

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

MAGDALYNE HILLIARD, *et al.*

Plaintiffs,

v.

DOMINION DENTAL USA, INC., *et al.*,

Defendants.

Civil Action No. 1:19-cv-01050-LMB-MSN

**DECLARATION OF BARRETT J. VAHLE IN SUPPORT OF UNOPPOSED MOTION  
FOR ATTORNEYS' FEES, COSTS, EXPENSES,  
AND FOR PLAINTIFF SERVICE AWARDS**

I, Barrett J. Vahle, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

1. I am a partner at the law firm of Stueve Siegel Hanson LLP. I am one of the attorneys personally involved in the litigation of this matter and served as court-appointed Interim Lead Plaintiffs' Counsel and Settlement Class Counsel in this case. I submit this declaration in support of Plaintiffs' Unopposed Motion for an Award of Attorneys' Fees, Costs, Expenses, and for Plaintiff Service Awards.

2. I am competent to testify to the facts stated in this declaration and would do so if called.

3. The work performed and the results obtained for the class by Plaintiffs' counsel, and detailed information about hours worked and expenses for all firms, is set forth in the declaration of Kim D. Stephens. This declaration provides additional information regarding my firm's work in the case, our regular hourly rates that have been approved by many courts, and our lodestar and expenses incurred.

4. Stueve Siegel Hanson, Tousley Brain Stephens, and the other firms representing Plaintiffs in this matter, vigorously and zealously represented the interests of the proposed class from the inception of this litigation to the present. Plaintiffs' counsel researched, prepared, and filed a consolidated class action complaint; litigated two contemporaneously filed motions to dismiss; litigated two motions to compel discovery from Defendants; reviewed hundreds of documents; responded to discovery on behalf of plaintiffs; and fully briefed an appeal to the Fourth Circuit Court of Appeals. The proposed Settlement is the result of Plaintiffs' significant litigation efforts over nearly two years of hard-fought litigation.

5. I believe that the proposed settlement provides extraordinary benefit to the class. By settling now, the class can take advantage of remedies that, as a practical matter, would not be available or would potentially be worth less if the case had to be litigated through trial to a final judgment. Stueve Siegel Hanson is very proud of this settlement and I recommend its approval to the Court and the class.

6. As Co-Lead Counsel Stueve Siegel Hanson and Tousley Brain Stephens undertook the following tasks in this litigation: act as co-lead counsel; participate in many telephone calls with co-counsel and opposing counsel; fact investigation; legal research and writing; draft, review, and revise of draft briefs to this Court and the Fourth Circuit; respond to discovery requests; review document productions; work with expert; prepare for and provide oral argument to the Court; review, edit and comment on monthly time and expense reports; negotiate with defense counsel regarding discovery and case settlement; work with co-counsel on development of case plan and strategy; participate in mediation; and coordinate and assign tasks to co-counsel. These tasks are typical in litigation and were necessary to the successful prosecution and resolution of the claims.

7. Almost all work undertaken by my firm was efficiently performed by five timekeepers. With the assistance of our associate Jillian Dent, I worked with Tousley Brain Stephens on all aspects of the active litigation, from pleadings to discovery and motions practice to appeal. I committed significant time to overall case management and ultimately to settlement negotiation, documentation, and the approval process. My partner Lindsay Todd Perkins was primarily responsible for Rule 12(b)(1) briefing and appellate briefing. Our associate Tanner Edwards was responsible for review and analysis of documents produced by Defendants for use in further written discovery and depositions. Finally, our E-Discovery Counsel, Stephanie Walters, managed document discovery and review of ESI from both Plaintiffs and Defendants in our Relativity platform.

