

EXHIBIT 15

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DONNA MOORE, FRENCHOLA HOLDEN,
and KEITH MCMILLON, individually and on
behalf of all others similarly situated,

Plaintiffs,

vs.

GMAC MORTGAGE, LLC, GMAC BANK
and CAP RE OF VERMONT, INC.,

Defendants.

Civil Action No. 2:07-cv-04296-PD

**DECLARATION OF JEREMY M. COTHERN IN SUPPORT OF AN AWARD OF
ATTORNEY'S FEES AND REIMBURSEMENT OF EXPENSES**

I, Jeremy M. Cothorn, declare as follows:

1. I am an attorney with the law firm of Berke, Berke & Berke ("firm")¹. I submit this declaration in support of Plaintiffs' request for an Award of Attorney's Fees and Reimbursement of Expenses.
2. During the period from the date Berke, Berke & Berke commenced providing services in this case in September of 2007 through August of 2011, my firm performed 113.4 hours of work in this case. Based upon current hourly rates ordinarily charged to my firm's clients, the total lodestar value of this time is \$45,360.00. Attached hereto as Exhibit B is a chart


¹ A copy of the firm resume of Berke, Berke & Berke is attached hereto as Exhibit A.

which indicates the attorneys who worked on this matter, their current hourly rates and their respective lodestar values. My firm has been involved in the activities captured in Exhibit C on behalf of the End-Payor Plaintiffs.

3. The hourly rates utilized by my firm in computing its lodestar are at or below its usual and customary hourly rates charged for other similar matters. No upward adjustment in billing rate was made, notwithstanding the nature of the matters involved, the opposition encountered, the preclusion of other employment, the delay in payment, or other factors present in the case which would justify a higher rate of compensation.
4. The time and services provided by my firm for which fees are sought in the petition are reflected in contemporaneously maintained records of my firm. All of the services performed by my firm in connection with this matter were reasonable and necessary in the prosecution of this case. No time is included in the fee petition for work in connection with the fee and expense application or accompanying documents, including this declaration.
5. My firm has expended or incurred costs and expenses totaling \$3,964.26 with the prosecution of this case. All of the expenses incurred by my firm for which reimbursement is sought were reasonable and necessary in the prosecution of this case. A breakdown of my firm's expenses is attached hereto as Exhibit D.
6. The expenses paid by my firm for which reimbursement is sought in the petition are reflected in the books and records of my firm. These books and records are prepared from checks, bills and expense vouchers, which are regularly kept and maintained by my firm and accurately reflect the expenses incurred.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

This 27th day of July 2014.



JEREMY M. COTHERN

**BERKE, BERKE & BERKE
ATTORNEYS AT LAW**

FIRM BIOGRAPHY

ANDREW BERKE

Andrew Berke was a partner in the law firm of Berke, Berke & Berke. He graduated from college at Stanford University with honors. After college, he worked for Congressman Bart Gordon of the United States House of Representatives in Washington, D.C. Congressman Gordon represented the area around Murfreesboro, Tennessee.

Andrew left Washington to attend law school at the University of Chicago. He graduated with honors. Following law school, he worked as a law clerk for Judge Deanell Tacha of the United States Court of Appeals for the Tenth Judicial Circuit in Denver, Colorado. During this time he also taught at Kansas University Law School as an adjunct professor.

At Berke, Berke & Berke, Andrew worked extensively in the personal injury, employment discrimination, workers' compensation, and class action areas. He also worked in domestic or family work, insurance and bad faith cases, and business litigation. On the appellate level, Andrew briefed and argued numerous cases, using his background at the federal court of appeals to enhance his brief writing and oral argument capabilities.

Andrew has been President of the Chattanooga Trial Lawyers Association, and is a charter member of the local chapter of the Inns of Court.

Andrew has previously served as a member of the Tennessee Trial Lawyers Association Board of Governors, as well as a member of the American Trial Lawyers Association (ATLA). He has spoken at Tennessee Trial Lawyers Association seminars on topics such as Automobile torts, Workers Compensation, Requests for Admissions, and Ethics and has co-authored a chapter for a trial handbook for West Publishing.

