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9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF SAN FRANCISCO  
UNLIMITED JURISDICTION**

10 COORDINATION PROCEEDING SPECIAL )  
11 TITLE (Cal. R. Ct. 1550(b)) )

Judicial Council Coordination  
Proceeding Nos. No. 4298 and 4303

12 )  
13 AUTOMOBILE ANTITRUST CASES I, II )

CJC-03-004298 and CJC-03-004303

**CLASS ACTION**

14 \_\_\_\_\_ )  
15 This document relates to: )  
16 All Actions )

**DECLARATION OF ERIC B. FASTIFF  
OF LIEFF CABRASER HEIMANN &  
BERNSTEIN, LLP IN SUPPORT OF  
MOTION FOR AWARD OF  
ATTORNEYS' FEES,  
REIMBURSEMENT OF EXPENSES,  
AND PROVISION OF SERVICE  
AWARDS**

Date: October 5, 2022

Time: 10:00 a.m.

Dept: 306

Judge: Honorable Anne-Christine Massullo

Date Complaint Filed: October 6, 2003  
(Consolidated Amended Class Action  
Complaint)

1 I, Eric B. Fastiff, declare as follows:

2 1. I am a partner of Lief Cabraser Heimann & Bernstein, LLP. I submit this declaration in  
3 support of the Plaintiffs' Motion for an Award of Attorneys' Fees, Reimbursement of Expenses, and  
4 Provision of Service Awards. I make this declaration based on personal knowledge, and if called upon  
5 to do so, I could and would testify competently thereto.

6 2. Lief Cabraser is an experienced and skilled class action antitrust litigation firm, with  
7 specific expertise in antitrust litigation. Attached as Exhibit A is an excerpt of the firm's resume,  
8 highlighting its experience with antitrust class action litigation and the biographies of several of the  
9 primary timekeepers who prosecuted this case. Further information about the firm may be found on its  
10 website, [www.LiefCabraser.com](http://www.LiefCabraser.com).

11 3. Lief Cabraser has prosecuted some of the largest antitrust cases in history. In just the  
12 last 14 years these cases include the following, with (including this case) over \$2 billion recovered for  
13 consumers and other victims:

Case	Role	Result
<i>In re TFT-LCD (Flat Panel) Antitrust Litig.</i> , M-07-1827 (N.D. Cal.)	Co-lead Counsel for the direct purchaser class	Total recovery of <b>\$470 million</b> , including jury verdict against Toshiba Corporation.
<i>Cipro Cases I &amp; II</i> , JCCP Proceedings Nos. 4154 & 4220 (San Diego Super. Ct.)	Co-lead Counsel for the indirect purchaser class	Total recovery of <b>\$399 million</b> for a California-only class of generic drug indirect purchasers, including consumers and end-payers.
<i>In re High-Tech Emp. Antitrust Litig.</i> , No. 11-cv-02509-LHK (N.D. Cal.)	Co-lead Counsel for the employee plaintiff class	Total recovery of <b>\$435 million</b> on behalf of employees of Google, Apple, and other major tech firms.
<i>Sullivan v. DB Invs.</i> , No. 04-02819 (D. N.J.)	Co-lead Counsel for the indirect purchaser consumer sub-class	Total recovery of <b>\$295 million</b> for purchasers of diamonds and diamond jewelry, including <b>\$130 million</b> for consumers, and injunctive relief.

Case	Role	Result
<i>Haley Paint Co. v. E.I. Dupont De Nemours &amp; Co.</i> , No. 10-cv-00318-RDB (D. Md.)	Co-lead Counsel for the direct purchaser class	Lieff Cabraser settled on the eve of trial for a total recovery of <b>\$163 million</b> for direct purchasers of titanium dioxide.
<i>In re Lithium Ion Batteries Antitrust Litig.</i> , No. 13-md-02420-YGR (N.D. Cal.)	Co-lead Counsel for the indirect purchaser class	Total recovery of <b>\$113 million</b> for a class of consumers who purchased laptops and other goods containing batteries sold by members of a price-fixing cartel headquartered in Asia.
<i>Meijer v. Abbott Labs. (In re Norvir)</i> , No. 07-cv-5985-CW (N.D. Cal.)	Co-Counsel for the direct purchaser class	<b>\$52 million</b> settlement with the defendant on the third day of trial.
<i>Seaman v. Duke Univ., et al.</i> , No. 15-cv-00462-CCE-JLW (M.D.N.C.)	Lead Counsel for the employee plaintiff class	<b>\$54.5 million</b> recovery for a class of faculty physicians at Duke University and University of North Carolina Chapel Hill.
<i>The Hospital Authority of Metropolitan Government of Nashville and Davidson County v. Momenta Pharmaceuticals, Inc.</i> , No. 15-CV-01100 (M.D. Tenn.)	Lead Counsel	<b>\$120 million recovery</b> for class of hospital, third-party payor, and consumer purchasers of enoxaparin.

4. During the course of this litigation, my firm has been involved in numerous activities on behalf of Plaintiffs and the Class. Previously, in connection with the settlement reached with General Motors of Canada, Ltd., my firm submitted a declaration describing the work we accomplished on behalf of Plaintiffs and the Class from inception of the case to November 30, 2011. A copy of my firm's prior declaration, without exhibits, is attached hereto as Exhibit B and incorporated herein.

