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11 Attorneys for Plaintiff and the Class

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA

13 COUNTY OF ALAMEDA

14 ROHINI KUMAR, individual, on behalf of
15 herself, the general public and those similarly
16 situated

17 Plaintiff,

18 v.

19 SAFEWAY, INC.,
20

21 Defendant.

CASE NO. RG 14726707

CLASS ACTION

**DECLARATION OF HASSAN A.
ZAVAREEI IN SUPPORT OF MOTION
FOR FINAL APPROVAL OF CLASS
ACTION SETTLEMENT AND
APPLICATION FOR ATTORNEYS'
FEES, COSTS AND INCENTIVE
AWARDS**

Date: March 16, 2018
Time: 10:00 a.m.
Department: 21

Honorable Judge Winifred Y. Smith

1 I, Hassan Zavareei, declare as follows:

2 1. I am a member of this Court and attorney of record for Plaintiff Rohini Kumar in
3 this action.

4 2. I am a partner Tycko & Zavareei LLP (“TZ” or “Firm”), which has been appointed
5 Class Counsel in the above-captioned matter. The information below is stated based on personal
6 knowledge. I am competent to testify to the facts set forth below, and if called as a witness and
7 placed under oath, I would testify to those facts.

8 3. I make this Declaration in support of Plaintiff’ (1) motion for final approval and (2)
9 application for attorneys’ fees and costs and incentive awards. In that regard, I discuss, in the
10 following order: (a) the history of this litigation, which includes a summary description of the legal
11 services provided by TZ in this litigation to date; (b) the risks borne by TZ; (c) the time, rate,
12 expenses, and other data underlying the application for attorneys’ fees and costs; and (d) TZ’s
13 continuing obligations in this litigation and under the Settlement Agreement.

14 **A. History of the Litigation.**

15 4. Prior to becoming co-counsel with the Gutride Safier firm (“GSLLP”) in this
16 matter, TZ had litigated several matters related to several olive oil brands, including Safeway
17 Select, against retailers in Washington, D.C., under the D.C. Consumer Protection Procedures Act
18 (“CPPA”). During the D.C. CPPA litigation, TZ conducted significant investigation relating to the
19 “Imported from Italy” claims at issue in this litigation, including analyzing Food and Drug
20 Administration (“FDA”) regulations and Customs and Border Patrol (“CBP”) regulations. TZ also
21 conducted research regarding potential federal preemption of Plaintiff’s claims. Throughout this
22 litigation, TZ has continued to monitor, research, and review such materials.

23 5. Throughout the litigation, TZ worked closely with GSLLP to formulate case
24 strategy. Work was divided between the firms to avoid duplication—for example, my firm took
25 half the depositions in this matter, and GSLLP handled all court appearances. Similarly, in
26 connection with legal research and brief writing, one firm was assigned to draft all (or certain
27 sections) of a brief, while the other provided only suggestions and edits. For example, in 2017, TZ
28 took the lead in drafting motions for summary adjudication and for issuance of letters of request to

1 take foreign discovery.

2 6. Before GSSLP filed the complaint in this matter, TZ consulted with GSSLP
3 regarding TZ's experience litigating similar olive oil issues in Washington, D.C.

4 7. After filing the Complaint, Defendant filed a demurrer and a motion to strike
5 Plaintiff's claim for punitive damages. TZ reviewed Defendant's arguments and assisted in
6 preparing the opposition to those motions, which were filed in August of 2014.

7 8. Throughout this case, TZ participated in the discovery efforts, including drafting
8 and serving some of the discovery requests on Defendant and third parties, reviewing document
9 production and written discovery responses, drafting and serving some of the responses to
10 Defendant's discovery requests. TZ also assisted with meet-and-confer efforts, participating in
11 calls and drafting several meet and confer letters, with Defendant's counsel regarding the scope of
12 discovery, the sufficiency of discovery responses and production, the retention of electronic
13 documents, Defendant's searches for electronically stored information, the terms and scope of a
14 stipulated protective order, and the timing of production. TZ also participated in the researching
15 and drafting for discovery letter briefs which were filed in May of 2017.

16 9. In an effort to obtain discovery from Defendant's foreign olive oil suppliers, TZ
17 undertook significant research on how to obtain foreign discovery pursuant to the Hague
18 Convention on the Taking of Evidence Abroad in Civil or Commercial Matters ("Hague
19 Convention"). In addition to this research, TZ drafted two proposed Letters of Request for
20 discovery pursuant to the Hague Convention, along with a motion for issuance of the Letters of
21 Request.

22 10. In February of 2015, I participated in a mediation session for this case in San
23 Francisco before Hon. Judge William J. Cahill (Ret.). Another attorney from TZ participated in an
24 additional mediation before Judge Cahill in October 2015.

25 11. In April of 2015, a TZ attorney took the deposition of Safeway's corporate designee
26 in San Francisco. In June of 2017, TZ attorneys took additional depositions of Safeway employee
27 fact witnesses, in both San Francisco and Washington, D.C.

