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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

JIMMY BANH, et al., on behalf of
themselves and all others similarly
situated,

Plaintiffs,

vs.

AMERICAN HONDA MOTOR CO.,
INC., a California corporation,

Defendant.

Case Number: 2:19-cv-5984-RGK (ASx)

[*The Honorable R. Gary Klausner*]

**PLAINTIFFS' NOTICE OF MOTION
AND MOTION FOR ATTORNEYS'
FEES, COSTS, AND SERVICE
AWARDS AND MEMORANDUM OF
POINTS AND AUTHORITIES IN
SUPPORT THEREOF**

Hearing Date: Dec. 6, 2021

Time: 9:00 a.m.

**TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF
RECORD:**

PLEASE TAKE NOTICE that on Dec. 6, 2021 at 9:00 a.m., or as soon thereafter as the matter can be heard, in Courtroom of the Hon. R. Gary Klausner, located at the Roybal Federal Building and U.S. Courthouse, 255 East Temple Street, Los Angeles, CA 90012, Courtroom 850, 8th Floor, Plaintiffs Roberta Bilbrey, Jimmy Banh, Mark Peoples, Jamal Samaha, George Quinlan, Sarah Gravlin, Alexis Chisari, Michael Brumer, Dave Jahsman, John Bartholomew, Vimal Lawrence, Mark Klein, Adam Pryor, Srikarthik Subbarao, Daniel Allan, Paul Gonzales, Eric Faden, and Kristen Gratton (“Plaintiffs”) on behalf of themselves all others similarly situated, will, and hereby do, move this Court pursuant to Federal Rule of Civil Procedure 23(h) and 54(d)(2) for an Order awarding:

1. Attorneys’ fees to Class Counsel totaling \$3,402,530;
2. Litigation expenses in the amount of \$477,701.11; and
3. Service Awards to the eighteen Class Representatives totaling \$120,000.

This Motion is based upon this Notice of Motion and Motion, the accompanying Memorandum of Points and Authorities, the Settlement Agreement, including all exhibits thereto, the Declarations of Sean R. Matt, Esq., Todd B. Naylor, Esq., and Robert A. Curtis, Esq., the Declaration of Lee Bowron, Exhibit A (containing declarations from each of the Plaintiffs), and all other pleadings, papers, records, and documentary materials on file in this action, including those matters of which the court may take judicial notice, and such other argument as the Court may consider.

Dated: November 1, 2021

HAGENS BERMAN SOBOL SHAPIRO LLP

By: /s/ Sean R. Matt

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MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Plaintiffs and Defendant American Honda Motor Company, Inc. (“AHM”) have agreed to a proposed settlement resolving class claims regarding an alleged defect in the “Infotainment System” contained in 2019-2020 Acura RDX vehicles. Since Class Counsel filed this action and a closely related action involving similar technology in Honda cars (*Leslie Conti v. American Honda Motor Co. Inc.*, Case No. 2:19-cv-02160-CJC-GJS (C.D. Cal.)), AHM has issued three recalls, dozens of dealer communications, and numerous software updates designed to address the Infotainment System problems at issue in the cases. The proposed settlement builds upon this work by, among other things, requiring an independent engineering expert to confirm the efficacy of AHM’s countermeasures, extending the vehicles’ warranties to ensure the countermeasures are effective in the field, compensating qualifying vehicle owners for the inconvenience and hassle they have experienced due to the Infotainment System problems, and providing a mechanism for qualifying vehicle owners to receive reimbursement for eligible out-of-pocket expenses.

This hard-struck bargain did not come easily. Rather, it took considerable time, effort, and skill from Class Counsel, whose efforts were complicated by unprecedented obstacles posed by the COVID-19 pandemic. Between *Conti* and this action, which were litigated and ultimately settled in parallel,¹ there have been six complaints, four motions to dismiss, three motions to strike expert testimony, two motions to compel arbitration, two

¹ Although the *Banh* and *Conti* actions involve different vehicles, the Infotainment Systems and technology at issue in them are closely related. Accordingly, the parties’ discovery in the two cases overlapped considerably. For that reason, the actions were litigated together, mediated together, and ultimately settled in parallel. As discussed in greater detail in the Declaration of Todd Naylor in Support of Motion for Attorneys’ Fees, Costs, and Service Awards (“Naylor Decl.”), at ¶¶ 15-21, Class Counsel has endeavored to allocate their time entries proportionately to each case and to scrupulously avoid double billing (i.e., billing time in separate cases for the same work performed). *See also, e.g., Prandini v. National Tea Co.*, 557 F.2d 1015, 1019 n.3 (3d Cir. 1977) (“double payment for the same effort should be avoided by some apportionment of the fee between the two cases”), *questioned on other grounds, Ashley v. Atlantic Richfield Co.*, 794 F.2d 128 (3d Cir. 1986).

1 motions to compel discovery, a vigorous opposition to class certification, and *dozens* of
2 ancillary filings. Class Counsel has taken or defended 13 depositions, reviewed or produced
3 nearly 25,000 pages of documents, responded to nearly 60 sets of written discovery requests
4 (with multiple supplemental responses), issued 11 subpoenas, and worked with numerous
5 experts. Despite their tireless efforts, Class Counsel have not been paid for the approximate
6 6,016 hours of work attributable to this case or reimbursed for the \$477,701.11 in expenses
7 they have incurred in this case to date.

8 Accordingly, Plaintiffs respectfully ask the Court to approve their request for
9 \$3,402,530 in attorneys' fees and \$477,701.11 in expenses they incurred to achieve this
10 result. Class Counsel's cumulative lodestar and expense figures reflect AHM's vigorous
11 defense, the voluminous discovery record, and the need for Plaintiffs' experts to review and
12 analyze AHM's documents and technology on behalf of Plaintiffs and the Class.

13 Plaintiffs further seek Court approval of service award payments ranging from
14 \$4,000 to \$10,000 to each of the eighteen Plaintiffs. The Plaintiffs include a doctor who
15 was fighting COVID-19 on the front lines at the onset of the pandemic, high-risk individuals
16 who were isolated in their homes, a spouse to a patient in intensive care, and a traveler
17 stranded in India by COVID-19 travel bans. Yet despite these hardships, Plaintiffs worked
18 through extraordinary challenges to prosecute this action for the benefit of the Class. In
19 fact, eight Plaintiffs turned down individual Rule 68 settlement offers of \$10,000 from
20 AHM out of a sense of loyalty and obligation to the absent Class Members. Given the
21 resources each devoted to this case amid the COVID-19 pandemic, and the results achieved
22 on behalf of the Class that would not have occurred without their assistance, the requested
23 service awards are reasonable and should also be approved.

24 Despite an aggressive case schedule and unprecedented circumstances created by the
25 pandemic, Plaintiffs and Class Counsel achieved a comprehensive settlement providing
26 substantial relief to the Class. Accordingly, Plaintiffs request that the Court grant this
27 motion and approve the requested attorneys' fees, costs, and service awards as reasonable.
28

II. PROCEDURAL HISTORY AND THE WORK ACCOMPLISHED FOR THE CLASS

A. This Litigation Was Hard Fought.

Plaintiffs initiated this action by filing the Complaint on July 11, 2019 (Dkt. No. 1), generally alleging that 2019-2020 Acura RDX vehicles were sold equipped with a “Infotainment System” that contained software and hardware defects causing it to freeze, crash, fail to boot up, fail to shut down, and suffer intermittent failures to connect to peripheral devices such as phones. Plaintiffs brought claims for violation of relevant state consumer protection acts and for breach of express and implied warranties.

AHM moved to dismiss the Complaint on September 12, 2019 (Dkt. No. 47), and Plaintiffs filed the First Amended Complaint (“FAC”) on September 27, 2019 (Dkt. No. 48). On October 18, 2019, AHM filed a motion to dismiss the FAC (Dkt. No. 53) and a motion for judicial notice in support of the motion to dismiss (Dkt. No. 54). Plaintiffs filed their opposition to the motions on October 28, 2019 (Dkt. No. 55), and AHM filed its reply on November 4, 2019 (Dkt. No. 57). On December 17, 2019, the Court granted in part and denied in part AHM’s motion to dismiss, ordering Plaintiffs to file an amended complaint consistent with the Court’s order within 28 days (Dkt. No. 60). Plaintiffs filed their Second Amended Complaint (“SAC”) on January 14, 2020 (Dkt. No. 64), and AHM filed its answer on January 31, 2020 (Dkt. No. 69).

Shortly thereafter, the Parties began extensive discovery, during which AHM and its related entities produced more than 20,000 pages of documents, comprised of, among other things, technical drawings, warranty records, email correspondence, company procedures, corporate documentation, and class member information. In addition to serving AHM with multiple rounds of written discovery, Plaintiffs issued a total of 11 subpoenas to AHM corporate affiliates Honda R&D Americas, Inc., Honda of America Manufacturing, Inc., and Honda of America Financing Corp., as well as to companies that supplied parts or technology used in the Infotainment Systems. Class Counsel took the depositions of relevant employees from AHM and its related companies, including multiple 30(b)(6) depositions. Plaintiffs also engaged a liability expert (engineer Steve Loudon) and damage

1 experts (marketing expert Steve Gaskin and economist Colin Weir), each of whom issued
2 a report and had his deposition taken. Additionally, Plaintiffs analyzed the expert reports
3 of two experts retained by AHM and took their depositions. Plaintiffs managed to
4 accomplish all of this even though discovery was greatly complicated by the COVID-19
5 pandemic, which was in its peak lockdown period in early- to mid-2020. For example,
6 AHM's affiliates temporarily furloughed their employees, thereby making it more difficult
7 to obtain documents and testimony. Declaration of Sean R. Matt in Support of Motion for
8 Attorneys' Fees, Costs, and Service Awards ("Matt Decl."), ¶¶ 6-10.

9 AHM took extensive discovery of Plaintiffs. Each of the 28 Plaintiffs was served
10 with 17 interrogatories and 29 document requests. Plaintiffs were required to supplement
11 these responses on multiple occasions, a fact made more difficult due to COVID-19
12 building closures (documents were stored in inaccessible offices), and travel restrictions.
13 Plaintiffs and Plaintiffs' counsel were also under "stay at home" orders, which greatly
14 restricted their access to copying and scanning equipment. Plaintiffs nevertheless managed
15 to produce extensive information, including more than 3,000 pages of documents. AHM
16 even noticed every Plaintiff for in-person depositions in California at the height of the
17 pandemic, scheduling (with three weeks' notice) 28 depositions to take place over three
18 days. After extensive and contentious negotiations, AHM withdrew the notices but reissued
19 notices to ten Plaintiffs. Class Counsel prepared these Plaintiffs for their depositions, and
20 AHM ended up deposing four Plaintiffs. Each of these Plaintiffs presented their vehicles
21 and cell phones for inspection after protracted negotiations over the inspection protocol.
22 This accelerated and aggressive fact and expert discovery process concluded in July 2020,
23 before the parties agreed to settle. Matt Decl., ¶ 9.

24 Plaintiffs moved for class certification on April 9, 2020 (Dkt. No. 77), and AHM
25 moved to compel arbitration on May 4, 2020 (Dkt. No. 85). On May 5, 2020, AHM filed
26 three motions seeking to strike testimony submitted by Plaintiffs' three experts in support
27 of class certification (Dkt. Nos. 86, 87, 89), and its opposition to Plaintiffs' motion for class
28 certification (Dkt. No. 96). On May 18, 2020, Plaintiffs filed oppositions to AHM's motions

1 to compel arbitration (Dkt. No. 105) and to strike Plaintiffs' experts (Dkt. Nos. 107, 109,
2 113). AHM filed its reply in support of arbitration on May 22, 2020 (Dkt. No. 115) and
3 three replies in support of its three motions to strike Plaintiffs' experts (Dkt. Nos. 118-120).

4 On May 28, 2020, Plaintiffs and AHM each filed competing motions to compel
5 discovery (Dkt. Nos. 122-123). AHM filed a supplemental brief in support of its motion
6 on June 4, 2020 (Dkt. No. 129), and Plaintiffs responded with its own supplemental brief
7 on June 5, 2020 (Dkt. No. 132). AHM filed a second motion to compel arbitration on June
8 10, 2020 (Dkt. No. 136) and a supplemental brief in support of its motion on June 13, 2020
9 (Dkt. No. 137). On June 18, 2020, the Court issued an order denying without prejudice the
10 parties' dueling motions to compel discovery (Dkt. No. 140). Plaintiffs filed their
11 opposition to AHM's second motion to compel arbitration on June 22, 2020 (Dkt. No. 141).
12 On July 27, 2020, Plaintiffs filed a motion to supplement the record for purposes of the
13 pending class certification motion and motions to strike Plaintiffs' experts (Dkt. No. 147).

14 The Court granted in part and denied in part AHM's motion to compel arbitration on
15 July 28, 2020 (Dkt. No. 153). That same day the Court issued an order granting in part and
16 denying in part Plaintiffs' motion for class certification, certifying a California Class
17 comprised of "All persons or entities who purchased a new Class Car [i.e., a new 2019 or
18 2020 Acura RDX vehicle] from an authorized Acura dealer in California" (Dkt. No. 154).
19 The Order severed the claims of the remaining non-California Plaintiffs and proposed to
20 transfer them to their home states (Dkt. No. 154). On August 11, 2020, AHM filed a Rule
21 23(f) Petition for Leave to Appeal with the Ninth Circuit Court of Appeals. Plaintiffs filed
22 their opposition to AHM's Rule 23(f) Petition on August 21, 2020.

23 **B. The Proposed Settlement Was Negotiated At Arm's Length.**

24 On February 25, March 24, September 3, and October 1, 2020, the Parties conducted
25 formal private mediation sessions with the Honorable Dickran M. Tevrizian (ret.). The
26 Parties also conducted several informal mediation sessions with Judge Tevrizian. Only
27 limited progress was made in the February and March sessions, but mediation efforts
28 intensified after the Court issued its orders on the salient motions to certify a class, exclude

witnesses, and compel arbitration. Thanks in part to Judge Tevrizian's persistent attention, the mediation was successful, and the parties signed a Memorandum of Understanding in October 2020 and, later, a Settlement Agreement. *See generally* Declaration of Mediator Hon. Dickran M. Tevrizian in Support of Motion for Preliminary Approval of Class Settlement (Dkt. No. 194-9), ¶¶ 4-9. *See also id.* at ¶7 ("The negotiations were conducted at arm's length, spirited, prolonged, and difficult.... The level of advocacy for all parties throughout the mediation process was exceptionally informed, ethical, and effective.").

C. The Parties Have No Agreement on the Amount Of Fees or Expenses.

On June 3, 2021, the Court granted Plaintiffs' renewed motion for preliminary approval of the Class settlement, preliminarily approved the Settlement as fair and reasonable, and ordered Plaintiffs to issue notice to the Class (Dkt. No. 197). The major Settlement terms are set forth at pages 5-8 of Plaintiffs' renewed motion (Dkt. No. 194), which are incorporated herein by reference. AHM has agreed to pay Class Counsel's reasonable attorneys' fees and expense reimbursements in an amount consistent with the terms of the Settlement Agreement and as approved by the Court. Importantly, AHM's payment of attorneys' fees and expense reimbursement will not impact or diminish any of the Settlement benefits available to the Class. At the time of settlement, and indeed through the date of the filing of this Motion, there was no agreement on the amount of fees, expenses, or service awards to be paid.

D. Class Counsel Vigorously Represented the Class.

Class Counsel invested substantial time and resources investigating and litigating this action. Tasks performed by Class Counsel include: (1) investigating the claims; (2) meeting and communicating regularly with Plaintiffs; (3) researching and drafting the complaint and amended complaints; (4) reviewing Plaintiffs' documents and preparing them for production; (5) drafting responses (and supplemental responses) to AHM's voluminous written discovery requests; (6) drafting discovery requests and a protective order and issuing 11 third-party subpoenas; (7) negotiating the production of extensive Electronically-Stored Information ("ESI"); (8) reviewing more than 20,000 pages of documents; (9)

1 preparing for and participating in more than a dozen depositions; (10) retaining and
2 consulting with liability and damages experts; (11) researching and responding to a motion
3 to dismiss; (12) researching and responding to AHM's three motions to strike Plaintiffs'
4 experts; (13) researching and responding to AHM's two motions to compel arbitration; (14)
5 briefing and arguing two dueling motions to compel discovery; (15) briefing a hotly
6 contested class certification motion; (16) drafting mediation statements and participating in
7 contentious mediation sessions; (17) drafting the Settlement Agreement and class notices;
8 (18) researching and drafting the preliminary approval brief and renewed preliminary
9 approval brief; (19) working with the independent engineering expert as necessary to
10 provide relevant information related to the litigation and the Infotainment System; (20)
11 working to develop the Settlement website; (21) overseeing administration of the
12 Settlement; and (22) responding to communications from Class Members with questions
13 about the Settlement. Matt Decl., ¶ 4; Naylor Decl., ¶ 3.

14 Class Counsel have performed this work without compensation for their time and
15 paid substantial out-of-pocket expenses in the prosecution of the Class claims. Class
16 Counsel assumed the financial risks involved in the representation and agreed to advance
17 all costs of this litigation. In the event that Class Counsel did not successfully resolve this
18 matter or prevail at trial and any related appeals, Class Counsel would have been paid
19 nothing. Matt Decl., ¶ 12; Naylor Decl., ¶ 34.

