

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

IN RE: CAPITAL ONE 360 SAVINGS
ACCOUNT INTEREST RATE LITIGATION

Civil Action No. 1:24-md-03111-DJN-WBP

NINTH REPORT OF THE SPECIAL MASTER

The Special Master submits this report under authority of the order appointing the undersigned as special master (ECF No. 24), the November 6, 2025 order amending the scope of the Special Master’s duties to cover all responsibilities set forth therein (ECF No. 260), and the November 21, 2025 order directing the Special Master to file a report “concerning Plaintiffs’ attorneys’ fees[,] . . . includ[ing] an analysis of Plaintiff counsel’s billing rates in relation to rates commonly charged in the Eastern District of Virginia, as well as an analysis of Plaintiff counsel’s billed hours, with an emphasis on eliminating any double-billing.” (ECF No. 278 at 1–2); *see also* Tr. of Status Conference at 20:3–7 (Nov. 21, 2025) (ECF No. 279) (“[H]is first analysis is going to be what the rates are . . . we’re going to use EDVA rates. And then he’s going to look at the hours spent to ensure there’s no double billing.”). This report sets forth the Special Master’s findings on those issues.

Based on the Special Master’s comprehensive review of the materials provided by Plaintiffs’ counsel and ongoing involvement in and familiarity with this case, the Special Master concludes that the hourly rates requested by Plaintiffs’ counsel are reasonable and consistent with rates charged in the Eastern District of Virginia for complex litigation, and he recommends no

downward adjustment to those rates. The Special Master further concludes that the hours expended by Plaintiffs' counsel were largely reasonable, but recommends a modest 3% reduction in the total hours requested to account for vague time entries (1.5%) and time entries reflecting clerical or administrative tasks (1.5%). Based on the foregoing, the Special Master calculates a lodestar of \$11,651,770.

I. Relevant Background

Plaintiff Savett initiated this litigation through his counsel, Wolf Popper LLP, by filing *Savett v. Capital One, N.A.* in this Court in July 2023. *See* No. 1:23-cv-00890 (the "Savett Action"), (ECF No. 1). Following the filing of related cases in other federal courts, the actions were centralized before this Court. *See In re Capital One 360 Savings Account Interest Rate Litig.*, MDL No. 3111 (J.P.M.L. June 7, 2024) (ECF No. 22). Wolf Popper and Plaintiffs' counsel in the related cases (Shamis & Gentile, P.A., Edelsberg Law, P.A., Ahdoot & Wolfson, PC, and KalielGold, PLLC) executed a Joint Prosecution Agreement providing that they would work cooperatively under the leadership of Wolf Popper. (*See* ECF No. 5-2 ¶ 3(a)–(b).) On June 24, 2024, the Court appointed Chet B. Waldman of Wolf Popper as Plaintiffs' Lead Counsel and Interim Class Counsel, and Matthew B. Kaplan of The Kaplan Law Firm as Plaintiffs' Local Counsel. (ECF No. 6.)

Plaintiffs filed a consolidated amended complaint on July 1, 2024. (ECF No. 10.) On July 18, 2024, the Court issued a scheduling order requiring the parties to complete all discovery within seven months; class certification and *Daubert* briefing were to proceed concurrently. (*See* ECF No. 26.) Prior to settlement, the parties submitted over 750 pages of combined briefing on numerous contested legal issues, including Capital One's motion to dismiss the *Savett* Action; Capital One's motion to dismiss the consolidated amended complaint (which Plaintiffs opposed

and the Court denied in substantial part (*see* ECF No. 49)); Capital One’s motion to strike Plaintiffs’ jury demand (which Plaintiffs opposed and the Court denied (*see* ECF No. 51)); Capital One’s motion to certify a question to the Supreme Court of Virginia (which Plaintiffs opposed and the Court denied (*see* ECF No. 58)); discovery disputes (which were decided in Plaintiffs’ favor (*see* ECF Nos. 62, 76)); Plaintiffs’ motion for class certification (which Capital One opposed and was fully briefed); and six *Daubert* motions (three by Plaintiffs, three by Capital One, all fully briefed). Plaintiffs’ counsel also undertook substantial discovery, including drafting and serving discovery requests, responding to Capital One’s discovery requests for each of the twenty-six Plaintiffs, reviewing voluminous documents produced by Capital One and third parties, resolving numerous discovery disputes, preparing for and defending the depositions of all twenty-six Plaintiffs, preparing for the depositions of twenty of Capital One’s current and former employees and taking seven of those depositions, and completing expert discovery.

In March 2025, with the assistance of the Special Master and mediator Robert Meyer of JAMS, the parties began mediation with the goal of reaching a settlement. (*See* ECF No. 95 at 2.) That initial mediation session was unsuccessful, but after meeting again the next month with the Special Master and Mr. Meyer, Plaintiffs and Capital One tentatively agreed to settle the suit. Following two more mediations with the Special Master and Mr. Meyer, the parties entered into a settlement agreement (the “Previous Agreement”). (*See* ECF No. 163-1.) The terms of the Previous Agreement required Capital One to pay Settlement Class Members¹ \$300 million from a cash fund (the “Settlement Fund”), and \$125 million in increased interest payments to Members who continued to maintain 360 Savings accounts. (*Id.*)

¹ All capitalized terms incorporate by reference the definitions in the new Settlement Agreement dated December 12, 2025, unless otherwise stated. (*See* ECF No. 284-1.)

On June 6, 2025, Plaintiffs moved for preliminary approval of the Previous Agreement. (ECF No. 161.) On June 16, 2025, the Court preliminarily approved the Previous Agreement. (ECF No. 174.) Following the Court’s preliminary approval order, Plaintiffs instructed the Settlement Administrator to execute the Notice Plan. (*See* ECF No. 199.) Plaintiffs then moved for final approval on September 11, 2025, requesting an attorneys’ fee award of 20% of the Settlement Amount, and for reimbursement of litigation expenses. (ECF No. 196; ECF No. 198 ¶ 7.) In support of the reasonableness of the attorneys’ fees request, Plaintiffs submitted the declaration of Brian Fitzpatrick, a law professor at Vanderbilt University. (*See* ECF No. 200.) Professor Fitzpatrick opined that “an award of fees equal to 20% of the settlement amount . . . is well below the norm in the market for contingency legal representation, at or below the norm in class action litigation, and consistent with the other factors courts in the Fourth Circuit examine in class action litigation.” (*Id.* ¶ 8.)

On November 6, 2025, following the filing of an *amicus* brief by eighteen state attorneys general in opposition to the settlement (ECF No. 210) and Member objections² (*see, e.g.*, ECF No. 176), the Court denied final approval of the Previous Agreement under Federal Rule of Civil Procedure 23(e) and directed Plaintiffs and Capital One to “engage in further settlement negotiations to remedy the flaws in the proposed settlement.” (ECF No. 259 at 6.) Pursuant to the Court’s direction, the parties engaged in renewed negotiations involving the Special Master (*see* ECF No. 274 at 1–2), and on December 23, 2025, Plaintiffs moved for preliminary approval of a new settlement agreed to by the parties (the “Agreement” or “Settlement Agreement”). (ECF No. 282.) With respect to attorneys’ fees, the Settlement Agreement provides that Plaintiffs’ counsel

² Sasha Lewis submitted a formal objection “regarding the attorney fees and the adequacy of compensation to class members.” (ECF No. 176 at 1.) Specifically, Ms. Lewis objected to the “disproportionate amount of attorney fees, when compared to the compensation available to class members.” (*Id.*)

may request reimbursement of reasonable expenses from the \$425 million Settlement Fund and payment of attorneys' fees in an amount approved by the Court. (ECF No. 284-1 ¶ 21.2; *see also* ¶¶ 4.1–4.2.) The Court preliminarily approved the Settlement Agreement on January 12, 2026. (ECF No. 296.) With respect to attorneys' fees, the Court directed Plaintiffs to file their motion for final approval and “any award of attorneys' fees, costs, expenses and service awards no later than March 9, 2026.” (*Id.* ¶ 17.)

To aid the Court in its review of Plaintiffs' attorneys' fees request, the Court directed the Special Master to “provide the Court with a report concerning Plaintiffs' attorneys' fees,” including “an analysis of Plaintiff counsel's billing rates in relation to rates commonly charged in the Eastern District of Virginia, as well as an analysis of Plaintiff counsel's billed hours, with an emphasis on eliminating any double-billing.” (ECF No. 278 at 1–2.) On January 22, 2026, Plaintiffs' counsel provided the Special Master with a spreadsheet containing the time records for the litigation through January 12, 2026, the date of the preliminary approval hearing, for all Plaintiffs' counsel, as well as a lodestar summary for each law firm and timekeeper; a glossary of the abbreviations used in Plaintiffs' counsel's time records; and a memorandum and supporting exhibits concerning Plaintiffs' counsel's hourly rates. While informative, the Special Master found this information insufficient to demonstrate the prevailing rates in Northern Virginia. *See Haley v. FRC Balance LLC*, No. 1:23-cv-666 (DJN), 2025 WL 307280, at *2 (E.D. Va. Jan. 27, 2025) (finding the requested rates reasonable based on, *inter alia*, the *Vienna Metro Matrix* and “affidavits from local lawyers familiar with . . . prevailing rates in the area”); *see also SS Richmond LLC v. Harrison*, No. 3:22-cv-405 (DJN), 2023 WL 7646505, at *6 (E.D. Va. Nov. 14, 2023) (“[A]ffidavits of other local lawyers who are familiar both with the skills of the fee applicants and more generally with the type of work in the relevant community constitute sufficient

specific evidence of prevailing market rates.”) (citation omitted). In response to the Special Master’s request for specific evidence of rates in Northern Virginia, Plaintiffs’ counsel submitted the declaration of Craig C. Reilly, a respected practitioner in the Eastern District of Virginia and the author of the *Vienna Metro Matrix*.³

The Special Master’s assessment of the reasonableness of Plaintiffs’ counsel’s requested rates and hours is set forth below, beginning with the applicable legal standard and followed by an analysis of reasonable rates and reasonable hours.

II. Legal Standard

When assessing attorneys’ fees and whether the requested fees are reasonable, courts determine a “lodestar figure by multiplying the number of reasonable hours expended times a reasonable rate.” *Haley v. FRC Balance, LLC.*, No. 1:23-cv-666 (DJN), 2025 WL 307280, at *1 (E.D. Va. Jan. 27, 2025) (quoting *McAfee v. Boczar*, 738 F.3d 81, 88 (4th Cir. 2013)). To determine a “reasonable” number of hours and rates, courts are guided by the following factors:

(1) the time and labor expended; (2) the novelty and difficulty of the questions raised; (3) the skill required to properly perform the legal services rendered; (4) the attorney’s opportunity costs in pressing the instant litigation; (5) the customary fee for like work; (6) the attorney’s expectations at the outset of the litigation; (7) the time limitations imposed by the client or circumstances; (8) the amount in controversy and the results obtained; (9) the experience, reputation and ability of the attorney; (10) the undesirability of the case within the legal community in which the suit arose; (11) the nature and length of the professional relationship between attorney and client; and (12) attorneys’ fees awards in similar cases.

Id. at *1–2 (quoting *Barber v. Kimbrell’s Inc.*, 577 F.2d 216, 226 n.28 (4th Cir. 1978), *superseded by statute on other grounds as recognized by Knapp v. Americredit Fin. Servs.*, 245 F. Supp. 2d 841, 848 (4th Cir. 2003)). When applying the *Barber* factors to determine a lodestar figure, courts need not “mechanically list or comment on each” factor but instead need only discuss those “that

³ A copy of Mr. Reilly’s declaration is attached as Exhibit A to this report.

it finds are applicable.” *United States ex rel. Maxwell v. Anham USA, Inc.*, No. 1:14-cv-156, 2020 WL 4460364, at *2 (E.D. Va. Aug. 30, 2020) (citing *Bergstrom v. Dalkon Shield Claimants Tr. (In re A.H. Robins Co.)*, 86 F.3d 364, 376 (4th Cir. 1996)); see also *Entegee, Inc. v. Metters Indus.*, No. 1:17-cv-499, 2018 WL 3472819, at *3 (E.D. Va. July 19, 2018) (discussing factors three, five, nine, and twelve of the *Barber* factors when finding that the requested rate was reasonable); *In re Lumber Liquidators Chinese-Manufactured Flooring Prods. Mktg., Sales Pracs. & Prods. Liab. Litig.*, No. 1-15-md-2627, 2020 WL 5757504, at *5 (E.D. Va. Sept. 4, 2020) (“While the[] [*Barber*] factors must guide the analysis, there is no strict formula that the Court is required to follow.”), *aff’d*, 27 F.4th 291 (4th Cir. 2022). Indeed, although a court’s decision about what constitutes reasonable rates and hours must be guided by the *Barber* factors, the decision is within the court’s discretion. See, e.g., *Lee v. Agape Health Mgmt., Inc.*, No. 1:22-cv-311, 2024 WL 5121027, at *7 (E.D. Va. Dec. 16, 2024) (finding it reasonable to adjust rates by eighteen percent, using the Consumer Price Index, to account for changing economic conditions), *aff’d*, No. 25-1001, 2025 WL 3282504 (4th Cir. Nov. 25, 2025).

A. Reasonable Rates

First, the Special Master must determine the reasonableness of the hourly rates requested by Plaintiffs’ counsel. The fee applicant carries the burden of establishing the reasonableness of the hourly rates requested. *Robinson v. Equifax Info. Servs., LLC*, 560 F.3d 235, 244 (4th Cir. 2009). Specifically, the burden is on the applicant “to produce satisfactory evidence . . . that the requested rates are in line with those prevailing in the community for similar services by lawyers of reasonably comparable skill, experience and reputation.” *Lumber Liquidators*, 2020 WL 5757504, at *6 (citation omitted). Thus, “[t]he market rate should be determined by evidence of what attorneys earn from paying clients for similar services in similar circumstances, which, of

course, may include evidence of what the plaintiff’s attorney actually charged his client.” *Robinson*, 560 F.3d at 244 (quoting *Depaoli v. Vacation Sales Assocs., LLC*, 489 F.3d 615, 622 (4th Cir. 2007)). Generally, the applicant will submit “affidavits from disinterested counsel, evidence of awards in similar cases, or other specific evidence that allows the court to determine ‘actual rates which counsel can command in the market.’” *Project Vote/Voting for Am., Inc. v. Long*, 887 F. Supp. 2d 704, 710 (E.D. Va. 2012) (quoting *Spell v. McDaniel*, 824 F.2d 1380, 1402 (4th Cir. 1987)). For purposes of determining the prevailing rate, the relevant market “is ordinarily the community in which the court where the action is prosecuted sits.” *Rum Creek Coal Sales, Inc. v. Caperton*, 31 F.3d 169, 175 (4th Cir. 1994). Additionally, “[i]n determining the reasonable rates,” courts “consider the relevant [*Barber*] factors.” *McNeil v. Faneuil, Inc.*, No. 4:15-cv-81, 2017 WL 9771834, at *5 (Nov. 8, 2017), *R. & R. adopted*, 2018 WL 1411017 (E.D. Va. Mar. 21, 2018).