28 12. TZ participated in conducting research for, drafting, and filing Plaintiff's Motion

1 for Class Certification, which was filed in June of 2015. Upon receiving Defendant's opposition
2 to that motion, TZ participated in the research and drafting of Plaintiff's reply memorandum,
3 which was filed in April of 2016.

4 13. While Plaintiff's class certification motion was pending, Defendant filed a motion
5 to strike Plaintiff's olive oil expert, Dr. Rodney Mailer. TZ reviewed Defendant's arguments and
6 researched for and drafted the opposition, which was filed in April of 2016.

7 14. After the Court granted Plaintiff's Motion for Class Certification in May of 2016,
8 TZ started working on preparing for this matter to go to trial, including creating a proof of facts
9 chart related to the issues and claims in this matter.

10 15. Additionally, following class certification, TZ took part in the research and drafting
11 related to the issuance of class notice, and TZ later researched for and drafted Plaintiff's Motion
12 for Summary Adjudication.

13 16. Although GSSLP took the lead on settlement negotiations following class
14 certification, TZ consulted on draft of the term sheet and settlement agreement, along with
15 corresponding documents, including claim forms, summary notice, and long form notice.

16 17. After the parties entered into the Settlement Agreement, TZ drafted the motion for
17 preliminary approval of the settlement and its supporting documents.

18 18. During the claims period, I worked to arrange for additional notice to appear on
19 www.topclassactions.com—with costs borne by Class Counsel—to ensure that class members
20 received notice of the settlement.

21 19. TZ also drafted the instant motion for final approval of the settlement, and the
22 application for attorneys' fees and costs and incentive award.

23 20. Should any objections to the settlement be filed prior to the hearing on final
24 approval, TZ will research and respond to those objections by, if necessary, filing oppositions to
25 them and/or a reply memorandum in support of the motion for final approval of the settlement.

26 21. After engaging in all of the aforementioned tasks, as a partner with TZ, I am in a
27 unique position to evaluate this Settlement. Indeed, in advising the Representative Plaintiff
28 whether or not to enter into the Settlement Agreement, I was very cognizant of the risks involved

1 in protracted litigation. I was also cognizant of Defendant's size and financial resources.

2 22. When considering the risks and costs associated with proceeding to trial against the
3 nature of the benefit that was being offered by Defendant, I believe that the Settlement is in the
4 best interests of the class. Indeed, with this Settlement, Plaintiff has achieved her desired goal in
5 this litigation—i.e., obtaining for class members cash refunds and changes to Defendant's olive oil
6 labeling and handling practices. Based on my evaluation of the facts and legal issues presented, I
7 believe that the settlement is fair, adequate, and reasonable.

8 **B. The Risks Borne By TZ.**

9 23. In accepting this case, TZ bore considerable risk. TZ took this case on a fully
10 contingent basis, meaning that we were not paid for any of our time, and that we paid all costs and
11 out of pocket expenses without any reimbursement to date. From the outset, TZ recognized that it
12 would be contributing a substantial amount of time and advancing significant costs in prosecuting
13 this class action, with no guarantee of compensation or recovery, in the hopes of prevailing against
14 a well-funded defense.

15 24. Because Defendant was represented by a large, highly-skilled and well-resourced
16 litigation firm, there was increased risk that Plaintiff would receive a verdict for the Defense after
17 a prolonged trial.

18 **C. Lodestar and Expenses for TZ**

19 25. A true and correct copy of the firm resume of TZ is attached hereto as Exhibit A.

20 26. Based on the time records of TZ, TZ has spent approximately 760 hours
21 prosecuting this litigation through January 31, 2018.¹ The total number of hours, as well as the
22 lodestar computed at our 2018 rates, is as shown in the following table:

Attorney (Position)	Hours	Rate	Total
Hassan Zavareei (Partner)	111.9	\$864.00	\$96,681.60
Jeffrey Kaliel (Partner)	114.3	\$717.00	\$81,953.10
Anna Haac (Partner)	147.6	\$717.00	\$105,829.20

27
28 ¹ TZ will update its lodestar and costs in a reply declaration, as necessary.

Attorney (Position)	Hours	Rate	Total
Andrew Silver (Associate)	286.6	\$440.00	\$126,104.00
Lauren Kelleher (Fellow)	38.9	\$343.00	\$13,342.70
Kyra Taylor (Fellow)	3.1	\$359.00	\$1,112.90
Nathan Laporte (Paralegal)	18.8	\$196.00	\$3,684.80
Sydney Teng (Paralegal)	13.1	\$196.00	\$2,567.60
Amy Berkowitz (Paralegal)	23.7	\$196.00	\$4,645.20
Audrey Abate (Paralegal)	5.0	\$196.00	\$980.00
Natasha Fletcher (Paralegal)	0.7	\$196.00	\$137.20
TOTAL	763.7		\$437,038.30

