

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

MARK AND AMBER FESSLER,	§	Civil Action File No.
ANDREW HOCKER, KEVIN RUESS,	§	4:17-cv-00001
MATTHEW CARRERAS, CHARLES AND	§	
MICHELLE HANDLY, AARON AND	§	Hon. Judge Amos Mazzant/
STACEY STONE, and DANIEL AND	§	Hon. Magistrate Judge Priest-Johnson
SHARON SOUSA, on Behalf of Themselves and	§	
Those Similarly Situated	§	
<i>Plaintiffs</i>	§	
	§	
v.	§	Jury Trial Demanded
	§	
PORCELANA CORONA DE MÉXICO, S.A.	§	
DE C.V f/k/a SANITARIOS LAMOSA S.A.	§	
DE C.V.a/k/a Vortens	§	MASTER INDEX
<i>Defendant.</i>	§	

**INDEX OF DOCUMENTS SUBMITTED IN APPENDIX FILED IN SUPPORT OF
MOTION FOR SERVICE AWARD, EXPENSES AND FEES**

- A. MASTER LODESTAR SPREADSHEET SUMMARY
- B. MASTER STATEMENT OF COSTS
- C. SETTLEMENT AGREEMENT – 2011 SETTLEMENT CLASS
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I. DOCUMENTS PRODUCED IN DISCOVERY – SALES DATA
*(FILED UNDER SEAL – CERTIFICATION RECORD VOLUME 6:16;
6:18)*

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§ 4:17-cv-00001
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§ Hon. Judge Amos Mazzant/
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v.

§ Jury Trial Demanded

PORCELANA CORONA DE MÉXICO, S.A.
DE C.V f/k/a SANITARIOS LAMOSA S.A.
DE C.V.a/k/a Vortens
Defendant.

§
§
§
§ MASTER INDEX
§

MASTER LODESTAR SPREADSHEET SUMMARY

Time Keeper	Rate	Hours	Total Lodestar
N. Scott Carpener	\$695	2686.1	\$1,866,770.00
Rebecca Bell-Stanton	\$675	2837.8	\$1,915,515.00
Doug Heuval	\$525	88.1	\$46,252.50
Sabina Pincus	\$425	82.4	\$35,020.00
Anthony LaScalea	\$300	21.1	\$6,330.00
Veronica Negrón	\$140	93.0	\$13,020.00
Enrica Peters	\$140	65.4	\$9,156.00
Bridget Holley	\$125	652.1	\$81,512.50
<i>Base Lodestar Fee</i>			<i>\$3,973,576.00</i>

Description	Current Amount	Cumulative Total
Photocopy Vendor		5,748.47
Internal Reproduction/Copies		561.02
Court Fees (Filing costs, etc.)		532.00
Court Reporters/Transcripts/Record Requests		44,391.30
Research (WestLaw/Lexis, etc.)		18,037.30
Telephone/Fax/E-mail		4,713.73
Postage/Express Delivery/Messenger		1,681.52
Professional Fees (expert, investigator, accountant, etc.)		
Brian Bakale Consulting (Invoice 1021)	3,067.09	
AB Trial Presentation (Invoice 159402)	3,186.69	
Cook's National (Invoice 28283)	333.84	
Cook's National (Invoice 28286)	333.84	
Cook's National (Invoice 28287)	333.84	
Cook's National (Invoice 28288)	333.84	
Cook's National (Invoice 30241)	571.97	
Cook's National (Invoices 28453-28477)	1,238.16	
ESI (Invoice 0540894-IN)	45,564.11	
ESI (Invoice 0544325-IN)	83,592.63	
ESI (Invoice 0546664-IN)	21,315.07	
ESI (Invoice 0546684-IN)	4,370.00	
ESI (Invoice 0548248-IN)	22,484.07	
ESI (Invoice 0548252-IN)	8,990.00	
ESI (Invoice 0552387-IN)	1,000.00	
ESI (Invoice 0560530-IN)	1,000.00	
ESI (Invoice 0563683-IN)	14,335.48	
ESI (Invoice 0565472-IN)	7,623.89	
ESI (Invoice 0567845-IN)	1,159.74	
ESI (Invoice 0569583-IN)	1,000.00	
ESI Global (Invoice 0550464-IN)	1,572.24	
Goodson Engineering (Invoice 32088)	150.00	
Goodson Engineering (Invoice 32632)	150.00	
Goodson Engineering (Invoice 32944)	150.00	
Goodson Engineering (Invoice 31171)	3,112.50	
Goodson Engineering (Invoice 31326)	361.19	
Goodson Engineering(Invoice 30653)	7,187.55	
John J. Mecholsky, Jr., Ph.D.	15,801.07	
John J. Mecholsky, Jr., Ph.D.	6,500.00	
NALFA (Invoice 19-0016)	5,000.00	
Total Professional Fees		261,818.81
Witness/Service Fees		55.00
Travel (Air Transportation, Ground Travel, Meals, Lodging, etc.)		
3/8/17 NSC and RBS (Houston - Town Hall Meeting)		
Hertz Rental Car	\$126.69	
Southwest Airlines (NSC) to Houston	\$493.88	
Southwest Airlines (RBS) to Houston	\$493.88	
Spring Creek BBQ - Town Hall mtg	\$26.24	
10/22/17 NSC and RBS (Mexico - Depositions)		

American Airlines (NSC, RBS and Videographer (Alexis Frank))	\$1,936.95	
Meals (Mexico)	\$486.75	
Quinta Real	\$5,023.53	
Quinta Real	\$1,381.91	
Change Flight Fees	\$400.00	
11/21/17 RBS (Houston) - Southwest Airlines	\$503.96	
1/2/18 NSC and RBS (Mexico - Plant Inspection)		
American Airlines	\$1,369.76	
Camino Real Monterrey	\$618.80	
Meals	\$42.82	
Valet	\$60.38	
Airport Valet	\$72.07	
Meals (Mexico)	\$480.54	
Uber	\$18.76	
2/18/18 NSC to Gainesville - American Airlines (Depositions)	\$605.88	
2/18/18 NSC to Jacksonville American Airlines (Depositions)	\$543.50	
Hilton University Conf Center	\$450.94	
Advantage Rental Car	\$60.64	
Meals (Florida)	\$61.14	
Meals (Florida)	\$102.44	
Southwest (Orlando to Dallas - NSC)	\$441.98	
Travel (NSC - Florida)	\$660.42	
Hertz Rental Car	\$169.53	
3/4/18 RBS to Detroit - Airfare (Depositions)	\$440.60	
Four Points Sheraton	\$265.82	
Uber	\$17.30	
3/22/18 RBS to Houston - Bus fare (Deposition)	\$221.00	
Meals	\$5.40	
Uber	\$14.74	
Meals	\$11.86	
4/8/18 NSC to Atlanta - American Airlines	\$531.57	
Marriot Atlanta	\$592.17	
Marriott Atlanta	\$773.33	
Hertz	\$97.64	
Atlanta Airport	\$44.31	
Four Seasons - Atlanta	\$116.26	
Hertz Toll Charges	\$15.73	
Total Travel Expenses		19,781.12
Miscellaneous/Other (Mediation Fees, etc.)		
ANSI	113.00	
Mediation (Chris Nolland)	3,500.00	
Mediation (Chris Nolland)	8,750.00	
Shipp Mediation	1,950.00	
Square Cow Movers	472.50	
Total Miscellaneous Expenses		14,785.50
Total Expenses		372,105.77

CLASS ACTION SETTLEMENT AGREEMENT AND RELEASE

This Class Action Settlement Agreement and Release (“Agreement”) is made and entered into as of this ___ day of April, 2019, by Charles Handly and Kevin Reuss (“Plaintiffs”), on behalf of themselves and the Settlement Class, as defined below, and Defendant Porcelana Corona de Mexico, S.A. de C.V. f/k/a Sanitarios Lamosa S.A. de C.V. a/k/a Vortens (“Porcelana”), to settle, fully and finally, all of the claims that have been or could have been brought in two putative class-action lawsuits against Porcelana relating to certain toilet tanks described below.

1. A dispute has arisen between the Parties concerning certain Vortens™ toilet tanks specifically defined in Section I, ¶K;

2. Plaintiffs filed a putative class-action lawsuit alleging, among other things, that the Class Toilet Tanks are defective in that the tanks suddenly and spontaneously crack;

3. Porcelana categorically denies Plaintiffs’ allegations, denies that it has committed or engaged in any misconduct, wrongdoing, or other actionable conduct, denies that the Class Toilet Tanks are defective, denies that the tanks spontaneously crack, denies all liability, and asserts numerous defenses to Plaintiffs’ allegations;

4. The Parties to this Agreement, after engaging in extensive motion practice, including filing motions to dismiss, motions to strike class allegations, summary judgment motions, and after engaging in significant discovery—which included production and analysis of hundreds of thousands of pages of documents; conducting extensive interviews of named plaintiffs and putative class members; multiple international trips for depositions and site inspections; non-destructive and destructive testing; party and fact depositions; expert designations, reports, and expert depositions—and after conducting three formal mediations with the help and oversight of two highly experienced mediators, now wish to resolve all claims, disputes, and differences among them;

5. Class Counsel has reviewed and analyzed the documents produced by Porcelana and those obtained via their own investigation; consulted with experts; examined and considered the benefits to be provided to the Settlement Class Members under the Settlement provided for in this Agreement; considered the applicable laws of the State of Texas and federal declaratory and injunctive authority, and the claims that could be asserted under those laws regarding Class Toilet Tanks; considered the risks, costs, and time associated with prosecuting this case through one or more trials and appeals; and believe the Agreement to be in the best interest of the Settlement Class Members, taking into account the risks and costs of continued litigation, and the length of time that would be required to complete the litigation and any appeals;

6. Porcelana has at all times disputed, and continues to dispute, Plaintiffs’ allegations in the Lawsuit and denied any liability for any of the claims that have or could have been raised regarding the Class Toilet Tanks by Plaintiffs or Settlement Class Members, but believes that the comprehensive resolution of the issues in the Lawsuit as provided in this Agreement will avoid the substantial costs and disruptions of continued litigation, is in the best

interest of the Settlement Class, and is in the best interests of Porcelana, and is the most effective and least costly resolution of the Lawsuit;

7. The Parties understand, acknowledge, and agree that this Agreement constitutes the compromise of disputed claims and that it is their mutual desire and intention that the Lawsuit be settled and dismissed, on the merits and with prejudice, and that the Released Claims be finally and fully settled and dismissed, subject to and according to the below terms and conditions.

NOW, THEREFORE, the Parties agree and covenant as follows:

I. DEFINITIONS

As used in this Agreement, the following definitions shall apply:

- A. “Action” or “Lawsuit” means the following putative class-action lawsuit pending, as of the date of this Agreement, in the United States District Court for the Eastern District of Texas – Sherman Division: Case No. 4:19-cv-00248, styled *Mark and Amber Fessler, Andrew Hocker, Kevin Reuss, Matthew Carreras, Charles and Michelle Handly, Aaron and Stacey Stone, and Daniel And Sharon Sousa on Behalf of Themselves and Those Similarly Situated,, and Defendant Porcelana Corona de Mexico, S.A. de C.V. f/k/a Sanitarios Lamosa S.A. de C.V. a/k/a Vortens*.
- B. “Administration and Notice Expenses” means reasonable fees and expenses incurred for (1) preparing, mailing, and emailing the Summary Notice and FAQ; (2) the costs of Publication Notice; (3) receiving and adjudicating claims submitted by Settlement Class Members for compensation under this Settlement, including the costs of administering a Settlement Website for the review of the Settlement Notice and submission of claims; (4) receiving and processing Objections to the Settlement and Opt-Out Forms submitted by Settlement Class Members who wish to exclude themselves from the Class; (5) preparing status reports to the Parties and the Court; (6) preparing tax returns for any Settlement bank accounts; (7) distributing Settlement payments or other benefits to Settlement Class Members who timely submit Valid Claims; and (8) other costs of notice and administration of the Settlement that may be mutually-agreed upon by Porcelana and Class Counsel.
- C. “Agreement” or “Settlement Agreement” means this Class Action Settlement Agreement and Release and the exhibits attached hereto.
- D. “Attorney Fees and Expenses” means the amount of any attorney fees and reimbursement of litigation expenses awarded to Class Counsel pursuant to their Fee Petition.
- E. “Claim” or “Claims” means any and all past, present, future or potential claims, demands, losses, suits, proceedings, payment of obligations, adjustments, executions, offsets, actions, causes of action, costs, defenses, debts, sums of

money, assertions of rights, accounts, reckonings, bills, bonds, covenants, contracts, controversies, agreements, promises, expenses (including, without limitation, court costs and attorneys' fees), requests for relief of any kind, statutory or regulatory obligations, judgments or any liabilities of any nature whatsoever, known or unknown, anticipated or unanticipated, fixed or contingent, matured or un-matured, accrued or unaccrued, whether in law or equity, whether sounding in tort, contract, equity, nuisance, trespass, negligence or strict liability, and which have been, could have been, or may be asserted by or on behalf of any person.

- F. "Claimants" mean all Settlement Claims Members who do not properly opt out of the Settlement and who submit claims during the Claims Period.
- G. "Claims Deadline – Damages Group" means 135 days after Final Approval.
- H. "Claims Deadline – Replacement and Installation Group" means twelve (12) months from Notice Date.
- I. "Claim Form" means the form attached as Exhibit D, to be approved by the Court and to be submitted to the Settlement Administrator by Settlement Class Members who wish to make a claim.
- J. "Class Counsel" means Nathan Scott Carpenter and Rebecca Bell-Stanton of Carpenter & Schumacher, P.C.
- K. "Class Toilet Tank" or "Class Tank" means a Vortens[™] Tank manufactured between January 1, 2011 and December 31, 2011 and bearing either model number 3412 or 3464.
- L. "Class Representatives" or "Plaintiffs" means Charles and Michelle Handly and Kevin Reuss.
- M. "Court" means the United States District Court for the Eastern District of Texas – Sherman Division.
- N. "Damages Group" means Settlement Class Members defined in the Stipulated Settlement Terms as: *All owners of a Vortens[™] tank model #3412 or #3464 manufactured between January 1, 2011 and December 31, 2011 that fractured between date of manufacture and present (date of certification) and resulted in property damages.*
- O. "Defendant" means Porcelana Corona de Mexico, S.A. de C.V. f/k/a Sanitarios Lamosa S.A. de C.V. a/k/a Vortens.
- P. "Distribution Centers" are locations (Exhibit A) holding inventory product designated for use as compatible replacement tanks for model numbers #3412 and #3464.

- Q. “Distribution Center Program” is a program available to eligible Settlement Class Members who reside within a 100-mile radius of a designated Distribution Center.
- R. “Effective Date” means the first date that is three business days after all of the following have occurred: (i) the Court has entered an order granting final approval of the Settlement Agreement in accordance with the terms of this Agreement; (ii) the time for any challenge to the Settlement, both in the Court and on appeal, has elapsed; and (iii) the Settlement has become final, either because no timely challenge was made to it or because any timely challenge has been finally adjudicated and rejected. For purposes of this paragraph, an “appeal” shall not include any appeal that concerns solely the issue of Class Counsel’s Attorney Fees and Expenses or the Service Awards to the Class Representatives.
- S. “Fairness Hearing” means the final hearing, to be held after notice has been provided to the Settlement Class in accordance with this Agreement, (i) to determine whether to grant final approval to (a) re-affirm certification of the Settlement Class, (b) designate Class Representatives, (c) designate Class Counsel as counsel for the Settlement Class, and (d) the Settlement; (2) to consider whether to enter the Final Approval Order, and (3) to rule on Class Counsel’s Fee Petitions.
- T. “FAQ” means the long-form notice to the Settlement Class in the form of Frequently Asked Questions and Answers attached as Exhibit E, to be approved by the Court and posted on the Settlement Website in accordance with this Agreement.
- U. “Fee Petition” means the application to be filed by Class Counsel by which they will seek an award of attorney fees and reimbursement of litigation expenses incurred by them in prosecuting the Lawsuits, and all aspects of the settlement of them, as well as a Service Award to be paid to Plaintiffs.
- V. “Final Approval Order” means the proposed Order Granting Final Approval to the Settlement, to be entered by the Court as contemplated by Section III.B.
- W. “Notice Date” means the date on which the Settlement Administrator initiates Summary Notices to Class Members.
- X. “Notice of Claim Denial” means the form that the Settlement Administrator will send, by first-class United States Mail, to each Person who has submitted a Claim Form that the Settlement Administrator has determined, subject to review and approval by Class Counsel, to not be a Valid Claim.
- Y. “Opt-Out” means the process by which a member of the Settlement Class may submit a request for exclusion in the manner and time prescribed by the Court in the Preliminary Approval Order.
- Z. “Parties” means Plaintiffs and Porcelana, collectively.

- AA. “Person” means any natural person.
- BB. “Plaintiff” or “Class Representative” means Charles and Michelle Handly and Kevin Reuss.
- CC. “Preliminary Approval Order” means the proposed Order Granting Preliminary Approval to Class Action Settlement, to be entered by the Court with the terms and substantially in the form of Exhibit F attached to this Agreement.
- DD. “Publication Notice” means the proposed notice, with the terms and form of Exhibits B-E attached to this Agreement, to be approved by the Court and to be published in accordance with the notice plan set forth in Section III.A.5 and Section V of this Agreement.
- EE. “Qualifying Photograph,” as required by Section IV means a photograph of the interior of the Class Tank with the date and model number displayed within the photograph through some reasonable means.
- FF. “Released Claims” means all claims released by Plaintiffs and all Settlement Class Members pursuant to the release and waiver set forth in Section IX of this Agreement.
- GG. “Releasees” means (i) Defendant, together with its predecessors and successors in interest, parents, subsidiaries, affiliates, and assigns; (ii) each of Defendant’s past, present, and future officers, directors, agents, representatives, servants, employees, attorneys, and insurers; and (iii) all distributors, retailers, suppliers, and other entities who were or are in the chain of design, testing, manufacture, assembly, distribution, marketing, sale, installation, or servicing of the Class Toilet tanks.
- HH. “Replacement and Installation Group” means Settlement Class Members who are defined in the Stipulated Settlement Term as: *All owners of a Vortens™ tank model #3412 or #3464 manufactured between January 1, 2011 and December 31, 2011 that (1) have not cracked; or (2) experienced a crack from which no other property damage occurred.*
- II. “Service Award” means a reasonable payment, subject to Court approval, made to a Plaintiff as compensation for his efforts in pursuing these Actions.
- JJ. “Settlement” means the settlement provided for in this Agreement.
- KK. “Settlement Administrator” means Epiq | Hilsoft Notifications.
- LL. “Settlement Class” means all persons in the United States and its territories who (i) purchased a Class Tank, or (ii) acquired a Class Tank as part of the purchase of a home, residence, or structure. Excluded from the Settlement Class are (i) officers, directors, and employees of Porcelana or its parents, subsidiaries, or affiliates, (ii) insurers of Settlement Class Members, (iii) subrogees or all entities claiming to be subrogated to the rights of a Class Tank purchaser, a Class Tank

owner, or a Settlement Class Member, and (iv) issuers or providers of extended warranties or service contracts for Class Toilet tanks.

- MM. “Settlement Class Member” means all Persons who are members of the Settlement Class who do not Opt-Out.
- NN. “Settlement Website” means a website created by the Settlement Administrator to facilitate notice and claims administration, as detailed in Section III.A.5, Section V, and Section VI.B.2.c of this Agreement.
- OO. “Summary Notice” means the proposed notice attached as Exhibit C, to be approved by the Court and to be mailed by the Settlement Administrator to each address of record in Porcelana’s databases (after being run through the National Change of Address database), and emailed to Settlement Class Members for whom valid email addresses are known to Porcelana.
- PP. “Valid Claim” means a Claim Form that (i) is timely submitted by a Settlement Class Member in accordance with the requirements of this Agreement and the Preliminary Approval Order, (ii) is signed with a certification that the information is true and correct to the best of the claimant’s knowledge and recollection, and (iii) contains all of the attestations, certifications, information, and documentation required for that Settlement Class Member to be eligible to receive one or more of the benefits provided in Section IV of this Agreement.

II. CONDITIONAL CERTIFICATION OF NATIONWIDE SETTLEMENT CLASS

For purposes of implementing this Agreement, and for no other purpose, Porcelana stipulates to the conditional certification of the Settlement Class.

III. REQUIRED EVENTS

- A. As soon as practicable after executing this Agreement, the Parties shall take all necessary steps to file with the Court this Agreement and a joint motion seeking entry of the Preliminary Approval Order, which by its terms shall accomplish all of the following:
1. Preliminarily approve the Settlement and this Agreement as fair and reasonable to the Settlement Class;
 2. Conditionally certify the Settlement Class for purposes of effectuating the Settlement;
 3. Designate Plaintiffs as the Class Representatives;
 4. Designate Class Counsel as counsel for the Settlement Class;
 5. Designate Epiq | Hilsoft Notifications as the Notice Provider and Claims Settlement Administrator and instruct the Settlement Administrator to

perform the following functions in accordance with the terms of this Agreement, the Preliminary Approval Order, and the Final Approval Order:

- a. Disseminate the Summary Notice;
- b. Establish the Settlement Website with the Settlement Agreement, FAQ, and other information that Porcelana and Lead Counsel jointly agree to post concerning the nature of the case and the status of the Settlement, including relevant pleadings such as the operative Complaint, papers in support of preliminary and final approval of the Settlement, and Class Counsel's Fee Petition, plus relevant orders of the Court;
- c. Establish a toll-free telephone number that Class Members can call to request hard copies of the Claim Forms and FAQ be sent to them by mail and obtain additional information regarding the Settlement. This should be accomplished before mailing the Settlement Notice or publishing Publication Notice.
- d. Receive, evaluate, and either approve completed Claim Forms sent by Persons seeking to receive compensation as meeting the requirements of the Agreement or disapprove as failing to meet those requirements;
- e. Subject to the provisions of Section V, ¶4 of this Agreement, thirty days before mailing Notices of Claim Denial, provide to Porcelana and Class Counsel (i) a list of the names and addresses of all Settlement Class Members who have submitted Claim Forms and whose Claim Forms the Settlement Administrator has determined to be Valid Claims; and (ii) a separate list of the names and addresses of all Persons who have submitted Claim Forms and whose Claim Forms the Settlement Administrator has determined not to be Valid Claims, by category of benefit. Porcelana and Class Counsel shall then have an opportunity to review the Valid Claims and the Notices of Claim Denial and request a meet and confer should they decide to challenge any Valid Claims or Notices of Claim Denial. In the event Lead Counsel challenges a Notice of Claim Denial, that Notice shall not be sent to the Class Member until Class Counsel and counsel for Defendant meet and confer to arrive at a resolution. Legitimate grounds for Porcelana and Class Counsel to challenge a claim shall include, but are not limited to, inadequate documentation and inconsistency with Porcelana's records.
- f. Effect Publication Notice through appropriate media for the Settlement Class. Publication notice shall take the form attached as Exhibits B-E to this Agreement.

- g. Send, by first-class United States Mail, to each Person who has submitted a Claim Form that the Settlement Administrator has determined not to be a Valid Claim, and which has not been challenged by Lead Counsel, a Notice of Claim Denial. Such a person shall have 30 days to cure the reason for any denial.
 - h. Process requests for exclusion from the Settlement in accordance with this Agreement;
 - i. Process objections to the Settlement in accordance with this Agreement;
 - j. Within 30 days after the payment of all Valid Claims for monetary compensation by the Settlement Administrator, provide to Porcelana and Class Counsel, under penalty of perjury, a statement of the total number of claims submitted (in total and by category of benefit), the total number of claims adjudicated as Valid Claims (in total and by category of benefit), and the total dollar amount paid to Settlement Class Members (in total and by category of benefit).
6. Approve the form, contents, and methods of notice to be given to the Settlement Class and direct the Settlement Administrator to provide and cause to be provided such notices and to file with the Court a declaration detailing the scope, methods, and results of the notice program.
7. Establish procedures and schedule deadlines for Settlement Class Members to object to the Settlement or certification of the Settlement Class, to exclude themselves from the Settlement, and to submit Claim Forms to the Settlement Administrator, all consistent with the terms of this Agreement.
8. Schedule the Fairness Hearing; and
9. Schedule deadlines for the filing of (a) papers in support of final approval of the certification of the Settlement Class, the designation of Plaintiffs as representatives of the Settlement Class, the appointment of Class Counsel as counsel for the Settlement Class, and the Settlement; (b) Class Counsel's Fee Application; and (c) objections to certification of the Settlement Class, to the designation of Plaintiffs as the representatives of the Settlement Class, to the appointment of Class Counsel as counsel for the Settlement Class, or to the Settlement.
- B. At the Fairness Hearing, Porcelana and Class Counsel will jointly request the Court to enter a Final Approval Order that (1) certifies the Settlement Class, designates Plaintiffs Charles Handly and Kevin Reuss as Class Representatives, and designates Class Counsel as counsel for the Settlement Class; (2) grants final approval of the Settlement and this Agreement as fair, reasonable, and adequate to

the Settlement Class Members; (3) provides for the release of all Released Claims and enjoins Settlement Class Members from asserting, filing, maintaining, or prosecuting any of the Released Claims in the future; (4) orders the dismissal with prejudice of all claims, causes of action, and counts alleged in the Lawsuits, and incorporates the releases and covenant not to sue stated in this Agreement, with each of the Parties to bear its, his, or her own costs and attorney fees, except as provided in Section VIII below; (5) authorizes the payment by Porcelana of Valid Claims approved by the Settlement Administrator as Valid Claims, and otherwise reviewed by Class Counsel and Counsel for Porcelana and determined to be Valid Claims, in accordance with the terms of the Agreement; and (6) preserves the Court's continuing jurisdiction over the administration of the Settlement and enforcement of this Agreement. In addition, Class Counsel will move the Court for entry of a separate order approving the following: (1) Service Awards to Plaintiffs as described in this Agreement, and (2) attorney fees and costs to Class Counsel in an amount as approved by the Court and consistent with the terms of this Agreement.

- C. Porcelana, Plaintiffs, and Class Counsel will cooperate and take all reasonable actions to accomplish the above. If the Court fails to enter either the Preliminary Approval Order or the Final Approval Order, Porcelana, Plaintiffs, and Class Counsel will use all reasonable efforts that are consistent with this Agreement to cure any defect identified by the Court.

IV. SETTLEMENT BENEFITS

The 2011 Settlement Class provides benefits to the following:

All owners of Vortens™ toilet tank models #3464 or #3412 manufactured between January 1, 2011 - December 31, 2011.

- A. Replacement and Installation Group Benefits.
1. Eligible Class Members are allowed reimbursement of up to \$300 per tank inclusive of acquiring a replacement tank and installation. Receipts for installation will be required to support reimbursement request.
 - a. Past replacement (pre-notice) without receipts, which was not previously paid via direct claim to Porcelana may submit a declaration and proof of home building year/ownership and receive up to \$150 reimbursement per tank.
 - b. Past replacement (pre-notice) with receipts, which claim has not already been paid via direct claim to Porcelana, may submit receipts and proof of home building year/ownership and receive up to \$300 reimbursement per replacement tank and installation.
 2. Eligible Class Members may elect to participate in the "Distribution Center Program" rather than selection of Replacement and Installation monetary

benefits. The Program is available to eligible Settlement Class Members who reside within a 100-mile radius of a designated Distribution Center (Exhibit A). Defendant will provide replacement tanks to distributors in designated geographic areas where tanks were distributed in 2011. Replacement product will be continued to be provided as needed through the conclusion of the claim period.

3. For class member not electing replacement during the Claim Period, the warranty on these tanks will be extended to December 31, 2021.
4. Class members previously receiving replacement product from Porcelana contingent on executing a warranty waiver will receive notice that the product warranty is in force for five years from the date of the release.

B. Damages Group Benefits.

1. Damages Settlement Class Members are entitled to recovery for unreimbursed out-of-pocket expenses incurred as a result of a cracked or broken tank as follows:
 - a. Damages Settlement Class Members providing documentary proof of ownership and expenses¹ are entitled to 100% reimbursement of out-of-pocket expenditures not to exceed an amount greater than a total of \$4,000.
 - b. Damages Settlement Class Members that do not possess approved expense documentation may submit a signed declaration under oath attesting to damages and payment details.² Reimbursement by Sworn Declaration is limited to cost reimbursement for product replacement expenses incurred not to exceed an amount greater than a total of \$150 per eligible tank
2. Porcelana will not pay claims previously paid by Porcelana and secured by a release as determined solely by the third-party claims administrator.

¹ Documentary proof of ownership includes home purchase documents, installer records, builder records, deed information and qualifying photographic proof of tank ownership. Documentary proof of expenses includes records such as receipts, invoices, insurance claim records, and/or sufficient banking/credit purchase or expenditure documentation.

² The Declaration must also be accompanied by documentary proof of ownership as outlined in footnote 1.

C. Additional Benefit Considerations.

1. As set forth more fully below, to qualify for any compensation described in this Section IV, a Settlement Class Member must timely submit to the Settlement Administrator a properly completed Claim Form.
2. To be eligible for benefits, a claimant must prove membership in the Settlement Class by providing a valid Class Tank model and manufacturing date combination on the Claim Form that proves that the claimant is a Settlement Class Member. If the claimant does not provide a valid Class Tank model and manufacturing date combination that proves that the claimant is a Settlement Class Member, then the claimant will be entitled to limited compensation or benefits on the basis of an accepted Declaration executed under oath.
3. Where a claimant must prove the fact of a prior replacement to receive one of the benefits available under this Agreement, a claimant must prove the fact of such repair by submitting sufficient documentary proof. Sufficient documentary proof includes photographs, service tickets, service receipts, copies of checks, and credit card statements. If the documentary proof is insufficient to demonstrate that a repair in fact occurred, then the claimant will not be entitled to compensation for benefits that require such proof.
4. Where a claimant must prove the fact of repair and the amount of out-of-pocket costs incurred for the repair to receive one of the benefits available, a claimant must prove the fact of repair and amount of out-of-pocket costs incurred for the repair by submitting sufficient documentary proof. Sufficient documentary proof must establish the fact of repair and amount of out-of-pocket costs incurred for the repair and that the claimant actually paid out-of-pocket any amounts shown. Sufficient documentary proof includes photographs, service receipts, service tickets, credit card statements, and copies of checks.
5. Porcelana will search and analyze its Customer Information and all Claims Databases to attempt to identify Settlement Class Members. To the extent practicable, the Settlement Administrator will prepopulate Settlement Class Member claim forms with the information from the Customer Information Databases necessary for the Settlement Class Member to make a claim for benefits. Settlement Class Members who are not identified by this process may obtain a unique claim identification number by submitting their Class Tank's valid model and manufacturing date combination, together with their name and certain contact information, on the Settlement Website.
6. Approximately 3 months after the Notice Date, the Settlement Administrator will provide an electronic reminder notice (i.e., an email) of the benefits available under Section IV to Settlement Class Members. The

Settlement Administrator will not provide reminder notices through non-electronic means (e.g., U.S. mail).

7. Deadline to Submit a Claim Form for Damages Reimbursement Benefits: Except as otherwise provided in this Agreement, Settlement Class members will have up to 135 days after the Final Approval to submit a Claim Form for a Damages settlement payment (Section IV.2). These Claims Deadlines are a material term of the Settlement, without which Porcelana would not have entered into this Agreement.

V. SETTLEMENT ADMINISTRATION AND NOTICE EXPENSES

- A. All notice, publication and claims administration activities shall be carried out exclusively by the Settlement Administrator, including the evaluation of documentary proof submitted by Settlement Class Members. Porcelana shall establish a dedicated toll-free telephone number for Settlement Class Members to contact Porcelana to participate in the direct Replacement and Installation Program offered at the Designated Distribution Centers (Exhibit A) schedule installation service and to pay on behalf of such Settlement Class Members repair part and labor costs under Sections IV. of this Agreement. The dedicated toll-free telephone number shall be set forth in the FAQ, Summary Notice, and Publication Notice and reminder email along with instructions on how such claimants may contact Porcelana to receive the benefits provided for in this Agreement.
- B. Porcelana agrees to pay for reasonable Administration and Notice Expenses. Porcelana shall not be responsible for any cost that may be incurred by Plaintiffs or Class Counsel in (a) responding to inquiries about the Agreement, the Settlement, or the Lawsuits; (b) defending the Agreement or the Settlement against any challenge to it; or (c) defending against any challenge to any order or judgment entered pursuant to the Agreement, unless otherwise specifically agreed. Porcelana shall be required to pay the reasonable costs, if any, billed by the Settlement Administrator with respect to work performed by the Settlement Administrator to provide information to the Court regarding the notice and settlement administration process related to challenges or objections to the Agreement or the Settlement.
- C. Before denying any claim on the basis of insufficient documentary proof, the Settlement Administrator shall send a written notice of deficiency to the Settlement Class Member identifying the insufficient proof that may cause the claim to be denied and giving the Settlement Class Member no more than 30 days to cure the deficiency.
- D. If any Settlement Class Member disputes the Settlement Administrator's denial of a claim for any reason, the Settlement Administrator shall send the claim to Porcelana for Porcelana to determine the claim's validity. Porcelana's determination shall be final and binding unless Class Counsel, within 30 days of notification of Porcelana's determination, contests Porcelana's determination by first attempting to resolve the claim in dispute directly with Defendant's counsel,

and if those efforts are unsuccessful, by presenting the matter for determination by the Court.

- E. The Parties agree that Epiq will serve as the Settlement Administrator, subject to the Court's approval.
- F. All decisions regarding notice and settlement administration shall be made jointly between Porcelana and Class Counsel. Class Counsel and counsel for Porcelana shall have the ability to communicate with the Settlement Administrator without the need to include each other in each of those communications. Disputes, if any, shall be resolved by the Court. This includes any disputes over whether a particular class member is entitled to recover a particular claim for relief.
- G. The Settlement Administrator will mail the Summary Notice to each Settlement Class Member for whom an address can be found in the Customer Information Databases and also provide email notice to all Settlement Class Members for whom valid email addresses can be found in the Customer Information Databases. The Settlement Administrator will perform a national change of address search and forward notice packages that are returned by the U.S. Postal Service with a forwarding address. The Settlement Administrator also will provide Publication Notice to the Settlement Class Members using appropriate media outlets, and all media notices shall be approved by Porcelana and Class Counsel before the notices are published. The Settlement Administrator will mail a copy of the Claim Form to Settlement Class Members who request a hardcopy form.
- H. The Settlement Administrator will create a Settlement Website that will include all necessary and pertinent information for Settlement Class Members, including the Claim Form, the FAQ, and information relating to relevant deadlines. The Settlement Website will also permit Settlement Class Members to submit claims online, including uploading any necessary documentation. The Settlement Website will also include information that Porcelana and Class Counsel jointly agree to post concerning the nature of the case and the status of the Settlement, including relevant pleadings such as the operative Complaint, papers in support of preliminary and final approval of the Settlement, Class Counsel's Fee Petition, plus relevant orders of the Court.
- I. The Settlement Administrator will provide to Class Counsel and Porcelana periodic status reports regarding claims.
- J. The Parties agree that the Summary Notice, FAQ, Publication Notice, Claim Form, and Settlement Website provide information sufficient to inform Settlement Class Members of the essential terms of this Agreement, appropriate means for obtaining additional information regarding the Agreement and the Lawsuits, appropriate information about the procedure for challenging or excluding themselves from the Settlement, if they should wish to do so, and appropriate means for and information about submitting a claim for compensation pursuant to the Settlement. The Parties also agree that the dissemination of notice of the Settlement in the manner specified in this Agreement and on the Settlement

Website satisfies the notice requirements of due process and Rule 23 of the Federal Rules of Civil Procedure.

- K. The Parties will jointly request the Court to approve, in the Preliminary Approval Order, the method of notice described in this Agreement.
- L. The Parties submitted their Motion for Preliminary Approval of the Settlement Class with the Court and Porcelana complied with the notice provisions of the Class Action Fairness Act, 28 U.S.C. section 1715.
- M. Within fifty (50) days after the Court's entry of the Preliminary Approval Order, the Settlement Administrator will file with the Court a declaration of compliance with this plan of notice, including a statement of the number of persons to whom the Summary Notice was mailed and emailed.

VI. PROCEDURES FOR SETTLEMENT APPROVAL

- A. The Parties shall use their best efforts to effectuate this Agreement, including cooperating in drafting the preliminary approval documents and securing the prompt, complete, and final dismissal, with prejudice, of the Lawsuit.
- B. Preliminary Approval.
 - 1. The Parties have jointly moved the Court for preliminary approval of the Settlement; for authorization to publish the Publication Notice and to disseminate the Summary Notice contemplated by this Agreement to all members of the Settlement Class. The Motion included a proposed Preliminary Approval Order, proposed forms of the Summary Notice, Publication Notice, and Claim Form, and the methods and proposed dates of their dissemination to the Settlement Class, and the proposed schedule through final approval of the Agreement.
 - 2. The deadlines established in the proposed Preliminary Approval Order are anticipated as follows:
 - a. Scheduling a date for the Final Approval Hearing that is no later than 110 Days after the date of the entry of the Preliminary Approval Order, for final approval of this Settlement, resolution of any objections to this Settlement, and dismissal with prejudice of the relevant representatives claims;
 - b. Directing the Settlement Administrator to mail the Class Notice within 21 Days of the entry of the Preliminary Approval Order (the "Initial Notice Date") to persons for whom the parties have

addresses, using first class mail, and having first updated the addresses using the National Change of Address database;³

- c. Directing the Settlement Administrator to post the Class Notice and the Agreement on a website with the domain name "www.VortensSettlement.com" within 21 Days of the entry of the Preliminary Approval Order;
- d. Requiring that any member of the Settlement Class who desires to request exclusion from the Settlement Class submit to the Settlement Administrator an appropriate, timely request for exclusion in the form set forth in the Class Notice to the address stated in the Class Notice on or before a date set by the Court;
- e. Requiring the Settlement Administrator file a list of all persons objecting or requesting exclusion within 5 Days after the expiration of the Deadline for Exclusion and/or Objections;
- f. Requiring that any Settlement Class Member who objects or requests to intervene shall make themselves available to be deposed by Class Counsel and counsel for Defendants in the county of the objector's or intervener's residence within 10 Days of service of his or her timely written objection or motion to intervene;
- g. Requiring that any responses to objections or motions to intervene must be filed with the Court and served upon all Counsel on or before a date set by the Court that is no later than 14 Days prior to the Fairness and Final Approval Hearing;
- h. Requiring that Class Counsel, and any party's counsel, and/or law firms who have already entered appearances for Settlement Class Members or Named Plaintiffs must file and serve their Application(s) for expense reimbursement and requested attorney fees on or before a date set by the Court that is no later than 45 Days from the date of entry of the Preliminary Approval Order;
- i. Requiring any objection to the Application(s) be filed with the Court and served on Counsel on or before a date set by the Court that is no later than 70 Days from the date of entry of the Preliminary Approval Order;
- j. Requiring Class Counsel to file and serve any reply in support of their Application(s) on or before a date set by the Court that is no

³ These addresses include the Mailing Lists broadly described in the Notice Plan Outline prepared by Epiq | Hilsoft Notifications (Exhibit B) as well addresses provided by Porcelana for claims previously denied.

later than 90 Days from the date of entry of the Preliminary Approval Order.

3. For the purpose of computing deadlines, the Parties incorporate Federal Rule of Civil Procedure 6(a)(1).

C. Final Approval.

1. At the Fairness Hearing, the Parties will jointly request the Court to enter a Final Approval Order, which (i) grants final approval of the certification of the Settlement Class, designation of the Class Representatives, and designation of Class Counsel, all as conditionally approved in the Preliminary Approval Order; (ii) grants final approval to the Settlement and this Agreement as fair, reasonable, and adequate to the Settlement Class; (iii) provides for the release of all Released Claims and enjoins Settlement Class Members from asserting, filing, maintaining, or prosecuting any of the Released Claims in the future; (iv) orders the dismissal with prejudice of all claims, causes of action, and counts alleged in the Lawsuits, and incorporates the releases and covenant not to sue stated in this Agreement; (v) authorizes the payment by Porcelana of claims approved by the Settlement Administrator as Valid Claims in accordance with the terms of the Agreement; and (vi) preserves the Court's continuing jurisdiction over the administration of the Settlement and enforcement of the Agreement.
2. In addition, Class Counsel will move the Court for entry of a separate order approving: (1) Service Awards as set forth herein; and (2) attorney fees and costs to Class Counsel.

VII. REQUESTS FOR EXCLUSION & OBJECTIONS

- A. Any member of the Settlement Class shall have the right to Opt-Out. The written request for exclusion must be postmarked no later than a deadline to be set by the Court, which deadline shall be set forth in the Summary Notice, FAQ, and Publication Notice. These Notices shall provide instructions to individuals who wish to exclude themselves from the Settlement Class regarding the Opt-Out Procedure that must be followed to be excluded from the Settlement Class.
- B. The Notices also shall state that any Class Member who wishes to appear to oppose the reasonableness and fairness of the Settlement at the Fairness Hearing must file with the Court an objection in writing, stating the basis of the objection. Objections must also be served on Lead Counsel and counsel for Porcelana by the stated deadline. Any objections must include (i) the Class Member's full name and current address and telephone number; (ii) the model number and serial number of the Class Tank the Class Member owns or owned, with documentary proof of ownership, as described in section IV(2)(a); (iii) a description of all of the Class Member's objections, the specific reasons therefore, and any and all

supporting papers, including, without limitation, all briefs, written evidence, and declarations; and (iv) the Class Member's signature.

- C. Class Members submitting objections who wish to appear either personally or through counsel at the Fairness Hearing and present their objections to the Court orally must include a written statement of intent to appear at the Fairness Hearing in the manner prescribed by the Notice. Only Class Members who specify in their objections that they intend to appear personally or through counsel at the Fairness Hearing will have the right to present their objections orally at the Fairness Hearing. Settlement Class Members who do not submit timely written objections will not be permitted to present their objections at the Fairness Hearing.
- D. Any Class Member who does not so object by the timely filing and delivery of an objection (pursuant to the procedures set forth in the Notice) to the Court and to counsel for the Parties, shall be deemed to have waived, and shall forever be foreclosed from raising, any objection to the Settlement.

VIII. CLASS COUNSEL'S APPLICATION FOR AN AWARD OF ATTORNEY FEES AND COSTS AND SERVICE AWARDS TO PLAINTIFF

- A. As part of this Settlement, Attorney Fees and Costs and Service Awards do not reduce the amount of money available to pay Valid Claims submitted by Settlement Class Members or the amount of money to be paid for work performed by the Settlement Administrator.
- B. The amount of attorney fees and costs to be paid to Class Counsel shall be determined by the Court. After the Court preliminarily approves the Settlement, Class Counsel may submit a Fee Application to the Court.
- C. Within five days of 1) the Effective Date or 2) the final resolution of all appeals and/or objections to Class Counsel's Fee Application, whichever is later, Defendant shall pay any Court-approved amount of attorney fees and costs in the form of one or more checks or wire transfers delivered into trust accounts to be identified by Class Counsel. Class Counsel shall provide to Defendant's counsel in a timely manner all wiring and account information necessary to enable Porcelana to make such deposits within the time required.
- D. Defendant shall not oppose a Service Award of \$7,500 to Charles and Michelle Handly⁴ or to Kevin Reuss to compensate them for their efforts in pursuing litigation on behalf of the Settlement Class. This agreed amount will be subject to Court approval and will be included in Class Counsel's Fee Petitions.

⁴ The Handly Service Award of \$7,500 is a singular award as to Charles and Michelle Handly jointly.

- E. Any issues relating to attorney fees and costs or to any Service Award are to be considered by the Court separately from the Court's consideration of the fairness, reasonableness, and adequacy of this Agreement and the Settlement. The Court's or an appellate court's failure to approve, in whole or in part, any award of attorney fees and costs to Class Counsel, or any Service Award, shall not affect the validity or finality of the Settlement, nor shall such non-approval be grounds for rescission of the Agreement, as such matters are not the subject of any agreement among the Parties other than as set forth above.

IX. RELEASES

- A. Plaintiffs and all Settlement Class Members who do not timely exclude themselves from the Settlement do forever release, acquit, and discharge Releasees from all manner of actions, causes of action, administrative claims, demands, debts, damages, costs, attorney fees, obligations, judgments, expenses, or liabilities for economic loss, in law or in equity, whether now known or unknown, contingent or absolute, including all claims that Plaintiffs or Settlement Class Members now have or, absent this Agreement, may in the future have had, against Releasees, by reason of any act, omission, harm, matter, cause, or event whatsoever that has occurred up to and including the Effective Date of this Agreement, and that arise from or relate to any of the defects, malfunctions, or inadequacies of the Class Toilet Tanks that are alleged or could have been alleged in the Lawsuit, or to any act, omission, damage, matter, cause, or event whatsoever arising out of the initiation, defense, or settlement of the Lawsuit or the claims or defenses asserted in the Lawsuit, including without limitation all claims for out-of-pocket expense, diminution-in-value, benefit-of-the-bargain, cost-of-repair, or cost-of-replacement damages (the "Released Claims").
- B. By executing this Agreement, the Parties acknowledge that, upon entry of the Final Approval Order by the Court, the Lawsuit shall be dismissed with prejudice, an order of dismissal with prejudice shall be entered, and all Released Claims shall thereby be conclusively settled, compromised, satisfied, and released as to the Releasees. The Final Approval Order shall provide for and effect the full and final release, by Plaintiffs and all Settlement Class Members, of all Released Claims.
- C. Future or Unknown Harm and Waiver of Statutory Rights: It is possible, although unlikely, that other injuries, damages, losses, or future consequences or results of the sale, purchase, use, non-use, need for repair, or repair of the Class Toilet Tanks are not currently known by Plaintiffs and Settlement Class Members and will develop or be discovered. The Release in this Agreement, and the compromise on which it is based, is expressly intended to cover and include a release by Plaintiffs and each Settlement Class Member of all such future injuries, damages, losses, or future consequences or results, with the exception of personal injury claims, which are expressly not released. The Release in this Agreement includes a release and waiver of all rights, causes of actions, claims, and lawsuits against the Releasees that may exist or arise in the future because of such future injuries, damages, losses, or future consequences or results of known or unknown

injuries that arise from or relate to the Class Tank or its use by, Plaintiffs and each Settlement Class Member.

- D. Plaintiffs and the Settlement Class Members expressly consent that this release shall be given full force and effect according to each of its terms and provisions, including those relating to unknown and unspecified claims, injuries, demands, rights, lawsuits, or causes of action as referenced above. Plaintiffs and the Settlement Class Members acknowledge and agree that this waiver is an essential and material term of this release and the compromise settlement that led to it, and that without this waiver the compromise settlement would not have been accomplished. Plaintiffs have been advised by their attorneys with respect to this waiver and, being of competent mind, understand and acknowledge its significance.
- E. Each Party hereto expressly accepts and assumes the risk that if facts with respect to matters covered by this Agreement are found hereafter to be other than or different from the facts now believed or assumed to be true, this Agreement shall nevertheless remain effective. It is understood and agreed that this Agreement shall constitute a general release and shall be effective as a full and final accord and satisfaction and is a bar to all actions, causes of action, costs, expenses, attorney fees, damages, claims, and liabilities whatsoever, whether or not now known, suspected, claimed or concealed, pertaining to the Released Claims of this Agreement.
- F. Notwithstanding the above, the Court shall retain jurisdiction over the Parties and the Agreement with respect to the future performance of the terms of the Agreement, and to assure that all payments and other actions required of any of the Parties by the Settlement are properly made.

X. COVENANT NOT TO SUE

Plaintiffs (i) covenant and agree that neither they, nor anyone authorized to act on their behalf, will commence, authorize, or accept any benefit from any judicial or administrative action or proceeding, other than as expressly provided for in this Agreement, against the Releasees, or any of them, in either their personal or corporate capacity, with respect to any claim, matter, or issue that in any way arises from, is based on, or relates to any alleged loss, harm, or damages allegedly caused by the Releasees, or any of them, in connection with the Released Claims; (ii) waive and disclaim any right to any form of recovery, compensation, or other remedy in any such action or proceeding brought by or on behalf of them or any putative class of Class Tank owners related to this suit; and (iii) agrees that this Agreement shall be a complete bar to any such action by Plaintiffs.

XI. REPRESENTATIONS AND WARRANTIES

Each of the Parties represents and warrants to, and agrees with, each of the other Parties as follows:

- A. Each Party has had the opportunity to receive, and has received, independent legal advice from his, her, or its attorneys regarding the advisability of making the Settlement, the advisability of executing this Agreement, and the legal and income-tax consequences of this Agreement, and fully understands and accepts the terms of this Agreement.
- B. Plaintiffs represent and warrant that no portion of any claim, right, demand, action, or cause of action against any of the Releasees that Plaintiffs have or may have arising out of the Lawsuits or pertaining to the Class Toilet tanks or otherwise referred to in this Agreement, and no portion of any recovery or settlement to which Plaintiffs may be entitled, have been assigned, transferred, or conveyed by or for Plaintiffs in any manner; and no Person or entity other than Plaintiffs has any legal or equitable interest in the claims, demands, actions, or causes of action referred to in this Agreement as those of Plaintiffs themselves.
- C. None of the Parties relies or has relied on any statement, representation, omission, inducement, or promise of the other Party (or any officer, agent, employee, representative, or attorney for the other Party) in executing this Agreement, or in making the Settlement provided for herein, except as expressly stated in this Agreement.
- D. Each of the Parties has investigated the facts pertaining to the Settlement and this Agreement, and all matters pertaining thereto, to the full extent deemed necessary by that Party and his, her, or its attorneys.
- E. Each of the Parties has carefully read, knows, and understands the full contents of this Agreement and is voluntarily entering into this Agreement after having had the opportunity to consult with, and having in fact consulted with, his, her, or its attorneys.
- F. Each term of this Agreement is contractual and not merely a recital.

XII. NO ADMISSION OF LIABILITY

This Agreement is for settlement purposes only. It has been entered into for the purpose of compromising and settling a disputed matter and is not an admission of any deficiency or defect of any kind regarding the Class Toilet Tanks. Neither the execution of this Agreement, nor any of its provisions, nor any action taken pursuant to its terms shall, in this action or in any other action or proceeding, be construed or considered as evidence of an admission by Defendant of the validity of any Claim that has or could have been made by the Plaintiffs, the Settlement Class, or any Settlement Class Member, and Defendant denies there are any deficiencies or defects with or in the Class Toilet Tanks or in their design, manufacture, sale, distribution, marketing, warranty, or performance. It is understood and agreed that the Settlement sums and the benefits provided in this Agreement, and this Settlement and Release, are for the compromise of disputed claims and are not to be construed as or deemed to be an admission of any liability, fault, or responsibility on the part of any of the Releasees, by whom liability and fault are, and always have been, expressly and completely denied.

XIII. ADDITIONAL TERMS

- A. Extensions of Time: Unless otherwise ordered by the Court, the Parties may agree to reasonable extensions of time to carry out any of the terms of this Agreement and Settlement.
- B. Cooperation: The Parties agree that they will abide by this Agreement and do all such acts, and prepare, execute, and deliver all such documents, as may reasonably be required to carry out the stated objectives of this Agreement.
- C. Interpretation and Construction: Each Party has participated in the negotiation and drafting of all provisions of this Agreement, has had an adequate opportunity to read, review, and consider with his, her, or its own counsel the effect of the language of this Agreement, and has agreed to its terms. Accordingly, the legal maxim that “ambiguity shall be interpreted against the drafter” has no relevance to the interpretation or construction of this Agreement.
- D. Severance/Severability: With the exception of the provision for attorney fees and costs to Class Counsel and Service Awards to Plaintiffs, none of the terms of this Agreement is severable from the others. If the Court or an appellate court should rule that any term is void, illegal, or unenforceable for any reason, however, Defendant, in its sole discretion, and Plaintiffs, in their sole discretion (but acting in accord with their duties and obligations as Class Representatives), may elect to waive any such deficiency and proceed with the Settlement under the terms and conditions ultimately approved by the Court.
- E. Return or Destruction of Confidential Documents: Within thirty (30) days of the Effective Date, the Parties agree to return to the producing Party or destroy (with written confirmation of such destruction) all documents marked confidential pursuant to the Protective Order entered in the Lawsuits.
- F. Governing Law: With the exception of the Court’s determination of a reasonable award of attorney fees and costs to Class Counsel, which the Parties agree shall be governed by federal law, this Agreement has been, and shall for all purposes be deemed to have been, negotiated, executed, and delivered within the State of Texas, and the rights and obligations of the Parties shall be construed and enforced in accordance with, and governed by, the laws of the State of Texas.
- G. Entire Agreement of the Parties: This Agreement constitutes and comprises the entire agreement between the Parties with respect to the subject matter hereof. It supersedes all prior and contemporaneous oral and written agreements and discussions. It may be amended only by an agreement in writing, signed by the Parties.
- H. Binding on Agents, Successors, and Assigns: This Agreement is binding on, and shall inure to the benefit of, the Parties and their respective agents, employees, representatives, officers, directors, subsidiaries, assigns, heirs, executors, administrators, insurers, and predecessors and successors in interest.

- I. Draft by All Parties: Each Party has participated in, and in any construction to be made of this Agreement shall be deemed to have equally participated in, the negotiating, drafting, and execution of this Agreement.
- J. Court Approval: The parties agree to seek approval of this proposed Settlement in the United States District Court for the Eastern District of Texas – Sherman Division.
- K. Service in the Normal Course of Business: Defendant will continue to provide service in the normal course of business to its customers, including Settlement Class Members, through the Effective Date.

Dated: April____, 2019

READ AND APPROVED:

By: _____
Nathan Scott Carpenter
Counsel for Plaintiffs

By: _____
Melissa Dorman Matthews
Counsel for Defendant

EXHIBIT

A

Replacement and Installation Program **Distribution Centers**

Houston Area (TX):

Corbett Wingard & Ray Spring, Tx.
21240 Foster Rd. Bldg 1 Spring, TX 77388. Ph: 281-651-9500

Northside Plumbing:
9605 Kirkton Dr, Houston, TX 77095. Ph: 713-699-5499

Moore Supply 709:
1002 N. Houston Ave. Humble, TX 77338 Ph: 281.446.7131

Moore Supply 701:
15090 Sommermeyer, Ste. 100 Houston, TX 77041. Ph: 832.456.2900

Moore Supply 702:
300 North Loop 336 West Conroe, TX 77301. Ph: 936.756.6663

DFW Area (TX):

Corbett Wingard & Ray – Arlington, Tx:
915 W Mayfield Rd #101, Arlington, TX 76015. Ph: 800-880-1005

Moore Supply 752:
11925 N. Stemmons Fwy Suite100, Bldg 4., Dallas, TX 75234 Ph: 469.206.0415

Moore Supply 748:
424 Metro Park Drive, Ste 200 McKinney, TX 75071. Ph:972.562.4996

Austin, TX:

Moore Supply 708:
201 E. Industrial Austin, TX 78745. Ph: 512.462.0606

Moore Supply 719:
8740 Shoal Creek Blvd. Austin, TX 78757 Ph: 512.454.4616

San Antonio, TX:

Moore Supply 740:
817 North Frio St. San Antonio, Tx 78207. Ph: 210-342-9612

California:

Signature Sales, Inc.: 2740 Palisades Dr. Corona, Ca. 92882 Ph: 951-549-1000

Louisiana:

A.H Deveney & Company L.L.C.
6653 Langley Dr, Baton Rouge, LA 70809 Ph: 225-753-89-63.

Florida:

Spirit Group, Inc.
3563 Lake Breeze Drive Orlando, Florida 32808 ph: 407.291.6035

EXHIBIT

B

Proposed Settlement Class: The Settlement Class will include all owners of Vortens toilet tank model #3464 or #3412 with a manufacturing date of January 1, 2011 – December 31, 2011.

Notice Guidelines: Provide the "best notice that is practicable under the circumstances, including individual notice to all members who can be identified through reasonable effort" under FRCP 23(c)(2)(B).

Media Plan Summary

Local Newspapers	Insertions	Circulation	Distribution	Space/Materials Close	Unit
Houston Chronicle	1x Sunday & 1x Weekday	275,992	Houston, TX	5 days prior to issue date	1/8 Page B&W

National Trade Publications	Format	Circulation	Distribution	Space/Materials Close	Unit
Buildings	Monthly	74,100	National	60 days prior to issue date	1/2 Page B&W
Contractor	Monthly	49,058	National	60 days prior to issue date	1/2 Page B&W
PHC News	Monthly	47,000	National	60 days prior to issue date	1/2 Page B&W
Plumbing & Mechanical	Monthly	49,005	National	60 days prior to issue date	1/2 Page B&W

National Consumer Publications	Format	Circulation	Distribution	Space/Materials Close	Unit
People	Weekly	3,400,000	National	30 days prior to issue date	1/3 Page B&W

National Online Banners	Duration	Impressions*	Distribution	Space/Materials Close	Unit
Google Display Network	31 Days	100,000,000	National	10 days prior to live date	300x250, 300x600, 728x90

Local DMA Banners	Duration	Impressions*	Distribution - DMA	Space/Materials Close	Unit
Google Display Network	31 Days	750,000	Austin, TX	7 days prior to live date	300x250, 728x90, 300x600
Facebook	31 Days	750,000	Austin, TX	7 days prior to live date	254x133
Google Display Network	31 Days	150,000	Baton Rouge, LA	7 days prior to live date	300x250, 728x90, 300x600
Facebook	31 Days	150,000	Baton Rouge, LA	7 days prior to live date	254x133
Google Display Network	31 Days	1,000,000	Dallas, TX	7 days prior to live date	300x250, 728x90, 300x600
Facebook	31 Days	1,000,000	Dallas, TX	7 days prior to live date	254x133
Google Display Network	31 Days	2,000,000	Houston, TX	7 days prior to live date	300x250, 728x90, 300x600
Facebook	31 Days	2,000,000	Houston, TX	7 days prior to live date	254x133
Google Display Network	31 Days	4,000,000	Los Angeles, CA	7 days prior to live date	300x250, 728x90, 300x600
Facebook	31 Days	4,000,000	Los Angeles, CA	7 days prior to live date	254x133
Google Display Network	31 Days	300,000	Orlando, FL	7 days prior to live date	300x250, 728x90, 300x600
Facebook	31 Days	300,000	Orlando, FL	7 days prior to live date	254x133
Google Display Network	31 Days	1,500,000	San Antonio, TX	7 days prior to live date	300x250, 728x90, 300x600
Facebook	31 Days	1,500,000	San Antonio, TX	7 days prior to live date	254x133

State-Wide Banners	Duration	Impressions*	Distribution - State	Space/Materials Close	Unit
Facebook	31 Days	2,000,000	Arizona	7 days prior to live date	254x133
Facebook	31 Days	1,000,000	Arkansas	7 days prior to live date	254x133
Facebook	31 Days	4,000,000	California	7 days prior to live date	254x133
Facebook	31 Days	3,000,000	Florida	7 days prior to live date	254x133
Facebook	31 Days	2,400,000	Georgia	7 days prior to live date	254x133
Facebook	31 Days	800,000	Louisiana	7 days prior to live date	254x133
Facebook	31 Days	1,400,000	Maryland	7 days prior to live date	254x133
Facebook	31 Days	1,000,000	Mississippi	7 days prior to live date	254x133
Facebook	31 Days	4,000,000	Texas	7 days prior to live date	254x133
Facebook	31 Days	2,000,000	Washington	7 days prior to live date	254x133

National Mailing Lists: Approximately 58,251 Records (Plumbing Contractors, Damage Repair Companies, Homeowners Insurance Companies)

Sponsored Search Listings

National Press Release (600 words max.) - 2x Times

Expert and Professional Time (notice drafting, media planning and implementation, declaration and reporting)**

*Impression inventory available at time of booking may vary.

**Professional time does not include travel and testimony as needed.

EXHIBIT

C

To All Owners of Vortens Tank Models 3412 and 3464 (the “Products”):

A Class Action Settlement May Affect Your Rights

WHO IS AFFECTED

You are affected by this class action settlement if, you own(ed) a Vortens tank model 3412 or 3464 manufactured between January 1, 2011 – December 31, 2011. A description of how to determine whether you own an affected tank is included on the website www.VortensSettlement.com.

This notice summarizes the proposed Settlement. For the precise terms and conditions of the Settlement, please see www.VortensSettlement.com or contact the Claim Administrator at the telephone number or address below.

WHAT DOES THE SETTLEMENT PROVIDE

To settle the case, Defendant has authorized full access to an administrative bank account to Epiq, the Claims Administrator. If you make a valid claim in the settlement, you will receive:

You may make a claim without receipts, but only in conjunction with a declaration sworn under oath upon penalty of perjury, and your recovery is capped at \$150.00 per affected tank. Proof of ownership means -----. Proof of expenses means -----.

HOW TO GET THE REFUND

To get your refund, visit the settlement website www.VortensSettlement.com and download or complete a claim form. You can also obtain a claim form by contacting the Claim Administrator.

HOW TO OPT OUT OF THE SETTLEMENT

The settlement will release all claims related to Plaintiffs’ contentions that Defendant’s tank models 3412 and 3464 manufactured between January 1, 2011 – December 31, 2011 were sold with a manufacturing defect. If you wish to preserve your right to bring a separate lawsuit on these claims, you must exclude yourself from the class.

OBJECTING TO THE SETTLEMENT

You can also object to the settlement. For details on how to exclude yourself or object, please visit www.VortensSettlement.com or contact the Claim Administrator.

COURT HEARING AND ATTORNEYS’ FEES

The Court will hold a hearing on [hearing date] to consider whether to approve the settlement. The attorneys for the class will ask the court to award them fees and expenses in securing the settlement class benefits and \$7,500.00 in incentives to the designated individual representatives who pursued the suit, but such award does not diminish the recovery available to class participants. Note that the hearing date may change without further notice to you. Consult the settlement website at www.VortensSettlement.com for updated information on the hearing date and time.

The case is., United States District Court for the Eastern District of Texas, Case No. -----.

For further information, please visit the settlement website: www.VortensSettlement.com. You may contact the Claim Administrator by phone at _____ or by writing to _____. You may also contact class counsel at Carpenter & Schumacher, P.C., access the Court docket on PACER available at <https://ecf.txed.uscourts.gov>.

STIPULATED SETTLEMENT: EXHIBIT C – SUMMARY PUBLISHED NOTICE

EXHIBIT

D

{additions for Paper version in brackets} Claim Form

To make a claim under the Settlement, you must complete this form {and mail it to the address at the bottom of this form. (Alternatively, you can complete and submit a claim form online at www.VortensSettlement.com/claimform.)}. The claim form is due by [30 days after Final Approval] {which means it must be **received** by the Claim Administrator (not just postmarked) by that date}. The information will not be disclosed to anyone other than the Court, the Claim Administrator, and the Parties in this case, and will be used only for purposes of administering this Settlement (such as to audit and review a claim for completeness, truth, and accuracy).

To submit a claim, you must be a prior or current owner of a Vortens tank model #3412 or #3464 manufactured between January 1, 2011 – December 31, 2011.

Payments will be issued only if the Court approves the Settlement and the Effective Date of the Settlement occurs.

{Please save a copy of this completed form for your records.} **For further information, visit www.VortensSettlement.com**

First Name: _____ Last Name: _____

Email Address: {optional*} _____

Mailing Address: _____

City _____ State _____ Zip Code _____

I wish to receive my payment by:

Check made out to me as an individual at the address above.

Direct deposit to Bank Name: _____ ABA Routing No. _____ Account No. _____

I own(ed) the following eligible tanks:

Model Number	Month & Year of Manufacture	Home Address	Number of Tanks
[drop-down of 3412; 3464]	[drop-down]	[text field]	[drop-down 1-10]
TOTAL			

I certify the foregoing under penalty of perjury under the laws of the United States

Signed: _____ Date: _____

{*Please note that email is the only way to receive written notice if the settlement is terminated, or if your claim is denied with the reason(s) for the denial. It is also the only way to receive further notice of your rights to opt out of the litigation and the settlement does not become effective. Providing your email address also will help the Claim Administrator contact you, including if your settlement payment is mailed and returned as undeliverable.

{Mail your completed Claim Form, WITH PROOF OF OWNERSHIP, to: ----Settlement Claim Administrator, [address]}

{Claim Forms must be RECEIVED BY THE CLAIM ADMINISTRATOR (not just postmarked) by [30 days after Final Approval].}

EXHIBIT

E

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS,
SHERMAN DIVISION

If You Have a Vortens® Brand Toilet Tank You Could Get Benefits from a Class Action Settlement

This notice may affect your rights. Please read it carefully.

- A partial settlement has been reached with Porcelana Corona De Mexico, S.A. de C.V. f/k/a/ Sanitarios Lamosa S.A. de C.V. a/k/a Vortens™ (“Vortens”) regarding certain designated ceramic toilet tanks bearing Model #3464 or #3412 (“Affected Toilet Tanks”), manufactured by Vortens between January 1, 2011 and December 31, 2011. The settlement covers the purchase and possession of an Affected Toilet Tank, as well as payments made to reimburse property damage suffered as a result of the failure of an Affected Toilet Tank.
- Below are example images of cracked Toilet Tanks and interior tank markings:



- This settlement provides a program for obtaining replacement toilet tanks (“the Replacement Program”) and cash payments for (1) the replacement of Affected Toilet Tanks currently in use, (2) reimbursement of up to \$300 per tank for a tank replacement¹ (3) reimbursement for installation occurring under the Replacement Program for

¹ Requires documentary proof of ownership, which may include photographs showing the manufacturing date stamp and the four-digit model number stamp inside the tank and/or barcode label, if any, home purchase documents, installer records, builder records, and deed information.

