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17 BEFORE THE INSURANCE COMMISSIONER  
18 OF THE STATE OF CALIFORNIA

19 In the Matter of:

20 MERCURY INSURANCE  
21 COMPANY; MERCURY  
22 CASUALTY COMPANY; AND  
23 CALIFORNIA AUTOMOBILE  
24 INSURANCE COMPANY,

25 Respondents.

CDI File No.: NC03027545  
OAH No.: N2006040185

**CONSUMER WATCHDOG'S REQUEST FOR  
COMPENSATION**

(Ins. Code §1861.10; 10 CCR §§2662.3 and 2662.5)

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1 **I. INTRODUCTION.**

2 Consumer Watchdog (“CWD”),<sup>1</sup> Intervenor in the above-entitled noncompliance proceeding,  
3 hereby submits this Request for Compensation pursuant to Insurance Code section 1861.10, subdivision  
4 (b), and California Code of Regulations, title 10 (“10 CCR”) § 2661.1, et seq. This Request seeks  
5 compensation in the total amount of \$1,510,559.65 for the substantial contribution made by CWD to the  
6 Commissioner’s final Order Adopting the Proposed Decision of Administrative Law Judge Michael A.  
7 Scarlett in these proceedings (“Decision”), including time spent preparing this Request, through March 3,  
8 2015.

9 Over a period of seven years, from the time of its intervention at the invitation of the Department  
10 in 2007 through the closure of post-hearing briefing and the evidentiary record in 2014, CWD as  
11 Intervenor took the leading role in prosecuting this case to establish Mercury’s willful violations of  
12 Proposition 103 (specifically, Insurance Code sections 1861.01 and 1861.05) by maintaining a network  
13 of sham “brokers” who charged consumers premiums that included illegal, unapproved, and unfairly  
14 discriminatory “broker fees.” CWD opposed numerous voluminous prehearing motions by Mercury to  
15 dispose of the proceeding on a wide variety of technical, procedural, and substantive grounds. CWD  
16 prepared and presented the evidentiary case in chief against Mercury during 15 days of evidentiary  
17 hearing before the ALJ, including presenting the testimony of four top Mercury executives and cross-  
18 examining Mercury’s two experts, as well as introducing 330 Intervenor exhibits and managing and  
19 reviewing 158 Mercury exhibits. CWD also took the lead in post-hearing briefing of the case against  
20 Mercury, including synthesizing a large testimonial and evidentiary record and distilling and  
21 summarizing it for the ALJ to make his decision. The ALJ issued a Proposed Decision, adopted by the  
22 Commissioner, substantially adopting CWD’s positions based on the evidence it presented establishing  
23 Mercury’s willful violations of Proposition 103 and assessing the \$27.5 million in penalties against  
24 Mercury, which is the single largest penalty ever assessed against a property and casualty insurance  
25 company in California. (Pressley Decl., ¶56.)

26 CWD’s large investment of attorney time and resources and its perseverance against Mercury  
27 made a substantial contribution to the Commissioner’s Decision and should be commensurately  
28 compensated in accordance with the evidence supporting this Request. For the reasons discussed more

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<sup>1</sup> Formerly known as The Foundation for Taxpayer and Consumer Rights.

1 fully below and as supported by the accompanying declarations of Pamela Pressley and Arthur D. Levy,  
2 the total compensation that CWD requests is fair and reasonable under the circumstances and in light of  
3 the substantial contribution that CWD made to the Commissioner's final Decision.

4 **II. CONSUMER WATCHDOG IS ELIGIBLE TO SEEK COMPENSATION IN THIS**  
5 **PROCEEDING, AND ITS REQUEST IS TIMELY.**

6 The intervenor regulations provide, in part:

7 A petitioner, intervenor or participant whose Petition to Intervene or Participate has been  
8 granted and who has been found eligible to seek compensation may submit to the Public  
9 Advisor, within 30 days after the service of the order, decision, regulation or other action  
10 of the Commissioner in the proceeding for which intervention was sought, or at the  
11 requesting petitioner's, intervenor's or participant's option, within 30 days after the  
12 conclusion of the entire proceeding, a request for an award of compensation.

13 (10 CCR § 2662.3(a).) CWD is a long-time participant and intervenor in Department proceedings and a  
14 nationally recognized consumer advocacy organization. The Commissioner issued a Finding of  
15 Eligibility on July 24, 2014, effective immediately, in which he found CWD eligible for compensation  
16 and that CWD "represents the interests of consumers."<sup>2</sup> Consumer Watchdog sought and was granted  
17 leave to intervene in the proceeding by order of the ALJ dated May 16, 2007. (Decision, p. 1, fn. 1.)  
18 Thus, CWD is eligible to seek compensation in this matter.

19 Pursuant to 10 CCR § 2662.3(a), a request for compensation is due 30 days after service of the  
20 Commissioner's decision in the proceeding or 30 days after conclusion of the entire proceeding. On  
21 January 7, 2015, the Commissioner issued an Order Adopting Proposed Decision. The applicable  
22 regulation, 10 CCR § 2662.3(a), provides that a request for compensation may be submitted to the Public  
23 Advisor "within 30 days after the service of the order, decision, regulation or other action of the  
24 Commissioner in the proceeding for which intervention was sought, or at the requesting petitioner's,  
25 intervenor's or participant's option, within 30 days after the conclusion of the entire proceeding."  
26 Pursuant to Government Code section 11519, subdivision (a), the Commissioner's Order became  
27 effective on February 6, 2015, when the power to order reconsideration expired. Accordingly, the  
28 Commissioner's Order became final and the administrative proceeding concluded on February 6, 2015,  
and any request for compensation would be due within 30 days of that date. Because this Request was

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<sup>2</sup> CWD's current Finding of Eligibility succeeded prior determinations issued on July 24, 2012; July 2,  
2010; August 25, 2008; July 14, 2006; July 2, 2004; June 20, 2002; October 1, 1997; September 26,  
1995; September 27, 1994; and September 13, 1993.

submitted to the Public Advisor and served on March 3, 2015,<sup>3</sup> the Request is timely under 10 CCR § 2662.3(a) by being filed within 30 days of February 6, 2015.

### III. SUMMARY OF THE PROCEEDINGS.

#### **A. 2004 – 2008: CDI Issued Notices of Noncompliance, Consumer Watchdog Intervened, and the Matter Was Stayed Pending the Resolution of Related Civil Litigation.**

The California Department of Insurance (“CDI” or “the Department”) initiated the proceeding under Insurance Code section 1858.1, which applies to “any rate, rating plan or rating system made or used by any [] insurer” that “does not comply with [Chapter 9 of Part 2 of Division 1 of the Insurance Code].” CDI filed and served the initial NNC on February 2, 2004. (Decision, p. 3, ¶1.) On March 3, 2004, CDI and Mercury stipulated to stay the proceeding while the related civil litigation, *Krumme v. Mercury Insurance Company et al.* (Super. Ct. S.F. County, No. 313367) (hereafter, “*Krumme*”), was pending.<sup>4</sup> (CDI, Stipulation Re Stay of Proceedings, Mar. 3, 2004.) CDI filed and served a First Amended Notice of Noncompliance on March 22, 2006, and the operative Second Amended Notice of Noncompliance (“SANNC”) on April 11, 2011. (Decision, p. 3, ¶1.)

The SANNC alleged violations of Insurance Code sections 1861.01(c) and 1861.05(a) as follows:

From July 1, 1996, through 2006, Respondents willfully permitted their insurance agents to charge “broker” fees to Respondents’ policyholders. In charging these fees, Respondents’ agents acted in the course and scope of their agency. Under California law, all payments by policyholders that are a part of the price of insurance, including all sums paid to an insurance agent, are considered premium. Consequently, Respondents constructively received the “broker” fees (i.e. premium) collected by their agents. Respondents did not receive the Commissioner’s prior approval to charge or receive the moneys constituting the “broker fees.” As a result of permitting its agents to charge and

<sup>3</sup> See 10 CCR § 2651.1(d) (“when the last day [to file a pleading] falls on a Saturday, Sunday or holiday the time computation shall exclude that day and include the next business day”).

<sup>4</sup> In June of 2000, *Krumme*, a civil class action, was brought by an individual consumer challenging undisclosed “broker fees” imposed by Mercury’s sales force on policyholders in addition to the premiums they were quoted. (Decision, pp. 23-24, ¶65.) The Superior Court determined that Mercury’s “brokers” were actually agents of the company and that Mercury’s agreements with these agents allowing them to charge “broker fees” violated the statutory prohibitions against add-on fees by agents. (*Ibid.*; Exh. I-1 [Findings of Fact and Conclusions of Law After Trial, *Krumme* (Super. Ct. S.F. County, April 11, 2003, No. 313367) (“Findings”), upheld on appeal at *Krumme v. Mercury Ins. Co.* (2004) 123 Cal.App.4th 924, 948].) The trial court issued injunctions to stop Mercury’s practice of charging illegal “broker” fees. (*Id.*, p. 24, ¶67.) During the pendency of Mercury’s appeal in the *Krumme* matter, Mercury ignored the trial court’s injunctions and continued these illegal practices. (*Id.*, pp. 25-26, ¶¶70-72.) Upon conclusion of the appeal in *Krumme* and based on the Findings of the Superior Court, the Department initiated the noncompliance proceeding in 2004. (*Id.*, p. 25, ¶68.)

1 collect the broker fees, Respondents constructively charged and collected premium in  
2 excess of the rates approved for them by the Commissioner, in violation of section  
1861.01(c). (SANNC, ¶3.)

3 Because Respondents' agents charged broker fees of varying amounts, Respondents[']  
4 insureds were subjected to unfair rate discrimination, in violation of section 1861.05(a).  
Respondents willfully permitted the rate discrimination to occur. (SANNC, ¶4.)

5 The SANNC further alleged that the foregoing allegations "establish that Respondents willfully  
6 used a rate, rating plan or rating system in violation of Chapter 9 of Part 2 of Division 1 of the Insurance  
7 Code, and provide grounds for a fine of \$10,000 for each policy in which a Respondent permitted a  
8 broker fee to be charged by one of its agents, pursuant to section 1858.07(a)." (SANNC, ¶5.)

9 At the request of the Department, CWD filed a Petition to Intervene in the proceeding on March  
10 28, 2007 to bring the wealth of experience and evidence against Mercury garnered by its co-counsel in  
11 two related civil actions against Mercury and its largest insurance producer, Auto Insurance Specialists  
12 (AIS), and its staff attorneys' substantial expertise in Proposition 103 rate and noncompliance matters to  
13 bear on this case.<sup>5</sup> (Pressley Decl., ¶31.) After briefing by the parties and over Mercury's objection,  
14 CWD was granted leave to intervene on May 16, 2007.<sup>6</sup> (Decision, p. 1, fn. 1; Pressley Decl., ¶31.) By  
15 multiple stipulations of the parties, the proceeding was stayed pending the resolution of the *Porter v. AIS*  
16 civil litigation, which resulted in a \$25 million settlement for the benefit of affected Mercury customers  
17 finalized in January 2009. (Pressley Decl., ¶31.)

18 **B. January 2009 – February 2011: Consumer Watchdog and the Parties Engaged in**  
19 **Hearing Preparation and Briefing on Numerous Pre-Hearing Motions and in Response**  
20 **to ALJ Orders.**

21 Beginning in January 2009, CWD ramped up its preparation for the evidentiary hearing by  
22 reviewing and compiling documents to be produced at the hearing, preparing notices of hearing and  
23 subpoenas for the 14 Mercury and AIS witnesses that CWD intended to cross-examine, and preparing a

24 <sup>5</sup> CWD's co-counsel in this case, Arthur D. Levy, prosecuted the two successful civil cases (*Krumme v.*  
25 *Mercury Ins. Co.* (Super. Ct. S.F. County, 2003, No. 313367), upheld on appeal in *Krumme v. Mercury*  
26 *Ins. Co.* (2004) 123 Cal.App.4th 924 and *Porter v. AIS* (Super. Ct., S.F. County, 2009, No. CGC-03-  
424538), and CWD's staff counsel include some of the nation's foremost consumer advocates and  
experts on insurance ratemaking matters. (Pressley Decl., ¶31; Levy Decl., ¶9.)

27 <sup>6</sup> Consumer Watchdog's intervention was limited to the NNC issues relating to Mercury's violations of  
28 the rating statutes (Ins. Code §§ 1861.01 and 1861.05). (Bifurcation Order, Feb. 1, 2012; see Decision, p.  
3, ¶2.) By order of the ALJ, this proceeding was bifurcated with the Department's Order to Show Cause  
allegations regarding Mercury's false advertising under Insurance Code sections 790.035 and 790.05 to  
be heard at a later date. (*Ibid.*)

1 detailed pre-hearing conference statement, including a list of over 350 proposed exhibits, its proposed  
2 witnesses, and a summary of the legal issues. (Pressley Decl., ¶32.) Also, CWD participated in  
3 settlement conferences with the parties and prepared, filed, and served a detailed settlement conference  
4 statement in advance of the mandatory settlement conference held on February 23, 2009. (*Ibid.*) The  
5 parties were unable to reach a meaningful resolution through a stipulated settlement, so CWD continued  
6 to prepare for the evidentiary hearing. (*Ibid.*)

7 On February 6, 2009, prior to the scheduled evidentiary hearing, Mercury filed three separate  
8 motions to be heard at the prehearing conference held on February 23, 2009: a Motion in Limine, a  
9 Motion for Protective Order, and a Motion for Summary Judgment. (Pressley Decl., ¶33.) In the span of  
10 two weeks, CWD was required to prepare comprehensive opposition briefs to each of these motions.  
11 (*Ibid.*) In particular, the Motion for Summary Judgment required an extensive amount of time spent by  
12 CWD counsel performing legal research and briefing to respond to each of Mercury's arguments  
13 attacking the core legal allegations of the NNC. (*Ibid.*) Indeed, CWD took the lead role in responding to  
14 these motions with CDI filing a joinder in CWD's Oppositions to the Motion for Summary Judgment and  
15 Motion for a Protective Order. (*Ibid.*)

16 At the February 23, 2009 prehearing conference, Mercury raised for the first time its position that  
17 the noncompliance regulations, 10 CCR § 2614 et seq., should apply to this proceeding. (Pressley Decl.,  
18 ¶34.) Prior to that time, the parties had been proceeding under the hearing procedures set forth in the  
19 Government Code and the Office of Administrative Hearing ("OAH") regulations, 1 CCR § 1000, et seq.  
20 (*Ibid.*) In response to these new arguments raised by Mercury, CWD prepared comprehensive opening  
21 and reply briefs on whether the rules of procedure contained in the Government Code and OAH  
22 regulations governed the hearing. (*Ibid.*) CDI filed a joinder in Consumer Watchdog's reply brief.  
23 (*Ibid.*)

24 On March 12, 2009, a hearing was held on Mercury's Motion for Summary Judgment. (Pressley  
25 Decl., ¶35.) As with briefing the opposition to this motion, CWD took a lead role at oral argument, which  
26 required substantial preparation time. (*Ibid.*) The ALJ denied Mercury's Motion for Summary  
27 Judgment. (*Ibid.*)

28 At the March 12, 2009 hearing, Mercury also insisted that the regulation requiring the parties to

1 file written PDT prior to the evidentiary hearing, 10 CCR § 2614.13, applied to adverse witnesses, and  
2 the ALJ ordered further briefing on the issue. (Pressley Decl., ¶36.) CWD prepared another set of  
3 comprehensive opening and reply briefs, addressing the issue of whether 10 CCR § 2614.13 applies to  
4 adverse witnesses. (*Ibid.*) ALJ Owyang issued an order on March 17, 2009, ruling that, “[i]n addition to  
5 the provisions of the [APA],” the procedural regulations at 10 CCR § 2614] et seq. would be applied.  
6 (Order Regarding Respondents’ Motion for Summary Judgment or, Alternatively, Summary  
7 Adjudication of a Legal Threshold Issue, Mar. 17, 2009, ¶2; Pressley Decl., ¶36.) He issued a subsequent  
8 order ruling that 10 CCR § 2614.13 applied to adverse witnesses. (Decision, p. 4, ¶4; Pressley Decl.,  
9 ¶36.)

10 To comply with ALJ Owyang’s rulings, CWD prepared and on July 6, 2009 timely filed and served  
11 declarations and transcripts consisting of the sworn testimony of the 22 Mercury and AIS witnesses it  
12 planned to call to testify at the evidentiary hearing. (Decision, p. 4, ¶4; Pressley Decl., ¶37.) The next  
13 day, Mercury by a letter to ALJ Owyang made a limited “motion to strike” CWD’s PDT, claiming that it  
14 did not conform to 10 CCR § 2614.13. (Pressley Decl., ¶37.) CWD was then required to devote time  
15 preparing comprehensive opening and reply briefs rebutting the arguments in Mercury’s “motion” to  
16 strike CWD’s PDT, and presenting oral argument on the issues. (*Ibid.*) On August 21, 2009, ALJ  
17 Owyang struck all of the PDT of the 22 witnesses submitted by CWD. (Decision, p. 4, ¶4; Pressley  
18 Decl., ¶37.)

19 After ALJ Owyang continued the hearing again and subsequently denied CWD’s and CDI’s  
20 motion to certify to the Commissioner the question of the application of the PDT regulation to adverse  
21 witnesses, CDI reported to ALJ Owyang on September 28, 2010 that the Department had commenced a  
22 rulemaking proceeding to clarify that the PDT regulation, 10 CCR § 2614.13, does not apply to adverse  
23 witnesses. (Decision, p. 4, ¶4; Pressley Decl., ¶38.) Application of the amended regulation, which  
24 became effective on December 30, 2010, would have enabled CWD to continue preparing its case for the  
25 evidentiary hearing, but, before the evidentiary proceeding could get underway, CWD was required to  
26 submit yet another round of opening and reply briefs, this time on the applicability of the amended  
27 regulation to the proceeding. (*Ibid.*) ALJ Owyang ruled on February 24, 2011, without any legal  
28 analysis, that he would not apply the Commissioner’s amended regulation. (*Ibid.*)



1                   **C. March 2011 – August 2011: Consumer Watchdog Continued its Hearing Preparation**  
2                   **and Briefed Renewed Mercury Motions.**

3                   Following ALJ Owyang’s rulings, which CDI and CWD maintained were in error, on March 4,  
4 2011, 46 business days before the rescheduled evidentiary hearing, CWD submitted extensive  
5 documentary exhibits and a request for official notice along with a list of witnesses it sought to subpoena  
6 to appear at the evidentiary hearing in support of its direct case. (Pressley Decl., ¶39.) Shortly thereafter,  
7 in response to ALJ Owyang’s order, CWD prepared a brief addressing compliance with the ex parte  
8 communication rules in Government Code sections 11430.10-11430.80. (*Ibid.*)

9                   On March 17, 2011, in response to Mercury’s request, ALJ Owyang vacated the pending  
10 evidentiary hearing dates and directed the parties to agree on dates for briefing various motions proposed  
11 by Mercury, including motions to strike CWD’s March 4, 2011 filings and a renewed Motion for  
12 Summary Disposition of the Proceeding. (Pressley Decl., ¶40.)

13                   Pursuant to the ALJ’s order dated April 28, 2011, on June 7, 2011, CDI filed a Motion for  
14 Collateral Estoppel Effect of the Findings of Fact and Conclusions of Law in *Krumme v. Mercury*, which  
15 CWD reviewed, edited, and joined. (Pressley Decl., ¶41)

16                   Also on June 7, 2011, Mercury filed motions asserting various legal theories to thwart the  
17 evidentiary hearing, including issues previously raised in its 2009 motions. (Pressley Decl., ¶42.) CWD  
18 took the lead in preparing oppositions to Mercury’s Motion for a Proposed Decision for Summary  
19 Disposition of the Proceedings and Mercury’s Motion re: Laches and Governmental Estoppel. (*Ibid.*)  
20 Both oppositions required an extensive amount of time for legal research and drafting responses to each  
21 of Mercury’s legal theories and defenses aimed at disposing of the proceeding prior to the evidentiary  
22 hearing. (*Ibid.*)

23                   **D. January – March 2012: The Commissioner Rejected ALJ Owyang’s 2012 Proposed**  
24                   **Decision.**

25                   Prior to ruling on the 2011 pre-evidentiary hearing motions, and without holding an evidentiary  
26 hearing on the substantive issues raised in the SANNC, ALJ Owyang submitted a Proposed Decision to  
27 the Commissioner on January 31, 2012. (Decision, pp.4-5, ¶¶7-8; Pressley Decl., ¶43.) ALJ Owyang’s  
28 Proposed Decision purported to dismiss the SANNC on the erroneous grounds that CDI “violated  
separation of function principles and denied Mercury due process and a fair hearing” when it initiated the  
rulemaking proceeding to amend 10 CCR § 2614.13. (ALJ Owyang’s Proposed Decision, Jan. 31, 2012,

p. 2; Pressley Decl., ¶43.) ALJ Owyang's Proposed Decision contained no analysis or findings regarding the substantive issues raised in the SANNC. (Pressley Decl., ¶43.)

On March 30, 2012, the Commissioner rejected ALJ Owyang's Proposed Decision and referred the matter back to the OAH to convene an evidentiary hearing, take substantive evidence on the allegations in the SANNC, and issue a proposed decision on the SANNC. (Decision, p. 5, ¶8; Pressley Decl., ¶44.)<sup>7</sup> On October 30, 2012, ALJ Scarlett was assigned to preside over the proceeding. (Pressley Decl., ¶44.)

**E. January 2013 – April 2014: Consumer Watchdog Took a Lead Role in Arguing Pre-Hearing Motions, Preparing for and Presenting Evidence and Testimony at the Evidentiary Hearing, Participating in a Mediation, and Preparing Post-Hearing Briefing.**

Prior to commencing the evidentiary hearing, on January 15, 2013, ALJ Scarlett held a hearing on the outstanding 2011 pre-evidentiary hearing motions at which CWD attorneys took the lead in presenting oral argument. (Pressley Decl., ¶45.) The ALJ agreed with the positions taken by CWD in its prior briefing, denying Mercury's motions and granting CDI's Motion for Collateral Estoppel. (Decision, p. 25, ¶69; Pressley Decl., ¶45.) The ALJ's ruling conclusively established in this proceeding the *Krumme* Findings that Mercury's insurance "brokers" operated as de facto agents and that their "broker" fees were illegal. (*Ibid.*) Also, the ALJ ruled that ALJ Owyang's prior ruling that PDT was required for adverse witnesses would apply to the proceeding, but if parties were unable to obtain the adverse witness PDT, then those witnesses could be subpoenaed to appear for examination at the evidentiary hearing. (Pressley Decl., ¶45.)

Pursuant to the ALJ's ruling, in February, 2013, CWD counsel spent significant time preparing written PDT for seven Mercury and three AIS witnesses it planned to call at the hearing. (Pressley Decl., ¶46.) CWD counsel submitted the PDT to Mercury's counsel to obtain the witnesses' signatures, and, after extensive communications with Mercury's counsel, it became clear that Mercury's counsel would

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<sup>7</sup> Even though no evidence had been taken in the noncompliance proceeding, on April 19, 2012, Mercury filed a petition for writ of mandate in the trial court, seeking to vacate the Commissioner's March 30, 2012 Order and dismiss the SANNC entirely. (Decision, p. 5, ¶9; Pressley Decl., ¶44.) The trial court denied Mercury's petition. (*Ibid.*) On September 25, 2012, Mercury appealed the trial court's order. (Decision, p. 5, ¶10; Pressley Decl., ¶44.) On April 26, 2013, the Court of Appeal affirmed the trial court's denial of Mercury's petition. (*Ibid.*) Mercury then filed a Petition for Review in the Supreme Court of California, which was denied. (*Ibid.*)

1 not obtain signatures on the PDT of the 10 adverse witnesses. (*Ibid.*) After CWD made written requests  
2 to Mercury, Mercury's counsel finally agreed to produce to the witnesses for examination at the hearing  
3 in response to CWD's subpoenas as ordered by Judge Scarlett. (*Ibid.*)

4 In addition to drafting and attempting to obtain signed PDT from 10 adverse witnesses, in the two  
5 months prior to the commencement of the evidentiary hearing, CWD intensively prepared to put on its  
6 case. (Pressley Decl., ¶47.) CWD prepared its documentary evidence, including compiling over three  
7 hundred exhibits it planned to introduce at the hearing. (*Ibid.*) CWD met and conferred numerous times  
8 with Mercury's counsel over the documents the parties would stipulate to the official notice of, drafted  
9 joint stipulations on official notice and drafted requests for official notice. (*Ibid.*) Also, CWD prepared  
10 motions to strike the PDT of the two insurance "expert" witnesses Mercury planned to call at the hearing.  
11 (*Ibid.*)

12 On April 15, 2013, prior to the commencement of the evidentiary hearing, CWD counsel  
13 presented oral argument on the motions to strike the PDT of Mercury's witnesses. (Pressley Decl., ¶48.)  
14 That same day, the evidentiary hearing began and continued over 15 days, from April 15 through 19, 24  
15 through 26, and 29 through 30, and on May 1 and 6, June 5 and 20, 2013, and April 30, 2014. (Decision,  
16 p. 1; Pressley Decl., ¶48.) CWD took the lead role throughout the hearing in eliciting testimony from  
17 Mercury and AIS witnesses and developing the administrative record through voluminous exhibits that  
18 detailed Mercury's practices in charging "broker" fees, Mercury's relationship with AIS, and Mercury's  
19 compliance with the injunctions ordered by the Superior Court in *Krumme*. (Pressley Decl., ¶48.)

20 CWD devoted much time to preparing for the examination of each witness, both prior to and  
21 throughout the evidentiary hearing. (Pressley Decl., ¶49.) CWD examined four Mercury witnesses,  
22 including Mercury's CEO, Vice-President of Underwriting, Senior Vice-President of Marketing, and  
23 Vice-President of Agency Operations, and two AIS witnesses. (*Ibid.*) The examination of these  
24 witnesses took place over the majority of the 15 days of the evidentiary hearing, sometimes taking  
25 multiple days to elicit testimony from a single witness. (*Ibid.*) During the hearing, Mercury's counsel  
26 agreed to obtain PDT for two of the adverse witnesses CWD was planning on calling, and CWD drafted  
27 and obtained signed PDT from those witnesses. (*Ibid.*) In addition to the six witnesses CWD called,  
28 CWD cross-examined two of Mercury's "expert" witnesses, obtaining testimony that rebutted Mercury's

arguments regarding the legal violations at issue. (*Ibid.*)

At the same time, CWD introduced over three hundred documentary exhibits, often over the objection of Mercury. (Pressley Decl., ¶50.) CWD met and conferred with Mercury’s counsel to admit exhibits to which Mercury did not object, and drafted joint stipulations on those exhibits. (*Ibid.*) CWD took the lead role in managing and cataloging the exhibits introduced by both CWD and Mercury that were admitted during the hearing. (*Ibid.*) The detailed and thorough factual record developed solely by CWD at the evidentiary hearing established Mercury’s willfulness in violating Proposition 103, and the data supporting the \$27.5 million penalty assessed against Mercury. (*Ibid.*)

After the hearing and prior to any post-hearing briefing, CWD and the parties agreed to try and resolve the matter through mediation. (Pressley Decl., ¶51.) On August 28, 2013, CWD submitted a detailed, 21-page mediation brief to the mediator, CDI and Mercury prior to participating in a mediation with the parties on September 4, 2013. (*Ibid.*)

Because efforts to informally resolve the case did not succeed, the parties proceeded with post-hearing briefing. (Pressley Decl., ¶52.) On October 16, 2013, CWD submitted a 44-page Post-Hearing Opening Brief, briefing all of the legal and factual issues in dispute in the proceeding. (Consumer Watchdog’s Post-Hearing Opening Brief, Oct. 16, 2013 (“CWD OB”).) CWD spent significant time preparing the Post-Hearing Opening Brief, including by reviewing the transcripts of testimony from all 14 witnesses called at the hearing, reviewing the hundreds of exhibits in the administrative record and performing legal research, and summarizing the voluminous testimonial and evidentiary record and each of the legal issues. (Pressley Decl., ¶52.) In response to Mercury’s post-hearing opening brief, CWD then prepared a 25-page Post-Hearing Reply Brief, rebutting a multitude of legal and factual arguments raised by Mercury. (*Ibid.*)

CWD’s post-hearing briefs also included detailed support for the proposed financial penalty to be assessed against Mercury. (CWD OB, pp. 35-44; Pressley Decl., ¶53.) Based on the statutory penalties proscribed by the applicable statute and evidence introduced by CWD establishing that Mercury willfully charged a minimum of 183,957 illegal “broker” fees during the period covered by the SANNC, Mercury could have been assessed a penalty of over \$1.8 billion. (CWD OB, pp. 42-44; Pressley Decl., ¶53.) However, CWD reasoned that a penalty of \$100 to \$150 per “broker” fee transaction, using the number

1 of 183,957 transactions, “would lead to a substantial penalty against Mercury, but within the realm of  
2 reason. Although a penalty is not intended to be compensatory, \$100-\$150 per violation bears a  
3 reasonable relationship to the broker fees themselves.” (CWD OB, p. 44:15-18, Pressley Decl., ¶53.)  
4 Based on this reasoning, “Consumer Watchdog submit[ted] that a penalty in the range of \$20 million  
5 would serve the interests of justice.” (*Id.*, p. 44:19-20, Pressley Decl., ¶53.)

6 After the post-hearing briefing ordered by ALJ Scarlett was complete, Mercury submitted a letter  
7 “brief” on December 3, 2013 raising more arguments on due process issues. (Decision, p. 2; Pressley  
8 Decl., ¶54.) CWD spent time researching and preparing a brief addressing Mercury’s additional due  
9 process arguments, which was submitted on January 29, 2014. (Pressley Decl., ¶54.) Once the post-  
10 hearing briefing was complete and a joint stipulation on post-hearing exhibits was submitted by the  
11 parties on February 12, 2014, CWD counsel participated in a telephonic hearing with the parties on April  
12 30, 2014 and the matter was submitted for decision on that date. (*Ibid.*)

13 **F. December 2014 – February 2015: The ALJ Issued a Proposed Decision Substantially**  
14 **Relying on Consumer Watchdog’s Evidence and Legal Positions, Which the**  
15 **Commissioner Adopted as His Final Order Levying a \$27.5 Million Penalty on Mercury.**

16 On December 8, 2014, ALJ Scarlett sent the Proposed Decision to the Commissioner, and, on  
17 January 7, 2015, the Commissioner issued the Order Adopting Proposed Decision. (Order Adopting  
18 Proposed Decision, p. 1.) The Decision included extensive factual findings and legal conclusions  
19 supported by the testimony and evidence garnered and presented by CWD and consistent with the factual  
20 and legal arguments in CWD’s post-hearing briefing. (Decision, Factual Findings, pp. 5-14, ¶¶11-40; pp.  
21 21-30, ¶¶56-81; *id.*, Legal Conclusions, pp. 32-60; ¶¶7-98; CWD OB, pp. 3-18; 21-35; 35-44.)

22 For example, the Decision relies on the evidence and testimony produced and elicited by CWD in  
23 the proceeding and summarized in its briefing to support the factual findings that: prior to Proposition  
24 103, Mercury had an all-agent producer force (Decision, Factual Findings, pp. 7-8, ¶¶15-17); after  
25 Proposition 103 passed, Mercury shifted to a designated “broker” producer force (Decision, pp. 8-12,  
26 ¶¶18-33); Mercury’s designated “brokers” charged “broker” fees from 1989 through at least 2006 (*id.*,  
27 pp. 12-14, ¶¶34-40); Mercury’s rate applications submitted to CDI from 1996 through 2006 did not  
28 include the “broker” fees (*id.*, pp. 21-23, ¶¶56-64); and Mercury failed to comply with the Superior  
Court’s injunctions to stop charging the “broker” fees in *Krumme* (*Id.*, pp. 23-30, ¶¶65-68, 70-81).

1 The ALJ's Proposed Decision also relies on the legal arguments set forth by CWD in its briefing  
2 to support the legal conclusions that: Mercury's designated "brokers" were de facto agents (Decision,  
3 Legal Conclusions, pp. 32-33, ¶¶7-9); Mercury's designated "brokers" continued to act as de facto agents  
4 after the *Krumme* decision (*id.*, pp. 33-34, ¶¶10-13); Mercury's designated "brokers" charged unapproved  
5 "broker" fees which violated Sections 1861.01 and 1861.05 (*id.*, pp. 34-35, ¶14); Mercury's "broker"  
6 fees are premium and are subject to prior approval (*id.*, pp. 35-40, ¶¶16-30); Mercury is vicariously liable  
7 for the conduct of its designated "brokers" and is deemed to have constructively received the "broker"  
8 fees (*id.*, pp. 40-41, ¶¶31-32); the unapproved "broker" fees charged by Mercury's designated "brokers"  
9 were unfairly discriminatory (*id.*, pp. 41-42, ¶¶33-36); Mercury was not denied due process in this  
10 proceeding (*id.*, pp. 42-47, ¶¶37-38, 39-45, 46-50); government estoppel is not a bar to the imposition of  
11 penalties in this proceeding (*id.*, pp. 48-56, ¶¶53-78); the doctrine of laches does not apply (*id.*, pp. 56-  
12 58, ¶¶79-87); Mercury is subject to civil penalties for the violations of Sections 1861.01 and 1861.05 (*id.*,  
13 pp. 59-60, ¶¶89-92); and Mercury willfully violated the rate statutes (*id.*, pp. 60-61, ¶¶93-98).

14 Based largely on the evidence and legal analyses set forth by CWD, the Decision held:

15 From July 1, 1996, through 2006, Mercury's de facto insurance agents charged and  
16 collected unapproved 'broker fees' that constituted premium in excess of the rates  
17 approved for Mercury by the Commissioner, in violation of Insurance Code section  
18 1861.01, subdivision (c).

19 From July 1, 1996, through 2006, Mercury's de facto insurance agents charged "broker  
20 fees" of varying amounts over and above the rate or premium approved for Mercury by  
21 the Commissioner, which resulted in unfair rate discrimination, in violation of Insurance  
22 Code section 1861.05, subdivision (a).

23 Mercury shall be assessed a civil penalty in the amount of \$27,593,550, pursuant to  
24 Insurance Code section 1858.07, subdivision (a).

25 (Decision, p. 62.) On February 6, 2015, the Commissioner's Order became final. (Pressley Decl., ¶56.)

#### 26 **IV. CONSUMER WATCHDOG SHOULD BE AWARDED THE REQUESTED** 27 **COMPENSATION.**

##### 28 **A. Consumer Watchdog Made a Substantial Contribution to the Commissioner's Final Order.**

Proposition 103 provides for awards of advocacy and witness fees and expenses for persons who represent the interests of consumers and who make a "substantial contribution" to decisions or orders by

1 the Commissioner or a court. Insurance Code §1861.10(b) states: “The commissioner or a court *shall*  
2 award reasonable advocacy and witness fees and expenses to any person who demonstrates that (1) the  
3 person represents the interests of consumers, and, (2) that he or she has made a substantial contribution to  
4 the adoption of any order, regulation or decision by the commissioner or a court.” (Emphasis added.)  
5 This provision allows insurance consumers the possibility of having their interests represented on an  
6 equal basis with the interests of insurers, and also facilitates consumer participation in the enforcement of  
7 Proposition 103. (See *Economic Empowerment Foundation v. Quackenbush* (1997) 57 Cal.App.4th 677,  
8 686 (the purpose of intervenor fees is to encourage consumer participation).) When the statutory criteria  
9 are met, an award of reasonable advocacy fees and expenses is mandatory. (See Ins. Code §1861.10(b)  
10 (“the commissioner or a court *shall* award reasonable advocacy and witness fees . . .”) (emphasis  
11 added).) Moreover, section 1861.10(b) should be applied in a manner “which best facilitates  
12 compensation.” (*Economic Empowerment Foundation, supra*, 57 Cal.App.4th at 686.)

13 The requisite “substantial contribution” that must be made to qualify for an award is defined in  
14 the intervenor regulations as follows:

15 “Substantial Contribution” means that the intervenor substantially contributed, as a  
16 whole, to a decision, order, regulation, or other action of the Commissioner by  
17 presenting relevant issues, evidence, or arguments which were separate and distinct  
18 from those emphasized by the Department of Insurance staff or any other party, such  
19 that the intervenor’s participation resulted in more credible, and non-frivolous  
20 information being available for the Commissioner to make his or her decision than  
21 would have been available to a Commissioner had the intervenor not participated.  
(10 CCR § 2661.1(j).)

22 There can be no doubt that the tremendous amount of work CWD’s counsel committed to this  
23 proceeding meets this standard. It was clear from the initiation of this proceeding that Mercury intended  
24 to litigate against the Department’s allegations very aggressively and to make every effort to prevent the  
25 proceeding from progressing to an evidentiary hearing and defeat the Department’s enforcement. By  
26 joining as an Intervenor and by associating outside counsel who litigated two related civil proceedings  
27 and with substantial experience in complex litigation, CWD brought the additional resources necessary to  
28 confront Mercury’s litigation tactics head on, consistently, throughout the proceedings, so that consumers  
had an equal voice at every stage of the proceedings.

The detailed summary of this proceeding presented above, the accompanying Pressley

1 Declaration, and the record in this proceeding makes clear that CWD presented relevant issues and  
2 arguments that were separate and distinct from those presented by the Department. Among other things:  
3 (1) CWD's briefs on the pre-hearing procedural issues requested by the ALJ and on pre-hearing motions  
4 of the parties presented issues and argument that were separate and distinct from the Department's; and  
5 (2) CWD presented witness testimony and documentary evidence at the evidentiary hearing that were  
6 separate and distinct from the Department; and (3) CWD's post-hearing briefing presented factual and  
7 legal argument that was separate and distinct from the Department including establishing that Mercury's  
8 violations were willful and the basis for the penalty amount assessed against Mercury. (See Pressley  
9 Decl., ¶¶33-56.)

10 As a result of CWD's participation, the Commissioner had more credible, and non-frivolous  
11 information available to make his decision in this matter than if CWD had not participated. CWD's  
12 substantial contribution in this proceeding and to the Commissioner's Decision approving the historic  
13 \$27.5 million penalty against Mercury, as detailed in section III above and in the accompanying  
14 Pressley Declaration and further evidenced by the record in this matter, is demonstrated by at least the  
15 following:

- 16 ➤ CWD took a lead role in briefing and arguing several rounds of pre-hearing motions in 2009,  
17 2011, and 2013, including Mercury's motion in limine, motion for a protective order, motions for  
18 summary disposition without a hearing, and governmental estoppel/laches motion, the  
19 Department's collateral estoppel motion, numerous request for official notice by all parties, and  
20 briefing on procedural issues as ordered by the ALJ;
- 21 ➤ CWD played a lead role in developing an extensive evidentiary record through the cross-  
22 examination of six current and former Mercury and AIS employees subpoenaed by CWD, the  
23 preparation of the admitted PDT of an additional two current AIS employees, and the presentation  
24 of over 300 exhibits, which led to findings and conclusions in the final Decision establishing  
25 Mercury's willfulness in violating Proposition 103.
- 26 ➤ CWD took the lead in cross-examining Mercury's two expert witnesses on their testimony on  
27 Prop 103 rate and premium issues.
- 28 ➤ CWD prepared a 44-page Post-Hearing Opening Brief and a 25-page Post-Hearing Reply Brief,



1 briefing all of the legal and factual issues in dispute, including detailed support for the proposed  
2 financial penalty ultimately assessed against Mercury.

- 3 ➤ The core factual and legal conclusions contained in the ALJ's Proposed Decision adopted by the  
4 Commissioner are directly supported by the evidence and legal briefing presented by CWD,  
5 including the findings and conclusions that Mercury's illegal broker fees were unapproved and  
6 unfairly discriminatory in violation of the rate statutes, that Mercury's illegal acts were wilful,  
7 and that it engaged in over 180,000 illegal acts, thus providing the basis for the historic \$27.5  
8 million penalty assessed against Mercury.

9 **B. Consumer Watchdog's Requested Fees and Expenses are Reasonable.**

10 As is set forth above, CWD requests a total award of \$1,480,676.25 in attorneys' fees, and  
11 \$29,883.40 in expenses. The requested award, including the total hours of work performed and the  
12 hourly rates of each attorney, for CWD's counsel, and for outside counsel Arthur D. Levy, is summarized  
13 in the attached Exhibit A, "Summary of Attorneys' Fees and Expenses." Insurance Code section  
14 1861.10, subdivision (b), requires an award of all "reasonable advocacy and witness fees" once the  
15 requirements of the statute are met, including making a substantial contribution. The lengthy procedural  
16 history of this matter as set forth above and in the accompanying Declaration of Pamela Pressley  
17 demonstrate the reasonableness of the compensation requested in light of the amount of work performed.

18 The specific tasks performed by all attorneys and other billing personnel on behalf of CWD are  
19 set forth in detailed time records submitted as Exhibits to the accompanying Declarations of Pamela  
20 Pressley and Arthur D. Levy. (See Pressley Decl., Exh. 1a; Levy Decl., Exhs. A-B.) As is set forth in the  
21 Pressley and Levy Declarations, these time records were maintained contemporaneously, and reflect the  
22 actual time spent and actual work performed, billed to the tenth of an hour, by all billing attorneys,  
23 paralegals and other billable personnel. (Pressley Decl., ¶27; Levy Decl., ¶17.) In preparing their  
24 respective time records for this submission, CWD counsel and Mr. Levy and his associate exercised  
25 billing judgment and eliminated time entries where appropriate. (*Ibid.*) CWD submits that the time  
26 expended and work performed in the proceeding, as reflected in the time records, was reasonable and  
27 appropriate, and the minimum required to achieve the result obtained. (*Ibid.*)

28 The 2015 hourly rates set forth in the attached Exhibit A are also reasonable and consistent with

1 prevailing market rates. The intervenor regulations specify, “[t]he compensation awarded *shall equal the*  
2 *market rate* of the services provided.” (10 CCR § 2662.6(b), emphasis added.) “Market rate” is defined  
3 as the “prevailing rate for comparable services in the private sector in the Los Angeles and San Francisco  
4 Bay Areas *at the time of the Commissioner’s decision awarding compensation for attorney advocates,*  
5 non-attorney advocates, or experts with similar experience, skill and ability.” (10 CCR § 2661.1(c)(1),  
6 emphasis added.) The decision awarding compensation in this proceeding will be issued in 2015, and  
7 accordingly, the requested rates are the established rates for 2015 for CWD and its outside counsel,  
8 Arthur D. Levy.

9 The qualifications and experience of CWD’s legal staff who performed work in this matter,  
10 Pamela Pressley, Harvey Rosenfield, Todd Foreman, and Laura Antonini, are summarized in the Pressley  
11 Declaration. (Pressley Decl., ¶¶9-11, 13-16, 18-21, 23-25.) The 2015 hourly rates of CWD’s attorneys  
12 are consistent, if not less than, the prevailing market rates for attorneys of comparable skills and  
13 experience in the Los Angeles and San Francisco Bay Areas. (Pressley Decl., ¶¶12, 17, 22, 26; see also  
14 *id.*, Exh. 2.)

15 Mr. Levy’s qualifications and experience are summarized in the Levy Declaration. (Levy Decl.,  
16 ¶¶1-14.) The hourly rate for Mr. Levy is below prevailing market rates for attorneys of comparable  
17 skills, experience and qualifications in the San Francisco Bay Area. (Levy Decl., ¶¶19 - 20)

18 The accompanying Declaration of Richard M. Pearl (“Pearl Decl.”) also confirms that the  
19 requested rates for CWD’s counsel and Mr. Levy and his associate and paralegal are consistent with  
20 prevailing market rates. Mr. Pearl is a recognized expert on attorneys’ fees issues under California law.  
21 (Pearl Decl., ¶¶3-7.) The Pearl Declaration shows that CWD counsel’s 2015 rates, and Arthur D. Levy  
22 and his associate and paralegal’s 2015 rates, are well within the range of, but *lower* than many of, the  
23 non-contingent rates charged by California attorneys in the San Francisco Bay and Los Angeles areas of  
24 equivalent experience, skill, and expertise for comparable services. (See *id.*, ¶¶8-14.)

25 This Request also includes the time expended preparing the instant Request for Compensation.  
26 This is also reasonable because the regulations permit reimbursement for preparation of a request for an  
27 award of compensation. (10 CCR § 2661.1(d).) Preparing such a request requires the intervenor to  
28 perform a comprehensive review of the record, review the regulations, cite to the record in this

1 proceeding, review billing and expense records, and prepare the request and supporting documents.

2 Finally, the expenses incurred and requested by CWD, in the amount of \$29,883.40, as  
3 summarized in the Pressley Declaration (at ¶28) and Levy Declaration (¶21), are reasonable and  
4 appropriate given the length of the proceeding and substantial work involved. Proposition 103 and the  
5 intervenor regulations provide for the award of such reasonable expenses. (Ins. Code § 1861.10(b); 10  
6 CCR § 2662.1(d) [defining “Other Expenses” to include, but not be limited to “travel costs, transcript  
7 charges, postage charges, overnight delivery charges, telephone charge and copying expenses”].)

8 **V. CONCLUSION**

9 Accordingly, based on the demonstration of Consumer Watchdog’s substantial contribution to the  
10 Commissioner’s final Decision assessing the historic \$27.5 million penalty against Mercury for its willful  
11 violations of Proposition 103, the Commissioner should grant Consumer Watchdog’s Request in the total  
12 amount of \$1,510,559.65.

13  
14 Dated: March 3, 2015

Respectfully Submitted,

15 Harvey Rosenfield  
16 Pamela Pressley  
17 Laura Antonini  
CONSUMER WATCHDOG

18 Arthur D. Levy

19  
20 BY:

  
21 Pamela Pressley  
22 Attorneys for Intervenor CONSUMER WATCHDOG  
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## **EXHIBIT A**

## EXHIBIT A

### SUMMARY OF FEES AND EXPENSES

CDI File No.: NC-03027545

OAH No.: N2006040185

#### ITEMS

#### COST

1. CWD's Attorney Fees and Expenses

Harvey Rosenfield @ \$675 per hour, 158.3 hours .....\$106,852.50

Pamela Pressley @ \$575 per hour, 965.5 hours .....\$555,162.50

Todd Foreman @ \$475 per hour, 148.7 hours.....\$70,632.50

Laura Antonini @ \$350 per hour, 809.6 hours.....\$283,360.00

CWD Expenses (summarized in Pressley Decl., ¶28).....\$15,568.39

**CWD Fees and Expenses Subtotal .....\$1,031,575.89**

2. Co-Counsel Arthur D. Levy's Attorney Fees and Expenses

Arthur D. Levy @ \$700 per hour, 617.6 hours .....\$432,320.00

Erica Craven @ \$475 per hour, 50.9 hours .....\$24,177.50

Maria Lopez (paralegal) @ \$125 per hour, 65.37 hours .....\$8,171.25

Arthur D. Levy Expenses (summarized in Levy Decl., ¶21) .....\$14,315.01

**Arthur D. Levy Fees and Expense Subtotal .....\$478,983.76**

**TOTAL FEES AND EXPENSES:**

**\$1,510,559.65**

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**PROOF OF SERVICE**  
**[BY OVERNIGHT OR U.S. MAIL, FAX TRANSMISSION,**  
**EMAIL TRANSMISSION AND/OR PERSONAL SERVICE]**

**State of California, City of Santa Monica, County of Los Angeles**

I am employed in the City of Santa Monica and County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action. My business address is 2701 Ocean Park Blvd., Suite #112, Santa Monica, California 90405, and I am employed in the city and county where this service is occurring.

On March 3, 2015, I caused service of true and correct copies of the document entitled

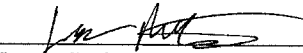
**CONSUMER WATCHDOG'S REQUEST FOR COMPENSATION**

upon the persons named in the attached service list, in the following manner:

1. If marked FAX SERVICE, by facsimile transmission this date to the FAX number stated to the person(s) named.
2. If marked EMAIL, by electronic mail transmission this date to the email address stated.
3. If marked U.S. MAIL or OVERNIGHT or HAND DELIVERED, by placing this date for collection for regular or overnight mailing true copies of the within document in sealed envelopes, addressed to each of the persons so listed. I am readily familiar with the regular practice of collection and processing of correspondence for mailing of U.S. Mail and for sending of Overnight mail. If mailed by U.S. Mail, these envelopes would be deposited this day in the ordinary course of business with the U.S. Postal Service. If mailed Overnight, these envelopes would be deposited this day in a box or other facility regularly maintained by the express service carrier, or delivered this day to an authorized courier or driver authorized by the express service carrier to receive documents, in the ordinary course of business, fully prepaid.

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

Executed on March 3, 2015, at Santa Monica, California.

  
\_\_\_\_\_  
Jason Roberts

**Person Served****Method of Service**

Edward Wu  
Public Advisor  
Office of the Public Advisor  
California Department of Insurance  
300 South Spring Street, 12<sup>th</sup> Floor  
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10 pam@consumerwatchdog.org  
11 laura@consumerwatchdog.org

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16 Tel. (415) 702-4550  
17 Fax (415) 814-4080

18 Attorneys for Intervenor  
19 CONSUMER WATCHDOG

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BEFORE THE INSURANCE COMMISSIONER  
OF THE STATE OF CALIFORNIA

In the Matter of:

MERCURY INSURANCE COMPANY;  
MERCURY CASUALTY COMPANY;  
and CALIFORNIA AUTOMOBILE  
INSURANCE COMPANY,

Respondents.

CDI File No.: NC-03027545  
OAH No.: N2006040185

**DECLARATION OF PAMELA PRESSLEY  
IN SUPPORT OF CONSUMER  
WATCHDOG'S REQUEST FOR  
COMPENSATION**



1 I, Pamela Pressley, declare:

2 1. I am over eighteen years of age and the Litigation Director for Intervenor in this matter,  
3 Consumer Watchdog (“CWD”). This declaration is submitted in support of CWD’s Request for  
4 Compensation in the above-captioned matter. I have personal knowledge of the matters set forth herein,  
5 and if called as a witness, I could and would testify competently to the facts stated herein.

6 2. Consumer Watchdog is a non-profit, tax-exempt consumer research, education, litigation,  
7 and advocacy organization. CWD advocates on behalf of consumers before regulatory agencies, the  
8 Legislature and the courts.

9 **Consumer Watchdog’s Billed Hours Are Reasonable and in Compliance with the Regulations.**

10 3. Attached as Exhibit 1a are true and correct printouts of detailed time billing reports  
11 showing the tasks performed and hours expended by each CWD attorney in this matter, including Pamela  
12 Pressley, Harvey Rosenfield, Todd Foreman, and Laura Antonini.<sup>1</sup>

13 4. As a non-profit, public interest organization, Consumer Watchdog conducts its education  
14 and advocacy efforts as a public interest service. Therefore, consistent with the decisions of the  
15 California Supreme Court and the United States Supreme Court and the intervenor regulations applicable  
16 to this proceeding (see 10 CCR § 2661.1(c)), CWD’s policy is to seek prevailing market rates in all fee  
17 award applications. CWD has consistently been awarded prevailing market hourly rates in fee awards and  
18 negotiations.

19 5. I have reviewed CWD’s time billing records and believe that the hours and fees listed were  
20 necessary and reasonable. In preparing their respective time records for this submission, CWD’s  
21 attorneys exercised billing judgment and eliminated time entries where appropriate. The time expended  
22 and work performed in the proceeding, as reflected in the time records, was reasonable and appropriate,  
23 and the minimum required to achieve the result obtained.

24 6. Based upon CWD’s time billing reports attached hereto as Exhibit 1a, CWD’s attorneys  
25 have incurred 2,082.1 hours in this matter through March 3, 2015. The billing reports detail the tasks

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26 <sup>1</sup> Pursuant to a prior request of the Public Advisor, I have also included a list of all persons identified in  
27 the billing reports as Exhibit 1b.

1 performed, are based on contemporaneous daily time records maintained by CWD's attorneys and  
2 paralegal, and are billed in tenth of an hour increments.

3         7.       The 2015 hourly rates sought by CWD for its attorneys and paralegal are: \$675 for Harvey  
4 Rosenfield, \$575 for Pamela Pressley, \$475 for Todd Foreman, and \$350 for Laura Antonini. The hourly  
5 rates for CWD's attorneys who worked on this matter are consistent with the prevailing market rates for  
6 attorneys of similar experience, qualifications, and expertise in insurance regulatory law. CWD arrived at  
7 these hourly rates based on the experience and qualifications of its attorneys, information obtained from  
8 other attorneys working at several reputable law firms in Los Angeles and San Francisco, the opinion of  
9 attorneys' fees expert Richard M. Pearl, and historical rates awarded or paid for CWD's attorneys'  
10 professional services in civil and administrative proceedings. Mr. Pearl is a recognized expert on  
11 attorneys' fees issues in the California market.<sup>2</sup> His declaration, concurrently filed herewith, evidences  
12 the reasonableness of CWD's 2013 hourly rates. (See Declaration of Richard M. Pearl in Support of  
13 Consumer Watchdog's Request for Compensation (" Pearl Decl."), *passim*.) In his declaration Mr. Pearl  
14 concludes that CWD's 2015 rates are "eminently reasonable in light of the information I have gathered as  
15 an attorneys' fees specialist" (*id.* at ¶8) and "well within the range of, but lower than many of, the non-  
16 contingent market rates charged by San Francisco Bay and Los Angeles area attorneys of reasonably  
17 comparable experience, skill, and expertise for reasonably comparable services" (*ibid.*). Mr. Pearl's  
18 declaration contains extensive details on attorneys' fees and shows that CWD's 2015 rates are well within  
19 the range of rates charged by attorneys with similar experience level and skill.

20         8.       In this matter, CWD counsel carefully allocated tasks with co-counsel Arthur D. Levy and  
21 his associate, with Mr. Levy having primary responsibility for conducting the evidentiary hearing portion  
22 of the case and CWD attorneys having primary responsibility for all legal briefing and oral argument on  
23 Proposition 103 issues.<sup>3</sup> CWD's attorneys performed the following general tasks:

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25 <sup>2</sup> Richard M. Pearl is the author of the Continuing Education of the Bar's treatise on attorneys' fees in  
26 California. Mr. Pearl's resume is attached as Exh. A to the supporting Declaration of Richard M. Pearl.  
27 <sup>3</sup> See accompanying Declaration of Arthur D. Levy for a description of the work performed by Mr. Levy,  
28 his associate, and paralegal.

- Conferred regarding overall strategy and positions;
- Drafted, reviewed and edited CWD's Petition to Intervene, and Notice of Intent to Seek Compensation;
- Participated in all hearings and conferences ordered by the Administrative Law Judge ("ALJ") and requested by the Parties;
- Reviewed, drafted and edited all of CWD's motions and briefing in response to Mercury's numerous motions and as ordered by the ALJ, conducted legal research, and took the lead role in oral argument regarding the same;
- Conferred with co-counsel regarding the presentation of CWD's evidence through the oral testimony of Mercury and AIS employees and voluminous exhibits;
- Prepared and updated exhibit and witness lists throughout the proceeding;
- Prepared numerous requests for official notice;
- Conferred with Mercury and CDI and prepared numerous joint stipulations regarding the exhibits to which the parties could stipulate to the admission and official notice of;
- Reviewed Mercury's pre-filed direct testimony and exhibits, and prepared and argued a successful motion to strike portions thereof
- Cross-examined Mercury's two expert witnesses;
- Participated in strategy conferences in preparation for informal discussions with the CDI and settlement discussions and mediations with all parties;
- Took the lead role in drafting CWD's post-hearing opening and reply briefs, and response to Mercury's sur-reply brief.
- Reviewed and edited time billing records; and
- Drafted, reviewed, and edited CWD's Request for Compensation, including supporting declarations and documents.

Pamela Pressley

9. I am Consumer Watchdog's lead staff attorney and Litigation Project Director with 19 years professional experience advocating on behalf of consumers. For the past fifteen years, my legal

1 work with CWD has focused primarily on insurance regulatory and litigation matters before the  
2 California Department of Insurance (“CDI”) and the courts, and particularly on the enforcement and  
3 implementation of Proposition 103. Examples include:

4 a. *Mercury Casualty Company v. Dave Jones In His Official Capacity as the Insurance*  
5 *Commissioner of the State of California* (Super. Ct. Sacramento County, 2015, No. 34-2013-80001426-  
6 CU-WM-GDS), in which I served as lead counsel representing CWD as Intervenor to successfully defend  
7 against petitions for writ of mandate by Mercury and insurance trade associations seeking to vacate the  
8 Commissioner’s decision ordering Mercury to lower its homeowner rates and challenging the  
9 Commissioner’s application and interpretation of regulations relating to the standard and process for  
10 obtaining a confiscation variance and limiting the amount of institutional advertising that insurers may  
11 include in their premium calculations.

12 b. *Association of California Insurance Companies v. Poizner* (2009) 180 Cal.App.4th 1029,  
13 in which I served as lead counsel representing CWD as Intervenor to successfully defend against a  
14 petition for writ of mandate by insurance trade associations seeking to invalidate the Commissioner’s  
15 amendments to the intervenor regulations clarifying the scope of a rate proceeding.

16 c. *Allstate Insurance Co. v. Poizner* (Super. Ct. S.F. County, 2008, No. CPF-08-50821) in  
17 which I served as lead counsel representing CWD as Intervenor to successfully defend against Allstate’s  
18 petition for a stay of the Commissioner’s order requiring Allstate to lower its private passenger auto  
19 insurance rates by 15.9%, and serving as supervising counsel in the rate proceeding that led to that rate  
20 decrease order, *In the Matter of the Rate Application of Allstate Insurance Co. and Allstate Indemnity Co.*,  
21 File No. 2007-00004 (Cal. Ins. Comm’r, Mar. 14, 2008).

22 d. *American Insurance Association v. Garamendi and California Farm Bureau Federation v.*  
23 *Garamendi* (Super. Ct. Sacramento County, 2007, Nos. 06AS03053 and 06AS03036 (consolidated)) in  
24 which I served as lead counsel representing CWD as an intervenor in a successful motion for summary  
25 judgment against insurer plaintiffs upholding the Insurance Commissioner’s regulations (see paragraph  
26 (f), below) enforcing Insurance Code section 1861.02(a), which requires that automobile insurance  
27 premiums be based primarily on one’s driving safety record, and not where one lives.

28 e. A successful writ of mandate action to invalidate an insurer-sponsored amendment to

1 Proposition 103 that purported to allow a rating factor based on prior insurance with any carrier in  
2 violation of Insurance Code section 1861.02(c) (*The Foundation for Taxpayer and Consumer Rights v.*  
3 *Garamendi* (2005) 132 Cal.App.4th 1354). In that proceeding, I participated in overall strategy  
4 discussions, drafted and edited pleadings and the appellate brief, performed legal research, appeared at all  
5 court hearings, and argued the case before the Court of Appeal, among other tasks.

6 f. Class action and representative lawsuits to enforce Insurance Code section 1861.02(c)'s  
7 prohibition against surcharging motorists with an absence of prior insurance (*Proposition 103*  
8 *Enforcement Project v. GEICO*, Case No. BC266220; *Proposition 103 Enforcement Project v.*  
9 *Interinsurance Exchange of the Automobile Club*, Case No. BC266218; *Landers v. Interinsurance*  
10 *Exchange of the Automobile Club*, Case No. JCCP No. 4438; and *Donabedian v. Mercury Ins. Co.* (2004)  
11 116 Cal.App.4th 968), which resulted in a settlements that required the insurers to make refunds to  
12 affected auto policyholders.

13 g. *Mitchell v. Allstate Ins. Co.* (Super. Ct. L.A. County, 2003, No. BC212492) in which I  
14 drafted all CWD pleadings submitted to the Court and the Department of Insurance and made court  
15 appearances on CWD's behalf, successfully objecting to the class action settlement.

16 h. The appeal in writ of mandate challenge to a regulation promulgated by Insurance  
17 Commissioner Quackenbush, which authorized insurers to use ZIP code as the primary determinant of  
18 automobile insurance premiums in violation of Insurance Code section 1861.02(a). (*Spanish Speaking*  
19 *Citizens Foundation v. Low* (2000) 85 Cal.App.4th 1179.)

20 i. A successful writ of mandate action against former Insurance Commissioner Quackenbush  
21 to require that the Commissioner not approve any insurer's rate application prior to the expiration of the  
22 45-day period in which a consumer may petition for a rate hearing as required by Insurance Code section  
23 1861.05. (*Proposition 103 Enforcement Project v. Chuck Quackenbush* (Super. Ct. L.A. County, 1999,  
24 No. BC202283).)

25 j. Two successful noncompliance proceedings, including the instant matter, *In the Matter of*  
26 *Mercury Insurance Company, Mercury Casualty Company, and California Automobile Insurance*  
27 *Company* (Cal. Ins. Comm'r, Feb. 6, 2015), in which I represented CWD as intervenor, resulting in a  
28

1 \$27.5 million penalty against Mercury for its illegal brokers fees charges; and *In the Matter of the Rates,*  
2 *Rating Plans, or Rating Systems of Farmers Insurance Exchange; Fire Insurance Exchange; Mid-Century*  
3 *Insurance Company* (Cal. Ins. Comm'r, Aug. 8, 2007) in which I served as CWD's lead counsel  
4 representing CWD as Intervenor in a noncompliance administrative proceeding against Farmers  
5 Insurance, alleging that the company had been misapplying its own rating guidelines to overcharge certain  
6 homeowners policyholders based on the number of claims they made or how far they live from a fire  
7 hydrant, resulting in a settlement under which Farmers refunded its policyholders \$1.4 million for the  
8 overcharges, was ordered to pay a \$2 million penalty to the CDI, will use rating practices that comply  
9 with the law, had to review its computer data to find and refund any other policyholders that were  
10 overcharged, and was subject to another review of its practices in 2008.

11 k. Successful rate challenges before the CDI to insurers' earthquake and homeowners rate  
12 hikes in which I served as lead or co-lead counsel for CWD, resulting in combined savings of over \$790  
13 million, including PA-04041210, PA-2007-00008, and PA-2007-00019, regarding the earthquake  
14 insurance rates of Safeco, GeoVera, and Fireman's Fund; and PA06093080, PA06093078,  
15 PA06092759/PA-2006-00016, PA-2006-00006, and PA-2007-00017, regarding the homeowners rates of  
16 Safeco, Fire Insurance Exchange, State Farm, Allstate, and Fireman's Fund.