20 **III. ARGUMENT**

21 "Federal Rule of Civil Procedure 23(h) permits the court to award reasonable
22 attorney's fees and costs in class action settlements as authorized by law or by the parties'
23 agreement." *In re HP Printer Firmware Update Litig.*, 2019 U.S. Dist. LEXIS 108959, at
24 *6 (N.D. Cal. June 28, 2019) (citing Fed. R. Civ. P. 23(h)). "Courts in this circuit determine
25 attorney's fees in class actions using either the lodestar method or the percentage-of-
26 recovery method." *In re Hyundai & Kia Fuel Econ. Litig.*, 926 F.3d 539, 570 (9th Cir. 2019)
27 (citing *Hanlon v. Chrysler Corp.*, 150 F.3d 1011, 1029 (9th Cir. 1998)). The lodestar
28 method "may prove more convenient" in a case where "valuing the settlement is difficult

1 or impossible.” *Id.* at *47 (citations omitted).

2 “Because this is not a common fund case and attorney’s fees will be assessed against
3 defendant without reducing the relief available to the class, it appears the lodestar method
4 is the appropriate method for determining whether the attorney’s fees provision at issue is
5 reasonable at this stage.” *Wilson v. Metals USA, Inc.*, 2019 U.S. Dist. LEXIS 39854, at *23
6 (E.D. Cal. Mar. 12, 2019)) (collecting cases); *Yamada v. Nobel Biocare Holding AG*, 825
7 F.3d 536, 546 (9th Cir. 2016) (finding lodestar method appropriate “where the relief sought
8 and obtained is not easily monetized, ensuring compensation for counsel who undertake
9 socially beneficial litigation”).

10 **A. Class Counsel’s Lodestar is Reasonable.**

11 “The lodestar calculation begins with the multiplication of the number of hours
12 reasonably expended by a reasonable hourly rate.” *In re Hyundai*, 926 F.3d at 570 (quoting
13 *Hanlon*, 150 F.3d at 1029)).

14 **1. The number of hours billed is reasonable.**

15 The current billing rates for each attorney or staff who contributed to this case, along
16 with the hours billed and resulting lodestar as of October 29, 2021, are set forth at ¶¶ 15-16
17 in the Matt Decl. and ¶¶ 28-32 in the Naylor Decl. Class Counsel maintained
18 contemporaneous and detailed time records, which include a description of all work
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1 performed and expenses incurred.² The time committed by each firm was necessary to the
2 successful resolution of this litigation, and all attorneys made sure to efficiently allocate
3 work, coordinate assignments, and prevent the unnecessary duplication of work. Matt
4 Decl., ¶¶ 17, 25-27; Naylor Decl., ¶ 6.

5 Moreover, because of the substantial overlap between the *Conti* and *Banh* cases,
6 some of Class Counsel's time and expenses are fairly allocable to both cases. Naylor Decl.,
7 at ¶¶ 8-14. Notably, Class Counsel has meticulously avoided double billing by charging
8 time and expenses to one case or the other, but never both. Matt Decl., ¶¶ 15-17. As more
9 fully explained in the Naylor Decl., Class Counsel allocated to the *Conti* action 50% of all
10 time and expense spent on mediation and settlement, and 25% of all time spent and expenses
11 incurred on document discovery and depositions of AHM and its related companies'
12 personnel. Naylor Decl., at ¶¶ 16-24; Matt Decl., at ¶¶ 21-24. These adjustments reduce
13 Class Counsel's lodestar and expenses in this case.

14 Class Counsel anticipate conducting significant uncompensated work following this
15 filing. In addition to responding to possible objectors and preparing for and presenting at
16 the fairness hearing and addressing any appeals, Class Counsel will be required to oversee
17 the administration of the Settlement and respond to questions or issues raised by Class
18

19 ² Courts do not require counsel to submit detailed time records in support of a lodestar
20 fee application. *See, e.g., Parkinson v. Hyundai Motor Am.*, 796 F. Supp. 2d 1160, 1165
21 (C.D. Cal. 2010) (noting that plaintiffs provided summaries of work performed at each stage
22 of the litigation supported by declarations to support fee request but offered to produce
23 detail time records for in-camera review if the Court so requests); *Hunter v. Nature's Way*
24 *Prod.*, LCC, 2020 WL 71160, at *8 (S.D. Cal. Jan. 6, 2020) ("Class Counsel has not
25 provided detailed time records, but instead provides general summaries of each firm's
26 billing time. The summaries and declarations provide a sufficient showing of the hours
27 counsel performed on this case."). Nonetheless, Plaintiffs are providing the Court with their
28 detailed time entries. Because the billing records contain significant discussion of attorney
work product that would need to be redacted in case the Court declines final approval and
the case returns to active litigation, Plaintiffs have not publicly filed their detailed time
entries and have, instead, submitted an application to have them reviewed *in camera*. *See*
Plaintiffs' Application for Leave to Submit Class Counsel's Detailed Time Records for In
Camera Review.

1 Members. *See In re Philips/Magnavox TV Litig.*, 2012 U.S. Dist. LEXIS 67287, at *47
2 (D.N.J. May 14, 2012) (recognizing that time submitted in connection with a fee petition
3 filed before final approval “does not include the fees and expenses...expended after [that
4 date] on tasks such as preparing for and appearing at the fairness hearing”).

5 The 6,016 hours billed by Class Counsel were reasonable, appropriate, and necessary
6 for the effective prosecution of this case. As set forth above, this case saw extensive early
7 motion practice, over a dozen depositions, the production of tens-of-thousands of pages of
8 documents, inspections of vehicles, the submission of numerous expert reports, and
9 contested class certification proceedings (and extensive briefing related thereto). To put
10 the reported billable hours into perspective, the number of hours spent on this case is
11 substantially lower than those recently approved in other automobile class actions. *See,*
12 *e.g., In re Myford Touch Consumer Litig.*, 2019 WL 6877477, at *1 (N.D. Cal. Dec. 17,
13 2019) (23,400 hours); *In re Chrysler-Dodge-Jeep Ecodiesel® Mktg., Sales Practices &*
14 *Prods. Liab. Litig.*, 2019 U.S. Dist. LEXIS 75205, at *29 (N.D. Cal. May 3, 2019) (95,951.4
15 hours); *In re Volkswagen “Clean Diesel” Mktg., Sales Practices, & Prods. Liab. Litig.*,
16 2017 U.S. Dist. LEXIS 114353, at *728 (N.D. Cal. July 21, 2017) (120,418 hours); *see also*
17 *In re Toyota Motor Corp. Unintended Acceleration Mktg., Sales Practices, & Prods. Liab.*
18 *Litig.*, 2013 WL 12327929, at *32 (C.D. Cal. July 24, 2013) (165,930 hours).

19 Although Plaintiffs were able to resolve the action before trial, courts recognize that
20 Class Counsel “should not be ‘punished’ for efficiently litigating[.]” *In re Volkswagen*
21 *“Clean Diesel” Mktg., Sales Practices, & Prod. Liab. Litig.*, 2017 WL 1352859, at *6 (N.D.
22 Cal. Apr. 12, 2017); *see also Rivera v. Agreserves, Inc.*, 2017 WL 445710, at *13 (E.D. Cal.
23 Feb. 1, 2017) (“[a]warding Plaintiff a lesser amount of fees based on a lower multiplier
24 would penalize Plaintiff’s counsel for achieving a stellar result with maximum efficiency”).

25 **2. The hourly rates are reasonable.**

26 “[P]revailing market rates in the relevant community set the reasonable hourly rate
27 for purposes of computing the lodestar amount.” *Gonzales v. City of Maywood*, 729 F.3d
28 1196, 1205 (9th Cir. 2013). In general, “the relevant community is the forum in which the

district court sits,” *id.*, and because counsel should be compensated for the delay in payment, it is appropriate to apply each biller’s current rates for all hours. *In re Wash. Pub. Power Supply Sys. Sec. Litig.*, 19 F.3d 1291, 1305 (9th Cir. 1994). Counsel’s rates are reasonable if they are within the range charged by and awarded to attorneys of comparable experience, reputation, and ability for similar work, i.e., complex class action litigation. *Blum v. Stenson*, 465 U.S. 886, 895 n.11 (1984).

Judge Tevrizian provided a sworn declaration in this matter in which he opined that Class Counsel was “highly capable, experienced, and informed,” and that based upon his “observations and first-hand experience, [Class] counsel have substantial expertise in the fields of class actions and complex litigation resolution” such that their “level of advocacy ... was exceptionally informed, ethical, and effective.” Tevrizian Decl. (Dkt. No. 194-6), at ¶¶ 7-9. Accordingly, Class Counsel’s rates reflect their skill, experience, reputation, and ability for similar work. *See Conti*, Dkt. 73 at PAGE ID # 1349 (Judge Cormac J. Carney commenting that Class Counsel “have extensive experience litigating complex matters, including automobile class actions” and that they have “represented the class capably”).

The hourly rates sought by Class Counsel here range from \$225-\$325 for paralegals, \$375-650 for associates, and \$625-825 for partners. Matt Decl., ¶ 16; Naylor Decl., ¶¶ 28-32. These rates are consistent with the prevailing market rates in this forum for attorneys of comparable experience, reputation, and ability. *See Declaration of Robert A. Curtis in Support of Motion for Attorneys’ Fees, Costs, and Service Awards (“Curtis Decl.”)*, at ¶¶ 5-6. Moreover, the rates Class Counsel seek are consistent with those that have been approved by the Ninth Circuit and judges in the Central District. *See, e.g., Marshall v. Northrup Grumman Corp.*, 2020 WL 5668935, at *7 (C.D. Cal. Sept. 18, 2020) (approving attorney rates between \$490 and \$1,060 per hour); *Alikhan v. Goodrich Corp.*, 2020 WL 4919382, at *8 (C.D. Cal. June 25, 2020) (approving rates of up to \$950 per hour); *Edwards v. First Am. Corp.*, 2016 WL 8999934, at *5 (C.D. Cal. Oct. 4, 2016) (rates of up to \$990 found reasonable); *Prison Legal News v. Schwarzenegger*, 608 F.3d 446, 455 (9th Cir. 2010) (2008 hourly rates of up to \$875 for a partner, and \$700 for an attorney with 23 years

of experience); *Urakhchin v. Allianz Asset Mgmt. of Am., L.P.*, 2018 WL 8334858, at *6 (C.D. Cal. July 30, 2018) (approving billing rates between \$600 and \$825 per hour for attorneys with more than ten years of experience, and \$325 to \$575 per hour for attorneys with 10 or fewer years of experience, and \$250 per hour for paralegals and clerks); *Gutierrez v. Wells Fargo Bank, N.A.*, 2015 U.S. Dist. LEXIS 67298, at *14-15 (N.D. Cal. May 21, 2015) (rates ranging \$475-\$975 for partners, \$300-\$490 for associates, \$150-\$430 for paralegals and \$250-\$340 for litigation support staff); *In re Toyota*, 2013 WL 12327929, at *33 n.13 (rates ranging from \$150 to \$950).

B. The Lodestar is Reasonable and Should Not be Adjusted Up or Down.

Once calculated, the lodestar should be adjusted only in rare or exceptional cases. *See, e.g., Velez v. Wynne*, 220 F. App'x 512 (9th Cir. 2007) (district court abused its discretion by reducing the presumptively reasonable lodestar without an explanation of the exceptional circumstances supporting such reduction). There is a “strong presumption... that the lodestar figure represents a reasonable fee” *Johnson v. Powers*, 2019 U.S. Dist. LEXIS 79596, at *7-8 (E.D. Cal. May 10, 2019) (quoting *Fischer v. SJB-P.D. Inc.*, 214 F.3d 1115, 1119 n.4 (9th Cir. 2000)). Here, there is no reason to adjust the lodestar up or down because it represents a reasonable fee.

Courts in the Ninth Circuit consider a number of factors in setting an appropriate fee, including: (1) the results achieved; (2) the risks of litigation; (3) whether there are benefits to the class beyond the immediate generation of a cash fund; (4) whether the percentage rate is above or below the market rate; (5) the contingent nature of the representation and the opportunity cost of bringing the suit; (6) reactions from the class; and (7) a lodestar cross-check. *Vizcaino v. Microsoft Corp.*, 290 F.3d 1043, 1048-52 (9th Cir. 2002); *see also Kissel v. Code 42 Software Inc.*, 2018 WL 6113078, at *4 (C.D. Cal. Feb. 20, 2018). These factors support Class Counsel's fee request.

1. Class Counsel achieved a favorable result for the Class.

“The overall result and benefit to the class from the litigation is the most critical factor in granting a fee award.” *Graham v. Capital One Bank (USA), N.A.*, 2014 WL

1 12579806, at *5 (C.D. Cal. Dec. 8, 2014); *see also In re Heritage Bond Litig.*, 2005 WL
2 1594389, *8 (C.D. Cal. Jan. 10, 2005) (“result achieved” is a major factor in making fee
3 award). The Settlement provides substantial benefits to the Class. These include the
4 independent engineering expert’s confirmation of the efficacy of AHM’s countermeasures,
5 extending the vehicles’ warranties to ensure the countermeasures are effective in the field,
6 improving the training of Acura dealership technicians to repair the Infotainment System
7 issues, compensating certain vehicle owners with two years of for AcuraLink Security
8 service for the inconvenience and hassle they have experienced due to the Infotainment
9 System problems, and providing a mechanism for qualifying vehicle owners to receive full
10 reimbursement for eligible out-of-pocket expenses. An actuarial expert with substantial
11 experience in the field of automotive extended warranties has valued the two-years/24,000
12 miles extended warranty benefit alone to be worth over \$10,500,000. *See* Matt Decl., Ex.
13 6 (Declaration of Lee Bowron), ¶8.³

14 Moreover, Class Counsel furthered the public interest by forcing AHM to implement
15 software and hardware improvements to address the Infotainment System issues at the heart
16 of this litigation, issuing class notice so that Class Members would be aware of the repairs
17 and on-going efforts to improve the performance of the Infotainment System, and providing
18 cost-free remedies under the extended warranty benefit. *See Aarons v. BMW of N. Am.,*
19 *LLC*, 2014 WL 4090564, at *14 (C.D. Cal., Apr. 29, 2014) (noting that “Class Counsel
20 advanced the public interest by enforcing consumer protection laws...”). The results
21 achieved here are substantial, and support Class Counsel’s fee request for their lodestar.

22 **2. Class Counsel performed superior quality work to achieve the Settlement.**

23 “Courts have recognized that the ‘prosecution and management of a complex national
24 class action requires unique legal skills and abilities.’” *In re Toyota*, 2013 WL 12327929,

25
26 ³ The overall value created by this Settlement substantially exceeds the \$10,500,000 value
27 of the two-years/24,000 miles extended warranty benefit. This is because the \$10,500,000
28 valuation does not include the two-year AcuraLink benefit, the out-of-pocket
reimbursement benefits, or the costs associated with the Dealership Assessment and
Assistance Program and the Infotainment System Online Resource. *See* Matt Decl., ¶ 30.

1 at *31 (quoting *Knight v. Red Door Salons, Inc.*, 2009 WL 248367, at *6 (N.D. Cal. Feb. 2,
2 2009)). When evaluating this factor, the “single clearest factor reflecting the quality of
3 class counsels’ services to the class are the results obtained.” *In re Heritage*, 2005 WL
4 1594389, at *12 (citations omitted). As set forth above, the results achieved here confer
5 significant benefits to the Class, and they were achieved after Class Counsel successfully
6 resisted motions to dismiss, obtained certification of a California class, and completed
7 discovery. Class Counsel have significant experience in consumer class actions, products
8 liability, and auto defect cases (*see* Matt Decl. at ¶ 25; Naylor Decl. at ¶ 28), and the skill
9 they exhibited here supports approval of the fee request. *See* Tevrizian Decl. (Dkt. No. 194-
10 6), at ¶¶ 7-9; *see also, e.g., Norris v. Mazzola*, 2017 U.S. Dist. LEXIS 208610, at *38 (N.D.
11 Cal. Dec. 19, 2017) (fee award supported by the skill required in extensive motion practice
12 and discovery, as well as the quality of work performed by highly experienced counsel);
13 *Zepeda v. PayPal, Inc.*, 2017 WL 1113293, at *20 (N.D. Cal. Mar. 24, 2017) (class
14 counsel’s consumer class action expertise allowed for a result that “would have been
15 unlikely if entrusted to counsel of lesser experience or capability” given the “substantive
16 and procedural complexities” and the “contentious nature” of the settlement); *Allagas v. BP*
17 *Solar Int’l, Inc.*, 2016 U.S. Dis. LEXIS 187785, at *5 (N.D. Cal. Dec. 22, 2016) (class
18 counsel that were “highly experienced in prosecuting and settling complex class actions”
19 factors in favor of requested fee).

20 **3. This litigation was risky, complex, and expensive.**

21 Another factor to consider in determining attorneys’ fees is the risk counsel took of
22 “not recovering at all, particularly in a case involving complicated legal issues.” *In re*
23 *Toyota*, 2013 WL 12327929, at *31 (C.D. Cal. July 24, 2013) (internal alterations and
24 citations omitted); *see also In re Heritage*, 2005 WL 1594389, at *14 (“The risks assumed
25 by Class Counsel, particularly the risk of non-payment or reimbursement of costs, is a factor
26 in determining counsel’s proper fee award.”); *Vizcaino*, 290 F.3d at 1048 (“Risk is a
27 relevant circumstance.”). Consumer fraud class actions carry an inherent risk of being more
28 uncertain than other types of class actions. *Kakani v. Oracle Corp.*, 2007 U.S. Dist. LEXIS

1 95496, at *12 (N.D. Cal. Dec. 21, 2007).

