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17 *Attorneys for Plaintiff,*
18 Kyle Hansen

19 **SUPERIOR COURT OF CALIFORNIA**
20 **COUNTY OF SAN LUIS OBISPO - UNLIMITED**

21 **KYLE HANSEN,**
22 **INDIVIDUALLY AND ON**
23 **BEHALF OF ALL OTHERS**
24 **SIMILARLY SITUATED,**

25 Plaintiff,

26 v.

27 **TINDER, INC.; AND, DOES 1-**
28 **20, INCLUSIVE,**

Defendant.

Case No.: 15CVP-0155

**DECLARATION OF MATTHEW
M. LOKER IN SUPPORT OF
PLAINTIFF KYLE HANSEN'S
MOTION FOR ATTORNEYS' FEES
AND COSTS**

DATE: September 25, 2018
TIME: 9:00 A.M.
DPT: P2

HONORABLE LINDA D. HURST

**ELECTRONICALLY
FILED
5/10/2018 2:04 PM**

SAN LUIS OBISPO SUPERIOR COURT
BY: [Signature]
Renee Bonello, Deputy Clerk

DECLARATION OF MATTHEW M. LOKER, ESQ.

I, MATTHEW M. LOKER declare:

1. I am one of the attorneys for the Plaintiff KYLE HANSEN (“HANSEN”) in this action.
2. I am over the age of 18 and am fully competent to make this declaration.
3. I submit this declaration in support of Hansen’s Motion for Attorneys’ Fees and Costs in the action against Defendant TINDER, INC. (“Tinder”).
4. I was admitted to the State Bar of California in 2011 and have been a member in good standing ever since that time.
5. I am licensed to practice law before all California Federal Courts; and, all California State Courts.
6. I have litigated cases in both state and federal courts in Arizona, California, Colorado, Florida, Minnesota, Missouri, Nevada, Ohio, South Carolina, Tennessee and Utah as well as the Ninth Circuit Court of Appeals and California Appellate Courts.
7. I am also admitted to practice in the States of Texas; and, Washington.
8. I am currently the Supervising Attorney for SLO Law Line which is a resource provided by the San Luis Obispo College of Law.
9. I will be teaching Contracts at the San Luis Obispo College of Law next semester.
10. If called as a witness, I would competently testify to the matters herein from personal knowledge.
11. The declaration is based upon my personal knowledge, except where expressly noted otherwise.
12. Abbas Kazerounian; Joshua B Swigart; and, I each submitted Declarations in support of Hansen’s Motion for Preliminary Approval.
13. Said Declarations outlined our experience as consumer attorneys and class counsel.

1 14. Based upon the statements therein, I believe that the hourly rate of \$500 for
2 Kazerounian and Swigart is justified.

3 15. I also believe my hourly rate of \$425 is justified by my experience.

4 16. The Honorable Charles S. Crandall recently granted Final Approval in the matter
5 of *Burkhammer v. Allied Interstate, Inc.*, 15CV-0567 on November 1, 2017.

6 17. Therein, Judge Crandall awarded the requested hourly rates of \$500 for
7 Kazerounian and Swigart; and, \$425 for me.

8 18. Said hourly rates were supported by local attorneys Bradley Liggett, Esq.;
9 Christopher Lewi, Esq.; and. Shawn N. Guy, Esq.

10 19. I believe this Court should award the same rates that were previously deemed
11 reasonable.

12 20. Pursuant to the Parties' Settlement Agreement, my co-counsel and I have agreed
13 to accept \$65,000.00 for our attorneys' fees and costs.

14 21. Hansen has been informed of the fee sharing arrangement and has agreed to such
15 an arrangement in writing pursuant to Cal. Rules of Professional Conduct, Rule
16 2-200.

17 22. Attached as **Exhibit A** is a true and correct copy of the Time Sheet detailing the
18 attorneys' fees incurred in connection with this Action.

