

ALVARADOSMITH
A PROFESSIONAL CORPORATION
SANTA ANA

1 ROBERT J. STEIN, III (CA Bar No. 212495)
rstein@AlvaradoSmith.com
2 CLAIRE M. SCHMIDT (CA Bar No. 262946)
cschmidt@AlvaradoSmith.com
3 ALVARADOSMITH
A Professional Corporation
4 1 MacArthur Place, Suite 200
Santa Ana, California 92707
5 Tel: (714) 852-6800
Fax: (714) 852-6899

6 STEVEN P. BLONDER, *Pro Hac Vice*.
7 sblonder@muchshelist.com
MUCH SHELIST, P.C.
8 191 North Wacker Drive, Suite 1800
Chicago, Illinois 60606
9 Tel: 312-521-2000

10 Attorneys for Plaintiffs CURT SCHLESINGER,
11 PETER LO RE, JAMES ROTH, ADAM RUSSELL, MARYAM
AGHCHAY and The Certified Class

12
13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
14 **FOR THE COUNTY OF LOS ANGELES**
15 **CENTRAL CIVIL WEST**

16 CURT SCHLESINGER, PETER LO RE,
JAMES ROTH, ADAM RUSSELL, MARYAM
17 AGHCHAY, on behalf of themselves and The
Class,

18
19 Plaintiffs,

20 v.

21 TICKETMASTER,

22 Defendants.
23
24
25
26
27
28

CASE NO.: BC 304565

JUDGE: Hon. Kenneth R. Freeman

DECLARATION OF STEVEN P. BLONDER IN SUPPORT OF PLAINTIFF'S MOTION FOR (A) FINAL APPROVAL OF SETTLEMENT, AND (B) AN AWARD OF ATTORNEYS' FEES, COSTS AND DISBURSEMENTS

DATE: January 13, 2015

TIME: 10:00 a.m.

DEPT: 310

TRIAL DATE: Vacated

ACTION FILED: October 21, 2003

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I, Steven P. Blonder, declare and state:

Background

1. I am an attorney duly licensed to practice law in the State of Illinois and I am an equity principal with Much Shelist, P.C. (formerly known as Much Shelist Freed Denenberg Ament & Rubenstein, P.C.), one of the counsel of record for Plaintiffs individually and on behalf of the Certified Class and for the Certified Class (collectively, "Plaintiffs") in this action. I have been admitted *pro hac vice* in this matter.

2. I make this Declaration in support of Plaintiffs' Motion for An Award of Attorneys' Fees, Costs and Disbursements in the pending action against Defendant Ticketmaster ("Ticketmaster").

My Personal Background/Legal Experience

3. I graduated with a B.A. (with distinction) in Sociology and History from the Honors College at the University of Michigan in 1990. In 1993, I obtained my J.D. from the Law School, the University of Chicago, and have been licensed to practice law in Illinois since November of that year. I began my practice at Jenner & Block, before becoming an associate and partner at Katten Muchin Zavis. In May, 2003, I joined Much Shelist, and I am an equity principal in the firm's litigation department. I have specialized in complex commercial litigation throughout my career, representing both plaintiffs and defendants in state and federal courts, and arbitration, throughout the country. Most of my work is undertaken on an hourly basis, and I have represented entities ranging from Fortune 100 companies to entrepreneurial businesses. As best I can recall, I have tried nineteen cases to trial, verdict, or final decision, serving as lead or primary counsel in sixteen of those matters. Aside from having a Martindale-Hubbell Law Directory "AV" rating, I have been designated as an Illinois Super Lawyer since 2008 (a distinction only going to 5% of Illinois attorneys) and have been recognized by the Leading

1 Lawyers Network as a top Illinois commercial litigator for many years. I am also active in civic
2 projects, having served on the boards of a variety of local, national and international agencies and
3 organizations. Most recently, I was elected to a second term on the Board of Trustees of
4 Chicago's public television station and its sister radio station.

5
6 **Much Shelist Attorneys Working on the Case**

7 4. I have been actively involved in the litigation of this case since 2006, when my
8 former partner Michael B. Hyman was nominated to become a judge. I was certified as lead
9 counsel on behalf of the class by this Court. I had primary responsibility for the liability aspects
10 of the case, while Mr. Hensley was primarily responsible for damages/restitution. Mr. Stein
11 worked with both me and Mr. Hensley on trial tasks. I was expected to be the primary trial
12 attorney had the case proceeded to trial. Other Much Shelist attorneys and professionals involved
13 in this matter include:

14
15 A. Michael B. Hyman. Until 2006 when he became a Judge for the Circuit Court
16 of Cook County, Illinois, Mr. Hyman was the head of Much Shelist's consumer class action
17 department, having recovered substantial settlements for consumers as against American Airlines
18 and also having recovered the largest verdict in the history of Illinois in a class action trial (\$1.65
19 billion) against State Farm for its use of aftermarket auto parts (a verdict ultimately reversed by
20 the Illinois Supreme Court in controversial decision). Judge Hyman now serves on the Illinois
21 Appellate Court. Prior to joining Much Shelist, Judge Hyman worked in the office of the Illinois
22 Attorney General. Among his many accomplishments, Judge Hyman was the past president of
23 the Chicago Bar Association and is active in the American Bar Association. Judge Hyman was
24 active in the Ticketmaster case from inception up through his appointment to the Illinois state
25 court bench. Judge Hyman was admitted to the Illinois state bar in October 1977 after obtaining
26 both his undergraduate and law degrees from Northwestern University.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

