

MADDOX | ISAACSON | CISNEROS LLP
An Association of Professional Corporations
11920 Southern Highlands Parkway, Suite 100
Las Vegas, Nevada 89141

1 Troy L. Isaacson, Esq., NV Bar No. 6690
2 Norberto J. Cisneros, Esq., NV Bar No. 8782
3 Barbara M. McDonald, Esq., NV Bar No. 11651
4 **MADDOX | ISAACSON | CISNEROS LLP**
5 11920 Southern Highlands Parkway, Suite 100
6 Las Vegas, Nevada 89141
7 Telephone: (702) 366-1900
8 Facsimile: (702) 366-1999
9 *Attorneys for Plaintiffs and the Class*

10 **UNITED STATES DISTRICT COURT**

11 **CENTRAL DISTRICT OF CALIFORNIA**

12 NICHOLAS WYLIE and SHAWNA
13 WYLIE (fka BROWN), TIMOTHY RYAN,
14 and GREGORY PERGER, individually,
15 and on behalf of a class of similarly situated
16 individuals,

17 Plaintiff,

18 vs.

19 HYUNDAI MOTOR AMERICA, a
20 California corporation,

21 Defendant.

CASE NO.: 8:16-CV-02102

**DECLARATION OF TROY L.
ISAACSON, ESQ. IN SUPPORT
OF MOTION FOR AWARD OF
ATTORNEYS' FEES & COSTS**

Date: March 2, 2020
Time: 8:30 a.m.
Place: Courtroom 9D

22 **DECLARATION OF TROY L. ISAACSON, ESQ.**

23 1. I am an attorney at law admitted before all the courts of the States of
24 California and Nevada and our firm of Maddox | Isaacson | Cisneros LLP, serves
25 along with Capstone Law APC (collectively "Plaintiffs' Counsel"), as co-counsel
26 of record for Plaintiffs in this matter. This Declaration is made in support of the
27 Motion for Attorneys' Fees and Costs. I have personal knowledge of and am
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1 familiar with the facts set forth herein all of which are true and correct, except
2 those matters stated to be upon information and belief, and as to those matters, I
3 believe them to be true.

4 2. I am a partner with Maddox | Isaacson | Cisneros LLP. My partner,
5 Norberto J. Cisneros, Esq. and I are the primary attorneys at our firm responsible
6 for handling claims for the defective vehicles distributed and/or sold by Hyundai
7 Motor America.

8 3. The following declaration is separated into three parts: (1) my own
9 personal experience and firm’s qualifications to serve as co-counsel in this matter;
10 (2) a brief summary of the work counsel has done to date on this matter as it
11 pertains to and affects the claims against the Hyundai Motor America; and (3) the
12 settlement terms reached in this matter.

13 I.
14 BACKGROUND AND QUALIFICATIONS

15 4. Our firm’s practice focuses on litigation and trial work in civil
16 matters representing clients in state and federal courts. Those matters include
17 single plaintiff, joinder and class action claims against negligent manufacturers
18 and suppliers of consumer products. Our firm similarly handles medical
19 malpractice cases, securities litigation, tribal matters and serves as general counsel
20 for numerous homeowners’ associations throughout Nevada and began doing so in
21 approximately 1973.

22 5. My career began in working on the *In re Gen. Motors Corp. Pick-Up*
23 *Truck Fuel Tank Prod. Liab. Litig.*, 134 F.3d 133 (3d Cir. 1998), and has long
24 since involved class-based claims. Many of the construction defect claims
25 brought in Nevada were on a class basis. Most recently, our firm participated in
26 *George v. Uponor Corp.*, No. CIV. 12-249 ADM/JJK, 2015 WL 5255280 (D.
27 Minn. Sept. 9, 2015); *In re Wirsbo Non-F1807 Yellow Brass Fittings*, No. 2:08-
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1 CV-1223-NDF-MLC, 2015 WL 13665077 (D. Nev. Oct. 26, 2015); and *Verdejo*
2 *v. Vanguard Piping Systems*, Cal. Superior Court Case No. BC448383 (Sept.
3 2014), in resolving claims surrounding defective plumbing fittings installed in
4 homes throughout Nevada, California and the United States. Maddox | Isaacson |
5 Cisneros, LLP served as class co-counsel in each of these matters which resulted
6 in settlements for homeowners nationwide.

