

1 Matthew S. Da Vega, State Bar No. 195443
2 Matthew H. Fisher, State Bar No. 229532
3 DA VEGA FISHER MECHTENBERG LLP
4 232 East Anapamu Street
5 Santa Barbara, CA 93101
6 Telephone: (408) 758-8974
7 Facsimile: (877) 535-9358

8 Michael J. Jaurigue (SBN 208123)
9 JAURIGUE LAW GROUP
10 300 West Glenoaks Blvd., Suite 300
11 Glendale, California 91202
12 Telephone: (818) 630-7280
13 Facsimile: (888) 879-1697

14 Zareh A. Jaltorossian (SBN 205347)
15 KP LAW
16 150 East Colorado Blvd., Suite 206
17 Pasadena, CA 91105
18 Tel: (626) 639-3525
19 Fax: (213) 986-3121

20 Attorneys for Plaintiffs and Certified Class

21 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
22 **COUNTY OF SAN FRANCISCO**

23 ERIC GRUBER; EVER GONZALEZ; and
24 JEREMY EARLS, individually and on behalf of
25 all others similarly situated,

26 Plaintiffs,

27 v.

28 YELP, INC., and DOES 1-10, inclusive,

Defendants.

Case No. CGC 16-554784

CLASS ACTION

**DECLARATION OF MICHAEL J.
JAURIGUE IN SUPPORT OF
PLAINTIFFS' MOTION FOR FINAL
APPROVAL OF CLASS SETTLEMENT
AND ATTORNEY FEES AND COSTS**

Date: April 10, 2024

Time: 9:30 AM

Dept.: 613

Action Filed: October 12, 2016

Assigned to the Hon. Andrew Y.S. Cheng

ELECTRONICALLY

FILED

Superior Court of California,
County of San Francisco

03/15/2024

Clerk of the Court

BY: SANDRA SCHIRO

Deputy Clerk

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DECLARATION OF MICHAEL J. JAURIGUE

I, Michael J. Jaurigue, do declare as follows:

1. I am an attorney licensed to practice in the State of California, member in good standing of the State Bar of California, and one of the attorneys of record for Plaintiffs Eric Gruber, Ever Gonzalez, Jeremy Earls, and the certified class in this action. My co-counsel are the firms of David Vega Fisher Mechtenberg LLP (“DFM LLP”) and KP Law (collectively, “Class Counsel”). I am making this declaration in support of Plaintiffs’ Motion for Final Approval of Class Settlement and Attorney Fees and Costs.

2. I have personal knowledge of the facts to which I am hereafter attesting. If called upon to testify as a witness to the following statements, I could and would do so truthfully and based upon my personal knowledge.

COUNSEL BACKGROUND AND QUALIFICATIONS

3. I am the founder and managing shareholder of Jaurigue Law Group. I formerly served in the United States Marine Corps from 1992-1996. I graduated from UCLA in 1996 with a B.A. in Philosophy, *magna cum laude*, and obtained my law degree from U.C. Berkeley School of Law (formerly known as Boalt Hall School of Law) in 1999.

4. Upon graduating from law school, I joined Sheppard, Mullin, Richter & Hampton LLP in Los Angeles, California, where I represented individuals and corporations in a wide range of business-litigation matters, including in civil fraud and abuse investigations and False Claims Act cases brought against my clients by the U.S. Department of Justice. In addition, I represented defendants, including the California State Compensation Insurance Fund, in class-action matters while at Sheppard Mullin. In 2008, after a brief stint at a mid-sized firm, I founded The Law Offices of Michael J. Jaurigue, now known as Jaurigue Law Group (“JLG”), which I have managed and where I have worked for over fifteen (15) years.

5. I founded JLG with this cornerstone belief: Everyone deserves great lawyers who care, especially, individuals, small business owners, consumers and employees. Since JLG’s

1 inception, I have successfully negotiated over 500 million dollars in settlements on behalf of my
2 clients. JLG has been recognized as Glendale’s Best Law Firm by the Los Angeles Times four
3 consecutive years in a row (2017-2020);¹ I have been recognized several times as a “Rising Star”
4 and most recently as a “Super Lawyer” by Super Lawyers and Los Angeles Magazine from 2018
5 through 2024. I am passionate about protecting consumers’ privacy and employees’ workplace
6 rights.