Questions? Call _____ or visit www.VortensSettlement.com

Affected Toilet Tanks, (4) reimbursement of \$150 per tank only, without receipts, (5) reimbursement with receipts up to \$300, and (6) extension of the Vortens warranty on non-replaced tanks to December 31, 2021.

- For Claimants who suffered a fractured Affected Toilet Tank that fractured between date of manufacture and _____, and resulted in property damages, class members are entitled to recover for unreimbursed out-of-pocket expenses incurred as a result of a cracked or broken tank as follows: (1) class members providing documentary proof of ownership and expenses² will receive 100% reimbursement of out-of-pocket expenses not to exceed a total of \$4,000; (2) class members who do not possess approved expense documentation may submit a signed declaration, under oath, attesting to damages incurred and expense details, and will receive the cost of reimbursement for product replacement expenses incurred not to exceed \$150 per tank.
- Vortens will not reimburse anyone who previously received money from Vortens or received full reimbursement of expenses from a class member’s insurance company.
- Your legal rights are affected whether you act or do not act. Read this notice carefully.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT

SUBMIT A CLAIM FORM	The only way to get a cash payment from this settlement.
EXCLUDE YOURSELF	Get no benefits from the settlement. This is the only option that allows you to pursue a lawsuit against Vortens for claims about the Affected Toilet Tanks.
OBJECT	Write to the Court about why you do not like the settlement.
GO TO A HEARING	Ask to speak in Court about the fairness of the settlement.
DO NOTHING	Get no payment. Give up your rights to sue Vortens for claims regarding the Affected Toilet Tanks.

- These rights and options and the deadlines to exercise them are explained in this notice.
- The Court in charge of this case still has to decide whether to approve the settlement. If it does, benefits will be distributed to those who file a valid and timely Claim Form after final approval by the Court and resolution of any appeals. Please be patient. It is expected that the approval process will take several months.

BASIC INFORMATION

1. Why is this notice being provided?

A Court authorized this notice because you have a right to know about a proposed settlement in this Class Action lawsuit and to know your options before the Court decides whether to give final approval to the settlement. This notice explains the lawsuit, the settlement, your legal rights, what benefits are available, who may be eligible for those benefits, and how to get them.

The Honorable District Judge Amos Mazzant and the Honorable Magistrate Judge Kimberly Priest-Johnson of the United States District Court for the Eastern District of Texas are overseeing this Class Action. After reaching a settlement as to one portion of the class, a request for preliminary approval was filed. The Court recently severed the Settlement Class from the remainder of the claims so that the approval process could move forward. The settlement resolves the case *Fessler, et al. v. Porcelana Corona De Mexico, S.A. de C.V., et. al* (“Vortens”), Case No. 4:19-cv-00248, which claimed that certain Vortens Tanks made in 2011 were defectively manufactured. The people who sued are called the “Plaintiffs”, and the company being sued, *Porcelana Corona*, (VortensTM) is the “Defendant.”

² Documentary proof of ownership is described in footnote 1. Documentary proof of expenses includes records such as receipts, invoices, insurance claim records, and/or sufficient banking/credit purchase or expenditure documentation.

2. What is this lawsuit about?

The lawsuit claims that Vortens:

- Manufactured and sold defectively manufactured toilet tanks,
- Knew of the defective condition of the toilet tanks, and
- Failed to provide warnings notifying the public about the defect.

The lawsuit claims that Vortens' actions led to the failure of the Toilet Tanks. The lawsuit asks for money to be paid to people that own eligible Affected Toilet Tanks and to people who suffered and paid to repair property damage because of a failure of Affected Toilet Tank(s).

Vortens denies all the claims and allegations in the lawsuit. Vortens maintains that the Toilet Tanks are not defective in any respect, that the failure rate is very low and that any failures are the result of other factors (such as improper installation or misuse). Vortens has successfully defended itself on these grounds in the past.

3. Why is this a Class Action?

In a Class Action, one or more people called "Class Representatives" (in this case Charles Handly, Michelle Handly, and Kevin Reuss) sue on behalf of all people who have similar claims. All of these people are the "Settlement Class Members." One court resolves the issues for all Settlement Class Members, except for those who exclude themselves from the settlement (see Question 16).

4. Why is there a settlement?

The Court did not decide in favor of Plaintiffs or Vortens. Instead, both sides agreed to settle this case to avoid the cost and risk of a trial. The settlement does not mean that any law was broken or that Vortens did anything wrong. Vortens denies all claims and allegations in this case. The Class Representatives and their lawyers think the settlement is best for all Settlement Class Members.

WHO IS IN THE SETTLEMENT

To see if you will be affected by the settlement or if you can get a payment from it, you need to decide if you are a Settlement Class Member.

5. Am I part of the settlement?

The settlement includes anyone who owns or owned a residence or other structure in the United States containing one or more Affected Toilet Tank(s). This includes any person or entity that suffered property damage and/or paid to repair property damage caused by the failure of an Affected Toilet Tank.

The Settlement Class, as approved by the Court, is formally defined as follows:

"All owners of Vortens toilet tank model #3464 or #3412 with a manufacturing date of January 1, 2011 – December 31, 2011."

6. How do I know if I have a Vortens Toilet Tank Model #3464 or #3412 made in 2011?

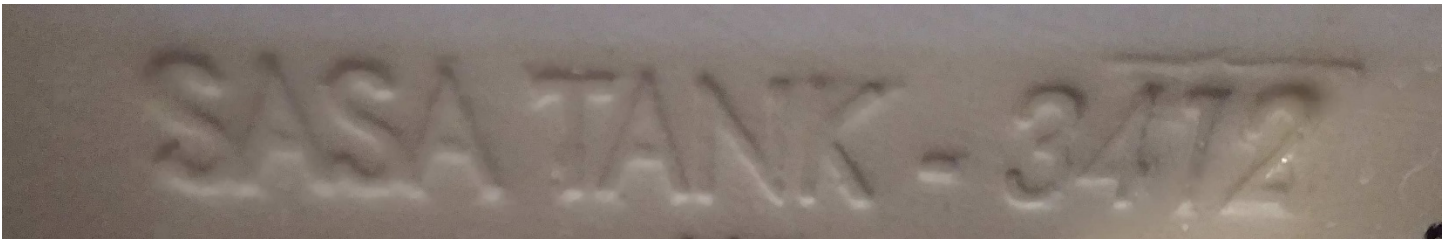
The following can help you identify whether you may have a Toilet Tank covered by this settlement:

- A Vortens stamp is shown on the inside of the tank (see photos below)
- The numbers 3464 or 3412 are stamped on the inside of the tank (see photos below)
- The date of manufacture is stamped or imprinted on the inside of the tank (see photo below)

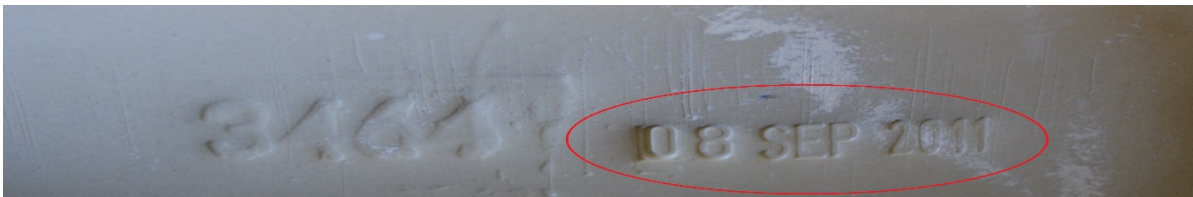
These photos show the interior of the tank with the Vortens stamp:



This photo is an example showing the model number 3412 stamped on the inside of the tank:



This photo is an example showing the date of manufacture and the model number 3464 stamped on the inside of the tank:



All model numbers for the Affected Toilet Tanks will consist of four digits and be either 3412 or 3464.

7. Are there exceptions to being included in the settlement?

Yes. The following are *not* included in the settlement:

- Anyone who previously resolved their Affected Toilet Tank claims through settlement or with payment by Vortens;
- Vortens and their affiliates;
- Persons who previously made claims for injury or property damage, including subrogated carriers;
- The presiding judges and their immediate families; and
- Anyone who timely requests to be excluded from the Class (see Questions 14-16).

8. What if I am not sure whether I am included in the settlement?

If you are not sure whether you are in the Settlement Class or have any other questions about the settlement, call _____ or visit www.VortensSettlement.com. Or you may write to *Handly v. Vortens*TM Claims Administrator, P.O. Box 3170, Portland, OR 97208-3170.

Questions? Call _____ or visit www.VortensSettlement.com

9. Who can file a claim under the settlement?

To be eligible to file a claim for a payment under the settlement, a Settlement Class Member must own an Affected Toilet Tank. Any person or entity who had property damage and/or paid incurred out-of-pocket expenses because of a failed Affected Toilet Tank may also file a claim.

SETTLEMENT BENEFITS – WHAT YOU GET IF YOU QUALIFY

10. What are the benefits of the settlement?

Under this settlement, Vortens will pay the following:

A. Replacement and Warranty Program

(1) Scope.

Covers all model 3464 and all model 3412 tanks made in 2011 which: 1) have not cracked; or 2) experienced a crack, but from which no other property damage occurred or is claims hereunder.

(2) Relief.

Class member is allowed reimbursement of up to \$300 per tank if getting a Vortens replacement tank or purchasing a replacement tank elsewhere and having either installed. Receipts for installation occurring under this program will be required to support reimbursement request.

Past replacement (pre-notice) without receipts, which was not previously paid via claim to Vortens may submit declaration and proof of home building year/ownership and receive up to \$150 reimbursement per tank.

Past replacement (pre-notice) with receipts, which was not previously paid via claim to Vortens may submit receipts and proof of home building year/ownership and receive up to \$300 reimbursement per tank.

Defendant will provide replacement tanks to distributors in Texas, California, Louisiana, and Florida, where the largest numbers of tank model #3412 and #3464 were distributed in 2011. Replacement product will be continued to be provided as needed through the conclusion of the claim period.

For class members not electing replacement, the warranty on these tanks will be extended to December 31, 2021.

Class members previously receiving replacement from Vortens by signing a release containing a warranty waiver will receive notice that the product warranty is in force for an additional five (5) years from the date of the release.

B. Damages Class

(1) Scope.

Covers all owners of a Vortens tank model #3412 or #3464 manufactured between January 1, 2011 and December 31, 2011 that fractured between date of manufacture and present (date of certification) and resulted in property damages.

(2) Relief.

Damages (2011) Settlement Class Members are entitled to recover unreimbursed out-of-pocket expenses incurred because of a cracked or broken tank as follows:

- a. Damages (2011) Settlement Class Members providing documentary proof of ownership and expenses are entitled to 100% reimbursement of out-of-pocket expenditures not to exceed an amount greater than a total of \$4,000.
- b. Failure (2011) Settlement Class Members that do not possess approved expense documentation may submit a signed declaration under oath attesting to damages and payment details. Reimbursement by Sworn Declaration is limited as follows:
 - (1) to entitlement of cost reimbursement for product replacement expenses incurred not to exceed an amount greater than a total of \$150 per eligible tanks; and
 - (2) Vortens will not pay claims previously paid in full by Vortens or homeowners' insurance as determined solely by the third-party claims administrator.

CAUSE OF CLAIM	CLAIMS PERIOD	PAYMENT AMOUNT	PROOF REQUIRED
1. Replacement Toilet Tank	One year after Final Approval of Settlement	Reimbursement of up to \$300 for replacement of each eligible Tank	Yes
2. Property damages due to failure of Toilet Tanks	One year after Final Approval for claims of failures occurring after January 1, 2011 through Final Approval.	Reimbursement of out-of-pocket expenditures not to exceed \$4,000	Yes

Replacement of Toilet Tanks. For eligible claims submitted within one year of Final Approval, Settlement Class Members can receive a cash payment of a minimum of at least \$150 for each Affected Toilet Tank that they replace. The maximum cash payment for replacement of Toilet Tanks is \$300 for each Affected Tank that they replace.

To receive a payment for Affected Tank Replacement, you must provide a completed Claim Form and proof that you own or possess an Affected Toilet Tank(s) by providing: 1) a photo of the barcode label, if available, for the Affected Toilet Tanks and/or a photo of the manufacturing date stamp and four-digit model number stamp inside the Affected Toilet Tanks; and 2) the receipt for purchasing the replacement Toilet Tanks and any installation expenses. There is no restriction on what brand Toilet Tanks you purchase to replace your Affected Toilet Tank.

Payment of Property Damages Due to Failure. For eligible claims, Settlement Class Members can recover 100% of documented costs of repairs for property damage caused by the failure of an Affected Toilet Tank with a maximum recovery of \$4,000.

To receive a payment for Property Damages, you must provide a completed Claim Form and proof that you owned or possessed an Affected Toilet Tank(s): that failed and caused property damage; and documentation supporting payment for repair of property damage caused by the failed Affected Toilet Tank as unreimbursed expenses or replacement costs.

The Claims Administrator will review claims to determine whether they are eligible and timely, and pay the amount of the claims. Valid claims will be paid within seven (7) business days from the date claim is deemed eligible by the Claims Administrator.

HOW TO GET A PAYMENT

11. What do I need to do to participate in the settlement?

Follow the instructions on the Claim Form to receive a payment under this settlement. All Claim Forms must be submitted along with any necessary supporting documentation or information. Claims may be submitted online or mailed by first-class United States Mail, postage prepaid, to the Claims Administrator: *Fessler- Vortens*TM Claims Administrator, P.O. Box 3170, Portland, OR 97208-3170.

You cannot submit your Claim Form and accompanying materials by telephone. If you change your address and want to receive a Claim Form or any payment owed to you at your new address, you should notify the Claims Administrator of your new address by sending written notice of your change of address to the Claims Administrator at the address above.

Claim Forms are available online at www.VortensSettlement.com or by calling 1-877-819-9632. Or you may request one by writing to *Fessler- Vortens*TM Claims Administrator, P.O. Box 3170, Portland, OR 97208-3170.

12. How will the claims process work?

Validation of Claims for Benefits. The Claims Administrator will begin reviewing all timely Claim Forms after the final approval of the settlement. The Claims Administrator will evaluate your claim based on all the information and documentation you provided.

Denial of Claims for Benefit. If your Claim Form and accompanying materials do not meet all of the requirements of the settlement, the Claims Administrator will deny your claim as “invalid”; you will not receive any payment, and you will be informed in writing of that decision.

Payment of Validated Claims for Benefits. If you submit a Claim Form and the Claims Administrator determines that your Claim Form and the accompanying materials are valid, the Claims Administrator will send you a payment. Payments will be made on eligible claims within seven (7) business days from the date eligibility is determined by the Claims Administrator.

No Payment Until After Appeals Are Resolved. The Claims Administrator will not make any payments to Settlement Class Members until the Court grants final approval of the Settlement and until any appeals are resolved. During the appeals process, the Claims Administrator will continue to accept claims.

13. What am I giving up to get a payment?

If the settlement becomes final, Settlement Class Members who submit a claim or do nothing will be “releasing” Vortens from all of the Released Claims as described in the Settlement Agreement. This means you will no longer be able to sue Vortens regarding any of the claims described in the Settlement Agreement.

The Settlement Agreement is available at www.VortensSettlement.com. The Settlement Agreement provides more detail regarding the release and describes the Released Claims with specific descriptions in necessary, accurate, legal terminology, so read it carefully. You can talk to the law firms representing the Settlement Class listed in the section “The Lawyers Representing You” for free, or you can, at your own expense, talk to your own lawyer if you have any questions about the Released Claims or what they mean.

EXCLUDING YOURSELF FROM THE SETTLEMENT

If you do not want a payment from the proposed settlement, and you want to keep the right to sue Vortens about the legal issues in this case, then you must take steps to get out of the settlement. This is called asking to be excluded from or sometimes called “opting out” of the Settlement Class.

Questions? Call _____ or visit www.VortensSettlement.com

14. If I exclude myself, can I get anything from this settlement?

No. If you exclude yourself, you may not apply for any benefits under the settlement and you cannot object to the proposed settlement. If you ask to be excluded, you may sue or be part of a different lawsuit against Vortens in the future. You will not be bound by this Class Action settlement.

15. If I do not exclude myself, can I sue later?

No. Unless you exclude yourself, you give up the right to sue Vortens for claims resolved by this settlement. You must exclude yourself from this Settlement Class to start or continue your own lawsuit relating to the claims in this case.

16. How do I exclude myself from the settlement?

To exclude yourself from the settlement, you must send the Claims Administrator a written request that contains:

1. Your full name, current address, telephone number, and email address;
2. A specific request to opt out of the settlement;
3. Proof that you owned or leased a residence or other structure that contains an Affected Toilet Tank (photographs of the manufacturing date stamp and the four-digit tank model number, photographs of the bar code label, if any, contemporaneous installation records, etc.);
4. The approximate date of purchase or installation of any Affected Toilet Tank, and the approximate date of failure (if applicable);
5. An estimate of the amount of property damages, if applicable; and
6. Your signature (or your attorney's signature if represented by an attorney) and the date on which you signed it.

You must mail your completed request for exclusion, postmarked by _____, 2019 to: *Fessler- Vortens*TM Claims Administrator, P.O. Box 3170, Portland, OR 97208-3170.

If you do not file your request on time and include the information above, you will remain a Settlement Class Member. That means you will lose any opportunity to exclude yourself from the settlement, and your rights will be determined in this lawsuit by the Settlement Agreement, if it receives final judicial approval. You cannot ask to be excluded on the phone, by email, or at the website.

17. Do I have a lawyer in this case?

The Court named N. Scott Carpenter and Rebecca Bell-Stanton from the law firm of Carpenter & Schumacher, P.C. as Lead Class Counsel. Below is the address for Class Counsel:

CLASS COUNSEL

N. Scott Carpenter
Rebecca Bell-Stanton
CARPENTER & SCHUMACHER, P.C.
Parkway Center IV
2701 Dallas Parkway, Suite 570
Plano, TX 75093

You will not be charged for these lawyers. If you want to be represented by your own lawyer in this case, you may hire one at your own expense.

18. How will the administrative costs and attorneys' fees be paid?

Defendant (Vortens™) agreed to pay the costs of class notice and claims administration, including the costs of mailing this notice and distributing any payments owed to Settlement Class Members under the settlement. If the Settlement is approved by the Court, Class Counsel will ask the Court for reasonable attorneys' fees of up to one-third of the value of the Settlement and reimbursement of litigation costs of up to \$500,000. Also, Class Counsel will ask the Court for a Service Award of \$7,500 to each Class Representative for their effort, service, time, and expenses.

19. How do I tell the Court if I do not like the settlement?

If you do not exclude yourself from the Settlement Class, you may object to the certification of the Settlement Class, to the terms of the proposed settlement, or to Class Counsel's request for attorneys' fees, expenses or Service Awards.

To do so, you (or your own attorney) must provide your objection in writing by first class mail to Magistrate Judge Kimberly C. Priest-Johnson, United States District Court, 7940 Preston Road, Suite 110, Plano, TX 75024 and postmarked no later than _____, 2019 with the following information:

1. The name of this lawsuit, *Fessler, et al. v. Porcelana Corona De Mexico, S.A. de C.V., et. al* ("Vortens"), Case No. 4:19-cv-00248;
2. Your full name, current address, and telephone number;
3. Whether, on the date of your written objection, you own a residence or structure (or formerly owned a residence or structure) containing an Affected Toilet Tank;
4. The address of the property(ies) that may contain or have contained the Affected Toilet Tank(s);
5. If it exists, proof that your residence or structure contains an Affected Toilet Tank (in the form of photographs of the manufacturing date stamp and the four-digit tank model number, photographs of a bar code label, if any, installation records, receipts, etc.);
6. The nature of the objection, the facts underlying it, and any legal authority supporting it, and confirm you intend to appear at the Final Fairness Hearing in accordance with the amended Rule 23;
7. In order to most effectively explain the nature of his or her objection, the Settlement Class Member should, but is not required to, include all evidence and supporting papers (including, but not limited to, all briefs, written evidence, and declarations) that you want the Court to consider in support of the objection;
8. Your signature (even if represented by an attorney) and the date on which you signed it; and
9. Your attorney's signature (if you are represented by counsel).

If you want to appear at the Fairness Hearing, on your own behalf (or through your own attorney), and speak in court, you should file a Notice of Appearance with the Court and the Claims Administrator no later than _____, 2019. This notice should list (in detail) the subjects you will talk about.

If you do not file your objection on time and include the information above, you may lose the opportunity to have your objection considered at the Fairness Hearing. You will also not be able to object or appeal any of the Court's decisions in connection with the settlement.

20. What is the difference between objecting and asking to be excluded?

Objecting is simply telling the Court that you do not like something about the settlement. You can object only if you stay in the Settlement Class. Excluding yourself is telling the Court that you do not want to be part of the Settlement Class. If you exclude yourself, you cannot object to the settlement, and you will not be eligible to apply for any benefits under the Settlement because the case no longer affects you.

21. When and where will the Court decide whether to approve the Settlement?

On _____, 2019, at ____ p.m., the Court will hold a public hearing in Room 101 of the United States District Court for the Eastern District of Texas, located at the U.S. Courthouse, 7940 Preston Road, Plano, Texas 75024. The Court will decide whether the Settlement Class was properly certified and whether the settlement is fair, adequate, and reasonable and should be finally approved. The Court will also consider Class Counsel's request for attorneys' fees and expense reimbursement and any objections. This hearing may be delayed or rescheduled by the Court without further notice to the Settlement Class. Class Members who object to the settlement are required to attend the Fairness Hearing. If you want to speak in Court to object to the settlement, either personally (or through your own attorney), you should notify the Court of your intention to appear at the Fairness Hearing (see Question 19).

22. Do I have to attend the Fairness Hearing?

If you object to the Settlement, Yes. Class Counsel will answer any questions the Court may have regarding the settlement. However, you must attend the hearing at your own expense. If you send in a written objection, you still have to attend the Fairness Hearing to discuss your objection. If you mailed your written objection on time, the Court will consider it. Your own lawyer may attend the Fairness Hearing at your expense; their attendance is necessary.

23. How do I get more information?

This Notice summarizes the proposed settlement. More details are in the Settlement Agreement. You can view a copy of the Settlement Agreement at www.VortensSettlement.com. You may also write with questions to *Fessler- Vortens*TM Claims Administrator, P.O. Box 3170, Portland, OR 97208-3170. You can get a Claim Form at the website or have a Claim Form mailed to you by calling _____. If you have questions for Class Counsel, you may contact them at the address listed above in Question 17. You may also get advice and guidance from your own private attorney at your own expense.

Please do not write or telephone the Court or Porcelana Corona De Mexico, S.A. de C.V. f/k/a/ Sanitarios Lamosa S.A. de C.V. a/k/a VortensTM for information about the settlement or this lawsuit.

EXHIBIT

F

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

MARK AND AMBER FESSLER,	§	Civil Action File No.
ANDREW HOCKER, KEVIN REUSS,	§	4:19-cv-00248
MATTHEW CARRERAS, CHARLES AND	§	
MICHELLE HANDLY, AARON AND	§	Hon. Judge Amos Mazzant/
STACEY STONE, and DANIEL AND	§	Hon. Magistrate Judge Priest-Johnson
SHARON SOUSA, on Behalf of Themselves and	§	
Those Similarly Situated	§	ORDER ON JOINT MOTION FOR
<i>Plaintiffs</i>	§	PRELIMINARY APPROVAL OF
	§	CLASS ACTION SETTLEMENT
v.	§	
	§	
PORCELANA CORONA DE MÉXICO, S.A.	§	
DE C.V f/k/a SANITARIOS LAMOSA S.A.	§	
DE C.V. a/k/a Vortens	§	
<i>Defendant.</i>	§	

**AMENDED [PROPOSED] ORDER GRANTING PRELIMINARY APPROVAL
OF CLASS ACTION SETTLEMENT**

WHEREAS, Plaintiffs MARK AND AMBER FESSLER, ANDREW HOCKER, KEVIN REUSS, MATTHEW CARRERAS, CHARLES AND MICHELLE HANDLY, AARON AND STACEY STONE, and DANIEL AND SHARON SOUSA on behalf of Themselves and Those Similarly Situated, and Defendant Porcelana Corona de Mexico, S.A. de C.V. f/k/a Sanitarios Lamosa S.A. de C.V. a/k/a Vortens, filed a Joint Motion for Preliminary Approval of a Partial Class Action Settlement (the “2011 Settlement”) for claims asserted in *Fessler, et. al v. Porcelana Corona de Mexico, et. al* (the “Original Action”), Cause No. 4:17-cv-00001 as Docket No. 191;

WHEREAS, on April 2, 2019, the Original Action was severed into two suits, and the 2011 Settlement assigned a new civil cause number (Civil Action File No. 4:19-cv-00248); the Joint Motion for Preliminary Approval of the 2011 Class Settlement was filed as Docket No. 3, and a hearing on the Joint Motion for Preliminary Approval was set for April 16, 2019;

WHEREAS, the Parties have submitted a Joint Supplementation to the Motion for Preliminary Approval to account for the severance of the Original Action into two suits, agreed modifications to the Proposed Notice Plan, and additional evidentiary support for the sufficiency of the Proposed Notice Plan under Federal Rule of Civil Procedure 23(c)(2)(B);

WHEREAS, this Court has read and considered the Joint Motion for Preliminary Approval (Dkt.3), the incorporated Stipulated Settlement Agreement (“Agreement”) entered into by and among Defendant (“Porcelana”) on the one hand, Plaintiffs generally as individuals and on behalf of putative class members, and specifically Plaintiffs Charles and Michelle Handly and Kevin Reuss as “2011 Class Representatives” (collectively the “Parties”), the Supplementation (Dkt.5) and attachments, together with the certification record, and heard the arguments of counsel;

WHEREAS, this Court preliminarily finds, for the purposes of settlement only, that the proposed class as stated in the Agreement meets all the prerequisites of Rule 23(a) of the Federal Rules of Civil Procedure for class certification, including numerosity, commonality, and typicality; predominance of common issues and superiority for the 2011 Damages Settlement Class pursuant to Rule 23(b)(3); specificity of declaratory relief for class members harmed in essentially the same way pursuant to Rule 23(b)(2); and that the 2011 Class Representatives and Class Counsel are adequate representatives of the 2011 Settlement Class;

WHEREAS, this Court preliminarily finds the Stipulated Settlement appears to be the product of serious, informed, non-collusive negotiations conducted at arms-length and over the course of multiple formal mediations, has no obvious deficiencies, does not improperly grant preferential treatment to class representatives or segments of the class, and falls within the range of possible judicial approval:

IT IS HEREBY ORDERED AS FOLLOWS:

1. The proposed settlement set forth in the Stipulated Settlement Agreement is hereby preliminarily approved as being fair, reasonable and adequate such that notice thereof should be given to members of the 2011 Settlement Class (as defined in the paragraph below).

Class Certification

2. The Action is provisionally certified as a class action, for the purposes of settlement only of the claims asserted on behalf of certain owners of Affected Toilet Tanks manufactured in 2011 as identified below, pursuant to Rule 23 of the Federal Rules of Civil Procedure, which class is defined as follows:

All owners of Vortens toilet tank models #3464 or #3412 manufactured between January 1, 2011 - December 31, 2011.

This Class Definition is further refined pursuant to the following relief eligibility:

“Replacement and Installation Subclass:” All owners of a Vortens tank model #3412 or #3464 manufactured between January 1, 2011 and December 31, 2011 that (1) have not cracked; or (2) experienced a crack from which no other property damage occurred.

“Damages Subclass:” All owners of a Vortens tank model #3412 or #3464 manufactured between January 1, 2011 and December 31, 2011 that fractured between date of manufacture and present (date of certification) and resulted in property damages.

The following persons and/or entities are expressly excluded from the 2011 Settlement Class:

- Persons and/or entities who timely opt-out of this proceeding using the correct protocol for opting-out established in this Order;
- Persons and/or entities who have settled or otherwise resolved claims against the Defendant arising out of or in connection with individual water or flooding damages alleged to be caused by a fractured tank of one of the relevant models, to the extent of the resolution of those claims;
- Any and all federal, state, and/or local governments, including, but not limited to, their departments, agencies, divisions, bureaus, boards, sections, groups, counsels and/or subdivisions; and

- Any currently sitting federal judge and/or justice in the current style action and/or any persons within the third degree of consanguinity to such judge and/or justice.

3. The 2011 Class Representatives and Class Counsel are hereby found to be, and are therefore appointed as, adequate representatives of the 2011 Settlement Class. Specifically, Plaintiffs Charles and Michelle Handly and Kevin Reuss are appointed as representatives of the proposed 2011 Settlement Class. The Court finds that the proposed Service Award to each 2011 Class Representative is reasonable and approves same. N. Scott Carpenter, Esq. and Rebecca Bell-Stanton, Esq., of Carpenter & Schumacher, 2701 N. Dallas Parkway, Suite 570, Plano, Texas 75093 are appointed as Class Counsel pursuant to Fed. R. Civ. P. 23(g) to represent the interests of the proposed 2011 Settlement Class.

4. The Court finds that, for purposes of settlement only, the requirements of Fed. R. Civ. P. 23 are met by the 2011 Settlement Class. Joinder of all Settlement Class Members in a single proceeding would be impracticable, if not impossible, because of their numbers and dispersion. Common issues exist among 2011 Settlement Class Members' claims regarding whether the identified tank models manufactured in 2011 suffer from a manufacturing defect that results in spontaneous failure or otherwise affects the expected lifespan of the product.

5. The Court further finds the 2011 Class Representatives claims are typical of those of the Settlement Class, in that: (i) the interests of Plaintiffs Handly and Reuss are typical of those of the 2011 Settlement Class; (ii) there are no apparent conflicts between or among the Plaintiffs Handly and Reuss and the members of the 2011 Settlement Class; (iii) Plaintiffs Handly and Reuss have been and are capable of continuing to be active participants both in the prosecution of, and the negotiations to settle this Action; and (iv) Plaintiffs Handly and Reuss and the 2011 Settlement Class are represented by qualified, reputable counsel who are

experienced in preparing and prosecuting class actions, including those involving allegedly defective products.

6. In accordance with the Supreme Court's holding in *Amchem Prods v. Windsor*, 521 U.S. 591, 620 (1997), the Court need not address whether this case, if tried, would present issues of manageability under Fed. R. Civ. P. 23(b)(3)(D). Finally, a class action settlement is superior to other available methods for a fair resolution of the controversy.

7. Certification of the "Replacement and Installation Subclass" is preliminarily approved for Declaration and Enforcement of the 2011 Replacement and Installation Program described in the Stipulated Settlement and Supplementation to the Joint Motion pursuant to Rule 23(b)(2). Certification of the "Damages Subclass" is preliminarily approved pursuant to Rule 23(b)(3).

8. This Certification of the 2011 Settlement Class and its component parts of requested relief shall be solely for settlement purposes and without prejudice to the Parties if the Stipulated Settlement is not finally approved by this Court or otherwise does not take effect.

Notice of Potential Settlement to 2011 Class Members

9. The Court hereby approves the Notice Plan and procedure for disseminating notice of the proposed settlement to the 2011 Settlement Class as set forth in the Agreement. The Court finds that the Notice Plan contemplated constitutes the best notice practicable under the circumstances and is reasonably calculated, under the circumstances, to apprise 2011 Settlement Class Members of the pendency of the Action and their right to object to the proposed settlement or opt out of the 2011 Settlement Class in full compliance with the requirements of applicable law, including the Due Process Clause of the United States Constitution and Rules 23(c) and (e) of the Federal Rules of Civil Procedure.

10. In addition, Class Notice clearly and concisely states in plain, easily understood language: (i) the nature of the action; (ii) the definition of the certified 2011 Settlement Class; (iii) the claims and issues of the 2011 Settlement Class; (iv) that a Settlement Class Member may enter an appearance through an attorney if the member so desires; (v) that the Court will exclude from the Settlement Class any member who requests exclusions; (vi) the time and manner for requesting exclusion; and (vii) the binding effect of a class judgment on members under Fed. R. Civ. P. 23(c)(3).

11. As set forth in the Stipulated Settlement, Settlement Administration, which includes the costs and expenses incurred in providing notice to the 2011 Settlement Class in addition to claims administration, shall be paid by the Defendant. Class Counsel may be entitled to an award of reasonable costs incurred in the prosecution of the Action and pursuit of this Settlement and must timely file an application with sufficient proof of such costs in accordance with the Deadlines assigned below. Class Counsel are furthermore required to submit proper Application for payment of attorney's fees in accordance with the terms of the Settlement Agreement in a timely manner as provided herein.

Retention of Class Action Settlement Administrator and Notice Plan

12. The Court authorizes the Parties to retain Epiq to effectuate the Notice Plan as the Notice Provider and further as the Claims Administrator. Epiq shall provide all the following forms of Notice within twenty-one (21) days of this order (“**Notice Date**”):

- *Direct Mail Notice.* A copy of the Notice of Proposed Settlement of Class Action substantially in the form attached to the Joint Supplementation as Exhibit B (the “Class Notice”), together with the Claim Form substantially in the form also attached to the Supplement as Exhibit B, and this Order, shall be mailed to all reasonably identifiable 2011 Settlement Class Members and persons or entities listed in the agreed industry Mailing Lists.

- *Published Notice.* A copy of the Summary Notice substantially in the form attached to the Supplement as Exhibit B shall be published in a Consumer Print Publication (*People*), Trade Publications (*Buildings, Contractor, PHC News, and Plumbing & Mechanical*), and local newspaper (*Houston Chronicle*).
- *National Press Release.* Issue a joint press release on *PR Newswire's* national wire, reaching approximately 5,500 media outlets and 5,400 websites. The release will discuss the Settlement and provide the address for the Settlement Website where information can be obtained and downloaded. A second National Press Release will be issued forty-five (45) days prior to the hearing for Final Approval.
- *Internet Notice.* Banner ads to appear on leading networks, including National Online Banners (*Google Display Network*), Local DMA Banners (*Google Display Network* and *Facebook*), and State-Wide Banners (*Facebook*).
- *Website Notice.* A copy of the Notice of Proposed Settlement of Class Action will be posted and available for download on a Settlement Website. This information is to remain available on the Internet until the last day of the eighteen-month Claims Period.

The Notice Provider shall provide a Certificate Statement of Substantial Completion of the initial launch of the Notice Plan thirty (30) days after the Notice Date.

Final Fairness Hearing

13. At or before the Final Fairness Hearing, the Notice Provider shall file with the Court documentation showing, and an affidavit attesting, that the Notice Plan was executed in accordance with this Order.

14. No later than forty-five (45) days after this Order granting Preliminary Approval, Class Counsel shall file with the Court and post on the Settlement Website their application for payment of attorneys' fees and expenses ("**Application Deadline**"). This filing may be updated no later than ten (10) days prior to the Final Fairness Hearing.

15. A hearing (the "Final Fairness Hearing") shall be held on _____, 2019, beginning at __:__ to consider whether the requirements for certification of the Settlement Class have been met and whether the proposed settlement of the Action on the terms set forth

in the Stipulated Settlement Agreement should be approved as fair, reasonable, adequate, and in the best interests of the 2011 Settlement Class Members; whether Class Counsel's fee and expense application should be approved; and whether the Final Judgment approving the settlement and dismissing the Action on the merits and with prejudice against the Class Representatives and all 2011 Settlement Class Members should be entered. The Final Fairness Hearing may, from time to time and without further notice to the Settlement Class (except those who have filed timely valid objections and requested to speak at the fairness hearing), be continued or adjourned by Order of the Court.

Objections

16. Any 2011 Settlement Class Member who complies with the requirements of this Section may object to any aspect of the proposed settlement either on their own or through an attorney hired at their expense. Any 2011 Settlement Class Member who intends to object to the proposed settlement must do so no later than sixty (60) days after the Notice Date ("**Objection Deadline**").

17. Objections by any 2011 Settlement Class Member may be made to: (A) the certification of the 2011 Settlement Class and the proposed settlement contained in the Agreement and described in the Settlement Notice; (B) the payment of fees and expenses to Class Counsel or Service Awards to the Class Representatives; and/or (C) entry of the Final Judgment.

18. To exercise this objection right, the 2011 Settlement Class Member must provide notice to the Settlement Administrator (Epiq | Hilsoft Notifications) and written notice of the objection via first class mail, to Class Counsel and Counsel for Defendant, by the Objection Deadline. The objection must bear the signature of the 2011 Settlement Class Member (even if represented by counsel) with the date signed and must specify:

- (i) the name of the Class Action;
- (ii) the 2011 Settlement Class Member's current address, telephone number and email address;
- (iii) whether, as of the date of the objection, the 2011 Settlement Class Member owns a residence or structure or formerly owned a residence or other structure containing an Affected Toilet Tank, or otherwise suffered damages as a result of the failure of an Affected Toilet Tank;
- (iv) the address of the property that may contain or contained an Affected Toilet Tank and, if different, the address where the 2011 Settlement Class Member suffered damages from a failed Affected Toilet Tank;
- (v) proof that the objector's residence or structure contains an Affected Toilet Tank or otherwise suffered damages caused by the failure of an Affected Toilet Tank (photographs, contemporaneous installation records, etc.);
- (vi) the exact nature of the objection, the facts underlying, and legal authority supporting, the objection, and whether or not the 2011 Settlement Class Member intends to appear at the Final Fairness Hearing; and
- (vii) all evidence and supporting papers (including, but not limited to, all briefs, written evidence, and declarations) that the 2011 Settlement Class Member wants the Court to consider in support of the objection.

If the 2011 Settlement Class Member is represented by counsel, the objection shall also be signed by the attorney who represents the Settlement Class Member. If a 2011 Settlement Class Member or counsel for the Settlement Class Member has objected to a class action settlement on any prior occasions, the Objection shall disclose all cases in which they have filed an objection by caption, court and case number.

Opt Outs

19. Any 2011 Settlement Class Member may request to be excluded (or "opt out") from the 2011 Damages Settlement Class. A Settlement Class Member who wishes to opt out of the Damages Settlement Class must do so not later than forty-five days (45) days after the Notice Date ("**Opt Out Deadline**"). To exercise this opt out right, a 2011 Settlement Class Member must send written notification of the decision to request exclusion by completing an Opt Out Form, which may simply be in the form of a letter so long as it provides all of the required information. The Opt Out Form shall be sent via first class mail to the Claims Administrator with courtesy copies to

Class Counsel and Counsel for Defendant. Opt Out Forms must be submitted by individual Settlement Class Members and will not be valid if submitted in the aggregate or on behalf of a purported class, except that joint owners of the same structure may opt out on the same form.

20. To be valid, Opt Out Forms must be received by the Claims Administrator and/or postmarked on or before the Opt Out Deadline and approved by the Court. The Opt Out Form must bear the signature of the 2011 Settlement Class Member and include: (i) a specific request to opt out of the litigation; (ii) the Settlement Class Member's name, current address, telephone number, and email address; (iii) proof of membership in the 2011 Damages Settlement Class; (iv) the approximate date the Affected Toilet Tank failed and caused property damage; (v) an estimate of the amount of damages, if any, that the Class Member sustained as the result of the alleged failure of an Affected Toilet Tank; and (vi) the identity of the lawsuit or other proceeding previously filed by the 2011 Damages Settlement Class Member involving the failed Toilet Tank, if any. If the 2011 Damages Settlement Class Member is represented by separate counsel, the Opt Out Form shall also be signed by the attorney who represents the Settlement Class Member.

21. Except for those 2011 Damages Settlement Class Members who have properly filed a timely written Opt Out Form (and all other Excluded Persons), all Persons who meet the definition of a 2011 Settlement Class Member will be deemed 2011 Settlement Class Members for all purposes of the Class Action Settlement.

22. Any Class Member who has not properly filed a timely written Opt Out Form shall be bound by the terms of Settlement and by all subsequent proceedings, orders, and judgments issued by the Court. Any Settlement Class Member who elects to opt out of the Settlement Class pursuant shall not be entitled to relief under or be affected by the Settlement.

23. Counsel for the Parties are hereby authorized to utilize all reasonable procedures in connection with the administration of the settlement that are not materially inconsistent with either this Order or the terms of the Stipulated Settlement.

24. The Names of all Settlement Class Members who properly requested exclusion shall be attached as an exhibit to any Final Order and Judgment.

Injunction

25. The Court hereby enjoins all 2011 Settlement Class Members, and all Persons that can pursue or are entitled to pursue an action in the name or right of a 2011 Settlement Class Member, from commencing, maintaining, continuing and/or prosecuting any action asserting any claims that fall within the scope of the Released Claims (as defined in the Stipulated Settlement) until the entry of the Final Order and Judgment, unless such Person has validly opted out of this settlement and Agreement and the Court has approved such opt out.

No Admission of Liability

26. The Stipulated Settlement and this Order are not admissions of liability or fault by Defendant or the Released Parties, or a finding of the validity of any claims in the Action or of any wrongdoing or violation of law by Defendant. The Stipulated Settlement is not a concession by the Parties. To the extent permitted by law, neither this Order, nor any of its terms or provisions, nor any of the negotiations or proceedings connected with it, shall be offered as evidence or received in evidence in any pending or future civil, criminal, or administrative action or proceedings to establish any liability of, or admission by, Defendant. Notwithstanding the foregoing, nothing in this Order shall be interpreted to prohibit the use of this Order in a proceeding to consummate or enforce the Stipulated Settlement or this Order, or to defend against the assertion of Released Claims in any other proceeding, or as otherwise required by law.

Deadlines

27. In Accordance with the Stipulated Settlement and exhibits attached thereto, the Court sets the following deadlines:

- a. The Notice Plan shall be initiated within twenty-one (21) days of this Preliminary Approval Order (“Notice Date”), or _____, 2019.
- b. Class Counsel shall file with the Court and post on the Settlement Website their application for payment of attorneys’ fees and proof of expenses within forty-five (45) days of this Preliminary Approval Order (“Application Deadline”), or _____, 2019.
- c. All Opt Out Forms requesting exclusion from the 2011 Settlement Class must be postmarked and sent to the Claims Administrator, Class Counsel and Counsel for the Defendant within forty-five (45) days of the Notice Date (“Opt-Out Deadline”), or _____, 2019.
- d. All Objections to the Settlement must be filed with the Court and sent to the Claims Administrator, Class Counsel and Counsel for the Defendant within sixty (60) days of the Notice Date (“Objection Deadline”), or _____, 2019. Objecting individuals must make themselves available for deposition in their county of residence within ten (10) days of the service of the Objection.
- e. No later than fifteen (15) days prior to the Final Fairness Hearing, the Parties shall file all papers in support of the application for final approval of the settlement and/or opposition to any timely Objections received.
- f. A Final Fairness Hearing shall be scheduled within approximately one-hundred and ten (110) days after entry of this Preliminary Order, or as the Court’s schedule permits.

28. If any deadline set forth in this Order falls on a Saturday, Sunday or federal holiday, the deadline shall be extended to the next Court business day.

29. The Court reserves the right to adjust the date of the Final Approval Hearing and related deadlines. In that event, the revised hearing date and/or deadlines shall be posted on the Settlement Website referred to in the Notice, and the parties shall not be required to re-send or republish the Notice.

30. Specific dates calculated from April 17, 2019 as the Preliminary Approval Date:

EVENT	TIMING	DATE
Preliminary Approval		April 17, 2019
Notice Date	21 Days after Preliminary Approval	May 8, 2019
Fee Application	45 Days after Preliminary Approval	June 1, 2019
Certificate of Substantial Completion	30 Days after Notice Date	June 7, 2019
Opt-Out Deadline	45 Days after Notice Date	June 22, 2019
Objection Deadline	60 Days after Notice Date	July 7, 2019
Opposition to Objections	15 Days prior to Fairness Hearing	July 22, 2019
Motion for Final Approval	15 Days prior to Fairness Hearing	July 22, 2019
Final Approval/Fairness Hearing	110 Days after Preliminary Approval	August 6, 2019

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

MARK AND AMBER FESSLER,	§	Civil Action File No.
ANDREW HOCKER, KEVIN REUSS,	§	4:19-cv-00248
MATTHEW CARRERAS, CHARLES AND	§	
MICHELLE HANDLY, AARON AND	§	Hon. Judge Amos Mazzant/
STACEY STONE, and DANIEL AND	§	Hon. Magistrate Judge Priest-Johnson
SHARON SOUSA, on Behalf of Themselves and	§	
Those Similarly Situated	§	
<i>Plaintiffs</i>	§	
	§	
v.	§	
	§	
PORCELANA CORONA DE MÉXICO, S.A.	§	
DE C.V f/k/a SANITARIOS LAMOSA S.A.	§	
DE C.V. a/k/a Vortens	§	
<i>Defendant.</i>	§	

DECLARATION OF N. SCOTT CARPENTER

I, N. SCOTT CARPENTER, do hereby declare that I am over the age of eighteen years and not a party to the action herein. My business address is 2701 North Dallas Parkway, Parkway Centre, Suite 570, Plano, Texas 75093, and I am one of the attorneys of record for plaintiffs herein. I have personal knowledge of the facts contained herein and, if called as a witness, I could and would competently testify as follows:

1. That I am an attorney qualified to practice before all State Courts in the State of Texas and admitted to practice law before the Texas Federal District Courts in the Northern, Eastern, Western, and Southern Districts of Texas. I was admitted to the Bar in Texas in 1994 and have practiced as an attorney continually ever since, primarily as a litigation and trial attorney in my own practice. That I have also been licensed and admitted to practice law in the State of Oklahoma since 2015, and in all State and Federal Courts in the State of Idaho since January, 2019.

2. That, attached hereto as Exhibit A and incorporated herein by reference is a true and correct copy of my professional resume, which sets forth and describes my law career.
3. That, I am currently the Founding Member and Managing Partner of the law firm of Carpenter & Schumacher, P.C. The law firm was originally formed in March, 1995 under the name Law Offices of N. Scott Carpenter. In 2003, the firm's name was changed and remains known today as Carpenter & Schumacher, P.C. Attached hereto as Exhibit B and incorporated herein by reference is a true and correct copy of the Carpenter & Schumacher, P.C. firm resume.
4. That, shortly after opening my boutique litigation firm, and consistently during the past 24 years, I have handled thousands of litigation cases involving product defects. Specifically, I have litigated matters involving alleged product defects, including manufacturing, design, and marketing, against manufacturers such as Ford (speed control deactivation switch), General Motors (heated circuits for washer fluid reservoirs), Mercedes-Benz (electrical circuitry), Hamilton-Beach® (toasters), Krups® (coffee makers), tortierre floor lamp manufacturers, Sunbeam® Products (electric blankets), Corona Porcelana (manufacturing defect in toilet tanks), Whirlpool Corporation (defective dishwashers), Bath & Body Works (exploding candles), BrassKraft® and Dormont® (defective gas appliance connectors), Electrolux® (defective dryers), Watts Water Technology (plastic water filters), Rheem Manufacturing (Rheem® water tanks), and State Industries, Inc. (defective pressure relief valves), to name only a handful.
5. That in addition to the cases mentioned above, continually since 2004 I have litigated cases against manufacturers of the flexible gas tubing systems known throughout the United States as Corrugated Stainless-Steel Tubing (a.k.a. "CSST").

6. That our law firm is currently national litigation plaintiff's counsel for one of the largest insurance companies in the United States. As national litigation counsel we have been tasked to handle ALL catastrophic fire and explosion cases that occur across the southern half of the United States, from California to Florida, in product liability cases where facts support a lightning-induced CSST failure leading to a fire. The cases that we have handled just in the past two years have occurred in Kansas (\$1.9 million loss, \$2.8 million loss and \$2 million loss), Oklahoma (numerous cases involving losses of \$3.2 million, \$700,000, \$550,000, \$250,000), Florida (cases involving losses of \$1.2 million and \$160,000), Texas (cases involving losses of \$2.8 million, \$3.2 million, \$2 million and \$1.8 million), Georgia (\$250,000 loss), Arkansas (\$1.3 million loss), Mississippi (\$300,000), South Carolina (\$500,000 loss), North Carolina (\$2 million loss), and Missouri (\$400,000 loss).
7. That the above-referenced cases involved numerous product manufacturers and involved allegations and claims of defects including design and manufacturing.
8. That in 2016, along with my law partner, we achieved the award of "Top 100 U.S. Verdicts" after a jury trial involving a construction related fire in State District Court - Tarrant County, Texas.
9. That in each year since 2004, I have litigated and successfully resolved more than 60 fire and explosion cases our clients have filed against ALL of the manufacturers who design, market and sell their brand of CSST in the United States marketplace. The common theme in each case is the fact that whether the case involved a fire or an explosion, factually the cases all involved lightning-induced CSST failures resulting in catastrophic fires and/or explosions causing significant property damage. However, in at least one CSST failure

case I have handled, serious personal injury suffered by the homeowners and the death of their 31-year old male friend who was in the home visiting when lightning struck the home.

The documented failure of CSST was again the cause-in-fact of that fire and explosion.

10. The following represents a non-exhaustive list of recently settled and currently pending product liability cases my firm has/is handling:

Crockett v. Omega Flex, Cause No.: 4:16-CV-00387; United States District Court, Eastern District of Arkansas, Little Rock Division
Date Filed: 6/20/2016
Status: Pre-Trial settlement – Feb. 2018

Isaac v. Titeflex Corporation, Cause No.: 2016-CV-002294-TX; 18th Judicial District Court of Sedgwick County, Kansas
Date Filed: 10/6/2016
Status: Pre-Trial settlement

Olsen v. Titeflex Corporation, Cause No.: CJ-2017-151-02; District Court of Garfield County, Oklahoma
Date Filed: 6/2/2017
Status: Pre-Trial settlement – March, 2019

French v. Titeflex Corporation, Cause No.: 17-CV-00392-JED-FHM, United States District Court, Northern District of Oklahoma
Date Filed: 6/6/2017 (State Court Action); 7/5/2017 (Removed to Federal Court)
Status: Pre-Trial settlement

Blacks v. Titeflex Corporation, Cause No.: 1:17-CV-3147-AT, United States District Court, Northern District of Georgia, Atlanta Division
Date Filed: 6/30/2017 (State Court Action); 8/18/2017 (Removed to Federal Court)
Status: Pre-Trial Settlement

Gonzales v. Titeflex Corporation, Cause No.: 3:17-CV-00416-SDD-RLS; United States District Court, Middle District of Louisiana
Date Filed: 5/8/2017 (State Court Action); 6/29/2017 (Removed to Federal Court)
Status: Pre-Trial Settlement

Graber v. Titeflex Corporation, Cause No.: 2016-CP-08-3088, Court of Common Pleas of Berkeley County, South Carolina
Date Filed: 12/29/2016
Status: Pre-Trial Settlement

Trachsel, Sr. v. Techvalco and Metal-Fab Inc., Cause No.: 17JE-CC00835, Circuit Court of Jefferson County, Missouri

Date Filed: 11/7/2017
Status: Pre-Trial Settlement

Polston v. Ward Manufacturing
Date Filed: 02/2019
Status: Settlement Discussion ongoing

Council v. Titeflex Corporation, Cause No.: 1728512; 12th Judicial District Court
of Walker County, Texas
Date Filed: 11/14/2017
Status: Pre-Trial Settlement

Malone v. Titeflex Corporation, Cause No.: 2016CA003200000000, 10th Judicial
Circuit of Polk County, Florida
Date Filed: 9/21/2016
Status: Pre-Trial Settlement

Hines v. Pro-Flex
Jacksonville, Florida
Date Filed: N/A
Status: Pre-Suit Settlement

11. That, I am currently lead plaintiffs' counsel in a number of unrelated Federal Class Action cases involving allegations of product defect including a case filed in the Western District of Michigan against Whirlpool Corporation; a case filed in New Castle, Pa. involving concussion-related allegations, and; a case filed and currently pending in the Western District of Missouri where we are seeking nationwide certification of a class against flexible gas tubing manufacturers.
12. That in addition to the above Class Action filed matters, I have been involved in other product defect related litigation filed in various parts of the country including the Class Action filed in Arkansas in 2005 involving gas tubing failures. In that case the parties reached an amicable settlement which included an agreement for certification of a nationwide class and payment of \$29 million in attorney fees and costs.
13. That in approximately 2006 I was involved in a case against Sunbeam Corporation wherein we sought certification of a nationwide class for plaintiffs who suffered damages from their

purchase and use of an electric blanket manufactured and sold under the Sunbeam brand of products. That case was settled and included certification of a nationwide class of plaintiffs and payment of attorneys' fees and costs of approximately \$8 million.

14. That in addition to the above-mentioned cases, I have also recently been involved as one of many litigation counsel representing corn farmers across the Midwest against genetically-modified corn producer, Syngenta. Terms of a settlement were recently agreed upon and announced publicly which is to include payment in the approximate amount of \$1.5 billion to approximately 57,000 farmers across the United States. Attorneys' fees awarded by the Federal District Court in that case totaled \$500 million.
15. That in May, 2019, I requested and was appointed Co-Class Counsel in a case filed in the Western District of Michigan involving Defendant's joint and concerted effort to market and sell Kenmore brand dishwashers with defective upper rack assemblies to consumers nationwide.
16. That, in May, 2019, I requested to be appointed Class Counsel in a case filed in the Western District of Missouri involving Defendants' joint and concerted efforts to market yellow jacketed CSST (known to be unreasonably dangerous) and mislead the public by and through a national campaign of false and deceptive propaganda that demands additional expenditures by the consumer in exchange for an ineffectual "fix."
17. That, as can be seen by my attached resume, I maintain a flourishing and successful litigation practice primarily focused in the area of product defects and consumer-related litigation, both in Texas and in numerous other States coast to coast.
18. As a result of my education, training, and experience, as well as in my professional relationships with practicing attorneys in the Dallas-Fort Worth metroplex and reviewing

state and local surveys of attorney's fee rates, as well as testifying as an expert on attorney's fees in the *Dallas Pay Case* filed and decided in Rockwall County, Texas, I have knowledge of the rates charged by law firms handling complex litigation in the Federal District Courts of Texas and the legal work reasonably required to prepare, litigate, and resolve complex Class action litigation.

II. Work Performed in the Instant Case

19. During the Fall of 2016, and after meeting with an associate attorney in my office, I identified a systemic problem that was occurring in the Vortens manufactured toilet tanks. After that initial meeting and analysis, I and Ms. Bell-Stanton met with our associate handling property damage claims involving failed Vortens toilet tanks, reviewed numerous expert reports all related to tank failures, and consulted with our own experts, all towards determining if, in fact, there was a systemic problem with tank failures and, more importantly, to determine if there was a common root cause of these failures. Once we determined that there existed real problems with the tanks, we began our evaluation to determine the breadth and scope of the problems. Shortly after starting, we were able to determine that tanks made from as early as 2004 up to and including 2012 were experiencing the same failure mode, to wit: premature fractures caused by residual stressing from the water in the tanks.
20. On January 1, 2017, my law firm filed a lawsuit against the tank manufacturer and its successor entity, both of which are foreign entities located in Monterrey, Mexico, Benito Juarez, Mexico, and Bogota, Columbia.
21. During the entirety of this litigation, Ms. Bell-Stanton and I, along with multiple attorneys and support staff in my law firm, have worked enthusiastically, diligently, and continuously

on the present matter since and throughout the time this matter has been filed. As a law firm, we have sought to ensure that this case is properly and judicially managed, ethically handled and prosecuted, all while maintaining a high-level of integrity and truthfulness in our dealings with your Honorable Court. It has been of the utmost importance to both Ms. Bell-Stanton and I that we establish and maintain the highest level of integrity and honor in the handling of this case, both with opposing counsel and in our practice before the Court, despite being contentious and exceedingly adversarial.

22. That we have brought diligence and the highest level of commitment to the case, our Plaintiffs, and the Class Members in all that has been asked of us by both the Court and counsel for the Defendants. As will be shown below, I and my law firm have committed significant resources, financial and otherwise, to prosecuting this case on behalf of the Plaintiffs and Class Members. For the size of my law firm, this financial commitment was a tremendous undertaking.
23. We continue to maintain office facilities and staff in Texas to enable us to do whatever is required to obtain Final approval of the Settlement in order that Class Members are able to finally receive much-needed compensation for failed tanks.
24. That it is my opinion that the issues presented in this class action are issues of law with which I am familiar. I am fully qualified to act, along with Ms. Bell-Stanton, as counsel for the Plaintiffs and Class Members who, have declared, that they are happy with the settlement and that they wish Ms. Bell-Stanton and I to continue our representation of them through and after the date when this Court issues its Final Approval Order.
25. This case has been thoroughly litigated, was complex and time consuming especially as compared to other product liability and consumer-related class action litigation I have been

involved in. The Defendant retained and utilized multiple attorneys and support staff at a large and respected Dallas based law firm, as well as multiple foreign national attorneys in Mexico and Columbia, to defend against Plaintiffs' claims. In fact, it was not unusual for Defendant to have no fewer than two (2), and three (3) or more attorneys (and at times five (5) attorneys) attend the corporate designee and other witness depositions, as well as the plant inspections we conducted in Monterrey and Benito Juarez, Mexico.

26. This case involved numerous complex issues of law and fact including scientific, forensic, and root failure analysis of the materials and manufacturing of ceramic products. It required Plaintiffs' counsel to study up on the manufacturing process of ceramic products, the composition of raw materials, the firing times and temperatures of commercial kilns, including thermal curves involved in firing porcelain products, and quality checks specific to final products.
27. Throughout this case, Carpenter & Schumacher attorneys formulated legal arguments for Plaintiffs' and Class Members' claims; met with and interviewed named plaintiffs and numerous absent class members, many of which own Vortens toilet tanks manufactured outside of the Settlement Class; evaluated and investigated relevant facts and many other circumstances giving rise to this litigation; incorporated knowledge from prior experiences working on complex product liability litigation to bolster the work and efforts in this case; discussed the factual claims and root cause failure analysis with retained experts, including ceramics experts, six sigma experts with specific experience and expertise in statistical analysis of product failure rates; worked with experts to prepare reports and to provide sworn testimony; drafted operative pleadings and motions; managed discovery both received and propounded; drafted and/or reviewed more than 233 filings including

responses to multiple dispositive motions filed by defendants, and a motion to strike class allegations; took or defended multiple depositions both domestically and those that required Plaintiffs' counsel to travel to Mexico; reviewed and catalogued more than 10,000 pages of documents, most of which were produced by defense counsel in Spanish which required extra time and expense on the part of Plaintiffs' counsel; we employed additional staff to assist with translating documents produced by defense counsel including complicated graphs and charts involving time and temperature curves; argued and/or assisted with the preparation of the arguments to be made in connection with various filings; reported to the Court as to the progress of certain matters including certification, settlement discussions, mediation; prepared for and attended hearings including certification and discovery disputes.

28. That Ms. Bell-Stanton and I have competently and aggressively handled the logistics of legal representation in this case and, to date, complied with discovery requests propounded upon us, including deposition requests of the plaintiff representatives, and supplementation of discovery responses as we are obligated to do under the Federal Rules of Civil Procedure.

29. In addition, Ms. Bell-Stanton and I participated in three separate days of mediation before two separate and highly respected mediators in Dallas, Mr. Christopher Nolland and John Shipp (selected by defense counsel). In preparation for the three days of mediation my firm prepared and presented multiple mediation statements, and other documents in an effort to assist the mediator and the parties in their work to reach an agreement, and to inform the mediators of the status of the case, briefing and case management schedules, as well as position statements. That the mediations, independently and collectively, at times were

complex, protracted, contentious and adversarial, and required decisions to be made by multiple persons on the defense side, both in attendance and not. Ultimately, the third day of mediation resulted in terms being agreed to in a piece-meal fashion for a partial settlement of Plaintiffs' and Class Members' claims. The proposed Settlement was reached on behalf of the Class was done separate, apart and independently of any discussions between the parties as to attorneys' fees and expenses. Despite best efforts by the parties, no agreement could be reached as to Plaintiffs' claims of manufacturing defects outside of the 2011 time period.

30. After the third day of mediation, my firm committed additional staff and attorneys to draft the Term Sheet, proposed Settlement Agreement, and Motion and Supplemental Motion for Preliminary Approval of the 2011 settlement class. All such work required additional briefing, and two additional days of depositions of expert witnesses who had previously provided testimony in the case.
31. Soon after the proposed Settlement was agreed to and signed by the parties, I and Ms. Bell-Stanton drafted the Long Form Notice, and other notice related documents necessary for the third-party notice administrator, Epiq, to comply with its obligations. I also participated, worked, and continue to work directly with the Epiq on issues related to notice and appropriate claims administration including website content, acceptable claims handling including payment of Class benefits, and direct notice to class members who had either contacted my law firm staff directly or had been included on the claims form we received from defense counsel.
32. Once the Court granted preliminary approval of the settlement, my law firm undertook efforts to continue to reach out to consumers, directly and indirectly, to notify them of the

settlement benefits. These efforts included engaging with a television reporter in Texas to provide her with a statement and other information to assist her in reporting the settlement to Class Members. Those efforts continue and will continue throughout the 18 month Claims Period.

III. Lodestar for Work Performed

33. I am familiar with the billing rates attorneys in the Dallas-Fort Worth legal community charge both from a defense perspective and those who represent plaintiffs given I regularly interact with attorneys from both sides of the Bar and because I maintain a general awareness of rates currently being charged by attorneys. I am also familiar with the factors that may be considered in determining the reasonableness of attorneys' fees as set forth in Rule 1.04(b) of the Texas Disciplinary Rules of Professional Conduct which, are for the most part, adopted by the State and Federal courts.
34. In assessing an appropriate and reasonable billing rate for this case, I consulted with counsel across the metroplex, including defense counsel who handle complex litigation in the various Federal District Courts in Texas, as well as the 5th Circuit. I have also worked with attorneys who handle complex class action litigation in Texas, as well as other parts of the country, and have a working understanding for the range of hourly billing rates charged by those attorneys.
35. My law firm also commissioned a Survey by the *National Association of Legal Fee Analysis* ("NALFA"). This association conducts surveys of billing rates of attorneys across the country and, when requested, of targeted areas. In my attempt to provide the most accurate, up-to-date information as it relates to attorney billing rates in Dallas-Fort Worth, we requested that NALFA conduct a survey of local attorneys taken from the NALFA

database. The results of the NALFA survey are included in the Appendix to *Plaintiffs' Motion for Approval of Service Awards, Fee Application, and Request for Reimbursement of Litigation Expenses*.

36. I have performed significant work and committed extraordinary resources for and on behalf of class members nationwide. The firm's billing documentation and time reports are included in the Appendix. The information provided herein sets forth, in great detail and description, the work required and time incurred to prosecute this case through June 10, 2019. The billing documentation and time reports reflect a true and correct computation of my time, as well as the time expended in this case by associate attorneys and support staff employed by my firm. I have reviewed, and I am quite familiar with the work and expenditures of time reflected on the firm's billing documentation and time reports, and all the hours performed were reasonable and necessary in representing the Plaintiffs and the Class Members. The time entries for myself and those of my associate attorneys and support staff, all under my supervision, were made contemporaneously, or soon thereafter the work indicated was performed. The time indicated on my firm's billing documentation and time reports reflects actual time expended on the tasks described.
37. My firm has not charged for significant travel time or other travel related expenses unrelated to obtaining a recovery for the 2011 Settlement Class.
38. My law firm is representing the Plaintiff Representatives at no cost to them. My firm will not receive any additional compensation from the Plaintiff Representatives in achieving the settlement or recovery of the service awards requested, with Court approval.
39. The hourly rates claimed by myself, Ms. Bell-Stanton, Mr. Heuvel, Mr. LaScalea, Ms. Pincus (\$695/hr, \$675/hr, \$525/hr., \$300/hr., \$425/hr., respectively), are extremely

reasonable for plaintiffs to engage counsel with qualifications like the attorneys employed by my firm. Many of my contemporaries, who have been practicing law for less time or as long as me, are charging far higher rates. I am personally familiar with attorneys at other firms in Dallas who are handling complex litigation who bill at much higher rates.

40. Carpenter & Schumacher law firm has reproduced a breakdown of the time spent, hourly rates, and lodestar for each C&S lawyer and staffer as part of the Appendix to Plaintiffs' Motion for an Award of Fees and Litigation Expenses.
41. Many of the legal support staff at my firm traditionally perform work normally done by attorneys. The staff at my firm who performed work on this case have knowledge of the legal system, procedures, legal research and writing skills that they used to assist the plaintiffs. They are skilled and competent, and the rates claimed for them are reasonable and typical in this legal market. I believe that the fees requested in Plaintiffs' Fee Application are fair and reasonable under 5th Circuit precedent, especially considering the relief obtained for Class Members. I also believe that the requested service awards are fair and warranted given the time, focus, and energy the Class Representatives devoted to this case over the last nearly three years.
42. There were known or later discovered many complicated legal and procedural issues in this case that made it extremely undesirable for private attorneys to pursue, namely: named defendant withdrew its Texas corporate charter/status soon after my law firm notified the Attorney General of Texas, as required to do so, about our case filings and the claims made therein. Any other firm prosecuting claims against a foreign-based corporation (Mexico & Bogota, Columbia) would have ceased litigation for no other reason than to avoid the tremendous costs such litigation poses.

