

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

ANDREW CORZO, SIA HENRY,
ALEXANDER LEO-GUERRA, MICHAEL
MAERLENDER, BRANDON PIYEVSKY,
BENJAMIN SHUMATE, BRITTANY
TATIANA WEAVER, and CAMERON
WILLIAMS, individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

BROWN UNIVERSITY, CALIFORNIA
INSTITUTE OF TECHNOLOGY,
UNIVERSITY OF CHICAGO, THE TRUSTEES
OF COLUMBIA UNIVERSITY IN THE CITY
OF NEW YORK, CORNELL UNIVERSITY,
TRUSTEES OF DARTMOUTH COLLEGE,
DUKE UNIVERSITY, EMORY UNIVERSITY,
GEORGETOWN UNIVERSITY, THE JOHNS
HOPKINS UNIVERSITY, MASSACHUSETTS
INSTITUTE OF TECHNOLOGY,
NORTHWESTERN UNIVERSITY,
UNIVERSITY OF NOTRE DAME DU LAC,
THE TRUSTEES OF THE UNIVERSITY OF
PENNSYLVANIA, WILLIAM MARSH RICE
UNIVERSITY, VANDERBILT UNIVERSITY,
and YALE UNIVERSITY,

Defendants.

Case No. 1:22-cv-00125

Hon. Matthew F. Kennelly

**MOTION AND MEMORANDUM OF LAW IN SUPPORT OF SETTLEMENT CLASS
COUNSEL'S MOTION FOR SERVICE AWARDS FOR THE CLASS
REPRESENTATIVES, REIMBURSEMENT OF EXPENSES, AND ATTORNEYS' FEES
FOR THE FOURTH TRANCHE SETTLEMENTS WITH DEFENDANTS THE JOHNS
HOPKINS UNIVERSITY AND CALIFORNIA INSTITUTE OF TECHNOLOGY**

TABLE OF CONTENTS

TABLE OF AUTHORITIES iii

I. INTRODUCTION 1

II. SUMMARY OF SETTLEMENT CLASS COUNSEL’S LITIGATION EFFORTS 7

 A. Case Investigation Through Fact Discovery Summary 8

 B. Expert Discovery 9

 C. Joint Status Reports and Discovery Motion Practice..... 9

 D. Class Certification and *Daubert* Briefing 10

 E. The First Three Tranche Settlements 10

 F. The Fourth Tranche Settlements 11

 G. Total Time and Expenses..... 12

III. SERVICE AWARDS FOR THE CLASS REPRESENTATIVES ARE APPROPRIATE AND REASONABLE..... 13

IV. SETTLEMENT CLASS COUNSEL’S COSTS AND EXPENSES ARE REASONABLE AND NECESSARY 15

V. SETTLEMENT CLASS COUNSEL’S REQUESTED ATTORNEYS’ FEES ARE REASONABLE AND SUPPORTED BY PRIOR FEE AWARDS..... 16

 A. Seventh Circuit Standard for Reasonable Attorneys’ Fees..... 16

 B. Benchmarks Provided by Similar Cases Support Settlement Class Counsel’s Fee Request as an Appropriate Market Rate..... 18

 C. One-Third of the Settlement Fund Is Fair and Reasonable Given the Remarkable Recovery for the Class in a Case with Extraordinary Risk, Complexity, and Difficulty 20

 1. Risk of Nonpayment 21

 2. The Quality of Performance..... 22

 3. Settlement Class Counsel Devoted Extensive Time and Work to Successfully Prosecute This Action..... 23

4.	The Stakes in the Case	25
VI.	CONCLUSION.....	25

TABLE OF AUTHORITIES

Cases	Page(s)
<i>Boeing v. Van Gemert</i> , 444 U.S. 472 (1980).....	16
<i>Briggs v. PNC Fin. Servs. Grp., Inc.</i> , 2016 WL 7018566 (N.D. Ill. Nov. 29, 2016)	15
<i>Chesemore v. All. Holdings, Inc.</i> , 2014 WL 4415919 (W.D. Wis. Sept. 5, 2014), <i>aff’d sub nom. Chesemore v. Fenkell</i> , 829 F.3d 803 (7th Cir. 2016)	15
<i>Cimarron Pipeline Constr., Inc. v. Nat’l Council on Comp. Ins.</i> , 1993 WL 355466 (W.D. Okla. June 8, 1993).....	19
<i>City of Greenville v. Syngenta Crop Prot., Inc.</i> , 904 F. Supp. 2d 902 (S.D. Ill. 2012).....	16
<i>Cook v. Niedert</i> , 142 F.3d 1004 (7th Cir. 1998)	13, 14, 23, 25
<i>Durant v. Traditional Invs., Ltd.</i> , 1992 WL 203870 (S.D.N.Y. Aug.12, 1992).....	19
<i>Florin v. Nationsbank of Ga., N.A.</i> , 34 F.3d 560 (7th Cir. 1994)	17
<i>Flournoy v. Honeywell Int’l, Inc.</i> , 2007 WL 1087279 (S.D. Ga. Apr. 6, 2007).....	19
<i>Gaskill v. Gordon</i> , 160 F.3d 361 (7th Cir. 1998)	17
<i>Harman v. Lyphomed, Inc.</i> , 945 F.2d 969 (7th Cir. 1991)	6
<i>In re Advocate Aurora Health Pixel Litig.</i> , 740 F. Supp. 3d 736 (E.D. Wis. 2024).....	25
<i>In re Air Cargo Shipping Servs. Antitrust Litig.</i> , 2015 WL 5918273 (E.D.N.Y. Oct. 9, 2015).....	23
<i>In re Blue Cross Blue Shield Antitrust Litig.</i> , 2022 WL 4587618 (N.D. Ala. Aug. 9, 2022)	5

In re Broiler Chicken Antitrust Litig.,
80 F.4th 797 (7th Cir. 2023) 6, 18, 20

In re Broiler Chicken Antitrust Litig.,
2021 WL 5709250 (N.D. Ill. Dec. 1, 2021)..... passim

In re Broiler Chicken Antitrust Litig.,
2022 WL 6124787 (N.D. Ill. Oct. 7, 2022)..... 6

In re Broiler Chicken Antitrust Litig.,
2024 WL 3292794 (N.D. Ill. July 3, 2024)..... 6

In re Cap. One Tel. Consumer Prot. Act Litig.,
80 F. Supp. 3d 781 (N.D. Ill. 2015) 17, 18, 21

In re Dairy Farmers of Am., Inc.,
80 F. Supp. 3d 838 (N.D. Ill. 2015) passim

In re DDAVP Direct Purchaser Antitrust Litig.,
2011 WL 12627961 (S.D.N.Y. Nov. 28, 2011)..... 20

In re Flonase Antitrust Litig.,
951 F. Supp. 2d 739 (E.D. Pa. 2013) 20, 23

In re High-Tech Emp. Antitrust Litig.,
2015 WL 5159441 (N.D. Cal. Sept. 2, 2015) 5

In re Linerboard Antitrust Litig.,
2004 WL 1221350 (E.D. Pa. June 2, 2004)
amended, 2004 WL 1240775 (E.D. Pa. June 4, 2004)..... 23

In re Lithotripsy Antitrust Litig.,
2000 WL 765086 (N.D. Ill. June 12, 2000)..... 19

In re Motorsports Merch. Antitrust Litig.,
112 F. Supp. 2d 1329 (N.D. Ga. 2000)..... 23

In re NCAA Student-Athlete Concussion Inj. Litig.,
332 F.R.D. 202 (N.D. Ill. 2019), *aff'd sub nom. Walker v. NCAA*,
2019 WL 8058082 (7th Cir. Oct. 25, 2019)..... 25

In re Orthopedic Bone Screws Prods. Liab. Litig.,
2000 WL 1622741 (E.D. Pa. Oct. 23, 2000)..... 20

In re Remeron Direct Purchaser Antitrust Litig.,
2005 WL 3008808 (D.N.J. Nov. 9, 2005) 19, 20

In re Se. Milk Antitrust Litig.,
2013 WL 2155387 (E.D. Tenn. May 17, 2013)..... 20

In re Suboxone (Buprenorphine Hydrochloride & Naloxone) Antitrust Litig.,
2024 WL 815503 (E.D. Pa. Feb. 27, 2024) 5

In re Synthroid Mktg. Litig.,
264 F.3d 712 (7th Cir. 2001) passim

In re TikTok, Inc., Consumer Priv. Litig.,
617 F. Supp. 3d 904 (N.D. Ill. 2022), *appeal dismissed sub nom. In re TikTok Inc.,
Consumer Priv. Litig.*, 2022 WL 19079999 (7th Cir. Oct. 12, 2022)..... 7, 19, 25

In re Titanium Dioxide Antitrust Litig.,
2013 WL 6577029 (D. Md. Dec. 13, 2013)..... 20

Kirchoff v. Flynn,
786 F.2d 320 (7th Cir. 1986) 18

Kolinek v. Walgreen Co.,
311 F.R.D. 483 (N.D. Ill. 2015)..... 19

Macovski v. Groupon, Inc.,
2022 WL 17256417 (N.D. Ill. Oct. 28, 2022)..... 19

Martin v. Lexington Health Care Ctr. of Chicago Ridge, Inc.,
2015 WL 14073005 (N.D. Ill. Mar. 5, 2015)..... 15

Meijer, Inc. v. 3M,
2006 WL 2382718 (E.D. Pa. Aug. 14, 2006) 5

Montague v. Dixie Nat. Life Ins. Co.,
2011 WL 3626541 (D.S.C. Aug. 17, 2011)..... 19

Montgomery v. Aetna Plywood, Inc.,
231 F.3d 399 (7th Cir. 2000) 17

Retsky Family Ltd. P’ship v. Price Waterhouse LLP,
2001 WL 1568856 (N.D. Ill. Dec. 10, 2001)..... 19

Schulte v. Fifth Third Bank,
805 F. Supp. 2d 560 (N.D. Ill. 2011) 15, 24

Silverman v. Motorola Sols., Inc.,
739 F.3d 956 (7th Cir. 2013) 22

Standard Iron Works v. Arcelormittal,
2014 WL 11350176 (N.D. Ill. Oct. 23, 2014)..... 16

<i>Standard Iron Works v. ArcelorMittal</i> , 2014 WL 7781572 (N.D. Ill. Oct. 22, 2014).....	25
<i>Sutton v. Bernard</i> , 504 F.3d 688 (7th Cir. 2007)	22
<i>Taubenfield v. AON Corp.</i> , 415 F.3d 597 (7th Cir. 2005)	18, 22
<i>Tawfilis v. Allergan</i> , 2018 WL 4849716 (C.D. Cal. Aug. 27, 2018).....	5
<i>Temp. Servs., Inc. v. Am. Int’l Grp., Inc.</i> , 2012 WL 4061537 (D.S.C. Sept. 14, 2012).....	19
<i>Williams v. Rohm & Haas Pension Plan</i> , 658 F.3d 629 (7th Cir. 2011)	17, 22, 23
<i>Young v. Cnty. of Cook</i> , 2017 WL 4164238 (N.D. Ill. Sept. 20, 2017)	19, 24
Rule	
Fed. R. Civ. P. 23(h)	15, 16
Other Authorities	
Brian T. Fitzpatrick, <i>A Fiduciary Judge’s Guide to Awarding Fees In Class Actions</i> , 89 FORDHAM L. REV. 1151 (2021).....	17
<i>Newberg on Class Actions</i> § 14.6 (4th ed. 2009).....	25

The law firms of Freedman Normand Friedland LLP, Gilbert Litigators & Counselors, P.C., and Berger Montague PC (collectively, “Settlement Class Counsel”), representing Plaintiffs (or “Class Representatives”) and the Settlement Class, respectfully submit this Motion for Service Awards for the Class Representatives, Reimbursement of Expenses, and Attorneys’ Fees Relating to the Fourth Tranche Settlements with Defendants The Johns Hopkins University and California Institute of Technology with the following Memorandum of Law in Support. The Joint Declaration of Edward Normand, Robert D. Gilbert, and Eric L. Cramer (the “Mar. 2025 Joint Decl.”) accompanies the Memorandum.

I. INTRODUCTION

Settlement Class Counsel continue to prosecute this complex antitrust class action, which began more than three years ago against seventeen sophisticated, determined, and well-resourced Defendants.¹ Settlement Class Counsel initiated this case without the benefit of a governmental investigation or enforcement action.² Through their vigorous and dogged pursuit of the Plaintiffs’ claims, Settlement Class Counsel have achieved tangible results for a large class of current and former students of 17 elite universities alleged to have colluded to artificially depress financial aid and artificially inflate net prices. On July 20, 2024, the Court granted final approval to settlements with ten Defendants (reached in three tranches). *See* Final Approval Order, ECF

¹ Defendants, referred to hereinafter in common shorthand, are Brown University (“Brown”), California Institute of Technology (“Caltech”), University of Chicago (“Chicago”), The Trustees of Columbia University in the City of New York (“Columbia”), Cornell University (“Cornell”), Trustees of Dartmouth College (“Dartmouth”), Duke University (“Duke”), Emory University (“Emory”), Georgetown University (“Georgetown”), The Johns Hopkins University (“Johns Hopkins”), Massachusetts Institute of Technology (“MIT”), Northwestern University (“Northwestern”), University of Notre Dame (“Notre Dame”), The Trustees of the University of Pennsylvania (“Penn”), William Marsh Rice University (“Rice”), Vanderbilt University (“Vanderbilt”), and Yale University (“Yale”).

² After Defendants moved to dismiss, the U.S. Department of Justice and the State of New York sided with the Plaintiffs, with the DOJ filing a statement of interest supporting Plaintiffs on key issues and presenting oral argument on them. ECF Nos. 171, 172, 179.

No. 726 (approving “First Three Tranche Settlements”).³ Since the First Three Tranche Settlements, Settlement Class Counsel’s litigation efforts have continued through the completion of fact discovery; a lengthy period of expert discovery; and briefing of class certification and *Daubert* motions.

During this period of intense litigation, Settlement Class Counsel continued to pursue settlement opportunities. Over a period of several months of extensive arm’s length discussions, which involved the offices of mediator Hon. Layn Phillips (ret.), Plaintiffs reached settlements with Defendants Caltech and Johns Hopkins (these settling Defendants, collectively, the “Fourth Tranche Settling Universities” or “Fourth Tranche Settling Defendants,” and these settlements, the “Fourth Tranche Settlements” as set forth in the “Fourth Tranche Settlement Agreements”). The Fourth Tranche Settlement Agreements are attached as Exhibits A & B to the Settlement Class Counsel’s joint declaration filed in support of preliminary approval. ECF No. 776-2, dated January 17, 2025.

Pursuant to the Fourth Tranche Settlement Agreements, Caltech has agreed to pay \$16,750,000 in cash and Johns Hopkins has agreed to pay \$18,500,000 in cash. Collectively, the Fourth Tranche Settlements amount to \$35,250,000.⁴ When combined with the \$284 million from the prior ten settlements, the twelve settlements will have collectively achieved to date \$319,250,000 in aggregate cash payments. The Fourth Tranche Settlements, both in absolute terms and when considered in the aggregate with the prior settlements, are an outstanding result. These settlements look especially favorable given that litigation continues against the five

³ The prior ten settling Defendants are Chicago, Brown, Columbia, Duke, Emory, Yale, Dartmouth, Northwestern, Rice, and Vanderbilt.

⁴ In addition, Johns Hopkins agreed to provide certain additional discovery to assist Settlement Class Counsel in further prosecution of the case. Mar. 2025 Joint Decl. ¶ 27.

remaining non-settling Defendants,⁵ each of which is jointly and severally liable for treble damages (minus the cash value of any settlements).

The Fourth Tranche Settlements resulted from Settlement Class Counsel's determined efforts at every stage of this litigation. This case has garnered significant national attention, and more than 75,000 members of the Settlement Class have submitted timely claims. If Settlement Class Counsel had not secured these settlements, the Settlement Class risked delay and loss at trial or on appeal.

As this Court has observed, antitrust litigation is complex and requires the involvement of economic and industry experts in connection with proving liability and damages and demonstrating that class certification is appropriate. *See, e.g.*, Feb. 8, 2023 Hrg. Tr., 20:19-21:2; Nov. 28, 2023 Hrg. Tr. 11:15-18, 20:11-17. And this lawsuit is especially complex, given: the number of defendants, including some asserting unique defenses; that a cadre of the best law firms in the country represent them; that the lawsuit includes a proposed Class Period of almost twenty years and a proposed Class of approximately 200,000 individuals; that discovery has involved a voluminous amount of complicated structured data; that there were multiple third parties with relevant information; and that the claims involve a careful analysis of the complexity inherent to higher education with its multiplicity of organizations, and other issues. Moreover, Settlement Class Counsel undertook the risks inherent to this complex case on contingency, knowing it could take years to prosecute and millions of dollars and tens of thousands of attorney hours to properly resource—with no guarantee of any return for those material investments. Moreover, Settlement Class Counsel continue to pour substantial resources into this matter as the case continues against the five remaining Defendants.

⁵ The five non-settling Defendants are Cornell, Georgetown, MIT, Notre Dame, and Penn.

Over the course of over three years, from case investigation through November 30, 2024, Settlement Class Counsel has expended 127,557.6 hours of professional time, amounting to a collective lodestar of \$95,540,837.50 based on historical rates,⁶ and incurred over \$2,441,739.12 in additional unreimbursed out-of-pocket expenses and outstanding invoices. Mar. 2025 Joint Decl. ¶¶ 48-51. Settlement Class Counsel respectfully seek (a) service awards of \$2,500 for each of the eight Class Representative (totaling \$20,000), as compensation for their continued efforts; (b) reimbursement of their necessary and reasonable (and as of yet unreimbursed) litigation expenses of \$2,441,739.12; and (c) attorneys' fees of one-third of the Fourth Tranche Settlement amount, *i.e.*, 1/3 of \$35.25 million, or \$11.75 million (plus the interest accrued on the sought fee). ECF Nos. 776-1 at 16-18 (preliminary approval brief) & 776-8 at 17 (notice).⁷

As discussed in Section V.C.3 *infra*, the requested attorneys' fees would result in a modest lodestar multiplier of just over 1.1 or lower, depending on what time period is used to analyze the lodestar. This result would be less than the 1.35 multiplier the Court previously approved (Final Approval Order ¶ 27), and it would be well below multipliers awarded in comparable antitrust and other class actions in this and other Circuits. Settlement Class Counsel respectfully submit that these requests are justified for several reasons.

First, the Fourth Tranche Settlements are meaningful and important additional recoveries that benefit the Settlement Class. While the Fourth Tranche Settlements are smaller than most of the prior ten settlements (which ranged in amount from \$13.5 million to \$55 million per Settling

⁶ Settlement Class Counsel are conservatively using historical market rates, instead of current rates, to compute their lodestar. Historical rates reflect that rates on the books and records of each firm during the period the professional hours were billed, instead of billing all time at current market rates.

⁷ The notice to the Settlement Class explained that "Settlement Class Counsel will move for an award of attorneys' fees from the Caltech and Johns Hopkins settlements not to exceed 1/3 of the Settlement Fund (*i.e.*, 1/3 of \$35.25 million, or \$11.75 million), plus any accrued interest, reimbursement of litigation costs and expenses not to exceed \$2.75 million, and service awards of up to \$2,500 for each of the eight Settlement Class Representatives to be paid out of the Settlement Fund." *Id.* ¶ 23.

Defendant, with an average settlement value of \$28.4 million), they reflect distinct differences pertaining to Johns Hopkins and Caltech. *See* Mar. 2025 Joint Decl. ¶ 26. Caltech is by far the smallest of all the Defendants, and both Johns Hopkins and Caltech had the shortest tenures in the 568 Group of any of the Defendants. *See id.* These two additional Settlements total \$35,250,000 and, if approved, would bring the aggregate cash settlements to date to \$319,250,000 (when combined with the \$284,000,000 from the prior settlements).

Plaintiffs' economic expert computed damages (before trebling) to the proposed litigation class amounting to \$685 million. *See* Pls. Mot. for Class Cert., ECF No. 757, at 3. Altogether, the twelve settlements represent a recovery of approximately 47% of single damages, of which, the Fourth Tranche Settlements alone account for over 5% of damages.⁸ *See id.* ¶ 5. Litigation continues against the remaining five non-settling Defendants, who remain jointly and severally for all of the damages. *See id.* Settlement Class Counsel have reasonably concluded that the proposed cash settlements for the Fourth Tranche Settlements—indeed, for all Settlements to date (both individually and collectively)—are in the best interests of the Settlement Class. If finally approved, the Settlements would assure the Settlement Class of an additional significant cash recovery without materially diminishing the joint and several liability of the five remaining non-settling Defendants.

⁸ Indeed, courts routinely approve antitrust class action settlements resolving entire cases for a much lower recovery share. *See, e.g., In re Suboxone (Buprenorphine Hydrochloride & Naloxone) Antitrust Litig.*, 2024 WL 815503, at *9 (E.D. Pa. Feb. 27, 2024) (approving antitrust settlement for 12% to 14% of estimated single damages that resolved the entire case); *In re Blue Cross Blue Shield Antitrust Litig.*, 2022 WL 4587618, at *2, *20 (N.D. Ala. Aug. 9, 2022) (approving antitrust settlement for 7.3% to 14.3% of estimated single damages that resolved entire case); *Tawfilis v. Allergan*, 2018 WL 4849716, at *4 (C.D. Cal. Aug. 27, 2018) (approving antitrust settlement for approximately 8.36% of overcharge damages that resolved entire case); *In re High-Tech Emp. Antitrust Litig.*, 2015 WL 5159441, at *2-*4 (N.D. Cal. Sept. 2, 2015) (approving antitrust class action settlement representing 14% of single damages that resolved entire case); *Meijer, Inc. v. 3M*, 2006 WL 2382718, at *16 (E.D. Pa. Aug. 14, 2006) (approving antitrust settlement for approximately 2% of single damages that resolved entire case).

Second, the requested attorneys’ fee is a reasonable market rate for Settlement Class Counsel’s services had they been negotiated *ex ante*. The benchmarks employed in the Seventh Circuit to gauge reasonable market rates are existing or prior contracts between the parties, data from similar common fund cases, and class counsel auctions—and these benchmarks all support a contingency fee of one-third. This sought fee is within the ordinary range of contingency fee arrangements actually negotiated *ex ante* between parties in complex antitrust actions. Indeed, as one court recently observed: “The fact that fee awards in antitrust cases in this circuit are almost always one-third is a strong indication that this should be considered the ‘market rate.’” *In re Broiler Chicken Antitrust Litig.*, 2021 WL 5709250, at *4 (N.D. Ill. Dec. 1, 2021) (direct purchaser plaintiffs’ (“DPP”) case); *see also In re Broiler Chicken Antitrust Litig.*, 2024 WL 3292794, at *1 (N.D. Ill. July 3, 2024) (noting nearly half of all awards in district court’s study of antitrust class action fee opinions were for one-third) (on remand in the end purchasers plaintiffs (“EPP”) case).⁹ Moreover, as noted above, using a lodestar cross-check in this matter confirms the propriety of the sought fee. *See Harman v. Lyphomed, Inc.*, 945 F.2d 969, 976 (7th Cir. 1991) (multipliers between 1 and 4 have been approved); *see also* Section V.C.3 *infra*.

Third, the risks and complexities of this case, coupled with Settlement Class Counsel’s caliber of performance and quality of work, warrant the requested fee. This case was (and is)

⁹ The Seventh Circuit vacated the initial fee award granted by the District Court in the EPP case. *See Broiler Chicken*, 80 F.4th 797 (7th Cir. 2023) (vacating and remanding award issued in *Broiler Chicken*, 2022 WL 6124787 (N.D. Ill. Oct. 7, 2022)). The Seventh Circuit’s decision does not warrant any downward adjustment from the requested one-third fee award here (and, in fact, supports the requested award) for the reasons discussed in detail in Settlement Class Counsel’s Notice of Supplemental Authority and Supplemental Memorandum of Law Supporting Their Motion for Service Awards, Reimbursement of Expenses, and Attorneys’ Fees in Light of Recent Authority, ECF No. 721 (July 9, 2024), which Settlement Class Counsel incorporate herein. For clarity, the litigation in *Broiler Chicken* involved three groups of plaintiffs: DPPs, EPPs, and indirect purchaser plaintiffs. *See* 80 F.4th at 800 & n.1. Settlements were reached in two of the cases, the DPP and EPP cases, but the Seventh Circuit only reviewed and vacated the 2022 fee award in the EPP case and not the 2021 fee award in the DPP case.

particularly complicated, even among traditionally complicated antitrust cases, because of the inability to benefit from a pre-existing investigation or litigation by the government, and the existence of a statute purportedly providing immunity to the Defendants. The case has been hard fought at every stage against very well-resourced Defendants.

