

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

RAFAEL SUAREZ, DAISY GONZALEZ,
and RICHARD BYRD, individually and on
behalf of all others similarly situated,

Plaintiffs,

vs.

NISSAN NORTH AMERICA, INC.,

Defendant.

) Case No.: 3:21-cv-00393

) **Hon. William L. Campbell, Jr.**

) **CLASS ACTION**

**SUPPLEMENTAL DECLARATION OF TIMOTHY N. MATHEWS IN FURTHER
SUPPORT OF THE PARTIES' JOINT MOTION FOR FINAL APPROVAL OF CLASS
ACTION SETTLEMENT AND PLAINTIFFS' MOTION FOR ATTORNEYS'
FEEES, LITIGATION EXPENSES, AND SERVICE AWARDS**

I, Timothy N. Mathews, declare as follows:

1. I am a partner in the law firm of Chimicles Schwartz Kriner & Donaldson-Smith LLP ("Chimicles Firm"), counsel for Plaintiffs Rafael Suarez, Daisy Gonzalez and Richard Byrd (collectively "Plaintiffs"), and Lead Counsel for the Class in this action.

2. I previously submitted declarations in this matter in conjunction with Plaintiffs' motion for preliminary approval of the settlement in this action, ECF No. 15-2, and Plaintiffs' motion for final approval of the settlement, ECF No. 36-1.

3. In my prior declaration, I reported my firm's expenses and lodestar through August 31, 2021. Since then, my firm has incurred an additional \$157,195 in lodestar and \$938.84 in expenses. **Exhibit A** reflects my firm's total lodestar from inception through November 30, 2021. As before, we have excluded certain time in the exercise of billing judgment and we exclude time by timekeepers who devoted less than 10 hours to the case. As

shown on Exhibit A, from inception through November 31, 2021, my firm has devoted a total of 2,496.90 billable hours of work on this case, and my firm's total lodestar at our usual and customary hourly rates is \$1,303,537.50.

4. As set forth in **Exhibit B** attached to this Declaration, my firm has incurred a total of \$54,146.38 in unreimbursed expenses in connection with the prosecution of this litigation through November 30, 2021.

5. The Settlement has garnered significant media coverage. A sampling of some of the media coverage is reflected in the below chart:

Publication	Date	Web Link
Portland Sun	Oct. 11, 2021	https://www.theportlandsun.com/news/state/if-you-are-a-current-or-former-owner-or-lessee-of-a-2013-2018-nissan/article_555f8b4c-c536-5f7e-910a-0662f62b73d8.html
List23	Oct. 11, 2021	https://list23.com/228851-if-you-are-a-current-or-former-owner-or-leaseholder-of-2013-2018-nissan-altima-vehicle-you-may-be/
Hustler Money Blog	Sept. 2, 2021	https://www.hustlermoneyblog.com/nissan-altima-headlights-defect-class-action-lawsuit/
Consider The Consumer	Aug. 30, 2021	https://considertheconsumer.com/class-action-settlements/nissan-altima-headlights-settlement-dim-defective-headlights-up-for-a-full-repair
Top Class Actions	Aug. 20, 2021	https://topclassactions.com/lawsuit-settlements/consumer-products/auto-news/1029562-nissan-altima-headlights-defect-class-action-settlement/
CarComplaints	Aug. 10, 2021	https://www.carcomplaints.com/news/2021/nissan-altima-headlight-lawsuit-preliminary-approval.shtml
Class Action	Aug. 9, 2021	https://www.classaction.org/news/defect-can-cause-2013-2018-nissan-altima-headlights-to-get-dimmer-over-time-class-action-says
CarComplaints	June 23, 2021	https://www.carcomplaints.com/news/2021/nissan-altima-headlight-lawsuit-settlement.shtml
Class Action Reporters		https://classactionsreporter.com/settlement/nissan-altima-dim-headlight-settlement/
Legal Newswire	Oct. 28, 2021	https://www.law.com/legalnewswire/news.php?id=2942182

