

# **EXHIBIT A**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

KENNETH CHAPMAN, *et al.*, *etc.*,

Plaintiffs,

v.

TRISTAR PRODUCTS, INC.,

Defendant.

Case No. 1:16-cv-1114

Judge James S. Gwin

**DECLARATION OF GREGORY F. COLEMAN IN SUPPORT OF PLAINTIFFS'**  
**MOTION FOR ATTORNEYS' FEES AND COSTS**

I, Gregory F. Coleman, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct:

1. I am a member in good standing of the bar of the State of Tennessee, and I am admitted to this Court and am Co-Counsel for Plaintiffs. I respectfully submit this declaration in further support of Plaintiffs' Motion for Attorneys' Fees and Costs. The following is based on my personal knowledge, and if called upon to do so, I could and would competently testify to the statements set forth below.

2. I am the Managing Attorney of GREG COLEMAN LAW PC, which specializes in class action litigation in federal and state courts and is one of the preeminent class action law firms in the United States. GREG COLEMAN LAW PC currently represents plaintiffs in complex and class action litigation. Our firm has extensive experience representing consumers in product liability class action litigation. GREG COLEMAN LAW PC has played lead roles in major class action cases for more than ten years, resulting in recoveries totaling hundreds of millions of dollars for our firm's clients and the classes they represent.

3. I have an extensive background in litigation on behalf of consumers, and I am currently serving as lead or co-lead counsel in many class actions in federal courts across the country, including product defect cases similar to this one. This experience, coupled with the experience of our co-counsel, enabled our firms to undertake this matter and to successfully combat the resources of Defendant and its capable and experienced counsel.

4. Practice in the area of product liability class action litigation requires skill, knowledge and experience in two distinct areas of the law: product liability law and class action law. Expertise in one does not necessarily translate into expertise in the other. The issues presented in this case required more than just a general appreciation of class action procedure, as this area of practice is rapidly developing and constantly in flux.

5. In the prosecution of this case, GREG COLEMAN LAW PC and our co-counsel, Shanon J. Carson and Arthur M. Stock of BERGER & MONTAGUE, P.C.; Jack Landskroner and Drew T. Legando of LANDSKRONER GRIECO MERRIMAN; and Edward A. Wallace and Tyler J. Story of WEXLER WALLACE LLP (collectively “Class Counsel”), worked together to divide assignments, avoid duplication of effort and accomplish all tasks in the most efficient manner possible.

6. Since the case was filed in 2016, Plaintiffs’ counsel reviewed thousands of pages of documents and data that were produced, motion practice was fully engaged, numerous and intense settlement negotiations took place. When the case was mature and trial was scheduled for only a month away, on June 9, 2017, the parties attended a day-long in-person mediation with well-respected mediator Michael Ungar at ULMER & BERNE LLP in Cleveland. The mediation did not result in settlement. The parties attempted arms-length negotiations over the course of several weeks following the mediation and prior to the scheduled trial date, but each time, they

failed to reach a settlement. Each side prepared for trial. At the conclusion of the June 22, 2017 Final Pretrial Conference, the Court referred the parties to the Magistrate Judge to further explore settlement. Although no settlement was reached that day, the Magistrate Judge conducted a second mediation the following week. However, the parties were still unable to reach a settlement.

The trial commenced on July 10, 2017. During a mid-afternoon break on the first day of trial, the parties re-engaged the Magistrate Judge and re-started settlement discussions. Those discussions resulted in a proposed nationwide class settlement, which the parties presented to the Court on the record after the lunch break of the first day of trial.

8. Plaintiffs' Counsel believe the relief obtained for Plaintiffs and members of the classes confers a substantial benefit on those who submit claims.

9. Furthermore, the settlement is fair and reasonable given the considerable risks of proceeding in litigation. Defendant contests its liability in this action and vigorously defended against Plaintiffs' claims. Although Plaintiffs' Counsel believe that Plaintiffs' claims have a great deal of merit, parties in the litigation process always face significant risk of an adverse result. Continued litigation would also require substantial additional preparation for a trial and likely litigation on the appellate level. The settlement with Defendant for the consideration and on the terms set forth in the Settlement Agreement is fair, reasonable and adequate. Plaintiffs' Counsel believe it is in the best interests of the Classes as it will yield a prompt, certain and very substantial recovery for the Class Members. Such a result will benefit both the parties and the court system.