In 2009, 2010, 2011, and 2012, he was named a Mid-South Super Lawyer. Mr. Berke is also a member of the Million Dollar Advocates Forum and a lifetime member of the Multi-Million Dollar Advocates Forum.

On April 15, 2013, Andy became the 65th Mayor of Chattanooga, Tennessee. While in office, Andy is not practicing law. Thus, his inclusion on this list is merely to reflect the make-up of the firm while services were rendered in Moore, et al. v. GMAC, et al.

MARVIN BERKE

Marvin Berke graduated from Vanderbilt University with a B.A. in 1959. He then finished his J.D. at Vanderbilt Law School, where he was a judge on moot court. Since 1961, he has been a partner in Berke, Berke & Berke.

Mr. Berke was formerly president of the Chattanooga Trial Lawyers Association and member of the board of governors of the Tennessee Trial Lawyers Association, and is admitted to practice at all levels of the Courts of Tennessee, several United States District Courts, the Sixth Circuit, and the United States Supreme Court. He is a member of the Inns of Court. He has spoken at numerous seminars including the 2008 Sixth Circuit Conference.

In 2006, 2008, 2009, 2010, 2011, 2012 and 2013 he was named a Mid-South Super Lawyer, and a member of the Million Dollar and Multi-Million Dollar Advocates Forums.

Mr. Berke has been involved in extensive products liability, medical malpractice, and other litigation throughout his career.

He has served as an attorney in several class action and multi-district litigation cases. Mr. Berke has obtained several multi-million dollar verdicts and settlements.

He is currently involved in:

In Re: Yasmin and Yaz, U.S.D.C., Southern District of Illinois, No. 3:10-cv-20389

In Re: DePuy Orthopaedics, Inc. Pinnacle Hip Implant Products Liability Litigation, U.S.D.C., MDL Docket No. 2244

RONALD J. BERKE

Ronald J. Berke is a partner in the law firm of Berke, Berke & Berke. He received a B.A. in Psychology from the University of Virginia and a J.D. from Vanderbilt University Law School.

He is on the Board of Governors of the American Association for Justice and is a past President of the Belli Society. He is a past President of the Tennessee Trial Lawyers Association, former Vice-Chair of the American Trial Lawyers Association State Delegates, past President of the Chattanooga Trial Lawyers Association and former Vice-Chair of the Tennessee Supreme Court Commission on CLE & Specialization. Mr. Berke served on the Board of Governors of the American Trial Lawyers Association and as Co-Chair of their Motor Vehicle Insurance Committee, State Affairs Committee, State Legislative Outreach Committee and Public Education Committee. He was a Hearing Officer for the Tennessee Supreme Court Board of Professional Responsibility. He also served as Chair of the Tennessee Judicial Selection Commission, and Chair of Lawyers Involved for Tennessee.

He has been awarded the Tennessee Supreme Court Service Award, the Bancroft-Whitney Publishing Company American Jurisprudence Award and is listed in the National Registry of Who's Who. Mr. Berke has also been selected a Mid-South Super Lawyer, and a member of the Million Dollar and Multi-Million Dollar Advocates Forums.

He has tried numerous cases in both the State and Federal Courts as well as arguing cases in both the State and Federal Appellate Courts. He has spoken at meetings of the American Trial Lawyers Association, Southern Trial Lawyers Association, Belli Society and various state trial lawyer association seminars. He is a frequent lecturer at Tennessee Trial Lawyer Association

seminars and has co-authored a chapter for a trial handbook for West Publishing, "Litigating Tort Cases."

