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*Attorneys for Plaintiff*

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION

JENNA GRANADOS, individually and on  
behalf of all others similarly situated,

Plaintiff,

v.

ONPOINT COMMUNITY CREDIT UNION,

Defendant.

Case No. 3:21-cv-00847-SI

**DECLARATION OF BLYTHE H.  
CHANDLER IN SUPPORT OF  
PLAINTIFF'S MOTION FOR  
ATTORNEYS' FEES AND COSTS**

I, Blythe H. Chandler, declare as follows:

**A. Background and experience.**

1. I am a member of the law firm of Terrell Marshall Law Group PLLC (Terrell Marshall), co-counsel of record for plaintiff in this matter. I am admitted to practice before this Court and am a member in good standing of the bar of the state of Washington. I respectfully submit this declaration in support of Plaintiff's Motion for Attorneys' Fees and Costs. Except as otherwise noted, I have personal knowledge of the facts set forth in this declaration and could testify competently to them if called upon to do so.

2. Terrell Marshall is a law firm in Seattle, Washington, that focuses on complex civil and commercial litigation with an emphasis on consumer protection, product defect, civil rights, and wage and hour cases. Terrell Marshall has been appointed lead or co-lead counsel representing multi-state and nationwide classes in state and federal court in Washington and throughout the United States. Since its founding in 2008, the attorneys at Terrell Marshall have represented scores of classes, tried class actions in state and federal court, and obtained hundreds of millions of dollars in monetary relief to workers, consumers, and other individuals.

3. I joined Terrell Marshall in 2014 and became a member in 2018. I practice complex litigation with a focus on prosecution of consumer class actions. I have been appointed class counsel in cases challenging a wide range of unfair or deceptive practices, including debt collection practices. In 2010, I received my J.D. from the University of Washington School of Law with high honors, Order of the Coif. I served as Chief Articles Editor for the Washington Law Review. Before joining Terrell Marshall, I served as a law clerk to the Honorable Betty B. Fletcher, Senior United States Circuit Judge for the Ninth Circuit Court of Appeals, and to the Honorable John C. Coughenour, Senior United States District Judge for the Western District of Washington. I also served as a judicial extern to the Honorable Robert S. Lasnik, United States District Judge for the Western District of Washington. I co-authored chapters of the Consumer Protection Deskbook published by the Washington State Association for Justice (WSAJ) and have spoken on topics including use of experts and personal jurisdiction in class actions. I am a member of the Public Justice Foundation Board of Directors, am a Co-Coordinator of the Washington Employment Lawyers Association (WELA) Amicus Committee and currently co-chair WSAJ's Consumer Protection Section. I was named to the 2020 Rising Star List by Washington Super Lawyers.

**B. Qualifications of other Terrell Marshall attorneys.**

4. Beth E. Terrell is a founding member of Terrell Marshall. With almost thirty years of experience, Ms. Terrell concentrates her practice in complex litigation, including the

prosecution of multi-plaintiff, collective, mass and class litigation and arbitration on behalf of consumers and workers. Ms. Terrell has served as co-lead counsel on multi-state and nationwide class actions, resulting in hundreds of millions of dollars in settlements for consumers and workers. Ms. Terrell also represents individual employees with discrimination, sexual harassment, trade secret and restrictive covenant claims. Ms. Terrell co-chairs PLI's Consumer Financial Services Institute, is a past President of the Public Justice Foundation Board of Directors, serves as Chair of both the Northwest Consumer Law Center and the Washington Employment Lawyers Association, and is a fellow of the American College of Consumer Financial Services Lawyers. In 2023, Ms. Terrell was awarded the National Consumer Law Center's Vern Countryman Award, recognizing special contributions to consumer law. A member of the State Bar of California and the Washington State Bar Association, Ms. Terrell frequently presents on a wide variety of topics, including class actions, consumer protection, legal ethics, gender equity, and electronic discovery.

5. Jennifer Rust Murray is a founding member of Terrell Marshall who practices complex litigation, including the prosecution of consumer and wage and hour class actions. In 2005, Ms. Murray received her J.D. from the University of Washington School of Law where she was a member of the Washington Law Review. Ms. Murray's law review article entitled "Proving Cause in Fact under Washington's Consumer Protection Act: The Case for a Rebuttable Presumption of Reliance" won the Carkeek prize for best submission by a student author. Before law school, Ms. Murray earned a Ph.D. in Philosophy from Emory University. Ms. Murray has been an active member of the Washington State Bar Association since her admission to the bar in 2005. She was admitted to the Oregon State Bar in 2010. Ms. Murray currently is vice-president of the board of Washington's Unemployment Law Project and is a Washington State Association for Justice Eagle member. She regularly presents at legal conferences on consumer issues.