**CLASS COUNSELS' LODESTAR**

10. As of May 16, 2018, the total number of recorded hours spent on this matter by all Class Counsel, including: GREG COLEMAN LAW PC; BERGER & MONTAGUE, P.C.; LANDSKRONER GRIECO MERRIMAN; and WEXLER WALLACE LLP, is approximately 3,931 hours and the total lodestar amount for attorney and support staff time, based on the firms' current rates is \$1,943,079.45. Each firm comprising Class Counsel has provided me with their lodestar in this case as set forth in the charts below. In addition, Class Counsel reasonably approximates an additional \$100,000.00 in lodestar will be incurred for work performed between now and complete conclusion of the case as detailed in the Motion more fully.

<b>BERGER &amp; MONTAGUE, P.C.</b>				
<b>Name</b>	<b>Position</b>	<b>Hours</b>	<b>Rate</b>	<b>Lodestar</b>
Arthur M. Stock	Shareholder	310.8	\$575.0	\$178,710.00
Eric Lechtzin	Shareholder	1.5	\$575.00	\$862.50
E. Michelle Drake	Shareholder	3.8	\$600.00	\$2,280.00
Shanon J. Carson	Managing Shareholder	123.2	\$600.00	\$73,920.00
Shoshana Twersky	Senior Associate	59.7	\$500.00	\$29,850.00
Mary Elizabeth York	Paralegal	2.3	\$335.00	\$770.50
Michelle Principato	Paralegal	1.1	\$240.00	\$264.00
Ruben Green	Paralegal	3.0	\$255.00	\$765.00
Susan K. Scafidi	Paralegal	4.2	\$155.00	\$651.00
Sandy McCollum	E-Discovery Coordinator	0.6	\$57.50	\$34.50
Arun Rajendran	Data Analyst	0.4	\$43.00	\$17.20
<b>TOTAL</b>		<b>510.6</b>		<b>\$288,124.70</b>

<b>LANDSKRONER GRIECO MERRIMAN</b>				
<b>Name</b>	<b>Position</b>	<b>Hours</b>	<b>Rate</b>	<b>Lodestar</b>
Jack Landskroner	Partner	261.20	\$600.00	\$156,720.00
Drew Legando	Senior Attorney	149.90	\$450.00	\$67,455.00
Edward S. Jerse	Associate	12.80	\$495.00	\$6,336.00
Debra L. Spaller	Paralegal	17.30	\$200.00	\$3,460.00
<b>TOTAL</b>		<b>441.2</b>		<b>\$233,971.00</b>

<b>GREG COLEMAN LAW PC</b>				
<b>Name</b>	<b>Position</b>	<b>Hours</b>	<b>Rate</b>	<b>Lodestar</b>
Gregory F. Coleman	Partner	683.85	\$600.00	\$410,310.00
Mark E. Silvey	Senior Attorney	709.40	\$500.00	\$354,699.86
Adam A. Edwards	Senior Attorney	521.80	\$500.00	\$260,900.00
Lisa A. White	Senior Attorney	169.20	\$500.00	\$84,600.00
Benjamin P. Lemly	Associate	248.90	\$400.00	\$99,559.89
Justin G. Day	Associate	76.75	\$400.00	\$30,700.00
William A. Ladnier	Associate	21.10	\$400.00	\$8,440.00
W. Ethan Smartt	Associate	17.60	\$400.00	\$7,040.00
Dawn L. Holt	Paralegal	189.20	\$250.00	\$47,300.00
Danielle Coleman	Paralegal	15.45	\$200.00	\$3,090.00
Celia Hastings	Paralegal	85.50	\$250.00	\$21,450.00
<b>TOTAL</b>		<b>2738.75</b>		<b>\$1,328,089.7</b>

<b>WEXLER WALLACE LLP</b>				
<b>Name</b>	<b>Position</b>	<b>Hours</b>	<b>Rate</b>	<b>Lodestar</b>
Edward Wallace	Partner	25.90	\$600.00	\$15,540.00
Amy E. Keller	Senior Associate	18.20	\$485.00	\$8,827.00
Adam Prom	Associate	.30	\$340.00	\$102.00
Tyler Story	Associate	196.10	\$348.93	\$68,425.00
<b>TOTAL</b>		<b>240.5</b>		<b>\$92,894.00</b>

<b>TOTAL LODESTAR</b>		
	<b>Hours</b>	<b>Lodestar</b>
Berger & Montague, P.C.	510.60	\$288,124.70
Landskroner Grieco Merriman	441.20	\$233,971.00
Wexler Wallace LLP	240.50	\$92,894.00
Greg Coleman Law PC	2738.75	\$1,328,089.75
Reasonable fees calculated for services between the filing of this Motion and conclusion of the case		\$100,000.00
<b>TOTAL LODESTAR</b>	<b>3931.05</b>	<b>\$2,043,079.45</b>

11. Due to the amount of privileged information contained in Class Counsels' hourly billing records, those detailed records are not attached here, but can be provided for this Court's in camera review should this Court wish to review them.

