EXHIBIT 4

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

ARTEM V. GELIS, *et al.* individually and on behalf of all others similarly situated, Plaintiffs, v. BMW OF NORTH AMERICA, LLC., Defendants.	Civil Action No. 2:17-cv-7386-SDW-CLW **DECLARATION OF BRUCE H. NAGEL IN SUPPORT OF APPLICATION FOR ATTORNEYS' FEES AND EXPENSES**

BRUCE H. NAGEL, ESQ. declares as follows:

1. I am a founding partner of the law firm of Nagel Rice, LLP ("NR"), counsel for Plaintiffs Darrian Stovall, Alex Martinez, Chris Williams, Ashok Patel, Kenneth Gagnon, Michael Cerny, Maria Meza, Andre Malske, Nicole Guy, David Richardson and Stacey Turner, in the above matter, together with my co-counsel, Gary Graifman of Kantrowitz, Goldhamer & Graifman, P.C. ("KGG") and Thomas P. Sobran, Esq. of Thomas P. Sobran, P.C. ("TPS"). As one of the three Co-Lead Counsel, I am fully familiar with the facts and circumstances contained herein based upon my personal knowledge and the books and records kept in the ordinary course of NR's business. I submit this declaration in support of Class Counsel's application for an award of attorneys' fees in above-captioned action (the "Action"), as well as for reimbursement of expenses incurred by my firm in connection with the Action.

2. NR served as Co-Lead Counsel in this Action. As co-counsel for the Class, the attorneys of my firm were involved in performing the following tasks: pre-litigation investigation of the facts herein; drafting our initial complaint, vetting of and communicating with clients, prospective class members and class members; drafting and researching portions of the Consolidated Amended Complaint and the Second Consolidated Amended Complaint; Drafting and submitting the 23(g) Motion; researching and drafting portions of the memorandum of law in opposition to motion to dismiss; attending court conferences and argument on motions before the court; negotiating the agreement concerning parameters of the discovery from BMW, AG, in return for dismissal of BMW, AG; drafting discovery requests for both BMW NA and BMW AG; preparing, serving and reviewing responses to subpoenas served upon numerous dealerships where our class representatives purchased or had their vehicles serviced; receiving and reviewing discovery responses and documents produced by defendants; drafting and reviewing discovery demands for service on defendants' interrogatory demands; contacting and reviewing the matter with experts; settlement conferences and litigation strategy with co-counsel; settlement conferences with all parties; preparing for mediation sessions; research and review of file to prepare pre-mediation briefing; attending mediation sessions with Judge Stephen Orlofsky (ret.); preparation and negotiation of term sheet in connection with substantive settlement; preparing for mediation session with Magistrate Judge Cathy L. Waldor; legal research, review of file, review comparable settlements in ECF and Westlaw database; edit premediation submissions for Judge Waldor; attend mediation session with Judge Waldor; prepare, review and revise settlement agreement; review, revise and negotiate language for Settlement Agreement exhibits (drafts of class notice, settlement claim form, Preliminary Approval Order and proposed Final Approval Order); conferences with counsel for defendant regarding settlement documents; preparation of

Preliminary Approval Motion and joint certification of counsel in support thereof; coordinate and complete exhibits to Motion for Preliminary Approval; prepare, revise and finalize memorandum of law in support of Preliminary Approval Motion; finalize and submit Preliminary Approval Motion; attendance at hearing (virtually) on Preliminary Approval Motion; coordinating with court-appointed claims administrator on drafts and finalize the class communications and settlement class notices, settlement claim form and claims deficiency notices. Going forward, substantial work in this Action will continue and the attorneys of NR will also be required to prepare, research, draft and file the Final Approval Motion papers; engage in the multitude of communications and/or email discussions with class members as to the status of settlement administration, addressing issues relating to class members' individual qualification for reimbursement or the extended warranty program, issues concerning the extended warranty, addressing deficiencies in class members' filed claims and assist in curing such deficiencies; engaging in the attorney review of denied claims with respect to administrative appeals of such denials; reviewing opt outs and objections, if any; preparing documents in opposition to any objections; preparing for the Final Approval hearing; attending the Final Approval hearing; engaging in post-approval coordination of payment of claims; issues with claims; additional emails and communications with class members post-Effective Date of the settlement.

3. The schedule attached hereto as **Exhibit 1** is a summary indicating the amount of time spent by each attorney of NR who was involved in the Action based on the various tasks, and the lodestar calculation based on NR's current billing rates. This schedule includes in the category columns for "Class Claims Administration Issues and Communications with Class Members" (Column 11) and "Final Approval Process" (Column 12) the additional time I reasonably anticipate to incur in this matter between now and eventual conclusion of this matter (e.g., which will

continue even after the Effective Date of the settlement (but not including any appeals which may be filed, if any)). In my experience with numerous consumer class action settlements, particularly those involving a claims process, I anticipate that Class Counsel will incur another 260 hours and, as apportion of that, my firm and I will spend another approximately 86 hours on this matter. Other than that estimated 86 hours to be incurred herein, the lodestar schedule annexed hereto (Exhibit 1) was prepared from contemporaneous daily time records regularly prepared and maintained by my firm, which are available at the request of the Court. As noted, an amount of time anticipated to be spent on preparation, finalizing and filing of the Final Approval motion papers, preparing for argument of that motion; attending and presenting at the Final Approval hearing, preparing the oppositions to any objections and dealing with claims questions by class members, is estimated based on my experience with prior consumer defect consumer class action settlements.

4. Prior to the Final Approval Hearing, scheduled for February 16, 2021, Class Counsel intend to supplement the record herein and submit the actual additional time expended up through that point prior to the Final Approval hearing.

5. The hourly rates for the attorneys of NR included in **Exhibit 1** are consistent with rates previously approved in other class actions. Most recently, in *Donnenfeld v Petro Inc.*, E.D.N.Y., Case No. 2:17-cv-02310-SIL, a class action settlement was approved with my rate at $900 and Ms. Matloff's rate at $750.

6. The total number of hours expended on this Action by NR through October 31, 2020 (and including the additional time we anticipate will be incurred through the conclusion of this matter) is 758.2. The total lodestar for my firm for that period is $612,895.00.

