

1 MARY-LEE SMITH – Cal. Bar No. 239086
JULIA MARKS – Cal. Bar No. 300544
2 DISABILITY RIGHTS ADVOCATES
2001 Center Street, Fourth Floor
3 Berkeley, California 94704-1204
Telephone: (510) 665-8644
4 Facsimile: (510) 665-8511
TTY: (510) 665-8716
5 Email: msmith@dralegal.org

6 TIMOTHY ELDER – Cal. Bar No. 277152
TRE LEGAL PRACTICE
7 4226 Castanos Street
Fremont, California 94536
8 Telephone: (410) 415-3493
Facsimile: (888) 718-0617
9 Email: telder@trelegal.com

10 MICHAEL W. BIEN – Cal. Bar No. 096891
ERNEST GALVAN – Cal Bar No. 196065
11 MICHAEL S. NUNEZ – Cal. Bar No. 280535
ROSEN BIEN GALVAN & GRUNFELD LLP
12 50 Fremont Street, 19th Floor
San Francisco, California 94105-2235
13 Telephone: (415) 433-6830
Facsimile: (415) 433-7104
14 Email: mbien@rbgg.com
egalvan@rbgg.com
15 mnunez@rbgg.com

16 Attorneys for Plaintiffs

17

18 UNITED STATES DISTRICT COURT
19 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

20

21 NATIONAL FEDERATION OF THE
BLIND, NATIONAL FEDERATION OF
22 THE BLIND OF CALIFORNIA,
MICHAEL KELLY, MICHAEL
23 HINGSON, and MICHAEL PEDERSON,

24 Plaintiffs,

25 v.

26 UBER TECHNOLOGIES, INC.,

27 Defendant.

28

Case No. 3:14-cv-04086-NC

**DECLARATION OF ERNEST
GALVAN IN SUPPORT OF
PLAINTIFFS' MOTION FOR FEES
AND COSTS**

Judge: Hon. Magistrate Nathanael
Cousins

Date: November 10, 2016

Time: 10:00 a.m.

Crtrm.: D, 450 Golden Gate Avenue, san
Francisco, CA 94102

1 I, Ernest Galvan, declare,

2 1. I am an attorney admitted to practice law in California, a member of the bar
3 of this Court, and a partner in the law firm of Rosen Bien Galvan & Grunfeld LLP
4 (“RBGG”). I have personal knowledge of the matters set forth herein, and if called as a
5 witness I could competently so testify.

6 2. I make this declaration with a concurrently filed Notice of Errata, to address
7 three errors in Plaintiffs’ Motion for Fees and Costs, filed on September 19, 2016, as
8 Docket No. 119. The three corrections are: (a) removal of a time entry for 0.5 hours on
9 March 8, 2016 that should have been billed to a different case; (b) omission of the phase
10 codes from my firm’s time runs; and, (c) an error in the dollar value of the total hours
11 worked by attorneys Michael Bien and Michael Nunez. More detail regarding each
12 correction is provided below.

13 3. I have provided a revised summary chart of the overall merits time in this
14 matter that reflects the elimination of the errant 0.5 hour entry, and corrects the overall
15 dollar value of the hours worked by Michael Nunez. **Exhibit 1** hereto is a revised
16 summary of all firms’ merits time, which replaces the summary provided as Exhibit A to
17 the Declaration of Timothy R. Elder, Docket No. 119-2.

18 4. In addition, to reflect the change in overall totals, I am lodging a revised
19 Proposed Order concurrently with this Notice of Errata to reflect the revised overall totals.

20 **First Correction—Removal of Misbilled Time Entry.**

21 5. As set forth in the Declaration of Michael Bien, No. 119-1, at paragraphs 19-
22 20, I reviewed the records, and exercised billing judgments. After the documents were
23 final on September 19, I found an error in my review, in the form of a time entry dated
24 March 8, 2016, for Michael W. Bien, for 0.5 hours that belonged in another case. Bien
25 Decl. Ex. B, 119-1, at page 50. I have corrected my firm’s time runs and summaries to
26 remove this entry and the time associated with it. Attached hereto as **Exhibit 2** is a
27 corrected summary chart and billing statement for my firm’s work on the merits of this
28 matter through September 9, 2016.

1 **Second Correction—Dollar Value of Hours Actually Worked by Michael**
2 **Nunez**

3 6. Exhibit A to the Declaration of Timothy R. Elder, Docket No. 119-2, a
4 summary of hours worked by all firms, included incorrect numbers for the dollar value of
5 the hours worked by attorneys Michael Bien and Michael Nunez. The dollar values did
6 not account for several of the entries in their time. This error has been corrected in the
7 revised summary provided as **Exhibit 1** to this declaration

8 **Third Correction—Inclusion of Phase Codes in the RBGG Merits Time.**

9 7. The time runs for my firm attached as Exhibit B to the Bien Declaration did
10 not show the phase codes that we have adopted for the stages of this litigation. The
11 corrected invoice provided here as **Exhibit 2** now includes the phase codes with each
12 entry.

13 I declare under penalty of perjury under the laws of the United States of America
14 that the foregoing is true and correct.

15 Executed this 20th day of September, 2016, at San Francisco, California.

16
17
18
19
20
21
22
23
24
25
26
27
28

By: /s/ Ernest Galvan
Ernest Galvan