6. The Settlement has also been discussed on several consumer forums and social media, including the following websites:

- <https://www.nissanclub.com/threads/got-my-altima-headlight-settlement-notice-for-halogen-equipped-cars-by-snail-mail-today.523109/>;
- <https://www.nissanclub.com/threads/headlights-too-dim-cant-see-solution.508866/page-5>;
- <https://www.socialgrep.com/search?query=site%3Aself.altima>;
- <https://forums.nicoclub.com/it-s-not-a-dim-bulb-causing-your-night-blindness-t628117.html>;
- <https://www.facebook.com/lynn.keith/posts/10209023559024075>;
- https://www.reddit.com/r/ClassActionLawsuitUSA/comments/pd8shf/nissan_altima_headlights_defective_lights/;
- https://www.reddit.com/r/altima/comments/qpmni0/nissan_headlight_settlement/

I declare pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Dated: December 6, 2021

/s/ Timothy N. Mathews
Timothy N. Mathews

EXHIBIT A

SUAREZ, et al. v. NISSAN NORTH AMERICA, INC.

TIME REPORT

FIRM NAME: CHIMICLES SCHWARTZ KRINER & DONALDSON-SMITH LLP

REPORTING PERIOD: Inception through November 30, 2021

Name	Status	Years of Experience	Category 1 Hours	Category 2 Hours	Category 3 Hours	Category 4 Hours	Category 5 Hours	Category 6 Hours	Total Hours	Hourly Rate	Cumulative Lodestar
Timothy N. Mathews	P	18	67.70	17.80	124.40	126.90	83.30	430.60	850.70	\$725.00	\$616,757.50
Samantha E. Holbrook	A	10	11.80		82.70		5.00	45.60	145.10	\$525.00	\$76,177.50
Alex M. Kashurba	A	7	227.10	17.90	295.10	84.90	44.00	411.30	1080.30	\$450.00	\$486,135.00
Zachary P. Beatty	A	4	7.50		46.40	1.90	7.80	86.00	149.60	\$400.00	\$59,840.00
David W. Birch	IT	6	1.00			6.90		8.60	16.50	\$300.00	\$4,950.00
Justin P. Boyer	PL	6	48.00			3.30		14.60	65.90	\$275.00	\$18,122.50
Sydney B. Spott	PL	3			18.00	6.00		10.50	34.50	\$275.00	\$9,487.50
Kiera A. Wadsworth	PL	1			23.00	6.30		19.00	48.30	\$225.00	\$10,867.50
Madeline C. Landry	FPL	2	34.30			43.60	15.90	12.20	106.00	\$200.00	\$21,200.00
TOTALS			397.40	35.70	589.60	279.80	156.00	1,038.40	2,496.90		\$1,303,537.50

CATEGORIES

- P - Partner
- A - Associate
- PL - Paralegal
- FPL - Former Paralegal
- IT - Info. Tech.

- 1) Initial investigation and research, demand letters, drafting complaint, correspondence with class member intakes.
- 2) Court procedural matters, including pro hac, court conferences, hearings, status reports.
- 3) Legal research, legal memoranda, motions, briefs.
- 4) Discovery requests, meet and confers, document review, factual research and analysis.
- 5) Work with experts.
- 6) Settlement, including mediation, settlement discussions with defense counsel, settlement-related fact and legal research, settlement and notice drafting, dealing with notice and claims administration, correspondence with class members regarding settlement.

EXHIBIT B

SUAREZ, et. al v. NISSAN NORTH AMERICA, INC.

EXPENSE CHART

**FIRM NAME: CHIMICLES SCHWARTZ KRINER
& DONALDSON-SMITH LLP**

REPORTING PERIOD: INCEPTION TO NOVEMBER 30, 2021

DESCRIPTION	EXPENSES
Mediation Fees	\$14,817.49
Consultant/Expert	\$36,002.50
Courier Mail	\$892.87
Computer Research	\$858.15
Photocopies/Internal	\$468.50
Travel/Food/Lodging	\$883.36
Postage	\$143.51
Filing Fees	\$80.00
TOTAL	\$54,146.38