

**EXHIBIT 17**

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8 Submitted on Behalf of:

9 Hyde & Swigart

10 Counsel for Plaintiff(s) in:

11 Leslie Bayard et al v. Hyundai Motor America et al  
12 SACV 13-257-GW(FFMx)

13 **UNITED STATES DISTRICT COURT**  
14 **CENTRAL DISTRICT OF CALIFORNIA**  
15

16 IN RE: HYUNDAI AND KIA FUEL  
17 ECONOMY LITIGATION

Case No. 2:13-ml-02424-GW-FFM

18 **DECLARATION OF JOSHUA B.**  
19 **SWIGART IN SUPPORT OF**  
20 **REQUEST FOR ATTORNEYS' FEES**  
21 **AND EXPENSES**

22 Date: December 23, 2014

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I, Joshua B. Swigart, declare as follows:

1. I am a partner at Hyde & Swigart and counsel for Leslie Bayard and Nomer Medina. This declaration is submitted in support of the fees and expenses request for work performed by Hyde & Swigart in connection with this litigation. I have personal knowledge of the facts below and, if called upon to do so, could and would testify competently thereto. This declaration is submitted after a review of the billing records of Hyde & Swigart.

**I. OVERVIEW**

**A. Overview of Work Performed**

2. My work on this case began as a class action complaint filed in Orange County Superior Court in December 2012. The case was then removed to the United States District Court, Central District of California in February 2013 and became part of the Multidistrict Litigation against Hyundai and Kia in March 2013. I worked along with Liaison Counsel to complete such tasks as document review, discovery, and participating in conference calls regarding the case and its direction.

**B. Requested Lodestar**

3. Leslie Bayard and Nomer Medina request a total lodestar of \$8,120.50 dollars, which is based on 14.90 hours, as compensation for their counsel Hyde & Swigart. Below is a summary of all of the individuals who worked on this matter, their role (Sr. Partner, Jr. Partner, Sr. Associate, Jr. Associate, Litigation Staff), the total number of hours they worked on this matter for which compensation is requested, their hourly billing rate, and their total lodestar.

Attorney	Role	Total Hours	Billing Rate	Lodestar
Joshua B. Swigart	Partner	14.90	\$545.00	\$8,120.50
<b>TOTALS</b>				<b>\$8,120.50</b>

**II. LODESTAR BY TYPE OF WORK**

4. The below divides the total lodestar listed above into distinct categories.

**A. Time Spent Preparing Complaint(s), Litigating Actions Outside of the MDL, Appearing Before the Judicial Panel of Multidistrict Litigation, and other Time Before February 14, 2013**

5. This category includes all time spent before the initial status conference before Judge Wu, which occurred on February 14, 2013. It also includes any time spent after February 14, 2013, preparing and filing complaints, litigating those cases outside of the MDL proceedings, and appearing before the Judicial Panel on Multidistrict Litigation.

6. Below is a list of the attorneys who worked on this portion of the litigation, along with the number of hours each spent, their billing rates, the lodestar attributable to them, and the total lodestar for this portion of the litigation.

Attorney	Total Hours	Billing Rate	Lodestar
Joshua B. Swigart	0.50	\$545.00	\$272.50
<b>TOTALS</b>			<b>\$272.50</b>

7. During this time, I reviewed case facts..

8. Below is a list of the attorneys who worked on this portion of the litigation, along with the number of hours each spent, their billing rates, the lodestar attributable to them, and the total lodestar for this portion of the litigation.

Attorney	Total Hours	Billing Rate	Lodestar
Joshua B. Swigart	1.50	\$545.00	\$817.50
<b>TOTALS</b>			<b>\$817.50</b>

9. During this time, I created the initial draft Complaint.

10. Below is a list of the attorneys who worked on this portion of the litigation, along with the number of hours each spent, their billing rates, the lodestar attributable to them, and the total lodestar for this portion of the litigation.

Attorney	Total Hours	Billing Rate	Lodestar
Joshua B. Swigart	0.5	\$545.00	\$272.50
<b>TOTALS</b>			<b>\$272.50</b>

11. During this time, I reviewed the First Amended Complaint and Amended Summons.

**B. Calls with Non-Settling Plaintiff Group**

12. This category includes calls with the Non-Settling Plaintiffs that were organized by Liaison Counsel.

13. Below is a list of the attorneys who worked on this portion of the litigation, along with the number of hours each spent, their billing rates, the lodestar attributable to them, and the total lodestar for this portion of the litigation.

