

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE**

TRAVIS BEAVER, LUZ PINEDA, and
SUSANNE HANES, individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

NISSAN OF NORTH AMERICA, INC,

Defendant.

Case No.: 3:22-CV-00785

Honorable Eli J. Richardson

**DECLARATION OF NORBERTO J. CISNEROS IN SUPPORT OF
MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT
AND
MOTION FOR ATTORNEYS' FEES, COSTS, and SERVICE AWARDS**

I, Norberto J. Cisneros, hereby declare as follows:

1. I am counsel for Plaintiffs and the Settlement Class. I respectfully submit this declaration in support of the Motion for Final Approval of Class Action Settlement and Motion for Attorneys' Fees, Costs, and Service Awards. If called upon as a witness, I could competently testify to the contents of this declaration.

MADDOX & CISNEROS PLLC FIRM PROFILE

2. I am a Partner at Maddox & Cisneros, PLLC ("Maddox & Cisneros"), one of the counsel of record for Plaintiffs in the above-captioned action. Maddox & Cisneros' accomplishments are set forth in detail in the firm's resume, attached as **Exhibit 1**.

3. Our firm's practice focuses on litigation and trial work in civil matters representing clients in state and federal courts. Those matters include single plaintiff, joinder, and class action claims against negligent manufacturers and suppliers of consumer products. Our firm also handles complex construction defect cases both on a class action basis and joinder actions, securities cases, personal injury cases, and other consumer protection matters.

4. My career began in working on the *In re Gen. Motors Corp. Pick-Up Truck Fuel Tank Prod. Liab. Litig.*, 134 F.3d 133 (3d Cir. 1998), and has long since involved class-based claims. In relation to class action settlements providing relief to automobile owners and lessees, Maddox & Cisneros recently served as co-class counsel in the *Martinez v. Nissan North America*, No. 3:22-cv-00354 (M.D. Tenn. – Nashville Div.) and *Wylie, et al. v. Hyundai Motor America*, No. 8:16-cv-02102-DOC (C.D. Cal. Mar. 02, 2020) (finally approving settlement on behalf of hundreds of thousands of Hyundai drivers with alleged transmission defects). Maddox & Cisneros has also served as co-counsel in the following class actions: *George v. Upponor Corp.*, Case No. CIV. 12-249 ADM/JJK, 2015 WL 5255280 (D. Minn. Sept. 9, 2015) (representing homeowners throughout the country, Nevada excluded, with defective plumbing

components in their residence, namely Uponor yellow brass fittings); *In re Wirsbo Non-F1807 Yellow Brass Fittings*, Case No. 2:08-CV-1223-NDF-MLC, 2015 WL 13665077 (D. Nev. Oct. 26, 2015) (representing homeowners throughout the state of Nevada with defective plumbing components in their residence, namely Uponor yellow brass fittings); *Verdejo v. Vanguard Piping Systems*, Case No. BC448383 (Cal. Superior Court Sept. 2014) (resolved claims surrounding defective plumbing fittings installed in homes throughout Nevada, California, and the United States against Vanguard Piping Systems); *Padalecki and Thompson v. Nationstar Mortgage, LLC dba Mr. Cooper and ACI Worldwide, Inc.*, Case No.: 2:21-cv-00938-RFB-VCF (D. Nev.) (the class action involves Nationstar Mortgage making several unauthorized withdrawals from the class member's bank accounts and failing to adequately investigate or fix the issue); and Maddox & Cisneros has served as class counsel in numerous construction defect cases in Nevada. In Nevada, our firm has recovered more than \$225 Million on behalf of Nevadans victimized by faulty construction.

5. Maddox & Cisneros is currently co-counsel in the following pending class action: *Sanguinetti, Sara v. University Medical Center of Southern Nevada*, Case No.: 2:21-cv-01777-MMD-EJY (D.Nev.) (the class action involves identify theft of class members).

6. Along with my co-counsel in this action, I have been responsible for the prosecution of this Action and for the negotiation of the Settlement Agreement. We have vigorously represented the interests of the Settlement Class Members throughout the course of the litigation and settlement negotiations.

