

**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 SCOTT GRZENCZYK FILED ON BEHALF OF GIRARD  
SHARP LLP IN SUPPORT OF MOTION FOR APPROVAL OF COMMON FUND  
PAYMENT OF ATTORNEYS' FEES, LITIGATION EXPENSES, AND SERVICE  
AWARDS**

I, Scott Grzenczyk, do hereby declare and state as follows:

1. I am a partner in the law firm of Girard Sharp LLP (“Girard Sharp”). My firm has served as Co-Chair of the Plaintiffs’ Steering Committee in *In re: Lincoln National 2017 COI Rate Litigation*, No. 17-cv-04150 (the “2017 Class Action”).<sup>1</sup> 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 the above-entitled 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 partner who conducted and oversaw 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 Girard Sharp’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 2,068.7. A breakdown of Girard Sharp’s lodestar is provided in **Exhibit A**. The lodestar amount for attorney and paralegal (or attorney/paraprofessional) time based on the firm’s current rates is \$1,245,695.00. 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. For timekeepers who are no longer

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<sup>1</sup> At the time of the Court’s order appoint the Plaintiff Steering Committee, the firm was named Girard Gibbs LLP but subsequently changed its name to Girard Sharp LLP.

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. Girard Sharp's expenses and charges in connection with the prosecution of this litigation (aside from litigation fund contributions) total \$10,460.59. 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: \$4,557.14. In connection with the prosecution of this litigation, the firm has paid for travel expenses to attend, among other things, meetings with plaintiff Marshall Tutor, strategy meetings with experts and co-counsel, the class certification hearing, and in-person mediation sessions.

(b) Photocopying and Printing: \$324.20. In connection with this litigation, the firm copied and/or printed 3,242 pages, charging \$0.10 per page, for use in briefing, depositions, and hearing preparations. Each time an in-house copy or printing machine is used, our billing system requires that a case or administrative billing code be entered and that is how the 3,242 pages were identified as related to this case.

(c) Filing, Witness and Other Fees: \$496.00. These expenses have been paid to the court for filing fees and to serve process of the complaint. These costs were necessary to the prosecution of the case in order, among other things, to file the *Tutor* complaint and to serve the complaint.

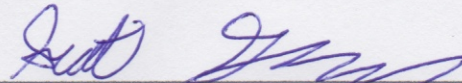
(d) Online Legal and Financial Research: \$4,794.78. These included vendors such as Westlaw and Pacer. These services were used to obtain access to court documents in this and related matters, legal research, and for cite-checking of briefs. This expense represents the expense incurred by Girard Sharp 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 Girard Sharp. 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 contributed \$181,000.00 to the litigation expense fund for certain common expenses in connection with the prosecution of this litigation.

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

Executed this 2<sup>nd</sup> day of August, 2023 at Chicago, Illinois.



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Scott Grzenczyk  
Girard Sharp LLP

**EXHIBIT A****In re: Lincoln National 2017 COI Rate Litigation, No. 17-cv-04150****TIME REPORT****FIRM NAME: GIRARD SHARP****REPORTING PERIOD: Inception through June 30, 2023**

<b>Name (Status)</b>	<b>Position</b>	<b>Total Hours</b>	<b>Hourly Rate</b>	<b>Total Lodestar</b>
Arghavani, Miriam	Associate	8.9	\$225.00	\$2,002.50
Attar, Natalie	Papalegal	9.0	\$225.00	\$2,025.00
Barajas, Estela	Law Clerk	476.8	\$200.00	\$95,360.00
Cook, Jessica	Associate	94.5	\$225.00	\$21,262.50
Cox, Makenna	Associate	9.1	\$385.00	\$3,503.50
Dhawan, Namita	Associate	61.9	\$700.00	\$43,330.00
Girard, Daniel	Partner	111.9	\$1,195.00	\$133,720.50
Gliozzo, Nina	Associate	12.1	\$625.00	\$7,562.50
Grzenczyk, Scott	Partner	518.9	\$925.00	\$479,982.50
Hikida, Christopher	Associate	107.9	\$425.00	\$45,857.50
Ornelas, Angelica	Associate	348.3	\$580.00	\$202,014.00
Polk, Adam	Partner	128.0	\$975.00	\$124,800.00
Pulley, Paige	Associate	40.8	\$340.00	\$13,872.00
Quackenbush, Kyle	Associate	1.1	\$650.00	\$715.00
Shao, Peng	Associate	20.6	\$385.00	\$7,931.00
Tan, Trevor	Associate	14.2	\$575.00	\$8,165.00
von Goetz, Anne-Michele	Litigation Secretary	5.5	\$250.00	\$1,375.00
Walsh, Lauren	Law Clerk	68.1	\$390.00	\$26,559.00
Watts, Tom	Partner	31.1	\$825.00	\$25,657.50
<b>TOTALS</b>		<b>2,068.7</b>		<b>\$1,245,695.00</b>



**EXHIBIT B****In re: Lincoln National 2017 COI Rate Litigation, No. 17-cv-04150****EXPENSES REPORT****FIRM NAME: GIRARD SHARP****REPORTING PERIOD: Inception through June 30, 2023**

<b>DESCRIPTION</b>	<b>EXPENSES</b>
Online research	\$4,794.78
Process Server	\$416.00
Filing Fee	\$80.00
Delivery services/messengers	\$119.76
Local travel	\$0.00
Out-of-town travel	\$1,775.90
Meals	\$278.69
Deposition transcripts	\$0.00
Experts	\$0.00
Litigation Fund	\$181,000.00
Parking	\$30.00
Transportation	\$2,502.55
Telephone Services	\$138.71
Copying	\$324.20
<b>TOTAL EXPENSES</b>	<b>\$191,460.59</b>