

THE HONORABLE KEN SCHUBERT  
Department 40  
Noted for Hearing: September 24, 2021 at 11:00 a.m.  
With Oral Argument

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
COUNTY OF KING

STEVE R. MARICAL on behalf of himself and all  
others similarly situated, and EMILY J.  
ANDERSON, in her individual capacity,

Plaintiffs,

v.

BOEING EMPLOYEES' CREDIT UNION,

Defendant.

NO. 19-2-20417-6 KNT

**DECLARATION OF WALTER SMITH IN  
SUPPORT OF PLAINTIFF'S MOTION FOR  
FINAL APPROVAL OF CLASS ACTION  
SETTLEMENT AND MOTION FOR AWARD  
OF ATTORNEYS' FEES AND COSTS AND  
CLASS REPRESENTATIVE SERVICE AWARD**

I, Walter Smith, hereby declare as follows:

1. I am a member of Smith & Dietrich Law Offices, PLLC and I am an attorney for Plaintiffs in this matter. I have personal knowledge of the facts set forth in this declaration, and if called upon to testify to the same, I could and would do so.

2. In 2017, Steve Dietrich and I founded Smith & Dietrich Law Offices, PLLC (or SDLO), a law firm in Olympia, Washington primarily focused on serving individual clients in consumer protection and employment matters. The firm's attorneys represent clients in both complex litigation and individual representation cases. Mr. Dietrich and I have represented consumer clients in disputes with a diverse range of defendants including automobile manufacturers and retailers, landlords, real estate professionals, companies involved in telemarketing, and financial institutions. Since our firm opened in 2017, our past cases have yielded recoveries of over one million dollars in relief for consumer clients, including one class

1 action case settled in 2020.

2 3. I graduated with honors from the University of Washington Law School in 2013.  
3 As a law student, I was awarded the American Bar Association's Janet D. Steiger Fellowship  
4 which allowed me to work as a law clerk for the antitrust and consumer protection divisions of  
5 the Washington Attorney General's Office. I also worked as a judicial extern for the Honorable  
6 Karen Overstreet in the U.S. Bankruptcy Court for the Western District of Washington. After  
7 being admitted to the bar in Washington in 2013, I worked as an Assistant Attorney General in  
8 the Washington Attorney General's Office division handling civil Medicaid fraud enforcement  
9 matters, then in the campaign finance enforcement division of the Office. I am a current  
10 member of the National Association of Consumer Advocates, a voluntary association of  
11 consumer protection attorneys committed to representing clients in disputes with businesses.  
12 As part of my membership in NACA, I have sworn not to represent any party with interests  
13 adverse to consumers, such as banks, credit unions, or car dealerships.

14 4. Mr. Dietrich graduated from the University of Washington Law School in 1992  
15 and was awarded the Order of the Coif. He was a member of the Washington Law Review  
16 where he authored a published student comment titled "The Uncertain Reach of Tribal  
17 Sovereign Immunity: A Statutory Solution" which has been cited in several scholarly legal  
18 publications. He was a law clerk for Judge Joseph Thibodeau in Snohomish County Superior  
19 Court, and practiced as an Assistant Attorney General for the Washington Attorney General's  
20 Office representing a diverse range of state employees and agencies in litigation and  
21 transactional matters from 1993 to 2016.

22 5. As of August 20, 2021, SDLO's lodestar fees in this case total no less than  
23 \$67,945. The following table identifies the attorneys from our firm who worked on this case  
24 and for whom we seek to recover fees. For each of the timekeepers below, I state the hourly  
25 rate applicable during the prosecution of this case, the number of hours worked through  
26 August 20, 2021, and the total amount of fees. These time summaries are taken from

1 timekeeping records contemporaneously prepared and maintained by our law firm in the  
 2 regular course of business.

NAME AND POSITION	DESCRIPTION OF WORK PERFORMED	RATE	HOURS BILLED	TOTAL
<b>ATTORNEYS</b>				
<b>Walter Smith</b> Founding Member at Smith & Dietrich Law Offices PLLC (8 years of experience)	Investigate potential claims; draft complaint, interrogatories, and requests for production and participate in discovery conferences with opposing counsel; contribute to response to motion to dismiss briefing; respond to opposing party discovery including coordinating interrogatory responses and document production with client; review and analyze discovery production to tag relevant materials; prepare client for and attend client deposition; prepare for and attend mediation; communicate with client concerning settlement and review and edits to draft settlement agreement; prepare declarations for preliminary and final approval motions.	\$500	127.7	\$63,850
<b>Steve Dietrich</b> Founding Member at Smith & Dietrich Law Offices PLLC (28 years of experience)	Investigate potential claims; draft complaint; assist in response to motion to dismiss.	\$650	6.3	\$4,095.00
<b>TOTAL:</b>			<b>134</b>	<b>\$67,945.00</b>

22 6. SDLO has spent more than 100 hours litigating this matter. I was the attorney  
 23 primarily responsible for reviewing the work of the SDLO timekeepers who worked on this  
 24 matter. I supervised all work to avoid duplication of effort and to encourage efficiency. I also  
 25 reviewed the firm’s billing records and reduced or eliminated time where appropriate.

26 7. SLDO prosecuted this action with no guarantee that our hours or our outlays to  
 27

DECLARATION OF WALTER SMITH IN SUPPORT OF PLAINTIFF’S MOTION  
 FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT AND MOTION  
 FOR AWARD OF ATTORNEYS’ FEES AND COSTS AND CLASS  
 REPRESENTATIVE SERVICE AWARD - 3  
 CASE No. 19-2-20417-6 KNT

**Smith & Dietrich Law Offices PLLC**  
 3905 Martin Way E, Suite F  
 Olympia, WA 98506  
 Tel. (360) 915-6952

1 pay for litigation costs would ever be compensated. Only in the event of a successful case  
2 resolution was there any likelihood of these amounts being paid. Given the complexity of this  
3 litigation, even though we were confident in the strength of our claims, there was also the  
4 potential that this action could have continued for years including potential appeals. Our firm's  
5 work in this action meant that we had less time to devote to other paying matters we could  
6 have worked on since 2019.

7 8. Our firm recognizes that Plaintiff and the Class face significant risk from  
8 continued litigation. The settlement agreement negotiated by the parties eliminates any  
9 litigation risks and awards significant monetary and other relief to the members of the  
10 settlement class. Given these considerations, we believe the settlement is fair, reasonable, and  
11 adequate, and that it is in the best interest of the Settlement Class as a whole.

12 9. SDLO sets its rates for attorneys based on a variety of factors, including among  
13 others the experience, skill, and sophistication required for the types of legal services typically  
14 performed; the rates customarily charged in similar matters; and the experience, reputation,  
15 and ability of the attorneys.

16 10. Our lodestar calculations are based on reasonable hourly rates, and state courts  
17 in Washington have approved fee requests by SDLO. Recent cases where our attorneys' rates  
18 were approved as reasonable include *State v. Eyman*, No. 17-2-01546-34 (order entered  
19 September 30, 2019 approving hourly rates for Walter Smith for work performed before July  
20 2017) and *Diel v. Salal Credit Union*, No. 19-2-10266-7 KNT (class action settlement final  
21 approval order).

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

24 Executed at Olympia, Washington, on this 10th day of September, 2021.

25 By: /s/ Walter Smith, WSBA #46695  
26 Walter Smith, WSBA #46695