43. As part of the proposed Settlement, Class Counsel agreed to have the Court determine an appropriate amount of attorneys' fees to be awarded in this case, and Defendant agreed to pay litigation expenses to Plaintiffs' counsel in an amount not to exceed \$500,000, all without reducing the amount to be paid to Class Members. The other terms of the proposed Settlement are in no way contingent on Class Counsels' fees and costs request.
44. As of June 10, 2019, Class Counsel has advanced **\$372,105.77** in unreimbursed litigation expenses directly related to achieving the 2011 proposed Settlement and obtaining a recovery for the Class. The expenses incurred are reflected in the expense spreadsheet and all are based on the actual costs of goods and services necessary for the preparation and prosecution of this case or are based on reasonable market-based rates (such as \$.10/page for copying expenses performed in-house). For the more expensive line-items, such as experts and court reporter/videographer charges, many of those charges were at lower than normal rates given the work requested and required by those outside vendors due to the complexity of this case. By way of example, the firm's court reporter did not bill the Plaintiffs for travel related expenses to Mexico. Additionally, when outside of the country conducting depositions we would use Uber for transportation or a private driver at a much reduced, pre-negotiated price, and would coordinate travel with our vendors so that we would all travel in the same vehicle. Attached to Plaintiffs' motion and made a part of the Appendix, incorporated herein is my firm's litigation expense spreadsheet which sets forth in fine detail the expenses incurred in prosecuting this case.
45. Given the stellar result achieved for the Plaintiff Representatives and Class Members, the expenses incurred were both reasonable and necessary in the proper handling and

prosecution of this very complex, highly contentious, hard-fought, and adversarial litigation.

46. In determining that the Attorneys' Fees and litigation expenses were reasonable and necessary, I have considered 1) the nature of the case, 2) the claims and defenses, 3) the fees customarily charged in the relevant marketplace for similar legal services, 4) the likelihood that accepting and handling this case would preclude me and my firm's attorneys from accepting other employment, 5) the results obtained, 6) the amount of time spent litigating this case, 7) the novelty (as so aptly pointed out by defense counsel) and difficulty of the issues involved, 8) the skill required to perform the legal services properly and promptly, 9) the length of the relationship between counsel and the Plaintiffs, 10) the experience, reputation, and abilities of lawyers performing the services, and 11) whether the fee is fixed or contingent. A breakdown of the litigation expenses advanced in this case appears below:

Photocopy Vendor		5,748.47
Internal Reproduction/Copies		561.02
Court Fees (Filing costs, etc.)		532.00
Court Reporters/Transcripts/Record Requests		44,391.30
Research (WestLaw/Lexis, etc.)		18,037.30
Telephone/Fax/E-mail		4,713.73
Postage/Express Delivery/Messenger		1,681.52
Professional Fees (expert, investigator, accountant, etc.)		
Brian Bakale Consulting (Invoice 1021)	3,067.09	
AB Trial Presentation (Invoice 159402)	3,186.69	
Cook's National (Invoice 28283)	333.84	
Cook's National (Invoice 28286)	333.84	
Cook's National (Invoice 28287)	333.84	
Cook's National (Invoice 28288)	333.84	
Cook's National (Invoice 30241)	571.97	
Cook's National (Invoices 28453-28477)	1,238.16	
ESI (Invoice 0540894-IN)	45,564.11	
ESI (Invoice 0544325-IN)	83,592.63	

ESI (Invoice 0546664-IN)	21,315.07	
ESI (Invoice 0546684-IN)	4,370.00	
ESI (Invoice 0548248-IN)	22,484.07	
ESI (Invoice 0548252-IN)	8,990.00	
ESI (Invoice 0552387-IN)	1,000.00	
ESI (Invoice 0560530-IN)	1,000.00	
ESI (Invoice 0563683-IN)	14,335.48	
ESI (Invoice 0565472-IN)	7,623.89	
ESI (Invoice 0567845-IN)	1,159.74	
ESI (Invoice 0569583-IN)	1,000.00	
ESI Global (Invoice 0550464-IN)	1,572.24	
Goodson Engineering (Invoice 32088)	150.00	
Goodson Engineering (Invoice 32632)	150.00	
Goodson Engineering (Invoice 32944)	150.00	
Goodson Engineering (Invoice 31171)	3,112.50	
Goodson Engineering (Invoice 31326)	361.19	
Goodson Engineering (Invoice 30653)	7,187.55	
John J. Mecholsky, Jr., Ph.D.	15,801.07	
John J. Mecholsky, Jr., Ph.D.	6,500.00	
NALFA (Invoice 19-0016)	5,000.00	
Total Professional Fees		261,818.81
Witness/Service Fees		55.00
Travel (Air Transportation, Ground Travel, Meals, Lodging, etc.)		
3/8/17 NSC and RBS (Houston - Town Hall Meeting)		
Hertz Rental Car	\$126.69	
Southwest Airlines (NSC) to Houston	\$493.88	
Southwest Airlines (RBS) to Houston	\$493.88	
Spring Creek BBQ - Town Hall mtg	\$26.24	
10/22/17 NSC and RBS (Mexico - Depositions)		
American Airlines (NSC, RBS and Videographer (Alexis Frank))	\$1,936.95	
Meals (Mexico)	\$486.75	
Quinta Real	\$5,023.53	
Quinta Real	\$1,381.91	
Change Flight Fees	\$400.00	
11/21/17 RBS (Houston) - Southwest Airlines	\$503.96	
1/2/18 NSC and RBS (Mexico - Plant Inspection)		
American Airlines	\$1,369.76	
Camino Real Monterrey	\$618.80	
Meals	\$42.82	
Valeta	\$60.38	
Airport Valet	\$72.07	

Meals (Mexico)	\$480.54	
Uber	\$18.76	
2/18/18 NSC to Gainesville - American Airlines (Depositions)	\$605.88	
2/18/18 NSC to Jacksonville American Airlines (Depositions)	\$543.50	
Hilton University Conf Center	\$450.94	
Advantage Rental Car	\$60.64	
Meals (Florida)	\$61.14	
Meals (Florida)	\$102.44	
Southwest (Orlando to Dallas - NSC)	\$441.98	
Travel (NSC - Florida)	\$660.42	
Hertz Rental Car	\$169.53	
3/4/18 RBS to Detroit - Airfare (Depositions)	\$440.60	
Four Points Sheraton	\$265.82	
Uber	\$17.30	
3/22/18 RBS to Houston - Bus fare (Deposition)	\$221.00	
Meals	\$5.40	
Uber	\$14.74	
Meals	\$11.86	
4/8/18 NSC to Atlanta - American Airlines	\$531.57	
Marriot Atlanta	\$592.17	
Marriott Atlanta	\$773.33	
Hertz	\$97.64	
Atlanta Airport	\$44.31	
Four Seasons - Atlanta	\$116.26	
Hertz Toll Charges	\$15.73	
Total Travel Expenses		19,781.12
Miscellaneous/Other (Mediation Fees, etc.)		
ANSI	113.00	
Mediation (Chris Nolland)	3,500.00	
Mediation (Chris Nolland)	8,750.00	
Shipp Mediation	1,950.00	
Square Cow Movers	472.50	
Total Miscellaneous Expenses		14,785.50
Total Expenses		372,105.77

47. Expenses advanced by Class Counsel are supported by receipts, expense records, and similar documentation maintained in the ordinary course of business by my firm with specific reference to this case.

48. It is important to note and emphasize that Class Counsel's responsibilities did not end with the Court granting preliminary approval of the proposed settlement. Class Counsel has, and will continue to, expend numerous additional hours monitoring the Settlement Administrator, fielding calls from Class Members, monitoring claims made by Class Members to ensure that such claims are eligible for payment and, if not, determine why. Class Counsel will continue to expend time and resources over the next few months through the Fairness Hearing, and on through the Claims Period. Class Counsel will be required to respond to any potential objectors, conduct objector depositions, and respond accordingly to objectors, if any, before and at the Fairness Hearing now that Rule 23 of the Federal Rules mandates that objectors attend the final approval hearing.
49. The relief and benefits to be paid to Class Members represents an incredible recovery and has been well-received by consumers across the country. The proposed Settlement provides, in addition to a warranty extension on tanks otherwise outside of any statutory warranty, CASH benefits paid without any contingencies or requirements that eligible Class Members do something in order to obtain their much-needed benefits. Cash benefits amounting to between \$150 to \$300 PER TANK, and cash money of as much as \$4,000 to Class Members to cover out-of-pocket expenses, including insurance deductibles, paid free of contingencies directly to consumers. Never have we seen such an award in the form of all cash in a manufacturing defect case.
50. I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on this, the 10th day of June, 2019.


N. SCOTT CARPENTER

CARPENTER & SCHUMACHER, P.C.

N. Scott Carpenter is the Founding Member and Managing Partner of the law firm of Carpenter & Schumacher, P.C. The law firm was originally formed in March of 1995 under the name Law Offices of N. Scott Carpenter. In 2003, the firm's name was changed and remains known today as Carpenter & Schumacher, P.C.

During the past 23 years, Carpenter & Schumacher, P.C. has handled thousands of cases involving product defects. Examples of product defect litigation undertaken by the firm includes manufacturing, design, and marketing, against manufacturers such as Ford (speed control deactivation switch), General Motors (heated circuits for washer fluid reservoirs), Mercedes-Benz (electrical circuitry), Hamilton-Beach® (toasters), Krups® (coffee makers), torchiere floor lamp manufacturers, Sunbeam® Products (electric blankets), Whirlpool Corporation (defective dishwashers), Bath & Body Works (exploding candles), BrassKraft® and Dormont® (defective gas appliance connectors), Electrolux® (defective dryers), Watts Water Technology (plastic water filters), Rheem Manufacturing (Rheem® water tanks), and State Industries, Inc. (defective pressure relief valves).

Carpenter & Schumacher, P.C. is currently national litigation counsel for one of the largest insurance companies in the United States. As national litigation counsel we have been tasked to handle catastrophic water damage cases where facts support a defect in Vortens™ toilet tanks. Specifically, my firm has prosecuted cases involving toilet tanks that have spontaneously cracked due to residual stresses created from defects developed during the manufacturing of Vortens™ tanks, all of which have the potential to cause catastrophic water damage.

Along with law partner Rebecca-Bell Stanton, Scott Carpenter is currently lead plaintiffs' counsel in a number of unrelated matters involving allegations of product defect including a case filed in the Northern District of California against Whirlpool Corporation (since transferred to the Western District of Michigan); a case filed in the Western District of Pennsylvania involving allegations of defects in corrugated stainless steel tubing manufactured by Pro-Flex, LLC and Tru-Flex entities, and; a case filed in New Castle, Pa. involving concussion-related allegations against the local state athletic association. Carpenter & Schumacher, P.C. has also recently been involved as one of many litigation counsel representing corn farmers across the Midwest against genetically-modified corn producer, Syngenta. Terms of a settlement were recently agreed upon and announced publicly which is to include payment in the approximate amount of \$1.51 billion to more than 100,000 farmers across the United States.

Participating Lawyers of Carpenter & Schumacher, P.C.

N. Scott Carpenter

N. Scott Carpenter is the Founding Member and Managing Partner of Carpenter & Schumacher, P.C. He has been a trial attorney since 1994 and since that time has been representing individuals affected by catastrophic fires and explosions, auto defects, construction site negligence, significant product defects, lightning-induced gas piping failures, and construction defect cases.

Mr. Carpenter is an attorney qualified to practice before all State Courts in the State of Texas and admitted to practice law before the Texas Federal District Courts in the Northern, Eastern, Western, and Southern Districts of Texas. He was admitted to the Bar in Texas in 1994 and is licensed and admitted to practice law in the states of Oklahoma and Idaho.¹

Mr. Carpenter's involvement in product defect related litigation extends nationwide. Continually since 2004, he has litigated and settled cases against numerous manufacturers of the flexible gas tubing systems known throughout the United States as Corrugated Stainless Steel Tubing (a.k.a. "CSST"). His involvement in class action litigation includes obtaining national settlement certification on allegations against multiple manufacturers of CSST product, certification of a nationwide class against Sunbeam Corporation involving electric blankets, and most recently as one of many litigation counsel representing corn farmers against genetically-modified corn producer, Syngenta.

Along with law partner Rebecca Bell-Stanton, Mr. Carpenter is currently lead plaintiffs' counsel in a number of unrelated matters involving allegations of product defect including a case in the Western District of Michigan against Whirlpool Corporation, and a case filed in the Western District of Pennsylvania involving allegations of defects in corrugated stainless-steel tubing manufactured by Pro-Flex, LLC and Tru-Flex entities.

Rebecca Bell-Stanton

Rebecca Bell-Stanton is a Partner with nearly twenty years of experience in representing both plaintiffs and defendants. Her primary practice at Carpenter & Schumacher, P.C. is in the class action litigation field, representing clients on a number of product liability and consumer claims across the United States. Prior to joining Carpenter & Schumacher, P.C., Ms. Bell-Stanton was a Partner at the law firm of Fee, Smith, Sharp & Vitullo, LLP, Dallas, Texas.

Ms. Bell-Stanton was admitted to the Bar in Texas in 2000 and have practiced as an attorney continually ever since, primarily as a litigation attorney both in trial and appellate practices. She is also licensed and admitted to practice law in the Commonwealth of Pennsylvania and is admitted to practice law before the Federal District Courts in the Northern, Eastern, Western, and Southern Districts of Texas, Eastern District of Pennsylvania, and Western District of Michigan. She is further admitted to practice law in the United States Court of Appeals for the Fifth Circuit, and the United States Court of Appeals for the Eighth Circuit. Rebecca has handled complex multi-party cases across the United States including Texas, Georgia, Florida, Tennessee, Pennsylvania, Nebraska, and Arizona.

Ms. Bell-Stanton has been actively involved in class action lawsuits against manufacturers such as Pro-Flex, LLC, Tru-Flex, LLC, and Tru-Flex Metal Hose, Corp. (corrugated stainless-steel tubing), Whirlpool Corporation (defective dishwashers), Toshiba (computer hardware), and Sharp (computer components). Additionally, she litigates complex products liability cases against manufacturers such as Bath & Body Works (exploding candles), JLG (aerial work platforms), Terex (skid steer), MQ Power (portable generators), and Bobcat (loaders).

¹ Pending swearing in.

Craig Schumacher

Craig M. Schumacher joined the Carpenter Law Firm in 2003 as an experienced trial attorney. In March, 2010, Mr. Schumacher became a partner and the firm name was changed to Carpenter & Schumacher, P.C. Prior to joining the firm, Mr. Schumacher was an attorney and case manager for the prestigious national personal injury law firm of Baron & Budd, P.C. At Baron & Budd, he specialized in environmental and toxic tort litigation. His experience includes all aspects of representing industry groups and companies on product liability and insurance subrogation matters involving commercial and property and casualty claims. Mr. Schumacher has represented clients before every level of state and federal courts and has tried cases in numerous states around the country including Texas, Ohio and New York.

Following graduation from law school, Mr. Schumacher served as an Assistant District Attorney in the Smith County District Attorney's Office in Tyler, Texas. As an Assistant DA, he prosecuted more than 125 jury trials to verdict, including three capital murder death penalty cases.

Doug Heuvel

Douglas C. Heuvel joined the firm in 2014. Mr. Heuvel's practice focuses on property loss subrogation matters. He has extensive experience in products liability and commercial litigation, and practices in both state and federal courts. His legal expertise also includes representing businesses in complex litigation matters including breach of contract and business tort cases.

Mr. Heuvel began his legal career in 2002 at the international law firm of Thompson & Knight, LLP in Dallas, Texas.

Additional Participating Legal Team Members

Sabina Pincus

Sabina (Yushkevich) Pincus graduated from the Texas A&M School of Law with Juris Doctor in May 2013 and is licensed to practice in all courts in the State of Texas. Ms. Pincus initially clerked with the Honorable Martin Hoffman from May 2011 – July 2011 and with Jee Law, PLLC from September 2011 through October 2012 as a Law Clerk. She later joined the firm of Fee, Smith, Sharp & Vitullo, LLP, Dallas, Texas as a Law Clerk in June 2012, where she worked a few months prior to becoming a full time litigation associate in September 2013. She continued her work as an associate attorney with Fee, Smith, Sharp & Vitullo, LLP through September 2016, at which time she became an Account Executive at Courtroom Sciences, Inc. from September 2016 to the present.

Ms. Pincus opened her own law practice in December 2017 and is proficient in multiple languages, including bilingual proficiency in Russian and English as well as elementary proficiency in Spanish and German.

Bridgette Holley

Bridgette Holley joined the firm in October 2016 on a temporary basis and became full time in 2017 as a paralegal supporting partners N. Scott Carpenter and Rebecca Bell Stanton. Her previous employment was as a senior paralegal with Kara Hadican Samuels & Associates, LLC (formerly Sangisetty & Samuels, L.L.C. from June 2011 through July 2016.

Her bachelors degree was received from Tulane University in August 2011.

Enrica Peters

Enrica Peters joined the firm in July 2018 as a paralegal supporting partners N. Scott Carpenter and Rebecca Bell Stanton. Her previous employment was with Heygood, Orr & Pearson firm of Irving, Texas, where she worked from April 2016 to July 2018. Prior to that time, she resided in the State of Mississippi and worked with the firm McHugh Fuller Law Group on and off from November 2013 to February 2016 and then from November 2013 to February, 2016. The span of time in her tenure with McHugh Fuller Law Group, she worked with the U.S. District Court for the Southern District of Mississippi from April 2010 to November 2013.

Her Bachelor's Degree was received in 1997 from University of Southern Mississippi (Hattiesburg, MS) and she later received a M.S. Degree from William Carey University in May, 2005.

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

MARK AND AMBER FESSLER,	§	Civil Action File No.
ANDREW HOCKER, KEVIN REUSS,	§	4:19-cv-00248
MATTHEW CARRERAS, CHARLES AND	§	
MICHELLE HANDLY, AARON AND	§	Hon. Judge Amos Mazzant/
STACEY STONE, and DANIEL AND	§	Hon. Magistrate Judge Priest-Johnson
SHARON SOUSA, on Behalf of Themselves and	§	
Those Similarly Situated	§	PLAINTIFFS' FEE AND EXPENSE
<i>Plaintiffs</i>	§	APPLICATION
	§	
v.	§	
	§	
PORCELANA CORONA DE MÉXICO, S.A.	§	
DE C.V f/k/a SANITARIOS LAMOSA S.A.	§	
DE C.V. a/k/a Vortens	§	
<i>Defendant.</i>	§	

PROFESSIONAL BIOGRAPHY OF ANTHONY R. LA SCALEA

EDUCATION

Anthony R. LaScalea graduated with University Honors from Auburn University in 2010 with a Bachelor of Science degree in Finance and a minor in Political Science. During his time at Auburn, Anthony was elected to the Raymond J. Harbert College of Business Executive Society, served as a manager for the Auburn University Baseball team, and was active in his fraternity and on campus.

Anthony received his Juris Doctorate from the University of Oklahoma College of Law. While in law school, Anthony was selected to serve on the Office of Professional and Career Development Advisory Board and worked as a clerk in the University of Oklahoma Athletics Compliance Department and the Office of the General Counsel. Anthony also served as a summer associate in the City of Atlanta's Department of Law in Atlanta, Georgia.

WORK EXPERIENCE

Since graduating from law school, Anthony has focused his practice on trial and litigation. He has significant experience in a wide range of cases including commercial trucking and bus wrecks, product liability claims, property damage, premises liability claims, and general negligence litigation.

ENRICA J. PETERS

1024 Lake Hollow Drive

Little Elm, TX 75068

(601) 551-5547

Email: enricapeters@gmail.com

CAREER OBJECTIVE

A position where an opportunity exists to utilize and enhance my organizational, administrative and communicational skills in a wholesome work environment.

QUALIFICATIONS

- Twenty (21) years of work experience in the legal profession with consistently increasing responsibilities in managing large caseloads of files, including, but not limited to complex nursing home litigation, personal injury cases, and extensive experience in civil litigation in State and Federal courts in various jurisdictions (federal, state & appellate courts);
- Bachelor of Arts in Paralegal Studies with a minor in English;
- Master's Degree in Counseling Psychology;
- Training and experience in use of Needles, WordPerfect 9.0, Microsoft Word, PC Law, Practice Manager, Westlaw legal research; Time Slips and CM/ECF docketing programs;
- Document preparation and organization, drafting motions, responses and other pleadings, propounding/responding to discovery, as well as digesting legal documents {correspondence, pleadings, orders, interrogatories, depositions, etc.}

EXPERIENCE

April 2016 –
Present

HEYGOOD, ORR & PEARSON

Job Title: Paralegal

Duties Included:

- Managing large caseloads of litigation files over multiple states and jurisdiction;
- Drafting pleadings, correspondence, discovery, motions, orders and multiple legal documents;
- Maintaining contact with multiple clients, judges and courts;
- Tracking and responding to deadlines;
- Inputting case information into Needles case management system
- Filing electronically in U.S. District Courts, Federal and States Courts for multiple states (Texas, Illinois, California, Illinois, Missouri, New York, etc.)
- Contacting and updating expert witnesses
- Document preparation and organization, drafting motions, responses and other pleadings, propounding/responding to discovery, as well as digesting legal documents

{correspondence, pleadings, orders, interrogatories, depositions, etc.}

November 1, 2013 – **MCHUGH-FULLER LAW GROUP**

February 2016 Job Title: Paralegal/Legal Assistant

Duties Included:

- Managed large caseloads of litigation files over multiple states and jurisdictions;
- Drafted pleadings, correspondence, discovery, motions, orders and multiple legal documents;
- Extensive work in trial preparation and working closely with litigators at trial;
- Responsible for organizing and preparing files for trial;
- Filed electronically documents in U.S. District Courts (Mississippi, Alabama, West Virginia, Kentucky, Florida, Ohio, Pennsylvania)
- Input case information into PC Law case management system
- Maintained contact with multiple clients;
- Tracked and responded to deadlines
- Contacted and updated expert witnesses
- Performed legal research utilizing Westlaw
- Worked closely with litigators at trial
- Document preparation and organization, drafted motions, responses and other pleadings, propounded/responded to discovery, as well as digested legal documents {correspondence, pleadings, orders, interrogatories, depositions, etc.}

April 2010 -
October 2013

U.S. District Court – Southern District of Mississippi

Job Title: Deputy Clerk/Docketing

Duties Included:

- Worked closely with the public through the front intake counter
- Received and processed payments at intake counter, as well as processed filing fees and other payments
- Responsible for processing incoming criminal and civil payments through the receipt system
- Managed four terminal digits and a caseload of civil and criminal cases
- Answered multiple phone lines
- Electronically docketed and filed in the ECF filing system in both civil and criminal cases

- Worked closely with other employees in completing tasks delegated
- Drafted correspondence and other necessary documents as needed
- Responded to customer inquiries in a prompt and efficient manner

June 4, 2008 –
April 2010

MCHUGH-FULLER LAW GROUP

Job Title: Paralegal

Duties Included:

(See description above)

January, 2003 -
June 1, 2008

WILKES & MCHUGH, P.A.

Job Title: Legal Assistant/Paralegal

Duties Included:

- Managed large caseloads of litigation files;
- Drafted pleadings and correspondence;
- Answered multiple phone lines;
- Oversaw and trained new hire employees;
- Maintained contact with multiple clients;
- Tracked and responded to deadlines
- Contacted and updated expert witnesses
- Organized and worked as lead on trial team
- Performed legal research utilizing Westlaw
- Worked closely with litigators at trial
- Responsible for orientation and training of new legal assistants
- Responsible for organizing and preparing files for trial
- Input case information into Practice Manager case management system
- Document preparation and organization, drafted motions, responses and other pleadings, propounded/responded to discovery, as well as digested legal documents {correspondence, pleadings, orders, interrogatories, depositions, etc.}

EDUCATION

2001 – May 2005

WILLIAM CAREY COLLEGE

Hattiesburg, Mississippi

Master's Degree in Counseling Psychology

Graduation: August, 2004

* classes for LPC certification taken

1992 - 1997

UNIVERSITY OF SOUTHERN MISSISSIPPI

Hattiesburg, Mississippi

Bachelor of Arts (May, 1997)

Major: Paralegal Studies

Minor: English

REFERENCES: Professional references provided upon request.

REFERENCES

Chaisa Wilson
Morgan Lewis Bockius
11706 Rastello Lane
Richmond, TX 77406
Cell: (262) 455-1842

Linda Regan
U.S. District Court Southern District of Mississippi
Hattiesburg Division
421 South 21st Avenue
Hattiesburg, MS 39401
(601) 596-7541
(601) 583-2433-work

Charlotte Lee
McHugh Fuller Law Group
20 North Herron Lane
Sumrall, MS 39482
(601) 325-1450

Clarissa Kelly
Office of Circuit Court Judge - Forrest & Perry Counties
218 South 20th Avenue
Hattiesburg, MS 39401
(601) 307-1769
(601) 544-5495 - work



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Suite 3500
Dallas, TX 75201

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F 214.999.1180

roberthalflegal.com

Bridgette Holley

Experience:

Kara Hadican Samuels & Associates, LLC (formerly Sangisetty & Samuels, L.L.C.)—Sr. Paralegal (June 2011-July 2016)

- Conduct initial client phone interviews and maintain client contact throughout the case;
- Case and document management, including voluminous class action files;
- Draft and prepare pleadings, motions, affidavits, and subpoenas for filing;
- Create Table of Contents, Table of Authorities, Indices, edit and prepare for filing of memorandums/briefs in accordance with state, federal, and local court rules;
- Prepare and answer Interrogatories, Request for Production of Documents, Request for Admissions, Notices of Deposition, and Notices of Subpoena Duces Tecum;
- Assist in trial preparation, including, creating trial binders, exhibit binders, demonstrative exhibits, and timelines;
- Calendar appointments, including, deadlines in accordance with Pretrial Orders, Scheduling Orders and/or Arbitration Scheduling Orders;
- Coordinate and arrange depositions and mediations, including travel arrangements for witnesses and attorneys;
- Prepare closing financial statements of settled matters;
- Compose correspondence daily;
- Train new staff on office software, hardware, including office procedures;
- Troubleshoot office machines, install office software and hardware;
- Order and maintain office supplies and enter vendor invoices for payment timely;
- Create office forms, including, client intake forms and expense reimbursement forms; and
- Answer phones and greet clients

Central Progressive Bank—Bank Teller (August 2008-May 2011)

- Assist vault teller with ATM and vault duties; and
- Process transactions in accordance with federal and state banking regulations, including CTR and SAR reports.

Tuesday Morning—Assistant manager (August 1997 -2005)

- Manage up to ten employees, including calculating and entering payroll, schedule employees, HR duties.
- Audit cash registers daily and prepare bank deposits.

Skills:

- Word, Outlook, Adobe Professional, Aderant (*formerly Client Profiles*), Excel, Westlaw, Drop Box, printers, copiers, fax machine, scanners, multi-phone line system.

Education:

Tulane University—Associate of Arts in Paralegal Studies & Paralegal Certificate (August 2011)

- 3.75 gpa
- Golden Key National Honour Society
- Dean's List

Slidell High School Diploma—(1994)

Description	Current Amount	Cumulative Total
Photocopy Vendor		5,748.47
Internal Reproduction/Copies		561.02
Court Fees (Filing costs, etc.)		532.00
Court Reporters/Transcripts/Record Requests		44,391.30
Research (WestLaw/Lexis, etc.)		18,037.30
Telephone/Fax/E-mail		4,713.73
Postage/Express Delivery/Messenger		1,681.52
Professional Fees (expert, investigator, accountant, etc.)		
Brian Bakale Consulting (Invoice 1021)	3,067.09	
AB Trial Presentation (Invoice 159402)	3,186.69	
Cook's National (Invoice 28283)	333.84	
Cook's National (Invoice 28286)	333.84	
Cook's National (Invoice 28287)	333.84	
Cook's National (Invoice 28288)	333.84	
Cook's National (Invoice 30241)	571.97	
Cook's National (Invoices 28453-28477)	1,238.16	
ESI (Invoice 0540894-IN)	45,564.11	
ESI (Invoice 0544325-IN)	83,592.63	
ESI (Invoice 0546664-IN)	21,315.07	
ESI (Invoice 0546684-IN)	4,370.00	
ESI (Invoice 0548248-IN)	22,484.07	
ESI (Invoice 0548252-IN)	8,990.00	
ESI (Invoice 0552387-IN)	1,000.00	
ESI (Invoice 0560530-IN)	1,000.00	
ESI (Invoice 0563683-IN)	14,335.48	
ESI (Invoice 0565472-IN)	7,623.89	
ESI (Invoice 0567845-IN)	1,159.74	
ESI (Invoice 0569583-IN)	1,000.00	
ESI Global (Invoice 0550464-IN)	1,572.24	
Goodson Engineering (Invoice 32088)	150.00	
Goodson Engineering (Invoice 32632)	150.00	
Goodson Engineering (Invoice 32944)	150.00	
Goodson Engineering (Invoice 31171)	3,112.50	
Goodson Engineering (Invoice 31326)	361.19	
Goodson Engineering(Invoice 30653)	7,187.55	
John J. Mecholsky, Jr., Ph.D.	15,801.07	
John J. Mecholsky, Jr., Ph.D.	6,500.00	
NALFA (Invoice 19-0016)	5,000.00	
Total Professional Fees		261,818.81
Witness/Service Fees		55.00
Travel (Air Transportation, Ground Travel, Meals, Lodging, etc.)		
3/8/17 NSC and RBS (Houston - Town Hall Meeting)		
Hertz Rental Car	\$126.69	
Southwest Airlines (NSC) to Houston	\$493.88	
Southwest Airlines (RBS) to Houston	\$493.88	
Spring Creek BBQ - Town Hall mtg	\$26.24	
10/22/17 NSC and RBS (Mexico - Depositions)		

American Airlines (NSC, RBS and Videographer (Alexis Frank))	\$1,936.95	
Meals (Mexico)	\$486.75	
Quinta Real	\$5,023.53	
Quinta Real	\$1,381.91	
Change Flight Fees	\$400.00	
11/21/17 RBS (Houston) - Southwest Airlines	\$503.96	
1/2/18 NSC and RBS (Mexico - Plant Inspection)		
American Airlines	\$1,369.76	
Camino Real Monterrey	\$618.80	
Meals	\$42.82	
Valet	\$60.38	
Airport Valet	\$72.07	
Meals (Mexico)	\$480.54	
Uber	\$18.76	
2/18/18 NSC to Gainesville - American Airlines (Depositions)	\$605.88	
2/18/18 NSC to Jacksonville American Airlines (Depositions)	\$543.50	
Hilton University Conf Center	\$450.94	
Advantage Rental Car	\$60.64	
Meals (Florida)	\$61.14	
Meals (Florida)	\$102.44	
Southwest (Orlando to Dallas - NSC)	\$441.98	
Travel (NSC - Florida)	\$660.42	
Hertz Rental Car	\$169.53	
3/4/18 RBS to Detroit - Airfare (Depositions)	\$440.60	
Four Points Sheraton	\$265.82	
Uber	\$17.30	
3/22/18 RBS to Houston - Bus fare (Deposition)	\$221.00	
Meals	\$5.40	
Uber	\$14.74	
Meals	\$11.86	
4/8/18 NSC to Atlanta - American Airlines	\$531.57	
Marriot Atlanta	\$592.17	
Marriott Atlanta	\$773.33	
Hertz	\$97.64	
Atlanta Airport	\$44.31	
Four Seasons - Atlanta	\$116.26	
Hertz Toll Charges	\$15.73	
Total Travel Expenses		19,781.12
Miscellaneous/Other (Mediation Fees, etc.)		
ANSI	113.00	
Mediation (Chris Nolland)	3,500.00	
Mediation (Chris Nolland)	8,750.00	
Shipp Mediation	1,950.00	
Square Cow Movers	472.50	
Total Miscellaneous Expenses		14,785.50
Total Expenses		372,105.77

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

MARK AND AMBER FESSLER,	§	Civil Action File No.
ANDREW HOCKER, KEVIN REUSS,	§	4:19-cv-00248
MATTHEW CARRERAS, CHARLES AND	§	
MICHELLE HANDLY, AARON AND	§	Hon. Judge Amos Mazzant/
STACEY STONE, and DANIEL AND	§	Hon. Magistrate Judge Priest-Johnson
SHARON SOUSA, on Behalf of Themselves and	§	
Those Similarly Situated	§	
<i>Plaintiffs</i>	§	
	§	
v.	§	
	§	
PORCELANA CORONA DE MÉXICO, S.A.	§	
DE C.V f/k/a SANITARIOS LAMOSA S.A.	§	
DE C.V. a/k/a Vortens	§	
<i>Defendant.</i>	§	

DECLARATION OF REBECCA BELL-STANTON

I, REBECCA BELL-STANTON, do hereby declare that I am over the age of eighteen years and not a party to the action herein. My business address is 2701 North Dallas Parkway, Parkway Centre, Suite 570, Plano, Texas 75093, and I am one of the attorneys of record for Plaintiffs herein. I have personal knowledge of the facts contained herein and, if called as a witness, I could and would competently testify as follows:

1. I am an attorney qualified to practice before all State Courts in the State of Texas and admitted to practice law before the Texas Federal District Courts in the Northern, Eastern, Western, and Southern Districts of Texas. I am further admitted to practice law in the United States Court of Appeals for the Fifth Circuit, and the United States Court of Appeals for the Eighth Circuit.

2. I was admitted to the Bar in Texas in 2000 and have practiced as an attorney continually ever since, primarily as a litigation attorney both in trial and appellate practices. I have also been licensed and admitted to practice law in the Commonwealth of Pennsylvania since 2017.

3. Attached hereto as Exhibit A and incorporated herein by reference is a true and correct copy of my professional resume, which sets forth and further describes my law career.

4. I am currently a Partner of the law firm of Carpenter & Schumacher, P.C., and have been since joining the firm in 2015. Prior to joining Carpenter & Schumacher, P.C., I was a Partner at the law firm of Fee, Smith, Sharp & Vitullo, LLP. I have practiced litigation both as an advocate for the plaintiff and the defense sides of the legal bar.

5. After obtaining a \$10.6 million dollar verdict in Federal District Court in Omaha, Nebraska, I qualified for membership in the Multi-Million Dollar Advocates Forum. Membership in this organization is limited to qualifying trial lawyers; less than 1% of U.S. lawyers are members.

6. Since 2000, I have been actively involved in class action lawsuits against manufacturers such as Pro-Flex, LLC, Tru-Flex, LLC, and Tru-Flex Metal Hose, Corp. (corrugated stainless steel tubing), Whirlpool Corporation (defective dishwashers), Toshiba (computer hardware), Sharp (computer components), and Philadelphia American Life Insurance Company (insurance coverage). Additionally, I have litigated complex products liability cases against manufacturers such as Bath & Body Works (candles), JLG (aerial work platforms), Terex (skid steer), MQ Power (portable generators), and Bobcat (loaders).

7. Carpenter & Schumacher, P.C. is currently national litigation counsel for one of the largest insurance companies in the United States. Our case docket includes catastrophic water damage cases including cases over the past three years where the facts and expert

evaluations evidenced a defect in Vortens™ toilet tanks that resulted in spontaneous fracture. As explained in greater detail in the Declaration of my law partner, Founder and Senior Managing Partner N. Scott Carpenter, as national litigation counsel we have been tasked to handle ALL catastrophic fire and explosion cases that occur across the southern half of the United States, from California to Florida, in product liability cases.

8. I am currently lead plaintiffs' counsel in a number of unrelated matters involving class allegations of product defect including a case filed in the Western District of Michigan against Whirlpool Corporation (now appointed as Class Co-Counsel in a design and manufacturing defect action); recent request for appointment as Class Co-Counsel case filed in the Western District of Missouri (seeking certification of a national class dues to misrepresentations and failure to warn of product defect in design and marketing) and a case filed in the Western District of Pennsylvania involving allegations of defects in corrugated stainless steel tubing manufactured by Pro-Flex, LLC and Tru-Flex entities (design, manufacturing, and marketing class action).

9. My professional resume, incorporated wholly into this Declaration, supports that I have maintained a successful litigation and appellate practice and have appeared for trial and/or appellate arguments in courts within the States of Texas, Arizona, Tennessee, Pennsylvania, California, Missouri, Michigan, Florida, and Nebraska.

10. I have knowledge of the rates charged by law firms handling complex litigation in both the appellate arena (practicing before the Court of Appeals for the Fifth Circuit and well as in the Third, Sixth, and Eighth Circuit Courts) as well as trial counsel in federal and state courts throughout Texas. I further have personal knowledge of the scope and amount of work required to litigate, from the point of investigation through final appeal, complex actions including product liability class actions such as the one styled above.

11. The Declaration of Mr. Carpenter thoroughly details the work performed in reaching the exceptional Settlement result upon which we as Class Counsel now seek fee and expense recovery. Those details provided by Mr. Carpenter are further accounted for the time and billing records maintained by the firm of Carpenter & Schumacher, P.C., which I have personally reviewed and engaged in hourly-entry auditing in the exercise of appropriate billing judgment. My fifteen years of experience as a “billing attorney” for complex appeals and complex defense litigation included performing such auditing tasks while at Fee, Smith, Sharp & Vitullo, LLP, utilizing the accepted billing codes for legal fee recordation and documenting only those matters upon which a billing-contract client would reasonably pay.

12. My billing rate is \$675.00/hour. This is the same rate I have used in other product liability class action cases for which a lodestar was provided in reaching a settlement agreement in the Western District of Michigan in which Mr. Carpenter and I are named Class Co-Counsel. It is further the billing rate I was use for my appellate hourly work in complex appeals in federal courts.

13. In recognition that the assessment of reasonably hourly rates in this community for plaintiffs’ counsel accepting class action work on a contingency basis, Carpenter & Schumacher, P.C. commissioned a Survey by the *National Association of Legal Fee Analysis* (“NALFA”) to be conducted within the last two weeks using the “best practices” for targeted billing surveys. We requested that NALFA conduct a survey of local attorneys taken from the NALFA database using the precise language required by the Fifth Circuit and the Eastern District of Texas: only survey responses by plaintiffs’ counsel practicing in this field of class action work (consumer related, including products liability) in the Dallas-Fort Worth metropolitan area are included in the results. The results of the NALFA survey are attached to my Declaration.

Rebecca E. Bell-Stanton

Partner since 2015



Rebecca Bell-Stanton is a Partner with nearly twenty years of experience in representing both plaintiffs and defendants. Her primary practice at Carpenter & Schumacher, P.C. is in the class action litigation field, representing clients on a number of product liability and consumer claims across the United States. Rebecca's dedication to her clients in high-exposure and high-profile disputes in federal and state courts can be seen in both appellate and trial litigation in a broad range of catastrophic tort cases involving products, consumer rights, trucking, construction, deceptive trade practices, and personal injury matters. She also litigates complex professional responsibility actions, and is further retained as coordinated counsel for national clients, appearing in multiple states to protect the interests of such clients in catastrophic litigation.

Prior to attending law school, Rebecca was the competitive coach for the highly successful Speech, Debate, and Oral Interpretation team at Lee High School in Midland, Texas. Her competitive spirit began with her own successes in state and national speech and debate competitions both in high school and through college including a national win in student congress national qualification, Junior College National Champion and Debater of the Year.

Rebecca has handled complex multi-party cases across the United States including Texas, Georgia, Florida, Tennessee, Pennsylvania, Nebraska, and Arizona. Such cases include wrongful death lawsuits and catastrophic injury damages, including a verdict in excess of \$10,000,000 in favor of her injured clients.

In addition to handling complex employment litigation on behalf of exploited workers from differing labor groups, Rebecca prides herself on the unique preparedness required to assist railroad workers in recovering compensation under the Federal Employer's Liability Act.

Year Joined Firm

- 2015

Areas of Practice

- 70% Class Action Litigation - Products Liability and Consumer Rights
- 30% Catastrophic Personal Injury

Litigation Percentage

EXHIBIT

2:9a

- 100% of Practice Devoted to Litigation

Bar Admissions

- Texas, 2000
- Pennsylvania, 2017
- U.S. Court of Appeals 5th Circuit
- U.S. Court of Appeals 8th Circuit
- U.S. District Court Northern District of Texas
- U.S. District Court Eastern District of Texas
- U.S. District Court Southern District of Texas
- U.S. District Court Western District of Texas

Education

- Texas Tech University School of Law, Lubbock, Texas
 - J.D. - 2000
 - Honors: Order of the Barristers
 - Honors: State Moot Court Team (two years)
 - Honors: Two-time qualifier to Client Counseling Regionals
 - Honors: Four-time qualifier to National Appellate Advocacy Competitions
 - Honors: Numerous Top Advocate speaking awards
- Hardin-Simmons University
 - B.B.S *cum laude* - 1993
 - Honors: Dean's List
 - Major: Speech Communications/Political Science

Published Works

- Whither Thou Goest Class Actions
- Keep Truckin' (Like the Do-dah Man) – The Current State of Affairs for Trucking Litigation
- Oral Argument: Techniques that Work
- The Art of Persuasion
- Oral Communication: An Attorney's View
- Some Junk: An Analysis of Expert Testimony
- The New Black Plague: Black Mold Fever is On the Rise
- Contractual Risk Transfer

Representative Cases

- *Bobby Davis, et. al v. Bamford, Inc.*, 8:11-cv-00069 (2011) (US Dis. Ct. - District of Nebr)

- *Nichols, et. al v. Young Contractors, et. al.* (82nd Dist. Ct. -Roberson Count)
- *Rushing v. Titeflex Corp* (Dist. Ct of Lubbock 2017)
- *Cone v. Sanitarios Lamosa*, 4:17 (US Dist Ct, Eastern Division 2017)
- *Adams Pointe, et al v. Pro-Flex, LLC et al* (US Dist Ct, Western Division)

Classes/Seminars

- Whither Thou Goest Class Actions, State Bar - Advanced Appellate Seminar, 2004 - Present
- Oral Arguments - Techniques that Work, TDCAA Advanced Appellate Advocacy, 2005 - Present
- Current State of Affairs for Trucking Litigation, State Bar - Adv Personal Injury Seminar, 2010 - Present
- Oral Communication: An Attorney's View, State Bar - Advanced Appellate Practice , 1999 - Present

Honors and Awards

- Texas SuperLawyers - Top Young Lawyers in Texas, 2008 - 2011
- VIP Woman of the Year - National Association of Professional Women, 2013 - 2014

Professional Associations and Memberships

- State Bar of Texas, 2000 - Present
- Pennsylvania Bar Association, 2017 - Present
- College of the State Bar of Texas
- Dallas Bar Association
- Dallas Women's Bar Association
- National Association of Professional Women, 2012 - 2015
- American Bar Association

Past Employment Positions

- Fee Smith Sharp & Vitullo, LLP, Dallas, Texas, Partner, 2002 - 2015
- Fletcher & Springer, LLP, Dallas, Texas, Associate, 2000 - 2002



National Association of Legal Fee Analysis Specializing in Attorney Fees & Legal Billing

The National Association of Legal Fee Analysis (NALFA) is a 501(c)(6) non-profit professional association for the legal fee analysis field. Our members provide a range of services on attorney fee and legal billing matters.

Courts and clients turn to us for expertise when attorney fees and expenses are at issue in large, complex cases. NALFA members are fully qualified attorney fee experts, special fee masters, bankruptcy fee examiners, fee dispute neutrals, and legal bill auditors. All our members follow Best Practices in Legal Fee Analysis.

NALFA Fact Sheet:

NALFA is an approved 501(c)(6) federal tax-exempt organization under the IRS Code.

NALFA is an A.M. Best Recommended Expert Service Provider (2008-Present).

NALFA has recommended qualified attorney fee experts on legal fee and billing matters ranging from \$143,000-\$500 million.

NALFA's Attorney Fee Dispute Mediation Program has an 86% resolution rate on fee dispute cases, a significantly higher rate than most bar administered fee dispute programs. NALFA's Fee Dispute Mediation Program has resolved over \$5 million in disputed attorney fees between parties.

Since 2008, NALFA has hosted over 30 different CLE and professional development programs on attorney fees and legal billing topics. Several of our CLE faculty have included sitting federal judges.

Every year, NALFA announces, "The Nation's Top Attorney Fee Experts".

NALFA offers a Certificate in Reasonable Attorney Fees, the nation's first and only certificate of its kind for registered guests of multiple programs.

NALFA has established Best Practices in Outside Legal Fee Analysis, a peer-review driven code of professional conduct for professionals who routinely perform outside legal fee analysis.

NALFA's News Blog covers jurisprudence and scholarship on reasonable attorney fees throughout the U.S.

NALFA filed Amicus Briefs in *Worley v. Storage USA*, *Pipefitters v. Oakley* in California appellate courts and in the landmark ADA case, *Covington v. McNeese State University* in the Louisiana Supreme Court.

NALFA has been cited or quoted by over a dozen different media outlets and/or publications: The Wall Street Journal, Bloomberg News, ALM's American Lawyer, The Chicago Tribune, Bloomberg BNA, CNBC, Thomson Reuters, Insurance Journal, Minneapolis-St. Paul Business Journal, Daily Journal, ALM's Daily Business Review, ALM's National Law Journal, FindLaw.com, The Florida Bar Journal, Law 360, Politico, and ALM's Law.com.

NALFA houses a body of scholarship on reasonable attorney fees including surveys, reports, articles, and studies. NALFA also recognizes the nation's most influential scholarship on attorney fees.

NALFA conducts custom hourly rate surveys for law firms, corporate legal departments, and government agencies.



National Association of Legal Fee Analysis

Specializing in Attorney Fees & Legal Costs

The Nation's Top Attorney Fee Analysts

Constant Contact Survey Results

Survey Name: Dallas-1

Response Status: Partial & Completed

Filter: None

6/10/2019 3:25 PM CDT

TextBlock:

The National Association of Legal Fee Analysis (NALFA) conducts custom hourly rate surveys for law firms and courts. Our surveys provide the most accurate and current hourly rates within a given practice area and geography. Our hourly rate surveys assist state and federal courts in awarding attorney fees in large, complex litigation throughout the U.S. This survey is designed to determine anticipated hourly rates for class action litigation specific to plaintiffs in the Dallas/Fort Worth area. The purpose of this survey is to update prior state surveys for the Dallas/Fort Worth metropolitan market within the specific field of consumer class actions. The results will assist attorneys, experts, state and federal courts in determining the scope of reasonable attorney fees in the tested market. Our hourly rates surveys are peer-benefiting. All participants of this survey will have access to the survey results. Participants of this survey can see how their hourly rates compare to those of their litigation peers.

Do you practice law in the Dallas/Fort Worth area:

Answer	0%	100%	Number of Response(s)	Response Ratio
Yes			21	87.5 %
No			3	12.5 %
No Response(s)			0	0.0 %
Totals			24	100%

Do you practice consumer-related class actions (including product liability) as counsel for the plaintiffs:

Answer	0%	100%	Number of Response(s)	Response Ratio
Yes			9	37.5 %
No			15	62.5 %
No Response(s)			0	0.0 %
Totals			24	100%

My position can best be described as:

Answer	0%	100%	Number of Response(s)	Response Ratio
Senior Partner			11	45.8 %
Partner			10	41.6 %
Senior Associate			0	0.0 %
Associate			2	8.3 %
No Response(s)			1	4.1 %
Totals			24	100%

My current (2019) hourly rate for class actions falls within what range?

Answer	0%	100%	Number of Response(s)	Response Ratio
Less than \$300			2	8.3 %
\$300-\$400			1	4.1 %
\$401-\$500			4	16.6 %
\$501-\$600			2	8.3 %
\$601-\$700			5	20.8 %
\$701-\$800			2	8.3 %
Over \$800			4	16.6 %
No Response(s)			4	16.6 %
Totals			24	100%

TextBlock:

The National Association of Legal Fee Analysis (NALFA) is a 501(c)(6) non-profit professional association for the legal fee analysis field. Our members provide a range of services on attorney fees and legal billing matters. Courts and clients turn to us for expertise when attorney fees and expenses are at issue in large, complex cases. NALFA members are fully qualified attorney fee experts, special fee masters, bankruptcy fee examiners, fee dispute mediators and legal bill auditors. Our members follow Best Practices in Outside Legal Fee Analysis. For more information, visit www.thenalfa.org.

<u>Date</u>	<u>Qty</u>	<u>Description</u>	<u>Total</u>
10/24/2016	6.80	Conference with in-office attorney re: number of Vortens claims in subro department (1.8) RR comm re: property subrogation claim from tank fracture with questions of personal recovery of expenses and deductible by homeowner (0.8); Internal review of in-house files involving property damage from tank cracks (4.2)	
10/25/2016	6.7	Continued internal review of claim and litigation C&S files involving property damage from tank cracks	
10/29/2016	7.20	Research information obtained from industry claim reports re: increasing Vortens fractures and property damage	
11/02/2016	6.20	Joint conference - develop strategy for litigation investigation (2.6); conduct state and national media research into Vortens claims (3.6)	
11/16/2016	7.40	Conduct internal subrogation file review of multiple investigation claim files, photos, reports, and claim resolution of HO cases with Vortens claims	
11/17/2016	4.50	TCT experts at NSC regarding prior and current Vortens tank investigations including continued tank storage and request non-confidential insp/testing/reports (0.6); RR tank and report list by claim number and carrier from NSC for purposes of obtaining approval for release and review (0.7); Multiple TCT appropriate individuals to secure release of evidence and redacted reports held by NSC (1.4); TCT experts at Goodson Lab regarding prior and current Vortens tank investigations including continued tank storage and request non-confidential insp/testing/reports (1.2); RR tank and report list by claim number and carrier from Goodson labs for purposes of obtaining approval for release and review (1.6)	
11/19/2016	5.60	Multiple TCT to different carriers/adjusters for permission to transfer stored evidence and secure release of redacted reports for tank investigations by Goodson Lab	
12/13/2016	2.60	Attend client meeting with Cones to answer questions, review supporting docs, and outline facts for Complaint	
12/14/2016	6.80	RA 15 years of SEC filings of Grupo Lamosa and outline liabilities, assets, and subsidiaries	

12/15/2016	4.7	Complete review and outline of Grupo Lamosa liabilities, assets, and subsidiaries	
12/22/2016	2.40	Strategy Conf with RBS regarding each element of potential causes of action and choose appropriate claims for liability and Complaint	
12/27/2016	6.20	Review and edit current working draft of Complaint (4.3); Confer with RBS regarding class allegations, definition, and elements for Complaint (1.9)	
01/01/2017	4.80	Review and edit Original Complaint and attachments and discuss suggested modifications	
01/03/2017	0.50	RR ECF notice re: Mazzant assignment, and Consent to Magistrate - conduct brief review of assigned judge and magistrate background	
01/03/2017	2.3	Research regarding exemplar discovery and consulting expert limitations in federal court	
01/04/2017	7.60	Review and make appropriate redactions to prior consulting expert reports on evidence transfer files from Houston lab isolated by RBS and select prior/ongoing pleadings for purposes of including with demand packet to Sanitaros Lamosa and Vortens	
01/05/2017	2.90	Review, modify and finalize demand and notice letter and packet materials and approve for binding and service	
01/05/2017	6.00	Conf with lit team - new client intakes and international service of process discussion(1.6); Develop Case Management Strategy with RBS (1.8); TCT Sebesta re: representation noticed in multiple TX claims against Vortens, status of claims and cases, and experts (1.4); Multiple comm with outside subro attorneys re: status of cases, claims and experts (1.2)	
01/10/2017	1.90	DR lengthy DTPA notice letter to Vortens for Cone PLS	
01/12/2017	1.60	DR DTPA Notice letter to Vortens for Kevin Reuss	
01/18/2017	9.20	Attend Conf at Goodman labs in Denton regarding exemplar designations and walk thru with consulting expert for initial visual inspections	
01/23/2017	2.9	Research regarding appropriate scope of hold letters/preservation of documents and evidence	

01/31/2017	2.40	Review and finalize Preservation letters to all Vortens distributors (national) and approve for distribution	
02/04/2017	5.90	Review case authority re: DTPA requirements and conditions precedent	
02/08/2017	2.10	DR DTPA Notice letter to Vortens for Andrew Hocker (0.9); DR DTPA Notice letter to Vortens for Fessler PLs (1.2)	
02/12/2017	6.30	Review case authority re: strict products pleading alternatives and potential defenses to preempt	
02/14/2017	5.90	Review case authority re: warranty claims and potential defenses	
02/16/2017	6.20	Initial DR of First Amended Complaint - modifications to current liability allegations, liable corporate DFs, class allegations, and additional PLS	
02/22/2017	5.10	TCF Houston builder re: multiple neighborhoods with Vortens tanks installer and requesting coordination with HOA representatives for town hall meetings at March HOA meetings for each neighborhood (1.3); Research locations of neighborhoods built during subject class period identified by Houston builder (3.8)	
02/24/2017	3.80	Joint initial preparation for Town Hall meetings in Houston and surrounding area based on request from multiple neighborhoods re: builder installations of Vortens tanks	
03/03/2017	0.10	RR Notice of Impending Dismissal pending Service	
03/03/2017	6.20	Research and review Fifth Circuit precedent regarding class certification since the passage of CAFA – product liability cases	
03/06/2017	5.80	Continued case review of product liability class actions in the Fifth Circuit	
03/07/2017	4.80	Attend Town Hall meetings in Houston and surrounding area with HOAs	
03/08/2017	6.20	Attend Town Hall meetings in Houston and surrounding area with HOAs	
03/09/2017	4.90	Multiple comm with 11 Houston property management companies identified by HOAs at Town Hall meetings to identify neighborhoods or community structures impacted by FAC	
03/10/2017	5.40	Complete case review of post-CAFA Fifth Circuit precedent – product liability cases	

03/15/2017	1.30	Final Review and amendments to Request for Special Process Server	
03/16/2017	1.10	DR DTPA Notice letter to Vortens for Matthew Carreras	
03/17/2017	2.20	TCF Aftosmes re: Vortens class action information received during HOA meeting and request to be included as rep -- discussion of fracture and damages (0.8); RA initial damages docs and photos and forward class rep contract (1.4)	
03/20/2017	1.10	TCF Sander regarding participation in class action based on info forwarded by HOA director (0.5); RR Sander attempted comm with Vortens for resolution and damages information (0.4); TCT Sander re: office will send over client contract for review (0.2)	
03/27/2017	5.10	Modify prior AG corresp to comply with DTPA and incorporate FAC filing (1.2); Finalize First Amended Complaint and attachments with all final edits and finalize for filing (3.9)	
03/28/2017	7.00	Receipt of Order Granting Special Process Server (0.1); Research and review Fifth Circuit precedent regarding class certification of breach of warranty cases post-CAFA for insight in pleadings, discovery, and certification standards (6.9)	
03/29/2017	0.10	RR Agreed MFE for DF to Rspnd to PL Amended Complaint	
04/01/2017	0.10	RR CT Order Granting Ext of Time to answer	
04/07/2017	0.40	DR status update to all Plaintiffs regarding FAC filing and response deadlines	
04/13/2017	0.80	DR separate correspondence to each named PL re: notice that DF may be contacting claimants directly and actions to take if contact occurs	
05/05/2017	0.10	RR Return of Service Notice from CT re: Executed Summons for Porcelana	
05/10/2017	0.10	RR Second MFE for Vortens to Rspnd to PL Amended Complaint filed by Porcelana	
05/17/2017	0.10	RR Order Granting Second MFE to Answer FAC	
05/26/2017	5.40	Receipt and initial review of DF Motion to Strike Class Allegations from 1st Amended Complaint (2.8); DR initial outline of key issues in MTS to address (2.6)	
05/26/2017	3.70	Strategy Conference re: Outline Responsive Argument to MTS class allegations	

05/26/2017	0.20	RR Consent to proceed before Magistrate form (0.1); Execute agreement to proceed before magistrate (0.1)	
05/28/2017	6.20	Review and analyze case authority regarding whether striking class allegations is premature and precedent in handling Rule 12 challenges to class allegations	
05/29/2017	4.90	RA Order Governing Proceedings re: management conference setting with attached Standing Scheduling Order and Rule 26 deadlines (0.3); Conference re: standard scheduling order and issues with same considering class action proceeding (0.8); conduct additional research into other jurisdictional comparative case authority to consider in the briefing addressing striking class allegations as premature (3.8)	
06/04/2017	4.30	Review and analysis of significant cases addressing standing in class action litigation	
06/07/2017	4.60	Review working draft of Response to DF MTS Class allegations and draft suggested modifications	
06/08/2017	2.90	Review working draft of PLs affirmative Rule 12(f) MTS premature challenge to class allegations, review key cases cited in draft, amend and finalize same for filing	
06/08/2017	5.50	Review working draft of Response to DF MTS Class allegations and draft suggested modifications (2.6); Review working draft of PLs Rule 12(f) MTS premature challenge to class allegations, review key cases cited in draft, amend and finalize for filing (2.9)	
06/16/2017	4.40	Receipt and initial review/analysis of DF Reply iso Motion to Strike Class (2.5); Strategy conference analyzing DF Reply and outlining sur-reply responsive args (1.9)	
06/22/2017	7.70	Receipt and analysis of DF Rspns to PL MTS or Stay DF Request to Strike Class Allegations (2.4); Strategy conference with RBS re: draft reply outline (1.7); Research and review case authority isolated in the Fifth Circuit and Eastern District as to timing of challenge to class allegations (3.6)	
06/23/2017	0.20	RR of Amended Scheduling Order (0.1); RR Order for hearing and oral argument on DF MTS and PLs MTS/Mtn to Stay (0.1)	
06/23/2017	1.70	Review and make final modifications to working draft of PLs Sur-Reply to DF MTS class allegations	
06/29/2017	2.60	Review and make modifications to working draft of PLs Reply and finalize for filing	

06/30/2017	6.50	final review and verification of PLs disclosure responses and attachments (1.8); Review research on standing challenge to class representatives and effect on disclosure/initial discovery (4.7)	
06/30/2017	4.50	Receipt and review of DFs Initial Disclosures and brief review of disclosure attachments (3.6); Joint conf with RBS re: initial disclosures and docs (0.9)	
07/03/2017	3.30	Meeting with Defense Counsel re: modifications to Rule 26(f) report (1.1); RA DFs proposed Protective Order and draft PL modifications to same (2.2)	
07/06/2017	0.30	Final review and execution of Agreed Protective Order Regarding Conf Info	
07/08/2017	4.70	Prepare for CT mandated Rule 16 Management conference - review CT standard order, CT class action order, all parties disclosure responses and Joint Rule 26(f) Report (3.4) review of RBS argument outlines and case summary chart on motions pertaining to class allegations (1.3)	
07/20/2017	3.60	Complete preparation for hearing – outline PL position on all Rule 16 issues, conflicts in disclosure positions, and motion to strike class allegations	
07/19/2017	3.50	Travel to and from Sherman for Management Conference and Hearing on multiple motions	
07/19/2017	1.80	Attend and argue Rule 16 Mgmt Conference/Hearing on DF MTS and PL Request for Stay	
07/27/2017	4.90	Receipt and Review of CT signed Class Cert Scheduling Order (0.1); Research and review scope of discovery under FCP in light of DFs refusal to participate in discovery based on the pleadings and allegation scope (4.8)	
08/09/2017	6.20	Receipt and Initial Review - DF 1ST ROGS AND RFP TO PL FESSLER (2.1); RR DF ROGS and RFP to PL Aftosmes, Carreras, Reuss, Hocker and compare same for purposes of objections and preparing responses (0.9); Review rules and authorities regarding DF improper number of ROGS (0.8); Outline initial thoughts of objections to definitions and ROG language (2.4)	
08/10/2017	1.60	Review Interrogatory Memo Outline prepared for clients' re: PLs' initial ROG responses for accuracy	

08/11/2017	2.80	Review proposed RFAs to DF and edit same (1.3); RA proposed 2nd RFP and modify/edit as necessary (1.5)	
08/30/2017	2.10	RR corresp from Fessler re: questions about discovery requests (0.1); TCT Fessler re: ROG responses and to address questions (0.8); DR corresp to send separately to each client re: clarification of ROG questions and diligence in document search for RFP (1.2)	
08/31/2017	5.50	Receipt and Initial Review - DEFENDANT'S OBJ AND RSPNS PL 1ST RFP (0.9); Initial review of documents produced for general content understanding (4.6)	
09/01/2017	1.90	DR separate emails to each client re: status of ROG summary responses and identifying whether/what documents still needed for RFP responses	
09/07/2017	4.70	RA all Objections/Responses to individual RFPs to each PL, make final edits as necessary, confirm documents being produced as sufficient and responsive and approve for service on DF	
09/07/2017	2.90	Final review and edits to all Objections and responses to ROGS by individual clients and ensure proper verifications provided to include with service of responses	
09/08/2017	6.60	Initial receipt and review - DF SUPP PRODUCTION to 1st RFPs to determine scope of responsiveness and to understand general content of docs produced	
09/09/2017	3.20	Continued review of discovery documents produced with "DF Supp to 1 st RFPS"	
09/11/2017	6.30	Initial receipt and review - DF OBJ AND RSPNS to PL RFA (0.7); initial receipt and review of DFs Objs and Responses to PLs 2nd RFP and brief review documents included for responsiveness/general content (5.6)	
09/12/2017	7.40	Initial receipt and review of additional DF SUPP PRODUCTION (01484-2298) in "rolling production" by DF to determine scope of responsiveness and to understand general content of docs produced	
09/13/2017	4.30	Initial receipt and review - DF OBJ AND RSPNS TO PF 3RD RFP determine scope of responsiveness and to understand general content of docs produced	
09/13/2017	3.60	Continued review of discovery documents produced on 9/12 - SUPP PRODUCTION (01484-2298)	

09/14/2017	5.90	RR notification of assignment to Judge Priest-Johnson and conduct brief background research (0.2); RR Initial review Mtn and Brief iso df Motion for Protective Order with attachments re: plant inspection requested (2.6); Review case authority regarding protective order examples for site inspections and/or manufacturing examples (3.1)	
09/14/2017	2.30	Strategy Conference with RBS - DF opposition to plant inspections, discuss research by RBS and draft outline Responsive arguments	
09/15/2017	3.90	receipt and initial review of new DF SUPP PRODUCTION in "rolling production" bates nos 2699-2923 to determine scope of responsiveness and to understand general content	
09/19/2017	2.30	Comm with Houston lab re: remaining tank transfers for final exemplar approvals obtained and evidence transfer documentation requirements (0.9); coordination with Goodson lab regarding separation of exemplar tanks, redaction efforts for identifiers of exemplars, and prior client tank testing and photos to include with exemplar storage (1.4)	
09/20/2017	0.10	RR Order denying DF Motion for Protective Order	
09/21/2017	7.10	Receipt of new DF SUPP PRODUCTION and conduct initial staggered review of voluminous materials for general scope of content and to compare to document memorandum re: responsiveness in production (DF 2933-11545)	
09/22/2017	0.50	RA Report and Recommendation re: Motion to Strike Class Allegations from FAC and competing Motion to Strike Challenge or Stay ruling - MTS denied and PL motion moot	
09/22/2017	5.30	continued staggered review of voluminous materials for general scope of content and responsiveness in production (DF 2933-11545)	
09/23/2017	7.30	Meet with RBS to divide remaining review of PORCELANA 0002933-11545 document supplementation to complete analysis of production based on workload division (0.8); RA allocated documents for general content and flag/highlight sig materials (6.5)	
09/25/2017	6.10	PORCELANA 0002933-11545 document supplementation - ongoing review and	

		analysis based on workload division with RBS	
09/26/2017	5.80	PORCELANA 0002933-11545 document supplementation - continued review and analysis based on workload division with RBS	
09/28/2017	5.40	Receipt and initial review - new DF SUPP PRODUCTION (Bates nos. 11797-11821) and compare to document logs re: rolling document deficiencies for responsiveness and completeness	
09/29/2017	0.70	Receipt and initial review - DF 1ST SUPP DISCLOSURES and compare same to original responses	
10/05/2017	5.00	Research comparative manufacturing 30(b)(6) topics in other products cases for specificity in drafting in accordance with FRCP (2.6); Initial draft of corporate topics for deposition (1.4); DR 30B6 ltr to DF Re: Corporate reps, topics and inspection request (1.0)	
10/06/2017	6.70	Draft NITD Porcelana pursuant to 30(b) designees (Cardinal, Gutierrez, Trevino, Villegas, Dunez) with designated assigned topics (1.1); Strategy conference - scope of corporate depo topics and DFs designees (1.4); modify NITD Porcelana and finalize for service (1.5); Review key case authority pertaining to motion to compel plant inspections for applicability and emphasis (1.7); Final review and suggested edits of PLs Motion to Compel Entry on Land/Site Inspections (1.0)	
10/07/2017	7.10	Review all summary outline summaries and document notes currently completed for initial corporate rep deposition preparation (DF 00001-11821)	
10/09/2017	7.80	Atty Depo prep-Cardinal (inclusive of individual document review, manufacturing process research, failure research)	
10/10/2017	6.80	Continued preparation for deposition of corp rep Cardinal (document summary outline review, isolation of documents as potential exhibits, CX outline) (6.60); RA Memorandum Order adopting Report and Recommendation of Magistrate – denying MTS class allegations (0.2)	
10/11/2017	6.90	Atty Depo prep-Villegas (inclusive of document review, exhibit selection, outline)	
10/12/2017	8.70	Receipt and Initial review of new DF SUPP PRODUCTION – staggered review to	

		determine general content (2.6); divide review workload with RBS for analysis and outline notes of key info (PORCELANA 00011822-13204) (6.1)	
10/12/2017	1.40	Conference with consulting expert regarding manufacturing research and causation failure for purposes of corporate rep depo prep and modification of outline	
10/13/2017	0.40	Draft 1st Amended NITD Porcelana (Cardinal, Gutierrez, Trevino, Villegas, Dunez) and division of topics between designees	
10/13/2017	8.30	Joint Conference b/w attny depo attendees re: 30(b)(6) deposition and Stip for International Testimony (0.4); Prepare for deposition of Dunez corp rep designee – review docs related to his segregated deposition topics based on initial document summary outlines (4.1); Continued prep for Sergio Villegas deposition – review docs related to his segregated deposition topics based on ongoing document outline summaries to isolate potential exhibits (3.8)	
10/16/2017	0.60	Edit and finalize working draft of Agreed Motion for Order of Approval of Stip Re_Depos	
10/16/2017	5.10	DR Comm to DA re: status of depo of Mr. Neira (0.2); continued review of new DF SUPP PRODUCTION based on divided workload and outline notes of key info (PORCELANA 00011822-13204) (4.9)	
10/16/2017	4.20	Continued review all summary outline summaries and document notes currently completed for ongoing corporate rep deposition preparation up through most recent supplementation to extent available (DF 00001-13204)	
10/17/2017	5.90	Receipt and Initial Review of DF Motion to Compel Production of Toilets with exhibit attachments (1.6); Strategy Conference - Outline Responsive Argument to MTC toilet removal by DF experts and DF requested protocol for photographing and removing (1.9); Comm from DA re: Neira depo request and denial of request for contact information (0.1); RR request for depo availability of all named PLs (0.1); Research case authority regarding evidence removal and destructive testing (2.2)	
10/17/2017	2.70	Continued review all summary outline summaries and document notes for ongoing corporate rep deposition preparation	

