

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. THOMAS AND ST. JOHN**

ARNOLD GOLDEN

Plaintiff,

vs.

BANCO POPULAR DE PUERTO RICO,

Defendant.

Civil Action No. 3:20-cv-00095

**DECLARATION OF KOREY A. NELSON IN SUPPORT OF  
MOTION FOR: (1) FINAL APPROVAL OF CLASS ACTION SETTLEMENT; (2) FINAL  
CERTIFICATION OF SETTLEMENT CLASS FOR SETTLEMENT APPROVAL  
PURPOSES; and (3) AWARD OF ATTORNEYS' FEES, EXPENSES AND CLASS  
REPRESENTATIVE SERVICE AWARDS**

I, Korey A. Nelson, declare as follows:

1. I am a partner at Burns Charest LLP. I submit this declaration in support of Plaintiff's motion for (1) final approval of Class Action Settlement; (2) Final certification of Settlement Class for Settlement approval purposes, and (3) award of attorney's fees, expenses, and class representative service awards in the above-captioned action (the "Action").

2. My firm served as Plaintiffs' Counsel in this Action.

3. I and my firm Burns Charest LLP have extensive experience in class actions and other complex litigation in both state and federal court and has been appointed to leadership positions in: *Scola v. Facebook*, 18-civ-05135 (Cal. Sup. Ct) (Class Counsel); *In re TikTok, Inc, Privacy litigation*, No. 19-07792 (N.D.IL) (PSC); *In re EpiPen (Epinephrine Injection, USP) Marketing, Sales Practices and Antitrust Litigation*, No 17-MD-2785 (D.Kan) (Co-lead counsel); *Novoa v. Geo Group*, 17-cv-02514 (C.D.Cal) (Class Counsel); *In re: Upstream Addicks and Barker (Texas) Flood-Control Reservoirs, Sub-Master Docket 17-900IL* (Fed Cl) (co-lead); *In re Domestic Airlines Antitrust Litigation*, No. 15-MC-01404 (D.D.C.) (executive committee);

*In re Johnson & Johnson Talcum Powder Products Marketing Sales Practices, and Products Liability Litigation*, No. 16-MD-2738 (D.N.J.) (executive committee). In addition we have extensive complex litigation experience in the Virgin Islands including in: *In re: Asbestos, Catalyst, and Silica Toxic Dust Exposure Lit.*, SX-15-CV-096 (U.S.V.I. Sup. Ct.) (co-lead counsel); *Jn-Marie v. Spartan Concrete Products et al.* ST-17-CV-486 (putative class counsel). Additional information regarding our firm's depth and experience can be found in the Burns Charest LLP firm resume, attached hereto as Exhibit 1.

4. The schedule attached as Exhibit 2 sets forth my firm's total hours and lodestar for the period of inception of the case through and including today's date. The total number of hours spent by my firm during this period was 121.60, with a corresponding total lodestar of \$77,910.00. This schedule was prepared from contemporaneous daily time records prepared and maintained by my firm. In connection with representing the Plaintiffs in the Action, my firm did the following: investigating the underlying factual record and developing the legal theories of the case; drafting, reviewing, and filing pleadings; coordinating case strategy and discovery with Plaintiffs' co-counsel. The lodestar amount reflected in Exhibit 2 is for work performed by attorneys and professional staff at or affiliated with my firm for the benefit of the Class. The hourly rates for the attorneys and professional staff in my firm reflected in Exhibit 1 are the usual and customary hourly rates historically charged by my firm in similar complex litigation matters.

5. My firm has expended a total of \$908.10 in unreimbursed costs and expenses in connection with the prosecution of the Action from inception of the case through and including today's date. These costs are set forth in the Schedule attached as Exhibit 3 and are reflected in the books and records of my firm. They were incurred on behalf of Plaintiffs by my firm.

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

Executed this 22 day of July 2023

/s/ Korey A. Nelson  
Korey A. Nelson

**EXHIBIT 1**



## About Burns Charest LLP

Burns Charest is a young firm with a dynamic and impressive pedigree. Our founders were partners and attorneys at some of the finest commercial litigation boutiques in the nation. In 2015, we came together to build a new, aggressive platform to pursue our clients' interests.

We know that experience matters to clients and judges. And we have it. Our lawyers have actually tried a complex class action to verdict, served as co-lead counsel in multi-district litigation, secured a \$106 million judgment in the first of the 2008 mortgage meltdown cases to go to trial, obtained significant settlements in royalty-owner disputes, and regularly represented individuals and businesses in complex, bet-the-company cases.