27. The hourly rates shown for the attorneys at TZ are our 2018 rates charged as delineated by the Laffey Matrix (<http://www.laffeymatrix.com/>), which provides market rates for attorneys working in the Washington, D.C., and Baltimore areas. In a recent decision involving similar litigation regarding olive oil labeling, the Northern District of California found that the hourly rates charged by TZ, which were determined using the Laffey Matrix, “are reasonable and commensurate with those charged by attorneys with similar experience in the market.” *Kumar v. Salov N. Am. Corp.*, No. 14-CV-2411-YGR, 2017 WL 2902898, at *7 (N.D. Cal. July 7, 2017). Although the Laffey Matrix is updated annually, many other courts have awarded attorneys’ fees consistent with the Laffey Matrix to my firm in a number of cases. *See, e.g., Brown v. Transurban USA, Inc.*, No. 1:15CV494 (JCC/MSN), 2016 WL 6909683 (E.D. Va. Sept. 29, 2016); *Small v. BOKF, N.A.*, No. 1:13-cv-01125-REB-MJW (D. Colo.); *Soule v. Hilton Worldwide, Inc.*, No. CV 13-00652 ACK-RLP, 2015 WL 12827769 (D. Haw. Aug. 25, 2015); *Beck v. Test Masters Educ. Servs., Inc.*, 73 F. Supp. 3d 12 (D.D.C. 2014). The Ninth Circuit has accepted the Laffey Matrix as evidence of reasonable hourly rates charged by Washington, D.C. attorneys. *Mancini v. Dan P. Plute, Inc.*, 358 F. App’x 886 (9th Cir. 2009). And a court in this District recently awarded Bay Area attorneys Laffey Matrix fees adjusted *upwardly* by nine percent, so, if anything, the Laffey Matrix comes in *below* the market rate for attorneys in this District. *See Brinker v. Normandin’s*, No. 14CV03007EJDHRL, 2017 WL 713554 (N.D. Cal. Feb. 23, 2017) (citing *Theme Promotions*,

1 *Inc. v. News America Marketing FSI, Inc.*, 731 F. Supp. 2d 937, (N.D. Cal. 2010)).

2 28. I am a 1995 graduate of University of California, Berkeley School of Law. Jeffrey
3 Kaniel is a 2005 graduate of Yale Law School, Anna Haac is a 2006 graduate of University of
4 Michigan Law School, Andrew Silver is a 2012 graduate of Boston College Law School, Lauren
5 Kelleher is a 2016 graduate of Georgetown University Law Center, and Kyra Taylor is a 2016
6 graduate of University of California, Berkeley School of Law.

7 29. I (Hassan Zavareei) billed 111.9 hours. After a review of his daily billing records,
8 TZ has estimated that the time spent can roughly be apportioned as follows: brief writing
9 (including legal research) (32.7 hours); discovery (including drafting requests and responses,
10 review of documents and deposition transcripts, preparations for/taking depositions, and managing
11 meet and confer process) (14.8 hours); case management and strategy (routine correspondence,
12 supervising experts, coordinating work flow, communications with client, trial prep, etc) (26.8
13 hours); other (including working with expert witnesses, and settlement-related work) (38.1 hours).

14 30. Jeffrey Kaniel billed 114.3 hours. After a review of his daily billing records, TZ has
15 estimated that the time spent can roughly be apportioned as follows: brief writing (including legal
16 research) (9.9 hours); discovery (including drafting requests and responses, review of documents
17 and deposition transcripts, preparations for/taking depositions, and managing meet and confer
18 process) (46.9 hours); case management and strategy (routine correspondence, supervising experts,
19 coordinating work flow, communications with client, trial prep, etc) (2.5 hours); other (including
20 working with expert witnesses, and settlement-related work) (55.0 hours).

21 31. Anna Haac billed 147.6 hours. After a review of her daily billing records, TZ has
22 estimated that the time spent can roughly be apportioned as follows: brief writing (including legal
23 research) (52.4 hours); discovery (including drafting requests and responses, review of documents
24 and deposition transcripts, preparations for/taking depositions, and managing meet and confer
25 process) (67.3 hours); case management and strategy (routine correspondence, supervising experts,
26 coordinating work flow, communications with client, trial prep, etc) (23.3 hours); other (including
27 working with expert witnesses, and settlement-related work) (4.6 hours).

28 32. Andrew Silver billed 66.8 hours. After a review of his daily billing records, TZ has

1 estimated that the time spent can roughly be apportioned as follows: brief writing (including legal
2 research) (87.7 hours); discovery (including drafting requests and responses, review of documents
3 and deposition transcripts, preparations for/taking depositions, and managing meet and confer
4 process) (153.0 hours); case management and strategy (routine correspondence, supervising
5 experts, coordinating work flow, communications with client, trial prep, etc) (30.0 hours); other
6 (including working with expert witnesses, and settlement-related work) (15.9 hours).

7 33. Lauren Kelleher billed 32.6 hours. After a review of her daily billing records, TZ
8 has estimated that the time spent can roughly be apportioned as follows: brief writing (38.5 hours);
9 case management and strategy (routine correspondence, supervising experts, coordinating work
10 flow, communications with client, trial prep, etc) (0.4 hours).

