

BLOOD HURST & O' REARDON, LLP

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14 **UNITED STATES DISTRICT COURT**
15 **SOUTHERN DISTRICT OF CALIFORNIA**

16 HEATHER TURREY, et al.,
17 Plaintiffs,
18 v.
19 VERVENT, INC., etc., et al.,
20 Defendants.

Case No. 3:20-cv-00697-DMS-AHG
CLASS ACTION

**DECLARATION OF JAMES M.
DAVIS IN SUPPORT OF
PLAINTIFFS' SUPPLEMENTAL
MOTION FOR ATTORNEYS' FEES**

Date: April 11, 2025
Time: 1:30 p.m.
District Judge Dana M. Sabraw
Courtroom 13A, 13th Fl. (Carter-Keep)

Magistrate Judge Allison H. Goddard
Chambers Room 3B, (Schwartz)

Complaint Filed: April 10, 2020
Trial Date: June 8, 2023

JURY TRIAL DEMANDED

1 I, James M. Davis, declare as follows:

2 1. I am an attorney licensed to practice before all courts of the State of
3 California and admitted to practice before this Court. I am an associate attorney at the
4 law firm Blood Hurst & O'Reardon, LLP ("BHO") and one of counsel for Plaintiffs
5 in the above action. I have personal knowledge of the matters set forth in this
6 declaration or believe them to be true based on facts and events made available to me
7 and would be competent to testify as to them.

8 2. I submit this declaration in support of Plaintiffs' Supplemental Motion
9 for Attorneys' Fees.

10 3. On June 27, 2024, Timothy G. Blood of BHO submitted a declaration in
11 support of Plaintiffs' initial motion for attorneys' fees, costs, and service awards. In
12 that declaration, Mr. Blood described the case history, the work each BHO attorney
13 and paralegal did on this case, the reasonableness of the attorneys' and paralegals'
14 hourly rates, and the reasonableness of their hours spent on this case. Dkt. No. 357-2.

15 4. As my firm anticipated incurring additional work, including opposing
16 Defendants' Rule 50(b) motion and preparing the reply brief in support of Plaintiffs'
17 fee motion, for the sake of efficiency Plaintiffs only requested fees incurred up to one
18 day prior to filing the opening fee brief (June 26, 2024). Dkt. Nos. 357, 357-1.

19 5. I have run a report on time expended by BHO attorneys and its paralegal
20 since June 26, 2024, on the initial fee brief, opposing Defendants' Rule 50(b) motion,
21 preparing a proposed final judgment as ordered by this Court, and this supplemental
22 fee motion. The time records were prepared daily or shortly thereafter by each
23 attorney and paralegal working on this case.

24 6. All hours spent on the post-verdict appeal, mediation with the appointed
25 Ninth Circuit mediator, and any hours not spent on the tasks identified above are not
26 included. Also excluded are any hours spent on the state court proceeding, *Hernandez,*
27 *et al. v. Vervent, Inc., et al.*, Case No. 37-2023-48795-CU-BT-CTL (San Diego Super.
28 Ct.).

7. The schedule below provides a summary of the hours expended by timekeepers from BHO who performed work on this case during this period. The schedule includes the name of each person who worked on these limited matters, hourly billing rates, the number of hours expended, and the resulting lodestar.

8. The lodestar calculation is based on the firm's current billing rates. In its order granting Plaintiffs' first motion for attorneys' fees, the Court approved the billing rates set out below. Dkt. No. 385 at 4–6.

9. I believe the time expended by BHO on this limited work was reasonable and necessary to support the motions for fees, finalize the judgment, and protect the judgment against Defendants' Rule 50 challenge. There has been no unreasonable duplication of services for which BHO and my co-counsel now seek compensation. In the situations in which more than one attorney participated in any matter, the participation was reasonable because of the complexity of the issues involved and the time constraints that existed. I believe tasks were delegated appropriately among attorneys and staff according to their complexity.

10. The total number of hours spent by attorneys and professional staff at BHO on this case from June 27, 2024, to March 7, 2025, on the tasks identified above is 90.95 for a total lodestar of \$49,941. The lodestar is broken down in the schedules below:

Attorney / Paralegal	Hours	Rate	Lodestar
Timothy G. Blood (Partner)	13.05	\$960	\$12,528
Leslie Hurst (Partner)	3.7	\$810	\$2,997
James M. Davis (Associate)	62	\$500	\$31,000
Dafne Maytorena (Paralegal)	12.2	\$280	\$3,416
TOTALS:			\$49,941

Category	Hours
Initial Attorneys' Fees Motion	8.75
Initial Fees Reply Brief	58.8 ¹
Notice of Supplemental Authority re Attorneys' Fees	1.7
Proposed Final Judgment	3.5
Rule 50(b) Opposition	12.5
Supplemental Fee Motion	5.7
TOTAL:	90.95

I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct. Executed on March 12, 2025, at San Diego, California.

By: s/ James M. Davis
JAMES M. DAVIS

¹ A significant portion of these hours were spent by me reviewing BHO's time entries and preparing them for submission if ordered by this Court.

CERTIFICATE OF SERVICE

I hereby certify that on March 12, 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the Electronic Mail Notice List.

I certify under penalty of perjury that the foregoing is true and correct. Executed on March 12, 2025.

s/ Timothy G. Blood

TIMOTHY G. BLOOD

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