In support of the Special Master’s assessment of the reasonableness of Plaintiffs’ counsel’s rates, Plaintiffs’ counsel provided the following: (1) a memorandum to the Special Master regarding Plaintiffs’ counsel’s hourly rates; (2) a spreadsheet detailing Plaintiff’s counsel’s time records; (3) indications of some of Plaintiffs’ counsel’s competitors’ rates, including rates awarded in the Eastern District of Virginia; and (4) Mr. Reilly’s declaration. Plaintiffs’ counsel request the following hourly rates:

Wolf Popper LLP

Name	Position	Years of Experience	Hourly Rate
Chet B. Waldman	Senior Partner	40	\$1,150
Carl L. Stine	Senior Partner	36	\$1,150
Robert C. Finkel	Senior Partner	44	\$1,150
David Nicholas	Of Counsel	41	\$1,150
Jeffrey Chambers	Of Counsel	37	\$1,100
Patricia I. Avery	Senior Partner	49	\$1,000

Name	Position	Years of Experience	Hourly Rate
Adam J. Blander	Partner	12	\$950
Joshua W. Ruthizer	Partner	22	\$950
Matthew Insley-Pruitt	Partner	20	\$950
Philip M. Black	Partner	11	\$900
Emily Madoff	Senior Partner	46	\$800
Timothy D. Brennan	Of Counsel	13	\$650
Antoinette Adesanya	Associate	8	\$650
Terrence Zhang	Associate	8	\$550
Justyn Millamena	Associate	3	\$500
Sasha Marseille	Associate	5	\$500
Emer Burke	Associate	9	\$500
Samuel Coffin	Associate	2	\$495
Sandra Vidal Pellon	Of Counsel	20	\$475
Sharon Feldman	Staff Attorney	42	\$425
Adam Jacobs	Staff Attorney	1	\$425
Melissa Gianfagna	Senior Paralegal		\$400
Margaret Babikian	Law Clerk		\$320
Stephanie Bousley	Law Clerk		\$320
Addie Nicholas	Law Clerk		\$320

The Kaplan Law Firm

Name	Position	Years of Experience	Hourly Rate
Matthew Kaplan	Owner	22	\$940

KalielGold PLLC

Name	Position	Years of Experience	Hourly Rate
Jeffrey Kaliel	Partner	21	\$1,141
Sophia Gold	Partner	11	\$839
Amanda Rosenberg	Counsel	15	\$777
Brittany Bertolini	Counsel	11	\$777
Manfred Muecke	Counsel	24	\$710
Sarah Levin	Counsel	7	\$581
Neva Garcia	Paralegal		\$258

Ahdoot & Wolfson, PC

Name	Position	Years of Experience	Hourly Rate
Robert Ahdoot	Partner	30	\$1,300
Christopher Stiner	Partner	19	\$975
Bradley King	Partner	16	\$900
Lauren Howard-Thompson	Associate	12	\$825
Alyssa Brown	Associate	12	\$800
Deborah De Villa	Associate	10	\$750
Sarper Unal	Associate	5	\$625
Carlos Armijo	Paralegal		\$350
Heidi Liivamagi	Paralegal		\$350
Laura Lowe	Paralegal		\$350
Michelle Montecalvo	Paralegal		\$350
Michelle Bui	Paralegal		\$250
Catherine Santos	Legal Assistant		\$150

Shamis & Gentile, P.A.

Name	Position	Years of Experience	Hourly Rate
Andrew Shamis	Senior Partner	15	\$950
Angelica Gentile	Partner	13	\$900
Carlo Labrado	Associate	13	\$650
Joe Siegel	Associate	28	\$650
Stephanie Babani	Paralegal		\$185

Edelsberg Law, P.A.

Name	Position	Years of Experience	Hourly Rate
Scott Edelsberg	Senior Partner	14	\$950
Gabriel Mandler	Partner	9	\$900
Allen Mousavi	Associate	4	\$650
Stephanie Ramos	Paralegal		\$185

The Special Master first considers whether Plaintiffs’ counsel’s hourly rates, which range from \$150 (for a paralegal) to \$1,300 (for a partner with 30 years of experience), align with the

prevailing market rates. In the Eastern District of Virginia, evidence of the market rates includes “what the plaintiff’s attorney actually charged his client,” as well as “affidavits from disinterested counsel, evidence of awards of similar cases, or other specific evidence that allows the court to determine actual rates which counsel can command in the market.” *Son v. Agape Health Mgmt., Inc.*, No. 1:20-cv-1047, 2024 WL 5010410, at *3 (E.D. Va. Dec. 5, 2024) (internal quotation marks and citations omitted), *aff’d sub nom. Lee v. Agape Health Mgmt., Inc.*, 2025 WL 3282504. In addition, “courts in the Eastern District of Virginia employ the *Vienna Metro* matrix” which provides “the appropriate hourly rates in the Northern Virginia area based on years of experience.” *Cho v. Joong Ang Daily News Washington, Inc.*, No. 1:18-cv-1062, 2020 WL 1056294, at *4 (E.D. Va. Mar. 4, 2020) (first quoting *Gomez v. Seoul Gool Dae Gee Inc.*, 434 F. Supp. 3d 381, 385 (E.D. Va. 2020) (collecting cases)).⁴

In the materials provided to the Special Master, Plaintiffs’ counsel argue that the *Vienna Metro* rates, which are from 2011, should be adjusted for inflation through December 2025. Plaintiffs’ counsel further argue that for the nine lawyers with 30 or more years of experience, their approved hourly rates should be their actual hourly rates, if higher than the adjusted *Vienna Metro* rates. The *Vienna Metro* Matrix rates, adjusted for inflation through December 2025,⁵ are as follows:

⁴ Courts have found, and the Special Master agrees, that the *Vienna Metro* Matrix accounts for, among others, the fifth and twelfth *Barber* factors. *See Gomez*, 434 F. Supp. 3d at 385 (“[C]ustomary fee[s] . . . [and] fee awards in similar cases by providing a stable and consistent rate for Northern Virginia attorneys based on their skill in commercial litigation cases and years of experience.”) (internal quotation marks and citation omitted); *but see De Paredes v. Zen Nails Studio LLC*, 134 F.4th 750, 754 (4th Cir. 2025) (“[T]he factors established by case law obviously govern over the published ranges.” (citation omitted)).

⁵ To adjust for inflation, Plaintiffs’ counsel used the Consumer Price Index inflation calculator from the Bureau of Labor Statistics. Courts in this District have also used the Consumer Price Index to adjust hourly rates for inflation. *See, e.g., Lee*, 2024 WL 5121027, at *7 (calculating “the [hourly] rate increase by looking to the Consumer Price Index to account for changing economic conditions”).

Years of Experience	Vienna Metro Rate (2011)	Vienna Metro Rate (adjusted for inflation)
1–3	\$250–435	\$368–640
4–7	\$350–600	\$515–883
8–10	\$465–640	\$684–942
11–19	\$520–770	\$765–1,133
20+	\$505–820	\$743–1,207
Paralegal	\$130–350	\$186–501

The Special Master was not persuaded that making an adjustment based on inflation was adequately supported and therefore pushed the plaintiffs to provide more concrete evidence of rates in Northern Virginia. In support of the requested upward adjustment, Plaintiffs’ counsel then submitted a declaration from Mr. Reilly, an attorney “well-known to and . . . respected” in the Eastern District of Virginia. *See Salim v. Dahlberg*, No. 1:15-cv-468, 2016 WL 2930943, at *4 (E.D. Va. May 18, 2016). Mr. Reilly has extensive experience practicing law in this District and is familiar with “hourly rates charged by attorneys for similar complex and class action litigation.” *See* Reilly Decl. ¶ 5 (discussing his forty-five years of legal work, the class action cases he has litigated, and his familiarity with hourly rates in similar cases). Indeed, as an expert in *Vienna Metro*, Mr. Reilly submitted the fee matrix that “has [since] been applied in various other cases in this Division as a benchmark for reasonable hourly rates in complex civil litigation.” *Id.* ¶ 8. Recognizing that “local hourly rates have increased since 2011 when the *Vienna Metro* Matrix table was compiled,” *id.* ¶ 17, Mr. Reilly updated the *Vienna Metro* Matrix rates in July 2022, in a fee declaration in *Appian Corp. v. Pegasystems Inc., et al.*, Case No. CL 2020-07216 (Fairfax Cir. Ct.). The *Vienna Metro* Matrix rates, updated for the years 2021 and 2022, are as follows:

Years of Experience	Vienna Metro Rate (2011)	Vienna Metro Rate (2021)	Vienna Metro Rate (2022)
1–3	\$250–435	\$340–560	\$450–610
4–7	\$350–600	\$500–720	\$545–785
8–10	\$465–640	\$565–800	\$585–830
11–19	\$520–770	\$610–925	\$630–945

Years of Experience	Vienna Metro Rate (2011)	Vienna Metro Rate (2021)	Vienna Metro Rate (2022)
20+	\$505–820	\$690–1050	\$700–1100
Paralegal	\$130–350	\$195–450	\$250–485

Moreover, based on ongoing market research, Mr. Reilly estimated that “litigation hourly rates in Northern Virginia have continued to rise by about 5% per year since 2022.” *Id.* ¶ 20. Assuming a 5% per year increase, the updated *Vienna Metro* Matrix rates for 2025⁶ are as follows:

Years of Experience	Vienna Metro Rate (2011)	Vienna Metro Rate (2025)
1–3	\$250–435	\$520–705
4–7	\$350–600	\$630–910
8–10	\$465–640	\$680–960
11–19	\$520–770	\$730–1,095
20+	\$505–820	\$810–1,275
Paralegal	\$130–350	\$290–560

Based on Mr. Reilly’s extensive experience as both a litigator in this Division and an expert on attorneys’ fees, as well as his comprehensive analysis of hourly rates in Northern Virginia, the Special Master concludes that his updated *Vienna Metro* Matrix provides credible and persuasive evidence of the “prevailing market rates in the relevant community for the type of work for which [counsel] seek[] an award.”⁷ *McAfee*, 738 F.3d at 91 (internal quotation marks omitted). Plaintiffs’ counsel’s requested rates closely approximate the rates reflected in Mr. Reilly’s updated *Vienna Metro* Matrix and, in the Special Master’s view, align with prevailing market rates. And Mr. Reilly himself opined that the “hourly rates proposed for Plaintiff Class’s attorneys . . . are reasonable

⁶ In the memorandum submitted to the Special Master, Plaintiffs’ counsel confirmed that their fee application to the Court will use 2025 rates.

⁷ In its instructions to Plaintiffs’ counsel, the Court was clear that the requested rates must be consistent with “Eastern District of Virginia[,] Alexandria rates, not New York rates.” (ECF No. 279 at 19:23–24). The Special Master, who previously led Vinson & Elkins’ global litigation department and has considerable familiarity with New York rates, notes that Plaintiffs’ counsel’s requested rates are well below prevailing New York rates. *See, e.g.*, Final Fee Application of Paul, Weiss at 69, *In re Enviva Pellets Epes Holdings, LLC*, No. 24-10454 (Bankr. E.D. Va. Jan. 17, 2025) (ECF No. 20) (reflecting hourly rates of up to \$2,595 for New York-based attorneys from Paul, Weiss); Order at 2 (ECF No. 112) (granting Paul, Weiss’s application for fees in the amount of \$15,553,403.49).

when considering,” among other things, the “updated *Vienna Metro* Matrix rates.” Reilly Decl. ¶ 28. Thus, the evidence of prevailing market rates weighs in favor of the reasonableness of Plaintiffs’ counsel’s requested rates.⁸

The *Vienna Metro* Matrix analysis alone, however, does not complete the inquiry. As the Fourth Circuit recently instructed, a reasonable rate analysis cannot start and end with fee matrices. In *De Paredes v. Zen Nails Studio LLC*, the Fourth Circuit cautioned that “the longer a matrix goes without an update, the odds that it has much to say about today’s prevailing market rates decrease and the chances that its use—even properly weighted—will constitute an abuse of discretion increase.” 134 F.4th at 754; *see also* *Haley*, 2025 WL 307280, at *2 n.3 (“[G]iven that the *Vienna Metro* decision is nearly 14 years old, it more likely understates, rather than overstates, an appropriate hourly fee.”). Accordingly, while the *Vienna Metro* Matrix is a “useful starting point to determine fees,” the Special Master “must consider all relevant evidence” and “may may not elevate a matrix above all other types of evidence or treat a matrix as establishing a presumptive answer or range of answers.” *De Paredes*, 134 F.4th at 753–54 (citations omitted). Consistent with this instruction, the Special Master also evaluates *Barber* factors two, three, seven, eight, and nine. *See Lumber Liquidators*, 2020 WL 5757504, at *5 (“While these factors must guide the analysis, there is no strict formula that the Court is required to follow.”); *Thomas v. FTS USA, LLC*, No. 3:13-cv-825, 2017 WL 1148283, at *3 (E.D. Va. Jan. 9, 2017) (“[S]ome [*Barber*] factors may have nothing to add in a given case, but the Court should consider those that apply.”), *R. & R. adopted*, 2017 WL 1147460 (E.D. Va. Mar. 27, 2017).

⁸ The Special Master notes that Plaintiffs’ counsel’s requested rates are consistent with rates reviewed in at least one case in the Richmond Division of the Eastern District of Virginia. *See, e.g.*, Boon Decl. Ex. 1 at 10, *In re James River Grp. Holdings, Ltd. Sec. Litig.*, No. 3:21-cv-444 (DJN) (E.D. Va. Apr. 19, 2024) (ECF No. 126-7) (reflecting hourly rates as high as \$1,350 for law firm partners); *In re James River Grp. Holdings, Ltd. Sec. Litig.*, No. 3:21-cv-444 (DJN), 2024 WL 3649603, at *2 (E.D. Va. May 24, 2024) (granting motion for attorneys’ fees and noting “Plaintiffs’ Counsel devoted over 11,300 hours, with a lodestar value of approximately \$7.4 million, to achieve the Settlement”).

