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17 **UNITED STATES DISTRICT COURT**
18 **CENTRAL DISTRICT OF CALIFORNIA**
19 **SOUTHERN DIVISION**

20 PHILIP ALVAREZ, RANDALL
21 BETTISON, MARC KELLEHER, and
22 DARLENE VAUGH, individually and
on behalf of all others similarly situated,

23 Plaintiffs,

24 v.

25 SIRIUS XM RADIO INC.,

26 Defendant.
27
28

Case No. 2:18-cv-08605-JVS-SS

**DECLARATION OF CORNELIUS
P. DUKELOW IN SUPPORT OF
PLAINTIFFS' MOTION FOR
ATTORNEYS' FEES AND
EXPENSES AND FOR SERVICE
PAYMENTS**

Hon. James V. Selna, presiding

Date: January 25, 2021

Time: 1:30 PM

Location: Courtroom 10C
411 West 4th Street,
Santa Ana, CA 92701

DECLARATION OF CORNELIUS P. DUKELOW

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I, Cornelius P. Dukelow, declare as follows:

1. I am a member and owner of the law firm of Abington Cole + Ellery. I submit this declaration in support of Plaintiffs’ Motion for Attorneys’ Fees and Expenses and for Service Payments. I have personal knowledge of the matters discussed herein, and if called as a witness could testify competently thereto.

2. Attached as **Exhibit A** is a true and correct copy of my firm’s resume.

3. During the court of this litigation, I have been involved in the following types of activities:

- Pre-filing investigation and evaluation of facts surrounding Defendant’s representations, advertising, marketing, business practices, and promotional efforts related to its lifetime subscriptions.
- Comprehensive research and analysis of the applicable law and potential claims.
- Communicated with, interviewed, and vetted hundreds of clients and other intakes.
- Drafted the initial Complaint filed against Defendant.
- Assisted in drafting an opposition to Defendant’s motion to dismiss and compel arbitration.
- Participated in a full-day mediation session with the Honorable Carl J. West (Ret.) on November 29, 2018.

4. From the inception of this case through November 15, 2020, I performed a total of 512.9 billable hours on this case. This total excludes certain time that I have excised from this application or otherwise reduced, based on the exercise of billing judgment. Based upon an hourly rate of \$750, the total lodestar value of this billable time is \$384,675.00. This schedule was prepared from contemporaneous, daily time records regularly prepared and maintained by me.¹

¹ My detailed time records are available to the Court for inspection upon request.

EXHIBIT A

ABINGTON COLE + ELLERY

FIRM RESUME

Abington Cole + Ellery is a boutique law firm focusing on consumer class actions and intellectual property related matters.

Attorney Profile

Cornelius P. Dukelow:

Mr. Dukelow began practicing law in 2001. Mr. Dukelow's practice focuses on consumer class action litigation, patent prosecution, patent litigation, trademark prosecution, and trademark litigation.

Mr. Dukelow is a registered patent attorney licensed to practice before the United States Patent and Trademark Office. Mr. Dukelow is admitted to practice in Oklahoma, before the United States District Court for the Northern District of Oklahoma, before the United States District Court for the Western District of Oklahoma, and before the United States Court of Appeals for the Federal Circuit.

Mr. Dukelow is a graduate of Kansas State University, receiving a Bachelor of Science in Biology (1997), and the University of Tulsa College of Law (JD 2001) where he was an Article's Editor for the University of Tulsa Law Review.

Representative Data Breach Cases:

- *Bahnmaier v. First American Financial Corp.*, Case No. 8:19-cv-01040 (C.D. Cali.).
- *Baker v. Chipotle Mexican Grill, Inc.*, Case No. 5:17-cv-01134 (C.D. Cali.).
- *Brandon v. Equifax, Inc.*, Case No. 1:17-cv-03454 (N.D. Ga.); MDL: *In re: Equifax, Inc., Customer Data Sec. Breach Litig.*, Case No. 1:17-md-02800 (N.D. Ga.).
- *Bray et al. v. GameStop Corp.*, No. 17-cv-01415-CMA-SKC (D. Del.).
- *Brescia v. Anthem, Inc., et al*, Case No. 1:15-cv-00203 (S.D. Ind.); MDL: *In re: Anthem, Inc. Data Breach Litigation*, Case No. 15-md-02617 (N.D. Cali.).
- *Cochran v. Experian Information Solutions, Inc.*, Case No. 8:15-cv-01659 (C.D. Cali.); MDL: *In re: Experian Data Breach Litigation*, Case No. 8:15-cv-1592 (C.D. Cali.).
- *Engl v. Natural Grocers By Vitamin Cottage, Inc.*, Case No. 1:15-cv-02129 (D. Colo.).
- *Fuentes v. Sunshine Behavioral Health Group LLC*, Case No. 8:20-cv-00487 (C.D. Cali.).
- *Gilmore v. Sonic Corp.*, Case No. 5:17-cv-01032 (W.D. Okla.).
- *Hayes v. Medical Informatics Engineering, Inc.*, Case No. 1:15-cv-01308 (S.D. Ind.); MDL: *In re: Medical Informatics Engineering, Inc., Customer Data Security Breach Litigation*, Case No. 3:15-md-02667 (N.D. Ind.).

- *Hellyer v. Altice USA, Inc.*, Case No. 1:20-cv-01410 (S.D. N.Y.).
- *Key v. American Medical Collection Agency, Inc.*, Case No. 7:19-cv-05536 (S.D. N.Y.).
- *Koenig v. Lime Crime, Inc.*, Case No. 2:16-cv-00503 (C.D. Cali.).
- *Kyles et al. v. Stein Mart, Inc. et al.*, Case No. 1:19-cv-00483 (D. Del.).
- *Most Wanted Motorsports LLC v. Capital One Financial Corp. et al.*, Case No. 2:19-cv-01303 (W.D. Wash.).
- *Noe v. Target Corporation*, Case No. 4:14-cv-00083 (N.D. Okla.); MDL: *In re: Target Corporation Customer Data Security Breach Litigation Case*, No. 0:14-md-02522 (D. Minn.).
- *Perdue et al. v. Hy-Vee, Inc.*, Case No. 1:19-cv-01330 (C.D. Ill.).
- *Solak v. The Home Depot, Inc.*, Case No. 1:14-cv-02856 (N.D. Ga.); MDL: *In re: The Home Depot, Inc., Customer Data Security Breach Case*, No. 1:14-md-02583 (N.D. Ga.).
- *In re Solara Medical Supplies Data Breach Litigation*, Case No. 3:19-cv-02284 (S.D. Cali.).
- *Stasi et al. v. Inmediata Health Group Corp.*, Case No. 3:19-cv-02353 (S.D. Cali.).