

Exhibit "G"

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

FLORENCE WALLACE, ET AL. : **CONSOLIDATED TO:**
 :
 Plaintiffs, : **CIVIL ACTION NO. 3:09-cv-0286**
 :
 v. :
 : **(JUDGE CAPUTO)**
 ROBERT J. POWELL, ET AL. :
 :
 Defendants. :

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

WILLIAM CONWAY, ET AL. :
 :
 Plaintiffs, : **CIVIL ACTION NO. 3:09-cv-0291**
 :
 v. :
 : **(JUDGE CAPUTO)**
 MICHAEL T. CONAHAN, ET AL. :
 :
 Defendants. :

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

H.T., ET AL. :
 :
 Plaintiffs, : **CIVIL ACTION NO. 3:09-cv-0357**
 :
 v. :
 : **(JUDGE CAPUTO)**
 MARK A. CIAVARELLA, ET AL. :
 :
 Defendants. :

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

SAMANTHA HUMANIK,	:	
	:	
Plaintiffs,	:	CIVIL ACTION NO. 3:09-cv-0630
	:	
v.	:	
	:	(JUDGE CAPUTO)
MARK A. CIAVARELLA, JR.,	:	
ET AL.	:	
	:	
Defendants.	:	

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**DECLARATION OF DAVID S. SENOFF
IN SUPPORT OF PLAINTIFF’S UNOPPOSED MOTION FOR
AWARD OF ATTORNEYS’ FEES AND COSTS**

*FILED ON BEHALF Of
CAROSELLI BEACHLER McTIERNAN & CONBOY, LLC*

I, David S. Senoff, hereby declare as follows:

1. I am a partner in the law firm of Caroselli Beachler McTiernan & Conboy (“CBMC”). Since September 2008 I have been the Partner in Charge of the Philadelphia office of CBMC. At all times relevant hereto, I along with William R. Caroselli were the attorneys in charge of the consolidated litigation entitled *Wallace v. Powell, et al.* I submit this Declaration in support of Plaintiff’s Unopposed Motion for Award of Attorneys’ Fees and Costs in *Wallace v. Powell, et al.*. Attached hereto as Exhibit 1 is the resume of Caroselli Beachler McTiernan & Conboy, together with brief biographies of William R. Caroselli, Esquire and

Lauren C. Fantini, Esquire, both of whom expended significant hours in the prosecution of this matter.

2. I am an attorney in good standing and duly licensed and admitted to the Bar of the Commonwealth of Pennsylvania, the State of New Jersey, the United States Court of Appeals for the Third Circuit, the United States District Court for the Eastern District of Pennsylvania and the United States District Court for the District of New Jersey. In addition, I am Specially Admitted to the United States District Court for the Middle District of Pennsylvania for the specific purpose of prosecuting the above captioned action. The facts set forth in this Declaration are based upon personal knowledge, about which I could and would testify competently if called upon to do so.

3. My firm acted as counsel to the Individually Named Plaintiffs in this matter. On February 28, 2012 this Court appointed CBMC as one of the Class Counsel in this matter. As one of the counsel for the Plaintiffs and the Class, my firm performed services on this matter as follows: we investigated and performed legal and factual research in support of the claim; assisted in the briefing on various motions; argued various motions before the Court; attended status conferences; performed discovery tasks and participated in the review, coding and analysis of documents produced in this litigation.

4. My firms' services in this litigation have been rendered on a wholly contingent basis, and compensation will be limited to such amounts as may be awarded by the Court as attorney's fees and for reimbursement of costs and expenses.

5. Since the time of this Court's Final Approval of the Mericle Settlement CBMC additionally made out-of-pocket disbursements of \$46,844.53 through May 30, 2014. None of these expenses has been reimbursed to date. CBMC recorded these expenses as they were incurred, and they are reflected in its computerized bookkeeping records which were created from invoices, receipts and other proofs of the charges and payments. A chart summarizing my firm's additionally incurred expenses is annexed hereto as Exhibit 2.

