

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF ILLINOIS

EASTERN DIVISION

LAWRENCE E. JAFFE PENSION PLAN, On Behalf of Itself and All Others Similarly Situated,	Lead Case No. 02-C-5893 (Consolidated)
Plaintiff,	<u>CLASS ACTION</u>
vs.	Judge Jorge L. Alonzo
HOUSEHOLD INTERNATIONAL, INC., et al.,	
Defendant(s).	

**DECLARATION OF BARRY SOICHER, AS EXECUTOR
FOR THE ESTATE OF LAWRENCE G. SOICHER, ESQ., IN
SUPPORT OF THE APPLICATION FOR ATTORNEYS' FEES NOT TO
EXCEED 24.68% OF THE SETTLEMENT AMOUNT AND EXPENSES**

I, Barry Soicher, declare as follows under the penalties of perjury pursuant to 28 U.S.C. §1746:

1. I submit this Declaration in support of plaintiffs' application for an award of attorneys' fees not to exceed 24.68% of the Settlement Amount of \$1.575 billion and reimbursement of expenses not to exceed \$38.0 million, pursuant to this Court's Order and Notice of Hearing (Dkt. 2215).

**My Authority to Submit This Declaration on Behalf of the Estate of
Lawrence G. Soicher, Esq. in Support of the Joint Application for Attorneys' Fees**

2. Lawrence G. Soicher, Esq. ("Mr. Soicher" or sometimes "Larry") was one of the attorneys for plaintiff in this litigation.

3. Mr. Soicher had been counsel for Glickenhau & Company ("Glickenhau") in

other matters prior to this Action and was attorney for Glickenhau. one of the plaintiffs comprising lead plaintiff Glickenhau Institutional Group herein, from the inception of this Action.

4. As a matter of routine, I am told every law office that performs legal services on behalf of plaintiff(s) in a class action would submit a declaration similar in form to this one at the time of the application for attorneys' fees and expenses.¹

5. I submit this Declaration as Executor of the Estate of Lawrence G. Soicher ("Executor"), pursuant to a Certificate of Appointment of Executor, Surrogate's Court of the State of New York, Nassau County, dated November 17, 2015, updated on July 5, 2016 (a copy of each Appointment is incorporated herein and available for review at the Court's request). I was appointed Executor pursuant to Mr. Soicher's Will (which is available for review at the Court's request). Mr. Soicher died on July 12, 2015. I have been acting as Executor on all matters since Mr. Soicher's death.

6. Larry never married; had no children; his only sibling (my father) is deceased.

7. I am Larry's nephew. Larry and I had been close our whole lives, including to the time of his death, and I effectively had been his son.

8. Mr. Soicher was initially hospitalized and diagnosed with Parkinson's disease in January, 2010, after the May 7, 2009 jury verdict for plaintiff in this Action.

9. Larry resided in a nursing home since a few weeks after his initial hospitalization.

¹ Prior to Mr. Soicher's death, I submitted to this Court an earlier Declaration in support of the original fee application after the jury trial (Dkt. 1970) as attorney-in-fact for Mr. Soicher on all matters pursuant to a Power of Attorney executed by Mr. Soicher on May 5, 2010 (a copy of which is incorporated herein and available for review at the Court's request).

10. I submit this Declaration as Executor in support of Lead Counsel's joint fee and expense application.

11. As a result of my life-long familial relationship with Larry, my responsibilities as Attorney-In-Fact and now as Executor, and/or my investigation of the facts underlying this Declaration, I have personal knowledge of the matters set forth herein.

The Availability of Mr. Soicher's Contemporaneous Business Records

12. Shortly after Mr. Soicher's initial hospitalization and diagnosis in January, 2010, my father Harvey E. Soicher (Larry's brother), who was a lawyer, closed Mr. Soicher's law office. Most of Mr. Soicher's files on non-pending matters were disposed of, sent to clients, thrown out or destroyed.

13. Although most of Mr. Soicher's legal files were destroyed at that time, it is my understanding that a number of files were retained, including Mr. Soicher's files on the Household Action. However, a number of other attorneys whose law practices were unrelated to Mr. Soicher's practice, subsequently moved in and out of the suite that had contained Mr. Soicher's office. Mr. Soicher's remaining files were repeatedly moved about the suite to make room for the files of subsequent attorneys in the suite, or possibly moved to an unknown storage location. Neither I, nor Mr. Soicher's former secretary, were able to locate all of Mr. Soicher's files for this Action.

