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8 *Attorneys for Plaintiffs*

9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**

11 STUDENT A, by and through PARENT A, her
guardian; STUDENT B, by and through
12 PARENT B, his guardian; STUDENT C, by
and through PARENT C, his guardian; and
13 STUDENT D, by and through PARENT D, her
guardian, each one individually and on behalf
14 of all other similarly situated children,

15 Plaintiffs,

16 v.

17 THE BERKELEY UNIFIED SCHOOL
DISTRICT and THE BOARD OF
18 EDUCATION OF THE BERKELEY UNIFIED
SCHOOL DISTRICT,

19 Defendants.
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Case No. 4:17-cv-02510-JST

**DECLARATION OF DEBORAH
JACOBSON IN SUPPORT OF
PLAINTIFFS' UNOPPOSED MOTION
FOR PRELIMINARY APPROVAL OF
CLASS SETTLEMENT AND
PROVISIONAL CLASS
CERTIFICATION ORDER**

Current Hearing:

Date: January 20, 2021
Time: 2:00 p.m.
Courtroom: 6, 2nd Floor
Judge: Hon. Jon S. Tigar

Action Filed: May 2, 2017

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1 I, Deborah Jacobson, declare and state as follows:

2 1. I am the founder of Jacobson Education Law Inc., (“JEL”), and I am counsel for
3 Plaintiffs Student A, by and through Parent A, her guardian; Student B, by and through Parent B,
4 his guardian; Student C, by and through Parent C, his guardian; and Student D, by and through
5 Parent D, her guardian, each one individually and on behalf of themselves (collectively, “Plaintiffs”)
6 in the above referenced action.

7 2. I make this declaration in support of Plaintiffs’ Unopposed Motion for Preliminary
8 Approval of Class Action Settlement and Provisional Class Certification Order (“Motion”). This
9 declaration is made based upon my personal knowledge, and I am familiar with its contents. If
10 called to testify, I could and would testify under oath to the facts set forth herein.

11 3. I am among the counsel of record for the Plaintiffs and the putative class in this
12 matter. I am a member of the California bar. I graduated from Golden Gate University School of
13 Law in May 2011.

14 4. I founded JEL in September 2013. Prior to starting my private practice in California,
15 I was the managing associate of a special education law firm in Washington, D.C. Before that, as a
16 law student, I worked as a legal intern and special education advocate for Disability Rights
17 California and Bay Area Legal Aide.

18 5. I have spent my entire legal career working on behalf of children with disabilities in
19 the area of special education law. I have represented countless children with reading disabilities
20 such as dyslexia in individual due process cases against school districts. I have specific expertise
21 in the area of reading instruction and reading services for children with reading disabilities such as
22 dyslexia and have attended trainings regarding dyslexia and reading instruction by nationally
23 recognized experts. I have also given trainings locally and at national legal conferences on special
24 education law and specifically, representation of children with reading disabilities such as dyslexia.
25 I believe that I am qualified to represent the Settlement Class in this action.

26 6. JEL has had considerable involvement in this lawsuit from its inception through the
27 filing of the Complaint, discovery, and settlement negotiations. Accordingly, JEL has extensive
28 knowledge of the factual and legal issues of this case, the Parties, the Settlement Class, and class

1 action settlements in general.

2 7. JEL has also worked closely with the Plaintiffs themselves. Plaintiffs have
3 vigorously pursued the prosecution of their claims, including through attending settlement
4 conferences and participating in settlement discussions and participating in discovery.

5 8. I have created the hourly rate sheet for JEL's current and prior attorneys, and I have
6 conducted the research underlying the rate sheet and update the sheet on an annual basis. The
7 research and assessments that I conduct include briefs, case law and court orders regarding
8 California and local prevailing rates and fee awards in special education cases; analyses and research
9 about Bay Area hourly rates including review of declarations from attorneys in my region in support
10 of fee petitions.

11 9. I have prepared and reviewed JEL's detailed billing records and out-of-pocket costs
12 list in this case. Attached hereto as **Exhibit 1** is a true and correct summary of JEL's lodestar and
13 out-of-pocket costs. The summary shows the calculation for the lodestar, including hours by
14 attorney, hourly rates by attorney, total hours, and total lodestar. The total hours are 1997.7 and the
15 total lodestar is \$938,502.00. This does not include hundreds of pre-litigation hours JEL attorneys
16 spent building this case. The summary also states JEL's out-of-pocket costs which are \$2,300.50.
17 Fees and costs together are \$940,802.50. The attached summary does not include recent time spent
18 on settlement negotiations and recent time expended preparing this motion.

19 10. Subject to this Court's approval, Defendants have agreed to pay Plaintiffs' Counsel
20 a total of \$350,000, which includes \$175,000 for JEL. This amount represents about 18% of JEL's
21 lodestar.

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

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25 Executed December 11, 2020, in Berkeley, California.

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/s/ Deborah Jacobson
Deborah Jacobson