

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MARIA de LOURDES PARRA MARIN, on  
behalf of herself and all other persons similarly  
situated,

Plaintiff,

15 Civ. 3608 (AKH)

- against -

DAVE & BUSTER'S, INC., and  
DAVE & BUSTER'S ENTERTAINMENT,  
INC.,

Defendants.

**JOINT DECLARATION OF CLASS COUNSEL IN  
SUPPORT OF PLAINTIFF'S MOTION FOR AN AWARD OF  
ATTORNEYS' FEES, REIMBURSEMENT OF EXPENSES,  
AND AN INCENTIVE AWARD FOR THE NAMED PLAINTIFF**

We, Karin E. Fisch, Bradford D. Conover and William D. Frumkin each declare as follows:

1. We are partners at the law firms of Abbey Spanier, LLP, Conover Law Offices, and Frumkin & Hunter LLP, respectively.
2. This declaration is submitted in support of Plaintiff's application for (a) an incentive award of \$35,000 to the Named Plaintiff for her efforts on behalf of the Class in the prosecution and settlement of this action; (b) attorneys' fees of \$2,227,500, or 30% of the Settlement Amount of \$7.425 million (the "Settlement Fund"); and (c) reimbursement of litigation fees and expenses in the amount of \$91,461.24
3. We all have been involved in all aspects of the litigation of this Action and the negotiation of the Settlement, and have worked together effectively and efficiently to achieve the result presented. Each of us is fully familiar with the facts set forth herein.

**I. INTRODUCTION AND OVERVIEW**

**A. Plaintiff's Claims**

4. Plaintiff filed her Complaint on May 15, 2015 alleging violations of ERISA § 510. From August 2006 through May 2013, Plaintiff had been a full-time employee in the kitchen staff at Defendant Dave & Buster's restaurant in New York. For seven years, she worked approximately 40 hours a week at approximately \$15 an hour, for a weekly pay amount in the range of \$450 to \$600. As a full-time employee, Ms. Marin, like other Dave & Buster's full-time employees, was a participant in, and received medical and dental health insurance coverage under, the Dave & Buster's Plan.

5. After the enactment of the Affordable Care Act, at a June 2013 meeting attended by Ms. Marin and other employees, the Times Square Store General Manager announced that, to avoid an anticipated increase in health care costs, Dave & Buster's planned to reduce the number of its full-time employees. Soon thereafter, beginning in or about June 2013, Dave & Buster's reduced Ms. Marin's hours to less than 30 hours per week. In August 2013, Ms. Marin's supervisors reduced her hours further to less than 20 hours each week. As a result, Ms. Marin's weekly pay, from August 2013 through 2016, dropped precipitously compared to her full-time pay prior to June 2013.

6. Dave & Buster's subsequently notified Ms. Marin that she no longer qualified for coverage under Dave & Buster's Plan because Dave & Buster's required its workers "to average at least 28 hours per week to be classified as a full-time employee and to be eligible for full-time medical and vision benefit plans." The Senior Vice President, General Counsel and Secretary for Dave & Buster's explained in a letter that Ms. Marin's reduction in hours was part of a nationwide "program in 2013 intended to right-size the

number of full-time and part-time employees in [its] stores.”

7. Plaintiff alleged that what happened to her also happened to other full-time, hourly employees across the nation as a result of the January 2013 “Position to Win” Program (“PTW Program”) aimed at reducing the hours of full-time Dave & Buster’s employees for the express purpose of saving on health care benefit costs. Plaintiff alleged that the primary purpose of the PTW Program was to deprive her, and many other employees, of full-time healthcare benefits in violation of ERISA § 510.

**B. Discovery and The Pursuit Of Plaintiff’s Claims**

8. The Settlement was reached only after Plaintiff and her counsel had aggressively litigated this case by: (a) researching complex legal issues and responding to a motion to dismiss that raised many challenging issues of law regarding both ERISA and class certification; (b) engaging in extensive background research and discovery from Dave & Buster’s, including the careful review of over 75,000 pages of documents in preparation for depositions and the eventual motion for class certification; (b) working with experts and consultants on issues relating to class certification, liability, and damages; and (c) engaging in protracted, contentious, and complex settlement negotiations both with and without the assistance of a mediator.

9. Plaintiff’s counsel undertook an exhaustive and comprehensive investigation of the facts and law giving rise to the claims alleged prior to filing suit. This investigation included, among other things, meetings with the Named Plaintiff and review of her factual documentation, as well as legal research and discussions regarding the viability of an ERISA § 510 claim under the circumstances presented.

10. On July 31, 2015, Defendants filed a motion to dismiss all of Plaintiff’s

claims. The motion was fully briefed and, at oral argument on January 6, 2016, the Court requested supplemental briefing specifically addressing Plaintiff's right to recover lost wages in an action brought under ERISA § 510. After the parties filed supplemental briefing, the Court issued a decision on February 9, 2016, finding that Plaintiff had sufficiently stated "a plausible and legally sufficient claim for relief, including, at this stage, Plaintiff's claims for lost wages and salary incidental to the reinstatement of benefits." *Marin v. Dave & Buster's, Inc.*, 159 F. Supp. 3d 460, 462-63 (S.D.N.Y. 2016). Following the denial of the motion to dismiss, Defendants answered the Complaint on or about March 24, 2016. In the Answer, Defendants disputed Plaintiff's contentions, and expressly denied Plaintiff's allegations.

11. Pursuant to a discovery schedule set by the Court, on July 28, 2016, Plaintiff produced documents responsive to Defendants' discovery requests. Defendants initially produced five separate tranches of documents, the last produced on November 18, 2016. After the production of over 75,000 pages of documents by Defendants, the parties requested an extension of the discovery deadlines to permit mediation. At that time, the parties exchanged detailed positions regarding the size and composition of the proposed Class in light of the documents that were produced by Defendants and reviewed by Plaintiff's counsel.

12. At all stages, the efforts of Plaintiff's counsel were challenged by Dave & Buster's counsel from Paul, Weiss, Rifkind, Wharton and Garrison LLP. While Plaintiff's counsel believed the case to be strong, Dave & Buster's, through its counsel, consistently challenged Plaintiff on every imaginable issue including liability, standing, the ability to certify a class, and the availability and amount of damages.

13. This case was fraught with significant risk as a result of these defenses and the risk remained ever-present that the Court would not certify a class, or would rule against Plaintiff on summary judgment or after trial, finding either that the Class had not proven liability or could not establish the availability of or right to monetary damages.

14. In deciding to mediate at the time that they did, Plaintiff's counsel were aware of the strengths of the case as borne out in discovery, but were also well aware of the significant risks facing the proposed Class. Absent the Settlement, each of these risks easily could have resulted in no recovery at all for the Class, substantially reduced recovery, or very significant delays in achieving the same, a lesser or no recovery.

15. Plaintiff's counsel, based on our experience in ERISA actions and in class actions generally, believe that Injunctive Relief agreed to and the \$7.425 million recovery obtained in this case is a fair and adequate result under the unique circumstances presented by this case.

### **C. Mediation Sessions and Settlement**

16. On March 20 and March 21, 2017, the parties and their counsel participated in two full days of mediation in New York City with a private mediator in an effort to resolve the litigation. The parties were unable to reach a settlement at that time.

17. Following the unsuccessful mediation, Plaintiff's counsel continued their review of the documents produced, and counsel for the parties worked to schedule depositions to be held in July and August 2017 in Dallas, Texas. Prior to commencing those depositions, the parties jointly decided to schedule one additional day of mediation. At this third day of mediation on June 30, 2017, the parties reached their first agreement in principle to settle the action as to the putative Class.

18. Once the parties agreed upon principal terms, additional negotiations ensued regarding the details of the first proposed settlement for several months. Those negotiations encompassed many issues including the composition of the Settlement Class, the plan of allocation of the Settlement Fund, and the form of the Settlement Notice. On November 17, 2017, the parties entered into a stipulation that detailed the terms of their first proposed settlement.

19. At the preliminary approval hearing held on November 30, 2017, the Court expressed several concerns regarding the terms of the first proposed settlement and denied Plaintiff's motion for preliminary approval, in an Order dated December 1, 2017. The parties engaged in further negotiations regarding certain aspects of the Settlement and further discussions regarding the range of potential losses to Class Members. With the assistance of the Court, the parties were able to agree on the Settlement Agreement currently presented.

20. Through the course of this litigation process and during the mediation sessions, Plaintiff and Dave & Buster's became aware of the strengths and weaknesses of their respective positions, enabling the parties to finally reach a settlement.

21. The parties scrutinized the strengths and weaknesses of the pending claims, including consideration of, among other issues, class certification, liability, causation, and damages. The parties engaged in intensive bargaining over the merits of Plaintiff's claims, and the merits of Dave & Buster's defenses.

22. The Proposed Settlement provides for the Injunctive Relief described in Plaintiff's memorandum of law in support of the Settlement and the payment of \$7.425 million dollars in cash to the Class, preliminarily certified by the Court, in exchange for

dismissal of the litigation with prejudice and certain releases from Class as fully set forth in the Settlement Agreement. This is a fair, adequate and reasonable result for the members of the proposed Class, assuring them a significant benefit while also avoiding the uncertainties and extended delays of continued litigation in this complex class action case which raised novel issues under ERISA.

**D. Incentive Award**

23. Plaintiff seeks approval of a \$35,000 incentive award to Maria de Lourdes Parra Marin, the Named Plaintiff. Ms. Marin took on many risks and tasks when she agreed to act as a representative of the proposed Class and commenced this litigation. She worked with Plaintiff's counsel at every step of the process and expended considerable amounts of time conferring with counsel in the months leading up to the filing of the Complaint and throughout the settlement process. Ms. Marin came forward to initiate the Litigation, shared detailed facts regarding her employment experience, remained in frequent contact with counsel, expressed her views regarding Defendants' offers of settlement, and was prepared to do everything necessary to pursue her claims, including responding to discovery requests, reviewing pleadings, assisting with discovery, and sitting for a deposition. Ms. Marin took on this responsibility while she remained an employee of Dave & Buster's, subjecting her to significant employment and personal risk.

**E. Plaintiff's Counsel's Time and Expenses**

24. Effectuation of the Settlement was accomplished only after Plaintiff's counsel expended enormous time, effort, and investment of resources – all with no guarantee of any recovery at all. In total, the three firms representing Plaintiff and the class spent a total of 2,389.70 hours prosecuting this case, representing a total lodestar of

\$1,437,787.50. Additionally, Plaintiff's Counsel incurred \$91,461.24 in unreimbursed out-of-pocket expenses.

25. As further described below, this time and these expenses were non-duplicative and directly related to the prosecution of this case and for the benefit of the Class. This time was expended and expenses advanced despite the significant risk that the Class might see no recovery.

26. For these reasons, as discussed in more detail in the accompanying memorandum, Class Counsel respectfully request that the Court approve Class Counsel's application for attorneys' fees in the amount of \$2,227,500, or 30% of the Settlement Fund, and reimbursement of Class Counsel's expenses.

## **II. Preliminary Approval of the Settlement and Notice to the Class**

27. On December 17, 2018, the Court entered an Order Preliminarily Approving the Class Action Settlement (Dkt. No. 72) (the "Preliminary Approval Order"). The Preliminary Approval Order certified the Settlement Class for settlement purposes only; approved the Settlement; set a final fairness hearing date for May 9, 2019 and approved the form of Notice to be disseminated to members of the Class.

28. The Settlement Class as certified consists of two subclasses:

**"Lost Hours and Benefits Sub-Class"** means all persons currently or formerly employed by Dave & Buster's as hourly wage, full-time employees who were enrolled in full-time healthcare insurance benefits under the Dave & Buster's Plan at any point from February 1, 2013 through the Preliminary Approval Date, excluding employees in Hawaii, and whose full-time hours were reduced to part-time by Dave & Buster's at any time between May 8, 2013 and the Preliminary Approval Date, which reductions resulted in the loss of wages and the loss of full-time healthcare insurance benefits under the Dave & Buster's Plan, except that employees who were promoted to management or a position at headquarters at any point during the Class Period are excluded from this sub-class; and



**“Lost Hours and Eligibility Sub-Class”** means all persons currently or formerly employed by Dave & Buster’s as hourly wage, full-time employees at any point from February 1, 2013 through the Preliminary Approval Date, excluding employees in Hawaii, and whose full-time hours were reduced to part-time by Dave & Buster’s at any time between May 8, 2013 and the Preliminary Approval Date, which reductions resulted in the loss of wages and the loss of eligibility for full-time healthcare insurance benefits under the Dave & Buster’s Plan, except that employees who were promoted to management or a position at headquarters at any point during the Class Period are excluded from this sub-class.

29. In accordance with the Preliminary Approval Order, beginning on January 4, 2019, notices were sent to approximately 2105 members of the Class. *See* Declaration of Sarah Evans Concerning (I) the Mailing of Notice of Proposed Settlement of Class Action Lawsuit; (II) the Requests for Exclusion Submitted; and (III) the Objections Received. Exhibit A hereto. The Notice provided a description of the Class, the procedural status of the litigation, a description of the Plan of Allocation, and advised Class members of their rights under Rule 23, including the right to opt out of the Class, object to the Settlement, and be heard as to the reasonableness and fairness of the Settlement.

30. The Notices also set forth the significant terms of the Settlement, including the Injunctive Relief and the total amount of money Defendants have agreed to pay to the Class.

31. Finally and important to this motion, the Notice outlined the court approval process for the proposed Settlement, the proposed incentive award for the Named Plaintiff, and Class Counsel’s request for attorneys’ fees and reimbursement of expenses. Specifically, the Notice informed Class members that Plaintiff’s counsel would apply to the Court for an award of attorneys’ fees and expenses from the Settlement Fund, in a combined amount not to exceed 33% thereof.

32. The Notice provided that objections to any aspect of the Settlement or the

application for attorneys' fees and reimbursement of expenses were to be filed by March 27, 2019. To date, no member of the Class has filed an objection to the Settlement or to the request for fees and expenses.

### **III. The Contributions of Counsel**

33. As Plaintiff's counsel, our firms have been involved in every aspect of this litigation. We have worked together where necessary, but also endeavored to ensure that work was not duplicated. Given the diversity of our firms, we were able to divide the work to be done in a manner that took advantage of the strengths of each firm.

34. The specific work performed by each firm is highlighted in the individual declarations attached as Exhibits B - D. Each firm had sufficient resources to devote to the prosecution of this case and all did so at great risk.

### **IV. Plaintiff's Counsel's Lodestar and Expenses**

35. Plaintiff's counsel expended an aggregate of 2,389.7 hours prosecuting this complex, contingent litigation, resulting in a lodestar of approximately \$1.438 million. As detailed above, and in the accompanying memorandum of law, this time was necessary to effectively develop, and prosecute this case. Furthermore, these figures do not include the additional amount of time that will be expended in administering the Settlement and overseeing the plan of allocation of the net Settlement Fund to members of the Class, or the time spent preparing this request for an award of fees and reimbursement of expenses.

36. Plaintiff's counsel also collectively incurred out-of-pocket expenses in the amount of \$91,461.24. The major expenses incurred fell into the following categories: (a) the effective coordination and management of discovery, including maintaining a database that permitted counsel to identify documents and deponents critical to developing the case

(XACT Data Discovery); (b) expert and consultant fees (Hemming Morse and Mulholland & Co.); and (c) mediator fees to JAMS. Each of these types of expenses was necessary and directly connected to Class Counsel's effort to prosecute this case. Copies of invoices from the four vendors that account for the bulk of these expenses are attached as Exhibit E.

37. The Settlement Administrator has incurred fees and costs to date totaling \$40,950.04. Future administrative fees and expenses through and including the initial distribution are estimated at \$50,000. Evans Decl. ¶12.

38. The following chart summarizes the aggregate time and expenses of all Plaintiff's counsel at current rates. Each law firm has detailed their time and expenses in its individual firm declaration and submitted full time reports:

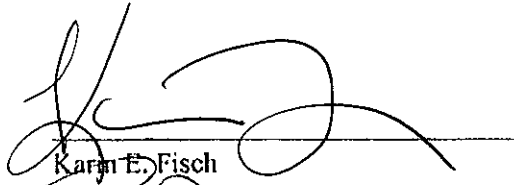
<b>Firm</b>	<b>Hours</b>	<b>Lodestar</b>	<b>Expenses</b>
Abbey Spanier, LLP	628.0	\$467,887.50	\$39,144.79
Conover Law Offices	984.60	\$518,099.00	\$28,261.94
Frumkin & Hunter LLP	777.10	\$451,801.00	\$24,054.51
<b>TOTALS</b>	<b>2,389.70</b>	<b>1,437,787.50</b>	<b>\$91,461.24</b>

39. Based upon the lodestar set forth above, the requested \$2,227,500 (or 30% of the \$7,425,000 Settlement Fund) results in a multiplier of approximately 1.55 to the total lodestar.

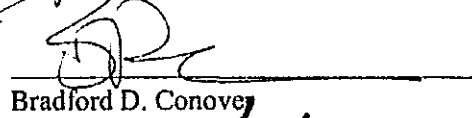
40. For the reasons explained in detail in the accompanying memorandum of law, Plaintiff's counsel respectfully submits that the Settlement is fair, reasonable, and adequate and should be approved; the Settlement Class should be certified; and the application for an award of attorneys' fees, reimbursement of expenses, and an incentive award for the Named Plaintiff is also fair and reasonable, and should be granted.

The foregoing is declared true and correct under the penalty of perjury under the laws of the United States.

Dated: April 25, 2019



Karen E. Fisch



Bradford D. Conover



William D. Frumkin

JOINT DECLARATION  
EXHIBIT A  
(EVANS DECLARATION)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MARIA de LOURDES PARRA MARIN, on  
behalf of herself and all other persons similarly  
situated,

Plaintiff,

- against -

DAVE & BUSTER'S, INC., and  
DAVE & BUSTER'S ENTERTAINMENT,  
INC.,

Defendants.

15 Civ. 3608 (AKH)

**DECLARATION OF SARAH EVANS CONCERNING (I) THE  
MAILING OF NOTICE OF PROPOSED SETTLEMENT OF CLASS ACTION  
LAWSUIT; (II) THE REQUESTS FOR EXCLUSION SUBMITTED; AND (III) THE  
OBJECTIONS RECEIVED**

I, SARAH EVANS, being duly sworn, depose and say:

1. I submit this declaration in order to provide the Court and the parties to the above-captioned litigation with information regarding the mailing of the Notice of Proposed Settlement of Class Action Lawsuit ("Notice"), the requests for exclusion received, and the objections submitted. I am over 21 years of age and am not a party to this action. I have personal knowledge of the facts set forth herein.

2. I am a Project Manager of Strategic Claims Services ("SCS"), a nationally recognized class action administration firm. I have over five years of experience specializing in administration of class action cases. SCS was established in April 1999 and has administered over three-hundred seventy-five (375) class action cases since its inception.

3. SCS was retained to provide notification and administrative services in the above-captioned litigation. Our services include printing and mailing of Notices to Class Members as

provided to us by Defendants; organizing the translation of the Notice into Spanish; setting-up and maintaining a database listing the names and addresses of Class Members; tracking return undeliverable Notices; re-mailing Notices that are returned with a forwarding addresses from the United States Postal Service; performing a skip-trace through Experian for Notices returned undeliverable and re-mailing Notices if a new address is obtained; establishing and maintaining the webpage, [www.strategicclaims.net/db/](http://www.strategicclaims.net/db/); tracking exclusion requests; answering phone calls from Class Members; and handling all correspondence related to the above procedures.

4. On December 17, 2018, SCS mailed notice of the class action settlement, pursuant to the Class Action Fairness Act of 2005, 28 U.S.C. § 1715 (“CAFA”), to the appropriate federal and state officials, by certified return receipt through the United States Postal Service. The mailing consisted of: (i) a letter regarding the proposed settlement drafted by SCS and approved by Class Counsel and Defendants’ Counsel describing the mailing (the “CAFA Letter”), and (ii) a CD-ROM containing copies of the Complaint, filed May 8, 2015, and the Settlement Stipulation (including proposed forms of notice, judgment, and claim), dated November 8, 2018. A copy of the CAFA Letter is attached as **Exhibit A**.

5. On December 17, 2018, SCS received the class list from Defense Counsel. The class list contained Employee ID, name, address, social security number, phone number, email address (if any), first pay record, last pay record, total pay records, “reduction of hours” for wages, and “loss of insurance” costs for 2,105 Class Members.

6. SCS mailed, by first class mail, the Notice approved by the Court to the 2,105 individuals reflected on the class list who are or were full-time employees of Dave & Buster’s on or after February 1, 2013, and had their hours reduced to part-time at any time between May 8, 2013, and December 7, 2018, both dates inclusive. Prior to the mailing, SCS organized the

translation of the Notice into Spanish. Notices were provided in both English and Spanish to the 2,105 Class Members. The 2,105 Notices were mailed on January 4, 2019, as required by the Court's Findings and Order Preliminarily Approving Class Action Settlement, Conditional Class Certification Approval Of Notice Plan, And Setting A Date And Time For The Final Approval Hearing, dated December 7, 2018 (the "Court's December 7, 2018 Order"). See a copy of the mailed Notice attached as **Exhibit B**.

7. SCS established the webpage, [www.strategicclaims.net/db/](http://www.strategicclaims.net/db/), on January 4, 2019. The webpage contains a brief description of the class, status of the case, important dates, and links to documents: Notice (English version); Notice (Spanish version); and the Settlement Stipulation.

8. To date, SCS has received a total of 503 Notices that were returned to us as undeliverable. Of these, 46 were re-mailed using forwarding addresses provided to us by the United States Postal Service. The remaining 457 were skip traced using Experian (nationally recognized skip tracing firm) to obtain updated addresses, and if an updated address was obtained, another Notice was mailed out to the Class Member. For the 457 Notices returned without forwarding information, SCS has performed three skip traces to date to obtain updated addresses: once on January 25, 2019, for the 371 Notices returned without forwarding addresses as of that date; once on February 13, 2019, for the 58 Notices returned after January 25, 2019; and once on March 5, 2019, for the 28 Notices returned after February 13, 2019. To date, 56 of the Notices mailed to the updated addresses obtained via skip tracing have been returned as undeliverable.



9. The notice procedures described in paragraphs three (3) through eight (8) above are consistent with the notice procedures in other class action cases with which I have been involved over the past five years.


10. To date, SCS has received two exclusion requests. **Exhibit C** is a copy of the requests for exclusion. The deadline to request exclusion was March 25, 2019.

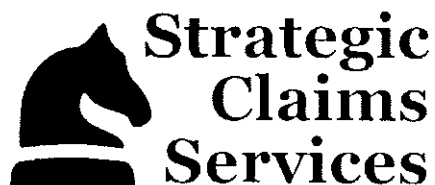
11. To date, SCS has received no objection to the settlement. The deadline to object was March 25, 2019.

12. To date, SCS has incurred fees and expenses totaling \$40,950.04. See **Exhibit D** for the summary of SCS fees and expenses incurred from inception through April 25, 2019. Future administrative fees and expenses through and including the initial distribution are estimated at \$50,000.

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

Signed this 25<sup>th</sup> day of April 2019, in Media, Pennsylvania.

  
Sarah Evans



**EXHIBIT A**

Phone 866.274.4004

610.565.9202

Fax 610.565.7985

strategicclaims.net

**By U.S. Mail**

December 17, 2018

The Honorable Matthew Whitaker  
Attorney General of the United States  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

Re: Notice Under the Class Action Fairness Act Concerning Settlement of Litigation: *Marin v. Dave & Buster's, Inc.*,  
United State District Court for the Southern District of New York No. 15 Civ. 3608 (AKH)

Dear Sir or Madam:

I am writing to you as the Settlement Administrator, acting on behalf of Dave & Buster's, Inc. and Dave & Buster's Entertainment, Inc. (the "Defendants") to notify you of the proposed settlement in the above-referenced matter pursuant to the procedures specified in the Class Action Fairness Act of 2005, 28 U.S.C. § 1715(b). Defendants are represented by Paul, Weiss, Rifkind, Wharton & Garrison LLP.

I am providing you with a CD containing certain documents and information in ".pdf" format as required by the Class Action Fairness Act. These include the following enclosures:

1. the Complaint, filed May 8, 2015; and
2. the Settlement Stipulation (including proposed forms of notice, judgment, and claim), dated November 8, 2018

At this time, the Defendants are in the process of gathering information on this issue but do not yet know and cannot feasibly determine the names of the class members residing in each state, and therefore cannot feasibly estimate the proportionate share of the claims of such members to the entire settlement pursuant to 28 U.S.C. § 1715(b)(7)(A) and (B). Class Members mean individuals falling within the two sub-classes of the Settlement Class described below.

Plaintiffs have asked the Court to certify a "Lost Hours and Benefits Sub-Class" – all persons currently or formerly employed by Dave & Buster's as hourly wage, full-time employees, excluding employees in Hawaii, who were enrolled in full-time healthcare insurance benefits under the Dave & Buster's Plan at any point from February 1, 2013 through the December 7, 2018, and whose full-time hours were reduced to part-time by Dave & Buster's at any time between May 8, 2013 and December 7, 2018, which reductions resulted in the loss of wages and the loss of full-time healthcare insurance benefits under the Dave & Buster's Plan, except that employees who were promoted to management or a position at headquarters at any point during the Class Period are excluded from this sub-class. There are approximately 267 individuals in the "Lost Hours and Benefits Sub-Class".

Plaintiffs have also asked the Court to certify a "Lost Hours and Eligibility Sub-Class" – all persons currently or formerly employed by Dave & Buster's as hourly wage, full-time employees, excluding employees in Hawaii, at any point from February 1, 2013 through the Preliminary Approval Date, and whose full-time hours were reduced to part-time by Dave & Buster's at any time between May 8, 2013 and the Preliminary Approval Date, which reductions resulted in the loss of wages and the loss of eligibility for full-time healthcare insurance benefits under the Dave & Buster's Plan, except that

employees who were promoted to management or a position at headquarters at any point during the Class Period are excluded from this sub-class. There are approximately 1,838 individuals in the "Lost Hours and Eligibility Sub-Class".

Should you have any questions regarding this notice or any of the enclosed information, please feel free to contact counsel for Defendants directly: Jack Baughman, Esq. and Maria H. Keane, Esq. of Paul, Weiss, Rifkind, Wharton & Garrison LLP, 1285 Avenue of the Americas, New York, New York, 10019 can be reached by email at [jbaughman@paulweiss.com](mailto:jbaughman@paulweiss.com) or [mkeane@paulweiss.com](mailto:mkeane@paulweiss.com) or by phone at (212) 373-3021 or (212) 373-3202.

Sincerely,

A handwritten signature in cursive script that reads "Paul Mulholland". The signature is written in black ink and is positioned above the printed name.

Paul Mulholland

Enclosure

EXHIBIT B

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

**NOTICE OF PROPOSED SETTLEMENT OF CLASS ACTION LAWSUIT**

*Marin, et al. v. Dave & Buster's, Inc., et al.*, No. 15 Civ. 3608 (AKH)

Class Member Identification Number: \_\_\_\_\_

If You Were A Full-Time Employee of Dave & Buster's  
On Or After February 1, 2013 And Had Your Hours Reduced  
To Part-Time At Any Time On Or After May 8, 2013  
You May Receive A Payment From A Class Action Settlement

*A Federal Court preliminarily approved this Settlement and authorized this notice. It is not a solicitation from a lawyer. You are not being sued.*

- The Settlement will provide a total of \$7,425,000 to pay claims to current and former employees of Dave & Buster's, Inc. ("Dave & Buster's") and to pay attorneys' fees and costs to counsel for the Class in this lawsuit.
- The Settlement also will prohibit Dave & Buster's from discharging, fining, suspending, expelling, disciplining, or discriminating against any employee, or reducing any employee's hours or denying an employee increased hours, for the purpose of denying that employee coverage, or eligibility for coverage, under the Dave & Buster's Health Insurance Plan, as more fully described below.
- The Court has not decided who is right and who is wrong. This Settlement was entered into voluntarily between the Parties and their attorneys without any findings of liability.
- This Notice explains how you may participate in the Settlement.
- You can, if you wish, opt out of the Settlement, but if you do so and you still wish to pursue claims against Dave & Buster's, you will have to commence a new action and represent yourself in that case or obtain new lawyers to represent you. You can also object to the Settlement (but if you object, you cannot opt out). **Your legal rights are affected whether you act or don't act. Read this Notice carefully.**
- If you do not opt out of the Settlement, you will be mailed a Settlement Check upon Final Approval of this Settlement by the Court.

Any questions? Read on. You can also visit [www.strategicclaims.net](http://www.strategicclaims.net).

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:</b>	
<b>DO NOTHING NOW AND DEPOSIT OR CASH THE CHECK THAT YOU WILL RECEIVE IN THE MAIL IF THE SETTLEMENT IS APPROVED BY THE COURT</b>	This is a way to get payment.
<b>EXCLUDE YOURSELF BY MARCH 25, 2019</b>	Get no payment. This is the only option that allows you to ever be part of any other lawsuit against the Defendants about the legal claims in this case.
<b>OBJECT BY MARCH 25, 2019</b>	Write and tell the Court about why you don't like the Settlement. You may object <b>and</b> receive payment.
<b>GO TO A HEARING ON MAY 9, 2019</b>	Ask to speak in Court on May 9, 2019 at 2:30 p.m. about the fairness of the Settlement.

### BASIC INFORMATION

#### 1. Why did I get this Notice?

Dave & Buster's records show that you worked full-time for Dave & Buster's on or after February 1, 2013 and that your hours were reduced to part-time at some point on or after May 8, 2013.

The Court directed that this Notice be sent to you because you have a right to know about a proposed settlement of a class action lawsuit and about your options before the Court decides whether to approve the Settlement. If the Court approves it, and after any objections and appeals are resolved, an administrator appointed by the Court will make the payments that the Settlement allows. You can stay informed about the progress of the Settlement by going to [www.strategicclaims.net](http://www.strategicclaims.net)

This Notice explains the lawsuit, the Settlement, your legal rights, what benefits are available, who is eligible for them, and how to get them.

The Court in charge of the case is the United States District Court for the Southern District of New York, and the case is known as *Maria de Lourdes Parra Marin, on behalf of herself and all other persons similarly situated v. Dave & Buster's, Inc., and Dave & Buster's Entertainment, Inc.*, No. 15 CV 3608 (S.D.N.Y.).

#### 2. What is a class action and who is involved?

In a class action lawsuit, one or more persons called "Plaintiffs" or "Class Representatives" sue on behalf of other people who may have similar claims. All these people are a "Class" or "Class Members." The Class Representative who sued – and all of the Class Members like them – are called the Plaintiffs. The companies they sued (in this case Dave & Buster's and Dave & Buster's Entertainment, Inc.) are called the Defendants. One court resolves the issues for everyone in the Class – except for those people who choose to exclude themselves from the Class. Judge Alvin K. Hellerstein will supervise the process of approving the Settlement of this class action.

**3. What is the lawsuit about?**

The Plaintiff in this case alleges that Defendants, as part of the Position to Win Program, reduced the hours of certain Dave & Buster's employees from full-time to part-time in order to avoid having to offer and pay for employee health benefits. Plaintiff alleged that cutting those hours for the purpose of depriving employees of benefits was a violation of federal law. Plaintiff sought reinstatement of hours and benefits, and lost wages and benefits incidental to the reinstatement of hours and benefits. Dave & Buster's denies that it violated any law and maintains that it has consistently acted in accordance with all governing laws at all times. Dave & Buster's agreed to settle the lawsuit to avoid continued litigation, but specifically denies any wrongdoing or liability. The Parties' claims are more fully described in the Complaint and in other documents on file with the Court.

**4. Who is in the Class?**

The Class consists of certain employees of Dave & Buster's who were full-time on or after February 1, 2013 and who had their hours reduced to part-time at any time on or after May 8, 2013. Employees in Hawaii are not part of the Class. If you choose to exclude yourself from the Class, you will not be in the Class.

**5. Why is there a Settlement?**

The Court did not decide in favor of the Plaintiff or Defendants. Instead, both sides agreed to a Settlement. That way, they avoid the cost of a trial, and the people affected will get compensation. The Class Representative and the Class' lawyers think the Settlement is best for all Class Members.

**THE SETTLEMENT BENEFITS****6. What does the Settlement provide?**

Pursuant to the Settlement Stipulation, Dave & Buster's has agreed to pay up to \$7,425,000 to settle the class claims in this case. In addition to the Settlement Payments to the Class Members, the money in the qualified settlement fund will be used to pay for fees and costs of Class Counsel, any Incentive Award to the Class Representative, the costs of notice and administration of the Settlement, and payroll taxes.

The Settlement also will provide Injunctive Relief in the form of an agreement by Dave & Buster's to prohibit management, as part of its Position to Win program or otherwise, from discharging, fining, suspending, expelling, disciplining, or discriminating against any employee, or reducing any employee's hours or denying an employee increased hours, for the purpose of denying that employee coverage, or eligibility for coverage, under the Dave & Buster's Health Insurance Plan or interfering with the attainment of any right to which such employee may become entitled under the Dave & Buster's Health Insurance Plan.

Dave & Buster's cannot retaliate against you for participating in this Class Action.



**7. What will a Class Member receive from the Settlement?**

You will be paid a proportionate share of the Class Settlement Amount, as determined by the Settlement Administrator in accordance with a Court-approved formula, and based on a number of factors, including: your average weekly hours worked both before and after your change from full-time to part-time status; your rate of pay; the length of time you worked for Dave & Buster's after your change in status; and your enrollment in and/or eligibility for health insurance offered by Dave & Buster's to full-time employees.

**8. How can I get a payment?**

You will receive a Settlement Check in the mail after the Court gives its final approval of the Settlement, as long as you do not return a written request to exclude yourself from the Settlement, as discussed below.

You will receive IRS Forms W-2 and/or 1099-MISC with the Settlement Check. Each Class Member's tax obligation, including the determination thereof, is the Class Member's responsibility. Neither Plaintiff, Dave & Buster's, their counsel, nor the Settlement Administrator is providing tax advice to Class Members.

**9. When would I get my payment?**

The Court will hold a hearing on May 9, 2019, at 2:30 p.m. to decide whether to approve the Settlement. If the Court approves the Settlement, there may be appeals after such approval, which could delay payments. Resolving appeals can take time. Please be patient. You can stay informed about the progress of the Settlement by going to [www.strategicclaims.net](http://www.strategicclaims.net). **Keep the Settlement Administrator informed of any changes in your name and address during this time.**

**10. What am I giving up to get a payment or stay in the Class?**

If you stay in the Class, that means that you can't sue, continue to sue, or be part of any other lawsuit against Defendants about the legal issues in this case. It also means that the Court's orders will apply to you and legally bind you. If you do not exclude yourself from the Settlement, you are agreeing to a "release of claims" as described in the Settlement Stipulation. If you believe you have other claims against Dave & Buster's which you wish to preserve, you should consult with an attorney.

**EXCLUDING YOURSELF FROM THE SETTLEMENT**

If you don't want a payment from this Settlement, and you want to keep the right to sue or continue to sue the Defendants on your own about the issues in this case, then you must do something to get out of this case. This is called "excluding yourself from" or "opting out" of the Settlement.

**11. How do I get out of the Settlement?**

**If you wish to exclude yourself from the Settlement, you must submit a written request. To do so, you must send a written, signed statement to the Settlement Administrator stating "I opt out of the Marin, et al. v. Dave & Buster's, Inc., et al. Class Action" or words to that effect that clearly express your desire to exclude yourself from this Settlement and litigation. Be sure to include your name, address, telephone number, and the last four digits of your social security number, as well as the**

**Class Member Identification Number listed on the first page of this Notice.** The letter must be signed by you.

To be effective, the Request for Exclusion must be mailed, emailed, or faxed to the Settlement Administrator on or before March 25, 2019. It must be sent to the Settlement Administrator at the mailing address, email address, or fax number listed below.

If you submit your request for exclusion by mail, the letter must be mailed to D&B Settlement Administrator, c/o Strategic Claims Services, 600 N. Jackson Street, Suite 205, Media, PA 19063-2561.

If you submit your request for exclusion by email, your request must be sent to [info@strategicclaims.net](mailto:info@strategicclaims.net).

If you submit your request for exclusion by fax, your request must be sent to 1-610-565-7985.

**12. If I exclude myself, can I get money from the Settlement?**

If you exclude yourself from the Class – which is also sometimes called “opting-out” of the Class – you will not get any money from the Settlement. If you exclude yourself, you will not be legally bound by the Court’s orders or judgments in this lawsuit.

**13. If I don’t exclude myself, can I sue Defendants for the same thing later?**

No. Unless you exclude yourself, you give up the right to sue the Defendants for the claims that this Settlement resolves. If you have a pending lawsuit against the Defendants involving any claim whatsoever, even if it is unrelated to wages or benefits, speak to your lawyer in that lawsuit right away. The exclusion deadline is explained above in Section 11.

**THE LAWYERS REPRESENTING YOU**

**14. Do I have a lawyer in this case?**

Yes. The Court has appointed the following law firms as Class Counsel: Abbey Spanier, LLP, 212 East 39th Street, New York, New York 10016; Conover Law Offices, 345 Seventh Avenue, 21<sup>st</sup> Floor, New York, New York 10001; and Frumkin & Hunter LLP, 1025 Westchester Ave, Suite 309, White Plains, New York, 10604. Unless you choose to hire your own attorney, these attorneys will represent you as part of the Class. You have the right to hire your own attorney.

**15. How will Class Counsel be paid?**

Class Counsel will ask the Court for attorneys’ fees and expenses in an amount not exceeding 33% of the Class Settlement Amount. To date, Class Counsel has received no payment for fees and expenses advanced on behalf of the Class. Class Counsel will also ask for a payment of \$35,000 to the Class Representative for her efforts in this case. The Court may award less than the amounts requested by Class Counsel.

Class Counsel’s attorneys’ fees and lawsuit costs and any payments to the Class Representative will be paid out of the Class Settlement Amount.



## OBJECTING TO THE SETTLEMENT

You can tell the Court that you don't agree with the Settlement or some part of it.

### 16. How do I tell the Court that I don't like the Settlement?

If you are a Class Member, you can object to the Settlement if you don't like it. You can give reasons why you think the Court should not approve it. The Court will consider your views. To object, you must send a letter saying you object to "**Marin, et al. v. Dave & Buster's, Inc., et al.**" You must include your name, address, telephone number, the last four digits of your social security number, your Class Member Identification Number listed on page 1 of this Notice, the dates that you worked at Dave & Buster's, your signature, the detailed reasons you object to the Settlement, and whether you are represented by your own lawyer.

To be considered by the Court, a timely objection must be submitted by a Class Member who has not requested exclusion from the Class, and state the specific reason for each objection, including any legal support that the objector wishes to bring to the Court's attention, and copies of any documentary evidence. You must also state whether you will appear at the hearing on May 9, 2019, in person or not.

To be effective, your objection must be mailed, emailed, or faxed to the Settlement Administrator on or before March 25, 2019. It must be sent to the Settlement Administrator at the mailing address, email address, or fax number listed below.

If you submit your request to object by mail, the letter must be mailed to D&B Settlement Administrator, c/o Strategic Claims Services, 600 N. Jackson Street, Suite 205, Media, PA 19063-2561.

If you submit your request to object by email, your request must be sent to [info@strategicclaims.net](mailto:info@strategicclaims.net).

If you submit your request to object by fax, your request must be sent to 1-610-565-7985.

### 17. What is the difference between objecting and excluding?

Objecting is simply telling the Court that you don't like something about the Settlement. You can object only if you stay in the Class. Excluding yourself is telling the Court that you don't want to be part of the Class. If you exclude yourself, you cannot object because the case no longer affects you.

## THE COURT'S FAIRNESS HEARING

The Court will hold a hearing to decide whether to approve the Settlement. You may attend and you may ask to speak, but you don't have to attend or speak.

### 18. When and where will the Court decide whether to approve the Settlement?

The Court will hold a Fairness Hearing on May 9, 2019 at 2:30 p.m. at Courtroom 14D in the United States District Court for the Southern District of New York, 500 Pearl Street, New York, New York. At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them. Judge Hellerstein will listen to people who have asked to speak at the hearing. At or after the hearing, the Court will decide whether to approve the Settlement. The Court may also decide how much to pay Class Counsel. We do not know how long the decision will take. The Court may postpone and/or reschedule the hearing without giving you any further notice. Information

about any changes to the date of the hearing and the outcome of the hearing will be posted at [www.strategicclaims.net](http://www.strategicclaims.net) as it becomes available.

**19. Do I have to come to the hearing?**

No. Class Counsel will answer questions the Court may have. But, you are welcome to come to the hearing at your own expense. If you send an objection, you don't have to come to Court to talk about it. As long as you mail your written objection in on time, the Court will consider it. You may also pay your own lawyer to attend, but it is not necessary.

**20. May I speak at the Fairness Hearing?**

You may ask the Court for permission to speak at the Fairness Hearing. To do so, you must send a letter saying it is your "Notice of Intention to Appear in **Marin, et al. v. Dave & Buster's, Inc., et al.**" Be sure to include your name, address, telephone number, and signature. Your Notice of Intention to Appear must be postmarked no later than March 25, 2019 and be sent to the Settlement Administrator at the address listed in the answer to Question 16. Include on the envelope and your correspondence the following: "No. 15 CV 3608 (S.D.N.Y.)". You cannot speak at the hearing if you exclude yourself.

**21. What happens if the Court does not approve the Settlement?**

If the Settlement is not finally approved by the Court, the case will proceed forward to trial or other resolution by the Court as if there had been no Settlement.

### **GETTING MORE INFORMATION**

**22. How do I get more information?**

This Notice summarizes the proposed Settlement. More details are in a Settlement Stipulation. You can get a copy of the Settlement Stipulation by visiting the website, [www.strategicclaims.net](http://www.strategicclaims.net), where you will find the Settlement documents, a change of address form, and other information. If you need additional information, you should write to Class Counsel (at the addresses set out in the answer to question 14 above) or call 1-866-274-4004.

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**Please Do Not Call The Court or The Court Clerk.**

TRIBUNAL DE DISTRITO DE LOS ESTADOS UNIDOS  
DISTRITO SUR DE NUEVA YORK

**NOTIFICACIÓN SOBRE EL ACUERDO PROPUESTO EN RELACIÓN CON LA  
DEMANDA JUDICIAL COLECTIVA**

*Marin, et al. v. Dave & Buster's, Inc., et al.*, No. 15 Civ. 3608 (AKH)

Este es su Número de identificación como miembro del Grupo Demandante ("Clase"):

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Si Usted Fue Un Empleado de Tiempo Completo de Dave & Buster's A Partir E Inclusive del 1° de febrero de 2013 Y Le Redujeron Las Horas De Trabajo a Tiempo Parcial A Partir E Inclusive del 8 de mayo de 2013, Usted Podría Recibir Un Pago Proveniente Del Acuerdo Sobre La Demanda Colectiva

*Un Tribunal Federal ha aprobado dicho Acuerdo en forma preliminar y ha autorizado esta notificación. No es una oferta de representación por un abogado. Usted no está siendo demandado.*

- El acuerdo proporcionará un total de \$7,425,000 para pagar reclamaciones a empleados actuales y ex-empleados de Dave & Buster's, Inc. ("Dave & Buster's") y para cubrir los honorarios de abogados y los costos y gastos para los miembros de la Clase de esta demanda judicial.
- El Acuerdo también prohibirá a Dave & Buster's despedir, multar, suspender, expulsar, disciplinar o discriminar a los empleados, reducir las horas de trabajo de los empleados o negarse a aumentar las horas de trabajo de los empleados con el propósito de denegarles la cobertura o para impedirles que reúnan los requisitos para recibir la cobertura del Plan de Seguro de Salud de Dave & Buster's, tal como se describe más detalladamente a continuación.
- El Tribunal no ha decidido quién tiene razón y quién está equivocado. Este acuerdo se celebró voluntariamente entre las partes y sus abogados con un fallo sin responsabilidad.
- Esta notificación explica cómo usted puede participar en el Acuerdo.
- Si desea, usted puede excluirse del Acuerdo, pero si usted lo hace y aún desea entablar demandas de reclamo en contra de Dave & Buster's, usted deberá iniciar una nueva acción legal y representarse a sí mismo en dicho caso o contratar a nuevos abogados para que lo representen. Usted también puede objetar el Acuerdo (pero si usted lo objeta, usted ya no podrá desligarse del mismo). **Sus derechos legales serán afectados ya sea que usted tome acción o no. Lea esta notificación detenidamente.**
- Si no se excluye del Acuerdo, el Tribunal le enviará un cheque del acuerdo después de la aprobación final de este Acuerdo.

¿Tiene alguna pregunta? Continúe leyendo. También puede visitar el sitio web [www.strategicclaims.net](http://www.strategicclaims.net).

<b>SUS DERECHOS LEGALES Y OPCIONES EN ESTE ACUERDO:</b>	
<b>DEPOSITAR O COBRAR EL CHEQUE QUE RECIBIRÁ POR CORREO SI EL TRIBUNAL APRUEBA EL ACUERDO</b>	Ésta es una forma de obtener pago.
<b>PEDIR QUE SE LE EXCLUYA ANTES DE 25 DE MARZO DE 2019</b>	No recibirá ningún pago. Ésta es la única opción que le permitirá ser parte de cualquier otra demanda judicial contra los Demandados en cualquier momento en conexión con las reclamaciones legales de este caso.
<b>PRESENTAR UNA OBJECCIÓN ANTES DE 25 DE MARZO DE 2019</b>	Debe escribirle al Tribunal explicando por qué no le gusta el acuerdo. Podrá objetar y recibir pago.
<b>ASISTIR A UNA AUDIENCIA EL 9 DE MAYO DE 2019</b>	Solicite tomar la palabra ante el Tribunal el 9 de mayo de 2013 a las 2:30 p.m. para hablar sobre la equidad del acuerdo.

### INFORMACIÓN BÁSICA

#### 23. ¿Por qué se me ha enviado esta notificación?

Los registros de Dave & Buster's muestran que usted trabajó a tiempo completo para Dave & Buster's a partir e inclusive del 1º de febrero de 2013 y que se redujeron sus horas de trabajo a partir e inclusive del 8 de mayo de 2013.

El Tribunal ordenó que se le enviara esta Notificación porque usted tiene derecho a saber sobre un acuerdo propuesto en una demanda colectiva y sobre sus opciones antes de que el Tribunal decida si aprobar o no el acuerdo. Si el Tribunal lo aprueba, y luego de la resolución de cualesquier objeciones y apelaciones, un administrador designado por el Tribunal hará los pagos que el acuerdo permita. Usted puede permanecer informado sobre el progreso del acuerdo visitando el sitio web [www.strategicclaims.net](http://www.strategicclaims.net)

Este paquete explica la demanda, el acuerdo, sus derechos legales, qué beneficios están disponibles, quién tiene derecho a los mismos y cómo obtenerlos.

El Tribunal a cargo del caso es el Tribunal de Distrito de los Estados Unidos para el Distrito Sur de Nueva York, y el caso se conoce como *Maria de Lourdes Parra Marin, en representación propia y de otros en situación similar v. Dave & Buster's, Inc., y Dave & Buster's Entertainment, Inc.*, No. 15 CV 3608 (S.D.N.Y.).

#### 24. ¿Qué es una demanda colectiva y quiénes se están involucrados?

En una demanda colectiva, una o más personas denominadas "Demandantes" o "Representantes de la Clase" presentan la demanda en representación de otras personas que puedan tener reclamaciones similares. Todas estas personas son una "Clase" o "Miembros de la Clase." Los Representantes de la Clase que presentaron la demanda – y todos los Miembros de la Clase como ellos – se conocen como los

Demandantes. La compañía a la que han demandado se conoce como los Demandados (en este caso Dave & Buster's y Dave & Buster's Entertainment, Inc.). Un tribunal resuelve las cuestiones que conciernen a todos en la Clase – con la excepción de aquellas personas que optan por ser excluidas de la Clase. El Magistrado Alvin K. Hellerstein supervisará el proceso de aprobar el acuerdo de esta demanda colectiva.

## 25. ¿De qué se trata la demanda?

El Demandante en este caso alega que los Demandados, como parte del programa “*Position to Win*”, redujeron las horas de trabajo de algunos empleados de Dave & Buster's de tiempo completo a tiempo parcial, a fin de evitar tener que ofrecerles y pagarles los beneficios del seguro de salud. El demandante alegó que el reducir dichas horas de trabajo con el propósito de excluir a los empleados de dichos beneficios fue una violación de las leyes federales. El Demandante exigió que se les restituyeran las horas de trabajo y los beneficios, así como las remuneraciones y los beneficios perdidos relacionados con la restitución de las horas de trabajo y los beneficios. Dave & Buster's niega que haya violado ley alguna, e insiste en que en todo momento ha actuado de conformidad con todas las leyes correspondientes en forma consistente. Dave & Buster's aceptó llegar a un acuerdo con respecto a la demanda judicial a fin de evitar continuar el litigio legal, pero de manera específica niega haber realizado alguna acción ilegal o de responsabilidad civil. Las afirmaciones de las partes involucradas se describen con mayor detalle en la Demanda y en otros documentos presentados ante el Tribunal.

