

1 GRADSTEIN & MARZANO, P.C.
HENRY GRADSTEIN (State Bar No. 89747)
2 hgradstein@gradstein.com
3 MARYANN R. MARZANO (State Bar No. 96867)
mmarzano@gradstein.com
4 6310 San Vicente Blvd., Suite 510
Los Angeles, California 90048
5 T: 323-776-3100

6 SUSMAN GODFREY L.L.P.
7 STEPHEN E. MORRISSEY (187865)
smorrissey@susmangodfrey.com
8 STEVEN G. SKLAVER (237612)
ssklaver@susmangodfrey.com
9 KALPANA SRINIVASAN (237460)
ksrinivasan@susmangodfrey.com
10 1901 Avenue of the Stars, Suite 950
Los Angeles, CA 90067-6029
11 T: 310-789-3100 F: 310-789-3150

12 [Additional Counsel for Plaintiff on Signature Page]
13 *Attorneys for Plaintiff FLO & EDDIE, INC. and the Class*

14
15 **UNITED STATES DISTRICT COURT**
16 **CENTRAL DISTRICT OF CALIFORNIA**
17 **WESTERN DIVISION**

18 FLO & EDDIE, INC., a California
corporation, individually and on behalf
19 of all others similarly situated,
20
Plaintiff,
21
v.
22 SIRIUS XM RADIO, INC., a Delaware
corporation; and DOES 1 through 10,
23
Defendants.
24

Case No. CV13-05693 PSG (GJSx)
**SUPPLEMENTAL DECLARATION
OF STEVEN G. SKLAVER IN
SUPPORT OF MOTION BY
PLAINTIFF FOR AN AWARD OF
ATTORNEYS' FEES AND COSTS**
Date: May 8, 2017
Time: 1:30 p.m.
Place: Courtroom 6A

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1 I, Steven G. Sklaver, hereby declare as follows:

2 1. I am a partner at Susman Godfrey L.L.P. (“Susman Godfrey”), counsel
3 of record for the Plaintiff Flo & Eddie, Inc. and the certified class (collectively,
4 “Plaintiffs”) in the above-entitled action. I have personal knowledge of the facts set
5 forth in this declaration and, if called to testify thereto, could and would do so
6 competently.

7 2. I respectfully submit this supplemental declaration in support of
8 Plaintiff’s motion for an award of attorneys’ fees and costs. Susman Godfrey has
9 significant experience with litigation and class actions, including settlements
10 thereof. A copy of the firm’s class action profile and my profile are available at
11 www.susmangodfrey.com. The lawyers working on this case for the Class are
12 experienced lawyers who have substantial experience prosecuting large-scale class
13 actions and complex litigation.

14 3. On March 28, 2016, Flo & Eddie sought the appointment of Susman
15 Godfrey as co-lead class counsel to assist with the completion of discovery, pretrial
16 preparation, and trial. *See* Dkt. 278. By its Order dated May 16, 2016, Dkt. 308, the
17 Court appointed Susman Godfrey as co-lead class counsel in this case pursuant to
18 Federal Rule of Civil Procedure 23(g). Since that time, Susman Godfrey has acted
19 as co-lead class counsel. I, along with other Susman Godfrey attorneys and co-lead
20 class counsel Gradstein & Marzano, P.C. (G&M), have personally supervised and
21 directed every aspect of the prosecution and resolution of this litigation on behalf of
22 Plaintiff and the Class.

23 4. According to the records of my firm and the Declaration of Henry
24 Gradstein (“Gradstein Declaration”), filed concurrently herewith, Class Counsel
25 performed 15286.50 total hours of work in the prosecution and settlement of this
26 litigation – including 659.2 hours in ongoing work since the opening motion for fees
27 in this case. This resulted in a total attorneys’ fee lodestar of \$8,727,094.80 –
28 including \$370,217.00 in ongoing work since the opening motion for fees in this

1 case. Of those hours, Susman Godfrey attorneys and support staff performed
2 4,481.2 hours of work, resulting in a total Susman Godfrey attorneys' fee lodestar of
3 \$2,203,008.50 – \$2,082,591.50 of which was accumulated prior to filing the
4 opening motion for fees in this case as laid out in the original declaration I
5 submitted. Dkt. 672 (“Declaration Of Steven G. Sklaver In Support Of Motion By
6 Plaintiff For An Award Of Attorneys’ Fees And Costs). The remainder of the
7 \$120,417.00 Susman Godfrey lodestar is described below.

8 5. Attached as Exhibit 1 is a true and correct copy of a supplemental
9 summary schedule indicating the amount of time from November 30, 2016 through
10 April 20, 2017, spent by the partners, attorneys and other professional support staff
11 of my firm who were involved in this litigation, and the lodestar calculation based
12 on my firm’s billing rates in effect in 2016. The schedule was prepared from
13 contemporaneous time records regularly prepared and maintained by my firm. The
14 hourly rates for the partners, attorneys and professional support staff in my firm
15 included in this schedule are the same as the usual customary hourly rates charged
16 for their services in cases where my firm is engaged to be paid by the hour.