10/18/2017	0.20	Receipt and Initial Review - Order Granting Approval of Stip of Depo and provide same to translator, CR and Videographer	
10/18/2017	7.10	RA confidential production of PORCELANA00013205-00013211 (multi-page spreadsheets of tank models over multiple years)	
10/18/2017	0.90	Review and modify Motion to Compel Disclosure	
10/19/2017	1.90	DR separate emails to each client re: status of discovery, pleadings and upcoming depositions	
10/19/2017	1.30	Strategy Conference - Distributor Subpoenas for documents re: notice of defect, recall, or Vortens comm of tank fractures	
10/19/2017	1.20	Phone conference w/ Gregory Gretchen re: Vortens toilet cracked and rep request (0.7); RA potential new client (Gretchen) photos and damage documents (0.4); Comm to Gretchen Gregory re: representation contract and class rep obligations (0.1)	
10/19/2017	3.40	Receipt and Initial Review - Order setting status conference; discovery Motions are DENIED (0.1); Continued prep for corporate rep depositions – review all isolated exhibits for use during deposition and compare to document summaries to ensure crucial documents identified (3.3)	
10/21/2017	5.50	Travel to Mexico per for DF corporate deposition (plus transport from out-of-city airport to location)- Depositions	
10/22/2017	7.30	Continued 30b6 Deposition Preparation - Joint Coordination of exhibits and CX outlines	
10/23/2017	11.80	Joint Conference - final Trevino depo prep and exhibit review (2.4); Attend and assist with exam and exhibits - Deposition of Trevino (9.4)	
10/24/2017	13.30	Conference re: final joint depo prep review Gutierrez (0.9); Attend and examine Porcelana Corp Rep - Deposition of Deposition of Gutierrez (8.2); Final deposition prep - modification of exam outline and potential exhibits of Cardinal (2.8); Conference call - Ahearn re: causation, depo outline and Cardinal Depo (1.4)	
10/25/2017	10.20	Receipt of pre-depo DF SUPP PRODUCTION with disclosure of Neira contact and additional documents (0.2);	

		Conference - final depo prep – Cardinal (0.9); Attend and examine corporate rep - Deposition of Cardinal (8.0); Review and analyze newly produced documents for Villegas depo use (1.1)	
10/26/2017	7.50	Conference - final depo prep -Villegas (1.0); Attend and examine corp rep - Deposition of Villegas (3.2); Locating and Meeting with J. Neira in Monterrey (3.1)	
10/27/2017	4.70	Travel from Mexico after completion of DF corporate deposition	
10/30/2017	0.70	Attend CT Status Conference re: site inspection (0.6); RR Minute entry re: status conference on plant inspection disputes (0.1)	
10/31/2017	1.90	Internal strategy conference - CMP re: expert retention and scope of necessary expertise for opinions	
10/31/2017	1.30	Conference call with D. Ahearn re: testing protocols and discovery materials needed in advance of inspection and testing	
11/01/2017	1.90	Multiple comm with DA and ESI regarding lab engagement, PL protocols, DF protocols, testing and equipment	
11/01/2017	3.90	Initial receipt and Review of depo transcript rough draft of Etienne Cardinal in preparation of failure testing and discussion with PL expts	
11/07/2017	0.60	RR proposed draft of Joint Motion for Entry of Agreed First Amended Class Cert Order and make edits to same	
11/08/2017	1.60	TCF Dillon Arshad re: participation in class action as class rep (0.6); RA initial photos and damage docs from Arshad and assess class rep adequacy (0.6); TCT Arshad requesting additional clarification on fracture event and damages (0.4)	
11/08/2017	0.20	Comm with OC re: settlement interest as to Cone and Aftosmes clients	
11/09/2017	0.10	RR Order Granting First Amended Class Cert Scheduling Order	
11/09/2017	0.10	RR Comm from OC re: status of settlements and removals	
11/09/2017	1.90	Conference with ESI re: testing protocols and adequacy of labs in TX for toilet analysis	
11/09/2017	1.40	Joint Conference call with Fessler re: deposition setting, discussion of pleading and discovery status and address client questions	

11/10/2017	3.90	Expert Strategy Conference - additional expert needs and outline categories of testimony and discuss possible experts for retention (2.3); Joint Conference call with D. Ahearn re: Orton labs, ESI lab capabilities, explanation of each step of DFs proposed protocols (1.6)	
11/10/2017	0.20	Comm from Capser's office re: attaching his CV for review and file	
11/11/2017	7.50	Expert Strategy Conference – review CVs and testimony lists for experts in warranty analysis, manufacturing processing, and statistical claim assessments (1.3); Review provided case authority for scope of necessary proof in manufacturing defect cases – expert requirements (6.2)	
11/14/2017	4.70	Multiple comm with OC re: plant inspection of every aspect of manufacturing process, rejection of DF limitations (0.4); RR corresp from Pearl Reporting re: signature notice of Jesus Gutierrez and rough transcript (0.1); Initial brief review of deposition of Gutierrez (2.4); RR Comm from CT and counsel responses re: availability of parties for telephonic hearing (0.2); Multiple comm with Lauren at ESI re: confirming Dallas Lab is available for testing of toilets in this case (0.8); RR comm between all parties and CT clerk re: dispute on expert tank removal and whether motion is needed (0.2); Comm from Court re: Judge wants hearing on the record on issue of client tank removal disputes (0.1); Comm with David Ahearn re: info received from defense counsel as to lab capabilities and request for thoughts for alternatives (0.3); Multiple comm with OC re: questions regarding No. 4 and Ds expert Brad James contacting ESI lab to discuss lab equipment (0.2)	
11/15/2017	3.70	Comm from OC re: signature notice for Mr. Cardinal, Mr. Gutierrez and Mr. Trevino who live in Mexico (0.1); Receipt and initial review of Trevino transcript (3.6)	
11/16/2017	0.60	RR Comm re: Handley toilets evidence collection and chain of custody evidence transfer after removal from consulting expert	
11/16/2017	0.50	TCT Ahearn re: lab testing in Dallas and issues in toilet removal dispute/whether affects expert opinions as represented	
11/16/2017	0.10	Comm from OC re: postponement of phone conversation as to scope of plant inspections	

11/17/2017	2.90	Comm with evidence transfer agent for collection of new toilets for Reuss from Home Depot, delivery information, and cost arrangement for expedited timing to comply with DF expert arrangements for installed toilet removal (0.7); TCF client Aftosmes: confidential settlement agreement and payment (0.4); research testing protocols dictated by DFs and available labs in the area capable of conducting each test step (1.8)	
11/20/2017	6.0	Comm with Ahearn re: plant inspection parameters (0.7); Comm with Capser and Mesa-Arroyo re: plant inspection scope (0.8); Comm with local ESI lab regarding testing protocols, evidence transfer and lab equipment capabilities (0.7); Continue review of case authority regarding type of scope of expert testimony needed to meet SC precedent on use of statistics in class certification (3.8)	
11/22/2017	3.00	Multiple comm with ESI re: upcoming Joint Lab Inspections and testing protocol confirmation as well as execution of PO agreements from all involved (1.3); RR corresp from Pearl Reporting re: Edelmiro Trevino and signature notice (0.1); Conf Dr. Mecholsky re: ceramic manufacturing processing and testing needs (1.6)	
11/26/2017	6.90	RA document summary outlines and isolate key documents for initial review by Dr. Mecholsky (4.3); Identify relevant client docs and depo transcripts to assist expert in preparing for testing and inspection (2.6)	
11/27/2017	0.10	RR corresp from Pearl Reporting re: deposition of Sergio Villegas transcript and signature request	
11/27/2017	2.70	TCF Dr. Mecholsky re: forwarding additional documents and transcripts needed prior to lab inspection (0.3); Locate requested documents and forward same to expert (2.4)	
11/28/2017	0.60	DR outline for motion to compel for research and argument development	
11/29/2017	7.50	TCF Dr. Mecholsky re: testing procedures questions (0.3); Comm to Dr. Carty re: consulting recommendation for testing analysis by Ortons (0.7); Multiple comm with DA re: Lab exam and testing protocols (0.2); Receipt and initial staggered review of DF SUPP PRODUCTION (00013216-13479) and compare production to RFP	

		designations (3.4); Expert Strategy Conference with RBS re: ceramics manufacturing experts and upcoming lab protocols (1.3); Conference with Dr. Mecholsky re: ceramic failures, causation, and testing protocols (1.4); DR Comm to DA re: lab exam protocol and additions/modifications based on Mecholsky recommendations (0.2)	
11/30/2017	0.10	RR Comm from OC re: Cone/Aftosmes Settlement and release matters	
11/30/2017	11.0	Attend Destructive testing of Toilets done at ESI-Dallas with ongoing consultation with experts (8.4); Conference with Ahearn and Mecholsky re: initial thoughts and protocols for day 2 (2.6)	
12/01/2017	9.30	Attend 2nd Day Destructive testing of Toilets done at ESI-Dallas with ongoing consultation with experts (7.9); Conference with Ahearn re: final thoughts from inspection and next steps on Ortons lab testing (1.4)	
12/04/2017	7.30	TCT Ahearn re: DA limitations of plant inspection protocol and obtain opinions and objections from materials expert view (0.9); TCT Meza-Arroyo re: DA limitations of plant inspection protocol and obtain needs/opinions/objections from processing view (1.4); Conference with Dr. Mecholsky re: opinions from lab inspection and Orton lab testing selected (1.8); Strategy and Analysis/Conference - CMP on Fessler, Sousa and Stone Orton samples for absorption and addition of DF testing requests (1.8); Multiple Comm with DA re: plant inspection protocols, scope and agenda (0.5); DR document scope particular to builders identified in DF discovery for attachment to multiple SDT and review SDT for accuracy prior to service (0.9)	
12/05/2017	2.10	Multiple comm with DA re: plant inspection, refusal to adhere to open protocol, and CT order (0.5); DR separate emails to each client re: status of discovery, pleadings and upcoming plant inspections (1.6)	
12/06/2017	1.10	Comm Mr. Ahearn re: ongoing disputes surrounding plant inspection and protocol (0.6); Comm with Dr. Meza-Arroyo re: ongoing disputes surrounding plant inspection and protocol (0.5)	

12/07/2017	2.70	Review and final edits on Motion for Dismissal - settled claims (0.5); Based on discovery analysis expand scope of document request exhibit for builder SDTs (1.6); RR corresp from OC to Court re: Ds Motion for Protective Order on plant inspection (0.1); Multiple comm with attending inspection experts re: update on continued disputes on plant inspection (0.5)	
12/08/2017	5.90	Receipt and Initial Review of DF 1ST SUPPL OBJ AND RSPNS TO PL 1ST RFP and compare same to missing doc memo for responsiveness and completeness (2.9); Receipt and Initial review of Df 1st SUPPL OBJ AND RSPNS to PL 2ND RFP and compare same to missing doc memo (1.4); Receipt and Initial Review of DF OBJ AND RSPNS TO PL 3RD RFP (1.6)	
12/08/2017	1.30	Video call with Ahearn, Mecholsky, Capser, Meza-Arroyo re: Expert Reports	
12/09/2017	6.50	Comm with ESI re: initial toilet tank testing and breakdown calculated based on samples from inspection (3.8); Comm to inspection experts re: DA's request to Court for additional plant inspection limitations (0.4); Strategy Conference re: ongoing issues with scope of plant inspection and CMP to address same with CT and experts (2.3)	
12/11/2017	2.50	RR Order Granting Motion for Joinder of Additional PLs (0.1); Review provided case authority on scope of site inspection and expert attendance (2.4)	
12/11/2017	1.10	Multiple comm with ESI and Orton re: tank testing and coordination with DF expert James on scope	
12/12/2017	0.40	Receipt and initial review of DF Motion for Protective Order and all exhibits attached and DR outline of key args to address in response	
12/12/2017	0.30	Comm to David Ahearn and Dr. Mezza-Arroyo re: DF filing of Motion for Protective Order regarding plant inspection	
12/13/2017	0.10	RR Order Denying Motion for Protective Order on Plant Inspection Limitations	
12/13/2017	0.70	TCF counsel for Paul Taylor Homes re: service of SDT and scope of intended compliance with same	
12/13/2017	0.20	DR Comm to DA re: expected compliance with PLs protocol and plant inspection in light of Order denying protection	

12/14/2017	0.60	TCT Mecholsky re: ongoing plant inspection dispute and DF refusal to cooperate (0.4); Comm with Ahearn re: continuation of plant inspection dispute and Ds refusal to cooperate (0.3)	
12/15/2017	1.20	Inspection Strategy conference with RBS re: ongoing issues with plant inspection, protocols and expert attendance, including possibility of exclusion of Mecholsky	
12/18/2017	0.60	Multiple comm with David Ahearn re: status of report and requested deposition by DA	
12/18/2017	0.10	RR comm from DA re: compliance with CT Order on inspection but intention to limit time at each plant	
12/19/2017	0.10	RR Comm from OC re: correspondence regarding confidential deposition docs, etc.	
12/20/2017	0.30	TCF Gessell re: prior conversation about class representative closure but inclusion in future update corresp	
12/21/2017	6.40	Receipt and Initial review of DF SUPP PRODUCTION (PORCELANA 00013521-13552) single bates with multiple spreadsheet pages and compare same to prior sales and production defect documents previously produced in limited form	
12/22/2017	0.40	RR Plantation Homes letter of no records in response to SDT (0.1); Receipt and initial review of Trendmakers Motion to Quash SDT (0.2); RR email from OC re: additional confidential deposition docs (0.1)	
12/28/2017	0.10	RR Order Response deadline to Trendmaker MTQ	
12/29/2017	1.60	Review and Modify working draft of 4th RFP and 1st ROGS prior to service	
12/29/2017	0.10	RR Memo adopting Report and Recommendation Granting MTD Cone Aftosmes	
12/29/2017	1.20	Review working Draft of Response to Trendmaker's MTQ SDT and make edits to same for inclusion in briefing	
01/02/2018	4.20	Travel to Monterrey, Mexico for plant inspection with experts	
01/02/2018	0.30	RR Email from OC re: reiteration that plant inspection will only occur according to Ds protocol; DR responsive comm re: PL intention to follow CT Order on protocol (0.2)	
01/02/2018	2.80	Conference with Ahearn and Meza-Arroyo re: plant inspection protocols and scope	

01/03/2018	8.90	Attend Plant inspections in Benito Juarez and Monterrey, Mexico	
01/04/2018	0.10	RR MTQ and Order re response: DR Horton MTQ	
01/04/2018	3.90	Attend Expert conference with Ahearn: reviewing summary outline of produced docs, docs still needed, opinions and impressions after inspections and expert report scope	
01/04/2018	4.20	Return from plant inspections in Mexico	
01/05/2018	0.10	RR Order Denying Dr Horton MTQ	
01/08/2018	1.40	Based on discovery analysis draft document request exhibit for direct distributor SDTs	
01/08/2018	0.40	RA all SDT to each identified distributor and confirm scope of requested documents and SDT accuracy and approve for service	
01/09/2018	3.90	Review and DR modifications to Second Amended Complaint	
01/10/2018	9.10	- Initial receipt and review DF Motion for Partial Summary Judgment and outline/highlight key args and disputes (2.9); RA Declaration of Brad James in support of MSJ (1.2); RA all deposition excerpts attached to MSJ and cross-reference for accuracy and counter-citations (3.3); MSJ Strategy Conference - Outline Responsive MSJ Argument based on initial review, analysis and research (1.7)	
01/10/2018	0.10	Comm from DA withdrawing lack of opposition to Motion for Leave to file Amended Complaint	
01/11/2018	3.60	Comm with DA re: remaining exhibits to the Defs Motion for Summary Judgment not provided at time of filing (0.1); DR outline of key exhibits attached to MSJ for purposes of objection and rebuttal evidence (3.5)	
01/11/2018	2.10	Strategy Conference – Discuss Motion for Leave to file Amended Complaint in light of DA withdrawal of agreement to file amended pleadings, basis for argument, outline	
01/12/2018	9.50	Review and analyze Vortens Lab inspection docs forwarded by ESI – photos, notes, testing data	
01/14/2018	0.90	Comm with John Mecholsky re: scope and status of expert report	
01/16/2018	5.50	Receipt and review of Ahearn expert report for purposes of inclusion of summary in disclosures (1.9); Receipt and review of	

		Mecholsky expert report for purposes of inclusion of summary in disclosures (1.3); Review of Capser expert report (2.3)	
01/16/2018	1.80	Review working draft of PL expert disclosures and edit same (1.1); Finalization of PL Expert Disclosures and approve Notice of Disclosure filing (0.7)	
01/17/2018	0.90	Conference call with RBS and Ahearn for explanation of Orton test results	
01/17/2018	5.70	Pleadings Strategy conference - modifications and expanding scope of Second Amended Complaint since DA now opposed (1.6); Review provided research regarding certification support for each pleaded cause of action in preparation of amended pleadings (4.1)	
01/18/2018	2.40	Review MFL to File Second Amended Complaint and modify same in preparation for filing	
01/19/2018	1.20	Review and modification of new RFPs and RFAs to DF	
01/22/2018	2.80	Review and modify additional discovery requests and finalize for service on DF	
01/22/2018	2.00	Receipt and Initial review DF 1ST ROGS AND RFP TO SOUSA and compare same to prior discovery requests served on PLs (0.9); RR of RFPs to Stone and Handly and compare same to Sousa RFPs for purpose of uniformity (0.7); RR of ROGS to Stone and Handly and compare same to Sousa RFPs for purpose of uniformity (0.4)	
01/22/2018	0.10	RR Order re: Deadline to Oppose Motion for Leave	
01/23/2018	1.30	Based on discovery analysis draft document request exhibit for leading suppliers/distributors SDTs	
01/23/2018	0.40	RA all SDT to each identified supplier and confirm scope of requested documents and SDT accuracy	
01/25/2018	2.90	Receipt and initial review of DF Opposition to Motion for Leave to File 2nd Amended Complaint (1.5); Strategy Conference - args re: DF Opposition to MFL/2nd Amended Complaint (1.4)	
01/26/2018	0.30	RR DF Amended Response to Motion for Leave to File 2nd Amended Complaint	
01/26/2018	0.10	RR Application to Appear Pro Hac Vice Re: Chapparal Plumbing	
01/29/2018	6.80	RR Order Re: Addtn'l Briefing on Motion for Leave (0.1); Review, modify and finalize	

		response to Chapparral MTQ for filing (0.7); Receipt and Initial review of DF RSPNS TO PL 2ND RFA, 4RTH RFP, AND 1ST ROGS for purposes of completeness and general understanding of production (4.9); Comm with Mr. Merrell re: Motion to Quash SDT by Chaparral (0.1)	
01/31/2018	4.9	Final review, modifications and finalize PL MFL Reply brief for Filing (1.3); Continued review of documents produced with DF Responses to 4 th RFP for completeness and general content (3.6)	
02/02/2018	1.20	RR Chaparral Plumbing Notice of Withdrawal of MTQ (0.1); Comm with Dr. Mecholsky re: compliance with NITD and expert file production (1.1)	
02/02/2018	0.60	TCT Ahearn's office re: deposition request and file production	
02/05/2018	2.80	Receipt and Review Meritage Homes SDT Response (ltr only) (0.1); RR Order Granting Chaparral Motion for Withdrawal of MTQ (0.1); Review ongoing document summary outlines of third-party production for completeness and determination of use in dispositive motions or for experts (2.6)	
02/07/2018	2.70	TCF Mellencamp, attorney for Weekly Homes regarding SDT responses (0.4); TCF from attorney for Moore Supply re: scope and timing of SDT responses (0.8); TCF John Mecholsky re: upcoming deposition (1.1); Modify requested documents included on EX A to NITD DF experts (0.4)	
02/07/2018	3.4	TCF from attorney for Moore Supply re: scope and timing of SDT responses (0.6); TCF John Mecholsky re: upcoming deposition (0.7); Review research regarding proper objections to expert file production and scope of authorized expert discovery (1.9); Modify requested documents included on EX A to NITD DF experts (0.2)	
02/08/2018	1.80	Expert Strategy Conference - Vortens confidential plant documents produced and expert deposition prep issues	
02/08/2018	1.60	Receipt and Initial review of DF Reply iso MSJ and outline suggested args for sur-reply	
02/08/2018	3.90	DR discovery memorandum re: electronic discovery and Terms list and capturing emails, letters, attachments, etc.	

02/09/2018	6.0	RR corresp to DA re: pending discovery responses and PL repeating need for COC (0.4); RR comm from Weekly Homes attorney re: no production regarding SDT (0.4); TCF potential client from Georgia with model #3425 (0.7); TCF counsel for Moore Supply re: understanding the SDT and production(0.8); TCT Ahearn regarding upcoming deposition and preparation of expert file for production(1.0); TCT Ahearn regarding upcoming deposition and preparation of expert file for production (0.9); Depo prep - TCT Mecholsky regarding upcoming deposition and preparation of expert file for production (1.7); RR comm from Weekly Homes attorney re: no production regarding SDT (0.1); TCF potential client from Georgia with model #3425 (0.4); TCF counsel for Moore Supply re: understanding the SDT and production (0.6)	
02/12/2018	1.9	Receipt and initial review of Motion to Quash document Subpoena of Mike Ray (0.2); Comm with OC re: deposition and discovery update and progress on docs (0.2); Email from DF Counsel re: forwarding correspondence from Mark Reynolds (0.1); Multiple comm with DA and Ahearn re: amended Notice of Deposition for David Ahearn (0.3); Email from potential client in LA re: Vortens class action (0.1); TCT California potential contact to discuss status of action and reps (0.6); Email from Opposing Counsel re: forwarding correspondence from Mark Reynolds (0.1); Multiple comm with DA and Ahearn re: amended Notice of Deposition for David Ahearn (0.2); Email from potential client in LA re: Vortens class action (0.1)	
02/14/2018	6.7	Conference call with Mecholsky re: upcoming deposition and status of file production (0.9); Receipt of materials reviewed by Mr. Ahearn and confirm overlap in expert file materials and cooperative report/opinions in preparing for expert depositions (5.2); RR Order Granting PL MFL to file 2nd Amended Complaint & Denying DF MSJ (0.2); Review and make final modifications to PL Response to Ray MTQ (0.4)	
02/15/2018	7.50	Receipt and Initial review of DF Rule 26 Expert Disclosures (1.3); Review & Analyze DF expert reports and all attachments (6.2)	

02/16/2018	7.6	Final Review and edits of objections to Mecholsky SDT and finalize for Filing (0.4); RR comm from DA re: spreadsheets production, issues with native format and PDF form (0.1); RR comm from DA re: additional document production pending to avoid MTC (0.1); RR NITD of Capser and SDT (0.1); RR comm from Anderson re: confirming representation of Mike Ray/Mike Ray Associates for depo (0.1); RR comm from DA re: amended NITD for Dr. Capser (0.1); RR comm from DA re: producing Reuss & Cararres demand letter (0.1); Deposition prep for expert: Mecholsky (RA all PL reports, DF reports, disclosures) (6.6)	
02/17/2018	0.40	Comm with potential client - Ms. Moore re: instructions to keep toilets from her home	
02/17/2018	3.20	Travel to Florida - Deposition of expert: Mecholsky	
02/18/2018	0.10	RR comm from DA re: DF experts need for additional comm with Orton lab	
02/18/2018	4.50	Depo prep with Mecholsky - RA expert file materials for SDT response and consult re: anticipated CX	
02/19/2018	11.5	Brief pre-depo meeting with Mecholsky confirming compliance with SDT (0.9); Attend and defend expert deposition of Mecholsky (6.9); Comm with DA re: service of Plaintiffs' Fourth Request for Production to Defendants (0.1); Return travel from Florida - Mecholsky depo (3.3); RR comm from Dale Mellencamp re: Vortens SDT production (0.1); RR comm from DA re: Orton lab and coordinating additional communications with DF experts (0.1); RR comm from Capser office re: claims calculations (0.1)	
02/20/2018	1.7	Review and Revise NITD/SDT for Mike Ray deposition (0.4); RR comm from Client Handly re: requesting conference on ROG questions (0.1); Conference with Ahearn re: additional exemplar testing referred in DF expert reports (0.9); RR comm from DA re: Orton lab (0.1); Comm with Mr. Mellencamp re: letter regarding subpoena duces tecum (0.1); RR comm from David Ahearn re: Vortens testing - ESI file documents (0.1)	
02/20/2018	3.90	Review ongoing document summary outlines of third-party production for completeness and determination of use in dispositive motions or for experts	

02/21/2018	4.30	Conference call with Ahearn re: DF expert underlying assumptions and data (1.6); DR separate emails to each client re: status of discovery and experts (1.8); Receipt and Initial review of Mike Ray Reply iso of Motion to Quash (0.3); RR comm from Ahearn's office re: DF expert depo notices (0.1); RR comm from DA re: expert deposition of Wilson Martinez for Mexico appearance (0.1); RR comm from potential client re: requesting info for neighbors affected by Vortens case (0.4)	
02/22/2018	0.30	Draft 1st Amended NITD to Mike Ray	
02/22/2018	0.40	Review, modify and finalize Sur-Reply to MTQ SDT of Ray	
02/22/2018	0.10	RR comm from Holland & Knight re: forwarding correspondence from Anderson on Ray representation	
02/22/2018	0.30	Comm with Ahearn re: defense counsel agreement to move expert deposition	
02/23/2018	0.10	RR comm from Anderson re: follow-up to call yesterday about the amended SDT and testimony	
02/23/2018	0.10	RR comm from DA re: defense requirements for deposition of Wilson Martinez	
02/26/2018	0.40	Review proposed amended scheduling order, edit and finalize for filing	
02/26/2018	0.10	RR comm from Anderson re: acknowledging receipt of 3 additional subpoenas on Mike Ray entities	
02/26/2018	0.10	RR comm from DA re: Joint Motion to Extend Deadlines and hearing	
02/27/2018	0.10	RR comm from DA re: confirming amended NITD of Wilson Martinez	
02/27/2018	0.30	RR comm from Capser office re: conference with Dr. Capser and Dr. Meza prior to Martinez depo (0.1); RA Second Amended Class Certification scheduling Order and confirm deadlines for compliance (0.2)	
02/27/2018	3.80	Assist with expert depo prep - Martinez (RA summary outlines of all production to identify potential exhibits)	
02/27/2018	0.10	RR comm from DA re: 2nd Amended Notice of Deposition of David Ahearn and SDT	
02/28/2018	1.50	RA Answer to Amended Complaint (1.4); RR Notice Setting Certification Hearing (0.1)	
03/02/2018	0.30	RR comm from DA re: anticipated expert depo attendees (0.1); TCF from Gerber Law	

		firm regarding SDT responses in Vortens lit (0.2);	
03/05/2018	0.20	RR comm from Arshad re: employment contract returned and additional info in support of claims	
03/06/2018	0.10	TCF Arshad re: status of participation as rep in class action	
03/06/2018	0.10	RR comm from Anderson re: Mike Ray and Mike Ray & Associates and scope of depo docs	
03/07/2018	0.10	RR CT Order Re: Ray MTQ and Response briefing	
03/07/2018	3.30	RR comm from DA re: Wilson Martinez report and additional corrected documents (0.1); compare original documents produced with amended docs attached to Martinez report and to new modified production data charts (3.2)	
03/07/2018	1.20	Joint Conference - Martinez expert deposition prep (scope, strategy, exhibits)	
03/08/2018	8.40	RA DF Objections and Responses to Martinez SDT (0.2); Attend and assist - deposition of DF expert Martinez (8.2)	
03/09/2018	3.80	Receipt and initial review of Mecholsky transcript and identify issues to be covered by Ahearn (3.2); RR comm from DA re: additional production needed from Capser/Meza-Arroyo (0.1); RR comm from Anderson re: still gathering responsive SDT documents for Ray (0.1); RR comm from DA re: additional production needed from Capser/Meza-Arroyo (0.1); Comm with Capser re: additional discovery responses from Defendant for review (0.1); RR comm from DA re: additional DF document production to be produced soon (0.1); RR comm from Anderson re: still gathering responsive SDT documents (0.1)	
03/12/2018	0.40	RA DF Response to PL Objections on SDT of Mecholsky and request to compel additional response	
03/12/2018	0.10	RR comm from Anderson re: pending documents production responsive to Ray entities SDTs	
03/15/2018	1.50	Comm with Ahearn re: depo of Mecholsky and conference regarding additional docs needed for review (0.7); RR follow up corresp from Ahearn re: additional documents to review, locate and provide same (0.8)	

03/15/2018	2.00	Review research regarding proper objections to expert file production and scope of authorized expert discovery	
03/16/2018	0.80	Final Review and edits of Ahearn Subpoena Objections and finalize for filing	
03/16/2018	1.40	RR comm from Moore Supply re: representation, scope and timing of SDT (0.2); Joint Strategy Conference - Mike Ray deposition prep (scope, strategy, exhibits) (1.2)	
03/16/2018	0.10	RR comm from Ahearn re: Vortens discovery review	
03/17/2018	0.10	RR comm from re: necessity of amended NITD for Ahearn deposition	
03/19/2018	0.10	RR comm from Anderson re: Mike Ray production in response to deposition subpoena	
03/19/2018	0.10	RR comm from Anderson re: second production to Ray depo SDT forthcoming	
03/20/2018	1.90	Review and Analyze Chaparral SDT Objections, response, and production	
03/21/2018	7.00	Receipt and initial review Df OBJ AND RSPNS TO PL 3RD RFA, 5TH RFP, 2ND ROGS written responses and objections (0.9); review of documents produced as supp to 5th RFP for general content and responsiveness (4.6); RR comm from DA re: whether production resolves the need for COC on MTC (0.1); RR comm from DA re: acknowledging additional production still needed and extension request (0.1); Comm with counsel for Moore Supply re: subpoena scope and pending production (0.8); RR comm from Patis Lee re: Vortens toilet units and damage to townhome (0.4); RR comm from Patis Lee re: Vortens toilet units and damage to townhome (0.1)	
03/23/2018	1.00	Receipt and initial review of SDT Response of Moore Supply (0.3); TCT Moore Supply counsel re: insufficiency of production (0.7)	
03/23/2018	0.10	RR comm from Dr. Capser re: additional translation of file materials to address Martinez challenges to Capser opinions	
03/23/2018	0.10	RR comm from counsel re: Meritage compliance with document request	
03/24/2018	1.50	Expert Strategy Conference – Brad James and Jesse Angle: expert deposition prep (scope, strategy, exhibits, division)	
03/26/2018	0.20	RR email from DA re: motion to modify scheduling order for expert depositions and	

		motions (0.1); Multiple comm with DA re: amended Ahearn NITD (0.1)	
03/27/2018	0.10	RR Ds Third Amended Notice of Depo for David Ahearn and SDT	
03/29/2018	4.20	Receipt and initial review: DF 1st SUP OBJ AND RSPNS TO PL 3RD RFA, 5TH RFP, 2ND ROGS and review documents produced for general content and responsiveness	
03/29/2018	0.10	RR comm from DA re: link containing Ds 1st Supplemental Objections and Responses to 3rd RFP	
03/29/2018	2.80	RR comm from CR re: Wilson Martinez transcript and exhibits (0.2); Brief review of Martinez depo transcript to provide Ahearn and Mecholsky relevant portions pertaining to plant inspection and manufacturing opinions (2.6)	
03/30/2018	4.60	RR comm from DA re: link for DF expert photographs (0.1); Review DF expert photos and testing data (4.4); RR comm from DA re: additional delay in producing remainder of Exponent expert files (0.1)	
03/31/2018	5.80	RR comm from DA re: spreadsheets related to the testing & publications from exponent files (0.1); Continue review of Exponent file materials in prep for depo of James and for Ahearn (5.7)	
04/02/2018	7.90	Email from OC re: Exponent expert file, emails and counsel comm production (0.1); Email from Anderson re: Mike Ray & Associates document supplementation (0.1); Initial review and brief analysis of Ray deposition transcript (2.9); Initial prep – James: expert deposition outline (identification of key documents and potential exhibits and initial draft of examination (4.8)	
04/02/2018	0.10	Email from Anderson re: Mike Ray & Associates document supplementation	
04/05/2018	1.90	Joint Strategy Conference re: status of all third-party subpoena responses and priority of missing docs	
04/05/2018	7.80	Prep for expert deposition Ahearn - review expert reports, Mecholsky transcript, relevant discovery docs (4.9); Isolate potential exhibits and examination scope based on reports and strategies used by DA during other expert depositions (2.9)	
04/06/2018	7.00	Receipt and initial review: DF 2nd SUP OBJ AND RSPNS TO 3RD RFA, 5TH RFP, and	

		2ND ROGS for purposes of general scope and to ensure not affecting upcoming Ahearn depo (1.8); Continued prep for expert deposition Ahearn - review Ahearn file materials and review depo summaries of Cardinal, Villegas, and Martinez for overlap testimony re: manufacturing defect (4.6); Comm with Ahearn re: deposition scope, SDT requirements, and file production (0.6)	
04/06/2018	4.40	Continued prep for DF expert deposition James - outline potential CX and anticipated exhibits	
04/06/2018	0.60	Comm with Ahearn re: deposition scope, SDT requirements, and file production	
04/06/2018	0.70	Discovery Conference re: additional third-party SDTs to distributors based on vendor numbers produced	
04/09/2018	4.00	RR Email from OC re: additional document supplementation still intended (0.1); Receipt of new DF SUPP PRODUCTION with brief review of subject matter and content/responsiveness to ensure not affect upcoming deposition scope (3.9)	
04/09/2018	4.90	Travel to Georgia for deposition of expert Ahearn (3.5); Continue depo prep (Ahearn) - conference and review file for SDT production and anticipated scope (1.4)	
04/09/2018	1.40	Depo prep (Ahearn) - conference and review file for SDT production and anticipated scope	
04/10/2018	6.60	Email from OC re: pending service of voluminous claim files (0.1); Email from OC re: outstanding issues and conversation with adjuster and June mediation date (0.1); Attend and participate in Deposition of David Ahearn (6.3); Email from OC re: service of claim files (0.1)	
04/11/2018	0.20	Comm with Ahearn and ESI re: additional expert file materials for production	
04/11/2018	6.40	Class Strategy Conference re: Class certification motion/memo outline (1.6); Staggered review of claims files produced by DF to determine contents of claims, accepted levels of proof, and manner of addressing damages (4.8)	
04/11/2018	2.70	RR of DF 1ST SUPL OBJ AND RSPNS TO PF 2ND RFA, RFP, AND 1ST ROGS, brief review of same and compare to prior discovery responses and summary outlines for general scope and responsiveness and to determine whether MTC is still necessary	

04/11/2018	0.30	Multiple e-mails with DA re: additional production and confirming insurance policy information (0.2); Email from DA re: Ds 2nd Supp responses to Plaintiffs' discovery and reasons for continued delay (0.1)	
04/12/2018	2.70	Receipt and initial review of rough draft of transcript of David Ahearn	
04/13/2018	4.70	Email from DA re: GL insurance policy and product liability policy (0.1); Multiple comm with Ahearn re: emails for Dr. Mecholsky and publications and articles relied on (0.9); Email from OC re: production scope of subrogation case files from before the sale of Sanitarios (0.1); Review ongoing document summary outlines of third-party production for completeness and determination of use in certification motion (3.6)	
04/15/2018	3.10	Strategy Conference re: Class certification motion/memo elements and structure (0.8); DR separate corresp to each client re: deadline to file certification motion and upcoming mediation (2.3)	
04/16/2018	5.30	Email from OC re: no conflicts with early June mediation as adjuster trial rescheduled (0.1); Continue review of individual third-party documents produced selected from summary outlines for certification record consideration (5.2)	
04/17/2018	1.60	Strategy Conference re: key documents to provide mediator; certification record - PL Declaration needs	
04/17/2018	3.90	Research requirements for PLs Declarations and compliance with FRCP 23(a)	
04/17/2018	3.80	Initial draft outline for PLs Declarations to forward clients for completion and use in Certification record	
04/18/2018	5.80	Receipt and Initial Review of DF SUPP PRODUCTION and request by DA to stand down on MTC – Staggered review of document production (PORCELANA 16669-35148) for general content and responsiveness	
04/18/2018	2.20	Certification Record - RA deposition transcript of Mike Ray and designate excerpts for record	
04/19/2018	9.0	Research into admissibility of untranslated docs for certification record (2.6); TCT client Stone re: outline of Declaration, consistency with discovery responses (0.6); TCT client	

		<p>Carreras re: outline of Declaration, consistency with discovery responses (0.5); TCT client Handly re: outline of Declaration, consistency with discovery responses (0.9); TCT client Reuss re: outline of Declaration, consistency with discovery responses (0.6); Email from Chris Nolland office re: requesting mediation details (0.1); Development of Certification Record - RA deposition transcript of Villegas and designate excerpts for record (Deposition Volume) (1.6); Conference call with Ahearn Re: Declaration for Certification Record (Expert Volume) (0.9); Conference call with Capser Re: Declaration for Certification Record (Expert Volume) (1.2);</p>	
04/20/2018	4.5	<p>Initial draft of MTE Brad James (2.3); Certification Record - RA deposition transcript of Capser and designate excerpts for record (2.2)</p>	
04/20/2018	4.8	<p>Email to Ahearn re: deposition for review/Errata instructions (0.1); Continued staggered review of document production (16669-35148) for general content and responsiveness and note for certification record use (4.7)</p>	
04/22/2018	6.10	<p>Receipt and Initial review DF Motion to Exclude Capser opinion and outline signif. Args for discussion (0.4); Continued staggered review of document production (16669-35148) for general content and responsiveness and note for certification record use (5.7)</p>	
04/23/2018	4.30	<p>Multiple comm with Michael Baumrind re: SDT to Home Depot and request for records (0.6); Certification Record - RA deposition transcript of Martinez and designate excerpts for record (3.7)</p>	
04/23/2018	0.10	<p>Email from Chis Nolland office re: mediation</p>	
04/23/2018	5.80	<p>Review of document summary outline and designate key documents for certification record - PL discovery Volume</p>	
04/24/2018	1.70	<p>Conference re: discovery documents with confidential designations amd discuss validity of same</p>	
04/24/2018	3.10	<p>Certification Record - RA deposition transcript of Cardinal and designate excerpts for record</p>	
04/24/2018	2.70	<p>Certification Record - RA deposition transcript of Gutierrez and designate excerpts for record (Deposition Volume)</p>	

04/24/2018	3.90	Certification Record - RA deposition transcript of Trevino and designate excerpts for record (Deposition Volume)	
04/25/2018	7.80	Continued development of Certification Record – review all summary outlines of DF (non-claim files) production for individually reviewing for inclusion in certification volumes (2.2); Begin review of specific documents for content, applicability, and potential inclusion in formal certification record (5.6)	
04/26/2018	2.40	TCF from Kevin Reuss re: changes to Declaration, etc. (0.3); Review modifications to Reuss Declaration and approve for review and signature (0.2); Review modifications to Reuss Declaration and approve for review and signature (0.2); TCF David Ahearn re: status Declaration for Certification Record (1.4); Email to Handy client re: Declaration for review and signature (0.1); Review modifications to Handy Declaration and approve for review and signature (0.2)	
04/26/2018	2.70	Conference re: Certification Record Scope and Volume status including Sealed certification volume	
04/26/2018	3.50	Certification Record - RA deposition transcript of Ahearn and designate excerpts for record	
04/27/2018	7.50	Develop Certification Record - RA deposition transcript of Mecholsky and designate excerpts for record (2.9); Continued review of individual documents selected from document summary outlines (third party SDT production) for certification record (4.6)	
04/27/2018	2.60	Review of deposition transcript of Wilson Martinez for excerpt selection for cert record	
04/28/2018	7.80	RR OC re: attaching the designation of confidential testimony and exhibits for Wilson Martinez (0.1); Multiple comm with David Ahearn's office re: finalization and signature of Declaration (0.7); RA Ahearn executed Declaration for inclusion in certification record (0.6); RR Email from OC re: question about trade inscriptions and what documents are referenced (0.1); Continued review of document summary outline (DF documents) and designate key documents for inclusion in certification record (6.2); RR Email from David Ahearn	

		re: privileged materials under expert rules FRCP and attached article (0.1)	
04/29/2018	10.70	Comprehensive Review and modifications to Motion for Class Certification working draft (5.9); DR Declaration for inclusion in Certification Record as counsel (1.4); Certification Record -- Review all evidence for Sealed Volume and confirm designations (3.3); RR corresp Shawn Capser re: Finalization of Declaration for Certification Motion (0.1)	
04/30/2018	4.60	Motion for Class Certification -- ongoing review, edits, and modifications to Certification Record Volumes based on documents summary outlines, individual doc review and finalize all record indexes and documents assigned to each volume	
04/30/2018	5.90	Final Review, amendments, citations, and record modifications of Certification motion	
05/01/2018	3.60	RR corresp from CT clerk re: dismissal of certain plaintiffs and proposed Order (0.1); Receipt and Initial Review of DF Second Motion for Partial Summary Judgment and all exhibits attached and draft initial responsive outline (3.5)	
05/01/2018	0.10	RR Order granting approval of confidentiality designation withdrawal	
05/03/2018	0.10	Comm from potential client re: follow-up email to confirm receipt of photos, etc.	
05/04/2018	5.90	Receipt and initial review of SDT Response of Mega Western Sales (000001-622) to ensure compliance and for general content	
05/04/2018	0.10	Corresp with OC re: agreement and drafting of Notice of Joint Mediator pleading	
05/06/2018	7.90	Review provided case authority relied on in motion to exclude Capser and counter-authority selected for use in review and amendment of Response (5.2); Review working draft of Response to DF MTE Capser and edit same (2.7)	
05/07/2018	0.10	RR confirmation from DA re: conference on agreed mediator	
05/07/2018	0.50	Initial Draft of Joint Notice of Agreed Mediator	
05/07/2018	0.10	Corresp with OC re: approval of Notice of Agreed Mediator	
05/07/2018	3.90	Continued review and modifications of working draft of PLs Response to Capser MTE and all proposed exhibits in support	

05/08/2018	0.10	Corresp to Hajoca and Moore Supply counsel re: Vortens subpoena and request for response	
05/08/2018	0.10	Corresp to counsel representing Mansfield Plumbing re: SDT served on Mansfield Plumbing	
05/08/2018	0.90	TCF Mark Hino re: representation of Moore Supply and Hajoca and SDT scope	
05/08/2018	0.30	RA DF Response to PL Motion to Limit Testimony of Brad James	
05/09/2018	2.50	Joint Conference: status of SDTs, additional third party subpoenas needed, and gaps in DF production	
05/09/2018	0.10	Email to Hajoca/Moore Supply counsel re: Vortens subpoena and conference call	
05/09/2018	0.10	RR response corresp from Mansfield counsel re: Vortens subpoena scope and timing	
05/10/2018	0.10	RR email from Mediator to all counsel re: mediation reports/statements	
05/10/2018	0.40	DR document exhibit for additional third party subpoenas to product rep entities	
05/11/2018	6.30	RR Email from OC re: Defendants supplemental production of Bates PORCELANA00035149 (0.1); Review ongoing document summary outlines of DF production for completeness use in dispositive motions, certification arguments and briefing, or expert briefing and continue staggered review of documents for general content (6.2)	
05/14/2018	2.80	Joint Conference: Mediation Statement Outline - key facts, pleadings, class cert scope, damages	
05/14/2018	0.10	RR errata and confidentiality designations - Wilson Martinez	
05/14/2018	0.10	Email from Michael Hino, Moore/Hajoca counsel re: Vortens subpoena and requesting conference	
05/14/2018	0.30	Draft SDT and modify document exhibit for service on Parks & Peyton	
05/15/2018	1.20	Conference with counsel for Moore/Hajoca regarding SDT production and summary statement	
05/15/2018	4.60	Receipt and initial review of DF Reply ISO its Motion to Exclude Capser and outline key issues for sur-reply and additional research	

05/15/2018	0.20	RR multiple comm with mediator re: mediation schedule, attendees with authority and scope	
05/16/2018	0.10	Corresp from OC re: opposition to retroactive approval to file Motion for Leave on page limit for MSJ	
05/16/2018	0.10	RR DF Unopposed Motion for Leave to File Excess Pages	
05/16/2018	0.10	RR Order Re: PL Response due to MSJ (incorrect deadline)	
05/17/2018	0.30	TCT Moore/Hajoca counsel re: SDT status and reminder to send documents supporting summary chart	
05/18/2018	7.8	RA Order Striking DF MSJ and resetting MSJ deadlines and Response Deadlines (0.1); RR Order resetting Class Certification hearing (0.1); RA OC corresp re: attaching supp docs showing the manufacturing production for omitted tank models (0.1); RA additional manufacturing tables produced in preparation for mediation (4.5); Joint Conference: Mediation Statement and Packet supporting class demand and range/scope of relief (2.6); TCT Chris Nolland, mediator re: pre-mediation conference to discuss mediation statement (0.4)	
05/21/2018	0.10	Email from Judge Office re: anticipated motion filing and local rule page limits	
05/21/2018	0.10	Email from OC re: questioning whether to file joint motion or separate requests for leave regarding page limits	
05/21/2018	3.90	Review and modify PL's Sur-Reply in Opp of MTE Capser and finalize for filing	
05/21/2018	0.10	Email from OC re: intention to file Motion to exclude Dr. Capser's supplemental report	
05/21/2018	2.10	Receipt and Initial review of DF Motion to Exclude Supplemental Expert Report – Capser	
05/21/2018	6.60	Initial DR Mediation Statement with comprehensive alternative class action settlement matrices for comprehensive Settlement Analysis for mediator	
05/21/2018	0.10	Multiple emails with Email t/f Judge Office re: class certification hearing	
05/22/2018	0.10	RR DFs proposed Order not originally included in filing of Ds Motion to Strike Supp Report	
05/23/2018	4.60	DR Email to Moore/Hajoca counsel re: Hajoca subpoena response delay and	

		deficiency (0.1); RR Email from Moore/Hajoca counsel re: new issues with Hajoca subpoena scope and production (0.1); RA third party subpoena chart and all third party production summarized and determine ongoing gaps in defense production (4.4)	
05/23/2018	2.80	Joint Conference re: DA request for formal written demand prior to mediation and outline same	
05/24/2018	0.10	RR SDT update from process server re: outstanding subpoenas and receipt response to follow-up	
05/24/2018	6.40	Review, analyze and amend working draft of PL's Settlement Proposal with multiple matrices based on alternative terms	
05/24/2018	1.80	Joint Conference re: PLs Settlement Proposal, risk memorandums/matrices, and mediation statement	
05/25/2018	1.90	Review and draft modifications to working draft of PLs Settlement Proposal and attachments	
05/25/2018	4.80	Receipt and Initial review of DF Amended Motion for Partial MSJ Re: Pleaded Claims and all exhibits attached to same and outline initial responsive args and counter-evidence suggestions	
05/25/2018	3.90	Receipt and initial review of DF Motion for Partial MSJ: Re: Missing Evidence and all exhibits attached to same and outline initial responsive args and counter-evidence suggestions	
05/25/2018	0.10	RR email from counsel for Hajoca re: sales numbers	
05/28/2018	0.10	Email from Mediator office to all counsel re: mediation attendance and client authority	
05/28/2018	2.7	Email from OC re: requesting timing of PL pre-mediation demand (0.1); TCT Mark Fessler to discuss mediation, attendance option, and strategy/authority (0.6); TCT Matt Carreras to discuss mediation, attendance option, and strategy/authority (0.3); TCT Charles Handly to discuss mediation, attendance option, and strategy/authority (0.5); Attempted TCT Hocker, Reuss, Sousa, and Stone to discuss upcoming mediation and request either conference or written confirmation of information (0.5); DR email to each Named Plaintiff outlining mediation strategy and	

		requesting written confirmation of authority (0.7)	
05/29/2018	6.5	Email from OC to mediator office re: attendance at mediation and names of additional attendees (0.1); Finalize PL's Settlement Proposal and all structure attachments and forward same to DA and mediator (2.4); Email from Judge office re: hearing date and motions response (0.1); Email from OC re: notice that clients are meeting with company officers to discuss the mediation (0.1); RR email from potential client with #3436 tank fracture (0.1); Review provided research on injunctive class relief for purposes of starting point for mediation (3.7)	
05/30/2018	7.9	Email to mediator office re: pre-mediation meeting (0.1); Email from OC re: adjuster and mediation attendance by phone (0.1); Email to counsel re: Hajoca subpoena production and the 163 Hajoca affiliated entities (0.3); Interoffice email re: potential client and contact info (0.1); DR status emails to all clients re: case update of filed motions and upcoming mediation (0.9); Review and analyze counter-case authority as to DTPA and warranty SJ challenges and provide argument notes (5.4)	
05/31/2018	3.50	Prep re: Pre-Mediation Meeting - review mediation statement, significant docs, Settlement proposals	
05/31/2018	0.10	Email from mediator office re: names of those attending mediation	
05/31/2018	2.30	Attend Pre-Mediation Meeting with Christopher Nolland	
06/01/2018	0.80	TCT Ahearn re: rebuttal declaration to include with PLs Response to Evidence MSJ	
06/01/2018	3.80	Review key cases highlighted by RBS as counter-authority in addressing spoliation MSJ to consider prior to final review and edits of SJ reponse	
06/01/2018	0.10	RR Email from Hajoca counsel re: Hajoca entities and responses to the subpoena	
06/01/2018	0.20	RR corresp from counsel for Mansfield re: confirming Mansfield docs to be received today (0.1); RR Memorandum and Order adopting Report and Recommendation – dismissal of Sander PLs (0.1)	
06/01/2018	5.20	Review of working draft of PL "Missing Evidence" MSJ Response, exhibits, and	

		finalize same for Filing (2.3); Review of working draft of PL "Claims" MSJ Response, review all attachments and incorporations of evidence, and finalize same for Filing (2.9)	
06/03/2018	8.40	Joint Conference - Mediation Preparation and Strategy Development (3.3); Comparing summary outlines from DF production and TP production and create timeline mapping of notice, discrepancies in information, and document trail proving same (5.1)	
06/04/2018	9.60	Attend Mediation @ Christopher Nolland	
06/04/2018	0.10	Multiple corres with Mansfield counsel re: Mansfield's SDT production	
06/05/2018	2.50	Review of working draft of PLs Response to DFs MTS Supp Report and finalize for filing	
06/05/2018	4.70	Review supplemental document production - Hajoca SDT Response	
06/06/2018	5.60	Review Home Depot Objections to SDT (no docs)(0.1); RR Order granting Mtn to Extend time to file MSJ response (0.1); Email from DA re: case law supporting coverage discussions during mediation (0.1); Review and analyze Mansfield SDT Response and documents produced (2.8); Review research re: SJ standards and burdens in preparation for final summary judgment briefing (2.5)	
06/07/2018	0.10	RR Report of Mediation – no settlement but will continue to assist negotiations	
06/08/2018	3.10	Receipt and initial review of DF Reply to PL Response to Its Claims MSJ and outline thoughts for sur-reply discussion	
06/08/2018	2.10	Receipt and initial review of DF Reply to PL Response to its MSJ Missing Evidence and outline args sur-reply discussion (1.9); RR Mtn to Withdraw as counsel -- Forbes (0.1); RR NOA Gordon with brief research into background (0.1); RR NOA of Forman and brief research into background (0.1)	
06/11/2018	5.30	RR of DF Reply ISO MTE Capser Supp report and exhibits attached to same and outline sur-reply discussion pts (1.9); Research authority regarding burden of proof and prejudice in addressing expert challenges at the class certification stage (3.4)	
06/12/2018	4.70	Review provided key case authority for use in MSJ sur-replies for purposes of applicability and outlined comment analysis	

06/13/2018	6.90	Review of both MSJ Sur-replies, make final modifications, review dispositive motion evidentiary record, and finalize both for Filing	
06/14/2018	0.60	Email from potential Vortens client re: 3425 cracked tank (0.1); DR update email to all named PLs regarding mediation not successful (0.5)	
06/15/2018	3.20	Review and modify PL Sur-Reply in opposition to DF MTE Capser Supp report and finalize for filing	
06/20/2018	0.10	RR corresp from OC re: supplemental claim documents to be produced in spreadsheet summary form	
06/20/2018	0.10	Email from potential Vortens client re: question on date stamp and photos of fracture	
06/21/2018	0.10	RR email from DA re: current unavailability for conference but willing to supp spreadsheet with claim files soon to avoid MTC	
06/22/2018	5.00	Receipt and initial review of DFs Response to Mtn for Class Certification and Brief and outline key args for counter-argument (3.4); Strategy Conference: joint outline of reply brief (1.6)	
06/22/2018	5.80	Receipt and initial review of DF Submitted Certification Record and draft initial proposed objections and content	
06/23/2018	9.10	Review document summary outlines and isolate responsive documents to consider for Reply and supplemental certification record (5.9); Review case summaries of certification authority and identify additional counter-cases cited in Response to certification for additional research (3.2)	
06/26/2018	0.10	Email from OC re: document production, etc.	
06/26/2018	0.10	RR correspondence of no records from Willson	
06/26/2018	0.20	DR request for deposition availability of Jesus Gutierrez in light of new declaration	
06/26/2018	5.90	DR evidentiary objections for inclusion in Reply brief ISO certification	
06/26/2018	0.10	Email from potential Vortens client re: requesting information on class certification	
06/28/2018	8.90	Joint Conference - Reply briefing ISO certification and supp record drafting and edits and clarification of trial plan (3.3); Final designations of depo excerpts and	

		document rebuttals and preparation of Supplemental Certification Record (3.4); DR initial suggested modifications to PL Reply ISO Certification (2.2)	
06/29/2018	7.70	Final review and edit - PL's Reply ISO Certification and Supp Certification Record	
06/30/2018	0.10	RR corresp from OC re: requesting copies of the sealed exhibits	
07/03/2018	0.80	Comm with mediator re: status of post-mediation discussions	
07/06/2018	8.30	Receipt and review of Defendants' Sur-Reply in Opp of Class Certification and sur-reply supplementation to certification record (3.9); Begin outline of certification argument - review significant cases relied on by PL to avoid certification (4.4)	
07/07/2018	8.6	Hearing Strategy Conference with RBS - discussion of aligned hearing outlines and exhibits (3.7); Begin outline of certification argument - review and outline significant cases relied on by PL for (b)(2) and (c)(4) certification and challenges to commonality of issues (4.9)	
07/10/2018	7.40	Email to OC re: notice of intent to email court on exhibits for hearing (0.1); Prepare for certification hearing: review of all non-video deposition excerpts in cert record and isolate key passages for use during hearing - provide to Bakale for hearing slides (7.3)	
07/11/2018	0.10	Email from OC re: interest in the items and 6 hours ahead of you but available rest of the day today	
07/11/2018	10.10	Conference with RBS re: "hot docs" for hearing to pre-treat (4.7); Finalize key EXs needed for hearing args on Rule 23(b)(2) and (c)(4) and draft arg outline to include potential exhibit use (5.4)	
07/12/2018	8.70	Hearing Preparation re: injunction class with emphasis on Pella comparison -- review all underlying Pella briefs and appellate opinions and outline similarity of facts and arguments	
07/12/2018	0.10	Email from potential Vortens client re: questions on cracked tanks	
07/12/2018	0.40	Email from Court Administrator re: responses to list of questions posed by CT in prep of hearing (0.1); Comm re: threshold issues for court to address and Gutierrez declaration and testimony (0.2); Email to mediator re: communication with OC and	

		hope to have settlement proposal from them (0.1)	
07/12/2018	0.10	Email from potential Vortens client re: questions on cracked tanks	
07/13/2018	9.70	Phone conference with mediator Chris Nolland re: settlement negotiations (0.6); Email from Mediator re: continued settlement conferencing (0.2); RA Supplemental Mediator's Report (0.1); Continued hearing preparation - key "replacement program" documents in PL record and DF cert record to counter superiority challenge including review of Gutierrez Declaration and new spreadsheets of claims (8.8)	
07/13/2018	0.10	Email from OC to mediator re: working out details with clients on the settlement negotiations	
07/13/2018	0.10	Email from Mediator re: continued settlement conferencing	
07/13/2018	0.10	Email from OC re: working on possible settlement proposal	
07/15/2018	9.60	Hearing Preparation re: class definition, subclasses, issue certification structure, and Rule 23(b)(2) class structure (9.5); Email to Court Administrator re: no agreement yet and hearing setting (0.1)	
07/16/2018	0.20	Comm to all counsel from CT re: status of discussions and certification hearing (0.1); Email from OC re: notifying that reps of Lamosa and Porcelana are working out details (0.1)	
07/16/2018	0.10	Email from OC re: notifying that reps of Lamosa and Porcelana are working out details	
07/16/2018	0.10	Email to Court Administrator re: no agreement yet and hearing setting	
07/16/2018	0.30	Multiple comm with DA re: second mediation and DF suggestion tio stay hearing	
07/16/2018	0.40	Email to OC re: intend to notify court of concerns that proposal representations are for delay (0.1); Email to OC re: status of the proposed (b)(2) settlement terms (replacement program) before agreeing to represent stay is needed (0.2); Email to Mediator re: commitment to second mediation if basic (b)(2) terms outlined (0.1)	
07/16/2018	0.30	Email from OC to Court re: proposing that parties return to mediation for the remaining	

		issues (0.1); CT email that Order will be entered by end of day (0.1); RR Order cancelling cert hearing and setting status conference (0.1)	
07/17/2018	0.60	TCF Ahearn re: status of certification hearing (0.4); Email to mediator re: second mediation (0.1); Email from Court Administrator re: second mediation (0.1)	
07/17/2018	0.10	Email from Court Administrator re: second mediation opportunity	
07/17/2018	0.10	Email to mediator re: second mediation expectations	
07/17/2018	0.10	Confirmation from OC re: second mediation intention	
07/18/2018	1.50	Strategy meeting with RBS in preparation for Status Conference re: expressing concerns of vague representations that DF is working on a term sheet (0.8); Participation in Status Conference Hearing (0.7)	
07/18/2018	0.30	RR Minute Entry re: Status Conference Hearing (0.1); Email from OC re: progress update is that key decision-maker is out of country until next week (0.1); Email from mediator re: holding second mediation dates and needing confirmation of attendees (0.1)	
07/18/2018	0.10	Email from OC re: progress update is that key decision-maker is out of country until next week	
07/18/2018	0.10	Email from mediator re: holding second mediation dates and needing confirmation of attendees	
07/19/2018	3.60	RR Order of Mediation and resetting hearing (0.1); Strategy conference regarding second mediation approach, initiating formal term sheet in advance for (b)(2) replacement program (1.8); DR update corresp to all named plaintiffs re: second order of mediation and re-setting of certification hearing (1.7)	
07/20/2018	0.50	Email from Epiq re: reaching out on behalf of DF on the Vortens matter (0.1); Multiple comm with counsel and mediator re: second mediation and settlement outline under (b)(2) (0.4)	
07/24/2018	6.10	Multiple Comm with DA re: depositions of Trevino and Guterrez and DF requirement of MX location (0.2); DR alternative settlement proposals adjusting for positions in certification briefing (2,8); DR updated	

		damage matrix for each alternative proposal for use at mediation (3.1)	
08/09/2018	7.60	Review updated drafts of summary outlines of claims documents currently produced for purposes of settlement preparation (3.9); Continued updates of damage matrix for each alternative proposal for use at mediation (3.7)	
08/10/2018	0.20	Email from Mediator office re: submitting correct version of Mediator confirmation letter (0.1); Email from Chris Nolland to OC re: follow-up on response on opening settlement proposal outline (0.1)	
08/10/2018	0.10	Email from Chris Nolland to OC re: follow-up on response on opening settlement proposal outline	
08/13/2018	1.90	Conference with mediator re: second mediation expectations based on DA representations of initial terms of (b)(2) class and representation of intentions to mediate (b)(3) resolution (1.6); Email to OC re: expected opening terms of settlement negotiations (0.3)	
08/13/2018	0.20	Email to OC re: opening terms of settlement negotiations	
08/14/2018	0.20	Email to OC re: notice of deposition of Jesus Gutierrez (0.1); RR Email from OC re: documents requested and Motion to Quash depo (0.1)	
08/15/2018	0.10	Email to attorneys re: potential Vortens client and questions	
08/17/2018	0.10	Comm with Epiq re: source of estimation that relief for less than 2000 tanks is expected.	
08/17/2018	0.20	Email from OC re: confirming deposition of Jesus Gutierrez in her office rather than Dallas but still objects to date (0.1); Email from OC re: authorization to make proposal for certification of a class for partial settlement (0.1)	
08/17/2018	2.50	Comm with Dr. Capser on valuation of Replacement Program based on claim spreadsheet, tank distributions, and reported claim rate (1.4); TCT Meza-Arroyo re: plotting and summarizing estimated damage claim rate and to estimate class member response to cash for replacement/payment of damages (1.1)	
08/18/2018	4.30	Comm re: in response to OC email, we will present a proposed Term Sheet prior to mediation (0.2); Initial DR of alternative	

		Settlement Term Sheets for replacement program under (b)(2) (4.1)	
08/20/2018	0.10	Email from OC re: confirming no Motion to Quash expected based on amended NITD Gutierrez	
08/22/2018	0.10	RR Email re: questions from potential Vortens client	
08/23/2018	0.20	Multiple emails to OC re: Consideration of the broad scope of the terms articulated in the PLs term sheet proposals	
08/24/2018	0.40	Email from court reporter re: official transcript from 7/18/18 hearing and review same for use at mediation if necessary to confirm (b)(2) settlement and for focus to be on damages class resolution	
08/27/2018	5.90	Preparation for mediation - strategy conference with RBS to identify updated filings and documents to provide Nolland, modifications to original mediation statement to address new issues in second mediation (2.3); RA PL proposed term sheets for all sub-classes and calculate alternatives for funding and administration (3.6)	
08/27/2018	0.10	Email to OC re: working draft of settlement negotiations	
08/27/2018	1.10	Email from OC re: several areas are still in progress regarding settlement negotiations as between carrier, Lamosa, and Corona (0.1); DR email to Chris Nolland re: discussion tomorrow once all her clients arrive in town and prior to second mediation opening (0.2); TCF mediator re: concerns of vagueness on (b)(2) program commitment and starting point for mediation (0.8)	
08/27/2018	0.10	Email to Chris Nolland re: discussion tomorrow once all her clients arrive in town	
08/27/2018	0.30	Multi Comm with DA and mediator re: mediation amount for tomorrow	
08/28/2018	0.10	Comm with Veronica re: informal translation of the Spanish version of the insurance policy produced needed	
08/28/2018	0.10	Comm from mediator re: recap of proposals for 2011 model 3464 and 3412 damage reimbursements	
08/28/2018	0.10	Email to OC re: 2011 Replacement Program Settlement Class	
08/28/2018	9.00	RR corresp from Court Administrator re: confirmation of mediation attendance (0.1); Attend Second Mediation with Nolland (8.8);	

		Email from mediator re: attaching signed PDF of the term sheet signed at today's mediation and confirm accuracy and acceptance for purposes of representing partial settlement -- only as to (b)(2) (0.1)	
08/29/2018	6.7	Email from OC to Court Administrator re: update on mediation and reach of partial settlement of parties (0.1); Multiple comm with CT and counsel re: certification hearing setting and time allocation for oral argument (0.2); Email to Court Administrator re: stating the Ps concur in the representations (0.1); DR status update to all plaintiffs re: 2011 replacement program settlement terms and intention to move forward with the certification hearing on all damages subclasses and injunction class for other years/models (1.4); Review all prior hearing notes and case charts for updating based on partial settlement (3.9)	
08/29/2018	0.50	Email from OC re: producing summary of production for tank model 3436 for export markets 2006-2012 with documents to be later produced (0.1); RR summary statement of production of 3436 (0.1); Email from Court Administrator re: certification hearing and division of argument (0.1); Email from OC to Court Administrator re: update on mediation and reach of partial settlement of parties (0.1); Email to Court Administrator re: stating the Ps concur in the representations (0.1)	
08/30/2018	0.10	Email from OC re: No news re: PL proposed damages class terms but and clients discussing the proposal	
08/30/2018	8.50	Email from OC re: mediation and question on hearing scheduling (0.1); Prepare case law summary notations for use during certification hearing – hybrid certification examples, issue certification examples (8.4)	
09/01/2018	6.40	Prep for hearing - presentation conference with Benyo re: settlement outline and exhibits for use during Rule 23(b)(2) presentation to CT	
09/02/2018	6.70	Continued preparation for hearing -- ongoing review of briefing and certification record volumes for (b)(2) argument (3.6); Conference with Nick re: argument/presentation exhibits and slides potentially needed for hearing on extending declaratory relief to all sub-classes, presentation on issues certification (3.1)	

