

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re Navistar MaxxForce Engines)	Case No. 1:14-cv-10318
Marketing, Sales Practices and Products)	
Liability Litigation)	Judge Joan B. Gottschall
)	
)	

DECLARATION OF BADHAM & BUCK, LLC
IN SUPPORT OF MOTION FOR FEES

I, Brett Ialacci, hereby declare as follows:

1. My name is Brett Ialacci. I am over the age of 18 years and have personal knowledge of the facts and information contained in this declaration and am competent to testify as to the matters stated herein.

2. I am a partner with the law firm Badham & Buck, LLC. I respectfully submit this declaration in support of my firm's application for an award of attorneys' fees in connection with the services rendered in this litigation and the reimbursement of expenses incurred by my firm in this litigation.

3. Badham & Buck is a law firm in Birmingham, Alabama that focuses on complex commercial litigation. The attorneys of Badham & Buck regularly practice in federal court, representing plaintiffs and defendants in a wide range of commercial or "business tort" cases. In the class action arena, Badham & Buck attorneys have been appointed class counsel in cases certified in both state and federal courts. The firm is routinely recognized among the top civil litigation law firms in Alabama by publications such as *Super Lawyers* and *Best Lawuers*. *Super Lawyers* has repeatedly selected me as a "Rising Star" in Alabama. I have tried a variety of cases, including business disputes, in state and federal courts and in arbitration.

4. I received a B.A. from Davidson College in 2000. In 2005, I received a Juris Doctorate, *magna cum laude*, from the University of Alabama School of Law and was an articles editor of the *Alabama Law Review*.

5. In the past ten years, Badham & Buck has been named class counsel in the following cases:

- *William and Oma Louise Burrow, et. al. v. Forjas Taurus S.A. and Braztech International, LC*; in the United States District Court for the Southern District of Florida; Case No. 16-CV-21606.
- *C. Rachelle Roach, et. al. v. Provant Health Solutions, LLC*; in the United States District Court for the Middle District of Florida; Case No. 8:14-cv=1663-T-23MAP
- *Patrick Moore, et al. v. Comcast Corporation, et al.*; In the United States District Court for the Northern District of Alabama; Case No. 7:06-cv-809-UWC;
- *Jack Meadows v. ResortQuest International, Inc.*; In the Circuit Court of Tuscaloosa County, Alabama; Case No. CV-2009-900370; and
- *Tim McAdams, et al. v. Monier, Inc.*; In the Superior Court of California, Placer County; Case No. SCV 16410.

6. I have never been found to be inadequate or unqualified to serve as class counsel.

There is no conflict of interest between the class in this case and myself or my firm.

7. My firm is counsel for the Alabama sub Class of which Storey Trucking Company, Inc. and Lakeside Leasing, Inc. are the class representatives. Badham & Buck has expended substantial financial and personal resources to litigate this case on behalf of the class. That work has been on-going for more than 5 years. Because of the complexity and magnitude of this case and the relatively small size and limited resources of my law firm, the pursuit of the claims on behalf of the proposed class here necessarily meant that we had to forego other business opportunities for which we did not have the man-power or financial resources to participate.

8. Five attorneys in my firm – Percy Badham, Brannon Buck, Richard Dorman, Christopher Driver, and I – worked on this matter. Through July 31, 2019, the total number of hours spent on this litigation by my firm is 469.5. The total lodestar amount for professional time spent by my firm was \$245,870. However, Lead Class Counsel removed from the fee petition attorneys who billed fewer than 20 hours. Lead Class Counsel also cut 134 hours of time expended by my firm (approximately 30% of the total hours spent by my firm), based on parameters that were applied to all similarly situated firms in the litigation. Thus, only time for Percy Badham and me are being submitted with the fee petition. The total lodestar amount for professional services being submitted on behalf of my firm is \$173,740.00. The billers, hours, and rates are summarized in the table below:

BADHAM & BUCK TIME				
NAME	TITLE	HOURS	RATE(S)	TOTAL
Badham, Percy	Partner	59.9	\$600	\$35,940.00
Ialacci, Brett	Partner	275.6	\$500	\$137,800.00
TOTAL		335.5		\$173,740.00

9. Resumes for Percy Badham and me are attached hereto as Exhibit A.

10. All of the time included was reasonably and necessarily expended. The hours worked by Badham & Buck are contemporaneously recorded in time records kept by my firm and are an accurate record of the time expended. I have conducted a line-by-line review of the time expended by my firm and, in my billing judgment, the time submitted was reasonable and necessary for the prosecution of this case.

11. My work on this case, and any compensation related thereto, was, at all times, entirely contingent on the outcome of the case. My firm would have received no compensation if the claims had ultimately been unsuccessful.