Turning to the relevant *Barber* factors, and because of their interrelatedness, the Special Master first considers together the second factor, the novelty and difficulty of the questions raised, the third factor, the skill required to properly perform the legal services rendered, and the ninth factor, the attorneys' experience, reputation, and ability. In terms of the difficulty of the questions raised, this case presented numerous legal and factual issues far beyond the "straightforward" disputes that warrant lower fees. *See, e.g., Route Triple Seven Ltd. P'ship v. Total Hockey, Inc.*, 127 F. Supp. 3d 607, 619 (E.D. Va. 2015) (awarding relatively lower fees because the suit involved a "straightforward landlord-tenant dispute" as opposed to more complex litigation). Indeed, this multi-district class action was scheduled to go to trial on nineteen claims, including those brought under the consumer protection and unfair trade practice statutes of multiple states. (*See* ECF No. 49); Tr. of Settlement Approval Hr'g at 15:23–25 (Jan. 12, 2026) (ECF No. 298) (noting "the number and diversity of the legal issues at play under different bodies of state law"). Given this substantial complexity, the case required an exceptionally high level of legal skill. *See* Reilly Decl. ¶ 16 ("While every case is different and comparisons sometimes are difficult, this is not a routine case [T]he mode of litigation (class action) and the amount in controversy (more than a billion dollars) justified the use of highly skilled litigators having vast experience with class action litigation."). Plaintiffs' counsel—many of whom have practiced for decades, *see, e.g.,* Reilly Decl. at 10 (listing eight Wolf Popper attorneys with more than thirty years of practice)—more than met this demanding standard and effectively developed and litigated the claims. And the Court itself has recognized Plaintiffs' counsel's "really outstanding work." Tr. of Settlement Approval Hearing at 20:11. Accordingly, *Barber* factors two, three, and nine weigh strongly in favor of the reasonableness of the requested rates.

The Special Master next considers the seventh factor, the time limitations imposed by the client or circumstances. The Eastern District of Virginia’s “Rocket Docket” applied with full force here. Plaintiffs’ counsel litigated under “intense docket pressure,” with only “seven months . . . allowed for pretrial litigation.” Reilly Decl. ¶ 29. The Special Master personally observed the substantial effort by both sides during discovery and in moving this case towards its resolution. This factor also supports the requested rates.

Finally, the Special Master considers the eighth factor, the amount in controversy and results obtained. *See Thomas*, 2017 WL 1148283, at *3 (“In applying the [*Barber*] factors, the Court gives the most weight to the results obtained.”) (internal citations omitted). This factor is particularly significant here. The estimated damages in this case ranged from \$742 million to \$1.098 billion, and the total estimated relief exceeds \$1 billion. (ECF No. 300 at 2.) The Court described the recovery as “one of the highest . . . ever” and “an incredible recovery.” Tr. of Settlement Approval Hearing at 20:12–14. The litigation also contributed to heightened consumer awareness by spurring subsequent actions addressing the same alleged conduct and generating national media attention.⁹ For these reasons, the amount in controversy and the results obtained weigh heavily in favor of the reasonableness of Plaintiffs’ counsel’s requested rates.

⁹ Specifically, in mid-January 2025, the Consumer Financial Protection Bureau (“CFPB”) publicly filed a lawsuit alleging that Capital One had “worked to keep 360 Savings accountholders in the dark” about the higher-interest product and had “avoided paying millions of 360 Savings accountholders more than \$2 billion in interest” they would have earned by switching. Compl. ¶¶ 4, 91, *Consumer Fin. Prot. Bureau v. Capital One Fin. Corp.*, No. 24-cv-00061 (E.D. Va. Jan. 14, 2025). The lawsuit generated immediate, national coverage, ensuring that the recipients of Capital One’s December 6, 2024 email likely received contemporaneous information about the products and interest rates at issue in both the CFPB case and the instant case. *See, e.g.*, Taylor Telford, *U.S. Regulator Accuses Capital One of ‘Cheating’ Customers on Interest Rates*, WASH. POST (Jan. 14, 2025), <https://www.washingtonpost.com/business/2025/01/14/cfpb-capital-one-savings-interest/>; *Capital One Allegedly Cheated Customers out of \$2 Billion in Interest, CFPB Claims*, CBS NEWS (Jan. 14, 2025), <https://www.cbsnews.com/news/capital-one-cfpb-lawsuit-savings-account-rates/>; Rachel Louise Ensign, *They Thought Their Money Was in High-Interest Accounts—They Got Paid Peanuts*, WALL ST. J. (Jan. 21, 2024), <https://www.wsj.com/finance/investing/capital-one-high-interest-savings-complaints-b9adc1e9?msocid=3cee99701bea61db08f48f1a1a3860cd>.

In addition, on May 14, 2025, the New York Attorney General filed *People of the State of New York, by Letitia James, Attorney General of the State of New York v. Capital One, N.A. et al.*, alleging, among other things, that “Capital One

* * *

For the foregoing reasons, the Special Master concludes that Plaintiffs’ counsel’s requested rates are reasonable and recommends no downward adjustments to those rates.

B. Reasonable Hours

Next, the Special Master must determine the number of hours Plaintiffs’ counsel “reasonably expended.” *McNeil*, 2017 WL 9771834, at *7 (quoting *Hensley v. Eckerhart*, 461 U.S. 424, 434 (1983)). Here, the Special Master considers the first *Barber* factor—the “time and labor expended.” *Barber*, 577 F.2d at 226 n.28. The reasonable hours figure should exclude hours that are “excessive, redundant, or otherwise unnecessary” and, relatedly, should demonstrate Plaintiffs’ counsel’s exercise of “billing judgment.” *McNeil*, 2017 WL 9771834, at *7 (citations omitted). The Special Master may account for any excessive, redundant, or otherwise unnecessary hours by “identifying and disallowing specific hours that are not adequately documented” or reducing the total number of hours by a “fixed percentage.” *SunTrust Mortg., Inc. v. AIG United Guar. Corp.*, 933 F. Supp. 2d 762, 777 (E.D. Va. 2013); *see also, e.g., Torres-Baez v. Giovenco-Montano*, No. 20-cv-580, 2022 WL 15482678, at *8 (Oct. 4, 2022) (“[T]he Court finds that a ten percent (10%) reduction in the claimed hours is appropriate.”), *R. & R. adopted*, No. 2022 WL 14975888 (E.D. Va. Oct. 26, 2022).

Plaintiffs’ counsel seek compensation for 15,748.9 hours, as reflected below:

Wolf Popper LLP

Name	Position	Years of Experience	Hours
Chet B. Waldman	Senior Partner	40	1,326.2
Carl L. Stine	Senior Partner	36	892.4

created confusion so that 360 Savings customers wouldn’t realize that their accounts were obsolete and wouldn’t know that they had to open new 360 Performance Savings accounts to receive the rates advertised on Capital One’s website going forward.” Compl. ¶ 6, No. 1:25-cv-4037 (S.D.N.Y. May 14, 2025).

Name	Position	Years of Experience	Hours
Robert C. Finkel	Senior Partner	44	33.1
David Nicholas	Of Counsel	41	13.1
Jeffrey Chambers	Of Counsel	37	206.3
Patricia I. Avery	Senior Partner	49	173.3
Adam J. Blander	Partner	12	10.4
Joshua W. Ruthizer	Partner	22	10.9
Matthew Insley-Pruitt	Partner	20	458.9
Philip M. Black	Partner	11	2,482.4
Emily Madoff	Senior Partner	46	89.5
Timothy D. Brennan	Of Counsel	13	1,476.5
Antoinette Adesanya	Associate	8	114.4
Terrence Zhang	Associate	8	15.5
Justyn Millamena	Associate	3	891.8
Sasha Marseille	Associate	5	99.4
Emer Burke	Associate	9	63.1
Samuel Coffin	Associate	2	481.1
Sandra Vidal Pellon	Of Counsel	20	798.6
Sharon Feldman	Staff Attorney	42	771.9
Adam Jacobs	Staff Attorney	1	795.0
Melissa Gianfagna	Senior Paralegal		161.5
Margaret Babikian	Law Clerk		58.5
Stephanie Bousley	Law Clerk		93.6
Addie Nicholas	Law Clerk		63.0
Total			11,580.4

The Kaplan Law Firm

Name	Position	Years of Experience	Hours
Matthew Kaplan	Owner	22	213.2

KalielGold PLLC

Name	Position	Years of Experience	Hours
Jeffrey Kaliel	Partner	21	145.5
Sophia Gold	Partner	11	296.5
Amanda Rosenberg	Counsel	15	36.7
Brittany Bertolini	Counsel	11	19.0
Manfred Muecke	Counsel	24	217.2
Sarah Levin	Counsel	7	67.8

Name	Position	Years of Experience	Hours
Neva Garcia	Paralegal		2.3
Total			785.0

Ahdoot & Wolfson, PC

Name	Position	Years of Experience	Hours
Robert Ahdoot	Partner	30	58.9
Christopher Stiner	Partner	19	211.6
Bradley King	Partner	16	18.4
Lauren Howard-Thompson	Associate	12	403.8
Alyssa Brown	Associate	12	46.8
Deborah De Villa	Associate	10	1.7
Sarper Unal	Associate	5	174.2
Carlos Armijo	Paralegal		2.0
Heidi Liivamagi	Paralegal		3.9
Laura Lowe	Paralegal		3.6
Michelle Montecalvo	Paralegal		38.5
Michelle Bui	Paralegal		1.8
Catherine Santos	Legal Assistant		4.1
Total			969.3

Shamis & Gentile, P.A.

Name	Position	Years of Experience	Hours
Andrew Shamis	Senior Partner	15	217.9
Angelica Gentile	Partner	13	86.8
Carlo Labrado	Associate	13	646.0
Joe Siegel	Associate	28	59.5
Stephanie Babani	Paralegal		35.0
Total			1,045.2

Edelsberg Law, P.A.

Name	Position	Years of Experience	Hours
Scott Edelsberg	Senior Partner	14	188.7
Gabriel Mandler	Partner	9	258.6

Name	Position	Years of Experience	Hours
Allen Mousavi	Associate	4	674.1
Stephanie Ramos	Paralegal		34.5
Total			1,155.9

In support of the above-requested hours, Plaintiffs’ counsel submitted a spreadsheet containing thousands of rows of time entries, as well as a glossary explaining many of the abbreviations used. The Special Master and his team took an in-depth review of the plaintiffs’ time entries and utilized AI platforms to review the entries in a comprehensive matter. As an initial matter, the Special Master notes that the vast majority of Plaintiffs’ counsel’s time entries appear well-documented, related to the litigation, and reasonable. However, upon review, certain entries fell into one or more categories that courts routinely exclude as unreasonable: (1) double billing; (2) block billing; (3) vague descriptions; (4) clerical or administrative tasks; and (5) inconsistent or inaccurate entries. *See, e.g., Son*, 2024 WL 5010410, at *8–12. The Special Master shared example entries for each category with Plaintiffs’ counsel, who provided feedback on the entries. After reviewing counsel’s explanations, the Special Master addresses each category in turn, but recommends reductions for only two categories of entries—vague descriptions and clerical or administrative tasks.

1. *Double Billing*

The Court expressly directed the Special Master to conduct “an evaluation of work performed [by Plaintiffs’ counsel] to ensure that no double-billing occurred.” (ECF No. 260 at 2); *see also, e.g., Tr. of Settlement Approval Hr’g* at 19:6–7 (“And if there’s any question about double billing, [counsel will] explain to [the Special Master] why it is that was appropriate.”). To that end, the Special Master carefully reviewed the thousands of time entries submitted by Plaintiffs’ counsel. That review revealed no instances of true double billing—that is, the same work being

billed twice. While some entries on the same date do describe similar tasks, such as internal meetings or communications, attending depositions, and drafting and revising documents, such overlap is typical in complex civil litigation and is consistent with the “intense docket pressure” characteristic of this Division. Reilly Decl. ¶ 29; *see also, e.g., Son*, 2024 WL 5010410, at *11 (“[T]he requested hours are justified by the continuing substantive and procedural complexities surrounding the calculation of wages and damages in this case.”).

As to entries for internal meetings or communications, courts routinely recognize that internal coordination among counsel is both necessary and beneficial in avoiding redundant work. *See Torres-Baez*, 2022 WL 15482678, at *9 (“Internal meetings are an important part in litigating a case and such communication prevents duplicative work.”). Similarly, while some courts within this District have expressed concern about multiple associates attending the same deposition, *see id.* at *9, the entries here reflect reasonable staffing. The same applies to entries reflecting multiple attorneys drafting, reviewing, or revising the same documents, as well as conducting related research. Such collaboration does not warrant a reduction where, as here, it reflects a coordinated effort to manage a demanding litigation workload. *See Larsen v. AR Res., Inc.*, 453 F. Supp. 3d 849, 853 (E.D. Va. 2020) (“Researching and writing are not necessarily separable activities”); *Torres-Baez*, 2022 WL 15482678, at *8 (“[T]he attorneys appear to be working together to balance the workload . . . Thus, the attorneys’ efforts are not duplicative.”). Accordingly, the Special Master concludes that no reduction in hours is warranted on the basis of double billing.

2. *Block Billing*

Having concluded that no reduction is warranted for double billing, the Special Master next considers whether any reduction is warranted for block billing. “Block billing” refers to the “practice of grouping, or ‘lumping,’ [of] several tasks together under a single entry, without

specifying the amount of time spent on each particular task.” *Guidry v. Clare*, 442 F. Supp. 2d 282, 294 (E.D. Va. 2006). Because this practice can hinder a court’s ability to assess the reasonableness of the work performed, courts have found that a percentage reduction in hours may be appropriate when block billing is present. *See Lumber Liquidators*, 2020 WL 5757504, at *7. However, the concerns associated with block billing are diminished when the tasks within a single, block billed entry are compensable and sufficiently described. *See id.*

While Plaintiffs’ counsel generally did not engage in block billing, the Special Master identified a few instances of block billed entries. In those entries, however, the tasks were described in adequate detail, appeared reasonable, and were related to one another. Where, as here, the underlying tasks are adequately described and reasonable, block billing alone does not warrant a reduction in hours. *See Gomez*, 434 F. Supp. 3d at 385 (accepting block billed entries that provided “a sufficient level of detail”); *Lumber Liquidators*, 2020 WL 5757504, at *7 (finding reductions unwarranted solely because block billing was used); *see also Torres-Baez*, 2022 WL 15482678, at *7 (“Block billing is not prohibited by the courts.”). Accordingly, the Special Master concludes that no reduction in hours is justified on the basis of block billing.

