

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

IN RE: PAYMENT CARD INTERCHANGE FEE	:	
AND MERCHANT DISCOUNT ANTITRUST	:	MDL Docket No. 1720
LITIGATION	:	
	:	MASTER FILE NO.
This Document Relates To:	:	1:05-md-1720-MKB-JO
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ALL CASES	:	
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**DECLARATION OF THOMAS P. THRASH
CONCERNING TIME AND EXPENSES INCURRED
BY THRASH LAW FIRM, P.A.**

I, Thomas P. Thrash, declare as follows:

1. I am a partner at the law firm of Thrash Law Firm, P.A. and am currently one of the attorneys for the Retailers & Merchant Objectors (“R&M Objectors”). I submit this declaration in support of the R&M Objectors’ motion for an award of attorneys’ fees and expenses in connection with the services rendered, and costs and expenses incurred, in this case.

2. I have personal knowledge of the matters set forth herein, and if called upon to testify thereto, could do so competently. I make this declaration pursuant to 28 U.S.C. § 1746.

3. My firm has represented the R&M Objectors and absent class members in this case on a contingent basis. During this time, my firm has been involved in various aspects of the initial settlement and appeal, necessary to represent the interests of the R&M Objectors.

4. Attached to this Declaration as Exhibit 1 is a summary of the time spent by my firm’s attorneys and professional staff who have been involved in this case, and the lodestar

calculation based on my firm's current billing rates, from October 2012 (when the initial settlement was announced) through June 30, 2016 (Second Circuit reversal of the initial settlement). The summary was prepared at my request from time records regularly prepared and maintained by my firm. Those records are a reflection of the time spent to advance the interests of the R&M Objectors and the absent class members.

5. The lodestar amount listed in Exhibit 1 represents work performed by attorneys and professional staff at my firm for the benefit of the class members who are settlement class members in this case.

6. The hourly rates for the attorneys and professional staff in my firm reflected in Exhibit 1 are the rates charged by Thrash Law Firm, P.A. in similar complex class action matters and are similar to rates approved for our work by other courts.

7. My firm has expended a total of \$6,917.87 in costs and expenses in connection with the prosecution of this case from October 2012 through June 30, 2016. My firm advanced these costs with no guarantee that the costs would be repaid. My firm undertook this risk to represent and benefit the R&M Objectors and absent class members who are settlement class members in this case. The costs and expenses set forth in the schedule attached to this declaration as Exhibit 2 are reflected on the books and records of my firm. They were incurred by my firm on behalf of the R&M Objectors and absent class members in this case.

8. The total number of hours my firm has spent representing R&M Objectors and the absent class members in this case from October 2012 through June 30, 2016 is 716.50

hours. The total lodestar for my firm for this period using customary hourly billing rates is \$479,700.00.

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

Executed this the 14th day of August, 2019 in Little Rock, Arkansas.

/s/ Thomas P. Thrash
Thhomas P. Thrash

EXHIBIT 1

IN RE: PAYMENT CARD INTERCHANGE FEE AND MERCHANT DISCOUNT ANTITRUST LITIGATION TIME REPORT

Firm Name: Thrash Law Firm, P.A.

Reporting Period: October 2012 – June 30, 2016

PROFESSIONAL	STATUS	TOTAL HOURS	CURRENT HOURLY RATE	TOTAL LODESTAR*
Thomas P. Thrash	P	332.00	\$750.00	\$249,000.00
Marcus N. Bozeman	P	384.50	\$600.00	\$230,700.00
TOTALS		716.50		\$479,700.00

Partner (P)

Associate (A)

Paralegal (PL)

Legal Administrative Assistant (LAA)

EXHIBIT 2

**IN RE: PAYMENT CARD INTERCHANGE FEE AND MERCHANT
DISCOUNT ANTITRUST LITIGATION**

Expenses

Firm Name: Thrash Law Firm, P.A.

Reporting Period: October 2012 – June 30, 2016

EXPENSE	AMOUNT
Federal Express, Local Courier, etc.	\$163.59
Postage Charges	\$0.00
Facsimile Charges	\$0.00
Long Distance	\$0.00
In-House Photocopying	\$707.40
Outside Photocopying	\$0.00
Travel (Transportation, lodging, meals, etc.)	\$5,385.31
Court Fees (filing, etc.)	\$234.00
Professional Fees (expert/investigators, etc.)	\$0.00
Witness/Service Fees	\$0.00
Court Reporter/Transcripts	\$0.00
Computer Research	\$383.20
Miscellaneous	\$44.37
TOTAL	\$6,917.87

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DECLARATION OF PHILLIP DUNCAN
CONCERNING TIME AND EXPENSES INCURRED
BY DUNCAN FIRM, P.A.

