

Declaration

I, Edward L. Barry, state as follows:

1. I am an attorney licensed to practice in Arizona and in the United States Virgin Islands. I have been admitted to practice before the United States District Court for the District of Arizona since 1980. My law office is located at 2120 Company Street, Christiansted, U.S. Virgin Islands 00820.

2. A true, accurate and current summary of my professional credentials is set forth in my C.V., attached as embedded **Exhibit A** hereto.

3. I am one of the attorneys of record for the Plaintiffs in *Zwicky v. Diamond Resorts International, Inc., et al.*, No. CV-20-02322-PHX-DJH; and previously cocounsel of record in *Zwicky v. Premiere Vacation Collection Owners Association*, Maricopa County Superior Court No. CV2015-051911; *on appeal*, 244 Ariz. 228, 418 P.3d 1001 (Ct. App. 2018); and *Zwicky v. Premiere Vacation Collection Owners Association*, Maricopa County Superior Court No. CV2020-010141.

4. I was approved and appointed as one of the Class Counsel by this Court. in its Order of November 15, 2022 (Doc. 136), p30, Item III.

5. As set forth in embedded **Exhibit B** hereto, I personally spent an estimated **360.5 hours** on this matter between the years 2015 and 2020 (i.e., prior to the filing of the original Class Action Complaint). My time estimates for this period are based upon a diligent review of the substantive contents of my file for each period specified in the summary, and a good faith estimate of my time for each period, to the highest degree of accuracy possible. In no instance have I deliberately overstated my time. I did not keep a regular record of my time in connection with the Arizona inspection action because the actual amount in the underlying dispute in the case was de minimis (Zwicky's alleged indebtedness to the Defendant, Premiere Vacation Collection Owners Association was only \$10-15,000), and I sought a fee award in the Superior Court for only a small fraction of my time. I did not seek reimbursement of my costs for travel and hotel to Arizona to attend two Superior Court hearings.

6. In all events, I considered my time during the years 2015-2020 to be predominantly allocable to a potential future class action and not to the Superior Court inspection proceedings. I anticipated significant compensation only if a class action were filed and successfully prosecuted.

7. Embedded **Exhibit C** is a summary of my personal time spent on this matter after removal to the District Court. This summary is based on time logs contemporaneously kept and maintained in the ordinary course of my solo legal practice,

for the period January 2021 to December 2022. (A few individual entries, specifically identified in the summary, are based on my estimated time due to my failure to record my time.)

8. As shown in **Exhibit C** hereto, I spent a total of **519.0 hours** on this case during the period January 2021 to December 2022.

9. Embedded **Exhibit D** is a summary of my personal time spent on this matter for the period January 2023 to November 2023, based on my time logs that were contemporaneously kept and maintained in the ordinary course of my solo legal practice,

10. As shown on **Exhibit D** hereto, I spent a total of **86.0 hours** on this case during the period January 2023-November 2023.

11. I anticipate devoting significant additional time (estimated at **50 hours**) in reviewing and revising the forthcoming Motion for Final Approval; consultation with co-counsel; preparation for the Final Hearing set for February 6, 2024; responses to any potential objections; attendance at the hearing; travel from the Virgin Islands to Arizona; and follow-up with administrative matters.

12. My total time expended in this matter as of November 30, 2023, plus estimated future time, is approximately **1015.5 hours**.

13. Since 2015, my customary billing rate has been \$375 per hour (although the range has been between \$300 per hour and \$450 per hour). However, my *current* standard billing rate in the year 2023 for new matters has been and continues to be \$400 per hour. I believe my billing rate is reasonable and commensurate with my professional credentials, as set forth in my C.V. attached hereto as embedded **Exhibit A**.

14. Based on my normal and customary current billing rate, the hourly charges for my work in this matter would have been \$406,200 (1,015.5 hours at \$400 per hour). However, my compensation is solely dependent upon this Court's approval of the 25% contingency fee jointly sought by myself and Phelps and Moore, PLC; I have received no payment of any kind to date since I first became involved in this matter in 2014.


15. I have not kept track of all out-of-pocket expenses I personally incurred in this matter (I excluded the cost of travel between the Virgin Islands and Arizona, hotel, and meals while in Phoenix). Also, for example, I did not pass on any charges to clients for Westlaw legal research (I pay substantial monthly subscription charges for a database that includes many treatises, and not merely cases, statutes and law reviews).