09/03/2018	8.60	Email from OC re: production of Defendants' exhibit list for hearing (0.1); review docs included and highlight relevant portions for rebuttal in Rule 23(b)(2) extension and commonality of issues for issue certification (3.3); DR PL Hearing Exhibit List (1.5); Run-through with Benyo of presentation slides for use during hearing and modify presentation as needed (3.7)	
09/04/2018	7.40	Email from Court Administrator re: requesting list of PL exhibits that are included in the hearing binder (.1); Prepare for Certification Hearing -- outline requirements of Rule 23(b)(2) relief, compare same to Term Sheet, and review Pella case and Pella underlying briefing for argument structure review (5.4); DR short-form summary of (b)(2) settlement as to 2011 class and create suggested comparison to extend program and warranty to all subclasses for Benyo slide preparation (1.9)	
09/04/2018	0.10	Comm re: revised hearing exhibit list by DA	
09/04/2018	1.60	RR production of Defendants' exhibits D1 through D19 and confirm accuracy and production	
09/05/2018	7.20	Prep for Hearing - final coordination conference with RBS and Benyo re: outline and exhibits (1.9); Attend and argue - Class Certification hearing (5.3)	
09/06/2018	0.10	Defendants' Transcript Order documents for certification hearing	
09/11/2018	0.10	Phone conference with potential client re: Vortens class action	
09/12/2018	1.30	Email to OC re: requesting copy of PowerPoint provided to Court with the exhibits (0.1); DR status letter to all plaintiffs regarding certification hearing and order from CT for third mediation (1.2)	
09/13/2018	4.40	RR Order to Mediate damages subclasses and requirement of Joint Mediation Report (0.1); DR outline of each damage subclass for analysis of separate damages incurred and "cut off" eligibility for each (4.3)	
09/14/2018	1.10	Multiple emails with mediator and DA regarding mediation order, conflicts and deadline for third mediation (0.6); TCF Mark Fessler re: scope of third mediation (0.5)	
09/14/2018	0.10	Email to OC re: mediation order and request for availability with dates for Chris Nolland	

09/14/2018	0.10	Email from Mediator office re: confirming date ASAP as another case requesting date as well	
09/20/2018	6.90	Email from OC re: still coordinating with clients and carriers for mediation attendance (0.1); concentrated review of underlying subrogation claims directly resolved by Vortens based on document division with RBS and outline affected tanks/years and damages to prepare for mediation on damages subclasses (6.8)	
09/24/2018	2.30	Ongoing comm with DA and mediator re: moving forward with a proposal on the 2011 damages class, availability of mediator and clients (1.4); TCF Kevin Reuss re: designation of corp rep for settled replacement class and eligibility for damages subclass to be discussed at mediation (0.9)	
09/24/2018	3.70	Multiple emails with mediator and DA re: still trying to organize third mediation in compliance with mediation order (0.8); Strategy Conference for Third Mediation -- discuss and draft alternate settlement proposals for (b)(3) damages subclasses divided by 2011 and potential eligibility for other tanks/years (2.9)	
09/24/2018	4.80	RA Supp Doc Production, insurance coverage (0.2); review continued production of underlying litigation files previously resolved by Vortens in prep of third mediation on damages subclasses (4.6)	
09/25/2018	0.10	Email from mediator re: court may grant short extension to conduct the session if we find common date	
09/25/2018	0.10	Email from OC re: decision-maker availability and confirmed John Shipp's availability	
09/26/2018	3.80	Email from Ross re: dates are unavailable re: confirming mediation and providing intake forms (0.1); review continued production of underlying litigation files previously resolved by Vortens in prep of third mediation on damages subclasses (3.7)	
09/26/2018	0.10	Email from mediator Shipp regarding availability and experience for third mediation	
09/28/2018	0.30	Email from Mediator John Shipp re: providing available dates for mediation (0.1); RR corresp from CT re: status of third	

		mediation setting (0.1); RR Email from OC re: mediation dates and had conflicts (0.1)	
09/28/2018	6.70	Review and analysis of working draft of mediation statement - DR additional provisions, modify draft and isolate key documents to include for third mediation position	
09/28/2018	0.20	Email to OC re: requesting availability by noon 10/01/18 or will need to contact CT (0.1); Email from OC re: mediation dates and both Lamosa and Porcelana had conflicts (0.1)	
09/30/2018	0.10	Email to OC re: need confirmation that both companies and carrier attending mediation	
10/01/2018	0.40	Phone call from Stephanie Kaspar re: intake and toilet fracture	
10/03/2018	6.60	Review PL's Supp Briefing on certification of manufacturing defect cases, review all underlying authority for accuracy, draft edits, and finalize same for filing	
10/03/2018	0.10	Email from OC to Judge Priest-Johnson re: mediation deadline, etc.	
10/03/2018	0.10	Email from OC re: working on proposal for damages subclasses and ACE recent involvement in these discussions	
10/05/2018	7.60	Mediation Strategy Conference - joint preparation of outlines for multiple potential term sheet proposals for resolution and settlement based on variances in subclass definitions, potential recovery, and scope (3.3); Initial drafts of proposed settlement alternatives divided by models, years, separate property damage, and warranty extension options (4.3)	
10/08/2018	4.20	Email to Mediator John Shipp re: scheduling meeting prior to mediation (0.1); Email from Mediator John Shipp re: confirming meeting with Plaintiffs' counsel (0.1); RA Defendants' Unopposed Motion for Leave to Extend Mediation Deadline (0.2); Review of RBS ongoing summary outline of recent claim file production for identification of materials usable for mediation re: proof of claim and standardization of payments (3.8)	
10/09/2018	0.10	RR Order granting motion to extend deadline for third mediation	
10/12/2018	8.90	Review summary document outlines of prior production and determine relevant pleadings and documents to provide to mediator Shipp (3.6); Conduct staggered review of remaining claim file production to	

		assist RBS review for information to be considered in alternative settlement proposals at mediation (5.3)	
10/15/2018	5.40	RA Defendants' Supplemental Submission Regarding Manufacturing Defect and draft outline of responsive position (1.6); Review current drafts of alternative settlement proposals for damages subclasses and draft modifications in prep for mediation (3.8)	
10/16/2018	9.80	Attend pre-mediation consultation with Shipp (1.2); Attend third Mediation @ John Shipp office (8.6)	
10/17/2018	5.70	RA DA refiling of Supp Briefing on Manufacturing Defect Certification and review new exhibits attached of other case pleadings	
10/19/2018	7.30	Email to OC re: position as to extending mediation deadline by joint motion to allow DFs time to consider mediation proposals (0.1); DR Joint Motion for Leave to Extend the Mediation Deadline by 1 week to see if term sheet re: remaining claims can be accepted (0.9); Begin initial research into preliminary approval for 2011 Settlement class – similar federal district court underlying briefings and orders in Texas (6.3)	
10/19/2018	0.10	Email to OC re: requesting position as to filing of Joint Motion to Extend Mediation deadline	
10/23/2018	0.10	RR Order granting extension of mediation deadline	
10/28/2018	3.30	TCT Epiq re: information obtained from DA at mediation, term sheet regarding communication, explanation of information forming basis of proposed media plan and administration (1.5); RR current notice proposal from Epiq and conference with RBS regarding same as compared to FRCP and upcoming rule changes (1.8)	
10/30/2018	1.10	RA Defendants' Response to Plaintiffs' Motion to Strike Ds Supp Briefing	
10/31/2018	1.80	Confirmation of rejection of inclusion of all damages subclasses other than the 2011 damages class (0.1); Multiple comm with Shipp re: suggestion of additional discussions or whether to conclude and report to CT (0.5); DR update corresp to all clients regarding result of third mediation and intention to move forward to segregate settlement class and move forward seeking certification on damages claims (1.2)	

11/01/2018	1.40	Email to Cameron Azari re: requesting Epiq notice campaign/scope for the Joint Motion to be DR Order and File (0.1); Conference call with Epiq and RBS re: status of notice and administration proposals, explanation of current proposal, and effect of upcoming rule change (1.1); RR Email from Cameron Azari re: revised media plan (0.2)	
11/02/2018	5.20	RR Order setting status conference and mediation report for telephonic hearing (0.1); Ongoing research and review of case law re: preliminary approval elements and necessary proof for purposes of Joint Motion for Preliminary Approval (5.1)	
11/04/2018	4.30	Initial draft of proposed Settlement Agreement language to match term sheet for purposes of attaching to Declaration in support of Joint motion for Preliminary Approval	
11/06/2018	8.90	Review and draft modifications to Joint Motion for Preliminary Approval of Settlement Class and Memo in Support (4.9); Initial draft of Long Form notice to attach to Mtn for PA to comply with FRCP and 5th Cir notice requirements (2.7); Initial draft of short form notice, banner notice suggestion, press release language (1.3)	
11/07/2018	6.20	Initial draft of Declaration regarding settlement and exhibits to attach to same for inclusion with Mtn for PA evidentiary record (2.1); Review and edits proposed order granting preliminary approval to circulate to DA prior to filing (1.9); Compare summary research provided regarding compliance with all Fifth Circuit precedent for preliminary approval (3.2)	
11/08/2018	2.20	Attend/appear for telephonic hearing with Judge re: status report and mediation - CT inclined not to set Joint Motion for PA or separation at this time but to move forward with whole case simultaneously on short time-frame for additional briefing (0.6); Conference with RBS - effect of CT moving with all damages subclasses concurrently, discuss deadlines, and outline division between settlement class and "remaining claims" class (1.6)	
11/08/2018	1.90	Email to Neil Rabinovitch re: conference call and tank settlement valuation to plead benefit to the class (0.1); Conference call with Neil Rabinovitch re: tank settlement and class benefit in support of preliminary	

		approval in preparation for telephonic hearing (1.8)	
11/09/2018	4.10	DR separate emails to each named PL forwarding Joint Motion for Preliminary Approval, update regarding CT decision for concurrent case management, and effect on each named PL claims (3.9); RR Order re: Denying Ps Motion to Strike Supp briefing and Setting Deadline to file amended Motion to Certify Class (0.2)	
11/12/2018	1.80	TCT Ahearn (0.6) and Capser (1.2) re: CT ruling on concurrent certification briefing - request for expert to review prior Declarations and determine if modifications are necessary to clarify opinions between the subclasses	
11/13/2018	1.00	Conference call with Neil Rabinovitch re: tank settlement and CT decision to run concurrent with resolution of remaining damages subclasses and effect of valuation timing	
12/03/2018	0.10	Email to John Shipp re: correspondence forwarded to OC and key points about combining damages subclasses for resolution	
12/03/2018	0.10	Email from John Shipp re: response to email and will review and request to discuss if necessary	
01/14/2019	0.20	RR Email to OC re: still looking for follow-up on insurance policies (0.1); Email from OC re: production of AIG and ACE product liability policies as only policies that would apply despite references to others in corporate sales docs, claims docs, and other litigation (0.1)	
01/14/2019	4.80	Email from OC re: production of AIG and ACE product liability policies and policies that would apply (0.1); Review excerpts from claims files and prior litigation indicating additional insurance policies (4.7)	
01/15/2019	0.30	DR Email to Alice in Judge's office re: request for hearing on a discovery dispute on insurance policies (0.1); Email from Alice at Judge's office re: request for response on behalf of the Defendants (0.1); RR Email from OC re: agreed at impasse on issue of insurance policies (0.1)	
01/16/2019	0.10	Email from Alice at Judge's office re: request for response on behalf of the Defendants	

01/16/2019	0.10	Email from OC to Judge's office re: response to Court about production of insurance policies, etc.	
01/17/2019	0.10	Email to OC and Court re: additional response to Court about production of insurance policies	
01/17/2019	0.60	RR comm from CT setting telephonic hearing on insurance dispute (0.1); RR Email from OC to Judge's office re: requesting additional date due to conflict (0.1); Email from Alice at Judge's office re: providing available dates for the Judge (0.1); Multiple comm with CT and counsel re: hearing dates and setting discovery dispute (0.3)	
01/17/2019	0.80	TCT Epiq re: update on status of notice plan issues and administration in preparation for reaching the issue of approval soon (0.6); DR Email to OC re: 2011 Settlement Class - Epiq proposals provided only to DF and request for new proposals (0.2)	
01/17/2019	0.10	Email to Alice at Judge's office re: Plaintiffs availability at court's discretion	
01/18/2019	0.10	RR Order Setting Telephonic Hearing on 1/28/19 to address insurance policy dispute	
01/21/2019	0.10	DR follow-up email to DA re: 2011 Settlement Class - Epiq prepared additional proposals but were told for DA eyes only - please produce	
01/22/2019	0.10	Email from OC re: delay in responding on notice proposals and will consult with client on discussion of Epiq proposals	
01/22/2019	0.10	Email from OC re: distributors receiving product to comply with replacement program and individual settlement agreements	
01/23/2019	0.10	Email to OC re: follow-up on work with Epiq and the new proposals	
01/28/2019	1.90	Joint conference call with Capser, Mezza-Arroyo, and RBS re: settlement valuation 2011 Settlement terms - non-pecuniary award of extended warranty (1.6); TCF Handy requesting update on preliminary approval status (0.3)	
02/05/2019	1.30	TCF Blaine Aydele re: Vortens subro cases affected by the settlement and status of preliminary approval (0.7); TCF Paula Johnson re: neighborhood of Sierra Classic homes built in 2011 with Vortens tanks (0.6)	

02/12/2019	1.40	Multiple comm. With CT re: pending expert motions and status of which, if any, are moot (0.2); RA the Jan 29, 2019 amended Notice plan and separate Administration plan provided by Epiq to DA but previously withheld at DA request and conference with NSC to compare same with prior plans (1.2)	
02/13/2019	0.90	Comm with Epiq re: Jan 29 proposals for notice and administration and concerns of limited notice suggestions and CT approval of same	
02/18/2019	0.70	RR email from property management company in AZ (0.1); TCT Schroder re: Vortens installations and settlement scope (0.6)	
02/21/2019	1.40	Strategy Conference with RBS: concerns re: delay in seeking approval to 2011 Class as against interest of the class members to secure agreed benefits – potential basis for objections to settlement or preservation of settlement interests	
03/04/2019	7.50	Review and analyze working draft of Severance Motion – protection of 2011 Settlement Class and draft suggested edits to same (3.6); Review research provided as to equal protection for settlement class and pending certification subclasses and role of severance in avoiding conflict (3.9)	
03/12/2019	2.80	RA DF Response to Motion to Sever and request for hearing including evidentiary attachment – Declaration of Jesus Gutierrez (1.6); Strategy Conference re: DF response and scope of severance reply in light of obligations to settlement class (1.0); RR comm from CT re: whether parties will agree to shorten the objection period on upcoming rulings (0.1); RR corresp from DA to CT declining to shorten the objection period (0.1)	
03/13/2019	3.2	RA Report and Recommendation denying “Missing Evidence” MSJ and “Claims” MSJ and outline impact for purposes of amending Joint Motion for Preliminary Approval (1.9); DR status letter to all PLs re: recent rulings on dispositive motions and CMP for requesting severance of settlement class (1.3)	
03/15/2019	0.50	Review final working draft of Reply ISO Severance and request for hearing on Joint Motion for Preliminary Approval and finalize same for filing	

03/20/2019	0.30	TCF Brad Johnson re: tank fracture – home built 2011-12 by Brighton Homes	
03/25/2019	1.40	DR corresp to Epiq requesting conference on the notice and claims administration proposals (0.2); RR response from Azari and Kelly suggesting all party participation so the proposals can be discussed and finalized (0.1); Multiple comm with DA regarding participation in Epiq call (0.2); Conference call with Epiq and all counsel re: notice and administration (0.9)	
03/27/2019	3.30	RA DF Objection to Report and Recommendation re: Partial MSJ denials and conduct brief research into citations in support	
03/28/2019	1.50	RA Memorandum Opinion and Order denying motion to exclude Capser and mtn to strike Capser Supp report and determine effect on representations supporting approval of 2011 settlement	
03/29/2019	0.20	RA Order adopting Report and Recommendation of Magistrate: partial MSJ denials	
04/02/2019	7.20	RA Order granting Motion to Sever and Granting Motion for Hearing (0.2); RR Notice of Hearing on Motion for Joint Approval (0.1); Preliminary Approval Strategy Conference: review current Joint Motion for Preliminary Approval and all attachments and outline necessary modifications for supplement and amendment (1.9); RR corresp re: request for estimates on new notice and claim proposals to Epiq and RR acknowledgement corresp (0.2); Review provided authority regarding preliminary approval standards under Fifth Circuit and Eastern District precedent in preparation of supplemental briefing (4.8)	
04/03/2019	4.50	DR separate status correspondence to each Named PL re: severance of action and individual effect as to each (1.9); TCF client Reuss re: status update letter and requesting information on whether needs to attend upcoming hearing as class rep (0.6); TCF Azari at Epiq re: clarification of proposed dates currently in Joint Motion for PA and attachments (0.7); RR outline of suggested deadlines per Epiq for scope of notice administration to consider for supplement to Joint Motion for Preliminary Approval (0.3); RA Epiq new proposals for notice/media plan and conference with RBS	

		to compare same to prior proposals and determine whether provides "best notice practicable" for approval (0.9)	
04/04/2019	1.40	RR pleadings selected by Court for inclusion in 2019 severed action (2011 Settlement Class) (0.3); RR corresp from Brennen Kelly at Epiq re: Claim Administration structure and proposal for approval (0.3); RR corresp from DA rejecting Epiq proposals (0.1); Multiple comm with Azari at Epiq regarding notice plan deadlines and reach (0.4); DR corresp to DA and Epiq re: court requirements for notice and administration and attempting to reach a compromise (0.3)	
04/05/2019	0.30	Corresp with mediator Shipp re: ongoing disputes with DA pertaining to notice/administration plans	
04/08/2019	1.40	RR Epiq updated proposals for notice and claims administration (0.4); RR acceptance of DF to the new Epiq proposals (0.1); TCT Azari to receive clarification on the anticipated reach of the program, discussion of oversight of the replacement program, and claims administration clarification (0.9)	
04/09/2019	9.80	RR corresp from Epiq requesting additional documents in preparation of Declaration for Supp to Joint Motion for PA (0.1); Locate requested docs and request Epiq's availability to discuss scope of declaration to ensure compliance with FRCP (0.9); Conference with Azari and Kelley re: Epiq attestation to sufficiency of notice and qualifiers to same based on DF allocation of money (1.4); Review and amend prior drafts of Long Form notice for approval by DA and submission to Epiq (2.1); Review and amend prior drafts of Short Form notice, Claim Form, and Banner language for approval by DA and submission to Epiq (2.1); review of Settlement Agreement working draft and edit same for modifications prior to forwarding to DA for approval (3.2)	
04/12/2019	5.30	Review and draft detailed edits to proposed Settlement Agreement and compare same to case law provided by RBS of court-approved settlements in Eastern District and Fifth Circuit to verify completeness and enforceability	
04/15/2019	2.60	Multiple comm with Azari re: Declaration in Support of Notice Plan for final submission to CT in advance of hearing (0.3); RA Azari	

		draft Declaration to attach to final supplementation to preliminary approval request (1.9); DF corresp to Azari re: clarification and edits to Declaration needed (0.2); RA Final, executed Azari Declaration for inclusion in supp record for preliminary approval (0.2)	
04/16/2019	7.20	RR corresp from DA re: additional changes to Settlement Agreement and make requested adjustments (0.4); RR corresp from DA re: has additional changes to the Proposed Order for Preliminary Approval (0.1); RA final modifications to Proposed Order and to Settlement Agreement and give PL approval for filing (2.6); RA Joint Evidentiary Supplement ISO PA with Azari Declaration, Settlement Agreement combined with Evidentiary Supp (settlement exhibits) and DF filed new Amended Proposed Order granting PA (1.5); Attend and argue at hearing on Joint Motion for Preliminary Approval (2.5); RR minute entry from CT regarding completion of hearing and pending decision (0.1)	
04/17/2019	0.80	Comm with Azari at Epiq re: CT comments of approval but still pending formal order (0.1); Call with Azari at Epiq to discuss modifications to notice dates depending upon date of signed order and discussion of claims administration issues for claim fund (0.7)	
04/18/2019	0.10	RR corresp from Brennen Kelly re: kick-off call to discuss execution of the notice plan and initial set up for administration with entire project team	
04/22/2019	1.40	Participate in conference with Epiq project team	
04/24/2019	0.50	RA corresp from Zach Lebovits (Epiq Project Manager) re: update post-conference call, milestone tracker document template and requests re: modifications to the proposed notice materials and website	
04/25/2019	1.60	RA Report and Recommendation of Magistrate granting Joint Motion for Preliminary Approval and proposed order for acceptance by DC (1.2); RR acknowledgement from Epiq re: updating milestone tracker based on Magistrate report (0.1); DR update email to all PL re: preliminary approval report by magistrate and anticipated order by district court (0.3)	

04/26/2019	0.90	RA updated Milestone Tracker based on Approval report and recommendation (0.2); TCF Archer re: saw notice of preliminary approval and needing additional infor to participate (0.3); RR corresp from Pat Brown re: whether eligible for relief under 2011 settlement (0.1); TCT Brown to answer questions and provide expected deadlines to check for website info (0.3)	
04/30/2019	4.20	RA first drafts of the settlement website language and materials and the IVR script and outline concerns and comments (2.8); Conference with RBS re: IVR script, questions regarding claim set-up through website and discuss timetable for completion of notice documents to meet deadlines (1.4)	
05/02/2019	0.50	RR corresp from Derek Shakour re: toilet fracture and requesting a return call (0.1); TCT Shakour re: facts surrounding tank fracture and provided status of litigation and 2011 settlement class (0.4)	
05/02/2019	3.10	RA DFs proposed changes to IVR script and website draft materials (0.8) RR corresp from Epiq confirming IVR script and website will only reflect submission of fee application without comment on cap other than as to expenses (0.1); RR corresp from DA regarding language from prior notice drafts as support to limit attny fees (0.2); RR responsive comm to DA with document citations re: attny fees (0.4); RA corresp from Project Coordinator re: attached claim form draft, proposed modifications from Epiq team and request for review and comment from counsel (1.4); RR updated transcript prepared by Epiq to address disputes between counsel on fee request (0.2)	
05/03/2019	2.50	RR comm from DA re: intention to rely on percentage method cap from earlier notice document drafts and review materials mentioned (0.3); Review of multiple comm with Epiq team and DA regarding notice deadlines, proposed drafts, replacement locations and claim period (0.9); DR corresp re: notice materials reflecting Settlement Agreement to seek reasonable fees (0.2); RR corresp from Epiq re: status of DF data on homeowners receiving direct notice (0.1); TCF Paul Langford requesting information on 2011 settlement class eligibility (0.3); RA Order by Mazzant	

		adopting Report and Recommendation and entering formal order with deadlines (0.7)	
05/06/2019	4.80	Conference with RBS re: execution of abstracts in foreign jurisdictions to enforce anticipated Final Approval and Order (1.6); TCT Dentons Canadian counsel re: class action litigation continuation and contact with Mexico offices to discuss foreign enforceability to protect class and anticipated final order (1.5); Initial discussions with Denton – Mexico City regarding status of action, settlement, enforceability and collections after final approval if insufficient insurance funds (1.8)	
05/07/2019	1.10	RR corresp from Epiq re: additional clarification of information for claim form, long form, and postcard for review and approval and review all attachments for edits and acceptance (0.7); DR corresp to DA and Epiq re: still need changes to fee application information to state request for reasonable fees to be submitted to CT for determination (0.2); RR response from Epiq Project Manager regarding ongoing dispute of attorney fee language and requesting final decision for notice docs and website (0.2)	
05/08/2019	1.60	DR corresp to Epiq approval compromise language re: attorney fees (0.1); DR corresp to Epiq and DA re: deadlines for notice and settlement website (0.2); RA Epiq's Final Draft of Postcard and Long Form Notice and suggested edits to short form notice to match publication language (0.5); Multiple comm and review with Epiq and DA re: final modifications and omissions in the notice documents (0.5); TCT Epiq to convey PL will defer to Epiq's expertise in claims submission issues (0.3)	
05/09/2019	0.30	DR corresp to Azari re: additional deference to Epiq on all remaining matters regarding postcard and short form notice so long as no DF substantive changes (0.2); RR corresp from Epiq with thanks for deference and agreement to shorten language (0.1)	
05/10/2019	2.70	RA the press release draft and long form notice draft forwarded to Epiq and confirm all agreements and modifications approved (0.8); Receipt and Review of all final drafts of all notice documents, including website and IVR script, for counsel consideration and approval (1.1); Conference with RBS	

		re: Epiq's final drafts and discuss scope, accuracy and distribution (0.8)	
05/13/2019	1.60	Multiple comm with Epiq and review of all final proposed materials for claims administrator, website, and notice documents – Postcard, Publication, Banner, Press release, Long form notice, claim form, website, and script (1.4); DR comm to Epiq re: consistency still needed in claim period (0.1); RR confirming email from DA and Epiq re: agreement to align claim period dates (0.1)	
05/15/2019	1.10	TCF Handy requesting update on settlement approval (0.3); DR script response for firm to address all calls and emails re: 2011 settlement class to refer same to Epiq and website to comply with Order re: deferral of all claims to claims administrator (0.8)	
05/20/2019	0.30	DR corresp to Epiq regarding claim administration and process to fund claims (0.2); RR reply from Azari re: settlement funding still being developed with DA (0.1)	
05/23/2019	5.80	Research Fifth Circuit and constructive common fund analysis (4.2); Conference call with consulting expert re: valuation of settlement benefit (pecuniary estimates based on Capser claim rate approximations and non-pecuniary benefit to all tank owners) for purposes of constructive common fund cross-check args (1.6)	
05/24/2019	4.10	RA Epiq Project Manager's Weekly Administrative Report and explanation of report provided by Zach (0.4); Highlight constructive common fund cases and provide to RBS for summary review and research memorandum for use in evaluating settlement benefit (3.7)	
05/28/2019	0.90	Conference with Epiq regarding claims fund development status and request clarification on insurance submission process (0.6); RA Epiq Weekly Administrative Report (0.2); RR correp from DA re: request from replacement tank distribution center (Austin) to move distribution location (0.1)	
05/29/2019	1.70	RA call list maintained by C&S and isolate calls and requests from consumers identifying themselves with facts sufficient to potentially be eligible under 2011 settlement class (0.7); Follow up corresp with Epiq regarding claim funding procedures anticipated (0.1); RA lengthy corresp from	

		Project Manager re: qualified settlement fund, replacement program implementation, and payment timing issues in settlement documents (0.3); TCT Zach to clarify timing on QSF and distribution center processing (0.5); DR confirmation email to Epiq regarding omitting accelerated payment suggestions and defer to Epiq administration (0.1)	
05/30/2019	1.70	Conference with RBS: Custom Survey proposal to obtain market rate of class action plaintiff attorneys in consumer/product actions (0.9); DR proposed parameters for scope of survey to meet the Fifth Circuit requirements for assessing community market rates (0.7); RR corresp from Epiq re: changing the Austin distribution center location (0.1)	
05/31/2019	3.50	Contact Ted Lyon regarding Declaration of reasonable rates in community and discussion of pleadings and Settlement result (2.4); Contact Mark Strachan regarding Declaration of reasonable rates in community for PL complex litigation (0.9); RR corresp from 2011 eligible claimant requesting information (0.1); DR corresp to Epiq requesting claim packet for consumer (0.1)	
06/03/2019	6.4	RR corresp from 2011 consumer and respond with settlement website information (0.1); DR updated class action case list for inclusion in Motion for Approval of Rep Service Awards, Expenses, and Fees (0.6); TCT Handly regarding upcoming submission of request for Service Award approval pursuant to Settlement Agreement (0.3); TCT Reuss regarding upcoming submission of request for Service Award approval pursuant to Settlement Agreement (0.2); Research "market rate in relevant community" from secondary sources to comply with federal requirements for award of fees pursuant to preliminary approval order and settlement agreement (4.3); RA Order from Mazzant on preliminary approval (0.9)	
06/05/2019	2.90	Comm with Lyon regarding underlying settlement questions (0.3); RR corresp from 2011 claimant and forward request to Epiq for claim packet (0.1); RR confirmation from Epiq of claim request (0.1); Initial review and suggested modifications to args and authorities supporting service fee award and expense reimbursement motion (2.4)	

06/07/2019	6.40	RA Lyon Declaration (0.6); RA Strachan Declaration (0.3); RA Loughmiller Declaration (0.3); Joint Conference re: status of request for service award approval, expenses, and application for reasonable fees under the settlement agreement and outline evidentiary documents needed to file in support of same (1.9); Initial draft of Declaration – firm background, personal background, work on current action, and risks of litigation and settlement (3.3)	
06/10/2019	7.40	Review of detail billing reports for Holley, Negron, Peters, Heuval, Pincus, and LaScalea to verify appropriate redactions or removals of billing entries entered by RBS (1.8); Complete Declaration and incorporation of all Declaration attachments for inclusion in Appendix (1.7); Review of working draft of Motion and draft edits to arguments and cited authorities (3.9)	
06/11/2019	0.40	Comm with Epiq re: corrected significant dates based on Order rather recommendation and pending setting of Hearing for Final Approval (0.2); RR corresp from clerk re: Mazzant availability for Fairness Hearing August 29 (0.1); RR Epiq Weekly Administrative Report (0.1)	
06/14/2019	5.80	DR final modifications to Proposed Order on Motion for Service Award Approval, Expenses, and Fee Application (0.9); Final review and approval of billing record submissions, expenses, declarations, and appendix summaries (4.9)	
	2386.1		\$1,658,339.50

<u>Date</u>	<u>Qty</u>	<u>Description</u>	
11/02/2016	8.20	Joint conference - discuss scope of initial claims research and outline investigation steps for additional state and national litigation pleadings involving Vortens manufacturer (2.6); Conduct research into TX suits against Vortens, Inc. and review allegations (1.9); Research suits filed in any/all federal courts against Vortens and review pleadings in each (3.7)	
11/16/2016	2.80	Multiple comm with four HO clients re: additional loss despite subrogation recovery (uncovered losses, expenses, and compromised deductibles) Moore(0.7); Smailstra(0.8); Rodriguez(0.5); Ross(0.8)	
11/17/2016	2.00	Follow up TFC with client Ross regarding subrogation recovery for Vortens failure, compromised deductible recovery and remaining damages (0.9); TCF Smailstra regarding subrogation recovery for Vortens failure and compromised deductible recovery (0.7); RA documents provided by Ross re: additional damage information (0.4)	
12/05/2016	7.30	Compliance contact with TSB - secure 32 individual written owner permission to transfer evidence and receive redacted prior causation reports	
12/07/2016	2.90	Client Meeting - Steve and Joanna Cone - review photos, obtain building information, discuss notice, review contract and answer class action questions	
12/11/2016	7.80	Continued research into elements and representative precedent of possible causes of action under Texas jurisprudence for drafting Complaint design defect and/or manufacturing defect (2.9); marketing defect or negligence in warnings (1.3); express and/or implied warranty claims: (1.7); DTPA (1.9)	
12/12/2016	6.50	Continued Research into elements and representative precedent of causes of action under Texas jurisprudence and compare same generally to national uniformity for drafting Complaint – strict products liability generally	
12/13/2016	2.30	Follow-up Meeting with NSC and Cone client re: factual pleadings in Complaint, condition precedent requirements, and additional supporting materials (1.6); TCT	

		Ross clients re: need confirmation as to named PL status (0.3); TCT Smistra re: named PL status concerns (0.4)	
12/14/2016	6.70	Research, review and analyze class action elements and case discussion of proper initial pleading of class action allegations for national class (4.8); Research eastern district precedent for additional pleading class action claims (1.9)	
12/14/2016	3.90	RA 11 redacted expert reports from prior claims provided after release of information signature re: commonality of failure event and testing	
12/16/2016	6.90	Continued review of redacted expert reports from prior claims provided after release of information signature re: commonality of failure event and testing	
12/21/2016	7.80	Research secondary sources regarding consistency and uniformity across the states for identified causes of action and pursuit of national certification	
12/22/2016	6.00	Initial Draft of Complaint: Jurisdiction and Venue, PL facts, and factual background of defect and liability (3.6); Pleading Strategy Conference re: Complaint causes of action and outline decision - manuf defect, negligence, warranty, DTPA (2.4)	
12/27/2016	5.60	Continued Initial Draft of Complaint - strict product allegations, negligence allegations, implied warranty allegations and DTPA (3.7); Confer regarding class allegations, definition, and elements for Complaint (1.9)	
12/30/2016	4.70	TCT Cone to confirm facts (0.4); Continued draft and revision of Complaint - include specific damage allegations, relief requested for each cause of action and forward draft to client for review of factual accuracy (4.3)	
01/01/2017	4.10	Finalize all allegations and factual recitations, prepare all exhibits to attach, and file Original Complaint and Class Action	
01/03/2017	2.90	Research AG issue raised by DTPA for class action (2.3); and DR letter to Tx AG office in light of class action allegations of DTPA claim as required by statute (0.6)	
01/03/2017	0.10	RR ECF notice re: Mazzant assignment, and Consent to Magistrate	
01/03/2017	5.70	DR outline of consulting expert reports pertaining to each transferred exemplar	

		tank from Houston lab to C&S for purposes of preparing demand and notice packet for service on Vortens/Lamosa and use in case causation development	
01/04/2017	1.90	Initial draft of DTPA and warranty demand letter and identify portential attachments to include with demand packet to Sanitaros Lamosa and Vortens Inc.: Cone	
01/05/2017	1.60	Continued revisions to Cone demand, exhibits, and notice packet to Lamosa/Vortens	
01/05/2017	3.40	Internal conference with NSC and Bridget - class reps, service requirements under Hague Convention, and client retention procedures to (1.6); Develop Case Management Strategy based on class definition and requests for town hall meetings by Houston HOAs (1.8)	
01/18/2017	9.20	Attend Conf at Goodman labs in Denton regarding exemplar designations and walk thru with consulting expert for initial visual inspections	
01/29/2017	1.80	DR litigation notice corresp and evidentiary hold letter to send to all Vortens distributors and reps	
01/31/2017	6.60	Attend second exemplar visual inspection with consulting experts at Goodman labs in Denton regarding exemplar use from prior claims through visual inspection and review of prior claim expert reports	
02/04/2017	2.90	Research and analyze TX DTPA and warranty requirements for notice compliance	
02/06/2017	2.70	TCF potential client Mark Fessler re: recent Vortens tank failure, damages, and research into company (1.2); RA initial client docs provided by Fessler to determine adequacy of corp rep status (0.8); TCT Fessler re: class rep contract and explanation of class actions generally (0.7)	
02/07/2017	0.60	TCF client Mark Fessler re: class rep contract and representation (0.5); RR executed Fessler contract for class rep status (0.1)	
02/12/2017	6.30	Research and initial analysis of case authority re: strict products pleading elements based on national uniformity for amending pleadings (2.7); Research and initial analysis of case authority re: warranty under Texas statute and	

		common law as compared to UCC standards for pleading purposes (3.6)	
02/17/2017	3.80	Review and modify First Amended Complaint working draft	
02/23/2017	3.50	Contact individual HOA directors identified by Houston Builder to coordinate attendance at March HOA meetings to address Vortens installations	
02/24/2017	3.80	Joint preparation - Town Hall meetings in Houston and surrounding area based on request from multiple neighborhoods re: builder installations of Vortens tanks	
03/03/2017	0.10	Receipt and initial review - Notice of Impending Dismissal pending Service	
03/07/2017	4.80	Attend Town Hall meetings in Houston and surrounding area with HOA directors and home owners	
03/08/2017	6.20	Attend Town Hall meetings in Houston and surrounding area with HOAs	
03/10/2017	1.30	TCF Carreras re: Vortens class action information received during HOA meeting and request to be included as rep -- discussion of fracture and damages (0.6); RA initial damages docs and photos re: Carreras and determine adequacy of status as class re - forward class rep contract for his review (0.7)	
03/13/2017	0.90	TCF Carreras to discuss fracture event details, damages, and address class action questions prior to executing class rep agreement	
03/15/2017	4.20	Draft completion of International Service Documents under the Hague Convention (2.9); Initial draft of Request for Special Process (1.3)	
03/25/2017	3.40	Review and amend working DR of First Amended Complaint - modifications to current liability allegations, class allegations, and additional PLS	
03/27/2017	2.40	Research TX Business registrations for updated agents of service info and TX litigation for prior representation contacts	
03/27/2017	0.90	DR Notice of Compliance with TBCC 17.501 re: Notice of class action to AG and file same	
03/28/2017	0.10	RR Order Granting Special Process Server	
03/29/2017	4.80	Research representations by DA regarding corporate identifiers - confirm recent termination of Texas entity Vortens, Inc.	

		and withdrawal of Sanitarios Lamosa from TX business (1.1); Research status of certificates of business in all states (3.7)	
03/29/2017	0.60	Review and analyze DFs draft of Mtn to Extend time to respond to PLs FAC	
03/29/2017	1.20	TCF DF counsel: waiver of service, general corp discussion for successor company Porcelana request to agree to MFE for DF to Rspnd to PL Amended Complaint (0.6); Review and analyze DFs draft of Mtn to Extend time to respond to PLs FAC and conference no opposition to same (0.6)	
03/31/2017	0.90	DR client update letter re: DF representation of suit, service of preservation letters, and status	
04/01/2017	0.10	RR Order Granting Ext of Time to Answer FAC	
04/25/2017	0.20	RR Waiver of Service executed by Vortens and file same (0.1); RR CT entry of Return of Service (0.1)	
05/10/2017	0.50	Conference with Defense Counsel re: second MFE to respond to Amended Complaint and review DF proposed draft of same (0.4); Provide response to request for certification of conference as unopposed (0.1)	
05/17/2017	0.10	RR Order Granting MFE to Rspn to Amended Complaint	
05/26/2017	6.50	Review DF Motion to Strike Class Allegations and conduct initial research into case authority cited in same for purposes of response (3.4); additional research of supportive authority based on NSC argument outline for response (3.1)	
05/26/2017	3.70	Strategy conference and outline Responsive Argument to MTS Class Allegations from FAC	
05/26/2017	0.10	RR Consent to proceed before Magistrate	
05/29/2017	1.60	RA Order Governing Proceedings re: management conference setting with attached Standing Scheduling Order and Rule 26 deadlines (0.2); RA standing SO for Nowak attached to Order governing proceedings and compare same to Mazzant, LR and FRCP (0.6); Conference re: standard scheduling order and issues with same considering class action proceeding (0.8)	

05/30/2017	4.30	Ongoing research regarding DF MTS Class Allegations - focused research on ED and Fifth Circuit and isolate authorities for use in response	
06/02/2017	3.90	Initial Draft of Response to MTS Class Allegations	
06/03/2017	6.80	Research standing case authority for class action litigation for applicability of DF arguments and initial counter-authority	
06/07/2017	5.60	Research purpose of Rule 12(f) in class action context for purposes of affirmatively striking challenge to class allegations in addition to separate response to DFs motion (2.4); Initial draft of PLs Motion to Strike PLs pleadings in opposition to class allegations under Rule 12(f) or alternatively Stay as premature (3.2)	
06/09/2017	4.90	Final amendments to PLs Response to DF MTS Class Allegations including case citations review for accuracy and subsequent history	
06/09/2017	2.60	Initial Draft of PL MTS Class Action Challenge as Premature and improper defense under Rule 12(f)	
06/16/2017	4.60	RA DF Reply iso Motion to Strike Class, outline args, and initial review of key citations (2.7); Strategy conference analyzing DF Reply and outlining sur-reply responsive args (1.9)	
06/16/2017	3.90	Research MTS Case authority citations by DFs and counter-authority for sur-reply	
06/19/2017	1.80	Initial outline and draft of PLs Sur-Rely to DF MTS class allegations	
06/22/2017	3.90	Review and analyze DF Response to PLs Mtn to strike or stay class allegation challenge and compare cross-briefing citations (2.2); Strategy conf with NSC re: reply (1.7)	
06/22/2017	2.50	Final research in support of Sur-Reply to DF Request to Strike Class	
06/23/2017	3.40	Final research of counter-authority citations - Review of PLs Sur-Reply to DFs MTS and compare same to all motion to stay briefing for consistency (2.3); Finalization of draft of PL Sur-Reply in Opposition of Striking Class Allegations (1.1)	
06/23/2017	0.20	Receipt of Amended Scheduling Order (0.1); RR Hearing Order on competing	

		motions regarding class allegation pleadings (0.1)	
06/23/2017	2.10	Multiple Communications with Mark and Amber Fessler for purposes of disclosure responses and initial docs (0.9); TCT client Aftosmes re: disclosure responses and docs (0.4); TCT Client Cone re: disclosure docs/responses (0.6); Corresp to Clients Carreras, Reuss, Hocker and Sander about conferencing needed on disclosures (0.2)	
06/26/2017	3.70	TCF Carreras re: confirmation of facts and documents for disclosure responses (0.5); TCT Hocker and discuss confirming information for disclosure responses and documents intended for initial production (0.5) Attempted TCT Sander with follow up corresp about conferencing needed on disclosures (0.2); Attempted TCT Kevin Reuss with follow up corresp about conferencing needed on disclosures (0.2); DR of PLs Rule 26 Disclosures (2.3)	
06/26/2017	0.80	TCF client Reuss re: disclosure responses and docs (0.6); RR corresp from Sander responding to doc request to include with disclosures (0.2)	
06/29/2017	2.80	Initial Draft of PL Reply brief ISO Motion to Stay 12(f) motion (1.9); revise case authority and modify draft with subsequent history (0.9)	
06/30/2017	1.70	amend working draft of Disclosures and documents for production with same	
06/30/2017	4.80	RA DFs Disclosures and analyze all exhibits produced with disclosures (3.9); Joint conf with NSC re: initial disclosures and docs (0.9)	
07/03/2017	0.30	Conf with DA regarding modifications to Joint Scheduling Order and proposed Protective Order	
07/03/2017	4.60	Initial Draft of Joint Rule 26(f) Conference report (1.8); Meeting with Defense Counsel re: modifications to Rule 26(f) report (1.2); After conf with DA draft agreed modifications and PL position on issues in disputes (1.6)	
07/06/2017	7.50	Prepare for Hearing on DFs MTS class allegations and competing PL MTS Challenge or Alternative stay - review all briefing and attachments, outline significant args, isolate key cases for additional review (4.2); DR comparative case citation chart and summary outline of	

		significant cases for use during hearing (3.3)	
07/18/2017	6.50	Continued prep for hearing on DF MTS and PLs Motion to Stay -- continued draft of comparative chart for use during prep and hearing on the competing motions affecting class allegations (3.6); outline argument structure with citation references (2.9)	
07/19/2017	3.50	Travel to and from Sherman for Management Conference and Hearing on mutiple motions	
07/19/2017	1.80	Attend and argue Rule 16 Mgmt Conference/Hearing on DF MTS and PL Request for Stay	
08/01/2017	5.00	Research obligations for disclosures and prior comm with DA re: document production with disclosures (1.9); Intial Draft of PL 1ST RFP to DF - definitions and requests (3.1)	
08/07/2017	0.40	Conference call with DF counsel re: document production procedures and DF prior self-serving limitations on production	
08/09/2017	3.70	RA DF ROGS and RFPs to clients Fessler, Aftosmes, Carreras, Reuss, Hocker and outline preliminary notes re: responses and objections	
08/09/2017	4.00	Research Preliminary Objections for purposes of responding to ROGS (scope, definitions, limitations, number allowed) (1.9); Research preliminary objections to DFs RFPs - general objections as to scope and definitions, privileges, and limitations and requisite specificity (2.1)	
08/10/2017	9.60	DR Interrogatory Memo Outline for clients' re: PLs' initial ROG responses (1.9); DR corresp to Reuss re: specific docs needed not in his client file, explanation of ROG memo, and provide copies of relevant discovery requests for review (0.8); DR corresp to Fessler re: specific docs still needed, explanation of ROG memo, and provide relevant discovery requests for review (0.8); DR corresp to Hocker re: explanation of ROG memo, and provide relevant discovery requests for review (0.6); DR corresp to Aftosmes re: limited client doc file and highlight docs needed for response, explanation of ROG memo, and provide relevant discovery requests for review (0.9); DR corresp to Carreras re: specific docs still needed, explanation	

		of ROG memo, and provide relevant discovery requests for review (0.5) DR Preliminary Objections, General Objections, and question-specific objections to RFPs relevant to all/each client responses (4.1)	
08/11/2017	4.10	Research admissions requirements under FRCP (1.4); Initial Draft of 1st Set of RFA to DF (1.1); Initial draft of 2nd RFP to DF (1.6)	
08/11/2017	3.40	DR Preliminary Objections, General Objections, and question-specific objections to ROGS for use in each/all client responses	
08/31/2017	4.90	Review and Analyze DFs Objections and responses to RFPs and documents produced to determine responsiveness and outline objections for research and conference	
09/01/2017	3.70	TCF Reuss to discuss ROG summary responses and questions regarding discovery/document production (0.9); TCT Fessler re: need summary ROG responses (0.2); RA summary Answers provided by Steve Cone to Rogs, DR objections and formal responses to ROGS, and forward same to client for review and verification (2.6)	
09/05/2017	6.20	Complete drafting of comprehensive objections and responses to each RFP served on individual PLs and incorporate bates designations specific to each client/question as appropriate	
09/06/2017	5.40	RA summary Answers provided by Reuss to Rogs, DR objections and formal responses to Reuss ROGS, and forward same to client for review and verification (1.8); RA summary Answers provided by Carreras to Rogs, DR objections and formal responses to Carreras ROGS, and forward same to client for verification (1.9); RA summary Answers provided by Aftosmes to Rogs, DR objections and formal responses to Aftosmes ROGS, and forward same to client for review and verification (1.4); TCT Hocker re: status of ROG summary responses and deadline reminder (0.3)	
09/07/2017	4.30	RA summary Answers provided by Fessler to Rogs, DR objections and formal responses to Fessler ROGS, and forward same to client for review and verification	

		(2.1); RA summary Answers provided by Hocker to Rogs, DR objections and formal responses, and forward to client for verification (1.7); RR requested edits to ROG responses by Aftosmes, incorporate changes, and return to client for verification signature (0.3); RR verifications from Reuss and Carreras without response modifications and finalize for service (0.2)	
09/08/2017	6.60	Review and Analyze documents produced pursuant to DF Supp to responses to 1st RFP Scope of Supplemental Production and outline review notes for relevance and key info(PORCELANA000358-000856)	
09/10/2017	8.70	DR comparative chart of tank production files – plant manufacture, production defect and total production: #3404 (1.4); #3412 (2.9); #3464 (3.2); #3425 (0.7); #3436 (0.5)	
09/11/2017	6.50	Review and Analyze documents produced pursuant to DF Supp to responses to 1st RFP Scope of Supplemental Production and outline notes as to relevance and content (PORCELANA000857-1483)	
09/12/2017	7.90	Review and Analyze additional supplemental documents produced by DFs and outline notes as to relevance (PORCELANA0001484-2298)	
09/13/2017	3.70	Continued RA of new supplemental documents produced by DFs and outline notes as to relevance (PORCELANA0001484-2698)	
09/13/2017	4.80	Review and analyze DF OBJ AND RSPNS TO PF 3RD RFP and highlight relevance and comments for inclusion in running document summaries (PORCELANA 0002299-2698)	
09/14/2017	5.70	Review and Analyze DFs Mtn and Memorandum in Support - site inspection objection/ briefing arguments (1.8); isolate key citations relied on in Brief and research same for content, applicability and counter-authority (3.9)	
09/14/2017	2.30	Discovery Strategy Conference with NSC - DF opposition to plant inspections, initial research, and outline Responsive arguments	
09/15/2017	3.90	Review and Analyze additional supplemental documents produced by DFs and outline notes as to relevance re: PORCELANA 0002699-2923	

09/18/2017	2.8	Continued review of supp docs and outline notes as to relevance re: PORCELANA 0002699-2923 (1.9); Receipt, review and analysis of follow up supp docs PORCELANA 0002924-2932 (0.9)	
09/19/2017	3.20	Meeting with consulting expert and DR chain of evidence documentation for transport of tanks from Houston, written protocol for pickup/exchange and individual client transfer documents for client tanks	
09/20/2017	8.90	Attend evidence transfer of exemplars and meet with clients to transfer additional tanks to expert's control for purposes of DF request for single location inspection	
09/20/2017	0.10	RR Order denying DF Motion for Protective Order re: plant inspections	
09/21/2017	8.30	Begin initial review and analysis of rolling production supplementation and highlight/outline notes of relevant items PORCELANA 0002933-11545	
09/22/2017	7.10	continue review and analysis of rolling production and outline notes of relevance from voluminous document supplementation - PORCELANA 0002933-11545	
09/22/2017	0.50	RA Report and Recommendation re: Motion to Strike Class Allegations from FAC and competing Motion to Strike Challenge or Stay ruling - MTS denied and PL motion moot	
09/23/2017	8.70	Conference with NSC re: needed division of recent document supplementation (0.8) - continue review and analysis of rolling production based on divided workload and outline notes of relevance PORCELANA 0002933-11545 (7.9)	
09/25/2017	9.90	Attend Visual Lab Inspection at Goodson Labs in Denton - exemplars and client tanks	
09/26/2017	7.40	Continue review and analysis of rolling production based on divided workload and outline notes of relevance PORCELANA 0002933-11545	
09/28/2017	6.00	Continue review and analysis of rolling production based on divided workload and outline notes of relevance PORCELANA 0002933-11545 (3.3); Begin staggered analysis of new sup production (PORCELANA 11797-11821) and outline notes of relevant materials (2.7)	

09/29/2017	0.20	RR DF 1st Supplementation to Disclosures	
09/29/2017	6.30	Continued review and analyze documents produced with DFs supplementation as a part of the "rolling production" and highlight key materials for upcoming depositions and to pass along to experts for review through DF 11821	
10/01/2017	6.80	Continued review and analyze documents produced with DFs supplementation as a part of the "rolling production" and highlight key materials for upcoming depositions and to pass along to experts for review up through most recent production (11821)	
10/05/2017	5.70	Research motion to compel plant inspections, scope of permitted attendance, and recording options to lieu of expert attendance (3.6); Initial Draft of Motion to Compel Plant Inspections (2.1)	
10/06/2017	3.80	Research international requirements for sworn testimony and alternatives by agreement	
10/06/2017	3.6	Complete the working draft of motion to compel plant inspections and update citations to case authority and record (2.9); Conf with DA re: plant inspection protocol (0.3); Strategy conference - scope of corporate depo topics and DFs designees (1.4)	
10/09/2017	5.10	RA summary outlines of translated Spanish docs produced by DF and isolate documents for formal certification by registered translator under FRCP	
10/10/2017	1.50	Multiple communications with certified document translation companies and divide workload of necessary certification document translation isolated for use during upcoming depositions	
10/10/2017	0.50	Phone Conference w/ DA re: outstanding discovery issues for MTC and unique issues raised by depositions in Mexico	
10/10/2017	6.20	Atty Depo prep-Trevino (initial document summary outline review, and create running draft of CX outline)	
10/11/2017	7.10	Continued Depo prep-Trevino (isolation of potential exhibits and ongoing document review and outline draft for examination)	
10/12/2017	5.80	RR PORCELANA 00011822-13204 supplementation, divide review workload	

		with NSC, review and outline relevant notes	
10/12/2017	4.30	Multiple Communications with Day Translations re: additional of new documents for translation and timing (0.7); based on initial document summary outlines completed of voluminous supp docs, isolate target exhibits for translation prior to corp depositions (3.6)	
10/12/2017	0.60	TCF Stone re: tank failure and class action representative request	
10/13/2017	6.30	Atty Depo prep-Gutierrez(document summary outline review, draft initial CX outline and isolation of potential exhibits)	
10/13/2017	1.60	Finalize research for international requirements for sworn testimony and document admissibility under FRCP	
10/14/2017	10.10	Continued Atty Depo prep-Gutierrez(continuation of document and isolation of potential exhibits) (7.2); Continued staggered review of PORCELANA 00011822-13204 recent supplementation for corporate depo relevance (2.9)	
10/16/2017	7.00	Draft Stipulation of International Depositions and forward same to DA for approval prior to filing (1.6); Multiple comm with Day Translations re: scope and status of certified deposition exhibits and provide priority outline for translations (1.7); Continued review of documents produced as a part of the "rolling production" and highlight key materials for upcoming depositions (2.9); Comm from OC re: Agreed Motion for Order of Approval of Stip re: depositions (0.1); RR corresp from DA re: deposition request of Neira (0.1); Comm with DA re: depositions of Gutierrez and Dunez (0.2); Comm re: APS and service and translation of sales/indemnity agreements via Hague Convention and upon execution of confidentiality agreement (0.5)	
10/17/2017	0.30	Conference call from DA regarding DF Motion to Compel removal of all PL toilets still installed	
10/17/2017	1.40	Initial Review, analysis and outlining of DF Motion to Compel Production/Removal of client Toilets EX: 1-4 and isolate key citations for research	

10/17/2017	2.90	Research review and analyze Case Citations in MTC and research counter-authority for purposes of response	
10/17/2017	1.90	Strategy Conference re: MTC toilet removal by DF experts and DF requested protocol for photographing and removal	
10/17/2017	1.60	RA DF destructive testing protocol of PL tanks (0.4); Comm with consulting experts re: protocol outlined by DF experts (0.7); RR depo availability request as to all PLs and DR corresp to each client re: DA requesting their deposition availability (0.5)	
10/18/2017	7.10	Comm to DA re: requesting update on Mr. Niera's contact info to reach out to him and employer (0.1); Conf with DA re: PL MTC Neira contact information (0.1); Receipt, review, and analyze DF sup production PORCELANA 00013205-13211 (each designated Bates number = multi-page spreadsheet) (6.3); Multiple Comm with DA re: substitution of spreadsheet PORCELANA00013205 (0.4); Correp with DA re: Plaintiffs' depositions and Hocker tank identification (0.2)	
10/18/2017	2.8	Research case and rule authority for motion to compel disclosure of witness info (1.3); Initial Draft of Motion to Compel Disclosure - additional witnesses and contact info (1.5)	
10/19/2017	1.30	Strategy Conference with NSC - third party SDT re: notice of defect, recall, or Vortens comm of tank fractures	
10/19/2017	3.20	Multiple comm with DA re: confirming dates for Plaintiffs' depositions and defense decisions are to which to schedule considering depo limitations (0.4); Continued analysis of documents and outline materials for upcoming depositions and to pass along to experts for review (0002933-11821) (2.8)	
10/19/2017	0.10	Receipt and Review - Order setting status conference; discovery Motions are DENIED	
10/20/2017	0.10	Receipt and Review - Order granting Moton to Compel Disclosure - Neira	
10/21/2017	0.80	TCF Day Translations re: Deposition exhibit translation status, prioritizing of documents provided, and certifications	
10/21/2017	5.50	Travel to Mexico per DF (plus transport from out-of-city ariport to location)- Depositions	

10/22/2017	7.30	Continued 30b6 Deposition Preparation - Joint Coordination of exhibits and CX outlines	
10/22/2017	0.10	Comm from OC re: correspondence and additional production during deposition (0.1)	
10/22/2017	0.30	Multiple emails with Day Translations re: status of batches 11, 12 and 13	
10/23/2017	16.0	Joint Conference - final Trevino depo prep and exhibit review (2.4); RA DFs Objections to NITD 30(b)(6) (0.3); Attend and examine Porcelana Corp Rep - Deposition of Trevino (9.4); Final deposition prep - modification of exam outline and potential exhibits of Gutierrez in light of Trevino depo (3.9)	
10/24/2017	10.6	Conference - final joint depo prep Gutierrez (0.9); RR corresp from DA re: ongoing confidential docs issue (0.1); Attend and examine Porcelana Corp Rep - Deposition of Deposition of Guttierrez (8.2); Participate in expert Conference call - Ahearn re: causation, depo outline and Cardinal Depo (1.4)	
10/25/2017	11.2	Brief review of doc production prior to deposition of Cardinal (0.4); Comm with investigator re: contact info for Juan Carlos Neira (0.1); Conference - final depo prep - Cardinal (0.9); Attend and assist with exam and exhibits - Deposition of Cardinal (8.0); DR summary outline of DF new sup production during depositions and determine relevance and use for remaining corp rep deposition (1.6)	
10/26/2017	8.0	Conference - final depo prep -Villegas (1.0); Attend and assist with exam and exhibits - Deposition of Villegas (3.2); Multiple comm with Day Translations re: certified translations and project detail modifications for depositions (0.7); Locating and Meeting with J. Neira in Monterrey (3.1)	
10/27/2017	4.60	Return from corporate rep depositions in Mexico	
10/30/2017	0.70	RR Minute entry re: status conference on plant inspection disputes (0.1); Attend CT Status Conference (0.6)	
10/31/2017	1.90	Internal strategy conference - CMP re: expert retention as testifying experts rather than consulting and scope of necessary expertise for opinions	

10/31/2017	1.30	Conference call with D. Ahearn re: testing protocols and discovery materials	
11/01/2017	0.70	TCF Daniel Sousa re: fracture event and request for rep inclusion	
11/01/2017	0.60	Receipt and initial review of photos and damage documents from Sousa and determine rep adequacy	
11/01/2017	0.70	Receipt and initial review of photos and damage documents from Sousa and determine rep adequacy	
11/02/2017	1.20	DR status update corresp and send to all client reps	
11/07/2017	0.40	Conference with DA re: amending class certification deadlines	
11/07/2017	0.20	RR final draft of Joint Motion for Entry of Agreed First Amended Class Cert Order prior to filing and upon submission to ensure accuracy per conference with DA	
11/07/2017	0.90	Comm from DA regarding possibility of Cone and Aftosmos interest in settlement (0.2); Initial contact with Cone clients re: DF settlement proposal (0.4); TCT Aftosmes clients re: DF settlement offer (0.3)	
11/08/2017	0.70	TCT Cone client re: settlement offer in individual capacity and result of dismissal as class rep (0.4); TCT Aftosmes client re: settlement offer in individual capacity status (0.3)	
11/08/2017	6.50	Research case authority for scope of necessary proof in manufacturing defect cases– expert requirements under Fifth Circuit precedent (2.8); Extend research into manufacturing defect expert cases – Texas federal district courts (3.7)	
11/09/2017	0.30	RR Order Granting First Amended Class Cert Scheduling Order (0.1) Review recording transcript request documentation re: status conference and approve submission (0.2)	
11/09/2017	0.60	Multiple comm with OC re: deposition status of PLs, tank removal requirements for testing, testing protocols and lab capabilities	
11/09/2017	1.40	Joint Conference call with Fessler re: deposition setting, discussion of pleading and discovery status and address client questions	
11/09/2017	1.30	TCT Cones re: settlement offer and need for response - answer questions regarding	

		terms and effect on class rep contract (0.8); TCT Aftosmes re: settlement offer and need for response - answer questions and effect on class rep contract (0.5)	
11/10/2017	1.00	Conference call with D. Ahearn re: Orton labs, ESI lab capabilities, explanation of each step of DFs proposed protocols	
11/10/2017	1.70	TCT Capser re: warranty background work, claims analysis, statistical experience for purposes of determining retention for class cert issues of numerosity, commonality and predominance	
11/10/2017	3.90	Expert Strategy Conference - additional expert needs and outline categories of testimony and discuss possible experts for retention (2.3); Joint Conference call with D. Ahearn re: Orton labs, ESI lab capabilities, explanation of each step of DFs proposed protocols (1.6)	
11/11/2017	1.30	Expert Strategy Conference – review CVs and testimony lists for experts in warranty analysis, manufacturing processing, and statistical claim assessments	
11/13/2017	1.40	Multiple comm with DA re: DF experts requesting that client toilets be removed in one piece (0.4); TCT consulting expert re: veracity of position that onsite home inspection needed and complete toilet removal required for expert opinion (1.0)	
11/14/2017	1.30	DR redline version of edits to proposed release documents (0.9); Multiple comm with DA re: attaching redline version of proposed release documents for review (0.4)	
11/14/2017	1.0	DR and receive multiple comm from Court and counsel re: telephonic hearing availability (0.2); Multiple comm with DA re: disputes on tank removal process, cost arrangements, and conflict with prior agreements (0.5); RR comm from DA to CT Clerk requesting permission to file Mtn to seek clarification (0.1); DR responsive comm to CT clerk re: basis for discovery dispute on toilet removals (0.1); RR comm from DT re: telephonic hearing on dispute and clarification (0.1)	
11/14/2017	0.60	Multiple Comm with DA re: proposed Releases to Cone and Aftosmes in and review of draft release documents	
11/15/2017	1.30	prepare for hearing on evidence removal dispute - review all prior comm with	

		counsel and outline client concerns (0.9); Hearing conference with the Court clarifying terms of Court's Directive on evidence removal (0.4)	
11/15/2017	0.20	Comm from OC re: review of proposed changes and edits for corporate depo transcripts	
11/16/2017	0.20	Multiple comm with DA re: proposed Releases (Cone/Astosmes) and client signatures	
11/17/2017	0.80	TC to client, Fessler, re: deposition prep, document review, and initial prep instructions	
11/17/2017	4.10	Deposition Preparation: DR depo prep memo for client, review all discovery docs re: Fessler and live pleadings, outline potential questions to assist client prep	
11/20/2017	1.30	Depo Prep conference call with Fessler re: deposition prep and client questions	
11/20/2017	5.10	Travel to Houston for Fessler Deposition	
11/20/2017	0.50	Multiple comm with counsel and client re: Reuss toilets and delivery	
11/21/2017	2.10	Client meeting with Fessler pre-deposition prep (2.1); Attend and defend/examine - Deposition of Mark Fessler (5.7)	
11/21/2017	4.60	Travel from Houston after Fessler deposition	
11/22/2017	0.90	Multiple comm with Reuss re: continued issues with arrangements for expert toilet removal, attendance, protocol, and installation of replacements	
11/22/2017	0.20	Comm with DA re: Confidential Compromise Release for review	
11/22/2017	0.40	Comm with client Aftosmes re: follow-up on review and execution of settlement agreement and answer final questions	
11/22/2017	1.30	Participate in conf with Carter (consulting manf expert) re: manufacturing processing specific to sanitaryware	
11/26/2017	3.60	DR multiple flup comm re: no response from Ds regarding rolling production gaps and need to conference on compelling same (0.2); DR outline of missing documents and responses for purposes of Motion to Compel (3.4)	
11/26/2017	1.20	TCT consulting expert Carter re: sanitaryware manuf processes confirming uniformity and use of Six Sigma in manufac.	