6. Ryan Tack-Hooper has been a member of Terrell Marshall since 2020. He concentrates on class actions to protect employees, consumers, and people whose civil rights

have been violated. He has led successful privacy, employment, and consumer protection litigation across the country in state and federal courts. In 2009, Mr. Tack-Hooper received a J.D., cum laude, from New York University School of Law. Before joining Terrell Marshall, Mr. Tack-Hooper was the Legal Director of the American Civil Liberties Union of Delaware, where he practiced civil rights law. He has also served as an adjunct professor of law at the University of Pennsylvania Law School, where he taught legal writing. He was a law clerk to the Honorable Jerome B. Simandle, Chief Judge of the United States District Court for the District of New Jersey.

7. Elizabeth A. Adams joined Terrell Marshall in 2015 and became a member of Terrell Marshall in 2022. Ms. Adams concentrates her practice in complex litigation, including the prosecution of consumer, wage and hour, and civil rights class actions. In 2012, Ms. Adams received her J.D. from the UCLA School of Law, where she received the Order of the Coif and served as a Comments Editor for the UCLA Law Review. Before joining Terrell Marshall, Ms. Adams served as a law clerk to the Honorable Dean D. Pregerson, the Honorable George Wu, and the Honorable John A. Kronstadt, all of the United States District Court for the Central District of California. Ms. Adams is a member of the Washington Employment Lawyers Association (WELA), Washington State Association for Justice (WSAJ) Eagle member, Public Justice Student Civil Rights Committee, and a member of the Eastern District of Washington Local Civil Rules Committee for 2024.

8. Ben Drachler is a senior associate who joined Terrell Marshall in 2017. Mr. Drachler concentrates his practice on complex civil litigation, including the prosecution of consumer, defective product, and wage and hour class actions. Mr. Drachler also litigates complex disputes involving vulnerable adults and trusts and estates. Mr. Drachler received his J.D. from Seattle University, graduating magna cum laude in 2015. Before joining Terrell Marshall, Mr. Drachler served as law clerk to the Honorable Robert H. Whaley in the United States District Court for the Eastern District of Washington, and to the Honorable Thomas S. Zilly in the Western District of Washington.

9. Eden Nordby is an associate at Terrell Marshall. Ms. Nordby joined Terrell Marshall as an associate in 2021. Ms. Nordby concentrates her practice on complex civil litigation, including consumer protection and wage and hour class actions. Ms. Nordby also litigates employment discrimination, wrongful termination, and commercial disputes. Ms. Nordby received her J.D. from the University of Washington in 2021. During law school Ms. Nordby served as Executive Managing Editor of the Washington Journal of Environmental Law and Policy. She received the WSBA Labor & Employment Section 2019 Summer Grant for her public service work and commitment to labor and employment issues. Ms. Nordby is trained as a mediator and mediated a number of individual civil matters through the UW School of Law Mediation Clinic. Before joining the firm as an attorney, Ms. Nordby was a senior paralegal at Terrell Marshall from the time the firm opened in 2008 until starting law school in 2018

10. Sarah Smith was an associate with Terrell Marshall from 2021 to 2022. Ms. Smith concentrated her practice on complex civil litigation, including the prosecution of consumer and employment class actions. Ms. Smith received her J.D. from the University of Washington, graduating with honors in 2019. Before joining Terrell Marshall, Ms. Smith served as law clerk to the Honorable Stanley A. Bastian in the Eastern District of Washington.

11. Ari Brown was of counsel with Terrell Marshall. He graduated magna cum laude from the Seattle University School of Law in 1999 and has been practicing law in Washington since 1999. Before joining Terrell Marshall, Mr. Brown was a partner at the law firm of Hagens Berman Sobol Shapiro, a nationally recognized firm in Seattle. At Terrell Marshall he concentrated his practice on civil litigation in the area of consumer protection, especially pertaining to banking practices.

