

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

NICOLETTA PANTELYAT, MICHAEL
EDWARDS, and ISABELLE SCHERER,
Individually and on Behalf of All Others Similarly
Situated,

Plaintiffs,

v.

BANK OF AMERICA, N.A. and BANK OF
AMERICA CORPORATION,

Defendants

Civil Action No. 1:16-cv-08964-AJN

Honorable Alison J. Nathan

DECLARATION OF CHRISTOPHER P. RIDOUT

I, Christopher P. Ridout, declare as follows:

1. I am a partner of Zimmerman Reed LLP (“ZR”), and a member in good standing of the bar of the State of California. I respectfully submit this declaration in support of the Motion for Award of Service Payments to Class Representatives, Award of Attorneys’ Fees, and Reimbursement of Expenses filed by Class Counsel.

2. I have personal knowledge of the facts set forth in this declaration and could and will testify competently to them if called upon to do so.

ATTORNEYS’ FEES & HOURS

3. In the total scope of work performed by Class Counsel, ZR had a limited role in this litigation. Primarily, ZR coordinated with Class Counsel to avoid duplicative efforts and simultaneous litigations in different districts. These efforts led to an efficient litigation that ultimately directly

benefited the Class. ZR conducted an initial investigation of the underlying bank records and documents, consulted with Class Counsel regarding litigation decisions, reviewed the terms and conditions of the settlement in principle, and reviewed and assisted in drafting the Settlement Agreement and related documents. ZR also reviewed information and data necessary to evaluate the fairness and reasonableness of the Settlement.

ZR'S HOURS AND RATES

4. I have personally reviewed the detailed, work-in-progress reports/time records kept contemporaneously by Zimmerman Reed LLP and have verified that the information contained in such records is accurate. This time was necessary and reasonable for the prosecution of this matter. Care was taken in ensuring that the attorney and paralegal time spent on this case was devoted to necessary and not duplicative tasks. The billable rates for attorneys and paraprofessionals were the rates charged by those respective firms. The rates billed for professional and paraprofessional services provided were regular and customary for similar complex cases handled to date, and which have been approved by other Courts. Moreover, at all times, my firm worked cooperatively with Class Counsel and coordinated their efforts to ensure efficiency in all tasks and avoid duplicative efforts.

5. To date, Plaintiffs' Counsel have yet to be reimbursed for their time and expenses generated in performing all of the professional work done in this case. ZR's professional fees are totally contingent and depend on a fee and expense award by this Court.

6. The total amount of professional fees billed to date is \$24,754.50. The following chart reflects the name, position, years of experience, billing rate and hours billed by each attorney of Zimmerman Reed LLP.

<u>Name</u>	<u>Position</u>	<u>Experience</u>	<u>Billing Rate</u>	<u>Hours</u>	<u>Amount</u>
Christopher P. Ridout	Partner	28 years	\$795/hour	13.4	\$10,653.00
Caleb L.H. Marker	Partner	8 years	\$595/hour	23.7	\$14,101.50
			TOTALS:	37.1	\$24,754.50

ZR'S COSTS & EXPENSES

7. In addition to the above referenced professional services provided by them, Zimmerman Reed LLP incurred \$200.00 in filing fees. Like our professional time, the costs were advanced on a contingent basis and carried the possibility that we would eventually not be reimbursed if litigation risks materialized.

8. Based on my experience and my knowledge regarding the factual and legal issues in this matter, it is my opinion that the Motion for Award of Service Payments to Class Representatives, Award of Attorneys' Fees, and Reimbursement of Expenses is fair and reasonable, and should be approved.

EXPERIENCE

9. I have over 28 years of experience practicing law in California. I am a graduate of Harvard University and the University of the Pacific, McGeorge School of Law. I have been a member in good standing of the State Bar of California since 1989. I am also admitted to practice law before the following Courts: United States District Court for the Southern, Central, and Northern Districts of California; and the United States Court of Appeals for the Ninth Circuit.

10. I have never faced any disciplinary action or received any sanction from a state bar association for misconduct or an ethical violation.

11. I have extensive experience in the prosecution and settlement administration of

mass tort actions and class actions. A significant portion of my experience since 1989 has been devoted to representing individuals who contest allegedly unlawful practices regarding various areas including, but not limited to, toxic exposure, consumer rights, and unfair competition law.

12. In addition, I have recently served or presently serve as either lead liaison counsel, class counsel, and/or served on the plaintiffs' steering committee in numerous actions. Since becoming a partner in Zimmerman Reed, LLP, I have been appointed to the plaintiffs' steering committee in *In Re UCLA Health Systems*, Lead Case No. BC589243, and in *In Re Experian Data Breach Litigation*, Case No. 8:15-cv-01592-AG (DFMx).

