

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

SHARON CHENG, CRISTINA DIAS, RHONDA SANFILIPO, BRUCE PULEO, ZINA PRUITT, RON ZIMMERMAN, CHERYL SILVERSTEIN, TINA FENG, ROBERT HAKIM, BERNADETTE GRIMES, ELIZABETH GENDRON, ROGER CARTER, MARLENE RUDOLPH, PATRICIA BARLOW, TERESA EDWARDS, ISAAC TORDJMAN, JAMES HETTINGER, DIEU LE, CHRIS BOHN, DANIEL DEWEERDT, CRAIG BOXER, BETTY DENDY, ELIZABETH PERSAK, KRISTI ROCK, JENNIFER CHALAL, JOHN TORRANCE, LENARD SHOEMAKER, MICHAEL MITCHELL, ROBERT SKELTON, JEFFREY JONES, ISABEL MARQUES, PAYAM RASTEGAR, and SYED ABDUL NAFAY, individually and on behalf of all others similarly situated,

Plaintiffs,

v.

TOYOTA MOTOR CORPORATION, TOYOTA MOTOR NORTH AMERICA, INC., and DENSO INTERNATIONAL AMERICA, INC.,

Defendants.

Case No: 1:20-cv-00629-WFK-JRC

**DECLARATION OF JEFFREY R. KRINSK
IN SUPPORT OF PLAINTIFFS' MOTION FOR ATTORNEYS' FEES,
EXPENSES, AND SERVICE AWARDS TO THE CLASS REPRESENTATIVES**

I, JEFFREY R. KRINSK, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

1. I, JEFFREY R. KRINSK, am a named principal of the law firm Finkelstein & Krinsk LLP, located in San Diego, California. I am admitted to practice in the States of California and New York. I have also been admitted to practice in the federal courts of California, as well as the United States Court of Appeals for the Ninth Circuit.

2. I respectfully submit this declaration in support of Plaintiffs' Motion for Attorneys' Fees, Expenses, and Service Awards to the Class Representatives. I have personal knowledge of the matters set forth herein and am competent to testify with respect thereto.

3. Finkelstein & Krinsk LLP represents Court-appointed Class Representatives John Torrance, Bernadette Grimes, Dieu Le, Jeffrey Jones, Ronald Zimmerman, Robert Hakim, Tina Feng, Michael Mitchell, Betty Dendy and Teresa Edwards in this consolidated action. ECF No. 167. My firm was appointed to the Plaintiffs' Steering Committee (PSC) on November 6, 2020 and, since then, we have worked on this litigation together with the other members of the PSC under the auspices of Interim Lead Class Counsel Beasley Allen. ECF Order entered November 6, 2020.

4. The services rendered and work performed by attorneys and paralegals of my firm during the course of this litigation include the following: Steering Committee calls and communications; investigations and factual research; case management and litigation strategy; discovery; document review; pleadings and brief preparation, legal research and settlement negotiations.

5. From March 20, 2020 through November 15, 2022, my firm has expended 519.2 hours of work in connection with this litigation. Based upon our current, customary rates in this type of litigation, the lodestar value of that time is \$263,330.00.

6. Our firm's work on this case was performed on a wholly-contingent basis pursuant to contingency fee contracts with the named Plaintiffs. My firm has not received any amounts in connection with this case, either as fee income or expense reimbursement.

7. Shown below is a true and correct summary identifying the attorneys and paralegals who have worked on this litigation, the number of hours those individuals have

worked, their regular hourly billing rates, and their respective lodestar values. I anticipate that additional time and expenses will be incurred for the work that my firm will be performing on this matter through the conclusion of the settlement.

The hourly rates shown below are the usual and customary lodestar rates charged in California, and the national venues in which the firm typically handles cases for each individual doing the type of work performed in this litigation, including New York. These rates were not adjusted, notwithstanding the complexity of this litigation, the skill and tenacity of the opposition, the preclusion of other employment, the delay in payment, or any other factors that could be used to justify a higher hourly compensation.

TIME SUMMARY

Timekeeper	Title	Rate	Hours	Amount
Krinsk, Jeffrey	Partner	\$ 800.00	26.6	\$ 21,280.00
Harris, David	Sr. Associate	\$ 550.00	2.6	\$ 1,430.00
Nelson, John	Associate	\$ 500.00	470.4	\$ 235,200.00
Atkinson, Keia	Associate	\$ 425.00	9.9	\$ 4,207.50
Garcia, Rebecka	Paralegal	\$ 125.00	0.5	\$ 62.50
Grace, Carol	Paralegal	\$ 125.00	8.4	\$ 1,050.00
Thomson, Lindsey	Paralegal	\$ 125.00	0.8	\$ 100.00
TOTAL			519.2	\$ 263,330.00

8. These amounts were derived from contemporaneous daily time records compiled on this matter, which are recorded in our computerized database. The firm requires regular and contemporaneous recording of time records, which occurred in this case.

9. The lodestar summary reflects my firm's experience in the field, the complexity of the matters involved in this litigation, and the prevailing rate for providing such services.

