

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

C.P., individually and on behalf of F.P., a minor child; D.O. individually and on behalf of M.O., a minor child; S.B.C., individually and on behalf of C.C., a minor child; A.S., individually and on behalf of A.A.S., a minor child; M.S., individually and on behalf of her minor child, H.S.; Y.H.S., individually and on behalf of his minor child, C.H.S.; E.M. on behalf of her minor child, C.M.; M.M., individually and on behalf of K.M.; L.G., individually and on behalf of her minor child, T.M.; E.P., individually and on behalf of her minor child, Ea.P.; and on behalf of ALL OTHERS SIMILARLY SITUATED,
Plaintiffs,

v.

NEW JERSEY DEPARTMENT OF EDUCATION; KEVIN DEHMER, Interim Commissioner of Education, in his official capacity,
Defendants.

Civil Action No. 19-cv-12807-NLH-MJS

Noel L. Hillman, U.S.D.J.

Matthew J. Skahill, U.S.M.J.

**DECLARATION OF JEFFREY I. WASSERMAN IN SUPPORT OF
MOTION FOR FINAL APPROVAL OF SETTLEMENT
AGREEMENT AND ATTORNEYS' FEES**

JEFFREY I. WASSERMAN declares the truth of the following under penalty of perjury, pursuant to 28 U.S.C. § 1746:

1. I am an attorney admitted to practice law in the State of New Jersey, a member of the bar of this Court, and co-Class Counsel in this matter. I respectfully submit this declaration in support of the Classes' Unopposed Motion for Final Approval of Settlement Agreement and Attorneys' Fees. I have personal knowledge of the facts contained herein.

2. I received my Bachelor of Arts from Lafayette College in 1996, and my Doctor of Jurisprudence from Fordham University School of Law in 1999.

3. I was admitted to practice in the State of New Jersey and in this Court in 1999, and the State of New York in April of 2000. I also am admitted to practice in the Third Circuit, the Second Circuit, the Southern District of New York, the Eastern District of New York, and the Western District of New York. I have practiced law on a continuous, full-time basis since 1999.

4. I started my career as an associate in the litigation group of the New York office of Shaw Pittman (now Pillsbury Winthrop Shaw Pittman) in 1999. I remained there until 2001, when I lateraled to Chadbourne & Parke LLP (now Norton Rose Fulbright) with my litigation "team" from Shaw Pittman. I left Chabourne & Parke LLP (again with the same team of lawyers) to start the New York office of Bracewell LLP. I made partner at Bracewell LLP in 2008.

5. In 2010, I returned to Chadbourne & Parke LLP as a partner in the litigation group. I left to become a partner in the litigation group of Herrick Feinstein LLP in 2012, where I worked primarily in the firm's Newark, New Jersey, office.

6. I left Herrick Feinstein LLP, and founded Wasserman Legal LLC in February 2016. I have run Wasserman Legal LLC since then, where I have continued my complex litigation practice, and added a special education law practice.

7. While I have represented families in connection with their school-district specific needs, the focus of my special education practice has been leveraging my substantial complex litigation experience in cases intended to bring systemic change, like this one.

8. My highest billing rate prior to starting Wasserman Legal LLC was \$895 per hour when I left Chadbourne & Parke LLP. I currently bill clients \$600 per hour for complex federal litigation in New Jersey.

9. I contemporaneously recorded the time I spent during this litigation. A spreadsheet reflecting my time on this case through February 18, 2023, is attached hereto as Exhibit 1. As reflected therein, I spent a total of 184.3 hours on this case through that date (not including time that I spent on the case that I determined not to record and bill). Further, I have substantial additional time after February 18, 2023, which I neither recorded nor billed.

10. Based on the hourly rate of \$550 per hour for my work, which is below what Wasserman Legal LLC charges for my time to hourly clients in complex litigation matters, the total fee for my work is \$101,365.00.