12. The hourly rates for the partners, associates and professional staff in this case are lower than awarded in other jurisdictions, and are the same as the rates that would be charged for these services by our firms in non-contingent matters (excluding pro bono or other special considerations).

13. The time reflected above was time actually spent, in the exercise of reasonable judgment, by the attorneys and staff involved. Class Counsel were careful not to expend unnecessary hours and not to duplicate work done by others. The time submitted reflects only work done on behalf of the named Plaintiffs and the Settlement Classes or at the request of Class Counsel.

14. Class Counsel made significant efforts toward the efficient allocation of work between the co-counsel firms and within the co-counsel firms. Partners in the firms coordinated their work assignments on a regular basis to prevent unnecessary duplication of work across the firms.

15. In doing so, Class Counsel generally assigned initial drafting of the complaint, briefs and motions to associates, with editing done by partners. The bulk of the interviews performed by Class Counsel were also conducted by associates and paralegals, with supervision by the partners. Overall, Class Counsel assigned as much work as they could to attorneys with lower billing rates when feasible and appropriate to protect the interests of the Classes.

16. Having the firms comprising Class Counsel work on the case together added substantial value to the case, as borne out by the ultimate relief achieved for the Classes. Class

Counsel were able to work together to develop sophisticated and effective strategies for pursuing the claims of Plaintiff and the Classes.

17. Moreover, the arrangement between the Class Counsel firms also reflects the reality of large product defect class actions where, because of the great risk involved, multiple firms with national practices work together to spread the risk.

18. I was the lead attorney at GREG COLEMAN LAW PC with respect to this case, as Greg Coleman Law PC originated the case, did the initial workup and investigation, and invited the other firms to participate in light of the scope and magnitude of the case. I directed the work of the other attorneys at my firm, coordinated with other Class Counsel who worked on this case, conducted a legal analysis of the facts presented by this case and presented legal arguments to opposing counsel; conducted all written discovery and depositions, coordinated all motion practice, and prepared for and conducted the trial of this case. Other Class Counsel: (a) oversaw, managed, assigned and coordinated duties of the team of attorneys throughout this litigation; (b) devised and implemented strategy and participated in numerous meetings and telephone conferences with Defendant's counsel related to the litigation and settlement; (c) participated in the mediation that resulted in the settlement; and (d) negotiated the details and terms of the Settlement Agreement.

19. This work was reasonable and necessary to the prosecution and settlement of this case. Class Counsel collectively conducted a significant factual investigation during the prosecution of this action. Through this comprehensive evaluation of the facts and law, Class Counsel was able to settle this case for a very substantial settlement. Class Counsel provided Class Members with substantive and certain relief much sooner than if litigation of this matter had continued.

20. As settlement administration is ongoing, and based on my experience in previous product defect cases, I estimate that the Class Counsels' lodestar will increase by the time the settlement is completely and finally administered in the amount of up to \$100,000.00.

**CLASS COUNSELS' EXPENSES**

21. This litigation required Class Counsel to advance costs. Where corporate defendants and their attorneys are well funded, as is typical in this practice area, this type of litigation can prove to be expensive and risky. Because the risk of advancing costs in this type of litigation is significant, doing so is often cost prohibitive to many attorneys.

22. As of May 18, 2018, the Class Counsel firms expended costs of \$237,355.77. The expenses incurred pertaining to this case are reflected in the books and records for each Class Counsels' firm. These books and records are prepared from expense vouchers and check records and are an accurate record of the expenses incurred. All of the expenses incurred were reasonable and necessary to the prosecution of this case.

<b>TOTAL EXPENSES</b>	
Berger & Montague, P.C.	\$14,553.72
Landskroner Grieco Merriman	\$6,742.93
Greg Coleman Law PC	\$209,077.12
Wexler Wallace LLP	\$6,982.00
<b>TOTAL EXPENSES</b>	<b>\$237,355.77</b>

23. On behalf of Plaintiffs and Class Counsel, I respectfully request that the Court award the requested attorneys' fees and costs.

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

Dated: May 18, 2018

s/Gregory F. Coleman  
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 Gregory F. Coleman