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*Attorneys for Plaintiffs and the Classes*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

THEODORE BROOMFIELD, *et al.*,  
  
Plaintiffs,  
  
v.  
  
CRAFT BREW ALLIANCE, INC., *et al.*,  
  
Defendants.

CASE NO.: 5:17-cv-01027-BLF

**DECLARATION OF AUBRY WAND IN  
SUPPORT OF PLAINTIFFS' MOTION  
FOR PRELIMINARY APPROVAL OF  
CLASS ACTION SETTLEMENT**

Date: June 13, 2019  
Time: 1:30 p.m.  
Courtroom: 3 – 5th Floor  
Judge: Hon. Beth Labson Freeman

1 **DECLARATION OF AUBRY WAND**

2 I, Aubry Wand, hereby declare as follows:

3 1. I am an attorney at law, licensed to practice in the state of California. I am the  
4 principal of the Wand Law Firm, PC (“WLF”). My firm, along with Faruqi & Faruqi, LLP,  
5 serve as counsel of record for Plaintiffs and the Classes in the above-captioned action. I make  
6 this declaration on the basis of personal firsthand knowledge. If called as a witness, I could and  
7 would readily and competently testify to all matters stated within.

8 2. I make this declaration in support of Plaintiffs’ unopposed Motion for  
9 Preliminary Approval of Class Action Settlement.

10 **The Proposed Settlement Is In The Best Interest Of The Class**

11 3. Based on my experience, my familiarity with every material aspect of this case,  
12 and when weighing the risks of continued litigation, I believe that the proposed Settlement is  
13 fair, adequate, and reasonable. More specifically, the monetary component of the Settlement  
14 represents an excellent recovery for the Settlement Class because it affords Settlement Class  
15 Members the opportunity to recover more than the full value of their damages on a per-unit  
16 basis (\$1.25-\$2.75)<sup>1</sup> than they could have recovered at trial. The basis for this calculation is  
17 explained in the Declaration of Timothy J. Peter, who is co-counsel in this matter. The  
18 injunctive relief component also provides substantial benefit to the Settlement Class in that the  
19 proposed changes to the packaging of the Kona Beers mitigate the likelihood of consumer  
20 confusion regarding where the Kona Beers are brewed – a primary goal of the litigation. In sum,  
21 the Settlement represents an excellent result, and in my opinion, is in the best interest of the  
22 Settlement Class.

23 **Prior Involvement With The Settlement Administrator**

24 4. Within the past two years, WLF has used CPT Group, Inc. to administer one  
25 wage and hour class action settlement *Hopper-Porter, et al. v. Desert Regional Medical Center*,  
26 Riverside County Superior Court, Case No. RIC 1610095. I was very satisfied with the work

27 \_\_\_\_\_  
28 <sup>1</sup> Up to an aggregate amount of \$10 without proof of purchase and \$20 with proof of purchase.

1 CPT Group, Inc. did in administering the settlement in this case. I have used many other  
2 settlement administrators and have found CPT Group, Inc. to be among the most competent  
3 administrators.

4 5. To my knowledge, the Parties to this action and their counsel do not have any  
5 interest in CPT Group, Inc. and are not involved in its governance or work.

6 **Substantial Pre-Filing Investigation**

7 6. WLF conducted a substantial pre-filing investigation prior to commencing this  
8 action on February 28, 2017. WLF's pre-suit investigation included, but was not limited to, the  
9 following:

- 10 • Conducting several in-person meetings and telephone calls with Plaintiff Simone  
11 Zimmer.
- 12 • Meeting with and interviewing other consumers regarding their potential claims.
- 13 • Obtaining and reviewing the Kona Beers, including their labeling, packaging,  
14 and other advertisements and promotions for them.
- 15 • Obtaining and reviewing electronic images of CBA's website and other  
16 electronic marketing platforms.
- 17 • Obtaining and reviewing relevant legal precedent regarding similar false and  
18 misleading representations on products, including other beer products.
- 19 • Obtaining and reviewing relevant filings and applications made for the Kona  
20 Beers with the Alcohol and Tobacco Tax and Trade Bureau.
- 21 • Obtaining and reviewing publicly available financial information regarding the  
22 Kona Beers and CBA.
- 23 • Performing legal research to evaluate the merits and weaknesses of the case.

24 **Adequacy Of Representation And Qualifications Of Counsel**

25 7. WLF, along with co-counsel, were appointed by the Court as Class Counsel in  
26 the process of certifying two California litigation classes. Class Counsel have vigorously  
27 litigated this case on behalf of the Classes, devoting extensive time and resources, which  
28 includes, among other things, conducting a thorough pre-filing investigation, preparing and

1 filing the initial and amended complaints, negotiating discovery and case management issues  
2 with CBA, engaging in written discovery and conducting depositions, reviewing extensive  
3 documentary evidence, and retaining experts to proffer opinions on materiality, deception, and  
4 damages.

5 8. After obtaining class certification, the Parties participated in extended arm's  
6 length settlement negotiations over the course of two mediations with Bruce A. Edwards. After  
7 agreeing to a settlement in principle, the Parties continued to negotiate the settlement terms and  
8 draft the Settlement Agreement and related exhibits. During all of these negotiations, Class  
9 Counsel has zealously represented the interests of the certified class and proposed Settlement  
10 Class. Class Counsel will continue to do so throughout the settlement approval process.