INVESTIGATION, FILING OF COMPLAINT, NEGOTIATIONS, AND MEDIATION

7. Before initiating any action, Counsel conducted a thorough investigation of the claims in the Complaint. Specifically, Plaintiffs thoroughly investigated and researched their claims, which allowed Counsel to better evaluate the claims regarding Nissan's representations and omissions concerning the

functioning of the CVTs. Among other tasks, Plaintiffs researched publicly available materials and information provided by the National Highway Traffic Safety Administration (“NHTSA”) concerning consumer complaints about the CVTs and reviewed and researched consumer complaints and discussions of transmission problems in articles and forums online, in addition to various manuals and technical service bulletins discussing the alleged defect. Finally, they conducted research into the various causes of action and other similar automotive actions.

8. Furthermore, Plaintiffs obtained and reviewed discovery from Nissan that included spreadsheets with thousands of rows of data, including warranty data, as well as sales data, information about the transmissions in the Class Vehicles and the costs of the necessary repairs for the alleged CVT failures. Finally, prior to filing and over the course of litigation, Counsel responded to drivers of CVT-equipped Nissan Vehicles who contacted Counsel to report problems with their CVTs. Counsel also conducted detailed interviews with Settlement Class Members regarding their pre-purchase research, purchasing decisions, and repair histories, reviewed repair invoices and other documents and developed a plan for litigation and settlement based in part on Settlement Class Members’ reported experiences with their Class Vehicles and with Nissan dealers.

9. In June 2024, the Parties’ counsel traveled to San Diego, California, to conduct an in-person mediation before Mr. Hunter R. Hughes III, Esq., an experienced mediator, who also mediated the *Martinez* and *Weckwerth* matters against Nissan North America. In preparation for this mediation, Counsel conducted additional research regarding the scope of the alleged defect, the contours of the prospective classes, and research into the claims of the putative class representatives and class members alike. The mediation was successful in reaching an agreement in principle on the substance of the Settlement. Following the mediation, via telephone and email, the parties continued to engage in settlement discussions related to the terms of the Settlement Agreement, the release(s), and claims

administration..

10. In October 2024, the Parties were able to document the formal terms of their Settlement to resolve the litigation. All of the terms of the Settlement were (1) the result of extensive good faith and hard-fought negotiations between knowledgeable and skilled counsel; (2) entered into after extensive factual investigation and legal analysis; and (3) in the opinion of experienced class counsel, fair, reasonable, and adequate. Counsel believes the Settlement Agreement is in the best interests of the Settlement Class Members and should be approved by the Court.

SETTLEMENT AGREEMENT AND RECOGNITION OF THE DIFFICULTIES ASSOCIATED WITH LITIGATION

11. The Settlement is an excellent result as it provides the Class with meaningful monetary relief. The Parties did not negotiate attorneys' fees or expenses until the Parties had reached an agreement on Class relief.

12. Plaintiffs remain convinced their case has merit but recognize the substantial risk that comes along with continued litigation. Based on extensive investigation and confirmatory discovery, Plaintiffs believe they could obtain class certification, defeat all dispositive motions filed by Defendant, and proceed to trial on the merits.

13. Nonetheless, all complex class actions are uncertain in terms of ultimate outcome, difficulties of proof, and duration, and this Action is no different. There is always the possibility that Plaintiffs may not prevail if the Action continues. Plaintiffs and Counsel recognize the expense and length of continued proceedings necessary to prosecute the claims through trial and appeal. They have taken into account the uncertain outcome and risk of litigation, as well as difficulties and undue delay inherent in such litigation. Further litigation would be costly, complex, and time consuming. Such litigation could include dispositive motions, contested class certification proceedings and appeals, costly merits and class certification expert reports and discovery, and trial. Each step towards trial would likely be subject to

Defendant's vigorous opposition and appeal. Further litigation presents no guarantee for recovery, let alone a recovery greater than that provided by the Settlement. The Parties would likely spend significant time and resources on damage calculations. Furthermore, both Parties would spend significant additional resources in expert discovery producing competing damage analyses. The costs and risks associated with continuing to litigate the Action would require extensive resources and court time. Counsel believe the Settlement confers substantial benefits upon the Settlement Class Members, and have determined the Settlement is fair, reasonable, and adequate and in the best interests of the Settlement Class.

14. All of the terms of the Settlement are the result of extensive, adversarial, and arms'-length negotiations between experienced counsel for both sides.

