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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

JED and ALISA BEHAR, individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

NORTHROP GRUMMAN CORPORATION
AND NORTHROP GRUMMAN SYSTEMS
CORPORATION,

Defendants

Case No. 21-cv-03946-HDV-SK

CLASS ACTION

**DECLARATION OF CHRISTOPHER T. NIDEL
ON BEHALF OF NIDEL & NACE, PLLC IN
SUPPORT OF CLASS COUNSEL'S MOTION
FOR AN AWARD OF ATTORNEYS' FEES AND
LITIGATION EXPENSES AND CLASS
REPRESENTATIVE AWARDS**

Hearing:

Date: November 12, 2026

Time: 10:00 a.m.

Place: Courtroom 5B, 5th Floor

350W. 1st Street

Los Angeles, CA 90012

Judge: Hon. Hernán D. Vera

DECLARATION OF CHRISTOPHER T. NIDEL

I, Christopher T. Nidel, hereby declare as follows:

1. I am a partner in the law firm of Nidel & Nace, PLLC (“Nidel & Nace”). I submit this Declaration in support of Class Counsel’s motion for attorneys’ fees in connection with services rendered in the above-captioned class action (“Action”), as well as for payment of expenses incurred by my firm in connection with the Action. I have personal knowledge of the matters set forth herein, and if called upon to do so, I could and would testify thereto.

2. My firm serves as Court-appointed Class Counsel in the Action. My firm prepared key pleadings, including the complaint, motion for class certification; opposing Defendants’ motions to dismiss, motion for summary judgment, motion to decertify, motions to exclude experts under *Daubert*, and petition for appeal; conducting depositions of experts and percipient witnesses, and preparing Plaintiffs’ experts. Additionally, my firm served as lead trial counsel during trial.

I. Class Counsel’s Qualifications

3. Nidel & Nace is a boutique environmental litigation firm located in Rockville, Maryland.

4. My firm has extensive environmental class action experience, and I have a long history of prosecuting high profile and complex litigation, including as appointed class counsel. In the last several years I helped obtain over \$90 million in recoveries for plaintiffs in an array of complex environmental disputes. Relevant examples of these recoveries include:

- a. A \$92 million class settlement in *Duarte v. United States Metals Refining Co.*, Case No. 2:17-cv-01624-EP-MAH (D.N.J. 2023) where Nidel & Nace served as class counsel.
- b. A \$3 million class settlement in *CASA DE MARYLAND v. Arbor Realty Trust*, Case No. 8:21-cv-01778-DKC (D.Md. 2024) where Nidel & Nace served as class counsel.
- c. A \$1.75 million class settlement in *Shongo v. CSX Transport*, Case No. 1:2-cv-02684-MJM (D.Md. 2024) where Nidel & Nace served as class counsel.
- d. A \$775,000 class settlement in *Attias v. Carefirst*, Case No. 1:15-cv-00882-CRC (D.D.C. 2025) where Nidel & Nace served as class counsel.

5. Additional representative matters by Nidel & Nace, include:

- a. Representing the State of California in *Cal. Dep't of Toxic Substances Control v. NL Indus.*, Case No. 2:20-cv-11293-SVW-JPR (C.D. Cal. 2026).
- b. Serving as class counsel in *Bond v. Waste Management of Pennsylvania*, Case No. C-48-CV-2019-02017 (PA Comm. Pleas 2026).
- c. Serving as class counsel in *Black v. Union Pacific Railroad*, Case No. 6:23-cv-1218-EFM-ADM (D.Kan. 2026).
- d. Serving as trial counsel for a rural community in Pennsylvania against a company that contaminated their drinking water in *Leigey v. Nicholas Meat*, Case No. 654-2022 (PA Comm. Pleas 2025) securing a Plaintiffs' verdict.

6. I am admitted to practice in Texas (inactive) and District of Columbia state courts, as well as before the U.S. Court of Appeals for the Second, Fourth, Sixth, and Ninth Circuits.

