

TYCKO & ZAVAREEI LLP

Annick M. Persinger (State Bar No. 272996)
1970 Broadway, Suite 1070
Oakland, CA 94612
Telephone: (510) 254-6808
Facsimile: (510) 210-0571
E-Mail: apersinger@tzlegal.com

TYCKO & ZAVAREEI LLP

Hassan A. Zavareei (State Bar No. 181547)
1828 L Street, N.W., Suite 1000
Washington, D.C. 20036
Telephone: (202) 973-0900
Facsimile: (202) 973-0950
E-Mail: hzavareei@tzlegal.com

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

AMY EVANS, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

DSW, INC.,

Defendant.

Case No. 2:16-cv-03791-JGB-SP

**DECLARATION OF ANNICK M.
PERSINGER IN SUPPORT OF
PLAINTIFF'S MOTION FOR
RECONSIDERATION OF THE
COURT'S ORDER ON
PLAINTIFF'S MOTION FOR
DETERMINATION OF
ENTITLEMENT TO FEES
UNDER A CATALYST THEORY,
OR IN THE ALTERNATIVE
PLAINTIFF'S RENEWED
MOTION**

Hon. Jesus G. Bernal

DECLARATION OF ANNICK M. PERSINGER IN SUPPORT OF PLAINTIFF'S MOTION FOR
RECONSIDERATION OF THE COURT'S ORDER ON PLAINTIFF'S MOTION FOR
DETERMINATION OF ENTITLEMENT OF FEES UNDER A CATALYST THEORY, OR IN THE
ALTERNATIVE PLAINTIFF'S RENEWED MOTION
CASE No. 2:16-CV-03791-JGB-SP

1 I, Annick M. Persinger, declare as follows:

2 1. I am an attorney at law licensed to practice in the State of California. I am
3 a partner with the law firm of Tycko & Zavareei, LLP ("TZ"), counsel of record for
4 Plaintiff. I have personal knowledge of the facts set forth in this declaration, and, if
5 called as a witness, could and would competently testify thereto under oath.

6 2. Attached hereto as **Exhibit A** is a listing of the total number of hours of
7 work performed, as well as TZ's Adjusted Laffey rates, and TZ's total lodestar.

8 3. Attached hereto as **Exhibit B** is a true and correct copy of a listing of
9 expenses incurred in this case by TZ.

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

12 Executed on November 30, 2018 at Oakland, California.

13
14 /s/ Annick M. Persinger

Annick M. Persinger

15
16 TYCKO & ZAVAREEI LLP

Annick M. Persinger

17 1970 Broadway, Suite 1070

18 Oakland, CA 94612

Telephone: (510) 254-6808

19 Facsimile: (510) 210-0571

E-Mail: apersinger@tzlegal.com

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28 DECLARATION OF ANNICK M. PERSINGER IN SUPPORT OF PLAINTIFF'S MOTION FOR
RECONSIDERATION OF THE COURT'S ORDER ON PLAINTIFF'S MOTION FOR
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CASE NO. 2:16-CV-03791-JGB-SP

EXHIBIT A

Evans v. DSW Lodestar			
	Hours	Adjusted Laffey Rate	Total
Attorneys			
Andrea Gold	2.10	\$742.00	\$1,558.20
Andrew Silver	57.00	\$455.00	\$25,935.00
Annick Persinger	649.20	\$658.00	\$427,173.60
Hassan Zavareei	31.00	\$894.00	\$27,714.00
Kristen Sagafi	223.30	\$742.00	\$165,688.60
Kyra Taylor	72.80	\$371.00	\$27,008.80
Marty Quinones	45.00	\$455.00	\$20,475.00
Rebecca Azhdam	117.70	\$371.00	\$41,314.00
Sophia Goren	67.70	\$371.00	\$25,116.70
Tanya Koshy	98.50	\$658.00	\$64,813.00
Paralegals/Law Clerks			
Audrey Abate	73.00	\$202.00	\$14,746.00
Nathan Laporte	2.00	\$202.00	\$404.00
Chloe Noh	83.00	\$202.00	\$16,766.00
Natasha Flecher	0.70	\$202.00	\$141.40
Melis Coban	2.00	\$202.00	\$392.00
Total:	1,525.00		\$859,246.30