14. Below is a list of the attorneys who worked on this portion of the litigation, along with the number of hours each spent, their billing rates, the lodestar attributable to them, and the total lodestar for this portion of the litigation.

Attorney	Total Hours	Billing Rate	Lodestar
Joshua B. Swigart	1.0	\$545.00	\$545.00
<b>TOTALS</b>			<b>\$545.00</b>

15. During this time, I drafted the Joint 26(f) Statement and reviewed the Joint Status Conference Statement.

1 16. Below is a list of the attorneys who worked on this portion of the litigation,  
2 along with the number of hours each spent, their billing rates, the lodestar attributable to  
3 them, and the total lodestar for this portion of the litigation.

Attorney	Total Hours	Billing Rate	Lodestar
Joshua B. Swigart	0.3	\$545.00	\$163.50
<b>TOTALS</b>			<b>\$163.50</b>

9 17. During this time, I reviewed and approved the Stipulation to Stay the case.

10 18. Below is a list of the attorneys who worked on this portion of the litigation,  
11 along with the number of hours each spent, their billing rates, the lodestar attributable to  
12 them, and the total lodestar for this portion of the litigation.

Attorney	Total Hours	Billing Rate	Lodestar
Joshua B. Swigart	0.80	\$545.00	\$436.00
<b>TOTALS</b>			<b>\$436.00</b>

18 19. I attended a Conference Call with Eric Gibbs and other non-settling  
19 Plaintiffs attorneys. The Conference Call was 0.80/hours.

21 **C. Review and Discussion of Settlement Terms and Revisions**

22 20. This category includes time spent reviewing and discussing the terms of the  
23 proposed settlement, including the following tasks:

- a. Review of the initial Term Sheet, distributed in February 2013.
- b. Review of Liaison Counsel’s December 20, 2013 memo, which described how the discovery related to the strengths and weaknesses of plaintiffs’ claims.

c. Review of the proposed settlement filed December 23, 2013 and the two Addendums, filed January 16, 2014, and May 2, 2014. This includes discussions and correspondence with Non-Settling Plaintiffs regarding the settlement, the settlement negotiations conducted by Liaison Counsel, and the revisions to the settlement. It also includes the review of settlement-related memos and summaries distributed to Non-Settling Plaintiffs after the settlement was filed on December 23, 2013.

21. Below is a list of the attorneys who worked on this portion of the litigation, along with the number of hours each spent, their billing rates, the lodestar attributable to them, and the total lodestar for this portion of the litigation.

Attorney	Total Hours	Billing Rate	Lodestar
Joshua B. Swigart	2.0	\$545.00	\$1,090.00
<b>TOTALS</b>			<b>\$1,090.00</b>

22. During this time, I reviewed Settling Plaintiff’s Motion for Class Settlement.

**D. Discovery-Related Motion Practice and Meet and Confer**

23. This category only applies to those plaintiffs and firms that raised additional discovery issues in October and November 2013. This includes time spent meeting and conferring on those issues and, if applicable, preparing portions of the joint discovery stipulation filed in November 2013. It also includes subsequent efforts to resolve discovery disputes

24. Below is a list of the attorneys who worked on this portion of the litigation, along with the number of hours each spent, their billing rates, the lodestar attributable to them, and the total lodestar for this portion of the litigation.

<b>Attorney</b>	<b>Total Hours</b>	<b>Billing Rate</b>	<b>Lodestar</b>
Joshua B. Swigart	1.60	\$545.00	\$872.00
<b>TOTALS</b>			<b>\$872.00</b>

25. During this time, I reviewed the Joint Discovery Motion and the subsequent order to determine the effects on the Non-Settling Plaintiffs.

26. Below is a list of the attorneys who worked on this portion of the litigation, along with the number of hours each spent, their billing rates, the lodestar attributable to them, and the total lodestar for this portion of the litigation.

<b>Attorney</b>	<b>Total Hours</b>	<b>Billing Rate</b>	<b>Lodestar</b>
Joshua B. Swigart	0.5	\$545.00	\$272.50
<b>TOTALS</b>			<b>\$272.50</b>

27. During this time, I participated in a conference call regarding the current status of discovery.

28. Below is a list of the attorneys who worked on this portion of the litigation, along with the number of hours each spent, their billing rates, the lodestar attributable to them, and the total lodestar for this portion of the litigation.

