

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI**

LAURA FRANCES HAYS,)
on behalf of herself and all others)
similarly situated,)
)
Plaintiff,)
)
v.)
)
NISSAN NORTH AMERICA, INC.,)
)
Defendant.)

Case No. 4:17-CV-0353-BCW

**DECLARATION OF NORMAN E. SIEGEL OF STUEVE SIEGEL HANSON LLP
IN SUPPORT OF PLAINTIFFS' MOTION FOR ATTORNEYS' FEES,
EXPENSES, AND SERVICE AWARDS**

I, Norman E. Siegel, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct:

1. I am a partner of Stueve Siegel Hanson LLP (“Stueve Siegel”). I submit this declaration in support of Plaintiffs’ motion for attorneys’ fees, expenses, and service awards in connection with the class action settlement with Nissan North America, Inc. I make this declaration based on my own personal knowledge, and if called upon to do so, could testify competently to the matters set forth herein.

2. My firm handles large-scale and high-stakes litigation (like this case), usually on a fully contingent basis. It has approximately 26 attorneys who work from our Kansas City, Missouri offices, and we practice almost exclusively in complex litigation in state and federal courts across the country.

3. I have extensive experience as a complex commercial litigator and trial attorney, including litigating and resolving class actions. I have successfully tried class actions to a jury in federal court, and have successfully argued cases before federal and state appellate courts across the country. I am proud to have received accolades from my peers for my professional achievements. In recent years I have been named Law360’s “MVP of the Year” and as a “Titan of the Plaintiff’s Bar”, and as an Elite Trial Lawyer by the National Law Journal. My experience, honors, and awards are further detailed on our firm website, at <https://www.stuevesiegel.com/attorneys-Siegel>.

Work Performed in Connection with the Nissan Litigation

4. From the outset of Nissan litigation, I worked with my colleagues at Stueve Siegel to advance the interests of the Plaintiff Laura Hays and the Plaintiff’s Class.

5. This work is generally categorized as follows:

- a. Stueve Siegel represented the named Plaintiff in the amended complaint and worked diligently to keep its client, as well as other class members, engaged and informed throughout the litigation for the benefit of the class.
 - b. Stueve Siegel attorneys conducted detailed research on the Missouri Merchandising Practices Act and other related factual and legal issues in this matter. Stueve Siegel likewise played a lead role in charting the strategy for the case, including framing the issues for the Complaint, evaluating damages theories, and coordinating with co-counsel on the primary legal theories pursued.
 - c. Stueve Siegel lawyers primarily worked with Plaintiff's expert in analyzing the alleged defect, including physical inspection of subject vehicles to discover and understand the root causes of the alleged defect at issue in the case.
 - d. I worked on several issues related to case management, including scheduling issues and various other briefs and materials filed with the court, and participated in several meet-and-confer conferences with counsel related to discovery.
 - e. I participated in all aspects of the negotiation of the Settlement, including advancing strategies, arguments, and positions on several of the key issues in dispute, developing damages and claims models used in the negotiation process, and editing various iterations of the Settlement Agreement.
6. The firm's attorneys and staff kept contemporaneous records of the time they spent on this litigation. In reporting its time, Stueve Siegel exercised billing judgment to eliminate any

inefficiency or duplication. At the Court's request, I will provide the detailed billing records supporting the time and lodestar referenced in this declaration.

7. Through July 31, 2022, Stueve Siegel's attorneys and staff expended over 1,000 hours working on the case. The firm will provide updated figures as required at the time Plaintiff seeks final approval of the Settlement, and expects to continue to work on implementation of the Settlement well after final approval.

8. Below is a chart showing the professionals who worked on this matter for Stueve Siegel, their positions at the firm (e.g., Partner, Associate, Paralegal, Litigation Assistant), the total number of hours they worked through July 31, 2022, their hourly billing rates, and the resulting lodestar.

Timekeeper	Role	Rate	Hours	Lodestar
Barry, Sherry	Paralegal	\$275.00	46.90	\$12,897.50
Calabro, Toji	Associate	\$695.00	254.00	\$176,530.00
Campbell, Michelle	Paralegal	\$340.00	14.20	\$4,828.00
Carter, Jennifer	Associate	\$495.00	14.60	\$7,227.00
Cooper, Sean	Associate	\$425.00	305.10	\$129,667.50
DeMoss, Lori	Legal Assistant	\$225.00	0.70	\$157.50
Glover, Tina	Paralegal	\$300.00	2.50	\$750.00
Hartley, Jason	Partner	\$950.00	2.60	\$2,210.00
Hilton, Todd	Partner	\$895.00	80.50	\$76,475.00
Lindner, Jason	Associate	\$675.00	2.60	\$1,755.00
Marquart, Mary Rose	Paralegal	\$340.00	13.80	\$4,692.00
Perez, Cheri	Legal Assistant	\$300.00	7.20	\$2,160.00
Siegel, Norman	Partner	\$1,125.00	246.80	\$277,650.00
Stueve, Patrick	Partner	\$1,125.00	1.00	\$1,125.00
Walters, Stephanie	Associate	\$750.00	9.30	\$6,975.00
Wilders, Bradley	Partner	\$950.00	5.60	\$5,320.00
Williams, Sheri	Legal Assistant	\$300.00	0.20	\$50.00
		TOTAL:	1007.60	\$710,479.50