B. Melinda J. Morales. Ms. Morales is a principal of Much Shelist. A major focus of Ms. Morales' practice involves class action litigation, including the defense of consumer fraud, Telephone Consumer Protection Act ("TCPA" AND "blast fax"), ERISA, and wage and hour claims. Ms. Morales has defended class actions on behalf of numerous corporate clients and others – from large financial institutions and midsize companies to entrepreneurial businesses. Before focusing her practice on class action defense, Ms. Morales worked on the plaintiffs' side prosecuting class claims for consumer fraud, antitrust, and securities violations. Ms. Morales earned her J.D. in 1994, from the University of Minnesota Law School, and her B.A. in 1989 from Carleton College. Ms. Morales was admitted to the Illinois Bar in early May, 1998.

C. David T. Brown. Mr. Brown is an equity principal and Chairman of Much Shelist. He previously spent thirteen years as chair of the firm's management committee. Mr. Brown is an experienced transactional attorney, being named an Illinois Super Lawyer and a Leading Lawyers Network top Illinois attorney in the area of commercial real estate for 2003-2014. Mr. Brown graduated from the University of Illinois with a B.S. in 1982, and a J.D. from the Loyola University Chicago School of Law in 1986. He is an active board member of the Jewish United Fund/Jewish Federation of Metropolitan Chicago, having recently completed a term as the Chairman of the Board. Mr. Brown provided much needed transactional experience in all of the mediations with Hon. John Wagner (Ret.) in this case, which eventually led to a settlement which is the subject of pending motions before this Court. He communicated frequently during the settlement process with Ticketmaster/LiveNation's principal representatives.

D. Joanne A. Sarasin. Ms. Sarasin is a principal of Much Shelist and provided legal research and brief writing in this case. She obtained her B.A. from the University of Illinois in 1982, and obtained her J.D. from the University of Illinois College of Law (*summa cum laude*) in 1985. Ms. Sarasin specializes in complex commercial litigation with an emphasis in appellate practice. Ms. Sarasin has been named by Leading Lawyers Network as one of the top insurance attorneys for the 2010-2014 time frame.

1 E. Edward D. Shapiro. Mr. Shapiro is an equity principal of Much Shelist and a
2 chair of the firm's Litigation and Dispute Resolution Group. He specializes in counseling and
3 litigating a wide variety of subjects on behalf of clients. Leading Lawyers Network has
4 recognized Mr. Shapiro as a top lawyer in commercial litigation during the 2008-2014 time
5 frame. Mr. Shapiro obtained his B.A., with honors, from the State University of New York at
6 Binghamton in 1984 and then obtained his J.D. from Boston University School of Law in 1991.
7 Mr. Shapiro provided back-up support to me on this case when I was engaged with other matters.

8 F. Robert J. Wozniak. Mr. Wozniak, a former associate at Much Shelist, and is
9 now a partner at Freed Kanner London & Miller, LLC, in the greater Chicago area. He provided
10 research work as an associate on this case after working as a trial lawyer for the Department of
11 Justice, Antitrust Division. He obtained his B.A. from the University of Michigan in 1988, his
12 M.A. from the University of Minnesota in 1994, and his J.D. from Wayne University Law School
13 in 2000 (cum laude/Order of the Coif).

14 G. Louis A. Kessler. Mr. Kessler was an associate with Much Shelist and was
15 involved in this matter from early on. He was involved in drafting various pleadings, preparing
16 for and attending certain depositions, and researching and drafting various pleadings, especially
17 in connection with Ticketmaster's first summary judgment motion. He obtained his B.A. from
18 Amherst College and his J.D. from the University of Chicago Law School. After his time at
19 Much Shelist, Mr. Kessler relocated to California, became licensed there in July 2006, and
20 practiced at San Francisco's Kaplan Fox & Kilsheimer, LP, which specializes in securities class
21 action litigation.

22 H. Jean Janes. Ms. Janes is a former Much Shelist principal. Ms. Janes currently
23 serves as Executive Director of State Regulatory Affairs and Senior Counsel for Kaplan Higher
24 Education Corp., in Chicago, Illinois. She earned her B.A. in music from Ripon College, her
25 M.A. in musicology from Eastman School of Music, and her J.D. in 1993 from the University of
26 Minnesota Law School. While attending law school, Ms. Janes served as articles editor for the
27 Minnesota Law Review. After graduating, she clerked for one year for Hon. Doris Ohlsen
28

1 Huspeni in the Minnesota Court of Appeals. In 2000, Ms. Janes relocated to Chicago and became
2 licensed to practice in Illinois. Ms. Janes was a contributor to *Circuit Conflicts in Antitrust*
3 *Litigation*, published by the American Bar Association in 2009, and served as a member of the
4 2010-2011 Executive Board for the Alliance for Women, Chicago Bar Association.