16. I believe that my extensive experience in timeshare association representation, including vast amounts of time spent in related litigation against a timeshare developer involving improper assessments—coupled with the Defendants' straightforward admissions in the litigation of the existence and amount of the "Indirect Corporate Costs"—enabled me to reliably analyze and assess the financial issues in this case, qualitatively and quantitatively, without the need for a consulting expert (forensic accountant). This resulted in very substantial savings in litigation costs for settlement purposes, although a forensic accounting expert would have been required for trial purposes at considerable expense.

17. I have documented expenses, including air travel between the Virgin Islands and California, and lodging in California in the amount of \$3,341.03. Embedded **Exhibit E** hereto. In addition, I estimate that my expenses of travel between the Virgin Islands and Arizona, including air fare and hotel, will be a minimum of \$2000, for a total of **\$5,341.03**. (I also contributed \$7,000 to the cost of mediation by way of payment to the Phelps & Moore trust account, but to avoid redundancy, the costs of mediation will be separately accounted for by Phelps & Moore.)

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Date: December 12, 2023



Edward L. Barry

EDWARD L. BARRY

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2020 Company Street, Third Floor
Christiansted, U.S. Virgin Islands 00820
(340) 719-0601
ed.barry.legal@gmail.com**

- **AV-rated civil litigator; licensed Arizona and Virgin Islands**
- **Education**
 - B.A., Michigan State University, Honors College (high honors)
 - J.D., Arizona State University
- **Admissions**
 - Supreme Court of the United States
 - Supreme Court of Arizona
 - Supreme Court of the Virgin Islands
 - United States Court of Appeals, Third Circuit
 - United States Tax Court
 - United States District Courts- Arizona, Virgin Islands, W.D. Michigan, and E.D. Michigan
 - *Pro hac vice*, United States District Courts- Connecticut, Rhode Island
- **Recognitions**
 - **Distinguished Service Award, Supreme Court of the Virgin Islands- 2023** (awarded for co-representation of Virgin Islands Bar Association as amicus curiae counsel in two federal appeals advocating termination of federal certiorari review of territorial Supreme Court decisions and seeking equal autonomy of V.I. Supreme Court with stateside counterparts).
 - **President's Award-Virgin Islands Bar Association- 2017** (recognizing service as amicus counsel for Virgin Islands Bar Association advocating reforms in indigent criminal appointment system in appeal before Virgin Islands Supreme Court)
 - **Listed, *Bar Register of Preeminent Lawyers*** (multiple years)
- **Representation of timeshare associations, including**
 - The Neighborhood Association, Inc. (suite owners in Ritz Carlton Resort, St. Thomas< Virgin Islands)- ongoing defense of lawsuit by master timeshare association re assessment liability and other issues. (*Great Bay Condo. Association, Inc. v. The Neighborhood Ass'n, Inc.*, No. ST-19-CV-650).
 - Hotel on the Cay Time-Sharing Association, Inc.- lawsuit against Government of the Virgin Islands regarding property tax liability, disputed leasehold interests of

timeshare Resort (*Hotel on the Cay v. Government*, SX-2012-CV-00013); litigation in District Court of Rhode Island (*pro hac vice*) against U.S. Small Business Administration receiver in 2014 claim for assessments on 1400 units (*U.S. v. Fairway Capital Corp.*, D. RI Civ. No. 00-035-L); multiple additional litigation matters since 2010.

