

1 David C. Parisi (162248)
2 Suzanne Havens Beckman (188814)
3 PARISI & HAVENS LLP
4 100 Pine Street, Suite 1250
5 San Francisco, California 94111
6 (818) 990-1299 (telephone)
7 (818) 501-7852 (facsimile)
8 dcparsi@parisihavens.com
9 shavens@parisihavens.com

10 *Attorneys for Plaintiff Angelica Cosio*

ELECTRONICALLY
FILED

Superior Court of California,
County of San Francisco

09/11/2020
Clerk of the Court

BY: JUDITH NUNEZ
Deputy Clerk

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SUPERIOR COURT FOR THE STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO

ANGELICA COSIO, an individual, on her
own behalf and on behalf of all others
similarly situated,

Plaintiff,

v.

INTERNATIONAL PERFORMING
ARTS ACADEMY, LLC, a California
limited liability company, BARBIZON
SCHOOL OF SAN FRANCISCO, INC., a
California corporation, LION
MANAGEMENT GROUP INC., a
California corporation, ANTHONY
LOUIS LIONETTI, LARRY D.
LIONETTI, LENA QUESADA
LIONETTI, LENA M. LIONETTI, and
DOES 1-100, inclusive,
Defendants.

No. CGC-16-551337

**DECLARATION OF DAVID C. PARISI
IN SUPPORT OF PLAINTIFF'S
MOTION FOR ATTORNEYS' FEES
AND COSTS**

The Honorable Anne-Christine Massullo
Department 304
Civic Center Courthouse
400 McAllister Street
San Francisco California 94102

Date: October 19, 2020

Complaint Filed: April 6, 2016

1 I, David C. Parisi, declare as follows:

2 1. I am a partner in the law firm Parisi & Havens LLP and am responsible for the
3 handling of this litigation at my firm. I am counsel of record for Plaintiff Angelica Cosio. I am a
4 member of the Bar of the State of California and licensed to practice before this Court. I make
5 this declaration based upon my own personal knowledge. If called to testify, I could and would
6 testify to the facts contained herein.

7 2. The principals of Parisi & Havens LLP are myself and Suzanne Havens Beckman.
8 I graduated with a law degree from Boston University School of Law and have been practicing
9 law since passing the California State Bar in 1992. My law partner, Ms. Havens Beckman,
10 obtained her law degree from the University of Southern California and was admitted to the
11 California State Bar in 1997. I am admitted to practice law in the States of California and
12 Washington, and before the United States District Courts for the Northern, Central, Eastern and
13 Southern Districts of California, as well as other federal district courts. Together, my partner and
14 I have successfully litigated numerous complex class actions on behalf of plaintiffs. Over the
15 past seventeen or more years of practice, well over ninety-five percent of my firm's work has
16 been devoted to representing consumers in class actions. A copy of my firm's resume is attached
17 as **Exhibit 1**.

18 3. The attorneys at Parisi & Havens LLP record their time contemporaneously with
19 the work performed. Our firm's practice is to keep contemporaneous records for each
20 timekeeper and to regularly record time records in the normal course of business. We kept time
21 records in this case consistent with that practice. Moreover, our firm's practice is to bill in 6-
22 minute (tenth-of-an-hour) increments.

23 4. Between 2016 and March 2017, when the Aiman-Smith & Marcy firm associated
24 into this case, I spent a total of 170.2 hours on this case. I incurred 134.8 hours in 2016 and
25 20.20 hours from January through March 2017. My hourly rate is \$600 per hour, and therefore
26 my firm's lodestar in this action is \$102,120.00. I incurred time between April 2017 and the
27 present, but I am not including that time in this declaration. This lodestar figure is based on the
28 ordinary professional billing rate that my law office charges clients. Expenses are accounted for

1 and billed separately and are not duplicated in our professional billing rate.

2 5. I worked on this matter at the direction of Ethan Preston, who was eventually
3 appointed co-counsel in September 2018. I have worked for over a decade with Mr. Preston and
4 we work efficiently with each other, without duplication, and we complement each other's skill-
5 sets. Not being paid by the hour, we had an incentive to conduct our efforts efficiently. So too,
6 being responsible for advancing all expenses, we had an incentive not to expend funds
7 unnecessarily.