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

Date: 5/30/2014


DAVID S. SENOFF

Exhibit “1”

CAROSELLI BEACHLER MCTIERNAN & CONBOY

THE FIRM

Caroselli Beachler McTiernan & Conboy is a law firm headquartered in Pittsburgh, Pennsylvania with offices in Philadelphia, Pennsylvania. The firm was established in 1972 as McArdle, Caroselli, Laffey & Beachler. For over forty (40) years, the firm has been led by founding partners, Bill Caroselli and Edwin Beachler. In 2008, the firm opened its Philadelphia office, led by partner David S. Senoff. The firm's concentration has been the representation of plaintiffs in all forms of class actions, personal injury matters, insurance bad faith claims, and complex litigation in state and federal courts. The firm currently includes seventeen (17) full-time attorneys, one (1) of counsel, eight (8) paralegals and a fully staffed and experienced support staff.

Among the types of complex litigation the firm has handled in the past, Caroselli Beachler McTiernan & Conboy is widely known and recognized as one of the two premier law firms prosecuting complex asbestos litigation matters in Western Pennsylvania. The firm has represented thousands of individuals and families in claims on their behalf against the manufacturers of asbestos products. The firm litigated at both the trial and appellate level some of the earliest actions regarding asbestos litigation in the country.

Cases tried, argued or brought to a successful conclusion have included insurance bad faith claims, including claims related to excess profits earned by non-profit insurers, toxic injuries, including asbestos-related cancers and mesothelioma, silicosis claims, complex product liability claims, drug related injuries, claims for third party payors against pharmaceutical companies, complex commercial litigation, complex municipal claims, medical malpractice claims and unique workers' compensation claims.

The firm served as liaison counsel in the United States District Court for the Western District of Pennsylvania case styled *Hall, et al. v. Babcock & Wilcox, et al.*, No. 94-951, a complex case involving personal injury and property damage to improper handling of radioactive materials. While this case has resolved, a trial of several representative plaintiffs resulted in what is believed to be the largest personal injury verdict in the United States District Court for the Western District of Pennsylvania.

The firm also filed the first case in the Luzerne County, Pennsylvania Juvenile Litigation, a consolidated group of four class-action and non-class action cases filed by juveniles in Luzerne County, Pennsylvania who were wrongfully adjudicated and detained in violation of their federal civil rights and the United States Constitution. That consolidated matter is styled, *B.W., a minor v. Powell, et al.*, U.S.D.C. M.D. Pa. No. 09-CV-0286. Two of the firm's partners, Mr. Caroselli and Mr. Senoff, serve on the coordinated Plaintiffs' Counsel Executive Committee in that matter and have been named Co-Lead Counsel together with other of the Plaintiffs' attorneys.

The firm has also been named as Lead counsel or Co-Lead Counsel in class action cases involving healthcare providers' claims against health insurers for improper reimbursement for the providers' treatment of defendants' insureds as well as claims that non-profit insurers had violated the Pennsylvania Non-profit law by amassing substantial amounts of excess profits.

The firm has been rated as an AV firm, the highest possible rating by its peers and opponents, in Martindale-Hubbell.

ATTORNEYS ON THIS CASE

William R. Caroselli, Esquire

William R. Caroselli is a founding partner and attorney in the Pittsburgh office of Caroselli, Beachler, McTiernan & Conboy. Mr. Caroselli is a 1963 graduate of Brown

University and a 1966 graduate of the Dickinson School of Law of Penn State University. After graduating from the Dickinson School of Law of Penn State University, Mr. Caroselli was associated with the law firm of McArdle, Harrington, Feeney & McLaughlin of Pittsburgh, Pennsylvania, where in a six year period he tried to verdict over 50 cases involving personal injury actions, Federal Employers Liability Act cases, securities violations including broker dealer revocation proceedings before the Securities and Exchange Commission of the United States of America, complex estate matters including will contests, and defended complex white collar criminal matters. Among the cases tried to jury verdict was the third trial of the *Pritchard v. Liggett & Myers Tobacco Co.*, 134 F Supp 829 9 (WD Pa, 2 Aug 1955); 295 F2d 292 (CA 3, 12 Oct 1961); 350 F2d 479 (CA 3, Pa 26 July 1965); 382 US 987, 86 S Ct 549, 15 L Ed 2d 475 (17 Jan 1966); 370 F2d 95 (CA3, Pa, 22 Dec 1966); 386 US 1009, 87 S Ct 1350, 18 L Ed 2d 436 (17 April 1967), the first tobacco lung cancer case filed in the United States.

