

EXHIBIT 18

1 John P. Nash, Esq.
2 John P. Nash, Attorney, Inc.
3 15034 Pintura Drive
4 Hacienda Heights, CA 91745
5 P: (562) 945-9743
6 F: (562) 693-6544
7 E: law.nash@gmail.com

8 Submitted on Behalf of:

9 JOHN P. NASH, ATTORNEY, INC.

10 Counsel for Plaintiff(s) in:
11 ERIC GRAEWINGHOLT, and BRADFORD L. HIRSCH,
12 on behalf of themselves and all others similarly situated,
13 Plaintiffs

14 v.
15 HYUNDAI MOTOR AMERICA, INC. and KIA
16 MOTORS AMERICA, INC.,
17 Defendants.

18 Case Number: SACV12-1963 CJC(MLGx)

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

21 IN RE: HYUNDAI AND KIA FUEL
22 ECONOMY LITIGATION

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

23 **DECLARATION OF JOHN P. NASH**
24 **IN SUPPORT OF REQUEST FOR**
25 **ATTORNEYS' FEES AND**
26 **EXPENSES**

27 Date: December 17, 2014

1 I, JOHN P. NASH, declare as follows:

2 1. I am a sole practitioner at John P. Nash, Attorney, Inc., counsel for ERIC
3 GRAEWINGHOLT, and BRADFORD L. HIRSCH. This declaration is submitted in
4 support of the fees and expenses requested for work performed by JOHN P. NASH,
5 ATTORNEY, INC. (“JPN”), in connection with this litigation. I have personal
6 knowledge of the facts below and, if called upon to do so, could and would testify
7 competently thereto. This declaration is submitted after a review of the billing records of
8 JOHN P. NASH, ATTORNEY, INC.

9 **I. OVERVIEW**

10 **A. Overview of Work Performed**

11 2. JOHN P. NASH, ATTORNEY, INC. has participated in all aspects of the
12 litigation. This commenced with the filing of an initial complaint on behalf of Eric
13 Graewingholt and Bradford L. Hirsch and all others similarly situated, proceeded through
14 MDL procedures, assignment of Liaison Counsel, discovery, and settlement related
15 communications and procedures.

16 **B. Requested Lodestar**

17 Messieurs GRAEWINGHOLT and HIRSCH request a total lodestar of \$35,662
18 which is based on 126.75 hours, as compensation for their counsel JOHN P. NASH,
19 ATTORNEY, INC. Mr. Graewingholt also requests an additional lodestar as
20 compensation for his associate counsel, Finkelstein, Blankinship, Frei-Pearson &
21 Garber, LLP. It is my understanding that Finkelstein, Blankinship, Frei-Pearson &
22 Garber, LLP will separately submit documentation of its hours.

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

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Attorney	Role	Total Hours	Billing Rate	Lodestar
JOHN P. NASH	Sr. Counsel	126.75	\$275/hr	\$34,856.25
TOTALS		126.75		\$34,856.25

4. John P. Nash is a sole practitioner, employed at JOHN P. NASH, ATTORNEY, INC.

II. LODESTAR BY TYPE OF WORK

5. The below divides the total lodestar listed above into distinct categories¹.

A. Time Spent Preparing Complaint(s), Litigating Actions Outside of the MDL, Appearing Before the Judicial Panel of Multidistrict Litigation, 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 complaints, litigating those cases outside of the MDL proceedings, and appearing before the Judicial Panel on Multidistrict Litigation.

7. 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.

Attorney	Total Hours	Billing Rate	Lodestar
John P. Nash	40.3	275/Hour	\$11,082.50
TOTALS		40.3	\$11,082.50

Initially client Graewingholt was interviewed, facts investigated and legal research performed. Finkelstein, Blankinship, Frei-Pearson & Garber, LLP were located and

¹ For source, please see *COMPILATION OF HOURS FROM TIMESHEETS*, attached hereto marked Exhibit "A"; timesheets are available upon request.