8 6. My current billing rate is consistent with, and lower than, the billing rate for
9 attorneys in the relevant legal community who have practiced for nearly thirty years in consumer
10 class action law firms. (See *Moreno v. San Francisco Bay Area Rapid Transit District* (N.D.
11 Cal., Oct. 18, 2018, No. 17- 02911-JSC) ECF No. 104-1 ¶19 [declaration of Todd Logan,
12 identifying attorney of 13 years' experience billing at \$700 per hour]; *Moreno v. San Francisco*
13 *Bay Area Rapid Transit District* (N.D. Cal., Jan. 28, 2019, No. 17-CV-02911-JSC) 2019 WL
14 343472, at *6 [“Class counsel has demonstrated that their hourly rates [including] \$700 an hour
15 for the managing partner . . . are reasonable in light of prevailing market rates in the Bay Area”].)

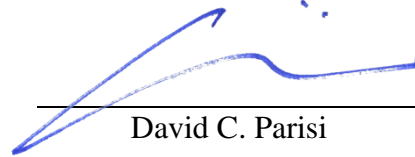
16 7. My office had incurred over \$11,017.15 in unreimbursed third-party expenses in
17 connection with the prosecution of this litigation.

18 8. These expenses have been fully paid by my firm and were reasonable and in my
19 professional judgment were necessary for the prosecution of this litigation. Our costs itemized
20 below do not include our normal cost of doing business expenses, such as in-office printing or
21 office supplies, subscription services like Westlaw or Lexis, or other computerized services that
22 law firms such as ours employ to run our office. We work to keep our travel expenses low, and
23 they are incurred only when deemed necessary to be conducted in person.

24 9. The actual expenses incurred in the prosecution of this case by my firm are
25 reflected in my firm's accounting records. Those accounting records are prepared based on
26 invoices for this litigation and accurately reflect all actual expenses incurred. These expenses are
27 categorized below.

Description	Amount
Court Call	\$86.00
Filing, subpoena and messenger fees	\$7,454.74
Postage and delivery	\$258.16
Private Investigator	\$450.00
Transcript Fees	\$667.00
Travel (airline, hotels, meals, auto and parking)	\$2,101.25
TOTAL	\$11,017.15

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this declaration was executed on September 9, 2020, at Port Hadlock, Washington.



David C. Parisi

Exhibit 1

(June 2020)

The Law Firm

Parisi & Havens LLP prides itself in meeting the varying needs of our clients. Our firm is committed to providing each of our clients with the highest quality legal representation and achieving the most successful resolution of their cases possible. We primarily represent individuals and businesses in class actions as well as complex insurance coverage disputes. The firm counts as its clients several banks, a Fortune 500 Company and numerous consumers. In each area in which we practice, the firm and its partners have built a reputation in the community for representing clients with strength and integrity.

The attorneys at Parisi & Havens have served in leadership roles or were co-lead counsel in the following complex lawsuits and class actions:

Slovin, et al. v. Sunrun, Inc., et al., 4:15-cv-05340-YGR, a nationwide consumer class action which sought compensation for consumers called in violation of the TCPA, which resulted in a \$5.5 million settlement.

Djoric v. Justin Brands, Inc., Los Angeles Superior Court Case No. BC574927, a California class action which sought compensation for consumers for boots sold as “handcrafted in the USA” when in fact the boots or their components were manufactured outside the United States, and which resulted in injunctive relief and cash benefits or promotional codes for anyone who timely submitted a qualifying claim.

In re Collecto, Inc. Telephone Consumer Protection Act (TCPA) Litigation, 1:14-md-2513-RGS, a nationwide consumer class action which sought compensation for consumers for violations of the TCPA and resulted in a \$3.2 million settlement.

Meyer v. PYOD, LLC, et al., San Diego Superior Court Case No. 37-2014-00008110-CU-BT-NC, a California class action which sought compensation for consumers harmed in violation of the California Rosenthal Act and which resulted in class members receiving the near maximum benefit allowed by law.

Lofton v. Verizon Wireless (VAW) LLC, 4:13-cv-05665-YGR, a nationwide consumer class action which sought compensation for consumers called in violation of the TCPA and the California’s Invasion of Privacy Act, which resulted in a \$4 million settlement.

