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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

In re BANK OF NOVA SCOTIA)	No. 3:20-cv-11059-MAS-RLS
SPOOFING LITIGATION)	
_____)	<u>CLASS ACTION</u>
This Document Relates To:)	DECLARATION OF LINDA
)	NUSSBAUM FILED ON BEHALF OF
ALL ACTIONS.)	NUSSBAUM LAW GROUP, P.C. IN
)	SUPPORT OF APPLICATION FOR
)	AWARD OF ATTORNEYS' FEES
_____)	AND EXPENSES

I, Linda Nussbaum, declare as follows:

1. I am Managing Director of the firm Nussbaum Law Group, P.C. (“NLG” or the “Firm”). I am submitting this declaration in support of the 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 Co-Lead counsel of record for the class plaintiff[s].

3. The information in this declaration regarding the Firm’s time and expenses is taken from time and expense reports and supporting documentation prepared and/or maintained by the Firm in the ordinary course of its business. I am the partner who oversaw and/or conducted the day-to-day activities in the litigation and I reviewed these reports (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 as well as the necessity for, and reasonableness of, the time and expenses committed to the litigation. Based on this review, I believe that the time reflected in the Firm’s lodestar calculation and the expenses for which payment is sought herein are reasonable and were necessary for the effective and efficient prosecution and resolution of the litigation.

4. The number of hours spent on the litigation by my Firm is 744.40. A breakdown of the lodestar is provided in Exhibit A. The lodestar amount for attorney/paralegal time based on the Firm’s current rates is \$661,685.50. The hourly

rates shown in Exhibit A are consistent with hourly rates submitted by the Firm in otherclass action litigation. Different timekeepers within the same employment category have different rates based on a variety of factors, including years of practice, years at the Firm, years in the current position, relevant experience, relative expertise, and the rates of similarly experienced peers at this Firm or other firms. For personnel who are no longer employed by the Firm, the “current rate” used for the lodestar calculation is based upon the rate for that person in his or her final year of employment with the Firm.

5. My Firm seeks an award of \$62,327.77 in expenses in connection with the prosecution of the litigation. Those expenses are summarized by category in Exhibit B.

6. The expenses pertaining to this case are reflected in the books and records of this Firm. These books and records are prepared from receipts, expense vouchers, check records, and other documents and are an accurate record of the expenses.

7. The identification and background of my Firm is attached hereto as Exhibit C.

I declare under penalty of perjury that the foregoing is true and correct.
Executed this Fifth day of September, 2023, at New York, New York.

/s/ Linda Nussbaum

Linda Nussbaum

EXHIBIT A

In re Bank of Nova Scotia Spoofing Litigation, No. 3:20-cv-11059-MAS-RLS
 Nussbaum Law Group, P.C.
 Inception through August 31, 2023

<i>NAME</i>		<i>HOURS</i>	<i>RATE</i>	<i>LODESTAR</i>
Linda Nussbaum	(D)	348.4	\$1,100	\$383,240.00
Bart Cohen	(D)	70.1	\$925	\$64,842.50
Susan Schwaiger	(OC)	2.9	\$850	\$2,465.00
Christopher Sanchez	(OC)	70.4	\$750	\$52,800.00
Daniel Oliner	(SA)	212.4	\$650	\$138,060.00
Marc Foto	(A)	19.4	\$595	\$11,543.00
Joshua Zuckerman	(A)	8.7	\$550	\$4,785.00
Zachary Shutran	(LC)	.7	\$350	\$245.00
Mariam Sleiman	(LC)	7.6	\$350	\$2,660.00
Alix Gallipoli	(PL)	3.8	\$275	\$1,045.00
<i>TOTAL</i>		<i>744.4</i>		<i>\$661,685.50</i>

(D) Director

(OC) Of Counsel

(SA) Senior Associate

(A) Associate

(LC) Law Clerk

(PL) Paralegal

EXHIBIT B

In re Bank of Nova Scotia Spoofing Litigation, No. 3:20-cv-11059-MAS-RLS
Nussbaum Law Group, P.C.
Inception through August 31, 2023

