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AMERICAN MULTI-CINEMA, INC.
7

8 UNITED STATES DISTRICT COURT
9 FOR THE CENTRAL DISTRICT OF CALIFORNIA

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11 MICHAEL BATEMAN, individually
and on behalf of all others similarly
12 situated,

13 Plaintiffs,

14 vs.

15 AMERICAN MULTI-CINEMA, INC.;;
and DOES 1 through 10, inclusive,

16 Defendants.
17

Case No. CV07-00171 JHN (AJWx)

Hon. Jacqueline H. Nguyen

FILED AS CLASS ACTION

**DECLARATION OF JOSEPH E.
LASKA IN SUPPORT OF
AMERICAN MULTI-CINEMA,
INC.'S OPPOSITION TO
PLAINTIFF'S MOTION FOR
AWARD OF ATTORNEYS' FEES
AND COSTS**

Filed concurrently with:
1. Opposition to Plaintiff's Motion for
Award of Attorneys' Fees and Costs;
2. Declaration of Ken Moscarel; and
3. Request for Judicial Notice.

Hearing Date: August 1, 2011

Hearing Time: 10:00 a.m.

Courtroom: 750 (Roybal)

Action filed: January 9, 2007

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DECLARATION OF JOSEPH E. LASKA

I, Joseph E. Laska, declare as follows:

1. I am an attorney licensed to practice before the courts of the State of California and this Court. I am an associate with the law firm of Manatt, Phelps & Phillips, LLP, counsel for Defendant American Multi-Cinema, Inc. (“AMC”) in this action. I have personal knowledge of the facts set forth in this declaration. If called as a witness, I can and will testify competently to all of these facts.

2. According to the Form 10-K filed by AMC’s parent company on June 3, 2011, the average price of a movie ticket at AMC’s theatres for the year ending March 31, 2011 was \$8.73. The Form 10-K is not attached to this declaration due to its size, but it is publicly available on the U.S. Securities and Exchange Commission’s EDGAR database at www.sec.gov.

3. The parties’ settlement agreement provides that class counsel will receive the claims for Voucher Packets submitted by the settlement class members. On May 27, 2011, after the deadline to submit claims has passed, class counsel informed me by email that he had received 892 valid and timely claims. In subsequent emails between May 27 and 31, 2011, class counsel informed me that he had received five late claims. The parties have agreed to honor those five late claims, for a total of 897 claims.

4. At my direction, a search was conducted of the Court’s PACER website to determine the FACTA lawsuits that had been filed by class counsel’s firm, Spiro Moss LLP. Based on the results of that search and the information available on PACER, 43 FACTA lawsuits were filed by Spiro Moss LLP between December 5, 2006 (the day after FACTA took effect) and January 24, 2007.

5. As Exhibit 2 to the Declaration of Gregory N. Karasik (Dkt. No. 90 and corrected at No. 92), class counsel submitted a list of settlements in FACTA cases. I personally conducted a search of the Court’s PACER website and reviewed the information available regarding the amounts of the awards of attorneys’ fees in

1 those settlements, which I determined to be the following:

- 2 • *Abiva v. Cache, Inc.*, C.D. Cal. Case No. CV 07-0556:
3 **\$89,056.58**
- 4 • *Soualian v. International Coffee & Tea*, C.D. Cal. Case No. CV 07-0502:
5 **\$95,480.94**
- 6 • *McGee v. Levy Restaurants*, C.D. Cal. Case No. CV 06-7762:
7 **\$106,895.41**
- 8 • *Dudzienski v. GMRI, Inc.*, N.D. Ill. Case No. CV 07-3911:
9 **\$130,000**
- 10 • *Todd v. Retail Concepts, Inc.*, M.D. Tenn. Case No. CV 07-0788:
11 **\$104,713.75**
- 12 • *Collela v. University of Pittsburgh*, W.D. Pa. Case No. CV 08-0129:
13 **\$75,000 (includes costs)**
- 14 • *Palamara v. Kings Family Restaurants*, W.D. Pa. Case No. CV 07-317:
15 **\$75,000 (includes costs)**
- 16 • *Klingensmith v. Max & Erma's Rest., Inc.*, W.D. Pa. Case No. CV 07-0318:
17 **\$110,000 (includes costs)**
- 18 • *Sinatra v. Coventry-Restaurant Systems, Inc.*, W.D. Pa. Case No. CV 07-445:
19 **\$105,000 (includes costs)**
- 20 • *Reed v. Whole Enchilada, Inc.*, W.D. Pa. Case No. CV 07-357:
21 **\$105,000 (includes costs)**
- 22 • *Pivarnik v. Lamrite West, Inc.*, W.D. Pa. Case No. CV 07-321:
23 **\$105,000 (includes costs)**
- 24 • *Leowardy v. Oakley, Inc.*, C.D. Cal. Case No. CV 07-73:
25 **\$100,000 (includes costs)**

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1 Plaintiff also listed *Hughes v. InMotion Entertainment*, W.D. Pa. Case No. CV 07-
2 1299, but I was unable to locate the amount of the fee award in that case. Of the fee
3 awards that I was able to locate, which are listed above, **the average was**
4 **\$100,095.56**. That number is inflated because in more than half of the cases, the
5 award of fees was combined with the award of costs.

6 I declare under penalty of perjury under the laws of the United States of
7 America that the contents of this declaration are true and correct, and that this
8 declaration was executed by me on July 5, 2011 in Los Angeles, California.

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/s/ Joseph E. Laska
Joseph E. Laska