

**CHRISTINA HUMPHREY LAW, P.C.**

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*[Attorneys for Plaintiffs]*

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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

Case No. 3:21-cv-01430-RSH-DDL

FERNANDO COPPEL, PABLO  
MARTINEZ, TYLER MITCHELL,  
JUDITH URIOSTEGUI, ELIZABETH  
USSELMAN, individually and as a  
representative of a Putative Class of  
Participants and Beneficiaries, on  
behalf of the SWBG, LLC 401(K)  
PLAN (FKA SEAWORLD PARKS  
AND ENTERTAINMENT 401(K)  
PLAN),

Plaintiffs,

v.

SEAWORLD PARKS &  
ENTERTAINMENT, INC.  
("SEAWORLD"); SWBG ORLANDO  
CORPORATE OPERATIONS GROUP,  
LLC ("SWBG"); BOARD OF  
DIRECTORS OF SEAWORLD AND  
SWBG, INVESTMENT COMMITTEE  
OF SEAWORLD PARKS &  
ENTERTAINMENT 401(K) PLAN/  
SWBG, LLC 401(K) PLAN; MARK G.  
SWANSON (CEO); ELIZABETH  
GULACSY (CFO); and DOES 1  
through 50,

Defendants.

**DECLARATION OF CHRISTINA A.  
HUMPHREY IN SUPPORT OF  
PLAINTIFFS' UNOPPOSED MOTION  
FOR FINAL APPROVAL OF CLASS  
ACTION SETTLEMENT**

PER CHAMBERS RULES, NO ORAL  
ARGUMENT UNLESS SEPARATELY  
ORDERED BY THE COURT.

**Hearing Date:** August 28, 2025

**Time:** 1:30pm

**Judge:** Hon. Robert S. Huie

**Courtroom:** 3B (3rd Flr)

**THE SHARMAN LAW FIRM LLC**

Paul J. Sharman (Appearance Pro Hac Vice)

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*[Attorneys for Plaintiffs]*

**DECLARATION OF CHRISTINA A. HUMPHREY**

I, Christina A. Humphrey, declare:

1. I am an adult over eighteen (18) years of age. I am an attorney licensed to practice law in all the Courts of the State of California. I am also the owner of Christina Humphrey Law, P.C., who, together with my co-counsel Tower Legal Group, are class counsel of record for Plaintiffs Fernando Coppel, Pablo Martinez, Tyler Mitchell, Judith Uriostegui, and Elizabeth Usselman, in the above-entitled action. I have been involved in all aspects of the litigation. I have personal knowledge of the facts set forth herein, and, if called as a witness, could and would testify truthfully and competently thereto.

2. This declaration is given in support of Plaintiffs' Unopposed Motion for Final Approval of Class Action Settlement.

3. Counsel for the Parties appointed Newport Group as an independent fiduciary for the Plan in connection with the Settlement and provided sufficient information to allow for a comprehensive review of the Settlement. Fiduciary Counselors has extensive experience reviewing litigation settlements involving ERISA Plans. The Report issued by Newport Group ("Independent Fiduciary Report"), will be lodged with the Court in a supplemental declaration from me no later than August 11, 2025. Newport Group is required to review the underlying papers before issuing its final report.

4. According to the Settlement Administrator, ILYM Group, to date no Class Members have objected to the Settlement, the Administration Costs, the case contribution Awards, or to the Attorneys' Fees and Expenses requested. The deadline to object is August 4, 2025. No later than August 11, 2025, ILYM will submit a supplemental declaration after the August 4, 2025, deadline to update the Court as to the status of objections, if any, to the settlement.

**Plaintiffs' Counsel's Rates and Lodestar**

5. The undersigned, with twenty- four (24) years as an attorney and twenty-two (22) years of extensive class action litigation experience, including class action trial experience in multiple actions, is billed out for these purposes at \$950 per hour, which has been approved by other courts. See *Aquino et. al. v. 99 Cents Only Stores, LLC*, et. al., (C.D. Cal. Jan. 02, 2024) Case No. 2:22-cv-01966-SPG-AFM, Docket No. 79, p. 12:12-15 (approving a range of \$215 per hour for a paralegal, and \$650 to \$925 for the same counsel herein); *Gramstad v. Ventura Foods*, Case No. 8:22-cv-02290-MWC-JDE, ECF No. 61-3 - with final approval of attorney fees granted in the Final Approval Order. (ECF No. 67, para. 8). My former colleague who was previously employed at my firm, Robert N. Fisher had been practicing for ten (10) years while employed by my firm, is billed at \$650 an hour. My firm's paralegal, Stefano Congedo, who has a paralegal certificate, and many years of experience engaged as paralegal, is billed at \$215.00 per hour, which has been approved by multiple courts. Mr. Congedo has met the requirements of Business & Professions Code section 6450 et. seq. and all CLE while employed with my firm. All the individuals show time in this case.

