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12 Attorneys for Plaintiffs STACI CHESTER, et al.

13  
14 UNITED STATES DISTRICT COURT  
15 CENTRAL DISTRICT OF CALIFORNIA  
16 EASTERN DIVISION

17  
18 STACI CHESTER, an individual;  
DANIEL FRIEDMAN, an individual;  
19 individually and on behalf of all others  
similarly situated,

20 Plaintiff,

21 vs.

22 THE TJX COMPANIES, INC., a  
23 Delaware corporation; T.J. MAXX OF  
CA, LLC, a Delaware limited liability  
24 company; and DOES 1 through 100,  
inclusive,

25 Defendants.  
26  
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Case No. 5:15-cv-01437-ODW-DTBx

**CLASS ACTION**

**DECLARATION OF GREG HAFIF  
IN SUPPORT OF MOTION FOR  
ATTORNEYS' FEES AND  
LITIGATION COSTS**

**DECLARATION OF GREG HAFIF**

I, Greg Hafif, declare as follows:

1. I am an attorney licensed to practice law before all the courts of the State of California, the District Court of Southern California, the Ninth Circuit and the Supreme Court.
2. I am the principal of Herbert Hafif, A Professional Law Corporation dba Law Office of Herbert Hafif, attorney of record and co-counsel with Christopher J. Morosoff, and Doug Caiafa for plaintiffs herein before this Court in the action *Staci Chester, et al v. The TJX Companies, Inc., et al* U.S.D.C., C.D. Cal. 5:15-cv-01437-ODW-DTBx.
3. I submit this Declaration in support of Plaintiffs' Motion for Attorneys' Fees, Litigation Costs and Class Representatives' Enhancement Payments.
4. I have reviewed the entire file, notes, and time records in this matter and make the following based on my personal knowledge. I have expended in excess of **45 hours** prior to the filing of this action, including without limitation: Teleconferences with Co-counsel on investigation and research on the theory of the underlying action. I have visited various Marshal's, TJ Maxx and Home Goods locations in Los Angeles County, including La Verne and Glendora and various other locations to investigate their price tags and advertising of "compare at " and the store definitions and locations within the stores of those definitions; Legal research and facts investigation into the viability of claims for false advertising against Defendants under the UCL and other statutes, including the review of other complaints filed in analogous actions and review of several district court and Ninth Circuit appellate opinions. I also reviewed numerous articles and studies regarding consumer behavior and spending habits to understand the liability and damage theories to be advanced in the matter.

- 1 5. I have expended in excess of 30 hours in connection with the legal research,  
2 including participating in the drafting and editing and reviewing of  
3 pleadings including the Complaint, Answer, Oppositions to Motion to  
4 Dismiss, Motion for Class Certification and supporting documents, Motion  
5 for Preliminary Approval and supporting documents and declaration, Motion  
6 for Summary Judgment and helping on the opposition.
- 7 6. I have expended in excess of 180 hours in connection with matters related  
8 to discovery production in this matter: Defendants produced literally  
9 thousands upon thousands of documents in this matter involving complex  
10 sales data focusing on sales transactions, Buyers guidelines, pricing and  
11 origin of 'compare at' pricing and more. Review of scholarly articles and  
12 consultation with leading experts in the field for not only trial but our motion  
13 for class certification; I have interviewed witnesses in this matter related to  
14 buying and pricing matters by defendants buyers including vendors/suppliers  
15 of defendants merchandise. I have drafted formal discovery and responded to  
16 formal discovery. I have attended the deposition of Ms. Chester and  
17 participated in numerous discovery related conferences with the Magistrate  
18 in this action on various discovery disputes.
- 19 7. I have expended in excess of 30 hours in connection with negotiation,  
20 mediation and settlement of this action, including appearance at the  
21 mediation, negotiations concerning the terms and structure, and eventual  
22 class-wide settlement, including visiting various defendant stores to ensure  
23 defendants were complying with the terms of the settlement and posting such  
24 in the various stores at the exit.
- 25 8. I have expended more than 285 hours on this litigation. I anticipate spending  
26 an additional 15 hours in the final approval process.
- 27  
28

