

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

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SONTERRA CAPITAL MASTER FUND, LTD.,  
RICHARD DENNIS, and FRONTPOINT EUROPEAN  
FUND, L.P., on behalf of themselves and all others  
similarly situated,

Plaintiffs,

-against-

BARCLAYS BANK PLC, COOPERATIEVE  
CENTRALE RAIFFEISEN-BOERENLEENBANK  
B.A., DEUTSCHE BANK AG, LLOYDS BANKING  
GROUP PLC, THE ROYAL BANK OF SCOTLAND  
PLC, UBS AG, JOHN DOE NOS. 1-50, and  
BARCLAYS CAPITAL, INC.,

Defendants.

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Docket No. 15-cv-3538 (VSB)

**DECLARATION OF BENJAMIN M. JACCARINO, ESQ  
IN SUPPORT OF PLAINTIFFS' COUNSEL'S MOTION FOR AWARD  
OF ATTORNEYS' FEES AND REIMBURSEMENT OF EXPENSES**

I, Benjamin M. Jaccarino, Esq, pursuant to 28 U.S.C. §1746, hereby declare as follows:

1. I am a Partner with the law firm of Lovell Stewart Halebian Jacobson LLP (“Lovell Stewart”). I respectfully submit this declaration in support of Plaintiffs’ Counsel’s<sup>1</sup> Motion for an Award of Attorneys’ Fees and Reimbursement of Expenses (the “Fee and Expense Application”) 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 books and records of Lovell Stewart and information provided by its attorneys and staff. Lovell Stewart’s time and expense records are prepared and maintained in the ordinary course of business.

3. At all times relevant hereto, Lovell Stewart served as Plaintiffs’ Counsel with Lowey Dannenberg for Representative Plaintiffs Richard Dennis and Fund Liquidation Holdings LLC. This Court appointed the firms as Class Counsel for the Settlement Class in connection with the Settlement in the above-captioned action. *See* ECF No. 268 (order preliminarily approving the Settlement).

4. I am one of the attorneys who oversaw my Firm’s involvement in the Action. Lovell Stewart’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 with Class Counsel and/or my Firm’s practice. Accordingly, the time reflected in Lovell Stewart’s fee compensable lodestar calculation and the expenses for which payment is

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<sup>1</sup> Unless otherwise noted, capitalized terms not defined herein have the same meaning as in the Settlement Agreement with Deutsche Bank AG (ECF No. 262-1).

sought are reasonable in amount and were necessary to prosecute the Action and achieve the Settlements before the Court.

5. The services Lovell Stewart performed on behalf of the putative class in connection with the prosecution of the litigation include but are not limited to the following:

- Conduct and assist with research and drafting of the complaint allegations, including investigation of facts and development of legal arguments;
- Draft responsive pleadings to the motions to dismiss, motion for reconsideration, appeal brief, and other filings;
- Research regarding personal jurisdiction over foreign Defendants, the elements of the substantive claims, the availability of a private claim for relief, national service of process, due process, ISDA agreements, the British Banking Association rules, standing, Article III, jurisdiction, antitrust, the Foreign Trade Antitrust Improvements Act of 1982, and RICO;
- Research and review of panel member submissions;
- Review of documents, investigation, and fact research to prepare chronologies reflecting and correlating Defendants allegedly violative conduct;
- Prepare for hearings before the Court;
- Participate in oral argument before the Court;
- Prepare for and meet with expert;
- Review and analyze potential benchmarks;
- Review, comment on, and draft supplemental authority letters;
- Work with Counsel to develop settlement strategy;

- Prepare settlement slides correlating information derived from fact research and discovery materials; and
- Participate in settlement negotiations.