<i>CATEGORY</i>		<i>AMOUNT</i>
Filing, Witness and Other Fees		\$150
Transportation, Hotels & Meals		\$146.88
Experts/Consultants/Investigators		\$52,980.00
Photocopies		
In-House: (copies at \$0.10 per page)		\$322.60
Online Legal and Financial Research		\$3,412.67
Mediation Fees (Name)		\$5,315.62
<i>TOTAL</i>		<i>\$62,327.77</i>

EXHIBIT C
FIRM RESUME



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FIRM BIOGRAPHY

Nussbaum Law Group, PC (“NLG”) is a litigation firm specializing in the prosecution of precedent-setting class litigation with the singular focus of providing the highest level of service and best results. Linda Nussbaum, the firm’s founder, has been at the forefront of landmark fair competition and other complex class cases for over 40 years. The firm’s experienced litigators have played leading roles in recovering billions of dollars for their clients from the world’s largest corporations. The firm has repeatedly successfully represented individuals, public companies and classes in significant and high-stakes, multifaceted litigation in courts throughout the country. Our main practice areas include antitrust, pharmaceutical, consumer, data breach, employee “no poach” and commodities manipulation class actions, as well as complex business disputes.

MANAGING DIRECTOR: LINDA P. NUSSBAUM

Linda Nussbaum is the founder and managing director of the Nussbaum Law Group, P.C. She is nationally recognized for her representation of class and individual plaintiffs in antitrust, RICO, CEA, and pharmaceutical litigation. She has served as sole or co-lead counsel in many significant class actions which have resulted in substantial recoveries, many in the realm of hundreds of millions of dollars.¹

¹ Ms. Nussbaum has served as Lead or Co-Lead counsel in 28 antitrust class actions. *In re Sorbates Direct Purchaser Antitrust Litig.*, 3:98-cv-04886-MMC (N.D.Ca.) (USDJ Maxine M. Chesney) (settled for \$96 million, Nov. 2002); *In re Lorazepam & Clorazepate Antitrust Litig.*, MDL No. 1290, 99-ms-00276-TFH (D.D.C.) (Chief Judge Thomas F. Hogan) (settled for \$37 million, Jun. 2003); *In re Methionine Antitrust Litig.*, MDL No. 1311, 3:00-md-01311-CRB (N.D. Ca.) (USDJ Charles R. Breyer) (settled for \$107 million, Jun. 2003); *Oncology & Radiation Associates, P.A. v. Bristol-Myers Squibb Company & American Bioscience*, 1:01-cv-02313-EGS (D.D.C.) (USDJ Emmet G. Sullivan) (settled for \$65.8 million, Oct. 2003); *In re Relafen Antitrust Litig.*, 01-cv-12239 (D. Mass.)-*Meijer, Inc. v. SmithKline Beecham*, 01-cv-12239-WGY (D. Mass.) (Chief Judge William G. Young) (settled for \$175 million, Apr. 2004); *In re Microcrystalline Cellulose Antitrust Litig.*, MDL No. 1402, 01-cv-00111-TNO (E.D. Pa.) (USDJ Thomas N. O’Neill Jr.) (settled for \$50 million, Nov. 2006); *In re Plastics Additives Antitrust Litig.*, MDL No. 1684, 03-cv-02038-LDD (E.D. Pa.) (USDJ Legrome D. Davis) (settled for \$46.8 million, Jun. 2008); *In re Remeron Direct Purchaser Antitrust Litig.*, Master Docket 02-2007-FSH (D.N.J.) (settled for \$75 million, Nov. 2005)-*Meijer, Inc. v. Organon, Inc.*, 2:03-cv-0085-FSH (D.N.J.) (USDJ Faith S. Hochberg); *In re Foundry Resins Antitrust Litig.*, MDL No. 1638, 04-md-01638-GLF (S.D. Ohio) (USDJ Gregory L. Frost) (settled for \$14.1 million,



Ms. Nussbaum was selected “Litigator of the Week” by the AMLAW LITIGATION DAILY for her lead counsel role in *Kaiser Foundation Health Plan, Inc. and Kaiser Foundation Hospitals v. Pfizer, Inc.* (D. Mass) where, after a six-week trial, a jury returned a RICO verdict for her clients. She was also co-lead and trial counsel for a class of antitrust plaintiffs in *Meijer, Inc. v. Abbott Laboratories* (N.D. Cal.). She was named as a finalist for Public Justice Foundation’s 2011 Trial Lawyer of the Year award. She has repeatedly been selected by Global Competition Review as being among the world’s leading competition lawyers.