- *Bluebeard's Castle*, St. Thomas- represented three associations of timeshare owners totaling 5,000 members in RICO litigation against successor to former developer (*Board of Directors, Bluebeard's Castle Hilltop Villas Condominium Association v. Fairfield Resorts, Inc.*, Civil No. 534/2004).
- **Ongoing or recent representation of other HOAs, officers or directors**
 - Carambola Property Owners Association (Sugar Island Master Association)
 - Granada del Mar Condominium Association
 - Saman Villas Condominium Owners Association
 - Sapphire Beach Resort and Marina Condominium Owners Association (defense of former officers, directors, and property management company)
- **Mass tort**
 - Sole counsel for global manufacturer of sandblasting equipment defending numerous claims of pulmonary injury from silica dust exposure by oil refinery workers (*In re Sandblaster Silicosis Litigation*, Virgin Islands Super. Ct. No. SX-19-MC-23).
- **Notable Litigation**
 - Counsel for Virgin Islands Bar Association as amicus curiae in following cases:
 - *Fin. Oversight & Mgmt. Bd. for Puerto Rico v. Aurelius Inv., LLC*, 500 U.S. ---, 140 S. Ct. 1649 (2020) (constitutional challenge to Financial Oversight and Management Board under the Appointments Clause; general attack on racially discriminatory predicate of *Insular Cases* and progeny; cocounsel on amicus brief)
 - *In re Holcombe*, 63 V.I. 800 (V.I. 2015) (challenge to Virgin Islands indigent criminal appointment system; sole counsel for Bar on amicus brief, argued)
 - *Fahie v. Virgin Islands*, 858 F.3d 162 (3d Cir. 2017) (challenge to Third Circuit's certiorari review powers over decisions of Virgin Islands Supreme Court; cocounsel on amicus brief, argued)
 - *Vooy's v. Bentley*, 901 F.3d 172 (3d Cir. 2018) (*en banc*) (renewed challenge to Third Circuit's certiorari jurisdiction; cocounsel on briefs)
 - *Dunston v. Governor of the Virgin Islands*, 2016 WL 3976642 (D.V.I. 2016) and 672 F. App'x 213 (3d Cir. 2016) (sole counsel for Presiding Judge of Virgin Islands Superior Court at trial and on appeal; successful challenge to removal of judge by Governor without cause on separation of powers grounds)
 - *Crandall v. Eureka Fluid Works*, No. 86-1741, D.Ariz.1986 (lead plaintiff's counsel; reportedly the first acute toxic formaldehyde exposure plaintiff's verdict in nation; industry "test case")

- Significant verdicts, settlements, arbitration awards, as plaintiff's counsel, various tort claims
- **Other reported appellate cases (partial list); sole counsel unless noted**
 - *Barclays Investments, Inc. v. St. Croix Estates.*, 399 F.3d 570 (3d Cir. 2005) (complex commercial real estate finance)
 - *Nicholas v. People of the Virgin Islands*, 56 V.I. 718, 732 (V.I. 2012) (appointed by V.I. Supreme Court as appellate counsel in appeal of first-degree murder conviction)
 - *Stiles v. Yob*, 65 V.I. 234, 236 (V.I. 2016) (challenge to candidacies of at-large delegates to the Republican National Convention)¹
 - *Redemption Holdings, Inc. v. Gov't of the Virgin Islands*, 65 V.I. 243, 245 (V.I. 2016) (fraudulent conveyance of debtor's post-foreclosure redemption rights)
 - *Tremcorp Holdings, Inc. v. Harris*, 65 V.I. 364, 369 (2016) (*per curiam*) (construing "final judgment rule" as applied to appellate jurisdiction of single case in consolidated lawsuits)
 - *Fawkes v. Sarauw*, 66 V.I. 237, 241 (V.I. 2017) (review of preliminary injunction barring local senator-elect's oath of office) (*per curiam*)
 - *Rodriquez v. 32nd Legislature of Virgin Islands*, 859 F.3d 199 (3d Cir. 2017) (challenge to qualifications of competing candidate in local Senate race; cocounsel on the briefs)
 - *In re Baby E.C. through Shearer*, 69 V.I. 826, 829 (V.I. 2018) (representation of child welfare advocacy organization and guardian ad litem in mandamus proceedings)
 - *Zwicky v. Premiere Vacation Collection Owners Ass'n*, 244 Ariz. 228, 418 P.3d 1001 (Ct. App. 2018) (timeshare owner inspection rights; cocounsel on the brief)
 - *Tremcorp Holdings, Inc. v. Harris*, 73 V.I. 638 (V.I. 2020) (review of securities fraud arbitration award)
- **Pro bono**
 - Substantial and ongoing commitment, child dependency and neglect cases; other matters

¹ No membership in any political party should be inferred.

