

1 Jeff S. Westerman (94559)
2 WESTERMAN LAW CORP.
3 1900 Avenue of the Stars, 11th Floor
4 Los Angeles, CA 90067
5 Telephone: (310) 698-7450
6 Facsimile: (310)775-9777
7 jwesterman@jswlegal.com

8 Attorneys for Plaintiff GENE CASTILLO,
9 individually, as Private Attorney General,
10 and on behalf of all others similarly situated.

11
12
13 **UNITED STATES DISTRICT COURT**
14 **CENTRAL DISTRICT OF CALIFORNIA**

15 GARY DAVIS, an individual ; oh
16 behalf of himself, and as PRIVATE
17 ATTORNEY GENERAL, and on
18 behalf of all others similarly situated,

19 Plaintiff,

20 v.

21 CHASE BANK U.S.A., N.A., a
22 Delaware corporation; and DOES 1
23 through 50, inclusive,

24 Defendants.

Case No.: CV 06 4804 DDP (PJWx)
Honorable Dead D. Pregerson

**DECLARATION OF JEFF S.
WESTERMAN IN SUPPORT OF
PLAINTIFF'S MOTION FOR
FINAL APPROVAL OF
SETTLEMENT AND ATTORNEYS'
FEES AND EXPENSES**

**[Declaration of Drew E. Pomerance
and Nicole D. Fricke, and Motions for
Final approval of Settlement and for
Attorneys' Fees and Expenses Filed
Concurrently]**

25
26
27
28

DECLARATION OF JEFF S. WESTERMAN

I, Jeff S. Westerman do hereby state and declare as follows:

1. I am an attorney at law, duly licensed to practice before the United States District Court for the Central District of California and am the Principle of Westerman Law Corp., co-counsel for Plaintiffs. I have personal knowledge of all facts stated in this declaration, and if called as a witness, I could and would competently testify to all matters set forth herein.

2. I submit this declaration in support of my firm’s application for an award of attorneys’ fees and expenses in connection with the services rendered in this case.

3. My firm keeps time records which accurately set forth the time incurred in this case. Those records are kept in the ordinary course and provide a detailed description of each activity in the case, the date the activity occurred, the attorney involved and his/her hourly rate. These records provide the information on how much time has been spent and by whom. From these records, I can determine my firm’s lodestar fees.

4. The hourly rates for the lawyers involved in this case are the same as regular rates charged for our services, and my rate of \$825 an hour has been submitted on other fee requests previously approved by other California courts, and in this district, in class action litigation, including consumer, investor and anti-trust cases.

5. The total number of hours expended on this litigation by my firm is 33.1 hours. The total lodestar for my firm is \$26,195. This includes paralegal time of \$125.

6. The schedule attached hereto as Exhibit 1 is a detailed summary indicating the amount of time spent by the attorneys and professional support staff of my firm who were involved in this litigation, and the lodestar calculation based

1 on my firm's current billing rates. For personnel who are no longer employed by
2 my firm, the lodestar calculation is based upon the billing rates for such personnel
3 in his or her final year of employment by my firm. The schedule was prepared
4 from time records regularly prepared and maintained by my firm, which are
5 available at the request of the Court. Time expended in preparing this application
6 for fees and reimbursement of expenses has not been included in this request.

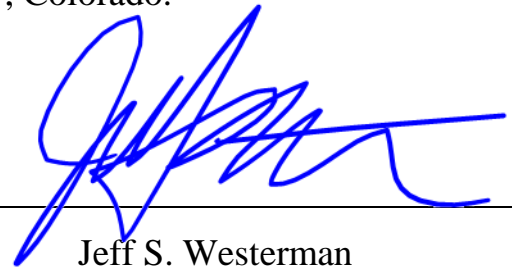
7 7. My firm's lodestar figures are based upon the firm's billing rates,
8 which rates do not include charges for expense items. Expense items are billed
9 separately and such charges are not duplicated in my firm's billing rates.

10 8. As detailed in Exhibit 1, my firm has incurred a total of \$49.40 in
11 unreimbursed expenses in connection with the prosecution of this litigation.

12 9. The expenses incurred in this action are reflected on the books and
13 records of my firm. These books and records are prepared from expense vouchers,
14 check records and other source materials and represent an accurate recordation of
15 the expenses incurred.

16 10. I have a great deal of experience as a Lead or Co-Lead Counsel in
17 complex class actions involving investor, consumer and class claims. A copy of
18 my background is attached as Exhibit 2.

19 I declare under penalty of perjury, under the laws of the United States of
20 America, that the foregoing is true and correct and that this declaration is executed
21 this 26 day of August, 2014, at Pitkin County, Colorado.

22
23
24
25 
26
27
28

Jeff S. Westerman

Exhibit 1

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Exhibit 1
 Gary Davis v. Chase Bank USA, N.A.
 Case No. CV 06-4804 DDP (PJWx)
 WESTERMAN LAW CORP.

