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13 *Attorneys for Plaintiff Manuel I. Figueroa, M.D.,*
 14 *and the Proposed Class*

15 **SUPERIOR COURT FOR THE STATE OF CALIFORNIA**

16 **COUNTY OF LOS ANGELES**

18 MANUEL I. FIGUEROA, M.D., for and on
 19 behalf of himself and other persons similarly
 20 situated,

21 Plaintiff,

22 vs.

23 MOLINA HEALTHCARE OF
 CALIFORNIA, INC.,

24 Defendant.

Case No. BC645344
 (Hon. Kenneth R. Freeman, Dept. 14)

CLASS ACTION

**DECLARATION OF GREGORY W.
 LYONS IN SUPPORT OF MOTION FOR
 APPROVAL OF ATTORNEYS' FEES
 AND INCENTIVE AWARD FOR CLASS
 REPRESENTATIVE**

Date: November 9, 2023
 Time: 10:30 a.m.
 Place: Dept. 14, Spring Street Courthouse

Action filed: December 30, 2016
 Trial Date: Not set

28

1 I, Gregory W. Lyons, do hereby declare as follows:

2 1. I am an attorney at law licensed to practice before the courts of the State of Wisconsin.
3 I have been admitted *pro hac vice* to represent the Plaintiff and the proposed class before this Court.
4 Through my firm, I am one of the attorneys for Plaintiffs in this action. This declaration is made
5 based on my personal knowledge and is submitted in support of Plaintiff's Motion for Approval of
6 Attorneys' Fees and Incentive Award for Class Representative.

7 2. I and other class counsel for Plaintiffs have invested a substantial amount of time and
8 resources investigating and litigating this action. This includes time spent building this case from the
9 ground up, analyzing the federal Affordable Care Act and its interaction with relevant California law,
10 working with Plaintiff and Plaintiffs' staff to obtain the necessary evidence and evaluate the specific
11 records and data necessary to prosecute the case, and communicating pre-suit with Defendant Molina
12 Healthcare of California, Inc. ("Defendant" or "Molina") and its in-house counsel, regarding
13 Plaintiff's claims. Based on this significant pre-suit investigation and analysis, Class Counsel
14 identified viable California state law claims and prepared a detailed Class Action Complaint for filing
15 on December 30, 2016.

16 3. At the outset of this case, Molina and its counsel took the position that Molina had
17 paid all of the Enhanced Payments owed to class members. After multiple rounds of document
18 exchanges, document review, and conferences with Molina, its counsel, and its employees, class
19 counsel ultimately determined that Molina owes the 3,464 members of the Settlement Class the
20 collective sum of \$3,488,489.53. This figure was determined based on review and analysis of data
21 from patient encounters for Settlement Class members during 2013 and 2014, the two-year period
22 that is relevant in this case.

23 4. Attorneys from O'Neil, Cannon, Hollman, DeJong & Laing S.C. have decades of
24 experience working on large, complex cases, including class actions, and have had significant success
25 in securing substantial benefits to class action plaintiffs in multiple jurisdictions. Attorney Douglas
26 Dehler and I each have over thirty years of complex litigation experience and our former colleague,
27 Laura Lavey, had twelve years of experience prior to leaving O'Neil, Cannon, Hollman, DeJong &
28 Laing S.C. to become a state court judge in Wisconsin.

1 5. Class counsel litigated this case on a contingency basis and have thus far received no
2 compensation for our time or out-of-pocket costs. If we did not successfully resolve this matter, we
3 would have been paid nothing and would have been out approximately \$68,618 in expenses.

4 6. From the inception of this litigation through September 30, 2022, class counsel
5 collectively devoted 2,910.7 hours to this case and have incurred \$1,449,876.00 in attorneys' fees, a
6 sum that is \$577,753.62 greater than the actual attorneys' fee award of \$872,122.38 that Molina has
7 agreed to pay and that Plaintiff seeks in the Motion for Approval of Attorneys' Fees and Incentive
8 Award for Class Representative. A table setting forth the average rate of each timekeeper who
9 worked on this matter, their hourly rate, hours billed, and total fees billed in connection with this
10 matter, is attached hereto as Exhibit 1. This table includes time billed by timekeepers at O'Neil,
11 Cannon, Hollman, DeJong & Laing S.C. and Nelson & Fraenkel LLP, our local counsel in California.
12 The proposed \$872,122.38 does not include the approximately \$68,618 in expenses that class counsel
13 has incurred in prosecuting this action, fees that Class Counsel paid out-of-pocket to plaintiff's
14 experts, thereby providing additional benefits to members of the Settlement Class.

15 7. Time billed by class counsel in connection with this matter includes time spent by
16 class counsel on relevant activities including pre-suit investigation, defense of Plaintiff's claims in
17 response to Molina's demurrer, and the significant amount of time it took class counsel and its experts
18 to review and analyze the voluminous records produced by Molina in connection with this action,
19 among other things.

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

22
23 Executed this 20th day of December, 2022, at Milwaukee, Wisconsin

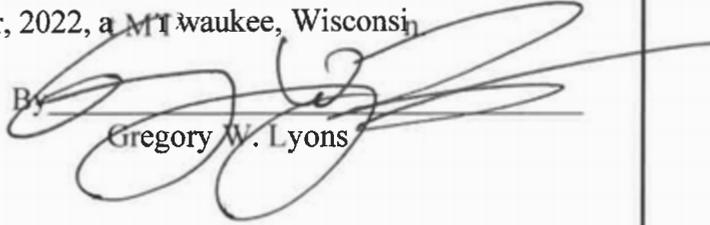
24 By 
25 Gregory W. Lyons

EXHIBIT 1

Exhibit 1 to Declaration of Gregory W. Lyons

Timekeeper	Role	Average Rate	Hours	Total
Laura Lavey	Attorney	\$395.83/hour	1381.8	\$546,955.00
Gregory Lyons	Attorney	\$599.13/hour	890.7	\$533,642.50
Douglas Dehler	Attorney	\$606.08/hour	352.9	\$213,884.00
Gabriel Barenfeld	Attorney	\$750/hour	81.1	\$60,825.00
Gretchen Nelson	Attorney	\$850/hour	6.2	\$5,270.00
Grant Killoran	Attorney	\$732.25/hour	60.1	\$44,008.50
Ryan Riebe	Attorney	\$345/hour	42.7	\$14,731.50
Randall Ollie	Attorney	\$290/hour	23.1	\$6,699.00
Kelly Kuglitsch	Attorney	\$496.94/hour	18.8	\$9,342.50
Austin Malinowski	Attorney	\$249/hour	10.5	\$2,614.50
Christopher Keeler	Attorney	\$236.94/hour	5.4	\$1,279.50
Christa Wittenberg	Attorney	\$403.04/hour	4.6	\$1,854.00
Margarita Castaneda	Attorney	\$145/hour	2.8	\$406.00
John Schreiber	Attorney	\$450/hour	2.7	\$1,215.00
Joseph Newbold	Attorney	\$525/hour	.4	\$210.00
Heather Burg	Paralegal	\$266.23/hour	24.7	\$6,576.00
Jessica Watson	Paralegal	\$165/hour	2.2	\$363.00
Totals			2910.7	\$1,449,876.00

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SERVICE LIST
Figueroa, M.D. v. Molina Healthcare of California, Inc., et al.
Case No. BC645344

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