

UNITED STATES DISTRICT COURT  
DISTRICT OF RHODE ISLAND

RICHARD MEDOFF, Individually and On  
Behalf Of All Others Similarly Situated,

Plaintiff,

vs.

CVS CAREMARK CORPORATION, et al.,

Defendants.

) No. 1:09-cv-00554-JNL-PAS

) CLASS ACTION

) DECLARATION OF WILLIAM L.  
) CHAPMAN FILED ON BEHALF OF ORR &  
) RENO, P.A. IN SUPPORT OF  
) APPLICATION FOR AWARD OF  
) ATTORNEYS' FEES AND EXPENSES

**DECLARATION OF WILLIAM L. CHAPMAN**

I, William L. Chapman, declare as follows:

1. I am the senior member and a shareholder of Orr & Reno, P.A., of Concord, New Hampshire (sometimes referred to herein as "the firm"). I am submitting this declaration in support of my firm's application for an award of attorneys' fees and expenses in connection with services rendered in this litigation.

2. Orr & Reno, P.A. is local counsel of record in New Hampshire for plaintiffs, Richard Medoff, individually, and on behalf of all others similarly situated.

3. It has been the policy of Orr & Reno since I joined the firm in 1972 for attorneys to enter their time each day into the firm's billing system. I follow that policy. The information in this declaration regarding my time and the firm's expenses is taken from ProLaw, the billing system the firm has used for a number of years. A schedule of my time is attached as Exhibit A to this declaration.

4. I am the attorney who did the work in the litigation. My work included, but was not limited to, telephone conferences and correspondence with co-counsel regarding the issues of materiality and scienter in light of the *Matrixx* and *Anima* decisions, preparing for and attending hearings before Judge Laplante, reviewing and discussing with co-counsel the parties' briefs submitted to the First Circuit, discussions with co-counsel regarding the First Circuit's decision and remand of the litigation, reviewing and discussing with co-counsel pleadings related to defendants' motion to dismiss and discovery issues, and communications with Judge Laplante's clerk regarding various scheduling and related matters

5. I have reviewed my time entries for completeness in connection with the preparation of this declaration, including the necessity for, and reasonableness of, the time and expenses incurred in the litigation. During my review I made reductions 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 Exhibit A 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 set forth in Exhibits B and C are all of a type that would normally be charged to, and paid by, a fee-paying client in the private legal marketplace.

6. After the reductions referred to above, the number of hours spent on this litigation by me is 57.0. The lodestar amount for my time, based on my current rate of \$375.00 per hour, is \$21,375.00. My hourly rate is set by the firm's management committee on the basis of periodic market surveys it conducts, or has access to, of rates charged by attorneys in the Concord – Manchester, New Hampshire market.

7. My firm seeks an award of \$376.92 in expenses and charges in connection with the prosecution of the litigation. Those expenses and charges are set forth below and in Exhibits B and C:

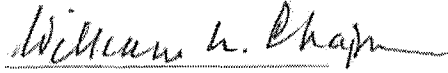
(a) Travels: \$66.00. To Manchester Airport on April 9, 2012 to pick up and drop off Attorney Joseph Fonti to attend a hearing that day before Judge Laplante.

(b) Online Legal Research: \$298.76. The charges were for access to the Westlaw data base to do legal research on issues in the litigation.

(c) Courier Services and Federal Express: \$12.16.

8. My resume is attached as Exhibit D.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 30<sup>th</sup> day of November, 2015, at Concord, New Hampshire.

  
William L. Chapman

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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 WILLIAM L. CHAPMAN FILED ON BEHALF OF  
ORR & RENO, P.A. IN SUPPORT OF APPLICATION FOR 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*

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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
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- **Erin W. Boardman**  
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- **Mitchell R. Edwards**  
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- **Steven M. Farina**  
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- **Jonathan Gardner**  
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- **Deborah R. Gross**  
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- **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

ORR & RENO, P.A.

Time Report from April 5, 2011 - November 30, 2015

<i>NAME</i>		<i>HOURS</i>	<i>RATE</i>	<i>LODESTAR</i>
William L. Chapman	(P)	57.0	\$375.00	\$21,375.00
<b><i>TOTAL</i></b>		<b><i>57.0</i></b>	<b><i>\$375.00</i></b>	<b><i>\$21,375.00</i></b>

(P) Partner

## **Exhibit B**



EXHIBIT B

EXPENSES/CHARGES

Inception through November 30, 2015

<i>CATEGORY</i>	<i>TOTAL</i>
Transportation, Hotels & Meals	\$66.00
Messenger, Overnight Delivery	\$12.16
Online Legal and Financial Research	\$298.76
<i>TOTAL</i>	<i>\$376.92</i>

## **Exhibit C**

EXHIBIT C

Transportation, Hotels & Meals: \$66.00.

<i>NAME</i>	<i>DATE</i>	<i>DESTINATION</i>	<i>PURPOSE</i>
WLC	4/9/2012	Round trip- Manchester Airport	Pick up and drop off Attorney Joseph Fonti in connection with court hearing.