6. In total, my firm has spent 1493.52 hours litigating this case since 2020 and anticipate spending another 15 hours preparing for and attending the final approval hearing, overseeing the settlement administration process, and answering calls and questions from class members regarding settlement. The amount requested for attorneys' fees is more than reasonable based upon Class Counsels' collective lodestar. As of the filing date, Christina Humphrey Law, P.C.'s lodestar is \$1,113,376 which is based upon 1493.52 hours litigating this case at the attorneys' standard hourly rates. All the hours were reasonable and necessary to achieve the result on behalf of the Class. Combined with the base lodestar of the other firms (more detailed in the Memorandum of Points & Authorities), this lodestar is in

1 considerable excess to the amount of fees requested and is therefore reasonable in  
2 light of the risk, effort, and costs expended by all counsel. No work was duplicated  
3 by the firms.

4 7. The regular and customary practice at Christina Humphrey Law,  
5 P.C., was and is for all attorneys to maintain contemporaneous time records setting  
6 forth the amount time spent (rounded to the nearest one-tenth of an hour) on each  
7 task in each case, with explanatory descriptions of each task performed. Stefano  
8 Congedo and I followed this practice throughout this litigation. Mr. Fisher did not.  
9 During this litigation, my law firm used time entry programs to record our billable  
10 time. At or near the time the work was performed, individual biller's hours were  
11 imputed into these programs, which recorded and stored the time as individual  
12 electronic entries, along with detailed descriptions of the task performed. To  
13 calculate my firm's lodestar for this case, I retrieved all the attorney and paralegal  
14 time records for this case. Using these computerized time records only, my office  
15 derived a summary of timekeeping activities of the attorneys working on this case  
16 and these time records are available to the Court upon request (our understanding is  
17 that the Court does not require the actual time records and billings which would  
18 require redaction of attorney client privilege and work product). For the Court's ease  
19 of reference, a true and correct copy of the breakdown of the hours and fees per  
20 member of my firm is provided below. Mr. Fisher recorded only 22 hours of time  
21 but I estimate that he worked at least 500 hours on the case. Written discovery was  
22 completed at the time of mediation (just after his employment ended at my firm) and  
23 Mr. Fisher was involved in the drafting and opposing motions in the case, drafting  
24 discovery, reviewing documents, drafting and issuing subpoenas to non-parties, and  
25 attending hearings.

26 //

27 //

<b>Name</b>	<b>Position</b>	<b>Hours</b>	<b>Rates</b>	<b>Lodestar</b>
Christina Humphrey	Partner	782	\$950.00	\$742,900
Robert Fisher	Associate	500	\$700.00	\$325,000
Stefano Congedo	Paralegal	211.52	\$215.00	\$45,476
<b>Total Firm</b>				<b>\$1,113,376</b>

8. For the Court's ease of reference, a true and correct copy of the breakdown of my firm's full contemporaneous time keeping records, organized in activity categories, as well as my estimate of Mr. Fisher's time based on my review of the records is provided below:

<b>Activity Category</b>	<b>Hours</b>
Pleadings/Case Initiation	271.88
Motions/Briefing	224.92
Correspondence/Communications	204.87
Discovery	166.6
Document Review	98.17
Settlement/Mediation	86.77
Legal Research	71.27
Expert/Consultant Coordination	70.45
Court Appearances/Hearings	66.87
Client Interaction/Intake	45.37
Other	186.35
<b>Total</b>	<b>1493.52</b>

1           9.     The amount of fees incurred by my firm - \$1,113,376 and my co-  
2 counsel's firm- \$217,500 total \$1,330,876. Enormous financial risks are taken on by  
3 firms spearheading ERISA litigation and is not the same risk undertaken by other  
4 types of class action litigation. Further, the range of hourly rates requested have  
5 been approved by previous courts in conjunction with similar motions, given the  
6 experience of my firm and staff. A full breakdown of hours can be provided to the  
7 Court upon request, which will need to be redacted to protect attorney client  
8 privilege and work product. If the time records are requested, I request the  
9 opportunity to file them under seal (with redactions) or to Chambers Only  
10 (unredacted). The fee split is 65% to Christina Humphrey Law, P.C. and 35% to  
11 Tower Legal Group and 5% to Sharman Law Firm.

