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UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

<p>In re VALEANT PHARMACEUTICALS ) INTERNATIONAL, INC. SECURITIES ) LITIGATION ) _____ )</p>	<p>Master No. 3:15-cv-07658-MAS-LHG ) <u>CLASS ACTION</u> ) ) Judge Michael A. Shipp ) Magistrate Judge Lois H. Goodman ) ) DECLARATION OF SHELLY L. ) FRIEDLAND FILED ON BEHALF ) OF TRIEF &amp; OLK IN SUPPORT OF ) APPLICATION FOR AWARD OF ) ATTORNEYS' FEES AND ) EXPENSES )</p>
<p>This Document Relates To: )  ALL ACTIONS. ) _____ )</p>	

I, Shelly L. Friedland, declare as follows:

1. I am a member of the firm of Trief & Olk. I am submitting this declaration in support of my firm's application for an award of attorneys' fees and expenses/charges ("expenses") in connection with services rendered in the above-entitled action.

2. This firm acted as Liaison counsel of record for plaintiffs Teachers Insurance and Annuity Association of America ("TIAA")<sup>1</sup> and named plaintiff City of Tucson together with and on behalf of the Tucson Supplemental Retirement System (collectively, "Plaintiffs").

3. The information in this declaration regarding the firm's time and expenses is taken from time and expense printouts and supporting documentation prepared and/or maintained by the firm in the ordinary course of business. I am the partner who oversaw and/or conducted the day-to-day activities in the litigation and I reviewed these printouts (and backup documentation where necessary or appropriate) in connection with the preparation of this declaration. The purpose of this review was

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<sup>1</sup> TIAA consists of Teachers Insurance and Annuity Association of America, College Retirement Equities Fund ("CREF"), TIAA-CREF Funds (including the TIAA-CREF Growth & Income Fund, TIAA-CREF Large-Cap Growth Fund and TIAA-CREF Enhanced Large-Cap Value Fund), TIAA-CREF Life Funds (including the TIAA-CREF Life Growth Equity Fund, TIAA-CREF Life Growth & Income Fund and TIAA-CREF Life Bond Fund), TIAA-CREF Bond Funds (including the TIAA-CREF Bond Fund, TIAA-CREF Bond Plus Fund, TIAA-CREF High-Yield Fund, TIAA-CREF Social Choice Bond Fund and TIAA-CREF Short-Term Bond Fund) and TIAA Global Public Investments.

to confirm both the accuracy of the entries on the printouts as well as the necessity for, and reasonableness of, the time and expenses committed to the litigation. As a result of this review, reductions were made to both time and expenses in the exercise of billing judgment. As a result of this review and the adjustments made, I believe that the time reflected in the firm's lodestar calculation and the expenses for which payment is sought as set forth in this declaration are reasonable in amount and were necessary for the effective and efficient prosecution and resolution of the litigation. In addition, I believe that the expenses are all of a type that would normally be charged to a fee-paying client in the private legal marketplace.

4. After the reductions referred to above, the number of hours spent on this litigation by my firm is 39.4. A breakdown of the lodestar is provided in Exhibit A. The lodestar amount for attorney time based on the firm's current rates is \$21,490.00. The hourly rates shown in Exhibit A are the usual and customary rates set by the firm for each individual.

5. My firm seeks an award of \$ 120.57 in expenses and charges in connection with the prosecution of the litigation. Those expenses and charges are summarized by category in Exhibit B.

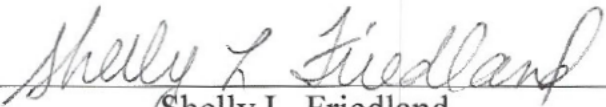
6. The following is additional information regarding certain of these expenses:

(a) Online Legal and Financial Research: \$ 119.60. This category includes vendors such as PACER (paid via our firm's American Express card). These resources were used to obtain access to court filings. This expense represents the expense incurred by Trief & Olk for use of these services in connection with this litigation.

7. The expenses pertaining to this case are reflected in the books and records of this firm. These books and records are prepared from receipts, expense vouchers, check records and other documents and are an accurate record of the expenses.

8. The identification and background of my firm and its partners is attached hereto as Exhibit C.

I declare under penalty of perjury that the foregoing is true and correct.  
Executed this 23rd day of March, 2020, at New York, New York.

