

**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,

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

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., JPMORGAN CHASE BANK, N.A., THE
ROYAL BANK OF SCOTLAND PLC, SOCIÉTÉ
GÉNÉRALE SA, UBS AG AND JOHN DOE NOS. 1-50,

Defendants

**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. I respectfully submit this declaration in support of Class Counsel's Motion for an Award of Attorneys' Fees and Payment of Expenses (the "Fee and Expense Application") in connection with services rendered in the above-captioned action ("Action").

2. 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.

3. 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.

4. I respectfully submit this declaration in support of the Fee and Expense Application and seek attorneys' fees and reimbursement of expenses in this Action.

5. Set forth below are Berman Tabacco's legal services rendered in this litigation since March 1, 2019, the lodestar value of those services and the expenses reasonably incurred by the firm in connection with this litigation for which reimbursement is requested. Details of time and work performed prior to March 1, 2019 are detailed in my prior declarations dated March 23, 2018 and March 22, 2019. *See* ECF Nos. 406, 474.

6. The services Berman Tabacco performed on behalf of the putative class in connection with the prosecution of the litigation since March 1, 2019 include, but are not limited to, the following:

- Advise and counsel CalSTRS regarding all material aspects of the litigation, in conjunction with Class Counsel;
- Legal research and drafting in connection with analysis of impact of appellate decisions and other case law developments;
- 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.

7. I am the attorney who oversaw my firm's involvement in the Action. Berman Tabacco's time and expense records (including, where necessary, backup documentation) have been reviewed to confirm both the accuracy of the entries as well as the necessity for and reasonableness of the time and expenses expended in this litigation. As a result of this review, certain reductions were made to both time and expenses either in the exercise of billing judgment or to conform to directions we established as Class Counsel and/or my firm's practice. Accordingly, the time reflected in Berman Tabacco's lodestar calculation and the expenses for which payment is sought are reasonable in amount and were necessary to prosecute the Action and resolve the Settlement before the Court. In addition, these fees and expenses are typically charged by Berman Tabacco to its fee-paying clients.

8. The schedule in ¶ 9 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, 2022, and (2) from March 1, 2019 to June 30, 2022, as well as the lodestar calculations for both periods. The lodestar for the period from inception to February 28, 2019 is based on the firm's hourly rates in 2019, and lodestar for the period from March 1, 2019 to June 30, 2022 is based on the firm's current 2022 hourly billing rates. The schedule was prepared

based upon daily time records maintained by Berman Tabacco’s attorneys and professional support staff. 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. The time and lodestar spent preparing the Fee and Expense Application have been excluded. For personnel no longer employed by Berman Tabacco, the lodestar calculation is based on the billing rates for such personnel in his or her final year of employment.

9. Berman Tabacco’s total compensable time for which it seeks an award of attorneys’ fees is summarized below.

Attorney	Role ¹	Rate 2019/2022	Hours from inception to 6/30/2022	Lodestar from inception to 6/30/2022	Hours from 3/1/2019 to 6/30/2022	Lodestar from 3/1/2019 to 6/30/2022
Bastien, Mackline	SA	\$350	1626.75	\$569,362.50		
Egan, Patrick	P	\$840/\$970	260.50	\$221,563.00	21.10	\$20,467.00
Falardeau, Laura	PA	\$350	88.00	\$30,800.00		
Girard, Wyndham	CA	\$350	211.75	\$74,112.50		
Green, Denis	CA	\$350	1412.50	\$494,375.00		
Hammar skjold, Carl	P	\$515/\$700	179.90	\$93,629.00	5.30	\$3,710.00
Lavallee, Nicole	P	\$920	21.90	\$20,148.00		
Lee, Berna	SA	\$350	1328.50	\$464,975.00		
Lee, Thomas	CA	\$350	228.60	\$80,010.00		
McGrath, Sarah	OC	\$350	46.60	\$16,310.00		

¹ “P” refers to Partners. “OC” refers to Of 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 Analyst. 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	Rate 2019/2022	Hours from inception to 6/30/2022	Lodestar from inception to 6/30/2022	Hours from 3/1/2019 to 6/30/2022	Lodestar from 3/1/2019 to 6/30/2022
McKim, Ellee	SA	\$350	1005.90	\$352,065.00		
Poppler, Chowning	A	\$525	55.20	\$28,980.00		
Seaver, Todd	P	\$840/\$970	933.70	\$791,185.00	52.90	\$51,313.00
Stern, Leslie	P	\$900	29.20	\$26,280.00		
Sutter, John	OC	\$600	150.60	\$90,360.00		
Tabacco Jr., Joseph	P	\$940/\$1,085	505.00	\$481,428.00	46.40	\$50,344.00
Paralegals and Legal Assistants						
Becker, Kathy	PL	\$370/\$410	24.70	\$9,151.00	0.30	\$123.00
Lopez, Jenniffer	FA	\$325	26.75	\$8,693.75		
Misra, Jessica	FA	\$395	23.00	\$9,085.00		
TOTALS			8159.05	\$3,862,512.75	126.00	\$125,957.00

10. The total time for which my firm is requesting an award of legal fees is 8,159.05 hours. The total lodestar value of these professional services is \$3,862,512.75.

11. 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).

12. As detailed and categorized in the below schedule, Berman Tabacco has paid a total of \$26,580.17 in expenses from March 1, 2019 to present for which it is currently requesting reimbursement.

Expense Categories	Cumulative Expenses
Computer Research, Databases & Docket	\$39.23
Conferences, Meetings, Telephone, & Telecopier	\$41.48
Expert	\$25,000.00
In-House Copying	\$145.72
Travel - Airfare, Lodging, Meals, Taxi	\$1,353.74
TOTAL	\$26,580.17

13. The above schedule was prepared based upon expense records reflected in the Berman Tabacco'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 August 9, 2022.



Todd A. Seaver