7. NR's lodestar figures are based upon the firm's billing rates, which rates do not include charges for expense items. Expense items are billed separately and such charges are not duplicated in my firm's billing rates.

8. As detailed in the schedule attached hereto as **Exhibit 2,** NR has incurred a total of $7,852.60 in unreimbursed expenses to date in connection with the prosecution of this Action. It is expected that additional expenses, including experts fees, will be incurred in the future in the Action and such additional expenses, if any, will be submitted in Plaintiffs' supplemental submissions.

9. The expenses incurred in this Action are reflected on the books and records of my firm. These books and records are prepared from expense vouchers, check records and other source materials and are an accurate record of the expenses incurred.

10. With respect to the history and standing of my firm, attached hereto as **Exhibit 3** is the firm resume.

I hereby declare under penalty of perjury that the foregoing facts are true and correct.

/s Bruce H. Nagel
Bruce H. Nagel

Dated: December 8, 2020

EXHIBIT 1

GELIS, ET AL. V. BMW OF NORTH AMERICA, LLC
Case No. 17-cv-07386
TIME & LODESTAR CHART (By Category)
FIRM NAME: NAGEL RICE, LLP
PERIOD: Inception to October 30, 2020

Name/Position	1	2	3	4	5	6	7	8	9	10	11	12	Hours	Hourly Rate	**Lodestar**
Robert H. Soloman, Esq. (P)	24.8	9.5	.4	3.8	2.7	0	0	0	0	.5	0	0	41.7	$800/hr	$33,360.00
Bruce H. Nagel, Esq. (P)	4.2	8.7	12.8	5.4	13.2	4.5	0	27.6	.8	24.1	0	15	116.3	$900/hr	$104,670.00
Randee M. Matloff, Esq. (P)	3.3	51.6	38.6	44.7	81.1	13.3	3	51.9	51.9	170.1	.9	72	582.4	$800/hr	$465,920.00
Greg Kohn, Esq. (P)	0	0	.3	0	0	0	0	0	0	0	0	0	0.3	$650/hr	$195
Zackary Goldberg, Esq. (A)	0	0	0	2	15.5	0	0	0	0	0	0	0	17.5	$500/hr	$8,750.00
TOTAL	32.3	69.8	52.1	55.9	112.5	17.8	3	79.5	52.7	194.7	.9	87	758.2		$612,895.00

CATEGORIES

1. Pre-Litigation Investigation and Fact Analysis
2. Drafting Complaints (Original, First, Amended Second Amended)
3. Case Development and Case Administration
4. Post Filing Investigation and Communications with Class Members
5. Motion Practice, Drafting Memoranda and Legal Research
6. Court Hearings and Appearances
7. Communications with Consultants/Experts
8. Negotiations and Settlement Process
9. Settlement Documentation, Motions & Briefing (e.g., Prelim & Final Approval
10. Discovery
11. Class Claims Administration Issues and Communications with Class Members/Witnesses re Settlement
12. Final Approval Process, Final Approval Motion & Objection Replies, Communications with Class Members through Conclusion (NOTE: Currently Estimated)

Position Key: P=Partner, SA=Senior Associate, A=Associate, PL=Paralegal

EXHIBIT 2

Exhibit 2
EXPENSE REPORT FOR
GELIS, ET AL. V. BMW OF NORTH AMERICA, LLC
Case No. 17-cv-07386-SLW-CLW
EXPENSE CHART (By Category)
FIRM NAME: NAGEL RICE, LLP
PERIOD: Inception to October 31, 2020

Category	**Amount**
Westlaw and Carfax Searches	$1,113.73
Travel, and Related Expenses	$ 22.00
Photocopying (including commercial or internal copying)	$ 605.10
Conference Call Service	$ 12.66
Postage and Overnight Delivery (Fed Ex, UPS)	$ 140.61
Court Filing Fees	$ 400.00
Experts/Consultants	$4,000.00
Process Service for Subpoenas	$ 1,558.50
TOTAL	**$7,852.60**

EXHIBIT 3

NAGEL RICE, LLP

Nagel Rice, LLP, founded in 1983, is widely recognized as one of the premier litigation firms in the New York metropolitan area having handled complex actions in federal and state courts throughout the county and garnering over $1 billion in settlement and verdicts. The firm has the distinction of having over 200 settlements and verdicts in excess of one million dollars. The firm's experience in class action litigation has been extensive and varied.

The firm has served as lead, co-counsel or in Executive Committee positions in numerous State and Federal class actions and MDL's, including:

NATIONAL CLASS ACTIONS

Donnenfeld v. Petro Inc. d/ba Petro Home Services, Eastern District of New York, Civil Action No. 17-02310. Court appointed lead counsel in $3 million nationwide class action settlement involving Petro's marketing and sale of "ceiling price plan" contracts to its home heating oil customers and providing monetary relief to each of the 92,546 Ceiling Plan customers of Petro during the Class Period. Approved by Honorable Steven I. Locke, U.S.M.J. on March 26, 2020.

Gelis v. BMW NA, District of New Jersey, Civil Action No.: 17-07386, Court appointed co-lead counsel in nationwide class involving 575,024 vehicles containing defective timing chains in several models and model year BMWs. Settlement in the case has been reached and final approval is currently scheduled for February 16, 2021.

Diaz, et al v. TD Bank, N.A., District of New Jersey, Civil Action No.: 16-2395. Court appointed co-lead counsel in $7.5 million nationwide class action settlement involving consumer fraud and other claims approved by the Honorable Jerome B. Simandle, U.S.D.J. on January 12, 2108.

Kuzian, et al. v. Electrolux Home Products, Inc., District of New Jersey, Civil Action No.: 12-03341. Court appointed co-lead counsel in a nationwide consumer class action involving consumer fraud claims regarding defective ice-makers impacting over 100,000 class members, resulting in a $20 million nationwide settlement approved by the Honorable Noel L. Hillman, U.S.D.J. on February 10, 2016. Published opinion substantially defines the causes of action, Kuzian v. Electrolux Home Products, 937 F.Supp. 2d 599 (D.N.J. 2013).

