

negotiations and strategy, contributed on preparing the proposed settlement agreement and motion for preliminary approval and final approval.

5. I have extensive experience in the prosecution of class actions on behalf of consumers, particularly claims under the TCPA. As a result of my extensive experience litigating TCPA class claims, I am well-aware of the significant time and resources needed to litigate such actions, and my firm possesses the resources necessary to prosecute these actions successfully. My firm keeps contemporaneous time records, and the rates for our attorneys and personnel are commensurate with my experience and are commensurate with market rates in Boston for attorneys with similar levels of experience. My hourly rate and that of my former partner Anthony Paronich have been approved as reasonable by numerous federal courts in approving settlements.

6. I am a 1993 graduate of Harvard Law School. Following graduation from law school, I served as a law clerk to the Honorable Martin L.C. Feldman, United States District Judge in the Eastern District of Louisiana.

7. Following my clerkship, from 1994 to December 1996, I was an associate in the litigation department of Ropes & Gray in Boston, where I gained class action experience in the defense of a securities class action, *Schaeffer v. Timberland*, in the United States District Court in New Hampshire, and participated in many types of complex litigation.

8. From January 1997 to March 2000, I was an associate with Ellis & Rapacki, a three-lawyer Boston firm focused on the representation of consumers in class actions.

9. In March 2000, I co-founded the firm of Shlansky & Broderick, LLP, focusing my practice on complex litigation and the representation of consumers.

10. In 2003, I started my own law firm focusing exclusively on the litigation consumer class actions.

11. I am in good standing in every court to which I am admitted to practice.

12. My billable rate, which has been approved by multiple courts, is \$700.00 an hour. Mr. Paronich's rate was \$450 per hour. Mr. Paronich and I used these rates in calculating lodestar for attorneys' fee purposes in several other nationwide class actions. *See e.g., Mey v. Frontier Communications Corporation*, No. 3:13-cv-1191-MPS (D. Ct. June 9, 2017) (approving a \$11,000,000 settlement and attorney fee of one-third that amount based on my hourly rate of \$700 and \$450 for Mr. Paronich); *Heidarpour v. Central Payment Co.*, No. 16-cv-01215 (M.D. Ga. May 4, 2017) (approving a \$6,500,000 settlement and attorney fee of one-third that amount based on my hourly rate of \$700 for myself and \$450 for Mr. Paronich); *Mey v. Interstate National Dealer Services, Inc.*, No. 14-01846 (N.D. Ga June 8, 2016) (approving \$4,200,000 settlement and attorney fee of one-third that amount based on my hourly rate of \$700 and \$450 for Mr. Paronich); *Jay Clogg Realty Group, Inc. v. Burger King Corporation*, No. 13-cv-00662 (D. Md. April 15, 2015) (approving \$8,500,000 settlement and attorney fee of one-third that amount based on my hourly rate of \$700, plus \$425 for Mr. Paronich (who was then an associate); *Kensington Physical Therapy, Inc. v. Jackson Therapy Partners, LLC*, No. 11-02467 (D. Md. Feb. 12, 2015) (approving settlement of \$4,500,000 and attorney fee of one-third that amount based on my hourly rate of \$700 for myself, plus \$425 for Anthony Paronich, who was an associate at the time).

13. My practice is entirely based on contingent fees, and I am frequently required to invest significant resources in the form of time and out of pocket expenses with no guarantee of payment. The period of 2014-2015 was a particularly lean period for my law practice. I operated

my firm on a fully drawn line of credit of \$250,000 for the majority of that period as well as loans from family members and friends. For 2014 my firm had a loss of \$373,610. After repaying those personal loans, the line of credit was not finally paid off until December 9, 2015. The risk of taking on these cases is real, and there is a consequence to not getting paid as cases progress. Not all cases work out, and even those that do settle do not always yield a result that makes the risk worthwhile.

14. Answers to the Court's questions from the motion hearing specific to my firm on August 29, 2019 are set forth below:

15. **Question:** How many TCPA cases did Mr. Broderick file between 2014-2015?
Answer: Along with my former partner Anthony Paronich, I filed 43 TCPA class actions between 2014-2015.

16. **Question:** How many of those TCPA cases filed between 2014 and 2015 ended in summary judgment in favor of the defendant? **Answer:** One. In *Mey v. Honeywell*, 1:2014cv00059 (W.D.Va.), a TCPA class action suit was filed against manufacturers of home security equipment and plaintiff alleged the manufacturers were vicariously liable for the actions of authorized dealers who sold the equipment. The trial court disagreed finding vicarious liability did not extend to the manufacturers. An appeal was taken to the Fourth Circuit Court of Appeals and the decision of the trial court was affirmed.

17. **Question:** How many of those TCPA cases filed between 2014 and 2015 ended in a verdict against the plaintiff? **Answer:** None.

18. **Question:** How many of those TCPA cases filed between 2014 and 2015 went to trial? **Answer:** One. In a five-day jury trial in North Carolina, a verdict was rendered in favor of the plaintiff class of approximately \$20,000,000. This amount was then trebled by the Court

based on a finding of willfulness. The defendant then appealed to the Fourth Circuit who affirmed the verdict and the decision of the Court to treble the award. Defendant has indicated that it will file a Petition for Writ of Certiorari and has received an extension for filing until October 15, 2019. In addition, in *Fitzhenry v. The ADT Corporation f/k/a ADT Security Services, Inc. et al*, 9:2014cv80180, SDFL, class certification was denied.

19. **Question:** How many of those TCPA cases filed between 2014 and 2015 ended in a settlement? **Answer:** Twelve of the cases filed in 2014-2015 resulted in class settlements.

20. **Question:** How many of those TCPA cases filed between 2014 and 2015 have pending motions to approve settlements? **Answer:** In addition to this case, there is one other case that was filed between 2014 and 2015 in which a motion to approve settlement is currently pending.

21. **Question:** How many hours did Mr. Broderick and Mr. Paronich spend working on this case?" **Answer:** I spent 188.20 hours working on this case since it was initially filed in October of 2015 and Mr. Paronich spent 224.6 hours.

22. **Question:** What proof do you have regarding the expenses that were incurred in the litigation? **Answer:** All of my expenses were paid either via my professional credit card or from my business checking account. I have my credit card statements and bank statements for these expenses. An itemized listing of those expenses is set forth below:

10/14/2015	Publishing Fee for PHV for AP	\$50.00
8/8/2018	PHV fee for Broderick	\$150.00
9/28/2018	Retainer fee for Wireless Research Services, LLC expert retainer for Randy Synder	\$4,000.00
9/29/2018	Delivery Cost retainer agreement and check to Randy Snyder	\$32.73
11/30/2018	Roundtrip Flights on JetBlue Boston to Atlanta for Broderick & McCue for Mediation	\$580.80
3/25/2019	Expert fee for Hansen Legal Technologies data analysis Check # 2081	\$24,600.00
	Total litigation expenses	\$29,413.53

PURSUANT TO 28 U.S.C. § 1746, I DECLARE SIGNED UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT. EXECUTED THIS 19th DAY OF SEPTEMBER, 2019 IN THE COMMONWEALTH OF MASSACHUSETTS.

Edward A. Broderick