**COUNSEL AND PLAINTIFFS HAVE INVESTED SIGNIFICANT TIME IN THE PROSECUTION IN THIS ACTION
AND ARE ADEQUATE REPRESENTATIVES OF THE CLASS**

15. Throughout the course of investigation, pleadings, mediation, and filing of the Settlement Agreement with the Court, Counsel have devoted significant time and resources to the investigation, development, and resolution of the Action.

16. Counsel are not representing clients with interests at odds with the interests of the Settlement Class Members.

17. Counsel have vigorously and competently represented the Settlement Class Members' interests in this action and will continue to fulfill their duties to the class.

18. Each of the Class Representatives has given their time and accepted their responsibilities, participating actively in this litigation as required and in a manner beneficial to the Class generally.

MADDOX & CISNEROS' ATTORNEYS' FEES AND COSTS

19. I have reviewed a summary of Maddox & Cisneros' billing records for this action, which are maintained during the regular course of business and billed contemporaneously. Maddox & Cisneros'

bill for attorneys' fees is summarized in the chart below.

Attorney	Title	CA Bar Yr.	Rate	Hours	Fees
Norberto Cisneros	Partner	1996	\$1,000	106.2	\$106,200.00
Barbara McDonald	Senior Counsel	2012	\$625	54.7	\$34,187.50
Rhonda Cory	Paralegal		\$325	39.1	\$12,707.50
Arianna Pyon	Paralegal		\$300	12.8	\$3,840.00
Total				212.8	\$156,935.00

20. The vast majority of Maddox & Cisneros are contingency-fee based. However, while adjusting our rates to track market increases, Maddox & Cisneros' rates have steadily remained reasonable and competitive, and have been consistently approved by federal and state courts over the past several years. *See, e.g., Martinez v. Nissan North America*, No. 3:22-cv-00354 (M.D. Tenn. – Nashville Div.) (approving Maddox & Cisneros' rates for Partners (\$850) and Senior Counsel (\$600)); and *Wylie, et al. v. Hyundai Motor America*, Case No. 8:16-cv-02102-DOC (C.D. Cal. Mar. 02, 2020) (approving Maddox & Cisneros' rates for Partners (\$695) and Senior Counsel (\$375); *Aventine-Tramonti Homeowners Ass'n v. Viega, Inc., et al.*, Case No. A555328 (Eight Judicial District Nevada 2013) (approving Maddox & Cisneros' rates for Partners (\$600), Associate Attorneys (\$375), and Paralegals (\$150)); *Verdejo v. Vanguard Piping Systems, Inc.*, Case No. BC448383 (CA Superior Court, Los Angeles-Central District 2015).

21. Moreover, Maddox & Cisneros' hourly rates are also consistent with the judicially-approved hourly rates of comparable plaintiffs'-side attorneys, such as Baron & Budd (rates ranging from \$775 for the requested partner to \$390-\$630 for non-partners), Wasserman, Comden, Casselman, & Essensten (rates ranging from \$670-750 for partners and \$300-500 for associates), and Blood Hurst & O'Reardon (\$510-695 for partners). *Aarons*, 2014 WL 4090564, **17-18 (also approving rates of Capstone); *see also, Chambers v. Whirlpool Corp.*, 214 F.Supp.3d 877, 899 (C.D. Cal. 2016) (approving rates of \$485 to \$750 for consumer class action attorneys on a contested fee motion); *Etter v. Thetford*