EXHIBIT B

DSW Expense Report

Date:	Description:	Cost:
5/31/2016	Photocopies (44 copies at \$0.15 each)	\$ 6.60
6/1/2016	Westlaw Online Legal Research in May 2016	\$ 3.75
6/17/2016	UPS Shipping on 6/13/16	\$ 150.95
6/17/2016	Fedex Delivery	\$ 36.00
6/17/2016	Filing fee with USDC Court	\$ 400.00
6/17/2016	Court document Retrieval through Pacer 1st Quarter 2016	\$ 56.40
7/29/2016	UPS Document Delivery	\$ 55.46
10/10/2016	Court document Retrieval through Pacer 3rd Quarter 2016	\$1.80
10/17/2016	K. Sagafi Mileage to Restaurant Meeting on 9/25/2016	\$ 29.70
10/17/2016	Meal at Restaurant Meeting on 9/25/2016	\$ 22.00
10/24/2016	One half of Mediation provided by Jams	\$ 2,100.00
10/31/2016	Westlaw Online Legal Research during Oct. 2016	\$ 1.38
11/22/2016	SW Airline	\$ 503.96
11/22/2016	Historic Mission Inn in Riverside	\$ 225.26
12/30/2016	UPS Shipping on 11/21/2016	\$ 7.04
12/30/2016	UPS Shipping on 11/28/2016	\$ 47.52
2/1/2017	Westlaw Online Legal Research during Jan 2017	\$ 9.21
2/28/2017	Photocopies 1 at \$0.15	\$ 0.15
4/1/2017	Westlaw Online Legal Research during Mar 2017	\$ 3.55
4/19/2017	SW Airliens Tickets	\$ 484.88
4/19/2017	Fedex Delivery	\$ 36.75
5/1/2017	Westlaw Online Research during April 2017	\$ 60.92
5/22/2017	Court Document Retrieval during 1st quarter of 2017	\$ 0.60
5/22/2017	DSW Shoe Warehouse Case Materials	\$ 75.84
5/22/2017	Uber Cabs to/from DSW Shoe Warehouse	\$ 39.36
5/22/2017	Marriott Hotel in Riverside	\$ 212.45
5/22/2017	Budget Rental Car in Santa Ana	\$ 83.67
5/22/2017	Historic Mission Inn in Riverside	\$ 99.40
5/22/2017	LAZ Parking in Oakland	\$ 24.00
5/22/2017	Travel meal at Starbucks	\$ 3.88
5/22/2017	Travel meal at SW Airlines	\$ 9.04

5/22/2017 Court Document Retrieval from Nevada Courts	\$ 4.00
6/28/2017 Conference call on 5/5/2017 at 4 pm	\$ 26.76
6/28/2017 Photocopies 5 at \$0.15	\$ 0.75
7/1/2017 Westlaw Online Research during June 2017	\$ 173.18
7/10/2017 Expert Services provided by G. Goldpaper	\$ 7,500.00
7/26/2017 Uber Cab to Client Dinner	\$ 25.17
7/26/2017 Case Research at Aldo Shoes	\$ 191.19
7/26/2017 Bart at 12st in Oakland	\$ 7.00
7/26/2017 Case Research at Aldo Shoes	\$ 109.25
7/26/2017 Case Research at Macys.com	\$ 58.67
7/26/2017 Case Research at SteveMadden.com	\$ 51.65
7/26/2017 Case Research at Zappos.com	\$ 215.22
7/26/2017 Meals (50% deductible) with Client at One Market Restaurant	\$ 484.00
8/1/2017 Westlaw Online Legal Research for Jul 2017	\$ 569.60
8/29/2017 Fedex Delivery on 8/3/2017	\$ 36.69
8/29/2017 Court document retrieval 2nd quarter of 2017	\$ 3.10
9/1/2017 Westlaw Online Legal Research Aug 2017	\$ 17.22
9/28/2017 Lyft Ride	\$ 27.35
9/28/2017 United Airlines	\$ 200.00
9/28/2017 United Airlines	\$ 893.60
9/28/2017 Conference Call on 8/9/2017 at 2 pm	\$ 3.52
9/28/2017 Hotels.com	\$ 326.15
9/30/2017 Westlaw Online Legal Research during Sep 2017	\$ 1.90
10/12/2017 Photocopies 14 at \$0.15	\$ 2.10
11/1/2017 Westlaw Online Legal Research during Oct 2017	\$ 4.05
11/29/2017 Research Expense at Zappos Shoes	\$ 54.61
11/29/2017 Conference Call on 10/31/2017 at noon	\$ 2.52
11/29/2017 Pacer Court Document Retrieval	\$ 13.50
11/29/2017 UPS Shipping to Expert	\$ 44.18
11/29/2017 Gofer It Shipping	\$ 78.75
11/29/2017 UPS Shipping to Expert	\$ 9.75
11/29/2017 Fedex Delivery	\$ 88.51
11/29/2017 Fedex Delivery	\$ 249.39
11/29/2017 Uber cabs (6) to Fedex	\$ 47.40