6. Set forth below in ¶ 7 is a summary reflecting the amount of fee compensable time Lovell Stewart's attorneys and professional support staff worked on the Action from the inception of the case to August 31, 2023, the timekeeper's current billing rates, and the corresponding lodestar calculations of that work based on the current hourly billing rates. For personnel no longer employed by Lovell Stewart, the lodestar calculation is based on the billing rates for such personnel in his or her final year of employment. Timekeepers that billed less than 15 hours in this Action have been excluded. The time and lodestar incurred preparing the Fee and Expense Application have also been excluded. The schedule was prepared based upon daily time records maintained by Lovell Stewart's attorneys and professional support staff in the ordinary course of business. Each timekeeper listed below was a full-time employee of the firm.

7. Lovell Stewart's total fee compensable time for which it seeks an award of attorneys' fees is summarized below.

Timekeeper Name	Position <sup>2</sup>	Hourly Rate	Total Hours from inception through 8/31/2023	Total Lodestar from inception through 8/31/2023
Christopher Lovell	P	\$1,210	265.60	\$321,376.00
Jody Krisiloff	P	\$1,035	191.70	\$198,409.50
Gary S. Jacobson	P	\$1,020	358.70	\$365,874.00
Victor E. Stewart	P	\$1,020	111.41	\$113,638.20
Jamison Diehl	OC	\$950	757.70	\$719,815.00
Jason Eyster	P	\$920	171.00	\$157,320.00
Christopher McGrath	P	\$900	15.50	\$13,950.00
Ben Jaccarino	P	\$675	182.15	\$122,951.25
Robert Rodriguez	P	\$635	83.00	\$52,705.00
Michael Gallagher Jr.	P	\$540	34.00	\$18,360.00
<b>Professional Staff</b>				
Howard Hill	DA	\$350	43.00	\$15,050.00
Jessica Elias	PL	\$220	26.50	\$5,830.00
Katie Hill	PL	\$215	216.75	\$46,601.25
<b>TOTAL</b>			<b>2,457.01</b>	<b>\$2,151,880.20</b>

8. The total fee compensable time for which Lovell Stewart has spent working on the Action to date is 2,457.01 hours. The total lodestar value of these professional services is \$2,151,880.20. For the Court's reference, we attach as **Exhibit A** Lovell Stewart's resume describing the firm's qualifications.

9. The Firm's total lodestar does 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).

<sup>2</sup> "P" refers to Partners. "OC" refers to Of Counsel. "A" refers to Associates. "PL" refers to Paralegals. "DR" refers to Document Reviewers. "DA" refers to Derivatives Analyst. The hourly rates for the partners, of counsel, associate attorneys and professional support staff in my firm included above are the same rates charged for their services in which have been accepted and approved in other complex class action litigation. *See, e.g., Sullivan v. Barclays PLC, et al*, 13-cv-2811, Dkt. 550; *In re: Zinc Antitrust Litig.*, ECF No. 14-cv-3728, Dkt. 327; *In re LIBOR-Based Fin. Instruments Antitrust Litig.*, No. 11 CIV. 2613, 2020 WL 6891417 (S.D.N.Y. Nov. 24, 2020).

10. As detailed and categorized in the below schedule, Lovell Stewart has paid a total of \$85,191.31 in expenses from inception to present for which it is currently requesting reimbursement.

Expense Categories	Cumulative Expenses
Travel - Airfare, Lodging, Meals, Taxi	\$57.75
Computer Research, Databases & Docket	\$3,533.56
Professional, Consulting, or Expert Fees	\$81,600.00
<b>TOTAL</b>	<b>\$85,191.31</b>

11. The above schedule was prepared using information from Lovell Stewart's books and records, including the Firm's expense records. These books and records are prepared from expense reports, receipts, check and bank records and other source materials.

12. Approximately 95.78% (\$81,600.00) of Lovell Stewart's total expenses included payments to various experts and consultants that were engaged to assist with the prosecution of this litigation. Another 4.15% (\$3,533.56) of Lovell Stewart's total expenses was spent in connection with discovery-related and computer research expenses in this Action, including Westlaw which related specifically to work performed in this Action. The two categories comprised over 99.93% of the Lovell Stewart expenses.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

Executed on October 5, 2023.

/s/ 