We currently serve as lead counsel in national antitrust and other complex class actions. We represent numerous royalty owners in disputes against oil and gas giants. We serve hundreds of individuals whose lives have been threatened by exposure to asbestos and other harmful products.

We have a strong team. Our lawyers are some of the most experienced and talented of their generation, and we are happy to match our credentials against others.

Our focus is on the future. We believe firmly that our nation's legal system was designed to protect individuals and businesses from the wrongdoing of others and to assure a level playing field. As lawyers, we have an incredibly important role to play in making that system work for our clients. And we will not shy away from a fight to protect their interests.

## Why We Win

We are *trial lawyers*. We are not litigators.

What is the difference? From day one, we focus on how we are going to win your case at trial. We know from experience that success in the courtroom begins with a well-planned and efficient case strategy that focuses on what truly matters.

Our focus is not on the billable hour. We prefer to work under fee agreements that reward success and efficiency. By fully aligning our clients' interests with our own, we are able to focus on success.

We work smartly. In each case we conduct discovery and motion practice in a way that advances our client's goals. We identify key witnesses and documents, and then focus our efforts on how to tell our client's story through targeted depositions and discovery.

Many firms preach efficiency; we practice it. Our clients' interests are not best served by assigning multiple lawyers to perform the same task. That is not our style. We adhere to our Texas roots: One Riot, One Ranger.

The best lawyers are not those who scream loudest. We do not advance our clients' cases by engaging in meaningless disputes with our adversaries. That wastes time and money. But be assured, we know what's important and we will not shy away from zealously advancing our clients' interests.

We engage our clients each step of the way as members of the team. They help shape strategy. They participate in every significant decision.

We know how to communicate complex ideas to judges and juries. We use innovative techniques and technologies to advocate for our clients at trial, employing creative means to impart their story and serve their interests.

## Practice Areas

### Antitrust

Antitrust laws are essential to our nation's economy. Without them, businesses would be free to conspire to charge American consumers higher prices. And monopolists would be able to squeeze competitors out of the market.

Antitrust laws are so important that state and federal governments have empowered American consumers and businesses to bring legal claims to enforce these laws, and in some cases they may obtain three times their damages if successful. We gladly represent those who have been harmed and are seeking to enforce their rights.

We have deep experience in representing classes and individuals in antitrust suits against some of the world's largest corporations. We currently serve as co-lead counsel on behalf of a class of American car purchasers in the *Vehicle Carrier Services Antitrust Litigation* case that is pending in federal court in New Jersey. We are also co-lead counsel in the *Crude Oil Commodity Futures Litigation*, where we brought antitrust and Commodity Exchange Act claims against individual traders and companies on behalf of a nationwide class. Our lawyers have served as co-lead counsel in other national class action cases before forming Burns Charest. And we have obtained hundreds of millions of dollars for the classes we have represented.

### Business Disputes

When you want a lawyer, usually something has gone wrong and you need a solution; ideally a cost-effective result that achieves your business goals. Burns Charest can help.

Our trial lawyers have represented all types of businesses in all kinds of lawsuits. We've been on both sides—with good effect. Our lawyers have recovered millions for businesses and we've obtained complete defense wins for business clients. Whether your matter sits before a judge, a jury or

an arbitration panel, our vast experience can often make a positive difference.

Big cases don't require big hours. They require skill. Burns Charest attorneys are stand-up trial lawyers. Not discovery litigators. We focus on winning at trial, not picking needless skirmishes along the way.

When appropriate, we welcome the opportunity to work on a contingency-fee basis, so our reward comes only when you win. We will work with you to establish the right fee structure for your case, whether that means blended rates, flat fees or hourly rates. Ultimately, we want to establish a relationship that works for the client, the lawyers and the case.

We also work with referring lawyers. If you want to joint venture a case, we are willing to split work, expenses and fees on equitable terms. If you need to refer a case due to a conflict, we can take the case forward and support your recommendation. And, if you need trial counsel as the case matures, Burns Charest attorneys can step into the later phases of cases for trial. Above all, we respect the client relationships of our referring counsel.