17 l. Numerous other successful challenges to automobile, homeowners, and medical  
18 malpractice insurers' rate applications, including *In the Matter of the Rates and Rate Applications of*  
19 *United Services Automobile Association, Garrison Property and Casualty Insurance Company and USAA*  
20 *General Insurance Company*, PA-2013-00009, PA-2013-00009 and PA-2013-00010 (Ins. Comm'r 2014),  
21 resulting in an annual savings of \$40.5 million in homeowners insurance premiums; *In the Matter of the*  
22 *Rate Application of State Farm General Insurance Company*, PA-2013-00012 (Ins. Comm'r 2014),  
23 resulting in \$86 million in savings for annual homeowners insurance premiums; *In the Matter of the Rate*  
24 *Application of Mercury Casualty Company*, PA-2013-00004 (Ins. Comm'r 2013), resulting in over \$11  
25 million of savings pre year in homeowners insurance premiums; *In the Matter of the Rate Application of*  
26 *Allstate Insurance Company, Allstate Indemnity Company, and Northbrook Indemnity Company*, PA-  
27 2013-00003 (Ins. Comm'r 2013), resulting in over \$92 million in savings per year in auto insurance  
28

1 premiums; *In the Matter of the Rates and Rating Plan Application of GEICO Indemnity Company,*  
2 *GEICO General Insurance Company and Government Employees Insurance Company, PA-2013-00002*  
3 *(Ins. Comm'r 2013), resulting in a savings of \$9.4 million in annual auto insurance premiums; In the*  
4 *Matter of the Rate Application of Progressive West Insurance Company, PA-2012-00008 (Ins. Comm'r*  
5 *2013), resulting in savings of almost \$1.5 million in annual auto insurance premiums; In the Matter of the*  
6 *Rate Application of Coast National Insurance Company, PA-2012-00007 (Cal. Ins. Comm'r 2013),*  
7 *resulting in \$10.9 million in annual auto insurance premium savings; In the Matter of the Rate*  
8 *Applications of State Farm Mutual Automobile Company, PA-2012-00006 (Cal. Ins. Comm'r 2013),*  
9 *resulting in auto insurance premium savings of \$69 million per year; In the Matter of the Rate Application*  
10 *of Mercury Casualty Company, PA-2009-00009 (Cal. Ins. Comm'r 2013), resulting in savings of over*  
11 *\$16 million per year in homeowners insurance premiums; In the Matter of the Rate Application of State*  
12 *Farm General Insurance Company, PA-2011-00010 (Cal. Ins. Comm'r 2013), resulting in savings of over*  
13 *\$157 million per year in homeowners insurance premiums; In the Matter of the Rate Application of*  
14 *Interinsurance Exchange of the Automobile Club, PA-2012-00009 (Cal. Ins. Comm'r 2013), resulting in*  
15 *annual auto insurance premium savings of \$70 million; In the Matter of the Rate Applications of Farmers*  
16 *Insurance Exchange, Mid-Century Insurance Company, and Truck Insurance Exchange, PA-2012-00011*  
17 *(Ins. Comm'r 2012) , resulting in savings of \$46 million in annual auto insurance premiums; In the Matter*  
18 *of the Rate Application of Federal Insurance Company, et al., PA-2012-00002 (Cal. Ins. Comm'r 2012),*  
19 *resulting in savings of over \$4.2 million per year in earthquake insurance premiums; In the Matter of the*  
20 *Rate Application of Chartis Property and Casualty, PA-2011-000015 (Cal. Ins. Comm'r, 2012), resulting*  
21 *in savings of over \$7.6 million per year in earthquake insurance premiums; In the Matter of the Rate*  
22 *Application of NORCAL Mutual Insurance Co., PA-2011-00007 (Cal. Ins. Comm'r, 2012), resulting in*  
23 *savings of \$2.8 million per year in medical malpractice insurance premiums; In the Matter of the Rate*  
24 *Application of The Doctors Company, PA-2011-00006 (Cal. Ins. Comm'r, 2012), resulting in savings of*  
25 *\$5.6 million per year in medical malpractice insurance premiums; In the Matter of the Rates of California*  
26 *State Automobile Association Inter-Insurance Bureau, PA-2010-00014 (Cal. Ins. Comm'r, 2012),*  
27 *resulting in annual homeowners insurance premium savings of \$52 million; In the Matter of the Rate*  
28

1 *Application of Medical Protective Company*, PA-2011-00008 (Cal. Ins. Comm'r, 2011), resulting in  
2 annual premium savings of \$2.5 million; *In the Matter of the Rate Application of Explorer Ins. Co.*, PA-  
3 2007-00013 (Cal. Ins. Comm'r, 2008), resulting in annual auto insurance premium savings of \$8.2  
4 million; *In the Matter of the Rate Application of the Medical Protective Company*, PA-05045074 (Cal.  
5 Ins. Comm'r, 2005), resulting in savings of \$2 million per year in medical malpractice insurance  
6 premiums; *In the Matter of the Rate Application of American Casualty Company*, File No. PA-04039736  
7 (Cal. Ins. Comm'r, 2005), resulting in savings of \$1.6 million per year in medical malpractice insurance  
8 premiums; *In the Matter of the Rate Application of Medical Protective Company*, PA-04036735 (Cal. Ins.  
9 Comm'r, 2004), resulting in savings of \$3.9 million per year in medical malpractice insurance premiums;  
10 *SCPIE Indemnity Co.* ("SCPIE"); PA-02025379 (Cal. Ins. Comm'r, 2004), resulting in savings of \$23  
11 million per year in medical malpractice insurance premiums; and *In the Matter of the Rate Application of:*  
12 *NORCAL Mutual Insurance Co.*, PA 03032128 (Cal. Ins. Comm'r, 2003), resulting in savings of \$11.6  
13 million per year in medical malpractice insurance premiums. In these proceedings, I was responsible for  
14 overall strategy, briefing, communication with expert witnesses and parties, discovery, and settlement  
15 negotiations, among other tasks.

16 m. Several rulemaking proceedings implementing Proposition 103's prior approval and  
17 automobile rating factor requirements including: (1) the Mileage Verification rulemaking matter (RH-  
18 06091489) implementing amendments to the Automobile Rating Factors regulations to provide  
19 requirements for verified mileage programs; (2) the Prior Approval rulemaking matter (RH-05042749)  
20 adopting, among other amendments, the generic determinations included in the prior approval ratemaking  
21 formula pertaining to profit and expense provisions; (3) the Automobile Rating Factors rulemaking matter  
22 (RH-03029826, Cal. Dept. of Ins., June 2, 2005) in which CWD and other groups successfully petitioned  
23 for and the Commissioner adopted amendments to section 2632.8 of title 10 of the California Code of  
24 Regulations requiring that insurers base automobile insurance premiums primarily on how one drives and  
25 not on other optional factors such as zip code and marital status as required by Insurance Code section  
26 1861.02(a); (4) the Persistency Rulemaking matter (*Persistency Rulemaking*, RH-402 (Cal. Dept. of Ins.  
27 April 18, 2003)); and (5) a rulemaking matter adopting regulations to prevent insurers from requiring that  
28



1 motorists show proof of prior insurance to verify their accident record in violation of Insurance Code  
2 section 1861.02(c) (*Accident Verification Rulemaking*, RH 01015532 (Cal. Dept. of Ins. September 3,  
3 2003)), among others. In these proceedings, I acted as CWD's lead counsel, participating in all strategy  
4 discussions, workshops, and preparing and presenting written and oral testimony at hearings, among other  
5 tasks.

6 10. I have also served as CWD's lead counsel in matters involving issues of first impression  
7 before the courts in which I was primarily responsible for litigating the matters through trial and on  
8 appeal.

9 11. Prior to my employment with CWD, I served for two years as CALPIRG's lead consumer  
10 attorney and for one year as a staff attorney for The Center for Law in the Public Interest in Los Angeles  
11 litigating in the areas of civil rights, justice, and consumer issues. I am a 1995 graduate of Pepperdine  
12 University School of Law and was admitted to the California State Bar in November 1995.

13 12. I am informed through the Pearl Declaration and conversations with attorneys in the Los  
14 Angeles and San Francisco Bay Areas discussing their billing rates that a \$575 per hour is a very  
15 reasonable rate in 2015 for the professional services of an attorney with experience and qualifications  
16 comparable to mine.

17 Harvey Rosenfield

18 13. Harvey Rosenfield is an attorney with 36 years experience in insurance regulatory and  
19 litigation matters, counsel to and founder of CWD, and the author and proponent of Proposition 103. He  
20 has participated in every major lawsuit to enforce the initiative's provisions, including, *Calfarm Ins. Co.*  
21 *v. Deukmejian* (1989) 48 Cal.3d 805, *20th Century Ins. Co. v. Garamendi* (1994) 8 Cal.4th 216, *Amwest*  
22 *Surety Ins. Co. v. Wilson* (1995) 11 Cal.4th 1243, *Proposition 103 Enforcement Project v. Quackenbush*  
23 (1998) 64 Cal.App.4th 1473, *Donabedian v. Mercury Ins. Co.* (2004) 116 Cal.App.4th 968, *The*  
24 *Foundation for Taxpayer and Consumer Rights v. Garamendi* (2005) 132 Cal.App.4th 1354, and  
25 *Association of California Insurance Companies v. Poizner* (2009) 180 Cal.App.4th 1029, among others.

26 14. Mr. Rosenfield has also acted in the capacity of supervising attorney to provide his  
27 considerable expertise as the author and lead proponent of Proposition 103 in numerous other insurance  
28

1 matters before the courts and the California Department of Insurance (“CDI”) since the passage of the  
2 measure by the voters in 1988. These include:

3 a. *American Insurance Association, et al v. Garamendi and California Farm Bureau*  
4 *Federation v. Garamendi* (Super. Ct. Sacramento County, 2007, Nos. 06AS03053 and 06AS03036  
5 (consolidated)). In that proceeding, Mr. Rosenfield served as supervising attorney representing CWD as  
6 an intervenor in the intervenors’ successful motion for summary judgment against insurer plaintiffs who  
7 challenged the Insurance Commissioner’s regulations enforcing Insurance Code section 1861.02(a). That  
8 statute requires that automobile insurance premiums be based primarily on the policyholder’s driving  
9 safety record, and not where one lives.

10 b. Class action and representative lawsuits to enforce Insurance Code section 1861.02(c)’s  
11 prohibition against surcharging motorists with an absence of prior insurance (*Proposition 103*  
12 *Enforcement Project v. GEICO*, Case No. BC266220; *Proposition 103 Enforcement Project v.*  
13 *Interinsurance Exchange of the Automobile Club*, Case No. BC266218; and *Landers v. Interinsurance*  
14 *Exchange of the Automobile Club*, Case No. JCCP No. 4438), which resulted in a settlements that  
15 required the insurers to make refunds to affected auto policyholders.

16 c. A class action lawsuit in which CWD appeared in an amicus curiae role to successfully  
17 prevent the approval of a settlement on the merits that would have allowed the insurer defendant to  
18 continue to violate Insurance Code section 1861.02(c). (*Mitchell v. Allstate Ins. Co.*, Super. Ct. L.A. Cty.,  
19 2003, No. BC212492.)

20 d. A writ of mandate challenge to a regulation promulgated by Insurance Commissioner  
21 Quackenbush, which authorized insurers to use ZIP code as the primary determinant of automobile  
22 insurance premiums in violation of Insurance Code section 1861.02(a). (*Spanish Speaking Citizens*  
23 *Foundation v. Low* (2000) 85 Cal.App.4th 1179.)

24 e. A successful writ of mandate challenge by CWD and other groups to former Insurance  
25 Commissioner Chuck Quackenbush’s approval of rating plans submitted by insurers that violated §  
26 1861.05(c). (*Proposition 103 Enforcement Project v. Quackenbush*, Super. Ct. S.F. County, Feb. 10,  
27 1997, No. 982646.)

1           15.     Mr. Rosenfield has also acted as supervising attorney in numerous other rollback, rate,  
2 noncompliance, and rulemaking proceedings before the Department of Insurance utilizing his substantial  
3 expertise in insurance rating and regulatory matters, including, but not limited to those listed in  
4 paragraphs 9.j-m, *supra*, and the following: (a) REB-5184, regarding State Farm's rollback liability, (b)  
5 RH-318 and IH-93-3-REB, regarding regulations to implement Insurance Code section 1861.02's  
6 provisions on rating factors for personal automobile insurance; (c) RH-339 and RH-341, regarding  
7 procedural rules for rate hearings and for intervention; (d) PA-95-0057-00, regarding Safeco's Earthquake  
8 Rate Application; (e) Consolidated hearing numbers PA-97-0078-00, and PA-97-007900, regarding State  
9 Farm, Allstate, and Farmers' automobile class plans; (f) PA-97-0072, regarding the California Earthquake  
10 Authority's rate application; (g) RH-346, regarding regulations governing Advisory Organization  
11 Manuals; (h) IH-97-0017-REB, regarding prior approval regulations, and IH-0017-TF, Prior Approval  
12 Task Force; (i) IH-97-0018-REB III; and (j) File No. PA-98-0099-00, regarding Allstate's Private  
13 Passenger Automobile Insurance Rate Application, among others.

14           16.     Prior to founding CWD in 1985, Mr. Rosenfield served for three years as Program Director  
15 for CALPIRG and two years as a Staff Attorney and Legislative Advocate for Public Citizen's Congress  
16 Watch in Washington, D.C. He is a graduate of Georgetown University, from which he earned both a  
17 J.D. and a M.S.F.S. degree in 1979. Mr. Rosenfield is admitted to the Bar in D.C. and California.

18           17.     I am informed through the Pearl Declaration and conversations with attorneys in the Los  
19 Angeles and San Francisco Bay Areas discussing their billing rates that a \$675 per hour is a very  
20 reasonable rate in 2015 for the professional services of an attorney with experience and qualifications  
21 comparable to Mr. Rosenfield's.

22           Todd M. Foreman

23           18.     Mr. Foreman served as Consumer Watchdog's staff attorney for over 5 years from 2007 to  
24 2012. Mr. Foreman has over 11 years experience in litigation matters. Mr. Foreman served as lead or co-  
25 lead counsel for CWD as Intervenor in numerous proceedings, including: *In the Matter of the Rate*  
26 *Applications of Progressive Advanced Insurance Company, Progressive West Insurance Company*, PA-  
27 2011-00009, which resulted in an approved rate that was 1.39% lower than the rate originally requested  
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1 by the applicants and equaled savings of approximately \$3.8 million per year in automobile insurance  
2 premiums; *In the Matter of the Rate Applications of American Automobile Insurance Company,*  
3 *Associated Indemnity Corporation, Fireman's Fund Insurance Company, National Surety Corporation,*  
4 *and The American Insurance Company*, File No. PA-2011-00005; *In the Matter of the Rate Applications*  
5 *of GEICO General Insurance Company, GEICO Indemnity Company, and Government Employees*  
6 *Insurance Company*, PA-2010-00013, which resulted in an approved rate that was approximately 14.7%  
7 lower than the rate originally requested by applicant and savings of over \$118 million per year in auto  
8 insurance premiums; *In the Matter of the Rating Plan of Interinsurance Exchange of the Automobile*  
9 *Club*, PA-2010-00007; *In the Matter of the Rate Applications of Garrison Property and Casualty*  
10 *Insurance Company, United Services Automobile Association, USAA Casualty Insurance Company, and*  
11 *USAA General Indemnity Company*, File No. PA-2010-00008, which resulted in an approved rate that  
12 was 14% lower than the rate originally requested by applicant and savings of over \$40 million per year in  
13 homeowners insurance premiums; *In the Matter of the Rate Application of Mercury Casualty Company,*  
14 PA-2009-00009, which resulted in an approved rate that was 14.2% lower than the rate originally  
15 requested by applicant and savings of over \$16 million per year in homeowners insurance premiums; *In*  
16 *the Matter of the Rate Applications of California Automobile Insurance Company, Mercury Casualty*  
17 *Company, and Mercury Insurance Company*, File No. PA-2008-00037, which resulted in an approved  
18 rate that was 6.14% lower than the rate originally requested by the applicant and savings of over \$115  
19 million per year in automobile insurance premiums; *In the Matter of the Rates and Rating Plans of*  
20 *Allstate Indemnity Company, Allstate Insurance Company, and Allstate Property & Casualty Insurance*  
21 *Company*, File No. PA-2008-00038, which resulted in the withdrawal of the “Your Choice Auto”  
22 program from California and auto insurance rates that were over \$34 million lower annually than the rates  
23 initially requested by applicants; *In the Matter of the Rates, Rules, and Rating Plans of Farmers*  
24 *Insurance Exchange, Mid-Century Insurance Company, and Truck Insurance Exchange*, File No. PA-  
25 2008-00032 (Cal. Ins. Comm’r, Oct. 11 and Nov. 2, 2010), which resulted in changes to the applicant’s  
26 rating plan and savings to consumers of over \$73 million in automobile insurance premiums per year, and  
27 one-time rebates to policyholders of an estimated \$42.7 million; *In the Matter of the Rate Application of*  
28

1 *Allstate Insurance Co. and Allstate Indemnity Co.*, File No. 2006-00006 (Cal. Ins. Comm'r, July 8, 2008),  
2 resulting in a savings of \$250 million for applicants' homeowners' insurance policyholders; *In the Matter*  
3 *of the Rate Application of Allstate Insurance Co. and Allstate Indemnity Co.*, File No. 2007-00004 (Cal.  
4 Ins. Comm'r, Mar. 14, 2008), resulting in a \$250 million rate reduction in Allstate's private passenger  
5 auto insurance line; and *Allstate Insurance Co. v. Poizner* (Super. Ct. S.F. County, 2008, No. CPF-08-  
6 50821) in which CWD intervened to successfully defeat Allstate's request for a stay of the  
7 Commissioner's order to reduce its auto rates.

8 19. In addition, Mr. Foreman participated on behalf of Consumer Watchdog in numerous  
9 rulemaking hearings and workshops at the Department, including Prior Approval Regulations (REG-  
10 2007-00046), Traffic Violator School Ticket Masking, At Fault Regulations (RH05042805 and REG-  
11 2010-00011), Pay Drive Insurance (REG-2008-00020), and Group Insurance Under Insurance Code  
12 Section 1861.12 (REG-2010-00018), Standards and Training for Estimating Replacement Value on  
13 Homeowners' Insurance (REG-2010-00001). In these proceedings, Mr. Foreman drafted proposed  
14 regulation text and prepared and presented written and oral comments.

15 20. Prior to joining Consumer Watchdog, Mr. Foreman worked as a general litigator in the Los  
16 Angeles offices of Katten Muchin Rosenman LLP and Leader Kozmor Gorham LLP.

17 21. Mr. Foreman is a 2003 graduate of UCLA School of Law, completing the UCLA School of  
18 Law's Program in Public Interest Law and Policy and the specialization in Critical Race Studies. While  
19 there, he was also the Chief Managing Editor of the UCLA Law Review. Prior to attending law school,  
20 Mr. Foreman was the Treasurer and National Director of the Clean Up Congress Political Action  
21 Committee and worked as a professional organizer with several individual State PIRGS. He was admitted  
22 to the California Bar in 2003.

23 22. I am informed, through the concurrently-filed, independent Declaration of Richard M.  
24 Pearl, which details his extensive familiarity with the billing practices and schedules for numerous private  
25 law firms in San Francisco and Los Angeles, and conversations with attorneys in the Los Angeles and San  
26 Francisco Bay Areas regarding their billing rates, and believe that a rate of \$475 per hour is a very  
27 reasonable rate in 2015 for the professional services in comparable matters of an attorney with experience  
28

1 and qualifications comparable to Mr. Foreman's.

2 Laura Antonini

3 23. Ms. Antonini is a staff attorney at Consumer Watchdog with 4 years experience in  
4 litigation and regulatory matters. Ms. Antonini's work at CWD includes enforcement and implementation  
5 of Proposition 103 in proceedings before the CDI and the courts.

6 24. Prior to joining CWD, Ms. Antonini tutored and mentored law students and recent law  
7 school graduates for the California Bar Exam, and also co-authored a "How To" book for law students,  
8 focused on legal writing.

9 25. Ms. Antonini is a 2009 graduate of Pace University School of Law, where she completed  
10 the Pace University School of Law's Environmental Law Program and the specialization in  
11 Environmental Law. She was admitted to the California Bar in 2010.

12 26. I am informed, through the concurrently-filed, independent Declaration of Richard M.  
13 Pearl, which details his extensive familiarity with the billing practices and schedules for numerous private  
14 law firms in San Francisco and Los Angeles, and conversations with attorneys in the Los Angeles and San  
15 Francisco Bay Areas regarding their billing rates, and believe that a rate of \$350 per hour is a very  
16 reasonable rate in 2015 for the professional services in comparable matters of an attorney with experience  
17 and qualifications comparable to Ms. Antonini's.

18 **Consumer Watchdog's Fees**

19 27. In accordance with the well-established standards set forth by the California Supreme  
20 Court for private-attorney-general statutes, the "lodestar" is the product of each attorney and paralegal's  
21 reasonable hours, at that attorney or paralegal's prevailing market rate, plus expenses. Consumer  
22 Watchdog's attorneys and paralegal are responsible for entering their contemporaneous time billing  
23 records into the organization's time billing software. The time billing software is then used to multiply  
24 each attorney and paralegal's billed hours by that individual's prevailing market rate. The lodestar  
25 component of CWD's attorney fees for work performed in this matter (which does not include the fees  
26 incurred by CWD's experts, which are accounted for separately), totals \$1,016,007.50 as follows:

<b>Attorney/Paralegal</b>	<b>Total Hours</b>	<b>Hourly Rate</b>	<b>Lodestar</b>
Harvey Rosenfield	158.3	\$675	\$106,852.50
Pamela Pressley	965.5	\$575	\$555,162.50
Todd M. Foreman	148.7	\$475	\$70,632.50
Laura Antonini	809.6	\$350	\$283,360.00
<b>Total Attorney Fees</b>			<b>\$1,016,007.50</b>

### **Expenses**

28. CWD's reasonable out-of-pocket other expenses incurred in this matter total \$15,568.39,<sup>4</sup> as follows:

<b>CWD Expenses</b>	
Postage and delivery	\$490.26
Printing / Reproduction	\$507.66
Telephone/Fax	\$559.43
Transcripts	\$6,286.38
Travel	\$7,724.66
<b>Total CWD Expenses</b>	<b>\$15,568.39</b>

CWD has mechanisms to track all out-of-pocket expenses. CWD's expenses were reasonably expended to prosecute this matter. Law firms in the Los Angeles area customarily bill clients separately from the base hourly rate for such out-of-pocket expenses. CWD's requested out-of-pocket expenses are not customarily considered covered by the base hourly rate as part of the overhead, but are routinely billed separately.

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<sup>4</sup> CWD co-counsel Arthur D. Levy's expenses are detailed in his accompanying declaration.

1 **Facts Regarding this Proceeding and Consumer Watchdog's Substantial Contribution**

2 29. CDI initiated the proceeding under Insurance Code section 1858.1, which applies to "any  
3 rate, rating plan or rating system made or used by any [] insurer" that "does not comply with [Chapter 9 of  
4 Part 2 of Division 1 of the Insurance Code]." CDI filed and served the initial NNC on February 2, 2004.  
5 (Decision, p. 3, ¶1.) On March 3, 2004, CDI and Mercury stipulated to stay the proceeding while the  
6 related civil litigation, *Krumme v. Mercury Insurance Company et al.* (Super. Ct. S.F. County, No.  
7 313367) (hereafter, "*Krumme*"), was pending.<sup>5</sup> (CDI, Stipulation Re Stay of Proceedings, Mar. 3, 2004.)  
8 CDI filed and served a First Amended Notice of Noncompliance on March 22, 2006, and the operative  
9 Second Amended Notice of Noncompliance ("SANNC") on April 11, 2011. (Decision, p. 3, ¶1.)

10 The SANNC alleged violations of Insurance Code sections 1861.01(c) and 1861.05(a) as follows:

11 From July 1, 1996, through 2006, Respondents willfully permitted their insurance agents to  
12 charge "broker" fees to Respondents' policyholders. In charging these fees, Respondents'  
13 agents acted in the course and scope of their agency. Under California law, all payments by  
14 policyholders that are a part of the price of insurance, including all sums paid to an  
15 insurance agent, are considered premium. Consequently, Respondents constructively  
16 received the "broker" fees (i.e. premium) collected by their agents. Respondents did not  
17 receive the Commissioner's prior approval to charge or receive the moneys constituting the  
18 "broker fees." As a result of permitting its agents to charge and collect the broker fees,  
19 Respondents constructively charged and collected premium in excess of the rates approved  
20 for them by the Commissioner, in violation of section 1861.01(c). (SANNC, ¶3.)

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21 <sup>5</sup> In June of 2000, *Krumme*, a civil class action, was brought by an individual consumer challenging  
22 undisclosed "broker fees" imposed by Mercury's sales force on policyholders in addition to the premiums  
23 they were quoted. (Decision, pp. 23-24, ¶65.) The Superior Court determined that Mercury's "brokers"  
24 were actually agents of the company and that Mercury's agreements with these agents allowing them to  
25 charge "broker fees" violated the statutory prohibitions against add-on fees by agents. (*Ibid.*; Exh. I-1  
26 [Findings of Fact and Conclusions of Law After Trial, *Krumme* (Super. Ct. S.F. County, April 11, 2003,  
27 No. 313367) ("Findings"), upheld on appeal at *Krumme v. Mercury Ins. Co.* (2004) 123 Cal.App.4th 924,  
948.] The trial court issued injunctions to stop Mercury's practice of charging illegal "broker" fees. (*Id.*,  
p. 24, ¶67.) During the pendency of Mercury's appeal in the *Krumme* matter, Mercury ignored the trial  
court's injunctions and continued these illegal practices. (*Id.*, pp. 25-26, ¶¶70-72.) Upon conclusion of  
the appeal in *Krumme* and based on the Findings of the Superior Court, the Department initiated the  
noncompliance proceeding in 2004. (*Id.*, p. 25, ¶68.)



1 Because Respondents' agents charged broker fees of varying amounts, Respondents['] insureds  
2 were subjected to unfair rate discrimination, in violation of section 1861.05(a). Respondents  
3 willfully permitted the rate discrimination to occur. (SANNC, ¶4.)

4 30. The SANNC further alleged that the foregoing allegations "establish that Respondents  
5 willfully used a rate, rating plan or rating system in violation of Chapter 9 of Part 2 of Division 1 of the  
6 Insurance Code, and provide grounds for a fine of \$10,000 for each policy in which a Respondent  
7 permitted a broker fee to be charged by one of its agents, pursuant to section 1858.07(a)." (SANNC, ¶5.)

8 31. At the request of the Department, CWD filed a Petition to Intervene in the proceeding on  
9 March 28, 2007 to bring the wealth of experience and evidence against Mercury garnered by its co-  
10 counsel in two related civil actions against Mercury and its largest insurance producer, Auto Insurance  
11 Specialists (AIS), and its staff attorneys' substantial expertise in Proposition 103 rate and noncompliance  
12 matters to bear on this case.<sup>6</sup> After briefing by the parties and over Mercury's objection, CWD was  
13 granted leave to intervene on May 16, 2007.<sup>7</sup> (Decision, p. 1, fn. 1.) By multiple stipulations of the  
14 parties, the proceeding was stayed pending the resolution of the *Porter v. AIS* civil litigation, which  
15 resulted in a \$25 million settlement for the benefit of affected Mercury customers finalized in January  
16 2009.

17 32. Beginning in January 2009, CWD ramped up its preparation for the evidentiary hearing by  
18 reviewing and compiling documents to be produced at the hearing, preparing notices of hearing and  
19 subpoenas for the 14 Mercury and AIS witnesses that CWD intended to cross-examine, and preparing a  
20 detailed pre-hearing conference statement, including a list of over 350 proposed exhibits, its proposed

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21 <sup>6</sup> CWD's co-counsel in this case, Arthur D. Levy, prosecuted the two successful civil cases (*Krumme v.*  
22 *Mercury Ins. Co.* (Super. Ct. S.F. County, 2003, No. 313367), upheld on appeal in *Krumme v. Mercury*  
23 *Ins. Co.* (2004) 123 Cal.App.4th 924 and *Porter v. AIS* (Super. Ct., S.F. County, 2009, No. CGC-03-  
24 424538) (Levy Decl., ¶9), and CWD's staff counsel include some of the nation's foremost consumer  
advocates and experts on insurance ratemaking matters.

25 <sup>7</sup> Consumer Watchdog's intervention was limited to the NNC issues relating to Mercury's violations of  
the rating statutes (Ins. Code §§ 1861.01 and 1861.05). (Bifurcation Order, Feb. 1, 2012; see Decision, p.  
26 3, ¶2.) By order of the ALJ, this proceeding was bifurcated with the Department's Order to Show Cause  
27 allegations regarding Mercury's false advertising under Insurance Code sections 790.035 and 790.05 to be  
heard at a later date. (*Ibid.*)

1 witnesses, and a summary of the legal issues. Also, CWD participated in settlement conferences with the  
2 parties and prepared, filed, and served a detailed settlement conference statement in advance of the  
3 mandatory settlement conference held on February 23, 2009. The parties were unable to reach a  
4 meaningful resolution through a stipulated settlement, so CWD continued to prepare for the evidentiary  
5 hearing.

6 33. On February 6, 2009, prior to the scheduled evidentiary hearing, Mercury filed three  
7 separate motions to be heard at the prehearing conference held on February 23, 2009: a Motion in Limine,  
8 a Motion for Protective Order, and a Motion for Summary Judgment. In the span of two weeks, CWD was  
9 required to prepare comprehensive opposition briefs to each of these motions. In particular, the Motion  
10 for Summary Judgment required an extensive amount of time spent by CWD counsel performing legal  
11 research and briefing to respond to each of Mercury's arguments attacking the core legal allegations of the  
12 NNC. Indeed, CWD took the lead role in responding to these motions with the CDI filing a joinder in  
13 CWD's Oppositions to the Motion for Summary Judgment and Motion for a Protective Order.

14 34. At the February 23, 2009 prehearing conference, Mercury raised for the first time its  
15 position that the noncompliance regulations, 10 CCR § 2614 et seq., should apply to this proceeding.  
16 Prior to that time, the parties had been proceeding under the hearing procedures set forth in the  
17 Government Code and the Office of Administrative Hearing ("OAH") regulations, 1 CCR § 1000, et seq.  
18 In response to these new arguments raised by Mercury, CWD prepared comprehensive opening and reply  
19 briefs on whether the rules of procedure contained in the Government Code and OAH regulations  
20 governed the hearing. The CDI filed a joinder in Consumer Watchdog's reply brief.

21 35. On March 12, 2009, a hearing was held on Mercury's Motion for Summary Judgment. As  
22 with briefing the opposition to this motion, CWD took a lead role at oral argument, which required  
23 substantial preparation time. The ALJ denied Mercury's Motion for Summary Judgment.

24 36. At the March 12, 2009 hearing, Mercury also insisted that the regulation requiring the  
25 parties to file written PDT prior to the evidentiary hearing, 10 CCR § 2614.13, applied to adverse  
26 witnesses, and the ALJ ordered further briefing on the issue. CWD prepared another set of  
27 comprehensive opening and reply briefs, addressing the issue of whether 10 CCR § 2614.13 applies to  
28

1 adverse witnesses. ALJ Owyang issued an order on March 17, 2009, ruling that, “[i]n addition to the  
2 provisions of the [APA],” the procedural regulations at 10 CCR § 2614] et seq. would be applied. (Order  
3 Regarding Respondents’ Motion for Summary Judgment or, Alternatively, Summary Adjudication of a  
4 Legal Threshold Issue, Mar. 17, 2009, ¶2.) He issued a subsequent order ruling that 10 CCR § 2614.13  
5 applied to adverse witnesses. (Decision, p. 4, ¶4.)

6 37. To comply with ALJ Owyang’s rulings, CWD prepared and on July 6, 2009 timely filed  
7 and served declarations and transcripts consisting of the sworn testimony of the 22 Mercury and AIS  
8 witnesses it planned to call to testify at the evidentiary hearing. (Decision, p. 4, ¶4.) The next day,  
9 Mercury by a letter to ALJ Owyang made a limited “motion to strike” CWD’s PDT, claiming that it did  
10 not conform to 10 CCR § 2614.13. CWD was then required to devote time preparing comprehensive  
11 opening and reply briefs rebutting the arguments in Mercury’s “motion” to strike CWD’s PDT, and  
12 presenting oral argument on the issues. On August 21, 2009, ALJ Owyang struck all of the PDT of the 22  
13 witnesses submitted by CWD. (Decision, p. 4, ¶4.)

14 38. After ALJ Owyang continued the hearing again and subsequently denied CWD’s and the  
15 CDI’s motion to certify to the Commissioner the question of the application of the PDT regulation to  
16 adverse witnesses, the CDI reported to ALJ Owyang on September 28, 2010 that the Department had  
17 commenced a rulemaking proceeding to clarify that the PDT regulation, 10 CCR § 2614.13, does not  
18 apply to adverse witnesses. (Decision, p. 4, ¶4.) Application of the amended regulation, which became  
19 effective on December 30, 2010, would have enabled CWD to continue preparing its case for the  
20 evidentiary hearing, but, before the evidentiary proceeding could get underway, CWD was required to  
21 submit yet another round of opening and reply briefs, this time on the applicability of the amended  
22 regulation to the proceeding. ALJ Owyang ruled on February 24, 2011, without any legal analysis, that  
23 he would not apply the Commissioner’s amended regulation. (*Ibid.*)

24 39. Following ALJ Owyang’s rulings, which the CDI and CWD maintained were in error, on  
25 March 4, 2011, 46 business days before the rescheduled evidentiary hearing, CWD submitted extensive  
26 documentary exhibits and a request for official notice along with a list of witnesses it sought to subpoena  
27 to appear at the evidentiary hearing in support of its direct case. Shortly thereafter, in response to ALJ  
28

1 Owyang's order, CWD prepared a brief addressing compliance with the ex parte communication rules in  
2 Government Code sections 11430.10-11430.80.

3 40. On March 17, 2011, in response to Mercury's request, ALJ Owyang vacated the pending  
4 evidentiary hearing dates and directed the parties to agree on dates for briefing various motions proposed  
5 by Mercury, including motions to strike CWD's March 4, 2011 filings and a renewed Motion for  
6 Summary Disposition of the Proceeding.

7 41. Pursuant to the ALJ's order dated April 28, 2011, on June 7, 2011, the CDI filed a Motion  
8 for Collateral Estoppel Effect of the Findings of Fact and Conclusions of Law in *Krumme v. Mercury*,  
9 which CWD reviewed, edited, and joined.

10 42. Also on June 7, 2011, Mercury filed motions asserting various legal theories to thwart the  
11 evidentiary hearing, including issues previously raised in its 2009 motions. CWD took the lead in  
12 preparing oppositions to Mercury's Motion for a Proposed Decision for Summary Disposition of the  
13 Proceedings and Mercury's Motion re: Laches and Governmental Estoppel. Both oppositions required an  
14 extensive amount of time for legal research and drafting responses to each of Mercury's legal theories and  
15 defenses aimed at disposing of the proceeding prior to the evidentiary hearing.

16 43. Prior to ruling on the 2011 pre-evidentiary hearing motions, and without holding an  
17 evidentiary hearing on the substantive issues raised in the SANNC, ALJ Owyang submitted a Proposed  
18 Decision to the Commissioner on January 31, 2012. (Decision, pp.4-5, ¶¶7-8.) ALJ Owyang's Proposed  
19 Decision purported to dismiss the SANNC on the erroneous grounds that CDI "violated separation of  
20 function principles and denied Mercury due process and a fair hearing" when it initiated the rulemaking  
21 proceeding to amend 10 CCR § 2614.13. (ALJ Owyang's Proposed Decision, Jan. 31, 2012, p. 2.) ALJ  
22 Owyang's Proposed Decision contained no analysis or findings regarding the substantive issues raised in  
23 the SANNC.

24 44. On March 30, 2012, the Commissioner rejected ALJ Owyang's Proposed Decision and  
25 referred the matter back to the OAH to convene an evidentiary hearing, take substantive evidence on the  
26  
27  
28

1 allegations in the SANNC, and issue a proposed decision on the SANNC. (Decision, p. 5, ¶8)<sup>8</sup> On  
2 October 30, 2012, ALJ Scarlett was assigned to preside over the proceeding.

3 45. Prior to commencing the evidentiary hearing, on January 15, 2013, ALJ Scarlett held a  
4 hearing on the outstanding 2011 pre-evidentiary hearing motions at which CWD attorneys took the lead in  
5 presenting oral argument. The ALJ agreed with the positions taken by CWD in its prior briefing, denying  
6 Mercury's motions and granting the CDI's Motion for Collateral Estoppel. (Decision, p. 25, ¶69.) The  
7 ALJ's ruling conclusively established in this proceeding the *Krumme* Findings that Mercury's insurance  
8 "brokers" operated as de facto agents and that their "broker" fees were illegal. (*Ibid.*) Also, the ALJ  
9 ruled that ALJ Owyang's prior ruling that PDT was required for adverse witnesses would apply to the  
10 proceeding, but if parties were unable to obtain the adverse witness PDT, then those witnesses could be  
11 subpoenaed to appear for examination at the evidentiary hearing.

12 46. Pursuant to the ALJ's ruling, in February 2013, CWD counsel spent significant time  
13 preparing written PDT for seven Mercury and three AIS witnesses it planned to call at the hearing. CWD  
14 counsel submitted the PDT to Mercury's counsel to obtain the witnesses' signatures, and, after extensive  
15 communications with Mercury's counsel, it became clear that Mercury's counsel would not obtain  
16 signatures on the PDT of the 10 adverse witnesses. After CWD made written requests to Mercury,  
17 Mercury's counsel finally agreed to produce to the witnesses for examination at the hearing in response to  
18 CWD's subpoenas as ordered by Judge Scarlett.

19 47. In addition to drafting and attempting to obtain signed PDT from 10 adverse witnesses, in  
20 the two months prior to the commencement of the evidentiary hearing, CWD intensively prepared to put  
21 on its case. CWD prepared its documentary evidence, including compiling over three hundred exhibits it  
22 planned to introduce at the hearing. CWD met and conferred numerous times with Mercury's counsel  
23

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24 <sup>8</sup> Even though no evidence had been taken in the noncompliance proceeding, on April 19, 2012, Mercury  
25 filed a petition for writ of mandate in the trial court, seeking to vacate the Commissioner's March 30,  
26 2012 Order and dismiss the SANNC entirely. (Decision, p. 5, ¶9.) The trial court denied Mercury's  
27 petition. (*Ibid.*) On September 25, 2012, Mercury appealed the trial court's order. (Decision, p. 5, ¶10.)  
28 On April 26, 2013, the Court of Appeal affirmed the trial court's denial of Mercury's petition. (*Ibid.*)  
Mercury then filed a Petition for Review in the Supreme Court of California, which was denied. (*Ibid.*)

1 over the documents the parties would stipulate to the official notice of, drafted joint stipulations on  
2 official notice and drafted requests for official notice. Also, CWD prepared motions to strike the PDT of  
3 the two insurance “expert” witnesses Mercury planned to call at the hearing.

4 48. On April 15, 2013, prior to the commencement of the evidentiary hearing, CWD counsel  
5 presented oral argument on the motions to strike the PDT of Mercury’s witnesses. That same day, the  
6 evidentiary hearing began and continued over 15 days, from April 15 through 19, 24 through 26, and 29  
7 through 30, and on May 1 and 6, June 5 and 20, 2013, and April 30, 2014. (Decision, p. 1.) CWD took  
8 the lead role throughout the hearing in eliciting testimony from Mercury and AIS witnesses and  
9 developing the administrative record through voluminous exhibits that detailed Mercury’s practices in  
10 charging “broker” fees, Mercury’s relationship with AIS, and Mercury’s compliance with the injunctions  
11 ordered by the Superior Court in *Krumme*.

12 49. CWD devoted much time to preparing for the examination of each witness, both prior to  
13 and throughout the evidentiary hearing. CWD examined four Mercury witnesses, including Mercury’s  
14 CEO, Vice-President of Underwriting, Senior Vice-President of Marketing, and Vice-President of Agency  
15 Operations, and two AIS witnesses. The examination of these witnesses took place over the majority of  
16 the 15 days of the evidentiary hearing, sometimes taking multiple days to elicit testimony from a single  
17 witness. During the hearing, Mercury’s counsel agreed to obtain PDT for two of the adverse witnesses  
18 CWD was planning on calling, and CWD drafted and obtained signed PDT from those witnesses. In  
19 addition to the six witnesses CWD called, CWD cross-examined two of Mercury’s “expert” witnesses,  
20 obtaining testimony that rebutted Mercury’s arguments regarding the legal violations at issue.

21 50. At the same time, CWD introduced over three hundred documentary exhibits, often over  
22 the objection of Mercury. CWD met and conferred with Mercury’s counsel to admit exhibits to which  
23 Mercury did not object, and drafted joint stipulations on those exhibits. CWD took the lead role in  
24 managing and cataloging the exhibits introduced by both CWD and Mercury that were admitted during  
25 the hearing. The detailed and thorough factual record developed solely by CWD at the evidentiary  
26 hearing established Mercury’s willfulness in violating Proposition 103, and the data supporting the \$27.5  
27 million penalty assessed against Mercury.

1           51.     After the hearing and prior to any post-hearing briefing, CWD and the parties agreed to try  
2 and resolve the matter through mediation. On August 28, 2013, CWD submitted a detailed, 21-page  
3 mediation brief to the mediator, CDI and Mercury prior to participating in a mediation with the parties on  
4 September 4, 2013.

5           52.     Because efforts to informally resolve the case did not succeed, the parties proceeded with  
6 post-hearing briefing. On October 16, 2013, CWD submitted a 44-page Post-Hearing Opening Brief,  
7 briefing all of the legal and factual issues in dispute in the proceeding. (Consumer Watchdog's Post-  
8 Hearing Opening Brief, Oct. 16, 2013 ("CWD OB").) CWD spent significant time preparing the Post-  
9 Hearing Opening Brief, including by reviewing the transcripts of testimony from all 14 witnesses called at  
10 the hearing, reviewing the hundreds of exhibits in the administrative record and performing legal research,  
11 and summarizing the voluminous testimonial and evidentiary record and each of the legal issues. In  
12 response to Mercury's post-hearing opening brief, CWD then prepared a 25-page Post-Hearing Reply  
13 Brief, rebutting a multitude of legal and factual arguments raised by Mercury.

14           53.     CWD's post-hearing briefs also included detailed support for the proposed financial  
15 penalty to be assessed against Mercury. (CWD OB, pp. 35-44.) Based on the statutory penalties  
16 proscribed by the applicable statute and evidence introduced by CWD establishing that Mercury willfully  
17 charged a minimum of 183,957 illegal "broker" fees during the period covered by the SANNC, Mercury  
18 could have been assessed a penalty of over \$1.8 billion. (CWD OB, pp. 42-44.) However, CWD  
19 reasoned that a penalty of \$100 to \$150 per "broker" fee transaction, using the number of 183,957  
20 transactions, "would lead to a substantial penalty against Mercury, but within the realm of reason.  
21 Although a penalty is not intended to be compensatory, \$100-\$150 per violation bears a reasonable  
22 relationship to the broker fees themselves." (CWD OB, p. 44:15-18.) Based on this reasoning,  
23 "Consumer Watchdog submit[ted] that a penalty in the range of \$20 million would serve the interests of  
24 justice." (*Id.*, p. 44:19-20.)

25           54.     After the post-hearing briefing ordered by ALJ Scarlett was complete, Mercury submitted  
26 a letter "brief" on December 3, 2013 raising more arguments on due process issues. (Decision, p. 2.)  
27 CWD spent time researching and preparing a brief addressing Mercury's additional due process  
28

1 arguments, which was submitted on January 29, 2014. Once the post-hearing briefing was complete and a  
2 joint stipulation on post-hearing exhibits was submitted by the parties on February 12, 2014, CWD  
3 counsel participated in a telephonic hearing with the parties on April 30, 2014 and the matter was  
4 submitted for decision on that date.

5 55. On December 8, 2014, ALJ Scarlett sent the Proposed Decision to the Commissioner, and,  
6 on January 7, 2015, the Commissioner issued the Order Adopting Proposed Decision. (Order Adopting  
7 Proposed Decision, p. 1.) The Decision included extensive factual findings and legal conclusions  
8 supported by the testimony and evidence garnered and presented by CWD and consistent with the factual  
9 and legal arguments in CWD's post-hearing briefing. (Decision, Factual Findings, pp. 5-14, ¶¶11-40; pp.  
10 21-30, ¶¶56-81; *id.*, Legal Conclusions, pp. 32-60; ¶¶7-98; CWD OB, pp. 3-18; 21-35; 35-44.)

11 56. For example, the Decision relies on the evidence and testimony produced and elicited by  
12 CWD in the proceeding and summarized in its briefing to support the factual findings that: prior to  
13 Proposition 103, Mercury had an all-agent producer force (Decision, Factual Findings, pp. 7-8, ¶¶15-17);  
14 after Proposition 103 passed, Mercury shifted to a designated "broker" producer force (Decision, pp. 8-12,  
15 ¶¶18-33); Mercury's designated "brokers" charged "broker" fees from 1989 through at least 2006 (*id.*, pp.  
16 12-14, ¶¶34-40); Mercury's rate applications submitted to CDI from 1996 through 2006 did not include  
17 the "broker" fees (*id.*, pp. 21-23, ¶¶56-64); and Mercury failed to comply with the Superior Court's  
18 injunctions to stop charging the "broker" fees in *Krumme* (*Id.*, pp. 23-30, ¶¶65-68, 70-81).  
19 The ALJ's Proposed Decision also relies on the legal arguments set forth by CWD in its briefing to  
20 support the legal conclusions that: Mercury's designated "brokers" were de facto agents (Decision, Legal  
21 Conclusions, pp. 32-33, ¶¶7-9); Mercury's designated "brokers" continued to act as de facto agents after  
22 the *Krumme* decision (*id.*, pp. 33-34, ¶¶10-13); Mercury's designated "brokers" charged unapproved  
23 "broker" fees which violated Sections 1861.01 and 1861.05 (*id.*, pp. 34-35, ¶14); Mercury's "broker" fees  
24 are premium and are subject to prior approval (*id.*, pp. 35-40, ¶¶16-30); Mercury is vicariously liable for  
25 the conduct of its designated "brokers" and is deemed to have constructively received the "broker" fees  
26 (*id.*, pp. 40-41, ¶¶31-32); the unapproved "broker" fees charged by Mercury's designated "brokers" were  
27 unfairly discriminatory (*id.*, pp. 41-42, ¶¶33-36); Mercury was not denied due process in this proceeding  
28



1 (*id.*, pp. 42-47, ¶¶37-38, 39-45, 46-50); government estoppel is not a bar to the imposition of penalties in  
2 this proceeding (*id.*, pp. 48-56, ¶¶53-78); the doctrine of laches does not apply (*id.*, pp. 56-58, ¶¶79-87);  
3 Mercury is subject to civil penalties for the violations of Sections 1861.01 and 1861.05 (*id.*, pp. 59-60,  
4 ¶¶89-92); and Mercury willfully violated the rate statutes (*id.*, pp. 60-61, ¶¶93-98).

5 Based largely on the evidence and legal analyses set forth by CWD, the Decision held:

6 From July 1, 1996, through 2006, Mercury's de facto insurance agents charged and  
7 collected unapproved 'broker fees' that constituted premium in excess of the rates  
8 approved for Mercury by the Commissioner, in violation of Insurance Code section  
1861.01, subdivision (c).

9 From July 1, 1996, through 2006, Mercury's de facto insurance agents charged "broker  
10 fees" of varying amounts over and above the rate or premium approved for Mercury by the  
11 Commissioner, which resulted in unfair rate discrimination, in violation of Insurance Code  
section 1861.05, subdivision (a).

12 Mercury shall be assessed a civil penalty in the amount of \$27,593,550, pursuant to  
13 Insurance Code section 1858.07, subdivision (a).

14 (Decision, p. 62.) On February 6, 2015, the Commissioner's Order became final. To CWD's knowledge,  
15 the \$27.5 million penalty assessed against Mercury is the largest penalty ever assessed against a property  
16 and casualty insurance company in California.

17  
18 I declare under penalty of perjury under the laws of the State of California that the foregoing is  
19 true and correct.

20 Executed on March 3, 2015, at Santa Monica, California.

21  
22   
23 Pamela Pressley  
24  
25  
26  
27  
28

**EXHIBIT 1a**

# SLIP LIST BY TIMEKEEPER - FINAL HOURS

Page 1

00/00/00 TO 00/00/00

Tue, Mar 3, 2015

Slip#	Date	Activity/Expense	Matter# & Name	Matter	Hours
<b>PRESSLEY, PAM</b>					
23785	02/21/07	T Legal Services	100 Mercury	conference with H Rosenfield re Mercury; Telephone conference with Arthur Levy re same; conference with D Heller re status	0.50
23799	02/22/07	T Legal Services	100 Mercury	Telephone conference with Arthur Levy, N Goldman, J Tomashoff; conference with D Heller; draft case memo	3.50
23801	02/23/07	T Legal Services	100 Mercury	review H Rosenfield edits; edit case memo re Mercury NC	0.50
23812	02/27/07	T Legal Services	100 Mercury	email J Court, D Heller	0.10
23822	03/02/07	T Legal Services	100 Mercury	conference with J Tomashoff; review docs	0.60
23845	03/06/07	T Legal Services	100 Mercury	conference with H Rosenfield, D Heller	0.20
23151	03/07/07	T Legal Services	100 Mercury	review and reply to emails; review memo re Mercury NC	1.10
23152	03/12/07	T Legal Services	100 Mercury	review and reply to emails; conference with D Heller	0.20
23153	03/13/07	T Legal Services	100 Mercury	review emails; conference with D Heller	0.20
23154	03/14/07	T Legal Services	100 Mercury	Telephone conference with Arthur Levy, N Goldman, J Tomashoff; email N Goldman and Arthur Levy	0.00
23155	03/20/07	T Legal Services	100 Mercury	draft co counsel agreement; draft petition to intervene	2.20
23156	03/21/07	T Legal Services	100 Mercury	edit peition; Telephone conference with J Tomashoff; email J Tomashoff; conference with H Rosenfield; review and reply to Arthur Levy email; review and reply to J Tomashoff email	2.00
23161	03/22/07	T Legal Services	100 Mercury	review and reply to emails; conference with D Heller; review co counsel agreement; edit petition; Telephone conference with Arthur Levy, J Tomashoff; conference with D Heller	2.00
23911	03/22/07	T Legal Services	100 Mercury	conference with D Heller; review emails; email Arthur Levy; look up court rules; prep POS	0.50
23915	03/23/07	T Legal Services	100 Mercury	Telephone conference with Arthur Levy, H Rosenfield; email Arthur Levy	0.60
23162	03/26/07	T Legal Services	100 Mercury	review and reply to emails; email Todd Foreman; review docs	0.60
23163	03/27/07	T Legal Services	100 Mercury	finalize and file petition; conference with D Heller	1.20
23164	03/27/07	T Legal Services	100 Mercury	review Mercury objection	0.30
23165	04/02/07	T Legal Services	100 Mercury	email Arthur Levy; edit reply	3.00
23943	04/02/07	T Legal Services	100 Mercury	draft reply	2.80
23166	04/03/07	T Legal Services	100 Mercury	edit and finalize reply	1.00
23167	04/05/07	T Legal Services	100 Mercury	review and reply to emails; correct reply letter	0.90
23168	04/09/07	T Legal Services	100 Mercury	review court order; email J Tomashoff	0.20
23169	04/11/07	T Legal Services	100 Mercury	review voice mail from J Tomashoff re CDI response; review amended CDI response; voice mail to J Tomashoff	0.80
23972	04/11/07	T Legal Services	100 Mercury	conference with Mark Reback, Todd Foreman, H Rosenfield	0.30
23170	04/12/07	T Legal Services	100 Mercury	review emails	0.10
23171	04/20/07	T Legal Services	100 Mercury	email J Tomashoff	0.10
23172	04/30/07	T Legal Services	100 Mercury	Telephone conference with OAH court clerk; review calendar	0.20
23173	05/10/07	T Legal Services	100 Mercury	Telephone conference with Arthur Levy	0.30
23174	05/11/07	T Legal Services	100 Mercury	plan meeting; review CDI response; email J Tomashoff	0.60
24066	05/14/07	T Legal Services	100 Mercury	preparation for hearing; meeting with Arthur Levy, J Tomashoff; hearing on motion to intervene	3.80
23175	05/15/07	T Legal Services	100 Mercury	review Prop 103; review cases; conference with Todd Foreman; conference with H Rosenfield, D Heller	1.50
23176	05/17/07	T Legal Services	100 Mercury	review order; conference with H Rosenfield	0.20
23177	06/05/07	T Legal Services	100 Mercury	email J Tomashoff, Arthur Levy. N Goldman re next steps	0.40
23178	06/12/07	T Legal Services	100 Mercury	Telephone conference with J Tomashoff; review ex parte rules	0.80
23179	06/14/07	T Legal Services	100 Mercury	conference with D Heller, H Rosenfield	0.20
23180	06/15/07	T Legal Services	100 Mercury	email J Tomashoff	0.10
23181	06/17/07	T Legal Services	100 Mercury	email J Tomashoff	0.20
23182	06/27/07	T Legal Services	100 Mercury	review and reply to J Tomashoff email	0.10

# SLIP LIST BY TIMEKEEPER - FINAL HOURS

Page 2

00/00/00 TO 00/00/00

Tue, Mar 3, 2015

Slip#	Date	Activity/Expense	Matter# & Name	Matter	Hours
24438	07/13/07	T Legal Services	100 Mercury	review emails	0.10
23183	07/20/07	T Legal Services	100 Mercury	email J Tomashoff; review and calendar dates	0.20
23184	08/07/07	T Legal Services	100 Mercury	email S Kook re discovery	0.20
23186	08/20/07	T Legal Services	100 Mercury	email Arthur Levy	0.10
23187	09/21/07	T Legal Services	100 Mercury	email J Tomashoff	0.10
23188	09/24/07	T Legal Services	100 Mercury	email A Levy	0.10
24645	09/24/07	T Legal Services	100 Mercury	review Mercury market conduct exam; email J Tomashoff	2.70
23189	09/25/07	T Legal Services	100 Mercury	email H Rosenfield, D Heller re J Tomashoff email; review emails re discovery; legal research; conference with Todd Foreman; draft email to J Tomashoff and counsel; email N Goldman, Arthur Levy re discovery; email CDI; email H Rosenfield re docs; email H Rosenfield, Todd Foreman re Mercury counsel	1.50
23190	10/08/07	T Legal Services	100 Mercury	review and forward S Kook letter	0.10
23191	11/13/07	T Legal Services	100 Mercury	Telephone conference with J Tomashoff	0.50
22090	06/27/08	T Legal Services	100 Mercury	review and reply to H Rosenfield email re Mercury NC	0.20
22823	12/09/08	T Legal Services	100 Mercury	email co counsel re teleconference	0.10
22855	12/17/08	T Legal Services	100 Mercury	Telephone conference with co counsel	0.80
23299	01/26/09	T Legal Services	100 Mercury	legal research re APA, public disclosure of CDI; review file; conference with Carmen Aguado re same; review notice of prehearing conference; email co counsel re same; email J Thomashoff, S Kook re discovery	2.50
23312	01/27/09	T Legal Services	100 Mercury	review file, correspondence; legal research; email S Kook re discovery issue	4.30
23326	01/28/09	T Legal Services	100 Mercury	email Arthur Levy	0.10
23327	01/28/09	T Legal Services	100 Mercury	review A Schwartz settlement agreement	0.10
23337	01/30/09	T Legal Services	100 Mercury	review A Schwartz settlement agreement; Telephone conference with N Goldman, Arthur Levy; review and reply to emails	1.40
23344	02/02/09	T Legal Services	100 Mercury	email J Tomashoff; conference with D Heller; Telephone conference with A Cole; legal research re discovery, subpoena process; conference with Todd Foreman re same; review and forward subpoena forms; legal research re willful std	1.70
23351	02/02/09	T Legal Services	100 Mercury	review and reply to N Goldman email	0.30
23361	02/03/09	T Legal Services	100 Mercury	email counsel; review J Tomashoff email; email parties re call; email parties re conference call change of time	0.50
23371	02/04/09	T Legal Services	100 Mercury	Telephone conference with co counsel re hearing preparation; conference with D Heller, H Rosenfield re same; review and reply to J Tomashoff email; Telephone conference with J Tomashoff; Telephone conference with parties counsel; conference with Todd Foreman, D Heller; Telephone conference with N Goldman; conference with D Heller; review file; email S Kook	3.50
23379	02/04/09	T Legal Services	100 Mercury	review and edit agenda	0.30
23391	02/06/09	T Legal Services	100 Mercury	review motions	0.30
23402	02/09/09	T Legal Services	100 Mercury	review research; review and edit press release; conference with D Heller	1.40
23559	02/10/09	T Legal Services	100 Mercury	review order IC735.5 legislative history; review legislative reports (SB 1805); Telephone conference with N Goldman; Telephone conference with N Goldman, D Heller; research re penalty; email Carmen Aguado re time entries and notes; Telephone conference with H Rosenfield; review emails	2.20
23568	02/11/09	T Legal Services	100 Mercury	conference with Todd Foreman; Telephone conference with co-counsel re hearing prep and motions; conference with D Heller; Telephone conferences with N Goldman; conference with Carmen Aguado re notes; telephone conferences with J Tomashoff re settlement; review and conference with D Heller re settlement; Telephone conference with D Heller, N Goldman re same; Telephone conference with N Goldman, Arthur Levy; legal research, review settlement	6.10
23571	02/12/09	T Legal Services	100 Mercury	Telephone conference with co-counsel, S Weinstein, Arthur Levy, N Goldman; conferences with D Heller; Telephone conference with A Schwartz; review email	1.00
23579	02/12/09	T Legal Services	100 Mercury	conference with D Heller	1.80
24782	02/12/09	T Legal Services	100 Mercury	review CDI PHC statement, MSC statement; legal research re MSJ	1.30
23582	02/13/09	T Legal Services	100 Mercury	Telephone conference with D Heller; conference with D Heller; draft response to motion for summary judgment; review MSC statement; email Arthur Levy, N Goldman	2.20

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Tue, Mar 3, 2015

Slip#	Date	Activity/Expense	Matter# & Name	Matter	Hours
23591	02/14/09	T Legal Services	100 Mercury	legal research; draft opposition to MSJ	1.70
23594	02/15/09	T Legal Services	100 Mercury	draft and edit response to Mercury MSJ	7.00
23595	02/16/09	T Legal Services	100 Mercury	review and edit prehearing conference statement; emails to N Goldman, Arthur Levy re same; edit response to MSJ	11.50
23600	02/17/09	T Legal Services	100 Mercury	review N Goldman edits	0.30
23601	02/17/09	T Legal Services	100 Mercury	Telephone conference with Rick Boer; Telephone conference with Arthur Levy, N Goldman, E Craven re hearing prep, opp to MSJ; review and reply to J Tomashoff email re motion in limine; conference with D Heller; legal research; review motion for protective order; conferences with Todd Foreman re same; edit opposition brief; email E Craven	7.30
23621	02/17/09	T Legal Services	100 Mercury	edit MSC statement	1.30
23622	02/17/09	T Legal Services	100 Mercury	edit opp to MSJ	4.70
23623	02/18/09	T Legal Services	100 Mercury	review CDI opp; email J Tomashoff; email A Schwartz; email Arthur Levy; Telephone conference with A Schwartz, conference with D Heller; edit opp to MSJ; email brief to parties; review Todd Foreman emails; email Carmen Aguado re POS; organize exhibits; conference with Carmen Aguado re exhibits; edit response to motion for protective order; conference with Todd Foreman; review emails; review OAH rules; draft declaration; review exhibit list	9.80
23628	02/19/09	T Legal Services	100 Mercury	review emails; Telephone conference with E Craven; Telephone conference with Arthur Levy; review A Schwartz emails; review and edit response to motion for protective order, P Pressley declaration; conference with Carmen Aguado; edit opposition to motion for summary judgment; conference with D Heller; conference with Todd Foreman re same; edit request for official notice; edit opp to MIL; draft intro	12.50
23632	02/20/09	T Legal Services	100 Mercury	edit response to MSJ; edit request for official notice; finalize documents for filing; conference with Carmen Aguado re same	5.00
23640	02/22/09	T Legal Services	100 Mercury	prep for pre-hearing status conference	1.30
23644	02/23/09	T Legal Services	100 Mercury	hearing prep; pre-hearing conference	6.00
23651	02/24/09	T Legal Services	100 Mercury	conference with H Rosenfield; conference with Todd Foreman; draft email to co counsel; email co counsel	1.10
23656	02/25/09	T Legal Services	100 Mercury	review and reply to A Levy email; review regulations; Telephone conference with co counsel; review regs; draft brief; conference with Todd Foreman; review and forward J Tomashoff email; review 2614 rulemaking; review scheduling order; email co counsel	2.00
23663	02/25/09	T Legal Services	100 Mercury	review IC 735.5 legislative history	0.20
23667	02/26/09	T Legal Services	100 Mercury	email co-counsel; review emails; draft brief re applicable regs; review regs, statutes, pleadings; review emails	4.30
23673	02/27/09	T Legal Services	100 Mercury	review orders; email Carmen Aguado, Arthur Levy; draft brief re regs; review file; legal research; conference with Todd Foreman	6.00
23678	03/01/09	T Legal Services	100 Mercury	edit brief re applicable regs	4.30
23681	03/02/09	T Legal Services	100 Mercury	conference with H Rosenfield; review Todd Foreman edits; review N Goldman email; draft P Pressley declaration; edit brief re applicable procedure; review CDI brief; Telephone conference with J Tomashoff; review final docs; conference with Carmen Aguado re filing	3.00
24316	03/02/09	T Legal Services	100 Mercury	review pleadings	0.20
24271	03/03/09	T Legal Services	100 Mercury	review Mercury brief; email Arthur Levy, E Craven; email co-counsel; review emails; legal research	1.60
24272	03/04/09	T Legal Services	100 Mercury	review email from J Tomashoff; conference with Todd Foreman re reply; legal research; conference with Arthur Levy; draft reply	6.80
24273	03/05/09	T Legal Services	100 Mercury	review and edit reply	1.50
24274	03/06/09	T Legal Services	100 Mercury	review Arthur Levy email; email Carmen Aguado; finalize reply; conference with Mark Reback; leave voice mail for Carmen Aguado re email/ fed ex service of reply	1.80
24275	03/09/09	T Legal Services	100 Mercury	review emails	0.20
24276	03/09/09	T Legal Services	100 Mercury	telephone conference with Arthur Levy re oral argument, 2614, et seq.; prepare for hearing	0.70
24277	03/10/09	T Legal Services	100 Mercury	telephone conference with co-counsel, Mercury counsel re hearing preparation; legal research; review stipulated protective order; email Arthur Levy re same	1.80
24283	03/10/09	T Legal Services	100 Mercury	review Troyk decision; email Arthur Levy	0.70
24278	03/11/09	T Legal Services	100 Mercury	review Arthur Levy email and Troyk decision; prepare for Motion for Summary Judgment hearing	7.40

