E-Served: Mar 30 2020 3:16PM PDT Via Case Anywhere

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12	Attorneys for Plaintiffs						
13	ARTHUR BODNER and MICHAEL FELKER, On behalf of themselves and all others similarly situated						
14							
15	SUPERIOR COURT OF T	THE STATE OF CALIFORNIA					
16	FOR THE COUNTY OF LOS ANGELES, SPRING STREET COURTHOUSE						
17							
18	ARTHUR BODNER and MICHAEL	CASE NO. BC516868					
19	FELKER, on behalf of themselves and all others similarly situated	Assigned to Honorable Elihu M. Berle, D 6, Rm 211					
20	Plaintiffs,	DECLARATION OF ANTONY STUART IN SUPPORT OF MOTION FOR AN ORDER					
21	v.)	GRANTING: (1) FINAL APPROVAL OF					
22	BLUE SHIELD OF CALIFORNIA LIFE	CLASS-ACTION SETTLEMENT; (2) ATTORNEY FEES, LITIGATION					
23	AND HEALTH INSURANCE COMPANY,	EXPENSES, CLASS REPRESENTATIVE					
24	Does 1 through 25, Inclusive,	INCENTIVE AWARDS, AND (3) SETTLEMENT ADMINISTRATIVE					
25	Defendants.	EXPENSES					
26		Date: May 28, 2020					
27		Time: 10:00 a.m. Place: Department 6					
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DECLARATION OF ANTONY STUART

- I, Antony Stuart, declare as follows:
- 1. I am a member in good standing of the Bar of the State of California, admitted to practice before all of the courts in this state. I have personal knowledge of the facts set forth in this declaration and, if called as a witness, I could and would testify competently thereto.

EDUCACTION AND EMPLOYMENT BACKGROUND

- 2. I am one of the attorneys representing the plaintiffs in this case, Arthur Bodner and Michael Felker.
- 3. I received a Bachelor of Arts degree in Political Science from the University of California at Los Angeles in 1975. I received a Juris Doctorate degree from Loyola University School of Law in Los Angeles in June, 1979, and was admitted to the California State Bar in November of that year.
- 4. I have more than 40 years of experience litigating and managing insurance issues, initially as they presented in personal injury cases, and later in my career as I litigated insurance bad faith cases, and insurance fraud cases involving health insurance.
- 5. From 1982 until June of 1990, I was an associate attorney in the law firm Greene, O'Reilly, Agnew & Broillet, becoming a partner in that firm, then known as Greene, Broillet, Paul, Simon, MacMillan & Rosenberg, in 1990. From March of 1990 until May of 1996, I was a principal of the firm Paul & Stuart. I formed Stuart Law Firm in 1996, and have continued as principal of the firm since then.
- 6. In the course of my career I have been involved in the litigation of cases involving personal injury, including medical malpractice and product liability, insurance bad faith, defamation of character, first amendment litigation, privacy rights litigation, and health insurance litigation. I have conducted, as lead counsel, more than thirty jury trials, and operate the jury selection service, JuryPickers, through which I offer my jury selection expertise to other trial lawyers.

PROFESSIONAL HONORS AND AWARDS

7. In 1987, 1991, and 2004, I was nominated for consideration as the organization's "Trial Lawyer of the Year" by the Los Angeles Trial Lawyers Association (now Consumer Attorneys Association of Los Angeles). In 1998, California Lawyer magazine named me "One of

California's Top 20 Attorneys," and in 2000, Editors and Publishers magazine named me one of "The Three Kings of Privacy" for my work in media litigation. My reputation as a trial lawyer has engendered frequent invitations to speak at the continuing legal education seminars of Consumer Attorneys of California, the Consumer Attorneys Association of Los Angeles, the American Bar Association, and Pepperdine University and Loyola University Schools of Law, to name a few. At these events I have spoken on topics ranging from professional ethics, to jury selection, to health insurance litigation.

8. In 2003, I became involved in litigation against the Mega Life & Health Insurance Company, its parent, UICI (later renamed HealthMarkets, Inc.) and various associations through which HealthMarkets health insurance was sold. The cases alleged fraud in the sale of health insurance and were filed in various jurisdictions across the country including in Oregon, Montana, Texas, North Carolina, and Utah. My involvement in these cases enabled me to develop expertise about the legal issues involved in the design and marketing of health insurance products.