He has been involved in several class action and multi-district litigation cases, including:

Brown v. U. S. Smokeless Tobacco, Hamilton County, Tennessee Circuit Court No. 04C222
In Re: LTL Shipping Services, 528 F. Supp. 2d 1378
Steele v. Baxter Healthcare, Hamilton County, Tennessee Circuit Court No. 07C459
Cox v. Chattem
Shuptrine v. AT&T Mobility, LLC, U.S.D.C., Eastern District of Tennessee, No. 1:09-cv-326

He is currently involved in:

Shields v. Racetrac Petroleum, U.S.D.C., Eastern District of Tennessee, No. 1:07-cv-169
In Re: Mirena IUD Products Liability Litigation, Southern District of New York, 7: 13-md-02434-CS-LMS

MEGAN C. ENGLAND

Megan C. England is a native of Georgetown, South Carolina. She attended Hollins University in Roanoke, Virginia, where she received a B.A. in Political Science. Ms. England received her J.D. from Cumberland School of Law, Samford University, where she graduated *cum laude*. While at Cumberland, Ms. England received merit scholar awards for Constitutional Law, Equitable Remedies and Complex Litigation.

Ms. England joined Berke, Berke & Berke in 2004. Her practice primarily focuses on serving clients in civil and complex litigation in both state and federal courts. She is licensed to practice in both Alabama and Tennessee. She represents clients in wrongful death, personal injury, products liability, burn cases, and complex business litigation. She is a member of Inns of Court, American Association for Justice, Tennessee Association for Justice and the American Bar Association. She is currently serving as an Executive Board Member of the Tennessee Association for Justice and President of the Chattanooga Trial Lawyers Association. She is a member of the Million Dollar and Multi-Million Dollar Advocates Forums.

Her class action and multi-district litigation experience includes:

Alexander, et al. v. Washington Mutual, 2008 U.S. Dist. LEXIS 61256
Alston, et al. v. Countrywide Financial, 2008 U.S. Dist. LEXIS 76763
Badesha, et al. v. GMAC, U.S.D.C., Northern District of California No. C06-07817 JCS
Moore, et al. v. GMAC, U.S.D.C., Eastern District of Pennsylvania No. 07-cv-04296
Kay v. Wells Fargo, 247 F.R.D. 572
Liguori v. Wells Fargo
In Re: LTL Shipping Services, 528 F. Supp. 2d 1378

Gee v. Unum Provident, 2005 U.S. Dist. LEXIS 36838
Shuptrine v. AT&T Mobility, LLC, U.S.D.C., Eastern District of Tennessee, No. 1 :09-cv-326

She is currently involved in:

Shields v. Racetrac Petroleum, U.S.D.C., Eastern District of Tennessee, No. 1:07-cv-169
In Re: Mirena IUD Products Liability Litigation, Southern District of New York, 7: 13-md-02434-CS-LMS

In Re: Ethicon, Inc. Pelvic Repair System Products Liability Litigation, Southern District of West Virginia, 2:12-md-02327

Cunningham, et al. v. M & T Bank Corp., et al., Middle District of Pennsylvania, 1: 12-cv-01238-CCC-SES

Thomas v. Bayer Healthcare Pharmaceuticals, Inc., U.S.D.C., Eastern District of Tennessee, No. 3:13-cv-00516

Smith v. Federal Housing Finance Agency, et al., U.S.D.C., Eastern District of Tennessee, No. 4:12-cv-00054

JEREMY M. COTHERN

Jeremy Cothorn joined Berke, Berke & Berke in 2012. Mr. Cothorn graduated *cum laude* and in the top 20% of his class from the University of Tennessee College of Law. Mr. Cothorn graduated *cum laude* from The University of the South (Sewanee) and received Departmental Honors for his thesis on Cormac McCarthy. During law school, Mr. Cothorn was a Second and Third Year Editor of the Tennessee Law Review, a Second Year and Research & Articles Editor of *Transactions: The Tennessee Journal of Business Law*, and Deputy Research Editor and Research Candidacy Process Editor of the *Tennessee Journal of Law & Policy*. Mr. Cothorn also clerked for Chancellors Daryl Fansler and John F. Weaver of the Knox County Chancery Court in the 2007 Fall Semester and served as a student-attorney in the prestigious Student Legal Clinic in the 2008 Spring Semester.

Mr. Cothorn successfully advises and represents businesses, government entities, and individual clients in a variety of contexts including, but not limited to, litigation, contractual negotiations, and business and personal planning.