Fourth, the reaction of the Settlement Class has been overwhelmingly in favor of the settlements to date. Of the approximately 200,000 Settlement Class members, only one lodged an objection, which focused only on an aspect of the proposed Plan of Allocation (and which the Court overruled). No class member has objected to the settlements or the requested fee award. *See, e.g., In re TikTok, Inc., Consumer Priv. Litig.*, 617 F. Supp. 3d 904, 937 (N.D. Ill. 2022) (finding dearth of objections in a well-publicized case shows support for settlement (and citing cases)). And, as noted above, more than 75,000 timely claims have been submitted to date, which represents an approximately 38% participation rate—nearly *four times* the typical rate.¹⁰

In short, the requested modest service awards for the Class Representatives, the unreimbursed expenses, and the award of attorneys' fees are appropriate.

II. SUMMARY OF SETTLEMENT CLASS COUNSEL'S LITIGATION EFFORTS

The Fourth Tranche Settlements are a continuation of Settlement Class Counsel's commitment to litigating Plaintiffs' claims aggressively on behalf of the Settlement Class. Because the history of the litigation and Settlement Class Counsel's work in reaching the First Three Tranche Settlements is described in detail in the Joint Declaration submitted with the prior

¹⁰ The 68,311 claims represent an estimated claims rate of about 34%, which is *four times* the typical result. Including the late claims through end of December 2024 would increase the claims rate to 38%. A 2019 report by the Federal Trade Commission found that the median claims rate in consumer class actions was 9%, with no significant difference in claims rates between cases with typical recoveries of less than \$10 and more than \$200. FTC, *Consumers and Class Actions: A Retrospective and Analysis of Settlement Campaigns*, at 11, 31 (Sept. 2019), https://www.ftc.gov/system/files/documents/reports/consumers-class-actions-retrospective-analysis-settlement-campaigns/class_action_fairness_report_0.pdf.

Motion for Service Awards for the Class Representatives, Reimbursement of Expenses, and Attorneys' Fees, ECF No. 679-1 ("Apr. 2024 Joint Decl."), Plaintiffs summarize that work here for ease of reference, while adding detail concerning Settlement Class Counsel's further litigation efforts leading to the Fourth Tranche Settlements.

A. Case Investigation Through Fact Discovery Summary

Beginning in earnest in early 2021, Settlement Class Counsel analyzed thousands of documents, interviewed Defendants' current and former students, and worked with a consulting economist to examine the effects of the challenged conduct, along with working with each Plaintiff to obtain key information that led to filing the initial Complaint on January 9, 2022.¹¹ On April 15, 2022, Defendants filed three motions to dismiss. *See* ECF Nos. 145 (by Brown, Chicago, Emory, and Johns Hopkins), 146 (by all Defendants), 148 (by Yale); Apr. 2024 Joint Decl. ¶ 10. Settlement Class Counsel filed a consolidated opposition brief on June 10, 2022 (ECF No. 164), and the Court denied the motions on August 15, 2022 (ECF No. 185).

Fact discovery ran from August 15, 2022 to January 31, 2024 (with limited additional fact discovery through April and May 2024). Over this period, Settlement Class Counsel: served extensive written discovery on each Defendant (including requests for production, interrogatories, and requests for admission); obtained and reviewed over 1.1 million documents; filed multiple motions to compel key categories of documents (*see, e.g.*, ECF Nos. 331, 402, 440, 443, 467, 505, 539); worked with the Class Representatives to collect, review, and produce nearly 4,000 documents, respond to multiple rounds of interrogatories, and prepare initial disclosures; prepared for and took over ninety (90) fact depositions; prepared the Class Representatives for their depositions and defended those depositions; and served approximately

¹¹ ECF No. 1, ¶¶ 1-2; Apr. 2024 Joint Decl. ¶¶ 8-9. Amended complaints were filed on February 15, 2022 and February 6, 2023. ECF Nos. 106 & 308.

11 third-party subpoenas, taken or defended two third-party depositions, and secured tens of thousands documents from numerous third parties including other universities and colleges and higher education organizations. *See generally* Apr. 2024 Joint Decl. ¶¶ 11-36.

B. Expert Discovery

The period for expert discovery ran from the formal close of fact discovery on January 31, 2024 through November 12, 2024. Settlement Class Counsel retained four testifying experts who have performed extensive work in support of their analyses: Hal J. Singer, Ph.D., Prof. George Bulman, Ph.D., Elizabeth Mora, and Prof. Jesse Rothstein, Ph.D. *See* Mar. 2025 Joint Decl. ¶¶ 11-12; Apr. 2024 Joint Decl. ¶¶ 35-36. Collectively, Settlement Class Counsel spent hundreds of hours working with their experts to ensure that: they had sufficient information to understand the transactional data reflecting the prices all members of the Settlement Class paid to Defendants over more than 20 years; they had access to the discovery record and other information needed to conduct their analyses; they developed reliable methods that fit the facts and claims in the case. Mar. 2025 Joint Decl. ¶ 13. Plaintiffs' testifying experts submitted nine reports totaling over 730 pages. *Id.* ¶¶ 11-12. Settlement Class Counsel also analyzed the seven extensive reports produced by Defendants' five experts, which exceeded 1,200 pages, and deposed each of these experts. *Id.* ¶ 15. Additionally, Settlement Class Counsel worked with consulting experts to facilitate counsel's understanding of the issues, including the intersection of private funding for financial aid in elite higher education. Apr. 2024 Joint Decl. ¶ 36.

C. Joint Status Reports and Discovery Motion Practice

Settlement Class Counsel prepared multiple Joint Status Reports regarding discovery issues and frequently met and conferred with Defendants regarding the same and presented oral argument to the Court on multiple issues at numerous Joint Status Conferences. Joint Decl. ¶¶ 38-39. Settlement Class Counsel engaged in extensive discovery motion practice, including

motions to compel, motions to seal, motions for protective orders, and others to resolve outstanding discovery disputes.¹² In addition, at the Court's direction, Settlement Class Counsel negotiated the terms and conditions of the Court's Order Governing Disclosure in Merits-Related Motion Practice (ECF No. 736) and litigated disputes concerning that Order.

D. Class Certification and *Daubert* Briefing

With the end of fact and expert discovery on November 12, 2024, *see* ECF No. 656, Settlement Class Counsel prepared a class certification motion, filed on December 16, 2024. Plaintiffs then drafted a class reply brief, filed on March 7, 2025. ECF No. 807. On the same day that Plaintiffs filed for class certification, Defendants filed motions to exclude every word of the analyses and opinions of Plaintiffs' experts Dr. Singer, Dr. Bulman, and Ms. Mora. ECF. No. 754. Plaintiffs opposed Defendants' *Daubert* motions with a brief dated January 24, 2025. ECF No. 785. Plaintiffs also filed motions to exclude the testimony two of Defendants' experts (Dr. Bridget Terry Long, ECF No. 750, and Mr. Peter Ammon, ECF No. 751), which motions are now fully briefed as well.

E. The First Three Tranche Settlements

Settlement Class Counsel earlier obtained settlements with ten Defendants, which settlements were accomplished over several months in three separate tranches. These ten settlements collectively recovered \$284 million in aggregate cash payments for the benefit of the Settlement Class, as well as additional, limited discovery and an agreement to make witnesses available for trial. *See, e.g.*, ECF Nos. 428 (Chicago); ECF No. 603 (Brown, Columbia, Duke,

¹² *See, e.g.*, ECF Nos. 271, 331, 402, 440, 443, 467, 503, 505, 539, 547, 631, 645, 714, 722, 738, 741, 743, 777, 793; Apr. 2024 Joint Decl. ¶ 28; Mar. 2025 Joint Decl. ¶ 22. On March 21, 2023, for example, Settlement Class Counsel filed a motion to compel the production of documents. ECF No. 331; Apr. 2024 Joint Decl. ¶ 28. Similarly, Settlement Class Counsel filed a motion for a protective order against Defendants subpoenas on Plaintiffs' families for what Plaintiffs argued were irrelevant and duplicative documents and information. ECF No. 271.

Emory, and Yale); ECF No. 629 (Dartmouth, Northwestern, Rice, and Vanderbilt). These settlements were the result of protracted arm's length settlement negotiations, including several settlements that were mediated by one of the most respected ADR firms in the country, Phillips ADR. Apr. 2024 Joint Decl. ¶¶ 40-56. Settlement Class Counsel did not achieve these Settlements as a group or all at once, but separately and over time, often with simultaneous negotiations, and as part of a strategy of increasing the settlement amounts with each successive agreement or set of agreements to exert pressure on Defendants to reach agreement imminently or risk having to pay more. *Id.* ¶¶ 40-56. Following preliminary approval of the ten settlements, and notice to the Settlement Class, the Court granted final approval for these settlements on July 20, 2025. Final Approval Order, ECF No. 726.

Settlement Class Counsel then worked with the Court-appointed Claims Administrator, Angeion Group, LLC (“Angeion”), to issue claim forms to members of the Settlement Class. *See* Jan. 17, 2025 Weisbrot Decl. ¶ 12. The final date for submitting a timely claim was December 17, 2024, and as of December 31, 2024, Angeion has received 76,157 timely and presumptively valid claims. *See id.*; Minute Entry, ECF No. 824 (extending claims filing deadline to 4/3/25).

F. The Fourth Tranche Settlements

Settlement Class Counsel entered into the Fourth Tranche Settlement Agreements after more than three years of hard-fought litigation, including significant fact and expert discovery, and following several months of extensive arm's length negotiations, involving colleagues of renowned mediator, Hon. Layn Phillips (ret.). Mar. 2025 Joint Decl. ¶¶ 6, 25. The Fourth Tranche Settlements are with Caltech, for \$16,750,000, and Johns Hopkins University, for \$18,500,000.¹³

¹³ Plaintiffs executed the Settlement Agreement with Caltech on November 1, 2024 and with Johns Hopkins on August 6, 2024. *See* ECF Nos. 776-3 & 776-4.

While the Fourth Tranche Settlements and accompanying papers are substantively similar to those submitted along with the prior ten settlements,¹⁴ there are certain differences including primarily that as to the Fourth Tranche Settlements: (1) the proposed Allocation Plan has been tweaked so as to account better for the added delay in recovery for the members of the Settlement Class in the earlier portion of the Class Period; (2) the Notice Plan involves a second round of notice and claims distribution process separate from the consolidated notice plan from the first three tranches of settlements; and (3) they add certain clarifying language with respect to alumni of Defendants who became U.S. citizens or permanent residents after they stopped attending a Defendant (the class definitions are otherwise identical). *See* Fourth Tranche Preliminary Approval Brief at 3.

G. Total Time and Expenses

Settlement Class Counsel, from inception through November 30, 2024, have collectively devoted a total of 127,949.4 hours and \$95,445,459.00 of professional time, at historical market rates, to prosecute the claims on behalf of the Settlement Class, which counsel did on contingency. *See id.* ¶ 43 & n.1. The proposed attorneys' fees of one-third (*i.e.*, 1/3 of \$35.25 million, or \$11.75 million), including one-third of any accrued interest, combined with the previous fee award in the case, would amount to a modest lodestar multiplier of just over 1.1 for the period from inception through November 30, 2024. *Id.* ¶ 45. If the twelve settlements to date were considered as a package, the multiplier on a fee awarded for work with respect to all twelve

¹⁴ All twelve settlements to date are substantively similar in that each: (i) provides cash payments for the benefit of the Settlement Class; (ii) provides benefits for the same certified Settlement Class; (iii) includes materially similar releases; (iv) proposes the same notice and claims administrator, and a similar notice plan; and (v) proposes the same Class Representatives and Settlement Class Counsel, among other similar provisions.

would be lower than the 1.35 multiplier awarded for the prior ten settlements. *See* Notice of Supplemental Authority, ECF No. 721, at 2.

Alternatively, viewing the Fourth Tranche Settlements in isolation, and if the Court considered only the marginal additional lodestar since Settlement Class Counsel's prior fee submission (*i.e.*, for the period April 1, 2024 through November 30, 2024), the multiplier would be 0.54. *See* Mar. 2025 Joint Decl. ¶ 45. If the Court were only to consider the lodestar accruing after the final approval hearing of the prior settlements (*i.e.*, for the period July 20, 2024 through November 30, 2024), the multiplier would be just over 1. Each of these multipliers, as discussed in Section V.C.3 *infra*, is below the 1.35 multiplier the Court found appropriate when it approved the prior fee award (ECF No. 726 ¶ 27), and they are on the low side of what courts in this Circuit (and others) routinely grant in complex class action cases. Settlement Class Counsel also incurred, through February 28, 2025, \$2,441,739.12 in unreimbursed litigation expenses that were reasonable and necessary to the successful prosecution of this action.

III. SERVICE AWARDS FOR THE CLASS REPRESENTATIVES ARE APPROPRIATE AND REASONABLE

Plaintiffs' request for modest additional service awards for each of the eight Class Representatives is reasonable.¹⁵ The Class Representatives were previously awarded \$20,000 each for their service to the Settlement Class. *See* Final Approval Order ¶ 30. Settlement Class Counsel believe that awards of \$2,500 each (totaling \$20,000) are appropriate in recognition of the ongoing instrumental role they played in continuing to obtain settlements for the benefit of

¹⁵ "Because a named plaintiff is an essential ingredient of any class action, an incentive award is appropriate if it is necessary to induce an individual to participate in the suit." *Cook v. Niedert*, 142 F.3d 1004, 1016 (7th Cir. 1998) (citation omitted). "In deciding whether such an award is warranted, relevant factors include the actions the plaintiff has taken to protect the interests of the class, the degree to which the class has benefitted from those actions, and the amount of time and effort the plaintiff expended in pursuing the litigation." *Id.*; *accord Broiler Chicken*, 2021 WL 5709250, at *4.

the Settlement Class. The requested service awards should be granted for the same reasons that supported awarding the prior service awards. *See* Final Approval Order ¶¶ 30-33.

First, the Class Representatives were essential as they, not a government agency, helped initiate this action. In doing so, the Class Representatives risked being ostracized for participating in a lawsuit against their alma maters and have had to confront the media scrutiny that accompanies a class action against some of the most prestigious universities in the country. *Second*, the Settlement Class benefited substantially from the Class Representatives' actions, as this case would not exist without their help. The Settlement Class Representatives have performed a valuable public service for the Settlement Class by obtaining monetary relief and ensuring that Defendants' allegedly conspiratorial practices do not recur.

Second, the Class Representatives have spent significant time and effort in litigating this action, including: (1) providing key information in the pre-suit investigation; (2) reviewing and signing off on key filings; (3) searching for and collecting thousands of relevant documents produced in discovery; (4) preparing and sitting for lengthy depositions; and (5) reviewing and approving the settlement papers (as they did with the prior settlements). *See* Mar. 2025 Joint Decl. ¶ 9; ECF No. 638, Ex. A, ¶ 55; Apr. 2024 Joint Decl. ¶¶ 61-62. The Class Representatives also spent hours consulting with Settlement Class Counsel to deal with various issues and stay apprised of the litigation (*see supra*), and they continue to pursue the litigation and are prepared to testify at any trial in this matter.

The proposed service awards—both on their own and when combined with the prior service awards—are consistent with other awards in this Circuit, especially considering that the Class Representatives are individuals with limited resources. *See, e.g., Cook*, 142 F.3d at 1016 (affirming incentive award of \$25,000 to class representative); *Broiler Chicken*, 2021 WL

5709250, at *5 (awarding \$15,000 to each of the five class representatives and suggesting that the awards could have been higher if the class representatives were individual people subjected to personal burdens, as opposed to businesses or corporations).¹⁶

IV. SETTLEMENT CLASS COUNSEL’S COSTS AND EXPENSES ARE REASONABLE AND NECESSARY

Counsel who create a common fund are entitled to be reimbursed for expenses reasonably incurred in creating the fund. *Schulte v. Fifth Third Bank*, 805 F. Supp. 2d 560, 600 (N.D. Ill. 2011) (citing Fed. R. Civ. P. 23(h)). “If counsel submit bills with the level of detail that paying clients find satisfactory, a federal court should not require more.” *In re Synthroid Mktg. Litig.*, 264 F.3d 712, 722 (7th Cir. 2001) (“*Synthroid I*”); accord *In re Dairy Farmers of Am., Inc.*, 80 F. Supp. 3d 838, 853 (N.D. Ill. 2015).

Settlement Class Counsel’s unreimbursed costs and expenses of \$2,441,739.12 were reasonably incurred and necessary. Mar. 2025 Joint Decl. ¶¶ 50-52. The requested expenses represent the amount of unreimbursed costs and expenses through February 28, 2025 less the amount Settlement Class Counsel were reimbursed in connection with the prior settlements. *See id.* These unreimbursed expenses include costs for computerized legal research, the creation and maintenance of an electronic document database, substantial expert and consultant costs, travel and lodging expenses, copying, court reporters, transcripts, filing fees, and mediation expenses. *See id.* These are typical expenses, routinely deemed reasonable and necessary, and they are consistent with expenses in similar class actions, particularly in light of the pre-filing

¹⁶ *See also Briggs v. PNC Fin. Servs. Grp., Inc.*, 2016 WL 7018566, at *3 (N.D. Ill. Nov. 29, 2016) (“[C]ourts in the Seventh Circuit routinely approve incentive awards ranging from \$5,000 to \$25,000.” citing *Chesemore v. All. Holdings, Inc.*, 2014 WL 4415919, at *12 (W.D. Wis. Sept. 5, 2014), *aff’d sub nom. Chesemore v. Fenkell*, 829 F.3d 803 (7th Cir. 2016)); *Martin v. Lexington Health Care Ctr. of Chicago Ridge, Inc.*, 2015 WL 14073005, at *5 (N.D. Ill. Mar. 5, 2015) (approving an “incentive award of \$20,000 for the named Plaintiff” because she “actively participated in discovery and settlement” and “regularly communicated with Class Counsel”).

investigation, over three years of litigation, and the extensive discovery and motion practice that ensued.¹⁷

V. SETTLEMENT CLASS COUNSEL’S REQUESTED ATTORNEYS’ FEES ARE REASONABLE AND SUPPORTED BY PRIOR FEE AWARDS

The Fourth Tranche Settlements constitute an excellent result in absolute terms and as an increase in the aggregate cash amount obtained to date, especially given that litigation continues against five non-settling Defendants, who are each jointly and severally liable for treble damages (minus the value of all settlements to the point of the damage award). The value of these Settlements reflects Settlement Class Counsel’s zealous commitment to securing relief for the Settlement Class at every stage of this litigation.

A. Seventh Circuit Standard for Reasonable Attorneys’ Fees

Attorneys for the plaintiffs in a class action may petition the court for compensation from the settlement fund. *See Boeing v. Van Gemert*, 444 U.S. 472, 478 (1980); Fed. R. Civ. P. 23(h) (“In a certified class action, the court may award reasonable attorney’s fees . . . that are authorized by law or by the parties’ agreement.”). Courts in the Seventh Circuit have used both the “lodestar” method, which considers “the number of hours reasonably expended on the litigation multiplied by a reasonable hourly rate,” and the percentage method, which “sets the fee

¹⁷ See Final Approval Order ¶¶ 28-29; *see also Standard Iron Works v. Arcelormittal*, 2014 WL 11350176, at *4 (N.D. Ill. Oct. 23, 2014) (approving \$5,064,908.97 in costs and expenses in an antitrust class action that partially settled prior to the filing of summary judgment motions); Order ¶ 15, ECF No. 1085, *In re Opana ER Antitrust Litig.*, No. 1:14-cv-10150 (N.D. Ill. Nov. 3, 2022) (awarding costs and expenses of \$4,343,137.06). *See also, e.g., City of Greenville v. Syngenta Crop Prot., Inc.*, 904 F. Supp. 2d 902, 910-911 (S.D. Ill. 2012) (awarding costs of \$8,572,647.67 after two years of litigation for expert and consulting fees, deposition expenses, travel, photocopying costs, and the like); *King Drug Co. of Florence, Inc. v. Cephalon, Inc.*, No. 2:06-cv-01797, ECF No. 870 at 10 (E.D. Pa. Oct. 15, 2015) (approving \$3.5 million in costs and expenses); *Tricor*, No. 05-340, ECF No. 543 at 10 (D. Del. Apr. 23, 2009) (approving \$3.5 million in costs and expenses in a case that settled after 3.5 years of litigation at the commencement of trial); *In re Wellbutrin XL Antitrust Litig.*, No. 2:08-cv-2431, ECF No. 485 at 8 (E.D. Pa. Nov. 7, 2012) (approving \$3.1 million in costs and expenses in a case that settled after the close of fact and expert discovery, following summary judgment rulings).

award as a percentage of the recovered settlement fund, plus expenses and interest.” *Dairy Farmers*, 80 F. Supp. 3d at 844 (citations omitted).¹⁸

The percentage method, however, “has emerged as the favored method for calculating fees in common-fund cases in this district.” *Dairy Farmers*, 80 F. Supp. 3d at 844 (applying the percentage method in a common-fund antitrust action); *see also Gaskill v. Gordon*, 160 F.3d 361, 362 (7th Cir. 1998) (“When a class suit produces a fund for the class, it is commonplace to award the lawyers for the class a percentage of the fund in recognition of the fact that most suits for damages in this country are handled on the plaintiff’s side on a contingent-fee basis.”) (collecting cases, internal citations omitted).¹⁹

“[W]hen deciding on appropriate fee levels in common-fund” cases, “courts must do their best to award counsel the market price for legal services, in light of the risk of nonpayment and the normal rate of compensation in the market at the time.” *Synthroid I*, 264 F.3d at 718 (citing *Montgomery v. Aetna Plywood, Inc.*, 231 F.3d 399, 409 (7th Cir. 2000), and *Gaskill v. Gordon*, 160 F.3d 361 (7th Cir. 1998)) (additional citations omitted). This is the “*ex ante* bargain between the class and its attorneys.” *Williams v. Rohm & Haas Pension Plan*, 658 F.3d 629, 635 (7th Cir. 2011); *Synthroid I*, 264 F.3d at 719 (directing the district court on remand to “set a fee by approximating the terms that would have been agreed to *ex ante*, had negotiations occurred”).

In *Synthroid I*, the Seventh Circuit provided “benchmarks” to approximate the market rate by looking at “similar bargains,” such as (1) actual fee contracts between the parties and

¹⁸ *See also In re Cap. One Tel. Consumer Prot. Act Litig.*, 80 F. Supp. 3d 781, 794 (N.D. Ill. 2015) (“It has long been the law in the Seventh Circuit that in common fund cases like this one, district courts have discretion to choose either the lodestar or a percentage approach to calculating fees.” (citing *Florin v. Nationsbank of Ga., N.A.*, 34 F.3d 560, 566 (7th Cir. 1994))).

¹⁹ *See also, e.g.*, Brian T. Fitzpatrick, *A Fiduciary Judge’s Guide to Awarding Fees In Class Actions*, 89 *Fordham L. Rev.* 1151, 1170 (2021) (where a court can monitor against premature settlement, the percentage of recovery, not lodestar, is the best method for determining appropriate attorneys’ fees).

class counsel in similar cases, (2) data from similar common fund cases, and (3) information from lead counsel auctions in similar cases. *Synthroid I*, 264 F.3d at 719-20; accord *Taubenfield v. AON Corp.*, 415 F.3d 597, 599 (7th Cir. 2005). *Synthroid I* also advised that the “market rate” should be adjusted to account for (1) the risk of nonpayment a firm agrees to bear, (2) the quality of its performance, (3) the amount of work necessary to resolve the litigation, and (4) the stakes of the case. *Synthroid I*, 264 F.3d at 721. These benchmarks and factors have since become the standard metric in Seventh Circuit cases for evaluating the reasonableness of attorneys’ fee requests involving common funds. See, e.g., *Cap. One*, 80 F. Supp. 3d at 796-97; *Dairy Farmers*, 80 F. Supp. 3d at 845-49; *Broiler Chicken*, 2021 WL 5709250, at *2-*4.²⁰

B. Benchmarks Provided by Similar Cases Support Settlement Class Counsel’s Fee Request as an Appropriate Market Rate

Attorneys’ fees in similar cases provide an initial benchmark for determining a reasonable market rate. See *Cap. One*, 80 F. Supp. 3d at 796 (“[T]he Seventh Circuit explained that it is possible to learn about ‘similar bargains’ and set forth three ‘guides’ or ‘benchmarks’ to help district courts estimate the market fee: (1) actual fee contracts between plaintiffs and their attorneys; (2) data from similar common fund cases where fees were privately negotiated; and (3) information from class-counsel auctions.”) (citing *Synthroid I*, 264 F.3d at 719); *Dairy Farmers*, 80 F. Supp. 3d at 845 (“As a barometer for assessing the reasonableness of a fee award in common-fund cases, courts look to the going market rate for legal services in similar cases.”).

