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16 *[Additional Counsel for Relators listed on following page]*

17 **UNITED STATES DISTRICT COURT**
18 **EASTERN DISTRICT OF CALIFORNIA**
19 **SACRAMENTO DIVISION**

20 UNITED STATES OF AMERICA, *ex rel.*
DENIKA TERRY, ROY HUSKEY III, and
21 TAMERA LIVINGSTON, and each of them for
themselves individually, and for all other persons
22 similarly situated and on behalf of the UNITED
STATES OF AMERICA

23 Plaintiffs/Relators,

24 vs.

25 WASATCH ADVANTAGE GROUP, LLC,
WASATCH PROPERTY MANAGEMENT, INC.,
26 WASATCH POOL HOLDINGS, LLC,
CHESAPEAKE APARTMENT HOLDINGS, LLC,
27 LOGAN PARK APARTMENTS, LLC, LOGAN
PARK APARTMENTS, LP, ASPEN PARK
28 HOLDINGS, LLC, BELLWOOD JERRON
HOLDINGS, LLC, BELLWOOD JERRON

Case No.: 2:15-CV-00799-KJM-SCR

CLASS ACTION

**DECLARATION OF ANDREW WOLFF IN
SUPPORT OF MOTION FOR
REASONABLE ATTORNEYS' FEES,
COSTS, AND EXPENSES**

Date: January 23, 2025

Time: 10:00 a.m.

Dept: Courtroom 3, 15th Floor

Before: Hon. Chief Judge Kimberly J. Mueller

Trial Date: July 30, 2024

1 APARTMENTS, LP, BENT TREE
APARTMENTS, LLC, CALIFORNIA PLACE
2 APARTMENTS, LLC, CAMELOT LAKES
HOLDINGS, LLC, CANYON CLUB HOLDINGS,
3 LLC, COURTYARD AT CENTRAL PARK
APARTMENTS, LLC, CREEKSIDE HOLDINGS,
4 LTD, HAYWARD SENIOR APARTMENTS, LP,
HERITAGE PARK APARTMENTS, LP, OAK
5 VALLEY APARTMENTS, LLC, OAK VALLEY
HOLDINGS, LP, PEPPERTREE APARTMENT
6 HOLDINGS, LP, PIEDMONT APARTMENTS,
LP, POINT NATOMAS APARTMENTS, LLC,
7 POINT NATOMAS APARTMENTS, LP, RIVER
OAKS HOLDINGS, LLC, SHADOW WAY
8 APARTMENTS, LP, SPRING VILLA
APARTMENTS, LP, SUN VALLEY HOLDINGS,
9 LTD, VILLAGE GROVE APARTMENTS, LP,
WASATCH QUAIL RUN GP, LLC, WASATCH
10 PREMIER PROPERTIES, LLC, WASATCH
POOL HOLDINGS III, LLC,
11 and DOES 1-4,

12 Defendants.

13
14 Andrew Wolff (SBN 195092)
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22 Attorneys for Relators
23
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1 I, Andrew Wolff, declare as follows:

2 I am a member in good standing of the Bar of the State of California and the Principal of the
3 Law Offices of Andrew Wolff, P.C., a firm based in Oakland, California that represents tenants and
4 plaintiffs throughout Northern California. My firm and I have been appointed Class Counsel in this
5 action along with the Centro Legal de la Raza, Goldstein, Borgen, Dardarian & Ho, and the Impact
6 Fund. I am providing this declaration in support of Plaintiffs' Motion for Final Approval of the Class
7 Action Settlement (ECF No. 563) and their Motion for Fees and Costs, filed herewith. I have personal
8 knowledge of the facts set forth in this Declaration and could and would testify competently to them.

9 **THE SETTLEMENT AND SERVICE AWARDS**

10 1. I strongly recommend approval of the proposed settlement, which is a great result for
11 the Certified Classes. Both the injunctive and monetary terms of the settlement provide essentially
12 complete relief to the Classes, fully vindicating their claims.

13 2. I believe the proposed service awards of \$5,000 for each named plaintiff are fair and
14 reasonable. The participation and persistence of the named plaintiffs made the excellent results for the
15 Class possible. I worked closely with all three of the named plaintiffs and am aware that they made
16 personal sacrifices in order to prosecute this action. The service awards are also supported by the
17 named plaintiffs' complete releases of all claims.

18 **ATTORNEYS' FEES AND COSTS**

19 3. My firm began working on this case over a decade ago, after Denika Terry contacted
20 my office in October 2013 to discuss concerns she had regarding her experience at one of Defendants'
21 properties. Over the subsequent years, the litigation proved challenging and protracted, reflecting both
22 the intransigence of the Defendants and the inherent difficulties of this unusual case. My firm devoted
23 hundreds of hours to litigating the Class Claims, serving as lead counsel from the beginning of the case
24 through class certification, and providing continued support thereafter.