## 26. ¿Quiénes forman parte de la Clase?

La Clase (el Grupo Demandante) está formada por algunos empleados de Dave & Buster's que trabajaban a tiempo completo a partir e inclusive del 1º de febrero de 2013 y que vieron reducidas sus horas de trabajo a tiempo parcial a partir e inclusive del 8 de mayo de 2013. Los empleados de Hawái no forman parte del Grupo Demandante. Si usted desea excluirse del Grupo Demandante, usted no formará parte de la Clase.

## 27. ¿Por qué existe un acuerdo?

El Tribunal no falló a favor del Demandante ni de los Demandados. En cambio, ambas partes convinieron en un acuerdo. De esta manera evitan el costo de un juicio, y las personas afectadas recibirán una indemnización. La Representante de la Clase y los abogados de la Clase creen que el acuerdo es lo mejor para todos los miembros de la clase.

### LAS VENTAJAS DEL ACUERDO

## 28. ¿Qué proporción del acuerdo?

De conformidad con la estipulación del Acuerdo, Dave & Buster's ha aceptado pagar hasta \$7,425,000 como compensación por los reclamos en este caso. Además de los pagos del Acuerdo a los miembros del Grupo Demandante, el dinero en el fondo monetario del acuerdo se destinará para pagar los honorarios de los abogados y los costos legales del Grupo Demandante, cualquier adjudicación incentiva al Representante del Grupo Demandante, los costos de la notificación y de la administración del Acuerdo, así como los impuestos a las remuneraciones.

El Acuerdo también dispondrá medidas cautelares en forma de un acuerdo por parte de Dave & Buster's de prohibir que sus administradores, como parte de su programa *Position to Win* u otro, despidan, multen, suspendan, expulsen, disciplinen o discriminen en contra de los empleados, o reduzcan las horas de trabajo de los empleados o se nieguen a aumentar las horas de trabajo de los empleados con el propósito de



denegarles la cobertura o para impedirles que reúnan los requisitos para recibir la cobertura del Plan de Seguro de Salud de Dave & Buster's, o interfieran con su obtención de cualquier beneficio al cual tengan derecho dichos empleados bajo el Plan de Seguro de Salud de Dave & Buster's.

Dave & Buster's no puede tomar represalias contra usted por participar en esta Demanda Colectiva.

### 29. ¿Qué recibirá un miembro del Grupo Demandante como resultado del Acuerdo?

A usted se le pagará una parte proporcional del Monto del Acuerdo, la cual determinará el Administrador del Acuerdo en concordancia con una fórmula aprobada por el tribunal y en base a varios factores, los cuales incluyen el promedio de horas que usted trabajó en cada semana antes y después de su cambio de empleado de tiempo completo a tiempo parcial; su tasa de remuneración; el tiempo que usted trabajó para Dave & Buster's después del cambio en su estatus, así como su inscripción en el seguro y/o el haber reunido los requisitos para obtener el seguro de salud ofrecido por Dave & Buster's a sus empleados de tiempo completo.

### 30. ¿Cómo puedo obtener un pago?

Recibirá un cheque por correo después de que el Tribunal emita su aprobación final del Acuerdo, siempre y cuando usted no envíe una respuesta por escrito solicitando que se le excluya del Acuerdo, tal como se indica a continuación.

Usted recibirá los formularios W2 y/o 1099-MISCv de IRS junto con el cheque del acuerdo. Cada miembro del Grupo Demandante es responsable por el pago de los impuestos, inclusive la determinación del monto de los mismos. El Demandante, Dave & Buster's, sus abogados o el Administrador del Acuerdo no brindan asesoría sobre impuestos a los miembros del Grupo Demandante.

### 31. ¿Cuándo recibirá un pago?

El Tribunal tendrá una audiencia el 9 de mayo de 2019 a las 2:30 p.m. para decidir si aprobará el acuerdo o no. Si el Tribunal aprueba el acuerdo, podría haber apelaciones después de dicha aprobación que podrían retrasar los pagos. Resolver las apelaciones podría tomar tiempo. Por favor tenga paciencia. Podrá mantenerse informado sobre el progreso del acuerdo visitando [www.strategicclaims.net](http://www.strategicclaims.net). **Mantenga al administrador del acuerdo al tanto de cualquier cambio en su nombre y dirección durante este tiempo.**

### 32. ¿Aquí estoy renunciando a fin de recibir un pago o permanecer en la Clase?

Si permanece en la clase, esto significa que no podrá demandar o ser parte de ninguna otra demanda judicial contra los Demandados en conexión con las cuestiones legales de este caso. También significa que las órdenes del tribunal se aplicarán a usted y serán legalmente vinculantes para usted. Si no se excluye del acuerdo, está aceptando un "descargo de reclamaciones" según se describe en el Acuerdo. Si usted considera que tiene otros reclamos contra Dave & Buster's que desea proseguir, usted deberá consultar con un abogado.

### PARA EXCLUIRSE DEL ACUERDO

Si usted no quiere recibir un pago a raíz de este acuerdo, pero quiere conservar el derecho a demandar o continuar demandando a los Demandados por su cuenta, en conexión con las cuestiones de este caso,

deberá tomar acción para retirarse de este caso. Esto se conoce como “excluirse” (en inglés “opting out”) del Acuerdo.

### 33. ¿Cómo me excluyo del acuerdo?

Si usted desea ser excluido del Acuerdo, deberá enviar una solicitud por escrito. Deberá enviar una declaración escrita y firmada por usted, dirigida al Administrador del Acuerdo indicando lo siguiente: “Deseo ser excluido(a) de la Demanda Colectiva Marin, et al. v. Dave & Buster’s, Inc., et al.” o con palabras que expresen claramente su deseo de ser excluido de este Acuerdo y de su litigio judicial. Incluya su nombre, dirección, número telefónico y los últimos cuatro dígitos de su número de seguro social, así como su Número de identificación como Miembro del Grupo Demandante, indicado en la primera página de esta Notificación. La carta tiene que estar firmada por usted.

Para que sea efectiva, su Solicitud de Exclusión debe ser enviada por correo, por email o por fax al Administrador del Acuerdo antes del 25 de marzo de 2019. Debe ser enviada al Administrador del Acuerdo (*Settlement Administrator*, en inglés) a la dirección postal, la dirección de correo electrónico o al número de fax que se indican a continuación.

Si usted envía su solicitud de exclusión por correo postal, deberá dirigir la carta a: D&B Settlement Administrator, c/o Strategic Claims Services, 600 N. Jackson Street, Suite 205, Media, PA 19063-2561.

Si usted envía su solicitud de exclusión por correo electrónico, deberá dirigir su solicitud a: [info@strategicclaims.net](mailto:info@strategicclaims.net).

Si usted envía su solicitud de exclusión por fax, deberá dirigir su solicitud al 1-610-565-7985.

### 34. Si me excluyo, ¿podré recibir dinero del Acuerdo?

Si se excluye de la Clase – que también se conoce en inglés como “opting-out” – usted no recibirá ningún dinero del acuerdo. Si usted se excluye, no estará legalmente obligado por las órdenes o los fallos del Tribunal en esta Demanda.

### 35. Si me excluyo, ¿podré demandar a los Demandados por la misma cuestión más adelante?

No. A menos que usted se excluya, renuncia al derecho a demandar a los Demandados por las reclamaciones que este acuerdo resuelve. Si usted tiene una demanda pendiente contra los Demandados en conexión con cualquier reclamación, aún si no está relacionada con salario, hable con el abogado que lo representa en dicha demanda inmediatamente. La fecha límite para solicitar la exclusión se indica en la Sección 11 anterior.

## LOS ABOGADOS QUE LO REPRESENTAN

### 36. ¿Tengo un abogado en este caso?

Sí. El Tribunal ha designado a los siguientes bufetes legales como Abogados de la Clase: Abbey Spanier, LLP, 212 East 39th Street, New York, New York 10016; Conover Law Offices, 345 Seventh Avenue, 21<sup>st</sup> Floor, New York, New York 10001; y Frumkin & Hunter LLP, 1025 Westchester Ave, Suite 309, White

Plains, New York 10604. A menos que usted decida contratar su propio abogado, estos abogados lo representarán como parte de la Clase. Usted tiene derecho a contratar su propio abogado.

**37. ¿Cómo se les pagarán los Abogados de la Clase?**

Los abogados de la Clase solicitarán al tribunal el pago de los honorarios y los gastos legales por un monto que no excederá el 33% del Monto del Acuerdo. Hasta la fecha, los abogados de la Clase no han recibido el pago de honorarios y gastos legales a nombre de la Clase. Los Abogados de la Clase también solicitarán un pago de \$35,000 para el Representante de la Clase por su esfuerzo en este caso. El Tribunal podría adjudicar cantidades menores a las que solicitan los Abogados de la Clase.

Los honorarios y gastos de los Abogados de la Clase se pagarán con fondos provenientes de la indemnización obtenida para la Clase.

**PARA PRESENTAR UNA OBJECCIÓN AL ACUERDO**

Usted puede notificar al Tribunal que no acepta el Acuerdo o alguna parte del mismo.

**38. ¿Cómo le digo al Tribunal que no me parece bien el acuerdo?**

Si usted es un Miembro de la Clase, puede presentar una objeción al acuerdo si no le parece bien. Puede dar las razones por las que piensa que el Tribunal no debería aprobarlo. El Tribunal considerará su opinión. Para presentar una objeción, debe enviar una carta indicando que usted objeta al acuerdo a **“Marin, et al. v. Dave & Buster’s, Inc., et al.”** Deberá incluir su nombre, dirección, número telefónico, los últimos cuatro dígitos de su número de seguro social, su Número de identificación como miembro del Grupo Demandante, indicado en la primera página de esta Notificación, las fechas en que usted trabajó para Dave & Buster’s, su firma, las razones detalladas por las que objeta al acuerdo y si está representado por su propio abogado.

A fin de ser considerada por el Tribunal, la objeción deberá ser presentada dentro del plazo establecido por un Miembro de la Clase que no haya solicitado ser excluido de la Clase, y deberá indicarse la razón específica para cada objeción, inclusive cualquier fundamento legal que el objetante desee presentar ante el Tribunal, así como copias de las pruebas documentales. Usted también deberá indicar si se presentará personalmente o no en la audiencia el 9 de mayo de 2019.

Para ser efectiva, su objeción deberá ser enviada por correo postal, por email o por fax al Administrador del Acuerdo antes de e inclusive el 25 de marzo de 2019. Deberá dirigirse al Administrador del Acuerdo a la dirección postal, el correo electrónico o al número de fax que se indican a continuación.

Si usted envía su solicitud de objeción por correo postal, deberá dirigirla a: D&B Settlement Administrator, c/o Strategic Claims Services, 600 N. Jackson Street, Suite 205, Media, PA 19063-2561.

Si usted envía su solicitud de objeción por correo electrónico, deberá dirigirla a: [info@strategicclaims.net](mailto:info@strategicclaims.net).

Si usted envía su solicitud de objeción por fax, deberá dirigirla al 1-610-565-7985.



**39. ¿Cuáles es la diferencia entre objetar y excluirse?**

Objetar es sencillamente decirle al Tribunal que a usted no le parece bien alguna parte del Acuerdo. Usted puede objetar solamente si permanece en la Clase. Excluirse significa decirle al Tribunal que usted no quiere ser parte de la Clase. Si usted se excluye, no podrá objetar, porque el caso ya no le afectará.

**LA AUDIENCIA DE EQUIDAD DEL TRIBUNAL**

El Tribunal celebrará una audiencia para decidir si va a aprobar el acuerdo o no. Usted puede comparecer y puede solicitar la palabra, pero no tiene que comparecer ni tomar la palabra.

**40. ¿Cuándo y dónde decidirá el Tribunal si va a aprobar el acuerdo?**

El Tribunal celebrará una Audiencia de Equidad el 9 de mayo de 2019 a las 2:30 p.m. en la Sala de Audiencias 14D en el Tribunal de Distrito de los Estados Unidos para el Distrito Sur de Nueva York, 500 Pearl Street, New York, New York. Durante esta audiencia, el Tribunal considerará si el acuerdo es justo, razonable y adecuado. Si hay objeciones, el Tribunal las considerará. El Magistrado Hellerstein escuchará a las personas que han solicitado la palabra en la audiencia. Durante o después de la audiencia, el Tribunal decidirá si aprobará el acuerdo o no. No sabemos cuánto tiempo tardará la decisión. El Tribunal podrá posponer y/o reprogramar la audiencia sin enviarle a usted ninguna notificación adicional. La información sobre cualquier cambio en la fecha de la audiencia, y el resultado de la audiencia se publicarán en [www.strategicclaims.net](http://www.strategicclaims.net) cuando estén disponibles.

**41. ¿Tengo que comparecer a la audiencia?**

No. Los Abogados de la Clase responderán a las preguntas que tenga el Tribunal. Sin embargo, usted puede asistir por su propia cuenta. Si usted envía una objeción, no tiene que comparecer ante el Tribunal para hablar sobre la misma. Siempre y cuando usted envíe a tiempo por correo su objeción por escrito, el Tribunal la considerará. Usted también puede pagarle a su propio abogado para que comparezca, pero esto no es necesario.

**42. ¿Puedo tomar la palabra durante la Audiencia de Equidad?**

Usted puede solicitar permiso del Tribunal para tomar la palabra durante la Audiencia de Equidad. Para hacerlo, debe enviar una carta indicando que ésta es su “Notificación de intención de comparecer en **Marin, et al. v. Dave & Buster’s, Inc., et al.**” Incluya su nombre, dirección, número telefónico y firma. Su Notificación de Intención de Comparecer deberá estar matasellada antes del 25 de marzo de 2019 y debe enviarse al Administrador de Reclamaciones a la dirección indicada en la respuesta a la Pregunta 16. Incluya en el sobre y en su correspondencia lo siguiente: “No. 15 CV 3608 (S.D.N.Y.)”. Usted no podrá tomar la palabra en la audiencia si se excluye de la Clase.

**43. ¿Qué sucede si el Tribunal no aprueba el Acuerdo?**

Si el Tribunal finalmente no aprueba el Acuerdo, el caso procederá a juicio o a otra resolución por el Tribunal como si no hubiese habido un convenio de acuerdo.

## PARA OBTENER MÁS INFORMACIÓN

### 44. ¿Cómo obtengo más información?

Esta Notificación resume el acuerdo propuesto. Hay más detalles en el Convenio de Acuerdo. Usted puede obtener una copia del Convenio de Acuerdo visitando el sitio web, [www.strategicclaims.net](http://www.strategicclaims.net), donde encontrará los documentos del Acuerdo, un formulario para notificar de un cambio de dirección, y otra información. Si necesita información adicional, debe escribirle a los Abogados de la Clase (a la dirección indicada en la respuesta a la pregunta 14 más arriba) o llamar al 1-866-274-4004.

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**Por favor no llame al Tribunal ni al Secretario del Tribunal.**

D&B Settlement Administrator  
c/o Strategic Claims Services  
600 N Jackson Street – Suite 205  
Media, PA 19063

**IMPORTANT LEGAL DOCUMENT – PLEASE FORWARD**

EXHIBIT C

Attention: D & B Settlement Administrator  
c/o Strategic Claims Services.

I.D. 869314

Miguel A Romo

"I opt out of the Marin, et al. v Dave & Buster's,  
Inc., et al. Class Action"

Dear Sirs.

I informed you that I do not want to participate  
in this class action. I ask that I be  
excluded from such action. Understanding  
that I will not receive any money you are  
released from any responsibility on my  
part. Thank you.

Estimados Señores:

Les informo que no quiero participar en  
esta demanda Colectiva.

Pido que se me excluya de tal acción.

Entiendo que no recibire ningún dinero.

Ustedes quedan liberados de responsabilidad  
alguna de mi parte gracias.



Miguel Romo

I.D. 869314

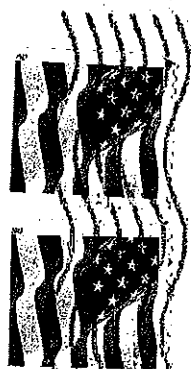
2059 S Rene Dr

Santa Ana CoA. 92704

(714) 820 0240

Miguel A. Pardo  
2059 S. Rene Dr  
Santa Ana CA 92704.

SANTA ANA, CA 926  
12 MAR 2019 PM 2 L



DB Settlement Administrator  
c/o Strategic Claims Services  
600 Jackson Street, Suite 205  
Santa Ana, CA 92704

ATTENTION: D & B SETTLEMENT ADMINISTRATION  
C/O STRATEGIC CLAIMS SERVICES.

I.D. 868533

BETRIZ SANCHEZ

I WANT TO BE EXCLUDED FROM A CLASS ACTION  
MARIN, ET AL. V. D & B BUSTERS, INC., ET AL.'

DEAR SIR. I INFORMED YOU THAT I DO NOT WANT TO  
PARTICIPATE IN THIS CLASS ACTION. I ASK THAT I BE  
EXCLUDED FROM SUCH ACTION. UNDERSTANDING THAT  
I WILL NOT RECEIVE ANY MONEY.

YOU ARE RELEASED FROM ANY RESPONSIBILITY ON  
MY PART. THANK YOU.

ESTIMADOS SEÑORES

LES INFORMO QUE NO QUIERO PARTICIPAR EN  
ESTA DEMANDA COLECTIVA.

PIDO QUE SE ME EXCLUYA DE TAL ACCION.

ENTIENDO QUE NO RECIBIRE NINGUN DINERO.

USTEDES QUEDAN LIBERADOS DE RESPONSABILIDAD  
ALGUNA DE MI PARTE GRACIAS

BETRIZ SANCHEZ

BETRIZ SANCHEZ

I.D. 868533

2059 S RENE DR.

SANTA ANA C.D. 92704

714) 492-0902

BEATRIZ SANCHEZ  
2059 S RENE DR.  
SANTA ANA CA 92704



SANTA ANA CA 926  
21 MAR 2019 PM 9 L

DBB SETTLEMENT ADMINISTRATOR  
C/O STRATEGIC CLAIMS SERVICES  
600 N JACKSON STREET-SUITE 205  
MEDINA, PD 19063-2561

15063-256455

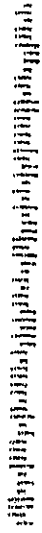


EXHIBIT D

**STRATEGIC CLAIMS SERVICES**  
**225 STATE ROAD**  
**MEDIA, PA 19063**  
**610-891-9852**

April 25, 2019

Karin Fisch, Esquire  
 Partner  
 ABBEY SPANIER, LLP  
 212 East 39<sup>th</sup> Street  
 New York, New York 10016

**Re: Marin vs Dave & Buster's Inc. ("D & B") Litigation Settlement**

SUMMARY OF ADMINSTRATIVE FEES AND EXPENSES THROUGH APRIL 25, 2019
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Administrative Services re: the notice campaign and administrative services rendered in connection with D & B Litigation Settlement from Inception though April 25, 2019 :

Labor re: administration – Inception to 4/25/19 (See Exhibit I attached) .....	\$27,703.20
Printing, mailing, labeling and delivery of notice packets; W-9 forms; and re-mailings .....	\$5,531.38
Postage.....	\$2,645.57
Fee for Spanish translations.....	\$724.00
Mailing of 57 CAFA packets @ \$6 per mailing.....	\$342.00
TransUnion skip-tracing charge.....	\$250.00
Experian skip tracing charges 840 @ \$.25 per skip trace.....	\$210.00
Preparation and filing of 1120 SF income tax return and compliance with IRS Regs 468 for Qualified Settlement Funds for 2018.....	\$2,850.00
Phone, envelopes and website charges.....	<u>\$693.90</u>
Total	<u>\$40,950.05</u>



EXHIBIT I

	<u>Labor</u> <u>Hours</u>	<u>Rate</u>	<u>Fee</u>
Data Entry/Clerical/CR Rep	3.25	\$45 to \$60	\$180.00
Assistant Project Administrators	22.64	\$75.00	\$1,698.00
Administrative	3.50	\$75.00	\$262.50
Project Administrators	70.43	\$85 to \$90	\$6,338.70
Project Supervisors	12.18	\$105-\$125	\$1,427.50
Project Manager	17.79	\$150.00	\$2,668.50
Director of Quality Assur.	25.00	\$175.00	\$4,375.00
Director of Technology	2.25	\$175.00	\$393.75
Director of Operations	12.65	\$195.00	\$2,466.75
President	<u>22.55</u>	\$350.00	<u>\$7,892.50</u>
	<u>192.24</u>		<u>\$27,703.20</u>

JOINT DECLARATION  
EXHIBIT B  
(FISCH DECLARATION)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MARIA de LOURDES PARRA MARIN, on  
behalf of herself and all other persons similarly  
situated,

Plaintiff,

15 Civ. 3608 (AKH)

- against -

DAVE & BUSTER'S, INC., and  
DAVE & BUSTER'S ENTERTAINMENT,  
INC.,

Defendants.

**DECLARATION OF KARIN E. FISCH IN SUPPORT OF PLAINTIFF'S MOTION FOR  
AN AWARD OF ATTORNEYS' FEES AND REIMBURSEMENT OF EXPENSES**

1. I, Karin E. Fisch, a partner at the law firm of Abbey Spanier, LLP ("Abbey Spanier"), was actively involved in the prosecution of the above-captioned class action, am familiar with its proceedings, and have personal knowledge of the matters set forth herein based upon my active participation in all material aspects of the litigation. I am duly licensed to practice law in the State of New York and before this Court.

2. I submit this declaration in support of approval of Plaintiff's application for an award of attorneys' fees and reimbursement of expenses. The background of the litigation and the Settlement are described in the Joint Declaration of Class Counsel submitted in support of Plaintiff's Motion for an Award of Attorneys' Fees, Reimbursement of Expenses, and an Incentive Award for the Named Plaintiff.

3. I am a graduate of Cornell University, B.A. 1988, and Fordham University School of Law, J.D. 1992. I have been practicing law for the past 26 years at Abbey Spanier,

LLP or its predecessor firms. In that time, I have working primarily on class litigation representing the interest of plaintiffs in securities, employment and consumer cases. I have acted as co-lead counsel in several cases brought under ERISA all of which were brought to successful conclusions with significant recoveries, both monetary and other, to members of the certified classes. My firm has served as trial counsel in several class actions tried to judgment and has been involved in the settlement of scores of class action cases in state and federal courts around the country. One such case resulted in a post-trial judgment entered against Wal-Mart Stores on behalf of a class of employees in Pennsylvania in an amount exceeding \$240 million. Other notable matters on which my firm and I have worked are described in a true and correct copy of my firm's resume which is attached as Exhibit A to this Declaration.

4. My firm was retained by named plaintiff Maria de Lourdes Parra Marin in 2015, after her hours of employment at Dave & Buster's were cut from full-time to part-time resulting in the loss of her eligibility for full-time health insurance coverage. After investigating the facts provided over the course of several months in conjunction with my now co-counsel, my firm along with Conover Law Offices and Frumkin & Hunter LLP commenced litigation in the Southern District of New York on behalf of Ms. Marin and other similarly situated employees of Dave & Buster's, Inc. My firm and I specialize in complex class action litigation and were retained by plaintiff primarily to focus on class action issues in this case. Co-counsel took care to avoid duplication of effort where possible and to concentrate their efforts on aspects of the case that were consistent with their expertise.

5. My firm prosecuted the litigation on a wholly contingent basis and advanced or incurred all litigation expenses. From the outset, we understood that we were embarking on complex and potentially expensive and lengthy litigation with no guarantee of ever being

compensated for the investment of time and money that the case would require. Because of the nature of contingent practice, contingent litigation law firms not only have to pay regular overhead, but also advance the expenses of the litigation. The financial burden is thus greater than on a firm paid on a monthly basis.

6. My firm has not received any compensation for its efforts in connection with the proposed settlement and Abbey Spanier attorneys and paralegals have expended 628 hours of time and incurred approximately \$467,887.50 in lodestar broken down as follows:

<u>Attorney Name</u>	<u>Hours</u>	<u>Hourly Rate</u>	<u>Lodestar</u>
Judith L. Spanier	15.50	875.00	\$13,562.50
Karin E. Fisch	459.50	750.00	\$344,625.00
Nancy Kaboolian	132.75	750.00	\$99,562.50
Natalie Marcus	15.25	550.00	\$8,387.50
Yvonne Gadsen (Paralegal)	5.0	350.00	\$1,750.00
<b><u>TOTALS</u></b>	<b>628</b>		<b>\$467,887.50</b>

7. My firm participated in all aspects of the litigation. My partners at Abbey Spanier commenced the case and worked with co-counsel on the pleading and initial motions. At the time I began to work on the case, defendants had begun to produce documents in several waves. I spend considerable time reviewing the documents produced with an eye toward both scheduling depositions and moving for certification of the class. Class certification battles often produce extensive motion practice and my document review was geared not only to issues regarding liability, but also to the Rule 23 analysis. My co-counsel and I divided the document production into parts to ensure that there was no duplication of effort. We utilized a discovery

platform so that our notes on and other coding on the documents could be shared. Summaries and copies of critical documents were circulated as necessary, and witness files were being to be prepared in anticipation of depositions.

8. Once depositions were put on hold and the parties began to entertain the prospect of settlement, my firm's involvement in the case became more critical. Settling this case raised unique and difficult issues regarding class size and definition, damages, and class administration. When the parties proceeded to mediation before JAMS mediator Jed Melnick, I participated in preparation of plaintiff's mediation statements and other communications with the mediator. Working together with my co-counsel, who were well-versed in the complexities of ERISA, I brought to bear my familiarity with the resolution of class actions through the settlement process. When we ultimately reached an agreement in principle with defendants, there was still a significant amount of work to be done.

9. My firm took the lead role in drafting the stipulation of settlement and accompanying documents. In the course of that process, together with defendants, we continued to negotiate the details of this rather complex settlement, working on plaintiff's side to ensure that Class members who were to receive incidental monetary relief in this matter would recover the proper amounts and would be able to recover their share of the settlement fund with a minimum of effort. This process entailed review of detailed employment records and class counsel expended significant time and resources trying to ensure appropriate processes for the distribution of the settlement fund. During this process, we worked closely with an accounting expert and later with Strategic Claims Services to ensure that the various procedures that we were proposing for notice and administration would be effective and efficient.

10. The final settlement was reached only after extensive arm's-length negotiations between and among counsel, which included exchanges of multiple drafts of the Stipulation and exhibits and repeated negotiations on difficult issues surrounding class size, distribution and administration. When issues arose which further complicated the effectuation of the Settlement, I worked closely with my co-counsel, and with the defendants, to try to reach resolution of all class-related issues. After the Court denied preliminary approval of the first settlement presented, I again worked with my co-counsel to address the issues identified by the Court.

11. After the Court's preliminary approval of the Settlement, I continued to work together with my co-counsel on issues surrounding notice and administration of the Settlement and with Strategic Claims Services, the settlement administrator appointed by the Court.

12. This case was originally staffed by two of my partners and one senior associate during the pleading and motion stages. Every effort was made to avoid duplication of effort within my firm and to assign work as appropriate to the level of expertise required. I took over the case at the discovery, class certification, and ultimately, the expert and settlement phases. I do not believe that the work that I did on this case could practically or efficiently have been handled by someone with less experience.

13. I anticipate that my firm will continue to expend time and money going forward in order to ensure the completion of the Settlement administration and distribution should the Court finally approve the Settlement.

14. The hourly rates for the attorneys and paralegals that are listed above are the same or similar to those which have been accepted by courts, in this Circuit, in other complex class action litigation in which Abbey Spanier had been counsel. *See In re Vivendi Universal*,



*S.A. Sec. Litig.*, No. 02-cv-5571 (SAS) (S.D.N.Y. April 29, 2016) (\$875-\$995/partner, \$595/associate, \$300-\$350/paralegal); *In re Road Runners Litig.*, No. 1:16-cv-00450 (KBF) (S.D.N.Y. Feb. 10, 2017) (\$875/partner, \$650/senior associate, \$410/paralegal). These rates are also commensurate with my experience and that of the other attorneys at my firm who worked on this matter. This action was litigated by attorneys at a nationally-recognized firm with substantial experience in class action lawsuits. *See* Exhibit A. Full printouts of my firm's time daily time records are attached hereto as Exhibit B.

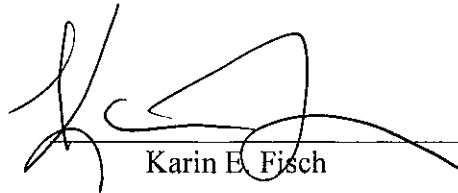
15. Abbey Spanier also incurred a total of \$38,789.28 in unreimbursed expenses in connection with our work on this litigation, broken down as follows:

Xact Data Discovery	\$3067.69
Hemming Morse, LLP	\$10,340.53
Mullholland & Co.	\$15,958.75
JAMS	\$9110.16
Filing/Court/Witness Fees	\$247.50
Messenger/Federal Express	\$64.65
<b><u>TOTAL</u></b>	<b>\$38,789.28</b>

16. The expenses are primarily composed expert fees, mediation costs and document hosting services. All expenses incurred pertaining to this case are reflected in the books and records of this firm. These books and records are prepared from expense vouchers and check records and are an accurate record of the expenses incurred. The expenses sought have been reasonably and necessarily incurred in prosecuting this action.

17. Plaintiff's counsel took care to keep costs to a minimum and vetted all vendors carefully to ensure quality services with the lowest possible cost to the class on whose behalf this case was litigated.

I declare under the penalty of perjury under the laws of the State of New York that the foregoing is true and correct. Executed this 24<sup>th</sup> day of April, 2019, in New York, New York.



Karin E. Fisch

FISCH DECLARATION  
EXHIBIT A  
(FIRM RESUME)

## ABBEY SPANIER, LLP

Abbey Spanier, LLP (“Abbey Spanier”) specializes in large, complex litigation in the fields of securities, mergers and acquisitions, corporate governance, consumer protection, unfair employment practices and antitrust. The Firm has litigated thousands of cases in both state and federal courts throughout the United States. Since the early 1960s, Abbey Spanier has been committed to litigating with the highest level of excellence and integrity. We are committed to protecting shareholders and victims of corporate wrongdoing.

The Firm prides itself on the aggressive pursuit of our clients’ goals and on the excellence of our work. Abbey Spanier fights to achieve the very best possible result for our clients no matter how difficult the obstacles or well financed the opposition.

Over the last four decades, this Firm has been lead or co-lead counsel in cases resulting in billions of dollars in recoveries on behalf of investors and aggrieved parties. Abbey Spanier has served as a lead counsel in some of the largest securities fraud class action settlements. Among the more prominent of these cases are: *In re BankAmerica Corp. Sec. Litig.* (\$490 million recovery); *In re Adelphia Communications Corp. Sec. and Derivative Litig.* (\$455 million recovery) and *In re Waste Management Inc., Sec. Litig.* (\$220 million recovery).

### THE FIRM’S RECENT ACHIEVEMENTS

*In re Vivendi Universal, S.A., Securities Litigation, Civil Action No. 02-cv-5571 (RJH/HBP) (S.D.N.Y.).* Abbey Spanier serves as Lead Plaintiffs’ Counsel in this long pending securities fraud class action against defendants Vivendi Universal, S.A., and its two most senior officers, Jean Marie Messier and Guillaume Hannezo. On January 29, 2010, a three month long securities fraud trial against Vivendi culminated with a jury verdict finding Vivendi liable for securities fraud. After discharging the jury, in describing the work of the attorneys trying the Vivendi case, Judge Richard J. Holwell stated, “I can only say that this is by far the best tried case that I have had in my time on the bench. I don’t think either side could have tried the case better than these counsel have.” As of 2010, the Vivendi case is just one of nine securities class actions tried to verdict based on wrongs committed following the passage of the Private Securities Litigation Reform Act in 1995. On September 27, 2016, the Second Circuit Court of Appeals affirmed the verdict.

*Braun and Hummel v. Wal-Mart Stores, Inc.,* Case Nos. 3127 and 3757 (Court of Common Pleas, Philadelphia County). Plaintiffs in this class action on behalf of 186,000 current and former hourly employees obtained a \$78 million jury verdict against Wal-Mart and an express finding that Wal-Mart acted in bad faith in failing to pay class members for missed rest breaks and off the clock work. The verdict was hailed as the largest jury verdict in the Commonwealth of Pennsylvania in 2006. On October 3, 2007, the Court of Common Pleas ordered Wal-Mart to pay an additional \$62.3 million in statutory damages to class members. The trial court stressed the importance of compensating workers for their time: “The law in its majesty applies equally to highly paid executives and minimum-wage clerks,” he wrote. “Just as highly paid executives’ promised equity interests . . . are protected fringe benefits and wage supplements . . . , so too [are]

the monetary equivalents of ‘paid break’ time cashiers and other employees were prohibited from taking.” On June 1, 2011, the Superior Court of Pennsylvania affirmed the \$150 million judgment against Wal-Mart. *Braun v. Wal-Mart Stores, Inc.*, 24 A.3d 875 (Pa. Super 2011), *cert. denied*, 2016 WL 1278624 (U.S. Apr. 4, 2016). The three judge panel held that there was sufficient evidence in the record to conclude that Wal-Mart breached its contract with its hourly employees and violated the state’s labor laws. In December 2014, the Pennsylvania Supreme Court affirmed the judgment. *Braun v. Wal-Mart Stores, Inc.*, 106 A.3d 656 (Pa. 2014), *cert. denied*, 2016 WL 1278628 (U.S. Apr. 4, 2016). In April 2016, the United States Supreme Court denied Wal-Mart’s petitions for certiorari. *Id.* On June 8, 2016, the trial court entered a \$241 million judgment against Wal-Mart.

*In re Adelphia Communications Corp. Securities and Derivative Litigation*, 03 MD 1529 (LMM) (S.D.N.Y.). This action arose out of one of the most egregious financial frauds ever uncovered at a public company. From 1998 through 2002, Adelphia Communications Corporation – the nation’s sixth largest cable company – systematically and fraudulently failed to report billions in loans. In 2006, Plaintiffs entered into partial settlements in the aggregate amount of \$455 million with the Company’s independent auditors, Deloitte & Touche, LLP, investment banking firms which underwrote offerings of Adelphia securities, and lending banks. Judge Lawrence M. McKenna observed: “If the Lead Plaintiff(s) had been represented by less tenacious and competent counsel, it is by no means clear that [they] would have achieved the success [they] did here on behalf of the Class.”

*In re Medco Health Solutions Pharmacy Benefits Management Litig.*, Case No. 03-MD-1508 (CS) (S.D.N.Y.). Abbey Spanier was one of two lead counsel in this case where plaintiffs were the trustees and beneficiaries of employee welfare benefit plans that directly or indirectly contracted with Medco Health Solutions which, at the time the case was commenced, was owned by drug manufacturer Merck & Co., Inc. Plaintiffs brought the action alleging that Medco had breached its fiduciary duty under the Employee Retirement Income Security Act of 1974 by failing to act in their best interest in its capacity as a pharmaceutical benefits manager for the plans. Specifically, plaintiffs alleged that Medco managed its formularies and implemented programs in ways that tended to favor Merck products. The case was litigated through summary judgment motions and a settlement that provided a cash settlement fund in the amount of \$42.5 million and significant changes in practice at Medco. The settlement was approved by the Court and the settlement fund was distributed to those class members that submitted identification forms in early 2010.

*Iliadis, et al. v. Wal-Mart Stores, Inc.*, Case No. A-69-06 (Supreme Court New Jersey, Middlesex County). Abbey Spanier prevailed in its quest to overturn the trial court’s refusal to certify a class of 72,000 current and former Wal-Mart employees who were forced to work off the clock and miss meal breaks. The New Jersey Supreme Court reversed the trial court and the Appellate Division and remanded the case for entry of an order certifying the class, stating:

‘When the organization of a modern society, such as ours affords the possibility of illegal behavior accompanied by widespread, diffuse consequences, some procedural means must exist to remedy – or at least to deter – that conduct.’ Here, the class action is just such a procedural device. By equalizing adversaries, we

provide access to the courts for small claimants. By denying shelter to an alleged wrongdoing defendant, we deter similar transgressions against an otherwise vulnerable class – 72,000 hourly paid retail workers purportedly harmed by their corporate employer’s uniform misconduct. Individually, the aggrieved Wal-Mart employees lack the strength in terms of resources and motivation to assert their grievances in court. Collectively, as a class, they are able to pursue their claims. (Citation omitted).

*In re Tele-Communications, Inc. Shareholders Litigation*, C.A. No. 16370 (Del. Ch.). This litigation arose out of the 1998 merger of Tele-Communications, Inc. (“TCI”) and AT&T Corp. Plaintiffs alleged that defendants breached their fiduciary duty to the holders of TCI shares by insisting that a 10% premium be paid to the holders of super-voting TCI shares, held primarily by TCI insiders. The premium was alleged to be the product of unfair dealings and agreed to without any meaningful protections for class members. After overcoming defendants’ motion for summary judgment, the case was settled days before trial was to begin in the Chancery Court. Chancellor Chandler, commenting on the \$52 million settlement in February 2007, stated: “Attorneys on both sides were excellent and performed at the highest levels of professionalism, representing their clients in this matter, and I compliment you all for that.”

*In re Merrill Lynch & Co., Inc Research Reports Securities Litigation*, 2 MDL 1484 (JFK) (S.D.N.Y.). This case, brought on behalf of Merrill Lynch mutual fund investors, was resolved while on appeal from its dismissal by the district court, and following the Second Circuit’s dismissal of a related case. Judge John Keenan, commenting on the \$39 million settlement in January 2007, stated: “[I]t is beyond dispute that plaintiffs’ counsel conducted this litigation with great skill and tenacity. The high quality of representation provided by lead counsel is evident from both the record of this case and the resumes that the lead counsel have submitted to the Court...Abbey Spanier [has] tremendous experience in the field of complex securities class litigation.”

*In re Asia Pulp & Paper Securities Litigation*, 01-CV-7351 (JES) (S.D.N.Y.). This securities class action raised several complex issues with respect to the efficiency of the market for foreign securities and the enforceability of a judgment against a foreign entity. Observing that lead counsel litigated the case “efficiently”, the District Court approved the \$46 million settlement of this action in July 2006.

*Semerenko v. Cendant Corp.*, 98-4734 (WHW) (D.N.J.). Just prior to the announcement that it was restating its financial statements, Cendant was the victor in a 1998 takeover battle for American Bankers Insurance Co. (“ABI”). Abbey Spanier represented ABI shareholders in this securities class action who alleged that ABI’s stock price was artificially inflated by Cendant’s false financial statements. In a precedent setting decision, the Third Circuit Court of Appeals reversed the dismissal of the action and expanded the right to sue beyond direct purchasers from the issuer. The \$26 million settlement of this action was approved by the District Court in July 2006.

*Tooley v. Donaldson, Lufkin & Jenrette, Inc., et al.*, C.A. No. 18414-NC (Del. Ch.). This class action, brought on behalf of DLJ shareholders alleging the board’s breach of fiduciary duty, was initially dismissed on standing grounds without any resolution as to the sufficiency of plaintiffs’ pleaded claims. On their second appeal to the Delaware Supreme Court, plaintiffs

obtained a reversal of the dismissal of their pleading. The landmark decision by the Supreme Court represented a departure from earlier Delaware authority on the distinction between direct and derivative actions. The *Tooley* Court expressly disapproved both the concept of special injury and the concept that a claim is necessarily derivative if it affects all stockholders equally. As a result of *Tooley*, the analysis now turns solely on who suffered the alleged harm and who would benefit from any recovery or other remedy (the corporation or the suing stockholders).

## PROMINENT CASES

The success of Abbey Spanier in prosecuting large, complex litigation in the fields of securities, mergers and acquisitions, corporate governance, consumer protection, unfair employment practices and antitrust is demonstrated by the significant results the Firm has achieved for its clients and others. The following is a representative list of some of the more notable cases and settlements achieved as a result of Abbey Spanier's efforts:

### SECURITIES FRAUD LITIGATION

*In re Adelphia Communications Corp Securities and Derivative Litigation*, 03 MD 1529 (LMM) (S.D.N.Y.) (\$455 million recovery);

*In re BankAmerica Corp. Sec. Litig.*, MDL No. 1264 (E.D. Mo.) (\$490 million recovery);

*In re Waste Management, Inc. Sec. Litig.*, Master File No. 97-C-7709 (N.D. Ill.) (\$220 million recovery);

*In re Petro-Lewis Sec. Litig.*, No. 84-C-326, (D. Colo.) (\$100 million recovery);

*In re Chambers Development Sec. Litig.*, 92 Civ. 0679 (W.D. Pa.) (\$95 million recovery);

*In re Wedtech Corp. Sec. Litig.*, No. 86 Civ. 8628 (S.D.N.Y.) (\$77.5 million recovery);

*In re IDB Communications Group, Inc. Sec. Litig.*, Master File No. CV 94-3618 (C.D. Cal.) (\$75 million recovery);

*In re Westinghouse Sec. Litig.*, No. 91-354 (W.D. Pa.) (\$67.5 million recovery);

*In re Nat'l. Health Laboratories Sec. Litig.*, CV-92-1949 (S.D. Cal.) (\$64 million recovery);

*In re Nat'l. Medical Enterprises Sec. Litig.*, CV-91-5452-TJH (C.D. Cal.) (\$60.7 million recovery);

*In re Salomon, Inc. Sec. Litig.*, Nos. 91 Civ. 5442, 91 Civ. 5471, (S.D.N.Y.) (\$54.5 million recovery);

*In re Integrated Resources Sec. Litig.*, Master File No. 89 Civ. 4255 (S.D.N.Y.) (\$54 million recovery);

*In re LILCO Sec. Litig.*, No. 84 Civ. 0588 (E.D.N.Y.) (\$48.5 million recovery);



*In re Crazy Eddie Sec. Litig.*, No. 87 Civ. 0033 (E.D.N.Y.) (\$42 million recovery);

*In re Leslie Fay Cos. Sec. Litig.*, No. 92 Civ. 8036 (S.D.N.Y.) (\$35 million recovery);

*In re Datapoint Sec. Litig.*, C.A. No. SA-82-C.A. 3348 (S.D.Tex.) (\$22 million.) The Firm acted as lead trial counsel in a securities fraud action tried to a plaintiffs' verdict before a jury against Peat Marwick Mitchell & Co.;

*In re PSINet Sec. Litig.*, Civ. No. 00-cv-1850-A (E.D.Va) (\$17.8 million recovery);

*Hirsch v. PSS World Medical, Inc.*, Civ. No. 3:98-cv-502-J-32TEM (M.D. Fl.) (\$16.5 million recovery); and

*Cheney v. Cyberguard Corp. et al.*, C.A. No. 98-6897 (S.D. Fla.) (\$10 million recovery).

### **INDIVIDUAL ACTION**

*State of New Jersey v. Gemstar - TV Guide Int'l et al.*, Case No. GC030987 (Cal. Super. Ct.) (In an individual action on behalf of the State of New Jersey the State recovered approximately 50% of its losses, or about nine times more than shareholders received in the average class action settlement.)

### **CORPORATE GOVERNANCE AND SHAREHOLDER RIGHTS**

*In re Cox Communications, Inc. Shareholders Litig.*, Consolidated C.A. No. 613-NC, Delaware Court of Chancery (\$700 million increase in purchase price);

*In re Seagate Technology, Inc. Sec. Litig.*, C.A. No. 17932-NC, Delaware Court of Chancery (\$200 million increase in purchase price);

*In re AXA Financial, Inc. Shareholders Litig.*, C.A. No. 18268-NC, Delaware Court of Chancery (\$631 million increase in purchase price);

*In re Warner-Lambert Company Shareholders Litig.*, C.A. No. 17519-NC Delaware Court of Chancery (Warner-Lambert shareholders received approximately \$20 billion more than the value of the originally proposed merger with American Home Products.);

*In re Cyprus Amax Minerals Company Shareholders Litig.*, C.A. No. 17383-NC, Delaware Court of Chancery (\$900 million benefit to shareholders);

*In re Tele-Communications, Inc. Shareholders Litigation*, C.A. No. 16370 (Del. Ch.) (\$52 million benefit to shareholders);

*Lang v. The Reader's Digest Association, Inc., et al.*, C.A. 19574-NC, Delaware Court of Chancery (\$21 million increase to shareholders in recapitalization);

*In re RJR Nabisco, Inc. Sec. Litig.*, C.A. No. 10389 Delaware Court of Chancery (\$55 million increase in purchase price);

*In re Liberty Media Corp. Sec. Litig.*, C.A. No. 13168 Delaware Court of Chancery (\$44 million increase in purchase price);

*In re Fort Howard Corp. Sec. Litig.*, C.A. No. 9991 Delaware Court of Chancery (\$13.4 million increase in purchase price);

*In re Waste Management, Inc. Shareholders Deriv. Litig.*, C.A. No. 17313, Delaware Court of Chancery (\$24.6 million benefit);

*In re Morrison Knudson Corporation Deriv. Litig.*, C.A. No. 14032, Delaware Court of Chancery (Corporate governance changes requiring that board be comprised of non-employee directors and new directors; old board required to surrender significant retirement benefits);

*In re Paramount Communications, Inc. Sec. Litig.*, C.A. No. 13117, Delaware Court of Chancery (shareholders received an additional \$2 billion);

*Schoenfeld v. XO Comm.*, Index No. 01-018358, New York Supreme Court (Successful attack on restructuring plan resulting in \$8.33 million benefit to shareholders and participation in rights offering);

*Glancy v. Sternlicht*, Civ. No 204982 (Md. Cir. Ct.) (Shareholder derivative action asserting claims on behalf of Starwood Hotels & Resorts Worldwide for various directors' alleged usurpation of corporate opportunity resulting in substantial changes to corporate governance);

*Joseph v. Shell Oil Co.*, 501 A.2d 409 (Del. Sup. 1985) (Landmark decision – first successful injunction action challenging disclosure. \$200 million shareholder recovery);

*Carmody v. Toll Brothers, Inc.*, 723 A.2d 1180 Delaware Court of Chancery (Landmark decision - successfully challenged “dead hand” poison pill); and

*Cede & Co. v. JRC Acquisition Corp.*, C.A. No. 18648-NC (Del. Ch.) (Represented The Royce Funds at trial in an appraisal action in connection with a “going private” transaction.)

## CONSUMER LITIGATION

*Henry v. Sears, Roebuck & Co.*, No. 98 C 4110 (N.D. Ill.) (\$156 million settlement on behalf of Sears Credit card holders, representing approximately 66% of all class members damages distributed automatically to each class member without filing a proof of claim form);

*Kropinski v. Johnson & Johnson*, Docket No. L-8886-96, New Jersey Superior Court; and

*Specht v. Netscape Communications Corp.*, 150 F. Supp. 2d 585 (S.D.N.Y. 2001), *aff'd*, 306 F.3d 17 (2d Cir. 2002).

## **ANTITRUST LITIGATION**

*In re Nine West Shoes Antitrust Litigation*, 80 F. Supp. 2d 181 (S.D.N.Y.) (This action was brought on behalf of purchasers of shoes sold by Nine West and its affiliates. The action alleged a combination of vertical and horizontal price-fixing and resulted in a decision imposing *per se* price-fixing liability despite the fact that the defendants only had a twenty percent market share. As a result of that decision, Nine West entered into an agreement with the Attorneys General of all 50 States and all United States Territories to settle the price-fixing claims for \$54 million, to be distributed to women's groups throughout the country.)

## **THE FIRM'S LAWYERS**

The Firm's attorneys represent one of the most experienced and skilled legal teams concentrating in class action litigation. Each member of the Firm has successfully prosecuted complex class and derivative actions and individual actions involving some of the largest corporations in the United States.

## **ATTORNEYS**

**ARTHUR N. ABBEY** – Mr. Abbey received his B.A. from Hofstra University in 1957, his L.L.B. from New York Law School in 1959, and his M.B.A. from New York University Graduate School of Business Administration in 1961. He is admitted to the Bar of the State of New York, United States District Courts for the Southern and Eastern Districts of New York, most of the Circuit Courts of Appeals and the United States Supreme Court.

Mr. Abbey is the Firm's chief trial attorney, and has been lead counsel for many major class action securities matters, including one of the largest class action securities cases to go to trial, *In re Vivendi Universal, S.A. Securities Litig.*, 02 Civ. 5571 (RJH/HBP) (S.D.N.Y.) which culminated with a jury verdict finding Vivendi Universal, S.A. liable for securities fraud on all 57 material misstatements. As of 2010, the Vivendi case was just one of nine securities class actions tried to verdict based on wrongs committed following the passage of the PSLRA.

Mr. Abbey, the Senior and Founding Partner of Abbey Spanier, is a leading practitioner in the field of securities, antitrust and consumer litigation. As a result of his expertise in class and complex litigation, Mr. Abbey has negotiated hundreds of class action settlements achieving extraordinary results for class members.

Mr. Abbey is recognized as an authority on class and complex litigation, securities fraud and corporate governance, contests for corporate control and directors' and officers' insurer's liability. He is frequently asked to lecture and serve on panels before the plaintiffs' and defendants' bar and Corporate America alike on these issues as well as other complex litigation issues.