Awards of one-third are well within the ordinary range of *ex ante* rates in privately negotiated contingency arrangements.²¹ See, e.g., *Kirchoff v. Flynn*, 786 F.2d 320, 328 (7th Cir.

²⁰ As referenced in n.10 *supra*, the Seventh Circuit recently directed a district court to consider prior instances of class counsel offering a declining fee scale as part of a bid for a leadership position in the litigation (see *Broiler Chicken*, 80 F.4th at 803-04), which factor is not present here.

²¹ This Court has awarded attorneys’ fees of one-third or more in class actions less complex than this case.

1986) (finding that the “40% [contingency fee] was to be a minimum, not a cap”); Order ¶ 15, ECF No. 1085, *In re Opana ER Antitrust Litig.*, No. 14-cv-10150 (N.D. Ill. Nov. 3, 2022) (awarding \$50,528,470.66 in attorneys’ fees for antitrust class action, representing 36% of settlement fund); *In re TikTok, Inc., Consumer Priv. Litig.*, 617 F. Supp. 3d 904, 941 (N.D. Ill. 2022) (“A one-third flat fee also is routine for class action settlements in similarly complex fields, such as antitrust litigation. Furthermore, a one-third fee aligns with the one-third contingency fee routinely charged by class action lawyers across the country.”).²²

The complexity inherent in antitrust cases generally and the amount recovered here

See, e.g., Kolinek v. Walgreen Co., 311 F.R.D. 483, 503 (N.D. Ill. 2015) (Kennelly, J.) (36 percent fee in a class action involving the Telephone Consumer Protection Act); *Young v. Cnty. of Cook*, 2017 WL 4164238, at *6 (N.D. Ill. Sept. 20, 2017) (Kennelly, J.) (one-third of a \$55 million settlement in case involving civil rights violations and finding that a declining marginal percentage scale is not appropriate); *Macovski v. Groupon, Inc.*, 2022 WL 17256417, at *1 (N.D. Ill. Oct. 28, 2022) (Kennelly, J.) (one-third in class action involving violations of federal securities laws).

²² *Broiler Chicken*, 2021 WL 5709250, at *4 (“The fact that fee awards in antitrust cases in this circuit are almost always one-third is a strong indication that this should be considered the ‘market rate.’”); *Dairy Farmers*, 80 F. Supp. 3d at 845 (in class actions, the “usual range for contingent fees is between 33 and 50 percent”); *Retsky Family Ltd. P’ship v. Price Waterhouse LLP*, 2001 WL 1568856, at *4 (N.D. Ill. Dec. 10, 2001) (“A customary contingency fee would range from 33 1/3% to 40% of the amount recovered.”); *In re Lithotripsy Antitrust Litig.*, 2000 WL 765086, at *2 (N.D. Ill. June 12, 2000) (“33.3% of the fund plus expenses is well within the generally accepted range of attorneys['] fees in class-action antitrust lawsuits.”). Similarly, courts nationwide have recognized that contingency fees of one-third (and higher) are common. *See, e.g., Temp. Servs., Inc. v. Am. Int’l Grp., Inc.*, 2012 WL 4061537, at *9 (D.S.C. Sept. 14, 2012) (“[T]he market rate for private contingency fees is in the range of 33 1/3 percent to 40 percent.”); *Montague v. Dixie Nat. Life Ins. Co.*, 2011 WL 3626541, at *2-3 (D.S.C. Aug. 17, 2011) (“Very few class actions are ever litigated to judgment as in this case [and] [i]n non-class contingency fee litigation, a 30% to 40% contingency fee is typical.”); *Flournoy v. Honeywell Int’l, Inc.*, 2007 WL 1087279, at *2 (S.D. Ga. Apr. 6, 2007) (“Forty percent fee contracts are common for complex and difficult litigation such as this.”); *In re Remeron Direct Purchaser Antitrust Litig.*, 2005 WL 3008808, at *16 (D.N.J. Nov. 9, 2005) (“Attorneys regularly contract for contingent fees between 30% and 40% with their clients in non-class, commercial litigation.”); *In re Ikon Off. Sols., Inc., Sec. Litig.*, 194 F.R.D. 166, 194 (E.D. Pa. 2000) (“[I]n private contingency fee cases, particularly in tort matters, plaintiffs’ counsel routinely negotiate agreements providing for between thirty and forty percent of any recovery.”); *In re Orthopedic Bone Screws Prods. Liab. Litig.*, 2000 WL 1622741, at *7 (E.D. Pa. Oct. 23, 2000) (“[T]he court notes that plaintiffs’ counsel in private contingency fee cases regularly negotiate agreements providing for thirty to forty percent of any recovery.”); *Cimarron Pipeline Constr., Inc. v. Nat’l Council on Comp. Ins.*, 1993 WL 355466, at *2 (W.D. Okla. June 8, 1993) (“Fees in the range of 30-40% of any amount recovered are common in complex and other cases taken on a contingent fee basis.”); *Durant v. Traditional Invs., Ltd.*, 1992 WL 203870, at *4 n.7 (S.D.N.Y. Aug. 12, 1992) (“[C]ontingent fee agreements up to 40 percent have been held reasonable.”).

further support Settlement Class Counsel’s fee request. In antitrust class actions of similar complexity, where pre-trial recoveries exceed \$100 million, courts routinely award fees of one-third. *See, e.g., In re Plasma-Derivative Protein Therapies Antitrust Litig.*, No. 09-cv-07666, ECF Nos. 693, 697, 697-1 and 701 (N.D. Ill. 2014) (awarding one-third of \$128 million settlement after five years of litigation in the midst of discovery).²³

While some courts have decreased the percentage as the size of the settlement fund increases, the Seventh Circuit “has rejected the application of a megafund rule.” *Broiler Chicken*, 80 F.4th at 804 (citing *Synthroid I*, 264 F.3d at 717-18). This is because “[c]lients generally want to incentivize their counsel to pursue every last settlement dollar, and a declining percentage award operates to the contrary.” *Broiler Chicken*, 2021 WL 5709250, at *3.

C. One-Third of the Settlement Fund Is Fair and Reasonable Given the Remarkable Recovery for the Class in a Case with Extraordinary Risk, Complexity, and Difficulty

Using the market rate as a guide, courts adjust fee rates obtained in similar cases based on factors unique to the case at hand, such as the risk of nonpayment, the quality of lawyering, the

²³ *See also In re Wellbutrin XL Antitrust Litig.*, No. 08-cv-2431, ECF No. 485 (E.D. Pa. Nov. 7, 2012) (one-third of \$37.5 million fund); *In re Nifedipine Antitrust Litig.*, No. 03-mc-223, ECF No. 333 (D.D.C. Jan. 31, 2011) (one-third of \$35 million fund); *In re DDAVP Direct Purchaser Antitrust Litig.*, 2011 WL 12627961, at *4 (S.D.N.Y. Nov. 28, 2011) (one-third fee from \$20.25 million settlement fund). *Broiler Chicken*, 2021 WL 5709250, at *5 (awarding attorneys’ fees of \$55 million, which was one-third of \$169 million settlement fund (less expenses and incentive awards), in antitrust class action that was settled prior to class certification); *In re Tricor Direct Purchaser Antitrust Litig.*, No. 05-cv-340, ECF No. 543 (D. Del. Apr. 23, 2009) (one-third of \$250 million settlement, settled after over three years of litigation at the commencement of trial); *In re Titanium Dioxide Antitrust Litig.*, 2013 WL 6577029, at *1 (D. Md. Dec. 13, 2013) (one-third of \$163.5 million settlement after three years of litigation, settled on the eve of trial); *In re Se. Milk Antitrust Litig.*, 2013 WL 2155387, at *8 (E.D. Tenn. May 17, 2013) (one-third of \$158.6 million settlement after five years of litigation, at the close of discovery, with class certification and summary judgment briefed); *In re Flonase Antitrust Litig.*, 951 F. Supp. 2d 739, 756 (E.D. Pa. 2013) (one-third of \$150 million settlement after five years of litigation, following the close of discovery and decisions on class certification and summary judgment); *In re Relafen Antitrust Litig.*, No. 01-12239, ECF No. 297 (D. Mass. Apr. 9, 2004) (one-third of \$175 million settlement after a year and a half of litigation, two weeks before trial, following rulings on class certification and summary judgment); *In re Buspirone Antitrust Litig.*, No. 01-cv-07951, ECF No. 22 (S.D.N.Y. Apr. 17, 2003) (one-third of \$220 million settlement after two years of litigation, in the midst of fact discovery).

work required, and the stakes of the case. *Synthroid I*, 264 F.3d at 721. Settlement Class Counsel’s fee request of one-third is reasonable considering the risk of nonpayment, the quality of lawyering required given the complexity of the case and sophistication of the Settling Defendants and their counsel, the amount of work invested, and the high stakes involved. *See, e.g., In re Broiler Chicken Grower Antitrust Litig. (No. II)*, No. 20-md-2977, (E.D. Okla.), ECF Nos. 284, 419, 566, 634 (antitrust class action settlements reached with five defendants in four tranches of \$35.75 million (for two defendants), \$15.5 million, \$17.75 million, and \$100 million (totaling \$169 million) where court granted a one-third fee award for each tranche).

1. Risk of Nonpayment

The substantial risk that Settlement Class Counsel assumed in prosecuting this case further warrants a one-third fee from the Settlement Fund. *See Cap. One*, 80 F. Supp. 3d at 805 (“The estimated magnitude of the risk necessarily affects the price at which Class Counsel in this case would have been willing to offer their services in an *ex ante* negotiation, had such a negotiation occurred.” (citing *Synthroid I*, 264 F.3d at 721)). When Settlement Class Counsel filed this case more than three years ago, as noted, no government agency had taken any action to prosecute a similar case on behalf of this class. Settlement Class Counsel therefore did not have the advantage of “piggy backing” on pre-existing litigation or the reassurance of liability associated with a coinciding government indictment or guilty plea when they initiated the case on contingency. *See Dairy Farmers*, 80 F. Supp. 3d at 848 (“One proxy for assessing risk is whether the litigation followed on the heels of some prior criminal or civil proceeding involving the same parties or subject matter. This inquiry provides insight into whether class counsel benefitted from the work of others.”).²⁴ Accordingly, Settlement Class Counsel’s fee request of

²⁴ If Settlement Class Counsel had not secured the Settlements at issue (as well as the ten prior

one-third is consistent with the considerable risk assumed in the continued litigation of this action with no guarantee of further recoveries.²⁵

2. The Quality of Performance

“Yet another litmus test for assessing reasonableness is quality of Class Counsel’s performance in achieving the settlement—that is, whether this is the type of outcome that willing clients would have envisioned from the outset.” *Dairy Farmers*, 80 F. Supp. 3d at 849.

Settlement Class Counsel have decades of experience in antitrust litigation (as well as other complex commercial litigation) and have prosecuted numerous antitrust class actions as lead counsel or in other leadership positions, which lends the team efficiency and sophisticated litigation judgment. Apr. 2024 Joint Decl. ¶ 8. Indeed, one member of Settlement Class Counsel, while at the U.S. Department of Justice, spearheaded the successful prosecution of several universities alleged to have colluded regarding financial aid practices prior to the initiation of the 568 Presidents Group. *Id.*; see *Taubenfield*, 415 F.3d at 600 (affirming fee award based, in part, on “the quality of legal services rendered”); *Williams*, 658 F.3d at 636 (affirming award based, in part, on “the quality of representation”).²⁶

settlements), the Settlement Class would have had to wait years to receive any money from Defendants and may have received nothing at all. Moreover, “settlement in a complex antitrust case like this is far from a foregone conclusion,” especially because of the many sophisticated and well-funded Defendants. *Broiler Chicken*, 2021 WL 5709250, at *3.

²⁵ See *Silverman v. Motorola Sols., Inc.*, 739 F.3d 956, 958 (7th Cir. 2013) (citation omitted) (affirming above-average fee percentage because district court could have found that the “suit was unusually risky,” and stating: “Contingent fees compensate lawyers for the risk of nonpayment. The greater the risk of walking away empty-handed, the higher the award must be to attract competent and energetic counsel.”); *Synthroid I*, 264 F.3d at 719 (“The greater the risk of loss, the greater the incentive compensation required.”); *Sutton v. Bernard*, 504 F.3d 688, 694 (7th Cir. 2007) (holding that class counsel was undercompensated where “the district court failed to provide for the risk of loss”).

²⁶ This case has been bitterly fought and aggressively litigated by both sides and continues to be litigated against the five non-settling Defendants. Settlement Class Counsel navigated this unusually complicated case from initial investigation through motion to dismiss briefing, through oral argument on those motions, through a herculean fact discovery effort (including over one million documents reviewed, numerous discovery motions, and over 90 fact depositions), through intensive expert discovery, through

3. Settlement Class Counsel Devoted Extensive Time and Work to Successfully Prosecute This Action

Settlement Class Counsel devoted more than three years and over 127,557.6 hours to the preparation and prosecution of this case, which involved complex and unique issues of fact and law. *See Synthroid I*, 264 F.3d at 721 (“The market rate for legal fees depends in part on . . . the amount of work necessary to resolve the litigation.”). In zealously and effectively litigating from inception through the conclusion of fact and expert discovery and ultimately to the achievement of the first settlements with ten Defendants and now the two additional Fourth Tranche Settlements, from the outset, Settlement Class Counsel committed substantial time and money with no guarantee of recovery.²⁷

Furthermore, the non-settling Defendants have vigorously opposed class certification and zealously challenged Plaintiffs’ experts’ analysis. *See* Mar. 2025 Joint Decl. ¶¶ 18-21. The time and labor involved in prosecuting this case, and the novelty and difficulty of the questions presented, further support Settlement Class Counsel’s fee request.

The Seventh Circuit does not require a lodestar cross-check when using the percentage method. *See Williams*, 658 F.3d at 636 (“[C]onsideration of a lodestar check is not an issue of required methodology.” (citing *Cook*, 142 F.3d at 1013 (“[W]e have never ordered the district

hotly contested proceedings on class certification and *Daubert* motions, and protracted settlement negotiations, with considerable skill and faithful adherence to the Settlement Class’s best interests at every stage. *See generally* Apr. 2024 Joint Decl. ¶¶ 8-52; Mar. 2025 Joint Decl. ¶¶ 6, 9-24.

²⁷ Antitrust cases are some of the most complex, expensive, and time-consuming actions to prosecute. *See, e.g., In re Motorsports Merch. Antitrust Litig.*, 112 F. Supp. 2d 1329, 1337 (N.D. Ga. 2000) (“An antitrust class action is arguably the most complex action to prosecute.”); *In re Air Cargo Shipping Servs. Antitrust Litig.*, 2015 WL 5918273, at *6 (E.D.N.Y. Oct. 9, 2015) (prosecuting an antitrust conspiracy required “complex expert analysis and review of mountains of documents”); *Flonase*, 951 F. Supp. 2d at 743 (“Antitrust class actions are particularly complex to litigate and therefore quite expensive.”); *In re Linerboard Antitrust Litig.*, 2004 WL 1221350, at *10 (E.D. Pa. June 2, 2004), *amended*, 2004 WL 1240775 (E.D. Pa. June 4, 2004) (explaining that “an antitrust class action is arguably the most complex action to prosecute,” because the “legal and factual issues are always numerous and uncertain in outcome” (citations omitted)).

judge to ensure that the lodestar result mimics that of the percentage approach.”)).²⁸ But if considered, the lodestar multiplier supports the appropriateness of the fee request.²⁹

Settlement Class Counsel offer three separate analyses of their lodestar in connection with the requested fees. The lodestar multiplier under each is lower than the 1.35 the Court previously found acceptable as a lodestar cross-check. These analyses examine Settlement Class Counsel’s lodestar over three time periods: (i) from inception of the litigation through November 30, 2024; (ii) from April 1, 2024 (*i.e.*, the day after the March 31, 2024 end date reported for the prior settlements) through November 30, 2024; and (iii) from July 20, 2024 (*i.e.*, the date of the Court’s award of attorneys’ fee and litigation expenses for the First Three Tranche Settlements, ECF No. 726 (July 20, 2024)), through November 30, 2024. *See* Mar. 2025 Joint Decl. ¶¶ 37-41.

For the period of inception of the litigation through November 30, 2024, Settlement Class Counsel’s lodestar is \$95,540,837.50. *Id.* Combining the prior fee award of \$94.67 million with the sought fee here of \$11.75 million would bring the total fee in the case to \$106.42 million. Under this analysis, the multiplier would be just over 1.1 ($\$106,420,000 / \$95,540,837.50 = 1.11$). If the Court were to consider only the marginal additional lodestar since that which was reported to the Court in the prior fee petition, *i.e.*, for the period April 1, 2024 through November 30, 2024, Settlement Class Counsel’s lodestar is \$25,373,821.00, which amounts to multiplier of under 0.5 ($\$11.75 \text{ million} / \$25,373,821.00 = 0.46$). *Id.* And if the Court were only to consider

²⁸ *Schulte*, 805 F. Supp. 2d at 598 (noting that “many courts in this circuit have criticized the use of a lodestar cross-check in common fund cases” when approving fee request with lodestar risk multiplier of 2.5); *Young*, 2017 WL 4164238, at *6 (“[O]ne-third of the common fund is a reasonable reflection of the hypothetical market price of Loevy’s services in this case and thus an appropriate fee award. For this reason, there is no need to cross-check this percentage against the lodestar.”).

²⁹ For the fee request for the first three settlement tranches, Plaintiffs reported \$70,150,911.00 in lodestar at historical rates for the period from inception of the litigation through March 31, 2024. *See* Mem. of Law in Support of Mot. for Final Approval, ECF No. 703-1, at 12 (dated May 28, 2024); Apr. 2024 Joint Decl. ¶¶ 64-67. That lodestar represented a multiplier of 1.35, which the Court found confirmed the propriety of the request for a one-third fee award for the earlier settlement. Final Approval Order ¶ 27.

the lodestar accruing after the final approval hearing of the prior settlements, *i.e.*, for the period July 20, 2024 through November 30, 2024, Settlement Class Counsel’s lodestar is \$11,131,414.00, which would amount to a multiplier just above 1 (\$11.75 million / \$11,131,414.00 = 1.06). *Id.* All of these multipliers are well within the appropriate range approved by courts in this and other Circuits—especially in light of the excellent results for the Settlement Class here.³⁰

4. The Stakes in the Case

The high stakes of this litigation likewise support the fee request. This case relates to a two-decade-long antitrust conspiracy in the private elite education market affecting more than 200,000 people.

VI. CONCLUSION

Settlement Class Counsel respectfully request, for the reasons set forth above, that the Court enter an Order (1) approving service awards of \$2,500 to each Class Representative, (2) awarding reimbursement of expenses in the amount of \$2,441,739.12; and (3) awarding attorneys’ fees of one-third of the settlement amount of \$35.25 million, or \$11,750,000 (and one-third of interest accrued).

³⁰ See *Cook v. Niedert*, 142 F.3d 1004, 1013 (7th Cir. 1998) (holding a 1.5 lodestar multiplier is appropriate in awarding attorneys’ fees in a class action settlement); *In re Advocate Aurora Health Pixel Litig.*, 740 F. Supp. 3d 736, 762 (E.D. Wis. 2024) (“Plaintiffs’ lodestar calculation results in a multiplier of 1.6, which is well within the band of lodestar multipliers accepted within the Seventh Circuit.”); *In re TikTok, Inc. Consumer Priv. Litig.*, 617 F.Supp.3d 904, 922 (N.D. Ill. 2022), *appeal dismissed sub nom. In re TikTok Inc., Consumer Priv. Litig.*, 2022 WL 19079999 (7th Cir. Oct. 12, 2022) (“In practice, most multipliers fall between one and four,” and “for fund sizes over \$44 million, the mean multiplier was 2.39.”) (collecting cases); *In re NCAA Student-Athlete Concussion Inj. Litig.*, 332 F.R.D. 202, 225 (N.D. Ill. 2019), *aff’d sub nom. Walker v. NCAA*, 2019 WL 8058082 (7th Cir. Oct. 25, 2019) (approving a multiplier of 1.5 for a \$70 million settlement); *Standard Iron Works v. ArcelorMittal*, 2014 WL 7781572, at *2-3 (N.D. Ill. Oct. 22, 2014) (approving a fee award of one-third of the settlement fund, equaling a total fee of \$54,087,000, with a lodestar multiplier of approximately 1.97); see also *Newberg on Class Actions* § 14.6 (4th ed. 2009) (“[M]ultiples ranging from one to four frequently are awarded in common fund cases when the lodestar method is applied.”).

Dated: March 25, 2025

/s/ Robert D. Gilbert

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

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ALEXANDER LEO-GUERRA, MICHAEL
MAERLENDER, BRANDON PIYEVSKY,
BENJAMIN SHUMATE, BRITTANY
TATIANA WEAVER, and CAMERON
WILLIAMS, individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

BROWN UNIVERSITY, CALIFORNIA
INSTITUTE OF TECHNOLOGY,
UNIVERSITY OF CHICAGO, THE TRUSTEES
OF COLUMBIA UNIVERSITY IN THE CITY
OF NEW YORK, CORNELL UNIVERSITY,
TRUSTEES OF DARTMOUTH COLLEGE,
DUKE UNIVERSITY, EMORY UNIVERSITY,
GEORGETOWN UNIVERSITY, THE JOHNS
HOPKINS UNIVERSITY, MASSACHUSETTS
INSTITUTE OF TECHNOLOGY,
NORTHWESTERN UNIVERSITY,
UNIVERSITY OF NOTRE DAME DU LAC,
THE TRUSTEES OF THE UNIVERSITY OF
PENNSYLVANIA, WILLIAM MARSH RICE
UNIVERSITY, VANDERBILT UNIVERSITY,
and YALE UNIVERSITY,

Defendants.

Case No. 1:22-cv-00125

Hon. Matthew F. Kennelly

**JOINT DECLARATION OF EDWARD J. NORMAND, ROBERT D. GILBERT, AND
ERIC L. CRAMER IN SUPPORT OF SETTLEMENT CLASS COUNSEL'S MOTION
FOR SERVICE AWARDS FOR THE CLASS REPRESENTATIVES,
REIMBURSEMENT OF EXPENSES, AND ATTORNEYS' FEES RELATING TO THE
FOURTH TRANCHE OF SETTLEMENTS WITH DEFENDANTS JOHNS HOPKINS
UNIVERSITY AND CALIFORNIA INSTITUTE OF TECHNOLOGY**

In support of the proposed class action settlements with Defendants California Institute of Technology (“Caltech”) and the Johns Hopkins University (“Johns Hopkins”) (together, the “Fourth Tranche Settlements”), and under 28 U.S.C. § 1746, we declare:

1. We are partners or shareholders of the law firms Freedman Normand Friedland LLP (“FNF”), Gilbert Litigators & Counselors, PC (“GLC”), and Berger Montague PC (“BMPC”). The Court approved our firms as Settlement Class Counsel for the provisionally certified Settlement Class here for the purposes of the Fourth Tranche Settlements. *See* Order Granting Preliminary Approval of Settlements with Defendants California Institute of Technology and the Johns Hopkins University (“Fourth Tranche Preliminary Approval Order”), January 24, 2025, ECF No. 782 at 3. The Court also previously certified our firms as Settlement Class Counsel in its Order Granting Final Judgement and Order of Dismissal, Approving Settlements with Defendants Brown University, University of Chicago, the Trustees of Columbia University in the City of New York, Trustees of Dartmouth College, Duke University, Emory University, Northwestern University, William Marsh Rice University, Vanderbilt University, and Yale University, and Granting Settlement Class Counsel’s Notice of Supplemental Authority and Supplemental Memorandum of Law Supporting Their Motion for Service Awards, Reimbursement of Expenses, and Attorneys’ Fees in Light of Recent Authority, dated July 20, 2024 (“Final Approval Order”). ECF No. 726 ¶ 5.