By way of example, our lawyers have handled litigation involving:

- Breach of contract
- Tortious interference with contracts
- Interference with prospective contracts or business advantages
- Uniform Commercial Code (UCC) disputes
- Unfair competition claims
- Non-competition agreement violations
- Defamation and business disparagement
- Fraud
- Fraudulent inducement
- Accounting malpractice

## **Class Action**

Federal and state governments have also enacted laws to safeguard Americans' privacy rights and to protect consumers and businesses from unfair practices. These laws often provide individuals and businesses a means to bring claims against defendants for unlawful actions.

We have brought claims on behalf of American consumers and businesses in cases throughout the United States. Our consumer cases have involved federal and state privacy and consumer protection laws, as well as state statutes regulating trade practices.

## Energy

Big Oil is big business, and the business of Big Oil often leads to high-stakes litigation. People and companies from across the nation and around the world put a lot at risk in these deals. When things go wrong in this sector, they tend to go very wrong. That's where we come in.

Our combination of trial savvy, industry experience and technical know-how puts us in an excellent position to help you. We bring effective and efficient representation to understand the issues and technology and explain them to judges and juries for your benefit. We are oil and gas trial lawyers.

It's complicated, but not too complex. The oil and gas industry brings its own technology, accounting procedures and lexicon. The lawyers at Burns Charest have deciphered and explained any number of these issues. Some examples include the costs and prices in revenue accounting for royalty calculations; the cause—at a molecular level—of production impairments in a deepwater, foreign, offshore drilling program; every aspect of seismic data collection—from shot to processor; and the prospectivity of wells in an undeveloped field. Each case brings another aspect of oil and gas technology. And our lawyers have mastered each one.

Big or small, we can help. The Burns Charest team has represented an array of clients from industry leaders to individual landowners. From individual landowners against industry-leading operators to a publicly-traded, multi-billion dollar E&P company against a class of investors, to one mid-major against other mid-major. Whether you are a landowner, royalty owner, working interest owner, an operator, a non-operator, a service company, or any other of the many interests in the oil field, we have the ability to focus on your issues and apply our experience.

Litigation has followed oil and gas development across the United States and beyond. With locations in Texas, Louisiana and Washington, D.C., our firm sits in the epicenter of the oil and gas litigation world. Our lawyers have

handled oil and gas cases in their home states and beyond. The Burns Charest team has been involved in new shale plays — such as the Barnett, the Eagle Ford, the Bakken, the Haynesville, the Marcellus and the Utica as well as traditional plays that include the Anadarko Basin and Central Louisiana, and locations in Ghana, Mauritania and Western Sahara.

The scope of disputes our attorneys have handled include:

- Surface damage and other property damage
- JOAs
- COPAS accounting
- Investor fraud
- Environmental claims, such as water table contamination, drainage issues, pollution and hydraulic fracturing
- Lease claims
- Lease trespass claims
- Mineral rights and royalties
- IPO securities claims
- Service provider billing fraud
- Seismic data secrecy
- Development agreement breaches
- Unitization disputes

## **Mass Tort**

When companies fail to provide a safe working environment for their employees, or sell unsafe products to consumers, the injured need a voice to fight for them. Burns Charest is that voice.

Our attorneys are skilled and experienced in coordinating and prosecuting such claims on a mass scale. Burns Charest lawyers have successfully represented clients against pharmaceutical companies and asbestos manufacturers. Currently we are representing hundreds of clients exposed to asbestos in one of the largest oil refineries in the Western Hemisphere. Additionally, we are part of a consortium of plaintiffs firms representing over four hundred public and private hospitals in opioid lawsuits across the nation.

Big business may have big resources, but so do we. More importantly, we also have the know-how and experience to bring those resources to bear where and when it counts: in the courtroom.

Burns Charest also knows how to effectively manage and coordinate mass tort cases and, just as importantly, efficiently move these cases forward to a

resolution. Because we work on a contingency fee basis, our interests are aligned with our clients to move cases along as quickly as possible. Instead of getting bogged down in needless and pointless delay-causing skirmishes, we focus on resolving these cases as expeditiously as possible for the benefit of our clients. We know that delays don't hurt the large companies, they hurt the injured waiting for their day in court.

We are here to give each person a voice in the courtroom and to level the playing field between the injured and Big Business.

