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9 *Attorneys for Plaintiffs and the Class*

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

11 **COUNTY OF ALAMEDA**

12 ALEXANDER GUREVICH, et al.,)
13 Plaintiff,)

14 v.)

15 ROYAL AMBULANCE, INC., et al.,)
16 Defendants.)

18 KEVIN DICKENS, et al.,)
19 Plaintiffs,)

20 v.)

21 ROYAL AMBULANCE, INC., et al.,)
22 Defendants.)

CASE NOS. RG12631895 (Lead case)
RG12639791

[Assigned to the Hon. Wynne Carvill, Dept. 21]

**DECLARATION OF DAVID M. ARBOGAST IN
SUPPORT OF MOTION FOR ATTORNEY FEES
AND COSTS**

Hearing Date: July 28, 2015
Time: 8:45 a.m.
Place: Dept. 21
Judge: Hon. Wynne Carvill

Complaints filed: May 24, 2012
July 18, 2012

Reference No. R-1648298
Trial Date: Not set.

1 **DECLARATION OF DAVID M. ARBOGAST**

2 I, David M. Arbogast, declare as follows:

3 1. I am the principal at Arbogast Law, A Professional Corporation and counsel for Plaintiff
4 Alexander Gurevich and the Class in the above captioned case, entitled *Alexander Gurevich, et al. v.*
5 *Royal Ambulance, Inc., et al.*, Case Nos. RG12631895 (Lead case) and RG12639791, I am licensed to
6 practice before all of the Courts of the State of California.

7 2. I have personal knowledge of the facts stated herein and if called as a witness,
8 I could and would competently testify to the following under oath.

9 3. This declaration is submitted in support of the Motion for Attorney’s Fees and Costs.

10 4. I have been integrally and actively involved in the prosecution of the above entitled case
11 since its inception in May of 2012 (over 4 years.)

12 **Overview of the Litigation**

13 5. On May 24, 2012, Plaintiff Alexander Gurevich filed a class action complaint in the
14 Superior Court of Alameda County, Case No. RG12631895 (“Lead Case”). I reviewed documents,
15 payroll information, researched each of the claims, drafted, edited, finalized and caused the class
16 action complaint to be filed in this action.

17 6. On July 12, 2012, counsel for Plaintiff Gurevich served a comprehensive set of Requests
18 for Production of Documents containing 42 requests and a set of Interrogatories containing 5 special
19 interrogatories that were primarily focused on obtaining the names and addresses of the putative Class
20 members. I drafted, edited and finalized these documents. Numerous requests for extensions were
21 requested by counsel for Defendant. However, a dispute existed over whether Defendant failed to
22 provide responses to the above-mentioned discovery within the time permitted as an extension was
23 requested and granted but no responses were forthcoming on the date agreed upon by the Parties. I also
24 drafted several letters, reviewed and analyzed counsel for Defendant’s letters in regards to this discovery
25 dispute.

26 7. I drafted, reviewed, edited and finalized the Stipulation and Proposed Order re
27 Confidentiality of Discovery Documents and Related Information and negotiated its terms with counsel
28 for Defendant. On November 28, 2012, the Court granted the Parties (Gurevich and Royal Ambulance)

1 Stipulation and Protective Order re Confidentiality of Discovery Documents and Related Information.

2 8. On July 17, 2012, the Court ordered the Case Complex.

3 9. On July 18, 2012, a class action complaint was filed in the Superior Court of Alameda
4 County, Case No. RG12639791 by Plaintiffs Kevin Dickens, Patrick Oppido, Spencer Stecz, Chris Hern
5 and Philip Jones (“Dickens Action”).

6 10. On August 27, 2012 the Court entered an order relating the Lead Case and the Dickens
7 Action.

8 11. On August 31, 2012, at the request of counsel for Defendant and to avoid unnecessary
9 motion practice, Plaintiff Gurevich filed his First Amended Class Action Complaint. I reviewed and
10 analyzed counsel for Defendant’s letters and negotiated the filing of the First Amended Class Action
11 Complaint so as to conserve the court’s resources by avoiding unnecessary motion practice. I also
12 researched, drafted, edited, finalized and caused the First Amended Class Action Complaint to be filed.

