

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In re: )  
 )  
SONY BMG CD )  
TECHNOLOGIES LITIGATION )  
 )

Case No. 1:05-cv-09575-NRB

**DECLARATION OF WILLIAM A. BAIRD IN SUPPORT OF PLAINTIFFS'**  
**CLASS COUNSEL'S APPLICATION FOR ATTORNEYS' FEES AND**  
**REIMBURSEMENT OF EXPENSES**

I, William A. Baird declare as follows:

1. I am an attorney in good standing, duly licensed and admitted to practice in California state courts and the United States District Courts for the Eastern, Central, and Southern Districts of California. I am a senior associate of Milstein, Adelman & Kreger, counsel of record for Plaintiff Daniel Joseph Stynchula in *Stynchula, et al. v. Sony Corporation of America*, et al. / BC 343100. A true and correct copy of our firm resume is attached hereto as Exhibit "A" and incorporated by reference herein.

2. I submit this declaration in support of Plaintiffs' Class Counsel' application for attorneys' fees and reimbursement of expenses in the above-entitled matter. The testimony set forth in this declaration is based on first-hand knowledge, about which I would and could testify competently in open court if called upon to do so, and on contemporaneously-generated records kept in the ordinary course of business.

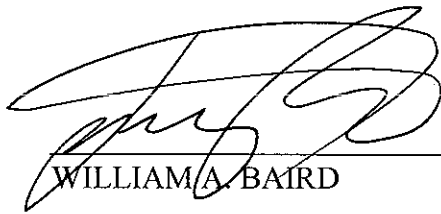
3. The total number of professional hours expended in the litigation by Milstein, Adelman & Kreger is 161.60 hours. The total lodestar amount for attorney, paralegal and professional staff time expended by Milstein, Adelman & Kreger in the course of the litigation, based upon current rates, is \$54, 280.00. The chart attached hereto as Exhibit "B" was prepared at my direction and presents a summary of the time spent from November 1, 2005 through January 13, 2006 on the litigation by attorneys, paralegals, and professional staff of the firm. The chart includes the name of each attorney, paralegal and professional staff member who has worked on the case, his or her current hourly billing rate, and the number of hours expended by each professional on this matter. The time reflected in this declaration was time actually spent, in the exercise of reasonable judgment, by the laws and staff involved, and includes but is not limited to time spent researching, drafting, and filing pleadings as well as drafting

correspondence and meeting with consultants. My firm was careful not to expend unnecessary hours and not to duplicate work done by others.

4. This firm expended a total of \$2,570.80 in unreimbursed expenses in connection with prosecution of the litigation on behalf of Plaintiff Daniel Joseph Stynchula. The expenses incurred in this case are reflected in the books and records of the firm. These books and records are prepared from expense vouchers, check records, and other contemporaneously-recorded billing records, are an accurate record of expenses incurred in this litigation. The chart attached hereto as Exhibit "C", also prepared at my direction, details these expenses.

I declare under penalty of perjury under the laws of the United States of American and the State of New York that the foregoing is true and correct.

Executed this 28th day of March, 2006 at Santa Monica, California.



WILLIAM A. BAIRD

**EXHIBIT A**

## MILSTEIN, ADELMAN, AND KREGER, LLP

Milstein, Adelman, and Kreger (“MAK”) is one of California’s leading law firms dedicated to advocating the rights of plaintiffs and consumers in direct and class actions in the areas of consumer fraud, product defects, mass construction defect, employment litigation, and insurance bad faith.

Milstein, Adelman, and Kreger is dedicated to the zealous representation of consumer rights and takes pride in providing the highest quality legal counsel and service. The firm’s attorneys are aggressive and steadfast in their pursuit to protect the rights of their clients. Admitted to practice before several states’ courts and federal courts in California and across the country, our attorneys have successfully represented thousands of clients in a wide array of cases achieving over \$250 million in settlements in the last five years.

Lead Attorneys From MAK Participating In  
In re: Sony BMG CD Technologies Litigation

**Wayne Kreger, Esq.**, is a senior partner and heads the class action department of Milstein, Adelman, and Kreger. Mr. Kreger specializes in consumer class actions and insurance bad faith litigation.

He is admitted to practice before all California and New York State Courts, all District of Columbia Courts, the U.S. District Courts for the Northern, Southern, Central, and Eastern Districts of California and the Ninth Circuit Court of Appeals. Wayne is a member of the Consumer Attorneys of California, Consumer Attorneys Association of Los Angeles, Los Angeles Bar Association, New York State Bar Association, District of Columbia Bar Association and the Association of Trial Lawyers of America.