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Tue, Mar 3, 2015

Slip#	Date	Activity/Expense	Matter# & Name	Matter	Hours
24279	03/12/09	T Legal Services	100 Mercury	travel to and from hearing; prepare for hearing; appear at hearing; conference with co-counsel	10.00
24280	03/13/09	T Legal Services	100 Mercury	conference with Todd Foreman; telephone conference with Arthur Levy;	1.00
24281	03/17/09	T Legal Services	100 Mercury	email Arthur Levy and co-counsel; review order; conference with D Heller	0.60
24282	03/18/09	T Legal Services	100 Mercury	email Arthur Levy; review reply	0.20
25350	03/20/09	T Legal Services	100 Mercury	review and reply to email; telephone conference with A Cole; telephone conference with Arthur Levy; email H Rosenfield	1.20
27464	03/20/09	T Legal Services	100 Mercury	review and reply to email	0.20
25354	03/21/09	T Legal Services	100 Mercury	review email	0.10
25356	03/22/09	T Legal Services	100 Mercury	review and reply to emails; draft amended budget; respond to court reporter	3.00
25363	03/23/09	T Legal Services	100 Mercury	draft amended budget; telephone conference with J Tomashoff; email Carmen Aguado	1.00
25367	03/23/09	T Legal Services	100 Mercury	edit Mercury NC amended proposed budget	0.50
25379	03/24/09	T Legal Services	100 Mercury	email Carmen Aguado; review transcripts; email court reporter; email co-counsel	0.30
25385	03/25/09	T Legal Services	100 Mercury	review and edit budget; conference with Carmen Aguado; email Arthur Levy	0.40
25414	03/30/09	T Legal Services	100 Mercury	telephone conference with Mercury counsel; telephone conference with co-counsel re prehearing tasks; draft schedule; review regs	3.30
25422	03/31/09	T Legal Services	100 Mercury	review A Levy edits to schedule; edit same and email edits to co-counsel; conference with Todd Foreman; email schedule to co-counsel	1.00
25430	04/01/09	T Legal Services	100 Mercury	review emails from S Kook and reply to same; voice mail to Arthur Levy; email J Tomashoff and Arthur Levy; prehearing conference; review schedule; email Arthur Levy; review J Tomashoff email	1.40
25435	04/02/09	T Legal Services	100 Mercury	review schedule; review and revise schedule; review and reply to Arthur Levy email	1.50
25443	04/03/09	T Legal Services	100 Mercury	telephone conference with Arthur Levy, J Tomashoff; review and edit schedule; telephone conference with S Kook; voice mail to Arthur Levy re schedule; telephone conference with Arthur Levy re schedule; email S Kook re same	2.20
25452	04/06/09	T Legal Services	100 Mercury	email S Kook; review J Tomashoff email; email counsel	0.30
25462	04/07/09	T Legal Services	100 Mercury	email signature page; review final stipulation	0.20
25506	04/13/09	T Legal Services	100 Mercury	review J Tomashoff email; review draft stipulation	0.40
25516	04/14/09	T Legal Services	100 Mercury	email Arthur Levy; forward docs to Carmen Aguado; edit stipulation of facts	2.80
25758	04/15/09	T Legal Services	100 Mercury	telephone conference with Arthur Levy; review amended NNC; email Arthur Levy; conference with Todd Foreman; conference with Todd Foreman; conference with D Heller re NNC	1.50
25769	04/16/09	T Legal Services	100 Mercury	review and forward fact stipulation; emails to Arthur Levy; telephone conference with Arthur Levy; telephone conference with J Tomashoff	0.80
25783	04/17/09	T Legal Services	100 Mercury	review Owyang orders; email Arthur Levy; review emails	0.30
25797	04/20/09	T Legal Services	100 Mercury	review emails	0.20
25674	04/23/09	T Legal Services	100 Mercury	review and reply to emails	0.10
25677	04/24/09	T Legal Services	100 Mercury	review emails; review stipulation reply from S Kook; voice mail to Arthur Levy; voice mail to Adam Cole, General Counsel, CDI; telephone conference with Arthur Levy; telephone conference with Adam Cole, General Counsel, CDI; conference with D Heller; conference with Arthur Levy	1.40
25702	04/28/09	T Legal Services	100 Mercury	telephone conference with counsel re stipulations; telephone conference with counsel re settlement meeting	0.80
25711	04/29/09	T Legal Services	100 Mercury	review letter to Mercury counsel; email Arthur Levy re same	0.20
25713	04/30/09	T Legal Services	100 Mercury	telephone conference with Adam Cole, General Counsel, CDI; conference with D Heller; telephone conference with Arthur Levy	0.70
25724	04/30/09	T Legal Services	100 Mercury	review and reply to Arthur Levy email; conference with D Heller	0.20
25730	05/01/09	T Legal Services	100 Mercury	email H Rosenfield; email Adam Cole, General Counsel, CDI; conference with D Heller; review S Kook letter	0.60
25744	05/04/09	T Legal Services	100 Mercury	review and reply to Adam Cole, General Counsel, CDI email; email Arthur Levy	0.20
25751	05/04/09	T Legal Services	100 Mercury	email Arthur Levy	0.10
25745	05/05/09	T Legal Services	100 Mercury	conference with Todd Foreman; telephone conference with Adam Cole, General Counsel, CDI; conference with D Heller re settlement; email Arthur Levy	0.70
25870	05/07/09	T Legal Services	100 Mercury	telephone conference with co-counsel; review files, prepare pleading; draft opening brief re adverse	4.60

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Slip#	Date	Activity/Expense	Matter# & Name	Matter	Hours
25873	05/08/09	T Legal Services	100 Mercury	witness testimony	
25876	05/10/09	T Legal Services	100 Mercury	telephone conference with A Cole, J Tomashoff; conference with D Heller; draft brief	2.10
25880	05/11/09	T Legal Services	100 Mercury	review Arthur Levy draft arguments; draft brief re adverse witnesses	3.00
25886	05/12/09	T Legal Services	100 Mercury	review draft of OB; edit brief; review emails and reply	0.70
25892	05/13/09	T Legal Services	100 Mercury	review emails; edit/ finalize OB re adverse witnesses; review final doc; email Carmen Aguado; email S Weinstein; review emails	2.50
27411	05/13/09	T Legal Services	100 Mercury	review protective order; email co-counsel; review E Craven email	0.40
25900	05/14/09	T Legal Services	100 Mercury	review protective order	0.50
25915	05/15/09	T Legal Services	100 Mercury	review and reply to emails	0.10
25924	05/18/09	T Legal Services	100 Mercury	review NNC	2.50
26030	05/19/09	T Legal Services	100 Mercury	review E Craven email	0.10
26043	05/20/09	T Legal Services	100 Mercury	review rulemaking docs; draft reply; telephone conference with Arthur Levy; conference with Todd Foreman; review and reply to emails	5.20
26052	05/21/09	T Legal Services	100 Mercury	draft reply; telephone conference with J Tomashoff; conference with D Heller re settlement issues; review and forward D Heller email; review J Tomashoff replies	3.80
26054	05/26/09	T Legal Services	100 Mercury	review emails; conference with D Heller; email A Cole, J Tomashoff	0.60
26176	06/01/09	T Legal Services	100 Mercury	draft and edit reply; telephone conference with A Cole, Arthur Levy, J Tomashoff	3.60
26182	06/02/09	T Legal Services	100 Mercury	conference with D Heller; prepare for settlement meeting; telephone conference with J Tomashoff; travel to SF	4.80
26188	06/03/09	T Legal Services	100 Mercury	travel to meeting; settlement conference with commissioner; lunch meeting with J Tomashoff, Arthur Levy; telephone conference with D Heller; telephone conference with Arthur Levy re hearing preparation	5.00
26205	06/04/09	T Legal Services	100 Mercury	prepare for hearing; appear at hearing re adverse witness; conference with S Weinstein, J Tomashoff; lunch meeting with Arthur Levy, J Tomashoff; telephone conference with Todd Foreman	3.00
26217	06/05/09	T Legal Services	100 Mercury	review emails	0.10
26311	06/10/09	T Legal Services	100 Mercury	review and forward orders	0.10
26314	06/11/09	T Legal Services	100 Mercury	review emails	0.10
26318	06/12/09	T Legal Services	100 Mercury	review emails	0.10
26465	06/15/09	T Legal Services	100 Mercury	telephone conference with Arthur Levy, N Goldman, J Tomashoff re prefiled direct testimony preparation; review voice mail and voice mail to D Heller re settlement	1.10
26475	06/16/09	T Legal Services	100 Mercury	review voice mail of A Cole; email co-counsel; review amended draft of protective order	0.50
26480	06/17/09	T Legal Services	100 Mercury	review Mercury SEC filing notes and forward to Adam Cole, General Counsel, CDI, J Tomashoff	0.20
26498	06/19/09	T Legal Services	100 Mercury	review and edit proposed protective order; email to S Kook; review S Kook email; revise stipulated protective order	0.90
26538	06/25/09	T Legal Services	100 Mercury	review emails; email J Owyang	0.30
26707	06/26/09	T Legal Services	100 Mercury	review PDT; email Tomashoff; review protective order	1.00
26717	06/29/09	T Legal Services	100 Mercury	review protective order revisions; review and reply to emails; email Arthur Levy	0.70
26721	06/30/09	T Legal Services	100 Mercury	telephone conference with J Tomashoff, N Goldman; review testimony	1.00
27393	06/30/09	T Legal Services	100 Mercury	review and reply to C Balber email	0.10
26732	07/01/09	T Legal Services	100 Mercury	email Arthur Levy	0.10
26734	07/02/09	T Legal Services	100 Mercury	emails to J Tomashoff, Arthur Levy; review final D Ward testimony	0.30
26742	07/06/09	T Legal Services	100 Mercury	telephone conference with Arthur Levy	0.20
26752	07/07/09	T Legal Services	100 Mercury	telephone conference with Arthur Levy; conference with Carmen Aguado re prefiled direct testimony; download and review same; email Arthur Levy; voice mail for Arthur Levy re prefiled direct testimony; review same; conference with Carmen Aguado re filing; telephone conference with OAH clerk; review email; review file; telephone conference with Arthur Levy; conferences with Carmen Aguado re filing; email J Tomashoff	1.90
				review Mercury letter; telephone conference with J Tomashoff; conference with Todd Foreman; review Arthur Levy email; email Arthur Levy, J Tomashoff; telephone conference with S Kook secretary; voice mail to S Kook; telephone conference with Arthur Levy; email S Weinstein;	1.70

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Slip#	Date	Activity/Expense	Matter# & Name	Matter	Hours
26813	07/08/09	T Legal Services	100 Mercury	conference with Carmen Aguado re service	1.30
26845	07/14/09	T Legal Services	100 Mercury	telephone conference with Arthur Levy; conf call with ALJ and counsel; email H Rosenfield, Todd Foreman, D Heller; review and reply to emails; review notice	0.40
26918	07/15/09	T Legal Services	100 Mercury	review Arthur Levy email; email J Tomashoff	2.00
27044	07/17/09	T Legal Services	100 Mercury	review J Tomashoff email; review and reply to N Goldman email; legal research; conferences with Todd Foreman; review Todd Foreman emails	0.80
27083	07/20/09	T Legal Services	100 Mercury	conference with H Rosenfield, D Heller re FRUB exam; review and forward Mercury motions/ response; conference with Todd Foreman, H Rosenfield	1.10
27086	07/21/09	T Legal Services	100 Mercury	email Arthur Levy; telephone conference with Arthur Levy; review draft brief re PDT	0.80
27092	07/21/09	T Legal Services	100 Mercury	email Carmen Aguado re conference call; email Arthur Levy, J Tomashoff, N Goldman re same; review brief; telephone conference with Arthur Levy, J Tomashoff	0.40
27101	07/22/09	T Legal Services	100 Mercury	edit brief; review calendar dates	2.70
27111	07/23/09	T Legal Services	100 Mercury	edit brief; review Arthur Levy email, draft insert; legal research	3.00
27504	07/24/09	T Legal Services	100 Mercury	review Arthur Levy edits; email Arthur Levy, J Tomashoff; draft joinder; edit Arthur Levy declaration; review Arthur Levy email; forward joinder; email Arthur Levy; review draft; email J Tomashoff; review Mercury limited MTS; edit brief	0.70
27512	07/27/09	T Legal Services	100 Mercury	edit brief; email Arthur Levy assistant; review email	3.00
27815	07/27/09	T Legal Services	100 Mercury	review FRUB exam; review Mercury opening brief; review Mercury limited motion to strike; conference with H Rosenfield, Todd Foreman; review MPO, S Kook declaration, stipulated protective order; conference with H Rosenfield re same	0.70
27514	07/28/09	T Legal Services	100 Mercury	conference with Todd Foreman, H Rosenfield; conference with Todd Foreman; review stipulated protective order	2.00
27533	07/29/09	T Legal Services	100 Mercury	telephone conference with Arthur Levy re reply; telephone conference with J Tomashoff; edit reply; conference with Todd Foreman	7.10
27539	07/30/09	T Legal Services	100 Mercury	draft reply; review email; telephone conference with Arthur Levy; email Arthur Levy	1.40
27551	07/31/09	T Legal Services	100 Mercury	review J Tomashoff edits; edit reply; email Carmen Aguado re POS	1.60
27563	08/03/09	T Legal Services	100 Mercury	review and finalize edits to reply brief; telephone conference with Arthur Levy; review Mercury reply	0.30
27600	08/06/09	T Legal Services	100 Mercury	conference with H Rosenfield; email J Tomashoff; review subpoena	0.80
27619	08/07/09	T Legal Services	100 Mercury	email Arthur Levy; telephone conference with Arthur Levy; conference with Todd Foreman re letter	0.30
27627	08/09/09	T Legal Services	100 Mercury	legal research re admission of evidence; email Todd Foreman, H Rosenfield, D Heller re Mercury; review Mercury NC calendar, emails	0.30
27625	08/10/09	T Legal Services	100 Mercury	prepare for hearing	8.30
27639	08/11/09	T Legal Services	100 Mercury	travel to and from hearing; prepare for hearing; attend hearing re motion to strike; conference with Arthur Levy, J Tomashoff	0.20
27720	08/21/09	T Legal Services	100 Mercury	conference with Todd Foreman, Carmen Aguado, H Rosenfield	0.50
27990	08/24/09	T Legal Services	100 Mercury	review order; legal research; telephone conference with H Rosenfield	0.20
28005	08/25/09	T Legal Services	100 Mercury	email H Rosenfield, Arthur Levy, N Goldman; email M Savage; conference with H Rosenfield	3.00
28020	08/26/09	T Legal Services	100 Mercury	telephone conference with M Savage; telephone conference with A Levy, J Tomashoff, N Goldman, H Rosenfield; conference with H Rosenfield; conferences with Todd Foreman; review order; telephone conference with S Weinstein; email J Tomashoff, H Rosenfield, Arthur Levy, N Goldman re next steps; email J Tomashoff re scheduling	0.50
28031	08/27/09	T Legal Services	100 Mercury	review and reply to Carmen Aguado; telephone conference with J Tomashoff; review emails	0.30
28043	08/28/09	T Legal Services	100 Mercury	review schedule; review J Tomashoff outline of procedure	0.70
28050	08/31/09	T Legal Services	100 Mercury	revise strategy doc	1.00
28062	09/01/09	T Legal Services	100 Mercury	review and reply to J Tomashoff email; conference with H Rosenfield; review Arthur Levy proposal; telephone conference with J Tomashoff	1.20
28067	09/02/09	T Legal Services	100 Mercury	voice mail H Rosenfield; email Arthur Levy; conference with H Rosenfield; telephone conference with Arthur Levy; prepare for meeting	7.90
28113	09/10/09	T Legal Services	100 Mercury	travel; conference with Arthur Levy; meeting with Adam Cole, General Counsel, CDI, J Tomashoff, Arthur Levy; conference with Arthur Levy	0.20
				email J Tomashoff; review J Tomashoff reply	



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Slip#	Date	Activity/Expense	Matter# & Name	Matter	Hours
28120	09/11/09	T Legal Services	100 Mercury	review and reply to Arthur Levy email	0.10
28128	09/14/09	T Legal Services	100 Mercury	review emails and forward to Todd Foreman	0.10
28140	09/15/09	T Legal Services	100 Mercury	review emails	0.10
28629	10/02/09	T Legal Services	100 Mercury	email Arthur Levy, J Tomashoff	0.10
28637	10/05/09	T Legal Services	100 Mercury	email J Tomashoff, Arthur Levy; telephone conference with J Tomashoff, Arthur Levy; conference with Todd Foreman	0.60
28918	10/26/09	T Legal Services	100 Mercury	telephone conference with J Tomashoff; telephone conference with Arthur Levy; conference with J Tomashoff	0.80
28963	10/30/09	T Legal Services	100 Mercury	review CDI draft motion; email Arthur Levy, J Tomashoff	0.70
28981	11/03/09	T Legal Services	100 Mercury	review and reply to emails; conference with Todd Foreman	0.50
28988	11/03/09	T Legal Services	100 Mercury	conference with H Rosenfield; email J Tomashoff; legal research re judicial review	1.00
29087	11/03/09	T Legal Services	100 Mercury	telephone conference with J Tomashoff, Arthur Levy; conference with H Rosenfield	1.30
28991	11/04/09	T Legal Services	100 Mercury	telephone conference with J Tomashoff; edit and draft motion; conference with Todd Foreman, H Rosenfield, J Court, D Heller; telephone conference with A Dudovitz	5.70
29006	11/05/09	T Legal Services	100 Mercury	review J Tomashoff email; telephone conference with J Tomashoff; email Arthur Levy J Tomashoff, H Rosenfield, Adam Cole, General Counsel, CDI, J Aguilar; review A Cole email	0.50
29012	11/06/09	T Legal Services	100 Mercury	edit motion	2.00
29013	11/09/09	T Legal Services	100 Mercury	review Adam Cole, General Counsel, CDI emails and edits; edit motion; telephone conference with J Tomashoff	0.60
29277	11/10/09	T Legal Services	100 Mercury	edit motion, proposed order; review emails	3.90
29282	11/11/09	T Legal Services	100 Mercury	revise draft motion; email co counsel, CDI counsel; email J Tomashoff	0.80
29289	11/12/09	T Legal Services	100 Mercury	email J Tomashoff; edit motion, order; email J Tomashoff; review email from Ogden; review and forward final motion	2.50
29306	11/16/09	T Legal Services	100 Mercury	email J Tomashoff; review J Tomashoff email	0.20
29338	11/20/09	T Legal Services	100 Mercury	voice mail to Adam Cole, General Counsel, CDI	0.10
29701	11/23/09	T Legal Services	100 Mercury	email J Tomashoff re hearing schedule; review and forward J Tomashoff email to H Rosenfield; review and reply to J Tomashoff email	0.40
29827	11/30/09	T Legal Services	100 Mercury	review and reply to emails	0.10
29844	12/02/09	T Legal Services	100 Mercury	email Carmen Aguado, H Rosenfield re order; review order; email Carmen Aguado; email J Tomashoff	0.40
29892	12/09/09	T Legal Services	100 Mercury	review voice mail; telephone conference with Arthur Levy	0.30
29984	01/04/10	T Legal Services	100 Mercury	email Carmen Aguado	0.10
30052	01/05/10	T Legal Services	100 Mercury	edit letter re telephonic appearance; review letter; conference with Carmen Aguado; email Arthur Levy; review files	0.70
30061	01/06/10	T Legal Services	100 Mercury	download reply; emails to J Tomashoff	0.20
30099	01/10/10	T Legal Services	100 Mercury	edit reply	5.00
30269	01/11/10	T Legal Services	100 Mercury	review J Aguilar comments re reply	0.10
30101	01/12/10	T Legal Services	100 Mercury	review and reply to email; review and edit reply; review and reply to J Tomashoff email	3.20
30111	01/13/10	T Legal Services	100 Mercury	review emails; review Adam Cole, General Counsel, CDI edits; voice mail to J Tomashoff; telephone conference with J Tomashoff; edit reply; review and reply to J Tomashoff email; conference with H Rosenfield	1.90
30270	01/13/10	T Legal Services	100 Mercury	legal research; edit reply	1.00
30249	01/20/10	T Legal Services	100 Mercury	voice mail to J Tomashoff; review J Tomashoff memo; email Arthur Levy	0.60
30539	01/21/10	T Legal Services	100 Mercury	voice mail to Arthur Levy; prepare hearing outline	1.60
30549	01/22/10	T Legal Services	100 Mercury	telephone conference with J Tomashoff; conference with Carmen Aguado	0.40
30553	01/25/10	T Legal Services	100 Mercury	review and reply to Carmen Aguado email; conference with Todd Foreman; telephone conference with Adam Cole, General Counsel, CDI, J Tomashoff, H Rosenfield; telephone conference with H Rosenfield; legal research; review procedural regs	3.10
30562	01/26/10	T Legal Services	100 Mercury	review Carmen Aguado email; review J Tomashoff email; email J Tomashoff re court reporter; conference with Carmen Aguado; telephone conference with Arthur Levy re telephonic appearance; email J Owyang; review and reply to emails; review Adam Cole, General Counsel, CDI email; email	2.00

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Slip#	Date	Activity/Expense	Matter# & Name	Matter	Hours
30568	01/27/10	T Legal Services	100 Mercury	Arthur Levy; review H Rosenfield email and reply; review email from J Tomashoff re hearing; email co-counsel; telephone conference with Arthur Levy re hearing; review and reply to H Rosenfield email re reply arguments; review FF v. Quack opinion and briefs	2.40
30586	01/29/10	T Legal Services	100 Mercury	review emails; telephone conference with H Rosenfield; prepare for hearing; conference with H Rosenfield; review J Tomashoff email; appear telephonically for hearing on joint motion; conference with H Rosenfield re same; telephone conference with ct. reporter	0.10
30590	02/01/10	T Legal Services	100 Mercury	conference with H Rosenfield	0.20
31127	02/09/10	T Legal Services	100 Mercury	telephone conference with ct. reporter; conference with H Rosenfield; email same re ordering transcript	0.70
31132	02/10/10	T Legal Services	100 Mercury	rev/ reply to court reporter emails; review and forward email; review A Schwartz, Falmer declaration	0.20
31169	02/12/10	T Legal Services	100 Mercury	review and reply to emails re transcript	0.10
31596	03/11/10	T Legal Services	100 Mercury	email J Owyang	0.20
31710	03/23/10	T Legal Services	100 Mercury	update case schedule	0.20
31719	03/24/10	T Legal Services	100 Mercury	email Arthur Levy and J Tomashoff; review Arthur Levy email	0.20
31976	04/12/10	T Legal Services	100 Mercury	review and forward J Tomashoff email; telephone conference with J Tomashoff	0.10
31991	04/13/10	T Legal Services	100 Mercury	email J Tomashoff	0.20
31996	04/14/10	T Legal Services	100 Mercury	email co-counsel	0.10
32015	04/14/10	T Legal Services	100 Mercury	review and reply to H Rosenfield email	0.50
31997	04/15/10	T Legal Services	100 Mercury	review order re joint motion; email co-counsel; conference with Todd Foreman	0.80
32017	04/16/10	T Legal Services	100 Mercury	conference with D Heller; email Todd Foreman, H Rosenfield, D Heller; edit case timeline info;meeting re status	1.60
32901	05/02/10	T Legal Services	100 Mercury	review emails; telephone conference with Arthur Levy, Todd Foreman re next steps; telephone conference with CDI and co-counsel re next steps; meeting to discuss case	0.10
32902	05/03/10	T Legal Services	100 Mercury	email Todd Foreman, H Rosenfield re case strategy	0.20
32904	05/05/10	T Legal Services	100 Mercury	review and reply to emails re status report; email Todd Foreman re case strategy	0.10
32915	06/02/10	T Legal Services	100 Mercury	email Todd Foreman, H Rosenfield re case strategy	0.10
33176	06/24/10	T Legal Services	100 Mercury	email Todd Foreman re case strategy	0.80
34163	08/30/10	T Legal Services	100 Mercury	teleconf with A Levy and Todd Foreman re strategy/next steps	0.10
34518	09/14/10	T Legal Services	100 Mercury	review H Rosenfield/Todd Foreman emails re status	0.30
34606	09/22/10	T Legal Services	100 Mercury	review and edit letter to IC	0.20
34617	09/23/10	T Legal Services	100 Mercury	conference with Todd Foreman, J Flanagan, H Rosenfield re case status; review S Weinstein email	0.80
34654	09/23/10	T Legal Services	100 Mercury	review emails re call; conference with H Rosenfield, Todd Foreman re status; email A Stone, A Cole re call with Mercury; review D Heller voice mail re next steps; review A Cole email re same; telephone conference with D Hilla	0.10
34625	09/24/10	T Legal Services	100 Mercury	email S Weinstein	1.60
34679	09/24/10	T Legal Services	100 Mercury	emails to D Hilla, A Levy, H Rosenfield re strategy call; telephone conference with D Hilla, A Levy re next steps; conference with Todd Foreman; review emails; review notes; conference with D Heller re settlement discussions; email D Hilla re settlement	0.20
34682	09/27/10	T Legal Services	100 Mercury	review and reply to D Hilla email re settlement	0.60
34687	09/28/10	T Legal Services	100 Mercury	telephone conference with A Cole secretary re conference call; review D Hilla email; reply re same; review/download letters to ALJ, orders	1.00
34699	09/29/10	T Legal Services	100 Mercury	review and reply to D Hilla emails re letter to ALJ; email D Hilla re same; voice mail to D Hilla re proposed reg; review proposed reg and letter to ALJ; conference with Todd Foreman, H Rosenfield re status; review S Weinstein letter to ALJ	0.30
35430	10/08/10	T Legal Services	100 Mercury	email D Hilla; telephone conference with D Hilla re next steps	0.10
35073	10/11/10	T Legal Services	100 Mercury	email D Hilla	0.30
35192	10/14/10	T Legal Services	100 Mercury	telephone conference with A Levy and email re letter to Owyang; review and reply to J Agpoon email re A Levy contact info	0.10
35326	10/26/10	T Legal Services	100 Mercury	conference with Todd Foreman, H Rosenfield re next steps	0.10
				email D Hilla	0.10

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Slip#	Date	Activity/Expense	Matter# & Name	Matter	Hours
35332	10/27/10	T Legal Services	100 Mercury	voice mail to D Hilla	0.10
35338	10/28/10	T Legal Services	100 Mercury	telephone conference with D Hilla re next steps; conference with D Heller re next steps; email D Heller re settlement	1.00
35812	11/04/10	T Legal Services	100 Mercury	review and reply to D Hilla re conference call	0.10
35815	11/05/10	T Legal Services	100 Mercury	conference with H Rosenfield re next steps; telephone conference with D Hilla re next steps	0.50
35843	11/09/10	T Legal Services	100 Mercury	voice mail to A Stone	0.10
35875	11/11/10	T Legal Services	100 Mercury	email D Heller, J Court re order, next steps; review order; conference with H Rosenfield, J Flanagan, Todd Foreman re next steps; emails to D Hilla;	0.70
35893	11/12/10	T Legal Services	100 Mercury	voice mail to D Hilla	0.10
35903	11/12/10	T Legal Services	100 Mercury	review and forward D Hilla email re next steps	0.10
35922	11/15/10	T Legal Services	100 Mercury	email H Rosenfield, Todd Foreman, D Heller re next steps	0.10
35935	11/16/10	T Legal Services	100 Mercury	review notice of non compliance; email D Hilla; conference with Todd Foreman re number of violations; conference with D Heller, Todd Foreman, re settlement; telephone conference with D Hilla re next steps; legal research re official notice; email D Hilla re same; email Adam Cole, General Counsel, CDI; review Adam Cole, General Counsel, CDI email re call;	2.00
35948	11/17/10	T Legal Services	100 Mercury	telephone conference with D Hilla re legal research, witnesses; review D Hilla emails re research; voice mail to A Stone	0.40
35954	11/18/10	T Legal Services	100 Mercury	telephone conference with D Hilla re conference call; telephone conference with co-counsel and CDI counsel	1.00
35961	11/19/10	T Legal Services	100 Mercury	telephone conference with D Hilla re next steps; email Todd Foreman re same	0.20
36217	11/19/10	T Legal Services	100 Mercury	review D Hilla email re dismissal; research re same	0.70
35967	11/22/10	T Legal Services	100 Mercury	telephone conference with Arthur Levy re next steps; telephone conference with D Hilla re next steps; conference with D Heller re settlement; review emails re same	1.30
35981	11/23/10	T Legal Services	100 Mercury	review and reply to D Hilla email re settlement; conference with D Heller re settlement; review D Hilla email	0.30
35987	11/24/10	T Legal Services	100 Mercury	telephone conference with D Hilla; review D Hilla emails re next steps; conferences with Todd Foreman; telephone conference with D Hilla; email D Hilla; email Arthur Levy	1.30
35995	11/29/10	T Legal Services	100 Mercury	telephone conference with B Mohr, Arthur Levy; telephone conference with CDI and Mercury counsel	1.00
36303	11/29/10	T Legal Services	100 Mercury	telephone conference with D Hilla; email D Hilla re slips	0.30
36002	11/30/10	T Legal Services	100 Mercury	review and revise scheduling stipulation; review D Hilla email	1.40
36010	12/01/10	T Legal Services	100 Mercury	telephone conference with Arthur Levy re next steps; review D Hilla email; email S Kook re scheduling stip; review and sign revised stip	0.80
36038	12/06/10	T Legal Services	100 Mercury	conference with H Rosenfield; email D Hilla re next steps; review D Hilla email re call and reply; telephone conference with D Hilla re next steps	1.00
36048	12/07/10	T Legal Services	100 Mercury	telephone conference with co-counsel re next steps	0.80
36095	12/14/10	T Legal Services	100 Mercury	review and reply to D Hilla email; conference with H Rosenfield re Mercury settlement; telephone conference with Arthur Levy re next steps; conference with Todd Foreman re next steps; telephone conference with D Hilla re next steps; email H Rosenfield, D Heller, Todd Foreman re next steps	1.70
36114	12/16/10	T Legal Services	100 Mercury	review and reply to email re fact slips; review draft fact stipulations; email Arthur Levy	0.50
36133	12/20/10	T Legal Services	100 Mercury	review Arthur Levy email re call re hearing preparation	0.10
36147	12/21/10	T Legal Services	100 Mercury	telephone conference with D Hilla; email Arthur Levy re call; telephone conference with D Hilla, Arthur Levy re next steps; conference with Carmen Aguado re call to OAH	0.80
36775	01/03/11	T Legal Services	100 Mercury	voice mail re final reg; conference with Carmen Aguado re order; email S Kook re schedule; email CDI, A Levy re same; review 12/23 order	0.50
36793	01/04/11	T Legal Services	100 Mercury	telephone conference with R Cano re call re next steps; review emails; email S Kook re hearing schedule; email Adam Cole; email D Hilla re call	0.50
36819	01/05/11	T Legal Services	100 Mercury	review proposed hearing schedule; email S Kook re same; voice mail to D Hilla; telephone conference with D Hilla re next steps; review D Hilla email	0.60
36830	01/06/11	T Legal Services	100 Mercury	review emails/reply to D Hilla re conference call, next steps; review D Hilla email; conference with H Rosenfield re same; telephone conference with CDI, A Levy re next steps; telephone conference with A Levy re next steps; telephone conference with A Cole re next steps; telephone conference with D Hilla re next steps	2.50

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Slip#	Date	Activity/Expense	Matter# & Name	Matter	Hours
36835	01/07/11	T Legal Services	100 Mercury	conference with H Rosenfield re telephone conference with A Cole	0.20
36845	01/10/11	T Legal Services	100 Mercury	telephone conference with A Levy, D Hilla, A Stone, S Kook, S Weinstein; telephone conference with A Levy re next steps	0.50
36850	01/11/11	T Legal Services	100 Mercury	conference with Todd Foreman re call with A Cole; review draft letter to ALJ; conference with Todd Foreman re research re amended regulation; email/ conference with Todd Foreman re legal research; review case law re retroactive effect of new regs; email CDI, co-counsel re legal research; review CDI letter to ALJ	1.20
36855	01/11/11	T Legal Services	100 Mercury	review D Hilla email re S Weinstein letter; review and sign stipulation	0.30
36872	01/13/11	T Legal Services	100 Mercury	email S Kook	0.10
36892	01/14/11	T Legal Services	100 Mercury	draft opening brief re application of amended regs; legal research; review ALJ order	2.30
36894	01/24/11	T Legal Services	100 Mercury	review and reply to A Cole email re briefing/hearing; review A Levy email re CDI brief; edit brief; draft Request for Official Notice; telephone conference with D Hilla; review final docs; review briefs of CDI, Mercury; email A Levy re Reply	4.00
36903	01/25/11	T Legal Services	100 Mercury	review emails re brief; telephone conference with D Hilla re trial strategy, next steps; email A Cole; listen to A Levy voice mail re reply	0.60
36916	01/26/11	T Legal Services	100 Mercury	telephone conference with D Hilla; review briefing, prior hearing transcript; review record; review Mercury opening brief; draft reply; legal research re reply	4.80
36921	01/27/11	T Legal Services	100 Mercury	review A Levy email; conference with Todd Foreman re reply brief	0.40
36941	01/28/11	T Legal Services	100 Mercury	edit reply brief; telephone conference with A Levy re same; conference with Todd Foreman re same; edit reply brief	3.60
36963	01/30/11	T Legal Services	100 Mercury	edit reply	0.50
36957	01/31/11	T Legal Services	100 Mercury	conference with Todd Foreman re reply; review and edit reply brief	2.10
36968	02/01/11	T Legal Services	100 Mercury	review Mercury reply, CDI reply; telephone conference with D Hilla re trial plan; review and edit trial plan	1.70
36987	02/03/11	T Legal Services	100 Mercury	review emails re telephonic conference	0.10
37002	02/04/11	T Legal Services	100 Mercury	review S Kook letter to OAH re transcript	0.10
37026	02/07/11	T Legal Services	100 Mercury	email D Hilla re meeting with CDI re trial plan	0.10
37027	02/08/11	T Legal Services	100 Mercury	telephone conference with D Hilla; email A Levy and D Hilla re meeting; conference with Carmen Aguado re letter to ALJ; download orders	0.40
37049	02/08/11	T Legal Services	100 Mercury	review and revise letter to Owyang; email A Levy; email S Kook	0.50
37042	02/09/11	T Legal Services	100 Mercury	conference with Carmen Aguado re letter to ALJ; email Carmen Aguado re order; review trial plan; email D Hilla re same; review D Hilla response to trial plan; review and reply to emails re request for telephonic appearance; email S Kook	1.40
37062	02/10/11	T Legal Services	100 Mercury	review trial plan	0.70
37077	02/11/11	T Legal Services	100 Mercury	emails to D Hilla re next steps; review agenda; telephone conference with D Hilla; telephone conference with CDI, co-counsel re 1/14 status conference and hearing, trial prep	2.20
37095	02/11/11	T Legal Services	100 Mercury	review meeting agenda; email D Hilla re same	0.40
37138	02/14/11	T Legal Services	100 Mercury	legal research; telephone conference with D Hilla, A Levy; emails to Adam Cole, General Counsel, CDI, et. al. re evid. issues; prepare for hearing; appear/ argue at evidentiary hearing; conference with Todd Foreman, D Heller re hearing; review D Hilla email re next steps; telephone conference with D Hilla re next steps; legal research re procedure	5.40
37148	02/15/11	T Legal Services	100 Mercury	conference with Carmen Aguado re admin treatise; conference with H Rosenfield re hearing; review and reply to email to D Hilla email	0.50
37208	02/16/11	T Legal Services	100 Mercury	voice mail A Levy; telephone conference with A Levy re next steps; conference with D Heller re same; emails to D Hilla, A Levy re transcript	1.10
37226	02/18/11	T Legal Services	100 Mercury	review email re transcript	0.10
37945	02/23/11	T Legal Services	100 Mercury	email Arthur Levy, D Hilla	0.10
38873	02/23/11	T Legal Services	100 Mercury	review and reply to emails re ex parte issue	0.10
37956	02/24/11	T Legal Services	100 Mercury	email Arthur Levy, D Hilla	0.20
37958	02/25/11	T Legal Services	100 Mercury	email Arthur Levy, D Hilla re planning call; telephone conference with Arthur Levy, D Hilla, Todd Foreman, A Stone re trial prep; review order	1.30
38001	02/28/11	T Legal Services	100 Mercury	review emails; download files; review trial plan; email Arthur Levy re penalty regs	0.70

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Slip#	Date	Activity/Expense	Matter# & Name	Matter	Hours
38007	03/01/11	T Legal Services	100 Mercury	prepare for call with Arthur Levy; telephone conference with Arthur Levy re trial plan; legal research; telephone conference with D Hilla, A Stone re next steps; email D Hilla, Arthur Levy re same; review and reply re Arthur Levy email; legal research re evidence; review admin cases; email Arthur Levy re admin proc; email D Hilla re conference call	4.10
38015	03/02/11	T Legal Services	100 Mercury	telephone conference with CDI counsel re next steps; telephone conference with Arthur Levy re evid. filing; telephone conference with A Cole re briefing; email Todd Foreman re same; review transcript, order; email counsel re same; review D Hilla email re A Schwartz docs; review Arthur Levy emails re RON; conference with D Heller re next steps; telephone conference with D Hilla; review Arthur Levy voice mail, email re PDT; draft RON; review emails from Arthur Levy, D Hilla re PDT; draft PDT	6.00
38022	03/03/11	T Legal Services	100 Mercury	review Arthur Levy, A Cole emails re evidence; telephone conference with Arthur Levy re PDT, RON; draft, edit RON; review Arthur Levy declaration, exhibit list, witness list; email CDI counsel re PDT; email Todd Foreman, Arthur Levy re witness list; email Arthur Levy re RON; telephone conference with Arthur Levy re witness list, RON; review and edit RON	4.00
38032	03/03/11	T Legal Services	100 Mercury	review Arthur Levy declaration; email re same	0.30
38034	03/04/11	T Legal Services	100 Mercury	review and edit RON; telephone conference with D Hilla re next steps; review final docs; review D Hilla email	2.30
38059	03/07/11	T Legal Services	100 Mercury	telephone conference with D Hilla re next steps; conference with Todd Foreman re next steps; telephone conference with Arthur Levy	0.70
38066	03/08/11	T Legal Services	100 Mercury	review and forward Explorer decision to Arthur Levy; email Arthur Levy re same; conference with Todd Foreman re brief re exparte communication; review S Weinstein letter to ALJ	0.90
38083	03/09/11	T Legal Services	100 Mercury	email D Hilla re meeting; review emails; telephone conference with D Hilla; review and reply to Arthur Levy re next steps	0.50
38094	03/10/11	T Legal Services	100 Mercury	telephone conference with CDI re letter to ALJ response to Weinstein letter; review and reply re draft letter to ALJ; review emails re letter to ALJ; review A Stone email re ex parte brief	0.90
38096	03/11/11	T Legal Services	100 Mercury	review final letter; email Arthur Levy re same; review and forward email re meet and confer; review letters to ALJ; email Arthur Levy re same	0.60
38117	03/15/11	T Legal Services	100 Mercury	telephone conference with parties re ALJs order; conference with Todd Foreman; emails to Arthur Levy, D Hilla; review ALJ orders; email Todd Foreman, Arthur Levy re next steps; review S Weinstein draft letter to ALJ; email Arthur Levy; email D Hilla	1.60
38123	03/16/11	T Legal Services	100 Mercury	review Arthur Levy email; email Arthur Levy re email to S Weinstein; email D Hilla, A Stone, B Mohr; review emails re meet and confer; review emails, letters to ALJ	0.90
38127	03/17/11	T Legal Services	100 Mercury	telephone conference with D Hilla re next steps; conference with Todd Foreman re next steps; review briefing; review stipulations; email Todd Foreman, Arthur Levy, D Hilla re same; review Arthur Levy, Todd Foreman emails re stips; reply re same; review brief re ex parte communication; conference with Todd Foreman re ex parte communication brief and stips; review order; conference with Todd Foreman, H Rosenfield	2.90
38137	03/18/11	T Legal Services	100 Mercury	review and reply to email re ex parte comm, scheduling; conference with D Hilla; review proposed schedule; email Arthur Levy re briefing schedule, amended notice; review and reply to D Hilla email re briefing; edit brief re ex parte communication	2.40
38881	03/19/11	T Legal Services	100 Mercury	review Arthur Levy, H Rosenfield emails re ex parte communication brief	0.10
38884	03/21/11	T Legal Services	100 Mercury	edit ex parte communication brief; review and reply to CDI email re meet and confer; review and forward email re meet and confer; email Arthur Levy and review replies; conference with H Rosenfield re declaration; email Arthur Levy re same; email D Hilla, A Stone re draft brief	2.60
38892	03/22/11	T Legal Services	100 Mercury	review L Antonini email re exhibits; review Todd Foreman email re brief; telephone conference with Arthur Levy re next steps, briefing, meet and confer	0.70
38902	03/23/11	T Legal Services	100 Mercury	email D Hilla re briefing issues; review D Hilla email re briefing; review Arthur Levy declaration; review and reply to emails re schedule; review and reply to emails; telephone conference with D Hilla re schedule; telephone conference with co-counsel re next steps; conference with Todd Foreman; email D Hilla	1.40
38907	03/24/11	T Legal Services	100 Mercury	review draft letters; email Todd Foreman, D Heller re same; finalize, sign brief and declaration; email Carmen Aguado re service; conference with H Rosenfield re declaration; review and edit letter to ALJ re order of evidence; conference with Todd Foreman re joint letter to ALJ; email Todd Foreman re declaration	1.50
38918	03/25/11	T Legal Services	100 Mercury	review Carmen Aguado email re final brief/declaration; telephone conference with D Hilla; review and edit letter to ALJ; review and revise draft brief, declaration; review D Hilla email and reply re letter to	1.20

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				ALJ	
38921	03/25/11	T Legal Services	100 Mercury	review and edit supplemental brief	2.20
42259	03/28/11	T Legal Services	100 Mercury	review Mercury brief re ex parte communication; email D Hilla re call re briefing schedule	0.30
38878	03/29/11	T Legal Services	100 Mercury	review emails re call with CDI, Mercury brief; email D Hilla re NNC	0.20
38335	03/30/11	T Legal Services	100 Mercury	review email; reply re scheduling; telephone conference with CDI re briefing schedule; telephone conference with CDI, A Cole re scheduling; telephone conference with Arthur Levy re declaration; review A Cole declaration; email Arthur Levy re declaration	1.20
38353	03/31/11	T Legal Services	100 Mercury	legal research re collateral estoppel	1.50
38371	04/01/11	T Legal Services	100 Mercury	review briefing schedule; meet and confer; email to D Hilla re same; review and reply to A Levy email re schedule; review and reply to emails re schedule; telephone conference with D Hilla re briefing schedule	1.60
38387	04/04/11	T Legal Services	100 Mercury	review and reply to emails re briefing schedule	0.60
38498	04/05/11	T Legal Services	100 Mercury	email D Hilla re schedule; review CDI letter to ALJ re ex parte communication; review emails; email Arthur Levy; telephone conference with D Hilla re schedule; review H Rosenfield email; review/reply to email re briefing; telephone conference with D Hilla; draft email schedule; review ALJ order	1.30
38709	04/06/11	T Legal Services	100 Mercury	review and reply to emails re scheduling; email D Hilla re schedule; review and reply to D Hilla email re schedule	0.30
38715	04/07/11	T Legal Services	100 Mercury	review D Hilla emails; review D Hilla email; review emails re schedule and reply; review orders; email D Hilla re same	0.60
38819	04/08/11	T Legal Services	100 Mercury	email D Hilla re letter to ALJ	0.10
38829	04/11/11	T Legal Services	100 Mercury	review D Hilla email; conference with J Flanagan, H Rosenfield, Todd Foreman re case status; review S Weinstein letter; email co-counsel re same; conference with Todd Foreman re next steps	0.70
38842	04/12/11	T Legal Services	100 Mercury	review and edit letter to ALJ; emails to D Hilla; email Arthur Levy re scheduling; email Arthur Levy re letter to ALJ	0.60
38851	04/13/11	T Legal Services	100 Mercury	edit letter to ALJ; telephone conference with D Hilla re letter to ALJ; review and reply to emails re letter to ALJ	0.60
38858	04/14/11	T Legal Services	100 Mercury	review letter to ALJ; review voice mail	0.20
38863	04/15/11	T Legal Services	100 Mercury	telephone conference with D Hilla re B&W letter to ALJ; status conference	0.30
38924	04/18/11	T Legal Services	100 Mercury	review and reply to emails re scheduling; conference with H Rosenfield, J Flanagan, Todd Foreman re next steps; review and reply to D Hilla email re call re briefing; review Arthur Levy email re call with ALJ	0.70
38946	04/19/11	T Legal Services	100 Mercury	email D Hilla	0.10
38957	04/20/11	T Legal Services	100 Mercury	telephone conference with D Hilla and A Stone re briefing; review ALJ email; forward to Carmen Aguado re status conference	0.70
38987	04/25/11	T Legal Services	100 Mercury	conference with H Rosenfield, Todd Foreman, J Flanagan re next steps	0.20
39002	04/26/11	T Legal Services	100 Mercury	email D Hilla, Arthur Levy re call; review CDI letter to ALJ; review Mercury discovery request; email D Hilla; conference with H Rosenfield; review and reply to D Hilla email	0.70
39011	04/27/11	T Legal Services	100 Mercury	telephone conference with co-counsel re briefing	0.80
39015	04/28/11	T Legal Services	100 Mercury	prepare for conference call with ALJ; telephone conference with ALJ re briefing; conference with Todd Foreman re status conference; review and download ALJ order	1.30
39229	05/12/11	T Legal Services	100 Mercury	review letter re discovery	0.30
40532	05/16/11	T Legal Services	100 Mercury	conference with T Foreman, H Rosenfield, J Flanagan, L Antonini re case status/next steps	0.10
40582	05/24/11	T Legal Services	100 Mercury	review and reply to D Hilla; review emails re Krumme exhibits	0.20
40606	05/25/11	T Legal Services	100 Mercury	review CE briefing	0.30
40609	05/26/11	T Legal Services	100 Mercury	email Arthur Levy; review L Antonini memo re CE; review Todd Foreman email re policy argument; review L Antonini research	0.80
40631	05/27/11	T Legal Services	100 Mercury	telephone conference with D Hilla re briefing, next steps; review evidence; conference with Todd Foreman re same; email D Hilla re same; telephone conference with Arthur Levy re briefing; email Arthur Levy, D Heller, B Mohr, A Stone re call; review emails re call/briefing; review D Hilla email re briefing	1.90
40647	05/31/11	T Legal Services	100 Mercury	email Carmen Aguado re call; telephone conference with co-counsel, CDI counsel; conference with Laura Antonini re same	0.40

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40676	06/01/11	T Legal Services	100 Mercury	review and reply to emails on CE brief	0.20
40694	06/01/11	T Legal Services	100 Mercury	conference with Todd Foreman, H Rosenfield J Flanagan. Laura Antonini re next steps	0.10
40697	06/02/11	T Legal Services	100 Mercury	review email re CE research; review and edit CE motion; email CDI counsel re CE motion	2.00
40706	06/02/11	T Legal Services	100 Mercury	review research memo	0.10
40707	06/03/11	T Legal Services	100 Mercury	review A Stone email re CE brief; review and edit CE brief; email D Hilla re CE motion evidence; review and edit issues section; emails to CDI counsel	2.50
40733	06/06/11	T Legal Services	100 Mercury	review emails from A Stone; conference with Laura Antonini re CE research; review and edit CE motion; conference with Laura Antonini re same; email CDI counsel; prepare joinder; email A Stone re same	2.50
40746	06/07/11	T Legal Services	100 Mercury	review and reply to A Stone email re brief and joinder; email Carmen Aguado re joinder; email CDI re call; edit CE brief; sign/cw Carmen Aguado re joinder; reply to D Hilla email re call; review and dl motions; review Mercury briefs	1.60
40876	06/08/11	T Legal Services	100 Mercury	conference with H Rosenfield, Todd Foreman re case status	0.10
40772	06/09/11	T Legal Services	100 Mercury	review Todd Foreman voice mail; review motions; follow up with D Hilla re next steps; telephone conference with CDI counsel, Arthur Levy re next steps	1.20
40879	06/09/11	T Legal Services	100 Mercury	review order; draft summary; email same to H Rosenfield, Todd Foreman	0.30
40780	06/20/11	T Legal Services	100 Mercury	review and reply to emails; conference with Todd Foreman re status conference; email Arthur Levy re next steps	0.60
40809	06/21/11	T Legal Services	100 Mercury	conference with H Rosenfield, J Flanagan, Todd Foreman, Laura Antonini re next steps	0.20
41221	06/28/11	T Legal Services	100 Mercury	email A Stone re Krumme docs	0.10
41251	07/01/11	T Legal Services	100 Mercury	telephone conference with D Hilla	0.20
41873	07/14/11	T Legal Services	100 Mercury	email A Stone re D Ward testimony	0.20
41892	07/15/11	T Legal Services	100 Mercury	conference with H Rosenfield, Todd Foreman re case status	0.10
41906	07/18/11	T Legal Services	100 Mercury	conference with Todd Foreman re opp	1.30
41940	07/20/11	T Legal Services	100 Mercury	review and reply to D Hilla; draft opp; review MPO; telephone conference with Hilla re briefing; conference with T Foreman re opp; review Merc motion and outline opp	0.00
41952	07/21/11	T Legal Services	100 Mercury	review and reply to A Levy email	0.10
41931	07/22/11	T Legal Services	100 Mercury	review, reply D Hilla email	0.20
41957	07/25/11	T Legal Services	100 Mercury	review proposed budget, Iodestar; voice mail to L Tick; conference with Carmen Aguado re budget; voice mail to A Levy; email N Goldman re budget; email D Hilla re briefing; review budget; email A Levy re budget, briefing	1.20
41965	07/26/11	T Legal Services	100 Mercury	review and reply to A Levy email; conference with Todd Foreman re next steps	0.30
41982	07/27/11	T Legal Services	100 Mercury	telephone conference with A Levy re briefing; review briefing, decs; email Todd Foreman re objections	1.30
42268	08/01/11	T Legal Services	100 Mercury	review Mercury government estoppel brief; telephone conference with CDI counsel re opps	0.70
42275	08/02/11	T Legal Services	100 Mercury	edit objections	3.20
42280	08/03/11	T Legal Services	100 Mercury	conference with Todd Foreman re objections	0.20
42291	08/05/11	T Legal Services	100 Mercury	draft outline re opp MPO; draft opp	2.20
42299	08/08/11	T Legal Services	100 Mercury	review and reply to A Levy email re draft opp; review and edit bifurcation motion; review and edit laches brief; review and edit opp; review and edit opp to RON; review estoppel brief; email CDI counsel re same	2.70
42739	08/09/11	T Legal Services	100 Mercury	review E Mohr email re drafts; draft and edit opposition; email H Rosenfield re motion	7.60
42741	08/10/11	T Legal Services	100 Mercury	conference with Todd Foreman re brief, opposition, objections; telephone conference with Arthur Levy re brief; conference with Todd Foreman re obj; email Arthur Levy re RON; draft opp; telephone conference with Arthur Levy	2.60
42743	08/10/11	T Legal Services	100 Mercury	call with co-counsel re next steps; edit opposition; email Arthur Levy	5.10
43804	08/11/11	T Legal Services	100 Mercury	review and reply re A Levy edit; edit opp; edit RON; conference with Todd Foreman re same; review and reply to Arthur Levy email re RON; review and edit response to estoppel, laches motion; conference with Todd Foreman re brief; edit objections	8.80
43805	08/12/11	T Legal Services	100 Mercury	edit opp to MPO, objections to RON, opp to laches/estoppel motion; review and dl briefs	6.60

# SLIP LIST BY TIMEKEEPER - FINAL HOURS

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00/00/00 TO 00/00/00

Tue, Mar 3, 2015

Slip#	Date	Activity/Expense	Matter# & Name	Matter	Hours
43832	08/22/11	T Legal Services	100 Mercury	conference with Todd Foreman, H Rosenfield re case status	0.10
44203	08/31/11	T Legal Services	100 Mercury	email Arthur Levy re reply	0.10
43921	09/13/11	T Legal Services	100 Mercury	conference with Todd Foreman, H Rosenfield re next steps; telephone conference with D Hilla re replies	0.50
43934	09/14/11	T Legal Services	100 Mercury	telephone conference with Arthur Levy re next steps, reply	0.40
43973	09/20/11	T Legal Services	100 Mercury	draft reply ISO RFON	1.00
43981	09/21/11	T Legal Services	100 Mercury	edit reply ISO RON	2.30
43993	09/22/11	T Legal Services	100 Mercury	email D Hilla re CE brief	0.20
43998	09/23/11	T Legal Services	100 Mercury	conference with D Hilla; email B Mohr re call and brief; review and edit reply ISO RON; review B Mohr email re brief; finalize reply; review CDI briefs; review and download finalized briefs	3.40
44146	09/26/11	T Legal Services	100 Mercury	review and reply to D Hilla email re call	0.10
44154	09/27/11	T Legal Services	100 Mercury	conference with Todd Foreman re next steps; conference with Todd Foreman; call with CDI re next steps	1.00
43768	10/04/11	T Legal Services	100 Mercury	email D Hilla re next steps; review action plan; telephone conference with D Hilla re next steps; review OAH calendar; email D Hilla	0.90
44234	10/11/11	T Legal Services	100 Mercury	edit letter to ALJ; telephone conference with D Hilla re letter to ALJ	0.50
44245	10/12/11	T Legal Services	100 Mercury	review and reply to D Hilla email re letter to ALJ	0.10
44262	10/13/11	T Legal Services	100 Mercury	review let r to ALJ, forward same; review Merc RJN; review Merc reply re motion for proposed	2.00
Totals for Timekeeper <b>PRESSLEY, PAM</b>					<b>573.50</b>
<b>GRAND TOTALS</b>					<b>573.50</b>



**Pamela Pressley**

Date	Detail	Hours	Amount
4/2/11	review Jones order; email Harvey Rosenfield, Arthur Levy re same; review and reply to Arthur Levy email; review and reply to D Hilla email;	0.7	\$402.50
1/5/12	email D Hilla; review file;	0.2	\$115.00
1/9/12	email D Hilla re next steps;	0.1	\$57.50
1/10/12	telephone conference with D Hilla; legal research; draft letter to ALJ re motions; conference with Doug Heller; email Harvey Rosenfield, Todd Foreman re letter to ALJ; review Arthur Levy email re next steps; email D Hilla re research;	1.5	\$862.50
1/17/12	conference with Harvey Rosenfield re next steps; email Harvey Rosenfield re same;	0.3	\$172.50
1/17/12	telephone conference with D Hilla re next steps;	0.3	\$172.50
1/20/12	review Mercury laches motion;	0.3	\$172.50
1/23/12	email Harvey Rosenfield re call with A Cole;	0.1	\$57.50
1/27/12	telephone conference with D Hilla; update task list;	0.2	\$115.00
2/1/12	review order re bifurcation; telephone conference with D Hilla; email co-counsel; review Arthur Levy reply;	0.9	\$517.50
2/2/12	review and reply to D Hilla email;	0.2	\$115.00
2/2/12	review D Hilla email; calendar Harvey Rosenfield meeting;	0.2	\$115.00
2/6/12	conference with Harvey Rosenfield; review transcripts, transfer motion; draft letter to ALJ;	1.2	\$690.00
2/9/12	edit ALJ letter; email Harvey Rosenfield; call D Hilla;	0.4	\$230.00
2/10/12	review Harvey Rosenfield edits to letter; voice mail to D Hilla; review emails, file; conference with Todd Foreman; conference with Harvey Rosenfield; telephone conference with D Hilla;	2.5	\$1,437.50
2/15/12	review Harvey Rosenfield email re next steps; telephone conference with D Hilla; telephone conference with Harvey Rosenfield; review Pam Pressley declaration;	0.4	\$230.00
2/15/12	teleconference D Hilla; teleconference with A Levy; conference with H Rosenfield;	0.9	\$517.50
2/16/12	teleconference with D Hilla;	0.2	\$115.00
2/17/12	teleconference with D Hilla; review emails; review H Rosenfield emails;	0.5	\$287.50
2/21/12	review proposed decision; outline same; conference with Harvey Rosenfield re same;	2.3	\$1,322.50

Date	Detail	Hours	Amount
2/22/12	review CDI letter; email Harvey Rosenfield re same; review S Weinstein letter to Ins Commissioner;	0.4	\$230.00
2/23/12	conference with Harvey Rosenfield re next steps; review S Weinstein letter; conference with Carmen Aguado re research; telephone conference with CDI; conference with Harvey Rosenfield; conference with Todd Foreman; review research;	3	\$1,725.00
2/24/12	draft letter to Insurance Commissioner; final edits to letter to Insurance Commissioner; conference with Harvey Rosenfield re next steps;	1.5	\$862.50
2/29/12	review Doug Heller emails; telephone conference with Arthur Levy re status; conference with Harvey Rosenfield, Doug Heller, Jamie Court;	0.6	\$345.00
3/1/12	review and reply to Harvey Rosenfield email re call; conference with Harvey Rosenfield re same;	0.5	\$287.50
3/13/12	conference with Harvey Rosenfield re status;	0.2	\$115.00
4/3/12	review D Hilla email re call; review and forward voice mail re call;	0.2	\$115.00
4/5/12	telephone conference with D Hilla re next steps; telephone conference with Arthur Levy; telephone conference with co-counsel, CDI counsel; review file, notes re settlement; review emails re settlement proposal; review decision on ALJ dismissal;	2.2	\$1,265.00
4/18/12	review order; email CDI, co-counsel re same; review and forward briefing to Elise Meerkatz;	0.6	\$345.00
4/23/12	review email from Harvey Rosenfield re status;	0.1	\$57.50
4/26/12	review A Cole letter re ex parte issue;	0.2	\$115.00
5/31/12	review and reply to D Hilla email re remand;	0.2	\$115.00
6/4/12	email D Hilla;	0.1	\$57.50
6/5/12	voice mail to D Hilla;	0.1	\$57.50
6/6/12	email D Hilla;	0.1	\$57.50
6/13/12	review D Hilla email re options;	0.2	\$115.00
6/14/12	review emails;	0.1	\$57.50
8/1/12	review and reply to D Hilla emails re status;	0.2	\$115.00
8/2/12	review and reply to D Hilla email re next steps;	0.3	\$172.50
8/10/12	review D Hilla email; voice mail to D Hilla; telephone conference with D Hilla re next steps;	0.7	\$402.50
9/13/12	review and reply to D Hilla emails, review memo re strategy;	0.5	\$287.50

Date	Detail	Hours	Amount
9/19/12	email D Hilla re next steps;	0.1	\$57.50
9/26/12	telephone conference with D Hilla; legal research re stays, email same to D Hilla, Harvey Rosenfield; review D Hilla email re same;	1.5	\$862.50
9/27/12	telephone conference with CDI; status conference with PALJ, parties;	1.3	\$747.50
10/5/12	review and calendar dates;	0.2	\$115.00
10/9/12	email A Levy re status;	0.3	\$172.50
10/22/12	review S Weinstein letter to ALJ; email Doug Heller re same; telephone conference with D Hilla re same;	0.7	\$402.50
10/23/12	telephone conference with D Hilla re status/next steps;	0.3	\$172.50
10/24/12	review and reply A Levy email re next steps; email D Hilla re same;	0.3	\$172.50
10/29/12	email D Hilla re next steps;	0.1	\$57.50
10/30/12	review E Meerkatz email and reply; review ALJ profile; review ALJ order; email Jason Roberts and A Levy;	0.7	\$402.50
11/2/12	conference with J Flanagan re status; email D Hilla re next steps; email D Hilla, A Levy re scheduling conf. order and review same;	0.6	\$345.00
11/5/12	Review A Levy emails and D Heller voicemail;	0.2	\$115.00
11/7/12	Conference with Doug Heller, conference with Laura Antonini re next steps;	0.3	\$172.50
11/9/12	review and reply to emails re calls; conference with with B. Mohr and A Levy re scheduling order, email Jason Roberts; conference with Elise and Harvey Rosenfield;	1.4	\$805.00
11/13/12	review emails;	0.1	\$57.50
11/13/12	Email to B Mohr, edit task list; email Jason Roberts re scheduling order;	0.3	\$172.50
11/13/12	telephone conference with S Kook; review docs; letter to J Scarlett; review emails;	2.5	\$1,437.50
11/14/12	Conference with D Hilla re next steps; review and reply to emails re calls;	0.6	\$345.00
11/15/12	email D Hilla; review and forward email re call;	0.2	\$115.00
11/19/12	Conference with Harvey Rosenfield; draft letter to ALJ, co-counsel and CDI, review record; review and reply to D Hilla email, conference with Harvey Rosenfield; teleconference with D Hilla; edit letter to ALJ;	5.8	\$3,335.00

Date	Detail	Hours	Amount
11/20/12	review/edit letter; conference with A Levy; telephone conference with court clerk; review letter and conference with Jason Roberts re same;	0.6	\$345.00
11/26/12	review Mercury letter to ALJ;	0.3	\$172.50
11/27/12	Email A Levy and D Heller; call with A Levy and D Heller; Status Conference; review emails re dates;	1.5	\$862.50
11/27/12	call with Harvey Rosenfield re Status; email to S Kook;	0.3	\$172.50
11/28/12	review and reply to emails, review documents; conference with H Rosenfield;	1.1	\$632.50
11/29/12	email Jason Roberts re record, ALJ; email D Hilla, email Parties re hearing; compile documents re hearing; email Jason Roberts; email Harvey Rosenfield; email A Levy, review D Hilla email; email Jason Roberts, review/reply to Hilla email, edit letter to ALJ;	2.7	\$1,552.50
11/30/12	telephone conference with S Kook; review documents and letter to J Scarlett; review emails; conference with Jason Roberts re letter to J Scarlett;	2.7	\$1,552.50
12/3/12	emails re filings and correspondence, review email from Jason Roberts;	0.2	\$115.00
12/4/12	Teleconference with D.Hilla re scheduling, email A Levy; email A Levy; email D Hilla; review D Hilla email;	1.1	\$632.50
12/5/12	Teleconference with D Hilla;	0.3	\$172.50
12/12/12	review and reply to S Kook email;	0.1	\$57.50
12/12/12	Review and reply to D Hilla email; teleconference with D Hilla, email parties re hearing dates; review D Hilla and S Kook emails re scheduling;	0.7	\$402.50
12/14/12	Teleconference with parties, email D Hilla; teleconference with L Chao; teleconference with D Hilla re Stay and next steps;	1.5	\$862.50
1/7/13	Review Mercury letter, email Laura Anotnini and Harvey Rosenfield re the same;	0.2	\$115.00
1/11/13	Review email and forward; talk with A Levy re hearing prep; email Jason Roberts re prep; review Order, review AG opposition, email HR; email D Hilla re index, review A Levy notes; review docket, filings and email Jason Roberts;	2.3	\$1,322.50
1/11/13	review and reply to D Hilla email re letter to ALJ;	0.3	\$172.50
1/12/13	Review briefing;	1	\$575.00
1/12/13	review case law re ALJ delay; email D Hilla re same; review D Hilla's emails;	0.6	\$345.00
1/13/13	conference with Harvey Rosenfield;	0.1	\$57.50

Date	Detail	Hours	Amount
1/13/13	Review briefing, email A Levy, Harvey Rosenfield and D Hilla; review A Levy email; email S Kook, D Hilla and A Levy; email Jason Roberts re Documents for binders; review time, conference with Doug Heller re prep for hearing;	2.8	\$1,610.00
1/15/13	Travel to hearing; hearing; email co counsel;	7.8	\$4,485.00
1/16/13	email Jamie Court, Carmen Balber and Harvey Rosenfield re status;	0.3	\$172.50
1/17/13	conference with Harvey Rosenfield re update;	0.2	\$115.00
1/17/13	Conference with A Levy; email D Hilla re next steps; teleconference with Harvey Rosenfield;	0.3	\$172.50
1/21/13	review email and email S Kook re meet and confer;	0.2	\$115.00
1/22/13	Schedule calls and meetings; review Mercury update, email HR and L Antonini; review D Heller and H Rosenfield emails re update; call with D Heller and H Rosenfield re case update;	1.3	\$747.50
1/23/13	telephone conference with with D Hilla, A Stone and A Levy re next steps. PDT; review Motion for Collateral Estoppel; review Arthur Levy PDT; email co-counsel and CDI; review email A Levy re PDT; prepare for meet and confer re RON exhibits;	3.1	\$1,782.50
1/24/13	email Jason Roberts re PDT template; talk with A Levy re PDT and exhibits; teleconference with parties, email S Kook re exhibits and stips; review and edit PDT template;	1.7	\$977.50
1/30/13	Review PDT, call with D Hilla; review letter to Weinstein; email A Levy; email S Kook;	0.8	\$460.00
1/31/13	telephone conference with Arthur Levy; conference with Doug Heller; conference with Harvey Rosenfield; review letter to Weinstein; draft PDT;	1.5	\$862.50
2/1/13	Review A Levy email, email S Weinstein and reply;	0.2	\$115.00
2/4/13	Review transcript; review and reply to S Kook email;	0.8	\$460.00
2/5/13	Teleconference with S Kook re exhibits; review S Weinstein, Harvey Rosenfield emails; email A Levy;	0.5	\$287.50
2/6/13	draft joint report; review Mercury letter to ALJ; review email;	0.5	\$287.50
2/6/13	teleconference with Arthur Levy;	0.5	\$287.50
2/6/13	review and edit letter to ALJ; draft joint report, review Mercury letter to ALJ;	0.8	\$460.00
2/7/13	review and reply to HR emails; email S Kook re joint report; email D Hilla re PDT;	0.7	\$402.50