25 4. My associates kept track of their time through contemporaneous logging of their hours,
26 accompanied by a brief narrative description of the work performed. I reconstructed my time based on
27 my calendar and emails.

28 5. As of November 30, 2024, my firm had devoted 767.5 hours to this case, after billing

1 judgment. Of that amount, 446.2 hours, or approximately 58.2%, are attributable to the Class Claims
 2 on the basis described in the Declaration of Anne Bellows, filed herewith, at paragraphs 17-21.

3 6. The chart below provides the detailed lodestar information for attorneys at my firm after
 4 the exercise of reasonable billing judgment, and including only hours spent litigating the class claims,
 5 with 2024 hourly rates based on rates approved by this Court for the Eastern District of California:

Biller	Position	Years of Experience	Hourly Rate	Hours	Lodestar
Andrew Wolff	Principal	26	\$ 570	175.2	\$ 99,844.48
David Lavine	Associate	31	\$ 600	64.6	\$ 38,760.00
Christopher Beatty	Associate	17	\$ 535	34.2	\$ 18,322.41
Jocelyn Sperling	Contract Attorney	24	\$ 570	121.4	\$ 69,203.70
Brenna Wood Fitzpatrick	Associate	5	\$ 380	28.5	\$ 10,830.00
Total				423.9	\$ 236,960.59

12 7. I have practiced law in California for 26 years, after graduating from University of San
 13 Francisco School of Law in 1997. I founded my firm in 2008. For three years, I served as a City
 14 Commissioner on the Oakland Rent Stabilization Board as a tenant representative appointed by then
 15 Mayor Elihu Harris. I am currently a member of the Consumer Attorneys of California, East Bay
 16 Tenant Bar Association, Alameda County Bar Association, and former Board Member of Housing
 17 Rights, Inc. I am also one of three founding members of the Just Cause Eviction Protection Initiative, a
 18 grass-roots movement that started as an adjunct committee of the Oakland Tenants' Union culminating
 19 into the Just Cause Eviction Ordinance protecting thousands of tenants in the City of Oakland. I have
 20 given landlord-tenant MCLE training for young lawyers, and I was a guest lecturer in a course at
 21 Golden Gate University regarding landlord-tenant litigation. In 2017, I was awarded the prestigious
 22 Guardian of Justice Award by the Alameda County Bar Association, and Advocate of the Year by
 23 Centro Legal de la Raza in 2023.

24 8. In this matter, I oversaw the initial investigation of the claims, the drafting and filing of
 25 the complaint, and class certification discovery and briefing.

26 9. Mr. Beatty worked closely with me on developing the case, drafting the complaint, and
 27 drafting discovery requests.

28 10. Mr. Lavine led class certification discovery beginning in February 2017. Among his

1 contributions to the case was his successful litigation of a key motion to compel that resulted in an
2 order requiring Defendants to produce Section 8 tenant files going back six years. He also took and
3 defended key depositions during class certification discovery.

4 11. Due to the heavy workload associated with class certification discovery in this case, I
5 hired the highly respected attorney Jocelyn Sperling on a contract basis to lead class certification
6 briefing. Since graduating from UCLA School of Law, Ms. Sperling has practiced law in California
7 for 24 years. Ms. Sperling also authored our opposition to Defendants' Rule 23(f) petition following
8 the grant of class certification.

9 12. Brenna Wood Fitzpatrick is an associate of my firm who has practiced law for five
10 years. She graduated summa cum laude from Elisabeth Haub School of Law at Pace University in
11 2018. Ms. Wood Fitzpatrick contributed to Class Counsel's review and analysis of Defendants'
12 voluminous document productions. She also interviewed class member witnesses and provided
13 strategic input on issues arising in merits discovery.

14 13. Courts throughout Northern California have regularly awarded attorneys' fees to my
15 firm using our standard hourly rates of \$500.00 to \$750.00 for attorneys. (See, e.g., *Silva Sanchez v.*
16 *Zelaya*, Alameda Superior Court Case No. 22CV013304, May 18, 2023 Order awarding Attorneys
17 Fees for Anti-SLAPP Motion, finding a \$500.00/hr fee for Wood Fitzpatrick and \$750.00/hr fee for
18 Wolff to be reasonable; *Mayfield v. Brown*, Alameda Superior Court Case No. 22CV013301, May 16,
19 2024 Order awarding Attorneys Fees for Anti-SLAPP Motion, finding a \$750.00/hr fee for Wolff to be
20 reasonable; *Lujan Alvarez v. Lum*, Alameda Superior Court Case No. 23CV041232, May 24, 2024,
21 Order awarding Attorneys Fees for Anti-SLAPP Motion, finding a \$750.00/hr fee for Wolff to be
22 reasonable).

