

EXHIBIT 5

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE:

22-MD-3050 (KPF)

CHANTIX (VARENICLINE)
MARKETING, SALES PRACTICES AND
PRODUCTS LIABILITY LITIGATION
(NO. II)

22-MC-3050 (KPF)

This Document Relates to All Actions

**DECLARATION OF MICHAEL D. FITZGERALD, ESQ. IN SUPPORT OF CLASS
COUNSEL'S MOTION FOR ATTORNEYS' FEES, REIMBURSEMENT OF EXPENSES,
AND SERVICE AWARDS**

I, Michael D. Fitzgerald, pursuant to 28 U.S.C. § 1746, hereby declare:

1. I am the Owner at the law firm of Law Office of Michael D. Fitzgerald ("Fitzgerald"), counsel for Plaintiff Monmouth County ("Monmouth") and the proposed Settlement Class. I submit this Declaration in support of Plaintiffs' Motion for Attorneys' Fees, Reimbursement of Expenses, and Service Awards filed concurrently herewith. I have personal knowledge of the matters stated herein and, if called upon as a witness, could and would testify competently to them.

2. I have served as co-lead counsel for the TPP Plaintiffs and the proposed Settlement Class in this action (the "Action"). Unless otherwise defined, capitalized terms have the meaning assigned in the Class Action Settlement Agreement between Plaintiffs and Defendant Pfizer, Inc. See ECF No. 131-1.

3. The hours worked are drawn from contemporaneous time records prepared and maintained in the ordinary course of business. Lodestar is calculated using the firm's current hourly rates. The firm reviewed its time records for accuracy, necessity, and reasonableness, and

in the exercise of billing judgment and consistent with its standard practices, reduced certain time entries and the resulting lodestar.

4. The hours reported in this Declaration do not include time spent after August 1, 2026, including any work preparing this declaration or effectuating the Settlement after that date, preparing for, or attending the Final Approval Hearing, or administering the Settlement, if approved by the Court.

5. Fitzgerald primarily represents clients on a contingency-fee basis. The billing rate utilized is consistent with the rates the firm has submitted, and courts have approved in other class action cases, or qui tam matters, including lodestar cross-checks using the firm's then-prevailing rates. *See, e.g., VIOXX Product Liability Litigation*, MDL-1657 (E.D.La.); *National Prescription Opioid Litigation*, MDL-2804 (N.D.Oh.); *JUUL Labs, Inc.*, MDL-2913 (N.D.Ca.); *In re Florida Cancer Antitrust Litigation*; 2:18-cv-201 Ft.M-23MR. Mr. Fitzgerald has also litigated "qui tam" (False Claims Act) matters in this district with resultant settlements exceeding \$20 Million for alleged Customs Fraud.

6. The services Fitzgerald performed on behalf of the putative class include, among other things:

- Drafting and revising the complaint;
- Preparing portions of Plaintiffs' opposition to Pfizer's motions to dismiss;
- Researching Pfizer's operations to identify discovery custodians;
- Drafting and revising written discovery requests;
- Conducting meet-and-confer conferences and related correspondence regarding the scope of Pfizer's and non-parties' discovery;
- Reviewing and analyzing discovery produced by Pfizer;

- Participating in meet-and-confer conferences and related correspondence regarding the scope of Plaintiffs' discovery; and
- Reviewing for relevance and privilege and producing Plaintiffs' discovery.

7. Fitzgerald devoted 60.1 hours to this Action. Utilizing the hourly rate of \$745.00, the resulting lodestar is \$ 44,774.50.

8. The expenses referenced in paragraph 10 are expenses reasonably incurred in this Action and for which it seeks reimbursement. These expenses are billed separately and are not included in the firm's hourly rates. They do not include general overhead, and the firm has not added any surcharge to the amounts paid to the underlying vendors.

9. The firm believes the Court should approve the requested litigation expenses because the firm reasonably and necessarily incurred them in prosecuting this Action.

10. A total of \$72.45 in expenses was incurred from the inception of this Action through August 1, 2026. The schedule is drawn from the firm's books and records, which are maintained in the ordinary course of business and supported by expense vouchers, check records, receipts, and other source documents. The expenses specifically relate to the tolls and parking for the single day mediation of the matter.

11. The summary of expenses above does not include Fitzgerald's contribution to the litigation fund established for this case as no contributions to the litigation fund have been made by Fitzgerald.

12. Fitzgerald has extensive experience prosecuting consumer litigation and other complex class actions, and qui tam matters as outlined in Paragraph 5, *supra*.

13. Fitzgerald is admitted to practice law in New York (#1963552), New Jersey (#004391985), The District of Columbia (#393772), Florida (#1053447) and Vermont

(#3284944,7042). Additionally, Fitzgerald was Admitted to practice in this district in 1985 (Before there were numbers assigned.).

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

Executed this 28th day of August 2026.



Michael D. Fitzgerald, Esq.