



I, Jason P. Sultzer, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am a founding partner at The Sultzer Law Group (“SLG”), which, along with Reese LLP and Halunen Law (together, “Class Counsel”), are counsel for Plaintiff Tony Luib in the above-captioned action. I am a member in good standing of the state bar of New York, as well as the federal bars of the United States Supreme Court, United States District Court for the Southern, Eastern, and Northern Districts and the United States Court of Appeals for the Second Circuit. A copy of my Firm Resume was submitted to the Court as Exhibit 3 to the Declaration of Michael R. Reese in Support of Plaintiff’s Unopposed Motion for Preliminary Approval of Class Action Settlement, Preliminary Certification of Settlement Class, and Approval of Notice Plan. *See* ECF No. 54-5.

2. I respectfully submit this declaration in support of Plaintiff’s Motion for Award of Attorneys’ Fees and Reimbursement of Litigation Expenses to Class Counsel and Incentive Award to the Class Representative. Except as otherwise noted, the facts set forth in this declaration are based in part upon my personal knowledge, and I would competently testify to them if called upon to do so.

3. The history of this litigation, description of the proposed settlement, risks of continuing the case and role of the class representatives are accurately set forth in the Declaration of Michael R. Reese In Support of Final Approval, submitted herewith.

4. This Declaration sets forth the time spent and expenses incurred by my firm during this litigation.

**Time and Expense Incurred in the Prosecution of the Action**

5. Listed below is the time expended by SLG on this matter through July 3, 2019. The information is based on information collected from SLG’s books and records:

<b>Timekeeper</b>	<b>Hours to Date</b>	<b>Rate Per Hour</b>	<b>Total Amount Billed</b>
Jason P. Sultzer (Partner)	161.3	\$795	\$128,233.50
Joseph Lipari (Partner)	11.1	\$795	\$8,824.50
Adam Gonnelli (Partner)	10.9	\$795	\$8,665.50
Michael Liskow (Partner)	48.3	\$700	\$33,810.00
Jeremy Francis (Associate)	42.4	\$450	\$19,080.00
<b>TOTAL</b>	274.0		\$198,613.50

6. As shown above, SLG has spent 274.0 hours litigating this action and its lodestar is based on its current hourly rates, which are usual and customary in an action of this type. The lodestar totals \$198,613.50.

7. SLG also incurred \$4,480.00 in out of pocket expenses in prosecuting this action. The breakdown of expenses are as follows:

<b>Category of Expense</b>	<b>Expense</b>
Expert Witness Costs	\$4,322.00
Meals	\$158.00
<b>TOTAL</b>	\$4,480.00

8. SLG maintained contemporaneous and detailed time records of its attorney's work in this action. The claimed billing rates, which were set in line with the prevailing rates for attorneys with similar skills, qualifications, and experience in complex class action litigation are reasonable, and have previously been awarded to SLG. At the Court's request, SLG can provide the Court with these documents and information for in camera review.

9. SLG have not been reimbursed for any time spent or expenses incurred litigating this action and will not be compensated unless the Court grants Class Counsel's fee request.

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

Dated: July 8, 2019

By: /s/ Jason P. Sultzer

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