13 12. On October 2, 2012, Defendant filed its Answer to Plaintiff Gurevich’s First Amended
14 Complaint. I reviewed, analyzed and researched Defendant’s Answer, which included making an
15 assessment of the strengths (or weaknesses) of the affirmative defenses raised by Defendant. At that
16 time, I also outlined a preliminary discovery plan as to Defendant’s defenses to determine what class
17 discovery would be needed prior to certification. This assessment also included researching and
18 analyzing recent cases relevant to the certification of Plaintiff’s class claims.

19 13. On October 11, 2013, the Court consolidated the two cases and ordered a Master
20 Consolidated Complaint to be filed. On November 8, 2013, after working extensively with counsel for
21 Plaintiffs in the Dickens Action, a Consolidated Master Complaint was filed. I was intimately involved
22 in researching, drafting, editing, finalizing and causing the Consolidated Master Complaint to be filed.

23 14. The Parties agreed to mediate this matter before mediator, Mark Rudy. Prior to the first
24 mediation session on April 29, 2013 , I researched, drafted and edited Plaintiffs’ Confidential Mediation
25 brief. I also traveled to and attended the first mediation session which lasted the entire day.

26 15. Based on information and legal issues discussed during the April 29, 2013 full-day
27 mediation session, on July 26, 2013, I traveled to San Francisco and attended a meeting to review
28 Defendant’s financial records where Defendant made its accountant available to answer questions posed

1 by counsel for Plaintiffs and their consultant, a Certified Public Accountant.

2 16. On August 6, 2013, I traveled to and attended the second full-day mediation session. I
3 was intimately involved in all aspects of the mediation and settlement including researching, preparing
4 and drafting the mediation brief as well as attending both full-day mediation sessions.

5 17. Following the second full-day mediation session, I researched and drafted the Motion for
6 Preliminary Approval as well as researched and analyzed recent case law concerning the certification of
7 Plaintiffs' class claims in relation to the probable outcome that could be expected.

8 18. On April 9, 2015, Named Plaintiffs filed a Motion for Preliminary Approval of Class
9 Action Settlement. I was directly involved in drafting, editing, conferring with co-counsel and
10 reviewing the final draft of Plaintiffs' Motion for Preliminary Approval.

11 19. On April 9, 2015, the Court issued its tentative ruling. The Court found that all of the
12 concerns set forth in the April 8, 2015 interim order had been addressed, with the following exceptions:

13 1) No signature page with the signature of Alexander Gurevich was among those for which courtesy
14 copies were submitted. 2) A fully executed copy of the revised Joint Stipulation and Settlement
15 Agreement with Exhibit A attached must be formally filed. And, to avoid confusion, the Court
16 recommended that it be filed under cover of a declaration. The Court then suggested July 10, 2015 at
17 8:30 a.m. as the date and time for the Final Approval Hearing, subject to suggested alternatives by the
18 parties at the time of the hearing.

19 20. On April 10, 2015, the Declaration of Robert Jaret was filed which contained a fully
20 executed copy of the revised Joint Stipulation and Settlement Agreement with Exhibit A attached as
21 well as the signature page for Named Plaintiff Alexander Gurevich.

22 21. On April 10, 2025, the Court entered its Preliminary Approval Order in which the Court,
23 among other things, provisionally certified the Settlement Class, as defined as:

24 All individuals who are residents of California and who are currently or
25 were formerly employed by Defendant as Emergency Medical
26 Technicians - Ambulance Drivers, from May 24, 2008, through April 10,
27 2015

28 The Court also preliminarily approved the Settlement Agreement; appointed Named Plaintiffs,

Alexander Gurevich, Kevin Dickens, Patrick Oppido, Spencer Stecz, Chris Hern, and Philip Jones as Class Representatives; appointed Class Counsel as counsel for the Settlement Class; appointed Angeion Group (“Angeion”) as the Settlement Administrator; approved the plan for disseminating the Settlement Notice to Settlement Class members, approved the form of the Settlement Notice, and ordered Angeion to mail the Settlement Notice; and scheduled the Final Approval Hearing for July 10, 2015 at 8:30 a.m.