7 6. I have worked on, or been appointed as class counsel, or managed JLG attorneys who
8 were appointed as class counsel, in numerous putative consumer and employment class actions,
9 including class actions brought under the California Invasion of Privacy Act section 632.7, the
10 Telephone Consumer Protection Act, the Fair Debt Collection Practices Act, and California’s wage
11 and hour laws. *E.g.*, more recently, *Story v. Mammoth Mountain Ski Area, LLC*, E.D. Cal. Case No.
12 2:14-cv—2422-JAM-DB (\$3,750,000 class-wide settlement); *Coletti v. Nugget Market, Inc.*, Marin
13 Cnty. Super. Ct. Case No. CIV1600425 (\$2,000,000 class-wide settlement); *Brown v. Cheesecake*
14 *Factory Restaurants, Inc.*, Marin Cnty. Super. Ct. Case No. CIV1504091 (\$350,000 class-wide
15 settlement); *Luna v. Renewal by Anderson, LLC*, N.D Cal. Case No. 3:18-cv-07304-VC (CIPA
16 putative class action, which settled on an individual basis).

17 7. Consequently, I have substantial experience in using class action procedures for the
18 resolution of disputes. I have been or am currently involved in over 40 class action cases to date. I
19 am readily familiar with the requirements of class action litigation, plaintiffs, lead counsel, and the
20 procedures for resolution of cases as a class. I also have substantial knowledge and experience in
21 legal practice areas that are sometimes helpful in class action matters, including in the areas of
22 bankruptcy and corporations.

23 8. I am a member of the California Employment Lawyers Association (“CELA”) and
24 Consumer Attorneys Association of Los Angeles (“CAALA”).

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27 ¹ The award was discontinued post-COVID-2019.

1 9. I am currently litigating other class action lawsuits. I have never been disqualified to
2 serve as an attorney in any lawsuit, including any class action litigation.

3 **CO-COUNSEL BACKGROUND AND REASONABLENESS OF REQUESTED CLASS**

4 **COUNSEL AWARD OF ATTORNEY FEES AND COSTS**

5 10. The background of appointed co-counsel is set forth in the Declarations of Matthew H.
6 Fisher, Matthew S. Da Vega, Ted D. Mechtenberg of DFM and Zareh Jaltorossian of KP Law,
7 submitted concurrently with this Motion.

8 11. Mr. Fisher's Declaration addresses the reasonableness of the contingency fees
9 requested in this matter in the context of the contingency fee market and comparable class action
10 litigation. Mr. Fisher's Declaration also describes in substantial detail the work performed by Class
11 Counsel. For purposes of efficiency, I reference and incorporate Mr. Fisher's statements, analysis,
12 and summary of work performed in this matter. (*See* Declaration of Matthew H. Fisher, paragraphs
13 9-14, filed concurrently with this Motion.)

14 **JLG'S HOURS AND HOURLY RATES**

15 12. JLG was associated as trial co-counsel in or around March 2017. I am JLG's
16 managing shareholder and lead trial attorney. Over the course of seven years of litigation, I will have
17 worked on this matter for over approximately 411.2 hours at the time of this Motion and my current
18 billable rate for contingency and class action matters is \$950/hr. ($\$950/\text{hr.} \times 411.2 \text{ hours} = \$390,640$
19 in lodestar). JLG's hourly rates are based on the Laffey Matrix. For an attorney of 20+ years of
20 experience, as of June 1, 2023, the hourly rate with the Legal Services Component of the Consumer
21 Price Index adjustment factor is \$1,119.

22 13. Over the course of this matter, I also used and managed other JLG attorneys and staff
23 to perform work in an efficient and cost-effective manner or because a particular task/project
24 required specialized knowledge and experience. As one example, when Yelp challenged the
25 adequacy of Plaintiff Eric Gruber, JLG's in-house marketing department was able to put together
26 software and marketing campaigns to identify additional potential class representatives quickly and
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1 cost-effectively. I am informed that had Plaintiff completely off-loaded this project to outside
2 vendors, the costs would have been significantly higher, e.g., two to three times the costs incurred in
3 this matter.