19 23. Attached as **Exhibit B** is a true and correct copy of the litigation costs incurred
20 herein.

21 24. I have reviewed the hours and costs outlined in Exhibits A and B.
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25. Said hours and costs accurately reflect the time and money my co-counsel and I spent to reach this stage of litigation and resolution.

I declare under penalty of perjury under the laws of the United States and of the State of California that the foregoing is true and correct, and that this declaration was executed on May 10, 2018.

By: 
MATTHEW M. LOKER, ESQ.

PLAINTIFF'S EXHIBIT A

In The Case Of

Kyle Hansen, Individually and on Behalf of All Others Similarly Situated,

v.

Tinder, Inc.; and, Does 1-20, Inclusive,

15CVP-0155

KAZEROUNI LAW GROUP, APC
1303 EAST GRAND AVENUE, SUITE 101
ARROYO GRANDE, CA 93420
(805) 335-8455

Hyde & Swigart

Joshua B. Swigart, ATTORNEY (AT \$625.00 per hr.)*May 21, 2015*

Discussed DSCA with AK and ML 0.30 hrs.

May 25, 2015

Reviewed MLs Complaint and made notes 0.40 hrs.

September 3, 2015

Reviewed and approved FAC 0.30 hrs.

September 23, 2015

ED - Nothing on calendar for the 10/5 CMC. Please investigate and correct 0.10 hrs.

December 30, 2015

Reviewed Ds Motion to Transfer Venue and made notes for issues that need to be researched 1.40 hrs.

March 15, 2016

Reviewed disco to date for purposes of class certification 1.30 hrs.

July 7, 2016

Review filed protective order 0.30 hrs.

August 4, 2016

Review documents send by D 0.50 hrs.

Notice of PMK; 10/13/16 at 10a; LA Veritext 0.10 hrs.

October 15, 2016

Discussed PMK Depo with ML 0.40 hrs.

November 3, 2016

MOU 0.10 hrs.

April 9, 2018

Order granting preliminary approval 0.20 hrs.

Joshua B. Swigart, In Summary: 5.40 hrs.**Krysti A. Ruddle, CLERK (AT \$150.00 per hr.)***July 27, 2015*

Soft File Created 0.00 hrs.

Received D Notice of Demurrer and Demurrer to the Third Cause of Action in P Complaint 0.10 hrs.

Received D Mtn to Strike Portions of P Class Action Complaint 0.10 hrs.

September 21, 2015

Received OCs CMS re CMC on 10/5/15 9am Dept 2 0.10 hrs.

October 19, 2015

Received Stip and Proposed Protective order governing the production and handling of confidential material 0.10 hrs.

December 23, 2015

Received D Mtn to Transfer venue to LA County with memo of P&A and 2 declarations in Supp 0.10 hrs.

Krysti A. Ruddle, In Summary: \$62.50 0.50 hrs.

Time Sheets for Hansen v. Tinder, Inc }

Kandace Birch, CLERK (AT \$150.00 per hr.)*September 28, 2017*

received Notice of ruling at case management conf. Sept 25 0.20 hrs.

February 28, 2018

Received Notice of Cont CMC April 10 2018 9am 0.20 hrs.

Kandace Birch, In Summary: \$60.00 0.40 hrs.

Ronza Lien, CLERK (AT \$200.00 per hr.)*October 10, 2016*

Received D's RESPONSES and objections to amended ntc of taking depo of D's person(s) most knowledgeable. 0.10 hrs.

Received cd in response to RPD 0.10 hrs.

October 24, 2016

Received Mediation Hearing ntc for 11/2/16 from 10:00am to 6:00pm 0.10 hrs.

Ronza Lien, In Summary: \$37.50 0.30 hrs.

Front Desk, FRONT DESK (AT \$150.00 per hr.)*April 18, 2016*

Received CMS from OC hearing set for 05/02/16 9:00am D. 2 0.10 hrs.

Received notice of from Court Call on upcoming for 05/02/16 9:00am 0.10 hrs.

