

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS

CITY OF PONTIAC GENERAL)	No. 5:12-cv-05162-SOH
EMPLOYEES' RETIREMENT SYSTEM,)	
Individually and on Behalf of All Others)	<u>CLASS ACTION</u>
Similarly Situated,)	
)	
Plaintiff,)	
)	
vs.)	
)	
WAL-MART STORES, INC., et al.,)	
)	
Defendants.)	

DECLARATION OF GEOFF CULBERTSON FILED ON BEHALF OF
PATTON TIDWELL & CULBERTSON, LLP IN SUPPORT OF
APPLICATION FOR AWARD OF EXPENSES AND CHARGES

I, Geoff Culbertson, declare as follows:

1. I am a partner in the firm of Patton Tidwell & Culbertson, LLP (“PTC”). I am submitting this declaration in support of my firm’s application for an award of expenses and charges (“expenses”) in connection with services rendered in the above-entitled action.

2. This firm is Liaison counsel of record for Lead Plaintiff City of Pontiac General Employees’ Retirement System (“PGERS”).

3. The information in this declaration regarding the firm’s expenses is taken from expense printouts and supporting documentation prepared and/or maintained by the firm in the ordinary course of business. I am the partner who oversaw and/or conducted the day-to-day activities in the litigation and I reviewed these printouts (and backup documentation where necessary or appropriate) in connection with the preparation of this declaration. The purpose of this review was to confirm both the accuracy of the entries on the printouts as well as the necessity for, and reasonableness of, the expenses committed to the litigation. As a result of this review, reductions were made to expenses in the exercise of billing judgment. As a result of this review and the adjustments made, I believe that these expenses are all of a type that would normally be charged to a fee-paying client in the private legal marketplace.

4. My firm seeks an award of \$625.19 in expenses and charges in connection with the prosecution of the litigation. Those expenses and charges are summarized by category in Exhibit A.

5. The following is additional information regarding certain of these expenses:

(a) Transportation, Hotels & Meals: \$509.10. In connection with the prosecution of this case, the firm has paid for travel expenses to attend court hearings. The date, destination and purpose of each trip is set forth in Exhibit B.

(b) Online Legal Research: \$96.30. This category includes expenses to Pacer Service Center. These resources were used to obtain access to legal research. This expense represents the expense incurred by PTC for use of these services in connection with this litigation. The charges for these vendors vary depending upon the type of services requested.

6. The expenses pertaining to this case are reflected in the books and records of this firm. These books and records are prepared from receipts, expense vouchers, check records and other documents and are an accurate record of the expenses.

7. The identification and background of my firm and its partners is attached hereto as Exhibit C.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 20th day of February, 2019 at Texarkana, Texas.


Geoff Culbertson

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on February 28, 2019, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses on the attached Electronic Mail Notice List, and I hereby certify that I caused the mailing of the foregoing via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

s/ Jason A. Forge

JASON A. FORGE

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Mailing Information for a Case 5:12-cv-05162-SOH City of Pontiac General Employees' Retirement System v. Wal-Mart Stores, Inc. et al

Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

- **Michael Albert**
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- **Debra J. Wyman**
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Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

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David **C. Walton**
Robbins Geller Rudman & Dowd LLP
655 W Broadway
Suite 1900
San Diego, CA 92101

EXHIBIT A

EXHIBIT A

**City of Pontiac of General Employees' Retirement System v Wal-Mart Stores, Inc., et al
Patton, Tidwell & Culbertson, LLP
Inception through February 20, 2019**

<i>CATEGORY</i>	<i>AMOUNT</i>
Transportation, Hotels & Meals	\$509.10
Postage	\$19.79
Online Legal and Financial Research	\$96.30
<i>TOTAL</i>	<i>\$625.19</i>

EXHIBIT B

EXHIBIT B

**City of Pontiac of General Employees' Retirement System v Wal-Mart Stores, Inc., et al
Patton, Tidwell & Culbertson, LLP**

Transportation, Hotels and Meals: \$509.10

<i>NAME</i>	<i>DATE</i>	<i>DESTINATION</i>	<i>PURPOSE</i>
Geoff Culbertson	5/19/2016	El Dorado, AR	Hearing
Geoff Culbertson	12/4/2018	Hot Springs, AR	Hearing

