

**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

SABER AHMED and JOHN MONTELEONE,
individually and on behalf of all others similarly
situated,

Plaintiffs,

v.

HSBC BANK USA, NATIONAL
ASSOCIATION, and PHH MORTGAGE
CORPORATION,

Defendants.

NO. 5:15-cv-2057-FMO-SPx

**DECLARATION OF
MATTHEW R. MENDELSON
IN SUPPORT OF PLAINTIFFS' MOTION
FOR ATTORNEYS' FEES, COSTS AND
SERVICE AWARDS**

I, Matthew R. Mendelsohn, declare:

1. I am over the age of 18 years, have personal knowledge of the facts contained in this declaration, and can competently testify to them.

2. I am a partner with the firm Mazie Slater Katz & Freeman, LLC, 103 Eisenhower Parkway, Roseland, New Jersey, 07068 ("Mazie Slater") and am one of the counsel of record in this case.

3. I submit this Declaration in support of Plaintiffs' motion for attorneys' fees, costs and service awards.

ADEQUACY OF COUNSEL

4. I graduated from Rutgers University in 2002 and then attended Seton Hall University School of Law, from which I graduated in 2005. I am a partner at Mazie Slater, where I have worked since 2006.

5. I have been admitted to practice in the State of New Jersey, State of New York, District of New Jersey, Southern District of New York, and the Third and Ninth Circuit Court of Appeals.

6. I have litigated numerous cases throughout the Country resulting in multi-million dollar verdicts and settlements.

7. Both myself and my law firm have extensive experience in complex civil litigation, in general, and class actions and consolidated proceedings specifically. The attorneys at Mazie Slater have obtained numerous noteworthy verdicts and settlements. Our firm is one of the most highly regarded trial law firms in New Jersey, based on the results achieved and the diverse scope of cases that we handle.

8. Mazie Slater attorneys have been appointed Class Counsel or Liaison Counsel in various class action proceedings, including the following examples:

- *Majdipour v. Jaguar Land Rover N. Am. LLC* (D.N.J. 2:12-cv-7849)(proposed nationwide class action settlement on behalf of consumers alleging suspension defects in Rang Rover vehicles);
- *Feldman v. BRP US, Inc.* (S.D. FL. 17-cv-61150)(settlement on behalf of NY, NJ, FL and TX purchasers of Sea-Doo watercraft suffering from allegedly defective exhaust components) ;
- *McLaughlin v. IDT Energy* (S.D.N.Y. 1:14-cv-04107)(class action settlement on behalf of all IDT customers providing reimbursement for allegedly inflated energy rates);
- *Fritz v. N. Am. Power & Gas, LLC* (D. CT. 3:14-CV-00634) and related actions (multistate class action settlement on behalf electric and gas customers that alleged fraudulent pricing scheme);
- *Gray v. BMW of North America, LLC* (D.N.J. 13-cv-3417)(proposed nationwide class action settlement regarding alleged defects in certain BMW vehicles);
- *In re HIKO ENERGY LLC Litigation* (S.D.N.Y. 14-cv-1771)(class action settlement on behalf of Hiko Energy customers related to allegations of improper calculation of its variable rate);
- *Meyer v. Bebe Stores, Inc.* (N.D. Cal. 14-cv-267)(nationwide class action settlement related to TCPA violations);
- *Haghayeghi v. Guess?, Inc.* (S.D. Cal. 14-cv-00020)(nationwide TCPA class action settlement related to improper text messages);

- *Overton v. sanofi-aventis US, LLC* (D.N.J. 3:13-cv-05535-PGS-DEA)(nationwide class action settlement recovering 57% of the alleged damages on behalf of class members);
- *Zakskorn v. American Honda Motor Co.* (E.D. Cal. 2:11-cv-2610-KJM-KJN)(nationwide class action settlement on behalf of 1.68 million class members involving brake defect in vehicles);
- *Aarons v. BMW of North America, LLC* (C.D. Cal. 2:11-cv-7667-PSG-CW) (nationwide class action settlement involving transmission failure in certain Mini Cooper vehicles);
- *Keegan v. American Honda Motor Co.* (C.D. Cal. 2:10-cv-09508-MMM-AJW)(Nationwide class action settlement involving suspension defect in certain Honda Vehicles);
- *In re Nissan Radiator/Transmission Cooler Litigation (S.D.N.Y. 10-cv-7493-VB)*(nationwide class action settlement on behalf of over 1 million class members related to alleged defects in over 800,000 vehicles);
- *Alin v. American Honda Motor Co., Inc.* (D.N.J. 2:08-cv-04825) (nationwide class action settlement on behalf of hundreds of thousands of Honda vehicle owners alleging defects in their vehicles' air-conditioning systems);
- *Dewey v. Volkswagen*, (D.N.J. 2:07-CV-2249-FSH-PS) (comprehensive automotive class action settlement with regard to water drainage issues, involving 3 million Volkswagen and Audi vehicles owned or leased by approximately 5.5 million Class Members).

Attached as **Exhibit A** is a true and accurate copy of Mazie Slater's current Firm Resume.

ATTORNEYS' FEES AND COSTS

9. Mazie Slater has committed its resources to the vigorous litigation of these Actions, has identified appropriate claims, and has aggressively pursued discovery to establish the evidence necessary to obtain class certification and to prevail on the merits.

10. I have been appointed as one of Class Counsel in this action.

11. I have been involved and actively participated in all aspects of this litigation, including substantial discovery and motion practice.