Front Desk, In Summary: \$25.00 0.20 hrs.

Antonia E Smith, PARALEGAL (AT \$180.00 per hr.)*February 28, 2018*

Calendared CMC: 4/10/18 9AM - Dept. P2; CMS Due: 3/20/18 0.20 hrs.

Antonia E Smith, In Summary: \$30.00 0.20 hrs.

Erin O'Rourke, PARALEGAL (AT \$180.00 per hr.)*January 15, 2016*

Received Service Copy from Court Call, for a notice of appearance for CMC on 1/20/16 at 9:00am, Dept. P2 Judge Ginger Garrett, w/ OC's CMS attached 0.10 hrs.

January 27, 2016

Received D's Reply to Brief in support of Mtn to Transfer venue to LA county. Hearing on 2/2/16 at 9:00am w/ Judge Giner E. Garrett in dept. P2. POS dated 1/26/16 0.10 hrs.

April 29, 2016

Received NTC of Court Call appearance by Donald R. Brown at 5/2/16 CMC at 9:00am 0.10 hrs.

July 1, 2016

Received filed/stamped CMS for CMC on 7/13/16 at 9am 0.10 hrs.

July 11, 2016

Received copy of Stip. and Proposed Protective Order, signed by both P and D 0.10 hrs.

July 15, 2016

Received copy of Stip. and Protective Order, signed by both P and D and Stamped by Judge 0.10 hrs.

August 1, 2016

Received D's Response to RPD Request on disc w supplemental responses to P's SROGS 0.10 hrs.

Received D's Supp Response to SROGS 0.10 hrs.

Time Sheets for Hansen v. Tinder, Inc }

August 15, 2016

Received D's Amended RESPONSES to P's SROGS 0.10 hrs.

August 29, 2016

Received discovery REQUESTS; Srogs, Frogs and Rpd. POS dated 8/24 0.10 hrs.

Erin O'Rourke, In Summary: \$150.00 1.00 hrs.

Eva Dickey, PARALEGAL (AT \$180.00 per hr.)

October 12, 2015

Received D's Responses to S Rogs, RPD, RFA. Verifications to follow 0.10 hrs.

October 13, 2015

Received D's Answer to FAC 0.10 hrs.

Eva Dickey, In Summary: \$30.00 0.20 hrs.

, (AT per hr.)

March 20, 2017

Received CourtCall Appearance- service copy CMC 3/29/17 9am 0.20 hrs.

June 15, 2017

Received court call appearance 6/28/17 9am service copy 0.20 hrs.

July 3, 2017

Received Notice of ruling at case management conf. June 28th 0.20 hrs.

, In Summary: \$30.00 0.60 hrs.

Kaz LG

Abbas Kazerounian, ATTORNEY (AT \$625.00 per hr.)*May 14, 2015*

Discussed situation with ML 0.40 hrs.

May 21, 2015

Discussed DSCA with ML and JBS 0.30 hrs.

July 28, 2015

Reviewed D's Demurrer and Motion to Strike - made notes for Opposition and Qs to research 2.80 hrs.

August 25, 2015

Discussed Motions with ML 0.30 hrs.

October 16, 2015

Conducted legal research based upon info obtained during disco 1.80 hrs.

January 20, 2016

Reviewed and edited Transfer Oppo 0.60 hrs.

August 3, 2016

I talked to the Δ atty re mediation and he said he would ask his client. I then called ML and asked him to start thinking about creative way of getting them to change their practice 0.70 hrs.

August 15, 2016

Emailed D atty to see if he had the opportunity to discuss with his client settlement options 0.10 hrs.

Received email from D atty stating that he is due to speak to his client and will get back to me hopefully by the end of the week 0.10 hrs.

August 20, 2016

Email exchange with D counsel that they are not ready to mediate. They want the discovery to finish first. I responded and said that i agreed and we will revisit when we have T-ed up cert. I then called ML to discuss 0.60 hrs.