Executed on March 11, 2024

/s/ Jeffrey I. Wasserman
Jeffrey I. Wasserman

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| 5/16/2019 | JIW | Review and edit draft class action complaint; research section 1983. | \$550.00 | 4.5 | \$2,475.00 |
| 5/21/2019 | JIW | Review issues re FOIA information. | \$550.00 | 1.1 | \$605.00 |
| 8/5/2019 | JIW | Review and consider DOE's motion to dismiss; review cases re same. | \$550.00 | 4.1 | \$2,255.00 |
| 8/21/2019 | JIW | Team conference re amending complaint/responding to motion to dismiss; review emails re same. | \$550.00 | 1.6 | \$880.00 |
| 10/17/2019 | JIW | Team conference call re motions for class cert. and preliminary relief; review drafts of same. | \$550.00 | 2.4 | \$1,320.00 |
| 10/25/2019 | JIW | Review, edit and finalize certification for class counsel submission. | \$550.00 | 0.4 | \$220.00 |
| 11/11/2019 | JIW | Review brief in support of motion to dismiss and draft opposition to same; review cases re same. | \$550.00 | 5.2 | \$2,860.00 |
| 1/21/2020 | JIW | Team conference re TRO; review proposed guidelines and comments. | \$550.00 | 1.7 | \$935.00 |
| 2/19/2020 | JIW | Team conference re next steps. | \$550.00 | 0.5 | \$275.00 |
| 2/26/2020 | JIW | Review draft Second Amended Complaint. | \$550.00 | 0.9 | \$495.00 |
| 3/25/2020 | JIW | Review draft supplemental submission re second motion for preliminary injunction. | \$550.00 | 0.7 | \$385.00 |
| 4/3/2020 | JIW | Team conference re next steps. | \$550.00 | 1 | \$550.00 |
| 4/9/2020 | JIW | Review and comment on Second Amended Complaint | \$550.00 | 0.8 | \$440.00 |
| 5/22/2020 | JIW | Review decision on motion to dismiss. | \$550.00 | 1.1 | \$605.00 |
| 5/26/2020 | JIW | Review and consider correspondence regarding PI motion. | \$550.00 | 0.5 | \$275.00 |
| 6/4/2020 | JIW | Review draft letter to court re PI motion; team conference re same. | \$550.00 | 0.9 | \$495.00 |
| 6/5/2020 | JIW | Teleconference with J. Rue and C. Reisman; review draft class cert. brief. | \$550.00 | 1.8 | \$990.00 |
| 6/24/2020 | JIW | Team meeting re discovery plan; review and comment on same. | \$550.00 | 1 | \$550.00 |
| 6/25/2020 | JIW | Review and comment on letter re expedited trial; review draft reply re class certification, and propose alternative approach. | \$550.00 | 1.2 | \$660.00 |
| 6/29/2020 | JIW | Review drafts of reply to class certification; revise and edit same. | \$550.00 | 2.2 | \$1,210.00 |