2 Here, the litigation was fraught with numerous risks. While Class Counsel were
3 confident in Plaintiffs' claims, there is a recognized element of risk in any litigation,
4 particularly complex and expensive class litigation. This is not just an abstract concept, as
5 illustrated by *Daniel v. Ford Motor Co.*, where after remand the case proceeded to an 11-
6 day trial. The jury returned a defense verdict, and the court taxed plaintiffs with \$74,551.48
7 in costs. *See Daniel v. Ford Motor Co.*, 2018 U.S. Dist. LEXIS 70545, at *18 (E.D. Cal.
8 Apr. 25, 2018). Class Counsel's advancement of several millions of dollars in resources,
9 including professional time and hundreds-of-thousands of actual dollars of expenses,
10 highlights the high level of risk they faced. *See In re Omnivision Techs.*, 559 F. Supp. 2d
11 1036, 1047 (C.D. Cal. 2008) ("The risk that further litigation might result in plaintiffs not
12 recovering at all, particularly a case involving complicated legal issues, is a significant
13 factor in the award of fees").

14 **4. Class Counsel worked on a contingent basis**

15 "Attorneys are entitled to a larger fee award when their compensation is contingent
16 in nature." *In re Toyota*, 2013 WL 12327929, at *32 (citing *Vizcaino*, 290 F.3d at 1048-50);
17 *see also Kissel*, 2018 WL 6113078, at *5. "[W]hen counsel takes cases on a contingency
18 fee basis, and litigation is protracted, the risk of non-payment after years of litigation
19 justifies a significant fee award." *Bellinghausen v. Tractor Supply Co.*, 306 F.R.D. 245, 261
20 (N.D. Cal. 2015). The potential of receiving little or no recovery in the face of increasing
21 risk weighs in favor of the requested fee. *See In re Washington*, 19 F.3d 1291, 1299; *Ching*
22 *v. Siemens Indus.*, 2014 U.S. Dist. LEXIS 89002, at *25 (N.D. Cal. Jun. 27, 2014) ("Courts
23 have long recognized that the public interest is served by rewarding attorneys who assume
24 representation on a contingent basis with an enhanced fee to compensate them for the risk
25 that they might be paid nothing at all for their work."); *Brown v. 22nd Dist. Agric. Ass'n*,
26 2017 U.S. Dist. LEXIS 115321, at *22 (S.D. Cal. July 21, 2017) (recognizing that "class
27 counsel was forced to forego other employment in order to devote necessary time to this
28 litigation" and the substantial risk associated with taking the matter on a contingent basis

1 warranted “an upward adjustment to the fee award”). Forgoing other work, Class Counsel
2 litigated this class action over the last three years on a purely contingent basis (*see* Matt
3 Decl., at ¶ 12; Naylor Decl., at ¶ 34), and the risk of non-recovery is sufficiently substantial
4 to justify the instant fee request.

5 **5. The reaction of the Class also supports the fee request.**

6 “The absence of objections or disapproval by class members to Class Counsel’s fee
7 request further supports finding the fee request reasonable.” *In re Heritage Bond Litig.*,
8 2005 U.S. Dist. LEXIS 13555, at *71 (C.D. Cal. June 10, 2005). As of the filing of this
9 motion, Class Counsel is not aware of any class member who has filed an objection to the
10 Settlement.⁴ The absence or relatively small number of objections is further evidence that
11 the amount of attorneys’ fees is reasonable. *See, e.g., Jarrell v. Amerigas Propane, Inc.*,
12 2018 U.S. Dist. LEXIS 58619, at *8-9 (N.D. Cal. Apr. 5, 2018); *In re Carrier iQ, Inc.*,
13 *Consumer Privacy Litig.*, 2016 U.S. Dist. LEXIS 114235, at *30 (N.D. Cal. Aug. 25, 2016).

14 **6. A crosscheck is not necessary to confirm the reasonableness of the fee
15 request.**

16 The Ninth Circuit recently said that it does “not require courts employing the lodestar
17 method to perform a ‘crosscheck’ using the percentage method.” *In re Hyundai*, 926 F.3d
18 at 571. This would make “little logical sense,” it explained, because “the lodestar method
19 yields a fee that is presumptively [reasonable].” *Id.* (internal citations omitted).

20 **C. Class Counsel Should be Reimbursed for Their Litigation Expenses.**

21 “Attorneys may recover their reasonable expenses that would typically be billed to
22 paying clients in non-contingency matters.” *Kissel*, 2018 WL 6113078, at *6. “Expenses
23 such as reimbursement for travel, meals, lodging, photocopying, long-distance telephone
24 calls, computer legal research, postage, courier service, mediation, exhibits, documents
25 scanning, and visual equipment are typically recoverable.” *Rutti v. Lojack Corp., Inc.*, 2012
26 WL 3151077, *12 (C.D. Cal. July 31, 2012). As submitted in detail in the attached
27 declarations and summarized in the chart attached as Ex. 4 to the Matt Decl. and Exhibit C

28 ⁴ While not a formal objection, Class Counsel did receive correspondence made on behalf
of one Class Member expressing some concerns regarding the Settlement.

1 to the Naylor Decl., Class Counsel have collectively incurred over \$477,701.11 in
2 recoverable expenses. The declarations describe in more detail the various expenses, which
3 included the retention of three experts, taking and defending numerous depositions,
4 attending multiple private mediation sessions, and litigating the case through class
5 certification and the completion of discovery. At least \$400,738 of the expense total went
6 towards expert fees.⁵ Matt Decl., ¶ 31. And as with the lodestar figures, Plaintiffs have
7 allocated some of the expenses to the *Conti* case, reducing the expenses claimed here. *See*
8 Naylor Decl., at ¶ 23, 24, 33.

9 Courts routinely approve reimbursement of expenses of much greater magnitude in
10 automobile and other class action cases. *See, e.g., In re Chrysler-Dodge-Jeep*, 2019 U.S.
11 Dist. LEXIS 75205, at *29 (approving \$7 million in expenses); *In re Toyota*, 2013 WL
12 12327929, at *31-33 (awarding \$27 million in expenses); *In re Cathode Ray Tube (CRT)*
13 *Antitrust Litig.*, 2016 U.S. Dist. LEXIS 102408, at *84 (N.D. Cal. Aug. 3, 2016) (awarding
14 \$7.67 million in expenses); *In re Volkswagen “Clean Diesel” Mktg., Sales Practices, &*
15 *Prods. Liab. Litig.*, 2016 U.S. Dist. LEXIS 148374, at *730 (N.D. Cal. Oct. 25, 2016)
16 (approving up to \$8.5 million in expenses); *McCrary v. Elations Co., LLC*, 2016 U.S. Dist.
17 LEXIS 24050, at *32 (C.D. Cal. Feb. 25, 2016) (“[W]hile the total amount of such costs
18 make up a substantial portion of the total settlement amount, the Court finds Class
19 Counsel’s request to be reasonable because this case proceeded to the verge of trial and
20 included heavy motions practice. The Court therefore approves the suggested amount for
21 costs.”).

22 **D. The Court Should Grant a Service Award for Each Class Representative.**

23 Class Counsel also request that the Court approve service awards ranging from
24 \$4,000 to \$10,000 for each Plaintiff. Service awards are typical in class actions, and “are
25 intended to compensate class representatives for work done on behalf of the class, to make
26

27 ⁵ Notably, Class Counsel is not seeking reimbursement for the \$24,115 they paid to the
28 independent engineering expert hired to confirm the efficacy of AHM’s countermeasures.
Matt Decl., ¶ 20.

up for financial or reputational risk undertaken in bringing the action, and, sometimes, to recognize their willingness to act as a private attorney general.” *Rodriguez v. W. Publ’g Corp.*, 563 F.3d 948, 958-59 (9th Cir. 2009).

Each of the Plaintiffs expended considerable effort on behalf of the Class by, among other things, (1) meeting with Class Counsel at the outset of the case; (2) assisting with investigation of the facts; (3) reviewing the complaint prior to filing; (4) locating, sorting, producing, and supplementing personal records in response to 17 Interrogatories and 29 document requests propounded by AHM per Plaintiff; and (5) consulting with Class Counsel during the course of the litigation and settlement negotiations. *See* Exhibit A (Allen Decl.; Banh Decl.; Bartholomew Decl.; Bilbrey Decl.; Brumer Decl.; Chisari Decl.; Faden Decl.; Gonzales Decl.; Gratton Decl.; Gravlin Decl.; Jahsman Decl.; Klein Decl.; Lawrence Decl.; Peoples Decl.; Pryor Decl.; Quinlan Decl.; Samaha Decl.; and Subbarao Decl.). In addition, four Plaintiffs presented their vehicles and phones for inspection by AHM’s expert, and four Plaintiffs had their depositions taken. *Id.* **Notably, Plaintiffs Allen, Bilbrey, Samaha, Quinlan, Gravlin, Klein, Gonzales, and Gratton all turned down individual Rule 68 settlement offers of \$10,000 each out of loyalty to the Class and their recognition of their obligations to the absent Class members who would receive no such compensation.** *Id.* Their commitment to the Class’s interests and desire to remedy these issues, not just for themselves, but also the entire Class, was essential to the successful and timely prosecution of this class action and, in Class Counsel’s view, warrants recognition in the form of the service awards requested. The work that each Plaintiff performed, including their best estimate of the hours they spent in the prosecution of this case, is contained in their declarations, which are submitted herewith as Exhibit A.

“Courts in this Circuit routinely grant requests for an award over \$5,000 where the particular circumstances warrant such an award.” *Nelson v. Avon Prods.*, 2017 U.S. Dist. LEXIS 26451, at *19 (N.D. Cal. Feb. 24, 2017); *see also Pike v. Cty. of San Bernardino*, 2020 WL 1049912, at *6 (C.D. Cal. Jan. 27, 2020) (granting \$15,000 incentive awards “where class representatives devoted great time and undertook great risk in the course of

litigation”); *Dyer v. Wells Fargo Bank, N.A.*, 303 F.R.D. 326, 335 (N.D. Cal. 2014) (awarding \$10,000 where lead plaintiff was deposed, participated in a four-day mediation, and spent more than 200 hours assisting in the case); *Ontiveros v. Zamora*, 303 F.R.D. 356, 366 (E.D. Cal. 2014) (\$15,000); *Ridgeway v. Wal-Mart Stores Inc.*, 269 F. Supp. 3d 975, 1003 (N.D. Cal. 2017) (\$15,000); *Low v. Trump Univ., LLC*, 246 F. Supp. 3d 1295, 1317 (S.D. Cal. 2017) (\$15,000); *Viceral v. Mistras Grp., Inc.*, 2017 U.S. Dist. LEXIS 23220, at *15 (N.D. Cal. Feb. 17, 2017) (\$7,500); *Harris v. Vector Mktg. Corp.*, 2012 U.S. Dist. LEXIS 13797, at *24 (N.D. Cal. Feb. 6, 2012) (\$12,500); *Glass v. UBS Fin. Servs.*, 2007 U.S. Dist. LEXIS 8476, at *51-52 (N.D. Cal. Jan. 26, 2007) (\$25,000). Indeed, Courts have awarded amounts exceeding \$9,000 in other automobile class actions. *See In re Toyota Motor Corp.*, 2013 U.S. Dist. LEXIS 94485, at *231 (C.D. Cal. June 17, 2013) (approving incentive awards greater than \$10,000); *Dewey v. Volkswagen of Am.*, 909 F. Supp. 2d 373, 395 (D.N.J. 2012) (approving \$10,000 incentive awards to class representatives); *see also McLeod v. Bank of Am., N.A.*, 2019 U.S. Dist. LEXIS 40869, at *22 (N.D. Cal. Mar. 13, 2019) (approving a \$15,000 incentive award in an employment case).

Accordingly, Plaintiffs request \$10,000 service awards for Roberta Bilbrey, Jamal Samaha, George Quinlan, Sarah Gravlin, Mark Klein, Daniel Allan, Paul Gonzales, and Kristen Gratton, and \$4,000 service awards for Jimmy Banh, Mark Peoples, Alexis Chisari, Michael Brumer, Dave Jahsman, John Bartholomew, Vimal Lawrence, Mark Klein, Adam Pryor, and Srikarthik Subbarao. The proposed service awards are reasonable and within the normal range of awards and should be approved.

IV. CONCLUSION

For the foregoing reasons, Plaintiffs and Class Counsel respectfully request that the Court approve Plaintiffs’ request for \$3,402,530 in attorneys’ fees, \$477,701.11 in expenses, and \$120,000 in service awards for the Plaintiffs.

Dated: November 1, 2021

HAGENS BERMAN SOBOL SHAPIRO LLP

By: /s/ Sean R. Matt

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Exhibit A

1 **UNITED STATES DISTRICT COURT**
2 **CENTRAL DISTRICT OF CALIFORNIA**
3 **WESTERN DIVISION**

4 JIMMY BANH, et al., on behalf of
5 themselves and all others similarly
6 situated,

7 Plaintiffs,

8 vs.

9 AMERICAN HONDA MOTOR CO.,
10 INC., a California corporation,

11 Defendants.
12

Case Number: 2:19-cv-5984-RGK (ASx)

[*The Honorable R. Gary Klausner*]

DECLARATION OF DANIEL ALLAN
IN SUPPORT OF PLAINTIFFS'
MOTION FOR FEES, COSTS, AND
SERVICE AWARDS AND MOTION
FOR FINAL APPROVAL OF CLASS
ACTION SETTLEMENT

13 I, Daniel Allan, declare as follows pursuant to 28 U.S.C. § 1746:

14 1. I am one of the Plaintiffs appointed by the Court as a representative for
15 the Settlement Class Members which includes owners and lessees of 2019 and 2020
16 Acura RDX vehicles ("Vehicles"). I have personal knowledge of the information set
17 forth herein and, if called upon, am competent to testify to the content of this
18 declaration.
19 20

21 2. I submit this declaration in support of Plaintiffs' Motion for Attorneys'
22 Fees, Costs, and Service Awards and Plaintiffs' Motion for Final Approval of Class
23 Action Settlement.
24

25 3. I spent considerable time independently and with Class Counsel on this
26 matter. I helped Class Counsel with the investigation of this matter, including:
27 interviewing with counsel multiple times, searching for emails and other documents
28

1 regarding the acquisition of my Vehicle and the problems with the infotainment
2 system. I also routinely communicated with Class Counsel about the problems I
3 experienced with the Infotainment System in my Vehicle.
4

5 4. I have been closely involved and attentive to this litigation since the
6 beginning of my participation.
7

8 5. Over the past approximately 2.5 years since the lawsuit was filed, I have
9 spoken with Class Counsel many times, by email and by phone. I have consulted with
10 my attorneys about the case status and provided input on the decisions being made in
11 the case. I have also spoken with Class Counsel many times to talk about documents
12 produced and about the issues with my Infotainment System prior to and during the
13 pendency of this litigation.
14
15

16 6. I also worked with Class Counsel and their staff to prepare discovery
17 responses during the height of my state's Covid-19 lockdown period. It took
18 considerable time during a very difficult period at home to gather all of the
19 documentation. Some of the documentation I collected and produced related to the
20 acquisition of my Vehicle, all of the times I took my vehicle in to the dealership, or
21 when I communicated with Acura Customer Care related to the problems with the
22 Infotainment System. I also spent considerable time and effort to search for, identify,
23 and provide these documents (including emails, photos and videos of the
24 malfunctioning Infotainment System). Because of the lockdown I had to come up
25 with sometimes novel or creative ways to produce my documents without the use of
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1 commercially-available tools such as photocopiers or professional scanners. I estimate
2 that I produced 39 pages of documents for this case and spent over 35 hours collecting
3 and reviewing these documents and other materials during this process.
4

5 7. Class Counsel also kept me informed of the settlement negotiations
6 during this case. I spent time reviewing information about this Settlement and
7 discussing the terms of the Settlement with Class Counsel, including the terms of the
8 Settlement and the benefits provided to the Settlement Class.
9

10 8. I believe this Settlement is in the best interests of the Settlement Class
11 and is fair, adequate and reasonable. Accordingly, I support this Settlement because it
12 focuses on improving the Vehicle's Infotainment System functionality and
13 performance by requiring American Honda Motor Company to notify the Settlement
14 Class about the problems with, and the available repairs, for certain common
15 Infotainment System problems, as well as to continue to work in good faith to improve
16 performance, as necessary, through over-the-air updates. The Settlement also requires
17 American Honda Motor Company to improve dealership performance so that
18 Settlement Class Members have a better experience and outcome when they take their
19 Vehicles in for repairs. This is important to me and I believe it will be a significant
20 improvement for the Settlement Class Members because Acura dealerships will be
21 required to address and repair issues described by the Class Member.
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27 9. In sum, I have spent considerable time and attention working on this case,
28

1 always with the best interests of the Settlement Class in mind. I estimate that I
2 devoted approximately 43 hours to this case.