November 1, 2016

Traveled to LA and prepped for mediation with co counsel and stayed the night 6.70 hrs.

November 2, 2016

Attended mediation all day and traveled back to OC 9.80 hrs.

Abbas Kazerounian, In Summary: 24.20 hrs.**Matt Loker, ATTORNEY (AT \$525.00 per hr.)***May 13, 2015*

Met with Hansen to discuss issues with Tinder Plus 0.80 hrs.

Conducted research re Tinder and other dating service laws 2.40 hrs.

May 14, 2015

Discussed situation with AK 0.40 hrs.

Left VM for Kyle 0.10 hrs.

May 15, 2015

Call from Kyle. He decided to cancel Tinder plus but would like a refund. To date, he has not received one 0.40 hrs.

Time Sheets for Hansen v. Tinder, Inc }

May 18, 2015

Received docs from Kyle re purchase and cancellation 0.20 hrs.
Searched for Tinder's Contract. Reviewed Contract and made notes 0.80 hrs.

May 20, 2015

Conducted research re tinder K. Reviewed DSCA and associated cases 3.40 hrs.

May 21, 2015

Discussed DSCA with Kyle 0.20 hrs.
Discussed DSCA with AK and JBS 0.30 hrs.
Began drafting Complaint. 1.10 hrs.

May 22, 2015

Researched other DSCA matters to review pleading issues. Edited Complaint based upon these orders 1.40 hrs.

May 26, 2015

Finalized Complaint based upon JBS' Notes. Sent to Hansen for review/approval 0.30 hrs.

May 27, 2015

Discussed Complaint with Kyle. Answered additional questions re proceeding as a class and finalized complaint based upon Kyle's comments 0.90 hrs.
Filed Complaint 0.20 hrs.

August 1, 2015

Continued researching Demurrer/MTS 1.20 hrs.

August 3, 2015

Discussed pending motions with Kyle and our possible responses/options 0.60 hrs.

August 19, 2015

Began drafting disco and PMK Depo notice 0.80 hrs.

August 20, 2015

Finalized and sent disco 0.60 hrs.
Confirmed depo date and location with Veritext 0.20 hrs.

August 25, 2015

Discussed Motions with AK. Amending seems to be the most efficient option 0.30 hrs.

August 26, 2015

Discussed Motions and Amendment with Kyle. Hes in agreement 0.40 hrs.

September 1, 2015

Amended Complaint 0.60 hrs.

September 4, 2015

Filed FAC 0.20 hrs.
Served D counsel with FAC 0.20 hrs.

September 22, 2015

Discussed case progress with Kyle 0.20 hrs.

October 5, 2015

Drove to Paso for CMC 0.80 hrs.
Attended CMC 0.50 hrs.
Returned to office following CMC. Updated calendar 0.90 hrs.

