

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

RUSSELL DOVER, HENRY HORSEY, CODY  
RANK, and SUZETTE PERRY, on behalf of  
themselves and all others similarly situated,

Plaintiffs

-vs.-

BRITISH AIRWAYS, PLC (UK),

Defendant.

Case No. 1:12-cv-05567 (RJD) (CLP)

Judge: Raymond J. Dearie

Magistrate Judge: Cheryl L. Pollak

I, Douglas I. Cuthbertson, declare:

1. I am an attorney licensed to practice in the Eastern District of New York. I am a partner at the firm of Lief Cabraser Heimann & Bernstein, LLP (“LCHB”), Counsel for the Plaintiffs and the Class. I submit this declaration in support of Plaintiffs’ Motion for Final Approval. I have personal knowledge of the facts set forth herein and could competently testify to them if called as a witness.

2. I have actively and closely worked with Plaintiffs throughout this case, including to respond to BA’s numerous discovery requests, prepare for and attend or defend their depositions, discuss, obtain approval for, and solicit their input regarding numerous case filings, and to confer with them regarding mediation, settlement, class notice, and the preliminary and final approval process. At all times, Plaintiffs have been actively engaged, current on the latest case developments, generous and flexible with their time and availability, and able to provide valuable guidance and input on the case, including on issues related to settlement.

3. More specifically, Plaintiffs have participated actively in this lawsuit by:

- Reviewing numerous documents related to this case. These include, among other things, the complaint and amended complaint, Plaintiffs' opposition to BA's motion to dismiss, Judge Dearie's motion to dismiss order, discovery request responses including Interrogatory responses and Request for Admission responses (and supplemental and second supplemental responses to each), expert reports, *Daubert*, summary judgment, class certification briefing, and Judge Dearie's resulting orders, mediation statements, Rule 23(f) briefing before the Second Circuit, draft and final settlement agreements or memorandums of understanding, preliminary and final approval briefing, and correspondence with BA's counsel.
- Making themselves available for a total of six depositions, five of which required trans-continental travel and all of which required taking time away from work and family in order to attend and prepare for the depositions.
- Searching for and—upon instruction from counsel—preserving all potentially relevant documents (hard copies and electronic) in their custody, possession, or control, including producing all responsive documents in response to numerous document requests from BA.
- Submitting declarations in support of Plaintiffs' motion for class certification. *See* Dkts. 207-11 to 207-14.
- Responding to third-party subpoenas served by BA on Plaintiffs' telephone service providers and credit card companies, and for Plaintiffs

Cody Rank and Suzette Perry, having their spouses and significant others subjected to unduly burdensome deposition subpoenas and, in one instance, preparing for and sitting for a deposition.

- Following the status and progress of this lawsuit for over five years and speaking with counsel by email and phone on many dozens of occasions to better understand what has transpired and the next steps in the litigation.
- Setting aside time to attend trial when the parties began discussing possible trial dates.
- Making themselves available and on “stand-by” during both private mediations and – I am informed – during the settlement conferences as well, receiving numerous updates on the progress of settlement negotiations, reviewing and discussing draft settlement agreements or settlement proposals, and approving the final settlement agreement.

\* \* \*

I declare under penalty of perjury under the laws of the United States and the State of New York that the foregoing is true and correct to the best of my knowledge and that this declaration was executed in New York, New York on June 14, 2018.

/s/ Douglas I. Cuthbertson  
Douglas I. Cuthbertson