

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

| | | |
|--|---|---|
| <hr/> | x | |
| In re SONY BMG CD TECHNOLOGIES LITIGATION | : | Civil Action No. 1:05-cv-09575-NRB |
| | : | |
| <hr/> | : | <u>CLASS ACTION</u> |
| | : | |
| This Document Relates To: | : | DECLARATION OF STAN MALLISON |
| | : | FILED ON BEHALF OF THE LAW |
| | : | OFFICES OF MALLISON AND MARTINEZ |
| ALL ACTIONS. | : | IN SUPPORT OF RICCIUTI GROUP'S |
| <hr/> | x | MOTION FOR AWARD OF ATTORNEYS' FEES AND REIMBURSEMENT OF EXPENSES |

I, Stan Mallison, declare as follows:

1. I am a member of the firm of the Law Offices of Mallison and Martinez. I am submitting this declaration in support of my firm's application for an award of attorneys' fees in connection with services rendered in the above-entitled action and the reimbursement of expenses incurred by my firm in the course of this litigation.

2. This firm is counsel of record for plaintiff Laura Klemm.

3. The identification and background of my firm and its partners is attached hereto as Exhibit A.

4. A detailed description of contemporaneous time records, including the date, hours expended and the nature of work done is attached hereto as Exhibit B.

5. The total number of hours spent on this litigation by my firm is 26 hours. The total lodestar amount for attorney/paralegal time based on the firm's current rates is \$9306.25. The hourly rates shown below are the usual and customary rates charged for each individual in all of our cases. A breakdown of the lodestar is as follows:

INCEPTION THROUGH MARCH 29, 2006

| NAME | HOURS | RATE | LODESTAR |
|---------------------|--------------|-------------|------------------|
| Stan Mallison (P) | 8.25 | \$375 | \$3093.75 |
| Hector Martinez (P) | 17.75 | \$350 | \$6212.50 |
| TOTAL: | | | \$9306.25 |

(P) Partner **\$9306.25**

(A) Associate

(PL) Paralegal

(CA) Contract Attorney

or (OC) Of Counsel

6. My firm incurred a total of **\$353.23** in unreimbursed expenses in connection with the prosecution of this litigation. They are broken down as follows:

EXPENSES

From Inception Through March 29, 2006

| DISBURSEMENT | TOTAL |
|---|-----------------|
| Meals, Hotels & Transportation | \$332.63 |
| Photocopies | |
| Postage | \$21.60 |
| Telephone, Facsimile | |
| Messenger, Overnight Delivery | |
| Filing, Witness & Other Fees | |
| Court Reporters | |
| Lexis, Westlaw, Online Library Research | |
| Class Action Notices/Business Wire | |
| Experts/Consultants/Investigators | |
| Outside: | |
| | |
| In-House: | |
| | |
| TOTAL: | \$353.23 |

7. The following is additional information regarding expenses for which we are asking for reimbursement:

(a) The firm incurred expenses of \$ 0 for amounts paid to court reporters for transcripts of court hearings and depositions.

| DATE | VENDOR |
|------|--------|
| | |
| | |

(b) Filing, Witness and Other Fees: \$ 0

| DATE | VENDOR |
|------|--------|
| | |
| | |

(c) Meals, Hotels and Transportation: \$332.63. Expenses for meals, hotels and

transportation were incurred for the following purposes:

| NAME | DATE | DESTINATION | PURPOSE |
|---|------------------|---------------------|---|
| Hector Martinez (P), Laura Klemm client and other witnesses | January 12, 2006 | Meeting with client | To discuss case and factual investigation, obtain evidentiary materials |
| Hector Martinez (P), Laura Klemm client and other witnesses | February 3, 2006 | Meeting with client | To discuss case and factual investigation, obtain evidentiary materials |

(d) Photocopying:

In-house (0 copies @ \$0.25 per copy):

Outside Photocopying Expenses: \$ _____

| DATE | VENDOR |
|------|--------|
| | |

(e) Lexis, Westlaw, Online Library Research: \$ ____ 0 ____.

These vendors included: Disclosure, Inc., Dow Jones Interactive, Dow Jones & Co., Inc., Lexis Nexis, CDA Investment Technologies, Pacer Service Center, West Publishing Corporation, and Choice Point. These databases were used to obtain access to (Company Name) SEC filings and to do media searches regarding (company name). The charges for these vendors vary depending upon the type of services requested.

8. The expenses incurred pertaining to this case are reflected in the books and records of this firm. These books and records are prepared from expense vouchers and check records and are an accurate record of the expenses incurred.

I declare under penalty of perjury under the laws of the State of New York that the foregoing is true and correct. Executed this 29th day of March, 2006, at Lafayette, California.