8. The current billing rates of my firm, Tousley Brain Stephens, and other Plaintiffs' counsel reflect the market rate for attorneys with similar skill, knowledge, and experience litigating nationwide class actions. The hourly rates are the same as the usual and customary hourly rates charged for services in other actions by my firm, including in paying hourly matters. My firm's rates have regularly been approved by other courts. *See, e.g., In re Equifax Inc. Customer Data Security Breach Litig.*, 2020 WL 256132, at \*39 (N.D. Ga. March 17, 2020) (approving as reasonable our 2019 rates up to \$935 and co-counsel's rates up to \$1,050), *aff'd in relevant part*, 999 F.3d 1247 (11th Cir. 2021); *Yellowdog Partners, LP v. CURO Group Holdings Corp.*, No. 18-cv-2662-JWL-KGG, ECF No. 99-14 at 2 (D. Kan. Nov. 13, 2020) (Stueve Siegel 2020 rates, including \$845 for my peer-partner Rachel Schwartz); *id.*, ECF No. 107 (D. Kan. Dec. 18, 2020) (approving the motion for attorneys' fees); *In re Syngenta AG MIR162 Corn Litig.*, No. 14-md-2591-JWL-JPO, ECF No. 3587-5 (D. Kan. July 10, 2018) (analysis of submitted rates of counsel in the MDL, including rates from Stueve Siegel, and

finding that hourly rates submitted in 2017 ranging up to \$985 per hour for a partner were reasonable and commensurate with market rates in Kansas City for complex litigation); *Criddell v. Premier Healthcare Services, LLC*, No. 16-cv-05842-R-KS (C.D. Cal. Jan. 16, 2018) (Dkt. No. 64) (approving hourly partner rate of \$825); *Larson v. John Hancock Life Ins. Co. (U.S.A.)*, No. RG16813803 (Cal. Sup. Ct. Alameda Cnty May 8, 2018) (approving rates as high as \$895 for partners and \$550 for associates); *Spangler v. Nat'l Coll. of Tech. Instruction*, No. 14-cv-03005-DMS (RBB), 2018 WL 846930, at \*2 (S.D. Cal. Jan. 5, 2018) (approving 2016 rates of \$795 to \$825 per hour for partners and \$315 to \$525 per hour for associates).

9. The table below summarizes the time spent by the partners, associates and other professional support staff of at my firm using regular, current billing rates from inception of the case through August 31, 2021. This table was prepared from contemporaneous, daily time records prepared and maintained by my firm pursuant to the billing guidelines established by Co-Lead Counsel.

**Stueve Siegel Hanson LLP Hours and Lodestar**

Name	Title*	Hourly Rate	Total Hours	Total Lodestar
Katrina Cervantes	PL	\$275.00	2.40	\$660.00
Jillian Dent	A	\$595.00	186.70	\$111,086.50
Tanner Edwards	A	\$475.00	142.60	\$67,735.00
Mary Rose Marquart	PL	\$315.00	20.90	\$6,583.50
Ross Merrill	A	\$525.00	11.00	\$5,775.00
Austin Moore	P	\$745.00	40.40	\$30,098.00
Cheri Perez	PL	\$275.00	4.20	\$1,155.00

Lindsay Perkins	P	\$745.00	156.00	\$116,220.00
Norman Siegel	P	\$1025.00	17.50	\$17,937.50
Barrett Vahle	P	\$875.00	463.20	\$405,300.00
Stephanie Walters	A	\$725.00	94.00	\$68,150.00
Sheri Williams	PL	\$250.00	22.70	\$5,675.00
TOTAL			1,161.60	\$836,375.50

*Title Key:
Partner (P)
Of Counsel (OC)
Associate (A)
Law Clerk (LC)
Paralegal (PL)
Contract/Staff Attorney (CA)

10. The table below summarizes the requested expenses that Stueve Siegel Hanson reasonably and necessarily incurred to prosecute this litigation. These are the type of standard expenses we typically incur and bill in both contingency and hourly cases.

**Stueve Siegel Hanson LLP Expenses**

Category	Expense Amount
Air Travel	\$3,062.07
Electronic Research	\$23,236.43
ESI and Document Review Platform	\$191.95
Federal Express/Local Courier	\$443.37

Ground Transportation	\$750.90
Hotels	\$1,738.93
Meals	\$456.64
Mileage	\$62.68
Miscellaneous	\$1,597.84
Pacer/Bloomberg	\$36.30
Witness and Expert Expenses	\$10,000.00
TOTAL	\$41,577.11

11. As stated in the declaration of Kim D. Stephens, significant additional work will be required before this litigation is complete. None of this work is reflected in the current lodestar figures listed above and Plaintiffs' counsel will not seek additional fees for this work or any additional expenses.

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

DATED this 10<sup>th</sup> day of September 2021 in Lee's Summit, Missouri.



Barrett J. Vahle  
Settlement Class Counsel