

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

In re PEGASYSTEMS INC. SECURITIES  
LITIGATION

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) No. 1:22-cv-11220-WGY

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)  
) DECLARATION OF  
THEODORE M. HESS-MAHAN FILED ON  
BEHALF OF HUTCHINGS BARSAMIAN  
MANDELCORN, LLP, IN SUPPORT OF  
APPLICATION FOR AWARD OF  
ATTORNEYS' FEES AND EXPENSES

I, Theodore M. Hess-Mahan, declare as follows:

1. I am Of Counsel to the firm of Hutchings Barsamian Mandelcorn, LLP (the "Firm"). I am submitting this declaration in support of the application for an award of attorneys' fees and expenses/charges ("expenses") in connection with services rendered in the above-entitled action.

2. This Firm is Liaison counsel of record for Lead Plaintiffs Central Pennsylvania Teamsters Pension Fund - Defined Benefit Plan, Central Pennsylvania Teamsters Pension Fund - Retirement Income Plan 1987, and Construction Industry Laborers Pension Fund.

3. The information in this declaration regarding the Firm's time and expenses is taken from time and expense reports and supporting documentation prepared and/or maintained by the Firm in the ordinary course of business. I am the attorney who oversaw and/or conducted the day-to-day activities in the litigation and I reviewed these reports (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 as well as the necessity for, and reasonableness of, the time and expenses committed to the litigation. Based on this review and the adjustments made, I believe that the time reflected in the Firm's lodestar calculation and the

expenses for which payment is sought herein are reasonable and were necessary for the effective and efficient prosecution and resolution of the litigation.

4. The number of hours spent on the litigation by my Firm is 56.6. A breakdown of the lodestar is provided in **Exhibit A**. The lodestar amount for attorney/paraprofessional time based on the Firm's current rates is \$25,470.00. The hourly rates shown in Exhibit A are consistent with hourly rates submitted by the Firm in other securities class action litigation. The Firm's rates are set based on periodic analysis of rates charged by firms performing comparable work both on the plaintiff and defense side.

5. My Firm seeks an award of \$718.40 in expenses and charges in connection with the prosecution of the litigation. Those expenses and charges are summarized by category in **Exhibit B**.

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

(a) Filing, Witness and Other Fees: \$675.00. These expenses have been paid to the Court for filing fees for Pro Hac Vice Motions filed on behalf of Lead Plaintiffs' counsel. The vendors who were paid for these services are set forth in **Exhibit C**.

(b) Transportation: \$43.40. 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 D**.

7. 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.

8. The identification and background of my Firm and its partners is attached hereto as **Exhibit E**.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 1st day of August, 2024, at Wellesley, Massachusetts.

*/s/Theodore M. Hess-Mahan*

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Theodore M. Hess-Mahan

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on August 15, 2024.

*/s/ Chad Johnson*

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CHAD JOHNSON

# **EXHIBIT A**

**EXHIBIT A**

*In re Pegasystems Inc. Securities Litigation*, No. 1:22-cv-11220-WGY  
 HUTCHINGS BARSAMIAN MANDEL CORN, LLP  
 Inception through 8/1/2024

<i>NAME</i>		<i>HOURS</i>	<i>RATE</i>	<i>LODESTAR</i>
Theodore M. Hess-Mahan	(OC)	56.6	\$450.00	\$25,470.00
<b><i>TOTAL</i></b>				<b>\$25,470.00</b>

(OC) Of Counsel

# **EXHIBIT B**

**EXHIBIT B**

*In re Pegasystems Inc. Securities Litigation*, No. 1:22-cv-11220-WGY  
HUTCHINGS BARSAMIAN MANDEL CORN, LLP  
Inception through 8/1/2024

<i>CATEGORY</i>	<i>AMOUNT</i>
Filing, Witness, and Other Fees	\$675.00
Transportation	\$43.40
<b><i>TOTAL</i></b>	<b>\$718.40</b>



# **EXHIBIT C**

**EXHIBIT C**

*In re Pegasystems Inc. Securities Litigation*, No. 1:22-cv-11220-WGY  
HUTCHINGS BARSAMIAN MANDEL CORN, LLP  
Inception through 8/1/2024

Filing, Witness, and Other Fees: \$675.00

<b><i>DATE</i></b>	<b><i>VENDOR</i></b>	<b><i>PURPOSE</i></b>
8/16/2022	USDC Massachusetts	Filing fee for pro hac motion
8/16/2022	USDC Massachusetts	Filing fee for pro hac motion
8/16/2022	USDC Massachusetts	Filing fee for pro hac motion
7/14/2023	USDC Massachusetts	Filing fee for pro hac motion
3/21/2024	USDC Massachusetts	Filing fee for pro hac motion
11/1/2023	USDC Massachusetts	Filing fee for pro hac motion

# **EXHIBIT D**

**EXHIBIT D**

*In re Pegasystems Inc. Securities Litigation*, No. 1:22-cv-11220-WGY  
HUTCHINGS BARSAMIAN MANDEL CORN, LLP  
Inception through 8/1/2024

Transportation: \$43.40

<i>NAME</i>	<i>DATE</i>	<i>DESTINATION</i>	<i>PURPOSE</i>
Fan Pier Parking	7/12/2023	USDC Massachusetts	Parking-Attend Hearing
MassPike	7/12/2023	USDC Massachusetts	Tolls-Attend Hearing

# **EXHIBIT E**

# HUTCHINGS BARSAMIAN

## HUTCHINGS BARSAMIAN MANDEL CORN, LLP

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### FIRM RESUME

Hutchings Barsamian Mandelcorn, LLP, is a law firm based in Wellesley, Massachusetts, which represents individuals and businesses in litigation, corporate, trusts & estates, probate, family law, immigration, employment, health care and other matters.

