS (RNBx), an ERISA case litigated before  
26 United States District Court Judge James V. Selna, I was approved for a rate of \$650 per  
27 hour. (*Kim*, Dkt. 59). Furthermore, in the same order, Judge Selna ruled that my  
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1 associate, Joseph S. McMillen, a senior associate at my firm who was working his first  
2 ERISA case, was entitled to a reasonable hourly rate of \$425 per hour. Specifically, Judge  
3 Selna stated: “The Court concludes, in its discretion, that \$425 per hour is the appropriate  
4 rate for Mr. McMillen’s work on this matter after taking into account *both* Mr.  
5 McMillen’s inexperience on ERISA matters, as well as the contingent nature of the  
6 contract.” (*Kim*, Dkt. 59, pgs. 7-8) [footnote omitted].

7 10. My current hourly rate is \$700 per hour.

8 11. On August 10, 2017, after briefing had closed on Mr. Reddick’s Motion, the  
9 Honorable Stephen V. Wilson, United States District Court Judge, granted my clients’  
10 application for judgment in the matter of *New York Life Insurance Company, et al. v.*  
11 *Stuart Irwin Cohen*, U.S.D.C., C.D. Cal., Case No. 2:16-cv-02235-SVW-KS, an insurance  
12 contract case I litigated before him in the Central District of California along with a senior  
13 attorney with my firm, Joseph S. McMillen. Based upon the application, Judge Wilson  
14 entered judgment in favor of my clients including all the McKennon Law Group PC’s  
15 attorneys’ fees and costs in that action. In the judgment, Judge Wilson approved 2016-  
16 2017 hourly rates of \$700 for me and \$600 for Mr. McMillen. Judge Wilson did not  
17 reduce any of the McKennon Law Group PC’s time and awarded 100% of the fees and  
18 costs for which it applied in the amount of \$149,943.13. The Court approved the entire  
19 amount of the attorneys’ fee request without deducting any time billed, finding all the  
20 work reasonable and necessary and billed at reasonable hourly rates.

21 12. Based on my substantial experience litigating ERISA cases in the Central  
22 District of California, and my specific experience in the cases discussed above, Class  
23 Counsel’s requested hourly billing rates of \$475 for Jeffrey T. Belton, \$400 for Anthony  
24 W. Truillo, and \$350/\$375 for Alexander H. Winnick, are consistent with, if not below,  
25 the rates typically awarded to ERISA counsel in this district. This is especially true for  
26 lawyers with 10 to 12 years of experience.

27 I declare under penalty of perjury under the laws of the United States of America  
28

1 that the foregoing is true and correct. Executed on 10/18/17, at Los Angeles,  
2 California.

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6 Robert J. McKennon

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