

LINDEMANN LAW FIRM, APC
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Co-Lead Class Counsel

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION

In re TOLL ROADS LITIGATION

PENNY DAVIDI BORSUK, *et al.*,

Plaintiffs,

vs.

FOOTHILL/EASTERN
TRANSPORTATION CORRIDOR
AGENCY, *et al.*,

Defendants.

Case No: 8:16-cv-00262 ODW (ADSx)

District Court Judge: Otis D. Wright II
Magistrate Judge: Autumn D. Spaeth

[CLASS ACTION]

**DECLARATION OF BLAKE J.
LINDEMANN**

**(Referred to Special Master: Hon.
Andrew J. Guilford (ret.))**

DECLARATION OF BLAKE J. LINDEMANN

I, Blake J. Lindemann, declare and state as follows:

1. I am one of the attorneys for Plaintiffs. This declaration is based upon my personal knowledge unless otherwise indicated. If called upon to testify as to the matters stated herein, I could and would competently do so.

2. My firm, Lindemann Law Firm (“LLF” or the “Firm”), was initially retained by Class Representative Penny Davidi Borsuk, and we were the first Firm to discover, investigate, and bring claims under *California Streets & Highway Code* § 31490 (SB 1268), a unique California privacy statute applicable only to California Transportation Agencies, as that term is defined under the Code. On February 16, 2015, Firm submitted a class government claim act letter on behalf of Penny Davidi Borsuk, and those similarly situated, based on an investigation and analysis that Firm commenced in October of 2014. On October 2, 2015, Firm filed a Class Action Complaint on behalf of Plaintiff Penny Davidi Borsuk, and those similarly situated, in the Orange County Superior Court. The state court case was subsequently removed to this Court.

3. I am one of the attorneys who oversaw and conducted the day-to-day activities in the above-entitled action, the related district court cases, the related 9th Circuit Appeal, and the legislative matters (the “Litigation”). I am submitting this declaration in support of my Firm’s application for an award of attorneys’ fees, expenses and charges (“expenses”) in connection with the legal services rendered by my Firm, as Court appointed Co-Lead Counsel in the Litigation. The Firm is Co-Lead Counsel in the Litigation, together with Schonbrun Seplow Harris Hoffman and Zeldes LLP, and Cuneo Gilbert & LaDuca, LLP (“CGL”).

4. The information in this declaration regarding the Firm’s time and expenses is taken from time and expense reports and supporting documentation prepared and/or maintained by the Firm in the ordinary course of business. These reports (and backup documentation where necessary or appropriate) were reviewed

1 by me and under my direction, in connection with the preparation of this declaration.
2 The purpose of this review was to confirm both the accuracy of the entries, as well
3 as the necessity for, and reasonableness of, the time and expenses committed to the
4 Litigation.

5 5. As a result of this review, reductions were made to both time and
6 expenses in the exercise of billing judgment. Based on this review and the
7 adjustments made, I believe that the time reflected in the Firm's lodestar calculation
8 and the expenses for which reimbursement is sought herein are reasonable and were
9 necessary for the effective and efficient prosecution and resolution of the Litigation.
10 In addition, I believe that the expenses are all of a type that would normally be
11 charged to a fee-paying client in the private legal marketplace.

12 6. In total, Firm has spent a substantial number of hours on this Litigation.
13 The number of hours in Litigation presented by my Firm is 9,183.1 hours. A
14 breakdown of the lodestar (at current rates) is provided in the attached **Ex. 1**. The
15 lodestar amount for attorney/paralegal/law clerk time based on the Firm's current
16 rates is \$6,466,390.00. The current hourly rates shown in **Ex. 1** are the usual and
17 customary rates set by the Firm for a case like this. Firm's lodestar figures are based
18 upon the firm's billing rates, which rates do not include charges for expense items.

19 7. The Firm seeks reimbursement of \$50,291.06 in expenses and charges
20 in connection with the prosecution of the Litigation. Firm also made additional
21 contributions to the litigation fund in the amount of \$75,957.50.

22 8. Those expenses and charges are summarized by category in the
23 attached **Ex. 2**.

24 9. As Co-Lead Counsel, Firm provided extensive work on all facets of the
25 Litigation, including tasks performed in the following categories: factual
26 investigation, legal research, litigation strategy & analysis, initial or amended
27 pleadings, lead plaintiff motion, motions to dismiss, motions for judgment on the
28 pleadings, motions for summary judgment, motions to decide key questions, motions

1 to compel discovery, oppositions to motions to compel discovery, e-discovery,
2 depositions, document review, Court appearances and preparation, appearances
3 before the Special Master, site visit appearances and preparation, class certification
4 and notice, discovery, document review, case management, other pleadings, briefs,
5 issues concerning retention of data in a public database, preparation of government
6 claims, work with experts and consultants, significant work concerning settlement
7 and appearance at five mediation sessions, trial preparation, an Appeal to the Ninth
8 Circuit, taking of depositions, defending depositions, representing Ms. Borsuk
9 related to an insurance coverage lawsuit brought against the lead plaintiff, other
10 lawsuits that could have affected the case, and legislative efforts concerning SB664,
11 an Act to amend Section 31490. Between depositions that Firm took and defended,
12 hearings, site visits, and other necessary proceedings, there were 51 all-day
13 appearances, nearly all of which took place in person, outside of Los Angeles County
14 where Firm's offices are located.