23 14. However, all Class Counsel have substantially lowered our hourly rates for purposes of
24 these motions, based on hourly rates approved by this Court for the Eastern District of California,
25 which are the rates reflected in the table above.

26 **THE FIRM'S LITIGATION ROLE AND TASKS**

27 15. I was the lead counsel for my firm on this litigation. In addition to my own legal work,
28 I supervised the other attorneys from my firm who performed work to investigate and litigate this case.

1 My firm was primarily responsible for leading the litigation up to and through class certification, and
 2 we continued to contribute thereafter. Using the task categorization system described in the Bellows
 3 Declaration, the chart below summarizes the distribution of my firm's time across different categories
 4 of litigation tasks:

Task Code	Task Description	Hours	Lodestar
L100	Case Administration	0.7	\$ 406.13
L110	Fact Investigation	28.9	\$ 16,341.66
L120	Analysis, Strategy, and Legal Research	43.0	\$ 24,165.01
L160	Settlement	19.0	\$ 11,188.86
L210	Pleadings	31.1	\$ 17,128.48
L230	Court Mandated Conferences	2.3	\$ 1,303.40
L260	Class Action Procedures	181.6	\$ 103,721.48
L300	Other Discovery	30.9	\$ 17,827.34
L320	Requests for Production and Document Productions	2.7	\$ 1,522.14
L325	Document review	34.2	\$ 14,169.25
L330	Depositions	48.3	\$ 28,488.60
L350	Discovery Motions	1.2	\$ 698.25
Total		423.9	\$ 236,960.59

15
 16 16. A summary of my firm's work performed on the case is as follows:

17 **Case Initiation and Class Certification (Oct. 2013 through Oct. 2018)**

18 17. As described above, my office began investigating Defendants' practices related to
 19 additional fees charged to Section 8 tenants after Denika Terry contacted my firm in October 2013. In
 20 April 2014, my firm brought on Centro Legal de la Raza ("Centro Legal") to serve as co-counsel.

21 18. Together, my firm and Centro Legal investigated and developed the claims. In addition
 22 to legal research and outreach to tenants and potential class representatives, we also sent public records
 23 requests to local public housing authorities. My firm played a leading role in drafting the complaint.
 24 After the complaint was filed under seal, we also communicated with the Assistant U.S. Attorney
 25 assigned to the case about our claims and Defendants' practices.

26 19. After the complaint was unsealed in 2016, my firm and Centro Legal worked together
 27 to develop a class discovery plan, file an amended complaint, and oppose Defendants' motion to
 28 dismiss.

1 20. Class discovery proved to be contentious, requiring multiple motions to compel. *See*
2 ECF Nos. 44, 45, 47, 56, 58, 59, 62, 63, 65. As a result of a successful motion to compel production of
3 tenant files for Section 8 tenants going back six years, Defendants produced over 360,000 pages of
4 tenant files from Section 8 tenants, which provided important evidence in the case.

5 21. My firm also defended Plaintiff Terry and Plaintiff Huskey in deposition, and took
6 several other critical depositions of corporate designees and housing authority employees and
7 representatives.

8 22. After the Court granted in part and denied in part Defendants' motion to dismiss, my
9 firm filed a Second Amended Complaint to address the issues identified in the order.

10 23. During this time, Centro Legal and my firm also participated in a mediation with V.
11 Blair Shahbazian, through the Eastern District of California's Voluntary Dispute Resolution Program.

12 24. Following the close of class certification discovery, my firm also filed a motion for
13 leave to file a Third Amended Complaint to confirm the pleading to the evidence developed through
14 discovery. ECF No. 71. The Court granted that Motion at the same time it granted class certification.
15 *See* ECF No. 92.

16 25. Jocelyn Sperling was the lead drafter of our motion for class certification. She also
17 contributed to research, strategy, and drafting for the opposition to Defendants' Rule 23(f) petition. I
18 also provided edits and suggestions on the briefing.

19 26. After the Court conditioned certification of the proposed Injunctive Relief Class on the
20 substitution of an adequate Class Representation, my firm brought on a new named Plaintiff, Tamera
21 Livingston. We investigated her claim and filed a Fourth Amended Complaint and stipulation to add
22 her to the case as a Class Representative.

23 27. In total, I estimate that my firm devoted 372.7 hours to the Class Claims during this
24 period, after the exercise of billing judgment as set forth above.

25 **Merits Discovery, Bifurcation, and Summary Judgment (Nov. 2018 through Nov. 2022)**

26 28. In the spring of 2019, Centro Legal and my firm brought on GBDH to serve as lead
27 counsel in the case. My firm transitioned into a supporting role, participating in strategy conversations
28 and serving as a resource on the litigation history.