<b>Attorney</b>	<b>Total Hours</b>	<b>Billing Rate</b>	<b>Lodestar</b>
Joshua B. Swigart	1.5	\$545.00	\$817.50
<b>TOTALS</b>			<b>\$817.50</b>

29. During this time, I attended in a conference call regarding discovery issues.



**E. Other**

30. This category includes any hours not included in the above categories for which attorneys' fees are sought.

31. Below is a list of the attorneys who worked on this portion of the litigation, along with the number of hours each spent, their billing rates, the lodestar attributable to them, and the total lodestar for this portion of the litigation.

Attorney	Total Hours	Billing Rate	Lodestar
Joshua B. Swigart	0.2	\$545.00	\$109.00
<b>TOTALS</b>			<b>\$109.00</b>

32. During this time, I was able to review the Defendant's Confidentiality Agreement.

33. Below is a list of the attorneys who worked on this portion of the litigation, along with the number of hours each spent, their billing rates, the lodestar attributable to them, and the total lodestar for this portion of the litigation.

Attorney	Total Hours	Billing Rate	Lodestar
Joshua B. Swigart	2.0	\$545.00	\$1,090.00
<b>TOTALS</b>			<b>\$1,090.00</b>

34. During this time, I was able to review Settling Plaintiffs' Motion for Class Certification.

35. Below is a list of the attorneys who worked on this portion of the litigation, along with the number of hours each spent, their billing rates, the lodestar attributable to them, and the total lodestar for this portion of the litigation.

Attorney	Total Hours	Billing Rate	Lodestar
Joshua B. Swigart	2.5	\$545.00	\$1,362.50
<b>TOTALS</b>			<b>\$1,362.50</b>

36. During this time, I was able to review and evaluate the Liaison Status Reports as well as other documents as the case progressed.

**III. THE REQUESTED HOURLY RATES ARE REASONABLE**

I am one of the founding partners at Hyde & Swigart. I was admitted to the State Bar of California in 2003 and have been a member in good standing since that time. I am also admitted in every federal district in California and have handled federal litigation in Arizona, Washington, and Texas. I am also a member of the bar for the District of Columbia. Additionally, I am a member admitted before the Ninth Circuit Court of Appeals and the United States Supreme Court. Since my admission, I have been engaged exclusively in the area of consumer rights litigation, primarily in the area of fair debt collections, the defense of debt collection lawsuits, and class action litigation under the Telephone Consumer Protection Act. My firm, Hyde & Swigart, in which I am a principal, has litigated over one thousand cases in the past ten years. My firm has three California offices in San Diego, Riverside and Fresno as well as one office in Phoenix, Arizona. I was recently approved at a rate of at least \$495.00 per hour by the Southern District of California. *Lemieux v. Global Credit & Collection Corp*, case number 3:08-cv-01012-IEG-POR. *Gutierrez, et al. v. Barclays Group, et al.*, case number 3:10-cv-01012-DMS-BGS. *Adams v. AllianceOne, Inc.*, case number 3:08-cv-00248-JAH-WVG. *Lo v. Oxnard European Motors, LLC, et al.*, case number 3:11-cv-01009-JLS-MDD. *Connor v. JPMorgan Chase Bank et al.*, case number 3:10-cv-01284-GPC-BGS. *Sarabi v. Weltman, Weinberg & Reis, Co. L.P.A.*, case number 3:10-cv-01777-AJB-NLS.

1 Plaintiff's counsel's hourly rates include many factors beyond personal  
2 compensation, including non-billed office personnel, equipment, insurance, research  
3 materials, office, and other overhead expenses. Multidistrict litigation inevitably  
4 involves large corporations, which have the capacity to bring enormous resources to bear  
5 that individual consumers are simply unable to meet on their own. My firm's fees are  
6 based on our experience, our proficiency, and our winning track record. Further, my  
7 experience. Therefore, \$545.00 per hour for partners is justified in this case.

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9 I declare under penalty of perjury under the laws of the United States of America  
10 that the foregoing is true and correct. Executed December 23, 2014, at San Diego,  
11 California.

12  
13 /s/Joshua B. Swigart  
14 Joshua B. Swigart  
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