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Hon. Nelson K.H. Lee  
Hearing Date: January 24, 2025  
Hearing Time: 9:00 a.m.  
With Oral Argument

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING

MICHAEL MEHOLIC, individually and on  
behalf of himself and all other similarly situated,

Plaintiff,

v.

SEATTLE ARENA COMPANY, LLC,

Defendant.

Case No. 23-2-20824-2

DECLARATION OF KALEIGH N.  
BOYD IN SUPPORT OF PLAINTIFF'S  
MOTION FOR AWARD OF  
ATTORNEYS' FEES, COSTS, AND  
SERVICE AWARD

1. I am counsel for Plaintiff in the above captioned case. This declaration supports Plaintiff's Motion for Attorneys' Fees, Costs, and Service Award. I have personal knowledge of the facts in this declaration and could testify to them if called on to do so.

2. My law firm, Tousley Brain Stephens PLLC, has extensive experience as class counsel, including in cases alleging consumer fraud, as detailed in Class Counsel's firm resume, filed at Dkt. 29 (Declaration of Kaleigh N. Boyd In Support of Plaintiff's Motion for Preliminary Approval, Exhibit 2).

3. Class Counsel dedicated a total of 130.4 hours to litigating this action, and our lodestar to date is \$73,575.00.

4. Counsel's fee request is for \$57,500, resulting in a negative multiplier. Pending

1 Court approval, this fee will be paid by Defendant separately from the common fund available  
2 to the Class in this action.

3 **LITIGATION BACKGROUND AND THE WORK OF CLASS COUNSEL**

4 5. Tousley Brain Stephens PLLC devoted significant time and resources to this  
5 case to date, including, but not limited to:

- 6 a. Conducting an investigation into the facts regarding Plaintiff’s claims  
7 and class members’ claims;
- 8 b. Researching law relevant to Plaintiff’s claims and preparing Plaintiff’s  
9 class action complaint;
- 10 c. Engaging in extensive, lengthy settlement negotiations;
- 11 d. Negotiating and preparing the Parties’ class action settlement agreement,  
12 along with the proposed class notice and claim form;
- 13 e. Preparing Plaintiff’s motion for preliminary approval of the class action  
14 settlement and preparing a detailed declaration in support;
- 15 f. Working with the Settlement Administrator to ensure the timely  
16 completion of Notice and processing of claims;
- 17 g. Responding to class member inquiries; and
- 18 h. Conferring with Plaintiff throughout the case.

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21 6. Since preliminary approval, Tousley Brain Stephens, PLLC has worked closely  
22 with EAG Gulf Coast, LLC (“EAG”), the Settlement Administrator, to ensure the settlement  
23 proceeded according to plan. My firm has reviewed and edited what EAG posted on the  
24 settlement website, responded to Class Member inquiries, and conferred with EAG and  
25 Defendant’s Counsel on issues that arose during the claims administration process. We anticipate  
26

1 further involvement with EAG and Defendant’s Counsel in the coming months to ensure a full  
2 settlement for the Class.

3 **PLAINTIFF’S CONTRIBUTION**

4 7. Plaintiff Michael Meholic seeks a Service Award in the amount of \$5,000 in  
5 recognition of his time and effort spent pursuing this Litigation on behalf of the Class.

6 8. Throughout the litigation Mr. Meholic performed important work on the case,  
7 including gathering facts and documents, assisting Class Counsel with allegations in Complaint,  
8 keeping abreast of the litigation, and maintaining communication with Class Counsel throughout  
9 the litigation.  
10

11 **CONTINGENT NATURE OF THE ACTION**

12 9. Tousley Brain Stephens took on this case on a purely contingent basis. Plaintiff’s  
13 Counsel has a standard fee agreement with the named Plaintiff calling for 30–40 percent of the  
14 recovery to be paid as attorneys’ fees, plus costs, in the event that this action settled or was taken  
15 to judgment on an individual basis.  
16

