

1 Gene J. Stonebarger, State Bar No. 209461
gstonebarger@stonebargerlaw.com
2 Richard D. Lambert, State Bar No. 251148
rlambert@stonebargerlaw.com
3 STONEBARGER LAW
A Professional Corporation
4 75 Iron Point Circle, Ste. 145
Folsom, CA 95630
5 Telephone: (916) 235-7140
Facsimile: (916) 235-7141

6 *Attorneys for Representative Plaintiffs and the Class*

7
8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
10

11 JAMES WILSON, an individual, and JACK)
WHITE, an individual, on behalf of themselves)
12 and all others similarly situated,)
13 Representative)
Plaintiffs,)
14 vs.)
15 METALS USA, INC., a Delaware Corporation;)
and DOES 1-100, inclusive,)
16 Defendants.)
17)
18)

CASE NO. 2:12-CV-00568-KJM-DB
**DECLARATION OF JACK WHITE IN
SUPPORT OF PLAINTIFFS' MOTION
FOR ATTORNEYS' FEES, COSTS,
AND INCENTIVE AWARDS**
Date: September 6, 2019
Time: 10:00 a.m.
Courtroom: 3
Judge: Hon. Kimberly J. Mueller

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1 I, JACK WHITE, declare as follows:

2 1. I am a named plaintiff in the *James Wilson v. Metals USA, Inc., et al.*, Case No.:
3 2:12-CV-00568- KJM-DB, (“the Action”) and submit this declaration in support of Plaintiffs’
4 Motion for Attorneys’ Fees, Costs, and Incentive Awards. I have been involved in this matter
5 since October of 2011. I have personal knowledge of the facts set forth in this declaration and
6 could and would testify competently to them.

7 2. Throughout this Action, I have spent time researching the allegations, and
8 assisting my attorneys with the prosecution of this Action. I have also reviewed the relevant
9 pleadings in this Action. I also engaged in numerous discussions with my attorneys regarding
10 the status of the Action and its progress since becoming a proposed Class Representative. In
11 total, I believe I have spent approximately 73 hours in assisting in this Action. The breakdown
12 of my time spent in actively assisting in the prosecution of this Action is as follows:

13	Meetings/Conversations With Counsel:	28 hours
14	Reviewing Pleadings:	16 hours
15	Searching for Documents:	12 hours
16	Deposition Preparation/Testimony:	8 hours
17	Settlement Conversations:	4 hours
18	Review of Settlement Agreement & Documents:	2 hours
19	Review of Preliminary Approval Documents:	2 hours
20	Review of Fee Motion Documents:	1 hour

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23 3. Despite the fact that I knew I was exposing myself to great financial risk by
24 bringing the Action, I chose to move forward as I strongly believed that I had strong claims
25 against Dura-Loc and its successor-in-liability, Metals USA, Inc. (“MUSA”).

26 4. I was also aware that, if my claims were to prove unsuccessful against MUSA,
27 that I would be personally liable for MUSA’s costs which, as I know from my counsel, would
28 likely be in excess of \$100,000.

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5. At the inception of this Action, May 2012, MUSA offered me \$14,000 to resolve my claim and to dismiss the Action. I chose not to accept the settlement request by MUSA, despite the fact that it would have made me whole, because I knew there were other individuals, like me, that had purchased to Dura-Loc Tiles but had no means of redress.

6. In other words, nearly eight (8) years ago I was offered a complete refund for my roof and I rejected such an offer as I felt that I had an obligation to see this Action through its result because there were many others that were relying upon me.

7. In light of the time I have spent in this Action and the significant financial risks which I undertook in bringing the Action, I believe the requested \$14,000.00 incentive award is fair and reasonable.

8. Specifically, I assumed the risk of a judgment against me and personal liability for an award of costs to MUSA in the event of an adverse outcome. The potential financial risks are in and of themselves enough to dissuade many people from agreeing to act as a class representative.

9. I could not have afforded to pay an attorney to pursue this claim on my behalf as, I believe, the amounts I would have paid any such attorney would have greatly exceeded the value of my individual claim in this case.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this Declaration was executed on May 22, 2019 in Folsom, California.



JACK WHITE