7 6. I am an AV-rated attorney by Martindale-Hubbell and our office is
8 widely recognized by other attorneys and judges as a leading authority on Nevada
9 law, particularly as it relates to community association and construction defect
10 laws. In 2014, I was further elected by my colleagues in Clark County, Nevada to
11 serve on the State Bar of Nevada’s Board of Governors which, among other items:
12 develops, review and approves the Bar’s annual budget; governs the admission of
13 members to the practice of law; and formulates and enforces the rules of
14 professional conduct, with the approval of the Nevada Supreme Court.

15 7. My partner, Norberto Cisneros, is likewise licensed to practice in
16 Nevada and California. Mr. Cisneros received his Bachelor of Arts Degree in
17 Psychology from the University of California, Los Angeles, and a Juris Doctor
18 from the University of San Diego School of Law. Mr. Cisneros has extensive trial
19 experience in representing individuals in civil litigation. He has litigated
20 numerous cases to juries, judges and arbitration panels, in matters involving
21 construction defects, personal injury and contract disputes. Mr. Cisneros has also
22 represented governmental agencies, including school districts, water districts, and
23 Native American tribes, in labor negotiations, personnel matters, employee
24 disciplinary matters, advising Human Resource managers on personnel issues,
25 construction matters, civil matters, immigration matters and other governance.

26 8. My partner, Robert Maddox (“Bob”), is similarly an AV-rated attorney
27 by Martindale-Hubbell and is widely recognized by other attorneys and judges as a
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1 leading authority on Nevada community association and construction defect laws.
2 Mr. Maddox graduated with honors from Brown University in 1966 with a Bachelor
3 of Arts degree in International Relations and received his law degree in 1970 from
4 Harvard Law School. Bob originally founded our firm in 1973 as Maddox &
5 Associates, which became Maddox | Isaacson | Cisneros LLP in 2009.

6 9. Robert Maddox has been referred to as “the father of construction
7 defect law in Nevada,” having played the lead role in the creation of Nevada’s first
8 construction defect statute, Chapter 40 in 1995. NRS Chapter 40 gives Nevada
9 homeowners and community associations the right to receive full compensation for
10 faulty construction. He has worked extensively as an unpaid lobbyist for Nevada
11 community associations and homeowners in the Nevada State Legislature in every
12 session since 1995. Bob is frequently asked to lecture on legal issues facing
13 community associations and homeowners, and has appeared on all major Nevada
14 television networks in connection with his work to protect the people of Nevada
15 from construction defects. He is widely recognized by other attorneys and judges
16 as a leading authority on Nevada community association and construction defect
17 laws. In 2002 the Justices of the Nevada Supreme Court named Bob a trustee of
18 the Nevada Law Foundation, the entity that administers funds generated from
19 lawyers’ trust accounts to persons who could not otherwise afford legal
20 representation. Bob is also a lifetime colleague of the Nevada Law Foundation.
21 Bob was elected President of the Nevada Trial Lawyers Association in 1999 and he
22 was chosen in 2000 as the Trial Lawyer of the Year by the Nevada Trial Lawyers
23 Association. Under Mr. Maddox’s leadership, our firm has recovered more than
24 \$225 Million on behalf of Nevadans victimized by faulty construction. In 2004,
25 Mr. Maddox was honored as a Friend of Nevada’s Working Families by the AFL-
26 CIO, for his longtime commitment to Nevada’s working families.
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10. Our office has further appeared before and argued cases in the California Superior Court, the Nevada District Court, the Nevada Supreme Court and the Ninth Circuit Court of Appeals. Significant appellate decisions successfully argued by our firm include: *Wardleign v. Second Judicial Dist. Court*, 111 Nev. 345, 891 P.2d 1180 (1995)(addressing issues surrounding discovery of attorney-client privilege in homeowners’ association meetings and minutes); *McKeeman v. General Am. Life Ins. Co.*, 111 Nev. 1042, 899 P. 2d 1124 (1995)(reversing trial court’s dismissal of claims for proceeds under a life-insurance policy); *Calloway v. City of Reno*, 116 Nev. 250, 993 P.2d 1259 (2000)(discussion of economic loss doctrine and strict products liability on claims preceding NRS Chapter 40); *Burch v. District Court*, 118 Nev. 438, 49 P.3d 647 (2002)(finding terms of homebuyers’ warranty an unconscionable adhesion contract); *Desert Fireplaces Plus, Inc. v. Eighth Judicial Dist. Court*, 120 Nev. 632, 97 P.3d 607 (2004)(tolling statutes of limitation as to dissolved corporation); *Webb v. Shull*, 270 P.3d 1266, 2012 Nev. LEXIS 22, 128 Nev. Adv. Rep. 8 (Nev. 2012)(no showing of mental state required for application of treble damages from a finding seller failed to disclose defects in the sale of a home); *Vanguard Piping Sys. v. Eighth Judicial Dist. Court* (Nev. 2013) 309 P.3d 1017, 129 Nev. Adv. Rep. 63 (2014)(Vanguard defendants compelled to produce their insurance policies despite pending appeal contesting jurisdiction); *Barrett v. The Eight Judicial District Court*, 130 Nev. Adv. Rep. 65 (August 7, 2014)(NRS Chapter 40 Notice not required prior to the filing of a “fourth-party” complaint against a supplier); and *High Noon at Arlington Ranch Homeowners Ass’n v. Eighth Judicial Dist. Court in & for Cty. of Clark*, 402 P.3d 639 (Nev. 2017)(Associations have representational standing to represent unit owners who purchase their units after the litigation commences).