I, Phillip J. Duncan, declare as follows:

1. I am a partner and president at the law firm of Duncan Firm, P.A. and am currently one of the attorneys for the Retailers & Merchant Objectors (“R&M Objectors”). I submit this declaration in support of the R&M Objectors’ motion for an award of attorneys’ fees and expenses in connection with the services rendered, and costs and expenses incurred, in this case.

2. I have personal knowledge of the matters set forth herein, and if called upon to testify thereto, could do so competently. I make this declaration pursuant to 28 U.S.C. § 1746.

3. My firm has represented the R&M Objectors and absent class members in this case on a contingent basis. During this time, my firm has been involved in various aspects of the initial settlement and appeal, necessary to represent the interests of the R&M Objectors.

4. Attached to this Declaration as Exhibit 1 is a summary of the time spent by my firm’s attorneys and professional staff who have been involved in this case, and the lodestar calculation based on my firm’s current billing rates, from July 2012 (when the initial class action

settlement was announced and filed on July 13, 2012) through June 30, 2016 (Second Circuit reversal of the initial settlement). The summary was prepared at my request from time records regularly prepared and maintained by my firm. Those records are a reflection of the time spent to advance the interests of the R&M Objectors and the absent class members.

5. The lodestar amount listed in Exhibit 1 represents work performed by attorneys and professional staff at my firm for the benefit of the class members who are settlement class members in this case.

6. The hourly rates for the attorneys and professional staff in my firm reflected in Exhibit 1 are the rates charged by Duncan Firm, P.A. in similar complex class action matters and are similar to rates approved for our work by other courts.

7. My firm has expended a total of \$12,757.10, in costs and expenses in connection with the prosecution of this case from October 2012 through June 30, 2016. My firm advanced these costs with no guarantee that the costs would be repaid. My firm undertook this risk to represent and benefit the R&M Objectors and absent class members who are settlement class members in this case. The costs and expenses set forth in the schedule attached to this declaration as Exhibit 2 are reflected on the books and records of my firm. They were incurred by my firm on behalf of the R&M Objectors and absent class members in this case.

8. The total number of hours my firm has spent representing R&M Objectors and the absent class members in this case from July 30, 2012 through June 30, 2016 is 577.05 hours. The total lodestar for my firm for this period using customary hourly billing rates is \$388,477.50.

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

Executed this the 14th day of August, 2019 in Little Rock, Arkansas.



Phillip J. Duncan

EXHIBIT 1

**IN RE: PAYMENT CARD INTERCHANGE FEE AND MERCHANT
DISCOUNT ANTITRUST LITIGATION TIME REPORT**

Firm Name: Duncan Firm, P.A.

Reporting Period: July 2012 – June 30, 2016

PROFESSIONAL	STATUS	TOTAL HOURS	CURRENT HOURLY RATE	TOTAL LODESTAR*
Phillip J. Duncan	P	281.65	\$750.00	\$211,237.50
Richard Quintus	P	191.90	\$600.00	\$115,140.00
Jim Bartolomei	P	103.50	\$600.00	\$62,100.00
TOTALS		577.05		\$388,477.50

Partner (P)

Associate (A)

Paralegal (PL)

Legal Administrative Assistant (LAA)

EXHIBIT 2

**IN RE: PAYMENT CARD INTERCHANGE FEE AND MERCHANT
DISCOUNT ANTITRUST LITIGATION**

Expenses

Firm Name: Duncan Firm, P.A.