Corporation, No. 13-00081-JLS, 2017 WL 1433312 (C.D. Cal. Apr. 14, 2017) (approving \$275 to \$775 for Southern California attorneys on a contested fee motion); *Bravo v. Gale Triangle, Inc.*, No. 16-03347 BRO, 2017 WL 708766, *17 (C.D. Cal. Feb. 16, 2017) (approving rates between \$350 and \$700); *Kearney v. Hyundai Motor Am.*, 2013 U.S. Dist. LEXIS 91636, *24 (C.D. Cal. June 28, 2013) (approving hourly rates of \$650-\$800 for senior attorneys in consumer class action); *Parkinson v. Hyundai Motor America*, 796 F. Supp. 2d 1160, 1172 (C.D. Cal. 2010) (approving hourly rates between \$445 and \$675); *Barrera v. Gamestop Corp.* (C.D. Cal. Nov. 29, 2010, No. CV 09-1399) (\$700 an hour for partners; \$475 an hour for associates); *Magsafe Apple Power Adapter Litig.*, No. 09-1911-EJD, 2015 U.S. Dist. LEXIS 11353, at *14 (N.D. Cal. Jan. 30, 2015) (finding reasonable rates for Bay Area attorneys ranging from \$560 to \$800 for partners and \$285 to \$510 for associates); *Rose v. Bank of Am. Corp.*, No. 5:11-CV-02390-EJD, 2014 U.S. Dist. LEXIS 121641, at *12 (N.D. Cal. Aug. 29, 2014) (finding reasonable partners rates between \$350 - \$775 per hour; associates at \$325 - \$525 per hour; and paralegal rates between \$100 - \$305 per hour); *Kim v. Space Pencil, Inc.*, No. C 11-03796 LB, 2012 WL 5948951, at *8 (N.D. Cal. Nov. 28, 2012) (finding reasonable partner rates of \$725 - \$797 per hour; associates and counsel at \$350 - \$580 per hour); *Faigman v. AT&T Mobility LLC*, 2011 U.S. Dist. LEXIS 15825, * 2 (N.D. Cal. Feb. 15, 2011) (approving hourly rates of \$650 an hour for partner services and \$500 an hour for associate attorney services).

22. Maddox & Cisneros has expended \$7,318.14 in unreimbursed expenses which were reasonable and necessary for the prosecution of this case. These expenses which are accurately reflected in our firm's books and records, include following:

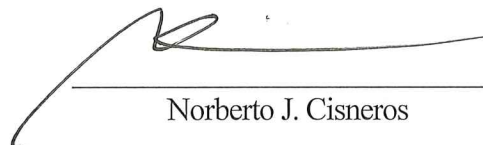
Cost & Expense Categories	Amount
Litigation Fund Assessments	\$4,900.00
Filing Fees	\$337.80
Copying, Printing & Scanning and Facsimiles	\$77.20
Travel	\$1,777.00
Research Services (PACER, Westlaw, etc.)	\$226.14

Cost & Expense Categories	Amount
Total	\$7,318.14

PLAINTIFFS' SERVICE AWARDS

23. Plaintiffs deserve service awards for their time and effort to support a case in which they had a modest personal interest but which provided considerable benefits to Class Members—a commitment undertaken without any guarantee of recompense. Each Plaintiff provided documents to, and consulted with, Counsel about the claims in this case and assisted throughout the course of the litigation. Plaintiffs reviewed the allegations, kept in constant contact with Plaintiffs' Counsel regarding the status of the case. Plaintiffs have also stayed abreast of settlement negotiations, reviewed the Settlement terms, and approved the Settlement on behalf of the Class.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 19th day of May, 2025, at Las Vegas, Nevada.



 Norberto J. Cisneros

EXHIBIT 1

MADDOX & CISNEROS, LLP
FIRM RESUME

Firm Resume

About Our Firm

Our law firm was born on the shores of Lake Tahoe in October 1975. After graduating from Harvard Law School in 1970, Robert (“Bob”) C. Maddox commenced his legal career with one of the premier American law firms in San Francisco. In the early years at Tahoe, we were retained by numerous homeowner associations. In 1977, we filed what was among the first homeowner association construction defect lawsuits in the state. The condominium complex had two fires in a very short period of time with fire spreading much too rapidly to adjoining condominium units. The defects were identified, the case was pursued to a negotiated resolution, and all of the defects were corrected at no cost to the homeowners. In 1986, Robert C. Maddox & Associates settled a lawsuit in South Lake Tahoe, California involving 91 townhomes for a total of \$7.6 million.

In 1991, the firm relocated to Reno because of the large volume of business that it had taken on in the Reno-Sparks area. Building on the success of Robert C. Maddox & Associates, our Las Vegas office was opened in 1997. In early 2003, we obtained one of the largest judgments (\$14.2 million) in a construction defect case in Nevada history.