#### Theodore M. Hess-Mahan

Theodore M. Hess-Mahan joined the firm as Of Counsel in 2007, where he has focused in the practice areas of complex civil litigation, shareholder and consumer fraud, unfair business practice claims, and class and derivative actions in state and federal courts.

Mr. Hess-Mahan received his B.A. from Tufts University and a J.D. from Suffolk University Law School, where he was lead articles editor of the law review and director of the Honorable Frank J. Donahue Lecture Series. He has been admitted to practice in Massachusetts, the U.S. District Court for the District of Massachusetts, the U.S. Court of Appeals for the First Circuit, and the U.S. Supreme Court.

He has over thirty years of experience as an attorney in private practice. Prior to joining the firm, Mr. Hess-Mahan was a law clerk for an associate justice of the Massachusetts Supreme Judicial Court, a civil litigator at Ropes & Gray LLP, representing individuals, businesses, insurers, governmental agencies, and non-profit institutions in state and federal trial and appellate courts and administrative proceedings, and a plaintiff's attorney at Shapiro Haber & Urmy LLP, representing consumers, shareholders, businesses and institutional investors in class, derivative and individual actions involving claims under state and federal antitrust, civil rights, consumer protection, environmental, securities and unfair business practice laws.

Mr. Hess-Mahan has litigated and negotiated settlements in a variety of cases including the following:

- \$12 million settlement on behalf of shareholders in securities fraud class action alleging improper revenue recognition based on undisclosed side agreements
- \$11 million total settlements on behalf of shareholders in securities fraud class actions alleging that research analysts issued false and misleading reports regarding publicly traded companies
- \$9.9 million settlement on behalf of shareholders in securities fraud class action alleging material overstatement of financial results based on fraudulent lending practices
- \$6 million settlement on behalf of shareholders in securities fraud class action alleging improper revenue recognition in registration statement relating to initial public offering
- Represented liability insurer in one-week bench trial of \$100 million insurance coverage dispute in federal court
- Represented Rhode Island State Treasurer in lawsuit involving constitutional challenge to state pension reform legislation
- Represented teaching hospital in three-week jury trial involving antitrust claims in federal court
- Represented hospitals in guardianship and civil commitment hearings and medical records privacy cases; obtained injunctive relief in case involving patient's "right-to-die"
- Successfully defended world-class academic medical center in bid protest filed with United States General Accounting Office involving award of \$5 million government contract for medical research

- Won a verdict on counts of defalcation of a fiduciary and embezzlement against a trustee who misappropriated \$7 million from the trust's assets after a 5-day bench trial in an adversary proceeding seeking a determination of non-dischargeability of debt in U.S. Bankruptcy Court for the District of Massachusetts

Mr. Hess-Mahan has also been appointed to serve as lead counsel or liaison counsel in a number of securities class actions filed in the United States District Court for the District of Massachusetts, including:

*In re Polymedica Corp. Securities Litigation*, No. 1:00-cv-12426-WGY

*In re PerkinElmer, Inc.*, No. 1:02-cv-11314-GAO

*In re Sepracor, Inc. Securities Litigation*, No. 1:02-cv-12338-MEL

*Sands Point Partners v Transkaryotic Therapies Corp.*, No. 1:03-cv-10165-RWZ

*Abearn v. Credit Suisse First Boston LLC*, No. 1:03-cv-10956-JLT

*Wilson v Microfinancial Inc.*, No. 1:03-cv-11883-RGS

*In re Biopure Corporation Securities Litigation*, No. 1:03-cv-12628-NG

*In re Ibis Technology Securities Litigation*, No. 1:04-cv-10383-DPW

*Aspen Technology, Inc. Securities Litigation*, No. 1:04-cv-12375-JLT

*Casula v. Athenabhealth, Inc.*, No. 1:10-cv-10477-GAO

*Jerry L. & Mena M. Morelos Revocable Trust v. Termeer*, No. 1:10-cv-11356-JLT

*Washtenaw County Employees' Retirement System v. The Princeton Review*, No. 1:11-cv-11359-RGS

*In re Avid Technologies, Inc. Securities Litigation*, No. 1:13-cv-10686-WGY

*Gerneth v. Chiasma, Inc.*, No. 1:16-cv-11082-DJC

*Mohanty v. Avid Technology, Inc.*, No. 1:16-cv-12336-IT

*Maboney v. Foundation Medicine, Inc.*, No. 1:17-cv-11394-LTS

*Construction Industry and Laborers Joint Pension Trust et al v. Carbonite, Inc.*, No. 1:19-cv-11662-LTS