  
\_\_\_\_\_  
Shelly L. Friedland

# **EXHIBIT A**

**EXHIBIT A**

*In re Valeant Pharmaceuticals International, Inc. Sec. Litig.*,  
 No. 3:15-cv-07658-MAS-LHG  
 Trief & Olk  
 Inception through 2016

<i>NAME</i>		<i>HOURS</i>	<i>RATE</i>	<i>LODESTAR</i>
Ted Trief	(P)	2.2	\$ 750.00	\$ 1,650.00
Barbara E. Olk	(C)	0.2	\$ 650.00	\$ 130.00
Shelly L. Friedland	(P)	33.8	\$550.00	\$ 18,590.00
Caitlin Duffy	(A)	3.2	\$350.00	\$ 1,120.00
<b><i>TOTAL</i></b>		<b><i>39.4</i></b>		<b><i>\$ 21,490.00</i></b>

(P) Partner  
 (C) Of Counsel  
 (A) Associate

# **EXHIBIT B**

**EXHIBIT B**

*In re Valeant Pharmaceuticals International, Inc. Sec. Litig.*,  
No. 3:15-cv-07658-MAS-LHG  
Trief & Olk  
Inception through 2016

<b><i>CATEGORY</i></b>	<b><i>AMOUNT</i></b>
Telephone, Facsimile	\$ 0.97
Online Legal and Financial Research	\$ 119.60
<b><i>TOTAL</i></b>	<b><i>\$ 120.57</i></b>



# **EXHIBIT C**

**EXHIBIT C**

**TRIEF & OLK- FIRM RESUME**

Trief & Olk is a five attorney law firm with offices in New York, New York and Hackensack, New Jersey. The Firm offers a wide variety of legal services emphasizing civil litigation. The Firm was founded in 1987 by Ted Trief and Barbara E. Olk who each possess over forty years' experience in the legal profession. Mr. Trief was a finalist for Public Justice trial lawyer of the year in 2012 and is currently a SuperLawyer for Class Actions, Insurance Coverage, and Plaintiffs' Personal Injury. Partner Shelly Friedland is a SuperLawyer in the field of class actions, and Jordan Rutsky is a SuperLawyer rising star.

The Firm has a broad based civil litigation practice with an emphasis on consumer and employment class actions, insurance litigation, and complex torts. Trief & Olk served on the plaintiffs' executive committee in the checking account overdraft litigation, has served as co-lead counsel in a national class action on behalf of employees at five restaurant chains owned and operated by Darden Restaurants, and a class action on behalf of employees at Defenders, Inc., and served as New York counsel for the medical monitoring class in the phen-fen diet drug litigation. We handle cases from inception through trial and, if necessary, on appeal. Trief & Olk has tried numerous complex jury and judge trials in federal and state courts. We have also extensive experience with prosecuting appeals and opposing the appeals of others.

REPRESENTATIVE CASES

Among the cases which the Firm has successfully litigated or is currently litigating are the following:

*Archer v. Defenders, Inc.*, No.: 1:18-cv-00470-RGA (D. Del.) (Defenders Employee Litigation). Trief & Olk is lead counsel for approximately 600 employees of Defenders, Inc., a home-alarm installation company that was recently acquired by ADT. These employees allege that Defenders has failed to pay them properly, including for extensive overtime. This case is pending in the United States District Court for the District of Delaware.

*In re Checking Account Overdraft Litigation*, MDL 2036 (S.D. Fla.). Trief & Olk served on the Plaintiffs' Executive Committee in this MDL proceeding alleging claims of breach of contract and the covenant of good faith, unfair and deceptive practices, conversion, unjust enrichment, and unconscionability against the principal banks located throughout the country. In this group of cases, the plaintiffs recovered in excess of \$1 billion in settlements from numerous banks. Trief & Olk were co-leaders in the litigation against Citizens Financial Group, Inc., RBS Citizens, N.A. and Citizens Bank of Pennsylvania which resulted in a cash settlement fund exceeding \$137 million.

*Mathis v. Darden Restaurants, Inc.* No. 12-Civ-61742 (S.D. Fla.) (Darden Restaurants Employee Litigation). Trief & Olk served as national counsel for thousands of employees pursuing Fair Labor Standards Act claims based on allegations of off-the-clock work, inappropriate use of the tip credit, and unpaid overtime for servers and

bartenders employed at Darden's Bahama Breeze, LongHorn Steakhouse, Olive Garden, Red Lobster, and Seasons 52 restaurants. The case was initially brought as a collective action in federal court in the Southern District of Florida. After the collective action was decertified, approximately 4,000 individual claims proceeded through mediation and arbitration under the auspices of the American Arbitration Association, netting over \$7.5 million for the claimants, plus substantial attorneys' fees for the nationwide team of attorneys assembled and led by Trief & Olk to handle these cases.

