

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

RICHARD MEDOFF, Individually and On Behalf Of All Others Similarly Situated,)	No. 1:09-cv-00554-JNL-PAS
)	
Plaintiff,)	<u>CLASS ACTION</u>
)	
vs.)	DECLARATION OF BARRY J. KUSINITZ,
)	FILED IN SUPPORT OF HIS
CVS CAREMARK CORPORATION, et al.,)	APPLICATION FOR AN AWARD OF
)	ATTORNEYS' FEES AND EXPENSES
Defendants.)	
)	
)	

I, Barry J. Kusinitz, declare as follows:

1. I am submitting this declaration in support of my application for an award of attorneys' fees and expenses/charges ("expenses") in connection with services rendered in the above-entitled action.

2. I am liaison counsel of record for the lead plaintiffs.

3. As liaison counsel, I reviewed and filed both the original complaint and amended complaint in this matter; prepared the requisite summons and arranged for service of the same; and prepared numerous pro hac vice motions on behalf of counsel for the Plaintiffs. I have also reviewed every pleading filed on behalf of the Plaintiffs in advance of filing, as required by the requisite local rules, as well as all pleadings filed by the defendants. I also assisted in various phases of discovery, including the issuance of subpoenas and deposition notices.

4. The information in this declaration regarding my time and expenses is taken from time and expense printouts and supporting documentation prepared and/or maintained by me in the ordinary course of business. I oversaw and/or conducted the

day-to-day activities in the litigation and I reviewed these printouts (and backup documentation where necessary or appropriate) in connection with the preparation of this declaration. The purpose of this review was to confirm both the accuracy of the entries on the printouts as well as the necessity for, and reasonableness of, the time and expenses committed to the litigation. As a result of this review, reductions were made to both time and expenses in the exercise of billing judgment. As a result of this review and the adjustments made, I believe that the time reflected in the firm's lodestar calculation and the expenses for which payment is sought as set forth in this declaration are reasonable in amount and were necessary for the effective and efficient prosecution and resolution of the litigation. In addition, I believe that the expenses are all of a type that would normally be charged to a fee-paying client in the private legal marketplace.

After the reductions referred to above, the number of hours spent on this litigation by my firm is 276 hours. A breakdown of the lodestar is provided in Exhibit A. The lodestar amount for my time is based on my current rate of \$375.00 per hour. That hourly rate, as shown in Exhibit A, is the usual and customary rate for securities litigation, and is consistent with like rates within my legal community.

5. I am also seeking an award of 1,010.00 in expenses and charges in connection with the prosecution of the litigation. Those expenses and charges are summarized by category in Exhibit B and reflect expenses and charges that have not been previously reimbursed.

6. The expenses pertaining to this case are reflected in my books and records. These books and records are prepared from receipts, expense vouchers, check records and other documents and are an accurate record of the expenses.

7. My background is attached hereto as Exhibit C.

I declare under penalty of perjury that the foregoing is true and correct. Executed
this 24th day of November, 2015, at Providence, Rhode Island.


BARRY J. KUSNITZ

CERTIFICATE OF SERVICE

I, Barry J. Kusnitz, hereby certify that on December 15, 2015, I caused a true and correct copy of the attached:

DECLARATION OF BARRY J. KUSINITZ, FILED IN SUPPORT OF HIS APPLICATION
FOR AN AWARD OF ATTORNEYS' FEES AND EXPENSES

to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such public filing to all counsel registered to receive such notice.

/s/ Barry J. Kusnitz

BARRY J. KUSINITZ

Mailing Information for a Case 1:09-cv-00554-JNL-PAS Medoff v. CVS Caremark Corporation et al

Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

- **Christopher M. Barrett**
cbarrett@rgrdlaw.com
- **David K. Baumgarten**
dbaumgarten@wc.com
- **Matthew H. Blumenstein**
mblumenstein@wc.com
- **Erin W. Boardman**
eboardman@rgrdlaw.com
- **Guillaume Buell**
gbuell@labaton.com
- **Mitchell R. Edwards**
medwards@hinckleyallen.com,dfalcoa@hinckleyallen.com
- **Steven M. Farina**
sfarina@wc.com
- **Christine M. Fox**
cfox@labaton.com
- **Jonathan Gardner**
jgardner@labaton.com
- **Jonah H. Goldstein**
jgoldstein@rgrdlaw.com
- **William R. Grimm**
wgrimm@hinckleyallen.com,mconnolly@hinckleyallen.com,achristiansen@hinckleyallen.com
- **Deborah R. Gross**
DGross@kcr-law.com,JHannigan@kcr-law.com
- **Serena P. Hallowell**
shallowell@labaton.com,cvillegas@labaton.com,egottlieb@labaton.com,acoquin@labaton.com,agreenbaum@labaton.com,electroniccasefiling@labaton.com,cfox@lab
lee@labaton.com,gbuell@labaton.com,lmehringner@labaton.com,fimalonzo@labaton.com,acarpio@labaton.com,ewierzbowski@labaton.com
- **Bailie L. Heikkinen**
bheikkinen@rgrdlaw.com
- **Margaret A. Keeley**
mkeeley@wc.com
- **Barry J. Kusnitz**
bkusnitz@bdglawyers.com
- **Leslie C. Mahaffey**
lmahaffey@wc.com
- **Robert J. Robbins**
rrobbins@rgrdlaw.com,e_file_sd@rgrdlaw.com,e_file_fl@rgrdlaw.com
- **David A. Rosenfeld**
drosenfeld@rgrdlaw.com,e_file_sd@rgrdlaw.com
- **Robert M. Rothman**
rrothman@rgrdlaw.com,e_file_ny@rgrdlaw.com,cbarrett@rgrdlaw.com,e_file_sd@rgrdlaw.com
- **Katherine M. Turner**
kturner@wc.com

Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

- (No manual recipients)

EXHIBIT A

EXHIBIT A

LODESTAR

BARRY J. KUSINITZ 276 hours at the rate of \$375.00 per hour: \$103,500.00

EXHIBIT B

EXHIBIT B

EXPENSES

Filing Fee:	\$350.00
Service Fees:	\$60.00
Pro Hac Vice motions (filing fees):	\$600.00
Total:	\$1,010.00

EXHIBIT C

EXHIBIT C - RESUME

BARRY J. KUSINITZ

155 South Main Street, Suite 405
Providence, Rhode Island 02903

Tel. 401.831.4200

Fax. 401.831.7053

E mail bkusinitz@bdglawyers.com

PRESENT PROFESSIONAL AFFILIATION

December, 1997 - present

Solo Practitioner

Engage in all phases of civil litigation as sole or lead counsel in State and Federal Court in the following areas: Business/Financial Litigation; Environmental Litigation; Construction Disputes; Securities litigation; Partnership and Shareholder Disputes; Real Estate Disputes; and Land Use Disputes.

PRIOR PROFESSIONAL AFFILIATIONS

April, 1991 - November, 1997

Corrente, Brill & Kusinitz, Ltd.
Partner

March, 1978 - March, 1991

Temkin & Miller, Ltd.
(formerly Temkin, Merolla
& Zurier, Ltd.)
Partner (1983 - 1991)

August, 1974 - February, 1978

Rhode Island Legal Services
Manager, Providence Office
(1977 - 1978)

MEMBER

Bar Associations: State of Rhode Island, 1974; Commonwealth of Massachusetts, 1987; United States District Court, District of Rhode Island,

1974; United States District Court, District of Massachusetts, 1987; United States Court of Appeals, First Circuit, 1976; United States Supreme Court, 2003

American Bar Association; Rhode Island Association for Justice f/k/a Rhode Island Trial Lawyers Association

Panel: Court-annexed Arbitration Program for the Superior Court for the State of Rhode Island

EDUCATION

New York University Law School School of Law (J.D., 1974)

Brown University (A.B., magna cum laude, Phi Beta Kappa, 1971)

PUBLICATIONS

“Adverse Possession and Easements”

Rhode Island Bar Journal, 1999

“Damages in Personal Injury Litigation, Part I”

Rhode Island Bar Journal, 1992

“Damages in Personal Injury Litigation, Part II”

Rhode Island Bar Journal, 1992

“Damages in Construction Litigation”

Rhode Island Bar Journal, 1990

(Award, Rhode Island Bar Journal Annual Writing Award)

“Damages Under Rhode Island Law”

Rhode Island Bar Journal, 1987

REPORTED CASES

Panzarella v. Boyle, 406 F. Supp. 787 (D.R.I. 1975)

Coolbeth v. Berberian, 116 R.I. 188 (1976)

Silva v. East Providence Housing Authority, 565 F.2d 1217 (1st Cir. 1977)

In re Palmer, 120 R.I. 250 (1978)

Alteiri v. Dolan, 423 A.2d 482 (R.I. 1979)

Oken v. National Chain, 424 A.2d 434 (R.I. 1981)

Bosler v. Sugarman, 440 A.2d 129 (R.I. 1982)

