

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

STACY MOCK, on behalf of
herself and all others similarly situated,

Plaintiff,

Civil Action No. 3:22-cv-00995-BKS-ML

v.

Chief Judge Brenda K. Sannes

TOMPKINS COMMUNITY BANK,

Defendant.

**JOINT DECLARATION OF TYLER B. EWIGLEBEN SOPHIA G. GOLD IN SUPPORT
OF PLAINTIFF'S MOTION FOR APPROVAL OF ATTORNEYS' FEES, EXPENSES,
AND SERVICE AWARD**

Class Counsel, including Tyler B. Ewigleben of Johnson Firm and Sophia G. Gold of KalieGold PLLC, declare and state as follows:

1. Sophia Gold is an attorney licensed to practice in the State of California and is admitted to practice in the Northern District of New York. She is fully familiar with the facts and circumstances surrounding this action. She submits this declaration in support of Plaintiff's Motion for Approval of Attorneys' Fees, Expenses, and Service Award.

2. Tyler Ewigleben is an attorney licensed to practice in the State of Indiana and is admitted to practice in the Northern District of New York. He is fully familiar with the facts and circumstances surrounding this action. He also submits this declaration in support of Plaintiff's Motion for Approval of Attorneys' Fees, Expenses, and Service Award.

3. As requested by the Court, contemporaneous time records are attached as Exhibits A (Johnson Firm Time Records) and B (KalielGold PLLC Time Records), demonstrating the time spent on this case by attorneys and staff at the Johnson Firm and KalielGold PLLC.

4. The amounts included in those submissions do not reflect all time that will be billed for work on this case, including future work necessary for final approval, class member inquiries, and any *cy pres* distribution.

5. In KalielGold PLLC's fee submission, attorney Jeffrey Kaliel ("JK") is a Partner with KalielGold PLLC who has worked a total of 8.2 hours in this case at a current rate of \$878 per hour for a total lodestar of \$7,199.60.

6. In KalielGold PLLC's fee submission, Sophia Gold ("SG") is a Partner with KalielGold PLLC who has worked a total of 81.5 hours in this case at a current rate of \$777 per hour for a total lodestar of \$63,325.50.

7. In KalielGold PLLC's fee submission, Neva Garcia ("NG") is a certified paralegal with KalielGold PLLC who has worked a total of 9.9 hours in this case at a current rate of \$239 per hour for a total lodestar of \$2,366.10.

8. In KalielGold PLLC's fee submission, Jane Yu is a legal assistant ("JY") with KalielGold PLLC who has worked a total of 4.2 hours on this case at a current rate of \$239 per hour for a total lodestar of \$1,003.80.

9. In total, KalielGold PLLC spent approximately 103.8 hours on this case. The total amount of attorneys' fees for KalielGold PLLC for this file is \$73,964.

10. In Johnson Firm's fee submission, Christopher Jennings is a Partner with Johnson Firm who has worked a total of 12.2 hours in this case at a current rate of \$750 per hour for a total lodestar of \$9,150.

11. In Johnson Firm's fee submission, Tyler Ewigleben is an attorney with Johnson Firm who has worked a total of 54.7 hours in this case at a current rate of \$625 per hour for a total lodestar of \$34,187.50.

12. In Johnson Firm's fee submission, Winston Hudson is an associate with Johnson Firm who has worked a total of .6 hours in this case at a current rate of \$385 per hour for a total lodestar of \$231.

13. In total, Johnson Firm spent approximately 67.5 hours on this case. The total amount of attorneys' fees for Johnson Firm for this file is \$43,577.50.

14. Total time between the two firms is therefore 171.30 hours and attorneys' fees are \$117,541.50.

15. The total expenses incurred by KalielGold PLLC and Johnson Firm on this file is \$13,030.25. These expenses are itemized as follows:

- a. Admission Expenses: \$238
- b. Expert Fees (Arthur Olsen): \$6,750
- c. Mediation Fees and Expenses: \$5,850
- d. Service of Process: \$192.25

16. The foregoing hours, attorneys' fees, and expenses are based on the review of KalielGold PLLC's and Johnson Firm's business records maintained in the ordinary course of our business and are true and correct to the best of declarants' knowledge.

17. The time worked and expenses incurred to date have been reasonable and necessary to prosecute this litigation on behalf of Plaintiff and the Certified Class. Class counsel has exercised billing judgment and deleted select time entries not included in the summary numbers submitted to the Court.

18. It is anticipated that Plaintiffs' counsel will continue to expend time and incur attorneys' fees and possibly costs through the final approval proceedings before the Court and after final approval, including work expended in effectuating the terms of the settlement and in overseeing the settlement administrator.

Pursuant to 28 U.S.C. § 1746, Declarants declare under penalty of perjury that the foregoing is true and correct. Executed respectively in Albany, California (Sophia G. Gold) and Indianapolis, Indiana (Tyler B. Ewigleben) this 27th day of December, 2023.

/s/ Tyler B. Ewigleben
Tyler B. Ewigleben

/s/ Sophia G. Gold
Sophia G. Gold