

**DECLARATION OF DANIEL B. EDELMAN VERIFYING OUT-OF-POCKET EXPENSES,
HOURLY RATES AND HOURS EXPENDED PURSUANT TO ORDER PRELIMINARILY
APPROVING SETTLEMENT, JANUARY 22, 2010, PARA. 13 AND STATING
QUALIFICATIONS**

DANIEL B. EDELMAN, hereby declares and states:

1. DANIEL B. EDELMAN is among the Class Counsel who represented plaintiffs in the “TV Writers Cases” and submits this declaration as required by paragraph 13 of the Court’s Order Preliminarily Approving Settlement, dated January 22, 2010, para. 13, “providing verification of (a) out-of-pocket expenses and (b) hours expended and rates regularly charged and paid by clients or awarded by a court,” in support of Class Counsel’s common request for reimbursement of expenses and a unified award from the Legal and Administrative Expense portion of QSFII in the pending settlement of 19 of the “TV Writers Cases”.

VERIFICATION OF TIME EXPENDED, HOURLY RATES AND EXPENSES ADVANCED

DANIEL B. EDELMAN has examined the records of his prior firm, YABLONSKI, BOTH & EDELMAN, and his current firm, KATZ, MARSHALL & BANKS, LLP (“the Firm”), where he has been Of Counsel since August 1, 2006, and represents to the court that the following are true and correct:

2. DANIEL B. EDELMAN requests compensation for time expended on these cases at the hourly rate of \$465. That is the rate reflected as the current prevailing market rate for senior litigation counsel in the Washington, D.C. area for attorneys with twenty or more years of experience on a matrix created and adjusted annually based on changes in the CPI by the Office of the United States Attorney for the District of Columbia (“U.S. Attorney’s matrix).

http://www.justice.gov/usao/dc/Divisions/Civil_Division/Laffey_Matrix_8.html The U.S. Attorney’s matrix has been generally accepted by local and federal courts in the District of Columbia as reflecting market rates for litigation counsel in the District of Columbia.

3. To make legal representation available to clients who lack financial resources to pay fees at market rates, KATZ, MARSHALL & BANKS, LLP, as did YABLONSKI, BOTH & EDELMAN, routinely undertakes representation at below-market rates and on a contingent basis. In such instances, the Firm

makes plain to its clients that prevailing rates for its attorneys and paralegals are higher than the hourly rates charged and that it will seek to recover fees at what it believes to be market rates in the event the client becomes a prevailing party through litigation or settlement.

4. In statutory fee litigation, KATZ, MARSHALL & BANKS, as did YABLONSKI, BOTH & EDELMAN, typically applies for fees at the hourly rates reflected by the U.S. Attorney's Matrix. In *Estes v. Georgetown University*, C.A. No. 97-0292 (D.D.C.)(Order of August 29, 2003), for example, YABLONSKI, BOTH & EDELMAN sought, and the Court granted, compensation for Mr. Edelman's time at the rate of \$370, the rate shown by the U.S. Attorney's matrix for senior litigation counsel as of 2002-2003 when the application was made. As stated above, the current rate shown by the U.S. Attorney's matrix for senior counsel with twenty or more years of experience is \$465 and Mr. Edelman seeks compensation at that rate.

5. There is substantial authority that prevailing market rates for litigation counsel are substantially higher than the rates shown on the U.S. Attorney's matrix. A matrix known as the Adjusted Laffey Matrix developed by private counsel in the District of Columbia with input from an economist expert, which has also been accepted by some courts, reflects a prevailing rate of \$686 for senior litigation counsel in the District of Columbia with twenty or more years experience. <http://www.laffeymatrix.com/> Mr. Edelman nevertheless adheres to a request for an hourly rate of \$465, the rate reflected by the U.S. Attorney's matrix.

