

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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Brenda Kay Pfeiffer,	)	
	)	
On behalf of herself and all others similarly	)	Civil No. 1:07-cv-00522 (EGS)
situated,	)	
	)	
<i>Plaintiff,</i>	)	CLASS ACTION
v.	)	
	)	
Margaret Spellings, in her official capacity as	)	
United States Secretary of Education, the	)	
United States Department of Education, and	)	
the United States of America,	)	
	)	
<i>Defendants.</i>	)	
	)	
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**DECLARATION OF STEVEN M. SPRENGER**

I, Steven M. Sprenger, hereby declare and state, as follows:

1. I am over the age of eighteen years. I have personal knowledge of the facts set forth herein, and am competent to testify thereto.

2. I am lead counsel for the plaintiff and proposed lead class counsel in the above-referenced action. I am also the managing owner of Sprenger & Lang, PLLC ("S&L").

Proposed Class Counsel's Work in Identifying and Investigating Claims

3. For the past year, I and other lawyers and staff of S&L have vigorously represented plaintiff Brenda Pfeiffer and the proposed plaintiff class in connection with the identification, investigation and prosecution of their claims. Michael Lieder and I first spoke with referring attorneys Richard Fuller and Larry Schaefer, who described the potential case to us, in the fall of 2006. Over the next several months, we then met with Dr. Pfeiffer, reviewed

documents in her possession, investigated the student loan programs that are the focus of the complaint, performed legal research concerning jurisdictional and procedural issues as well as merits issues such as the Department of Education's regulations concerning student loans, consulted with an attorney who specializes in loan transactions and loan documentation, and drafted the complaint. Since the filing of the complaint in March 2007, we have met and consulted with our client on numerous occasions, continued to research numerous legal issues, participated in case planning meetings and conferences, responded to inquiries from potential class members, conducted written discovery, reviewed documents produced by the defendants, deposed the defendants' Rule 30(b)(6) representative, defended our client's deposition, and drafted a class certification motion and supporting brief as well as a motion for partial summary judgment and supporting brief. In total, attorneys and staff have recorded over 500 hours to this case in our contemporaneously maintained time records through December 2007.

Qualifications of Proposed Lead Class Counsel

4. I graduated with high distinction from the University of Iowa College of Law in 1988, and was a member of the Iowa Law Review and Iowa Moot Court Board. Following graduation from law school, I was employed as an associate attorney by Arent Fox Kintner Plotkin & Kahn in Washington, D.C. from 1988 until 1992, and by Shook Hardy & Bacon in Kansas City, Missouri from 1992 until 1993. Thereafter, I founded my own private practice in Kansas City, Missouri focusing on the representation of plaintiffs primarily in the area of individual and class employment litigation in federal court. In 2000, I joined S&L's Washington office. I was recently recognized by *Lawdragon Magazine* (Jan./Feb. 2007) as being one of "500 Leading Plaintiffs' Lawyers In America."

5. I currently serve or have previously served as lead class counsel or co-lead class counsel for certified plaintiff classes in *Augst-Johnson, et al. v. Morgan Stanley & Co. Incorporated*, No. 1:06-cv-01142 (RWR/DAR) (D.D.C.) (Roberts, J.); *Carlson, et al. v. C.H. Robinson Worldwide, Inc.*, No. 02-3780 (D. Minn.) (Ericksen, J.); *Nauman, et al. v. Abbott Laboratories and Hospira, Inc.*, No. 04C7199 (N.D. Ill.) (Gettleman, J.); *Turner v. Torotel, Inc.*, No. 96-0646-CV-W-5 (W.D. Mo.) (Laughrey, J.) and *Eickhoff v. City of Kansas City, Kansas*, No. 98-2372-KHV (D. Kan.) (Vratil, J.). In addition, I have previously served as class counsel for the certified plaintiff class in *Kosen v. American Express Financial Advisors, Inc.*, No. 1:02CV00082 (HHK) (D.D.C.) (Kennedy, J.).

6. All of the above-referenced class actions resulted in successful recoveries of monetary and injunctive relief for class members, with the exception of the *Abbott Labs* litigation which is ongoing. In approving a recent class settlement in the *C.H. Robinson* litigation, Judge Ericksen observed that “[Sprengr & Lang, PLLC] achieved substantial monetary relief and substantial programmatic relief” and “demonstrated considerable skill and determination throughout [the] litigation.” *Carlson v. C.H. Robinson Worldwide, Inc.*, 2006 U.S. Dist. LEXIS 67108, \*14 (D. Minn. Sept. 18, 2006).

7. I have previously served as trial counsel in more than ten trials in federal and state courts, including as lead trial counsel in five jury trials.

8. Daniel Bryden, an associate in our firm’s Minneapolis office, is also representing the plaintiff in this action. Mr. Bryden is a 2000 graduate, with honors, from the University of Minnesota law school, and has significant experience in complex state and federal court litigation. For example, he served as plaintiffs’ class counsel in *Cosgrove v. State Farm Insurance Co.*, (Henn. Cty., MN Dist. Ct.), a breach of contract and bad-faith claims handling action on behalf of

a certified class of homeowner insureds. Mr. Bryden was also recently named a "Rising Star" in the December 2007 edition of *Minnesota Law and Politics Magazine*.

Counsel's Knowledge of the Applicable Law

9. The attorneys and staff of Sprenger & Lang devote well over 90% of their billable time to prosecuting class action lawsuits. Accordingly, Mr. Bryden and I, and any other attorney who is assigned work on this case, will be extremely knowledgeable concerning the procedural law governing the case. Prior to our introduction to the case, no lawyer at the firm was familiar with the Department of Education's notes and regulations concerning its student loan programs. However, through the many hours of research performed in connection with this case, Mr. Bryden and I have become knowledgeable concerning the applicable law. I am unaware of any class action litigators with more knowledge concerning this area of law.

The Resources Counsel Will Commit to Representing the Class

10. In accordance with S&L's long-established practice, we will commit whatever resources are necessary to representing the class. The firm often spends in excess of one million dollars in out-of-pocket expenses in class cases and in excess of five million dollars in time valued at lodestar rates, including in the *Carlson* litigation mentioned above. The Court is familiar with S&L's work through the *Thornton v. National Railroad Passenger Corp.*, No. 98-CV-0890 (EGS) (D.D.C.) and *McLaurin v. National Railroad Passenger Corp.*, No. 98-CV-2019 (EGS) (D.D.C.) cases, both of which were prosecuted to settlements approved by this Court.

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I declare under penalty of perjury that the foregoing is true and correct.

Executed this 31<sup>st</sup> day of January, 2008 in Washington, D.C.

/s/ Steven M. Sprenger  
Steven M. Sprenger