

EXHIBIT “D”

DECLARATION OF ALEX A. PISAREVSKY

I, Alex A. Pisarevsky, an adult individual of sound mind, hereby depose and declare that:

1. I am a resident of the State of New Jersey and am over 18 years old.
2. I serve as co-counsel for Plaintiffs in the action captioned Jodda Moore, et al. v. Independence Blue Cross, LLC d/b/a Independence Blue Cross, No. 2:23-cv-00566, pending in the United States District Court for the Eastern District of Pennsylvania, having been admitted *pro hac vice* by Order of the Hon. Kai N. Scott, U.S.D.J., on June 23, 2023.
3. This declaration is submitted in support of the Plaintiffs' Unopposed Motion for Final Approval of Class and Collective Action Settlement. I am familiar with all the relevant facts, legal issues, and potential damages at issue in this case.
4. I am a partner of the law firm of Cohn Lifland Pearlman Herrmann & Knopf LLP ("CLPHK"). I primarily focus my practice on complex employment litigation, complex commercial litigation, and debtor-creditor litigation. I have been practicing civil litigation since being admitted to the New Jersey bar in 2008. I am the Practice Group Leader of CLPHK's Employment Law and Wage and Hour Practice Groups. A substantial portion of my practice is devoted to the representation of plaintiffs in complex and individual wage and hour litigation in court and arbitration.
5. I am licensed and in good standing in the States of New Jersey and New York. I am also admitted to the bars of the United States Court of Appeals for the Third Circuit and the United States District Court for the District of New Jersey, as well as the Southern and Eastern Districts of New York. I have never been sanctioned, disciplined, or otherwise admonished. I have never been denied *pro hac vice* admission in any court and I have never had my *pro hac vice* admission revoked.

6. I have personally been involved in this litigation since its inception. Together with Plaintiffs' co-counsel Mobilio Wood, I have been responsible for drafting all of the pleadings, motions, and related documents filed and exchanged during this litigation. I have participated in most conferences with the Court and most telephone calls and/or conferences with opposing counsel. I participated in the parties' exchange of informal discovery and worked with Plaintiffs' co-counsel to develop a damages model, as described in detail in the Declaration of Peter C. Wood, Jr., Esq., filed herewith. I also prepared for and attended a full-day mediation with the Honorable Thomas J. Rueter (Ret.), and when the mediation was successful, I participated in preparing the settlement documents, interviewing potential settlement administrators, and preparing Plaintiffs' motion for preliminary settlement approval.

7. Once preliminary settlement approval was granted, I participated in communications with the settlement administrator about the notice process and personally spoke with – or, in the case of one individual, attempted several times to call back - all notice recipients who contacted our office with questions about the settlement. I have also participated in the preparation of Plaintiffs' motion for final settlement approval.

8. Aside from this matter, I have been counsel of record or co-counsel in the following wage and hour collective and / or class actions:

- Walz v. Iceberg Learning West LLC d/b/a Lily Pond Country Day School, et al., Case 2:24-cv-04072-JKS-CLW (putative class and collective action currently pending before the United States District Court for the District of New Jersey)
- Ubry, et al. v. Metz Culinary Management LLC f/k/a Metz Culinary Management, Inc., et al., 3:24-cv-00039-KM (putative class and collective action currently pending before the United States District Court for the Middle District of Pennsylvania)
- Skrip, et al. v. Tulpehocken Spring Water, Inc., 2:24-cv-00673 (putative class and collective action currently pending before the United States District Court for the Middle District of Pennsylvania)

- Seo, et al. v. Prune World, Inc. d/b/a PRT Tour, et al., BER-L-6070-22 (putative class action currently pending before the Superior Court of New Jersey)
- Haldeman v. Constellation ClearSight, LLC f/k/a Exelon ClearSight, LLC, et al., Case 2:22-cv-03367-TJS (settlement following conditional certification of FLSA collective action before the United States District Court for the Eastern District of Pennsylvania)
- Keller, et al. v. Wellspan Health, Case 1:21-cv-02025-ccc (settlement following conditional certification of FLSA collective action before the United States District Court for the Middle District of Pennsylvania)
- Quagliariello, et al. v. Leonard DiPasquale, individually and t/d/b/a Leave it to Beavers Gentlemen's Club and/or Tavern in the Glen, et al., Case 3:20-cv-00699-RDM (settlement following conditional certification of FLSA collective action before the United States District Court for the Middle District of Pennsylvania)
- Kim, et al. v. Dongbu Tour & Travel Inc., et al., Case 2:12-cv-01136-WHW-CLW (settlement following conditional certification of FLSA collective action before the United States District Court for the District of New Jersey)
- Alequin v. Darden Restaurants, Inc., Case 0:12-cv-61742-RSR (collective action before the United States District Court for the Southern District of Florida involving more than 20,000 opt-ins that was decertified after discovery)