Mr. Abbey currently serves as Chairman of the Board of Trustees of New York Law School, Chairman of the Board of Trustees of the Federal Bar Council and Chairman of the Joint Audit Committee of the Federal Bar Council and the Federal Bar Foundation.

On May 14, 2013, Mayor Michael Bloomberg presented to Arthur N. Abbey with New York Law School's President's Medal of Honor. The award is given annually to the Law School's most outstanding and accomplished alumni and its most generous benefactors, and acknowledges those who have made significant contributions to the history of the Law School by their exemplary professional lives and their generosity.

**KARIN E. FISCH** – Ms. Fisch received her A.B. from Cornell University, College of Arts and Sciences in 1988, and her J.D. from Fordham University School of Law in 1992, where she was Managing Editor of the *Fordham Urban Law Journal*. She is admitted to the Bar of the State of New York, the United States District Court for the Southern District of New York and the Courts of Appeals for the Second, Third and Fifth Circuit.

Ms. Fisch specializes in shareholder class action and derivative litigation. In 2008, Ms. Fisch successfully briefed and argued a motion for a preliminary injunction after full expedited discovery in *In re The TriZetto Group, Inc. Shareholders Litig.*, C.A. No. 3694-VCN (Del. Ch.). Ms. Fisch was also part of the team that litigated *In re Sovereign Bancorp Inc., Shareholder Litig.*, Case No. 2587 (Court of Common Pleas, Philadelphia County), to its successful conclusion after full expedited discovery and an evidentiary hearing on plaintiffs' motion for a preliminary injunction. Other notable cases in which Ms. Fisch was an active participant are: *In re Telecommunications, Inc. Shareholders Litig.*, C.A. No. 16370 (Del. Ch.); *In re Seagate Technology, Inc. Sec. Litig.*, C.A. No. 17932-NC (Del. Ch.); *In re Liberty Media Corp. Sec. Litig.*, C.A. No. 13168 (Del. Ch.); and *Schoenfeld v. XO Comm.*, Index No. 01-018358 (N.Y. Sup.).

Ms. Fisch also leads the Abbey Spanier team litigating cases within several of Abbey Spanier's other practice areas including: Antitrust (*In re Hypodermic Product Antitrust Litig.*, MDL No. 1730 (D.N.J.)); and ERISA litigation (*In re Medco Health Solutions, Inc. Pharmacy Benefits Management Litig.*, 03 MDL 1508 (S.D.N.Y.)).

**NANCY KABOOLIAN** – Ms. Kaboolian received her B.A. from the State University of New York at Fredonia in 1979 and her J.D. from New York Law School in 1989. She is admitted to the Bar of the State of New York and the United States District Courts for the Southern and Eastern Districts of New York.

Ms. Kaboolian has litigated complex class actions in state and federal courts across the country for her entire career. Ms. Kaboolian manages the Firm's case development team responsible for highlighting and analyzing potential new cases. Her responsibilities include overseeing the Firm's institutional investor monitoring program. In addition, Ms. Kaboolian performs a variety of research projects for the Firm's institutional clients to evaluate current trends in class action litigation and class action settlements. She is the liaison with the Firm's institutional clients and prepares all presentations and reports for those clients. Ms. Kaboolian is responsible for spearheading the Firm's business and development initiatives as well as managing its marketing and social network efforts.

**STEPHEN T. RODD** – Mr. Rodd received his J.D. degree in 1974 from New York University Law School, where he was a Root-Tilden Scholar and an Editor of the *Journal of International Law and Politics*. The University of Kansas is his undergraduate alma mater, where he received his B.A.

degree in 1969. He is a member of the Bar of the State of New York, the United States District Courts for the Southern and Eastern Districts of New York, the Second, Fifth and Sixth Circuit Courts of Appeals, and the United States Supreme Court.

Mr. Rodd was lead attorney for the litigation team in *In re Vivendi Universal, S.A. Sec. Litig.* class action, culminating in a three month trial and jury verdict finding defendant Vivendi Universal, S.A. liable for securities fraud on each of the 57 material misstatements alleged by plaintiffs. Vivendi is just one of nine securities class actions tried to verdict based on wrongs committed following the passage of the PSLRA. In addition, Mr. Rodd serves as lead counsel for plaintiffs in an action seeking restitution from the French railway, Société Nationale des Chemins de Fer Français (SNCF) in connection with the conduct of deportation trains in France during World War II.

Mr. Rodd has served as lead counsel or co-lead counsel in many other cases that have achieved significant benefits for shareholders including: *In re Crazy Eddie Sec. Litig.*, No. 87 Civ. 0033 (E.D.N.Y.), *In re Wedtech Corp. Sec. Litig.*, No. 86 Civ. 8628 (S.D.N.Y.) and *In re BankAmerica Corp. Sec. Litig.*, MDL No. 1264 (E.D. Mo.).

Mr. Rodd is currently serving on the Board of Directors of MFY Legal Services, Inc. He has participated in numerous conference panels on class action law and procedures, including an event sponsored by the Young Lawyers Section of the Paris Bar Association, at the invitation of the French consumer organization, Que Choisir. Other notable panels include the PLI Consumer Financial Services Litigation seminar, the ACI D&O Liability Conference, the NIRI Southwest Regional Conference panel on SEC Regulation and the PLI conference on Hot Securities Issues in a Down Economy.

**JUDITH L. SPANIER** – Ms. Spanier received her B.A. from Cornell University, College of Arts and Sciences in 1975, and her J.D. from New York University School of Law in 1978. She is admitted to the Bar of the State of New York, the United States District Courts for the Southern and Eastern Districts of New York and the Second, Ninth and Tenth Circuit Courts of Appeals.

Ms. Spanier has served as lead counsel or co-lead counsel in numerous cases that have achieved significant benefits on behalf of shareholders including *In re Adelphia Comm. Corp. Sec. & Deriv. Litig.*, 3 MDL 1859 (S.D.N.Y.); *In re Tele-Communications, Inc. Shareholders Litig.*, C.A. No. 16370 (Del. Ch.) and *In re Waste Management, Inc. Shareholders Deriv. Litig.*, C.A. No. 17313, (Del. Ch.). Ms. Spanier successfully argued the appeal before the Delaware Supreme Court in *In re Primedia, Inc. Derivative Action*; *Kahn v. Kolberg Kravis Roberts & Co., et al.*, No. 436, 2010, 2011 Del. LEXIS 313 (Del. Sup. Ct. June 20, 2011). The Delaware Supreme Court reversed the dismissal of the shareholder derivative lawsuit on behalf of Primedia Inc. (PRM) seeking to recoup monies arising out of alleged insider trading in Primedia's securities by Kolberg Kravis Roberts & Co. ("KKR") the Company's controlling shareholder.

Ms. Spanier was one of the lead trial attorneys in *Braun and Hummel v. Wal-Mart Stores, Inc.*, Case Nos. 3127 and 3757 (Court of Common Pleas, Philadelphia County). The lawyers on the Braun/Hummel trial team were named as finalists by Public Justice for the 2007 Trial Lawyer of the Year Award. In addition, Ms. Spanier argued the successful appeal to the New Jersey Supreme Court from the denial of class certification in *Iliadis v. Wal-Mart Stores, Inc.*, 191 N.J. 88 (2007).

Ms. Spanier was also on the plaintiff's lead counsel teams in several large consumer class actions including *Henry v. Sears, Roebuck*, No. 98 C 4110 (N.D. Ill.) (class action on behalf of an 11 million member class).

Ms. Spanier was a member of the Labor and Employment Committee of the New York City Bar Association. She has lectured or served as a panelist at various Glasser Legal Works Panels on "Litigation and Resolution of Complex Class Actions"; a panel member in a July 2008 PLI seminar, "Class Action Litigation 2008: Prosecution and Defense Strategies"; and a December 11, 2008 New York City Bar Association seminar, "Securities Litigation During the Credit Crisis: Current Developments and Strategies." Recently, Ms. Spanier was a Faculty Lecturer at a June 14, 2012 New York City Bar Association seminar, "Staying on Top of the Latest Developments in Wage & Hour Law: Key Court Decisions, Government Initiatives & Compliance Challenges."

**JULIE SULLIVAN** – Ms. Sullivan received her B.A., *summa cum laude*, from Yale College in 1983, and her J.D. from Yale Law School in 1990. She is admitted to the Bar of the State of New York and the United States District Court for the Southern District of New York.

Ms. Sullivan has concentrated her practice in shareholder class action and derivative litigation, having previously worked at other prominent plaintiffs firms.

**NATALIE S. MARCUS** – Ms. Marcus received her B.A., *cum laude*, from Barnard College, Columbia University in 2001. She received her J.D. from the Benjamin N. Cardozo School of Law in 2004 where she served as the Articles Editor of the *Cardozo Journal of Law and Gender*. Ms. Marcus is admitted to the Bar of the State of New York and the State of New Jersey and to the United States District Courts for the Southern and Eastern Districts of New York and the District of New Jersey.

FISCH DECLARATION  
EXHIBIT B  
(TIME RECORDS)



04/23/2019

Abbey Spanier, LLP

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Case: 1963 - DAVE &amp; BUSTERS II

All Attorneys

All

Order: Attorney

Attorney	Hours	Amount
JUDITH L.SPANIER	15.50	13,562.50
KARIN E. FISCH	459.50	344,625.00
NANCY KABOOLIAN	132.75	99,562.50
YVONNE GADSDEN (PARA)	5.00	1,750.00
NATALIE S. MARCUS	15.25	8,387.50
<b>GRAND TOTALS</b>	<b>628.00</b>	<b>467,887.50</b>
All Attorneys		

Is there a way to rerun the DB time using different hourly rates? If yes

<u>Attorney Name</u>	<u>Hours</u>	<u>Hourly Rate</u>	<u>Lodestar</u>
Judith L. Spanier	15.50	875.00	\$13,562.50
Karin E. Fisch	459.50	750.00	\$344,625.00
Nancy Kaboolian	132.75	750.00	\$99,562.50
Natalie Marcus	15.25	550.00	\$8,387.50
Yvonne Gadsen (Paralegal)	5.0	350.00	\$1,750.00
<b><u>TOTALS</u></b>	<b>628</b>		<b>\$467,887.50</b>

Abbey Spanier, LLP
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Inception - 4/23/2019

Order: Date

Case: 1963 - DAVE &amp; BUSTERS II

ALL

Date	Case	Atty	Activity	Category	Hours	Amount	Description
03/27/2015	1963	JLS	CMT		3.00	2,625.00	RESEARCH RE POSSIBLE CASE; DISCUSS W/NK
03/27/2015	1963	NK	RES		0.25	187.50	EMAIL BILL FRUMKIN RE POTENTIAL NEW CASE, DISC JLS
03/30/2015	1963	JLS	CMT		1.00	875.00	PREP FOR AND TEL CONF W/BILL & ELIZ
03/30/2015	1963	NK	RES		1.00	750.00	TEL W/BF, SH, JLS, RESEARCH COMPANY
03/31/2015	1963	NK	RES		1.00	750.00	RESEARCH COMPANY; EMAIL RE RESEARCH
04/01/2015	1963	NK	RES		1.00	750.00	INFORMATION FROM BRAD CONOVER RE CLIENT AND POTENTIAL CLAIMS; DISC W/JLS
04/03/2015	1963	NK	RES		2.50	1,875.00	TEL W/BF, JLS, ELIZABETH HUNTER RE POTENTIAL CLAIMS, REVIEW CLIENT DOCUMENTS, EMAIL RE SAME; REVIEW DRAFT RETAINER AGREEMENT AND CO-COUNSEL AGREEMENT FROM EH
04/06/2015	1963	NK	COM		2.50	1,875.00	REVIEW DRAFT COMPLAINT FROM BRAD CONOVER
04/07/2015	1963	NK	MIS		1.75	1,312.50	EMAILS RE DRAFT COMPLAINT, RETAINER, ADDITIONAL PLAINTIFF AND SETTING UP A MEETING; NEW DRAFT OF COMP, DISC RE RETALIATION CLAIM
04/09/2015	1963	NK	MIS		0.50	375.00	EMAILS RETENTION AGREEMENT
04/17/2015	1963	NK	COM		1.00	750.00	REVEIW BF EDITS TO COMPLAINT AND ELT'S RESEARCH RE ACA IN PREP OF ALL COUNSEL MEETING
04/20/2015	1963	JLS	COM		1.25	1,093.75	MTG W/CO-COUNSEL RE COMPLAINT
04/20/2015	1963	NK	COM		1.25	937.50	MEETING W/CO-COUNSEL; FOLLOW UP CO-COUNSEL AGREEMENT AND RETAINER
04/20/2015	1963	NSM	COM		1.50	825.00	REVISE COMP; PREP FOR FILING; EMAILS RE PLAINTIFF
04/21/2015	1963	NK	COM		0.50	375.00	EMAILS RE RETAINER AND CO-COUNSEL AGREEMENT

## Abbey Spanier, LLP

Inception - 4/23/2019

Order: Date

Case: 1963 - DAVE &amp; BUSTERS II

ALL

Date	Case	Atty	Activity	Category	Hours	Amount	Description
04/22/2015	1963	NK	COM		0.50	375.00	EMAILS RE RETAINER AND CO-COUNSEL AGREEMENT
04/23/2015	1963	NK	COM		0.25	187.50	EMAILS RE TRANSLATION OF RETAINER
04/24/2015	1963	NK	COM		0.50	375.00	CIRCULATE SIGNED CO-COUNSEL AGREEMENT AND REVISED COMPLAINT
04/26/2015	1963	NK	COM		1.00	750.00	REVIEW DRAFT COMPLAINT
04/28/2015	1963	NK	COM		0.50	375.00	DISC DRAFT COMPLAINT AND CLASS ALLEGATIONS W/JLS
04/29/2015	1963	NSM	COM		2.00	1,100.00	REVISED DRAFT COMP; DISC JLS
04/29/2015	1963	NK	COM		25.00	18,750.00	CONFERENCE CALL W/JLS, NM, BC, BF, SH RE DRAFT COMPLAINT
04/29/2015	1963	NSM	COM		1.75	962.50	REVISE COMP; CONF CALL
04/30/2015	1963	NSM	COM		2.25	1,237.50	EMAILS RE DRAFT COMP
04/30/2015	1963	NK	COM		0.25	187.50	EMAILS RE COMPLAINT
05/01/2015	1963	NSM	COM		0.50	275.00	EMAILS RE CLIENT AND REVISION TO COMP
05/07/2015	1963	NSM	COM		1.50	825.00	REVISED COMP; CIRCULATE; PREP FOR FILING
05/07/2015	1963	NSM	COM		0.50	275.00	CIRCULATE FINAL COMP; EMAILS RE SAME
05/08/2015	1963	NSM	COM		1.00	550.00	EMAILS RE CLASS ALLEGATIONS; DISC W/JLS
05/08/2015	1963	NSM	COM		1.25	687.50	ADDITIONAL REVISIONS TO COMP; EMAILS
05/12/2015	1963	NSM	RES		1.25	687.50	RESEARCH RE CLASS ACTION ARBITRATION; DISC JLS; EMAILS
05/15/2015	1963	NK	COM		0.50	375.00	PREPARE COMPLAINT FOR FILING
05/27/2015	1963	NSM	CMT		0.25	137.50	REVIEW JUDGE'S RULES
08/02/2015	1963	NK	MOT		1.50	1,125.00	REVIEW MOTION DISMISS, DISC JLS, NJ
08/02/2015	1963	NSM	MOT		1.50	825.00	REVIEW MOTION TO DISMISS; DISC

## Abbey Spanier, LLP

Inception - 4/23/2019

Order: Date

Case: 1963 - DAVE &amp; BUSTERS II

ALL

Date	Case	Atty	Activity	Category	Hours	Amount	Description
							NK, JLS
09/25/2015	1963	NK	MOT		3.00	2,250.00	EDIT OPPOSITION TO MOTION DISMISS
09/27/2015	1963	NK	MOT		1.50	1,125.00	EDIT REVISED OPPOSITION TO MOTION DISMISS
10/01/2015	1963	NK	CMT		0.25	187.50	EMAILS RE POTENTIAL MEETING W/DEFENDANTS
10/21/2015	1963	NK	CMT		0.50	375.00	EMAILS RE MEETING W/DEFENDANTS
10/27/2015	1963	NK	CMT		1.75	1,312.50	EMAILS RE MEETING W/DEFENDANTS, INFORMATION NEEDED, LOWES SETTLEMENT
10/30/2015	1963	NK	SET		3.25	2,437.50	MEETING W/DEFENDANTS, DIS BC, BF, JLS
10/30/2015	1963	JLS	SET		3.50	3,062.50	PREP FOR AND MTG W/DEFENDANTS' COUNSEL RE SETTLEMENT
11/03/2015	1963	NK	SET		0.50	375.00	EMAILS OF DAMAGE CALCULATIONS, DIS BF, BC
11/09/2015	1963	NK	SET		1.50	1,125.00	EMAILS RE FOLLOW UP DISCOVERY REQUESTS
11/10/2015	1963	NK	SET		1.25	937.50	REVIEW LETTER DOC REQUEST, EMAILS RE SAME
11/12/2015	1963	NK	SET		2.00	1,500.00	EMAILS RE DOC REQUEST
11/13/2015	1963	NK	DIS		2.25	1,687.50	REVIEW PLAINTIFF'S DOCUMENT, REVIEW DEFENDANTS' REPLY
11/17/2015	1963	NK	MOT		2.00	1,500.00	READ REPLY, EMAILS RE SAME
12/15/2015	1963	NK	MOT		1.50	1,125.00	REVIEW BC MEMO RE ORAL ARGUMENT
12/18/2015	1963	NK	MOT		1.00	750.00	EMAILS RE ORAL ARGUMENT
12/19/2015	1963	NK	MOT		1.25	937.50	EMAILS RE ORAL ARGUMENT TO COURT RE MOTION TO DISMISS, DISC JLS
12/21/2015	1963	JLS	MOT		1.00	875.00	REVIEW MOTION PAPERS
12/21/2015	1963	NK	MOT		2.00	1,500.00	MEETING RE PREP FOR ORAL ARGUMENT

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01/04/2016	1963	NK	MOT		1.75	1,312.50	EMAILS, CALLS PREP ORAL ARGUMENT
01/06/2016	1963	NK	MOT		1.50	1,125.00	IN COURT, ORAL ARGUMENT MOTION TO DISMISS
01/06/2016	1963	NK	MOT		0.75	562.50	FOLLOW UP ORAL ARGUMENT AND SUPPLEMENTAL SUBMISSION
01/11/2016	1963	NK	RES		2.25	1,687.50	RESEARCH RE SUPPLEMENTAL SUBMISSION TO COURT, EMAILS RE SAME
01/25/2016	1963	NK	MOT		2.50	1,875.00	REVIEW DRAFT OF SUPPLEMENTAL SUBMISSION, RES, EMAILS RE SAME
01/26/2016	1963	NK	MOT		2.00	1,500.00	EDIT SUPPLEMENTAL SUBMISSION, EMAILS RE SAME
01/27/2016	1963	YG	MOT		5.00	1,750.00	CITE CHECKED BRIEF
01/27/2016	1963	NK	MOT		2.00	1,500.00	EDIT AND CITE CHECK SUPPLEMENTAL BRIEF
01/28/2016	1963	NK	MOT		2.00	1,500.00	EDITS, EMAILS RE SUPPLEMENTAL BRIEF
02/09/2016	1963	NK	MOT		1.50	1,125.00	REVIEW DECISION ON MOTION TO DISMISS; EMAIL RE SAME
02/10/2016	1963	NK	CMT		0.75	562.50	EMAILS RE MEETING W/DEF POST DECISION ON MOTION DISMISS
02/11/2016	1963	NK	CMT		1.00	750.00	EMAILS RE FOLLOW UP SET DISCUSSIONS, INFORMATION NEEDED
02/16/2016	1963	NK	CMT		1.25	937.50	EMAILS RE INFORMATION NEEDED FOR MEETING W/DEF
02/24/2016	1963	NK	SET		2.50	1,875.00	MEETING W/DEF, BC, BF, JLS, EH
02/24/2016	1963	JLS	SET		3.00	2,625.00	PREP FOR AND MTG W/DEFENDANTS AND CO-COUNSEL; ISSUES RE CLASS
02/25/2016	1963	NK	SET		2.00	1,500.00	FOLLOW UP LEETER TO DEFENDANTS RE INFORMATION NEEDED
02/29/2016	1963	NK	SET		2.50	1,875.00	EDIT LETTER TO DEFENDANTS
03/02/2016	1963	NK	SET		2.50	1,875.00	REVIEW AND EDIT LETTER TO DEF

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INTERROGATORIES							
07/25/2016	1963	NK	DIS		2.00	1,500.00	DISC. RESPONSES, EMAILS RE SAME
07/26/2016	1963	NK	DIS		1.75	1,312.50	DISC RESPONSES, RMAILS SAME
08/11/2016	1963	NK	DIS		2.00	1,500.00	SEARCH TERMS, PROTOCOLS RE DOC PRODUCTION
08/12/2016	1963	NK	DIS		1.00	750.00	SEARCH TERMS, CUSTODIANS RE DOC DISCOVERY
08/24/2016	1963	NK	DIS		0.25	187.50	EMAILS RE REVISED DISC SCHEDULE, STIP
09/06/2016	1963	NK	CMT		0.50	375.00	STIP RE REVISION TO CMP
10/20/2016	1963	KEF	CMT		1.50	1,125.00	DISC CASE W/NK; BEGIN REVIEW OF CMO AND COMP
10/20/2016	1963	NK	CMT		1.00	750.00	DISC CASE W/KEF
10/21/2016	1963	KEF	CMT		2.25	1,687.50	CONT REVIEW OF CASE FILE, SETT LETTERS
10/24/2016	1963	KEF	DOC		1.50	1,125.00	UPOLOAD DOC PROD; DISC W/NK, REV DOC FORMAT, DISC W/MA
10/24/2016	1963	NK	DIS		0.50	375.00	DISC DOC DISCOVERY W/KEF
10/25/2016	1963	KEF	DOC		1.25	937.50	CALL W/COUNSEL RE DOCUMENTS; REV LTRS FOR CALL
10/26/2016	1963	KEF	DOC		1.00	750.00	DOC ISSUES; DISC W/MA; EMAILS RE DISK
10/28/2016	1963	KEF	DOC		4.50	3,375.00	REV CORR. SENT BY JLS; SETT HISTORY; DOC REVIEW; EMAILS W/COUNSEL
10/31/2016	1963	KEF	DOC		1.00	750.00	EMAIL FROM NK; CONT UPLOAD OF DOCS AND REVIEW
10/31/2016	1963	NK	DIS		0.25	187.50	EMAIL KEF RE DOC DISCOVERY
11/01/2016	1963	KEF	DOC		0.50	375.00	ISSUES W/DOC UPLOAD
11/03/2016	1963	KEF	DOC		2.75	2,062.50	DOC UPLOAD; BEGIN DOC REVIEW; EMAILS W/CO-COUNSEL RE CLASS CERT
11/04/2016	1963	KEF	CMT		0.50	375.00	CONT DISC W/CO-COUNSEL RE CLASS ISSUES

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11/10/2016	1963	KEF	CMT		0.75	562.50	EMAILS W/CO-COUNSEL RE CLASS CERT AND RETALIATION; DOC REVIEW
11/15/2016	1963	KEF	CMT		0.25	187.50	DISC W/CO-COUNSEL RE STRATEGY
11/17/2016	1963	KEF	DOC		4.50	3,375.00	CALL W/COUNSEL; DISC AND RESEARCH RE CLASS CERT; DOC REVIEW
11/18/2016	1963	KEF	DIS		5.50	4,125.00	RES. RE CLASS CERT; DOC REV - FIRST SET
11/30/2016	1963	KEF	SET		3.75	2,812.50	MEMO RE DOCS REVIEWED; DISC W/COUNSEL RE MEDIATION; REV SETT CORRESP
12/02/2016	1963	KEF	CMT		1.00	750.00	PREP FOR CALL W/COUNSEL; CALL RE DOCS AND MEDIATION
12/06/2016	1963	KEF	SET		1.75	1,312.50	DISC W/COUNSEL RE CALL; DISC RE MEDIATION; EMAIL TO DEF; DISC W/JLS RE MEDIATION
12/07/2016	1963	KEF	SET		0.75	562.50	CONT DISC RE MEDIATION; RESEARCH; QUICK REV OF PRIV LOGS
12/08/2016	1963	KEF	CMT		0.50	375.00	CONT DISC RE STRATEGY AND DOC REV
12/09/2016	1963	KEF	SET		0.50	375.00	CALL W/CO-COUNSEL RE MEDIATION; FOLLOW-UP
12/16/2016	1963	KEF	SET		0.25	187.50	CATCH UP ON EMAILS RE MEDIATION AND DISCOVERY
12/20/2016	1963	KEF	SET		1.75	1,312.50	DISC W/CO-COUNSEL RE MEDIATION ISSUES; REV WF LTR; CALL W/DEF COUNSEL; EMAILS W/WF
12/21/2016	1963	KEF	SET		0.25	187.50	MEDIATION SCHEDULING
12/22/2016	1963	KEF	SET		0.25	187.50	MORE DISC RE MEDIATION SCHEDULE
12/27/2016	1963	KEF	SET		0.50	375.00	EMAILS RE SETT; DISC RE CLIENT
12/28/2016	1963	KEF	CMT		0.25	187.50	EMAILS W/CO-COUNSEL RE STRATEGY
12/29/2016	1963	KEF	SET		0.50	375.00	DISC AMONG COUNSEL RE



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							MEDIATION AND RELATED ISSUES
12/30/2016	1963	KEF	CMT		0.75	562.50	CONT DISC W/COUNSEL RE MEDIATION AND RELATED ISSUES; EMAILS W/DEF COUNSEL
01/02/2017	1963	KEF	CMT		2.00	1,500.00	TEL CONF W/DEF COUNSEL; EMAIL TO CO-COUNSEL
01/04/2017	1963	KEF	CMT		2.25	1,687.50	EMAIL TO DEF COUNSEL; READ RETAL. LETTER; SCHEDULING ISSUES
01/05/2017	1963	KEF	SET		0.25	187.50	MEDIATION ISSUES
01/05/2017	1963	KEF	SET		0.50	375.00	MEDIATION ISSUES; REVIEW NEW SCHEDULE/CMO
01/09/2017	1963	KEF	SET		0.25	187.50	SCHEDULING ISSUES
01/11/2017	1963	KEF	CMT		1.00	750.00	DISC RE 15 USC 2087, RESEARCH RE CLAIM
01/13/2017	1963	KEF	SET		0.50	375.00	MEDIATION PREP; REVIEW SUBMISSION
01/19/2017	1963	KEF	CMT		0.50	375.00	EMAIL W/MK RE DISC OF CLASS SIZE; DISC W/CO-COUNSEL
01/24/2017	1963	KEF	SET		1.00	750.00	REVIEW BC LETTERS; DISC W/COUNSEL; MEDIATION PAPERWORK
01/25/2017	1963	KEF	CMT		0.50	375.00	EDIT BC LETTER; DISC W/CO-COUNSEL RE CLASS ISSUES
01/27/2017	1963	KEF	SET		0.25	187.50	SCHEDULING ISSUES RE MEDIATION; DISC MED BR
01/30/2017	1963	KEF	SET		1.00	750.00	MEDIATION ST.; DISC W/CO-COUNSEL; RESEARCH RE CLASS ISSUES
01/31/2017	1963	KEF	SET		1.25	937.50	CONT RESEARCH RE SETT; REVIEW DOC PRODUCED AT LAST MEDIATION
02/06/2017	1963	KEF	DAM		3.00	2,250.00	READ DEF. LETTER; RESEARCH RE WALMART AND DAMAGES; RESEARCH RE \$510
02/07/2017	1963	KEF	SET		2.75	2,062.50	CALL W/COUNSEL; DRAFT PART OF

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							LTR TO DEF; RESEARCH RE WALMART AND CLASS CERT
02/08/2017	1963	KEF	CMT		1.50	1,125.00	RE-READ LTR; EMAILS TO CO-COUNSEL; FINALIZE
02/14/2017	1963	KEF	SET		0.75	562.50	EMAILS W/CO-COUNSEL RE MEDIATION STRATEGY
02/21/2017	1963	KEF	DAM		1.50	1,125.00	REVIEW CASE STATUS; REV BF LETTER; RESEARCH RE DAMAGES
02/22/2017	1963	KEF	CMT		0.25	187.50	DISC ISSUES W/DEF; EMAILS W/COUNSEL
02/23/2017	1963	KEF	DIS		1.25	937.50	PREP FOR CALL W/DEF COUNSEL RE DISCOV ISSUES; CALLS W/DEF COUNSEL AND CO-COUNSEL; PREP AND FOLLOW-UP
02/24/2017	1963	KEF	DIS		4.75	3,562.50	CALL W/PM; DISC MEDIATION ISSUES; REV DOCS FROM MK; DISC DOCS W/CO-COUNSEL; MEMO RE NOTES FROM DOCS
02/27/2017	1963	KEF	DIS		5.50	4,125.00	DOC REV; DISC ISSUES; DRAFT MEDIATION ST; CALLS RE EXPERT HELP
02/28/2017	1963	KEF	SET		4.50	3,375.00	DRAFT AND EDIT MEDIATION STATEMENT
03/01/2017	1963	KEF	CMT		3.25	2,437.50	CALL W/PM; DISC RE EXPERT; REVIEW MEDIATION ST; EMAIL DOCS TO PM
03/02/2017	1963	KEF	SET		5.00	3,750.00	DISC W/PM; MEDIATION ST.; CALL W/SCS; DISC W/CO-COUNSEL; EDIT DRAFT
03/03/2017	1963	KEF	SET		5.75	4,312.50	DRAFT DAMAGES SECTION OF MED ST; DISC W/PM; FINALIZE
03/05/2017	1963	KEF	CMT		0.25	187.50	REVIEW AND RESPOND TO EMAILS
03/06/2017	1963	KEF	CMT		7.75	5,812.50	MEDIATION ST; CALLS W/SCS RE DATA; FINALIZE FILING OF EXHIBITS; COORDINATE FILING
03/07/2017	1963	KEF	CMT		0.75	562.50	READ DEF SUBMISSION; DISC W/CO-COUNSEL

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03/15/2017	1963	KEF	SET		2.00	1,500.00	PREP FOR MEDIATION; CALL W/SCS
03/16/2017	1963	KEF	SET		4.25	3,187.50	CALL W/SCS; PREP FOR MEDIATION
03/17/2017	1963	KEF	SET		2.00	1,500.00	PREP FOR MEDIATION; REV NEW DATA
03/19/2017	1963	KEF	SET		1.75	1,312.50	PREP FOR MEDIATION; REVIEW STATEMENTS AND DATA; CALL W/COUNSEL AND SCS
03/20/2017	1963	KEF	SET		9.75	7,312.50	MEDIATION AT JAMS; PREP AND FOLLOW UP
03/21/2017	1963	KEF	SET		8.25	6,187.50	MEDIATION AT JAMS; PREP AND FOLLOW-UP
03/22/2017	1963	KEF	CMT		0.25	187.50	DISC W/PM
03/23/2017	1963	KEF	SET		0.25	187.50	FOLLOW UP FROM MEDIATION
03/31/2017	1963	KEF	DIS		1.00	750.00	CALL RE NEXT STEPS; BEGIN REVIEW OF DOC ISSUES; READ CASES
04/03/2017	1963	KEF	DIS		0.75	562.50	EMAILS W/CO-COUNSEL RE DISC ISSUES; DRAFT LETTER TO DEF
04/04/2017	1963	KEF	DIS		1.25	937.50	DISC W/CO-COUNSEL RE STRATEGY; DOC ISSUES; DRAFT LETTER TO DEF
04/06/2017	1963	KEF	CMT		0.75	562.50	DISC W/CO-COUNSEL RE STRATEGY AND DOC ISSUES; DISC OF CALL W/JM
04/07/2017	1963	KEF	CMT		6.25	4,687.50	STATUS CONF W/COURT; PREP AND FOLLOW-UP; REVIEW AND EDIT TERM SHEET
04/17/2017	1963	KEF	CMT		0.75	562.50	EMAILS RE CALL; RE-READ AND EDIT LTR TO DEF COUNSEL
04/19/2017	1963	KEF	CMT		1.75	1,312.50	REV AND EDIT PROPOSED AM COMP; CALL W/COUNSEL; DRAFT LETTER
04/20/2017	1963	KEF	CMT		2.00	1,500.00	READ PROP AM COMP; FINISH AND CIRC LTR TO DEF
04/24/2017	1963	KEF	DOC		3.50	2,625.00	DISC W/CO-COUNSEL RE DOC PROD; BEGIN DOC REVIEW OF NEW DOCS
04/25/2017	1963	KEF	DOC		5.25	3,937.50	DOC REVIEW

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04/26/2017	1963	KEF	DOC		3.00	2,250.00	DOC REVIEW
04/27/2017	1963	KEF	DOC		6.50	4,875.00	DOC REVIEW; CALL W/COUNSEL; READ AND RESPOND TO DEF TERM SHEET
04/28/2017	1963	KEF	DOC		2.75	2,062.50	FINAL CHANGES TO TERM SHEET; CONTINUE DOC REV
05/01/2017	1963	KEF	DOC		3.50	2,625.00	FINALIZE COMMENTS TO TERM SHEET; CONT DOC REV
05/02/2017	1963	KEF	DOC		3.00	2,250.00	DOC REVIEW
05/10/2017	1963	KEF	SET		0.75	562.50	CALL W/MEDIATORS; PREP AND FOLLOW-UP
05/15/2017	1963	KEF	CMT		0.50	375.00	DISC W/SL; EMAIL TO CO-COUNSEL
05/16/2017	1963	KEF	CMT		1.25	937.50	EDIT LTR TO MK; DISC W/CO-COUNSEL
05/22/2017	1963	KEF	SET		2.00	1,500.00	CALL W/MEDIATORS; REV REVISED TERM SHEET; DISC TERM SHEET W/CO-COUNSEL
05/23/2017	1963	KEF	CMT		2.75	2,062.50	DISC TAX ISSUE W/COUNSEL; DISC W/JLS; PULL LANGUAGE FROM PRIOR CASES; DISCUSS DEP SCHEDULE
06/02/2017	1963	KEF	CMT		1.00	750.00	DRAFT DEP NOTICES; REV EMAIL FROM BC RE CALCULAATIONS
06/05/2017	1963	KEF	DEP		0.25	187.50	DEP SCHEDULING
06/06/2017	1963	KEF	SET		0.50	375.00	CALL W/MK RE MEDIATION; DISC W/CO-COUNSEL; SCHEDULE
06/07/2017	1963	KEF	CMT		1.25	937.50	CALL W/SL; REVIEW DEF COMMENTS ON TERM SHEET; EMAILS W/MK; SCHEDULING
06/08/2017	1963	KEF	SET		0.50	375.00	SCHEDULING FOR MEDIATION; DISC RE TERM SHEET
06/09/2017	1963	KEF	SET		1.50	1,125.00	CALL W/CO-COUNSEL RE MEDIATION STRATEGY; EDIT DRAFT LETTER; CONT DISC RE SCHEDULE
06/12/2017	1963	KEF	SET		1.00	750.00	CALL W/MEDIATOR AND ALL COUNSEL RE SCHEDULING; DISC

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							W/CO-COUNSEL
06/13/2017	1963	KEF	SET		0.25	187.50	DISC W/CO-COUNSEL RE MEDIATION
06/14/2017	1963	KEF	SET		0.75	562.50	FINALIZE SCHEDULE W/ALL COUNSEL; RESPOND TO MK EMAILS; MEDIATION PAPERWORK
06/26/2017	1963	KEF	CMT		3.75	2,812.50	DRAFT MEMO RE OPEN ISSUES AND KF POSITION; DISC RE OPEN ISSUES AND BILLS
06/27/2017	1963	KEF	CMT		1.25	937.50	EDIT COUNSEL'S COMMENTS RE OPEN ISSUES; DISC W/CO-COUNSEL
06/28/2017	1963	KEF	SET		5.50	4,125.00	CONF CALL W/CO-COUNSEL IN PREP FOR MEDIATION; DISC OPEN ISSUES; RESEARCH RE RELEASE AND NOTICE COSTS; RESEARCH RE CLASS CERT AND RELIEF SOUGHT
06/29/2017	1963	KEF	SET		6.25	4,687.50	CONT RESEARCH IN PREP FOR MEDIATION RE CLASS CERT; DISC RE RELEASE
06/30/2017	1963	KEF	SET		10.25	7,687.50	MEDIATION AT JAMS; PREP AND FOLLOW-UP
07/05/2017	1963	KEF	CMT		0.25	187.50	DISC W/MK; BILLING ISSUE
07/06/2017	1963	KEF	CMT		0.50	375.00	CALL W/MK; REVIEW DRAFT PAPERS; REVIEW TERM SHEET AND COMMENTS
07/12/2017	1963	KEF	SET		1.25	937.50	DRAFT STIP OF SETT
07/17/2017	1963	KEF	SET		1.50	1,125.00	DRAFT STIP OF SETT
07/18/2017	1963	KEF	SET		2.75	2,062.50	DRAFT STIP OF SETT; CIRC TO CO-COUNSEL
07/26/2017	1963	KEF	SET		1.25	937.50	EDITS TO SETT STIP; EMAIL TO COUNSEL
07/27/2017	1963	KEF	SET		2.25	1,687.50	DRAFT SETT STIP AND EXS; DISC CLASS DEF; EDITS FROM BC; CIRC NOTICE
08/01/2017	1963	KEF	SET		0.75	562.50	EDITS TO DRAFT STIP AND EXS
08/04/2017	1963	KEF	SET		1.00	750.00	EDITS TO DRAFT STIP AND EXS FROM CO-COUNSEL; DISCUSS

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08/08/2017	1963	KEF	SET		1.75	1,312.50	CONSOL ALL CHANGES TO STIP AND EXS; CIRCULATE TO CO-COUNSEL; DISC RE CLASS DEF
08/11/2017	1963	KEF	SET		2.50	1,875.00	CONT DRAFT STIP AND EXS; DISC RE CLASS DEF AND STRATEGY W/DEF; EDITS FROM BC
08/14/2017	1963	KEF	SET		0.75	562.50	EDITS TO STIP AND NOTICE
08/15/2017	1963	KEF	SET		1.75	1,312.50	CONSOL ALLL EDITS; DISC RE CLASS DEF
08/16/2017	1963	KEF	SET		2.50	1,875.00	EH EDITS; INCORP FINAL EDITS AND SEND W/LTR TO MK
09/14/2017	1963	KEF	SET		1.00	750.00	DISC W/CO-COUNSEL RE STATUS; CALL W/MK; FOLLOW-UP W/COUNSEL
09/20/2017	1963	KEF	CMT		0.50	375.00	DRAFT LETTER TO HELLERSTEIN; CIRC FOR COMMENTS; FINALIZE
10/10/2017	1963	KEF	SET		1.25	937.50	REVIEW DEF DRAFT OF STIP; DISC CONCERNS W/CO-COUNSEL
10/12/2017	1963	KEF	SET		2.75	2,062.50	CONT REVIEW OF STIP; EDIT LIST OF ISSUES; RESEARCH RE CONF ISSUES
10/16/2017	1963	KEF	SET		0.50	375.00	FINALIZE COMMENTS RE STIP AND SEND TO MK; DISC W/CO-COUNSEL
10/16/2017	1963	KEF	SET		0.75	562.50	TEL W/MK; REPORT TO CO-COUNSEL; REDLINE ISSUE SHEET
10/25/2017	1963	KEF	SET		2.50	1,875.00	REDLINE STIP AS PER CALL W/MK; CIRCULATE CHANGES W/EXPLANATION; REV SEP AGR FOR MP
10/26/2017	1963	KEF	SET		3.75	2,812.50	CONT TO INCORPORATE EDITS TO STIP; REVIEW SEP AGR; PREP TO SEND TO MK
10/30/2017	1963	KEF	SET		2.00	1,500.00	FINAL EDITS AND SEND W/REDLINE TO MK; EXPLAIN CHANGES
11/01/2017	1963	KEF	CMT		0.50	375.00	DRAFT LETTER TO JUDGE; CIRCULATE AND FILE
11/06/2017	1963	KEF	SET		3.75	2,812.50	DRAFT AND REVIEW PRELIM APPROVAL MOTION DRAFT; CIRC TO

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Date	Case	Att'y	Activity	Category	Hours	Amount	Description
							COUNSEL FOR COMMENTS
11/07/2017	1963	KEF	SET		2.25	1,687.50	MAKE EDITS TO BRIEF; REVIEW MK EDITS TO STIP AND EXS; DISC W/CO-COUNSEL
11/08/2017	1963	KEF	SET		1.00	750.00	ADDITIONAL EDITS TO DRAFT BRIEF; SEND TO MK FOR REVIEW
11/09/2017	1963	KEF	SET		3.75	2,812.50	CONT'D DISC RE DEF CHANGES TO AGR; DRAFT EMAIL TO MK RE OPEN ISSUES; REV PAST SETTS
11/10/2017	1963	KEF	CMT		1.50	1,125.00	DISC OPEN ISSUES W/MK; COMM TO CO-COUNSEL; DISC RE CONF AND RETAL
11/13/2017	1963	KEF	SET		6.25	4,687.50	DISC W/CO-COUNSEL RE ALLOCATION; SEND QUESTIONS TO MK; EDIT BRIEF AND LATEST AGREEMENT; DISC ALL OPEN ISSUES; EMAIL STIP TO MK
11/14/2017	1963	KEF	SET		2.25	1,687.50	DRAFT PA ORDER; SEND TO COUNSEL AND MK; EDIT EXCLUSION/OBJECTION LANGUAGE; DISC CALENDAR
11/15/2017	1963	KEF	SET		1.00	750.00	EDITS TO NOTICE; DISC W/CO-COUNSEL; CALL W/MK
11/16/2017	1963	KEF	SET		6.75	5,062.50	REV ALL PAPERS EDITED AND SENT BY MK; CONT DISC RE OPEN ISSUES; FINALIZE MOTION PAPERS; TEL W/MK; REVISE POA
11/17/2017	1963	KEF	SET		5.50	4,125.00	CONT DISC RE OPEN ISSUES; FINALIZE PAPERS AND CIRC FOR FILING
11/29/2017	1963	KEF	SET		3.50	2,625.00	PREP FOR HEARING; REVIEW PAPERS AND RESEARCH
11/30/2017	1963	KEF	SET		6.25	4,687.50	PRELIM APPROV HEARING; PREP AND FOLLOW-UP
12/01/2017	1963	KEF	CLA		3.75	2,812.50	ROLLOW-UP RE HEARING; RESEARCH RE CLASS ISSUES; DISC RE EQUITABLE RELIEF
12/03/2017	1963	KEF	CLA		0.25	187.50	DISC RE OPT-OUT AND CLASS ISSUES

## Abbey Spanier, LLP

Inception - 4/23/2019

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Date	Case	Atty	Activity	Category	Hours	Amount	Description
12/05/2017	1963	KEF	CMT		2.00	1,500.00	READ HEARING TRANS; FLAG ISSUES; DISC DAMAGES AND STRATEGY W/CO-COUNSEL; CALL W/DEF
12/06/2017	1963	KEF	DAM		4.00	3,000.00	DAMAGE DISC; REVISE LTR TO MK; DISC RE SPREADSHEETS; EMAIL TO MK W/SPREADSHHEET
12/07/2017	1963	KEF	CMT		4.25	3,187.50	RESPONSE FROM MK; DISC STRATEGY W/CO-COUNSEL; PREPARE RESPONSE TO MK'S EMAIL; PREP FOR CONF
12/08/2017	1963	KEF	SET		2.25	1,687.50	CONF W/COURT; PREP AND FOLLOW-UP
12/12/2017	1963	KEF	CMT		3.00	2,250.00	RESEARCH RE CLASS DEF; TEL W/MK RE OPEN ISSUES
12/13/2017	1963	KEF	RES		0.75	562.50	CALL W/CO-COUNSEL; PULL ADDIT'L RESEARCH AND ARTICLES
12/18/2017	1963	KEF	DAM		0.50	375.00	CALL W/SCS RE ADDIT'L DATA/DAMAGES
12/19/2017	1963	KEF	RES		3.75	2,812.50	RESEARCH RE CLASS; HYBRID CLASS ISSUES; EMAIL TO CO-COUNSE; EDIT EMAIL TO MK
12/20/2017	1963	KEF	CMT		0.75	562.50	EDITS TO LTR TO DEF
12/21/2017	1963	KEF	CMT		4.50	3,375.00	BEGIN DRAFT OF MEMO RE CLASS ISSUES; PROPOSAL; CALL W/MK; CIRC AND EDIT
12/22/2017	1963	KEF	CMT		2.75	2,062.50	FINALIZE LTR AND SEND TO DEF
01/10/2018	1963	KEF	CMT		0.25	187.50	EMAIL RE PREP FOR CALL W/DEF; REVIEW CORRESP
01/11/2018	1963	KEF	CMT		0.50	375.00	EMAILS TO CO-COUNSEL; REVIEW STATUS EMAIL FROM EH; DISC W/CO-COUNSEL RE STRATEGY
01/12/2018	1963	KEF	CMT		0.75	562.50	CONF CALL W/CO-COUNSEL; DISC RE CONF; DOCS AND AM COMP
01/17/2018	1963	KEF	SET		2.75	2,062.50	CALL W/COUNSEL; EDIT SETT PROP TO DEF; READ CASES; REV RESP FROM DEF; CALL W/MK; DISC RE FORMER EMPS



## Abbey Spanier, LLP

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ALL

Date	Case	Atty	Activity	Category	Hours	Amount	Description
01/18/2018	1963	KEF	SET		5.25	3,937.50	DISC W/CO-COUNSEL RE TERMS OF SETT; CONF CALL W/DEF COUNSEL; CONT RESEARCH RE FORMER EMPS; SEND PROP TO DEF AND DISCUSS
01/19/2018	1963	KEF	CMT		3.25	2,437.50	STATUS CONF W/JUDGE; PREP AND FOLLOW-UP
01/22/2018	1963	KEF	EXP		0.25	187.50	EMAILS RE EXPERT AND DOC BILLS
01/24/2018	1963	KEF	EXP		1.25	937.50	DISC W/AA RE EXPERT; EMAILS W/BC RE EXPERT; CALL W/CC
02/02/2018	1963	KEF	EXP		1.50	1,125.00	CALL W/MK TO DISC STATUS; BEGIN REVIEW OF DATA SENT
02/06/2018	1963	KEF	EXP		1.25	937.50	FOLLOW-UP RE EXPERTS; DISC RE DATA SENT BY MK W/COUNSEL
02/07/2018	1963	KEF	EXP		0.50	375.00	CALL W/POTENTIAL EXP; FOLLOW-UP
02/12/2018	1963	KEF	EXP		1.00	750.00	FOLLOW-UP RE CALL W/EXPERT; CALL TO OTHER EXPERT
02/14/2018	1963	KEF	EXP		0.50	375.00	CALL W/MK; DISC RE EXPERT
02/16/2018	1963	KEF	EXP		0.75	562.50	LETTER TO COURT; EDIT; DISC RE EXPERT
02/20/2018	1963	KEF	EXP		0.50	375.00	LETTER TO COURT; SEND TO MK; DISC RE EXPERT
02/27/2018	1963	KEF	EXP		0.25	187.50	CALL W/EXPERT; SEND DATA; DISC RE LOOK-BACK PERIODS; RESEARCH RE REGS
02/28/2018	1963	KEF	EXP		0.25	187.50	EXPERT SCHEDULING
03/02/2018	1963	KEF	CMT		1.00	750.00	STATUS EMAIL TO COUNSEL; SCHEDULE CALL W/DB, DISC W/MK
03/29/2018	1963	KEF	CMT		0.25	187.50	DISC RE XACT BILLS
04/18/2018	1963	KEF	CMT		1.50	1,125.00	REVIEW EMAILS RE LOOKBACK PERIODS/EFFECTIVE DATES; DISC W/CO-COUNSEL
04/20/2018	1963	KEF	DAM		1.75	1,312.50	FURTHER DISC RE DATA PRODUCED AND LOOKBACK PERIOD; DAMAGES
04/24/2018	1963	KEF	DAM		3.00	2,250.00	DISC RE DAMAGE CALCULATIONS;

