

The Honorable Benjamin H. Settle

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

BRIAN JOE COURTER, et al.,

Plaintiffs,

v.

CYTODYN, INC., et al.

Defendants.

No. 3:21-cv-05190-BHS

PLAINTIFFS' PRAECIPE REGARDING
DECLARATION OF BRADLEY S.
KELLER ON BEHALF OF BYRNES
KELLER CROMWELL LLP IN SUPPORT
OF LEAD COUNSEL'S MOTION FOR
ATTORNEYS' FEES AND LITIGATION
EXPENSES

Plaintiffs submit this Praecipec in connection with the Exhibit 5 to the Declaration of Joshua E. D'Ancona in support of Lead Plaintiff's Motion for Final Approval of Proposed Settlement and Plan of Allocation; and (II) Lead Counsel's Motion for Attorneys' Fees and Litigation Expenses, which is the Declaration of Bradley S. Keller on Behalf of Byrnes Keller Cromwell LLP in Support of Lead Counsel's Motion for Attorneys' Fees and Litigation Expenses, which was filed on September 28, 2026. *See* Dkt. No. 184 at Exhibit 5.

Due to a clerical error certain pages were inadvertently omitted. To ensure clarity of the evidentiary record, this Praecipec substitutes the Corrected Exhibit 5 with the missing portions thereof.

PLAINTIFFS' PRAECIPE RE: LEAD COUNSEL'S
MOTION FOR ATTORNEYS' FEES AND
LITIGATION EXPENSES (No. 3:21-cv-05190-BHS) - 1

BYRNES ♦ KELLER ♦ CROMWELL LLP
38TH FLOOR
1000 SECOND AVENUE
SEATTLE, WASHINGTON 98104
(206) 622-2000

DATED this 28th day of October, 2026.

BYRNES KELLER CROMWELL LLP

By /s/ Bradley S. Keller
Bradley S. Keller, WSBA #10665

By: /s/ Ryan J.P. Dyer
Ryan J.P. Dyer, WSBA #48016
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Facsimile: (206), 622-2522
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rdyer@byrneskeller.com

Liaison Counsel for the Class

KESSLER TOPAZ
MELTZER & CHECK, LLP
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Radnor, PA 19087
Telephone: (610) 667-7706
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*Attorneys for Lead Plaintiff Brian Joe Courter
and Courter and Sons LLC, Named
Plaintiffs Diane M. Hooper, Thomas McGee
and Candara E. Evans and Lead Counsel for
the Putative Class*

CERTIFICATE OF SERVICE

The undersigned attorney certifies that on the 28th day of October, 2026, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel on record in the matter.

/s/ Ryan Dyer

Ryan J.P. Dyer, WSBA #48016
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EXHIBIT 5

The Honorable Benjamin H. Settle

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

BRIAN JOE COURTER, COURTER AND
SONS LLC, DIANE M. HOOPER, THOMAS
MCGEE, and CANDRA E. EVANS,
Individually and on Behalf of All Others
Similarly Situated,

Plaintiffs,

v.

CYTODYN INC., NADER Z. POURHASSAN,
MICHAEL MULHOLLAND, and SCOTT A.
KELLY,

Defendants.

No. 3:21-cv-05190-BHS

**DECLARATION OF BRADLEY S.
KELLER ON BEHALF OF BYRNES
KELLER CROMWELL LLP IN
SUPPORT OF LEAD COUNSEL'S
MOTION FOR ATTORNEYS' FEES
AND LITIGATION EXPENSES**

I, BRADLEY S. KELLER, declare as follows:

1. I am a partner in the law firm of Byrnes Keller Cromwell LLP ("Byrnes Keller"). I submit this Declaration in support of Lead Counsel's motion for an award of attorneys' fees in connection with services rendered in the above-captioned securities class action ("Action"), as well as for payment of expenses incurred by my firm in connection with the Action. I have personal knowledge of the matters set forth herein.¹

¹ All terms with initial capitalization not otherwise defined herein shall have the meanings ascribed to them in the Stipulation and Agreement of Settlement dated March 18, 2026. Dkt. 168.

