

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JAMES CONTANT, *et al.*,

*Plaintiffs,*

v.

BANK OF AMERICA  
CORPORATION, *et al.*,

*Defendants.*

No. 17-cv-3139-LGS

(related to No. 13-cv-7789-LGS)

**DECLARATION OF JOSEPH C. PEIFFER ON BEHALF OF PEIFFER WOLF CARR  
KANE & CONWAY, APLC, IN SUPPORT OF PLAINTIFFS' MOTION FOR AWARD  
OF ATTORNEYS' FEES, REIMBURSEMENT OF LITIGATION EXPENSES, AND  
SERVICE AWARDS FOR CLASS REPRESENTATIVES**

I, Joseph C. Peiffer, hereby declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true and correct to the best of my knowledge, information and belief:

1. I am the Managing Shareholder in the law firm of Peiffer Wolf Carr Kane & Conway, APLC. My firm serves as counsel for Plaintiffs in this matter.

2. I submit this declaration in support of Plaintiffs' Motion for Award of Attorneys' Fees, Reimbursement of Litigation Expenses, and Service Awards for Class Representatives regarding the services rendered, and costs and expenses incurred ("Fee Motion"), in *Contant, et al. v. Bank of America Corp., et al.*, Case No. 17-cv-3139-LGS (the "Action").

3. Peiffer Wolf Carr Kane & Conway has been litigating complex class action cases since 2013 and has used its experience to litigate this case efficiently and effectively. The firm's roster of nationally recognized lawyers have represented class and mass tort plaintiffs and defendants in a variety of litigation areas, including securities law, antitrust, financial fraud, Fair Labor Standards Act cases, ERISA class actions, WARN Act cases, disability rights matters, and human trafficking cases.

4. A copy of the firm resume of Peiffer Wolf Carr Kane & Conway, APLC is attached as Exhibit P to the Declaration of Michael Dell'Angelo in Support of Plaintiffs' Motion for Award of Attorneys' Fees, Reimbursement of Litigation Expenses, and Service Awards for Class Representatives.

5. The schedule below in this paragraph sets forth my firm's total hours and lodestar, computed at current rates, for the period from inception of the case investigation through and including September 11, 2020. Prior to submitting our time in support of Plaintiffs' Motion for Award of Attorneys' Fees, Reimbursement of Litigation Expenses, and Service Awards for

Class Representatives, to confirm that time was accurate, Peiffer Wolf Carr Kane & Conway reviewed each time entry to ensure that the amount of time spent on the work was reasonable; that the rates billed for the work were reasonable given both the nature of the work being done and the seniority level of the attorney or paralegal doing the work; that the amount of detail provided in support of the time entry was sufficient; and that the work being done was in furtherance of the Class's interests. The hourly rates for the attorneys and professional staff in my firm reflected in the chart below are the usual and customary rates currently charged by my firm in similar complex litigation matters. The total numbers of hours spent by my firm during this period was 443.20 hours with a corresponding lodestar (at current rates) of \$240,321.00. This schedule was prepared from contemporaneous daily time records prepared and maintained by my firm in the ordinary course of business:

<b>Name</b>	<b>Position</b>	<b>Hours</b>	<b>Rate</b>	<b>Lodestar</b>
Joseph C. Peiffer	Shareholder	38.70	\$900.00	\$34,830.00
Tracey B. Cowan	Partner	219.40	\$600.00	\$131,640.00
Matt Camm	Associate	144.30	\$450.00	\$64,935.00
Gavin Rush	Associate	5.20	\$400.00	\$2,080.00
Lydia Floyd	Of Counsel	.2	\$550.00	\$110.00
Tien Le	Paralegal	35.40	\$190.00	\$6,726.00
<b>Total</b>		<b>443.20</b>		<b>\$240,321.00</b>

6. A full print-out of Peiffer Wolf Carr Kane & Conway's time records relating to this matter is available upon the Court's request.

7. I actively participated and oversaw all aspects of my firm's involvement in this Action. I led the Peiffer Wolf Carr Kane & Conway team, which included among others, Tracey B. Cowan (partner) and Matt Camm (associate), each of whom had significant roles in litigating this Action and have substantial antitrust experience. In connection with representing the Plaintiffs in the Action, my firm did the following: engaged in case planning and overall strategy

from the inception of the case until settlement; communicated with Settlement Class Representatives regarding litigation strategy, discovery, and case updates; drafted the initial complaint and the subsequent amended and consolidated complaints; formulated written discovery; reviewed documents; drafted briefs, including drafting the memoranda in opposition to Defendants' motions to dismiss, in support of Plaintiffs' motions to amend, and discovery dispute briefs; prepared for relevant court hearings; taken part in fact witness; and formulated expert strategies, allegations for proposed amended complaints, and the settlement plan of allocation. The lodestar amount reflected in Paragraph 3 is for work performed by attorneys and professional staff at or affiliated with my firm for the benefit of the Class.

8. Peiffer Wolf Carr Kane & Conway, APLC has advanced the costs of litigation in this matter, both with respect to its own costs as well as payment of assessments to a common fund to which all Plaintiffs' counsel in the Class case were asked to contribute. Peiffer Wolf Carr Kane & Conway, APLC records its expenses by case in its computer system contemporaneously as such expenses are paid or reported. My firm has expended a total of \$75,896.74 in unreimbursed costs and expenses in connection with the prosecution of the Action from inception of the case through and including September 11, 2020. These costs are set forth in this paragraph and are reflected on the books and records of my firm. They were incurred on behalf of Plaintiffs by my firm and have not been reimbursed:

<b>Category</b>	<b>Amount</b>
Litigation Fund	\$57,500.00
Computer Research	\$286.97
Professional Fees: Process servers, records subpoenas, etc.	\$17,418.53
Postage/Express Delivery/Messenger	\$382.94
Travel: Air Transportation, Ground Travel, Meals, Lodging, etc.	\$27.30
Court Fees	\$281.00
<b>Total</b>	<b>\$75,896.74</b>

9. My firm has expended and will continue to expend many additional hours—which are not included in the lodestar cross-check calculations set forth above—in connection with the Settlement administration process, responding to Class member inquiries, working to secure final approval of the Settlement, preparing for the final approval hearing scheduled for November 19, 2020, and dealing with logistical matters involving Settlement administration.

10. Peiffer Wolf Carr Kane & Conway, APLC has represented the Settlement Classes on a contingent fee basis. Peiffer Wolf Carr Kane & Conway to date has not received any fees.

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

Executed on September 18, 2020, in New Orleans, LA.

/s/ Joseph C. Peiffer

Joseph C. Peiffer

**PEIFFER WOLF CARR KANE & CONWAY,  
APLC**

1519 Robert C. Blakes Sr. Dr., 1<sup>st</sup> Floor

New Orleans, LA 70130

Tel: (504) 523-2434

Fax: (504) 608-1465

jpeiffer@peifferwolf.com