Time Sheets for Hansen v. Tinder, Inc }

<i>October 14, 2015</i>	
Reviewed Ds Answer to FAC	0.20 hrs.
<i>October 15, 2015</i>	
Reviewed Ds disco responses and made notes for MSJ/Class Cert purposes	3.20 hrs.
<i>January 2, 2016</i>	
Reviewed Motion to Transfer and conducted legal research	3.80 hrs.
<i>January 19, 2016</i>	
Continued to work on Transfer Oppo	2.10 hrs.
<i>January 20, 2016</i>	
Traveled to and from Paso for CMC - continued to 2/2	2.40 hrs.
Finalized and filed Transfer Oppo	3.40 hrs.
Mailed copy of transfer oppo to opposing counsel - also e-mailed courtesy copy	0.30 hrs.
<i>January 22, 2016</i>	
Updated Kyle's contact number and discussed the Motion to Transfer	0.30 hrs.
<i>January 29, 2016</i>	
Reviewed tentative and asked D counsel if they submit.	0.70 hrs.
Informed client that we won motion	0.20 hrs.
<i>February 1, 2016</i>	
Reviewed papers and tentative order to prepare for oral argument on Motion to Transfer	3.80 hrs.
<i>February 2, 2016</i>	
Final prep re Motion	0.60 hrs.
Traveled to Paso for oral argument	0.90 hrs.
Argued Motion. Court adopted tentative and we had a CMC as well	0.70 hrs.
Returned to office following Motion/CMC	0.90 hrs.
<i>March 3, 2016</i>	
Discussed case progress with Kyle	0.20 hrs.
<i>May 2, 2016</i>	
Traveled to Paso for CMC	1.00 hrs.
Attended CMC	0.80 hrs.
Returned to office following CMC	0.70 hrs.
<i>June 29, 2016</i>	
Reviewed and sent M&C re Ds Disc	1.40 hrs.
Prepared Status Report for Court. Filed Status Report	0.30 hrs.
<i>July 13, 2016</i>	
Drove to Paso for CMC	1.10 hrs.
Attended CMC	0.60 hrs.
Returned to AG following CMC	0.80 hrs.
<i>July 31, 2016</i>	
Received notice that case reassigned	0.20 hrs.

Time Sheets for Hansen v. Tinder, Inc }

<i>August 2, 2016</i>	
Received Ds supp responses. Reviewed for purposes of MSJ/Class Cert	0.40 hrs.
<i>October 3, 2016</i>	
Discussed discovery responses with Kyle	0.40 hrs.
<i>October 4, 2016</i>	
Drafted responses based upon convo with Hansen	1.30 hrs.
<i>October 5, 2016</i>	
Asked Kyle to review responses	0.10 hrs.
<i>October 6, 2016</i>	
Finalized and sent responses	0.60 hrs.
<i>October 11, 2016</i>	
Prepared for PMK Depo	2.40 hrs.
<i>October 12, 2016</i>	
Continued PMK Depo Prep	1.30 hrs.
<i>October 13, 2016</i>	
Drove to LA for Depo	3.30 hrs.
Took PMK Depo	1.60 hrs.
Returned to SLO following PMK Depo	4.10 hrs.
Propounded SPROGS, Set Two	0.40 hrs.
Prepared SPROGS, Set Two. Sent to D counsel	0.80 hrs.
<i>October 15, 2016</i>	
Discussed PMK Depo with JBS	0.40 hrs.
<i>October 27, 2016</i>	
Prepared Status Report to notify Court we are going to mediation with Judge Altman on 11/2	0.20 hrs.
<i>November 1, 2016</i>	
Travel to LA for mediation on 11/2	4.60 hrs.
Prep for mediation with AK	2.20 hrs.
<i>November 2, 2016</i>	
re: Settlement Agreement - we deleted exclusion so that Tinder could figure out logistics of how to give active users a free month	0.10 hrs.
Attend Mediation. Case resolved	8.20 hrs.
Returned to SLO following mediation	4.90 hrs.
<i>November 9, 2016</i>	
Travel to Paso for CMC	0.90 hrs.
Attend CMC	0.80 hrs.
Return to office following CMC	1.10 hrs.
<i>March 2, 2017</i>	
Updated Calendar re CMC on 3/29	0.20 hrs.
<i>March 23, 2017</i>	
Began drafting Preliminary Approval Motion	4.10 hrs.