14. Nevertheless, some of the Household litigation files were located, including detailed time and expense records relevant to this application, which are described in more detail below. The time and expense reports are in Mr. Soicher's own handwriting, which I recognize, are incorporated herein and are available for review at the Court's request.

Mr. Soicher's Legal Services in This Litigation

15. Glickenhau had been one of Mr. Soicher's clients for many years, including in at least three other class actions which Mr. Soicher brought to Milberg Weiss (Robbins, Geller's predecessor firm) where both Milberg (as lead/co-lead counsel) and Mr. Soicher (as attorney for Plaintiff) represented Glickenhau on those earlier matters. After Household announced on August 14, 2002 that it would restate its prior eight years' financials, Mr. Soicher was asked by Glickenhau to investigate its losses (if any) in Household securities. Mr. Soicher again brought Glickenhau to Milberg, Glickenhau agreed to have Milberg (as lead counsel) and Mr. Soicher (as Attorney for Glickenhau) represent it again, and Mr. Soicher entered into an agreement with Milberg concerning this representation.

16. The "Law Offices of Lawrence G. Soicher" appears as one of the "Attorneys for Plaintiff" as part of the signature block on the last page of scores and probably hundreds of filings made by plaintiffs herein.²

17. On virtually all of these filings, his firm name (after lead counsel's multiple offices and local liaison counsel) is the only other law firm listed as "Attorneys for Plaintiff."

18. In his capacity as attorney for Glickenhau & Company and one of the "Attorneys for Plaintiff ' herein , Mr. Soicher's work included (at least the following legal services): pre-filing investigation of facts; communications with the client; reviewing, analyzing and calculating the client's losses in Household securities; preparing and revising client's, plaintiff's

² For example, to list some of the more important Docket items: Dkts. 158 and 161, Motion for Class Certification and supporting brief, June 30, 2004 and July 6, 2004; Dkt. 1239, Lead Plaintiff Opposition to Household Motion for Summary Judgment, June 12, 2008; Dkt. 1329 Plaintiffs Trial Memorandum, January 30, 2009; Dkt. 1545, Pretrial Order Vol. I, March 12, 2009.

certification; preparing a schedule of securities transactions for attachment to plaintiff's certification; conferences (in person and/or telephonic) with the client; conferences with lead counsel; conferences with all plaintiffs and lead counsel; conferences with lead counsel and Glickenhau with respect to discovery issues; preparation of/review of Glickenhau's responses to defendants' discovery requests and of other discovery related documents including confidentiality stipulation and protective order; obtaining and analyzing lengthy expanded schedules of Glickenhau's transactions in defendant's stocks and bonds and determining additional documents needed for client's class certification motion; obtaining trade confirmations from Glickenhau and proofs of purchases; preparing Glickenhau documents for class certification motion; preparing James Glickenhau for his deposition; conferences with client concerning case status throughout its duration, including motion practice, developments in discovery, potential settlement, and trial preparation and outcome; conferring with lead counsel throughout the litigation, on topics related to overall case strategy and organization, discovery, motion practice, mediation, potential settlement, preparation for trial, trial, and post-trial issues; and continually reviewing documents filed with the court. Mr. Soicher kept contemporaneous, daily time records, regularly prepared and maintained by him in the ordinary course of business, in the form of handwritten and dated records. Mr. Soicher's contemporaneous handwritten time records are incorporated herein and are available for review at the Court's request. (A typed version of his time records prepared in 2013 during his illness are similarly incorporated herein and are available for review at the Court's request.)

19. These written time records show that Mr. Soicher spent 726.6 hours on this litigation prior to the onset of his illness and prior to his moving to a nursing home in January, 2010. The written time records also contain some additional time entries where the number of

hours worked is not legible.

20. In addition, it is possible that some of Mr. Soicher's time records concerning this litigation may be missing, but I have no evidence of that fact.

21. From a court filing in a securities class action unrelated to this Action, I have been able to ascertain that Mr. Soicher's hourly billing rate in 2007 was \$450 per hour, which was accepted and approved in that litigation. *In re Rambus, Inc. Securities Litigation*, 5:06-cv-04346-JF (N.D. Cal.), Dkts. 183-14 (page 4 of 40), 187.

