

**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 THOMAS J. HERSHEWE IN SUPPORT OF
PLAINTIFFS' MOTION FOR AWARD OF ATTORNEYS' FEES AND
REIMBURSEMENT OF LITIGATION EXPENSES TO CLASS COUNSEL
AND SERVICE AWARDS**

I, Tom Hershewe, hereby declare as follows:

1. I am an attorney at law, licensed to practice in Missouri, Kansas, and Federal Courts, and am a partner at Dollar Burns & Becker.
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 2005.

5. I have approximately 14 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, 26.49, multiplied by my hourly rate (\$600.00) equals \$15,894.00.¹ My assistant, Gloria Amos, also spent 4.8 hours working on the case at an hourly rate of \$100.00, for a total of \$480.00. Accordingly, my firm

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

has expended \$16,374.00 worth of time in this matter.

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.

10. 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 not incurred any unreimbursed expenses in connection with the prosecution of this litigation.

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.

A handwritten signature in black ink that reads "Tom Hershewe". The signature is written in a cursive style and is contained within a rectangular box.

Tom Hershewe

EXHIBIT 1

Dollar, Burns & Becker Time

DATE	Timekeeper	ACTIVITY	TIME	Hourly Rate	Total Lodestar	Key
8/29/2018	TH	Email from AG attaching complaint to be filed in Jackson County.	0.10	\$600	\$60.00	AG: Adam Gonnelli
8/29/2018	TH	TH - Read complaint.	0.50	\$600	\$300.00	PL: Phil LeVota
8/29/2018	TH	Email from TH to PL asking him to call.	0.10	\$600	\$60.00	TD: Tim Dollar
8/29/2018	TH	Phone call between TH and PL regarding potential plaintiffs.	0.30	\$600	\$180.00	TH: Tom Hershewe
8/29/2018	TH	Email from TH to AG regarding plaintiff.	0.10	\$600	\$60.00	BW: Bonner Walsh
8/30/2018	TH	Email from AG to TH regarding plaintiff.	0.10	\$600	\$60.00	GA: Gloria Amos (Asst)
8/31/2018	TH	Email from PL to TH with names of potential plaintiffs.	0.10	\$600	\$60.00	KC: Karrie Clinkinbeard
8/31/2018	TH	Email from TH to TD regarding next step.	0.10	\$600	\$60.00	LN: Lauren Navarro
9/4/2018	TH	Email from TH to AG regarding plaintiffs.	0.10	\$600	\$60.00	JAK: Jill Kanatzer
9/4/2018	TH	Email from TH to AG requesting proposed contract.	0.10	\$600	\$60.00	
9/5/2018	TH	Email from AG to TH attaching proposed contract.	0.10	\$600	\$60.00	GA: 4.8 hours @ \$100 = \$480.00
9/5/2018	TH	TH - Read proposed contract.	0.20	\$600	\$120.00	TJH: 26.49 @ \$600 = \$15,894.00
9/5/2018	TH	Email from TH to PL asking him to call.	0.10	\$600	\$60.00	
9/5/2018	TH	Phone call between TH and PL regarding plaintiff.	0.20	\$600	\$120.00	
9/5/2018	TH	Email from PL to TH regarding plaintiff.	0.17	\$600	\$102.00	
9/8/2018	TH	Emails between AG and TH regarding Missouri clients; TH forwarded email to PL.	0.30	\$600	\$180.00	
9/12/2018	TH	Emails between TH and AG regarding client.	0.10	\$600	\$60.00	
9/12/2018	TH	Email from TH to PL regarding client.	0.10	\$600	\$60.00	
9/17/2018	TH	Email from PL to TH attaching plaintiff representation forms.	0.10	\$600	\$60.00	
9/17/2018	TH	TH - Read plaintiff representation forms.	0.20	\$600	\$120.00	
9/17/2018	TH	Email from TH to AG forwarding plaintiff representation forms.	0.10	\$600	\$60.00	
10/1/2018	TH	Email from AG to TH & TD attaching draft complaint for Bowers.	0.10	\$600	\$60.00	
10/1/2018	TH	TH - Read draft complaint.	0.10	\$600	\$60.00	
10/1/2018	TH	Email from TH to PL attaching draft complaint for Bowers and requesting additional information.	0.10	\$600	\$60.00	
10/3/2018	TH	Email from TH to GA asking her to save class action complaint to system.	0.10	\$600	\$60.00	
10/3/2018	TH	TH - Conference call with client.	0.50	\$600	\$300.00	
10/3/2018	TH	Email from TH to AG advising he has talked to client; wants to add to complaint and then file.	0.10	\$600	\$60.00	
10/3/2018	TH	Email from AG to TH confirming his agreement to add to complaint and file.	0.10	\$600	\$60.00	