In re: Discover Card Payment Protection Plan Marketing and Sales Practices Litigation, MDL No. 2217, United States District Court for the Northern District of Illinois. Court-appointed co-lead class counsel in $10.5 million nationwide

class action settlement alleging improper marketing and administration of Defendants' Payment Protection Plan, Identity Theft Protection, Wallet Protection and Credit Score Tracker products.

Esslinger, et al. v. HSBC Bank Nevada, N.A. et als., 10-03213, United States District Court for the Eastern District of Pennsylvania. Court-appointed co-lead class counsel in $23.5 million nationwide class action settlement involving improper marketing and practices related to Defendants' debt suspension/debt cancellation products.

O'Hara, et. al v. Medieval Times, 10-751, United States District Court of the District of New Jersey. Court-appointed co-lead class counsel in nationwide class action regarding violations of the Fair and Accurate Credit Transaction Act, resulting in multi-million dollar settlement, and other injunctive relief.

Torres-Hernandez, et al. v. STI Prepaid, et.al, 08-1089, United States District Court, District of New Jersey. Court appointed co-lead counsel in nationwide consumer class action involving sale of prepaid calling cards; $8.2 million dollar settlement granted final approval.

In re: Bank of America Credit Protection Marketing & Sales Practices Litigation, MDL No. 2269, United States District Court of the Northern District of California. Selected to serve on the Plaintiffs' Executive Committee in this Multi-District litigation involving Bank of America's marketing and sales practices relating to its debt suspension/debt cancellation products.

In re: South African Apartheid Litigation, MDL No. 1499, United States District Court for the Southern District of New York. Co-lead counsel in a putative class action under the ATS against corporations who violated *jus cogen* standards of international human rights law.

In re African American Slave Descendants' Litig., 304 F.Supp.2d 1027 (N.D. Ill. 2004); *In re African American Slave Descendants' Litig.*, 307 F.Supp.2d 977 (N.D. Ill. 2004); *In re African American Slave Descendants' Litig.*, 272 F.Supp.2d 755 (N.D. Ill. 2003); and *In re African American Slave Descendants' Litig.*, 231 F.Supp.2d 1357 (J.P.M.L. 2002). Court appointed co-lead counsel in landmark reparation cases.

Smith, et al. v. Ticketmaster, 09-02177, United States District Court, Central District of California. Class action involving consumers who were wrongfully transferred to secondary market web-site that was owned by company recently acquired by Ticketmaster where they could only purchase tickets significantly higher than their ticket price. Bruce Nagel was a member of Executive Committee.

In re Citigroup Capital Accumulation Plan, 150 F.Supp.2d 274 (D.Mass. 2001).

Court-Appointed Lead Counsel in class action involving deferred compensation plan of major brokerage firm for the states of Florida, Nebraska, Colorado, Louisiana, Georgia, and Michigan. Class certification granted for the states of Florida, Colorado and Louisiana. Claims in excess of $300 million. Referenced in Farr, *The Manuel for Complex Litigation*, Fourth Ed. (2004), Appendix.

In re Ski Train Fire in Kaprun, Austria, 220 F.R.D. 195 (S.D.N.Y. 2003) *rev'd Kern v. Siemens Corp.*, 393 F.3d. 120 (2d Cir. 2004). Court appointed co-lead counsel in multi-district certified class action involving the death of 153 individuals in a train fire in Austria. Class certification reversed on appeal. Settlement of $16 million on behalf of the American plaintiffs.

NEW JERSEY CLASS ACTIONS

Edwards, et al, v Horizon Blue Cross Blue Shield of New Jersey, District of New Jersey, Civil Action No. 08-6160. After 12 years of litigation, court appointed co-lead counsel in $160 million class action settlement involving ERISA claims and under reimbursement of surgery center fees. Approved by the Honorable Kevin McNulty, U.S.D.J. on June, 29, 2018.

Drazin v. Horizon Blue Cross-Blue Shield of New Jersey, 06-06219, United States District Court, District of New Jersey. Lead Counsel in class action for injunctive relief and damages relating to coverage of eating disorders as biologically based mental illnesses under the New Jersey Mental Health Parity Act; resulting in settlement of $19 million and multiple business reforms affecting 1.5 million class members; final approval granted by Hon. Faith Hochberg; Court finds Nagel Rice to be "fine lawyers," and "honorable counsel" who "settled on terms that provided class members with very valuable relief." *Drazin v. Horizon Blue Cross Blue Shield of NJ*, 832 F.Supp. 2d 432 (D.N.J. 2011), *aff'd.* 528 Fed. Appx. 211 (3d. Cir. 2013)

Finkelman v. Nat'l Football League, 877 F.3d 504 (3d Cir. 2017) and *Finkelman v. Nat'l Football League* 810 F.3d 187 (3d Cir. 2016), Lead counsel in consumer class action brought on behalf of all attendees at the Super Bowl who bought tickets in the secondary market at prices above the face value of the tickets. Action asserts statutory violations of the New Jersey Consumer Fraud Act due to withholding more than 5% of tickets from sale to the public. Third Circuit reversed trial court and found Article III standing and certified a question to the New Jersey Supreme Court. After the New Jersey Supreme Court's opinion in Finkelman v. Nat'l Football League, 080501, 2019 WL 149446 (N.J. Jan. 9, 2019) the Third Circuit dismissed.

DeVito v. Aetna, 07-418 (FSH) United States District Court, District of New Jersey. Lead counsel in class action for injunctive relief and damages relating to coverage of eating disorders as biologically based mental illnesses under the New Jersey Mental Health Parity Act. Settlement involving reimbursement of past

denials and multiple business reforms affecting 250,000 class members. *DeVito v. Aetna*, 536 F.Supp.3d 523 (D.N.J. 2008).

Ravi Motwani, et al. v. Marina District Development Company, LLC, et al., District of New Jersey, Civil Action No.: 15-2069. Lead counsel in consumer class action, including New Jersey Consumer Fraud Act and New Jersey Truth in Consumer Warranty and Notice Act claims on behalf of class members. On December 22, 2016, Honorable John Michael Vazquez, U.S.D.J. granted final approval of a settlement class predicated upon Defendant Borgata's use of deceptive and misleading parking vouchers. The sum of $405,650.00 in benefits automatically distributed to Class Members without the need to file a claim.