Ms. Nussbaum has lectured extensively about various aspects of antitrust and class action law at the American Antitrust Institute Private Enforcement Conference, and the American Bar Association, Section of Antitrust Law Spring Meetings. She has been a member of the American Law Institute (ALI) for over 15 years, and is a long-time advisory board member of the American Antitrust Institute. She is also on the Board of Savvy Ladies, a not-for-profit women’s legal and financial resource organization.

Ms. Nussbaum successful prosecution of complex litigation has been recognized and commended by judges in matters in which she has served as lead and trial counsel. Following the trial in *In re Neurontin Marketing and Sales Practices Litigation*, No. 04cv10981-PBS (D. Mass.), in which Linda served as a lead trial counsel, Judge Patti B. Saris commented that:

[This was] a fabulous trial[.] [I]t’s the kind of thing that you become a judge to sit on.

Mar. 2008); *North Shore Hematology-Oncology Associates, P.C. v. Bristol-Myers Squibb Co.*, 1:04-cv-00248-EGS (D.D.C.) (USDJ Emmet G. Sullivan) (settled for \$50 million, Nov. 2004); *In re Children’s Ibuprofen Oral Suspension Antitrust Litig.*, 1:04-mc-00535-ESH (D.D.C.)-*Meijer, Inc. v. Perrigo Company and Alparma Inc.* (D.D.C.) (USDJ Ellen S. Huvelle) (settled for \$9.7 million, Apr. 2006); *In re Rubber Chemicals Antitrust Litig.*, 04-md-01648 (N.D. Ca.) (USDJ Maxine M. Chesney) (settled for \$319.5 million, Nov. 2006); *Meijer, Inc. v. Warner Chilcott Holdings Co. III, Ltd.*, 05-cv-02195-CKK (D.D.C.) (USDJ Colleen Kollar-Kotelly) (settled for \$22 million, Apr. 2009); *In re DDAVP Direct Purchaser Antitrust Litig.*, 05-cv-02237-CS (S.D.N.Y.) (USDJ Cathy Seibel) (settled for \$30.25 million, Nov. 2011); *Meijer, Inc. v. Abbott Laboratories*, 07-cv-05985-CW (N.D. Ca.) (USDJ Claudia Wilkin) (settled for \$52 million, Aug. 2011); *Meijer, Inc. v. Braintree Laboratories, Inc.*, 07-cv-00143 (D. Del.) (Special Master B. Wilson Redfearn); *Castro v. Sanofi Pasteur, Inc.*, 2:11-cv-07178-JMV-JBC (D.N.J.) (USDJ Jose L. Linares) (settled for \$61.5 million); *Meijer, Inc. v. Warner Chilcott Public Limited Company*, 12-cv-03824-PSD (E.D. Pa.) (USDJ Paul S. Diamond); *In re Aluminum Warehousing Antitrust Litig.*, 1:13-md-02481-PAE (S.D.N.Y.) (USDJ Paul A. Engelmayer); *In re Zinc Antitrust Litig.*, 2:14-cv-03728-PAE (S.D.N.Y.) (USDJ Paul A. Engelmayer); *IV Saline Solutions Antitrust Litig.*, *Washington County Health Care Authority, Inc. v. Baxter International Inc.*, 1:16-cv-10324-JJT (N.D.Ill.) (USDJ John J. Tharp Jr.); *In re Outpatient Medical Center Employee Antitrust Litig.*, 1:21-cv-00305-ARW-SRH (N.D. Ill.); *In re Sensipar (Cinacalcet Hydrochloride Tablets) Antitrust Litig.*, 1:19-md-2895-CFC (D. Del); *In re Actos Direct Purchaser Antitrust Litig.*, 1:13-cv-09244-RA-SDA (S.D.N.Y.); and *In re Vascepa Antitrust Litig. Direct Purchaser Plaintiffs*, 3:21-cv-12747-ZNQ-LHG (D.N.J.).