3
4 10. Also, during the pendency of this litigation, American Honda Motor
5 Company made a Rule 68 settlement offer to me, offering me \$10,000 to settle my
6 claims individually. It is my understanding that this Rule 68 settlement offer was
7 publicly filed with the Court. I declined this settlement offer, as I wanted to continue
8 to litigate this case for my benefit and also for the benefit of the Class Members.
9

10 11. I understand that Class Counsel took this case on a contingency basis, and
11 neither they nor I have received any compensation from anyone for the work and time
12 devoted to this matter.
13

14 12. For the reasons stated above, I support Class Counsel's request for
15 attorneys' fee, expense reimbursement, and the Service Award for my time and efforts
16 spent on this litigation.
17

18 I declare under penalty of perjury, under the laws of the State of Arizona and
19 the United States, that the foregoing is true and correct to the best of my knowledge.
20

21 Executed on October Oct 27, 2021, 2021.

22 *Daniel Allan*

23 Daniel Allan (Oct 27, 2021 16:32 MDT)
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1 **UNITED STATES DISTRICT COURT**
2 **CENTRAL DISTRICT OF CALIFORNIA**
3 **WESTERN DIVISION**

4 JIMMY BANH, et al., on behalf of
5 themselves and all others similarly
6 situated,

7 Plaintiffs,

8 vs.

9 AMERICAN HONDA MOTOR CO.,
10 INC., a California corporation,

11 Defendants.
12

Case Number: 2:19-cv-5984-RGK (ASx)

[*The Honorable R. Gary Klausner*]

DECLARATION OF JIMMY BANH
IN SUPPORT OF PLAINTIFFS'
MOTION FOR FEES, COSTS, AND
SERVICE AWARDS AND MOTION
FOR FINAL APPROVAL OF CLASS
ACTION SETTLEMENT

13 I, Jimmy Banh, declare as follows pursuant to 28 U.S.C. § 1746:

14 1. I am one of the Plaintiffs appointed by the Court as a representative for
15 the Settlement Class Members which includes owners and lessees of 2019 and 2020
16 Acura RDX vehicles ("Vehicles"). I have personal knowledge of the information set
17 forth herein and, if called upon, am competent to testify to the content of this
18 declaration.
19 20

21 2. I submit this declaration in support of Plaintiffs' Motion for Attorneys'
22 Fees, Costs, and Service Awards and Plaintiffs' Motion for Final Approval of Class
23 Action Settlement.
24

25 3. I spent considerable time independently and with Class Counsel on this
26 matter. I helped Class Counsel with the investigation of this matter, including:
27 interviewing with counsel multiple times, searching for emails and other documents
28

1 regarding the acquisition of my Vehicle and the problems with the infotainment
2 system. I also routinely communicated with Class Counsel about the problems I
3 experienced with the Infotainment System in my Vehicle.
4

5 4. I have been closely involved and attentive to this litigation since the
6 beginning of my participation.
7

8 5. Over the past approximately 2.5 years since the lawsuit was filed, I have
9 spoken with Class Counsel many times, by email and by phone. I have consulted with
10 my attorneys about the case status and provided input on the decisions being made in
11 the case. I have also spoken with Class Counsel many times to talk about documents
12 produced and about the issues with my Infotainment System prior to and during the
13 pendency of this litigation.
14
15

16 6. I also worked with Class Counsel and their staff to prepare discovery
17 responses during the height of my state's Covid-19 lockdown period. It took
18 considerable time during a very difficult period at home to gather all of the
19 documentation. Some of the documentation I collected and produced related to the
20 acquisition of my Vehicle, all of the times I took my vehicle in to the dealership, or
21 when I communicated with Acura Customer Care related to the problems with the
22 Infotainment System. I also spent considerable time and effort to search for, identify,
23 and provide these documents (including emails, photos and videos of the
24 malfunctioning Infotainment System). Because of the lockdown I had to come up
25 with sometimes novel or creative ways to produce my documents without the use of
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1 commercially-available tools such as photocopiers or professional scanners. I estimate
2 that I produced 50 pages of documents for this case and spent over 15 hours collecting
3 and reviewing these documents and other materials during this process.
4

5 7. My deposition was scheduled for Friday, March 27, 2020 in Los Angeles.
6 On March 23, 2020, I was informed the deposition was cancelled due to Covid
7 restrictions in Los Angeles and California. I had already spent time on the phone and
8 communicating electronically with Class Counsel and Class Counsel's staff about my
9 availability and the location. I estimate I spent 30 minutes on matters involving my
10 deposition.
11
12

13 8. My video deposition was scheduled for Monday, June 15, 2020 in this
14 matter. I was informed shortly before my deposition that the Defendant had cancelled
15 the deposition, but because the cancellation came so late (the evening of Saturday,
16 June 13), I had already spent time on the phone preparing with Class Counsel. I
17 estimate that I spent 2 hours preparing for my video deposition.
18
19

20 9. My Vehicle inspection by American Honda Motor's experts was
21 scheduled for June 16, 2020 as part of my obligations as a class representative. Again,
22 although the vehicle inspection was cancelled, because the cancellation came so late, I
23 had already spent time on the phone and electronically communicating with Class
24 Counsel and Class Counsel's staff about my availability and location. Additionally, I
25 spent time reviewing the Notice of Vehicle Inspection and Inspection Protocol. I
26 estimate that I spent 30 minutes on matters involving the vehicle inspection.
27
28

1 10. Class Counsel also kept me informed of the settlement negotiations
2 during this case. I spent time reviewing information about this Settlement and
3 discussing the terms of the Settlement with Class Counsel, including the terms of the
4 Settlement and the benefits provided to the Settlement Class.
5

6 11. I believe this Settlement is in the best interests of the Settlement Class
7 and is fair, adequate and reasonable. Accordingly, I support this Settlement because it
8 focuses on improving the Vehicle's Infotainment System functionality and
9 performance by requiring American Honda Motor Company to notify the Settlement
10 Class about the problems with, and the available repairs, for certain common
11 Infotainment System problems, as well as to continue to work in good faith to improve
12 performance, as necessary, through over-the-air updates. The Settlement also requires
13 American Honda Motor Company to improve dealership performance so that
14 Settlement Class Members have a better experience and outcome when they take their
15 Vehicles in for repairs. This is important to me and I believe it will be a significant
16 improvement for the Settlement Class Members because Acura dealerships will be
17 required to address and repair issues described by the Class Member.
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23 12. In sum, I have spent considerable time and attention working on this case,
24 always with the best interests of the Settlement Class in mind. I estimate that I
25 devoted approximately 25 hours to this case.
26
27
28

1 13. I understand that Class Counsel took this case on a contingency basis, and
2 neither they nor I have received any compensation from anyone for the work and time
3 devoted to this matter.
4

5 14. For the reasons stated above, I support Class Counsel's request for
6 attorneys' fee, expense reimbursement, and the Service Award for my time and efforts
7 spent on this litigation.
8

9 I declare under penalty of perjury, under the laws of the State of California and
10 the United States, that the foregoing is true and correct to the best of my knowledge.

11 Oct 27, 2021
12 Executed on October __, 2021.

Jimmy Bank

Jimmy Bank (Oct 27, 2021 14:47 PDT)

1 UNITED STATES DISTRICT COURT
2 CENTRAL DISTRICT OF CALIFORNIA
3 WESTERN DIVISION
4

5 JIMMY BANH, et al., on behalf of
6 themselves and all others similarly
7 situated,

8 Plaintiffs,

9 vs.

10 AMERICAN HONDA MOTOR CO.,
11 INC., a California corporation,

12 Defendants.

Case Number: 2:19-cv-5984-RGK (ASx)

[The Honorable R. Gary Klausner]

DECLARATION OF JOHN
BARTHOLOMEW IN SUPPORT
OF PLAINTIFFS' MOTION FOR FEES,
COSTS, AND SERVICE AWARDS
AND MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT

13 I, John Bartholomew, declare as follows pursuant to 28 U.S.C. § 1746:

14 1. I am one of the Plaintiffs appointed by the Court as a representative for
15 the Settlement Class Members which includes owners and lessees of 2019 and 2020
16 Acura RDX vehicles ("Vehicles"). I have personal knowledge of the information set
17 forth herein and, if called upon, am competent to testify to the content of this
18 declaration.
19

20 2. I submit this declaration in support of Plaintiffs' Motion for Attorneys'
21 Fees, Costs, and Service Awards and Plaintiffs' Motion for Final Approval of Class
22 Action Settlement.
23

24 3. I spent considerable time independently and with Class Counsel on this
25 matter. I helped Class Counsel with the investigation of this matter, including:
26 interviewing with counsel multiple times, searching for emails and other documents
27
28

1 regarding the acquisition of my Vehicle and the problems with the infotainment
2 system. I also routinely communicated with Class Counsel about the problems I
3 experienced with the Infotainment System in my Vehicle.
4

5 4. I have been closely involved and attentive to this litigation since the
6 beginning of my participation.
7

8 5. Over the past approximately 2.5 years since the lawsuit was filed, I have
9 spoken with Class Counsel many times, by email and by phone. I have consulted with
10 my attorneys about the case status and provided input on the decisions being made in
11 the case. I have also spoken with Class Counsel many times to talk about documents
12 produced and about the issues with my Infotainment System prior to and during the
13 pendency of this litigation.
14

15 6. I also worked with Class Counsel and their staff to prepare discovery
16 responses during the height of my state's Covid-19 lockdown period. It took
17 considerable time during a very difficult period at home to gather all of the
18 documentation. Some of the documentation I collected and produced related to the
19 acquisition of my Vehicle, all of the times I took my vehicle in to the dealership, or
20 when I communicated with Acura Customer Care related to the problems with the
21 Infotainment System. I also spent considerable time and effort to search for, identify,
22 and provide these documents. Because of the lockdown I had to come up with
23 sometimes novel or creative ways to produce my documents without the use of
24 commercially-available tools such as photocopiers or professional scanners. I estimate
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1 that I produced 35 pages of documents for this case and spent over 10 hours collecting
2 and reviewing these documents and other materials during this process.

3
4 7. Class Counsel also kept me informed of the settlement negotiations
5 during this case. I spent time reviewing information about this Settlement and
6 discussing the terms of the Settlement with Class Counsel, including the terms of the
7 Settlement and the benefits provided to the Settlement Class.
8

9 8. I believe this Settlement is in the best interests of the Settlement Class
10 and is fair, adequate and reasonable. Accordingly, I support this Settlement because it
11 focuses on improving the Vehicle's Infotainment System functionality and
12 performance by requiring American Honda Motor Company to notify Settlement
13 Class about the problems with, and the available repairs, for certain common
14 Infotainment System problems, as well as to continue to work in good faith to improve
15 performance, as necessary, through over-the-air updates. The Settlement also requires
16 American Honda Motor Company to improve dealership performance so that
17 Settlement Class Members have a better experience and outcome when they take their
18 Vehicles in for repairs. This is important to me and I believe it will be a significant
19 improvement for the Settlement Class Members because Acura dealerships will be
20 required to address and repair issues described by the Class Member.
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25 9. In sum, I have spent considerable time and attention working on this case,
26 always with the best interests of the Settlement Class in mind. I estimate that I
27 devoted approximately 20 to 30 hours to this case.
28

1 10. I understand that Class Counsel took this case on a contingency basis, and
2 neither they nor I have received any compensation from anyone for the work and time
3 devoted to this matter.
4

5 11. For the reasons stated above, I support Class Counsel's request for
6 attorneys' fee, expense reimbursement, and the Service Award for my time and efforts
7 spent on this litigation.
8

9 I declare under penalty of perjury, under the laws of the State of North Carolina
10 and the United States, that the foregoing is true and correct to the best of my
11 knowledge.
12

Oct 26, 2021

13 Executed on October __, 2021.

14 John Bartholomew
15 JOHN BARTHOLOMEW
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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10 **WESTERN DIVISION**

11
12 JIMMY BANH, et al., on behalf of
13 themselves and all others similarly
situated,

14 Plaintiffs,

15 vs.

16 AMERICAN HONDA MOTOR CO.,
17 INC., a California corporation,

18 Defendants.
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Case Number: 2:19-cv-5984-RGK (ASx)

[The Honorable R. Gary Klausner]

DECLARATION OF ROBERTA
BILBREY IN SUPPORT OF
PLAINTIFFS' MOTION FOR FEES,
COSTS, AND SERVICE AWARDS
AND MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT

1 I, Roberta Bilbrey, declare as follows pursuant to 28 U.S.C. § 1746:

2 1. I am one of the Plaintiffs appointed by the Court as a representative for
3 the Settlement Class Members which includes owners and lessees of 2019 and 2020
4 Acura RDX vehicles (“Vehicles”). I have personal knowledge of the information set
5 forth herein and, if called upon, am competent to testify to the content of this
6 declaration.
7
8

9 2. I submit this declaration in support of Plaintiffs' Motion for Attorneys'
10 Fees, Costs, and Service Awards and Plaintiffs' Motion for Final Approval of Class
11 Action Settlement.
12

13 3. I spent considerable time independently and with Class Counsel on this
14 matter. I helped Class Counsel with the investigation of this matter, including:
15 interviewing with counsel multiple times, searching for emails and other documents
16 regarding the acquisition of my Vehicle and the problems with the infotainment
17 system. I also routinely communicated with Class Counsel about the problems I
18 experienced with the Infotainment System in my Vehicle.
19
20

21 4. I have been closely involved and attentive to this litigation since the
22 beginning of my participation.
23

24 5. Over the past approximately 2.5 years since the lawsuit was filed, I have
25 spoken with Class Counsel many times, by email and by phone. I have consulted with
26 my attorneys about the case status and provided input on the decisions being made in
27 the case. I have also spoken with Class Counsel many times to talk about documents
28

1 produced and about the issues with my Infotainment System prior to and during the
2 pendency of this litigation.

3
4 6. I also worked with Class Counsel and their staff to prepare discovery
5 responses during the height of my state's Covid-19 lockdown period. It took
6 considerable time during a very difficult period at home to gather all of the
7 documentation. Some of the documentation I collected and produced related to the
8 acquisition of my Vehicle, all of the times I took my vehicle in to the dealership, or
9 when I communicated with Acura Customer Care related to the problems with the
10 Infotainment System. I also spent considerable time and effort to search for, identify,
11 and provide these documents (including emails, photos and videos of the
12 malfunctioning Infotainment System). Because of the lockdown I had to come up
13 with sometimes novel or creative ways to produce my documents without the use of
14 commercially-available tools such as photocopiers or professional scanners. I estimate
15 that I produced fifty pages of documents for this case and spent over 8 hours collecting
16 and reviewing these documents and other materials during this process.

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21 7. Class Counsel also kept me informed of the settlement negotiations
22 during this case. I spent time reviewing information about this Settlement and
23 discussing the terms of the Settlement with Class Counsel, including the terms of the
24 Settlement and the benefits provided to the Settlement Class.

25
26 8. I believe this Settlement is in the best interests of the Settlement Class
27 and is fair, adequate and reasonable. Accordingly, I support this Settlement because it
28

1 focuses on improving the Vehicle's Infotainment System functionality and
2 performance by requiring American Honda Motor Company to notify Settlement
3 Class about the problems with, and the available repairs, for certain common
4 Infotainment System problems, as well as to continue to work in good faith to improve
5 performance, as necessary, through over-the-air updates. The Settlement also requires
6 American Honda Motor Company to improve dealership performance so that
7 Settlement Class Members have a better experience and outcome when they take their
8 Vehicles in for repairs. This is important to me and I believe it will be a significant
9 improvement for the Settlement Class Members because Acura dealerships will be
10 required to address and repair issues described by the Class Member.
11
12
13

14 9. In sum, I have spent considerable time and attention working on this case,
15 always with the best interests of the Settlement Class in mind. I estimate that I
16 devoted approximately forty hours to this case.
17

18 10. Also, during the pendency of this litigation, American Honda Motor
19 Company made a Rule 68 settlement offer to me, offering me \$10,000 to settle my
20 claims individually. It is my understanding that this Rule 68 settlement offer was
21 publicly filed with the Court. I declined this settlement offer, as I wanted to continue
22 to litigate this case for my benefit and also for the benefit of the Class Members.
23
24

25 11. I understand that Class Counsel took this case on a contingency basis, and
26 neither they nor I have received any compensation from anyone for the work and time
27 devoted to this matter.
28

1 12. For the reasons stated above, I support Class Counsel's request for
2 attorneys' fee, expense reimbursement, and the Service Award for my time and efforts
3 spent on this litigation.
4

5 I declare under penalty of perjury, under the laws of the State of Arizona and
6 the United States, that the foregoing is true and correct to the best of my knowledge.
7

8 Executed on 10/29/2021.

DocuSigned by:

Roberta Bilbrey

B7CB7FC11C01473...

Roberta Bilbrey

1 **UNITED STATES DISTRICT COURT**
2 **CENTRAL DISTRICT OF CALIFORNIA**
3 **WESTERN DIVISION**

4 JIMMY BANH, et al., on behalf of
5 themselves and all others similarly
6 situated,

7 Plaintiffs,

8 vs.

