

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

FRANZ LESTI and PETRA RICHTER,

Plaintiffs,

vs.

Case No. 2:11-cv-695-FtM-29DNF

WELLS FARGO BANK, N.A., formerly  
known as Wachovia Bank, N.A.,

Defendant.

\_\_\_\_\_ /

**DECLARATION OF AMY S. RUBIN, ESQ.**

Amy S. Rubin, Esq. declares, pursuant to 28 U.S.C. § 1746:

1. I am a partner at Fox Rothschild, LLP (“Fox Rothschild” or the “Firm”) and am responsible for the handling of this matter, including the billing, for Wells Fargo Bank, N.A. (“Wells Fargo”).

2. I am over 18 years of age and I have personal knowledge of all facts and circumstances set forth herein as an attorney of record for Wells Fargo.

3. I have been an actively practicing attorney for over thirty (30) years and have been a member of the Florida Bar since 1985. I am a Board Certified Specialist by the Florida Bar in the areas of Civil Trial and Business Litigation. Heather L. Ries has been an actively practicing attorney and member of the Florida Bar since 2002. Elliot A. Hallak has been an actively practicing attorney and member of the Florida Bar since 2004. At all times he provided services in this case, Thomas C. Allison had been an actively practicing attorney and member of the Florida Bar since 2007. At all times they provided services in this case,

David S. Turken, Anthony M. Stella, Ricardo A. Antaramian, Seth B. Burack, and W S. Mason have been actively practicing attorney and member of the Florida Bar since 2006, 2008, 2005, 2009, and 2009, respectively, each of whom worked on discrete tasks in connection with this matter. Jaemin Chang has been an actively practicing attorney and member of the California Bar since 2004, and her involvement in this matter was in connection with motion practice in the United States District Court, Northern District of California, arising from a subpoena served by Plaintiffs upon Wells Fargo in this action.

4. On or about January 4, 2012, Wells Fargo retained Fox Rothschild to represent it in this action, and since the inception of this action, valuable legal services were performed on behalf of Wells Fargo.

5. The following are the number of hours expended from the time Wells Fargo retained Fox Rothschild through the present and the total amount actually incurred by Wells Fargo based upon the work performed by Fox Rothschild through the present.

6. Fox Rothschild's agreement with Wells Fargo provides that Wells Fargo will pay the Firm for services rendered at considerably discounted rates. During the times that each of the above timekeepers provided services to Wells Fargo in this action, the following includes the customary hourly rates charged for each of those professionals:<sup>1</sup>

<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Hourly Rates Charged</u>	<u>Amount Charged</u>	<u>Hourly Rates Customary</u>	<u>Customary Value</u>
<b><u>Attorneys</u></b>					
<b><u>Partners</u></b>					
Amy S. Rubin	573.8	\$395.00 - \$420.00	\$236,126.00	\$475.00 - \$545.00	\$299,895.00

<sup>1</sup> As a general matter, Fox Rothschild reviews and adjusts hourly rates of its time keepers on an annual basis.

Heather L. Ries <sup>2</sup>	176.0	\$260.00 - \$320.00	\$54,754.00	\$320.00 - \$400.00	\$67,406.50
Elliot A. Hallak <sup>3</sup>	1019.5	\$260.00 - \$305.00	\$284,400.50	\$295.00 - \$370.00	\$350,223.00
<b><u>Associates</u></b>					
Thomas C. Allison	757.6	\$255.00 - \$275.00	\$200,172.00	\$285.00 - \$325.00	\$228,827.00
David S. Turken	169.1	\$305.00	\$51,575.50	\$350.00	\$59,185.00
Anthony M. Stella	33.3	\$260.00	\$8,658.00	\$290.00	\$9,657.00
Ricardo A. Antaramian	1.5	\$320.00	\$480.00	\$360.00	\$540.00
Seth B. Burack	9.8	\$250.00	\$2,450.00	\$280.00	\$2,744.00
W S. Mason	7.0	\$255.00	\$1,785.00	\$305.00	\$2,030.00
Jaemin Chang	5.2	\$260.00	\$1,352.00	\$325.00	\$1,690.00
<b><u>Paralegals</u></b>					
Victoria E. Carney	317.8	\$195.00	\$61,971.00	\$200.00 - \$220.00	\$69,370.00
Rick J. Pagan	113.4	\$180.00 - \$195.00	\$21,573.00	\$195.00 - \$220.00	\$23,830.00
Kerry L. Hyde	52.8	\$200.00	\$10,560.00	\$200.00	\$10,560.00
Cara A. DeFrancesco	22.6	\$175.00	\$3,955.00	\$195.00 - \$205.00	\$4,407.00
Vicki Curfman	47.2	\$165.00	\$7,788.00	\$180.00	\$8,496.00
<b><u>Total</u></b>	<b><u>3,306.6</u></b>		<b><u>\$947,600.00</u></b>		<b><u>\$1,138,860.50</u></b>

<sup>2</sup> Heather Ries was elevated to partner at Fox Rothschild in May 2012.

<sup>3</sup> Elliot Hallak was elevated to partner at Fox Rothschild in May 2014.

7. Attached hereto as **Composite Exhibit "A"** are true and correct copies of invoices that have been or will be submitted to Wells Fargo reflecting the above-referenced fees.<sup>4</sup> A detailed description of the tasks performed on behalf of Wells Fargo is included within the time entries included within **Composite Exhibit "A"**. The time entries have been redacted where appropriate to preserve any attorney-client and work-product privileges.

8. As evidenced in various places throughout **Composite Exhibit "A"**, Fox Rothschild additionally provided substantial professional services in this matter which were not charged to Wells Fargo, which Wells Fargo is not seeking to recover from the Plaintiffs in this matter.

9. In addition, Wells Fargo has incurred the costs identified in the Bill of Costs submitted herewith.<sup>5</sup> In accordance with 28 U.S.C. § 1924, each item contained on the Bill of Costs is correct and has been necessarily incurred in the case and the services for which fees have been charged were actually and necessarily performed.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on February 11, 2015.

  
\_\_\_\_\_  
AMY S. RUBIN

---

<sup>4</sup> The billing statement for the work performed in February 2015 has not yet been generated. However, the services for which Wells Fargo will be charged are identified in Composite Exhibit "A".

<sup>5</sup> The invoices/attachments included in the Bill of Costs have been redacted where appropriate to preserve any applicable privileges, internal confidential and financial information, and/or information pertaining to unrelated matters.