2. My firm serves as Court-appointed Liaison Counsel in the Action. During the Action, my firm worked closely with Lead Counsel regarding developing and implementing the litigation strategy that was pursued from the outset of the case. This included the initial proceedings regarding appointment of the lead plaintiff and Lead Counsel, the development of the theories and claims plead in the First Amended Consolidated Complaint, the contested proceedings regarding discovery access to certain critical documentary evidence, the successfully opposed multiple motions to dismiss, and certain aspects of the settlement-related proceedings.

3. Based on my work in the Action, as well as the review of time records reflecting work performed by other attorneys and professional support staff employees at Byrnes Keller in the Action (“Timekeepers”), as reported by the Timekeepers, I directed the preparation of the table set forth as Exhibit A. The table in Exhibit A: (i) identifies the names and employment positions (*i.e.*, titles) of the Timekeepers who devoted ten (10) or more hours to the Action; (ii) provides the number of hours that each Timekeeper expended in connection with work on the Action through June 18, 2026 (*i.e.*, the date of the Court’s Preliminary Approval Order); (iii) provides each Timekeeper’s current hourly rate unless otherwise noted; and (iv) provides the lodestar of each Timekeeper and the entire firm. The table in Exhibit A was prepared from daily time records regularly prepared and maintained by my firm in the ordinary course of business, which are available at the request of the Court. All time expended in preparing Lead Counsel’s motion for attorneys’ fees and expenses and this Declaration has been excluded from my firm’s lodestar calculation.

4. The hourly rates for the Byrnes Keller attorneys and professional support staff employees included in Exhibit A are their standard rates for engagements such as this. My firm’s hourly rates are largely based upon a combination of the title, cost to the firm, and the specific years of experience for each attorney and professional support staff employee, as well as market rates for practitioners in the field. The only Byrnes Keller attorney who spent more than 10 hours

1 on this matter was myself, the firm's most senior and founding partner. My \$750 hourly rate is
 2 consistent with rates submitted by me and accepted by courts in other complex class actions.

3 5. The number of hours expended by Byrnes Keller in the Action through June 18,
 4 2026, as reflected in Exhibit A, is 126.70. The lodestar for my firm, as reflected in Exhibit A, is
 5 \$95,025.00, consisting entirely of my time. There was additional professional support staff time
 6 expended in the Action but each of those employees had less than 10 hours of time. I believe that
 7 the number of hours expended and the services I performed were reasonable and necessary for the
 8 effective and efficient prosecution and resolution of the Action.

9 6. Expense items are reported separately and are not duplicated in my firm's hourly
 10 rates. As set forth in Exhibit B hereto, Byrnes Keller is seeking payment for \$1,676.27 in expenses
 11 incurred in connection with the prosecution and resolution of the Action.

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

13 (a) Court filing fees regarding multiple *pro hac vice* applications filed for individual

14 Lead Counsel attorneys (\$1,439.00)

15 (b) Westlaw-Computer Research (\$220.17)

16 (c) Duplicating (\$17.10)

17 8. The expenses incurred by Byrnes Keller in the Action are reflected on the books
 18 and records of my firm. These books and records are prepared from expense vouchers, check
 19 records, and other source materials and are an accurate record of the expenses incurred. I believe
 20 these expenses were reasonable and expended for the benefit of the Settlement Class in the Action.

21 9. With respect to the standing of myself and my firm, attached hereto as Exhibit C is
 22 a resume and a firm brochure, which includes information about my firm and biographical
 23 information concerning myself.

1 I declare under penalty of perjury pursuant to the laws of the United States of America that
2 the foregoing is true and correct.

3 DATED in Seattle, Washington, this 28th day of September, 2026.

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5 /s/ Bradley S. Keller
6 Bradley S. Keller
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DECLARATION OF BRADLEY S. KELLER
(No. 3:21-cv-05190-BHS) - 4

BYRNES ♦ KELLER ♦ CROMWELL LLP

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4333#HFRQG#DYHQQH#
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EXHIBIT A

Brian Joe Courter, et al. v. CytoDyn Inc., et al.
Case No. 3:21-cv-05190-BHS (W.D. Wash.)