12. The parties exchanged numerous rounds of written discovery requests; engaged in substantial meet and confer efforts regarding discovery disputes; fully briefed motions to (a) stay, (b) strike Defendants' affirmative defenses, (c) strike Plaintiffs' class allegations, (d) compel

discovery, and (e) reconsider previous Court Orders; reviewed thousands of pages of documentation (Defendants produced over 80,000 pages of documentation and data; conducted depositions on both sides (both Plaintiffs were deposed; and on the Defendants' side, Plaintiffs' attorneys took the depositions of Michael Sgammato of PHH; and Katie Black of HSBC); conducted third-party discovery (deposition of representative for LiveVox, Kevin Stark; served subpoena on Black Knight Financial Services, Inc.); and conducted confirmatory written discovery post-mediation.

13. I participated in person at the first private mediation before the Honorable Jay C. Gandhi (Ret.) of JAMS on April 20, 2018.

14. Plaintiffs' Counsel in this case worked on solely a contingency basis, despite knowing that there was a risk that Counsel may not succeed.

15. From inception through September 6, 2019, Mazie Slater attorneys expended the following number of hours, at the following current hourly rates, in performing legal services on behalf of Plaintiffs in this matter:

Name	Status	Current Hourly Rate	Cumulative Hours	Cumulative Lodestar
David A. Mazie	Partner	\$850.00	5.4	\$4,590.00
Matthew R. Mendelsohn	Partner	\$595.00	282.7	\$168,206.50
Adam Epstein	Associate	\$405.00	24.2	\$9,801.00
TOTALS			312.3	\$182,597.50

16. Based on my knowledge and experience, the rates charged by Mazie Slater attorneys are within the range of rates normally and customarily charged in the New York-New Jersey metropolitan area by attorneys of similar qualifications and experience in cases of this kind.

17. Mazie Slater's rates have been previously approved by multiple courts. *See e.g.* *Feldman v. BRP US, Inc.*, No. 17-cv-61150 (S.D.Fl. Nov. 16, 2018) (the Honorable William P. Dimitrouleas, U.S.D.J. approved Mazie Slater's hourly rates of \$395 for associates and \$585 to \$850 for partners); *Gray v. BMW of N. Am., LLC*, Civ. Ac. No. 13-cv-3417 (D.N.J Aug. 24, 2017) (the Honorable William J. Martini, U.S.D.J. approved Mazie Slater's hourly rates of \$395 for associates and \$570 to \$850 for partners); *In re HIKO Energy, LLC Litigation*, Civ. Ac. No. 7:14-cv- 1771-VB (S.D.N.Y. May 9, 2016)(the Honorable Vincent Briccetti, U.S.D.J. determined that Mazie Slater's hourly rates of \$395 for associates and \$550 to \$825 for partners was reasonable); *Overton v. sanofi-aventis US, LLC*, Civ. Ac. No. 3:13-cv-05535-PGS-DEA (D.N.J. Feb. 10, 2016)(the Honorable Douglas E. Arpert, U.S.M.J. approved Mazie Slater's attorney fees with hourly rates ranging from \$395 for associates to \$825 for the most senior partner); *Aarons v. BMW of North America, LLC*, 2014 WL 4090564 (C.D.Cal. Apr. 29, 2014) (The Honorable Philip S. Gutierrez, U.S.D.J. stated that "the Court is satisfied that those requested rates are reasonable"); *In re Nissan Radiator/Transmission Cooler Litigation*, 2013 WL 4080946 (S.D.N.Y. May 30, 2013) (the Honorable Vincent Briccetti, U.S.D.J. held that "the hourly rates charged by Mazie Slater Katz & Freeman, LLC ranged from \$795 (partner) to \$325 (associate), with the bulk of the work being handled by a partner who charged \$525 per hour. Accordingly, a lodestar cross check confirms the reasonableness of the requested fee.")

18. In my judgment, and based on my years of experience, the number of hours expended and the services performed by Mazie Slater attorneys were reasonable and expended for the benefit of Plaintiffs in these actions.


19. The total number of hours spent by each of the above attorneys and rendering services through September 6, 2019, multiplied by his or her individual rate per hour, equals \$182,597.50.

20. Mazie Slater also incurred expenses in the amount of \$4,495.15. These expenses include: travel costs, deposition costs; court fees, service and mailing expenses, mediation fees, and copying costs, which commonly benefitted Plaintiffs. Based on my knowledge and experience, all of these expenses were necessary and reasonable, and incurred for the benefit of Plaintiffs in these actions.

21. Mazie Slater is a modestly-sized firm comprising thirteen attorneys. As a result, the time spent on this matter in the hope of eventually obtaining a substantial verdict or settlement for the Class, and a fee for Class Counsel, was a significant commitment of the firm's resources.

22. Moreover, Mazie Slater carefully screens its class action contingency matters to enhance its likelihood of success. Even then, there was absolutely no assurance that the extraordinary commitment of time and effort devoted to this matter would result in the payment of any fee at all.

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


MATTHEW R. MENDELSON

Dated: September 11, 2019

CERTIFICATE OF SERVICE

I, Adrienne D. McEntee, hereby certify that on September 26, 2019, 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 following:

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*Attorneys for Defendants HSBC Bank USA, National Association and
PHH Mortgage Corporation*

1 DATED this 26th day of September, 2019.

2 TERRELL MARSHALL LAW GROUP PLLC

3
4 By: /s/ Adrienne D. McEntee, Pro Hac Vice

5 Adrienne D. McEntee, *Pro Hac Vice*

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