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11 **IN THE UNITED STATES DISTRICT COURT**
12 **FOR THE DISTRICT OF ARIZONA**

11 Don Addington; *et al*,
12 *Plaintiffs*,
13 vs.
14 US Airline Pilots Ass’n; and US Airways,
15 Inc.,
16 *Defendants*.

CASE NO. 2:13-CV-00471-ROS
**DECLARATION OF MARTY
HARPER IN SUPPORT OF
PLAINTIFFS’ REPLY
MEMORANDUM IN SUPPORT OF
MOTION FOR AWARD OF
ATTORNEYS’ FEES**

17
18 I, Marty Harper, being duly sworn upon oath, hereby deposes and states as follows
19 under penalty of perjury:

20 1. I am CEO and President of the law firm of ASU Alumni Law Group which has
21 recently served as counsel for Plaintiffs Don Addington, et al., on behalf of the West Pilot
22 Class, in this case. I was previously a shareholder and managing partner of Polisinelli, PC
23 (fka Polsinelli Shughart, PC), which served as counsel for the Addington Plaintiffs in
24 *Addington v. USAPA*, 08-cv-1633-PHX-NVW (“*Addington I*”); *US Airways v. Addington*,
25 2:10-cv-01570-PHX-ROS (“*Addington II*”); *Addington v. USAPA*, 13-cv-00471-PHX-
26 RPS (“*Addington III*”); and the appeals arising from each of these matters. I am admitted
27 to the practice of law in the State of Arizona, and have been for 43 years. I practice in the
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1 areas of commercial litigation, complex class actions, employment, appellate, election and
2 general civil litigation.

3 2. Attached to this Affidavit as Exhibit 1 are task-based itemized statements of
4 fees and expenses incurred by the Plaintiffs in preparing their application for fees in this
5 matter.

6 3. Exhibit 1 contains a detailed description of the time devoted to preparing the
7 initial application for fees as well as initial work on this Reply The hourly billing rates for
8 each attorney who rendered services in connection with this matter are specified in Exhibit
9 1, and the hourly rates range from \$300 - \$350 for attorneys. (A summary page of hours,
10 rates and fees for each timekeeper is at end of each monthly invoice.) For this matter,
11 Polsinelli, ASU Alumni Law Group, and Andrew S. Jacob, PLLC, established billing
12 attorneys' rates by taking into account the attorney's education, experience and training. I
13 am generally familiar with the rates charged for work during the 2015 to early-2016 time
14 period by other attorneys in this community with similar experience, education and
15 training. The rates charged by Polsinelli, ASU Alumni Law Group, and Andrew S. Jacob,
16 PLLC, for the time expended on this matter by their attorneys were, and I believe still are,
17 consistent with those rates.¹

18 4. Exhibit 1 shows individual time entries recorded by the lawyers at Polsinelli,
19 ASU Alumni Law Group and Andrew S. Jacob, PLLC, for work on the application for fees
20 on a daily basis. These lawyers either entered their own time entries directly into a
21 computerized accounting and billing system, or prepared time sheets that are used by
22 support personnel to enter the time. Billings were generated from the computerized system
23 and clients were usually billed monthly for work performed and charges incurred.

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26 ¹ Because the mission of the ASU Alumni Law Group is to train new lawyers and
27 provide quality legal services at below-market rates, the rates charges by the Law Group
28 in this matter, were substantially reduced from comparable rates charged in this
community, including the rates charged for the same lawyers when they were at Polsinelli.

1 5. Exhibit 1 includes costs for computerized legal research, with the total amounts
2 of such costs incurred on a monthly basis.

3 6. Work performed and costs incurred at Polsinelli, ASU Alumni Law Group, and
4 Andre S. Jacob, PLLC, for preparation of the fee application and supporting materials are
5 \$42,268.00 in fees, and \$148.50 in computerized legal research, for a total of \$42,416.50.

6 7. After reviewing the time records maintained by Polsinelli, ASU Alumni Law
7 Group, and Andrew S. Jacob, PLLC and evaluating the efforts necessary to prepare an
8 application for fees covering nearly eight years of hotly contested litigation, I believe total
9 fees and costs for preparing an application for fees and costs and all supporting
10 documentation as the prevailing party in the *Addington* litigation of \$42,416.50 are
11 reasonable and appropriate for an award by this Court.

12 CONCLUSION

13 Plaintiffs respectfully request that the Court award them a total of **\$3,635,481.85**,
14 which amount includes the fees and costs requested in the initial application, plus those
15 requested in this reply.

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18 Respectfully submitted this 22nd day of January, 2016.

19 ASU ALUMNI LAW GROUP

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