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11 Attorneys for Plaintiff and the Settlement Class

12 IN THE UNITED STATES BANKRUPTCY COURT  
13 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
14 OAKLAND DIVISION

16 In re:  
17 FOX ORTEGA ENTERPRISES, INC., dba  
18 PREMIER CRU,  
19 Debtor.

Case No. 16-40050-WJL  
Chapter 7

19 MICHAEL D. PODOLSKY, on behalf of  
20 himself and all others similarly situated,  
21 Plaintiffs,

A.P. No. 16-04033

20 vs.

21 MICHAEL G. KASOLAS, Trustee,  
22 Defendant.

21 Date: July 27, 2016  
22 Time: 10:00 a.m.  
23 Place: U.S. Bankruptcy Court  
24 1300 Clay St., Ctrm. 220  
Oakland, CA  
Judge: Hon. William J. Lafferty, III

25 **SUPPLEMENTAL DECLARATION OF DAN GILDOR IN SUPPORT**  
26 **OF PLAINTIFF'S MOTION FOR AN AWARD OF ATTORNEYS' FEES AND COSTS**

26 I, DAN L. GILDOR, declare:

27 1. I am an attorney licensed to practice law in all the courts of the State of California and  
28 am a partner of the law firm of Chavez & Gertler LLP, co-counsel for plaintiff MICHAEL D.

1 PODOLSKY, in his representative capacity (“Plaintiff”), and the settlement class (the “Settlement  
2 Class”) in this action. In such capacity, I am personally knowledgeable as to each of the facts stated  
3 herein, to which I could competently testify if called upon to do so in a court of law.

4 2. I make this declaration in support of the *Plaintiff’s Motion For An Award of*  
5 *Attorneys’ Fees And Costs*, filed herein by Plaintiff on June 15, 2016 (the “Fee Motion,” docket  
6 no. 18), and in supplement to the *Declaration of Mark A. Chavez in Support of Motion For An Award*  
7 *of Attorneys’ Fees And Costs*, also filed by Plaintiff on June 15, 2016 (the “Chavez Dec.,” docket no.  
8 18-2). All capitalized terms used herein, unless otherwise defined, are intended to have the meanings  
9 ascribed to them in the Fee Motion.

10 3. In the Chavez Dec., Mark A. Chavez reported on the number of hours and lodestar  
11 fees generated by our firm’s representation of the Class from April 1, 2016 to June 10, 2016, with the  
12 caution that additional time was likely to be charged after June 10, 2016. I am now reporting as to  
13 the total hours and lodestar fees through July 13, 2016 in this engagement, in order to update the  
14 Chavez Dec.

15 4. In particular, in representing the Class from April 1, 2016 to July 13, 2016, Chavez &  
16 Gertler has expended the following hours of service (after reductions for billing judgment):

- 17 A. For my time, 85.7 hours;  
18 B. For Mark A. Chavez’s time, 144.7 hours;  
19 C. For Nance F. Becker’s time, 41.1 hours; and  
20 D. For Sam Cheadle’s time, 8.8 hours.

21 5. Using the same hourly rates as set forth in the Chavez Dec., the hours charged by  
22 Chavez & Gertler from April 1, 2016 to July 13, 2016 result in a lodestar of \$210,850.50. I estimate  
23 that additional hours of services will be required of Chavez & Gertler and its co-counsel, Meyers Law  
24 Group, P.C., after July 13, 2016, which at normal hourly rates will add another \$25,000 to the  
25 lodestar amount.

26 6. In addition, Chavez & Gertler has incurred out-of-pocket costs in its representation of  
27 the class, to date, in the aggregate amount of \$924.21. Those costs consist travel costs and computer  
28 research costs.

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7. I believe that the services performed by Chavez & Gertler, for the hours stated above, were reasonable, appropriate, and necessary, and that they ultimately allowed the parties to enter into a Stipulation, as well seek Court approval for final settlement on behalf of the class. Moreover, the number of hours expended by the attorneys, to date, to achieve the results in this case is reasonable, and avoided duplication of effort.

8. I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on July 15, 2016 at Mill Valley, California.

/s/ Dan L. Gildor  
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DAN L. GILDOR