15 10. The expenses pertaining to this case are reflected in the books and
16 records of the Firm. These books and records are prepared from receipts, expense
17 vouchers, check records, credit card statements, and other documents, and are an
18 accurate record of the expenses.

19 11. Attached as **Ex. 3** is my Firm's curriculum vitae.

20 I declare under penalty of perjury under the laws of the United States of
21 America that the foregoing is true and correct.

22 Executed this 25th day of October 2021, at Beverly Hills, California.

23
24 

25 _____
26 Blake J. Lindemann
27
28

Exhibit 1

EXHIBIT 1

In re Toll Roads Litigation, Case No. 8:16-cv-00262

Lindemann Law APC

Inception through October 15, 2021

NAME		HOURS	RATE	LODESTAR
Blake J. Lindemann	(P)	7,602.1	\$750.00	\$5,701,570.00
Donna R. Dishbak	(A)	774.9	\$550.00	\$426,195.00
Daren M. Schlecter	(A)	457	\$550.00	\$251,350.00
Clerks & Paralegals	(C&P)	349.1	\$250.00	\$87,275.00
TOTAL		9,183.1		\$6,466,390.00

(P) Principal/Partner

(A) Associate/Of Counsel

(FP) Former Principal/Former Partner

(FA) Former Associate

(C&P) Clerks & Paralegals (includes Nataly Grande, Samantha Grande, Seung Jae Oh)

Exhibit 2

EXHIBIT 2

In re Toll Roads Litigation, Case No. 8:16-cv-00262
Lindemann Law APC
Inception through October 15, 2021

CATEGORY	AMOUNT
Courier/Filing/Court Fees/Process Service/Other	\$4,637.26
Court Reporters/Videos/Transcripts/Publications	\$16,148.85
Duplicating and E-Discovery Review Platform	\$1,349.40
Expert Fees	Lit. Fund
Lexis/Westlaw/PACER/Legislative History Research	\$7,708.05
Transportation, Hotels, and Meals	\$13,234.65
ADR/Special Master Fees	Lit. Fund
Messenger, Express Mail, Postage	\$7,212.85
Photocopies (external)	
Special Master Fees	
Telephone, Facsimile, Internet	
Miscellaneous: CourtCall	
TOTAL	\$50,291.06

Exhibit 3

Curriculum Vitae

► **Toll Roads Litigation.** Blake initiated and currently serves as Co-Lead Counsel in *In re Toll Roads Litigation*, representing a certified class of millions of California drivers bringing claims against the Transportation Corridor Agencies and a handful of private defendants who plaintiffs allege are improperly and unfairly operating the toll roads in Southern California, violating their privacy rights and collecting unfair fines and penalties from them. *In re Toll Roads Litigation*, Case No. 8:16-cv-00262-AG-JCG (C.D. Cal).

► **In Re Toll Bridges Litigation.** Blake initiated and currently serves as co-lead counsel in representing a class of millions of California drivers in Northern California bringing claims against Conduent State & Local Solutions, Inc. and additional defendants who plaintiffs allege are improperly and unfairly operating the toll bridges in Northern California, violating their privacy rights and collecting unfair fines and penalties from them. *In re Toll Bridges Litigation*, Case No. CGC-17-562613 (San Fran. Sup. Ct.).

► **In Re Toll Highways Litigation.** Blake currently serves as co-lead counsel in representing a class of millions of California drivers in Los Angeles County bringing claims against Metropolitan Transportation Authority and additional defendants who plaintiffs allege are improperly and unfairly operating the toll highways in Los Angeles County, violating their privacy rights and collecting unfair fines and penalties from them. *Jharlinn Avelar, et al. v. Los Angeles County Metropolitan Transportation Authority*, et al. Case No. 19STCV11537 (Los Angeles Sup. Ct. Complex).

► **SANDAG privacy Litigation.** Blake currently serves as co-lead counsel in representing a class of millions of California drivers in San Diego County bringing claims against San Diego Association of Governments, who plaintiffs allege are improperly and unfairly operating the toll bridges in Northern California, violating their privacy rights and collecting unfair fines and penalties from them. *Luis Quintero v. San Diego Association of Governments*, Case No. 37-2019-00017834-CU-NP-CTL (San Diego Sup. Ct.).

► **Electric Scooter Safety Litigation.** Blake currently serves as lead counsel in representing a class of millions of California drivers and pedestrians in Los Angeles and Los Angeles County bringing claims against the City of Los Angeles, the County of Los Angeles, and private scooter manufacturers who plaintiffs allege are improperly allowing a system of motorized scooters operate without proper docking, and such system constitutes a nuisance. *Bludson, et al. v. City of Los Angeles, et al.*, Case No. 20STCV15676 (Los Angeles Sup. Ct. Complex).

