

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

Kevin Moitoso, Tim Lewis, Mary Lee Torline, and Sheryl Arndt, individually and as representatives of a class of similarly situated persons, and on behalf of the Fidelity Retirement Savings Plan,

Plaintiffs,

v.

FMR LLC, the FMR LLC Funded Benefits Investment Committee, the FMR LLC Retirement Committee, Fidelity Management & Research Company, FMR Co., Inc., and Fidelity Investments Institutional Operations Company, Inc.,

Defendants.

Case No. 1:18-cv-12122-WGY

**DECLARATION OF JASON M.
LEVITON IN SUPPORT OF
PLAINTIFFS' MOTION FOR
ATTORNEYS' FEES AND
COSTS, ADMINISTRATIVE
EXPENSES, AND CLASS
REPRESENTATIVE SERVICE
AWARDS**

I, Jason Leviton, declare as follows:

1. I am a co-founding partner of Block & Leviton LLP ("B&L"). I, along with my colleagues at B&L, served as local counsel in connection with this class action suit. I submit this Declaration in Support of Plaintiffs' Motion for Approval of Attorneys' Fees and Costs, Administrative Expenses and Class Representative Service Awards.

2. B&L has significant class action experience, including experience in ERISA class action cases. A copy of our firm resume is attached to this Declaration as **Exhibit A**.

3. To date, our firm has spent a total of 26.30 hours of attorney and staff time on this action, representing a total of \$17,762.50 at our current billing rates. Based on my knowledge of the case and my firm's role, the time expended was reasonable and appropriate. A breakdown of the time and lodestar spent by each attorney and staff member at B&L is as follows:

Name ¹	Hourly Rate ²	Hours	Total Lodestar
Jason Leviton (P)	\$875.00	4.3	\$3,762.50
R. Joseph Barton (P)	\$875.00	10.9	\$9,537.50
Jacob Walker (P)	\$750.00	1.5	\$1,125.00
Nathaniel Silver (A)	\$475.00	4.1	\$1,947.50
Ming Siegel (PL)	\$265.00	1.0	\$265.00
Elizabeth Davey (PL)	\$250.00	3.50	\$875.00
Rachel Murphy (PL)	\$250.00	1.0	\$250.00
TOTAL:		26.3	\$17,762.50

P – Partner; A – Associate; PL - Paralegal

4. Over the course of the litigation, B&L also has incurred the following expenses in connection with this action:

Expense	Amount
Court Fees	\$1,100.00
Printing/Copying	\$165.00
Online Research	\$62.05
Delivery/Courier Services/Postage	\$48.00
TOTAL:	\$1,375.05

These expenses were necessary to the prosecution of the case and are of the type that would be billed to hourly clients of the firm.

5. Because B&L handled this matter on a contingent fee basis, the firm has not been compensated for any of the foregoing time or expenses.

¹ Elizabeth Davey is no longer associated with the firm. Therefore, B&L is including her historical rate when she was last employed by the firm.

² B&L practices nearly exclusively on a contingent-fee basis. Therefore, our rates are set by reference to comparable firms.

6. Details and material supporting the time records and expenses referenced in this declaration are available upon the request of the Court.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: December 8, 2020

s/Jason M. Leviton
Jason M. Leviton
Block & Leviton LLP