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Date	Case	Atty	Activity	Category	Hours	Amount	Description
							CIRC PROPOSED INSTRUCTIONS
04/25/2018	1963	KEF	DAM		0.50	375.00	REVIEW RESPONSE FROM MK; DISC RE DAMAGES; EDIT INSTURCTIONS
04/26/2018	1963	KEF	DAM		1.25	937.50	FINALIZE PROPOSED INSTRUCTIONS RE DAMAGES; CIRCULATE FOR REVIEW
04/27/2018	1963	KEF	DAM		0.75	562.50	CONT DISC RE DAMAGE CALCULATION; DISC W/EXPERT
04/30/2018	1963	KEF	DAM		1.00	750.00	DAMAGE CALCULATIONS; DISC W/CO-COUNSEL AND EXPERT
05/01/2018	1963	KEF	DAM		1.25	937.50	DAMAGE CALCULATIONS; DISC RE METHOD
05/21/2018	1963	KEF	DAM		0.50	375.00	DISC RE DAMAGES; QUESTIONS FROM EXPERT
05/22/2018	1963	KEF	DAM		0.75	562.50	CONTINUED DISC RE DAMAGES; PREP FOR CALL W/DEFS
05/23/2018	1963	KEF	DAM		1.25	937.50	DISC RE DAMAGES; QUESTIONS FROM EXPERT; SCHEDULE CALL W/DEF
05/24/2018	1963	KEF	EXP		2.00	1,500.00	CALL W/EXPERT AND DEF COUNSEL; DISC W/BC AND EXPERT; DAMAGE CALC
05/29/2018	1963	KEF	SET		2.75	2,062.50	REVIEW SETT ISSUES; REDLINE AGREEMENT; CIRC FOR COMMENTS; BEGIN EDITS TO EXS
06/04/2018	1963	KEF	SET		0.25	187.50	FINALIZE REDLINE; SEND TO MK
06/11/2018	1963	KEF	SET		1.50	1,125.00	DEF COMMENT ON REDLINE; DISC INJ LANG; REDLINE EXHIBITS
06/13/2018	1963	KEF	CMT		1.00	750.00	EDIT REVISIONS TO NOTICE; DISC W/COUNSEL
06/15/2018	1963	KEF	EXP		1.25	937.50	EMAIL EXHHIBITS TO MK; REVIEW DRAFT EXPERT REPORT; DISC W/COUNSEL
06/20/2018	1963	KEF	EXP		0.75	562.50	CALL W/EXPERT RE DAMAGES, REVIEW SPREADSHEETS; DISC W/CO-COUNSEL

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ALL

Date	Case	Atty	Activity	Category	Hours	Amount	Description
06/21/2018	1963	KEF	DAM		3.50	2,625.00	DAMAGE CALCS; WORK W/SPREADSHEET; REORG DATA; DIS W/BC RE DATA; DISC WRE CLASS ISSUES
06/25/2018	1963	KEF	DAM		1.75	1,312.50	CONTINUE WORK ON DAMAGES; SORT SPREADSHEET; DISC W/COUNSEL
06/26/2018	1963	KEF	DAM		1.50	1,125.00	DAMAGE ANALYSIS; CALL W/MK; DISC W/CO-COUNSEL
06/27/2018	1963	KEF	DAM		0.75	562.50	DAMAGE ANALYSSIS; DISC W/DB
06/28/2018	1963	KEF	CMT		0.50	375.00	CALL W/MK; DISC W/DB RE NEW DATA/SPREADSHEET
06/29/2018	1963	KEF	DAM		2.25	1,687.50	NEW SPREADSHEETS; DRAFT EMAIL TO MK; DISC W/DB; DAM CALC
07/18/2018	1963	KEF	DAM		1.75	1,312.50	CALLL W/MK RE DAMAGE CALC; EMAIL SUMMARY TO CO-COUNSEL; REV STIP AND EXS; DISC RE WAITING PERIOD
07/30/2018	1963	KEF	SET		3.25	2,437.50	CALL W/MK; EMAIL TO CO-COUNSEL; EDIT PRELIM APPROVAL BRIEF
08/03/2018	1963	KEF	DAM		0.50	375.00	REVIEW EMAIL AND SPREADSHEET FROM MK; FWD TO CO-COUNSEL
08/08/2018	1963	KEF	CMT		1.50	1,125.00	CONF CALL W/COUNSEL TO DISC DEF EMAIL; DRAFT RESP TO DEF DISC EDITS
08/09/2018	1963	KEF	DAM		0.50	375.00	EDIT LTR TO MK AND FINALIZE; REVIEW SPREADSHEETS
08/15/2018	1963	KEF	DAM		3.50	2,625.00	RESP FROM MK RE DAMAGES; RESEARCH RE ERISA; DATA ANALYSIS
09/05/2018	1963	KEF	CMT		2.25	1,687.50	CONF CALL W/CO-COUNSEL; DRAFT EMAIL TO MK; REV PRIOR EMAILS; EDITS FROM COUNSEL
09/06/2018	1963	KEF	EXP		1.75	1,312.50	RESPONSE FROM MK; DISC W/CO-COUNSEL; DISC W/EXPERT; REV SPREADSHEET
09/07/2018	1963	KEF	DAM		0.50	375.00	CONT'D DISC W/CO-COUNSEL RE

Abbey Spanier, LLP
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Date	Case	Atty	Activity	Category	Hours	Amount	Description
							DAMAGES; RESEARCH RE CLASS ISSUES
09/12/2018	1963	KEF	EXP		0.50	375.00	CALL W/EXPERT; EMAIL TO MK
09/25/2018	1963	KEF	EXP		3.00	2,250.00	CALL W/EXPERT; RESEARCH RE ACA; REV EXPERT NEW SPREADSHEET; GO BACK TO DOCUMENTS RE LOOK BACK; EMAIL RE DAMAGES TO CO-COUNSEL
09/27/2018	1963	KEF	CLA		2.50	1,875.00	CALL W/COUNSEL RE CLASS ISSUES; EQ RELIEF; DISC W/DB RE CLASS DEF AND SIZE
10/01/2018	1963	KEF	DAM		6.50	4,875.00	DISC W/CO-COUNSEL RE DAMAGES; REV DOCS RE LOOKBACK PERIOD AND HAWAII; DISC W/DB RE SPREADSHEETS; EDIT STIP OF SETT; DRAFT EMAIL TO MK
10/04/2018	1963	KEF	SET		2.75	2,062.50	EMAIL FROM MK; EDIT STIP AND CIRC; PREP FOR HEARING
10/05/2018	1963	KEF	CRT		4.50	3,375.00	HEARING W/JUDGE; PREP AND FOLLOW-UP; REVIEW AGREEMENTS; CIRC REVISIONS
10/15/2018	1963	KEF	DAM		1.00	750.00	EDIT EXHIBITS AND CIRC FOR COMMENTS; SEND TO MK
10/18/2018	1963	KEF	SET		2.25	1,687.50	EDIT PRELIM APP BRIEF AND CIRC FOR COMMENT; REVIEW EDITS FROM BC
10/19/2018	1963	KEF	SET		1.00	750.00	EDITS TO BRIEF; DISC CLASS ISSUES; REV DB DRAFT AFF
10/22/2018	1963	KEF	SET		1.50	1,125.00	EDITS TO BRIEF; EDITS TO DB AFF; DISC W/MK; DISC FINAL ISSUES
10/24/2018	1963	KEF	MOT		1.75	1,312.50	EDITS TO DB REPORT; EDIT STIP AND EXS AND RECIRCULATE
10/29/2018	1963	KEF	MOT		1.50	1,125.00	EDIT PRELIM APPROV BRIEF; REV EMAIL FROM MK
10/31/2018	1963	KEF	MOT		2.00	1,500.00	CONT EDIT PRELIM APPROVAL BRIEF; SEND DRAFT TO MK
11/13/2018	1963	KEF	MOT		2.75	2,062.50	EDIT PRELIM APP BRIEF PER COUNSEL EDITS; DISC RE

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Date	Case	Atty	Activity	Category	Hours	Amount	Description
							EQUITABLE REST
11/14/2018	1963	KEF	EXP		2.25	1,687.50	CONT DISC RE EDITS; SEND NEW DRAFTS TO MK; SEND EXPERT REPORT AND FINAL DOCS
11/15/2018	1963	KEF	MOT		5.50	4,125.00	FINALIZE ALL DOCS IN PREP FOR FILING; DISC REMAINING ISSUES; DISC W/DB
11/16/2018	1963	KEF	MOT		6.75	5,062.50	CIRC ALL DOCS FOR FINAL REVIEW; DISC W/DB; FINAL EDITS
11/19/2018	1963	KEF	MOT		1.00	750.00	FINALIZE DOCS; COLLECT SIGNATURES
11/20/2018	1963	KEF	MOT		1.50	1,125.00	ORGANIZE FINAL PAPERS AND FILE
11/29/2018	1963	KEF	CMT		0.50	375.00	DISC W/SCS RE CAFA; DISC NOTICE ISSUES W/SCS; EMAIL TOMK
11/30/2018	1963	KEF	CMT		0.25	187.50	EMAIL FROM MK; DISC RESPONSE
12/04/2018	1963	KEF	CLA		0.25	187.50	DISC W/SCS RE COSTS; NOTICE ISSUES
12/05/2018	1963	KEF	CLA		0.25	187.50	NOTICE ISSUES; DISC W/SCS; EMAIL TO MK
12/05/2018	1963	KEF	CLA		0.25	187.50	NOTICE ISSUES; DISC W/SCS; EMAIL TO MK
12/06/2018	1963	KEF	DAM		2.75	2,062.50	SPREADSHEET TO MK; PREP FOR HEARING; CONF CALL W/COUNSEL
12/07/2018	1963	KEF	MOT		4.25	3,187.50	PRELIM APPROVAL HEARINGP PREP AND FOLLOW-UP
12/20/2018	1963	KEF	CLA		1.25	937.50	CATCH UP RE STATUS; EMAILS RE NOTICE ISSUES; REV NOTICE
01/16/2019	1963	KEF	CLA		0.50	375.00	DISC RE CLASS MEMBERS; REVIEW STIP; DISC W/CO-COUNSEL
02/07/2019	1963	KEF	CLA		0.75	562.50	REV NOTICE ISSUES FROM SCS; DISC W/CO-COUNSEL; EDIT LETTER
02/08/2019	1963	KEF	SET		0.25	187.50	SEND EDITS; REV LETTERS; CHECK SETT WEBSITE
02/11/2019	1963	KEF	CLA		0.25	187.50	NOTICE AND CLASS ISSUES; CALL W/CO-COUNSEL

**Abbey Spanier, LLP****Inception - 4/23/2019****Order: Date****Case: 1963 - DAVE & BUSTERS II****ALL**

<b>Date</b>	<b>Case</b>	<b>Atty</b>	<b>Activity</b>	<b>Category</b>	<b>Hours</b>	<b>Amount</b>	<b>Description</b>
02/28/2019	1963	KEF	CLA		1.75	1,312.50	DISC RE CLASS ISSUES; LTRS TO CLASS MEMBERS AND FOLLOW-UP; RESEARCH RE CLASS ISSUES
03/07/2019	1963	KEF	CLA		0.50	375.00	REVIEW CLASS ISSUES; CALL W/COUNSEL
<b>GRAND TOTALS</b>					<b>628.00</b>	<b>467,887.50</b>	

**All Attorneys**

JOINT DECLARATION  
EXHIBIT C  
(CONOVER DECLARATION)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MARIA de LOURDES PARRA MARIN, on  
behalf of herself and all other persons similarly  
situated,

Plaintiff,

15 Civ. 3608 (AKH)

- against -

DAVE & BUSTER'S, INC., and  
DAVE & BUSTER'S ENTERTAINMENT,  
INC.,

Defendants.

**DECLARATION OF BRADFORD D. CONOVER IN SUPPORT OF PLAINTIFF'S  
MOTION FOR AN AWARD OF ATTORNEYS' FEES AND REIMBURSEMENT OF  
EXPENSES**

1. I, Bradford D. Conover, a member of the law firm Conover Law Offices ("Conover Law"), was actively involved in the prosecution of the above-captioned class action, am familiar with its proceedings, and have personal knowledge of the matters set forth herein based upon my active participation in all material aspects of the litigation. I submit this declaration in support of approval of Plaintiff's application for an award of attorneys' fees and reimbursement of expenses.

2. On or about June 3, 2104, plaintiff, Maria de Lourdes Parra Marin, retained Conover Law Offices. As a full time employee for a number of years, Ms. Marin had been provided with medical insurance though Dave & Busters. In June 2013, Dave & Buster's reduced Ms. Marin's hours from full time to under thirty hours per week. The reduction in her hours from full time to part time deprived her of the full time medical insurance coverage she had received and precluded her from eligibility for the medical insurance mandated under the Affordable Care Act.



3. After investigating the facts, it was determined that Ms. Marin's reduction in hours was part of a nation-wide program by Dave & Buster's to deprive their employees of eligibility for medical insurance a violation of ERISA. Frumkin & Hunter LLP, a firm with expertise in ERISA, and Abbey Spanier, a firm with expertise in class actions, were retained as co-counsel. On or about May 8, 2015, a complaint was filed on behalf of Ms. Marin, and all similarly situated employees, alleging a violation of ERISA.

#### **The Contingency, Risk and Difficulty**

4. In matters involving claims of civil rights that are litigated in court, Conover Law Offices virtually always work on a full, or partial, contingency basis. As such, we are compensated based on the portion of any judgment or settlement obtained, or through fee petitions. In the instant matter, we represented Ms. Marin on a full contingency basis and will be compensated solely on the basis of the instant fee application.

5. Civil rights cases are often complex and, because intent is in issue, are difficult to prove. Because the chances of losing civil rights cases at summary judgment or trial are so real, we, who practice plaintiff's employment discrimination law in New York, depend on the availability of a full contingency or lodestar recovery (now referred to as the presumptively reasonable fee) if we prevail.

6. This was a case with significant risk for a number of reasons. The practice of reducing employees' hours, particularly in the retail or restaurant sectors, has become common place since the enactment of the Affordable Care Act. However, based on a survey of case law, the practice had never been challenged under ERISA. This was the first case in the nation to challenge the practice under ERISA. The risks included, but were not limited to, establishing new precedent under ERISA; overcoming the unique ERISA requirement that monetary relief be

incidental to equitable relief; and establishing that class issues sufficiently predominate over individual issues so as to permit class certification.

### **The Lodestar**

7. Conover Law Offices prosecuted the litigation on a wholly contingent basis and advanced or incurred litigation expenses. Conover Law Offices has not received any compensation for its efforts in connection with the proposed settlement,

8. Conover Law Offices have expended 984.60 hours of time and incurred approximately \$518,099.00 in lodestar fees broken down as follows:

<u>Attorney Name</u>	<u>Hours</u>	<u>Hourly Rate</u>	<u>Lodestar</u>
Bradford D. Conover	750.29	\$550	\$412,659.50
Molly Smithsimon	<u>234.31</u>	\$450	<u>\$105,439.50</u>
<b>TOTALS</b>	<b>984.60</b>		<b>\$518,099.00</b>

### **The Requested Hourly Rates Are Reasonable**

9. On behalf of Ms. Marin and the class, Conover Law Offices seeks to recover attorney's fees at hourly rates current at the time of trial of \$550 for the undersigned and \$450 for Molly Smithsimon. In making this request, I have assessed the rates of other attorneys, like myself and Ms. Smithsimon, who have been admitted to the Bar for an equivalent number of years and who have attained a similar level of expertise in the area of employment law and civil rights litigation, as detailed in accompanying memorandum of law.

10. Our firm was retained by Ms. Marin nearly five years ago. The customary hourly rates which we charge in civil rights retainer agreements are currently \$550 for the undersigned and \$450 for Ms. Smithsimon. For the reasons discussed in the accompanying memorandum of law, we believe that our rates of \$550 and \$450, respectively, are well within the range of, if not

below, approved rates in this District for attorneys with comparable experience.

**The Hours Expended Are Reasonable**

11. Ms. Smithsimon and I maintain a practice of entering our time directly into Timeslips program either upon completion of the task at hand or at the end of the day on which I have performed work. Conover Law Offices' Timeslips records on this matter are annexed as Exhibit A.

12. The Timeslips records list the time that Ms. Smithsimon and I expended on behalf of Ms. Marin, and the class, with a description of the tasks performed. The records reflects my time and Ms. Smithsimon's time from when Ms. Marin first consulted with our firm on April 24, 2014, through the date of this declaration.

13. As indicated by the Timeslips records, the work we performed between the date that Ms. Marin sought our representation through the present, included the following: Conference with client and research; researched viability of plaintiff's ERISA claims; drafted complaint in this action; appeared at initial conference and drafted scheduling order; researched and prepared briefing in response to motion to dismiss; drafted discovery requests; reviewed extensive document production of over 75,000 documents through a Relativity database platform; prepared mediation brief; attended various mediation sessions over the course of one year; drafted settlement agreement; drafted and researched motion for preliminary approval; renegotiated settlement agreement; retained and reviewed expert analysis of damages; drafted and researched second motion for preliminary approval; prepared expert and attorney declaration and exhibits; appeared at oral arguments; advised and worked with claims administrator; and drafted and researched motion for final approval, declarations and brief.

### **Background and Experience**

14. I am an attorney in good standing, admitted to practice law in the States of New York and Connecticut and in the United States District Courts for the Southern and Eastern Districts of New York and District of Connecticut. I am also admitted to practice before the United States Court of Appeals for the First and Second Circuits. I was admitted to practice law in the States of Connecticut, in October 1984, and New York, in February 1985.

15. I received my BA from Trinity College and my J.D. from New York Law School in 1984 where I served on the Law Review. During law school, I worked as a part-time student intern for Magistrate Judge Ruth Washington, SDNY; for the United States Attorney's Office, Criminal Division, EDNY; and for Corporation Counsel for the City of New York, Family Court Division.

16. I began my practice in 1984 as a litigation associate with D'Andrea & Rosenfeld in Stamford, Connecticut. I later worked as a litigation associate for Quinn, Cohen, Shields and Block and the US office of the French firm, Orlando Conseils, both in New York City. Before opening my own firm in 1998, I was of counsel with the New York City firm of Dickerson & Reilly. On September 9, 1998, I formed my own law firm, Conover & Zayas, LLP, to focus on employment and civil rights litigation and later, in 2002, renamed the firm Conover Law Offices,

17. For the past 35 years, I have successfully represented many employees in the area of employment discrimination before the EEOC, New York State Division of Human Rights, New York City Commission of Human Rights and in the State and Federal Courts in New York and Connecticut, as well as in arbitration before private arbitrators such as JAMS, the AAA and NAM.

18. Molly Smithsimon, of counsel to Conover Law Offices since 2007, is an

attorney in good standing, admitted to practice law in the State of New York and in the United States District Courts for the Southern and Eastern Districts of New York. She is also admitted to practice before the United States Court of Appeals for the Second Circuit. She was admitted to practice law in the State New York in November 2004.

19. Ms. Smithsimon received her BA from Brown University and her J.D. from University of Pennsylvania School of Law in 2002, where she served on the Hybrid Journal for Law and Social Justice. During law school, she worked as an intern at the Women's Law Project in Philadelphia, Pennsylvania, the Center for Gay and Lesbian Civil Rights, and at the Lawyers' Committee for Civil Rights in San Francisco, California as a summer law clerk.

20. Ms. Smithsimon began her practice in 2002 doing policy and advocacy work at Community Service Society. In 2007, she joined Conover Law Offices, to focus on employment and civil rights litigation.

21. Ms. Smithsimon and I are long term members of the National Employment Lawyers Association New York Chapter (NELA/NY) and I am a member of the national affiliate. NELA is a national organization of attorneys whose practices involve the representation of plaintiffs in employment-related suits.

22. Ms. Smithsimon and I have presented as panelists at the semi-annual conferences sponsored by NELA/NY, on the topics of retaliation as well as disability rights litigation in employment cases following the 2008 amendments to the Americans with Disabilities Act and jury trials.

23. For the past 17 years, we have successfully represented many employees in the area of employment discrimination in the State and Federal Courts in New York, as well as in arbitration before private arbitrators such as JAMS, the AAA and NAM.

24. The majority of the Firm's employment discrimination claims have been litigated in federal court, and many have resulted in published opinions, including: *Pesce v. New York City Police Dep't*, 159 F. Supp. 3d 448 (S.D.N.Y. 2016) (disability discrimination); *Hanley v Chicago Tit. Ins. Co.*, 12 CIV. 4418 ER, 2013 WL 3192174 (SDNY June 24, 2013) (age discrimination); *Chisholm v. Memorial Sloan-Kettering*, 748 F.Supp.2d 319 (S.D.N.Y. 2010) (race discrimination and retaliation); *Sasikumar v Brooklyn Hosp. Ctr.*, 09 CV 5632 ENV RML, 2011 WL 1642585 (EDNY May 2, 2011) (national origin discrimination); *Zustovich v Harvard Maintenance, Inc.*, 73 Fed R Serv 3d 462 (SDNY Mar. 20, 2009) (age and national origin discrimination); *Brown v Tomcat Elec. Sec., Inc.*, 03-CV-5175 (FB)(JO), 2007 WL 2461823 (EDNY Aug. 27, 2007) (FLSA) (prevailing wage case).

25. The published opinions include cases I handled prior to starting Conover Law Offices, such as *Melendez v Intl. Serv. Sys., Inc.*, 97 CIV. 8051 DAB, 1999 WL 187071 (SDNY Apr. 6, 1999) (national origin discrimination); *Fox v City Univ. of New York*, 1999 WL 33875 (SDNY Jan. 26, 1999); *Fox v City Univ. of New York*, 1998 WL 273049 (SDNY May 27, 1998); *Fox v City Univ. of New York*, 69 Empl. Prac. Dec P 44274 (SDNY July 10, 1996); *Fox v. City University of New York*, 187 F.R.D. 83 (S.D.N.Y. 1999) (race discrimination); *Andriotty v Suffolk County*, 97 CV 5553, 1998 WL 661464 (EDNY Aug. 4, 1998) (race and gender discrimination).

26. I have handled as co-lead counsel the class action: *Dornberger v. Metropolitan Life Ins. Co.*, 203 F.R.D. 118 (S.D.N.Y. 2001) (class settlement in excess of \$20 million dollars).

27. The Firm has successfully prosecuted in federal court many other employment discrimination cases, including: *Richard J. McCord, as Trustee of the Estate of Nuket Adair v. Macy's Inc., et al.*, 12 CV 412 (KBF) (age and national origin discrimination); *Ahmad v.*

*University of Bridgeport et al.*, Case No. 12-CV-00046 (MRK) (D. Conn) (sexual harassment and retaliation); *Arus v. Cole Systems Associates, Inc., et al.*; 08 CV 3899 (Griesa, J.) (SDNY) (pregnancy discrimination); *Indony P. Jean Baptiste v. ADP, Inc., et al.*, 04CV4975 (JS)(WDW) (EDNY) (race discrimination and retaliation); *Burkhart v. DOE, et al.*, 08 Civ. 7403 (LTS)(HBP) (EDNY) (disability discrimination); *Cezzar v. HHC, et al.*, 99 Civ. 8695 (RJD) (EDNY) (race and national origin discrimination); *Coleman v. Roerhig Maritime*, 11-CV0-9075 (SDNY) (race discrimination and retaliation); *Familia et al v. Eric Javits, Inc. et al*, Case No. 10-cv-3423 (WFK) (JMA) (EDNY) (pregnancy discrimination FMLA); *Charles W. Fletcher Jr. v. New York City Police Department et al.*, Case No. 11-cv-0843 (EDNY) (disability discrimination); *Anika Gersbeck v. Unpakt, LLC, et al.*, Case No.: 16-CV-02773 (PKC) (SDNY) (pregnancy discrimination and FMLA); *Conley et al. v. Service Corporation International et al.*, 99 Civ. 4745 (CBM) (SDNY) (race discrimination); *Luzon v. Law Offices of Howard Rosengarten et al.*, 10 CV 1309 (AKH) (SDNY) (sexual harassment); *Rysiejko v. Avianca, Inc., et al.*, 02 CV 5452 (JSM)(GWG) (SDNY) (age discrimination); *Michelange Sainnoval v. CFM Advisors et al*, Case No. 08 CV 4615 (EDNY) (pregnancy discrimination and FMLA); and *Andrew Sapgnolo v. Regal*; Case No. 09 CV 6748 (CS) (SDNY) (disability discrimination).

28. I also handled a number of employment cases prior to starting Conover Law Offices, including *Jennifer Stevens v. The Juilliard School et al.*, Case No. 01 Civ. 1217 (RWS) (SDNY) (disability discrimination); *Melendez v. Colgate et al.*, 97 CV 8051 (DAB) (S.D.N.Y.) (national origin discrimination); *Daniel v. CMC*, 96 CV 6289 (E.D.N.Y.) (race discrimination); *Morales v. Budget*, 98 CV 4668 (E.D.N.Y.) (ADEA claim); *Valasquez v. Goldwater*, 98 CV 5820 (S.D.N.Y.) (race discrimination); *Nieves v. City of New York*, 97 CV 6669 (E.D.N.Y.); *Raftis v. Holy Cross*, CV 97-1515 (E.D.N.Y.) (pregnancy discrimination); *Konstas v. Steinberg*

*Raskin & Davidson*, 97 Civ. 9281 (RWS) (S.D.N.Y.) (pregnancy discrimination); *Russell DiMarco v. HSBC f/k/a Marine Midland Bank et al.*, 02-CV-2543 (SDNY) disability discrimination); *Lancia v. Manufacturers Hanover Trust Company*, 89 CV 3503 (LBS) (S.D.N.Y.) (age discrimination); *Macaluso et al v. Manufacturers Hanover Trust Company*, 89 CV 3490 (WK) (S.D.N.Y.) (age discrimination).

29. The Firm has successfully tried to verdict: *Chisholm v. Memorial Sloan-Kettering*, 748 F.Supp.2d 319 (S.D.N.Y. 2010) (\$1.5 million verdict reduced in remittitur); *In re Adler*, 467 B.R. 279 (Bkrtcy. E.D.N.Y. 2012) (successful plaintiff's \$2 million judgment in state court and finding of non-dischargability after trial in bankruptcy court); *Edmundo Vicuña v. Westfourth Architecture*, Case No.: 2012-LCA-00023 (U.S. Dept. Labor) (successful plaintiff's verdict in H1B1 visa claim).

30. I handled several trials before starting Conover Law Offices, including *Juno, Inc. et al v. Endeavour Inc., et al.*, Index No. 93-265-PC (successful defendants' verdict America's Cup maritime negligence); *Fox v. City University of New York*, 187 F.R.D. 83 (S.D.N.Y. 1999) (successful plaintiff's jury verdict in race discrimination increased in remittitur); and *Thermal Innovations, Inc. v. Manjerrez*, Index No. 18806/87 (Civil Ct, Queens Cty.) (successful appeal of defendant's verdict commercial breach of contract action).

31. The Firm has handled a number of other types of employment cases, such as *Steven Puente v. Cantor Fitzgerald Securities, Inc., et al.* 15-cv-05196-RJS (SDNY) (FLSA); *Nicholas Triolo v. Cantor Fitzgerald Securities, Inc., et al.* 17-cv-4940 (KBF) (SDNY) (FLSA); *Ludizaca et al v. GFB Restaurant Corp. et al.* Case No. 13-cv-9180(RA)(MHD) (FLSA); *Miguel Neira et al v. Broadway Stages, Ltd., et al.*, Case No. 15-CV-04616 (FLSA); *Magnetic Media Holdings, Inc. v. Michael P. Egan, et al.*, New York County Index No.: 6511541/2011 (breach of



contract and fiduciary duty); *Adolfo Meregildo et al v. Angela Diaz*; Case No. 151905/2013 (Supreme, NY Cty) (summary judgment awarded employee dismissing breach of fiduciary duty claim).

32. The above cited cases are not intended to be exhaustive of the cases handled throughout our practice.

**The Expenses Are Reasonable**

33. Conover Law Offices also incurred a total of \$28,261.94 in unreimbursed expenses in connection with our work on this litigation, broken down as follows:

<u>Vendor</u>	<u>Expense</u>
Xact Data Discovery	\$ 8,144.60
Hemming Morse, LLP	\$ 9,865.54
JAMS	\$ 9,836.45
Filing Fee	\$ 400.00
Messenger/Travel	\$ 15.35
<b>TOTAL</b>	<b>\$28,261.94</b>

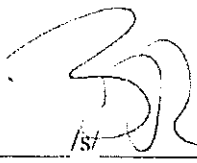
34. The expenses are primarily composed of document hosting services (Xact Data Discovery), expert fees (Hemming Morse, LLP), and mediation costs (JAMS). All expenses incurred pertaining to this case are reflected in the books and records of this firm. These books and records are prepared from expense vouchers and check records and are an accurate record of the expenses incurred. The expenses sought have been reasonably and necessarily incurred in prosecuting this action.

35. Plaintiff's counsel took care to keep costs to a minimum and vetted all vendors carefully to ensure quality services with the lowest possible cost to the class on whose behalf this case was litigated.

36. Conover Law Offices lodestar fee totals \$518,099.00 and expenses total \$28,261.94, for a total of \$546,360.94.

I declare under the penalty of perjury under the laws of the State of New York that the foregoing is true and correct.

Dated: April 25, 2019  
New York, New York

  
\_\_\_\_\_  
/s/ Bradford D. Conover

**Exhibit A**

**Conover Law Offices**  
**345 Seventh Ave.**  
**21st Floor**  
**New York, NY 10001**

Invoice submitted to:
Maria DeLourdes Parra Marin
173 16 89th Ave.,
Jamaica
NY 11432

<i>Invoice Date</i>	<i>Invoice Number</i>	<i>Last Bill Date</i>
April 24, 2019	10213	

Professional Services

		<u>Hrs/Rate</u>	<u>Tax#</u>	<u>Amount</u>
4/24/2014 - BDC	Conference	2.50		1,375.00
	Conference with clients Molly regarding claims	550.00/hr		
- MS	Conference	2.83		1,273.50
	Conference with clients and Bradford D. Conover regarding claims.	450.00/hr		
4/29/2014 - BDC	Conference	3.00		1,650.00
	Conference with clients	550.00/hr		
- MS	Conference	3.00		1,350.00
	Conference with clients.	450.00/hr		
5/19/2014 - BDC	Conference	0.17		93.50
	Conference with client new docs	550.00/hr		
- MS	Conference	0.33		148.50
	Conference with clients and Bradford D. Conover to review new documents.	450.00/hr		
5/28/2014 - BDC	Draft and Revise	2.67		1,468.50
	Draft and revise demand letter, email client	550.00/hr		
- MS	Review	2.00		900.00
	Review and revise demand letter	450.00/hr		
5/29/2014 - BDC	Draft and Revise	2.17		1,193.50
	Draft and revise demand letter, email client, review docs	550.00/hr		
- MS	Revise	2.17		976.50
	Revise demand letter, review new documents, telephone conversation with client.	450.00/hr		

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			<u>Hrs/Rate</u>	<u>Tax#</u>	<u>Amount</u>
5/30/2014	- BDC	Draft and Revise Draft and revise letter to David & Buster, email client	1.00 550.00/hr		550.00
	- MS	Revise Revise letter to defendants, telephone conversation with client.	0.83 450.00/hr		373.50
6/2/2014	- BDC	Draft and Revise Draft and revise demand letter	1.00 550.00/hr		550.00
6/3/2014	- BDC	Draft and Revise Draft and revise demand letter, email and telephone conversation client	1.83 550.00/hr		1,006.50
	- MS	Conference call Call with client and Bradford D. Conover	1.83 450.00/hr		823.50
7/9/2014	- BDC	Conference Conference with Maria and Edwin, review file	1.33 550.00/hr		731.50
	- MS	Conference Conference with client and Bradford D. Conover	1.50 450.00/hr		675.00
11/7/2014	- BDC	Conference call Conference call Joel, Sam and Daniella	1.00 550.00/hr		550.00
11/14/2014	- BDC	Draft and Revise Draft and revise and research complaint	3.50 550.00/hr		1,925.00
	- MS	Research Research complaint and ERISA claims	4.50 450.00/hr		2,025.00
11/18/2014	- BDC	Draft and Revise Draft and revise complaint, research ACA, ERISA	2.33 550.00/hr		1,281.50
	- MS	Research Research ACA and ERISA claims, revise complaint	3.33 450.00/hr		1,498.50
12/5/2014	- BDC	Draft and Revise Draft and revise complaint	2.00 550.00/hr		1,100.00
	- MS	Revise Revise complaint	2.50 450.00/hr		1,125.00
3/19/2015	- BDC	Conference call Conference call Bill Frumkin, emails	1.00 550.00/hr		550.00
3/24/2015	- BDC	Conference Conference with Bill Frumkin and Maria and Edwin regarding ERISA action, review payroll docs, email Bryn regarding excel	2.83 550.00/hr		1,556.50

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		<u>Hrs/Rate</u>	<u>Tax#</u>	<u>Amount</u>
4/1/2015 - BDC	Draft and Revise Draft and revise complaint	2.00 550.00/hr		1,100.00
- MS	Draft and Revise Draft and revise spreadsheet on damages	2.17 450.00/hr		976.50
4/6/2015 - BDC	Draft and Revise Draft and revise complaint emails client and attorneys, review excel hours, client docs, call potential plaintiff	2.33 550.00/hr		1,281.50
- MS	Conference call Conference call with clients and Bradford D. Conover	1.83 450.00/hr		823.50
4/7/2015 - BDC	Conference Conference with Maria, Edwin, review docs, revise complaint, payroll etc	4.83 550.00/hr		2,656.50
- MS	TC Telephone call with clients, review and revise excel damages spreadsheet, review payroll documents	4.67 450.00/hr		2,101.50
4/8/2015 - BDC	Draft and Revise Draft and revise complaint, email regarding scheduling, email payroll records	1.00 550.00/hr		550.00
4/9/2015 - BDC	Review Review payroll 2014-15, email Frumkin	0.50 550.00/hr		275.00
4/14/2015 - BDC	TC Telephone call with potential plaintiffs, Edwin,	0.50 550.00/hr		275.00
- MS	TC Telephone call with clients and conference with Bradford D. Conover	0.67 450.00/hr		301.50
4/15/2015 - BDC	Draft and Revise Draft and revise complaint, telephone conversation, telephone conversation Edwin	1.33 550.00/hr		731.50
4/16/2015 - BDC	E-mail E-mail and telephone conversation regarding potential plianitiffs telephone conversation Edwin, review client docs	2.17 550.00/hr		1,193.50
- MS	Conference call Conference call with clients, review client documents	2.17 450.00/hr		976.50
4/20/2015 - BDC	Conference Conference with Abbey Spainer and Bill Frimkin	2.50 550.00/hr		1,375.00

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		<u>Hrs/Rate</u>	<u>Tax#</u>	<u>Amount</u>
4/21/2015 - BDC	Draft and Revise Draft and revise co counsel and retainer, review notes regarding complaint, emails	2.00 550.00/hr		1,100.00
4/23/2015 - MS	Revise Revise retainer agreement, conference with BDC	0.50 450.00/hr		225.00
- BDC	E-mail E-mail clients counsel regarding retainer and complaint	1.50 550.00/hr		825.00
4/24/2015 - BDC	Draft and Revise Draft and revise complaint, email clients, counsel	1.50 550.00/hr		825.00
4/28/2015 - BDC	E-mail E-mail with cocounsel regarding drafts of complaint, to client regarding retainer, revise and edit complaint	1.67 550.00/hr		918.50
- BDC	Draft and Revise Draft and revise complaint, email Judy Bill	1.00 550.00/hr		550.00
- MS	E-mail E-mail counsel, review and revise complaint	4.50 450.00/hr		2,025.00
4/29/2015 - BDC	Draft and Revise Draft and revise complaint numerous emails telephone conversation counsel	4.50 550.00/hr		2,475.00
4/30/2015 - BDC	Conference call Conference call and numerous emails revising complain, meeting with Maria, research ERISA	4.17 550.00/hr		2,293.50
- MS	Meeting Meeting with client, review and revise complaint	4.17 450.00/hr		1,876.50
5/1/2015 - BDC	Conference call Conference call Maria regarding class action, email counsel counsel	1.00 550.00/hr		550.00
8/11/2015 - BDC	Conference call Conference call Bill, Judy, Nancy, Elizabeth, research Erisa	3.33 550.00/hr		1,831.50
8/12/2015 - BDC	Legal research Legal research Erisa, emails counsel	4.17 550.00/hr		2,293.50
8/13/2015 - BDC	Legal research Legal research regarding motion to dismiss, telephone conversation and email Frumkin	3.33 550.00/hr		1,831.50

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		<u>Hrs/Rate</u>	<u>Tax#</u>	<u>Amount</u>
9/9/2015 - BDC	E-mail E-mail Bill Frumkin, research	0.33 550.00/hr		181.50
9/24/2015 - BDC	Review Review brief email Elizabeth	0.50 550.00/hr		275.00
9/25/2015 - BDC	Review Review brief	0.83 550.00/hr		456.50
9/27/2015 - BDC	Draft and Revise Draft and revise brief	4.00 550.00/hr		2,200.00
9/28/2015 - BDC	Draft and Revise Draft and revise brief, research	7.33 550.00/hr		4,031.50
9/29/2015 - BDC	Draft and Revise Draft and revise brief, research, emails with counsel	9.17 550.00/hr		5,043.50
9/30/2015 - BDC	Draft and Revise Draft and revise brief, emails counsel, research	6.83 550.00/hr		3,756.50
10/2/2015 - BDC	E-mail E-mails Bill regarding settlement conference etc	0.33 550.00/hr		181.50
10/21/2015 - BDC	E-mail E-mail Frumkin regarding settlement	0.17 550.00/hr		93.50
10/26/2015 - BDC	E-mail E-mail Frumkin regarding settlement, review lowes docs	0.83 550.00/hr		456.50
10/27/2015 - BDC	E-mail E-mail frumkin regarding settlement conf, review proposed client; ass notice	1.00 550.00/hr		550.00
10/28/2015 - BDC	Draft and Revise Draft and revise email review lowes docs regarding settlement prep. WL research income loss etc	1.00 550.00/hr		550.00
10/29/2015 - BDC	Conference call Conference call bill nancy regarding settlement, research prep for settlement conf, emails Nancy and Bill	4.83 550.00/hr		2,656.50
10/30/2015 - BDC	Attended Attended confearnce paul weiss regarding settlement, conf Bill and Nancy after,	3.50 550.00/hr		1,925.00
11/2/2015 - BDC	Draft and Revise Draft and revise request for documents and research settlement class	4.33 550.00/hr		2,381.50



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		<u>Hrs/Rate</u>	<u>Tax#</u>	<u>Amount</u>
11/3/2015 -	BDC Draft and Revise Draft and revise requests for DB settlement	1.83 550.00/hr		1,006.50
11/5/2015 -	BDC TC Telephone call with Edwin regarding hours and settlement, email Molly	0.67 550.00/hr		368.50
11/6/2015 -	BDC Conference call Conference call Bill and Nancy regarding settlement strategy and discovery	1.00 550.00/hr		550.00
11/9/2015 -	BDC E-mail review E-mail Frumkin and Beller	0.17 550.00/hr		93.50
11/10/2015 -	BDC Draft and Revise Draft and revise document request letter and questions, email Bill and Nancy	2.50 550.00/hr		1,375.00
11/11/2015 -	BDC Draft and Revise Draft and revise letter to Beller, emails to Nancy and Bill	2.83 550.00/hr		1,556.50
11/12/2015 -	BDC Draft and Revise Draft and revise letter to Beller	0.83 550.00/hr		456.50
11/16/2015 -	BDC Review Review reply, telephone conversation Edwin, email Frumkin	1.00 550.00/hr		550.00
11/18/2015 -	BDC Draft and Revise Draft and revise excel, email hours to counsel	1.33 550.00/hr		731.50
11/19/2015 -	BDC E-mail E-mail regarding excel, client regarding hours, counsel regarding strategy	1.00 550.00/hr		550.00
12/11/2015 -	BDC Research Research motion, telephone conversation Nancy, email Bill	5.17 550.00/hr		2,843.50
12/18/2015-- 12/20/2015	BDC Research Research and emails Frumkin regarding oral argument	4.83 550.00/hr		2,656.50
12/21/2015 -	BDC Attended Attended conference at Abbey Spainer, Bill, Nancy and Judy regarding oral argument strategy	3.00 550.00/hr		1,650.00
-	BDC Conference Conference with Frumkin, Elizabeth, Nancy, Judy at Abby Spainer, oral argument strategy, emails to Frumkin	3.50 550.00/hr		1,925.00
1/4/2016 -	BDC Review Review Frumkin memorandum, revise and research regarding oral argument, emails counsel counsel	1.00 550.00/hr		550.00

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		<u>Hrs/Rate</u>	<u>Tax#</u>	<u>Amount</u>
1/5/2016 - BDC	Draft and Revise Draft and revise outline of oral argument, research, emails counsel counsel	3.33 550.00/hr		1,831.50
1/6/2016 - BDC	Appear Appear in court regarding oral argument, prep, conference regarding strategy and brief on damages.	5.00 550.00/hr		2,750.00
1/7/2016 - BDC	Draft and Revise Draft and revise brief on back pay and motives, research, email counsel counsel	7.33 550.00/hr		4,031.50
1/8/2016 - BDC	Draft and Revise Draft and revise brief, review EH draft, emails counsel counsel	0.83 550.00/hr		456.50
1/18/2016 - MS	E-mail E-mail clients, review documents	3.33 450.00/hr		1,498.50
1/22/2016 - BDC	Draft and Revise Draft and revise argument on back pay brief, emails Hunter	3.00 550.00/hr		1,650.00
1/23/2016 - BDC	Draft and Revise Draft and revise brief back pay	3.83 550.00/hr		2,106.50
1/25/2016 - BDC	Draft and Revise Draft and revise brief backpay, research, email counsel counsel	8.33 550.00/hr		4,581.50
1/26/2016 - BDC	Draft and Revise Draft and revise brief, research, emails counsel counsel	2.67 550.00/hr		1,468.50
1/27/2016 - BDC	Draft and Revise Draft and revise brief, emails counsel, ERISA research	2.33 550.00/hr		1,281.50
1/28/2016 - BDC	Draft and Revise Draft and revise back pay brief, research, emails counsel counsel	3.83 550.00/hr		2,106.50
2/9/2016 - BDC	Review Review decision, emails cocounsel, to client, review	0.50 550.00/hr		275.00
2/12/2016 - BDC	E-mail E-mail co-counsel and defense regarding settlement scheduling, review settlement document prod	2.83 550.00/hr		1,556.50
2/15/2016 - BDC	Review Review settlement docs	1.00 550.00/hr		550.00

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		<u>Hrs/Rate</u>	<u>Tax#</u>	<u>Amount</u>
2/16/2016 - BDC	Draft and Revise Draft and revise emails to cocounsel regarding settlement discovery, review docs	1.50 550.00/hr		825.00
2/18/2016 - BDC	Review Review settlement docs	1.00 550.00/hr		550.00
2/19/2016 - BDC	E-mail E-mail cocounsel, review settlement docs	0.67 550.00/hr		368.50
2/23/2016 - BDC	Prepare Prepare settlement conf, review document prod	0.50 550.00/hr		275.00
2/24/2016 - BDC	Conference Conference with Beller, prep and draft follow up letter on settlement discovery	4.50 550.00/hr		2,475.00
2/25/2016 - BDC	Draft and Revise Draft and revise letter to Beller and memorandum to counsel counsel regarding settlement discovery	3.50 550.00/hr		1,925.00
3/3/2016 - BDC	Draft and Revise Draft and revise letter seeking additional discovery on settlement, email counsel counsel	0.83 550.00/hr		456.50
3/4/2016 - BDC	Draft and Revise Draft and revise settlement discovery letter, email counsel-counsel	0.50 550.00/hr		275.00
- BDC	Draft and Revise Draft and revise settlement letter, emails Judy and Elizabeth	1.00 550.00/hr		550.00
3/18/2016 - BDC	E-mail E-mail cocounsel, review Beller letter and revised settlement documents	2.00 550.00/hr		1,100.00
3/21/2016 - BDC	Conference call Conference call Judy, Nancy, Bill regarding Beller response on settlement	0.75 550.00/hr		412.50
- BDC	Draft and Revise Draft and revise counter proposal and letter to Beller on settlement discovery, review settlement documents	2.50 550.00/hr		1,375.00
3/22/2016 - BDC	Draft and Revise Draft and revise settlment proposal, emails cocounsel regarding revisions, review CMO, draft revisions and email	2.83 550.00/hr		1,556.50
- BDC	Conference call Conference call Frumkin, hunder, Sainer and Nancy regarding settlement response	1.00 550.00/hr		550.00

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		<u>Hrs/Rate</u>	<u>Tax#</u>	<u>Amount</u>
3/23/2016 - BDC	E-mail E-mail regarding revised letter cocounsel and CMO	0.83 550.00/hr		456.50
3/24/2016 - BDC	Draft and Revise Draft and revise CMO, telephone conversation and email cocounsel	1.00 550.00/hr		550.00
3/25/2016 - BDC	Appear Appear in court regarding CMO, conf with co counsel settlement	3.00 550.00/hr		1,650.00
4/6/2016 - BDC	E-mail E-mail cocounsel regarding initial disc	0.33 550.00/hr		181.50
4/14/2016 - BDC	Conference Conference with Maria Edwin ABA reporter	1.33 550.00/hr		731.50
5/6/2016 - BDC	TC Telephone call with Edwin, telephone conversation Frumkin, edit discovery requests, emails cocounsel	2.17 550.00/hr		1,193.50
5/9/2016 - BDC	TC Telephone call with Edwin, Frumkin regarding strategy	0.83 550.00/hr		456.50
5/10/2016 - BDC	E-mail E-mails to cocounsel regarding adding named plaintiff, ABA	0.67 550.00/hr		368.50
5/17/2016 - BDC	E-mail E-mail counsel regarding esi protocol, research	0.50 550.00/hr		275.00
5/19/2016 - BDC	Review Review confid stip, ESI protocol, numerous emails cocounsel, edit	1.83 550.00/hr		1,006.50
5/20/2016 - BDC	Draft and Revise Draft and revise ESI and confid stip, email to cocounsel, research ESI	2.00 550.00/hr		1,100.00
6/15/2016 - BDC	Draft and Revise Draft and revise letter to Beller, emails Frumkin, Nancy, Judy	1.33 550.00/hr		731.50
6/16/2016 - BDC	Conference call Conference call Judy, Nancy, revise letter Beller regarding settlement	1.00 550.00/hr		550.00
6/17/2016 - BDC	Draft and Revise Draft and revise letter to D Beller, numerous emails to cocounsel on settlement strategy, review Beller production	2.83 550.00/hr		1,556.50

Maria DeLourdes Parra Marin

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		<u>Hrs/Rate</u>	<u>Tax#</u>	<u>Amount</u>
7/21/2016 -	BDC Draft and Revise Draft and revise discovery responses, email cocounsel	1.67 550.00/hr		918.50
7/22/2016 -	BDC Draft and Revise Draft and revise discovery responses, emails co-counsel, telephone conversation client,	7.33 550.00/hr		4,031.50
7/25/2016 -	BDC Conference Conference with client Edwin, tc and emails to Nancy regarding discovery respnses.	4.33 550.00/hr		2,381.50
7/26/2016 -	BDC Draft and Revise discovery responses, emails client counsel counsel, assemble and mark documents	6.83 550.00/hr		3,756.50
8/10/2016 -	BDC Draft and Revise Draft and revise name and custoidan ESI search, research DB, emails Nancy and Bill	4.17 550.00/hr		2,293.50
8/16/2016 -	BDC Draft and Revise Draft and revise search terms, email Frumkin, Nancy, Maria	1.00 550.00/hr		550.00
8/24/2016 -	BDC Draft and Revise Draft and revise email regarding search terms, emails counsel counsel, telephone conversation and email MS	1.00 550.00/hr		550.00
10/3/2016 -	BDC Conference Conference with Maria, IRS docs scanned	0.33 550.00/hr		181.50
-	MS Conference Conference with client, review documents	0.50 450.00/hr		225.00
10/4/2016 -	BDC E-mail E-mail and research er adding planiitff, email Hernandez, counsel counsel	1.00 550.00/hr		550.00
10/17/2016 -	BDC Conference Conference with Hernandez	0.83 550.00/hr		456.50
10/20/2016 -	BDC TC Telephone call with Maria and email regarding discovery, emails to cocounsel	0.33 550.00/hr		181.50
10/24/2016 -	BDC Review Review DB document production, emails DB cocounsel	6.83 550.00/hr		3,756.50
10/25/2016 -	BDC Review Review document prod, draft index, telephone conversation Edwin and co-counsel, telephone conversation Maria Keane regarding hours cut	7.17 550.00/hr		3,943.50

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		<u>Hrs/Rate</u>	<u>Tax#</u>	<u>Amount</u>
10/26/2016 - BDC	Review Review document production draft index, telephone conversation and email cocounsel and Maria	7.67 550.00/hr		4,218.50
10/27/2016 - BDC	Review Review document production, draft index	5.83 550.00/hr		3,206.50
10/28/2016 - BDC	Review Review document production, draft index, draft summary for cocounsel	6.67 550.00/hr		3,668.50
10/31/2016 - BDC	Review Review docs, draft index, email counsel counsel	4.33 550.00/hr		2,381.50
11/1/2016 - BDC	Review Review document production email cocounsel, email client, Telephone conversation Maria Keane	3.67 550.00/hr		2,018.50
11/2/2016 - BDC	TC Telephone call with Edwin regarding Maria change in shift, emails counsel regarding discovery, review production	1.00 550.00/hr		550.00
- MS	E-mail E-mail counsel, review documents	7.83 450.00/hr		3,523.50
- MS	TC Telephone call with client	1.00 450.00/hr		450.00
11/3/2016 - BDC	Draft and Revise Draft and revise emails cocounsel regarding cut in hours, document production review, review document prod	1.00 550.00/hr		550.00
- BDC	Draft and Revise Draft and revise email to cocounsel regarding document review, document review	2.00 550.00/hr		1,100.00
- MS	E-mail E-mail counsel regarding document processing, emails to vendor, review documents	4.67 450.00/hr		2,101.50
11/4/2016 - BDC	Draft and Revise Draft and revise memorandum regarding strategy on class cert, email cocounsel	1.67 550.00/hr		918.50
- BDC	Draft and Revise Draft and revise memorandum regarding damages and strategy cocounsel, meet with discovery expert Danial	0.83 550.00/hr		456.50
- MS	Draft and Revise Draft and revise memorandum on class cert, email counsel	2.00 450.00/hr		900.00

