

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

TAWANNA ROBERTS, on behalf of herself and  
all others similarly situated,

Plaintiff,

- against -

CAPITAL ONE, N.A.,

Defendant.

CASE No. 1:16-cv-04841-LGS

**DECLARATION OF JEFF KALIEL IN SUPPORT OF PLAINTIFF'S  
APPLICATION FOR ATTORNEYS' FEES AND COSTS**

I, Jeff Kaliel, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am a founder partner of Kaliel PLLC (“KPLLC”), a firm based in Washington, D.C.
2. I am a member in good standing of the District of Columbia Bar and the State Bar of California. I was admitted to practice in 2005.
3. I am a graduate of Yale Law School and an Army veteran of the second Iraq war. I founded Kaliel PLLC in 2017.
4. I received “Washington D.C. Rising Stars Super Lawyers 2015” recognition.
5. I have substantial experience with consumer class actions in general, and specifically with cases in the consumer financial services sector—cases in which I have recovered hundreds of millions of dollars for my clients. I have been appointed Lead Class Counsel or Class Counsel in numerous nationwide and state-specific class actions. In those cases, I have won contested class certification motions, defended dispositive motions, engaged in data-intensive discovery and worked extensively with economics and information technology experts to build damages models. I have also successfully resolved numerous class actions by settlement, resulting in hundreds of millions of dollars

in relief for millions of class members.

6. I am well positioned to understand the risks of this action and why settlement at this stage of the litigation was the best option for the putative class. Based upon my experience, I am confident that the settlement obtained here is an excellent result.

7. I actively participated in this Action, including negotiation of the Settlement Agreement, and am fully familiar with the proceedings being resolved. I am competent to testify to the facts set forth below, and if called as a witness and placed under oath, I would testify to those facts.

8. I submit this declaration in support of Class Counsel's application for attorneys' fees and reimbursement of costs as requested in the Unopposed Motion for Final Approval of Class Action Settlement, Application for Attorneys' Fees and Costs, and Service Award. This declaration substantiates the professional time reasonably incurred and necessary and reasonable expenses incurred by attorneys at my firm in this matter. Given my role in this litigation, I have personal knowledge of the legal services rendered by the attorneys requesting fees and expenses. This declaration summarizes the work performed by my firm in this litigation that led to an outstanding result for the Settlement Class.

9. KPLLC has devoted the time and resources of its attorneys and staff to ensure the vigorous prosecution of the claims brought on behalf of the class in this litigation, as detailed in the Fee and Expense Application. Our firm resume is attached as *Exhibit A*.

10. My colleague, Sophia Goren Gold, is a member in good standing of the District of Columbia and California bars. She is a graduate of the University of California, Berkeley, School of Law and was admitted to practice in 2015. She is licensed in several federal courts around the country and has been appointed Class Counsel in numerous class actions.

11. The current hourly rates for the attorneys who worked on this case are as follows:

- a. Jeff Kaliel - \$747.00
- b. Sophia Gold - \$458.00

12. These rates are based on the Adjusted Laffey Matrix, which are set by the D.C. Circuit

Court, and which measure prevailing market rates based on seniority in the D.C. area. Courts have acknowledged that the “[t]he Laffey Matrix is used as a guideline for reasonable attorneys’ fees in the Washington/Baltimore area.” *In re Neustar, Inc. Sec. Litig.*, No. 1:14cv885 (JCC/TRJ), 2015 WL 8484438, at \*10 n.6 (E.D. Va. Dec. 8, 2015) (internal quotation and citation omitted); *see also Salazar ex rel. Salazar v. D.C.*, 809 F.3d 58, 64 (D.C. Cir. 2015) (confirming that the use of the Adjusted Laffey Matrix for attorneys in D.C. is appropriate).

13. I am informed and believe these rates are similar to those customarily charged by class action attorneys practicing in the Southern District of New York with similar experience working on complex matters and are regularly approved therein.

14. I have organized the time spent by KPPLC attorneys into categories which describe the services which we rendered in this Action.

	<b><u>Task</u></b>	<b><u>Jeff Kaliel</u></b>	<b><u>Sophia Gold</u></b>
1	Pre-suit investigation, Factual Development, Client Meetings and Correspondence	20.7	8.5
2	Legal Research		
3	Strategy / Case Analysis / Class Counsel Conferences	36.9	33.0
4	Complaint		
5	Motion to Dismiss		
6	Appeal	10.5	
7	Discovery, Document Review, Depositions	281.5	261.1
8	Motions for Summary Judgment	90.5	180.0
9	Motion for Class Certification	68.3	79.5
10	Work with Experts	16.5	
11	Settlement Discussions, Mediation Statements, Mediation, and	90.0	33.00

	Post-Mediation Settlement Negotiations, Settlement Agreement Drafting		
12	Motion for Preliminary Approval	1.5	3.0
13	Work with Settlement and Notice Administrator	14.0	0.50
14	Class Member Inquiries		0.50
15	Motion for Final Approval	2	12
16	Post-Final Approval Work (estimated)	25.0	5.0
	<b>Totals</b>	657.4	616.1

15. The total hours billed by the attorneys at KPLLC for this case are **1,273.5**. Applying the above hourly rates, the total lodestar is **\$773,251.60**.

