

THE HONORABLE JOHN H. CHUN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

KIMBERLY BOTTOMS, on behalf of herself
and all others similarly situated,

Plaintiff,

v.

BLOCK, INC. (F/K/A, SQUARE, INC.)
(D/B/A, CASH APP),

Defendant.

No. 2:23-cv-01969-JHC

**DECLARATION OF E. MICHELLE
DRAKE IN SUPPORT OF
PLAINTIFF'S MOTION FOR
ATTORNEYS' FEES, COSTS, AND
SERVICE AWARD**

I, E. Michelle Drake, hereby declare as follows:

1. I am one of Plaintiff's Counsel in the above-captioned matter.
2. I submit this Declaration in support of Plaintiff's Motion for Attorneys' Fees, Costs, and Service Award.
3. My firm, along with Terrell Marshall Law Group, took this case on a contingency basis. My firm has received no reimbursement on this matter to date.
4. I have significant experience litigating class action cases,¹ and was co-lead counsel in another recent class action CEMA settlement, *Moore v. Robinhood Financial, LLC*, No. 2:21-cv-01571-BJR (W.D. Wash.). I also am one of plaintiffs' counsel in *Brown v. Old Navy, LLC*, No. 2:23-cv-00781-JHC (W.D. Wash.), which went to the Washington Supreme Court with a certified question, and for which the Court issued an opinion supporting plaintiffs' position on CEMA. This

¹ See generally E. Michelle Drake Biography, available at <https://bergermontague.com/drake/>.

1 experience, along with my firm’s general experience and reputation in complex litigation,² was
 2 instrumental to efficiently and effectively litigating and negotiating this case, and resulted in the
 3 settlement here.

4 5. Berger Montague’s hourly rates are regularly accepted by courts throughout the
 5 country for purposes of class action fee awards. *See, e.g., In re Domestic Drywall Antitrust Litig.*,
 6 No. 13-md-2437, 2018 WL 3439454, *20 (E.D. Pa. July 17, 2018) (in case in Berger Montague’s
 7 headquarters’ district, holding that the hourly rates claimed by Berger, among other firms, were
 8 “well within the range of rates charged by counsel in this district in complex cases”); *Devlin v.*
 9 *Ferrandino & Son, Inc.*, No. 15-4976, 2016 WL 7178338, *10 (E.D. Pa. Dec. 9, 2016) (“[T]he
 10 hourly rates for Class Counsel [including Berger Montague] are well within the range of what is
 11 reasonable and appropriate in this market”); *see also Howell v. Checkr, Inc.*, No. 3:17-cv-04305-
 12 SK, ECF No. 82 (N.D. Cal. Dec. 13, 2018) (final approval order approving Berger Montague’s fee
 13 request in case in this Circuit, which was supported by lodestar cross-check using Berger
 14 Montague’s standard hourly rates); *Douglas v. DHI Group, Inc.*, No. 2018-1-CV-331732, Order
 15 (Santa Clara Cnty., Cal. Super. Ct. Aug. 6, 2019) (same); *Lee v. The Hertz Corp.*, No. CGC-15-
 16 547520, Order (San Fran. Cnty., Cal Super. Ct. Aug. 30, 2019) (order approving fees and costs,
 17 specifically finding lodestar cross-check to support reasonableness of fee award, including hours
 18 and rates of Berger Montague); *Terrell v. Costco Wholesale Corp.*, No. 16-2-19140-1, Order (King
 19 Cnty., Wash. Super. Ct. June 19, 2018) (order approving fees and costs and stating that Berger
 20 Montague’s hourly rates “are reasonable given the experience and skill of counsel”).

21 6. Berger Montague’s time records are maintained in accordance with industry
 22 standards to ensure reliability and transparency. The firm’s formal policy requires all
 23 timekeepers—including attorneys and support staff—to keep records of time worked
 24 contemporaneously and to provide sufficient detail to convey the nature and merit of the work
 25 performed. To ensure each time entry contains sufficient detail, Berger Montague requires time
 26 entries to include both matter numbers (corresponding to the specific case) and task codes

27 ² *See generally* About Berger Montague, available at <https://bergermontague.com/about/>.