**C. Qualifications of Non-Attorneys who reviewed documents or analyzed data.**

12. Jennifer Boschen is a Senior Paralegal with 24 years of legal experience.

13. Jodi Nuss is a Senior Paralegal with 11 years of legal experience.

14. Heather Brown is a Paralegal with 22 years of legal experience.

15. Beth Kidd was a summer associate at Terrell Marshall Law Group from June to September 2022. At the time she was a rising 3L at University of Washington School of Law.

16. Charity Chen was a summer associate at Terrell Marshall Law Group from June to September 2022. At the time she was a rising 3L at University of Washington School of Law.

17. Clara de Abreu E Souza was a summer associate at Terrell Marshall Law Group from June to August 2023. At the time she was a rising 2L at Seattle University School of Law.

18. Carly Zipper was a summer associate at Terrell Marshall Law Group from June to August 2021. At the time she was a rising 3L at University of Washington School of Law.

19. Hannah Fitzmorris was a summer associate at Terrell Marshall Law Group from June to September 2022. At the time she was a rising 3L at University of Washington School of Law.

20. James Stafford was a summer associate at Terrell Marshall Law Group from June to August 2022. At the time he was a rising 2L at University of Washington School of Law.

21. Chantal Montanez is a legal assistant at Terrell Marshall Law Group. She has been at the firm since November 2021, and she regularly performs document review requiring acute attention to detail.

22. Christine Vu was a legal assistant at Terrell Marshall Law Group from October 2021 to April 2023, who regularly performed document review requiring acute attention to detail.

23. Eva Thomas was a legal assistant at Terrell Marshall Law Group from February 2021 to July 2022, who regularly performed document review requiring acute attention to detail.

**D. Other cases litigated by Terrell Marshall.**

24. Examples of consumer protection class actions that Terrell Marshall is litigating or has litigated to successful completion include:

- a. *Jammeh et al. v. HNN Associates LLC, et al.*—Filed in 2019 on behalf of low-income tenants who alleged a large landlord improperly retained their security deposits and a debt collector collected impermissible interest on their accounts. The Western

District of Washington certified a litigation class and denied defense motions for summary judgment. The Western District of Washington granted final approval of a \$1.6 million settlement on June 9, 2021. The settlement also required the debt collector to correct credit reporting, enter partial satisfactions of judgment, and cease collecting interest on class member accounts.

- b. *Marical, et al. v. BECU*—Filed in 2019 on behalf of account holders charged them excessive overdraft fees. The King County Superior Court granted final approval of \$6 million settlement on September 27, 2021.
- c. *Gold, et al. v. Lumber Liquidators, Inc.*—Filed in 2014 on behalf of a class of consumers who purchased defective flooring. The Northern District of California granted final approval of the settlement, valued at up to \$30 million, on October 22, 2020.
- d. *Van Fleet v. Trion Worlds, Inc.*—Filed in 2015 on behalf of a nationwide class of online video game players deprived of a promised discount on purchases of virtual goods and who participated in an alleged illegal lottery. The San Mateo County Superior Court granted final approval of a \$420,000 settlement on June 1, 2020.
- e. *Wornicki v. BrokerPriceOpinion.com*—Filed in 2013 on behalf of a nationwide class of people who provided home valuations, known as broker price opinions, but who were not paid for the opinions as promised. The District of Colorado granted final approval of a settlement of more than \$1.5 million on September 20, 2018.
- f. *Jordan v. Nationstar Mortgage, LLC*—Filed in 2012 on behalf of Washington homeowners who were improperly locked out of their homes by their mortgage lender. The Eastern District of Washington granted final approval of a \$17 million settlement on May 2, 2019.
- g. *Carrillo v. Wells Fargo Bank, N.A.*—Filed in 2018 on behalf of borrowers who allege Wells Fargo charged them interest rates on residential loans that were higher than the rates disclosed in the bank’s buydown agreements and closing disclosures. The Eastern District of New York granted final approval of a \$6,945,095 settlement in August 2021.
- h. *Paredes Garcia v. Harborstone Credit Union*—Filed in 2021 on behalf of consumers who participate in the Deferred Action for Childhood Arrivals program or who otherwise do not hold United States citizenship but reside in the United States alleging discriminatory lending practices. The Western District of

Washington granted final approval of a \$185,000 settlement fund in November 2023.

25. Additional information about class actions litigated by Terrell Marshall is available on our website [www.terrellmarshall.com](http://www.terrellmarshall.com).