After leaving the McArdle firm in July of 1972, Mr. Caroselli was a principal in his own firm, McArdle, Caroselli, Laffey & Beachler, which focused on general litigation and complex personal injury matters. Contemporaneously with starting his own firm, Mr. Caroselli was an Assistant County Solicitor for the County of Allegheny, Pennsylvania, where he prepared, tried and argued various matters before the trial and appellate courts of the Commonwealth of Pennsylvania involving suits against the Court of Common Pleas of Allegheny County, election matters and commercial and industrial tax assessments and exemptions. Mr. Caroselli was an Assistant County Solicitor between July of 1972 and November of 1974.

As Special Counsel to the General Braddock Area School District, he represented the School District in *Hoots v. Commonwealth of Pennsylvania*, (CV 71-538), a federal

desegregation case which was a class action brought on behalf of parents and children and resulted in the creation of the Woodland Hills School District.

Other significant cases in the Pennsylvania Supreme Court include *Donegal Mut. Ins. Co. v. Baumhammers*, 938 A.2d 286, (Pa. December 27, 2007); *Pocono Manor Investors, LP v. Pennsylvania Gaming Control Bd.*, 927 A.2d 209, (Pa. July 12, 2007); *Ciamaichelo v. Independence Blue Cross*, 909 A.2d 1211, (Pa. November 21, 2006); *Sporio v. W.C.A.B. (Songer Const.)*, 717 a.2D 525, (Pa. September 01, 1998); *Vargo v. Koppers Co., Inc., Engineering and Const. Div.*, 715 A.2d 423, (Pa. July 23, 1998); *Bible v. Com., Dept. of Labor and Industry*, 696 A.2d 1149, (Pa. June 13, 1997); *Com., Dept. of Public Welfare v. Portnoy*, 612 A.2d 1349, (Pa. June 17, 1992).

Mr. Caroselli is a Fellow of the International Academy of Trial Lawyers, American College of Trial Lawyers, Past President of the Academy of Trial Lawyers of Allegheny County, a member of the American Board of Trial Advocates and the Association of Trial Lawyers of America, where he served on the Executive Committee.

He is Past Chair of the Disciplinary Board of the Supreme Court of Pennsylvania and has served as a member of the Pennsylvania Supreme Court Procedural Rules Committee.

In addition, he has been listed in *The Best Lawyers in America* in six separate categories: Bet-The-Company Litigation, Commercial Litigation, Medical Malpractice Law, Personal Injury Litigation, Product Liability Litigation and Workers' Compensation Law.

Mr. Caroselli is admitted to practice before all courts in the Commonwealth of Pennsylvania and has been admitted to the United States Court of Appeals for the Third Circuit, the United States District Court for the Western District of Pennsylvania and the United States District Court for the Middle District of Pennsylvania.

David S. Senoff, Esquire

David S. Senoff is a partner and the Managing Attorney of the Philadelphia office of Caroselli Beachler McTiernan & Conboy. Mr. Senoff is a 1989 graduate of the Temple University and a 1992 graduate of the Temple University School of Law. During his time at the Temple University School of Law, Mr. Senoff was the co-founder and Executive Editor of the Temple Political and Civil Rights Law Review. He was also privileged to serve as a judicial intern for the Honorable Herbert Hutton of the United States District Court for the Eastern District of Pennsylvania.

Since graduating from Temple University School of Law, Mr. Senoff's practice has focused on insurance/managed care bad faith litigation, class action litigation involving medical provider reimbursement for services and other insurance company disputes, insurance coverage disputes, and complex personal injury litigation including medical malpractice actions.