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			<u>Hrs/Rate</u>	<u>Tax#</u>	<u>Amount</u>
11/7/2016	- BDC	Review Review document production for compliance with requests	2.00 550.00/hr		1,100.00
	- MS	Review Review document production	4.00 450.00/hr		1,800.00
11/9/2016	- BDC	Review Review document production, conference with client and Edwin regarding retaliation etc	3.50 550.00/hr		1,925.00
	- MS	File File notice of appearance	0.50 450.00/hr		225.00
	- MS	Meeting meet with clients concerning retaliation concerns, review documents	4.17 450.00/hr		1,876.50
11/14/2016	- BDC	Draft and Revise Draft and revise letter to defense counsel, email cocounsel, review docs	1.50 550.00/hr		825.00
11/15/2016	- BDC	E-mail E-mail cocounsel regarding discovery and strategy, review docs	0.83 550.00/hr		456.50
	- BDC	E-mail E-mail cocounsel regarding discovery and strategy, review docs	0.83 550.00/hr		456.50
11/17/2016	- BDC	Conference call Conference call cocounsel regarding document review and strategy on class cert and review docs	1.83 550.00/hr		1,006.50
11/18/2016	- BDC	E-mail E-mail defense counsel and co counsel and Relativity regarding document production and mediation strategy	1.83 550.00/hr		1,006.50
11/21/2016	- MS	Review Review document production, email counsel	5.17 450.00/hr		2,326.50
11/22/2016	- BDC	Review Review document production, email Frumkin	3.50 550.00/hr		1,925.00
11/23/2016	- BDC	Review Review documents	3.83 550.00/hr		2,106.50
11/30/2016	- BDC	Review Review docs and draft mediation memo	1.83 550.00/hr		1,006.50

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		<u>Hrs/Rate</u>	<u>Tax#</u>	<u>Amount</u>
12/1/2016 -	BDC Draft and Revise Draft and revise memorandum regarding mediation, review document prod	2.17 550.00/hr		1,193.50
12/2/2016 -	BDC Conference call Conference call Bill Elizabeth, Karin regarding document prod and mediation, review settlement docs, numerous emails counsel	1.83 550.00/hr		1,006.50
12/6/2016 -	BDC Conference call Conference call Boughman, Frumkin, Keane regarding mediation, document review	3.33 550.00/hr		1,831.50
12/7/2016 -	BDC E-mail E-mail cocounsel regarding mediators, research mediators, document review, draft second request for documents	3.17 550.00/hr		1,743.50
12/8/2016 -	BDC E-mail E-mail counsel regarding mediation, draft second document demand, research mediators, review doc prod	3.17 550.00/hr		1,743.50
-	MS Review Review document production, email counsel	4.33 450.00/hr		1,948.50
12/13/2016 -	BDC TC Telephone call with Edwin, email counsel	0.67 550.00/hr		368.50
12/14/2016 -	MS Review Review documents, conference with client, email Bradford D. Conover regarding: retaliation	4.83 450.00/hr		2,173.50
12/15/2016 -	BDC Draft and Revise Draft and revise letter to Keane regarding retaliation, email counsel, telephone conversation client and MS	0.83 550.00/hr		456.50
-	BDC Review Review docs	1.00 550.00/hr		550.00
12/16/2016 -	BDC Draft and Revise Draft and revise letter on retaliation, email counsel and client, email regarding mediation, review docs	1.00 550.00/hr		550.00
1/11/2017 -	BDC Review Review document production, email cocounsel on various issues	4.67 550.00/hr		2,568.50
1/12/2017 -	BDC Review Review documents, notes, regarding prod, email cocounsel, telephone conversation Carl at Relativity, telephone conversation Hernandez	6.33 550.00/hr		3,481.50



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		<u>Hrs/Rate</u>	<u>Tax#</u>	<u>Amount</u>
1/13/2017 - BDC	Review Review document production, emails to PW and co counsel re mediation, telephone conversation Edwin	7.17 550.00/hr		3,943.50
1/17/2017 - BDC	Review Review documents	2.83 550.00/hr		1,556.50
1/18/2017 - BDC	Review Review documents	6.33 550.00/hr		3,481.50
1/19/2017 - BDC	Review Review documents email PW and cocounsel regarding mediation	6.00 550.00/hr		3,300.00
1/20/2017 - BDC	Draft and Revise Draft and revise mediation position statement, emails co-counsel	2.17 550.00/hr		1,193.50
1/23/2017 - MS	Draft and Revise Draft and revise excel spreadsheet	8.67 450.00/hr		3,901.50
1/24/2017 - BDC	Review Review document prod, email co-counsel	2.00 550.00/hr		1,100.00
1/31/2017 - BDC	Review Review docs, emails to co-counsel regarding discovery	2.83 550.00/hr		1,556.50
2/2/2017 - BDC	Draft and Revise Draft and revise fact section mediaiton brief, conf call team	4.17 550.00/hr		2,293.50
2/8/2017 - BDC	Research Research WL regarding Wal-Mart, numerous emails co-counsel,	6.33 550.00/hr		3,481.50
2/13/2017 - BDC	TC Telephone call with Nancy, email Nancy research	0.33 550.00/hr		181.50
2/14/2017 - BDC	Conference call Conference call Bill, Elizabeth Nancy and email regarding mediation	0.50 550.00/hr		275.00
2/15/2017 - BDC	Conference call Conference call mediator, numeruos emails counsel, draft letter to Keane	2.83 550.00/hr		1,556.50
- MS	E-mail E-mail counsel	0.33 450.00/hr		148.50

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		<u>Hrs/Rate</u>	<u>Tax#</u>	<u>Amount</u>
2/20/2017 - BDC	Draft and Revise Draft and revise mediation brief, email to counsel	1.67 550.00/hr		918.50
2/22/2017 - BDC	Conference call Conference call co-counsel draft document request mediation to Keane	2.33 550.00/hr		1,281.50
2/23/2017 - BDC	Review Review document production, conf call counsel, numerous emails	7.17 550.00/hr		3,943.50
2/24/2017 - BDC	Review Review documents batch 3, numerous emails to counsel	8.33 550.00/hr		4,581.50
2/27/2017 - BDC	Review Review document production, draft mediation statement, numerous emails counsel regarding production and mediation	7.33 550.00/hr		4,031.50
2/28/2017 - BDC	Review Review documents relativity, draft mediation statement	6.67 550.00/hr		3,668.50
3/1/2017 - BDC	Draft and Revise Draft and revise and research mediation brief, numerous emails counsel	7.17 550.00/hr		3,943.50
- MS	Revise Revise excel spreadsheet, analyze document production	6.67 450.00/hr		3,001.50
3/3/2017 - MS	Revise Revise excel spreadsheet, analyze document production	3.83 450.00/hr		1,723.50
3/5/2017 - BDC	Draft and Revise Draft and revise brief, email counsel	2.67 550.00/hr		1,468.50
3/6/2017 - MS	Review Review and revise mediation brief and excel	6.83 450.00/hr		3,073.50
3/7/2017 - BDC	Draft and Revise Draft and revise mediation brief, review defs brief, numerous emails	9.17 550.00/hr		5,043.50
- BDC	Review Review documents, emails Paul and counsel	7.17 550.00/hr		3,943.50
3/8/2017 - BDC	Review Review document production, call to court with Maria regarding conference, email counsel, MS conference regarding excels, draft email Paul	14.33 550.00/hr		7,881.50

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			<u>Hrs/Rate</u>	<u>Tax#</u>	<u>Amount</u>
3/8/2017	- MS	E-mail E-mail counsel, expert, review documents	3.50 450.00/hr		1,575.00
3/9/2017	- BDC	Review Review document production	5.83 550.00/hr		3,206.50
	- MS	Review Review and revise mediation brief and excel, email counsel	5.33 450.00/hr		2,398.50
3/10/2017	- BDC	Review Review document production	5.17 550.00/hr		2,843.50
3/13/2017	- BDC	Review Review document production	3.17 550.00/hr		1,743.50
3/14/2017	- BDC	Review Review document production, numerous emails counsel claims administrator regarding spreadsheets on class size and damages, research, mediation prep, revise spread sheets	7.50 550.00/hr		4,125.00
3/15/2017	- BDC	Review Review document production 3rd tranche, emails counsel, mediation prep, conference call counsel, emails and telephone conversation claims administrator	6.67 550.00/hr		3,668.50
	- MS	Review Review document production, email counsel, mediation prep	4.33 450.00/hr		1,948.50
	- MS	E-mail E-mail and Telephone conversation with expert, conference call counsel	2.50 450.00/hr		1,125.00
3/16/2017	- BDC	Review Review document production, mediation prep, emails and calls counsel and claims administrator regarding class size and damages	2.67 550.00/hr		1,468.50
	- BDC	Conference call Conference call counsel and claims administrator regarding excel and class size and damages, mediation prep, research mediation issues back pay and rule 23	6.17 550.00/hr		3,393.50
	- MS	Conference call Conference call with counsel and expert, mediation prep, research back pay and rule 23	6.67 450.00/hr		3,001.50

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		<u>Hrs/Rate</u>	<u>Tax#</u>	<u>Amount</u>
3/16/2017	- MS Review Review document production	2.83 450.00/hr		1,273.50
3/17/2017	- BDC Prepare Prepare for mediation, research, review document production, numerous emails and calls to counsel and claims administrator regarding calculation of damages class size etc	7.17 550.00/hr		3,943.50
	- MS Prepare Prepare for mediation, research, review documents, emails to expert and counsel	7.67 450.00/hr		3,451.50
3/19/2017	- BDC Conference call Conference call counsel regarding mediation, numerous emails, review of excels and other documents regarding class size and damages	1.50 550.00/hr		825.00
	- MS Conference call Conference call with counsel regarding mediation, emails, review and revise excel	1.83 450.00/hr		823.50
3/20/2017	- BDC Attended Attended mediation JAMS, prep	11.00 550.00/hr		6,050.00
	- MS Attended Attended mediation JAMS, prep	11.00 450.00/hr		4,950.00
3/21/2017	- BDC Attended Attended mediation JAMS, emails research and prep	8.00 550.00/hr		4,400.00
	- MS Attended Attended mediation JAMS, prep	8.00 450.00/hr		3,600.00
3/27/2017	- BDC E-mail E-mail co-counsel regarding discovery	0.33 550.00/hr		181.50
	- MS E-mail E-mail counsel	0.50 450.00/hr		225.00
3/31/2017	- BDC Conference call Conference call counsel regarding CMO, email Maria, co-counsel	1.00 550.00/hr		550.00
	- MS Conference call Conference call with counsel, email client, counsel	1.33 450.00/hr		598.50
4/3/2017	- BDC Review Review documents, privilege log, email counsel	3.50 550.00/hr		1,925.00

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		<u>Hrs/Rate</u>	<u>Tax#</u>	<u>Amount</u>
4/3/2017	- MS Review Review documents, privilege log, email counsel	4.00 450.00/hr		1,800.00
4/4/2017	- BDC Review Review document production, draft and revise amended complaint, email counsel regarding conference and amended complaint.	6.83 550.00/hr		3,756.50
4/5/2017	- BDC Conference call Conference call Jed, draft email to team, telephone conversation Bill and Molly	1.83 550.00/hr		1,006.50
	- MS Conference call Conference call with mediator, emails, calls with counsel	1.33 450.00/hr		598.50
4/6/2017	- BDC Conference call Conference call co-counsel, mediator, draft term sheet, research	3.33 550.00/hr		1,831.50
4/7/2017	- BDC Appear court conf, Draft and revise term sheet, emails	2.67 550.00/hr		1,468.50
4/19/2017	- BDC Conference call Conference call Frumkin, Fisch, Hunter Smithsimon, revise and edit complaint, review document production	3.67 550.00/hr		2,018.50
	- MS Conference call Conference call with counsel, revise complaint, review documents	3.50 450.00/hr		1,575.00
4/21/2017	- BDC Draft and Revise Draft and revise deficiency letter, emails counsel counsel, revise amended complaint	1.00 550.00/hr		550.00
4/25/2017	- BDC Draft and Revise Draft and revise lettr to Keane and complaint, email	1.83 550.00/hr		1,006.50
4/26/2017	- BDC Review Review documents, edit letter, email counsel, review DB counter terms, email counsel	4.17 550.00/hr		2,293.50
	- MS Review Review documents, email counsel, review defendants' counter	4.00 450.00/hr		1,800.00
4/27/2017	- MS E-mail E-mail counsel	0.50 450.00/hr		225.00
4/28/2017	- BDC Review Review documents, edit terms sheet, emails counsel	6.67 550.00/hr		3,668.50

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		<u>Hrs/Rate</u>	<u>Tax#</u>	<u>Amount</u>
4/28/2017 - MS	Review Review documents, email counsel, edit term sheet	6.17 450.00/hr		2,776.50
5/1/2017 - BDC	E-mail E-mail Jed and counsel regarding settlement terms, draft and revise	1.00 550.00/hr		550.00
5/2/2017 - BDC	Review Review docs, email counsel regarding settlement	1.83 550.00/hr		1,006.50
5/9/2017 - BDC	Review Review document production	2.00 550.00/hr		1,100.00
5/10/2017 - BDC	Conference call Conference call Jed Melnick and counsel regarding mediation, emails to co-counsel regarding settlement	0.67 550.00/hr		368.50
5/17/2017 - BDC	Draft and Revise Draft and revise letter and amend complaint, emails counsel CMO etc	0.50 550.00/hr		275.00
- MS	Review Review letter to opposing counsel	0.33 450.00/hr		148.50
5/19/2017 - BDC	Draft and Revise Draft and revise CMO, 2nd document req. , email counsel	0.67 550.00/hr		368.50
5/22/2017 - BDC	Draft and Revise Draft and revise terms sheet emails counsel, telephone conversation mediator, document review	2.67 550.00/hr		1,468.50
5/23/2017 - BDC	E-mail E-mail mediators counsel, revise term sheet,	1.83 550.00/hr		1,006.50
- MS	E-mail E-mail mediator, counsel, edit term sheet	1.83 450.00/hr		823.50
5/24/2017 - BDC	Conference call Conference call Jed, redlined revisions settlement terms, email Karni regarding depositions	0.50 550.00/hr		275.00
5/25/2017 - BDC	File File motion to amend CMO, emails regarding depositions	0.50 550.00/hr		275.00
5/30/2017 - BDC	Prepare Prepare settlement calculations	0.50 550.00/hr		275.00
6/5/2017 - BDC	Review Review document relativity	4.50 550.00/hr		2,475.00

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			<u>Hrs/Rate</u>	<u>Tax#</u>	<u>Amount</u>
6/6/2017	- BDC	Review Review documents	3.67 550.00/hr		2,018.50
6/8/2017	- BDC	Review Review counter offer and email counsel	0.50 550.00/hr		275.00
6/9/2017	- BDC	Conference call Conference call counsel, emails regarding mediation	1.00 550.00/hr		550.00
6/12/2017	- MS	Conference call Conference call mediator, emails	1.00 450.00/hr		450.00
6/14/2017	- MS	E-mail E-mail counsel	0.83 450.00/hr		373.50
6/21/2017	- BDC	E-mail E-mails re mediation	0.83 550.00/hr		456.50
6/22/2017	- BDC	Review Review docs, email to mediator and counsel	1.33 550.00/hr		731.50
	- MS	Review Review documents, email mediator, counsel	1.83 450.00/hr		823.50
6/28/2017	- MS	TC Telephone calls with client and counsel	2.50 450.00/hr		1,125.00
6/29/2017	- BDC	Prepare mediation	2.50 550.00/hr		1,375.00
	- MS	Prepare Prepare mediation and email counsel	2.50 450.00/hr		1,125.00
6/30/2017	- BDC	Attended Attended mediation JAMS	10.50 550.00/hr		5,775.00
	- MS	Attended Attended mediation	10.83 450.00/hr		4,873.50
7/27/2017	- BDC	Draft and Revise Draft and revise settlement, emails counsel	1.83 550.00/hr		1,006.50
7/28/2017	- BDC	Draft and Revise Draft and revise settlement	1.50 550.00/hr		825.00
8/2/2017	- BDC	Draft and Revise Draft and revise settlement and notice	2.33 550.00/hr		1,281.50
8/4/2017	- BDC	Review Review revisions co-counsel, email co-counsel	0.83 550.00/hr		456.50

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		<u>Hrs/Rate</u>	<u>Tax#</u>	<u>Amount</u>
8/7/2017 -	BDC Draft and Revise Draft and revise settlement and notice	1.83 550.00/hr		1,006.50
8/9/2017 -	BDC Draft and Revise Draft and revise settlement and notice, emails	1.67 550.00/hr		918.50
8/15/2017 -	MS Draft and Revise Draft and revise settlement and notice, email counsel	2.17 450.00/hr		976.50
9/21/2017 -	BDC Draft and Revise Draft and revise letter to court seeking adjournment, emails	0.83 550.00/hr		456.50
9/29/2017 -	BDC Review Review draft settlement, email counsel	0.50 550.00/hr		275.00
10/12/2017 -	BDC E-mail E-mail counsel regarding settlement	1.00 550.00/hr		550.00
10/25/2017 -	BDC Draft and Revise Draft and revise class settlement language and draft Marin severance, numerous emails to co counsel	2.00 550.00/hr		1,100.00
-	MS Draft and Revise Draft and revise class settlement and severance	2.17 450.00/hr		976.50
10/26/2017 -	MS Draft and Revise Draft and revise class settlement and severance	2.67 450.00/hr		1,201.50
10/30/2017 -	BDC Draft and Revise Draft and revise settlement papers	2.17 550.00/hr		1,193.50
11/6/2017 -	BDC Draft and Revise Draft and revise motion to approve	0.83 550.00/hr		456.50
11/8/2017 -	BDC Draft and Revise Draft and revise declaration regarding firm	1.83 550.00/hr		1,006.50
11/10/2017 -	BDC Draft and Revise Draft and revise Marin separation agreement, emails cocounsel, regarding class settlement	3.00 550.00/hr		1,650.00
11/13/2017 -	BDC Draft and Revise Draft and revise class settlement, allocation formula, numerous emails co-counsel on revisions	3.33 550.00/hr		1,831.50
11/14/2017 -	BDC Draft and Revise Draft and revise Marin severance agreement, proposed order on preliminary approval, numerous emails	1.83 550.00/hr		1,006.50
11/15/2017 -	BDC E-mail Numerous e-mails to co-counsel and draft and revise class notice and order and Marin severance agreement	1.83 550.00/hr		1,006.50



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		<u>Hrs/Rate</u>	<u>Tax#</u>	<u>Amount</u>
11/16/2017 - MS	E-mail E-mail counsel, draft and revise class notice, settlement, and order	2.33 450.00/hr		1,048.50
11/17/2017 - BDC	Conference Conference with client, edit and revise settlement and severance, numerous emails to counsel regarding settlement revisions	4.83 550.00/hr		2,656.50
11/20/2017 - BDC	E-mail E-mail client and co-counsel regarding settlement	0.17 550.00/hr		93.50
11/30/2017 - BDC	Appear Appear in court regarding motion for preliminary approval,. conf with counsel, emails to client and counsel	1.83 550.00/hr		1,006.50
12/1/2017 - BDC	Legal research clas cert Legal research	3.00 550.00/hr		1,650.00
12/4/2017 - BDC	Conference call Conference call counsel regarding settlement, draft memorandum on issues, numerous emails, research	3.67 550.00/hr		2,018.50
12/5/2017 - BDC	Conference call Conference call with defendants, draft issues on settlement, numerous emails	2.67 550.00/hr		1,468.50
12/15/2017 - BDC	Legal research regarding settlement Legal research	3.00 550.00/hr		1,650.00
12/19/2017 - BDC	Draft and Revise Draft and revise email regarding data, emails with PW and Bill Frumkin and Karin Fisch	0.83 550.00/hr		456.50
12/20/2017 - BDC	E-mail E-mail with counsel resettlement, research	1.83 550.00/hr		1,006.50
- MS	E-mail E-mail counsel, research	1.67 450.00/hr		751.50
12/21/2017 - BDC	E-mail counsel settlement	0.67 550.00/hr		368.50
1/11/2018 - BDC	Conference call Conference call PW regarding settlement, research emails to counsel	2.83 550.00/hr		1,556.50
1/12/2018 - BDC	Conference call Conference call co-counsel regarding settlement and litigation strategy	1.00 550.00/hr		550.00

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		<u>Hrs/Rate</u>	<u>Tax#</u>	<u>Amount</u>
1/16/2018 - BDC	Draft and Revise Draft and revise deposition questions Manning, review document production	5.33 550.00/hr		2,931.50
1/17/2018 - BDC	Research Research settlement former employees, numerous emails to counsel	4.33 550.00/hr		2,381.50
- BDC	Draft and Revise manning depo, review docs	1.50 550.00/hr		825.00
1/19/2018 - BDC	Appear Appear in court regarding settlement, numerous emails and discussion with counsel	3.33 550.00/hr		1,831.50
1/23/2018 - BDC	TC Telephone call with Mark, regarding expert review, emails to counsel, review excels	1.67 550.00/hr		918.50
1/25/2018 - BDC	Conference call Conference call expert and Karin	0.33 550.00/hr		181.50
2/6/2018 - BDC	TC Telephone call with expert Michael, email counsel	1.00 550.00/hr		550.00
2/16/2018 - BDC	Conference call Conference call with experts, send data	3.50 550.00/hr		1,925.00
2/26/2018 - BDC	E-mail E-mail and telephone conversation regarding expert	1.50 550.00/hr		825.00
2/27/2018 - BDC	TC Telephone call with Dave Bresheres, emails to counsel and expert	2.00 550.00/hr		1,100.00
2/28/2018 - BDC	E-mail E-mail to expert, and counsel	0.67 550.00/hr		368.50
3/2/2018 - BDC	E-mail E-mail regarding expert	0.50 550.00/hr		275.00
3/7/2018 - BDC	Conference call Conference call with Paul Weiss, DB and expert, email follow up, review documents in prep for call	1.83 550.00/hr		1,006.50
4/20/2018 - BDC	E-mail E-mail and telephone conversation expert regarding look back periods	1.17 550.00/hr		643.50
4/27/2018 - BDC	TC Telephone call with David regarding expert analysis, emails to counsel	1.00 550.00/hr		550.00

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		<u>Hrs/Rate</u>	<u>Tax#</u>	<u>Amount</u>
4/30/2018 - BDC	Draft and Revise Draft and revise email regarding look back periods for expert	2.00 550.00/hr		1,100.00
5/1/2018 - BDC	E-mail E-mail counsel regarding expert report benefits issue	0.67 550.00/hr		368.50
6/25/2018 - BDC	E-mail E-mail David and Karin regarding hours, review excels	1.50 550.00/hr		825.00
- BDC	E-mail E-mail numerous expert and Karin regarding results	1.00 550.00/hr		550.00
9/6/2018 - BDC	E-mail E-mail regarding settlement with cocounsel	1.50 550.00/hr		825.00
10/5/2018 - BDC	Appear Appear in court regarding status settlement	1.67 550.00/hr		918.50
- BDC	Draft and Revise Draft and revise excerpt for brief, revise settlement, email Maria, Dave and counsel	2.33 550.00/hr		1,281.50
10/15/2018 - BDC	Review Review revised settlement documents	0.50 550.00/hr		275.00
10/18/2018 - BDC	Draft and Revise Draft and revise brief in support of settlement, email co-counsel	1.33 550.00/hr		731.50
10/19/2018 - BDC	Draft and Revise Draft and revise brief on settlement, emails counsel	1.00 550.00/hr		550.00
- MS	Draft and Revise Draft and revise brief on settlement approval	2.50 450.00/hr		1,125.00
10/23/2018 - BDC	E-mail E-mail Maria, counsel regarding settlement	0.33 550.00/hr		181.50
10/24/2018 - BDC	E-mail E-mail Dave, review revised report, email Maria	1.00 550.00/hr		550.00
10/26/2018 - BDC	Draft and Revise Draft and revise email regarding client complaint, emails co-counsel	0.50 550.00/hr		275.00
11/4/2018 - MS	Draft and Revise Draft and revise brief, email counsel	1.00 450.00/hr		450.00

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		<u>Hrs/Rate</u>	<u>Tax#</u>	<u>Amount</u>
11/14/2018 -	BDC Draft and Revise Draft and revise brief per Maria's edits, emails to counsel	0.67 550.00/hr		368.50
-	BDC Draft and Revise Draft and revise brief	0.33 550.00/hr		181.50
12/7/2018 -	BDC Appear Appear in court regarding preliminary approval of class settlement, conf with cocounsel	2.00 550.00/hr		1,100.00
-	MS Appear Appear in court regarding preliminary approval of settlement, conference with counsel	2.00 450.00/hr		900.00
12/12/2018 -	MS E-mail E-mail expert, counsel regarding SCS agreement, cafa notice, excel	0.50 450.00/hr		225.00
12/13/2018 -	MS E-mail E-mail expert, counsel regarding SCS agreement, cafa notice, excel	0.83 450.00/hr		373.50
12/14/2018 -	BDC TC Telephone call with expert and Maria, emails to expert and counsel regarding cafa notice and excel, SCS agreement	1.67 550.00/hr		918.50
-	MS TC Telephone call with expert, counsel regarding SCS agreement, cafa notice	1.83 450.00/hr		823.50
1/2/2019 -	BDC Draft and Revise Draft and revise letter to Marin regarding severance, emails co-counsel and PW	0.50 550.00/hr		275.00
-	MS Draft and Revise Draft and revise letter to client regarding severance, email counsel	1.00 450.00/hr		450.00
1/3/2019 -	BDC Conference Conference with Lourdes and Edwin regarding severance and settlement	1.00 550.00/hr		550.00
-	MS Conference Conference with client regarding settlement	1.00 450.00/hr		450.00
2/27/2019 -	MS E-mail E-mail counsel	0.50 450.00/hr		225.00

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			<u>Hrs/Rate</u>	<u>Tax#</u>	<u>Amount</u>
2/27/2019 -	MS	TC Telephone call with client	0.67 450.00/hr		301.50
3/7/2019 -	BDC	TC Telephone call with Karin regarding claims administration, draft letter	0.83 550.00/hr		456.50
-	MS	TC Telephone call with Karin regarding claims administration	0.67 450.00/hr		301.50
3/12/2019 -	BDC	Draft and Revise Draft and revise brief for final approval	2.67 550.00/hr		1,468.50
3/14/2019 -	BDC	Draft and Revise Draft and revise memorandum for approval of settlement	5.67 550.00/hr		3,118.50
3/18/2019 -	BDC	Draft and Revise Draft and revise brief on settlement, research Rule 23 amendments	2.50 550.00/hr		1,375.00
4/8/2019 -	BDC	Draft and Revise Draft and revise brief	3.00 550.00/hr		1,650.00
4/9/2019 -	BDC	Draft and Revise Draft and revise brief , emails	1.00 550.00/hr		550.00
4/10/2019 -	BDC	Draft and Revise Draft and revise declaration on fees	2.50 550.00/hr		1,375.00
4/12/2019 -	BDC	Draft and Revise Draft and revise fee brief	1.00 550.00/hr		550.00
4/16/2019 -	BDC	Draft and Revise Draft and revise declaration, calculate expenses	1.33 550.00/hr		731.50
4/17/2019 -	BDC	Draft and Revise Draft and revise settlement brief	1.50 550.00/hr		825.00
-	BDC	Draft and Revise Draft and revise brief, emails Karin regarding class administration	1.00 550.00/hr		550.00
For professional services rendered			984.60		\$518,099.00

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## Additional Charges :

		<u>Qty/Price</u>	<u>Tax#</u>	<u>Amount</u>
1/4/2016 - BDC	Filing Fees	1		400.00
	Draft and revise declaration	400.00		
11/22/2016 - BDC	Miscellaneous	1		500.00
	Zact Data Relativity document review	500.00		
12/22/2016 - BDC	Messenger	1		15.35
	Dynamex	15.35		
1/11/2017 - BDC	Miscellaneous	1		869.56
	Xact data	869.56		
1/30/2017 - BDC	Outside Serve	1		719.56
	Xact document review	719.56		
3/8/2017 - BDC	Miscellaneous	1		4,900.00
	JAMS mediation fee to Abby Spainer	4,900.00		
3/22/2017 - BDC	Outside Serve	1		1,313.12
	Xact	1,313.12		
4/10/2017 - BDC	Miscellaneous	1		13.51
	JAMS mediation fee	13.51		
4/28/2017 - BDC	Outside Serve	1		581.56
	xact	581.56		
6/2/2017 - BDC	Outside Serve	1		1,072.17
	jams	1,072.17		
6/5/2017 - BDC	Outside Serve	1		581.56
	Xact	581.56		
6/23/2017 - BDC	Outside Serve	1		2,581.44
	JAMS	2,581.44		
8/3/2017 - BDC	Outside Serve	1		1,269.33
	JAMS	1,269.33		
9/27/2017 - BDC	Outside Serve	1		729.41
	Xact	729.41		
12/22/2017 - BDC	Outside Serve	1		462.55
	xact	462.55		
1/22/2018 - BDC	Outside Serve	1		170.52
	xact	170.52		

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		<u>Qty/Price</u>	<u>Tax#</u>	<u>Amount</u>
3/2/2018 - BDC	Outside Serve Xact	1 170.52		170.52
- BDC	Expert Fee Hemming	1 833.34		833.34
5/17/2018 - BDC	Outside Serve Xact Relativity	1 341.04		341.04
6/7/2018 - BDC	Outside Serve Xact data	1 170.52		170.52
- BDC	Outside Serve Hemming Morse expert	1 593.75		593.75
7/11/2018 - BDC	Outside Serve Xact	1 511.56		511.56
10/4/2018 - BDC	Outside Serve Xact data discovery	1 511.56		511.56
10/15/2018 - BDC	Expert Fee Hemming	1 7,164.58		7,164.58
12/10/2018 - BDC	Outside Serve xact discovery	1 511.56		511.56
1/22/2019 - BDC	Expert Fee Hemming Morse expert fee	1 1,273.87		1,273.87
Total costs				<u>\$28,261.94</u>
Total amount of this bill				<u>\$546,360.94</u>
Balance due				<u><u>\$546,360.94</u></u>

JOINT DECLARATION  
EXHIBIT D  
(FRUMKIN DECLARATION)



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
MARIA DE LOURDES PARRA MARIN on behalf  
of herself and all other persons similarly situated,

Civil Action No.15-CV-03608-AKH

Plaintiff,

ECF Case

- against -

**DECLARATION OF WILLIAM  
D. FRUMKIN IN SUPPORT OF  
PLAINTIFF'S MOTION FOR  
ATTORNEY'S FEES AND  
COSTS, AND INCENTIVE  
AWARD**

DAVE & BUSTERS, INC. and  
DAVE & BUSTER'S ENTERTAINMENT, INC.,

Defendants.  
-----X

**DECLARATION OF WILLIAM D. FRUMKIN IN SUPPORT OF  
PLAINTIFF'S MOTION FOR ATTORNEYS' FEES AND COSTS, AND INCENTIVE  
AWARD**

**WILLIAM D. FRUMKIN**, an attorney admitted to practice *pro hac vice* before this Court declares, pursuant to 28 U.S.C. §1746, under penalties of perjury that the following is true and correct:

1. I am a partner of the firm of Frumkin & Hunter LLP. This declaration is submitted in Support of Plaintiff's Motion for Attorneys' Fees and Costs. This declaration is based upon my own personal knowledge and my review of files maintained by this law firm.

**EXPERIENCE AND QUALIFICATIONS**

2. I believe that my qualifications, experience, and stature in the legal community support the hourly rate of \$700 per hour requested for me and the hours incurred by me. I also believe that the qualifications and experience of my partner, Elizabeth Hunter, and my associates support the rates and hours requested for them.

3. I attended the State University of New York at Stony Brook and received a Bachelor of Arts degree in 1974. I then worked as a Social Worker for the next five (5) years and obtained a Masters Degree in Social Work from the University of California at Los Angeles in 1981. I received a J.D. Degree from Pace University School of Law in 1986, graduating with honors.

4. After my graduation from law school, I worked for two (2) years for the Law Firm of Raymond G. Kuntz, P.C., located in Bedford, New York. While employed there, I represented six (6) school districts in a variety of labor and employment matters.

5. Since then (for the past approximately 30 years), I have worked almost exclusively in the ERISA/employee benefits and labor and employment fields, as an associate with the Law Offices of Donald Sapir for seven years; then as a partner in the firm of Sapir & Frumkin LLP for eighteen years; and as a partner in the firm of Frumkin & Hunter for over six years.

6. I was admitted to practice law and I am in good standing in the State of New York (November 1987) and I am also admitted and I am in good standing in the State of Connecticut (December 1986), the United States District Courts for the Southern (November 1987), Eastern (February 1994), Northern (January 1997), and Western (January 1998) Districts of New York,

and the United States Court of Appeals for the Second Circuit (June 1993) and the United States Supreme Court (March 2010). I have also been admitted pro hac vice to various federal courts.

7. I have litigated matters in the federal district courts, the Second Circuit Court of Appeals, the New York State Appellate Division, the Supreme Court of the State of New York, the Family Court of the State of New York, the New York State Unemployment Insurance Board and Workers' Compensation Board, as well as various arbitrations.

8. I have been an attorney of record and actively participated in the following ERISA cases that resulted in the following favorable reported decisions (in addition to many other non-ERISA cases and reported decisions not listed here):

- a. *Reyes v. Bakery & Confectionery Union & Indus. Int'l Pension Fund*, 281 F. Supp. 3d 833 (N.D. Cal. 2017)(order granting final approval of ERISA class action settlement, and granting in part and denying in part motion for attorneys' fees).
- b. *Alcantara v. Bakery & Confectionary Union & Indus. Int'l Pension Fund Pension Plan*, 751 F.3d 71, 74 (2d Cir. N.Y. May 1, 2014)(affirming district court holding that the anti-cutback rule in ERISA § 204(g) precludes plan amendments that reduce retirement-type subsidies for Plaintiffs-Appellees who ceased employment without satisfying the preamendment conditions for the subsidy, but who could later satisfy the conditions without returning to work), affirming *Martinez v. Bakery & Confectionery Union & Indus. Int'l Pension Fund (In re Bakery & Confectionery Union & Indus. Int'l Pension Fund Pension Plan)*, 865 F. Supp. 2d 469, 470 (S.D.N.Y. June 6, 2012)
- c. *Kuhbier v. McCartney*, 2017 U.S. Dist. LEXIS 33231, \*1 (S.D.N.Y. Mar. 8, 2017)(holding that the plan is governed by ERISA; granting in part Plaintiff's motion for summary judgment and denying Defendants' motion) and *Kuhbier v. McCartney, Verrino & Rosenberry Vested Producer Plan*, 95 F. Supp. 3d 402, 419 (S.D.N.Y. Mar. 25, 2015)(denying defendants' motion to dismiss because there were issues of fact regarding whether the plan was covered by ERISA).
- d. *Cherniak v. Solow Realty & Dev. Co., LLC*, No. 12-CIV-5564 (HB), 2013 U.S. Dist. LEXIS 99937 (S.D.N.Y. July 17, 2013) (denying defendants'

motion for partial judgment on the pleadings seeking dismissal of plaintiff's state law claims on the ground of ERISA preemption.)

- e. *Crabtree v. Cent. Fla. Invs, Inc.*, NO. 6;12-CV-656-Orl-36TBS, 2012 U.S. Dist. LEXIS 177357 (M.D. Fla. Dec. 14, 2012)(in an ERISA case, granting in part Plaintiff's Motion to Dismiss, and dismissing the Defendant's counterclaims for declaratory judgment and rescission.)
- f. *Crabtree v. Cent. Fla. Inv, Inc.*, No. 6;12-cv-656-ORL-31TBS, 2013 U.S. Dist. LEXIS 35289 (M.D. Fla. Mar. 14, 2013)(in an ERISA case, denying the Defendant's motion for leave to amend its counterclaim to assert a claim for rescission under ERISA.)
- g. *Kosakow v. New Rochelle Radiology Assocs., P.C.*, 274 F.3d 706 (2d Cir. 2001)(holding that the district court erred in concluding, as a matter of law, that the employee had not alleged facts sufficient to show her eligibility under the FMLA.)
- h. *Tocker v. Philip Morris Cos.*, 470 F.3d 481 (2d Cir. 2006) (vacated and remanded that part of the judgment that dismissed the employee's breach of fiduciary duty claim).
- i. *Fehn v. Group Long Term Disability Plan for Employees of JP Morgan Chase Bank*, 07 Civ. 8321 (WCC), 2008 U.S. Dist. LEXIS 50060 (S.D.N.Y. June 30, 2008), reconsideration denied by *Fehn v. Group Long Term Disability Plan*, 2008 U.S. Dist. LEXIS 58329 (S.D.N.Y., July 30, 2008) (A counterclaim brought by the disability plan benefits administrator seeking reimbursement for excess benefits failed to state an equitable claim under 29 U.S.C.S. § 1132(a)(3)(B) and was dismissed).

9. I have been extensively involved with various legal and professional organizations, committees, and boards within the fields of ERISA/employee benefits, and labor and employment law. I am a former Co-Chair of the National Employment Lawyers Association, ERISA Committee; a former member of the Executive Board of the National Employment Lawyers Association, New York affiliate; a former President of the National Employment Lawyers Association, New York affiliate; a former Co-Chair of the Westchester County Bar Association Labor and Employment Law Committee; former Co-Chair of the New

York State Bar Association, Labor and Employment Law Section Employee Benefits Committee; current Co-Chair of the New York State Bar Association, Labor and Employment Section Continuing Legal Education Committee; former member of the Executive Committee of the New York State Bar Association, Labor and Employment Law Section; a former member of the Mayor's Advisory Committee for the Disabled, City of White Plains; a Member of the American Bar Association Labor and Employment Law Section, Employee Benefits Committee, and a Member of the Board of Directors, Westchester Disabled on the Move, Inc.

10. I have published extensively with respect to ERISA/employee benefits, including the following articles (and not including dozens of publications on other employment and labor topics):

- a. William Frumkin and Louis Santangelo, "Vanity" and Relief Under ERISA for Breach of Fiduciary Duties, 216 N.Y.L.J. No. 10, at 1, col. 1 (April 24, 1996).
- b. William Frumkin and Louis Santangelo, Material Misrepresentation and Breach of Fiduciary Duties Under ERISA, 1 Inside Employee Rights Litigation, No. 12, at 6, col. 1 (October, 1997).
- c. Donald Sapir and William Frumkin, Material Misrepresentation and Breach of Fiduciary Duties After Varsity, Employee Rights and Responsibilities Committee Newsletter, Vol. 3, No. 1, at 9, col. 1 (Spring, 1998).
- d. William Frumkin, Cash Balance Conversion of Traditional Pension Plans, 1 Employee Rights Quarterly. No.1, at 74 (Summer 2000).
- e. William Frumkin, Employee Benefits Law, Second Edition, 2005 Cumulative Supplement, ABA Section of Labor and Employment Law, Contributing Author.
- f. William Frumkin, Potential Loss of Back Pay in ERISA Retaliation Cases, New York Law Journal, April 30, 2008.
- g. William Frumkin and Elizabeth Hunter, Leveling the Playing Field for ERISA Participants, New York Law Journal, August 28, 2012.

11. I have also lectured extensively with respect to ERISA/employee benefits, including the following presentations (and not including dozens of presentations on other employment and labor topics):

- a. October 1992 ERISA: A Tool for the Employee Advocate. (Severance Pay Claims), National Employment Lawyers Association, San Francisco, California.
- b. May, 1994 Presenting and Defending Employee Benefit Claims, (Plaintiff's Perspective), New York State Bar Association, New York City.
- c. November 1994, ERISA: A Tool for the Employee Advocate, (Severance Pay Claims), Washington, D.C.
- d. June, 1994, Litigating ERISA Claims, National Employment Lawyers Association Annual Convention, Blaine, Washington.
- e. April, 1996, ERISA Practice and Procedure, NY/NELA, New York City.
- f. June, 1998, The Use of Benefit Issues to Enhance Settlements in Employment Discrimination Cases, National Employment Lawyers Association, Monterey, California.
- g. October, 1998, ERISA From the Plaintiff's Perspective, Practicing Law Institute, 27th Annual Employment Law Conference, New York City.
- h. October, 1998, ERISA Preemption, New York State Bar Association, Labor and Employment Law Section Annual Meeting, Ithaca, New York.
- i. March, 1999, ERISA's Uses in Settling Employment Discrimination Claims, National Employment Lawyers Association (New York Chapter) Spring Conference, Syracuse, New York.
- j. October, 1999, ERISA From the Plaintiff's Perspective, Practicing Law Institute, 28th Annual Employment Law Conference, New York City.
- k. October, 2000, ERISA: A Tool for the Employee Advocate, National Employment Lawyers Association, Denver, Colorado.
- l. October, 2000, ERISA from the Plaintiff's Perspective, Practicing Law Institute, 29th Annual Employment Law Conference, New York City.

- m. October, 2000, ERISA Severance Benefit Issues, New York State Bar Association Labor and Employment Law Section Annual Meeting, Captiva Island, Florida.
- n. October, 2001, ERISA from the Plaintiff's Perspective, Practicing Law Institute, 30th Annual Employment Law Conference, New York City.
- o. April, 2002, The Employee Benefit Traps - Essential Information for the Employment and Labor Lawyer, New York State Bar Association, Labor and Employment Law Section Annual Meeting, Bolton Landing, New York .
- p. October, 2002, The Aftermath of Enron for ERISA Practitioners, New York State Bar Association Fall Meeting, Cornell University, Ithaca, New York.
- q. December, 2002, GA/NELA Chapter Annual Conference: "Identifying ERISA Issues in Employment Cases and using them to Enhance Settlements," Jamaica, W.I.
- r. April, 2003, Using ERISA to Enhance Settlements, NELA Spring Conference, New York, New York.
- s. January, 2006, ABA Employee Benefits Mid-Winter Meeting - Disclosure Issues Under ERISA, Key Biscayne, Florida.
- t. June, 2007, "Representing Workers In ERISA Benefits Claims Litigation: Fiduciary Breach Litigation," National Employment Lawyers Association Annual Convention, San Juan, Puerto Rico.
- u. June 25, 2010, National Employment Lawyers Association National 21st Annual Convention - NELA at 25: Don't Stop Believing, "ERISA for Plaintiffs' Employment Lawyers," Washington, D.C.
- v. April 1, 2011, New York State Bar Association Labor & Employment Law Section Committee on Employee Benefits CLE Seminar, "Benefits, Healthcare and the Workplace in Today's Difficult Economy," Concierge Conference Center, New York, New York.
- w. November 3, 2011, ABA Section of Labor and Employment Law 5th Annual CLE Conference, "What Every Reasonably Insecure (Attorney) Should Know About ERISA," Seattle, Washington.

- x. May 18, 2012, NELA/NY Spring Conference, The Supreme Court Levels the Playing Field for ERISA Participants in Amara, Yale Club, New York, New York. (William Frumkin and Elizabeth Hunter).
- y. September 21-23, 2012, New York State Bar Association Labor & Employment Law Section Fall Meeting, "The Impact of the Supreme Court's Ground Breaking Amara Decision for ERISA and Employment Attorneys," Kaatskill Mountain Club Resort, Hunter, New York.
- z. October, 2013, The Affordable Care Act: Overview of the New Law Including Retaliation and Employer Mandate Provisions, NY/NELA, New York City.

12. In connection with my employment with this firm, I regularly read literature related to ERISA and labor and employment law case developments. I also regularly attend local, state, and national conferences and seminars related to ERISA/employee benefits and labor and employment topics.

13. I also believe that the qualifications and experience of my partner, Elizabeth Hunter, support the rate of \$500 requested for her.

14. Ms. Hunter graduated from the University of California at Berkeley School of Law, where she served as a member of the California Law Review and as a Senior Articles Editor of the Berkeley Journal of Employment and Labor Law.

15. Ms. Hunter was admitted to the California State Bar in 2005 (but has been on inactive status since approximately 2008), and was admitted to practice before the United States District Court for the Northern District of California and the United States Court of Appeals for the Ninth Circuit in 2006. She was admitted to the New York State Bar in 2007. She was admitted to practice before the United States District Courts for the Southern District of New York in 2007, the Eastern District of New York in 2011, and the Northern District of New York



in 2011. She was also admitted to practice before the bar of the United States Court of Appeals for the Second Circuit in 2011. In addition, she has also been admitted pro hac vice to various courts.

16. The vast majority of Ms. Hunter's practice has been devoted to the representation of clients (primarily employees) in employment and employee-benefit matters.

17. Ms. Hunter was an attorney of record and actively participated in the following ERISA cases that resulted in the following favorable reported decisions (which I have described in greater detail above), which do not include several favorable reported decisions in other areas of employment and labor law:

- a. *Reyes v. Bakery & Confectionery Union & Indus. Int'l Pension Fund*, 281 F. Supp. 3d 833 (N.D. Cal. 2017)
- b. *Alcantara v. Bakery & Confectionery Union & Indus. Int'l Pension Fund Pension Plan*, 751 F.3d 71, 74 (2d Cir. May 1, 2014), affirming *Martinez v. Bakery & Confectionery Union & Indus. Int'l Pension Fund (In re Bakery & Confectionery Union & Indus. Int'l Pension Fund Pension Plan)*, 865 F. Supp. 2d 469, 470 (S.D.N.Y. June 6, 2012)
- c. *Kuhbier v. McCartney*, 2017 U.S. Dist. LEXIS 33231, \*1 (S.D.N.Y. Mar. 8, 2017) and *Kuhbier v. McCartney, Verrino & Rosenberry Vested Producer Plan*, 95 F. Supp. 3d 402, 419 (S.D.N.Y. Mar. 25, 2015)
- d. *Cherniak v. Solow Realty & Dev. Co., LLC*, No. 12-CIV-5564 (HB), 2013 U.S. Dist. LEXIS 99937 (S.D.N.Y. July 17, 2013)
- e. *Crabtree v. Cent. Fla. Invs, Inc.*, NO. 6;12-CV-656-Orl-36TBS, 2012 U.S. Dist. LEXIS 177357 (M.D. Fla. Dec. 14, 2012) and *Crabtree v. Cent. Fla. Inv, Inc.*, No. 6;12-cv-656-ORL-31TBS, 2013 U.S. Dist. LEXIS 35289 (M.D. Fla. Mar. 14, 2013).

18. Ms. Hunter has written articles and given presentations on ERISA/employee benefits and employment law issues for the New York Law Journal, the Practising Law Institute,

the National Employment Lawyers' Association, the New York chapter of the National Employment Lawyers' Association, and the New York State Bar Association, including the following ERISA articles and presentations (and not including many other presentations on other employment and labor law issues):

- a. William Frumkin and Elizabeth Hunter, *Leveling the Playing Field for ERISA Participants*, New York Law Journal, August 28, 2012.
- b. May 18, 2012, NELA/NY Spring Conference, *The Supreme Court Levels the Playing Field for ERISA Participants* in Amara, Yale Club, New York, New York.
- c. June, 2014, *ERISA On The Map: Recent Developments, Hot Topics & Strategies For Success*, Boston, Massachusetts.

19. Ms. Hunter is a member of bar associations and professional organizations, including the American Bar Association, the New York State Bar Association, the National Employment Lawyers' Association, and the Orange County Bar Association. She has been on the board of Women's Bar Association of Orange and Sullivan Counties for the last 5 years, and is currently serving as Vice President. She regularly attends conferences and seminars on ERISA and employee benefits topics.

#### **HOURS BILLED**

20. Submitted along with this declaration are records of all hours billed and costs incurred by Frumkin & Hunter LLP, annexed hereto as Exhibit A.

21. Pursuant to our firm's standard operating procedures, either the attorney performing the services, or a paralegal/secretary employed by the firm, is required to enter in the firm's computerized database for each case in which services were performed the following information: the date of an activity, a brief description of the activity or activities engaged in,

the initials of the person performing the work, and the amount of time expended, as calculated by tenths of an hour, for all of the activities performed by each person on a specific date. The information is maintained for each case so that an accurate up-to-date report of activities and hours expended can be retrieved at any time. Annexed hereto as Exhibit A is a statement of all activities and hours expended for each person for the work that was performed in this case for Frumkin & Hunter LLP.

