

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: LINCOLN NATIONAL COI
LITIGATION

Case No.: 2:16-cv-6605-GJP

IN RE: LINCOLN NATIONAL 2017 COI
RATE LITIGATION

Case No.: 2:17-cv-04150-GJP

**DECLARATION OF ANDREW S. FRIEDMAN FILED ON
BEHALF OF BONNETT FAIRBOURN FRIEDMAN & BALINT, PC
IN SUPPORT OF MOTION FOR APPROVAL OF COMMON
FUND PAYMENT OF ATTORNEYS' FEES, LITIGATION
EXPENSES, AND SERVICE AWARDS**

I, Andrew S. Friedman, do hereby declare and state as follows:

1. I am a partner in the law firm of Bonnett Fairbourn Friedman & Balint, PC (the “Firm”). My Firm was appointed to serve on the Plaintiffs’ Steering Committee in the 2016 Class Action (defined below) and the Plaintiffs’ Steering Committee in the 2017 Class Action (defined below). I submit this declaration in support of the application for an award of attorneys’ fees and reimbursement of expenses in connection with the services that my Firm rendered in the above-entitled actions.

2. The information in this declaration regarding my Firm’s time and expenses is documented and reflected in time and expense printouts and supporting documentation prepared and maintained by my Firm in the ordinary course of business. I am the partner who conducted the day-to-day activities in the litigation and I have reviewed these printouts (and backup documentation where necessary or appropriate) in connection with the preparation of this declaration. The purpose of this review was to confirm both the accuracy of the entries on the printouts as well as the necessity for, and reasonableness of, the time and expenses committed to the litigation, including the elimination of time that was unnecessary or duplicative. As a result of this review and any adjustments made, I believe that the time reflected in the Firm’s lodestar calculation and the expenses for which payment is sought as set forth in this declaration are reasonable in amount and were necessary for the effective and efficient prosecution and resolution of the litigation. In addition, I believe that the expenses are all of a type that would normally be charged to a fee-paying client in the private legal marketplace.

3. The number of hours spent on this litigation by my Firm is 10,595.8. A breakdown of the lodestar for *In re: Lincoln National COI Litigation*, No. 16-cv-06605 (“2016 Class Action”) and *In re: Lincoln National 2017 COI Rate Litigation*, No. 17-cv-04150 (“2017 Class Action,” together with the 2016 Class Action, the “Class Actions”) is provided in **Exhibit A**. The lodestar amount for attorney and paralegal (or attorney/paraprofessional) time based on the Firm’s current rates is \$6,792,679.00. The hourly rates shown in **Exhibit A** are the usual and customary rates set by the Firm for each individual attorney, paralegal or other paraprofessional, except that for

timekeepers who are no longer affiliated with the Firm, we utilized their rates at the time they left the Firm. The chart set forth as **Exhibit A** was prepared from contemporaneous daily time records of the Firm.

4. The Firm's expenses and charges in connection with the prosecution of the Class Actions total \$513,022.48. Those expenses and charges are summarized by expense category in the attached **Exhibit B**.

5. The following additional information further explains certain of these expenses:

(a) Transportation, Hotels & Meals: \$17,031.49. In connection with the prosecution of the Class Actions, the Firm has paid for travel expenses to attend, among other things, court hearings, to meet with witnesses, mediators, experts and opposing counsel and to take or defend depositions.

(b) Photocopying: \$19,291.39. In connection with the Class Actions, the Firm made 61,714 in-house copies, charging \$0.10 per copy totaling \$6,171.40. Each time an in-house copy machine is used, our billing system requires that a case or administrative billing code be entered and that is how the 61,714 copies were identified as related to this case. In addition, my Firm also paid \$13,119.99 to outside commercial copy vendors.

(c) Filing, Witness and Other Fees: \$265.00. These expenses have been paid to the court for filing fees and to attorney service firms or individuals who served process of the complaint or subpoenas. These costs were necessary to the prosecution of the case in order, among other things, to file the complaints, to serve the complaints and subpoenas, and to investigate the facts.

(d) Online E-Discovery Databases: \$23,982.00. My Firm hosted and maintained E-Discovery databases for the review of documents produced in the course of discovery including Everlaw's E-Discovery Database Platform.

(e) Online research: \$24,730.23. My Firm also paid vendors such as Westlaw, Pacer and Lexis for services used to obtain access to factual databases, legal research and for cite-

checking of briefs. These expenses represent the expense incurred by the Firm for use of these services in connection with the Class Actions.

6. The foregoing expenses pertaining to the Class Actions are reflected in the books and records of the Firm. These books and records are prepared from receipts, expense vouchers, check records and other documents and are an accurate record of the expenses.

7. My Firm also contributed \$423,954.00 to the litigation expense fund for certain common expenses in connection with the prosecution of the Class Actions.

8. I respectfully request that the Court award the attorneys' fees and expense reimbursement requested for the reasons set forth in the Memorandum of Law in Support of Class Counsel's Application for Approval of Attorneys' Fees, Litigation Expenses, and Service Awards.

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

Executed this 31ST day of July, 2023 at Phoenix, Arizona.

/s/ Andrew S. Friedman

ANDREW S. FRIEDMAN

EXHIBIT A

In re: Lincoln National COI Litigation, No. 16-cv-06605
In re: Lincoln National 2017 COI Rate Litigation, No. 17-cv-04150

Time Report**Firm Name: Bonnett Fairbourn Friedman & Balint, PC****Reporting Period: Inception through June 30, 2023**

Name (Status*)	Total Hours	Hourly Rate	Total Lodestar
Andrew S. Friedman (P)	2,902.10	\$800.00	\$2,321,680.00
Francis J. Balint, Jr. (P)	625.60	\$800.00	\$500,480.00
Kimberly C. Page (P)	3,932.80	\$775.00	\$3,047,920.00
Christina L. Pusateri (A)	233.10	\$775.00	\$180,652.50
T. Brent Jordan (A)	269.70	\$575.00	\$155,077.50
Nada Djordjevic (A)	228.70	\$500.00	\$114,350.00
Lisa T. Hauser (A)	17.60	\$300.00	\$5,280.00
Rose K. Creech (PL)	1,386.10	\$200.00	\$277,220.00
Craig L. Lerner (PL)	978.30	\$190.00	\$185,877.00
Karen M. Vanderbilt (PL)	21.80	\$190.00	\$4,142.00
Grand Totals:	10,595.80		\$6,792,679.00

*(P) Partner (A) Associate (PL) Paralegal

EXHIBIT B

In re: Lincoln National COI Litigation, No. 16-cv-06605
In re: Lincoln National 2017 COI Rate Litigation, No. 17-cv-04150

Expense Report

Firm Name: **BONNETT FAIRBOURN FRIEDMAN & BALINT, PC**

Reporting Period: Inception through June 30, 2023

DESCRIPTION	CUMULATIVE EXPENSES
Online research	\$24,730.23
Everlaw E-Discovery Database Platform	\$23,982.00
Process Server	\$65.00
Filing Fee	\$200.00
Delivery services/messengers	\$3,614.59
Out-of-town travel	\$14,906.24
Meals	\$1,670.25
Parking	\$455.00
Copying - inhouse: 61,714 pages @ 0.10¢ per page	\$6,171.40
Copying - outside commercial vendors	\$13,119.99
Telephone	\$145.43
Postage	\$8.35
Litigation Fund	\$423,954.00
TOTAL EXPENSES	\$513,022.48