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12 *Attorneys for Plaintiff Coziahr and the Certified Class*

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15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
16 **COUNTY OF SAN DIEGO**

17 MARK COZIAHR, on behalf of himself and all
18 others similarly situated,

19 PLAINTIFF,

20 VS.

21 OTAY WATER DISTRICT; and DOES 1
22 through 200, inclusive,

23 DEFENDANTS.

Case No. 37-2015-00400000-CU-MC-CTL

CERTIFIED CLASS ACTION

**DECLARATION OF STEVEN M. TINDALL
IN SUPPORT OF PLAINTIFF'S MOTION
FOR ATTORNEYS' FEES, COSTS, AND
SERVICE AWARD**

Date: July 31, 2026
Time: 9:00 a.m.
Dept: C-67
Judge: Hon. Michael T. Smyth

1 I, Steven M. Tindall of Gibbs Mura LLP, declare as follows under penalty of perjury:

2 1. Along with my colleagues from Gibbs Mura, I represent Plaintiff in this certified class
3 action and respectfully submit this declaration in support of Plaintiff's Motion for Attorneys' Fees, Costs,
4 and Service Award. I have personal knowledge of the facts set forth below and if called as a witness, could
5 and would testify competently to them except where I make a statement on information and belief, in
6 which case I am informed and believe the statement to be true.

7 2. Andre Mura, Zeke Wald, and other members of our law firm, and I have been intimately
8 involved in this case. Gibbs Mura LLP and its attorneys and staff have worked on this case since before
9 it was filed in 2015. Through this litigation, we have faced substantial risks, including the risk of litigating
10 against a sophisticated public entity, the risk that the novel claims would not survive a motion to dismiss,
11 the risk that Defendant would (and has) contested Plaintiff's claims, the risk of losing at trial (on either
12 liability or remedies), the risk of an unfavorable appellate determination overturning the Class Judgment,
13 the risk of the California Supreme Court taking up the appeal and overturning the Class Judgment, the
14 risk of the legislature undercutting the Class Judgment with unfavorable legislation, and the risk of an
15 unfavorable determination on remand as to the amount of the refund owed to the Class.

16 **Attorneys' Fees**

17 3. I (Steven Tindall) am a 1996 graduate of the University of California at Berkeley School
18 of Law. Following graduation from law school, I served as law clerk to two United States District Court
19 Judges, Hon. Judith Keep of the Southern District of California and Hon. Claudia Wilken of the Northern
20 District of California. Thereafter, I was an associate at the San Francisco office of Lief Cabraser Heimann
21 & Bernstein. In January 2002, I became a partner in the firm. At Lief Cabraser, I practiced primarily class
22 action and complex litigation. On January 1, 2007, I became a name partner in the firm of Rukin Hyland
23 Doria & Tindall ("Rukin Hyland"), where I continued to specialize in class action and complex
24 litigation. On January 3, 2017, after ten years at Rukin Hyland, I became a partner at Gibbs Mura, where
25 I continue to represent plaintiffs in class actions, mass arbitrations, and other complex and representative
26 litigation. I have been actively involved in prosecuting this case since its inception, including arguing class
27 certification and the statute of limitations before the original trial in this Court. Additional details about
28

1 my work and experience, including litigation highlights, are included in the firm resume submitted as
2 Exhibit 2 to my declaration in support of Plaintiff's Motion for Preliminary Approval.

3 4. I am informed by Andre Mura and on that basis I believe that Mr. Mura is a 2004 graduate
4 of the George Washington University Law School. Before joining Gibbs Mura, Andre was senior litigation
5 counsel at the Center for Constitutional Litigation PC, where he represented plaintiffs in high-stakes
6 appeals in state supreme courts and federal appellate courts. Andre is on the Board of the Civil Justice
7 Research Initiative of Berkeley Law, a Fellow of the American Bar Foundation, a member of the Lawyers
8 Committee of the National Center for State Courts, President of the National Civil Justice Institute, a past
9 Chair of the American Association for Justice's LGBT Caucus, past Trustee of the National College of
10 Advocacy, and a member of Williams' College's Latino/a and BigLATA Alumni Network. Andre was lead
11 trial counsel in the trials on both liability and remedies in the Superior Court, presenting evidence and
12 argument that led to the original verdict in favor of the class. Andre was also lead appellate counsel,
13 arguing the Class's appeal before the California Court of Appeal. Additional details about Andre's work
14 and experience, including litigation highlights, are included in the firm resume submitted as Exhibit 2 to
15 my declaration in support of Plaintiff's Motion for Preliminary Approval.