Date	Detail	Hours	Amount
2/8/13	call with parties; edit joint report; conference with Laura Antonini and Doug Heller re next steps; email Arthur Levy; review emails re PDT;	2.8	\$1,610.00
2/10/13	Review and draft PDT, email A Levy and Laura Antonini;	1.3	\$747.50
2/11/13	telephone conference with Laura Antonini and Arthur Levy re PDT; review emails; review and edit PDT; review D Hilla email, forward A Levy and email; conference with Arthur Levy; Review PDT drafts; emails to Arthur Levy and Laura Antonini; review PDT drafts; review and forward email from D Hilla;	4.7	\$2,702.50
2/12/13	Email A Levy re PDT and letter to Weinstein; review emails re PDT; review email from S Kook, email A Levy; email Harvey Rosenfield re ex parte communication;	1.4	\$805.00
2/13/13	email Arthur Levy, review PDT letter to Weinstein; review emails re PDT; review and forward email from S Kook, email Arthur Levy; review Arthur Levy email; email Harvey Rosenfield re ex parte communication;	1.1	\$632.50
2/13/13	call with L Antonini; review and reply to Levy email re PDT; review emails re procedure; research rules; email Laura Antonini re same; edit Levy PDT, declaration;	5.6	\$3,220.00
2/14/13	follow up re NNC. teleconference with A Levy re filing; conference with L Antonini re filing PDT; review filings;	0.9	\$517.50
2/15/13	follow up on CDI PDT; email A Levy; conference with L Antonini; conference with J Flanagan;	1.1	\$632.50
2/20/13	review orders, email A Levy; review filings;	0.8	\$460.00
2/21/13	email A Levy; teleconference with A Levy; email D Hilla;	1.1	\$632.50
2/25/13	email A Levy re call;	0.2	\$115.00
2/26/13	Teleconference with D Hilla, J Court and H Rosenfield;	0.5	\$287.50
2/27/13	review A Levy letter; email A Levy re same;	0.2	\$115.00
3/4/13	review Mercury Motion to Strike; review Motion to Strike template, email S Kook draft Opposition; edit opposition to Mercury Motion to Strike;	1.4	\$805.00
3/5/13	teleconference with A Levy re opposition; call with CDI re next steps; draft opposition; draft opposition and research re same;	3.1	\$1,782.50
3/6/13	review and reply to A Levy email re draft opposition; edit opposition;	1.7	\$977.50
3/7/13	edit opposition to Motion to Strike; edit POS and cover page;	2.6	\$1,495.00
3/8/13	conference with Jason Roberts re filing; email A Levy re opposition; edit opposition;	0.9	\$517.50

Date	Detail	Hours	Amount
3/11/13	teleconference with Arthur Levy re subpoenas and adverse witnesses;	0.5	\$287.50
3/11/13	conference with Harvey Rosenfield re PDT docs; email Harvey Rosenfield re letter;	0.2	\$115.00
3/12/13	review and follow up with D Hilla email re call; review and reply to H Rosenfield email re ex parte issues and comments;	0.5	\$287.50
3/13/13	email H Rosenfield and L Anotnini; review ADL letter to Weinstein re subpoenas;	0.8	\$460.00
3/14/13	review final letter re subpoenas; teleconference with A Levy re hearings, Motion to Strike and PDT; email L Antonini re PDT;	0.5	\$287.50
3/15/13	email A Levy; MTS hearing;	2.2	\$1,265.00
3/18/13	review filings, listen to ADL voicemail; review filings, conference with J Roberts; email Arthur Levy re PHC/MSC statements; review and reply to Arthur Levy email re draft statements; email H Rosenfield re same;	0.9	\$517.50
3/19/13	edit PHC statement; edit MSC statement;	2.5	\$1,437.50
3/21/13	call with Laura Antonini re scheduling conference;	0.1	\$57.50
3/22/13	call with Laura Anotnini re court statements;	0.3	\$172.50
3/25/13	review and reply to L Antonini, A Levy emails; review Mercury PDT, draft Motion to Strike; edit Motion to Strike, review Bass testimony;	1.8	\$1,035.00
3/26/13	email parties re call; call with L Antonini re schedule and next steps; review and reply to ADL email re MTS and meet and confer; edit MTS; telephone conference with Arthur Levy re same, next steps;	4.7	\$2,702.50
3/27/13	review and reply to J Roberts email re dates; review Mercury proposed PDT; review schedule and dates; edit MTS; review file; call with L Antonini re research and hearing prep; edit MTS;	2.2	\$1,265.00
3/28/13	review and reply to A Levy emails; edit MTS;	1.6	\$920.00
3/29/13	conference with L Antonini; follow up with A Levy; teleconference with A Stone; review and reply to emails; edit MTS; review meet and confer re exhibits; conference with H Rosenfield; edit MTS; review emails;	4.5	\$2,587.50
4/1/13	email A Levy re call; review and reply to A Levy email, reply to ADL email re exhibits;	0.4	\$230.00
4/2/13	review J McCune email; review email re exhibits and subpoenas; teleconference with A Levy, H Rosenfield and L Antonini re hearing prep;	1.4	\$805.00
4/3/13	email J McCune, A Levy re letter to S Kook;	0.2	\$115.00

Date	Detail	Hours	Amount
4/3/13	email parties re issues;	0.3	\$172.50
4/3/13	review exhibit list and RONS, follow up with A Levy; teleconference with parties re stipulations and exhibits; email parties; review and reply to L Antonini re research; teleconference with J McCune; email L Antonini re transcript, review ALJ scheduling order, email J McCune;	4.8	\$2,760.00
4/4/13	teleconference with J McCune re Spencer Kook email; emails to A Levy re same;	0.2	\$115.00
4/5/13	review emails re motions and witnesses;	0.5	\$287.50
4/6/13	hearing prep;	1	\$575.00
4/8/13	review and reply to emails re research and witnesses; review A Levy email re witnesses; conference with Laura Antonini re hearing prep; teleconference with A Levy and Laura Antonini re hearing prep, call with D Hilla re same; email J McCune; review filings; review J McCune email; review S Kook and J McCune emails, email A Levy re same; review file, email Jason Roberts re organization of file; review and reply to emails re hearing prep;	3.6	\$2,070.00
4/9/13	telephone conference with Arthur Levy, review exhibits, prepare stipulation, emails to parties; teleconference with J McCune; review Laura Antonini email, email Laura Antonini re same;	10.1	\$5,807.50
4/10/13	review transcript; review A Levy email, call with Laura Antonini re same; edit email to parties, teleconference with A Levy re exhibits; email CDI re CDI witness; email A Levy re regs; teleconference with CDI re hearing prep; email parties re draft stip, email ADL re motions; review Mercury exhibits re RON;	3.9	\$2,242.50
4/11/13	review Mercury exhibits; email Laura Antonini re Mercury exhibits; teleconference with Laura Antonini re hearing prep; email Laura Antonini re stipulation; conference with Jason Roberts re transcript, email Jamie Court, email A Levy; email to parties re court reporters;	2	\$1,150.00
4/12/13	review exhibits, email parties; review and edit stipulation re RON exhibits; review and reply to A Levy email re call; email parties re final stip; hearing prep;	6.4	\$3,680.00
4/14/13	review and reply to A Levy voicemail re witnesses;	0.2	\$115.00
4/15/13	review and reply to L Antonini's emails re offers; follow up with Laura Antonini re hearing;	0.8	\$460.00
4/16/13	teleconference with D Hilla re status;	0.2	\$115.00
4/17/13	review and reply to email from L Antonini and A Levy; review A Levy emails re exhibits and witnesses; review and reply to emails;	0.8	\$460.00



Date	Detail	Hours	Amount
4/18/13	review and reply to H Rosenfield emails re questions; review A Levy emails re CDI witnesses; teleconference with A Levy re hearing; review and reply to L Antonini emails re status and next steps;	0.9	\$517.50
4/21/13	emails to Laura Antonini re replies;	0.3	\$172.50
4/22/13	review and reply to emails;	0.1	\$57.50
4/23/13	review emails re PDT statement; conference with Laura Antonini re same; edit preheating statement; review emails re exhibits and witnesses; review Laura Antonini email re exhibits, reply to same; review emails re witnesses; conference with Harvey Rosenfield re status; review emails;	3.5	\$2,012.50
4/24/13	email Laura Antonini re witnesses;	0.1	\$57.50
4/24/13	review and reply to A Levy and Laura Antonini emails re exhibits and witnesses;	0.5	\$287.50
4/25/13	review Bass article and email A Levy re same; review and reply to Arthur Levy email re Woo/Merc Exhibits;	0.4	\$230.00
4/26/13	email D Hilla re Pearson; conference with L Antonini re hearing testimony; review file and Pearson PDT; review Bass and Pearson docs;	1.4	\$805.00
4/28/13	hearing prep, talk with Laura Antonini and A Levy, review Bass and Pearson PDT; review and reply to emails re exhibits;	3.3	\$1,897.50
4/29/13	review and reply to emails re exhibits; draft Bass cross; email L Antonini and Arthur Levy; teleconference with A Schwartz; review Laura Antonini notes re bias; conference with Harvey Rosenfield re same; email Laura Antonini re same;	6.4	\$3,680.00
5/1/13	review and reply to Laura Antonini email re status; email Laura Antonini re next steps; email Laura Antonini re CDI witnesses, review Stevenson PDT;	0.5	\$287.50
5/1/13	review and reply to L Antonini's email re status; email L Antonini re status; email to L Antonini re CDI witnesses, review Stevenson PDT;	0.5	\$287.50
5/2/13	email A Schwartz re Bass and Pearson PDT's; review transcripts; conference with L Antonini re hearing;	1.1	\$632.50
5/3/13	conference with L Antonini; teleconference with A Schwartz re rebuttal; teleconference with A Levy; emails to L Antonini re transcripts;	1.5	\$862.50
5/7/13	telephone conference with Laura Antonini re settlement; review email re call with CDI re rebuttal;	0.9	\$517.50
5/8/13	call with L Antonini, Jerry Flanagan re rebuttal; telephone conference with CDI, Arthur Levy re rebuttal;	1.8	\$1,035.00

Date	Detail	Hours	Amount
5/9/13	call with A Cole; call with Harvey Rosenfield re rebuttal; teleconference with J McCune, call with Laura Antonini;	1.3	\$747.50
5/10/13	telephone conference with J McCune re settlement;	0.3	\$172.50
5/10/13	review A Levy email, review Krumme pleadings; email J McCune;	0.3	\$172.50
5/13/13	telephone conference with ALJ and parties; draft email to A Cole; email A Cole re settlement; conference with Harvey Rosenfield re settlement;	1.1	\$632.50
5/21/13	review file, email re settlement; telephone conference with J McCune re settlement; email Harvey Rosenfield, Laura Antonini re same;	0.6	\$345.00
5/22/13	teleconference with J McCune; email A Levy;	0.2	\$115.00
5/23/13	review A Levy and H Rosenfield emails re settlement and reply re same;	0.2	\$115.00
5/24/13	email J McCune;	0.1	\$57.50
5/30/13	teleconference with A Cole; email L Antonini re call;	0.5	\$287.50
5/31/13	conference with Laura Antonini re call; teleconference with A Levy re settlement;	0.6	\$345.00
6/4/13	review Stevenson Testimony;	0.1	\$57.50
6/5/13	review and reply to emails re exhibits; review emails; conference with Arthur Levy and Laura Antonini;	1.6	\$920.00
6/6/13	review A Levy email, review CDI RON;	0.3	\$172.50
6/11/13	review and reply to emails; conference with L Antonini re CDI RON docs; call with ALJ re schedule and exhibits, briefing; telephone conference with Arthur Levy re same; conference with Laura Antonini and voice mail to Arthur Levy re briefing; telephone conference with J McCune;	1.2	\$690.00
6/12/13	teleconference with A Levy re stip and exhibits; Call with Laura Antonini to review Mercury docs; call; review Krumme exhibits with Laura Antonini; conference with Harvey Rosenfield re exhibits; email A Levy re exhibits;	1.1	\$632.50
6/14/13	review Laura Antonini and A Levy emails re call; teleconference with A Levy re Stipulation; Call S Weinstein, email Laura Antonini re same;	0.6	\$345.00
6/17/13	review draft stipulation re Krumme exhibits; review Laura Antonini outline; review email re stip; review outline; teleconference with A Levy re settlement and outline;	1.8	\$1,035.00
6/18/13	email Laura Antonini re Stip; conference with Harvey Rosenfield re settlement, email A Levy and A Cole; email A Levy re mediation;	0.5	\$287.50

Date	Detail	Hours	Amount
6/19/13	review voicemail from J McCune, A Levy; review and reply to A Cole, email Harvey Rosenfield re call; review issues re briefing; conference with Laura Antonini re briefing; email A Levy re same; draft outline of issues; review emails re mediation; teleconference with J McCune;	2.6	\$1,495.00
6/20/13	conference with Laura Antonini re Stip; travel to and attend hearing in Los Angeles; conference with Jerry Flanagan re mediation; review and reply to emails re joint stip;	3.9	\$2,242.50
6/21/13	review and reply to A Levy email;	0.1	\$57.50
6/24/13	review and forward JAMS profile; conference with Harvey Rosenfield, Laura Antonini re mediation; email Arthur Levy re same;	1	\$575.00
6/25/13	conference with Harvey Rosenfield;	0.2	\$115.00
6/25/13	review Harvey Rosenfield email;	0.1	\$57.50
6/28/13	review A Cole email , email to Harvey Rosenfield;	0.1	\$57.50
7/1/13	review emails re mediation; review profiles; email Laura Antonini and Harvey Rosenfield re same; review A Cole email re mediation;	0.6	\$345.00
7/9/13	email L Antonini re brief outline; review A Cole email; review and reply to emails re mediators; conference with Laura Antonini re same;	0.9	\$517.50
7/10/13	email A Cole, review A Levy email re mediators; conference with Carmen Balber, review A Levy emails re mediation; email Laura Antonini re mediation;	0.8	\$460.00
7/11/13	review Harvey Rosenfield email and voice mail re mediation;	0.1	\$57.50
7/11/13	email CDI, ADL re call; email L Antonini re mediation; email ADL re mediation;	0.4	\$230.00
7/12/13	review voicemails, email R Cano re call; teleconference with A Cole; review and reply to A Levy email; email Harvey Rosenfield, Arthur Levy, Laura Antonini re mediation;	0.7	\$402.50
7/16/13	review emails and reply; review and reply to emails re mediation brief;	0.4	\$230.00
7/17/13	review and reply to Laura Antonini, A Levy email re mediation statement, email CDI, review J McCune email;	0.9	\$517.50
7/18/13	teleconference with J McCune;	0.3	\$172.50
7/23/13	email parties re mediation and briefing;	0.1	\$57.50
7/24/13	conference with L Antonini re brief; review JAMS notice; review and reply to emails re JAMS;	0.5	\$287.50

Date	Detail	Hours	Amount
7/25/13	edit task list; conference with JAMS, email JAMS and parties re same;	0.8	\$460.00
7/31/13	review stipulation and email signature page;	0.2	\$115.00
8/2/13	email Harvey Rosenfield, A Levy and Laura Antonini re meeting; review JAMS notice, conference with Jason Roberts; conference with Laura Antonini re brief;	0.4	\$230.00
8/7/13	review mediation brief; conference with Laura Antonini re same;	0.8	\$460.00
8/9/13	conference with Laura Antonini re brief, review emails; conference with Jason Roberts re time entries;	0.3	\$172.50
8/13/13	telephone conference with CDI, Arthur Levy re mediation; conference with Harvey Rosenfield and email to A Cole re same;	1.7	\$977.50
8/14/13	edit mediation brief;	1.7	\$977.50
8/16/13	review emails; telephone conference with J McCune re brief, mediation; conference with Laura Antonini re same;	0.7	\$402.50
8/27/13	review and edit mediation brief; telephone conference with CDI and co-counsel re mediation;	2	\$1,150.00
8/28/13	review and reply to emails re status/brief;	0.4	\$230.00
9/3/13	conference with Laura Antonini re status; telephone conference with CDI re mediation; conference with Harvey Rosenfield, Laura Antonini re same; prepare for mediation; review CDI mediation brief and conferences with Laura Antonini re same;	4	\$2,300.00
9/4/13	travel to/from and attend mediation; conference with J Court re mediation;	7.2	\$4,140.00
9/12/13	review email from A Cole re mediation; email Arthur Levy, Laura Antonini re brief;	0.3	\$172.50
9/13/13	telephone conference with A Levy, Laura Antonini re brief; conference with Laura Antonini re brief;	1	\$575.00
9/16/13	review and reply to Laura Antonini email re brief; review J McCune email re briefing dates;	0.2	\$115.00
9/26/13	review Arthur Levy email;	0.1	\$57.50
9/30/13	teleconference with Jennifer McCune; conference with Laura Antonini re brief;	0.3	\$172.50
10/1/13	teleconference with A Levy re brief; review and reply to Jerry Flanagan email re briefing; review Mercury brief;	1.7	\$977.50
10/2/13	review and reply to Laura Antonini's email re 1850.5; edit brief;	3.2	\$1,840.00
10/3/13	conference with Laura Antonini re brief; review and sign stipulation;	0.4	\$230.00

Date	Detail	Hours	Amount
10/4/13	edit brief;	1.2	\$690.00
10/7/13	teleconference with ADL and Laura Antonini re brief; review and reply to Laura Antonini's email re brief; edit brief;	2.3	\$1,322.50
10/8/13	email Jennifer McCune re brief; edit brief;	1.9	\$1,092.50
10/9/13	edit brief, conference with Laura Antonini; conference with Laura Antonini re brief; edit brief;	2.1	\$1,207.50
10/10/13	review Laura Antonini's comments on §II of brief;	0.2	\$115.00
10/11/13	review and reply to Laura Antonini email re brief; conference with Laura Antonini re brief; review joint scheduling statement; edit brief;	3.6	\$2,070.00
10/14/13	conference with Laura Antonini, teleconference with Jennifer McCune re brief; conference with Jerry Flanagan re brief; conference with Laura Antonini; review CDI brief; review A Levy draft, conference with Laura Antonini re brief;	2.7	\$1,552.50
10/15/13	conference with Laura Antonini re brief; teleconference with Jennifer McCune; conference with Harvey Rosenfield; draft penalty section of brief; conference with Laura Antonini; teleconference with A Levy re brief; conference with Laura Antonini; email Arthur Levy re same; conference with Jason Roberts re TOA; edit brief, conference with Laura Antonini re same;	8	\$4,600.00
10/16/13	edit RON; edit brief; conference with Laura Antonini and Jason Roberts; finalize RON; final edits and review of brief;	5.4	\$3,105.00
10/17/13	review and reply to A Levy email re reply; email Jason Roberts re tables; download briefs; review emails; conference with Jason Roberts re table of authorities; final edits to table of authorities and notice of errata;	1.6	\$920.00
10/23/13	review emails re call with CDI;	0.2	\$115.00
10/28/13	meeting re outline;	0.1	\$57.50
11/1/13	review Mercury brief;	1.9	\$1,092.50
11/4/13	edit reply brief;	6.8	\$3,910.00
11/5/13	legal research; edit reply brief;	6.7	\$3,852.50
11/6/13	telephone conference with Laura Antonini; edit reply brief; conference with J Flanagan re same; review and reply to Arthur Levy, Laura Antonini emails re brief;	1.1	\$632.50
11/7/13	telephone conferences with Laura Antonini re brief; edit reply brief;	2.7	\$1,552.50

Date	Detail	Hours	Amount
11/8/13	email A Levy re brief; conference with J Flanagan re estoppel ruling; review estoppel ruling, Arthur Levy brief summary; email Arthur Levy re same; edit reply brief;	4	\$2,300.00
11/11/13	review and reply Laura Antonini email re brief; edit reply brief;	5.8	\$3,335.00
11/12/13	conference with Laura Antonini re draft reply; email Arthur Levy re same; review and forward voicemail; conference with Laura Antonini re reply; review Laura Antonini emails re same; telephone conference with A Cole re reply; conference with Laura Antonini re same; edit reply brief;	4.8	\$2,760.00
11/13/13	conferences with Laura Antonini re brief; edit reply brief;	2.4	\$1,380.00
11/14/13	conference with Laura Antonini; edit reply brief; telephone conference with J McCune; email Laura Antonini re brief; review emails, edits; conference with J Flanagan re same;	5	\$2,875.00
11/15/13	edit reply brief, review same; review Mercury reply brief; review CDI reply brief; review emails re same;	4	\$2,300.00
11/18/13	review Harvey Rosenfield email; email J McCune re CDI brief;	0.2	\$115.00
11/19/13	telephone conference with J McCune re briefing/next steps; email Harvey Rosenfield re penalty issue;	0.6	\$345.00
12/9/13	review Mercury letter brief; email CDI/CWD counsel re same; review Harvey Rosenfield email re response to Mercury letter;	0.5	\$287.50
12/10/13	conference with Laura Antonini re ltr to ALJ; edit same;	0.3	\$172.50
12/11/13	review CDI letter;	0.1	\$57.50
12/17/13	conference with Jason Roberts re Status Conference;	0.1	\$57.50
1/7/14	review and reply to email re status conference; review email form Jason Roberts re status conference;	0.2	\$115.00
1/8/14	teleconference with ALJ and Parties; teleconference with Arthur Levy;	1	\$575.00
1/9/14	review and reply to Spencer Kook email re transcripts;	0.1	\$57.50
1/14/14	teleconference with Harvey Rosenfield and Laura Antonini re response; conference with Laura Antonini re response;	0.3	\$172.50
1/15/14	review emails;	0.2	\$115.00
1/21/14	email Laura Antonini re status of response;	0.1	\$57.50
1/23/14	edit response;	4.2	\$2,415.00
1/24/14	conference with Laura Antonini re response; edit response; edit response;	3.4	\$1,955.00

Date	Detail	Hours	Amount
1/27/14	review and reply to email re PDT issue; review response; edit response; review brief; review and edit final brief;	1.8	\$1,035.00
1/29/14	review cases, edit response;	0.9	\$517.50
2/3/14	review emails re transcript and stipulation; review emails and reply re RON stipulation and transcripts; review and reply to email re conference call; review email;	0.7	\$402.50
2/4/14	review and reply to emails;	0.2	\$115.00
2/5/14	review and reply to Laura Antonini emails;	0.2	\$115.00
2/7/14	email parties re meet and confer;	0.1	\$57.50
2/10/14	review and reply to S Kook email re call; email Jason Roberts re call; teleconference with parties re stipulation, conference with Laura Antonini re same; review template stipulation;	0.8	\$460.00
2/11/14	teleconference with J McCune; review emails;	0.3	\$172.50
2/12/14	review stipulation, conference with Laura Antonini; review emails;	0.3	\$172.50
2/13/14	review Mercury email filing;	0.1	\$57.50
3/11/14	review email re transcript;	0.1	\$57.50
4/14/14	review and reply to Arthur Levy email re transcripts;	0.2	\$115.00
4/16/14	review email re transcripts, letter; review letter to ALJ Scarlett;	0.3	\$172.50
4/29/14	telephonic status conference;	0.7	\$402.50
7/1/14	email Laura Antonini re fee motion; email to A Levy re fee motion;	0.3	\$172.50
7/7/14	conference with Laura Antonini re fee motion;	0.1	\$57.50
7/8/14	conference with Jamie Court re fee motion;	0.1	\$57.50
7/10/14	email to Laura Antonini re fee motion;	0.1	\$57.50
7/11/14	conference with Laura Antonini re motions;	0.2	\$115.00
7/13/14	review time and draft email to Richard Pearl;	0.3	\$172.50
7/21/14	conference with Jamie Court and Harvey Rosenfield re next steps; conference with Laura Antonini re fee petition;	0.3	\$172.50
7/29/14	review regulation and codes re reconsideration, email to Laura Antonini re same;	0.3	\$172.50
8/5/14	email to Harvey Rosenfield re fee decision; conference with Laura Antonini re fee motion;	0.2	\$115.00
8/13/14	conference with Laura Antonini re fee request;	0.3	\$172.50

Date	Detail	Hours	Amount
8/14/14	review record re background facts, email Laura Antonini re same; email Laura Antonini re RFC; review time;	1	\$575.00
9/8/14	review Government Code re timeline; conference with Laura Antonini re status;	0.3	\$172.50
10/17/14	conference with Laura Antonini re letter to Scarlett; review and reply to Laura Antonini email re order; edit letter to Scarlett;	0.5	\$287.50
10/20/14	review Laura Antonini email re letter to Scarlett;	0.1	\$57.50
10/23/14	review and reply Laura Antonini email re status conference;	0.1	\$57.50
10/31/14	review A Levy email re call; conference with Laura Antonini and telephone conference with OAH clerk; review Laura Antonini email and reply re status conference;	0.4	\$230.00
11/11/14	review Laura Antonini, Jason Roberts emails and email Jason Roberts, Laura Antonini re Request for Compensation;	0.3	\$172.50
11/18/14	conference with Laura Antonini and Harvey Rosenfield re status of proposed decision, timing of Jones order;	0.1	\$57.50
1/5/15	email to Arthur Levy (.1); conference with Laura Antonini and Harvey Rosenfield (.3); email to Laura Antonini re request for compensation(.1); review Pearl declaration, email Laura Antonini re same and background for request for compensation (1.0); conference with Jason Roberts re time sheets, review Billings (.3); email Laura Antonini re request for compensation (.2);	2	\$1,150.00
1/6/15	conference with Jamie Court and Carmen Balber re status;	0.3	\$172.50
1/8/15	email to Harvey Rosenfield and Laura Antonini re proposed decision;	0.3	\$172.50
1/9/15	conference with Harvey Rosenfield and Laura Antonini re decision, review same; review decision, conference with Laura Antonini, conference with Harvey Rosenfield and Carmen Balber; teleconference with CDI, conference with Harvey Rosenfield re press release;	1.5	\$862.50
1/13/15	review coverage emails; teleconference with J McCune re next steps; review emails re meeting with IC and A Levy;	0.8	\$460.00
1/14/15	conference with Jason Roberts re billing reports;	0.2	\$115.00
1/15/15	review Pearl declaration;	0.5	\$287.50
1/16/15	review and reply to Laura Antonini re conclusion of proceeding;	0.2	\$115.00
1/20/15	email to Laura Antonini; conference with Laura Antonini and Jason Roberts re request for compensation and time reports;	0.3	\$172.50
1/22/15	review Pearl declaration;	0.2	\$115.00
1/31/15	review Adam Cole, CDI letter to Insurance Commissioner re stay;	0.2	\$115.00



Date	Detail	Hours	Amount
2/5/15	emails to Jason Roberts and Laura Antonini re fees and review spreadsheet re sam; review emails re stay; telephone conference with Arthur Levy and Laura Antonini re fee motion; voice mail to Harvey Rosenfield re Pearl declaration;	1.1	\$632.50
2/9/15	review and edit Pearl declaration; telephone conference with E Wu; email co-counsel re amended budget; edit Request for Compensation;	1.8	\$1,035.00
2/10/15	review and edit amended budget; revise amended budget and email co-counsel re same; edit Request for Compensation;	3.7	\$2,127.50
2/13/15	email J Waxman re expense; email Laura Antonini re amended budget;	0.2	\$115.00
2/16/15	review and edit timesheet;	1	\$575.00
2/17/15	edit timesheets; edit Request for Compensation; review Arthur Levy email re fee declaration; email Jason Roberts re time records; review and reply to Laura Antonini emails;	5.2	\$2,990.00
2/18/15	review and edit Arthur Levy declaration;	0.5	\$287.50
2/19/15	email Jason Roberts re time records; review Jason Roberts email re same and declaration; conference with Jason Roberts re time entries; review and reply to Harvey Rosenfield email re Pearl declaration;	0.8	\$460.00
2/20/15	telephone conference with Harvey Rosenfield re Pearl dec; review Jason Roberts email re Pam Pressley declaration; edit Pam Pressley declaration; review and edit Pearl declaration;	2.5	\$1,437.50
2/23/15	prepare amended budget; review expenses; review Arthur Levy email re expenses; conference with Jason Roberts and Laura Antonini re amended budget, fee request; review and edit Request for Compensation; edit Pearl declaration; conference with Laura Antonini and Jason Roberts re final Request for Compensation;	3.8	\$2,185.00
2/24/15	review and reply to Arthur Levy emails re declaration; review R Pearl and Harvey Rosenfield emails; edit R Pearl declaration; review Arthur Levy declaration; conference with Jason Roberts re same; edit Request for Compensation;	6.8	\$3,910.00
2/25/15	review final A Levy and Pearl declarations and email J Roberts re same; review exhibits; review and edit P Pressley declaration;	1.8	\$1,035.00
2/26/15	conference with J Roberts re finalizing RFC, declarations and exhibits;	0.2	\$115.00
3/2/15	edit Request for Compensation; edit Pam Pressley declaration; conference with Jason Roberts re same; edit time records, exhibits;	5.9	\$3,392.50
		<b>392</b>	<b>\$225,400.00</b>
<b>Legal Fee Subtotal:</b>			<b>\$225,400.00</b>

# SLIP LIST BY TIMEKEEPER - FINAL HOURS

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00/00/00 TO 00/00/00

Tue, Mar 3, 2015

Slip#	Date	Activity/Expense	Matter# & Name	Matter	Hours
<b>ROSENFELD, HARVEY</b>					
12849	02/20/07	T Legal Services	100 Mercury	review email A Levy and P Pressley	0.20
12805	02/21/07	T Legal Services	100 Mercury	discussion with P Pressley re Arthur Levy and case. email from Arthur Levy. set call.	0.30
12839	02/23/07	T Legal Services	100 Mercury	review and revise case memo, email P Pressley. discussion with P Pressley.	0.80
13091	03/07/07	T Legal Services	100 Mercury	email re docs to N Goldman	0.20
13228	03/21/07	T Legal Services	100 Mercury	email from P Pressley. review petition to intervene. review MSC and PREHEAR CONF statements. discussion with P Pressley re intervention.	0.90
13285	03/27/07	T Legal Services	100 Mercury	review CDI letters 1998, 1997 re agent/broker issue. discussion with D Heller. email package to review and revise, review and revise document	0.60
13489	03/29/07	T Legal Services	100 Mercury	email and discussion with P Pressley	0.10
13413	04/09/07	T Legal Services	100 Mercury	review emails. review Mercury objections to pet/intervene, Mercury "supp" resp. email P Pressley re Mercury Response to FTCR reply. review P Pressley response, discussion with P Pressley.	0.90
13481	04/09/07	T Legal Services	100 Mercury	email from P Pressley re CDI petition to intervene	0.10
13511	04/17/07	T Legal Services	100 Mercury	review emails, CDI draft brief	0.20
13569	04/20/07	T Legal Services	100 Mercury	email to CDI from P Pressley re status.	0.10
13577	04/21/07	T Legal Services	100 Mercury	Review Mercury opposition to FTCR petition to intervene. review email, file.	0.30
13604	04/23/07	T Legal Services	100 Mercury	review CDI support of FTCR petition to intervene	0.10
14274	06/10/07	T Legal Services	100 Mercury	review email from CDI	0.10
14339	06/13/07	T Legal Services	100 Mercury	review draft re expanding allegations from CDI.	0.10
14363	06/14/07	T Legal Services	100 Mercury	discussion with P Pressley, D Heller re status.	0.25
15045	07/24/07	T Legal Services	100 Mercury	review email re calendar. email P Pressley. review S Kook email.	0.10
15347	08/14/07	T Legal Services	100 Mercury	discussion with P Pressley, Todd Foreman.	0.10
15986	09/25/07	T Legal Services	100 Mercury	reply to P Pressley email re docs.	0.10
15955	09/26/07	T Legal Services	100 Mercury	P Pressley email re docs	0.10
16100	10/06/07	T Legal Services	100 Mercury	review email Todd Foreman re docs from proceeding.	0.10
16119	10/08/07	T Legal Services	100 Mercury	email from P Pressley re S Kook email re docs.	0.10
17537	02/19/08	T Legal Services	100 Mercury	review Motion to continue hearing.	0.10
21462	12/17/08	T Legal Services	100 Mercury	Telephone conference with Arthur Levy, N Goldman, D Heller, P Pressley re status and next steps.	0.50
21831	01/06/09	T Legal Services	100 Mercury	Discussion with P Pressley Todd Foreman and Carmen Aguado re status.	0.10
22672	01/28/09	T Legal Services	100 Mercury	review settlement papers; discussion with D Heller, discussion with D Heller, P Pressley.	0.25
22962	02/02/09	T Legal Services	100 Mercury	Telephone conference with Adam Cole, General Counsel, CDI, P Pressley, D Heller. review email re discovery issue and meet and confer.	0.75
22987	02/03/09	T Legal Services	100 Mercury	Meeting with CWD legal staff re case status.	0.10
23006	02/04/09	T Legal Services	100 Mercury	email P Pressley re t/c. de P Pressley, D Heller.	0.20
23095	02/07/09	T Legal Services	100 Mercury	review docs from CDI re RJN Mercury	0.30
23194	02/10/09	T Legal Services	100 Mercury	Telephone conference with P Pressley re status.	0.20
23196	02/11/09	T Legal Services	100 Mercury	discussion with D Heller re settlement.	0.20
23211	02/13/09	T Legal Services	100 Mercury	discussion with D Heller.	0.20
23260	02/13/09	T Legal Services	100 Mercury	discussion with D Heller re CDI and status of settlement.	0.20
23261	02/17/09	T Legal Services	100 Mercury	Telephone conference with Adam Cole, General Counsel, CDI, D Heller.	0.25
23488	02/20/09	T Legal Research	100 Mercury	review final decision re A Schwartz case; review oppo MSJ; oppo MPO; RJN. Case agenda outline	1.30
23490	03/01/09	T Legal Services	100 Mercury	email P Pressley re cite from opposition; read Frost case. research California "Tenth Biennial Report" of the Judicial Council, Part Two administrative law.	0.50
25321	03/02/09	T Legal Services	100 Mercury	review CWD opening and reply briefs re applicability of regulations.	0.40
23735	03/12/09	T Legal Services	100 Mercury	voice mail from P Pressley re hearing.	0.10
23753	03/12/09	T Legal Services	100 Mercury	review P Pressley email re Mercury arguments. review briefs.	0.80

# SLIP LIST BY TIMEKEEPER - FINAL HOURS

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00/00/00 TO 00/00/00

Tue, Mar 3, 2015

Slip#	Date	Activity/Expense	Matter# & Name	Matter	Hours
24110	03/17/09	T Legal Services	100 Mercury	discussion with P Pressley re status. review email. email CDI.	0.25
24264	03/20/09	T Legal Services	100 Mercury	email Adam Cole CDI.	0.10
24291	03/20/09	T Legal Services	100 Mercury	telephone conference with Adam Cole, General Counsel, CDI, P Pressley re status.	0.40
24307	03/21/09	T Legal Services	100 Mercury	review email re telephone conference with CDI. email P Pressley.	0.10
24312	03/24/09	T Legal Services	100 Mercury	review emails re amended budget. discussion with P Pressley re filing. review filing.	0.50
24806	04/08/09	T Legal Services	100 Mercury	review email traffic and discussion with CWD legal team.	0.10
25333	04/23/09	T Legal Services	100 Mercury	research Vidrio v Mercury case.	0.10
25339	04/25/09	T Legal Services	100 Mercury	review email and forward to Vidrio case to P Pressley.	0.10
25563	05/02/09	T Legal Services	100 Mercury	review email re status and reply.	0.10
25593	05/06/09	T Document Review	100 Mercury	review ALJ order, CWD brief re threshold issues.	0.40
26083	06/02/09	T Legal Services	100 Mercury	discussion with D Heller re settlement meeting with IC.	0.20
26257	06/05/09	T Legal Services	100 Mercury	reply to P Pressley email re order re adverse witnesses	0.10
26334	06/15/09	T Legal Services	100 Mercury	voice mail from Adam Cole, General Counsel, CDI; email from P Pressley re status.	0.10
26644	07/07/09	T Legal Services	100 Mercury	read letter from Mercury requesting call re testimony.	0.20
26758	07/14/09	T Legal Services	100 Mercury	review email re ALJ ruling on pre-filed testimony.	0.20
26821	07/20/09	T Legal Services	100 Mercury	telephone conference with Arthur Levy, P Pressley. research.	0.70
26895	07/21/09	T Legal Services	100 Mercury	review Mercury MPO, Motion in Limine.	0.50
26957	07/25/09	T Legal Services	100 Mercury	Review briefng on adverse witness testimony; Mercury's motion to strike.	0.70
26976	07/27/09	T Legal Services	100 Mercury	review P Pressley reply to email. discussion with P Pressley, Todd Foreman. telephone conference with Adam Cole, General Counsel, CDI.	1.00
27000	07/28/09	T Legal Services	100 Mercury	discussion with P Pressley. telephone conference with P Pressley, CDI.	0.60
27140	08/02/09	T Legal Research	100 Mercury	review CWD oppo to MTS; reply in support of same.	0.40
27149	08/03/09	T Legal Services	100 Mercury	review and revise status memo and forward to P Pressley	0.80
27122	08/04/09	T Legal Services	100 Mercury	review and revise draft for web page. review docs, discussion with P Pressley. discussion with J Court re motions.	0.40
27198	08/08/09	T Legal Services	100 Mercury	review research re Mercury conduct in Florida.	0.20
27474	08/21/09	T Legal Services	100 Mercury	review ALJ ruling; telephone conference with P Pressley.	0.20
27606	08/24/09	T Legal Services	100 Mercury	review Quack v. FF case re evidentiary writ.	0.25
27725	08/25/09	T Legal Services	100 Mercury	telephone conference with P Pressley, John Tomashoff, Arthur Levy, N Goldman. email P Pressley re meeting in SF.	1.25
27780	08/31/09	T Legal Services	100 Mercury	review email from CDI, Arthur Levy. discussion with P Pressley.	0.25
27788	08/31/09	T Legal Services	100 Mercury	review strategy memos. telephone conference with P Pressley, Arthur Levy.	1.00
27862	09/01/09	T Legal Services	100 Mercury	email from P Pressley re t/c with Arthur Levy. t/c P Pressley, Arthur Levy.	0.70
27795	09/02/09	T Legal Services	100 Mercury	review CDI email and review docs to prepare for t/c with CDI. t/c with CDI, P Pressley, Arthur Levy.	3.20
28733	10/29/09	T Legal Services	100 Mercury	revise fact sheet on proceeding.	0.50
28800	11/03/09	T Legal Services	100 Mercury	discussion with P Pressley re status. teleconference with Adam Cole, General Counsel, CDI, re same. discussion with P Pressley.	0.50
28799	11/04/09	T Legal Services	100 Mercury	discussion with P Pressley, Todd Foreman, D Heller re status. discussion with P Pressley. review P Pressley email.	0.40
28816	11/04/09	T Legal Services	100 Mercury	review email from P Pressley.	0.10
28855	11/06/09	T Legal Services	100 Mercury	review P Pressley email and J Tomashoff response.	0.20
29048	11/09/09	T Legal Services	100 Mercury	review emails from J Tomashoff re motion, P Pressley response. review Adam Cole, General Counsel, CDI email.	0.25
29049	11/10/09	T Legal Services	100 Mercury	review redline from J Tomashoff re draft motion. Review Adam Cole, General Counsel, CDI email.	0.30
29050	11/11/09	T Legal Services	100 Mercury	briefly review P Pressley edits to draft motion. Review Arthur Levy email.	0.40
29069	11/13/09	T Legal Services	100 Mercury	review P Pressley email from expert re interlocutory review.	0.10
29073	11/15/09	T Document Review	100 Mercury	review joint motion re PTDS, email to/from P Pressley re hearing.	0.70

# SLIP LIST BY TIMEKEEPER - FINAL HOURS

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Tue, Mar 3, 2015

Slip#	Date	Activity/Expense	Matter# & Name	Matter	Hours
29126	11/16/09	T Legal Services	100 Mercury	review and revise summary of proceeding.	0.60
29136	11/17/09	T Legal Services	100 Mercury	review and revise summary of case.	0.60
29167	11/18/09	T Legal Services	100 Mercury	discussion with CWD staff re status.	0.10
29382	12/02/09	T Legal Services	100 Mercury	reply to P Pressley email re order.	0.10
29357	12/03/09	T Legal Services	100 Mercury	revise and research docs - forward to CWD.	0.75
29420	12/05/09	T Legal Services	100 Mercury	email expert re continual issues, email D Heller re same.	0.10
29621	12/20/09	T Legal Services	100 Mercury	email D Heller, J Court re status.	0.10
29623	12/21/09	T Legal Services	100 Mercury	email re status.	0.10
29723	01/06/10	T Legal Services	100 Mercury	review P Pressley email; email from CDI. email Adam Cole, General Counsel, CDI re same. review Mercury opposition.	0.25
29749	01/07/10	T Experts Work or	100 Mercury	reply to Adam Cole, General Counsel, CDI email.	0.20
29770	01/10/10	T Legal Services	100 Mercury	review docs and email.	0.25
29812	01/12/10	T Legal Services	100 Mercury	reply to Adam Cole, General Counsel, CDI emails. telephone conference with . telephone conference with Adam Cole, General Counsel, CDI. Research.	0.60
29991	01/13/10	T Legal Services	100 Mercury	discussion with J Court, D Heller re status. Research MCE.	1.20
30037	01/14/10	T Legal Services	100 Mercury	review documents and prepare for hearing.	1.30
30187	01/20/10	T Legal Services	100 Mercury	discussion with P Pressley, Todd Foreman re status of case, hearing. telephone conference with Adam Cole, General Counsel, CDI.	0.50
30186	01/21/10	T Legal Services	100 Mercury	review background docs; discussion with P Pressley.	0.30
30260	01/22/10	T Attorney Meeting/	100 Mercury	review memo and file for hearing. telephone conference with Adam Cole, General Counsel, CDI. discussion with P Pressley re hearing. prepare for hearing.	1.90
30307	01/25/10	T Legal Services	100 Mercury	meeting with Adam Cole, General Counsel, CDI, at CDI, with JTomashoff, and P Pressley by phone re hearing. prepare for hearing on motions - review documents.	5.25
30308	01/26/10	T Legal Services	100 Mercury	prepare argument for hearing. email P Pressley re same; westlaw research.	7.00
30310	01/27/10	T Legal Services	100 Mercury	prepare for, travel to and attend hearing on joint motions. discussion with CDI afterward; return to SF.	4.50
30315	01/28/10	T Legal Services	100 Mercury	travel - return to LAX after hearing.	2.75
30370	02/02/10	T Legal Services	100 Mercury	email Adam Cole, General Counsel, CDI re transcript after telephone conference with P Pressley.	0.20
30398	02/05/10	T Legal Services	100 Mercury	telephone conference with Court Reporter re transcript and notify CDI, CWD team.	0.10
30507	02/10/10	T Legal Services	100 Mercury	telephone conference with Court Reporter. reply to A Levy request re same.	0.25
31421	03/30/10	T Legal Services	100 Mercury	discussion with P Pressley, Todd Foreman, Carmen Aguado.	0.10
31884	04/14/10	T Legal Services	100 Mercury	email re ALJ decision.	0.20
31943	04/15/10	T Legal Services	100 Mercury	discussion with P Pressley, H Rosenfield, Carmen Aguado re status and strategy.	0.20
32057	04/20/10	T Legal Services	100 Mercury	telephone conference with CWD and CDI team re strategy.	0.75
32184	04/28/10	T Legal Services	100 Mercury	discussion with Todd Foreman, Carmen Aguado, re status.	0.10
32241	04/30/10	T Attorney Meeting/	100 Mercury	discussion with Todd Foreman re CDI position on strategy. email from Todd Foreman re telephone conference with CDI.	0.20
32278	05/03/10	T Legal Services	100 Mercury	review email from CDI.	0.10
32318	05/05/10	T Legal Services	100 Mercury	discussion with Todd Foreman re status. resp to P Pressley email re Mercury email. email Todd Foreman.	0.10
32446	05/17/10	T Legal Services	100 Mercury	telephone conference with CDI re status.	0.50
32472	05/18/10	T Legal Services	100 Mercury	review letter to ALJ. review ALJ order re time extension; review Adam Cole, General Counsel, CDI email.	0.25
32768	06/11/10	T Legal Services	100 Mercury	discussion with Todd Foreman re status. telephone conference with Todd Foreman re status	0.60
32990	06/16/10	T Legal Services	100 Mercury	email Todd Foreman reply re teleconference.	0.10
33139	06/21/10	T Legal Services	100 Mercury	conference with Todd Foreman re case	0.10
33014	06/24/10	T Legal Services	100 Mercury	email Todd Foreman re teleconference.	0.10
33044	06/29/10	T Legal Services	100 Mercury	discussion with Todd Foreman re status.	0.20

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Tue, Mar 3, 2015

Slip#	Date	Activity/Expense	Matter# & Name	Matter	Hours
33549	08/02/10	T Legal Services	100 Mercury	review email Todd Foreman to Arthur Levy.	0.10
34012	08/27/10	T Legal Services	100 Mercury	telephone conference with Adam Cole, General Counsel, CDI re status.	0.10
35254	11/12/10	T Legal Services	100 Mercury	review email reply to P Pressley re status.	0.10
35617	11/15/10	T Legal Services	100 Mercury	email Todd Foreman re telephone conference with CDI.	0.10
35452	11/17/10	T Legal Services	100 Mercury	discussion with CWD staff re status.	0.10
35459	11/18/10	T Legal Services	100 Mercury	telephone conference with CDI, Todd Foreman, P Pressley.	0.75
35635	12/06/10	T Legal Services	100 Mercury	discussion with P Pressley re status. review email.	0.20
35655	12/07/10	T Legal Services	100 Mercury	discussion with P Pressley re telephone conference with CDI; discussion with P Pressley, Todd Foreman re same.	0.20
35673	12/08/10	T Legal Services	100 Mercury	review email traffic. discussion with P Pressley.	0.40
35757	12/14/10	T Legal Services	100 Mercury	email P Pressley re settlement; telephone conference with her re same; email from her.	0.25
36206	01/06/11	T Legal Services	100 Mercury	discussion with P Pressley re status. discussion with P Pressley after call. email from CDI re same - reply. discussion with P Pressley.	0.60
36207	01/07/11	T Legal Services	100 Mercury	discussion with P Pressley re status and CDI tasks.	0.30
37248	03/01/11	T Legal Services	100 Mercury	read CWD brief, ALJ order re regs. discussion and email P Pressley.	0.90
37276	03/03/11	T Legal Services	100 Mercury	review D Hilla email re PDT; P Pressley email re testimony.	0.25
37291	03/04/11	T Legal Services	100 Mercury	review email P Pressley re Ward and RON.	0.10
37314	03/06/11	T Legal Services	100 Mercury	review CDI and Mercury briefs re applicability of new regs. review RON.	0.50
37387	03/07/11	T Legal Services	100 Mercury	review email re filings; email Carmen Aguado and P Pressley.	0.10
37422	03/10/11	T Legal Services	100 Mercury	telephone conference with CDI, Arthur Levy, P Pressley, Todd Foreman re next actions.	0.30
37466	03/15/11	T Legal Services	100 Mercury	review Levy letter to ALJ and Mercury reply. review email from CWD.	0.20
37511	03/18/11	T Legal Services	100 Mercury	review email exchange re next steps. email Arthur Levy; email team re	0.20
37536	03/18/11	T Legal Services	100 Mercury	review P Pressley draft brief re ex parte.	0.20
37588	03/21/11	T Legal Services	100 Mercury	discussion with P Pressley, J Flanagan re briefing.	0.10
37758	03/28/11	T Legal Services	100 Mercury	email CWD re Mercury ex parte docs.	0.10
37785	03/30/11	T Legal Services	100 Mercury	review email re amending notice; review ALJ decision vacating dates.	0.20
37974	04/05/11	T Legal Services	100 Mercury	review email re Mercury motions. reply to CWD. discussion with P Pressley.	0.20
38266	04/13/11	T Legal Services	100 Mercury	review email w/SA Notice.	0.10
38440	04/18/11	T Legal Services	100 Mercury	discussion with CWD team @ lit meeting re status.	0.10
38466	04/18/11	T Legal Services	100 Mercury	review ALJ letter and email.	0.25
38542	04/25/11	T Legal Services	100 Mercury	review Mercury letter to ALJ 4-14; discussion re status; discussion with CWD team re status	0.65
38675	04/27/11	T Legal Services	100 Mercury	telephone conference with Adam Cole, General Counsel, CDI re case. telephone conference with CDI re same. discussion with P Pressley.	1.50
38639	04/28/11	T Legal Services	100 Mercury	telephone conference with P Pressley re status.	0.20
38656	04/29/11	T Legal Services	100 Mercury	read Adam Cole, General Counsel, CDI letter ALJ re communications and email CDI.	0.20
39153	05/16/11	T Legal Services	100 Mercury	discussion with CWD team.	0.10
40170	05/31/11	T Legal Services	100 Mercury	discussion with P Pressley re CDI briefing.	0.10
40216	06/01/11	T Legal Services	100 Mercury	discussion with CWD re status.	0.10
40328	06/09/11	T Legal Services	100 Mercury	Review Mercury's motion proposed dec. discussion with Todd Foreman, D Heller. email P Pressley.	0.50
40336	06/10/11	T Legal Services	100 Mercury	review docs from Mercury filing.	0.40
40361	06/11/11	T Legal Services	100 Mercury	review docs.	0.10
40379	06/13/11	T Legal Services	100 Mercury	review email from D. Hilla. discussion with Todd Foreman.	0.10
40434	06/14/11	T Legal Services	100 Mercury	review P Pressley email and discussion with Todd Foreman re tel call.	0.10
40571	06/20/11	T Legal Services	100 Mercury	discussion with P Pressley.	0.10
40856	06/21/11	T Legal Services	100 Mercury	discussion with CWD legal staff re status.	0.10
41403	07/15/11	T Legal Services	100 Mercury	discussion re status with CWD.	0.10

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Tue, Mar 3, 2015

Slip#	Date	Activity/Expense	Matter# & Name	Matter	Hours
41694	07/22/11	T Legal Services	100 Mercury	email Todd Foreman re Pearson declaration.	0.10
41615	07/26/11	T Legal Services	100 Mercury	discussion with Todd Foreman, P Pressley re status.	0.20
42487	08/22/11	T Legal Services	100 Mercury	discussion with CWD team re status.	0.10
42570	08/25/11	T Legal Services	100 Mercury	review CWD oppo re estoppel, etc. review CWD briefing.	0.40
42951	09/13/11	T Legal Services	100 Mercury	discussion with CWD staff re status.	0.10
43325	09/30/11	T Legal Services	100 Mercury	Review Consumer Watchdog's Reply ISO Its 030411 Request for Official Notice 092311	0.10
43399	10/02/11	T Legal Services	100 Mercury	review CWD oppo to Mercury's Motion for Proposed Decision.	0.60
43574	10/17/11	T Legal Services	100 Mercury	email from CDI to ALJ re oral argument	0.10
Totals for Timekeeper ROSENFELD, HARVEY					76.50
GRAND TOTALS					76.50

## Harvey Rosenfield

Date	Detail	Hours	Amount
12/5/11	Research/ discussion with Pam Pressley re non-compliance penalties;	0.3	\$202.50
1/9/12	Discussion with Pam Pressley and Todd Foreman re status;	0.1	\$67.50
1/10/12	Review email from Pam Pressley re letter to ALJ and reply. Email and reply from Adam Cole, CDI;	0.2	\$135.00
1/13/12	Discussion with Pam Pressley re next steps, draft letter;	0.1	\$67.50
1/17/12	Discussion with Pam Pressley re status and strategy;	0.3	\$202.50
2/2/12	Email Adam Cole, CDI;	0.1	\$67.50
2/3/12	Set meeting with Adam Cole, CDI; email P Pressley re same;	0.1	\$67.50
2/6/12	Telephone conference with Adam Cole, CDI. Discussion with Pam Pressley and Doug Heller;	0.5	\$337.50
2/9/12	Discussion with P Pressley and review and revise draft letter to ALJ;	0.6	\$405.00
2/15/12	telephone conference with Pam Pressley re ALJ decision; telephone conference with CDI re same; email Pam Pressley re same;	1.3	\$877.50
2/15/12	Discussion with Pam Pressley;	0.9	\$607.50
2/16/12	Discussion with CWD litigation team. discussion with Pam Pressley re CDI to notify parties of ALJ decision; telephone conference with CDI. discussions with Pam Pressley;	0.8	\$540.00
2/17/12	Discussion with Pam Pressley re status of notice. telephone conference with CDI; discussion with Pam Pressley. email from Pam Pressley re ALJ decision;	0.7	\$472.50
2/22/12	Read ALJ decision and Mercury letter to IC Jones;	0.9	\$607.50
2/23/12	Review email and discussion with Pam Pressley re status, response to Mercury. review docs, discussion with Pam Pressley telephone conference with CDI team; further discussion with Pam Pressley, Todd Foreman. email from CDI; email Pam Pressley;	3.7	\$2,497.50
2/24/12	Review and revise draft letter to Insurance Commissioner Jones; telephone conference with CDI. discussion with Pam Pressley. discussion with Pam Pressley;	1.2	\$810.00
2/28/12	Discussion with J Court re status; discussion with Doug Heller;	0.3	\$202.50
2/29/12	Discussion with Pam Pressley, J Court, Doug Heller re status. left message for Adam Cole, CDI;	0.3	\$202.50
3/1/12	Email CDI;	0.1	\$67.50

Date	Detail	Hours	Amount
3/2/12	Telephone conference with Adam Cole, CDI;	0.2	\$135.00
3/12/12	Telephone conference with CDI re status; email CWD re same;	0.2	\$135.00
3/13/12	Discussion with Pam Pressley re status, CDI briefing;	0.2	\$135.00
3/16/12	Review letter CDI; email CWD; email CDI, review email from Pam Pressley and discussion with CWD;	0.6	\$405.00
3/18/12	Email Pam Pressley re email from CDI;	0.1	\$67.50
4/2/12	Email from Pam Pressley - review IC decision; email Pam Pressley re same;	0.1	\$67.50
4/5/12	Telephone conference with Pam Pressley and CDI;	0.9	\$607.50
4/23/12	Telephone conference with Adam Cole, CDI; email CWD; discussion with E Meerkatz;	0.9	\$607.50
4/25/12	Litigation meeting with CWD - discuss status;	0.3	\$202.50
8/23/12	Email from CDI re status conference scheduled after Insurance Commissioner's demurrer heard;	0.1	\$67.50
9/26/12	Review and reply to Pam Pressley email re t/c;	0.2	\$135.00
9/27/12	Review notes re prior discussions; telephone conference with CDI, and Pam Pressley and E Meerkatz;	0.6	\$405.00
10/17/12	Discussion with CWD legal team re status;	0.2	\$135.00
10/31/12	Discussion with CWD litigation team re status;	0.1	\$67.50
11/5/12	Telephone conference with Adam Cole, CDI re status; discussion with CWD staff re same;	0.3	\$202.50
11/9/12	Discussion with Pam Pressley re t/c with CDI. Further discussion re status;	0.3	\$202.50
11/17/12	Reply to Pam Pressley email;	0.1	\$67.50
11/19/12	Review Pam Pressley email re t/c. Email and telephone conference with Pam Pressley re strategy. discussion with Pam Pressley re t/c;	0.4	\$270.00
11/20/12	Discussion with litigation team re status;	0.2	\$135.00
11/27/12	Review Mercury letter to ALJ 11-26-12. discussion with Pam Pressley. email Adam Cole, CDI;	0.4	\$270.00
11/28/12	Telephone conference with CDI; discussion with Pam Pressley re same;	0.3	\$202.50
11/29/12	Telephone conference with CDI;	0.1	\$67.50
11/30/12	Review Mercury letter to ALJ enclosing docs;	0.3	\$202.50



Date	Detail	Hours	Amount
12/5/12	Discussion with J Court re status;	0.1	\$67.50
12/6/12	Discussion with Doug Heller re status;	0.1	\$67.50
12/6/12	Discussion with CWD litigation team re status;	0.1	\$67.50
1/14/13	Discussion with J Court. telephone conference with Adam Cole, CDI and email CWD re same. review Arthur Levy email re Mercury brief;	0.5	\$337.50
1/15/13	Email from Laura Antonini and Pam Pressley re hearing;	0.1	\$67.50
1/16/13	Discussion with Pam Pressley and J Court re hearing. discussion with Laura Antonini re same. review S Kook letter to ALJ re Globe. review 11-2 notice, email CDI re same;	0.7	\$472.50
1/17/13	Discussion with CWD; telephone conference with Adam Cole, CDI re status;	0.3	\$202.50
1/18/13	Discussion with Pam Pressley re status. review Mercury Request for Reconsideration;	0.3	\$202.50
1/22/13	Review and revise update for public; review edits, discussion with Pam Pressley. Revise, discussion with Laura Antonini. review and revise case home page.;	1	\$675.00
1/25/13	Discussion with J Court, Pam Pressley, C Balber, J Flanagan re status and public education;	0.1	\$67.50
1/25/13	Review and revise public information materials;	1.3	\$877.50
1/27/13	Review and revise public information materials, forward to CWD;	0.8	\$540.00
1/31/13	Discussion with Pam Pressley re hearing;	0.2	\$135.00
2/1/13	Discussion with CWD litigation team; review email;	0.1	\$67.50
2/1/13	Review Arthur Levy letter to Mercury;	0.1	\$67.50
2/11/13	Email re CDI testimony;	0.2	\$135.00
2/21/13	Review PDT and correspondence. Discussion with CWD litigation team;	0.5	\$337.50
2/21/13	Review PDT on remand;	0.2	\$135.00
2/26/13	Telephone conference with CDI. discussion with Pam Pressley Doug Heller and J Court re mediation. Research, forward to CWD. Research forward to CDI;	0.9	\$607.50
3/4/13	Email Pam Pressley and A Levy;	0.1	\$67.50
3/18/13	Telephone conference with Pam Pressley, Arthur Levy re issues. review email;	0.5	\$337.50

Date	Detail	Hours	Amount
3/19/13	Review CWD opposition to Mercury MTS re Levy PDT. review Mercury 8/12/11 collateral estoppel motion. discussion with Pam Pressley and Doug Heller;	0.9	\$607.50
3/24/13	Review PDT pleadings;	0.3	\$202.50
3/25/13	Review Mercury MTS 3-20-12;	0.1	\$67.50
4/2/13	Discussion with CWD litigation team re status; discussion with Pam Pressley re hearing;	0.3	\$202.50
4/3/13	Review Arthur Levy PDT; discussion with J Court;	0.3	\$202.50
4/4/13	Discussion with Pam Pressley;	0.2	\$135.00
4/15/13	Discussion with Pam Pressley re status, hearing tasks; review email from Laura Antonini;	0.2	\$135.00
4/16/13	Discussion with Pam Pressley;	0.1	\$67.50
4/17/13	Review CWD RJN, CDI M/Limine, M's opposition to CDI M/Limine;	0.4	\$270.00
4/18/13	Review Merc PDT - email team;	0.3	\$202.50
4/19/13	Telephone conference with CDI re status of hearing;	0.2	\$135.00
4/21/13	Email to Laura Antonini and Pam Pressley re hearing;	0.3	\$202.50
4/22/13	Discussion with Laura Antonini re hearing; review email from her;	0.2	\$135.00
4/23/13	Telephone conference with Laura Antonini re witnesses for CDI; discussion with Pam Pressley re same. email Laura Antonini re venue;	0.5	\$337.50
4/24/13	Telephone conference with Pam Pressley Laura Antonini, Arthur Levy and CDI re witnesses; Research docs; forward to Arthur Levy and Laura Antonini;	1.1	\$742.50
4/25/13	Telephone conference with Laura Antonini re witness issues; review email;	0.3	\$202.50
4/26/13	Telephone conference with Pam Pressley and Laura Antonini re witnesses; status. Research witness for Mercury re CDI;	1	\$675.00
4/27/13	Review Laura Antonini and Pam Pressley email re witnesses;	0.2	\$135.00
4/28/13	Review 2 email from Pam Pressley re witnesses;	0.1	\$67.50
4/30/13	Email Laura Antonini re status;	0.1	\$67.50
5/1/13	Review Laura Antonini report; review previous email re hearing/PDT; review Mercury witness dec;	0.7	\$472.50
5/2/13	Discussion with Laura Antonini, Doug Heller and Pam Pressley re hearing;	0.3	\$202.50

Date	Detail	Hours	Amount
5/3/13	Follow up with Laura Antonini re docs;	0.1	\$67.50
5/6/13	Discussion with Laura Antonini re trial and hearing. review transcripts. left message for Adam Cole, CDI;	0.2	\$135.00
5/7/13	Set t/c with Adam Cole, CDI. email Laura Antonini and Pam Pressley re meeting. telephone conference with Laura Antonini and Pam Pressley. email CDI;	0.4	\$270.00
5/9/13	Email from Pam Pressley re CDI rebuttal witnesses. telephone conference with Adam Cole, CDI and Pam Pressley re status of case;	0.5	\$337.50
5/10/13	Telephone conference with Adam Cole, CDI and Pam Pressley re issues in case and related;	0.7	\$472.50
5/13/13	Discussion with Pam Pressley re telephone conference with CDI;	0.1	\$67.50
5/16/13	Discussion with Pam Pressley, J Flanagan and Laura Antonini re status;	0.1	\$67.50
5/21/13	Email from Pam Pressley re CDI and reply;	0.1	\$67.50
5/22/13	Telephone conference with CDI; email Arthur Levy and Pam Pressley re same;	0.3	\$202.50
5/30/13	Discussion with P Pressley and L Antonini re status; telephone conference with Pam Pressley, Laura Antonini and CDI ( A Cole and A Stone and J McCune) re settlement issues;	0.8	\$540.00
5/31/13	Telephone conference with Arthur Levy, Pam Pressley, and Laura Antonini re strategy;	0.5	\$337.50
6/5/13	Discussion with Pam Pressley, Laura Antonini and Arthur Levy re hearing and status;	0.8	\$540.00
6/7/13	Reply to CDI email;	0.1	\$67.50
6/10/13	Email Arthur Levy;	0.1	\$67.50
6/11/13	Discussion with Pam Pressley re status;	0.1	\$67.50
6/12/13	Discussion with Pam Pressley re briefing in Krumme;	0.2	\$135.00
6/18/13	Reply to Pam Pressley email;	0.1	\$67.50
6/18/13	Discussion with Pam Pressley and Laura Antonini; leave message for Adam Cole, CDI; Reply to him; Reply to Pam Pressley email;	0.4	\$270.00
6/19/13	Reply to Pam Pressley email. telephone conference with Pam Pressley, Laura Antonini and Arthur Levy, CDI, re mediation. review email from Arthur Levy and Mercury;	0.3	\$202.50
6/24/13	Discussion with Pam Pressley and Laura Antonini re mediation; email Adam Cole, CDI; Reply;	1.1	\$742.50

Date	Detail	Hours	Amount
6/25/13	Review Arthur Levy email. telephone conference with CDI; email and discussion with Pam Pressley and Laura Antonini;	0.8	\$540.00
6/26/13	Discussion with Laura Antonini re mediation;	0.1	\$67.50
6/27/13	Email CDI re status;	0.1	\$67.50
6/28/13	Email from Laura Antonini re mediators; telephone conference with D Zohar re same; email from CDI, forward to CWD;	0.4	\$270.00
7/1/13	Review possible mediators - email and discussion with Laura Antonini re same;	0.2	\$135.00
7/2/13	Email re mediation from Pam Pressley; Adam Cole, CDI. Further email re same;	0.4	\$270.00
7/9/13	Review email from team re mediation;	0.3	\$202.50
7/10/13	Review additional email from CWD and CDI re mediation. (.25) email Pam Pressley re mediation terms. (.1);	0.4	\$270.00
7/12/13	Email re mediation issues;	0.1	\$67.50
7/16/13	Email re mediation logistics;	0.2	\$135.00
7/18/13	Email re mediation;	0.2	\$135.00
7/22/13	Email re mediation;	0.1	\$67.50
7/29/13	Email re mediation dates;	0.2	\$135.00
8/2/13	Email re telephone conference with team re strategy at mediation;	0.2	\$135.00
8/13/13	Discussion with Pam Pressley re settlement;	0.1	\$67.50
8/16/13	Email Pam Pressley re status re mediation issues;	0.1	\$67.50
8/19/13	Set telephone conference with CDI and team re mediation. (.1) discussion with Laura Antonini (.1);	0.1	\$67.50
8/21/13	Review email from Laura Antonini re mediation brief; review draft (.2). discussion with Laura Antonini re same. (.2).;	0.4	\$270.00
8/22/13	Discussion with Laura Antonini re draft of mediation brief;	0.1	\$67.50
8/27/13	Telephone conference with CDI and Pam Pressley and Laura Antonini and Arthur Levy re mediation. (.6) Further email with CWD and Arthur Levy re same. (.2) review and revise mediation brief, discussion with Laura Antonini re edits and further discussion with her re her review. (4.0) email Pam Pressley re disclosure of mediation statement;	4.8	\$3,240.00
8/28/13	Review revised mediation brief from Laura Antonini and email re same. (.2) discussion with Laura Antonini re same. (.2);	0.4	\$270.00