22. I have thoroughly investigated, reviewed and researched the facts and law relating to this lawsuit. Based upon this, the settlement documented in the Settlement Agreement is fair, reasonable, and adequate, and in the best interest of the Class in light of all known facts and circumstances, including the risk of significant delay, defenses asserted to the merits and the class action status of this action, and the numerous potential appellate issues. The Parties disagree as to the probable outcome of this action with respect to liability and damages. The Parties further recognize that this litigation’s outcome is uncertain, and that a final resolution would require protracted adversarial litigation, substantial risk and expense.

Class Counsel’s Requested Attorneys Fees

23. **Exhibit 2**, attached hereto is true and correct copy of my curriculum vitae. I am experienced and have served as class counsel in numerous consumer and employee class actions.

24. The hours and billing rates of myself and my associates at Arbogast Law, A Professional Corporation are as follows:

Name	Status	Hours	Rate	Loadstar
David M. Arbogast	Attorney	438.4	\$725.00	\$317,840.00 ¹
Chumahan B. Bowen	Attorney	87.2	\$325.00	\$28,340.00
Ashleigh N. Martinez	Attorney	12.1	\$225.00	\$2,722.50
TOTAL		537.7		\$348,902.50

25. My customary hourly billing rate is \$725.

26. The customary hourly billing rate for Chumahan B. Bowen is \$ 325.

27. The customary hourly billing rate for Ashleigh N. Martinez is \$ 225.

¹ This figure does not include any hours I spent working on the Motion for Preliminary approval, the Motion for Final Approval or the Motion for Fees and Costs and does not include any future work that I may be called upon to do in this litigation.

EXHIBIT NO. 1

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ARBOGAST LAW, A PROFESSIONAL CORPORATION

Arbogast Law, A Professional Corporation is engaged in the practice of complex and class action litigation. The firm is devoted to the prosecution of consumer and employee class actions. The firm represents consumers and employees only, and does not represent businesses or employers. David M. Arbogast is the firm's principal.

Since its inception, Arbogast Law has been actively involved in numerous complex litigations and class actions against a multitude of corporations and businesses, including: Bank of America, N.A, Countrywide Bank, FSB, Countrywide Home Loans, Inc., Countrywide Financial Corporation, Treasury Bank, N.A., JP Morgan Chase & Co., Bear Stearns Residential Mortgage Corporation, Bear Stearns & Co., Home Loan Center, Inc. d/b/a LendingTree Loans, Residential Funding Corporation, Washington Mutual Bank, Washington Mutual, Inc., Toyota Motor Sales, U.S.A., Inc., Toyota Motor North America, Inc., Toyota Motor Manufacturing, California, Inc. and others.

DAVID M. ARBOGAST

Mr. Arbogast concentrates his practice in complex and class action litigations. He has played a prominent role in complex litigation matters involving a wide range of disciplines, including: consumer lending, tobacco, antitrust, consumer and technology related matters. Mr. Arbogast currently serves as Co-Lead Class Counsel and Liaison Counsel in *In re Wachovia Corporation "Pick-a-payment" Mortgage Marketing and Sales Practices Litigation* ("In re Wachovia"), MDL Docket No. 2015 - JF (N.D. Cal), which resulted in a settlement valued at up to **2.7 Billion dollars** to the Class Members. *See In re Wachovia*, 2011 WL 1877630 (N.D. Cal. May 17, 2011). Mr. Arbogast has also served as Class Counsel in the following resolved cases: *Castrejon v. Reel Security Corp*, Los Angeles County Superior Court Case No. BC392524, *Gonzalez v. All American Asphalt*, Los Angeles County Superior Court Case No. BC 389814, and *Smith v. MV Transportation, Inc.*, Alameda County Superior Court Case No. RG 08-389864. Mr. Arbogast presently serves as Class Counsel in the following cases which were certified classes: *Ralston v. Mortgage Investors Group, Inc.*, 5:08-CV-00536-JF PSG (N.D. Cal., Mar. 30, 2012); *Plascencia v. Lending 1st Mortgage, LLC*, Case No. C 07-4485 CW (N.D. Cal.) *Lymburner v. U.S. Financial Funds, Inc.*, Case No. 3:08-cv-00325 (N.D. Cal.). Mr. Arbogast has also served as class counsel in the following cases which were certified national classes: *Shannahoff v.*