11. Together, my partner, Norberto Cisneros and I, manage our day-to-day efforts in this case on behalf of our firm. I and my firm are committed to

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1 vigorously and tenaciously prosecuting this litigation as Maddox | Isaacson |
2 Cisneros LLP has vigorously and tenaciously prosecuted many other cases.
3 Maddox | Isaacson | Cisneros LLP has extensive experience with successfully
4 prosecuting claims on behalf of classes and large groups of plaintiffs.

5 II.
6 CASE BACKGROUND

7 12. As noted, our office serves as co-counsel with Capstone Law APC
8 (collectively “Plaintiffs’ Counsel”) in this matter.

9 13. In or about September of 2016, Plaintiffs’ Counsel began
10 investigating and prosecuting claims related to defective dual clutch transmissions
11 distributed and sold by Hyundai Motor America. These dual clutch transmissions
12 appear to have been manufactured by or on behalf of Hyundai Motor America’s
13 parent company, Hyundai Motor Company, a South Korean corporation. Our
14 investigations and prosecution of these claims have been done in conjunction with
15 our co-counsel at Capstone Law APC.

16 14. As a result of those investigations, the Class Action Complaint was
17 filed on November 22, 2016, against Hyundai Motor America.

18 15. From the outset, Plaintiffs’ Counsel were faced with a range of legal
19 objections and a vigorous defense to the claims. The denial of these claims by the
20 Hyundai Motor America continued through discovery, which included, among
21 other items, depositions of Hyundai Motor America’s FRCP 30(b)(6) witnesses on
22 fourteen separate topics surrounding the design, manufacture, sales, testing and
23 repairs of the dual clutch systems installed in the class vehicles, requests for
24 production of documents on thirty four categories which resulted in the production
25 of approximately 200,000 pages of documents.
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27 III.
28 THE SETTLEMENT

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 2 16. After approximately three years of litigation in this matter, the parties
 3 have reached a settlement which is in the best interests of all concerned.

4 17. Along with co-counsel, I was personally involved in negotiating and
 5 drafting the terms of the Settlement Agreement.

6 ///

7 18. My law firm, Maddox | Isaacson | Cisneros LLP, spent substantial
 8 time on this litigation that would have otherwise been spent on different matters.
 9 At times during the litigation, the prosecution of these claims consumed a
 10 substantial percentage of our billable time that could have otherwise been spent on
 11 other work that generated fees. In addition to my time, the litigation required
 12 work by other lawyers and legal professionals at Maddox | Isaacson | Cisneros
 13 LLP.