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| 6/30/2020 | JIW | Review submission from K. Serrano; comment on same; team zoom conference. | \$550.00 | 1.5 | \$825.00 |
| 7/2/2020 | JIW | Review letter re consolidation; team zoom meeting re same. | \$550.00 | 0.9 | \$495.00 |
| 8/31/2020 | JIW | Review and comment on Rule 65(a) submission. | \$550.00 | 1.2 | \$660.00 |
| 9/23/2020 | JIW | Review and comment on reply re expedited trial | \$550.00 | 1.4 | \$770.00 |
| 11/25/2020 | JIW | Review class certification decision. | \$550.00 | 0.6 | \$330.00 |
| 12/15/2020 | JIW | Teleconference with J. Rue re staffing CP case. | \$550.00 | 0.5 | \$275.00 |
| 12/17/2020 | JIW | Team zoom conference re Rule 16 conference. | \$550.00 | 0.5 | \$275.00 |
| 12/22/2020 | JIW | Review Draft Consent Order and letter to DAG Serrano re settlement; review comments to same. | \$550.00 | 0.6 | \$330.00 |
| 3/4/2021 | JIW | Review and comment on letter to Judge Williams. | \$550.00 | 0.4 | \$220.00 |
| 3/9/2021 | JIW | Review letter to DAG Serrano. | \$550.00 | 0.2 | \$110.00 |
| 4/5/2021 | JIW | Review and comment on brief re deliberative process privilege. | \$550.00 | 3.1 | \$1,705.00 |
| 6/28/2021 | JIW | Team zoom conference re strategy. | \$550.00 | 1.5 | \$825.00 |
| 8/3/2021 | JIW | Review and consider issues re deposition of EP. | \$550.00 | 0.5 | \$275.00 |
| 8/7/2021 | JIW | Review proposed correspondence re settlement and discuss same. | \$550.00 | 0.4 | \$220.00 |
| 8/10/2021 | JIW | Review and edit letter to Judge Williams. | \$550.00 | 0.6 | \$330.00 |
| 9/3/2021 | JIW | Review and comment on letter to Judge Williams. | \$550.00 | 0.3 | \$165.00 |
| 9/11/2021 | JIW | Review and propose approach re letter to Judge Williams. | \$550.00 | 0.6 | \$330.00 |
| 9/14/2021 | JIW | Review and edit appeal from Judge Williams' decision; draft inserts re same. | \$550.00 | 1.8 | \$990.00 |
| 9/16/2021 | JIW | Review and comment on letter to Judge Williams. | \$550.00 | 0.3 | \$165.00 |
| 10/4/2021 | JIW | Comprehensive review of draft summary judgment brief. | \$550.00 | 4.3 | \$2,365.00 |
| 10/12/2021 | JIW | Attend conference before Judge Williams; team zoom conference following up re same. | \$550.00 | 3 | \$1,650.00 |
| 10/13/2021 | JIW | Review and consider correspondence regarding appealing Judge Williams. | \$550.00 | 0.3 | \$165.00 |
| 10/24/2021 | JIW | Communications regarding Rule 11. | \$550.00 | 0.5 | \$275.00 |
| 12/2/2021 | JIW | Review and edit Rule 11 brief; review cases re same. | \$550.00 | 1.8 | \$990.00 |
| 12/21/2021 | JIW | Review and edit letter re State's adjournment request. | \$550.00 | 0.4 | \$220.00 |
| 12/24/2021 | JIW | Review Rule 11 papers with focus on procedural requirements. | \$550.00 | 0.5 | \$275.00 |
| 12/31/2021 | JIW | Research, draft and edit opposition to motion in limine. | \$550.00 | 7.3 | \$4,015.00 |
| 1/1/2022 | JIW | Review comments to, and update, opposition to motion in limine | \$550.00 | 2.3 | \$1,265.00 |
| 1/4/2022 | JIW | Update opposition to motion in limine to incorporate all comments; conference with J. Rue and T. O'Leary re same; review and finalize same.. | \$550.00 | 2.7 | \$1,485.00 |