11 34. Kyra Taylor billed 3.1 hours. After a review of her daily billing records, TZ has
12 estimated that the time spent can be attributed entirely to discovery (including drafting requests
13 and responses, review of documents and deposition transcripts, preparations for/taking
14 depositions, and managing meet and confer process).

15 35. TZ's paralegals billed their time for administrative tasks related to this case.

16 36. I was previously an attorney at the law firm of Gibson Dunn & Crutcher. It is my
17 understanding that attorneys at that firm in the litigation department with the same number of
18 years of experience as myself are currently billing at hourly rates in excess of \$1,000 for law
19 school graduates from 1995. I believe that my firm's hourly rates are at or below market for
20 attorneys with similar backgrounds and experience.

21 37. Expenses are accounted for and billed separately and are not duplicated in my
22 firm's professional billing rate. TZ has not received reimbursement for expenses incurred in
23 connection with this litigation. As of January 31, 2018, my firm incurred a total of \$37,310.96 in
24 unreimbursed actual third-party expenses in connection with the prosecution of these cases. The
25 actual expenses incurred in the prosecution of these cases are reflected on the computerized
26 accounting records of my firm prepared by bookkeeping staff, based on receipts and check
27 records, and accurately reflect all actual expenses incurred. Attached hereto as Exhibit B is a true
28 and correct copy of a listing of expenses incurred in this case by my firm, for which Plaintiff is

1 now seeking reimbursement.

2 **D. Plaintiffs' Counsel Continuing Obligations to Class Members**

3 38. Following this Court granting preliminary approval to the Settlement, Class
4 Counsel established standardized procedures to ensure that all inquiries from Class Members were
5 timely and accurately handled. I am not aware of any feedback from class members that would
6 suggest that the process is onerous or complicated. Class Counsel also worked the Claim
7 Administrator to assure that settlement website functioned properly, was easy to use and properly
8 designed. Class Counsel also worked with the Claims Administrator to assure that notice was
9 disseminated in accordance with the terms of the Settlement Agreement. I received weekly updates
10 from the Claims Administrator regarding the administration of the settlement. TZ will continue in
11 this capacity should the settlement be finally approved. If the settlement is approved and fees
12 awarded, TZ also will oppose any appeals that may be filed. Based on my experience with class
13 actions, I additionally anticipate that there will be another 50-75 hours of work before this
14 Litigation is entirely complete and an estimated 175-250 hours if this Court's judgment is
15 appealed.

16
17 This declaration was executed this 2nd day of February, 2018, at Washington, D.C.. I state
18 the foregoing under penalty of perjury under the laws of the United States.

19 /s/ Hassan A. Zavareei
20 Hassan A. Zavareei, Esq.

EXHIBIT A

TYCKO & ZAVAREEI LLP

HISTORY

Our firm was founded in 2002, when Jonathan Tycko and Hassan Zavareei left the large national firm at which they both worked to start a new kind of practice. Since then, a wide range of clients have trusted us with their most difficult problems. Those clients include individuals fighting for their rights, tenants' associations battling to preserve decent and affordable housing, consumers seeking redress for unfair business practices, whistleblowers exposing fraud and corruption, and non-profit entities and businesses facing difficult litigation.

Our practice is focused in a few select areas: consumer class action litigation, employment litigation, appellate litigation, whistleblower *qui tam* litigation, intellectual property litigation, First Amendment litigation, and business litigation.

EXPERIENCE

Our firm's practice focuses on complex litigation. This includes representation of plaintiffs in class action litigation. Since the founding of our firm, we have been plaintiff's counsel in dozens of separate lawsuits brought as class actions. In addition to this work on class actions, our practice also involves representing businesses in unfair competition and antitrust litigation, representing employees in employment litigation, and representing whistleblowers in *qui tam* litigation brought under the False Claims Act and other similar whistleblower statutes..

PRACTICE AREAS

CONSUMER CLASS ACTIONS

Our attorneys have a wealth of experience litigating consumer and other types of class actions. We primarily represent consumers who have been the victims of corporate wrongdoing. Our attorneys bring a unique perspective to such litigation because each of our partners trained at major national law firms where they obtained experience representing corporate defendants in such cases. This unique perspective enables us to anticipate and successfully counter the strategies commonly employed by corporate counsel defending class action litigation.

In addition, because class actions present such high-stakes litigation for corporate defendants, our ability to skillfully oppose motions to dismiss the case at an early stage of the litigation before the class has a chance to have a judge or jury consider the merits of its claims is critical to obtaining relief for our clients. Our attorneys have successfully obtained class certification, the most critical step in winning a class action, and obtained approval of class action settlements with common funds collectively amounting to over \$250 million.

EMPLOYMENT LITIGATION

Our attorneys have substantial experience representing employees and employers in employment disputes. In most of the employment litigation that we handle, however, we represent groups of plaintiffs who are challenging systemic unlawful employment practices. For instance we successfully represented seven women in their claims of systemic discrimination and sexual harassment by Hooters restaurants in West Virginia, and we represented a group of women seeking class treatment of their allegations of sexual discrimination by Ruth's Chris.

