



**IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE**

\_\_\_\_\_  
MICHAEL DEPINTO, On Behalf of )  
Himself and All Others Similarly )  
Situating, )  
) )  
Plaintiff, )  
v. )  
) )  
JOHN S. STAFFORD, III, BASSIL I. )  
DAHIYAT, JONATHAN FLEMING, )  
ATUL SARAN, HAROLD R. )  
WERNER, BRUCE L.A. CARTER, )  
CHARLES STEWART, DONALD C. )  
FOSTER and XENCOR, INC., )  
) )  
Defendants. )  
\_\_\_\_\_  
IN RE XENCOR, INC. )

Consol. C.A. No. 10742-CB

**AFFIDAVIT OF ERIC L. ZAGAR IN SUPPORT OF APPLICATION FOR AN AWARD OF ATTORNEYS' FEES AND EXPENSES**

COMMONWEALTH OF PENNSYLVANIA )  
: SS  
COUNTY OF DELAWARE )

ERIC L. ZAGAR, being duly sworn, deposes and says:

1. I am a partner at the law firm of Kessler Topaz Meltzer & Check, LLP ("Kessler Topaz"). Kessler Topaz and Prickett, Jones & Elliott, P.A. acted as counsel for the Class in the above-captioned action. I submit this Affidavit in support of Class Counsel's application for attorneys' fees and the reimbursement of expenses incurred in the prosecution of this action.

2. Kessler Topaz undertook this litigation on an entirely contingent basis.

3. Based on the daily time records maintained by my firm, attorneys and paralegals at Kessler Topaz recorded 1,192.60 hours in time with respect to this action during the period from December 11, 2015 through September 27, 2016, the date of mediation. A breakdown of Kessler Topaz’s hours at current applicable hourly billing rates for this period is as follows:

<b>Name / Designation</b>	<b>Hourly Rate</b>	<b>Hours</b>	<b>Value at applicable hourly rate</b>
<b>PARTNERS</b>			
Zagar, Eric L.	\$850.00	205.25	\$174,462.50
<b>ASSOCIATES</b>			
Goldstein, Matthew A.	\$450.00	142.25	\$64,012.50
<b>STAFF ATTORNEYS</b>			
McLain, Steven D.	\$350.00	500.50	\$175,175.00
Ahonkhai, E. Teresa	\$350.00	199.10	\$69,685.00
<b>PARALEGALS</b>			
McGinnis, Christopher	\$250.00	119.00	\$29,750.00
Tewksbury, Doug	\$250.00	19.00	\$4,750.00
Woloff, Honey	\$250.00	7.50	\$1,875.00
<b>TOTALS:</b>		<b>1,192.60</b>	<b>\$519,710.00</b>

4. The above schedule was prepared from contemporaneous daily time records regularly prepared and maintained by my firm, which are available at the request of the Court. The hourly rates for attorneys and paralegals of my firm have been accepted in other stockholder litigation.

5. Based on records maintained by my firm, the total expenses incurred by Kessler Topaz with respect to this matter from December 11, 2015 to date are as follows:

<b>Description</b>	<b>Amount</b>
Court Reporters & Transcripts	\$6,439.55
Overnight Mail	\$409.50
Meals, Hotels & Transportation	\$14,564.32
Research	\$682.60
Expert	\$22,400.00
Internal Reproduction Costs	\$790.70
Mediation	\$1,250.00
Vendor Web Hosting Document Review	\$22,816.50
Process Server	\$440.00
<b>TOTAL:</b>	<b>\$69,793.17</b>

6. The expenses incurred in this action are reflected in 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.

I state under penalty of perjury under the laws of the State of Delaware that the forgoing is true and correct. Executed this 9th day of March, 2017, at Radnor, Pennsylvania.

**KESSLER TOPAZ  
MELTZER & CHECK, LLP**




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Eric L. Zagar  
280 King of Prussia Road

Radnor, PA 19087  
(610) 667-7706

*Attorneys for Plaintiff*

SWORN TO AND SUBSCRIBED before me, a Notary Public in the State  
and County aforesaid, this 9<sup>TH</sup> day of March, 2017.

  
\_\_\_\_\_  
Notary Public  
My Commission Expires: 6/13/20