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| 1/5/2022 | JIW | Review NJDOE opposition to motion in limine. | \$550.00 | 1.4 | \$770.00 |
| 1/11/2022 | JIW | Review NJDOE reply in further support of their motion in limine. | \$550.00 | 0.8 | \$440.00 |
| 1/13/2022 | JIW | Outline tasks for shadow defense team. | \$550.00 | 1.4 | \$770.00 |
| 1/14/2022 | JIW | Review and edit letter to D. Dryzga. | \$550.00 | 0.9 | \$495.00 |
| 1/21/2022 | JIW | Attention to trial preparation overview and shadow team issues. | \$550.00 | 2.2 | \$1,210.00 |
| 1/24/2022 | JIW | Review and comment on opposition to DOE summary judgment brief. | \$550.00 | 1.1 | \$605.00 |
| 1/25/2022 | JIW | Review DOE opposition to motion for summary judgment. | \$550.00 | 2.3 | \$1,265.00 |
| 1/28/2022 | JIW | Review and comment on Rule 11 submission. | \$550.00 | 0.8 | \$440.00 |
| 1/31/2022 | JIW | Zoom conference with J. Rue and G. Little; review Plaintiff OAL timelines; | \$550.00 | 2 | \$1,100.00 |
| 2/2/2022 | JIW | Zoom conference with shadow team. | \$550.00 | 0.5 | \$275.00 |
| 2/4/2022 | JIW | Zoom conference with trial team. | \$550.00 | 1 | \$550.00 |
| 2/5/2022 | JIW | Review and consider best/worst arguments for both sides during trial. | \$550.00 | 1.5 | \$825.00 |
| 2/11/2022 | JIW | Trial prep, including reviewing DOE submissions to predict their best "timeline" | \$550.00 | 4.5 | \$2,475.00 |
| 2/12/2022 | JIW | Update "timelines." | \$550.00 | 1.8 | \$990.00 |
| 2/16/2022 | JIW | Review and consider L. Quartarolo shadow team submissions. | \$550.00 | 1 | \$550.00 |
| 2/18/2022 | JIW | Teleconference with J. Rue re pre-trial conference; review agenda re same. | \$550.00 | 0.5 | \$275.00 |
| 2/12/2022 | JIW | Team conference before pre-trial conference; attend pre-trial conference; follow-up team conference re same. | \$550.00 | 3 | \$1,650.00 |
| 2/15/2022 | JIW | Attention to shadow team tasks. | \$550.00 | 4.9 | \$2,695.00 |
| 2/16/2022 | JIW | Attention to shadow team tasks. | \$550.00 | 3.8 | \$2,090.00 |
| 3/10/2022 | JIW | Review and edit letter to Judge Hillman; review materials re OAL special education unit. | \$550.00 | 1.7 | \$935.00 |
| 5/3/2022 | JIW | Review and comment on letter to Judge Skahill. | \$550.00 | 0.3 | \$165.00 |
| 5/24/2022 | JIW | Attend conference before Judge Skahill re CP and related cases; update re same; zoom with J. Rue, G. Little and C. Reisman. | \$550.00 | 2 | \$1,100.00 |
| 6/21/2022 | JIW | Review and edit settlement submission. | \$550.00 | 1.6 | \$880.00 |
| 8/19/2022 | JIW | Review opinion granting class cert. | \$550.00 | 1.2 | \$660.00 |
| 8/26/2022 | JIW | Review and comment on draft class notification; zoom conference with team re same. | \$550.00 | 2 | \$1,100.00 |
| 9/1/2022 | JIW | Review and consider opinion on summary judgment motions. | \$550.00 | 1.8 | \$990.00 |
| 9/6/2022 | JIW | Review motion to stay; review draft opposition to motion for leave to appeal. | \$550.00 | 1.9 | \$1,045.00 |

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| 9/7/2022 | JIW | Draft and edit opposition to motion for leave to appeal; research and review cases. | \$550.00 | 4.8 | \$2,640.00 |
| 9/9/2022 | JIW | Draft and edit opposition to motion for leave to appeal; research and review cases; research and review cases. | \$550.00 | 3.7 | \$2,035.00 |
| 9/11/2022 | JIW | Review updated drafts of opposition to leave to appeal, and inserts re same. | \$550.00 | 4.2 | \$2,310.00 |
| 9/12/2022 | JIW | Review and edit opposition to leave to appeal; closely review final draft. | \$550.00 | 2.4 | \$1,320.00 |
| 9/13/2022 | JIW | Review letter to Judge Hillman; zoom call re same. | \$550.00 | 1.5 | \$825.00 |
| 9/14/2022 | JIW | Multiple zoom conferences; attention to brief in opposition to motion to stay in the Third Circuit; research and review cases. | \$550.00 | 5.7 | \$3,135.00 |
| 9/15/2021 | JIW | Closely review near final brief. | \$550.00 | 1.5 | \$825.00 |
| 9/17/2022 | JIW | Review and edit letter re severance/bifurcation; review correspondence re same. | \$550.00 | 1.1 | \$605.00 |
| 9/18/2022 | JIW | Zoom call re severance/bifurcation. | \$550.00 | 1 | \$550.00 |
| 9/19/2022 | JIW | Attention to issues re class notice. | \$550.00 | 0.5 | \$275.00 |
| 9/21/2022 | JIW | Review and edit draft sur-reply re class cert. | \$550.00 | 2.4 | \$1,320.00 |
| 9/23/2022 | JIW | Team zoom conference; review spreadsheet re tracking dates. | \$550.00 | 1.3 | \$715.00 |
| 9/25/2022 | JIW | Review and edit opposition to motion to stay. | \$550.00 | 1.8 | \$990.00 |
| 9/29/2022 | JIW | Attention to proposed, narrowed class-definitions | \$550.00 | 0.5 | \$275.00 |
| 10/17/2022 | JIW | Review and comment on letter re proposed consent order. | \$550.00 | 0.5 | \$275.00 |
| 11/4/2022 | JIW | Work on spreadsheet to track adjournment requests/45-day deadline | \$550.00 | 1.5 | \$825.00 |
| 11/7/2022 | JIW | Team zoom conference. | \$550.00 | 0.8 | \$440.00 |
| 11/8/2022 | JIW | Team zoom re revised settlement proposal. | \$550.00 | 1.5 | \$825.00 |
| 11/9/2022 | JIW | Call re fee application. | \$550.00 | 0.3 | \$165.00 |
| 11/18/2022 | JIW | Team Call. | \$550.00 | 0.3 | \$165.00 |
| 11/29/2022 | JIW | Zoom meeting resettlement strategy and fee demand. | \$550.00 | 0.9 | \$495.00 |
| 12/2/2022 | JIW | Attention to fee demand spreadsheet. | \$550.00 | 0.8 | \$440.00 |
| 12/6/2022 | JIW | Conference with J. Rue and D. Soutar re: settlement progress and fee demand. | \$550.00 | 1 | \$550.00 |
| 12/9/2022 | JIW | Review and comment on brief re class notice. | \$550.00 | 0.8 | \$440.00 |
| 12/12/2022 | JIW | Conference with J. Rue and D. Soutar re strategy for fee demand and settlement strategy. | \$550.00 | 0.5 | \$275.00 |