APPELLATE

Our attorneys have substantial experience in analyzing, briefing and arguing appeals. We have handled appeals in courts around the country, including the U.S. Supreme Court, the U.S. Circuit Courts, and the District of Columbia Court of Appeals.

QUI TAM AND FALSE CLAIMS ACT

Our firm represents whistleblowers who courageously expose fraud by government contractors, healthcare providers, and other companies doing business with the government through litigation under the False Claims Act. We also represent whistleblowers who expose tax fraud through the IRS Whistleblower Office program, whistleblowers who expose violations of the securities laws through the SEC Whistleblower Office program, and banking industry whistleblowers through the Department of Justice's FIRREA program.

INTELLECTUAL PROPERTY

Our attorneys have substantial experience litigating cutting-edge intellectual property cases in state and federal courts. Proper handling of intellectual property controversies requires substantive knowledge of the relevant body of law, together with strong litigation experience and skill. We bring these elements together to effectively represent our clients in complex trademark and copyright lawsuits.

We have litigated copyright infringement cases on behalf of corporations and associations, including submitting an amicus brief on behalf of three technology companies in the United States Supreme Court on Internet file sharing in the *MGM, et al. v. Grokster, et al.* case. We have also counseled clients on copyright matters, and written and presented on important copyright issues, such as the intersection of technology, copyright and the First Amendment. The firm briefed and argued an appeal to the Fifth Circuit Court of Appeals on a novel issue of law in a dispute over the competing trademark rights of two test preparation companies operating in the same markets, using the same trade name.

FIRST AMENDMENT

Partner Hassan Zavareei represented the plaintiff in one of the most important cases of media defamation handled recently by the courts, namely, the case brought by Dr. Steven Hatfill against Condé Nast Publications (the publisher of Vanity Fair magazine) and Reader's Digest for articles that falsely accused Dr. Hatfill of perpetrating the Anthrax murders that occurred in the fall of 2001.

Further, our firm has represented a number of employees who have fought back against former employers for defamatory statements. Our lawyers have obtained very substantial settlements on behalf of our clients. Also, our firm has represented businesses seeking to protect their hard-earned reputations against such defamation by their competitors.

Our attorneys also have experience in other types of First Amendment litigation. For example, partner Jonathan Tycko represented a consortium of media clients in a series of lawsuits to gain access to the sealed proceedings in the Independent Counsel investigation of and impeachment proceedings against President Bill Clinton. And partner Hassan Zavareei successfully challenged a district court injunction that violated our client's First Amendment guarantees to free speech and rights to petition the government.

BUSINESS DISPUTES

We represent businesses, large and small, in their most significant business disputes. Indeed, prior to the founding of Tycko & Zavareei LLP, our partners spent many years at a large law firm specialized in representing business interests. We have represented some of the largest, publicly-traded corporations in the world, but also have represented small and medium size businesses.

JONATHAN K. TYCKO
PARTNER

In 2002, Jonathan K. Tycko helped found Tycko & Zavareei LLP. Prior to that, Mr. Tycko was with Gibson, Dunn & Crutcher LLP, one of the nation's top law firms. He received his law degree in 1992 from Columbia University Law School, where he was a Stone Scholar, and earned a B.A. degree, with honors, in 1989 from The Johns Hopkins University.

After graduating from law school, Mr. Tycko served for two years as law clerk to Judge Alexander Harvey, II, of the United States District Court for the District of Maryland.

Mr. Tycko's practice has focused primarily on civil litigation. He has extensive trial and appellate experience in real estate, housing, employment, False Claims Act, environmental, consumer class action, media, and professional malpractice litigation. Mr. Tycko has represented a wide range of clients, including Fortune 500 companies, privately-held business, non-profit associations, and individuals.

In addition, Mr. Tycko has handled many pro bono cases in the area of human rights law, including representation of political refugees seeking asylum, and preparation of amicus briefs on behalf of the Lawyers Committee for Human Rights (now known as Human Rights First) and other organizations and individuals in various appellate matters, including matters before the Supreme Court.

For two years, from 2002 through 2004, Mr. Tycko taught as an Adjunct Professor at the George Washington University Law School.

He is admitted to practice before the courts of the District of Columbia, Maryland and New York, as well as before numerous federal courts, including the Supreme Court, the Circuit Courts for the D.C. Circuit, Third Circuit, Fourth Circuit, Ninth Circuit and Federal Circuit, the District Courts for the District of Columbia, the District of Maryland, the Northern and Southern Districts of New York, and the Court of Federal Claims.

HASSAN A. ZAVAREEI
PARTNER

Hassan Zavareei graduated *cum laude* from Duke University in 1990, with degrees in Comparative Area Studies and Russian. Upon graduation from Duke, Mr. Zavareei worked as a Russian-speaking flight attendant for Delta Air Lines for two years. He later earned his law degree from the University of California, Berkeley School of Law in 1995, where he graduated as a member of the Order of the Coif. After graduation from Berkeley, Mr. Zavareei joined the Washington, D.C. office of Gibson, Dunn & Crutcher LLP. In April of 2002, Mr. Zavareei founded Tycko & Zavareei LLP with his partner, Jonathan Tycko.