ZWICKY TIME SUMMARY**2015-2020****EDWARD L. BARRY**

Order	Time Period	Description of Services (Summary)	Estimated Time (See Declaration Edward Barry)
1.	January-April, 2015	Review file provided by PM; internet searches re DRI, consumer complaints, litigation history; history of acquisition of Sunterra in bankruptcy; purchase agreement and membership agreement; billing statements; search EDGAR database for SEC filings by DRI; preliminary review SEC filings of Diamond Resorts, including 2011 debt exchange prospectus; review NY Atty General timeshare fraud case (motions, orders); review letters to owners by PVCOA explaining fee increases; review assessment & budget information, Zwicky online portal; review AZ Dept of Real Estate public filings of PVCOA and predecessor entities (Amended and Restated Declaration, and prior declarations); legal research, Legal research re Az common interest community law, timeshare statute, consumer fraud statute; tolling statute of limitations; developer duty to pay dues issue; numerous emails, TCs, Jon Phelps, re modification of pre-lawsuit demand for inspection to Board per inspection statute; review additional documents disclosed.	35 hours
2.	May 2015	Further legal research, inspection rights, AZ common law and statute), other jurisdictions; draft, revisions, Verified Complaint in inspection action (under JP signature), <i>Zwicky v. PVCOA</i> , Superior Court, Maricopa County, No. CV2015-05191; legal memo to Jon; multiple TCs Jon	15
3.	May-August 2015	Draft, multiple revisions, interrogatories and Request for Production to PVCOA and amendments; review responses; legal research and draft Rule 37 letter to opposing counsel (6 pages), multiple revisions	15
4.	October 2015	Draft Rule 26 Disclosures; review disclosures by PVCOA	3

Exhibit B

5.	October 2015	Numerous conferences, NYC firm re possible association in later class action; draft confidential summary, legal analysis, with exhibits	5
6.	October-November, 2015	Further factual review; further legal research multiple subjects (inspection rights, trade secret, expedited statutory procedure, evidentiary standards; drafting, multiple revisions, Motion for Summary Judgment and Statement of Material Facts; review Defendant's Response to MSJ & Cross-Motion, Counterstatement of Material facts	30
7.	December 2015-February 2016	Further factual review, further legal research (future litigation as "proper purpose" for inspection rights, statutory preemption, business judgment rule, quantum of proof, relationship inspection action to Rule 11 duties, futility of further demand, scope of disclosure, etc.); draft, multiple revisions, combined response to cross-motion/reply re MSJ, Zwicky Counterstatement of Material Facts	20
8.	March 2016	Preparation, attend oral argument on cross-motions for summary judgment (March 11, 2016); travel Virgin Islands-Arizona;	24
9.	April-May 2016	Draft proposed disclosure/inspection order (22 ¶¶); review Objection by PVCOA; TCs JP and counsel for PVCOA; prep and attend telephonic hearing, Judge Hannah, re specifics of disclosure order	5
10.	June 2016	Prep, attend evidentiary hearing Phoenix June 19, 2016 (plus 2 days travel Virgin Islands-Arizona)	24
11.	June-July 2016	Further review documents disclosed by PVCOA (audited financial statements PVCOA and numerous constituent resort HOAs; 46-page spreadsheet, Occupancy & Revenue Detail; multiple annual reports filed with AZ	15

Zwicky v. DRI
Time Summary/Estimates
For Years 2015-2020
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Exhibit B

		Department of Real Estate; management agreements; Interval Recovery and Assignment Agreements (IRAA), PVCOA and constituent resorts; summary IRAA, management fees, indirect corporate costs for PVCOA and constituent resorts (2011-15); narrative summary, services provided allegedly in exchange for reimbursement of “indirect corporate costs”	
12.	July-August 2016	Research, drafting, motion for modification of protective order and disclosure of owners list; review response; research and draft reply; telephonic status conference/oral argument before Judge Hanna August 19, 2016	10
13.	October-December, 2016	Review PVCOA motion for supersedeas bond/stay; legal research re standards for supersedeas bond, stay of injunctive relief, trade secret protection, and related drafting response in opposition, revisions; prep, attend (telephonic) oral argument, December 19, 2016	10
14.	February - March, 2017	Review motion for stay (appellate); review file; further legal research, drafting, revisions, response in opposition (23 pages)	20
15.	March-April 2017	Review opening brief of PVCOA; legal research; co-author, assist in editing Zwicky response brief (multiple versions); review PVCOA reply brief	13
16.	November 2017	Multiple TC’s JP re oral argument; listen to oral argument November 29, 2017	2
17.	January 2018	Review appellate court opinion, <i>Zwicky v. PVCOA</i> ; TCs cocounsel	1
18.	April 2018	On remand: Review defendant’s motion to preserve confidentiality designation. motion to file exhibits under seal; Prep, attend post-appeal status conference on remand in Phoenix April 2, 2018 by telephone	2