2. We have been involved in developing, prosecuting, overseeing, and resolving this Action, are familiar with its proceedings, and have personal knowledge of the matters set forth herein. If called upon and sworn as witnesses, each of us would be competent to testify thereto. We respectfully submit this Declaration in Support of Settlement Class Counsel’s Motion for Service Awards for the Class Representatives, Reimbursement of Expenses, and Attorneys’ Fees

Relating to the Fourth Tranche Settlements with Defendants Johns Hopkins University and California Institute of Technology. Unless otherwise defined herein, all capitalized terms have the same meanings set forth in the Fourth Tranche Settlement Agreements (which are attached to the Motion for Preliminary Approval of Settlement with Defendants California Institute of Technology and the Johns Hopkins University, Provisional Certification of the Proposed Settlement Class, Approval of the Fourth Tranche Notice Plan, Approval of the Fourth Tranche Allocation Plan, and Approval of the Schedule for Completing the Settlement Process, dated January 17, 2025, as Exhibits A & B, ECF Nos. 776-3 & 776-4). We hereby incorporate as if fully set forth herein our prior Joint Declaration in Support of Plaintiffs' Memorandum of Law in Support of Their Motion for Service Awards for the Class Representatives, Reimbursement of Expenses, and Attorneys' Fees, dated April 29, 2024 (the "April 2024 Joint Decl."). ECF No. 679-1. The April 2024 Joint Declaration described our collective work prosecuting this action, the prior settlement outcomes, the risks of continuing litigation, and our collective lodestar and expense information from inception through March 31, 2024. We also hereby incorporate as if fully set forth herein our prior Joint Declaration in Support of Preliminary Approval of the Settlements with Defendants California Institute of Technology and the Johns Hopkins University, Confirmation of the Certification of the Proposed Settlement Class, Approval of the Fourth Tranche Notice Plan, Approval of the Fourth Tranche Allocation Plan, and Approval of the Schedule for Completing the Settlement Process, dated January 17, 2025 ("January 2025 Joint Decl."). ECF No. 776-2.

3. The Fourth Tranche Settlement Agreements collectively provide for cash payments totaling \$35,250,000, and in addition, Defendant Johns Hopkins agreed to provide certain additional discovery for Plaintiffs in their ongoing prosecution of the case against the five

non-settling Defendants. *See* Exs. A & B to January 2025 Joint Decl. ¶¶ 7, 20. The Settlements reflect the following payments:

- Caltech has agreed to make a settlement payment of \$16,750,000; and
- Johns Hopkins has agreed to make a settlement payment of \$18,500,000.

Joint Decl. ¶ 7.

4. These Fourth Tranche Settlements are in addition to the \$284 million collectively provided for by the prior ten settlements with Defendants Brown University, University of Chicago, the Trustees of Columbia University in the City of New York, Trustees of Dartmouth College, Duke University, Emory University, Northwestern University, William Marsh Rice University, Vanderbilt University, and Yale University (“First Three Tranche Settlements”). The combined total of the four tranches of settlements achieved to date, if the Fourth Tranche Settlements are approved, would be \$319,250,000.

5. Collectively and each standing alone, the Fourth Tranche Settlements reflect an excellent result for the Settlement Class in light of, *inter alia*, the substantial and immediate cash payments (individually and collectively) being made for the benefit of the Settlement Class; the risks and harms associated with delay; the additional discovery to be obtained from Johns Hopkins; and the fact that each of the remaining five non-settling Defendants in the matter is jointly and severally liable for, and capable of paying, the full amount of proved damages, trebled (minus the value of settlements paid as of the date of judgment). The twelve Settlements achieved to date totaling \$319,250,000 represent 47 percent of the aggregate damages (before trebling) calculated by Plaintiffs’ economic expert Dr. Hal Singer. *See* January 2025 Joint Decl. ¶ 6. The Fourth Tranche Settlements alone account for just over 5 percent of

single damages. *Id.* The Settlements represent the continuation of the extraordinary results achieved for the benefit of the Settlement Class in this Action.

6. This case, as the Court has observed, is unusually complex even for a complex antitrust class action. It involves 17 sophisticated, institutional Defendants (with 12 settling), represented by a cadre of the best law firms in the country, and it focuses on challenged conduct spanning over 20 years, concerning a proposed class of approximately 200,000 people. Settlement Class Counsel have directed and overseen—and continue to direct and oversee—the work of their own attorneys and professional staff. Settlement Class Counsel have also overseen the work of numerous testimonial and consulting experts. This case involved extensive fact and expert discovery and briefing on numerous dispositive and non-dispositive motions. The period for fact discovery formally ended on January 31, 2024—although the Court permitted additional fact discovery after that date, including depositions taken and defended by Settlement Class Counsel in April and May. The period for expert discovery began after the formal close of fact discovery and ended on November 12, 2024. The parties recently completed the briefing of the class motion and numerous *Daubert* motions (which briefing came to a close on March 13, 2024). The parties are now preparing for a *Daubert* hearing and to brief summary judgment.

7. Settlement Class Counsel have dedicated substantial time and resources to lead the prosecution of this action, collectively spending a total of 127,949.40 hours for a lodestar of \$95,445,459.00, at historical rates,¹ from inception of the litigation through November 30, 2024. Since the date through which Settlement Class Counsel last sought fees and expenses (which

¹ “Historical rates” are the rates in effect during the period the attorneys and other professionals billed the time. Using historical rates is considered conservative given that all work performed was on contingency. The alternative approach would be to use “current rates,” which are the rates counsel currently charge for all time billed in the case from initiation to the present.

cut-off at March 31, 2024) through November 30, 2024, they have collectively spent 36,619.90 hours professional hours for a lodestar of \$25,277,831.50 at historical rates. And since the date the Court awarded Settlement Class Counsel fees for the First Three Tranche Settlements on July 20, 2024 (ECF No. 726) through November 30, 2024, Settlement Class Counsel have collectively spent 15,813.10 professional hours for a lodestar of \$11,131,526.00, at historical rates.

8. For the reasons set forth below and in the accompanying memorandum of law, Settlement Class Counsel respectfully submit that the attorneys' fee application, the expenses application, and the request for service awards for the Settlement Class Representatives are reasonable, supported by the record and law, and should be granted.

CONTINUED PROSECUTION OF THE ACTION

9. Since the filing of Plaintiffs' prior Motion for Service Awards for the Class Representatives, Reimbursement of Expenses, and Attorneys' Fees (ECF No. 703), and as described in more detail below, Settlement Class Counsel have conducted and completed (in addition to the fact discovery described above), extensive expert discovery, briefed multiple *Daubert* motions and Plaintiffs' motion for class certification, negotiated and litigated disputes related to confidentiality and sealing issues, negotiated and litigated the terms and conditions of the Court's Disclosure Order (ECF No. 736) related to *Daubert* motions and the class certification filings, negotiated and filed numerous joint status reports, and appeared before the Court for five motion hearings and/or status conferences (and one fairness hearing). Settlement Class Counsel also negotiated and finalized the Fourth Tranche Settlement Agreements with Johns Hopkins and Caltech and prepared the papers in support of preliminary approval of those settlements.

A. Confidentiality and Sealing Issues

10. During the Spring and Summer of 2024, there were numerous disputes concerning Defendants' excessive designation of documents and testimony as Confidential or Attorneys Eyes Only (AEO), and their insistence that such materials be filed under seal. GLC took the lead in litigating those disputes, drafting submissions to the Court, and presenting oral argument in Joint Status Conferences. In addition, pursuant to the Court's direction, Plaintiffs led by GLC entered into negotiations with Defendants that ultimately resulted in the Agreed Order Governing Disclosure in Merits-Related Motion Practice of Material Designated Under the Second Amended Confidentiality Order as Confidential or AEO (ECF No. 736), filed on August 28, 2024.

B. Expert Discovery

11. During the expert discovery period in this case, which ran from the formal close of fact discovery on January 31, 2024 to November 12, 2024, Settlement Class Counsel oversaw extensive expert discovery both offensively and defensively. Given the importance of economic issues in this case, Settlement Class Counsel retained three economic experts: Hal J. Singer, Ph.D., Professor George Bulman, Ph.D., and Professor Jesse Rothstein, Ph.D. Settlement Class Counsel spent significant time working with Dr. Singer and his team to oversee the development of his analyses, which ultimately demonstrated, with classwide evidence, *inter alia*, that (i) Defendants possessed sufficient collective market power to cause anticompetitive effects; (ii) Defendants' participation in the 568 Group was consistent with an antitrust conspiracy and inconsistent with unfettered competition; (iii) the challenged conduct had anticompetitive effects; (iv) the negative economic impact of Defendants' anticompetitive conduct was felt by all or nearly all members of the class in the form of artificially inflated

prices; and (v) damages could reliably be computed on a classwide basis. Dr. Bulman determined that Defendants possessed sufficient financial capacity through their endowments to substantially increase need-based financial aid awards during the Class Period and that membership in the 568 Group was correlated with reduced spending of excess endowment returns on need-based financial aid. And Dr. Rothstein determined that Defendants' participation in the 568 Group was not associated with increased access to Defendants' undergraduate programs for students from low-income families. Dr. Singer submitted four expert reports/declarations consisting of 499 pages, inclusive of appendices. Dr. Bulman's two reports were 124 pages, including appendices. Dr. Rothstein submitted one rebuttal report that was 49 pages.

12. Settlement Class Counsel also retained higher education finance expert Elizabeth Mora, who showed, *inter alia*, that: (i) Defendants behaved like for-profit, diversified conglomerates; (ii) Defendants compete with one another in admissions, faculty hiring and retention, and endowments performance; and (iii) Defendants offer need-based financial aid for revenue-maximizing, not altruistic, purposes. Ms. Mora's two reports totaled 64 pages, including appendices.

13. Settlement Class Counsel collectively spent hundreds of hours over the course of many months working with their experts and consultants. They worked to ensure that the experts (a) received, and had sufficient information to understand, the transactional data reflecting the prices all members of the Class paid to all Defendants over the course of more than 20 years, and (b) had access to the discovery record and other information they needed to conduct their analyses. Settlement Class Counsel also coordinated with and among the experts

to ensure that their respective opinions satisfied the relevant standards and that they would ultimately be persuasive to the factfinder.

14. Plaintiffs' experts all sat for depositions, which Settlement Class Counsel defended and prepared for. All of the depositions of Plaintiffs' experts, including expert witness names, deposition dates, and the participating attorneys (and their roles), are as follows:

#	EXPERT WITNESS	DATE	PRIMARY PLAINTIFFS' FIRM/ATTORNEY DEFENDING	SUPPORTING FIRM/ATTORNEY (IF ANY)	LOCATION
1	Elizabeth Mora	10/29/24	Richard Cipolla, FNF		Remote
2	George Bulman	11/4/24	Ted Normand, FNF	Richard Cipolla, FNF	Philadelphia, PA
3	Jesse Rothstein	11/15/24	Richard Cipolla, FNF	Ted Normand, FNF	Remote
4	Hal J. Singer	11/27/24	Eric Cramer, BMPC	Hope Brinn, BMPC	Philadelphia, PA

15. Settlement Class Counsel also analyzed, along with Plaintiffs' experts, the seven reports submitted by Defendants' five experts: Dr. Lauren Stiroh, Dr. Nicholas Hill, Dr. Bridget Terry Long, Mr. Peter Ammon, and Dr. David Yermack. Defendants' expert reports totaled 1,213 pages, including appendices.

16. Settlement Class Counsel took the depositions of each of Defendants' expert witnesses. Settlement Class Counsel's preparation for each of these depositions was painstaking, involving extensive discussion with feedback from Plaintiffs' experts, review of Defendants' expert reports and the materials relied upon, as well as their prior writings and testimony, and review of significant portions of the record in this case.

17. All of the depositions of Defendants' experts, including expert witness names, deposition dates, and the participating attorneys (and their roles), examined by Settlement Class Counsel, are as follows:

#	EXPERT WITNESS	DATE	PRIMARY PLAINTIFFS' FIRM/ATTORNEY TAKING	SUPPORTING FIRM/ATTORNEY (IF ANY)	LOCATION
1	Louis Metzger	10/8/24	Robert Raymar, GLC	Natasha Zaslove, GLC	Philadelphia, PA
2	Bridget Terry Long	10/23/24	Ted Normand, FNF	Richard Cipolla, FNF	Remote
3	Peter Ammon	10/25/24	Richard Cipolla, FNF	Ted Normand	Remote
4	David Yermack	11/8/24	Ted Normand, FNF	Richard Cipolla, FNF	Remote
5	Lauren Stiroh	11/12/24	Eric Cramer, BMPC	Hope Brinn, BMPC	New York, NY
6	Nicholas Hill	11/22/24	Bob Litan, BMPC		Remote

C. *Daubert* and Class Certification Briefing

18. On December 16, 2024, Settlement Class Counsel submitted their Motion for Class Certification (ECF No. 752), and a Motion to Exclude the Opinions of Dr. Bridget Terry Long (ECF No. 750) and Mr. Peter Ammon (ECF No. 751). FNF along with BMPC took the lead on drafting the Motion for Class Certification, with FNF taking the lead on drafting the *Daubert* motion concerning Dr. Long and GLC drafting the *Daubert* motion concerning Mr. Ammon. All three Settlement Class Counsel were substantively involved in helping to prepare all of the motions, including draft inserts and substantial comments and edits by GLC. FNF took the lead on finalizing and filing these motions and all the supporting papers.

19. Defendants submitted a combined *Daubert* motion seeking to exclude every word of the reports and testimony of Dr. Singer, Dr. Bulman, and Ms. Mora (ECF No. 754). BMPC took the lead in responding to the portions of the motion concerning Dr. Singer, while FNF took the lead on responding to the portion concerning Ms. Mora. Both BMPC and FNF jointly worked on responding to the portion concerning Dr. Bulman. BMPC took the lead (with assistance from the other Settlement Class Counsel) on finalizing and filing the opposition to Defendants' *Daubert* motion on January 24, 2025 (ECF No. 785).

20. Settlement Class Counsel then drafted and filed replies to Defendants' memoranda in opposition to Plaintiffs' Motion to Exclude Dr. Long and Mr. Ammon. FNF took the lead on drafting the Long reply; GLC with assistance from BMPC drafted the Ammon reply; and FNF was involved in the final editing of both replies, which were filed on February 25, 2025 (ECF No. 795).

21. In response to Defendants' Opposition to Plaintiffs' Motion for Class Certification (ECF No. 789), BMPC took the lead on drafting and editing the class reply brief with substantive involvement of the other Settlement Class Counsel.

D. Confidentiality and Sealing Issues Related to Daubert and Class Certification

22. After the entry of the Court's Disclosure Order (ECF No. 736) on Aug 28, 2024, GLC took the lead on litigating and resolving disputes regarding that Order's terms and conditions as they arose. In addition, pursuant to the Disclosure Order and in connection with the filing of *Daubert* motions and Plaintiffs' motion for class certification, GLC, with assistance from other Settlement Counsel, conducted extensive negotiations with the Settled and Litigating Defendants regarding disputes concerning the sealing and redacting of documents and testimony that had been designated by Defendants during discovery as Confidential or AEO. These negotiations were largely successful in resolving disputes, with only one Defendant (Penn) filing a motion to seal. GLC took the lead in drafting Plaintiffs' memorandum in opposition to Penn's motion to seal, which was filed March 17, 2025.

E. Joint Status Reports and Conferences

23. Since Settlement Class Counsel last filed their Motion for Service Awards, Reimbursement of Expenses, and Attorneys' Fees on May 28, 2024 (ECF No. 703), Settlement Class Counsel have filed status reports on the following dates: June 11, 2024 (ECF No. 714),

July 16, 2024 (ECF No. 722), September 16, 2024 (ECF No. 738), October 21, 2024 (ECF No. 741), November 19, 2024 (ECF No. 743), January 17, 2025 (ECF No. 777), February 24, 2024 (ECF No. 793), and March 14, 2025 (ECF No. 816). Settlement Class Counsel also attended status conferences and/or motion hearings on April 18, 2024, May 24, 2024, June 18, 2024, July 19, 2024 (fairness hearing), January 24, 2025, and March 20, 2025.

C. Joint Status Reports and Conferences

24. Since Settlement Class Counsel last filed their Motion for Service Awards, Reimbursement of Expenses, and Attorneys' Fees on May 28, 2024 (ECF No. 703), Settlement Class Counsel have filed status reports on the following dates: June 11, 2024 (ECF No. 714), July 16, 2024 (ECF No. 722), September 16, 2024 (ECF No. 738), October 21, 2024 (ECF No. 741), November 19, 2024 (ECF No. 743), January 17, 2025 (ECF No. 777), February 24, 2024 (ECF No. 793), and March 14, 2025 (ECF No. 816). Settlement Class Counsel also attended status conferences and/or motion hearings on April 18, 2024, May 24, 2024, June 18, 2024, July 19, 2024 (fairness hearing), January 24, 2025, and March 20, 2025.

THE FOURTH TRANCHE SETTLEMENTS

25. As with the prior settlements, Settlement Class Counsel negotiated the Fourth Tranche Settlements at arm's length with the assistance of the offices of the renowned mediator, Hon. Layn Phillips (ret.), and his associates, Clay Cogman and Miles Ruthberg.

26. The Fourth Tranche Settlements provide for substantial economic relief. While these settlements are smaller in dollars than most of the prior ten settlements (which ranged from \$13.5 million to \$55 million, with an average settlement value of \$28.4 million), the Fourth Tranche Settlements reflect material differences between Johns Hopkins and Caltech, on the one hand, and the earlier settling Defendants, on the other. Importantly, both the Fourth

Tranche Settling Defendants had the shortest tenures, by far, in the 568 Group of all Defendants. Johns Hopkins had only been in the Group for approximately two months prior to the commencement of this litigation, and Caltech had only been a member of the 568 Group for a little over two years prior to the filing of the initial Complaint. Moreover, Caltech has the smallest enrollment of any Defendant with, for example, a student body of just 1,023 undergraduates enrolled in 2023. *See California Institute of Technology*, U.S. NEWS & WORLD REPORT (last visited Jan. 7, 2025), <https://www.usnews.com/best-colleges/california-institute-of-technology-1131>. By contrast, the next smallest of the seventeen Defendants, Dartmouth, had an undergraduate enrollment of 4,447 in 2023. *See Dartmouth College*, U.S. NEWS & WORLD REPORT (last visited Jan. 7, 2025), <https://www.usnews.com/best-colleges/dartmouth-college-2573>. Another of the Settling Defendants, Columbia, had an undergraduate enrollment nearly 9 times the size of Caltech, standing at 9,111 in 2023. *See Office of Planning & Institutional Research, Columbia College & Columbia Engineering 2023-24 Common Data Set*, COLUMBIA UNIVERSITY (last visited Jan. 7, 2025), https://opir.columbia.edu/sites/default/files/content/Common%20Data%20Set/2023-24_Columbia_College_and_Columbia_Engineering_CDS.pdf.

27. In addition to providing monetary relief, the Settlement with Johns Hopkins requires that it produce certain additional discovery to assist Settlement Class Counsel in further prosecution of the case. *See Johns Hopkins Settlement Agreement*, ECF No. 776-4 ¶ 20.

LITIGATION RISK

28. As discussed in the April 2024 Joint Declaration, this case presents litigation risks on the merits that could have resulted in no recovery to the Settlement Class from these

Defendants, including arguments concerning statute of limitations, relevant market, *per se* vs. rule of reason treatment, and withdrawal from the 568 Group. April 2024 Joint Decl. ¶¶ 57-60.

29. In addition, a court or factfinder could conclude that, for example, the exposure of Johns Hopkins would have been limited to the time after it had joined the 568 Group. A similar argument could be made about Caltech, which, as noted above, was a member of the 568 Group for only a little over two years prior to the start of the litigation and had by far the smallest enrollment of any Defendant.

30. While Plaintiffs continue to dispute Defendants' arguments, defenses, and assertions, there is always the risk of adverse outcomes on these and other issues, in addition to the possibility of lengthy delays (including due to appeals).

31. Moreover, Defendants are challenging Plaintiffs' evidence and expert work on each of the elements of Plaintiffs' claims. While Settlement Class Counsel are confident of their case, they expect an aggressive fight on summary judgment. And after summary judgment, Plaintiffs would then need to win before a jury and hold any verdict on appeal before Settlement Class members would see benefits from Caltech and Johns Hopkins absent the Fourth Tranche Settlements.

32. The remaining five non-settling Defendants in this matter are jointly and severally liable for, and are capable of paying, the full amount of anticipated proved damages caused by the conspiracy. These five Defendants collectively possess over \$80 billion in endowment assets alone.²

² See James Dean, *University Endowment Posts "Strong" Gain in FY 2024*, CORNELL CHRON. (Oct. 15, 2024), <https://news.cornell.edu/stories/2024/10/university-endowment-posts-strong-gain-fy-2024> (Cornell's endowment valued at approximately \$10.7 billion); Georgetown Investment Office, *Endowment Annual Letter FY 2024* (Feb. 2025), <https://georgetown.app.box.com/s/ce3hxunqzj6crjx5k0dc225ho38hb7zf> (Georgetown endowment valued at approximately \$3.6 billion);

33. In our experience as attorneys who have negotiated many class and non-class litigation settlements, the Fourth Tranche Settlements with Caltech and Johns Hopkins are fair, reasonable, and adequate. The Settlements avoid the delay and uncertainty of continued protracted litigation against these two Defendants. They provide substantial benefits to members of the Settlement Class through additional compensation and additional discovery requirements for Johns Hopkins. Under the proposed Plan of Allocation, Settlement Class members are each reasonably expected to recover on average about \$250 from the Fourth Tranche Settlements, in addition to approximately \$2,500 each from the First Three Tranche Settlements. In addition (as pointed out above), the five non-settling Defendants remain jointly and severally liable for the entire corpus of damages trebled, less the aggregate settlement value.

SERVICES OF THE CLASS REPRESENTATIVES

34. In addition to their prior work monitoring the case; retaining, searching for, and producing tens of thousands of documents for the case; and preparing for and sitting for depositions, *see* April 2024 Joint Decl. ¶ 61, the Settlement Class Representatives have reviewed and approved the Fourth Tranche Settlement Agreements and participated in confidentiality negotiations concerning the use of their documents in briefing on *Daubert* motion and class certification.

35. The Court awarded each of the eight Class Representatives \$20,000 relating to the First Three Tranche Settlements. Final Approval Order, ECF No. 726 ¶ 30. Without the Class

MIT NEWS, *MIT Releases Financial and Endowment Figures for 2024* (Oct. 11, 2024), <https://news.mit.edu/2024/mit-releases-financials-and-endowment-figures-1011> (MIT's endowment valued at approximately \$24.6 billion); Nina Rawal, *Penn's Endowment Sees 7.1% Annual Investment Return, Growing to \$22.3 Billion*, DAILY PENN. (Oct. 16, 2024), <https://www.thedp.com/article/2024/10/upenn-endowment-sees-return-investment> (Penn's endowment valued at approximately \$22.3 billion); NOTRE DAME, *Financial Information* (last visited Mar. 16, 2025), <https://www.nd.edu/about/financial-information/> (Notre Dame's endowment valued at approximately \$20.1 billion).

Representatives' participation in this litigation, there would be no lawsuit, and the Settlement Class would have recovered nothing. Accordingly, the proposed, additional modest service awards of \$2,500 for each of the eight Class Representatives for the two Fourth Tranche Settlements are well-deserved.

SETTLEMENT CLASS COUNSEL'S LODESTAR

36. Declarations in support of the lodestar and expenses of each firm involved in litigating the case are attached hereto as Exhibits 1 through 3. These Declarations provide the names of the attorneys and professional support staff who worked on the Action, their hourly rates (at the time the work was conducted) and number of hours billed, the lodestar value (at historical rates), and the expenses incurred by the firms. Settlement Class Counsel reviewed and audited the time and expense of each firm, including their own, to ensure that: (1) any time for work not authorized by Settlement Class Counsel and non-litigation-related time was removed; and (2) unreasonable or unapproved costs and expenses were removed. For example, time entries for unnecessary read and review and ministerial activities unrelated to litigation activities were eliminated and not included in this fee and expense application. Additionally, Settlement Class Counsel are not seeking fees for work done in connection with preparing the fee and expense application. The historical hourly rates charged by Settlement Class Counsel are reasonable, based on each person's position, experience level, and location, and have been approved by multiple courts in similar antitrust class actions.