5 J. Autumn Sharp. Ms. Sharp is a former Much Shelist associate whose time
6 working on the Ticketmaster litigation was limited to small individual tasks and research. She
7 now practices with Carlson Dash in Chicago, Illinois. Ms. Sharp earned her B.S. (*summa cum*
8 *laude*) from Ohio University in 1998, and her J.D. from the University of Virginia School of Law
9 in 2003. While in law school, she was a Dean's Scholar, participated in the William Minor Lyle
10 Moot Court, served on the Executive Board of the Black Law Students Association and was Co-
11 Director of Students United to Promote Racial Awareness.

12 K. Cassandra Crane. Ms. Crane is a former Much Shelist associate whose time
13 working on the Ticketmaster litigation was limited to small individual tasks and research. Ms.
14 Crane earned her B.A. in political science from the University of North Alabama in 2003, and her
15 J.D. from the John Marshall Law School in 2006. Ms. Crane received recognition as a Rising
16 Star by the Illinois Super Lawyers magazine in 2011.

17 L. Katrina (Blumenkrantz) Carroll. Mrs. Carroll is a former Much Shelist
18 associate who specializes in class action litigation, complex commercial litigation and appellate
19 law. She now practices with Lite De-Palma & Greenberg, and heads their Chicago office. Mrs.
20 Carroll received her B.A. in 1997 from Northwestern University, and her J.D. in 2000 from the
21 Seton Hall University School of Law. She became a member of the State Bar of New Jersey in
22 2000, and the State Bar of Illinois in 2007.

23 M. Gary Krugh. Mr. Krugh is a senior paralegal, having been at Much Shelist for
24 more than twenty nine years. Mr. Krugh has a BA from Indiana University in Political Science,
25 and an MBA from the University of Illinois (Chicago). Mr. Krugh has been primarily involved in
26 working on consumer fraud, antitrust and securities class actions (on behalf of plaintiffs) and
27 other complex litigation during his time at the firm.

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

N. Christine Ceja Rager. Ms. Rager is a senior paralegal, having been at Much Shelist for fourteen years. Prior to that, Mr. Rager served as Director of Risk Management at McGladrey & Pullen, a national accounting firm. Mr. Rager has a BS from DePaul's University business school with a specialty in accounting and management. Ms. Rager has more than twenty years of experience as a paralegal. For most of her time at Much Shelist, Ms. Rager has been involved in working on a variety of class actions (on behalf of plaintiffs) and other complex litigation.

O. Jonathan Loew. Mr. Loew is a principal at Much Shelist, having joined the firm several years ago. Mr. Loew has a complex litigation practice, and he has developed an expertise in brief writing. He earned his bachelor's degree from Ripon College in 1978, and graduated from DePaul law school in 1981. Mr. Loew was involved in helping author the final approval papers in this matter.

5. Much Shelist Billing Records. During the course of its representation of Plaintiffs and the Class (putative or certified), Much Shelist timekeepers have kept contemporaneous records of their time expended on this case. The costs and expenses are reflected on the books and records of Much Shelist. The books and records are prepared from expense vouchers, check records, and other source materials and are an accurate record of the expenses incurred and actually paid by Much Shelist. The pro forma was generated from Elite computerized daily time entries and sent to me for review. Attached hereto as Exhibit "1" and "2" are true and correct copies of the final contemporaneous time records kept by Much Shelist on this case beginning in 2003, and ending on November 18, 2014. These billing records reflect task-based time entries in one-tenths of an hour by each timekeeper, with totals being made on the ending pages. The system also contains a specific breakdown of expenses/disbursements incurred by the firm. This is attached hereto as Exhibit "3".

6. During the course of the case, Much Shelist has discounted more than 125 hours of

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

time. Much of the discounted time is my time, as I have not billed for all of the time that I have spent conferring with colleagues in this matter. Additionally, Much Shelist has *not included* any time or expenses relating to work on its fee submission papers. Further, Much Shelist is not seeking reimbursement for an additional \$21,996 in costs incurred (such as computerized legal research, photocopies and secretarial overtime).

7. With regard to expenses, airfares were purchased for coach tickets whenever possible. I recall at least one instance where purchasing a first class ticket was less expensive than the available coach ticket, and a few instances when coach tickets were not available. In each of these situations, the airfares purchased were not coach tickets. With respect to meals, to the best of my knowledge, costs were capped per person for lunch at \$30 and for dinner at \$60, inclusive of tax and tips.

8. On November 20, 2014, we received an invoice from the Analysis Group for services rendered in connection with the motion for final approval of the settlement in the amount of \$58,440.75. This invoice, which is not included in our costs because it was received after the costs had been calculated, has not yet been paid. I have reviewed the invoice and determined it to be appropriate. Much Shelist seeks reimbursement for this invoice in addition to the costs listed in Exhibit 3 to this declaration.

9. The total lodestar for Much Shelist for which we seek fees is \$2,118,954 and the total costs for which Much Shelist seeks reimbursement is \$770,896.14.