Recently, Judge Paul A. Engelmayer in approving the settlement and fee in *In re Zinc Antitrust Litigation*, 14 Civ. 3728 complimented Ms. Nussbaum and her co-lead counsel stating:

I have been truly impressed by counsel's work in the case. I wish the caliber of lawyering in this case was the model for all cases before me.

Ms. Nussbaum is presently serving in the following leadership positions:

- *In re Morgan Stanley Data Security Litigation* (S.D.N.Y.) (Lead)
- *In re American Medical Collection Agency, Inc., Customer Data Security Breach Litigation, MDL 2904* (D.N.J.) (Lead)
- *In re Wawa, Inc. Data Security Litigation* (E.D.Pa.) (Lead)
- *Nanette Katz, et al. v. Einstein Healthcare Network* (Class Action Case ID No. 21040204, Philadelphia Court of Common Pleas, First Judicial District of Pennsylvania) (Lead)
- *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation* (E.D.N.Y.) (Lead)
- *In re Sensipar (Cinacalcet Hydrochloride Tablets) Antitrust Litigation* (D. Del) (Lead)
- *In re Actos Direct Purchaser Antitrust Litigation* (S.D.N.Y.) (Lead)
- *In re Generic Drugs Pricing Antitrust Litigation* (E.D. Pa.) (Plaintiff Steering Committee)
- *In re Bank of Nova Scotia Spoofing Litigation* (D.N.J.) (Lead)
- *In re Outpatient Medical Center Employee Antitrust Litigation* (N.D. Ill.) (Lead)
- *In re Vascepa Antitrust Litigation Direct Purchaser Plaintiffs* (D.N.J.) (Lead)

Ms. Nussbaum received her B.A. *magna cum laude* from Brooklyn College, her Juris Doctor with honors from the National Law Center, George Washington University Law School, and her LLM in Taxation from New York University Law School.

OF COUNSEL: SUSAN R. SCHWAIGER

Susan Schwaiger practices in the areas of antitrust, commodities manipulation, data breach, and employee “no poach” litigation, with experience in cases involving a wide variety of industries including banking and financial services, pharmaceuticals, healthcare and chemicals. Ms. Schwaiger has worked closely with Linda Nussbaum for over 24 years and played a significant role in many of the cases in which Ms. Nussbaum served as lead counsel including:

- *In re Morgan Stanley Data Security Litigation* (S.D.N.Y.)
- *In re American Medical Collection Agency, Inc., Customer Data Security Breach Litigation, MDL 2904* (D.N.J.)
- *In re Outpatient Medical Center Employee Antitrust Litigation* (N.D. Ill.)
- *In re Lorazepam & Clorazepate Antitrust Litigation* (D.D.C.)
- *In re Microcrystalline Cellulose Antitrust Litigation* (E.D. Pa.)



- *In re Plastics Additives Antitrust Litigation* (E.D. Pa.)
- *In re Foundry Resins Antitrust Litigation* (S.D. Ohio)
- *In re Rubber Chemicals Antitrust Litigation* (N.D. Cal.)

In addition, Susan has, with Linda, represented large companies in *In re Payment Card Interchange Fee and Merchant Antitrust Litigation* (E.D.N.Y.) and *In re Packaged Seafood Products Antitrust Litigation* (S.D. Cal.).

Ms. Schwaiger graduated from the University of Tennessee (Knoxville) with a Bachelor of Science degree from the College of Arts and Sciences in 1971. She received a M.A. degree from the University of Kentucky (Lexington) in 1973. She received her Juris Doctor, *cum laude*, from Brooklyn Law School in 1992, where she was a member of the BROOKLYN LAW REVIEW.