9 AMERICAN HONDA MOTOR CO.,
10 INC., a California corporation,

11 Defendants.
12

Case Number: 2:19-cv-5984-RGK (ASx)

[*The Honorable R. Gary Klausner*]

DECLARATION OF MICHAEL
BRUMER

IN SUPPORT OF PLAINTIFFS'
MOTION FOR FEES, COSTS, AND
SERVICE AWARDS AND MOTION
FOR FINAL APPROVAL OF CLASS
ACTION SETTLEMENT

13 I, Michael Brumer, declare as follows pursuant to 28 U.S.C. § 1746:

14 1. I am one of the Plaintiffs appointed by the Court as a representative for
15 the Settlement Class Members which includes owners and lessees of 2019 and 2020
16 Acura RDX vehicles ("Vehicles"). I have personal knowledge of the information set
17 forth herein and, if called upon, am competent to testify to the content of this
18 declaration.
19 20

21 2. I submit this declaration in support of Plaintiffs' Motion for Attorneys'
22 Fees, Costs, and Service Awards and Plaintiffs' Motion for Final Approval of Class
23 Action Settlement.
24

25 3. I spent considerable time independently and with Class Counsel on this
26 matter. I helped Class Counsel with the investigation of this matter, including:
27 interviewing with counsel multiple times, searching for emails and other documents
28

1 regarding the acquisition of my Vehicle and the problems with the infotainment
2 system. I also routinely communicated with Class Counsel about the problems I
3 experienced with the Infotainment System in my Vehicle.
4

5 4. I have been closely involved and attentive to this litigation since the
6 beginning of my participation.
7

8 5. Over the past approximately 2.5 years since the lawsuit was filed, I have
9 spoken with Class Counsel many times, by email and by phone. I have consulted with
10 my attorneys about the case status and provided input on the decisions being made in
11 the case. I have also spoken with Class Counsel many times to talk about documents
12 produced and about the issues with my Infotainment System prior to and during the
13 pendency of this litigation.
14
15

16 6. I also worked with Class Counsel and their staff to prepare discovery
17 responses during the height of my state's Covid-19 lockdown period. It took
18 considerable time during a very difficult period at home to gather all of the
19 documentation. Some of the documentation I collected and produced related to the
20 acquisition of my Vehicle, all of the times I took my vehicle in to the dealership, or
21 when I communicated with Acura Customer Care related to the problems with the
22 Infotainment System. I also spent considerable time and effort to search for, identify,
23 and provide these documents (including emails, photos and videos of the
24 malfunctioning Infotainment System). Because of the lockdown I had to come up
25 with sometimes novel or creative ways to produce my documents without the use of
26
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1 commercially-available tools such as photocopiers or professional scanners. I estimate
2 that I produced 74 pages of documents for this case and spent over 75 hours collecting
3 and reviewing these documents and other materials during this process.
4

5 7. Class Counsel also kept me informed of the settlement negotiations
6 during this case. I spent time reviewing information about this Settlement and
7 discussing the terms of the Settlement with Class Counsel, including the terms of the
8 Settlement and the benefits provided to the Settlement Class.
9

10 8. I believe this Settlement is in the best interests of the Settlement Class
11 and is fair, adequate and reasonable. Accordingly, I support this Settlement because it
12 focuses on improving the Vehicle's Infotainment System functionality and
13 performance by requiring American Honda Motor Company to notify the Settlement
14 Class about the problems with, and the available repairs, for certain common
15 Infotainment System problems, as well as to continue to work in good faith to improve
16 performance, as necessary, through over-the-air updates. The Settlement also requires
17 American Honda Motor Company to improve dealership performance so that
18 Settlement Class Members have a better experience and outcome when they take their
19 Vehicles in for repairs. This is important to me and I believe it will be a significant
20 improvement for the Settlement Class Members because Acura dealerships will be
21 required to address and repair issues described by the Class Member.
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27 9. In sum, I have spent considerable time and attention working on this case,
28

1 always with the best interests of the Settlement Class in mind. I estimate that I
2 devoted approximately 100 hours to this case.
3

4 10. I understand that Class Counsel took this case on a contingency basis, and
5 neither they nor I have received any compensation from anyone for the work and time
6 devoted to this matter.
7

8 11. For the reasons stated above, I support Class Counsel's request for
9 attorneys' fee, expense reimbursement, and the Service Award for my time and efforts
10 spent on this litigation.
11

12 I declare under penalty of perjury, under the laws of the State of New York
13 and the United States, that the foregoing is true and correct to the best of my
14 knowledge.
15

Oct 27, 2021

16 Executed on October __, 2021.

Michael Brumer

Michael Brumer (Oct 27, 2021 18:02 EDT)

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

JIMMY BANH, et al., on behalf of
themselves and all others similarly
situated,

Plaintiffs,

vs.

AMERICAN HONDA MOTOR CO.,
INC., a California corporation,

Defendants.

Case Number: 2:19-cv-5984-RGK (ASx)

[The Honorable R. Gary Klausner]

**DECLARATION OF ALEXIS CHISARI
IN SUPPORT OF PLAINTIFFS'
MOTION FOR FEES, COSTS, AND
SERVICE AWARDS AND MOTION
FOR FINAL APPROVAL OF CLASS
ACTION SETTLEMENT**

I, Alexis Chisari, declare as follows pursuant to 28 U.S.C. § 1746:

1. I am one of the Plaintiffs appointed by the Court as a representative for the Settlement Class Members which includes owners and lessees of 2019 and 2020 Acura RDX vehicles ("Vehicles"). I have personal knowledge of the information set forth herein and, if called upon, am competent to testify to the content of this declaration.

2. I submit this declaration in support of Plaintiffs' Motion for Attorneys' Fees, Costs, and Service Awards and Plaintiffs' Motion for Final Approval of Class Action Settlement.

3. I spent considerable time independently and with Class Counsel on this matter. I helped Class Counsel with the investigation of this matter, including: interviewing with counsel multiple times, searching for emails and other documents

1 regarding the acquisition of my Vehicle and the problems with the infotainment
2 system. I also routinely communicated with Class Counsel about the problems I
3 experienced with the Infotainment System in my Vehicle.
4

5 4. I have been closely involved and attentive to this litigation since the
6 beginning of my participation.
7

8 5. Over the past approximately 2.5 years since the lawsuit was filed, I have
9 spoken with Class Counsel many times, by email and by phone. I have consulted with
10 my attorneys about the case status and provided input on the decisions being made in
11 the case. I have also spoken with Class Counsel many times to talk about documents
12 produced and about the issues with my Infotainment System prior to and during the
13 pendency of this litigation.
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16 6. I also worked with Class Counsel and their staff to prepare discovery
17 responses during the height of my state's Covid-19 lockdown period. It took
18 considerable time during a very difficult period at home to gather all of the
19 documentation. Some of the documentation I collected and produced related to the
20 acquisition of my Vehicle, all of the times I took my vehicle in to the dealership, or
21 when I communicated with Acura Customer Care related to the problems with the
22 Infotainment System. I also spent considerable time and effort to search for, identify,
23 and provide these documents (including emails, photos and videos of the
24 malfunctioning Infotainment System). Because of the lockdown I had to come up
25 with sometimes novel or creative ways to produce my documents without the use of
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1 commercially-available tools such as photocopiers or professional scanners. I estimate
2 that I produced 48 pages of documents for this case and spent over 45 hours collecting
3 and reviewing these documents and other materials during this process.
4

5 7. Class Counsel also kept me informed of the settlement negotiations
6 during this case. I spent time reviewing information about this Settlement and
7 discussing the terms of the Settlement with Class Counsel, including the terms of the
8 Settlement and the benefits provided to the Settlement Class.
9

10 8. I believe this Settlement is in the best interests of the Settlement Class
11 and is fair, adequate and reasonable. Accordingly, I support this Settlement because it
12 focuses on improving the Vehicle's Infotainment System functionality and
13 performance by requiring American Honda Motor Company to notify the Settlement
14 Class about the problems with, and the available repairs, for certain common
15 Infotainment System problems, as well as to continue to work in good faith to improve
16 performance, as necessary, through over-the-air updates. The Settlement also requires
17 American Honda Motor Company to improve dealership performance so that
18 Settlement Class Members have a better experience and outcome when they take their
19 Vehicles in for repairs. This is important to me and I believe it will be a significant
20 improvement for the Settlement Class Members because Acura dealerships will be
21 required to address and repair issues described by the Class Member.
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27 9. In sum, I have spent considerable time and attention working on this case,
28

1 always with the best interests of the Settlement Class in mind. I estimate that I
2 devoted approximately 60 hours to this case.
3

4 10. I understand that Class Counsel took this case on a contingency basis, and
5 neither they nor I have received any compensation from anyone for the work and time
6 devoted to this matter.
7

8 11. For the reasons stated above, I support Class Counsel's request for
9 attorneys' fee, expense reimbursement, and the Service Award for my time and efforts
10 spent on this litigation.
11

12 I declare under penalty of perjury, under the laws of the State of New Jersey and
13 the United States, that the foregoing is true and correct to the best of my knowledge.

14 Oct 28, 2021
15 Executed on October __, 2021.

16 
Alexis Chisari (Oct 28, 2021 12:22 EDT)
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1 **UNITED STATES DISTRICT COURT**
2 **CENTRAL DISTRICT OF CALIFORNIA**
3 **WESTERN DIVISION**

4 JIMMY BANH, et al., on behalf of
5 themselves and all others similarly
6 situated,

7 Plaintiffs,

8 vs.

9 AMERICAN HONDA MOTOR CO.,
10 INC., a California corporation,

11 Defendants.
12

Case Number: 2:19-cv-5984-RGK (ASx)

[*The Honorable R. Gary Klausner*]

DECLARATION OF ERIC FADEN
IN SUPPORT OF PLAINTIFFS'
MOTION FOR FEES, COSTS, AND
SERVICE AWARDS AND MOTION
FOR FINAL APPROVAL OF CLASS
ACTION SETTLEMENT

13 I, Eric Faden, declare as follows pursuant to 28 U.S.C. § 1746:

14 1. I am one of the Plaintiffs appointed by the Court as a representative for
15 the Settlement Class Members which includes owners and lessees of 2019 and 2020
16 Acura RDX vehicles ("Vehicles"). I have personal knowledge of the information set
17 forth herein and, if called upon, am competent to testify to the content of this
18 declaration.
19 20

21 2. I submit this declaration in support of Plaintiffs' Motion for Attorneys'
22 Fees, Costs, and Service Awards and Plaintiffs' Motion for Final Approval of Class
23 Action Settlement.
24

25 3. I spent considerable time independently and with Class Counsel on this
26 matter. I helped Class Counsel with the investigation of this matter, including:
27 interviewing with counsel multiple times, searching for emails and other documents
28

1 regarding the acquisition of my Vehicle and the problems with the infotainment
2 system. I also routinely communicated with Class Counsel about the problems I
3 experienced with the Infotainment System in my Vehicle.
4

5 4. I have been closely involved and attentive to this litigation since the
6 beginning of my participation.
7

8 5. Over the past approximately 2.5 years since the lawsuit was filed, I have
9 spoken with Class Counsel many times, by email and by phone. I have consulted with
10 my attorneys about the case status and provided input on the decisions being made in
11 the case. I have also spoken with Class Counsel many times to talk about documents
12 produced and about the issues with my Infotainment System prior to and during the
13 pendency of this litigation.
14
15

16 6. I also worked with Class Counsel and their staff to prepare discovery
17 responses during the height of my state's Covid-19 lockdown period. It took
18 considerable time during a very difficult period at home to gather all of the
19 documentation. Some of the documentation I collected and produced related to the
20 acquisition of my Vehicle, all of the times I took my vehicle in to the dealership, or
21 when I communicated with Acura Customer Care related to the problems with the
22 Infotainment System. I also spent considerable time and effort to search for, identify,
23 and provide these documents (including emails, photos and videos of the
24 malfunctioning Infotainment System). Because of the lockdown I had to come up
25 with sometimes novel or creative ways to produce my documents without the use of
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1 commercially-available tools such as photocopiers or professional scanners. I estimate
2 that I produced 35 pages of documents for this case and spent over 20 hours collecting
3 and reviewing these documents and other materials during this process.
4

5 7. My video deposition was scheduled for Wednesday, June 17, 2020 in this
6 matter. I was informed shortly before my deposition that the Defendant had cancelled
7 the deposition, but because the cancellation came so late (the evening of Saturday,
8 June 13), I had already spent time on the phone and electronically communicating
9 with class counsel and class counsel's staff about my availability and the location.
10 Additionally, I rearranged my schedule with my employer in order to give my
11 deposition. I estimate that I spent 30 minutes on matters involving my deposition.
12
13

14 8. My Vehicle inspection by American Honda Motor's experts was scheduled
15 for June 18, 2020 as part of my obligations as a class representative. Again, although
16 the vehicle inspection was cancelled, because the cancellation came so late, I had
17 already spent time on the phone and electronically communicating with class counsel
18 and class counsel's staff about my availability and location. Additionally, I spent time
19 reviewing the Notice of Vehicle Inspection and Inspection Protocol, and I rearranged
20 my schedule with my employer to attend the vehicle inspection. I estimate that I spent
21 30 minutes on matters involving the vehicle inspection
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24

25 9. Class Counsel also kept me informed of the settlement negotiations
26 during this case. I spent time reviewing information about this Settlement and
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1 discussing the terms of the Settlement with Class Counsel, including the terms of the
2 Settlement and the benefits provided to the Settlement Class.
3

4 10. I believe this Settlement is in the best interests of the Settlement Class
5 and is fair, adequate and reasonable. Accordingly, I support this Settlement because it
6 focuses on improving the Vehicle's Infotainment System functionality and
7 performance by requiring American Honda Motor Company to notify Settlement
8 Class about the problems with, and the available repairs, for certain common
9 Infotainment System problems, as well as to continue to work in good faith to improve
10 performance, as necessary, through over-the-air updates. The Settlement also requires
11 American Honda Motor Company to improve dealership performance so that
12 Settlement Class Members have a better experience and outcome when they take their
13 Vehicles in for repairs. This is important to me and I believe it will be a significant
14 improvement for the Settlement Class Members because Acura dealerships will be
15 required to address and repair issues described by the Class Member.
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20 11. In sum, I have spent considerable time and attention working on this case,
21 always with the best interests of the Settlement Class in mind. I estimate that I
22 devoted approximately 21 hours to this case.
23

24 13. I understand that Class Counsel took this case on a contingency basis, and
25 neither they nor I have received any compensation from anyone for the work and time
26 devoted to this matter.
27
28

1 14. For the reasons stated above, I support Class Counsel's request for
2 attorneys' fee, expense reimbursement, and the Service Award for my time and efforts
3 spent on this litigation.
4

5 I declare under penalty of perjury, under the laws of the State of Pennsylvania
6 and the United States, that the foregoing is true and correct to the best of my
7 knowledge.
8

Oct 26, 2021

9 Executed on October __, 2021.

10 *Eric Faden*

Eric Faden (Oct 26, 2021 17:25 EDT)

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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10 **WESTERN DIVISION**

11
12 JIMMY BANH, et al., on behalf of
13 themselves and all others similarly
situated,

14 Plaintiffs,

15 vs.

16 AMERICAN HONDA MOTOR CO.,
17 INC., a California corporation,

18 Defendants.
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Case Number: 2:19-cv-5984-RGK (ASx)

[The Honorable R. Gary Klausner]

DECLARATION OF PAUL
GONZALES IN SUPPORT OF
PLAINTIFFS' MOTION FOR FEES,
COSTS, AND SERVICE AWARDS
AND MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT

1 I, Paul Gonzales, declare as follows pursuant to 28 U.S.C. § 1746:

2 1. I am one of the Plaintiffs appointed by the Court as a representative for
3 the Settlement Class Members which includes owners and lessees of 2019 and 2020
4 Acura RDX vehicles (“Vehicles”). I have personal knowledge of the information set
5 forth herein and, if called upon, am competent to testify to the content of this
6 declaration.
7
8

9 2. I submit this declaration in support of Plaintiffs' Motion for Attorneys'
10 Fees, Costs, and Service Awards and Plaintiffs' Motion for Final Approval of Class
11 Action Settlement.
12

13 3. I spent considerable time independently and with Class Counsel on this
14 matter. I helped Class Counsel with the investigation of this matter, including:
15 interviewing with counsel multiple times, searching for emails and other documents
16 regarding the acquisition of my Vehicle and the problems with the infotainment
17 system. I also routinely communicated with Class Counsel about the problems I
18 experienced with the Infotainment System in my Vehicle.
19
20

21 4. I have been closely involved and attentive to this litigation since the
22 beginning of my participation.
23

24 5. Over the past approximately 2.5 years since the lawsuit was filed, I have
25 spoken with Class Counsel many times, by email and by phone. I have consulted with
26 my attorneys about the case status and provided input on the decisions being made in
27 the case. I have also spoken with Class Counsel many times to talk about documents
28

1 produced and about the issues with my Infotainment System prior to and during the
2 pendency of this litigation.

3
4 6. I also worked with Class Counsel and their staff to prepare discovery
5 responses during the height of my state's Covid-19 lockdown period. It took
6 considerable time during a very difficult period at home to gather all of the
7 documentation. Some of the documentation I collected and produced related to the
8 acquisition of my Vehicle, all of the times I took my vehicle in to the dealership, or
9 when I communicated with Acura Customer Care related to the problems with the
10 Infotainment System. I also spent considerable time and effort to search for, identify,
11 and provide these documents (including emails, photos and videos of the
12 malfunctioning Infotainment System). Because of the lockdown I had to come up
13 with sometimes novel or creative ways to produce my documents without the use of
14 commercially-available tools such as photocopiers or professional scanners. I estimate
15 that I produced around 70 documents for this case and spent over 24 hours collecting
16 and reviewing these documents and other materials during this process.

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21 7. My deposition in this matter was scheduled to take place on June 16,
22 2020. I spent four hours preparing for the deposition with Class Counsel and
23 reviewing documents. American Honda Motor canceled the deposition at the last
24 minute.

25
26
27 8. I also spent time preparing to have my Vehicle inspected by American
28 Honda Motor's experts as part of my obligations as a class representative. I estimate

1 that I spent three hours scheduling and effectuating this process. American Honda
2 Motor canceled the vehicle inspection at the last minute.