13. I am personally familiar with Business and Professions Code section 17200 *et seq.* ("UCL") and the Consumer Legal Remedies Act, California Civil Code section 1750 *et seq.* ("CLRA"), including cases involving class action allegations. These cases, listed in the attached firm resume, include *Mahoney v. Fidelity* (alleging violation of UCL), *DiSimone v. DS Waters of America* (alleging false advertising and violation of UCL and CLRA), *Trouth v. Déjà vu Consulting* (alleging unfair business practices), *Patterson v. 68-444 Perez* (alleging violation of UCL), *Montreuil v. The Ensign Group* (alleging violation of UCL vis-à-vis nursing home understaffing), and *Davidson v. United Yellow Pages* (Employment).

14. In *Mahoney v. Fidelity*, I and co-counsel challenged defendants' business practices relating to the disclosure of title insurance commissions to mortgage borrowers and ultimately obtained class relief valued at more than \$4 million.

15. In *DiSimone v. D.S. Waters*, I and co-counsel challenged the defendant's advertising and business practices and ultimately obtained class relief valued at more than \$6 million.

16. On April 4, 2011, the Court in *Trauth, et al. v. Spearmint Rhino Companies Worldwide, Inc., et al.* appointed me lead class counsel after obtaining preliminary approval of a nationwide settlement providing over \$10 million in monetary relief and \$127 million in injunctive relief (an economist-calculated present value of the reclassification of thousands of employees).

17. On July 15, 2011, the Court in *Doe v. Cin-Lan, Inc., et al.*, awarded final approval of nationwide class action settlement providing more than \$11.3 million in relief to over 30,000 class members.

18. On February 26, 2013, the Court in *Montreuil v. The Ensign Group, Inc., et al.*, Los Angeles Superior Court, Case No. BC449162 (Complex) appointed me as co-lead class counsel after obtaining preliminary and final approval of a statewide settlement providing up to \$17 million in monetary and injunctive relief.

19. On February 14, 2014, the Court in *Von Slomski v. The Hain Celestial Group, Inc.*, United States District Court, Central District of California, Case No. SACV 13-1757 AG (ANx), appointed me as co-lead interim counsel in a contested motion and hearing pursuant to Fed. R. Civ. P. 23(g) (“Weighing all the Rule 23(g) factors, and recognizing that the call is a close one, the Ahdoot & Wolfson, P.C. and Ridout Lyon + Ottoson, LLP as interim co-lead class counsel”).

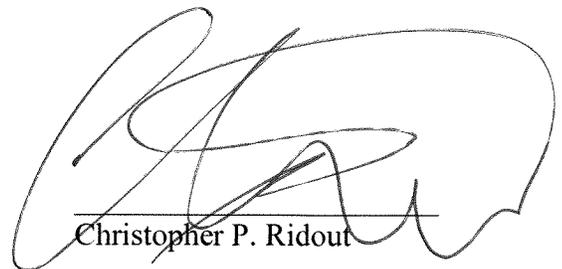
20. On July 2, 2014, the Court in *Michigan Finance Authority v. Kiebler, et al.*, Michigan Court of Claims, Case No. 13-000166-MZ appointed me as co-lead class counsel after obtaining preliminary and final approval of a nationwide settlement providing \$11.5 million in monetary relief. Significantly, this was the first class action case adjudicated before the Michigan Court of Claims.

21. On October 24, 2016, the Court in *Etter, et al. v. Norcold, Inc.*, United States District Court, Central District of California, Case No. 8:13-CV-00081 JLS (RNB), appointed me as co-lead class counsel after obtaining preliminary and final approval of a nationwide settlement providing \$36 million in monetary relief.

22. I believe that the foregoing facts establish that Zimmerman Reed LLP has the requisite experience and qualifications to represent the Class and, consequently, Plaintiffs have retained counsel with substantial experience, particularly in consumer cases involving unfair competition, with a proven success in the area of complex class action litigation. I personally, and other attorneys at ZR have done a great deal of work identifying and investigating the claims of the Class in this Action.

23. Based upon my experience, my participation in the litigation of this Action, I believe that the Settlement reached is fair, reasonable and adequate, and in the best interest of the Class.

I declare under penalty of perjury pursuant to the laws of the United States of America that the foregoing is true and correct. Executed this 1st day of June, 2018, in Los Angeles, California.



Christopher P. Ridout

CERTIFICATE OF SERVICE

I, Tina Wolfson, hereby certify that a copy of the foregoing document, filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies shall be served by first class mail postage prepaid on all counsel who are not served through the CM/ECF system on June 1, 2018.


Tina Wolfson