3. *Vague Time Entries*

The Special Master next considers whether any reduction is warranted for vague time entries. Billing records that are “inappropriately vague,” *McNeil*, 2017 WL 9771834, at *9, and fail to “identify the nature of the work performed,” *Crump v. U.S. Dep’t of Navy*, 245 F. Supp. 3d 692, 709 (E.D. Va. 2017), may justify the reduction of a fee award. *See LaFleur v. Dollar Tree Stores, Inc.*, 189 F. Supp. 3d 588, 600 (E.D. Va. 2016); *Cho*, 2020 WL 1056294, at *6; *see also*

Rum Creek, 31 F.3d at 180 (“We have frequently exhorted counsel to describe specifically the tasks performed”).

The Special Master identified a moderate number of vague descriptions in Plaintiffs’ counsels’ time entries. A non-exhaustive list of examples is as follows:

Date	Timekeeper	Hours	Description
2023-07-10	Matthew Kaplan (Kaplan Law Firm)	0.5	Finalize and file doc
2023-07-17	Matthew Kaplan (Kaplan Law Firm)	0.2	Review status of matter
2023-08-11	Matthew Kaplan (Kaplan Law Firm)	0.1	Provide advice to lead counsel
2023-08-31	Matthew Kaplan (Kaplan Law Firm)	0.4	Respond to email regarding scheduling
2023-12-19	Sandra Vidal Pellon (Wolf Popper)	1.5	research and review docs
2024-01-25	Jeffrey Kaliel (KalielGold)	2.0	Research legal claims
2024-02-03	Jeffrey Kaliel (KalielGold)	5.2	Review potential clients' documents, research claims
2024-02-05	Sophia Gold (KalielGold)	0.6	Emailing re client intake
2024-02-07	Philip M. Black (Wolf Popper)	0.4	Call with case contact.
2024-02-07	Philip M. Black (Wolf Popper)	0.1	Call with TB re: contact.
2024-02-22	Jeffrey Kaliel (KalielGold)	0.4	Emails with co-counsel
2024-02-22	Jeffrey Kaliel (KalielGold)	0.2	Emails - case strategy
2024-02-22	Sophia Gold (KalielGold)	0.4	Emailing re case strategy
2024-02-23	Jeffrey Kaliel (KalielGold)	0.2	Emails - class reps
2024-03-19	Andrew Shamis (Shamis & Gentile)	0.3	Call with WP regarding case
2024-03-22	Andrew Shamis (Shamis & Gentile)	0.3	Call with CW and WP regarding case
2024-04-03	Matthew Kaplan (Kaplan Law Firm)	0.1	Communications with lead counsel regarding this case
2024-04-22	Christopher Stiner (Ahdoot & Wolfson)	0.3	Internal email correspondence re calendar.

Date	Timekeeper	Hours	Description
2024-07-01	Jeffrey Kaliel (KalielGold)	0.1	Review order
2024-07-17	Timothy D. Brennan (Wolf Popper)	0.5	email comms between case team and co-counsel
2024-07-17	Matthew Kaplan (Kaplan Law Firm)	0.2	Review filing in this matter
2024-11-13	Timothy D. Brennan (Wolf Popper)	0.2	confer with JM re next steps
2024-11-15	Philip M. Black (Wolf Popper)	0.6	Emails to case contacts.
2024-12-12	Sandra Vidal Pellon (Wolf Popper)	4.3	emails, calls, follow up
2024-12-13	Philip M. Black (Wolf Popper)	0.2	Call with Chris Stiner.
2024-12-19	Sharon Feldman (Wolf Popper)	2.0	Expert research.
2024-12-30	Jeffrey Kaliel (KalielGold)	0.2	Emails - document review
2025-01-08	Sandra Vidal Pellon (Wolf Popper)	1.3	follow up calls, emails
2025-01-30	Lauren Howard-Thompson (Ahdoot & Wolfson)	1.4	team meeting
2025-02-20	Matthew Kaplan (Kaplan Law Firm)	0.2	Review status of matter
2025-02-26	Matthew Kaplan (Kaplan Law Firm)	0.1	Email to opposing counsel regarding this case
2025-02-26	Matthew Kaplan (Kaplan Law Firm)	0.2	Respond to email from lead counsel
2025-03-04	Lauren Howard-Thompson (Ahdoot & Wolfson)	0.2	weekly meeting
2025-03-05	Matthew Kaplan (Kaplan Law Firm)	0.2	Review email correspondence
2025-03-10	Robert Ahdoot (Ahdoot & Wolfson)	0.1	Emails re depositions
2025-03-11	Lauren Howard-Thompson (Ahdoot & Wolfson)	0.2	meeting
2025-03-18	Lauren Howard-Thompson (Ahdoot & Wolfson)	0.7	meeting

Date	Timekeeper	Hours	Description
2025-03-25	Robert Ahdoot (Ahdoot & Wolfson)	0.4	Emails re litigation fund
2025-03-25	Andrew Shamis (Shamis & Gentile)	0.3	Call with PB about work product
2025-03-31	Jeffrey Kaliel (KalielGold)	2.2	Review document production
2025-04-22	Sandra Vidal Pellon (Wolf Popper)	4.6	email clean up and follow up, entering time
2025-05-06	Robert Ahdoot (Ahdoot & Wolfson)	0.4	Confer w/ CS re action items
2025-06-13	Matthew Kaplan (Kaplan Law Firm)	0.2	Email lead counsel regarding this case
2025-07-09	Sandra Vidal Pellon (Wolf Popper)	1.0	emails and phone calls
2025-08-21	Jeffrey Kaliel (KalielGold)	0.3	Review objection
2025-08-27	Jeffrey Kaliel (KalielGold)	0.3	Review objection
2025-11-07	Matthew Kaplan (Kaplan Law Firm)	0.5	Review recent filings in this matter

In response, Wolf Popper explained that for certain entries referring to “case contacts,” “follow up calls,” and “emails,” the identities of the contacts and content of such communications were omitted for privilege concerns. Relatedly, the lack of specificity in certain other entries generally related to attempts to avoid disclosing work product. KalielGold provided a similar explanation, noting that when billing for emails, for example, KalielGold attorneys provided high-level summaries as to the subject matter of the emails in order to avoid the need for redactions based on the attorney-client privilege. While the Special Master appreciates Plaintiffs’ counsel’s concerns, the court has previously rejected arguments that counsel could not “provide greater detail owing to duties of confidentiality stemming from attorney-client privilege and the settlement agreements,” noting “the granularity necessary for the Court to discern the reasonableness of the fee request and any excess or redundancy in hours falls far short of transgressing counsels’

obligations.” *Son*, 2024 WL 5010410, at *10 (citing *Perez-Sosa v. Garland*, 22 F.4th 312, 330 (1st Cir. 2022)). The Special Master takes the same approach here. As to certain other entries, Plaintiffs’ counsel asserted that the nature of the legal work performed is apparent when reviewing the vague entries in context with other work being done by the same or different timekeepers on or around the same date. While that explanation occasionally holds true, most of the above-listed entries remain frustratingly vague even when viewed in context. For example, the “action items” referenced in Mr. Ahdoot’s May 6, 2025 entry (“Confer w/ CS re action items”) are clarified only marginally by Mr. Stiner’s entry for the same call (“Teleconference with R. Ahdoot re case issues.”).

Accordingly, even with the benefit of Plaintiffs’ counsel’s explanations, most of the above-listed entries (which are examples and not an exhaustive list of all such entries) lack sufficient detail to identify the nature of the legal work performed¹⁰ and “are thus too vague to be compensated.” *Torres-Baez*, 2022 WL 15482678, at *10; *see also Crump*, 245 F. Supp. 3d at 709–10 (“While such entries might be sufficient on a client bill where the client is familiar with the progress of the work, [they are] not sufficient for an attorney’s fee request . . .”). Notably, the descriptions are comparable to and, in some instances, vaguer than descriptions which courts in this District have deemed deficient. *See Son*, 2024 WL 5010410, at *10 (citing “‘conference with client’ or some thin variation thereof, such as ‘conference with client re case’ and ‘conference with client re facts’” as deficient descriptors); *Torres-Baez*, 2022 WL 15482678, at *10 (citing “[a]nalyze standing orders; strategize next steps with regard to same,” “[e]valuate amended complaint and background material related to Torres-Baez matter,” and “[r]eview amended

¹⁰ The Special Master notes that Ms. Vidal Pellon’s April 22, 2025 entry describes administrative work (“entering time”) in addition to legal work. Time entries for administrative or clerical work are addressed in Section II.B.4.

complaint and selected material from case file” as deficient descriptors); *Cho*, 2020 WL 1056294, at *6 (citing “[o]rganize case documents,” “PDF and send to opposing counsel,” “wrapping up of janice cho deposition,” “trial strategy,” “[l]itigation planning and scheduling strategy,” “attention to joint discovery plan,” and “supp 9th” as deficient descriptors). The Special Master thus concludes that a 1.5% reduction in the overall hours expended by Plaintiffs’ counsel is warranted to account for vague time entries. *See Haley*, 2025 WL 307280, at *3 (“[T]he Court finds it appropriate to exercise its discretion to reduce the total fee award by 10% to account for counsel’s use of block billing and occasionally vague entries.”); *Torres-Baez*, 2022 WL 15482678, at *10 (applying percentage reduction of total hours requested).

4. *Billing for Clerical or Administrative Work*

The Special Master next considers whether any reduction is warranted for billing for clerical work. “Purely clerical activities, regardless of who performs them, are considered overhead and are not compensable as . . . attorney fees.” *McNeil*, 2017 WL 9771834, at *8 (internal quotation marks omitted) (quoting *Abusamhadaneh v. Taylor*, No. 1:11-cv-939, 2013 WL 193778, at *38 (E.D. Va. Jan. 17, 2013)). The Special Master identified a moderate number of time entries for clerical or administrative work, including the following:

Date	Timekeeper	Hours	Description
2023-07-10	Matthew Kaplan (Kaplan Law Firm)	0.5	Distribute complaint and arrange for cocounsel to receive NEFs
2023-12-26	Timothy D. Brennan (Wolf Popper)	0.7	trying to fix headings
2023-12-26	Timothy D. Brennan (Wolf Popper)	0.1	save filed brief
2024-02-06	Melissa Gianfagna (Wolf Popper)	4.5	Working on adding folders to the W with emails from potential clients
2024-02-06	Stephanie Ramos (Edelsberg)	0.2	Create new Litify matter for Pitts v Capital One; gather and save client documents

Date	Timekeeper	Hours	Description
2024-02-06	Stephanie Ramos (Edelsberg)	0.3	Create new Litify matter for Sim v Capital One; gather and save client documents
2024-02-06	Stephanie Babani (Shamis & Gentile)	0.2	Gather and save client documents for Pitts.
2024-02-06	Stephanie Babani (Shamis & Gentile)	0.2	Gather and save client documents for Sim.
2024-02-08	Melissa Gianfagna (Wolf Popper)	4.5	Working on adding folders to the W with emails from potential clients
2024-02-08	Stephanie Babani (Shamis & Gentile)	0.5	Organize claimant intakes and supporting documentation to prepare for AG's review
2024-02-19	Stephanie Ramos (Edelsberg)	0.4	Create new matter in Litify for Bellantoni v Capital One; gather and save client documents
2024-02-19	Stephanie Babani (Shamis & Gentile)	0.6	Save filed complaint; change status of case to 'filed'; Review and circulate judge rules; Calendar new deadlines responsive to answer
2024-04-15	Stephanie Babani (Shamis & Gentile)	0.2	Review updated shared expenses; coordinate same for payment to WP.
2024-06-13	Stephanie Ramos (Edelsberg)	0.5	Create new matter in Litify for consolidated matter in Virginia; save all documents from other related matters; email attorneys regarding same
2024-06-24	Matthew Kaplan (Kaplan Law Firm)	0.5	Calendar hearing
2024-07-08	Heidi Liivamagi (Ahdoot & Wolfson)	0.1	Save MPA filed versions to file.
2024-11-15	Timothy D. Brennan (Wolf Popper)	0.2	trying to download document production
2024-11-25	Philip M. Black (Wolf Popper)	0.5	Organizing file folder
2024-12-03	Timothy D. Brennan (Wolf Popper)	0.5	trying to unzip Brenner documents
2025-01-08	Timothy D. Brennan (Wolf Popper)	1.0	trying to figure out how to export batches of emails from Google
2025-01-22	Stephanie Bousley (Wolf Popper)	0.2	Printing cases (hardcopies) for Chet
2025-01-29	Sharon Feldman (Wolf Popper)	2.6	Folder plaintiff account statements with OCR issues (2.5) and Prepare email to P. Black re same (0.1)
2025-03-03	Stephanie Babani (Shamis & Gentile)	0.2	Review updated expenses; coordinate same for payment

Date	Timekeeper	Hours	Description
2025-03-29	Stephanie Babani (Shamis & Gentile)	0.2	Download all motions related to striking experts; send to AS for review
2025-04-16	Timothy D. Brennan (Wolf Popper)	0.2	schedule for day, list tasks
2025-05-12	Matthew Kaplan (Kaplan Law Firm)	0.3	Ensure that all dates are correctly calendar and a related email to lead counsel on a related logistical issue

In response, Plaintiffs’ counsel explained that certain entries initially identified by the Special Master described substantive attorney work that could not have been delegated to non-lawyers. Examples include Mr. Shamis’s February 8, 2024 entry (“Organizing intake records and quality control. Data upload check for accuracy and communication with PC’s”), as well as Ms. Gentile’s corresponding entry on February 10, 2024 (“Review of 56 claimant intakes and supporting documentation”). The Special Master now understands that both entries reflect Mr. Shamis and Ms. Gentile’s individualized legal analyses of potential clients’ eligibility, assessments of supporting documentation for sufficiency, and determinations regarding which claimants could be included in the action. The Special Master appreciates the additional explanation provided by Plaintiffs’ counsel for these and other entries and excluded entries reflecting legal work from the above list.

In the Special Master’s view, the entries listed above do reflect clerical rather than legal work and thus are not compensable. *See Two Men & A Truck/Int’l, Inc. v. A Mover Inc.*, 128 F. Supp. 3d 919, 929 (E.D. Va. 2015) (collecting cases); *see also Lumber Liquidators*, 2020 WL 5757504, at *8 (noting that “collating and filing documents with the court, issuing summonses, scanning and mailing documents, reviewing files for information, printing pleadings and preparing sets of orders, document organization, assembling binders, emailing documents or logistical telephone calls with the clerk’s office or the judge’s chambers are typically excluded from a

lodestar”). The Special Master does not dispute that these clerical and administrative tasks helped move the case forward, but the fact remains that “legal rates may be charged only for legal work.” *Son*, 2024 WL 5010410, at *11. Accordingly, a 1.5% reduction in Plaintiffs’ counsel’s total hours is warranted to account for time entries reflecting clerical or administrative work.