OF COUNSEL: ROBERT J. AXELROD

Robert J. Axelrod is Of Counsel to Nussbaum Law Group. He practices in the area of antitrust litigation. Previously he was a partner at a major class action firm practicing in the area of antitrust, securities and ERISA litigation. While there, he was co-lead counsel for *AMA v. United Healthcare*, and had responsibility for *In re Sorbates Antitrust Litigation* and *In re Flat Glass Antitrust Litigation*. With co-counsel, he tried two cases to successful verdict, against American Medical Security and Blue Cross Blue Shield of Rhode Island. He also was responsible for discovery and briefing in *In re Blue Cross Blue Shield Antitrust Litigation*. In his career, Mr. Axelrod has taken and defended hundreds of depositions.

Mr. Axelrod graduated with a B.A. degree from Temple University *magna cum laude* in 1983 and a M.A. degree in 1985. He graduated from Brooklyn Law School in 1995 and was a member of the BROOKLYN LAW REVIEW.

SENIOR ASSOCIATE: PETER E. MORAN

Peter Moran is a senior associate at Nussbaum Law Group. Prior to joining the firm, Peter was an associate with an international law firm in New York City in its Global Competition and Commercial Litigation groups where he represented commercial clients on a variety of antitrust and complex commercial litigation issues, including violations of the federal and state antitrust and consumer protection laws, antitrust compliance, internal investigations, individual civil and criminal liability and responding to federal and foreign regulators.

Mr. Moran focuses his practice on antitrust cases in the financial marketplace and pharmaceutical industry, where he handles all stages of litigation from investigation and inception through trial.

Mr. Moran received a B.A. degree in English from the State University of New York at Albany. He graduated *cum laude* from Brooklyn Law School in 2009, where he was a member of the BROOKLYN LAW SCHOOL JOURNAL OF INTERNATIONAL LAW and Moot Court Honor Society and recipient of several academic awards.



SENIOR ASSOCIATE: JONATHAN J. ROSS

Jonathan Ross is a senior associate at Nussbaum Law Group. Prior to joining the firm, Mr. Ross litigated intellectual property matters in class and non-class actions. Mr. Ross has also litigated numerous copyright and trademark disputes. Earlier in his career, Mr. Ross also served as an attorney in the Special Federal Litigation Division of the New York City Law Department where he litigated class actions arising from civil rights demonstrations.

Mr. Ross received a B.A. degree in Social and Behavioral Sciences from The Johns Hopkins University. He received his Juris Doctor from Brooklyn Law School in 1993.

ASSOCIATE: BRETT LEOPOLD

Brett Leopold is an associate at Nussbaum Law Group. Before joining the firm, Brett worked with other prominent plaintiffs' class action firms in New York on antitrust and data breach class litigation. Brett's background, spanning twenty years in legal practice, includes complex commercial/securities fraud, commodities manipulation, privacy and data breach actions and pharmaceutical antitrust matters.

Mr. Leopold obtained a B.A. degree in Political Science from Emory University in 1992 and graduated from St. John's University School of Law in 1995.

ASSOCIATE: JAMES T. PERELMAN

James Perelman is an associate at Nussbaum Law Group. Prior to joining the firm, James worked with several prominent plaintiffs' class action firms, working specifically on pharmaceutical antitrust matters. Previously, he served as a Judicial Fellow in the Court of Common Pleas of Philadelphia County, Civil Trial Division.

Mr. Perelman received his B.A. degree in Politics from Brandeis University in 2010 and received his Juris Doctor in 2014 from Tulane University Law School, where he was the Business Editor of the TULANE JOURNAL OF INTERNATIONAL AND COMPARATIVE LAW.

CHIEF OPERATING OFFICER: ZACH SHUTRAN

Zach Shutran leads all administrative and operational functions of the firm. He also plays a significant role in the firm's e-discovery efforts.

Mr. Shutran received his B.A. degree from Colgate University in 2012, and his Juris Doctor from Brooklyn Law School in 2018.