Mr. Zavareei has handled numerous trials in state and federal courts across the nation in a wide range of practice areas. In his most recent jury trial, Mr. Zavareei prevailed on behalf of his client after a four month trial in the Los Angeles Superior Court. That jury verdict came after years of hard-fought litigation, including an award of almost \$2 million in sanctions against the opposing party due to revelations of discovery misconduct uncovered through electronic discovery.

Although he is a general litigator, Mr. Zavareei devotes most of his practice to class action litigation. While at Gibson Dunn, Mr. Zavareei managed the defense of a nationwide class action brought against a major insurance carrier. In recent years, Mr. Zavareei's class action practice has focused on the representation of plaintiffs in consumer fraud cases, primarily relating to the financial services industry. For instance, Mr. Zavareei was class counsel in over a dozen cases against banks across the country regarding their practices of charging unlawful overdraft fees for debit card transactions. Those cases have returned hundreds of millions of dollars to consumers. Mr. Zavareei also served as Lead Counsel in Multi-District Litigation against a financial services company that provided debit cards to college students. That case also resulted in the return of millions of dollars to consumers. He is currently lead counsel or co-lead counsel in numerous class actions and putative class actions.

In his civil rights practice, Mr. Zavareei has represented individuals, groups of employees, and tenant associations in employment and fair housing litigation. Mr. Zavareei has obtained substantial judgments and settlements for his civil rights clients.

As a general litigator, Mr. Zavareei has been involved in numerous high profile cases. For example, Mr. Zavareei represented Christian Laettner *pro bono* in a successful battle with investors and rogue business partners to stabilize Mr. Laettner's historic development of downtown Durham, North Carolina. Mr. Zavareei also represented Dr. Steven Hatfill, who was wrongfully accused by the media and the FBI of perpetrating the Anthrax attacks of 2001. Mr. Zavareei successfully represented Dr. Hatfill in defamation litigation against *Vanity Fair* and *The Reader's Digest*.

Mr. Zavareei is an accomplished appellate lawyer, having argued cases before the D.C. Circuit, the Fifth Circuit, the Fourth Circuit, and the Ohio Court of Appeals.

Mr. Zavareei is admitted to the State Bar of California, the Bar of the District of Columbia and the Bar of the State of Maryland. Mr. Zavareei is admitted to practice before the federal district courts of the District of Columbia, Maryland, the Northern District of California, the Central District of California, the Southern District of California, and the Eastern District of Michigan. He is also admitted to the Supreme Court Bar and to the Circuit Courts of the District of Columbia, the Ninth Circuit, the Fourth Circuit and the Fifth Circuit.

Mr. Zavareei is married to Dr. Natalie Zavareei and has three daughters, Hayden, Jordan and Isabella. He is a member of the Board of Directors of Public Justice and is the President of Hayden's Journey of Inspiration, a non-profit that provides housing to families of pediatric stem cell transplant recipients.

ANDREA R. GOLD
PARTNER

Andrea Gold, a two-time graduate of the University of Michigan, has spent her legal career advocating for consumers, employees, and whistleblowers. Ms. Gold has deftly litigated numerous complex cases, including through trial. Her extensive litigation experience benefits the firm's clients in both national class action cases as well as in qui tam whistleblower litigation.

She has served as trial counsel in two lengthy jury trials. First, she was second-chair in a four month civil jury trial in state court in California. She more recently served as second-chair in a multi-week jury trial in Maryland.

In her class action practice, Ms. Gold has successfully defended dispositive motions, navigated complex discovery, worked closely with leading experts, and obtained contested class certification. Her class action cases have involved, amongst other things, unlawful bank fees, product defects, violations of the Telephone Consumer Protection Act, and deceptive advertising and sales practices. Ms. Gold's tireless efforts have resulted in millions of dollars in recovery for consumers.

Ms. Gold also has significant civil rights experience. She has represented individuals and groups of employees in employment litigation, obtaining substantial recoveries for employees who have faced discrimination, harassment, and other wrongful conduct. In addition, Ms. Gold has appellate experience in both state and federal court.

Prior to joining Tycko & Zavareei, Ms. Gold was a Skadden fellow. The Skadden Fellowship Foundation was created by Skadden, Arps, Slate, Meagher & Flom, LLP, one of the nation's top law firms, to support the work of new attorneys at public interest organizations around the country. The Skadden Fellowship Foundation receives hundreds of applications each year, but only a very small number of Skadden fellows are selected. Ms. Gold was awarded this prestigious fellowship in 2004 and, for two years, she represented survivors of domestic violence in family law and employment matters. Ms. Gold also provided legal counsel to clients, members of the legal community, and social service providers regarding the Illinois Victim's Safety and Security Act (VESSA), a state law protecting survivors of abuse from employment discrimination and providing for unpaid leave.

Ms. Gold earned her law degree from the University of Michigan Law School, where she was an associate editor of the Journal of Law Reform, co-President of the Law Students for Reproductive Choice, and a student attorney at the Family Law Project clinical program. Ms. Gold graduated with high distinction from the University of Michigan Ross School of Business in 2001, concentrating her studies in Finance and Marketing.