Englewood Hospital and Medical Center for v. Esurance Holdings, Inc. d/b/a Esurance (NJ), District of New Jersey, Civil Action No. 10-05585. Lead counsel in consumer class action where court approved class action settlement provided for monetary relief and the termination of the offending practices.

Rosen v. Smith Barney, 393 N.J. Super. 578 (App. Div. 2007) *aff'd* 195 N.J. 423 (2008). Lead counsel in certified class action against brokerage firm involving deferred compensation plan, resulting in $9 million judgment against the firm, reversed on appeal, and affirmed by the New Jersey Supreme Court.

Nagel Rice also has extensive experience in complex litigation. Among other cases, the firm represented the State of New Jersey in establishing liability for natural resource damages against Exxon Mobil in connection with pollution at two refinery sites, *N.J.D.E.P. v. Exxon Mobil,* 393, N.J. Super, 388 (App. Div. 2007), and is handling a multi-billion dollar RICO action against major hedge funds in connection with a short selling scheme. *Fairfax Financial Holdings Limited v. S.A.C. Capital Management, LLC, et al.*, Docket No.: MRS-L-2032-06, Superior Court, State of New Jersey.

INDIVIDUAL ATTORNEYS

MEMBERS OF FIRM

BRUCE H. NAGEL, born Paterson, New Jersey, August 28, 1952; admitted to bar 1977, New Jersey, U.S. District Court, District of New Jersey and U.S. Court of Appeals, Third Circuit; 1995, U.S. Court of Appeals, Fourth Circuit; 2001, U.S. Court of Appeals, First Circuit 2014, U.S. Supreme Court. EDUCATION: Cornell University (B.S., 1974); New York University (J.D., 1977). Author: "Griggs Settlements: Dead or Alive," New Jersey Law Journal, May 2008; "The Evolving Torts of Wrongful Life and Wrongful Birth," New Jersey Lawyer, October, 1997. Co-Author: "Critical Pattern Requirement under RICO," New Jersey Law Journal, September 1, 1988. Moderator and Lecturer: Trying Breast Cancer Cases, Institute for Continuing Legal Education, September 2004; Winning the Big Verdict, Institute for Continuing Legal Education, November, 2003; "Trying a Wrongful Birth Case," ATLA, New Jersey Symposium, 2002; First Annual Tort Law Forum, Institute for Continuing Legal Education, June, 1997, July 2008. Lecturer: Tort Law Conference, Institute for Continuing Legal Education, 2007, 2008; Annual Convention, Top Ten Tort Cases of 1997, The Association of Trial Lawyers of America-New Jersey, 1997; Third Annual At-Will Employment Law Symposium, 1989; Civil Trial Institute, Institute for Continuing Legal Education, July, 2005. Adjunct Professor, Medical Malpractice, New Jersey Practice, Seton Hall University School of Law. Included on 2008-2013 top 10 *New Jersey Super Lawyers* list, New Jersey Monthly Magazine; Best Lawyers in America, 2006-2013. Best Lawyers in New York Metropolitan Area, New York Magazine, 2006-2013. MEMBER: Essex County and New Jersey State Bar Associations; The Association of Trial Lawyers of America; The Association of Trial Attorneys of New Jersey (Board of Governors); Million Dollar Advocates Forum. (Certified Civil Trial Attorney, Supreme Court of New Jersey, Board on Trial Attorney Certification) SPECIAL AGENCIES: Special Counsel to New Jersey Department of Environmental Protection for Natural Resource Damage Litigation. REPORTED CASES: Finkelman v. Nat'l Football League, 877 F.3d 504 (3d Cir. 2017); Finkelman v. Nat'l Football League, 810 F.3d 187 (3d Cir. 2016); Kuzian v. Electrolux Home Products, Inc., 937 F.Supp.2d 599 (D.N.J. 2013); Clark v. Prudential, 289 F.R.D. 144 (D.N.J. 2013); Clark v. Prudential Ins. Co. of America, 736 F.Supp.2d 902 (D.N.J. 2010); Drazin v. Horizon Blue Cross Blue Shield of NJ, 832 F.Supp. 2d. 432 (D.N.J. 2011) *aff'd* Fed. Appx. 211 (3d Cir. 2013); Franco v. Conn. Gen. Life Ins. Co., 818 F.Supp. 2d. 792 (D.N.J. 2011); Devito v. Aetna, 536 F. Supp. 2d 523 (D.N.J. 2008); New Jersey Dept. of Environmental Protection v. Exxon Mobil Co. 393 NJ Super, 388 (App. Div. 2007); New Jersey Eye Center v. Princeton Ins. Co., 394 N.J. Super. 557 (App. Div. 2007); Rosen v. Smith Barney, 195 N.J. 423 (2008); In re Citigroup, Inc., Capital Accumulation Plan Litigation, 150 F. Supp. 2d 274 (D. Mass. 2001); In re Citigroup, Inc., Capital Accumulation Plan Litigation, 2001 WL 1423721 (D. Mass. 2001); Brodsky v. Grinnell Haulers, Inc. 181 N.J. 102 (2004); Macedo v. Dello Russo, 178 N.J. 340 (2004); Howard v. UMDNJ, 172 N.J. 537 (2002); Couri v. Gardner, 173 N.J. 328 (2002); Myers v. Epstein, 282 F. Supp. 2d 151 (S.D. N.Y.,2003); Ponzo v. Pele, 166 N.J. 481 (2001); Teaneck FMBA v. Township of Teaneck, 177 N.J. 560 (2003); Linquito v. Siegel, 370 N.J. Super. 21 (App. Div. 2004); Hummel v. Reiss, 129 N.J. 118

