

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EDWARD ZYBURO,

Plaintiff,

v.

NCSPLUS INC.,

Defendant.

Case No. 12-cv-06677 (JSR)

**DECLARATION OF PETER
SAFIRSTEIN ON BEHALF OF
MORGAN & MORGAN, P.C. IN
SUPPORT OF MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT**

I, Peter Safirstein, hereby declare under penalty of perjury that:


1. I am a partner at the New York office of the law firm of Morgan & Morgan, P.C. I submit this Declaration in Support of Plaintiffs' Motion for Final Approval of Class Action Settlement.

2. My office served as local counsel for the class in this litigation, has actively engaged in the prosecution of this litigation on behalf of plaintiffs and the class, and has performed, *inter alia*, the following tasks: filing the cause of action, participating in case strategy, propounding discovery, participating in depositions; attended various Court hearings and served as lead counsel at one Court hearing; and drafting and/or revising various motions (including motions for attorneys' fees), letters to the Court and opposing counsel and various discovery requests. All of the work described was done in coordination with co-counsel. to avoid duplication of effort and was necessary to fulfill my firm's obligations to represent Plaintiffs and the class zealously and competently.

3. Attached as **Exhibit A**, is a true and correct copy of the Morgan & Morgan, P.C. firm resume.

4. Attached as **Exhibit B**, is my firm's total time in this litigation 106.05 hours, representing a total lodestar of \$65,878.75.

DATED: May 26, 2015



Peter Safirstein, Esquire

EXHIBIT A

MORGAN & MORGAN

Class Action Litigation Team

Attorney & Professional Staff Résumé

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Peter Safirstein

Peter primarily represents plaintiffs in securities, antitrust, commodities and consumer class actions and also represents whistleblowers before the SEC.

Peter returned to New York after serving in the United States Attorneys' Office for the Southern District of Florida where he concentrated on prosecuting white collar crime. Peter worked for the federal government in New York as well, where he served in the Enforcement Division of the SEC and also in the United States Attorneys' Office for the Southern District of New York.

He has played a prominent role in important class actions including the mammoth IPO Securities litigation that settled for more than \$500 million. In addition, Peter's practice includes Human Rights Litigation and Peter successfully represented Nigerian children allegedly victimized by Pfizer's improper medical experiments involving the drug Trovan. Peter was also part of the team that represented consumers in an antitrust case against Sirius XM Radio which was resolved for \$180 million.

Peter serves as co-chair of the Securities Subcommittee of the ABA Class Actions and Derivative Suits Committee. He has lectured on class actions before various professional associations.

Education:

B.A., George Washington University, 1978

M.A., Georgetown University, 1980

J.D., Brooklyn Law School, 1985

Bar Admissions:

United States Supreme Court

United States Court of Appeals, Second Circuit

United States Court of Appeals, Third Circuit

United States District Court, Southern District of New York

United States District Court, Eastern District of New York

United States District Court, District of New Jersey

New York State Bar

New Jersey State Bar

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Morgan & Morgan was recently named among the largest 200 law firms and it is the largest plaintiff's contingency firm in the United States.

The firm prosecutes class and individual actions domestically and internationally on behalf of private and institutional investors.

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Christopher S. Polaszek

Chris was born and raised in New Jersey and is the product of a union family. He worked with the Teamsters in order to put himself through college and is committed to fighting for defrauded investors and consumers who have fallen victim to corporate fraud and greed. He is the Co-Leader of Morgan & Morgan's Securities, Antitrust, and Commodities Class Action Litigation Group. Working together with his colleagues, he has achieved significant success on behalf of shareholders of publicly traded corporations, and injured consumers, which has resulted in the recovery of hundreds of millions of dollars for injured plaintiffs.

Prior to joining Morgan & Morgan, Chris served as the Managing partner of the Tampa, Florida office of a national Plaintiff's class action firm for over five years. In addition to successfully litigating matters in state and federal courts around the country, he has represented numerous clients in securities and commercial litigation arbitration proceedings conducted by the National Association of Securities Dealers, Inc., the New York Stock Exchange, and the American Arbitration Association.

