

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

*In re M&T Bank Corporation ERISA Litigation*

Civil Action No.: 1:16-cv-375-FPG-JJM  
Consolidated Action

**DECLARATION OF MELANIE WOLK IN SUPPORT OF PLAINTIFFS' MOTION FOR  
APPROVAL OF ATTORNEYS' FEES, EXPENSES AND CLASS REPRESENTATIVE  
SERVICE AWARDS**

I, Melanie Wolk, declare as follows:

1. I am a partner at Trevett Cristo P.C. ("Trevett Cristo"), counsel for Plaintiffs Jacqueline Allen, Russ Dixon, Sa'ud Habib, Kenneth Sliwinski, J. Marlene Smith, and Beverly Williams.

2. I, along with colleagues at Trevett Cristo, have served as local counsel in connection with this class action suit. I submit this Declaration in support of Plaintiffs' Motion for Approval of Attorneys' Fees, Expenses and Class Representative Service Awards.

3. Trevett Cristo and its partners have a significant background in both federal and state litigation. Additionally, various partners with the firm have practiced in the ERISA arena for decades. A copy of various individuals that have worked on this matter are attached to this declaration as **Exhibit A**.

4. To date, our firm has spent a total of 46.25 hours of attorney and staff time on this action, representing a total of \$13,225 at our ordinary billing rates.<sup>1</sup> Based on my knowledge of the case and our firm's role, I believe that the time expended was reasonable and appropriate.

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<sup>1</sup> The foregoing time and lodestar calculations do not include additional time that will be spent in connection with the fairness hearing or other case-related matters going forward.

5. Over the course of the litigation, Trevett Cristo also has incurred the following expenses in connection with this action:

Expense Category	Amount
Delivery charges for March 25, 2019 and April 1, 2019	30.00
Filing Fees May 13, 2019	15.00
Copying Expenses	42.00
Filing Fees with WDNY November 24, 2019 & December 2, 2019	300.00
<b>Total</b>	<b>387.00</b>

In my opinion, these expenses were necessary to the prosecution of the case, and are of the type that would be billed to hourly clients of the firm.

6. Because our firm handled this matter on a contingent fee basis, we have not yet been compensated for any of the foregoing time or expenses.

7. Details and material supporting the time records and expenses referenced in this declaration are available upon the request of the Court.

I declare, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge, information, and belief.

/s/ Melanie Wolk  
Melanie Wolk

# **EXHIBIT A**



# TREVETT CRISTO

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## ATTORNEYS

Right to the best.

### Melanie S. Wolk, Partner

Melanie Wolk is a partner with the firm, primarily assisting with issues related to insurance defense, commercial services, and litigation. With over 20 years of experience, Melanie is involved in a variety of practice areas, including commercial, products liability, municipal, professional liability, and toxic torts, with a focus on trials, liability and exposure analysis, mediations, and pre-trial proceedings.

Melanie is a graduate of Manhattanville College and graduate of the Pace University School of Law. Since her admission to the New York State Bar in 1999, Melanie has been admitted to several jurisdictions, including the Western District of New York, Eastern District of New York, and Southern District of New York.

Melanie is also an accomplished writer, with numerous publications in West Group and the Democrat & Chronicle, including *A Student's Guide to the Law of Evidence as Applied in American Trials* and *Rochester Among the Best at Giving Back*.



In addition to her distinguished work as an attorney, Melanie plays an active role in the Greater Rochester community. Involved with dozens of community organizations, Melanie is notably a leading member of the New York State Bar Association Torts and Insurance Law Executive Committee, Monroe County Bar Association, Committee on Women in the Law, Empire Justice Center Board of Directors, Litigation Counsel, Access to Justice, Al Sigl Foundation Board of Governors, and Chair of the United Way Women's Leadership Counsel. Melanie has also previously held leadership roles in Lawyers for Learning, the Judiciary Committee, Greater Rochester Women's Association Board of Directors, and CLE Committee.

Recognized for her commitment to the Rochester legal community, Melanie is a Women of Excellence Honoree, as well as a recipient of the Top Women in Law, Super Lawyers, and A Woman to Watch awards.



# TREVETT CRISTO

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## ATTORNEYS

Right to the best.

### Cindy Lapoff, Partner

Cindy Lapoff is a partner with the firm, primarily assisting clients with issues related to labor and employment law and employee benefits.

With over 20 years of experience, her areas of expertise encompass a wide range of employment-focused legal matters, including ERISA, the Affordable Care Act, wage and hour matters, harassment and discrimination cases, and labor union arbitrations. Cindy has represented employees, unions, employers, and employee benefit plans in Federal and State court as well as before several administrative agencies.

Cindy is a graduate of Hobart and William Smith Colleges and *cum laude* graduate of the State University of New York at Buffalo School of Law. Since her admission to the New York State Bar in 1996, Cindy has been admitted to a variety of jurisdictions, notably including the U.S. Court of Appeals for the Second Circuit.

Cindy is also an accomplished writer, with publications in the Rochester Business Journal and Benefits Magazine, in addition to serving as the Supplement Editor for Employee Benefits Law, published by the Bureau of National Affairs and the American Bar Association.



In addition to her impressive accomplishments as an attorney, Cindy has been an active participant in a variety of community organizations, including the Toastmasters Chapter #476, ABA Joint Committee on Employee Benefits, and International Foundation of Employee Benefit Plans. Cindy is also a former Trustee of the Monroe County Bar Association and Founder of the Finger Lakes Triathlon, a major annual fundraiser for the Mary M. Gooley Hemophilia Center. For her efforts, Cindy has been named by The Daily Record as a Top Women in Law Honoree and is a recipient of the Mary M. Gooley Hemophilia Center Humanitarian Award.



# TREVETT CRISTO

## ATTORNEYS

Right to the best.

### Michael T. Harren, Partner

Michael T. Harren is a partner with the firm, primarily assisting clients with issues related to labor and employment law.

With over 40 years of experience, his areas of practice include a wide variety of employment-focused legal matters, including ERISA, the Labor Management Relations Act, the Fair Labor Standards Act, the Affordable Care Act, the Internal Revenue Code, and various New York statutes. Michael advises union leadership on legal issues, including contract negotiation and enforcement, and he represents clients in state and federal courts and before the NLRB, the Department of Labor, and PERB. He also serves as counsel to multi-employer employee benefit plans and ensures plan compliance with a variety of state and federal statutes.

Michael is a graduate of Lemoyne College and Georgetown University Law Center. Since his admission to the New York State Bar in 1975, Michael has been admitted to an extensive list of jurisdictions, including the Florida State Bar, U.S. Court of Appeals 4th Circuit, U.S. Court of Appeals 2nd Circuit, U.S. District Court Western District of New York, U.S. District Court Southern District of New York, and U.S. District Court Northern District of New York.

In addition to his impressive record in the courtroom, Michael is affiliated with a plethora of community and legal organizations. These include, but are not limited to, the Empire Justice Center Board of Directors, John F. Wegman Fund of The Rochester Area Community Foundation, ABA Labor and Employment Section Committee, Employee Benefits Committee, AFL-CIO, and NCCMP Attorneys Committee.



Michael also has the distinct honor of serving as counsel to the Rochester & Genesee Valley Area Labor Federation, AFL-CIO. Between 1978 and 1998, he taught in the New York State School of Industrial and Labor Relations at Cornell University, Rochester Extension Office. For his efforts, Michael has been listed in Best Lawyers in America since 1989 and was listed as the Rochester Lawyer of the Year in 2013 and 2014.