22. I am certain that his hourly rate subsequently was increased, prior to January 2010, but I have no record to prove it. Just from the passage of time, Mr. Soicher's hourly rate would have increased by at least \$50 per hour for the 2009 calendar year from his 2007 billing rate.

23. Immediately below is a Table stating the total amount of time spent by Mr. Soicher in this Action, his billing rate and lodestar.

Attorney	Hourly Rate	Hours	Lodestar based upon time sheets only
Lawrence G. Soicher	\$450	726.6	\$326,970.00

24. This Table was prepared from Mr. Soicher 's contemporaneous, daily time records described above. The Table does not include possible additional time from missing time records.

25. As reflected in the Table, the total number of hours expended in this Action by Mr. Soicher is 726.6 hours and his total time charges are \$326,970.

26. The expenses incurred in this Action by Mr. Soicher are reflected in Mr. Soicher's books and records. These books and records are Mr. Soicher's handwritten, dated, expense records, prepared and maintained by Mr. Soicher in the ordinary course of business, itemizing

the date and amount of each expense. Mr. Soicher's handwritten expense records are incorporated herein and are available for review at the Court's request. (A typed version of his expense records prepared in 2013 during his illness are similarly incorporated herein and are available for review at the Court's request.)

27. There may have been additional expenses incurred by Mr. Soicher, but I cannot estimate them.

28. Immediately below is a detailed Table of the unreimbursed litigation expenses incurred by Mr. Soicher in connection with the prosecution of this litigation. As the Table indicates, Mr. Soicher incurred a total of \$3,470.57 in unreimbursed litigation expenses.

Reporting Period case inception through approximately year-end 2009	
<u>Expense Category</u>	<u>Amount</u>
Fax	\$1907.22
Long Distance Telephone calls	\$ 449.15
FedEx/Messenger Service/Postage	\$ 384.55
Cabs	\$ 42.65
Microfiche	\$ 687.00
Total Expense	\$3,470.57

Mr. Soicher's Legal Experience

29. Mr. Soicher had a seven-page description of his law practice, a "Biography," for submission to a court on a fee application. Most of the information below is taken from the Biography (which is incorporated herein and available for review at the Court's request).

30. Mr. Soicher graduated from New York University in 1960 with a Bachelor of Science degree in accounting.

31. Mr. Soicher received his law degree from New York Law School, with honors, in 1964. He was admitted to the New York Bar in 1965.

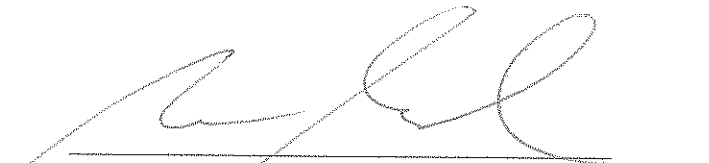
32. In law school, he received the Board of Trustees Annual Moot Court Award.

33. Mr. Soicher's practice consisted primarily of representing plaintiffs and defendants in all aspects of complex corporate, commercial and securities litigation in federal and state courts. He was lead/co-lead counsel in a number of class actions and represented clients in a significant number of non-class actions that were decided in appellate courts as well as many jury and nonjury trials, over his 30-plus year career in private practice. More often, as in this matter with Glickenhau, Mr. Soicher represented one of the lead plaintiffs (without being lead counsel) in many class actions, at least approximately 100 and probably many more, including being Glickenhau's attorney in at least three other class actions (in all of which Robbins Geller or one of its predecessor firms was lead or co-lead counsel on behalf of the Class, Dkt. 1963 at 8 n.1).

34. Mr. Soicher initially spent six years as an Assistant United States attorney, in both the civil and criminal divisions, handling a number of fraud cases including securities matters. During this time, he received at least three letters of commendation. He attended the New York University School of Law Graduate Tax Division. He was a part-time instructor at the Fairleigh Dickinson University Graduate School. Following his service as an AUSA, for three years he was the Senior Litigator at Weissman, Celler, Spett et al. (that is, former Congressman Emanuel Celler, who chaired the House Judiciary Committee for 24 years) handling several cases involving securities law violations, before forming his own practice.