17 10. This matter has required us to spend time on this litigation that could have been  
18 spent on other matters. At various times during the litigation of this class action, this lawsuit has  
19 consumed significant amounts of our time and our firm’s time. We devoted substantial resources  
20 to the prosecution of this case with no guarantee that they would be compensated for their time  
21 or reimbursement for their expenses.  
22

23 11. Such time could otherwise have been spent on other fee-generating work. Because  
24 we undertook representation of this matter on a contingency-fee basis, we shouldered the risk of  
25 expending substantial costs and time in litigating the action without any monetary gain in the  
26 event of an adverse judgment.

1 12. Litigation is inherently unpredictable and therefore risky. Therefore, despite our  
2 devotion to the case and our confidence in the claims alleged against Defendant, there were many  
3 factors beyond our control that posed significant risks.

4 **LODESTAR, FEES, AND EXPENSES**

5 13. The regular practice at Tousley Brain Stephens is to maintain contemporaneous  
6 time records.

7  
8 14. Tousley Brain Stephens determined the hourly rates for its attorneys based on  
9 factors such as the skill and sophistication required for the legal services provided, customary  
10 rates in relevant markets, and the experience and reputation of both attorneys and staff. This  
11 approach ensures that the rates are aligned with industry standards and accurately reflect the  
12 firm's expertise. Class Counsel's hourly rates are reasonable in light of their significant  
13 experience and the complex nature of this litigation. Tousley Brain Stephens, a nationally  
14 recognized firm specializing in complex litigation and product liability, sets its rates to reflect its  
15 extensive experience and reputation. The billable rates for our firm are consistent with rates billed  
16 for similar legal services. *See* National Association of Legal Fee Analysis 2020 Class Action  
17 Hourly Rate Survey (<https://www.thenalfa.org/blog/survey-class-action-defense-rates-keep-pace-with-plaintiffs-ratesin-2020/>).  
18  
19

20 15. Through December 30, 2024, Plaintiff's Counsel worked a total of 130.40 hours  
21 on this case, incurring fees of \$73,575.00. A lodestar breakdown by timekeeper is displayed  
22 below:  
23

| <b>Timekeeper</b> | <b>Hours</b> | <b>Amount at Rate</b> | <b>Rate</b> |
|-------------------|--------------|-----------------------|-------------|
| Kim D. Stephens   | 7.2          | \$8,100.00            | \$1,125.00  |
| Kaleigh N. Boyd   | 44           | \$26,400.00           | \$600.00    |



1 **CERTIFICATE OF SERVICE**

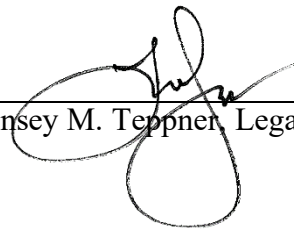
2 I, Linsey M. Teppner, declare and say that I am a citizen of the United States and resident  
3 of the state of Washington, over the age of 18 years, not a party to the above-entitled action, and  
4 am competent to be a witness herein. My business address and telephone number are 1200 Fifth  
5 Avenue, Suite 1700, Seattle, Washington 98101, telephone 206.682.5600.

6 On January 3, 2025, I caused to be served the foregoing document on the individual  
7 named below via King County E-Filing and E-Service System and email:

8 Meeghan Dooley, WSBA #61735  
9 MDooley@perkinscoie.com  
10 David A. Perez, WSBA #43959  
11 DPerez@perkinscoie.com  
12 Perkins Coie LLP  
13 1201 Third Avenue, Suite 4900  
14 Seattle, WA 98101-3099  
15 Telephone: 206.359.8000  
16 Facsimile: 206.359.9000

17 I declare under penalty of perjury under the laws of the state of Washington and the  
18 United States that the foregoing is true and correct.

19 Executed this 3<sup>rd</sup> day of January, 2025, at Seattle, Washington.

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Linsey M. Teppner, Legal Assistant