16. This lodestar includes estimated time that will be spent from the date of this declaration forward, which I expect will include tasks related to responding to objections, if any; attending to class member inquiries; preparing for and attending the Final Approval Hearing; working with the Settlement Administrator; ensuring proper distribution of funds to class members; and any post-final approval motions.

17. Class Counsel will submit detailed time records for each attorney should the Court so require.

18. Additionally, I have organized the necessary expenses that our firm has incurred for the prosecution of this case. The firm is not seeking reimbursement for internal overhead expenses that is ordinarily reimbursed to Class Counsel in class actions and all travel has been billed at one-half of the actual cost. Cost receipts will be submitted to the Court should it likewise so require.

<b>Category</b>	<b>Expenses</b>
Mediator's Services	\$4,484.66
Court Fees	\$452.00
Litigation Support Vendors	\$3,766.24
Travel (billed at 50%)	\$5,962.38 (cut from \$11,924.76)
<b>Total</b>	<b>\$14,665.28</b>

I declare under penalty of perjury that the foregoing is true and correct. Executed this 8<sup>th</sup> day of September, 2020, in Washington, D.C.

/s/ Jeffrey Kaliel  
 \_\_\_\_\_  
**Jeffrey Kaliel**

# EXHIBIT A



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**KALIEL PLLC**

Kaliel PLLC was founded in 2017 and is a 100% contingency Plaintiffs'-side law firm. Our attorneys have decades of combined experience and have secured hundreds of millions of dollars for their clients. Our firm's practice focuses on representing consumers in class action litigation and specifically on cases in the consumer financial services sector. Our firm has been appointed lead counsel or co-lead counsel in numerous class action and putative class action lawsuits in state and federal courts nationwide including most recently in *Roberts v. Capital One*, No. 1:16-cv-04841 (S.D.N.Y.); *Walters v. Target Corp.*, No. 3:16-cv-00492 (S.D. Cal.); *Robinson v. First Hawaiian Bank*, Civil No.17-1-0167-01 GWBC (1<sup>st</sup> Cir. Haw.); *Liggio v. Apple Federal Credit Union*, No. 18-cv-01059 (E.D. Va.); *Morris et al. v. Bank of America, N.A.*, No. 3:18-cv-00157-RJC-DSC (W.D.N.C.); *Brooks et al. v. Canvas Credit Union*, 2019CV30516 (Dist. Ct. for Denver Cty., Colo.); *White v. Members 1<sup>st</sup> Credit Union*, No. 1:19-cv-00556-JEJ (M.D. Pa.).

As shown in the biographies of our attorneys and the list of class counsel appointments, Kaliel PLLC is well versed in class action litigation and zealously advocates for its clients. To learn more about Kaliel PLLC, or any of the firm's attorneys, please visit [www.kalielpllc.com](http://www.kalielpllc.com).



**JEFFREY KALIEL**

Jeffrey Kaliel earned his law degree from Yale Law School in 2005. He graduated from Amherst College summa cum laude in 2000 with a degree in Political Science, and spent one year studying Philosophy at Cambridge University, England.

Over the last 10 years, Jeff has built substantial class action experience. He has received "Washington D.C. Rising Stars Super Lawyers 2015" recognition.

Jeff has been appointed lead Class Counsel in numerous nationwide and state-specific class actions. In those cases, Jeff has won contested class certification motions, defended dispositive motions, engaged in data-intensive discovery and worked extensively with economics and information technology experts to build damages models. Jeff has also successfully resolved numerous class actions by settlement, resulting in hundreds of millions of dollars in relief for millions of class members.

Currently Jeff is actively litigating several national class action cases, including actions against financial services entities and other entities involved in predatory lending and financial services targeting America's most vulnerable populations.

Jeff's class action successes extend beyond financial services litigation. He seeks to lead cases that serve the public interest. Jeff has worked with nonprofits such as the Humane Society, Compassion Over Killing, and the National Consumers League to fight for truth in the marketplace on food and animal products.

Jeff has over a decade of experience in high-stakes litigation. He was in the Honors Program at the Department of Homeland Security, where he worked on the Department's appellate litigation. Jeff also helped investigate the DHS response to Hurricane Katrina in preparation for a Congressional inquiry. Jeff also served as a Special Assistant US Attorney in the Southern District of California, prosecuting border-related crimes.

Jeff is a former Staff Sergeant in the Army, with Airborne and Mountain Warfare qualifications. He is a veteran of the second Iraq war, having served in Iraq in 2003.

Jeff is admitted to practice in California and Washington, DC, and in appellate and district courts across the country.

Jeff lives in Washington, D.C. with his wife, Debbie, and their three children.





**SOPHIA GOREN GOLD**

Sophia Goren Gold is a third-generation Plaintiffs' lawyer. A *summa cum laude* graduate of Wake Forest University and the University of California, Berkeley, School of Law, Sophia has spent her entire career fighting for justice.

