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18 Attorneys for Petitioners and Class

19 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
20 COUNTY OF ALAMEDA

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

24 v.

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

No. RG 10530492

**Declaration of John Stember 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 say and declare:

2 1. My name is John Stember; and I am a partner in Stember Cohn & Davidson-Welling, LLC  
3 (“SCDW”) located at The Hartley Rose Building, 425 First Avenue, 7th Floor, Pittsburgh, PA 15219.  
4 When this case was filed on August 11, 2010, I was a partner in Stember Feinstein Doyle Payne  
5 & Kravec, LLC (“SFDPK”). On November 22, 2013, I filed a Substitution of Attorney, substituting my  
6 current firm, SCDW, for SFDPK.

7 2. During the time that SFDPK and SCDW represented Petitioners in *Requa v. Regents of*  
8 *Univ. of Cal.*, in the Alameda Superior Court (Case No. RG 10530492) and California Court of Appeal  
9 (Case No. A132778), I was lead attorney in this matter at each firm. I was admitted to practice *pro hac*  
10 *vice* by the Alameda Superior Court on November 15, 2010 and by the California Court of Appeal, First  
11 Appellate District, on February 28, 2012.

12 3. In 1976, I received my J.D. from the University of Pittsburgh’s School of Law. I worked  
13 as a legal services lawyer from 1976 until 1996, concentrating on employment, unemployment insurance  
14 and Trade Readjustment Assistance. Since 1996, I have started several law firms, including SFDPK and  
15 SCDW, the latter founded in May 2013. SCDW focuses on labor, employment, pensions, ERISA and  
16 employee benefit class actions. I have been appointed as Class Counsel in a number of retiree benefit  
17 class actions for former USW, UAW, UFCW and UE members against GM, Ford, Chrysler, American  
18 Standard, PPG, General Tire Corp and others. The GM, Ford and Chrysler cases resulted in VEBAs that  
19 now provide healthcare for 750,000 UAW retirees. I am a Chapter Editor (“Collectively Bargained  
20 Benefits”) of BNA’s “Employee Benefits Law,” co-author of the Pennsylvania Bar Institute’s widely-  
21 used Unemployment Compensation Manual, and an Adjunct Clinical Professor at the University of  
22 Pittsburgh’s School of Law.

23 4. Attached is a summary of time that I and other SCDW and SFDPK attorneys spent worked  
24 on this case under my lead. See **Exhibit A** attached hereto.

25 5. All time was recorded contemporaneously and original entries are available for Court  
26 inspection. In exercising my billing judgment, I removed time attributable to non-core timekeepers and  
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1 wrote off or did not charge for certain other work performed to account for inefficiencies or work that  
2 was administrative in nature.

3 6. The years of experience for each SCDW and SFDPK attorney who worked on this case  
4 and the hourly rate claimed for each are reflected on Exhibit A.

5 7. SFDPK attorneys, clerks and paralegals worked 1003.6 hours of which 34.6 hours were  
6 written off. I believe that the remaining 969.0 hours were necessary and reasonable.

7 8. Similarly, SCDW attorneys, clerks and paralegals worked 137.5 hours to the case, of  
8 which 17.9 were written off, leaving 119.6 hours. I believe that this time was necessary and reasonable.

9 I declare under penalty of perjury that the foregoing is true and that this declaration was signed by  
10 me on March 15, 2020, at Pittsburgh, Pennsylvania.

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John Stember

# **EXHIBIT A**

## EXHIBIT A

### STEMBER FEINSTEIN DOYLE PAYNE & KRAVEC, LLC

STEMBER FEINSTEIN DOYLE PAYNE & KRAVEC, LLC								
Attorney	Years of Experience (as of 2014)	Hourly Rate	Hours	Amount	Write-Off (Hours)	Write-Off (Amount)	Adjusted Hours	Lodestar Amount
Edward Feinstein (1973)	41	\$875.00	2.5	\$2,187.50	-2.5	-\$2,187.50	0.0	\$0.00
John Stember (1976)	38	\$875.00	343.2	\$300,300.00	-7.8	-\$6,825.00	335.4	\$293,475.00
William Payne (1979)	35	\$875.00	36.0	\$31,500.00	-0.3	-\$262.50	35.7	\$31,237.50
Stephen Pincus (1993)	21	\$700.00	3.6	\$2,520.00	-3.6	-\$2,520.00	0.0	\$0.00
Joel Hurt (2000)	14	\$650.00	2.2	\$1,430.00	-2.2	-\$1,430.00	0.0	\$0.00
Maureen Davidson-Welling (2007)	7	\$545.00	58.8	\$32,046.00	0.0	\$0.00	58.8	\$32,046.00
Lauren Hoyer (2009)	5	\$425.00	93.1	\$39,567.50	0.0	\$0.00	93.1	\$39,567.50
Kathryn Bailey (2010)	4	\$375.00	206.3	\$77,362.50	0.0	\$0.00	206.3	\$77,362.50
Morshe Marvit (2010)	4	\$375.00	107.4	\$40,275.00	0.0	\$0.00	107.4	\$40,275.00
Emily Town (2010)	4	\$375.00	4.7	\$1,762.50	-4.7	-\$1,762.50	0.0	\$0.00
Lynn Pistritto (2010)	4	\$375.00	134.5	\$50,437.50	-2.2	-\$825.00	132.3	\$49,612.50
			992.3	\$579,388.50	-23.3	-\$15,812.50	969.0	\$563,576.00
Non-Attorney		Hourly Rate	Hours	Amount	Write-Off (Hours)	Write-Off (Amount)	Adjusted Hours	Lodestar Amount
Jillian Wein		\$125.00	3.0	\$375.00	-3.0	-\$375.00	0.0	\$0.00
Kelly Mistick		\$125.00	1.8	\$225.00	-1.8	-\$225.00	0.0	\$0.00
Michael Georger		\$125.00	3.5	\$437.50	-3.5	-\$437.50	0.0	\$0.00
Lynn Pistritto-Sherry (2010)		\$125.00	0.9	\$112.50	-0.9	-\$112.50	0.0	\$0.00
Ashley Wiegand		\$75.00	2.1	\$157.50	-2.1	-\$157.50	0.0	\$0.00
			11.3	\$1,307.50	-11.3	-\$1,307.50	0.0	\$0.00
		<b>TOTAL</b>	<b>1003.6</b>	<b>\$580,696.00</b>	<b>-34.6</b>	<b>-\$17,120.00</b>	<b>969.00</b>	<b>\$563,576.00</b>
STEMBER COHN AND DAVIDSON-WELLING, LLC								
Maureen Davidson-Welling (2007)	7	\$545.00	96.1	\$52,374.50	-3.0	(\$1,635.00)	93.1	\$50,739.50
John Stember (1976)	38	\$875.00	27.3	\$23,887.50	-0.8	(\$700.00)	26.5	\$23,187.50
Christen Casale		\$300.00	1.3	\$390.00	-1.3	(\$390.00)	0.0	\$0.00
Emily Town (2010)	4	\$375.00	1.5	\$562.50	-1.5	(\$562.50)	0.0	\$0.00
Kyle Webster		\$150.00	11.3	\$1,695.00	-11.3	(\$1,695.00)	0.0	\$0.00
			<b>137.5</b>	<b>\$78,909.50</b>	<b>-17.9</b>	<b>(\$4,982.50)</b>	<b>119.6</b>	<b>\$73,927.00</b>