BYRNES KELLER CROMWELL LLP

TIME REPORT

Inception through June 18, 2026

NAME	HOURLY RATE	HOURS	LODESTAR
PARTNERS			
Brad Keller	\$750	126.7	\$95,025.00
ASSOCIATES / COUNSEL			
N/A (each under 10 hours)			
PARALEGALS			
N/A (each under 10 hours)			
TOTALS:		126.7	\$95,025.00

DECLARATION OF BRADLEY S. KELLER
(No. 3:21-cv-05190-BHS) - 5

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EXHIBIT B

Brian Joe Courter, et al. v. CytoDyn Inc., et al.
Case No. 3:21-cv-05190-BHS (W.D. Wash.)

BYRNES KELLER CROMWELL LLP

EXPENSE REPORT

CATEGORY	AMOUNT
Court Filing & Other Fees	\$1,439.00
Online Factual / Legal Research	\$220.17
Printing & Copying	\$17.10
TOTAL EXPENSE REQUEST	\$1,676.27

DECLARATION OF BRADLEY S. KELLER
(No. 3:21-cv-05190-BHS) - 6

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EXHIBIT C

Brian Joe Courter, et al. v. CytoDyn Inc., et al.
Case No. 3:21-cv-05190-BHS (W.D. Wash.)

Brad Keller and BYRNES KELLER CROMWELL LLP

FIRM RESUME

DECLARATION OF BRADLEY S. KELLER
(No. 3:21-cv-05190-BHS) - 7

BYRNES ♦ KELLER ♦ CROMWELL LLP

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4333#HFRQG#DYHXXH#
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BRADLEY S. KELLER

I. EDUCATION

Beloit College, B.A., *cum laude*, Government - 1976.

Brooklyn Law School, J.D., *magna cum laude* - 1979.

II. TRIAL EXPERIENCE

Engaged in trial practice continuously since 1980; tried a substantial number of jury and non-jury cases in state and federal courts; litigated cases before private arbitration panels. Types of cases tried include federal and state securities fraud, antitrust, RICO, professional liability, breach of contract, product liability, personal injury, commercial, and construction. Cases tried:

- Anderson v. Thompson (four-month RICO and securities fraud jury trial)
- SGA v. Sherry (three-week sale-of-business and negligent misrepresentation jury trial)
- Quinn v. CRST, Inc. (two-week wrongful death jury trial)
- Tenore v. Chiafolo (two-week fiduciary duty and securities fraud jury trial)
- Richards v. Overlake Hospital, et al. (seven-week medical malpractice jury trial)
- Staab v. Liable (two-week breach of fiduciary duty bench trial)
- Cratsenberg v. Canam Construction (one-week construction arbitration)
- Tacoma Place Associates v. Healy (four-week contract and misrepresentation jury trial)
- Piha v. F.W. Woolworth and Co. (commercial lease dispute bench trial)
- DeAtley v. TriGraphics (two-week UCC - Article 9 bench trial)
- Alaska Distr. Co. v. Odom Distr. (two-week distributor promissory estoppel bench trial)
- Victoria C. v. Cincinnati Bengals, Inc., et al. (three-week civil sexual assault jury trial)
- JGLPI v. Peterson, et al. (one-week partnership dispute arbitration)
- Labbe v. Mangan, et al. (two-week medical malpractice jury trial)
- Koll Constr. Co. v. TerraCan Capital Corp. (three-week lender liability bench trial)
- Vidro v. ISC (two-week stock purchase breach of contract bench trial)
- Barnes v. First Affiliated Securities (three-day NASD arbitration)
- Hong v. Morgan Stanley (five-day NASD arbitration)
- Grandmore v. H&L Investment Co. (two-week commercial lease dispute bench trial)
- Smith, et al. v. Greenberg Bros., et al. (three-week securities fraud jury trial)
- Sandquist v. Press Products (one-week sale-of-business fraud jury trial)