(1992); Jacobs v. Great Pacific Century Corp., 104 N.J. 580 (1986); Lodato v. Kappy, 353 N.J. Super. 439 (App. Div. 2002); Moscatello v. UMDNJ, 342 N.J. Super. 351 (App. Div. 2001); RFE Industries, Inc. v. SPM Corp., 105 F.3d 923 (4th Cir. 1997); National Property Investors VIII v. Shell Oil Co., 917 F. Supp.324 (D.N.J. 1995); Caputa v. Antiles, 296 N.J. Super. 123 (App. Div. 1996); Ladner v. Mercedes-Benz of North America, Inc., 266 N.J. Super. 481 (App. Div. 1993); Town of Kearny v. Hudson Meadows Urban Renewal Corp., 829 F.2d 1263 (3rd Cir. 1987). PRACTICE AREAS: Trial Practice; Class Actions; Medical Malpractice; Serious Personal Injury; Products Liability; Employment Law; Professional Liability; Mass Torts; Toxic Torts; Wrongful Birth; Environmental Litigation; Qui Tam Litigation. EMAIL: BNagel@nagelrice.com Mr. Nagel has tried over 150 cases to conclusion and handled over 100 appeals in federal and state courts throughout the country (including 12 before the New Jersey Supreme Court). He has approximately 70 published opinions in the field of class action, medical malpractice, trial practice, product liability, consumer fraud and other related areas of law; he is an adjunct professor at Seton Hall Law School; and he has also lectured extensively for both ICLE and ATLA-NJ on a variety of trial related topics. He is a certified civil trial attorney, a designation held by less than 2% of New Jersey attorneys. He has the unique distinction of arguing three class actions before the New Jersey Supreme Court.

JAY J. RICE, born New York, N.Y., February 12, 1952; admitted to bar 1977, New Jersey and U.S. District Court, District of New Jersey; 1979, U.S. Court of Appeals, Third Circuit; 1981, U.S. Supreme Court; 2002, U.S. Court of Appeals, Second Circuit; 2003, U.S. District Court, Southern District of New York. EDUCATION: Rutgers University (B.A., with honors, 1974; J.D., 1977). Recipient, Pro Bono Chancery Achievement Award, Essex County Bar Association, 1995. Listed, Top 100 Lawyers New Jersey Monthly Magazine, 2007, 2008, 2009, 2010 and 2011. Top 10 Lawyer, New Jersey Monthly Magazine 2012. Law Clerk to the Honorable Baruch S. Seidman, New Jersey Superior Court, Appellate Division, 1977-1978. Author: "Equity Procedures," New Jersey Practice, Vol. 19, Chapter 4, 1993; "Responsibility of Insolvent Corporation for Environmental Cleanup," New Jersey Law Journal, September 25, 1986. Lecturer: "Restrictive Covenants," New Jersey State Bar Association Convention, 1989; "The Corporate Deadlock Statute," New Jersey State Bar Convention, 1990; "Law Firm Dissolution," New Jersey State Bar Association Convention, 1991; "The Corporate Deadlock Statute," Institute of Continuing Legal Education, 1991; "Successfully Litigating The Closely Held Corporate Dispute When Those in Control Have Engaged in Fraud and Mismanagement," Essex County Bar Association, 1993; "Litigating Fraud and Mismanagement Disputes in Closely Held Corporations," Institute of Continuing Legal Education, 1995; "Marketability Discounts in the Sale of Closely Held Stock," Equity Jurisprudence Committee, 1999; "Law Firm Breakups Ten Years After Norris," New Jersey State Bar Association General Equity Jurisprudence Committee, 2003; "Chancery 2010 Corporate Divorces", New Jersey State Bar Association Convention 2010. Member: District Ethics Committee for Essex County District V-B, 1994-1999; N.J. Lawyer Editorial Board, 1996-2008. Program Administrator, Superior Court Chancery Division Essex County Early Settlement Program, 1990-. MEMBER: Essex County, New Jersey State (Member, Committee on Equity Jurisprudence, 1982-; Chairman,

1989-1991; Member, Certified Trial Attorneys Section) and American Bar Associations. (Certified Civil Trial Attorney, Supreme Court of New Jersey, Board on Trial Attorney Certification) REPORTED CASES: Pappas v. Coach House Diner & Restaurant, Inc., 2005 WL 1010359 (N.J.Super.Ch. March 28, 2005); Tannen v Tannen, 416 N.J. Super. 248 (App. Div. 2010), aff'd, 208 N.J. 409 (2011); Pappas v. Coach House Diner & Restaurant, Inc., 2005 WL 1421375 (Ch. Div. June 17, 2005); Sherman v. Wellbrock, 761 F.Supp. 1135 (D.N.J. 1991); Dairy Stores, Inc. v. Sentinel Pub. Co., Inc., 104 N.J. 125 (1986); National Recovery Systems v. Feltman, 211 N.J. Super. 526 (1986); Consolidated Precast, Inc. v. Action Builders Co., Inc., 190 N.J. Super. 92 (1983); Franklin Mint Corp. v. Master Mfg. Co., 667 F.2d 1005 (1981); In re Ski Train Fire in Kaprun, Austria, on November 11, 2000, 2004 WL 1048233 (S.D.N.Y. 2004); Kern v. Oesterreichische Elektrizitaetswirtschaft Ag, 178 F.Supp.2d 367 (S.D.N.Y. 2001); Sherman v. Wellbrock, 761 F.Supp. 1135 (D.N.J. 1991); In re Shopping Cart Antitrust Litigation, 95 F.R.D. 309 (S.D.N.Y. 1982). PRACTICE AREAS: Commercial Litigation; Complex Litigation; Alternative Dispute Resolution; Corporate Law; Chancery Practice; Class Action Litigation; Estate Litigation; Construction Litigation. EMAIL: JRice@nagelrice.com