After graduating from Temple University School of Law, Mr. Senoff was associated with the law firm of Billet & Connor, P.C. While associated with Billet & Connor, Mr. Senoff participated in all pre-trial phases of complex, insurance coverage disputes, personal injury actions and employment litigation. His experience included legal and factual research, drafting complaints and answers, motions to dismiss, oppositions to motions to dismiss, conducting all phases of pre-trial discovery, and settlement negotiations. Mr. Senoff, along with William M. Connor, Esquire was lead counsel in several notable cases, including *Eidmann v. Merit Systems Protection Board*, 976 F.2d 1400 (Fed. Cir. 1992); *Britamco Underwriters, Inc. v. Stokes*, 881 F. Supp. 196 (E.D. Pa. 1995); and *River Thames Insurance Company v. 5329 West, Inc.*, 1995 WL 241490 (E.D. Pa. 1995).

After leaving the Billet & Connor firm in November, 1997, Mr. Senoff was a principal in his own firm wherein his practice focused exclusively on insurance/managed care bad faith and complex personal injury matters. His experience included working closely with insurance experts and serving as lead counsel on all of his own cases. Several of these notable cases included: *Ginsberg v. Independence Blue Cross*, 26 Employee Benefits Cas. 1529, Pension Plan Guide (CCH) P 23973V, 2001 WL 267874 (E.D. Pa. 2001); and *Snook v. Penn State Geisinger Health Plan*, 241 F. Supp.2d 485 (M.D. Pa. 2003).

In mid 2002 Mr. Senoff returned to Billet & Connor, P.C. where his practice continued in the same fields and expanded. While still at Senoff & Griffith LLC, Mr. Senoff, along with other firms, commenced a class action against Independence Blue Cross, the region's largest health insurer, prosecuted and settled on behalf of all healthcare providers who treated defendants' insureds. In that case, *Gregg v. Independence Blue Cross, et al.*, 2004 Phila. Ct. Com. Pl. LEXIS 3, the Trial Court stated: ". . .David Senoff, Esquire of Billet & O'Connor, P.C. [sic] are highly experienced, capable and tenacious litigators." In addition to the *Gregg* case, in a case styled *Goldstein v. Doral Dental Services of PA, Inc.*, (Court of Common Pleas, Philadelphia County, June Term 2004, No. 01649), Mr. Senoff also served as Co-Lead Counsel in a class action against a regional dental insurer which was also prosecuted and settled. Furthermore, while at Billet & Connor, P.C., Mr. Senoff also participated in several notable cases, including: *Northwestern Mutual Life Ins. Co. v. Babayan*, 430 F.3d 121 (3d Cir. 2005).

At the end of 2008, Mr. Senoff became a partner with his current law firm, Caroselli Beachler McTiernan & Conboy, where he serves as the managing attorney of the firm's Philadelphia office. Mr. Senoff's practice continues in the same fields and has expanded to include additional class action and complex litigation. While still at Billet & Connor, Mr.

Senoff, along with other firms commenced a class action against Aetna Insurance Company for alleged improper cancellation of health insurance policies. That case, styled *Kaszupski v. Aetna Insurance Company*, (Court of Common Pleas, Philadelphia County, April Term 2008, No. 00601), resolved and Mr. Senoff remained the partner in charge of that case. In addition, while still at Billet & Connor, Mr. Senoff was appointed as Plaintiffs' Liaison Counsel in a multi-district federal action to recover losses from the sale of equity-indexed annuities and other fixed annuities with excessive deferral periods that were fraudulently sold to the elderly. That case is styled *In re American Investors Life Insurance Co. Annuity Marketing and Sales Practices Litigation*, U.S.D.C. E.D. Pa. No. 05-MD-01712 (MDL Docket No. 1712). Mr. Senoff continued his involvement in those cases since joining Caroselli Beachler McTiernan & Conboy.

Finally, since joining Caroselli Beachler McTiernan & Conboy, Mr. Senoff filed the Luzerne County Juvenile Litigation, a consolidated group of four class-action and non-class action cases filed by juveniles in Luzerne County who were wrongfully adjudicated and detained in violation of their federal civil rights and the United States Constitution. That consolidated matter is styled, *B.W., a minor v. Powell, et al.*, U.S.D.C. M.D. Pa. No. 09-CV-0286. Mr. Senoff along with Mr. Caroselli serve on the coordinated Plaintiffs' Counsel Executive Committee in that matter and have been named Co-Lead Counsel together with other of the Plaintiffs' attorneys.