Tilaco Chemicals, Ltd. v. Electromet Co., 442 A.2d 449 (1982)

In Re Furkes, 65 B.R. 232 (D.R.I. 1986)

Hicks v. Vennerbeck & Clase Co., 525 A.2d 37 (R.I. 1987)

Forte Bros. v. National Amusements, Inc., 525 A.2d 1301 (R.I. 1987)

Carter v. Gonella, 526 A.2d 1279 (R.I. 1987)

Hicks v. Warwick Zoning Board of Review, 527 A.2d 1136 (R.I. 1987)

Marshak v. Tonetti, 813 F.2d 13 (1st Cir. 1987)

In re Proceedings before the Comm. on Judicial Tenure & Discipline, 578 A.2d 1387 (R.I. 1990)

Friends of the Sakonnet v. Dutra, 749 F. Supp. 381 (D.R.I. 1990)

Tennessee Gas Pipeline v. 104 Acres, 749 F. Supp. 427 (D.R.I. 1990)

Suffield Bank v. LaRoche, 752 F. Supp. 54 (D.R.I. 1990)

Nash v. Trustees of Boston University, 776 F. Supp. 73 (D.R.I. 1990)

World-Wide Computer Resources v. Arthur Kaufman Sales Co., Inc., 615 A.2d 122 (R.I. 1992)

Mokover v. Neco Enterprises, 785 F. Supp. 1083 (D.R.I. 1992)

Lorette v. Gorodetsky, 621 A.2d 186 (R.I. 1993)

Harris v. Turchetta, 622 A.2d 487 (R.I. 1993)

44 Liquor Mart, Inc. v. Racine, 829 F. Supp. 543 (D.R.I. 1993)

Ellbalah v. Republic Ins. Co., 879 F. Supp. 3 (D.R.I. 1995)

Scully Signal Co. v. Joyal, 881 F.2d 727 (D.R.I. 1995)

In Re LaRoche, 191 B.R. 281 (Bkrtcy. D.R.I. 1996)

Simon v. American Power Conversion Corp., 945 F. Supp. 416 (D.R.I. 1996)

CNA Financial Corporation v. Alfano, 711 A.2d 1142 (R.I. 1998)

Mellor v. O'Conner, 712 A.2d 375 (R.I. 1998)

DiOrio v. DiOrio, 751 A2d 747 (R.I. 2000)

Reitsma v. Pascoag Reservoir & Dam, LLC, 774 A.2d 826 (R.I. 2001)

In Re Sparfven, 265 B.R. 506 (Bkrtcy. D. Mass. 2001)

Whitehouse v. LaRoche, 277 F.3d 568 (1st Cir. 2002)

Southex Exhibitions, Inc. v. Rhode Island Builders Association,
279 F.3d 94 1132 (1st Cir. 2002)

Pascoag Reservoir & Dam, LLC v. Reitsma, 217 F. Supp. 2d 206 (D.R.I. 2002)

Kafenbaum v. GTECH Holdings Corp., 217 F. Supp. 2d 238 (D.R.I. 2002)

Massey v. Stanley-Bostitch, Inc., 255 F. Supp. 2d 7 (D.R.I. 2003)

Pascoag Reservoir & Dam, LLC v. Rhode Island, 337 F.3d 87 (1st Cir. 2003)

Scratchfield v. Paolo, 274 F.Supp.2d 163 (D.R.I. 2003)

Café La France v. Schneider Securities, 281 F.Supp. 2d 361 (D.R.I. 2003)

Taylor Box Company v. SAR Group, P.C. No. 02-1033 (R.I. Super. Ct. March 25, 2005)

Nani v. Vanesse, P.C. No. 05-995 (R.I. Super. Ct. February 23, 2006)

In Re Degnan, 361 B.R. 650 (Bkrtpcy R.I. 2007)

Beauregard v. White, 972 A.2d 619 (R.I. 2009)

Brewer v. Donnelly, W.C. No. 09-0173 (R.I. Super. Ct. January 27, 2012)

Homonoff v. Forte; P.C. No. 08-1467 (R.I. Super. Ct. January 16, 2013)

Homonoff v. Forte, P.C. No. 08-6628 (R.I. Super. Ct. January 16, 2013)
(consolidated)

DiPippo v. Sperling, 63 A.3d 503 (R.I. 2013)

Wampanoag Group, LLC v. Iacoi, 68 A.2d 519 (R.I. 2013)

Shedd v. Shedd, P.C. No. 09-5838 (R.I. Super. Ct. May 19, 2014)

Bettez v. Bettez, 114 A.3d 82 (R.I. 2015)