Time Sheets for Hansen v. Tinder, Inc }

<i>March 27, 2017</i>	
Set up CourtCall for 3/29 CMC	0.20 hrs.
<i>March 29, 2017</i>	
Attended CMC - Continued to 6/28	0.40 hrs.
<i>April 10, 2017</i>	
Continued work on preliminary approval motion	2.10 hrs.
<i>April 11, 2017</i>	
Continued drafting preliminary approval motion	1.80 hrs.
<i>April 12, 2017</i>	
Edited Preliminary Approval docs	1.40 hrs.
<i>June 23, 2017</i>	
Booked CourtCall re CMC on June 28 due to conflict with Robbins depo	0.20 hrs.
<i>January 14, 2018</i>	
Finalized prelim approval - sent to D for approval	2.10 hrs.
<i>February 14, 2018</i>	
Reviewed Ds edits	0.40 hrs.
<i>February 20, 2018</i>	
Updated Prelim Approval motion	0.60 hrs.
Filed Motion for Preliminary Approval	0.20 hrs.
Hearing set for 4/10 at 9 am in Paso Robles	0.20 hrs.
Emailed preliminary approval to D counsel	0.20 hrs.
Mailed preliminary approval to D counsel	0.20 hrs.
<i>April 9, 2018</i>	
Reviewed tentative and made notes for oral argument	0.60 hrs.
<i>April 10, 2018</i>	
Drove to Paso	0.90 hrs.
Attended preliminary approval. Motion granted and Final Approval set for 9/25	0.30 hrs.
Returned to Office	1.10 hrs.
Updated proposed order and sent to Don	0.20 hrs.
Edited Proposed Order based upon Don's comments and filed	0.20 hrs.
<i>May 2, 2018</i>	
Worked on fee petition	2.10 hrs.
<i>May 3, 2018</i>	
Edited Fee Petition	4.20 hrs.
<i>May 10, 2018</i>	
Finalized and filed Fee Petition	1.80 hrs.

Matt Loker, In Summary: 116.80 hrs.



PLAINTIFF'S EXHIBIT B

In The Case Of

Kyle Hansen, Individually and on Behalf of All Others Similarly Situated,

v.

Tinder, Inc.; and, Does 1-20, Inclusive,

15CVP-0155

KAZEROUNI LAW GROUP, APC
1303 EAST GRAND AVENUE, SUITE 101
ARROYO GRANDE, CA 93420
(805) 335-8455

COST OR EXPENSE DESCRIPTION	COUNT	COST	CHARGE
Hyde & Swigart			
Cost and Expenses Incurred on 2/6/17			
kaz Cost Check # 6188. Date of check	1	\$1,722.00	\$1,722.00
			Total Expenses: \$1,722.00

COST OR EXPENSE DESCRIPTION	COUNT	COST	CHARGE
Kaz LG			
Cost and Expenses Incurred on 5/27/15			
Filing Fee with Complex Designation	1	\$1,435.00	\$1,435.00
Cost and Expenses Incurred on 1/8/16			
Filing Fee re CMC Statement	1	\$5.14	\$5.14
Cost and Expenses Incurred on 1/20/16			
Filing Fee re Transfer Oppo	1	\$3.60	\$3.60
Cost and Expenses Incurred on 11/2/16			
Hotel for Mediation	1	\$415.79	\$415.79
Cost and Expenses Incurred on 11/3/16			
PMK Depo	1	\$560.25	\$560.25
Parking re Mediation (ML)	1	\$34.00	\$34.00
Cost and Expenses Incurred on 3/27/17			
CourtCall re 3/29 CMC	1	\$86.00	\$86.00
Cost and Expenses Incurred on 6/23/17			
CourtCall re CMC on June 28	1	\$86.00	\$86.00
Cost and Expenses Incurred on 9/22/17			
Filing Fee	1	\$20.00	\$20.00
Cost and Expenses Incurred on 2/8/18			
Filing - Matt	1	\$3.60	\$3.60
Cost and Expenses Incurred on 2/20/18			
Filing Fee re Prelim Approval	1	\$65.25	\$65.25
Filing - Matt	1	\$5.25	\$5.25
Filing - Matt	1	\$60.00	\$60.00
Cost and Expenses Incurred on 2/21/18			
Filing Fee - Matt	1	\$3.60	\$3.60
Cost and Expenses Incurred on 4/10/18			
Filing fee re proposed order	1	\$3.60	\$3.60

COST OR EXPENSE DESCRIPTION	COUNT	COST	CHARGE
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Total Expenses: \$2,787.08