EXHIBIT C

Patton Tidwell & Culbertson LLP

Liaison counsel Patton Tidwell & Culbertson is a highly respected law firm having prosecuted and defended class actions and other complex cases in the federal and state courts of Arkansas, Texas and Tennessee. For examples see *Johnson v. Centerpoint Energy*, Miller County Arkansas Circuit Court, CV-2004-327-2; *Strickland, et al v. Visible Measures Corp.*, Miller County Arkansas Circuit Court, CV 2011-0494-2; *St. Jude Medical, Inc. v. Access Closure, Inc.*, United States District Court, Western District of Arkansas, Cause No. 4:08-cv-4101; *In re Southeast Milk Antitrust Litigation*, United States District Court, Eastern District of Tennessee, 2:08-MD-1000; *IDT Corp. v. eBay, Inc. et al*, United States District Court, Western District of Arkansas, 4:10-cv-4097; *Maxell Ltd. v. Huawei Device Co., et al*, United States District Court, Eastern District of Texas 5:16-cv-178 and 5:18-cv-33; *Maxell Ltd. v. ZTE (USA), Inc. et al*, United States District Court, Eastern District of Texas 5:16-cv-179 and 5:18-cv-34. *Mobile Micromedia Solutions, LLC v. Nissan North America, Inc.*, United States District Court, Eastern District of Texas, 5:05-cv-230.

KELLY B. TIDWELL

Kelly Tidwell is an experienced trial lawyer. His practice includes commercial litigation, antitrust litigation, antitrust compliance involving agricultural cooperatives and class action litigation. Kelly additionally serves as outside general counsel for two unrelated mid-sized dairy cooperatives – one in the Southwestern states and another in the Mid-Atlantic states. Kelly regularly counsels farmers, ranchers, cooperatives, promotional programs and other agrarian service organizations to find workable solutions to their unique and varying issues.

Kelly is a member of the American Board of Trial Advocates – an invitation only organization for trial attorneys who meet the stringent qualifications for membership. He has served as President of the Texarkana Bar Association; as a member of the American Bar Association's Products Liability Committee for Model Jury Instructions; and the Ethics Committee of the Texas Young Lawyers Association.

Kelly has obtained the highest peer review rating, *AV Preeminent*, by Martindale-Hubbell®. Because reviews are generated from evaluations by both members of the bar and judiciary, this rating system is often viewed as the best objective indicator of one's skills and ethical standards.

Education:

- J.D., South Texas College of Law 1987 (law review and mock trial team)
- B.S., Texas A&M University 1984

Admissions:

- Texas
- Arkansas
- Eastern and Northern Districts of Texas
- Eastern and Western Districts of Arkansas
- Eastern District of Tennessee
- U.S. Court of Appeals for the Fifth, Sixth and Eighth Circuits

Memberships:

- State Bar of Texas
- Arkansas Bar Association
- Texarkana Bar Association (President 2000-2001)
- Northeast Texas Bar Association
- American Bar Association

Admissions:

- Texas
- Arkansas
- Eastern and Northern Districts of Texas
- Eastern and Western Districts of Arkansas
- Eastern District of Tennessee
- U.S. Court of Appeals for the Fifth, Sixth and Eighth Circuits

GEOFFREY P. CULBERTSON

Geoff Culbertson joined the firm in 2005 after completing a judicial clerkship with then Chief Judge Thad Heartfield of the Eastern District of Texas. Geoff graduated with honors from Baylor Law School in 2004 where he served as Editor in Chief of the Baylor Law Review.

Geoff represents individuals, businesses and associations in state and federal courts. Geoff currently serves on the Board of Directors for the Eastern District of Texas Bar Association and the Local Rules Committee of the Eastern District of Texas.

Education

- J.D., cum laude, Baylor Law School
- B.B.A., Southern Methodist University

Admissions

- Texas
- Arkansas
- Eastern District of Texas
- Eastern and Western Districts of Arkansas
- United States Court of Appeals for the Federal Circuit

- United States Court of Appeals for the Eighth Circuit
- United States Court of Appeals for the Fifth Circuit