STAN S. MALLISON

Exhibit A

LAW OFFICES OF MALLISON & MARTINEZ

1042 BROWN AVENUE, SUITE A
LAFAYETTE, CA
94549

STAN S. MALLISON*
HECTOR R. MARTINEZ

(925) 283-3842
FAX (925) 283-2634

OF COUNSEL
ALEGRIA DE LA CRUZ

* MEMBER OF CA & NV BAR

FIRM RESUME

The Law Offices of Mallison & Martinez is a class action boutique law firm with offices in Lafayette, California. This firm was created by attorneys with extensive class action and complex litigation experience at: 1) Lerach Coughlin Stoia and Robbins (the largest class action firm in the world), 2) Milberg, Weiss, Bershad, Hynes, & Lerach (the second largest class action firm in the world), 3) Van Bourg Weinberg Roger and Rosenfeld (the largest union side labor law firm in the country), and 4) California Rural Legal Assistance (the largest federal legal services provider to farmworkers in the country). The firm is exclusively engaged in class action practice in the Securities, Consumer and Employment fields. We have three attorneys on staff: Stan Mallison, Hector Martinez, and Alegria De La Cruz and employs four part time investigators. Mallison & Martinez's specialty is in conducting in-depth legal and factual research to develop large complex class action cases and in litigating large class action cases with prominent co-counsel. The success of this business model is borne out by the list of some of our current cases which include:

1. Glenn Block v. Ebay, Inc., San Francisco Superior Court Case No. 105 CV 035930: This is a consumer class action case filed on behalf of several million ebay consumers who were impacted by Ebay's "bid

against yourself policy.” (co-counseled with the law firm of Lerach Coughlin Stoia Geller Rudman & Robbins).

2. Lara v. GoldenGrain, Kern County Superior Court Case No. S-1500 CV 252445 SPC. This is a wage and hour class action filed on behalf of approximately 4000 migrant farmworkers who were not paid minimum wages by a group of Central Valley grape growers. (Class Action Complaint filed by Mallison & Martinez – now co-counsel with Weinberg Roger Rosenfeld).

3. Doe et al v. DM Camp & Sons et at., (USDC ED Cal) Case No. 1:05-cv-01417-FVS-SMS. This is a wage and hour class action filed on behalf of approximately 10,000 migrant farmworkers who were not paid minimum wages by a group of the largest grape growers in the Central Valley. (Co-counsel with Weinberg Roger Rosenfeld).

4. Cisneros v. Yahoo, San Francisco Superior Court Case No. CGC04433518. This is a consumer class action filed on behalf of the general public and millions of internet users who were damaged by Yahoo, Google and other search engines’ illegal advertising of internet gambling. (developed by Stan Mallison and now serving as co-counsel with Lerach Coughlin Stoia Geller Rudman and Robbins, and The Rothken Law Firm).

5. In re Titan Corporation Securities Litigation, (USDC SD Cal.) Case No. 04-CV-0676-LAB(NLS). This is Securities Class Action on behalf of tens of thousands of Titan Corporation investors. A \$61.5 million settlement is current up for court approval. (Primary investigation and litigation conducted by Stan Mallison. Law Offices of Mallison & Martinez acted as the co-manager of confirmatory discovery)

6. Retailers National Bank v. Harding, US District Court, ND Cal Case No. 03-CV-04190. This is an action on behalf of the general public to enjoin these companies involvement with illegal internet gambling. (Co-counsel with the Rothken Law Firm).

7. Jimenez/Skeeter v. Rhodia (consolidated), US District Court, NJ Case No 05-3016/3053-JLL. This is a Class Action Erisa case originally filed by the Law Offices of Mallison & Martinez which was consolidated and now co-counselled with the law firm of Robbins, Umeda & Fink)

Mr. Mallison received his Bachelor of Art degrees in Philosophy and Political Science from the California Polytechnic University at Pomona, California in 1990, graduating at the top of both departments. He earned his Masters in Economics from the

University of California at Riverside, in 1993. Mr. Mallison then earned his law degree with honors from Stanford University in 1996 graduating with honors. Between 1996- and 1998, Mr. Mallison worked for the law firm of Van Bourg, Weinberg Roger and Rosenfeld, the largest union-side labor law firm in the country under the direct supervision of a named partner. From 1998 to 2005 Mr. Mallison worked for Milberg Weiss and then Lerach Coughlin Stoia and Robbins. These two firms represent the largest and second largest class action firms in the country. Mr. Mallison's work at these firms includes work on some of the largest most complex cases ever litigated including in re Enron Securities Litigation (settlements currently totaling over \$7 billion), Mariana Island Garment workers cases (a \$20 million settlement on behalf of 20,000 migrant workers), a Federal Court challenge to the sufficiency of Federal Department of Transportation's NAFTA Truck safety regulations, a Federal Court challenge to President Bush's Executive Order re: Project Labor Agreements, In re 3Com securities (settlement of \$259 million), In re Pemstar Securities (settlement of \$12 million), Cisneros v. Yahoo (representing a purported class of million of consumers), Retailers National Bank v. Harding (representing millions of credit card holders), Block v. Ebay (representing millions of defrauded Ebay users), and dozens of other cases. As a result of Mr. Mallison's expertise in economics, Mr. Mallison served as in house economics expert at Milberg Weiss and Lerach Coughlin and continues in this role at Mallison & Martinez.

