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11 *Attorneys for Plaintiff, the Plan,*  
12 *and the Class*

13 [Additional Counsel Listed On Signature Page]

14  
15 **IN THE UNITED STATES DISTRICT COURT**  
16 **FOR THE NORTHERN DISTRICT OF CALIFORNIA (OAKLAND)**

17 MARIA KARLA TERRAZA, individually and  
18 on behalf of the SAFEWAY 401(k) Plan,

19 Plaintiff,

20 vs.

21 SAFEWAY INC., et al.,

22 Defendants.

23 Related Cases:

24 No. 4:16-cv-03994-JST

25 No. 4:16-cv-04903-JST

26 **DECLARATION OF JASON H. JIM ISO**  
27 **MOTION FOR ATTORNEYS' FEES,**  
28 **REIMBURSEMENT OF EXPENSES,**  
**AND NAMED PLAINTIFFS'**  
**INCENTIVE AWARDS**

Date: April 26, 2021

Time: 2:00 p.m.

Courtroom: 6, 2<sup>nd</sup> floor

Judge: Hon. Jon Tigar

1 I, Jason H. Kim, declare as follows:

2 1. I am a member of the State Bar of California and admitted to practice law in the  
3 courts of the State of California, the United States District Court for the Northern District of  
4 California. I also am admitted to practice before numerous other federal courts in the United  
5 States. I am a partner in the law firm Schneider Wallace Cottrell Konecky, LLP (“SWCK”) and  
6 am counsel for Plaintiff Dennis M. Lorenz and co-counsel for Plaintiff Terraza and the Class in  
7 this action.

8 2. The facts contained in this declaration are within my personal knowledge, and I  
9 could and would testify truthfully to these facts if called to do so under oath. I submit this  
10 declaration in support of Plaintiffs’ Motion for Attorneys’ Fees, Reimbursement of Expenses,  
11 and Named Plaintiffs’ Incentive Awards.

12 **EXPERIENCE OF COUNSEL**

13  
14 3. I am a partner of Schneider Wallace Cottrell Konecky (“SWCK”), one of the  
15 nation’s premier plaintiffs’ law firms. SWCK is one of the largest plaintiffs’ law firms in the  
16 western United States.

17 **SWCK SERVICES IN THIS MATTER**

18 4. SWCK has actively participated in all aspects of this litigation for the past 4-5  
19 years, including multiple rounds of dispositive motion briefing, including motions to dismiss and  
20 cross motions for summary judgment or partial summary judgment, retaining and working with  
21 expert witnesses, taking and defending numerous lay and expert depositions, and substantial trial  
22 preparation.

23 5. SWCK has dedicated significant time and resources to prosecuting the litigation  
24 on behalf of the class. SWCK’s legal services were performed on a wholly contingent fee basis.

25 6. SWCK maintained detailed time records regarding the work performed in  
26 connection with the prosecution of the Litigation.

1 7. Attached as Exhibit “A” are charts reflecting SWCK lodestar to date (“SWCK  
2 Lodestar Charts”). The SWCK Lodestar Charts provide (1) the name of each timekeeper; (2) the  
3 title for each timekeeper (e.g., partner, associate, paralegal, law clerk.); (3) the hours incurred by  
4 that timekeeper over the course of the case and by time entry; (4) the applicable hourly rate; and  
5 (5) a categorization of the total hours spent by that timekeeper based upon the nature of work  
6 performed. This chart was completed by SWCK based upon the records created  
7 contemporaneously during the pendency of the Litigation.

8 8. The total number of hours spent by the attorneys, paralegals and clerks working  
9 on behalf of SWCK relating to the Litigation is 1,182.65. As reflected in Exhibit “A,” through  
10 November 19, 2020, SWCK has accumulated a lodestar totaling \$936,046.