**E. The prosecution of this case.**

26. Terrell Marshall has advanced costs for and invested more than 2,100 hours into the investigation and prosecution of this case.

27. Since the beginning of this case, Terrell Marshall has worked with no guarantee of being compensated for its time and efforts. Payment of Terrell Marshall's fees has always been contingent on successfully obtaining relief for the plaintiff and class members. As a result, there was a substantial risk of non-payment, particularly in light of the challenges inherent in this type of case. Work on this case has necessarily been to the exclusion of work on other matters that likely would have generated fees. Terrell Marshall has also been denied use of the fees it earned over the course of this case.

28. The work performed by paralegals and legal assistants was work that I or an attorney would have had to perform absent such assistance. In the case of paralegal Heather Brown, the work required an understanding of the facts and claims at issue in the case, particularly the characteristics of unauthorized transaction disputes that would qualify OnPoint members for inclusion in the Class. Paralegal Jodi Nuss's work included extensive data analysis that was instrumental to calculate damages. The work of legal secretaries Bradford Kinsey and Krystal Brown required an understanding of relevant legal rules and concepts. All of these staff members are qualified to perform substantive legal work based on their training and past experience working for attorneys.

29. Terrell Marshall's detailed time entries for this matter are attached hereto as Exhibit 1. The time records reflect the work done and hourly rate sought for each timekeeper.

<b>Attorney</b>	<b>Years of Practice</b>	<b>Hourly Rate</b>
Beth E. Terrell	30	\$697
Jennifer Rust Murray	20	\$683
Ryan Tack-Hooper	16	\$683
Blythe H. Chandler	15	\$625
Elizabeth A. Adams	13	\$625
Ben Drachler	10	\$567
Eden Nordby	4	\$300
Sarah Smith	6	\$300
Ari Brown	26	\$697
Beth Kidd	Rising 3L	\$200
Charity Chen	Rising 3L	\$200
Clara de Abreu E Souza	Rising 2L	\$200
Carly Zipper	Rising 3L	\$200
Hannah Fitzmorris	Rising 3L	\$200
James Stafford	Rising 2L	\$200

30. In the exercise of billing judgment, I have removed time entries for timekeepers whose total time in the matter was less than 10 hours, time entries from junior attorneys for work that ultimately required significant review or revision by more senior attorneys, and other entries that appeared duplicative. In total, I removed more than 115 hours of billed time before calculating Terrell Marshall's lodestar. I can provide these additional time records the Court upon request.

31. I anticipate the firm will incur additional fees in relation to the approval and settlement administration process. Terrell Marshall estimates it will do at least 20 additional hours of work to obtain final settlement approval and monitor settlement administration. We have not added this time to our lodestar calculation.

32. The lodestar calculations of plaintiff's counsel are based on reasonable hourly rates. Plaintiff's counsel set their rates for attorneys and staff members based on a variety of factors, including among others: the experience, skill and sophistication required for the types of legal services typically performed; the rates customarily charged in the markets where legal services are typically performed; and the experience, reputation and ability of the attorneys and staff members. We have set the rates used in this matter based on the Oregon State Bar 2022 Economic Survey.

33. Terrell Marshall has incurred out-of-pocket litigation expenses totaling \$16,875, primarily to cover expenses related to legal research, investigation, filing fees, and administrative costs such as copying, mailing, and messenger expenses. The following chart summarizes Terrell Marshall's litigation costs:

Category of Expense	Total
Filing Fees	\$600
Mediation	\$16,275
<b>TOTAL</b>	<b>\$16,875</b>

34. OnPoint produced and Class Counsel reviewed and analyzed tens of thousands of pages of documents in this matter. OnPoint produced thousands of those pages of documents only after the Parties first settlement negotiations failed.

35. Deriving information about class members from the thousands of pages of account records OnPoint produced was a particularly time-consuming undertaking performed primarily by junior or contract attorneys, or staff members supervised by attorneys. Assigning these tasks to less experienced attorneys or staff members kept the hourly rates charged for this work as low as possible.

36. I participated in the second mediation in this matter. A maximum attorneys' fees amount was negotiated separately from the Settlement Fund, and only after the Settlement Fund amount was agreed to.

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

EXECUTED at Seattle, Washington and DATED this 18th day of February, 2025.

By: /s/ Blythe H. Chandler  
Blythe H. Chandler, WSBA #43387