Date	Detail	Hours	Amount
9/3/13	Review CWD mediation brief and telephone conference with Pam Pressley, Laura Antonini and Adam Cole, CDI, J McCune re mediation. (.1) discussion with Pam Pressley re same. (.1) review CDI brief. (.4) discussion with Laura Antonini and Arthur Levy(.25) email CDI re brief (.1);	1.9	\$1,282.50
9/4/13	Review briefs for, travel to and participate in mediation @ JAMS;	6.5	\$4,387.50
9/6/13	Discussion with Laura Antonini and Pam Pressley re briefing and further steps;	0.4	\$270.00
9/20/13	Discussion with Laura Antonini re status brief; email her re same. (.1) Consider strategy. (.2);	0.3	\$202.50
9/25/13	Discussion with CWD legal team re status;	0.2	\$135.00
9/26/13	Discussion with CWD legal team re status;	0.1	\$67.50
10/5/13	Review CDI letter to ALJ and stip;	0.1	\$67.50
10/30/13	Email Pam Pressley re reply brief and review her reply (.1);	0.1	\$67.50
11/1/13	Review CDI opening brief;	0.4	\$270.00
11/5/13	Review email from Laura Antonini re issue and reply (.1) further reply to Pam Pressley (.1);	0.2	\$135.00
11/12/13	Telephone conference with Adam Cole, CDI and Pam Pressley (.6) discussion with Pam Pressley(.1);	0.7	\$472.50
11/13/13	Discussion with Laura Antonini re status of brief;	0.1	\$67.50
11/15/13	Discussion with Laura Antonini re briefs;	0.1	\$67.50
11/18/13	Discussion re status with CWD legal team;	0.3	\$202.50
11/18/13	Review CDI and CWD reply briefs. (1.2);	1.2	\$810.00
11/19/13	Review Mercury research and forward to CWD. (.2);	0.2	\$135.00
12/2/13	Discussion with CWD re status;	0.4	\$270.00
12/9/13	Email re Mercury letter and review letter (.3) and email team (.1). Review responses.(.2) email Pam Pressley and Laura Antonini (.1) and discussion with Laura Antonini(.1);	0.8	\$540.00
12/10/13	Discussion with CWD @ meeting (.1) email Pam Pressley and Laura Antonini re Mercury letter brief. (.1) review email from others are response (.2) discussion with Pam Pressley and Laura Antonini (.25). review and revise letter to ALJ re same. (.25);	0.9	\$607.50
12/11/13	Discussion with J Court re status. (.1) rev CDI letter to ALJ (.25);	0.4	\$270.00
1/7/14	Review email re notice from court re status conference (.1); Reply to inquiry (.1);	0.2	\$135.00

Date	Detail	Hours	Amount
1/10/14	Telephone conference with Laura Antonini re status, ALJ calendar (.1);	0.1	\$67.50
1/13/14	Discussion with Laura Antonini re discussion with Pam Pressley;	0.1	\$67.50
1/14/14	Telephone conference with Pam Pressley and Laura Antonini re ALJ ruling and tasks;	0.3	\$202.50
1/18/14	Locate and email scheduling order;	0.1	\$67.50
1/27/14	Review and revise CWD response to Mercury due process. (.3) discussion with Laura Antonini re same. (.1) review Arthur Levy email re same (.1);	0.5	\$337.50
1/29/14	Email Laura Antonini re sanction issues;	0.1	\$67.50
2/12/14	Discussion with Pam Pressley, J Flanagan, Laura Antonin, C Lee;	0.1	\$67.50
4/28/14	Review ALJ t/c order (.1);	0.1	\$67.50
4/29/14	Discussion with Pam Pressley, J Flanagan, Laura Antonini and C Lee re status;	0.1	\$67.50
7/25/14	Discussion with Pam Pressley, J Flanagan, Laura Antonini re status of ALJ order;	0.1	\$67.50
7/30/14	Discussion with Pam Pressley and Laura Antonini re status of decision;	0.2	\$135.00
8/12/14	Discussion with Pam Pressley, J Flanagan and Laura Antonini re status of case, tasks and calendar;	0.2	\$135.00
8/20/14	Telephone conference with R Pearl re declaration;	0.2	\$135.00
8/21/14	Reply to R Pearl to set telephone conference with him;	0.1	\$67.50
8/22/14	Discussion with Laura Antonini and J Flanagan. telephone conference with R Pearl re declaration email Pam Pressley re same;	0.2	\$135.00
9/10/14	Discussion with J Flanagan, Pam Pressley and Laura Antonini re status of case;	0.1	\$67.50
9/23/14	Check in with R Pearl (.1);	0.1	\$67.50
9/27/14	Review Insurance Commissioner's decision in Pacificare for strategy purposes;	1.3	\$877.50
10/14/14	Discussion with Pam Pressley J Flanagan and Laura Antonini re status;	0.1	\$67.50
10/31/14	Email from Pam Pressley re calendar;	0.1	\$67.50
11/1/14	Review email from Arthur Levy reporting results of ALJ call;	0.1	\$67.50
11/7/14	Discussion with Pam Pressley J Court and C Balber re calendar; review; review Pam Pressley email re same;	0.1	\$67.50

Date	Detail	Hours	Amount
1/5/15	Email from Pam Pressley re ALJ decision, and reply. (.1) email from Arthur Levy re same (.1);	0.2	\$135.00
1/5/15	Discussion with Pam Pressley, Laura Antonini and Jason Roberts re status, calendar;	0.3	\$202.50
1/8/15	Email from and discussion with Laura Antonini re expert declaration and reply. (.1) email from Laura Antonini re request for copy of decision (.1);	0.2	\$135.00
1/9/15	Discussion with Laura Antonini re ALJ decision (.2); review (.6); telephone conference with Pam Pressley re same (.1); telephone conference with Adam Cole, CDI re same (.1); further discussion with staff, Arthur Levy (.3) further review of decision (.4);	1.7	\$1,147.50
1/11/15	Review ALJ decision; email Pam Pressley and Laura Antonini re same;	1.5	\$1,012.50
1/14/15	Discussion with Pam Pressley J Flanagan and Laura Antonini re ALJ decision and fee motion (.1);	0.1	\$67.50
1/15/15	Discussion with Pam Pressley J Flanagan and Laura Antonini re drafting of motion for fees;	0.1	\$67.50
1/23/15	Review email from Laura Antonini re fee expert. (.2) discussion with Laura Antonini re same (.1) email Pam Pressley to set discussion with her and Laura Antonini (.1);	0.4	\$270.00
1/26/15	draft email to R Pearl re declaration (.1) Discussion with Pam Pressley and Laura Antonini re same. (.2);	0.3	\$202.50
2/2/15	Email from Pam Pressley re Adam Cole, CDI email to IC. (.1) review docs and reply (.2) email from Arthur Levy re same and reply (.1);	0.3	\$202.50
2/3/15	Reply to Arthur Levy email re stay issue (.1); review Arthur Levy draft email to IC and reply (.2);	0.3	\$202.50
2/5/15	Discussion with J Court re fee app and reply to Pam Pressley re same issue (.2);	0.2	\$135.00
2/5/15	Telephone conference with Arthur Levy, Pam Pressley and Laura Antonini re stay issue (.2) discussion with J Court re status (.1) email Pam Pressley re issue (.1); review Arthur Levy email to CDI re stay (.1);	0.5	\$337.50
2/9/15	Review CDI rejection of stay request;	0.1	\$67.50
2/11/15	discussion with Pam Pressley Laura Antonini and J Flanagan re status and scheduling fee motion.;	0.2	\$135.00
2/13/15	Review Pam Pressley and Laura Antonini email re fee motion, (.2) discussion with Laura Antonini re same (.1);	0.3	\$202.50
2/23/15	Correct R Pearl draft per his instructions and forward to him. (.5);	0.5	\$337.50

Date	Detail	Hours	Amount
2/24/15	Email from R Pearl with declaration; review same (.2) forward to Pam Pressley and discussion with her (.1) further discussion with her (.1);	0.4	\$270.00
2/25/15	Discussion with Pam Pressley re billing report for motion (.1) Review billing reports for duplication, etc. (.7) Email Jason Roberts and Pam Pressley re same. (.1) Discussion with Jason Roberts re same (.1). Further review of TM billings (.4);	1.4	\$945.00
2/26/15	Finish review of TM billings (.3); discussion with Jason Roberts;	0.3	\$202.50
		<b>81.8</b>	<b>\$55,215.00</b>
<b>Legal Fee Subtotal:</b>			<b>\$55,215.00</b>

Subtotal | \$55,215.00

Total due by Apr 02, 2015 **\$55,215.00**



# SLIP LIST BY TIMEKEEPER - FINAL HOURS

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Mon, Mar 2, 2015

Slip#	Date	Activity/Expense	Matter# & Name	Matter	Hours
<b>FOREMAN, TODD</b>					
22964	02/02/09	T Legal Services	100 Mercury	Coneference with P Pressley re: case status and strategy, issues with discovery and ex parte communications	0.40
22973	02/03/09	T Legal Services	100 Mercury	Conference with P Pressley and H Rosenfield re: case status and strategy	0.10
23007	02/04/09	T Legal Services	100 Mercury	Conference with P Pressley re: case status and strategy and protective order issues	0.20
23159	02/11/09	T Legal Services	100 Mercury	Conference with P Pressley re: opposition to motion for summary judgment; review proposed settlement; conference with P Pressley re: same	0.60
23267	02/17/09	T Legal Services	100 Mercury	Conference with P Pressley re: opposition to motion for summary judgment and opposition to motion for protective order and tasks related to same; research re: old CDI rate filing instructions and requirement to report fees; review motion for protective order; draft outline of opposition to protective order; research re: status/rights of intervenors; research re: Ins. Code s 735.5; research re: "in the furtherance of"	3.50
23319	02/18/09	T Legal Services	100 Mercury	Finalize draft of outline of opposition to motion for protective order; research re: meaning of "use" and "furtherance; research re: standards of evidence and hearsay in administrative proceedings; e-mail to P Pressley re: motion for protective order and rate filings; conference with Carmen Aguado re: obtaining mercury '98 and '00 rate filings; conference with P Pressley re: opp to MSJ and opp to motion for protective order; review and comment on opp to MSJ; review settlement conference statement and prehearing conference statement; review CDI pre-hearing conference statement	4.60
23411	02/19/09	T Legal Services	100 Mercury	Review and comment/edit response to motion for protective order; draft request for official notice; conference with P Pressley re: same; conference with P Pressley re: opposition to MSJ	4.60
23414	02/20/09	T Legal Services	100 Mercury	Review and revise request for official notice; review department's prehearing conference statement; review and edit final draft of opp to MSJ; review CDI opp to motion in limine and CWD opp to motion in limine	2.70
23438	02/23/09	T Legal Services	100 Mercury	Review CDI exhibits	0.80
23452	02/24/09	T Legal Services	100 Mercury	Conference with P Pressley re: pre-hearing status conference, next steps, and strategy on briefing of applicability of non-compliance regs	0.50
23454	02/25/09	T Legal Services	100 Mercury	Conference with P Pressley re: applicable regs and 2614 issue; review pre-hearing conference order	0.30
23497	03/01/09	T Legal Services	100 Mercury	Review and edit/comment on opening brief on applicable regs.	0.40
23498	03/02/09	T Legal Services	100 Mercury	Review e-mail from P Pressley and co-counsel re: opening brief on applicable regs; conference with P Pressley re: same; review CDI and mercury Op. Br. on same	1.10
23730	03/12/09	T Legal Services	100 Mercury	Review e-mail and voicemail from P Pressley re: hearing on Mercury MSJ; research re: waiver of arguments not in opening brief and whether legal arguments are "evidence"; conference with P Pressley re: same	0.80
23842	03/13/09	T Legal Services	100 Mercury	Conference with P Pressley re: hearing on MSJ and next steps; conference with H Rosenfield, P Pressley and D Heller re: same	0.50
24092	03/17/09	T Legal Services	100 Mercury	Review order on MSJ; conference with P Pressley and D Heller re: same	0.10
24574	03/31/09	T Legal Services	100 Mercury	Conference with P Pressley re: direct testimony, scheduling and other issues	0.30
24761	04/08/09	T Legal Services	100 Mercury	Conference with P Pressley, H Rosenfield and Carmen Aguado re: status and strategy	0.10
25174	04/15/09	T Legal Services	100 Mercury	Conference with P Pressley re: issues with notice of hearing and case strategy	0.20
25215	04/16/09	T Legal Services	100 Mercury	Review draft stipulations of fact	0.30
25258	04/21/09	T Legal Services	100 Mercury	Review order re: case management calendar; review ltr from S Kook re: mercury's review of proposed fact stipulations	0.10
25600	05/06/09	T Legal Services	100 Mercury	Review Intervenor responses to proposed fact stipulations	0.60
25766	05/12/09	T Legal Services	100 Mercury	Review Mercury and Consumer Watchdog briefs on adverse witness testimony	0.60
26000	05/26/09	T Legal Services	100 Mercury	Review and proof reply re: adverse witness testimony	0.40
26121	06/03/09	T Legal Services	100 Mercury	Conference with P Pressley re: hearing on direct witness issues	0.20
26159	06/05/09	T Legal Services	100 Mercury	Review order on adverse witness testimony; review P Pressley email re: same.	0.20
26630	07/07/09	T Legal Services	100 Mercury	Review ltr from S Weinstein re: limited motion to strike; conference with P Pressley re: same; conference with P Pressley re: case strategy on certain evidentiary issues	0.30
26767	07/15/09	T Legal Services	100 Mercury	Conference with P Pressley re: evidentiary/testimony issues; research re: appealing ALJ ruling excluding evidence; conference with P Pressley re: same	1.40

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Mon, Mar 2, 2015

Slip#	Date	Activity/Expense	Matter# & Name	Matter	Hours
26775	07/16/09	T Legal Services	100 Mercury	Conference with J Sheehan re: obtaining AG opinion on respondent testimony; review opinion; research re: history of Gov Code § 11513; e-mail to P Pressley re: same and AG OP	0.50
26804	07/17/09	T Legal Services	100 Mercury	Conference with P Pressley and H Rosenfield re: evidentiary issues and issues with motion for protective order	0.40
26826	07/20/09	T Legal Services	100 Mercury	Review prehearing order re: protective order; teleconference with co-counsel re: disclosure of document; conference with H Rosenfield re: same; review motion for protective order re: applicability of Ins. Code s 785.5 and responsive briefing	0.70
26911	07/23/09	T Legal Services	100 Mercury	Conference with P Pressley re: motion on compliance with direct testimony regulations	0.20
26910	07/24/09	T Legal Services	100 Mercury	Review Mercury limited motion to strike; review CDI opening brief re: Mercury limited MTS direct testimony	0.50
26972	07/27/09	T Legal Services	100 Mercury	Conference with P Pressley and H Rosenfield re: issues with disclosure of document produced by CDI, and interpretation and application of Insurance Code and proposed protective order; review proposed confidentiality agreement and notice in FRUB exam; conference with P Pressley re: impact of same	0.90
27225	08/11/09	T Legal Services	100 Mercury	Conference with P Pressley and H Rosenfield re: strategy and next steps.	0.10
27666	08/25/09	T Legal Services	100 Mercury	Conference with P Pressley re: strategy on direct testimony.	0.30
27893	09/14/09	T Legal Services	100 Mercury	Conference with P Pressley re: status and strategy	0.20
27904	09/15/09	T Legal Services	100 Mercury	Review e-mail from J Tomashoff re: status of case and next steps.	0.10
28275	10/05/09	T Legal Services	100 Mercury	Conference with P Pressley re: direct testimony of adverse witnesses issue.	0.10
28794	11/03/09	T Legal Services	100 Mercury	Conference with P Pressley re: strategy on pre-filed direct testimony	0.20
29230	11/23/09	T Legal Services	100 Mercury	Review and respond to e-mails from P Pressley and S Kook re: opposition to motion for order on form and procedure for prepared direct testimony	0.10
30155	01/20/10	T Legal Services	100 Mercury	Conference with H Rosenfield and P Pressley re: hearing at OAH.	0.10
30282	01/27/10	T Legal Services	100 Mercury	Hearing on motion to certify question or allow alternative testimony; conference with P Pressley re: same.	1.90
30984	03/10/10	T Legal Services	100 Mercury	Conference with P Pressley, H Rosenfield and Carmen Aguado re: case strategy and timing	0.20
31326	03/24/10	T Legal Services	100 Mercury	Conference with P Pressley re: status of case and potential addt'l mercury NC action.	0.10
31403	03/30/10	T Legal Services	100 Mercury	Conf with P Pressley and H Rosenfield re: status and strategy and discussion with CDI re: same.	0.10
31841	04/13/10	T Legal Services	100 Mercury	Review e-mails from P Pressley and J Tomashoff re: e-mail to ALJ re: ruling	0.10
31871	04/14/10	T Legal Services	100 Mercury	Review e-mail from ALJ re: service and ruling; review order re: joint motion on pre-filed direct testimony; conf with P Pressley re: same; review e-mails from P Pressley; H Rosenfield; and Adam Cole, General Counsel, CDI re: same; review and respond to e-mails from P Pressley and H Rosenfield re: conf	0.60
31899	04/15/10	T Legal Services	100 Mercury	Conf with P Pressley, H Rosenfield, D Heller, and Carmen Aguado re: status and strategy	0.20
31901	04/16/10	T Legal Services	100 Mercury	Review e-mails from co-counsel and CDI re telephone conference on next steps; conf with P Pressley, H Rosenfield, Carmen Aguado re: same; telephone conference with P Pressley and Arthur Levy re: next steps; telephone conference with with CDI and co-counsel re: same.	1.70
32193	04/28/10	T Legal Services	100 Mercury	Conf with H Rosenfield re: status and strategy	0.10
32212	04/29/10	T Legal Services	100 Mercury	Research re: CDI's right to move NC hearing to AHB; e-mails with J Tomashoff and H Rosenfield re: next steps.	3.60
32224	04/30/10	T Legal Services	100 Mercury	Continue research on viability of transfer; telephone conference with J Tomashoff re: strategy on procedure; e-mail to H Rosenfield and P Pressley re: same.	2.80
32247	05/03/10	T Legal Services	100 Mercury	Review and respond to e-mail from P Pressley re: case status and issues; review e-mail from S Weinstein re: M&C; review e-mail from A Levy re: same; e-mail to H Rosenfield and P Pressley re: same; conf with J Tomashoff re: case status and memo on procedural options; addt'l research re: same; review Mercury motion for transfer, briefs, and order	2.60
32265	05/04/10	T Legal Services	100 Mercury	Review e-mail from A Cole re: next steps	0.10
32314	05/05/10	T Legal Services	100 Mercury	Review e-mails from S Weinstein, H Rosenfield, and P Pressley re: M&C on PDT procedures; conf with S Weinstein re: same; e-mail to CDI and co-counsel re: same; review and respond to e-mails from J Tomashoff and Adam Cole, General Counsel, CDI re: M&C; review order re: same; conf with H Rosenfield re: same	0.60
32322	05/06/10	T Legal Services	100 Mercury	Review and respond to e-mails from Adam Cole, General Counsel, CDI and J Tomashoff re: M&C	0.20

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Mon, Mar 2, 2015

Slip#	Date	Activity/Expense	Matter# & Name	Matter	Hours
32359	05/11/10	T Legal Services	100 Mercury	Review notes re: M&C ltr to Owyang; review e-mails; email to J Tomashoff re: same.	0.20
32368	05/12/10	T Legal Services	100 Mercury	E-mails with S Weinstein and J Tomashoff re: M&C deadline and communication with ALJ	0.20
32387	05/13/10	T Legal Services	100 Mercury	Review ltr from J Tomashoff to ALJ; e-mail to Carmen Aguado and P Pressley re: same.	0.10
32442	05/17/10	T Legal Services	100 Mercury	Review e-mails from J Tomashoff and ALJ re: time to M&C; calendar date	0.10
32637	06/02/10	T Legal Services	100 Mercury	Conf with H Rosenfield re: status; review e-mail from J Tomashoff re: same; e-mail to H Rosenfield re: same	0.20
32652	06/03/10	T Legal Services	100 Mercury	E-mail from P Pressley re: strategy; e-mail to H Rosenfield re: same.	0.10
32682	06/04/10	T Legal Services	100 Mercury	Conf with H Rosenfield re: case	0.10
32767	06/11/10	T Legal Services	100 Mercury	Conf with Adam Cole, General Counsel, CDI, J Tomashoff, H Rosenfield and J Whitfield re: case strategy and PDT issues.	0.60
32796	06/14/10	T Legal Services	100 Mercury	Review voicemail and e-mail from R Cano re: telephone conference with CDI	0.10
32823	06/16/10	T Legal Services	100 Mercury	Review and respond to e-mail from H Rosenfield re: telephone conference with CDI; e-mail to R Cano re: same; review e-mail from A cole re: same.	0.20
32837	06/17/10	T Legal Services	100 Mercury	E-mails with R Cano, H Rosenfield, and CDI re: telephone conference on case strategy	0.20
32866	06/21/10	T Legal Services	100 Mercury	Review e-mail from A Cole re: telephone conference with CDI; e-mails with Carmen Aguado re: fees; e-mail with S Weinstein re: status of M&C; conf with H Rosenfield re: case	0.40
32869	06/22/10	T Legal Services	100 Mercury	Telephone conference with CDI re: case strategy; memo re: same; review notes re: same.	0.90
32879	06/23/10	T Legal Services	100 Mercury	E-mails with J Tomashoff and S Weinstein re: M&C on PDT; conf with J Tomashoff re: same; e-mail to H Rosenfield, P Pressley, and Arthur Levy re: same.	1.20
32946	06/24/10	T Legal Services	100 Mercury	Review and respond to e-mail from P Pressley re: telephone conference re: strategy; e-mails with Arthur Levy and H Rosenfield re: same; telephone conference with P Pressley and Arthur Levy re: strategy	1.10
32948	06/24/10	T Legal Services	100 Mercury	Conf with Arthur Levy re: strategy	0.90
32957	06/25/10	T Legal Services	100 Mercury	Telephone conference with J Tomashoff re: strategy; conf with Adam Cole, General Counsel, CDI, J Tomashoff and J Whitfield re: same; conf with D Heller re: same; e-mail to P Pressley, H Rosenfield, Arthur Levy re: same; research re: regulation requirement; conf with J Tomashoff re: same.	1.40
32962	06/28/10	T Legal Services	100 Mercury	review and respond to e-mail from J Tomashoff re: M&C on PDT; e-mails from S Weinstein and J Tomashoff re: same.	0.20
33028	06/29/10	T Legal Services	100 Mercury	Review J Tomashoff ltr to ALJ re: M&C; email to Carmen Aguado re: same; conf with H Rosenfield re: status.	0.30
33089	07/01/10	T Legal Services	100 Mercury	Review order granting addtl extension of time to M&C	0.10
33865	08/20/10	T Legal Services	100 Mercury	Review calendar re: time to update Owyang on PDT; e-mail to J Tomashoff re: same; memo to P Pressley re: case status; review docs re: same.	0.20
34013	08/30/10	T Legal Services	100 Mercury	review and respond to e-mail from H Rosenfield re: case issues	0.10
34426	09/22/10	T Legal Services	100 Mercury	Conf with CWD counsel re: case status and strategy; e-mail from S Weinstein re: update; e-mail to P Pressley re same.	0.10
34459	09/23/10	T Legal Services	100 Mercury	Conf with P Pressley re: update to ALJ and strategy	0.10
34468	09/24/10	T Legal Services	100 Mercury	Conf with P Pressley, D Hilla, and Arthur Levy re: procedural issues; review notes re: same; conf with P Pressley re: case issues.	0.20
34475	09/27/10	T Legal Services	100 Mercury	Review e-mails from P Pressley and D Heller re: PDT issues; review and respond to e-mail from P Pressley requesting correspondence.	0.20
34559	09/29/10	T Legal Services	100 Mercury	Review S Weinstein ltr to ALJ re: PDT.	0.20
35206	11/11/10	T Legal Services	100 Mercury	E-mails from D Hilla and P Pressley re: continuance; review order granting continuance; conf with P Pressley, J Flanagan, and Carmen Aguado re: status and strategy; e-mails from P Pressley and D Hilla re: telephone conference on strategy and next steps.	0.30
35240	11/12/10	T Legal Services	100 Mercury	Conf with D Hilla and P Pressley re: case issues and strategy.	0.40
35351	11/15/10	T Legal Services	100 Mercury	E-mails and conf with P Pressley re discussion and telephone conference with CDI	0.10
35353	11/16/10	T Legal Services	100 Mercury	review documents in preparation for discussion with P Pressley re: settlement and other issues; conf with P Pressley, H Rosenfield, and D Heller re: settlment and case issues; conf with D Heller, P Pressley, and D Hilla re: same; review e-mails from P Pressley and Adam Cole, General Counsel, CDI re: telephone conference with CDI on strategy.	1.80
35380	11/18/10	T Legal Services	100 Mercury	E-mails from Adam Cole, General Counsel, CDI and P Pressley re: telephone conference with cdi re:	0.90

# SLIP LIST BY TIMEKEEPER - FINAL HOURS

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Mon, Mar 2, 2015

Slip#	Date	Activity/Expense	Matter# & Name	Matter	Hours
35476	11/22/10	T Legal Services	100 Mercury	strategy; conf with CDI and CWD counsel re: strategy.	1.30
35496	11/24/10	T Legal Services	100 Mercury	Review e-mail from D Hilla re: strategy; conf with P Pressley re: same; review files for research on strategy issue; conf with D Heller and P Pressley re: strategy;	2.10
35524	11/29/10	T Legal Services	100 Mercury	Review e-mails from P Pressley and D Hilla re: strategy and case issues; research legal issue; e-mails with P Pressley and D Hilla re: same and strategy; conf with P Pressley re: same.	0.30
35651	12/06/10	T Legal Services	100 Mercury	E-mails from D Hilla, S Weinstein, and P Pressley re: telephone conference with parties; calendar date; conf with P Pressley re: status, strategy and next steps.	0.30
35662	12/07/10	T Legal Services	100 Mercury	conf with P Pressley and D Hilla re: strategy and issues	0.90
35742	12/14/10	T Legal Services	100 Mercury	Conf with CDI re: strategy and case issues; conf with H Rosenfield and P Pressley re: same.	0.20
35785	12/16/10	T Legal Services	100 Mercury	E-mails from P Pressley and H Rosenfield re: settlement; review previous correspondence.	0.10
36245	01/11/11	T Legal Services	100 Mercury	Review joint report and proposed schedule.	0.30
36263	01/12/11	T Legal Services	100 Mercury	Conf with P Pressley re: telephone conference with CDI, status and next steps; review research re: applicable regs; conf and e-mail with P Pressley re: same.	0.10
36285	01/13/11	T Legal Services	100 Mercury	Review 12/23 order on hearing dates	0.20
36302	01/14/11	T Legal Services	100 Mercury	E-mails from P Pressley, S Kook and A Stone re: stip on hearing dates; review stip.	0.20
36400	01/24/11	T Legal Services	100 Mercury	Review ltrs from D Hilla and S Weinstein to ALJ re: amendment of regulation and e-mails from P Pressley and D Heller re: same.	0.60
36399	01/25/11	T Legal Services	100 Mercury	Review and edit opening brief on applicable regulations	0.20
36419	01/26/11	T Legal Services	100 Mercury	E-mails from CDI re: briefing; e-mails with S Kook re: Mercury brief.	0.20
36436	01/27/11	T Legal Services	100 Mercury	Conf with P Pressley re: facts re: PDT testimony timeline for brief on applicable regs.	0.50
36449	01/28/11	T Legal Services	100 Mercury	conf with P Pressley re: reply brief on applicable regs; review brief.	1.90
36500	01/31/11	T Legal Services	100 Mercury	Additional review of Mercury brief on applicable regulations; research cited cases; conf with P Pressley re: legal issues.	0.70
36650	02/09/11	T Legal Services	100 Mercury	E-mails from P Pressley and Arthur Levy re: reply on applicable regs; review and revise draft and Arthur Levy comments re: same.	0.10
36773	02/11/11	T Legal Services	100 Mercury	Review additional pre-hearing order	1.20
36799	02/14/11	T Legal Services	100 Mercury	Conf with CDI and team re: case issues and strategy; research re: evidentiary rules; conf to P Pressley re: same.	1.30
37137	02/24/11	T Legal Services	100 Mercury	Conf with P Pressley re: evidentiary issue; research re: same; e-mails from D Hilla, P Pressley and Adam Cole, General Counsel, CDI re: same; conf with P Pressley re: applicable regs briefing and research; pull case, review and e-mail to P Pressley re: same; conf with P Pressley and D Heller re: hrg on applicable regulations.	0.10
37152	02/25/11	T Legal Services	100 Mercury	E-mails from P Pressley, Arthur Levy and D Hilla re: telephone conference and strategy issues.	1.40
37220	02/28/11	T Legal Services	100 Mercury	E-mails with P Pressley re: telephone conference with CDI and Arthur Levy; review order re: applicable regs; conf with P Pressley re: same; conf with D Heller, Arthur Levy, A Stone, and P Pressley re: order and strategy; conf with P Pressley re: strategy and issues.	0.80
37240	03/01/11	T Legal Services	100 Mercury	Review Arthur Levy trial plan and memo on case strategy; research re: evidentiary issues; e-mails from P Pressley and Arthur Levy re: telephone conference trial plan; review rules on penalties	2.00
37260	03/02/11	T Legal Services	100 Mercury	Conf with P Pressley re: strategy and issues; conf with Arthur Levy and P Pressley re: same; e-mails with P Pressley and Arthur Levy re: telephone conference with CDI; e-mails re: admissibility of evidence and amendment of NNC; review cases re: admissibility of certain evidence; e-mails with D Hilla, P Pressley and Arthur Levy re: telephone conference with CDI	0.10
37263	03/02/11	T Legal Services	100 Mercury	E-mails from P Pressley and D Hilla re telephone conference with CDI and position of Mercury on ALJ items for discussion	1.90
37273	03/03/11	T Legal Services	100 Mercury	Conf with CDI, P Pressley, and Arthur Levy re: trial strategy; conf with P Pressley re: tasks; e-mails from Arthur Levy and P Pressley re: RON and briefing on ex parte issues; conf with P Pressley and D Heller re: ex parte briefing; research re: RON in Evid Code	2.40
37288	03/04/11	T Legal Services	100 Mercury	Conf with P Pressley re: PDT and case strategy; review e-mails and documents re: March 5 filing; research re: subpoenas and witnesses; review noncompliance regs; conf with P Pressley re: non-party witnesses; review and revise request for official notice	0.50
37325	03/07/11	T Legal Services	100 Mercury	Review request for official notice; e-mails from P Pressley re: March filings; review D Ward PDT; e-mails from team re: filings; e-mail from D Hilla re: witnesses, etc.	0.20
				Conf with P Pressley re: issues, strategy and tasks;	

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Mon, Mar 2, 2015

Slip#	Date	Activity/Expense	Matter# & Name	Matter	Hours
37376	03/09/11	T Legal Services	100 Mercury	E-mails from D Hilla and P Pressley re: telephone conference with CDI re: response to Mercury letter.	0.10
37409	03/10/11	T Legal Services	100 Mercury	E-mails from P Pressley and Arthur Levy re: Mercury corr with ALJ; conf with CDI, P Pressley and Arthur Levy re: Mercury ltr, issues therein, timing and strategy; type up notes from call; review draft Arthur Levy ltr to ALJ; review e-mails re: same; e-mails from A Stone and P Pressley re: ex parte brief; e-mail to P Pressley re: same.	0.90
37436	03/11/11	T Legal Services	100 Mercury	E-mail from D Hilla and P Pressley re: M&C; review Arthur Levy ltr to ALJ; review D Hilla ltr to ALJ; review S Kook ltr to ALJ;	0.30
37460	03/15/11	T Legal Services	100 Mercury	M&C telephone conference with parties; conf with P Pressley re: next steps.	1.20
37477	03/16/11	T Legal Services	100 Mercury	Review S Weinstein draft ltr to Owyang and e-mails from P Pressley and Arthur Levy re: same; e-mails from S Kook, D Hilla P Pressley and Arthur Levy re: same; conf with P Pressley re: same; review S Kook ltr to ALJ; review draft ltr to ALJ in response	0.40
37483	03/17/11	T Legal Services	100 Mercury	Review final Arthur Levy ltr to ALJ on scheduling; conf with P Pressley re: evidence issue; review email from P Pressley and A Stone re: CDI disclosure on ex parte communications; e-mails with P Pressley re: same; review ALJ's order and e-mail to P Pressley re: same; conf with P Pressley re: same; revisions to brief on ex parte communications; draft P Pressley dec ISO same; review order vacating pre-hearing schedule; conf with P Pressley re: same; conf with L Antonini re: research on "sponsored" exhibits; e-mails with L Antonini re: same.	2.60
37503	03/18/11	T Legal Services	100 Mercury	Review draft schedule from D Hilla; finalize brief on ex parte communications and P Pressley dec ISO same; e-mail to P Pressley re: same; emails with D Hilla re: "request for hearing" date; conf with D Heller re: same and hearing schedule; e-mails from P Pressley, Arthur Levy, D Hilla, and A Stone re: briefs and strategy issues.	1.10
37557	03/21/11	T Legal Services	100 Mercury	emails with P Pressley, D Hilla, and S Weinstein re meet and confer and briefing schedule; review and respond to e-mail from P Pressley re: citation in ex parte brief; research re same; review revised ex parte brief and e-mails from P Pressley and Arthur Levy re: same	0.40
37616	03/23/11	T Legal Services	100 Mercury	E-mails with team re: briefing schedule; conf with P Pressley re: telephone conference with parties, schedule and tasks.	0.30
37619	03/24/11	T Legal Services	100 Mercury	Conf with P Pressley re: ltr on order of proof; draft same; review regulations re: same; e-mails from P Pressley and D Hilla re: same; conf with P Pressley re: same; e-mails with P Pressley re: ex parte briefing and decs; review P Pressley edits to joint letter; e-mail to P Pressley re: same.	1.50
37649	03/25/11	T Legal Services	100 Mercury	Review ex parte brief and decs final versions; conf with P Pressley re: same; e-mail from D Hilla re: joint ltr to ALJ re: order of proof; conf with P Pressley re: same; review final ltr to ALJ and CDI brief on ex parte communications.	0.60
37678	03/28/11	T Legal Services	100 Mercury	E-mails from P Pressley and counsel re: M&C re dates for briefing.	0.10
37718	03/29/11	T Legal Services	100 Mercury	Review and respond to e-mail from H Rosenfield re: Mercury disclosure on ex parte comms	0.10
37741	03/30/11	T Legal Services	100 Mercury	E-mails from D Hilla and P Pressley re: briefing schedules.	0.10
37823	04/01/11	T Legal Services	100 Mercury	E-mails from P Pressley, D Hilla and Arthur Levy re: briefing schedule; e-mail to P Pressley re: same.	0.30
37832	04/02/11	T Legal Services	100 Mercury	email from Arthur Levy re: briefing schedule.	0.10
37837	04/03/11	T Legal Services	100 Mercury	E-mail from B Mohr re: briefing schedule.	0.10
37860	04/04/11	T Legal Services	100 Mercury	Emails with P Pressley re: briefing schedule; review calendar.	0.10
37919	04/05/11	T Legal Services	100 Mercury	Review add'l CDI submission on ex parte communications; review emails from D Hilla, Arthur Levy, S Kook and P Pressley re: briefs; add'l e-mails from P Pressley and H Rosenfield re: same.	0.30
37989	04/06/11	T Legal Services	100 Mercury	Conf with P Pressley re: timing for briefing and other issues; e-mail from D Hilla re: mercury briefs; conf with P Pressley re: same.	0.20
38031	04/07/11	T Legal Services	100 Mercury	Review draft ltr to ALJ from CDI; review e-mail from D Hilla re: briefing schedule	0.20
38052	04/08/11	T Legal Services	100 Mercury	Review ltr from S Weinstein to ALJ re: scheduling.	0.10
38176	04/11/11	T Legal Services	100 Mercury	E-mails from D Hilla and P Pressley re: ltr to ALJ on briefing; review updated NNC and ltr to ALJ re: same; review e-mails re: briefing sched; conf with P Pressley re: same.	0.30
38244	04/12/11	T Legal Services	100 Mercury	Review draft ltr to ALJ re: briefing; review e-mails from Arthur Levy and P Pressley re: same.	0.10
38284	04/14/11	T Legal Services	100 Mercury	Review e-mails from Arthur Levy and P Pressley re: ltr to Owyang; review Arthur Levy ltr to Owyang re: briefing; review S Weinstein ltr to Owyang re: briefing and ex parte communications.	0.30
38306	04/15/11	T Legal Services	100 Mercury	Review ltr from ALJ Owyang.	0.10

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Mon, Mar 2, 2015

Slip#	Date	Activity/Expense	Matter# & Name	Matter	Hours
38311	04/18/11	T Legal Services	100 Mercury	review multiple e-mails from counsel re telephone conference with Arthur Levy	0.20
38325	04/19/11	T Legal Services	100 Mercury	Review e-mail from Arthur Levy to ALJ	0.10
38366	04/20/11	T Legal Services	100 Mercury	telephone conference with D Hilla and A Stone re: briefing and issues.	0.60
38418	04/21/11	T Legal Services	100 Mercury	E-mails from ALJ and D Hilla re: scheduling conference	0.10
38492	04/22/11	T Legal Services	100 Mercury	E-mails from D Hilla and A Stone re: MSJ and collateral estoppel issues.	0.10
38531	04/25/11	T Legal Services	100 Mercury	Conf with team re: strategy and next steps.	0.20
38577	04/26/11	T Legal Services	100 Mercury	Review Mercury discovery request; e-mail to P Pressley re: same; review A Cole ltr to ALJ re: ex parte communications; e-mails with P Pressley re: telephone conference with co-counsel before call with ALJ on Thursday.	0.30
38610	04/27/11	T Legal Services	100 Mercury	E-mails from D Hilla and Arthur Levy re: telephone conference with CDI re: telephone conference with ALJ on briefing schedule; telephone conference with CDI, Arthur Levy, P Pressley and H Rosenfield re: strategy on briefing.	0.80
38623	04/28/11	T Legal Services	100 Mercury	Conf with P Pressley re: briefing on summary adjudication and other motions and hrg re: same.	0.20
39135	05/16/11	T Legal Services	100 Mercury	Review ltr from S Kook re: discovery to CDI; conf with team re: next steps.	0.20
40252	06/03/11	T Legal Services	100 Mercury	Review e-mails from A Stone, P Pressley, D Hilla and B Mohr re: collateral estoppel issues; review notes re: statutory change; e-mail to group re: same.	0.20
40251	06/04/11	T Legal Services	100 Mercury	e-mails from A Stone and D Hilla re: collateral estoppel issue.	0.10
40247	06/06/11	T Legal Services	100 Mercury	e-mails from counsel re: collateral estoppel brief	0.20
40256	06/07/11	T Legal Services	100 Mercury	Brief review of Mercury motions.	0.20
40288	06/08/11	T Legal Services	100 Mercury	Review Mercury "motion for proposed decision"; conf with P Pressley re: next steps.	0.50
40316	06/09/11	T Legal Services	100 Mercury	Finalize review of Mercury motion for a proposed decision; e-mails with P Pressley re: tasks and next steps.	0.90
40322	06/10/11	T Legal Services	100 Mercury	Review e-mail from P Pressley re: tasks; calendar date for conf with alj	0.10
40373	06/10/11	T Legal Services	100 Mercury	E-mails from P Pressley/D Hilla re: telephone conference with parties	0.10
40372	06/13/11	T Legal Services	100 Mercury	E-mails with D Hilla re: telephone conference with parties; e-mail to A Levy re: same; calendar date; e-mails from D Hilla, H Rosenfield and Arthur Levy re: telephone conference with parties; conf with H Rosenfield re: same and briefing schedule issues.	0.30
40406	06/14/11	T Legal Services	100 Mercury	E-mails from D Hilla and Arthur Levy re: dates for briefing; review calendar re: same; telephone conference with parties re: briefing schedule; conf with D Hilla re: same; conf with Arthur Levy re: same; e-mail to P Pressley re: same.	1.00
40421	06/15/11	T Legal Services	100 Mercury	E-mail from ALJ re: status conference; e-mails with D Hilla re: same; e-mails from S Weinstein and S Kook re: same.	0.20
40462	06/16/11	T Legal Services	100 Mercury	Conf with P Pressley re RON issue; e-mail to Arthur Levy re: same; conf with D Hilla re: conf with ALJ.	0.30
40472	06/17/11	T Legal Services	100 Mercury	E-mail from D Hilla re: briefing schedule; review notes from telephone conference with parties; telephone conference with ALJ and parties; conf with D Hilla re: case issues; e-mail to P Pressley and Arthur Levy re: telephone conference with Arthur Levy; review notes re: same.	1.30
40508	06/19/11	T Legal Services	100 Mercury	E-mails with P Pressley re: scheduling conference.	0.10
40509	06/20/11	T Legal Services	100 Mercury	E-mails with P Pressley re: scheduling conf; conf with P Pressley re: same.	0.30
41335	07/11/11	T Legal Services	100 Mercury	E-mail from L Tick re: budget	0.10
41338	07/12/11	T Legal Services	100 Mercury	Email from P Pressley re: budget.	0.10
41377	07/15/11	T Legal Services	100 Mercury	Conf with lit team re: status and strategy	0.10
41428	07/18/11	T Legal Services	100 Mercury	Review Mercury motion for proposed decision and CWD opp to prior motion; conf with P Pressley re: opp to motion; type up notes from conf with P Pressley; e-mail to A Schwartz re: eff std question	4.20
41488	07/20/11	T Legal Services	100 Mercury	Conf with P Pressley re: strategy and issues on opp to motion for proposed decision.	0.30
41491	07/21/11	T Legal Services	100 Mercury	E-mail from L Tick re: amended budget.	0.10
41557	07/22/11	T Legal Services	100 Mercury	E-mails with H Rosenfield re: objections to decs submitting ISO motion for proposed decision.	0.10
41584	07/26/11	T Legal Services	100 Mercury	Conf with P Pressley and H Rosenfield re: strategy and tasks.	0.10
41843	07/29/11	T Legal Services	100 Mercury	Begin draft of objections to declarations and exhibits; review documents re: same; conf with P Pressley re: tasks and legal theories; review statutes and regulations re: evidence	5.40

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Mon, Mar 2, 2015

Slip#	Date	Activity/Expense	Matter# & Name	Matter	Hours
42009	08/01/11	T Legal Services	100 Mercury	Continue to draft objection to declarations and exhibits; review documents, regulations and statutes re: same	5.60
42081	08/02/11	T Legal Services	100 Mercury	Finalize draft of objections to evidence submitted by Mercury; e-mail to P Pressley; review CDI draft briefs; e-mail to D Heller re: CDI objection to Mercury's RON.	3.10
42139	08/03/11	T Legal Services	100 Mercury	E-mail from P Pressley re: evidentiary objections; review edits to brief; conf with P Pressley re same; revisions to brief; review documents re: same	3.80
42169	08/04/11	T Legal Services	100 Mercury	Finalize revisions to objection to evidence submitted by Mercury ISO motino for proposed decision; e-mail to P Pressley re: same.	1.10
42197	08/05/11	T Legal Services	100 Mercury	Conf with P Pressley re: argument on "final determination of the proceedings"	0.10
42251	08/08/11	T Legal Services	100 Mercury	E-mails from Arthur Levy and P Pressley re: briefs; conf with P Pressley re: same and objections; review corr re: same; e-mail to P Pressley re: revised objections to evidence.	0.20
42279	08/09/11	T Legal Services	100 Mercury	E-mails with P Pressley re: review of CDI RON; review documents re: same; e-mail to P Pressley re: same; conf with P Pressley re: same; e-mails from P Pressley and Arthur Levy re: draft of brief.	1.40
42314	08/10/11	T Legal Services	100 Mercury	Review draft opp to Mercury Motion for Proposed Decision; conf with P Pressley re: same; edits to same re: citations to evidence; review evidence re: same; draft request for official notice; e-mail/ conf with P Pressley re: same; conf with P Pressley re: args on CDI "approval" of illegal practice.	4.10
42324	08/11/11	T Legal Services	100 Mercury	Review revised opp to motion for proposed decision; edits to same; conf with P Pressley re: same; e-mails from P Pressley and Arthur Levy re: briefs and documents; review P Pressley edits to RON; revisions to same; conf with P Pressley re: opp to motion for proposed decision; e-mails with Carmen Aguado re: RON; review and revise opp to laches/estoppel motion	4.30
42334	08/12/11	T Legal Services	100 Mercury	Conf with P Pressley re: various issues with briefs due today; finalize objections to evidence and RON; finalize estoppel motion; conf with P Pressley and Carmen Aguado re: documents; review and revise opp to motion for proposed decision; conf with P Pressley re: same; review Mercury objection to request for official notice and opposition to collateral estoppel motion	3.90
42939	09/13/11	T Legal Services	100 Mercury	Conf with lit team re: status and next steps.	0.10
43167	09/23/11	T Legal Services	100 Mercury	Review reply ISO request for official notice; brief review of Mercury submissions	0.40
43237	09/27/11	T Legal Services	100 Mercury	Conf with P Pressley, H Rosenfield, and Carmen Aguado re: status and strategy.	0.20
43493	10/12/11	T Legal Services	100 Mercury	Review CDI ltr to Owyang	0.10
43511	10/13/11	T Legal Services	100 Mercury	Review ltr from S Kook re: status conf; review respondent's 3rd RON ISO briefs; conf with P	0.40
Totals for Timekeeper FOREMAN, TODD					145.60
GRAND TOTALS					145.60

# LEGAL FEES BY ATTORNEY

## Todd Foreman

Date	Detail	Hours	Amount
1/9/12	Conference with Pam Pressley and Harvey Rosenfield re status and strategy;	0.1	\$47.50
1/10/12	Review draft letter to ALJ Owyang; emails with team re strategy;	0.3	\$142.50
2/1/12	Review Bifurcation Order;	0.1	\$47.50
2/10/12	Conference with Pamela Pressley re case issues; legal research re same;	1	\$475.00
2/17/12	Review letter from D Hilla to parties re Proposed Decision; review S Weinstein email re same;	0.2	\$95.00
2/21/12	Review Proposed Decision;	0.3	\$142.50
2/22/12	Review letters from A Cole and S Weinstein to Insurance Commissioner re Proposed Decision and briefing; email to Pam Pressley re same;	0.3	\$142.50
2/23/12	Conference with Pam Pressley and Harvey Rosenfield re strategy; review cases; conference with Pam Pressley re same;	0.8	\$380.00
		<b>3.1</b>	<b>\$1,472.50</b>
<b>Legal Fee Subtotal:</b>			<b>\$1,472.50</b>

Subtotal | \$1,472.50

Total due by Apr 02, 2015 **\$1,472.50**



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Mon, Mar 2, 2015

Slip#	Date	Activity/Expense	Matter# & Name	Matter	Hours
<b>ANTONINI, LAURA</b>					
39844	05/25/11	T Administration	100 Mercury	Collateral estoppel research	5.00
39846	05/26/11	T Legal Services	100 Mercury	Collateral estoppel research	2.00
40224	05/31/11	T Legal Services	100 Mercury	Collateral estoppel research	4.90
40225	06/01/11	T Legal Services	100 Mercury	Collateral estoppel research	4.00
40273	06/06/11	T Legal Services	100 Mercury	Collateral estoppel research	2.50
40272	06/07/11	T Legal Services	100 Mercury	Collateral estoppel research	0.20
44085	09/20/11	T Legal Services	100 Mercury	legal research	0.30
<b>Totals for Timekeeper    ANTONINI, LAURA</b>					<b>18.90</b>
<b>GRAND TOTALS</b>					<b>18.90</b>

**Laura Antonini**

Date	Detail	Hours	Amount
11/8/12	Discuss attending evidentiary hearing with Pam Pressley;	0.1	\$35.00
1/14/13	Review Notice of Continuance; Order Setting Hearing on the Motions; Notice of Trial Setting Conference; Order to Meet and Confer; discuss same with Pam Pressley; discuss same with Harvey Rosenfield; legal research re what constitutes an action; email Pam Pressley re same; discuss same with Pam Pressley; discuss 1/15/13 hearing with Pam Pressley; prepare for 1/15/13 hearing; discuss same with Pam Pressley;	3	\$1,050.00
1/15/13	Travel to and from Office of Administrative Hearings in Oakland for hearing re Motion for Collateral Estoppel, Motion for Governmental Estoppel and Laches, Motion for Summary Adjudication and Requests for Official Notice;	10	\$3,500.00
1/23/13	Telephone conference with Pam Pressley, A Levy, D Hilla and A Stone re Prepared Direct Testimony; review Witness List; review Exhibit List; review Pam Pressley email re draft fact stipulations;	1.4	\$490.00
1/24/13	Meet and confer telephone conference with Pam Pressley, D Hilla and Spencer Kook re exhibits; review email from Pam Pressley;	1.1	\$385.00
2/8/13	Telephone conference with Pam Pressley re telephonic hearing with ALJ Scarlett and Prepared Direct Testimony; draft Joint Status Report on Meet and Confer re Documents for Official Notice; email Pam Pressley re same; discuss same with Jason Roberts; telephone conference with Arthur Levy re Prepared Direct Testimony; review documents related to Prepared Direct Testimony; review Witness List; review Exhibit List; review Pam Pressley and Arthur Levy emails re Prepared Direct Testimony;	4.5	\$1,575.00
2/9/13	Review documents related to Prepared Direct Testimony; review regulations governing noncompliance proceedings, 10 CCR § 2514 et seq.; draft Prepared Direct Testimony of Lani Elkin; draft Prepared Direct Testimony of Michael Curtius; email Pam Pressley and Arthur Levy re same;	3.1	\$1,085.00
2/10/13	Draft Prepared Direct Testimony of Stephanie Behnke; revise Prepared Direct Testimony of Lani Elkin; revise Prepared Direct Testimony of Michael Curtius; review Prepared Direct Testimony of Gabriel Tirador; review Prepared Direct Testimony of Bruce Norman; review and respond to Pam Pressley and Arthur Levy emails;	4.7	\$1,645.00
2/11/13	Telephone conference with Pam Pressley and Arthur Levy re Prepared Direct Testimony; review and respond to Pam Pressley and Arthur Levy emails re same; review Prepared Direct Testimony of Kenneth Kitzmiller; draft Prepared Direct Testimony of Scott Boostroom; review and respond to Arthur Levy emails re same; review and finalize Prepared Direct Testimony of Michael Curtius, Stephanie Behnke, Chris Bremer and Lani Elkin; review and respond to Arthur Levy and Pam Pressley emails re same;	9.9	\$3,465.00

Date	Detail	Hours	Amount
2/12/13	Review and respond to Arthur Levy and Pam Pressley emails re edits to Prepared Direct Testimony; revise Prepared Direct Testimony of Lani Elkin, Stephanie Behnke and Michael Curtius; email Arthur Levy and Pam Pressley re same; telephone conference with Arthur Levy; review and respond to Pam Pressley and Arthur Levy emails re submission of Prepared Direct Testimony; review letter to Steve Weinstein re Prepared Direct Testimony; email Mai Aye re Prepared Direct Testimony;	1.8	\$630.00
2/13/13	Review Prepared Direct Testimony of Arthur Levy; review and respond to Pam Pressley and Arthur Levy emails re same; review Prepared Direct Testimony of Scott Boostrom, Rich Wolak and Patrick Napolitano; review and respond to Pam Pressley emails re same; research and review regulations for filings in Office of Administrative Hearings, 1 CCR § 1006; email Pam Pressley re same; review and respond to Pam Pressley and Arthur Levy emails re finalizing and filing of Prepared Direct Testimony;	2.7	\$945.00
2/14/13	Review Pam Pressley and Arthur Levy emails re Prepared Direct Testimony; discuss same with Pam Pressley;	0.1	\$35.00
2/21/13	Review Ruling on Motion For Collateral Estoppel, Motion for Governmental Estoppel and Laches, Motion for Summary Disposition and Request for Limited Remand; telephone conference with Pam Pressley and Arthur Levy re same;	0.9	\$315.00
2/27/13	Review letter from Arthur Levy to Steve Weinstein re notifying witnesses of hearing dates;	0.1	\$35.00
3/1/13	Review Mercury's Motion to Strike Prepared Direct Testimony of Arthur Levy;	0.1	\$35.00
3/5/13	Telephone conference with Pam Pressley and Arthur Levy re Opposition to Mercury's Motion to Strike Prepared Direct Testimony of Arthur Levy; review Pam Pressley email to Arthur Levy re same;	0.2	\$70.00
3/8/13	Review draft of CWD's Response to Mercury's Motion to Strike Prepared Direct Testimony of Arthur Levy;	0.8	\$280.00
3/14/13	Review and draft notes re Mercury's redlines to Prepared Direct Testimony of Gabriel Tirador, Kent Kitzmiller, Bruce Norman, Michael Curtius, Stephanie Behnke, Patrick Napolitano and Rich Wolak; email Pam Pressley re same;	3.1	\$1,085.00
3/15/13	Review and draft notes re Mercury's redlines to Prepared Direct Testimony of Gabriel Tirador, Kent Kitzmiller, Bruce Norman, Michael Curtius, Stephanie Behnke, Patrick Napolitano and Rich Wolak; email Pam Pressley re same; attend telephonic status conference re Prepared Direct Testimony and Motion to Strike Prepared Direct Testimony of Arthur Levy; email Jason Roberts re same;	2.7	\$945.00
3/22/13	Discuss 3/25/13 Prehearing Conference and Settlement Conference with Pamela Pressley; prepare for same;	1.1	\$385.00

Date	Detail	Hours	Amount
3/24/13	Travel to Nor Cal for 3/25/13 Prehearing Conference and Settlement Conference;	1.5	\$525.00
3/25/13	Review Department's and Mercury's Prehearing Conference Statements; Review CWD's Prehearing Conference Statement; review CWD's Confidential Settlement Conference Statement; attend Prehearing Conference and Settlement Conference in Oakland at Office of Administrative Hearing; travel back to Los Angeles from Oakland;	8.5	\$2,975.00
3/27/13	Discuss legal research with Pam Pressley; legal research re hearsay exceptions; review Office of Administrative Hearing regulations, 10 CCR § 1006 et seq. and Department's noncompliance regulations, 10 CCR § 2514 et seq.;	1.2	\$420.00
3/28/13	Discuss drafting Motion to Strike Prepared Direct Testimony of Irene K Bass and Milo Pearson with Pam Pressley; review Prepared Direct Testimony of Irene K Bass and Milo Pearson;	0.2	\$70.00
3/29/13	Review and revise Motion to Strike Prepared Direct Testimony of Irene Bass and Milo Pearson; legal research re hearsay exceptions; review Arthur Levy email; email Pam Pressley and Arthur Levy re witnesses; telephone conference with Pam Pressley, Arthur Levy, Jennifer McCune, Alec Stone, and Spencer Kook re objections to exhibits and official notice issues;	5	\$1,750.00
4/2/13	Review S Kook email; legal research re hearsay exceptions; review Mercury Exhibit List; review CWD Exhibit List; draft memo on admissibility of Mercury's and CWD's documentary evidence and Requests for Official Notice;	3.7	\$1,295.00
4/3/13	Telephone conference with S Kook, Jen McCune, Alec Stone, Arthur Levy and Pam Pressley re witness subpoenas, Requests for Official Notice and hearing preparation issues; telephone conference with Pam Pressley and Arthur Levy re same; discuss same with Pam Pressley; draft memo re admissibility of Mercury's and CWD's documentary evidence and Requests for Official Notice; email Pam Pressley re same;	3	\$1,050.00
4/6/13	Review and respond to Pam Pressley and Arthur Levy emails;	0.3	\$105.00
4/7/13	Draft list of differences between Mercury's 3/15/13 Exhibit List and Mercury's 4/5/13 Exhibit List; email Arthur Levy and Pam Pressley re same; draft memo re admissibility of Mercury's and CWD's documentary evidence and Requests for Official Notice;	7.7	\$2,695.00

Date	Detail	Hours	Amount
4/8/13	Review CWD's Opposition to Mercury's Motion for Proposed Decision; revise memo re admissibility of Mercury's and CWD's documentary evidence and Requests for Official Notice; telephone conference with Pam Pressley and Arthur Levy re witnesses; review Arthur Levy email to S Kook re same; review Steve Weinstein email re same; review Mercury's Oppositions to Motions to Strike Prepared Direct Testimony of Irene Bass and Milo Pearson; email Jason Roberts re documents; emails with Myat Aye re CWD Exhibit List;	4.9	\$1,715.00
4/9/13	Revise memo re admissibility of Mercury's and CWD's documentary evidence and Requests for Official Notice; review Pam Pressley email re same; review documents re Joint Stipulation re Official Notice and Exhibits; discuss exhibits with Pam Pressley; discuss cases and research on official notice with Pam Pressley; review Pam Pressley emails re Request for Official Notice; review Arthur Levy emails; draft Joint Stipulation re Official Notice and Exhibits; review Irene Bass and Milo Pearson Prepared Direct Testimony;	6.5	\$2,275.00
4/10/13	Review and respond to Pam Pressley emails re Joint Stipulation re Official Notice and Exhibits; research evidentiary rules; revise memo on admissibility of Mercury's and CWD's documentary evidence and Requests for Official Notice; plan logistical details for evidentiary hearing; discuss Department's Motion in Limine with Pam Pressley; telephone conference with Pam Pressley, Alec Stone, Jen McCune;	9.8	\$3,430.00
4/11/13	Revise memo re admissibility of Mercury's and CWD's documentary evidence and Requests for Official Notice; email Pam Pressley re same; review Pam Pressley emails to parties re Joint Stipulation re Official Notice and Exhibits; prepare for oral argument on Motion to Strike Prepared Direct Testimony of Irene Bass and Milo Pearson; discuss same with Pam Pressley; discuss evidentiary hearing with Pam Pressley; plan travel and hotel for evidentiary hearing; discuss ordering daily transcripts of hearing with court reporters; review relevant case pleadings;	5.7	\$1,995.00
4/12/13	Prepare for evidentiary hearing; review and respond to Pam Pressley emails re Joint Stipulation on Official Notice and Exhibits; discuss Motion to Strike Prepared Direct Testimony of Irene Bass and Milo Pearson with Pam Pressley;	13.9	\$4,865.00
4/13/13	Prepare for evidentiary hearing and oral argument on Motion to Strike Prepared Direct Testimony of Irene Bass and Milo Pearson; travel to Oakland for same;	6	\$2,100.00
4/15/13	Review documents/exhibits, prepare for and attend evidentiary hearing (examination of Rich Wolak) and oral argument on parties' Motions to Strike Prepared Direct Testimony and Motions in Limine; track and record admission of parties' exhibits; prepare for next day of evidentiary hearing;	10	\$3,500.00

Date	Detail	Hours	Amount
4/16/13	Review documents/exhibits, prepare for and attend evidentiary hearing in Oakland (examination of Rich Wolak); telephone conference with Arthur Levy; review and respond to Pam Pressley and Arthur Levy emails; track and record admission of parties' exhibits; prepare for next day of evidentiary hearing;	11	\$3,850.00
4/17/13	Review documents/exhibits, prepare for and attend evidentiary hearing in Oakland (examination of Rich Wolak; examination of Ken Kitzmiller); telephone conference with Arthur Levy; review and respond to Pam Pressley and Arthur Levy emails; track and record admission of parties' exhibits; prepare for next day of evidentiary hearing;	9.1	\$3,185.00
4/18/13	Review documents/exhibits, prepare for and attend evidentiary hearing in Oakland (examination of Gabe Tirador); track and record admission of parties' exhibits; prepare for next day of evidentiary hearing;	9.5	\$3,325.00
4/19/13	Review documents/exhibits, prepare for and attend evidentiary hearing in Oakland (examination of Bruce Norman and Patrick Napolitano); track and record admission of parties' exhibits;	8.7	\$3,045.00
4/21/13	Draft Joint Stipulation re Napolitano Exhibits; update table tracking exhibits; emails with Arthur Levy, Harvey Rosenfield, and Pam Pressley re evidentiary hearing; travel from evidentiary hearing in Oakland to Los Angeles;	4.1	\$1,435.00
4/22/13	Review and respond to Arthur Levy and Pam Pressley emails re witnesses; telephone conference with Arthur Levy; email Harvey Rosenfield and Pam Pressley; email Jason Roberts re CWD's Statement of the Case; legal research on willfulness standard; draft CWD's Statement of the Case; email Arthur Levy; email Harvey Rosenfield and Pam Pressley; revise Joint Stipulation re Napolitano Exhibits;	7.1	\$2,485.00
4/23/13	Review edits to and revise CWD's Statement of the Case; review Spencer Kook, Alec Stone and Arthur Levy emails re witnesses; review and respond to Arthur Levy emails re exhibits; discuss examination of witnesses with Harvey Rosenfield; telephone conference with Pam Pressley and Arthur Levy re CWD's Statement of the Case and examination of witnesses; review Prepared Direct Testimony of Lani Elkin and Chris Bremer; update list of admitted exhibits; review documents/exhibits and prepare for evidentiary hearing; travel from Los Angeles to Oakland for evidentiary hearing;	10.9	\$3,815.00
4/24/13	Review documents/exhibits, prepare for and attend evidentiary hearing (examination of Scott Boostrom); telephone conference with Pam Pressley, Harvey Rosenfield, Arthur Levy, Jennifer McCune and Alec Stone re same; draft final exhibit list; email S Kook re Requests for Official Notice; email Pam Pressley; review prior briefing on Motion for Protective Order; draft Joint Stipulation re Boostrom Exhibits; email parties re same; prepare for next day of evidentiary hearing;	14.3	\$5,005.00

Date	Detail	Hours	Amount
4/25/13	Review documents/exhibits, prepare for and attend evidentiary hearing (examination of Gabe Tirador and Ken Kitzmiller); discuss same with Arthur Levy, Jen McCune and Alec Stone; telephone conference with Pam Pressley re same; prepare final exhibit list; prepare for next day of evidentiary hearing;	9.5	\$3,325.00
4/26/13	Review documents/exhibits, prepare for and attend evidentiary hearing (examination of Larry Lastofka); discuss same with Arthur Levy and Jen McCune; review and respond to Arthur Levy and Pam Pressley emails re same;	10.9	\$3,815.00
4/27/13	Travel from evidentiary hearing in Oakland to Los Angeles to meet with Pam Pressley re same;	1.5	\$525.00
4/28/13	Review documents re and prepare for cross examination of Irene Bass and Milo Pearson; meeting with Pam Pressley re same; telephone conference with Pam Pressley and Arthur Levy re evidentiary hearing issues; telephone conference with Arthur Levy re same; email Pam Pressley; review Mercury's Request for Official Notice; prepare for next day of evidentiary hearing; compile Joint Stipulations re Exhibits pertaining to certain witnesses; travel from Los Angeles to Oakland for evidentiary hearing;	10.5	\$3,675.00
4/29/13	Review documents/exhibits, prepare for and attend evidentiary hearing (examination of Mary Lee Weiss and Kathy Gilroy); track and record admission of exhibits; review documents and prepare for cross examination of Irene Bass and Milo Pearson; meet with Arthur Levy re same;	12.7	\$4,445.00
4/30/13	Review documents/exhibits, prepare for and attend evidentiary hearing (examination of Mike Edwards, Irene Bass and Milo Pearson); track and record admission of exhibits; meet with Arthur Levy re same; prepare for next day of evidentiary hearing;	9	\$3,150.00
5/1/13	Meet and Confer re exhibits with Arthur Levy, S Kook and Steve Weinstein; review documents/exhibits, prepare for and attend evidentiary hearing (re documentary evidence and witness scheduling issues); travel from hearing in Oakland to Los Angeles;	6.5	\$2,275.00
5/3/13	Telephone conference with Pam Pressley and Arthur Levy; review evidentiary hearing transcripts;	2.4	\$840.00
5/5/13	Review evidentiary hearing transcripts for references to testimony from Krumme v. Mercury and Porter v. A.I.S. cases; emails with Arthur Levy re same;	1.7	\$595.00
5/6/13	Travel to and from Los Angeles Office of Administrative Hearings for hearing re witnesses and scheduling; email Pam Pressley re same; emails with Diamond court reporters re hearing transcripts; email Stan Bair and Spencer Kook re Joint Stipulations re exhibits; review exhibit list; review and respond to Arthur Levy email re Krumme documents;	5.1	\$1,785.00