22. I have reviewed the accompanying records of hours and activities, annexed hereto as Exhibit A. They accurately reflect the expenditures of time by all attorneys and paralegals who performed services with respect to this issue.

23. A record of hours similarly produced and maintained has been accepted by other courts in several cases in which my current and former law firm and myself were awarded attorney's fees in other cases, including but not limited to, *Reyes v. Bakery & Confectionery Union & Indus. Int'l Pension Fund*, 281 F. Supp. 3d 833 (N.D. Cal. 2017)(order granting final approval of ERISA class action settlement, and granting in part and denying in part motion for attorneys' fees); *Westchester Disabled on the Move v. Village of Larchmont*, 200 U.S. Dist. LEXIS 22074 (S.D.N.Y. 2000)("The plaintiffs have provided time-record documentation in the form of a chart with entries showing a specific description of the work performed together with the date and the exact amount of time the attorney spent on the task as required under well-settled principles in this circuit."); *Local 445 Welfare Fund v. Wein*, 855 F.2d 62 (2d Cir. 1988)(approving the district court's award of attorney's fees, which was supported by the same type of statement of hours as submitted here).

**APPLICABLE HOURLY RATE FOR FEES**

24. The hourly rates sought by Frumkin & Hunter LLP for the representation of Plaintiff in this case are: \$700 for myself, \$500 for Elizabeth Hunter, and \$200 for our associates. These are the rates set forth in Exhibit A.

25. I believe that my qualifications, experience, and stature in the legal community support the hourly rates requested for me. I also believe that the qualifications and experience of my partner, and our associates support the rates requested for them.

27. These rates were recently approved as reasonable and awarded by the court in another recent ERISA class action: *Reyes v. Bakery & Confectionery Union & Indus. Int'l Pension Fund*, 281 F. Supp. 3d 833 (N.D. Cal. 2017).

**COSTS**

28. Class Counsel seek reimbursement for costs and expenses incurred in representation of Plaintiff and the class. The costs and expenses incurred by Frumkin & Hunter LLP through April 22, 2019 are in the amount of \$24,054.51. These costs and expenses are detailed in Exhibit A.

**FEES**

29. The following rates and hours are sought by Class Counsel for attorneys employed by Frumkin & Hunter LLP (See Exhibit A):

<b><u>Attorney</u></b>	<b><u>Status</u></b>	<b><u>Rate</u></b>	<b><u>Admitted</u></b>	<b><u>Hours</u></b>	<b><u>Fees Sought</u></b>
William Frumkin	Partner	\$700	1987	335.20	\$234,640.00
Elizabeth Hunter	Partner	\$500	2005	429.40	\$214,700.00
Alexandra Manfredi	Associate	\$200	2014	0.30	\$60.00

Jenna Beirlein	Associate	\$200	2011	11.60	\$2,320.00
Janet Howell	Paralegal	\$135	-----	0.60	\$81.00

**TOTAL HOURS:** 777.10

**TOTAL FEES:** \$451,801.00

30. The total amount of fees pertaining to services performed by Frumkin & Hunter LLP through April 22, 2019 is \$451,801.00, as set forth in Exhibit A.

**TOTAL FEES AND COSTS**

31. Therefore, Frumkin & Hunter LLP has incurred a total of \$475,855.51 in fees and expenses with respect to this application.

Dated: April 25, 2019  
White Plains, New York



William D. Frumkin

FRUMKIN & HUNTER LLP  
Attorneys at Law  
1025 Westchester Avenue, Suite 309  
White Plains, NY 10604  
(914) 468-6096

Maria De Lourdes Parra Marin  
173-16 89th Avenue, Apt. 4  
Jamaica NY 11432

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ANY FEE CONTINGENT UPON RECOVERY IS DEFERRED UNTIL TIME OF  
RECOVERY.

***FOR PROFESSIONAL SERVICES RENDERED***

		HOURS
03/25/2015	EEH Telephone conference with WDF re: facts and claims	0.20
03/27/2015	EEH E-mails to and from WDF and co-counsel re: case and telephone conference with WDF re: same	0.20
03/30/2015	EEH Telephone conference with Abbey Spanier re: potential claims (.7); receive and review WDF and co-counsel emails re: facts and claims (.2)	0.90
03/31/2015	EEH E-mails to and from WDF and co-counsel re: news articles about Dave and Buster comments about the ACA, and next steps (.2); telephone conference with WDF re: same (.1)	0.30
04/01/2015	EEH Intra-Office conference with WDF re: case strategy (.2); conference with and emails to and from ACM re: researching similar cases (.2); telephone conference with WDF and B. Conover re: case strategy and claims (.3)	0.70
	ACM Legal research re: Dave and Busters court filings	0.30
04/02/2015	EEH E-mails to and from WDF and co-counsel re: client documents and claims (1.0)	1.00
	WDF Receive and review correspondence from Dave and Busters to B. Conover re: D&B national "right size program" and clients' termination from insurance (.7); emails to and from B. Conover and J. Spanier re: same (.2)	0.90
04/03/2015	EEH Telephone conference with WDF and co-counsel Abbey Spanier re: case strategy (.4)	0.40
	WDF Telephone conference with co-counsel re: strategy to prepare complaint	0.60
04/06/2015	EEH Receive and review draft complaint	0.10
04/07/2015	EEH Receive and review emails from WDF and co-counsel re: draft complaint	0.20
	WDF Receive and review email from N. Kaboolian, Esq. (co-counsel) (.1) re: impact of retaliation claim on class certification; email to N. Kaboolian re: same (.1)	0.20

FRUMKIN DECLARATION  
EXHIBIT A

FRUMKIN & HUNTER LLP  
Attorneys at Law  
1025 Westchester Avenue, Suite 309  
White Plains, NY 10604  
(914) 468-6096

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		HOURS
03/25/2015	EEH Telephone conference with WDF re: facts and claims	0.20
03/27/2015	EEH E-mails to and from WDF and co-counsel re: case and telephone conference with WDF re: same	0.20
03/30/2015	EEH Telephone conference with Abbey Spanier re: potential claims (.7); receive and review WDF and co-counsel emails re: facts and claims (.2)	0.90
03/31/2015	EEH E-mails to and from WDF and co-counsel re: news articles about Dave and Buster comments about the ACA, and next steps (.2); telephone conference with WDF re: same (.1)	0.30
04/01/2015	EEH Intra-Office conference with WDF re: case strategy (.2); conference with and emails to and from ACM re: researching similar cases (.2); telephone conference with WDF and B. Conover re: case strategy and claims (.3)	0.70
	ACM Legal research re: Dave and Busters court filings	0.30
04/02/2015	EEH E-mails to and from WDF and co-counsel re: client documents and claims (1.0)	1.00
	WDF Receive and review correspondence from Dave and Busters to B. Conover re: D&B national "right size program" and clients' termination from insurance (.7); emails to and from B. Conover and J. Spanier re: same (.2)	0.90
04/03/2015	EEH Telephone conference with WDF and co-counsel Abbey Spanier re: case strategy (.4)	0.40
	WDF Telephone conference with co-counsel re: strategy to prepare complaint	0.60
04/06/2015	EEH Receive and review draft complaint	0.10
04/07/2015	EEH Receive and review emails from WDF and co-counsel re: draft complaint	0.20
	WDF Receive and review email from N. Kaboolian, Esq. (co-counsel) (.1) re: impact of retaliation claim on class certification; email to N. Kaboolian re: same (.1)	0.20



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			HOURS
04/10/2015	WDF	Review and revise Complaint	1.70
04/17/2015	EEH	Telephone conference with WDF re: ACA insurance issues (.1); legal research re: insurance issues (.6)	0.70
	WDF	Review and revise Complaint (1.0); telephone conference with EEH re: ACA required health insurance enhancements (.4); receive and review email from EEH re: same; email to co-counsel re: same (.2)	1.60
04/20/2015	EEH	Receive WDF email re: ACA research (.1); receive and review draft complaint (.3); attend meeting with co-counsel re: case strategy (4.0); legal research re: ACA (.6)	5.00
04/21/2015	EEH	Telephone conference with and emails to and from WDF re: complaint (.3); emails to and from B. Conover re: same (.1)	0.40
04/22/2015	EEH	Legal research and review and revise complaint (1.8)	1.80
04/26/2015	WDF	Review and revise Complaint (1.5); email to co-counsel re: same (.3)	1.80
04/27/2015	EEH	E-mails to and from co-counsel and WDF re: revisions to complaint	0.20
	WDF	Review and revise Complaint	1.70
04/28/2015	EEH	E-mails to and from WDF and co-counsel re: revised drafts of complaint	0.50
	WDF	Review and revise Complaint (.9); emails to and from co-counsel re: same (.2)	1.10
04/29/2015	EEH	Legal research and revise complaint (1.4); telephone conference with co-counsel re: same (1.1)	2.50
	WDF	Review and revise Complaint (.8); emails to and from co-counsel re: same (.2); telephone conference with co-counsel re: same (.6)	1.60
04/30/2015	EEH	E-mails to and from co-counsel and WDF re: revising, finalizing complaint and client/Plaintiff issues (1.5); telephone conference with WDF re: same (.2)	1.70
	WDF	Review and revise Complaint (1.2); telephone conference with co-counsel re: same (.3); emails to and from co-counsel re: same (.3)	1.80
05/01/2015	EEH	Receive and review emails to and from co-counsel re: delay in filing lawsuit; develop strategy re: same	0.40
	EEH	E-mails to and from WDF and co-counsel re: Complaint	0.20
05/06/2015	EEH	Telephone conference with WDF re: case strategy	0.20
	WDF	Telephone conference with EEH re: case strategy	0.20
05/07/2015	EEH	Receive and review emails from co-counsel re: client authorization to proceed and next steps (.2); intraoffice conference with WDF re: same (.1)	0.30
05/08/2015	WDF	Review and revise Complaint (.6); emails to and from co-counsel re: revisions	

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		HOURS
	to same (.5); teleconference with EEH re: same (.2)	1.30
	EEH E-mails to and from co-counsel re: Complaint (.5); review and revise Complaint (.8); telephone conference with WDF re: same (.2)	1.50
05/11/2015	EEH E-mails to and from co-counsel re: filing of Complaint, Judge, service, possible arbitration issue	0.50
	WDF Receive and review emails from co-counsel re: potential class action arbitration issue	0.60
05/12/2015	EEH E-mails to and from WDF and co-counsel re: class action waiver issue	0.40
	WDF Preparation of emails to and from co-counsel re: class action arbitration issues review of <i>Italian Colors</i> case	0.40
05/15/2015	WDF Preparation of emails to and from co-counsel re: service of Complaint and strategy re: class action waiver issue	1.60
	EEH Receive and review email from co-counsel re: service of Complaint and conference with WDF re: same (.1); emails to and from WDF and co-counsel re: ACA whistleblower provision and intraoffice conference with WDF re: same (.2)	0.30
05/18/2015	EEH Receive and review WDF and co-counsel emails re: case strategy	0.20
05/20/2015	EEH Telephone conference with WDF re: case strategy	0.10
	WDF Telephone conference with EEH re: ACA waiver prohibitions; receive and review emails to and from EEH re: same	1.10
05/27/2015	WDF Telephone conference with opposing counsel re: request for extension to answer or move; emails to and from co-counsel re: same; email to opposing counsel re: same	0.60
	EEH E-mails to and from co-counsel and WDF re: Defendant's request for extension and case strategy	0.30
05/28/2015	WDF Receive and review email to opposing counsel re: extension; email to and from opposing counsel re: same	0.40
	EEH E-mails to and from WDF and opposing attorney re: extension of time to answer	0.10
05/29/2015	WDF Receive and review emails to and from opposing and co-counsel re: extension to answer or move; review and revise Stipulation re: same	0.30
	EEH E-mails to and from co-counsel re: Stipulation	0.10
06/01/2015	EEH Receive and review WDF email re: arbitration waiver issue	0.10
06/18/2015	EEH Intra-Office conference with WDF re: case strategy	0.10
07/01/2015	WDF Review and analyze requirement to offer health insurance to 70% of full time	

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			HOURS
		employees; develop strategy re: researching same	0.40
	EEH	Telephone conference with WDF re: ACA phase-in issues	0.20
07/02/2015	WDF	Receive and review email to and from EEH re: coverage requirement for FTEs	0.20
	EEH	Legal research re: ACA phase-in and ERISA Section 510 Standing issue (.8)	0.80
07/23/2015	WDF	Review and analyze caselaw re: ERISA standing under Section 510	0.30
07/24/2015	EEH	Receive and review WDF email to co-counsel re: ERISA Section 510 standing issue	0.10
07/30/2015	EEH	Receive and review email from co-counsel re: potential additional Plaintiff	0.10
08/03/2015	WDF	Review and analyze Defendant's Memorandum of Law (1.4); emails to and from co-counsel re: arguments to address in response and request for extension of time to oppose (1.5)	2.90
	JMB	Legal research re: Fed. R. Civ. P. and SDNY Local Rule re: time to respond to Motion to Dismiss	0.30
	EEH	E-mails to and from WDF and co-counsel re: strategy to respond to Defendant's Motion to Dismiss	0.20
08/04/2015	WDF	Receive and review emails to and from opposing counsel re: extension to file brief in opposition to motion to dismiss (.3) ; telephone conference with co-counsel re: request for extension (.1)	0.40
	EEH	E-mails to and from WDF and co-counsel re: responding to Defendant's Motion to Dismiss and timeline for response	0.20
08/05/2015	WDF	Receive and review email from opposing counsel re: extension to file opposition to motion to dismiss	0.20
	EEH	Receive and review WDF and co-counsel emails re: contact with opposing attorney and stip for time to respond, strategy re: response	0.30
08/07/2015	WDF	Review and revise Stipulation to Extend Time to file Opposition to Motion to Dismiss	0.20
	EEH	Receive and review email re: filing Stipulation	0.10
08/10/2015	EEH	Review and analyze Defendant's brief (1.0); telephone conference with WDF re: same (.2)	1.20
08/11/2015	WDF	Telephone conference with co-counsel re: preparation of Memorandum of Law in Opposition to Motion to Dismiss; review and analyze ERISA 510 cases re: same	1.40
	EEH	Telephone conference with WDF and co-counsel re: Defendant's brief (.6); legal research re: similar arguments raised in opposition to ERISA 510 claims (1.9)	2.50

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			HOURS
08/12/2015	EEH	E-mails to and from WDF and co-counsel re: legal research and strategy re: Motion to Dismiss (.4); intraoffice conference with WDF re: same (.5)	0.90
	WDF	Intra-Office conference with EEH re: preparation of Memorandum of Law in Opposition to Motion to Dismiss; review and analyze cases in support (.8); emails to and from co-counsel re: same (.6)	1.40
08/17/2015	EEH	Legal research re: Opposition to Motion to Dismiss	1.90
08/27/2015	WDF	Receive and review Notice of Conference from Court	0.10
09/01/2015	EEH	Telephone conference with WDF re: motion to dismiss	0.10
09/02/2015	WDF	Preparation of Preliminary Statement of Memorandum of Law in Opposition to Motion for Summary Judgment (1.1); intraoffice conference with EEH re: same (.3)	1.40
	EEH	Conference with WDF re: opposition to motion to dismiss	0.40
09/08/2015	EEH	Telephone conference with WDF re: opposition to motion to dismiss	0.10
09/09/2015	WDF	Review and revise Preliminary Statement-Memorandum of Law in Opposition to Motion to Dismiss	1.20
	EEH	Telephone conference with WDF re: opposition to motion to dismiss	0.10
09/11/2015	EEH	Preparation of Memorandum of Law in Opposition to Motion to Dismiss	1.00
09/14/2015	WDF	Telephone conference with EEH re: strategy for drafting Memorandum of Law in Opposition to Motion to Dismiss	0.30
	EEH	Telephone conference with WDF re: Memorandum of Law in Opposition to Motion to Dismiss (.1); review and revise same (.7)	0.80
09/16/2015	EEH	Preparation of Memorandum of Law in Opposition to Motion to Dismiss	0.50
09/17/2015	WDF	Intra-Office conference with EEH re: strategy concerning preparation of Memorandum of Law in Opposition to Motion to Dismiss	0.20
	EEH	Legal research and preparation of Memorandum of Law in Opposition to Motion to Dismiss	1.10
09/18/2015	EEH	E-mail to and from co-counsel re: Opposition to Motion to Dismiss	0.10
09/21/2015	EEH	Legal research and preparation of Memorandum of Law on Opposition to Motion to Dismiss	7.20
09/22/2015	EEH	Telephone conference with WDF re: issues related to preparation of brief (.2); review and revise Memorandum of Law in Opposition to Motion to Dismiss (1.3)	1.50
09/24/2015	EEH	Intra-Office conference with WDF re: revisions to Memorandum of Law in Opposition to Motion to Dismiss (.7); review and revise same (1.5); emails to and from co-counsel re: same (.2)	2.40

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		HOURS
	WDF Review and revise Memorandum of Law in Opposition to Motion to Dismiss (3.3); intraoffice conference with EEH re: same (.3)	3.60
09/25/2015	EEH Intra-Office conference with WDF re: Opposition to Motion to Dismiss (.3); receive and review revisions from N. Kaboolian (.1)	0.40
	WDF Intra-Office conference with EEH re: revisions to Memorandum of Law in Opposition to Motion to Dismiss	0.50
09/28/2015	WDF Review and revise Memorandum of Law in Opposition to Motion to Dismiss	2.10
	EEH E-mails to and from co-counsel re: opposition brief (.3); telephone conference with WDF re: same (.2)	0.50
09/29/2015	WDF Review and revise Memorandum of Law in Opposition to Motion to Dismiss (1.9); intraoffice conference with EEH re: same (.5); emails to and from co-counsel re: same (.3)	2.70
	EEH E-mails to and from WDF and co-counsel re: Opposition to Motion to Dismiss brief (.6); review and revise brief (2.5)	3.10
09/30/2015	EEH E-mails to and from WDF and co-counsel re: Opposition brief (1.0); review and revise brief (3.5); oversee and review formatting and filing of brief (1.5)	6.00
	WDF Review and revise Memorandum of Law in Opposition to Motion to Dismiss; emails to and from co-counsel re: revisions to same	2.60
10/01/2015	EEH E-mails to and from WDF, co-counsel and opposing attorney re: Opposition brief, reply deadline and potential settlement (.5); telephone conference with WDF re: same (.3)	0.80
	WDF Telephone conference with D. Beller, Esq. re: extension to file reply to Motion to Dismiss; meeting to discuss settlement (.6); emails to and from co-counsel re: same (.2)	0.80
10/02/2015	EEH E-mails to and from WDF, co-counsel, and opposing attorney re: reply and stipulation to extend time to file reply	0.30
	WDF Letter to Judge Hellerstein re: extension to reply (.4); receive and review revised scheduling order and email to opposing counsel re: same (.1)	0.50
10/05/2015	EEH Receive and review Stipulation re: briefing schedule (.1); receive and review co-counsel and WDF emails re: settlement meeting (.1)	0.20
10/07/2015	EEH E-mail to and from co-counsel re: dates of settlement conference meeting	0.20
10/08/2015	EEH Receive and review emails from opposing attorney and WDF re: settlement meeting	0.10
	WDF Receive and review email from D. Beller, Esq. re: settlement meeting	0.10
10/09/2015	EEH E-mails to and from WDF and co-counsel re: settlement meeting	0.20

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			HOURS
10/21/2015	EEH	Receive and review co-counsel emails re: meeting with opposing counsel re: settlement and case strategy (.3); intraoffice conference with WDF re: same (.1)	0.40
10/26/2015	EEH	Intra-Office conference with WDF re: preparation for meeting with opposing attorneys (.4)	0.40
10/27/2015	WDF	Review and analyze prior health insurance case terms settlement (1.0); emails to and from co-counsel re: sending class certification definition and class questionnaire to opposing counsel in advance of settlement conference (.1)	1.10
	EEH	Intra-Office conference with WDF re: preparation for meeting with Defendant's attorneys (.1); emails to and from WDF and co-counsel re: same (.5)	0.60
10/28/2015	WDF	Receive and review emails to and from co-counsel re: issues to address at settlement conference	0.60
	EEH	Receive and review emails from WDF and co-counsel re: preparation for meeting with opposing attorneys	0.20
10/29/2015	EEH	Receive and review WDF and co-counsel emails re: research and prep for settlement meeting	0.40
10/30/2015	WDF	Attend Settlement Conference with opposing counsel (2.9); conference with co-counsel re: strategy (.6); email to and from D. Beller, Esq. re: same (.3)	3.80
	EEH	Receive and review WDF, co-counsel and opposing attorney emails re: settlement meeting	0.20
11/03/2015	EEH	Receive and review co-counsel emails re: settlement proposal	0.10
11/04/2015	EEH	Receive and review co-counsel emails re: settlement proposal	0.10
11/05/2015	EEH	Receive and review co-counsel emails re: follow-up on settlement	0.10
11/06/2015	EEH	Receive and review WDF and opposing attorney emails re: settlement proposal	0.10
	WDF	Telephone conference with co-counsel re: settlement strategy, memo to file (1.4); email to opposing counsel re: settlement position (.3)	1.70
11/09/2015	EEH	Receive and review emails from WDF and co-counsel re: response to opposing attorney	0.20
11/10/2015	EEH	Receive and review WDF, opposing attorney emails re: settlement proposal (.2); telephone conference with WDF re: same (.2); receive and review B. Conover draft letter re: settlement position (.2)	0.60
	WDF	Receive and review email from opposing counsel re: settlement (.3); preparation of email to opposing counsel re: response (.6); draft emails to and from co-counsel re: same (.5)	1.40
11/11/2015	EEH	Receive and review co-counsel emails re: settlement proposal	0.30

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			HOURS
11/12/2015	WDF	Letter to D. Beller, Esq. re: request for documents and information concerning evaluation of Dave and Buster's settlement proposal (1.1); emails to and from co-counsel re: same (.3)	1.40
	EEH	Receive and review WDF and co-counsel emails re: proposed letter to D. Beller, Esq. (.5); receive and review opposing attorney email re: same (.1)	0.60
11/13/2015	WDF	Receive and review emails to and from co-counsel re: status of settlement	0.20
11/16/2015	EEH	Receive and review Defendant's reply (1.2); receive and review co-counsel emails re: reply and case strategy (.3)	1.50
	WDF	Review and analyze Defendant's Reply Memorandum of Law in Support of Motion to Dismiss; email to co-counsel re: same	1.40
11/17/2015	EEH	E-mails to and from co-counsel and WDF re: case strategy	0.20
11/18/2015	EEH	Receive and review co-counsel email re: settlement proposal	0.10
11/19/2015	WDF	Receive and review emails to and from co-counsel re: clients' loss of work hours	0.30
	EEH	Receive and review co-counsel email re: case strategy	0.10
11/20/2015	WDF	Receive and review email from co-counsel re: client's reduced work hours, strategy	0.30
12/01/2015	WDF	Receive and review Notice of Oral Argument	0.10
	EEH	Intra-Office conference with WDF re: status and strategy	0.10
12/02/2015	EEH	Intra-Office conference with WDF re: reply brief	0.10
12/07/2015	WDF	E-mail to and from co-counsel re: preparation for oral argument	0.20
	EEH	Receive and review co-counsel and WDF emails re: potential new plaintiff	0.20
12/11/2015	EEH	Receive and review WDF and co-counsel emails re: strategy	0.10
12/15/2015	EEH	E-mails to and from co-counsel and telephone conference with WDF re: oral argument preparation	0.20
12/17/2015	EEH	Intra-Office conference with WDF re: oral argument strategy	0.30
12/18/2015	EEH	Receive and review emails from WDF and co-counsel re: oral argument strategy	0.20
	WDF	Receive and review email from B. Conover re: issues to address at oral argument of Motion to Dismiss; email to B. Conover re: same	1.10
12/21/2015	EEH	Attend meeting with WDF and co-counsel to prepare for oral argument;	5.00
	WDF	Attend meeting with co-counsel re: preparation for oral argument on Motion to Dismiss (4.0)	4.00



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12/23/2015	EEH	Intra-Office conference with WDF re: research for oral argument; legal research re: same	0.30
12/28/2015	EEH	Intra-Office conference with WDF re: oral argument preparation	0.10
12/30/2015	EEH	Preparation of oral argument points with WDF	1.50
12/31/2015	WDF	Review and analyze EEH memo to file re: notes and summary of argument in preparation for oral argument re: Motion to Dismiss (.3); email to co-counsel re: same (.1)	0.40
01/04/2016	EEH	Intra-Office conference with WDF re: preparation for oral argument (.2); review and revise talking points (.8)	1.00
01/05/2016	WDF	Receive and review emails to and from co-counsel re: preparation for oral argument re: Motion to Dismiss	0.40
	EEH	E-mail to and from co-counsel re: oral argument preparation; intraoffice conference with WDF re: same	0.30
01/06/2016	WDF	Review and analyze file and preparation for oral argument re: Motion to Dismiss (.5); attend oral argument, conference with co-counsel re: same, strategy (5.7)	6.20
	EEH	Attend oral argument and conference with WDF and co-counsel re: same (6.0); conference with WDF and emails from WDF and opposing attorney re: request for settlement (.2)	6.20
01/07/2016	WDF	E-mail to and from co-counsel re: points to cover in supplemental brief requested by court regarding availability of back pay remedy pursuant to an ERISA 510 claim (.6); letter to Judge Hellerstein re: extension of briefing schedule (.6)	1.20
	EEH	Receive and review Court transcript (.1); receive and review Court order re: argument and briefing (.1); receive and review email from WDF, co-counsel and opposing attorney re: letter to Court re: briefing extension (.2); intraoffice conference with WDF re: oral argument and briefing strategy (.3); emails to and from co-counsel re: same (.5)	1.20
01/08/2016	WDF	Receive and review email from EEH re: post <i>Amara</i> legal research regarding ERISA 510 back pay remedy	0.30
	EEH	Legal research re: backpay remedy issue	2.00
01/11/2016	EEH	Intra-Office conference with WDF re: supplemental briefing (.1); receive and review Court notification granting extension (.1); emails to and from co-counsel re: legal research strategy (.2)	0.40
	WDF	Receive and review emails from co-counsel re: issues to address in supplemental briefing	0.30
01/12/2016	EEH	Receive and review email from co-counsel re: supplemental briefing	0.10



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			HOURS
	WDF	Intra-Office conference with EEH re: issues to address in Supplemental Memorandum of Law; emails to and from co-counsel re: same	0.30
01/13/2016	EEH	Intra-Office conference with WDF re: supplemental briefing	0.10
01/21/2016	EEH	E-mails to and from co-counsel re: supplemental briefing (.1); review and analyze oral argument transcript and preparation of briefing (.6)	0.70
01/22/2016	EEH	Legal research and preparation of supplemental briefing (4.5); receive and review co-counsel email re: same (.1)	4.60
01/25/2016	EEH	Telephone conference with WDF and emails to and from WDF and co-counsel re: briefing	0.50
	WDF	Review and revise Supplemental Memorandum of Law	1.10
01/26/2016	EEH	E-mails to co-counsel and WDF re: briefing, new Sup. Court decision, and law review article (.8); review and analyze co-counsel revisions (.8); intraoffice conference with WDF re: same (.2)	1.80
	WDF	Review and revise Supplemental Memorandum of Law (1.1); receive and review emails from EEH and co-counsel re: revisions to same (.3)	1.40
01/27/2016	EEH	Intra-Office conference with WDF re: briefing (.1); review and revise briefing (2.2); emails to and from co-counsel re: revisions to briefing (.5)	2.80
01/28/2016	EEH	Review and revise supplemental brief	0.50
01/29/2016	EEH	Intra-Office conference with WDF re: supplemental briefing (.1); emails to and from co-counsel (.1); receive and review Defendant's brief (.1)	0.30
02/08/2016	WDF	Receive and review letter from Defendant to the Court re: Section 510 remedy-back pay	0.40
02/09/2016	WDF	Receive and review decision denying Motion to Dismiss (.6); emails to and from co-counsel re: same and adjourning Court conference (.3); receive and review email from D. Beller, Esq. re: continuation of settlement discussions (.2)	1.10
	EEH	Receive and review Court decision and Court order re: conference (.2); emails to and from co-counsel re: same (.4); intraoffice conference with WDF re: same (.1)	0.70
02/10/2016	WDF	Telephone conference with D. Beller, Esq. re: settlement, adjournment of Court conference and extension of time to Answer (1.2); email to and from co-counsel re: same (.2)	1.40
	EEH	E-mails to and from co-counsel and WDF re: Court decision, documents from opposing attorneys, meeting with opposing attorneys, request for extension to answer, strategy	0.50
02/11/2016	WDF	Preparation of email to D. Beller, Esq. re: documents related to class and damages, stipulation to extend time to answer or move, setting up settlement conference and adjournment of case management conference	1.10

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		HOURS
	EEH Legal research re: timing for answer and conference with WDF re: same (.1); emails to and from WDF, co-counsel and opposing attorney re: documents, Court conference, settlement meeting (.8); conference with WDF re: same (.2)	1.10
02/12/2016	WDF E-mails to and from opposing counsel re: revisions to Stipulation extending Time to Answer (.2); letter to Judge Hellerstein re: seeking adjournment of case management conference (.3); emails to and from D. Beller re: scheduling settlement conference (.2)	0.70
	EEH E-mails to and from co-counsel, WDF and opposing attorneys re: scheduling Court conference and settlement meeting, stipulation to adjourn time to answer	0.50
02/16/2016	EEH Intra-Office conference with WDF re: case strategy (.1); emails to and from co-counsel and WDF re: settlement meeting and Court conference (.3)	0.40
	WDF Preparation of emails to and from co-counsel re: scheduling settlement conference with Defendant's counsel	0.20
02/17/2016	EEH Intra-Office conference with WDF re: case strategy (.2); email to co-counsel re: same (.1)	0.30
	WDF Intra-Office conference with EEH re: preparation for settlement conference with Defendant	0.20
02/18/2016	EEH Intra-Office conference with WDF re: settlement strategy	0.10
02/19/2016	EEH Receive and review co-counsel email re: settlement meeting	0.10
02/22/2016	EEH E-mails to and from co-counsel re: preparation for settlement meeting	0.10
02/23/2016	WDF Telephone conference with co-counsel re: preparation for settlement conference	0.90
	EEH Intra-Office conference with WDF re: settlement meeting strategy (.1); telephone conference with co-counsel re: same (.5)	0.60
02/24/2016	WDF Review file and prepare for settlement conference with opposing counsel (.5); attend settlement conference (4.3)	4.80
	EEH Attend and prepare for settlement meeting (4.3); conference with WDF re: meeting (.5)	4.80
02/25/2016	EEH Receive and review B. Conover email and draft letter re: settlement	0.10
02/26/2016	WDF Receive and review emails to and from D. Beller and J. Spanier re: completion of case management plan, class certification motion timing	0.20
	EEH Receive and review co-counsel emails re: class cert. strategy	0.20
02/28/2016	WDF Receive and review email from B. Conover re: class composition; email to co-counsel re: same	1.20

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			HOURS
	EEH	Receive and review WDF and co-counsel emails re: case strategy and letter request for information	0.10
02/29/2016	WDF	Receive and review emails to and from co-counsel re: issue of FT employees with health insurance participating in class	0.60
	EEH	E-mails to and from co-counsel and WDF re: discovery strategy and request for documents	0.50
03/02/2016	EEH	E-mails to and from co-counsel re: document requests	0.20
03/03/2016	WDF	Review and revise letter to D. Beller, Esq. re: request for supplemental information to develop settlement proposal (.5); email to and from co-counsel re: same (.2)	0.70
03/04/2016	WDF	Receive and review email from co-counsel re: revisions to letter to D. Beller, Esq. concerning supplemental information request	0.30
	EEH	E-mails to and from co-counsel and WDF re: edits to document request letter to Defendants (.5); intraoffice conference with WDF re: same (.1)	0.60
03/10/2016	WDF	Emails to and from co-counsel and opposing counsel re: case management Plan and potential extension due to settlement discussions	0.30
	EEH	Receive and review email to/from opposing attorney and co-counsel re: case scheduling order	0.10
03/11/2016	EEH	Receive and review email from opposing attorney re: case management plan	0.10
03/14/2016	EEH	Receive and review WDF and co-counsel emails re: case management plan	0.10
03/16/2016	EEH	Receive and review co-counsel email re: case management plan	0.10
	WDF	Receive and review emails from co-counsel re: draft of case management plan, timing for class certification motion	0.20
03/17/2016	EEH	Receive and review emails from co-counsel and opposing attorney re: status of documents and case management plan	0.30
03/18/2016	EEH	E-mail to and from WDF and co-counsel re: case strategy	0.30
03/21/2016	EEH	Intra-Office conference with WDF re: case strategy (.3); telephone conference with co-counsel re: same (1.1)	1.40
	WDF	Telephone conference with co-counsel re: preparation of response to D. Beller, Esq. re: information provided and settlement	0.60
03/22/2016	EEH	E-mail to and from co-counsel re: letter to opposing attorney re: case management plan	0.80
	WDF	E-mail to and from co-counsel re: letter to D. Beller, Esq. re: settlement (.2); preparation of letter to D. Beller re: same (1.7); telephone conference with N. Kaboolian re: same (.3); telephone conference with EEH re: same (.2)	2.40

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			HOURS
03/23/2016	WDF	Review and revise letter to D. Beller, Esq. re: settlement (.8); emails to and from opposing counsel re: same (.4)	1.20
	EEH	Telephone conference with WDF and co-counsel re: case management plan (.5); emails to and from WDF and co-counsel re: settlement letter to opposing attorney; review and revise letter (.8)	1.30
03/24/2016	WDF	Review and revise Draft CMP (.2); and receive and review Answer to Complaint (.6)	0.80
	EEH	E-mail to and from WDF and co-counsel re: case management plan (.3); receive and review Defendant's Answer (.6); intraoffice conference with WDF re: Court conference (.1)	1.00
03/25/2016	WDF	Preparation for Rule 16 conference before Judge Hellerstein (1.1); attend conference before Judge Hellerstein (1.7); conference with opposing counsel re: settlement (.2); conference with co-counsel re: same (.2)	3.20
	EEH	Receive and review emails from co-counsel and WDF re: Court conference (.1); receive and review Court notifications re: case schedule (.1); intraoffice conference with WDF re: Court conference and next steps (.3)	0.50
04/06/2016	EEH	E-mails to and from WDF and co-counsel re: case strategy and discovery	0.40
	WDF	Preparation of emails to and from co-counsel re: preparation of initial disclosures and document interrogatory requests	0.20
04/11/2016	WDF	Intra-Office conference with EEH re: preparation of Rule 26 Disclosures, document and interrogatory requests	0.30
	EEH	E-mail to and from WDF and co-counsel re: case strategy, and adding additional Plaintiffs (.5); intraoffice conference with WDF re: discovery (.1)	0.60
04/12/2016	EEH	Preparation of Rule 26 Disclosures	1.10
04/18/2016	EEH	Intra-Office conference with WDF and JMB re: discovery requests	0.10
	WDF	Intra-Office conference with EEH and JMB re: preparation of document demands and interrogatories	0.20
04/21/2016	EEH	E-mail to and from WDF and N. Kaboolian re: Rule 26 Disclosures	0.20
04/25/2016	EEH	E-mail to and from co-counsel and WDF re: Rule 26 Disclosures (.2); receive and review letter from opposing attorney re: settlement negotiations (.1); intraoffice conference with WDF re: same (.1)	0.40
	WDF	Review and revise Rule 26 Disclosures (.7); receive and review correspondence from D. Beller, Esq. re: settlement (.6)	1.30
04/26/2016	EEH	Review and revise discovery requests (1.0); emails to and from co-counsel re: Rule 26 Disclosures (.2)	1.20
	JMB	Review Complaint and previous demand letters (.8); preparation of Demand for Interrogatories and Document Requests (3.9); email to co-counsel re:	

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			HOURS
		same (.1)	4.80
04/27/2016	WDF	Review and revise Rule 26 Disclosures (.4); emails to and from co-counsel re: revisions to same (.2)	0.60
	EEH	Intra-Office conference with JMB re: discovery requests (.2); review and revise Rule 26 Disclosures (1.0); intraoffice conference with WDF re: same (.1); emails to and from co-counsel re: Rule 26 Disclosures and response to Defendant's settlement letter (.5)	1.80
	JMB	Telephone conference with EEH re: discovery demands (.2); review and revise discovery demands (1.8)	2.00
04/28/2016	WDF	E-mails to and from co-counsel re: revisions to Rule 26 Disclosures	0.20
	EEH	E-mails to and from co-counsel re: Rule 26 Disclosures	0.30
04/29/2016	EEH	Intra-Office conference with WDF re: Rule 26 Disclosures (.1); emails to and from co-counsel re: same (.3)	0.40
05/03/2016	WDF	Review and revise Plaintiff's First Set of Interrogatories and Request for Production of Documents	1.10
05/06/2016	WDF	Review and revise Plaintiff's First Set of Interrogatories and Request for Production of Documents (1.7); telephone conference with B. Conover re: same (.4)	2.10
05/10/2016	WDF	E-mail to and from co-counsel re: settlement; memo to file	0.20
05/16/2016	EEH	Receive and review emails re: Plaintiff's bates-stamped documents, reporter questions, discovery requests, and potential additional class reps	0.50
05/17/2016	WDF	Preparation of email to co-counsel re: submission to Court concerning ESI Protocol and Protection Order	0.30
	EEH	Receive and review WDF and co-counsel emails re: ESI protocol and settlement strategy	0.30
05/18/2016	EEH	Receive and review co-counsel emails re: confidentiality stipulation	0.20
05/19/2016	EEH	Receive and review emails from co-counsel re: confidentiality stipulation and ESI protocol	0.50
05/20/2016	WDF	Receive and review draft Stipulation and Order of Confidentiality (.8); receive and review emails to and from co-counsel re: same (.2); receive and review emails from opposing counsel re: same (.2)	1.20
	EEH	Receive and review WDF, co-counsel and opposing attorney emails re: protective order and ESI protocol	0.50
06/01/2016	EEH	Receive and review protective order and ESI protocol from court (.2)	0.20
06/03/2016	EEH	Telephone conference with JMB re: status (.1) review file and emails to/from WDF and co-counsel re: settlement and discovery responses (.3)	0.40

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			HOURS
06/06/2016	EEH	Telephone conference with WDF re: next steps re: settlement letters and discovery (.1); email to co-counsel re: same (.1)	0.20
06/08/2016	EEH	Receive and review co-counsel email re: response to settlement letter and discovery	0.10
06/13/2016	EEH	Receive and review WDF and co-counsel email re: response to settlement letter	0.10
06/14/2016	EEH	Receive and review co-counsel emails re: response to settlement letter	0.30
06/15/2016	EEH	Receive and review WDF and co-counsel emails re: response to settlement letter	0.30
06/16/2016	EEH	Receive and review co-counsel emails re: settlement letter	0.20
06/17/2016	WDF	Review and revise letter to D. Beller, Esq. re: response to settlement letter (.8); emails to and from co-counsel re: same (.3)	1.10
	EEH	Receive and review WDF and co-counsel emails re: settlement letter	0.60
06/20/2016	EEH	Receive and review WDF and co-counsel emails re: settlement letter	0.10
07/07/2016	WDF	Review and analyze status of receipt of client's documents for production	0.20
07/08/2016	EEH	Telephone conference with WDF re: discovery responses (.1)	0.10
07/11/2016	WDF	Preparation of email to co-counsel re: document production and interrogatory responses	0.20
	EEH	Receive and review emails from WDF and co-counsel re: case status (.2); prepare responses to discovery requests (1.9)	2.10
07/12/2016	EEH	Preparation of discovery responses (1.0)	1.00
07/13/2016	EEH	Receive and review emails from WDF and co-counsel re: preparation for call with opposing counsel (.2)	0.20
07/14/2016	EEH	Preparation of discovery responses (.4)	0.40
07/15/2016	EEH	Preparation of discovery responses (.6)	0.60
07/18/2016	WDF	Review and revise Plaintiff's Responses and Objections to Defendant's First Set of Interrogatories	1.60
07/19/2016	JMB	Telephone conference with EEH and WDF re: discovery responses (.5); review and revise plaintiff's responses to interrogatories (.5); review and revise plaintiff's responses to discovery and inspection (.8); review and revise responses to interrogatories and email WDF (.1); teleconference with EEH re: discovery and inspection responses (.1); review and revise discovery responses and email WDF (.3)	2.30
	EEH	Telephone conference with WDF and JMB re: discovery responses (.7);	

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			HOURS
		review revised discovery responses (.5)	1.20
	WDF	Review and revise Plaintiff's Responses and Objections to Defendant's First Request for Production of Documents (.8); intraoffice conference with EEH re: same and revisions to interrogatory requests (.3)	1.10
07/20/2016	JMB	Review and revise plaintiff's discovery responses and email to all counsel for review (.5)	0.50
	EEH	E-mails to/from WDF and JMB and co-counsel re: responses to discovery requests (.3)	0.30
	WDF	Review and revise Plaintiff's Responses and Objections to Defendant's First Set of Interrogatories and Request for Production of Documents (1.2); intraoffice conference with JMB re: same (.4)	1.60
07/21/2016	EEH	Receive emails from JMB and co-counsel re: discovery responses (.2)	0.20
	JMB	Review email from B. Conover re: discovery demands (.1)	0.10
07/22/2016	EEH	Receive and review co-counsel and WDF emails re: discovery responses (1.0)	1.00
	JMB	Review email from B. Conover re: discovery demands (.1)	0.10
	WDF	Preparation of emails to and from co-counsel re: responses and objections to deficiencies and document and interrogatory requests	0.30
07/25/2016	EEH	Receive emails from WDF and co-counsel re: discovery responses (.5)	0.50
07/26/2016	EEH	Receive WDF and co-counsel emails re: discovery responses and production schedule (1.0)	1.00
07/27/2016	EEH	Receive emails from WDF and co-counsel re: discovery responses (.3)	0.30
	WDF	Review and revise Plaintiff's Responses and Objections to Defendant's First Request for Production of Documents (.6); review and revise Plaintiff's Responses and Objections to Defendant's First Set of Interrogatories (.4); emails to and from co-counsel re: revisions to same (.1)	1.10
07/28/2016	EEH	Receive and review co-counsel and opposing attorney emails re: discovery responses and document production (.3)	0.30
07/29/2016	EEH	Receive co-counsel and opposing attorney emails re: defendant's discovery responses (.1)	0.10
08/03/2016	EEH	Intra-Office conference with WDF re: status and strategy	0.10
08/09/2016	EEH	Receive and review email from opposing attorney re: discovery responses	0.10
08/10/2016	EEH	Receive and review WDF email to co-counsel re: discovery responses and co-counsel replies	0.10
08/12/2016	WDF	Receive and review emails from opposing counsel and co-counsel re: ESI search terms	0.60



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			HOURS
	EEH	Receive and review email from opposing attorney re: custodian of documents and search terms; receive and review co-counsel emails re: same	0.20
08/15/2016	EEH	Receive and review email from co-counsel re: search terms and custodians	0.10
08/16/2016	WDF	E-mail to and from co-counsel re: search terms for electronic discovery review by Defendants	0.30
	EEH	Receive and review WDF and co-counsel emails re: search terms	0.30
08/24/2016	WDF	Receive and review emails to and from co-counsel re: defendants response concerning limitations of search terms; strategy	0.40
	EEH	E-mails from opposing attorney and co-counsel re: ESI search terms and discovery schedule	0.30
08/25/2016	EEH	E-mails from opposing attorney and co-counsel re: search terms and discovery schedule (.2)	0.20
08/26/2016	EEH	E-mails from opposing attorney and co-counsel re: discovery schedule (.2)	0.20
08/29/2016	EEH	Receive and review co-counsel emails re: new case schedule and respond to same (.3)	0.30
08/31/2016	EEH	Receive and review opposing attorney email re: case schedule (.1)	0.10
09/02/2016	WDF	Receive and review email from opposing counsel re: revised discovery schedule (.1); emails to and from co-counsel re: approving revised dates (.2)	0.30
	EEH	Receive and review opposing attorney letter to Court re: revised schedule; email to and from co-counsel re: same	0.20
09/06/2016	EEH	Receive and review opposing attorney email re: revised schedule	0.10
09/07/2016	WDF	Receive and review correspondence from opposing counsel re: Judge Hellerstein's approval of extended discovery schedule	0.20
09/12/2016	EEH	Intra-Office conference with WDF re: next steps	0.10
09/13/2016	EEH	Receive and review email from co-counsel re: valuation expert	0.10
09/16/2016	WDF	Review and analyze Defendant's Objections and Responses to Plaintiff's First Set of Interrogatories and Request for Production of Documents	1.60
09/19/2016	EEH	Intra-Office conference with WDF re: discovery responses	0.10
09/23/2016	EEH	Conference with WDF re: discovery (.2)	0.20
09/26/2016	WDF	Preparation of email to co-counsel re: deficiencies in written discovery responses, strategy	0.80
	EEH	Receive and review email from WDF to co-counsel re: discovery	0.10



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			HOURS
10/04/2016	EEH	Receive and review emails from co-counsel re: potential new plaintiff	0.20
10/05/2016	WDF	Preparation of email to co-counsel re: outstanding discovery issues	0.60
	EEH	Receive and review co-counsel email re: potential new plaintiff	0.10
10/18/2016	EEH	Receive co-counsel emails re: discovery status	0.20
10/19/2016	EEH	Receive and review emails from co-counsel re: production of documents	0.10
10/20/2016	EEH	Receive and review opposing attorney and co-counsel emails re: document production and discovery issues	0.20
10/24/2016	EEH	E-mails to/from WDF, co-counsel and opposing attorney re: document production	0.20
	WDF	E-mail to and from co-counsel re: receipt of first document production, strategy to review and initial impressions	0.20
10/25/2016	EEH	E-mails to/from WDF and co-counsel re: document production and reduction of plaintiff's hours; teleconferences with WDF and co-counsel re: same and re: amending complaint	0.90
	WDF	Review and analyze Courts' decision on Motion to Dismiss (.4); receive and review emails from B. Conover re: preparation for conference call with co-counsel concerning review of document production (.3); telephone conference with co-counsel re: same (.4); receive and review emails from co-counsel re: same (.3)	1.40
10/28/2016	EEH	E-mails from co-counsel and WDF re: review of defendants' documents and settlement history	0.20
	WDF	Receive and review emails to and from co-counsel re: document review and status of settlement	0.30
10/31/2016	EEH	Receive and review opposing attorney email re: second disk	0.10
11/01/2016	JMH	Download contents of disk	0.30
	EEH	Intra-Office conference with WDF re: document review (.1); receive and review co-counsel email re: same (.1)	0.20
11/02/2016	EEH	Receive and review co-counsel email re: documents from Defendants	0.10
11/03/2016	WDF	E-mails to and from co-counsel re: document review, client's reduction in scheduled work hours; develop strategy re: same	0.80
	EEH	Receive and review co-counsel emails re: review of Defendant's documents (.3); receive and review co-counsel emails re: client's hours and amending (.2)	0.50
11/04/2016	WDF	E-mails to and from co-counsel re: document review and potential retaliation claim of Maria	0.40
	EEH	Receive and review WDF and co-counsel and co-counsel emails re: document	

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			HOURS
		review and amending claims	0.20
11/07/2016	EEH	Intra-Office conference with WDF re: document review	0.10
11/08/2016	EEH	E-mails to and from co-counsel re: review of Defendant's documents	0.50
	WDF	Receive and review emails to and from co-counsel re: document review, applicable settlement	0.20
11/09/2016	EEH	E-mails to and from co-counsel re: review of Defendant's documents and client's loss of hours (.6); attend document review training with vendor (1.3)	1.90
	WDF	Review and analyze email from K. Fisch re: impact of client's retaliation case on class certification; (.2) email to co-counsel re: same (.1)	0.30
	JMB	Attend training in document review platform with vendor	1.30
11/10/2016	EEH	E-mails to and from co-counsel re: letter to opposing attorney concerning reduction in hours (.2); receive and review emails from co-counsel and opposing attorney re: reviewing Defendant's documents; email to co-counsel and opposing attorney re: same (.6)	0.80
11/11/2016	EEH	E-mails to and from co-counsel and opposing attorney re: document productions (.2); receive and review co-counsel letter to opposing attorney re: client hours (.1)	0.30
11/14/2016	EEH	Intra-Office conference with WDF re: document review (.1); review Defendant documents (1.7)	1.80
11/15/2016	EEH	E-mails to and from co-counsel re: strategy and next steps (.2); receive and review letter from opposing attorney re: client work hours (.1)	0.30
11/16/2016	EEH	Intra-Office conference with WDF re: review of documents	0.10
11/17/2016	EEH	E-mails to and from WDF and co-counsel re: strategy of amending client's hours and mediation (.5); telephone conference with WDF re: same (.1); review and analyze Defendant's document production (.9)	2.60
	WDF	Telephone conference with co-counsel re: strategy regarding document review and Defendant's request for mediation	1.20
11/18/2016	EEH	Review Defendant's document production (1.7); emails to and from opposing attorney and co-counsel re: redaction of documents and document review (.4)	2.10
	WDF	E-mails to and from co-counsel re: additional document production (.2); receive and review email from opposing counsel re: same (.1)	0.30
11/21/2016	EEH	Intra-Office conference with WDF re: document review (.1); receive and review email from co-counsel re: same (.1)	0.20
	WDF	Receive and review email from co-counsel re: revised terms to tag documents	0.10
11/23/2016	EEH	E-mail to and from WDF and co-counsel re: status and next steps	0.20