37. Attached hereto as Exhibit 1 is a true and correct copy of the Declaration of Eric L. Cramer in Support of Settlement Class Counsel's Motion for Service Awards for the Class Representatives, Reimbursement of Expenses, and Attorneys' Fees Relating to the Fourth Tranche Settlements with Defendants Johns Hopkins University and California Institute of

Technology. Mr. Cramer is the Chairman of Berger Montague PC, one of the Settlement Class Counsel firms in this Action. Attached to Exhibit A to Mr. Cramer's Declaration is a true and correct summary identifying the BMPC attorneys, paralegals, and other staff who have worked on this litigation, the number of hours those individuals worked, their hourly billing rates, and their respective lodestar values. Exhibit A sets forth BMPC's total hours and lodestar at historical rates during three different time periods: (a) from inception of the case through and including November 30, 2024; (b) from April 1, 2024 (*i.e.*, the first day after the March 31, 2024 end date reported in the April 2024 Joint Declaration) through and including November 30, 2024; and (c) from July 20, 2024 (*i.e.*, the date of the Court's award of attorneys' fee and litigation expenses for the First Three Tranche Settlements, ECF No. 726), through and including November 30, 2024. From inception to November 30, 2024, BMPC attorneys and staff spent 26,909 professional hours, resulting in a historical lodestar of \$21,184,469.00. From April 1, 2024 through and including November 30, 2024, BMPC attorneys and staff spent 4,542 professional hours, resulting in a historical lodestar of \$4,117,770.50. From July 20, 2024 through and including November 30, 2024, BMPC attorneys and staff spent 1,540.40 hours, resulting in a historical lodestar of \$1,522,908.00.

38. Attached as Exhibit B to Mr. Cramer's Declaration is a schedule showing BMPC's total expenses and litigation fund contributions from inception through February 28, 2025, the amount BMPC has been reimbursed as of February 28, 2025 (as a result of the Court's Final Approval Order), and the total amount of unreimbursed costs and expenses as of February 28, 2025. BMPC has expended a total of \$333,978.50 in unreimbursed costs and expenses in connection with the prosecution of the Action from inception of the case through

and including February 28, 2025. These costs were incurred on behalf of the Settlement Class by BMPC and have not been reimbursed.

39. Attached hereto as Exhibit 2 is a true and correct copy of the Declaration of Ted Normand in Support of Settlement Class Counsel's Motion for Service Awards for the Class Representatives, Reimbursement of Expenses, and Attorneys' Fees Relating to the Fourth Tranche Settlements with Defendants Johns Hopkins University and California Institute of Technology. Ted Normand is a Founding Partner of Freedman Normand Friedland, one of the Settlement Class Counsel firms in this Action. Attached to Exhibit A to Mr. Normand's Declaration is a true and correct summary identifying the FNF attorneys, paralegals, and other staff who have worked on this litigation, the number of hours those individuals worked, their hourly billing rates, and their respective lodestar values. Exhibit A sets forth FNF's total hours and lodestar at historical rates during three different time periods: (a) from inception of the case through and including November 30, 2024; (b) from April 1, 2024 (*i.e.*, the first day after the March 31, 2024 end date reported in the April 2024 Joint Declaration) through and including November 30, 2024; and (c) from July 20, 2024 (*i.e.*, the date of the Court's award of attorneys' fee and litigation expenses for the First Three Tranche Settlements, ECF No. 726 (July 20, 2024)), through and including November 30, 2024. From inception to November 30, 2024, FNF attorneys and staff spent 51,174.60 professional hours, resulting in a historical lodestar of \$35,042,593.00. From April 1, 2024 to November 30, 2024, FNF attorneys and staff spent 21,444.20 professional hours, resulting in a historical lodestar of \$13,310,415.00. From July 20, 2024 to November 30, 2024, FNF attorneys and staff spent 8,685.10 hours, resulting in a historical lodestar of \$5,539,282.00.

40. Attached as Exhibit B to Mr. Normand's Declaration is a schedule showing FNF's total expenses and litigation fund contributions from inception through February 28, 2025, the amount FNF has been reimbursed as of February 28, 2025 (as a result of the Court's Final Approval Order), and the total amount of unreimbursed costs and expenses as of February 28, 2025. FNF has expended a total of \$673,595.70 in unreimbursed costs and expenses in connection with the prosecution of the Action from inception of the case through and including February 28, 2025. These costs were incurred on behalf of the Settlement Class by FNF and have not been reimbursed.

41. Attached hereto as Exhibit 3 is a true and correct copy of the Declaration of Robert D. Gilbert in Support of Plaintiffs' Motion for an Award of Attorneys' Fees, Reimbursement of Expenses, and Service Awards for the Class Representatives. Mr. Gilbert is the Founder and Managing Partner of Gilbert Litigators & Counselors, one of the Settlement Class Counsel firms in this Action. Attached to Exhibit A to Mr. Gilbert's Declaration is a true and correct summary identifying the GLC attorneys, paralegals, and other staff who have worked on this litigation, the number of hours those individuals worked, their hourly billing rates, and their respective lodestar values. Exhibit A sets forth GLC's total hours and lodestar at historical rates during three different time periods: (a) from inception of the case through and including November 30, 2024; (b) from April 1, 2024 (*i.e.*, the first day after the March 31, 2024 end date reported in the April 2024 Joint Declaration) through and including November 30, 2024; and (c) from July 20, 2024 (*i.e.*, the date of the Court's award of attorneys' fee and litigation expenses for the First Three Tranche Settlements, ECF No. 726 (July 20, 2024)), through and including November 30, 2024. From inception to November 30, 2024, GLC attorneys and staff spent 46,877.8 professional hours, resulting in a historical lodestar of

\$39,217,787. From April 1, 2024 to November 30, 2024, GLC attorneys and staff spent 10,645.5 professional hours, resulting in a historical lodestar of \$7,849,646. From July 20, 2024 to November 30, 2024, GLC attorneys and staff spent 5,587.6 hours, resulting in a historical lodestar of \$4,069,336.

42. Attached as Exhibit B to Mr. Gilbert's Declaration is a schedule showing GLC's total expenses and litigation fund contributions from inception through February 28, 2025, the amount GLC has been reimbursed as of February 28, 2025 (as a result of the Court's Final Approval Order), and the total amount of unreimbursed costs and expenses as of February 28, 2025. GLC has expended a total of \$1,044,295 in unreimbursed costs and expenses in connection with the prosecution of the Action from inception of the case through and including February 28, 2025. These costs were incurred on behalf of the Settlement Class by GLC and have not been reimbursed.

43. The following table shows the total hours and total lodestar using historical rates for each of the Settlement Class Counsel firms for this litigation for the relevant time periods:

LODESTAR & HOURS FROM INCEPTION THROUGH NOVEMBER 30, 2024		
Firm	Hours	Lodestar
Freedman Norman Friedland LLP	54,174.60	\$35,042,593.00
Gilbert Litigators & Counselors, P.C.	46,877.80	\$39,217,787.00
Berger Montague PC	26,897.00	\$21,185,079.00
<i>TOTALS</i>	127,949.40	\$95,445,459.00

LODESTAR & HOURS FROM APRIL 1, 2024 THROUGH NOVEMBER 30, 2024		
Firm	Hours	Lodestar
Freedman Norman Friedland LLP	21,444.20	\$13,310,415.00
Gilbert Litigators & Counselors, P.C.	10,645.50	\$7,849,646.00
Berger Montague PC	4,530.20	\$4,117,770.50
<i>TOTALS</i>	36,619.90	\$25,277,831.50

LODESTAR & HOURS FROM JULY 20, 2024 THROUGH NOVEMBER 30, 2024		
Firm	Hours	Lodestar
Freedman Norman Friedland LLP	8,685.10	\$5,539,282.00
Gilbert Litigators & Counselors, P.C.	5,587.60	\$4,069,336.00
Berger Montague PC	1,540.40	\$1,522,908.00
<i>TOTALS</i>	15,813.10	\$11,131,526.00

44. Experienced attorneys at Settlement Class Counsel's firms undertook tasks appropriate for their levels of expertise, skill, and experience. Throughout the prosecution of this Action, work assignments were allocated among Settlement Class Counsel in a manner that was intended to promote efficiency and avoid unnecessary duplication of effort.

45. Whether considering lodestar from (1) inception to November 30, 2024; (2) from April 1, 2024 to November 30, 2024; or (3) July 20, 2024 to November 30, 2024, the multiplier given the \$11.75 million of sought attorneys' fees is quite modest, and well within the range of reasonable.

Date Range	Lodestar	Fee Award (Granted/Requested)	Multiplier
Inception–Nov. 30, 2024	\$95,445,459.00	\$106.42 million	1.11
Apr. 1, 2024–Nov. 30, 2024	\$25,277,831.50	\$11.75 million	0.54
July 20, 2024–Nov. 30, 2024	\$11,131,526.00	\$11.75 million	1.06

REASONABLE UNREIMBURSED LITIGATION EXPENSES

46. Settlement Class Counsel have advanced all expenses required to litigate this Action, despite knowing that they might not recover any of these expenses. Settlement Class Counsel incurred reasonable out-of-pocket expenses, including expert fees, consulting costs, filing fees, computer research, deposition transcripts and court reporting, travel and accommodations, data storage and organization, and subpoena-related expenses.

47. As explained in the April 2024 Joint Declaration, the assistance of economic experts has proven essential in prosecuting this complex antitrust conspiracy, as has been demonstrated in the class certification briefing.

48. The following table shows Settlement Class Counsel’s reasonable unreimbursed out-of-pocket expenses (excluding contributions to the litigation fund for joint expenses that are discussed below) through February 28, 2025 in this case:

FIRM	NON-LITIGATION FUND EXPENSES
Freedman Normand Friedland LLP	\$113,595.70
Gilbert Litigators & Counselors, P.C.	\$52,861.00
Berger Montague PC	\$49,978.50
<i>TOTAL</i>	\$216,435.20

49. The majority of unreimbursed expenses incurred were paid out of a litigation fund escrow account. Settlement Class Counsel collectively contributed \$4,235,434.00 to the litigation fund. Unreimbursed expenses that have been paid from the litigation fund are shown below:

EXPENSE CATEGORY	AMOUNT
Expert Consulting Fees	\$1,490,976.69
E-Discovery/Hosting Vendor Fees	\$247,606.53
Court Reporting, Transcript Services, Subpoena-Related Costs	\$171,223.83
Mediation Costs	\$47,637.50
Litigation Support Services	\$53,188.75
Investigative Services	\$4,235.00
<i>TOTAL</i>	\$2,014,868.30

50. Unreimbursed expenses from the litigation fund that are outstanding and due are shown below:

EXPENSE CATEGORY	AMOUNT
Expert Consulting Fees	\$191,033.78
E-Discovery/Hosting Vendor Fees	\$14,842.04
Court Reporting, Transcript Services, Subpoena-Related Costs	\$4,559.80
Mediation Costs	\$0
Litigation Support Services	\$0
Investigative Services	\$0
<i>TOTAL</i>	\$210,435.62

51. The total amount of Settlement Class Counsel's request for cost reimbursement is \$2,441,739.12 which is the total of unreimbursed out-of-pocket expenses, litigation fund expenditures, and outstanding invoices.

52. By way of review, Settlement Class Counsel's total expenses from inception of the litigation through February 28, 2025 amount to \$5,950,734.17. Settlement Class Counsel were reimbursed \$3,508,995.25 in connection with the prior ten settlements. *See* Final Approval Order ¶ 29. As shown above, Settlement Class Counsel's unreimbursed expenses through February 28, 2025 after accounting for the reimbursed expenses totals \$2,441,739.12.

53. The amounts expended by each firm are shown in the individual Declarations attached hereto as Exhibits 1 to 3.

CONCLUSION

54. Settlement Class Counsel respectfully submit, for the reasons set forth above and in the accompanying memorandum of law, that the attorneys' fee application, the expense application, and request for service awards for the eight Class Representatives are reasonable and amply supported by the record and law.

I certify under penalty of perjury that the foregoing is true and correct. Executed on March 25, 2025, in New York, NY.

/s/ Edward Normand

Edward Normand
**FREEDMAN NORMAND
FRIEDLAND LLP**
99 Park Avenue, Suite 1910
New York, NY 10016
Tel: (646) 350-0527
tnormand@fnf.law

I certify under penalty of perjury that the foregoing is true and correct. Executed on
March 25, 2025, in Henderson, NV.

/s/ Robert D. Gilbert
Robert D. Gilbert
**GILBERT LITIGATORS
& COUNSELORS**
11 Broadway, Suite 615
New York, NY 10004
Tel: (646) 448-5269
rgilbert@gilbertlitigators.com

I certify under penalty of perjury that the foregoing is true and correct. Executed on
March 25, 2025, in Philadelphia, PA.

/s/ Eric L. Cramer
Eric L. Cramer
BERGER MONTAGUE PC
1818 Market Street, Suite 3600
Philadelphia, PA 19106
Tel: (215) 875-3000
ecramer@bm.net

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

ANDREW CORZO, SIA HENRY,
ALEXANDER LEO-GUERRA, MICHAEL
MAERLENDER, BRANDON PIYEVSKY,
BENJAMIN SHUMATE, BRITTANY
TATIANA WEAVER, and CAMERON
WILLIAMS, individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

BROWN UNIVERSITY, CALIFORNIA
INSTITUTE OF TECHNOLOGY,
UNIVERSITY OF CHICAGO, THE TRUSTEES
OF COLUMBIA UNIVERSITY IN THE CITY
OF NEW YORK, CORNELL UNIVERSITY,
TRUSTEES OF DARTMOUTH COLLEGE,
DUKE UNIVERSITY, EMORY UNIVERSITY,
GEORGETOWN UNIVERSITY, THE JOHNS
HOPKINS UNIVERSITY, MASSACHUSETTS
INSTITUTE OF TECHNOLOGY,
NORTHWESTERN UNIVERSITY,
UNIVERSITY OF NOTRE DAME DU LAC,
THE TRUSTEES OF THE UNIVERSITY OF
PENNSYLVANIA, WILLIAM MARSH RICE
UNIVERSITY, VANDERBILT UNIVERSITY,
and YALE UNIVERSITY,

Defendants.

Case No. 1:22-cv-00125

Hon. Matthew F. Kennelly

**DECLARATION OF ERIC L. CRAMER IN SUPPORT OF SETTLEMENT CLASS
COUNSEL'S MOTION FOR SERVICE AWARDS FOR THE CLASS
REPRESENTATIVES, REIMBURSEMENT OF EXPENSES, AND ATTORNEYS' FEES
RELATING TO THE FOURTH TRANCHE SETTLEMENTS WITH DEFENDANTS
JOHNS HOPKINS UNIVERSITY AND CALIFORNIA INSTITUTE OF TECHNOLOGY**

I, Eric L. Cramer, declare as follows:

1. I am the Chairman of the law firm Berger Montague PC, where I am an Executive Shareholder and also Co-Chair the firm's antitrust department. I submit this declaration in support of Settlement Class Counsel's Motion for Service Awards for the Class Representatives, Reimbursement of Expenses, and Attorneys' Fees Relating to the Fourth Tranche Settlements with Defendants Johns Hopkins University and California Institute of Technology in *Henry, et al. v. Brown Univ., et al.*, Case No. 1:22-cv-00125 (the "Action"). I am fully familiar with this Action, and have personal knowledge of the matters set forth in, and attached to, this Declaration. I hereby incorporate as if fully set forth herein my prior declaration submitted in Support of Settlement Class Counsel's Motion for Award of Attorneys' Fees, for Reimbursement of Expenses, and for Service Awards for the Class Representatives, dated April 29, 2024 (the "2024 Cramer Declaration"). ECF No. 679-2. The 2024 Cramer Declaration described my firm's work in this case on behalf of the Settlement Class, and set forth my firm's lodestar and expense information, from inception through March 31, 2024.

2. My firm has been appointed as one of the three Settlement Class Counsel in connection with the prior three settlement tranches. *See* ECF Nos. 439 (September 9, 2023), 614 (February 14, 2024), 638 (February 28, 2024) (appointing Settlement Class Counsel for each settlement tranche, respectively). The schedules attached hereto as Exhibit A are true and correct summaries identifying the attorneys, paralegals, and other professional staff who have worked on this Action, the number of hours each of those individuals worked, each of their hourly billing rates, and each of their respective lodestar values at historical rates. These schedules set forth my firm's total hours and lodestar at historical rates during three different time-periods: (a) from

inception of the case through and including November 30, 2024; (b) from April 1, 2024 (*i.e.*, the first day after the March 31, 2024 end date reported in the 2024 Cramer Declaration) through and including November 30, 2024; and (c) from July 20, 2024 (*i.e.*, the date of the Court's award of attorneys' fee and litigation expenses for the prior three settlement tranches, ECF No. 726 (July 20, 2024)), through and including November 30, 2024. These schedules were prepared from contemporaneous, daily time records prepared and maintained by my firm.

3. The tasks my firm performed in connection with representing the Plaintiffs in the Action from inception through March 31, 2024 were set forth in 2024 Cramer Declaration. In addition to that work, during the period April 1, 2024 through November 30, 2024 and up through the present, my firm completed the work detailed below. Although the *Daubert* and class certification briefing was filed after November 30, 2024, substantial work on these briefs was done during the period between April 1, 2024 and November 30, 2024. Since April 1, 2024, my firm has completed the following work:

(a) principally drafting substantial portions of the briefing in support of Plaintiffs' Motion for Final Approval of the Proposed Settlements and Approval of Settlement Class Counsel's Motion for Service Awards, Reimbursement of Expenses, and Attorneys' Fees ("Motion for Final Approval") (ECF No. 703);

(b) preparing for and arguing before the Court in support of the Motion for Final Approval;

(c) preparing for and participating in mediation and settlement discussions with California Institute of Technology and Johns Hopkins University and negotiating and finalizing the terms of those settlement agreements;

(d) reviewing all six of Dr. Hal Singer and Dr. George Bulman's expert reports (produced between May 14, 2024 and January 24, 2025), overseeing the work of Drs. Singer and Bulman, preparing for their depositions, and defending Dr. Singer's deposition in Philadelphia, Pennsylvania on November 27, 2024;

(e) preparing for and taking the deposition of Dr. Lauren Stiroh in New York, New York on November 12, 2024, and preparing for and taking Dr. Nicholas Hill's deposition remotely on November 22, 2024;

(f) principally drafting all portions of Plaintiffs' Opposition to Defendants' *Daubert* Motion seeking to exclude all of Dr. Singer's testimony and principally drafting certain sections of Plaintiffs' opposition concerning the sought exclusion of all of Dr. Bulman's testimony, filed on January 25, 2025 (ECF No. 786);

(g) finalizing and filing the opposition to Defendants' *Daubert* motion filed on January 25, 2025;

(h) assisting in the drafting the Reply in support of Plaintiffs' Motion to Exclude the Opinions of Peter Ammon filed on February 25, 2025 (ECF No. 795);

(i) drafting and editing substantial portions of Plaintiffs' Motion for Class Certification filed on December 16, 2024 (ECF No. 752);

(j) principally drafting the Reply in support of Plaintiffs' Motion for Class Certification filed on March 7, 2025 (ECF No. 807); and

(k) liaising with the Settlement Claims Administrator concerning the administration of the settlements with Brown University, University of Chicago, Columbia University, Dartmouth College, Duke University, Emory University, Northwestern University, Rice University, Vanderbilt University, and Yale University.

4. Detailed information concerning Settlement Class Counsel's work investigating and litigating the Action from inception through March 30, 2024 was provided in the Joint Declaration of Edward Normand, Robert D. Gilbert, and Eric L. Cramer in Support of the Memorandum of Law in Support of Plaintiffs' Motion for Service Awards for the Class Representatives, Reimbursement of Expenses, and Attorneys' Fees, dated April 29, 2024. ECF No. 679-1 ("April 2024 Joint Declaration"). Additional information and detail concerning Settlement Class Counsel's work litigating the Action to reach the Fourth Tranche Settlements is provided in the accompanying Joint Declaration of Edward Normand, Robert D. Gilbert, and Eric L. Cramer in Support of Settlement Class Counsel's Motion for Service Awards for the Class Representatives, Reimbursement of Expenses, and Attorneys' Fees Relating to the Fourth Tranche Settlements with Defendants Johns Hopkins University and California Institute of Technology, dated March 25, 2025 ("March 2025 Joint Declaration").

5. The lodestar amounts reflected in Exhibit A are for work performed by attorneys and professional staff at, or affiliated with, my firm for the benefit of the Settlement Class. The hourly rates for the attorneys and professional staff in my firm reflected in Exhibit A are the usual and customary hourly rates used by my firm in similar contingent complex litigation or other matters. My firm's work on this case was performed on a wholly contingent basis. Exhibit A provides information on my firm's total lodestar (at historical rates) for the three periods identified in Paragraph 2 above: (a) a lodestar of \$21,185,079.00 for the period from inception of the case through and including November 30, 2024; (b) a lodestar of \$4,117,770.50 for the period from April 1, 2024 through and including November 30, 2024; and (c) a lodestar of \$1,522,908.00 for the period from July 20, 2024 through and including November 30, 2024.

6. The schedule attached as Exhibit B provides the costs and contributions to the litigation escrow account (referred to as the “litigation fund”) by my firm, which are reflected on the books and records of my firm. The monies in the litigation fund were used for the benefit of the Settlement Class, including for expert costs, document storage costs, and other important items. The information in Exhibit B shows my firm’s total expenses and litigation fund contributions from inception through February 28, 2025 (\$1,190,511.64), the amount my firm has been reimbursed as of February 28, 2025 (as a result of the Court’s July 20, 2024 Order awarding attorneys’ fees and litigation expenses (ECF No. 726)) (\$856,533.14), and the total amount of unreimbursed costs and expenses as of February 28, 2025 (\$333,978.50). These costs were incurred on behalf of the Settlement Class by my firm and have not been reimbursed.

7. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 25th day of March, 2025, in Philadelphia, PA.

/s/ Eric Cramer
Eric L. Cramer

EXHIBIT A

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

ANDREW CORZO, SIA HENRY,
ALEXANDER LEO-GUERRA, MICHAEL
MAERLENDER, BRANDON PIYEVSKY,
BENJAMIN SHUMATE, BRITTANY
TATIANA WEAVER, and CAMERON
WILLIAMS, individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

BROWN UNIVERSITY, CALIFORNIA
INSTITUTE OF TECHNOLOGY,
UNIVERSITY OF CHICAGO, THE TRUSTEES
OF COLUMBIA UNIVERSITY IN THE CITY
OF NEW YORK, CORNELL UNIVERSITY,
TRUSTEES OF DARTMOUTH COLLEGE,
DUKE UNIVERSITY, EMORY UNIVERSITY,
GEORGETOWN UNIVERSITY, THE JOHNS
HOPKINS UNIVERSITY, MASSACHUSETTS
INSTITUTE OF TECHNOLOGY,
NORTHWESTERN UNIVERSITY,
UNIVERSITY OF NOTRE DAME DU LAC,
THE TRUSTEES OF THE UNIVERSITY OF
PENNSYLVANIA, WILLIAM MARSH RICE
UNIVERSITY, VANDERBILT UNIVERSITY,
and YALE UNIVERSITY,

Defendants.

