

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

WILLIAM McGEE and LEE McGEE,
Individually and on Behalf of All Others
Similarly Situated,

Plaintiffs,

vs.

CONSTANT CONTACT, INC., et al.,

Defendants.

) No. 1:15-cv-13114-MLW

) CLASS ACTION

) DECLARATION OF ALAN L. KOVACS,
) ESQ. IN SUPPORT OF APPLICATION FOR
) AWARD OF ATTORNEYS' FEES AND
) EXPENSES

I, ALAN L. KOVACS, declare as follows:

1. I am submitting this declaration in support of my application for an award of attorneys' fees and expenses/charges ("expenses") in connection with services rendered in the above-entitled action.

2. I am Liaison counsel of record for Lead Plaintiff North Collier Fire Control and Rescue District Firefighter Pension Plan .

3. The information in this declaration regarding my time and expenses is taken from time and expense reports and supporting documentation prepared and/or maintained by me in the ordinary course of business. I 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 on the printouts 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 my 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. In addition, these expenses are all of a type that would ordinarily be charged to a fee-paying client in the private legal marketplace.

4. The number of hours spent on the Litigation by me is 30.4, as shown on attached Exhibit A. The lodestar amount for my time, based on my 2019 hourly rate in contingent cases, is \$14,440.¹ My 2019 hourly rate of \$475 is based on periodic analysis of rates charged by attorneys performing comparable work both on the plaintiff and defense side, and a variety of

¹ As this case was preliminarily approved by the Court in 2019, I have used 2019 rates here to calculate my lodestar.

additional factors, including years of practice, relevant experience, relative expertise, and the rates of similarly experienced peers at other firms. During 2019, I did not submit a fee application in any securities class action litigation, or any other contingent class action litigation, in any state or federal court; however in 2018, I submitted a fee request in a consumer protection class action in federal court for work performed in 2017 at an hourly rate of \$450.

5. I also seek an award of \$159.00 in expenses and charges in connection with the prosecution of the Litigation. Those expenses and charges are summarized by category on attached Exhibit B.

The following is additional information regarding those expenses:

(a) Transportation, Hotels & Meals: \$ 81.00. This expense is solely for parking fees and tolls paid in connection with attending court hearings in this matter on the dates set forth on attached Exhibit C.

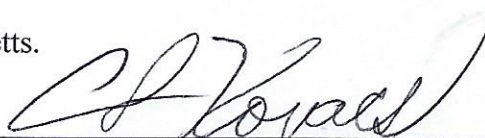
(b) Photocopies: \$ 65.20. In connection with this case, I made 326 in-house black and white copies, charging \$0.20 per copy for a total of \$ 65.20. Each time an in-house copy is made in regard to any matter, I immediately note the number of copies on appropriate billing system records.

6. Miscellaneous Expenses: \$ 12.80. These expenses were PACER charges for reviewing and obtaining copies of the then current Docket in this matter and filings made prior to Lead Plaintiff Motions.

7. 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.

8. My background is shown on attached Exhibit D.

I declare under penalty of perjury that the foregoing is true and correct. Executed this
13th day of March, 2020, at Newton, Massachusetts.



ALAN L. KOVACS

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 30, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the Court's Electronic Mail Notice List, and I hereby certify that I have caused to be mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the Court's Manual Notice List.

/s/ Ellen Gusikoff Stewart

ELLEN GUSIKOFF STEWART

EXHIBIT A

EXHIBIT A

William McGee and Lee McGee v. Constant Contact, Inc., et al.,

No. 1:15-cv-13114-MLW

LAW OFFICE OF ALAN L. KOVACS

Inception through 11/22/2019

<i>NAME</i>		<i>HOURS</i>	<i>RATE</i>	<i>LODESTAR</i>
Alan L. Kovacs	(P)	30.4	\$475	14,440
<i>TOTAL</i>		<i>30.4</i>		<i>14,440</i>

(P) Partner

(A) Associate

EXHIBIT B

EXHIBIT B

William McGee and Lee McGee v. Constant Contact, Inc., et al.,
No. 1:15-cv-13114-MLW
LAW OFFICE OF ALAN L. KOVACS
Inception through 11/22/2019