12           **Costs of the Litigation**

13           10.     As of the date of this declaration, my firm has incurred actual costs in  
14 the amount of \$86,138.98 in this action, including an estimated \$393.18 to appear in  
15 person at the final approval hearing, which are typically held in person. Attached  
16 hereto as **Exhibit A** is a breakdown of costs. All invoices available upon request  
17 which will need to be redacted to protect attorney client privilege and work product.  
18 If the invoices are requested, I request the opportunity to file them under seal (with  
19 redactions) or to Chambers Only (unredacted). The total amount of costs incurred by  
20 my firm and co-counsel, Tower Legal Group, is \$273,540. Costs were advanced for  
21 the following: filing fees, runner services, research, mailing costs, travel fees for in  
22 person depositions, mediation, and meetings, and most notably expert fees. All costs  
23 identified herein were reasonable and necessary to prosecute the Actions to a  
24 successful conclusion. For the Court's convenience below please find a chart  
25 detailing my firm's costs in this action:

26           //

27           //

Costs Description	Amount
Court and Filing Fees	\$4,965.26
Court Reporters	\$5,224.94
Experts	\$60,210.00
ESI Vendor	\$1,750.00
Postage	\$84.75
PACER	\$770.50
Travel	\$13,133.53
Postage/Mailing	\$86.75
<b>Total Costs</b>	<b>\$86,138.98</b>

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

Executed this 14<sup>th</sup> day of July, 2025, at Santa Barbara, California.

**CHRISTINA HUMPHREY LAW, P.C.**

/s/Christina A. Humphrey

Christina A. Humphrey  
Declarant



# Ex. A – CAH Decl.

Date	Description	Cost	Categories
8/9/2021	Filing Complaint Fee	\$ 402.00	Court & Filing fees
8/27/2021	Service of Summons on Orlando Corporate Operations Group, LLC	\$ 37.06	Court & Filing fees
8/27/2021	Service of Summons on Sea World Parks & Entertainment, Inc.	\$ 37.06	Court & Filing fees
8/27/2021	Service of Summons on Board of Directors of SWBG LLC, Investment Committee of 401(K) for SWBG, LLC	\$ 37.06	Court & Filing fees
8/27/2021	Service of Summons on SWBG, LLC	\$ 37.06	Court & Filing fees
8/27/2021	Service of Summons on IRS Form 5500 Signatory	\$ 37.06	Court & Filing fees
9/13/2021	Process Server in Orlando fee for attempted service on Elizabeth Gulacsy, CFO, and IRS Form 5500 Signatory - Mark G. Swanson, CEO - Attempt Failed	\$ 183.80	Court & Filing fees
9/14/2021	Process Server in Orlando, FL fee for Service of Summons On Elizabeth Gulacsy, CFO and IRS Form 5500 Signatory	\$ 91.90	Court & Filing fees
9/14/2021	Process Server in Orlando, FL fee for Service of Summons On Mark G. Swanson, CEO	\$ 91.90	Court & Filing fees
1/3/2022	Invoice for Process Server service of summons on Alliant	\$ 37.06	Court & Filing fees
10/26/2023	Commercial Process Serving Subpoena on Prudential	\$ 275.50	Court & Filing fees
10/26/2023	Commercial Process Serving Subpoena on MassMutual	\$ 360.50	Court & Filing fees
10/26/2023	Commercial Process Serving Subpoena on Alliant	\$ 300.50	Court & Filing fees
11/15/2023	Courtesy copy delivery of P&AS in support of Motion for Class Certification to Chambers	\$ 97.80	Court & Filing fees
11/28/2023	Invoice for Order of Transcript for 9.18.23 hearing	\$ 52.80	Court & Filing fees
11/30/2023	Courtesy Copy delivery of various docs to Chambers	\$ 218.77	Court & Filing fees
1/31/2024	Courtesy Copy delivery of Reply in Support of Motion for Class Certification	\$ 72.07	Court & Filing fees
2/29/2024	Courtesy Copy Delivery of Unredacted Reply in Support of Motion for Class Certification	\$ 72.07	Court & Filing fees
5/31/2024	First Legal - Service of subpoenas on non-parties	\$ 1,521.93	Court & Filing fees
6/20/2024	First Legal Subpoena on Maschmeyer Process Server 1st attempt invoice	\$ 221.75	Court & Filing fees
6/30/2024	First Legal Subpoena on Maschmeyer Process Server 2nd attempt invoice	\$ 331.99	Court & Filing fees
7/1/2024	First Legal Deposition Officer invoice for records from Great Gray	\$ 162.05	Court & Filing fees
7/17/2024	Order of transcript of 6/25/24 hearing	\$ 204.00	Court & Filing fees
1/8/2025	Courtesy Copy delivery to judge of Motion for Preliminary Approval documents	\$ 81.57	Court & Filing fees
			<b>\$ 4,965.26</b>
10/18/2024	Transcript costs for depositions of Martinez and Usselman - Partial	\$ 1,848.85	Court Reporter Costs
1/18/2024	Videographer Invoice for Deposition of Defendant's Expert Steven Gissiner	\$ 356.25	Court Reporter Costs
1/22/2024	Esquire Court Reporters Invoice for Deposition of Defendant's Expert Steven Gissiner	\$ 3,019.84	Court Reporter Costs
			<b>\$ 5,224.94</b>
3/22/2021	Expert 1 Invoice - Half of the costs	\$ 13,650.00	Experts
9/9/2021	Expert 1 Invoice	\$ 1,350.00	Experts
12/28/2021	Expert 2 Invoice	\$ 7,233.00	Experts
5/15/2022	Expert 2 Invoice	\$ 2,350.00	Experts
5/18/2023	Expert 1 Invoice	\$ 10,000.00	Experts
7/31/2023	Expert 2 Invoice July 2023	\$ 4,658.00	Experts
9/15/2023	ESI Expert Invoice (not ILS)	\$ 2,875.00	Experts
1/9/2024	Expert Ethics Invoice	\$ 375.00	Experts
2/29/2024	Expert 4 Invoice - Review Gissiner Report Class Certification	\$ 2,025.00	Experts
9/9/2024	Expert 3 Invoice	\$ 15,694.00	Experts
			<b>\$ 60,210.00</b>
7/31/2024	ILS invoice for July 2024	\$ 400.00	ESI Vendor
8/31/2024	ILS invoice for August 2024	\$ 400.00	ESI Vendor
9/30/2024	ILS invoice for September 2024	\$ 950.00	ESI Vendor
			<b>\$ 1,750.00</b>