10/3/2018	TH	Emails between TH and AG regarding pro hac vice.	0.20	\$600	\$120.00
10/4/2018	TH	Emails between GA and TH regarding plaintiff's information.	0.20	\$600	\$120.00
10/4/2018	TH	Emails between TH and PL regarding plaintiff's information.	0.20	\$600	\$120.00
10/4/2018	GA	GA filed new case in Jackson County, MO.	0.40	\$100	\$40.00
10/4/2018	TH	Email from TH to AG regarding service.	0.10	\$600	\$60.00
10/4/2018	TH	Emails between GA and TH regarding service.	0.20	\$600	\$120.00
10/5/2018	TH	Email from AG to TH regarding service.	0.10	\$600	\$60.00
10/5/2018	GA	GA – Preparation of service packet, letter to Utah County Sheriff's Office.	0.60	\$100	\$60.00
10/9/2018	TH	Email from PL to TH regarding another plaintiff.	0.10	600	\$60.00
10/15/2018	GA	GA filed Return of Service and docketed Younique's answer due date.	0.40	\$100	\$40.00
10/15/2018	TH	Emails between TH and GA regarding return of service.	0.20	\$600	\$120.00
10/19/2018	TH	TH - Read Missouri Courts eFiling regarding service upon representation	0.20	\$600	\$120.00
11/5/2018	TH	TH – Phone call from Karrie Clinkinbeard regarding representation of defendant; wants a two-week extension to file an answer.	0.20	\$600	\$120.00
11/5/2018	TH	Emails between TH and AG regarding Clinkinbeard and extension.	0.20	\$600	\$120.00
11/5/2018	TH	Emails between KC, TH and AG regarding answer due date.	0.12	\$600	\$72.00
11/5/2018	TH	TH – Read letter from KC confirming extension, forwarded to GA.	0.30	\$600	\$180.00
11/26/2018	TH	TH – Read answer and defenses filed by defendant, requested GA to forward to AG.	0.50	\$600	\$300.00
11/27/2018	TH	Emails between AG and TH regarding answer.	0.20	\$600	\$120.00
11/27/2018	GA	Email from GA to AG attaching defendant's answer and defenses and application for change of judge.	0.10	\$100	\$10.00
11/29/2018	TH	Emails between AG and TH regarding phone call.	0.20	\$600	\$120.00
11/30/2018	TH	TH – Phone call with AG.	0.40	\$600	\$240.00
11/30/2018	TH	Email from TH to GA asking her to send sample pleadings to AG.	0.10	\$600	\$60.00
12/3/2018	GA	GA - Research sample pleadings; email from GA to AG attaching sample pleadings, and AG's acknowledgment of receipt.	0.50	\$100	\$50.00
12/5/2018	TH	TH – Read Order to Transfer; Missouri Courts eFiling.	0.20	\$600	\$120.00
12/7/2018	TH	TH – Read Missouri Courts eFiling re CMC scheduled 01/04/2019.	0.20	\$600	\$120.00
12/7/2018	TH	Email from TH to JAK regarding recusing Jim Kanatzar.	0.10	\$600	\$60.00
12/7/2018	TH	Email from JAK to Jim Kanatzar regarding recusing himself.	0.10	\$600	\$60.00
12/13/2018	TH	TH – Read hearing cancelled, Missouri Courts eFiling.	0.10	\$600	\$60.00
12/14/2018	TH	TH – Read order to transfer, CMC ordered 02/05/2019, new judge; forwarded email to GA.	0.20	\$600	\$120.00
12/17/2018	TH	Emails between TH and JAK regarding recusal of Jim Kanatzar.	0.10	\$600	\$60.00
1/16/2019	TH	Email from TH to AG regarding continuance of CMC.	0.10	\$600	\$60.00
1/17/2019	TH	Emails between AG and TH regarding continuance of CMC.	0.20	\$600	\$120.00