5. *Inconsistent Time Entries*

Finally, the Special Master considers whether any reduction is warranted for inconsistent time entries. “[I]nadequate documentation” is another “basis for reducing a fee award because [it] prevent[s] an accurate determination of the reasonableness of the time expended in a case.” *SunTrust Mortg.*, 933 F. Supp. 2d at 777 (citation omitted). To ensure “the reasonableness of the time expended,” documentation must “reflect[] reliable contemporaneous recordation of time spent on legal tasks that are described with reasonable particularity.” *Id.* (internal quotation marks omitted). Where documentation includes “unintelligible” or “inconsistent” time entries, the documentation may be considered “defective.” *Id.* at 778. In *Salim v. Dahlberg*, for example, the court observed that “when two individuals list time spent in the same meeting or conference, the time entry is not always consistent,” thus “undermin[ing] the reliability of these time sheets.” No. 2016 WL 2930943, at *10.

The Special Master identified several inconsistencies between time entries for the same call, meeting, or conference, but the inconsistencies are minor—typically no more than 0.1 to 0.2 hours—and are thus distinguishable from the inconsistencies described in *Salim*. *See id.* (identifying meetings billed by one timekeeper but not reflected in the other participants’ entries, as well as entries for three and four hours for the same meeting). Moreover, the entries are otherwise “reliable contemporaneous recordation[s] of time spent on legal tasks” *SunTrust*

Mortg., 933 F. Supp. 2d at 777 (citation omitted). Accordingly, no reduction in hours is warranted for inconsistent time entries.

* * *

For the foregoing reasons, the Special Master makes the following adjustments to Plaintiffs’ counsel’s requested hours: (1) a 1.5% reduction in the total hours requested for vague time entries; and (2) a 1.5% reduction in the total hours requested for time entries for clerical or administrative tasks. While the Court in *Haley* imposed a more significant hours reduction of 10%, that reduction accounted for block billed and vague entries. *See Haley*, 2025 WL 307280, at *3 (“[T]he Court finds it appropriate to exercise its discretion to reduce the total fee award by 10% to account for counsel’s use of block billing and occasionally vague entries.”). Here, the Special Master is not recommending a reduction for block billing, and the issues with the requested hours—vague entries and entries for clerical work—are relatively minor, as they relate to a relatively small percentage of entries, and thus warrant only the modest 3% reduction applied. *See United States ex rel. Kirchgessner v. James River Air Conditioning Co.*, No. 3:16-cv-232, 2019 WL 413547, at *3 (E.D. Va. Feb. 1, 2019) (reducing “the number of hours by 20% to account for excessive billing, plus 2% for *inadequate* time entries” (emphasis added)); *Total Hockey, Inc.*, 127 F. Supp. 3d at 622 (imposing a 15% fee reduction because the fee petition was “*replete* with lumped entries and vague task descriptions” (footnote omitted) (emphasis added)).

C. Lodestar Summary

Having determined the reasonable rates and reasonable hours, the Special Master now calculates the lodestar by multiplying the reasonable rates by the reasonable hours, for a lodestar of \$11,651,770. A breakdown of the reasonable rates and hours by firm is as follows:

Wolf Popper LLP

Name	Position	Hourly Rate	Reduced Hours (-3%)	Fees
Chet B. Waldman	Senior Partner	\$1,150	1286.4	\$1,479,372
Carl L. Stine	Senior Partner	\$1,150	865.6	\$995,475
Robert C. Finkel	Senior Partner	\$1,150	32.1	\$36,927
David Nicholas	Of Counsel	\$1,150	12.7	\$14,617
Jeffrey Chambers	Of Counsel	\$1,100	200.1	\$440,132
Patricia I. Avery	Senior Partner	\$1,000	168.1	\$168,100
Adam J. Blander	Partner	\$950	10.1	\$9,586
Joshua W. Ruthizer	Partner	\$950	10.6	\$10,042
Matthew Insley-Pruitt	Partner	\$950	445.1	\$422,874
Philip M. Black	Partner	\$900	2407.9	\$2,167,137
Emily Madoff	Senior Partner	\$800	86.8	\$69,448
Timothy D. Brennan	Of Counsel	\$650	1432.2	\$930,930
Antoinette Adesanya	Associate	\$650	111	\$72,131
Terrence Zhang	Associate	\$550	15	\$8,272
Justyn Millamena	Associate	\$500	865	\$432,525
Sasha Marseille	Associate	\$500	96.4	\$48,210
Emer Burke	Associate	\$500	61.2	\$30,605
Samuel Coffin	Associate	\$495	466.7	\$231,002
Sandra Vidal Pellon	Of Counsel	\$475	774.6	\$367,954
Sharon Feldman	Staff Attorney	\$425	748.7	\$318,215
Adam Jacobs	Staff Attorney	\$425	771.2	\$327,739
Melissa Gianfagna	Senior Paralegal	\$400	156.7	\$62,664
Margaret Babikian	Law Clerk	\$320	56.7	\$18,157
Stephanie Bousley	Law Clerk	\$320	90.8	\$29,053
Addie Nicholas	Law Clerk	\$320	61.1	\$19,555
Totals:			11,232.8	\$8,490,561

The Kaplan Law Firm

Name	Position	Hourly Rate	Reduced Hours (-3%)	Fees
Matthew Kaplan	Owner	\$940	206.8	\$194,392
Totals:			206.8	\$194,392

KalielGold PLLC

Name	Position	Hourly Rate	Reduced Hours (-3%)	Fees
Jeffrey Kaliel	Partner	\$1,141	141.1	\$161,041
Sophia Gold	Partner	\$839	287.6	\$241,305
Amanda Rosenberg	Counsel	\$777	35.6	\$27,661
Brittany Bertolini	Counsel	\$777	18.4	\$14,320
Manfred Muecke	Counsel	\$710	210.7	\$149,583
Sarah Levin	Counsel	\$581	65.8	\$38,207
Neva Garcia	Paralegal	\$258	2.2	\$575
Totals:			761.4	\$632,644

Ahdoot & Wolfson, PC

Name	Position	Hourly Rate	Reduced Hours (-3%)	Fees
Robert Ahdoot	Partner	\$1,300	57.1	\$74,269
Christopher Stiner	Partner	\$975	205.3	\$200,119
Bradley King	Partner	\$900	17.8	\$16,065
Lauren Howard-Thompson	Associate	\$825	391.7	\$323,144
Alyssa Brown	Associate	\$800	45.4	\$36,288
Deborah De Villa	Associate	\$750	1.7	\$1,238
Sarper Unal	Associate	\$625	169.0	\$105,606
Carlos Armijo	Paralegal	\$350	1.9	\$679
Heidi Liivamagi	Paralegal	\$350	3.8	\$1,323
Laura Lowe	Paralegal	\$350	3.5	\$1,222
Michelle Montecalvo	Paralegal	\$350	37.4	\$13,073
Michelle Bui	Paralegal	\$250	1.7	\$435

Name	Position	Hourly Rate	Reduced Hours (-3%)	Fees
Catherine Santos	Legal Assistant	\$150	4.0	\$597
Totals:			940.3	\$774,125

Shamis & Gentile, PA

Name	Position	Hourly Rate	Reduced Hours (-3%)	Fees
Andrew Shamis	Senior Partner	\$950	211.4	\$200,792
Angelica Gentile	Partner	\$900	84.2	\$75,780
Carlo Labrado	Associate	\$650	626.6	\$407,303
Joe Siegel	Associate	\$650	57.7	\$37,518
Stephanie Babani	Paralegal	\$185	34.0	\$6,281
Totals:			1,013.9	\$727,695

Edelsberg Law, PA

Name	Position	Hourly Rate	Reduced Hours (-3%)	Fees
Scott Edelsberg	Senior Partner	\$950	183.0	\$173,888
Gabriel Mandler	Partner	\$900	251.8	\$225,756
Allen Mousavi	Associate	\$650	654.9	\$425,022
Stephanie Ramos	Paralegal	\$185	33.5	\$6,192
Totals:			1,123.2	\$832,353

* * *

Washington, DC
Date: February 18, 2026



Craig P. Seebald

EXHIBIT A

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

IN RE: CAPITAL ONE 360 SAVINGS)
ACCOUNT INTEREST RATE)
LITIGATION)

No. 1:24-MD-03111-DJN-WBP

DECLARATION OF CRAIG C. REILLY

CRAIG C. REILLY, being duly sworn, deposes and states as follows:

1. I am over 21 years of age and competent to make this declaration. I have personal knowledge of the statements contained herein. The statements herein are true and correct to the best of my knowledge, information, and belief.

2. I have been asked by the Counsel for the Plaintiff Class to submit this expert declaration in support of their motion for an award of attorneys’ fees. I understand that the attorneys’ fees will be determined under the common fund doctrine, and the attorneys will be paid a percentage of the total recovery. I understand further that the Court will conduct a “so-called ‘lodestar cross-check’ [which] is the comparison of (1) a calculation of attorney’s fees using the percentage-of-recovery method to (2) a rough or imprecise lodestar calculation. As its name suggests, the lodestar cross-check is used to ensure that an attorney’s fees award calculated under the percentage-of-recovery method is reasonable.”¹ I have been asked to provide information about current hourly rates in Northern Virginia for similar work, by lawyers with similar skills and experience, which information would be used by the Special Master or the Court, or both, in the “lodestar cross-check.”

¹ *Cantu-Guerrero v. Lumber Liquidators, Inc.*, 952 F.3d 471, 482 n.7 (4th Cir. 2022) (citation omitted).

3. I am being compensated for the time I have spent preparing this declaration. My compensation is a flat fee of \$10,000.00. My compensation is not contingent in any way upon the Court's decision.

I. QUALIFICATIONS

4. My qualifications to offer opinions on the reasonableness of attorneys' fees for civil litigation in Northern Virginia are based primarily upon my experiences as an attorney at law. I have been a member in good standing of the Virginia State Bar since 1981 (VSB # 20942). I have been admitted to practice before this Court since 1982. My resume is submitted herewith as **Exhibit 1**, outlining my legal training and experience.

5. Most of my legal work over the last forty-five years has been civil litigation, most of that being in the United States District Court for the Eastern District of Virginia, Alexandria Division. During my practice, I have appeared as counsel of record in a wide variety of complex litigation in this Division (such as patent infringement and antitrust litigation) as well as several class actions, including: *Orman, et al. v. America Online, Inc., et al.*, No. 1:97-cv-264-CMH (securities fraud class action); *In Re MicroStrategy, Inc.*, No. 1:00-cv-473-TSE (securities fraud class action); and *Knurr v. Orbital ATK, Inc., et al.*, No. 1:16-cv-01031-TSE-MSN (securities fraud class action). Based on this experience, I am well-aware of the hourly rates charged by attorneys for similar complex and class action litigation as well as the nature and extent of work that is reasonably necessary to successfully litigate a class action in this Division.

6. Moreover, I often have worked with co-counsel from national, regional, and local firms in a wide variety of complex civil litigation matters in this Division. In the course of my work, therefore, I have become familiar with the prevailing hourly rates charged by other law

firms for complex civil litigation in this Division as well as the nature and extent of the work necessary to litigate such cases.

7. Furthermore, in my litigation practice, I have applied for, or opposed, numerous fee applications under fee-shifting statutes, rules, and contractual provisions. Pertinent to this motion, as class counsel, I have successfully applied for fees, costs, and expenses in several complex class action cases in this Division. *See, e.g.,* Order, *Orman, et al. v. America Online, Inc., et al.*, No. 1:97-cv-264, Doc. 246 (E.D. Va. Dec. 14, 1998) (securities fraud class action award of \$10.5 million in fees and \$1,558,079.21 in expenses); *In Re MicroStrategy, Inc.*, 172 F. Supp. 2d 778 (E.D. Va. 2001) (securities fraud class action award of \$27.6 million in fees and \$2.5 million in expenses); Order, *Knurr v. Orbital ATK, Inc., et al.*, No. 1:16-cv-01031-TSE-MSN, Doc. 462 (E.D. Va. June 7, 2019) (securities fraud class action award of \$30.5 million in fees and \$1.1 million in expenses). Through that fee litigation in this Division, I also have become familiar with the factors to be applied in determining the reasonableness of attorneys' fees awarded as a percentage of a common fund that is then cross-checked by a lodestar-plus-multiplier analysis.

8. In addition to my experience as a practitioner, I have analyzed the local legal market as an expert witness. In support of my expert declaration in another case, I conducted a survey of attorneys' fees charged in the Northern Virginia market for complex civil litigation. *Vienna Metro LLC v. Pulte Home Corp.*, No. 1:10cv502 (GBL) (E.D. Va. June 6, 2011) (Doc. 210) (declaration describing fee survey and setting forth hourly rate matrix). My survey results were adopted by the Court as the basis for the award of fees in that action. *Vienna Metro LLC v. Pulte Home Corp.*, No. 1:10cv502 (GBL) (E.D. Va. Aug. 24, 2011) (Doc. 263) (fee award). That rate matrix (the "*Vienna Metro Matrix*") has been applied in various other cases in this

Division as a benchmark for reasonable hourly rates in complex civil litigation.² The *Vienna Metro Matrix* also has been applied for the lodestar calculation in complex class action litigation.³

9. The *Vienna Metro Matrix* also has been accepted and applied in state court cases to determine reasonable attorneys' fees in complex civil litigation.⁴

10. I have been found qualified to testify (or to present written opinions) as an expert on hourly rates and reasonable attorneys' fees in the Northern Virginia market in numerous cases. No court has ever found that I was not qualified to offer expert opinion evidence on legal fees.

11. I have presented evidence by oral testimony or declaration as an expert witness on attorneys' fees in about 50 other cases, including recent cases in this Division and other Northern Virginia courts. Representative cases are identified in **Exhibit 2**. Pertinent to this motion, I have submitted an expert declaration in support of a common fund fee application in an FLSA "collective action" in state court. *See Order, Arin Brown, et al. v. Frontpoint Security Solutions, Inc.*, Case No. 2017-14845 (Fairfax Cir. Dec. 8, 2017) (awarding common fund percentage-of-

² *E.g., Tech Systems, Inc. v. Pyles*, No. 1:12cv374 (GBL/JFA), 2013 U.S. Dist. LEXIS 110636, *19-20 & n.4 (E.D. Va. Aug. 6, 2013); *Taylor v. Republic Services, Inc.*, No. 1:12cv523 (GBL/IDD), 2014 U.S. Dist. LEXIS 11086, *14-15 (E.D. Va. Jan. 29, 2014); *BMG Rights Management (US) v. Cox Communications*, 234 F. Supp. 3d 760, 770-73 (E.D. Va. 2017) (O'Grady, J.).

