

**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

**DECLARATION OF JASON L. LICHTMAN  
IN SUPPORT OF PLAINTIFFS' MOTION FOR FINAL APPROVAL,  
ATTORNEYS' FEES, EXPENSES, AND SERVICE AWARDS**

I, Jason L. Lichtman, declare as follows:

1. I am a partner in the law firm of Lief Cabraser Heimann & Bernstein, LLP (“LCHB”). I am admitted to this Court and am a member in good standing of the bars of the States of Illinois, New Jersey, New York, and the District of Columbia. I respectfully submit this declaration in support of Plaintiffs’ Motion for Final Approval, Attorneys’ Fees, Expenses, and Service Awards. Except as otherwise noted, I have personal knowledge of the facts set forth in this declaration and could testify competently to them if called upon to do so.

2. Class Counsel has been involved in all aspects of this litigation since its investigation and inception in 2012. We researched the factual basis for the claim, formulated and researched the legal theories for relief, drafted the complaint, drafted all written briefing that has been presented to the Court, drafted written discovery, and fielded questions from class members over the years that the case has been pending. Class Counsel also worked with the Court-appointed notice administrator to prepare and effectuate the notice plan. I expect that

Class Counsel will continue to expend time on this matter in connection with the approval and administration of the settlement.

3. Class Counsel has made a significant commitment of time and resources to the successful prosecution of the claims in this case. Over approximately six years, Class Counsel and those working at our direction have devoted 10,687 hours of time and incurred \$3,978,296.71 million in expenses prosecuting this Action.

4. At my direction, LCHB personnel compiled a record of the work performed over the course of this litigation. That record demonstrates that BA served 195 requests for production, 466 requests for admission, and 121 written interrogatories. It also shows that BA provided 48 document productions and that Class Counsel took and defended 42 depositions in two countries. This record also indicates that BA produced six versions of the “ICW database,” which was the primary documentary evidence on which Plaintiffs relied during this litigation.<sup>1</sup> For example, Plaintiffs relied on the ICW database to establish ascertainability, numerosity, and predominance.

5. It is my professional opinion that Class Counsels’ hours reflect meaningful efforts of a small, highly efficient team that contributed to the resolution of this case. Among other things, I reviewed the bills using the same practices that I would apply to a client paying our hourly rates, including one sophisticated client who paid my hourly rates during the pendency of this litigation.

6. The time that Class Counsel have devoted to this case has effectively precluded us from performing work on a variety of other cases and matters. The time I and other members of

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<sup>1</sup> BA initially maintained that it did not have such a database.

my firm and other Class Counsel have spent on this case has been completely contingent on the outcome of the action. LCHB has not been paid for any of the time spent on the action.

7. I have attached a summary that lists the LCHB personnel who worked on this case and on whom we ask the Court to base any lodestar determination. This includes the hours each individual expended and an hourly rate for each individual. *See* Ex. A. LCHB's hourly rates are intended to be reasonable based on the timekeepers' skill, experience, reputation, and expertise, the subject matter, complexity, and magnitude of this litigation, and the billing rates approved by courts in other similar complex class action cases, including other consumer class actions. During the pendency of this litigation, moreover, a sophisticated corporate client paid my hourly billing rate, as well as the hourly billing rates of Mr. Stellings and Mr. Cuthbertson. LCHB's lodestar is \$6,292,664.50. Working with Class Counsel, moreover, attorney Mark Schlachet documented 91.95 hours on this case at the rate of \$650 per hour, for a total lodestar of \$59,767.50. Accordingly, Class Counsel submit a total lodestar figure of \$6,352,432.

8. I have also attached a summary of the expenses incurred by my firm on this litigation. *See* Ex. B. These expenses are reflected in LCHB's records. It is LCHB's policy and practice to prepare such records from expense vouchers, check records, credit card records, and other source materials. Based on my oversight of LCHB's work in connection with this litigation and my review of these records, I believe them to constitute an accurate record of the expenses actually incurred by the Firm in connection with this litigation. These combined amounts total \$3,978,296.71 million. I note that Class Counsel received no outside funding in connection with this litigation.