1/31/2019	TH	Email from TH to AG regarding CMC and trial date.	0.10	\$600	\$60.00
2/5/2019	TH	TH attended Case Management Conference; set for Class Certification Hearing on 06/21/2019.	1.00	\$600	\$600.00
2/5/2019	TH	Emails between TH and AG regarding CMC, briefing schedule, judge.	0.30	\$600	\$180.00
2/5/2019	TH	Email from TH to GA asking her to forward Class Certification Hearing to AG.	0.10	\$600	\$60.00
2/5/2019	GA	Email from GA to AG forwarding Class Certification Hearing.	0.10	\$100	\$10.00
3/4/2019	TH	Email from AG to TH regarding RFP to defense.	0.10	\$600	\$60.00
3/4/2019	TH	TH – Review of RFP to defense.	0.50	\$600	\$300.00
3/4/2019	TH	Email from TH to GA asking her to reformat RFP.	0.10	\$600	\$60.00
3/5/2019	GA	GA – Reformatting of RFP.	0.50	\$100	\$50.00
3/5/2019	GA	Email from GA to TH regarding RFP, prepared COS and filed with court, forwarded to AG, forwarded to KC.	0.50	\$100	\$50.00
3/5/2019	TH	TH – Review of RFP to defense.	0.50	\$600	\$300.00
3/5/2019	GA	Email from AG to GA confirming receipt of discovery.	0.10	\$100	\$10.00
3/22/2019	TH	Emails from BW to TH regarding RFA and phone call.	0.50	\$600	\$300.00
3/22/2019	TH	Email from TH to GA regarding RFA.	0.10	\$600	\$60.00
3/22/2019	TH	TH – Conference call with BW.	0.50	\$600	\$300.00
3/22/2019	TH	Emails between TH and BW regarding briefing schedule.	0.30	\$600	\$180.00
3/25/2019	GA	GA – Reformatting RFA, prepared COS, emailed to TH, filed COS, emailed RFA to KC and LH.	0.60	\$100	\$60.00
3/25/2019	GA	Emails between GA, AG, BW regarding pro hac vice.	0.40	\$100	\$40.00
4/4/2019	TH	TH – Read email from Armstrong Teasdale and attached responses to RFP; forwarded response to BW, GA; read BW email regarding RFP.	0.50	\$600	\$300.00
4/4/2019	TH	Emails between GA and TH regarding pro hac vice.	0.20	\$600	\$120.00
4/8/2019	TH	Email from BW to TH regarding pro hac vice.	0.10	\$600	\$60.00
4/16/2019	TH	Emails between LN and TH regarding extension to answer opening interrogatories and RFA; TH forwarded email to BW; BW response regarding draft protective order.	0.50	\$600	\$300.00
4/16/2019	TH	Email from PL to TH regarding update.	0.10	\$600	\$60.00
4/16/2019	TH	Email from TH to LN requesting proposed protective order.	0.10	\$600	\$60.00
4/18/2019	TH	Email from LN to TH regarding draft of protective order.	0.10	\$600	\$60.00
4/23/2019	TH	Emails between PL and TH regarding update for client.	0.30	\$600	\$180.00
4/24/2019	TH	Email from BW to TH regarding documents from defendant.	0.10	\$600	\$60.00
4/25/2019	TH	Emails between TH and BW regarding extension and protective order.	0.30	\$600	\$180.00
4/25/2019	TH	Email from TH to LN regarding status of protective order.	0.10	\$600	\$60.00
4/25/2019	GA	Email from BW to GA attaching pro hac vices.	0.10	\$100	\$10.00