He is currently involved in:

Thomas v. Bayer Healthcare Pharmaceuticals, Inc., U.S.D.C., Eastern District of Tennessee, No. 3:13-cv-00516

Smith v. Federal Housing Finance Agency, et al., U.S.D.C., Eastern District of Tennessee, No. 4:12-cv-00054

EXHIBIT B: CHART OF ATTORNEYS, HOURLY RATES, AND LODESTAR VALUES

Attorney: Andrew L. Berke

Hourly Rate: \$400.00/hour

Lodestar Value: \$45,360.00

No other attorneys for Berke, Berke & Berke rendered services in this case.

Berke, Berke, & Berke
Andrew Berke
Moore v. GMAC
Files > Facts > Time Spent > My Time

Printed by: Andrew Berke

Date	Duration	Description
08/16/2011	0.60	Work on motion
08/02/2011	0.20	Timing issues
07/21/2011	0.30	Telephone call from Edward Ciolko - spoke
07/19/2011	0.20	Telephone call to Jane Carter w/Ward & Black in Greensboro - spoke
07/18/2011	1.40	Telephone call from Edward Ciolko - spoke; Telephone call from Jane Carter; work on motion to compel
07/08/2011	0.50	Motion issues; Search for counsel; emails
06/18/2011	0.30	Correspondence
05/31/2011	0.20	Emails
05/27/2011	1.30	Emails
05/26/2011	0.20	Emails
05/25/2011	0.20	Emails, correspondence
05/11/2011	0.40	emails
05/10/2011	0.60	Emails; review docs
04/18/2011	0.30	Emails; review motion to strike
04/12/2011	1.10	Review pleadings
04/11/2011	1.10	Discovery call -; Emails; telephone conference
03/25/2011	0.20	Emails, correspondence
03/17/2011	0.40	Emails
03/03/2011	0.90	Review opposition
03/02/2011	1.30	Rewriting draft
03/01/2011	7.30	Brief writing; review decisions; emails
02/28/2011	0.60	Telephone call from Ed Ciolko - spoke
02/26/2011	2.70	Research and writing
02/24/2011	0.50	Emails; Emails
02/24/2011	0.20	Phone call with Michelle Coccagna
02/23/2011	1.00	Legal research; emails; Emails re summary judgment opposition
02/22/2011	0.20	Emails
01/24/2011	0.50	Scheduling; emails
01/19/2011	1.90	Review motion for summary judgment; emails
12/15/2010	0.20	Telephone call from Edward Ciolko
12/14/2010	0.60	Telephone call from Edward Ciolko; Emails; motion for class cert
12/13/2010	1.30	Motion for class certification; review; emails
11/30/2010	0.30	Motion to compel
11/24/2010	0.20	Review order
11/05/2010	0.20	Reply to response re add additional plaintiff
11/03/2010	0.40	Review response
10/29/2010	0.30	Review motion
10/12/2010	0.20	Email
10/07/2010	0.40	Correspondence re reinsurance; review order
10/05/2010	0.30	Email correspondence
09/30/2010	0.20	Additional document
09/29/2010	0.20	Emails
09/28/2010	0.60	Emails re discovery issues
09/24/2010	0.20	Email