9. Contemporaneous timesheets and itemized expense reports maintained by LCHB are available for review and inspection by the Court should the Court deem it necessary or appropriate.

10. If Plaintiffs ultimately obtained a favorable jury verdict, it is my professional opinion that BA likely would have extended litigation of these proceedings for at least two years with post-trial motions and appellate practice.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct. This declaration was executed in Sedona, Arizona on June 14, 2018.

/s/ Jason L. Lichtman

Jason L. Lichtman

# EXHIBIT A

**LIEFF CABRASER HEIMANN & BERNSTEIN, LLP**

Report created on 06/14/2018 03:14:00 PM

inception

06/14/18

**Matter Number: 3541-0001****BRITISH AIRWAYS FUEL SURCHARGE LITIGATION****PARTNER**

<b>NAME</b>	<b>HOURS</b>	<b>RATE</b>	<b>TOTAL</b>
DAVID STELLINGS	1,613.40	875.00	1,411,725.00
DOUGLAS CUTHBERTSON	3,058.00	565.00	1,727,770.00
NICHOLAS DIAMAND	1,309.20	675.00	883,710.00
JASON LICHTMAN	2,280.50	590.00	1,345,495.00
SARAH LONDON	86.20	545.00	46,979.00
	<b>8,347.30</b>		<b>5,415,679.00</b>

**ATTORNEY**

<b>NAME</b>	<b>HOURS</b>	<b>RATE</b>	<b>TOTAL</b>
JOSHUA BLOOMFIELD	527.00	415.00	218,705.00
PAMELA GRIEF	245.60	415.00	101,924.00
AMI PATHAK	244.60	415.00	101,509.00
	<b>1,017.20</b>		<b>422,138.00</b>

**PARALEGAL/CLERK**

<b>NAME</b>	<b>HOURS</b>	<b>RATE</b>	<b>TOTAL</b>
HARRIET DANHASH	163.90	325.00	53,267.50
JENNIFER RUDNICK	964.80	375.00	361,800.00
	<b>1,128.70</b>		<b>415,067.50</b>

**LITIGATION SUPPORT / RESEARCH**

<b>NAME</b>	<b>HOURS</b>	<b>RATE</b>	<b>TOTAL</b>
ANTHONY GRANT	102.00	390.00	39,780.00
	<b>102.00</b>		<b>39,780.00</b>

**MATTER TOTALS****10,595.20****6,292,664.50**

# **EXHIBIT B**

**LIEFF CABRASER HEIMANN & BERNSTEIN, LLP**

Report created on 06/14/2018 11:29:19 AM

From = INCEPTION To 06/14/18

**BRITISH AIRWAYS FUEL SURCHARGE LITIGATION - General Matter****Matter Number: 3541-0001****Soft Costs Incurred**

	<u>Amount</u>
Electronic Processing	\$100.00
Fax	\$35.00
In-House Copies	\$1,587.80
Postage	\$212.07
Print	\$79,983.20
Telephone	\$10,136.32

**Total Soft Costs: \$92,054.39****Hard Costs Incurred**

	<u>Amount</u>
Books/Subscriptions	\$790.12
Computer Research	\$22,576.40
Deposition/Transcripts	\$123,840.74
Electronic Database	\$2,819.78
Experts/Consultants	\$3,361,890.12
Federal Express/Messenger	\$3,197.24
Filing Fees	\$791.25
Mediation Expenses	\$34,273.95
Other Charges	\$4,955.76
Other Research	\$3,300.00
Outside Copy Service	\$5,373.79
Process Service	\$4,829.42
Supplies	\$175.96
Travel	\$317,427.79

**Total Hard Costs: \$3,886,242.32**

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**Total Matter Costs: \$3,978,296.71**