

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

IN RE JPMORGAN PRECIOUS METALS
SPOOFING LITIGATION

THIS DOCUMENT RELATES TO:
ALL ACTIONS

Case No.: 1:18-cv-10356
Hon. Gregory H. Woods

**DECLARATION OF KELLIE LERNER ON BEHALF OF ROBINS KAPLAN LLP
IN SUPPORT OF CLASS COUNSEL’S MOTION FOR AWARD OF
ATTORNEYS’ FEES AND PAYMENT OF EXPENSES**

I, Kellie Lerner, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am a partner with the law firm Robins Kaplan LLP (“Robins Kaplan”). I respectfully submit this declaration in support of Class Counsel’s¹ Motion for an Award of Attorneys’ Fees and Payment of Expenses in connection with services rendered in the above-captioned action (“Action”).

2. The statements herein are true to the best of my personal knowledge, information and belief based on the Robins Kaplan’s books and records, and information received from its attorneys and staff. Robins Kaplan’s time and expense records are prepared and maintained in the ordinary course of business.

3. Robins Kaplan serves as additional Plaintiffs’ counsel for Plaintiffs in this Action, including Dominick Cognata, Melissinos Trading, LLC, Casey Sterk, Kevin Maher, Kenneth Ryan, Robert Charles Class A, L.P., Robert L. Teel, Mark Serri, Yuri Alishaev, Abraham Jeremias, and Morris Jeremias (“Class Plaintiffs”).

4. Robins Kaplan jointly serves with Steven R. Goldberg, Esq. as counsel for Plaintiff Mark Serri. Consistent with the Rules of Professional Conduct (22 N.Y.C.R.R. § 1200.0) Rule 1.5(g), their joint representation agreement, which was executed by Mr. Serri, provides that Robins Kaplan will pay Steven R. Goldberg 10% of the net amount of attorneys’ fees allocated to Robins Kaplan. This fee sharing arrangement does not impact the amount of attorneys’ fees to be sought or limit the benefits arising to the Settlement Class from the Settlement.

5. I am the partner who oversaw my firm’s involvement in the Action. Robins Kaplan’s time and expense records (including, where necessary, backup documentation) have been

¹ On December 20, 2021, the Court appointed Lowey Dannenberg, P.C. as “Class Counsel” in this action. ECF No. 91 at ¶ 4.

reviewed to confirm both the accuracy of the entries as well as the necessity for and reasonableness of the time and expenses expended in this litigation. As a result of this review, certain reductions were made to both time and expenses either in the exercise of billing judgment or to conform to Robins Kaplan's agreement with Mr. Serri, directions from Class Counsel and/or my firm's practice. Accordingly, the time reflected in Robins Kaplan's lodestar calculation and the expenses for which payment is sought are reasonable in amount and were necessary to prosecute the Action and resolve the settlement before the Court. In addition, these fees and expenses are often charged by Robins Kaplan to its fee-paying clients.

6. During the course of this litigation, and as detailed herein, Robins Kaplan worked on assignments that it was specifically directed to perform by Class Counsel.

7. Set forth below in ¶ 9 is a summary reflecting the amount of time (after any applicable reductions) Robins Kaplan attorneys and professional staff worked on the Action from the inception of the case through December 20, 2021, and the corresponding lodestar value of that work. The schedule in ¶ 9 was prepared based upon daily time records maintained by Robins Kaplan attorneys and professional support staff in the ordinary course of business, and the lodestar calculations are based on the firm's current hourly billing rates.

8. The services Robins Kaplan performed on behalf of Class Plaintiffs and the putative class include, but are not limited to, the following:

- Preparing a section of Plaintiffs' mediation statement addressing the Commodities Exchange Act;
- Preparing talking points for Class Counsel's use at mediation regarding class certification;
- Conducting discovery to confirm the fairness and adequacy of the proposed settlement;
- Collecting and reviewing documents from lead plaintiff Mark Serri; and
- Corresponding with Mr. Serri to keep him apprised of discovery and settlement negotiation developments.

9. Robins Kaplan's total fee compensable time for which it seeks an award of attorneys' fees is summarized below.

Attorneys	Role ²	Rates	Hours from inception to 12/20/2021	Lodestar from inception to 12/20/2021
Kellie C. Lerner	P	\$990	90.1	\$89,199.00
David B. Rochelson	A	\$850	74.7	\$63,495.00
Nahid A. Shaikh	A	\$460	31.2	\$14,508.00
Tyler Simmons	SA	\$400	224.9	\$89,960.00
Paralegals and Legal Assistants				
Ashley N. Emershaw	PL	\$460	19	\$8,740
Audra M. O'Rourke	PL	\$445	11.1	\$4,939.50
Jeffrey D. Baum	PL	\$335	20.9	\$7,001.50
TOTALS			471.9	\$277,843.00

10. The total time for which my firm is requesting an award of legal fees is 471.9 hours. The total lodestar value of these professional services is \$277,843.00.

11. The above hourly rates for Robins Kaplan's attorneys and professional support staff are the firm's current hourly rates, except for any document review work, which has been capped at \$400 per hour. The hourly rates for attorneys and professional support staff in my firm are the same as the regular rates charged for their services in contingent and non-contingent fee matters. Timekeepers with fewer than 10 hours were excluded. For personnel no longer employed by Robins Kaplan, the lodestar calculation is based on the billing rates for such personnel in his or her final year of employment. The time and lodestar spent preparing the Fee and Expense Application were also excluded from the above values.

² "P" refers to Partners. "A" refers to Associates. "PL" refers to Paralegals. "SA" refers to Staff Attorneys.

12. The firm's lodestar figures do not include charges for expense items. Expense items are billed separately, and such charges are not duplicated in the firm's current billing rates. Further, expense items do not contain any general overhead costs and do not contain a surcharge over the amount paid to the corresponding vendor(s).


13. As detailed and categorized in the below schedule, Robins Kaplan has incurred a total of \$784.60 in expenses from inception through December 20, 2021, for which it seeks to be reimbursed from the Settlement Fund.

Expense Categories	Cumulative Expenses
Court Costs	\$400.00
Computer Research	\$322.39
Travel (Cab fare & meals)	\$57.45
Telephone/telecopier (Conference call)	\$4.76
TOTAL	\$784.60

14. The above schedule was prepared based upon expense records reflected in the books and records of Robins Kaplan. These books and records are prepared from expense vouchers, check records, receipts, and other source materials and are an accurate record of the expenses incurred. The expense total does not include the contribution Robins Kaplan made to the litigation fund established by Class Counsel to fund various litigation expenses.

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

Executed on May 6, 2022
New York, NY



Kellie Lerner