11 9. I received a B.A. from the University of Pennsylvania in 2007 in English and  
12 Political Science. I received my J.D. from UC Hastings College of the Law in 2011. I became an  
13 active member of the State Bar of California in December 2011, and I have been an active  
14 member in good standing continuously since then. I am also currently an active member and in  
15 good standing of the State Bar of Hawaii. In 2012, I completed a judicial clerkship for the  
16 Honorable Colette Y. Garibaldi, of the First Circuit Court, State of Hawaii.

17 10. Since 2012, I have been practicing as a litigation attorney, focusing primarily on  
18 protecting the rights of employees and consumers, in Los Angeles. I have extensive experience  
19 in class action litigation. From 2012 to 2016, I worked as an associate at a law firm that was  
20 dedicated to employment litigation, frequently litigating class actions on behalf of employees.  
21 During that time period, I served as lead or co-lead counsel in 11 wage and hour class actions in  
22 which over \$13 million was recovered for thousands of class members.

23 11. In the beginning of 2016, I founded WLF, which is dedicated to litigating cases  
24 on behalf of consumers and employees, often in the class action context. I am the firm's  
25 managing partner and am responsible for all litigation decisions.

26 12. I have been named a "Rising Star" in 2018 and 2019 for the Southern California  
27 Super Lawyers magazine

28 13. WLF has successfully recovered substantial compensation on behalf of

1 employees. For example, in 2018, WLF prevailed on a FEHA discrimination claim on behalf of  
2 an employee in a private arbitration after completing a six-day hearing.

3 14. Over the last several years, WLF has also served as lead counsel in numerous  
4 wage and hour class action cases that have been resolved favorably on behalf of thousands of  
5 class members. Set forth in the chart below are some of the wage and hour class actions in  
6 which WLF was appointed class counsel and which have been finally approved by the Court:

Case Name	Case Number
<i>Yee, et al. v. Wong &amp; Lau, Inc., et al.</i>	Los Angeles Sup. Ct. Case No. BC600087
<i>Aguilar v. Hook Burger, LLC</i>	Los Angeles Sup. Ct. Case No. BC608694
<i>Morales v. OPARC</i>	San Bernardino Sup. Ct. Case No. CIVDS1622051
<i>Hopper-Porter, et al. v. Desert Regional Medical Center, Inc.</i>	Riverside Sup. Ct. Case No. RIC 1610095
<i>Matthews v. Red Hill Country Club</i>	San Bernardino Sup. Ct. Case No. CIVDS1706187
<i>Vinnitsky v. L.A. Overnight, LLC</i>	Los Angeles Sup. Ct. Case No. BC655314
<i>Delgado, et al. v. Cienega Medical Spa, Inc.</i>	Los Angeles Sup. Ct. Case No. BC637702

16 15. WLF is in the processing of securing approval of several other pending wage and  
17 hour class actions.

18 16. WLF also litigates consumer class actions. WLF is currently litigating several  
19 consumer class actions in state and federal courts throughout the country, including in  
20 California, Hawaii, and New York.

21 17. On August 22, 2017, Judge Orrick of the U.S. District Court for the Northern  
22 District of California, granted final approval to, and appointed my office (along with co-  
23 counsel) as class counsel in a consumer class action entitled *Knapp v. Art.com, Inc.*, Case No.  
24 3:16-cv-00768-WHO, which involved a nationwide settlement on behalf of approximately 2  
25 million class members, based on allegations that the defendant engaged in deceptive perpetual  
26 sales practices.

27 18. WLF also recently obtained preliminary approval of a California settlement class  
28

1 in the action entitled *Dashnaw, et al. v. New Balance Athletics, Inc.*, Case No. 3:17-cv-00159-L-  
2 JLB. *Dashnaw* is a false advertising class action involving allegations of deceptive “Made in  
3 USA” representations. On January 24, 2019, Judge Lorenz the U.S. District Court for the  
4 Southern District of California preliminarily approved the settlement, and appointed my office  
5 (along with co-counsel) as class counsel. The case is currently in the settlement administration  
6 process. While the claims period does not expire until June 6, 2019, as of May 23, 2019,  
7 approximately 54,490 class members (out of approximately 984,835 total class members), for a  
8 current estimated claims rate of approximately 5 percent. Based on the current claims rate of  
9 approximately 5 percent in the *Dashnaw* matter, I believe that CPT’s estimated claims rate in  
10 the range of 1 to 7 percent for this settlement is reasonable and indeed likely.

#### 11 **Attorneys’ Fees and Costs**

12 19. I have not finalized WLF’s costs, but based on preliminary calculations, my  
13 office has incurred approximately \$160,659.65 in litigation costs, the bulk of which went  
14 towards expert witness fees, but which also includes other necessary expenditures, such as,  
15 travel expenses, deposition transcript costs, filing and service of process fees, and mediation  
16 fees. In the event preliminary approval of this Settlement is granted, Plaintiffs will file a fee  
17 application, which will include an itemized list of WLF’s litigation costs incurred in this action.

18 20. Similarly, I have not finalized my lodestar, as work continues to be actively done  
19 on this case. However, based on preliminary calculations, WLF’s lodestar is currently in the  
20 range of \$700,570. In the event preliminary approval of this Settlement is granted, Plaintiffs will  
21 file a fee application, which will include WLF’s lodestar and contemporaneous time records.

22 I declare under penalty of perjury under the laws of the United States of America that  
23 the foregoing is true and correct. Executed on May 23, 2019 at Culver City, California.

24  
25 /s/ Aubry Wand  
26 Aubry Wand