11/27/2017	0.10	Comm to DA re: Cone/Aftosmes settlement documents and check receipt	
11/28/2017	1.80	Research updated authority (rules and applicable case authority) - MTC documents	
11/28/2017	3.20	Initial drafting of MTC based on discovery responses and scope of certificate of conference w/DA	
11/29/2017	1.20	Phone conference with David Ahearn re: testing protocols, inspections, scope of expert retention and overlap with Mecholsky	
11/29/2017	1.30	Expert Strategy Conference re: ceramics manufacturing experts and upcoming lab protocols	
11/29/2017	4.00	Review and Analyze supplemental production by DF (PORCELANA 13216-13479) and compare same to scope of MTC for responsiveness and key items of relevance (3.7); RR and respond to comm with DA re: conflicts in plant inspection protocols, DF modifications for proposed protocol (0.2); RR corresp from DA re: plant inspection date and limitations on time spent at each plant (0.1)	
11/29/2017	3.50	Research joinder of Additional PL (rules and case authority) in class actions (2.2); Initial outline and draft of Motion for Joinder of Additional PLs (1.3)	
11/30/2017	0.10	RR Comm from DA re: flash drive of additional document production and request to delay filing MTC	
11/30/2017	0.20	Comm from DA re: continued imposition inspection limitations and intent to modify schedule for the 12/7 plant inspections	
11/30/2017	8.70	Attend Destructive testing of Toilets done at ESI-Dallas with ongoing consultation with experts (8.2); Finalize Motion for Joinder of Additional Parties and finalize conference for filing as unopposed (0.5)	
12/01/2017	1.90	Conference with consulting expert on prior exemplar photos and reports	
12/01/2017	2.30	Multiple Comm David Ahearn re: independent lab testing scope and initial opinions from inspection (0.9); Conference with Sean Capser and Dr. Meza-Arroyo re: scope of retention, plant inspection, initial doc review (1.4)	
12/04/2017	1.80	Strategy and Analysis/Conference - CMP on Fessler, Sousa and Stone Orton	

		samples for absorption and addition of DF testing requests	
12/04/2017	6.60	Identification and isolation of initial discovery documents based on review of summary outlines available and select for initial review by Capser and Meza-Arroyo	
12/05/2017	3.80	Review all sales and vendor spreadsheets to identify key builders using Vortens product for SDT	
12/05/2017	0.20	Comm with DA re: follow-up on status of execution of settlement documents	
12/06/2017	0.70	Ongoing multiple comm with DA re: dispute surrounding plant inspection, terms, protocol, and agenda	
12/07/2017	1.10	Research, review and analyze applicable authority for Motion for Order on Partial Dismissal in class action setting	
12/07/2017	1.70	Initial Draft of arguments and authorities for Motion for Partial Dismissal and conference with DA on same	
12/07/2017	0.30	Multiple comm t/f DA re: status of dismissal documents	
12/07/2017	0.30	DR comm to CT re: parties dispute and impasse in plant inspection pursuant to Judge's directive (0.2); RR corresp from DA to CT re: D's Motion for Protective Order reconsideration or clarification (0.1)	
12/07/2017	0.40	Multiple comm with DA re: Defendant refusal for full inspection or PL protocols	
12/08/2017	6.40	Review DFs sup responses to 1st RFP, analyze scope and validity of objections and additional documents produced subject to same and compare to MTC working draft (1.9); Analyze scope of production and validity of objections re: DFs Supp responses to 2nd RFP documents produced and compare to MTC draft (2.8); Review and analyze DFs Responses and Objections to PLs 3rd RFP (1.7)	
12/08/2017	1.40	Video call with Ahearn, Mecholsky, Capser, Meza-Arroyo re: Expert Reports	
12/08/2017	0.30	Multiple comm with DA re: issues relating to Porcelana discovery and continued missing documents	
12/09/2017	4.60	Comm from OC re: request to Court for additional plant inspection limitations (0.1); Research manufacturing processing for sanitaryware in preparation for plant inspection and continued support of	

		proposed protocol (2.7); Continued review of DFs Responses and Objections to PLs 3rd RFP and outline key materials for expert review (1.8)	
12/09/2017	2.30	Strategy Conference re: ongoing issues with scope of plant inspection and CMP to address same with CT and experts	
12/11/2017	0.10	RR Order Granting Motion for Joinder	
12/12/2017	0.90	Analyze DF Motion for PO, isolate key citations and args in same for research and for purposes of response	
12/12/2017	4.80	Research Case Citations from Mtn for PO and research counter-authorities	
12/12/2017	2.90	Outline Responsive Argument to DF Motion for Protective Order and begin drafting same	
12/12/2017	0.30	Multiple comm with DA re: PL intention to file amended complaint	
12/13/2017	0.20	RR Order Denying Motion for Protective Order on Plant Inspection Limitations	
12/14/2017	5.50	TCT Capser and Meza-Arroya re: ongoing plant inspection dispute and prioritization of protocol parameters for purposes of manufacturing process opinions (0.8); Review Six Sigma materials provided by Capser in assessing manufacturing process steps in preparation for plant inspection (4.7)	
12/14/2017	0.60	Multiple comm exchange with DA re: DF refusal to permit inspection despite CT order and relay ongoing status to NSC to keep experts updated on protocols	
12/15/2017	0.30	RA DA's correspondence regarding confidential depo designations and docs from corporate rep depositions	
12/15/2017	1.20	Inspection Strategy conference with NSC re: ongoing issues with plant inspection, protocols and expert attendance, including possibility of forgoing Mecholsky at plant inspection	
12/18/2017	0.10	RR comm from DA re: intention to limit inspection time and access at each plant	
12/19/2017	3.90	RA comprehensive document memo and prioritize documents still missing and necessary for expert review and compliance and DR lengthy request to DA re: conference issues necessary for resolution or requiring MTC	

12/19/2017	2.40	Receipt and initial review of Fessler transcript for accuracy and adequacy of class rep status	
12/21/2017	0.90	Receipt and initial Review SDT Response of Paul Taylor Homes for content and compliance	
12/21/2017	1.50	DR summary outline of Paul Taylor Homes SDT Response 1-57	
12/21/2017	0.60	Comm with Scott Ratchick re: Beazer Homes SDT, clarification of scope, and request for extension	
12/21/2017	1.60	Comparison of documents produced by Paul Taylor Homes to DF production for discrepancies and deficiencies in DF responses for use in MTC and to address objections that same docs should in possession/produced by DF rather than third parties	
12/22/2017	1.80	Review and Analyze Trendmaker's MTQ, research all citations for purposes of response, and outline resp args	
12/22/2017	0.50	Comm from counsel for Trendmaker Homes, Inc. re: MTQ of SDT and intention to serve objections in event CT denied MTQ - discuss scope and possibility of resolution once objections are received and reviewed	
12/22/2017	0.40	RA Trendmaker Homes objections in case the court denies MTQ; draft proposed modifications to SDT and dr corresp to counsel re: same	
12/28/2017	0.30	TCF Jesse Schachter re: class rep request and discuss closure of current client contracts for rep status	
12/29/2017	2.20	Intial Draft of PL 4TH RPF	
12/29/2017	0.10	RR Memo adopting Report and Recommendation Granting MTD Cone Aftosmes	
12/29/2017	2.70	Research responsive authorities for purposes of responding to Trendmaker MTQ SDT	
12/29/2017	2.10	Initial Draft of Response to Trendmaker's MTQ SDT	
01/01/2018	1.40	DR Modifications to PLs First Interrogatories to DF	
01/02/2018	4.20	Travel to Monterrey, Mexico for plant inspection with experts	

01/02/2018	0.10	RR Email from OC re: reiteration that plant inspection will only occur according to Ds protocol and responsive corresp to same	
01/02/2018	2.80	Conference with Ahearn and Meza-Arroyo re: plant inspection protocols and scope	
01/02/2018	0.30	RA DR Hortons MTQ SDT	
01/03/2018	8.90	Attend Plant inspections in Benito Juarez and Monterrey, Mexico	
01/04/2018	0.30	Receipt and initial review DR Horton MTQ SDT (0.2); RR Order re: response deadline to MTQ (0.1)	
01/04/2018	0.20	Multiple electronic comm with counsel for DR Horton re: MTQ SDT	
01/04/2018	0.10	RR Order granting Trendmaker's MTQ	
01/04/2018	3.90	Expert conference with Meza-Arroyo: reviewing summary outline of produced docs, docs still needed, opinions and impressions after inspections	
01/04/2018	4.20	Return from plant inspections in Mexico	
01/04/2018	2.00	Research specific objections (0.7) and prepare initial draft of PL Response to DR Horton's MTQ (1.3)	
01/05/2018	0.10	RR Order Denying Dr Horton MTQ	
01/05/2018	0.30	Phone conference with Robert Davis re: Vortens class status and rep request	
01/09/2018	0.30	Multiple comm with DA re: motion for leave to file amended complaint	
01/09/2018	3.10	DR Second Amended Complaint - amend facts to account for new PLs, amend c/a and class allegations	
01/09/2018	0.60	TCF Orton and ESI re: authority to obtain information related to joint destructive testing samples	
01/10/2018	1.00	DR email to client re: follow-up on transcript review status (0.1); TCF Fessler to discuss transcript review, documents attached as exhibits and errata (0.9)	
01/10/2018	6.80	Review and analyze MSJ and outline key args, discovery citations, and Case citations for research and counter-authority (2.6); Review and analyze all attachments to MSJ (2.5); Strategy Conference - Outline Responsive MSJ Argument (Claims) and MSJ (Missing Evidence) based on initial review, analysis and research (1.7)	

01/10/2018	0.10	Comm with DA re: remaining exhibits to the Defs Motion for Summary Judgment not provided	
01/10/2018	0.30	Phone conference with DA regarding MFL opposition (0.2); RR Comm from DA withdrawing lack of opposition to Motion for Leave to file Amended Complaint (0.1)	
01/11/2018	2.10	Strategy Conference – Discuss Motion for Leave to file Amended Complaint in light of DA withdrawal of agreement to file amended pleadings, basis for argument, outline	
01/11/2018	4.30	Research of key Case Citations and counter-authority as - Claims MSJ: warranty and DTP	
01/11/2018	3.70	Initial Research of key Case Citations and counter-authority MSJ: failure to warn and negligence	
01/12/2018	3.60	Review and analyze Vortens Lab inspection docs and photographs from ESI in preparation of expert conference on reports and disclosures	
01/15/2018	3.20	Initial draft of Plaintiffs' Expert Disclosures - class certification experts	
01/16/2018	1.40	TCF Capser and Meza-Arroyo re: finalization of expert report, underlying raw data, and formulation of graphs	
01/16/2018	6.60	Receipt and brief review of Ahearn expert report and all cited attachments to report and outline basic summary for disclosures (2.4); Receipt and review of Mecholsky expert report and draft inclusion of summary in disclosures (1.3); Receipt and review of Capser expert report and attachments to same and include summary in disclosures (2.9)	
01/17/2018	0.70	Receipt and review of SDT Response of Riverstone Builders	
01/17/2018	1.20	Conference call with NSC and Ahearn for explanation of Orton test results (0.9); Per notice from CT – DR and file Notice of Expert Disclosures and certificate of service of reports (0.3)	
01/17/2018	0.30	Multiple comm with DA re: joint inspection authority for Orton labs and producing reports	
01/17/2018	0.20	Phone conference with Scott Ratchick re: SDT response	
01/17/2018	1.60	Pleadings Strategy conference - modifications and expanding scope of	

		Second Amended Complaint since DA now opposed	
01/18/2018	3.40	Research, review and analyze rules and case authority re: MFL and complaint amendment	
01/18/2018	2.70	Amend Draft of MFL to file amended complaint in light of DA objections	
01/19/2018	0.20	Comm with DA re: DF request to narrow discovery requests and withdraw RFP Nos. 46, 49, 52, etc.	
01/19/2018	1.70	Review and finalize Second Amended Complaint and MFL to file same	
01/19/2018	2.80	Initial Draft of PL 4th RFP to DF (1.3); Initial Draft of PL 3rd RFA to DF (1.5)	
01/22/2018	1.80	Initial draft of 5th RFP and 2nd ROGS to DF	
01/22/2018	0.10	RR comm from Court docket clerk re: filing and Doc. # 73	
01/22/2018	1.20	Preliminary Research into applicable objections for discovery requests served on new PL class reps (Sousa, Stone, Handly) -- ROGS and RFP	
01/22/2018	0.10	RR Order re: Deadline to Oppose Motion for Leave	
01/23/2018	0.30	TCF counsel for Beazer re: follow-up on conversation about 3rd party SDT	
01/24/2018	0.40	TCF Ahearn re: additional information regarding Orton tests including additional strength test conducted by DF	
01/25/2018	2.90	Analyze DF Opposition to MFL to file 2nd Amended Complaint and outline key responsive args and cases for counter-research (1.5); Strategy Conference - args re: DF Opposition to MFL/2nd Amended Complaint (1.4)	
01/25/2018	1.60	RR additional testing photos and raw data from Orton Labs and ESI	
01/26/2018	0.40	Comm with Counsel for Northside Plumbing re: scope and timing of SDT response	
01/26/2018	0.20	Multiple comm with DA re: pending discovery requests and COC request for MTC	
01/26/2018	0.10	RR email from OC re: extension on pending discovery requests in lieu of MTC	
01/26/2018	0.40	Phone conference with Fabio & Merrill (Chaparral) and production related to SDT	

01/29/2018	0.10	RR Order Re: Addtn'l Briefing on Motion for Leave	
01/29/2018	3.20	Research, review and analyze rules and case authority for purposes of drafting response to Chaparral MTQ (1.5); Initial Draft of response to Chaparral MTQ (1.7)	
01/29/2018	3.50	Review and analyze DF Responses to 1st ROGS and compare same to corp rep depo testimony for inconsistencies and clarification (2.3); Review and analyze DF Responses to 2nd RFA and compare same to depo testimony (1.2)	
01/29/2018	0.30	Review and analyze DF SUPP PRODUCTION PORCELANA 00013553-13558	
01/29/2018	0.10	RR Email from OC re: later production of documents responsive to 4th RFP	
01/30/2018	10.30	RR email from counsel for Chaparral re: production (0.1); Continued drafting args and authorities portion of PL Response to DF Motion for Partial SJ (4.9); Modify statement of the facts and draft objections to include in response to MSJ (1.6); review and supplement documents intended for exhibits and citation in support of PL Response (2.4); Finalize record citations in PL Response to Claims MSJ (1.2)	
01/31/2018	4.80	Research key citations for subsequent history and counter-authority for use in PL Reply ISO of MFL (3.2); Initial DR PL Reply ISO MFL (1.6)	
02/01/2018	10.20	Continued drafting args and authorities portion of PL Response to DF Motion for Partial SJ (4.9); Modify statement of the facts and draft objections to include in response to MSJ (1.6); review and supplement documents intended for exhibits and citation in support of PL Response (2.4); Finalize record citations in PL Response to Claims MSJ (1.2)	
02/01/2018	4.10	Continued drafting of PL Response to DF Motion for Partial SJ - Missing Evidence (2.1); review and supplement documents intended for exhibits and citation in support of PL Response - Missing Evidence MSJ (0.8); Finalize record citations in PL Response to Missing Evidence MSJ (1.2)	
02/02/2018	0.90	TCT Capser and Dr. Meza-Arroyo re: NITD and SDT	

02/04/2018	0.60	Multiple comm with DA re: PL expert depositions and document production (0.5); Email from DA re: missing ESI photos and questions regarding testing results (0.1)	
02/04/2018	0.10	Email from DA re: missing ESI photos and questions regarding testing results	
02/05/2018	1.10	Comm with DA discussing scope of responses and associated objections and request for conference (0.3); Comm with counsel for Meritage re: SDT scope and timing (0.6); Comm with DA re: PL expert depositions and document production (0.2)	
02/05/2018	0.30	Comm with counsel for Meritage re: SDT scope and timing	
02/05/2018	0.20	Comm with DA re: PL expert depositions and document production	
02/06/2018	4.00	Review and analyze DF SUPP PRODUCTION (PORCELANA 00013559-13561) (0.3); Review and analyze Beazer SDT objections and documents produced subject to same (3.7)	
02/07/2018	0.10	Email from DA re: Objections and Responses to Ps discovery	
02/07/2018	0.80	Initial DR of NITD and expert file production for Jesse Angle and Brad James	
02/07/2018	0.30	Multiple comm with DA re: expert depositions	
02/07/2018	6.80	Receipt and review of DF supplementation of confidential "plant documents" – process, production and testing materials discussed and located during plant inspection but not produced prior to inspection (5.7); Comm with Dr. Capser's re: confidential plant documents produced (1.1)	
02/08/2018	0.70	TCT Shawn Capser re: deposition request	
02/08/2018	1.80	Expert Strategy Conference - Vortens confidential plant documents produced and expert deposition prep issues	
02/08/2018	4.00	RA DF Reply Brief ISO DFs MSJ and outline key issues for sur-reply (1.2); Research additional citations and counter-authority for Sur-reply to MSJ (2.8)	
02/08/2018	0.90	Phone conference with The Gerber Law firm re: impact of action on separate Vortens matter (0.5); DR corresp to DA outlining outstanding discovery requests and deficiency of responses and repeating	

		need for COC on MTC (0.3); RR Email from DA re: additional supp document production expectation (0.1)	
02/08/2018	0.40	Comm with Jeffrey Anderson re: builder SDT scope and timing	
02/08/2018	0.30	DR corresp to DA outlining outstanding discovery requests and deficiency of responses and repeating need for COC on MTC (0.3); RR Email from DA re: additional supp document production expectation (0.1)	
02/08/2018	0.30	Comm with Dr. Capser's re: confidential plant documents produced	
02/09/2018	4.70	Review DFs Reply briefing in support of partial MSJ, outline key arguments and evidence, and identify case authority for additional research	
02/09/2018	3.90	Research key Case Citations for counter-authority in preparation of MSJ sur-reply - Claims (1.6); Initial draft of MSJ Sur-Reply in Opposition of Claims MSJ (2.3)	
02/10/2018	0.90	TCT Capser regarding upcoming deposition and preparation of expert file for production	
02/12/2018	1.80	Review & Analyze MTQ filed by Mike Ray and outline responsive argument (0.6); Research, review and analyze cited authority and responsive cases for MTQ response (1.2)	
02/12/2018	0.70	Research, review and analyze cited authority and responsive cases for MTQ response	
02/13/2018	0.40	Multiple comm with Jeffrey Anderson (counsel for Mike Ray) re: document production proposal	
02/14/2018	0.20	RR Order Granting PL MFL to file 2nd Amended Complaint & Denying DF MSJ	
02/14/2018	2.30	Reseach, review and analyze counter-authority re: DFs failure to produce and depo transcript references for use in Response to Ray MTQ (0.9); DR of PL Response to Mike Ray MTQ (1.4)	
02/14/2018	1.30	Initial DR of PL Response to Mike Ray MTQ	
02/15/2018	6.60	Receipt and Initial review of DF Rule 26 Expert Disclosures (0.9); Review & Analyze DF James and Jesse Angle expert reports and all attachments (3.6); RA Wilson Martinez letter report and	

		altered discovery docs and compare to prior discovery (2.1)	
02/15/2018	1.40	Review & Analyze DF expert reports and all attachments	
02/15/2018	1.70	Comm with client Carreras re: SafeCo damages documents (0.7); Multiple Comm with DA re: SEM micrographs and production of additional pictures and docs (0.2); Comm with SafeCo adjuster re: representation of Carreras and necessary docs to respond to discovery (0.6); Multiple comm with DA re: Capser deposition (0.2)	
02/15/2018	0.20	Multiple Comm with DA re: SEM micrographs and production of additional pictures and docs	
02/15/2018	0.20	Multiple comm with DA re: Capser deposition	
02/16/2018	0.30	Comm with Carreras re: discovery responses and need to supplement discovery	
02/16/2018	2.70	RA DF 2ND SUPP OBJ AND RSPNS TO PL 1ST RFP and compare same to prior objections and responses (0.5); RA DF 2ND SUPP OBJ AND RSPNS TO PL 3RFP and compare same to prior objections (0.3); Begin review and analysis of supp bulk document production to determine general content and responsiveness (PORCELANA 13521-14398) (1.9)	
02/16/2018	2.90	RA DF 2ND SUP OBJ AND RSPNS TO PL 2ND RFP and compare same to prior obj and production	
02/16/2018	4.20	RA DF 2ND SUPP OBJ AND RSPNS TO PL 3RFP and compare documents produced to prior production/obj	
02/16/2018	3.00	Research, review and analyze case authority re: objections to expert SDT (1.7); Initial Draft of objections to Mecholsky SDT (1.3)	
02/16/2018	0.10	RR comm from DA re: spreadsheets production, issues with native format and PDF form	
02/16/2018	0.10	RR comm from DA re: additional document production pending to avoid MTC	
02/16/2018	0.40	Comm with Client Handly re: red-lined version of responses to Interrogatories with revisions	

02/16/2018	1.70	RR NITD of Capser and SDT (0.2); TCF Dr. Capser re: Defendants expert reports (0.9); TCT Meza-Arroyo re: comparison of new spreadsheet data (0.6)	
02/16/2018	0.90	Comm with Client Sousa re: forwarding discovery requests for review and changes	
02/16/2018	0.60	TCF Dr. Capser re: Defendants expert reports	
02/16/2018	0.10	RR comm from Anderson re: confirming representation of Mike Ray/Mike Ray Associates for depo	
02/16/2018	0.20	Comm with Client Stone re: forwarding discovery requests for review and changes	
02/16/2018	0.30	Comm with Client Handly re: forwarding discovery requests for reviwie and changes	
02/16/2018	0.10	Comm with DA re: follow-up on deposition notice for Dr. Capser conflicts (0.1); RR comm from DA re: amended NITD for Dr. Capser (0.2)	
02/16/2018	0.10	RR comm from DA re: amended NITD for Dr. Capser	
02/16/2018	0.10	RR comm from DA re: producing Reuss & Carrares demand letter	
02/16/2018	0.50	TCF Client Sousa with questions re: discovery responses	
02/17/2018	8.20	Continued review and analysis of supp bulk document production and outline key materials relevant to current expert discovery, dispositive motions, and certification (PORCELANA 13521-14398)	
02/18/2018	7.30	RR comm from DA re: DF experts need for additional comm with Orton lab (0.1); Continued review and analysis of supp bulk document production and outline key materials relevant to current expert discovery, dispositive motions, and certification (7.2)	
02/19/2018	0.10	Comm with DA re: service of Plaintiffs' Fourth Request for Production to Defendants	
02/19/2018	0.10	RR comm from Dale Mellencamp re: Vortens SDT production	
02/19/2018	0.10	RR comm from DA re: Orton lab and coordinating additional communications with DF experts	
02/19/2018	4.80	Analyze recent Vortens supplemental discovery to isolate additional documents to provide PL experts	

02/19/2018	0.10	RR comm from Capser office re: claims calculations	
02/20/2018	1.30	Draft amended NITD to Mike Ray with SDT	
02/20/2018	0.70	Comm with Client Sousa re: answers to Interrogatories	
02/20/2018	0.10	RR comm from Client Handly re: requesting conference on ROG questions	
02/20/2018	0.60	Conference with Client Handly re: answers to Interrogatories	
02/20/2018	0.40	Comm with Anderson re: obj to deposition and SDT of John Michael Ray/Mike Ray Associates, Inc.	
02/20/2018	0.10	RR comm from DA re: Orton lab	
02/20/2018	0.10	RR comm from David Ahearn re: Vortens testing - ESI file documents	
02/21/2018	5.10	Conference with Client Reuss re: answers to Interrogatories (0.7); Conference with Client Fessler re: answers to Interrogatories (1.1); Final review of Fessler Supp Answers to ROGS and Verification (0.3); Receipt and Initial review of Mike Ray Reply iso of Motion to Quash (0.4); Analyze Reply briefing, conduct initial research on cited cases, and outline args for sur-reply (2.5); RR comm from Ahearn's office re: DF expert depo notices (0.1)	
02/21/2018	0.10	RR comm from DA re: expert deposition of Wilson Martinez for Mexico appearance	
02/21/2018	1.70	Analyze all photographs of all PL tanks re: crack origin and propagation	
02/21/2018	0.10	RR comm from potential client re: requesting info for neighbors affected by Vortens case	
02/22/2018	1.20	Initial Draft of PL Sur-Reply to MTQ SDT of Mike Ray	
02/22/2018	2.10	Draft SDT and EX for service on CWR (0.5); Draft SDT and EX for service to Corbett Wingard entity (0.3); RR comm from Holland & Knight re: forwarding correspondence from Anderson on Ray representation (0.1); Draft SDT and EX for service on All-Tex (plumber) (0.5); Draft SDT and EX for service to Apex (plumber) (0.3); Draft SDT and EX for service to Dahl product rep (0.4)	

02/22/2018	0.30	Multiple comm with DA re: Wilson Martinez depo in Mexico, stipulations, and interpreter needs	
02/22/2018	0.20	TCT Meza-Arroyo re: attendance at Martinez deposition in Monterrey, MX	
02/23/2018	0.10	RR comm from Anderson re: follow-up to call yesterday about the amended SDT and testimony	
02/23/2018	0.10	RR comm from DA re: defense requirements for deposition of Wilson Martinez	
02/23/2018	0.10	RR comm from Capser's office re: availability of individual claim file materials	
02/26/2018	1.40	Conference with Capser and Meza-Arroyo regarding conflicts in DF discovery and effect on opinions	
02/26/2018	0.30	Conference with Defense Counsel re: Second Amended Class Cert Scheduling Order	
02/26/2018	0.90	Initial Draft of Joint Motion for entry/DR 2nd Amended Certification Scheduling Order	
02/26/2018	0.20	Conference with DA re: final proposed motion and ASO	
02/26/2018	0.10	RR comm from Anderson re: acknowledging receipt of 3 additional subpoenas on Mike Ray entities	
02/26/2018	0.10	RR comm from DA re: Joint Motion to Extend Deadlines and hearing	
02/26/2018	0.20	Multiple comm with DA re: Martinez depo in federal jurisdiction location	
02/27/2018	0.60	Draft NITD to Wilson Martinez to occur in E.D. jurisdiction location with SDT	
02/27/2018	7.90	Expert depo prep - Martinez (RA summary outlines of all production to identify potential exhibits) (3.9); review PL expert reports and compare same to opinions in DF reports and outline discrepancies for examination (2.8); compare modification of DF discovery and its conformance with Martinez letter report (1.2)	
02/27/2018	0.10	RR comm from DA re: confirming amended NITD of Wilson Martinez	
02/27/2018	0.10	RR comm from Capser office re: conference with Dr. Capser and Dr. Meza prior to Martinez depo	
02/27/2018	0.10	RR comm from DA re: 2nd Amended Notice of Deposition of David Ahearn and SDT	

02/28/2018	1.00	Teleconference with Dr. Capser and Dr. Meza-Arroyo - re: deposition prep (0.9); RR Notice of Class Certification Hearing Setting (0.1)	
02/28/2018	3.90	RA Answer to Amended Complaint and research all pleaded defenses	
02/28/2018	0.20	Review SDT Response of Partners in Building	
02/28/2018	4.10	Prepare for Capser deposition - review all expert reports, expert documents relied upon (2.4); Isolation of anticipated Capser Deposition Exhibits (1.7)	
02/28/2018	1.50	Isolation of anticipated Capser Deposition Exhibits	
02/28/2018	0.20	RR comm from intake client re: email conversations had with Vortens on defective toilet	
03/02/2018	5.40	RR comm from DA re: anticipated expert depo attendees (0.1); RR comm from intake client re: notice that lawsuit is ongoing and providing additional info (0.3); Prepare for deposition of Capser: RA PL report and expert file materials significant documents highlighted in report, articles cited in report (3.2); Research Six Sigma in manufacturing processing as recommended by Capser (1.8)	
03/04/2018	6.10	Travel to Michigan for deposition of Shawn Capser (3.5); Deposition Prep with expert: Capser (RA expert file materials and anticipated CX) (2.6)	
03/04/2018	2.60	Deposition Prep with expert: Capser (RA expert file materials and anticipated CX)	
03/05/2018	9.70	Pre-deposition meeting with Capser to review documents to produce responsive for subpoena and ensure responsive subject to objections and answer additional questions to depo procedure by Capser (2.1); Attend and defend Deposition of expert Shawn Capser (4.8); Return travel from Michigan - Capser depo (3.4)	
03/05/2018	3.40	Return travel from Michigan - Capser depo	
03/05/2018	0.10	RR comm from Dhillon Arshad re: employment contract returned and additional info, etc.	
03/06/2018	3.20	TCT Client Stone re: review of all discovery responses and documents (0.9); Finalize all objections and responses to Stone discovery (1.6); Receipt and review	

		of Stone verification, confirm redactions, and prepare documents for production (0.7)	
03/06/2018	0.80	Finalize all objections and responses to Stone discovery	
03/06/2018	2.30	TCT Client Sousa re: review of all discovery responses and documents (0.9); Finalize all objections and responses to Sousa discovery (1.1); Receipt and review of Sousa verification, confirm final doc redactions (0.3)	
03/06/2018	0.70	Finalize all objections and responses to Sousa discovery	
03/06/2018	2.70	RR comm from Anderson re: Mike Ray and Mike Ray & Associates and scope of depo docs (0.1); TCT Client Handly re: review of all discovery responses and documents (0.7); Finalize all objections and responses to Handly discovery (1.9)	
03/06/2018	0.70	TCT Client Handly re: review of all discovery responses and documents	
03/06/2018	0.60	Finalize all objections and responses to Handly discovery	
03/07/2018	0.10	RR CT Order Re: Ray MTQ and Response briefing	
03/07/2018	0.10	Corresp. to DF Re: expert attendees permitted under FRCP for DF expert depositions (0.1); RR comm from DA re: Wilson Martinez report and corrected documents (0.2)	
03/07/2018	0.10	RR comm from DA re: Wilson Martinez report and additional corrected documents	
03/07/2018	7.40	Deposition prep for DF expert - Martinez (outline questions, identify potential exhibits, research process opinions) (4.9); Expert Strategy Conference - Martinez expert deposition prep (scope, strategy, exhibits) (1.2); TCT Meza-Arroyo regarding defect production charts in prep of Martinez depo (1.3)	
03/07/2018	1.20	Continued Martinez expert deposition prep (scope, strategy, exhibits)	
03/07/2018	1.30	Initial DR of NITD and expert file production requests for Jesse Angle and Brad James (0.9); Multiple comm with DA re: expert depositions (0.3); Email from DA re: Objections and Responses to Ps discovery (0.1)	

03/08/2018	9.10	RA DF Objections and Responses to Martinez SDT (0.1); Attend and Cross-examine DF expert Wilson Martinez (9.0)	
03/09/2018	1.90	Review and analyze transcript of Mecholsky for confidentiality designations, errors, and responsiveness (1.9); RR comm from DA re: additional production needed from Capser/Meza-Arroyo (0.1)	
03/09/2018	0.10	RR comm from DA re: additional production needed from Capser/Meza-Arroyo	
03/09/2018	0.30	DR corresp to Capser and Meza-Arroyo re: additional discovery responses from Defendant for review and consideration in opinions (0.2); RR comm from Anderson re: still gathering responsive SDT documents (Ray Depo) (0.1)	
03/09/2018	0.10	RR comm from DA re: additional DF document production	
03/09/2018	0.10	RR comm from Anderson re: still gathering responsive SDT documents	
03/12/2018	0.10	RA DF Response to PL Objections on SDT of Mecholsky and request to compel additional response	
03/12/2018	0.30	RR comm from Anderson re: pending documents production responsive to Ray entities SDTs	
03/15/2018	4.60	Review and analyze Objections and Responses of Northside Plumbing SDT	
03/15/2018	0.10	RR corresp from Ahearn re: additional documents to review	
03/16/2018	1.60	Analyze DFs SDT to Ahearn and research FRCP conformity and objections (0.5); Initial Draft of responses/objections to Ahearn SDT (1.1)	
03/16/2018	0.90	Initial Draft of responses/objections to Ahearn SDT	
03/16/2018	5.60	Review and analyze CWR SDT Response, Production, and Objections and compare CWR document production with gaps in DF production (5.4); Multiple comm with Anderson re: responsive documents withheld from CWR subpoena response (0.2)	
03/16/2018	0.20	Multiple comm with Anderson re: responsive documents withheld from CWR subpoena response	
03/16/2018	1.20	Joint Conference - Mike Ray deposition prep (scope, strategy, exhibits)	

03/16/2018	0.10	RR comm from Ahearn re: Vortens discovery review	
03/16/2018	2.70	RA all emails between Ray and Vortens, compare same to DF production, and isolate for depo exhibits	
03/17/2018	0.10	RR comm from re: necessity of amended NITD for Ahearn deposition	
03/17/2018	0.30	Multiple comm with Dr. Capser re: deposition transcript review questions	
03/19/2018	0.30	Multiple comm with DA re: discovery conference prior to MTC	
03/19/2018	0.10	RR comm from Anderson re: Mike Ray production in response to deposition subpoena	
03/19/2018	0.90	RA documents produced by Ray counsel for deposition subpoena	
03/19/2018	5.40	Prepare for Mike Ray deposition - isolate key exhibits and outline cross-examination	
03/19/2018	0.10	RR comm from Anderson re: second production to Ray depo SDT forthcoming	
03/21/2018	0.10	Comm with client Burke re: toilet tank fracture and class action info	
03/21/2018	1.60	RA DFs Objections and responses to 2nd ROGS and compare same to prior responses and testimony	
03/21/2018	1.10	RA DFs Objections and responses to 3rd RFA and compare same to prior admissions and testimony	
03/21/2018	7.90	RA DFs Objections and responses to 5th RFP and analyze all responsive docs produced (3.8); Travel to Houston for deposition of Mike Ray/Ray & Assoc./CWR (4.1)	
03/21/2018	0.10	RR comm from DA re: whether production resolves the need for COC on MTC	
03/21/2018	0.10	RR comm from DA re: additional production still needed and extension request	
03/21/2018	4.10	Travel to Houston for deposition of Mike Ray/Ray & Assoc./CWR	
03/21/2018	0.10	RR comm from Patis Lee re: Vortens toilet units and damage to townhome	
03/22/2018	6.20	Attend and Cross-examine Mike Ray (individually, CWR, Mike Ray & Assoc. rep) (6.2); Return travel from Houston after deposition of Mike Ray (4.2)	
03/22/2018	4.20	Return travel from Houston after deposition of Mike Ray	

03/23/2018	8.20	RR comm from Dr. Capser re: additional translation of file materials (0.1); TCT Capser and Meza-Arroyo re: claims translations, spreadsheets translations and confidential plant document translations (1.9); isolate all production defect, testing, manufacturing processing docs and product classification prior to distribution materials, informal translation summaries and outline materials for certified translations (6.2)	
03/23/2018	0.10	RR comm from counsel re: Meritage compliance with document request	
03/24/2018	6.40	Deposition prep for DF expert – Jesse Angle (outline questions, identify potential exhibits, research underlying sources of opinions) (4.9); Expert Strategy Conference – Brad James and Jesse Angle: expert deposition prep (scope, strategy, exhibits, division) (1.5)	
03/26/2018	1.30	Teleconference with Dr. Capser and Dr. Meza-Arroyo - re: supplemental report, new doc production, and review of translations of production data	
03/26/2018	0.10	RR comm from Day Translations re: translation certifications and discrepancies	
03/26/2018	0.10	Multiple comm with DA re: amended Ahearn NITD	
03/26/2018	2.60	RR email from DA re: motion to modify scheduling order for expert depositions and motions (0.1); Multiple comm with Capser re: updated claims records and depo of Wilson Martinez (0.8); Teleconference with Dr. Capser and Dr. Meza-Arroyo - re: supplemental report needs (1.4); RR comm from Day Translations re: translation certifications and discrepancies (0.3)	
03/26/2018	0.60	Multiple comm with Capser re: updated claims records and depo of Wilson Martinez	
03/27/2018	0.10	RR Ds Third Amended Notice of Depo for David Ahearn and SDT	
03/29/2018	3.10	RA DFs 1st Supp to Objections and responses to 2nd ROGS and compare same to prior responses and depo testimony (2.4); RA DFs 1st Supp Objections and responses to 3rd RFA and compare same to prior admissions (0.7)	

03/29/2018	0.30	RA DFs 1st Supp Objections and responses to 3rd RFA and compare same to prior admissions	
03/29/2018	5.90	RA DFs 1st Supp Objections and responses to 5th RFP and voluminous responsive docs attached	
03/29/2018	0.10	RR comm from DA re: link containing Ds 1st Supplemental Objections and Responses to 3rd RFP	
03/30/2018	3.80	RR comm from CR re: Wilson Martinez transcript (0.2); Initial review of Martinez deposition in light of new document production, Capser deposition, and status of supp report being drafted (3.6)	
03/30/2018	6.60	RR comm from OC re: link for inspection photographs (0.1); Review upload of expert photos and testing data (including exemplar testing not previously disclosed) (4.8); RA additional defense expert file materials uploaded re: deposition summaries and corresp (1.6); RR comm from DA re: spreadsheets related to the additional testing & publications from exponent files (0.1)	
03/30/2018	0.10	RR comm from DA re: additional delay in producing remainder of Exponent expert files	
04/02/2018	2.90	Email from OC re: Exponent expert file, emails and counsel comm (0.1); Email from Anderson re: Mike Ray & Associates document supplementation (0.1); RA additional docs produced by Ray and compare same to DF production (0.9); RA Mike Ray transcript (1.8)	
04/02/2018	0.10	Email from Anderson re: Mike Ray & Associates document supplementation	
04/03/2018	4.70	RA Capser's Errata sheet and cross-check against transcript testimony (0.5); Continue prep for deposition of DF expert Angle – isolate key documents in Exponent file for use in CX outline and as depo exhibits (4.2)	
04/05/2018	1.90	Joint Strategy Conference re: status of all third-party subpoena responses and priority of missing docs	
04/06/2018	3.30	Participate in Discovery Conference re: additional third-party SDTs to distributors based on vendor numbers (0.7); RA 2nd SUP RSPNS TO 3RD RFA and 2ND ROGS and compare same to prior testimony/resps/objs (1.2); RA 2nd SUP	

		RSPNS TO 5TH RFP to determine whether objections are still maintained (0.4); RA PORCELANA 00014697-14704 for general content and scope of responsiveness (0.8); Multiple comm with DA re: documents still outstanding under proposed MTC (0.2)	
04/06/2018	0.80	RA 2nd SUP RSPNS TO 3RD RFA, 5TH RFP, and 2ND ROGS and compare same to prior resps/objs	
04/06/2018	0.30	Review and Analyze new document production and determine whether responses are complete	
04/06/2018	0.10	Multiple comm with DA re: documents still outstanding	
04/09/2018	5.90	RR Email from OC re: additional document supplementation still intended (0.1); Review and begin analysis of extensive new document production (PORCELANA 000143920-16668) (5.8)	
04/09/2018	4.80	Conduct research into injunctive class relief for inclusion in class certification motion/brief	
04/09/2018	0.50	Multiple comm with clients re: supplemental documents needed for RFPs	
04/09/2018	0.30	Draft document list for SDT attachment to individual key distributors	
04/09/2018	0.40	Draft SDT and include document exhibit for service on Hajoca (0.4); Draft SDT and modify document exhibit for service on Home Depot (0.5); Draft SDT and include document exhibit for service on Mega Western (0.3);	
04/09/2018	0.50	Draft SDT and modify document exhibit for service on Home Depot	
04/09/2018	0.30	Draft SDT and include document exhibit for service on Mega Western	
04/09/2018	0.10	Draft SDT and include document exhibit for service on Lowe's Home Improvement	
04/10/2018	4.20	Email from OC re: service of voluminous claim files (0.1); Continue analysis of extensive new document production (PORCELANA 000143920-16668) to isolate docs for experts and consider for certification motion (4.1)	
04/10/2018	0.50	Email to OC re: production received and noting that still missing interrogatory responses, etc. (0.1); Multiple comm with DA re: Dr. Meza-Arroyo's deposition and file materials (0.4)	

04/10/2018	1.80	Email from OC re: outstanding issues and conversation with adjuster and June mediation date (0.1); Multiple comm with DA re: Dr. Meza-Arroyo's deposition and file materials (0.1); Draft SDT and include document exhibit for service on Mustang Plumbing (0.4); Draft SDT and modify document exhibit for service on Mansfield Plumbing /new Vortens entity (0.6); Draft SDT and modify document exhibit for service on Mansfield Plumbing /new Vortens entity (0.6)	
04/11/2018	0.60	Multiple conf with Capser re: additional docs from new production that need to be translated for supp report use	
04/11/2018	8.30	Class Strategy Conference re: Class certification motion/memo outline (1.6); Research -- class action burden of proof, SOR, Fifth Circuit specific case authority for Rule 23 elements (6.7)	
04/11/2018	0.50	RA DF Supp to PLs 3rd RFA, 5th RFP, and 2nd Rogs and compare same to prior responses	
04/11/2018	2.30	Multiple calls with clients regarding supplemental responses to DFs 2nd RFP (0.6); Finalize Amended responses and objections for PL 1st Supp Responses to DFs 2nd RFP (1.7)	
04/11/2018	0.30	Multiple e-mails with DA re: additional production and confirming insurance policy information (0.3); Outline continued doc dispute and request phone conference with DA for MTC (0.2)	
04/11/2018	0.10	Email from DA re: Ds 2nd Supp responses to Plaintiffs' discovery and reasons for continued delay	
04/11/2018	0.20	Outline continued doc dispute and request phone conference with DA for MTC	
04/12/2018	8.10	Continued review and analysis of new document production - claim files (PORCELANA 00014392-16668)	
04/13/2018	0.10	Email from DA re: insurance policy and the product liability policy	
04/13/2018	0.30	Multiple comm with DA re: producing non-bates labeled spreadsheet for cases/tanks identified by PLs	
04/13/2018	0.10	Email from OC re: production scope of subrogation case files from before the sale of Sanitarios	

04/13/2018	5.80	Continued review and analysis of DF document production and draft notes of same in light of certification record needs (production through DF 16668)	
04/13/2018	0.20	Comm with DA re: agreement as to NITD of Dr. Meza-Arroyo	
04/15/2018	6.40	Class Certification Motion - continued research, review and analysis of Rule 23 elements for briefing use	
04/15/2018	0.80	Strategy Conference re: Class certification motion/memo elements and structure	
04/16/2018	0.10	Email from OC re: no conflicts with early June mediation as adjuster trial rescheduled	
04/16/2018	6.70	Class Certification Motion - research, review and analyze Fifth Circuit-specific authority for national certification allowance	
04/17/2018	1.60	Strategy Conference re: key documents to provide mediator; certification record - PL Declaration needs	
04/17/2018	0.60	TCT client Fessler re: outline of Declaration, consistency with discovery responses and request for review	
04/17/2018	0.30	TCT client Sousa re: outline of Declaration, consistency with discovery responses	
04/17/2018	3.90	Class Certification Motion - research, review and analyze Rule 23(b) 5th Cir authorities	
04/18/2018	1.80	Class Certification Motion - research, review and analyze Rule 23(c) case authority	
04/18/2018	3.90	Class Certification Motion - research, review and analyze Rule 23(b)(2) case authority (injunction class) and draft initial args and authorities	
04/18/2018	4.80	Review and Analyze extensive new document production (PORCELANA 16669-35148) -- begin claims file review and analysis for certification record and expert supp report	
04/19/2018	4.20	Class Certification Motion - DR factual background, class definition, standard of review	
04/19/2018	0.90	Research review and analyze case authority and FRCP re: expert requirements for purposes of MTE	

04/19/2018	1.40	Initial outline for draft of MTE Brad James - factual background and scope of challenge	
04/19/2018	0.10	Email from Chris Nolland office re: requesting mediation details	
04/19/2018	3.30	Continued analysis of extensive new document production (PORCELANA 16669-35148)	
04/20/2018	0.60	TCF Michael Baumrind re: confirming representation of Home Depot and SDT scope	
04/20/2018	0.10	Comm with DA re: Plaintiffs' Supplemental Expert report	
04/20/2018	4.60	Class Certification Motion - initial draft of Rule 23(a) elements args and authorities	
04/20/2018	0.10	RR comm from Shawn Capser re: forwarding signed expert supp report	
04/20/2018	3.80	Review outline summaries of all docs produced by third parties and isolate relevant materials to include in certification argument and record	
04/23/2018	2.60	Review and analyze DF Motion to Exclude Capser opinions and documents attached to same (1.7); TCT Capser re: MTE opinions (0.9)	
04/23/2018	0.80	TCT Capser to discuss Motion to Exclude	
04/23/2018	0.70	Final review and edits of MTE James and finalize same for filing	
04/23/2018	6.90	Class Certification Motion - Initial draft of Rule 23(b)(3) elements args and authorities	
04/24/2018	0.10	Email from Chis Nolland office re: mediation	
04/24/2018	1.70	Conference re: discovery documents with confidential designations amd discuss validity of same	
04/24/2018	8.00	Class Certification Motion - Initial draft of Rule 23(b)(2) and (c)4 elements args and authorities (3.8); review and amend adequacy, numerosity, ascertainability elements/arguments in certification brief (4.2)	
04/24/2018	0.40	TCT DA re: improper confidentiality designations for purposes of certification record and whether agreement can be reached to avoid voluminous docs filed under seal	
04/24/2018	0.90	DR proposed Stipulation re: confidentiality designations of DF production	

04/25/2018	0.20	Confirmation of Stipulation agreement on confidentiality designations from DA and file same	
04/25/2018	3.40	Ongoing review of document summary outline and designation of key documents for certification record	
04/25/2018	5.00	Continued drafting of certification args and authorities - pleaded causes of action for predominance (2.2), commonality and typicality (2.3); and adequacy (0.5)	
04/26/2018	0.20	Multiple comm with DA re: confidentiality designations and approval to file Stipulation	
04/26/2018	1.90	RA scope of research compendium on national uniformity of strict product liability law for cert motion	
04/26/2018	3.80	Continued drafting of certification args and authorities - national consistency of pleaded causes of action and superiority element	
04/26/2018	0.40	TCF Handy client re: status and questions of Declaration for certification record	
04/26/2018	0.10	Email to Handy client re: Declaration for review and signature	
04/26/2018	2.70	Conference re: Certification Record Scope and Volume status including Sealed certification volume	
04/26/2018	0.90	RA scope of research compendium on national uniformity of negligence law for cert motion	
04/27/2018	3.70	Continued drafting of certification args and authorities - national consistency of strict products liability (1.6); negligence law (0.9); and warranty law (1.2)	
04/27/2018	0.10	Conference with DA re: approval of stipulation for withdrawal of confidentiality designations	
04/27/2018	0.90	DR Joint Motion Requesting Approval of Designation Withdrawals for certain discovery upon receipt of DF comments and approval	
04/27/2018	1.40	RA scope of research compendium on national uniformity of warranty law for cert motion	
04/27/2018	2.10	Continued drafting of certification args and authorities - statement of facts and record citations	

04/28/2018	0.20	RR OC re: attaching the designation of confidential testimony and exhibits for Wilson Martinez	
04/28/2018	0.30	RR Ahearn executed Declaration and incorporate same into Motion for Certification	
04/28/2018	0.10	RR Email from OC re: question about trade inscriptions and what documents are referenced for request to remove confidentiality designations	
04/28/2018	2.30	Certification Record - RA deposition transcript of Martinez and designate excerpts for record	
04/28/2018	0.10	RR Email from David Ahearn re: privileged materials under expert rules FRCP and attached article	
04/28/2018	2.60	Continued drafting of cert args and authorities -hybrid certification request under FRCP 23(b)(2)	
04/28/2018	4.90	Research life expectancy of tanks (1.3); Research warranty offerings by other manufacturers and compare to short warranty by Vortens (1.2); TCT expert David Ahearn re: expected life of tanks (0.5); Certification Record -- Review all evidence identified for Volume 1 and incorporate record citations throughout brief as needed (1.9)	
04/29/2018	0.30	TCT client Carreras re: amended responses to ROGS	
04/29/2018	0.40	DR Carreras Amended responses to ROGS and forward same to Carreras for accuracy and verification	
04/29/2018	1.40	DR RBS Declaration for inclusion in Certification Record for adequacy as class counsel	
04/29/2018	2.10	TCF expert Shawn Capser re: Declaration for inclusion in certification record (0.6); Incorporate Capser record citations throughout brief as needed (1.5)	
04/29/2018	1.90	Certification Record -- designate and review all evidence for Volume 2 (PL Docs and declarations) and incorporate citations in SOF and through brief	
04/29/2018	4.30	Certification Record -- designate and review all evidence for Volume 3 (DF docs) and incorporate record citations throughout brief as needed	

04/29/2018	1.60	Certification Record -- designate and review all evidence for Volume 4 (PL Experts) and cite in brief as relevant	
04/29/2018	0.10	RR corresp from Ahearn re: Finalization of Declaration for Certification Motion	
04/30/2018	5.80	Motion for Class Certification - Comprehensive record citations review to ensure confidentiality protections and segregate for Sealed volume	
04/30/2018	4.90	Final Review, amendments, citations, and record modifications of Certification motion	
04/30/2018	1.90	Certification Record -- designate and review all evidence for Volume 5	
05/01/2018	3.50	Multiple comm with DA re: sealed documents submitted in support of class certification (0.2); TCT DA re: agreement on filing of joint motion to dismiss certain plaintiffs (0.1); RR corresp from CT clerk re: dismissal of Sander plaintiffs and proposed Order (0.1); RA DFs Second Motion for Partial Summary Judgment and outline key citations and arguments for analysis (3.2)	
05/01/2018	0.10	RR corresp from CT clerk re: dismissal of certain plaintiffs and proposed Order	
05/01/2018	0.10	TCT DA re: agreement on filing of joint motion to dismiss certain plaintiffs	
05/02/2018	3.40	TCF Court clerk re: class certification evidence record volumes (0.2); Prepare Sealed Records documents in separate format for hard copy production to CT and DA (0.6); Begin research into case authority in DFs Second Motion for Partial SJ (2.6)	
05/02/2018	5.10	Research, review and analyze DF citations and responsive case authority for response to MTE Capser (1.6); Review DF's Capser deposition citations in MTE and transcript for rebuttal in drafting PL Response (1.9); Outline key points for draft of Response to MTE Capser (1.6)	
05/02/2018	0.90	Review DF's Capser deposition citations in MTE for rebuttal in drafting PL Response	
05/02/2018	1.20	Initial Draft of Response to MTE Capser - factual background and scope of opinions	
05/02/2018	0.60	Per CT - draft and file proposed Order on Ps Motion for Certification	
05/03/2018	0.10	Comm from potential client re: follow-up email to confirm receipt of photos, etc.	

05/04/2018	0.40	Research requirements and citations for Joint Motion for Order on Partial Dismissal (Sander)	
05/04/2018	1.20	Initial Draft of Joint Motion for Partial Dismissal of Sander PLs	
05/04/2018	0.10	Conference with Defense Counsel re: Joint Motion and approval to file	
05/04/2018	0.20	Final Review and modifications of Joint Motion to Dismiss Sander and finalize same for filing	
05/04/2018	0.90	Initial Draft of Response to MTE Capser - arguments and authorities (SOR, Daubert)	
05/04/2018	3.10	Review and analyze documents produced by Mega Western and compare same to DF production	
05/04/2018	0.10	Corresp with OC re: agreement and drafting of Notice of Joint Mediator pleading	
05/06/2018	0.40	TCF DA re: stipulation to Limit Testimony of James in response to MTE expert opinions	
05/06/2018	0.30	RA DF proposed Stipulation to Limit expert testimony of Brad James	
05/06/2018	3.90	Draft of Response to MTE Capser - args and authorities (statistics, supplementation, authority) (1.8); Review the 13 exhibits attached and incorporated into DFs Second MSJ (2.1)	
05/06/2018	0.10	Comm with DA re: agreement with Joint proposed Order granting partial dismissal of settled PLs	
05/07/2018	0.90	TC with Capser re: response to MTE Capser testimony and evidentiary attachments	
05/07/2018	2.90	Isolate doc production supplementation, Capser expert file and all Capser reports for MTE record	
05/07/2018	1.40	Review, analyze and amend: Response MTE Capser including record citations for final working draft	
05/07/2018	0.20	Confer with DA re: necessity of response to Mtn to Limit James in addition to Stip	
05/08/2018	1.50	DR final amendments to PLs Response to MTE Capser, verify all record citations and finalize for filing	
05/08/2018	0.30	TCF Reuss re: case update and status of litigation	

05/09/2018	2.50	Joint Conference: status of SDTs, additional third party subpoenas needed, and gaps in DF production	
05/09/2018	0.10	RR response corresp from Mansfield counsel re: Vortens subpoena scope and timing	
05/09/2018	0.60	TCT Mansfield counsel re: SDT scope	
05/10/2018	0.10	RR email from Mediator to all counsel re: mediation statements	
05/10/2018	0.80	DR lengthy discovery email to DA re: discovery issues and required conference prior to MTC	
05/11/2018	0.40	Draft SDT and include document exhibit for service on Summit Sales	
05/11/2018	0.30	Draft SDT and modify document exhibit for service on Will & Pierce Agency	
05/11/2018	0.10	RR Email from OC re: Defendants supplemental production of Bates PORCELANA00035149	
05/11/2018	0.20	Draft SDT and include document exhibit for service on Spirit Group	
05/11/2018	0.20	Draft SDT and include document exhibit for service on Smith & Stevenson	
05/14/2018	2.80	Joint Conference: Mediation Statement Outline - key facts, pleadings, class cert scope, damages	
05/14/2018	0.10	RR errata and confidentiality designations - Wilson Martinez	
05/14/2018	0.10	Email from Michael Hino, Moore/Hajoca counsel re: Vortens subpoena and requesting conference	
05/14/2018	0.40	Draft SDT and include document exhibit for service on Pulley & Assoc.	
05/15/2018	6.00	Review & Analyze DF reply briefing (Capser MTE), isolate key citations for research and arg (2.9); Research all Case Citations and record citations in Reply briefing for purposes of Sur-Reply (1.8); DR responsive outline and counter-authority arguments (1.3)	
05/15/2018	0.20	Conference with DA re: page limit violation of MSJ and intent to file Mtn for Leave for Response pages	
05/15/2018	0.20	RR multiple comm with mediator re: mediation schedule, attendees with authority and scope	

05/16/2018	2.50	Review SDT Response of Pulley & Associates for relevant docs and compare to DF production	
05/16/2018	0.10	Confer with Counsel re: motion for leave to file additional responsive pages (MSJ)	
05/16/2018	0.70	Research, review and analyze FRCP, local rules and grounds for leave to exceed briefing pages	
05/16/2018	1.10	DR PL Motion for Leave to File Excess Pages in Response to DF's MSJ	
05/16/2018	0.10	Corresp from OC re: opposition to retroactive approval to file Motion for Leave on page limit for MSJ	
05/16/2018	0.10	RR DF Unopposed Motion for Leave to File Excess Pages	
05/16/2018	2.30	Initial draft of PL Sur-Reply in Opp of MTE Capser	
05/16/2018	0.10	RR Order Re: PL Response due to MSJ (incorrect deadline)	
05/16/2018	0.10	Comm with DA and Court Clerk re: erroneous Response Order	
05/16/2018	2.80	Research into insurance policy representations - other case production, references in claims files	
05/17/2018	1.60	Continued draft of PL Sur-Reply in Opp of MTE Capser	
05/17/2018	0.50	TCF Davenport re: Spirit document production responsive to SDT	
05/18/2018	0.10	RA Order Striking DF MSJ and resetting MSJ deadlines and Response Deadlines	
05/18/2018	0.10	RA OC corresp re: attaching supp docs showing the manufacturing production for omitted tank models	
05/18/2018	4.60	RA DFs supplementation of manufacturing production and defect data for 3404, 3436 and 3425 for omitted years	
05/18/2018	2.60	Joint Conference: Mediation Statement and Packet supporting class demand and range/scope of relief	
05/21/2018	1.90	Review and analyze SDT response of Summit Sales and compare to DFs doc production	
05/21/2018	0.10	Email from Judge Office re: anticipated motion filing	
05/21/2018	0.20	Email from OC re: questioning whether to file joint motion or separate requests for leave (0.1); Email to OC re: conference on	

			motions for leave to file excess pages (0.1)	
05/21/2018	0.10		Email to OC re: conference on motions for leave to file excess pages	
05/21/2018	0.10		Email from OC re: intention to file Motion to exclude Dr. Capser's supplemental report (0.1); DR corresp to DA re: conference on the merits of a Mtn to strike supp report based on timeliness (0.1)	
05/21/2018	0.10		DR corresp to DA re: conference on the merits of a Mtn to strike supp report based on timeliness	
05/21/2018	2.40		RA DF Motion to Exclude Capser Supp Report as untimely, outline citations relief on in the Mtn for research, and review all attachments to same (1.8); TCT Dr. Caper re: DFs Motion to Strike Supp Report (0.6)	
05/21/2018	0.60		TCT Dr. Caper re: DFs Motion to Strike Supp Report	
05/21/2018	0.10		Multiple emails with Email t/f Judge Office re: class certification hearing	
05/21/2018	0.50		Review PLs prior MFL to file Additional Pages for certification briefing and modify same for new filing if no agreement	
05/22/2018	0.10		RR DFs proposed Order not originally included in filing of Ds Motion to Strike Supp Report	
05/22/2018	1.00		Conference with DA re: Joint Mtn for Leave for Additional pages (0.1); Initial Draft of Joint Motion for Leave and forward same to DA for review and comment (0.8); RR DA's suggested modifications to Joint Motion and amend (0.1)	
05/22/2018	0.80		Initial Draft of Joint Motion for Leave and forward same to DA for review and comment	
05/22/2018	0.10		RR DA's suggested modifications to Joint Motion and amend	
05/23/2018	0.40		TCF DA re: needs written demand from PL in advance of mediation for client/adjuster prep	
05/23/2018	2.80		Joint Conference re: DA request for formal written demand prior to mediation and outline same	
05/23/2018	3.80		Initial draft of comprehensive Settlement Proposal to DF at request of DA	
05/24/2018	0.10		RR SDT update from process server re: outstanding subpoenas and receipt response to follow-up	

05/24/2018	1.90	Continued draft of comprehensive Settlement Proposal to DF at request of DA	
05/24/2018	3.70	Research settlement models approved in 5th Cir and draft risk matrices to include with PL Proposals	
05/24/2018	1.80	Joint Conference re: PLs Settlement Proposal, risk memorandums/matrices, and mediation statement	
05/25/2018	1.60	Review working draft of Mediation Statement and Mediation documents and modify same	
05/25/2018	0.10	RR email from counsel for Hajoca re: sales numbers	
05/28/2018	3.90	Receipt and Initial review of DF Amended Motion for Partial MSJ Re: "Causes of Action" on Pleaded Claims (1.4); Analyze evidentiary attachments to Claims MSJ and outline rebuttal exhibits (1.8); Identify citations in "Claims" MSJ for research and counter-authority (0.7)	
05/28/2018	2.80	Initial research – "failure to warn" challenge in MSJ	
05/28/2018	0.10	Email from Mediator office to all counsel re: mediation attendance and client authority	
05/28/2018	3.60	Receipt and Initial review of DF Amended Motion for Partial MSJ Re: "Missing Evidence" (1.2); Identify citations in "Evidence" MSJ for research and counter-authority (0.9); Analyze evidentiary attachments to "Missing Evidence" MSJ and outline rebuttal exhibits (1.3); Correp to Ahearn re: James Declaration attached to MSJ on use of photos for fracture analysis (0.2)	
05/28/2018	1.30	Analyze evidentiary attachments to "Missing Evidence" MSJ and outline rebuttal exhibits	
05/28/2018	0.10	Email from OC re: requesting timing of PL pre-mediation demand	
05/29/2018	0.10	Email from OC to mediator office re: attendance at mediation and names of additional attendees	
05/29/2018	0.10	Email from Judge office re: hearing date and motions response	
05/29/2018	0.10	DR response email to Judge office re: response to Doc. 135 being moot	

05/29/2018	0.70	Research, review and analyze SJ standards and burdens under FRCP for both MSJ responses	
05/29/2018	2.40	Research, review and analyze counter-case authority re: underlying elements of DTPA as pleaded and challenged	
05/29/2018	1.60	Initial draft of PLs Response to DFs Claims MSJ - summary of response, statement of significant facts	
05/29/2018	4.60	Research, review and analyze SJ standards and burdens under FRCP for inclusions in both MSJ responses (0.7) Initial draft of Response to DFs Claims MSJ - args and authorities (SOR, warranty, DTPA, negligence)	
05/29/2018	0.10	Email from OC re: notice that clients are meeting with company officers to discuss the mediation	
05/29/2018	0.10	RR email from potential client with #3436 tank fracture	
05/30/2018	2.60	Research, review and analyze counter-case authority re: underlying elements of warranty as pleaded and challenged	
05/30/2018	0.10	Email to mediator office re: pre-mediation meeting	
05/30/2018	0.10	Email from OC re: adjuster and mediation attendance by phone	
05/30/2018	3.70	Research, review and analyze counter-case authority re: spoliation allegations	
05/30/2018	1.90	Initial draft of PLs Response to "Missing Evidence" MSJ - summary of response, statement of facts	
05/30/2018	2.90	DR Initial Response to DFs "Missing Evidence" MSJ - args and authorities (SOR, spoliation)	
05/30/2018	0.10	DR status email to Emails to all clients re: case status	
05/31/2018	3.50	Prep re: Pre-Mediation Meeting - review mediation statement, significant docs, Settlement proposals	
05/31/2018	0.10	Email from mediator office re: names of those attending mediation	
05/31/2018	8.20	RA all summary outlines of production and depositions for purposes of MSJ Claims Response citation (3.5); Review and edit working draft of Response to Claims MSJ with citations to identified evidentiary record(2.4); Attend Pre-Mediation Meeting with Christopher Nolland (2.3)	

06/01/2018	2.90	RA all summary outlines of production and depositions for purposes of MSJ Claims Response citation	
06/01/2018	2.40	Review and edit working draft of Response to Claims MSJ with citations to identified evidentiary record	
06/01/2018	0.10	Email from Hajoca counsel re: Hajoca entities and responses to the subpoena	
06/01/2018	0.10	RR corresp from counsel for Mansfield re: confirming Mansfield docs to be received today	
06/01/2018	1.60	RA all summary outlines of PL production/depositions for purposes of MSJ Evidence Response citation	
06/01/2018	0.60	RA Ahearn Declaration in Response to James opinions of evidentiary requirements for MSJ Response	
06/01/2018	1.80	Review and edit draft of Response to Evidence MSJ with citations to identified evidentiary record	
06/01/2018	7.30	Isolate/prepare SJ evidentiary record - "Missing Evidence" - including Ahearn Declaration and photos and incorporate same into working draft of "Evidence" MSJ Response (1.8); Review and modify PL Response to "Missing Evidence" MSJ for final arguments/authorities and for final review by NSC (1.2); Isolate/Prepare evidentiary record for attachment to "Claims" response and incorporate evidentiary citations into response (2.1); Review and make final modifications to working draft of PL Response to "Claims" MSJ arguments and authorities for finalize for review by NSC (2.2)	
06/03/2018	3.30	Joint Conference - Mediation Preparation and Strategy Development	
06/04/2018	9.60	Attend Mediation @ Christopher Nolland	
06/04/2018	0.10	Multiple corres with Mansfield counsel re: Mansfield's SDT production	
06/05/2018	2.60	Research applicable case authority re: timeliness of expert opinions and prejudice requirements and incorporate same into PLs Response to MTS Capser report as untimely	
06/05/2018	3.90	Draft of PLs Response to DFs MTS Capser Supp Report, prepare evidentiary attachments and incorporate same into briefing	

06/05/2018	1.20	RR SDT responses of Spirit Group (0.3); DR Motion for Extension of time to file MSJ response and draft proposed Order (0.9)	
06/06/2018	0.10	Email from DA re: case law supporting coverage discussions during mediation	
06/06/2018	4.20	Additional research regarding coverage for class action to address issues raised in mediation, including "other property damage" requirements	
06/06/2018	0.90	DR corresp to DA re: coverage and provide supporting case authority	
06/08/2018	2.70	Review and analyze DF Reply ISO DF MSJ - Claims and all attachments to same (1.3); Research counter-authority for Sur-Reply (Claims MSJ) (1.4)	
06/11/2018	4.20	Continue research of responsive and counter-authority for Sur-Reply (Claims MSJ) – DTPA and Warranty cases (1.9); Continue research of responsive and counter-authority for Sur-Reply (Claims MSJ) – undertaking of warning to address challenge to negligence claims (2.3)	
06/11/2018	1.50	Review and analyze DF Reply ISO DF MSJ - "Evidence" and all attachments to same and outline responsive args (1.2); RA DFs Reply ISO striking Capser Supp Expert Report (0.3)	
06/11/2018	2.40	Research counter-authority for Sur-Reply ("Evidence"/Spoliation MSJ) – improper inference and competing expert opinions	
06/13/2018	3.30	Initial Draft of PL Sur-Reply in Opp of Claims MSJ - rebuttal arguments and authorities	
06/13/2018	0.90	Incorporation of record citations into Claims Sur-Reply	
06/13/2018	2.90	Initial Draft of PL Sur-Reply in Opp of "Missing Evidence" MSJ - rebuttal arguments and authorities	
06/13/2018	0.40	Incorporation of record citations into Claims Sur-Reply	
06/13/2018	0.50	DR separate SDT specific to suppliers pursuant to FRCP to All-Tex, Apex, Congestga and Dahl	
06/14/2018	0.50	DR separate SDT specific to suppliers pursuant to FRCP to Facets, Hughes, Bath	
06/14/2018	1.70	Initial draft of PLs Sur-Reply in opposition of DFs MTS Capser Supp Report	

06/14/2018	0.10	Email from potential Vortens client re: 3425 cracked tank	
06/15/2018	0.10	Review Response of Parks Peyton (No Records)	
06/15/2018	0.40	TCT Capser re: clarification of timing on receipt and review of discovery supp docs	
06/15/2018	1.40	Edit/Modify draft of PLs Sur-Reply in opposition to DF MTE Capser Supp report	
06/20/2018	0.10	RR corresp from OC re: supplemental claim documents to be produced in spreadsheet summary form	
06/20/2018	7.40	RA voluminous claim spreadsheets and additional documents produced and compare same to claim file production for new information and determining continuing gaps in production for supplementation	
06/20/2018	0.10	Email from potential Vortens client re: question on date stamp and photos of fracture	
06/21/2018	0.10	DR corresp to DA re: need to conference on discovery production for MTC due to significant claim file omissions	
06/21/2018	0.10	RR email from DA re: current unavailability for conference but willing to supp spreadsheet with claim files soon to avoid MTC	
06/22/2018	7.90	Review DF Brief in Opposition to PL Motion for Certification and defense certification record, highlighting args for additional research into record and counter-authority (3.9); Initial outline of critical arguments and authorities in DF Certification response for counter-research (2.4); Strategy Conference with NSC: joint outline of reply brief (1.6)	
06/22/2018	1.30	Initial outline of critical arguments and authorities in DF Certification response for counter-research	
06/22/2018	2.70	Research, review and analyze counter-authority re: national compendium on strict products liability	
06/22/2018	0.10	DR request to DA to provide copies of DF docs filed under seal in response Certification Motion	
06/23/2018	7.20	Research, review and analyze counter-authority of certification of manuf defect classes (3.8); Research, review and analyze counter-authority re: national	

		compendium on strict products liability (3.4);	
06/24/2018	9.90	Research, review and analyze DFs standing arguments challenging PL reps and ability to bring c/a for certification (2.9); Research counter-authority re: DF challenges to ascertainability of defined class (4.4); Initial draft of Reply ISO certification – standing, challenge to definition, and ascertainability requirements (2.6)	
06/25/2018	0.10	Comm with DA re: delay in supplementation and discovery conference	
06/25/2018	2.40	Review DF certification record filed under seal and compare same to prior discovery production for objection or demand for supplementation	
06/25/2018	3.10	Research, review and analyze counter-authority for Certification Reply brief re: national compendium on warranty liability (1.8); Research, review and analyze counter-authority re: national compendium on negligence liability (1.3)	
06/25/2018	1.30	Research, review and analyze counter-authority re: national compendium on negligence liability	
06/25/2018	0.10	Email from potential Vortens client re: questions on cracked tanks	
06/26/2018	0.10	Email from OC re: document production, etc.	
06/26/2018	0.10	RR correspondence of no records from Will	
06/26/2018	5.60	Research, review and analyze counter-authority re: predominance and superiority for certification reply briefing (1.2); Ongoing research into choice of law/conflict of law analysis for purposes of Certification reply briefing for Texas federal courts generally and in class action contexts - national compendium review (4.4)	
06/26/2018	2.80	Initial draft of Reply ISO Certification - statement of facts, SOR corrections, challenges to DF record	
06/26/2018	2.30	Initial draft of Reply ISO Certification - arguments and authorities on Rule 23(b)(2) certification	

06/26/2018	0.10	Email from potential Vortens client re: requesting information on class certification	
06/27/2018	4.40	Continued draft of Reply ISO Certification - choice of law, conflict of law, national certification	
06/27/2018	2.90	Isolate evidentiary materials for supplementation to certification record	
06/27/2018	1.50	Draft of Reply ISO Certification - arguments and authorities on Rule 23(c)(4) issues certification	
06/28/2018	3.30	Joint Conference - Reply briefing ISO certification and supp record drafting and edits and clarification of trial plan	
06/28/2018	4.40	Incorporation of record citations into Reply ISO Certification	
06/29/2018	2.70	Continue isolation of Plaintiffs' Supplemental Class Certification Record and all Reply record citations	
06/29/2018	2.90	Continued case authority research and finalize DR citations for args and authorities in Reply	
06/29/2018	2.80	Final review and modifications to Reply arguments, citations, objections and Supp Certification record	
06/30/2018	0.10	RR corresp from OC re: requesting copies of the sealed exhibits	
07/03/2018	8.60	Chart all cases cited in Motion, Response and Reply and determine significant cases for review -- standard of review, burden, and certification standards -- and highlight key arguments and holdings	
07/06/2018	9.20	Receipt and review of Defendants' Sur-Reply in Opp of Class Certification and all exhibits included (3.9); Prepare deposition excerpt edits (Cardinal) for videotape designation/use at certification hearing and provide same to trial support vendor (2.2); Prepare deposition excerpt edits (Trevino) for videotape designation/use at certification hearing and provide same to trial support vendor (1.1); Prepare deposition excerpt edits (Gutierrez) for videotape designation/use at certification hearing and provide same to trial support vendor (2.0)	
07/07/2018	9.30	Prepare for Certification Hearing - chart all record citations by PL and DF for reference during hearing on objections, findings of fact, and in preparation of CT	

		questions (5.6); Hearing Strategy Conference for division of hearing arguments and continuity of outlines and exhibits (3.7)	
07/10/2018	2.10	Prepare deposition excerpt edits (Villegas) for videotape designation/use at certification hearing and provide same to trial support vendor (1.9); Email from Mr. Bakale re: Confirming receipt of materials and preparation for hearing (0.2)	
07/10/2018	7.90	Multiple comm with counsel re: hearing exhibits (0.2); Prepare for certification hearing -- review compendium of state laws on pleaded c/a for national certification support and draft outline for use during anticipated CT questions (4.1); Research and review other class action cases uses similar bifurcated trial plan and manageability of same and draft outline of same in anticipation of Q from CT (2.6)	
07/11/2018	0.10	Email from OC re: interest in the items and 6 hours ahead of you but available rest of the day today	
07/11/2018	10.1	Email from Mr. Bakale re: accessing court equipment and contact info and requesting selection of hearing exhibits (0.2); Conference with NSC re: key exhibits "hot docs" for use at hearing to pre-treat for use and forward to trial support vendor (4.7); Continued prep for hearing -- review and outline significant cases cited by either PL or DF regarding Rule 23 elements: emphasis on damages class (5.2)	
07/12/2018	0.20	Email to mediator re: communication with OC and hope to have settlement proposal from them (0.1); Email from OC to mediator re: working out details with clients on the settlement negotiations (0.1)	
07/12/2018	0.10	Email from potential Vortens client re: questions on cracked tanks	
07/12/2018	0.20	Multiple comm with CT Administrator re: responses to list of questions posed by CT in prep of hearing and responses by all parties	
07/12/2018	0.10	Comm re: threshold issues for court to address and Gutierrez declaration and testimony	
07/12/2018	0.10	Email from potential Vortens client re: questions on cracked tanks	

07/13/2018	0.30	RA Supplemental Mediator's Report (0.1); Email from OC to mediator re: working out details with clients on settlement negotiations (0.2)	
07/13/2018	0.60	Phone conference with mediator Chris Nolland re: settlement negotiations	
07/13/2018	0.10	Email from OC to mediator re: working out details with clients on the settlement negotiations	
07/13/2018	0.10	Email from Mediator re: continued settlement conferencing	
07/13/2018	0.10	Email from OC re: working on possible settlement proposal	
07/15/2018	8.90	Hearing Preparation re: Rule 23(a) elements and ascertainability -- review all briefing, prepare case chart for comparative case reference, and draft argument outline (4.4), Hearing Preparation re: Rule 23(b)(3) elements -- review all briefing specific to predominance and superiority, incorporate compendium reference notes, prepare case chart for comparative case, and draft argument outline (4.5)	
07/16/2018	7.10	Preparation with trial vendor of hearing presentation -- segregate specific exhibits into independent "buckets" based on element identifier for cues during argument (6.9); conference with trial vendor and staff regarding logistics and review of exhibits (0.2)	
07/16/2018	0.10	Comm to all counsel from CT re: status of discussions and certification hearing	
07/16/2018	0.10	Email from OC re: notifying that reps of Lamosa and Porcelana are working out details	
07/16/2018	0.50	Email to Court Administrator re: no agreement yet and hearing setting (0.1); Multiple comm with DA re: second mediation (0.3); Email to OC re: requesting availability for a phone conference to address response to CT (0.1)	
07/16/2018	0.10	Email to OC re: requesting availability for a phone conference to address response to CT	
07/16/2018	0.30	Multiple comm with DA re: second mediation	
07/16/2018	0.10	Email to OC re: notifying court of concerns that proposal representations are for delay	

07/16/2018	0.10	Email to OC re: status of the (b)(2) settlement terms (replacement program)	
07/16/2018	0.10	Email to Mediator re: commitment to second mediation if basic (b)(2) terms outlined	
07/16/2018	0.40	Email to Mediator re: commitment to second mediation if basic (b)(2) terms outlined in advance (0.1); Email from OC to Court re: proposing that parties return to mediation for the remaining issues (0.1); Comm to all counsel from CT re: status of discussions and certification hearing (0.1); Email from OC re: notifying that reps of Lamosa and Porcelana are working out details (0.1)	
07/16/2018	0.10	Email from Court Administrator re: order will be entered by end of the day	
07/17/2018	0.10	TCF Ahearn re: status of certification hearing	
07/17/2018	0.10	Email from Court Administrator re: second mediation	
07/17/2018	0.20	RR Email to mediator re: second mediation (0.1); Confirmation from OC re: second mediation intention (0.1)	
07/17/2018	0.10	Confirmation from OC re: second mediation intention	
07/18/2018	1.50	Strategy meeting with Scott in preparation for Status Conference re: expressing concerns of vague representations that DF is working on a term sheet (0.8); Participation in Status Conference Hearing (0.7)	
07/18/2018	0.30	RR Minute Entry re: Status Conference Hearing (0.1); Email from OC re: progress update is that key decision-maker is out of country until next week (0.1); Email from mediator re: holding second mediation dates and needing confirmation of attendees (0.1)	
07/18/2018	0.10	Email from OC re: progress update is that key decision-maker is out of country until next week	
07/18/2018	0.10	Email from mediator re: holding second mediation dates and needing confirmation of attendees	
07/19/2018	1.90	RR Order Extending DDL of Mediation and resetting cert hearing (0.1); Strategy conference regarding second mediation approach, initiating formal term sheet in	

		advance for (b)(2) replacement program (1.8)	
07/20/2018	0.10	Email from Epiq re: reaching out on behalf of DF on the Vortens matter	
07/20/2018	0.30	RR Multiple comm with counsel and mediator re: second mediation and anticipated settlement outline under (b)(2)	
07/24/2018	0.30	Multiple Comm with DA re: second depositions of Trevino and Guterrez in light of DF certification record filings and DF requirement of MX location	
08/03/2018	0.40	Email from potential Vortens client re: questions on cracked tanks with docs attached for review	
08/10/2018	0.20	Email from Mediator office re: submitting correct version of Mediator confirmation letter (0.1); Email from Chris Nolland to OC re: follow-up on response on opening settlement proposal outline (0.1)	
08/10/2018	0.10	Email from Chris Nolland to OC re: follow-up on response on opening settlement proposal outline	
08/13/2018	1.70	Conference with mediator re: second mediation expectations based on DA representations of initial terms of (b)(2) class and representation of intentions to mediate (b)(3) resolution (1.6); RR Email to OC re: expcted opening terms of settlement negotiations (0.1)	
08/13/2018	0.10	Email to OC re: opening terms of settlement negotiations	
08/14/2018	1.00	RR Email from OC re: PL request for second Guterrez depo to address certification response Declaration (0.1); Draft of Notice of Deposition of Jesus Gutierrez (agreed limit to certification record contributions) (0.8); Email from OC re: Motion to Quash Depo of Gutierrez based on time and location (0.1)	
08/14/2018	0.80	Draft of Notice of Deposition of Jesus Gutierrez	
08/14/2018	0.10	Email to OC re: notice of deposition of Jesus Gutierrez	
08/14/2018	0.10	Email from OC re: Motion to Quash Depo of Gutierrez	
08/17/2018	0.10	Email from OC re: confirming deposition of Jesus Gutierrez in Dallas	
08/17/2018	0.10	Email from OC re: authorization to make proposal for certification of a class for partial settlement, etc.	