9. Additionally, I have arbitrated more than forty (40) individual wage and hour cases, including four (4) hearings to verdict as lead trial counsel.

10. Jeffrey W. Herrmann practices primarily in the area of complex litigation. Mr. Herrmann received a B.A. from Columbia University in 1973 and a J.D. from Columbia Law School in 1976. Mr. Herrmann is admitted to practice and has represented clients before the state and federal courts in the State of New Jersey, the United States Court of Appeals for the Second, Third, and Seventh Circuits, and the United States Supreme Court. Mr. Herrmann provided strategic advice regarding the settlement of this matter.

11. All of the litigation and settlement activities in this case were handled by attorneys and staff members from Mobilio Wood and CLPHK. The following chart summarizes the hours

expended during this lawsuit by the CLPHK attorneys involved in this case through September 30, 2024:

Attorney	Position	Years of Experience	Hourly Rate	Hours	Total Lodestar
Alex A. Pisarevsky	Partner	15	\$525 ¹	107.6	\$56,490.00
Jeffrey W. Herrmann	Partner	48	\$800	2.5	\$2,000.00
Total:				110.1	\$58,490.00

12. In addition to the hours described above, if the Court approves the settlement, I anticipate spending additional time monitoring the implementation of the settlement, answering additional questions from class members, and addressing any issues arising in the distribution of the settlement funds to the class and collective, among other things. Specifically, Paragraph 66 of the parties' Settlement Agreement provides:

The attorneys' fees and costs awarded by the Court will compensate Class Counsel for all work performed and all costs incurred in or related to the Lawsuit from its inception to its conclusion, including all future work in connection with the implementation of the Agreement, seeking approval of the Agreement by the Court, responding to any objections to and appeals of the Court's orders or judgments, overseeing the administration of the Settlement in conjunction with Defendant's Counsel, and filing all documents necessary to fulfill all terms and conditions of the Agreement, including those that occur after the Effective Date.

13. CLPHK has also incurred \$2,914.66 in unreimbursed costs in this matter, calculated as follows:

¹ My current regular hourly rate for complex matters such as this is \$750 per hour. However, I have reduced my hourly rate in this matter in accordance with the hourly rates described in the Philadelphia Community Legal Services fee schedule, which has been referenced by this Court as a "fair reflection of the prevailing market rates in Philadelphia" in conducting lodestar cross-checks in FLSA collective action settlements. See, e.g., Brown v. Kadence Int'l, 2023 WL 6050215, at *5 & n. 7 (E.D.Pa. Sept. 15, 2023) (approving a lodestar multiplier of 1.64).

- \$2,527.12 for CLPHK's portion of the mediator's fee
- \$356.54 for lodging and parking in connection with my travel to the mediation with Judge Rueter
- \$31.00 for parking in connection with my travel to the initial in-person status conference with the Court.

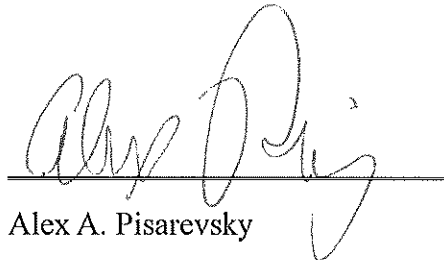
14. This expense summary corresponds to line item entries reflected on CLPHK's accounting ledgers associated with this case. I have personally reviewed the ledgers and believe the claimed expenses are reasonable, necessary, and accurate reflections of the expenses and charges incurred.

15. CLPHK's time and expense records will be provided to the Court upon request.

Pursuant to 28 U.S.C. § 1476, I declare under penalty of perjury that the foregoing is true and correct.

Executed by me this 3rd day of October 2024.

BY:



Alex A. Pisarevsky