³ *In re Lumber Liquidators Chinese-Manufactured Flooring Prods. Mktg.*, MDL No. 1:15-md-2627 (AJT/TRJ); 2020 U.S. Dist. LEXIS 181103, *74-75; 2020 WL 5757504 (E.D. Va. Sept. 4, 2020) (adopting *Vienna Metro Matrix* when calculating lodestar fee award for class counsel in CAFA "coupon" settlement), *aff'd sub nom. Cantu-Guerrero v. Lumber Liquidators, Inc.*, 27 F.4th 291 (4th Cir. 2022).

⁴ *See, e.g., Mantech Int'l Corp. v. Analex Corp.*, No. 2008-5845 (Fairfax Cir. June 10, 2011) (order); *Tureson v. Open Sys. Sciences of Va., Inc.*, No. CL-2012-323 (Fairfax Cir. May 31, 2013) (letter opinion); *RECP IV Land Investors, LLC v. Capital One Bank (USA), N.A.*, No. CL-2015-9182, 2016 Va. Cir. LEXIS 122 (Fairfax July 27, 2016).

recovery fee of 33%). I also have submitted an expert declaration on hourly rates in support of the fee application made by the lead counsel for the plaintiff class. *Biber v. Pioneer Credit Recovery, Inc.*, No. 1:16-cv-804-TSE-IDD (E.D. Va. Dec. 21, 2017) (Doc. 126-8). Although the fee award was sought under the common fund theory in *Biber*, the Court required a “lodestar cross-check,” which included an analysis of hourly rates, which I supported. The Court awarded about \$750,000 in fees to lead counsel. *Id.* (Doc. 138). Finally, I submitted an expert declaration in support of the fee application (including the lodestar cross-check, using the *Vienna Metro Matrix*) in a consumer class action seeking remedies for a massive data breach. *In re Capital One Consumer Data Sec. Breach Litig.*, No. 1:19-MD-2915-AJT-JFA, Doc. 2231-2 (E.D. Va. June 16, 2022). The Court awarded over \$55 million in fees and expenses. *In re Capital One Consumer Data Sec. Breach Litig.*, No. 1:19-MD-2915-AJT-JFA, Doc. 2269 (E.D. Va. Nov. 17, 2022). Through these experiences as an expert witness on attorney’s fee awards, I have become familiar with the factors to be applied in determining the reasonableness of attorneys’ fees in a wide variety of cases, including common fund fee awards.

12. Finally, since preparing the *Vienna Metro Matrix* data for 2010-2011, I have continued to monitor hourly rates generally, and in Northern Virginia particularly, to keep myself informed of current information. From time to time, I am asked about whether I have created an updated matrix—most recently, on January 30, 2026, I was asked by Judge Brinkema. While I was waiting for my case to be called, Judge Brinkema was considering a fee award in another case and advised the lawyers that she would apply the *Vienna Metro Matrix* rates, even though (in her words) “they were old.” And they are. When my case was called, she asked me about updating the matrix. I assured her that since 2011 I have offered numerous opinions using updated rate information, but the rate updates have not always made it into published opinions.

So, I am aware (and agree) that “the longer a matrix goes without an update,” the less reliable it becomes. *Paredes v. Zen Nails Studio LLC*, 134 F.4th 750, 754 n.* (4th Cir. 2025) (reversing fee award based on 10-year-old District of Maryland rate Guidelines). Therefore, my opinions herein analyze *current* prevailing market rates for legal work in Northern Virginia, and herein I explain the updated information I am using.

II. DETERMINING REASONABLE HOURLY RATES

13. I understand that the fee applicant bears the burden of establishing the reasonableness of the hourly rates.⁵ A fee applicant must show that the requested hourly rates are consistent with “the prevailing market rates in the relevant community for the type of work for which [s]he seeks an award.”⁶ The evidence may include “affidavits of other local lawyers who are familiar both with the skills of the fee applicants and more generally with the type of work in the relevant community.”⁷ Expert evidence also may be received in support of hourly rates sought in a fee application.⁸

14. I also understand that when determining the “reasonable hourly rates” to use in the lodestar cross-check, the Court would apply “the prevailing market rates in the relevant community” for the type of work involved.⁹ The Supreme Court has recognized that determining a “prevailing market rate” is “inherently difficult” and in any event is an artificial construct because lawyers are not “commodities,” and hourly rates are not determined by

⁵ See *Plyler v. Evatt*, 902 F.2d 273, 277 (4th Cir. 1990).

⁶ *Id.*

⁷ *Robinson v. Equifax Info. Servs., LLC*, 560 F.3d 235, 245 (4th Cir. 2009).

⁸ See *McAfee v. Boczar*, 738 F.3d 81, 91 (4th Cir. 2013) (expert affidavits were “sufficient evidence” to support hourly rate calculation).

⁹ See *Blum v. Stenson*, 465 U.S. 886, 895 (1984).

“supply and demand” for fungible products and services.¹⁰ Instead, hourly rates “vary widely,” based on “experience, skill, and reputation” of the lawyer.¹¹ As the Supreme Court explained, the proper method for determining the “prevailing market rate” is as follows:

To inform and assist the court in the exercise of its discretion, the burden is on the fee applicant to produce satisfactory evidence — in addition to the attorney’s own affidavits — that the requested rates are in line with those prevailing in the community for similar services by lawyers of reasonably comparable skill, experience, and reputation. A rate determined in this way is normally deemed to be reasonable, and is referred to — for convenience — as the prevailing market rate.¹²

Accordingly, I understand that when determining the reasonable hourly rates to be applied, the Court would not merely adopt the privately negotiated hourly rates as charged by the fee applicant’s counsel; rather, the Court would receive evidence and analyze whether the applicant’s rates are consistent with the “prevailing market rates” in the local market for lawyers of similar skill and experience performing similar legal work.¹³

15. Determining the reasonableness of proposed hourly rates is fact-intensive, and involves comparison of comparable rates for similar services, the experience and skillsets of each attorney, rates used in similar cases, and other reference points (such as rate surveys, published tables of rates, or tables of rates used in other cases). The reasonable hourly rate also must be current¹⁴ and in many circumstances, but not all, would reflect only local rates.¹⁵

¹⁰ *Id.* at 895 n.11.

¹¹ *Id.*

¹² *Id.*

¹³ *See McAfee*, 738 F.3d at 91.

¹⁴ *See Newport News Shipbuilding & Dry Dock Co. v. Holiday*, 591 F.3d 219, 228 (4th Cir. 2009) (abuse of discretion to use an outdated hourly rate); *Paredes*, 134 F.4th at 754 n.* (reversing and remanding fee award based on outdated rate guidelines).

¹⁵ *See id.* at 227 (Court must use “the market rate for services in the geographic jurisdiction of the litigation”). To be sure, in certain circumstances, “where it is reasonable to retain attorneys

16. While every case is different and comparisons sometimes are difficult,¹⁶ this is not a routine case, for which rock-bottom hourly rates might be appropriate. Rather, the mode of litigation (class action) and the amount in controversy (more than one billion dollars) justified the use of highly skilled litigators having vast experience with class action litigation. Moreover, this case was vigorously disputed and presented complexities and challenges that required skillful lawyering, careful research, thorough factual investigation, and thoughtful briefing and argument—which also warrants higher than run-of-the-mill rates.¹⁷

17. In my opinion, the *Vienna Metro* Matrix rates may be used as guidance in this case, but I also would use an upward adjustment on those rates because local hourly rates have increased since 2011 when the *Vienna Metro* Matrix rate table was compiled.

18. In the period of 2012 to 2017, and for various reasons, I found that hourly rates in Northern Virginia remained relatively flat for fee-shifting cases.¹⁸ Hourly rates began to rise slightly in 2018 and 2019 but then the global pandemic suppressed further rate growth until 2021 and 2022.

19. In July 2022, I submitted a lengthy and detailed declaration in opposition to the \$24 million fee application in a misappropriation of trade secrets case in which the jury had awarded \$2 billion in damages. *See Appian Corporation v. Pegasystems Inc., et al.*, Case No.

from other communities, ... the rates in those communities may also be considered.” *Rum Creek Coal Sales, Inc. v. Caperton*, 31 F.3d 169, 175 (4th Cir. 1994). While this is a multidistrict litigation involving class members from around the country, and defense counsel and a Special Master selected from out of district, my opinions herein assume that local rates will be used.

¹⁶ *See Hair Club for Men, LLC v. Ehson*, No. 1:16-cv-236-LO, 2017 U.S. Dist. LEXIS 51370, *14-22 (E.D. Va. Apr. 3, 2017) (comparing numerous cases to determine reasonable rates).

¹⁷ *BMG*, 234 F. Supp. 3d at 772 (case was “complex” and “hard fought” justifying higher rates).

¹⁸ *See United States ex rel. Cody v. ManTech Int’l Corp.*, No. 1:16-cv-132, 2017 U.S. Dist. LEXIS 221375, *9 (E.D. Va. Aug. 30, 2017) (noting that Mr. Reilly had averred that “although nominal hourly rates have increased from 2012 through 2017, discounts and lower realization rates have kept the effective hourly rates more or less the same as in prior years”).

CL 2020-07216 (Fairfax Cir. Ct.). In preparing my opinions for the *Appian* case, I updated the *Vienna Metro* Matrix rates using the same methodology based on then-current data.

20. For reference, the *Vienna Metro* Matrix for 2011 is shown below:

Paralegal	1-3	4-7	8-10	11-19	20+
\$130 – 350	\$250 – 435	\$350 – 600	\$465 – 640	\$520 – 770	\$505 – 820

Comparable data I obtained for the *Appian* case, from the same law firms (or their peers), using the same methodology as in developing the 2011 *Vienna Metro* Matrix, for the years 2021 and 2022, are shown in the following chart.

Year	Paralegal	1-3	4-7	8-10	11-19	20+
2021	\$195-\$450	\$340-\$560	\$500-\$720	\$565-\$800	\$610-\$925	\$690-\$1050
2022	\$250-\$485	\$450-\$610	\$545-\$785	\$585-\$830	\$630-\$945	\$700-\$1100

Moreover, based on my ongoing market research, it is my opinion that litigation hourly rates in Northern Virginia have continued to rise about 5% per year since 2022.

21. As noted above, I understand that *current* rates should be used.¹⁹ Moreover, because the law firms were not paid on an ongoing basis, I understand that the lodestar generally would be calculated using their current (*i.e.*, 2025) hourly rates to partially compensate the law firms for the delay in recovery.²⁰ Therefore, in my opinion, the updated *Vienna Metro* Matrix rates represent current hourly rates for complex litigation in Northern Virginia.

28. Based on my litigation experience in Northern Virginia, and my expert analysis of the local legal market, the hourly rates proposed for Plaintiff Class’s attorneys, as stated in the

¹⁹ *Newport News Shipbldg.*, 591 F.3d at 228 (abuse of discretion to use an outdated hourly rate).

²⁰ *See Missouri v. Jenkins*, 491 U.S. 274, 283-84 (1989).

following tables, are reasonable when considering the nature and extent of the litigation, the skills and experience required, and comparable, updated *Vienna Metro* Matrix rates.

Wolf Popper

NAME	POSITION/TITLE	YEARS OF EXPERIENCE	HOURLY RATE
Chet B. Waldman	Senior Partner	40	\$1,150
Carl L. Stine	Senior Partner	36	\$1,150
Robert C. Finkel	Senior Partner	44	\$1,150
David Nicholas	Of Counsel	41	\$1,150
Jeffrey Chambers	Of Counsel	37	\$1,100
Patricia I. Avery	Senior Partner	49	\$1,000
Adam J. Blander	Partner	12	\$950
Joshua W. Ruthizer	Partner	22	\$950
Matthew Insley-Pruitt	Partner	20	\$950
Philip M. Black	Partner	11	\$900
Emily Madoff	Senior Partner	46	\$800
Timothy D. Brennan	Of Counsel	13	\$650
Antoinette Adesanya	Associate	8	\$650
Terrence Zhang	Associate	8	\$550
Justyn Millamena	Associate	3	\$500
Sasha Marseille	Associate	5	\$500
Emer Burke	Associate	9	\$500
Samuel Coffin	Associate	2	\$495
Sandra Vidal-Pellon	Of Counsel	20	\$475
Sharon Feldman	Staff Attorney	42	\$425
Adam Jacobs	Staff Attorney	1	\$425

Other Plaintiffs' Counsel

NAME	POSITION/TITLE	YEARS OF EXPERIENCE	HOURLY RATE
The Kaplan Law Firm			
Matthew Kaplan	Principal	22	\$940
KalielGold PLLC			
Jeffrey Kaliel	Partner	21	\$1,141
Sophia Gold	Partner	11	\$839
Amanda Rosenberg	Counsel	15	\$777

Brittany Casola	Counsel	11	\$777
Manfred Muecke	Counsel	24	\$710
Sarah Levin	Counsel	7	\$581
Ahdoot & Wolfson, PC			
Robert Ahdoot	Partner	30	\$1,300
Christopher Stiner	Partner	19	\$975
Bradley King	Partner	16	\$900
Lauren Howard-Thompson	Associate	12	\$825
Alyssa Brown	Associate	12	\$800
Deborah De Villa	Associate	10	\$750
Sarper Unal	Associate	5	\$625
Shamis & Gentile, P.A.			
Andrew Shamis	Senior Partner	15	\$950
Angelica Gentile	Partner	13	\$900
Carlo Labrado	Associate	13	\$650
Joe Siegel	Associate	28	\$650
Edelsberg Law, P.A.			
Scott Edelsberg	Senior Partner	14	\$950
Gabriel Mandler	Partner	9	\$900
Allen Mousavi	Associate	4	\$650

29. Finally, based on my 45 years litigating in the Alexandria Division, I share this observation about staffing complex civil litigation generally, and class action litigation specifically: Sometimes, lawyers are criticized for “overstaffing” a case where it “could have been fully and fairly litigated” with “no more than” a few “experienced, competent lawyers.”²¹ In a “big case,” that idealized small litigation team, which works in a highly efficient manner, may fit in a district that allows *several years* for pretrial litigation. In such a district, a small litigation team can still accomplish all the necessary work in a timely manner. Within that idealized small team, moreover, each lawyer’s learning curve will be shorter because their

²¹ *BMG*, 234 F. Supp. 3d at 773 (citation and formatting omitted).

knowledge base will grow as the case progresses, allowing for more efficient litigation in later phases. By contrast, in the Alexandria Division, the docket moves much more swiftly, and in this case, only *seven months* were allowed for pretrial litigation. Under this intense docket pressure, that idealized small team of just a few lawyers would be overwhelmed with work; therefore, the litigation team typically needs to expand on an *ad hoc* basis, when and as needed, to accomplish each task on the brisk schedule set by the Court. Each new lawyer, often added to accomplish a single, specific time-sensitive task, will face a steeper learning curve, require more supervisory coordination, and may take longer to accomplish a task than if it were done by a member of the original cadre. So, in my experience, litigation of a “big case” has some inefficiencies baked in—not because of inefficient “big firm” litigation practices, but because of the practical necessities of litigation on the Rocket Docket schedule. *See, e.g., Capital One Consumer Data Sec. Breach Litig., supra*, Doc. 2231-1, Exhibit C (lead counsel’s declaration disclosing the identities and rates of several dozen lawyers from multiple firms). That docket pressure came to bear in this case, too, and required that lead counsel recruit numerous additional counsel to accomplish all necessary tasks promptly and successfully. And, in turn, the expanded litigation team will devote more hours to the case. In my opinion, the staffing and hours devoted to this action both were reasonable and necessary in the circumstances.