Chris's undergraduate educational background is in finance and accounting. While pursuing his J.D./M.B.A. degrees, Mr. Polaszek was awarded a coveted scholarship and internship with the Florida Senate and also worked in the equity research department of a Wall Street investment bank. Then, while completing his LL.M. in Securities and Financial Regulation at Georgetown, Chris interned with United States Senator Bob Graham in Washington, DC.

Education:

B.S., cum laude, Florida State University, 1992

M.B.A., Florida State University, 1997

J.D., cum laude, Florida State University, 1997

LL.M., Securities and Financial Regulation, Georgetown University, 2000

Bar Admissions:

United States Supreme Court

United States Court of Appeals, Second & Eleventh Circuits

United States District Court, Northern District of Florida

United States District Court, Middle District of Florida

United States District Court, Southern District of Florida

United States District Court, District of Colorado

Florida State Bar

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With offices in New York, Florida, Georgia, Mississippi, Kentucky, and Tennessee, the firm has over 220 attorneys and a support staff of over 1,000 people.

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Domenico “Nico” Minerva

Nico practices in the areas of securities, antitrust, and consumer litigation. In 2013, 2014, and 2015, the SuperLawyers rating service selected Nico as a SuperLawyer – New York Metro Rising Star based on several factors, including verdicts and settlements, representative clients, experience, professional activity, and other outstanding achievements. Having litigated some of the industries’ largest cases and having a background as a former Morgan Stanley Financial Advisor, Nico helps clients identify and seek redress for fraud.

While in law school, Nico completed an externship with the Honorable Kurt D. Engelhardt of the United States District Court for the Eastern District of Louisiana and completed a summer clerkship with a reputable white-collar criminal defense firm in San Francisco. Since moving to New York, Nico has involved himself in local politics. Most notably, in 2013 Nico was elected Chairperson of the New York County Democratic Committee. He has also served as a judicial delegate in the New York County Democratic Party’s Judicial Convention since 2007.

Notable cases on which Nico has worked include: *In re Tyco International Ltd., Securities Litigation* (\$3.2 billion settlement); *In re Royal Dutch/Shell Transport Securities Litigation* (\$450 million settlement); *In re Marsh & McLennan Securities Litigation* (\$400 million settlement); and *In re Merck & Co., Inc. Securities Litigation*.

Education:

B.S., University of Florida, 1999

J.D., Tulane University School of Law, 2006

Bar Admissions:

United States District Court, Southern District of New York

United States District Court, Eastern District of New York

New York State Bar

Delaware State Bar

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Leading lawyers at the firm include Charlie Crist, the former Governor (and Attorney General) of the State of Florida and Mike Espy, the former Secretary of Agriculture serving under President Bill Clinton.

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Elizabeth S. Metcalf

Elizabeth focuses her practice on antitrust and class action securities litigation, shareholder derivative litigation, and whistleblower actions in the New York office. Recent litigation includes *In re Massey Energy Co. Derivative & Class Action Litigation*, which followed the 2010 mining disaster, and *Reid et al v. Unilever United States, Inc.*, a class action on behalf of purchasers and users of a Suave brand hair treatment that allegedly causes unwanted, significant hair loss. Currently, she serves as a member of the team prosecuting *In re North Sea Brent Crude Oil Futures Litigation*, an antitrust action alleging a conspiracy to manipulate prices of North Sea Brent Crude Oil, and as a member of the team prosecuting *In re Aluminum Warehousing Antitrust Litigation*, an action alleging the manipulation of prices of aluminium and monopolization of the warehousing of London Metal Exchange (LME)-approved aluminium in the United States.

Prior to law school, she worked as a financial research analyst at a class action securities fraud law firm. During law school, she was a member of the *Fordham International Law Journal*, and she served as a legal intern at the Securities Arbitration Clinic of Fordham University School of Law, obtaining a punitive damages award before an arbitration panel under the Financial Industry and Regulatory Authority. In 2014, the SuperLawyers rating service selected Elizabeth as a SuperLawyer – New York Metro Rising Star.