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			HOURS
11/28/2016	EEH	Receive and review Defendant's document production	3.80
11/30/2016	EEH	Telephone conference with WDF re: status and strategy (.1); emails to and from WDF and co-counsel re: mediators, and strategy (.6)	0.70
	WDF	E-mails to and from co-counsel re: issues related to conference with opposing counsel re: mediation and strategy	0.60
12/01/2016	WDF	E-mails to and from co-counsel re: document review and identification of relevant documents, issues to address on call concerning offer to mediate	0.40
	EEH	Review and analyze Defendant's document production (1.0); emails to and from co-counsel re: document review and mediation strategy (.3)	1.30
12/02/2016	WDF	Telephone conference with co-counsel re: evidentiary issues related to review of documents, strategy for call with opposing counsel re: mediation (.9); emails to and from opposing counsel re: same (.5)	1.40
	EEH	Intra-Office conference with WDF re: scope of class and mediation strategy (.5); telephone conference with co-counsel re: same (.3); receive and review emails from co-counsel and opposing counsel re: mediation (.2)	1.00
12/06/2016	EEH	E-mails to and from opposing attorney and co-counsel re: telephone conference to discuss mediator suggestions for mediation (.5); intraoffice conference with WDF re: same (.1)	0.60
	WDF	Telephone conference with opposing counsel re: mediation (.7); emails to and from co-counsel re: same (.4); telephone conference with B. Conover re: strategy concerning selection of mediator (.3)	1.40
12/07/2016	WDF	Preparation of emails to J. Lewis and M. Rumeld re: interest in mediating case (.8); emails to and from co-counsel re: same (.6)	1.40
	EEH	Intra-Office conference with WDF re: mediation (.2); emails to and from WDF and co-counsel re: mediators (.4); receive and review opposing attorney emails re: new document production (.1)	0.70
12/08/2016	EEH	E-mails to and from WDF and co-counsel re: mediators and mediation strategy	0.90
12/09/2016	WDF	Telephone conference with co-counsel re: selection of mediator (.4); emails to and from J. Lewis and M. Rumeld (potential mediators) re: same (.4); review and revise draft email from EEH to opposing counsel re: selection of mediator (.4)	1.20
	EEH	Intra-Office conference with WDF re: mediators; conference call with co-counsel re: same; email to opposing attorney re: same; receive and review co-counsel email re: helpful document	0.70
12/13/2016	EEH	Receive and review co-counsel emails re: client's alleged performance issues at work	0.20
12/14/2016	WDF	Receive and review email from M. Keane, Esq. re: status of investigation of mediators	0.10

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			HOURS
12/15/2016	WDF	Receive and review email from co-counsel re: retaliation issues; Maria	0.20
	EEH	Receive and review co-counsel letter to opposing attorney re: client issues	0.10
12/16/2016	WDF	Review and revise letter to M. Keane, Esq. re: retaliation against client; telephone conference with M. Keane re: status of selection of mediator and adjournment of requests to admit; emails to and from co-counsel re: same	0.50
	EEH	Intra-Office conference with WDF re: client issues at work (.1); emails to and from opposing attorney, co-counsel, and WDF re: mediation, discovery schedule, and client issues (.5)	0.60
12/19/2016	EEH	Receive and review opposing attorney email re: mediation (.1)	0.10
12/20/2016	WDF	Receive and review emails to and from co-counsel and opposing counsel re: selection of mediator; teleconference with opposing counsel re: same (.6); emails to and from co-counsel re: cost sharing for mediation (.3)	0.90
12/21/2016	EEH	E-mail to and from opposing attorney, co-counsel and mediator re: scheduling (.5); preparation of letter to Court re: adjournment (.3)	0.80
	WDF	Review and revise letter to Judge Hellerstein re: mediation and discovery extension	0.20
12/22/2016	WDF	E-mails to and from co-counsel and opposing counsel and J. Melnick, mediator re: scheduling meditation and notifying Court to request a stay of discovery	0.60
	EEH	Intra-Office conference with WDF re: mediation; emails to and from WDF, co-counsel and opposing attorney re: same	1.20
12/23/2016	WDF	Preparation of email to opposing counsel and co-counsel re: scheduling of mediation	0.20
	EEH	E-mails to and from co-counsel and opposing attorney re: mediation, extension letter	0.20
12/28/2016	WDF	E-mails to and from co-counsel re: response to opposing counsel concerning mediation dates and request to Maria to attend	0.30
	EEH	E-mails to and from co-counsel and opposing attorney re: mediation; telephone conference with WDF re: same	0.60
12/29/2016	EEH	E-mails to and from co-counsel and opposing attorney re: mediation and retaliation issues; telephone conference with WDF re: same	1.10
12/30/2016	WDF	E-mails to and from co-counsel re: response to opposing counsel concerning Marrin's attendance at mediation and retaliation issue	1.10
	EEH	Receive and review emails from co-counsel and WDF re: mediation and case strategy	0.60
01/03/2017	WDF	E-mails to and from co-counsel re: Marrin's hospitalization; receive and review	

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		HOURS
	letter from M. Keane re: retaliation issue; emails to and from opposing counsel re: mediation	1.10
	EEH Receive and review WDF and co-counsel emails re: mediation and client medical leave	0.60
01/04/2017	WDF Emails to and from co-counsel re: scheduling mediation; receive and review email from mediator confirming dates	0.30
	EEH Receive and review emails from WDF and co-counsel re: mediation scheduling and costs	0.60
01/05/2017	WDF E-mails to and from opposing and co-counsel re: draft letter to Judge Hellerstein re: discovery extension and mediation	0.60
	EEH E-mails to and from WDF, co-counsel and opposing attorney re: mediation, extension request and Case Management Plan (.5); review and revise Case Management Plan (.4)	0.90
01/06/2017	EEH E-mails to and from co-counsel and opposing attorney re: Case Management Plan and mediation fees (.4); intraoffice conference with WDF re: same (.3)	0.70
01/09/2017	EEH Intra-Office conference with WDF re: Case Management Plan (.1); receive and review emails from co-counsel re: same (.1); emails to and from opposing attorney re: same (.1)	0.30
01/10/2017	WDF Receive and review revised Case Management Plan and letter to Judge Hellerstein re: discovery extension	0.30
	EEH E-mails to and from opposing attorney and co-counsel re: Case Management Plan (.4); review and revise letter to Court (.1)	0.50
01/11/2017	WDF E-mails to and from co-counsel re: revisions to Case Management Plan and addressing retaliation issue at mediation	0.30
	EEH E-mails to and from co-counsel re: helpful documents and ACA retaliation claim	0.50
01/12/2017	WDF Receive and review Court's decision granting discovery extension; emails to and from co-counsel re: same	0.20
	EEH Receive and review WDF and co-counsel emails re: documents and claims (.2); receive and review co-counsel and opposing attorney emails re: summary information for mediator (.2); receive and review Court order re: case schedule (.1); receive and review WDF and co-counsel emails re: same (.1)	0.60
01/13/2017	WDF E-mails to and from co-counsel re: revisions to initial submission to mediator	0.20
	EEH Receive and review WDF and co-counsel emails re: summary information for mediator	0.20
01/17/2017	EEH Receive and review emails from opposing attorney, co-counsel re: summary information for mediator (.1); receive and review mediator email re: procedures (.1)	0.20

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			HOURS
01/18/2017	WDF	Receive and review email from M. Keane, Esq. re: exchanging brief litigation portions in preparation for mediation; emails to and from co-counsel re: same	0.60
01/19/2017	EEH	E-mails to and from opposing attorney and co-counsel re: exchanging statement concerning class definition	0.30
01/20/2017	EEH	E-mails to and from co-counsel and opposing attorney re: exchanging statements concerning class definition (.4); receive and review email from mediator re: logistics (.1)	0.50
01/23/2017	EEH	E-mails to and from mediator's office re: pre-mediation agreements	0.20
01/24/2017	EEH	E-mails to/from co-counsel re: letter to opposing attorney re mediation (.1); emails re: mediation agreements (.2)	0.30
01/25/2017	WDF	Receive and review proposed letter to M. Keane, Esq. re: definition of class and relevant documents helpful to clients' position; review and revise same; emails to and from co-counsel re: same (.2).	0.60
	EEH	Telephone conference (.4) with WDF re: mediation strategy (.1); revise letter to opposing attorney re: mediation position (.5); emails to/from co-counsel re: letter (.6)	1.20
01/26/2017	WDF	Review and revise letter to M. Keane, Esq. re: class definition	0.30
	EEH	E-mails to and from co-counsel, opposing attorney and mediator's office re: conference call	0.30
01/27/2017	WDF	E-mails to and from client re: preparation of mediation statement and requesting additional documents	0.30
	EEH	E-mails to and from WDF, co-counsel, opposing attorney, and mediator's office re: conference call with mediator (.5); receive and review email from co-counsel re: mediation brief (.1)	0.60
01/30/2017	EEH	E-mails to and from co-counsel re: mediation brief strategy	0.50
01/31/2017	WDF	E-mails to and from co-counsel re: strategy for preparation of mediation statement	0.30
	EEH	E-mails to and from co-counsel re: documents, strategy, mediation	0.40
02/01/2017	WDF	Receive and review emails from co-counsel re: status of Dave & Buster's letter concerning definition of class for mediation	0.30
	EEH	Receive and review co-counsel and opposing attorney emails re: Defendant's position	0.30
02/02/2017	WDF	Telephone conference with co-counsel re: strategy concerning requesting additional documents/information about damages; memo to file	0.80
	EEH	Telephone conference with co-counsel re: case strategy	0.70

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			HOURS
02/03/2017	WDF	Receive and review correspondence from M. Keane re: Dave & Buster's settlement position at mediation (.6); emails to and from co-counsel re: strategy concerning size of class and remedies (.7).	1.30
	EEH	Receive and review co-counsel emails re: submission to mediator (.1); receive and review opposing attorney email re: mediation position (.1); receive and review co-counsel email re: same (.5)	0.70
02/06/2017	EEH	Telephone conference with WDF re: strategy (.1); emails to and from WDF and co-counsel re: mediation statement (.8)	0.90
02/07/2017	WDF	Telephone conference with co-counsel re: settlement position on class size and damage issues re: response to Dave & Buster's letter concerning position at mediation (.3); draft letter to opposing counsel re: response to same (.8).	1.10
	EEH	Receive and review emails from WDF and co-counsel re: response to Defendant's mediation position	0.60
02/08/2017	WDF	E-mails to and from co-counsel re: revisions to response letter to opposing counsel concerning class size and class remedies (1.4); review and revise same (.4).	1.80
	EEH	Receive and review emails from WDF and co-counsel re: response to Defendant's letter about mediation position and case strategy (1.5); review and revise letter to opposing attorney (.1)	1.60
02/14/2017	WDF	E-mails to and from co-counsel re: strategy concerning Defendant's failure to respond regarding mediation concerns (1.0); telephone conference with co-counsel re: same; emails to and from co-counsel re: same (.4).	2.30
	EEH	Telephone conference with WDF re: mediation strategy (.1); conference call with co-counsel re: strategy for mediation (.6); emails to and from opposing attorney re: same (.6); receive and review letter from opposing attorney re: mediation (.1); receive and review co-counsel emails re: reactions to letter (.5)	1.90
02/15/2017	WDF	E-mails to and from co-counsel re: letter to Defendants requesting additional documents and information; review and revise letter to opposing counsel re: same; telephone conference with mediator and all counsel re pre-mediation issues; email to and from co-counsel re: follow-up on request for additional information	2.60
	WDF	E-mails to and from co-counsel re: letter to Defendants requesting additional documents and information (1.2); review and revise letter to opposing counsel (.80) re: same; telephone conference with mediator and all counsel re: pre-mediation issues (.4); email to and from co-counsel re: follow-up on request for additional information (.2).	2.60
	EEH	Telephone conference with WDF re: mediation strategy (.1); conference call with mediator's office (.4); emails to and from WDF and co-counsel re: response to opposing attorney letter and mediation fees and deadlines (1.0)	1.50
02/17/2017	WDF	E-mails to and from co-counsel re: status of Dave & Buster's follow-up request for documents and information	0.20



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		HOURS
	EEH Receive and review co-counsel email re: status of opposing attorney response	0.10
02/21/2017	EEH Telephone conference with WDF re: strategy (.1); emails to and from WDF and co-counsel re: settlement strategy and request for documents (.4)	0.50
	WDF Preparation of emails to and from opposing counsel re: additional documents required for Mediation (.2); develop strategy re: same (.10).	0.30
02/22/2017	EEH Receive and review email from opposing attorney re: request for documents (.1); telephone conference with WDF re: same (.2); conference call with co-counsel re: same (.6); emails to and from co-counsel re: call with opposing attorney and response letter (.3); receive and review co-counsel draft response (.1)	1.30
	WDF Receive and review correspondence from M. Keane, Esq. re: Dave & Buster's response to request for documents and information (.4); telephone conference with co-counsel re: same, strategy (.5); receive and review email from B. Conover, Esq. re: proposed draft of letter to opposing counsel re: position (.7); emails to and from M. Keane re: call to discuss issues in advance of continuing with mediation (.10).	1.70
02/23/2017	EEH Receive and review co-counsel emails re: draft response and strategy for conference call (.3); conference call with co-counsel and opposing attorneys re: request for documents (.7); receive emails from opposing attorney re: same (.1); conference call with co-counsel re: same (.2); conference with WDF re: same (.3); emails to/from co-counsel re: analysis of documents (1.0); receive email from opposing attorney re: mediation briefs and opening statement (.1)	2.70
	WDF Telephone conference with opposing counsel re: information and documents needed for mediation (1.2); emails to and from co-counsel re: same (.8); receive and review emails from M. Keane, Esq. re: follow-up to document requests and request for position on issues related to conduction mediation (.3).	2.30
02/24/2017	EEH E-mails to/from co-counsel re: mediation statements and opening statements (.3); review and analyze defendants' documents and strategy (2.2); teleconference with WDF re: same (.2); research and prepare mediation statement (3.0).	5.70
	WDF Emails to and from co-counsel re: hiring dates, expert to compute damages for mediation, strategy	1.40
	JMB Receive and review emails from co-counsel and WDF/EEH re: review of data	0.20
02/27/2017	EEH E-mails to/from co-counsel and opposing attorney re: analyzing documents and mediation statement (1.5); teleconference with WDF re: same (.1)	1.60
	WDF Review and revise Mediation Statement- law to support ERISA claims; intraoffice conference with EEH re: revisions to same (.2).	1.40
02/28/2017	EEH E-mails (1.2) to/from co-counsel re: analyzing documents and mediation brief (.8); review file and research re: same (.5); teleconference with WDF re: same	



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		HOURS
	(.2)	1.50
	WDF E-mails to and from co-counsel re: additional Excel spreadsheet produced by Defendants, retention of data report and preparation of Mediation Statement	0.70
03/02/2017	EEH Revise mediation brief (1.6); emails to/from WDF and co-counsel re: document analysis and exhibits and brief (.8); conference call re: analysis of documents (.7); teleconference with WDF re: same (.2)	3.30
	WDF Review and revise mediation statement (.9); teleconference with EEH re: same (.3).	1.20
03/03/2017	EEH Revise mediation brief (1.2); emails to/from co-counsel re: analysis of documents, brief and exhibits (1.0); receive email from opposing attorney re: documents (.1)	2.30
	WDF Receive and review email from M. Keane, Esq. re: production of original documents; emails to and from co-counsel re: potential settlement	0.30
03/05/2017	EEH Edit and cite-check brief (2.4); emails to/from co-counsel re: brief (.8)	3.20
03/06/2017	EEH Revise mediation brief (.6); conference call with SCS re: analysis of documents (.7); emails to/from co-counsel re: revisions to brief and exhibits, and filing same (2.5); receive defendants' mediation brief (.1)	3.90
	WDF Review and revise mediation statement (1.0); emails to and from co-counsel re: same (.2).	1.20
03/07/2017	EEH E-mails to/from co-counsel re: defendants' mediation statement and next steps (.3); teleconference with WDF re: same (.1); receive court notice re: conference and emails to/from co-counsel re: same (.3)	0.70
03/08/2017	EEH Receive co-counsel emails re: court conference (.1)	0.10
03/09/2017	WDF Review and analyze Defendant's Mediation Statement (1.0); receive and review emails to and from co-counsel re: same (.3).	1.30
03/13/2017	EEH Receive emails from co-counsel and SCS re: documents (.2)	0.20
03/15/2017	EEH Conference call with co-counsel and SCS re: document analysis (.5); emails to/from co-counsel re: analysis and mediation preparation (.9)	1.40
	WDF Emails to and from co-counsel re: strategy for mediation, development of settlement demand	0.60
03/16/2017	EEH Review and analyze documents from defendants (4.6); conference call with co-counsel re: document analysis and mediation prep (.8); emails to/from co-counsel re: same (.5); teleconference with WDF re: same (.2)	6.10
	WDF Telephone conference with EEH re: development of settlement proposal	0.20
03/17/2017	EEH Review and analyze defendant's documents, teleconference with WDF and emails to/from co-counsel re: analysis and mediation preparation (3.2)	3.20

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			HOURS
	WDF	Intra-Office conference with EEH re: status of settlement demand (.____); emails to and from co-counsel re: same (.4)	0.80
03/18/2017	EEH	E-mails from WDF and co-counsel re: mediation preparation (.3)	0.30
03/19/2017	EEH	Conference call with co-counsel re: mediation preparation (1.2); review defendant documents (2.5); emails to/from co-counsel re: mediation preparation (.3)	4.00
	WDF	Telephone conference with co-counsel re: preparation for mediation (1.2); receive emails from and to co-counsel and damage expert re: calculation of settlement demand (.4).	1.60
03/20/2017	EEH	Participate in mediation; emails to/from co-counsel and SCS re: same (11.5).	11.50
	WDF	Attend mediation at JAMS (11.5)	11.50
03/21/2017	EEH	Attend mediation and emails to/from co-counsel and SCS re: same (8.1).	8.10
	WDF	Review and analyze cases related to incidental monetary relief; attend second day of mediation (8.1)	8.10
03/22/2017	EEH	Telephone conference with WDF re: strategy (.1) emails to/from co-counsel re: same (.1)	0.20
	WDF	Intra-Office conference with EEH re: settlement strategy (.2)	0.20
03/23/2017	EEH	Conference with WDF re: strategy (.1); emails from WDF and co-counsel re: strategy (.2)	0.30
03/27/2017	EEH	E-mails to/from WDF and co-counsel re: next steps, discovery (.3)	0.30
	WDF	Receive and review emails to and from co-counsel re: discovery deficiencies (.2)	0.20
03/28/2017	EEH	E-mails to/from WDF and co-counsel re: discovery issues (.2).	0.20
03/31/2017	EEH	Conference call with co-counsel re: next steps and discovery (.8); emails to/from co-counsel re: deficiency letter and documents needed and follow-up with mediator (.5); teleconference with WDF re: same (.1)	1.40
	WDF	Telephone conference with co-counsel re: discovery strategy and preparation for court conference (.8)	0.80
04/03/2017	EEH	Telephone conference with WDF re: case strategy (.1); review file and emails to/from co-counsel re: documents and depositions (.5)	0.60
	WDF	Receive and review draft letter to opposing counsel re: witnesses to depose and request to schedule (.3); emails to and from co-counsel re: same (.1).	0.40
04/04/2017	WDF	E-mails to and from opposing counsel re: discovery issues and preparation for status conference with Court	0.40
	EEH	E-mails to and from co-counsel re: discovery, document review and case	

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			HOURS
		strategy	0.70
04/05/2017	WDF	E-mails to and from co-counsel re: strategy with proceeding with discovery (.1); telephone conference with B. Conover and mediator re: status of settlement (.3); telephone conference with B. Conover re: same (.2); receive and review email from B. Conover re: settlement (.2).	0.80
	EEH	E-mails to and from co-counsel re: amending discovery, class size, and case strategy (.6); emails to and from co-counsel and mediator re: next steps (.5); receive and review opposing attorney email re: extension (.1)	1.20
04/06/2017	WDF	Telephone conference with co-counsel re: settlement strategy (.6); teleconference with B. Conover and mediator re: same (.2).	0.80
	EEH	Telephone conference with WDF re: settlement strategy (.2); conference with co-counsel re: same (.4); conference call with co-counsel and mediator re: same (.3); emails to and from co-counsel re: strategy re: term sheet (.5)	1.40
04/07/2017	WDF	Receive and review draft term sheet; review and analyze same; attend status conference before Judge Hellerstein (2.0); conference with co-counsel re: same (8).	2.80
	EEH	Telephone conference with WDF re: Court conference (.2); emails to and from co-counsel re: term sheet; review revisions to same (.8)	1.00
04/14/2017	EEH	Telephone conference with WDF re: strategy and receive WDF email re: same (.1)	0.10
04/17/2017	EEH	E-mails to and from co-counsel re: deficiency letter and next steps	0.20
04/19/2017	EEH	Telephone conference with co-counsel re: next steps (.4); emails to and from co-counsel re: amended complaint (.2); receive and review WDF email to mediator (.1)	0.70
	WDF	Telephone conference with co-counsel re: amending complaint and sending deficiency letter (.9); email to mediator re: status (.2).	1.10
04/20/2017	EEH	E-mails to and from co-counsel re: amended complaint, case management plan and letter to opposing counsel (.7); intraoffice conference with WDF re: same (.2)	0.90
	WDF	Receive and review email from mediator re: status (.2); receive and review emails from opposing counsel re: amendment of complaint and revisions to deficiency letter (.1).	0.30
04/21/2017	EEH	Review and analyze Defendant's documents (.9); receive and review email re: client warning (.1); review and revise amended complaint and letter to opposing attorney (1.4); emails to and from co-counsel re: same (.5)	2.00
	WDF	Review and revise discovery deficiency letter; review and analyze Amended Complaint (.6); emails to and from co-counsel re: same (.2); review and revise consultation warning client received from Dave & Buster's (.3).	1.10
04/24/2017	EEH	E-mails to and from co-counsel and WDF re: letter to opposing attorney and	

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			HOURS
		amended complaint (.5); telephone conference with WDF re: same (.1); legal research re: document requests n(.7)	1.30
	WDF	E-mails to and from co-counsel re: revisions to deficiency letter	0.30
04/25/2017	EEH	E-mails to and from co-counsel re: letter to opposing attorney and document review	0.30
	WDF	E-mails to and from co-counsel re: revisions to deficiency letter, document review	0.10
04/26/2017	EEH	Receive and review co-counsel email re: retaliation against client (.1); receive and review co-counsel email re: letter to opposing attorney, amended complaint (.1); emails to and from mediator and co-counsel re: opposing attorney response to term sheet and next steps (.3)	0.50
	WDF	Receive and review email from mediator re: Dave & Buster's revisions to term sheet.	0.50
04/27/2017	EEH	E-mails to and from co-counsel re: documents relevant to term sheet (.8); emails to and from co-counsel re: term sheet response (.3); conference call with co-counsel re: same (.9)	2.00
	WDF	Telephone conference with co-counsel re: development of response to Defendant's position regarding term sheet (1.1); review and analyze proposed draft response to same (.3).	1.40
04/28/2017	EEH	E-mails to and from co-counsel, telephone conference with WDF; revise response to term sheet	1.80
	WDF	Receive and review response to Defendant's position regarding settlement term sheet (.8); emails to and from co-counsel re: same (.6).	1.40
05/01/2017	WDF	Receive and review emails to and from co-counsel re: revision to response to defendant's comment regarding term sheet; review and revise email to mediator re: same	0.60
	EEH	Telephone conference with WDF re: term sheet response (.1); emails to/from co-counsel re: same (.6)	0.70
05/02/2017	EEH	Telephone conference with WDF re: strategy (.1); emails from co-counsel re: document review (.2); emails from WDF and co-counsel re: mediation status (.2)	0.50
	WDF	Preparation of emails to and from co-counsel giving deadline to mediators to convey to Defendants re: settlement	0.30
05/03/2017	EEH	Conference with WDF re: strategy (.1); review WDF emails to mediator (.1)	0.20
	EEH	Intra-Office conference with WDF re: strategy (.1); receive and review WDF email to mediator (.1)	0.20
05/04/2017	EEH	Receive and review email from mediator re: status	0.10

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			HOURS
	WDF	E-mails to and from co-counsel re: status of mediation and proceeding with document review	0.20
05/05/2017	WDF	E-mail to mediator re: status of settlement negotiations	0.30
05/08/2017	EEH	Intra-Office conference with WDF re: status	0.10
05/09/2017	EEH	E-mails to and from co-counsel and WDF re: status and strategy	0.20
	WDF	E-mails to and from opposing counsel re: proceeding with case in light of no follow-up from mediator	0.30
05/10/2017	EEH	E-mails to and from co-counsel and mediator re: status and strategy	0.30
	WDF	E-mail to and from clients re: settlement position in preparation for call with mediator; telephone conference with mediator re: settlement	1.40
05/11/2017	EEH	Intra-Office conference with WDF re: strategy	0.10
05/15/2017	WDF	Receive and review email to and from co-counsel re: status of settlement and strategy for proceeding with discoveries	0.40
	EEH	E-mail to and from WDF and co-counsel re: strategy	0.20
05/16/2017	WDF	Receive and review emails from co-counsel re: revisions to discovery deficiencies	0.30
	EEH	E-mail to and from co-counsel re: strategy and discovery letter	0.40
05/17/2017	WDF	E-mail to and from co-counsel re: revisions to case management plan and discovery deficiency letter	0.30
	EEH	Telephone conference with WDF re: discovery letter (.1); emails to and from co-counsel re: letter (.4)	0.50
05/18/2017	WDF	Receive and review email and voicemail from mediator J. Marcus re: status (.2); review and analyze email to M. Keane from co-counsel re: discovery deficiencies, scheduling depositions and request stipulation to proposed amended complaint (.2).	0.40
	EEH	Telephone conference with WDF re: mediator, status, case strategy (.2); emails to and from WDF and co-counsel re: same (.3)	0.50
05/19/2017	WDF	Receive and review email from M. Keane re: response to suggested revisions to case management plan	0.10
	EEH	Receive and review emails from co-counsel and opposing attorney re: CMO	0.30
05/22/2017	WDF	E-mail to and from mediator re: revisions to term sheet (.2); emails to co-counsel re: revisions to same (.2); receive and review revised term sheet from Dave & Buster's (.2).	0.60
	EEH	Receive and review emails from opposing attorney and co-counsel re: CMO (.1); receive and review term sheet (.3); emails to and from WDF and	

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			HOURS
		co-counsel re: response to term sheet (1.4); telephone conference with WDF re: same (.1)	1.90
05/23/2017	WDF	Receive and review emails from opposing counsel re: scheduling of deposition; emails to and from co-counsel re: tax issues concerning settlement (.2); review and revise term sheet (.4).	0.60
	EEH	Telephone conference with WDF re: strategy (.1); emails to and from co-counsel re: term sheet counter (.8); emails to and from co-counsel re: deposition (.4)	1.30
05/24/2017	EEH	E-mail to and from co-counsel re: term sheet counter (.3); emails to and from co-counsel re: scheduling depositions (.3)	0.60
05/25/2017	WDF	E-mail to and from co-counsel re: filing revised case management order	0.20
	EEH	Receive and review co-counsel emails re: CMO (.2); receive and review letter re: extension filed with court (.1); receive and review co-counsel emails re: deposition (.1)	0.40
05/30/2017	EEH	Receive and review co-counsel emails re: deposition dates; receive and review co-counsel email re: damages calculations	0.30
	WDF	E-mails to and from co-counsel re: potential amounts to clients based on settlement	0.10
06/02/2017	EEH	E-mails to and from co-counsel re: discovery	0.20
	WDF	E-mails to and from co-counsel re: deposition scheduling	0.10
06/05/2017	EEH	E-mails to and from opposing attorney and co-counsel re: depositions	0.30
06/06/2017	EEH	Receive and review Court order re: second amended Case Management Order; emails to and from co-counsel re: mediation	0.60
	WDF	E-mails to and from co-counsel re: status of settlement and scheduling additional date of mediation	0.20
06/07/2017	EEH	E-mails to and from co-counsel and mediator re: new mediation and term sheet response	0.40
	WDF	E-mails to and from co-counsel re: decision whether to return to mediation	0.20
06/08/2017	EEH	E-mails to and from co-counsel, opposing attorney, mediator re: mediation and term sheet response	0.50
06/09/2017	EEH	Telephone conference with WDF re: mediation and case strategy (.2); conference call with co-counsel re same (.5); co-counsel emails and emails with opposing attorney and mediator re: term sheet and mediation (.6)	1.30
	WDF	Receive and review emails from and to co-counsel re: decision whether to continue to mediation (.9); teleconference with co-counsel re: same (.4).	1.30
06/11/2017	EEH	E-mails to/from co-counsel re: mediation (.2)	0.20

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			HOURS
06/12/2017	EEH	E-mails to/from co-counsel re: mediation (.6); conference call with mediator (.4); teleconference with co-counsel re: same (.1)	1.10
	WDF	Review and analyze emails from and to opposing and co-counsel re: scheduling mediation session.	0.10
06/13/2017	EEH	E-mails to/from opposing attorney, mediator and co-counsel re: mediation (.3)	0.30
	WDF	E-mails to and from co-counsel re: scheduling depositions	0.20
06/14/2017	EEH	E-mails to/from co-counsel, mediator and opposing attorney re: mediation and requests to admit (.6)	0.60
	WDF	E-mails to and from co-counsel re: scheduling mediation	0.10
06/21/2017	EEH	Receive and review emails from co-counsel re: mediation	0.10
06/22/2017	EEH	Receive and review emails from co-counsel re: mediation	0.20
06/26/2017	EEH	E-mails to and from co-counsel re: mediation strategy	0.20
06/27/2017	EEH	E-mails to and from WDF and co-counsel re: mediation strategy	0.20
	WDF	Preparation of email to co-counsel re: issues to address regarding class settlement in preparation for conference call concerning continued mediation	0.30
06/28/2017	EEH	Telephone conference with co-counsel re: mediation strategy (.9); emails to and from co-counsel re: same (.5)	1.40
	WDF	Telephone conference with co-counsel re: strategy for mediation (.9); receive and review emails from and to co-counsel re: scope of release issue (.5).	1.40
06/29/2017	EEH	Preparation for mediation (.5); emails to and from co-counsel re: same (1.2)	1.70
	WDF	E-mails to and from opposing counsel re: form of class action settlement and equitable relief issues	0.40
06/30/2017	EEH	Preparation for and attend mediation	11.00
	WDF	Attend Mediation	11.50
07/06/2017	EEH	E-mails to and from WDF and co-counsel re: signed term sheet and next steps	0.30
	WDF	E-mails to and from co-counsel re: executed MOA and drafting of formal settlement agreement	0.30
07/18/2017	EEH	Receive and review draft settlement agreement from opposing attorney	0.10
07/26/2017	EEH	Co-counsel emails re: settlement agreement (.1)	0.10
07/27/2017	EEH	E-mails to/from co-counsel re: settlement stip and notice (.4)	0.40



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07/28/2017	EEH	E-mail to emails to/from co-counsel re: settlement and notice (.2)	0.20
08/01/2017	EEH	Receive and review emails from co-counsel re: stipulation and notice	0.20
08/02/2017	EEH	Receive and review co-counsel email re: stipulation (.1)	0.10
08/03/2017	WDF	Review and revise Stipulation of Settlement	1.60
	EEH	Receive and review class notice (.5); review and revise settlement stipulation (1.5)	2.00
08/04/2017	WDF	Preparation of email to co-counsel re: revisions to Stipulation of Settlement and Class Notice; review and revise same	2.40
	EEH	Telephone conference with WDF re: stipulation (.1); emails to and from co-counsel re: revisions to stipulation, strategy (.3)	0.40
08/07/2017	WDF	E-mails to and from co-counsel re: class definition to include in Stipulation of Settlement	0.20
	EEH	Receive and review emails from WDF and K. Fisch re: settlement stipulation	0.10
08/08/2017	WDF	E-mails to and from co-counsel re: revisions to Stipulation of Settlement	0.20
	EEH	Receive and review WDF email re: settlement stipulation (.1); receive and review K. Fisch revised stipulation (.1)	0.20
08/10/2017	EEH	Receive and review emails from co-counsel re: settlement agreement	0.20
08/11/2017	WDF	Review and revise revised Stipulation and Notice to Class (1.2); emails to and from co-counsel re: revisions to same (.2).	1.40
	EEH	Receive and review emails from co-counsel re: revisions to stipulation and notice, strategies re: same	0.80
08/14/2017	EEH	E-mails to and from WDF and co-counsel re: revised stipulation and notice	0.60
08/15/2017	EEH	Review and revise notice and stipulation of settlement (.6); emails to and from co-counsel re: same; review and analyze revisions from co-counsel (.6)	1.20
	WDF	Review and revise Notice to Class Members, Stipulation of Settlement (.8); receive and review emails from co-counsel re: same (.4); email to co-counsel re: same (.1).	1.30
08/16/2017	EEH	E-mails to and from co-counsel and opposing attorney re: Stipulation and Notice	0.20
	WDF	Review and revise Notice and Stipulation of Settlement (.6); email to and from co-counsel re: same (.2).	0.80
09/14/2017	EEH	Telephone conference with WDF re: upcoming deadlines and court conference, status (.1); emails to/from co-counsel re: same (.4)	0.50
	WDF	Preparation of emails to and from co-counsel and opposing counsel re:	



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			HOURS
		notification to the court for settlement and adjournment of conference	0.60
09/15/2017	EEH	E-mails from co-counsel and opposing attorney re: schedule (.2)	0.20
	WDF	Receive and review emails from co-counsel and opposing counsel re: anticipated date of response to and approval of stipulation of settlement	0.20
09/20/2017	EEH	E-mails to/from co-counsel re: letter to court re: schedule (.2)	0.20
	WDF	Review and revise letter to draft letter to Court re: settlement in principle and request to adjourn conference and time frame to file Joint Motion for Preliminary Approval of Settlement	0.20
09/21/2017	EEH	E-mails to/from co-counsel re: letter to court re: schedule, court order re: same (.2)	0.20
	WDF	Receive and review Court Notice of Adjournment of Conference setting date for submission of Joint Motion for Preliminary Approval of Settlement and status conference	0.10
09/25/2017	WDF	Emails to and from co-counsel re: Court's approval of extension and next steps	0.20
09/29/2017	EEH	Receive and review revisions from opposing counsel and emails to and from co-counsel and WDF re: same	0.30
	WDF	Receive and review email from M. Keane, Esq. re: revised Stipulation of Class Action Settlement for Preliminary Approval (.2); emails to co-counsel re: same (.1)	0.30
10/10/2017	EEH	E-mails from co-counsel re: revisions to settlement (.2)	0.20
10/12/2017	EEH	Receive and review co-counsel emails re: comments on defendant's revisions to settlement (.3)	0.30
10/13/2017	WDF	Review and analyze Dave and Buster's revisions to Stipulation of Settlement and comments to opposing counsel	1.40
	EEH	Revise comments/letter to opposing attorneys re: settlement (.3); teleconference with WDF re: same (.1); emails to/from co-counsel re: same (.3)	0.70
10/16/2017	WDF	Receive and review emails from and to co-counsel re: revisions to stipulation of settlement (.8); receive revised stipulation of settlement and EEH comments re: same (.4).	1.20
	EEH	Telephone conference with WDF re: stipulation revisions (.1); emails to/from co-counsel and WDF re: comments on revisions (.3)	0.40
10/20/2017	WDF	Receive and review emails from and to opposing counsel re: revisions to stipulation of settlement	0.10
	EEH	Receive and review opposing attorney and co-counsel emails re: revisions to Stipulation of Settlement	0.20

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			HOURS
10/23/2017	EEH	Receive and review co-counsel emails re: opposing attorney response	0.20
10/24/2017	WDF	Receive and review email from K. Fisch re: D&B position on our revisions to stipulation of settlement	0.20
10/25/2017	WDF	Receive and review emails from and to opposing counsel re: revision to settlement stipulation and M. Parra's individual agreement	0.30
	EEH	E-mails to and from WDF and co-counsel re: Maria S's agreement and revised Stipulation	1.10
10/26/2017	EEH	Review and revise and redline Mr. Marin's severance agreement and settlement stipulation (1.6); emails to and from co-counsel re: same (.9)	2.50
10/30/2017	EEH	E-mails to and from co-counsel re: revisions to Settlement Stipulation	0.80
10/31/2017	EEH	Receive and review opposing attorney email re: revisions and extension of time	0.10
	WDF	Receive and review email from opposing counsel re: CAFA notices	0.10
11/01/2017	EEH	Receive and review emails from co-counsel re: letter to Court	0.20
	WDF	Review and revise letter to Judge Hellerstein re: extension to file Stipulation of Settlement	0.10
11/03/2017	EEH	Receive and review order from Court re: extensions	0.10
11/06/2017	EEH	Intra-Office conference with WDF re: settlement (.1); review and revise preliminary approval motion (.9); review and revise firm declaration; emails to and from co-counsel re: same (.5)	1.50
11/07/2017	EEH	Receive and review revised agreement from opposing attorney (.1); receive and review B. Conover revisions to motion and Plaintiff's agreement (.2); emails to and from co-counsel re: firm bio and revisions to agreement (.3)	0.60
11/08/2017	EEH	Receive and review email from K. Fisch re: motion (.1); email to co-counsel re: firm declaration (.1)	0.20
11/09/2017	EEH	E-mails to and from co-counsel re: firm bio (.1); emails to and from co-counsel re: severance agreement (.2); emails to and from co-counsel re: issues concerning Settlement Stipulation; email to opposing attorney re: same (.8)	1.10
11/10/2017	WDF	Review and analyze Draft Motion for Preliminary Approval	1.10
	EEH	Review and revise severance agreement, allocation for wages and notice; emails to and from co-counsel re: same (1.8); emails to and from co-counsel re: concerns about severance agreement, notice, stipulation and confidentiality (.9)	2.70
11/13/2017	EEH	Receive and review comments from opposing attorney re: Motion (.1); intraoffice conference with WDF re: Stipulation, severance agreement (.1); emails to and from co-counsel re: revisions to formula, stipulation of	

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		HOURS
	settlement motion (1.9); review and revise Stipulation (.5)	2.60
	WDF Review and revise Memorandum of Law in Support of Motion for Preliminary Approval, Stipulation of Settlement, and Severance Agreement (1.2); emails to and from co-counsel re: revisions to same, allocation formula and taxation of settlement issues (.5).	1.70
11/14/2017	EEH Intra-Office conference with WDF re: severance agreement (.1); emails to and from co-counsel re: same and preliminary approval order and settlement stip (.5)	0.60
	WDF E-mails to and from co-counsel re: revisions to Motion for Preliminary Approval and Severance Agreement (Marin)	0.60
11/15/2017	EEH E-mails to and from co-counsel re: Notice, severance agreement; review revisions to same	0.80
	WDF E-mails to and from co-counsel re: revisions to Motion for Preliminary Approval and Severance Agreement	0.60
11/16/2017	WDF E-mails to and from co-counsel re: revisions to Motion for Preliminary Approval, Severance Agreement	1.60
	EEH E-mails to and from opposing attorneys and co-counsel re: revisions to Stipulation of Settlement, severance agreement, formula, firm resumes	2.50
11/17/2017	WDF Receive and review emails from opposing counsel re: final revisions to Motion for Preliminary Approval and Severance Agreement (.3); review and revise same (.7); emails to and from co-counsel re: same (.2).	1.20
	EEH E-mails to and from opposing attorney, co-counsel and WDF re: resolving disputes over severance agreement, formula, stipulation, finalizing of filing documents	1.10
11/30/2017	EEH Receive and review Court's order re: denial of settlement approval; telephone conference with WDF re: same; receive and review emails from opposing attorney and co-counsel re: approval denial and next steps (.6)	0.90
	WDF Attend conference with Court re: oral argument on Motion for Preliminary Approval of Class Action Settlement (2.7); conference with opposing counsel re: same (.9); emails to and from co-counsel re: ideas to address Court concerns (.6).	4.20
12/01/2017	EEH Legal research re: ERISA settlements of class actions (1.9); receive and review Court order re: denial of approval (.1); emails to and from co-counsel re: strategy for settlement changes (.7)	2.70
	WDF E-mails to and from co-counsel re: denial of application for preliminary approval and review of relevant case law (.9); develop strategy re: same (.3).	1.20
12/04/2017	EEH E-mails to and from co-counsel re: settlement strategy and amended complaint (.6); conference call with co-counsel re: same (.9)	1.50
	WDF Review and revise Amended Complaint (1.7); telephone conference with	

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		co-counsel re: strategy to pursue with opposing counsel concerning amending settlement to obtain preliminary approval from Court (.4).	2.10
12/05/2017	EEH	Telephone conference with WDF re: settlement change strategy (.2); conference call with co-counsel and opposing attorney re: settlement change proposal (.7); review and analyze Court transcript (.5); emails to and from co-counsel re: same (.4)	2.00
	WDF	Review and analyze transcript of Court conference (11/30/17) (.6); telephone conference with co-counsel re: preparation for call with Defendant's counsel (.4); telephone conference with opposing counsel re: strategy to obtain preliminary approval from Court (.9).	1.90
12/06/2017	WDF	E-mails to and from co-counsel re: email concerning request for data; review and revise same	0.80
	EEH	E-mails to and from co-counsel re: settlement strategy	0.60
12/07/2017	WDF	Receive and review email from opposing counsel re: settlement position (.2); telephone conference with co-counsel re: response to same; emails to and from co-counsel (.6) re: draft response to Defendant's settlement position and strategy re: status conference with Court (.8).	1.60
	EEH	Intra-Office conference with WDF re: settlement (.3); receive and review emails from opposing attorney and co-counsel re: opposing attorney response to settlement revision proposals (.6)	0.90
12/08/2017	EEH	Telephone conference with WDF re: Court conference	0.20
	WDF	Attend status conference with Court re: preliminary approval of settlement (2.1); conference with co-counsel re: strategy (.4); conference with opposing counsel re: issues related to negotiation of settlement terms and strategy to obtain Court's preliminary approval (.7).	3.20
12/12/2017	WDF	Receive and review emails to and from co-counsel re: status of settlement discussions and arguments concerning type of class action to assert	0.70
	EEH	E-mails to and from co-counsel re: settlement revisions	0.60
12/13/2017	WDF	Receive and review emails from and to co-counsel re: class certification and data to support settlement; telephone conference with co-counsel re: same	1.70
12/20/2017	WDF	Receive and review emails from J. Boughman, Esq. re: client's position concerning request for data (.2); emails to and from co-counsel re: form of class to be certified (.2)	0.40
	EEH	E-mails to and from co-counsel and opposing attorney re: data needed and certification research	0.70
12/21/2017	WDF	Preparation of email to co-counsel re: settlement strategy (.9); receive and review emails from co-counsel re: same (.3)	1.20
	EEH	E-mails to and from co-counsel re: certification and data strategy and letter	1.20

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12/22/2017	WDF	Review and revise letter to opposing counsel re: Rule 23(b)(2) class (1.2); emails to and from co-counsel re: revisions to same, strategy (.3)	1.50
	EEH	E-mails to and from WDF and co-counsel re: settlement strategy; letter to opposing attorney (.9); telephone conference with WDF re: same (.2); review and revise letter to opposing attorney re: research (.8)	1.90
12/23/2017	EEH	E-mails to and from WDF and co-counsel re: letter to opposing attorney	0.20
01/05/2018	EEH	Intra-Office conference with WDF re: strategy (.1); emails to and from co-counsel re: status and strategy (.2)	0.30
	WDF	Receive and review emails from and to co-counsel re: follow-up on status of settlement	0.20
01/08/2018	EEH	Intra-Office conference with WDF re: strategy (.2); emails to and from co-counsel re: status and strategy (.3)	0.50
01/09/2018	EEH	E-mails to and from co-counsel and opposing attorney re: follow-up	0.40
	WDF	Receive and review emails from and to opposing counsel re: scheduling call to discuss settlement	0.20
01/10/2018	EEH	E-mails to and from co-counsel re: strategy	0.30
	WDF	Receive and review emails from and to co-counsel re: agenda for call with opposing counsel concerning settlement	0.20
01/11/2018	EEH	Preparation for conference call with opposing attorney re: settlement status; emails to and from co-counsel re: same (.4); conference call with B. Conover and opposing attorney re: same (.3); conference call with co-counsel re: strategy (.2); emails to and from co-counsel re: next steps (.2); conference call with WDF re: same (.4)	1.50
	WDF	Intra-Office conference with EEH re: conference call with opposing counsel to discuss settlement (.2); develop strategy in light of same (.2); emails from and to co-counsel re: amending the complaint (.2)	0.60
01/12/2018	WDF	Telephone conference with co-counsel re: strategy moving forward in light of breakdown of settlement (.3); emails from and to co-counsel re: amendment of complaint (.6)	0.90
	EEH	Telephone conference with co-counsel re: strategy (.7); emails to and from co-counsel re: amended complaint (.4)	1.10
01/14/2018	EEH	E-mails to and from co-counsel re: amended complaint	0.20
01/16/2018	EEH	Receive and review emails from co-counsel re: amended complaint	0.40
	WDF	Review and analyze draft Amended Complaint; emails from and to co-counsel re: revisions to same (1.1)	1.10
01/17/2018	WDF	Telephone conference with co-counsel re: preparation for Court conference on 11/19, strategy (.4); receive and review emails from and to co-counsel re:	

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	statement of position regarding settlement (.6); receive and review responsive emails from opposing counsel re: settlement (.5); emails from and to co-counsel re: same (.3)	1.80
	EEH Receive and review amended complaint (.2); conference call with co-counsel re: settlement strategy (.9); telephone conference with WDF re: same (.3); emails to and from co-counsel and opposing attorney re: settlement, status, and case law (1.5)	2.90
01/18/2018	EEH Telephone conference with co-counsel and opposing attorney re: settlement (.8); legal research re: case law supporting settlement (1.5); emails to and from co-counsel and opposing attorney re: settlement, case law, strategy and preparation for Court conference on 11/19 (1.3)	3.30
	WDF Telephone conference with co-counsel re: strategy re: settlement (.4); emails from and to co-counsel re: preparation for settlement conference call with opposing counsel (.3); teleconference with opposing counsel re: settlement (.8) emails from and to co-counsel re: revise settlement proposal (.4); receive response from opposing counsel re: same (.3); emails to and from co-counsel re: response to opposing counsel re: settlement position (.2); emails to and from co-counsel re: response to same (.3)	2.70
01/19/2018	EEH E-mails to and from co-counsel re: Court conference, next steps and expert	0.50
	WDF Preparation of emails to co-counsel re: strategy in preparation for court conference (.6); attend conference with opposing counsel re: same (.4); attend conference with Judge Hellerstein re: settlement approval status (1.0); conference with co-counsel re: retention of expert and next steps (.4)	2.40
01/22/2018	EEH Receive and review co-counsel emails re: expert (.2)	0.20
	WDF Receive and review emails from co-counsel re: documents to provide to expert to confirm class losses and retention of expert	0.20
01/23/2018	EEH Receive emails from co-counsel re: injunction and excels/data for expert (.2)	0.20
	WDF Receive and review emails from and to co-counsel re: retention of expert	0.20
01/24/2018	EEH Receive emails from WDF and co-counsel re: injunction language (.1); receive co-counsel emails re: date for expert (.3)	0.40
01/25/2018	EEH Receive and review co-counsel emails re: expert and excels for expert (.2)	0.20
01/26/2018	EEH Conference with WDF re: status and strategy (.1); receive WDF and co-counsel emails re: expert (.1)	0.20
	WDF Receive and review emails from co-counsel re: proceeding with settlement discussions with opposing counsel, strategy	0.20
01/29/2018	EEH E-mails to/from co-counsel re: status and next steps (.1)	0.10
02/01/2018	EEH E-mails to/from co-counsel re: status (.2)	0.20
02/02/2018	EEH E-mails to/from opposing attorney and co-counsel re :data and settlement (.3)	0.30