► **ALPR Mall Privacy Litigation.** Blake currently serves as lead counsel in representing a class of millions of California citizens bringing claims against private entities who plaintiffs allege are improperly collecting and sharing drivers' personal information. *Navarro, et al. v. SKI Data, Inc., et al.*, Case No. 2:20-cv-07370-SVW-SK (C.D. Cal.).

- ▶ **Unauthorized Credit Inquiry Litigation.** Blake currently serves as lead counsel in representing a class of millions of individual nationwide, who had their personal information provided to unauthorized persons and had their credit inquired of in an unauthorized fashion . *Palmer v. Citizens Bank, N.A., et al.*; Case No. 3:20-cv-06309-JSC (N.D. Cal.).

- ▶ **Kyäni, Inc. Anti-Pyramid And Regulatory Practices Litigation.** Blake initiated and serves as lead Counsel in filing and prosecuting claims that Kyani's business model is a pyramid scheme, illegal endless chain and world-wide racketeering and foreign corrupt practice business model. *Yan Guo, et al v. Kyäni, Inc., et al.*, Case No. 2:17-cv-08257-JAK(GJS) (C.D. Cal.).

- ▶ **Market America, Inc. Anti-Pyramid And Regulatory Practices Litigation.** Blake initiated and serves as lead Counsel in filing and prosecuting claims that Kyani's business model is a pyramid scheme, illegal endless chain and racketeering and foreign corrupt practice business model. *Chuanjie Yang, et al v. Market America, Inc., et al.*, Case No. 1:19-cv-00954 (M.D. N.C.).

- ▶ **Premier Financial Alliance Anti-Pyramid And Labor Practices Litigation.** Blake initiated and serves as counsel in filing claims that PFA's business model is a pyramid scheme, illegal endless chain and racketeering and foreign corrupt practice business model, as well as failing to properly pay PFA's insurance agents as required by the California Labor Code. *Rui Cen, et al v. Premier Financial Alliance, Inc., et al.*, Case No. 4:18-cv-03771-YGR (N.D. Cal.).

- ▶ **World Ventures, LLC Anti-Pyramid And Regulatory Practices Litigation.** Blake initiated and serves as lead Counsel in filing and prosecuting claims that WorldVentures business model is a pyramid scheme, illegal endless chain and racketeering and foreign corrupt practice business model. *Melody Yiru, et al v. Worldventures Holdings, LLC, et al.*, Case No. 3:17-cv-02155 (N.D. Tex.).

- ▶ **Nerium International, LLC Anti-Pyramid And Regulatory Practices Litigation.** Blake initiated and served as lead Counsel in filing and prosecuting claims that Nerium's business model is a pyramid scheme, illegal endless chain and racketeering and foreign corrupt practice business model. The FTC ultimately filed a Civil Action three years after we investigated and commenced our litigation. *Helen Jia et al v. Nerium International, LLC et al.*, Case No. 2:17-cv-05686-R-AGR (C.D. Cal.).

- ▶ **San Diego Hospice & Palliative Care WARN Litigation.** Blake initiated and served as lead Counsel in filing and prosecuting claims that San Diego non-profits engaged in an improper mass layoff under the Federal Workers Adjustment Notification Act and its California equivalent. *Lee v. San Diego Hospice & Palliative Care Corporation*, Adversary Case No. 13-ap-90082; Bankr. Case No. 13-01179-MM11 (Bankr. S.D. Cal.).

- ▶ **Quiksilver Employment Litigation.** Blake initiated and served as lead Counsel in filing and prosecuting claims that a retailer engaged in an improper mass layoff under the Federal Workers

Adjustment Notification Act and its California equivalent, as well as failure to pay amounts owed. *In re Quiksilver*, Bankr. Case No. 15-11880-BLS (D. Del.).

► **Dyck-O’Neal Unfair Debt Collection.** Blake initiated and served as lead Counsel in filing and prosecuting claims that a national debt purchaser, asset manager, and servicer of real estate loans engaged in unfair debt collection practices and threatened in writing to report time-barred and stale debt in violation of Rosenthal and Fair Debt Collections Practices Act. *Talwinder Rana, et al. v. Dyck-O’Neal, et al.*, Case No. 8:21-cv-00323-JLS-DFM (C.D. Cal.).

Practice Areas:

- Class Actions
- Insolvency Practice and Litigation
- Regulatory Practices and Unfair Competition
- Privacy
- Employment Law
- Wrongful Death and Personal Injury

Education:

- **Arizona State University, Sandra Day O’Connor College of Law, Tempe, Arizona**
 - J.D. - 2007
 - Honors: *cum laude*
 - *Editor of Jurimetrics: The Journal of Law, Science and Technology*
- **Arizona State University, William P. Carey School of Business, Tempe, Arizona**
 - B.S. Economics - 2003
 - Honors: *valedictorian*
 - Pedrick Scholar

Honors:

- Super Lawyers 2020: Class Action Section
- Super Lawyers 2019: Class Action Section
- Editor of *Jurimetrics: The Journal of Law, Science, and Technology*

Admissions:

- California, May of 2007