

EXHIBIT 3

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

IN RE PLAID INC. PRIVACY
LITIGATION

THIS DOCUMENT RELATES TO:
ALL ACTIONS

Master Docket No.: 4:20-cv-03056-DMR

**DECLARATION OF RACHEL GEMAN IN
SUPPORT OF PLAINTIFFS' MOTION
FOR ATTORNEYS' FEES,
REIMBURSEMENT OF EXPENSES, AND
PLAINTIFF SERVICE AWARDS, AND IN
RESPONSE TO COURT'S ORDER
(DKT. 177)**

1 I, Rachel Geman, hereby declare as follows:

2 1. I am a member in good standing of the New York State Bar, and am admitted *pro*
3 *hac vice* in this matter to practice in the United States District Court for the Northern District of
4 California. I am a partner at the law firm of Lieff, Cabraser, Heimann & Bernstein, LLP (“Lieff
5 Cabraser”), which was appointed Co-Lead Interim Class Counsel on July 29, 2020 (Dkt. 57) and
6 Co-Lead Class Counsel on November 19, 2021 (Dkt. 153). I am over 21 years of age and am not
7 a party to this action. I make this declaration based on my own personal knowledge. If called
8 upon to testify, I could and would testify competently to the truth of the matters stated herein.

9 2. I submit this declaration in support of Plaintiffs’ Motion for Attorneys’ Fees,
10 Reimbursement of Expenses, and Plaintiff Service Awards (Dkt. 157) and, in particular, in
11 response to the Court’s request for specific supplemental information at the Final Approval
12 Hearing on May 12, 2022 (*see* Dkts. 177, 180). The Court directed Lieff Cabraser to submit
13 support for the hourly rates requested for Danna Elmasry. Dkt. 177 at 1.

14 3. Danna Elmasry was employed as a summer law clerk at Lieff Cabraser, between
15 May 2021 and July 2021. She subsequently graduated with a Juris Doctor degree from the
16 University of Michigan Law School, in May 2022. During her time at Lieff Cabraser, Ms.
17 Elmasry performed legal research regarding settlement approval (including substantive and
18 procedural law), distribution of funds to *cy pres* recipients, and class notice. Ms. Elmasry
19 performed this work under the supervision and at the direction of my partner Melissa Gardner. In
20 total, Ms. Elmasry recorded 28.60 hours of work, at a rate of \$370.00 per hour, for a total lodestar
21 of \$10,582.00. *See* Dkt. 157-1 Ex. B.

22 4. The hourly rates for law clerks at my firm, like Ms. Elmasry, are the usual and
23 customary rates set by the firm, based on periodic analysis of rates charged by firms performing
24 comparable work, and are the same as or comparable to the rates accepted by courts in other class
25 action litigation including courts in this District. *See, e.g., In re Anthem, Inc. Data Breach Litig.*,
26 No. 15-MD-02617-LHK, 2018 WL 3960068, at *17 (N.D. Cal. Aug. 17, 2018) (approving hourly
27 rates for law clerks ranging from \$270 to \$345); *In re Wells Fargo & Co. S’holder Derivative*
28 *Litig.*, No. 3:16-cv-05541-JST (June 27, 2019), Dkt. 278-7 Ex. 1 (summarizing hourly rates for

two Lieff Cabraser law clerks, ranging from \$375 to \$395); *In re Wells Fargo & Co. S'holder Derivative Litig.*, 445 F. Supp. 3d 508, 527 (N.D. Cal. 2020) (approving hourly rates generally); *In re Lithium Ion Batteries Antitrust Litig.*, No. 4:13-md-02420-YGR-DMR (N.D. Cal. Apr. 23, 2019), Dkt. 2487-5 Ex. 2 (summarizing hourly rates for three Lieff Cabraser law clerks, ranging from \$370 to \$395); *In re Lithium Ion Batteries Antitrust Litig.*, No. 13-md-02420-YGR-DMR, 2020 WL 7264559, at *20 (N.D. Cal. Dec. 10, 2020) (approving attorneys' fee request).

5. By way of further context, Ms. Elmasry was one of several personnel, including law clerks and paralegals, who performed a relatively limited amount of work on this litigation. These individuals performed necessary but discrete tasks, such as the processing and maintenance of documents produced and received in discovery, fact research, and legal research. After conducting audits of Lieff Cabraser's time records for this litigation, in the exercise of our discretion, Lieff Cabraser categorically excluded time entered by timekeepers who recorded a de minimis amount of time (i.e. less than ten hours). *See* Joint Decl. (Dkt. 157-1) ¶ 48.¹

6. If the Court were to exclude Ms. Elmasry from the firm's lodestar submission (on the basis that her work was similar in kind to that of, and only slightly more hours than, others who had been excluded), Lieff Cabraser's lodestar would be \$1,286,059.00 for the time period ending on January 25, 2022 (*see* Dkt. 157-1 Ex. B).

7. Ms. Elmasry's lodestar in this case is dwarfed by the work performed by Lieff Cabraser in the period after January 25 and leading up to the final approval hearing. This work primarily included preparing Plaintiffs' motion for final approval of the Settlement, coordinating with the notice and settlement administrator, responding to Class Member inquiries, preparing written responses to Class Member objections to the Settlement, and preparing for and participating in the Final Approval Hearing. Thus, Lieff Cabraser respectfully submits that whether Ms. Elmasry's time is considered by the Court for purposes of determining the reasonableness of the attorneys' fee request, the outcome is functionally the same.

¹ The previously submitted Declaration, Dkt. 157-1, ¶¶ 61-71, Ex. B, as well as the concurrently submitted Joint Declaration, address Lieff Cabraser's internal review and auditing practices for the time in this case, including which time is counted and how consistency is ensured.

1 I declare under penalty of perjury that the foregoing is true and correct as to all matters of
2 which I have personal knowledge. Executed this 19th day of May, 2022, in New York, New
3 York.

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5 /s/ Rachel Geman
6 Rachel Geman
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