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

Dated: February 9, 2026.



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ADMITTED: State and Federal Courts: Virginia (1981)
District of Columbia (1984)

EDUCATION: University of Virginia School of Law: J.D., 1981
Amherst College: B.A., 1976 (English)

EMPLOYMENT:

2008- Solo Practitioner
Alexandria, Virginia
1983-08 Richards McGettigan Reilly & West, P.C. (Shareholder 1987-08)
Alexandria, Virginia
1982-83 Law Clerk, Supreme Court of Virginia
Richmond, Virginia
1981-82 Associate, Craig T. Redinger, P.C.
Charlottesville, Virginia

PROFESSIONAL ASSOCIATIONS AND MEMBERSHIPS:

American Bar Association (1981-)
Virginia State Bar (1981-)
Virginia Bar Association (1981-)
District of Columbia Bar (1984-)
Federal Bar Association, No. Virginia Chapter (Member, 1994- ; Board of Directors, 2008-14)
Alexandria Bar Association (1983-)
Virginia State Bar Harry L. Carrico Professionalism Course Faculty (2016-19)
Eastern District of Virginia Local Rules Committee (Jan. 2025 -)

LITIGATION EXPERIENCE:

General Civil Litigation: Forty-three years' experience in a wide variety of civil litigation in state and federal court, including contracts, business torts, products liability and personal injury, trade secret and employment disputes, landlord-tenant and real estate, and commercial law.

Intellectual Property: Numerous patent litigation matters involving such diverse arts as artificial intraocular lenses, catheter guide wires, metal alloys, flexible flashlights, chemical catalysts, antiperspirant chemicals, data terminals, tape storage systems, tape drive assemblies, gas detectors, modems, computer encryption, telecommunications, and florescent lights. Five jury trials and one bench trial in patent cases, plus numerous dispositive motions. Trademark litigation and domain name cases, including preliminary injunction motions. Complex civil and criminal copyright cases.

Complex Federal Litigation: Civil and criminal cases involving RICO, bribery, and government procurement fraud; antitrust; securities fraud class actions (plaintiff and defense); ERISA class action and ERISA fraud, securities fraud, bribery, and breach of fiduciary duty.

EXPERT WITNESS EXPERIENCE:

Attorneys' Fees: Served as expert witness in numerous cases in state and federal court, concerning fees sought as damages or awardable under a statute, rule, contract, or other basis.

LECTURES:

A Practical Guide to Federal Court Rules & Procedures in Virginia
(NBI, Dec. 7, 1995)

Intellectual Property Litigation: Patent Litigation in the "Rocket Docket"
(Alexandria Bar, Feb. 13, 1996)

Federal Court Litigation: Motions Practice in Federal Court
(Alexandria Bar, May 8, 1996)

Intellectual Property Litigation: Injunctions and Protective Orders
(Alexandria Bar, Feb. 11, 1997)

Federal Court Litigation: Winning without Trial: Summary Judgment and Settlement (Alexandria Bar, May 21, 1997)

Intellectual Property Litigation: Markman Hearings, Spoliation, Computer Discovery
(Alexandria Bar, Feb. 10, 1998)

Federal Court Litigation: The Law and Procedures of Privileges During Civil Discovery (Alexandria Bar, May 19, 1998)

Intellectual Property Litigation: Fighting Back: Patent Misuse and Antitrust Counterclaims
(Alexandria Bar, Feb. 11, 1999)

Federal Court Litigation: Personal Jurisdiction-Beyond the Basics
(Alexandria Bar, May 18, 1999)

Intellectual Property Litigation: Trademark Litigation in the "Rocket Docket"
(Alexandria Bar, Feb. 15, 2000)

Federal Court Litigation: Jurisdiction, Removal, and Remand
(Virginia Trial Lawyers Assoc., Mar. 31, 2000)

Federal Court: Navigating the "Rocket Docket"
(Fairfax Bar Assoc., May 11, 2000)

Federal Court Litigation: Protective Orders
(Alexandria Bar, May 16, 2000)

Intellectual Property Litigation: Trade Secret Litigation in State and Federal Courts
(Alexandria Bar, Feb. 15, 2001)

Federal Court Litigation: New Discovery Rules
(Alexandria Bar, May 8, 2001)

Federal Court Litigation: Practice Before United States Magistrate Judges and Civil Discovery
(Alexandria Bar, Sept. 23, 2003)

Federal Court Litigation: Expert Witness Practice
(Alexandria Bar, Sept. 28, 2004)

Federal Court Litigation: Protective Order Practice and Sealing of Court Records
(Alexandria Bar, Oct. 26, 2005)

Federal Court Bench-Bar: Federal Civil Discovery Practices (FBA-No.Va., May 2008)

Federal Court Bench-Bar: Federal Civil Motions Practice (FBA-No.Va., May 2009)

Difficult Depositions
(Alexandria Bar, Oct. 2009)

Federal Court Bench-Bar: Federal and State Court Injunction Practices
(FBA-No.Va., Jan. 2010)

Federal Law of Sanctions: Rules 16, 26, 30, 37, and 45 (FBA-No.Va., Mar. 2010)

Federal Court Bench-Bar: Federal Protective Order Practice (FBA-No.Va., May 2010)

Federal Law of Sanctions: Rules 11 & 56, 28 U.S.C. § 1927, and Inherent Authority
(FBA-No.Va., Feb. 2011)

Federal Court Bench-Bar: Ten Timely Topics (FBA-No.Va., May 2012)

Federal Court Bench-Bar: Ten More Timely Topics (FBA-No.Va., May 2013)

Federal Court Bench-Bar: New Rules and Old Rules (FBA-No.Va., May 2014)

Federal Court Bench-Bar: Ten Unusual and Timely Topics (FBA-No.Va., May 2015)

Federal Court Bench-Bar: Ten Timely Topics (FBA-No.Va., June 2016)

Federal Court Bench-Bar: Experts and Mediation (FBA-No.Va., May 2017)

Federal Court Bench-Bar: Five Timely Topics (FBA-No.Va., May 2018)

Federal Court Bench-Bar: Ten Timely Topics (FBA-No.Va., June 2019)

Successfully Litigating Attorneys' Fees in Employment Cases (VSB, Sept. 2019)

Successfully Litigating Attorneys' Fees in Federal Court (FBA-No.Va., Dec. 2020)

Federal Court Bench-Bar (FBA-No.Va., May 2021)

Federal Court Bench-Bar (FBA-No.Va., May 2022)

Federal Court Bench-Bar (FBA-No.Va., May 2023)

Successfully Litigating Attorneys' Fees in Federal Court (FBA-No.Va., May 2024)

Federal Court Bench-Bar (FBA-No.Va., June 2024)

- PUBLICATIONS:** *Flight Training for Patent Litigation in the “Rocket Docket”*
INTELLECTUAL PROPERTY LITIGATION, Vol. VII, No.3 (ABA Fall 1995)
- Interlocutory Orders: Getting it Right the Second Time*
LITIGATION, Vol. 22, No.2 at 43 (ABA Winter 1996)
- Forum Non Conveniens: You Can Get There From Here*
LITIGATION, Vol. 24, No.1 at 36 (ABA Fall 1997)
- The Eastern District of Virginia - Alexandria Division*
THE JOURNAL (VTLA Fall 1999)
- The Truth About Lying*
LITIGATION, Vol. 29, No.4 at 40 (ABA Summer 2003)
(reprinted in THE LITIGATION MANUAL (ABA 1st Supp. 2007))
- Ashcraft v. Conoco, Inc. and Local Civil Rule 5(C): Ten Years Later*
THE ROCKET DOCKET NEWS (FBA-No.Va. June 2010)
- Civil Case Management Practices of Eastern District of Virginia, Alexandria
Division: Report to the Judicial Conference Advisory Committee on
Civil Rules (2011)*

**CASES IN WHICH EXPERT EVIDENCE ON ATTORNEYS' FEES
HAS BEEN GIVEN BY CRAIG C. REILLY, ESQ.
(REPRESENTATIVE CASES AS OF JANUARY 1, 2025)**

1. ***Mantech***: I appeared in Fairfax County Circuit Court as an expert on legal fees and hourly rates charged in Northern Virginia and was found qualified as an expert on legal fees in Northern Virginia. *See Mantech Int'l Corp. v. Analex Corp.*, No. 2008-5845 (Fairfax Cir. June 10, 2011) (evidentiary hearing and final order). In that case, the defendant (by whom I was retained) sought fees and expenses as a sanction against the plaintiff, who abruptly took a nonsuit in the middle of a two-week theft of trade secrets trial. After both a direct examination about my qualifications and *voir dire* by plaintiff's counsel, the trial judge (Hon. Bruce D. White, Circuit Judge) ruled that I was qualified as an expert. Based on my testimony and opinions, the Court then specifically ruled that the legal fees sought by the defendant (exceeding \$1.5 million) and the hourly rates applied (*e.g.*, 25-year partner: \$625; third-year associate: \$325) were, in their entirety, "reasonable." My analysis of the reasonable hourly rates was based on my work in the *Vienna Metro* case, which is described next. However, the Court ultimately ruled that the imposition of sanctions was not appropriate.

2. ***Vienna Metro***: In 2011, I provided expert evidence in two sworn declarations on behalf of the prevailing plaintiff in the case of *Vienna Metro LLC v. Pulte Home Corp.*, No. 1:10cv502, 2011 U.S. Dist. LEXIS 158648 (E.D. Va. Aug. 24, 2011) (fee award). In that case, I focused primarily on the reasonable hourly rates in my opening declaration, and both hourly rates and the overall reasonableness of the fees in my second declaration. *Id.* (Doc. 210 & 251) (declarations). The order awarding fees to the prevailing party under a contractual fee-shifting provision, governed by Virginia law, which had been sealed, was later unsealed. *Id.* (Doc. 263). The trial judge awarded over \$4.1 million in fees to the prevailing plaintiff, which was the full

amount sought, using graduated Northern Virginia hourly rates, based on the attorney's years of experience at the bar, ranging as high as \$689/hour for a partner with 25 years experience.

3. **Vienna Metro Matrix:** In support of my expert declaration in the *Vienna Metro* case, I conducted a survey of attorneys' fees charged in the Northern Virginia market for complex civil litigation. *Vienna Metro LLC v. Pulte Home Corp.*, No. 1:10cv502 (GBL) (E.D. Va. June 6, 2011) (Doc. 210) (declaration describing fee survey and setting forth hourly rate matrix). My survey results were adopted by the Court as the basis for the award of fees in that action. *Id.*, 2011 U.S. Dist. LEXIS 158648 (fee award). That rate matrix (now known as the "Vienna Metro Matrix") has been applied in numerous other cases, including other cases in the federal court. *E.g.*, *Tech Systems, Inc. v. Pyles*, No. 1:12cv374 (GBL/JFA), 2013 U.S. Dist. LEXIS 110636, *19-20 & n.4 (E.D. Va. Aug. 6, 2013) (business torts); *Taylor v. Republic Services, Inc.*, No. 1:12cv523 (GBL/IDD), 2014 U.S. Dist. LEXIS 11086, *14-15 (E.D. Va. Jan. 29, 2014) (sex discrimination and employment law); *Zoroastrian Cntr. and Darb-E-Mehr of Metro. Wash., D.C. v. Rustam Guiv Fndn.*, No. 1:13cv980 (LO/TRJ), 2017 U.S. Dist. LEXIS 43754, *32-33 (E.D. Va. Mar. 24, 2017) (real estate litigation). I also was plaintiff's legal fee expert in the *Taylor* case, which is described below.

4. **Tureson:** I submitted a declaration and gave testimony as an expert on legal fees on behalf of the Defendants in the case of *Larry A. Tureson v. David L. Pierce, et al.*, No. CL-2012-323; 86 Va. Cir. 473; 2013 Va. Cir. LEXIS 38; 2013 WL 8036380 (Fairfax Cir. May 31, 2013) (Maxfield, J.) (letter opinion). Defendants sought fees as the prevailing party under a contract governed by Virginia law. In framing my opinions, I relied on the *Vienna Metro* Matrix. Based on my testimony, the Court rejected Plaintiff's objections to the "reasonableness" of the hourly rates and fees being awarded to the prevailing party under a contract. Judge

Maxfield, however, limited the fee award because the case had been nonsuited, and only awarded fees for the case as re-filed.

5. **Carlucci:** I submitted a declaration as an expert on legal fees in support of the plaintiff's fee application in the case of *Frank C. Carlucci III v. Michael S. Han, et al.*, No. 1:12-cv-451-JCC-TCB (E.D. Va. Mar. 26, 2013) (Doc. 141-2). The fee award was sought under the Virginia Securities Act. The case settled without the fee application being ruled upon.

6. **Lewis:** I provided an expert declaration in an ERISA action opposing the prevailing plaintiff's fee application. *Hsieh Lewis v. Kratos Def. & Sec. Solutions, Inc.*, No. 1:12cv1012 (TSE-TCB) (E.D. Va. June 25, 2013) (Doc. 195-3). That case was resolved without a ruling on the fee award.

