

# **EXHIBIT 9**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE BANK OF NEW YORK MELLON CORP.  
FOREX TRANSACTIONS LITIGATION

No. 12-MD-2335 (LAK) (JLC)

THIS DOCUMENT RELATES TO:

*Southeastern Pennsylvania Transportation Authority v.  
The Bank of New York Mellon Corporation, et al.*

No. 12-CV-3066 (LAK) (JLC)

*International Union of Operating Engineers, Stationary  
Engineers Local 39 Pension Trust Fund v. The Bank of  
New York Mellon Corporation, et al.*

No. 12-CV-3067 (LAK) (JLC)

*Ohio Police & Fire Pension Fund, et al. v. The Bank of  
New York Mellon Corporation, et al.*

No. 12-CV-3470 (LAK) (JLC)

*Carver, et al. v. The Bank of New York Mellon, et al.*

No. 12-CV-9248 (LAK) (JLC)

*Fletcher v. The Bank of New York Mellon, et al.*

No. 14-CV-5496 (LAK) (JLC)

**DECLARATION OF BRIAN K. MURPHY IN SUPPORT OF MOTION FOR  
ATTORNEYS' FEES AND REIMBURSEMENT OF EXPENSES FILED ON BEHALF  
OF  
MURRAY MURPHY MOUL + BASIL LLP**

I, Brian K. Murphy, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am a partner of the law firm, Murray Murphy Moul + Basil LLP. I submit this declaration in support of Lead Settlement Counsel's motion for an award of attorneys' fees and reimbursement of expenses. Unless otherwise stated herein, I have personal knowledge of the facts set forth herein and, if called upon to testify, could and would testify competently thereto.

2. Murray Murphy Moul + Basil LLP is located in Columbus, Ohio with lawyers admitted to practice before the state bars of Ohio, Illinois and Florida. The Firm has litigated

class actions in the Southern District of New York and in other courts around the country. A copy of the Firm's resume, as well as a brief biography of all Firm attorneys and support staff that billed time in this Action, is attached hereto as Exhibit A.

3. I personally rendered legal services and was responsible for coordinating and supervising the activity carried out by attorneys and professional staff at Murray Murphy Moul + Basil LLP in this Action. In its capacity as a member of the Plaintiffs' Steering Committee and as counsel for the Ohio School Employees Retirement System and the Ohio Police and Fire pension funds ("the Ohio Funds"), Murray Murphy Moul + Basil contributed to this Action and performed work on behalf of and for the benefit of the Class.

4. Murray Murphy Moul + Basil began investigating potential claims for the Ohio Funds early in 2011 and worked with co-counsel on an extensive pre-filing investigation and preparation of the Complaint that was initially filed on behalf of the Ohio Funds in Ohio state court in early 2012. The Ohio state court case was subsequently removed by Defendant to the Federal District Court for the Southern District of Ohio. Murray Murphy Moul + Basil was lead trial counsel for the Ohio funds in the case pending in Ohio prior to its being transferred to the Southern District of New York by the Judicial Panel on Multidistrict Litigation.

5. After the case was transferred, Murray Murphy Moul + Basil continued to be involved in a variety of roles in the prosecution of this action. This included assisting in the preparation of various briefs including those related to the Motion to Dismiss the Complaint brought by the Ohio Funds, preparing and defending numerous witness depositions in Ohio, attending witness depositions in Boston and New York, and reviewing documents produced by Defendant, the Ohio Funds, and various third parties. Murray Murphy Moul + Basil was required to be proactive and remain engaged in the litigation particularly since there was always

a significant possibility that the Ohio Funds would need to return to the Ohio courts for trial of their claims if the class were not certified in this action. The majority of the work undertaken by our firm was done by myself along with Lauren Snyder. Ms. Snyder was the attorney from our firm principally tasked with document review and analysis. Ms. Snyder began working with our firm full time on securities matters when she graduated from the Moritz College of Law at the Ohio State University in 2006 and was instrumental in our prior prosecution of securities cases involving Cardinal Health and Marsh & McLennan. Ms. Snyder has been of counsel to our firm since she relocated to Chicago, Illinois and serves as the firm's local counsel in numerous class actions pending in the Northern District of Illinois.

6. Based on my work performed in this Action as well as my receipt and review of the billing records reflecting work performed by attorneys and paraprofessionals at Murray Murphy Moul + Basil in this Action ("Timekeepers") as reported by the Timekeepers, I directed the preparation of the chart set forth as Exhibit B hereto. This chart (i) identifies the names and positions (*i.e.*, titles) of the firm's Timekeepers who undertook litigation activities in connection with the Action and who expended 10 hours or more on the Action; (ii) provides the total number of hours each Timekeeper expended in connection with work on the Action, from the time when potential claims were being investigated through August 1, 2015; (iii) provides each Timekeeper's current hourly rate, as noted in the chart; and (iv) provides the total billable amount, in dollars, of the work by each Timekeeper and the entire firm.<sup>1</sup> For Timekeepers who are no longer employed by the Firm, the hourly rate used is the billing rate in his or her final year of employment by the Firm. The Firm's billing records, which are regularly prepared from contemporaneous daily time records, are available at the request of the Court. Time expended in

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<sup>1</sup> The information concerning each Timekeeper's hours and hourly rate is not based on my personal knowledge, but on the information reported by each such Timekeeper or the files and records of Murray Murphy Moul + Basil, as well as my familiarity with the work undertaken by Murray Murphy Moul + Basil in the Action.

preparing any papers for this motion for fees and reimbursement of expenses has not been included in this request. Additionally, time expended in preparing any papers for prior motions for reimbursement of expenses has not been included in this request.

7. The hourly rates charged by the Timekeepers are the Firm's regular rates for contingent cases and those generally charged to clients for their services in non-contingent/hourly matters.<sup>2</sup> Based on my knowledge and experience, these rates are also within the range of rates normally and customarily charged in their respective cities by attorneys and paraprofessionals of similar qualifications and experience in cases similar to this litigation, and have been approved in connection with other class action settlements.

8. The total number of hours expended by Murray Murphy Moul + Basil on this Action, from investigation through August 1, 2015, is 4,104. The total lodestar for the Firm is \$2,115,135.50 consisting of \$2,112,719.00 for attorney time and \$2,416.50 for professional support staff time.

9. In my judgment, the number of hours expended and the services performed by the attorneys and paraprofessionals at Murray Murphy Moul + Basil were reasonable and expended for the benefit of the Settlement Class in this Action.

10. Murray Murphy Moul + Basil's lodestar figures are based on the Firm's billing rates, which do not include charges for expense items. Expense items are billed separately and such charges are not duplicated in the Firm's billing rates.

11. As set forth in Exhibit C, Murray Murphy Moul + Basil has incurred a total of \$19,631.33 in unreimbursed expenses in connection with this Action from June 1, 2011 to

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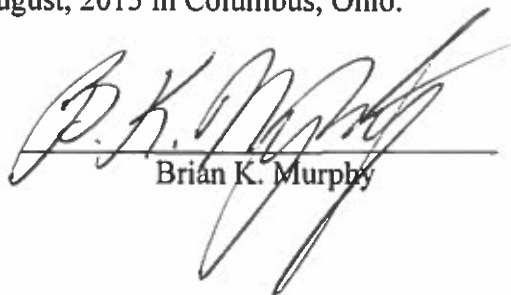
<sup>2</sup> On occasion and for a specific type of representation, the Firm may offer a discount on its hourly rates to longstanding clients.

August 1, 2015. In my judgment, these expenses were reasonable and expended for the benefit of the Settlement Class in this Action.

12. These expenses are reflected on the books and records of the Firm. It is the Firm's policy and practice to prepare such records from expense vouchers, check records, credit card records, and other source materials. Based on my oversight of Murray Murphy Moul + basil's work in connection with this litigation and my review of these records, I believe them to constitute an accurate record of the expenses actually incurred by the Firm in connection with this litigation.

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

Executed this 14th day of August, 2015 in Columbus, Ohio.



Brian K. Murphy

# **EXHIBIT A**

RESUME OF MURRAY MURPHY MOUL + BASIL LLP

The law firm of Murray Murphy Moul + Basil LLP is a Columbus law firm (“the Firm”) that practices complex litigation. The Firm is located at 1114 Dublin Rd., Columbus, OH 43215 and opened June 1, 1999.

All of the partners of the firm are graduates of the Moritz College of Law at the Ohio State University. While the firm maintains a nationwide practice in complex litigation matters, its physical headquarters have always remained in Columbus, Ohio. The founding partners of the firm brought together backgrounds and training from some of the nation’s largest and most prestigious law firms to create a unique legal practice. Since its foundation, MMM+B has developed a sophisticated litigation and corporate practice with roots in Central Ohio and a reach throughout the United States. The firm has extensive expertise in complex multi-party litigation, securities litigation, and class actions.

Securities Litigation

The firm has developed into one of the most experienced securities litigation firms in the State of Ohio. Since 2011 the firm has been a member of the Ohio Attorney General’s Securities Panel, providing ongoing advice to the office related to potential securities claims affecting Ohio’s public pension funds. The firm has represented numerous public pension funds for the State of Ohio under both Republic and Democratic administration since 2006. The firm has also prosecuted matters on behalf of other large pension funds. The following is short summary of a representative sampling of the securities cases the firm has been involved with over the years:



In re Cardinal Health Securities Litigation  
(United States District Court for the Southern District of Ohio)

Murray Murphy Moul + Basil was co-counsel in this matter, which resulted in a \$600 million settlement for the class – the largest securities class action settlement in the history of the Sixth Circuit. The settlement was approved by the Judge Marbley on November 14, 2007. The Complaint alleged that Cardinal, and certain of its officers and directors, issued materially false statements concerning the Company's financial condition. The Complaint was on behalf of all persons who purchased the publicly traded securities of Cardinal Health, Inc. between October 24, 2000 and June 30, 2004 inclusive. After a review of in excess of 6 million documents and extensive depositions and interviews, and a lengthy and extensive mediation process, the parties entered into the settlement agreement pursuant to which the \$600 million settlement fund was created.

In re Marsh & McLennan Cos., Inc. Securities Litigation  
(United States District Court for the Southern District of New York)

Murray Murphy Moul + Basil was appointed by former Attorney General Jim Petro as co-counsel in this matter in which the Public Employees' Retirement System of Ohio, State Teachers' Retirement System of Ohio, and Ohio Bureau of Workers' Compensation were appointed as co-Lead Plaintiffs. The case was settled at the end of 2009 for \$400 million.

In re Abercrombie & Fitch Securities Litigation  
(United States District Court for the Southern District of Ohio)

Murray Murphy Moul + Basil was co-counsel in this PSLRA case which

alleged that Abercrombie (a) carried out a scheme to deceive the investing public; (b) made untrue statements of material fact and/or omitted to state material facts necessary to make the statements not misleading; and (c) engaged in acts, practices, and a course of business which operated as a fraud and deceit upon the purchasers of the Company's securities in an effort to maintain artificially high market prices for Abercrombie securities. The Court certified the class and a settlement was eventually reached in the amount of \$12 million in the middle of 2010.

Ohio Board of Deferred Compensation v. Pilgrim Baxter  
(United States District Court for the District of Maryland)

Murray Murphy Moul + Basil assisted in the prosecution of this securities class action brought on behalf of purchasers and holders of Pilgrim Baxter mutual funds from Nov. 1, 1998 to Nov. 13, 2003 who were harmed by a pattern of market timing trading practices. The Ohio Board of Deferred Compensation was appointed as the lead Plaintiff in this litigation and Murray Murphy Moul + Basil served as co-counsel. The case was settled for \$31,538,600 in 2010.

Other Class Litigation Experience

Murray Murphy Moul + Basil LLP has served as Lead Class Counsel in prosecuting other large class actions, including Violette, et al v. P.A. Days, Inc. (S.D. Ohio 2004) (Marbley, J.) and Adkins v. Ricart Properties, et al., (S. D. Ohio 2004) (Marbley, J.), two certified class actions that included over 100,000 class members. Similarly, this MMM+B served as Co-Lead Counsel in the certified class action of Mick

v. Level Propane Gases, Inc., 203 F.R.D. 324 (S.D. Ohio 2001) (Sargus, J.). The Firm has also appeared in the United States Supreme Court in a putative class action arising in the Southern District of Ohio. Household Credit Services, et al v. Pfennig, 124 S.Ct 1741 (2004).

Murray Murphy Moul + Basil LLP have also served as Defense Counsel in two putative class actions in this District asserting claims against state agencies. Murray Murphy Moul + Basil LLP was trial counsel in the matter of S.H and all other similarly situated, et al v. Taft et al, Case Number: 2:04-cv-1206 (Smith, J.) and co-counsel in J.P. and all others similarly situated et al v. Taft et al, Case Number: 2:04-cv-692 (Marbley, J.).

Murray Murphy Moul + Basil LLP also served as Lead Counsel in class litigation that have been resolved in favor of the Classes: Downes v. Ameritech Corp., et al., Case No. 99 CH 11356 (Cook County, IL), Bellile v. Ameritech Corp., et al., Case No. 99-925403-CP (Wayne County, MI), Gary Phillips & Assoc. v. Ameritech Corp., 144 Ohio App. 3d 149, 759 N.E.2d 833 (Franklin County, OH) and Prestemon, et al v. Echostar Communication and WebTV Networks, Case No. 2002-053014 (Alameda Cty, California Sup. Court).

The firm was also successful in bringing about one of the largest class settlements ever for a class of consumers besieged by telemarketing robocalls in Desai v. ADT Security Systems, Case No. 11-cv-01925 (N.D. Illinois). The firm was Co-Lead Counsel on behalf of nationwide class that received \$15,000,000 in 2013.

## **Attorney Bios for MMM+B**

### **Brian K. Murphy**

Mr. Murphy heads up MMM+B's securities and consumer class litigation practices. He has extensive experience handling business disputes, close corporation and minority shareholder disputes, as well as investors' rights actions, class actions and administrative actions. He's been involved in jury and bench trials, administrative hearings and arbitrations, appearing before the Courts of Appeal for the Sixth, Tenth and Eleventh Circuits as well as in federal and state courts in Ohio, California, Colorado, Florida, Illinois, Michigan and New York. An internationally published author, he's also an expert on Internet and computer-related legal issues, and was featured in People magazine for his innovative use of Internet technologies in representing a former death row client. Formerly with Jenner & Block in Chicago, Brian has an AV rating from Martindale-Hubbell.

### **Robert H. Miller**

Mr. Miller is a former member of MMM+B's litigation group. Mr. Miller graduated *cum laude* from Harvard Law School in 2003 after graduating *summa cum laude* from Vanderbilt University in 2000. Mr. Miller began his career as an associate at Jones Day, one of the world's premier law firms. At Jones Day, Rob gained invaluable experience representing large corporations in matters such as real estate, leasing, mergers and acquisitions, and litigation. In 2009, Rob joined MMM+B, and counseled businesses and individuals in litigation, arbitration, and mediation. In 2015 Mr. Miller started his own practice based in Columbus, Ohio.

### **Jonathan P. Misny**

A member of MMM+B's litigation group, Jonathan has experience handling commercial, employment, consumer, securities and class action cases. He is licensed to practice before all Ohio state courts and the United States District Courts for the Northern and Southern Districts of Ohio. Jonathan earned his law degree from The Ohio State University Moritz College of Law magna cum laude. While in law school, he served as a judicial extern to Chief Magistrate Judge Terence P. Kemp at the United States District Court for the Southern District of Ohio. Jonathan also holds a bachelor's degree in finance and economics summa cum laude from The Ohio State University Fisher College of Business.

### **Jennifer A. Hemenway**

Jennifer is experienced in handling a variety of legal matters, from business disputes and consumer litigation to employment issues, including non-competition agreements, employment contracts, and discrimination and retaliation claims. She is licensed to practice before all Ohio state courts and the United States District Court for the Southern

District of Ohio. During her studies at Capital University Law School, where she earned her degree summa cum laude, Jennifer served as a judicial extern at the Ohio Supreme Court for Chief Justice Maureen O'Connor and at the United States Court of Appeals for the Sixth Circuit for the Honorable Jeffrey S. Sutton. She also holds a bachelor's degree summa cum laude in psychology from the University of Evansville.

### **Christopher G. Wilson**

Chris is a member of MMM+B's litigation group, Chris has handled complex civil litigation in federal courts across the country. During his tenure as a Trial Attorney for the U.S. Department of Justice in the Civil Division's Fraud Section, he successfully litigated False Claims Act cases and negotiated civil settlements for the government. He also served on the Civil Division's E-Discovery Committee, where he advised the Civil Fraud Section and federal agencies on e-discovery issues. Admitted to practice in Ohio and Virginia, Chris holds a law degree from William & Mary Law School, a master's in music performance from Indiana University, and a bachelor's degree in music from the University of Oklahoma.

### **Lauren E. Snyder**

Ms. Snyder immediately began working on securities litigation full time for MMM+B upon her graduation in 2006 from the Moritz College of Law at the Ohio State University. She received her undergraduate degree from the University of Michigan. Ms. Snyder has extensive experience in complex litigation document review and worked on the firm's successful prosecution of Cardinal Health and Marsh & McLennan securities matters. Since relocating to Chicago, Ms. Snyder has worked as of counsel for the firm and serves as the firm's local counsel on numerous class actions pending in the Northern District of Illinois.

### **Tiffany Arnold**

Ms. Arnold as worked as a paralegal for MMM+B for 14 years. She was valedictorian of her high school class and came to the firm from her position at the Columbus Law Library. Ms. Arnold has a broad range of experience in assisting the firm's attorneys in complex class cases.

# **EXHIBIT B**

In re Bank of New York Mellon Corp. Forex Transactions Litigation - 12-md-2335 (LAK)

FIRM NAME: Murray Murphy Moul + Basil LLP

REPORTING PERIOD: Inception through May 31, 2015

- |   |   |   |
|---|---|---|
| <b>Categories:</b>                                |   | <b>Status:</b>                          |
| (1) Investigation, Factual Research               | (6) Pleadings, Briefs, Class Certification and Legal Research | (A) Associate (I) Investigator          |
| (2) Plaintiffs' Document Review                   | (7) Court Appearances   | (CA) Contract Attorn (PL) Paralegal     |
| (3) Defendants' and Third Party Document Review   | (8) Litigation Strategy and Case Management                   | (OC) Of Counsel (PS) Professional Staff |
| (4) Discovery, including witness memo preparation | (9) Mediation and Settlement                                  | (P) Partner                             |
| (5) Depositions and preparation for same          | (10) Experts  | (SA) Staff Attorney                     |

Name	Status	1	2	3	4	5	6	7	8	9	10	Rate	Cumulative Hours	Cumulative Lodestar
BRIAN MURPHY	P	163	152.75	51.75	219.5	778.75	373.25	55.75	150.5	75.25	0	\$693.00	2020.5	\$1,400,206.50
LAUREN SNYDER	OC	0	0	1357	0	0	0	0	0	0	0	\$350.00	1357	\$474,950.00
JONATHAN MISNY	A	0	0	668	0	0	0	0	0	0	0	\$328.00	668	\$219,104.00
CHRIS WILSON	A	0	0	0	0	0	17.5	0	0	0	0	\$393.00	17.5	\$6,877.50
JENNIFER HEMENWAY	A	0	0	0	10.5	0	3	0	1	0	0	\$328.00	14.5	\$4,756.00
ROBERT MILLER	A	0	0	0	0	0	13	0	0	0	0	\$525.00	13	\$6,825.00

<b>SUBTOTAL ATTORNEYS</b>		<b>163</b>	<b>152.75</b>	<b>2076.75</b>	<b>230</b>	<b>778.75</b>	<b>406.75</b>	<b>55.75</b>	<b>151.5</b>	<b>75.25</b>	<b>0</b>		<b>4090.5</b>	<b>\$2,112,719.00</b>
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<b>PROFESSIONAL STAFF</b>														
TIFFANY ARNOLD	PL	0	0	0	0	0	0	0	13.5	0	0	\$179.00	13.5	\$2,416.50

<b>SUBTOTAL PROFESSIONAL STAFF</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>13.5</b>	<b>0</b>	<b>0</b>		<b>13.5</b>	<b>\$2,416.50</b>
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<b>TOTALS:</b>		<b>163</b>	<b>152.75</b>	<b>2076.75</b>	<b>230</b>	<b>778.75</b>	<b>406.75</b>	<b>55.75</b>	<b>165</b>	<b>75.25</b>	<b>0</b>		<b>4104</b>	<b>\$2,115,135.50</b>
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# EXHIBIT C



In re Bank of New York Mellon Corp. Forex Transactions Litigation  
 Master File No. 12-MD-2335 (LAK)  
EXPENSE REPORT

**FIRM NAME: Murray Murphy Moul + Basil LLP**  
**REPORTING PERIOD: INCEPTION TO AUGUST 1, 2015**

DESCRIPTION	CUMULATIVE TOTAL
External Reproduction	
Internal Reproduction/Printing	\$324.30
Court Fees (Filing costs etc.)	\$231.75
Court Reporters/Transcripts	\$6,955.70
Computer Research	\$3,684.78
Electronic Database	
Teleconferences/Fax	
Postage/Express Delivery/Messenger	\$441.25
Experts/Consultants	
Witness/Service Fees	
Meals, Hotels and Transportation	\$7,993.55
MDL Litigation Fund Contributions/Assessments	
<b>TOTAL EXPENSES</b>	<b>\$19,631.33</b>