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02/05/2018	EEH	E-mails to/from co-counsel re: expert (.2)	0.20
02/06/2018	EEH	E-mails to and from co-counsel re: expert	0.20
02/07/2018	EEH	E-mails to and from co-counsel and expert re: samples of data	0.20
	WDF	Receive and review email from potential expert re: data to review to provide retention budget (.6); receive and review email from opposing counsel re: data fields (.4); telephone conference with expert and co-counsel re: retention (.4)	1.40
02/08/2018	EEH	Receive and review email from expert	0.10
02/09/2018	EEH	E-mails to and from co-counsel re: expert	0.20
	WDF	Receive and review email from potential expert re: review of data	0.10
02/12/2018	EEH	E-mails to and from co-counsel re: expert (.3); conference call with WDF and Beanover re: expert (.2)	0.50
	WDF	Receive and review emails from expert re: costs (.2); telephone conference with co-counsel re: same (.2); receive and review emails from and to co-counsel re: same and researching another expert (.4)	0.80
02/14/2018	EEH	E-mails to and from co-counsel re: expert	0.60
	WDF	Receive and review emails from and to co-counsel re: selection of expert	0.20
02/15/2018	EEH	E-mails to and from co-counsel re: expert; intraoffice conference with WDF re: same	0.10
02/16/2018	WDF	Telephone conference with S. Wishnick re: potential retention as expert (.6); telephone conference with co-counsel re: strategy concerning same (.2)	0.80
	EEH	E-mails to and from co-counsel re: extension request letter (.2); telephone conference with WDF re: same (.1)	0.30
02/20/2018	WDF	Receive and review emails from and to co-counsel re: retention of expert to calculate damages	0.10
	EEH	E-mails to and from co-counsel re: expert and extension letter	0.30
02/21/2018	WDF	Receive and review emails from and to co-counsel re: statistical issues for expert	0.30
	EEH	E-mails to and from co-counsel re: expert	0.30
02/22/2018	EEH	Intra-Office conference with WDF re: Court conference and receive adjournment order from Court	0.10
02/23/2018	EEH	E-mails to and from co-counsel re: expert	0.30
02/27/2018	WDF	Telephone conference with co-counsel and damage calculations expert (.6); emails form and to co-counsel re: same and moving forward to retain, issue	



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		HOURS
	with proper look back period (.5)	1.10
	EEH Telephone conference with co-counsel and expert re: analysis of data (.9); emails to and from co-counsel re: same, confidentiality order, retainer, look back periods (.6); legal research re: look back periods (.2)	1.70
02/28/2018	EEH E-mails to and from co-counsel re: expert and speaking with Defendants re: data	0.20
03/01/2018	WDF Review and analyze emails from co-counsel and damage expert re: spreadsheets used by claims administrator	0.20
03/02/2018	EEH E-mails to/from WDF and co-counsel re: calculations (.2); emails to/from co-counsel and opposing attorney re: data (.2)	0.40
	WDF Receive and review emails from and to co-counsel re: call with expert and opposing counsel and D & B personnel re: date needed to calculate damages	0.20
03/07/2018	EEH Telephone conference WDF re: data (.1); conference call with co-counsel and opposing attorneys and expert re: data (.5); receive B. Conover email re: documents/data (.1); emails to/from co-counsel and opposing attorneys re: timelines (.2)	0.90
	WDF Receive and review email from opposing counsel re: status and providing data needed to prepare settlement documents	0.30
03/08/2018	EEH Receive and review opposing attorney email re: data (.1)	0.10
	WDF Receive and review email from opposing counsel re: timing for producing additional data	0.10
03/29/2018	EEH E-mails to and from co-counsel re: expert bills	0.20
04/05/2018	EEH E-mails to and from co-counsel, opposing counsel re: data for expert	0.30
	WDF Receive and review emails from opposing counsel re: data regarding lost earnings and health insurance (.2); emails from and to co-counsel re: analysis by expert (.2)	0.40
04/09/2018	EEH Telephone conference with WDF re: data for expert	0.10
04/10/2018	EEH Receive and review co-counsel emails re: case status	0.10
04/11/2018	WDF Receive and review email from co-counsel re: data files	0.10
04/17/2018	WDF Receive and review emails from and to co-counsel re: data analysis by expert	0.30
04/18/2018	EEH Co-counsel emails re: look-back period issue (.3)	0.30
	JMH Download Paul Weiss files; teleconference with Paul Weiss e-discovery re: same (.3)	0.30
	WDF Receive and review emails from and to co-counsel re: look back periods for expert back pay analysis	0.20



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04/20/2018	EEH	E-mails to/from co-counsel re: look-back issue (.4)	0.40
	WDF	Receive and review emails from and to co-counsel re: look back periods for damage analysis	0.40
04/23/2018	WDF	Receive and review emails from and to client re: data analysis issue-look back period	0.20
04/24/2018	EEH	E-mails to/from co-counsel re: look-back-period (.8); teleconference with WDF re: same (.1)	0.90
	WDF	Receive and review emails from and to co-counsel re: preparation of instructions to data analysis expert and request for clarification of data pertaining to health insurance premiums	0.70
04/25/2018	EEH	Receive and review co-counsel and opposing attorney emails re: court conference and privilege issues (.2)	0.20
	WDF	Receive and review emails from and to co-counsel re: revised instructions to expert re: data analysis to determine damages	0.30
04/26/2018	EEH	Receive and review emails from co-counsel re: look-back periods and expert instructions (.3)	3.00
	WDF	Receive and review emails from and to co-counsel re: revisions to expert for data analysis	0.40
04/27/2018	EEH	E-mails to/from client re: instructions for expert, review same and emails re: preliminary analysis by expert (.6)	0.60
04/30/2018	EEH	E-mails to/from co-counsel re: expert calculations (.5)	0.50
	WDF	Receive and review emails from co-counsel re: preliminary expert calculations and instructions to expert re: same	0.40
05/01/2018	WDF	Receive and review emails from and to co-counsel re: calculation of damages based on health insurance premiums for full and part-time employees	0.90
	EEH	Receive and review emails from co-counsel re: expert calculations (.8)	0.80
05/07/2018	EEH	Telephone conference with WDF re: status (.1)	0.10
05/17/2018	EEH	Receive and review co-counsel and WDF emails re: expert calculations (.1)	0.10
05/18/2018	WDF	Receive and review emails from and to co-counsel re: expert questions concerning damages calculations based on gaps in look back period	0.30
	EEH	Receive and review co-counsel email re: expert calculations (.1)	0.10
05/21/2018	EEH	E-mails from co-counsel and opposing attorney re: calculations and expert questions (.5)	0.50
	WDF	Receive and review emails from and to co-counsel re: damage expert	

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			HOURS
		calculation of damages	0.30
05/22/2018	EEH	E-mails from co-counsel and opposing attorney re: expert questions (.5)	0.50
	WDF	Receive and review emails from and to co-counsel re: questions for opposing counsel re: expert damage analysis	0.30
05/23/2018	EEH	E-mails to/from co-counsel and opposing attorney re: expert questions (.8)	0.80
	WDF	Receive and review emails from and to co-counsel re: damage analysis issues	0.20
05/24/2018	EEH	E-mails from co-counsel and teleconference with WDF re: expert issues (.3)	0.30
	WDF	Telephone conference with co-counsel, damage expert and opposing counsel re: issues to address to complete damage analysis	0.70
05/25/2018	WDF	Review and analyze emails from and to co-counsel re: issues related to preparation of expert damage calculation	0.20
05/29/2018	EEH	Receive and review settlement agreement from co-counsel (.2)	0.20
05/31/2018	EEH	Receive emails from co-counsel and WDF re: settlement agreement and data for expert (.3)	0.30
	WDF	Receive and review email from opposing counsel re: documentation requesting concerning damage analysis for expert report	0.10
06/01/2018	EEH	E-mails to/from WDF re: revised agreement (.1)	0.10
06/04/2018	WDF	Review and analyze revised draft Stipulation of Settlement	0.60
	EEH	E-mails to/from WDF, co-counsel and opposing attorney re: revised agreement (.2)	0.20
06/05/2018	WDF	Receive and review emails from and to co-counsel re: damage calculation issues	0.20
06/11/2018	EEH	Telephone conference with WDF re: edits to agreement (.1); emails to/from opposing attorney and co-counsel re: same (.2); emails from co-counsel re: expert status (.1)	0.40
	WDF	Receive and review emails from opposing counsel re: revisions to stipulation of settlement	0.30
06/12/2018	WDF	Receive and review emails from opposing counsel re: revisions to Stipulation of Settlement (.3); email to and from co-counsel re: same (.1); receive and review emails from co-counsel re: further revisions (.2)	0.60
	EEH	Telephone conference with WDF re: revisions to agreement, order, notice (.1); emails to/from WDF and co-counsel re: same (.2)	0.30
06/13/2018	WDF	Receive and review email from co-counsel with additional revisions to Stipulation of Settlement	0.40

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			HOURS
	EEH	E-mails to/from co-counsel re: revised settlement documents (.2)	0.20
06/14/2018	EEH	Receive and review co-counsel email re: revised settlement documents (.1)	0.10
	WDF	Receive and review additional comments from opposing counsel re: settlement	0.20
06/15/2018	WDF	Receive and review draft report of settlement calculation of damages from expert (.4); emails to and from co-counsel re: same (.1)	0.50
	EEH	Receive and review opposing attorney and co-counsel emails re: revised documents (.1); receive co-counsel emails re: expert report (.2)	0.30
06/18/2018	EEH	Telephone conference with WDF re: settlement approval documents (.1); emails from WDF and co-counsel re: same and expert report (.5)	0.60
06/19/2018	WDF	Receive and review emails to and from co-counsel re: work to complete to re-file motion for pending approval of class action settlement	0.20
	WDF	Receive and review D. Brashaers (expert) damage calculations (.4); emails to co-counsel re: same (.2)	0.60
	EEH	E-mails to/from co-counsel, WDF re: settlement documents and next steps (.2)	0.20
06/20/2018	EEH	Conference with co-counsel and expert re: data and report (1.0)	1.00
	WDF	Telephone conference with D. Brashaers and co-counsel re: issues related to completion of damage report	1.00
06/21/2018	EEH	Telephone conference with WDF re: calculations (.1); emails to/from co-counsel re: evaluations and number of people in class (.7)	0.80
	WDF	Receive and review emails from co-counsel re: settlement analysis	0.20
06/22/2018	WDF	Receive and review emails from expert and co-counsel re: increased class size and impact on settlement; strategy	0.40
	EEH	E-mails to/from co-counsel and expert re: class size, strategy (.4)	0.40
06/25/2018	EEH	E-mails to/from co-counsel re: class size and date issues (.6)	0.60
	WDF	Receive and review emails from and to co-counsel re: expert damage report issue, company class size and increased damages	0.30
06/26/2018	EEH	Receive co-counsel emails re: data (.3)	0.30
	WDF	Receive and review emails from co-counsel and expert re: further revision to expert report	0.20
06/28/2018	EEH	E-mails from co-counsel re: data and class size (.2)	0.20
06/29/2018	EEH	Receive emails from WDF and co-counsel re: sharing data (.3)	0.30

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			HOURS
	WDF	Receive and review emails from co-counsel re: class increase and effect on calculation of damages	0.20
07/09/2018	EEH	Telephone conference with WDF and email from co-counsel re: status (.1)	0.10
07/11/2018	EEH	Receive and review emails from co-counsel re: case status and strategy (.2)	0.20
07/16/2018	EEH	Receive and review WDF email re: status (.1)	0.10
	WDF	Preparation of email to co-counsel re: status (.2)	0.20
07/18/2018	EEH	Receive and review co-counsel emails re: case strategy (.3)	0.30
	WDF	Receive and review emails from and to co-counsel re: status of settlement (.3)	0.30
07/19/2018	EEH	Legal research re: ACA waiting period and emails to/from co-counsel re: same (.5); teleconferences with WDF re: same (.1)	0.60
	WDF	Receive and review emails to and from co-counsel re: ACA requirements for look back period eligibility	0.20
07/20/2018	EEH	Receive and review emails from co-counsel and expert re: status (.3)	0.30
	WDF	Receive and review emails to and from expert from B. Connover re: status of D&B internal calculation (.1)	0.10
07/31/2018	EEH	E-mails from WDF and co-counsel re: expert and brief (.2)	0.20
08/02/2018	EEH	Receive and review WDF and co-counsel emails re: status (.1)	0.10
08/03/2018	EEH	Receive email from opposing attorney with response and data (.1)	0.10
	WDF	Receive and review email from B. Connover, Esq. forwarding spreadsheet and email from M. Keane, Esq. re revised class size and damage calculation (.5)	0.50
08/06/2018	EEH	Receive and review WDF and co-counsel emails re: expert analysis and brief (.2)	0.20
08/08/2018	WDF	Review and analyze D&B spreadsheet re: damage loss and number of class members (1.1); teleconference with co-counsel re: same and responding to opposing counsel (.3)	1.40
08/09/2018	WDF	Receive and review revised email to M. Keane (.1) re: additional questions concerning revised class size and damages; receive email from M. Keane re: same (.1)	0.20
	EEH	Receive and review co-counsel email to opposing attorney re: questions about data (.1)	0.10
08/13/2018	EEH	Telephone conference with WDF re: strategy (.1)	0.10
08/15/2018	EEH	E-mails to/from opposing attorney and co-counsel re: answers about data issues, research re: same (.5)	0.50

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			HOURS
	WDF	Review and analyze email from M. Keane, Esq. re: response to questions regarding damage calculations and class size (.5); emails from co-counsel re: reaction to same (.2)	0.70
08/16/2018	WDF	Receive and review email from co-counsel re: modification of damage analysis based on new information (.1)	0.10
08/28/2018	EEH	E-mails to and from co-counsel re: settlement advance request, court status inquiry, and case strategy	0.40
	WDF	Receive and review emails from co-counsel re: Court inquiry about status and class member request for advance; emails to co-counsel re: same	0.80
09/05/2018	EEH	Telephone conference with co-counsel re: data issues, expert calculations, questions for opposing attorney (.6); legal research re: ACH regs, waiting periods; emails to and from co-counsel re: same (.8)	1.40
	WDF	Receive and review emails from co-counsel re: outstanding issues regarding class size and damages	0.60
09/06/2018	WDF	Receive and review email from M. Keane, Esq. re: responses to questions concerning class make-up (.3); emails to and from co-counsel re: same; strategy providing D&B spreadsheet to expert (.6)	0.90
	EEH	Telephone conference and emails with WDF re: case status and strategy (.2); receive and review opposing attorney and co-counsel and expert emails re: calculations (.7)	0.90
09/07/2018	WDF	Receive and review emails from and to co-counsel re: strategy regarding revising class definition and class size (.4)	0.40
	EEH	E-mails to/from WDF and co-counsel re: answers from opposing attorney, expert calculations and strategy (.5)	0.50
09/10/2018	EEH	Receive and review order re: conference call (.1)	0.10
09/11/2018	EEH	E-mails to/from co-counsel re: new court date and call with expert (.2); receive and review opposing attorney motion to adjourn (.1)	0.30
	WDF	Receive and review ECF from court re: scheduling status, conference (.1); emails from co-counsel re: same and teleconference with expert (.1)	0.20
09/12/2018	EEH	Conference call with co-counsel and expert re: calculations (.7); receive and review court notification re: court conference (.1)	0.80
	WDF	Telephone conference with co-counsel and expert D. Breshears re: class size and re-computation of damages based on input from D&B (.8)	0.80
09/13/2018	EEH	Telephone conference with WDF re: strategy (.1)	0.10
09/21/2018	EEH	E-mails to/from co-counsel and expert re: data analysis (.2)	0.20
09/24/2018	WDF	Telephone conference with co-counsel and D. Brashears re: revised expert damage calculations and class sizes (.6); review and analyze revised	

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			HOURS
		calculations; memo to file (.5)	1.10
09/25/2018	EEH	Conference call with co-counsel and expert re: data analysis issues, excluded groups (.6); emails to/from co-counsel and expert re: same (1.0)	1.60
09/26/2018	EEH	Receive and review email from co-counsel re: excluded groups (.1)	0.10
09/27/2018	EEH	Receive and review emails from WDF and co-counsel re: data analysis and excluded groups (.7)	0.70
	WDF	Receive and review emails from and to co-counsel re: revised damage calculations (.8); telephone conference with co-counsel re: same (.4)	1.20
09/28/2018	EEH	Telephone conference with WDF re: status and strategy (.2); emails to/from WDF and opposing counsel re: same (.2)	0.40
	WDF	Intra-Office conference with EEH re: status of damage calculation and class size revisions (.2); email to and from co-counsel re: same (.2)	0.40
10/01/2018	EEH	E-mails to/from co-counsel and expert re: data, excluded categories, strategy, and teleconferences with WDF re: same (1.2)	1.20
	WDF	Receive and review emails from and to co-counsel and expert re: revised language calculations and class size (1.2); review and analyze proposed revisions to class and sub-class definitions (1.3)	2.50
10/04/2018	WDF	Receive and review emails to and from co-counsel and expert re: revised damage and class member calculations in preparation for status conference with court (.8)	0.80
	EEH	Receive and review WDF, co-counsel and opposing attorney emails re: finalizing settlement (.6)	0.60
10/05/2018	EEH	Receive emails from WDF, co-counsel, expert re: court conference, report date, brief, signing agreements (.9)	0.90
	WDF	Review and analyze emails from and to co-counsel re: preparation for status conference (.6); receive and review Stipulation of Settlement (.4); attend status conference before Judge Hellerstein (1.2)	2.20
10/09/2018	EEH	E-mails from co-counsel and opposing attorney re: agreements (.2)	0.20
	WDF	Receive and review emails to and from opposing counsel re: execution of Stipulation of Settlement by the parties	0.10
10/10/2018	WDF	Receive and review (draft) section of Memorandum of Law in Support of Motion for Preliminary Approval of Class Settlement- basis for settlement	0.20
10/15/2018	EEH	Telephone conference with WDF re: status and strategy (.1); emails to/from WDF and co-counsel re: status, next steps, stipulation (.4)	0.50
10/16/2018	EEH	Telephone conference with WDF re: status and strategy (.1)	0.10
10/18/2018	EEH	E-mails to/from co-counsel re: brief, filings and edits to same (.3)	0.30

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			HOURS
10/19/2018	WDF	Receive and review revised notice to class members and proposed Preliminary Order approving settlement (.3)	0.30
	EEH	E-mails to/from co-counsel and opposing attorney re: settlement documents, expert report (.3)	0.30
10/22/2018	WDF	Review and revise Plaintiff's Memorandum of Law in Support of Motion for Preliminary Approval of class action settlement (1.1); receive expert's damage report (.4); receive emails from co-counsel re: revisions to same and execution of stipulation of settlement by client (.2)	1.70
	EEH	Review and revise brief (1.2); emails to/from co-counsel re: brief, expert report, exhibits (.5)	1.70
10/23/2018	EEH	Receive and review co-counsel emails re: settlement approval documents (.3)	0.30
	WDF	Receive and review email from co-counsel re: suggested revisions to expert report (.3); receive and review emails from and to co-counsel and expert re: revisions to report (.2); receive and review email from opposing counsel re: approval of Stipulation of Settlement, exhibits and signatory to same and severance agreement with M. Marin (.4)	0.90
10/24/2018	EEH	Receive and review co-counsel and expert emails re: revised settlement approval documents (.5)	0.50
	WDF	Review and analyze EEH revision to Memorandum of Law in Support of Motion for Preliminary Approval of Class Action Settlement (1.1); receive and review revised expert report (.4); emails to and from co-counsel re: approval of same (.2)	1.70
10/25/2018	EEH	Receive and review co-counsel emails re: infestation issues (.2)	0.20
	WDF	Review and revise corrections to expert report re: damages	0.20
10/26/2018	WDF	Receive and review emails from and to co-counsel re: client's working conditions at Times Square store, notification to opposing counsel (.5); receive and review email from opposing counsel re: same (.1)	0.60
	EEH	E-mails to/from WDF, co-counsel and opposing attorney re: infestation issue (.5)	0.50
10/29/2018	EEH	Receive and review co-counsel email re: expert report (.1); receive and review opposing attorney and co-counsel emails re: settlement approval documents (.2)	0.30
10/30/2018	EEH	Receive and review co-counsel email re: settlement approval docs and conference with WDF re: same (.2)	0.20
	WDF	Receive and review emails from and to co-counsel re: revisions to Stipulation of Settlement sought by opposing counsel (.4); receive and review email from opposing counsel re: same (.2)	0.60
10/31/2018	EEH	Receive and review co-counsel email to opposing attorney re: brief (.1)	0.10



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			HOURS
11/01/2018	EEH	Receive and review co-counsel email re: agreements (.1)	0.10
	WDF	Receive and review emails to and from co-counsel re: execution of Stipulation of Settlement and time frame for submission of motion for preliminary approval of settlement to court (.2); receive email from opposing counsel re: same (.3)	0.50
11/07/2018	EEH	Receive and review co-counsel and expert emails re: calculations (.5)	0.50
11/09/2018	WDF	Receive and review emails from co-counsel re: M. Marin execution of severance agreement (.1)	0.10
	EEH	Receive and review co-counsel email re: signed agreement (.1); receive and review opposing attorney email re: brief (.1)	0.20
11/12/2018	EEH	Receive and review co-counsel comments on brief (.1)	0.10
11/13/2018	EEH	E-mails to/from co-counsel re: brief and expert report (.8)	0.80
11/14/2018	EEH	Review and analyze brief; emails to and from co-counsel re: same (.6)	0.60
	WDF	Review and revise Memorandum of Law in Support of Motion for Preliminary Approval of Class Action Settlement (1.2); emails to and from co-counsel re: same (.4)	1.60
11/15/2018	WDF	Receive and review emails from and to co-counsel re: Defendants proposed revisions to expert report (1.0); receive email from opposing counsel re: same (.2)	1.20
	EEH	Telephone conference with WDF re: agreement and brief (.5); emails to/from co-counsel and opposing attorney re: agreement, expert report, brief and exhibits (1.5)	2.00
11/16/2018	WDF	Receive and review final documents supporting motion for preliminary approval (.6); emails from and to co-counsel re: revisions to expert report (.4); receive emails from and to opposing counsel re: same (.6)	1.60
	EEH	E-mails to/from co-counsel, WDF, opposing attorney and expert re: settlement approval document revisions (1.8)	1.80
11/19/2018	EEH	E-mails to/from co-counsel, expert and opposing attorney re: finalizing and signing documents (.8)	0.80
	WDF	Receive and review motion papers to execute for filing (.1); receive email from expert re: final revisions to expert report (.1); emails from and to co-counsel re: same (.1)	0.30
11/20/2018	WDF	Receive and review emails from and to co-counsel and expert re: class rep payment allocation (.2)	0.20
	EEH	E-mails from co-counsel and opposing attorney re: filing of settlement approval documents (.1)	0.10
	WDF	Receive and review Notice of Filing - Motion for Preliminary Approval (.1)	0.10



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			HOURS
11/21/2018	EEH	Receive and review WDF and co-counsel emails re: media (.2)	0.20
11/29/2018	EEH	E-mails to/from co-counsel re: translation of notice (.3)	0.30
	WDF	Receive and review emails from co-counsel re: Spanish translation of class notices and CAFA notice issue	0.20
11/30/2018	EEH	Receive and review opposing attorney email re: CAFA notice (.1)	0.10
	WDF	Receive and review emails from co-counsel re: CAFA notices	0.10
12/04/2018	EEH	Receive and review co-counsel emails re: preparation for court conference and CAFA notes (.3)	0.30
	WDF	Receive and review emails from and to co-counsel re: preparation for court conference regarding Motion for Preliminary Approval of Settlement (.3)	0.30
12/05/2018	EEH	Receive and review co-counsel and opposing attorney emails re: court conference and CAFA notices (.3)	0.30
	WDF	Receive and review email from claims administrator re: preliminary approval and cost of CAFA notices (.2); emails from and to opposing counsel re: same (.1)	0.30
12/06/2018	WDF	Telephone conference with co-counsel re: preparation for hearing before Judge Hellerstein (Motion for Preliminary Approval) (.3); emails from and to co-counsel re: same (.1)	0.40
	WDF	Review and analyze papers filed in support of Motion for Preliminary Approval of Settlement (.6); attend hearing before Judge Hellerstein re: same (1.2); emails from and to co-counsel re: preparation for same; conference with co-counsel re: next steps (.7)	2.50
	EEH	Receive and review co-counsel and opposing attorney emails re: CAFA notices and court conference (.3)	0.30
12/07/2018	EEH	Receive and review co-counsel emails re: court conference, client's agreement and last day of work (.3); teleconference with WDF re: court conference and next steps (.2); receive and review opposing attorney emails re: timeline/notices (.1)	0.60
12/10/2018	WDF	Receive and review emails from M. Keane, Esq. re: details of CAFA notice, bank account set up and indemnification agreement (.3)	0.30
	EEH	Receive and review emails from co-counsel re: client payments (.2); receive and review opposing attorney and settlement administration emails re: CAFA and confidentiality (.2)	0.40
12/11/2018	EEH	Receive and review opposing attorney and co-counsel emails to settlement admin. re: confidentiality (.1)	0.10
	WDF	Receive and review emails from claims administrator SCS re: indemnification provisions (.2); review and analyze timeline prepared by opposing counsel (.2)	0.40

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			HOURS
12/12/2018	EEH	E-mails to/from co-counsel, opposing attorney, expert, settlement administrator re: CAFA notice, confidentiality and indemnification agreement and account name (1.5)	1.50
	WDF	Receive and review emails from and to opposing and co-counsel re: execution of confidentiality indemnification agreement (.1)	0.10
12/13/2018	EEH	Receive and review co-counsel and expert emails re: CAFA notice, number of class members, notices to class (.9)	0.90
	WDF	Receive and review emails from and to co-counsel; opposing counsel and claims administrator re: revisions to CAFA notice with respect to class size and related issues (.4)	0.40
12/14/2018	EEH	Telephone conference with WDF re: CAFA notice (.1); emails to/from co-counsel, opposing attorney, expert and settlement administrator (.6)	0.70
12/17/2018	EEH	Receive and review emails from co-counsel, opposing attorney and settlement admin. re: CAFA notice, class notice (.4)	0.40
	WDF	Receive and review emails from claims administrator and opposing counsel re: final revisions to CAFA notice and establishment of bank account for class expenses distribution of settlement (.4)	0.40
12/18/2018	WDF	Receive and review emails from claims administrator and opposing counsel re: account issue and severance payment to M. De lourdes Parra Marin (.2)	0.20
12/19/2018	EEH	Receive and review emails from co-counsel, opposing attorney and settlement administrator re: settlement checks, taxes, wire, deadlines, notice (.6)	0.60
	WDF	Receive and review emails to and from co-counsel re: procedure for communicating objections to class settlement (.1); revisions to class notice/explanation of same to claims administrator (.2)	0.30
12/20/2018	WDF	Receive and review emails from claims administrator and opposing counsel re: relevant deadlines, revisions to class notice and recipient of objections	0.40
	EEH	E-mails to/from co-counsel, opposing attorney and settlement administrator re: objections, taxation of client payment (.3)	0.30
12/26/2018	WDF	Receive and review emails to and from opposing counsel re: severance payment to M. De Lourdes Marin (.2)	0.20
	EEH	Receive and review opposing attorney and co-counsel email re: taxes/new check (.2)	0.20
12/28/2018	WDF	Receive and review email from claims administrator re: revisions to notice of class action (.1)	0.10
	EEH	E-mails from settlement administrator and co-counsel re: notice (.2)	0.20
01/02/2019	WDF	Review and analyze Notice of Class Action revised by Claims Administrator (.2)	0.20

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			HOURS
	EEH	Receive and review settlement administrator emails and co-counsel emails re: final notice (.2)	0.20
01/03/2019	WDF	Receive and review email from claim administrator re: mailer to be sent to class members concerning Notice of Class Action Settlement (.1)	0.10
	EEH	Receive and review notice self-mailer (.1)	0.10
01/04/2019	EEH	Receive and review settlement administrator emails re: website and notice of mailing (.1)	0.10
01/07/2019	EEH	E-mails to/from co-counsel re: class member calls (.2)	0.20
01/08/2019	EEH	Conference with WDF and emails to/from co-counsel re: other ERISA fees decision, contacts with class members, research fees case (.3)	0.30
	WDF	Review and analyze recent attorneys fees decision in ERISA class action-Spayea case	0.40
01/16/2019	WDF	Receive and review emails from and to claims administration, co-counsel and opposing counsel re: disclosing names of class members (.2)	0.20
	EEH	Receive and review emails from settlement admin and co-counsel and opposing attorneys re: class member questions and names, and confidentiality (.6)	0.60
	EEH	Receive and review emails from settlement administrator and co-counsel and opposing attorneys re: class member questions and names, and confidentiality (.6)	0.60
01/18/2019	WDF	Receive and review emails from claims administrator and opposing counsel re: request for join class by employees not on class list (.2)	0.20
	EEH	E-mails from settlement admin. and opposing attorney re: potential class member decision (.2)	0.20
01/21/2019	EEH	Receive and review co-counsel and opposing attorney emails re: answers to potential class member inquiries (.3)	0.30
01/22/2019	WDF	Receive and review emails to and from claims administrator, co-counsel and opposing counsel re: agreement to exclude class members not on class list (.2)	0.20
02/07/2019	EEH	Receive and review emails from settlement administrator, opposing attorney and co-counsel re: social security number issue and conference with WDF re: same (.3)	0.30
	WDF	Receive and review email from claims administrator re: non-matching social security numbers for class members (.1); emails from and to co-counsel and opposing counsel re: same (.2)	0.30
02/08/2019	EEH	Receive and review co-counsel and settlement administrator emails re: social security number notices/letters (.2)	0.20

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			HOURS
	WDF	Receive and review emails to and from co-counsel and opposing counsel and claims administrator re: class member social security numbers and discrepancies (.3)	0.30
02/11/2019	EEH	Receive and review emails from co-counsel, settlement administrator and WDF re: social security number issue and documented workers (.8)	0.80
	WDF	Receive and review emails from and to co-counsel and claims administrator re: settlement payments to potentially undocumented workers with non-matching social security numbers (.3)	0.30
02/19/2019	EEH	E-mails to/from WDF and co-counsel re: costs (.1); teleconference with WDF re: case status (.1)	0.20
02/21/2019	EEH	E-mails to/from co-counsel re: costs and class admin. updates (.1)	0.10
02/26/2019	EEH	Telephone conference with WDF re: case deadlines and settlement admin. re: dates (.1); review case file and settlement stipulation re: same (.2); receive and review co-counsel email re: same (.1)	0.40
02/27/2019	WDF	Receive and review emails from and to co-counsel re: Maria's receipt of letter re discrepancy in social security numbers and strategy to address (.3)	0.30
02/28/2019	EEH	E-mails to/from WDF and co-counsel re: social security number letters, client concerns, translation questions, undocumented status issues (.8); legal research re: same (.3)	1.10
	WDF	Receive and review emails from and to co-counsel re: Spanish language notices and payments to class members with non-matching social security numbers (.7)	0.70
03/01/2019	EEH	Receive and review co-counsel and settlement administrator emails re: class member inquiry (.1)	0.10
03/05/2019	EEH	E-mails to/from co-counsel re: status (.1)	0.10
03/06/2019	EEH	E-mails to/from co-counsel re: next steps on SSN issue (.1)	0.10
03/07/2019	EEH	Conference call with co-counsel re: SSN issue and next steps (.4); emails to/from co-counsel re: class members and re: communication with Settlement Administrator and re: draft of second letter (.4)	0.80
	WDF	Receive and review emails from and to co-counsel re: issues related to drafting fee petition (.2)	0.20
03/11/2019	EEH	E-mails to/from co-counsel re: final approval and fee brief (.3)	0.30
	WDF	Receive and review emails from co-counsel re: fee petition (.3)	0.30
03/12/2019	EEH	E-mails to/from co-counsel re: final approval and fee brief (.5)	0.50
03/13/2019	EEH	Telephone conference with WDF re: final approval and fee brief (.1)	0.10

Maria De Lourdes Parra Marin

Maria De Lourdes Parra Marin v. Dave & Buster's,  
Inc., et al.

			HOURS
	WDF	Receive and review emails from and to co-counsel re: preparation of fee petition (.2)	0.20
03/15/2019	EEH	Receive and review co-counsel emails re: briefs (.2)	0.10
	WDF	Receive and review emails re: issues to address in fee petition and supporting memorandum of law (.3)	0.30
03/18/2019	EEH	Research re: final approval and fee brief (.5); receive and review class exclusion (.1)	0.60
03/20/2019	EEH	Telephone conference with WDF re: case schedule (.1)	0.10
03/21/2019	WDF	Receive and review emails from and to co-counsel and claims administrator re: class member who didn't receive notice (.1)	0.10
	EEH	Receive and review settlement administrator and co-counsel emails re: class member (.2)	0.20
03/26/2019	EEH	Prepare fees brief (1.2)	1.20
03/27/2019	EEH	Research and prepare fees brief (3.1)	3.10
03/28/2019	EEH	E-mails to;/from co-counsel and WDF re: fees and costs (1.0)	1.00
	WDF	Receive and review emails from co-counsel and to co-counsel re: costs and fees relevant to preparation of fee application (.2)	0.20
03/29/2019	EEH	E-mails to/from co-counsel re: costs (.2); emails from settlement administrator and WDF re: exclusions (.2)	0.40
04/01/2019	WDF	Review and revise billing records re: preparation of fee application (1.2)	1.20
	WDF	Receive and review billing records re preparation of fee application.	1.20
	EEH	Receive and review WDF email re exclusion request.	0.10
04/02/2019	WDF	Review and revise billing records	1.10
	EEH	Receive and review emails to and from co-counsel re costs.	0.30
04/03/2019	WDF	Receive and review emails from and to co-counsel re: strategy for preparation of fee petition (.2)	0.20
	WDF	Receive and review emails from and to co-counsel re strategy for preparation of fee petition.	0.20
	EEH	Review and revise emails to and from co-counsel re: costs and fees	0.10
04/04/2019	EEH	Review and revise emails to and from co-counsel re fees.	0.20
04/05/2019	EEH	Review and revise emails to and from WDF and co-counsel re fees, costs and fee brief	0.30

Maria De Lourdes Parra Marin

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April 23, 2019

FILE NO: 8630-0015M

STATEMENT NO: 1

Maria De Lourdes Parra Marin v. Dave & Buster's,  
Inc., et al.

			HOURS
04/08/2019	EEH	Prepare fee brief (.4); emails to and from WDF and co-counsel re: fee brief issues (.2)	0.60
04/09/2019	EEH	Emails to and from co-counsel re: final approval of fee brief.	0.20
	WDF	Receive and review billing records re: preparation of fee petition.	1.40
04/10/2019	WDF	Receive and review emails from and to co-counsel and claims administrator re affidavits and declarations regarding class responses and documentation to support fee petition.	0.30
04/11/2019	EEH	Telephone conference with WDF re fee brief issues (.2); emails to and from co-counsel re final approval of fee brief and declaration (.7); research and revise fee brief (4.3).	5.20
	WDF	Receive and review billing records (1.1); emails from and to co-counsel re same regarding fee petition (.5)	1.60
04/12/2019	EEH	Emails to and from co-counsel re: costs (.2); emails to and from WDF re: fee brief declaration (.1).	0.30
	WDF	Receive and review attorneys' fees records re preparation of fee petition; emails from and to co-counsel re same.	0.60
04/15/2019	EEH	Emails to and from co-counsel re costs and fees brief.	0.30
04/16/2019	WDF	Receive and review emails from co-counsel re: fee petition issue and Judge Hellerstein prior class action fee decisions	0.30
	EEH	Emails to and from co-counsel re costs, fees and final approval of fees brief.	0.60
04/17/2019	WDF	Receive and review emails to and from co-counsel re: Marin claim description for settlement approved motion	0.20
	EEH	Emails to and from co-counsel re: final approval and fees brief (.3); emails to and from co-counsel re: costs issue (.3).	0.60
04/18/2019	WDF	Receive and review emails from and to co-counsel re social security issue regarding class members potential exclusion and preparation of fee petition declaration regarding same (.7); receive and review Final Approved Order; review attorneys' fee declaration (.2)	1.20
04/19/2019	EEH	Conference with WDF re fee brief issues (.1); emails to and from co-counsel and settlement administrator re fee brief issues, declarations, settlement administration costs (.5).	0.60
04/22/2019	EEH	Telephone conference with WDF re: final fees brief (.1); emails to and from co-counsel and WDF re: same (.5); review and revise final approval and fees brief and declarations (4.8)	5.40
	WDF	Review and revise Final Order (.2); emails to and from co-counsel re: same and skip tracing by claims administrator for returned notices (.2); review and analyze claims administrator declaration of tasks and costs (.3)	0.70

Maria De Lourdes Parra Marin

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April 23, 2019

FILE NO: 8630-0015M

STATEMENT NO: 1

Maria De Lourdes Parra Marin v. Dave & Buster's,  
Inc., et al.

FOR CURRENT SERVICES RENDERED	HOURS	
	777.10	451,801.00

**RECAPITULATION**

<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>HOURLY RATE</u>	<u>TOTAL</u>
William D. Frumkin	335.20	\$700.00	\$234,640.00
Elizabeth E. Hunter	429.40	500.00	214,700.00
Janet M. Howell	0.60	135.00	81.00
Alexandra C. Manfredi	0.30	200.00	60.00
Jenna M. Beirlein	11.60	200.00	2,320.00

**EXPENSES**

Postage	7.19
<b>TOTAL EXPENSES</b>	<b>7.19</b>

**ADVANCES**

Transcript Fee	125.76
Travel Expenses	116.80
Electronic Discovery costs	225.00
Mediation Fees	4,900.00
Discovery Costs	1,451.12
Mediation Fees	1,072.16
<b>MEDIATION EXPENSES</b>	<b>1,509.28</b>
<b>MEDIATION FEES</b>	<b>1,269.33</b>
Data Discovery Fees	877.26
<b>ELECTRONIC DISCOVERY COSTS</b>	<b>485.21</b>
Expert Fees	833.33
Data discovery fees	593.75
<b>EXPERT FEES</b>	<b>593.75</b>
Data Discovery charges	511.56
Data discovery fees/Xact	511.56
Expert Fees	7,164.58
Expert Fees	1,273.87
Discovery fees	511.56
Express Mail Fee	21.44
<b>TOTAL ADVANCES</b>	<b>24,047.32</b>

<b>TOTAL CURRENT WORK</b>	<b>475,855.51</b>
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<b>TOTAL BALANCE DUE</b>	<b><u>\$475,855.51</u></b>
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WE NOW ACCEPT ALL MAJOR CREDIT CARDS. PLEASE CALL OUR OFFICE  
FOR DETAILS.

JOINT DECLARATION  
EXHIBIT E  
(VENDOR INVOICES)



**STATEMENT OF ACCOUNT****Statement Date****03/29/19**

TO: **Bradford D. Conover, Esq.**  
**Conover Law Offices**  
**75 Rockefeller Plaza**  
**20th Floor**  
**New York, NY 10019**

Reference #: **1425022740** DD  
 Billing Specialist: **Lynne Hart**  
 Email: **LHart@jamsadr.com**  
 Telephone: **949-224-4628**  
 Employer ID: **68-0542699**

RE: **Marin, Maria de Lourdes Parra vs. Dave & Buster's Inc.**

Representing: **Maria de Lourdes Parra Marin**

Neutrals(s): **Jed Melnick Esq.**

Hearing Type: **Mediation**

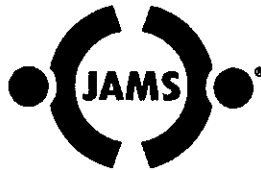
REP# 2

Date	Description	Charges	Credits	Balance
01/27/17	INVOICE #0003943498-425 *	14,708.00		14,708.00
02/28/17	CK #12580 Paid By: Abbey Spanier LLP		14,708.00	0.00
03/31/17	CREDIT MEMO # #0004004049 *		3,808.00	(3,808.00)
03/31/17	INVOICE #0004004050-425	3,821.51		13.51
04/17/17	CK #3292 Paid By: Conover Law Offices		13.51	0.00
05/31/17	INVOICE #0004053436-425	3,216.49		3,216.49
06/06/17	CK #3316 Paid By: Conover Law Offices		1,072.17	2,144.32
06/16/17	INVOICE #0004063706-425	5,600.00		7,744.32
06/21/17	CK #2288 Paid By: Frumkin & Hunter LLP		1,072.16	6,672.16
06/27/17	CK #1266 Paid By: Frumkin & Hunter LLP		1,151.90	5,520.26
06/27/17	CK #3324 Paid By: Conover Law Offices		2,581.44	2,938.82
06/30/17	CK #WIRE TRANSFER -1/3 Paid By: Abbey Spanier LLP		1,866.67	1,072.15
07/10/17	INVOICE #0004082852-425	3,808.00		4,880.15
07/28/17	CK #WIRE TRANSFER Paid By: Abbey Spanier LLP		1,072.16	3,807.99

YOUR ACCOUNT BALANCE IS DUE UPON RECEIPT  
 Please make checks payable to JAMS, Inc.

Standard mail:  
**P.O. Box 845402**  
**Los Angeles, CA 90084**

Overnight mail:  
**18881 Von Karman Ave, Suite 350**  
**Irvine, CA 92612**



RE: **Marin, Maria de Lourdes Parra vs. Dave & Buster's Inc.**

Representing: **Maria de Lourdes Parra Marin**

Neutrals(s): **Jed Melnick Esq.**

Hearing Type: **Mediation**

Reference #: **1425022740**

REP# 2

Date	Description	Charges	Credits	Balance
08/08/17	CK #3344 Paid By: Conover Law Offices		1,269.33	2,538.66
08/10/17	CK #WIRE TRANSFER Paid By: Abbey Spanier LLP		1,269.33	1,269.33
08/31/17	CK #2337 Paid By: Frumkin & Hunter LLP		1,269.33	0.00

Outstanding Balance: 0.00

**MULHOLLAND & CO., LLC**  
**225 STATE ROAD**  
**MEDIA, PA 19063**  
**610-891-9852**

January 21, 2019

Karin Fisch, Esquire  
Partner  
ABBEY SPANIER, LLP  
212 East 39<sup>th</sup> Street  
New York, New York 10016

**Re: Marin vs Dave & Buster's Inc. Litigation Settlement**

**INVOICE**

Consulting services regarding review of data and D & B employees' information provided by defendant. Estimated potential lost wages and lost health benefits and various alternative analyses. Assisting counsel with database and review of D & B employees with reduced hours. Various computation of potential damages under various scenarios. Preparation of various reports and review of various reports prepared by Class Counsel. Various discussions with counsel.

P. Mulholland 29.75 hours @ \$350 per hour (See Exhibit I).....\$10,412.50

M. Shillady 24.65 hours @ \$225 per hour (See Exhibit I).....\$5,546.25

Total **\$15,958.75**

EXHIBIT I

<u>Names</u>	<u>Date</u>	<u>Explanation</u>	<u>Hours</u>
P. Mulholland	3/2/2017	discussion w/counsel, analysis of hours 2012 to 2016, average 6 mos rolling bases	5.75
P. Mulholland	3/3/2017	28 v 30 hour threshold, revisions to analysis and updates showing full time employees	4.50
P. Mulholland	3/6/2017	adjustment to columns and addition revisions, conference call w/ class counsel	4.00
P. Mulholland	3/7/2017	review of plaintiff's mediation statement and 3/10 letters, estimate of lost wages/benefits	2.75
P. Mulholland	3/13/2017	review of additional excel spreadsheets and Q & D calculation of health insurance losses	3.68
P. Mulholland	3/14/2017	continued review of files including look back periods. Discussion with counsel and Matt	1.25
P. Mulholland	3/15/2017	review of data and files, conference call, review of notes and revised analysis from counsel	2.87
P. Mulholland	3/16/2017	review of class counsel's summary of status/criteria change, conference call	1.25
P. Mulholland	3/17/2017	updated analysis of missed hours and wages estimate	1.50
P. Mulholland	3/20/2017	review of updated summaries, preparation of alternative using \$14.21 and other changes	1.87
P. Mulholland	3/22/2017	estimated to track down former employees, discussion with counsel	<u>0.33</u>
			<u>29.75</u>

<u>Names</u>	<u>Date</u>	<u>Explanation</u>	<u>Hours</u>
M. Shillady	3/3/2017	data base review and estimates of hours and damages	4.00
M. Shillady	3/6/2017	data base review and estimates of hours and damages, conference call	7.95
	3/15/201		
M. Shillady	7	data base review and estimates of hours and damages	1.95
	3/17/201		
M. Shillady	7	data base review and estimates of hours and damages	6.15
	3/20/201		
M. Shillady	7	data base review and estimates of hours and damages	2.85
	3/20/201		
M. Shillady	7	data base review and estimates of hours and damages	0.50
	3/21/201		
M. Shillady	7	data base review and estimates of hours and damages	<u>1.25</u>
			<u>24.65</u>



HEMMING  
MORSE, LLP

CERTIFIED PUBLIC ACCOUNTANTS,  
FORENSIC AND FINANCIAL CONSULTANTS

1390 Willow Pass Road  
Suite 410  
Concord, CA 94520

Tel: 415.836.4000  
Fax: 415.777.2062  
www.hemming.com

RE: **Maria De Lourdes Parra Marin vs. Dave & Busters, Inc.**

Date	Type	Inv No.	Total Billed	Payment No.			Amount
				Abbey Spanier	Conover Law	Frumkin & Hunter	
03/14/18	Invoice	17793	\$ 475.00				\$ 475.00
03/19/18	Retainer					2489	\$ (833.33)
03/23/18	Retainer				3431		\$ (833.34)
04/17/18	Payment	17793		12893			\$ (475.00)
04/17/18	Retainer			12899			\$ (833.33)
05/09/18	Invoice	18182	\$ 1,781.25				\$ 1,781.25
06/08/18	Invoice	18273	\$ 2,137.50				\$ 2,137.50
06/12/18	Payment	18182			3479		\$ (593.75)
06/20/18	Payment	18182		25570			\$ (593.75)
07/03/18	Payment	18182				2581	\$ (593.75)
07/23/18	Invoice	18405	\$12,587.50				\$ 12,587.50
10/08/18	Invoice	18885	\$ 6,768.75				\$ 6,768.75
10/19/18	Payment	18273			3519		\$ (712.50)
10/19/18	Payment	18405			3519		\$ (4,195.83)
10/19/18	Payment	18885			3519		\$ (2,256.25)
11/07/18	Invoice	19087	\$ 5,490.35				\$ 5,490.35
12/06/18	Payment	18273				2703	\$ (712.50)
12/06/18	Payment	18405				2703	\$ (4,195.83)
12/06/18	Payment	18885				2703	\$ (2,256.25)
12/108/18	Invoice	19220	\$ 118.75				\$ 118.75
01/04/19	Invoice	19422	\$ 712.50				\$ 712.50
01/17/19	Payment	18273		13072			\$ (712.50)
01/17/19	Payment	18405		13072			\$ (4,195.83)
01/17/19	Payment	18885		13072			\$ (2,256.25)
01/23/19	Payment	19087			3551		\$ (996.79)
01/23/19	Payment	19220			3551		\$ (39.58)
01/23/19	Payment	19422			3551		\$ (237.50)
02/07/19	Payment	19087				2762	\$ (996.79)
02/07/19	Payment	19220				2762	\$ (39.58)
02/07/19	Payment	19422				2762	\$ (237.50)
03/06/19	Payment	19087		13102			\$ (996.79)
03/06/19	Payment	19220		13102			\$ (39.58)
03/06/19	Payment	19422		13102			\$ (237.50)
TOTALS			\$ 30,071.60	\$ (10,340.53)	\$ (9,865.54)	\$ (9,865.53)	\$ -

# Monthly Invoice

## 2016-2018



Xact Data Discovery - MIFL  
AR Contact: Chris Corcoran  
Phone: 913-229-9150

### INVOICE

#### XACT DATA DISCOVERY

Because you need to know

#### REMIT PAYMENT TO:

Xact Data Discovery  
PO Box 714800  
Cincinnati, OH 45271-4800  
Tax ID: 43-1685216

Invoice Number: 23-75265

Invoice Date: 3/31/2018

Customer ID 24CONOVER

Page: 1

#### Bill

To: Conover Law Offices  
345 Seventh Avenue  
21st Floor  
New York, NY 10001  
United States

#### Ship

To: Conover Law Offices  
345 Seventh Avenue  
21st Floor  
New York, NY 10001  
United States

Ship Via Delivery  
Ship Agent XACT  
Ship Date 11/30/2016  
Due Date 4/30/2018  
Terms Net 30 Days

Contact Molly Smithsimon  
P.O. Number Marin v Dave & Busters  
Case No. MARIN V DAVE & BUSTE  
Job No. 17264-H  
Discovery Consultant Daniel Feliciano

Item/Description	Quantity	Unit	Price per Unit	Total Price
XHOSTING1 Case Review - User Licensing	1	Each Item	69.00	69.00
XHOSTING2 Case Review - Hosting Storage March 2018 Data Hosting	27.66	Each Item	16.00	442.56

Amount Subject to Sales Tax	0.00	Amount Exempt from Sales Tax	511.56	Subtotal:	511.56
				Invoice Discount:	0.00
				Total Sales Tax:	0.00
				Total USD:	511.56

Your signature below, or email approval, is an agreement that the above described work has been authorized and received. Your signature also acknowledges that the firm identified in the "Bill To" portion of this invoice is responsible for payment within 30 days of receipt. Interest at the rate of 1.5% per month may be charged on invoices not paid within 30 days. Customer agrees to pay all legal fees in the collection of past due accounts.

Received and Approved By: \_\_\_\_\_

Date: \_\_\_\_\_