ROBERT H. SOLOMON, born Glen Ridge, New Jersey, 1964; admitted to bar 1990, New Jersey and U.S. District Court, District of New Jersey; 1997, U.S. Court of Appeals, Third Circuit; 2014, United States Supreme Court. EDUCATION: University of Rochester (B.A., 1986); University of Pittsburgh (J.D., 1990). Member: Moot Court Board; National Appellate Moot Court Competition. Law Clerk, Honorable Freda L. Wolfson, U.S. District Court, District of New Jersey. Former Adjunct Professor of Law, Seton Hall University School of Law. Included in 2008-2017 *New Jersey Super Lawyers*; Listed in 2010-2017 Top 100 *New Jersey Super Lawyers*. MEMBER: New Jersey State Bar Association; New Jersey Association for Justice; The Association of Trial Lawyers of America. REPORTED CASES: Finkelman v. Nat'l Football League, 877 F.3d 504 (3d Cir. 2017); Finkelman v. Nat'l Football League, 810 F.3d 187 (3d Cir. 2016); Clark v. Prudential Ins. Co. of Am., 940 F. Supp. 2d 186 (D.N.J. 2013); Clark v. Prudential Ins. Co. of Am., 289 F.R.D. 144 (D.N.J.) reconsideration denied, 940 F. Supp. 2d 186 (D.N.J. 2013); USI Ins. Servs. LLC v. Miner, 801 F. Supp. 2d 175 (S.D.N.Y. 2011); Noble v. Porsche Cars N. Am., Inc., 694 F. Supp. 2d 333 (D.N.J. 2010); Clark v. Prudential Ins. Co. of America, 736 F.Supp.2d 902 (D.N.J. 2010); Meyers v. Epstein, 232 F.Supp. 2d 192 (S.D.N.Y., 2002); Meyers v. Epstein, 282 F.Supp. 2d 151 (S.D.N.Y., 2003); Couri v. Gardner, 173 N.J. 328 (2002); Howard v. UMDNJ, 172 N.J. 537 (2002); 1530 Owners Corp. v. Borough of Fort Lee, 135 N.J. 394 (1994); Serico v. Rothberg, 448 N.J. Super. 604 (App. Div. 2017); Geler v. Akawie, 358 N.J. Super. 437 (App. Div. 2003); Lodato v. Kappy, 353 N.J. Super. 439 (App. Div. 2002); Moscatello v. UMDNJ, 342 N.J. Super. 351 (App. Div. 2001); Michelman v. Ehrlich, 311 N.J. Super. 57 (App. Div. 1998); Caputo v. Antiles, 296 N.J. Super. 123 (App. Div. 1996); McDonough v. Horizon Blue Cross Blue Shield of New Jersey, 641 Fed. Appx. 146, 147 (3d Cir. 2015); NAF Holdings, LLC v. Li & Fung (Trading) Ltd., 2015 WL 3896792 (Del.); Reed v. Swatch Grp. (US), Inc., 2015 WL 5822669 (D.N.J.); Reed v. Swatch Grp. (US), Inc., 2014 WL 7370031 (D.N.J.); McDonough v. Horizon Healthcare Servs., Inc., 2014 WL 3396097 (D.N.J.); WorldScape, Inc. v. Sails Capital Mgmt., 2014 WL 1342983(D.N.J.); Leibholz v. Hariri, 510 F. App'x 112 (3d Cir. 2013);

Friedfertig Family P'ship 2 v. Lofberg, 2013 WL 6623896 (D.N.J.); Worldscape, Inc. v. Sails Capital Management, 2011 WL 3444218 (D.N.J.); Glen Ridge SurgiCenter, LLC v. Horizon Blue Cross and Blue Shield of New Jersey, Inc., 2011 WL 5882019 (D.N.J.); McDonough v. Horizon Blue Cross Blue Shield of New Jersey, Inc., 2011 WL 4455994 (D.N.J.); Glen Ridge SurgiCenter, LLC v. Horizon Blue Cross and Blue Shield of New Jersey, Inc., 2011 WL 5881924 (D.N.J.); Clark v. Prudential Ins. Co. of America, 2011 WL 1833355 (D.N.J.); Leibholz v. Hariri, 2011 WL 1466139 (D.N.J.); Clark v. Prudential Ins. Co. of America; 2011 WL 940729 (D.N.J.); Rabinowitz v. Rayman, 2010 WL 2867909 (N.J.App.Div.); Wayne Surgical Center v. Concentra, 2009 WL 961389 (D.N.J.); Gregory Surgical Center v. Horizon, 2009 WL 749795 (D.N.J.); Glen Ridge SurgiCenter, LLC v. Horizon Blue Cross and Blue Shield of New Jersey, Inc., 2009 WL 3233427 (D.N.J.); Abrahams v. Hygrosol Pharmaceutical Corp., 2009 WL 3055372 (D.N.J.); Clark v. Prudential Ins. Co. of America, 2009 WL 2959801 (D.N.J.); McDonough v. Horizon Blue Cross Blue Shield of New Jersey, Inc., 2009 WL 3242136 (D.N.J.); Gregory Surgical v. Horizon, 2007 WL 4570323 (D.N.J.); Wayne Surgical v. Concentra, 2007 WL 2416428 (D.N.J.); Fairfax Financial v. S.A.C. Capital Management, 2007 WL 1456204 (D.N.J.); ABS Associates v. Hartz Mountain, 2006 WL 1519577 (N.J. Ch. Div. 2006); Gregory Surgical v. Horizon, 2006 WL 3751385 (D.N.J.); Kantha v. Pacific Life, 2006 WL 2583239 (D.N.J.); Gregory Surgical v. Horizon, 2006 WL 1541021 (D.N.J.); Samco Rockaway 90, Inc. v. Lawyers Title, 1995 WL 328141 (D.N.J.). EMAIL: RSolomon@nagelrice.com

DIANE ELIZABETH SAMMONS, born Jersey City, New Jersey, December 18, 1955; admitted to bar 1981, New Jersey, New York and U.S. District Court, District of New Jersey; 2003, U.S. District Court, Southern and Eastern Districts of New York; 2005, U.S. Court of Appeals, Second Circuit; 2012, U.S. Supreme Court; U.S. Court of Appeals, Third Circuit (2013). EDUCATION: College of William and Mary (B.A., in Government); Seton Hall School of Law (J.D., 1981). Assistant District Attorney, New York County, 1981-1985. Author: "Corporate Reparations for Descendents of Enslaved African Americans - Practical Obstacles," Max DuPlessis, Stephen Pete; Repairing the Past? International Perspectives on Reparations for Gross Human Rights Abuses, (Intersentia 2007) at 315. "Retaliation", Michele Paludi, DeSouza, Prager Handbook on Workplace Discrimination: Legal, Management and Social Science Perspectives (Praeger, 2010). Presenter and Lecturer: "Canonical Development: Standing Commission on Constitution and Canons", "Title IV Implementation and Education Issues", Western Chancellors' Conference (2011); "Modeling Civil Discourse in Negotiation and Governance Settings"; Western Chancellors' Conference (2011); "New Title IV Disciplinary Code"; Chancellors' Conference (2010); "Report of Title IV Task Force," Province II Synod (May 2009), Western Chancellors' Conference (May 2009), Standing Committee on Ministry Development (November 2008); "Breakthrough on Statute of Limitations Issue", North Carolina Conference of the NAACP CLE Seminar (October 2008); "Reconciliation at the Roundtable," The Desmond Tutu Center; General Theological Seminary (September 2007); "The Misuse of Church Computers: What You May Want to Know More About," National Chancellors' Conference (May 2007); "National Canons: History and Application of Title IV," Drew University Theological School (May 2007); "Authority in the Anglican Communion and the Windsor Report," Episcopal Lawyers'