11 9. The hourly rates range from \$250 for certain paralegal work up to \$1,005 for  
12 experienced senior litigation counsel. Based on my knowledge and experience, the hourly rates  
13 charged by SWCK are within the range of market rates charged by attorneys of equivalent  
14 experience, skill, and expertise. These rates are our normal hourly rates charged to our hourly  
15 clients. SWCK’s hourly rates from past years have been routinely approved by courts throughout  
16 the United States and in this Court. For example, these rates were approved in a \$75 million  
17 ERISA settlement in the United States District Court for the Southern District of New York. *In*  
18 *Re J.P. Morgan Stable Value Fund ERISA Litigation*, Case No. 1:12-cv-02548. And this Court  
19 approved SWCK’s rates in *Knapp v. Art.com*, 12-cv-04136, 2016 WL 7740854, \*1 and *Winans*  
20 *v. Emeritus Corp.*, 13-cv-03962, 2016 WL 107574, \*8. Many of SWCK’s 2020 rates are slightly  
21 higher than the ones approved in those cases due to the passage of time and increased experience  
22 incurred by SWCK’s attorneys.

23 10. As reflected in Exhibit B to this Declaration, SWCK, to date, has also expended a  
24 total of \$ 162,144.81 in unreimbursed expenses in connection with the prosecution of the  
25 litigation. The expenses include expert witness fees, deposition transcripts, electronic database  
26 expenses, travel costs, mediation fees, copying, and legal research, among others. Receipts  
27 supporting each expense entry is available and will be produced at the request of the Court.

1 11. Although SWCK’s California office is located in Emeryville, California, I live in  
2 Los Angeles, California and work remotely. Thus, I incurred travel expenses traveling to  
3 Northern California for court hearings, depositions, and meetings with experts and co-counsel.

4 12. These expenses are reflected in the books and records of SWCK and are a true  
5 and accurate summary of the expenses for this case. The expenses for which reimbursement is  
6 sought all were necessarily incurred and are reasonable in amount. The expenses are of the type  
7 of disbursements typically billed apart from attorneys’ fees to clients.

8 13. As reflected above, I am familiar with all aspects of this litigation and have  
9 supervised my colleagues in connection with work they have performed in this case.

10 14. I am a 1998 graduate of Harvard Law School and have over 22 years of litigation  
11 experience.

12 15. Three other SWCK partners worked on this matter at various times. Garrett W.  
13 Wotkyns is a former partner of SWCK. He has been practicing litigation for over 21 years.  
14 Michael M. McKay is a former partner of SWCK. He has been practicing litigation for over 16  
15 years. Todd M. Schneider is the managing partner of SWCK and has been practicing litigation  
16 for over 25 years.

17 16. Various SWCK counsel and associates also worked on this matter, principally  
18 James A. Bloom, Abigail Laudick, John Gaudette, Ryan Bonner, Kyle G. Bates, and John  
19 Nestico. Mr. Nestico has been practicing in the ERISA field for over 35 years, Mr. Bloom has  
20 been practicing law for over 12 years, Mr. Bonner and Mr. Gaudette for over 8 years, and Ms.  
21 Laudick and Mr. Bates for over 6 years.

22 17. The following attorneys, paralegals, and clerks have assisted SWCK in  
23 performing its work in this case in addition to myself. All of these individuals were full-time  
24 employees of SWCK at the time they performed work on this matter:

<b>Partners</b>
Kim, Jason
McKay, Michael
Schneider, Todd
Wotkyns, Garrett

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<b>Of Counsel / Associates</b>
Bates, Kyle
Bloom, James
Bonner, Ryan
Gaudette, John
Gordon, Scott
Johnson, Mark
Jrade, Moises
Laudick, Abigail
Nestico, John
<b>Law Clerks / Paralegals</b>
Barnett, Thomas
Burch, Michelle
Castro, Lourdes
Cheung, Elizabeth
Cinti, Laurel
Gueorguieva, Eugenia
Guthrie, Lisa
Marks, Sam
McClain, Tracey
Perez, Jennifer
Rosales, Rebecca
Roseman, Lauren
Williams, Carlyn
Winter, Kelle

18. Plaintiff Lorenz has been fully engaged in this matter since the outset. Mr. Lorenz had numerous calls with attorneys and staff at SWCK, and frequently contacted our offices for updates about the status of the case. Mr. Lorenz participated fully in discovery, including searching for, gathering, and producing documents and written discovery responses. Mr. Lorenz sat for his deposition and reviewed many pleadings in this case before they were filed.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 23rd day of November at Los Angeles, California.

/s/ Jason H. Kim  
Jason H. Kim