CONSUMER CLASS ACTION EXPERIENCE

- 9. Though limited in comparison to my colleagues in this case, my class action experience has been rich. In early 2010, I joined with the consumer advocacy organization, Consumer Watchdog, in the prosecution of the action, *Mary Feller and Randy Freed v. Blue Cross of California*, Ventura County Case No. 56-2010-00368587-CU-BT-VTA. The case alleged a 'death spiral' phenomenon occurring with certain Anthem Blue Cross policies. On August 26, 2011, a settlement was approved by the Court enabling about 150,000 Californians to obtain premium relief by moving, without medical underwriting, to other Anthem health insurance policies.
- 10. In 2011, I filed the action *David A. Cohen, et al. v. Facebook, Inc.*, Los Angeles Superior Court Case No. BC444482, which alleged a putative class of minor children whose names and likenesses were being used by Facebook for commercial purpose without legal consent. The *Cohen v. Facebook* case was followed by the filing of similar class action cases throughout the country, some alleging the same unlawful practice for the names and likenesses of all Facebook members, not just children. Ultimately, these cases were deemed related and venue moved to the U.S. District Court for the Northern District of California, under the lead action, *Angel Fraley, et*

al., v. Facebook, Inc., Case No. CV-11-01726 RS. As that case moved toward settlement, I joined with my co-counsel for the sub-class of minors, objecting to the settlement terms. Litigation of this issue continued through to the Ninth Circuit U.S. Court of Appeals and was ultimately lost by a memorandum opinion dated October 30, 2015. C.M.D. v. Facebook, Inc., D.C. No. 3:12-cv-01216-RS. Disappointed as I am in the outcome of the Facebook litigation, I am proud to have initiated it, and of the work I did on behalf of the millions of children who use Facebook. It was a case before its time.

PROFESSIONAL ASSOCIATIONS AND BAR LEADERSHIP

11. I have been a member of Consumer Attorneys Association of Los Angeles (CAALA), and Consumer Attorney of California (CAOC) for forty years. I served on the Board of Governors of CAOC beginning in 1990, and then in 2011, I served as the Secretary of CAOC, and am now a Governor Emeritus of that organization. In 1994, in my capacity as a representative of CAOC, I was instrumental in the negotiation and legislative enactment of restrictions for attorney advertising in electronic media, codified at Business & Professions Code sections 6148 to 6159.2. I rose through the chairs of leadership in CAALA, serving as its president in 2004. In 2003, I was appointed by the Chair of the California Judicial Council to serve on the Blue Ribbon Panel on the Fair and Efficient Administration of Civil Cases. This Panel made recommendations for reform of the rules of judicial management of civil cases, liberalizing the grounds for continuance of civil trials. In 2001, I was named to the AB 2069 Subcommittee of the Committee on Professional Responsibility and Conduct (COPRAC) of the California State Bar Board of Governors. The Subcommittee made recommendations for ethical rules pertaining to conflicts of interest arising with individuals represented by attorneys appointed by insurance carriers.

PUBLICATIONS

12. I have authored various articles over the years, including, "In Support of Informing California Juries About the MICRA Limit," Consumer Attorneys Association of Los Angeles Advocate, Vol. 33, No. 2, February, 2006; "Despite Hanif, the Collateral Source Rule Is Alive and Well," Consumer Attorneys of California Forum, Vol. 32, No. 6, July/August, 2002; "Vulture Video: Protecting the Consumer," published in 1995 in Consumer Attorneys of California Forum

magazine, Vol. 25, No. 2, "Attorney Advertising and the Civil Justice System," California Trial Lawyers Association Forum, Vol. 24, No. 2, 1994, "Don't Be a Target: Learn To Identify the Red Flags for Malpractice," Consumer Attorneys Association of Los Angeles Advocate, October, 2012, "Jury Selection: The New Paradigm," Consumer Attorneys Association of Los Angeles Advocate, January, 2017, and "Memo to the Bench: Civil Jury Selection is Different," Los Angeles Daily Journal, October 10, 2017.