08/17/2018	2.50	Conference call with NSC and Dr. Capser on valuation of Replacement Program based on claim spreadsheet, tank distributions, and reported claim rate (1.4); TCT Meza-Arroyo re: plotting and summarizing estimated damage claim rate and to estimate class member response to cash for replacement/payment of damages (1.1)	
08/17/2018	0.40	Comm with Epiq re: claim administration estimate source provided at mediation	
08/18/2018	5.50	Comm re: in response to OC email, we will present a proposed Term Sheet prior to mediation (0.2); RA working draft of Term Sheet for "Replacement Program" under (b)(2) and make suggested modifications (1.4); Initial DR of Term Sheet with multiple alternatives re:suggested terms for property damage class under Rule 23(b)(3) (3.9)	
08/19/2018	0.60	Phone conference with OC re: certification hearing and details of pre-second mediation starting point	
08/20/2018	1.00	DR Plaintiffs' Transcript Order form of Status Conference for purposes of providing to mediator and to refer to at mediation to start negotiations with confirmation of (b)(2) Term Sheet (0.2); Mediation Strategy Conference: based on ongoing comm with DA, concerns of adhering to comments at status conference (0.8)	
08/20/2018	0.90	Email from OC re: confirming no Motion to Quash on Amended NITD Gutierrez (0.1); Mediation Strategy Conference: based on ongoing comm with DA, concerns of adhering to comments at status conference (0.8)	
08/20/2018	0.10	Email to OC re: email confirmation that we will amend the notice and no Motion to Quash needed	
08/21/2018	0.10	Email from Court Reporter re: receipt of transcript request and providing invoice for payment for use of transcript for mediation	
08/22/2018	0.10	Email to attys re: additional questions from potential Vortens client	
08/22/2018	1.40	Mult. comm with OC re: discussion of settlement negotiations and expected terms in light of representations to CT (0.4); RR request from DA for conference call to discuss mediation (0.1); Phone	

		Conference with DA re: mediation attendance, expectations and scope (0.9)	
08/22/2018	0.10	Email from OC re: phone conference whenever free on today	
08/22/2018	0.10	Email to Court reporter re: notifying that check for invoice mailed out	
08/22/2018	0.90	Phone Conference with DA re: mediation attendance, expectations and scope	
08/23/2018	0.30	RR multiple emails with DA re: PLs term sheet proposals	
08/23/2018	0.10	Email to attys re: potential Vortens client	
08/24/2018	0.50	RA transcript from 7/18/18 hearing and review same for use at mediation to confirm (b)(2) settlement and for focus to be on damages resolution	
08/24/2018	0.60	Email from potential Vortens client re: replacment of 3436 toilets after discovering crack in a tank (0.1); TCT potential client (3436) re: status of litigation but to send documentation in event needed as rep (0.5)	
08/27/2018	8.00	Preparation for mediation - strategy conference with Scott to identify updated filings and documents to provide Nolland, modifications to original mediation statement to address new issues in second mediation (2.3); RA payments reflected in new claims spreadsheets produced by DF as a part of the certification record, compare claims spreadsheet with document summaries to see of underlying claim files produced to confirm average costs of replace/install/damage repair (5.7)	
08/27/2018	0.10	Email to OC re: working draft of settlement negotiations	
08/27/2018	0.90	Email from OC re: several areas are still in progress regarding settlement negotiations as between carrier, Lamosa, and Corona (0.1); Participate in consultation mediator re: concerns of vagueness on (b)(2) program commitment and starting point for mediation (0.8)	
08/27/2018	0.10	Email to Chris Nolland re: discussion tomorrow once all her clients arrive in town	
08/28/2018	0.10	Email to OC re: 2011 Replacement Program Settlement Class Term sheet	
08/28/2018	9.10	Email from Court Administrator re: mediation status and confirming mediation occurring by CT ordered DDL (0.1); Attend	

		Second Mediation with Nolland (8.8); Email from mediator re: attaching signed PDF of the term sheet signed at today's mediation and confirm accuracy and acceptance for purposes of representing partial settlement -- only as to (b)(2) (0.2)	
08/29/2018	0.10	RR Email from OC re: supplementation to be coming as to Vortens, model 3436	
08/29/2018	0.10	Comm re: recap of 2011 model 3464 and 3412 settlement agreement	
08/29/2018	0.50	Conference call with DA re: assets, coverage issues, and recoverability for any damages class	
08/29/2018	0.40	Email from OC to Court Administrator re: update on mediation and reach of partial settlement of parties (0.1); Multiple comm with CT and counsel re: certification hearing setting and time allocation for oral argument (0.2); Email to Court Administrator re: stating the Ps concur in the representations (0.1)	
08/29/2018	0.30	DR corresp to OC re: still missing manufacturing defect tables for designated years needed by experts and for certification arg	
08/29/2018	1.30	RR defect production charts for 3436 produced as part of DFs "rolling production"	
08/29/2018	0.10	Email from Court Administrator re: proposal to start at 9am and conclude by 2:30 pm and agreement	
08/29/2018	0.10	Email from OC to Court Administrator re: update on mediation and reach of partial settlement of parties	
08/29/2018	0.10	Email to Court Administrator re: stating the Ps concur in the representations	
08/29/2018	6.90	Research references in voluminous DFs claim materials produced so far re: insurance policies, dec pages, and policy number/carrier identifier for occurrence date vs claim date and applicable coverage period (6.2); contact consulting coverage attny for general analysis of similar class action products recovery (0.7)	
08/30/2018	0.10	Email from OC re: No news re: PL proposed damages class terms but and clients discussing the proposal	
08/30/2018	0.10	Email from OC re: mediation and question on break for lunch	

08/30/2018	0.10	Email from OC re: phone conference scheduled	
09/01/2018	0.10	Email from OC re: request for electronic link to exhibits delivered yesterday	
09/01/2018	9.70	Prepare for Certification Hearing -- review of briefing and certification record volumes pertaining to Rule 23(a) elements and draft initial arg outline (4.6) - Review key cases cited in Rule 23(a) briefing and DR case citation chart for argument reference of key authority supporting each element (5.1)	
09/02/2018	12.00	Prepare for Certification Hearing with Benyo -- prep for "hot seat" use of briefing excerpts, depo excerpts, case authority quotes, expert reports (9.5) DR summary outline of briefing arguments by both PL and DF in prep for CT questions and argument (2.5)	
09/03/2018	9.00	Prepare for Certification Hearing -- review of briefing and certification record volumes pertaining to federal authorization of national class certification and draft initial arg outline (1.7) - Review and analyze summary charts previously prepared regarding national compendium of law, conflict law, and choice of law for use in (b)(3) arguments and update outline (4.2) Review all other cases (not pertaining to national class) cited in Rule 23(b) briefing and DR case citation chart for argument reference of key authority (3.1)	
09/04/2018	0.10	Comm re: revised hearing exhibit list	
09/04/2018	0.10	Email to Court Administrator re: produced docs	
09/04/2018	0.10	Email to Court Administrator re: will be producing hearing exhibit list shortly	
09/04/2018	3.90	Review hearing exhibits identified by DF for objection or rebuttal exhibit identification - Rule 23 (a) and damages sub-class division of certification argument	
09/04/2018	9.60	RR draft of original presentation slides and deposition designations from Nick Benyo (0.4); Provide modifications to original presentation based on all Rule 23 elements to Nick Benyo as summary slides of requirements of proof (2.1); identify specific documents to link to element slides for Benyo - adequacy (0.9); commonality (2.2); typicality (0.4); superiority (1.4); predominance (0.9); draft	

		amended definitions for certification and work with Benyo re: presentation of modified class/subclasses (1.3)	
09/05/2018	7.20	Prep for Hearing - conference with Scott and Benyo re: outline and exhibits (1.9); Attend and argue - Class Certification hearing (5.3)	
09/06/2018	0.60	Phone conference with CSI re: cancellation of court reporter and translator for Jeus Guterrez depo	
09/10/2018	0.10	Email in response to attorneys re: questions on ordering transcript	
09/10/2018	0.10	Email re: FindLaw response - Vortens	
09/11/2018	0.70	Email to OC re: follow-up on request for PowerPoint and all exhibits (even those not used, but provided) to the court (0.1); RR DF presentation materials for review and determine accuracy for those given to the court but not PL at hearing (0.6)	
09/11/2018	0.10	Phone conference with potential client re: Vortens class action	
09/11/2018	0.10	Email re: FindLaw response - Vortens	
09/12/2018	0.10	Email to OC re: requesting copy of PowerPoint provided to Court with the exhibits	
09/12/2018	0.10	Email from OC re: production of PowerPoint used at hearing	
09/12/2018	0.10	Email from OC re: document production status	
09/13/2018	0.60	Phone Conference with DA re: discovery issues still pending - claims files underlying the multiple spreadsheets produced in certification record, insurance questions, production defect charts for multiple models/years and whether MTC is necessary	
09/13/2018	0.10	RR CT Order re: Setting Third Mediation and Joint Status Report Deadlines	
09/14/2018	1.30	Draft Motion for Leave to Submit Supplemental Briefing re: Manufacturing Defect Claims in light of CT questions and concerns during hearing	
09/14/2018	0.40	Phone call to OC re: proposed Motion for Leave to Submit Supplemental Briefing (0.1); Prep of proposed Order re: Motion for Leave to Submit Supplemental Briefing (excluding arg) (0.3)	

09/14/2018	0.60	Review and modify proposed Order re: Motion for Leave to Submit Supplemental Briefing	
09/14/2018	0.10	Final review of motion, order and brief	
09/14/2018	0.10	Phone call to OC re: proposed Motion for Leave to Submit Supplemental Briefing	
09/14/2018	0.10	Email to OC re: mediation order and request for availability with dates for Chris Nolland	
09/14/2018	0.10	Email from Mediator office re: confirming date ASAP as another case requesting date as well	
09/14/2018	0.10	Email to Mediator re: request to hold date for mediation and allow us to get with OC	
09/17/2018	0.10	RR Order Granting Motion for Leave to File Supplemental Briefing re: Manufacturing Defects	
09/17/2018	0.10	Email to OC re: follow-up on proposal for 2011 damages class and discovery responses, etc.	
09/17/2018	5.90	Email from OC re: production absorption data and thermal shock document (0.1); RA new document production re: ovens and product testing from 2004-2015 and draft summary outline of same to discuss with Capser (5.8)	
09/19/2018	0.10	Email to OC re: email to attys re: Order	
09/19/2018	0.20	Email to OC re: Order as to scope of third mediation -- damages subclasses -- and confirm intention to mediate all Rule 23(B)(3) claims	
09/20/2018	0.10	Email from OC re: follow-up email on scope of third mediation	
09/24/2018	0.10	Email from OC re: moving forward with a proposal on the 2011 damages class	
09/24/2018	0.10	Email to mediator re: dates for mediation	
09/24/2018	0.10	Email from mediator re: all dates good at the moment	
09/24/2018	0.10	Email from OC to mediator re: unavailable for proposed dates	
09/24/2018	3.00	Email from OC re: supplemental production of ACE policy and coverage correspondence (0.1); Strategy Conference for Third Mediation -- discuss and draft alternate settlement proposals for (b)(3) damages subclasses divided by 2011 and potential eligibility for other tanks/years (2.9)	

09/24/2018	0.20	Downloading and saving of document production from Defendants	
09/24/2018	0.10	Email from OC re: providing available dates for mediation	
09/24/2018	5.90	initial review and analysis of document batch production from DF - additional multi-page spreadsheets of production defect, processing, and distribution tables	
09/25/2018	0.10	Email from mediator re: court may grant short extension to conduct the session if we find common date	
09/25/2018	0.10	Email from OC re: decision-makes availability and confirmed John Shipp's availability	
09/26/2018	0.10	Email from Ross re: dates are unavailable re: confirming mediation and providing intake forms, etc.	
09/26/2018	0.10	Email from mediator Shipp	
09/27/2018	3.20	DR mediation intake doc from Shipp (0.6); DR mediation Statement - damages class (subclass possibility) (2.6)	
09/27/2018	0.10	Email from OC re: still working on manufacturing defect tables requested and finalizing claim files for production	
09/28/2018	5.20	Isolate significant docs and highlight same to include with mediation statement	
09/28/2018	0.10	Email to OC re: requesting availability by noon 10/01/18	
09/28/2018	4.90	Complete review and drafting summary analysis of newly produced production tables and defect tracking (3.1); Conference with expert re: new processing and production documents for consideration in opinions on claims rate and statistical defect rates (0.8)	
09/30/2018	0.10	Email to OC re: response to mediation dates and delay	
09/30/2018	0.10	Email to OC re: confirmation of both entities attending mediation	
10/03/2018	9.00	Research, review and analyze specific case authority re: certification of manufacturing defect class actions to address CT hearing questions (6.7); DR Plaintiffs' Supplemental Briefing re: Certification of Manufacturing Defect Claims(2.3)	
10/03/2018	0.10	Email from OC to Judge Priest-Johnson re: mediation deadline	

10/04/2018	0.10	Email from OC re: clients unable to attend 10/16/18 mediation	
10/04/2018	0.10	Email from OC re: update on fact that Ace/Chubb hired a law firm in Mexico and will contact them regarding additional mediation attendee	
10/04/2018	6.20	Begin review and analysis of new claim file production and flag significant materials re: insurance, models, dates, and evidence supporting claim accepted by Porcelana	
10/05/2018	3.30	Mediation Strategy Conference - prepare multiple potential term sheet outline proposals for resolution in preparation of third mediation and CT order to address damages claims under Rule 23(b)(3)	
10/07/2018	3.50	Email to OC re: position on Motion for Leave to Extend Mediation Deadline so all party representatives can appear (0.1); continued review and drafting of summary outline of claim file documents recently produced (2.8); TCT ESI to check whether underlying claim files are needed for expert opinions as compared to the summary charts and DFs spreadsheets (.6)	
10/08/2018	5.10	RA Defendants' Unopposed Motion for Leave to Extend Mediation Deadline (0.2); Continued review and analysis of voluminous claim production and highlight information on insurance, models, dates, and evidence to incorporate into mediation preparation and alternative term sheet proposals for damages class resolution (4.9)	
10/08/2018	0.10	Phone conference with Al Snyder re: pending claim and details	
10/08/2018	0.10	Email to Mediator John Shipp re: scheduling meeting prior to mediation	
10/08/2018	0.10	Email from Mediator John Shipp re: confirming meeting with Plaintiffs' counsel	
10/15/2018	5.90	RA Defendants' Supplemental Submission Regarding Manufacturing Defect (argument and without case attachment) (0.9); Research cited cases, review and distinguish and research counter-authority to same (3.7); Initial draft of responsive briefing to DA's manufacturing defect argumentation (1.3)	
10/16/2018	7.00	Re-Filing of Defendants' Supplemental Submission Regarding Manufacturing	

		Defect and review litigation materials from multiple outside litigation attached to same	
10/16/2018	9.80	pre-mediation consultation with Shipp (1.2); Attend third Mediation @ John Shipp office (8.6)	
10/17/2018	0.20	Phone conference with OC re: upcoming mediation, etc.	
10/17/2018	0.10	Conference re: motion to strike and discussion with counsel	
10/17/2018	4.90	RA DA refiling of Supp Briefing on Manufacturing Defect Certification now with attachments –continued review newly attached underlying pleadings of PL briefed authority (2.2); Research docket entries and orders pertaining to the challenged comparative cases (2.7)	
10/18/2018	1.10	DR Plaintiff's Motion to Strike Defendants' Supplemental Briefing as Violative of Court Order	
10/28/2018	3.30	Participate in TCT Epiq re: information obtained from DA at mediation, term sheet regarding communication, explanation of information forming basis of proposed media plan and administration (1.5); RR current notice proposal from epiq and conference with Scott regarding same (1.8)	
10/30/2018	0.40	RA Defendants' Response to Plaintiffs' Motion to Strike Ds Supp Briefing	
11/02/2018	6.70	Initial draft of Mediation Status report in accordance with CT order and forward same to DA for review (0.5); Research, review and analyze Fifth Circuit and ED case citations re: approval of class action settlement elements - SOR, necessary proof, examples of applied elements -- and outline same for Joint Motion for Preliminary Approval (6.2)	
11/04/2018	4.80	Initial draft of Joint Motion for Preliminary Approval -- SOR, evidentiary burdens, settlement/term sheet citations, and Rule 23 compliance	
11/06/2018	3.90	Continued drafting of proposed Joint Motion for Preliminary Approval of Settlement Class and Memo in Support -- outline of settlement, args and authorities re: compliance with requirements for preliminary settlement approval approval	
11/06/2018	5.80	Review NSC suggested modifications, amend Joint Motion and Brief ISO, and draft edits to the form notice documents	

		(3.1); Initial draft and prep of Proposed Order granting Preliminary Approval (1.4); DR corresp to DA with draft of Motion, Memo, attachments, and proposed order for review and comment (0.5)	
11/07/2018	6.10	Email to OC re: status on edits for Joint Motion for Preliminary Approval (0.1); Research authority to separate a settled subclass without conflict (2.2); Finalization of args and authorities in support of preliminary approval, request to approve and separate 2011 class from remaining subclasses and finalize all evidentiary attachments to Joint Motion/Carpenter Declaration (3.8)	
11/08/2018	2.50	Attend/appear for telephonic hearing with Judge re: status report and mediation - CT inclined not to set Joint Motion but instructed parties to confer on short time frame for additional certification briefing (0.6) Conference with NSC - effect of CT intention to move forward with settlement and remaining claims concurrently, outline deadline suggestions, and determine division between settlement class and "remaining claims" class to discuss with experts (1.6) Email to OC re: suggesting dates for abbreviated briefing schedule (0.2); Email from OC re: approval of briefing schedule (0.1)	
11/09/2018	0.20	RR Order re: Denying Ps Motion to Strike Supp Briefing on Manufacturing Defect and Setting Deadline to file amended Motion to Certify Class	
11/09/2018	1.60	DR status correspondence to update all Named Plaintiffs re: Settlement Class and "Remaining Claims" Class and accelerated concurrent briefing (1.0); DR status correspondence to non-rep consumers on contact list re: Settlement Class and "Remaining Claims" Class (0.6)	
12/03/2018	0.10	Email to John Shipp re: correspondence forwarded to OC and key points about remaining claims	
12/03/2018	0.10	Email from John Shipp re: response to email and will review and request to discuss if necessary	
01/02/2019	4.20	Continued review of voluminous claims files produced by DF -- review all contents of each claim folder, compare same to spreadsheet, identify model/year/event/recovery and whether	

		release was required for purposes of segregating warranty extension for 2011 eligible class members	
01/09/2019	0.40	Multiple comm with DA re: limited policies produced do not match with information available in claim files for Zurich policy and additional policy managed by MC Adjusters with different policy number (under Lamosa coverage)	
01/14/2019	0.20	DR Email to OC re: still looking for follow-up on insurance policies (0.1); Email from OC re: production of AIG and ACE product liability policies as only policies that would apply despite references to others in corporate sales docs, claims docs, and other litigatin (0.1)	
01/15/2019	0.10	Email from OC re: impasse on issue of insurance policies	
01/15/2019	0.10	Email to Alice in Judge's office re: request for hearing on a discovery dispute on insurance policies	
01/15/2019	0.30	DR Email to Alice in Judge's office re: request for hearing on a discovery dispute on insurance policies (0.1); Email from Alice at Judge's office re: request for response on behalf of the Defendants (0.1); RR Email from OC re: agreed at impasse on issue of insurance policies (0.1)	
01/15/2019	0.10	Email from Baker court reporting re: email version of depo of Sergio Villegas	
01/16/2019	0.10	Email from Alice at Judge's office re: request for response on behalf of the Defendants	
01/16/2019	0.10	Email from OC to Judge's office re: response to Court about production of insurance policies, etc.	
01/17/2019	0.10	Email to OC and Court re: additional response to Court about production of insurance policies	
01/17/2019	0.10	Email from Alice at Judge's office re: request for appearance at telephonic hearing	
01/17/2019	0.60	RR comm from CT setting telephonic hearing on insurance dispute (0.1); RR Email from OC to Judge's office re: reusetting additional date due to conflict (0.1); Email from Alice at Judge's office re: providing available dates for the Judge for hearing (0.1); Multiple comm with CT and	

		counsel re: hearing dates and setting discovery dispute (0.3)	
01/17/2019	0.10	Email to Alice in Judge's office re: request for hearing prior to 1/28/19 if possible	
01/17/2019	0.20	Email to OC re: 2011 Settlement Class - new Epiq proposals and request for new proposals	
01/18/2019	0.10	RR Order Setting Telephonic Hearing on 1/28/19 to address insurance policy dispute	
01/21/2019	0.10	DR follow-up email to DA re: 2011 Settlement Class - Epiq prepared additional proposals but were told for DA eyes only - please produce	
01/22/2019	0.50	Email from OC re: delay in responding and will consult with client on discussion of Epiq proposals (0.1); DR corresp to DA re: whether DF is settling 2011 claims outside of the settlement based on several calls to office from individuals asking which is better (0.2); Email from OC re: distributors receiving product and individual settlement agreements (0.2)	
01/23/2019	0.10	Email to OC re: follow-up on work with Epiq and the new proposals, etc.	
01/28/2019	1.40	Prepare for discovery hearing on issue of insurance production - chart location of information and discrepancies in disclosure (0.8); Attend and argue - Telephonic Hearing with Magistrate Judge Kimberly Priest Johnson (0.5); RR Order denying request for order merely to comply with disclosure rules - DA has represented research and confirmation of sole coverage (0.1)	
01/28/2019	1.60	Joint conference call with Capser, Mezza-Arroyo, and Scott re: settlement valuation 2011 Settlement terms - non-pecuniary award of extended warranty	
01/31/2019	7.90	Research into effect of "claims based policy" and representation that CM may be limited to single policies by ACE and AIG (3.2); TCT coverage counsel re: 2011 Settlement Class and continued joinder to remaining class and effect of concurrent claims on coverage (1.3); Review of translated sales agreements and indemnification agreement b/w Lamosa and Corona and confirm assigned assets by agreement (1.1); Research corporate assets of both Lamosa and Corona to assure of class recovery for 2011	

		Settlement Class w/o detriment to dispute subclasses (1.7); Comm with DA re: potential options on sufficiency of assets for both settlement and disputed subclasses (0.6)	
02/06/2019	1.20	TCF potential Vortens claimant under 2011 settlement class requesting comparison b/w settlement and what Vortens just offered outside of the class action settlement (0.3); DR lengthy corresp to DA re: concerns of DF settling 2011 claims on terms different than the settlement, suggestion for pursuing the severance of the settlement class, communications with Epiq of different notice and administration materials being withheld, and amending Joint Motion for preliminary approval (0.9)	
02/12/2019	1.40	Multiple comm. With CT re: pending expert motions and status of which, if any, are moot (0.2); RA the Jan 29, 2019 amended Notice plan and separate Administration plan provided by Epiq to DA but previously withheld at DA request and conference with NSC to compare same with prior plans (1.2)	
02/13/2019	0.70	Comm with Epiq re: Jan 29 proposals for notice and administration and concerns of limited notice suggestions and CT approval of same	
02/21/2019	1.80	TCF attny in Denver re: client in 2011 settlement class and questions regarding status of approval and recovery (0.4); Strategy Conference with Scott: concerns re: delay in seeking approval to 2011 Class as against interest of the class members to secure agreed benefits – potential basis for objections to settlement or preservation of settlement interests (1.4)	
02/27/2019	0.70	DR lengthy corresp to DA re: status of research into claims resolution of 2011 tanks since the date of settlement and requesting additional conference on severance and need to conference with Epiq on Jan 29 proposals	
03/01/2019	5.30	Follow-up comm to DA requesting post-settlement claims resolution and need to conference on severance (0.1); RR email from DA re: following up with Vortens on status of claims resolution (0.1); TCF Ryan Broussard re: 2011 cracked toilet tank (0.4); Conduct additional research into	

		class counsel obligations in division of class interests for analysis in whether to again seek severance of 2011 Class (3.7)	
03/03/2019	0.30	RR corresp from DA re: available later in the week to discuss Epiq proposal, severance proposal, and amending joint motion for preliminary approval (0.1); DR response to DA expressing concerns with delay in addressing issues of severance and Vortens' continued claims resolution despite settlement (0.2)	
03/03/2019	6.30	Research, review and analyze case authority for purposes of Motion to Sever 2011 Settlement Class into new cause for purposes of CT consideration of Joint Motion for Preliminary Approval () (2.7); Initial draft of Severance Motion – protection of 2011 Settlement Class and concerns regarding potential issue of representation due to delay (3.6)	
03/05/2019	3.20	Conference with DA re: Motion to Sever 2011 Class (0.1); Finalize Motion to Sever and Request for Hearing on prior Motion for Preliminary Approval () (1.3); DR RBS Declaration to Attach to Motion to sever (1.0); DR proposed Order on Motion to Sever and file Motion/Order (0.1); RR corresp from clerk's office re: separating Motion to Sever and Request for Hearing on Joint Motion for Preliminary Approval (0.1); Modify Motion for Hearing and file as separate Motion with separately drafted Order (0.6)	
03/06/2019	0.20	RR Order regarding Motion to Sever and Motion for Hearing and requesting response from DF on both (0.1); Corresp from DA re: availability for conference to address Epiq proposal, severance, and preliminary approval motion (0.1)	
03/07/2019	2.00	Corresp from DA re: availability to conference (0.1); TCF DA re: motion to sever, status of Vortens settlement of claims, and Epiq proposal (0.6); RR claims closed by Porcelana since date of settlement for tanks covered by the settlement agreement and analyze source of claim payment, amount paid, and compare to settlement benefits (1.3)	
03/12/2019	1.80	RA DF Response to Motion to Sever and request for hearing including evidentiary attachment – Declaration of Jesus Guitierrez (0.6); Strategy Conference re: DF response and scope of severance	

		reply in light of obligations to settlement class (1.0); RR comm from CT re: whether parties will agree to shorten the objection period on upcoming rulings (0.1); RR corresp from DA to CT declining to shorten the objection period (0.1)	
03/13/2019	2.90	RA Report and Recommendation denying "Missing Evidence" MSJ and "Claims" MSJ (0.5); TCF 2011 settlement class member Folloder re: status of settlement and forwarding pictures and receipt to see if eligible (0.3); brief research into case authority to address DF Response in Opposition to Severance (0.5); Initial draft of Reply ISO Severance and setting hearing (1.6)	
03/15/2019	1.50	Complete the drafting of Reply ISO Severance and request for hearing on Joint Motion for Preliminary Approval	
03/25/2019	2.10	Multiple comm with Epiq and DA re: conference on the notice and claims administration proposals (0.3); Conference call with Epiq and all counsel re: notice and administration (0.7); Pursuant to conference, locate key documents to forward to Epiq: term sheet, notice language, media plan discussion outline (1.1)	
03/27/2019	0.50	RA DF Objection to Report and Recommendation re: Partial MSJ denials for purposes of confirming basis for preliminary approval	
03/28/2019	0.80	RA Memorandum Opinion and Order denying motion to exclude Capser and mtn to strike Capser Supp report and determine effect on representations supporting approval of 2011 settlement (0.6); RR corresp from DA re: Porcelana will only agree to Jan 29 proposal with single addition of second national press release and compare same with PL request from the Epiq conference (0.2)	
03/29/2019	0.20	RA Order adopting Report and Recommendation of Magistrate: partial MSJ denials	
04/02/2019	3.00	RA Order granting Motion to Sever and Granting Motion for Hearing (0.2); RR Notice of Hearing on Motion for Joint Approval (0.1); Preliminary Approval Strategy Conference: review current Joint Motion for Preliminary Approval and all attachments and outline necessary	

		modifications for supplement and amendment (1.9); TCT DA re: compromise on notice provisions and obtaining new proposal (0.4); DR corresp to Epiq and all counsel re: request for estimates on new notice and claim proposals and update regarding hearing set on approval motion (0.4)	
04/03/2019	1.20	RR outline of suggested deadlines per Epiq for scope of notice administration to consider for supplement to Joint Motion for Preliminary Approval (0.3); RA Epiq new proposals for notice/media plan and conference with RBS to compare same to prior proposals and determine whether provides "best notice practicable" for approval (0.9)	
04/04/2019	3.40	RR pleadings selected by Court for inclusion in 2019 severed action (2011 Settlement Class) (0.3); RR corresp from Brennen Kelly at Epiq re: Claim Administration structure and proposal for approval (0.3); DR update corresp to forward to potential client contact files re: severance of action and information for individuals eligible under the settlement terms (0.6); RR corresp from DA rejecting Epiq proposals (0.1); RA Joint Motion for Preliminary Approval and all attachments to determine scope of supplementation needed prior to hearing (1.3); Comm with DA regarding modifications to Joint Motion and need to formalize the settlement doc (0.2); RR corresp from DF rejecting any additional changes to notice plan (0.1); DR corresp requesting conference to secure best notice (0.1); RR comm from DA again rejecting the new Epiq proposal but agreeing to conference (0.1); RR corresp to DA and Epiq re: court requirements for notice and administration and attempting to reach a compromise (0.1); Multiple comm with Epiq and DA regarding setting Monday conference call to resolve (0.2)	
04/05/2019	3.70	DR suggested amendments to the Joint Motion for Preliminary Approval to submit as a Supplement (1.1); Begin draft of formal Settlement Agreement using the multiple Term Sheets and various drafts of notice content (2.6)	
04/07/2019	1.20	RR corresp from DA re: difficulty in opening requested supp documents pertaining to settled claims and will supp soon (0.1); RR corresp from DA re:	

		increase in notice budget based on compromise discussions and outlining distribution locations for the (b)(2) replacement program (0.2); Compare proposed distribution locations with the sales data from 2011 to determine whether primary markets are covered for the settlement class participation in the Replacement Program (0.9)	
04/08/2019	2.60	DR modifications to detailed proposed Order granting preliminary approval to submit prior to hearing (1.1); DR corresp to DA requesting status of proposed modifications to Joint Motion for PA and need to coordinate for Order(0.1); RR Epiq updated proposals for notice and claims administration (0.1); RR acceptance of DF to the new Epiq proposals (0.1); DR corresp to Epiq and DA re: request for Epiq declaration for inclusion in supplement to the approval record and request for Epiq to review the previous drafts of notice to include statements of sufficiency in declaration (0.2);	
04/09/2019	1.50	RA DF proposed draft of modifications to Joint Motion for Preliminary Approval as an entirely new filing (1.2); Multiple comm with DA re: why complete new filing rather than supplementation and options to draft as a supplement (0.2); RR corresp from Epiq requesting additional documents in preparation of Declaration for Supp to Joint Motion for PA (0.1);	
04/10/2019	3.20	RA DF Discovery Supp (PORCELANA 52125-52959), compare same to spreadsheet provided reflecting continued claims settlements, outline missing file materials and flag documents reflecting negotiating in contravention of settlement terms	
04/11/2019	5.60	DR corresp to Epiq and DA re: prior submissions with Joint Motion and amended suggestions to Long Form, Short Form, and Claim notice materials for notice provider declaration (0.2); RR corresp from Epiq re: Term Sheet rather than Settlement Agreement and CAFA notice requirements (0.2); Multiple comm with CAFA personnel at Epiq and DA re: documents and information needed for CAFA notice and expediated request for necessary information (0.5); DR response to Brennen Kelly re: status of formal Settlement Docs as compared to	

		<p>Stipulated Settlement Terms already filed (0.1); RA proposed CAFA cover letter from Epiq to all AGs, list of proposed docs to include, request for mailing list (0.4); Multiple comm with DA and CAFA notice provider regarding proposed language for letter, scope of service, and documents to include (0.5); DR request for opportunity to review and amend proposed cover letter due to DA's proposed language of "remote possibility" of claims (0.2); Continued drafting of modifications to Joint Motion for DA approval and submission as a supplement to prior request (1.1); RR corresp from CAFA provider with suggested modifications to AG cover letter and review current draft of same, and locate additional information for geographic representations and documents still needed to include with CAFA notice (0.6); Continued draft of formal complete settlement document for consideration and approval by DA prior to submission to CT (1.8)</p>	
04/12/2019	1.90	<p>RR corresp from CAFA administrator re: documents still needed for completion of CAFA notice (0.1); Multiple Corresp with DA re: Supplementation in Support of Joint Motion and amended deadlines to match Epiq suggested deadlines (0.3); RR corresp from CAFA provider re: discrepancies in proposed order granting PA and the final approved media plan and request for clarification since notice plan will be included in CAFA filing (0.1); RA spreadsheet/chart of class member geographic locations for purposes of CAFA notice (0.2); DR modifications to Proposed Order granting PA to submit with Joint Supplementation and matching Epiq deadlines for notice and administration (0.6); RR approval from DA for submission of Supplement to Joint Motion and proposed order (0.1); per CAFA administrator request provide FM of Supplement, supplemental attachments, and Order for inclusion in the CAFA notice, provide final approval to all CAFA materials (0.3); RR confirmation from CAFA administrator of compliance with CAFA deadlines and content and submission to all AGs (0.1); DR corresp to Azari re: Supplementation, exhibits, and amended proposed order filed jointly for consideration in Epiq declaration (0.2)</p>	

04/15/2019	3.90	Modifications to proposed formal Settlement Agreement based on notice parameters changing (0.8); Corresp with DA re: conference on Settlement Agreement terms (0.1); Forward draft settlement agreement to DA for review, modifications and/or approval (0.1); RR final Azari Declaration to confirm compliant with FRCP in support of sufficiency of notice plan (0.6); RA DA's proposed modifications to Settlement Agreement (0.8); Comm with DA regarding edits to Settlement Agreement (0.2); RR Distributor Contact Information and Location of Replacement Program for inclusion and attachment to the Settlement Agreement (0.2); Review of DA's additional suggested modifications to Settlement Agreement (0.3); Complete draft of Settlement Agreement and prepare all attachments to forward same to DA for final approval (1.4)	
04/16/2019	4.10	RR corresp from DA request two additional changes to Settlement Agreement and make requested adjustments (0.4); RR corresp from DA re: has additional changes to the Proposed Order for Preliminary Approval (0.1); RA final modifications to Proposed Oder and to Settlement Agreement and give PL approval for filing (0.5); RA Joint Evidentiary Supplement ISO PA with Azari Declaration, Settlement Agreement combined with Evidentiary Supp (settlement exhibits) and DF filed new Amended Proposed Order granting PA (0.5); Attend and argue at hearing on Joint Motion for Preliminary Approval (2.5); RR minute entry from CT regarding completion of hearing and pending formal decision (0.1)	
04/17/2019	0.90	Call with Azari at Epiq to discuss modifications to notice dates depending upon date of signed order and discussion of claims administration issues for claim fund (0.7); DR corresp to Azari re: discussion of "blanks" in notice documents to be completed (0.2)	
04/18/2019	0.10	RR corresp from Brennen Kelly re: kick-off call to discuss execution of the notice plan and initial set up for administration with entire project team	
04/19/2019	0.20	Multiple comm with DA and Epiq project team re: kickoff conference call	

04/22/2019	2.60	Prepare for kickoff call with Epiq project team and DA – review current drafts of notice materials, deadlines, proposed orders and media plan (1.2); Participate in conference with Epiq project team (1.4)	
04/24/2019	0.40	RA corresp from Zach Lebovits (Epiq Project Manager) re: update post-conference call, milestone tracker document template and requests re: modifications to the proposed notice materials and website	
04/25/2019	1.50	RA Report and Recommendation of Magistrate granting Joint Motion for Preliminary Approval and proposed order for acceptance by DC (1.3); DR corresp to Epiq project team re: Magistrate ruling on preliminary approval (0.1); RR acknowledgement from Epiq re: updating milestone tracker based on Magistrate report (0.1)	
04/26/2019	0.10	RA updated Milestone Tracker based on Approval report and recommendation	
04/29/2019	1.10	DR of Notice of PL's Waiver of the 14-day objection period requesting final order on preliminary approval (0.5); Comm with DA re: conference on PL's waiver and whether DA wants to be included/Joint motion (0.1); RR approval from DA re: Joint Notice of Waiver of Objection Period and request for Final Order adopting report and recommendation (0.1); DR modifications to Notice of Waiver and file same (0.2); RR corresp from Epiq project team re: questions concerning language for notice documents and claim forms and provide drafts of same to team for review (0.2)	
04/30/2019	2.30	RA first drafts of the settlement website language and materials and the IVR script (0.8) (0.9); Conference with NSC re: IVR script, questions regarding claim set-up through website and discuss timetable for completion of notice documents to meet deadlines (1.4)	
05/01/2019	0.20	RR corresp from DA re: status of warranty claim data (0.1); RR correp from Project Coordinator re: importance of receiving warranty data prior to mailing deadline under the notice plan (0.1);	
05/02/2019	3.80	RA DFs proposed changes to IVR script and website draft materials (0.7); RR multiple comm with Epiq and DA re:	

		disputed language for inclusion in notice docs specific to fee application (0.5); review all prior drafts, term sheets, stipulated settlement terms and settlement agreement to address representations by DF that attorney fees will be capped and use of the percentage method (1.3); DR responsive comm to DA with document citations re: attny fees (0.4); RA corresp from Project Coordinator re: attached claim form draft, proposed modifications from Epiq team and request for review and comment from counsel (0.4); DR suggested revisions to the Claim Form draft proposed by Epiq and forward to Epiq team and DA (0.5)	
05/03/2019	2.60	RR corresp from Epiq requesting whether DF has any suggested changes to claim form (0.1); RA DA's suggested modifications to claim forms with proposed examples of required proof for sworn declarations (0.3); Multiple comm with Epiq team and DA regarding notice deadlines, clean-up on original proposed drafts, information on replacement locations and claim period clarifications (0.8); RA DA's final suggested modifications to the website draft and confirm same is in accordance with Settlement Docs (0.4); RR corresp from Epiq re: status of DF data on homeowners receiving direct notice (0.1); RR list from DA re: executed releases containing waiver of warranty provision to receive direct notice (0.3); RA Order by Mazzant adopting Report and Recommendation and entering formal order with deadlines (0.6)	
05/06/2019	6.80	Research into available assets for 2011 Settlement Class and Final Approval Terms – review summary of sales agreement, language of settlement agreement and release proposal, and summaries of insurance funds (2.1); Research, review and analyze case authority re: successor liability, indemnity rights for assignment request, and execution of abstracts in foreign jurisdictions to enforce anticipated Final Approval and Order (2.7); Conference with Scott re: execution of abstracts in foreign jurisdictions to enforce anticipated Final Approval and Order (1.6); DR corresp to CT Clerk re: status of Final Approval date for purposes of notice documents and	

		settlement website and providing summary of deadlines (0.2); RR corresp from DA re: conflict with certain August dates for Fairness Hearing (0.1); RR corresp from CT offices regarding submission of Notice of Deadlines and request for hearing date (0.1)	
05/07/2019	1.60	DR Notice of Significant Dates (0.6); RR comm from DA re: including deadline for response to fee application (25 days) and make change (0.1); RR corresp from Epiq re: additional clarification of information for claim form, long form, and postcard for review and approval and review all attachments for edits and acceptance (0.7); RR comm to/from response from Epiq Project Manager regarding ongoing dispute of attorney fee language and requesting final decision for notice docs and website (0.2)	
05/08/2019	1.80	DR summary of Order regarding using "substantially similar" language for Direct Mail notice, published notice, internet notice, and website notice and confirm suggested changes to notice do not conflict with Order (0.4); RR agreement from Epiq re: Order language and requesting DA final agreement (0.1); RR DA request to incorporate trademark designations and corporate name changes (0.1); DR follow-up to DA re: proposed Notice of Significant Deadlines and request conference to discuss how to approach final hearing setting (0.1); RR approval from DA regarding Notice of Dates and file same (0.1); RA Epiq's Final Draft of Postcard and Long Form Notice and suggested edits to short form notice to match publication language (0.5); Multiple comm and review with Epiq and DA re: final modifications and omissions in the notice documents (0.5)	
05/09/2019	1.20	RA multiple "final" drafts of postcard, short form notice and long form notice with continued requested modifications by DF and comm from Epiq in incorporating same (1.0); RA Epiq team's proposed final publication notice, banner notices, and redlined press release for review and comment (0.7); RA DA's proposed modifications to Vortens Press Release draft (0.4);	
05/10/2019	3.70	RA new additional changes request by DA on the Long Form notice (0.3); DR lengthy	

		summary of concerns regarding DFs proposed modifications and request conference (0.4); In lieu of conference, RA DA's suggested modifications to address the drafted concerns re: long form notice changes (0.2); RR claim information for individual that contacted Vortens directly for claim resolution under the settlement (0.1); RR finalized banner notice from Epiq team and request for final approval re: language of expense reimbursement (0.1); Multiple comm with DA re: alternatives to press release and publication notice language (0.5); RA the press release draft and long form notice draft forwarded by DA to Epiq and confirm all agreements and modifications approved (0.5); Receipt and Review of all final drafts of all notice documents, including website and IVR script, for counsel consideration and approval (0.8); Conference with Scott re: Epiq's final drafts and discuss scope, accuracy and distribution (0.8)	
05/11/2019	0.20	DR corresp to Epiq and DA regarding changes to claim period and uniformity of notice document representations of significant dates and approve for use	
05/13/2019	2.10	RR corresp from Project Manager confirming notice deadlines aligning (0.1); RA final Postcard Notice and provide approval without modification (0.2); RA final Publication Notice and provide approval without modification (0.3); RA final Press Release language and provide approval without modification (0.3); RA final Banner Notice and provide approval without modification (0.1); RR DA's approval of Postcard, Publication, Banner Notices and Press Release (0.1); RA Epiq's final draft of Long Form Notice after all revisions to confirm accuracy and approve same without modification (0.4); RA Epiq's final draft of Claim after all revisions to confirm accuracy and approve same without modification (0.3); RA Epiq's final draft of Website and IVR script after all revisions to confirm accuracy and approve same without modification (0.3)	
05/16/2019	0.30	DR corresp to CT clerk requesting update on hearing for Final Approval (0.1); RR responsive email from CT re: still working on Fairness Hearing setting (0.1); RR	

		confirmation from Epiq re: launch of website and notice campaign (0.1)	
05/17/2019	0.20	Multiple comm with Epiq and DA regarding clarification questions of notice launch	
05/24/2019	0.40	RA Epiq Project Manager's Weekly Administrative Report and explanation of report provided by Zach	
05/28/2019	3.80	DR comprehensive research memorandum of legal analysis including additional research for class benefit valuation (3.8); RA Epiq Weekly Administrative Report (0.2); RR correp from DA re: request from replacement tank distribution center (Austin) to move distribution location (0.1)	
05/29/2019	0.60	DR corresp to Epiq and DA re: maintaining call list fielded by PL office and forward contact information for notice packet mailing (0.3); RR acknowledgement from Epiq re: claim packets to call list consumers (0.1); RR corresp from Project Manager re: qualified settlement fund, replacement program implementation, and payment timing issues in settlement documents (0.2)	
05/29/2019	3.70	Meeting with consulting expert re: settlement benefit evaluation, burden of proof for Final Approval and Fairness hearing, and preparation of Motion for Approval of Service Awards, Expenses, and Fees (2.3); TCT NALFA re: qualifications for custom hourly rate survey in DFW metroplex area in light of out-of-date data (0.7); RR CAFA Notice Implementation Declaration provided by Epiq Legal Notice Administrator (0.3); RR survey proposal from NALFA with Best Practices documentation (0.4)	
05/30/2019	2.60	Conference with Scott: Custom Survey proposal to obtain market rate of class action plaintiff attorneys in consumer/product actions (0.9); TCT NALFA re: necessary scope of custom survey to comply with purpose of isolating hourly market rates in Dallas/FW community (0.7); Provide NALFA survey language from 2015 State Bar survey and scope of distribution/response (0.9); RR corresp from Epiq re: changing the Austin distribution center location (0.1)	
05/31/2019	0.80	Comm with NALFA re: confidentiality protections for participants in survey,	

		autonomy of database other than location and type of work limitations needed (0.6); Confirm agreement with autonomy of survey and confidentiality and request initiation of survey (0.2)	
06/03/2019	7.20	RR confirmation of database scope to be used by NALFA and limited purpose custom survey questions (0.2); Research, review and analyze Texas federal DC and Fifth Circuit precedent re: approval of service award to class reps (2.1); Research, review and analyze case authority for Fifth Circuit requirements to approve litigation expenses and non-taxable costs to include in Motion for Approval (1.2); Research, review and analyze case authority regarding "reasonable attorney fee" award requirements and Settlement terms for submission of fee request (3.7)	
06/04/2019	7.00	RR draft of short-form survey from NALFA and notification of launch to NALFA's plaintiff class action database (0.2); RA Epiq's Weekly Administrative report (0.1); Initial draft of Motion for Approval of Class Rep Service Award/Expenses and application for award of Fees pursuant to Preliminary approval order – standard of review and burden of proof (0.7); Initial draft of Motion for Approval of Class Rep Service Award/Expenses pursuant to Preliminary approval order – class representative service award approval args and authorities (1.8); Initial draft of Motion for Approval of Class Rep Service Award/Expenses pursuant to Preliminary approval order – settlement terms for reimbursement cap, qualification of expenses, and authority to award same (1.6); Initial draft of Motion for Approval of Class Rep Service Award/Expenses and application for award of Fees pursuant to Preliminary approval order – lodestar methodology and required proof in Fifth Circuit for rate and hours (2.6)	
06/05/2019	6.30	Research, review and analyze Fifth Circuit requirements for step 2 of lodestar methodology under Johnson precedent (3.2); Initial draft of Motion for Approval of Class Rep Service Award/Expenses and application for award of Fees pursuant to Preliminary approval order – application of the 12 Johnson factors pursuant to Fifth Circuit precedent and district court	

		applications (2.9); RR corresp from NALFA re: survey launch and parameters for exclusion based on negative response to location or type of work performed (0.2);	
06/06/2019	5.80	Continued modifications to Motion for Approval of Service Awards, Expenses, and Fee Application based on ongoing research for each element of proof (2.9); TCF NALFA re: initial responses to survey after exclusion for inapplicable returns (0.4); Modifications to briefing based on NSC edits (2.5)	
06/07/2019	6.00	Joint Conference re: status of request for approvals and request for fees under the settlement agreement and discuss evidentiary documents needed to file in support (1.9); Initial draft of RBS Declaration (1.5); RR survey update from NALFA (0.1); Continued modifications to Motion for Approval of Service Awards, Expenses, and Fee Application and gather necessary documents for inclusion in appendix (3.0)	
06/10/2019	8.50	Review and analyze all professional staff billing entries: segregate work performed after Joint Motion for Preliminary approval to exclude "remaining claims" litigation events, remove redundancies or duplications across staff entries (2.6); Review and analyze all associate billing and contract attorney billing entries: segregate work performed after Joint Motion for Preliminary approval to exclude "remaining claims" litigation events, and remove redundancies or duplications (2.2); Initial preparation of Appendix materials to submit in support of Approval for service award, expenses and fees – draft expense spreadsheet, prepare redactions to discovery documents to protect confidential portions of evidence submissions, and hearing transcript excerpts (1.9); Incorporate initial Appendix citations into Motion (0.7); Initial draft of proposed Order on Motion for Approval and Award (1.1)	
06/11/2019	1.20	TCT Court ECF clerk re: Motion and Appendix filed prior to deadline but filed in error and request for entry of error and inaccessibility of improper filing (0.4); Conference with DA re: removal of materials filed in error, need for Final Approval hearing date, and corrective modifications to significant deadlines	

		based on Order granting preliminary approval rather than from Magistrate recommendation and report (0.6); Conference call with Court Clerk (Lance Henderson) and DA regarding correction of Notice of Significant Dates and need for Final Approval setting (0.3); DR Joint Amended Notice of Significant Dates and forward same to DA for review and comment (0.5); File Notice of Significant Dates and forward same to Epiq (0.2); RR Epiq Weekly Administrative Report (0.1); RR status update from NALFA regarding survey results (0.1)	
06/12/2019	3.90	Review, compare and analyze NCS and RBS billing entries: segregate work performed after Joint Motion for Preliminary approval to exclude "remaining claims" litigation events, remove unnecessary redundancies or duplication across entries	
06/15/2019	10.10	Finalize billing judgment modifications to all billing entries to adjust for non-billable events, redundancies and/or duplications and redact to protect confidentiality or privileged entries (4.2); Draft Master Lodestar Spreadsheet (1.0); RA current results of survey by NALFA and update Declaration re: survey, billing review, work performed on case, and professional experience (2.3); DR final corrections to Motion, incorporation of appendix references, and finalize Appendix and Order for filing (2.6)	
	2437.80		\$1,645,515.00

<u>Date</u>	<u>Qty</u>	<u>Description</u>	<u>Total</u>
12/11/2016	5.20	PER NSC and RBS: Research corporate background of Vortens, Inc. including parent corporations, trademarks, name changes, and conduct national search of bz filings	
12/13/2016	2.90	Research SEC filings of Grupo Lamosa for years 2000-current	
10/09/2017	0.60	Conduct news research and Social Media review and draft update	
10/16/2017	0.40	Conduct news and Social Media review and DR summary update	
11/26/2017	0.70	Per NSC: update news and social media research and draft summary update	
11/27/2017	10.20	Attend and Oversee Transport Evidence from Houston to ESI with client meetings in the collection of same - ensure proper transfer of evidence procedures and by consulting expert and clients	
12/11/2017	1.10	Research news and social media and draft summary update per NSC request	
	21.1		\$6,330.00

<u>Date</u>	<u>Qty</u>	<u>Description</u>	<u>Total</u>
12/14/2017	4.90	Begin research for comprehensive national compendium volumes for use in preparing Motion for Class Certification (National) - pattern jury charges for strict products liability	
12/19/2017	6.70	Continue research for comprehensive national compendium volumes for use in preparing Motion for Class Certification (National) - pattern jury charges for strict products liability	
12/22/2017	5.90	Continue research for comprehensive national compendium volumes for use in preparing Motion for Class Certification (National) - pattern jury charges for strict products liability	
01/04/2018	4.20	Draft comprehensive compendium summary and survey of all states elements, burdens at trial and available damage models – strict products liability	
01/06/2018	6.20	Complete comprehensive compendium summary and survey of all states elements, burdens at trial and available damage models – strict products liability	
01/15/2018	3.60	Begin research for comprehensive national compendium volumes for use in preparing Motion for Class Certification (National) - pattern jury charges for negligence liability	
01/18/2018	4.80	Continue research for comprehensive national compendium volumes for use in preparing Motion for Class Certification (National) - pattern jury charges for negligence liability	
01/04/2018	5.90	Draft comprehensive compendium summary and survey of all states elements, burdens at trial and available damage models – negligence	
03/01/2018	2.50	Begin research for comprehensive national compendium volumes for use in preparing Motion for Class Certification (National) - pattern jury charges for breach of warranty	
03/03/2018	4.60	Continue research for comprehensive national compendium volumes for use in preparing Motion for Class Certification (National) - pattern jury charges for breach of warranty	
03/05/2018	6.20	Continue research for comprehensive national compendium volumes for use in preparing Motion for Class Certification (National) - pattern jury charges for breach of warranty	
03/14/2018	4.90	Draft comprehensive compendium summary and survey of all states elements, burdens at trial and available damage models – warranty causes of action	

03/17/2018	3.90	Complete comprehensive compendium summary and survey of all states elements, burdens at trial and available damage models – warranty causes of action	
03/19/2018	6.90	Per RBS: research statutory citations from all state jury charges on strict products liability and available warranty claims and prepare spreadsheet on statute of repose, statute of limitations, and adoption of UCC and Restatement of Torts and update compendium survey with citations and summary of results	
03/22/2018	5.40	Continue research statutory citations from all state jury charges on strict products liability and available warranty claims and prepare spreadsheet on statute of repose, statute of limitations, and adoption of UCC and Restatement of Torts and update compendium survey with citations and summary of results	
03/26/2018	5.80	Complete research and prepare spreadsheet on statute of repose, statute of limitations, and adoption of UCC and Restatement of Torts and update compendium survey with citations and summary of results	
	82.4		\$39,140.00

<u>Date</u>	<u>Qty</u>	<u>Description</u>	<u>Total</u>
08/10/2017	6.80	Review all Vortens client document files and draft summaries and logs for same in preparation of PL discovery responses	
10/10/2017	5.40	Prepare summary of outstanding document requests per NSC for purposes of MTC	
10/17/2017	5.90	Analyze document summary outline to identify all paid claims for fractured tanks and create year and month chart for use in MTC supplementation of DF document production as to all years and models	
11/04/2017	3.40	Review and draft deposition summary of corp rep Cardinal	
11/14/2017	3.20	Review and prepare deposition summary of deposition of Gutierrez corp rep	
11/15/2017	3.10	DR deposition summary of Trevino corporate rep	
03/12/2018	2.30	DR deposition summary of Mecholsky (PL expert)	
04/04/2018	2.70	DR deposition summary of Mike Ray	
04/08/2018	2.80	DR deposition summary of Sean Capser	
04/14/2018	3.30	DR deposition summary of David Ahearn	
04/15/2018	3.90	DR deposition summary of Wilson Martinez	
04/22/2018	6.40	Assist attorneys in certification record preparation – individual document review of each item identified for inclusion in certification record for applicability, confidentiality designation, and necessity of redaction (VOLUME 2)	
04/24/2018	4.40	Assist attorneys in certification record preparation – complete individual document review of Volume 2 documents identified for inclusion in certification record for applicability, confidentiality designation, and necessity of redaction	
04/25/2018	6.40	Assist attorneys in certification record preparation – individual document review of each item identified for inclusion in certification record for applicability, confidentiality designation, and necessity of redaction (DF discovery volume)	
04/26/2018	7.10	Assist attorneys in certification record preparation – complete document review of documents produced by DFs identified for inclusion in certification record for	

		applicability, confidentiality designation, and necessity of redaction	
04/27/2018	5.80	Assist attorneys in certification record preparation – individual document review of each item identified for inclusion in certification record for applicability, confidentiality designation, and necessity of redaction (third-party production volume)	
04/29/2018	5.20	Assist attorneys in certification record preparation – complete document review of documents produced by subpoena from third parties identified for inclusion in certification record for applicability, confidentiality designation, and necessity of redaction	
	78.1		\$41,002.50

<u>Date</u>	<u>Qty</u>	<u>Description</u>	<u>Total</u>
12/30/2016	1.50	Per NSC - research agents of service of Complaint for Vortens and compliance with FR for service on Tx Df (0.4); research eastern dist local rules to ensure compliance with class action filings and dr civil complaint form required (1.1)	
01/02/2017	0.20	RR acceptance of submission and Calendar Answer deadline	
01/05/2017	1.20	Internal conference with NSC/RBS - class reps, class agreements, service of complaint, and Hague Convention	
01/20/2017	3.40	Research additional service/corporate information for DFs and Hague Convention requirements	
01/25/2017	1.30	Prepare Waiver of Service documents in compliance with FRCP and serve same on all available contacts (0.7); Continued work on Hague Convention service document requirements (0.6)	
01/29/2017	4.10	Research all MFG reps of Vortens and all locatable suppliers of Vortens tanks for purposes of litigation notification and evidentiary hold requests	
01/30/2017	4.20	Create and organize MFG Rep and Dealer spreadsheet by location including entities identified but without address information for preservation letters	
03/03/2017	0.10	RR CT Notice of Impending Dismissal and Calendar deadline	
03/28/2017	0.30	Calendar special process server deadlines and update order notebook	

04/01/2017	0.10	RR Order granting MFE, calendar Answer DDL and update Order notebook	
04/01/2017	0.20	RR summons documents re-issued and executed and confirm FRCP compliant	
04/13/2017	0.30	DR Client update Letter regarding pleading deadlines	
05/05/2017	0.30	RR Return of Service Notice from CT and calendar response deadline ordered in minute entry	
05/17/2017	0.20	RR Order on MFE, update answer deadline, and update Order notebook	
05/26/2017	0.10	RR DF MTS FAC class allegations and Calendar response	
05/26/2017	0.10	RR Consent to proceed before Magistrate	
05/29/2017	0.40	RR CT Scheduling Order, calendar all deadlines, and update Order notebook	
06/08/2017	0.40	DR Proposed Order granting PL Motion to Strike Challenge to class Allegations/Request for Stay and file Motion and Order	
06/09/2017	0.30	DR Proposed Order denying MTS and file PL Rspns to DF Request to Strike Allegations	
06/23/2017	0.20	File PL Sur-Reply to DF Request to Strike Class Allegations	
06/23/2017	0.40	Receipt of Amended Scheduling Order and RR Hearing Order on competing motions regarding class allegation pleadings, calendar and update order notebook	
06/29/2017	0.20	File PL Reply iso MTS or Stay DF Request to Strike Class Allegations & Calendar rspns	
06/30/2017	2.80	Review client files and supp documents provided by clients for attachment to	

		disclosure responses (PLAINTIFFS 1-247)	
06/30/2017	4.40	Review and draft summary outline of PORCELANA 000001-000296 produced with Initial disclosures	
07/05/2017	5.10	Review all flagged attny notes re: key 2004-2015 Lamosa Corp. Docs, highlight, outline and bind same	
07/06/2017	6.80	Prepare RBS Hearing binders - DF MTS Class Allegations and all briefing, proposed orders, and locate all cases isolated by attn. for review (2.0); Prepare separate Hearing binder for RBS - PL Rule 12(f) Motion/Motion to Stay and all briefing, proposed orders, and locate all cases isolated by attn. for review (2.6); Prepare NSC Hearing binders - DF MTS Class Allegations briefing, PLs Motion to Stay briefing, Joint Rule 26(f) Report and Joint proposed scheduling order (2.2)	
07/06/2017	0.10	RR CT Signed Agreed Protective Order	
07/19/2017	0.20	RR Minute entry re: hearings on competing MTS and taking same under advisement and update order notebook	
07/27/2017	0.50	RR Class Certification Scheduling Order including initial trial setting, calendar deadlines, and update Order notebook	
08/10/2017	2.90	Compare 2nd RFP to 1st RFP to DF and to DFs disclosure documents to prevent duplication or redundancies in requests, DR service correspondence and serve RFA AND 2ND RFP TO DF	
08/31/2017	4.10	Review documents produced by DF in response	

		to 1st RFP and draft summary outline of individual documents	
09/06/2017	3.40	Compile all documents for production from each client file and from comm with individual PLs for missing docs and bates number production	
09/08/2017	7.20	Review and initial draft of summary outline of recent DF document supplementation (PORCELANA000358-000856) and segregate documents requiring translation summary outlines	
09/11/2017	5.80	Review and initial draft of summary outline of recent DF document supplementation (PORCELANA000857-1483) and segregate documents requiring translated summary outlines	
09/12/2017	6.60	Review and initial draft of summary outline of DF document suppl. (PORCELANA 001484-2698) segregate any documents requiring translated summary outlines	
09/14/2017	5.10	Continued review and drafting summary outlines of DF document supplementation (PORCELANA 001484-2298)	
09/15/2017	4.50	DR summary outline of DF document suppl. (PORCELANA 2699-2923) and segregate any documents requiring translated summary outlines	
09/18/2017	6.10	Complete all summary outlines of DFs document production up through most recent production of PORCELANA 2932 (excluding materials requiring translation)	

09/20/2017	0.10	Receipt of Order denying Mtn for Protection and Update Order notebook	
09/21/2017	6.90	Begin drafting summary outline of DF document supplementation (PORCELANA 0002933-11545) and segregate any documents requiring translated summary outlines	
09/22/2017	7.80	Continued review and drafting of summary outlines re: PORCELANA 0002933-11545 and segregate documents requiring Spanish translation	
09/22/2017	0.20	RR Magistrate ruling recommending denial of competing MTS and update order notebook	
09/26/2017	6.20	Continued review and drafting of summary outlines re: PORCELANA 0002933-11545 and segregate documents requiring Spanish translation	
09/27/2017	6.20	Continue drafting summary outlines re: PORCELANA 0002933-11545 and isolate docs needing Spanish translation in conjunction with summaries	
09/28/2017	6.90	Continue drafting summary outlines re: PORCELANA 0002933-11545 excluding docs needing Spanish translation	
10/09/2017	4.20	Prepare Cardinal depo binder for NSC - NITD, documents selected for additional review from the production summary outlines, and DF written discovery responses	
10/11/2017	6.00	Prepare Villegas depo binder for NSC - NITD, documents selected from production summary outlines, and written discovery responses (3.3); Prepare Trevino depo binder for RBS - NITD.	

		documents selected from production summary outlines (2.7)	
10/12/2017	6.20	Begin review and draft summary outline of new production (PORCELANA 00011822-13204) and isolate docs needing Spanish translation for summaries	
10/13/2017	4.50	Prepare Gutierrez depo binder for RBS - NITD, documents selected from production summary outlines (2.9); per RBS obtain translation services for additional certified translations of potential Gutierrez Exhibits (1.6)	
10/16/2017	0.30	DR Proposed Order of Approval of Stip re Depos and file Motion/Order	
10/18/2017	0.20	RR Order granting Stip for foreign depo and Update Order notebook	
10/18/2017	0.8	DR proposed Order on MTC witness disclosure (0.2); Preparation of exhibits to Motion to Compel and file (0.6)	
10/19/2017	0.20	Comm with Court Clerk re: Motion to Compel Errata per CT instructions	
10/19/2017	0.30	RR Conference Order and denial of discovery Motions, Calendar conference hearing and Update Order Notebook	
10/20/2017	0.10	RR Order granting disclosure, Calendar Deadline to produce and update Order Notebook	
10/20/2017	0.70	Multiple comm with document translators re: deposition exhibits timing and certification requirements in advance	
10/23/2017	0.70	Comm with Day Translations re: translation for batch files 14, 15, 16, 17, 18, 19, and 20 and provide	

		attnys in Mexico with status of certified translated documents	
10/25/2017	1.70	Review and prepare summary outline multi-file spreadsheets designated as single bates-number: PORCELANA 00013212	
10/27/2017	0.10	Comm to Day Translations re: project details and cancellation of translator for 10/27/17	
11/01/2017	0.90	Per RBS request - multiple comm with Sousa regarding factual background, doc proof, damages and draft representation contract	
11/02/2017	1.10	Multiple comm with ESI re: Ahearn comments as to protocols and outside destructive testing (0.5); Multiple comm with Mecholsky re: comments as to testing protocols and setting conference (0.4)	
11/07/2017	0.40	Prepare Request for Audio transcription pursuant to conference with CT reporter and in accordance with LR and FRCP requirements	
11/09/2017	0.30	RR Order on Amended SO, Calendar Deadlines and Update Order Notebook	
11/09/2017	0.30	TCF Mr. Arshad re: questions of class rep contract r	
11/10/2017	0.20	Comm with Capser re: case Protective Order and requirement of execution of Exhibit A	
11/10/2017	0.30	Comm with Fessler re: NITD and deposition prep discussion	
11/15/2017	4.90	Ongoing drafting of summary outlines: DF rolling document production	
11/17/2017	0.60	Coordination/communication with clients and consulting experts on tank pick-ups, toilet removals, and ESI lab collection re: Handlv. Stone.	

