

# **EXHIBIT D**

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF VERMONT

ALICE H. ALLEN AND LAURENCE E. ALLEN, )  
et al., )  
 )  
Plaintiffs, )  
 )  
v. ) Docket No. 5:09-cv-00230-cr  
 )  
DAIRY FARMERS OF AMERICA, INC. and )  
DAIRY MARKETING SERVICES, LLC. )  
 )  
Defendants. )

**DECLARATION OF DAVID A. BALTO IN SUPPORT OF PLAINTIFFS' MOTION  
FOR AWARD OF ATTORNEY'S FEES AND REIMBURSEMENT OF EXPENSES**

I, David A. Balto, declare as follows:

1. I am a partner with the Law Offices of David A. Balto. I submit this declaration in support of Plaintiffs' Motion for Award of Attorneys' Fees and Reimbursement of Expenses in the above-captioned litigation. This Declaration sets forth the fees and unreimbursed expenses that the Law Offices of David Balto, has incurred in connections with the work performed from February 1, 2012 through November 30, 2014.

2. My firm has acted as counsel to the DFA/DMS subclass in this litigation. During the course of this litigation, my firm has been involved in the following activities, among others: litigation strategy; written and document discovery; legal research in support of pre-trial motions; preparation of pleadings and briefs; witness preparation and examination in preparing for trial; preparation for court hearings and appearance at them; and settlement discussions and strategy.

3. The schedule attached hereto as Exhibit 1 is a detailed summary indicating the time spent by my firm's attorneys who were involved in this litigation, and the lodestar calculation based on their historic billing rates from February 2012 through November 30, 2014. The schedule

was prepared from contemporaneous, daily time records regularly prepared and maintained by the Law Offices of David Balto.

4. The hourly rates for the attorneys included in Exhibit 1 are the same and the usual customary hourly rates charged for their services in similar complex class action litigation.

5. The total number of hours expended on this litigation by my firm from February of 2012 through November of 2014 is 538.0 hours. The total lodestar for my firm is \$240,410.00 at my firm's usual and customary hourly historic billing rates.

6. As detailed in Exhibit 2, my firm has incurred a total of \$13,060.53 in unreimbursed expenses in connection with the prosecution of this litigation since February of 2012 through November of 2014.

7. The expenses incurred in this action are reflected on my firm's books and records. These books and records are prepared from expense vouchers, check records, and other source materials and represent an accurate recordation of the expenses incurred.

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

Dated this 10th day of December, 2014



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David A. Balto

# EXHIBIT 1

Law Offices of David Balto

Reporting Period: February 1, 2012 through November 30, 2014

NAME (STATUS)*	TIME CATEGORY										CUMULATIVE		
	[1]	[2]	[3]	[4]	[5]	[6]	[7]	[8]	[9]	[10]	Hours	Rate	Lodestar
David Balto P	38.1	0.5	8.5	9		20	9.5	5			90.6	\$575.00	\$52,095.00
David Balto P		30	22.9	47	15.1	46		51.9		8.5	221.4	\$600.00	\$132,840.00
Bradley Wasser A			9				10			1.5	20.5	\$200.00	\$4,100.00
Bradley Wasser A	4.3		16.7	0.5	8.1	3.5					33.1	\$250.00	\$8,275.00
James Kovacs A	89	71.4						12			172.4	\$250.00	\$43,100.00
TOTALS	131.4	101.9	57.1	56.5	23.2	69.5	19.5	68.9	0	10	538		\$240,410.00

\* P=Parter, OC=Of Counsel, SC=Special Counsel, A=Associate, PL=Paralegal, LA=Legal Assistant, FCC=Comupter Consultant, FP= Former Partner, FLC=Former Law Clerk, FPL=Former Paralegal

Time Category

- [1] Investigations, Facutal & Leal Research
- [2] Discovery, Document management and Depositions
- [3] Pleadings, Briefs and Pretrial Motions
- [4] Court Apperances
- [5] Settlement
- [6] Litigation Strategy and Analysis
- [7] Class Certification
- [8] Trial Preparation and Trial
- [9] Case Management and Administration
- [10] Third Party Communication

# **EXHIBIT 2**

Law Offices of David Balto

EXPENSE REPORT AND SUMMARY OF FEES AND EXPENSES

REPORTING PERIOD: February 1, 2012 through November 30, 2014

<u>CATEGORY</u>	<u>CUMULATIVE EXPENSES</u>
Commercial Copies	
Internal Reproduction/Copies	\$2,408.00
Court Fees (filing, etc.)	
Court Reporters/Transcripts	
Computer Research	\$7,512.60
Telephone/Fax/Email	
Postage/Express/Delivery/Messenger	
Professional Fees (expert, etc.)	
Witness/Service Fees	
Travel, Food and Lodging, etc.	\$3,139.93
Miscellaneous/Other	
<b>TOTAL EXPENSES</b>	<b>\$13,060.53</b>
<b>TOTAL FEES</b>	<b>\$240,410.00</b>
<b>TOTAL FEES AND EXPENSES</b>	<b>\$253,470.53</b>