Date	Detail	Hours	Amount
5/7/13	Review email from Pamela Pressley; telephone conference with Arthur Levy; emails with Jen McCune re conference call; telephone conference with Pamela Pressley and Harvey Rosenfield re proceeding; email Arthur Levy email re Krumme documents;	0.6	\$210.00
5/8/13	Telephone conference with Jennifer McCune, Betty Mohr, Arthur Levy, Pamela Pressley and Alec Stone re rebuttal witnesses; telephone conference with Arthur Levy and Pamela Pressley re same; discuss same w Pamela Pressley;	1.7	\$595.00
5/10/13	Review Spencer Kook email re Krumme documents; review and respond to Pamela Pressley email re same; email Arthur Levy re Prepared Direct Testimony of Chris Bremer and Lani Elkin; discuss hearing transcripts with Jason Roberts;	1.2	\$420.00
5/13/13	Review all notes and documents from evidentiary hearing and revise CWD Exhibit List;	2.4	\$840.00
5/15/13	Telephone conference with Jennifer McCune re number of violations; review documents and testimony re same; email Jason Roberts re documents;	0.5	\$175.00
5/16/13	Review Arthur Levy and Spencer Kook emails re Krumme documents; update list of outstanding tasks;	0.2	\$70.00
5/17/13	Discuss 6/5/13 hearing with Pamela Pressley; review Arthur Levy email re Krumme documents;	0.2	\$70.00
5/21/13	Review and respond to Arthur Levy emails re Krumme documents;	0.2	\$70.00
5/22/13	Review email from Arthur Levy; review Pamela Pressley emails re prospect of settlement;	0.2	\$70.00
5/29/13	Draft outline of CWD Post-Hearing Opening Brief; organize exhibit binders, notes and files from evidentiary hearing;	1.3	\$455.00
5/31/13	Telephone conference with Pam Pressley, Harvey Rosenfield and Arthur Levy re status of proceeding;	0.4	\$140.00
6/3/13	Review and respond to Jennifer McCune emails re exhibits; email Arthur Levy re Joint Stipulation re Krumme documents;	0.3	\$105.00
6/4/13	Review Prepared Direct Testimony of Tracy Stevenson; prepare for 6/5/13 hearing;	0.9	\$315.00
6/5/13	Attend hearing at Los Angeles Office of Administrative Hearing (examination of Tracy Stevenson and exhibit issues); discuss same with Arthur Levy; discuss same with Pam Pressley and Arthur Levy; review email re Department's additional exhibits;	8.1	\$2,835.00
6/7/13	Review evidentiary hearing transcripts;	1.6	\$560.00



Date	Detail	Hours	Amount
6/11/13	Review documentary evidence, testimony, and prior briefing; legal research; draft outline for CWD's Post-Hearing Opening Brief; attend telephonic hearing with ALJ Scarlett and parties re scheduling; draft Joint Stipulation Regarding Supplemental Krumme v. Mercury Exhibits; review Alec Stone email re stipulation re Department's Requests for Official Notice; discuss same with Pamela Pressley; review and respond to emails with court reporters re transcript orders; discuss same with Pamela Pressley and Jason Roberts;	4.7	\$1,645.00
6/12/13	Review documentary evidence, testimony, and prior briefing; legal research; draft outline for CWD's Post-Hearing Opening Brief; draft Joint Stipulation Regarding Supplemental Krumme v. Mercury Exhibits; emails with Arthur Levy re same; review Notice of Continued Hearing;	3.2	\$1,120.00
6/17/13	Review documentary evidence, testimony, and prior briefing; legal research; draft outline for CWD's Post-Hearing Opening Brief; draft Joint Stipulation re Krumme v Mercury exhibits; review evidentiary hearing transcript re same; meet with Pamela Pressley re outline for CWD's Post-Hearing Opening Brief and other case issues; telephone conference with Arthur Levy and Pamela Pressley re potenital mediation;	5.7	\$1,995.00
6/18/13	Discuss case status with Harvey Rosenfield and Pamela Pressley; review Department's Stipulation re Official Notice; email Pamela Pressley and Arthur Levy re same; email Alec Stone re same;	0.9	\$315.00
6/19/13	Review and respond to emails re Joint Stipulation re Krumme v Mercury exhibits; revise same; telephone conference with Pamela Pressley, Harvey Rosenfield, Adam Cole, Jen McCune and other Department lawyers re potential meditation; review Arthur Levy emails re same; review Pamela Pressley email re issues to brief in CWD's Post-Hearing Opening Brief; review Pamela Pressley email re scheduling; draft outline to CWD's Post-Hearing Opening Brief;	5.5	\$1,925.00
6/20/13	Travel to and attend hearing at Office of Administrative Hearing in Los Angeles; discuss same with Pamela Pressley; review Alec Stone email re Department's Stipulation re Official Notice; review and respond to emails re Joint Stipulation Regarding Supplemental Krumme v Mercury Exhibits; telephone conference with Alec Stone re same; email Jennifer McCune, Alec Stone and Stan Bair re same; telephone conference with Spencer Kook re same; oversee filing of same; discussion with Pamela Pressley;	8.5	\$2,975.00
6/21/13	Draft, format and review Consumer Watchdog's final Exhibit List; review documents, research and draft outline for Post-Hearing Opening Brief;	2.2	\$770.00

Date	Detail	Hours	Amount
6/24/13	Review Jennifer McCune email re mediators; email Pamela Pressley re same; review and respond to Pamela Pressley email re post-hearing briefing schedule; review notes from evidentiary hearing and transcripts re admission of Consumer Watchdog's exhibits; draft, format and review Consumer Watchdog's final Exhibit List; email Arthur Levy and Pamela Pressley same;	6.6	\$2,310.00
6/25/13	Discuss potential mediation with Harvey Rosenfield and Pamela Pressley; review Harvey Rosenfield email re potential mediation; review and respond to Spencer Kook emails re template for exhibit list; review and respond to Jennifer McCune email re Prepared Direct Testimony of Tracy Stevenson;	0.9	\$315.00
6/27/13	Review Mercury's Exhibit List; review notes and files from evidentiary hearing re parties' exhibits; review Spencer Kook email to Jennifer McCune re revised Prepared Direct Testimony of Tracy Stevenson PDT; email to parties re final Consumer Watchdog exhibit list;	2.8	\$980.00
6/28/13	Review Spencer Kook email re final exhibit list; telephone conference with Spencer Kook re same; review transcripts re admission of exhibits, discuss filing of exhibit list with Jason Roberts; review and respond to emails re potential mediators; review bios of same;	3.1	\$1,085.00
7/9/13	Research background and cost of proposed mediators; discuss same with Pamela Pressley; review Spencer Kook email re same; review Arthur Levy emails re same;	0.8	\$280.00
7/12/13	Pamela Pressley email re potential mediation;	0.1	\$35.00
7/17/13	Review Pamela Pressley, Arthur Levy emails re mediation brief; review documents for same;	0.3	\$105.00
7/23/13	Review Pamela Pressley and Jennifer McCune emails re briefing schedule; review documents, research and draft outline for Mediation Brief;	1	\$350.00
7/24/13	Discuss Mediation Brief with Pamela Pressley; email Arthur Levy re same;	1.2	\$420.00
7/29/13	Review case documents and prior briefing for Mediation Brief; legal research for same; review evidence from evidentiary hearing for same; draft same;	4.7	\$1,645.00
7/30/13	Review case documents and prior briefing for Mediation Brief; legal research for same; review evidence from evidentiary hearing for same; draft same;	8.5	\$2,975.00
7/31/13	Review case documents and prior briefing for Mediation Brief; legal research for same; review evidence from evidentiary hearing for same; draft same;	5.7	\$1,995.00

Date	Detail	Hours	Amount
8/1/13	Review case documents and prior briefing for Mediation Brief; legal research for same; review evidence from evidentiary hearing for same; draft same;	9	\$3,150.00
8/2/13	Review case documents and prior briefing for Mediation Brief; legal research for same; review evidence from evidentiary hearing for same; draft same; email Pamela Pressley re same;	4.3	\$1,505.00
8/5/13	Telephone conference with Jennifer McCune re Krumme v Mercury documents; email Jennifer McCune re same; revise Mediation Brief; email Pamela Pressley same;	2.8	\$980.00
8/6/13	Review Order re Briefing Schedule; Pamela Pressley email re Consumer Watchdog's costs and fees;	0.2	\$70.00
8/7/13	Discuss revisions to Mediation Brief with Pamela Pressley;	0.5	\$175.00
8/8/13	Revise Mediation Brief; email Pamela Pressley re same;	7.3	\$2,555.00
8/9/13	Telephone conference with Arthur Levy re Mediation Brief; emails with Arthur Levy re same;	0.3	\$105.00
8/13/13	Telephone conference with Department lawyers re settlement amount at mediation;	1.5	\$525.00
8/14/13	Draft Mediation Brief; telephone conference with J McCune re Prepared Direct Testimony of Lani Elkin and Chris Bremer;	0.7	\$245.00
8/16/13	Review Adam Cole email re conference call; telephone conference with J McCune re Mediation Brief; review and respond to J McCune email re Mercury's exhibits; review J McCune and Pamela Pressley emails re Mercury's due process arguments; review Arthur Levy edits to Mediation Brief; revise same;	3.4	\$1,190.00
8/20/13	Telephone conference with Jen McCune re Mediation Brief;	0.2	\$70.00
8/21/13	Review Arthur Levy edits to Mediation Brief; review case documents and prior briefing for Mediation Brief; legal research for same; review evidence from evidentiary hearing for same; draft/revise same;	1.1	\$385.00
8/23/13	Review case documents and prior briefing for Mediation Brief; legal research for same; review evidence from evidentiary hearing for same; draft/revise same;	3.7	\$1,295.00
8/26/13	Review case documents and prior briefing for Mediation Brief; legal research for same; review evidence from evidentiary hearing for same; draft/revise same;	6.1	\$2,135.00
8/27/13	Telephone conference with Adam Cole, Jen McCune, Pam Pressley, Harvey Rosenfield, Arthur Levy re attorney fees; review case documents and prior briefing for Mediation Brief; legal research for same; review evidence from evidentiary hearing for same; draft/revise same;	4.7	\$1,645.00

Date	Detail	Hours	Amount
8/28/13	Review case documents and prior briefing for Mediation Brief; legal research for same; review evidence from evidentiary hearing for same; draft/revise same; finalize and prepare exhibits to Mediation Brief; discuss service of Mediation Brief with Jason Roberts;	7	\$2,450.00
9/3/13	Discuss mediation with Pamela Pressley; telephone conference with Department re same; conference with Harvey Rosenfield and Pamela Pressley re same; review and respond to Pamela Pressley emails re willfulness standard; prepare for mediation; review Department's Mediation Brief; discuss samewith Pamela Pressley; email JAMS rep the list of mediation attendees; dinner meeting with Arthur Levy re mediation;	6.4	\$2,240.00
9/4/13	Meeting with Arthur Levy re mediation; attend mediation in Los Angeles;	6.7	\$2,345.00
9/13/13	Telephone conference with Arthur Levy and Pamela Pressley re Post-Hearing Opening Brief; conference with Pamela Pressley re same; telephone conference with Spencer Kook re transcript errors;	1.1	\$385.00
9/17/13	Email Jen McCune re stipulated briefing schedule; review hearing transcripts and documentary evidence and summarize by issue for Post-Hearing Opening Brief;	2.6	\$910.00
9/18/13	Review hearing transcripts and documentary evidence and summarize by issue for Post-Hearing Opening Brief;	1.4	\$490.00
9/19/13	Review hearing transcripts and documentary evidence and summarize by issue for Post-Hearing Opening Brief;	7.4	\$2,590.00
9/20/13	Review hearing transcripts and documentary evidence and summarize by issue for Post-Hearing Opening Brief;	8.1	\$2,835.00
9/23/13	Review hearing transcripts and documentary evidence and summarize by issue for Post-Hearing Opening Brief;	5.2	\$1,820.00
9/24/13	Review hearing transcripts and documentary evidence and summarize by issue for Post-Hearing Opening Brief;	7.9	\$2,765.00
9/25/13	Review hearing transcripts and documentary evidence and summarize by issue for Post-Hearing Opening Brief; email Pamela Pressley and Arthur Levy re same; draft outline of Post-Hearing Opening Brief;	7.7	\$2,695.00
9/26/13	Review case documents and prior briefing for Post-Hearing Opening Brief; legal research for same; review evidence from evidentiary hearing for same; draft same;	1.9	\$665.00
9/27/13	Review case documents and prior briefing for Post-Hearing Opening Brief; legal research for same; review evidence from evidentiary hearing for same; draft same;	6.5	\$2,275.00

Date	Detail	Hours	Amount
9/30/13	Review case documents and prior briefing for Post-Hearing Opening Brief; legal research for same; review evidence from evidentiary hearing for same; draft same; telephone conference with Jen McCune and Pamela Pressley re same;	9.5	\$3,325.00
10/1/13	Review case documents and prior briefing for Post-Hearing Opening Brief; legal research for same; review evidence from evidentiary hearing for same; draft same; email Pamela Pressley and Arthur Levy re same;	11.8	\$4,130.00
10/3/13	Review J McCune emails re stipulation on briefing schedule; telephone conference with J McCune re Post-Hearing Opening Brief; revise section discussing evidence in Post-Hearing Opening Brief;	2.4	\$840.00
10/4/13	Review case documents and prior briefing for Post-Hearing Opening Brief; legal research for same; review evidence from evidentiary hearing for same; draft same;	2.4	\$840.00
10/7/13	Review case documents and prior briefing for Post-Hearing Opening Brief; legal research for same; review evidence from evidentiary hearing for same; draft same; telephone conference with Jen McCune re same; emails with J McCune re same; telephone conference with Arthur Levy and Pam Pressley re same;	7.2	\$2,520.00
10/8/13	Review case documents and prior briefing for Post-Hearing Opening Brief; legal research for same; review evidence from evidentiary hearing for same; draft same; emails with J McCune re same;	9.1	\$3,185.00
10/9/13	Review case documents and prior briefing for Post-Hearing Opening Brief; legal research for same; review evidence from evidentiary hearing for same; draft same; phone calls with J McCune re same; meeting with Pamela Pressley re same; Myat Aye email re hearing transcripts; discuss same with Jason Roberts;	9.2	\$3,220.00
10/10/13	Review case documents and prior briefing for Post-Hearing Opening Brief; legal research for same; review evidence from evidentiary hearing for same; draft same;	8.3	\$2,905.00
10/11/13	telephone conference with A Levy re Post-Hearing Opening Brief; discussion with Pamela Pressley re same; draft/revise same;	6.4	\$2,240.00
10/14/13	Revise/draft Post-Hearing Opening Brief; legal research for same; review evidence from evidentiary hearing for same; telephone conference with Arthur Levy re same; discuss same with Jen McCune; review Arthur Levy edits to same;	12.8	\$4,480.00
10/15/13	Telephone conference with Pamela Pressley and Arthur Levy re Post-Hearing Opening Brief; review Pamela Pressley and Arthur Levy edits to same; revise same; draft Request for Official Notice;	14.1	\$4,935.00

Date	Detail	Hours	Amount
10/16/13	Revise, review and finalize Post-Hearing Opening Brief; discuss same with Pamela Pressley;	9.1	\$3,185.00
10/17/13	Discuss filing and service of Notice of Errata of Post-Hearing Opening Brief with Jason Roberts; discuss and email Jason Roberts re courtesy copies of same to ALJ Scarlett; review Mercury's Post-Hearing Opening Brief and Request for Official Notice; review Department's Post-Hearing Opening Brief and Request for Official Notice;	4.7	\$1,645.00
10/18/13	Review Mercury's Post-Hearing Opening Brief and Request for Official Notice; review Department's Post-Hearing Opening Brief and Request for Official Notice;	3.7	\$1,295.00
10/22/13	Telephone conference with Arthur Levy and Pamela Pressley re Post-Hearing Reply Brief; email Jen McCune re same;	0.6	\$210.00
10/25/13	Draft outline of Post-Hearing Reply Brief;	1.8	\$630.00
10/28/13	Review case documents and prior briefing for Post-Hearing Reply Brief; legal research for same; draft same; telephone conference with Jen McCune and Pamela Pressley re same; Jen McCune email re same;	5.9	\$2,065.00
10/29/13	Review case documents and prior briefing for Post-Hearing Reply Brief; legal research for same; draft same; telephone conference with J McCune re same; emails with Jen McCune re same;	7.3	\$2,555.00
10/30/13	Review case documents and prior briefing for Post-Hearing Reply Brief; legal research for same; draft same;	5.9	\$2,065.00
10/31/13	Review case documents and prior briefing for Post-Hearing Reply Brief; legal research for same; draft same; email Jen McCune re Mercury exhibit;	7.4	\$2,590.00
11/1/13	Review case documents and prior briefing for Post-Hearing Reply Brief; legal research for same; draft same; telephone conference with Jen McCune re same;	10.8	\$3,780.00
11/4/13	Review and respond to Pam Pressley emails re issues briefed in Post-Hearing Reply Brief; draft sections of same; conference with Pam Pressley re draft of Post-Hearing Reply Brief;	5.6	\$1,960.00
11/5/13	Review Pamela Pressley and Harvey Rosenfield emails re authority re ex parte communications; review case documents and prior briefing for Post-Hearing Reply Brief; legal research for same; revise/draft same;	1.2	\$420.00
11/6/13	Review case documents and prior briefing for Post-Hearing Reply Brief; legal research for same; revise/draft same;	1.3	\$455.00
11/9/13	Review case documents and prior briefing for Post-Hearing Reply Brief; legal research for same; revise/draft same;	3.1	\$1,085.00

Date	Detail	Hours	Amount
11/10/13	Review case documents and prior briefing for Post-Hearing Reply Brief; legal research for same; revise/draft same;	3.5	\$1,225.00
11/11/13	Review case documents and prior briefing for Post-Hearing Reply Brief; legal research for same; revise/draft same;	11.6	\$4,060.00
11/12/13	Review case documents and prior briefing for Post-Hearing Reply Brief; legal research for same; revise/draft same;	11.4	\$3,990.00
11/13/13	Review case documents and prior briefing for Post-Hearing Reply Brief; legal research for same; revise/draft same;	11.4	\$3,990.00
11/14/13	Review case documents and prior briefing for Post-Hearing Reply Brief; legal research for same; revise/draft same; telephone conference with Pamela Pressley and Jen McCune re same;	7.5	\$2,625.00
11/15/13	Revise, review and finalize Post-Hearing Reply Brief; review Mercury Post-Hearing Reply Brief;	6.1	\$2,135.00
11/18/13	Review Department's Post-Hearing Reply Brief; review and respond to Arthur Levy email re Post-Hearing Reply Briefs;	0.7	\$245.00
11/19/13	Review Jen McCune emails re conference call; telephone conference with Pam Pressley and Jen McCune re Post-Hearing Reply Briefs; review Pamela Pressley email re bifurcation order and suspension of license;	0.6	\$210.00
12/9/13	Review S Kook letter to ALJ Scarlett re due process issues; emails with Pamela Pressley, Arthur Levy, Jen McCune and Harvey Rosenfield re same; telephone conference with Jen McCune re same;	0.6	\$210.00
12/10/13	Telephone conference with Jen McCune; draft letter to ALJ Scarlett re Mercury's 12/9/13 letter re due process issues; telephone conferences with Jen McCune re same; emails with Pamela Pressley, Arthur Levy and Harvey Rosenfield re same; finalize same; discuss same with Jason Roberts; review and respond to Jen McCune email re hearing transcript;	1.9	\$665.00
1/8/14	Attend telephonic status conference w/ALJ Scarlett and parties; telephone conference with Pam Pressley and Arthur Levy re hearing transcripts; email Jason Roberts re schedule;	1.3	\$455.00
1/9/14	Review Jen McCune voicemail; email Jen McCune; review Spencer Kook and Pamela Pressley emails re transcript errors;	0.2	\$70.00
1/13/14	Telephone conference with J McCune re responses to Mercury's 12/9/13 letter re due process issues;	0.1	\$35.00
1/14/14	Telephone conference with Pamela Pressley and Harvey Rosenfield re due process issues; discuss same with Pamela Pressley;	0.4	\$140.00
1/22/14	Draft brief responding to Mercury's 12/9/13 letter re due process issues;	5.2	\$1,820.00

Date	Detail	Hours	Amount
1/22/14	Telephone conference with Jen McCune re responses to Mercury's 12/9/13 letter re due process issues;	0.1	\$35.00
1/23/14	Draft brief responding to Mercury's 12/9/13 letter re due process issues;	6	\$2,100.00
1/24/14	Draft brief responding to Mercury's 12/9/13 letter re due process issues;	6.9	\$2,415.00
1/27/14	Review Pamela Pressley edits to brief responding to Mercury's 12/9/13 letter re due process issues; revise same; emails with Pamela Pressley, Arthur Levy and Harvey Rosenfield re same; review Arthur Levy comments re same; review Harvey Rosenfield edits to same; revise same; email Pamela Pressley re same; emails with Jen McCune re exhibits;	3.8	\$1,330.00
1/28/14	Review and revise brief responding to Mercury's 12/9/13 letter re due process issues; email Arthur Levy re same; email Jason Roberts re same; discuss filing of same with Jason Roberts;	0.4	\$140.00
1/29/14	Telephone conference with Jen McCune re brief responding to Mercury's 12/9/13 letter re due process issues; review cases re same; discuss same with Pamela Pressley; phone call with Arthur Levy and Pamela Pressley re same; finalize same; discuss filing of same with Jason Roberts;	2.9	\$1,015.00
2/3/14	Review Spencer Kook, Jen McCune and Arthur Levy emails re hearing transcript errors; email Jen McCune re Joint Stipulation on Request for Official Notice; Pamela Pressley emails re same;	0.4	\$140.00
2/4/14	Review Mercury's Requests for Official Notice; email Pamela Pressley re parties' outstanding Requests for Official Notice;	0.7	\$245.00
2/5/14	Draft email to Spencer Kook re Requests for Official Notice; discuss same with Pamela Pressley; email Spencer Kook re same; review Jen McCune email re same;	0.6	\$210.00
2/10/14	Review parties' outstanding Requests for Official Notice; telephone conference with parties re Joint Stipulation on Official Notice; create template for and email Spencer Kook same; review Spencer Kook draft of same; revise same; email Pamela Pressley re same; discuss same with Pamela Pressley; telephone conference with Jen McCune re same;	2	\$700.00
2/11/14	Revise Joint Stipulation re Requests for Official Notice; discuss same with Pamela Pressley; telephone conference with Jen McCune re same; email parties re same;	0.6	\$210.00
2/12/14	Revise Joint Stipulation re Requests for Official Notice; telephone conferences with Jen McCune re same; review and respond to emails from Jen McCune re same; discuss same with Pamela Pressley; email parties re same;	1	\$350.00
3/12/14	Review Spencer Kook and Jen McCune emails re transcript errors;	0.2	\$70.00



Date	Detail	Hours	Amount
4/7/14	Review emails re corrected hearing transcripts; check same;	0.2	\$70.00
4/10/14	Email spencer Kook re hearing transcript errors;	0.1	\$35.00
4/15/14	Review emails re hearing transcript errors;	0.1	\$35.00
4/15/14	Review emails re hearing transcript errors;	0.1	\$35.00
4/16/14	Draft letter to ALJ Scarlett requesting scheduling conference; email Arthur Levy re same; finalize same; discuss filing and service of same with Jason Roberts;	2	\$700.00
4/24/14	Review Notice of Telephonic Status Conference; review Pamela Pressley and Arthur Levy emails re same; review and respond to Harvey Rosenfield email re status of case;	0.3	\$105.00
4/30/14	Prepare for and attend telephonic status conference with ALJ Scarlett and parties;	2.1	\$735.00
8/1/14	Review and respond to Arthur Levy email re timing of Proposed Decision; review Pamela Pressley email re same;	0.2	\$70.00
8/13/14	Discuss time records and drafting chronology of proceeding for fee petition with Pamela Pressley; discuss billing records with Harvey Rosenfield and Jason Roberts; review Todd Foreman Billings Pro time entries;	0.3	\$105.00
8/14/14	Review and edit Laura Antonini time entires from 11/8/12 through 4/13/13;	3.9	\$1,365.00
8/15/14	Review and edit Laura Antonini time entries from 4/14/13 through 6/19/13;	2	\$700.00
8/19/14	Review and edit Laura Antonini time entries from 6/20/13 through 8/19/14;	1.4	\$490.00
8/22/14	Review Harvey Rosenfield and Pam Pressley emails re ALJ deadline to submit Proposed Decision; review Government Code section re same;	0.1	\$35.00
10/17/14	Discussion with Pam Pressley re drafting letter to ALJ Scarlett re Proposed Decision; telephone conference with clerk at OAH in Oakland re Proposed Decision; telephone conference with clerk at OAH Los Angeles re same; emails with Pam Pressley re same; draft letter to ALJ Scarlett re same; review Pam Pressley edits to same; email Arthur Levy and Jen McCune re same;	1.8	\$630.00
10/20/14	Finalize and send letter to ALJ Scarlett re Proposed Decision; review Jen McCune email re same;	0.3	\$105.00
1/5/15	Review Pam Pressley email re timing of Proposed Decision; Meeting with Pam Pressley re Request for Compensation;	0.7	\$245.00

Date	Detail	Hours	Amount
1/9/15	telephone conference with Pam Pressley re Proposed Decision; telephone conferences with Arthur Levy re same; telephone conference with Jen McCune re same; review Proposed Decision; discuss same with CWD team;	3.1	\$1,085.00
1/12/15	Emails with Pam Pressley and Jason Roberts re deadlines for Request for Compensation;	0.2	\$70.00
1/15/15	Discussion with Pam Pressley J Flanagan and Harvey Rosenfield re drafting of motion for fees; redline Richard Pearl declaration ISO same; email Pam Pressley same; review prior Requests for Compensation in Prop 103 proceedings; draft Request for Compensation;	4.1	\$1,435.00
1/16/15	draft Request for Compensation; discuss Pearl Declaration with Pam Pressley; emails with Arthur Levy re same; review Arthur Levy redlines to same;	5.1	\$1,785.00
1/19/15	draft Request for Compensation;	5.5	\$1,925.00
1/20/15	draft Request for Compensation;	4.2	\$1,470.00
1/21/15	draft Request for Compensation; email Pam Pressley same; redline Pearl Declaration for same; email Pam Pressley same;	0.6	\$210.00
1/26/15	Redline Pearl Declaration for Request for Compensation; discuss same with Pam Pressley and Harvey Rosenfield; telephone conference with Richard Pearl and Harvey Rosenfield ;	0.4	\$140.00
1/28/15	Review and edit Todd Foreman time records; review and edit Laura Antonini time records; input time spent on Request for Compensation;	1	\$350.00
1/29/15	Review and respond to Jen McCune email re S Kook letter re stay of Proposed Decision; review same;	0.2	\$70.00
2/2/15	Review Adam Cole email re Mercury's request to Commissioner to stay penalty order; review Pam Pressley, Harvey Rosenfield and Arthur Levy emails re same;	0.2	\$70.00
2/3/15	Draft email to Public Advisor Ed Wu re request for compensation timing; emails with Pam Pressley re same; revise same; review Harvey Rosenfield, Arthur Levy and Pam Pressley emails re Mercury's request to stay penalty order;	0.8	\$280.00
2/5/15	telephone conference with Arthur Levy and Pam Pressley and Harvey Rosenfield re Mercury's request for stay; Arthur Levy email re same; Spencer Kook and Geoff Margolis email re same;	0.3	\$105.00
2/5/15	telephone conference with Arthur Levy and Pam Pressley re Request for Compensation; discuss time reports with Jason Roberts; discuss expense reports with Jodi Waxman; emails with Pam Pressley re same; revise chronology of proceeding in draft Request for Compensation; review relevant pleadings and orders for same; proofread revised draft of same; email Pam Pressley same;	6.2	\$2,170.00

Date	Detail	Hours	Amount
2/6/15	Revise new Pearl Declaration for Motion for Attorneys' fees; email Harvey Rosenfield and Pam Pressley re same;	0.7	\$245.00
2/13/15	Revise factual background in Request for compensation;	4.3	\$1,505.00
2/17/15	Review Pam Pressley emails re expenses and Jason Roberts time for Request for Compensation; review Pam Pressley redlines to Request for Compensation; review Pam Pressley and Arthur Levy emails re same; review draft Arthur Levy Declaration ISO same;	1	\$350.00
2/20/15	Review and respond to Pam Pressley email re Pam Pressley Declaration ISO Request for Compensation; review record for court ruling on motions to strike Bass and Pearson PDT;	0.4	\$140.00
2/23/15	Review draft of Second Amended Budget;	0.2	\$70.00
2/23/15	Discuss expense report with Pam Pressley for Request for Compensation; discuss Request for Compensation with Pam Pressley; review Pam Pressley and Arthur Levy emails re same;	0.2	\$70.00
2/24/15	Check and revise citations in background section of Request for Compensation; discuss hearing witnesses with Pam Pressley;	1	\$350.00
		<b>790.7</b>	<b>\$276,745.00</b>
<b>Legal Fee Subtotal:</b>			<b>\$276,745.00</b>

Subtotal | \$276,745.00

Total due by Apr 02, 2015 **\$276,745.00**

**EXHIBIT 1b**

## **Identification and Association of Individuals Referenced in Billing Records**

### Consumer Watchdog

Pamela Pressley, Litigation Director  
Harvey Rosenfield, Of Counsel  
Laura Antonini, Staff Attorney  
Jerry Flanagan, Staff Attorney  
Cathy Lee, former Staff Attorney  
Elise Meerkatz, former Staff Attorney  
Todd Foreman, former Staff Attorney  
Jason Roberts, Paralegal  
Carmen Aguado, former Paralegal  
Jamie Court, President  
Carmen Balber, Executive Director  
Doug Heller, former Executive Director  
John Sheehan, Intern

### Law Office of Arthur Levy (co-counsel with Consumer Watchdog)

Arthur D. Levy  
Erica Craven, former Levy, Ram & Olsen Associate  
Maria Lopez, Paralegal

### Law Offices of Norman Goldman (co-counsel)

Norman M. Goldman

### CDI

Dave Jones, Insurance Commissioner  
Edward Wu, Public Advisor  
Leslie Tick, former Public Advisor  
Alec Stone, former Attorney, REB  
James Stanton Bair, III, Attorney, REB  
Jennifer McCune, Attorney, REB  
Donald Hilla, former Attorney, REB  
Adam M. Cole, General Counsel  
Daniel Goodell, Attorney, REB  
Jon A. Tomashoff, Attorney, REB  
Rachel Cano, Legal Assistant

### Office of the Attorney General

Stephen Lew, Deputy Attorney General  
Lisa Chao, Deputy Attorney General

### Office of Administrative Hearings

Hon. Steven C. Owyang, Administrative Law Judge  
Hon. Michael Scarlett, Administrative Law Judge

Mercury Insurance Company, et al.

Richard G. DeLaMora, Counsel for Mercury

Spencer Y. Kook, Counsel for Mercury

Steve Weinstein, Counsel for Mercury

James C. Castle, Counsel for Mercury

Peter Sindhuphak, Counsel for Mercury

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**PROOF OF SERVICE**  
**[BY OVERNIGHT OR U.S. MAIL, FAX TRANSMISSION,**  
**EMAIL TRANSMISSION AND/OR PERSONAL SERVICE]**

**State of California, City of Santa Monica, County of Los Angeles**

I am employed in the City of Santa Monica and County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action. My business address is 2701 Ocean Park Blvd., Suite #112, Santa Monica, California 90405, and I am employed in the city and county where this service is occurring.

On March 3, 2015, I caused service of true and correct copies of the document entitled

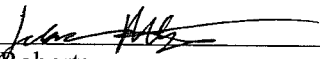
**DECLARATION OF PAMELA PRESSLEY IN SUPPORT OF CONSUMER WATCHDOG'S REQUEST FOR COMPENSATION**

upon the persons named in the attached service list, in the following manner:

1. If marked FAX SERVICE, by facsimile transmission this date to the FAX number stated to the person(s) named.
2. If marked EMAIL, by electronic mail transmission this date to the email address stated.
3. If marked U.S. MAIL or OVERNIGHT or HAND DELIVERED, by placing this date for collection for regular or overnight mailing true copies of the within document in sealed envelopes, addressed to each of the persons so listed. I am readily familiar with the regular practice of collection and processing of correspondence for mailing of U.S. Mail and for sending of Overnight mail. If mailed by U.S. Mail, these envelopes would be deposited this day in the ordinary course of business with the U.S. Postal Service. If mailed Overnight, these envelopes would be deposited this day in a box or other facility regularly maintained by the express service carrier, or delivered this day to an authorized courier or driver authorized by the express service carrier to receive documents, in the ordinary course of business, fully prepaid.

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

Executed on March 3, 2015, at Santa Monica, California.

  
\_\_\_\_\_  
Jason Roberts

**Person Served**

**Method of Service**

Edward Wu  
Public Advisor  
Office of the Public Advisor  
California Department of Insurance  
300 South Spring Street, 12<sup>th</sup> Floor  
Los Angeles, CA 90013  
Tel. No.: (213) 346-6635  
Fax No.: (213) 897-9241  
Edward.Wu@insurance.ca.gov

☐ FAX  
☐ U.S. MAIL  
☐ OVERNIGHT MAIL  
☐ HAND DELIVERED  
☒ EMAIL

Richard G. DeLaMora  
Spencer Y. Kook  
James C. Castle  
HINSHAW & CULBERTSON LLP  
633 West Fifth Street, 47<sup>th</sup> Floor  
Los Angeles, CA 90071  
Tel. No.: (213) 680-2800  
Fax No.: (213) 614-7399  
rdelamora@mail.hinshawlaw.com  
skook@mail.hinshawlaw.com  
jcastle@mail.hinshawlaw.com

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☐ HAND DELIVERED  
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Adam M. Cole  
Daniel Goodell  
James Stanton Bair, III  
Jennifer McCune  
California Department of Insurance  
Rate Enforcement Bureau  
45 Fremont street, 21<sup>st</sup> Floor  
San Francisco, CA 94105  
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Fax No.: (415) 904-5490  
Adam.Cole@insurance.ca.gov  
Daniel.Goodell@insurance.ca.gov  
Stan.Bair@insurance.ca.gov  
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Arthur D. Levy  
445 Bush Street, 6<sup>th</sup> Floor  
San Francisco, CA 94108  
Tel. No.: (415) 702-4550  
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arthur@yesquire.com

☐ FAX  
☐ U.S. MAIL  
☐ OVERNIGHT MAIL  
☐ HAND DELIVERED  
☒ EMAIL



1 Harvey Rosenfield (SBN 123082)  
2 Pamela Pressley (SBN 180362)  
3 Laura Antonini (SBN 271658)  
4 CONSUMER WATCHDOG  
5 2701 Ocean Park Blvd., Suite 112  
6 Santa Monica, CA 90405  
7 Tel. (310) 392-0522  
8 Fax (310) 392-8874  
9 harvey@consumerwatchdog.org  
10 pam@consumerwatchdog.org  
11 laura@consumerwatchdog.org

12 Arthur D. Levy, SBN 95659  
13 445 Bush Street  
14 Sixth Floor  
15 San Francisco, CA 94108  
16 Tel. (415) 702-4550  
17 Fax (415) 814-4080

18 Attorneys for CONSUMER WATCHDOG

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BEFORE THE INSURANCE COMMISSIONER  
OF THE STATE OF CALIFORNIA

In the Matter of:

MERCURY INSURANCE COMPANY,  
MERCURY CASUALTY COMPANY,  
and CALIFORNIA AUTOMOBILE  
COMPANY,

Respondents.

CASE NO.: NC-03027545  
OAH NO.: N2006040185

**DECLARATION OF RICHARD M. PEARL IN  
SUPPORT OF CONSUMER WATCHDOG'S  
REQUEST FOR COMPENSATION**

1 I, RICHARD M. PEARL, hereby declare the following:

2 1. I am a member in good standing of the California State Bar. I am in private practice as the  
3 principal of my own law firm, the Law Offices of Richard M. Pearl, in Berkeley, California. I specialize  
4 in issues related to court-awarded attorneys' fees, including the representation of parties in fee litigation  
5 and appeals, serving as an expert witness, and serving as a mediator and arbitrator in disputes concerning  
6 attorneys' fees and related issues. In this case, I have been asked by Consumer Watchdog's counsel to  
7 render my opinion on the reasonableness of the attorneys' fees they are requesting in this matter. I make  
8 this Declaration in Support of Consumer Watchdog's Request for Compensation. I am aware of the  
9 hourly rates being requested by Consumer Watchdog's attorneys in this case, their experience and  
10 qualifications, the nature of the work performed, and the results achieved. I have also discussed the case  
11 with Harvey Rosenfield.

12 **Professional Background**

13 2. Briefly summarized, my background is as follows: I am a 1969 graduate of Boalt Hall  
14 School of Law, University of California, Berkeley, California. I took the California Bar Examination in  
15 August 1969 and passed it in November of that year, but because I was working as an attorney in Atlanta,  
16 Georgia for the Legal Aid Society of Atlanta (LASA), I was not admitted to the California Bar until  
17 January 1970. I worked for LASA until summer of 1971, when I then went to work in California's  
18 Central Valley for California Rural Legal Assistance, Inc. (CRLA), a statewide legal services program.  
19 From 1977 to 1982, I was CRLA's Director of Litigation, supervising more than fifty attorneys. In 1982,  
20 I went into private practice, first in a small law firm, then as a sole practitioner. Martindale Hubbell rates  
21 my law firm "AV." I also have been selected as a Northern California "Super Lawyer" in Appellate Law  
22 for 2005, 2006, 2007, 2008, 2010, 2011, 2012, 2013, and 2014. A copy of my current Resume is  
23 attached hereto as **Exhibit A**.

24 3. Since 1982, my practice has been a general civil litigation and appellate practice, with an  
25 emphasis on cases and appeals involving court-awarded attorneys' fees. I also am the author of  
26 *California Attorney Fee Awards* (3d ed. Cal. CEB 2010) and its February 2011, 2012, 2013, and March  
27 2014 Supplements, as well as all its previous editions and annual supplements. California appellate courts  
28 have cited this treatise on more than 35 occasions. *See, e.g., Graham v. DaimlerChrysler Corp.* (2004) 34

1 Cal.4<sup>th</sup> 553, 576, 584; *Lolley v. Campbell* (2002) 28 Cal.4th 367, 373; *Chacon v. Litke* (2010) 181  
2 Cal.App.4th 1234, 1259; *Syers Properties III, Inc. v. Rankin* (2014) 226 Cal.App.4<sup>th</sup> 691, 698, 700. I also  
3 have lectured and written extensively on court-awarded attorneys' fees. I have been a member of the  
4 California State Bar's Attorneys' Fees Task Force and have testified before the State Bar Board of  
5 Governors and the California Legislature on attorneys' fee issues. In addition, I authored a federal  
6 manual on attorneys' fees entitled *Attorneys' Fees: A Legal Services Practice Manual*, published by the  
7 Legal Services Corporation. I also co-authored the chapter on "Attorney Fees" in Volume 2 of CEB's  
8 *Wrongful Employment Termination Practice*, 2d Ed. (1997).

9 4. More than 90% of my practice is devoted to issues involving court-awarded attorneys'  
10 fees. I have been counsel in over 180 attorneys' fee applications in state and federal courts, primarily  
11 representing other attorneys. I also have briefed and argued more than 40 appeals, at least 25 of which  
12 have involved attorneys' fees issues. I have successfully handled five cases in the California Supreme  
13 Court involving court-awarded attorneys' fees: (1) *Maria P. v. Riles* (1987) 43 Cal.3d 1281, a landmark  
14 early decision on the scope of California Code of Civil Procedure section 1021.5; (2) *Delaney v. Baker*  
15 (1999) 20 Cal.4th 23, which held that heightened remedies, including attorneys' fees, are available in suits  
16 against nursing homes under California's Elder Abuse Act; (3) *Ketchum v. Moses* (2001) 24 Cal.4th 1122,  
17 which held, *inter alia*, that contingent risk multipliers remain available under California attorney fee law,  
18 despite the United States Supreme Court's contrary ruling on federal law (note that in *Ketchum*, I was  
19 primary appellate counsel in the Court of Appeal and "second chair" in the Supreme Court); (4) *Flannery*  
20 *v. Prentice* (2001) 26 Cal.4th 572, which held that in the absence of an agreement to the contrary,  
21 statutory attorneys' fees belong to the attorney whose services they are based upon; and (5) *Graham v.*  
22 *DaimlerChrysler Corp.* (2004) 34 Cal.4th 553, which held, *inter alia*, that the "catalyst" theory was still  
23 valid under California law despite federal Supreme Court authority to the contrary. I also represented and  
24 argued on behalf of *amicus curiae* in *Conservatorship of McQueen* (2014) 59 Cal.4<sup>th</sup> 602, and, along with  
25 Richard Rothschild, filed an *amicus curiae* brief in *Vasquez v. State of California* (2009) 45 Cal.4th 243.  
26 I also have handled numerous other appeals involving attorneys' fees, including: *Davis v. City & County*  
27 *of San Francisco* (9th Cir. 1992) 976 F.2d 1536; *Mangold v. CPUC* (9th Cir. 1995) 67 F.3d 1470; *Moore*  
28 *v. Bank of America* (9<sup>th</sup> Cir. 2007) 245 Fed.Appx. 613; *Velez v. Wynne* (9th Cir. 2007) 2007

1 U.S.App.LEXIS 2194; *Camacho v. Bridgeport Financial, Inc.* (9th Cir. 2008) 523 F.3d 973; *Center for*  
2 *Biological Diversity v. County of San Bernardino* (2010) 185 Cal.App.4th 866; and *Environmental*  
3 *Protection Information Center v. California Dept. of Forestry & Fire Protection et al* (2010) 190  
4 Cal.App.4th 217. For an expanded list of my representative decisions, *see* Exhibit A.

5 5. I also have been retained by various governmental entities, including the State of  
6 California, at my then current rates to consult with them regarding their affirmative attorney fee claims.

7 6. I am frequently called upon to opine about the reasonableness of attorneys' rates and fees,  
8 and numerous federal and state courts have cited my testimony on that issue favorably. The reported  
9 cases referencing my testimony include the following California appellate courts: *Laffitte v. Robert Half*  
10 *International Inc.* (2014) 231 Cal.App.4th 860; *In re Tobacco Cases I* (2013) 216 Cal.App.4th 570;  
11 *Heritage Pacific Financial LLC v. Monroy* (2013) 215 Cal.App.4th 972, 1009; *Children's Hospital &*  
12 *Medical Center v. Bonta* (2002) 97 Cal.App.4th 740; *Wilkinson v. South City Ford* (2010) 2010  
13 Cal.App.Unpub. LEXIS 8680; *Church of Scientology v. Wollersheim* (1996) 42 Cal.App.4th 628 (anti-  
14 SLAPP case). My declaration also has been favorably referenced by the following federal courts: *Prison*  
15 *Legal News v. Schwarzenegger* (9th Cir. 2010) 608 F.3d 446, 455, in which the expert declaration referred  
16 to in that opinion is mine; *Antoninetti v. Chipotle Mexican Grill, Inc.* (9th Cir. 2012) Order filed Dec. 26,  
17 2012; *Holman et al v. Experian Information Solutions, Inc.* (N.D. Cal. 2014) 2014 U.S.Dist.LEXIS  
18 173698; *In re TFT-LCD (Flat Panel) Antitrust Litigation* (N.D.Cal. 2013) No. M 07-1827 SI, MDL, No.  
19 1827, Report and Recommendation of Special Master re Motions for Attorneys' Fees etc., filed Nov. 9,  
20 2012, adopted in relevant part, 2013 U.S.Dist.LEXIS 49885; *Rosenfeld v. United States Dept. of Justice*  
21 (N.D. Cal. 2012) 904 F.Supp.2d 988; *Stonebrae v. Toll Bros.* (N.D. Cal. 2011) 2011 U.S.Dist.LEXIS  
22 39832, at \*9 (thorough discussion), *aff'd* (9th Cir. 2013) 2013 U.S.App.LEXIS 6369; *Hajro v. United*  
23 *States Citizenship & Immigration Service* (N.D.Cal 2012) 900 F.Supp.2d 1034, 1054; *Armstrong v.*  
24 *Brown* (N.D. Cal. 2011) 2011 U.S.Dist.LEXIS 87428; *Californians for Disability Rights, Inc. v.*  
25 *California Dept. of Transportation* (N.D. Cal. 2010) 2010 U.S.Dist.LEXIS 141030; *Prison Legal News v.*  
26 *Schwarzenegger* (N.D. Cal. 2008) 561 F.Supp.2d 1095 (an earlier motion); *Oberfelder v. City of*  
27 *Petaluma* (N.D. Cal. 2002) 2002 U.S.Dist.LEXIS 8635, *aff'd* (9th Cir. 2003) 2003 U.S.App.LEXIS  
28 11371; *Bancroft v. Trizechahn Corp.*, C.D. Cal. No. CV 02-2373 SVW (FMOx), Order Granting

1 Reasonable Attorneys' Fees etc., filed Aug. 14, 2006; *Willoughby v. DT Credit Corp.*, C.D. Cal. No. CV  
2 05-05907 MMM (Cwx), Order Awarding Reasonable Attorneys' Fees After Remand, filed July 17, 2006;  
3 *A.D. v. California Highway Patrol* (N.D.Cal. 2009) 2009 U.S.Dist.LEXIS 110743, *rev's'd on other*  
4 *grounds* (9th Cir. 2013) 712 F.3d 446, *reaffirmed and additional fees awarded on remand* at 2013  
5 U.S.Dist.LEXIS 169275; *National Federation of the Blind v. Target Corp.* (N.D.Cal. 2009) 2009  
6 U.S.Dist.LEXIS 67139. In addition, numerous trial courts have relied upon my testimony in unpublished  
7 fee orders.

8 7. Through my writing and practice, I have become knowledgeable about the non-contingent  
9 market rates charged by attorneys in California and elsewhere. I have obtained this knowledge in several  
10 ways: (1) by handling attorneys' fee litigation; (2) by preparing expert declarations in numerous cases;  
11 (3) by discussing fees with other attorneys; (4) by obtaining declarations regarding market rates in cases  
12 in which I represent attorneys seeking fees; and (5) by reviewing attorneys' fee applications and awards in  
13 other cases, as well as surveys and articles on attorneys' fees in the legal newspapers and treatises. Under  
14 California law, Plaintiffs' attorneys are entitled to their requested rates if those rates are "within the range  
15 of reasonable rates charged by and judicially awarded comparable attorneys for comparable work."  
16 *Children's Hosp. & Med. Ctr. v. Bonta [CHMC]* (2002) 97 Cal.App.4th 740, 783.

17 **Consumer Watchdog Counsel's Hourly Rates Are Reasonable**

18 8. As noted, I have reviewed the billing rates claimed by Consumer Watchdog's counsel in  
19 this proceeding. Consumer Watchdog's counsel are seeking compensation at their 2015 hourly rates as  
20 follows:

- 21 • Harvey Rosenfield, admitted to the District of Columbia Bar in 1979 and the California Bar in  
22 1986 (36 years professional experience): \$675;
- 23 • Pamela Pressley, admitted to the California Bar in 1995 (19 years professional experience): \$575;
- 24 • Todd M. Foreman, admitted to California Bar in 2003 (11 years professional experience): \$475;
- 25 • Laura Antonini, admitted to the California Bar in 2010 (4 years professional experience): \$350;
- 26 • Arthur Levy, admitted to California Bar in 1980 (34 years of professional experience): \$700.

27 The 2015 rates being sought by Consumer Watchdog's counsel are eminently reasonable in light of the  
28 information I have gathered as an attorneys' fees specialist (see ¶¶9-12 below). In my opinion, the

1 information about hourly rates I have gathered, some of which is summarized below, shows that the rates  
2 requested by Consumer Watchdog's counsel in this matter are well within the range of, but lower than  
3 many of, the non-contingent market rates charged by San Francisco Bay and Los Angeles area attorneys  
4 of reasonably comparable experience, skill, and expertise for reasonably comparable services.<sup>1</sup> I base that  
5 opinion in large part on the following data:

6 a. Harvey Rosenfield. A rate of \$675 per hour for an attorney with Mr. Rosenfield's 36 years  
7 of experience is quite reasonable. Indeed, the rate requested here is well *below* the rate Mr.  
8 Rosenfield has been compensated for in other litigation (*see, e.g., Doe v. United Healthcare*  
9 *Insurance Co., et al.*, C.D. Cal. No. SACV 13-0864 DOC (JPRx), ¶9 (7) below; court approved  
10 hourly rate of \$925). Mr. Rosenfield's requested rate for this proceeding is also well below the  
11 rates routinely charged by other highly accomplished attorneys with comparable experience, as set  
12 forth below. For example: In 2014, The Arns Law Firm LLP charged \$950/hour for attorneys with  
13 37 years of experience; Altshuler Berzon LLP charged \$895/hour for attorneys with 34 years of  
14 experience; Cooley LLP's hourly rate for attorneys with 31 years of experience was \$1,095; and  
15 Hausfeld LLP charged \$985 for 37 years of experience. In 2013, the highest compensated partners  
16 at Arnold Porter LLP charged \$950/hour; Bingham McCutchen LLP's charged \$1,080/hour;  
17 Gibson Dunn & Crutcher LLP: highest partner \$1800/hour, average partner \$980/hour; Irell &  
18 Manella: highest partner \$975/hour; Jones Day: highest partner \$975/hour; Kirkland & Ellis:  
19 highest partner \$995/hour; Latham & Watkins: highest partner \$1100/hour; Morrison Foerster  
20 LLP: \$1195/hour; O'Melveny & Myers: highest partner \$950/hour; Pillsbury Winthrop Shaw  
21 Pittman LLP: highest partner \$1070/hour; Quinn Emanuel Urquhart & Sullivan: highest partner  
22 \$1075/hour; and Skadden Arps Slate, Meagher & Flom: highest partner \$1150/hour.

23 b. Pamela Pressley. A rate of \$575 per hour for an attorney with Ms. Pressley's 19 years of  
24 experience is quite reasonable. For example, in 2014, the market rate at Fenwick & West for an

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25 <sup>1</sup> In my experience, for purposes of the hourly rates charged and found reasonable by the courts, the  
26 differences between complex individual actions and class actions are not significant, either factually or  
27 legally. *See, e.g., Heritage Pacific Financial, LLC v. Monroy* (2013) 215 Cal.App.4<sup>th</sup> 972, 1009;  
28 *Camacho v. Bridgeport Financial, Inc.* (9<sup>th</sup> Cir. 2008) 523 F.3d 973, 979.

1 attorney with 19 years of experience was \$695 per hour; at Reed Smith LLP, the market rate for an  
2 attorney with 18 years of experience was \$695 per hour; at Cooley LLP, the market rate for an  
3 attorney with 17 years of experience was \$770 per hour. In 2013, the market rate at at Burson &  
4 Fisher for an attorney with 16 years of experience was between \$680 and \$850 per hour; and at  
5 Covington Burling, the market rate for an attorney with 16 years of experience was \$670 per hour.

6 c. Todd M. Foreman. A rate of \$475 per hour for an attorney with Mr. Foreman's 11 years of  
7 experience is quite reasonable. For example, at McKenna Long & Aldridge LLP, the market rate  
8 in 2014 for an attorney with 9 years of experience was \$650 per hour; at Bingham McCutchen, the  
9 market rate in 2013 for an average associate was \$450 per hour; and at Gibson Dunn & Crutcher  
10 LLP, the market rate in 2013 was \$590 per hour. At Latham & Watkins, the market rate in 2013  
11 was \$605 per hour.

12 d. Laura Antonini. A rate of \$350 per hour for an attorney with Ms. Antonini's 4 years of  
13 experience is quite reasonable. For example, at McKenna Long & Aldridge LLP, the market rate  
14 in 2014 for an attorney with 5 years of experience was \$420 per hour; at Kaye, McLane,  
15 Bednarski & Litt, the market rate in 2014 for an attorney with 6 years of experience was \$500 per  
16 hour; and at Covington Burling, the market rate in 2013 for an attorney with 5 years of experience  
17 was \$490 per hour.

18 e. Arthur Levy. A rate of \$700 per hour for an attorney with Mr. Levy's experience is quite  
19 reasonable for the same reasons as set forth above concerning the rate for Mr. Rosenfield. A rate  
20 of \$700 per hour for Mr. Levy's time was expressly approved by San Francisco Superior Court  
21 Complex Case Judge John E. Munter in August 2012 in the class action of *Perez v. Barclay's*  
22 *Capital Real Estate Inc.*, San Francisco Superior Court Case No. CGC-10-496374.

### 23 **Court Awards**

24 9. The following hourly rates have been found reasonable by various California courts for  
25 services that are reasonably similar to those performed here:

#### 26 **2014**

27 (1) *Ammari v. Pacific Bell Directory*, Alameda Superior Court No. RG05198014, Order  
28 Granting Plaintiff's Application for Attorney's Fees, Reimbursement of Costs, and Service Awards, filed

January 5, 2015, a consumer class action, in which the court found the following hourly rates reasonable:

<u>Years of Experience</u>	<u>Rate</u>
49	\$995
45	700
39	800
39	750
37	895
33	650
24	720
24	450
23	700
23	650
19	650
19	625
19	475
14	600 (as Partner)
	475 (as Associate)
12	340
11	500
9	375
8	655
4	375

(2) *Rodriguez v. County of Los Angeles*, C.D. Cal. No. 2:10-cv-06342- CBM-AJW, Order Granting Plaintiffs' Motion for Attorneys' Fees, filed December 29, 2014, a civil rights action on behalf of five county jail prisoners, in which the court found the following hourly rates reasonable, plus a 2.0 lodestar multiplier for merits work performed on the plaintiffs' California cause of action:

<u>Years of Experience</u>	<u>Rate</u>
45	\$975
28	700-775
26	775
10	600
6	500
Senior Paralegal	295
Other Paralegals	175-235
Law Clerk	250

(3) *Banas v. Volcano Corp.*, N.D. Cal. No. 3:12-cv-01535-WHO, Order Granting in Part and



Denying in Part Volcano's Motion for Attorneys' Fees and Costs, filed December 12, 2014, a dispute over a merger agreement decided on summary judgment, in which the court found the following hourly rates reasonable:

<u>Years of Experience (in 2014)</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>
31	\$975	\$1,035	\$1,095
17	\$670	\$710	\$770
9	\$550	\$645	\$685
7	\$500	\$585	\$685
6		\$530	\$620
3		\$355	\$445
E-Discovery Staff Attorney		\$260	\$325
Paralegal	\$245	\$260	\$275
Paralegal			\$295

(4) *Holman v. Experian*. N.D. Cal. No. 11-cv-0180 CW DMR, Order Giving Final Approval to Class Action Settlement, And Awarding Attorneys' Fees, Costs And Incentive Awards, filed December 12, 2014:

<u>Years of Experience</u>	<u>Rate</u>
45	\$675
42	750
14	690
12	450
Paralegal	150

(5) *Dixon v. City of Oakland et al.* N.D. Cal. No. C-12-05207 DMR, Order Granting in Part Plaintiff's Motion for Attorneys' Fees, filed December 8, 2014, an individual law enforcement misconduct action, in which the court found the following hourly rates reasonable, plus a 1.10 lodestar multiplier for merits work:

<u>Years of Experience</u>	<u>Rate</u>
45	\$750
23	725
19	695
5	400
3	350
2	325
Paralegal	200

(6) *IPVX Patent Holdings, Inc. v. Voxernet LLC*, N.D. Cal. No. 5:13-CV-01708-HRL, a patent infringement case, in which the court found the following hourly rates reasonable:

<u>Years of Experience</u>	<u>Rate</u>
<b><u>2014</u></b>	
45	\$750
35	750
23	725
19	695
5	400
3	350
Paralegal	125

**2013**

18	\$755
11	595
2	425

**2012**

40	\$865
17	755
10	595
1	375

(7) *Doe v. United Healthcare Insurance Co., et al.*, C.D. Cal. No. SACV 13-0864 DOC(JPRx), Order Granting Attorney's Fees and Costs, filed October 15, 2014, a multi-Plaintiff consumer action, in which the court found the following hourly rates reasonable:

<b><u>Whatley Kallas</u></b>	
<u>Years of Experience</u>	<u>Rate</u>
36	\$950
27	900
32	800
33	750
21	700
10	600
4	400
2	375
Paralegal	225
<b><u>Consumer Watchdog</u></b>	
35	\$925

**Whatley Kallas**  
**Years of Experience**

**Rate**

19	650
4	425

(8) *Rose v. Bank of America Corp.*, N.D. Cal. No. 5:11-CV-02390-EJD; 5:12 CV-04009-EJD, Order Granting Motion for Final Approval of Settlement; Granting in Part and Denying in Part Motion for Attorney's Fees and Costs, filed August 29, 2014, a consumer class action involving the Bank's loan servicing calls, in which the court found the following hourly rates reasonable:

Partners: \$775-350

Associates: \$525-325

(9) *Carpio v. California Department of Social Services, Los Angeles County Superior Court*, No. BS 135127, Order Granting Plaintiff's Motion For Attorney's Fees, filed July 24, 2014, a government benefits writ of mandate, in which the court found the following hourly rates reasonable:

<b><u>Years</u></b>	<b><u>Rate</u></b>
39	\$750
35	730
13	500
8	460
6	440

(10) *Cornell v. City & County of San Francisco*, San Francisco County Superior Court No. CGC-11-509240, Order Granting Motion for Reasonable Attorneys' Fees, Subject to Modifications, filed May 15, 2014, an individual police misconduct/employment action, in which the court found the following hourly rates reasonable, plus a 1.25 lodestar multiplier for merits work:

<b><u>Years of Experience</u></b>	<b><u>Rate</u></b>
45	\$750
35	750
23	725
19	695
5	400
3	350
Paralegal	125

**2013 Rates**

(1) *Laffitte v. Robert Half International Inc.*, Los Angeles Superior Court No. BC321317, *affirmed* (2014) 231 Cal.App.4<sup>th</sup> 860, a wage and hour class action, in which the trial court approved, over

1 a class member's objection, a 33% common fund fee award, cross-checked against a lodestar based on the  
2 following hourly rates (prior to application of a 2.13 multiplier):

<u>Years Since Bar</u> <u>Admission</u>	<u>Rate</u>
25-27	\$750
14-16	600
12	500

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7 (2) *Hao v. United States of America*, C.D. Cal. No. CV 01-01758 CBM (Ex), Order Granting  
8 Motion for Attorneys' Fees, filed January 26, 2015, a damages action against the United States requesting  
9 fees under the Equal Access to Justice Act (28 U.S.C. §2412(b) for the government's "bad faith", in  
10 which the court found the following hourly rates reasonable:

<u>Years of Experience</u>	<u>Rate</u>
28	\$725
23	660
15	575
3	375
Paralegal	125

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14  
15 (3) *Ellis v. Costco Wholesale Corp.*, N.D. Cal. No. C04-3341 EMC, Order Granting Motion  
16 for Final Approval of Class Action Settlement, filed May 27, 2014, an employment class action, in which  
17 the court found the following hourly rates reasonable:

<u>Years of Experience</u>	<u>Rate</u>
38	\$700
35	825
30	650-825
29	875
19	725
9	500
8	460
7	425-575
6	435
3	315
Paralegals	155-295
Law Clerks	185-275

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25 (4) *In re Pacific Bell Late Fee Litigation*, Contra Costa County Superior Ct. No. MSC10-  
26 00840, Order Awarding Attorneys' Fees, Costs and Expenses and Authorizing Payment of Incentive  
27  
28

Award to the Class Representative, filed October 18, 2013, a consumer class action, in which the court found the following hourly rates reasonable:

<u>Years of Experience</u>	<u>Rate</u>
17	\$850
16	680
11 (partner)	680
36	675
32	675
28 (assoc.)	620
4	400
3	390
Paralegals and Litigation Support	160-180

(5) *Reuters America LLC v. The Regents of the Univ. of Calif.*, Alameda County Superior Court No. RG12-613664, Order Granting in Part Motion of Plaintiff for Attorneys' Fees filed May 2, 2013, reversed on the merits sub nom *Regents of U.C. v. Superior Court* (2014) 222 Cal.App.4th 383, a California Public Records Act action, in which the trial court found the following hourly rates reasonable, before applying a 1.3 lodestar multiplier:

<u>Years of Experience</u>	<u>Rate</u>
31	\$785
27	600
6	400

(6) *Recouvreur v. Carreon* (N.D. Cal. 2013) 940 F.Supp.2d 1063, a Lanham Act/ sanctions fee motion, in which the court found the following hourly rate reasonable:

<u>Years of Experience</u>	<u>Rate</u>
20+	\$700

#### **2012 Rates**

(1) *In re TFT-LCD (Flat Panel) Antitrust Litigation* (N.D.Cal. 2013) No. M 07 1827 SI, MDL, No. 1827, an antitrust class action, in which the court found the following hourly rates reasonable:

#### **Zelle Hofman**

<u>Bar Admission</u>	<u>Rate</u>
1967	\$1000
1978	861
2001	619
2002	525
2005	500

2006	472
2009	417

**Steyer, Lowenthal et al.**

<u>Bar Admission</u>	<u>Rate 2012</u>	<u>Rate 2011</u>	<u>Rate 2010</u>
1981	\$820	\$770	\$730
1995	660	640	590
2007	380	360	320
2008	380	360	320
1982	750	710	680
Paralegal	190		

**Cooper & Kirkham**

<u>Bar Admission</u>	<u>Rates 2010-2012</u>
1964	\$950
1975	825
2001	550

(2) *Rosenfeld v. United States Dept. of Justice* (N.D. Cal. 2012) 904 F.Supp.2d 988, a Freedom of Information Act action, in which the court found the following hourly rates reasonable:

<u>Years of Experience</u>	<u>Rate</u>
28	\$700
21	550
1	200
Law students	160-180

(3) *Williams v. H&R Block Enterprises, Inc.*, Alameda County Superior Ct. No. RG08366506, Order of Final Approval and Judgment filed November 8, 2012, a wage and hour class action, in which the court found the following hourly rates reasonable:

<u>Year of Bar Admission</u>	<u>Rate</u>
1970	\$785
1976	775
1981	750
1993	650-700
1994-1997	500-650
2004	500
2005	470
2006	445-475
2007	450
2008	400

2009 350

(4) *American Civil Liberties Union v. Drug Enforcement Administration*, N.D. Cal. No. C-11-01977 RS, Order Granting Motion for Attorneys' Fees and Litigation Costs Pursuant to 5 U.S.C. §552, filed November 8, 2012, a Freedom of Information Act case, in which the court found the following hourly rates reasonable:

<u>Year of Bar Admission</u>	<u>Rate</u>
1970	\$700
1996	595
1999	575
Law Clerks	150

(5) *Luquetta v. The Regents of the Univ. of California*, San Francisco Superior Ct. No. CGC-05-443007, Order Granting Plaintiff's Motion for Common Fund Attorneys' Fees and Expenses, filed October 31, 2012, a class action to recover tuition overcharges, in which the court found the following hourly rates reasonable:

<u>Year of Bar Admission</u>	<u>Rate</u>
1977	\$850
1986	785
1991	750
1994	700
1998	625
2000	570
2001	550
2002	520
Law Clerks	250
Paralegals	215

(6) *Davis v. Prison Health Services* (N.D. Cal. 2012) 2012 U.S. Dist. LEXIS 138556, an individual Fair Employment and Housing Act case, in which the court found the following hourly rates reasonable:

<u>Years of Experience</u>	<u>Rate</u>
33	\$750
29	675
4	300
6	265

**2011 Rates**

(1) *Pierce v. County of Orange* (C.D. Cal. 2012) 905 F.Supp.2d 1017, a civil rights class

1 action brought by pre-trial detainees, in which the court approved a lodestar, including appellate fees,  
2 based on the following 2011 rates:

<u>Years of Experience</u>	<u>Rate</u>
42	\$850
32	825
23	625
18	625
Law Clerks	250
Paralegals	250

7  
8 (2) *Davis v. Prison Health Services* (N.D. Cal. 2012) 2012 U.S. Dist. LEXIS 138556, an  
9 individual Fair Employment and Housing Act case, in which the court found the following hourly rates  
10 reasonable:

<u>Years of Experience</u>	<u>Rate</u>
33	\$750
29	675
4	300
6	265

14 (3) *Holloway et. al. v. Best Buy Co., Inc.* (N.D. Cal. 2011) No. 05-5056 PJH, Order dated  
15 November 9, 2011, a class action alleging that Best Buy discriminated against female, African American  
16 and Latino employees by denying them promotions and lucrative sales positions, in which the court  
17 approved a lodestar award based on the following rates:

<u>Years of Experience</u>	<u>Rate</u>
37	\$825
Associates	
8	490
6	405
Law Clerks	225
Paralegals	215

23 (4) *Molina, et al. v. Lexmark International, et al.*, Los Angeles County Superior Court No.  
24 BC339177, Order Granting Plaintiffs' Motion for Attorneys' Fees and Costs in the Amount of  
25 \$5,722,008.07, filed October 28, 2011, *aff'd* (2013) 2013 Cal.App.Unpub. LEXIS 6684, a class action to  
26 recover forfeited vacation pay, in which the court found the following hourly rates reasonable (before  
27 applying a 2.0 multiplier):

<u>Years of Experience</u>	<u>Rate</u>
42	\$675



25	550
24	655-675
23	625
20	550
17	600
9	475
6	350
Paralegals	210
Paralegals	210

(5) *Hartless v. Clorox*, 273 F.R.D. 630, 644 (S.D. Cal. 2011), in which the Court found, *inter alia*, that class counsel's requested rates were consistent with the hourly rates found reasonable in numerous other class actions and with rates charged by other firms in the local area, including rates of \$795 per hour for a 25-year attorney and \$675 per hour for an experienced partner.

