

**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

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**DECLARATION OF PHIL LEVOTA IN SUPPORT OF PLAINTIFFS' MOTION  
FOR AWARD OF ATTORNEYS' FEES AND REIMBURSEMENT OF  
LITIGATION EXPENSES TO CLASS COUNSEL AND SERVICE AWARDS**

I, Phil LeVota, hereby declare as follows:

1. I am an attorney at law, licensed to practice in Missouri, Kansas, and Federal Courts.
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 Claimant Kristen Bowers in the action *Bowers v. Yunique LLC*, 1816-CV25646 litigation in the Circuit Court of Jackson County in the State of Missouri. Ms. Bowers asserted similar factual issues to those in this action.
4. I have significant and extensive litigation experience, having been involved in litigation since my admission to the bar in 1997.

5. I have more than 22 years of experience as an attorney, having been admitted to the Missouri bar, the Kansas bar and the U.S. District Courts in Missouri and Kansas.

6. The work done by my firm in this case and the *Bowers* action includes: initial factual investigation, legal research regarding certain issues of Missouri law and preparing memo to co-counsel with research results, review of documents from the *Schmitt* action and the *Schmitt* settlement agreement, and multiple client conferences, for the purposes of, among other things, review of relevant facts, status of matter and strategy, and review of the *Schmitt* settlement agreement.

7. The total number of hours spent by my firm rendering services through the date of this declaration, 18.2, multiplied by my hourly rate (\$600.00) equals \$10,920.00.<sup>1</sup>

8. 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. Bowers.

9. 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.

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



Phil LeVota

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

# **EXHIBIT 1**

		<b>LeVota Time</b>			
<b>DATE</b>		<b>ACTIVITY</b>	<b>TIME</b>		
9/1/2017	PL	Email from Tom Hershewe re client intake discussion.	0.1	\$600.00	\$60.00
9/2-6/2017	PL	Plaintiff re client intake discussion.	5	\$600.00	\$3,000.00
9/13/2017	PL	E-mail re client intake discussion.	0.5	\$600.00	\$300.00
8/29/2018	PL	E-mail with Tom Hershewe regarding case.	0.1	\$600.00	\$60.00
8/29/2018	PL	Phone call with Tom Hershewe regarding intake discussions.	0.3	\$600.00	\$180.00
8/30/2018	PL	Compiling list of ten potential Plaintiffs.	2	\$600.00	\$1,200.00
8/31/2018	PL	E-mail to Tom Hershewe with potential Plaintiff names.	0.2	\$600.00	\$120.00
9/5/2018	PL	Phone call with Tom Hershewe.	0.2	\$600.00	\$120.00
9/5/2018	PL	E-mails to Tom Hershewe about Plaintiff.	0.5	\$600.00	\$300.00
9/5/2018	PL	E-mails with client.	0.2	\$600.00	\$120.00
9/5/2018	PL	Phone call with client.	0.3	\$600.00	\$180.00
9/5/2018	PL	E-mails client with retention letter.	0.2	\$600.00	\$120.00
9/5/2018	PL	E-mails with other potential client.	0.3	\$600.00	\$180.00
9/5/2018	PL	E-mails with other potential client.	0.3	\$600.00	\$180.00
9/5/2018	PL	E-mails with other potential client.	0.3	\$600.00	\$180.00
9/8/2018	PL	E-mail review from Tom Hershewe.	0.2	\$600.00	\$120.00
9/17/2018	PL	Competition and e-mail sent to Tom Hershewe with plaintiff representation forms.	0.5	\$600.00	\$300.00
10/1/2018	PL	Phone conversation with Bowers.	0.5	\$600.00	\$300.00
10/1/2018	PL	E-mail from Tom Hershewe.	0.1	\$600.00	\$60.00
10/1/2018	PL	E-mail petition to Bowers.	0.3	\$600.00	\$180.00
10/2/2018	PL	E-mail with client.	0.1	\$600.00	\$60.00
10/4/2018	PL	E-mail to client.	0.1	\$600.00	\$60.00
10/4/2018	PL	E-mail to Tom Hershewe with client details.	0.1	\$600.00	\$60.00
10/9/2018	PL	E-mail to Tom Hershewe with another potential Plaintiff if needed.	0.1	\$600.00	\$60.00
11/27/2018	PL	Phone call with client.	0.5	\$600.00	\$300.00
4/23/2018	PL	E-mail from client.	0.1	\$600.00	\$60.00
4/23/2018	PL	E-mail to Tom Hershewe.	0.1	\$600.00	\$60.00
6/7/2018	PL	Phone call from client.	0.2	\$600.00	\$120.00
6/7/2019	PL	E-mail conversation with client.	0.2	\$600.00	\$120.00
6/9/2019	PL	E-mail conversation with client.	0.2	\$600.00	\$120.00
8/8/2019	PL	E-mail from Tom Hershewe with agreement.	0.2	\$600.00	\$120.00

8/8/2019	PL	Review of agreement.	1	\$600.00	\$600.00
8/9/2019	PL	E-mail agreement to client.	0.2	\$600.00	\$120.00
8/12/2019	PL	Phone conversation with client.	0.5	\$600.00	\$300.00
8/12/2019	PL	E-mail to Tom Hershewe with questions from client.	0.2	\$600.00	\$120.00
8/22/2019	PL	E-mail conversation with Tom Hershewe regarding agreement.	0.3	\$600.00	\$180.00
10/17/2019	PL	Phone call with client.	0.2	\$600.00	\$120.00
10/22/2019	PL	Met with client to get signed copy.	1.1	\$600.00	\$660.00
10/22/2019	PL	E-mail to Tom Hershewe with signed agreement.	0.1	\$600.00	\$60.00
11/2/2019	PL	E-mail from client.	0.1	\$600.00	\$60.00
11/8/2019	PL	Phone call with client	0.5	\$600.00	\$300.00
		<b>TOTAL</b>	<b>18.2</b>		<b>\$10,920.00</b>