Case No. 1:22-cv-00125

Hon. Matthew F. Kennelly

**EXHIBIT A TO THE DECLARATION OF ERIC CRAMER IN SUPPORT OF
SETTLEMENT CLASS COUNSEL'S MOTION FOR SERVICE AWARDS FOR THE
CLASS REPRESENTATIVES, REIMBURSEMENT OF EXPENSES, AND
ATTORNEYS' FEES RELATING TO THE FOURTH TRANCHE SETTLEMENTS
WITH DEFENDANTS JOHNS HOPKINS UNIVERSITY AND CALIFORNIA
INSTITUTE OF TECHNOLOGY**

Reported Hours and Historical Lodestar

Inception through November 30, 2024

NAME	POSITION	HOURS	RATE	LODESTAR	YEAR
Cramer, Eric	CH	128.90	990.00	127,611.00	2021
		432.70	1,100.00	475,970.00	2022
		896.90	1,160.00	1,042,014.00	2023
		840.00	1,390.00	1,167,600.00	2024
Litan, Robert E.	S	37.80	500.00	18,900.00	2021
		1,144.20	1,100	1,258,620.00	2022
		1,590.40	1,150.00	1,828,960.00	2023
		1,137.90	1,350.00	1,536,165.00	2024
Davis, Joshua	S	1.70	980.00	1,666.00	2022
		.30	1,325.00	397.50	2024
Noteware, Ellen	S	583.50	825.00	481,387.50	2023
		500.50	1,110.00	550,550.00	2024
Drake, E. Michelle	S	1.70	820.00	1,394.00	2021
		2.00	920.00	1,840.00	2022
Walker, Daniel	S	59.30	660.00	39,138.00	2021
		114.30	730.00	83,439.00	2022
		127.40	775.00	98,735.00	2023
Madden, Patrick	S	2.80	690.00	1,932.00	2022
Fedullo, William	A	56.10	535.00	30,013.50	2023
		.30	635.00	190.50	2024
Gradwohl, Jeremy	A	71.10	520.00	36,972.00	2023
		116.60	605.00	70,543.00	2024
Brinn, Hope	A	537.90	490.00	263,571.00	2022
		1,556.60	525.00	817,215.00	2023
		1,380.90	610.00	842,349.00	2024
Langer, David	SC	162.90	735.00	119,731.50	2023
		154.50	870.00	134,415.00	2024
Schwartz, Richard	SC	14.20	660.00	9,372.00	2022
		146.60	690.00	101,154.00	2023
		269.10	850.00	228,735.00	2024
Aviles, Natisha	SC	23.20	595.00	13,804.00	2023
		243.90	695.00	169,510.50	2024
Hartman, Matthew	C	140.00	685.00	95,900.00	2023
		560.50	785.00	439,992.50	2024
Copenhaver, John	C	1,252.10	675.00	845,167.50	2023
		908.50	775.00	704,087.50	2024
Sawczuk, Lara	C	301.30	585.00	176,260.50	2023
		742.00	685.00	508,270.00	2024
Federbusch, Stephen	C	154.30	685.00	105,695.50	2023
Ahmad, Zubair	C	113.30	605.00	68,546.50	2023

NAME	POSITION	HOURS	RATE	LODESTAR	YEAR
		.60	705.00	423.00	2024
Hamner, Peter	C	1.20	585.00	702.00	2023
Gallucci, Dominic	C	268.00	540.00	144,720.00	2023
		786.50	540.00	424,710.00	2024
Ajayi, Lillian	DR	206.10	775.00	159,727.50	2023
		260.10	850.00	221,085.00	2024
Alper, David	DR	297.00	745.00	221,265.00	2023
		248.60	825.00	205,095.00	2024
Caesar, Sharon	DR	320.00	710.00	227,200.00	2023
		220.00	800.00	176,000.00	2024
Carty, Tom	DR	320.00	705.00	225,600.00	2023
		217.00	790.00	171,430.00	2024
Park, Sye	DR	317.70	685.00	217,624.50	2023
		250.70	770.00	193,039.00	2024
North, Rhonda	DR	315.90	655.00	206,914.50	2023
		259.00	750.00	194,250.00	2024
Othman, Yaser	DR	280.00	625.00	175,000.00	2023
		260.00	720.00	187,200.00	2024
Gardner, Dorry	DR	280.00	625.00	175,000.00	2023
		248.30	720.00	178,776.00	2024
Rutledge, Diva	DR	280.10	625.00	175,062.50	2023
		223.10	720.00	160,632.00	2024
Olivier, Vaness	DR	283.20	625.00	177,000.00	2023
		224.70	720.00	161,784.00	2024
Cohen, Carson	DR	320.00	615.00	196,800.00	2023
		259.50	720.00	186,840.00	2024
Ahearn, Donald	DR	320.00	635.00	203,200.00	2023
		259.80	730.00	189,654.00	2024
Igbinoghene, Valerie	DR	280.80	575.00	161,460.00	2023
		238.30	650.00	154,895.00	2024
Ataande, Achumboro	DR	320.00	575.00	184,000.00	2023
		260.00	650.00	169,000.00	2024
Marquez, Melissa	DR	289.80	575.00	166,635.00	2023
		227.80	650.00	148,070.00	2024
Park, David	DR	157.50	565.00	88,987.50	2023
Hebert IV, John	DR	4.40	340.00	1,496.00	2023
Filbert, David	PL	89.60	420.00	37,632.00	2023
		208.90	450.00	94,005.00	2024
York, Elizabeth	PL	260.90	420.00	109,578.00	2023
		296.20	450.00	133,290.00	2024
Choe, Caroline	PL	3.50	405.00	1,417.50	2023
		2.0	440.00	880.00	2024
Ginis, Haroula	PL	13.50	405.00	5,467.50	2023

NAME	POSITION	HOURS	RATE	LODESTAR	YEAR
		0.80	440.00	352.00	
Willett, Michelle	PL	72.90	405.00	29,524.50	2023
Werwinski, Diane	PL	1.20	390.00	468.00	2022
		3.40	410.00	1,394.00	2023
		4.00	440.00	1,760.00	2024
Brandy, Max	PL	6.50	390.00	2,535.00	2023
Gebo, Rachel	PL	5.50	310.00	1,705.00	2021
		20.90	390.00	8,151.00	2022
		11.0	445.00	4,895.00	2024
Leo, Susan	PL	2.50	300.00	750.00	2021
		1.10	340.00	374.00	2022
		3.80	375.00	1,425.00	2023
		5.0	450.00	2,250.00	2024
Wolfinger, Caitlin	PL	5.00	340.00	1,700.00	2022
Magnus, Eleanor	LA	11.60	240.00	2,784.00	2022
		2.30	260.00	598.00	2023
		3.40	285.00	969.00	2024
Simon, Connie	LA	17.30	240.00	4,152.00	2022
		30.5	260.00	7,930.00	2023
TOTAL		26,897.2		21,185,079.00	

Role Legend

P Chairman
 S Shareholder
 SC Senior Counsel
 OC Of Counsel
 C Counsel
 DR Document Review Attorney
 A Associate
 LC Law Clerk
 PL Paralegal
 LA Legal Assistant (when doing
 paralegal work)

Reported Total Hours and Blended Rate Lodestar
Inception through November 30, 2024

NAME	POSITION	LAW SCHOOL GRAD DATE	HOURS	BLENDED RATE	LODESTAR
Cramer, Eric	CH	1993	2,298.50	1,223.93	2,813,195.00
Litan, Robert E.	S	1977	3,910.30	1,187.29	4,642,645.00
Davis, Joshua	S	1993	2.00	1,031.75	2,063.50
Noteware, Ellen	S	1993	1,084.00	951.97	1,031,937.50
Drake, E. Michelle	S	2001	3.70	874.05	3,234.00
Walker, Daniel	S	2005	301.00	735.26	221,312.00
Madden, Patrick	S	2010	2.80	690.00	1,932.00
Fedullo, William	A	2019	56.40	535.53	30,204.00
Gradwohl, Jeremy	A	2021	187.70	572.80	107,515.00
Brinn, Hope	A	2020	3,475.40	553.36	1,923,135.00
Langer, David	SC	1999	317.40	800.71	254,146.50
Schwartz, Richard	SC	2004	429.90	789.16	339,261.00
Aviles, Natisha	SC	2010	267.10	686.31	183,314.50
Hartman, Matthew	C	1997	700.50	765.01	535,892.50
Copenhaver, John	C	1999	2,160.60	717.05	1,549,255.00
Sawczuk, Lara	C	2011	1,043.30	656.12	684,530.50
Federbusch, Stephen	C	2000	154.30	684.99	105,694.00
Ahmad, Zubair	C	2007	113.90	695.53	68,969.50
Hamner, Peter	C	2010	1.20	585.00	702.00
Gallucci, Dominic	C	2017	1,054.50	540.00	569,430.00
Ajayi, Lillian	DR	1982	466.20	816.84	380,812.50
Alper, David	DR	1985	545.60	781.45	426,360.00
Caesar, Sharon	DR	1991	540.00	746.67	403,200.00
Carty, Tom	DR	1996	537.00	739.35	397,030.00
Park, Sye	DR	1998	568.40	722.49	410,663.50
North, Rhonda	DR	2003	574.90	697.80	401,164.50
Othman, Yaser	DR	2008	540.00	670.74	362,200.00
Gardner, Dorry	DR	2008	528.3	669.65	353,776.00
Rutledge, Diva	DR	2008	503.20	667.12	335,694.50
Olivier, Vaness	DR	2008	507.90	667.03	338,784.00
Cohen, Carson	DR	2009	579.50	662.02	383,640.00
Ahearn, Donald	DR	2007	579.89	677.46	392,854.00
Igbinoghene, Valerie	DR	2015	519.10	609.43	316,355.00
Ataande, Achumboro	DR	2015	580.00	608.62	353,000.00
Marquez, Melissa	DR	2015	517.60	608.01	314,705.00
Park, David	DR	2016	157.50	565.00	88,987.50
Hebert IV, John	DR	1989	4.40	340.00	1,496.00
Filbert, David	PL	--	298.50	440.99	131,637.00

NAME	POSITION	LAW SCHOOL GRAD DATE	HOURS	BLENDED RATE	LODESTAR
York, Elizabeth	PL	--	557.10	435.95	242,868.00
Choe, Caroline	PL	--	5.50	417.73	2,297.50
Ginis, Haroula	PL	--	14.30	406.96	5,819.50
Willett, Michelle	PL	--	72.90	405.00	29,524.50
Werwinski, Diane	PL	--	8.60	421.16	3,622.00
Brandy, Max	PL	--	6.50	390.00	2,535.00
Gebo, Rachel	PL	--	37.40	394.41	14,751.00
Leo, Susan	PL	--	12.40	387.02	4,799.00
Wolfinger, Caitlin	PL	--	5.00	340.00	1,700.00
Magnus, Eleanor	LA	--	17.30	251.50	4,351.00
Simon, Connie	LA	--	47.80	252.76	12,082.00

Role Legend

CH Chairman
 S Shareholder
 SC Senior Counsel
 OC Of Counsel
 C Counsel
 DR Document Review Attorney
 A Associate
 LC Law Clerk
 PL Paralegal
 LA Legal Assistant (when doing paralegal work)

Reported Hours and Historical Lodestar

April 1, 2024 through November 30, 2024

NAME	POSITION	HOURS	RATE	LODESTAR	YEAR
Cramer, Eric	CH	653.00	1,390.00	907,670.00	2024
Litan, Robert E.	S	825.30	1,350.00	1,114,155.00	2024
Davis, Joshua	S	0.30	1,325.00	397.50	2024
Noteware, Ellen	S	306.30	1,110.00	336,930.00	2024
Gradwohl, Jeremy	A	4.30	605.00	2,601.50	2024
Brinn, Hope	A	989.80	610.00	603,778.00	2024
Langer, David	SC	5.90	870.00	5,133.00	2024
Schwartz, Richard	SC	143.30	850.00	121,805.00	2024
Aviles, Natisha	SC	161.30	695.00	112,103.50	2024
Hartman, Matthew	C	249.50	785.00	195,857.50	2024
Copenhaver, John	C	297.20	775.00	230,330.00	2024
Sawczuk, Lara	C	262.00	685.00	179,470.00	2024
Gallucci, Dominic	C	258.20	540.00	139,428.00	2024
Filbert, David	PL	152.70	450.00	68,715.00	2024
York, Elizabeth	PL	204.90	450.00	92,205.00	2024
Choe, Caroline	PL	2.00	440.00	880.00	2024
Ginis, Haroula	PL	0.80	440.00	352.00	2024
Werwinski, Diane	PL	4.00	440.00	1760.00	2024
Gebo, Rachel	PL	6.10	445.00	2,714.50	2024
Leo, Susan	PL	3.30	450.00	1,485.00	2024
TOTAL		4,530.2		4,117,770.50	

Role Legend

P Chairman
S Shareholder
SC Senior Counsel
OC Of Counsel
C Counsel
DR Document Review Attorney
A Associate
LC Law Clerk
PL Paralegal
LA Legal Assistant (when doing
paralegal work)

Reported Total Hours and Blended Rate Lodestar

April 1, 2024 through November 30, 2024

NAME	POSITION	LAW SCHOOL GRAD DATE	HOURS	BLENDED RATE	LODESTAR
Cramer, Eric	CH	1993	653.00	1,390.00	907,670.00
Litan, Robert E.	S	1977	825.30	1,350.00	1,114,155.00
Davis, Joshua	S	1993	0.30	1,325.00	397.50
Noteware, Ellen	S	1993	306.30	1,100.00	336,930.00
Gradwohl, Jeremy	A	2021	4.30	605.00	2,601.50
Brinn, Hope	A	2020	989.80	610.00	603,778.00
Langer, David	SC	1999	5.90	870.00	5,133.00
Schwartz, Richard	SC	2004	143.30	850.00	121,805.00
Aviles, Natisha	SC	2010	161.30	695.00	112,103.50
Hartman, Matthew	C	1997	249.50	785.00	195,857.50
Copenhaver, John	C	1999	297.20	775.00	230,330.00
Sawczuk, Lara	C	2011	262.00	685.00	179,470.00
Gallucci, Dominic	C	2017	258.20	540.00	139,428.00
Filbert, David	PL	--	152.70	450.00	68,715.00
York, Elizabeth	PL	--	204.90	450.00	92,205.00
Choe, Caroline	PL	--	2.00	440.00	880.00
Ginis, Haroula	PL	--	0.80	440.00	352.00
Werwinski, Diane	PL	--	4.00	440.00	1,760.00
Gebo, Rachel	PL	--	6.10	445.00	2,714.50
Leo, Susan	PL	--	3.30	450.00	1,485.00
TOTAL			4,530.20		4,117,770.50

Role Legend

CH Chairman
 S Shareholder
 SC Senior Counsel
 OC Of Counsel
 C Counsel
 DR Document Review Attorney
 A Associate
 LC Law Clerk
 PL Paralegal
 LA Legal Assistant (when doing paralegal work)

Reported Hours and Historical Lodestar

July 20, 2024 through November 30, 2024

NAME	POSITION	HOURS	RATE	LODESTAR	YEAR
Cramer, Eric	CH	335.30	1,390.00	466,067.00	2024
Litan, Robert E.	S	406.60	1,350.00	548,910.00	2024
Noteware, Ellen	S	78.70	1,110.00	86,570.00	2024
Brinn, Hope	A	481.30	610.00	293,593.00	2024
Langer, David	SC	4.00	870.00	3,480.00	2024
Schwartz, Richard	SC	19.50	850.00	16,575.00	2024
Copenhaver, John	C	29.90	775.00	23,172.50	2024
Gallucci, Dominic	C	14.00	540.00	7,560.00	2024
Filbert, David	PL	0.10	450.00	45.00	2024
York, Elizabeth	PL	155.10	450.00	69,795.00	2024
Gebo, Rachel	PL	2.90	445.00	1,290.50	2024
Leo, Susan	PL	13.00	450.00	5,850.00	2024
TOTAL		1,540.40		1,522,908.00	

Role Legend

- P Chairman
- S Shareholder
- SC Senior Counsel
- OC Of Counsel
- C Counsel
- DR Document Review Attorney
- A Associate
- LC Law Clerk
- PL Paralegal
- LA Legal Assistant (when doing paralegal work)

Reported Total Hours and Blended Rate Lodestar

July 20, 2024 through November 30, 2024

NAME	POSITION	LAW SCHOOL GRAD DATE	HOURS	BLENDED RATE	LODESTAR
Cramer, Eric	CH	1993	335.3	1,390.00	466,067.00
Litan, Robert E.	S	1977	406.6	1,350.00	548,910.00
Noteware, Ellen	S	1993	78.7	1,100.00	86,570.00
Brinn, Hope	A	2020	481.3	610.00	293,593.00
Langer, David	SC	1999	4.0	870.00	3,480.00
Schwartz, Richard	SC	2004	19.5	850.00	16,575.00
Copenhaver, John	C	1999	29.9	775.00	23,172.50
Gallucci, Dominic	C	2017	14.0	540.00	7,560.00
Filbert, David	PL	--	0.1	450.00	45.00
York, Elizabeth	PL	--	155.1	450.00	69,795.00
Gebo, Rachel	PL	--	2.9	445.00	1,290.50
Leo, Susan	PL	--	13.0	450.00	5,850.00
TOTAL			1,540.40		1,522,908.00

Role Legend

CH Chairman
 S Shareholder
 SC Senior Counsel
 OC Of Counsel
 C Counsel
 DR Document Review Attorney
 A Associate
 LC Law Clerk
 PL Paralegal
 LA Legal Assistant (when doing paralegal work)

EXHIBIT B

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

ANDREW CORZO, SIA HENRY,
ALEXANDER LEO-GUERRA, MICHAEL
MAERLENDER, BRANDON PIYEVSKY,
BENJAMIN SHUMATE, BRITTANY
TATIANA WEAVER, and CAMERON
WILLIAMS, individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

BROWN UNIVERSITY, CALIFORNIA
INSTITUTE OF TECHNOLOGY,
UNIVERSITY OF CHICAGO, THE TRUSTEES
OF COLUMBIA UNIVERSITY IN THE CITY
OF NEW YORK, CORNELL UNIVERSITY,
TRUSTEES OF DARTMOUTH COLLEGE,
DUKE UNIVERSITY, EMORY UNIVERSITY,
GEORGETOWN UNIVERSITY, THE JOHNS
HOPKINS UNIVERSITY, MASSACHUSETTS
INSTITUTE OF TECHNOLOGY,
NORTHWESTERN UNIVERSITY,
UNIVERSITY OF NOTRE DAME DU LAC,
THE TRUSTEES OF THE UNIVERSITY OF
PENNSYLVANIA, WILLIAM MARSH RICE
UNIVERSITY, VANDERBILT UNIVERSITY,
and YALE UNIVERSITY,

Defendants.

Case No. 1:22-cv-00125

Hon. Matthew F. Kennelly

**EXHIBIT B TO THE DECLARATION OF ERIC CRAMER IN SUPPORT OF
SETTLEMENT CLASS COUNSEL'S MOTION FOR SERVICE AWARDS FOR THE
CLASS REPRESENTATIVES, REIMBURSEMENT OF EXPENSES, AND
ATTORNEYS' FEES RELATING TO THE FOURTH TRANCHE SETTLEMENTS
WITH DEFENDANTS JOHNS HOPKINS UNIVERSITY AND CALIFORNIA
INSTITUTE OF TECHNOLOGY**

Reported Expenses on Behalf of Plaintiffs
Inception through February 28, 2025

Category	Amount
Litigation Fund Contributions	\$944,000.00
Photocopying	\$57,793.09
Service of Process	0.00
Computer Research	\$19,464.88
Court Fees (filings, etc.)	\$900.00
Court Reports/Transcripts	\$9,837.98
Telephone/Fax	\$60.95
Postage	\$4,083.83
Overnight Delivery/Messengers	\$4,954.79
Expert Fees	\$5,057.24
Witness/Service Fees	0.00
Travel: Air Transportation, Ground Travel, Meals, Lodging, etc.	\$63,148.97
Database Hosting Services	\$77,724.96
Co-Counsel Fees	\$0.00
Outside Contractor	\$142.20
Publication	\$2,956.48
Miscellaneous	\$386.27
Total for Inception through February 28, 2025	\$1,190,511.64
Total Amount Reimbursed as of February 28, 2025	\$856,533.14
Total Unreimbursed Expenses as of February 28, 2025	\$333,978.50

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

ANDREW CORZO, SIA HENRY,
ALEXANDER LEO-GUERRA, MICHAEL
MAERLENDER, BRANDON PIYEVSKY,
BENJAMIN SHUMATE, BRITTANY
TATIANA WEAVER, and CAMERON
WILLIAMS, individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

BROWN UNIVERSITY, CALIFORNIA
INSTITUTE OF TECHNOLOGY,
UNIVERSITY OF CHICAGO, THE TRUSTEES
OF COLUMBIA UNIVERSITY IN THE CITY
OF NEW YORK, CORNELL UNIVERSITY,
TRUSTEES OF DARTMOUTH COLLEGE,
DUKE UNIVERSITY, EMORY UNIVERSITY,
GEORGETOWN UNIVERSITY, THE JOHNS
HOPKINS UNIVERSITY, MASSACHUSETTS
INSTITUTE OF TECHNOLOGY,
NORTHWESTERN UNIVERSITY,
UNIVERSITY OF NOTRE DAME DU LAC,
THE TRUSTEES OF THE UNIVERSITY OF
PENNSYLVANIA, WILLIAM MARSH RICE
UNIVERSITY, VANDERBILT UNIVERSITY,
and YALE UNIVERSITY,

Defendants.

Case No. 1:22-cv-00125

Hon. Matthew F. Kennelly

**DECLARATION OF EDWARD NORMAND IN SUPPORT OF SETTLEMENT CLASS
COUNSEL'S MOTION FOR SERVICE AWARDS FOR THE CLASS
REPRESENTATIVES, REIMBURSEMENT OF EXPENSES, AND ATTORNEYS' FEES
RELATING TO THE FOURTH TRANCHE SETTLEMENTS WITH DEFENDANTS
JOHNS HOPKINS UNIVERSITY AND CALIFORNIA INSTITUTE OF TECHNOLOGY**

I, Edward Normand, declare as follows:

1. I am a partner at the law firm Freedman Normand Friedland LLP. I submit this declaration in support of Settlement Class Counsel's Motion for Service Awards for the Class Representatives, Reimbursement of Expenses, and Attorneys' Fees Relating to the Fourth Tranche Settlements with Defendants Johns Hopkins University and California Institute of Technology in *Henry, et al. v. Brown Univ., et al.*, Case No. 1:22-cv-00125 (the "Action"). I am fully familiar with this Action, and have personal knowledge of the matters set forth in, and attached to, this Declaration. I hereby incorporate as if fully set forth herein my prior declaration submitted in Support of Settlement Class Counsel's Motion for Award of Attorneys' Fees, For Reimbursement of Expenses, and for Service Awards for the Class Representatives, dated April 29, 2024 (the "2024 Normand Declaration"). ECF No. 679-4. The 2024 Normand Declaration described my firm's work in this case on behalf of the Settlement Class, and set forth my firm's lodestar and expense information, from inception through March 31, 2024.

2. My firm has been appointed as one of the three Settlement Class Counsel in connection with the prior three settlement tranches. *See* ECF Nos. 439 (September 9, 2023), 614 (February 14, 2024), 638 (February 28, 2024) (appointing Settlement Class Counsel for each settlement tranche, respectively). The schedules attached hereto as Exhibit A are true and correct summaries identifying the attorneys, paralegals, and other professional staff who have worked on this Action, the number of hours each of those individuals worked, each of their hourly billing rates, and each of their respective lodestar values at historical rates. These schedules set forth my firm's total hours and lodestar at historical rates during three different time-periods: (a) from inception of the case through and including November 30, 2024; (b) from April 1, 2024 (*i.e.*, the first day after the March 31, 2024 end date reported in the 2024 Normand Declaration) through

and including November 30, 2024; and (c) from July 20, 2024 (*i.e.*, the date of the Court's award of attorneys' fee and litigation expenses for the prior three settlement tranches, ECF No. 726 (July 20, 2024)), through and including November 30, 2024. These schedules were prepared from contemporaneous, daily time records prepared and maintained by my firm.

3. The tasks my firm performed in connection with representing the Plaintiffs in the Action from inception through March 31, 2024 were set forth in 2024 Normand Declaration. In addition to that work, during the period April 1, 2024 through November 30, 2024, my firm did the following:

(1) Prepared for numerous oral and written Rule 30(b)(6) depositions of Defendants and several third parties by identifying key documents to be used at each deposition, preparing deposition outlines, and coordinating deposition strategy and questioning with Settlement Class Counsel. My firm principally led and took the following nine 30(b)(6) depositions:

AFFILIATION	DATE	PRIMARY/ EXAMINING ATTORNEY	OTHER ATTORNEYS PRESENT AND/OR ASSISTED
University of Notre Dame 30(b)(6)	4/3/2024	Ted Normand	Joe Delich; Vel Freedman; Peter Bach-y-Rita
Amherst College 30(b)(6)	4/12/2024	Joe Delich	Richard Cipolla
NYU 30(b)(6)	4/12/2024	Ted Normand	Joe Delich
USC 30(b)(6)	4/16/2024	Richard Cipolla	
Cornell University 30(b)(6)	4/25/2024	Joe Delich	Ivy Ngo; Richard Cipolla; Mendel Konikov
Georgetown University 30(b)(6)	4/30/2024	Joe Delich	Albert Sabater
UVA 30(b)(6)	5/1/2024	Joe Delich	Vel Freedman

AFFILIATION	DATE	PRIMARY/ EXAMINING ATTORNEY	OTHER ATTORNEYS PRESENT AND/OR ASSISTED
College Board 30(b)(6)	5/2/2024	Ted Normand	Richard Cipolla; Peter Bach-y-Rita
Georgetown University 30(b)(6) (#2)	5/7/2024	Joe Delich	Vel Freedman

(2) Co-leading expert work, including reviewing Plaintiffs' and Defendants' various experts opening and rebuttal reports and preparing to take and defend multiple experts for their depositions. My firm took a lead or substantial role with taking or defending the following six expert depositions:

EXPERT	DATE(S)	PRIMARY/ EXAMINING/ DEFENDING ATTORNEY	OTHER ATTORNEYS PRESENT AND/OR ASSISTED
Bridget Long	10/23/2024	Ted Normand	Richard Cipolla
Peter Ammon	10/24/2024	Richard Cipolla	Ted Normand
George Bulman	11/04/2024	Ted Normand	Richard Cipolla; Ivy Ngo; Mendel Konikov
David Yermack	11/08/2024	Ted Normand	Richard Cipolla; Ivy Ngo; Mendel Konikov
Jesse Rothstein	11/15/2024	Richard Cipolla	Ted Normand
Hal Singer	11/27/2024		Ted Normand; Richard Cipolla

(3) Drafting and revising Plaintiffs' Motion for Class Certification and motions to exclude Defendants' experts (ECF 750, 751, 752).¹

(4) Managed confidentiality disclosures, disputes, and logistics in connection with the Order Governing Disclosure in Merits-Related Motion Practice of Material Designated Under the Second Amended Confidentiality Order as Confidential or AEO, ECF 736. This involved managing the confidentiality designations and related negotiations of hundreds of documents across dozens of parties in the lead up to filing.

