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13 Attorneys for Plaintiffs

14 **UNITED STATES DISTRICT COURT**
15 **NORTHERN DISTRICT OF CALIFORNIA**
16

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18 NATIONAL FEDERATION OF THE
19 BLIND, NATIONAL FEDERATION OF
20 THE BLIND OF CALIFORNIA, MICHAEL
KELLY, MICHAEL HINGSON, and
21 MICHAEL PEDERSEN,

22 Plaintiffs,

23 v.

24 UBER TECHNOLOGIES, INC.,

25 Defendant.
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27
28

Case No. 3:14-cv-4086 NC

**DECLARATION OF DANIEL S. MASON
IN SUPPORT OF PLAINTIFFS' MOTION
FOR REASONABLE ATTORNEYS' FEES
AND COSTS**

Judge: Hon. Magistrate Nathanael Cousins

1 I, DANIEL S. MASON, declare:

2 1. I am an attorney at law and a member of the California and District of Columbia
3 bars.

4 2. I make this Declaration in support of Plaintiffs' Motion for Reasonable Attorneys'
5 Fees and Costs in the above-captioned action. The facts stated herein are true as of my own
6 knowledge. If called to testify, I could and would competently testify thereto.

7 3. I am generally familiar with this litigation. I am familiar with the Court's denial
8 of Uber's Motions to Dismiss and for a More Definite Statement, which argued that Uber is not a
9 "public accommodation" under the ADA and that certain Plaintiffs lacked standing to sue. I am
10 also generally familiar with the comprehensive settlement Plaintiffs achieved. The settlement in
11 this case provides for substantial improvements to Uber's policies and procedures, including the
12 creation of a clear and comprehensive service animal policy, dissemination of information about
13 drivers' obligation to serve riders with service animals, removal of drivers who discriminate,
14 improved customer service for persons with service animals, and robust tracking, monitoring,
15 and testing of compliance with the service animal policy. These important improvements will
16 impact thousands of Americans with vision disabilities who travel with service animals. I
17 understand that this settlement was reached after litigation and extensive negotiations.

18 **GENERAL BACKGROUND AND EXPERIENCE**

19 4. I am a 1972 graduate of Duke University School of Law and have been a
20 practicing lawyer for over forty years. I served as a law clerk to Judge O.D. Hamlin, United
21 States Court of Appeals for the Ninth Circuit from 1972-1973. From 1973 to May 2000, I was
22 an associate, partner, and managing partner of Furth, Fahrner & Mason, and its predecessors.
23 Thereafter, Furth, Fahrner & Mason merged with Zelle LLP, where I am currently a senior
24 partner until September 1, 2016.

25 5. Attached hereto as Exhibit A is a true and correct copy of my current resume.

26 6. My practice focuses on antitrust and business litigation. I have extensive
27 experience in complex litigation matters in the areas of antitrust, trade regulation, international
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1 trade law, unfair competition, and intellectual property. I have served as an appointed mediator
2 and participated in numerous arbitrations and mediations.

3 7. Zelle handles antitrust/competition and other complex business litigation
4 throughout the United States and internationally. Zelle has offices in Boston, Dallas, Miami,
5 Minneapolis, New York, Philadelphia, San Francisco, Washington, D.C., London, and an
6 affiliated office in Beijing. My practice is based out of the San Francisco office.

7 **BILLING RATES FOR ATTORNEYS PRACTICING COMPLEX LITIGATION**

8 8. I am familiar with hourly rates charged by attorneys handling complex cases such
9 as this one in the Bay Area. My own hourly rate charged to business clients in 2016 is \$895 per
10 hour. Based on my familiarity with rates generally charged in the Bay Area and nationwide, I
11 believe that my hourly rate is comparable to the currently prevailing rates charged by attorneys
12 in the Bay Area, of comparable skill, qualifications, experience, and reputation in matters having
13 a degree of complexity similar to the matters that I handle.