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## **Exhibit D**

**Resume**

William L. Chapman

**PERSONAL DATA**

Place of Birth: Hackensack, New Jersey  
Date of Birth: May 4, 1942  
Citizenship: USA

**HOME ADDRESS**

12 Wildemere Terrace  
Concord, NH 03301

**BUSINESS ADDRESS**

Orr & Reno, P.A.  
45 South Main Street  
P.O. Box 3550  
Concord, NH 03302-3550  
603/223-9107 – Telephone  
603/223-9007 – Fax  
E-mail: wlc@orr-reno.com

**EDUCATION**

Williams College, B.A. 1964  
University of Colorado School of Law, J.D. 1972  
Board of Editors, *University of Colorado Law Review*, 1971-72

**PROFESSIONAL**

Bar Admission 1972  
Member: Merrimack County, New Hampshire, and American Bar Associations  
New Hampshire Bar Association Activities: Continuing Legal Education Committee (past chair and, more recently, past member); Delivery of Legal Services Committee (past chair); Committee on Professionalism (past chair); Ethics Committee (past member); New Hampshire Supreme Court Judiciary and Media Committee (past member).  
Legal Advice and Referral Center/New Hampshire Legal Assistance (board member)  
Campaign for Legal Services (Board member)  
Media Law Resource Committee Activities: Ethics Committee (past member);  
Newsgathering Committee (member).  
New England First Amendment Coalition.

**COURTS:** New Hampshire; United States District Court for the District of New Hampshire; United States Court of Appeals for the First Circuit; United States Court of Appeals for the Second Circuit.

**PRIMARY PRACTICE AREAS:** (1) Media law. Clients include the *Concord Monitor*, *Keene Sentinel*, *Valley News* and several weekly newspapers; national publications such as *The New York Times*, *USA Today*, *Time*, *Fortune*, and *Business Week* as well as The Associated Press in defending against lawsuits brought in New Hampshire, protecting news sources and obtaining access to governmental proceedings and records. Faculty member: libel and access seminars sponsored by the American Newspaper Publishers Association, New England Press Association, Practicing Law Institute, and the New Hampshire Bar Association. (2) Estate Planning and Trust Administration. (3) Property Taxation.

**AWARDS:** American Civil Liberties Union – New Hampshire 2015 Bill of rights Award; Nackey S. Loeb School of Communication 2009 First Amendment Award; New Hampshire Bar Association E. Donald Dufresne Award for Outstanding Professionalism, 1999; New Hampshire Bar Association President's Award 1982.

**CHARITABLE ORGANIZATIONS**

**Past Boards:** Opportunity House, Inc.; Fellowship House, Inc.; New Hampshire Alpine Racing Association; Friends of Norris Cotton Cancer Center; United Way of Merrimack County; New Hampshire Humanities Council

**Present Boards:** New Hampshire Public Radio (Emeritus Director)  
Carolyn Jenkins Charitable Trust  
Concord Hospital Trustee  
New England First Amendment Coalition

**Awards:** United Way 1997 Leadership Award

**MEDIA AND FIRST AMENDMENT APPELLATE DECISIONS**

*Chapman v. Foote*, 112 N.H. 292 (1972)  
*Thomson v. Cash*, 117 N.H. 653 (1977)  
*Downing v. Monitor Publishing*, 120 N.H. 383 (1980)  
*State v. Siel*, 122 N.H. 254  
*Duchesnaye v. Munro Enterprises, Inc.*, 125 N.H. 244 (1984)  
*Petition of Chapman*, 128 N.H. 24 (1986)  
*Hayes v. Valley News*, 141 N.H.464 (1996)  
*Douglas v. Douglas*, 146 N.H. 205 (2001)  
*Petition of State of New Hampshire (Bowman Search Warrants)*, 146 N.H. 621 (2001)  
*The Associated Press v. State*, 153 N.H. 120 (2005)  
*State v. DeCato*, 156 N.H. 570 (2007)  
*Doe v. State*, 167 N.H. 382 (2015)

*Kassel v. Gannett Co., Inc.*, 875 F.2d 935 (1<sup>st</sup> Cir. 1989)  
*Hugel v. Milberg Weiss Bershad Hynes & Lerach, LLP, et al.*, 175 F.3d 14 1<sup>st</sup> Cir. 1999)  
*Gray v. St. Martin's Press*, 221 F.3d 243 (1<sup>st</sup> Cir. 2000)

*Howard v. Antilla*, 294 F.3d 244 (1<sup>st</sup> Cir. 2002)

**EDUCATION FUNDING APPELLATE DECISION**

*Londonderry School District SAU #12 v. State*, 154 N.H. 153 (2006)

**CHARITABLE ORGANIZATION PROPERTY TAX DECISIONS**

*ElderTrust of Fla. v. Town of Epsom*, 154 N.H. 693 (2007)

*Town of Peterborough v. MacDowell Colony, Inc.*, 943 A.2d 768 (2008)

**ARTICLES**

“Survey of New Hampshire Libel Law,” a chapter in *MLRC 50-State Survey Media Libel Law*, published by Media Law Resource Center

“Open Records and Meetings Law in New Hampshire,” a chapter in *Open Government Guide*, published by The Reporters Committee for Freedom of the Press

“Lawyer-Client Sex: A *Per Se* Violation of Rule 1.7(b), published in *New Hampshire Bar News*

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