3
4 9. Class Counsel also kept me informed of the settlement negotiations
5 during this case. I spent time reviewing information about this Settlement and
6 discussing the terms of the Settlement with Class Counsel, including the terms of the
7 Settlement and the benefits provided to the Settlement Class.
8

9 10. I believe this Settlement is in the best interests of the Settlement Class
10 and is fair, adequate and reasonable. Accordingly, I support this Settlement because it
11 focuses on improving the Vehicle's Infotainment System functionality and
12 performance by requiring American Honda Motor Company to notify Settlement
13 Class about the problems with, and the available repairs, for certain common
14 Infotainment System problems, as well as to continue to work in good faith to improve
15 performance, as necessary, through over-the-air updates. The Settlement also requires
16 American Honda Motor Company to improve dealership performance so that
17 Settlement Class Members have a better experience and outcome when they take their
18 Vehicles in for repairs. This is important to me and I believe it will be a significant
19 improvement for the Settlement Class Members because Acura dealerships will be
20 required to address and repair issues described by the Class Member.
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25 11. In sum, I have spent considerable time and attention working on this case,
26 always with the best interests of the Settlement Class in mind. I estimate that I
27 devoted approximately 150 hours to this case.
28

1 12. Also, during the pendency of this litigation, American Honda Motor
2 Company made a Rule 68 settlement offer to me, offering me \$10,000 to settle my
3 claims individually. It is my understanding that this Rule 68 settlement offer was
4 publicly filed with the Court. I declined this settlement offer, as I wanted to continue
5 to litigate this case for my benefit and also for the benefit of the Class Members.
6

7
8 13. I understand that Class Counsel took this case on a contingency basis, and
9 neither they nor I have received any compensation from anyone for the work and time
10 devoted to this matter.
11

12 14. For the reasons stated above, I support Class Counsel's request for
13 attorneys' fee, expense reimbursement, and the Service Award for my time and efforts
14 spent on this litigation.
15

16 I declare under penalty of perjury, under the laws of the State of Utah and
17 the United States, that the foregoing is true and correct to the best of my knowledge.
18

19 Executed on 10/30/2021.

DocuSigned by:
Paul Gonzales
67A8A1B20F0E444

Paul Gonzales

1 **UNITED STATES DISTRICT COURT**
2 **CENTRAL DISTRICT OF CALIFORNIA**
3 **WESTERN DIVISION**

4 JIMMY BANH, et al., on behalf of
5 themselves and all others similarly
6 situated,

7 Plaintiffs,

8 vs.

9 AMERICAN HONDA MOTOR CO.,
10 INC., a California corporation,

11 Defendants.
12

Case Number: 2:19-cv-5984-RGK (ASx)

[*The Honorable R. Gary Klausner*]

DECLARATION OF KRISTEN
GRATTON

IN SUPPORT OF PLAINTIFFS'
MOTION FOR FEES, COSTS, AND
SERVICE AWARDS AND MOTION
FOR FINAL APPROVAL OF CLASS
ACTION SETTLEMENT

13 I, Kristen Gratton, declare as follows pursuant to 28 U.S.C. § 1746:

14 1. I am one of the Plaintiffs appointed by the Court as a representative for
15 the Settlement Class Members which includes owners and lessees of 2019 and 2020
16 Acura RDX vehicles ("Vehicles"). I have personal knowledge of the information set
17 forth herein and, if called upon, am competent to testify to the content of this
18 declaration.
19 20

21 2. I submit this declaration in support of Plaintiffs' Motion for Attorneys'
22 Fees, Costs, and Service Awards and Plaintiffs' Motion for Final Approval of Class
23 Action Settlement.
24

25 3. I spent considerable time independently and with Class Counsel on this
26 matter. I helped Class Counsel with the investigation of this matter, including:
27 interviewing with counsel multiple times, searching for emails and other documents
28

1 regarding the acquisition of my Vehicle and the problems with the infotainment
2 system. I also routinely communicated with Class Counsel about the problems I
3 experienced with the Infotainment System in my Vehicle.
4

5 4. I have been closely involved and attentive to this litigation since the
6 beginning of my participation.
7

8 5. Over the past approximately 2.5 years since the lawsuit was filed, I have
9 spoken with Class Counsel many times, by email and by phone. I have consulted with
10 my attorneys about the case status and provided input on the decisions being made in
11 the case. I have also spoken with Class Counsel many times to talk about documents
12 produced and about the issues with my Infotainment System prior to and during the
13 pendency of this litigation.
14
15

16 6. I also worked with Class Counsel and their staff to prepare discovery
17 responses during the height of my state's Covid-19 lockdown period. It took
18 considerable time during a very difficult period at home to gather all of the
19 documentation. Some of the documentation I collected and produced related to the
20 acquisition of my Vehicle, all of the times I took my vehicle in to the dealership, or
21 when I communicated with Acura Customer Care related to the problems with the
22 Infotainment System. I also spent considerable time and effort to search for, identify,
23 and provide these documents (including emails, photos and videos of the
24 malfunctioning Infotainment System). Because of the lockdown I had to come up
25 with sometimes novel or creative ways to produce my documents without the use of
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1 commercially-available tools such as photocopiers or professional scanners. I estimate
2 that I produced 86 pages of documents for this case and spent over 12 hours collecting
3 and reviewing these documents and other materials during this process.
4

5 7. Class Counsel also kept me informed of the settlement negotiations
6 during this case. I spent time reviewing information about this Settlement and
7 discussing the terms of the Settlement with Class Counsel, including the terms of the
8 Settlement and the benefits provided to the Settlement Class.
9

10 8. I believe this Settlement is in the best interests of the Settlement Class
11 and is fair, adequate and reasonable. Accordingly, I support this Settlement because it
12 focuses on improving the Vehicle's Infotainment System functionality and
13 performance by requiring American Honda Motor Company to notify the Settlement
14 Class about the problems with, and the available repairs, for certain common
15 Infotainment System problems, as well as to continue to work in good faith to improve
16 performance, as necessary, through over-the-air updates. The Settlement also requires
17 American Honda Motor Company to improve dealership performance so that
18 Settlement Class Members have a better experience and outcome when they take their
19 Vehicles in for repairs. This is important to me and I believe it will be a significant
20 improvement for the Settlement Class Members because Acura dealerships will be
21 required to address and repair issues described by the Class Member.
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27 9. In sum, I have spent considerable time and attention working on this case,
28

1 always with the best interests of the Settlement Class in mind. I estimate that I
2 devoted approximately 60 hours to this case.

3
4 10. Also, during the pendency of this litigation, American Honda Motor
5 Company made a Rule 68 settlement offer to me, offering me \$10,000 to settle my
6 claims individually. It is my understanding that this Rule 68 settlement offer was
7 publicly filed with the Court. I declined this settlement offer, as I wanted to continue
8 to litigate this case for my benefit and also for the benefit of the Class Members.
9

10 11. I understand that Class Counsel took this case on a contingency basis, and
11 neither they nor I have received any compensation from anyone for the work and time
12 devoted to this matter.
13

14 12. For the reasons stated above, I support Class Counsel's request for
15 attorneys' fee, expense reimbursement, and the Service Award for my time and efforts
16 spent on this litigation.
17

18 I declare under penalty of perjury, under the laws of the State of Virginia and
19 the United States, that the foregoing is true and correct to the best of my knowledge.
20

21 Executed on October 28, 2021
22 Executed on October __, 2021.

Kristen Gratton

Kristen Gratton (Oct 28, 2021 15:38 EDT)

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

JIMMY BANH, et al., on behalf of
themselves and all others similarly
situated,

Plaintiffs,

vs.

AMERICAN HONDA MOTOR CO.,
INC., a California corporation,

Defendants.

Case Number: 2:19-cv-5984-RGK (ASx)

[The Honorable R. Gary Klausner]

DECLARATION OF SARAH
GRAVLIN IN SUPPORT OF
PLAINTIFFS' MOTION FOR FEES,
COSTS, AND SERVICE AWARDS
AND MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT

1 I, Sarah Gravlin, declare as follows pursuant to 28 U.S.C. § 1746:

2 1. I am one of the Plaintiffs appointed by the Court as a representative for
3 the Settlement Class Members which includes owners and lessees of 2019 and 2020
4 Acura RDX vehicles (“Vehicles”). I have personal knowledge of the information set
5 forth herein and, if called upon, am competent to testify to the content of this
6 declaration.
7
8

9 2. I submit this declaration in support of Plaintiffs' Motion for Attorneys'
10 Fees, Costs, and Service Awards and Plaintiffs' Motion for Final Approval of Class
11 Action Settlement.
12

13 3. I spent considerable time independently and with Class Counsel on this
14 matter. I helped Class Counsel with the investigation of this matter, including:
15 interviewing with counsel multiple times, searching for emails and other documents
16 regarding the acquisition of my Vehicle and the problems with the infotainment
17 system. I also routinely communicated with Class Counsel about the problems I
18 experienced with the Infotainment System in my Vehicle.
19
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21 4. I have been closely involved and attentive to this litigation since the
22 beginning of my participation.
23

24 5. Over the past approximately 2.5 years since the lawsuit was filed, I have
25 spoken with Class Counsel many times, by email and by phone. I have consulted with
26 my attorneys about the case status and provided input on the decisions being made in
27 the case. I have also spoken with Class Counsel many times to talk about documents
28

1 produced and about the issues with my Infotainment System prior to and during the
2 pendency of this litigation.

3
4 6. I also worked with Class Counsel and their staff to prepare discovery
5 responses during the height of my state's Covid-19 lockdown period. It took
6 considerable time during a very difficult period at home to gather all of the
7 documentation. Some of the documentation I collected and produced related to the
8 acquisition of my Vehicle, all of the times I took my vehicle in to the dealership, or
9 when I communicated with Acura Customer Care related to the problems with the
10 Infotainment System. I also spent considerable time and effort to search for, identify,
11 and provide these documents (including emails, photos and videos of the
12 malfunctioning Infotainment System). Because of the lockdown I had to come up
13 with sometimes novel or creative ways to produce my documents without the use of
14 commercially-available tools such as photocopiers or professional scanners. I estimate
15 that I produced 120 pages of documents for this case and spent over seven hours
16 collecting and reviewing these documents and other materials during this process.

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21 7. Class Counsel also kept me informed of the settlement negotiations
22 during this case. I spent time reviewing information about this Settlement and
23 discussing the terms of the Settlement with Class Counsel, including the terms of the
24 Settlement and the benefits provided to the Settlement Class.

25
26
27 8. I believe this Settlement is in the best interests of the Settlement Class
28 and is fair, adequate and reasonable. Accordingly, I support this Settlement because it

1 focuses on improving the Vehicle's Infotainment System functionality and
2 performance by requiring American Honda Motor Company to notify Settlement
3 Class about the problems with, and the available repairs, for certain common
4 Infotainment System problems, as well as to continue to work in good faith to improve
5 performance, as necessary, through over-the-air updates. The Settlement also requires
6 American Honda Motor Company to improve dealership performance so that
7 Settlement Class Members have a better experience and outcome when they take their
8 Vehicles in for repairs. This is important to me and I believe it will be a significant
9 improvement for the Settlement Class Members because Acura dealerships will be
10 required to address and repair issues described by the Class Member.
11
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14 9. In sum, I have spent considerable time and attention working on this case,
15 always with the best interests of the Settlement Class in mind. I estimate that I
16 devoted approximately twenty hours to this case.
17

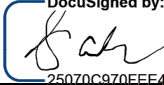
18 10. Also, during the pendency of this litigation, American Honda Motor
19 Company made a Rule 68 settlement offer to me, offering me \$10,000 to settle my
20 claims individually. It is my understanding that this Rule 68 settlement offer was
21 publicly filed with the Court. I declined this settlement offer, as I wanted to continue
22 to litigate this case for my benefit and also for the benefit of the Class Members.
23
24

25 11. I understand that Class Counsel took this case on a contingency basis, and
26 neither they nor I have received any compensation from anyone for the work and time
27 devoted to this matter.
28

1 12. For the reasons stated above, I support Class Counsel's request for
2 attorneys' fee, expense reimbursement, and the Service Award for my time and efforts
3 spent on this litigation.
4

5 I declare under penalty of perjury, under the laws of the State of Missouri and
6 the United States, that the foregoing is true and correct to the best of my knowledge.
7

8 Executed on 10/31/2021.

DocuSigned by:

25070C970EEE419

Sarah Gravlin

1 **UNITED STATES DISTRICT COURT**
2 **CENTRAL DISTRICT OF CALIFORNIA**
3 **WESTERN DIVISION**

4 JIMMY BANH, et al., on behalf of
5 themselves and all others similarly
6 situated,

7 Plaintiffs,

8 vs.

9 AMERICAN HONDA MOTOR CO.,
10 INC., a California corporation,

11 Defendants.
12

Case Number: 2:19-cv-5984-RGK (ASx)

[*The Honorable R. Gary Klausner*]

DECLARATION OF DAVE JAHSMAN
IN SUPPORT OF PLAINTIFFS'
MOTION FOR FEES, COSTS, AND
SERVICE AWARDS AND MOTION
FOR FINAL APPROVAL OF CLASS
ACTION SETTLEMENT

13 I, Dave Jahsman, declare as follows pursuant to 28 U.S.C. § 1746:

14 1. I am one of the Plaintiffs appointed by the Court as a representative for
15 the Settlement Class Members which includes owners and lessees of 2019 and 2020
16 Acura RDX vehicles ("Vehicles"). I have personal knowledge of the information set
17 forth herein and, if called upon, am competent to testify to the content of this
18 declaration.
19 20

21 2. I submit this declaration in support of Plaintiffs' Motion for Attorneys'
22 Fees, Costs, and Service Awards and Plaintiffs' Motion for Final Approval of Class
23 Action Settlement.
24

25 3. I spent considerable time independently and with Class Counsel on this
26 matter. I helped Class Counsel with the investigation of this matter, including:
27 interviewing with counsel multiple times, searching for emails and other documents
28

1 regarding the acquisition of my Vehicle and the problems with the infotainment
2 system. I also routinely communicated with Class Counsel about the problems I
3 experienced with the Infotainment System in my Vehicle.
4

5 4. I have been closely involved and attentive to this litigation since the
6 beginning of my participation.
7

8 5. Over the past approximately 2.5 years since the lawsuit was filed, I have
9 spoken with Class Counsel many times, by email and by phone. I have consulted with
10 my attorneys about the case status and provided input on the decisions being made in
11 the case. I have also spoken with Class Counsel many times to talk about documents
12 produced and about the issues with my Infotainment System prior to and during the
13 pendency of this litigation.
14
15

16 6. I also worked with Class Counsel and their staff to prepare discovery
17 responses during the height of my state's Covid-19 lockdown period. It took
18 considerable time during a very difficult period at home to gather all of the
19 documentation. Some of the documentation I collected and produced related to the
20 acquisition of my Vehicle, all of the times I took my vehicle in to the dealership, or
21 when I communicated with Acura Customer Care related to the problems with the
22 Infotainment System. I also spent considerable time and effort to search for, identify,
23 and provide these documents (including emails, photos and videos of the
24 malfunctioning Infotainment System). Because of the lockdown I had to come up
25 with sometimes novel or creative ways to produce my documents without the use of
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1 commercially-available tools such as photocopiers or professional scanners. I estimate
2 that I produced 241 pages of documents for this case and spent over 75 hours
3 collecting and reviewing these documents and other materials during this process.
4

5 7. Class Counsel also kept me informed of the settlement negotiations
6 during this case. I spent time reviewing information about this Settlement and
7 discussing the terms of the Settlement with Class Counsel, including the terms of the
8 Settlement and the benefits provided to the Settlement Class.
9

10 8. I believe this Settlement is in the best interests of the Settlement Class
11 and is fair, adequate and reasonable. Accordingly, I support this Settlement because it
12 focuses on improving the Vehicle's Infotainment System functionality and
13 performance by requiring American Honda Motor Company to notify the Settlement
14 Class about the problems with, and the available repairs, for certain common
15 Infotainment System problems, as well as to continue to work in good faith to improve
16 performance, as necessary, through over-the-air updates. The Settlement also requires
17 American Honda Motor Company to improve dealership performance so that
18 Settlement Class Members have a better experience and outcome when they take their
19 Vehicles in for repairs. This is important to me and I believe it will be a significant
20 improvement for the Settlement Class Members because Acura dealerships will be
21 required to address and repair issues described by the Class Member.
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27 9. In sum, I have spent considerable time and attention working on this case,
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1 always with the best interests of the Settlement Class in mind. I estimate that I
2 devoted approximately 95 hours to this case.
3

4 10. I understand that Class Counsel took this case on a contingency basis, and
5 neither they nor I have received any compensation from anyone for the work and time
6 devoted to this matter.
7

8 11. For the reasons stated above, I support Class Counsel's request for
9 attorneys' fee, expense reimbursement, and the Service Award for my time and efforts
10 spent on this litigation.
11

12 I declare under penalty of perjury, under the laws of the State of New York and
13 the United States, that the foregoing is true and correct to the best of my knowledge.

14 Oct 28, 2021

15 Executed on October __, 2021.

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David A Jahsman (Oct 28, 2021 18:00 EDT)
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1 **UNITED STATES DISTRICT COURT**
2 **CENTRAL DISTRICT OF CALIFORNIA**
3 **WESTERN DIVISION**

4 JIMMY BANH, et al., on behalf of
5 themselves and all others similarly
6 situated,

7 Plaintiffs,

8 vs.