Mr. Martinez received his Political Science Bachelor of Art degree in 1993 from the University of California, at Davis. Mr. Martinez grew up in a social conscious farmworker community and, as a result, has motivated Mr. Martinez to work for the benefit of low-wage workers. Mr. Martinez has conduct extensive research regarding the agricultural industry while at the California Institute for Rural Studies during the mid-nineties. Mr. Martinez then earned his law degree from the Golden Gate University School of Law in 1998. During his law studies, we worked as a law clerk with Van Bourg, Weinberg, Roger and Rosenfeld, the largest union-side labor law firm in the

country, working under the direct supervision of named partner David Rosenfeld. From 1999 to 2004, Mr. Martinez worked at California Rural Legal Assistance, Inc. ("CRLA"), the largest non-profit law firm dedicated to farmworker issues in the country. His work at CLRA included private attorney general actions under California's Unfair Business Practice statute, Business & Professions Code Section 17200, on behalf of thousands of agricultural employees and the general public. During his time with CRLA, Mr. Martinez was nominated for and received a fellowship with the California Wellness Foundation Violence Prevention Initiative for his work with farmworker youth.

In 2004, Mr. Martinez worked with the class action firm Carter & Garay where he initiated litigated wage and hour California class actions against DHL, Airborne Express, Dominos Pizza, El Torito and Alcapulco Restaurants, among many others. On June 1, 2005, Mr. Martinez joined Stan Mallison to form the law firm of Mallison & Martinez where Mr. Martinez is currently litigating several farmer worker related wage and hour class actions, consumer class actions such as Palza v. Palm, Inc., and an ERISA class action.

Exhibit B

Law Offices of Stan Mallison
 1042 Brown Avenue
 Lafayette, CA
 94549

Activity Slip [Customer Detail]

11/1/05 through 4/30/06

3/29/06
 2:35:37 PM
 Date Employee nts Notes

| Date | Employee | nts | Notes |
|----------|-----------------|------|--|
| | | | None |
| Sony | | | |
| 11/27/05 | Hector Martinez | 2.25 | Client meeting re facts. |
| 11/29/05 | Stan Mallison | 0.75 | Contact with client and co-counsel. |
| 11/30/05 | Stan Mallison | 2.00 | Consultation with Client re: Sony case; legal research; composition of draft complaint. |
| 11/30/05 | Hector Martinez | 2.00 | client meeting re documents. |
| 12/1/05 | Stan Mallison | 2.25 | Contact with RRC. IR re: filing decisions; Legal research; consultation with client |
| 12/6/05 | Hector Martinez | 0.50 | Filing strategy consultation with Kothken and Stan. |
| 12/7/05 | Hector Martinez | 0.50 | Discussion with client re status of case. Questions resolved regarding time commitment and class rep expectation. |
| 12/7/05 | Hector Martinez | 0.50 | Telephone discussion with co-counsel re filing and other cases already filed. |
| 12/8/05 | Hector Martinez | 1.00 | Edit complaint; contact client. |
| 12/8/05 | Hector Martinez | 0.75 | Discussion with Klerman regarding computer problems re from what she thinks is CD. |
| 12/9/05 | Hector Martinez | 1.75 | Contact client facts for complaint; discussions with co-counsel. |
| 12/16/05 | Hector Martinez | 0.50 | Review notes and contact client to discuss facts. |
| 12/18/05 | Stan Mallison | 0.50 | Consultation with co-counsel and client re: Case status |
| 12/19/05 | Stan Mallison | 0.25 | Contact with Client LK re: claims. |
| 12/19/05 | Hector Martinez | 1.00 | Telephone call to client regarding other witnesses and computer tech person; discovery issues related to computer at |
| 12/20/05 | Hector Martinez | 1.00 | Contact Paulie [LN] re purchase of Sony BVC CDs and her personal computer. |
| 12/28/05 | Stan Mallison | 0.75 | Composition of court appearance; research on Corporate filing requirement under MD rules |
| 12/29/05 | Stan Mallison | 0.50 | Review of consolidation motion; consultation with moving party SS |
| 1/4/06 | Hector Martinez | 1.50 | T/C to client. Discussed new facts she provided and explained status of case. |
| 1/5/06 | Stan Mallison | 0.25 | Review of stipulation |
| 1/12/06 | Hector Martinez | 1.75 | Meeting with client; update on current status of case. Client provided more factual details. |
| 1/30/06 | Hector Martinez | 0.50 | Telephone call with Laura Klerman. Updated re change of venue. Discussed further facts and location of witness. |
| 2/1/06 | Stan Mallison | 0.25 | Review of court order |
| 2/3/06 | Stan Mallison | 0.50 | Review of court filings. |
| 2/3/06 | Hector Martinez | 1.75 | Meeting with Laura Klerman and Stan to review filed venue change; documents; complaint allegations; general update |
| 2/4/06 | Hector Martinez | 0.25 | Case review with new investigator. |
| 2/11/06 | Hector Martinez | 0.25 | Review case with SMI and Chung. |
| 3/8/06 | Stan Mallison | 0.25 | Contact with co-counsel |

Grand Total: