

3. My work in the private sector has included:

- 3 ½ years as an associate at the firm of Goodwin Procter LLP (then Goodwin, Procter & Hoar), where I was assigned work on both corporate and litigation matters, and handled multiple trials and adversary proceedings before the United States Bankruptcy Court;
- 11 years as an associate, and then a partner, at the firm of Shapiro, Haber & Urmy (lead counsel for the plaintiff in this case), where I had my first Superior Court trial and my first U.S. District Court trial and where I handled numerous complex cases involving financial fraud and environmental pollution; and
- 4 years as a partner in the firm of McRoberts, Roberts & Rainer, LLP, where I handled both financial fraud and environmental litigation, and again tried cases in the Superior Court. I also brought the first whistleblower case challenging fraud on the Big Dig, which resulted in a recovery by the federal and state governments of almost \$50 million.

4. Since September of 2014, I have been Of Counsel to the firm of Brody, Hardoon, Perkins & Kesten, LLP, a 16-lawyer firm in the Back Bay, which has a long history trying personal injury, employment and civil rights cases. In my work at Brody Hardoon, I have developed a practice representing individuals in wrongful death, negligence and fraud claims against the major tobacco companies, Philip Morris USA Inc. and R.J. Reynolds Tobacco Company, and have developed expertise in working with expert witnesses in tobacco cases, as well as knowledge of the extensive internal records of the tobacco companies made public as a result of litigation brought against the tobacco industry by the state and federal governments.

5. I am a graduate of Princeton University and New York University Law School, where I served as a Senior Editor of the Law Review. I am also a co-author with Hon. Peter Lauriat, Elaine McChesney, and William Gordon of volume 49 of the *Massachusetts Practice* series. I have been a frequent speaker at continuing legal education programs of the Boston Bar Association, the Massachusetts Bar Association, and MCLE.

6. I have been awarded the "AV" rating by the Martindale-Hubbell Law Directory, which is given only to those who have earned a very high measure of professional esteem and have adhered to the highest ethical standards in the legal profession. I have been repeatedly listed as a

Massachusetts Superlawyer, and have been honored as Lawyer of the Year by the Frank J. Murray In of Court.

7. The hourly rate at which I seek to be compensated, \$750 per hour, is reflective of my experience, reputation, and expertise in tobacco litigation that I brought to the case. It is consistent with the rate being charged by Michelle Blauner, of Shapiro Haber & Urmy, LLP, who was my contemporary when I was a partner of that firm, and also consistent with the rates I have charged in other contingent fee matters.

B. Role in the Litigation

8. Because of my considerable experience trying cases before the Superior Court, and because of my growing expertise litigating cases against the tobacco industry, I was asked by lead counsel at Shapiro, Haber & Urmy, in the spring of 2015, to assist in preparing this case for trial and in conducting the trial.

9. Consistent with this role, the bulk of the 530.7 hours I have devoted to the case have consisted of:

- 276.5 hours preparing witness outlines, gathering exhibits to be introduced through witnesses, and meeting with witnesses to prepare their testimony for trial;
- 103.5 hours actually participating in the trial; and
- 45.5 hours negotiating the joint pre-trial statement, working on motions in limine and to limit expert testimony, and addressing other evidentiary issues.

10. Among other things, I took primary responsibility for preparing and presenting the testimony of Dr. David Burns, one of plaintiff's five experts, and took primary responsibility for the cross-examination of Dr. Kevin Murphy, one of the defendant's three experts. I also participated in the witness preparation of almost every one of plaintiff's expert and lay witnesses.

11. In addition to this trial and trial preparation work, I devoted approximately 43.3 hours in preparing materials and additions for Plaintiff's Proposed Findings of Fact and Conclusions

of Law, and 10.8 hours in preparing this Affidavit and Application for fees.

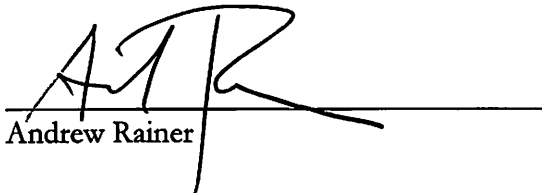
C. Lodestar

12. My paralegal and I contemporaneously recorded the time we each spent working on this case. Our contemporaneous records were then input into the firm's computer billing system.

A computer printout of our detailed time records can be made available to the Court upon request.

13. As documented in the contemporaneous records, our firm's lodestar for this case is \$398,945.00, representing 530.7 hours of my time at the rate of \$750 per hour, and 4.6 hours of paralegal Nancy Haley's time at the rate of \$200 per hour.

Signed under the pains and penalties of perjury this 15th day of July, 2016.


Andrew Rainer