*Goldman v. Simon Property Group, Inc.*, 58 A.D.3d 208, 869 N.Y.S.2d 125 (2d Dept. 2008); 31 A.D.3d 382, 818 N.Y.S.2d 245 (2d Dept. 2006). Trief & Olk was appointed as co-class counsel in an action brought on behalf of a class of holders of gift cards who were charged a fee because the cards were not used within six months of purchase. Although a lower court dismissed the class action on the grounds that it was preempted under federal law, Trief & Olk successfully had the action reinstated on appeal. Thereafter, the case was successfully resolved.

*Mark Rolnik and Richard Goldweit, et al. v. AT&T Wireless Services, Inc.*, Superior Court of New Jersey, Law Division, Essex County, L-180-04. Trief & Olk was appointed as a co-class counsel in this cell phone litigation involving certain allegedly improper, small print cancellation charges contained in a Welcome Guide, which settled for \$49 million.

*Yosef Yariv, on behalf of himself and all others similarly situated v. AT&T Corp., and Sam's Club East, Inc. and Sam's Club West, Inc.*, Superior Court of New Jersey, Somerset County, SOM-L-272-05. Trief & Olk was appointed as a class counsel for the class in this action involving allegedly improper disclosures with respect to phone cards. The case settled with a \$9.7 million settlement.

*Ruiz v. Computer Learning Center, Inc.*, Superior Court of New Jersey, Law Division, Bergen County Docket No. BER-L-4277-08. Trief & Olk represented the plaintiffs in obtaining class certification in this action brought pursuant to the New Jersey Consumer Fraud Act.

*AMB Property, L.P. v. North Arlington Assocs., LLC.* Superior Court of New Jersey, Law Division, Bergen Country Docket No. BER-10696-00. Trief & Olk represented the purchaser of a 300,000 square foot warehouse that suffered a collapse as well as rock falls that had to be remediated and stabilized to prevent deterioration. This case settled for \$13 million.

*Global Energy Efficiency Holdings, Inc. et al. v. William Penn Life Insurance Company of New York*, Index No. 25687/2014. In November 2018, Trief & Olk prevailed after a judge trial in a suit claiming that William Penn Life Insurance Company had wrongfully denied \$3 million in coverage. The life insurance company claimed that the insured allegedly misrepresented material information in the application for the life insurance coverage. The court found that the insurer had not met its burden of

establishing that the insured materially misrepresented his medical and social history, awarding the beneficiary the full \$3 million plus nearly five years in interest, a finding that was affirmed by the First Department in February 2020.

*Salguero v. Ingersoll-Rand Co. Ltd. et al.*,<sup>2</sup> Superior Court of New Jersey, Law Division, Bergen County, Docket No. BER-L-13590-04. On appeal, we successfully prevailed in this products liability case, in a case involving issues of jurisdiction, judicial estoppel, and res judicata, and in a subsequent trial with a verdict in the plaintiff's favor of \$2 million.

*Mann v. Cooper Tire Co.*, 306 A.D.2d 23, 761 N.Y.S.2d 635 (1<sup>st</sup> Dept. 2003), and 33 A.D.3d 24, 816 N.Y.S.2d 45 (1<sup>st</sup> Dept.), *appeal denied*, 7 N.Y.3d 718, 827 N.Y.S.2d 688, 860 N.E.2d 990 (2006). On appeal, Trief & Olk obtained an order regarding choice of law determining that the law of Quebec did not govern a product liability action involving a single car auto accident in Quebec in which family members were killed or seriously injured. On the second appeal, the Firm prevailed on issues regarding trade secrets and abuse of discovery process, with the case resolving in a confidential settlement.

TED TRIEF

Ted Trief received his J.D. from Rutgers University Law School, graduating with honors in 1976. He received his B.A. in 1973 from the State University of New York at New Paltz cum laude. He is a former Assistant District Attorney.

Ted Trief has practiced law for more than 40 years. He has tried significant cases involving fraudulent transfers of real estate, insurance coverage litigation, shareholder disputes, personal injury (product liability, malpractice, and the New York Labor Law). He has been co-lead counsel in several class action lawsuits. He is a member of the American Trial Lawyers Association President's Club, the New York State Trial Lawyers Association, the Association of the Bar of the City of New York and its Committee on Mass Disasters Planning. He has performed pro bono legal work in a number of areas, including the 2001 World Trade Center attacks.

Mr. Trief was admitted to the Bar in Massachusetts and New York in January 1977 and in New Jersey in November 2000. He is admitted to the United States Supreme Court, the United States Court of Appeals for the Second and Third Circuits, the United States District Court of New Jersey and the United States District Court of New York for the Southern, Eastern, and Northern Districts.