4 14. The attorneys and staff who worked on this matter under my supervision include the
5 following:

- 6 a. David Zelenski, admitted to practice June 28, 2004. Mr. Zelenski is a former JLG
7 senior associate who worked on this matter for 313.2 hours from March 2017 to
8 September 2018. His billing rate is \$700/hr. ($\$700/\text{hr.} \times 313.2 \text{ hours} = \$219,240$ in
9 lodestar). Based on the Laffey Matrix, for an attorney of 11-19 years of experience, as
10 of June 1, 2018 through May 31, 2019, the hourly rate with the Legal Services
11 Component of the Consumer Price Index adjustment factor is \$767.97. Mr. Zelenski
12 has substantial experience in class actions and has been appointed class counsel in
13 numerous matters. Mr. Zelenski's hourly rate is reasonable compared to this hourly
14 rate.
- 15 b. Barbara DuVan-Clarke, admitted to practice December 2, 2008. Ms. DuVan-Clarke is
16 a former JLG senior associate who worked on this matter for 98.4 hours from October
17 2021 to August 2022. Her billing rate is \$675/hr. ($\$675/\text{hr.} \times 98.4 \text{ hours} = \$66,420$ in
18 lodestar). Based on the Laffey Matrix, for an attorney of 11-19 years of experience, as
19 of June 1, 2022 through May 31, 2023, the hourly rate with the Legal Services
20 Component of the Consumer Price Index adjustment factor is \$899.54. Ms. DuVan-
21 Clarke's hourly rate is reasonable compared to this hourly rate.
- 22 c. Sean Shahabi, admitted to practice in December 7, 1999. Mr. Shahabi is a current
23 JLG senior managing attorney who worked on this matter for 79.9 hours. His billing
24 rate is \$900/hr. ($\$900/\text{hr.} \times 79.9 \text{ hours} = \$71,910$ in lodestar). JLG's hourly rates are
25 based on the Laffey Matrix. For an attorney of 20+ years of experience, as of June 1,
26 2023, the hourly rate with the Legal Services Component of the Consumer Price
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1 Index adjustment factor is \$1,119. Mr. Shahabi's hourly rate is reasonable compared
2 to this hourly rate.

3 d. Brendan Way, admitted to practice in December 17, 2008. Mr. Way is a current
4 senior managing attorney who worked on this matter for 12.2 hours. His billing rate is
5 \$750/hr. ($\$750/\text{hr.} \times 12.2 \text{ hours} = \$9,150$ in lodestar). JLG's hourly rates are based
6 on the Laffey Matrix. For an attorney of 11-19 years of experience, as of June 1,
7 2023, the hourly rate with the Legal Services Component of the Consumer Price
8 Index adjustment factor is \$930.06. Mr. Way's hourly rate is reasonable compared to
9 this hourly rate.

10 e. Abigail Zelenski, admitted to practice December 2, 2003. Ms. Zelenski is a former
11 JLG senior managing shareholder who worked on this matter for 10.8 hours from
12 March 2017 to August 2018. Her billing rate is \$700/hr. ($\$700/\text{hr.} \times 10.8 \text{ hours} =$
13 $\$7,560$ in lodestar). Based on the Laffey Matrix, for an attorney of 11-19 years of
14 experience, as of June 1, 2018 through May 31, 2019, the hourly rate with the Legal
15 Services Component of the Consumer Price Index adjustment factor is \$767.97. Ms.
16 Zelenski's hourly rate is reasonable compared to this hourly rate.

17 f. P.J. Van Ert, admitted to practice December 20, 2004. Ms. Van Ert is a former JLG
18 associate who worked 8.5 hours on this matter in July 2022 to August 2022. Her
19 billing rate is \$550/hr. ($\$550/\text{hr.} \times 8.5 \text{ hours} = \$4,675$ in lodestar). Based on the
20 Laffey Matrix, for an attorney of 11-19 years of experience, as of June 1, 2022
21 through May 31, 2023, the hourly rate with the Legal Services Component of the
22 Consumer Price Index adjustment factor is \$899.54. Ms. Van Ert's hourly rate is
23 reasonable compared to this hourly rate.

24 g. Hazel Blackman, admitted to practice December 3, 2010. Ms. Blackman is a former
25 JLG associate who worked 8 hours on this matter in August 2021 to September 2021.
26 Her billing rate is \$450/hr. ($\$450/\text{hr.} \times 8 = \$3,600$ in lodestar. Based on the Laffey
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1 Matrix, for an attorney of 8-10 years of experience, as of June 1, 2021 through May
2 31, 2022, the hourly rate with the Legal Services Component of the Consumer Price
3 Index adjustment factor is \$680.09. Ms. Blackman's hourly rate is reasonable
4 compared to this hourly rate.