Volunteer Network (May 2007); "The Legal Case for Reparations," Brooklyn Law School (February 2007); "The Moral and Legal Basis for Reparations for Historical Wrongs," Plainfield Unitarian Society (January 2007); "Excellence, Justice, Honor Through an Unflinching Look at the Harms of the Transatlantic Slave Trade," Horace Mann High School Honor Society (May 2006); "The Case for Reparations and Comments on Film: 'Slavery Reparations: The Final Passage'," Brooklyn Film Festival (February 2006); "Human Rights Through Reparations Litigation," United Universalist Association Diversity Conference, New York (February 2006); "Bishop and Clergy Development Search Processes/Letter of Agreement", Western Chancellor's Conference, 2005; "Human Rights as Tool for Social Change", UNESCO, Institute of Comparative Human Rights Conference, 2005, 2006, 2007, 2008, 2009, 2010; "Update on Reparations Litigation," Congressional Black Caucus Conference (September 2005); "Update in African-American Slave Descendants' Litigation and Apartheid Litigation," Stanford Law School (2004); "Reparations, a Legal Model," University of Connecticut School of Law (2002); "A Review on African-American Slave Descendants' Litigation," Union Theological Seminary (2002); "Class Action as a Mechanism for Enforcement of Human Rights Violations," Kean University (Fall 2002). Member: Hogan Morgenthau Associates; Board Member, Episcopal Chancellors' Network; Ecclesiastical Law Society; Disciplinary Board for Bishops of the Episcopal Church; Chair, Standing Commission of the Constitution and Canons of the National Episcopal Church (2009-2012); Subcommittee on Title IV Revision of the National Episcopal Church (2006-2009); Presiding Bishop's Chancellor's Council of Advice; Episcopal Lawyers' Volunteer Network - Diocese of Newark; Committee on Constitution and Canons - Diocese of Newark; New Jersey State District Ethics Committee for Essex County, District V-B, 1998-2002. Chancellor, Episcopal Diocese of Newark (2004-) (Legal Advisor to Bishop and 112 congregations). LISTED: 2010, 2012 Super Lawyer New Jersey Monthly Magazine MEMBER: New Jersey State and American Bar Associations. REPORTED CASES: In re African American Slave Descendants' Litig., 304 Supp.2d 1027 (N.D. Ill. 2004); In re African American Slave Descendants' Litig., 471 F.3d (7th Cir. 2006); In re Apartheid Litig., 238 F.Supp.2d 1379 (Jud. Pan. Mult. Lit. 2002); In re Apartheid Litig., 346 F. Supp.2d 538 (S.D.N.Y. 2004): Khulumani v. Barclay Nat. Bank, 504 F. 3d 245 (2d Cir. 2007); American Isuzu Motors v. Ntsebeza, 128 S. Ct. 2424, 171 L. Ed 2d 225, 76 USLW 3405, 76 USLW 3603, 76 USLW 3608 (U.S. May 12, 2008); In re South African Apartheid Litig. F. Supp.2d, 2009 WL 960078 (S.D.N.Y. April 8, 2009); In re Ski Trian Fire in Kaprun, 175 F.Supp.2d 1379 (Jud. Pan. Mult. Lit. 2001). PRACTICE AREAS: Class Actions; International Human Rights; Canon Law; Commercial Litigation; Criminal Law; Municipal Law; Personal Injury; Labor and Employment. EMAIL: DSammons@nagelrice.com

LORI ILENE MAYER, born New York, N.Y., August 30, 1954; admitted to bar 1980, New York; 1989, New Jersey, U.S. District Count, District of New Jersey and U.S. Court of Appeals, Third Circuit. EDUCATION: Cornell University (B.A., with honors in all subjects, 1976); Georgetown University Law Center (J.D., cum laude, 1979). Editor, Georgetown Law Journal, 1978-1979. AUTHOR: "Landlord Consents: Reasonableness, Good Faith, and Remedies," *New Jersey Lawyer,* December 2009; "New Uniform Prudent Management of Institutional Funds Act: Wider Discretion and Greater Risks for Managers of Endowment

Funds," *New Jersey Lawyer*, April 2010. LECTURER: Handling Current Commercial Landlord Tenant Issues, 2010, New Jersey Institute for Continuing Legal Education. MEMBER: New Jersey State (Co-Chair, Family and Small Business Law Committee, Business Law Section) and American Bar Associations. PRACTICE AREAS: Corporate Law; Business Law; Trademarks; Real Estate; Trusts and Estates. EMAIL: LMayer@nagelrice.com