Education:

B.A., Colorado College, 1992

J.D., Fordham University School of Law, 2008

Bar Admissions:

New York State Bar

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In addition to securities law, the firm also practices in the areas of consumer protection, antitrust, commodities law, product liability, and personal injury.

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Roger A. Sachar, Jr.

Roger focuses his practice on class action securities litigation, shareholder derivative litigation, and consumer fraud. He recently successfully litigated on behalf of a class of borrowers who were charged excess interest on a certain commercial loan in *Sterling Savings Bank v. Poleline Self-Storage, LLC*, No. CV-09-10872, (Idaho Dist. Ct. Kootenai Cnty. 2009). Roger is currently litigating on behalf of investors in *In re PVR Partners, L.P.*, No. 2:13-cv-06829-HB (E.D. Pa. 2013), and *In re Cooper Tire & Rubber Co. Shareholder Derivative Litigation*, No. 3:14-cv-00428-JGC (N.D. Ohio), both cases in which Morgan & Morgan has been named Co-Lead Counsel.

Prior to joining Morgan & Morgan, Roger worked for a law firm in St. Louis, where he specialized in general civil litigation with an emphasis on contract disputes and business litigation.

Education:

B.A., Arizona State University, 2002

J.D., Washington University in St. Louis, 2008

Bar Admissions:

Missouri State Bar

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Since the firm's founding in 1988, Morgan & Morgan has obtained numerous significant monetary recoveries totaling millions of dollars.

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George Pressly

George represents defrauded investors and consumers in securities fraud and consumer class actions. He also represents whistleblowers before the SEC and the IRS, and in False Claims Act matters. He is currently actively involved in several matters pending in federal and state courts. Prior to becoming a plaintiff-only attorney, George focused his practice on representing large banks and corporations in complex commercial disputes, with a focus on defending corporations against claims of patent infringement.

Apart from maintaining an active practice, George is also an entrepreneur. He co-founded RegsData, which at the time was the first company to daily aggregate license information for mortgage brokers and lenders from ninety six separate state run web sites. At the time, this information was vital to the mortgage industry to insure mortgage professionals carried the proper license to fund the hundreds of thousands of loans the industry funded each month.

George is active in his community. He gives hundreds of hours each year to a variety of pro bono causes and non-profit organizations in the Southern New Hampshire area.

Education:

B.S., Purdue University

J.D., Pepperdine University of Law

Bar Admissions:

Illinois State Bar

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Morgan & Morgan's recent lead counsel appointments include Steering Committee Appointment in *In re Aluminum Warehousing Antitrust Litigation*, No. 1:13-md-02481-KBF (S.D.N.Y), Co-Lead Counsel in *In re Atlantic Power Corp. Securities Litigation*, No. 1:13-cv-10537-DPW (D. Mass. Mar. 31, 2014), Co-Lead Counsel in *In re PVR Partners, L.P.*, No. 2:13-cv-06829-HB (E.D. Pa. 2013), and Co-Lead Counsel in *In re Cooper Tire & Rubber Co. Shareholder Derivative Litigation*, No. 3:14-cv-00428-JGC (N.D. Ohio).

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MORGAN & MORGAN LITIGATION PROFESSIONALS

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Sheila Feerick

Director of Shareholder Communications

Sheila has nearly ten years of securities litigation experience. She performs extensive investigative financial analysis for potential class action lawsuits, identifying and analyzing potential cases for securities class action litigation by applying the federal securities law principles such as scienter, loss causation, materiality, and reliance to help evaluate whether a prospective case is meritorious.

In addition, Sheila is responsible for communicating with individual and institutional investors about securities class actions and analyzes and prepares client data calculations for class action filings. Prior to joining Morgan & Morgan, she managed the Shareholder Services Department at a New York-based securities litigation firm.

Sheila earned a BA in English from Villanova University and a MBA in Finance from Stern School of Business at NYU (2000).

Our talented team of attorneys, economic and business analysts, and forensic accountants have been intensively involved in legal actions related to various securities and corporate wrongdoing, as well as in the development of individualized legal strategies to offset our clients' losses.

Steffen Möriz

Director of International Client Relations

Steffen is Morgan & Morgan's Director of International Investor Relations based in the New York office and focusing on securities and antitrust class action litigation. Steffen joined the firm in spring 2012.

