

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

IN RE JPMORGAN TREASURY FUTURES  
SPOOFING LITIGATION

Case No.: 1:20-cv-03515

Hon. Paul A. Engelmayer

THIS DOCUMENT RELATES TO:  
ALL ACTIONS

**DECLARATION OF DOUGLAS A. MILLEN ON BEHALF OF  
FREED KANNER LONDON & MILLEN LLC IN SUPPORT  
OF CLASS COUNSEL'S MOTION FOR AWARD  
OF ATTORNEYS' FEES AND PAYMENT OF EXPENSES**

I, Douglas A. Millen, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am an attorney with the law firm Freed Kanner London & Millen LLC (“FKLM”).

I respectfully submit this declaration in support of Class Counsel’s<sup>1</sup> Motion for an Award of Attorneys’ Fees and Payment of Expenses in connection with services rendered in the above-captioned action (“Action”).

2. The statements herein are true to the best of my personal knowledge, information and belief based on the FKLM’s books and records, and information received from its attorneys and staff.

3. FKLM serves as one of the Court-ordered pre-designated law firm’s supporting Class Counsel which has been assigned legal work and delegated responsibilities in prosecuting this class action litigation. ECF No. 37 at 15.

4. In addition, FKLM is counsel of record for Budo Trading LLC, Thomas Gramatis, Kohl Trading LLC, M & N Trading, L.L.C., Port 22, LLC, Charles Herbert Proctor, III, Robert Charles Class A, L.P., Rock Capital Markets, LLC and Synova Asset Management, LLC, Plaintiffs in the Action (“Plaintiffs”).

5. I am the partner who oversaw my firm’s involvement in the Action. FKLM’s time and expense records (including, where necessary, backup documentation) have been reviewed to confirm both the accuracy of the entries as well as the necessity for and reasonableness of the time and expenses expended in this litigation. As a result of this review, certain reductions were made to both time and expenses either in the exercise of billing judgment or to conform to directions from Class Counsel and/or my firm’s practice. Accordingly, the time reflected in FKLM’s lodestar

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<sup>1</sup> The Court appointed Lowey Dannenberg, P.C. and Kirby McInerney LLP as “Class Counsel” in this action. ECF No. 74 at ¶ 4.

calculation and the expenses for which payment is sought are reasonable in amount and were necessary to prosecute the Action and resolve the settlement before the Court. In addition, these fees and expenses are often charged by FKLM to its fee-paying clients.

6. During the course of this litigation, and as detailed herein, FKLM worked on assignments that it was specifically directed to perform by Class Counsel.

7. Set forth below in ¶9 is a summary reflecting the amount of time (after any applicable reductions) FKLM attorneys and professional staff worked on the Action from the inception of the case through September 22, 2021, and the corresponding lodestar value of that work. The schedule in ¶9 was prepared based upon daily time records maintained by FKLM attorneys and professional support staff in the ordinary course of business, and the lodestar calculations are based on the firm's current hourly billing rates.

8. The services FKLM performed on behalf of the putative class include, but are not limited to, the following: performed detailed factual, economic and legal investigation of claims for Plaintiffs, and the putative class; drafting of Client's complaints; conferred and collaborated with co-counsel with respect to litigation strategy, case management, mediation and settlement in an efficient and non-duplicative manner and performed some legal research relating to same; worked extensively with Plaintiffs with respect to their Complaints and the Consolidated Class Action Complaint, discovery and preservation obligations including searching and gathering trading records, employee and custodian interviews, implementation of a litigation hold and completing detailed client questionnaires; pursue Plaintiffs' trading records maintained by third-parties; analyzed Plaintiffs' trading records to assess, document and establish claims; performed legal research and writing at the direction of Class Counsel, including the Consolidated Class Action Complaint and research for the mediation and significant drafting of the motion for

preliminary approval of the settlement; regularly communicated with clients regarding litigation status and development of Plaintiffs' class claims; legal theories and client's obligations as Named Plaintiffs; and assisted Class Counsel with respect to understanding clients' trading activity, process and records.

9. FKLM's total fee compensable time for which it seeks an award of attorneys' fees is summarized below.

Attorneys	Role <sup>2</sup>	Rates	Hours from inception to 9/22/2021	Lodestar from inception to 9/22/2021
Brian M. Hogan	P	\$725.00	120.10	\$87,072.50
Steven A. Kanner	P	\$1,025.00	114.90	\$117,772.50
Douglas A. Millen	P	\$925.00	154.70	\$143,097.50
Robert J. Wozniak, Jr.	P	\$850.00	36.50	\$31,025.00
<b>Paralegals and Legal Assistants</b>				
Marlene S. Khamoo	PL	\$205.00	34.60	\$7,093.00
<b>TOTALS</b>			460.80	\$386,060.50

10. The total time for which my firm is requesting an award of legal fees is 460.80 hours. The total lodestar value of these professional services is \$386,060.50.

11. The above hourly rates for FKLM's attorneys and professional support staff are the firm's current hourly rates. The hourly rates for attorneys and professional support staff in my firm are the same as the regular rates charged for their services in contingent fee matters and non-contingent fee matters. Timekeepers with less than 10 hours were excluded. For personnel no longer employed by FKLM, the lodestar calculation is based on the billing rates for such personnel

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<sup>2</sup> "P" refers to Partners. "PL" refers to Paralegals.



in his or her final year of employment. The time and lodestar spent preparing the Fee and Expense Application were also excluded from the above values.

12. The firm's lodestar figures do not include charges for expense items. Expense items are billed separately, and such charges are not duplicated in the firm's current billing rates. Further, expense items do not contain any general overhead costs and do not contain a surcharge over the amount paid to the corresponding vendor(s).

13. As detailed and categorized in the below schedule, FKLM has incurred a total of \$2,016.71 in expenses from inception through September 22, 2021 for which it seeks to be reimbursed from the Settlement Fund.


Expense Categories	Cumulative Expenses
Court Costs	\$860.00
Computer Research	\$912.69
Photocopies - in House	\$218.30
Postage	\$25.72
<b>TOTAL</b>	<b>\$2,016.71</b>

14. The above schedule was prepared based upon expense records reflected in the books and records of FKLM. These books and records are prepared from expense vouchers, check records, receipts, and other source materials and are an accurate record of the expenses incurred.

15. The per page rate for in-house photocopying was capped at 10 cents per page.

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

Executed on March 28<sup>th</sup>, 2022  
Bannockburn, Illinois

  
Douglas A. Millen