RANDEE M. MATLOFF, born Jersey City, New Jersey, August 20, 1956; admitted to bar 1981, New Jersey, U.S. District Court, District of New Jersey and U.S. Court of Appeals, Third Circuit. EDUCATION: Rutgers University (B.A., highest honors, 1978; J.D., 1981). Phi Beta Kappa. Articles Editor, Women's Rights Law Reporter, 1980-1981. REPORTED CASES: Tannen v. Tannen, 416 N.J. Super. 248, 277 (App. Div. 2010); DeVito v. Aetna, 536 F. Supp. 2d 523 (D.N.J. 2008); Beye v. Horizon Blue Cross Blue Shield of New Jersey, 568 F. Supp. 2d 446 (D.N.J. 2008); Ravin, Sarasohn, Cook, Baumgarten, Fisch & Rosen, P.C. v. Lowenstein Sandler, P.C., 365 N.J. Super. 241 (App. Div. 2003); In re Ski Train Fire in Kaprun, Austria on November 11, 2000, 220 F.R.D. 195 (S.D.N.Y. 2003); In re Ski Train Fire in Kaprun, Austria, on November 11, 2000, 257 F. Supp. 2d 717 (S.D.N.Y. 2003); In re Ski Train Fire in Kaprun, Austria, November 11, 2000, 257 F. Supp.2d 648 (S.D.N.Y. 2003); Couri v. Gardner, 173 N.J. 328 (2002); Reynolds v. Lancaster County Prison, 325 N.J. Super. 298 (App. Div. 1999); Hartford Acc. and Indem. Co., v. Marley Industries Corp., 245 A.D. 2d 554, 666 N.Y.S. 2d 503 (Mem), Dec. 19, 1997; Dawson Corp. v. National Union Fire Ins. Co. of Pittsburgh, Pa. 285 N.J. Super. 137 (App. Div. 1995); National Recovery Systems v. Feltman, 211 N.J. Super. 526 (Law Div. 1986); Gregory Marketing Corp. v. Wakefern Food Corp., 207 N.J. Super. 607 (Law Div. 1985). Listed, 2010 and 2011 Super Lawyer New Jersey Monthly Magazine. PRACTICE AREAS: Commercial Litigation; Product Liability; Class Action; Employment; Chancery; Appellate Practice. EMAIL: RMatloff@nagelrice.com

ANDREW L. O'CONNOR, born Alexandria, Virginia, April 9, 1975; admitted to bar 2000, New Jersey. EDUCATION: Lafayette College (B.A., 1997); Seton Hall University School of Law (J.D., 2000). Listed, New Jersey Super Lawyers magazine, Rising Star, 2007, 2008, 2009 and 2010. PRACTICE AREAS: Litigation; Personal Injury; Medical Malpractice; Mass Tort. EMAIL: AOConnor@nagelrice.com

GREG M. KOHN, born Morristown, New Jersey, January 7, 1980; admitted to bar, 2007, New Jersey, U.S. District Court, District of New Jersey; 2008 New York. *Education*: Colgate University (B.A., Economics and Computer Science, 2002); Seton Hall University School of Law (J.D. 2007). Member – Seton Hall Sports and Entertainment Journal; Member – Seton Hall Interscholastic Moot Court Team; President – Intellectual Property Law Association; Former Law Intern to the Honorable William J. Martini, United States District Court for the District of New Jersey; Former Intern for the New York Stock Exchange, Enforcement Division. *Member*: New Jersey State Bar Association; New York County Lawyers Association, American Bar Association, New York State Bar Association. PRACTICE AREAS: Litigation.
EMAIL: GKohn@nagelrice.com.

SUSAN F. CONNORS, admitted to bar, 1988, New Jersey. *Education*: Seton Hall University (B.A. Political Science, 1985,

cum laude); Seton Hall University School of Law (J.D. 1988). Member- Seton Hall Interscholastic Moot Court Team; Director, Moot Court Program; Legal Intern to the Honorable Alfred J. Lechner, United States District Court for the District of New Jersey; Law Clerk to the Honorable Frederick C. Kentz, J.S.C., New Jersey Superior Court, Union County (General Equity Division). *Member*: New Jersey State Bar Association. *Practice Areas*: Civil Litigation, Personal Injury, Medical Malpractice, Business Tort and Commercial Litigation. EMAIL: SConnors@nagelrice.com

BRADLEY L. RICE, born Livingston, New Jersey, October 20, 1982; admitted to bar, 2008, New Jersey; 2009, New York. Education: Cornell University (B.S., Industrial and Labor Relations, 2005); Rutgers School of Law – Newark (J.D., 2008). Research Editor – Rutgers Law Review; President – Rutgers Jewish Law Student Association; Former Law Intern – Honorable Kenneth Levy, New Jersey Superior Court, Chancery Division; Former Associate – O'Melveny & Myers, LLP (New York) and Wilk Auslander LLP (New York). Member: New York State Bar Association; Essex County Bar Association; PRACTICE AREAS: Commercial Litigation; Complex Litigation; Class Action Litigation; Chancery Practice; Personal Injury; Medical Malpractice; Employment Litigation; Alternative Dispute Resolution; and Corporate Law. EMAIL: BRice@nagelrice.com

OF COUNSEL

CARLETON R. KEMPH, born Newark, New Jersey, September 15, 1953; admitted to bar: 1978, New Jersey; 1990, New York. EDUCATION: University of Notre Dame (B.A., 1975); Rutgers - Newark School of Law (J.D., 1978); Rutgers - Newark Graduate School of Management (M.B.A. - Finance, 1980); New York University School of Law (attended Masters in Tax Program, 1980-1981). Publications and lectures include New Jersey Lawyer, New Jersey Builders Association, New Jersey Law Journal, Commercial Law Journal, CLE, PRACTICE AREAS: Real Estate, Land Use, Redevelopment, Business and Commercial, Property Tax Appeals. EMAIL: CKemph@nagelrice.com

ASSOCIATES

ANDREW I. PEPPER, admitted to bar 2010, New Jersey. *Education*: Yeshiva University (B.A. 2006); Cordozo School of Law (J.D. 2009). PRACTICE AREAS: Civil Litigation, Commercial Litigation, Personal Injury, Medical Malpractice.
EMAIL: APepper@nagelrice.com

MICHAEL J. PARAGANO, born Livingston, New Jersey, February 24, 1986; admitted to bar, 2011, New Jersey; 2012, New York. Education: Rutgers University (B.A., Criminal Justice and Sociology, 2008); Seton Hall University School of Law (J.D., cum laude, 2011). Member- Mock Trial Team; Law Clerk – Honorable Donald W. De Leo, Surrogate of Hudson County; Former Associate – Pellettieri, Rabstein & Altman. Member: Middlesex County Bar Association, Mercer County Bar Association, and New Jersey Association for Justice. PRACTICE AREAS: Litigation; Class Action, Personal Injury, and Medical Malpractice.
EMAIL: MParagano@nagelrice.com