12. I expended time on various tasks related to the prosecution of the litigation including, but not limited to: legal research; drafting of the Complaint; responding to discovery, including gathering thousands of pages of documents and coordinating collection of ESI; preparation of witnesses for depositions and defending depositions (particularly the deposition of Paul Storey); travel to meet with clients and to depositions; communications with representatives of the client; and reviewing relevant pleadings and filings in the case. Percy Badham also expended time on various tasks related to the litigation including, but not limited to: reviewing and revising the Complaint; responding to discovery, including gathering thousands of pages of documents and coordinating collection of ESI; preparation of witnesses for depositions and defending depositions (including the deposition of Paul Storey, who was deposed on more than one day); primary point of contact with the client over the course of the litigation; communications with representatives of the client; and reviewing relevant pleadings and filings in the case.

13. My firm has expended a total of \$12,606.36 in expenses in connection with the prosecution of this litigation. Of that amount, \$2,783.02 remains unreimbursed. These unreimbursed expenses are broken down as follows:

BADHAM & BUCK COSTS	
CATEGORY	AMOUNT
OUTSIDE COPY	\$ 122.23
HOTELS	\$ 145.00
MEALS	\$ 26.17
MILEAGE	\$ 784.57
LEGAL RESEARCH	\$ 1,272.66
COURT FEES	\$ 400.00
SERVICE FEES	\$ 16.00
MISC	\$ 16.39
TOTAL	\$ 2,783.02

14. The expenses incurred pertaining to this case are reflected in the books and records of this firm. These books and records are prepared from expense vouchers, check records and other reliable documents and represent an accurate record of the expenses incurred. The costs and expenses reflected in the table above were reasonably and necessarily incurred in the course of my firm's work on this matter.

I hereby state under penalty of perjury that the statements above are true and correct.

DATE: Aug. 29, 2019



Brett Lalacci
BADHAM & BUCK, LLC
2001 Park Place North, Suite 500
Birmingham, Alabama 35203
Phone: (205) 521-0036
Fax: (205) 521-0037
rdorman@badhambuck.com

Exhibit A

W. Percy Badham III Bio

Percy Badham was a founding partner of the firm. Mr. Badham has been practicing law for over 37 years with a focus on complex litigation, business disputes, insurance coverage, class actions and personal injury litigation. Mr. Badham has been active in various professional organizations and bar activities at the local and state level. Mr. Badham served as President of the Alabama Young Lawyers (1990-1991), Director of the Trial Academy for the Tort Trial and Insurance Practice Section of the American Bar Association (2004), and was voted on the Best Lawyers (2006-2011) and Super Lawyers (2008-2017).

Mr. Badham has been active in many CIVIC and community organizations including the Downtown Kiwanis Club and the Monday Morning Quarterback Club. He is a graduate of Leadership Birmingham.

Education:

University of Alabama School of Law (J.D. 1982); summa cum laude; Order of the Coif; Dean M. Leigh Harrison Award; Alabama Law Review; Davidson College (B.A. 1979)

Admitted:

1982, Alabama; U.S. District Court for the Northern District of Alabama; U.S. District Court for the Middle District of Alabama; U.S. District Court for the Southern District of Alabama; 11th Circuit Court of Appeals; U.S. Supreme Court

Professional Affiliations:

President, University of Alabama School of Law Foundation; American Bar Association (Director, TIPS Trial Academy, 2004; Former Council Member, Tort Trial and Insurance Practice Section, 2005-2007); Birmingham Bar Association; Alabama State Bar (President, Young Lawyers Section, 1990-1991); International Association of Defense Counsel

Honors:

J. Anthony "Tony" McLain Professionalism Award by the Alabama State Bar (2019)

Best Lawyers 2006-2008

Super Lawyers 2008-2016 (Rated Top 50 Attorneys in Alabama in 2010, 2011, 2016, and 2017; Top 10 from 2012-2015)

Fellow of the Alabama Law Foundation and the Birmingham Bar Foundation

AV Rated

Brett A. Ialacci Bio

Brett Ialacci is a partner of the firm representing clients in state and federal courts throughout Alabama. Mr. Ialacci has been practicing law for over 14 years with a focus on general commercial litigation, business disputes, class actions, lender liability cases, and arbitrations. Mr. Ialacci previously served on the Executive Committee of the Young Lawyers Section of the Alabama State Bar and on the Junior Board of the Alabama Civil Justice Foundation.

Brett graduated *magna cum laude* in 2005 from The University of Alabama School of Law where he served on the Managing Board of the *Alabama Law Review*. He also holds a bachelor of arts degree in history from Davidson College of North Carolina.

Education:

University of Alabama School of Law (J.D. 2005); magna cum laude; *Alabama Law Review* (Articles Editor); Davidson College (B.A. 2000)

Admitted:

2005, Alabama; U.S. District Court for the Northern District of Alabama; U.S. District Court for the Middle District of Alabama; U.S. District Court for the Southern District of Alabama; 11th Circuit Court of Appeals

Professional Affiliations:

American Bar Association; Alabama State Bar (Executive Committee Member of the Young Lawyers Section, 2008-2013); Birmingham Bar Association; Alabama State Bar Leadership Forum, Class 9; Alabama Civil Justice Foundation (Member of the Executive Committee, 2008-2013)

Honors:

Super Lawyers 2013-2015 (“Rising Star”)