(5) Assisted in drafting motions concerning confidentiality and sealing issues and conducting argument on same, *see* ECF 669, 671, 676, 682, 730, and participated in meet and confers with Defendants regarding these issues.

(6) Continuing to prepare for and manage weekly meetings with Settlement Class Counsel to discuss overall strategy, including the best ways to conduct discovery, key documents and testimony, and organization of the factual and expert record and participating in separate weekly calls with senior leadership from each firm;

(7) Assisted in drafting and coordinating with Defendants the filing of multiple joint status reports, *see* ECF 714, 722, 738, 741 and 743, as well as attending and participating in a status conference with the Court;

(8) Working with Settlement Class Counsel and principally drafting Motion for Final Approval of Proposed Settlements and Motion for Service Awards, Reimbursement of Expenses,

¹ While these motions were filed in early December 2024, substantial work was done between during the period April 1, 2024 through November 30, 2024. And of course, my firm's work on the Motion for Class Certification, various motions to disqualify experts, and preparing for summary judgment continues even presently.

and Attorneys' Fees and attending and participating in fairness hearing for same. ECF 679, 703, 721, 727.

(9) Continued to review document discovery, including documents produced pursuant to the Special Protective Order.

4. Detailed information concerning Settlement Class Counsel's work investigating and litigating the Action from inception through March 30, 2024 was provided in the Joint Declaration of Edward Normand, Robert D. Gilbert, and Eric L. Cramer in Support of the Memorandum of Law in Support of Plaintiffs' Motion for Service Awards for the Class Representatives, Reimbursement of Expenses, and Attorneys' Fees, dated April 29, 2024. ECF No. 679-1 ("April 2024 Joint Declaration"). Additional information and detail concerning Settlement Class Counsel's work litigating the Action to reach the Fourth Tranche Settlements is provided in the accompanying Joint Declaration of Edward Normand, Robert D. Gilbert, and Eric L. Cramer in Support of Settlement Class Counsel's Motion for Service Awards for the Class Representatives, Reimbursement of Expenses, and Attorneys' Fees Relating to the Fourth Tranche Settlements With Defendants Johns Hopkins University and California Institute of Technology, dated March 25, 2025 ("March 2025 Joint Declaration").

5. The lodestar amounts reflected in Exhibit A is for work performed by attorneys and professional staff at, or affiliated with, my firm for the benefit of the Settlement Class. The hourly rates for the attorneys and professional staff in my firm reflected in Exhibit A are the usual and customary hourly rates used by my firm in similar contingent complex litigation or other matters. My firm's work on this case was performed on a wholly contingent basis. Exhibit A provides information on my firm's total lodestar (at historical rates) for the three periods identified in Paragraph 2 above: (a) a lodestar of \$35,075,978 for the period from inception of

the case through and including November 30, 2024: (b) a lodestar of \$13,507,998 for the period from April 1, 2024 through and including November 30, 2024; and (c) a lodestar of \$5,521,420.50 for the period from July 20, 2024 through and including November 30, 2024.

6. The schedule attached as Exhibit B provides the costs and contributions to the litigation escrow account (referred to as the “litigation fund”) by my firm, which are reflected on the books and records of my firm. The monies in the litigation fund were used for the benefit of the Settlement Class, including for expert costs, document storage costs, and other important items. The information in Exhibit B shows my firm’s total expenses and litigation fund contributions from inception through February 28, 2025, the amount my firm has been reimbursed as of February 28, 2025 (as a result of the Court’s July 20, 2024 order awarding attorneys’ fees and litigation expenses (ECF No. 726)), and the total amount of unreimbursed costs and expenses as of February 28, 2025. My firm has expended a total of \$673,595.70 in unreimbursed costs and expenses in connection with the prosecution of the Action from inception of the case through and including February 28, 2025. These costs were incurred on behalf of the Settlement Class by my firm and have not been reimbursed.

7. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 21st day of March, 2025, in New York, New York.

/s/ Edward J. Normand
Edward J. Normand
FREEDMAN NORMAND
FRIEDLAND LLP
155 E. 44th Street, Suite 915
New York, NY 10017
Tel: 646-494-2900
tnormand@fnf.law

EXHIBIT A

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

ANDREW CORZO, SIA HENRY,
ALEXANDER LEO-GUERRA, MICHAEL
MAERLENDER, BRANDON PIYEVSKY,
BENJAMIN SHUMATE, BRITTANY
TATIANA WEAVER, and CAMERON
WILLIAMS, individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

BROWN UNIVERSITY, CALIFORNIA
INSTITUTE OF TECHNOLOGY,
UNIVERSITY OF CHICAGO, THE TRUSTEES
OF COLUMBIA UNIVERSITY IN THE CITY
OF NEW YORK, CORNELL UNIVERSITY,
TRUSTEES OF DARTMOUTH COLLEGE,
DUKE UNIVERSITY, EMORY UNIVERSITY,
GEORGETOWN UNIVERSITY, THE JOHNS
HOPKINS UNIVERSITY, MASSACHUSETTS
INSTITUTE OF TECHNOLOGY,
NORTHWESTERN UNIVERSITY,
UNIVERSITY OF NOTRE DAME DU LAC,
THE TRUSTEES OF THE UNIVERSITY OF
PENNSYLVANIA, WILLIAM MARSH RICE
UNIVERSITY, VANDERBILT UNIVERSITY,
and YALE UNIVERSITY,

Defendants.

Case No. 1:22-cv-00125

Hon. Matthew F. Kennelly

**EXHIBIT A TO THE DECLARATION OF EDWARD NORMAND IN SUPPORT OF
SETTLEMENT CLASS COUNSEL'S MOTION FOR SERVICE AWARDS FOR THE
CLASS REPRESENTATIVES, REIMBURSEMENT OF EXPENSES, AND
ATTORNEYS' FEES RELATING TO THE FOURTH TRANCHE SETTLEMENTS
WITH DEFENDANTS JOHNS HOPKINS UNIVERSITY AND
CALIFORNIA INSTITUTE OF TECHNOLOGY**

Reported Hours and Historical Lodestar

Inception through November 30, 2024

ROLE	POSITION	HOURS	RATE	LODESTAR	YEAR
Richard Cipolla	A	40.9	\$800	\$32,720	2022
	A	849.2	\$840	\$713,328	2023
	P	1080.6	\$920	\$994,152	2024
Joseph Delich	P	435	\$880	\$382,800	2023
	P	644.8	\$930	\$599,664	2024
Constantine Economides	P	12.5	\$890	\$11,125	2023
Devin (Velvel) Freedman	P	75.2	\$1,200	\$89,280	2022
	P	527.5	\$1,250	\$635,755	2023
	P	569.9	\$1,250	\$712,375	2024
Ted Normand	P	2	\$1,100	\$2,200	2020
	P	184	\$1,100	\$202,400	2021
	P	997.7	\$1,100	\$1,097,470	2022
	P	1659.5	\$1,100	\$1,825,450	2023
	P	1700.5	\$1,250	\$2,123,875	2024
Alex Potter	P	96.9	\$880	\$85,272	2022
	P	128.7	\$930	\$119,691	2024
Kyle Roche	P	8.2	\$960	\$7,872	2021
	P	29.9	\$1,200	\$29,784	2022
Eric Rosen	P	16	\$940	\$15,040	2021
	P	38	\$940	\$35,720	2022
Colleen Smeryage	P	7.4	\$880	\$6,512	2023
William Dzurilla	C	62.6	\$890	\$55,714	2023
Ivy Ngo	C	527.8	\$940	\$496,132	2023
Ivy Ngo	C	720.2	\$990	\$712,998	2024
Peter Bach-y-Rita	A	533.4	\$840	\$448,056	2020 and before
	A	102.2	\$840	\$85,848	2021
	A	705.4	\$840	\$592,536	2022
	A	1265.7	\$880	\$1,113,816	2023
	A	616.5	\$890	\$548,685	2024
Riley Clifton	A	167.4	\$730	\$122,202	2024
Kelvin Goode	A	9.4	\$800	\$7,520	2022
Stephen Lagos	A	62.3	\$710	\$44,233	2022
	A	178.1	\$825	\$146,932.50	2024
Warren Li	A	70.1	\$800	\$56,080	2022

ROLE	POSITION	HOURS	RATE	LODESTAR	YEAR
Bianca Nachmani	A	45.7	\$630	\$28,791	2023
	A	229	\$650	\$148,850	2024
Niraj Thakker	A	0.9	\$750	\$675	2023
Thomas Trabue	A	139.6	\$600	\$83,760	2023
	A	209	\$650	\$135,850	2024
Mendel Konikov	SAS	211.9	\$550	\$116,545	2023
	SAS	1521.5	\$585	\$890,077.50	2024
Albert Sabater	SAS	264.8	\$550	\$145,640	2023
	SAS	1883.7	\$585	\$1,101,964.50	2024
Bolles, Robin	SA	957.7	\$550	\$526,735	2024
Dyer, Daniel	SA	1641	\$550	\$902,550	2024
Tonya Fitzpatrick	SA	1307.5	\$550	\$719,125	2024
Brian Fox	SA	2397	\$500	\$1,198,500	2023
	SA	1728	\$550	\$950,440	2024
Wendy Green	SA	667.6	\$550	\$367,180	2024
Gwendolyn Hailey	SA	463.6	\$500	\$231,800	2023
	SA	1403	\$550	\$771,650	2024
Julie Hamner	SA	272.6	\$500	\$136,300	2023
Korlyn Howard Tate	SA	489.5	\$500	\$244,750	2023
	SA	1356.5	\$550	\$746,075	2024
Michael McCarthy	SA	1000.1	\$550	\$550,055	2024
Andrew McGooley	SA	1312.6	\$500	\$656,300	2023
	SA	550.9	\$550	\$302,995	2024
Alonna Murray-Brown	SA	463	\$550	\$254,350	2023
	SA	1128.2	\$550	\$620,510	2024
Yisroel Schwartz	SA	118.6	\$500	\$59,300	2023
	SA	1959.7	\$550	\$1,077,835	2024
Karen Slawson	SA	2133.6	\$500	\$1,066,800	2023
	SA	1494.4	\$550	\$821,920	2024
Richard Slawson	SA	1865.2	\$500	\$932,600	2023
	SA	1498.8	\$550	\$824,340	2024

ROLE	POSITION	HOURS	RATE	LODESTAR	YEAR
Anne Woodbridge	SA	327	\$550	\$179,850	2024
Robert Valenti	SA	2566.8	\$500	\$1,283,400	2023
	SA	2472	\$550	\$1,359,600	2024
Rand Zumwalt	SA	1435	\$550	\$789,250	2024
Matthew Corwin	SM	99.4	\$550	\$54,670	2024
Serena Roche	SM	29	\$550	\$15,950	2024
Athanasia Karadjas	DLS	1	\$275	\$275	2021
	DLS	130	\$275	\$35,750	2022
	DLS	488.4	\$295	\$144,078	2023
	DLS	549.3	\$300	\$164,790	2024
Alysa Cannon	PL	37.1	\$240	\$8,310	2022
	PL	268.4	\$240	\$64,416	2023
	PL	241.6	\$245	\$59,192	2024
Christina Larkin	PL	0.8	\$240	\$192	2022
Joshua Levin	PL	381.9	\$225	\$85,927.50	2024
Marijanne Revilla	PL	11.6	\$345	\$4,002	2022
	PL	34.7	\$345	\$11,972	2023
	PL	63.4	\$345	\$21,873	2024
Erika Ramirez	AA	1.7	\$200	\$340	2023
	AA	10	\$200	\$2000	2024
Emma Van Ness	I	0.9	\$100	\$90	2023
Eleanor Wengers	I	17.6	\$100	\$1,760	2023
Darcy Whitman	I	36.3	\$100	\$3,630	2022
Theodore Evison	I	85.8	\$200	\$17,160	2024
TOTAL		54,130		\$35,075,978	

Role Legend

P	Partner
C	Counsel
A	Associate
SAS	Staff Associate
SA	Staff Attorney
SM	Summer Associate

DLS	Director of Legal Support
PL	Paralegal
AA	Administrative Assistance
I	Summer Intern

Reported Total Hours and Blended Rate Lodestar
Inception through November 30, 2024

NAME	POSITION	LAW SCHOOL GRAD YEAR	HOURS	BLENDED RATE	LODESTAR
Richard Cipolla	P/A	2016	1970.7	\$883	\$1,740,200
Joseph Delich	P	2016	1079.8	\$910	\$982,464
Constantine Economides	P	2010	12.5	\$890	\$11,125
Devin (Velvel) Freedman	P	2012	1172.6	\$1,226	\$1,437,410
Ted Normand	P	1995	4543.7	\$1,156	\$5,251,395
Alex Potter	P	2014	225.6	\$909	\$204,963
Kyle Roche	P	2016	38.1	\$988	\$37,656
Eric Rosen	P	2005	54	\$940	\$50,760
Colleen Smeryage	P	2012	7.4	\$880	\$6,512
William Dzurilla	C	1981	62.6	\$890	\$55,714
Ivy Ngo	C	2006	1248	\$969	\$1,209,130
Peter Bach-y-Rita	A	2009	3223.2	\$865	\$2,788,941
Riley Clifton	A	2020	167.4	\$730	\$122,202
Kelvin Goode	A	2016	9.4	\$800	\$7,520
Stephen Lagos	A	2018	240.4	\$795	\$191,166
Warren Li	A	2016	70.1	\$800	\$56,080
Bianca Nachmani	A	2022	274.7	\$647	\$177,641
Niraj Thakker	A	2018	0.9	\$750	\$675
Thomas Trabue	A	2021	348.6	\$630	\$219,610
Mendel Konikov	SAS	2021	1733.4	\$581	\$1,006,623
Albert Sabater	SAS	2023	2148.5	\$581	\$1,247,605
Bolles, Robin	SA	1989	957.7	\$550	\$526,735
Dyer, Daniel	SA	2015	1641	\$550	\$902,550
Tonya Fitzpatrick	SA	1998	1307.5	\$550	\$719,125
Brian Fox	SA	2006	4125	\$521	\$2,148,940
Wendy Greene	SA	2000	667.6	\$550	\$367,180
Gwendolyn Hailey	SA	1988	1866.6	\$538	\$1,003,450
Julie Hamner	SA	1997	272.6	\$500	\$136,300
Korlyn Howard Tate	SA	2009	1846	\$537	\$990,825
Michael McCarthy	SA	2014	1000.1	\$550	\$550,055
Andrew McGooley	SA	1997	1863.5	\$515	\$959,295
Alonna Murray-Brown	SA	2018	1591.2	\$550	\$874,860
Yisroel Schwartz	SA	2007	2078.3	\$547	\$1,137,135
Karen Slawson	SA	1998	3628	\$521	\$1,888,720

NAME	POSITION	LAW SCHOOL GRAD YEAR	HOURS	BLENDED RATE	LODESTAR
Richard Slawson	SA	2001	3364	\$522	\$1,756,940
Anne Woodbridge	SA	1999	327	\$550	\$179,850
Robert Valenti	SA	1993	5038.8	\$525	\$2,643,000
Rand Zumwalt	SA	2006	1435	\$550	\$789,250
Matthew Corwin	SM		99.4	\$550	\$54,670
Serena Roche	SM		29	\$550	\$15,950
Athanasia Karadjas	DLS		1168.7	\$295	\$344,893
Alysa Cannon	PL		547.1	\$241	\$131,918
Christina Larkin	PL		0.8	\$240	\$192
Joshua Levin	PL		381.9	\$225	\$85,928
Marijanne Revilla	PL		109.7	\$345	\$37,847
Erika Ramirez	AA		11.7	\$200	\$2,340
Emma Van Ness	I		0.9	\$100	\$90
Eleanor Weners	I		17.6	\$100	\$1,760
Darcy Whitman	I		36.3	\$100	\$3,630
Theodore Evison	I		85.8	\$200	\$17,160
Totals			54,130		\$35,075,978

Role Legend

P	Partner
C	Counsel
A	Associate
SAS	Staff Associate
SA	Staff Attorney
SM	Summer Associate
DLS	Director of Legal Support
PL	Paralegal
AA	Administrative Assistance
I	Summer Intern

Reported Total Hours and Blended Rate Lodestar

April 1, 2024 through November 30, 2024

Role	Position	Rate	Hours	Lodestar
Richard Cipolla	P	\$920	668.9	\$615,388
Joseph Delich	P	\$930	299	\$278,070
Devin (Velvel) Freedman	P	\$1,250	306.3	\$382,875
Ted Normand	P	\$1,250	1144.6	\$1,429,000
Alex Potter	P	\$930	128.5	\$119,505
Ivy Ngo	C	\$990	435.4	\$431,046
Peter Bach-y-Rita	A	\$890	275.7	\$245,373
Stephen Lagos	A	\$825	106.8	\$88,110
Bianca Nachmani	A	\$650	51.2	\$33,280
Thomas Trabue	A	\$650	62.7	\$40,755
Mendel Konikov	SAS	\$585	974.5	\$570,083
Albert Sabater	SAS	\$585	1306.2	\$764,127
Bolles, Robin	SA	\$550	957.7	\$526,735
Dyer, Daniel	SA	\$550	1013	\$557,150
Tonya Fitzpatrick	SA	\$550	865.9	\$476,245
Brian Fox	SA	\$550	968	\$532,440
Wendy Green	SA	\$550	667.6	\$367,180
Gwendolyn Hailey	SA	\$550	888.5	\$488,675

Role	Position	Rate	Hours	Lodestar
Korlyn Howard Tate	SA	\$550	1356.5	\$746,075
Michael McCarthy	SA	\$550	1000.1	\$550,055
Andrew McGooley	SA	\$550	45	\$24,750
Alonna Murray-Brown	SA	\$550	659.7	\$362,835
Yisroel Schwartz	SA	\$550	1571.2	\$864,160
Karen Slawson	SA	\$550	964.5	\$530,475
Richard Slawson	SA	\$550	941.8	\$517,990
Anne Woodbridge	SA	\$550	327	\$179,850
Robert Valenti	SA	\$550	1692	\$930,600
Rand Zumwalt	SA	\$550	966.9	\$531,795
Matthew Corwin	SM	\$550	99.4	\$54,670
Serena Roche	SM	\$550	29	\$15,950
Athanasia Karadjas	DLS	\$300	271.5	\$81,450
Alysa Cannon	PL	\$245	181	\$44,345
Joshua Levin	PL	\$225	381.9	\$85,928
Marijanne Revilla	PL	\$345	63.4	\$21,873
Erika Ramirez	AA	\$200	10	\$2,000
Theodore Evison	I	\$200	85.8	\$17,160

Role	Position	Rate	Hours	Lodestar
TOTAL			21,767.2	\$13,507,998

Role Legend

P	Partner
C	Counsel
A	Associate
SAS	Staff Associate
SA	Staff Attorney
SM	Summer Associate
DLS	Director of Legal Support
PL	Paralegal
AA	Administrative Assistance
I	Summer Intern

Reported Hours and Historical Lodestar

July 20, 2024 through November 30, 2024

Role	Position	Hours	Rate	Lodestar
Richard Cipolla	P	338.8	\$920	\$311,696
Joseph Delich	P	48.8	\$930	\$45,384
Devin (Velvel) Freedman	P	65.9	\$1,250	\$82,375
Ted Normand	P	514	\$1,250	\$640,750
Alex Potter	P	97.8	\$930	\$90,954
Ivy Ngo	C	381.7	\$990	\$377,883
Peter Bach-y-Rita	A	111.4	\$890	\$99,146
Riley Clifton	A	64.8	\$730	\$47,304
Stephen Lagos	A	70.1	\$825	\$57,833
Thomas Trabue	A	12.9	\$650	\$8,385
Mendel Konikov	SAS	465.6	\$585	\$272,376
Albert Sabater	SAS	589.9	\$585	\$345,091
Robin Bolles	SA	451.8	\$550	\$248,490
Tonya Fitzpatrick	SA	185.6	\$550	\$102,080
Brian Fox	SA	330	\$550	\$181,500
Daniel Dyer	SA	368.2	\$550	\$202,510
Wendy Greene	SA	82	\$550	\$45,100
Gwendolyn Hailey	SA	309.3	\$550	\$170,115

Role	Position	Hours	Rate	Lodestar
Michael McCarthy	SA	377.3	\$550	\$207,515
Alonna Murray-Brown	SA	203	\$550	\$111,650
Yisroel Schwartz	SA	994.8	\$550	\$547,140
Karen Slawson	SA	353.2	\$550	\$194,260
Richard Slawson	SA	303.3	\$550	\$166,815
Korlyn Howard Tate	SA	313.3	\$550	\$172,425
Robert Valenti	SA	925.5	\$550	\$509,025
Rand Zumwalt	SA	351.2	\$550	\$193,160
Serena Roche	SM	8	\$550	\$4,400
Athanasia Karadjas	DLS	80.5	\$300	\$24,150
Alysa Cannon	PL	105.2	\$245	\$25,774
Joshua Levin	PL	141.5	\$225	\$31,838
Marijanne Revilla	PL	5.1	\$345	\$1,759
Erika Ramirez	AA	5	\$200	\$1,000
TOTAL		8,657.1		\$5,521,420.50

Role Legend

P	Partner
C	Counsel

A	Associate
SAS	Staff Associate
SA	Staff Attorney
SM	Summer Associate
DLS	Director of Legal Support
PL	Paralegal
AA	Administrative Assistance
I	Summer Intern

EXHIBIT B

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

ANDREW CORZO, SIA HENRY,
ALEXANDER LEO-GUERRA, MICHAEL
MAERLENDER, BRANDON PIYEVSKY,
BENJAMIN SHUMATE, BRITTANY
TATIANA WEAVER, and CAMERON
WILLIAMS, individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

BROWN UNIVERSITY, CALIFORNIA
INSTITUTE OF TECHNOLOGY,
UNIVERSITY OF CHICAGO, THE TRUSTEES
OF COLUMBIA UNIVERSITY IN THE CITY
OF NEW YORK, CORNELL UNIVERSITY,
TRUSTEES OF DARTMOUTH COLLEGE,
DUKE UNIVERSITY, EMORY UNIVERSITY,
GEORGETOWN UNIVERSITY, THE JOHNS
HOPKINS UNIVERSITY, MASSACHUSETTS
INSTITUTE OF TECHNOLOGY,
NORTHWESTERN UNIVERSITY,
UNIVERSITY OF NOTRE DAME DU LAC,
THE TRUSTEES OF THE UNIVERSITY OF
PENNSYLVANIA, WILLIAM MARSH RICE
UNIVERSITY, VANDERBILT UNIVERSITY,
and YALE UNIVERSITY,

Defendants.

Case No. 1:22-cv-00125

Hon. Matthew F. Kennelly

**EXHIBIT B TO THE DECLARATION OF EDWARD NORMAND IN SUPPORT OF
SETTLEMENT CLASS COUNSEL'S MOTION FOR SERVICE AWARDS FOR THE
CLASS REPRESENTATIVES, REIMBURSEMENT OF EXPENSES, AND
ATTORNEYS' FEES RELATING TO THE FOURTH TRANCHE SETTLEMENTS
WITH DEFENDANTS JOHNS HOPKINS UNIVERSITY AND
CALIFORNIA INSTITUTE OF TECHNOLOGY**

Reported Expenses on Behalf of Plaintiffs
Inception through February 28, 2025

Category	Amount
Litigation Fund Contributions	\$1,466,000
Photocopying	\$5,450.47
Computer Research	\$19,657.14
Court Fees (filings, etc.)	\$751.00
Court Reports/Transcripts	\$3,691.35
Database Hosting Services	\$84,497.56
Postage/Delivery	\$2,615.61
Travel: Air Transportation, Ground Travel, Meals, Lodging, etc.	\$55,237.95
Miscellaneous	\$32,412.33
Total for Inception through February 28, 2025	\$1,670,314.41
Total Amount Reimbursed as of February 28, 2025	\$996,717.71
Total Unreimbursed Expenses as of February 28, 2025	\$673,595.70

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

ANDREW CORZO, SIA HENRY,
ALEXANDER LEO-GUERRA, MICHAEL
MAERLENDER, BRANDON PIYEVSKY,
BENJAMIN SHUMATE, BRITTANY
TATIANA WEAVER, and CAMERON
WILLIAMS, individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

BROWN UNIVERSITY, CALIFORNIA
INSTITUTE OF TECHNOLOGY,
UNIVERSITY OF CHICAGO, THE TRUSTEES
OF COLUMBIA UNIVERSITY IN THE CITY
OF NEW YORK, CORNELL UNIVERSITY,
TRUSTEES OF DARTMOUTH COLLEGE,
DUKE UNIVERSITY, EMORY UNIVERSITY,
GEORGETOWN UNIVERSITY, THE JOHNS
HOPKINS UNIVERSITY, MASSACHUSETTS
INSTITUTE OF TECHNOLOGY,
NORTHWESTERN UNIVERSITY,
UNIVERSITY OF NOTRE DAME DU LAC,
THE TRUSTEES OF THE UNIVERSITY OF
PENNSYLVANIA, WILLIAM MARSH RICE
UNIVERSITY, VANDERBILT UNIVERSITY,
and YALE UNIVERSITY,

Defendants.

