

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

Katherine M. Cleary, et al., Individually and on behalf of others similarly situated,	Civil Action No. 4:21-cv-00184-O
Plaintiffs,	Hon. Reed O'Conner, USDJ
v.	Hon. Hal R. Ray, Jr., USMJ
American Airlines, Inc.,	
Defendant.	

**DECLARATION OF MAZIN A. SBAITI
IN SUPPORT OF APPLICATION FOR ATTORNEY'S FEES**

1. My name is Mazin A. Sbaiti. I am the founding partner of Sbaiti & Company, PLLC. I represent Plaintiffs in this case. The matters stated herein are true and based on my personal knowledge.
2. I have been admitted to practice law before the following courts and state bar and am in good standing: State Bar of Texas, State Bar of New York, State Bar of California, District of Columbia, Eastern District of Texas, Northern District of Texas, Western District of Texas, Eastern District of Texas, Northern District of California, Southern District of California, Central District of California, District of District of Columbia, Northern District of Indiana, U.S. Court of Appeals, Second Circuit, U.S. Court of Appeals, Fifth Circuit, U.S. Court of Appeals, Sixth Circuit, U.S. Court of Appeals, Ninth Circuit, and United States Supreme Court.
3. After law school, I served as a law clerk to the Honorable Eugene E. Siler, Jr., U.S. Court of Appeals, Sixth Circuit. As a student, I externed for the Honorable Robert M. Levy, U.S. Magistrate Judge, Eastern District of New York.
4. I obtained my juris doctorate from Columbia Law School in 2004 and my B.A. from Emory University in 1998.

5. During the course of my career, I have handled litigation involving complex business transactions, securities, patent, complex financial instruments, First-Amendment, trade secret, business tort, construction, criminal, employment, pharmaceutical mass torts, False Claims Act, intellectual property, class actions, and catastrophic injury matters.

6. I have experience representing plaintiffs in class actions. I have served on plaintiff steering committees or as colead counsel in the following matters:

- *In re EasySaver Rewards Litig.* (S.D. Cal.) (consumer fraud class action) (Co-lead counsel)
- *In re Checking Account Overdraft Litig.* (S.D. Fla.) (banking class action) (member of plaintiff's steering committee).
- *Lopez v. Chase Bank NA*, (S.D. Fla.) (Banking class action) (co-lead counsel)
- *Cox, et al v. Clarus Marketing Group, LLC.* (S.D. Cal.) (consumer fraud class action) (lead attorney)
- *Board of Trustees of The Galveston Wharves Et Al V. Trelleborg Ab, et al* (S.D. Cal.) (antitrust class action) (member of steering committee)
- *Anthony Spatola v. Samsung Electronics America Inc, et al* (C.D. Cal.) (consumer fraud class action) (member of plaintiff steering committee)
- *Firefighters' Retirement System of Louisiana v. Massey Energy Company, et al* (W.Va.) (securities class action) (member of steering committee)
- *In Re: Musical Instruments and Equipment Antitrust Litigation* (S.D. Cal.) (antitrust class action)
- *Middlesex County Retirement System et al v. Semtech Corp. et al* (C.D. Cal.) (Securities class action) (member of steering committee)
- *In re Williams Securities Litigation* (D.Okla) (member of lead counsel team)

7. I also have experience representing commercial clients in plaintiff and defensive actions through trial.

8. This matter was set for trial on August 25, 2022. In late July 2022, less than one month before trial, I and my law firm were engaged for the purpose of serving as lead trial counsel in this case.

9. In addition to myself, Kevin Colquitt (Managing Partner), Griffin Rubin (Associate), Kim James (Senior Paralegal with 30+ years of experience) and Melissa Pitman (Paralegal) from my firm were assigned to work on this matter. My biography, along with the biographies of Kevin Colquitt and Griffin Rubin are attached as Exhibits A, B, and C, respectively.

10. For complex commercial matters, I bill at \$850, Kevin Colquitt bills at \$650, our associate Griffin Rubin's rate is \$400, Kim James' is \$200, and Melissa Pitman's is \$175.

