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15 Attorneys for Plaintiff

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

20 WILLIAM S. CALLAWAY, on behalf  
of himself and all others similarly  
21 situated,

22 Plaintiffs,

23 vs.

24 MERCEDES-BENZ USA, LLC, a  
Delaware limited liability company; and  
25 MISSION IMPORTS d/b/a Mercedes  
Benz of Laguna Niguel, a California  
26 corporation,

27 Defendants.  
28

CASE NO.:  
2:16-cv-01346-DMG-AJW

**DECLARATION OF WILLIAM S.  
CALLAWAY IN SUPPORT OF  
MOTION FOR ATTORNEYS'  
FEES, COSTS AND INCENTIVE  
AWARD**

Date: March 5, 2018  
Time: 1:30 p.m.  
Courtroom: 10C

**DECLARATION OF WILLIAM S. CALLAWAY**

I, William S. Callaway, declare as follows:

1. I am the plaintiff and putative class representative in this action. I am over 18 years old. I have personal knowledge of the matters stated herein, and if called to testify thereto would and could do so competently.

2. I am employed full-time. Thus while I did not undertake any direct financial risk, my decision to commence suit brought with it the inevitable risk and distractions resulting from holding full-time employment and also being involved in class action litigation.

3. I encountered substantial difficulties by serving as the class representative. Elizabeth Callaway and I provided our 2000 Mercedes Benz R-350 to the experts for inspection, which, pursuant to an agreement of the parties, was disassembled and placed in storage for over two years. My participation in this lawsuit also led to me being sued by my former counsel (Eagan Avenatti, LLP, the firm where Mr. Frank and Mr. Sims worked prior to forming Frank Sims & Stolper LLP) and thus having to be involved as a defendant in a separate lawsuit.

4. I have been actively involved with my counsel in prosecuting this lawsuit and in negotiating a potential resolution of it. My lawyers have regularly sought my assistance and have kept me regularly apprised of the developments in the litigation. I have similarly made myself available to counsel to assist them with whatever they have needed related the lawsuit. This has included, but has not been limited to, my deposition, in-person and telephonic meetings with counsel, responding to emails from counsel, reviewing pleadings, discussing a potential settlement, gathering responsive documents, and evaluating the settlement ultimately reached. I estimate I spent seventy-five (75) hours performing my duties as a class representative in this case.

5. To the best of my knowledge, I am not receiving any personal benefit from this lawsuit that is not enjoyed by the rest of the Class (other than any incentive award approved by the Court).

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I declare under penalty of perjury of the laws of the United States of America that the foregoing is true and correct. Executed at San Diego, CA, California on October 13, 2017.

  
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WILLIAM S. CALLAWAY