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THE CLERK OF THE SUPERIOR COURT  
SPOKANE COUNTY CLERK

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF SPOKANE**

JAKE MILLER and DOREEN MILLER,  
husband and wife, on behalf of themselves and  
all others similarly situated,

Case No.: 20-2-02604-32

Plaintiffs,

**DECLARATION OF SHAYNE J.  
SUTHERLAND IN SUPPORT OF  
UNOPPOSED MOTION FOR AWARD OF  
ATTORNEYS' FEES, COSTS, AND  
SERVICE AWARDS**

vs.

GUENTHER MANAGEMENT, LLC, a  
Washington limited liability company,

Defendant.

Shayne J. Sutherland declares the following under penalty of perjury, as provided for and by the laws of the state of Washington:

1. I am one of the attorneys of record for Plaintiffs Jake and Doreen Miller, ("Plaintiffs"). I am of legal age and am competent to testify to and have personal knowledge of the matters herein.

2. I graduated from Gonzaga University School of Law with honors in 2011.

3. I am a member in good standing admitted to practice by the bars of Washington

State and the United States District Court for the Eastern District of Washington.

COPY

1           4.     I am an owner and managing partner at the law firm of Cameron Sutherland,  
2 PLLC, which has operated since 2012.

3           5.     The majority of my practice involves representing lower-income and  
4 economically distressed individuals. The majority of my fees are earned on a contingency basis  
5 under fee-shifting statutory provisions.  
6

7           6.     My firm's entire attorney fees in this matter were contingent upon the outcome.

8           7.     I am a recognized authority in consumer protection and landlord-tenant practice  
9 and have presented at multiple educational seminars to community organizations and attorneys  
10 concerning consumer and landlord tenant law.

11          8.     I have been determined adequate class counsel in multiple class action matters.

12          9.     My firm has presented landlord tenant matters of first impression to the  
13 Washington Court of Appeals on multiple occasions, in cases such as *Goodeill v. Madison Real*  
14 *Est.*, 191 Wn. App. 88 (2015) and *Lewis v. Zanco*, 16 Wn. App. 2d 819 (2021).  
15

16          10.    My firm has been part of presenting multiple matters before the Supreme Court of  
17 Washington, including the landlord tenant action *Silver v. Rudeen Mgmt. Co., Inc.*, 197 Wn.2d  
18 535, 538 (2021).

19          11.    My contingent hourly rate for class action work is four hundred and fifty  
20 (\$450.00) per hour.  
21

22          12.    Class action litigation is complex and often highly contested. As a plaintiff's  
23 attorney in these types of actions my firm is often pitted against some of the largest and most  
24 successful defense firms in the state of Washington and other states. Many of these actions  
25 require hundreds of hours of attorney time. If they are unsuccessful, as some of my plaintiff

1 client class action cases have been in the past, they result in no payment or greatly reduced  
2 payment of attorney's fees.

3 13. I have investigated and am familiar with the rates charged by attorneys practicing  
4 in Spokane, Washington. I believe that a class action contingent rate of \$450.00 per hour for a  
5 firm principal and attorney with my qualifications and experience is well within the market rate  
6 for this area.  
7

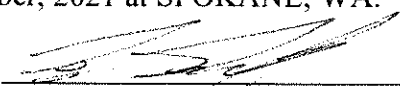
8 14. I have expended more than 83.1 hours on legal services directly related to this  
9 case, including case analysis, research, briefing, and mediation. A true and correct copy of my  
10 contemporaneous time records associated with these activities is attached to the Declaration of  
11 Kirk D. Miller as Exhibit A, which was also filed in support of this motion  
12

13 15. I also anticipate spending an approximate 30 plus more hours more in assisting  
14 with the class administration of this matter and preparing for Plaintiffs' Motion for Final  
15 Approval in this matter.

16 16. Based upon the total number of 103 hours (83.1 hours already expended plus a  
17 reduced request of an expected 20 more hours) at my class action contingent hourly rate of  
18 \$450.00 per hour, the total fees I will have incurred in representing the Plaintiffs in this matter  
19 will amount to over \$46,350.00.  
20

21 17. I believe that a multiplier on my attorney fees is appropriate in this matter based  
22 on the contingent nature of my representation and the undesirability of these types of claims.  
23 Not many attorneys would risk payment for representation based on a contingency.

24 RESPECTFULLY SIGNED this 1<sup>st</sup> day of November, 2021 at SPOKANE, WA.  
25

  
Shayne J. Sutherland, WSBA #44593  
Attorney for Plaintiffs

1 **CERTIFICATE OF SERVICE**

2 I hereby declare under penalty of perjury under the laws of the state of Washington that on  
3 the date stated below I served a copy of this document in the manner indicated:

4 Jeffrey P. Downer  
5 Carinne E. Bannan  
6 LEE SMART, P.S. INC.  
7 1800 One Convention Place  
8 701 Pike Street  
9 Seattle WA 98101

- First Class U.S. Mail
- E-Mail
- Hand Delivery
- Next Day Air

10 DATED this 1 day of November, 2021.

11   
12 \_\_\_\_\_  
13 Bonnie J. Morey, Legal Assistant