

1 Cornelius P. Dukelow (admitted *pro hac vice*)
Oklahoma Bar No. 19086
2 ABINGTON COLE + ELLERY
320 South Boston Avenue, Suite 1130
3 Tulsa, Oklahoma 74103
Telephone: (918) 588-3400
4 Email: cdukelow@abingtonlaw.com

5 *Attorney for Plaintiffs in Hansell, Gandhi, and Blaqmoor*

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE TRACFONE UNLIMITED
SERVICE PLAN LITIGATION

Lead Case No. 13-cv-03440-EMC

Consolidated Cases:
13-cv-05295-EMC
13-cv-05296-EMC
14-cv-01347-EMC

**DECLARATION OF CORNELIUS P.
DUKELOW IN SUPPORT OF MOTION FOR
AWARD OF ATTORNEYS' FEES AND
EXPENSES AND FOR SERVICE AWARDS
FOR PLAINTIFFS**

Judge: Hon. Edward M. Chen

1 I, Cornelius P. Dukelow, hereby declare as follows:

2 1. I am a member in good standing of the Oklahoma State Bar, licensed to practice
3 before the United States Patent and Trademark Office, and the managing partner at Abington
4 Cole + Ellery, counsel in these consolidated proceedings. I submit this declaration in support of
5 the Motion for Award of Attorneys' Fees and Expenses and for Service Awards for Plaintiffs. I
6 have personal knowledge of the facts set forth herein, and if called to testify thereto, I could and
7 would do so competently.

9 2. I am a 2001 graduate of the University of Tulsa College of Law where I was a
10 member of the University of Tulsa Law Review (formerly the University of Tulsa Law Journal).
11 My practice focuses primarily on consumer protection litigation, patent prosecution and litigation,
12 and pro-bono immigration counseling.

14 3. My primary tasks in this case have included initial case research & development,
15 class member communication & identification, and review of documents produced by defendants
16 in this case.

17 4. I spent considerable time working on this case that could have been spent on other
18 matters. The time I spent on this case has been completely contingent on the outcome. I have not
19 been paid for any of my time spent on this case, nor reimbursed for any expenses incurred in this
20 case.

22 5. In connection with this case, I have billed a total of 198.7 hours to date, for a total
23 lodestar of approximately \$109,285.00. (Not included in my lodestar are: 129.8 hours of initial
24 claims research and fact investigation, an estimated 20 hours of review of case pleadings that I
25 had no part in drafting, and miscellaneous communications with co-counsel.) The total number
26 of billed hours is broken down as follows: case development (class member communication &
27 identification of approximately 1200 class members) 176.1 hours; discovery (document review)
28

1 17.4 hours; pre-trial pleadings 3.0 hours; case management & strategy 2.2 hours. This
 2 information is derived directly from my time records that are prepared contemporaneously and
 3 maintained in the ordinary course of business. A breakdown of the lodestar is as follows:

NAME	HOURS	RATE	LODESTAR
Cornelius P. Dukelow (A)	198.7	\$550	\$109,285.00
TOTAL:			\$109,285.00

7 (A) Attorney

8 6. My hourly rate is set according to prevailing market rates. My hourly rate in this
 9 case is identical to the hourly rate I am currently billing in two pending data breach cases in the
 10 somewhat comparable markets of Minneapolis, MN and Atlanta, GA (*In re: Target Corporation*
 11 *Customer Data Security Breach Litigation*, 14-md-02522, United States District Court District of
 12 Minnesota; and *In re: The Home Depot, Inc. Customer Data Security Breach Litigation*, 14-md-
 13 02583, United States District Court Northern District of Georgia). In 2010 I was approved by the
 14 United States District Court Southern District of New York at a rate of \$500 per hour – \$50 less
 15 per hour than my rate of \$550 per hour in this case (*In re: Sony Corp. SXRDRear Projection*
 16 *Television Marketing, Sales Practices & Products Liability Litigation*, 09-md-02102, United
 17 States District Court Southern District of New York).

19 I declare under penalty of perjury under the laws of the State of Oklahoma that the
 20 foregoing is true and correct. This declaration was executed in Tulsa, Oklahoma on April 20,
 21 2015.

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24 _____
 25 Cornelius P. Dukelow