17 6. The total number of hours expended by my firm in this litigation from
18 inception through April 20, 2017—which does not include any time spent on
19 Plaintiffs’ motion for an award of attorneys’ fees and expenses—is 4,481.2 hours.
20 Of this, 4,279 hours were expended prior to the opening motion on fees and are
21 outlined in my prior declaration. Dkt 672. An additional 202.2 hours were
22 expended between November 30, 2016 and April 20, 2017 resulting in a supplement
23 lodestar for my firm of \$120,417.00. The total lodestar for my firm is
24 \$2,203,008.50. Should the Court request further supporting documentation for these
25 amounts, the firm is prepared to provide it.

26 7. Class Counsel also seeks reimbursement of approximately
27 \$1,679,587.55 in unreimbursed costs and expenses reasonably paid or incurred by
28 Class Counsel in the prosecution and settlement of the litigation, as of April 20,

1 2016. This includes additional expenditures of \$146,037.56 since the motion for
2 fees was filed. Of this amount, Susman Godfrey advanced \$1,450,965.47 total,
3 including \$142,569.67 from November 30, 2016 through April 20, 2017 in
4 unreimbursed costs and expenses. The details and categories of those Susman
5 Godfrey expenses are summarized in Dkt. 672 and below.

6 8. The expenses incurred in this action are reflected on the books and
7 records of my firm. These books and records are prepared from expense vouchers,
8 check records and other materials that represent an accurate recordation of the
9 expenses incurred. Should the Court request further supporting documentation for
10 these amounts, my firm is prepared to provide it.

11 9. The expenses noted are reasonable and were incurred for items
12 necessary to the prosecution of the litigation. The expenses were incurred in
13 conjunction with the services of appellate and damages experts, travel and research
14 costs.

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16 Signed this 24th day of April, 2017, at Los Angeles, California.

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18 /s/ Steven G. Sklaver
19 Steven G. Sklaver
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EXHIBIT 1

SUSMAN GODFREY L.L.P.'s FEES
Flo & Eddie, Inc. v. Sirius XM Radio, Inc.
Firm Name: Susman Godfrey L.L.P.
November 30, 2016-April 20, 2017

	Hourly rate	Cumulative Lodestar	Cumulative Hours
Steven Morrissey (Partner)	\$700.00	\$20,510	29.3
Steven Sklaver (Partner)	\$700.00	\$29,610	42.3
Rachel Black (Partner)	\$550.00	\$37,015	67.3
Kalpana Srinivasan (Partner)	\$550.00	\$31,185	56.7
Michael Gervais (Associate)	\$375.00	\$1,125	3.0
Simon DeGeorges (Paralegal)	\$270.00	\$837.00	3.1
Joel Tan	\$270.00	\$135.00	.5
<u>TOTAL</u>		\$120,417.00	202.2

EXHIBIT 2

SUSMAN GODFREY L.L.P.'s EXPENSES

Flo & Eddie, Inc. v. Sirius XM Radio, Inc., Susman Godfrey Combined Expenses
 All Cases (from December 30, 2016 through April 20, 2017)

California	\$112,724.99
Florida	\$25,000.00
New York	\$4,844.68
Total	\$142,569.67

Flo & Eddie, Inc. v. Sirius XM Radio, Inc., U.S.D.C for the Central District of
 California, Case No. 2:13-CV-05693

Cost Code	Category	Total
ABR	Reports	\$871.00
PRINT	Reproduction charges	\$93.00
EXPERT	Expert fees	\$95,600.00
GROUND	Transportation charges	\$65.00
HCMSGR	Messenger/Delivery Services	\$304.03
HCTELE	Telephone & Calling Card Expenses	\$106.87
MEALS	Meals (Travel)	\$784.63
MISC	Miscellaneous Client Charges	\$103.88
POST	Post charges	\$0.46
PRINT	Printing charges	\$83.50
RESRCH	Research charges	\$10,954.65
SECOT	Secretarial Overtime	\$1,825.00
TRAVEL	Hotel & Travel Expenses	\$1,932.97
TOTAL		\$112,724.99

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Flo & Eddie Inc. v. Sirius XM Radio Inc., U.S.D.C for the Southern District of
Florida, Case No. 13-CV-23182

Cost Code	Category	Total
APPEAL	Appellate Expert Fees	\$25,000.00

Flo & Eddie Inc. v. Sirius XM Radio Inc., U.S.D.C for the Southern District of
New York, Case No. 13-CV-5784

Cost Code	Category	Total
APPEAL	Appellate Expert Fees	\$4,660.78
RESRCH	Research fees	\$183.90
TOTAL		\$4,844.68