09/20/2010	0.20	Emails
09/15/2010	0.20	Additional production; emails
09/14/2010	0.70	Motion to compel
09/13/2010	0.30	Discovery emails
09/09/2010	0.20	Emails
08/30/2010	0.70	Telephone call from Ed Ciolko - spoke
08/30/2010	1.10	Emails; Telephone conference
08/28/2010	0.50	Emails
08/27/2010	0.60	Emails; planning
08/25/2010	5.40	Travel
08/24/2010	6.80	Emails; Deposition
08/23/2010	8.00	Travel; deposition prep
08/19/2010	1.60	Review deposition
08/18/2010	0.40	Review documents
08/11/2010	0.40	Motion to compel issues; email
08/10/2010	0.30	Emails re compel
08/09/2010	0.70	Opposition to motion to compel; emails
08/03/2010	1.40	Expert reports
07/29/2010	0.30	Emails re depos
07/28/2010	0.40	Emails re reports
07/27/2010	0.40	Emails re discovery
07/23/2010	4.50	Travel
07/22/2010	9.00	Depo prep; depo
07/21/2010	5.30	Travel; depo prep
07/20/2010	1.00	Telephone call from Edward Ciolko - spoke; Depo prep
07/15/2010	0.80	Telephone call from Edward Ciolko - spoke; Milliman deposition work; emails
07/02/2010	0.30	Conference call -
03/21/2010	0.80	Reply by GMAC; emails
03/15/2010	0.30	Order; joint case management plan
02/25/2010	3.00	Legal research
02/10/2010	1.20	Review class cert documents
02/08/2010	0.50	Review supplemental brief and declaration
01/29/2010	0.20	Review changes to joint scheduling order
01/20/2010	0.70	Review motion
09/23/2008	0.50	Email; telephone call re suspension of case
09/22/2008	0.20	Emails; order
08/14/2008	0.30	Reply regarding class cert
07/23/2008	0.40	Review documents
06/30/2008	0.20	Class cert; emails
06/03/2008	0.60	GMAC Answers
05/27/2008	0.20	Correspondence
05/22/2008	0.70	Class cert work
05/21/2008	0.80	Motion and memoranda re class cert
05/20/2008	0.20	emails
05/19/2008	0.50	Email; response to motion
05/14/2008	1.00	Responses and objections to discover; Motions and memoranda
05/12/2008	0.20	Email from Garbers
05/08/2008	0.20	Emails
04/30/2008	0.30	Review deadlines
04/29/2008	0.30	Emails. Correspondence re extension
04/25/2008	0.20	stipulation
04/14/2008	0.50	Email; conference call
04/09/2008		

	0.20	email
04/08/2008	0.50	Email traffic; discovery
04/04/2008	0.20	email
04/03/2008	0.20	Emails; discovery
04/02/2008	0.20	email
03/28/2008	0.20	Email
03/19/2008	1.00	Review answer, documents
03/13/2008	0.40	Comments; emails
03/11/2008	0.70	Emails; correspondence; documents; review stipulation
03/10/2008	0.30	Emails; Correspondence with counsel
03/05/2008	0.50	Review order
02/27/2008	0.40	Emails; calendaring
02/26/2008	0.20	Emails
02/25/2008	0.20	Review email
02/21/2008	0.30	Review disclosure
02/20/2008	0.20	email
02/19/2008	0.30	emails
02/13/2008	0.50	Correspondence, emails
02/12/2008	0.80	Review Opposition memo
02/05/2008	0.60	Review document -- pretrial memorandum
01/11/2008	0.20	Emails re discovery
01/10/2008	0.70	Edit and review documents
01/08/2008	0.20	Email
12/26/2007	0.40	Emails; review documents
12/22/2007	0.70	Review reply documents
12/07/2007	1.20	GMAC emails; Review memoranudm/opposition
12/05/2007	0.40	Emails
11/13/2007	0.20	Review stipulation
11/05/2007	1.20	Review motions, memoranda; research
10/31/2007	0.20	Notice of appearance
10/01/2007	0.30	Order/stipulation
09/26/2007	0.70	Emails, conference
09/25/2007	0.20	Emails, correspondence
09/24/2007	0.50	Emails; pleadings; Emails, correspondence with Plutzik
09/12/2007	0.50	Emails; review documents
09/10/2007	0.20	Emails with Plutzik