		Sousa	
11/17/2017	0.90	Per RBS - isolate all Fessler discovery docs and written responses for attny and client deposition prep; corresp with Fessler re: depo prep using discovery responses and forward same	
11/20/2017	1.20	Deposition Preparation: isolate key documents for potential exhibits, pleadings, and discovery responses and prepare binder for atty	
11/21/2017	0.80	Comm with consulting experts re: logistics/transport of evidence from Houston clients to selected ESI lab for testing and all evidence transfer document requirements	
11/22/2017	0.10	RR Comm from Pearl Reporting re: signature notice of Edelmiro Trevino	
11/22/2017	0.10	RR Aftosmes execution of settlement agreement	
11/26/2017	0.70	Provide Dr. Mecholsky PO and signature page/Exhibit A for confidentiality (0.1); Locate and provide discovery materials to Mecholsky identified by NSC upon receipt of executed exhibit (0.6)	
11/27/2017	0.40	Update Comm re: Cone/Aftosmes settlement checks received and notifying both clients	
11/27/2017	0.20	Comm to Mr. Barron re: Vortens transfer from Goodson Engineering to ESI labs for destructive testing	
11/28/2017	0.50	TCF Goodson lab re: separation of exemplar tanks from client tanks for destructive testing at ESI and evidence transfer to DF of exemplar tanks	
11/29/2017	0.90	TCF Ahearn's assistant re: request from expert to	

		isolate and forward all prior reports and photos on exemplars and conduct requested research and document location	
11/29/2017	3.70	Review and draft summary outline of new sup doc production - PORCELANA 00013216-13479	
11/29/2017	0.60	multiple comm with DA and ESI re: confirmation of evidence transfer from multiple locations and transfer of exemplar retention to DF	
11/30/2017	0.20	Multiple comm with DA office re: corrupted documents in supplemental production preventing review and summary	
12/01/2017	1.60	Multiple calls to clients Sousa, Stone and Handy re: Joinder Motion as additional class reps	
12/01/2017	0.70	Multiple comm with Arshad re: representation, damages and visual inspection by consulting expert	
12/01/2017	0.20	DR Order on Motion for Joinder of PLs and file same	
12/04/2017	2.80	Per RBS - review summary outlines and narrow same for attny review and attny selection of docs to prioritize and send to experts	
12/04/2017	0.40	Multiple comm with expert offices re: status of additional Protective Orders specific to plant inspection requested by DA	
12/04/2017	0.30	TCF Arshad Dillon re: providing numbers for out of pocket expenses and damages proof and his request for joinder as class rep	
12/04/2017	0.90	Prepare initial draft of SDT to identified builders for atty edits and approval	
12/05/2017	0.10	DR comm with DA re: all expert confirmation and	

		signatures on PO Exhibit	
12/06/2017	0.30	TCF Gessel re: Vortens lawsuit and class rep request	
12/06/2017	1.10	Research addresses and agents for service of SDT based on location service requirements for all builders identified by atty	
12/07/2017	0.20	Draft Notice of all builder SDTs to DF and provide required notice under FRCP for objection	
12/07/2017	0.90	Confirm redactions and relevance of Exhibits to include with Mtn for Partial Dismissal, DR proposed Order, and file Motion for Order on Partial Dismissal (Cone/Aftosmes)	
12/07/2017	1.20	Amend draft of individual SDTs to DR Horton, Meritage; Partners in Building; Paul Taylor; Beazer, Plantation; Riverstone; and Trendmaker and arrange with multiple service agencies for service of same in relevant jurisdictions	
12/08/2017	4.90	Review new document production supplementation to 1st and 2nd RFP and responses to 3rd RFP and draft outline summaries	
12/11/2017	1.90	TCT each newly joined Named PLs re: Joinder Order and provide prospective management plan for each as to anticipated discovery requests	
12/11/2017	0.20	Per NSC - TCT Gessel re: Vortens lawsuit update and hold on new reps	
12/13/2017	0.20	RR corresp from court reporter re: need for PDF versions of the depo exhibits to be substituted for large spreadsheets, confirm with attny and provide same	

12/15/2017	0.40	Per DA request - DR confirmation of inspection attendees and serve DF with final PL protocol and all signed PO exhibits for each attending expert	
12/15/2017	0.20	Multiple comm with ESI offices re: status of protocol and plant inspection delay	
12/18/2017	4.90	Per RBS assignment - DR comprehensive discovery memorandum comparing all DF production with all RFPs and objections	
12/18/2017	0.10	Comm to court reporter re: Trevino depo exhibits to be substituted with transcript	
12/19/2017	0.20	DR Comm to client, Fessler re: deposition transcript, review, and completion of errata if necessary	
12/19/2017	3.10	Continued draft of discovery memorandum re: scope of production responses and objections per RBS assignment	
12/20/2017	0.30	Comm with court reporter re: depos transcripts, confirmation of confidentiality designations and docs	
12/21/2017	0.60	Review PORCELANA 00013521-13552 and draft outline summary of documents	
12/29/2017	0.70	DR Proposed Order denying MTQ and File Plaintiffs Response to Trendmakers MTQ	
01/01/2018	0.10	DR Email to OC re: response of Paul Taylor Homes to SDT	
01/01/2018	0.10	DR Email to OC re: service of 1st set of Interrogatories/Requests for Production	
01/03/2018	0.40	Multiple comm with Masteller (Plantation counsel) re: amended service of SDT to Plantation Home, LLC and scope limit	

01/04/2018	0.10	RR Order granting Trendmaker's MTQ and update order notebook	
01/04/2018	0.40	Review Response to DR Horton MTQ and confirm evidentiary support and file same	
01/04/2018	0.10	RR corresp from Pearl Reporting re: Deposition of Edelmiro Trevino and confidential designations	
01/05/2018	3.80	Pursuant to attny expert conference notes review summary outlines, isolate additional docs (including depo exhibits) and forward same for expert review	
01/08/2018	1.10	Research proper service for SDT to Chapparal Plumbing and prepare initial draft of SDT (0.6); Research proper service for SDT to New Tex and prepare initial draft of SDT (0.2); Research proper service for SDT to Northside Plumbing and prepare initial draft of SDT (0.3)	
01/08/2018	0.60	Arrange service of SDT with mutilple agencies based on location service requirements for distributors	
01/08/2018	0.20	Draft Notice of all distributor SDTs to DF and provide required notice under FRCP for objection	
01/09/2018	0.20	Multiple comm with DA re: distributor depositions and supp needed to production	
01/09/2018	0.40	DR letter agreement regarding SDT response scope and forward same to Mellencamp for review (0.3); RR modified letter agreement from counsel Mellencamp, compare same to original language, and execute same extending SDT deadline and narrowing scope (0.1)	
01/11/2018	0.60	Multiple comm with experts re: laboratory inspection documents	

01/15/2018	1.80	TCF ESI regarding discovery documents referenced in depositions (0.2), review summary outline to identify requested discovery docs and provide to expert (1.6)	
01/16/2018	0.90	Final Review of expert disclosures for FRCP compliance, file disclosures, provide all reports to DA	
01/17/2018	0.50	Comm with Fessler answering questions re: deposition errata completion (0.4); Review Fessler errata for compliance (0.1)	
01/17/2018	0.10	Multiple comm with DA re: joint inspection authority for Orton labs and producing reports	
01/22/2018	0.10	RR comm from Court docket clerk re: filing and Doc. # 73	
01/23/2018	1.10	Research proper service for SDT to Mike Ray and his multiple entities	
01/23/2018	0.30	prepare initial draft of sales reps/suppliers SDT for counsel compliant with FRCP	
01/23/2018	0.70	RR finalized SDT drafts and doc request to attach to each and Arrange service of SDT with mutiple agencies based on location service requirements for suppliers	
01/23/2018	0.20	Draft Notice of all suppliers SDTs to DF and provide required notice under FRCP for objection	
01/29/2018	1.40	Per NSC request - Review objections to discovery responses to determine withheld responses or documents (0.9); Review and draft summary outline of PORCELANA 00013553-13558 (0.5)	
01/30/2018	0.10	RR email from Dhillon Arshad re: additional damage info	
01/31/2018	0.70	Comm with client Reuss re:	

		final confirmation of discovery responses and documents for production	
01/31/2018	0.60	Comm with client Carreras re: final confirmation of discovery responses and documents for production	
01/31/2018	1.10	Receive, review and analyze SDT responses by Beazer and production of docs	
02/01/2018	2.80	Preparation of responsive evidentiary record for MSJ - per attorney designations isolate exhibits, redact as necessary for filing	
02/02/2018	0.20	Multiple comm with CT docket clerk re: PL MSJ Response filing withdrawal and exhibit corrections	
02/06/2018	3.50	Review and draft summary outline PORCELANA 00013559-13561 (0.3); DR summary outline of Beazer 000001-381 (3.2)	
02/08/2018	2.80	Research regional costs for toilet replacement, average toilets per home and compare same to testimony at corp rep depositions	
02/08/2018	0.10	RR Comm to DA re: pending discovery responses and repeating need for COC	
02/13/2018	0.10	Ltr to DF with CD of SDT responses Re: Beazer, Plantation, etc	
02/15/2018	0.20	Review SDT Response of Weekly Homes (Ltrs only)	
02/15/2018	0.30	Comm with SafeCo adjuster re: representation of Carreras and necessary docs to respond to discovery	
02/16/2018	4.10	DR/prepare summary outline of PORCELANA 00013559-14398	
02/16/2018	0.20	File PL Objections to Mecholsky SDT and separately serve DF	

02/16/2018	0.10	RR comm from DA re: spreadsheets production, issues with native format and PDF form	
02/16/2018	0.10	Comm with Client Handy re: confirming will send final draft for review after changes made	
02/16/2018	0.10	RR NITD of Capser and SDT and send to ESI offices	
02/16/2018	0.10	Comm with Dr. Capser office re: forwarding Notice of Deposition received from defense	
02/16/2018	2.60	Per RBS, identify all discovery docs used by defense experts for reports for Capser expert review	
02/16/2018	0.10	RR comm from DA re: amended NITD for Dr. Capser	
02/16/2018	0.10	RR comm from DA re: producing Reuss & Carrares demand letter	
02/16/2018	0.10	RR comm from DA re: Joint Motion to Extend Deadlines and hearing	
02/18/2018	0.10	RR comm from DA re: DF experts need for additional comm with Orton lab	
02/19/2018	0.10	Comm with DA re: service of Plaintiffs' Third Request for Production to Defendants	
02/19/2018	0.10	RR comm from Dale Mellencamp re: Vortens SDT production	
02/19/2018	0.10	RR comm from DA re: Orton lab and coordinating additional communications with DF experts	
02/19/2018	2.60	Per NSC, identify all discovery docs used by defense experts for reports for Ahearn expert review	
02/19/2018	1.50	Analyze recent Vortens supplemental discovery to isolate additional documents to provide Ahearn	
02/20/2018	1.4	Schedule Court Reporter and provide notice to DA of	

		fact witness depositions (0.3); Comm with Client Sousa re: amended draft answers to Interrogatories for final review (0.2); RR comm from Client Handly re: requesting conference on ROG questions (0.1); Comm with Client Handly re: amended draft answers to Interrogatories for final review (0.3); Comm with Client Stone re: amended draft answers to Interrogatories for final review (0.3); RR comm from DA re: Orton lab (0.1); RR comm from David Ahearn re: Vortens testing - ESI file documents (0.1)	
02/21/2018	0.7	Comm with Client Reuss re: amended draft answers to Interrogatories for final review (0.2); Comm with Client Handly re: amended draft answers to Interrogatories for final review (0.3); Serve Fessler 1st Supp Answers To Rogs (0.1); RR comm from Ahearn's office re: DF expert depo notices (0.1)	
02/21/2018	0.10	Comm with DA re: All Answers to Interrogatories for Plaintiffs	
02/21/2018	0.10	RR comm from DA re: expert deposition of Wilson Martinez for Mexico appearance	
02/21/2018	0.10	RR comm from potential client re: requesting info for neighbors affected by Vortens case	
02/22/2018	1.4	Make all necessary comm to reset Ray deposition - reporter and notice (0.3); File Sur Reply to DF Response to MTQ SDT of Mike Ray (0.1); Entity research for service address of multiple businesses under Mike Ray for SDT purposes (0.6); Arrange service of	

		SDT to CWR (0.1); Arrange service of SDT to Corbett Wingard Ray (0.1); RR comm from Holland & Knight re: forwarding correspondence from Anderson on Ray representation (0.1); Comm with DA re: notice of multiple Subpoena Duces Tecum served (0.1)	
02/22/2018	0.20	Arrange service of SDT to All-Tex	
02/22/2018	0.80	Arrange service of SDT to Apex (0.1); Arrange service of SDT to Dahl (0.1); Serve DF with Notice of SDT and SDT for all-Tex, Apex, and Dahl (0.6)	
02/22/2018	0.20	Comm with Anderson re: forwarding 1st Amended Notice of SDT for Mike Ray parties (0.1); Comm with DA re: 1st Amended Notice of SDT for Mike Ray parties served (0.1)	
02/23/2018	3.6	RR comm from Anderson re: follow-up to call yesterday about the amended SDT and testimony (0.2); RR comm from DA re: defense requirements for deposition of Wilson Martinez (0.1); Per RBS, isolate individual claim file docs requested by Capser for expert review (3.2); RR comm from Ahearn's office re: confirming deposition hold (0.1)	
02/26/2018	0.10	File Joint Motion for Entry of Agreed 2nd Amended Class Cert Scheduling Order	
02/26/2018	0.10	RR comm from Anderson re: acknowledging receipt of 3 additional subpoenas on Mike Ray entities	
02/26/2018	0.60	Comm with experts re: link with additional documents for Dr. Capser and Dr. Meza-Arrovo's depositions	

		(0.4); Comm with Dr. Arroyo's re: FRCP requirements to move expert depo location (0.1); RR comm from court reporter re: interpreter changes for Martinez expert depo (0.1)	
02/27/2018	0.90	Multiple comm with court certified Spanish/English interpreter re: anticipated depo exhibits (0.4); Comm with Kansas client re: follow-up to conversation and requesting photos of the model # (0.2); Comm with Ahearn office re: 2nd Amended Notice of Deposition received from Ds (0.1); RR comm from DA re: confirming amended NITD of Wilson Martinez (0.1); RR comm from Capser office re: conference with Dr. Capser and Dr. Meza prior to Martinez depo (0.1)	
02/27/2018	4.10	Per attny designations, review DF doc production and isolate discovery docs for translation for cert record	
02/27/2018	0.10	RR comm from DA re: 2nd Amended Notice of Deposition of David Ahearn and SDT	
02/27/2018	0.10	RR 2nd Amended Class Cert Scheduling Order and update order notebook	
02/28/2018	1.8	DR summary outline of Partners in Building SDT Response and documents (0.2); Per RBS - Prepare anticipated Capser Deposition Exhibits (1.5); RR comm from process server re: Proofs of service for the subpoenas served on third parties (0.1)	
02/28/2018	0.20	RR comm from intake client re: email conversations had with Vortens on defective toilet	
03/02/2018	0.10	RR comm from DA re:	

		anticipated expert depo attendees	
03/02/2018	0.10	RR comm from intake client re: notice that lawsuit is ongoing and providing additional info	
03/05/2018	0.10	RR comm from Dhillon Arshad re: employment contract returned and additional info, etc.	
03/06/2018	0.80	Receipt and review of Stone verification, confirm redactions, and prepare documents for production	
03/06/2018	1.8	Bates number PLAINTIFFS 473-628 and edit Stone written responses with specific bates references in the production response for individual questions (1.5); DR corresp to DA and Serve Stone's ANSWERS TO ROGS AND RSPNS TO RFP (0.3)	
03/06/2018	0.30	Receipt and review of Sousa verification, confirm redactions, and prepare documents for production	
03/06/2018	0.50	Bates number PLAINTIFFS 629-669 and edit Sousa written responses with specific bates references in the individual RFP (0.4); DR corresp to DA and Serve Sousa's ANSWERS TO ROGS AND RSPNS TO RFP (0.1)	
03/06/2018	0.10	Serve Sousa's ANSWERS TO ROGS AND RSPNS TO RFP	
03/06/2018	0.10	TCF Arshad re: status of participation as rep in class action	
03/06/2018	0.10	TCF Arshad re: status of participation as rep in class action	
03/06/2018	2.20	RR comm from Anderson re: Mike Ray and Mike Ray & Associates and scope of depo docs (0.8); Receipt and review of Handlv	

		verification, confirm redactions, and prepare documents for production (0.6); DR corresp to DA and Serve Handly's ANSWERS TO ROGS AND RSPNS TO RFP (0.8)	
03/06/2018	0.30	Receipt and review of Handly verification, confirm redactions, and prepare documents for production	
03/06/2018	0.10	Bates number PLAINTIFFS 670-674 and edit Handly's written responses with specific bates references	
03/06/2018	0.10	Serve Handly's ANSWERS TO ROGS AND RSPNS TO RFP	
03/07/2018	0.70	RR CT Order Re: Response to MTQ, Update Order notebook and calendar deadline (0.2); Update Order notebook and calendar deadline (0.1); RR comm from DA re: Wilson Martinez report and additional corrected documents (0.4)	
03/07/2018	6.20	Prepare Martinez expert depo binder - PL and DF expert reports, specific documents referenced in reports, and prepare potential exhibits identified by RBS for use during depo	
03/08/2018	0.30	RA DF Objections and Responses to Martinez SDT	
03/09/2018	0.10	RR comm from DA re: additional production needed from Capser/Meza-Arroyo (0.1); RR comm from DA re: additional DF document production (0.1)	
03/09/2018	0.10	Comm with Capser re: additional discovery responses from Defendant for review	
03/09/2018	0.30	RR comm from DA re: additional DF document production (0.1); RR comm from Anderson re: still gathering responsive SDT	

		documents (0.1); Multiple comm with CR re: request for Wilson Martinez rough draft (0.1)	
03/12/2018	0.10	RR comm from Anderson re: pending documents production responsive to Ray entities SDTs	
03/15/2018	5.10	Initial draft summary outline of Northside SDT response NORTHSIDE 00001-2127	
03/15/2018	0.10	RR corresp from Ahearn re: additional documents to review	
03/16/2018	3.10	Complete drafting of summary outline of Northside SDT response NORTHSIDE 00001-2127	
03/16/2018	0.40	File PL Objections to Ahearn SDT and separately serve DF (0.1); Multiple comm with Anderson re: responsive documents withheld from CWR subpoena response (0.2); RR comm from Ahearn re: Vortens discovery review (0.1)	
03/17/2018	4.10	Draft Summary outline of CWR Response CWR000001-339	
03/17/2018	0.10	RR comm from ESI re: necessity of amended NITD for Ahearn deposition	
03/17/2018	0.10	Multiple comm with Dr. Capser re: deposition transcript review questions	
03/17/2018	0.10	RR comm CR re: Mecholsky deposition transcript	
03/19/2018	0.10	RR comm from potential client re: request for additional info on class action	
03/20/2018	3.10	Prepare all exhibits identified by RBS and confirm confidentiality designations for permissible depo use	
03/20/2018	2.90	DR summary outline of Chaparral SDT Response	

		and documents	
03/21/2018	0.10	RR comm from DA re: whether production resolves need for COC on MTC	
03/21/2018	0.10	RR comm from DA re: additional production still needed and extension request	
03/23/2018	2.80	Draft summary outline of Moore Supply SDT Responses and documents	
03/23/2018	0.10	RR comm from Dr. Capser re: additional translation of file materials	
03/23/2018	0.10	RR comm from counsel re: Meritage compliance with document request	
03/26/2018	0.10	RR comm from Day Translations re: translation certifications and discrepancies	
03/26/2018	0.40	Multiple comm with DA re: amended Ahearn NITD (0.2); RR email from DA re: motion to modify scheduling order for expert depositions and motions (0.1); Comm with Nolan (mediator) re: mediation details (0.1)	
03/26/2018	0.10	RR email from DA re: motion to modify scheduling order for expert depositions and motions	
03/27/2018	0.10	Comm with Nolan (mediator) re: mediation details	
03/27/2018	0.10	TCT Ahearn regarding amended NITD	
03/29/2018	0.10	RR comm from DA re: link containing Ds 1st Supplemental Objections and Responses to 3rd RFP	
03/29/2018	0.10	RR comm from CR re: Wilson Martinez transcript and exhibit link	
03/30/2018	0.50	RR comm from OC re: link for inspection photographs and upload all data and correp with experts regarding receipt of initial	

		expert file materials (0.4); RR comm from DA re: additional delay in producing Exponent expert files (0.1)	
03/30/2018	0.10	RR comm from DA re: spreadsheets related to the testing & publications from exponent files	
03/30/2018	0.10	RR comm from DA re: additional delay in producing Exponent expert files	
04/02/2018	0.10	Email from OC re: Exponent expert file, emails and counsel comm	
04/02/2018	0.10	Email from Anderson re: Mike Ray & Associates document supplementation	
04/03/2018	0.10	Submit Capser errata and signature to CR	
04/04/2018	4.80	Review all SDTs served on third parties and documents received in response based on summary outlines and per RBS chart missing responses or docs withheld on objection	
04/06/2018	1.10	DR summary outline of PORCELANA 00014697- 14704	
04/09/2018	0.10	DR corresp tp DF w/ all SDT responses and docs from the Ray entities	
04/09/2018	0.10	RR Email from OC re: additional document supplementation still intended	
04/09/2018	7.6	Begin draft of summary outline of PORCELANA 000143920-16668 and isolate any materials that need Spanish translation for summary (5.7); RA additional documents produced by clients for objection and responsiveness (PL 675- 705) (0.6); DR corresp and Serve PL SUPPLEMENTAL RESPONSES (0.1); Entity research for service address of multiple distributors	

		identified in discovery (0.5); Entity research for service address of multiple distributors identified in discovery; (0.5); Arrange service of SDT pursuant to FRCP to Hajoca (0.1); Arrange service of SDT pursuant to FRCP to Home Depot (0.1)	
04/09/2018	0.50	Arrange service of SDT pursuant to FRCP to Home Depot (0.1); Arrange service of SDT pursuant to FRCP to Mega Western (0.1); Arrange service of SDT pursuant to FRCP to Lowes (0.1); Corresp to DF re: Notice of SDT and SDT for Hajoca, Home Depot, Mustang, Mega, Lowes (0.2)	
04/10/2018	4.7	Email from OC re: service of claim files (0.1); Comm with Capser: status of Capser's Supplemental Report and anticipated additional claim files (0.1); Per RBS - compare all DF Discovery Responses, identify all incomplete responses, and compare to obj for final request of production prior to request permission for MTC (4.3); Arrange service of SDT pursuant to FRCP to Mustang Plumbing (0.1); Arrange service of SDT pursuant to FRCP to Mansfield Plumbing (0.1)	
04/11/2018	0.10	RR confirmation of compliant service of subpoena from process server	
04/11/2018	0.50	Final review of additional production and redaction (0.4); Serve PF 1ST SUP RSPNSS TO DF 2ND RFP (0.1)	
04/11/2018	0.10	Serve PL 1st Sup Rspnss To DF 2nd RFP	
04/11/2018	0.10	Email from DA re: Ds 2nd Supp responses to Plaintiffs' discoverv and reasons for	

		continued delay	
04/12/2018	0.20	Comm with ESI re: list of items requested from David Ahearn for his deposition	
04/12/2018	5.90	Continued draft of summary outline of PORCELANA 00014392-16668	
04/13/2018	0.10	Email from DA re: insurance policy and the product liability policy	
04/13/2018	0.10	Email from OC re: production scope of subrogation case files from before the sale of Sanitarios	
04/13/2018	6.60	Continued draft of summary outline of PORCELANA 00014392-16668	
04/15/2018	0.10	Email from potential client re: inquiry about vortens toilets, etc.	
04/16/2018	7.0	Research agreements and FRCP and begin compiling documents for recoupable costs letter (0.7); Email from OC re: no conflicts with early June mediation as adjuster trial rescheduled (0.1); Continued draft of summary outline of PORCELANA 00014392-16668 (5.9); Comm with potential new client re: loss requesting photos of damages and intake information (0.3)	
04/17/2018	5.70	Continued draft of summary outline of PORCELANA 00014392-16668 (5.6); DR corresp to Mediator (Nolland) re: isolated significant pleadings for initial review (0.1)	
04/18/2018	2.70	Completed draft of summary outline of PORCELANA 00014392-16668	
04/18/2018	0.30	DR and send Ltr- to DF w/ recoupable costs demand	
04/18/2018	6.30	Begin draft of summary outline of PORCELANA 00016669-35148	

04/19/2018	0.50	Multiple comm with Day Translations re: Spanish to English translation of isolated certification docs	
04/19/2018	2.50	Isolate additional certification record docs for translation and send same to Day Translations	
04/19/2018	5.10	Continued draft of summary outline of PORCELANA 00016669-35148	
04/20/2018	0.20	Lrt to DF supp Ahearn Costs and make demand for payment of same	
04/20/2018	5.60	Continued draft of summary outline of PORCELANA 00016669-35148 - claims files	
04/23/2018	3.7	DR corresp to Capser re: Motion to Exclude and RBS need to conference on merits of same (0.1); continued draft of summary outline of PORCELANA 00016669-35148 - claims files (3.6)	
04/23/2018	0.40	Prepare necessary exhibits, DR Order per CT requirements and file Motion to Exclude Brad James	
04/24/2018	2.50	RR translated docs from Day Translations and confirm completion and certification for materials to include in certification record (DF Discovery Volume) per RBS request (2.4); Email from Chis Nolland office re: mediation (0.1)	
04/25/2018	6.5	Review Mustang Plumbing Response of No Records (0.1); Continued draft of summary outline of PORCELANA 00016669-35148 - claims files (6.4)	
04/25/2018	0.20	RR corresp from client, Carreras re: additional photos and damage docs for responsiveness	
04/25/2018	0.30	TCT to Stone client re: status of Declaration for	

		review and signature	
04/26/2018	0.60	Email to Handy client re: Declaration for review and signature (0.1); TCT to Fessler client re: status of Declaration for review and signature (0.2); TCT to client Sousa re: status of Declaration for review and signature (0.1); TCT to Carreras client re: status of Declaration for review and signature (0.2)	
04/26/2018	0.10	DR corresp to OC re: Non-Party records from The Home Depot in response to subpoena	
04/27/2018	0.10	RR DA approval of Joint Motion Requesting Approval of Stipulation Re_Withdrawal and file same	
04/28/2018	0.30	Corresp to Carreras re: status of Declaration and Amended Interrogatories (0.1); Multiple comm with David Ahearn's office re: finalization and signature of Declaration (0.1); RR Ahearn executed Declaration (0.1)	
04/29/2018	0.20	DR corresp to OC re: Carreras 1st Amended Rspns to Rogs and additional production	
04/30/2018	6.40	Preparation of Comprehensive Record - review for completion, DR required indexes, confirm redactions	
04/30/2018	1.80	Filing and Service of Plaintiffs Motion for Class Certification with voluminous record and sealed docs	
05/02/2018	0.10	RR corresp from CR re: Mike Ray signature and errata	
05/02/2018	1.20	Per RBS - review DFs supplementation and provision to Capser for purposes of MTE Response	

05/04/2018	4.80	Prepare Class Certification Record for Delivery to CT chambers in accordance with chamber rules	
05/04/2018	0.20	DR Order and file Joint Motion for Order of Partial Dimissal	
05/04/2018	4.60	Draft summary outline of Mega Western SDT Response MEGA 000001-622	
05/04/2018	0.40	Multiple comm from Louisiana potential client re: providing info on incident with cracking of toilet tank	
05/07/2018	2.50	Prepare evidentiary record and citation summary for PLs Response to MTE Capser	
05/07/2018	0.10	File Joint Notice of Agreed Mediator	
05/08/2018	0.20	DR Proposed Order and file PL Response to DF Motion to Exclude Testimony of Capser	
05/11/2018	1.4	Entity research for service address of multiple distributors identified in discovery (0.7); Arrange service of SDT pursuant to FRCP to Summit Sales (0.2); Arrange service of SDT pursuant to FRCP to Will & Pierce Agency (0.1); Arrange service of SDT pursuant to FRCP to Spirit Group (0.1); Arrange service of SDT pursuant to FRCP to Smith & Stevenson (0.1); Corresp to DF re: Notice of SDT and SDT for Summit, Will & Pierce, Spirit, and Smith & Stevenson (0.2)	
05/14/2018	0.10	RR errata and confidentiality designations - Wilson Martinez	
05/14/2018	0.20	DR corresp to DA re: failure to comply with joint testing arrangement at ESI and with Orton labs	
05/14/2018	0.10	Arrange service of SDT	

		pursuant to FRCP to Pulley & Assoc.	
05/14/2018	0.10	Arrange service of SDT pursuant to FRCP to Parks & Peyton	
05/14/2018	0.20	Corresp to DF re: Notice of SDT and SDT for Pulley & Assoc. and Parks & Peyton	
05/16/2018	3.90	DR summary outline of Pulley & Associates Response to SDT PULLEY 00001-296 (3.6); File PL Motion for Leave to file Excess Pages (0.1); RR DF Unopposed Motion for Leave to File Excess Pages (0.1); RR Order Re: PL Response due to MSJ (incorrect deadline) (0.1)	
05/17/2018	0.10	RR errata from Ahearn and provide CR completed Errata Sheet and witness signature page	
05/18/2018	0.10	RA Order Striking DF MSJ and resetting MSJ deadlines and Response Deadlines	
05/21/2018	4.90	Compare all documents received by SDT and DR timeline and summary for scope of models and years	
05/21/2018	0.10	File PL Sur Reply to Response to Motion to Exclude Capser	
05/21/2018	2.10	DR summary outline of DFs rolling production of significant documents for inclusion in Response to MTS Report	
05/22/2018	2.8	RR DFs proposed Order not originally included in filing of Ds Motion to Strike Supp Report (0.1); DR summary outline of Summit Sales document production (SUMMIT 000001-95) (2.4); DR Proposed Order and File Joint Motion for Addtl Pages (0.3)	
05/23/2018	0.20	TCT process server re: follow up status on outstanding SDT responses	

05/24/2018	0.10	RR SDT update from process server re: outstanding subpoenas and receipt response to follow-up	
05/29/2018	0.10	RR email from potential client with #3436 tank fracture	
05/29/2018	0.30	Phone conference with potential client (tank 3436) re: Vortens class action	
05/30/2018	0.10	Interoffice email re: potential client and contact info	
05/30/2018	0.10	DR status email to Emails to all clients re: case status	
05/31/2018	4.90	Prepare Mediation Materials for Chris Nolland per counsel designations	
05/31/2018	0.10	Email from mediator office re: names of those attending mediation	
06/01/2018	4.70	Prepare SJ Evidentiary Record for filing with PLs Response to Claims MSJ	
06/01/2018	0.10	TCF AI Snider re: update on case and mediation	
06/01/2018	2.20	Prepare SJ Evidentiary Record for filing with PLs Response to "Missing Evidence" MSJ	
06/01/2018	0.40	DR Order and File PL Brief in Opposition to MSJ Re: Missing Evidence (0.2); DR Order and File PL Brief in Opposition to MSJ Re: Warranty Claims (0.2)	
06/04/2018	0.10	RR corresp from court re: efileing deficiency with Docs. 142 and 143, etc.	
06/04/2018	0.10	Multiple corres with Mansfield counsel re: Mansfield's SDT production	
06/05/2018	1.5	Ltr to DF re: SDT responses and documents from Hajoca, Pulley, Mega Western (0.2); DR Order and File PL Response to DFs MTS Capser Supp Report (0.2); Analyze and draft summary outline of	

		Hajoca Supp SDT Response (0.8); Analyze and draft summary outline of Spirit Group SDT responses (0.2); Corres to DA re: supp production by Hajoca to SDT (0.1)	
06/06/2018	0.10	Ltr to DA re: SDT responses from Spirit and Summit	
06/06/2018	3.80	DR summary outline Mansfield SDT Responsive documents	
06/12/2018	4.80	DR summary comparison of entire MSJ "Claim" record for evidentiary citations in sur-reply brief	
06/12/2018	2.80	DR summary comparison of entire "Missing Evidence" MSJ record for evidentiary citations in sur-reply	
06/13/2018	0.20	DR Order and File PL Sur Reply to MSJ Re: Pleaded Claims	
06/13/2018	0.10	DR Order and File PL Sur Reply to MSJ Re: Missing Evidence	
06/13/2018	0.40	Entity research for service address of additional suppliers identified in discovery	
06/13/2018	0.20	Arrange service of SDT to All-Tex, Apex, Congestga and Dahl	
06/14/2018	0.20	Arrange service of SDT to Facets, Hughes, Bath	
06/14/2018	0.20	Corresp to DF re: Notice of SDT for All-Tex, Apex, Congesta, Dahl, Facets, Hughes, Weinstein	
06/14/2018	0.10	Email from potential Vortens client re: 3425 cracked tank	
06/20/2018	0.20	TCT Northside re: status of SDT response	
06/25/2018	0.10	Email from potential Vortens client re: questions on cracked tanks	
06/26/2018	0.10	Email from potential Vortens client re: requesting information on class certification	

06/29/2018	7.60	Record preparation - Supplemental record nos. 1-6 for division and citations, redactions, and confirm compliance with conf. designations for sealed volume	
06/29/2018	0.20	DR proposed Order re: Motion for Class Certification to submit with reply filing	
07/02/2018	0.30	RR corresp from 3464 tank owner requesting information on class action status (0.1); Email to OC re: sealed Supp exhibits (0.2)	
07/02/2018	0.20	Email to OC re: sealed Supp exhibits	
07/10/2018	0.10	Email from Mr. Bakale re: Confirming receipt of materials and preparation for hearing	
07/12/2018	5.2	Phone conference with court re: equipment usage in courtroom, etc. per trial support vendor request (0.4); Document production/identification and review of materials selected as "hot docs" and conference with Bakale re: same (4.8)	
	652.1		\$81,512.50

<u>Date</u>	<u>Qty</u>	<u>Description</u>	<u>Total</u>
07/18/2018	0.10	Minute Entry re: Status Conference Hearing	
07/19/2018	0.10	RR Order of Mediation and resetting hearing	
08/10/2018	0.10	Email from Mediator office re: submitting correct version of Mediator confirmation letter	
08/14/2018	0.10	Email to OC re: notice of deposition of Jesus Gutierrez in Dallas	
08/15/2018	0.10	Email to attorneys re: potential Vortens client and questions	
08/20/2018	0.30	Per RBS - Draft of Amended Notice of Second Videotaped deposition of Jesus Gutierrez and serve same	
08/20/2018	0.20	Per RBS request, complete expedited transcript order of Status Conference that led to second mediation order	
08/20/2018	0.40	Draft Transcript order form and edits	
08/21/2018	0.10	Email to Court Reporter re: notifying that invoice placed in line for processing and payment	
08/22/2018	0.10	Email to attys re: additional questions from potential Vortens client	
08/22/2018	0.10	Email to Court reporter re: notifying that check for invoice mailed out	
08/23/2018	0.10	Email to attys re: potential Vortens client	
08/23/2018	0.90	Phone conference with potential Vortens client re: fracture of 3425 tank from 2012 (0.3); RR photos and damage estimate from potential client in response to request for supporting documentation (0.5)	
08/23/2018	0.10	Email from atty re: invoice from 6/11/18 and other particulars	
08/23/2018	0.10	Email to atty re: invoice requested	
08/24/2018	0.10	Email from court reporter re: official transcript from 7/18/18 hearing	
08/27/2018	4.50	Preparation of docs for mediation books for attys and mediator using conference notes, docket filings, and document outline summaries	
08/28/2018	2.80	Research for insurance policy produced by Vortens in subrogation file materials obtained in other subro cases or filed in public litigation materials in	

		other suits per RBS	
08/29/2018	5.80	Brief review of newly produced tank production numbers and production defect and DR summary outlines of same	
09/04/2018	0.10	Comm re: revised hearing exhibit list	
09/04/2018	7.20	Preparation of hearing books for court and attorneys - exhibits, briefing, and significant cases	
09/05/2018	0.20	Phone conference with Vortens client re: update on litigation	
09/05/2018	0.10	Email to Court administrator re: notice that exhibit binder will be delivered to courthouse	
09/06/2018	0.10	Minute Entry re: Class Certification Hearing	
09/06/2018	0.40	DR Plaintiffs' Transcript Order of hearing transcript per counsel request (0.3); RR DF request for transcript copy (0.1)	
09/06/2018	0.40	Draft transcript order form from status hearing and edits	
09/06/2018	0.10	RR Defendants' Transcript Order Form	
09/10/2018	0.10	Phone conference with potential client re: Vortens class action	
09/10/2018	5.30	Review of new supplementation and draft summary outlines of same (2.2); Review status of summary outlines of DF document production and determine gaps in summaries for completion prior to mediation (3.1)	
09/11/2018	0.10	Email from OC re: document production status	
09/11/2018	0.10	Phone conference with potential client re: Vortens class action	
09/13/2018	0.10	Order re: Setting Mediation and Joint Status Report Deadlines	
09/13/2018	6.30	Update all summary outlines of DF document production for review and consideration by attorneys in preparation of mediation	
09/14/2018	0.10	Email to OC re: proposed Motion and whether object and agree	
09/24/2018	0.60	TCT ESI re: new production defect materials and RBS request for review and conference to determine effect on defect statistics opinions; forward new production to both Meza-Arrova and	

		Capser for review	
09/27/2018	0.10	Email from OC re: still working on manufacturing defect tables requested and finalizing claim files	
09/28/2018	0.10	Email from Mediator John Shipp re: providing available dates for mediation	
10/01/2018	0.10	Email from OC re: full day mediation requiring clients to fly in before and scheduling concerns	
10/03/2018	3.90	Email from OC re: rolling production of claim file materials and compare prior production summaries to determine scope of updated production	
10/04/2018	0.10	Email from client re: requesting update on class action	
10/09/2018	0.10	Order Granting Unopposed Motion to Extend Mediation Deadline by Ds	
10/09/2018	5.20	Preparation of mediation books for mediator and attys	
11/06/2018	5.00	Record Preparation in support of Joint Motion for Preliminary Approval	
11/06/2018	4.10	Preparation of Declaration of N. Scott Carpenter and exhibits to Declaration – Preliminary Approval	
11/08/2018	0.10	Email from OC re: approval of briefing schedule	
11/09/2018	0.50	Review C Order and calendaring of deadlines	
01/14/2019	0.10	Email to OC re: follow-up on insurance policies	
01/14/2019	0.10	Email from OC re: production of AIG and ACE product liability policies and policies that would apply	
01/15/2019	0.10	Email from OC re: impasse on issue of insurance policies	
01/16/2019	0.10	Email from Alice at Judge's office re: request for response on behalf of the Defendants re: insurance dispute	
01/16/2019	0.10	Email from OC to Judge's office re: response to Court about production of insurance policies, etc.	
01/17/2019	0.10	Email to OC and Court re: additional response to Court about production of insurance policies	
01/17/2019	0.10	Email from Alice at Judge's office re: request for appearance at telephonic hearing	

01/17/2019	0.10	Email from OC to Judge's office re: requesting additional date	
01/17/2019	0.10	Email to Alice in Judge's office re: request for hearing prior to 1/28/19 if possible	
01/17/2019	0.10	Email to OC re: 2011 Settlement Class - Epiq proposal and request for new proposals	
01/17/2019	0.10	Email from Alice at Judge's office re: providing available dates for the Judge	
01/17/2019	0.10	Email from OC to Judge's office re: confirming date/time for telephonic hearing	
01/17/2019	0.10	Email to Alice at Judge's office re: Plaintiffs availability at court's discretion	
01/21/2019	0.10	Email to OC re: 2011 Settlement Class - Epiq proposal and request for new proposals	
01/22/2019	5.10	DR summary outline of all prior Epiq notice media plans	
01/22/2019	0.10	Email from OC re: distributors receiving product and individual settlement agreements, etc.	
01/28/2019	2.10	Research experts in warranty valuations: creation of spreadsheet with info on settlement valuation consultations	
	65.4		\$9,156

<u>Date</u>	<u>Qty</u>	<u>Description</u>	<u>Total</u>
07/18/2018	0.10	Minute Entry re: Status Conference Hearing	
07/19/2018	0.10	RR Order of Mediation and resetting hearing	
08/10/2018	0.10	Email from Mediator office re: submitting correct version of Mediator confirmation letter	
08/14/2018	0.10	Email to OC re: notice of deposition of Jesus Gutierrez in Dallas	
08/15/2018	0.10	Email to attorneys re: potential Vortens client and questions	
08/20/2018	0.30	Per RBS - Draft of Amended Notice of Second Videotaped deposition of Jesus Gutierrez and serve same	
08/20/2018	0.20	Per RBS request, complete expedited transcript order of Status Conference that led to second mediation order	
08/20/2018	0.40	Draft Transcript order form and edits	
08/21/2018	0.10	Email to Court Reporter re: notifying that invoice placed in line for processing and payment	
08/22/2018	0.10	Email to attys re: additional questions from potential Vortens client	
08/22/2018	0.10	Email to Court reporter re: notifying that check for invoice mailed out	
08/23/2018	0.10	Email to attys re: potential Vortens client	
08/23/2018	0.90	Phone conference with potential Vortens client re: fracture of 3425 tank from 2012 (0.3); RR photos and damage estimate from potential client in response to request for supporting documentation (0.5)	
08/23/2018	0.10	Email from atty re: invoice from 6/11/18 and other particulars	
08/23/2018	0.10	Email to atty re: invoice requested	
08/24/2018	0.10	Email from court reporter re: official transcript from 7/18/18 hearing	
08/27/2018	4.50	Preparation of docs for mediation books for attys and mediator using conference notes, docket filings, and document outline summaries	
08/28/2018	2.80	Research for insurance policy produced by Vortens in subrogation file materials obtained in other subro cases or filed in public litigation materials in	

		other suits per RBS	
08/29/2018	5.80	Brief review of newly produced tank production numbers and production defect and DR summary outlines of same	
09/04/2018	0.10	Comm re: revised hearing exhibit list	
09/04/2018	7.20	Preparation of hearing books for court and attorneys - exhibits, briefing, and significant cases	
09/05/2018	0.20	Phone conference with Vortens client re: update on litigation	
09/05/2018	0.10	Email to Court administrator re: notice that exhibit binder will be delivered to courthouse	
09/06/2018	0.10	Minute Entry re: Class Certification Hearing	
09/06/2018	0.40	DR Plaintiffs' Transcript Order of hearing transcript per counsel request (0.3); RR DF request for transcript copy (0.1)	
09/06/2018	0.40	Draft transcript order form from status hearing and edits	
09/06/2018	0.10	RR Defendants' Transcript Order Form	
09/10/2018	0.10	Phone conference with potential client re: Vortens class action	
09/10/2018	5.30	Review of new supplementation and draft summary outlines of same (2.2); Review status of summary outlines of DF document production and determine gaps in summaries for completion prior to mediation (3.1)	
09/11/2018	0.10	Email from OC re: document production status	
09/11/2018	0.10	Phone conference with potential client re: Vortens class action	
09/13/2018	0.10	Order re: Setting Mediation and Joint Status Report Deadlines	
09/13/2018	6.30	Update all summary outlines of DF document production for review and consideration by attorneys in preparation of mediation	
09/14/2018	0.10	Email to OC re: proposed Motion and whether object and agree	
09/24/2018	0.60	TCT ESI re: new production defect materials and RBS request for review and conference to determine effect on defect statistics opinions; forward new production to both Meza-Arrova and	

		Capser for review	
09/27/2018	0.10	Email from OC re: still working on manufacturing defect tables requested and finalizing claim files	
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01/16/2019	0.10	Email from OC to Judge's office re: response to Court about production of insurance policies, etc.	
01/17/2019	0.10	Email to OC and Court re: additional response to Court about production of insurance policies	
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01/17/2019	0.10	Email to Alice in Judge's office re: request for hearing prior to 1/28/19 if possible	
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01/21/2019	0.10	Email to OC re: 2011 Settlement Class - Epiq proposal and request for new proposals	
01/22/2019	5.10	DR summary outline of all prior Epiq notice media plans	
01/22/2019	0.10	Email from OC re: distributors receiving product and individual settlement agreements, etc.	
01/28/2019	2.10	Research experts in warranty valuations: creation of spreadsheet with info on settlement valuation consultations	
	65.4		\$9,156

<u>Date</u>	<u>Qty</u>	<u>Description</u>	<u>Total</u>
09/12/2017	6.30	Review DF docs produced in Spanish in production batch PORCELANA000358-000856) and draft English summaries for atty review	
09/14/2017	6.40	Review DF docs produced in Spanish in production batch PORCELANA 0001484-2298 identified by lead lit paralegal and draft English summaries for atty review	
09/22/2017	7.20	Review and draft of isolated Spanish documents for translated English summaries (PORCELANA 0002933-006781)	
09/23/2017	7.60	Continue review and draft of isolated Spanish documents for translated English summaries (PORCELANA 006782-10632)	
09/28/2017	7.50	Continued drafting of isolated Spanish documents as translated English summaries - catch up on all designated documents up through PORCELANA 11545	
10/12/2017	6.20	Review and draft translated summary outlines of Spanish documents in supplementation batch PORCELANA 00011822-13204	
10/16/2017	5.20	Continued review and drafting of summary outlines of DF documents translated from Spanish to English summary	
10/16/2017	6.50	Continued review and draft translated summary outlines of Spanish documents in supplementation batch PORCELANA 00011822-13204 to English	
10/17/2017	6.90	Per RBS instruction to prioritize based on upcoming depositions: Continued review and draft translated summary outlines of Spanish documents in supplementation batch PORCELANA 00011822-13204 to English	
12/01/2017	5.00	Continued outline summaries of documents produced in Spanish into English summaries as segregated by BH	
12/08/2017	5.40	Ongoing draft of outline summaries of documents produced in Spanish into English summaries as segregated by BH	

12/14/2017	5.10	Ongoing draft of outline summaries of documents produced in Spanish into English summaries as segregated by BH	
12/22/2017	6.2	Continued translation work - outline summaries of documents produced in Spanish into English summaries for docs identified by attnys	
12/28/2017	5.10	Ongoing draft of outline summaries of documents produced in Spanish into English summaries as segregated	
02/23/2018	6.40	Per RBS - begin informal translation drafts of confidential plant documents for use by experts	
	93		\$13,020.00

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

MARK AND AMBER FESSLER,	§	Civil Action File No.
ANDREW HOCKER, KEVIN REUSS,	§	4:19-cv-00248
MATTHEW CARRERAS, CHARLES AND	§	
MICHELLE HANDLY, AARON AND	§	Hon. Judge Amos Mazzant/
STACEY STONE, and DANIEL AND	§	Hon. Magistrate Judge Priest-Johnson
SHARON SOUSA, on Behalf of Themselves and	§	
Those Similarly Situated	§	PLAINTIFFS' FEE AND EXPENSE
<i>Plaintiffs</i>	§	APPLICATION
	§	
v.	§	
	§	
PORCELANA CORONA DE MÉXICO, S.A.	§	
DE C.V f/k/a SANITARIOS LAMOSA S.A.	§	
DE C.V. a/k/a Vortens	§	
<i>Defendant.</i>	§	

DECLARATION BY TED B. LYON, JR.

TED B. LYON, JR., hereby deposes and states as follows:

1. My name is Ted B. Lyon, Jr. My date of birth is January 23, 1948, and my address is 18601 LBJ Freeway, Suite 525, Mesquite, Texas 75150. I declare under penalty of perjury the foregoing is true and correct.
2. I am an attorney at Ted B. Lyon & Associates, P.C. ("Firm" herein). I have more than 42 years' experience in complex litigation. I am familiar with the amount of attorneys and support staff time is required to handle complex litigation matters, including class action litigation. I am also familiar with the hourly billing rates charged by attorneys and their support staff in the Dallas, Texas area, as well as major metropolitan areas around the United States. I am familiar with the hourly fees charged based upon my own fees, fees of co-counsel and fees my firm has paid for legal services for other attorneys in and around the Dallas, Texas area.

3. I am familiar with the billing rates for attorneys and support staff for the reason that in 2015 my firm was hired to serve in the role of lead counsel in the long-standing, and widely known Class Action referred to as the "Dallas Pay Cases." The style for that case is: *David S. Martin, James A. Braddock, Obie Cartmill, Robert Dale Martin and O.J. (Jay) Adair, Individually and On Behalf of All Others Similarly Situated*, Cause No. 1-95-107 In the 382nd Judicial District Court, Rockwall County, Texas.
4. My firm handled the Dallas Pay Case on a 40% contingency-based fee that did not dilute the class benefits. Based upon my knowledge of the Firm's fees, other attorney-client fee agreements that I routinely review in connection with Guardian Ad Litem appointments (over 100 case reviews), other cases where I am hired as additional counsel and other cases where I serve a role as local counsel (over 80 cases), this contingency fee is within the usual and customary fee charged in the North Texas area in both state and federal courts.
5. I am familiar with the work I personally performed in such cases. My hourly rate is **\$900** per hour for Class Action litigation matters. I have 42 years of experience as a trial lawyer in both ordinary and complex litigation, in both state and federal courts. I have tried and/or prosecuted cases in commercial, consumer, contractual, product liability, personal, governmental, and regulatory civil cases; ordinary and complex criminal prosecution cases; and administrative and legislative court cases. I am familiar with class action legal representation work. Since 2000, I have regularly worked in class action cases. I am presently involved in two pending class action cases, one in the Federal Court of Claims in Washington, D.C. and the other in Federal Court in the

Western District of Missouri. My fee is a reasonable hourly fee rate when considering the labor and time required to properly and competently prosecute complex litigation.

6. I am familiar with N. Scott Carpenter and Rebecca Bell-Stanton (“Class Counsel”) having prosecuted cases with them as co-lead counsel. More specifically, I am familiar with Class Counsel’s abilities as complex litigation attorneys as I worked with them from 2012 to 2015 on a complex products liability case involving the wrongful death of our client’s son. I am also familiar with Class Counsels’ abilities to competently handle and prosecute class action matters considering the fact that we are co-counsel in a products liability Class Action case currently pending in the Western District of Missouri. Mr. Carpenter and Ms. Bell-Stanton have assumed the role as co-lead class action counsel in that case as he is the preeminent authority in the country as it concerns the defective product at issue in that matter.
7. Moreover, in my continuing work with Mr. Carpenter my firm retained his services recently in the Dallas Pay Case as a testifying expert witness on the issue of reasonableness of attorneys’ fees and hourly rates in the Dallas, Texas area. As mentioned, the Dallas Pay Case was a Class Action case filed some 25 years ago and involved both historical rates as well as current rates charged by attorneys involved in complex litigation, including Class Action matters. Through his work as an expert for my firm I have personal knowledge of the fact the Mr. Carpenter is well-versed and competent on the issue of the reasonableness of hourly rates for attorneys involved in cases such as this one.
8. In my continuing work with Mr. Carpenter I remain familiar with the rates he charges in complex products liability litigation, including class actions. I am also familiar with

the fact that Mr. Carpenter and his firm has been precluded from accepting other cases over the past two years as a direct result of the complexity of this case and the attention, time and labor it has required.

9. Given Mr. Carpenter's 24 years of experience as a trial and class action lawyer in complex litigation involving product liability cases, and Ms. Bell-Stanton's 20 years of experience, Mr. Carpenter's hourly rate of **\$695** per hour, and Ms. Bell-Stanton's hourly rate of **\$675** per hour in this case, considering the time and expense required to properly and competently prosecute this case, the substantial risk Class Counsel has undertaken to handle this case while being precluded from working on other cases, after considering the customary fees charged by attorneys in the Dallas, Texas area for similar work, and the undesirability of the case given the defendants are multi-national, foreign companies (Bogata, Columbia; Monterrey, Mexico), in my opinion the rates being charged by Class Counsel are reasonable.
10. I am familiar with the costs, risks, and time commitments complex class action cases such as this one require of Plaintiffs' counsel, especially in light of the fact that there remains a substantial risk to the Class should the settlement terms and notice campaign not receive final approval by this Court or the benefits to the Class are delayed as a result of objections and appeals.
11. Given my comments above related to the complexity and undesirability of the case, and the fact that complex property liability cases require large investment (for example, experts to review, evaluate, analyze, test, and provide sworn testimony concerning the defendants' products and alleged defects), cases that are highly contentious, vigorously defended by defense counsel and with hotly-disputed liability, require significant

expenditures. It is my opinion that absent commitment to such costs, the likelihood of a successful recovery for the class is significantly diminished.

EXECUTED in Dallas County, State of Texas on the 10th day of June, 2019.

A handwritten signature in blue ink, appearing to be "AL" or similar initials, written in a cursive style.

Ted. B. Lyon, Jr.

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

MARK AND AMBER FESSLER,	§	Civil Action File No.
ANDREW HOCKER, KEVIN REUSS,	§	4:19-cv-00248
MATTHEW CARRERAS, CHARLES AND	§	
MICHELLE HANDLY, AARON AND	§	Hon. Judge Amos Mazzant/
STACEY STONE, and DANIEL AND	§	Hon. Magistrate Judge Priest-Johnson
SHARON SOUSA, on Behalf of Themselves and	§	
Those Similarly Situated	§	PLAINTIFFS' FEE AND EXPENSE
<i>Plaintiffs</i>	§	APPLICATION
	§	
v.	§	
	§	
PORCELANA CORONA DE MÉXICO, S.A.	§	
DE C.V f/k/a SANITARIOS LAMOSA S.A.	§	
DE C.V. a/k/a Vortens	§	
<i>Defendant.</i>	§	

DECLARATION BY MARK D. STRACHAN, ESQ.

I, **MARK D. STRACHAN**, declares as follows:

1. My name is Mark D. Strachan, I am over the age of 21 years, and I declare under penalty of perjury that the statements in this declaration are based on personal knowledge and I would so testify if called as a witness.

2. I am currently counsel at Bradley Arant Boult Cummings LLP (“Bradley”) as a result of the merger of my firm, Sayles | Werbner, with Bradley. I have more than 35 years of trial experience in complex litigation.

3. I am familiar with the amount of attorneys and support staff time that is required to handle complex litigation matters. I am also familiar with the hourly billing rates charged by attorneys and their support staff in the Dallas, Texas area, as well as major metropolitan areas around the United States.

4. I graduated from the University of Texas School of Law in 1981 and obtained my bar license for the State of Texas that same year. I am Board-Certified in Civil Trial Law by the Texas Board of Legal Specialization as. My federal court admissions include the Supreme Court of the United States, the U.S. Court of Appeals for the Federal Circuit, the U.S. Court of Appeals for the Fifth Circuit, and the U.S. District Court for the Eastern and Northern Districts of Texas.

5. In addition to being an active litigator, I have long been involved in many education and legal groups, including the American Board of Trial Advocates (“ABOTA”) – Dallas Chapter, the Dallas Bar Association, and the Eastern District of Texas Bar Association. I have been recognized as a Texas SuperLawyer from 2011 to the present.

6. I have tried and/or prosecuted cases in patent, commercial, consumer, contractual, professional liability, and regulatory areas of litigation. I am familiar with N. Scott Carpenter (“Class Counsel”) and have recently prosecuted a case with him as co-counsel. More specifically, I am personally familiar with Class Counsel’s abilities as a complex litigation attorney having worked directly with him in prosecuting the case of *Goodson Holdings, LLC v. Titeflex Corporation*, Case No. 3:15-cv-02153-K in the United States District Court, Northern District of Texas.

7. Given Mr. Carpenter’s twenty-four years of experience as a trial and class action lawyer in complex litigation involving product liability cases, and based on knowledge of the rates charged by attorneys with the same experience and skills in the Dallas-Fort Worth community, his hourly rate of \$695.00 per hour comports with the customary fees charged by attorneys in this market area, and such rate is reasonable.

EXECUTED in Dallas County, State of Texas on the 7th day of June 2019.

A handwritten signature in black ink, appearing to read "Mark D. Strachan". The signature is written in a cursive style with a large, stylized initial "M".

Mark D. Strachan

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

MARK AND AMBER FESSLER,	§	Civil Action File No.
ANDREW HOCKER, KEVIN REUSS,	§	4:19-cv-00248
MATTHEW CARRERAS, CHARLES AND	§	
MICHELLE HANDLY, AARON AND	§	Hon. Judge Amos Mazzant/
STACEY STONE, and DANIEL AND	§	Hon. Magistrate Judge Priest-Johnson
SHARON SOUSA, on Behalf of Themselves and	§	
Those Similarly Situated	§	PLAINTIFFS' FEE AND EXPENSE
<i>Plaintiffs</i>	§	APPLICATION
	§	
v.	§	
	§	
PORCELANA CORONA DE MÉXICO, S.A.	§	
DE C.V f/k/a SANITARIOS LAMOSA S.A.	§	
DE C.V. a/k/a Vortens	§	
<i>Defendant.</i>	§	

DECLARATION BY AMANDA P. LOUGHMILLER, ESQ.

I, **AMANDA P. LOUGHMILLER**, declares as follows:

1. My name is Amanda P. Loughmiller, I am over the age of 21 years, and I declare under penalty of perjury that the statements in this declaration are based on personal knowledge and I would so testify if called as a witness.

2. I am currently a Shareholder at Quilling, Selander, Lownds, Winslett & Moser, P.C.; prior to joining QSLWM, I practiced in the consumer financial litigation practice group at Strasburger & Price, LLP as Senior Counsel. I have been practicing law for nineteen years, nearly exclusively litigating in federal court since joining Strasburger & Price, LLP in January 2012.

3. I graduated from Texas Tech University School of Law in 2000 and obtained my bar license for the State of Texas that same year. My federal court admissions include the U.S. Court of Appeals for the Eleventh Circuit, the U.S. District Courts for the Eastern, Western,

Southern and Northern Districts of Texas, the U.S. District Court for Colorado, and the U.S. District Court for the Northern District of Florida.

4. I have been involved in many community and legal groups, including the Collin County Bar Association, the Dallas Bar Association, and Attorneys Serving the Community, also serving as Vice President and Board Member for the Susan G. Komen – North Texas Affiliate, and on the Board of Directors for Recovery Inn.

5. As an active litigator retained primarily to defend my clients in complex litigation matters, I am familiar with hourly billing practices, including the commitment of time and resources by attorneys and professional support staff as well as the necessity of exercising billing discretion in the assignment of specialized tasks in the most efficient manner. I am also familiar with hourly billing rates charged by attorneys and their support staff in the Dallas, Texas area and the obligations of counsel in determining appropriate rates for the type of work performed and maintaining accurate billing records.

6. I am familiar with Rebecca Bell-Stanton through years of legal practice in the Dallas-Fort Worth metropolitan area, including previous cooperative representation in complex regulatory legal matters. I am also familiar with her overall work history, which has provided Mrs. Bell-Stanton extensive experience in ethical billing practices, hourly rate assessment, and billing judgment. In my opinion, Mrs. Bell-Stanton's nineteen years of experience practicing on both plaintiff and defense sides of legal representation as an accomplished appellate, trial and class action lawyer constitutes a career of exceptional professionalism with consistently superior results, and her hourly rate of \$675.00 is well-justified by her expertise in this type of litigation and by the rates charged in this community.

EXECUTED in Dallas County, State of Texas on the 10th day of June, 2019.



Amanda P. Loughmiller

UNITED STATES SALES

MODEL #3412

2011

UNITED STATES SALES

MODEL #3464

2011