

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

STEPHEN SULLIVAN, WHITE OAK FUND LP,
CALIFORNIA STATE TEACHERS' RETIREMENT
SYSTEM, SONTERRA CAPITAL MASTER FUND,
LTD., FRONTPOINT PARTNERS TRADING FUND,
L.P., AND FRONTPOINT AUSTRALIAN
OPPORTUNITIES TRUST on behalf of themselves and
all others similarly situated,

Plaintiffs,

– against –

BARCLAYS PLC, BARCLAYS BANK PLC,
BARCLAYS CAPITAL INC., BNP PARIBAS S.A.,
CITIGROUP, INC., CITIBANK, N.A., COÖPERATIEVE
CENTRALE RAIFFEISEN-BOERENLEENBANK B.A.,
CRÉDIT AGRICOLE S.A., CRÉDIT AGRICOLE CIB,
DEUTSCHE BANK AG, DB GROUP SERVICES UK
LIMITED, HSBC HOLDINGS PLC, HSBC BANK PLC,
ICAP PLC, ICAP EUROPE LIMITED, J.P. MORGAN
CHASE & CO., CRÉDIT AGRICOLE CHASE BANK,
N.A., THE ROYAL BANK OF SCOTLAND PLC,
SOCIÉTÉ GÉNÉRALE SA, UBS AG AND JOHN DOE
NOS. 1-50,

Defendants

Docket No.: 13-cv-02811 (PKC)

**DECLARATION OF TODD A. SEAVER
IN SUPPORT OF CLASS COUNSEL'S MOTION FOR
AWARD OF ATTORNEYS' FEES AND REIMBURSEMENT OF EXPENSES**

I, Todd A. Seaver, pursuant to 28 U.S.C. §1746, hereby declare as follows:

1. I am a partner in the law firm of Berman Tabacco. The statements herein are true to the best of my personal knowledge, information and belief based on the books and records of Berman Tabacco and information received from its attorneys and staff.

2. At all times relevant hereto, Berman Tabacco served as counsel for named plaintiff California State Teachers' Retirement System and the putative class in this action. This Court appointed Lowey Dannenberg, P.C. and Lovell Stewart Halebian Jacobson LLP as Class Counsel for the Settlement Class in the above-captioned action ("Action").

3. I respectfully submit this declaration in support of Class Counsel's Motion for Award of Attorneys' Fees and Reimbursement of Expenses ("Motion") and seek attorneys' fees and reimbursement of expenses in this Action.

4. Set forth below are Berman Tabacco's legal services rendered in this litigation since inception and since July 1, 2022, the lodestar value of those services and the expenses reasonably incurred by the firm in connection with this litigation for which reimbursement is requested.

5. The services Berman Tabacco performed on behalf of the putative class in connection with the prosecution of the litigation since July 1, 2022 include, but are not limited to, the following:

- Advise and counsel CalSTRS regarding all material aspects of the litigation, in conjunction with Class Counsel;
- Provide input on all strategic matters in conjunction with Class Counsel, including key pleadings and appeal;
- Participated in settlement negotiations and drafting of settlement documents.

In addition, Berman Tabacco's earlier work, comprising more than 8,159 hours since the inception of this Action included, among other activities:

- Legal research and drafting in connection with amended complaints, oppositions to motions to dismiss and other motion practice, prosecution of appeals, and in connection with the impact of appellate decision/case law developments;
- Responding to discovery requests propounded on plaintiff CalSTRS, including draft responses and objections, meeting and conferring with defense counsel regarding areas of potential dispute, and preparing litigation positions on discovery matters;
- Reviewing and analyzing documents and audio files produced by defendants HSBC, Deutsche Bank and JPMorgan, and creating related work product for use at trial;
- Working with consulting and testifying experts in connection with class certification, including defending deposition of Plaintiffs' testifying expert economist;
- Providing input on all strategic matters in conjunction with Class Counsel, including key pleadings, class certification, experts and settlement; and
- Participating directly in settlement negotiations including all mediations.

6. The schedule in ¶ 7 below is a summary reflecting the amount of time spent by Berman Tabacco's attorneys and professional support staff involved in this litigation from (1) inception to June 30, 2023, and (2) from July 1, 2022 to June 30, 2023, as well as the lodestar calculations for both periods. The lodestar for the period from inception to June 30, 2022 is based on the firm's hourly rates as described in previous fee applications, and lodestar for the period from July 1, 2022 to June 30, 2023 is based on the firm's current hourly billing rates. The schedule was prepared based upon daily time records maintained by Berman Tabacco's attorneys and professional support staff. The schedule in ¶ 10 below reflects the expenses paid by the firm in its representation of the putative class in this litigation from August 2022 to June 30, 2023. The hourly billing rate for any timekeeper primarily involved in first-level document review has

been capped at \$350/hour and the charges for timekeepers with less than 15 hours billed in this Action have been excluded.