9/13/2021	Mailing via Certified Mail Summons & Supporting Docs to SWBG, LLC	\$	13.62	Postage
6/13/2022	Mailing of Notice of Change of Address to Opposing Counsel	\$	6.48	Postage
6/5/2023	Certified mailing of Complaint & FAC to Department of Treasury	\$	36.90	Postage
9/8/2023	Certified Mail of letter to Micheli Ortega re termination of representation.	\$	9.25	Postage
9/12/2023	Certified Mail to Miriam Garcia and Elizabeth Flores re advising of termination of rep	\$	18.50	Postage
			<b>\$</b>	<b>84.75</b>
7/1/2021	PACER Case Lookup (April 1, 2021 - June 30, 2021)	\$	147.80	Research
10/1/2021	PACER case lookup (July 1, 2021 - September 30, 2021)	\$	35.50	Research
1/1/2022	PACER Case Lookup (October 1, 2021 - December 31, 2021)	\$	9.50	Research
4/1/2022	PACER Case Lookup (January 1, 2022 - March 31, 2022)	\$	20.40	Research
7/1/2022	PACER Case Lookup (April 1, 2022- June 30, 2022)	\$	26.80	Research
1/26/2023	PACER Case Lookup (July 1, 2022 - September 30 2022)	\$	9.20	Research
4/1/2023	PACER Case Lookup (January 1, 2023 - March 31 2023)	\$	21.80	Research
7/1/2023	PACER Case Lookup (April 1, 2023 - June 30, 2023)	\$	36.70	Research
10/1/2023	PACER Case Lookup (July 1, 2023 - September 30, 2023)	\$	36.60	Research
12/31/2023	PACER Case Lookup (October 1, 2023 - December 31, 2023)	\$	114.40	Research
3/31/2024	PACER Case Lookup (January 1, 2024 - March 31, 2024)	\$	216.50	Research
9/30/2024	PACER invoice (July 1, 2024 - September 30, 2024)	\$	67.70	Research
12/31/2024	PACER invoice (October 1, 2024 - December 31, 2024)	\$	15.80	Research
3/31/2025	PACER invoice (January 1, 2025 - March 31, 2025)	\$	11.80	Research
			<b>\$</b>	<b>770.50</b>
10/17/2023	Flight Rob Fisher from JFK to SD one way – plaintiffs depos	\$	622.80	Travel
11/2/2023	Flight Rob Fisher from SD to JFK one way – plaintiffs depos	\$	712.80	Travel
11/10/2023	Baggage Charge Rob Fisher – plaintiffs depos	\$	151.11	Travel
10/17/2023	Uber Rob Fisher SD Airport to hotel - plaintiffs depos	\$	47.92	Travel
10/18/2023	Uber Roib Fisher and Clients for Plaintiffs Depos	\$	21.48	Travel
10/20/2023	Uber Rob Fisher and Client for Plaintiffs Depos	\$	6.99	Travel
10/21/2023	Uber Rob Fisher from hotel to San Diego Airport - Plaintiffs Depos	\$	69.92	Travel
10/25/2023	Hotel Rob Fisher - Doubletree – plaintiff depos - 4 days	\$	733.52	Travel
10/19/2023	Hotel Plaintiff Pablo Martinez - Doubletree- to attend his deposition - 2 days	\$	519.52	Travel
