

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

LAWRENCE E. JAFFE PENSION PLAN, On Behalf of Itself and All Others Similarly Situated, Plaintiff, vs. HOUSEHOLD INTERNATIONAL, INC., et al., Defendant(s).	Lead Case No. 02-C-5893 (Consolidated) <u>CLASS ACTION</u> Judge Ronald A. Guzman
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**DECLARATION OF BARRY SOICHER, AS ATTORNEY-IN-FACT
FOR LAWRENCE G. SOICHER, ESQ., IN SUPPORT OF THE
APPLICATION FOR ATTORNEYS' FEES NOT TO EXCEED 25%
OF THE ULTIMATE TOTAL RECOVERY 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 25% of the ultimate total recovery and reimbursement of expenses not to exceed \$15.5 million, pursuant to this Court's Order and Notice of Hearing (Dkt. 1912).

My Authority to Submit This Declaration Instead of and on Behalf of Lawrence G. Soicher, Esq. in Support of the Application for Attorneys' Fee

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 counsel 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 (whether at time of settlement or after verdict).

5. I submit this Declaration as attorney-in-fact for Mr. Soicher pursuant to a Power of Attorney executed by Mr. Soicher on May 5, 2010, a copy of which is available for review at the Court's request. I have been acting as Mr. Soicher's Attorney-In-Fact on all matters since that date.

6. 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.

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

8. Larry's diagnosis has not changed and he has resided in a nursing home since a few weeks after his initial hospitalization.

9. Larry and I have been close our whole lives, including through the time of this filing, and I effectively have been his son.

10. Since Mr. Soicher no longer has the capacity to handle his financial decisions or practice law, and since he was a sole practitioner, I submit this Declaration on his behalf in support of Lead Counsel's fee and expense application.

11. As a result of my life-long familial relationship with Larry, my responsibilities as Attorney-In-Fact, 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 nonpending 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, and are available for this Court's review.

Mr. Soicher's Legal Services in This Litigation

15. The "Law Offices of Lawrence G. Soicher" appear 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, including filings made as recently as November, 2013.¹

¹ For example, 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 (continued...)

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

17. 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 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 co-counsel throughout the litigation, on topics related to overall case strategy and organization,

(...continued)

Order Vol. 1, March 12, 2009; Dkt. 1903, Motion for an Order Approving the Form and Manner of Notice, Nov. 7, 2013; and Dkt. 1915, Plaintiffs' Motion to File Objection to the Form of Supersedeas Bond, Nov. 18, 2013.

discovery, motion practice, mediation, potential settlement, preparation for trial, trial, and post-trial issues; and continually reviewing documents filed with the court.

18. 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 available for review at the Court's request.

19. These written time sheets record 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 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.

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

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

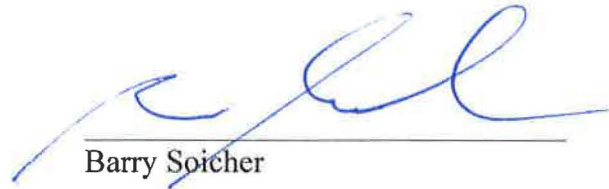
32. In law school, he received the Board of Trustees Annual Moot Court Award.

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, he 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).

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.

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

Executed: December 16th, 2013, at San Francisco, California



Barry Soicher

DECLARATION OF SERVICE BY ELECTRONIC MAIL

I, the undersigned, declare:

1. That declarant is and was, at all times herein mentioned, a citizen of the United States and employed in the City and County of San Diego, State of California, over the age of 18 years, and not a party to or interested party in the within action; that declarant's business address is 655 W. Broadway, Suite 1900, San Diego, California 92101.

2. That on December 31, 2013, declarant caused to be served by electronic mail to the parties the following document:

DECLARATION OF BARRY SOICHER, AS ATTORNEY-IN-FACT FOR
LAWRENCE G. SOICHER, ESQ., IN SUPPORT OF THE APPLICATION FOR
ATTORNEYS' FEES NOT TO EXCEED 25% OF THE ULTIMATE TOTAL
RECOVERY AND EXPENSES

The parties' e-mail addresses are as follows:

Tkavaler@cahill.com	Zhudson@bancroftpllc.com
Pfarren@cahill.com	Mrakoczy@skadden.com
Dowen@cahill.com	Rstoll@skadden.com
Jhall@cahill.com	Mmiller@MillerLawLLC.com
Pclement@bancroftpllc.com	Lfanning@MillerLawLLC.com

I declare under penalty of perjury that the foregoing is true and correct. Executed this 31st day of December, 2013, at San Diego, California.

s/ TERESA HOLINDRAKE

TERESA HOLINDRAKE