

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

**IN RE TRANSPACIFIC PASSENGER
AIR TRANSPORTATION
ANTITRUST LITIGATION**

Civil Case No. 3:07-cv-05634-CRB
MDL No. 1913

**This Document Relates To:
ALL ACTIONS**

**DECLARATION OF ELIZABETH T.
CASTILLO IN SUPPORT OF PLAINTIFFS’
MOTION FOR SECONDARY
DISTRIBUTION OF REMAINING
SETTLEMENT FUNDS AND REQUEST
FOR ATTORNEYS’ FEES AND
REIMBURSEMENT OF EXPENSES**

1 I, ELIZABETH T. CASTILLO, declares and states that:

2 1. I am an attorney duly licensed to practice law in California and admitted to practice
3 in this Court. I am an attorney with Cotchett, Pitre & McCarthy, LLP, Co-Lead Counsel for the
4 Plaintiffs and the Classes (“Class Counsel”). The matters described herein are based on my
5 personal knowledge and, if called as a witness, I could and would testify competently thereto. I
6 make this declaration pursuant to 28 U.S.C. § 1746.

7 2. I make this declaration in support of Plaintiffs’ Plaintiffs’ Motion for Secondary
8 Distribution of Remaining Settlement Funds and Request for Attorneys’ Fees and Reimbursement
9 of Expenses.

10 **A. Further Post-Distribution Accounting**

11 3. Class Counsel will provide an update to the Court regarding the final
12 determination on Mr. Chekian’s claims.

13 4. If the Court grants all the relief requested in this motion, over 78% of the remaining
14 settlement funds will return to the pockets of qualified settlement class members.

15 5. If there are any further remaining settlement funds after the secondary distribution,
16 Plaintiffs assume such funds will be economically infeasible to distribute and will propose an
17 appropriate *cy pres* recipient with approval from the Court after the check void date for this
18 secondary distribution and final resolution of Mr. Chekian’s claims.

19 **B. Class Counsel’s Lodestar and Expenses Since August 1, 2019**

20 6. With respect to straight lodestar, Class Counsel have collectively spent 617.9
21 hours or collectively incurred a lodestar of \$341,935.50 from August 1, 2019 through July 31,
22 2022. Class Counsel has vetted this lodestar and excluded any time relating to administrative tasks
23 or matters unrelated to claims administration.

24 7. Class Counsel anticipates incurring additional lodestar through the proposed
25 secondary distribution; a *cy pres* distribution, if necessary; any further motion practice by Mr.
26
27
28

1 Chekian, including an appeal; and a further notice of post-distribution accounting. Class Counsel
2 will not, however, seek further attorneys' fees in this litigation after this motion.

3 1. Motion Practice

4 8. Class Counsel has engaged in motion practice to ensure the accurate and timely
5 processing of claims and to guarantee the fair and reasonable distribution of net settlement funds
6 across settlement class members. Class Counsel's motion practice since August 1, 2019 include:

- 7
- 8 • Moving for and receiving authorization to distribute the net settlement funds;
 - 9 • Filing post-distribution accounting to comply with the Court's orders and this District's
10 Procedural Guidance for Class Action Settlements;
 - 11 • Moving for scheduling changes when complications in the claims process arose;
 - 12 • Reviewing and responding to FRS's letter to the Court seeking to submit late claims and
13 retroactively apply supporting documentation to late and deficient claims;
 - 14 • Reviewing and responding to FRS's objection to the distribution of the net settlement
15 funds;
 - 16 • Reviewing and responding to Mr. Chekian's motion to allow his claim; and
 - 17 • Reviewing and responding to Mr. Chekian's motion for an extension to provide
18 supporting documentation for his claims.