9 AMERICAN HONDA MOTOR CO.,
10 INC., a California corporation,

11 Defendants.
12

Case Number: 2:19-cv-5984-RGK (ASx)

[*The Honorable R. Gary Klausner*]

DECLARATION OF MARK KLEIN
IN SUPPORT OF PLAINTIFFS'
MOTION FOR FEES, COSTS, AND
SERVICE AWARDS AND MOTION
FOR FINAL APPROVAL OF CLASS
ACTION SETTLEMENT

13 I, Mark Klein, declare as follows pursuant to 28 U.S.C. § 1746:

14 1. I am one of the Plaintiffs appointed by the Court as a representative for
15 the Settlement Class Members which includes owners and lessees of 2019 and 2020
16 Acura RDX vehicles ("Vehicles"). I have personal knowledge of the information set
17 forth herein and, if called upon, am competent to testify to the content of this
18 declaration.
19 20

21 2. I submit this declaration in support of Plaintiffs' Motion for Attorneys'
22 Fees, Costs, and Service Awards and Plaintiffs' Motion for Final Approval of Class
23 Action Settlement.
24

25 3. I spent considerable time independently and with Class Counsel on this
26 matter. I helped Class Counsel with the investigation of this matter, including:
27 interviewing with counsel multiple times, searching for emails and other documents
28

1 regarding the acquisition of my Vehicle and the problems with the infotainment
2 system. I also routinely communicated with Class Counsel about the problems I
3 experienced with the Infotainment System in my Vehicle.
4

5 4. I have been closely involved and attentive to this litigation since the
6 beginning of my participation.
7

8 5. Over the past approximately 2.5 years since the lawsuit was filed, I have
9 spoken with Class Counsel many times, by email and by phone. I have consulted with
10 my attorneys about the case status and provided input on the decisions being made in
11 the case. I have also spoken with Class Counsel many times to talk about documents
12 produced and about the issues with my Infotainment System prior to and during the
13 pendency of this litigation.
14
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16 6. I also worked with Class Counsel and their staff to prepare discovery
17 responses during the height of my state's Covid-19 lockdown period. It took
18 considerable time during a very difficult period at home to gather all of the
19 documentation. Some of the documentation I collected and produced related to the
20 acquisition of my Vehicle, all of the times I took my vehicle in to the dealership, or
21 when I communicated with Acura Customer Care related to the problems with the
22 Infotainment System. I also spent considerable time and effort to search for, identify,
23 and provide these documents (including emails, photos and videos of the
24 malfunctioning Infotainment System). Because of the lockdown I had to come up
25 with sometimes novel or creative ways to produce my documents without the use of
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1 commercially-available tools such as photocopiers or professional scanners. I estimate
2 that I produced 474 pages of documents for this case and spent over 60 hours
3 collecting and reviewing these documents and other materials during this proce
4

5 7. Class Counsel also kept me informed of the settlement negotiations
6 during this case. I spent time reviewing information about this Settlement and
7 discussing the terms of the Settlement with Class Counsel, including the terms of the
8 Settlement and the benefits provided to the Settlement Class.
9

10 8. I believe this Settlement is in the best interests of the Settlement Class
11 and is fair, adequate and reasonable. Accordingly, I support this Settlement because it
12 focuses on improving the Vehicle's Infotainment System functionality and
13 performance by requiring American Honda Motor Company to notify the Settlement
14 Class about the problems with, and the available repairs, for certain common
15 Infotainment System problems, as well as to continue to work in good faith to improve
16 performance, as necessary, through over-the-air updates. The Settlement also requires
17 American Honda Motor Company to improve dealership performance so that
18 Settlement Class Members have a better experience and outcome when they take their
19 Vehicles in for repairs. This is important to me and I believe it will be a significant
20 improvement for the Settlement Class Members because Acura dealerships will be
21 required to address and repair issues described by the Class Member.
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27 9. In sum, I have spent considerable time and attention working on this case,
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1 always with the best interests of the Settlement Class in mind. I estimate that I
2 devoted approximately 90 hours to this case.

3
4 10. Also, during the pendency of this litigation, American Honda Motor
5 Company made a Rule 68 settlement offer to me, offering me \$10,000 to settle my
6 claims individually. It is my understanding that this Rule 68 settlement offer was
7 publicly filed with the Court. I declined this settlement offer, as I wanted to continue
8 to litigate this case for my benefit and also for the benefit of the Class Members.
9

10 11. I understand that Class Counsel took this case on a contingency basis, and
11 neither they nor I have received any compensation from anyone for the work and time
12 devoted to this matter.
13

14 12. For the reasons stated above, I support Class Counsel's request for
15 attorneys' fee, expense reimbursement, and the Service Award for my time and efforts
16 spent on this litigation.
17

18 I declare under penalty of perjury, under the laws of the State of Oregon and the
19 United States, that the foregoing is true and correct to the best of my knowledge.
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21 Executed on October ^{Oct 28, 2021} ___, 2021
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1 **UNITED STATES DISTRICT COURT**
2 **CENTRAL DISTRICT OF CALIFORNIA**
3 **WESTERN DIVISION**

4 JIMMY BANH, et al., on behalf of
5 themselves and all others similarly
6 situated,

7 Plaintiffs,

8 vs.

9 AMERICAN HONDA MOTOR CO.,
10 INC., a California corporation,

11 Defendants.
12

Case Number: 2:19-cv-5984-RGK (ASx)

[*The Honorable R. Gary Klausner*]

DECLARATION OF VIMAL
LAWRENCE

IN SUPPORT OF PLAINTIFFS'
MOTION FOR FEES, COSTS, AND
SERVICE AWARDS AND MOTION
FOR FINAL APPROVAL OF CLASS
ACTION SETTLEMENT

13 I, Vimal Lawrence declare as follows pursuant to 28 U.S.C. § 1746:

14 1. I am one of the Plaintiffs appointed by the Court as a representative for
15 the Settlement Class Members which includes owners and lessees of 2019 and 2020
16 Acura RDX vehicles ("Vehicles"). I have personal knowledge of the information set
17 forth herein and, if called upon, am competent to testify to the content of this
18 declaration.
19
20

21 2. I submit this declaration in support of Plaintiffs' Motion for Attorneys'
22 Fees, Costs, and Service Awards and Plaintiffs' Motion for Final Approval of Class
23 Action Settlement.
24

25 3. I spent considerable time independently and with Class Counsel on this
26 matter. I helped Class Counsel with the investigation of this matter, including:
27 interviewing with counsel multiple times, searching for emails and other documents
28

1 regarding the acquisition of my Vehicle and the problems with the infotainment
2 system. I also routinely communicated with Class Counsel about the problems I
3 experienced with the Infotainment System in my Vehicle.
4

5 4. I have been closely involved and attentive to this litigation since the
6 beginning of my participation.
7

8 5. Over the past approximately 2.5 years since the lawsuit was filed, I have
9 spoken with Class Counsel many times, by email and by phone. I have consulted with
10 my attorneys about the case status and provided input on the decisions being made in
11 the case. I have also spoken with Class Counsel many times to talk about documents
12 produced and about the issues with my Infotainment System prior to and during the
13 pendency of this litigation.
14
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16 6. I also worked with Class Counsel and their staff to prepare discovery
17 responses during the height of my state's Covid-19 lockdown period. It took
18 considerable time during a very difficult period at home to gather all of the
19 documentation. Some of the documentation I collected and produced related to the
20 acquisition of my Vehicle, all of the times I took my vehicle in to the dealership, or
21 when I communicated with Acura Customer Care related to the problems with the
22 Infotainment System. I also spent considerable time and effort to search for, identify,
23 and provide these documents (including emails, photos and videos of the
24 malfunctioning Infotainment System). Because of the lockdown I had to come up
25 with sometimes novel or creative ways to produce my documents without the use of
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1 commercially-available tools such as photocopiers or professional scanners. I estimate
2 that I produced 116 pages of documents for this case and spent over 6 hours collecting
3 and reviewing these documents and other materials during this process.
4

5 7. Class Counsel also kept me informed of the settlement negotiations
6 during this case. I spent time reviewing information about this Settlement and
7 discussing the terms of the Settlement with Class Counsel, including the terms of the
8 Settlement and the benefits provided to the Settlement Class.
9

10 8. I believe this Settlement is in the best interests of the Settlement Class
11 and is fair, adequate and reasonable. Accordingly, I support this Settlement because it
12 focuses on improving the Vehicle's Infotainment System functionality and
13 performance by requiring American Honda Motor Company to notify the Settlement
14 Class about the problems with, and the available repairs, for certain common
15 Infotainment System problems, as well as to continue to work in good faith to improve
16 performance, as necessary, through over-the-air updates. The Settlement also requires
17 American Honda Motor Company to improve dealership performance so that
18 Settlement Class Members have a better experience and outcome when they take their
19 Vehicles in for repairs. This is important to me and I believe it will be a significant
20 improvement for the Settlement Class Members because Acura dealerships will be
21 required to address and repair issues described by the Class Member.
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27 9. In sum, I have spent considerable time and attention working on this case,
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1 always with the best interests of the Settlement Class in mind. I estimate that I
2 devoted approximately 10 hours to this case
3

4 10. I understand that Class Counsel took this case on a contingency basis, and
5 neither they nor I have received any compensation from anyone for the work and time
6 devoted to this matter.
7

8 11. For the reasons stated above, I support Class Counsel's request for
9 attorneys' fee, expense reimbursement, and the Service Award for my time and efforts
10 spent on this litigation.
11

12 I declare under penalty of perjury, under the laws of the State of North Carolina and
13 the United States, that the foregoing is true and correct to the best of my knowledge.
14

15 Oct 28, 2021

16 Executed on October __, 2021.

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Vimal Lawrence (Oct 28, 2021 12:26 EDT)
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1 **UNITED STATES DISTRICT COURT**
2 **CENTRAL DISTRICT OF CALIFORNIA**
3 **WESTERN DIVISION**

4 JIMMY BANH, et al., on behalf of
5 themselves and all others similarly
6 situated,

7 Plaintiffs,

8 vs.

9 AMERICAN HONDA MOTOR CO.,
10 INC., a California corporation,

11 Defendants.
12

Case Number: 2:19-cv-5984-RGK (ASx)

[*The Honorable R. Gary Klausner*]

DECLARATION OF MARK PEOPLES
IN SUPPORT OF PLAINTIFFS'
MOTION FOR FEES, COSTS, AND
SERVICE AWARDS AND MOTION
FOR FINAL APPROVAL OF CLASS
ACTION SETTLEMENT

13 I, Mark Peoples, declare as follows pursuant to 28 U.S.C. § 1746:

14 1. I am one of the Plaintiffs appointed by the Court as a representative for
15 the Settlement Class Members which includes owners and lessees of 2019 and 2020
16 Acura RDX vehicles ("Vehicles"). I have personal knowledge of the information set
17 forth herein and, if called upon, am competent to testify to the content of this
18 declaration.
19 20

21 2. I submit this declaration in support of Plaintiffs' Motion for Attorneys'
22 Fees, Costs, and Service Awards and Plaintiffs' Motion for Final Approval of Class
23 Action Settlement.
24

25 3. I spent considerable time independently and with Class Counsel on this
26 matter. I helped Class Counsel with the investigation of this matter, including:
27 interviewing with counsel multiple times, searching for emails and other documents
28

1 regarding the acquisition of my Vehicle and the problems with the infotainment
2 system. I also routinely communicated with Class Counsel about the problems I
3 experienced with the Infotainment System in my Vehicle.
4

5 4. I have been closely involved and attentive to this litigation since the
6 beginning of my participation.
7

8 5. Over the past approximately 2.5 years since the lawsuit was filed, I have
9 spoken with Class Counsel many times, by email and by phone. I have consulted with
10 my attorneys about the case status and provided input on the decisions being made in
11 the case. I have also spoken with Class Counsel many times to talk about documents
12 produced and about the issues with my Infotainment System prior to and during the
13 pendency of this litigation.
14
15

16 6. I also worked with Class Counsel and their staff to prepare discovery
17 responses during the height of my state's Covid-19 lockdown period. It took
18 considerable time during a very difficult period at home to gather all of the
19 documentation. Some of the documentation I collected and produced related to the
20 acquisition of my Vehicle, all of the times I took my vehicle in to the dealership, or
21 when I communicated with Acura Customer Care related to the problems with the
22 Infotainment System. I also spent considerable time and effort to search for, identify,
23 and provide these documents (including emails, photos and videos of the
24 malfunctioning Infotainment System). Because of the lockdown I had to come up
25 with sometimes novel or creative ways to produce my documents without the use of
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1 commercially-available tools such as photocopiers or professional scanners. I estimate
2 that I produced 72 pages of documents for this case and spent over 20 hours collecting
3 and reviewing these documents and other materials during this process.
4

5 7. Class Counsel also kept me informed of the settlement negotiations
6 during this case. I spent time reviewing information about this Settlement and
7 discussing the terms of the Settlement with Class Counsel, including the terms of the
8 Settlement and the benefits provided to the Settlement Class.
9

10 8. I believe this Settlement is in the best interests of the Settlement Class
11 and is fair, adequate and reasonable. Accordingly, I support this Settlement because it
12 focuses on improving the Vehicle's Infotainment System functionality and
13 performance by requiring American Honda Motor Company to notify Settlement
14 Class about the problems with, and the available repairs, for certain common
15 Infotainment System problems, as well as to continue to work in good faith to improve
16 performance, as necessary, through over-the-air updates. The Settlement also requires
17 American Honda Motor Company to improve dealership performance so that
18 Settlement Class Members have a better experience and outcome when they take their
19 Vehicles in for repairs. This is important to me and I believe it will be a significant
20 improvement for the Settlement Class Members because Acura dealerships will be
21 required to address and repair issues described by the Class Member.
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27 9. In sum, I have spent considerable time and attention working on this case,
28

1 always with the best interests of the Settlement Class in mind. I estimate that I
2 devoted approximately 30 hours to this case.
3

4 10. I understand that Class Counsel took this case on a contingency basis, and
5 neither they nor I have received any compensation from anyone for the work and time
6 devoted to this matter.
7

8 11. For the reasons stated above, I support Class Counsel's request for
9 attorneys' fee, expense reimbursement, and the Service Award for my time and efforts
10 spent on this litigation.
11

12 I declare under penalty of perjury, under the laws of the State of Georgia and
13 the United States, that the foregoing is true and correct to the best of my knowledge.

14 Oct 27, 2021

15 Executed on October __, 2021.



Mark Peoples (Oct 27, 2021 16:47 EDT)

1 **UNITED STATES DISTRICT COURT**
2 **CENTRAL DISTRICT OF CALIFORNIA**
3 **WESTERN DIVISION**

4 JIMMY BANH, et al., on behalf of
5 themselves and all others similarly
6 situated,

7 Plaintiffs,

8 vs.

9 AMERICAN HONDA MOTOR CO.,
10 INC., a California corporation,

11 Defendants.
12

Case Number: 2:19-cv-5984-RGK (ASx)

[*The Honorable R. Gary Klausner*]

DECLARATION OF ADAM PRYOR
IN SUPPORT OF PLAINTIFFS'
MOTION FOR FEES, COSTS, AND
SERVICE AWARDS AND MOTION
FOR FINAL APPROVAL OF CLASS
ACTION SETTLEMENT

13 I, Adam Pryor, declare as follows pursuant to 28 U.S.C. § 1746:

14 1. I am one of the Plaintiffs appointed by the Court as a representative for
15 the Settlement Class Members which includes owners and lessees of 2019 and 2020
16 Acura RDX vehicles ("Vehicles"). I have personal knowledge of the information set
17 forth herein and, if called upon, am competent to testify to the content of this
18 declaration.
19 20

21 2. I submit this declaration in support of Plaintiffs' Motion for Attorneys'
22 Fees, Costs, and Service Awards and Plaintiffs' Motion for Final Approval of Class
23 Action Settlement.
24

25 3. I spent considerable time independently and with Class Counsel on this
26 matter. I helped Class Counsel with the investigation of this matter, including:
27 interviewing with counsel multiple times, searching for emails and other documents
28

1 regarding the acquisition of my Vehicle and the problems with the infotainment
2 system. I also routinely communicated with Class Counsel about the problems I
3 experienced with the Infotainment System in my Vehicle.
4

5 4. I have been closely involved and attentive to this litigation since the
6 beginning of my participation.
7

8 5. Over the past approximately 2.5 years since the lawsuit was filed, I have
9 spoken with Class Counsel many times, by email and by phone. I have consulted with
10 my attorneys about the case status and provided input on the decisions being made in
11 the case. I have also spoken with Class Counsel many times to talk about documents
12 produced and about the issues with my Infotainment System prior to and during the
13 pendency of this litigation.
14
15

16 6. I also worked with Class Counsel and their staff to prepare discovery
17 responses during the height of my state's Covid-19 lockdown period. It took
18 considerable time during a very difficult period at home to gather all of the
19 documentation. Some of the documentation I collected and produced related to the
20 acquisition of my Vehicle, all of the times I took my vehicle in to the dealership, or
21 when I communicated with Acura Customer Care related to the problems with the
22 Infotainment System. I also spent considerable time and effort to search for, identify,
23 and provide these documents (including emails, photos and videos of the
24 malfunctioning Infotainment System). Because of the lockdown I had to come up
25 with sometimes novel or creative ways to produce my documents without the use of
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1 commercially-available tools such as photocopiers or professional scanners. I estimate
2 that I produced 19 pages of documents for this case and spent over 20 hours collecting
3 and reviewing these documents and other materials during this process.
4

5 7. Class Counsel also kept me informed of the settlement negotiations
6 during this case. I spent time reviewing information about this Settlement and
7 discussing the terms of the Settlement with Class Counsel, including the terms of the
8 Settlement and the benefits provided to the Settlement Class.
9

10 8. I believe this Settlement is in the best interests of the Settlement Class
11 and is fair, adequate and reasonable. Accordingly, I support this Settlement because it
12 focuses on improving the Vehicle's Infotainment System functionality and
13 performance by requiring American Honda Motor Company to notify Settlement
14 Class about the problems with, and the available repairs, for certain common
15 Infotainment System problems, as well as to continue to work in good faith to improve
16 performance, as necessary, through over-the-air updates. The Settlement also requires
17 American Honda Motor Company to improve dealership performance so that
18 Settlement Class Members have a better experience and outcome when they take their
19 Vehicles in for repairs. This is important to me and I believe it will be a significant
20 improvement for the Settlement Class Members because Acura dealerships will be
21 required to address and repair issues described by the Class Member.
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1 9. In sum, I have spent considerable time and attention working on this case,
2 always with the best interests of the Settlement Class in mind. I estimate that I
3 devoted approximately 40-60 hours to this case.
4

5 10. I understand that Class Counsel took this case on a contingency basis, and
6 neither they nor I have received any compensation from anyone for the work and time
7 devoted to this matter.
8

9 11. For the reasons stated above, I support Class Counsel's request for
10 attorneys' fee, expense reimbursement, and the Service Award for my time and efforts
11 spent on this litigation.
12

13 I declare under penalty of perjury, under the laws of the State of Tennessee and
14 the United States, that the foregoing is true and correct to the best of my knowledge.
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16 Oct 27, 2021
Executed on October __, 2021.