Prior to joining Morgan & Morgan, he was associated with prominent NY and SC securities law firms for several years where his work focused on complex securities fraud class actions, merger and acquisition cases, and shareholder derivative suits on behalf of international institutional investors, including securities actions against Koninklijke Ahold N.V., DaimlerChrysler AG, General Motors Corp., Vivendi Universal, S.A., Dell Inc., Merck & Co., Inc., Royal Dutch Shell plc, Credit Suisse Group AG, UBS AG, Hypo Real Estate AG, Lloyds TSB Group plc, Toyota Corp., Avon Products, Inc., and Medtronic Inc.

Steffen graduated from Martin-Luther-University, Halle/Germany (J.D.) with emphasis in international laws and global economics. He is fluent in German and English.

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About Morgan & Morgan

Morgan & Morgan is one of the nation's largest 200 law firms. In addition to securities class action litigation, the firm also practices in the areas of antitrust, personal injury, consumer protection, overtime, and product liability. We have recovered billions of dollars on behalf of victims throughout the United States and have led numerous landmark cases including *In re: Black Farmers Discrimination Litigation*, No.: 08-0511 (District of Columbia), (Class Counsel and Member of Plaintiffs' Steering Committee); and *In Re: Oil Spill by the Oil Rig "Deepwater Horizon" in the Gulf of Mexico*, on April 20, 2010, No. 2:10-md-02179-CJB-SS (E.D. La.) (Member of Plaintiffs' Steering Committee). All of the Firm's legal endeavors are rooted in its core mission: provide investor and consumer protection and always fight "for the people."

The Lawyers of Morgan & Morgan

Albanis, Pete V.
Allen, Amanda
Anderson, Robert
Arnold, Jr., James D.
Artile, Russell E.
Ashlock, Larry D.
Bates, H. Scott
Bates, Richard W.
Berkhalter, Jerry
Bess, Dylan
Biggart, James
Billias, Alexander
Bloodworth, L. Reed
Bodie, T. Lee
Boehm, Peter
Borders, Scott T.
Bosseler, Gregory J.
Bowles, Jr., William B.
Bragg, Andrew M.
Brazzeal, Chad T.
Brown, Alex
Brum, Adam
Bryant, Joseph R.
Buckler, Donald W.
Buoniconti, III, Nicholas A.
Byrd, Tucker H.

Cannella, James
Carraway, Bruce
Carson, Beverly
Carter, Keith M.
Carter, Michael J.
Carver, Darrell
Clark, Stacey
Clem, Alexander Murphree
Cockrell, Courtney E.
Cohen, Jonathan B.
Conner, Ronald C.
Crist, Charlie
Cruz, Nanette
D'Assaro, Vincent M.
Daniel, William R.
DeFranco, Joseph M.
DeFreitas, Jr., Louis Allen
DeMetz, Robert
Deming, Eric
Dill, John W.
Ducote, Andre F.
Dye, James J.
Earle, Steven
Elswick, Samuel D.
Espy, Mike
Everett, Tyler B.

Felix, Andrew Parker
Fernandez, Julio
Ferrera, Albert J.
Finn, William
Francis, Gregorio A.
Frederick, Evan H.
Frisch, Andrew R.
Gainsford, Bret C.
Garnett, Aaron C.
Gatlin III, Joseph ("Joel") S.
Gee, Jr., Peter Byron
Gelinias, Jason
Gelman, Heath
Givens, Tamra
Goddard, Steven C.
Goetz, Michael
Graddock, Christopher J.
Green, C. Douglas
Hackett, William
Hagenbush, Andrew L.
Hall, II, John C.
Halpern, Jennifer
Hanna, Michael N.
Harrison, Scott J.
Hayes, Ryan
Hendrix, III, Robert L.

