

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

_____	X	
In re DEUTSCHE BANK AG SECURITIES	:	Master File No. 1:09-cv-01714-GHW-RWL
LITIGATION	:	
_____	:	<u>CLASS ACTION</u>
	:	
This Document Relates To:	:	DECLARATION OF ALFRED G. YATES,
	:	JR. FILED ON BEHALF OF LAW OFFICE
	:	OF ALFRED G. YATES JR., P.C. IN
ALL ACTIONS.	:	SUPPORT OF APPLICATION FOR
_____	X	AWARD OF ATTORNEYS' FEES AND
		EXPENSES

I, Alfred G. Yates, Jr., declare as follows:

1. I am principal of the firm of Law Office of Alfred G. Yates Jr., P.C. I am submitting this declaration in support of my firm's application for an award of attorneys' fees and expenses/charges ("expenses") in connection with services rendered in the above-entitled action.

2. This firm is counsel of record for plaintiff Edward P. Zemprelli.

3. My firm participated in the research and drafting of the original Class Action Complaint filed on behalf of Edward P. Zemprelli in February of 2009 and the subsequent Consolidated and Amended complaints in this action; my firm continued to consult with Lead Counsel and plaintiff Zemprelli throughout the litigation including review and approval by plaintiff Zemprelli of the complaints and provided periodic status updates to plaintiff Zemprelli until his death in 2017. The information in this declaration regarding the firm's time and expenses is taken from time and expense printouts and supporting documentation prepared and/or maintained by the firm in the ordinary course of business. I am the partner who oversaw and/or conducted the day-to-day activities in the litigation and I 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. As a result of this review, reductions were made to both time and expenses in the exercise of billing judgment. As a result of this review and the 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.

4. After the reductions referred to above, the number of hours spent on this litigation by my firm is 76.00. A breakdown of the lodestar is provided in Exhibit A. The lodestar amount for attorney time based on the firm's current rates is \$52,440. The hourly rates shown in Exhibit A are the usual and customary rates set by the firm for each individual.

5. My firm does not seek an award of expenses and charges in connection with the prosecution of the litigation.

6. The identification and background of my firm and is attached hereto as Exhibit B.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 4<sup>th</sup> day of May 2020, at Pittsburgh PA.

A handwritten signature in black ink, appearing to read 'Alfred G. Yates Jr.', is written above a horizontal line.

Alfred G. Yates Jr

CERTIFICATE OF SERVICE

I, Eric I. Niehaus, hereby certify that on May 7, 2020, I authorized a true and correct copy of the foregoing document to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such public filing to all counsel registered to receive such notice.

s/ ERIC I. NIEHAUS

ERIC I. NIEHAUS

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# EXHIBIT A

## EXHIBIT A

*In re Deutsche Bank AG Securities Litigation*, No. 1:09-cv-01714-GHW-RWL  
Law Office of Alfred G. Yates, Jr., P.C.  
Inception through July 23, 2014

<i>NAME</i>		<i>HOURS</i>	<i>RATE</i>	<i>LODESTAR</i>
Alfred G. Yates, Jr.	(P)	56	\$690	\$38,640
Gerald L. Rutledge	(A)	20	\$690	\$13,800
<b>TOTALS:</b>		<b>76</b>		<b>\$52,440</b>

(P) Principal

(A) Associate

# EXHIBIT B

## EXHIBIT B

### LAW OFFICE OF ALFRED G. YATES, JR., P.C.

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Pittsburgh, Pennsylvania 15234-1507

Phone: 1(800) 391-5164

Email: yateslaw@aol.com

**ALFRED G. YATES, JR.**, born Sarver, Pennsylvania; AV Rating from Martindale-Hubbell; admitted to the bar of the Commonwealth of Pennsylvania and the U.S. District Court for the Western District of Pennsylvania (1973); U.S. Court of Appeals, Third Circuit (1982). Education: University of Pittsburgh (J.D., 1973), College of William and Mary (A.B., 1968). With U.S. Army 1968-1970.

**GERALD L. RUTLEDGE**, born Bronxville, New York; admitted to the bar of the Commonwealth of Pennsylvania and the U.S. District Court for the Western District of Pennsylvania (1991); U.S. Court of Appeals, Third Circuit (1996). Education: Duquesne University School of Law (J.D., 1991), Carnegie Mellon University (B.S., 1988).

### FIRM RESUME

The Law Office of Alfred G. Yates Jr., PC has been engaged for over 25 years in class action litigation, securities, consumer, antitrust, ERISA and FLSA actions. The firm's office is located in Pittsburgh, Pennsylvania. The firm is currently litigating class and consumer cases pending in federal and state courts across the United States. As shown below, the firm has successfully represented defrauded consumers, stockholders and investors in many recoveries.