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Adam Pryor (Oct 27, 2021 10:46 CDT)

18 ADAM PRYOR
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1 **UNITED STATES DISTRICT COURT**
2 **CENTRAL DISTRICT OF CALIFORNIA**
3 **WESTERN DIVISION**

4 JIMMY BANH, et al., on behalf of
5 themselves and all others similarly
6 situated,

7 Plaintiffs,

8 vs.

9 AMERICAN HONDA MOTOR CO.,
10 INC., a California corporation,

11 Defendants.
12

Case Number: 2:19-cv-5984-RGK (ASx)

[*The Honorable R. Gary Klausner*]

DECLARATION OF GEORGE
 UINLAN IN SUPPORT OF
 PLAINTIFFS' MOTION FOR FEES,
 COSTS, AND SERVICE AWARDS
 AND MOTION FOR FINAL
 APPROVAL OF CLASS ACTION
 SETTLEMENT

13 I, George Uinlan, declare as follows pursuant to 28 U.S.C. § 1746:

14 1. I am one of the Plaintiffs appointed by the Court as a representative for
15 the Settlement Class Members which includes owners and lessees of 2019 and 2020
16 Acura RDX vehicles ("Vehicles"). I have personal knowledge of the information set
17 forth herein and, if called upon, am competent to testify to the content of this
18 declaration.
19 20

21 2. I submit this declaration in support of Plaintiffs' Motion for Attorneys'
22 Fees, Costs, and Service Awards and Plaintiffs' Motion for Final Approval of Class
23 Action Settlement.
24

25 3. I spent considerable time independently and with Class Counsel on this
26 matter. I helped Class Counsel with the investigation of this matter, including:
27 interviewing with counsel multiple times, searching for emails and other documents
28

1 regarding the acquisition of my Vehicle and the problems with the infotainment
2 system. I also routinely communicated with Class Counsel about the problems I
3 experienced with the Infotainment System in my Vehicle.
4

5 4. I have been closely involved and attentive to this litigation since the
6 beginning of my participation.
7

8 5. Over the past approximately 2.5 years since the lawsuit was filed, I have
9 spoken with Class Counsel many times, by email and by phone. I have consulted with
10 my attorneys about the case status and provided input on the decisions being made in
11 the case. I have also spoken with Class Counsel many times to talk about documents
12 produced and about the issues with my Infotainment System prior to and during the
13 pendency of this litigation.
14
15

16 6. I also worked with Class Counsel and their staff to prepare discovery
17 responses during the height of my state's Covid-19 lockdown period. It took
18 considerable time during a very difficult period at home to gather all of the
19 documentation. Some of the documentation I collected and produced related to the
20 acquisition of my Vehicle, all of the times I took my vehicle in to the dealership, or
21 when I communicated with Acura Customer Care related to the problems with the
22 Infotainment System. I also spent considerable time and effort to search for, identify,
23 and provide these documents (including emails, photos and videos of the
24 malfunctioning Infotainment System). Because of the lockdown I had to come up
25 with sometimes novel or creative ways to produce my documents without the use of
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1 commercially-available tools such as photocopiers or professional scanners. I estimate
2 that I produced 342 pages of documents for this case and spent over 85 hours
3 collecting and reviewing these documents and other materials during this process.
4

5 7. My video deposition was scheduled for Monday, June 15, 2020 in this
6 matter. I was informed shortly before my deposition that the Defendant had cancelled
7 the deposition, but because the cancellation came so late (the evening of Saturday,
8 June 13), I had already spent time on the phone preparing with class counsel. I
9 estimate that I spent 4 hours preparing for my video deposition.
10
11

12 8. My Vehicle inspection by American Honda Motor's experts was
13 scheduled for June 16, 2020 as part of my obligations as a class representative. Again,
14 although the vehicle inspection was cancelled, because the cancellation came so late, I
15 had already spent time on the phone and electronically communicating with class
16 counsel and class counsel's staff about my availability and location. Additionally, I
17 spent time reviewing the Notice of Vehicle Inspection and Inspection Protocol, and I
18 rearranged my schedule with my employer to attend the vehicle inspection. I estimate
19 that I spent 30 minutes on matters involving the vehicle inspection.
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22 9. Class Counsel also kept me informed of the settlement negotiations
23 during this case. I spent time reviewing information about this Settlement and
24 discussing the terms of the Settlement with Class Counsel, including the terms of the
25 Settlement and the benefits provided to the Settlement Class.
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1 10. I believe this Settlement is in the best interests of the Settlement Class
2 and is fair, adequate and reasonable. Accordingly, I support this Settlement because it
3 focuses on improving the Vehicle's Infotainment System functionality and
4 performance by requiring American Honda Motor Company to notify Settlement
5 Class about the problems with, and the available repairs, for certain common
6 Infotainment System problems, as well as to continue to work in good faith to improve
7 performance, as necessary, through over-the-air updates. The Settlement also requires
8 American Honda Motor Company to improve dealership performance so that
9 Settlement Class Members have a better experience and outcome when they take their
10 Vehicles in for repairs. This is important to me and I believe it will be a significant
11 improvement for the Settlement Class Members because Acura dealerships will be
12 required to address and repair issues described by the Class Member.

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17 11. In sum, I have spent considerable time and attention working on this case,
18 always with the best interests of the Settlement Class in mind. I estimate that I
19 devoted approximately 93 hours to this case.

20
21 12. Also, during the pendency of this litigation, American Honda Motor
22 Company made a Rule 68 settlement offer to me, offering me \$10,000 to settle my
23 claims individually. It is my understanding that this Rule 68 settlement offer was
24 publicly filed with the Court. I declined this settlement offer, as I wanted to continue
25 to litigate this case for my benefit and also for the benefit of the Class Members.
26
27
28

1 13. I understand that Class Counsel took this case on a contingency basis, and
2 neither they nor I have received any compensation from anyone for the work and time
3 devoted to this matter.
4

5 14. For the reasons stated above, I support Class Counsel's request for
6 attorneys' fee, expense reimbursement, and the Service Award for my time and efforts
7 spent on this litigation.
8

9 I declare under penalty of perjury, under the laws of the State of Illinois and
10 the United States, that the foregoing is true and correct to the best of my knowledge.

11 Oct 27, 2021
12 Executed on October __, 2021.

13 George A Quinlan IV
George A Quinlan IV (Oct 27, 2021 11:40 CDT)

14 GEORGE UINLAN
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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

JIMMY BANH, et al., on behalf of
themselves and all others similarly
situated,

Plaintiffs,

vs.

AMERICAN HONDA MOTOR CO.,
INC., a California corporation,

Defendants.

Case Number: 2:19-cv-5984-RGK (ASx)

[The Honorable R. Gary Klausner]

**DECLARATION OF JAMAL SAMAHA
IN SUPPORT OF PLAINTIFFS'
MOTION FOR FEES, COSTS, AND
SERVICE AWARDS AND MOTION
FOR FINAL APPROVAL OF CLASS
ACTION SETTLEMENT**

I, Jamal Samaha, declare as follows pursuant to 28 U.S.C. § 1746:

1. I am one of the Plaintiffs appointed by the Court as a representative for the Settlement Class Members which includes owners and lessees of 2019 and 2020 Acura RDX vehicles ("Vehicles"). I have personal knowledge of the information set forth herein and, if called upon, am competent to testify to the content of this declaration.

2. I submit this declaration in support of Plaintiffs' Motion for Attorneys' Fees, Costs, and Service Awards and Plaintiffs' Motion for Final Approval of Class Action Settlement.

3. I spent considerable time independently and with Class Counsel on this matter. I helped Class Counsel with the investigation of this matter, including: interviewing with counsel multiple times, searching for emails and other documents

1 regarding the acquisition of my Vehicle and the problems with the infotainment
2 system. I also routinely communicated with Class Counsel about the problems I
3 experienced with the Infotainment System in my Vehicle.
4

5 4. I have been closely involved and attentive to this litigation since the
6 beginning of my participation.
7

8 5. Over the past approximately 2.5 years since the lawsuit was filed, I have
9 spoken with Class Counsel many times, by email and by phone. I have consulted with
10 my attorneys about the case status and provided input on the decisions being made in
11 the case. I have also spoken with Class Counsel many times to talk about documents
12 produced and about the issues with my Infotainment System prior to and during the
13 pendency of this litigation.
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16 6. I also worked with Class Counsel and their staff to prepare discovery
17 responses during the height of my state's Covid-19 lockdown period. It took
18 considerable time during a very difficult period at home to gather all of the
19 documentation. Some of the documentation I collected and produced related to the
20 acquisition of my Vehicle, all of the times I took my vehicle in to the dealership, or
21 when I communicated with Acura Customer Care related to the problems with the
22 Infotainment System. I also spent considerable time and effort to search for, identify,
23 and provide these documents (including emails, photos and videos of the
24 malfunctioning Infotainment System). Because of the lockdown I had to come up
25 with sometimes novel or creative ways to produce my documents without the use of
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1 commercially-available tools such as photocopiers or professional scanners. I estimate
2 that I produced 146 pages of documents for this case and spent over 40 hours
3 collecting and reviewing these documents and other materials during this process.
4

5 7. Class Counsel also kept me informed of the settlement negotiations
6 during this case. I spent time reviewing information about this Settlement and
7 discussing the terms of the Settlement with Class Counsel, including the terms of the
8 Settlement and the benefits provided to the Settlement Class.
9

10 8. I believe this Settlement is in the best interests of the Settlement Class
11 and is fair, adequate and reasonable. Accordingly, I support this Settlement because it
12 focuses on improving the Vehicle's Infotainment System functionality and
13 performance by requiring American Honda Motor Company to notify Settlement
14 Class about the problems with, and the available repairs, for certain common
15 Infotainment System problems, as well as to continue to work in good faith to improve
16 performance, as necessary, through over-the-air updates. The Settlement also requires
17 American Honda Motor Company to improve dealership performance so that
18 Settlement Class Members have a better experience and outcome when they take their
19 Vehicles in for repairs. This is important to me and I believe it will be a significant
20 improvement for the Settlement Class Members because Acura dealerships will be
21 required to address and repair issues described by the Class Member.
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27 9. In sum, I have spent considerable time and attention working on this case,
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1 always with the best interests of the Settlement Class in mind. I estimate that I
2 devoted approximately 42 hours to this case.

3
4 10. Also, during the pendency of this litigation, American Honda Motor
5 Company made a Rule 68 settlement offer to me, offering me \$10,000 to settle my
6 claims individually. It is my understanding that this Rule 68 settlement offer was
7 publicly filed with the Court. I declined this settlement offer, as I wanted to continue
8 to litigate this case for my benefit and also for the benefit of the Class Members.
9

10 11. I understand that Class Counsel took this case on a contingency basis, and
11 neither they nor I have received any compensation from anyone for the work and time
12 devoted to this matter.
13

14 12. For the reasons stated above, I support Class Counsel's request for
15 attorneys' fee, expense reimbursement, and the Service Award for my time and efforts
16 spent on this litigation.
17

18 I declare under penalty of perjury, under the laws of the State of Illinois and
19 the United States, that the foregoing is true and correct to the best of my knowledge.
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Oct 27, 2021

21 Executed on October __, 2021.

22 
23 Jamal Samaha (Oct 27, 2021 10:59 CDT)

24 JAMAL SAMAHA
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1 **UNITED STATES DISTRICT COURT**
2 **CENTRAL DISTRICT OF CALIFORNIA**
3 **WESTERN DIVISION**

4 JIMMY BANH, et al., on behalf of
5 themselves and all others similarly
6 situated,

7 Plaintiffs,

8 vs.

9 AMERICAN HONDA MOTOR CO.,
10 INC., a California corporation,

11 Defendants.
12

Case Number: 2:19-cv-5984-RGK (ASx)

[*The Honorable R. Gary Klausner*]

DECLARATION OF SRIKARTIK
SUBBARAO IN SUPPORT OF
PLAINTIFFS' MOTION FOR FEES,
COSTS, AND SERVICE AWARDS
AND MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT

13 I, Srikarthik Subbarao, declare as follows pursuant to 28 U.S.C. § 1746:

14 1. I am one of the Plaintiffs appointed by the Court as a representative for
15 the Settlement Class Members which includes owners and lessees of 2019 and 2020
16 Acura RDX vehicles ("Vehicles"). I have personal knowledge of the information set
17 forth herein and, if called upon, am competent to testify to the content of this
18 declaration.
19 20

21 2. I submit this declaration in support of Plaintiffs' Motion for Attorneys'
22 Fees, Costs, and Service Awards and Plaintiffs' Motion for Final Approval of Class
23 Action Settlement.
24

25 3. I spent considerable time independently and with Class Counsel on this
26 matter. I helped Class Counsel with the investigation of this matter, including:
27 interviewing with counsel multiple times, searching for emails and other documents
28

1 regarding the acquisition of my Vehicle and the problems with the infotainment
2 system. I also routinely communicated with Class Counsel about the problems I
3 experienced with the Infotainment System in my Vehicle.
4

5 4. I have been closely involved and attentive to this litigation since the
6 beginning of my participation.
7

8 5. Over the past approximately 2.5 years since the lawsuit was filed, I have
9 spoken with Class Counsel many times, by email and by phone. I have consulted with
10 my attorneys about the case status and provided input on the decisions being made in
11 the case. I have also spoken with Class Counsel many times to talk about documents
12 produced and about the issues with my Infotainment System prior to and during the
13 pendency of this litigation.
14
15

16 6. I also worked with Class Counsel and their staff to prepare discovery
17 responses during the height of my state's Covid-19 lockdown period. It took
18 considerable time during a very difficult period at home to gather all of the
19 documentation. Some of the documentation I collected and produced related to the
20 acquisition of my Vehicle, all of the times I took my vehicle in to the dealership, or
21 when I communicated with Acura Customer Care related to the problems with the
22 Infotainment System. I also spent considerable time and effort to search for, identify,
23 and provide these documents (including emails, photos and videos of the
24 malfunctioning Infotainment System). Because of the lockdown I had to come up
25 with sometimes novel or creative ways to produce my documents without the use of
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1 commercially-available tools such as photocopiers or professional scanners. I estimate
2 that I produced 50 pages of documents for this case and spent over 40 hours collecting
3 and reviewing these documents and other materials during this process.
4

5 7. Class Counsel also kept me informed of the settlement negotiations
6 during this case. I spent time reviewing information about this Settlement and
7 discussing the terms of the Settlement with Class Counsel, including the terms of the
8 Settlement and the benefits provided to the Settlement Class.
9

10 8. I believe this Settlement is in the best interests of the Settlement Class
11 and is fair, adequate and reasonable. Accordingly, I support this Settlement because it
12 focuses on improving the Vehicle's Infotainment System functionality and
13 performance by requiring American Honda Motor Company to notify Settlement
14 Class about the problems with, and the available repairs, for certain common
15 Infotainment System problems, as well as to continue to work in good faith to improve
16 performance, as necessary, through over-the-air updates. The Settlement also requires
17 American Honda Motor Company to improve dealership performance so that
18 Settlement Class Members have a better experience and outcome when they take their
19 Vehicles in for repairs. This is important to me and I believe it will be a significant
20 improvement for the Settlement Class Members because Acura dealerships will be
21 required to address and repair issues described by the Class Member.
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27 9. In sum, I have spent considerable time and attention working on this case,
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1 always with the best interests of the Settlement Class in mind. I estimate that I
2 devoted approximately 43 hours to this case.
3

4 10. I understand that Class Counsel took this case on a contingency basis, and
5 neither they nor I have received any compensation from anyone for the work and time
6 devoted to this matter.
7

8 11. For the reasons stated above, I support Class Counsel's request for
9 attorneys' fee, expense reimbursement, and the Service Award for my time and efforts
10 spent on this litigation.
11

12 I declare under penalty of perjury, under the laws of the State of Texas and
13 the United States, that the foregoing is true and correct to the best of my knowledge.

14 Oct 27, 2021
15 Executed on October __, 2021.

srikarthik subbarao

srikarthik subbarao (Oct 27, 2021 18:56 CDT)

SRIKARTIK SUBBARAO