11/29/2017 Research at Sutter-Stockton Garage in San Francisco	\$ 4.50
12/1/2017 Westlaw Online Legal Research during Nov. 2017	\$ 22.62
12/26/2017 Hotel Bel Air in Los Angeles	\$ 238.20
12/26/2017 Conference Call on 11/28/2017 at 1 pm	\$ 2.01
12/26/2017 American cab	\$ 14.28
12/26/2017 Travel meal at Mariposa Baking in San Francisco	\$ 12.74
1/1/2018 Westlaw Online Legal Research during Dec 2017	\$ 5.54
1/17/2018 Expert Witness L. Compeau	\$ 12,000.00
1/31/2018 Photocopies 1 at \$0.15	\$ 0.15
2/1/2018 Westlaw Online Legal Research during Jan 2018	\$ 5.54
2/27/2018 Lyft Ride for Investigation	\$ 23.44
2/27/2018 Lyft Ride	\$ 27.36
2/27/2018 Fedex Delivery	\$ 23.10
2/27/2018 Fedex Delivery	\$ 18.16
2/27/2018 Conference Call on 1/24/2018 at 1 pm	\$ 6.96
2/27/2018 Conference Call on 1/18/2018 at noon	\$ 4.86
2/27/2018 Conference Call on 1/30/2018 at 12:50pm	\$ 4.72
2/27/2018 Pacer Court Document Retrieval 4th Quarter 2017	\$ 0.90
2/28/2018 Certificate of Good Standing for A. Silver	\$ 15.00
2/28/2018 Database hosting and project management by Precise	\$ 194.25
2/28/2018 Photocopies 139 at \$0.15	\$ 20.85
3/27/2018 Fedex Delivery	\$ 142.69
3/27/2018 American Airline tickets to Columbus	\$ 288.60
3/27/2018 American Airlines tickets from Columbus	\$ 323.46
3/27/2018 Westin Hotel	\$ 455.91
3/27/2018 Pro hac vice Admission Fees	\$ 650.00
3/27/2018 Certificate of Good Standing Fees for Pro hac Vice Admission	\$ 45.00
3/27/2018 Uber Cab	\$ 8.47
3/27/2018 Lyft Ride	\$ 18.46
3/27/2018 Travel meal at Paradies in Arlington, VA	\$ 11.98
3/27/2018 Travel meal at Milestone in Columbus	\$ 75.00
3/27/2018 Lyft Ride	\$ 18.57
3/27/2018 Uber Cabs (3) in Columbus	\$ 13.88
3/27/2018 Travel Meal at Einstein Bagels in Columbus	\$ 18.93

3/27/2018 Travel Meal at Zoupi Huntington Center in Columbus	\$ 22.00
3/30/2018 Photocopies 215 at \$0.15	\$ 32.25
3/31/2018 Database hosting and project management by Precise	\$ 847.00
4/1/2018 Westlaw Online Legal Research during Mar. 2018	\$ 122.70
4/26/2018 Fedex Delivery on 4/14/2018	\$ 27.07
4/26/2018 Fedex Delivery	\$ 173.37
4/26/2018 Conference Call on 3/23/2018 at 2 pm	\$ 0.48
4/26/2018 Westin Columbus on 3/17/2018	\$ 505.34
4/26/2018 Uber cab	\$ 49.18
4/26/2018 Columbus Cab	\$ 5.99
4/26/2018 Travel Meal at Land-Frant Concession	\$ 25.00
4/26/2018 Travel meal at One Line Coffee in Columbus	\$ 9.00
4/26/2018 Uber Cab	\$ 10.89
4/26/2018 Westin Hotel in Columbus	\$ 62.68
4/26/2018 Travel Meal in Columbus for Deposition	\$ 7.28
4/30/2018 Document Hosting Services by Precise	\$ 643.50
5/1/2018 Westlaw Online Legal Research during Apr/ 2018	\$ 64.18
5/30/2018 Court Document Retrieval during 1st quarter of 2018	\$ 0.40
5/31/2018 Document Hosting Services by Precise	\$ 643.50
5/31/2018 Photocopies 27 at \$0.15	\$ 4.05
6/1/2018 Westlaw Online Legal Research during the month of May 2018	\$ 441.33
6/27/2018 Meal in Preparation for Hearing	\$ 34.04
6/27/2018 Article for Reply ISO Catalyst Motion	\$ 34.00
6/27/2018 Fedex Delivery	\$ 66.84
6/27/2018 Conference Call on 5/14/2018 at 1:40 pm	\$ 2.40
7/1/2018 Westlaw Online Legal Research during June 2018	\$ 51.95
7/31/2018 Final Monthly Hosing Provided by Precise	\$ 321.75
8/29/2018 Court Document Retrieval 2nd quarter 2018	\$ 13.20
9/1/2018 Westlaw Online Legal Research during Aug 2018	\$ 60.25
9/26/2018 Conference call on 9/7/2018 at noon	\$ 13.38
10/1/2018 Westlaw Online Legal Research during Sep 2018	\$ 67.20

Total: \$ 35,390.58