Mr. Maddox has had a successful career receiving countless awards. The Nevada Trial Lawyers Association named Mr. Maddox the Trial Lawyer of the Year in 2015, and Mr. Maddox received the Nevada Justice Association’s Lifetime Achievement Award in 2017. Mr. Maddox has also been very active at the Nevada legislature. He played a major role in getting legislation passed in 1995 protecting homeowners’ rights and has been called the Godfather of NRS Chapter 40. He also chaired the Nevada Trial Lawyer’s Association’s Construction Defect Committee during the 1997, 1999 & 2001 Legislative Sessions, fending off serious challenges to homeowners’ rights.

On January 1, 2009, Robert (“Bob”) C. Maddox partnered with Norberto (“Norby”) Cisneros to form Maddox & Cisneros LLP (“MIC”). Maddox & Cisneros LLP has represented countless Nevada residents in a variety of matters. Maddox & Cisneros, LLP, has been very active in class action litigation, including: the Fernley Flood case (representing flood victims), Polybutylene Plumbing cases (both state and national

classes on behalf of homeowners with defective piping); GM Side Impact Fuel Tank Cases; Tobacco Litigation; FenPhen; Hyundai case (involving defective dual clutch transmissions); and Opioid Litigation.

Robert Maddox (“Bob”) is an AV-rated attorney by Martindale-Hubbell and is widely recognized by other attorneys and judges as a leading authority on Nevada community association and construction defect laws. Mr. Maddox graduated with honors from Brown University in 1966 with a Bachelor of Arts degree in International Relations and received his law degree in 1970 from Harvard Law School. Bob originally founded our firm in 1973 as Maddox & Associates, which later became Maddox & Cisneros LLP. Robert Maddox has been referred to as “the father of construction defect law in Nevada,” having played the lead role in the creation of Nevada’s first construction defect statute, Chapter 40 in 1995. NRS Chapter 40 gives Nevada homeowners and community associations the right to receive full compensation for faulty construction. He has worked extensively as an unpaid lobbyist for Nevada community associations and homeowners in the Nevada State Legislature in every session since 1995. Bob is frequently asked to lecture on legal issues facing community associations and homeowners, and has appeared on all major Nevada television networks in connection with his work to protect Nevada consumers. He is widely recognized by other attorneys and judges as a leading authority on Nevada community association and construction defect laws. In 2002 the Justices of the Nevada Supreme Court named Bob a trustee of the Nevada Law Foundation, the entity that administers funds generated from lawyers’ trust accounts to persons who could not otherwise afford legal representation. Bob is also a lifetime colleague of the Nevada Law Foundation. Bob was elected President of the Nevada Trial Lawyers Association in 1999 and he was chosen in 2000 as the Trial Lawyer of the Year by the Nevada Trial Lawyers Association. Under Mr. Maddox’s leadership, our firm has recovered more than \$225 Million on behalf of Nevadans victimized by faulty construction. In 2004, Mr. Maddox was honored as a Friend of Nevada’s Working Families by the AFL-CIO, for his longtime commitment to Nevada’s working families.

Norberto Cisneros, is likewise licensed to practice in Nevada and California. Mr. Cisneros received his Bachelor of Arts Degree in Psychology from the University of California, Los Angeles, and a Juris Doctor from the University of San Diego, School of Law. Mr. Cisneros has extensive trial experience in representing individuals in civil litigation. He has litigated numerous cases to juries, judges and arbitration panels, in matters involving construction defects, personal injury and contract disputes. Mr. Cisneros has also represented governmental agencies, including school districts, water districts, and Native American tribes, in labor negotiations, personnel matters, employee disciplinary matters, advising Human Resource managers on personnel

issues, construction matters, civil matters, immigration matters and other governance. Mr. Cisneros has also handled numerous class action matters and multi-district litigation cases and is one of the lead trial lawyers for the firm.

Barbara McDonald is a senior associate with Maddox & Cisneros, LLP. Barbara received her Bachelor of Arts Degree in Comparative Literature from the University of California, Davis, a Master's Degree in English from Stanford University, and a Juris Doctorate from the Boyd School of Law at the University of Nevada, Las Vegas. In law school, Barbara served as the Editor-in Chief of the Nevada Law Journal and received the 2009 Outstanding Graduate Award. Barbara has experience in the following practice areas:

1. Advising on compliance and enforcement of rules and regulations; governmental functions; Constitutional questions; employment disputes and personnel matters; commercial leasing issues; risk management; and day-to-day matters (6+ years);
2. Revising, amending and modifying government department regulations (6+ years);
3. Prosecuting complex litigation matters, including contracts and torts (6+ years);
5. Representing in mediation (5+ years); and
6. Providing services to in-house general counsel (5+ years).