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19.	May-June 2018	Review file, prior research; further legal research re trade secret, standing to assert privilege, and related; draft, multiple revisions Response in opposition; review form of order lodged by defendant; draft objection	20
20.	August 2018	Conferences opposing counsel; agree upon Stipulated Judgment re disclosure (final judgment)	1
21.	January 2019	Review factual materials, pleadings in superior court case; review similar class action allegations in timeshare case; legal research re elements RICO; and related (7.5); begin draft complaint (10.5) [initial draft; redrafted by others]; further review prior factual materials; internet searches re prior history of ILX, bankruptcy; acquisition; further review Amended and Restated Plan; further review transcript interview of DRI exec with investors group; review Arizona Atty General consent decree with DRI; further draft complaint (6.5); Further review budgets, financial statements and related; further legal research; further draft complain (10.5); Further review factual, prior pleadings; further legal research RICO, further draft complaint (7.4); Further draft complaint, further research; (8.5);further draft class action complaint (3.2); research, further draft, complaint (9.7); further draft, redraft, class action complaint (13.2) ¹	69.5 ²
22.	February 2019	Executive summary to NY firm, prepare illustrative charts and exhibits; multiple conferences NY Firm	7

¹ This initial draft (approximately 40 pages) was later redrafted.

² Time contemporaneously recorded. Timelog for January 2019 attached hereto.

23.	March 2019- June 2020	Numerous communications preparatory to class action, including discussions with NYC firm and other outside counsel, drafting letters and summaries of case; funding and financial arrangements, and related [confidential]	Time not recorded or estimated
24.	July-August 2020	Numerous conferences co-counsel; further research, co-drafting, revisions, class action complaint (filed Superior Court, August 21, 2020, CV2020-0141).	10
25.	November 2020	Conferences, co-counsel; Drafting, revisions, First Amended Complaint (filed Superior Court November 9, 2020)	2
26.	December 2020	Review Notice of Removal; legal research re removal statute, deadlines, service of process, related	2

360.5 hours

ZWICKY- January 2019 Timelog**Jan 20-21**

Zwicky-review factual materials, pleadings in superior court case; review similar class action allegations in timeshare case; legal research re elements RICO; and related (7.5); begin draft complaint 10.5

Jan 22

Zwicky-further review prior factual materials; internet searches re prior history of ILX, bankruptcy; acquisition; further review Amended and Restated Plan; further review transcript interview of DRI exec with investors group; review Arizona Atty General consent decree with DRI; further draft complaint 6.5

Jan 25

Zwicky- Further review budgets, financial statements and related; further legal research; begin draft complaint 10.5

Jan 26

Zwicky- Further review factual, prior pleadings; further legal research RICO; further draft complaint 7.4