7. **Taylor:** I provided an expert declaration (Doc. 296-21) in support of the prevailing plaintiff's fee application in a Title VII employment case of *Taylor v. Republic Services, Inc.*, No. 1:12cv523 (GBL/IDD), 2014 U.S. Dist. LEXIS 11086 (E.D. Va. Jan. 29, 2014) (fee award). Based on my analysis of the Northern Virginia legal market, the Court applied the *Vienna Metro* Matrix to determine the fee award, instead of using the general hourly rates previously approved by the Fourth Circuit in *Grissom v. Mills Corp.*, 549 F.3d 313 (4th Cir. 2008). The *Grissom* hourly rates were substantially lower than actual market rates.

8. **Reynolds:** I submitted an expert declaration regarding reasonable hourly rates in support of the fee application made by the prevailing plaintiff a complex trademark infringement action involving a famous brand. *Reynolds Consumer Prods. Inc. v. Handi-Foil Corp.*, No.1:13cv214-LO-TRJ (E.D. Va. Apr. 30, 2014) (Doc. 276-3). Finding that the case was not "exceptional," however, the District Judge made no award of fees to the prevailing plaintiff in the final judgment (Doc. 292 & 293).

9. **Lessard:** I was retained as an expert on hourly rates and legal fees in Northern Virginia and prepared an expert report under Federal Civil Rule 26(a)(2)(B) for the plaintiff-insured, who sued his insurer for breach of the duty to defend and breach of the duty to indemnify. *Christian J. Lessard v. Continental Cas. Co.*, No. 1:14-cv-00063-AJT-TRJ (E.D. Va.). Summary judgment was entered for the insurer without reaching the issue of fees.

10. **Hosch:** I was retained by plaintiff and plaintiff's lawyers as an expert on hourly rates and legal fees in Northern Virginia to prepare a declaration in opposition to fee applications filed by defendant in the case of *Cornelius V. Hosch v. BAE Sys. Inf. Solutions Inc.*, No. 1:13cv00825 (AJT-TCB) (E.D. Va. June 16, 2014) (filed as Doc. 104-2, 105-2 & 107-5). Defendant sought an award of about \$628,000 in attorneys' fees as sanctions under Rule 37 for discovery violations. The gravamen of my opinion was that the fee award sought was unreasonable and excessive. The District Judge found that the fees sought were unreasonable and "grossly excessive," and awarded only about \$56,000. *Id.* (Doc. 116). In this case, however, the parties agreed, and the Court ruled, that the *Vienna Metro Matrix* would be applied to determine the reasonable hourly rates.

11. **SustainedMed:** I submitted a declaration and live testimony as an expert on legal fees on behalf of the prevailing plaintiff in the case of *SustainedMed LLC v. Marilyn Erhardt, et al.*, Case No. 2011-00516 (Fairfax Cir. June 12, 2014) (declaration submitted). In that action, the plaintiff sought various remedies arising from a Stock Purchase Agreement, including an award of attorneys' fees. A substantial fee award has been made, but the proceedings are ongoing.

12. **National Organization for Marriage:** I submitted an expert declaration regarding reasonable hourly rates in support of the fee application made by the prevailing plaintiff (a nonprofit advocacy entity) in a statutory action against the government (Internal Revenue

Service) for wrongful disclosure of tax information. *National Organization for Marriage, Inc. v. United States*, No. 1:13cv1225 (JCC-IDD) (E.D. Va. July 25, 2014, 2014) (Doc. 91-7). The Court decided that the plaintiff was not entitled to an award of fees, without reaching the reasonableness factors.

13. ***ACI Worldwide, Inc.***: I submitted an expert declaration regarding reasonable hourly rates in support of the fee application made by the prevailing defendant in a case brought for copyright infringement. *Princeton Payment Solutions LLC v. ACI Worldwide, Inc.*, No. 1:13cv00852 (TSE-IDD) (E.D. Va. Aug. 29, 2014) (Doc. 63-5). The ruling on fees had been deferred while the case was appealed, and then later the case was resolved without an adjudication of fees.

14. ***Total Hockey***: I submitted an expert declaration regarding reasonable hourly rates in support of the fee application made by the prevailing defendant in a case brought for breach of lease under Virginia law. *Route Triple Seven L.P. v. Total Hockey, Inc.*, No. 1:14cv00030 (E.D. Va. Sept 22, 2014) (Doc. 38-3). The court distinguished *Vienna Metro* and made an award using reduced hourly rates.

15. ***Leach Travell***: In *Leach Travell Britt pc v. Losorea Packaging, Inc.*, No. 1:15cv51-AJT-TCB (E.D. Va.), I was retained by a law firm suing to recover its fees for legal work performed in a litigation matter. I prepared an opening expert report under Federal Civil Rule 26(a)(2)(B), but the case was resolved before trial, and so I did not submit a reply report, nor did I give any deposition or trial testimony.

16. ***JK Moving***: In *JK Moving & Storage v. Pesta, et al.*, No. CL 82821 (Loudoun Co. Cir. Ct.), I provided an expert disclosure (as supplemented) and expert trial testimony in support of plaintiff's motion for an award of fees. I am not privy to the outcome.

17. **Salim:** In *Salim v. Dahlberg*, No. 1:15cv468 (LMB / IDD) (E.D. Va.), a civil rights case, I submitted an expert declaration in support of the prevailing plaintiff's fee application under a fee-shifting statute. The principal focus of my declaration was hourly rates and the overall total, not a line-item review. The district judge reduced the fee award because plaintiff was unsuccessful on certain claims. The district judge also used lower hourly rates for certain timekeepers than I had advocated but used a \$500 hourly rate for the lead lawyer, which was higher than the then-default rate of \$380, as set in *Grissom* Table 3 for a senior litigator with over 20 years of experience.

18. **Doe:** I submitted a declaration in support of the prevailing plaintiff's fee application in the civil rights case *Doe v. Rector and Visitors of George Mason Univ., et al.*, No. 15-cv-209 (E.D. Va.). Based on my opinions, the Court made a substantial fee award to the plaintiff, using the hourly rates I had advocated. *Doe v. Rector and Visitors of George Mason Univ., et al.*, No. 15-cv-209 (E.D. Va. June 26, 2016) (Doc. 112).

19. **SecTek:** I submitted a Federal Civil Rule 26(a)(2)(B) expert report, and subsequently a declaration, in support of an award of reasonable attorneys' fees in the action *SecTek, Inc. v. Diamond*, Case No. 1:15-cv-1631-GBL/MSN (E.D. Va.). The fees were being sought as damages under the indemnification provision of a contract for the acquisition of a company. The issue of fees had been bifurcated from the liability issues, and after the merits bench trial, the case settled without an adjudication of fees.

20. **One Loudoun:** I submitted an expert declaration in support of the plaintiff's motion for an award of fees as sanctions. *One Loudoun Holdings, LLC v. Virginia Inv. Partnership, LLC*, Case No. 89383 (Loudoun Co. Cir. Ct.).

21. **Bogle Industries, Inc.:** In an arbitration proceeding, I served as an expert for defendants who were accused of mismanagement of a family business trust, including by incurring unnecessary and unreasonable attorneys' fees in connection with the business operations. Defendants prevailed on that issue and all other aspects of the case. After the panel ruled for defendants, I submitted lengthy and detailed declarations in support of the defendants' fee applications. Based on my testimony, a substantial fee award was made to the lead defendant, which was upheld on judicial review in Circuit Court and again on appeal. *Meuse v. Henry*, 819 S.E.2d 220, 233-34 (Va. 2018).

22. **General Security:** I served as the plaintiff's expert in a legal malpractice action, in which I prepared a Federal Civil Rule 26(a)(2)(B) report, but I was not deposed. *General Security Ins. Co. v. Jordan Coyne & Savits, L.L.P.*, No. 1:04cv1436 (E.D. Va.). The case was decided on summary judgment against the plaintiff prior to trial.

24. **Mastec:** I served as the defendant's expert in a suit brought by a law firm against a former client for unpaid legal fees. *Katz & Stone LLP v. Mastec, Inc.*, No. 1:05cv1390 (E.D. Va.). I prepared and submitted Federal Civil Rule 26(a)(2)(B) report regarding the attorneys' entitlement to recover fees as damages and the reasonableness of the fees they sought. I also was deposed, but the case was resolved before trial.

25. **AWP, Inc.:** I submitted a Federal Civil Rule 26(a)(2)(B) expert report in support of an award of reasonable attorneys' fees in the action *AWP, Inc. v. SJK Services, LLC*, Case No. 1:16-cv-332-TSE-MSN. That case was voluntarily dismissed before fees were adjudicated.

26. **Rustam:** I submitted a declaration in support of the prevailing party's fee application in the case *Zoroastrian Cntr. and Darb-E-Mehr of Metro. Wash., D.C. v. Rustam Guiv Fndn.*, No. 1:13cv980 (LO/TRJ). My opinions about hourly rates based on the *Vienna*

Metro Matrix were adopted by the Court. *Id.*, 2017 U.S. Dist. LEXIS 43754, *32-33 (E.D. Va. Mar. 24, 2017).

27. ***Roberts et al.***: I submitted two declarations in support of fee applications filed by certain defendants in a civil rights action. *Thomas v. Roberts*, No. 1:16cv1581-AJT-MSN (E.D. Va. filed Dec. 20, 2016) (Doc. 75-2, 97-2). My declarations focused on prevailing hourly rates, and I used the *Vienna Metro Matrix* as a comparable. The Court adopted my opinions when awarding fees for a discovery motion. *Id.* (Doc. 80). As I understand, the case later settled with each side bearing its own fees and costs.

28. ***Cody***: I submitted a declaration in support of the prevailing plaintiffs' fee application in *Cody v. Mantech Int'l Corp.*, No. 1:16cv132 (E.D. Va. June 19, 2017) (Doc. 164-1). The Court made an award of fees, but applied hourly rates stated in the original retainer agreement rather than prevailing market rates.

29. ***DCT Communications***: I submitted a declaration in support of the prevailing defendant's fee application in *Parsons Govt. Services Inc. v. DTC Comm., Inc.*, No. 1:16cv1079 (E.D. Va. July 10, 2017) (Doc. 46-2). My declaration focuses on prevailing hourly rates, and I used the *Vienna Metro Matrix* as a comparable. The Court, however, declined to award fees.

30. ***Brucker***: I submitted a declaration in support of the prevailing plaintiff's fee application in *Brucker v. Taylor*, No. 1:16-cv-01414-GBL-JFA (E.D. Va. July 17, 2017) (Doc.73-1). The Court awarded the full amount I recommended. *Id.* (Doc. 79) (fee award).

31. ***Sandy Spring Bank***: I submitted a declaration in support of the prevailing plaintiff's fee application in *Sandy Spring Bank v. Top Flight Airpark Office L.P.*, No. 1:18-cv-521-TSE-IDD (E.D. Va. July 30, 2018) (Doc. 30-2). The Court awarded the full amount I recommended. *Id.* (Doc. 36) (fee award).

32. **United Supreme Council:** I submitted a declaration in support of the prevailing defendants' fee application in *United Supreme Council, etc., et al. v. United Supreme Counsel, etc, et al.*, No. 1:16-cv-1103-LO-IDD (E.D. Va. Jan. 31, 2019) (Doc. 384-1). I recommended a fee award of about \$257,000, and the Court made an award of about \$245,000 in fees to the prevailing defendants. *Id.* (Doc. 414) (fee award).

33. **FCI Enterprises:** I submitted an expert declaration in support of an employer opposing the prevailing plaintiffs' fee application in an FSLA and WARN Act case. *See Schmidt, et al. v. FCI Enterpr., LLC, et al.*, No. 1:18-cv-1472-RDA-JFA (E.D. Va. Dec. 4, 2019) (Doc. 152-8). Plaintiffs sought about \$460,000.00 in fees; I recommended that the fees be reduced to about \$275,000.00. The Court awarded about \$320,000.00 in fees. *Id.* (Doc. 163).

34. **William Ellis:** After the jury verdict, I submitted an expert declaration in support of the prevailing defendant-counterclaimant William Ellis, who sought an award of fees under two Virginia statutes. *See Northern Virginia Kitchen, Bath & Basement v. Coffey, et al.*, Civil Action No. CL 111018 (Loudoun Co. Cir. Ct.). I offered the opinion that Mr. Ellis should be awarded over \$100,000.00 in fees. The Court awarded \$113,000.00 in fees.

35. **Dr. Richard B. Grundy:** In a case involving the break-up of a dental practice, I gave expert opinion testimony during a jury trial in support of the plaintiff's case-in-chief. *Richard B. Grundy v. Robert H. Brown, III*, No. 2018-18098 (Fairfax. Cir. Ct.). The jury trial was suspended in March 2020 due to the pandemic, and only resumed in April 2022. The jury rendered a verdict in favor of Dr. Grundy but not on the fee-shifting claim.

36. **Heitech:** I submitted an expert declaration in support of the prevailing plaintiff's fee application in a breach of contract action. *Heitech Services, Inc. v. Front Rowe, Inc., et al.*, No. 1:14-cv-739-JCC-TCB (E.D. Va. filed June 16, 2014). Citing my declaration repeatedly, the

Court found that the hourly rates were reasonable and awarded the plaintiff the entire amount of fees requested, \$134,640.00. *Id.* (Doc. 66).

37. ***Attila Biber, et al.***: I submitted an expert declaration on hourly rates in support of the fee application made by the plaintiff class' lead counsel. *Biber v. Pioneer Credit Recovery, Inc.*, No. 1:16-cv-804-TSE-IDD (E.D. Va. Dec. 21, 2017) (Doc. 126-8). Although the fee award was sought under the common fund theory, the Court required a "lodestar cross-check," which included an analysis of hour rates, which I supported. The Court awarded about \$750,000 in fees to lead counsel. *Id.* (Doc. 138).

38. ***Brown, et al.***: I submitted an expert declaration in support of a common fund fee application in an FLSA "collective action" in Fairfax County Circuit Court. The Court awarded the full fee requested. *See Order, Arin Brown et al. v. Frontpoint Security Solutions, Inc.*, Case No. 2017-14845 (Fairfax Cir. Dec. 8, 2017) (awarding common fund percentage-of-recovery fee of 33%).

In addition, over the past four years, I have offered opinions by declaration in a variety of cases including trade secrets litigation, trademark litigation, breach of contract, class actions, and other complex matters.

Overall, the fees at issue in the matters in which I have offered opinions have exceeded \$50 million. In addition, I have consulted in other fee matters that did not involve the submission of a formal report or the giving of expert testimony, I have submitted declarations in other matters that are still ongoing, and I have submitted non-expert declarations regarding local hourly rates in support of other firms' fee applications.