

EXHIBIT

A

Thomas F. Rehme being duly sworn, declares as follows:

1. I am an Ohio attorney and, in my capacity as trustee under a Wind-Up Agreement dated April 15, 2013, I own and control all of the outstanding shares of Waite, Schneider, Bayless & Chesley Co., L.P.A. (“WSBC”).

2. I submit this Declaration in support of Plaintiffs’ Counsel’s Motion for an Award of Attorneys’ Fees and Reimbursement of Litigation Expenses. I have personal knowledge of all material matters stated herein.

3. As documented in the Joint Declaration of W.B. Markovits and Randolph H. Freking¹ (“the Joint Declaration”), WSBC and Freking & Betz² filed the Complaint in this matter in January 2008. In March 2009, the case was dismissed. The Sixth Circuit Court of Appeals reversed and remanded the case to the district court on June 4, 2012.

4. WSBC was counsel of record for the named plaintiffs in this case from 2008 until 2012.

5. During that time, W.B. Markovits and Paul De Marco chiefly handled this case for WSBC.

6. During that time, the complaint was filed, the first amended complaint was filed, three motions to dismiss were briefed, the appeal to the Sixth Circuit was taken, the appeal was fully briefed and argued, and the Sixth Circuit’s decision was issued. In addition, before the lawsuit was initiated, a great deal of time was spent researching the legal theories and the factual matters. Internet searches were conducted looking for relevant information and documents.

7. In the summer of 2012, Markovits and De Marco left WSBC and formed Markovits, Stock & DeMarco, LLC (“MSD”). With the consent of the named plaintiffs, MSD

¹ (“Joint Declaration”)

² Freking & Betz is now known as Freking, Myers & Reul.

became counsel for the named plaintiffs in this case, along with Freking & Betz, and WSBC thereafter ceased to represent the plaintiffs.

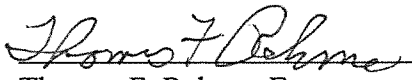
8. The total number of hours expended by WSBC attorneys during the time the firm represented the named plaintiffs in this case was 2,833 hours.

9. During the time it represented the named plaintiffs, WSBC also advanced necessary out-of-pocket expenses in prosecuting the litigation in the amount of \$11,448.42. These are part of the expenses detailed in the Joint Declaration. Prior to submitting its expenses in connection with this motion, WSBC carefully reviewed all of the expenses submitted to ensure that they accurately reflected costs necessarily incurred by the firm in this case.

10. WSBC has not been previously compensated or reimbursed for any of the 2,833 hours its attorneys expended, or any of the \$11,448.42 in litigation expenses it incurred, during the time it represented the named plaintiffs in this case.

11. I declare under penalty of perjury under the laws of the State of Ohio that the foregoing is true and correct to the best of my information, knowledge, and belief.

Executed this 18th day of December 2015, in Cincinnati, Ohio.


Thomas F. Rehme, Esq.