Case No. 1:22-cv-00125

Hon. Matthew F. Kennelly

**DECLARATION OF GILBERT LITIGATORS & COUNSELORS IN SUPPORT OF
SETTLEMENT CLASS COUNSEL'S MOTION FOR SERVICE AWARDS FOR THE
CLASS REPRESENTATIVES, REIMBURSEMENT OF EXPENSES, AND ATTORNEYS'
FEES RELATING TO THE FOURTH TRANCHE SETTLEMENTS WITH
DEFENDANTS JOHNS HOPKINS UNIVERSITY AND CALIFORNIA INSTITUTE OF
TECHNOLOGY**

I, Robert D. Gilbert, declare as follows:

1. I am Managing Partner of Gilbert Litigators & Counselors, P.C. (“GLC”). I submit this declaration in support of Settlement Class Counsel’s Motion for Service Awards for the Class Representatives, Reimbursement of Expenses, and Attorneys’ Fees Relating to the Fourth Tranche Settlements with Defendants Johns Hopkins University and California Institute of Technology in *Henry, et al. v. Brown Univ., et al.*, Case No. 1:22-cv-00125 (the “Action”). I am fully familiar with this Action, and have personal knowledge of the matters set forth in, and attached to, this Declaration. I hereby incorporate as if fully set forth herein my prior declaration submitted in Support of Settlement Class Counsel’s Motion for Award of Attorneys’ Fees, For Reimbursement of Expenses, and for Service Awards for the Class Representatives, dated April 29, 2024 (the “2024 Gilbert Declaration”). ECF No. 679-3. The 2024 Gilbert Declaration described my firm’s work in this case on behalf of the Settlement Class, and set forth my firm’s lodestar and expense information, from inception through March 31, 2024.

2. My firm has been appointed as one of the three Settlement Class Counsel in connection with the prior three settlement tranches. *See* ECF Nos. 439 (September 9, 2023), 614 (February 14, 2024), 638 (February 28, 2024) (appointing Settlement Class Counsel for each settlement tranche, respectively). The schedules attached hereto as Exhibit A are true and correct summaries identifying the attorneys, paralegals, and other professional staff who have worked on this Action, the number of hours each of those individuals worked, each of their hourly billing rates, and each of their respective lodestar values at historical rates. These schedules set forth my firm’s total hours and lodestar at historical rates during three different time-periods: (a) from inception of the case through and including November 30, 2024; (b) from April 1, 2024 (*i.e.*, the first day after the March 31, 2024 end date reported in the 2024 Gilbert Declaration) through and

including November 30, 2024; and (c) from July 20, 2024 (*i.e.*, the date of the Court's award of attorneys' fee and litigation expenses for the prior three settlement tranches, ECF No. 726 (July 20, 2024)), through and including November 30, 2024. These schedules were prepared from contemporaneous, daily time records prepared and maintained by my firm.

3. The tasks my firm performed in connection with representing the Plaintiffs in the Action from inception through March 31, 2024 were set forth in 2024 Gilbert Declaration. In addition to that work, my firm did the following:

- Together with Co-Settlement Class Counsel Freedman Normand Friedland (FNF) and Berger Montague, PC (BMPC), drafted numerous Joint Status Reports for the Court, and conducted negotiations with Defendants on all those reports.
- Presented oral argument at multiple Joint Status Conferences regarding issues pending before the Court.
- Participated in weekly joint video- and tele-conference calls with other Settlement Counsel to discuss and coordinate litigation strategy.
- Conducted review, analysis, and coding of documents produced by Defendants, identification of "hot" documents in preparation for motions and trial.
- Prepared detailed memoranda summarizing factual evidence regarding collusion and wealth favoritism practices (as well as other evidence related to) Georgetown, Penn, Brown, Columbia, Emory, and Vanderbilt.
- Took the resumed deposition of Georgetown President John J. DeGioia.
- Assisted FNF in negotiations with Georgetown and Penn regarding written responses to Rule 30(b)(6) deposition notices.

- Conducted interviews of Emory Dean of Admissions John Latting, and collaborated with FNF in drafting Dean Latting's Declaration and negotiating its contents with Emory.
- Negotiated amended terms of Special Protective Order ("SPO") governing rights of students who objected to the public disclosure of information protected under the Family Educational Rights and Privacy Act ("FERPA"), and implemented procedures to ensure compliance with the SPO.
- Prepared briefs and presented oral argument to the Court regarding numerous disputes regarding Defendants' excessive designation of documents and testimony as Confidential or Attorneys' Eyes Only (AEO).
- Drafted and negotiated (with Settled and Litigating Defendants) the Order Governing Disclosure in Merits-Related Motion Practice of Material Designated Under the Second Amended Confidentiality Order as Confidential or AEO ("Disclosure Order"), ECF 736, entered August 28, 2024.
- Prepared briefs and presented oral argument to the Court to resolve disputes with Defendants regarding the Disclosure Order's terms and conditions.
- Defended continued deposition of named Plaintiff Brittany Weaver, and defended deposition of Ms. Weaver's mother.
- Collaborated with BMPC and FNF to oversee and coordinate Plaintiffs' expert reports.
- Took deposition of Rule 26(a)(2)(c) expert deposition of Louis Metzger (Penn).
- Pursuant to the Court's Disclosure Order and prior to submission of Daubert motions and motion for class certification, collaborated with FNF in identifying and providing 30-day advance notice to Settled and Litigating Defendants of documents and testimony

designated as Confidential and AEO that Plaintiffs intended to use in Daubert motions and Plaintiffs' motion for class certification.

- Conducted negotiations with Settled and Litigating Defendants (with assistance from FNF) regarding sealing and redaction of Confidential and AEO documents and testimony that Plaintiffs intended to include in Daubert motions and Plaintiffs' motion for class certification.
- Legal research and analysis regarding potential Daubert motions to exclude Defendants' experts' opinions and testimony.
- Legal research and analysis regarding potential summary judgment motions by Plaintiffs and anticipated summary judgment motions by Defendants.
- Drafted memorandum and reply memorandum in support of motion to exclude expert testimony of Peter Ammon, with assistance from BMPC and FNF.¹
- Provided extensive analysis, commentary and editing on Plaintiffs' memorandum in opposition to Defendants' motions to exclude Plaintiffs' experts Singer, Bulman, and Mora.
- Analyzed evidence of Defendants' admission practices regarding low-income students and their families, and drafted section of reply memorandum in support of Daubert motion to exclude Defendants' expert Dr. Long related to such evidence.
- Provided extensive analysis, commentary and editing on Plaintiffs' memorandum and reply memorandum in support of motion for class certification.

¹ Some of the work described in this sentence and in the remainder of Paragraph 3 of this Declaration was done by GLC after November 30, 2024.

- Drafted sections of Plaintiffs’ reply memorandum in support of motion for class certification regarding: (a) affirmative defenses by several Defendants (including Penn) based on their nominal withdrawal from the 568 Group, and (b) Defendant’s argument that student plaintiffs lacked “standing” to claim damages.
- Drafted memorandum in opposition to Penn’s motion to seal certain deposition testimony.

4. Detailed information concerning Settlement Class Counsel’s work investigating and litigating the Action from inception through March 30, 2024 was provided in the Joint Declaration of Edward Normand, Robert D. Gilbert, and Eric L. Cramer in Support of the Memorandum of Law in Support of Plaintiffs’ Motion for Service Awards for the Class Representatives, Reimbursement of Expenses, and Attorneys’ Fees, dated April 29, 2024. ECF No. 679-1 (“April 2024 Joint Declaration”). Additional information and detail concerning Settlement Class Counsel’s work litigating the Action to reach the Fourth Tranche Settlements is provided in the accompanying Joint Declaration of Edward Normand, Robert D. Gilbert, and Eric L. Cramer in Support of Settlement Class Counsel’s Motion for Service Awards for the Class Representatives, Reimbursement of Expenses, and Attorneys’ Fees Relating to the Fourth Tranche Settlements With Defendants Johns Hopkins University and California Institute of Technology, dated March 25, 2025 (“March 2025 Joint Declaration”).

5. The lodestar amounts reflected in Exhibit A is for work performed by attorneys and professional staff at, or affiliated with, my firm for the benefit of the Settlement Class. The hourly rates for the attorneys and professional staff in my firm reflected in Exhibit A are the usual and customary hourly rates used by my firm in similar contingent complex litigation or other matters. My firm’s work on this case was performed on a wholly contingent basis. Exhibit

A provides information on my firm's total lodestar (at historical rates) for the three periods identified in Paragraph 2 above: (a) a lodestar of \$39,217,787.00 for the period from inception of the case through and including November 30, 2024; (b) a lodestar of \$7,849,646.00 for the period from April 1, 2024 through and including November 30, 2024; and (c) a lodestar of \$4,069,336.00 for the period from July 20, 2024 through and including November 30, 2024.

6. The schedule attached as Exhibit B provides the costs, including contributions to the litigation escrow account (referred to as the "litigation fund") by my firm, which are reflected on the books and records of my firm. The monies in the litigation fund were used for the benefit of the Settlement Class, including for expert costs, document storage costs, and other important items. The information in Exhibit B shows my firm's total expenses and litigation fund contributions from inception through February 28, 2025, the amount my firm has been reimbursed as of February 28, 2025 (as a result of the Court's July 20, 2024 order awarding attorneys' fees and litigation expenses (ECF No. 726)), and the total amount of unreimbursed costs and expenses as of February 28, 2025. My firm has expended a total of \$1,044,295.00 in unreimbursed costs and expenses in connection with the prosecution of the Action from inception of the case through and including February 28, 2025. These costs were incurred on behalf of the Settlement Class by my firm and have not been reimbursed.

7. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 25th day of March, 2025, in Henderson, Nevada.

/s/ Robert Gilbert
Robert D. Gilbert

EXHIBIT A

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

ANDREW CORZO, SIA HENRY,
ALEXANDER LEO-GUERRA, MICHAEL
MAERLENDER, BRANDON PIYEVSKY,
BENJAMIN SHUMATE, BRITTANY
TATIANA WEAVER, and CAMERON
WILLIAMS, individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

BROWN UNIVERSITY, CALIFORNIA
INSTITUTE OF TECHNOLOGY,
UNIVERSITY OF CHICAGO, THE TRUSTEES
OF COLUMBIA UNIVERSITY IN THE CITY
OF NEW YORK, CORNELL UNIVERSITY,
TRUSTEES OF DARTMOUTH COLLEGE,
DUKE UNIVERSITY, EMORY UNIVERSITY,
GEORGETOWN UNIVERSITY, THE JOHNS
HOPKINS UNIVERSITY, MASSACHUSETTS
INSTITUTE OF TECHNOLOGY,
NORTHWESTERN UNIVERSITY,
UNIVERSITY OF NOTRE DAME DU LAC,
THE TRUSTEES OF THE UNIVERSITY OF
PENNSYLVANIA, WILLIAM MARSH RICE
UNIVERSITY, VANDERBILT UNIVERSITY,
and YALE UNIVERSITY,

Defendants.

Case No. 1:22-cv-00125

Hon. Matthew F. Kennelly

**EXHIBIT A TO THE DECLARATION OF ROBERT D. GILBERT IN SUPPORT OF
SETTLEMENT CLASS COUNSEL'S MOTION FOR SERVICE AWARDS FOR THE
CLASS REPRESENTATIVES, REIMBURSEMENT OF EXPENSES, AND
ATTORNEYS' FEES RELATING TO THE FOURTH TRANCHE SETTLEMENTS
WITH DEFENDANTS JOHNS HOPKINS UNIVERSITY AND CALIFORNIA
INSTITUTE OF TECHNOLOGY**

**Reported Hours and Historical Lodestar
Inception through November 30, 2024**

Name	Position	Hours	Rate	Lodestar	Year
Robert D. Gilbert	MP	791.3	\$1,400	\$1,107,820	2021 and earlier
Robert D. Gilbert	MP	2,608.7	\$1,400	\$3,652,180	2022
Robert D. Gilbert	MP	2,935.5	\$1,485	\$4,359,218	2023
Robert D. Gilbert	MP	1,958.3	\$1,495	\$2,927,659	2024
Elpidio Villarreal	P	19.6	\$1,400	\$27,440	2021 and earlier
Elpidio Villarreal	P	417.8	\$1,400	\$584,920	2022
Elpidio Villarreal	P	870.3	\$1,485	\$1,292,396	2023
Elpidio Villarreal	P	191.1	\$1,495	\$285,695	2024
Robert S. Raymar	SC	55.2	\$1,300	\$71,760	2021 and earlier
Robert S. Raymar	SC	863.8	\$1,300	\$1,122,940	2022
Robert S. Raymar	SC	1,110.4	\$1,380	\$1,532,352	2023
Robert S. Raymar	SC	602.8	\$1,390	\$837,892	2024
David Copeland	C	1,201.7	\$1,165	\$1,399,981	2023
David Copeland	C	1,522.7	\$1,175	\$1,789,173	2024
Bruce S. Etterman	C	299.5	\$1,100	\$329,450	2022
Bruce S. Etterman	C	810.2	\$1,165	\$943,883	2023
Matthew E. Moloshok	C	9.3	\$1,100	\$10,230	2021 and earlier
Matthew E. Moloshok	C	140.3	\$1,100	\$154,330	2022
Matthew E. Moloshok	C	146.5	\$1,165	\$170,673	2023
Robert B. Rosen	C	41.4	\$1,100	\$45,540	2021 and earlier
Robert B. Rosen	C	283.0	\$1,100	\$311,300	2022
Robert B. Rosen	C	288.9	\$1,165	\$336,569	2023
Natasha Zaslove	SA	649.0	\$840	\$545,160	2023
Natasha Zaslove	SA	1,398.3	\$875	\$1,223,513	2024
Alexis Marquez	SA	321.7	\$700	\$225,190	2022
Alexis Marquez	SA	328.1	\$740	\$242,794	2023
Sarah Schuster	SA	650.5	\$700	\$455,350	2022
Sarah Schuster	SA	433.7	\$740	\$320,938	2023
Steven Magnusson	SA	475.0	\$700	\$332,500	2022
Steven Magnusson	SA	2,375.0	\$740	\$1,757,500	2023
Steven Magnusson	SA	976.0	\$770	\$751,520	2024
Andrew Ellington	A	834.9	\$650	\$542,685	2023
Flor Melgar	A	2,172.0	\$450	\$977,400	2023
Flor Melgar	A	2,169.6	\$450	\$976,320	2024
Maria Frantom	A	481.9	\$450	\$216,833	2023
Anna Sesay	A	2,177.6	\$450	\$979,920	2023
Anna Sesay	A	20.4	\$450	\$9,180	2024

**Reported Hours and Historical Lodestar
Inception through November 30, 2024**

Name	Position	Hours	Rate	Lodestar	Year
Irma Diane Bobb	A	2,183.3	\$450	\$982,485	2023
Irma Diane Bobb	A	995.0	\$450	\$447,750	2024
Rina Niyogi	A	2,090.9	\$450	\$940,905	2023
Rina Niyogi	A	2,258.5	\$450	\$1,016,325	2024
Lisa Uffman-Kirsch	A	1,212.8	\$450	\$545,760	2023
Lisa Uffman-Kirsch	A	1,987.2	\$450	\$894,240	2024
Yusuf Naqvi	A	1.5	\$450	\$675	2023
Yusuf Naqvi	A	77.2	\$450	\$34,740	2024
Alex Polley	A	40.4	\$450	\$18,180	2023
Alex Polley	A	1,917.6	\$450	\$862,920	2024
Jordan Wolff	A	19.5	\$450	\$8,775	2023
Jordan Wolff	A	830.9	\$450	\$373,905	2024
Hampton Coley	DLS	335.9	\$445	\$149,476	2024
Peter Schmidt	PL	34.8	\$300	\$10,440	2024
Alexis Alexander	PL	153.1	\$300	\$45,930	2024
Julian Caprow	PL	20.6	\$300	\$6,180	2022
Julian Caprow	PL	36.3	\$325	\$11,798	2023
Julian Caprow	PL	50.3	\$340	\$17,102	2024
TOTAL		46,877.8		\$39,217,787	

Position Legend

MP	Managing Partner
P	Partner
SC	Special Counsel
C	Counsel
SA	Senior Associate
A	Associate
DLS	Director of Litigation Support
PL	Paralegal

**Reported Hours and Blended Rate Lodestar
Inception Through November 30, 2024**

Name	Position	Bar Admission	Total Hours	Blended Rate	Lodestar
Robert D. Gilbert	MP	1982	8,293.8	\$1,453	\$12,046,877
Elpidio Villarreal	P	1985	1,498.8	\$1,461	\$2,190,451
Robert S. Raymar	SC	1972	2,632.2	\$1,354	\$3,564,944
David Copeland	C	1985	2,724.4	\$1,171	\$3,189,154
Bruce S. Etterman	C	1984	1,109.7	\$1,147	\$1,273,333
Matthew E. Moloshok	C	1977	296.1	\$1,132	\$335,233
Robert B. Rosen	C	1986	613.3	\$1,131	\$693,409
Natasha Zaslove	SA	1995	2,047.3	\$864	\$1,768,673
Alexis Marquez	SA	2013	649.8	\$720	\$467,984
Sarah Schuster	SA	2015	1,084.2	\$716	\$776,288
Steven Magnusson	SA	2017	3,826.0	\$743	\$2,841,520
Andrew Ellington	A	2011	834.9	\$650	\$542,685
Flor Melgar	A	1994	4,341.6	\$450	\$1,953,720
Maria Frantom	A	2010	481.9	\$450	\$216,833
Anna Sesay	A	1998	2,198.0	\$450	\$989,100
Irma Diane Bobb	A	1999	3,178.3	\$450	\$1,430,235
Rina Niyogi	A	2002	4,349.4	\$450	\$1,957,230
Lisa Uffman-Kirsch	A	2013	3,200.0	\$450	\$1,440,000
Yusuf Naqvi	A	2012	78.7	\$450	\$35,415
Alex Polley	A	2013	1,958.0	\$450	\$881,100
Jordan Wolff	A	2006	850.4	\$450	\$382,680
Hampton Coley	DLS		335.9	\$445	\$149,476
Peter Schmidt	PL		34.8	\$300	\$10,440
Alexis Alexander	PL		153.1	\$300	\$45,930
Julian Caprow	PL		107.2	\$327	\$35,080
TOTAL			46,877.8		\$39,217,787

Position Legend

MP	Managing Partner
P	Partner
SC	Special Counsel
C	Counsel
SA	Senior Associate
A	Associate
DLS	Director of Litigation Support
PL	Paralegal

Reported Hours and Historical Lodestar
April 1, 2024 through November 30, 2024

Name	Position	Hours	Rate	Lodestar
Robert D. Gilbert	MP	1,332.6	\$1,495	\$1,992,237
Elpidio Villarreal	P	123.2	\$1,495	\$184,184
Robert S. Raymar	SC	398.5	\$1,390	\$553,915
David Copeland	C	1,019.5	\$1,175	\$1,197,913
Natasha Zaslove	SA	968.5	\$875	\$847,438
Steven Magnusson	SA	145.2	\$770	\$111,804
Flor Melgar	A	1,458.5	\$450	\$656,325
Irma Diane Bobb	A	247.0	\$450	\$111,150
Rina Niyogi	A	1,440.2	\$450	\$648,090
Lisa Uffman-Kirsch	A	1,412.5	\$450	\$635,625
Alex Polley	A	1,272.5	\$450	\$572,625
Jordan Wolff	A	266.4	\$450	\$119,880
Hampton Coley	DLS	335.9	\$445	\$149,476
Peter Schmidt	PL	34.8	\$300	\$10,440
Alexis Alexander	PL	153.1	\$300	\$45,930
Julian Caprow	PL	37.1	\$340	\$12,614
TOTAL		10,645.5		\$7,849,646

Position Legend

MP	Managing Partner
P	Partner
SC	Special Counsel
C	Counsel
SA	Senior Associate
A	Associate
DLS	Director of Litigation Support
PL	Paralegal

**Reported Hours and Historical Lodestar
July 20, 2024 through November 30, 2024**

Name	Position	Hours	Rate	Lodestar
Robert D. Gilbert	MP	703.3	\$1,495	\$1,051,434
Elpidio Villarreal	P	44.3	\$1,495	\$66,229
Robert S. Raymar	SC	182.3	\$1,390	\$253,397
David Copeland	C	562.4	\$1,175	\$660,820
Natasha Zaslove	SA	525.7	\$875	\$459,988
Flor Melgar	A	817.9	\$450	\$368,055
Rina Niyogi	A	989.3	\$450	\$445,185
Lisa Uffman-Kirsch	A	863.9	\$450	\$388,755
Alex Polley	A	701.3	\$450	\$315,585
Peter Schmidt	PL	25.9	\$300	\$7,770
Alexis Alexander	PL	153.1	\$300	\$45,930
Julian Caprow	PL	18.2	\$340	\$6,188
TOTAL		5,587.6		\$4,069,336

Position Legend

MP	Managing Partner
P	Partner
SC	Special Counsel
C	Counsel
SA	Senior Associate
A	Associate
CA	Contract Attorney
DLS	Director of Litigation Support
PL	Paralegal

EXHIBIT B

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

ANDREW CORZO, SIA HENRY,
ALEXANDER LEO-GUERRA, MICHAEL
MAERLENDER, BRANDON PIYEVSKY,
BENJAMIN SHUMATE, BRITTANY
TATIANA WEAVER, and CAMERON
WILLIAMS, individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

BROWN UNIVERSITY, CALIFORNIA
INSTITUTE OF TECHNOLOGY,
UNIVERSITY OF CHICAGO, THE TRUSTEES
OF COLUMBIA UNIVERSITY IN THE CITY
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HOPKINS UNIVERSITY, MASSACHUSETTS
INSTITUTE OF TECHNOLOGY,
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THE TRUSTEES OF THE UNIVERSITY OF
PENNSYLVANIA, WILLIAM MARSH RICE
UNIVERSITY, VANDERBILT UNIVERSITY,
and YALE UNIVERSITY,

Defendants.

Case No. 1:22-cv-00125

Hon. Matthew F. Kennelly

**EXHIBIT B TO THE DECLARATION OF ROBERT D. GILBERT IN SUPPORT OF
SETTLEMENT CLASS COUNSEL'S MOTION FOR SERVICE AWARDS FOR THE
CLASS REPRESENTATIVES, REIMBURSEMENT OF EXPENSES, AND
ATTORNEYS' FEES RELATING TO THE FOURTH TRANCHE SETTLEMENTS
WITH DEFENDANTS JOHNS HOPKINS UNIVERSITY AND CALIFORNIA
INSTITUTE OF TECHNOLOGY**

**Reported Expenses on Behalf of Plaintiffs
Inception Through February 28, 2025**

Litigation Fund Contributions	\$1,825,434
Photocopying	\$9,407
Service of Process	\$564
Computer Research	\$74,724
Court Fees (filings, etc.)	\$588
Court Reporters (Transcripts)	\$468
Telephone/Fax	\$159
Postage	\$283
Overnight Delivery/Messenger	\$0
Expert Fees	\$0
Witness/Service Fees	\$0
Travel: Air Transportation, Ground Travels, Meals, Lodging	\$108,681
Database Hosting Services	\$4,127
Co-Counsel Fees	\$0
Outside Contractor	\$27,528
Publication	\$0
Miscellaneous	\$0
Total for Inception Through Febuary 28,2025	\$2,051,963
Total Amount Reimbursed as of February 28, 2025	\$1,007,668
Total Unreimbursed Expenses as of February 28, 2025	\$1,044,295