

EXHIBIT 10

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14 Submitted on Behalf of:

15 DAVIS & NORRIS LLP

16 Counsel for Plaintiff(s) in:

17 *Alex Maturani, on behalf of himself and all others similarly situated,*
18 *v. Hyundai Motor America, Inc.*

19 **UNITED STATES DISTRICT COURT**
20 **CENTRAL DISTRICT OF CALIFORNIA**

21 IN RE: HYUNDAI AND KIA FUEL
22 ECONOMY LITIGATION

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

**DECLARATION OF COURTNEY L.
PEINHARDT IN SUPPORT OF
REQUEST FOR ATTORNEYS' FEES
AND EXPENSES**

UNOPPOSED

Date: December 23, 2014

1 I, Courtney L. Peinhardt, declare as follows:

2 1. I am an attorney at Davis & Norris LLP, counsel for Plaintiff Alex Maturani.
3 This declaration is submitted in support of the fees and expenses request for work
4 performed by Davis & Norris LLP in connection with this litigation. I have personal
5 knowledge of the facts below and, if called upon to do so, could and would testify
6 competently thereto. This declaration is submitted after a review of the billing records of
7 Davis & Norris LLP.

8 2. Davis & Norris LLP requests attorney's fees in the amount of \$138,305, plus
9 its reasonable case expenses of \$1,768.91. The requested amount totals \$140,073.91¹.
10 The Defendants will not be opposing to this fee and expense request.

11 **I. OVERVIEW**

12 **A. Overview of Work Performed**

13 3. Davis & Norris LLP was an active participant in this litigation. As a result of
14 this active participation and the changes that were made to the settlement, Davis & Norris
15 LLP does not object to the settlement. Our case was one of the original cases
16 consolidated in this MDL, and we have been a part of this litigation from its inception.
17 Our role in the confirmatory discovery process was reviewing thousands of pages of
18 documents produced by defendants and was completed at Liaison Counsel's request. In
19 completing a thorough review of thousands of pages of produced documents, Davis &
20 Norris LLP actively participated via telephone and chat room for the interviews taken in
21 Korea. Through organizing the information gathered from the extensive document review
22 and the Korean Interviews, Davis & Norris LLP compiled a list of holes in and identified
23 a set of missing information from defendants' document production that was considered
24 necessary in order to evaluate the fairness of the settlement. Through discussions with
25 Liaison Counsel and the limited number of firms identifying their own discovery issues,
26

27 ¹ This fee request represents a reduction in the total lodestar of the work performed in this litigation and is unopposed by the
28 Defendants.

1 Davis & Norris LLP independently sought from this Court more discovery, which the
2 Court awarded in our favor. After this Court's granting of our discovery request, Davis &
3 Norris LLP, along with Liaison Counsel's assistance, sought this additional discovery.
4 Davis & Norris LLP believed this additional discovery was necessary to a fair evaluation
5 of the settlement and required defense counsel to produce evidence regarding the parts
6 used on testing vehicles versus production vehicles that could affect road load coast down
7 testing. Using the information gained from the extensive document review, the Korean
8 Interviews, the in-person Court hearing regarding discovery disputes, and the
9 independent investigation for missing discovery material, Davis & Norris LLP evaluated
10 the fairness and reasonableness of the settlement.

11 4. Davis & Norris LLP participated in Court hearings in-person and via
12 telephone. Our firm participated in Liaison requested actions and conferences.

13 **B. Requested Lodestar**

14 5. Plaintiff Alex Maturani requests a lodestar of \$138,305.00, which is based
15 on 602 hours, as compensation for his counsel DAVIS & NORRIS LLP, plus expenses in
16 this case which are \$1,768.91. This requested lodestar amount is less than the amount of
17 reasonable billable hours expended by his counsel using local attorney billing rates.

18 6. Below is a summary of all of the individuals who worked on this matter,
19 their role, the total number of hours they worked on this matter for which compensation
20 is requested, their hourly billing rate, and their total lodestar. We have not accounted for
21 any paralegal or legal assistant time. We are merely claiming time for the attorneys who
22 spent time working on this case. We are willing to absorb the cost of paralegal and legal
23 assistant time by not making an additional claim for their time and labor spent on this
24 case.

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Attorney	Role	Total Hours	Billing Rate	Lodestar
Courtney L. Peinhardt	Associate – document review, Korean Interviews, discovery disputes, in-person Court hearing litigator, settlement evaluation	426.5 hours	\$285	\$121,552.50
Wesley W. Barnett	Senior Associate – complaint, document review, discovery disputes, settlement evaluation	164.75 hours	\$375	\$61,781.25
D. Frank Davis	Founding Partner – complaint, advisor on discovery	7.5 hours	\$600	\$4,500

	issues and settlement			
John E. Norris	Founding Partner – complaint, advisor on discovery issues	3.25 hours	\$500	\$1,625

II. LODESTAR BY TYPE OF WORK

7. 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

8. 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.

