

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: LINCOLN NATIONAL COI  
LITIGATION

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

**DECLARATION OF PATRICK F. MADDEN, ESQ. FILED ON BEHALF OF  
BERGER MONTAGUE PC IN SUPPORT OF MOTION FOR APPROVAL OF  
COMMON FUND PAYMENT OF ATTORNEYS' FEES, LITIGATION EXPENSES,  
AND SERVICE AWARDS**

I, Patrick F. Madden, Esq., do hereby declare and state as follows:

1. I am a Shareholder in the law firm of Berger Montague PC (“BMPC”). I submit this declaration in support of my firm’s application for an award of attorneys’ fees and reimbursement of expenses in connection with the services we rendered in this action.

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 Shareholder who conducted the day-to-day activities in the litigation and I have reviewed the support for this declaration from BMPC’s billing system in order to confirm both the accuracy and reasonableness of the time and expenses committed to this litigation. As a result of this review and any adjustments made, I believe that the time reflected in BMPC’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 234.6. A breakdown of the lodestar for *In re: Lincoln National COI Litigation*, No. 16-cv-06605 (“2016 Class Action”) is provided in **Exhibit A**. The lodestar amount for attorney and paralegal (or attorney/paraprofessional) time based on the firm’s current rates is \$178,188. The hourly rates shown in **Exhibit A** are the usual and customary rates set by the firm for each individual attorney, paralegal or other and paraprofessional staff member. The chart set forth as **Exhibit A** was derived from the firm’s contemporaneous daily time records.

4. BMPC’s expenses and charges in connection with the prosecution of this litigation total \$3,452.28, and are summarized by category in the attached **Exhibit B**.

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

(a) Travel: \$2,911.36. In connection with the prosecution of this litigation, the firm has paid for travel expenses to prepare for and attend, among other things, the depositions of BMPC's clients, Lowell Rauch and Carol Rauch.

(b) Photocopying, printing, and related services: \$320.75. In connection with this litigation, the firm printed materials, primarily for purposes of preparing BMPC's clients for their depositions, but also in connection with complaint and document drafting and review, as well as responding to written discovery propounded by Defendant. This \$320.75 expense category includes (i) \$134.60 for black & white printing at \$0.10 per page, (ii) \$0.35 for bulk scanning, (iii) \$124.80 for color printing at \$0.30 per page, (iv) \$1 for velobind services, and (v) \$60 for CD/DVD burning. Both the firm's in-house copy service and the use of in-house copy machines and printers require the entry of a case or administrative billing code in connection with printing and copying jobs, enabling the firm to identify which print, copy, and related jobs correspond to which case.

(c) Filing and Other Fees: \$2.48. These expenses were paid in connection with BMPC's clients' remote signature collection via DocuSign. These costs were necessary to the prosecution of the case in order, among other things, to obtain the clients' verification of discovery responses.

(d) Online Legal and Financial Research: \$187.64. These included vendors such as Westlaw and Pacer. These services were used to obtain access to factual databases and legal research. This expense represents the expense incurred by myself for use of these services in connection with this litigation.

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

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

Executed this 28<sup>th</sup> day of July, 2023 in Philadelphia, Pennsylvania.

*/s Patrick F. Madden*  
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Patrick F. Madden

**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: BERGER MONTAGUE PC****REPORTING PERIOD: Inception through June 30, 2023**

<b>Name (Status)</b>	<b>Total Hours</b>	<b>Hourly Rate</b>	<b>Total Lodestar</b>
Shanon J. Carson (Executive Shareholder)	34.1	\$990.00	\$33,759.00
Patrick F. Madden (Shareholder)	182.3	\$740.00	\$134,902.00
Glen Abramson (former Shareholder)	4.2	\$760.00	\$3,192.00
Yechiel Twersky (Associate)	7.0	\$645.00	\$4,515.00
Julie Gionnette (Staff)	7.0	\$260.00	\$1,820.00
<b>TOTALS</b>	<b>234.6</b>		<b>\$178,188.00</b>

**EXHIBIT B**

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

**EXPENSES REPORT**

**FIRM NAME: BERGER MONTAGUE PC**

**REPORTING PERIOD: Inception through June 30, 2023**

<b>DESCRIPTION</b>	<b>CUMULATIVE EXPENSES</b>
Online research	\$187.64
Filing Fees and other fees	\$2.48
Delivery services/messengers/Postage/Freight	\$30.05
Travel	\$2,911.36
Photocopying, printing, and related services	\$320.75
<b>TOTAL EXPENSES</b>	<b>\$3,452.28</b>