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Attorneys for Petitioners and Class

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF ALAMEDA

Wendell G. Moen, Jay Davis, Donna Ventura, Gregory M.  
Bianchini, Alan Hindmarsh, Cal Wood and Sharon Wood,  
on behalf of Themselves and Others Similarly Situated,  
Petitioners,

v.

Regents of University of California, and Does, 1 through  
99, inclusive,  
Respondents.

No. RG 10530492

**Declaration of Dov M.  
Grunschlag in Support of Motion  
for Attorneys' Fees**

Date: April 10, 2020

Time: 10:00 a.m.

Dept.: 21

Judge: Hon. Winifred Y. Smith

Reservation No.: R-2151296

1 I, Dov M. Grunschlag, declare as follows:

2 1. I am attorney duly admitted to practice in the courts of this state. I make this declaration  
3 in support of Petitioners' motion for attorneys' fees.

4 2. I graduated from Columbia Law School in 1966 (magna cum laude; editor, Columbia Law  
5 Review). Following a year teaching legal research and writing at Columbia, I clerked for Chief Justice  
6 Roger Traynor of the California Supreme Court. I was then professor of law at King Hall, University of  
7 California, Davis, from 1968-1974, during which time I was also engaged in law practice to a limited  
8 extent. Since 1974 I have practiced law full time in San Francisco, first for 30 years at Steinhart and  
9 Falconer; then for 4 years at Steinhart's merger successor, the international law firm DLA Piper; and for  
10 the last 12 years, at my current firm. Throughout my years in practice I have specialized in labor and  
11 employment law. I am a Fellow of the College of Labor and Employment Lawyers. I have been selected  
12 to Super Lawyers in labor and employment each year since 2005 to this year.

13 3. In late 2008 or early 2009 I was contacted by a physicist who had retired some years  
14 earlier after devoting his career to working at the Lawrence Livermore Laboratory. He was receiving his  
15 pension from UC but his health insurance coverage had recently changed. His coverage now was under  
16 plans sponsored by a new entity that had recently begun operating the lab, and he believed it was inferior  
17 to UC's. He was referred to me because I had represented professors who had been involuntarily retired  
18 under the University's then-mandatory retirement policy, which an appellate court struck down in a  
19 published opinion. Dubins v. Regents (1994) 25 Cal.App.4th 77. (I have represented numerous  
20 academic and non-academic employees at the University over the years). I agreed to look into the matter,  
21 and called Tom Sinclair, who I knew was a leading practitioner in the field. It turned out he had been  
22 contacted as well, and we agreed to work together. I have been counsel in the case throughout.

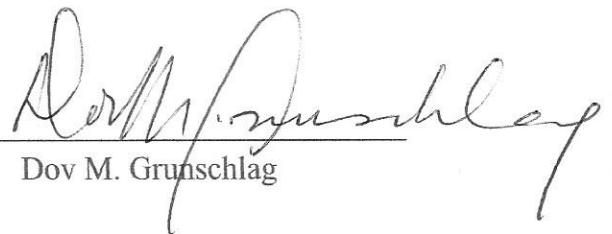
23 4. The work on the case is described in detail in the declaration of Andrew Thomas Sinclair,  
24 which I have read. It is accurate. My time records, included in this application, reflect my involvement  
25 in all stages of the case. I recorded my time contemporaneously in accordance with my decades-long  
26 practice. The time was recorded in segments of one-tenth of an hour. I can confidently say, however,  
27 that a great deal of time went unrecorded, partly because these were not usual paying clients, and also

1 because many of the issues we faced were novel and required analysis, research, and thought, going well  
2 beyond the usual case. The time that I spent on each stage of the case is as follows (excluding time  
3 written off):

Stage	From	To	Description	Hours
1	3-14-09	7-28-11	Petition for Writ of Mandate to Demurrer	107.2
2	7-29-11	3-8-13	First Appeal and <u>Requa</u> Opinion	65.9
3	3-9-13	1-21-15	Class Certification and Notice to Class	94.6
4	1-22-15	12-8-15	Phase I Trial and Statement of Decision	37.2
5	12-9-15	2-27-17	Discovery re "Actual Economic Damages"	54.9
6	2-28-17	8-4-17	Order re Complete Class List and Second Notice	19.5
7	8-5-17	11-27-17	Decertification	27.0
8	11-28-17	8-1-18	Second Appeal and <u>Moen</u> Opinion	25.0
9	8-2-18	12-11-19	Mediation, Trial Preparation, and Settlement	282.2
10	12-12-19	Present	Post-Settlement to February 29, 2020	109.8
<b>TOTAL HOURS</b>				<b>823.3</b>

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14 5. As shown in the above chart, excluding write-offs I billed a total of 823.3 hours through  
15 February 29, 2020. In exercising my billing judgment as I regularly do in other cases, I wrote off a total  
16 of 5.2 hours. The rate I am charging is \$975 per hour. This rate is commensurate with (or below) rates  
17 charged for attorneys with similar experience and expertise in the San Francisco Bay Area. Multiplying  
18 the total hours (823.3) by the rates yields a lodestar through February 29, 2020 of \$802,717.50. All of  
19 my work is reflected in contemporaneous billing records (as well as timekeeper spreadsheets), which I  
20 will promptly provide for the Court's *in camera* review should the Court request.

21 I declare under penalty of perjury that the foregoing is true and correct. Executed this 12<sup>th</sup> day  
22 of March, 2020 at San Francisco, California.

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