

EXHIBIT A



March 10, 2025

Re: *In re: Capital One Financial Corp., Affiliate Marketing Litig.*
No. 1:25-cv-023 (AJT/WBP) (E.D. Va.)

Dear Counsel:

As you know, the Court recently appointed Co-Lead Counsel in the above-referenced litigation. The Court has charged Co-Lead Counsel with the responsibility to:

Delegate specific tasks to other counsel, as authorized by the Court, in a manner to ensure that the pretrial preparation for the plaintiffs is conducted efficiently and effectively and is assigned fairly and appropriately among counsel who wish to assume responsibilities for conducting pre-trial matters on behalf of all plaintiffs

...

Maintain adequate time and disbursement records covering services as Lead Counsel; establish adequate procedures to accurately record and report time and expenditures by other counsel; and submit periodic summaries to the Court for its review. In this regard, the Court has under consideration whether to utilize the services of an outside accountant to assist the Court on an on-going basis

...

Monitor the activities of co-counsel to ensure that schedules are met and unnecessary expenditures of time and funds are avoided

ECF No. 94 at 4–5.

To carry out these responsibilities, we intend to make appropriate assignments to co-counsel during the course of this litigation.

Every firm, including Co-Lead Counsel, must submit detailed monthly time and expenses. All time should be reported at your regular billing rates in effect at your firm during the particular month(s) for which you are reporting. Reports for the preceding month will be due on the 15th day of the next month (or next business day if the 15th day is a weekend or holiday) and should be sent via email to Sheri Williams at **williams@stuevesiegel.com**.

Your first report is due April 15, 2025, and should include all time and expenses from inception of the case through March 31, 2025. Please note that we cannot and do not represent that pre-leadership appointment time (time expended prior to appointment on March 6, 2025), or any time for that matter, will be allowed by the Court or even submitted to the Court. All firms must use the standard form in the attached Excel spreadsheet for time and expense reporting. Please

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complete all tabs of the spreadsheet. With your first report, please advise us as to who at your firm is the appropriate contact person for time and expense reporting purposes.

Please note the following:

First, please submit your time in the proper format and on time. Time sent in the wrong format will be sent back. Time that is not timely submitted may not be considered.

Second, Co-Lead Counsel reserve the right to not assign work to firms that are not current in their monthly time and expense reports.

Third, work performed in this case without the express, specific authorization of Co-Lead Counsel must be specifically so designated in your submission. This includes unauthorized reading and reviewing of correspondence and pleadings, appearances at hearings or depositions and travel time and expenses related to such appearances. Such time will be presumptively disallowed. Co-Lead Counsel will not exclude any attorney for a plaintiff from attending any proceeding and will also review any questions suggested by plaintiffs' counsel to be posed to deponents. *See id.* However, in the event that an attorney not assigned to attend a deposition or proceeding believes his or her attendance will materially advance the interests of the class or a particular plaintiff, such attorneys are encouraged to contact Co-Lead Counsel *in advance* of any such proceeding before undertaking attendance without authorization. Co-Lead Counsel will also meet and confer with any attorney who is concerned that "the particular interests of his or her client are not being adequately served in common discovery." *Id.* at 5. The mere submission of time to Co-Lead Counsel does not guarantee that such time will be submitted to the Court in connection with any fee petition, nor does it guarantee that such time will be compensated. Billings that we do not believe are appropriate will not be submitted to the Court. Please exercise restraint in your timekeeping, only reporting time that is reasonably expended in prosecution of our clients' and the class's claims.

Fourth, all billings are subject to audit, including by any outside accountant the Court (or Co-Lead Counsel) has retained, at any time. *See id.* Simply because time is allowed at one point in time does not mean all or any of the time that is not disallowed will be either compensable or submitted to the Court in support of a fee application. We will examine—and re-examine—all of our time in a comprehensive way before any fee application is submitted to determine, based upon a complete picture of how the case was prosecuted, how each firm's time should be treated, both for purposes of a submission of a fee petition, and for purposes of compensation.

Fifth, we are not using task codes; this requires fulsome, clear narrative descriptions of each and every time entry you make. You may not block bill. While it is permissible to only provide one time entry for this case per day, your narrative description must include a breakdown of that time into discrete activities, using one-tenth of an hour increments.

Sixth, as a general rule, calls should be staffed only by attorneys who are necessary to the task at hand.

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Seventh, we intend to be particularly mindful about the use of contract lawyers, in particular for document review purposes. Any use of contract lawyers for document review or any other work must be expressly approved in writing by Co-Lead Counsel in advance. Work performed by contract attorneys, for any purpose, may be subjected to a cap on the hourly rate charged for those lawyers' time. In a similar vein, time reviewing and coding documents will be capped at the lesser of the timekeeper's regular rate or a reasonable rate to be established by Co-Lead Counsel.


Eighth, Co-Lead Counsel have established an account from which common expenses will be paid. Common expenses include such matters as filing and service costs related to the consolidated action; deposition and court reporter fees; the cost of creating and operating the court-ordered document depository; expert and consultant fees and expenses; fees for e-discovery, copying, and coding (done outside of a particular firm); witness expenses; fees for independent investigators; and such other common expenses approved by Co-Lead Counsel. No one other than Co-Lead Counsel may incur common expenses without approval. Bills for approved common expenses should be sent for payment to **Barrett Vahle at vahle@stuevesiegel.com**. Any common expense will require advance approval from Co-Lead Counsel before the expense is paid.

Ninth, you should report on a monthly basis all non-common expenses for which you may seek reimbursement. These expenses include travel expenses. Non-common expenses should be reported at cost *without any markups*. Do not submit any expenses for alcohol, entertainment, or travel in a class other than coach.

If we are fortunate enough to earn a fee in this case, the allocation of the fee between the participating firms will be made by Co-Lead Counsel when the fee has been earned. In allocating any fee, Co-Lead Counsel will be guided by the concept that each firm will be rewarded for the value it has contributed to the results obtained for our clients. Each firm's lodestar will be a factor in determining value, but it will not be the only factor. Among other things, how efficiently a firm has handled its responsibilities will be given significant weight.

We look forward to working with all of you.

Sincerely,



Norman E. Siegel