#### **2010 Rates**

(1) *Californians for Disability Rights, Inc., et al. v. California Department of Transportation, et al.* (N.D.Cal. 2010) 2010 U.S.Dist.LEXIS 141030, adopted by Order Accepting Report and Recommendation filed February 2, 2011, a disability-access class action, in which the court found the following 2010 hourly rates reasonable:

<u>Years of Experience</u>	<u>Rate</u>
49	\$835
34	730
26	740
25	730
19	660
10	570
9	560
7	535
6	500
5	475
3	350
2	290
1	225-265
Senior Paralegals	265
Law Clerks	175
Case Clerks	165

#### **Rate Information from Surveys**

10. I also base my opinion on several credible surveys of legal rates, including the following:

- On January 13, 2014, the National Law Journal published an article about its most recent rate survey. That article included a chart listing the billing rates of the 50 firms that charge the highest average hourly rates for partners. A true and correct copy of that article is attached hereto as **Exhibit B**. Of the 50 firms listed, several have offices in the Los Angeles Area and many others have significant litigation experience in this area. And, although the rates that Consumer Watchdog’s counsel are requesting here are significantly *lower* than many of the rates charged by the listed firms, the NLJ chart does show the *range* of rates charged for similar services, which is the applicable standard. *See CHMC*, 97 Cal.App.4th at 783.
- In an article entitled “On Sale: The \$1,150-Per Hour Lawyer,” written by Jennifer Smith and published in the Wall Street Journal on April 9, 2013, the author describes the rapidly growing number of lawyers billing at \$1,150 or more revealed in public filings and major surveys. A true and correct copy of that article is attached hereto as **Exhibit C**. The article also notes that in the first quarter of 2013, the 50 top-grossing law firms billed their partners at an *average* rate between \$879 and \$882 per hour.
- In an article published April 16, 2012, the Am Law Daily described the 2012 Real Rate Report, an analysis of \$7.6 billion in legal bills paid by corporations over a five-year period ending in December 2011. A true and correct copy of that article is attached hereto as **Exhibit D**. That article confirms that the rates charged by experienced and well-qualified attorneys have continued to rise over the five-year period between 2006 and 2011, particularly in large urban areas. It also shows, for example, that the top quartile of lawyers bill at an *average* of “just under \$900 per hour.”

**Rates Charged by Other Law Firms**

11. Counsel's rates also are supported by the standard hourly non-contingent rates for comparable civil litigation stated in court filings, depositions, surveys, or other reliable sources by numerous California law firms or law firms with offices or practices in California. These rates include, in alphabetical order:

**Altshuler Berzon LLP**

<b><u>2014 Rates:</u></b>	<b><u>Years of Experience</u></b>	<b><u>Rate</u></b>
	38	\$895
<b><u>2012 Rates:</u></b>	<b><u>Years of Experience</u></b>	<b><u>Rate</u></b>
	34	\$850
	26	785
	21	750
	18	700
	14	625
	12	570
	11	550
	10	520
	6	410
	5	385
	4	335
	Law Clerks	250
	Paralegals	215
<b><u>2011 Rates:</u></b>	<b><u>Years of Experience</u></b>	<b><u>Rate</u></b>
	43	\$825
	17	675
	12	575
	10	520
	Law Clerks	225
	Paralegals	215

**Arnold Porter LLP**

<b><u>2014 Rates:</u></b>	<b><u>Years of Experience</u></b>	<b><u>Rate</u></b>
	49	\$995
	45	720
	39	655
<b><u>2013 Rates:</u></b>	Average Partner	\$815
	Highest Partner	950
	Lowest Partner	670
	Average Associate	500
	Highest Associate	610
	Lowest Associate	345

**The Arns Law Firm LLP**

<b><u>2014 Rates:</u></b>	<b><u>Years of Experience</u></b>	<b><u>Rate</u></b>
	37	\$950
	Law Clerks	165

**Bernstein Litowitz Borger & Grossman LLP (San Diego Office)**

<b><u>2009 Rates:</u></b>	<b><u>Years of Experience</u></b>	<b><u>Rate</u></b>
	Partners	\$725
	Associates	490-550

**Bingham McCutchen**

<b><u>2013 Rates:</u></b>		
	Average Partner	\$795
	Highest Partner	1,080
	Lowest Partner	220
	Average Associate	450
	Highest Associate	605
	Lowest Associate	185

<b><u>2011 Rates:</u></b>	<b><u>Years of Experience</u></b>	<b><u>Rate</u></b>
	30	\$780

<b><u>2010 Rates:</u></b>	<b><u>Years of Experience</u></b>	<b><u>Rate</u></b>
	13	\$655
	4	480
	2	400

**Burson & Fisher**

<b><u>2013 Rates:</u></b>	<b><u>Years of Experience</u></b>	<b><u>Rate</u></b>
	16	\$680-850
	11	680
	4	400
	3	390
	2	375
	1	300
	Law Clerks	225
	Litigation Support Specialists	180

**Chavez & Gertler**

<b><u>2014 Rates</u></b>	<b><u>Years of Experience</u></b>	<b><u>Rate</u></b>
	35	\$775
	31	750
	33	695
	12	575
	5	395
	Legal Assistant	225

**Chavez & Gertler**

<b><u>2012 Rates:</u></b>	<b><u>Years of Experience</u></b>	<b><u>Rate</u></b>
	33	\$750
	29	725
	32	675
	21	575
	11	535
	7	475
	Legal Assistant	185
<b><u>2011 Rates:</u></b>	<b><u>Years of Experience</u></b>	<b><u>Rate</u></b>
	32	\$725
	28	700
	10	550
	9	510
	5	425
	Paralegals	225

**Coblentz Patch & Duffy**

<b><u>2013 Rates:</u></b>	<b><u>Year of Bar Admission</u></b>	<b><u>Rate</u></b>
	1979	\$720
	1994	575
	2008	320
	Paralegals/Case Clerks	295

**Cohelan Khoury & Singer**

<b><u>2012 Rates:</u></b>	<b><u>Years of Experience</u></b>	<b><u>Rate</u></b>
	38	\$750
	28	750
	11	400
	Paralegal	170

**Cooley LLP**

<b><u>2014 Rates:</u></b>	<b><u>Years of Experience</u></b>	<b><u>2012</u></b>	<b><u>2013</u></b>	<b><u>2014</u></b>
	31	\$975	\$1,035	\$1,095
	17	670	710	770
	9	550	645	685
	7	500	585	685
	6		530	620
	3		355	445
	Paralegal		260	325
	Paralegal	245	260	275

**Cooley LLP**

290

**Cooper & Kirkham**

<b><u>2012 Rates:</u></b>	<u>Years of Experience</u>	<u>Rate</u>
	48	\$950
	37	825
	11	600

**Cotchett, Pitre & McCarthy, LLP**

<b><u>2014 Rates:</u></b>	<u>Years of Experience</u>	<u>Rate</u>
	33	\$775
	22	775
	15	500
	4	360
	Paralegals, case assistants, law clerks	225-250

**Covington Burling**

<b><u>2014 Rates</u></b>	<u>Level</u>	<u>Rate</u>
	Average Partner	\$780
	Highest Partner	890
	Lowest Partner	605
	Average Associate	415
	Highest Associate	565
	Lowest Associate	320
<b><u>2013 Rates:</u></b>	<u>Years of Experience</u>	<u>Rate</u>
	28	\$750
	16	670
	14	670
	7	510
	2	375
	5	490
	Litigation Support	110-355
<b><u>2012 Rates:</u></b>	<u>Years of Experience</u>	<u>Rate</u>
	27	\$730
	15	632-650
	13	650
<b><u>2011 Rates:</u></b>	<u>Years of Experience</u>	<u>Rate</u>
	26	\$710
	14	640
	12	600
	9	565

**Covington Burling**

7	550
5	425
3	390
1	320

**2010 Rates:**

<u>Years of Experience</u>	<u>Rate</u>
25	\$710
13	640
11	575-600
8	550-565
6	525-550
4	390-425
2	350-390

**Dreyer Babich Buccolla Wood Campara LLP**

**2014 Rates:**

<u>Years of Experience</u>	<u>Rate</u>
31	\$775
27	775
14 (associate)	415

**Farella Braun & Martell LLP**

**2010 Rates:**

<u>Years of Experience</u>	<u>Rate</u>
31	\$715

**Fenwick & West**

**2014 Rates**

<u>Years of Experience</u>	<u>Rate</u>
45	\$750
35	750
23	725
19	695
5	400
3	350
Paralegal	125

**2013 Rates**

18	\$755
11	595
2	425

**2012 Rates**

40	\$865
17	755
10	595
1	375

**Furth Firm LLP**

<b><u>2010 Rates:</u></b>	<b><u>Years of Experience</u></b>	<b><u>Rate</u></b>
	51	\$875
	39	750
	38	600
	33	775
	25	550
	23	650
	21	625
	19	610
	18	600
	17	585
	16	570
	15	560
	14	550
	13	525
	12	515
	11	510
	10	505
	9	500
	7	460
	4	435
	Law Clerks	125-260

**Gibson Dunn & Crutcher LLP**

<b><u>2013 Rates:</u></b>		
	Average Partner	\$980
	Highest Partner	1,800
	Lowest Partner	765
	Average Associate	590
	Highest Associate	930
	Lowest Associate	175

**Goldstein, Borgen, Dardarian & Ho**

<b><u>2014 Rates:</u></b>	<b><u>Years of Experience</u></b>	<b><u>Rate</u></b>
	33	\$795
	27	750
	8	500
	4	395
	3	350
	1	300
	Law Clerks/Paralegals	160-250



**Goldstein, Borgen, Dardarian & Ho**

<u>Years of Experience</u>	<u>Rate</u>
----------------------------	-------------

**2012 Rates:**

Partners	
42	\$785
36	750
31	700
18	650
Associates	
7	470
6	445

<u>Years of Experience</u>	<u>Rate</u>
----------------------------	-------------

**2011 Rates:**

Partners	
41	\$725
35	725
30	700
24	650
18	600
17	600
16	550

<u>Years of Experience</u>	<u>Rate</u>
----------------------------	-------------

**2010 Rates:**

Partners	
40	\$700
34	700
29	675
23	625
17	575
16	575

Of Counsel	
40	725

Associates	
15	\$500
11	440
6	375
5	365
4	355
3	340
2	325
1	305

Law Clerks	195
Paralegals	150-225

**Greenberg, Traurig, LLP**

<b><u>2010 Rates:</u></b>	<b><u>Years of Experience</u></b>	<b><u>Rate</u></b>
	22	\$850

**Greines, Martin, Stein & Richland**

<b><u>2012 Rates:</u></b>	<b><u>Years of Experience</u></b>	<b><u>Rate</u></b>
	41	\$850
	29	850
	23	650
	18	500
	Law Clerks	100

**Hadsell, Stormer, Keeny, Richardson & Renick**

<b><u>2012 Rates:</u></b>	<b><u>Years of Experience</u></b>	<b><u>Rate</u></b>
	38	\$825
	33	775
	22-23	625
	17	600
	12	525
	10	425
	4	275
	3	250
<b><u>2010 Rates:</u></b>	<b><u>Years of Experience</u></b>	<b><u>Rate</u></b>
	36	\$800
	31	750
	20-21	600
	15	575
	10	475-500
	8	425
	4	325
	2	275
	1	250

**Hausfeld LLP**

<b><u>2014 Rates:</u></b>	<b><u>Years of Experience</u></b>	<b><u>Rate</u></b>
	45	\$985
	37	935-895
	15	610-510
	14	600
	7	490
	3	370
	Paralegals	300-320
	Law Clerks	325

**Irell & Manella**

<b><u>2013 Rates:</u></b>	<b><u>Average Partner</u></b>	<b><u>Rate</u></b>
		\$890

**Irell & Manella**

Highest Partner	975
Lowest Partner	800
Average Associate	535
Highest Associate	750
Lowest Associate	395

**Janssen Malloy LLP**

<b><u>2014 Rates:</u></b>	<b><u>Years of Experience</u></b>	<b><u>Rate</u></b>
	33	\$775
	Paralegals	175

**Jones Day**

<b><u>2013 Rates:</u></b>	Average Partner	\$745
	Highest Partner	975
	Lowest Partner	445
	Average Associate	435
	Highest Associate	775
	Lowest Associate	205

**Kaye, McLane, Bednarski & Litt**

<b><u>2014 Rates</u></b>	<b><u>Years of Experience</u></b>	<b><u>Rate</u></b>
	45	\$975
	28	700-775
	26	775
	10	600
	6	500
	Senior Paralegal	295
	Other Paralegals	175-235
	Law Clerk	250

**Keker & Van Nest, LLP**

<b><u>2010 Rates:</u></b>	<b><u>Years of Experience</u></b>	<b><u>Rate</u></b>
	Partners	
	32	\$775
	Other Partners	525-975
	Associates	340-500
	Paralegals/Support Staff	120-260

**Kemnitzer, Barron & Krieg**

<b><u>2014 Rates:</u></b>	<b><u>Years of Experience</u></b>	<b><u>Rate</u></b>
	38	\$750
	32	750

**Kemnitzer, Barron & Krieg**

8	475
3	350
Senior Paralegal	250

**Kiesel, Boucher, Larson LLP**

<b><u>2012 Rates:</u></b>	<u>Years of Experience</u>	<u>Rate</u>
	Partners	
	27-28	\$890
	Associates	625-325

**Kingsley & Kingsley**

<b><u>2010 Rates:</u></b>	<u>Years of Experience</u>	<u>Rate</u>
	14	\$655
	8	475-515
	7	475
	6	485
	5	375
	3	350
	2	300

**Kirkland & Ellis**

<b><u>2013 Rates:</u></b>	Average Partner	\$825
	Highest Partner	995
	Lowest Partner	590
	Average Associate	540
	Highest Associate	715
	Lowest Associate	235

**Knapp, Petersen & Clarke**

<b><u>2012 Rates:</u></b>	<u>Years of Experience</u>	<u>Rate</u>
	36	\$753
	9	554
	6	383

**Knobbe Martin Olson & Bear LLP**

<b><u>2012 Rates:</u></b>	<u>Years of Experience</u>	<u>Rate</u>
	Partners	\$395-710
	Associates	285-450

**Latham & Watkins**

<b><u>2013 Rates:</u></b>	Average Partner	\$990
	Highest Partner	1,100
	Lowest Partner	895
	Average Associate	605
	Highest Associate	725

**Latham & Watkins**

Lowest Associate 465

**Lawson Law Offices**

<b><u>2012 Rates:</u></b>	<b><u>Years of Experience</u></b>	<b><u>Rate</u></b>
	24	\$650

<b><u>2011 Rates:</u></b>	<b><u>Years of Experience</u></b>	<b><u>Rate</u></b>
	23	625
	20	550

**Lewis Feinberg Lee, Renaker & Jackson, P.C.**

<b><u>2012 Rates:</u></b>	<b><u>Years of Experience</u></b>	<b><u>Rate</u></b>
	38	\$825
	29	750
	24	725
	21	700
	8	450
	7	425
	3	375
	Senior Paralegals	250
	Law Clerks	225

**Lieff Cabraser Heimann & Bernstein, LLP**

<b><u>2014 Rates:</u></b>	<b><u>Years of Bar Admission</u></b>	<b><u>Rate</u></b>
	1998	\$825
	2001	600
	2006	435
	2009	415
	2013	325
	Paralegal/Clerk	305

<b><u>2013 Rates:</u></b>		
	1975	\$925
	1998	800
	2001	525
	2003	490
	2006	415
	2009	395
	2013	320
	Paralegal/Clerk	285

**Litt, Estuar, & Kitson, LLP**

<b><u>2012 Rates:</u></b>	<b><u>Years of Experience</u></b>	<b><u>Rate</u></b>
	42	\$825
	18	625
	17	625
	5	425

**Litt, Estuar, & Kitson, LLP**

	3	375
	Senior Paralegals	125-235
	Law Clerks	225
<b><u>2011 Rates:</u></b>	<b><u>Years of Experience</u></b>	<b><u>Rate</u></b>
	42	\$825
	18	625
	17	625
	5	425
	3	375
	Senior Paralegals	125-235
	Law Clerks	225

**Manatt, Phelps & Phillips**

<b><u>2013 Rates:</u></b>	Average Partner	\$740
	Highest Partner	795
	Lowest Partner	640
<b><u>2010 Rates:</u></b>	Partners	525-850
	Associates	200-525

**McKenna Long & Aldridge LLP**

<b><u>2014 Rates:</u></b>	<b><u>Years of Experience</u></b>	<b><u>Rate</u></b>
	30	\$775
	9	650
	5	420
	Litigation Support Mgr.	350
	Paralegals	225

**Minami Tamaki LLP**

<b><u>2012 Rates:</u></b>	<b><u>Years of Experience</u></b>	<b><u>Rate</u></b>
	36	\$750
	15	525
	5	395
	Paralegals	175

**Morrison Foerster LLP**

<b><u>2013 Rates:</u></b>	<b><u>Years of Experience</u></b>	<b><u>Rate</u></b>
	Average Partner	\$865
	Highest Partner	1,195
	Lowest Partner	595
	Average Associate	525
	Highest Associate	725
	Lowest Associate	230

**Morrison Foerster LLP**

<u>Years of Experience</u>	<u>Rate</u>
----------------------------	-------------

**2011 Rates:**

22	\$775
11	625
10	620
1	335

<u>Years of Experience</u>	<u>Rate</u>
24	\$750

**O'Melveny & Myers**

<u>Years of Experience</u>	<u>Rate</u>
Average Partner	\$715
Highest Partner	950
Lowest Partner	615

<u>Years of Experience</u>	<u>Rate</u>
12	\$695
4	495

**Orrick Herrington & Sutcliffe**

<u>Years of Experience</u>	<u>Rate</u>
Average Partner	\$845
Highest Partner	1,095
Lowest Partner	715
Average Associate	560
Highest Associate	710
Lowest Associate	375

**Paul Hastings LLP**

<u>Years of Experience</u>	<u>Rate</u>
Average Partner	\$815
Highest Partner	900
Lowest Partner	750
Average Associate	540
Highest Associate	755
Lowest Associate	595

**Patton Boggs**

<u>Years of Experience</u>	<u>Rate</u>
Partners	
14	\$830
29	750
20	750
33	700
27	700

**Patton Boggs**

13	575
24	550
14	530
Of Counsel	
30	600
15	500
Associates	
9	450
7	425
3	340
2	315
Senior Paralegals	200-265
Paralegals	170

**Pillsbury Winthrop Shaw Pittman LLP**

<b><u>2013 Rates:</u></b>	<u>Years of Experience</u>	<u>Rate</u>
	Average Partner	\$865
	Highest Partner	1,070
	Lowest Partner	615
	Average Associate	520
	Highest Associate	860
	Lowest Associate	375
<b><u>2010 Rates:</u></b>	<u>Years of Experience</u>	<u>Rate</u>
	Partners	
	30	\$705-775
	Other Partners	595-965
	Associates	320-650
	Paralegals/Support Staff	85-380

**Quinn Emanuel Urquhart & Sullivan**

<b><u>2013 Rates:</u></b>	Average Partner	\$915
	Highest Partner	1,075
	Lowest Partner	810
	Average Associate	410
	Highest Associate	675
	Lowest Associate	320

**Reed Smith LLP**

<b><u>2014 Rates:</u></b>	<u>Years of Experience</u>	<u>Rate</u>
	37	\$830
	18	695
	15	585
	6	485
	5	435



**Reed Smith LLP**

**2013 Rates:**

<u>Years of Experience</u>	<u>Rate</u>
Partner	
36	\$830
30	805
17	610-615
14	570
Associates	
8	450-535
6	495

**Robbins Geller Rudman & Dowd LLP**

**2012 Rates:**

<u>Years of Experience</u>	<u>Rate</u>
Partners	
26	\$695
19	575
Associates	535-345
Paralegals	295

**Rosen, Bien, Galvan & Grunfeld LLP**

**2013 Rates:**

<u>Years of Experience</u>	<u>Rate</u>
Partners	
51	\$875
33	780
29	660
16	630
Of Counsel	
30	580
Associates	
20	550
10	480
9	465
8	445-450
7	440
6	435
5	405
4	375
3	355
Paralegals	220-280
Litigation Support/ Paralegal clerk	170
Law Clerk/Students	250
Word Processing	80

**Rosen, Bien, Galvan & Grunfeld LLP**

Years of Experience                      Rate

**2012 Rates:**

Partners

50                      \$860

32                      760

28                      640

15                      610

Of Counsel

29                      570

Associates

19                      540

10                      470

9                      460

7                      400

6                      400

5                      380

4                      360

3                      340

Paralegals                      215-280

Litigation Support/ Paralegal

clerk

Law Clerk/Students                      240

Word Processing                      80

**2011 Rates:**

Years of Experience                      Rate

Partners

49                      \$840

31                      740

27                      625

14                      590

Of Counsel

28                      540

Associates

18                      525

11                      465

10                      450

9                      440

8                      420

6                      385

5                      365

4                      350

3                      325

2                      315

Paralegals                      205-275

**Rosen, Bien, Galvan & Grunfeld LLP**

Litigation Support/ Paralegal clerk 140-220

Law Clerk/Students 225

Word Processing 75

**2010 Rates:**

Years of Experience Rate

Partners

48 \$800

30 700

26 575

13 560

Of Counsel

27 520

Associates

17 510

13 490

9 430

8 415

7 390

5 360

3 325

1 285

Paralegals 200-275

Litigation Support/ Paralegal clerk 135-220

Law Clerk/Students 190

Word Processing 70

**Rudy, Exelrod, Zieff & Lowe LLP**

**2010 Rates:**

Years of Experience Rate

Partners

42 \$725

32 725

15 625

Associates

21 495

13 485

8 450

**Schneider Wallace Cottrell Brayton Konecky LLP**

**2014 Rates:**

Years of Experience Rate

Partners

13-22 \$750

Associates/Of Counsel 575

20 535-345

37 295

**Schneider Wallace Cottrell Brayton Konecky LLP**

10-13	650
0-3	350-475
Paralegals/Law Clerks	135-300

**Schonbrun, DeSimone, Seplow, Harris & Hoffman**

<b><u>2012 Rates:</u></b>	<u>Years of Experience</u>	<u>Rate</u>
	27	\$695
	22	630

**Sheppard, Mullin, Richter & Hampton**

<b><u>2010 Rates:</u></b>	<u>Years of Experience</u>	<u>Rate</u>
	Partners	\$495-820
	Associates	270-620

**Sidley Austin**

<b><u>2010 Rates:</u></b>	<u>Years of Experience</u>	<u>Rate</u>
	Partners	
	33	\$900
	Senior Partners	1,100
	Legal Assistants	120-280

**Skadden, Arps, Slate, Meagher & Flom**

<b><u>2013 Rates:</u></b>	Average Partner	\$1,035
	Highest Partner	1,150
	Lowest Partner	845
	Average Associate	620
	Highest Associate	845
	Lowest Associate	340

**Spiro Moore LLP**

<b><u>2012 Rates:</u></b>	<u>Years of Experience</u>	<u>Rate</u>
	30+	\$700
	17	600

**Stebner and Associates**

<b><u>2014 Rates:</u></b>	<u>Years of Experience</u>	<u>Rate</u>
	27	\$695
	22	630

**Law Offices of Michael D. Thamer**

<b><u>2014 Rates:</u></b>	<u>Years of Experience</u>	<u>Rate</u>
	31	\$775

**Townsend and Townsend and Crew**

<b><u>2010 Rates:</u></b>	<b><u>Years of Experience</u></b>	<b><u>Rate</u></b>
	Partners	\$470-475
	Associates	260-460

**Wilson Sonsini Goodrich & Rosati PC**

<b><u>2010 Rates:</u></b>	<b><u>Years of Experience</u></b>	<b><u>Rate</u></b>
	28	\$875
	Other Partners	650-975
	Associates	290-610
	Paralegals/Litigation Support	120-300

**Zelle Hofmann Voelbel & Mason, LLP**

<b><u>2012 Rates:</u></b>	<b><u>Years of Experience</u></b>	<b><u>Rate</u></b>
	Partners	Up to \$950
	Associates	Up to \$540
	Paralegals	Up to \$290
	Law Clerks	Up to \$250
<b><u>2012 Rates:</u></b>	<b><u>Years of Experience</u></b>	<b><u>Rate</u></b>
	Partners	
	38	\$800
	26	685
	23	650
	22	640
	Associates	
	9	500
	4	435
	3	415
	2	405
	1	395
	Paralegals	210-290

12. The foregoing data shows that the rates charged by Consumer Watchdog attorneys for their work in this particular proceeding are well within, and sometimes significantly below, the range of rates charged by comparably qualified attorneys for reasonably similar work.

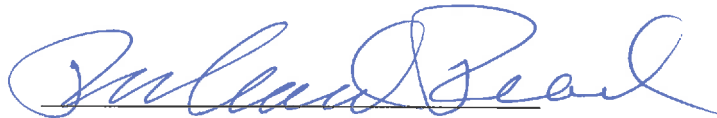
13. Moreover, I am aware that it is Consumer Watchdog's practice when seeking fees in administrative proceedings to select hourly rates that may be substantially lower than the reasonable market rate for the work that they perform. This provides additional support for my conclusion that the hourly rates requested by Consumer Watchdog are reasonable.

14. In my experience, fee awards are almost always determined based on current rates, *i.e.*, the attorney's rate at the time a motion for fees is made, rather than the historical rate at the time the

1 work was performed. This is a common and accepted practice to compensate attorneys for the delay in  
2 being paid. The hourly rates set forth above are those charged where full payment is expected promptly  
3 upon the rendition of the billing and without consideration of factors other than hours and rates. If any  
4 substantial part of the payment were to be deferred for any substantial period of time, for example, the  
5 fee arrangement would be adjusted accordingly to compensate the attorneys for those factors.

6 15. If called as a witness, I could and would competently testify from my personal knowledge  
7 to the facts stated herein. I declare under penalty of perjury that the foregoing is true and correct.

8 Executed this 25<sup>th</sup> day of February 2015, in Berkeley, California.

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12 Richard M. Pearl  
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## **EXHIBIT A**

# **RESUME OF RICHARD M. PEARL**

## **RICHARD M. PEARL**

### **LAW OFFICES OF RICHARD M. PEARL**

1816 Fifth Street  
Berkeley, CA 94710  
(510) 649-0810  
(510) 548-5074 (facsimile)  
rpearl@interx.net (e-mail)

## **EDUCATION**

University of California, Berkeley, B.A., Economics (June 1966)  
Boalt Hall School of Law, Berkeley, J.D. (June 1969)

## **BAR MEMBERSHIP**

Member, State Bar of California (admitted January 1970)  
Member, State Bar of Georgia (admitted June 1970) (inactive)  
Admitted to practice before all California State Courts; the United States Supreme Court; the United States Court of Appeals for the District of Columbia and Ninth Circuits; the United States District Courts for the Northern, Central, Eastern, and Southern Districts of California, for the District of Arizona, and for the Northern District of Georgia; and the Georgia Civil and Superior Courts and Court of Appeals.

## **EMPLOYMENT**

LAW OFFICES OF RICHARD M. PEARL (April 1987 to Present): Civil litigation practice (AAV@ rating), with emphasis on court-awarded attorney=s fees, class actions, and appellate practice. Selected Northern California “Super Lawyer” in Appellate Law for 2005, 2006, 2007, 2008, 2010, 2011, 2012, and 2013.

QUALIFIED APPELLATE MEDIATOR, APPELLATE MEDIATION PROGRAM, Court of Appeal, First Appellate District (October 2000 to Present).

ADJUNCT PROFESSOR, HASTINGS COLLEGE OF THE LAW (January 1988 to Present): Teach APublic Interest Law Practice,@ a 2-unit course that focuses on the history, strategies, and issues involved in the practice of public interest law.

PEARL, McNEILL & GILLESPIE, Partner (May 1982 to March 1987): General civil litigation practice, as described above.



**RICHARD M. PEARL**

Page 2

CALIFORNIA RURAL LEGAL ASSISTANCE, INC. (July 1971 to September 1983) (part-time May 1982 to September 1983):

Director of Litigation (July 1977 to July 1982)

Responsibilities: Oversaw and supervised litigation of more than 50 attorneys in CRLA=s 15 field offices; administered and supervised staff of 4-6 Regional Counsel; promulgated litigation policies and procedures for program; participated in complex civil litigation.

Regional Counsel (July 1982 to September 1983 part-time) Responsibilities:

Served as co-counsel to CRLA field attorneys on complex projects; provided technical assistance and training to CRLA field offices; oversaw CRLA attorney=s fee cases; served as counsel on major litigation.

Directing Attorney, Cooperative Legal Services Center (February 1974 to July 1977) (Staff Attorney February 1974 to October 1975)

Responsibilities: Served as co-counsel on major litigation with legal services attorneys in small legal services offices throughout California; supervised and administered staff of four senior legal services attorneys and support staff.

Directing Attorney, CRLA McFarland Office (July 1971 to February 1974) (Staff Attorney July 1971 to February 1972)

Responsibilities: Provided legal representation to low income persons and groups in Kern, King, and Tulare Counties; supervised all litigation and administered staff of ten.

HASTINGS COLLEGE OF THE LAW, Instructor, Legal Writing and Research Program (August 1974 to June 1978)

Responsibilities: Instructed 20 to 25 first year students in legal writing and research.

CALIFORNIA AGRICULTURAL LABOR RELATIONS BOARD, Staff Attorney, General Counsel=s Office (November 1975 to January 1976, while on leave from CRLA)

Responsibilities: Prosecuted unfair labor practice charges before Administrative Law Judges and the A.L.R.B. and represented the A.L.R.B. in state court proceedings.

ATLANTA LEGAL AID SOCIETY, Staff Attorney (October 1969 to June 1971)

Responsibilities: Represented low income persons and groups as part of 36-lawyer legal services program located in Atlanta, Georgia.

**PUBLICATIONS**

Pearl, *California Attorney Fee Awards, Third Edition* (Cal. Cont. Ed. Bar 2010) and February 2011, 2012, and 2013 Supplements

Pearl, *California Attorney Fee Awards, Second Edition* (Cal. Cont. Ed. Bar 1994), and 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, and 2008 Supplements

*Graham v. DaimlerChrysler Corp.* and *Tipton-Whittingham v. City of Los Angeles*, Civil Litigation Reporter (Cal. Cont. Ed. Bar Feb. 2005)

*Current Issues in Attorneys= Fee Litigation*, California Labor and Employment Law Quarterly (September 2002 and November 2002)

*Flannery v. Prentice: Shifting Attitudes Toward Fee Agreements and Fee-Shifting Statutes*, Civil Litigation Reporter (Cal. Cont. Ed. Bar Nov. 2001)

*A Practical Introduction to Attorney=s Fees*, Environmental Law News (Summer 1995)

Wrongful Employment Termination Practice, Second Edition (Cal. Cont. Ed. Bar 1997) (co-authored chapter on "Attorney Fees")

California Attorney=s Fees Award Practice (Cal. Cont. Ed. Bar 1982) (edited), and 1984 through 1993 Supplements

Program materials on attorney fees, prepared as panelist for CEB program on AAttorneys= Fees: Practical and Ethical Considerations in Determining, Billing, and Collecting@ (October 1992)

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**May 2013**

## **EXHIBIT B**

# Billing Rates at the Country's Priciest Law Firms

Here are the 50 firms that charge the highest average hourly rates for partners.

FIRM NAME	LARGEST U.S. OFFICE*	AVERAGE FULL-TIME EQUIVALENT ATTORNEYS*	PARTNER HOURLY RATES			ASSOCIATE HOURLY RATES		
			AVERAGE	HIGH	LOW	AVERAGE	HIGH	LOW
Debevoise & Plimpton	New York	615	\$1,055	\$1,075	\$955	\$490	\$760	\$120
Paul, Weiss, Rifkind, Wharton & Garrison	New York	803	\$1,040	\$1,120	\$760	\$600	\$760	\$250
Skadden, Arps, Slate, Meagher & Flom	New York	1,735	\$1,035	\$1,150	\$845	\$620	\$845	\$340
Fried, Frank, Harris, Shriver & Jacobson	New York	476	\$1,000	\$1,100	\$930	\$595	\$760	\$375
Latham & Watkins	New York	2,033	\$990	\$1,110	\$895	\$605	\$725	\$465
Gibson, Dunn & Crutcher	New York	1,086	\$980	\$1,800	\$765	\$590	\$930	\$175
Davis Polk & Wardwell	New York	787	\$975	\$985	\$850	\$615	\$975	\$130
Willkie Farr & Gallagher	New York	540	\$950	\$1,090	\$790	\$580	\$790	\$350
Cadwalader, Wickersham & Taft	New York	435	\$930	\$1,050	\$800	\$605	\$750	\$395
Weil, Gotshal & Manges	New York	1,201	\$930	\$1,075	\$625	\$600	\$790	\$300
Quinn Emanuel Urquhart & Sullivan	New York	697	\$915	\$1,075	\$810	\$410	\$675	\$320
Wilmer Cutler Pickering Hale and Dorr	Washington	961	\$905	\$1,250	\$735	\$290	\$695	\$75
Dechert	New York	803	\$900	\$1,095	\$670	\$530	\$735	\$395
Andrews Kurth	Houston	348	\$890	\$1,090	\$745	\$528	\$785	\$265
Hughes Hubbard & Reed	New York	344	\$890	\$995	\$725	\$555	\$675	\$365
Irell & Manella	Los Angeles	164	\$890	\$975	\$800	\$535	\$750	\$395
Proskauer Rose	New York	746	\$880	\$950	\$725	\$465	\$675	\$295
White & Case	New York	1,900	\$875	\$1,050	\$700	\$525	\$1,050	\$220
Morrison & Foerster	San Francisco	1,010	\$865	\$1,195	\$595	\$525	\$725	\$290
Pillsbury Winthrop Shaw Pittman	Washington	609	\$865	\$1,070	\$615	\$520	\$860	\$375
Kaye Scholer	New York	414	\$860	\$1,080	\$715	\$510	\$680	\$320
Kramer Levin Naftalis & Frankel	New York	320	\$845	\$1,025	\$740	\$590	\$750	\$400
Hogan Lovells	Washington	2,280	\$835	\$1,000	\$705	—	—	—
Kasowitz, Benson, Torres & Friedman	New York	365	\$835	\$1,195	\$600	\$340	\$625	\$200
Kirkland & Ellis	Chicago	1,517	\$825	\$995	\$590	\$540	\$715	\$235
Cooley	Palo Alto	632	\$820	\$990	\$660	\$525	\$630	\$160
Arnold & Porter	Washington	748	\$815	\$950	\$670	\$500	\$610	\$345
Paul Hastings	New York	899	\$815	\$900	\$750	\$540	\$755	\$335
Curtis, Mallet-Prevost, Colt & Mosie	New York	322	\$800	\$860	\$730	\$480	\$785	\$345
Winston & Strawn	Chicago	842	\$800	\$995	\$650	\$520	\$590	\$425
Bingham McCutchen	Boston	900	\$795	\$1,080	\$220	\$450	\$605	\$185
Akin Gump Strauss Hauer & Feld	Washington	806	\$785	\$1,220	\$615	\$525	\$660	\$365
Covington & Burling	Washington	738	\$780	\$890	\$605	\$415	\$565	\$320
King & Spalding	Atlanta	838	\$775	\$995	\$545	\$460	\$735	\$125
Norton Rose Fulbright	N/A**	N/A**	\$775	\$900	\$525	\$400	\$515	\$300
DLA Piper	New York	4,036	\$765	\$1,025	\$450	\$510	\$750	\$250
Bracewell & Giuliani	Houston	432	\$760	\$1,125	\$575	\$440	\$700	\$275
Baker & McKenzie	Chicago	4,004	\$755	\$1,130	\$260	\$395	\$925	\$100
Dickstein Shapiro	Washington	308	\$750	\$1,250	\$590	\$475	\$585	\$310
Jenner & Block	Chicago	432	\$745	\$925	\$565	\$465	\$550	\$380
Jones Day	New York	2,363	\$745	\$975	\$445	\$435	\$775	\$205
Manatt, Phelps & Phillips	Los Angeles	325	\$740	\$795	\$640	—	—	—
Seward & Kissel	New York	152	\$735	\$850	\$625	\$400	\$600	\$290
O'Melveny & Myers	Los Angeles	738	\$715	\$950	\$615	—	—	—
McDermott Will & Emery	Chicago	1,024	\$710	\$835	\$525	—	—	—
Reed Smith	Pittsburgh	1,468	\$710	\$945	\$545	\$420	\$530	\$295
Dentons	N/A**	N/A**	\$700	\$1,050	\$345	\$425	\$685	\$210
Jeffer Mangels Butler & Mitchell	Los Angeles	126	\$690	\$875	\$560	—	—	—
Sheppard, Mullin, Richter & Hampton	Los Angeles	521	\$685	\$875	\$490	\$415	\$535	\$275
Alston & Bird	Atlanta	805	\$675	\$875	\$495	\$425	\$575	\$280

\* Full-time equivalent attorney numbers and the largest U.S. office are from the NU 350 published in April 2013. For complete numbers, please see NU.com. \*\* Firm did not exist in this form for the entire year.



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## On Sale: The \$1,150-Per-Hour Lawyer

*Lawyer Fees Keep Growing, But Don't Believe Them. Clients Are Demanding, and Getting, Discounts*

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By JENNIFER SMITH

Top partners at leading U.S. law firms are charging more than ever before, yet those hourly rates aren't all they appear to be.

Top partners at leading U.S. law firms are charging more than ever — routinely \$1,150 or more an hour — but after discounts and write-offs the nosebleed rates aren't all they appear to be. Jennifer Smith reports. Photo: Getty Images.

Having blown past the once-shocking price tag of \$1,000 an hour, some sought-after deal, tax and trial lawyers are commanding hourly fees of \$1,150 or more, according to an analysis of billing rates compiled from public filings.

But, as law firms boost their standard rates, many are softening the blow with widespread discounts and write-offs, meaning fewer clients are paying full freight. As a result, law firms on

average are actually collecting fewer cents on the dollar, compared with their standard, or "rack," rates, than they have in years.

Think of hourly fees "as the equivalent of a sticker on the car at a dealership," said legal consultant Ward Bower, a principal at Altman Weil Inc. "It's the beginning of a negotiation.... Law firms think they are setting the rates, but clients are the ones determining what they're going to pay."

James Kozmen

the firm's database billed at that level in the first quarter of 2013, up from 158 a year earlier.

Star lawyers still can fetch a premium, and some of them won't budge on price. The number of partners billing \$1,150-plus an hour has more than doubled since this time last year, according to Valeo Partners, a consulting firm that maintains a database of legal rates pulled from court filings and other publicly disclosed information. More than 320 lawyers in

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That gilded circle includes tax experts such as Christopher Roman of King & Spalding LLP and Todd Maynes of Kirkland & Ellis LLP, intellectual-property partner Nader A. Mousavi of Sullivan & Cromwell LLP, and deal lawyers such as Kenneth M. Schneider of Paul, Weiss, Rifkind, Wharton & Garrison LLP.

Those lawyers and their firms either declined to comment or didn't reply to requests for comment.

When corporate legal departments need a trusted hand to fend off a hostile takeover or win a critical court battle, few general counsels will nitpick over whether a key lawyer is charging \$900 an hour or \$1,150 an hour. But for legal matters where their future isn't on the line, companies are pushing for—and winning—significant price breaks.

"We almost always negotiate rates down from the rack rates," said Randal S. Milch, general counsel for phone giant Verizon Communications Inc. VZ +0.29% The result, he said, is a "not-insignificant discount."

For the bread-and-butter work that many big law firms rely on, haggling has become the norm. Many clients grew accustomed to pushing back on price during the recession and continue to demand discounts.

Some companies insist on budgets for their legal work. If a firm billing by the hour exceeds a set cap, lawyers may have to write off some of that time.

Other clients refuse to work with firms who don't discount, lopping anywhere from 10% to 30% off their standard rates. Some may grant rate increases to individual partners or associates they deem worthy. Another tactic: locking in prices with tailored multiyear agreements with formulas governing whether clients grant or refuse a requested rate increase.

In practical terms, that means the gap between law firms' sticker prices and the amount of money they actually bill and collect from their clients is wider than it has been in years.

According to data collected by Thomson Reuters Peer Monitor, big law firms raised their average standard rate by about 9.3% over the past three years. But they weren't able to keep up on the collection side, where the increase over the same period was just 6%. Firms that used to collect on average about 92 cents for every dollar of standard time their lawyers worked in 2007, before the economic downturn, now are getting less than 86 cents. "That's a historic low," said James Jones, a senior fellow at the Center for the Study of the Legal Profession at Georgetown Law.

To be sure, things have certainly picked up some since the recession, when some clients flat-out refused to pay rate increases.

In the first quarter of 2013, the 50 top-grossing U.S. law firms boosted their partner rates by as much as 5.7%, billing on average between \$679 and \$882 an hour, according to Valeo Partners. Rates for junior lawyers, whose labors have long been a profit engine for major law firms, jumped even more.

While some clients resisted using associate lawyers during the downturn, refusing to pay hundreds of dollars an hour for inexperienced first- or second-year attorneys, the largest U.S. law firms have managed to send the needle back up again. This year, for the first time, the average rate for associates with one to four years of experience rose to \$500 an hour, according to Valeo.

The increases continue the upward trend of 2012, when legal fees in general rose 4.8% and associate billing rates rose by 7.4%, according to a coming report by TyMetrix Legal Analytics, a unit of Wolters Kluwer, WKL AE +0.95% and CEB, a research and advisory-services company. Those numbers are based on legal-spending data from more than 17,000 law firms.

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More than a dozen leaders at major law firms declined to discuss rate increases on the record, though some said privately that the increase in associate rates could be caused in part by step increases as junior lawyers gain in seniority.

Joe Sims, an antitrust partner at Jones Day and former member of the firm's partnership committee, said clients don't mind paying for associates, as long as they feel they are getting their money's worth.

Sophisticated clients, he said, tend to focus on the overall price tag for legal work, not on individual rates. "They are more concerned about how many people are working on the project and the total cost of the project," Mr. Sims said. "Clients want value no matter who is on the job."

While a handful of elite lawyers have successfully staked out the high end—the deal teams at Wachtell, Lipton, Rosen & Katz, for example—legal experts say that client pressure to control legal spending means most law firms must be considerably more flexible on price.

"There will always be some 'bet the company' problem where a client will not quibble about rates," said Mr. Jones, the Georgetown fellow. "Unfortunately, from the law firms' standpoint, that represents a small percentage of the work."

Write to Jennifer Smith at [jennifer.smith@wsj.com](mailto:jennifer.smith@wsj.com)

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## **The Firms**

April 16, 2012 5:20 PM

### **When It Comes to Billing, Latest Rate Report Shows the Rich Keep Getting Richer**

Posted by Sara Randazzo

Hourly rates just keep rising—and the best-paid lawyers are raising their rates faster than everyone else.

Those are two of the key findings contained in the [2012 Real Rate Report](#), an analysis of \$7.6 billion in legal bills paid by corporations over a five-year period ending in December 2011. The report, released Monday, is the second such collaboration between TyMetrix, a company that manages and audits

legal bills for corporate legal departments, and the Corporate Executive Board.

Many of the new rate report's findings echo those contained in the 2010 study, including the fact that rates keep going up, almost across the board, and that the cost of a given matter can vary dramatically depending on a law firm's size and location and its relationship with a particular client.

At the same time, this year's study shows that the legal sector is becoming increasingly bifurcated, with top firms raising rates faster than those at the bottom of the market and large firms charging a premium price based purely on their size.

"What it's really showing is that there's an increased premium being paid for experience and expertise," says Julie Peck, vice president of strategy and market development at TyMetrix. "Some parts of the lawyer market are able to raise rates much more quickly, and are more impervious to economic forces than others."

To compile the current rate report, TyMetrix received permission from its clients to examine legal fees billed to 62 companies across 17 industries including energy, finance, retail, technology, insurance, and health care. The bills, which represent the amount actually paid by the companies in question rather than the amount initially charged, came from more than 4,000 firms in 84 metropolitan areas around the country. Every firm on the 2011 Am Law 100 is represented in the data.

The report's key data points include:

**A Widening Gap:** Hourly rates charged by lawyers in the legal sector's upper echelon grew faster between 2009 and 2011 than those charged by lawyers toiling on the lower rungs. Particularly striking was the jump in associate rates billed by those falling in the report's top quartile: 18 percent on average, to just over \$600 per hour. Rates billed by top quartile partners, meanwhile, rose 8 percent, to just under \$900 per hour. In the bottom quartile, associate rates rose 4 percent and partner rates rose 3 percent during the same period.

**The Recession's (Minor) Toll:** Even amid the economic downturn, the cost of an hour of a lawyer's time continued to rise faster than key measures of inflation. That said, the legal industry wasn't completely immune to the broader economy's slowdown. After rising 8.2 percent between 2007 and 2008, hourly rates rose just 2.3 percent in 2009. Law firms bounced back a bit last year, with rates climbing 5.1 percent, to an average of \$530 an hour.

**Location Counts:** Not surprisingly, lawyers working in major metropolitan areas—where, as the rate report notes, rents are typically higher—are the priciest. An address in Boston, Chicago, Los Angeles, San Francisco, or Washington, D.C., alone adds about \$161 to the hourly rate charged by an individual lawyer. Those six cities and Baltimore, Houston, Philadelphia, and San Jose are the ten U.S. markets with the highest hourly rates. With an average partner rate topping \$700 per hour and average associate rate of more than \$450 per hour, New York is the most expensive market in the country. The least expensive? Riverside, California, where the average partner bills at under \$250 per hour and associates bill at just over \$300 an hour.

**In the Minority:** A small group of lawyers—12 percent—bucked the trend toward higher fees and actually lowered rates between 2009 to 2011—and 3 percent trimmed rates by \$50 or more per hour. (Most of those in the rate-cutting camp were based outside the big six markets identified above.) At the other end of the spectrum, 52 percent of lawyers increased rates by between \$25 and \$200 or more per hour. Another 18 percent increased rates by less than \$25 per hour, and the final 18 percent held rates steady.

**First-Year Blues:** Even before the recession hit, clients balked at paying for what they considered on-the-job training for first-year associates. The latest rate report is likely to reinforce that reluctance, given its finding that using entry-level lawyers adds as much as 20 percent to the cost of a legal matter. The report offers evidence that firms may be accommodating clients on this front: The percentage of bills attributed to entry-level associates dropped from 7 percent in 2009 to 2.9 percent last year.

**Ties That Bind:** The more work one firm handles for a client—and the longer the client relationship extends—the higher the average rate the firm charges. For companies that paid one firm \$10 million or more in a single year, the average hourly rate paid was \$553 in 2011. By comparison, clients that limited their spending on an individual firm to \$500,000 paid that firm an average of \$319 per hour.

**Four-Digit Frontier:** Data has consistently shown that many lawyers hesitate to charge more than \$1,000 an hour, and in 2011 just under 3 percent of the lawyers covered by the rate report had broken that barrier. Of those, the vast majority were working in the six main legal markets identified above and 60 percent of the time, they billed in increments of one hour or less.

**Playing Favorites:** Across all practice areas, 90 percent of lawyers charged different clients different rates for similar types of work. (The figure for mergers and acquisitions lawyers was 100 percent.) The differences from client to client can be extreme, and were even more pronounced in the current report than in the 2010 edition. Rates charged by intellectual property specialists, for instance, had a median variance of 23.1 percent, while lawyers doing commercial and contract work showed a 18.7 percent median difference.

**Who's Doing What?** A closer look at law firm bills for work performed on litigation and intellectual property assignments shows that the kind of timekeeper billing on a matter varies by practice type. On patent matters, the report shows, 47 percent of hours billed on average are attributed to paralegals, and 37 percent by partners. By comparison, paralegals account for just 8 percent of the work done on labor and employment litigation hours, while partners handle 45 percent.

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The Big Law law firm is a dinosaur - a dying species. This kind of self-interested greed will ultimately kill the beast.

**State of California, City of Santa Monica, County of Los Angeles**

On March 3, 2015, I caused service of true and correct copies of the document entitled

**DECLARATION OF RICHARD M. PEARL IN SUPPORT OF CONSUMER WATCHDOG'S REQUEST FOR COMPENSATION**

1. If marked FAX SERVICE, by facsimile transmission this date to the FAX number stated to the person(s) named.
2. If marked EMAIL, by electronic mail transmission this date to the email address stated.
3. If marked U.S. MAIL or OVERNIGHT or HAND DELIVERED, by placing this date for collection for regular or overnight mailing true copies of the within document in sealed envelopes, addressed to each of the persons so listed. I am readily familiar with the regular practice of collection and processing of correspondence for mailing of U.S. Mail and for sending of Overnight mail. If mailed by U.S. Mail, these envelopes would be deposited this day in the ordinary course of business with the U.S. Postal Service. If mailed Overnight, these envelopes would be deposited this day in a box or other facility regularly maintained by the express service carrier, or delivered this day to an authorized courier or driver authorized by the express service carrier to receive documents, in the ordinary course of business, fully prepaid.

Executed on March 3, 2015, at Santa Monica, California.

Jason Roberts



**Person Served**

**Method of Service**

Edward Wu  
Public Advisor  
Office of the Public Advisor  
California Department of Insurance  
300 South Spring Street, 12<sup>th</sup> Floor  
Los Angeles, CA 90013  
Tel. No.: (213) 346-6635  
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Edward.Wu@insurance.ca.gov

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4 CONSUMER WATCHDOG  
5 2701 Ocean Park Blvd., Suite 112  
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10 445 Bush Street  
11 Sixth Floor  
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15 Attorneys for Intervenor  
16 CONSUMER WATCHDOG

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BEFORE THE INSURANCE COMMISSIONER  
OF THE STATE OF CALIFORNIA

In the Matter of:

MERCURY INSURANCE  
COMPANY; MERCURY  
CASUALTY COMPANY; AND  
CALIFORNIA AUTOMOBILE  
INSURANCE COMPANY,

Respondents.

CDI File No.: NC03027545  
OAH No.: N2006040185

**DECLARATION OF ARTHUR D. LEVY IN  
SUPPORT OF CONSUMER WATCHDOG'S  
REQUEST FOR COMPENSATION**

1 I, Arthur D. Levy, say:

2 1. I am a member in good standing of the State Bar of California and counsel of record for  
3 Intervenor Consumer Watchdog in this non-compliance case.

4 2. I submit this declaration in support of Intervenor Consumer Watchdog's request for  
5 compensation of attorney's fees and expenses.

6 3. I was admitted to the California Bar in 1980 after graduating from Boalt Hall School of  
7 Law at Berkeley, California. At Boalt, I was an editor of the *California Law Review* for two years and  
8 became a member of the Order of the Coif.

9 4. I have 34 years of litigation experience. From late 1980 until 1983, I worked as a  
10 litigation associate in Morrison & Foerster's San Francisco office, working primarily on antitrust cases.  
11 From 1983 until 1985, I worked as a litigation associate at Collette & Erickson, working primarily on real  
12 estate cases. From 1985 until 1988, I had a solo litigation practice in San Francisco, handling a variety of  
13 business litigation matters. From 1988 until 1997, I was a partner in the law firm of Ewell & Levy in San  
14 Francisco, where I continued a business litigation practice. In 1997, I co-founded Levy, Ram & Olson  
15 and was a partner of through May 2009, primarily handling consumer class action cases.

16 5. Levy, Ram & Olson was founded in March 1997 by Michael Ram (a Lieff, Cabraser,  
17 Heimann & Bernstein partner), Karl Olson (a Cooper, White & Cooper partner), and myself. All three of  
18 us had once been associates at Morrison & Foerster. Erica L. Craven later joined us as a partner in the  
19 firm. From its inception, the firm specialized in consumer class action and consumer litigation under the  
20 California Unfair Competition Law (Bus. & Prof. Code §§ 17200 *et seq.*). Approximately 70% of our  
21 work over the last five years of the firm was in the consumer class action/17200 practice area.

22 6. In June 2009, Levy, Ram & Olson disbanded so the partners could pursue different  
23 directions in class action practice. Since then, I have been a sole practitioner and have continued my  
24 class practice in co-counseling arrangements with other law firms.

25 7. I have personally served as lead counsel in consumer class action cases, including the  
26 following: *Perez v. Barclay's Capital Real Estate, Inc.*, San Francisco Superior Court Case No. CGC-  
27 10-496374 (settlement class certified); *Carias v. Lenox Financial Mortgage Corp.*, Contra Costa Superior  
28 Court Case No. CIV MSC 06-02409 (settlement class certified); *Munn v. Eastwood Insurance Services*,

1 *Inc.*, Orange County Superior Court Complex Litigation Case No. 06CC00110 (class certified on July 9,  
2 2007); *Porter v. Auto Insurance Specialists*, JAMS Arbitration No. 1100048278 (class certified October  
3 23, 2007 by Judges James Warren, Edward Infante, and Richard Neal); *Lesser v. IKON*, San Francisco  
4 Superior Court Case No. 992793 (settlement class certified); *Gluck v. Bank of America Corporation*, San  
5 Francisco Superior Court Case No. 308496 (settlement class certified); *Beach v. Bank of America*,  
6 Alameda County Superior Court Case No. 2002-054356 (class certified); and *Lesser v. Pacific Bell*  
7 *Directory*, Alameda County Superior Court Case No. 2002-066344 (settlement class certified).

8 8. I was also lead trial counsel in two non-class action section 17200 trials, *Krumme v.*  
9 *Mercury Insurance Company*, San Francisco Superior Court Case No. 313367 (tried to plaintiff's  
10 judgment in July 2002 and affirmed on appeal in October 2004), and *Wilson v. Brawn of California*, San  
11 Francisco Superior Court Case No. CGC-02-404454 (tried to plaintiff's judgment in April 2003 and  
12 reversed on appeal in September 2005).

13 9. In 2007, Consumer Watchdog engaged Levy, Ram & Olson, with me as the lead attorney  
14 at the firm, to represent it as Intervenor in this non-compliance case. I had been lead counsel in two  
15 complex cases challenging broker fees on Mercury auto insurance: *Krumme v. Mercury*, San Francisco  
16 Superior Court Case No. 313367, and *Porter v. Auto Insurance Specialists*, JAMS Arbitration No.  
17 1100048278.

18 10. The *Krumme* case, filed on June 30, 2000, was brought under the California Unfair  
19 Competition Law (Bus. & Prof. Code, §§ 17200 *et seq.*), alleging that Mercury was engaged in the  
20 business practice of facilitating unlawful broker fees on its insurance. The case was tried in July 2002.  
21 On May 16, 2003, Superior Court Judge (now Court of Appeal Justice) Robert Dondero issued a  
22 permanent injunction enjoining Mercury from facilitating broker fees in the sale of its insurance. Mercury  
23 appealed the decision to the First District Court of Appeal, which affirmed the injunction in full in  
24 October 2004. (*Krumme v. Mercury Ins. Co.* (2004) 123 Cal. App. 4th 924.)

25 11. Four years of post-Judgment proceedings then ensued before Judge Dondero, centered on  
26 three unsuccessful motions by Mercury to vacate the permanent injunction based on claims of  
27 compliance. Each of these motions required substantial discovery and motions practice.

28 12. On September 18, 2003, I filed a class action on behalf of three United Policyholders

1 against Mercury's largest insurance producer, Auto Insurance Specialists (AIS) in San Francisco Superior  
2 Court. (*United Policyholders v. Auto Insurance Specialists*, San Francisco Superior Court Case No.  
3 CGC-03-424538). On February 4, 2005, the complaint was amended to include three AIS customers as  
4 plaintiffs. The plaintiff customers' claims included restitution of the broker fees they had paid in  
5 obtaining Mercury insurance. On July 18, 2006, by Stipulation and Order, the litigation was referred to  
6 binding arbitration at JAMS. A JAMS panel of retired judges certified the broker fee claims as a class  
7 action and, shortly in advance of the scheduled merits hearing date, a \$25 million class action arbitration  
8 settlement was reached. The settlement was confirmed by the Superior Court on January 28, 2009 in  
9 Case No. CGC-03-424538.

10 13. Through the *Krumme* case and the AIS Class Action Arbitration, I became familiar with  
11 Mercury's and AIS's business practices, particularly as they relate to insurance sales and broker fees, and  
12 with evidence and testimony that would support the Department of Insurance's non-compliance case  
13 against Mercury for rate violations based on the charging of broker fees.

14 14. I therefore served as lead attorney for Consumer Watchdog in preparing for the  
15 evidentiary portions of the hearing in this non-compliance case, and took the lead in the examination and  
16 cross-examination of witnesses and the compilation, presentation, and admission of exhibits in evidence  
17 at the April-June 2013 hearing.

18 15. The following is a chronology of my representation of Consumer Watchdog in this non-  
19 compliance case, while and after I was at Levy, Ram & Olson:

<u>Dates</u>	<u>Services</u>
January 2007-December 2008	Case intake and activation; Consumer Watchdog Intervention, monitoring

<u>Dates</u>	<u>Services</u>
January 2009-August 2009	Prepare for March-September 2009 hearing dates, including prehearing conference and in limine motions practice, testimonial and exhibit preparation, compliance with ALJ Orders, and related hearings, prepare for and attend settlement conference
September 2009-February 2011	Motions practice and efforts to comply with ALJ's June 5, 2009, July 8, 2009, and August 21, 2009 Orders requiring prepared direct testimony (PDT); opposition to Mercury's motion to strike PDT; briefing re PDT rule change
March 2011-September 2011	Prepare for May 2011 hearing, including prehearing conference and in limine motions practice, testimonial and exhibit preparation, compliance with ALJ Orders, and related hearings
September 2011-October 2012	Case monitoring, including ALJ's January 31, 2012 Proposed Decision and follow-on proceedings
November 2012	Case reactivation per reassignment to Judge Scarlett
December 2012-January 2013	Prepare for and attend hearings re pretrial motions and case scheduling

<u>Dates</u>	<u>Services</u>
February- April 2013	Prepare for April-June 2013 hearings, including testimonial and exhibit preparation, draft prepared direct testimony and review draft PDT from Mercury; prehearing and in limine motions; motions to strike prepared direct testimony; prehearing conference and statements
April-June 2013	Serve as lead trial counsel at hearing (15 days)
July-September 2013	Prepare for and attend mediation, including preparation of mediation brief and travel
September-November 2013	Post-hearing briefing
December 2013-April 2014	Monitoring and record closure issues
May 2014-December 2014	Monitoring
January 2015	Conferences re Commissioner's Decision and further action
February 2015	Preparation of request for compensation of attorney's fees and costs and supporting declaration

1           16. I have represented Consumer Watchdog in this case entirely on a contingent basis, with  
2 respect to both time and expenses. Neither my firms nor I have received or been promised any  
3 compensation for our time or reimbursement of any kind from any source other than from this fee and  
4 expense application. All litigation and expenses have been funded by my firm and me.

5           17. From 2007 to date, my firms have had a practice of requiring all attorneys and other  
6 timekeepers to record time spent in each case contemporaneously and to enter it on a computer via the  
7 “TimeSlips” time and billing program. I have personally reviewed the time entries in this case and  
8 exercised billing judgment by reducing and/or eliminating or writing down entries that were duplicative,  
9 unproductive, or mistakenly coded to this case file.

10           18. The TimeSlips reports attached as Exhibits “A” and “B” reflect hours and services  
11 actually expended by Levy, Ram and Olson to May 31, 2009 and by me thereafter in this case. The  
12 following table summarizes the hours of each timekeeper, which are itemized in the daily service  
13 descriptions of these exhibits:

Timekeeper	Position	Firm	Hours	Rate	Lodestar Fees	Date of Bar Admission
January 9, 2007 - May 31, 2009						
Arthur Levy	Attorney	Levy, Ram & Olson	123.30	\$700	\$86,310.00	1980
Erica Craven	Attorney	Levy, Ram & Olson	50.90	\$475	\$24,177.50	1998
Maria Lopez	Paralegal	Levy, Ram & Olson	65.37	\$125	\$8,171.25	N/A
June 1, 2009 - February 23, 2015						
Arthur Levy	Attorney	Law Office of Arthur D. Levy	494.30	\$700	\$346,010.00	1980
Total			773.87		\$464,668.75	

19. I am familiar with the rates charged by similarly experienced attorneys for similar work in the San Francisco Bay Area, and believe that \$700 per hour is below current market rates for lead counsel with my level of experience and expertise practicing in cases of this same type. The reasonableness of



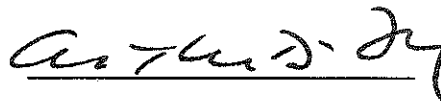
1 this rate is directly confirmed by my fee awards in recent cases.

2       20.     In August 2012, San Francisco Superior Court Complex Case Judge John E. Munter a rate  
3 of \$700 per hour for my time in the class action of *Perez v. Barclay's Capital Real Estate Inc.*, San  
4 Francisco Superior Court Case No. CGC-10-496374. In January 2009, Retired San Francisco Superior  
5 Court Judge James Warren approved \$650 per hour for my time and the other partners in my firm (Levy  
6 Ram & Olson) in the JAMS class action arbitration in *Porter v. Auto Insurance Specialists*, JAMS  
7 Arbitration No. 1100048278. In August 2010, Contra Costa County Complex Case Judge Barry Goode  
8 approved the \$650 rate in a class action settlement in Contra Costa County, *Carias v. Lenox Financial*  
9 *Mortgage Co.*, Contra Costa Superior Court Case No. CIV MSC 06-02409.

