

**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 MARK D. SMILOW ON BEHALF OF WEISS LAW LLP
IN SUPPORT OF CLASS COUNSEL’S MOTION FOR AWARD OF
ATTORNEYS’ FEES AND PAYMENT OF EXPENSES**

I, Mark D. Smilow, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am a Principal with the law firm Weiss Law LLP (“Weiss Law”). 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 Weiss Law’s books and records, and information received from its attorneys and staff. Weiss Law’s time and expense records are prepared and maintained in the ordinary course of business.

3. Weiss Law 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. I am the attorney who oversaw my firm’s involvement in the Action. Weiss Law’s time and expense records (including, where necessary, backup documentation) have been reviewed to confirm both the accuracy of the entries as well as the necessity for and reasonableness of the time and expenses expended in this litigation. As a result of this review, certain reductions were made to both time and expenses either in the exercise of billing judgment or to conform to directions from Class Counsel and/or my firm’s practice. Accordingly, the time reflected in Weiss Law’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.

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

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

6. Set forth below in ¶ 8 is a summary reflecting the amount of time (after any applicable reductions) Weiss Law 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 ¶ 8 was prepared based upon daily time records maintained by Weiss Law 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.

7. The services Weiss Law performed on behalf of Class Plaintiffs and the putative class include, but are not limited to, the following: factual and legal research, drafting of pleadings, client communications, service of process, discovery, document review, and communications with other counsel.

8. Weiss Law'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
Joseph H. Weiss	F	\$ 1,175.00	15.25	\$ 17,918.75
Mark D. Smilow	Pr	\$ 945.00	197.00	\$ 186,165.00
Emile J. Barton	SA	\$ 400.00	488.00	\$ 195,200.00
Howard Mayer	A	\$ 385.00	63.20	\$ 24,332.00
Paralegals and Legal Assistants				
Jerry Silver	PL	\$ 375.00	16.20	\$ 6,075.00
TOTALS			779.65	\$ 429,690.75

² "F" refers to Founder. "Pr" refers to Principal. "OC" refers to Of Counsel. "A" refers to Associates. "LC" refers to Law Clerks. "PL" refers to Paralegals. "SA" refers to Staff Attorneys.

9. The total time for which my firm is requesting an award of legal fees is 779.65 hours. The total lodestar value of these professional services is \$ 429,690.75.

10. The above hourly rates for Weiss Law attorneys and professional support staff are the firm's current hourly rates. 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 fee matters. Timekeepers with less than 10 hours were excluded. For personnel no longer employed by Weiss Law, 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.

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

12. As detailed and categorized in the below schedule, Weiss Law incurred a total of \$1,861.83 in expenses from inception through December 20, 2021 for which it seeks to be reimbursed from the Settlement Fund.

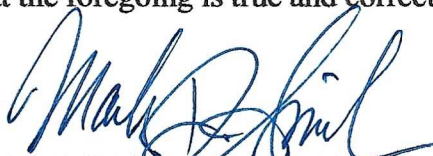
Expense Categories	Cumulative Expenses
Court Costs	\$975.74
Computer Research	\$578.14
Service of Process	\$212.00
Special Supplies	\$95.95
TOTAL	\$1,861.83

13. The above schedule was prepared based upon expense records reflected in the books and records of Weiss Law. 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 Weiss Law 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 4, 2022
Brooklyn, New York



Mark D. Smilow