

**EXHIBIT 16**

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Submitted on Behalf of:

Gustafson Gluek PLLC

Counsel for Plaintiffs in:

*Weber et al v. Hyundai Motor Am. and Kia Motors Am., Inc.*

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

16  
17 IN RE: HYUNDAI AND KIA FUEL  
18 ECONOMY LITIGATION

Case No. 2:13-ml-02424-GW-FFM

**DECLARATION OF JASON S.  
KILENE IN SUPPORT OF REQUEST  
FOR ATTORNEYS' FEES AND  
EXPENSES**

Date: December 23, 2014

1 I, Jason S. Kilene, declare as follows:

2 1. I am a partner at Gustafson Gluek PLLC, counsel for Brian Weber, Kevin  
3 Gobel, and Eric Larson. This declaration is submitted in support of the fees and expenses  
4 request for work performed by Gustafson Gluek PLLC in connection with this litigation.  
5 I have personal knowledge of the facts below and, if called upon to do so, could and  
6 would testify competently thereto. This declaration is submitted after a review of the  
7 billing records of Gustafson Gluek PLLC.

8 **I. OVERVIEW**

9 **A. Overview of Work Performed**

10 2. Plaintiffs Weber, Gobel, and Larson filed their complaint against Hyundai  
11 Motor America (“Hyundai”) and Kia Motors America, Inc. (“Kia”) in the Central District  
12 of California on January 1, 2013 (the “Weber Complaint”). Since this time Gustafson  
13 Gluek has been actively involved in this litigation. Gustafson Gluek prepared and filed  
14 the complaint, participated in teleconferences with liaison counsel, reviewed and assessed  
15 settlement documents, reviewed document production, assessed discovery disputes, and  
16 analyzed liaison counsel’s reports and court filings to stay apprised of the litigation.  
17 Counsel pursued this case without the guarantee that any fees would ever be paid or that  
18 their out-of-pocket costs would be recovered.

19 **B. Requested Lodestar**

20 3. Gustafson Gluek PLLC requests a total lodestar of \$33,884.00 in attorneys’  
21 fees, which Defendants agreed not to oppose pursuant to an agreement reached on  
22 December 23, 2014.

23 4. Below is a summary of all of the individuals who worked on this matter,  
24 their role (Partner, Associate, Paralegal), the total number of hours they worked on this  
25 matter for which compensation is requested, their hourly billing rate, and their total  
26 lodestar.

Name	Role	Total Hours	Billing Rate	Lodestar
Daniel E. Gustafson	Partner	3.25	\$900	\$2,925.00
Jason S. Kilene	Partner	88.75	\$700	\$62,125.00
Daniel C. Hedlund	Partner	.75	\$700	\$525.00
Amanda M. Williams	Partner	1.00	\$500	\$500.00
Cathy K. Smith	Partner	.25	\$500	\$125.00
Joseph C. Bourne	Associate	10.75	\$385	\$4,138.75
Lucy G. Massopust	Associate	111.75	\$335	\$37,436.25
Diana Jakubauskiene	Paralegal	63.50	\$200	\$12,700.00
Melanie L. Morgan	Paralegal	.25	\$150	\$37.50
Danette K. Mundahl	Paralegal	.75	\$150	\$112.50
Shawn M. Seaberg	Paralegal	14.25	\$125	\$1,781.25
<b>TOTALS</b>		<b>295.25</b>		<b>\$122,406.25</b>

**II. LODESTAR BY TYPE OF WORK**

5. The below divides the total lodestar listed above into distinct categories.

**A. Time Spent Preparing Complaint, Litigating Action Outside of the MDL, and Other Time Before February 14, 2013**

6. This category includes all time spent before the initial status conference before Judge Wu, which occurred on February 14, 2013. It also includes any time spent after February 14, 2013 preparing and filing the Weber Complaint and litigating the case outside of the MDL proceedings.

7. Below is a list of the attorneys, paralegals, and staff who worked on this portion of the litigation, along with the number of hours each spent, their billing rates, the lodestar attributable to them, and the total lodestar for this portion of the litigation.