1 associated. Multiple drafts and revisions to a complaint, and related filing documents,
2 were prepared for filing; the GRAEWINGHOLT and HIRSCH case was originally filed
3 in US District Court, Central. Defendants acknowledged service; MDL proceedings
4 resulted in assignment of the case to Judge Wu. Hours invoiced also include time to
5 review all notices and many documents electronically served on GRAEWINGHOLT and
6 HIRSCH by various parties.

7 **B. Court Hearings in the MDL**

8 8. This category includes all hearings with Judge Wu (attended in person or
9 telephonically) in MDL 2424. The first hearing was on February 14, 2013.

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

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Attorney	Total Hours	Billing Rate	Lodestar
John P. Nash	15.8	275/Hr	\$4,345.00
TOTALS	15.8	275/Hr	\$4,345.00

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19 10. Lodestar includes attendance at multiple status conferences, and travel time
20 by automobile to and from the office in Hacienda Heights, CA.

21 **C. Calls with Non-Settling Plaintiff Group**

22 11. This category includes calls with the Non-Settling Plaintiffs that were
23 organized by Liaison Counsel. It also includes Confidentiality Order related reviews and
24 communications. It includes receipt and review of Liaison counsel forwarded status
25 reports, general communications and documents. It includes receipt and review of
26 Defendants' status conference reports

27 12. Below is a list of the attorneys who worked on this portion of the litigation,
28 along with the number of hours each spent, their billing rates, the lodestar attributable to

1 them, and the total lodestar for this portion of the litigation. John p. Nash participated in
2 numerous calls with co-counsel for the Non-Settling Plaintiffs.

Attorney	Total Hours	Billing Rate	Lodestar
John P. Nash	20.8	275/Hr	\$5,720.00
TOTALS	20.8	275/Hr	\$5,720.00

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8 **D. Review and Discussion of Settlement Terms and Revisions**

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

- 11 a. Review of the initial Term Sheet, distributed in February 2013.
- 12 b. Review of Liaison Counsel’s December 20, 2013 memo, which described
13 how the discovery related to the strengths and weaknesses of plaintiffs’
14 claims.
- 15 c. Review of the proposed settlement filed December 23, 2013 and the two
16 Addendums, filed January 16, 2014, and May 2, 2014. This includes
17 discussions and correspondence with Non-Settling Plaintiffs regarding
18 the settlement, the settlement negotiations conducted by Liaison Counsel,
19 and the revisions to the settlement. It also includes the review of
20 settlement-related memos and summaries distributed to Non-Settling
21 Plaintiffs after the settlement was filed on December 23, 2013.
- 22 d. Time spent preparing position statements for Liaison Counsel’s January
23 30 and May 30 Reports.
- 24 e. Review and comment on all aspects of proposed settlement, and spread
25 sheets relating to reimbursement program stats and participation therein.

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

Attorney	Total Hours	Billing Rate	Lodestar
John P. Nash	17.45	275/Hr	\$4,798.75
TOTALS	17.45		\$4,798.75

15. 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 the two Addendums, filed January 16, 2014, and May 2, 2014. This includes all 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.
- e. Time spent reviewing customer reimbursement and participation documents.

E. Preparation of Document Requests, Review of Document Production Summaries, Participating via Phone and Chatroom in Confirmatory Discovery Interviews, and Review of “Hot Document” Databases Provided by Liaison Counsel

16. This category includes time spent preparing, reviewing, and submitting revisions to plaintiffs’ document requests served on May 22, 2013. It includes all

1 communications between non-settling plaintiffs relating to discovery issues. It also
2 includes review of document production summaries distributed by Liaison Counsel
3 throughout the course of the litigation, as well as documents contained in the online
4 document database that accompanied Liaison Counsel’s summaries in October and
5 December 2013. It also includes time spent participating in the confirmatory discovery
6 interviews via telephone and chatroom, and privilege log issues. This does not include
7 work that was specifically assigned by Liaison Counsel, which is captured in section F
8 below.

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

Attorney	Total Hours	Billing Rate	Lodestar
John P. Nash	24.95	275/Hour	\$6,861.25
TOTALS	24.95		\$6,861.2

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17 18. Time spent was as described in paragraph 16 above.