Jan 27

Zwicky-Further draft complaint, further research 8.5

Jan 28

Zwicky-further draft class action complaint 3.2

Jan 29

Zwicky-further research, further draft, complaint 9.7

Jan 30-31

Zwicky-further draft, redraft, class action complaint 13.2
69.5 hours

ZWICKY TIME SUMMARY**2021-22****EDWARD BARRY**

Time Period	Description of Services (Summary)	Time	Substantiation (Timelog-Bates No.)
January 2021	TC Jon re service issues, amended complaint, related (.4); Review proposed redline amended complaint re names, roles corporate entities; do Pacer search recent litigation, verify names; Delaware sec of state corp division (1.4); TC associate re amendments (.2); Further review second amended complaint (redline); Google search rename change; email to Jennie re changes (.5); draft second amended complaint [no time recorded]	2.5	Bates No.01
February 2021	TC Jon re upcoming conf; conf call opp counsel (meet & confer MTD); follow-up TC Jon (1.4); Initial Review Wheeler MTD, legal research re exculpatory prov. in Articles (3.2)	4.6	Bates No.02
March 2021	Review MTD, conf co-counsel (.7); Legal research re derivative injury rule, related issues; email to associate re same; verify corp. origin, status, association (6.2); review associate's memo on SOL: legal research re derivative injury, SOL, equitable tolling, adverse domination And related (7.0); further research as above (6.5); review revised SOL memo by associate, further research re above, and multiple additional issues; review rough Response by associate; rewrite memo (10); Further review rough draft response to corp mtd by associate; further legal research re multiple issues (RICO, fiduciary duty, etc, begin draft (complete rewrite response MTD (9.0); Further research, being drafting, new memo (27 pp) (11.0); Further research, drafting, revisions response (12.0); Further research, drafting, revisions response (6.0); Further research,	88.4	Bates No.03

Exhibit C

	drafting, revisions response (5.0); compile exhibits, draft statement of material facts and TOC (7.5); Further research, extensive revisions to associate draft; TCs re changes (7.5);		
April, 2021	Review Wheeler MTD, further legal research re pleading standards for scienter and particularity in multi-defendant cases; exculpatory clauses in articles of incorp (4.0); Research re exculpation clause in articles, Model Act, pleading standards re anticipating affirmative defense; conversion 12(b)(6) motion; pleading scienter; misrep/"hidden charges", etc. (4.5); research re pleading standards, 9(b) in multi-defendant cases; contract principles-public policy and unconscionability, anticipatory waivers intentional torts; association board functions re assessments (5.0); Further research re public record and 12(b)(6) and related; joint liability directors; exculpation of directors; waiver fiduciary duty (due care versus loyalty); draft version 1 Response Wheeler Motion to Dismiss (11.5); Further research, revisions, Response to Wheeler MTD (2.5); Review and revise Associate's draft (redraft) of Response to Wheeler MTD (7.0); Further research, revisions, comments on prior draft (4.0); further review, revisions mark-up of Wheeler response (2.5); Prep clean copy SAC; draft motion, proposed order for leave to file (1.0)	51	Bates No.04
May, 2021	Review proposed motion to extend service deadline; research; email to Jennie (1.2); Legal research, motion to strike stmt juris facts (2.5); Rewrite Proposed Case Management Plan [stricken as too long] (4.5); Further revisions, additions, Case Management Plan (.8); Conf counsel re Case Mgmt Plan (1.0);Further research, revisions to motion to extend service deadline, alternative service (3.5); Further revisions, motion to extend (etc); proposed order; further internet searches re possible contact info for Cloobek (2.7); draft, send	25	Bates No.05

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	emails to Cloobek lawyers in compliance with court order (1.0); Further research juris of officer or director; “fiduciary shield doctrine” and related (7.0 <u>estimated</u>); Prep, attend (video) case management conf with Judge H (.8)		
June, 2021	TC Jon Phelps re upcoming conf (.5); participate court-ordered conf re ESI issues and related (.5); Research service issues, factual investigation; re motion to dismiss of Palmer; begin draft response Palmer MTD (8.0); multiple revisions, Response Palmer MTD (7.5); draft declaration for Jon Phelps (1.1); Research, draft response to Cloobek MTD; compile exhibits (7.5); Further research, revisions, response Cloobek MTD (6.5);-Further research, revisions, response Cloobek MTD (5.0)	36.5	Bates No.06
July, 2021	Revise stip and proposed order (.4); TC law prof re class expert issues; legal research re same; further research re “reliance” element in federal and Az RICO (4.3); Draft Third Amended complaint (multiple revisions, versions) (3.5); Rough draft Requests for Admission (3.5), Interrog’s, RFP (7.5); Further drafting written discovery (class cert); legal research re duty to create computer-generated accounting reports under Rule 34 (8.5); Zwicky-Revisions written discovery and FRAs (3.0); TC Jon re multiple issues, class cert etc; revise stip and proposed order (1.0)	28.2	Bates No.07
August 2021	Review Jennie legal memo re class cert; legal research re discovery rule; do new draft Third Amended; Complaint (add new class reps) (4.5); Legal research, multiple email exchanges, re absentee spouse/John Doe defendants; Nevada domestic relation law; waiver of Rule 19 defense; need for personal jurisdiction (2.0); Review and revise Vers 6 of Third Amended Complaint; add comments; legal research and comments in emails regarding amendments; legal	21.8	Bates No.08

