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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 CITY AND COUNTY OF SAN FRANCISCO

10 CALIFORNIA DENTAL ASSOCIATION, a
California Corporation;
11 RICHARD W. BARNES, D.D.S.;
ROBERT E. REED, D.D.S.;
12 DEAN SCHWEITZER, D.D.S.;
GERALD MIDDLETON, D.D.S.;
13 WHITNEY JOHNSON, D.D.S.;
TERRENCE Y. LAU, D.D.S.,
14 BARBARA M. HAWTHORNE, D.D.S.,
individually and on behalf of all others
15 similarly situated,

16 Plaintiffs,

17 vs.

18 DELTA DENTAL OF CALIFORNIA, a
California Corporation,

19 Defendant.
20

No.: CGC-14-538849

**SUPPLEMENTAL DECLARATION OF
PAUL ALEXANDER IN SUPPORT OF
MOTION FOR SUPPLEMENTAL
ATTORNEYS' FEES**

Hearing Date: November 16, 2018
Time: 11:30 a.m.
Judge: Hon. Mary E. Wiss
Dept.: 305

21 I, Paul Alexander, hereby declare as follows:

22 1. I am an attorney licensed and authorized to practice before this Court and am one of
23 the counsel for the plaintiffs in this action. My professional background and qualifications have
24 been set forth in a previous declaration filed with the Court on April 4, 2018 , and therefore will not
25 be repeated here. I have served as counsel for plaintiff California Dental Association ("CDA") and
26 the individual plaintiffs from the outset of and during the entire course of this litigation. I was
27 appointed Class Counsel in this case by the Court's Corrected Order Granting Plaintiffs' Motion
28 For Final Approval of May 2, 2018. This declaration supplements my prior declaration dated

1 October 17, 2018 in support of this motion. The matters set forth in this declaration are based on
2 my personal knowledge as set forth with more particularity below.

3 2. The need to spend a substantial amount of time responding to Class member
4 inquiries, questions and issues has continued through the date of this declaration and will almost
5 certainly continue on for several weeks more. Today, for example, I have responded to questions
6 raised by two different group practices and four different dentists with questions about their
7 allocations and how the settlement would be paid, a further group practice to whom notices had
8 been sent but who stated they had not received them, and an individual dentist who wanted
9 information on when his allocation would be paid. I estimate that resolving this issues will require
10 at least two hours of my time (which is an estimate because I am still dealing with these matters.
11 Earlier this week, I responded to questions raised by Class members who did not receive an
12 allocation. In each instance, I must first check the allocation and distribution data to make certain
13 the individual did not receive an allocation. Then, I request that the individual's claim data be
14 placed on the Delta Dental in a manner that allows me to review it. After reviewing the data, I
15 compose an email to the Class member explaining why his or her practice did not qualify for an
16 allocation. Some additional time is required in responding further to the dentist.

17 3. In addition, at the beginning of this week I learned that, at the time, there were 93
18 Class members for whom Rust Consulting could still locate no valid address. In situations in which
19 I observe a Class member with a large allocation for whom there is no valid address, I make a
20 further effort to locate the Class member myself to be sure that as much as possible has been done.
21 Fortunately, by calling former employers and checking internet sites and postings, I was able to
22 locate a Class member with an allocation of more than \$15,000 for whom no valid address had
23 been found. The reason for this was that he had retired and moved away, and no longer kept in
24 contact with his former business. He had heard about the litigation in general but was unaware that
25 he was entitled to an allocation from the Settlement Fund. As a result, we now have a valid address
26 for this Class member and will send him his settlement payment soon. I also supervise Rust
27 Consulting representatives who do this type of searching for other Class members. I am much
28 better able to provide them with guidance as a result of having made my own effort to locate

1 missing Class members. This is one illustration of the ongoing work being done to take all
2 reasonable steps to locate valid addresses for Class members, a subject that is addressed in our
3 Status Conference Statement and Report being filed today.

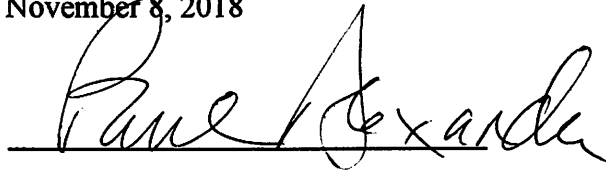
4 4. Since the date of my previous declaration on this issue dated October 17, 2018, I
5 have reviewed my time records and determined that I have spent 28.1 additional hours of my time
6 in responding to Class member inquiries, requests for information and related work as described
7 above. That does not the time spent preparing the Status Conference Statement and Report, nor this
8 declaration. At my discounted billing rate of \$935/hour applicable to this case, that amounts to a an
9 additional \$26,273.50 in fees incurred in responding to and addressing Class member questions and
10 issues. There will be additional costs in the form of expert's fees, which I estimate at an additional
11 \$2,500 for this period. Given the volume and nature of these calls through today, it seems highly
12 likely that questions and issues will continue to be raised. In addition, it will be necessary to deal
13 with other issues, such as Class members who have passed away, who have remaining objections,
14 and the like.

15 5. For all these reasons, the request for supplemental attorney's fees in the amount of
16 \$200,000 is fair and reasonable. I have confirmed that the amount of interest earned on the
17 settlement fund will certainly be more than \$200,000 at the time of the hearing on this matter (and is
18 virtually at that amount today). As previously stated, our request is limited to payment from this
19 interest and thus will not reduce the amount of any Class member's allocation form the Settlement
20 Fund.

21 6. This motion and the related documents, including the declarations previously filed in
22 support of this motion, have been prominently placed on the Class website on the landing page.
23 That website continues to be accessed by Class members. In checking with Rust Consulting, I have
24 learned that during the period since October 26, 2018 through November 7, 2018, there have been
25 over 1700 visits to the Class website by over 1100 unique visitors. I have not heard any objection
26 form any Class member to this request, nor am I aware of any objection to it.

27 I declare under penalty of perjury that the foregoing is true and correct to the best of my
28 knowledge, information and belief.

Executed in Monterey, California on November 8, 2018

A handwritten signature in black ink that reads "Paul Alexander". The signature is written in a cursive style and is positioned above a solid horizontal line.

Paul Alexander

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