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19 **F. Document Review and Confirmatory Discovery Interviews Assigned by**
20 **Liaison Counsel**

21 19. This category includes time spent on review and coding of documents posted
22 to the online EasyESI database that was specifically assigned by Liaison Counsel. It does
23 not include time spent performing other types of document review, such as reviewing
24 document summaries or compilations of “hot documents” that Liaison Counsel
25 distributed to Non-Settling Plaintiffs, which is captured in section E above.

26 20. This category also includes time spent on smaller group calls and
27 correspondence specifically regarding discovery issues and the documents review.
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1 21. Below is a list of the attorneys who worked on this portion of the litigation,
2 along with the number of hours each spent, their billing rates, the lodestar attributable to
3 them, and the total lodestar for this portion of the litigation.

Attorney	Total Hours	Billing Rate	Lodestar
John P. Nash	3.75	275/Hour	\$1,031.25
TOTALS	3.75		\$1,031.25

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9 22. Time spent was at the request of Eric Gibbs for a possible adequacy
10 challenge. At a status conference Gibbs became interested in the concept that there was
11 not enough settlement value being given to the reduced trade in value of the subject
12 vehicles. The work consisted of gathering and forwarding several photographs of
13 Monroney stickers on the next model year KIA's, with that taken from the Graewingholt
14 vehicle, for comparison of EPA mileage estimates. Remaining time was spent
15 participating in calls regarding document review and related matters.

16 **G. Discovery-Related Motion Practice and Meet and Confer**

17 23. This category only applies to those plaintiffs and firms that raised additional
18 discovery issues in October and November 2013. This includes time spent meeting and
19 conferring on those issues and, if applicable, preparing portions of the joint discovery
20 stipulation filed in November 2013. It also includes subsequent efforts to resolve
21 discovery disputes.

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

Attorney	Total Hours	Billing Rate	Lodestar
N/A			N/A

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TOTALS			N/A
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H. Other

25. This category includes any hours not included in the above categories for which attorneys’ fees are sought. This category includes communications with client Eric Graewingholt; communications with associated pro hac vice counsel Jeremiah Frei-Pearson, Todd Garber and associates, and handling of related issues; receive and read general communications from other non-settling plaintiffs’ counsel.

26. 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.

Attorney	Total Hours	Billing Rate	Lodestar
John P. Nash	3.7	275/Hour	\$1,017.50
TOTALS	3.7		\$1,017.50

27. Category “H” consists of review of status conference related communications; communications with client Eric Graewingholt; communications with pro hac vice counsel Jeremiah Frei-Pearson and associates; receive and read communications from other non-settling plaintiffs’ counsel; handling pro hac vice issues for Jeremiah Frei-Pearson and Todd Garber.

1 **III. LITIGATION EXPENSES**

Expense Category	Amount
Filing Fee, initial complaint for Graewingholt;	\$350
App pro hac vice for Jeremiah Frei-Pearson	\$325
Travel Expense	\$131

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10 28. Expenses consist of two court filings, and mileage to and from a few
11 hearings.

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

13 29. In his capacity as an attorney, Mr. Nash has handled several complex state
14 and federal superfund defenses for his clients. He has also handled transactions,
15 contracts, diverse corporate matters, secured transactions, and business matters in
16 general. He has handled a number of matters that were litigated, both in the courts, and
17 by way of arbitration. He has also handled family law matters, and a few criminal
18 defenses. Mr. Nash currently represents two putative classes in two pending class action
19 litigations. The first is a State court action against St Joseph Health System for publishing
20 the medical records of 32,000 patients online. Mr. Nash served on the steering committee
21 in that action for several years. The second is this action, a District Court action against
22 Hyundai and KIA Motors America, for publishing false EPA mileage estimates.

23 I declare under penalty of perjury under the laws of the United States of America
24 that the foregoing is true and correct. Executed on December 17, 2014, at Hacienda
25 Heights, California.

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27 /s/ John P. Nash

EXHIBIT A

