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*Attorneys for Representative Plaintiffs and the Class*

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

JAMES WILSON, an individual, and JACK )  
WHITE, an individual, on behalf of themselves )  
and all others similarly situated, )  
 )  
Representative )  
Plaintiffs, )  
 )  
vs. )  
METALS USA, INC., a Delaware Corporation; )  
and DOES 1-100, inclusive, )  
 )  
Defendants. )  
 )  
 )

CASE NO. 2:12-CV-00568-KJM-DB  
**DECLARATION OF JAMES WILSON  
IN SUPPORT OF PLAINTIFFS'  
MOTION FOR ATTORNEYS' FEES,  
COSTS, AND INCENTIVE AWARDS**  
**Date: September 6, 2019**  
**Time: 10:00 a.m.**  
**Courtroom: 3**  
**Judge: Hon. Kimberly J. Mueller**

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1 I, JAMES WILSON, declare as follows:

2 1. I am a named plaintiff in the *James Wilson v. Metals USA, Inc., et al.*, Case No.:  
3 2:12-CV-00568- KJM-DB, (“the Action”) and submit this declaration in support of Plaintiffs’  
4 Motion for Attorneys’ Fees, Costs, and Incentive Awards. I have been involved in this matter  
5 since October of 2011. I have personal knowledge of the facts set forth in this declaration and  
6 could and would testify competently to them.

7 2. Throughout this Action, I have spent time researching the allegations, and  
8 assisting my attorneys with the prosecution of this Action. I have also reviewed the relevant  
9 pleadings in this Action. I also engaged in numerous discussions with my attorneys regarding  
10 the status of the Action and its progress since becoming a proposed Class Representative. In  
11 total, I believe I have spent approximately 124 hours in assisting in this Action. The breakdown  
12 of my time spent in actively assisting in the prosecution of this Action is as follows:

13	<b>Meetings/Conversations With Counsel:</b>	42 hours
14	<b>Reviewing Pleadings:</b>	23 hours
15	<b>Attending Hearings and Mediations:</b>	20 hours
16	<b>Searching for Documents:</b>	18 hours
17	<b>Deposition Preparation/Testimony:</b>	12 hours
18	<b>Settlement Conversations:</b>	4 hours
19	<b>Review of Settlement Agreement &amp; Documents:</b>	2 hours
20	<b>Review of Preliminary Approval Documents:</b>	2 hours
21	<b>Review of Fee Motion Documents:</b>	1 hours

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24 3. Despite the fact that I knew I was exposing myself to great financial risk by  
25 bringing the Action, I chose to move forward as I strongly believed that I had strong claims  
26 against Dura-Loc and its successor-in-liability, Metals USA, Inc. (“MUSA”).

27 4. I was also aware that, if my claims were to prove unsuccessful against MUSA,  
28 that I would be personally liable for MUSA’s costs which, as I know from my counsel, would

1 likely be in excess of \$100,000.

2 5. At the inception of this Action, May 2012, MUSA offered me \$25,000 to resolve  
3 my claim and to dismiss the Action. I chose not to accept the settlement request by MUSA,  
4 despite the fact that it would have made me whole, because I knew there were other individuals,  
5 like me, that had purchased to Dura-Loc Tiles but had no means of redress.

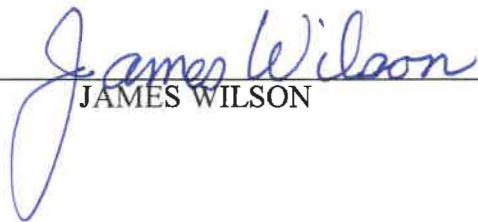
6 6. In other words, nearly eight (8) years ago I was offered a complete refund for my  
7 roof and I rejected such an offer as I felt that I had an obligation to see this Action through its  
8 result because there were many others that were relying upon me.

9 7. In light of the time I have spent in this Action and the significant financial risks  
10 which I undertook in bringing the Action, I believe the requested \$25,000.00 incentive award is  
11 fair and reasonable.

12 8. Specifically, I assumed the risk of a judgment against me and personal liability for  
13 an award of costs to MUSA in the event of an adverse outcome. The potential financial risks are  
14 in and of themselves enough to dissuade many people from agreeing to act as a class  
15 representative.

16 9. I could not have afforded to pay an attorney to pursue this claim on my behalf as,  
17 I believe, the amounts I would have paid any such attorney would have greatly exceeded the  
18 value of my individual claim in this case.

19 I declare under penalty of perjury under the laws of the State of California that the  
20 foregoing is true and correct, and that this Declaration was executed on May 22 2019 in  
21 Folsom, California.

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23 JAMES WILSON  
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