Reporting Period: October 2012 – June 30, 2016

EXPENSE	AMOUNT
Federal Express, Local Courier, etc.	\$0.00
Postage Charges	\$0.00
Facsimile Charges	\$0.00
Long Distance	\$0.00
In-House Photocopying	\$0.00
Outside Photocopying	\$0.00
Travel (Transportation, lodging, meals, etc.)	\$9,773.35
Court Fees (filing, etc.)	\$0.00
Professional Fees (expert/investigators, etc.)	\$2,983.75
Witness/Service Fees	\$0.00
Court Reporter/Transcripts	\$0.00
Computer Research	\$0.00
Miscellaneous	\$0.00
TOTAL	\$12,757.10

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**DECLARATION OF JERROLD S. PARKER
CONCERNING TIME AND EXPENSES INCURRED
BY PARKER WAICHMAN LLP**

Jerrold S. Parker, hereby declares, under 28 U.S.C. § 1746, as follows:

1. I am a partner in the law firm of Parker Waichman LLP, one of the attorneys for the Retailers & Merchant Objectors (“R&M Objectors”).

2. This declaration is submitted in support of R&M Objectors’ application for an award of attorneys’ fees, costs and expenses in connection with its work in the captioned case.

3. I have personal knowledge of the matters set forth herein, and if called upon to testify thereto, could do so competently.

4. My firm has represented R&M Objectors and absent class members in this case on a contingent fee basis. During this time, my firm has been involved in various aspects of the initial settlement and appeal, and anticipates being involved in future activities necessary to represent the interests of R&M Objectors through the conclusion of the case.

5. Exhibit 1 is a summary of time expended by the firm in this regard, calculated together with an extension to reflect the firm's current billing rates for the period October 2012 (when the initial settlement was announced) through June 30, 2016 (Second Circuit reversal of the initial settlement). The summary was prepared at my request from files and time records regularly prepared and maintained by my firm.

6. The lodestar amount listed in Exhibit 1 represents work performed by attorneys and professional staff at the firm for the benefit of the class members who are settlement class members in this case.

7. The hourly rates for the attorneys and professional staff in my firm reflected in Exhibit 1 are the usual and customary hourly rates charged by Parker Waichman LLP in similar complex class action matters and are similar to rates approved for our work by other courts.

8. My firm has expended a total of \$17,617.78 in costs and expenses in connection with the prosecution of this case from October 2012 through June 30, 2016. My firm advanced these costs with no guarantee that the costs would be repaid. My firm undertook this risk to represent and benefit the R&M Objectors and absent class members who are settlement class members in this case. The costs and expenses set forth in the schedule attached to this declaration as Exhibit 2 are reflected on the books and records of my firm. They were incurred by my firm on behalf of the R&M Objectors and absent class members in this case.

9. The total number of hours my firm has spent representing R&M Objectors and the absent class members in this case from August 2012 through June 30, 2016 is

357.60 hours. The total lodestar for my firm for this period using customary hourly billing rates is \$242,677.50.

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

Executed this the 14th day of August, 2019 at Port Washington, New York.

/s/ Jerrold S. Parker

Jerrold S. Parker

EXHIBIT 1

**IN RE: PAYMENT CARD INTERCHANGE FEE AND MERCHANT DISCOUNT
ANTITRUST LITIGATION TIME REPORT**

Firm Name: Parker Waichman LLP

Reporting Period: October 2012 – June 30, 2016

PROFESSIONAL	STATUS	TOTAL HOURS	CURRENT HOURLY RATE	TOTAL LODESTAR*
Jerrold S. Parker	P	68.25	\$800.00	\$54,600.00
Jay L. T. Breakstone	A	289.35	\$650.00	\$188,077.50
TOTALS		357.60		\$242,677.50

Partner (P)

Associate (A)

Paralegal (PL)

Legal Administrative Assistant (LAA)

*Lodestar calculated based on current hourly rates.

EXHIBIT 2

IN RE: PAYMENT CARD INTERCHANGE FEE AND MERCHANT

DISCOUNT ANTITRUST LITIGATION

Expenses

Firm Name: Parker Waichman LLP

Reporting Period: October 2012 – June 30, 2016

EXPENSE	AMOUNT
Federal Express, Local Courier, etc.	\$0.00
Postage Charges	\$49.17
Facsimile Charges	\$0.00
Long Distance	\$0.00
In-House Photocopying	\$0.00
Outside Photocopying	\$0.00
Travel (Transportation, lodging, meals, etc.)	\$327.09
Court Fees (filing, etc.)	\$12,537.17
Professional Fees (expert/investigators, etc.)	\$0.00
Witness/Service Fees	\$0.00
Court Reporter/Transcripts	\$0.00
Computer Research	\$9.20
Miscellaneous	\$4,695.15
TOTAL	\$17,617.78