

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA**

FIRST CHOICE FEDERAL CREDIT
UNION and FINANCIAL HORIZONS
CREDIT UNION, individually and on behalf
of all others similarly situated,

Plaintiffs,

v.

SLIM CD, INC.,

Defendant.

Case No. 2:25-cv-01088-MRH

The Honorable Mark R. Hornak

**DECLARATION OF DARYL F. SCOTT OF
SCOTT+SCOTT ATTORNEYS AT LAW LLP IN SUPPORT OF
PLAINTIFFS' MOTION FOR AWARD OF ATTORNEYS' FEES AND
LITIGATION EXPENSES**

I, Daryl F. Scott, pursuant to 28 U.S.C. §1746, declare as follows:

1. I am a partner at Scott+Scott Attorneys at Law LLP ("Scott+Scott" or "Firm"). I submit this declaration in support of the Motion for an Award of Attorneys' Fees and Reimbursement of Litigation Expenses (the "Motion") incurred in connection with services rendered in the above-entitled action.

2. The Firm is counsel of record for plaintiffs First Choice Federal Credit Union and Financial Horizons Credit Union.

3. The statements herein are true to the best of my knowledge, information, and belief based upon the books and records of Scott+Scott and information received from my Firm's attorneys and staff.

4. The schedule attached as **Exhibit A** summarizes Scott+Scott's hours and lodestar from the inception of the matter through August 1, 2026. The total hours were determined by examining contemporaneous daily time records regularly prepared and maintained by my Firm.

The lodestar was calculated from those records using the applicable hourly rates described below. Lodestar figures do not include charges for expense items. Scott+Scott's time records have been reviewed to confirm both the accuracy of the entries and the necessity and reasonableness of the time spent in this litigation. As a result of this review, the Firm reduced certain time and lodestar in the exercise of billing judgment and to conform to Firm practices. In addition, the Firm excluded from the lodestar all time recorded by attorneys and professional support staff who billed fewer than five hours.

5. After the reductions described above, my Firm spent **270.30** hours on this litigation. A breakdown of the lodestar by timekeeper is provided in **Exhibit A**. The lodestar amount for attorney and professional support staff based on the Firm's current rates is **\$269,524.00**.

6. The hourly rates shown in **Exhibit A** for attorneys and professional support staff at my Firm are the usual and customary hourly rates charged for their services in other contingent class action litigation. For personnel no longer employed by Scott+Scott, the lodestar calculation is based on the applicable hourly rate for each person's final year of employment with the Firm.

7. Scott+Scott is a U.S.-based law firm specializing in the investigation and prosecution of complex securities, antitrust, and consumer class actions in the United States and Europe. Scott+Scott has over 120 attorneys located in 12 offices worldwide and has substantial experience litigating complex class actions and seeking court approval of attorneys' fees in those matters.

8. My Firm's hourly rates are set periodically, based on an analysis of hourly rates charged by law firms performing comparable work and rates approved by courts. Different timekeepers within the same employment category (e.g., partners, associates, paralegals, etc.) may have different rates based on factors, including years of practice, years at the Firm, years in their current position (e.g., years as a partner), relevant experience, relative expertise, and the rates of

similarly experienced peers at our Firm and other law firms. Scott+Scott's hourly rates applied here are consistent with the hourly rates of prominent firms, and are reasonable for each professional who performed work in this litigation. The hourly rates for the attorneys and other professional support staff at my Firm are the same as the usual and customary hourly rates used for their services in other contingent class action litigation.

9. Scott+Scott's hourly rates have been approved by federal courts across the country in contingent-fee class action litigation in connection with the lodestar cross-check applied to percentage-of-the-fund fee awards. *See, e.g., Russo v. Walgreen Co.*, 2026 WL 878331, at *21 (N.D. Ill. Mar. 30, 2026) (approving fee award with Scott+Scott's rates ranging from \$400 to \$1,420); *In re Surescripts Antitrust Litig.*, No. 1:19-cv-06627, ECF No. 421, slip op. ¶4 (N.D. Ill. Dec. 18, 2025) (approving fee award with Scott+Scott's rates ranging from \$415 to \$1,900); *Conlon v. The Northern Trust Co.*, ECF No. 149, slip op. ¶8 (N.D. Ill. Sept. 16, 2025) (approving fee award with Scott+Scott's rates ranging from \$415 to \$1,300); *Lopez v. Apple, Inc.*, No. 4:19-cv-04577, ECF No. 429, slip op. (N.D. Cal. Oct. 16, 2025) (approving fee award with Scott+Scott's rates ranging from \$415 to \$1,420); *Barrett v. Apple Inc.*, 2025 WL 1002786, at *3 (N.D. Cal. Apr. 3, 2025) (approving Scott+Scott attorney hourly rates between \$400 and \$1,545); *In Re: Robinhood Outage Litig.*, No. 3:20-cv-01626-JD, ECF No. 203, slip op. ¶¶6-9 (N.D. Cal. July 28, 2023), (approving attorneys' fees, including Scott+Scott partner rates ranging from \$395 to \$1,295 and specifically finding that plaintiffs' counsel "applied their customary professional rates" and that "the rates billed are consistent with rates that have been awarded in this District"); *In re Vaxart, Inc. Sec. Litig.*, No. 20 Civ. 05949-VC, ECF No. 274, slip op. ¶3 (N.D. Cal. Jan. 25, 2023), (approving fee award with Scott+Scott's rates ranging from \$395 to \$1,395); *Steamship Trade Ass'n of Balt. – Int'l Longshoremen's Ass'n Pension Fund v. Olo Inc.*, No. 1:22-cv-08228,

ECF No. 128, slip op. ¶¶6-7 (S.D.N.Y. June 11, 2024), (approving fee award with Scott+Scott's rates ranging from \$395 to \$1,975).

10. My Firm also seeks reimbursement of **\$5,400.12** in expenses and charges incurred in this litigation. **Exhibit B** summarizes those expenses and charges by category. The expenses incurred in this case are reflected in the Firm's books and records. These books and records are prepared from receipts, expense vouchers, check records, and other documents and accurately reflect the expenses.

11. **Exhibit C** describes my Firm and the backgrounds of the attorneys who worked on this matter.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 21st day of August, 2026, at Richmond, Virginia.


DARYL F. SCOTT