Belkin Corporation, U.S.D.C. Central District, Case No. CV 06-1474 -GPS (PJWx), *Granquist v. Shuttle Computer Group, Inc.*, Los Angeles County Superior Court, Case No. BC 319409, and *Normandin v. Soyo Group, Inc.*, San Bernardino County Case No. RCV 082128. Mr. Arbogast has also served as class counsel for consumers in national cases involving defective products, including: *Lipner v. Palm, Inc.*, Santa Clara County Case No. CV784146; *Bornstein v. UMAX Technologies, Inc.*, Santa Clara County Case No. CV784146; *Schonning v. ABIT Computer Corp.*, Alameda County Case No. RG03109308; and has served as liaison and co-lead counsel in *Fischer v. Philip Morris USA*, San Diego County Case No. JCCP 4042-00036. Mr. Arbogast received his B.A. in 1983 from Western State College, Gunnison, Colorado, and his J.D. in 1993 from Thomas Jefferson School of Law, San Diego California. Before entering practice, in 1992, Mr. Arbogast served as law clerk to the Honorable Barry Ted Moskowitz, United States Magistrate Judge (now District Court Judge), Southern District of California.

In 2012, Mr. Arbogast was awarded Consumer Attorneys of California's prestigious Street Fighter of the Year Award. Early in his practice, in 1997, Mr. Arbogast earned the Association of Trial Lawyers of America (now American Association for Justice or "AAJ") New Lawyer of the Year Award. In 2007, Mr. Arbogast was appointed to AAJ's Amicus Committee and also currently sits on AAJ's Legal Affairs Committee. Mr. Arbogast is a founding member of AAJ's Class Action Litigation Group and is its immediate past-Co-Chair. Mr. Arbogast is a member of the Board of Governors for Consumer Attorneys of California ("CAOC") where Mr. Arbogast sits on CAOC's Education and Amicus Committees. Mr. Arbogast has authored numerous amici briefs and letters on behalf on consumers and employees, including: *Iskanian v. CLS Transportation of Los Angeles* (2014) 59 Cal.4th 348, *Jimenez v. Allstate Insurance Company*, 765 F.3d 1161 (9th Cir. 2014); *Aryeh v. Canon Business Solutions, Inc.* (2013) 55 Cal.4th 1185; *Parks v. MBNA America Bank, N.A.* (2012) 54 Cal.4th 376; *Brinker Restaurant Corp. v. Superior Court* (2012) 53 Cal.4th 1004; and *Harris v. Superior Court (Liberty Mutual Insurance)* (2011) 53 Cal.4th 170. Mr Arbogast has also successfully handled numerous appeals, including, *Boschma v. Home Loan Center, Inc.*, (2011) 198 Cal.App.4th 230; *Love v. First Mortg. Corp.* (Cal. Ct. App., Feb. 2, 2012, G044630) 2012 WL 314875; *Thibault V. American Mortgage Network, Inc.* (Cal. Ct. App., Oct. 11, 2012, H036620); *Shersher v. Superior Court* (2007) 154 Cal.App.4th 1491, review denied (Dec 19, 2007); and *Hunter v. General Motors Corp.*, 2007 WL 4100084 (2007), review denied (Mar 19, 2008)

Mr. Arbogast is a member of the Melvin Belli Society, <http://www.bellisociety.org/>, whose membership is limited to a select group of lawyers who have distinguished themselves as trial lawyers and who were dedicated to the principles of education on an international basis. Mr. Arbogast is a frequent speaker and moderator on panels involving complex and class action litigation.