- The Exchange System LP v. EXCLAIM, et al. (one-week AAA arbitration computer software development dispute)
- Edmark v. Kittoe (three-week will contest bench trial)
- In Re T. Aponte (one-week civil sexual assault administrative trial)
- Weinstein v. DeLaHunt (two-week commercial lease dispute jury trial)
- State v. R.J. Reynolds, et al. (nine-week antitrust/consumer protection jury trial)
- Heartstream, Inc. v. Medtronic Physio-Control Corp. (three-week medical device breach of contract and trade secret misappropriation bench trial)
- Fiorito Bros. v. Weyerhaeuser Co. (gravel mining lease dispute jury trial)
- Lumbermens Ins. Co. v. SGA (ten-day sale of business bench trial)
- Western Sea v. Rogers (breach of contract bench trial)
- Rufer v. Abbott Laboratories (nine-week medical device product liability jury trial)
- Bradford v. AlliedSignal, Corp. (eleven-week aviation/toxic exposure product liability jury trial)
- Quinton v. Agilent Technologies (two-week terminated distributor/business tort jury trial)
- Abellera v. Delridge Place LP (two-week housing discrimination class action jury trial)
- Digital Control v. Charles Machine Works (Markman hearing/inequitable conduct bench trial)
- Fiorito v. Pacific Raceways (six-day motor sports partnership arbitration)
- IFSG v. Perkins Coie, LLP (seven-week legal malpractice jury trial)
- Google v. Microsoft (two-day Preliminary Injunction evidentiary hearing)
- Kimball v. R.J. Reynolds (two-week product liability jury trial)
- Chiron Corp. v. Corus Pharma (two-week trade secret jury trial)
- Shah v. Manufacturers Life Ins. Co. (ten-day securities fraud jury trial)
- Activated Matrix Partners v. Dorsey & Whitney LLP (ten-day legal malpractice jury trial)
- State v. R.J. Reynolds (two-day Consent Decree enforcement proceeding)
- Fluke v. Milwaukee Tool (four-day Preliminary Injunction evidentiary hearing)
- City of Seattle v. The Professional Basketball Club, LLC (six-day specific performance bench trial)

- Confidential Arbitration (four-day private equity contract dispute arbitration)
- Odom v. Confidential (two-day legal malpractice/patent arbitration)
- Intermec, Inc. v. IBM (one-week IP contract jury trial)
- Confidential Arbitration (six-day contract/professional responsibility/attorney fee dispute)
- Kern v. First Washington (ten-day FINRA securities arbitration)
- State of Michigan v. Chesapeake Energy Co. (one-week criminal bid rigging jury trial)
- Confidential Arbitration (three-day contract dispute)
- Moore v. Moore (two-week trust administration/fiduciary duty bench trial)
- Harley Marine Services v. Tug Construction (one-day contract dispute)
- In Re Confidential Proceeding (seven-day hospital staff privileges revocation hearing (neurosurgery))
- Taylor v. Hampton (seven-day corporate veil-piercing bench trial)
- In Re Calista Corporation, et al. (six-day Alaska Native Corporation ANCSA arbitration)
- Go Green Norcal v. Costco (five-day contract/business tort arbitration)

III. BAR MEMBERSHIPS, ACTIVITIES, AND AWARDS

A. Admissions

State of Washington - 1980.

Federal District Courts for the Western and Eastern Districts of Washington; Northern District of California; and Court of Appeals for the Ninth Circuit.

Specially admitted to Federal District Courts for practice in particular cases throughout the United States, including New York, Indiana, Illinois, Michigan, Oregon, Idaho, Montana, California and Alaska.

B. Bar Associations

Member of the American Bar Association

Member of the Washington State, Seattle-King County, Federal Bar Association for the Western and Eastern Districts of Washington, and Washington Association for Justice

C. Awards

Elected to Fellowship in American College of Trial Lawyers (2002)

Elected to membership in American Board of Trial Advocates (2002)

Elected to Fellowship in International Society of Barristers (2009)

Elected to Fellowship in International Academy of Trial Lawyers (2010)

Listed in *Best Lawyers in America* every year since 2003: Lawyer of the Year for Bet-the-Company Litigation (Seattle) 2010, 2014 and 2018; Lawyer of the Year for Defense Legal Malpractice (Seattle) 2012, 2015, 2020 and 2024; Lawyer of the Year for Litigation – Securities (Seattle) 2021; Lawyer of the Year for Real Estate Litigation (Seattle) 2016 and 2024

Listed in *America's Leading Business Lawyers* published by Chambers and Partners (U.K.)