Mr. Kreger graduated from Boston University in Boston, Massachusetts with a B.A. in Political Science and obtained his J.D. from Pepperdine University School of Law in Malibu, California where he was awarded the Margaret Martin Brock scholarship.

A few examples of class actions/mass tort cases where Mr. Kreger has served as counsel or co-counsel for Plaintiffs include:

*Charlotte Hufschmidt, et al. v. Allstate Insurance Company, et al.*, LASC Case Number BC291782. (Lead Counsel for class of over 587,711 insureds overcharged for yearly miles driven. Multimillion dollar settlement reached on behalf of class members).

*Karl D. Susman, et al. v. Mercedes-Benz USA, LLC, et al.*, LASC Case Number 311375. (Lead Counsel for class of new Mercedes-Benz automobile owners and lessors who received their vehicles without front license plates, contrary to California law.

Settlement reached on behalf of class members allowed them to have front license plate brackets installed on their vehicles by the Dealer Defendants. Final Approval Pending.)

Case on behalf of over 400 homeowners for construction defects that resolved for \$7,200,000 in Sacramento Superior Court in 2005. Settlement parties and terms confidential.

Case on behalf of over 264 homeowners for construction defects that resolved for \$8,300,000 in Riverside Superior Court. Settlement parties and terms confidential.

**William A. Baird, Esq.**, specializes in consumer class actions, employment litigation, and insurance bad faith litigation. Mr. Baird has resolved numerous class actions that provided significant benefits to the class members and has lectured on the topics of bad faith and consumer actions. In addition to his other trials, he was a member of the legal team that obtained the largest verdict of its type in a case where a child was blinded as a result of improper neonatal care. Mr. Baird is admitted to practice in California state courts and the United States District Courts for the Eastern, Central, and Southern districts of California.

He obtained his Juris Doctor Degree from Pepperdine University School of Law in 1997, graduating *cum laude*, where he was staff writer for the Pepperdine Law Review and the recipient of the Dean's, President's, and Howard A. White Scholarships. He graduated from Pepperdine University in 1994, *cum laude*, with a Bachelor of Arts degree in History. During college, he studied abroad spending one year in Heidelberg, Germany and two summers in Honduras working with a third world medical project.

Mr. Baird is a member of the American Trial Lawyers Association, The Consumer Attorneys of California, The Consumer Attorneys of Los Angeles, and The Los Angeles County Bar.

A few examples of consumer class actions where Mr. Baird has served as counsel or co-counsel for Plaintiffs include:

*Evans et al. v. Coca-Cola* (California class action seeking overtime compensation on behalf of approximately 1240 Account Managers resulting in a \$20.2 million recovery.)

*Green v. PNS Stores, Inc.* (California class action seeking overtime compensation on behalf of Assistant Managers resulting in a \$10 million recovery.)

*Kimbell v. Abercrombie & Fitch Stores, Inc.* (California class action seeking overtime compensation on behalf of Store Managers. Final Order approving \$2,000,000 settlement entered January 12, 2006.)

*Moreno v. Miller Brewing* (California class action seeking overtime compensation on behalf of route salesmen, resulting in settlement of \$1.3 million dollars.)

*Griffin, et al. v. Seven-Up* (related to *Estrada, et al. v. Dr. Pepper/Seven-Up*) (California class action seeking overtime compensation on behalf of Account Managers. Final Order approving \$10 million settlement entered May 9, 2005.)

*Moore v. IKEA* (pending California class action seeking overtime compensation on behalf of a variety of low level managers, class certification motion not yet filed. Preliminary settlement negotiated through mediation.)

**Jason Rudolph, Esq.**, specializes in consumer and employment class actions.

Jason received his Bachelor of Arts in Political Science from Loyola Marymount University in 2001, and his Juris Doctorate from Southwestern University School of Law in 2005, where he was Chair of the Moot Court Honors Program and a recipient of academic scholarships.