ATTORNEY TIME SPENT ON THIS MATTER: LODESTAR ANALYSIS

13. This action was pursued on a fully contingent basis. Up to and including March 11, 2020, I billed a total of 317.3 hours. I prepared my timesheets contemporaneously, in the ordinary course of business, recording descriptions of my activities and the time spent on each task. My hourly rate in this matter is \$900. This results in a lodestar value of \$285,570. I anticipate spending another 10 hours on this matter through judgment, for an estimated total of \$294,570. Costs incurred for the case are \$4,106.75.

14. The services I performed were reasonably necessary in the prosecution of this action. The following chart reflects my work on the major components of the litigation.

Category of Work	1	2	3	4	5	6	7	TOTAL
Time Spent	80.4	12.6	45.5	99.8	17.4	61.6	0	317.3

Category 1: Research, review, analyze issues and case subject matter

Category 2: Pleadings, pleading challenges, research re same

Category 3: Law and motion, filings, motions for class certification and final approval

Category 4: Investigation, informal and formal discovery, meeting and conferring

Category 5: Prepare for and attend hearings

Category 6: Mediation, settlement activities

Category 7: Settlement administration

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This chart is based on my time sheets. I coded each time entry, then tallied the time spent on the seven categories of work.

- 15. I conceived of, and initiated this case, after plaintiff Michael Felker contacted me in January of 2012. Mr. Felker had concerns about why his health insurer, Blue Shield, was refusing to provide coverage for the cost of certain medical expenses he had incurred. I began investigating Mr. Felker's "Vital Shield 400 Generic" insurance policy to determine how the policy worked, and how its terms were being interpreted and applied by Blue Shield. I recognized how unusual the policy provisions were, and why Mr. Felker was perplexed that he wasn't receiving the coverage he thought he had. Because of my work with Consumer Watchdog on the *Feller/Freed* class action against Anthem, I recruited my colleagues there to join with me in the analysis and investigation of Mr. Felker's circumstances. We spent several months identifying the policy's problems and researching applicable law. During the work, we were contacted by plaintiff Arthur Bodner. Mr. Bodner was complaining of similar problems under his "Vital Shield 2900" policy.
- 16. Ultimately, Consumer Watchdog decided not to join with me in the prosecution of legal action by Mr. Bodner and Mr. Felker, so I filed the instant case myself. Soon thereafter, I joined with my co-counsel herein, Ms. Trepinski, and later with Mr. Gianelli, because of their expertise in matters related to health insurance and because of their class action experience. Since then I have collaborated with both of them to devise litigation strategy, to understand the vagaries of the Blue Shield insurance policies at hand, to prepare the plaintiffs for their deposition and trial testimony, working with our expert witnesses, and assisting in the drafting and revision of various pleadings in the case, including the opposition to Blue Shield's summary judgment motion, and its potentially case-dispositive Motion In Limine No. 1.
 - 17. I declare under penalty of perjury that the foregoing is true and correct.

 Dated, March 28, 2020, at Los Angeles, California.

Antony Stuart

PROOF OF SERVICE 1 Bodner v. Blue Shield Case No. BC516868 2 STATE OF CALIFORNIA, 3 COUNTY OF LOS ANGELES 4 I am employed in the County of Los Angeles, State of California. I am over the age of 18 5 years and not a party to the within action; my business address is 550 South Hope Street, Suite 1645, Los Angeles, CA 90071. 6 On March 30, 2020, I served the foregoing document described as 7 DECLARATION OF ANTONY STUART IN SUPPORT OF PLAINTIFFS' FEE 8 **APPLICATION** 9 on the interested parties in this action by placing a true copy of the original thereof enclosed in a 10 sealed envelope addressed as follows: 11 SEE ATTACHED 12 By Electronic Service, I caused a true and correct copy of the above-entitled documents to 13 be electronically transferred onto CASE ANYWHERE FILE AND SERVE via the Internet, which constitutes service, pursuant to Order Authorizing Electronic Service dated 11/15/2013. 14 ___ (State) I declare under penalty of perjury under the laws of the State of California that the 15 foregoing is true and correct. 16 Executed on March 30, 2020 at Los Angeles, California. 17 Shayn Adamson SHAYN ADAMSON 18 19 20 21 22 23 24 25 26 27 28

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SERVICE LIST

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