7. Berman Tabacco's total fee compensable time for which it seeks an award of attorneys' fees is summarized below.

Attorney	Role ¹	Hours from inception to 6/30/2023	Lodestar from inception to 6/30/2023	Hours from 7/1/2022 to 6/30/2023	Current Rate	Lodestar from 7/1/2022 to 6/30/2023
Bastien, Mackline	SA	1626.75	\$569,362.50			
Egan, Patrick	P	298.40	\$261,168.50	37.90	\$1,045	\$ 39,605.50
Falardeau, Laura	PA	88.00	\$30,800.00			
Girard, Wyndham	CA	211.75	\$74,112.50			
Green, Denis	CA	1412.50	\$494,375.00			
Hammarskjold, Carl	P	179.90	\$93,629.00			
Lavallee, Nicole	P	22.50	\$20,838.00	0.60	\$1,150	\$ 690.00
Lee, Berna	SA	1328.50	\$464,975.00			
Lee, Thomas	CA	228.60	\$80,010.00			
McGrath, Sarah	OC	46.60	\$16,310.00			
McKim, Ellee	SA	1005.90	\$352,065.00			
Poppler, Chowning	A	55.20	\$28,980.00			
Seaver, Todd	P	950.70	\$808,950.00	17.00	\$1,045	\$ 17,765.00
Stern, Leslie	P	29.20	\$26,280.00			
Sutter, John	OC	150.60	\$90,360.00			
Tabacco Jr., Joseph	P	530.10	\$510,795.00	25.10	\$1,170	\$ 29,367.00

¹ "P" refers to Partners. "OC" refers to Off Counsel. "A" refers to Associates. "PA" refers to Project Attorney. "SA" refers to Staff Attorney. "CA" refers to Contract Attorneys. "PL" refers to Paralegals. "FA" refers to Financial Analysts. The hourly rates for the shareholders, associate attorneys and professional support staff in my firm included above are the same rates charged for their services in non-contingent matters and/or which have been accepted and approved in other complex class action litigation. *See, e.g., See, e.g., Utah Ret. Sys. v. Healthcare Services Group, Inc.*, No. 2:19-cv-01227-ER (E.D. Pa. Jan. 12, 2022); *Oklahoma Police Pension & Ret. Sys. v. Sterling Bancorp, Inc.*, No. 5:20-cv-10490-JEL-EAS (E.D. Mich. Sep. 23, 2021); *In re Alphabet Inc. Shareholder Deriv. Litig.*, No. 19CV341522 (Cal. Super. Ct. Santa Clara Cty. Feb. 5, 2021); *In re GSE Bonds Antitrust Litig.*, No. 19-CV-1704 (JSR), 2020 WL 3250593, at *4-5 (S.D.N.Y. June 16, 2020); *In re Lithium Ion Batteries Antitrust Litig.*, No. 13-MD-02420-YGR, 2018 WL 3064391, at *1 (N.D. Cal. May 16, 2018); *In re BP p.l.c. Sec. Litig.*, No. 4:10-md-02185, ECF No. 1512 (S.D. Tex. Feb. 13, 2017); *In re Zynga Inc. Sec. Litig.*, No. 12-cv-04007-JSC, ECF No. 234 (N.D. Cal. Mar. 18, 2016); *In re Fannie Mae 2008 Sec. Litig.*, No. 1:08-cv-07831-PAC, ECF No. 552 (S.D.N.Y. Mar. 3, 2015); *Rieckborn v. Velti PLC*, No. 13-CV-03889-WHO, 2015 WL 468329, at *22 (N.D. Cal. Feb. 3, 2015).

Attorney	Role ¹	Hours from inception to 6/30/2023	Lodestar from inception to 6/30/2023	Hours from 7/1/2022 to 6/30/2023	Current Rate	Lodestar from 7/1/2022 to 6/30/2023
Paralegals and Legal Assistants						
Becker, Kathy	PL	25.10	\$9,355.00	0.40	\$510	\$ 204.00
Lopez, Jenniffer	FA	26.75	\$8,693.75			
Misra, Jessica	FA	23.00	\$9,085.00			
TOTALS		8,240.05	\$3,950,144.25	81.00		\$87,631.50

8. The total time for which my firm has spent working on this Action to is 8,240.05 hours. The total lodestar value of these professional services is \$3,950,144.25.

9. The above 2023 hourly rates for Berman Tabacco's attorneys and professional support staff are the firm's current hourly rates. The firm's lodestar figures do not include charges for expense items. Expense items are billed separately and such charges are not duplicated in the firm's current billing rates. Further, expense items do not contain any general overhead costs and do not contain a surcharge over the amount paid to the corresponding vendor(s).

10. As detailed and categorized in the below schedule, Berman Tabacco has paid a total of \$13,062.88 in expenses from August 2022 to present for which it is currently requesting reimbursement.

Expense Categories	Cumulative Expenses
Computer Research, Databases & Docket	\$320.25
Expert/Consultants	\$5,000.00
Travel - Airfare, Lodging, Meals, Taxi	\$7,742.63
TOTAL	\$13,062.88

11. The above schedule was prepared based upon expense records reflected in the Berman Tobacco's books and records. These books and records are prepared from expense vouchers, check records, receipts and other source materials.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 13, 2023



Todd A. Seaver