

**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 HOWARD M. BUSHMAN FILED ON  
BEHALF OF THE MOSKOWITZ LAW FIRM, PLLC IN SUPPORT OF MOTION  
FOR APPROVAL OF COMMON FUND PAYMENT OF ATTORNEYS'  
FEEES, LITIGATION EXPENSES, AND SERVICE AWARDS**

I, Howard M. Bushman, do hereby declare and state as follows:

1. I am a partner in The Moskowitz Law Firm (the “Firm”). My firm served on the Plaintiffs’ Steering Committee in both the 2016 Class Action (defined below) and 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 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 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 **6,517.20**. 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 **\$4,975,654.00**. 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 time-keepers 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 this litigation total **\$321,223.53**. 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: **\$12,873.11**. In connection with the prosecution of this litigation, 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: **\$683.00**. In connection with this litigation, the firm made 6,830 in-house copies, charging \$0.10 per copy. 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 13,384 copies were identified as related to this case.

(c) Filing, Witness and Other Fees: **\$2,245.28**. These expenses have been paid to the court for filing fees and to attorney service firms or individuals who either: (i) served process of the complaint or subpoenas, or (ii) obtained copies of court documents for plaintiffs. 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) Court Hearing and Deposition Reporting, and Transcripts: **\$3,576.80**. These costs were necessary to the prosecution of the case in order that Plaintiffs' Counsel obtained accurate transcripts of hearings before the Court and/or Special Master, and from depositions.

(e) Online Legal and Financial Research: **\$13,700.04**. these included vendors such as Westlaw, Pacer and Lexis. These services were used to obtain access to factual databases, legal research and for cite-checking of briefs. This expense represents the expense incurred by the Firm 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 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. The Firm also contributed **\$288,145.30** 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 18<sup>th</sup> of July, 2023 at Philadelphia, Pennsylvania.

*s/Howard M. Bushman*

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HOWARD M. BUSHMAN, ESQ.

**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: The Moskowitz Law Firm****Reporting Period: Inception through June 30, 2023**

<u>Name (Status)</u>	<u>Total Hours</u>	<u>Hourly Rate</u>	<u>Total Lodestar</u>
Adam M. Moskowitz (P)	2,119.90	\$1,000	\$2,119,900.00
Howard M. Bushman (P)	1,803.40	\$900	\$1,623,060.00
Joseph M. Kaye (P)	214.00	\$755	\$161,570.00
Adam A. Schwarzbaum (P)	222.60	\$755	\$168,063.00
Barbara C. Lewis (A)	180.40	\$675	\$121,770.00
Curtis E Osceola (A)	1,094.40	\$450	\$492,480.00
Alejandra M. Albuerne (PL)	52.70	\$350	\$18,445.00
Dione Iturria (PL)	295.70	\$350	\$103,495.00
Lorenza B. Ospina (PL)	5.00	\$350	\$1,750.00
Rejane Passos (PL)	164.30	\$350	\$57,505.00
Amanda C. Rementeria (LC)	1.00	\$295	\$295.00
Annalyse V. Harris (LC)	12.00	\$295	\$3,540.00
Barron Becker (LC)	51.60	\$295	\$15,222.00
C. Chandler Culwell (LC)	36.50	\$295	\$10,767.50
Anjoly N. Ibrahim (LC)	1.80	\$295	\$531.00
Joey Rafaeli (LC)	139.30	\$295	\$41,093.50
Karina Oms	90.60	\$295	\$26,727.00
Stephanie M. Sabelico (PL)	14.50	\$295	\$4,277.50
Giovanna C. Spargo (LC)	17.50	\$295	\$5,162.50
<b>Grand Totals:</b>	<b>6,517.20</b>		<b>\$4,975,654.00</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: The Moskowitz Law Firm****Reporting Period: Inception through June 30, 2023**

<u>Description</u>	<u>Expenses</u>	<u>Cumulative Expenses</u>
Online Research	\$13,700.04	\$13,700.04
Process Server	\$120.00	\$120.00
Delivery Services/Messengers	\$162.92	\$162.92
Local Travel	\$373.69	\$373.69
Court Fees	\$160.00	\$160.00
Out of Town Travel	\$7,310.67	\$7,310.67
Meals	\$1,848.19	\$1,848.19
Depositions Transcripts	\$3,576.80	\$3,576.80
Experts	\$914.00	\$914.00
Litigation Fund	\$288,145.30	\$288,145.30
Parking	\$1,198.95	\$1,198.95
Transportation	\$2,141.61	\$2,141.61
Copying	\$683.00	\$683.00
Telephone	\$673.36	\$673.36
Postage	\$175.00	\$175.00
Witness fee	\$40.00	\$40.00
<b>Grand Totals:</b>	<b>\$321,223.53</b>	<b>\$321,223.53</b>