(corresponding to the type of work performed). The firm uses the widely-accepted ABA Litigation Code Set, which includes 29 task codes spread across 5 stages of litigation (e.g., Pre-Trial Pleadings and Motions, Discovery, etc.) to allocate time to particular tasks. This model, endorsed by courts, ensures that time is billed in a uniform and task-oriented manner. Timekeepers are also required to provide narrative descriptions setting forth the case-specific tasks. This manner of timekeeping, with contemporaneous records and detailed descriptions broken down by task, provides a level of accountability that courts nationwide routinely recommend when scrutinizing applications for attorneys' fees. *Deary v. City of Gloucester*, 9 F.3d 191, 197-98 (1st Cir. 1993) ("In order to recover fees, attorneys must submit a full and precise accounting of their time, including specific information about number of hours, dates, and the nature of the work performed."); *Bode v. United States*, 919 F.2d 1044, 1047 (5th Cir. 1990) (collecting cases) ("[C]ourts customarily require the applicant to produce contemporaneous billing records or other sufficient documentation so that the district court can fulfill its duty to examine the application.").

7. Using Berger Montague's current hourly rates, the firm's lodestar is \$482,152.10. A table of the timekeepers on this matter is below, and a true and correct copy of the underlying entries is attached hereto as Exhibit A, with redactions for attorney-client privilege and work product.

Timekeeper	Position	Atty. Yrs. Of Experience	Hours Worked	Hourly Rate	Lodestar
Rios, Sophia	Shareholder	9	278.2	\$820	\$228,124
Amland, Megan	Legal Project Analyst		228	\$340	\$77,520
Raghavan, Radha	Associate	10	42.4	\$725	\$30,740
Drake, E. Michelle	Executive Shareholder	24	42.9	\$1180	\$50,622
Fewer, Colleen	Associate	7	47.47	\$680	\$32,279.60
Hemphill, Noel	Legal Project Analyst		34.8	\$325	\$11,310
Dang, Michelle	Legal Project Analyst		33.8	\$340	\$11,492
Hibray, Jean	Paralegal		27.2	\$500	\$13,600
Plasko, Olivia Grace	Legal Project Analyst		14	\$340	\$4,760
DeSanto, Mark	Shareholder	15	12	\$855	\$10,260

Raths, Katherine	Associate	3	10.5	\$625	\$6,562.50
Gionnette, Julie	Legal Assistant		6.8	\$305	\$2,074
Hannaway, James	Associate	5	2.6	\$850	\$2,210
Gebo, Rachel	Legal Project Team Manager		1.3	\$460	\$598
Totals			781.97		\$482,152.10

8. This lodestar does not include time that was considered by counsel as purely administrative, not benefitting the Settlement Class, or as arguably excessive. Also not reflected in the lodestar is the additional time Berger Montague will expend to prepare the motion for final approval, attend the final approval hearing, and continue to monitor settlement administration through distribution.

9. To date, Berger Montague has additionally incurred \$13,083.56 in out-of-pocket costs, for which no reimbursement has been received. These costs were necessary to the successful resolution of this matter. Berger Montague has controls and processes in place to control costs including: requiring multiple approvals for large expert costs, requiring coach or economy class airfare bookings, and not reimbursing for items like alcohol, for which a paying client would not normally be charged. A table summarizing the categories of those costs is below.

Category	Amount
Color Prints	\$22.60
Computer Research	\$65.33
Consulting fees	\$2,215.84
Docusign	\$12.40
E-Discovery Hosting	\$166.01
Expert Fees	\$198.00
Filing & Misc. Fees	\$93.75
Hotel	\$2,159.02
Meals	\$321.05
Mediation Fees	\$6,525.00
Reproduction costs scans	\$24.65
Transcripts	\$495.00
Travel	\$784.91
Total	\$13,083.56

1 The foregoing statement is made under penalty of perjury, and is true and correct to the
2 best of my knowledge and belief.

3 Date: September 25, 2025

/s/E. Michelle Drake
E. Michelle Drake, Admitted *Pro Hac Vice*