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Henry, David G.	Miller, Justin D.	SanGiovanni, Paul L.
Herold, Lauren R.	Minerva, Domenico "Nico"	Searls, Megan D.
Hetzel, Matthew I.	Mirabole, Angela	Serano, Andrew
Hinckley, Christopher J.	Mitchell, Jr., W. Clay	Shaughnessy, Joseph H.
Hofmann, II., Herbert H.	Mitnik, Keith R.	Sheppard, Daniel W.
Hollingsworth, Brad	Moffett, David B.	Simmons, Madeline N.
Houtz, Michael K.	Moore, Charles T.	Smith, Bryan
Howard, William Peerce	Moré, Hector A.	Smith, Eric
Jaffe, Martin J.	Morgan, John	Smith, Michael J.
Jones, Heather H.	Morgan, Matt	Soffin, Rachel L.
Jones, Velma	Morgan, Ryan	Spain, David A.
Kanzer, Stephen R.	Morgan, T. Michael	Speed, II, Bryant G.
Kaul, Sumeet	Morgan, Ultima	Stagmeier, Alan
Kayfus, Amanda	Moskowitz, David	Stevens, Craig R.
Kelleher, James J.	Mowry, Henry Pierce	Stewart, Craig
Kempner, William A. "Bill"	Mullins, Kris D.	Stumbo, Gregory D.
Kennon, Hans	Murthy, Angeli	Sutton, Michael F.
Kinnett, Sarah R.	Nelson, Omar L.	Taraska, Joe
Knox, Stephen J.	Newsom, Katherine Hung	Thomas, Christina
Kropog, Jr., Darrell W.	Neyland, Christopher H.	Thomas, Randal H.
Kruppenbacher, Frank	Nix, Keenan	Thompson, Brian
Kucia, Gerald L.	Noecker, Scott	Thorson, Jessica L.
Kuvin, Grant A.	Oliver, David S.	Till, Jr. Glen K.
Lambert, Mark Anthony	Orenstein, Ela	Tolbert, Susan
Lange, Blake J.	Owens, Donny A.	Townsend, Clay M.
Lauritano, Armando T.	Panagakis, Nicholas P.	Udell, Harran E.
Lavender, Clinton M.	Patterson, III, R.A.	Uebele IV, Bert E. "Bob"
Leach, Carlos	Perrow, Kirk A.	Uricchio, Scott J.
Lee, Jared	Petosa, Frank M.	Valdivia, Basil A.
Leonard, Jason	Petree, Ronson J.	Vigness, Brian C.
Lewis, William B.	Pitts, Jr., Reynolds E.	Vinson, Christina
Linnehan, Joseph A.	Polaszek, Christopher S.	Vitoria, Michael J.
Luciano, Jr., Antonio	Pressly, George	Voronec, Ivan D.
Lynch, James Ty	Prosser, Damien H.	Wade, Bill M.
Lynn, Sophia	Prysock, Gregory D.	Waechter, Joe
Marrese, Dr. Rocco	Puleo, Christopher V.	Walker, Jr., Charles R.
Marrese, Michael David	Rabinowitz, Jonathan	Webster, Benjamin A.
Martin, Jr., Bobby F.	Reese, Michael T.	Weinstein, Scott W.
Massa, Katherine Michelle	Rettew, Michael	Weitzel, J. Dennis
Mazaheri, Bernard R.	Rhoads, Miranda	Wheeley, Matthew B.
Maziar, Todd K.	Rickey, David I.	Whitley, Scott M.
McClain, Brian	Ries, Hope	Wilson, James
McLaughlin, David A.	Rocha, Rene F.	Woods, Kim
Metcalf, Elizabeth S.	Rodems, Ryan Christopher	Yaeger, Laura
Meyer, J Andrew	Rolinson, Eric M.	Yanchunis, John A.
Miller, Jason S.	Sachar Jr., Roger A.	Yates, Vivian E.
Miller, Jennifer	Safirstein, Peter	Young, James

EXHIBIT B

Timekeeper	Hours	Rate	Lodestar
Domenico Minerva	9.8	\$450.00	\$4,410.00
Elizabeth Metcalf	11	\$450.00	\$4,950.00
Roger Sachar	1.50	\$425.00	\$637.50
Peter Safirstein	73.00	\$725.00	\$52,925.00
David Sclafani	10.75	\$275.00	\$2,956.25
TOTALS	106.05		\$65,878.75