Law & Politics – Top 10 SuperLawyer in Washington every year 2006-2020 and 2022; Top 100 every year since 2003

Listed in Lawdragon 500 Leading Litigators in America

Martindale-Hubbell – Rated AV Preeminent

American Bar Foundation – Life Fellow

Listed in *Benchmark Litigation*: Washington Litigation Star

Listed in *Seattle Magazine* Best Lawyers for Commercial Litigation

Listed in *Seattle Metropolitan* Best Lawyers for Commercial Litigation

Listed in National Registry of *Who's Who*

IV. **PROFESSIONAL EXPERIENCE**

Byrnes & Keller LLP - founding partner, 1984 to present (currently Byrnes Keller Cromwell LLP)
Bogle & Gates - associate, 1979-1984

*A Firm of Experienced and
Dedicated Trial Lawyers*

BYRNES ♦ KELLER ♦ CROMWELL LLP

Telephone: (206) 622-2000 | Facsimile: (206) 622-2522 | www.byrnesceller.com

The firm was founded in 1984 by Peter Byrnes and Brad Keller. Veterans of one of Seattle's largest firms, their plan was to create a boutique firm devoted exclusively to litigation. They believed that such a firm could better deliver top quality legal representation. Their plan succeeded, and today the firm is regarded by its peers and clients as one of the premier trial practice firms in the Northwest.



More than Twenty-Five Years of Litigation Expertise.

Byrnes Keller Cromwell has a wealth of federal and state courtroom experience. Collectively, the firm's partners have more than 100 years of litigation experience and are leaders in the litigation bar. They have been recognized by Chambers USA: America's Leading Lawyers for Business; Best Lawyers in America; Washington Law & Politics; Washington CEO magazine; The American College of Trial

Lawyers; The International Society of Barristers; The International Academy of Trial Lawyers; and the American Board of Trial Advocates.



The firm has been involved in many of the major cases in the Pacific Northwest, ranging from representing a large portion of the seafood processing industry in the Exxon Valdez case, to participating in the largest civil damages jury case ever tried in Washington, to successfully representing the owners of the Seattle SuperSonics in a federal court trial over the team's relocation to Oklahoma City.

The firm represents both plaintiffs and defendants. It has recovered hundreds of millions of dollars on behalf of plaintiffs, and defended scores of multimillion dollar claims. Matters handled include complex commercial disputes, securities, antitrust, business torts, real estate, professional liability, patents, trade secrets, insurance-related matters, product liability, personal injury and various other areas.

One of the firm's highest compliments comes from its peers: most of the Northwest's leading law firms select Byrnes Keller Cromwell as their litigation counsel in defending professional liability matters. The firm is also honored to serve as Special Counsel to the Washington Commission on Judicial Conduct, investigating and trying judges accused of misconduct.



Clients Retain Byrnes Keller Cromwell Because

Experienced and Efficient

- We combine the legal sophistication and expertise of the largest law firms with the efficiencies and responsiveness of a small firm.
- We pride ourselves on appropriately staffing cases. You will not see several lawyers on a task where one suffices. Most depositions do not need two lawyers; most trials and hearings do not require three.
- We have the experience and judgment that only comes from years of trying cases.
- We understand what is needed, where to focus, and what is a waste of time and money.
- We are trial lawyers, not discovery litigators.

Reputation

- Opposing counsel know that we can and will try a case where necessary to achieve our client's goals. We recognize, though, that many cases can and should be settled. Our reputation for trying cases enhances our ability to obtain settlements.

Flexibility

- Byrnes Keller Cromwell is willing to explore alternative fee arrangements in representing plaintiffs or defendants.

Courtroom Experience

The lawyers at Byrnes Keller Cromwell have tried a wide variety of cases including professional liability, contract disputes, business torts, patents, product liability, trade secrets, securities, commercial landlord/tenant, fiduciary duty, antitrust, dealer terminations, consumer protection, class actions, and wrongful death. The following are examples of some of these cases.



Professional Liability Litigation

Defended a prominent Pacific Northwest law firm in a six-week legal malpractice trial in connection with the administration of a trust. The case resulted in a defense verdict.

Defended one of the nation's largest law firms against claims arising from the sale of a technology company. After a two week jury trial, the claims were dismissed.