Mr. Senoff has written extensively in the field of managed care liability and insurance bad faith, including: *Insidious Tort Reform*, THE VERDICT, Volume 2006 – 2007 – Issue 2; *Recent Ruling is Bad News for Bad Faith Litigation*, THE LEGAL INTELLIGENCER, September 27, 2004; *An Anticipated Decision with Far-Reaching Results*. THE LEGAL INTELLIGENCER, June 30, 2004; *Recent Decisions Make ERISA's Hottest Issue Even Hotter?* THE LEGAL INTELLIGENCER,

September 22, 2003; *Did Mishoe Court Misstep by Denying Right to Jury Trial?* THE LEGAL INTELLIGENCER, June 17, 2003; and *ERISA and Bad Faith: Strange Bedfellows or a Perfect Match?* THE LEGAL INTELLIGENCER, September 12, 2002. Mr. Senoff continues to write a regular insurance bad faith article for the Pennsylvania Association for Justice News.

Mr. Senoff is admitted to practice before all courts in the Commonwealth of Pennsylvania and the State of New Jersey. He is also admitted to the United States Supreme Court, the United States Court of Appeals for the Third Circuit, the United States District Court for the Eastern District of Pennsylvania and the United States District Court for the District of New Jersey. Furthermore, Mr. Senoff is a member of the American Association for Justice, the Pennsylvania Association for Justice, where he serves on the Board of Directors, the Philadelphia Trial Lawyers Association, where he serves on the Board of Directors, and the Multi-Million Dollar Advocates Forum and the Million Dollar Advocates Forum. Mr. Senoff was selected by his peers for membership in the National Trial Lawyers Top 100: Civil Plaintiff Lawyers in the Commonwealth of Pennsylvania. Finally, since 2013 Mr. Senoff has been selected by his peers for inclusion in the *Best Lawyers in America* in the category of Insurance Law.

Lauren C. Fantini

Lauren C. Fantini is an associate with Caroselli, Beachler, McTiernan & Conboy. She graduated from the University of Delaware in 2001 and is a 2004 graduate of the Pennsylvania State University Dickinson School of Law. Prior to joining the firm, she was the law clerk for The Honorable Arnold L. New of the Philadelphia County Court of Common Pleas. Ms. Fantini practices in the fields of complex civil litigation, including medical malpractice actions, insurance bad faith cases, class actions and civil rights actions.

Ms. Fantini is admitted to practice in the Pennsylvania and New Jersey as well as the United States District Courts for the Eastern District of Pennsylvania and the District of New Jersey. She is also admitted to practice before the United States Court of Appeals for the Third Circuit.

Ms. Fantini is a member of the American Association for Justice, the Pennsylvania Association for Justice, the Philadelphia Trial Lawyers Association and the Young Lawyers Divisions of the Pennsylvania and Philadelphia Bar Associations. She was recognized by Pennsylvania Super Lawyers as a Rising Star in 2008, 2010 and 2012 by the *Law & Politics* publication, *Pennsylvania SuperLawyers*. In 2012, Ms. Fantini was selected for membership in the National Trial Lawyers: Top 40 under 40. Ms. Fantini was one of 40 trial lawyers under the age of 40 selected from Pennsylvania to be chosen for membership in the Top 40 under 40. Finally, Ms. Fantini was also selected by her peers for membership in the National Trial Lawyers: Top 100 Civil Plaintiff Lawyers in the Commonwealth of Pennsylvania.

Exhibit “2”

SUMMARY OF EXPENSES
CAROSELLI BEACHLER MCTIERNAN & CONBOY

EXPENSE CATEGORY	AMOUNT
Outside Service Copy Services	3.20
Expert Fees	14,015.00
Media Investigation and Research (incl.cost of Published Notice)	22,427.90
Fed Ex, UPS, Express Mail	39.72
Courier Services	12.00
Deposition Fees	2,195.75
Travel Expenses	7,974.42
Records	176.54
TOTAL	\$46,844.53