Barbara has represented individuals, governmental entities and class member clients in matters relating to business and employment matters, discrimination, consumer fraud, product liability, Native American law, and construction defects matters.

Case Profiles:

Our office has further appeared before and argued cases in, the California Superior Court, the Nevada District Court, the Nevada Supreme Court and the Ninth Circuit Court of Appeals. Significant appellate decisions successfully argued by our firm include: *Wardleign v. Second Judicial Dist. Court*, 111 Nev. 345, 891 P.2d 1180 (1995)(addressing issues surrounding discovery of attorney-client privilege in homeowners' association meetings and minutes); *McKeeman v. General Am. Life Ins. Co.*, 111 Nev. 1042, 899 P. 2d 1124 (1995)(reversing trial court's dismissal of claims for proceeds under a life-insurance policy); *Calloway v. City of Reno*, 116 Nev. 250, 993 P.2d 1259 (2000)(discussion of economic loss doctrine and strict products liability on claims preceding NRS Chapter 40); *Burch v. District Court*, 118 Nev. 438, 49 P.3d 647

(2002)(finding terms of homebuyers' warranty an unconscionable adhesion contract); *Desert Fireplaces Plus, Inc. v. Eighth Judicial Dist. Court*, 120 Nev. 632, 97 P.3d 607 (2004)(tolling statutes of limitation as to dissolved corporation); *Webb v. Shull*, 270 P.3d 1266, 2012 Nev. LEXIS 22, 128 Nev. Adv. Rep. 8 (Nev. 2012)(no showing of mental state required for application of treble damages from a finding seller failed to disclose defects in the sale of a home); *Vanguard Piping Sys. v. Eighth Judicial Dist. Court* (Nev. 2013) 309 P.3d 1017, 129 Nev. Adv. Rep. 63 (2014)(Vanguard defendants compelled to produce their insurance policies despite pending appeal contesting jurisdiction); *Barrett v. The Eighth Judicial District Court*, 130 Nev. Adv. Rep. 65 (August 7, 2014)(NRS Chapter 40 Notice not required prior to the filing of a "fourth-party" complaint against a supplier); and *High Noon at Arlington Ranch Homeowners Ass'n v. Eighth Judicial Dist. Court in & for Cty. of Clark*, 402 P.3d 639 (Nev. 2017)(Associations have representational standing to represent unit owners who purchase their units after the litigation commences).

The following are only a few of the class action cases the firm's attorneys have handled:

In re Gen. Motors Corp. Pick-Up Truck Fuel Tank Prod. Liab. Litig., 134 F.3d 133 (3d Cir. 1998).

George v. Uponor Corp., No. CIV. 12-249 ADM/JJK, 2015 WL 5255280 (D. Minn. Sept. 9, 2015); *In re Wirsbo Non-F1807 Yellow Brass Fittings*, No. 2:08-CV-1223-NDF-MLC, 2015 WL 13665077 (D. Nev. Oct. 26, 2015); and *Verdejo v. Vanguard Piping Systems*, Cal. Superior Court Case No. BC448383 (Sept. 2014). The matters involved resolving on a class action basis claims surrounding defective plumbing fittings installed in homes throughout Nevada, California and the United States.

Wylie v. Hyundai Motors America, 8:16-cv-02102-DOC (C.D. Cal. Mar. 2, 2020). The class action involved settlement of an automotive defect class action.

Martinez v. Nissan North America, No. 3:22-cv-00354 (M.D. Tenn.-Nashville Division). The class action alleged CVT failures in certain Nissan models and years, similar to the instant action.

Padalecki and Thompson v. Nationstar Mortgage, LLC dba Mr. Cooper and ACI Worldwide, Inc., Case No.: 2:21-cv-00938-RFB-VCF (D. Nev.). The class action involves Mr. Cooper, also known as Nationstar Mortgage, making several unauthorized withdrawals from the class member's bank accounts and failing to adequately investigate or fix the issue.