## Firm Leadership Experience

- Member of seven-person executive committee: In re Johnson & Johnson Talcum Powder Products Marketing, Sales Practices and Products Liability Litigation (D.N.J.). Representing over 500 women alleging that talcum powder products cause ovarian cancer.
- Co-lead counsel: In re: Asbestos, Catalyst, and Silica Toxic Dust Exposure Litigation, Master Docket No. SX-15-CV-096 (U.S.V.I. Sup. Ct.). Representing several hundred individual workers exposed to asbestos while working in a refinery on St. Croix, U.S.V.I.
- Co-liaison counsel: In re: Chesapeake Barnett Royalty Litigation #2, MDL No. 96-000003-15 (96th District Court, Tarrant County, Texas). Representing royalty and mineral owners in mass action against operator for royalty underpayments.
- Co-lead counsel: In re: EpiPen (Epinephrine Injection, USP) Marketing, Sales Practices and Antitrust Litigation, MDL No: 2785 (D. Kan.). Representing tens of thousands of American consumers and businesses in a multidistrict class action designed to recoup the overpayments on the life-saving EpiPen device.
- Co-lead counsel: Scola v. Facebook Inc. and Pro Unlimited Inc. (Superior Court in the State of California) Negotiated \$52 million class action settlement on behalf of content moderators class who worked for Facebook vendors. Settlement included Facebook improving safety of U.S.-based content moderators by improving review tools and providing counseling. Listed among the “Top Commercial Litigation Moments of 2020” by The Texas Lawbook.
- Co-lead counsel: In re Upstream Addick and Barker Flood-Control Reservoirs. (U.S. Court of Federal Claims) Representing property owners in federal takings case relating to flooding during Hurricane Harvey.
- Co-lead counsel: In re Plaid Inc. Privacy Litigation (N.D. Ca.) Representing consumers against fintech apps for collecting sensitive

transactional private banking data without consumers' knowledge or consent.

- Member of Plaintiff Steering Committee: In re TikTok, Inc., Consumer Privacy Litigation (N.D. Ill.). Representing app users against TikTok, Inc. and ByteDance, Inc. for their use of biometric information obtained from app users without prior consent.
- Co-lead counsel: In re Anadarko Basin Oil and Gas Lease Antitrust Lit. (W.D. Okla.). Representing mineral owners against oil and gas companies for conspiring to rig bids and limit competition for oil and gas leases.
- Executive committee member: In re: Domestic Airlines Antitrust Litigation (D.D.C.). Representing millions of Americans who overpaid for airline tickets after the nation's largest carriers entered into an illegal conspiracy to fix prices and limit airline capacity.
- Co-lead counsel: Bhatia et al v. 3M Company (D. Minn.). Representing thousands of American dentists who purchased faulty material from one of the nation's largest dental manufacturers for use in dental crowns, which failed at unprecedented rates.
- Co-lead counsel: In re: Crude Oil Commodity Futures Litigation (S.D.NY.). Represented thousands of investors who lost money after rogue trading companies manipulated the market for crude oil. Burns Charest settled the case in 2015 and administered the settlement.

**EXHIBIT 2**

## Exhibit 2 - Burns Charest LLP Lodestar

NAME OF ATTORNEY	HOURLY RATE	HOURS	TOTAL LODESTAR
Abu-Orf, Leila (Associate)	\$700	48.30	\$33,810.00
Andino, Gabriella (Paralegal)	\$325	8.90	\$2,892.50
Dixon, Sandra (Paralegal)	\$325	1.80	\$585.00
Encalade, Jayde (Associate)	\$700	1.30	\$910.00
Henry, Mark (Paralegal)	\$325	3.00	\$975.00
Herrera, Michelle (Paralegal)	\$325	15.60	\$5,070.00
Klevorn, Amanda (Partner)	\$850	1.10	\$935.00
Kweik, Maggie (Paralegal)	\$325	1.30	\$422.50
Lopez, Hannah (Paralegal)	\$325	1.50	\$487.50
Nelson, Korey (Partner)	\$1050	26.50	\$27,825.00
Soyka, Jordan (Paralegal)	\$325	9.80	\$3,185.00
Sylvester, Ashley (Paralegal)	\$325	1.30	\$422.50
Wollman, Justine (Paralegal)	\$325	1.20	\$390.00
TOTALS		121.60	\$77,910.00

**EXHIBIT 3**

**EXHIBIT 3 - BURNS CHAREST LLP EXPENSES**

EXPENSE	AMOUNT
New Complaint filing fee -USDC VI	\$400.00
Special Delivery Service Inc to Popular Bank	\$182.00
VI District Court – Application for PHV	\$250.00
Certificate of good standing for PHV	\$20.00
Pacer Services	\$56.10
TOTAL	\$908.10