(June 2020)

In re Portfolio Recovery Associates, LLC Telephone Consumer Protection Act Litigation, a nationwide consumer class action which sought compensation for consumers called in violation of the TCPA and which resulted in an \$18 million settlement.

Williams, et al. v. Motricity, Inc. et al, Case No. 09 CH 19089 (Cook County, Illinois), a class action alleging the imposition of unauthorized mobile content charges which settled for \$9 million.

Valdez-Marquez, et al. v. Netflix, Inc., Case No. 5:09-cv-05903 (N.D. Calif.), a class action involving the privacy consequences of the release of allegedly anonymized records from a customer database which resolved with changes in Netflix's practices.

Walker, et al. v. Openmarket, Inc., et al., Case No. 08 CH 40592 (Cook County, Illinois), a class action alleging the wrongful imposition of unauthorized mobile content charges.

Slater v. Tagged, Inc., Case No. 3:09-cv-3697 (N.D. Cal.), a data privacy class action involving a social network's website and the acquisition of consumer's email address books.

Holmes v. NCO, Inc., Case No. 3:10-cv-2543 (S.D. Cal.), a Fair Debt Collection Practices Act class action which resulted in over 1,000 persons whose credit reports were impacted to receive nearly the entire amount of possible damages recoverable, even after trial.

DuFour v. Be, LLC, et al., Case No. 3:09-cv-3770-CRB (N.D. Cal.), a class action against a talent agency and its finance company which resulted in a \$1.25 million settlement fund and \$700,000 in debt relief to families based in part on allegations that defendants violated the Advance Fee Talent Services Act and related California law.

In re ATI HDCP Litigation, a consumer class action which sought compensation for persons who purchased video graphics cards which were advertised as being able to process video pursuant to the HDCP protocol. The case settled with a value of \$11.5 million and all persons who made claims were given the opportunity to receive a new, more functional, graphics cards.

(June 2020)

In re Farmers Northridge Earthquake Commercial Litigation and *In re Farmers Northridge Earthquake Commercial Litigation No. II*, two groups of consolidated and related complex lawsuits. The firm's clients' had over 169 claims in this litigation and resolved their disputes for in excess of \$191 million.

Wang v. Asset Acceptance LLC and Trans Union LLC, a class action which resulted in a settlement valued at in excess of \$11 million on behalf of consumers whose credit reports failed to report disputed debt.

Wang v. Bank of America, a class action which resulted in over 12,000 persons throughout California receiving compensation as a result of a dispute over the proper interpretation of a bank deposit agreement.

Mendel v. Sirius Satellite Radio, Inc., et al., a consumer class action valued at just over \$1 million in which every consumer was awarded 100 percent reimbursement.

August v. Sony Pictures Home Entertainment, Inc., et al., a consumer action which resulted in both Sony Pictures and Netflix, Inc. changing their practices with respect to all consumers nationwide.

Eren v. Topa Insurance Company, Inc., et al., an insurance action which resulted in Topa changing its practices with respect to denying particular types of insurance claims and reimbursing affected insureds in State of California.

Simonian v. Farmers Group, Inc., et al., an insurance class action which resolved with insureds receiving 100 percent reimbursement of approximately \$9 million withheld by the insurer, and which resulted in a change in the claims practice of the insurer.

McGuire v. Farmers Group, Inc., et al., an insurance class action which challenged Farmers' practice of overinsuring property, thereby artificially inflating policy limits and artificially inflating policy premiums. The case was settled with Farmers agreeing to change its practices.

Marootian v. New York Life Ins. Co., et al., a class action which involved claims stemming from the Armenian Genocide of 1915 which involved complex issues of International Jurisdiction.

(June 2020)

The Attorneys

David C. Parisi

Mr. Parisi represents consumers in class action lawsuits. He also represents consumers and businesses in conflicts with their insurance carriers. His consumer class actions range from lawsuits against companies which fail to honor rebates to insurance and privacy class actions. Most of his consumer class action lawsuits arise from companies which are untruthful in their advertising. In his career, Mr. Parisi has also addressed and resolved numerous insurance issues for businesses and homeowners, such as the application of complex exclusions in directors and officers liability insurance policies, the scope of business liability insurance policies, the degree to which insurance carriers may dictate the defense strategy of their insureds, whether insurance carriers can force insureds to participate in a costly appraisal process, as well as various automobile and homeowners policy interpretation issues.