II. Class Counsel Reviewed and Audited Attorneys' Fees

7. My firm kept detailed records regarding the amount of time spent by attorneys and staff working on this matter and the lodestar calculation is based on my firm's current billing rates. The information was prepared from contemporaneous, daily time records regularly prepared and maintained by my firm in the ordinary course of business. Time expended in preparing this application for fees and reimbursement of expenses is not included in this request.

8. I have reviewed my firm's detailed time records for this matter. I worked on this matter from its inception and had first-hand knowledge of the work that I, and the other attorneys at my firm performed. I reviewed our billing records to audit them for accuracy. During this process, I reduced hours that appeared duplicative, excessive, or unnecessary. Additionally, the lodestar included here does not include time for work performed after the date of the preliminary approval hearing.

III. The Hourly Rates Sought by Class Counsel are Reasonable

9. My firm's current hourly rates for the attorneys who worked on this matter was guided by the my review of market rates charged by other firms in Los Angeles as well as defense counsel's rates and compared to the Laffey Matrix as compared to each attorneys' years of practice. These rates ranged from \$450 to \$863.50 for attorneys with between 0 to 10 years of experience (Zachary Kelsay and Sara Greenberg) \$1,209.50 for attorneys with between 10 to 20 years of experience (William Cowles), and

1 \$1,663.5 for attorneys with over 20 years of experience (Christopher Nidel, Jonathan Nace, Thomas
2 Simms, and April Strauss). The rates charged by these attorneys are above the Laffey Matrix but are
3 substantially lower than rates charged in the Los Angeles area.

4 10. I have general familiarity with the range of hourly rates typically charged by plaintiffs'
5 class action firms in California and throughout the United States, both on a current basis and historically.
6 In determining my firm's hourly rates from year to year, I consciously take market rates into account to
7 align our rates with the market. In this regard, my firm's billing rates are significantly lower than those
8 charged by similarly experienced counsel in this District, and other Districts in California, and are
9 substantially lower than rates prevailing in the market for highly technical environmental litigation. I have
10 also compared these rates with the rates charged by opposing counsel for non-contingency work and these
11 rates are below those charged by opposing counsel.

12 **IV. The Number of Hours of Work Performed by Class Counsel are Reasonable**

13 11. Based on my work in the Action, as well as the review of time records reflecting work
14 performed by other attorneys in the Action, I directed Mr. Kelsay to prepare the following chart,
15 summarizing the work that (i) identifies the names of the attorneys who worked on the Action; (ii) provides
16 the number of hours that each attorney expended in connection with work on the Action through June 9,
17 2026 (i.e., the date the Preliminary Approval Order was entered by the Court); (iii) provides each
18 Timekeeper's 2021-2026 hourly rate; and (iv) provides the lodestar of each timekeeper and the entire firm.

19 12. The table above was prepared from daily time records regularly prepared and maintained
20 by my firm in the ordinary course of business, and which Mr. Kelsay and I audited as described above.
21 All time expended in preparing the motion for attorneys' fees and expenses has been excluded.

22 13. The number of hours expended by Nidel & Nace in the Action through June 9, 2026 is
23 7,100. The lodestar for my firm is \$9,931,141.30.

24 14. To assist the Court's analysis of the time records, we prepared a chart that reflects the hours
25 spent by each attorney on each of the following task categories during the course of the Action. This chart
26 reflects my review of the time entry descriptions during our preparation of this submission:
27
28

Attorney	Rate \$/hour	Hours	Lodestar
Chris Nidel	\$1,663.50	3,819	\$6,350,603.42
Jonathan Nace	\$1,663.50	29.5	\$49,058.50
Thomas Sims	\$1,663.50	264	\$439,032.00
April Strauss	\$1,663.50	11	\$18,293.00
Will Cowles	\$1,209.50	1,495	\$1,523,099.30
Zachary Kelsay	\$863.50	1,451	\$906,785.42
Sara Greenberg	\$450	30	\$13,500.00
		7,100	\$9,931,141.30

15. Time entries that related to more than one major litigation category were apportioned to the event or event(s) that most adequately captured the billed time.