1 9. As such, I will have expended over 300 total hours through and including  
2 the final approval process, making my total current loadstar in this action of  
3 \$195,000 (based on hourly rate of \$650). I have been practicing for 28 years.  
4 Between five and ten years ago, I was awarded by the Federal Courts in the  
5 central district \$550 an hour on class action work. Some of the Federal Cases  
6 who have approved this rate are Nolan v. City of Los Angles, CV 03-2190  
7 GAF (AJWx), the Honorable Judge Fees, Doc.# 1063; Acevedo v. City of  
8 Los Angeles, CV 14-5661-GHK (PJWx) Doc.# 118; George v. The  
9 Timberland Company, CV 07-01327 MMM (JWJx) Doc# 41; Reed v.  
10 County of Orange, Case Number SACV05-1103 CJC (ANx) United States  
11 District Court, Central District of California; Edwards v. Long Beach, Case  
12 Number CV05-8990 ABC (PLAx) United States District Court, Central  
13 District of California.

14 10. My reasonable rate today for the work I have done in this case is at least  
15 \$650 an hour.

16 11. I graduated from the University of La Verne in 1987 with two B.S. degrees,  
17 one in Political Science and the other in Business Administration. I  
18 graduated from Pepperdine School of Law in 1990 and was admitted to  
19 practice in California in December 1990. In my first year of practice as  
20 counsel with Herbert Hafif we received a record breaking \$45 million  
21 wrongful termination verdict against Lockheed for three individuals. I have  
22 been consistently trying two to four civil cases per year.

23 12. I am the principal attorney for the Law Offices of Herbert Hafif, P.C. in  
24 Claremont, California, one of the most successful and nationally recognized  
25 trial law firms in the country. I am one of California's leading civil trial  
26 lawyers producing numerous million dollar verdicts, including the 10th  
27 largest verdict in the State of California, in 1995, in an antitrust matter in  
28

1 Victorville, California, the same year my father, Herbert Hafif, produced the  
2 fourth largest verdict in the State of California.

3 13. My accomplishments have been featured in numerous publications  
4 throughout the state including "California Lawyer Magazine," the "Los  
5 Angeles Times," the "Los Angeles Daily Journal," the "Wall Street Journal,"  
6 "USA Today," the "Washington Post," the "New York Times" and other  
7 national newspapers. I have been on CNN, the Today Show, 20/20 and all  
8 local television stations. I am a member of the Consumer Attorneys of  
9 California and Consumer Attorneys Association of Los Angeles. I have  
10 also, in the past been a frequent lecturer to various legal associations on trial  
11 strategy and techniques and am recorded in the "Marquis Who's Who in  
12 American Law."

13 14. I currently serve as Chairman of the Board for Balboa Thrift and Loan and I  
14 am a member of the Board of Advisors for the University of La Verne Law  
15 School.

16 15. LIST OF CLASS ACTION CASES I HAVE WORKED ON:

- 17 a. Barnicle v American General, San Diego County Superior Court, Case  
18 number EC011865;
- 19 b. Byrd v Spring Corporation, Jackson County, Missouri Circuit Court,  
20 Case Number CV 92-18979;
- 21 c. Rodriguez v. Metropolitan Life, Kern County Superior Court, Case  
22 Number 235846 SPC;
- 23 d. Killacky, et al v. General Dynamics Corp, Los Angeles Superior Court,  
24 Case Number KC011573;
- 25 e. Lukens v The Ohio State Life Ins., Los Angeles County Superior Court,  
26 Central District, Case Number BC 263545;
- 27  
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- 1 f. Sueoka v. United States, United States District Court, Central District of  
2 California, Case Number 989-6313 MM (Rex);
- 3 g. Simmons v DHL Worldwide Express, Inc., San Bernardino County  
4 Superior Court, Rancho Cucamonga District, Case Number RCVRS  
5 080128 – consolidated and lead counsel in Los Angeles Superior Court,  
6 Case Number BC 312798;
- 7 h. Coordination Proceeding Special Title (Rule 1550(b)), The Great Escape  
8 Promotion Cases, JCCP Case Number 4343;
- 9 i. Massey, et al v. Shelter Life Insurance Co., Jackson County, Missouri,  
10 Case Number 01CV229955;
- 11 j. Richard S. v Dept of Development Services of the State of California,  
12 United States District Court, Central District, Southern Division, Case  
13 Number SACV97-219(GLT);
- 14 k. Harrison, et al v. Rainforest Café, Inc., et al, Superior Court, County of  
15 San Bernardino, Case Number RCV085879;
- 16 l. Saeger, et al v. Pacific Life Insurance Company, et al, United States  
17 District Court, Central District, Southern Division, Case Number SA02-  
18 314AHS (MLGx);
- 19 m. Boyce, et al v. Sport and Fitness Clubs of America, United States  
20 District Court Southern District of California, County of Orange, Case  
21 Number 03CV2140-BEN(BLM);
- 22 n. Simon v. Walt Disney World Co., Superior Court, California, County of  
23 Fresno, Case Number 594786-6;
- 24 o. Reed v. County of Orange, Case Number SACV05-1103 CJC (ANx)  
25 United States District Court, Central District of California;
- 26 p. Edwards v. Long Beach, Case Number CV05-8990 ABC (PLAx) United  
27 States District Court, Central District of California;
- 28