6. In some instances, KATZ, MARSHALL & BANKS has undertaken representation based on hourly rates in excess of the rates shown by the U.S. Attorney's matrix on behalf of the small minority of its clients able to afford fees at or approaching market rates. Fees for time expended by DANIEL B. EDELMAN have been billed at rates in excess of those shown by the U.S. Attorney's matrix in such instances and were billed and collected at the rate of \$475 an hour in instances during 2009. Since the beginning of 2009, Mr. Edelman has undertaken representation as co-counsel on behalf of classes of plaintiffs in employment actions in federal and state courts in California subject to co-counsel agreements that his time would be valued at hourly rates in the range of \$600 to \$700 with multiples in the event of

success. Based on his agreement with co-counsel, Mr. Edelman's time is to be compensated at the base rate of \$625 an hour with a multiple of 1.5 through settlement of the case of *Branch v. Trimac Transp. Servs.*, BC 393545 (Superior Court, Los Angeles County), approved on March 10, 2010.

7. DANIEL B. EDELMAN expended a total of 315.75 hours on the writers' cases through December 31, 2009 for which compensation is requested.

8. DANIEL B. EDELMAN has provided detailed billing records to a common database of Class Counsel and agrees those records are available for in camera review by the Court. A copy of the information he provided is attached here.

CONFIRMATION OF AGREEMENT OF PLAINTIFFS' COUNSEL TO FILE COMMON FEE AND COST REIMBURSEMENT APPLICATION

9. DANIEL B. EDELMAN joins in and supports the common fee and expense petition filed by Class Counsel requesting that the Court award an agreed one-third contingent fee to and reimburse expenses of Class Counsel from the Legal and Administrative Expense portion of QSFII to be directed to the accounts of the appropriate firms and/or attorneys from QSFII by its Trustees. DANIEL B. EDELMAN does not seek reimbursement of out-of-pocket expenses. He has agreed that his fees will be paid from any such award. Accordingly, DANIEL B. EDELMAN makes no separate or additional requests for payments of fees or reimbursement of expenses. The time and expense information is furnished here as part of Class Counsel's fee and expense petition.

QUALIFICATIONS OF COUNSEL

10. DANIEL B. EDELMAN is a graduate of Harvard College and received his law degree from Harvard Law School in 1969. He thereafter served as a law clerk to U.S. Supreme Court Justice Harry A. Blackmun. He has been active and successful at all levels of state and federal courts. He served as Associate General Counsel of the United Mine Workers of America from 1972 through 1975.

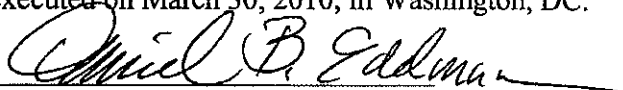
11. In 1975, he joined in establishing the firm of YABLONSKI, BOTH & EDELMAN where he was a partner from 1975 through 2006 and engaged primarily in representation of employees and unions in

labor and employment litigation including complex class and individual claims of employment discrimination. Mr. Edelman was co-counsel in *Kolstad v. American Dental Association*, 527 U.S. 526 (1999), which culminated in the Supreme Court's decision substantially broadening the availability of punitive damage awards for plaintiffs in federal civil rights litigation.

12. Mr. Edelman has been recognized for outstanding appellate advocacy. He drafted the critical appellate brief that precipitated the landmark civil rights victory in *Jenson v. Eveleth Mines*, 130 F.3d 1287 (8th Cir. 1997), the first ever sexual harassment class action, handled by the law firm of Sprenger & Lang which was the basis for the 2002 book *Class Action* and the 2005 movie *North Country*. See C. Bingham & L. Gansler, *Class Action* (2002).

13. At KATZ, MARSHALL & BANKS, Mr. Edelman handles employment discrimination, whistleblower, civil rights/civil liberties, and contractual matters. He also heads the firm's appellate practice group. Mr. Edelman is listed in the 2010 edition of Superlawyers in the category of labor and employment.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct, and that this declaration was executed on March 30, 2010, in Washington, DC.



Daniel B. Edelman