9. 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
Wesley W. Barnett	17.25 hours	\$375	\$6,468.75
John E. Norris	1.75 hour	\$500	\$875
D. Frank Davis	1.5 hours	\$600	\$900
TOTALS	20.5 hours		\$8,243.75

10. This time was spent speaking with the client and researching and drafting the Complaint. Paralegal and legal assistant time is not accounted for here.

B. Court Hearings in the MDL

11. This category includes all hearings with Judge Wu (attended in person or telephonically) in MDL 2424. The first hearing was on February 14, 2013.

12. 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
Courtney L. Peinhardt	9 hours	\$285	\$2,565
Wesley W. Barnett	10 hours	\$375	\$3,750
TOTALS	19 hours		\$6,315

13. Attorneys participated in each Court Hearing via telephone and once in-person on December 9, 2013.

C. Calls with Non-Settling Plaintiff Group

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

15. 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
Courtney L. Peinhardt	10 hours	\$285	\$2,850
Wesley W. Barnett	7.5 hours	\$375	\$2,812.50
TOTALS	17.5 hours		\$5,662.50

1 16. Attorneys participated in each non-settling plaintiff conference call as
2 instructed by Liaison Counsel and as necessary to determine the fairness and validity of
3 the settlement and settlement process.

4 **D. Review and Discussion of Settlement Terms and Revisions**

5 17. This category includes time spent reviewing and discussing the terms of the
6 proposed settlement, including the following tasks:

- 7 a. Review of the initial Term Sheet, distributed in February 2013.
- 8 b. Review of Liaison Counsel’s December 20, 2013 memo, which described
9 how the discovery related to the strengths and weaknesses of plaintiffs’
10 claims.
- 11 c. Review of the proposed settlement filed December 23, 2013 and the two
12 Addendums, filed January 16, 2014, and May 2, 2014. This includes
13 discussions and correspondence with Non-Settling Plaintiffs regarding
14 the settlement, the settlement negotiations conducted by Liaison Counsel,
15 and the revisions to the settlement. It also includes the review of
16 settlement-related memos and summaries distributed to Non-Settling
17 Plaintiffs after the settlement was filed on December 23, 2013.
- 18 d. Time spent preparing position statements for Liaison Counsel’s January
19 30 and May 30 Reports.

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

Attorney	Total Hours	Billing Rate	Lodestar
Courtney L. Peinhardt	7 hours	\$285	\$1,995
Wesley W. Barnett	6.5 hours	\$375	\$2,437.50
TOTALS	13.5 hours		\$4,432.50

1 19. Attorneys reviewed the settlement documents and using the information
2 gathered and acquired during the confirmatory discovery process determined the fairness
3 and validity of the settlement.

4 **E. Preparation of Document Requests, Review of Document Production**
5 **Summaries, Participating via Phone and Chatroom in Confirmatory**
6 **Discovery Interviews, and Review of “Hot Document” Databases**
7 **Provided by Liaison Counsel**

8 20. This category includes time spent preparing, reviewing, and submitting
9 revisions to plaintiffs’ document requests served on May 22, 2013. It also includes
10 review of document production summaries distributed by Liaison Counsel throughout the
11 course of the litigation, as well as documents contained in the online document database
12 that accompanied Liaison Counsel’s summaries in October and December 2013. It also
13 includes time spent participating in the confirmatory discovery interviews via telephone
14 and chatroom. This does not include work that was specifically assigned by Liaison
15 Counsel, which is captured in section F below.

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

Attorney	Total Hours	Billing Rate	Lodestar
Courtney L. Peinhardt	14.5 hours	\$285	\$4,132.50
Wesley W. Barnett	49 hours	\$375	\$18,375
TOTALS	63.5 hours		\$22,507.50

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24 22. Attorneys spent time drafting and reviewing requests for production, hot
25 documents, document summaries prepared by other firms, and participating in the
26 Interview process via chat room as allowed by the Court.
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F. Document Review and Confirmatory Discovery Interviews Assigned by Liaison Counsel

23. This category includes time spent on review and coding of documents posted to the online EasyESI database that was specifically assigned by Liaison Counsel. It does not include time spent performing other types of document review, such as reviewing document summaries or compilations of “hot documents” that Liaison Counsel distributed to Non-Settling Plaintiffs, which is captured in section E above.

24. This category also includes time spent personally participating in the confirmatory discovery interviews of Hyundai and Kia personnel for the purpose of asking questions on behalf on Non-Settling Plaintiffs. It does not include time spent participating via telephone or online chatroom, which is captured in section E above.

25. This category also includes time spent on smaller group calls and correspondence specifically regarding the document review. This time should be listed here, instead of in section C above. For example, it includes the time document reviewers spent providing information to the counsel conducting the interviews or to Liaison Counsel for the preparation of document summary reports.