16 5. I am informed by Kyla Gibboney, and on that basis I believe, that Ms. Gibboney is a 2014
17 graduate of the University of California, College of the Law, San Francisco (formerly UC Hastings). Before
18 joining Gibbs Mura, Kyla was an antitrust extern at the United States Department of Justice, and an
19 associate attorney at the Joseph Saveri Law Firm Inc. Kyla was an associate attorney at Gibbs Mura from
20 2019 to 2024, where she focused on class action and complex litigation. Kyla is currently an associate with
21 Berger Montague's antitrust department in San Francisco. Kyla assisted with briefing and discovery
22 connected to the original proceedings leading up to the trial of this action in the Superior Court.

23 6. I am informed by Zeke Wald, and on that basis I believe that Mr. Wald is a 2021 graduate
24 of the University of California at Berkeley School of Law. Zeke served as class counsel in a data privacy
25 case against Thomson Reuters on behalf of a class of millions of Californians, which resulted in a \$27.5
26 million settlement along with substantial injunctive relief. Zeke was a member of the law and briefing trial
27 teams for three bellwether trials in the federal consolidated multi-district proceeding *In re: 3M Combat Arms*
28 *Earplug Products Liability Litigation*, and is a member of the law and briefing and bellwether trial teams in

1 the federal consolidated multi-district proceedings against Instagram, Facebook, Snapchat, TikTok, and
2 YouTube in *In re Social Media Adolescent Addiction/Personal Injury Products Liability Litigation*. Additional details
3 about Zeke’s work and experience are included in the firm resume submitted as Exhibit 2 to my
4 declaration in support of Plaintiff’s Motion for Preliminary Approval. Zeke assisted with briefing and
5 discovery connected with the original trial of this action, assisted Andre Mura and me throughout the
6 appellate process and request for Supreme Court review, and worked on briefing and discovery on
7 remand, including arguing discovery motions before this Court in the remand proceedings.

8 7. Gibbs Mura LLP’s other listed billers—Caroline Corbitt, Shane Howarter, Hanne Jensen,
9 and Anna Katz—are current and former associates at the firm who assisted with legal research, briefing,
10 and discovery (Corbitt and Howarter in the original proceedings, and Katz and Jensen on the appellate
11 proceedings).

12 8. In 2019, Andre Mura and I were named winners of one of the California Lawyer Attorney
13 of the Year (“CLAY”) awards for our work on the *De La Torre v. CashCall* matter (along with our co-
14 counsel on that case), in which we obtained a unanimous ruling from the California Supreme Court on
15 behalf of a class of California consumers who had taken out loans from defendant CashCall at extremely
16 high interest rates. (See *De La Torre v. CashCall, Inc.* (2018) 5 Cal. 5th 966.) In 2023, along with co-counsel,
17 I was named by both the San Francisco Trial Lawyers Association (“SFTLA”) and the Marin Trial Lawyers
18 Association (“MTLA”) as a 2023 finalist for Trial Lawyer of the Year for our later trial work on the same
19 case: *De La Torre v. CashCall Inc.* In addition, also in 2023, along with our co-counsel in the case, I, Andre
20 Mura, Zeke Wald, and Kyla Gibboney were named winner of another CLAY award, this time for our
21 work successfully trying to a \$79.5 million verdict in this Court in the case of *Daniel Patz et al. v. City of San*
22 *Diego*, San Diego Superior Court No. 37-2015-00023413-CU-MC-CTL. In 2024, Law360.com named
23 Gibbs Mura one of the Class Action Practice Groups of the Year, due in part to the work that my Gibbs
24 Mura colleagues and I did on the *Patz* and *CashCall* matters.

25 9. I am informed by Scott D. Levine and on that basis I believe that Mr. Levine is a 1991
26 graduate of California Western School of Law, and is the founding partner of Scott D. Levine, APC. Scott
27 has spent over three decades representing consumers, has served as a member of Consumer Attorneys of
28 San Diego and California for over fifteen years, and has served as the President of the Consumer Attorneys

1 of San Diego. He received the Consumer Advocate of the Year award in 2003. Scott, and his associates
 2 and staff, assisted in preparing the complaint, legal research and discovery in the original proceedings, and
 3 working directly with the Named Plaintiff Mark Coziahr to keep him up to date on the case.