Mr. Parisi's published appellate opinions include *Fireman's Fund Ins. Companies v. Younesi* (1996) 48 Cal.App.4th 451; *Doheny West Homeowners' Ass'n v. American Guarantee & Liability Ins. Co.* (1997) 60 Cal.App.4th 400; *Truck Insurance Exchange v. Superior Court* (1998) 67 Cal.App.4th 142; *Basich v. Allstate Ins. Co.* (2001) 87 Cal.App.4th 1112; *Kids' Universe v. In2Labs* (2002) 95 Cal.App.4th 870; *21st Century Ins. Co. v. Superior Court (Schwartz)* (2005) 127 Cal.App.4th 1351; *Doheny Park Terrace Homeowners Ass'n, Inc. v. Truck Ins. Exchange* (2005) 132 Cal.App.4th 1076; *Meyer v. Portfolio Recovery Associates, LLC* (2012) 707 F.3d 1036; *Holmes v. NCO Financial Services, Inc.* (2013) 538 Fed.Appx. 765; *Thomas v. Taco Bell Corp.*, 582 Fed.Appx. 678 (9th Cir. 2014); *Thomas v. Dun & Y Bradstreet Credibility Corp.*, 100 F.Supp.3d 937 (2015); *Lofton v. Verizon Wireless (VAW) LLC*, 586 Fed.Appx. 420 (9th Cir. 2014); *Schmukler v. Farmers Group, Inc.*, 553 F.Appx. 702 (9th Cir. 2014); *Valentine v. Nebudad, Inc.*, 804 F.Supp.2d 1022 (2011); and *Gomez v. Campbell-Ewald Company*, 768 F.3d 871 (9th Cir. 2014).

Mr. Parisi has taught attorneys about consumer class actions and insurance bad faith and is often called upon by insurance professionals for advice on complex insurance coverage issues. Mr. Parisi is admitted to the State Bar of California, the Washington State Bar Association, as well as the U.S. District Court for the Northern, Southern, Eastern and Central Districts of California.

(June 2020)

As a consumer advocate, Mr. Parisi gives a great deal of his time to assist various consumer-related insurance organizations. Mr. Parisi is a 1992 graduate of the Boston University School of Law.

Suzanne Havens Beckman

Ms. Havens Beckman's practice is primarily focused on the prosecution of consumer class actions ranging from false advertising and misleading labeling to warranty and privacy issues. Ms. Havens Beckman has represented injured individuals and consumers in cases in California and throughout the country and has recovered millions of dollars for those who would otherwise have no recourse. Ms. Havens Beckman also has extensive experience in representing California policyholders in insurance bad faith. Ms. Havens Beckman has represented insureds and resolved hundreds of lawsuits dealing with a wide variety of complex insurance bad faith issues with clients ranging from individuals to small businesses and large corporations.

Ms. Havens Beckman has been successful at the appellate level. In recognition of her efforts to confirm the constitutionality of Code of Civil Procedure section 340.9, Ms. Havens Beckman received the Consumer Attorneys of California 2001 Presidential Award of Merit. Ms. Havens Beckman's published opinions include *Basich v. Allstate Ins. Co.* (2001) 87 Cal.App.4th 1112; *20th Century Ins. Co. v. Superior Court (Ahles)* (2001) 90 Cal.App.4th 1237; *Bialo v. Western Mutual Insurance Company* (2002) 95 Cal.App.4th 68; *Migliore v. Mid-Century Insurance Company* (2002) 97 Cal.App.4th 592; *E.M.M.I. Inc. v. Zurich American Insurance Company* (2004) 32 Cal.4th 465; *21st Century Ins. Co. v. Superior Court (Schwartz)* (2005) 127 Cal.App.4th 1351; and *Doheny Park Terrace Homeowners Ass'n, Inc. v. Truck Ins. Exchange* (2005) 132 Cal.App.4th 1076.

Ms. Havens Beckman is often called upon by other attorneys and insurance professionals for her advice in the litigation of class actions and responding to insurance company denials of claims and has spoken frequently on these topics.

Ms. Havens Beckman received her J.D. from the University of Southern California Law School in 1996. Ms. Havens Beckman is admitted to the State Bar of California, the U.S. District Courts for California, as well as several other districts across the country, and the 9th Circuit Court.