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	research successor by merger issue (Hilton) question of substitution of parties under Rule 25(c); emails cocounsel (4.5); TC Rob and Jon re discovery, revisions, related matters (1.8); Revisions Request for Admission, Interrogs, RFPs re class certif. (6.2); conf call Rob and Jon (.3); final edits discovery package (.3), major revisions, additions, proposed subpoena D.T. to PVCOA (2.0); TCT Jon (.2)		
September 2021	TC co-counsel re discovery status, mediation prospects, stay, arbitration issues (.6)	.6	Bates No.09
October 2021	Conf call opposing counsel re NDA, re upcoming mediation, re presence of PVCOA; further TC Rob, Jon (1.6); Review docs produced by DRI pre-mediation; create charts; emails co-counsel (9.5); further review docs produced by DRI pre-mediation (3500 pp) (4.0); review associate draft mediation brief (50 pages), being new brief from scratch (3.7); Further review DRI production (7.0); Further review DRI production; compile 15-page numerical analysis (charts) for damages work-up (8.5); Further compilation numerical analysis for damages work-up; further review document production; emails to co-counsel with narrative analysis damages work-up (7.0);continue drafting mediation brief (10.5.); Continue drafting mediation brief, compile exhibits/appendix (7.0); Continue drafting mediation brief, compile exhibits/appendix (6.0); Continue drafting mediation brief, compile exhibits/appendix (begin 3:00 AM, finish 6:30 pm); tc Jon P re progress (13.5); Zwicky, revisions to brief, appendix (6.0); further revision brief (reduce from 57 pages to 46); cite check; some additional research (7.5)	91.8	Bates No.10

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November 2021	Prep mediation, travel Virgin Islands to California (15.0); Prep mediation (begin 3 am Cal time), attend mediation 9 a.m-5 pm (14.0); Travel California to U.S. Virgin Islands (15.0)	44.0	Bates No.11
December 2021	Legal research motions for approval of settlement and related; review sample motions (4.0); Further review forms for motions preliminary approval (etc); legal research, including notification of gov't officials under CAFA; draft motion (4.5); research for motion for preliminary approval; review sample notice provisions, orders (3.0); Draft proposed declaration, Infante; emails counsel (1.8); -Review file; - Conf call opp counsel re status, deadlines; 2 follow up TCs Jon re same (1.3)	14.6	Bates No.12
January 2022	Continue initial draft motion & memo-preliminary approval settlement (2.3); Further research for preliminary approval (2.0); further drafting supporting memo (2.2); Further drafting supporting memo (4.0); Conf call opp counsel, claims admin. (1.0); follow up TC Jon (.2); review first draft settlement agreement (61 pages), emails, comments (3.5); legal research re continued (post-merger) liability of merging "extinguished" entity (1.8); Internet search written resources for accounting standards in property management, experts in field; locate and email experts at Stanford and Virginia Tech (2.0); Further research cost accounting disclosure standards (GAAP, government contracting) (1.5); Revisions, additions, to settlement agreement (60 pages) (2.5); Review and markup revised settlement agreement (60pp); draft separate provisions re default, re non-monetary consideration (5.8); Internet search, creditworthiness of HGVB (Moody's, Fitch, S & P); email (1.4); Further review settlement agreement, separate additions, changes (1.0)	31.2	Bates No.13

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March 2022	Zwicky-Review defense proposed language nonmonetary provisions of settlement agreement; redline & comment to cocounsel (1.0); Review and revise proposed notice; email opp counsel re verif percentages of bulk membership (1.3); revisions proposed Infante declaration (.9); further legal research re motion for preliminary approval (1.0); Review term sheet, proposal from JDN; email to JDN regarding logistics/formula for calculating individual share of settlement (.8); Review, edit, notice; review draft settlement (.7); further research for motion for preliminary approval (2.0); Review and revise initial draft motion prelim. approval (3.7); review and revise Notice (.4); further legal research, revisions, drafting motion (5.0); Further review initial draft; further research; basic re-write of motion for prelim approval (8.5); Further review, research, drafting revised motion for preliminary approval (7.0); Further review, research, revisions motion prelim approval (2.5); Review, revis, notices; settlement agreement; etc. (2.9); Review proposed orders in J. Humetewa cases; draft similar proposed order (extensive findings of fact and conclusions of law) (7.5); Review and revise email notice form prepared by JND (.2); continue drafting proposed order; revisions 1(11.5)	56.7	Bates No.14
April 2022	Further review, revisions, proposed preliminary approval order (3.5); further revisions notices, create new email account for class member inquiries (.6); further review redline version of motion for prelim approval; further revisions (1.4); Review proposed final settlement agreement (1.0); Review, revisions, long-form notice (3.2) Review more prop changes prelim apprv order; research local rules and procedures re lodging motion exceeding page limit further revisions	16.5	Bates No.15