Ms. Gold is admitted to practice before the courts of the District of Columbia, Illinois, and Maryland, as well as numerous federal courts including the U.S. District Court for the District of Columbia, the U.S. District Court for the District of Maryland, and the U.S. Court of Appeals for the District of Columbia Circuit.

KRISTEN L. SAGAFI
PARTNER

Kristen Law Sagafi is a 2002 graduate of the University of California, Berkeley School of Law, where she served as articles editor for Ecology Law Quarterly and a student law clerk to the Hopi Appellate Court in Keams Canyon, Arizona. After graduating from law school, Ms. Sagafi joined the San Francisco office of Lieff Cabraser Heimann & Bernstein, LLP, one of the nation's premier class action firms. Ms. Sagafi was recognized as a "Rising Star for Northern California" by Super Lawyers every year between 2009 and 2014, before being named as a "Super Lawyer" in 2015.

Ms. Sagafi focuses her practice on consumer fraud cases, including matters involving false advertising and unfair competition. In 2014, Ms. Sagafi drafted and advanced a bill to strengthen the protections afforded to consumers under California's Consumers Legal Remedies Act, an effort that included presenting testimony to the California State Senate Judiciary Committee. Beyond her consumer protection practice, Ms. Sagafi has received more than 40 hours of accredited mediation training and has served as a volunteer mediator at Contra Costa Superior Court, successfully mediating small claims and landlord-tenant cases.

In addition, Ms. Sagafi has been a guest lecturer on class action law at UC Berkeley and law firm management at UC Hastings. Since 2010, she has been co-chair of the Berkeley Consumer Law Alumni Group. Ms. Sagafi currently sits on the Board of the Justice and Diversity Center of the Bar Association of San Francisco, which advances fairness and equality by providing pro bono legal services to low-income people and educational programs that foster diversity in the legal profession. From 2009-2014, Ms. Sagafi served on the Board of Governors of California Women Lawyers, where she was a member of the executive committee and co-chair of the membership committee.

ANNA C. HAAC
PARTNER

Anna C. Haac is a Partner in Tycko & Zavareei's Washington, D.C. office. She focuses her practice on consumer protection class actions and whistleblower litigation. Her prior experience at Covington & Burling LLP, one of the nation's most prestigious defense-side law firms, gives her a unique advantage when representing plaintiffs against large companies in complex cases. During her time at Covington, Ms. Haac represented corporate clients in high stakes cases, focusing her practice on complex civil litigation, white collar defense work, and employment disputes. Among other matters, Ms. Haac represented Fortune 500 companies in government investigations into violations of federal laws and regulations, advised employers on applicable federal and state employment laws, and litigated on behalf of companies and individuals in patent, insurance, and other civil matters.

Since arriving at Tycko & Zavareei, Ms. Haac has represented consumers in a wide range of practice areas, including product liability, false labeling, deceptive and unfair trade practices, and predatory financial practices. She also serves as the D.C. Co-Chair of the National Association of Consumer Advocates. Her whistleblower practice involves claims for fraud on federal and state governments across an equally broad spectrum of industries, including health care fraud, customs fraud, and government contracting fraud. During her tenure at Tycko & Zavareei, Ms. Haac has helped secure multimillion dollar relief on behalf of the classes and whistleblowers she represents. In addition, she has been instrumental in securing key appellate victories, including a recent landmark decision by the U.S. Court of Appeals for the Third Circuit, which held as a matter of first impression that the evasion of customs duties for failing to mark imported goods with their foreign country of origin gives rise to a claim under the False Claims Act.

Ms. Haac earned her law degree cum laude from the University of Michigan Law School in 2006 and went on to clerk for the Honorable Catherine C. Blake of the United States District Court for the District of Maryland. Prior to law school, Ms. Haac graduated with a B.A. in political science with highest distinction from the Honors Program at the University of North Carolina at Chapel Hill.

Ms. Haac is a member of the District of Columbia and Maryland state bars. She is also admitted to the United States Court of Appeals for the Second, Third, and Fourth Circuits and the United States District Courts for the District of Columbia, District of Maryland, and the Eastern District of Michigan.

ANNICK M. PERSINGER
PARTNER

Annick M. Persinger graduated magna cum laude as a member of the Order of the Coif from the University of California, Hastings College of the Law in 2010. While in law school, Ms. Persinger served as a member of Hastings Women's Law Journal, and authored two published articles. In 2008, Ms. Persinger received an award for Best Oral Argument in the first year moot court competition. In 2007, Ms. Persinger graduated cum laude from the University of California, San Diego with a B.A. in Sociology, and minors in Law & Society and Psychology.

Prior to joining Tycko & Zavareei LLP, Ms. Persinger was a litigation associate at Bursor & Fisher, P.A., a prestigious consumer class action firm. During her time at Bursor & Fisher, Ms. Persinger represented classes of purchasers of homeopathic products, mislabeled food products, mislabeled toothpaste products, and purchasers of large appliances that were mislabeled as Energy Star qualified. While working at Bursor & Fisher, Ms. Persinger developed cases for filing, drafted countless successful briefs in support of class certification, and defeated numerous motions to dismiss and motions for summary judgment. Ms. Persinger also routinely appeared in court, and regularly deposed and defended witnesses.

