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Co-Lead Counsel for the State Court Plaintiffs

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

BRIAN H. ROBB, Individually and on Behalf of  
All Others Similarly Situated,

Plaintiff,

v.

FITBIT INC., JAMES PARK, WILLIAM R.  
ZERELLA, ERIC N. FRIEDMAN, JONATHAN  
D. CALLAGHAN, STEVEN MURRAY,  
CHRISTOPHER PAISLEY, MORGAN  
STANLEY & CO. LLC, DEUTSCHE BANK  
SECURITIES INC., and MERRILL LYNCH,  
PIERCE, FENNER & SMITH INC.,

Defendants,

Case No: 3:16-cv-00151-SI

**DECLARATION OF JOSHUA M.  
LIFSHITZ IN SUPPORT OF DERIVATIVE  
PLAINTIFFS' BRIEF IN SUPPORT OF  
CLASS REPRESENTATIVE'S MOTION  
FOR FINAL APPROVAL OF  
SETTLEMENT, CLASS CERTIFICATION,  
AND PLAN OF ALLOCATION**

CLASS ACTION

Date: April 20, 2018  
Time: 10:00 a.m.  
Place: Courtroom 1, 17<sup>th</sup> Floor  
Judge: Hon. Susan Illston

1 I, Joshua M. Lifshitz, hereby declare as follows:

2 1. I am an attorney duly licensed to practice law in the State of New York. I have personal  
3 knowledge as to the matters set forth herein and, if called upon, I could and would completely testify  
4 thereto.

5 2. I am a Partner at Lifshitz & Miller LLP, Co-Lead Counsel for plaintiffs (the “State  
6 Derivative Plaintiffs”) in the action pending in the Superior Court of the State of California, captioned  
7 *In re Fitbit, Inc. Shareholder Litigation*, Lead Case No. CGC-16-552062 (the “State Court Action”).

8 3. I submit this declaration in support of State Derivative Plaintiffs’ Brief in Support of  
9 Class Representatives Timothy Flynn, Jesse M. Koth, Kelley Koth, Viet Tran, and Mark  
10 Cunningham’s Motion for Final Approval of Settlement, Class Certification, and Plan of Allocation  
11 (“Motion”). Dkt. No. 209.

12 4. The information in this declaration regarding my firm’s time is taken from time ledgers  
13 and supporting documentation prepared and/or maintained by my firm in the ordinary course of  
14 business. I am the partner who oversaw and/or conducted the day-to-day activities in the litigation. I  
15 reviewed these documents in connection with the preparation of this declaration. The purpose of this  
16 review was to confirm both the accuracy of the entries on the ledgers as well as the necessity for, and  
17 reasonableness of, the time committed to the litigation. As a result of this review, reductions were  
18 made to time in the exercise of billing judgment. As a result of this review and the adjustments made,  
19 I believe that the time reflected in my firm’s lodestar calculation for which payment is sought as set  
20 forth in this declaration are reasonable in amount and were necessary for the effective and efficient  
21 prosecution and resolution of the litigation.

22 5. After the reductions referred to above, the number of hours spent on this litigation by my  
23 firm is 298.25. A breakdown of the lodestar is provided as follows. The lodestar amount for  
24 attorney/paralegal time based on my firm’s current rates is \$186,901.25. The hourly rates shown in  
25 the table below are the usual and customary rates set by my firm for each individual.

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Professional (position)*	Hourly Rate	Hours Worked	Lodestar
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1	Joshua M. Lifshitz (P)	\$750.00	73.25	\$ 54,937.50
2	Edward W. Miller (P)	\$695.00	142.25	\$ 98,863.75
3	Michael Slade (A)	\$400	68.50	\$ 27,400.00
4	Matthew Hettrich (A)	\$400	14.25	\$ 5,700.00

5 \*Partner (P), Associate (A).

6 I declare under penalty of perjury under the laws of the United States of America that the  
7 foregoing is true and correct.

8 Executed this 13th day of April, 2018.

9  
10 By: /s/ Joshua M. Lifshitz  
11 Joshua M. Lifshitz

12  
13 **ATTESTATION OF ELECTRONIC FILER**

14 Pursuant to Local Rule 5-1(i)(3), concurrence in the filing of the document has been obtained  
15 from each of the other Signatories.

16 By: /s/ Adam T. Hoover  
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