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| 12/17/2022 | JIW | Research and review cases, and draft and edit memorandum/brief insert regarding fee application. | \$550.00 | 4.6 | \$2,530.00 |
| 12/18/2022 | JIW | Draft and edit memorandum/insert regarding fee application. | \$550.00 | 2.5 | \$1,375.00 |
| 12/19/2022 | JIW | Update memorandum/insert regarding fee application. | \$550.00 | 0.8 | \$440.00 |
| 12/27/2022 | JIW | Review memorandum of law in opposition to motion to stay; draft and edit same. | \$550.00 | 1.5 | \$825.00 |
| 12/28/2022 | JIW | Video conference with J. Rue and D. Soutar re fee demand; edit and update memorandum/brief insert re fees. | \$550.00 | 1.8 | \$990.00 |
| 12/29/2022 | JIW | Prepare for, and attend, team call re fee demand; follow up with D. Soutar re same. | \$550.00 | 2.4 | \$1,320.00 |
| 1/8/2023 | JIW | Telephone conference with J. Rue and D. Soutar re settlement terms; draft and edit consent order. | \$550.00 | 2.1 | \$1,155.00 |
| 1/9/2023 | JIW | Video conference with J. Rue, C. Reisman, K. Rue and D. Soutar re: keeping settlement on track and latest edits to consent order. | \$550.00 | 1.3 | \$715.00 |
| 1/11/2023 | JIW | Zoom call to discuss upcoming conference with mediator. | \$550.00 | 0.5 | \$275.00 |
| 1/12/2023 | JIW | Team video conference to discuss response to conference with Mediator Schneider; review and mark up letter to same. | \$550.00 | 1.2 | \$660.00 |
| 1/17/2023 | JIW | Draft and edit email to mediator; research re same. | \$550.00 | 0.8 | \$440.00 |
| 1/19/2023 | JIW | Team call to discuss settlement positions and response to mediator. | \$550.00 | 0.3 | \$165.00 |
| 1/20/2023 | JIW | Substantially edit draft correspondence to mediator. | \$550.00 | 0.6 | \$330.00 |
| 1/24/2023 | JIW | Conference with J. Rue and D. Soutar re settlement negotiations. | \$550.00 | 0.4 | \$220.00 |
| 1/31/2023 | JIW | Conference with Settlement Team re response to state's latest proposed settlement terms. | \$550.00 | 0.7 | \$385.00 |
| | | | | 184.3 | \$101,365.00 |