5 h. Alex Spellman, admitted to practice June 25, 2007. Mr. Spellman is a former JLG
6 associate who worked .6 hours on this matter in November 2021. His billing rate is
7 \$550/hr. ($550/\text{hr.} \times .6 \text{ hours} = \330 in lodestar). Based on the Laffey Matrix, for an
8 attorney of 11-19 years of experience, as of June 1, 2021 through May 31, 2022, the
9 hourly rate with the Legal Services Component of the Consumer Price Index
10 adjustment factor is \$768.62. Mr. Spellman's hourly rate is reasonable compared to
11 this hourly rate.

12 i. Alex Tieu is JLG's Chief Marketing Officer. She supervised the marketing project
13 and designed the campaigns through which additional class representatives were
14 identified and ultimately added to this matter. She worked on this matter 4.7 hours.
15 Her billing rate on similar type work is \$400/hr. ($400/\text{hr.} \times 4.7 \text{ hours} = \$1,880$ in
16 lodestar).

17 j. Darby Renk is an of Office Administrator that provided administrative support that a
18 law clerk would perform on this matter. She worked 5.5 hours on this matter. Her
19 billing rate is \$125/hr. ($\$125/\text{hr.} \times 5.5 = \687.50 in lodestar). Based on the Laffey
20 Matrix, for a paralegal/law clerk of 1-3 years of experience, the hourly rate is \$239.
21 Ms. Renk's hourly rate is reasonable compared to this hourly rate.

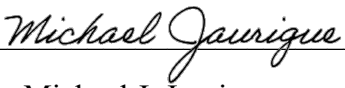
22 k. Drew Aron is a former JLG paralegal that worked 13.5 hours on this matter. His
23 billing rate is \$175/hr. ($\$175/\text{hr.} \times 13.5 = \$2,362.50$ in lodestar). Based on the Laffey
24 Matrix, for a paralegal/law clerk of 1-3 years of experience, the hourly rate is \$239.
25 Mr. Aron's hourly rate is reasonable compared to this hourly rate.

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and reasonable and is an excellent result for the Class Members as a whole and in their best interest.

I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct. Executed on this fifteenth day of March, 2024, at La Canada, California.

Date: March 15, 2024



Michael J. Jaurigue

2 **PROOF OF SERVICE**

3 I am employed in the County of Los Angeles; I am over the age of eighteen years and am not a
 4 party to the within action; and my business address is 300 West Glenoaks Boulevard, Suite 300,
 Glendale, California 91202.

5 On **March 15, 2024**, I served the document(s) described as

6 **DECLARATION OF MICHAEL JAURIGUE ISO MOTION FOR FINAL APPROVAL**

7 on the party (or parties) in this action by delivering a true copy (or copies) addressed as follows:
 8

<p>9 Brian A. Sutherland 10 Christine M. Morgan 11 Chris J. Pulido REED SMITH LLP 12 101 Second Street, Ste 1800 San Francisco, CA 94105 BSutherland@ReedSmith.com CMorgan@ReedSmith.com CPulido@ReedSmith.com QLa@reedsmith.com CMosqueda@ReedSmith.com 15 <i>Attorney(s) for Defendant Yelp, 16 Inc.</i></p>	<p>Matthew S. Da Vega Matthew H. Fisher DA VEGA FISHER MECHTENBERG LLP 232 East Anapamu Street Santa Barbara, CA 93101 mfisher@mdmflaw.com mdavega@mdmflaw.com 15 <i>Attorney(s) For Plaintiff 16 Eric Gruber</i></p>	<p>Zareh A. Jaltorossian KP LAW 150 East Colorado Blvd. Suite 206 Pasadena, CA 91105 zjaltorossian@kplitigators.com 15 <i>Attorney For Plaintiff 16 Eric Gruber</i></p>
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 18 **XXX BY ELECTRONIC MAIL:** I caused to be served by electronic transmission (e-mail) to
 19 the parties and/or their attorney(s) of record stated above. The document(s) was/were
 20 transmitted by electronic transmission. The transmission was reported as complete and
 without error.

21 I declare under penalty of perjury under the laws of the State of California and the United States
 22 that the foregoing is true and correct. Executed on **March 15, 2024** at Glendale, California.

23
 24 

25 Parker Swanson