10. My firm has advanced a total of \$40,379.23 in expenses reasonably and necessarily incurred in connection with the prosecution of this matter. They are broken down as follows:

EXPENSES

Disbursement	Amount
Assessment Fees (Litigation Fund)	\$ 30,000.00
Federal Express/Local Courier, etc.	\$ 40.77
Postage Charges	\$ 73.87
Long Distance	\$ 36.59
Court Fees	\$ 793.00
Miscellaneous (Describe): Online advertisements	\$ 9,435.00
TOTAL	\$ 40,379.23

11. These expenses are reflected in the books and records regularly kept and maintained by my firm.

12. In my opinion, the time expended and incurred in prosecuting this action was reasonable and necessary for the diligent litigation of this matter.

13. As reflected in the attached resume for my firm, we have significant experience in prosecuting a significant number of class action cases on behalf of consumers nationwide. Many of those cases resulted in settlements on behalf of those consumer classes, achieving over \$300M in recoveries for consumers.

14. Based upon my experience, I believe that the proposed Settlement is fair, adequate, and reasonable based upon several factors, including the risks of continued litigation, strength of Plaintiffs' claims, and relief achieved on behalf of the individual Class members. In addition to the significant injunctive relief obtained by the attorneys, consumers may file claims to recover the amount that they have paid in eligible out-of-pocket expenses related to repair of the defective Denso fuel pumps at issue in this litigation.

15. This case was litigated over the course of nearly three years and involved MDL briefing, dismissal motion practice, complex, multi-defendant informal and confirmatory discovery, and expert work. Class Representatives [Insert names of your plaintiffs] fulfilled their duties to the Class by devoting substantial effort to the commencement and oversight of this litigation. As detailed in their concurrently filed declarations, Class Representatives expended considerable effort ensuring that the proposed Settlement was fair, adequate, and reasonable, stayed abreast of the litigation, including by reviewing and approving pleadings, the settlement agreement and related motions, and provided documents and information as necessary. Accordingly, I believe that the proposed service awards to each of the proposed Class Representatives are also appropriate.

16. I declare under penalty of perjury that the foregoing is true and correct.

Dated: November 15, 2022

Respectfully submitted,



JEFFREY R. KRINSK

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ATTORNEYS AT LAW

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The following is a concise summary of the resume of the law firm of Finkelstein & Krinsk LLP. The named partners of this San Diego, California-based law firm have been recognized for successfully prosecuting hundreds of class action lawsuits since 1987. The firm's experience centers on the prosecution of violations of the federal and state securities and antitrust laws, the laws of corporate governance, including derivative actions, and business/consumer fraud cases.

THE FIRM

Since its inception, the firm has specialized in investigating and prosecuting large-scale securities violations on behalf of private and institutional investors, as well as derivative claims arising from directors' failure to comply with their statutory duties. The firm is a long-standing member of the National Association of Securities and Commercial Law Attorneys and has received consistent recognition for its creative persistence in handling complex litigation.

The credentials of the firm include being appointed lead counsel and to executive committee positions on behalf of plaintiff classes in multiple successful securities fraud, shareholder derivative and consumer class action cases, including, for example, *In Re Chiron Shareholders Derivative Litigation*, a shareholder derivative action alleging various breaches of fiduciary duties; *In Re Chiron Shareholders Deal Litigation*, a shareholder class action involving a \$4.5 billion merger transaction; *In Re Great American Bank Securities Litigation*, a class action alleging violations of the Federal Securities Acts; *In Re Safeskin Sec. Litig.* (same); *In Re Revlon Sec. Litig.* (same); *Risk v. Caribiner International*; *Hurst v. Monarch Equities Corporation*, a class action alleging violations of the Commodities & Exchange Act; *Weld v. Chiron Corp.*; *Chiment v. M/A-COM, Inc.*, a class action alleging violations of ERISA; *In Re State Farm Mutual Automobile Insurance Company*, a California resident consumer class action alleging unfair business practices; *In Re Manufacturers Life Insurance Premium Litigation*, a nationwide consumer class action alleging insurance fraud; *Levine v. The Guardian Life Insurance Company of America*, a California resident disability policyholder class action; *In Re Massachusetts Mutual Life Ins. Co. Vanishing Premium Sales Litig.*, a nationwide policyholder class arising out of "vanishing premium" life insurance policy sales practices; *Campbell v. AirTouch Cellular*, nationwide consumer class action against Verizon Wireless for violations of unfair trade practices (lead counsel in a nationwide consumer class of over 43 million consumers); *In Re DSL Service Cases*, a J.C.C.P. California resident class action involving claims of false advertising and consumer fraud (lead counsel in coordinated action); *Burton v. MTL Ins. Co.*, a nationwide policyholder class action involving violations of Illinois consumer fraud laws; *Kushner v. AT&T Corp.*, a California resident consumer class action (lead counsel); *Maugeri v. The Credit Store*, a nationwide consumer class action involving deceptive debt collection practices; and *Smith v. Wells Fargo*, a California resident consumer class action involving false advertisement claims (lead counsel); *Phebus v. Wells Fargo Bank* (lead counsel in coordinated action); *Feferman v. Hewlett Packard* (lead counsel); *Berensen v. Toyota Motor Corp.* (lead counsel); *Maugeri v. The Credit Store*, (lead counsel); *Sanai v. BMW of North America, LLC*; *Hahn v. Massage Envy Franchising LLC* (lead counsel); *Krinsk v. Monster Beverage Corporation, et al.* (lead counsel),

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ATTORNEYS AT LAW

Clay et al. v. Cytosport, Inc. (Class Counsel) and *Terrando et al. v. Accredited Debt Relief et al.* (Class Counsel).