- 1 q. Faris v. Long Beach, Case Number SACV07-954 GW (PLAx) United
- 2 States District Court, Central District of California;
- 3 r. Alaniz v. City of Los Angeles, Case Number CV04-08592 GAF (AJWx)
- 4 United States District Court, Central District of California;
- 5 s. Mata v. City of Los Angeles, Case Number CV 07-06782 GAF (AJWx)
- 6 United States District Court, Central District of California;
- 7 t. Martin v. Balboa Thrift and Loan Association, et al., San Diego Superior
- 8 Court, Case No. 37-2012-00077569-CU-BT-SC;
- 9 u. Ramirez v. Balboa Thrift and Loan, San Diego Superior Court, Case No.
- 10 37-2009-00099225-CU-BT-CTL;
- 11 v. Solis v. Abercrombie & Fitch Stores, Inc., Los Angeles Superior Court
- 12 Case No. BC 289932.

13 16. My firms out-of-pocket expenses for the prosecution of this case, included  
14 deposition transcripts of all plaintiffs and defendants person most  
15 knowledgeable (\$6,163.97), mediation expenses (\$7,450.00), expert witness  
16 expenses (\$18,742.50), delivery expenses (\$359.60), postage expenses  
17 (\$124.87), copy expenses at .02 per page (\$44.80), filing fees (\$800.00) and  
18 legal research fees for Westlaw due to the unique nature of the case  
19 (\$775.75). My firm has expended a total of **\$35,497.97** in costs pursuing this  
20 matter. It is my opinion that the costs are reasonable and necessary for the  
21 successful prosecution of this case. Attached hereto as exhibit "A" to my  
22 declaration is a true and correct copy of the cost bill in this matter that my  
23 office keeps as the expenses are incurred.

24 I declare under penalty of perjury that the forgoing is true and correct.

25 Executed this 9<sup>th</sup> day of March 2018, at Claremont, California.

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28 \_\_\_\_\_  
Declarant, Greg Hafif