11. As the founding partner of my firm and having been a litigator in Dallas/Ft. Worth since 2006, I am well familiar with the rates charged by attorneys in the Dallas/Fort Worth metroplex with similar backgrounds, experience, and practices to the attorneys in my firm. The rates we charge are well within the norm if not somewhat lower than the average of other attorneys with similar experience for this type of work in this part of Texas.

12. I have reviewed my firm's billing records for this matter and broken down the work into four primary categories. The first is File Review (which includes the time spent reviewing the filings, briefing, evidence, memorandum, court orders, and other documents produced in this matter necessary for me and the other members of my firm to come up to speed on the case). The second category is Trial Preparation, which includes the time spent on tasks such as preparing the presentation of our case, preparing for jury selection including *voir dire*, demonstratives, and preparing witness examinations. The third category is Pre-Trial Briefing, which reflects the time spent researching, drafting, briefing, reviewing, and editing briefs that were filed in the weeks leading up to the trial date. The final category is Mediation/Settlement, which encompasses the

time spent preparing for and attending mediations, settlement discussions, and the work necessary to effectuate the final settlement of this matter.

13. My firm's work on this matter breaks down as follows:

	Investigation and Pleading	Motions	Discovery	Trial Prep	Mediation/ Settlement
Mazin Sbaiti	18.5	19.6	0	29.0	8.8
Kevin Colquitt	6.0	28.4	0	0.7	5.1
Griffin Rubin	1.1	25.1	0	7.8	4.7
Kim James	4.1	27.1	0	10.7	7.0
Melissa Pitman	0	0	0	1.0	0.2
	Total Hours	Hourly Rate	Total Fee		
Mazin Sbaiti	75.9	\$850	\$64,515		
Kevin Colquitt	40.2	\$650	\$26,130		
Griffin Rubin	38.7	\$400	\$15,480		
Kim James	48.9	\$200	\$9,780		
Melissa Pittman	1.2	\$175	\$210		
Totals	204.9		\$116,115		

14. In my opinion, given the impending trial and the need to prepare for it, pretrial briefing that we assisted in, attending settlement, meeting with a jury consultant, working through complex factual and legal issues and how to present them to a jury, and working through how to present and prove class-wide violations and class-wide damages, the work identified in the chart was reasonable and necessary to the representation of Plaintiffs in this matter.

15. In reviewing my firm's billing records, I noted 9.3 hours of work that were redundant (multiple attorneys performing similar research tasks) or otherwise seemingly unnecessary (work on a brief that was never filed). In exercising billing discretion, I excluded these

hours from the charts above because this is the type of work that I would exclude from an hourly client's bill.

16. The firm also incurred \$738.61 in out-of-pocket expenses for LexisNexis legal research charges, PACER, and copying and printing expenses.

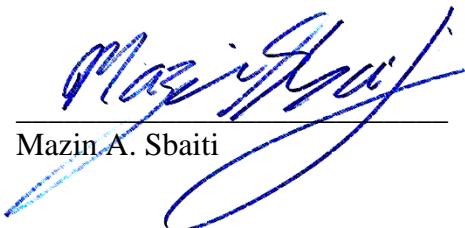
17. In reaching my opinion about the reasonableness of my firm's fees in this matter, I considered the factors set forth in Section 1.04(b) of the Texas Disciplinary Rules of professional Conduct, which are:

- (1) the time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly;
- (2) the likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the lawyer;
- (3) the fee customarily charged in the locality for similar legal services;
- (4) the amount involved and the results obtained;
- (5) the time limitations imposed by the client or by the circumstances;
- (6) the nature and length of the professional relationship with the client;
- (7) the experience, reputation, and ability of the lawyer or lawyers performing the services; and
- (8) Whether the fee is fixed or contingent on results obtained or uncertainty of collection before the legal services have been rendered.

18. In conclusion, the total fee for my firm's work at our standard hourly billing rates for the reasonable and necessary work performed in this matter is \$116,115.

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

Executed on December 19, 2022.



Mazin A. Sbaiti