

## EXHIBIT 5

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

ASHLEY PIERRELOUIS, Individually and  
on Behalf of All Others Similarly Situated,

Plaintiff,

v.

GOGO INC., MICHAEL J. SMALL,  
NORMAN SMAGLEY, BARRY ROWAN,  
and JOHN WADE,

Defendants.

Civil Action No. 18-cv-04473

Honorable Jorge L. Alonso

**DECLARATION OF PETER S. LUBIN, ESQ. IN SUPPORT OF LEAD COUNSEL'S  
MOTION FOR AN AWARD OF ATTORNEYS' FEES AND REIMBURSEMENT OF  
LITIGATION EXPENSES FILED ON BEHALF OF LUBIN AUSTERMUEHLE, P.C.**

I, Peter S. Lubin, declare as follows:

1. I am a partner at Lubin Austermuehle, P.C. ("LA"), one of Plaintiff's Counsel in the above-captioned action (the "Action").<sup>1</sup> I submit this declaration in support of Lead Counsel's application for an award of attorneys' fees in connection with services rendered in the Action, as well as for reimbursement of litigation expenses incurred in connection with the Action. I have personal knowledge of the facts set forth herein based on my active supervision of, and participation in, the prosecution and settlement of the claims asserted in the Action and, if called upon, could and would testify thereto.

2. LA served as Court-appointed Liaison Counsel in this Action. As Liaison Counsel for Plaintiff in this Action, LA, among other things: (a) attended some court hearings; (b) assisted in drafting a small number of motions; (c) filed pleadings with the Court; (d) supplied courtesy copies to the Court.

3. The schedule attached hereto as Exhibit A is a detailed summary indicating the amount of time spent by attorneys and professional support staff employees of my firm who, from inception of the Action through and including July 20, 2022, billed 16.5 to the Action, and the lodestar calculation for those individuals based on my firm's current billing rates.

4. I am the partner who oversaw or conducted the day-to-day activities in the Action by our firm and I reviewed these daily time records in connection with the preparation of this declaration. The purpose of this review was to confirm both the accuracy of the records as well as the necessity for, and reasonableness of, the time committed to the litigation. As a result of this review, I made reductions to certain of my firm's time entries such that the time included in Exhibit

---

<sup>1</sup> Unless otherwise defined, all capitalized terms herein have the same meanings as set forth in the Stipulation and Agreement of Settlement dated April 12, 2022. ECF No. 150-1.

A reflect that exercise of billing judgment. Based on this review and the adjustments made, I believe that the time of LA attorneys and staff reflected in Exhibit A was reasonable and necessary for the effective and efficient prosecution and resolution of the Action. No time expended on the application for fees and reimbursement of expenses has been included.

5. The hourly rates for the attorneys and professional support staff in my firm included in Exhibit A are consistent with the rates approved by courts in other securities or shareholder litigation when conducting a lodestar cross-check.

6. The total number of hours reflected in Exhibit A is 16.5 hours. The total lodestar reflected in Exhibit A is \$10,035.00, consisting of \$9,450.00 for attorneys' time and \$585.00 for professional support staff time.


7. My firm's lodestar figures are based upon the firm's billing rates, which rates do not include charges for expense items. Expense items are billed separately and such charges are not duplicated in my firm's billing rates.

8. As detailed in Exhibit B, my firm is seeking reimbursement of a total of \$114.09 in expenses incurred in connection with the prosecution of this Action.

9. The litigation expenses incurred 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. The expenses reflected in Exhibit B are the expenses actually incurred by my firm.

10. Attached hereto as Exhibit C is a brief biography of LA, including the attorneys who were involved in the Action.

I declare, under penalty of perjury, that the foregoing is true and correct. Executed on July 20, 2022, in Oakbrook Terrace, Illinois.

A handwritten signature in blue ink, appearing to read "Peter S. Lubin", is positioned above a horizontal line.

---

Peter S. Lubin

**EXHIBIT A**

*Pierrelouis v. Gogo Inc., et al.,*  
**Case No. 1:18-cv-04473**

**Lubin Austermuehle, P.C.**

**LODESTAR REPORT  
 FROM INCEPTION THROUGH JULY 11, 2022**

<b>TIMEKEEPER/CASE</b>	<b>STATUS</b>	<b>HOURS</b>	<b>RATE</b>	<b>LODESTAR</b>
<b>ATTORNEYS:</b>				
Peter S. Lubin	Partner	6.8	750.00	5,100.00
Patrick D. Austermuehle	Partner	5.8	750.00	4,350.00
	Partner			
	Partner			
	Partner			
	Senior Counsel			
	Associate			
	Associate			
	Associate			
	Staff Attorney			
	Staff Attorney			
	Staff Attorney			
	Staff Attorney			
<b>TOTAL ATTORNEY</b>				
<b>PROFESSIONAL STAFF:</b>				
Trease Riley	Senior Paralegal	3.9	150.00	585.00
	Paralegal			
	Paralegal			
<b>TOTAL PROFESSIONAL STAFF</b>				
<b>TOTAL LODESTAR</b>				