*City of Fort Lauderdale Police & Firefighters Retirement System v. Pegasystems, et al.* 1:22-cv-11220-WGY

*North Collier Fire Control and Rescue District Firefighters' Pension Plan v. Mercury Systems, Inc.*,  
No. 1:23-cv-13065-WGY

He is a former co-chair of the Boston Bar Association Class Action Committee and a former member of the BBA Litigation Section Steering Committee, has lectured at legal seminars and published articles on class actions, securities laws, special education, and medical records privacy laws, and has been a guest lecturer on voting rights at the New England School of Law. He authored a chapter on "Depositions in Class Actions," published in the Massachusetts Deposition Practice Manual (MCLE 5th ed. 2024).

Biographies of the firm's other attorneys are as follows:

**Anthony Barsamian**

Anthony Barsamian is the firm's managing partner. His practice areas include business and commercial transactions, business succession planning, estate and trusts, estate administration, real estate, and immigration.

Mr. Barsamian received his B.A. from the University of Massachusetts (Amherst), and his J.D. from Suffolk University School of Law. He is admitted to the Massachusetts and the U.S. District Court, District of Massachusetts and a member of the Massachusetts and American Bar Associations and the Armenian Bar Association. He has served on the boards of national non-profit organizations and has spoken extensively throughout the country on the topic of on-line dispute resolution. Mr. Barsamian currently serves as a Board Member of the National Council of Churches and the Armenian Assembly of America.

**Howard M. Mandelcorn**

Howard M. Mandelcorn is a partner whose practice areas include wealth transfer and wealth preservation, general estate planning, sophisticated estate tax planning, estate settlement, trust administration, charitable estate planning, private foundations, family limited partnerships, asset protection planning, and business continuation planning.

Mr. Mandelcorn received his B.A. degree, cum laude, with honors, from Brandeis University, his M.P.A. degree from the University of Pennsylvania, his B.C.L. and L.L.B. degrees from McGill University Ecole du Bateau (Quebec Bar School, 1992) and his L.L.M. degree from Boston University.

He is a contributing author to *Generations, Planning Your Legacy* (Quantum Press, 1999) and has spoken and written extensively on international estate planning issues. He is a lecturer at the Sloan School of Management at Massachusetts Institute of Technology (MIT) and has lectured extensively before estate planning attorneys, Certified Public Accountants, and financial and insurance professionals. He is admitted to practice in Massachusetts and New York and is a member of the Massachusetts and New York Bar Associations and the Boston Estate Planning Council.

**Lisa A. Sedrakian**

Lisa A. Sedrakian is Of Counsel to the firm. Her practice areas include international tax, estate planning, and corporate tax.

Before coming to the firm, Ms. Sedrakian worked in the International Tax Group at Arthur Andersen, LLP. She received her Bachelor of Arts degree in Political Science from the University of California, Berkeley, her J. D. from the University of San Francisco, and her Master of Laws in Taxation from New York University. She is admitted to practice in state and federal courts in the Commonwealth of Massachusetts and the State of California and is a member of the Massachusetts and Boston Bar Associations. Ms. Sedrakian is a lecturer in Accounting for Income Tax at Northeastern University.



**Robert Feigin**

Robert Feigin is Of Counsel to the firm. His practice areas include business law, real estate, employment, construction and home contractor disputes, defamation, and appeals.

Mr. Feigin graduated from Wesleyan University in Middletown, Connecticut with a B.A. in 1989, and he received his JD from the Boston University School of Law in 1994. He is admitted to practice in Massachusetts state and federal courts and is a member of the Massachusetts Bar Association and the Boston Bar Association. In 2004 and 2005, Mr. Feigin served as a member of the MBTA Beyond Lechmere Northwest Corridor Advisory Committee. Mr. Feigin is a member of the Board of Directors of the Massachusetts Collaborative Law Council since 2004, recently as its Secretary.

**Karen Argetsinger**

Karen Argetsinger is Of Counsel to the Firm. She is a mediator and collaborative attorney concentrating her practice in family, probate, health, employment, and elder Law.

Ms. Argetsinger has had over sixteen years of legal background which included law firm experience at Hale and Dorr, LLP (currently Wilmer Hale) and Warner & Stackpole, LLP (currently Kirpatrick & Lockhart, LLP) along with experience as a law clerk and independent consultant. She was a judicial intern for over a year with the United States District Court Magistrate Honorable Judith Dein. Karen received her Bachelor of Science at Tulane University in 1988 and her JD from Massachusetts School of Law in 2007. She is admitted to practice in Massachusetts and the U.S. District Court for the District of Massachusetts. She is a member of the Massachusetts Collaborative Law Council. She has a special interest in child advocacy and health policy and has worked to establish the John E. Lewy Foundation for Children's Health (subsidiary of American Society of Pediatric Nephrology) and assists the Department of Pediatrics at the University of Virginia Children's Hospital with health/legal issues and creating guidelines.