Attorney/Paralegal/Staff	Total Hours	Billing Rate	Lodestar
Daniel E. Gustafson	1.00	\$900	\$900.00
Jason S. Kilene	44.75	\$700	\$31,325.00
Daniel C. Hedlund	.75	\$700	\$525.00
Amanda M. Williams	1.00	\$500	\$500.00
Joseph C. Bourne	10.75	\$385	\$4,138.75
Lucy G. Massopust	44.75	\$335	\$14,991.25
Diana Jakubauskiene	32.00	\$200	\$6,400.00
Melanie L. Morgan	.25	\$150	\$37.50
<b>TOTALS</b>	<b>135.25</b>		<b>\$58,817.50</b>

8. Gustafson Gluek actively investigated and researched issues related to potential claims against Hyundai and Kia. After thorough investigation and strategic communications with co-counsel, Gustafson Gluek filed the Weber Complaint in the instant matter. Gustafson Gluek expended energy and resources to prepare, draft, and file the Weber Complaint and to become apprised of the MDL proceedings.

**B. Calls with Non-Settling Plaintiff Group**

9. This category includes calls with the Non-Settling Plaintiffs that were organized by Liaison Counsel. This category also includes any preparation for and internal discussions regarding the content of calls organized by Liaison Counsel.

10. Below is a list of the attorneys who worked on this portion of the litigation, along with the number of hours each spent, their billing rates, the lodestar attributable to them, and the total lodestar for this portion of the litigation.

<b>Attorney</b>	<b>Total Hours</b>	<b>Billing Rate</b>	<b>Lodestar</b>
Daniel E. Gustafson	1.75	\$900	\$1,575.00
Jason S. Kilene	15.25	\$700	\$10,675.00
Lucy G. Massopust	34.75	\$335	\$11,641.25
Diana Jakubauskiene	5	\$200	\$1,000.00
<b>TOTALS</b>	<b>56.75</b>		<b>\$24,891.25</b>

11. Gustafson Gluek regularly attended conference calls with liaison counsel. Gustafson Gluek discussed the conference calls internally and discussed case status and strategic issues related to the topics discussed in the calls. In addition, Gustafson Gluek reviewed materials forwarded from liaison counsel in preparation for each call.

**C. Review and Discussion of Settlement Terms and Revisions**

12. This category includes time spent reviewing and discussing the terms of the proposed settlement, including the following tasks:

- a. Review of the initial Term Sheet, distributed in February 2013.
- b. Review of Liaison Counsel’s December 20, 2013 memo, which described how the discovery related to the strengths and weaknesses of plaintiffs’ claims.
- c. Review of the proposed settlement filed December 23, 2013, and any Addendums and Amendments thereto. This includes discussions and correspondence with Non-Settling Plaintiffs regarding the settlement, the settlement negotiations conducted by Liaison Counsel, and the revisions to the settlement. It also includes the review of settlement-related memos and summaries distributed to Non-Settling Plaintiffs after the settlement was filed on December 23, 2013.
- d. Time spent preparing position statements for Liaison Counsel’s January 30 and May 30 Reports.

1 e. Review of issues concerning the settlement's notice and claims process.

2 13. Below is a list of the attorneys and paralegals who worked on this portion of  
3 the litigation, along with the number of hours each spent, their billing rates, the lodestar  
4 attributable to them, and the total lodestar for this portion of the litigation.

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6 <b>Attorney/Paralegal/Staff</b>	<b>Total Hours</b>	<b>Billing Rate</b>	<b>Lodestar</b>
7 Jason S. Kilene	11.5	\$700	\$8,050.00
8 Lucy G. Massopust	19.75	\$335	\$6,616.25
9 Diana Jakubauskiene	8	\$200	\$1,600.00
10 <b>TOTALS</b>	<b>39.25</b>		<b>\$16,266.25</b>

11

12 14. Gustafson Gluek reviewed and assessed the reasonableness of the settlement  
13 terms and actively reviewed any revisions to the terms. Gustafson Gluek discussed  
14 internally the consequences of the settlement terms as they relate to Plaintiffs Brian  
15 Weber, Kevin Gobel, and Eric Larson. Gustafson Gluek routinely reviewed documents  
16 forwarded by Liaison counsel regarding settlement concerns and updates.