The firm has served as local counsel in litigation in federal court for the United States District Court for the Western District of Pennsylvania leading to recoveries as follows: *Bell, et al. v. Fore Systems, Inc., et al.*, No. 97-cv-1265, \$11.7 million; *Black Box Sec. Litig.*, No. 03-cv-412, \$2 million; *Black Box Corp. Derivative Litig.* 2:06-cv-01531-JFC (financial relief worth over \$14 million to the company); *Blue Cross of Western Pennsylvania Litig.*, No. 93-1591, \$16 million; *Citiline Holdings, Inc. v. Printcafe Software, Inc., et al.*, No. 03-cv-0959, \$1.6 million; *Chambers Sec. Litig.*, No. 92-cv-0679, \$95 million; *Di Cicco, et al. v. American Eagle Outfitters, Inc., et al.*, No. 95-cv-1937, \$1.95 million; *DQE, Inc. Sec. Litig.*, Master File No. 01-cv-1851, \$12 million, *Fox vs. Equimark Corporation, et al.*, No. 90-cv-1504, \$6.5 million cash; *Federated Mutual Funds Excessive Fee Litig.*, No. 2:04-cv-352-DSC; *Butler, et al. v. Northstar Health Services, Inc., et al.*, No. 96-cv-701, \$5.7 million; *Lan v. Ludrof et al.*, 1:06-cv-00114-SJM, \$5.2 million; *Moorhead v. Consol Energy, Inc., et al* No. 03-cv-1588, \$2.7 million; *Ominsky v. PNC Financial Corp.*, No. 2:90-cv-592, \$6.3 million, *Christner v. PNC Bank Corp.*, No. 2:94-cv-1961, \$5.45 million; *PNC Financial Services Group, Inc. Sec. Litig.*, No. 02-cv-0271, \$36.6 million; *Schmitzer, et al. vs. The Italian Oven, Inc., et al.*, No. 96-cv-1248, \$3.278 million; *Sulcus Computer Sec. Litig. II*, No. 94-cv-0565, \$800,000 and 1.4 million common shares of Sulcus stock; *Tri-Star Farms Limited v.*



*Marconi PLC, et al.*, 01-cv-1573, \$7.1 million, and *Westinghouse Sec. Litig.*, No. 91-cv-354, \$67.25 million.

The firm has also served as plaintiffs' counsel in antitrust and consumer product liability class actions and mass tort actions including: *Aggrenox Antitrust Litigation*, 3:14-md-02516, (D. Conn.); *Automotive Refinishing Paint Antitrust Litig.*, MDL Docket No. 1426 (E.D. Pa.); *Baycol Products Liability Litig.*, MDL 1431 (D. Minn.); *Buspirone Antitrust Litig.*, MDL No. 1410 (S.D. NY); *Dynamic Random Access Memory (DRAM) Antitrust Litig.*, No. M-02-1486 PJH (N.D. Ca.); *Electrical Carbon Products Antitrust Litig.*, MDL No. 1514; *Hypodermic Products Antitrust Litig.*, 05-cv-1602 (JLL/CCC) (D. N.J.); *Lidoderm Antitrust Litig.*, 3:14-md-02521 N.D. Ca.), *Lupron Drug Cases*, Judicial Council Coordination Proceeding No. 4238 (Master File No. 402591)(Superior Ct. Ca.); *Meridia Products Liability Litig.*, MDL No. 1481, Case No. 5:2002-cv-08000(JSG/PH)(N.D. Ohio, Eastern Div.); *Microsoft Corp. Antitrust Litig.*, MDL No. 1332 (D. MD); *Mirapex End-Payor Antitrust Litig.*, 2:09-cv-01044-GLL; *Mushroom Direct Purchaser Antitrust Litig.*, 06-cv-620 (E.D. PA), and *Suboxone (Buprenorphine Hydrochloride and Naloxone) Antitrust Litig.*, 2:13-md-02445 (E.D. Pa.).

The firm has also served as plaintiffs' counsel in ERISA cases arising out of breaches of fiduciary duties to 401(k) Plan Participants in cases such as *Boston Scientific Corp. ERISA Litig.*, 1:06-cv-10105-JLT, (D. MA); *Cardinal Health, Inc. ERISA Litig.*, C2-04-643 (S.D. Ohio); *General Electric Company ERISA Litig.*, No. 06-cv-315(GLS/RDH) (S.D.N.Y.); *Lanfear v. Home Depot, Inc. et al.*, 1:07-cv-00197-ODE (N.D. GA); *Lear ERISA Litig.*, No. 06-11735 (E.D. Mich.); and *Shanehchian v. Macy's, Inc.*, 1:07-cv-00828-SAS-TSH (S.D. OH).

In cases in which our firm has been involved, the court has recognized the contributions of our counsel. In *Di Cicco, et al. v. American Eagle Outfitters, Inc., et al.*, 95-CV-1937 (W.D. Pa), Magistrate Judge Kenneth J. Benson wrote:

*"The court has never seen a more thorough tracking of the requirements for a good class action settlement than that pursued by counsel in this case...The court has been impressed with the competence and candor of counsel..."*

District Judge Thomas J. Platt in *Nature's Bounty, Inc., Sec. Litig.*, 94-CV-4818 (E.D. NY), wrote:

*"Plaintiffs here are represented by several well-known securities litigation firms and by practitioners who, collectively, have many years of experience litigating securities class actions. There can be no question but that plaintiffs' counsel are adequately skilled and experienced to conduct the proposed litigation."*

Court of Common Pleas Judge Christine A. Ward in *Portec Rail Products, Inc. Shareholders Litigation*, G.D. 10-003547 (Pa C.P. Court, Allegheny County) stated after a two-day preliminary injunction hearing:

*"[H]earing a case that's presented by counsel of this caliber, it's a real treat, it's a delight..."*