# **Exhibit A**



591 CHESTER VS. TJX COMPANIES INC. - All Dates:2

8/14/1991 through 3/5/2018

Date	Account	Num	Description	Memo	Tag	Amount
8/7/2015	TRUST C	5324	...CHRISTOPHER MOROS...	FILING FEE	591	-400.00
8/7/2015	TRUST C	5325	...CHRISTOPHER MOROS...	FILING FEES	591	-400.00
8/25/2015	TRUST C	5307	...FEDEX	POSTAGE CRAIG CARDON ESQ.	591 CHESTER	-22.32
9/9/2015	SFT CST		INTRN...COPIES	COPIES	591 CHESTER	-19.80
9/30/2015	INTERN MEMO		INTRN...ARROW ATTY ASSIST	33436 DLVR CPY OF NTC CSE...	591 CHESTER	-40.00
				33605 FIL CONS AMND CA CM...	591 CHESTER	-118.70
				33606 FIL STP RELF LCL RUL 2...	591 CHESTER	-42.00
				33362 FIL RELTD CS DEPT 3	591 CHESTER	-35.00
12/31/2015	INTERN MEMO		INTRN...COPIES	COPIES	591 CHESTER VS. T...	-14.60
12/31/2015	INTERN MEMO		INTRN...POSTAGE	POSTAGE	591 CHESTER VS. T...	-0.98
12/31/2015	INTERN MEMO		INTRN...ARROW ATTY ASSIST	INV#33742 RESRCH OBTN CPY	591 CHESTER VS. T...	-160.50
				INV#33845 DLVR CHMBR CPYS	591 CHESTER VS. T...	-118.70
				INV#33969 DLVR CHAMBR CPY	591 CHESTER VS. T...	-118.20
12/31/2015	INTERN MEMO		INTRN...WESTLAW	LIBRARY EXP. 10/15	591 CHESTER VS. T...	-47.59
9/13/2016	INTERN MEMO		INTRN...COPIES	09/09/16	591 CHESTER	-0.20
3/1/2017	INTERN MEMO		INTRN...COPIES	COPIES	591 CHESTER	-4.80
3/13/2017	TRUST C	5584	...FEDEX	POSTAGEP. CRAIG CARDON	591 CHESTER VS. T...	-17.99
3/20/2017	TRUST C	5587	...FEDEX	POSTAGEP. CRAIG CARDON	591 CHESTER VS. T...	-17.99
				POSTAGE JOHN P. BUEKER	591 CHESTER VS. T...	-31.93
				POSTAGE ANNE PALMER	591 CHESTER VS. T...	-26.67
3/22/2017	INTERN MEMO		INTRN...POSTAGE	POSTAGE	591 CHESTER VS. T...	-2.89
3/29/2017	TRUST C	5589	...NETWORK DEPOSITION ...	DEPO HEIDI RYDER	591 CHESTER VS. T...	-585.00
4/7/2017	TRUST C	5592	...FIRST LEGAL DEPOSITI...	STACI CHESTER DEPO	591 CHESTER VS. T...	-235.00
4/7/2017	TRUST C	5593	...JAMS, Inc	MEDIATION	591 CHESTER VS. T...	-3,500.00
4/13/2017	TRUST C	5601	...FIRST LEGAL DEPOSITI...	DANIEL FRIEDMAN INV#18436	591 CHESTER VS. T...	-1,368.80
5/1/2017	TRUST C	5606	...ARROW ATTY ASSIST	INV#36893	591 CHESTER VS. T...	-123.20
5/2/2017	TRUST C	5608	...JAMS, Inc	HON MARGARET NAGLE	591 CHESTER VS. T...	-3,950.00
5/2/2017	INTERN MEMO		INTRN...COPIES	COPIES	591 CHESTER VS. T...	-5.60
5/9/2017	TRUST C	5612	...JAMS, Inc	FEE	591 CHESTER VS. T...	-450.00
5/9/2017	TRUST C	5613	...FEDEX	POSTAGE JAMS	591 CHESTER VS. T...	-17.95
5/9/2017	INTERN MEMO		INTRN...ARROW ATTY ASSIST	INV#36892	591 CHESTER VS. T...	-123.20
6/21/2017	INTERN MEMO		INTRN...POSTAGE	POSTAGE	591 CHESTER VS. T...	-4.14
7/11/2017	TRUST C	5655	...HEMMING MORSE,LLP	EXPERT	591 CHESTER VS. T...	-18,742.50
7/18/2017	TRUST C	5658	...DOUGLAS CAIAFA ESQU...	INV#74284	591 CHESTER VS. T...	-1,233.00
8/7/2017	TRUST C	5666	...FIRST LEGAL DEPOSITI...	ROBIN BERKOFF DEPO	591 CHESTER VS. T...	-733.22
8/7/2017	TRUST C	5667	...FIRST LEGAL DEPOSITI...	THERESA METOYER DEPO	591 CHESTER VS. T...	-1,157.06
8/7/2017	TRUST C	5668	...FIRST LEGAL DEPOSITI...	CERT CPY DEPO STACI CHES...	591 CHESTER VS. T...	-852.69

591 CHESTER VS. TJX COMPANIES INC. - All Dates:2

8/14/1991 through 3/5/2018

3/5/2018

Date	Account	Num	Description	Memo	Tag	Amount
8/31/2017	INTERN MEMO INTRN...WESTLAW		LIBRARY EXP 05/17		591 CHESTER VS. T...	-383.79
10/31/2017	SFT CST		INTRN...WEST GROUP PAYMENT...MAY LIB. EXP.		591 CHESTER	-391.96
<b>8/14/1991 - 3/5/2018</b>						<b>-35,497.97</b>
<b>TOTAL INFLOWS</b>						<b>0.00</b>
<b>TOTAL OUTFLOWS</b>						<b>-35,497.97</b>
<b>NET TOTAL</b>						<b>-35,497.97</b>