4 10. The hourly rates for the attorneys, paralegals, and law clerks at Gibbs Mura LLP are as
 5 follows: partner hourly rates range from \$1,100 to \$1,130; and associate hourly rates range from \$340 to
 6 \$665. The total number of hours spent by Gibbs Mura LLP during the relevant time period based on
 7 contemporaneous time records is **2801.7** hours, with a corresponding lodestar of **\$2,099,740.50**. This does
 8 not include any attorneys and staff who billed fewer than 50 hours.¹ Multiple courts have accepted the
 9 rates of Gibbs Mura LLP attorneys in California court, including in *Brooks v. Thomson Reuters*, No. 3:21-cv-
 10 01418-EMC, Dkt. No. 264-1 at pp. 6-7 (N.D. Cal. Oct. 25, 2024) (reporting \$915 per hour for Mura and
 11 \$490 per hour for Wald), Dkt. No. 280 at p. 7 (approving fee award); *In re Zoom Video Commc'ns, Inc. Priv.*
 12 *Litig.*, No. 3:20-cv-02155-LB, 2022 WL 1593389, at *11 (N.D. Cal. Apr. 21, 2022) (accepting rates as
 13 reasonable) ECF No. 218-5 at 6 (N.D. Cal. Jan. 28, 2022) (reporting \$775 per hour for Mura), 2022 WL
 14 1593389, at *11 (N.D. Cal. Apr. 21, 2022) (accepting rates as reasonable); *Tyler Barnett PR, LLC v. Facebook,*
 15 *Inc.*, No. 4:16-cv-06232-JSW, ECF No. 211 at 4 (N.D. Cal. June 26, 2020) (finding rates reasonable). I am
 16 informed by Scott Levine and on that basis I believe that his hourly rate is \$750, and his associates' hourly
 17 rates are \$450. Scott Levine reported that the total number of hours spent by his firm during the relevant
 18 time period based on time records is **805.8** hours, with a corresponding lodestar of **\$505,920**. This does
 19 not include any support staff time.

Timekeeper	Title (Firm)	Years of Practice	Rate	Hours	Lodestar
Gibboney, Kyla	Associate (Gibbs Mura)	12	\$665	344	\$228,760
Mura, Andre	Partner (Gibbs Mura)	22	\$1100	448.6	\$493,460

28 ¹ Other billers who billed less than 50 hours individually billed a cumulative total of 202.6 hours, with a cumulative lodestar of \$128,539.

1	Tindall, Steven	Partner (Gibbs Mura)	30	\$1,130	460.6	\$520,478
2						
3	Wald, Zeke	Associate (Gibbs Mura)	5	\$585	1228.8	\$718,848
4						
5	Corbitt, Caroline	Associate (Gibbs Mura)	11	\$365	131.8	\$48,107
6						
7	Jensen, Hanne	Associate (Gibbs Mura)	6	\$635	78.1	\$49,593.50
8						
9	Howarter, Shane	Associate (Gibbs Mura)	10	\$340	57.1	\$19,414
10						
11	Katz, Anna	Associate (Gibbs Mura)	3	\$400	52.7	\$21,080
12						
13	Gibbs Mura LLP Subtotal:				2801.7	\$2,099,740.50
14	Hubinger, David	Associate (Scott D. Levine, APC)	7	\$450	8.2	\$3,690
15						
16	Hoong, Ken	Associate (Scott D. Levine, APC)	7	\$450	308.4	\$138,780
17						
18	Sells, Kristen	Associate (Scott D. Levine, APC)	3	\$450	0.1	\$45
19						
20	Malik, Mubarak	Associate (Scott D. Levine, APC)	8	\$450	11.4	\$5,130
21						
22	Levine, Scott	Partner (Scott D. Levine, APC)	35	\$750	477.7	\$358,275
23						
24	Scott D. Levine, APC Subtotal:				805.8	\$505,920
25	Total:				3,607.5	\$2,605,660.50
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1 **Litigation Costs**

2 11. The total unreimbursed costs and expenses incurred during this litigation are **\$283,069.80**.

3 The following table reflects a summary of these unreimbursed costs and expenses for the Court's review:

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Total Accounting	Expenses
Georgia Discovery Dispute	\$16,933.42
Experts/Consultants	\$167,467.50
Filing Fees	\$5,695.05
Copying	\$2,226.37
Litigation Support	\$4,093.25
Mediation	\$18,480.00
Miscellaneous	\$2,678.69
Research	\$13,391.89
Transcripts	\$15,886.80
Travel	\$12,193.96
Litigation Class Notice	\$22,062.00
Court Fees	\$1,960.87
Total	\$283,069.80

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16 12. The costs and expenses incurred in this action were advanced by Gibbs Mura LLP in the
17 amount of **\$231,607.11** and, based on Scott Levine's reported expenses, by Scott D. Levine, APC in the
18 amount of **\$51,462.69**.

19

20 I declare under penalty of perjury that the foregoing is true and correct to the best of my
21 knowledge. Executed on May 20, 2026 in Oakland, California.

22 

23 _____
24 Steven M. Tindall
25 Gibbs Mura LLP