**EXHIBIT B**

*Pierrelouis v. Gogo Inc., et al.,*  
**Case No. 1:18-cv-04473**

**Lubin Austermuehle, P.C.**

**EXPENSE REPORT**

**FROM INCEPTION THROUGH JULY 11, 2022**

<b>ITEM</b>	<b>AMOUNT</b>
COURIER & SPECIAL POSTAGE	63.29
COURT FILING FEES	
EXPERTS ACCOUNTING	
EXPERTS	
EXPERTS DAMAGES	
INVESTIGATIONS	
LITIGATION FUND CONTRIBUTIONS	
MEDIATORS	
ONLINE RESEARCH	4.40
PHOTOCOPYING/IMAGING	46.40
PRESS RELEASES	
AIRFARE	
AUTOMOTIVE TRANSPORTATION	
HOTELS	
TRAVEL MEALS	
<b>GRAND TOTAL</b>	

**EXHIBIT C**

**Lubin Austermuchle, P.C.**

**FIRM RESUME**





17W220 22<sup>nd</sup> Street, Suite 410  
Oakbrook Terrace, IL 60181  
(630) 333-0333

LUBIN AUSTERMUEHLE P.C. attorneys have decades of experience in the court room and at the negotiating table. The firm has a staff of four attorneys, including Of Counsel. Peter S. Lubin received an AB from Dartmouth College in 1980, and a JD from the University of Chicago Law School in 1983. Patrick Austermuehle received a BA in from the University of Wisconsin in 2006, and a JD from the Chicago- Kent College of Law, Illinois Institute of Technology in 2009.

In 2005, Crain's Chicago Business ranked the settlement achieved by Peter Lubin of LUBIN AUSTERMUEHLE, P.C. as co-lead counsel in the *Erickson v. SBC* class action as the 3<sup>rd</sup> highest settlement/verdict achieved in Illinois by a law firm for 2004. In 2008, LUBIN AUSTERMUEHLE, P.C.'s predecessor Firm received the first "Law Firm of the Year" awarded by the DuPage County Bar Legal Assistance Foundation for the Firm's "commitment to the ideals of the legal profession."

The Chief Judge of the Seventh Circuit invited Mr. Lubin to be one of the founding members of the Markey-Wigmore Chapter of the American Inns of Court. Mr. Lubin was a member of the Visiting Committee of the University of Chicago Law School. In 2004, Mr. Lubin received Commendations from DuPage Legal Assistance Foundation due to Cy Pres Awards provided to the Foundation of over \$260,000 from certain class-actions. The firm's attorneys helped achieve cy pres awards totaling several million dollars which have been awarded to legal assistance or law school public interest projects.

Mr. Austermuehle was member of the Law Review at Chicago-Kent College of Law from 2007 to 2009 and the Comments Editor from 2008-2009.

Mr. Lubin teaches trial and litigation skills to second and third-year law students who participate in the University of Chicago Law School's Mandel Legal Aid Clinic's trial practice program.

LUBIN AUSTERMUEHLE concentrates in handling complex commercial litigation and consumer class actions. Courts have appointed Mr. Lubin or Mr. Austermuehle lead or co-lead counsel in hundreds of contested or settlement class actions in Illinois and across the country. The firm's attorneys and its co-counsel have obtained numerous multi-million-dollar settlements or judgments in national and state-wide class actions in which the firm is lead or co-class counsel. The firm has also won a number of appellate decisions in Illinois and in other states that have helped define important consumer protection statutes. Mr. Lubin or Mr. Austermuehle have successfully defended major national banks, finance companies, marketing firms, mobile home chains, large apartment complexes, and other corporations in large class-action lawsuits involving hundreds of millions of dollars in claimed damages.

In addition to class action litigation, Mr. Lubin and Mr. Austermuehle have an active commercial litigation practice. Mr. Lubin and Mr. Austermuehle represent corporate clients and individuals in franchise, antitrust, trademark, copyright, partnership dispute and corporate freeze out

cases, including cases involving novel international choice of law issues. With his former partner, Mr. Lubin defended the principal defendant in the securities class action, RICO and white-collar criminal litigation arising out of the collapse of Continental Illinois National Bank. Mr. Lubin also has participated in successful RICO criminal defenses, including a jury trial that resulted in an acquittal for a client charged with being the co-conspirator in an international bank fraud scheme. He also participated in representing the plaintiffs in a number of significant antitrust jury trials and appeals.

Companies we have litigated matters on behalf of include Experian, Aspen Marketing Services, Inc., Molex, Leslie Hindman Auctions, DiMucci Family Corporations, Ofer Mizrahi Diamonds Ltd, Simplot Corporation, McDonald's Corporation, Flynn Beverage Corporation, Lexington Homes, Concord Homes, Dean Foods Corporation, Motorola, Mobile Management Co., Inc., Berthold Types, Tulip Food Company, Addax Technologies, LLC, Converged Communications Systems, Sentry Insurance, Chubb Group of Insurance Companies, West Bend Mutual Insurance Company, Liberty Mutual Fire Insurance Company, Tennis Corporation of America, Lectura Montessori School, Inc., Advance Preschool, Inc., and Bleuchip International, Inc.

Conversely, companies we have brought suit against include Adelphia, TCI, AT&T, Charter-Marcus, Daimler Chrysler, Ford Motor Company, General Motors, Toyota Motor Credit, GMAC, Starwood Hotel Corporation, Hilton Hotels Corporation, Marriott Corporation, General Electric, Infinity Broadcasting, Time Warner, Economy Insurance, US Bank, American Tobacco, Jim Beam Brands, Seagram, Rockwell International, Paul Revere Insurance, St. Paul Insurance Company, North American Phillips, Conagra Foods, Commonwealth Edison, Motorola, Nicor, DeVry, Inc., Abercrombie & Fitch Stores, Inc., Onyx Acceptance Corporation, Ameritech, La Quinta Inn, Inc., and Wyndham Management Corporation.