16. To assist the Court's analysis of the time records, we prepared a chart that reflects the hours spent by each timekeeper on each of the following task categories during the course of the Action:

TASK-BASED LODESTAR REPORT INCEPTION THROUGH JUNE 9, 2026

<u>Description</u>	<u>Hours</u>	<u>Lodestar</u>
Appeal	77.63	\$95,494.75
Attend Deposition	597.10	\$828,528.16
Attend Hearing	79.90	\$117,267.30
Attend Trial	324.60	\$433,689.55
Class Certification	415.38	\$517,606.68
Communicate (client)	4.66	\$5,886.75
Communicate (co-counsel)	193.77	\$259,460.82
Communicate (opposing counsel)	1,029.90	\$1,579,851.23
Document Review	689.07	\$960,824.64
Draft	1,261.53	\$1,561,277.91
Expert Meeting	59.97	\$82,926.95
Legal Research	462.65	\$706,622.93
Manage data/files	52.90	\$66,825.93
Mediation	5.22	\$7,393.67
Prepare for Trial	835.46	\$1,171,399.67
Prepare for Call	9.00	\$14,967.00
Prepare for Deposition	654.86	\$981,010.65
Prepare for Hearing	40.12	\$49,550.09
Travel	<u>306.30</u>	<u>\$490,556.65</u>
Total	7,100	\$9,931,141.30

17. I believe that the number of hours expended and the services performed by the attorneys at Nidel & Nace were reasonable and necessary for the effective and efficient prosecution and resolution of the Action.

18. I also instructed Mr. Kelsay to combine the hours and lodestar calculations by all firms in this action and to calculate a lodestar multiplier. I instructed Mr. Kelsay to perform this calculation under two scenarios: first with market-based rates and second with the Laffey matrix. The Laffey matrix provides significantly lower rates than a fair market-based rate, especially for the Los Angeles area and considering the highly technical nature of this lawsuit, however, it provided a helpful benchmark to evaluate the reasonableness of the fee. These calculations are provided below:

Firm	Hours	Lodestar (Market Rates)	Lodestar (Laffey Rates)
Nidel & Nace	7,100	\$9,931,141.30	\$7,516,705.93
Lanier Law Firm	5,965.5	\$6,361,310.00	\$5,144,317.15
Kracov Law Firm	1,215.7	\$1,744,483.50	\$1,491,663.90
EENR	1,075.3	\$1,766,106.95	\$1,309,013.90
Total	15,356.50	\$19,803,041.75	\$15,461,700.88
	Multiplier	1.51	1.94

V. Nidel & Nace, PLLC also seeks reimbursement of costs incurred

19. Expense items are reported separately and are not duplicated in my firm's hourly rates. Nidel & Nace is seeking payment for **\$128,812.37** in expenses incurred and advanced in connection with the prosecution and resolution of the Action, after auditing and reducing the Firm's expense records.

20. The following is additional information regarding the expenses and advances incurred by my firm, based on my review of the expense records for this case:

- a. Filing Fees (including PHV fees): \$230.00
- b. E-Discovery Vendor: \$62,570.55
- c. Travel (Meals, Hotels & Transportation): \$80,459.18
- d. Trial Supplies: \$1,892.64
- e. Total: \$145,152.37
- f. Expenses Reimbursed by LLF: \$16,340.00
- g. **Total Unreimbursed Expenses: \$128,812.37**

21. The expenses incurred by Nidel & Nace in the Action are reflected on the books and records of my firm. These books and records are prepared from expense vouchers, check records, and other source materials and are an accurate record of the expenses incurred. I believe these expenses were reasonable and expended for the benefit of the Class in the Action.