<i>CATEGORY</i>		<i>AMOUNT</i>
Transportation, Hotels & Meals		\$81.00
Photocopies		
In-House Black and White Copies: (326 copies at \$0.20 per page)		\$65.20
Miscellaneous		\$12.80
<i>TOTAL</i>		<i>\$159.00</i>

EXHIBIT C

EXHIBIT C

William McGee and Lee McGee v. Constant Contact, Inc., et al.,
No. 1:15-cv-13114-MLW
LAW OFFICE OF ALAN L. KOVACS

Transportation, Hotels & Meals: \$ 81.00 (Parking and Tolls)

<i>NAME</i>	<i>DATE</i>	<i>DESTINATION</i>	<i>PURPOSE</i>
Alan L Kovacs	11/8/19, 11/22/19	Courthouse	Hearings

EXHIBIT D

EXHIBIT D

RESUME

LAW OFFICE OF ALAN L. KOVACS

ALAN KOVACS concentrates on corporate transactional matters for small and medium sized businesses, trade regulation counseling and complex business litigation, including antitrust, consumer protection and securities litigation. Mr. Kovacs has over 40 years of experience as an attorney.

After graduating from law school, Mr. Kovacs spent four years as an Assistant District Attorney in Manhattan, New York and Middlesex County, Massachusetts, where he did both appellate and trial work arguing over a dozen cases before the highest appellate courts in New York and Massachusetts. From 1978 through 1985, he worked in the Antitrust Division of the Massachusetts Attorney General's Office where he rose to Chief of that Division as well as Chairman of Antitrust Task Force of the National Association of Attorneys General. He has been in private practice since 1985, first as Of-counsel to Ferriter, Scobbo, Sikora and now in his own firm.

Some of Mr. Kovacs's relevant work includes:

- Creation of joint venture among over 20 real estate firms to develop website for joint marketing of available properties;
- Representation of overseas wineries seeking to establish U.S. based distribution;
- Lead counsel in Oil Overcharge Litigation, a nationwide class action that involved claims that oil companies had violated price controls and that resulted in a nationwide settlement of over \$2 Billion;
- Representation, as Co-Lead Counsel, of retail liquor stores in antitrust litigation challenging validity of price posting statutes. Litigation resulted in a finding that the statutes are unconstitutional;
- Representation, as Co-Lead Counsel, of independent pharmacies in antitrust litigation against nationwide retail pharmacy chain and major HMO. Litigation resulted in a significant settlement based upon the entry of summary judgment against the defendants. Case represents one of few decisions on summary judgment in favor of a class of businesses under the Massachusetts Consumer and Business Protection Act;
- Representation of regional supermarkets in connection with governmental investigations of slotting fees;

- Representation of national food manufacturer in connection with governmental claims that inclusion of toy in product packaging constituted violation of federal and state food and safety regulations and consumer protection laws.
- Representation of internet company in litigation claiming that manufacturer and nationwide brick-and-mortar retailer engaged in antitrust violations and unfair trade practices by conspiring to drive internet company out-of-business. Litigation resulted in purchase of internet company by brick-and-mortar business.
- Shareholder Derivative Actions involving alleged back-dating of stock options exercisable by directors and officers, and alleged misstatements in financial disclosures.
- Representation of physician, pharmacies and ambulance companies claiming exclusion from health insurance networks constituted antitrust violations and unfair trade practices;
- Associate Commissioner, Massachusetts Hospital System Payment Advisory Commission, 1995 - 1997.

Mr. Kovacs is admitted to practice in Massachusetts, New York and Vermont, and in the United States Supreme Court, the US Circuit Court of Appeal for the Second Circuit, and the US District Courts for the Districts of Massachusetts, Southern New York and Eastern New York.

He is a graduate of Amherst College (1969, cum laude) and Columbia Law School (1972), where he was an Associate Editor of the Journal of International Law. He also holds a Masters of Law Degree in Taxation from Boston University (1979).