**EXHIBIT B**



Stynchnula, et al. v. Sony Corporation of America, et al.  
 Billable Hours

Date Worked	Attorney	Work Description	Billing Rate	Billable Hours	Amount
11/2/2005	WK	Discuss Sony DRM software. Review Research	\$ 400.00	2	\$800.00
11/6/2005	WK	Review Research	\$ 400.00	2.3	\$920.00
11/14/2005	WK	Discuss discovery. Service. Review Complaint	\$ 400.00	1.8	\$720.00
11/17/2005	WK	Review status with TB.	\$ 400.00	0.7	\$280.00
11/18/2005	WK	Review and discuss additional cases.	\$ 400.00	0.6	\$240.00
12/1/2005	WK	Review discuss petition to Coordinate	\$ 400.00	2	\$800.00
12/2/2005	WK	Review petition to Coordinate	\$ 400.00	2.3	\$920.00
12/5/2005	WK	Review Status of petition. Review letters to courts. Meet TB re: same	\$ 400.00	1.8	\$720.00
12/19/2005	WK	Review Status with TB.	\$ 400.00	0.7	\$280.00
1/5/2006	WK	Review Settlement terms and Papers. Meet re: same.	\$ 400.00	1	\$400.00
	TOTALS			15.2	\$6,080.00

Stynchula, et al. v. Sony Corporation of America, et al.  
Billable Hours

<b>Date Worked</b>	<b>Attorney</b>	<b>Work Description</b>	<b>Billing Rate</b>	<b>Billable Hours</b>	<b>Amount</b>
11/1/2005	WB	Review and Research Sony DRM Software. Discuss issues with consultant	\$350.00	4.9	\$1,715.00
11/2/2005	WB	Review and Research Sony DRM Software.	\$350.00	6	\$2,100.00
11/4/2005	WB	Review DRM software. Research action. Prepare complaint.	\$350.00	4	\$1,400.00
11/8/2005	WB	Research DRM software and Sony use of software. Review with consultants	\$350.00	3	\$1,050.00
11/9/2005	WB	Research DRM software and Sony use of software. Meeting re: same.	\$350.00	3.5	\$1,225.00
11/10/2005	WB	Research DRM software and Sony use of software	\$350.00	2.7	\$945.00
11/13/2005	WB	Discuss Sony DRM issues with consultants. Prepare discovery. Research. Review Complaint.	\$350.00	9.5	\$3,325.00
11/14/2005	WB	Discuss Sony DRM issues with expert consultants. Prepare discovery. Research	\$350.00	9.3	\$3,255.00
11/15/2005	WB	Review and Research Sony DRM issues. Prepare discovery. Finalize Filing.	\$350.00	7.5	\$2,625.00

Stynchula, et al. v. Sony Corporation of America, et al.  
Billable Hours

Date Worked	Attorney	Work Description	Billing Rate	Billable Hours	Amount
11/16/2005	WB	Review Sony DRM issues with consultants. Prepare discovery. Serve complaint.	\$350.00	4.2	\$1,470.00
11/17/2005	WB	Research Sony DRM issues. Discuss case with Daily Journal. Meet re same.	\$350.00	2.5	\$875.00
11/18/2005	WB	Review discovery. Discuss case with Ny counsel.	\$350.00	3	\$1,050.00
11/21/2005	WB	Research - additional complaints and jurisdictions.	\$350.00	3	\$1,050.00
11/23/2005	WB	Research additional actions.	\$350.00	2	\$700.00
11/30/2005	WB	Phone conference with plaintiffs' counsel. Research coordination.	\$350.00	4.5	\$1,575.00
12/1/2005	WB	Prepare and research Petition To Coordinate	\$350.00	7.8	\$2,730.00
12/2/2005	WB	Prepare, research, file Petition To Coordinate	\$350.00	12	\$4,200.00
12/5/2006	WB	Draft appropriate letters to courts re: petition. Discussed with ccw. Memo re same	\$350.00	3.6	\$1,260.00

Stynchula, et al. v. Sony Corporation of America, et al.  
Billable Hours

<b>Date Worked</b>	<b>Attorney</b>	<b>Work Description</b>	<b>Billing Rate</b>	<b>Billable Hours</b>	<b>Amount</b>
12/6/2006	WB	Correspondence with Co-counsel. Draft letters re petition and Proofs of service	\$350.00	4.2	\$1,470.00
12/7/2005	WB	Discussion with co-counsel re: possible terms for resolution. Prepare memo re: same. Discuss with rep same.	\$350.00	2.5	\$875.00
12/8/2005	WB	Draft letter to judicial counsel. Discussion with Rep.	\$350.00	1.6	\$560.00
12/13/2005	WB	Discussion with co-counsel re; status of cases	\$350.00	1	\$350.00
12/14/2005	WB	Discussion with other Plaintiffs counsel Re: other cases.	\$350.00	1	\$350.00
12/15/2005	WB	Discussion with Plaintiffs co-counsel re: petition. Follow up with Court.	\$350.00	1.8	\$630.00
12/16/2005	WB	Conference call with other Plaintiffs' counsel. Prepare for same.	\$350.00	1.3	\$455.00
12/18/2005	WB	Discussion with plaintiffs counsel re: status of resolution terms. Memo re: same.	\$350.00	2	\$700.00