10       21.     Consumer Watchdog's request also seeks compensation of my firms' reasonable expenses  
11 incurred in this proceeding of \$14,315.01. My firms' expenses in this proceeding, incurred from January  
12 2007 to date, are summarized in the following table, and are itemized in the expense portions of Exhibits  
13 "A" and "B" to this declaration:

Expense Item	Amount
Copying	\$8,906.78
Exhibit Binders	\$398.15
FedEx/Postage	\$1,197.46
Messengers	\$623.65
Online Research	\$418.70
Telephone	\$772.32
Transcripts	\$160.00
Travel	\$1,073.95
Witness Fees	\$764.00
Total	\$14,315.01

23       I declare under penalty of perjury under the laws of the State of California that the foregoing is  
24 true and correct. Executed this 25th day of February 2015 at San Francisco, California.

25  
26  
27 

28       Arthur D. Levy

## **EXHIBIT A**

Invoice submitted to:  
Consumer Watchdog  
2701 Ocean Park Blvd  
Suite 112  
Santa Monica CA 90405

February 23, 2015

In Reference To: Intervention in CDI Non-compliance Case / LRO 824.02

Invoice #15444

Professional Services

		<u>Hrs/Rate</u>	<u>Amount</u>
1/9/2007	ADL Telephone call to Jon Tomashoff re Mercury administrative case	0.50 700.00/hr	350.00
	ADL Emails with Norm Goldman about Mercury admin case	0.30 700.00/hr	210.00
2/7/2007	ADL Telephone call to Harvey Rosenfield and Pam Pressley re departmental case against Mercury	0.30 700.00/hr	210.00
	ADL Research re SDI enforcement action against Mercury; emails to Harvey Rosenfield and Norman Goldman	0.80 700.00/hr	560.00
	ADL Telephone call to Norman Goldman re departmental enforcement action against Mercury	0.50 700.00/hr	350.00
2/8/2007	ADL Telephone call to Norm Goldman re departmental broker fee case	0.50 700.00/hr	350.00
2/9/2007	ADL Attention to Mercury enforcement action; telephone call to Norm Goldman	0.30 700.00/hr	210.00
2/21/2007	ADL Telephone call to Pam Pressley re Mercury claim	0.30 700.00/hr	210.00
2/22/2007	ADL Conference call with Jon Tomshoff et al. re FTCR intervention	1.20 700.00/hr	840.00
2/26/2007	ADL Review files re Mercury trial exhibits (SDI/Mercury intervention)	0.20 700.00/hr	140.00

		<u>Hrs/Rate</u>	<u>Amount</u>
3/13/2007	ADL Telephone call to Norman Goldman re department broker fee case	0.20 700.00/hr	140.00
3/14/2007	ADL Conference call with Norm Goldman, Pam Pressley & Jon Tomashoff re intervention case	0.80 700.00/hr	560.00
3/21/2007	ADL Comment of Draft Intervention Petition in SDI Mercury case	1.00 700.00/hr	700.00
	ADL Review and comment on proposed rep agreement with FTCR	0.80 700.00/hr	560.00
3/22/2007	ADL Telephone call with Harvey Rosenfield, Jon Tomashoff and Pam Pressley re intervention; memo to file	0.70 700.00/hr	490.00
	ADL Telephone call to Norm Goldman re intervention case status	0.20 700.00/hr	140.00
4/3/2007	ADL Review and comment on reply to objection to intervene	0.40 700.00/hr	280.00
5/2/2007	ADL Legal research re common interest privilege; telephone call to Jon Tomashoff and Norm Goldman re discovery issues	1.00 700.00/hr	700.00
5/14/2007	ADL Telephone call to Norm Goldman re status	0.20 700.00/hr	140.00
	ADL Meeting with co-counsel; attend hearing	2.50 700.00/hr	1,750.00
9/21/2007	ADL Comment on proposed amended pleading	0.50 700.00/hr	350.00
9/26/2007	ADL Comment on proposed amended pleading	0.50 700.00/hr	350.00
7/9/2008	ADL Telephone call to Jon Tomashoff re hearing dates; strategy	0.60 700.00/hr	420.00
8/4/2008	ADL Attend to stipulation	0.20 700.00/hr	140.00
12/17/2008	ADL Conference call re strategy	0.70 700.00/hr	490.00
1/30/2009	ADL Conference call with Pam Pressley and Norm Goldman; prepare for call	1.00 700.00/hr	700.00
2/3/2009	ELC Confer with A Levy regarding status; review notice of non-compliance and case scheduling orders; email A Levy regarding same	0.60 475.00/hr	285.00

		<u>Hrs/Rate</u>	<u>Amount</u>
2/3/2009	ML Index Mercury files in conference room	1.20 125.00/hr	150.00
	ADL Review file re case preparation	1.00 700.00/hr	700.00
2/4/2009	ML Index Mercury boxes and files in small conference room and filing room.	4.10 125.00/hr	512.50
	ADL Conference call with Pam Pressley, Norm Goldman, and Erica Craven	1.50 700.00/hr	1,050.00
	ADL Meeting with Erica Craven-Green re case prep	0.30 700.00/hr	210.00
	ELC Attend conference call with co-counsel re status and dates; review APA email and cases; review CE notes and cases for potential Motion in Limine re CE; confer A Levy regarding same	2.50 475.00/hr	1,187.50
	ADL Attend to emails re scheduling issues; preliminary evidence review	0.40 700.00/hr	280.00
2/5/2009	ELC Confer re ALJ proceedings; review APA procedures; review FRUB materials and write memo to ADL re same	2.50 475.00/hr	1,187.50
	ELC Confer ADL and co-counsel regarding status and tasks; review order re dates and note same; email to co-counsel regarding treatise on admin procedure	1.50 475.00/hr	712.50
	ADL Develop trial preparation agenda; attention to trial issues	1.50 700.00/hr	1,050.00
	ML Continue identifying Mercury boxes and documents to eventually be searched for trial exhibits	0.90 125.00/hr	112.50
2/6/2009	ADL Review documents for exhibit designations	2.00 700.00/hr	1,400.00
	ADL Telephone call to Jon Tomashoff	0.40 700.00/hr	280.00
	ML Updating Indexes	0.60 125.00/hr	75.00
2/8/2009	ADL Review Mercury Motion for Summary Decision	0.70 700.00/hr	490.00
2/9/2009	ADL Attention to agenda; preparation	0.50 700.00/hr	350.00

			<u>Hrs/Rate</u>	<u>Amount</u>
2/9/2009	ELC	Review motions and send initial comments to ADL; CE research in CA re Insurance Commissioner proceedings	3.00 475.00/hr	1,425.00
2/10/2009	ELC	Further research on CE, finish lexis review and memo; review CA CEB treatise on CE and Hearing Procedures (including hearsay evidence, deposition transcripts and affiants)	2.50 475.00/hr	1,187.50
	ML	Review AIS and Mercury document productions; gather copies of potential trial exhibits	5.90 125.00/hr	737.50
	ADL	Meeting with Jon Tomashoff and Norm Goldman re preparation, settlement, status	1.00 700.00/hr	700.00
	ADL	Review documents re exhibit designations; meeting with Maria Lopez	1.00 700.00/hr	700.00
	ADL	Review Mercury motions	1.00 700.00/hr	700.00
2/11/2009	ELC	Conference call with co-counsel regarding status and tasks; further conference call with co-counsel regarding settlement and terms for same	2.10 475.00/hr	997.50
	ADL	Review settlement drafts; meeting with Norm Goldman; telephone call to Jon Tomashoff; telephone call to Pam Pressley re settlement	1.50 700.00/hr	1,050.00
	ADL	Conference call with cocounsel	1.60 700.00/hr	1,120.00
	ML	Review all of Mercury's document production and AIS deposition exhibits to identify trial exhibits and non-confidential documents.	7.20 125.00/hr	900.00
	ADL	Analysis of broker fee volume and penalty calculation requirements	1.00 700.00/hr	700.00
	ADL	Review exhibit preparation; meeting with Norm Goldman and Maria Lopez re exhibits	0.80 700.00/hr	560.00
2/12/2009	ELC	Confer A Levy regarding status; draft prehearing conference statement; review rules on subpoenas and draft same for case use	2.30 475.00/hr	1,092.50
	ADL	Telephone call to Doug Heller re settlement	0.90 700.00/hr	630.00
	ADL	Telephone call to Norm Goldman re settlement	0.30 700.00/hr	210.00
	ADL	Conference call re settlement	0.60 700.00/hr	420.00

		<u>Hrs/Rate</u>	<u>Amount</u>
2/12/2009	ML Review Mercury and AIS documents to identify potential trial exhibits and non-confidential AIS documents.	3.50 125.00/hr	437.50
2/13/2009	ADL Review documents re exhibits; meeting with Maria Lopez	0.70 700.00/hr	490.00
	ADL Attend to agenda; revisions	1.00 700.00/hr	700.00
	ML Review Mercury and AIS documents to identify exhibits to be used at trial.	5.80 125.00/hr	725.00
	ADL Conference call with Doug Heller and Norm Goldman	0.80 700.00/hr	560.00
	ADL Meeting with Maria Lopez re document/exhibit preparation	0.30 700.00/hr	210.00
	ADL Telephone call to Norm Goldman re settlement status	0.30 700.00/hr	210.00
	ELC Review rules for subpoenas and notices to appear - draft blank subpoena and notice for use; confer A Levy regarding same; revised PHC statement and forward to A Levy; finish review of APA rules re hearing and time line.	3.00 475.00/hr	1,425.00
2/15/2009	ML Compile trial exhibits from Mercury's document production; review AIS document production against Mercury to identify non-confidential documents.	8.80 125.00/hr	1,100.00
	ADL Attend to exhibit preparation; hearing statement; and general preparation	7.50 700.00/hr	5,250.00
2/16/2009	ADL Review and prepare exhibits for hearing; revise prehearing filings	6.00 700.00/hr	4,200.00
	ML Index exhibits identified for trial; make copies of new exhibits; review for confidentiality.	9.00 125.00/hr	1,125.00
2/17/2009	ELC Confer with A Levy re status and conference call with co-counsel re same; draft and revise stipulation re extension of time to serve exhibits, serve on co-counsel, call OAH re fax service, finalize and file same	2.50 475.00/hr	1,187.50
	ADL Prepare settlement conference statement	3.00 700.00/hr	2,100.00
	ML Edit list of exhibits for trial; add new exhibits; review all exhibits identified	7.90 125.00/hr	987.50

		<u>Hrs/Rate</u>	<u>Amount</u>
2/17/2009	ADL Attention to exhibits	2.00 700.00/hr	1,400.00
	ADL Attention to agenda	0.30 700.00/hr	210.00
	ADL Prepare for and attend conference call with cocounsel	0.80 700.00/hr	560.00
2/18/2009	ADL Draft settlement conference statement	2.50 700.00/hr	1,750.00
	ML Final check of all trial exhibits; index of confidential materials identified but not produced; arrange copy service; proofread filing.	5.80 125.00/hr	725.00
	ELC Review finalized PCH statement and provide final comments to A Levy regarding same; review MSJ oppo and confer with P Pressley re same and suggestions/edits to same; revise and edit CE and estoppel sections of same	6.00 475.00/hr	2,850.00
2/19/2009	ADL Review and edit opposition to motion for summary judgment; emails re same	5.00 700.00/hr	3,500.00
	ADL Telephone call to Pam Pressley re MSJ opposition	0.50 700.00/hr	350.00
	ADL Attention to subpoenas; trial preparation agenda	0.50 700.00/hr	350.00
	ADL Review and revise opposition to motion in limine	2.00 700.00/hr	1,400.00
	ELC Review and suggest additions/edits to Opposition to Motion for Protective Order to P Pressley; confer co-counsel re FRUB materials; draft Oppo to Motion in Limine; finalize and circulate to ADL	6.50 475.00/hr	3,087.50
2/20/2009	ADL Finish opposition to motion in limine	0.70 700.00/hr	490.00
	ML Proof read	1.37 125.00/hr	171.01
	ELC Review comments on Motion In Lim Opposition and comments re status of filings	0.40 475.00/hr	190.00
2/22/2009	ADL Prepare notices to appear at hearing, subpoenas	1.00 700.00/hr	700.00
2/23/2009	ELC Attend settlement conference and hearing with co-counsel	5.00 475.00/hr	2,375.00



			<u>Hrs/Rate</u>	<u>Amount</u>
2/23/2009	ADL	Prepare for and attend settlement conference and prehearing conference; meeting with cocounsel; telephone call to Norman Goldman	5.70 700.00/hr	3,990.00
	ADL	Prepare notices to appear at hearing, subpoenas	1.00 700.00/hr	700.00
2/24/2009	ADL	Legal research re APA, Insurance Commissioner regulations	1.00 700.00/hr	700.00
2/25/2009	ADL	Email to cocounsel re Title 10 reg analysis	0.50 700.00/hr	350.00
	ADL	Conference call re brief on regulatory application	0.50 700.00/hr	350.00
	ELC	Review emails from co-counsel regarding briefing on applicability of regs, provide comments to A Levy regarding same; review PCH Order	0.70 475.00/hr	332.50
2/26/2009	ML	Organize Mercury exhibits received on 2/20/09 into binders	3.30 125.00/hr	412.50
	ADL	Review APA and Title 10; email to Pam Pressley	0.50 700.00/hr	350.00
2/28/2009	ADL	Review and comment on brief re application of prepared testimony rule	3.00 700.00/hr	2,100.00
3/2/2009	ADL	Review and comment on revised draft; attend to incoming briefs	0.70 700.00/hr	490.00
3/3/2009	ADL	Review and comment on Mercury motion re applicability of Title 10, sections 2614 et seq.	1.00 700.00/hr	700.00
	ADL	Review Prehearing Order and agenda re followup	0.30 700.00/hr	210.00
3/4/2009	ADL	Telephone call to Pam Pressley re 2614 issues, status	0.50 700.00/hr	350.00
3/5/2009	ADL	Review draft reply brief re 2614; review Mercury proposed exhibits	1.00 700.00/hr	700.00
3/6/2009	ADL	Comment on reply memo re 2614	0.50 700.00/hr	350.00
3/8/2009	ADL	Review and analyze Mercury reply re MSJ	1.00 700.00/hr	700.00
	ADL	Review Mercury exhibits re objections	1.00 700.00/hr	700.00

		<u>Hrs/Rate</u>	<u>Amount</u>
3/9/2009	ADL Telephone call to Pam Pressley re Mercury MSJ reply	0.60 700.00/hr	420.00
3/10/2009	ADL Conference call with cocounsel; conference call with all counsel re exhibits, housekeeping issues; preparation for same	1.00 700.00/hr	700.00
3/12/2009	ELC Review Troyk and co-counsel comments; attend hearing on SJ motion and CMC; travel back to SF	3.50 475.00/hr	1,662.50
	ADL Prepare for and attend hearing	3.50 700.00/hr	2,450.00
3/13/2009	ADL Telephone call to Pam Pressley re hearing, forward strategy	0.50 700.00/hr	350.00
3/17/2009	ELC Review order from ALJ and confer A Levy and co-counsel re same	0.30 475.00/hr	142.50
3/20/2009	ADL Telephone call to Pam Pressley re status	0.40 700.00/hr	280.00
3/23/2009	ADL Review emails and prepare revised budget	0.50 700.00/hr	350.00
3/27/2009	ADL Prepare for meet and confer	0.50 700.00/hr	350.00
3/30/2009	ADL Prepare for and attend conference calls with counsel and cocounsel	1.80 700.00/hr	1,260.00
	ELC Conference, M&C re hearing dates and proceedings for stipulations and direct filed testimony	1.50 475.00/hr	712.50
3/31/2009	ADL Attend to emails re schedule	0.30 700.00/hr	210.00
	ADL Review and comment on proposed case calendar	0.50 700.00/hr	350.00
4/1/2009	ADL Meeting with Erica Craven-Green; conference call with Judge Owyang	0.60 700.00/hr	420.00
	ELC Conference call with ALJ	1.00 475.00/hr	475.00
4/2/2009	ADL Review and revise proposed schedule; email to cocounsel	1.50 700.00/hr	1,050.00
	ADL Review draft calendar stipulation and prepare for conference call	0.40 700.00/hr	280.00

		<u>Hrs/Rate</u>	<u>Amount</u>
4/3/2009	ADL Conference call with Jon Tomashoff and Pam Pressley	0.80 700.00/hr	560.00
4/9/2009	ADL Prepare stipulations	0.30 700.00/hr	210.00
4/13/2009	ADL Prepare stipulations	3.00 700.00/hr	2,100.00
4/15/2009	ADL Review comments on stipulations and revise	3.00 700.00/hr	2,100.00
4/24/2009	ADL Attend to scheduling of conference call re stipulations	0.20 700.00/hr	140.00
4/27/2009	ADL Review Mercury commentary on stips	0.30 700.00/hr	210.00
4/28/2009	ADL Attention to protective order	0.20 700.00/hr	140.00
	ADL Review and analyze Mercury's responses to stipulations; prepare for call	1.00 700.00/hr	700.00
	ADL Conference call re stipulations	0.70 700.00/hr	490.00
4/29/2009	ADL Letter to Steve Weinstein re exhibits	0.50 700.00/hr	350.00
4/30/2009	ADL Draft response to stipulations	2.00 700.00/hr	1,400.00
	ELC Start draft of PO for ALJ proceeding; brief review of Krumme and AIS POs for relevance to ALJ PO	2.00 475.00/hr	950.00
5/4/2009	ELC Finalize revision of PO (and review of AIS and Krumme POs), confer ADL Re same and circulate to co-counsel for review	1.50 475.00/hr	712.50
5/5/2009	ADL Review and incorporate comments re stipulations; telephone call to Jon Tomashoff	0.70 700.00/hr	490.00
5/7/2009	ADL Draft motion re prepared direct testimony; legal research	3.00 700.00/hr	2,100.00
	ADL Prepare for and telephone call with Jon Tomashoff and Pam Pressley	1.00 700.00/hr	700.00
5/8/2009	ADL Prepare prepared direct testimony motion	2.00 700.00/hr	1,400.00

		<u>Hrs/Rate</u>	<u>Amount</u>
5/11/2009	ADL Review and comment on draft brief re prepared direct testimony	0.30 700.00/hr	210.00
	ADL Prepare for conference call re exhibits	0.20 700.00/hr	140.00
	ADL Review and revise proposed protective order	0.70 700.00/hr	490.00
	ADL Conference call re exhibit stipulations, and preparation; report to cocounsel	0.60 700.00/hr	420.00
5/19/2009	ADL Review Mercury PDT motion, telephone call to Pam Pressley, telephone call to Jon Tomashoff, draft closing PDT brief	2.00 700.00/hr	1,400.00
5/21/2009	ADL Review and comment on closing brief re prepared direct	0.30 700.00/hr	210.00
5/26/2009	ADL Conference call with Adam Cole, Pam Pressley, and Jon Tomashoff	1.10 700.00/hr	770.00
	For professional services rendered	239.57	\$118,658.51
	Additional Charges :		
3/28/2007	In-House Copying		2.25
5/29/2007	Telephone (LD)		1.62
7/31/2007	In-House Copying		0.40
9/24/2007	Fed Ex		76.98
2/4/2009	In-House Copying		27.80
2/20/2009	Outside Copying		1,516.50
	Outside Copying		243.15
2/26/2009	Telephone (LD)		52.15
2/28/2009	In-House Copying		600.80
3/11/2009	Online Research		153.18
3/26/2009	FedEx		27.90
	Outside Copying		670.00

	<u>Amount</u>
3/26/2009 Transcript of Proceedings	160.00
FedEx	88.66
FedEx	27.90
FedEx	19.34
FedEx	27.90
FedEx	16.92
Telephone (conference call)	219.96
Telephone (LD)	12.88
3/30/2009 In-House Copying	16.40
4/19/2009 Telephone (conference call)	358.84
Telephone (LD)	12.38
4/30/2009 In-House Copying	2.00
5/31/2009 Telephone (conference call)	94.52
Telephone (LD)	19.97
In-House Copying	31.60
Total additional charges	<u>\$4,482.00</u>
Total amount of this bill	<u>\$123,140.51</u>
Balance due	<u>\$123,140.51</u>

## **EXHIBIT B**

Invoice submitted to:  
 Consumer Watchdog  
 2701 Ocean Park Blvd.  
 Suite 112  
 Santa Monica CA 90405

February 23, 2015

In Reference To: Intervention in CDI Non-compliance Case / 824.02

Invoice #10249

Professional Services

		<u>Hrs/Rate</u>	<u>Amount</u>
6/2/2009	ADL Attend settlement conference	2.50 700.00/hr	1,750.00
	ADL Meeting with Pam Pressley and Jon Tomashoff	0.50 700.00/hr	350.00
	ADL Telephone call with Norman Goldman re settlement issues	0.50 700.00/hr	350.00
	ADL Telephone call with Pam Pressley re hearing; prepare for hearing	0.80 700.00/hr	560.00
6/3/2009	ADL Prepare for and attend hearing re prepared direct testimony	2.50 700.00/hr	1,750.00
6/11/2009	ADL Review file re agenda; telephone call with Jon Tomashoff; schedule conference	0.40 700.00/hr	280.00
	ADL Telephone call with Spencer Kook re stipulations	0.20 700.00/hr	140.00
6/12/2009	ADL Conference call re case preparation	0.80 700.00/hr	560.00
	ADL Revise proposed stipulation re exhibits	0.30 700.00/hr	210.00
6/17/2009	ADL Attend to email	0.20 700.00/hr	140.00

		<u>Hrs/Rate</u>	<u>Amount</u>
6/19/2009	ADL Review and comment on protective order	0.30 700.00/hr	210.00
	ADL Revise stipulation re exhibits and send to counsel	0.40 700.00/hr	280.00
6/25/2009	ADL Telephone call to Norm Goldman re case prep	0.20 700.00/hr	140.00
6/26/2009	ADL Attention to emails re protective order	0.30 700.00/hr	210.00
6/28/2009	ADL Review transcripts for direct testimony	3.50 700.00/hr	2,450.00
6/29/2009	ADL Compile and prepare protective order for filing; letter to Judge Owyang	0.40 700.00/hr	280.00
	ADL Attention to emails re PDT; compile PDT	1.00 700.00/hr	700.00
6/30/2009	ADL Attend to prepared testimony	2.00 700.00/hr	1,400.00
	ADL Telephone call to Norm Goldman re prepared direct testimony	0.20 700.00/hr	140.00
7/1/2009	ADL Telephone call to Norm Goldman re prepared testimony	0.30 700.00/hr	210.00
	ADL Review depositions re prepared direct testimony; confer with Michelle San Juan re exhibit coordination and testimony preparation	8.00 700.00/hr	5,600.00
7/2/2009	ADL Attention to prepared direct testimony	7.00 700.00/hr	4,900.00
7/3/2009	ADL Attention to prepared direct testimony	7.00 700.00/hr	4,900.00
7/4/2009	ADL Prepare testimony for filing; letters to Judge Owyang, Steve Weinstein	3.00 700.00/hr	2,100.00
7/6/2009	ADL Prepare section 11514 notice	0.40 700.00/hr	280.00
	ADL Attend to service and filing of PDT; telephone call to Spencer Kook and Pam Pressley; confirming emails; attend to lodging exhibits	1.50 700.00/hr	1,050.00
7/7/2009	ADL Review letter from Steve Weinstein; email to cocounsel	0.30 700.00/hr	210.00



		<u>Hrs/Rate</u>	<u>Amount</u>
7/7/2009	ADL Review emails; telephone call to Pam Pressley	0.30 700.00/hr	210.00
7/8/2009	ADL Review letter from Steve Weinstein; prepare for conference call with Judge Owyang; telephone call to Pam Pressly	0.60 700.00/hr	420.00
	ADL Attend conference call with Judge Owyang; followup with Jon Tomashoff	1.00 700.00/hr	700.00
	ADL Attention to followon emails re scheduling	0.20 700.00/hr	140.00
7/9/2009	ADL Telephone call to Norman Goldman re status	0.20 700.00/hr	140.00
7/20/2009	ADL Telephone call to Pam Pressley re Mercury limited motion to strike	0.30 700.00/hr	210.00
	ADL Review emails re Mercury preliminary motion to strike	0.30 700.00/hr	210.00
7/22/2009	ADL Legal research re CCP provisions on depositions and Evidence Code; draft material re those provisions and supporting declaration	2.50 700.00/hr	1,750.00
	ADL Review and edit draft brief	2.00 700.00/hr	1,400.00
7/28/2009	ADL Review Mercury limited motion to strike; telephone call to Pam Pressly	0.50 700.00/hr	350.00
7/29/2009	ADL Telephone call to Pam Pressley re limited motion to strike closing brief; retrieve email re acceptance of service on AIS; further emails re brief	0.40 700.00/hr	280.00
7/30/2009	ADL Review and comment on draft closing brief re Mercury limited motion to strike	2.50 700.00/hr	1,750.00
8/6/2009	ADL Review Mercury closing brief re limited motion to strike; telephone call to Pam Pressley re preparation	1.00 700.00/hr	700.00
8/10/2009	ADL Prepare for and attend hearing; meeting with Jon Tomashoff & Pam Pressley	3.50 700.00/hr	2,450.00
8/12/2009	ADL Telephone call to Norman Goldman re status	0.20 700.00/hr	140.00
8/24/2009	ADL Review order granting limited motion to strike	0.20 700.00/hr	140.00
8/25/2009	ADL Conference call re strategy with Pam Pressley, Norm Goldman, Jon Tomashoff, and Harvey Rosenfield	1.20 700.00/hr	840.00

		<u>Hrs/Rate</u>	<u>Amount</u>
8/31/2009	ADL Review and comment on Tomashoff/Pressley proposal; prepare alternate PDT proposal	2.00 700.00/hr	1,400.00
9/2/2009	ADL Prepare for and attend meeting with Adam Cole, Pam Pressley, Jon Tomashoff, and Harvey Rosenfield re PDT issues; review email re Tomashoff analysis of issues	3.50 700.00/hr	2,450.00
10/26/2009	ADL Telephone call to Pam Pressley re status; review email from Jon Tomashoff; comment to Pam Pressley	0.60 700.00/hr	420.00
11/3/2009	ADL Review draft motion re PDT; review Jon Tomashoff's memo re Pam Pressley's issues	0.50 700.00/hr	350.00
	ADL Conference call with Jon Tomashoff, Pam Pressley, and Jose Aguilar	0.80 700.00/hr	560.00
11/11/2009	ADL Review emails and draft motion	0.30 700.00/hr	210.00
1/22/2010	ADL Telephone call to Pam Pressley re status	0.20 700.00/hr	140.00
1/26/2010	ADL Telephone call to Pam Pressley re status	0.20 700.00/hr	140.00
1/27/2010	ADL Telephone appearance re motion	1.70 700.00/hr	1,190.00
2/11/2010	ADL Collect Falmer materials for CWD	0.50 700.00/hr	350.00
4/15/2010	ADL Review Order re PDT; attend to email	0.40 700.00/hr	280.00
4/16/2010	ADL Conference call with cocounsel	1.00 700.00/hr	700.00
6/22/2010	ADL Telephone call to Jon Tomashoff re status; attention to email	0.30 700.00/hr	210.00
6/24/2010	ADL Conference call with Pam Pressley and Todd Foreman	0.70 700.00/hr	490.00
7/12/2010	ADL Review and comment on proposed PDT rule change	0.50 700.00/hr	350.00
7/29/2010	ADL Telephone call to Todd Foreman; review email about PDT reg	0.20 700.00/hr	140.00

		<u>Hrs/Rate</u>	<u>Amount</u>
9/24/2010	ADL Conference call with Don Hilla and Pam Pressley	0.80 700.00/hr	560.00
10/11/2010	ADL Telephone call to Pam Pressley re status; attention to email	0.20 700.00/hr	140.00
11/9/2010	ADL Telephone call to Harvey Rosenfield re Mackay	0.20 700.00/hr	140.00
11/22/2010	ADL Telephone call to Pam Pressley; review order and calendar	0.40 700.00/hr	280.00
11/29/2010	ADL Telephone call to Pam Pressley, Betty Mohr and Don Hilla re scheduling and strategy	0.20 700.00/hr	140.00
12/1/2010	ADL Attention to emails; telephone call to Pam Pressley	0.20 700.00/hr	140.00
12/2/2010	ADL Review joint statement and proposed order; attention to email	0.20 700.00/hr	140.00
12/14/2010	ADL Telephone call to Pam Pressley	0.30 700.00/hr	210.00
12/20/2010	ADL Attention to fact stips. emails	0.20 700.00/hr	140.00
12/21/2010	ADL Conference call with Don Hilla and Pam Pressley	0.50 700.00/hr	350.00
12/27/2010	ADL Review ALJ's order and calendar	0.20 700.00/hr	140.00
1/3/2011	ADL Attention to email	0.30 700.00/hr	210.00
1/6/2011	ADL Review proposed scheduling stipulation; attention to emails; prepare for conference call	1.00 700.00/hr	700.00
	ADL Conference call with CDI counsel and Pam Pressley	0.80 700.00/hr	560.00
	ADL Telephone call to Pam Pressley re followup and case agenda	0.20 700.00/hr	140.00
1/7/2011	ADL Telephone call to Norm Goldman re case status	0.20 700.00/hr	140.00
1/10/2011	ADL Conference call with all counsel re scheduling	0.20 700.00/hr	140.00

		<u>Hrs/Rate</u>	<u>Amount</u>
1/10/2011	ADL Telephone call to Pam Pressley re trial preparation	0.10 700.00/hr	70.00
1/12/2011	ADL Review incoming correspondence; legal research in LRO archive	0.30 700.00/hr	210.00
	ADL Review new reg language	0.10 700.00/hr	70.00
1/13/2011	ADL Review CWD brief re retroactivity; legal research and email re forthcoming brief on application of reg change	1.00 700.00/hr	700.00
1/20/2011	ADL Prepare trial plan	3.50 700.00/hr	2,450.00
1/21/2011	ADL Review and comment on opening brief on regulatory amendment application	1.00 700.00/hr	700.00
	ADL Further attention to trial plan; review file re report to Adam Cole; email to Adam Cole re trial plan and preparation	1.00 700.00/hr	700.00
	ADL Telephone call to Pam Pressley re brief	0.20 700.00/hr	140.00
1/24/2011	ADL Review CDI brief on application of new reg	0.30 700.00/hr	210.00
	ADL Attention to trial exhibits	0.20 700.00/hr	140.00
1/25/2011	ADL Review Mercury brief re amended PDT reg	0.30 700.00/hr	210.00
1/28/2011	ADL Telephone call to Pam Pressley re reply brief on regs; send material re McClung case	0.50 700.00/hr	350.00
1/31/2011	ADL Review and ocmment on reply brief on reg amendment application	0.50 700.00/hr	350.00
2/8/2011	ADL Attention to email re scehduling	0.20 700.00/hr	140.00
2/10/2011	ADL Review reply briefs; prepare for conference with cocounsel	1.00 700.00/hr	700.00
2/11/2011	ADL Conference call with CDI and CWD re hearing preparation	1.00 700.00/hr	700.00
	ADL Review memo from Don Hilla re official notice; telephone call to Don Hilla	0.20 700.00/hr	140.00

			<u>Hrs/Rate</u>	<u>Amount</u>
2/14/2011	ADL	Conference call with cocounsel re official notice issues, attention to email	0.20 700.00/hr	140.00
	ADL	Prepare for and attend hearing re application of amended PDT regulation	2.70 700.00/hr	1,890.00
2/16/2011	ADL	Telephone call to Pam Pressley re status	0.50 700.00/hr	350.00
2/17/2011	ADL	Review hearing transcript	0.30 700.00/hr	210.00
2/25/2011	ADL	Review ruling on new reg application; prepare for conference call; attention to email	0.70 700.00/hr	490.00
	ADL	Research re NNC requirements and proof of penalty re PDT submissions	1.00 700.00/hr	700.00
	ADL	Conference call with cocounsel re case status, ALJ's ruling	0.50 700.00/hr	350.00
	ADL	Prepare memo to CWD counsel re action plan in light of ALJ ruling	1.00 700.00/hr	700.00
3/1/2011	ADL	Conference call with Pam Pressley and Todd Foreman re case status, prep	1.40 700.00/hr	980.00
	ADL	Prepare exhibits and supporting declaration	4.50 700.00/hr	3,150.00
3/2/2011	ADL	Conference call with CDI and CWD counsel re status, strategy	1.00 700.00/hr	700.00
	ADL	Prepare authentication declaration	5.00 700.00/hr	3,500.00
	ADL	Legal research re hearsay and authentication issues; further attention to declaration	2.00 700.00/hr	1,400.00
3/3/2011	ADL	Prepare witness list	1.00 700.00/hr	700.00
	ADL	Attention to witness and exhibit filings, official notice; telephone consults with Pam Pressley; attention to email	6.00 700.00/hr	4,200.00
3/4/2011	ADL	Attention to filing	2.80 700.00/hr	1,960.00
3/7/2011	ADL	Telephone call to Pam Pressley	0.20 700.00/hr	140.00

		<u>Hrs/Rate</u>	<u>Amount</u>
3/9/2011	ADL Review letter from Steve Weinstein; email to CWD cocounsel re proposed response	0.40 700.00/hr	280.00
3/10/2011	ADL Prepare for and attend conference call with CWD and CDI counsel; draft letter to Judge Owyang; review current scheduling order; attention to emails re letter revisions	0.90 700.00/hr	630.00
3/15/2011	ADL Conference call with all counsel	1.00 700.00/hr	700.00
3/16/2011	ADL Review letter from Steve Weinstein; confer with Pam Pressley; email response	0.40 700.00/hr	280.00
	ADL Review letter from Spencer Kook to Judge Owyang; letter to Judge Owyang re schedule; confer with cocounsel	0.30 700.00/hr	210.00
3/18/2011	ADL Review Judge Owyang's order, calendar and analysis	0.30 700.00/hr	210.00
	ADL Attention to emails and scheduling; Telephone call to Norman Goldman	0.30 700.00/hr	210.00
3/21/2011	ADL Review draft response re ex parte communications; attention to email	0.30 700.00/hr	210.00
3/22/2011	ADL Telephone call to Pam Pressley re scheduling and motions practice	0.30 700.00/hr	210.00
3/23/2011	ADL Prepare statement re communications with Commissioner; email with Pam Pressley	0.40 700.00/hr	280.00
	ADL Attention to emails re scheduling	0.20 700.00/hr	140.00
	ADL Conference call re scheduling and followup	0.40 700.00/hr	280.00
3/30/2011	ADL Prepare for and attend conference call with Don Hilla, Betty Mohr, Pam Pressley, and Alec Stone re scheduling	0.30 700.00/hr	210.00
	ADL Conference call with Adam Cole et al. re scheduling	0.30 700.00/hr	210.00
	ADL Follow up call with Pam Pressley re status	0.10 700.00/hr	70.00
4/1/2011	ADL Attention to emails re scheduling	0.10 700.00/hr	70.00

		<u>Hrs/Rate</u>	<u>Amount</u>
4/4/2011	ADL Attention to scheduling emails	0.20 700.00/hr	140.00
4/11/2011	ADL Attention to email re scheduling, page limits, CDI amendment	0.20 700.00/hr	140.00
4/13/2011	ADL Attention to email; review incoming correspondence; consult with Pam Pressley; letter to Judge Owyang	0.30 700.00/hr	210.00
4/18/2011	ADL Attention to scheduling conference call with Judge Owyang	0.20 700.00/hr	140.00
4/27/2011	ADL Review incoming correspondence; prepare for conference call	0.30 700.00/hr	210.00
	ADL Conference call with CWD and CDI counsel	0.80 700.00/hr	560.00
4/28/2011	ADL Conference call with Judge Owyang	0.70 700.00/hr	490.00
5/12/2011	ADL Attention to information request from Don Hilla	0.20 700.00/hr	140.00
5/27/2011	ADL Review draft motion on collateral estoppel; telephone call to Pam Pressley	0.50 700.00/hr	350.00
5/31/2011	ADL Conference call re collateral estoppel motion; attention to email	0.20 700.00/hr	140.00
6/1/2011	ADL Review CDI's collateral estoppel motion	0.20 700.00/hr	140.00
6/9/2011	ADL Review and analyze motion papers filed by Mercury	1.50 700.00/hr	1,050.00
	ADL Conference call with cocounsel re motion responses	0.70 700.00/hr	490.00
6/14/2011	ADL Prepare for and attend conference call with all counsel re scheduling	0.40 700.00/hr	280.00
	ADL Followup with Todd Foreman re official notice issues	0.20 700.00/hr	140.00
6/17/2011	ADL Conference call with Judge Owyang	0.30 700.00/hr	210.00
6/20/2011	ADL Telephone call to Pam Pressley re briefing issues	0.20 700.00/hr	140.00

		<u>Hrs/Rate</u>	<u>Amount</u>
7/22/2011	ADL Attention to budget	0.30 700.00/hr	210.00
7/27/2011	ADL Telephone call to Pam Pressley re briefing	0.50 700.00/hr	350.00
8/2/2011	ADL Review and analyze Mercury moving papers	1.00 700.00/hr	700.00
8/8/2011	ADL Draft opposition to motion for a proposed decision	5.00 700.00/hr	3,500.00
8/9/2011	ADL Further attention to opposition to motion for proposed decision; attend to email	2.00 700.00/hr	1,400.00
8/10/2011	ADL Telephone call to Pam Pressley re briefing	0.80 700.00/hr	560.00
	ADL Draft opposition brief re estoppel	2.50 700.00/hr	1,750.00
	ADL Review and comment on draft opposition to Motion for Decision	1.00 700.00/hr	700.00
8/11/2011	ADL Attention to emails re opposition briefs	0.30 700.00/hr	210.00
	ADL Further attention to estoppel/laches opposition draft	0.50 700.00/hr	350.00
	ADL Attention to emails re filings	0.50 700.00/hr	350.00
8/12/2011	ADL Review draft opposition to motion for decision	0.50 700.00/hr	350.00
9/14/2011	ADL Telephone call to Pam Pressley re briefing status	0.20 700.00/hr	140.00
2/15/2012	ADL Telephone call to Pam Pressley and Harvey Rosenfield	0.40 700.00/hr	280.00
2/21/2012	ADL Review Proposed Decision	0.40 700.00/hr	280.00
2/22/2012	ADL Review letter from Adam Cole	0.10 700.00/hr	70.00
3/7/2012	ADL Review cases re ex parte contacts	0.40 700.00/hr	280.00



		<u>Hrs/Rate</u>	<u>Amount</u>
10/10/2012	ADL Attention to email from Pam Pressley and reply; review and calendar order; review ruling on demurrer	0.50 700.00/hr	350.00
10/24/2012	ADL Review Spencer Kook's letter to Judge Tompkin; email to Pam Pressley	0.40 700.00/hr	280.00
11/1/2012	ADL Attention to OAH order re assignment; emails re correction of fax number and inclusion on service list	0.20 700.00/hr	140.00
11/5/2012	ADL Review scheduling order; email with Pam Pressley	0.30 700.00/hr	210.00
11/9/2012	ADL Prepare for conference call; review correspondence and order	0.30 700.00/hr	210.00
	ADL Conference call with Pam Pressley and Betty Mohr	0.70 700.00/hr	490.00
11/19/2012	ADL Conference call with Pam Pressley and CDI counsel	1.00 700.00/hr	700.00
11/20/2012	ADL Review CWD draft letter to Judge Scarlett	0.30 700.00/hr	210.00
11/26/2012	ADL Review incoming correspondence; prepare for conference call	0.30 700.00/hr	210.00
11/27/2012	ADL Conference call with Pam Pressley and Don Hilla	0.10 700.00/hr	70.00
	ADL Conference call with Judge Scarlett	1.10 700.00/hr	770.00
12/4/2012	ADL Review order; calendar review, emails with cocounsel re scheduling	0.40 700.00/hr	280.00
12/5/2012	ADL Review incoming letter from Spencer Kook to ALJ	0.10 700.00/hr	70.00
12/14/2012	ADL Conference call with Judge Scarlett re hearing setting	0.70 700.00/hr	490.00
12/28/2012	ADL Review Trial Setting Order and calendar	0.20 700.00/hr	140.00
1/11/2013	ADL Telephone call to Pam Pressley; prepare for hearing	0.40 700.00/hr	280.00
	ADL Review briefs, prepare for hearing, memo to Pam Pressley re argument points	0.80 700.00/hr	560.00

		<u>Hrs/Rate</u>	<u>Amount</u>
1/13/2013	ADL Attention to email; review and comment on Mercury collateral estoppel arguments	0.50 700.00/hr	350.00
1/14/2013	ADL Attention to email; prepare for hearing	0.40 700.00/hr	280.00
1/15/2013	ADL Prepare for and attend hearing re motions	4.50 700.00/hr	3,150.00
1/18/2013	ADL Telephone call to Pam Pressley re case prep	0.50 700.00/hr	350.00
	ADL PDT preparation	0.50 700.00/hr	350.00
1/22/2013	ADL Attention to prepared direct testimony	1.50 700.00/hr	1,050.00
1/23/2013	ADL Conference call re PDT	0.70 700.00/hr	490.00
1/25/2013	ADL Attention to PDT preparation	0.30 700.00/hr	210.00
	ADL Meeting with Myat Aye re PDT preparation; attention to PDT issues	0.30 700.00/hr	210.00
1/30/2013	ADL Prepare PDT model for Ken Kitzmiller; letter to Steve Weinstein; email to Pam Pressley	1.00 700.00/hr	700.00
1/31/2013	ADL Telephone call to Pam Pressley re PDT	0.20 700.00/hr	140.00
2/1/2013	ADL Finish letter to Steve Weinstein re PDT, review comments from Pam Pressley; compile PDT	0.30 700.00/hr	210.00
2/6/2013	ADL Review Weinstein letter re PDT; telephone call to Pam Pressley; letter to Judge Scarlett	1.70 700.00/hr	1,190.00
2/8/2013	ADL Conference call with Judge Scarlett	0.50 700.00/hr	350.00
	ADL Telephone call to Laura Antonini, attention to PDT preparation	0.50 700.00/hr	350.00
2/9/2013	ADL Prepare PDT	2.50 700.00/hr	1,750.00
2/10/2013	ADL Prepare PDT	3.50 700.00/hr	2,450.00

		<u>Hrs/Rate</u>	<u>Amount</u>
2/11/2013	ADL Meeting with Myat Aye re PDT; conference call with Pam Pressley and Laura Antonini re PDT	0.50 700.00/hr	350.00
	ADL Attention to Boostrom & Ribisi PDT	1.50 700.00/hr	1,050.00
	ADL Revisions to draft PDT prepared by Laura Antonini	1.50 700.00/hr	1,050.00
	ADL Prepare PDT for Mercury/AIS witnesses	2.50 700.00/hr	1,750.00
2/12/2013	ADL Prepare PDT for Mercury/AIS witnesses; attend to email re same; letter to Steve Weinstein	1.50 700.00/hr	1,050.00
	ADL Prepare Wolak and Napolitano PDT	3.00 700.00/hr	2,100.00
2/13/2013	ADL Prepare Boostrom, Wolak, and Napolitano PDT, letter to Steve Weinstein	3.00 700.00/hr	2,100.00
	ADL Prepare Levy PDT	0.50 700.00/hr	350.00
	ADL Further attention to proposed PDT per comments from Pam Pressley	0.20 700.00/hr	140.00
2/14/2013	ADL Attention to PDT filings	3.00 700.00/hr	2,100.00
2/20/2013	ADL Review collateral estoppel ruling and scheduling order	0.50 700.00/hr	350.00
2/21/2013	ADL Telephone call to Pam Pressley re status	0.50 700.00/hr	350.00
3/6/2013	ADL Drafting of opposition to motion to strike Levy testimony; associated legal research	3.00 700.00/hr	2,100.00
3/11/2013	ADL Telephone call to Pam Pressley re subpoenas; meeting with Mai re subpoenas	0.40 700.00/hr	280.00
3/12/2013	ADL Attention to preparation of subpoenas and notices to appear	0.30 700.00/hr	210.00
3/15/2013	ADL Attend motion to strike telephonic hearing	1.30 700.00/hr	910.00
3/18/2013	ADL Review Mercury PDT and proposed PDT	0.40 700.00/hr	280.00

		<u>Hrs/Rate</u>	<u>Amount</u>
3/18/2013	ADL Prepare Prehearing Conference Statement	0.70 700.00/hr	490.00
	ADL Prepare settlement conference statement	1.00 700.00/hr	700.00
3/20/2013	ADL Prepare Prehearing Conference Statement and MSC Statement for submission	2.50 700.00/hr	1,750.00
3/25/2013	ADL Review prehearing conference statements; prepare for prehearing conference	1.00 700.00/hr	700.00
	ADL Prepare for and attend prehearing conference; meetings with Laura Antonini and Dept counsel, calendaring	4.00 700.00/hr	2,800.00
3/26/2013	ADL Telephone call to Pam Pressley re case status, agenda	0.50 700.00/hr	350.00
3/28/2013	ADL Review Merc exhibits; attention to further exhibit designations and completeness issues	2.00 700.00/hr	1,400.00
3/29/2013	ADL Review draft of MTS Bass PDT, comment	0.30 700.00/hr	210.00
	ADL Telephone call to Pam Pressley and Laura Antonini re motions to strike, exhibit lists	0.40 700.00/hr	280.00
	ADL Review CWD exhibits; meeting with Myat Aye	2.00 700.00/hr	1,400.00
	ADL Conference call re exhibits and witnesses, meet and confer	0.80 700.00/hr	560.00
4/1/2013	ADL Review intervenor's exhibits, files re supplementation and removal	5.00 700.00/hr	3,500.00
4/2/2013	ADL Conference call with Pam and Laura re trial preparation issues	0.50 700.00/hr	350.00
	ADL Attention to exhibits	0.50 700.00/hr	350.00
	ADL Testimonial prep	0.50 700.00/hr	350.00
4/3/2013	ADL Attention to emails re telephone conference; hearing preparation; attention to exhibit list	1.00 700.00/hr	700.00
	ADL Conference call re witnesses and exhibits	1.10 700.00/hr	770.00

		<u>Hrs/Rate</u>	<u>Amount</u>
4/3/2013	ADL Telephone call to Spencer Kook re witnesses	0.20 700.00/hr	140.00
4/4/2013	ADL Attention to scheduling order and compliance, witness and exhibit lists	0.50 700.00/hr	350.00
4/5/2013	ADL Attention to emails re Mercury witness appearances	0.20 700.00/hr	140.00
4/6/2013	ADL Hearing preparation	5.50 700.00/hr	3,850.00
4/8/2013	ADL Attention to emails re witnesses and documents	0.30 700.00/hr	210.00
	ADL Trial preparation	3.00 700.00/hr	2,100.00
4/9/2013	ADL Meeting with staff re hearing prep	0.50 700.00/hr	350.00
	ADL Telephone call to Pam Pressley re trial prep	0.50 700.00/hr	350.00
	ADL Trial prep	3.00 700.00/hr	2,100.00
4/10/2013	ADL Prepare for hearing	8.00 700.00/hr	5,600.00
4/11/2013	ADL Hearing preparation	5.00 700.00/hr	3,500.00
4/12/2013	ADL Prepare for hearing	5.00 700.00/hr	3,500.00
	ADL Conference call with Judge Scarlett re schedule and stips	0.30 700.00/hr	210.00
	ADL Conference call with cocounsel re hearing	0.50 700.00/hr	350.00
4/13/2013	ADL Hearing prep	6.00 700.00/hr	4,200.00
4/14/2013	ADL Prepare for hearing	6.00 700.00/hr	4,200.00
4/15/2013	ADL Prepare for and attend hearing	12.00 700.00/hr	8,400.00

		<u>Hrs/Rate</u>	<u>Amount</u>
4/16/2013	ADL Prepare for and attend hearing	12.00 700.00/hr	8,400.00
4/17/2013	ADL Prepare for and attend hearing	12.00 700.00/hr	8,400.00
4/18/2013	ADL Prepare for and attend hearing	12.00 700.00/hr	8,400.00
4/19/2013	ADL Prepare for and attend hearing	9.00 700.00/hr	6,300.00
4/22/2013	ADL Review email re hearing issues; telephone call to Laura Antonini re tasks	0.50 700.00/hr	350.00
	ADL Review AIS discovery files re verifications	0.50 700.00/hr	350.00
	ADL Attention to Bremer and Elkin testimony	1.00 700.00/hr	700.00
	ADL Attention to Boostrom exhibits and testimony	2.00 700.00/hr	1,400.00
	ADL Prepare Statement of Case	3.00 700.00/hr	2,100.00
4/23/2013	ADL Prepare for hearing	5.00 700.00/hr	3,500.00
4/24/2013	ADL Prepare for and attend hearing	10.00 700.00/hr	7,000.00
4/25/2013	ADL Prepare for and attend hearing	8.00 700.00/hr	5,600.00
4/26/2013	ADL Prepare for and attend hearing	8.00 700.00/hr	5,600.00
4/29/2013	ADL Prepare for and appear at hearing	8.00 700.00/hr	5,600.00
4/30/2013	ADL Prepare for and appear at hearing	5.00 700.00/hr	3,500.00
5/1/2013	ADL Prepare for and appear at hearing; meet and confer with counsel re exhibits and stips	3.00 700.00/hr	2,100.00
5/3/2013	ADL Conference call with Pam Pressley and Laura Antonini	1.00 700.00/hr	700.00

		<u>Hrs/Rate</u>	<u>Amount</u>
5/6/2013	ADL Attend hearing	1.30 700.00/hr	910.00
	ADL Attention to transcripts and exhibits	0.30 700.00/hr	210.00
5/8/2013	ADL Conference call with CDI counsel re rebuttal case	1.20 700.00/hr	840.00
	ADL Telephone call with Pam Pressley and Laura Antonini	0.20 700.00/hr	140.00
5/10/2013	ADL Attention to email from Spencer Kook re Krumme documents filing; review docket and pleadings	0.70 700.00/hr	490.00
5/13/2013	ADL Conference call re hearing schedule	0.50 700.00/hr	350.00
5/16/2013	ADL Attention to Krumme supplemental exhibits	0.30 700.00/hr	210.00
5/17/2013	ADL Attention to supplemental exhibit preparation	0.50 700.00/hr	350.00
5/18/2013	ADL Attention to supplemental exhibits	0.50 700.00/hr	350.00
5/31/2013	ADL Telephone call to CWD re settlement issues	0.50 700.00/hr	350.00
6/5/2013	ADL Attend hearing; conferences with cocounsel and Jennifer McCune, including travel	7.00 700.00/hr	4,900.00
6/11/2013	ADL Attend telephone conference and follow up with cocounsel	0.70 700.00/hr	490.00
6/12/2013	ADL Attention to exhibits; telephone call to Pam Pressley	0.30 700.00/hr	210.00
6/14/2013	ADL Telephone call to Pam Pressley re exhibits and briefing	0.30 700.00/hr	210.00
6/17/2013	ADL Telephone call to Steve Weinstein; telephone call to Pam Pressley and Laura Antonini re settlement	0.70 700.00/hr	490.00
6/19/2013	ADL Conference call with CDI and CWD re mediation; follow up email to Steve Weinstein	0.60 700.00/hr	420.00
6/20/2013	ADL Prepare for and attend hearing; attend to post-hearing email re exhibits, etc.	2.50 700.00/hr	1,750.00

		<u>Hrs/Rate</u>	<u>Amount</u>
7/10/2013	ADL Attention to mediation issues	0.40 700.00/hr	280.00
7/11/2013	ADL Attention to mediation	0.20 700.00/hr	140.00
7/24/2013	ADL Attention to mediation email	0.20 700.00/hr	140.00
7/31/2013	ADL Attention to violations analysis	0.30 700.00/hr	210.00
8/1/2013	ADL Attention to violations estimate	0.20 700.00/hr	140.00
8/6/2013	ADL Attention to mediation issues	0.30 700.00/hr	210.00
8/9/2013	ADL Telephone call to Laura Antonini re mediation, brief	0.20 700.00/hr	140.00
8/13/2013	ADL Conference call with Adam Cole, CDI counsel and cocounsel re mediation, file memo	1.50 700.00/hr	1,050.00
8/16/2013	ADL Telephone call to Laura Antonini re mediation brief	0.30 700.00/hr	210.00
	ADL Review and comment on draft of mediation brief	1.50 700.00/hr	1,050.00
8/20/2013	ADL Draft mediation brief	2.50 700.00/hr	1,750.00
8/23/2013	ADL Revise mediation brief	1.00 700.00/hr	700.00
8/25/2013	ADL Revise mediation brief	1.00 700.00/hr	700.00
8/26/2013	ADL Revise mediation brief	1.30 700.00/hr	910.00
8/27/2013	ADL Conference call with CDI; followup emails with Spencer Kook	0.80 700.00/hr	560.00
9/1/2013	ADL Prepare for mediation	0.50 700.00/hr	350.00
9/3/2013	ADL Conference call with CDI re mediation	1.00 700.00/hr	700.00



		<u>Hrs/Rate</u>	<u>Amount</u>
9/3/2013	ADL Travel to Los Angeles	4.00 700.00/hr	2,800.00
9/4/2013	ADL Attend mediation	5.00 700.00/hr	3,500.00
	ADL Return travel	3.00 700.00/hr	2,100.00
9/23/2013	ADL Prepare closing brief; transcript review	0.30 700.00/hr	210.00
	ADL Prepare brief; review and analysis of exhibits	1.50 700.00/hr	1,050.00
9/26/2013	ADL Prepare closing brief, record review	1.50 700.00/hr	1,050.00
9/27/2013	ADL Prepare opening brief; analysis of testimony	0.70 700.00/hr	490.00
9/28/2013	ADL Prepare brief; testimony review	0.50 700.00/hr	350.00
9/30/2013	ADL Prepare reply brief, review testimony	3.00 700.00/hr	2,100.00
10/1/2013	ADL Prepare reply brief, testimonial review	1.50 700.00/hr	1,050.00
10/4/2013	ADL Testimonial review, prepare opening brief	1.00 700.00/hr	700.00
10/7/2013	ADL Conference call with cocounsel re brief	0.40 700.00/hr	280.00
	ADL Review transcript; prepare brief	2.00 700.00/hr	1,400.00
10/8/2013	ADL Review transcript; prepare brief	1.00 700.00/hr	700.00
10/9/2013	ADL Review transcripts; prepare opening brief	3.00 700.00/hr	2,100.00
10/10/2013	ADL Review transcripts; prepare opening brief	2.00 700.00/hr	1,400.00
10/11/2013	ADL Telephone call to Laura Antonini	0.30 700.00/hr	210.00

		<u>Hrs/Rate</u>	<u>Amount</u>
10/11/2013	ADL Draft brief	3.00 700.00/hr	2,100.00
10/12/2013	ADL Prepare opening brief	5.00 700.00/hr	3,500.00
10/13/2013	ADL Prepare opening brief	3.50 700.00/hr	2,450.00
10/14/2013	ADL Draft opening brief	7.00 700.00/hr	4,900.00
10/16/2013	ADL Prepare opening brief, related calls	3.50 700.00/hr	2,450.00
10/17/2013	ADL Preliminary review of Mercury and CDI briefs; schedule conference call	0.50 700.00/hr	350.00
10/18/2013	ADL Review Mercury brief and develop points re reply	3.00 700.00/hr	2,100.00
11/6/2013	ADL Attention to reply brief; email with cocounsel	0.30 700.00/hr	210.00
11/8/2013	ADL Prepare reply brief, memo	2.00 700.00/hr	1,400.00
11/12/2013	ADL Draft reply brief	4.50 700.00/hr	3,150.00
	ADL Attention to reply brief, drafting, emails	1.00 700.00/hr	700.00
1/8/2014	ADL Conference call with Judge Scarlett; followup with Pam and Laura	1.00 700.00/hr	700.00
1/27/2014	ADL Attention to reply to Mercury's Dec 9 letter re due process	1.00 700.00/hr	700.00
4/16/2014	ADL Attention to record closure; review draft letter and email with cocounsel	0.20 700.00/hr	140.00
4/30/2014	ADL Attend telephone hearing re record closing issues; followup re exhibits and calendaring	1.30 700.00/hr	910.00
10/31/2014	ADL Attend conference call with PALJ Nancy Micon and report to cocounsel	0.20 700.00/hr	140.00
1/5/2015	ADL Email with cocounsel re publication of decision	0.10 700.00/hr	70.00

		<u>Hrs/Rate</u>	<u>Amount</u>
1/13/2015	ADL Telephone call to cocounsel & Jennifer McCune re status, strategy	0.30 700.00/hr	210.00
1/20/2015	ADL Review and analyze decision	1.00 700.00/hr	700.00
2/3/2015	ADL Attention to emails re stay issue; draft email to Commissioner re stay	0.40 700.00/hr	280.00
2/5/2015	ADL Conference call with cocounsel re status	0.40 700.00/hr	280.00
	ADL Attention to Mercury stay request	0.30 700.00/hr	210.00
2/10/2015	ADL Attention to budget	0.30 700.00/hr	210.00
	ADL Attention to budget	0.30 700.00/hr	210.00
2/11/2015	ADL Attention to budget	0.50 700.00/hr	350.00
2/16/2015	ADL Draft fee declaration, including review of time records	1.00 700.00/hr	700.00
2/17/2015	ADL Attention to fee declaration	2.00 700.00/hr	1,400.00
2/19/2015	ADL Review time records re request for compensation	2.00 700.00/hr	1,400.00
	ADL Review and comment on draft Request for Compensation	1.00 700.00/hr	700.00
2/23/2015	ADL Attention to fee declaration, time records, finalize declaration and exhibits	2.00 700.00/hr	1,400.00
	For professional services rendered	494.30	\$346,010.00
	Additional Charges :		
6/18/2009	Online Research (May 2009)		230.02
6/30/2009	In-House Copying		30.20
7/6/2009	In-House Copying		171.80

	<u>Amount</u>
7/6/2009 Messenger	110.00
7/9/2009 Outside Copying	150.02
7/31/2009 FedEx	41.02
7/31/2009 In-House Copying	14.40
8/31/2009 In-House Copying	0.60
9/30/2009 In-House Copying	1.80
10/29/2009 In-House Copying	3.60
1/31/2010 In-House Copying	4.60
4/30/2010 In-house Copying	11.20
1/26/2011 Exhibit Binders	313.39
1/27/2011 In-House Copying for 1/2011	12.60
1/31/2011 Outside Copying	172.40
2/23/2011 In-House Copying 2/2011	11.00
2/28/2011 FedEx (1/30/2011)	28.84
FedEx (2/6/2011)	42.15
Exhibit Binders	24.58
3/4/2011 Messenger (Intervenor's Exhibits.....)	90.00
3/9/2011 Exhibit Binders	60.18
3/11/2011 Outside Copying	598.96
3/29/2011 3/2011 In-House Copying	120.40
4/13/2011 Online Research (January expense)	3.48
6/2/2011 March, 2011 Westlaw online research	32.01
6/29/2011 6/2011 In-House Copying	55.40
7/6/2011 FedEx	4.75
7/10/2011 FedEx	44.56

	<u>Amount</u>
7/19/2011 Outside Copying	155.26
7/29/2011 In-house copying for 7/2011	1.20
8/30/2011 In-house copying for 8/2011	13.80
10/28/2011 10/2011 In-House Copying	108.80
2/28/2012 In-house copying for 2/2012	10.60
11/30/2012 In-house copying charges for November 2012	8.40
2/7/2013 In-House Copying	21.00
2/14/2013 Filing Fees: Prepared Direct Testimony of A. D. Levy; Declaration of A. D. Levy; etc.	116.50
2/28/2013 In-House Copying	149.60
3/3/2013 Outside Copying	923.29
3/17/2013 FedEx	39.39
4/5/2013 Messenger: Exhibits	138.50
4/6/2013 FedEx	52.81
4/12/2013 Messenger	71.88
4/15/2013 In-House Copying (March 2013)	145.60
Outside Copying	945.91
4/17/2013 Outside Copying	1,152.64
4/24/2013 Travel [ADL: travel expense incurred on 4/24/13]	14.00
4/25/2013 Messenger	96.77
Travel [ADL; travel expense incurred on 4/25/13]	14.00
4/27/2013 FedEx [exhibits shipped to LA]	180.79
4/30/2013 Travel [ADL: travel expense incurred on 4/30/13]	14.00
5/1/2013 Travel [ADL: travel expense incurred on 5/1/13]	14.00
5/6/2013 In-house copying charges for April 2013.	616.80
Travel [ADL: various travel expenses incurred from 4/13/13 - 4/19/13]	82.00

	<u>Amount</u>
5/6/2013 Witness Fees: Bruce Norman (includes travel expense: r/t 678 miles @ \$0.20/mile)	170.60
Witness Fees: Rich Wolak (includes travel expense: r/t 876 miles @ \$0.20/mile)	210.20
5/7/2013 FedEx [exhibits shipped to Barger Wolen in LA]	402.46
5/9/2013 FedEx [exhibits shipped to CWD]	75.09
5/14/2013 Witness Fees: Scott Boostrom	204.20
Witness Fees: Patrick Napolitano	179.00
5/16/2013 Travel [ADL: airfare expense to attend hearing in LA]	142.80
6/10/2013 In-house copying charges for May 2013	49.60
7/11/2013 Travel - Hearing [ADL: various travel expenses incurred during 6/2/13 - 6/6/13]	239.40
9/4/2013 Cab fare; LA JAMS to Burbank airport	30.00
9/11/2013 Travel [ADL: airfare expenses incurred on 8/18/13]	83.90
10/9/2013 Travel [ADL: cab fare expense on 9/3/13]	48.20
Travel ADL: airfare expense on 9/4/13]	156.00
Travel [ADL: hotel expense on 9/4/13]	197.65
Travel [ADL: parking expense on 9/4/13]	38.00
11/6/2013 In-house copying charges for October 2013	109.20
12/5/2013 November 2013 in-house copying charges	11.80
1/1/2015 January 2015 In-House Copying Charges	13.40
Total additional charges	<u>\$9,833.00</u>
Total amount of this bill	<u>\$355,843.00</u>
Balance due	<u>\$355,843.00</u>

**PROOF OF SERVICE**  
**[BY OVERNIGHT OR U.S. MAIL, FAX TRANSMISSION,**  
**EMAIL TRANSMISSION AND/OR PERSONAL SERVICE]**

**State of California, City of Santa Monica, County of Los Angeles**

I am employed in the City of Santa Monica and County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action. My business address is 2701 Ocean Park Blvd., Suite #112, Santa Monica, California 90405, and I am employed in the city and county where this service is occurring.

On March 3, 2015, I caused service of true and correct copies of the document entitled

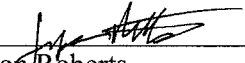
**DECLARATION OF ARTHUR D. LEVY IN SUPPORT OF CONSUMER WATCHDOG'S REQUEST FOR COMPENSATION**

upon the persons named in the attached service list, in the following manner:

1. If marked FAX SERVICE, by facsimile transmission this date to the FAX number stated to the person(s) named.
2. If marked EMAIL, by electronic mail transmission this date to the email address stated.
3. If marked U.S. MAIL or OVERNIGHT or HAND DELIVERED, by placing this date for collection for regular or overnight mailing true copies of the within document in sealed envelopes, addressed to each of the persons so listed. I am readily familiar with the regular practice of collection and processing of correspondence for mailing of U.S. Mail and for sending of Overnight mail. If mailed by U.S. Mail, these envelopes would be deposited this day in the ordinary course of business with the U.S. Postal Service. If mailed Overnight, these envelopes would be deposited this day in a box or other facility regularly maintained by the express service carrier, or delivered this day to an authorized courier or driver authorized by the express service carrier to receive documents, in the ordinary course of business, fully prepaid.

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

Executed on March 3, 2015, at Santa Monica, California.

  
\_\_\_\_\_  
Jason Roberts

**Person Served**

**Method of Service**

Edward Wu  
Public Advisor  
Office of the Public Advisor  
California Department of Insurance  
300 South Spring Street, 12<sup>th</sup> Floor  
Los Angeles, CA 90013  
Tel. No.: (213) 346-6635  
Fax No.: (213) 897-9241  
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