Berke, Berke & Berke

420 Frazier Avenue
 P.O. Box 4747
 Chattanooga, TN 37405

Ph:423-266-5171

Fax:423-265-5307

Ed Ciolko
 280 King of Prussia Road
 Radnor, PA
 19087

July 29, 2014

Attention:		Client number	3988
Re:	DONNA MOORE VS. GMAC	Inv #:	13462

DISBURSEMENTS

	Filing Fee	40.00
Sep-28-10	Expedia, Atlanta, GA 8/11/10	578.80
	MNAA-Airport Park, Nashville	24.00
	Westin St. Francis West San Francisco	215.15
	Jing Jing Restaurant, CA	67.13
	The Holding Co. 22, San Francisco	55.68
	Westin St. Francis Din, San Francisco	7.10
	Harris Restaurant, San Francisco	92.20
	Wendy's	6.48
	Yellow Cab	44.00
Apr-19-11	reimb.for travel expenses advanced	2,118.83
Sep-12-11	Photocopies 8/17/11	0.20
	Postage 8/17/11	0.44
Sep-21-11	Acct. #3747 200141 16093-Expedia Atlanta	714.25
	Totals	<u>\$3,964.26</u>

Total Fee & Disbursements	<u>\$3,964.26</u>
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Balance Now Due	<u>\$3,964.26</u>
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TAX ID Number 62-0648793

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DONNA MOORE, FRENCHOLA HOLDEN,
and KEITH MCMILLON, individually and on
behalf of all others similarly situated,

Civil Action No. 2:07-cv-04296-PD

Plaintiffs,

vs.

GMAC MORTGAGE, LLC, GMAC BANK
and CAP RE OF VERMONT, INC.,

Defendants.

**DECLARATION OF MEGAN C. ENGLAND IN SUPPORT OF AN AWARD OF
ATTORNEY'S FEES AND REIMBURSEMENT OF EXPENSES**

I, Megan C. England, declare as follows:

1. I am an attorney with the law firm of Berke, Berke & Berke ("firm")¹. I submit this declaration in support of Plaintiffs' request for an Award of Attorney's Fees and Reimbursement of Expenses.

2. During the period from March 13, 2008 through December 13, 2011, I performed 16.2 hours of work in this case. Based upon current hourly rates ordinarily charged to my firm's clients, the value of my time is \$4,455.00. Attached hereto as Exhibit B is a chart which indicates the attorneys who worked on this matter, their current hourly rates and their respective lodestar

¹ A copy of the firm resume of Berke, Berke & Berke is attached hereto as Exhibit A.

values. My firm has been involved in the activities captured in Exhibit C on behalf of the End-Payor Plaintiffs.

3. The hourly rates utilized by my firm in computing its lodestar are at or below its usual and customary hourly rates charged for other similar matters. No upward adjustment in billing rate was made, notwithstanding the nature of the matters involved, the opposition encountered, the preclusion of other employment, the delay in payment, or other factors present in the case which would justify a higher rate of compensation.

4. The time and services provided by my firm for which fees are sought in the petition are reflected in contemporaneously maintained records of my firm. All of the services performed by my firm in connection with this matter were reasonable and necessary in the prosecution of this case. No time is included in the fee petition for work in connection with the fee and expense application or accompanying documents, including this declaration.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

This 5th day of August, 2014.



MEGAN C. ENGLAND

Berke, Berke, & Berke
Megan C. England
Moore v. GMAC
Files > Facts > Time Spent > My Time

Printed by: Megan C. England

Date	Duration	Description
12/13/2011	0.80	Motion for class certification
08/16/2011	0.40	Work on Motion
08/02/2011	0.20	Timing issues
07/18/2011	0.60	Work on Motion; correspondence
07/08/2011	0.30	Motion issues
05/31/2011	0.20	Email
05/27/2011	0.40	Email
05/26/2011	0.20	Email
05/10/2011	0.40	Review documents
04/18/2011	0.30	Review motion to strike
03/25/2011	0.20	emails/correspondence
03/17/2011	0.20	emails
03/02/2011	0.60	Rewrite draft
03/01/2011	2.60	Legal research and brief writing
02/25/2011	1.40	Legal research and brief writing
02/23/2011	1.30	Legal research
01/19/2011	1.60	Review motion for summary judgment
09/14/2010	0.40	Motion to compel
08/09/2010	0.90	Review expert report discuss w/ AB
08/03/2010	0.80	Expert reports
03/21/2010	0.70	Review GMAC reply
02/25/2010	1.40	Legal research
03/13/2008	0.30	Review confidentiality stipulation and proposed order.