9. The rates set forth above are these professionals' customary rates that Stueve Siegel currently charges in similar matters for which the firm is paid on a contingent basis, as well as in matters for which the firm's clients pay by the hour. For former employees, the rate used is the

rate charged for the professional when they left the firm. Our billing rates are set in line with our research into the prevailing rates charged by comparable firms in our legal market. Our rates are based on the years of experience of our various practitioners, their standing in their respective fields, the prevailing rates charged by comparable firms, the legal markets where services are rendered, and the complexity of the work undertaken for our clients. The firm's rates have been approved by courts in other matters, including:

- *In re Equifax Inc. Customer Data Sec. Breach Litig.*, 2020 WL 256132, at *39 (N.D. Ga. Jan. 13, 2020) (approving partner rates ranging from \$750-\$1,050 per hour in large-scale data breach class action, including my 2019 hourly rate of \$935);
- *Reyes v. Experian Info. Sols., Inc.*, 2020 WL 5172713, at *4 (C.D. Cal. July 30, 2020) (approving Stueve Siegel's "sufficiently document[ed] and justify[d]" hourly rates in privacy class action, including my 2020 hourly rate of \$985);
- *Hapka v. CareCentrix, Inc.*, 2018 WL 1879845, at *1 (D. Kan. Feb. 15, 2018) (approving Stueve Siegel Hanson's 2017 hourly rates in a data breach class action ranging from \$645-\$865 per hour for partners).

Staffing and Tasks Performed in This Matter

10. Stueve Siegel staffed this matter with attorneys and staff who performed tasks based on their skills, expertise, and experience.

11. As outlined and described above, Stueve Siegel efficiently staffed this case with four primary attorneys dedicating more than 80 hours to the matter over a five-year period, and additional attorneys and staff contributing to defined scope projects as needed to advance the litigation. In addition to my efforts discussed above, further information about the roles and contributions of the primary attorneys and paralegal who worked on this case is provided below.

12. **Toji Calabro**, worked on this case since its inception in 2015 and served as the attorney responsible for leading plaintiff vetting and selection efforts throughout the litigation. Over a five-year period, Mr. Calabro created and implemented the plaintiff vetting and selection protocols, assisted with ongoing plaintiff document collection and communication efforts, and oversaw day-to-day client management in accordance with direction from SSH counsel and co-counsel. Mr. Calabro also assisted with substantive briefing before the district court and was intimately involved throughout all of the discovery process, including taking depositions and producing and preparing witnesses for depositions.

13. **Sean Cooper**, was an accomplished brief writer with extensive experience class action litigation. At the direction of other Stueve Siegel counsel, Mr. Cooper assisted with substantive legal research and was responsible for drafting key sections of various discovery, legal briefs, memoranda, and pleadings submitted to the Court.

14. **Todd Hilton**, worked on this case since its inception in 2015 and served as one of the overseeing attorneys and partner throughout the litigation. Over a five-year period, Mr. Hilton participated in and assisted in overseeing nearly all aspects of the litigation, from pleadings, discovery, depositions and ultimately settlement. Mr. Hilton has assisted with substantive briefing before the district court and was intimately involved throughout all of the settlement processes, including mediation, drafting of settlement documents, and presentation of the same to the Court.

Expenses Incurred in the Prosecution of the Litigation

15. In connection with its efforts in this matter, Stueve Siegel advanced a variety of out-of-pocket expenses. Below is an itemized list of the unreimbursed expenses that the firm incurred in furtherance of the prosecution of this litigation. These expenses are reflected in the

firm's books and records that are regularly maintained in the ordinary course of the firm's business, and are based on the receipts and other records maintained by the firm.

Expense Category	Amount
Internal Print & Copy	\$3,968.00
Delivery Service	\$45.24
Postage	\$3.32
Meals	\$855.08
Court fees	\$691.00
Transcript/Video	\$3,535.70
Experts/Consultants	\$36,680.40
Process Servers	\$93.00
Misc/Other	\$8.23
Online Research (PACER)	\$69.50
Online Research (Westlaw)	\$3,889.41
Airfare	\$2,650.18
InterCall Conferencing Services	\$97.67
Federal Express/UPS	\$567.27
Ground Transportation	\$897.85
Lodging	\$1,773.25
Litigation Fund contributions	\$58,359.25
TOTAL:	\$114,184.35

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on August 16, 2022 in Kansas City, Missouri.

/s/ Norman E. Siegel