

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

MEGAN SCHMITT, DEANA
REILLY, CAROL ORLOWSKY, and
STEPHANIE MILLER BRUN,
individually and on behalf of
themselves and all others similarly
situated,

Plaintiffs,

v.

YOUNIQUE, LLC,

Defendant.

Case No. 8:17-cv-01397-JVS-JDE

**DECLARATION OF EDWIN J. KILPELA, JR. IN SUPPORT OF
PLAINTIFFS' MOTION FOR AWARD OF ATTORNEYS'
FEES AND REIMBURSEMENT OF LITIGATION EXPENSES TO CLASS
COUNSEL AND SERVICE AWARDS**

I, Edwin J. Kilpela, Jr., hereby declare as follows:

1. I am an attorney at law, licensed to practice in the Commonwealth of Pennsylvania, the District of Columbia, the State of Colorado, and the State of New York.

2. I make this Declaration in Support of Plaintiffs' Motion for Award of Attorneys' Fees and Reimbursement of Litigation Expenses to Class Counsel and Service Awards.

3. I am counsel for Plaintiff Meghan Schmitt in the action *Schmitt, et al v. Younique LLC*, 8:17-cv-01397-JVS-JDE (C.D.Ca.).

4. I have significant and extensive litigation experience, having been involved in civil litigation since my admission to the bar in 2005. I have approximately 14 years of experience in class action litigation, including class action litigation on behalf of consumers.

5. In particular, my firm has been appointed as class counsel in various consumer and other class actions, including the following: *In re Home Depot Customer Data Security Breach Litigation*, 1:14-md-02583-TWT (N.D.Ga.); *In re Target Corporation Customer Data Security Breach Litigation*, 0:14-md-02522-PAM; and *Quinn, et al v. Walgreen Co., et al*, 7:12-cv-8187 (S.D.N.Y.), each of which resulted in substantial relief to consumers.

6. My firm is also Plaintiffs' counsel in other currently pending class actions in which class certification has not yet been determined, including: *In re Equifax, Inc. Customer Data Security Breach Litigation*, 1:17-md-02800-TWT (N.D.Ga.) and *Steward, et al v. Honeywell Int'l, Inc.*, 3:18-cv-01124 (S.D.II.).

7. I have more than 14 years of experience as an attorney, having been admitted to the following state and federal court bar:

Jurisdiction	Date Admitted	Bar No. (if any)
Supreme Court of Pennsylvania	10/17/2005	201595
Supreme Court of Colorado	12/17/2010	42927
District of Columbia	4/3/2006	497361
State of New York	4/25/2018	5556675
U.S. District Court, District of Columbia	8/3/2009	497361
U.S. District Court, Western District of Pennsylvania	3/20/2013	
U.S. District Court, District of Colorado	2/8/2016	
U.S. District Court, Western District of New York	5/2/2018	
U.S. District Court, Northern District of Illinois	10/28/2019	
U.S. Court of Appeals, District of Columbia	5/29/2009	52358
U.S. Court of Appeals, Second Circuit	3/15/2018	
U.S. Court of Appeals, Third Circuit	8/17/2015	
U.S. Court of Appeals, Ninth Circuit	5/12/2015	
U.S. Court of Appeals, Eleventh Circuit	6/26/2015	
U.S. Court of Appeals, Fifth Circuit	8/22/2017	

8. The work done by my firm in this case and the *Schmitt* action includes: initial factual investigation, legal research, attend telephonic meet and confers, correspondence regarding litigation and strategy, review of demand letter, pleadings, and other documents as well as other tasks that were necessitated by this action.

9. The total number of hours spent by my firm rendering services through the date of

this declaration, 11.2, multiplied by the appropriate hourly rates is \$5,195.00.¹

10. In my judgment, and based on my years of experience in class action litigation and other litigation, the number of hours expended, and the services performed by my firm, were reasonable and necessary for my representation of Ms. Schmitt.

11. Based on my knowledge and experience, the rates charged by my firm are within the range of rates normally and customarily charged by attorneys of similar qualifications and experience for similar services.

12. My firm's hourly rates have been approved by federal and state courts in class action litigation. For example, our hourly rates have been approved in *First Choice Federal Credit Union v. The Wendy's Company, et al*, 2:16-cv-00506-MPK (W.D.Pa. November 6, 2019) and *Gardner v. Country Club, Inc.*, 2:13-cv-3399 (D.S.C. June 11, 2019).

13. The time described above does not include charges for expense items. Expense items are billed separately and such charges are not duplicated in my firm's billing rates. Based upon my firm records, my firm has incurred a total of \$483.80 in un-reimbursed expenses in connection with the prosecution of this litigation. The expenses are categorized as follows:

Expense Type	Amount
Certificate of Good Standing for <i>Pro Hac Vice</i> motion (Dkt #31)	\$15.00
Service of process	\$468.80
Total	\$483.80

¹ A copy of my daily time records for this matter (redacted for privilege and work product) is attached hereto as **Exhibit 1**.