Time Report

Name	Total Hours	Hourly Rate	Total Lodestar
Jeff Westerman - Principal	31.6	\$825	\$26,070
Jenna Radomile - Paralegal	.5	\$250	\$125
Total Lodestar	33.1		\$26,195

Expense Report

<u>Categories</u>	<u>Amount</u>
Legal Research/Lexis/Westlaw	\$9.40
Parking	\$40.00
Total Expenses	\$49.40

Total Time and Expenses	\$26,244.40
--------------------------------	--------------------

Exhibit 2



JEFF S. WESTERMAN

Practice Areas:
Securities & Investor Litigation
Consumer Litigation
Antitrust Litigation

Westerman Law

Westerman Law Corp.
1925 Century Park East, Suite 2100
Los Angeles, California 90067
PHONE: (310) 698-7880
FAX: (310) 201-9160
iwesterman@iswleegal.com

Mr. Westerman practices in the areas of securities fraud, investor, consumer, and antitrust class actions, shareholder derivative actions, and corporate mergers and acquisitions litigation. He has served as lead or co-lead counsel in cases resulting in significant corporate governance changes, and resulting in recoveries and recognized increased value to plaintiffs totaling more than \$1 billion. In 2005, *The Daily Journal* recognized him as one of the top 30 securities litigators in California. In 2013 he was a finalist for the Consumer Attorneys of California, Consumer Attorney of the Year, for *In Re Chase Bank USA, N.A. "Check Loan" Litigation* that settled for \$100 million. In 2013 Mr. Westerman was also co-lead counsel on the *In Re Medical Capital Securities Litigation* that settled for \$219 million, and *In Re Korean Airlines Co., LTD. Antitrust Litigation* which settled for a total of \$86 million.

Mr. Westerman has served as a moderator or speaker for programs on complex litigation, class actions, settlements, the Sarbanes-Oxley Corporate Responsibility Act, shareholder derivative actions, best practices for pretrial motions and trends in business litigation.

Mr. Westerman was a member (2001-2003) and Co-Chair (2002-2003) of the Central District of California Attorney Delegation to the United States Ninth Circuit Judicial Conference. He served on the Central District of California, U.S. Magistrate Judge Merit Selection Panel (2003-early 2014). He has served on the Central District of California Standing Committee on Attorney Discipline and was appointed Vice Chair in 2011 to present. He is also a member of the Central District of California Attorney Settlement Officer Panel (1998-present).

Mr. Westerman was president of the Association of Business Trial Lawyers (2004-2005); on the Board of Governors (1997-2005), Treasurer (2001-2002), Secretary (2002-2003), and Vice President (2003-2004). He is also on the Board of Governors of the Consumer Attorneys Association of Los Angeles (2003-present), where, after 10 years of board service, Mr. Westerman became Governor Emeritus. He is a Board Member of the Los Angeles, Federal Bar Association Chapter.

For 2013 -14, Mr. Westerman was the Chair of the Los Angeles County Bar Litigation Section, which has over 2,000 members, and he is a Trustee of the Los Angeles County Bar Association (2014 -). He is a member of the Los Angeles Superior Court's Bench-Bar Civil Courts Committee and the Board of the Los Angeles Chapter of the Federal Bar Association. He is past Chair of the LA County Bar Complex Courts Bench-Bar Committee, and he served as Judge Pro Tem in the Los Angeles Small Claims Court in 1987-1988, 1990, 1992-1993, and 1996-1997. He is a member of the Los Angeles County Bar Association. He was on the California State Bar Task Force on Complex Litigation, and Chair of the Judicial Education Subcommittee (1997). He was one of *Lawdragon's* 3000 Leading Plaintiffs' Lawyers In America (2007- 2010).

California Insurance Commissioner Dave Jones appointed Mr. Westerman to the California Organized Investment Network Advisory Board for the 2012 term, which promotes insurance company investment in California communities.

Mr. Westerman is admitted to practice in the courts of the State of California, as well as the United States District Courts in California, the United States Court of Appeals for the Ninth Circuit, and the United States Supreme Court.

Education:

B.A., Northwestern University,
1977
Elected to two senior honor societies

J.D., University of Pittsburgh,
1980, Law Review

Admitted:

California, 1980

CERTIFICATE OF SERVICE

I hereby certify that, on August 29, 2014, a true and correct copy of the foregoing DECLARATION OF JEFF S. WESTERMAN IN SUPPORT OF PLAINTIFF'S MOTION FOR FINAL APPROVAL OF SETTLEMENT AND ATTORNEYS' FEES AND EXPENSES was filed electronically and served by U.S. Mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the court's electronic filing system or by facsimile to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the court's CM/ECF System.

s/ Julie Contreras
Julie Contreras