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8 *Counsel for Settling Plaintiffs and the Class*

9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**

11 RYAN RODRIGUEZ, REENA B.
12 FRAILICH, LOREDANA NESCI,
13 JENNIFER BRAZEAL and LISA
14 GINTZ, on behalf of themselves and all
15 others similarly situated,

16 Plaintiffs,

17 vs.

18 WEST PUBLISHING CORPORATION,
19 a Minnesota Corporation dba BAR/BRI
20 and KAPLAN, Inc., a Delaware
21 Corporation.

22 Defendants.

Case No. CV 05-3222 R(MCx)

**SUPPLEMENTAL DECLARATION
OF ROSEMARY M. RIVAS IN
SUPPORT OF FINKELSTEIN
THOMPSON LLP'S APPLICATION
FOR AWARD OF ATTORNEYS'
FEES AND REIMBURSEMENT OF
EXPENSES**

Date: November 2, 2009
Time: 10:00 a.m.
Place: Courtroom 8

23 **AND CONSOLIDATED ACTION**
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I, Rosemary M. Rivas, declare as follows:

1. I am a partner with Finkelstein Thompson LLP ("FT"), one of the counsel of record for Settling Class Plaintiffs and the Class. FT was retained by Kari Brewer, one of the named representative plaintiffs in this action. I am submitting this Declaration in further support of my firm's request for an award of attorneys' fees and reimbursement of expenses. This declaration is based on my personal knowledge and my firm's business records. If called on to do so, I could and would testify competently to the facts stated herein.

2. Effective July 1, 2007, FT implemented a new rate structure for its lawyers and staff. As law firms regularly do, Finkelstein Thompson periodically evaluates and adjusts the billing rates of its lawyers based on, among other things, the market for each lawyer's experience and quality of work. When FT submitted its initial declaration for an award of attorneys' fees and reimbursement of expenses in May 2007, the July 1, 2007 rate increases were not reflected in those figures.

3. Effective July 1, 2009, FT adjusted its rates again, including my hourly rate, which was increased due to my promotion from associate to partner.

4. In calculating FT's cumulative lodestar from the inception of this case through August 31, 2009, as set forth in my declaration filed on October 9, 2009, FT applied its current rate schedule of July 1, 2009.

5. FT's cumulative lodestar does not include hours related to its fee application, and FT has not requested any attorneys' fees for such time.

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6. FT's increased lodestar since May 2007 is due in part to the firm's periodical rate increases and also to the significant amount of work FT expended to defend the Settlement on behalf of the Class members. I was significantly involved, as were my partners L. Kendall Satterfield and Burton H. Finkelstein, in defending the Settlement against Objectors.

7. At the district court level, my firm was significantly involved in reviewing, analyzing and researching the myriad of objections raised by Class members to defeat the Settlement, such as the objections to the monetary and injunctive relief aspects of the Settlement, the adequacy of the class notice, the adequacy of Class Counsel, as well as the *cy pres* provisions and issues related to the sealed records. FT also was significantly involved in drafting the briefs responding to these objections, which resulted in the Court's order granting final approval of the Settlement.

8. At the appellate court level, my firm was significantly involved in drafting the appellate brief before the Ninth Circuit which required the analysis and research of six separate appellate briefs filed by objectors.

9. My firm was also extensively involved in the formal mediation process with the objectors before the Ninth Circuit.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on this 26th day of October 2009 in San Francisco, California.



ROSEMARY M. RIVAS