14 9. I have been engaged in several matters as co-counsel with attorneys at Disability
15 Rights Advocates (“DRA”). Their qualifications, reputation, and experience are equal to, if not
16 greater than, many elite members of the California bar. Their skills are demonstrated by the
17 great success they have enjoyed in litigating complex disability cases for many years.

18 10. I am also familiar with the work of the attorneys at Rosen Bien Galvan &
19 Grunfeld (“Rosen Bien”). Rosen Bien attorneys are skilled and experienced attorneys with a long
20 history of significant successes in complex litigation, including litigation under disability rights
21 laws. Their qualifications, reputation, and experience are equal to, if not greater than, many elite
22 members of the California bar.

23 11. I am also familiar with the work of Timothy Elder of TRE Legal. Mr. Elder has
24 spent his career litigating disability rights cases, and has qualifications, reputation, and
25 experience comparable to many elite members of the California bar.

PLAINTIFFS' COUNSEL'S BILLING RATES ARE REASONABLE

12. I have reviewed the 2016 billing rates claimed by Plaintiffs' counsel in this case, DRA, Rosen Bien, and Mr. Elder. DRA's attorney rates range from \$355 to \$895 for attorneys who graduated from law school between 1985 and 2014. Rosen Bien's attorney rates range from \$460 to \$900 for attorneys who graduated from law school between 1980 and 2011. Mr. Elder's rate is \$475 and he graduated from law school in 2010. These rates are reasonable and within the range of 2016 hourly rates for attorneys practicing complex litigation in the Bay Area. These rates are comparable to the rates of attorneys of comparable skill, qualifications, reputation, and experience in the Bay Area legal market. DRA and Rosen Bien also seek hourly rates for their paralegals and summer associates ranging from \$275 to \$280. These rates are also reasonable and within the range charged to fee-paying clients by Bay Area law firms handling complex litigation in 2016.

If called as a witness, I could and would competently testify from my personal knowledge to the facts stated herein.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on Sept 13, 2016, in San Francisco, California.



Daniel S. Mason

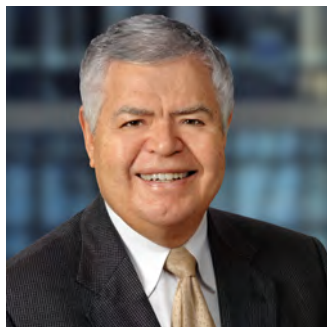
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EXHIBIT A



Daniel S. Mason
Partner



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PRACTICE AREAS

- Advisory Services
- Alternative Dispute Resolution
- Antitrust and Unfair Competition
- Athlete Representation
- Breach of Contract
- Business Disputes and Commercial Litigation
- China Trade Regulation
- China-Related Business
- Class Actions
- Director and Officer
- Entertainment, Media & Sports
- Intellectual Property
- International Competition
- Litigation and Dispute Resolution
- Trade Regulation

BAR AND COURT ADMISSIONS

- State Court: California, District of Columbia

Mr. Mason is a senior partner in the law firm of Zelle LLP, with offices in San Francisco, Minneapolis, Dallas, Boston, Miami, New York and Philadelphia, with an affiliate office in Beijing. Mr. Mason is resident in San Francisco. Mr. Mason is a member of the Bars of the State of California and Washington, D.C. He has also been admitted to numerous state and federal trial and appellate courts, as well as the United States Supreme Court.

Mr. Mason graduated from University of California, Los Angeles in 1969, with a degree in History, and from Duke University School of Law in 1972. From 1972-1973, he served as a law clerk to Judge O.D. Hamlin, United States Court of Appeals, Ninth Circuit, in San Francisco.

From 1973-May, 2000, he was an associate, partner and managing partner of Furth, Fahrner & Mason, San Francisco, and its predecessors. Thereafter, Furth, Fahrner & Mason merged with Zelle. From 1988-1989, Mr. Mason served as Acting General Counsel of Kellogg Company, Battle Creek, Michigan.

During his 38 years at the Bar, Mr. Mason has focused on trial and appellate work, and a wide variety of complex litigation matters in literally hundreds of cases. He has particular expertise in the areas of antitrust, trade regulation, international trade law, unfair competition, intellectual property, statutory construction, as well as a wide variety of contractual and other commercial disputes.