14 19. The time my firm and Class Co-Counsel has spent on this litigation
 15 has been contingent on the outcome of the action. Class Counsel have not been
 16 paid for any of the time spent or reimbursed for expenses incurred on this
 17 litigation to date. From the inception of this litigation through December 11, 2019,
 18 the Maddox | Isaacson | Cisneros LLP attorneys and legal professional
 19 timekeepers have billed a total of 647.4 hours in connection with this matter. The
 20 lodestar incurred to date by Maddox | Isaacson | Cisneros LLP totals \$361,895.00.
 21 That lodestar is summarized as follows:

Lawyer	Title	Years of Experience	Rate	Hours	Fees
Troy L. Isaacson	Partner	23	695	252.3	\$175,348.50
Norberto J. Cisneros	Partner	23	695	225.7	\$156,861.50
Barbara McDonald	Senior Counsel	10	375	19.0	\$7,125.00
Tanya L. Paonessa	Paralegal	17	150	24.9	\$3,735.00
Rhonda Cory	Paralegal	8	150	123.7	\$18,555.00

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1	Mary Carter					
2	Franken	Accountant	28	150	1.8	\$270.00
3	Total				647.4	\$361,895.00

5	Chart Two					
6	Categories				Hours	Fees
7	Prelitigation Investigation and Evaluation / Complaint Drafting				79.3	\$37,044.00
8	Discovery and Depositions				191.6	\$123,188.50
9	Pleadings / Case Management / Miscellaneous Court Filings				147.3	\$65,232.00
10	Legal and Factual Analysis of Claims and Defenses / Litigation Strategy				56.8	\$22,226.00
11	Communications with Class Members and Clients				53.8	\$32,050.00
12	Mediations and Settlement Negotiations				94.8	\$65,886.00
13	Settlement Drafting and Motion Practice / Supervising Administration of Settlement				23.8	\$16,268.50
14	Total				647.4	\$361,895.00

16	Chart Three					
17	Categories				Hours	Fees
18	Prelitigation Investigation and Evaluation / Complaint Drafting					
19	Troy L. Isaacson				19.60	\$13,622.00
20	Norberto J. Cisneros				25.10	\$17,444.50
21	Barbara McDonald				3.50	\$1,312.50
22	Rhonda Cory				31.10	\$4,665.00
23	Discovery and Depositions					
24	Troy L. Isaacson				69.90	\$48,580.50
25	Norberto J. Cisneros				103.40	\$71,863.00
26	Rhonda Cory				18.30	\$2,745.00
27	Pleadings / Case Management / Miscellaneous Court Filings					
28	Troy L. Isaacson				48.00	\$33,360.00
	Norberto J. Cisneros				27.60	\$19,182.00
	Barbara McDonald				8.60	\$3,225.00
	Tanya L. Paonessa				11.50	\$1,725.00

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1	Chart Three		
2	Rhonda Cory	49.80	\$7,470.00
3	Mary Carter Franken	1.80	\$270.00
4	Legal and Factual Analysis of Claims and Defenses / Litigation Strategy		
5	Troy L. Isaacson	20.70	\$14,386.50
6	Norberto J. Cisneros	1.60	\$1,112.00
7	Barbara McDonald	6.90	\$2,587.50
8	Tanya L. Paonessa	13.20	\$1,980.00
9	Rhonda Cory	14.40	\$2,160.00
10	Communications with Class Members and Clients		
11	Troy L. Isaacson	19.80	\$13,761.00
12	Norberto J. Cisneros	24.20	\$16,819.00
13	Tanya L. Paonessa	0.20	\$30.00
14	Rhonda Cory	9.60	\$1,440.00
15	Mediations and Settlement Negotiations		
16	Troy L. Isaacson	51.50	\$35,792.50
17	Norberto J. Cisneros	43.30	\$30,093.50
18	Settlement Drafting and Motion Practice / Supervising Administration of Settlement		
19	Troy L. Isaacson	22.80	\$15,846.00
20	Norberto J. Cisneros	0.50	\$347.50
21	Rhonda Cory	0.50	\$75.00
22	Total	647.4	\$361,895.00

20. Maddox | Isaacson | Cisneros LLP, will continue to incur time to see this matter through final approval and is likely to incur additional time for our involvement and assistance in the claims procedures that—if granted final approval—will span several months.