I hereby certify that the foregoing is true and correct under the pains and penalties of perjury. Executed at Pittsburgh, Pennsylvania on November 15, 2019.

/s/ Edwin J. Kilpela, Jr.
Edwin J. Kilpela, Jr.

Exhibit 1

Professional	Date	Task	Time	Hourly Rate	Lodestar
Edwin J. Kilpela, Jr. (P)	7/27/2017	Read & Review draft complaint & CLRA Letter	1.5	\$ 675.00	\$ 1,012.50
Edwin J. Kilpela, Jr. (P)	9/18/2017	Read & review meet and confer email	0.4	\$ 675.00	\$ 270.00
Edwin J. Kilpela, Jr. (P)	10/26/2017	Read & review FAC	0.7	\$ 675.00	\$ 472.50
Brittany C. Casola (A)	8/23/2017	Research judges rules and edca local rules for deadlines; calendar class cert deadline	0.3	\$ 400.00	\$ 120.00
Brittany C. Casola (A)	9/5/2017	Read joint stip to extend time to respond	0.1	\$ 400.00	\$ 40.00
Brittany C. Casola (A)	9/11/2017	Email w OPC to set up call; review initial order; review scheduling conference order and calendar dates	0.4	\$ 400.00	\$ 160.00
Brittany C. Casola (A)	9/14/2017	Email with OPC re rescheduling meet and confer	0.1	\$ 400.00	\$ 40.00
Brittany C. Casola (A)	9/15/2017	Telephonic meet and confer with OPC	0.4	\$ 400.00	\$ 160.00
Brittany C. Casola (A)	9/18/2017	Read meet and confer email; read complaint for potential deficiencies to amend	0.3	\$ 400.00	\$ 120.00
Brittany C. Casola (A)	10/2/2017	order re: extension of time to amend and respond	0.1	\$ 400.00	\$ 40.00
Brittany C. Casola (A)	10/6/2017	Review complaint and meet and confer letter; take notes on proposed amendments	0.5	\$ 400.00	\$ 200.00
Brittany C. Casola (A)	10/11/2017	order re ext to amend to file	0.1	\$ 400.00	\$ 40.00
Brittany C. Casola (A)	10/16/2017	Read FAC	0.3	\$ 400.00	\$ 120.00
Brittany C. Casola (A)	10/23/2017	Calendar meet and confer telephonic conference	0.1	\$ 400.00	\$ 40.00
Brittany C. Casola (A)	10/26/2017	Review FAC against previous meet and confer letter; telephonic meet and confer with OPC and CC; draft summary of conversation and email to EK	1.8	\$ 400.00	\$ 720.00
Brittany C. Casola (A)	10/30/2017	Email from OPC re meet and confer follow up	0.1	\$ 400.00	\$ 40.00
Brittany C. Casola (A)	11/1/2017	Check LR and JS chamber rules re 90 day rule for opening class cert brief; email co counsel and discuss with TC	0.3	\$ 400.00	\$ 120.00
Brittany C. Casola (A)	11/2/2017	Emails regarding stip to extend opening class cert brief deadline	0.2	\$ 400.00	\$ 80.00
Brittany C. Casola (A)	11/3/2017	Read stip; MTD and calendar response date; email to group re response	0.7	\$ 400.00	\$ 280.00
Brittany C. Casola (A)	11/6/2017	Email from co counsel re stip to extend deadline to move for class cert; review proposed stip and proposed order	0.2	\$ 400.00	\$ 80.00
Brittany C. Casola (A)	11/8/2017	Email from co counsel re edits to stip; order granting stip; vacate current opening class cert brief deadline	0.3	\$ 400.00	\$ 120.00
Brittany C. Casola (A)	11/13/2017	Email re: meet and confer	0.1	\$ 400.00	\$ 40.00
Brittany C. Casola (A)	11/14/2017	Email correspondence with OPC and co counsel re setting up telephonic meet and confer; Opp to MTD	0.3	\$ 400.00	\$ 120.00
Brittany C. Casola (A)	11/15/2017	Telephonic meet and confer with co counsel and OPC re joint discovery plan	0.4	\$ 400.00	\$ 160.00
Brittany C. Casola (A)	11/20/2017	reply	0.1	\$ 400.00	\$ 40.00
Brittany C. Casola (A)	11/28/2017	Check docket re: mtd hearing	0.1	\$ 400.00	\$ 40.00
Brittany C. Casola (A)	12/4/2017	Review Order re MTD FAC	0.2	\$ 400.00	\$ 80.00
Brittany C. Casola (A)	1/4/2018	SAC; skim; consult FRCP 15(a) for response time on an amended complaint; calendar defendant's deadline	0.2	\$ 400.00	\$ 80.00

Brittany C. Casola (A)	1/18/2018	review answer	0.2	\$ 400.00	\$ 80.00
Brittany C. Casola (A)	3/9/2018	protective order	0.1	\$ 400.00	\$ 40.00
Kevin Abramowicz (A)	10/12/2017	Research re Song Beverly applicability	0.6	\$ 400.00	\$ 240.00
		TOTALS:	11.2		\$ 5,195.00