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8 *Attorney for Plaintiff*

9 IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

10 BRIANNA MORRIS, on behalf of)
11 herself and all others similarly situated,) Case No.: 2:19-CV-0128-TOR
)
12 Plaintiff,)
) **DECLARATION OF SHAYNE J.**
13 vs.) **SUTHERLAND IN SUPPORT OF**
) **PLAINTIFF’S MOTION FOR**
14 FPI MANAGEMENT, INC., a) **AWARD OF ATTORNEYS’ FEES,**
California corporation,) **COSTS AND SERVICE AWARD**
15 Defendant.)
16 _____)

17
18 The undersigned, under penalty of perjury of the laws of the United States,
19 28 U.S.C. § 1746, declares the following:

20
21 **DECLARATION OF COUNSEL SHAYNE J.
SUTHERLAND IN SUPPORT OF PLAINTIFF’S MOTION
FOR AWARD OF ATTORNEYS’ FEES, COSTS, AND
SERVICE AWARD - 1**

1 1. I am one of the attorneys of record for Plaintiff Brianna Morris,
2 (“Plaintiffs”). I am of legal age, and I am competent to testify to and have personal
3 knowledge of the matters herein.

4 2. I graduated from Gonzaga University School of Law with honors in
5 2011.

6 3. I am a member in good standing admitted to practice by the bars of
7 Washington State and the United States District Court for the Eastern District of
8 Washington.

9 4. I am an owner and managing partner at the law firm of Cameron
10 Sutherland, PLLC, which has operated since 2012.

11 5. The majority of my practice involves representing lower-income and
12 economically distressed individuals. The majority of my fees are earned on a
13 contingency basis under fee-shifting statutory provisions.

14 6. My attorney’s fees in this matter were entirely contingent upon the
15 outcome. Such work is risky, especially at the class action level, as if my cases
16 are unsuccessful they result in no payment or greatly reduced payment of
17 attorneys’ fees.

18 7. I am a recognized authority in consumer protection and landlord-
19 tenant practice and have presented at multiple educational seminars to community
20 organizations and attorneys concerning consumer and landlord tenant law.

21 DECLARATION OF COUNSEL SHAYNE J.
 SUTHERLAND IN SUPPORT OF PLAINTIFF’S MOTION
 FOR AWARD OF ATTORNEYS’ FEES, COSTS, AND
 SERVICE AWARD - 2

1 8. I have been determined adequate class counsel in multiple class action
2 matters in the state and federal courts.

3 9. My firm has presented landlord tenant matters of first impression to
4 the Washington Court of Appeals on multiple occasions, in cases such as *Goodeill*
5 *v. Madison Real Est.*, 191 Wn. App. 88 (2015) and *Lewis v. Zanco*, 16 Wn. App.
6 2d 819 (2021).

7 10. My firm has been part of presenting multiple matters before the
8 Supreme Court of Washington, including the landlord tenant action *Silver v.*
9 *Rudeen Mgmt. Co., Inc.*, 197 Wn.2d 535, 538 (2021).

10 11. I am requesting a class action contingent hourly rate of four hundred
11 fifty (\$450.00) per hour.

12 12. I have investigated and am familiar with the rates charged by
13 attorneys practicing in Spokane, Washington. I believe that a class action
14 contingent rate of \$450.00 per hour for a firm principal and attorney with my
15 qualifications and experience is well within the market rate for this area.

16 13. I have expended more than 153.3 hours on legal services directly
17 related to this case, including case analysis, research, briefing, and mediation. A
18 true and correct copy of my contemporaneous time records associated with these
19 activities is attached as Exhibit A to the Declaration of Kirk D. Miller (ECF No.
20 46).

21 DECLARATION OF COUNSEL SHAYNE J.
SUTHERLAND IN SUPPORT OF PLAINTIFF'S MOTION
FOR AWARD OF ATTORNEYS' FEES, COSTS, AND
SERVICE AWARD - 3

1 14. I anticipate spending an approximate 20-30 plus more hours more in
2 assisting with the class administration of this matter and preparing for Plaintiff’s
3 Motion for Final Approval in this matter.

4 15. Based upon the total number of 173.3 hours (153.3 hours already
5 expended plus a reduced request of an expected 20 more hours) at my class action
6 contingent hourly rate of \$450.00 per hour, the total fees I will have incurred in
7 representing the Plaintiff in this matter will amount to over \$77,985.00.

8 16. I believe that a multiplier on my attorney fees based on the contingent
9 nature of my representation of this case, and the undesirability of these types of
10 claims. Not many attorneys would risk payment for representation based on a
11 contingency.

12 17. After the class administrator recently ran its de-duplication process,
13 the maximum number of potential class members was revised from no more than
14 53,000 members to no more than 41,837. Accordingly, if no members
15 affirmatively opt-out of the settlement, Defendant will disburse a total of
16 \$1,090,000 of the \$1,600,000 to the class members, resulting in a distribution of
17 approximately \$26.05 per class member.

18 SIGNED at Spokane, Washington this 12th day of November, 2021.

19 s/ Shayne Sutherland
20 SHAYNE J. SUTHERLAND, WSBA #44593

21 DECLARATION OF COUNSEL SHAYNE J.
SUTHERLAND IN SUPPORT OF PLAINTIFF’S MOTION
FOR AWARD OF ATTORNEYS’ FEES, COSTS, AND
SERVICE AWARD - 4

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2
CM/ECF Certificate of Service

3 I hereby certify that on the 12th day of November, 2021, I electronically filed
4 the foregoing with the Clerk of the Court using the CM/ECF System which will
5 send notification of filing to the following:

6 Jonathan Tebbs jtebbs@cairncross.com
7 Attorney for Defendant

8 Binah B. Yeung byeung@cairncross.com
9 Attorney for Defendant

10 George Guthrie gguthrie@wilkefleury.com
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13 Attorney for Plaintiff

14 Brian G. Cameron bcameron@cameronsutherland.com
15 Attorney for Plaintiff

16 Shayne J. Sutherland ssutherland@cameronsutherland.com
17 Attorney for Plaintiff

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20
21
s/ Teri A. Brown
Teri A. Brown, Paralegal