10/19/2023	Travel Costs Pablo Martinez transportation from Vegas to SD for deposition	\$	150.53	Travel
10/25/2023	Hotel for Tyler Mitchell and Judith Uriostegui - Doubletree- Plaintiffs' Depos - 1 day each	\$	519.52	Travel
10/21/2023	Gas/Mileage Costs Christina Humphrey for travelling from/to Santa Barbara to San Diego depos in San Diego	\$	127.77	Travel
10/24/2023	Toll Road cost for Christina Humphrey to attend Plaintiffs' depo	\$	7.03	Travel
10/20/2023	Hotel for Christina Humphrey - Doubletree - Plaintiffs Depos - 5 days	\$	840.01	Travel
10/21/2023	Flight to Tennessee Meetings Experts 1, 2, and 4 - roundtrip	\$	1,391.41	Travel
10/21-23/2023	Hotel in Tennessee Meetings Experts 1, 2 and 4 - 3 days	\$	897.00	Travel
10/24-10/25/2023	Hotel in Tennessee Meetings Experts 1, 2 and 4 - 2 days	\$	303.54	Travel
10/25/2023	Parking at LAX - Meetings Experts 1, 2, and 4	\$	193.10	Travel
10/21/2023	Uber Tennessee - Meetings Experts 1, 2, and 4 - from airport to hotel	\$	26.92	Travel
10/22/2023	Uber Tennessee - Meetings Experts 1, 2, and 4	\$	18.50	Travel
10/23/2023	Uber Tennessee - Meetings Experts 1, 2, and 4	\$	15.53	Travel
10/24/2023	Uber Tennessee - Meetings Experts 1, 2, and 4	\$	22.50	Travel
10/25/2023	Uber Tennessee - Meetings Experts 1, 2, and 4	\$	20.95	Travel
10/25/2023	Uber Tennessee - Meetings Experts 1, 2, and 4 - from hotel to airport	\$	24.76	Travel
1/18/2024	Hilton Burbank - Conference Room for team - expert depo on 1.18.24	\$	1,077.86	Travel
1/19/2024	Hilton Burbank - Conference Room for team meeting with expert- on 1.19.24	\$	1,077.86	Travel
9/2/2024	Flight for Christina Humphrey to NYC for Mediation	\$	1,182.96	Travel
9/7/2024	Parking at Spokane Airport for Christina Humphrey - Flight to NYC for Mediation	\$	69.00	Travel
9/4/2024	Train Expense for Christina Humphrey to Greenwich CT for Mediation	\$	34.00	Travel

9/2/2024	Cab ride for Christina Humphrey from Airport to Hotel for Mediation in NYC	\$ 98.88	Travel	
9/7/2024	Lyft ride for Christina Humphrey from Hotel to Airport for Mediation in NYC	\$ 65.68	Travel	
9/7/2024	Hotel for Christina Humphrey to attend Mediation in Greenwich CT - 3 days	\$ 1,688.98	Travel	
8/28/2025	Flight for Christina Humphrey from Santa Barbara to San Diego - Final Approval Hearing	\$ 293.18	Travel	
8/28/2025	Uber for Christina Humphrey from and to Airport - Final Approval Hearing	\$ 100.00	Travel	
			\$	13,133.53
<b>Total</b>		<b>\$ 86,138.98</b>		