BARBARA E. OLK

Barbara E. Olk graduated from New York University Law School with a J.D. degree in June, 1976. She received her B.A. from the University of Rochester and graduated Phi Beta Kappa in 1973. She practices primarily in the areas of complex commercial litigation and appellate practice. She was admitted to practice in the state courts of New York, Massachusetts (now retired), the District Courts for the Eastern and Southern Districts of New York, the United States Court of Appeals for the Second Circuit, and the United States Supreme Court. Ms. Olk has argued and written briefs in connection with numerous appeals which have resulted in published opinions. In January 2009, she became of counsel to the Firm.

SHELLY L. FRIEDLAND

Shelly L. Friedland, who became a member of Trief & Olk in 2016, graduated cum laude from Harvard Law School, receiving her J.D. in 1997. She received her B.A. in economics from Columbia University in 1987, graduating summa cum laude. Ms. Friedland was selected as a 2019 New York Metro Super Lawyers for Class Action practice. Ms. Friedland has experience in a broad range of matters, including employment, consumer, antitrust, and securities class actions, and general commercial litigation. At Trief & Olk, Ms. Friedland has represented hourly employees in actions brought to enforce state and federal minimum wage laws, with a specific focus on those who earn less than minimum wage. Ms. Friedland also represents both insureds and insurance brokers in litigation relating to insurance coverage disputes, including denial of coverage under life insurance and home owner's insurance policies.

Ms. Friedland is admitted to practice law in New York and New Jersey and is certified to practice in several federal courts, including the Southern and Eastern Districts of New York, the



District Court of New Jersey, the Eastern District of Michigan, and the United States Court of Appeals for the First and Eighth Circuits. Ms. Friedland is a member of the American Bar Association and co-chaired the Emerging Issues Subcommittee for the Class Action and Derivative Suits Committee of the ABA's Litigation Section, and is a member of the New York City Bar Association, where she is a member of the Insurance Law Committee.

JORDAN RUTSKY

Jordan Rutsky, who became a member of Trief & Olk in 2017, joined Trief & Olk in 2005. He received his J.D. from Fordham Law School in 2004, and his B.S. and B.A. in Business Administration – Finance and Political Science, respectively, at the University at Buffalo in 2001, where he was part of the Honors Program and earned the President's Disparate Majors Award. Mr. Rutsky, who was selected as a SuperLawyers Rising Star from 2016 to 2019, Mr. Rutsky has focused his practice at Trief & Olk primarily on medical malpractice, products liability and Labor Law construction accident claims. He has also represented clients in serious automobile accident cases, insurance denial claims, false arrest/false imprisonment/malicious prosecution claims, commercial claims, and in various other tort claims.

Mr. Rutsky is admitted to practice law in New York and New Jersey and is certified to practice in several federal courts, including the Southern and Eastern Districts of New York and the District of New Jersey. He is a member of the New York State Trial Lawyers Association and the New York Academy of Trial Lawyers, as well as the New York City Bar Association, where he is a member of the Products Liability Committee

EYAL DROR

Eyal Dror joined Trief & Olk in 2019. He received his J.D. from Columbia Law School, where he graduated a Kent Scholar in 2007, and, prior to that, earned his B.A. from Columbia University in three years.

In over a decade of practice, Mr. Dror has garnered extensive commercial litigation experience representing plaintiffs and defendants in state and federal cases as well as in arbitration proceedings. He has served as counsel to individuals, Fortune 500 corporations, and non-profit organizations and has successfully prosecuted multi-million dollar civil claims and defended against them. Mr. Dror's practice has also included counseling professionals subject to investigation by government agencies and self-regulating organizations, including banking and financial services regulators.

Mr. Dror is admitted to practice law in New York and is certified to practice before the Southern and Eastern Districts of New York and the Second Circuit Court of Appeals.

CAITLIN DUFFY

Caitlin Duffy graduated with a J.D. from Brooklyn Law School in 2007, where she received a CALI Excellence for the Future Award in Sexuality & the Law. Ms. Duffy obtained her B.A. from Hunter College, C.U.N.Y. and graduated magna cum laude with departmental honors in Political Science.

Ms. Duffy has experience in a broad range of matters, including ERISA breach of fiduciary duty class actions, wage and hour collective actions, consumer class actions, and general commercial litigation. Ms. Duffy is a New York and New Jersey bar member and is admitted to practice in the United States District Courts for the Southern and Eastern Districts of

New York, the District Court of New Jersey and the United States Court of Appeals for the Second and Eleventh Circuits.

Ms. Duffy is also a member of the Federal Bar Council and the New York County Lawyers' Association.

Ms. Duffy left Trief & Olk in December 2016.