

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

DAVID M. LANDAY,

Representative Plaintiff,

vs.

DATAVANT LLC, formerly known as
Health Port Technologies LLC,

Defendant.

CIVIL DIVISION
CLASS ACTION

Case No.: GD-09-012923

**DECLARATION OF PAUL A. LAGNESE
IN SUPPORT OF THE MOTION FOR
APPROVAL OF ATTORNEYS' FEES,
COSTS AND CLASS REPRESENTATIVE
SERVICE AWARD**

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and the Putative Classes***

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Pursuant to Pa. R.C.P. 1023.1, I, Paul A. Lagnese, on behalf of myself, my partner David M. Paul and my firm Berger Lagnese & Paul, LLC, hereby declare as follows:

1. I submit this Declaration in Support of Plaintiffs' Motion For Approval of Attorneys' Fees and Costs.
2. I have been a lawyer and member of the Pennsylvania bar since 1987.
3. Upon graduation from law school, I worked as a judicial law clerk for the Honorable David. W. Craig, President Judge of the Commonwealth Court of Pennsylvania.
4. For the last almost 40 years I have worked as a civil ligation attorney, practicing in Pennsylvania state courts including the Court of Common Pleas, the Superior Court, the Commonwealth Court and the Supreme Court.
5. I have also practiced in the United States federal courts, including the United States District Court for the Western District of Pennsylvania and the Unites States Court of Appeals for the Third Circuit.
6. I have argued cases in all the Pennsylvania appellate courts as well as the Third Circuit.

7. For the last approximately 30 years my practice has focused on doing civil litigation on behalf of plaintiffs, the majority of which involves representing individuals who were injured because of the negligence of health care providers.

8. Additionally, over the past 30 years I have worked on and helped resolve various class action matters, including class action cases against MetLife, and Olympus.

9. My partner David Paul has been a lawyer and member of the Pennsylvania bar since 1994. Upon graduating from law school, David worked as a judicial clerk first for the Honorable Alan N. Bloch in the United States District Court for the Western District of Pennsylvania, and then for Timothy K. Lewis in the United States Court of Appeals for the Third Circuit.

10. For the last 30 plus years, David has worked as a civil litigation attorney, practicing in Pennsylvania state courts, including the Court of Common Pleas, the Superior Court, and the Supreme Court. David has also practiced in the United States federal courts including the United States District Court for the Western District of Pennsylvania. David has also argued cases in the Pennsylvania Superior Court.

11. For the last approximately 25 years, David's practice has focused on doing civil litigation on behalf of plaintiffs, the majority of which involves representing individuals who were injured because of the negligence of health care providers. Additionally, over the past 20 years David has worked on and helped resolve various class action matters including class action cases against MetLife, and Olympus.

12. As part of my work as a plaintiffs' medical malpractice attorney, I requested and paid for medical records pursuant to the Pennsylvania Medical Records Act from the defendant in this case among others. In that capacity I came to believe my firm, as well as other people and

firms, were being charged amounts in excess of those permitted by the Pennsylvania Medical Records Act.

13. After doing extensive legal research and investigation with my co-counsel James M. Pietz, we instituted numerous class action cases in the Court of Commons of Allegheny County, including this case.

14. Over the past 17 years I have been class counsel on behalf of plaintiffs in class action cases involving medical records including this case. The other medical record overcharging class action cases are against Datavant/IOD, MRO, UPMC Magee, and UPMC Presbyterian.

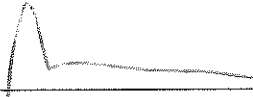
15. In this case, Mr. Paul and I were involved in all stages of the litigation from drafting complaints, responding to numerous dispositive motions, preparing and arguing appellate pleadings and briefs, working with the class representatives, preparing and responding to discovery and mediations.

16. Throughout the many years of this litigation, we performed the extensive legal work on a contingent fee basis. In other words, we would not be paid for our time and efforts advancing this case as well as the other medical records cases unless and until we prevailed or settled the cases.

17. Based on a review of my firm's records and calendars over the course of this litigation, I have over 900 hours of time and my partner David Paul has over 700 hours of time.

18. The total amount of costs are \$5,795.92.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Paul A. Lagnese', is positioned above a horizontal line.

Paul A. Lagnese, Esq.

Pa. I.D. No. 51281

David M. Paul, Esq.

Pa. I.D. No. 70552

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Attorneys for Representative Plaintiff
And the Putative Classes

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within **DECLARATION OF PAUL A. LAGNESE IN SUPPORT OF THE MOTION FOR APPROVAL OF ATTORNEYS FEES, COSTS AND CLASS REPRESENTATIVE SERVICE AWARD** was served upon counsel of record by Electronic Mail this 1st day of September, 2026 as follows:

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A handwritten signature in black ink, appearing to be 'P. Lagnese', written over a horizontal line.

Paul A. Lagnese, Esquire

Counsel for Representative Plaintiff