19 2. Settlement Administration Work

20 9. In addition to motion practice, Class Counsel has been actively overseeing and
21 collaborating with Rust on settlement administration, as the Court would expect. Class Counsel's
22 settlement administration tasks since August 1, 2019 include:

- 23
- 24 • Weekly or monthly meetings with Rust to discuss the status of claims processing and
25 myriad issues raised by various claimants, including third-party filers with large claims;
 - 26 • Reviewing and editing deficiency, audit, and final determination letters;
 - 27 • Providing updates for the settlement website (www.airlinesettlement.com) and toll-free
28 number (1-800-439-1781); and

- Corresponding with claimants, such as businesses like FRS and individuals like Mr. Chekian.

10. True and correct copies of Class Counsel’s vetted hours and lodestar, computed at historical rates, from August 1, 2019 through July 31, 2022, are attached hereto as Exhibits A (Cotchett, Pitre & McCarthy, LLP) and B (Hausfeld LLP).

3. Unreimbursed Expenses

11. With respect to expenses, Class Counsel collectively incurred unreimbursed expenses of \$4,876.85 from August 1, 2019 through July 31, 2022 that were reasonably and necessarily incurred and for which they have not been previously reimbursed. These expenses relate to the storage of documents through the final termination of this action, including any appeals, pursuant to the protective order (ECF No. 404); legal research; service of documents; and administrative costs, such as photocopies, postage, and mileage reimbursement.

12. Class Counsel anticipates incurring additional expenses through the end of the litigation but will not seek reimbursement of these expenses after this motion.

13. True and correct copies of Plaintiffs’ vetted unreimbursed expenses from August 1, 2019 through July 31, 2022 are attached hereto as Exhibits C (Cotchett, Pitre & McCarthy, LLP) and D (Hausfeld LLP).

C. Attorneys’ Fees Request

14. Class Counsel asks the Court to award attorneys’ fees of \$1 million, or 18.355%, from the remaining settlement funds of \$5,448,087.41.

15. This request for attorneys’ fees in connection with claims administration and settlement distribution is modest and reasonable—not only in the context of the remaining settlements funds but in the context of the substantial work performed by Class Counsel over the last 15 years and the substantial monetary benefit to the class.

16. Taking into account the Court’s attorneys’ fees award on the ANA net settlement fund (ECF No. 1314 at 14) along with its prior previous fee awards in this litigation, Class

1 Counsel's unreimbursed lodestar was \$10,987,873.85 for work performed from March 28, 2008
2 through July 31, 2019, which amounts to a negative multiplier of -0.75. Since moving for
3 attorneys' fees and reimbursement of expenses on August 8, 2019, Class Counsel's unreimbursed
4 lodestar and expenses have only increased.

5 17. The additional \$1 million in attorneys' fees would result in a cumulative negative
6 multiplier of -0.77 based on work performed through July 31, 2022—and less than that if the
7 Court takes into consideration Class Counsel's anticipated work through the secondary
8 distribution, *cy pres* distribution, potential further motion practice by Mr. Chekian, and a further
9 post-distribution accounting. This means for each lodestar dollar that Class Counsel reasonably
10 expended on the litigation, Class Counsel would only receive up to 77 cents. Class Counsel's
11 unreimbursed lodestar would be \$10,329,809.36 for work through July 31, 2022 and more than
12 that through the end of this litigation.

13 18. I declare under penalty of perjury under the laws of the United States that the
14 foregoing is true and correct to the best of my knowledge.

15 Executed this 8th day of August 2022 in Burlingame, California.

16
17
18 /s/ Elizabeth T. Castillo
19 Elizabeth T. Castillo
20
21
22
23
24
25
26
27
28

In re Transpacific Passenger Air Transportation Antitrust Litigation
Case No. 07-cv-05634-CRB

