

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF TEXAS

<p>KATHERINE M. CLEARY, <i>et al.</i>, individually and on behalf of all others similarly situated,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>AMERICAN AIRLINES, INC.,</p> <p style="text-align: center;">Defendant.</p>	<p>Case No. 4:21-cv-00184-O</p> <p>Hon. Reed O'Connor, USDJ Hon Hal R. Ray, Jr., USMJ</p>
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DECLARATION OF MARK ALEXANDER IN SUPPORT OF PLAINTIFFS'
AND CLASS COUNSEL'S MOTION FOR ATTORNEYS' FEES
AND REIMBURSEMENT OF LITIGATION EXPENSES

Mark Alexander, an attorney for Plaintiffs, declares as follows:

1. I am a member in good standing of the bars of the Texas, Michigan, Fifth United States Circuit Court of Appeals, United States District Court for the Northern District of Texas, and the sole shareholder in the firm Mark A. Alexander, P.C., co-counsel for Plaintiffs in this lawsuit.¹ I respectfully submit this declaration in support of Plaintiffs' and Class Counsel's *Motion for Attorneys' Fees and Reimbursement of Litigation Expenses*.

2. My firm and I commenced our involvement in this action when I drafted and filed the lawsuit. Since then, I have been actively involved along with lead class counsel Giskan Solotaroff and Anderson, LLP ("GSA") and co-counsel in the prosecution of this case. I am familiar with the factual matters discussed herein and could and would testify competently to them if called upon to do so.

Background and Experience

¹ All capitalized terms are defined in the Parties' *Settlement Agreement and Release* [Docket No. 251-1]; the "Settlement" or "Settlement Agreement").

3. My firm and I possess extensive experience in litigating class action litigation for past fifteen years in the federal courts.

4. I received my J.D. from Thomas M. Cooley Law School in 1995.

5. Aside from this action, I have been class co-counsel in the following consumer class actions:

- (a) *Thomas Buchanan v Sirius XM Radio* – Case No. 3:17-cv-00728-D-USDC Northern District of Texas Dallas Division
- (b) *Barbara Thomas et al v. Financial Corporation of America*-Case No. 3:19-cv-00152-G- USDC Northern District of Texas Dallas Division
- (c) *Julie Martin and Debra Olson v. Eligibility Consultants, Inc.*-Case No. 3:18-cv-01272-B- USDC Northern District of Texas Dallas Division
- (d) *Ricky Woodard et al. v The CBE Group, Inc.*-Case NO. 3:19-cv-00990-B- USDC Northern District of Texas Dallas Division
- (e) *Brooke Layton et al. v Mainstage Management, Inc. et al*-Case No. 3:21-cv-01636- USDC Northern District of Texas Dallas Division
- (f) *Jelicia Linwood v Bobshan Entertainment*-Case No. 4:21-cv-851- USDC Northern District of Texas Fort Worth Division
- (g) *Amy Martinez v XTC Cabaret (Dallas), Inc. et al* – Case No. 3:21-cv-01482-K- USDC Northern District of Texas Dallas Division
- (h) *Kara Beasley v Dallas Food & Beverage, LLC et al* – Case No. 3:21-cv-01469-G USDC Northern District of Texas Dallas Division
- (i) *Melissa Herrera v 11044 Harryhines PC DE Chicas Bonitas, et al.*-Case No. 3:20-cv-42-K- USDC Northern District of Texas Dallas Division
- (j) *Melissa Herrera v Jimmy’s Entertainment, LLC et al.*-Case No. 3:20-cv-02804-C- USDC Northern District of Texas Dallas Division
- (k) *Saquoia Seaberry v Harold & Squeaky’s Entertainment, LLC* – Case No. 3:21-cv-0149-S- USDC Northern District of Texas Dallas Division
- (l) *Stephanie Kelley v. Fine Dining Club, Inc. et al.* – Case No. 3:21-cv-02003-Y- USDC Northern District of Texas Dallas Division.

Mark A. Alexander, P.C.’s Work in This Litigation

6. I was the Plaintiffs’ counsel who filed this lawsuit. Later GSA was admitted pro hac vice and was the lead class counsel in this case; [Docket No. 15]. Thereafter, I assisted GSA, in the drafting of numerous pleadings and discovery matters. I worked closely with GSA in this litigation.

7. With respect to the tasks performed by Counsel to the Plaintiffs in this litigation, Mark A. Alexander, P.C., and GSA took every reasonable effort to avoid inefficiencies or duplication of work. Appropriate attorneys and staff were assigned to specific tasks based on their respective experience levels and skills, and work was allocated with clear instruction provided regarding who was responsible for each task.

8. I was the only attorney affiliated with Mark A. Alexander, P.C. that provided professional services this case. My qualifications are discussed in the Background and Experience section, above.

9. My primary tasks in this case have included drafting and editing motions and supporting memoranda; editing discovery demands and responses and communicating with the Court and GSA regarding the Court's local rules.

10. On over twenty occasions, I communicated with GSA, by telephone or email in connection with the drafting and review of pleading and discovery, and to confirm that Plaintiffs' counsels are acting according to this Court's local rules. Furthermore, my paralegal had many communications with the Court's staff.

Mark A. Alexander, P.C.'s Time and Expenses

11. During the time that this litigation was pending, Mark A. Alexander, P.C. spent considerable time working on this litigation that could have been spent on other fee-generating matters.

12. The time that Mark A. Alexander, P.C. has spent on this litigation has been completely contingent on the outcome. Mark A. Alexander, P.C. has not been paid for any of its time spent on this litigation.

13. As of December 15, 2022, the undersigned and his paralegal have billed 77.66 hours, for a total lodestar, during that time, of \$43,731.60. This information is derived directly from Mark

A. Alexander, P.C.'s time records, which are prepared contemporaneously and maintained by Mark A. Alexander, P.C. in the ordinary course of business. My billing rate is \$600 / hour.

14. Below is a listing of the categories describing the professional services performed by the undersigned and his paralegal in this action:

Professional Services Provided	Total Hours (by Category)	Lodestar
Paralegal: Review/edit pleadings and discovery; preparation for deposition; produce documents; file numerous pleadings and orders; numerous calls with Court's coordinator; and numerous emails to Mr. Giskan.	8.68	\$2,343.60
Attorney: Pleadings	45.68	\$ 27,408.00
Discovery	14.50	\$8,700.00
Attorney Communication	8.80	\$ 5,280.00
Totals:	77.66	\$43,731.60

15. The undersigned his paralegal recorded their time contemporaneously with the work they performed. Upon request by the Court, I will submit my firm's contemporaneous billing records *in camera*.

16. As co-counsel to Plaintiffs with more than fifteen years' experience representing consumers in class action litigation, it is my opinion that the Settlement is fair, reasonable, and adequate, complies with FED. R. CIV. P. 23(c) and (e) and achieves an excellent result for the Settlement Classes considering the complete refunds provided in the Settlement to valid claimants and the risks of continuing this action through trial and appeals. I further believe that Class Counsel's motion for an award of attorneys' fees, which will be paid by American separate

and apart from settlement consideration paid to claiming Settlement Class Members, is reasonable and satisfies FED. R. CIV. P. 23(e) and (h).

I declare under penalty of perjury the foregoing is true and correct.

Dated: December 15, 2022.

Respectfully submitted,

By: /s/Mark Alexander
Mark Alexander
State Bar No. 01007500
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