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7 **IN THE UNITED STATES DISTRICT COURT**
8 **FOR THE DISTRICT OF ARIZONA**

9 Don ADDINGTON, *et al.*,
10 Plaintiffs,
11 vs.
12 US AIRLINE PILOTS ASSN., *et al.*,
13 Defendants.

CASE NOS.
2:08-CV-1633-PHX-NVW
2:08-CV-1728-PHX-NVW

(Consolidated)

14 Don ADDINGTON, *et al.*,
15 Plaintiffs,
16 vs.
17 Steven H. BRADFORD, *et al.*,
18 Defendants.

AFFIDAVIT OF MARTY HARPER IN SUPPORT OF

PLAINTIFFS' MEMORANDUM IN SUPPORT OF MOTION FOR AWARD OF ATTORNEYS' FEES

19 I, Marty Harper, being duly sworn upon oath, hereby deposes and
20 states as follows:

21 1. I am Managing Partner of the firm Polsinelli Shughart, P.C.,
22 which has served as counsel for Plaintiffs Don ADDINGTON, John BOSTIC,
23 Mark BURMAN, Afshin IRANPOUR, Roger VELEZ, and Steve
24 WARGOCKI, on behalf of the West Pilot Class, in this case. I am admitted
25 to the practice of law in the state of Arizona, and have been for 35 years. I
26 practice in the areas of commercial litigation, complex class actions,
27 employment, appellate, election and general civil litigation. Attached to this
28 Affidavit as Exhibits 1 and 2 are task-based itemized statements of fees and

1 expenses incurred in prosecuting this action through and including the
2 injunctive relief phase.

3 2. Exhibit 1 contains a detailed description of the time devoted to
4 this matter with the initials of the lawyers and the staff involved. The
5 hourly billing rates for each attorney and paralegal who rendered services in
6 connection with this matter are specified in Exhibit 1, and the hourly rates
7 range from \$175 - \$450 for attorneys, from \$135 - \$200 for paralegals, and
8 \$100 to \$125 for law clerks. (A summary page of hours, rates and fees for
9 each timekeeper is at page 66.) The billing rates for the attorneys are
10 established by the Polsinelli Shughart firm, by taking into account each
11 attorney's education, experience and training. I am generally familiar with
12 the rates charged by other attorneys in this community with similar
13 experience, education and training. The rates charged by the Polsinelli
14 Shughart firm for the time expended on this matter by its attorneys are
15 consistent with those rates.

16 3. Exhibit 1 is based upon individual time entries recorded by the
17 lawyers, paralegals and clerks at Polsinelli Shughart firm on a daily basis.
18 Lawyers and para-professionals at this firm either enter their own time
19 entries directly into the firm's computerized accounting and billing system,
20 or prepare time sheets which are used by support personnel to enter the
21 time. Billings are generated from the computerized system and clients are
22 usually billed monthly for work performed and charges incurred.

23 4. Exhibit 1 also sets forth an itemized statement of costs incurred in
24 prosecuting this matter, beginning at page 66. It lists the date that costs
25 were incurred, the identification of the vendor, and the total amounts of
26 such costs paid.

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1 5. Exhibit 2 sets forth an itemized statement of costs incurred for
2 computerized legal research.¹ It lists the date that costs were incurred, the
3 identification of vendor and timekeeper, and the total amounts of such costs
4 paid.

5 6. Work performed and costs incurred for this firm's work in
6 connection with the 1 year of litigation it took to bring this matter to verdict
7 are \$1,678,300.50 in fees, \$93,428.78 in costs, \$49,500.59 in computerized
8 legal research, for a total of \$1,821,229.87.

9 7. After reviewing the time records maintained by the Polsinelli
10 Shughart firm, and evaluating the efforts necessary on these matters, I
11 believe total fees and costs for this firm of \$1,821,229.87 is reasonable and
12 appropriate for an award by this Court.

13 Dated this 7th day of September, 2009.

14 **POLSINELLI SHUGHART PC**

15 By: Marty Harper

16 Marty Harper
17 Security Title Plaza
18 3636 N. Central Ave., Suite 1200
19 Phoenix, AZ 85012

18 State of Arizona)
19) s
20 Maricopa County)

21 Subscribed and sworn to before me this 7th day of September, 2009.



22 Karen A. Hagen
23 Notary Public

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28 ¹ The total for computerized research, \$49,500.59, is itemized on page 66 of Exhibit 1, in the first section of the itemization of costs.

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CERTIFICATE OF SERVICE

I hereby certify that on September 4, 2009, I electronically transmitted the foregoing document to the U.S. District Court Clerk's Office by using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to CM/ECF registrants.

s/
