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KELLY MERGENS
7

8 **UNITED STATES DISTRICT COURT**
9 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

10 KELLY MERGENS, on behalf of
herself and all others similarly situated,

11 Plaintiff,

12 vs.

13 SLOAN VALVE COMPANY, and
14 DOES 1-10, inclusive,

15 Defendants.
16

Case No. 2:16-cv-05255-SJO-SK

**SUPPLEMENTAL
DECLARATION OF DAVID M.
BIRKA-WHITE IN SUPPORT OF
PLAINTIFF'S MOTION FOR
FINAL APPROVAL OF CLASS
ACTION SETTLEMENT AND
MOTION FOR ATTORNEYS'
FEES AND COSTS**

The Honorable S. James Otero

Date: September 18, 2017

Time: 10:00 a.m.

Dept.: Courtroom 10C

Action Filed: July 15, 2016

Related Case:

United Desert Charities, et al. v.

Sloan Valve Company, et al.

Case No. 2:12-cv-06878-SJO-SH

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1 I, DAVID M. BIRKA-WHITE, declare as follows:

2 1. I am an attorney at law duly licensed to practice before this Court and
3 all courts of the State of California. I am counsel of record for Plaintiff Kelly
4 Mergens. I submit this supplemental declaration in support of Plaintiff's Motion
5 for Final Approval of Class Action Settlement Agreement and Motion for
6 Attorneys' Fees and Costs and an Incentive Award. I have personal knowledge as
7 to the facts stated herein and, if called upon to do so, could and would competently
8 testify thereto.

9 2. Pursuant to the Notice Program and the Preliminary Approval Order
10 issued by this Court on April 10, 2017 (ECF No. 44), Settlement Class Members
11 were given the opportunity to provide objections to the Settlement by sending such
12 objections to my attention, postmarked no later than August 21, 2017. As of
13 September 1, 2017, I have not received any objections to the proposed Settlement.

14 3. My firm has expended a total of \$10,095.47 in unreimbursed expenses.
15 The updated cost summary is attached hereto as **Exhibit 1** and is an accurate record
16 of the expenses incurred in this case.

17 4. All of the foregoing expenses were reasonable and necessarily
18 incurred. The costs are reflected on the books and records of my firm which are
19 maintained in the ordinary course of business.

20 5. Class Counsel requests reimbursement of costs in the updated amount
21 of \$10,491.48.

22 I declare under penalty of perjury, under the laws of the United States of
23 America, that the foregoing is true and correct.

24 Executed this 1st day of September 2017, at Diablo, California.

25 */s/ David M. Birka-White*
26 DAVID M. BIRKA-WHITE

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EXHIBIT 1

Birka-White Law Offices

All Transactions

Type	Date	Category	Description	Amount
Court Costs				
Credit	07/15/2016	Court Costs	COURTS/USDC-CAC - Complaint filing fee.	400.00
Check	04/18/2017	Court Costs	Preliminary Approval Hearing Transcript	61.50
				461.50
Litigation Support				
Credit	12/01/2016	Litigation Support	Deadlines.com - Calendaring	165.00
				165.00
Mediation Fees				
Check	08/22/2016	Mediation Fees	JAMS - Invoice No. 0003813104-100 (Mediation Fees)	2,950.00
Check	11/29/2016	Mediation Fees	JAMS - Invoice No. 0003895408-100 (Mediation Fees - Dec. 9)	2,500.00
				5,450.00
Messenger Services				
Check	01/24/2017	Messenger	One Legal - Invoice No. 10776178 - Stipulation/Proposed Order	26.95
Check	01/24/2017	Messenger	One Legal - Invoice No. 10807146 - Revised Stipulation/Proposed Order	26.95
Check	03/23/2017	Messenger	One Legal - Invoice No. 10847845 - Ex Parte App to Exceed	26.95
Check	03/23/2017	Messenger	One Legal - Invoice No. 10854947 - Motion for Preliminary Approval	26.95
Check	03/23/2017	Messenger	One Legal - Invoice No. 10856479 - Stipulation to Shorten Time Prelim	26.95
Check	03/23/2017	Messenger	Wheels of Justice - Invoice No. W2675170 - Courtesy Copies - Stipulated Protective Order	110.00
Check	03/23/2017	Messenger	One Legal - Invoice No. 10854950 - Motion to Modify	26.95
Check	04/18/2017	Messenger	One Legal - Invoice No. 10898221	27.95
Check	07/05/2017	Messenger	One Legal - Invoice No. 10976518 - Courtesy Copy	27.95
Check	07/05/2017	Messenger	One Legal - Invoice No. 10976558 - Courtesy Copy	27.95
				355.55
Travel Expenses				
Check	10/13/2016	Travel	Emcarcadero Parking for Flushmate Mediation - MMW	36.00
Check	12/29/2016	Travel	Embarcadero Center Parking for Flushmate Mediation - MMW	21.00
Credit	04/06/2017	Travel	Southwest Airfare - MMW (Preliminary Approval)	467.96
Credit	04/07/2017	Travel	Omni Hotel - MMW (Preliminary Approval)	245.67
Credit	04/09/2017	Travel	Southwest Airfare - DBW (Preliminary Approval)	246.98
Credit	04/09/2017	Travel	Omni Hotel - DBW (Preliminary Approval)	246.98
Check	04/18/2017	Travel	Taxi from LAX to Hotel (Preliminary Approval Hearing - MMW)	67.98
Check	04/18/2017	Travel	Parking at SFO (Preliminary Approval Hearing - MMW)	66.00

2:21 PM
06/16/17
Cash Basis

Birka-White Law Offices

All Transactions

Type	Date	Category	Description	Amount
Check	04/18/2017	Travel	Omni Hotel	77.00
Credit	04/25/2017	Travel	Southwest Airfare - MMW (Final Approval)	211.96
Credit	04/25/2017	Travel	Omni Hotel - MMW (Final Approval)	311.83
Credit	06/06/2017	Travel	Southwest Airfare - DBW (Final Approval)	171.96
Credit	06/08/2017	Travel	Omni Hotel - DBW (Final Approval)	363.97
Credit	08/11/2017	Travel	Southwest Airfare - MMW (Meeting with CLASS)	314.46
Check	08/14/2017	Travel	Omni Hotel - MMW (Meeting with CLASS)	393.97
Check	08/14/2017	Travel	Hertz Rental (Meeting with CLASS)	64.10
Check	08/14/2017	Travel	Parking at OAK	62.00
				3,359.82

Internal photocopying costs: 1,468 @ \$0.20 per page.

293.60

TOTAL 10,095.47