Synchula, et al. v. Sony Corporation of America, et al.  
Billable Hours

<b>Date Worked</b>	<b>Attorney</b>	<b>Work Description</b>	<b>Billing Rate</b>	<b>Billable Hours</b>	<b>Amount</b>
12/19/2005	WB	Discussions with additional Plaintiffs' counsel. Re: status, other filings, and discovery. Discussion WK	\$350.00	1.7	\$595.00
12/20/2005	WB	Discussion with Co-counsel	\$350.00	1	\$350.00
1/4/2006	WB	Review settlement terms. Articles research re: same.	\$350.00	2	\$700.00
1/5/2006	WB	Discussions with WK and Mm re: settlement. Discussion with Class rep re: same. Discussion and review with other Plaintiffs counsel.	\$350.00	1.5	\$525.00
1/13/2006	WB	Review settlement, notice, and terms with class rep. Discuss same with plaintiffs counsel.	\$350.00	1.4	\$490.00
		<b>TOTALS:</b>		116	\$40,600.00

Synchronula, et al. v. Sony Corporation of America, et al.  
Billable Hours

Date Worked	Attorney	Work Description	Billing Rate	Billable Hours	Amount
11/1/2005	JR	Review and Research Sony DRM Software. Discuss issues with TB.	\$ 250.00	1.5	\$ 375.00
11/2/2005	JR	Review and Research Sony DRM Software. Discuss issues with TB.	\$ 250.00	2.4	\$ 600.00
11/4/2005	JR	Review and research applicable statutes and cases. Meet re: Same	\$ 250.00	2.7	\$ 675.00
11/7/2005	JR	Review and Research Causes of Action.	\$ 250.00	2.1	\$ 525.00
11/8/2005	JR	Review and Research.	\$ 250.00	2	\$ 500.00
11/9/2005	JR	Review and Research. Discuss issues with WSK and TB.	\$ 250.00	2	\$ 500.00
11/10/2005	JR	Review and Research re: actions and discovery.	\$ 250.00	3	\$ 750.00
11/11/2005	JR	Research and Prepare Fact Memo for Consultant for Review.	\$ 250.00	4.5	\$ 1,125.00
11/12/2005	JR	Prepare Complaint.	\$ 250.00	1	\$ 250.00
11/13/2005	JR	Prepare Complaint.	\$ 250.00	2	\$ 500.00
11/14/2005	JR	Finalize Complaint.	\$ 250.00	2.2	\$ 550.00
11/30/2005	JR	Meet with TB re: Petition. Research.	\$ 250.00	2.4	\$ 600.00
12/1/2005	JR	Petition. Research. Discuss with TB.	\$ 250.00	2.6	\$ 650.00
		<b>TOTALS:</b>		30.4	\$ 7,600.00

**EXHIBIT C**

**MILSTEIN, ADELMAN & KREGER LLP**  
**SONY**  
**COST AS OF 3/10/06**

Sony					
Bill	11/30/2005	6314509	One Legal, Inc.	CCR - Attorney Service	49.50
Bill	12/02/2005	6314619	One Legal, Inc.	CCR - Attorney Service	281.50
Bill	12/05/2005	6314617	One Legal, Inc.	CCR - Attorney Service	281.50
Bill	12/05/2005	6314616	One Legal, Inc.	CCR - Attorney Service	281.50
Bill	12/05/2005	6314620	One Legal, Inc.	CCR - Attorney Service	281.50
Bill	12/02/2005	2068296	One Legal, Inc.	CCR - Attorney Service	261.50
Bill	12/05/2005	6314622	One Legal, Inc.	CCR - Attorney Service	281.50
Check	12/06/2005	5535	Los Angeles Superior Court	CCR - Court Reporter	550.00
Bill	11/30/2005	13-567 to 13-668	Star Services	CCR - Postage & Delivery	239.00
Bill	12/19/2005	699343	Overnite express	CCR - Postage & Delivery	15.62
Bill	12/12/2005	698491	Overnite express	CCR - Postage & Delivery	53.31
General Journal	01/13/2006	162	Sony	CCR - Postage & Delivery	0.37
<b>Total Sony</b>					<b>2,570.80</b>