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.

Attorney	Total Hours	Billing Rate	Lodestar
Courtney L. Peinhardt	240 hours	\$285	\$68,400
Wesley W. Barnett	29 hours	\$375	\$10,875
TOTALS	269 hours		\$79,275

27. Attorneys participated in the confirmatory discovery process as Court ordered and requested by Liaison Counsel. Attorneys reviewed thousands of pages of documents, rated, coded, and summarized those documents for Liaison Counsel and other non-settling plaintiffs to use to evaluate the fairness and reasonableness of the settlement.

1 Attorneys used this information to communicate with the Counsel assigned to Interviews
2 in Korea and prepared questions for their use. Attorneys participated in preparation of the
3 Counsel for the Korean interviews by answering their questions via email, individual
4 phone calls, and smaller group calls organized by Liaison Counsel.

5 **G. Discovery-Related Motion Practice and Meet and Confer**

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

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

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Attorney	Total Hours	Billing Rate	Lodestar
Courtney L. Peinhardt	134 hours	\$285	\$38,190
Wesley W. Barnett	35.5 hours	\$375	\$13,312.50
TOTALS	169.5 hours		\$51,502.50

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20 30. Davis & Norris Attorneys identified holes and missing information in the
21 discovery produced by defense counsel. Davis & Norris Attorneys worked with Liaison
22 Counsel and other non-settling plaintiffs counsel to organize specific and targeted
23 discovery requests to the Court. Davis & Norris Attorneys spent a considerable amount of
24 time preparing, analyzing and organizing the discovery so as to identify key missing
25 information from the document production. Attorneys were awarded their discovery
26 request by Court on December 9th and worked continuously with defense counsel and
27 Liaison Counsel to achieve this relevant discovery in a usable and manageable form. The
28 Court determined that the discovery request Attorney Peinhardt raised in Court was
necessary to evaluate the fairness and reasonableness of the settlement over defense

1 counsel’s objections. Davis & Norris Attorneys spent time following up on getting this
 2 discovery, demanding information be produced, and analyzing the responses once
 3 received.

4 **H. Other**

5 31. This category includes any hours not included in the above categories for
 6 which attorneys’ fees are sought.

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

Attorney	Total Hours	Billing Rate	Lodestar
Courtney L. Peinhardt	12 hours	\$285	\$3,420
Wesley W. Barnett	15 hours	\$375	\$5,625
TOTALS	27 hours		\$9,045

15 33. Attorneys spent time communicating with client, reviewing and analyzing
 16 confidentiality terms and agreement, reviewing and analyzing filings submitted by other
 17 firms (not Liaison Counsel, Settling Plaintiffs’ Counsel, or Defense Counsel), and
 18 reviewing of emails and letters sent by other firms not at Liaison Counsel’s request.
 19 Attorneys spent time communicating with other non-settling plaintiffs’ firms.
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21 **III. LITIGATION EXPENSES**

Expense Category	Amount
Filing fee	\$350
Flight to Los Angeles for December 9 th Hearing	\$601.60
Travel Expenses (not including airfare) for December 9 th Hearing	\$817.31
Total expenses	\$1,768.91

1 34. The travel expenses were incurred for a mandatory in-person hearing in Los
2 Angeles regarding the discovery dispute individually raised and won by Davis & Norris
3 LLP.

4 **IV. THE REQUESTED HOURLY RATES ARE REASONABLE**

5 35. The hourly rates requested in this declaration are reasonable rates for
6 attorneys in Birmingham, Alabama, with similar skill and experience. Founding partner
7 D. Frank Davis has been in law practice for forty-two years. Founding partner John E.
8 Norris has been in law practice for twenty-three years. Senior Associate Wesley W.
9 Barnett has been in law practice for 10 years. Associate Courtney L. Peinhardt has been
10 in law practice for 4 years.

11 36. The prevailing hourly market rates for like work and experience in this area
12 are \$600 for D. Frank Davis, \$500 for John E. Norris, \$375 for Wesley W. Barnett, and
13 \$285 for Courtney L. Peinhardt. The foregoing rates are entirely consistent with the rates
14 charged by other lawyers in this area with similar skill and experience. All of the work
15 performed was reasonably necessary to achieve the desired result on behalf of the class in
16 this case.

17 37. I have confirmed that the above mentioned rates are reasonable and
18 customary rates for like experience and work performed in the local community by
19 contacting multiple local attorneys.

20 38. I anticipate that the above mentioned hourly rates are comparable to or lower
21 than the hourly rates requested by other attorneys involved in this litigation.

22
23 I declare under penalty of perjury under the laws of the United States of America
24 that the foregoing is true and correct. Executed December 22, 2012, in Metairie,
25 Louisiana.

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27 */s/ Courtney L. Peinhardt*
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