Defended a nationally prominent law firm against a \$200+ million legal malpractice claim involving a start-up Internet bank. Following an eight week trial, the jury returned a defense verdict.

Represented law firms in professional liability matters in Washington, Oregon, California, Idaho, Nevada and Utah, including claims against the law firms involving securities offerings, real estate and business transactions, mergers and acquisitions, and trial practice.

Securities Litigation

Tried a three and a half month federal securities fraud and RICO case arising out of multiple investment syndications. The federal court jury trial resulted in no recovery against the client.

Defended a prominent law firm sued for securities fraud based on its work in a securities offering. The federal court jury returned a defense verdict.

Defended a publicly traded mining company in a federal securities fraud and RICO case brought by several investors seeking to recover in excess of \$20 million. After the case was dismissed by the trial court, the plaintiffs abandoned their claims.

Obtained a defense jury verdict in a securities fraud trial brought against a major insurer, and obtained a defense award in favor of a major brokerage firm in a securities fraud claim brought by the same plaintiff.

Represented investors in NASD arbitration proceedings, all of which resulted in either favorable awards or settlements.

Co-counsel for the lead securities plaintiff in the consolidated Washington Mutual securities litigation and appointed by Court to serve as liaison counsel on behalf of all plaintiffs.



Consumer Protection and Antitrust Litigation

Trial counsel for a major tobacco company in a consumer protection and antitrust case brought by the State of Washington. The case was the largest civil damages case ever tried in the State of Washington. After ten weeks of trial, the case was resolved as part of a nationwide settlement.

Represented an independent natural gas seller in a federal monopolization case against a Pacific Northwest regulated utility. After a favorable outcome in a Ninth Circuit appeal, the firm obtained a multimillion dollar settlement for its client.

Lead defense counsel in a consumer class action brought against several pharmaceutical manufacturers. Based on indirect purchaser issues under state antitrust and consumer protection laws, all claims were dismissed. The dismissal was affirmed on appeal.

Defended a nationwide athletic association in an antitrust class action brought by student athletes. The firm obtained a dismissal of all claims against its client.

Represented clients in federal and state criminal and civil antitrust matters involving agricultural commodities, construction, soft drink beverage, transportation, seafood and various other industries.

Product Liability Litigation

Retained shortly before trial to try a product liability case brought by more than twenty plaintiffs claiming cognitive and other deficits from alleged toxic exposures on an aircraft. After an eleven week, nationally-publicized trial, the jury returned a defense verdict for the firm's Fortune 100 client.

Defended a Fortune 100 medical device manufacturer in a nine-week product liability jury trial.

Intellectual Property & Patent Litigation

Represented a Fortune 100 consumer products company in several patent disputes, including a federal district court trial and multiple arbitration proceedings.

Obtained a judicial declaration that several complex technology patents were unenforceable as a result of inequitable conduct.

Represented a number of companies in high stakes trade secret litigation in computer, biopharma, and other industries.

Civil Rights Class Action Litigation

Defended a Pacific Northwest multi-family housing developer in class action litigation claiming violations of housing discrimination laws. The jury returned a defense verdict.

Defended several national banks in a civil rights action brought by investors in a minority-owned bank. All claims against its clients were dismissed.

Brought a civil rights class action on behalf of prisoners exposed to radiation as part of a cold war government-sponsored experiment in Eastern Washington. A multimillion dollar settlement was obtained on behalf of the class.

General Litigation

Represented a number of professional football players accused of sexual assault in a civil damages trial. The federal court jury returned a defense verdict.

Retained on multiple occasions by the Washington Commission on Judicial Conduct to investigate and try judges accused of misconduct. The proceedings have resulted in judges being removed from office or censured.

Coordinated and helped lead consolidated wrongful death litigation against a cruise line arising from passenger deaths on a shore excursion in Mexico. The case resulted in substantial settlements in favor of all plaintiffs.

Represented the owners of an NBA franchise regarding the owners' ability to move the team to a different city. After a high profile federal court trial, the case settled and the owners were permitted to relocate the team.

Defended two Fortune 500 companies in a business tort and breach of contract lawsuit arising out of a failed strategic alliance. The federal court jury returned a defense verdict.



BYRNES ♦ KELLER ♦ CROMWELL LLP

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