A fierce advocate for those in need, Sophia's practice centers around taking on financial institutions, insurance companies, and other large corporate interests. Sophia has participated in hundreds of individual and class cases in both state and federal courts across the country. Collectively, she has helped secure tens of millions of dollars in relief on behalf of the classes she represents.

In addition to providing monetary relief, Sophia's extensive litigation experience has resulted in real-world positive change. For example, she brought litigation which resulted in the elimination of the Tampon Tax in the State of Florida, and she was influential in changing the state of Delaware's Medicaid policy, resulting in greater access to life-saving medication.

Sophia is currently representing consumers in numerous cases involving the assessment of improper fees by banks and credit unions, such as overdraft fees, insufficient funds fees, and out of network ATM fees. She is also currently representing consumers who have been the victims of unfair and deceptive business practices.

Sophia is admitted to practice in California and Washington, D.C. When not working, Sophia enjoys spending time with her husband and their goldendoodle.



**BRITTANY CASOLA**

Brittany Casola attended the University of Central Florida in Orlando and graduated in 2012 with a bachelor's degree in Political Science and a minor in Spanish. Brittany earned her Juris Doctorate from California Western School of Law in 2015 and graduated magna cum laude in the top 10% of her class.

Throughout the course of her law school career, she served as a judicial extern to the Honorable Anthony J. Battaglia for the United States District Court, Southern District of California and worked multiple semesters as a certified legal intern for the San Diego County District Attorney's Office. Brittany was awarded Academic Excellence Awards in law school for receiving the highest grade in Trial Practice, Health Law & Policy, and Community Property.

Before joining Kaliel PLLC, Brittany worked as a judicial law clerk for the Honorable Anthony J. Battaglia and as an associate attorney for Carlson Lynch LLP, specializing in consumer complex litigation.



### CLASS COUNSEL APPOINTMENTS

- *Roberts v. Capital One*, No. 1:16-cv-04841 (S.D.N.Y.);
- *White v. Members 1<sup>st</sup> Credit Union*, No. 1:19-cv-00556-JEJ (M.D. Pa.);
- *Walters v. Target Corp.*, No. 3:16-cv-00492 (S.D. Cal.);
- *Robinson v. First Hawaiian Bank*, Civil No.17-1-0167-01 GWBC (1<sup>st</sup> Cir. Haw.);
- *Brooks et al. v. Canvas Credit Union*, 2019CV30516 (Dist. Ct. for Denver Cty., Colo.);
- *Liggio v. Apple Federal Credit Union*, Civil No. 18-cv-01059 (E.D. Va.);
- *Morris et al. v. Bank of America, N.A.*, Civil No. 3:18-cv-00157-RJC-DSC (W.D.N.C.);
- *Bodnar v. Bank of America, N.A.*, 5:14-cv-03224 (E.D. Pa.);
- *In re Higher One OneAccount Marketing and Sales Practice Litigation.*, No. 12-md-02407-VLB (D. Conn.).
- *Shannon Schulte, et al. v. Fifth Third Bank.*, No. 1:09-cv-06655 (N.D. Ill.);
- *Kelly Mathena v. Webster Bank*, No. 3:10-cv-01448 (D. Conn.);
- *Nick Allen, et al. v. UMB Bank, N.A., et al.*, No. 1016 Civ. 34791 (Cir. Ct. Jackson County, Mo.);
- *Thomas Casto, et al. v. City National Bank, N.A.*, 10 Civ. 01089 (Cir. Ct. Kanawha County, W. Va.);
- *Eaton v. Bank of Oklahoma, N.A., and BOK Financial Corporation, d/b/a Bank of Oklahoma, N.A.*, No. CJ-2010-5209 (Dist. Ct. for Tulsa Cty., Okla.);
- *Lodley and Tehani Taulva, et al., v. Bank of Hawaii and Doe Defendants 1-50*, No. 11-1-0337-02 (Cir. Ct. of 1st Cir., Haw.);
- *Jessica Duval, et al. v. Citizens Financial Group, Inc., et al.*, No. 1:10-cv-21080 (S.D. Fla.);
- *Mascaro, et al. v. TD Bank, Inc.*, No. 10-cv-21117 (S.D. Fla.);
- *Theresa Molina, et al., v. Intrust Bank, N.A.*, No. 10-cv-3686 (18th Judicial Dist., Dist. Ct. Sedgwick County, Kan.);
- *Trombley v. National City Bank*, 1:10-cv-00232-JDB (D.D.C.); *Galdamez v. I.Q. Data International, Inc.*, No. 1:15-cv-1605 (E.D. Va.);
- *Brown et al. v. Transurban USA, Inc. et al.*, No. 1:15-CV-00494 (E.D. Va.);
- *Grayson v. General Electric Co.*, No. 3:13-cv-01799 (D. Conn.);
- *Galdamez v. I.Q. Data International, Inc.*, No. 1:15-cv-1605 (E.D. Va.).