4/26/2019	TH	Email from KC to TH regarding protective order; TH forwarded to BW.	0.10	\$600	\$60.00
5/3/2019	TH	Email from BW to TH regarding pro hac vice.	0.10	\$600	\$60.00
5/3/2019	TH	TH – Review of pro hac vice.	0.40	\$600	\$240.00
5/3/2019	GA	GA – Filing of Pro Hac Vice; forwarded file stamped copies to BW.	0.40	\$100	\$40.00
5/6/2019	TH	Emails between LN to TH regarding extension to respond to RFP and interrogatories; TH forwarded email to BW.	0.40	\$600	\$240.00
5/7/2019	TH	Emails between BW, TH, LN regarding extensions and requesting proposed protective order.	0.40	\$600	\$240.00
5/8/2019	TH	Email from LN to TH attaching proposed protective order and corresponding motion; TH – Review of same; forwarded to BW.	0.60	\$600	\$360.00
5/9/2019	TH	Email from TH to LN regarding protective order.	0.10	\$600	\$60.00
5/13/2019	TH	Email from LN to TH requesting extension regarding discovery responses; TH forwarded email to BW; TH – Read BW’s response.	0.40	\$600	\$240.00
5/14/2019	TH	Emails between TH and LN regarding extension.	0.20	\$600	\$120.00
5/15/2019	TH	TH – Read email from Armstrong Teasdale attaching discovery responses; read discovery responses; forwarded to BW and AG; received Verification page; forwarded to GA and BW.	0.80	\$600	\$480.00
6/5/2019	TH	Emails between TH and BW and AG regarding certification hearing.	0.20	\$600	\$120.00
6/12/2019	TH	Email from AG regarding stipulation to stay Missouri case.	0.10	\$600	\$60.00
6/12/2019	TH	TH – Read stipulation and forwarded to GA.	0.40	\$600	\$240.00
6/13/2019	TH	Email from TH to LN regarding proposed stay in Jackson County case.	0.10	\$600	\$60.00
6/13/2019	TH	Emails between AG and TH regarding proposed stay.	0.20	\$600	\$120.00
6/17/2019	TH	TH – Read email from LN to Jackson County Court requesting conference call with Judge Roldan; and court’s response; emails between LN and TH regarding call.	0.50	\$600	\$300.00
6/19/2019	TH	Emails between AG and TH regarding Friday’s meeting/conference call.	0.20	\$600	\$120.00
6/20/2019	TH	Emails between KC and TH regarding call with court.	0.20	\$600	\$120.00
6/21/2019	TH	Conference call with court; status conference scheduled 08/22/2019.	0.50	\$600	\$300.00
7/30/2019	TH	Email from AG to TH regarding draft of settlement.	0.10	\$600	\$60.00
8/2/2019	TH	Email from TH to PL regarding draft of settlement.	0.10	\$600	\$60.00
8/2/2019	TH	Call between TH and PL regarding settlement agreement.	0.40	\$600	\$240.00
8/2/2019	TH	Emails between TH and TD regarding attorney fees.	0.20	\$600	\$120.00
8/8/2019	TH	Email from AG to TH attaching final settlement agreement; review of same; call between TH and AG; TH forwarded to PL.	1.00	\$600	\$600.00
8/9/2019	TH	Email from KB to PL forwarded to TH regarding settlement.	0.10	\$600	\$60.00
8/9/2019	TH	Email from TH to AG attaching signed agreement.	0.10	\$600	\$60.00

8/12/2019	TH	Email from PL to TH regarding client's question.	0.10	\$600	\$60.00
8/22/2019	TH	Emails between PL and TH regarding client settlement.	0.20	\$600	\$120.00
8/22/2019	TH	Telephone Status Conference with Court; continued to 02/10/2020.	0.50	\$600	\$300.00
10/16/2019	TH	Email from AG to TH attaching model declaration in support of service awards; review of same; TH forwarded to GA to save to the system.	0.80	\$600	\$480.00
10/16/2019	GA	GA saved model declaration to system.	0.10	\$100	\$10.00
10/17/2019	TH	Email from TH to PL attaching declaration for client signature.	0.10	\$600	\$60.00
10/22/2019	TH	Emails between TH and PL regarding signed agreement; review of same; TH forwarded to AG.	0.50	\$600	\$300.00
11/6/2019	TH	Emails TH to GA re compiling emails	0.20	\$600	\$120.00
11/14/2019	TH	Emails w AG and GA re declaration	0.30	\$600	\$180.00
		TOTAL	31.29		\$16,374.00