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

Executed: August 16th, 2016, at Mill Valley, California


Barry Soicher

CERTIFICATE OF SERVICE

I hereby certify that on August 29, 2016, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses for counsel of record denoted on the attached Service List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on August 29, 2016.

s/ Spencer A. Burkholz

SPENCER A. BURKHOLZ

ROBBINS GELLER RUDMAN
& DOWD LLP

655 West Broadway, Suite 1900

San Diego, CA 92101-8498

Telephone: 619/231-1058

619/231-7423 (fax)

E-mail: SpenceB@rgrdlaw.com

Jaffe v. Household Int'l, Inc., No. 02-5893 (N.D. Ill.)
 Service List

Counsel	E-mail address
Stewart Theodore Kusper Giovanni Antonio Raimondi THE KUSPER LAW GROUP, LTD. 20 North Clark Street, Suite 3000 Chicago, IL 60602 (312) 204-7938 Tim S. Leonard JACKSON WALKER L.L.P. 1401 McKinney Street, Ste. 1900 Houston, TX 77010 (713)752-4439	Stewart.Kusper@Kusperlaw.com Giovanni.Raimondi@Kusperlaw.com tleonard@jw.com
Counsel for Defendant David A. Schoenholz	
Dawn Marie Canty Gil M. Soffer KATTEN MUCHIN ROSENMAN LLP 525 West Monroe Street Chicago, Illinois 60661 (312)902-5253	dawn.canty@kattenlaw.com gil.soffer@kattenlaw.com
Counsel for Defendant William F. Aldinger	
David S. Rosenbloom C. Maeve Kendall McDERMOTT WILL & EMERY, LLP 227 West Monroe Street Chicago, IL 60606 (312) 984-2175	drosenbloom@mwe.com makendall@mwe.com
Counsel for Defendant Gary Gilmer	

Counsel	E-mail address
<p>R. Ryan Stoll Mark E. Rakoczy Andrew J. Fuchs Donna L. McDevitt Patrick Fitzgerald SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP 155 North Wacker Drive Chicago, IL 60606 (312)407-0700</p> <p>Paul D. Clement D. Zachary Hudson BANCROFT PLLC 1919 M Street NW, Ste. 470 Washington, DC 20036 (202)234-0090</p> <p>Dane H. Butswinkas Steven M. Farina Leslie C. Mahaffey Amanda M. MacDonald WILLIAMS & CONNOLLY LLP 725 Twelfth Street NW Washington DC 20005 202-434-5000</p> <p>Luke DeGrand Tracey L. Wolfe DEGRAND & WOLFE, P.C. 20 South Clark Street Suite 2620 Chicago, Illinois 60603 (312) 236-9200 (312) 236-9201 (fax)</p>	<p>rstoll@skadden.com mrakoczy@skadden.com Andrew.Fuchs@skadden.com Donna.McDevitt@skadden.com Patrick.Fitzgerald@skadden.com pclement@bancroftpllc.com zhudson@bancroftpllc.com TKavaler@cahill.com Jhall@cahill.com dbutswinkas@wc.com sfarina@wc.com lmahaffey@wc.com amacdonald@wc.com twolfe@degrandwolfe.com ldegrand@degrandwolfe.com</p>
Counsel for Defendant Household International Inc.	
<p>Michael J. Dowd Spencer A. Burkholz Daniel S. Drosman Luke O. Brooks Hillary B. Stakem ROBBINS GELLER RUDMAN & DOWD LLP 655 West Broadway, Suite 1900</p>	<p>miked@rgrdlaw.com spenceb@rgrdlaw.com dand@rgrdlaw.com lukeb@rgrdlaw.com hstakem@rgrdlaw.com jdavis@rgrdlaw.com mmueller@rgrdlaw.com</p>

Counsel	E-mail address
<p>San Diego, CA 92101 (619)231-1058 619/231-7423 (fax)</p> <p>Jason C. Davis ROBBINS GELLER RUDMAN & DOWD LLP Post Montgomery Center One Montgomery Street, Suite 1800 San Francisco, CA 94104 (415)288-4545 (415)288-4534 (fax)</p> <p>Maureen E. Mueller ROBBINS GELLER RUDMAN & DOWD LLP 120 East Palmetto Park Road, Suite 500 Boca Raton, FL 33432 (561)750-3000 (561)750-3364 (fax)</p>	
<p>Lead Counsel for Plaintiffs</p>	
<p>Marvin A. Miller Lori A. Fanning MILLER LAW LLC 115 S. LaSalle Street, Suite 2910 Chicago, IL 60603 (312)332-3400 (312)676-2676 (fax)</p>	<p>Mmiller@millerlawllc.com Lfanning@millerlawllc.com</p>
<p>Liaison Counsel for Plaintiffs</p>	