Following law school, Ms. Persinger also worked as a legal research attorney for Judge John E. Munter in Complex Litigation at the San Francisco Superior Court.

Since joining Tycko & Zavareei in 2017, Ms. Persinger has focused her practice on consumer class actions and other complex litigation.

Ms. Persinger is admitted to the State Bar of California and the bars of the United States District Courts for the Northern District of California, Central District of California, Eastern District of California, and Southern District of California.

ANDREW J. SILVER
ASSOCIATE

Andrew J. Silver graduated magna cum laude as a member of the Order of the Coif from Boston College Law School in 2012. While in law school, he was an Articles Editor of the Boston College International & Comparative Law Review, for which he previously served as a Staff Writer. In 2007, Mr. Silver graduated from Tufts University with a B.A. in Economics and a concentration in Communication and Media Studies.

At Tycko & Zavareei LLP, Mr. Silver has worked on all aspects of complex civil litigation matters in federal and state courts, with a focus on consumer class action and qui tam litigation. The substantive issues in these cases have involved financial products, contracts, product labels, privacy, and product defects, and frequently touch on questions of statutory interpretation, federal regulations, and civil procedure. Mr. Silver is experienced in pre-complaint investigations, written discovery, deposition practice, all aspects of motion practice—including dispositive motions, class certification, and appeals—and has worked on multiple matters on which a court has granted a contested motion for class certification.

Prior to joining Tycko & Zavareei, Mr. Silver worked as a student-attorney at the Boston College Legal Assistance Bureau, practicing housing law, family law, and administrative law on behalf of indigent clients. During law school, he spent summers at the Appeals Bureau of the Manhattan District Attorney's Office and as a judicial intern for the Honorable Williams K. Sessions III at the United States District Court for the District of Vermont.

Mr. Silver is a member of the Massachusetts and District of Columbia bars and is admitted to practice before the United States District Court for the District of Columbia.

KATHERINE M. AIZPURU
ASSOCIATE

Katherine M. Aizpuru graduated *cum laude* from Harvard Law School in 2014. While in law school, Ms. Aizpuru held positions as Executive Submissions Editor of the *Harvard Journal of Law & Gender* and as a Board Member of Law Students for Reproductive Justice. Ms. Aizpuru graduated with High Honors from Swarthmore College in 2010 with a B.A. in Political Science and a minor in Chinese Language and Literature. She is a member of Phi Beta Kappa.

Ms. Aizpuru joined Tycko & Zavareei in 2017. Prior to joining the firm, Ms. Aizpuru clerked for the Honorable Theodore D. Chuang on the United States District Court for the District of Maryland and the Honorable Catharine F. Easterly on the District of Columbia Court of Appeals. Ms. Aizpuru has practiced law in the Washington, D.C. office of a large international law firm, where she worked on administrative proceedings and civil litigation matters, including several *qui tam* lawsuits. While at that firm, Ms. Aizpuru was recognized for her *pro bono* work on behalf of a domestic violence survivor, a client seeking Social Security disability benefits, and an international nonprofit organization.

While attending Harvard Law School, Ms. Aizpuru worked as a student attorney at the Family Law and Domestic Violence Clinic, where she successfully represented a client in a bench trial and helped secure restraining orders against abusive partners for numerous others. She successfully represented an incarcerated client in a prison disciplinary hearing through the Prison Legal Assistance Program. Ms. Aizpuru interned at the Center for Reproductive Rights and Cambridge & Somerville Legal Services. She also co-produced the Harvard Law School Drama Society's annual Parody performance. Prior to law school, Ms. Aizpuru represented the United States as a Student Ambassador in the USA Pavilion at the 2010 World Expo in Shanghai, People's Republic of China.

Ms. Aizpuru is a member of the District of Columbia, Massachusetts, and New York state bars. She is also admitted to practice before the United States Court of Appeals for the Fourth Circuit and the United States District Court for the District of Maryland.

DAVID W. LAWLER
OF COUNSEL

David Lawler received his law degree from Creighton University School of law in 1997. Mr. Lawler graduated from the University of California, Berkeley in 1989 with a degree in Political Science.

Mr. Lawler joined Tycko & Zavareei LLP in January 2012. He has over fifteen years of commercial litigation experience, including an expertise in eDiscovery and complex case management. At the firm Mr. Lawler has worked extensively on overdraft fee litigation and *In re Automotive Parts Antitrust litigation*.

Before joining Tycko & Zavareei LLP, Mr. Lawler was an attorney in the litigation departments at McKenna & Cuneo LLP and Swidler Berlin Shereff Friedman LLP.

Among Mr. Lawler's accomplishments include the co-drafting of appellate briefs which resulted in reversal and remand of lower court decision, US Court of Appeals for the Fourth Circuit.

Mr. Lawler is a member of the District of Columbia Bar, as well as numerous federal courts.