EXHIBIT A

COTCHETT, PITRE & McCARTHY, LLP

Hours Reported and Lodestar on a Historical Basis

August 1, 2019 through July 31, 2022

NAME	TOTAL HOURS	HOURLY RATE	LODESTAR
ATTORNEY HOURS			
Zapala, Adam (P)	43.00	\$750	\$ 32,250.00
Castillo, Elizabeth (P)	202.50	\$725	\$ 146,812.50
Castillo, Elizabeth (P)	40.10	\$650	\$ 26,065.00
NON-ATTORNEYS			
Verducci, Jaclyn (SPL)	79.00	\$325	\$ 25,675.00
Caylao, Michael (SPL)	186.50	\$325	\$ 60,612.50
Delavan, Alexandra (PL)	8.30	\$275	\$ 2,282.50
Lipson, Carlo (PL)	0.40	\$275	\$ 110.00
TOTAL:	559.80		\$ 293,807.50

(P) Partner
(SA) Senior Associate
(A) Associate
(OC) Of Counsel
(SPL) Senior Paralegal
(PL) Paralegal
(LC) Law Clerk

In re Transpacific Passenger Air Transportation Antitrust Litigation
Case No. 07-cv-05634-CRB

EXHIBIT B

HAUSFELD LLP

Hours Reported and Lodestar on a Historical Basis

August 1, 2019 through July 31, 2022

NAME	TOTAL HOURS	HOURLY RATE	LODESTAR
ATTORNEY HOURS			
Coolidge, Melinda R. (P)	0.20	\$700	\$ 140.00
Gassman, Seth (OC)	45.40	\$780	\$ 36,473.00
Lebsock, Christopher L. (P)	10.60	\$900	\$ 9,555.00
Lehmann, Michael P. (P)	1.00	\$1,150	\$ 1,150.00
Ratner, Brian A. (P)	0.90	\$900	\$ 810.00
TOTAL:	58.10		\$ 48,128.00

(P) Partner
(SA) Senior Associate
(A) Associate
(OC) Of Counsel
(SPL) Senior Paralegal
(PL) Paralegal
(LC) Law Clerk

In re Transpacific Passenger Air Transportation Antitrust Litigation
Case No. 07-cv-05634-CRB

EXHIBIT C

COTCHETT, PITRE & McCARTHY, LLP

Expenses Incurred

August 1, 2019 – July 31, 2022

EXPENSE CATEGORY	AMOUNT INCURRED
Computer Research (Lexis, Westlaw, PACER, etc.)	\$ 1,314.05
Court Costs (Filing fees, etc.)	\$ 51.00
Document Depository	\$ 2,891.00
Document Production	\$ 0.00
Experts / Consultants	\$ 0.00
Messenger Delivery	\$ 0.00
Overnight Delivery (Federal Express, etc.)	\$ 0.00
Photocopies – In House	\$ 76.20
Photocopies – Outside	\$ 0.00
Postage	\$ 4.08
Service of Process	\$ 183.00
Special Master	\$ 0.00
Telephone / Facsimile	\$ 0.00
Transcripts (Hearings, Depositions, etc.)	\$ 0.00
Travel (Airfare and Ground Travel)	\$ 56.32
Travel (Meals and Lodging)	\$ 21.26
TOTAL:	\$ 4,596.91

In re Transpacific Passenger Air Transportation Antitrust Litigation
Case No. 07-cv-05634-CRB

EXHIBIT D

HAUSFELD LLP

Expenses Incurred

August 1, 2019 – July 31, 2022

EXPENSE CATEGORY	AMOUNT INCURRED
Computer Research (Lexis, Westlaw, PACER, etc.)	\$ 144.95
Court Costs (Filing fees, etc.)	\$ 0.00
Document Depository	\$ 0.00
Document Production	\$ 0.00
Experts / Consultants	\$ 0.00
Messenger Delivery	\$ 24.95
Overnight Delivery (Federal Express, etc.)	\$ 0.00
Photocopies – In House	\$ 0.60
Photocopies – Outside	\$ 0.00
Postage	\$ 0.00
Service of Process	\$ 0.00
Special Master	\$ 0.00
Telephone / Facsimile	\$ 4.99
Transcripts (Hearings, Depositions, etc.)	\$ 0.00
Travel (Airfare and Ground Travel)	\$ 48.90
Travel (Meals and Lodging)	\$ 55.55
TOTAL:	\$ 279.94