21. Based upon my experience with other class action matters I believe that the time expended by Class Counsel in connection with this litigation, when compared to the result achieved for the class, is reasonable in amount and was necessary to ensure the successful monetary and other relief obtained on behalf of the class members.

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22. Class Counsel and Co-Counsel set their hourly rates according to prevailing market rates for complex class litigation of this type and are routinely awarded fees according to those rates. For example, in the case of *Aventine-Tramonti Homeowners Assn. v. Vanguard Piping Systems, et al.*, Case No. A555328, Nevada Eighth Judicial District Court, my firm, along with four other firms, prosecuted a six-month jury trial on claims for dezincification of high-zinc brass Vanguard/Viega fittings. In March 2013, our firms obtained a jury verdict in the owner’s favor, which was followed by a contested application for an award of attorney’s fees and costs. The *Aventine* court approved the hourly rates of \$600 for partners, \$375 for associate attorneys and \$150 per hour for paralegals – rates only slightly less than being applied in this matter. We were similarly awarded the same hourly rates as in the *Aventine* matter in the cases of *George v. Uponor Corp.*, No. CIV. 12-249 ADM/JJK, 2015 WL 5255280 (D. Minn. Sept. 9, 2015); and *Verdejo v. Vanguard Piping Systems*, Cal. Superior Court Case No. BC448383 (Sept. 2014).

23. My firm also incurred the following types of costs to prosecute this action and all others resolved in conjunction with settlement: filing fees, deposition and hearing transcripts, copying, printing, professional services, travel expenses, and other related expenses. Those costs and expenses incurred in this matter are summarized as follows:

Expense Categories	Amount
Copying, Printing & Scanning and Facsimiles	\$319.20
Court Fees, Courier Fees, Filings & Service of Process	
Court Reporters, Transcripts & Depositions	
Delivery & Messenger (UPS, FedEx, messenger, etc.)	
Document Management and Production Services	
Expert & Consulting Services	

1	Research Services (PACER, Lexis, etc.)	\$1,358.71
2	Mediation Fees	
3	Postage & Mailings	\$3.89
4	Telephone (Long distance, conference calls, etc.)	
5	Travel-Related Costs and Expenses	\$7,233.89
	TOTAL EXPENSES	\$8,915.69

6 24. As detailed in the above chart, Maddox | Isaacson | Cisneros LLP,
7 incurred a total of \$8,915.69 to date in unreimbursed expenses in connection with
8 the prosecution of this class action. Recovery of these costs has at all times been
9 contingent upon the successful outcome of this action and all related actions being
10 resolved by way of this settlement.

11 25. These expenses were necessarily incurred to pursue claims
12 concerning Dual Clutch Transmissions installed in Hyundai vehicles — the
13 subject matter of this litigation and settlement — and are reflected on the books
14 and records that Maddox | Isaacson | Cisneros LLP maintained in the ordinary
15 course of business. These books and records are prepared from invoices, receipts,
16 expense vouchers, check records, and other records and are an accurate record of
17 the expenses incurred in this litigation. The rates charged for all internal expenses
18 incurred (e.g., photocopying, messenger expenses, postage) are the same
19 irrespective of whether the case is billed on an hourly basis or is a contingent
20 matter. As a result, the rates charged are necessarily market-sensitive and market-
21 competitive because they are subject to and controlled by an overriding “check”
22 imposed by other non-contingent clients. If this matter had been lost at any point,
23 my firm along with our co-counsel, would have equally borne the full burden of
24 not recovering anything for the investment of time, money and resources in these
25 cases and claims.
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26. Throughout the course of this litigation and along with our Co-Class Counsel, Maddox | Isaacson | Cisneros LLP attempted to reduce the hours billed to this litigation by excluding redundancies, avoiding duplicative work, and working collaboratively and efficiently. In addition, Co-Class Counsel made assignments in a coordinated matter to delegate work and tasks to attorneys and professional staff whose talents best fit the tasks. When less-experienced attorneys could adequately perform the work they were used instead of more experienced attorneys. In sum, Maddox | Isaacson | Cisneros LLP and Co-Class Counsel were sensitive to and worked diligently to avoid unnecessary duplication of time, effort, and expense.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on December 12, 2019, in Las Vegas, Nevada.

/s/ 
Troy L. Isaacson, Esq.