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	long-form notice per JND recommendations (2.80); Review, revisions, declarations; final revision motion for prelim approval; compile exhibits; emails, re delay in Stryks-Shaw signature; multiple emails, TCs, Jon Phelps re electronic filing (4.0)		
November 2022	Review order re preliminary certif. class, approval of settlement (1,0); Further review order; multiple TC's, emails cocounsel (.6)	1.6	Bates No.16
December 2022	Review, organize, entire file (including P & M separate file); review docs produced in Superior Court and in Dist Crt (discovery); begin compile, summarize time records; reconstruct/estimate time where no contemporaneous log kept (5.0)	4.0	Bates No.17

519 hours

ZWICKY TIME SUMMARY**2023****EDWARD BARRY**

Time Period	Description of Services (Summary)	Time	Substantiation (Timelog-Bates No.)
January 2023	Review order, docs obtained in inspection action, discovery; begin draft Renewed Motion; further legal research (10.0); Further review evidence, further drafting Renewed Motion, further research, begin compilation of exhibits; review Phelps outline (12.5); Further drafting, further revisions, further research, Renewed Motion; TCJon Phelps re multiple issues (12.3); further revisions, Renewed Motion; prepare final exhibit list (6.0); Further revisions Renewed Motion, finalize Index to Exhibits (3.2); TCs Jon Phelps; legal research re work product issues; revise draft (2.7)	46.7 hrs.	Bates No.01
February 2023	Conf (Zoom) defense counsel re preliminary draft of Renewed Motion; confidentiality issues; prior TCs Jon(1.0); Further legal research; further review, existing draft, original Motion,order partially denying approval; begin rewrite of Renewed Motion (6.5); further revisions (rewrite) Renewed Motion (vers 5), reduce and recompile exhibits (5.2); review summary of negotiations provided by defense; revise Renewed Motion to reflect summary (with edits) (2.7); review extensive proposed edits, comments of counsel; partial draft (version 6) of Renewed Motion with expanded discussion of multiple issues; draft waiver of confidentiality for counsel, mediator (6.5); further legal research, complete redraft (version 6) of Renewed Motion (7.0); extensive editing, Renewed Motion (vers. 7); emails, TCs Jon; review Jon Declaration of fees, emails, revisions; email opposing counsel to confirm consent/waiver re disclosures in motion; review	38.1 hrs.	Bates No. 02

	admin. manual re filing of motion exceeding page limits (43 pages); draft proposed order of preliminary approval (7.5); Final review, renewed motion; draft motion to exceed page limits and proposed order; electronic filing (1.7)		
October 2023	Emails, cocounsel; research timing of final motion in relation to hearing, Deadline for objections (1.2)	1.2	Bates No. 03
Total: 86.0 hours			

Bank of
St. Croix
Operating
Account
xxxx2414

Nov 05, 2021

XX6477 POS
PURCHASE
AT
SONESTA
HOTELS
IRVINE CA
17701161
026676

-352.87

Oct 26, 2021

Outgoing
Wire LAW
OFFICE OF
PHELPS &
MOORE
43965

-7,000.00

Exhibit E

Cost Account, Bank of St. Croix

Nov 05, 2021	XX6483 POS PURCHASE AT CAPE AIR DI 3062 HYANNIS MA 99999999 022387	-139.00
Nov 05, 2021	XX6483 POS PURCHASE AT DELTA AIR 0067 SEATTLE WA MCIS2I05 078643	-1,422.60
Nov 03, 2021	XX6483 POS PURCHASE AT DELTA AIR 0067 SEATTLE WA 02304470 049904	-1,426.56