He has appeared on behalf of both plaintiffs and defendants in courts in virtually every state in the Nation, as well as in Italy, the United Kingdom and the People's Republic of China, and before the Federal Trade Commission, the Department of Justice, the Food and Drug Administration, and numerous state administrative agencies. He has also served as special antitrust counsel for the States of Arizona and New Mexico, as well as numerous municipalities. He has presented numerous oral arguments before state and federal appellate courts, as well as the U.S. Supreme Court.

Mr. Mason has significant international law experience, representing clients in arbitrations and judicial proceedings in Europe and China, where he was one of the first American lawyers to present formal argument in the court of the



Daniel S. Mason

EDUCATION

- Duke University, Durham, North Carolina, J.D., 1972
- University of California, Los Angeles, B.A., *cum laude*, 1969

People's Republic of China and be recognized in a published opinion by the Chinese appellate court. He represented the Government of the People's Republic of China on international trade disputes.

Mr. Mason has participated in numerous arbitrations and mediations, and has served as an appointed mediator. He has lectured before lawyers on antitrust, trade regulation, U.S. Civil Procedure, distributorship and trial tactics in the United States, China and Italy. Most recently, he served as the legal consultant to the Supreme Court of China on the implementation of Chinese anti-monopoly law and, at the invitation of the Chief Justice of the Chinese Supreme Court, conducted a seminar on antitrust principles for the justices of that court, as well as several other Chinese Courts.

Mr. Mason has published articles in legal journals on China's antitrust statute and E.U. competition law objectives. He was a guest speaker at the International Symposium on WTO legal issues in Shanghai, China.

Mr. Mason is a member of the Board of Directors of a U.S. public company, as well as the Legal Aid Society of San Francisco.

ARTICLES & PRESENTATIONS

"Conflicts of Law Issues," International Judicial Conference, Berlin, Germany, May 22-24 2013, panelist

"The Non-Statutory Labor Exemption in Antitrust/Labor Law," 2011 Sports Law Symposium, September 8, 2011, presenter

"Private Litigation under China's New Anti-Monopoly Law," seminar sponsored by the San Francisco Bar Association, February 17, 2011, presenter

"Private Enforcement of Articles 101 and 102 in Europe's National Courts," *The Comparative Law Yearbook of International Business*, published by the Center for International Legal Studies, Volume 32, 2010, co-author

Amateurism as It Relates to Concussions, Performance-enhancing Drugs, and the Use of Athletes' Images, 2010 Sports Law Symposium, Santa Clara University Law School, September 16, 2010



Daniel S. Mason

"A Comment on Private Antitrust Litigation in China," *Competition Law360*, April 8, 2010, author

Effectuating Private Antitrust Enforcement under China's Anti-Monopoly Law, presentation to Chinese Supreme Court, Beijing and Shanghai Supreme Courts and Intermediate Courts and China International Economic Law Society, Beijing, China, February 2, 2010

"Next Battleground In EU Antitrust Litigation," *Law360*, April 7, 2009, author

"The Next Battleground in Antitrust Litigation: Private Enforcement of Articles 81 and 82 in the Courts of the European Union's Member States," November 2008, co-author

"China's Proposed Anti-Monopoly Law: The U.S. and European Perspectives," *Asian Law & Practice*, Vol. II, Issue 6, November 2004, co-author

PROFESSIONAL AFFILIATIONS

Association of Trial Lawyers of America

District of Columbia Bar Association

International Trademark Association

American Bar Association

Bar Association of San Francisco



Daniel S. Mason

PAST PROFESSIONAL EXPERIENCE

Law Clerk, Judge O.D. Hamlin, United States Court Of Appeals, Ninth Circuit, San Francisco, CA, 1972-1973

Kellogg Company, Battle Creek, Michigan Acting General Counsel, 1988-1989

Furth, Fahrner & Mason, San Francisco, CA Associate, Partner and Managing Partner, 1973-2000