The firm has successfully prosecuted hundreds of class action securities and consumer cases recovering hundreds of millions of dollars in losses suffered by victims of business, consumer and similar fraud recovering billions of dollars in losses.

In the insurance related area, the firm was lead counsel in *Tench v. Jackson National Life Ins. Co.*, an Illinois resident policyholder class for violations of Illinois consumer fraud laws arising from the sale of “vanishing premium” life insurance products; and *Albanoski v. American National Insurance Company*, a California resident class arising out of unlawful and deceptive sales practices involving the sale of universal life insurance products. In addition, the firm has also jointly prosecuted a number of cases throughout the United States against numerous insurance companies for various improper claims practices.

PARTNER

JEFFREY R. KRINSK

Jeffrey R. Krinsk graduated in 1974 from Boston University Law School in Boston, Massachusetts, and was admitted to active practice in the State of New York on November 17, 1975. As an associate at the New York law firm of Norton & Christenson, he contributed to numerous cases involving intricate violations of federal law and, thereafter, participated in assorted complex litigation against large corporations and particularly the United States Government and/or the Corps of Engineers.

This extensive litigation experience resulted in Mr. Krinsk relocating to California after being asked to join Hang Ten International, Inc. as Staff Counsel and, shortly thereafter, became General Counsel and Chief Legal Officer. Mr. Krinsk was subsequently promoted to Chief Operating Officer and General Counsel for the corporation, overseeing and managing in excess of thirty-five law firms in over sixty countries while fulfilling corporate litigation and transactional needs. In 1983, Mr. Krinsk relocated to Los Angeles, California, after joining Guess?, Inc. as its President, assuming a broad array of related legal and operational responsibilities as its licensing head. Thereafter, Mr. Krinsk was elected Chairman and CEO of publicly-traded Fabulous Inns of America, conducting complex derivative and securities litigation on behalf of its shareholders. This substantial business experience has provided an invaluable perspective in the prosecution of class actions against corporate defendants. Mr. Krinsk has effectively prosecuted and managed a host of class actions for Finkelstein & Krinsk over the last twenty-five years.

FINKELSTEIN & KRINSK LLP
ATTORNEYS AT LAW

ASSOCIATES

DAVID J. HARRIS, JR.

David J. Harris, Jr. joined Finkelstein & Krinsk LLP in 2015 and specializes in securities and consumer class actions. Prior to joining the Firm, Mr. Harris specialized in class action litigation at another leading plaintiffs' firm, representing institutional and individual investors in securities fraud actions nationwide. Mr. Harris was a member of two litigation teams that recovered over \$100 million on behalf of aggrieved investors in mortgage-backed securities class actions. He was also part of a trial team that recovered \$65 million from a healthcare services company on the eve of trial, in an action alleging securities fraud under the Securities Exchange Act of 1934. In addition, Mr. Harris achieved a \$10 million recovery on behalf of damaged investors in an oil company that allegedly overstated its oil production prospects in an initial public offering. Mr. Harris was a member of the appellate team that won a landmark victory before the United States Supreme Court in *Omnicare, Inc. v. Laborers Dist. Council Construction Industry Pension Fund*, 135 S.Ct. 1318 (2015), which shaped and refined securities issuers' disclosure obligations under the Securities Act of 1933. He is currently representing the petitioner in a complex case pending before the California Supreme Court, which will determine the meaning of "insurance" under California law and the proper application of the California Insurance Code to risk-related consumer transactions.

Mr. Harris graduated from the Boston University School of Law in 2012. While in law school, Mr. Harris served as an editor of the *Review of Banking & Financial Law*, and as a student-attorney in Boston University's Criminal Practice Clinic. Mr. Harris was also selected as a Legal Writing Fellow to assist in teaching first-year law students' writing courses. Prior to law school, he worked as an operations analyst and project manager for a leading e-discovery services provider. Mr. Harris graduated *magna cum laude* from Rensselaer Polytechnic Institute in 2006, with a Bachelor of Science degree in Mathematics and a concentration in Operations Research.

Mr. Harris is admitted to practice in the State of California and in the United States District Courts for the Northern, Southern, Central, and Eastern Districts of California, and in the United States District Court for the Western District of Wisconsin.

For more information regarding the firm and a list of cases successfully prosecuted by the firm, please contact:

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