17 **D. Preparation of Document Requests, Review of Document Production  
18 Summaries, Review of "Hot Document" Databases Provided by Liaison  
19 Counsel, and Any Other Discovery Related Issues**

20 15. This category includes time spent preparing, reviewing, and submitting  
21 revisions to plaintiffs' document requests served on May 22, 2013. It also includes  
22 review of document production summaries distributed by Liaison Counsel throughout the  
23 course of the litigation, as well as documents contained in the online document database  
24 that accompanied Liaison Counsel's summaries in October and December 2013. It also  
25 includes time spent participating in the confirmatory discovery process and any other  
26 discovery relating issues.

1 16. Below is a list of the attorneys and paralegals who worked on this portion of  
2 the litigation, along with the number of hours each spent, their billing rates, the lodestar  
3 attributable to them, and the total lodestar for this portion of the litigation.

<b>Attorney/Paralegal</b>	<b>Total Hours</b>	<b>Billing Rate</b>	<b>Lodestar</b>
Jason S. Kilene	10	\$700	\$7,000.00
Lucy G. Massopust	8.25	\$335	\$2,763.75
Diana Jakubauskiene	.25	\$200	\$50.00
<b>TOTALS</b>	<b>18.50</b>		<b>\$9,813.75</b>

11 17. Gustafson Gluek reviewed document productions and internally discussed  
12 the document database setup by Liaison counsel. Gustafson Gluek reviewed document  
13 productions and Liaison counsel's reports. Gustafson Gluek reviewed all discovery  
14 related objections and internally discussed case strategy regarding the same.

15 **E. Other**

16 18. This category includes any hours not reflected in the above categories for  
17 which attorneys' fees are sought, including time spent discussing general case strategy  
18 and status issues internally and with co-counsel and time spent on file maintenance and  
19 calendaring deadlines and other scheduling matters.

20 19. Below is a list of paralegals/staff who worked on this portion of the  
21 litigation, along with the number of hours each spent, their billing rates, the lodestar  
22 attributable to them, and the total lodestar for this portion of the litigation.

<b>Paralegal/Staff</b>	<b>Total Hours</b>	<b>Billing Rate</b>	<b>Lodestar</b>
Daniel E. Gustafson	.50	\$900	\$450.00
Jason S. Kilene	7.25	\$700	\$5,075.00
Cathy K. Smith	.25	\$500	\$125.00



1	Lucy G. Massopust	4.25	\$335	\$1,423.75
2	Diana Jakubauskiene	18.25	\$200	\$3,650.00
3	Dannette K. Mundahl	.75	\$150	\$112.50
4	Shawn M. Seaberg	14.25	\$125	\$1,781.25
5	<b>TOTALS</b>	<b>45.50</b>		<b>\$12,617.50</b>

7 **III. LITIGATION EXPENSES**

9	Expense Category	Amount
10	In-house Reproduction/Copies	\$332.50
11	Court Costs & Filing Fees	\$50.00
12	Computer Research	\$311.48
13	Telephone & Facsimile	\$1.37
14	<b>TOTAL</b>	<b>\$693.35</b>

16 20. The expenses are reflected in the books and records regularly kept and  
17 maintained by Gustafson Gluek. All of the expenses incurred by Counsel were  
18 reasonable and necessary in the prosecution of this case, and the expenditures were made  
19 for the direct benefit of Plaintiffs and Class members.


20 21. Gustafson Gluek requests \$607.55 in expenses, which Defendants agreed not  
21 to oppose pursuant to an agreement reached on December 23, 2014.

23 **IV. THE REQUESTED HOURLY RATES ARE REASONABLE**

24 22. The hourly rates shown above are the usual and customary rates charged in  
25 firms with a national litigation practice for each individual doing the type of work  
26 performed on this litigation. These rates are not adjusted, notwithstanding the complexity  
27 of this litigation, the skill and tenacity of the opposition, the preclusion of other  
28 employment, the delay in payment or any other factors that could be used to justify a

1 higher hourly compensation. The lodestar for each attorney, paralegal, or staff was  
2 derived from contemporaneous daily time records Gustafson Gluek compiled on this  
3 matter, which are recorded in our computerized database. The lodestar summary reflects  
4 Gustafson Gluek's experience in the field, the complexity of the matters involved in this  
5 litigation, and the prevailing rate for providing such service.

6  
7 I declare under penalty of perjury under the laws of the United States of America  
8 that the foregoing is true and correct. Executed December 23, 2014, at Minneapolis,  
9 Minnesota.

10  
11   
12 Jason S. Kilene