5. Since November 30, 2011, my firm has continued its work on behalf of Plaintiffs and the Class, which has included the following activities:

- 1 a. conducting research into relevant aspects of California procedural and substantive law,  
2 including: class certification, decertification, the Cartwright Act (e.g., standing,  
3 affirmative defenses, causation, conspirator liability, and damages), appropriate  
4 mechanisms for enforcement of costs orders, and cost payment and apportionment;
- 5 b. researching and writing entire briefs or portions of briefs at both the trial court and  
6 appellate levels, including briefing related to motions: for summary judgment on the  
7 element of impact, for entry of judgment on *res judicata* (claim preclusion) and  
8 collateral estoppel (issue preclusion) grounds, to modify the Class, to exclude late-  
9 disclosed witnesses, for summary adjudication of affirmative defenses, for judgment on  
10 the pleadings, and to exclude expert testimony under *Sargon*;
- 11 c. arguing motions at both the trial court and appellate levels, including: motions to tax  
12 costs and motions *in limine*;
- 13 d. preparing for, attending, and/or taking the depositions of new Ford Canada fact  
14 witnesses Edie Lukas and Scott Cauvel;
- 15 e. developing new expert Dr. Janet Netz and preparing Dr. Netz for deposition;
- 16 f. preparing for mediation with Ford Canada, including: drafting mediation materials and  
17 attending mediations; and
- 18 g. preparing for trial, including: working with jury consultant to develop and draft  
19 materials for focus groups, attending jury focus group sessions, drafting and arguing  
20 motions *in limine*, and preparing draft jury questionnaire, jury verdict forms, and jury  
21 instructions.

22 6. The schedule attached as Exhibit C, and incorporated herein, is a detailed summary of the  
23 amount of time spent by my firm's partners, attorneys, and professional support staff who were  
24 involved in this litigation. The lodestar calculation is based on my firm's billing rates in effect at the  
25 time services were performed. Exhibit C was prepared from contemporaneous time records regularly  
26 prepared and maintained by my firm.

1 7. Exhibit C presents my firm’s lodestar from December 1, 2011 to June 30, 2022. The  
2 prior declaration attached as Exhibit B attests to my firm’s lodestar from inception of this case to  
3 November 30, 2011.

4 8. The total number of hours expended on this litigation by my firm and total lodestar are  
5 set forth below:

<b>Time Period:</b>	<b>Hours:</b>	<b>Lodestar:</b>
Inception to Nov. 30, 2011	2,398.5	\$1,133,400.50
Dec. 1, 2011 to June 30, 2022	760	\$453,946.00
<b>Total: Inception to June 30, 2022</b>	<b>3,158.5</b>	<b>\$1,587,346.50</b>

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11 9. My firm’s lodestar is based on the firm’s billing rates, which do not include charges for  
12 expense items. Expense items are billed separately and are not duplicated in my firm’s lodestar.

13 10. The historical hourly rates submitted by Lieff Cabraser are the firm’s usual and  
14 customary rates that were charged by the firm in similar matters complex class actions in which the  
15 firm is paid on a contingent basis, as well as the firm’s non-contingent matters. Lieff Cabraser’s  
16 customary rates, used for purposes of calculating the lodestar here, have been approved by courts  
17 throughout the country, including within California. *See, e.g., In re Intuit Data Litig.*, No. 15-CV-  
18 1778-EJD-SVK, 2019 WL 2166236, at \*1 (N.D. Cal. May 15, 2019); *In re Anthem, Inc. Data Breach*  
19 *Litig.*, No. 15-MD-02617-LHK, 2018 WL 3960068, at \*17 (N.D. Cal. Aug. 17, 2018); *Campbell v.*  
20 *Facebook Inc.*, No. 4:13-cv-05996-PJH, 2017 WL 3581179, at \*7 (N.D. Cal. Aug. 18, 2017); *In re*  
21 *Volkswagen “Clean Diesel” Mktg., Sales Practices, & Prods. Liab. Litig.*, No. 2672 CRB (JSC), 2017  
22 WL 1047834, at \*5 (N.D. Cal. Mar. 17, 2017); *In re High-Tech Employee Antitrust Litigation*, 2015  
23 No. 11-CV-02509-LHK, ECF No. 1112 at 17 (N.D. Cal. Sept. 2, 2015).

24 11. My firm expended a total of \$46,843.39 in unreimbursed expenses necessary in  
25 connection with the prosecution of this litigation. These expenses are described in Exhibit D, which is  
26 attached hereto and incorporated herein.



# **EXHIBIT A**

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## ***FIRM PROFILE:***

Lieff Cabraser Heimann & Bernstein, LLP, is a 120-attorney AV-rated law firm founded in 1972 with offices in San Francisco, New York, Nashville, and Munich. We have a diversified practice, successfully representing plaintiffs in the fields of personal injury and mass torts, securities and financial fraud, employment discrimination and unlawful employment practices, product defect, consumer protection, antitrust, environmental and toxic exposures, False Claims Act, digital privacy and data security, and human rights. Our clients include individuals, classes and groups of people, businesses, and public and private entities.

Lieff Cabraser has served as Court-appointed Plaintiffs' Lead or Class Counsel in state and federal coordinated, multi-district, and complex litigation throughout the United States. With co-counsel, we have represented clients across the globe in cases filed in American courts. Lieff Cabraser is among the largest firms in the United States that only represent plaintiffs.

Described by *The American Lawyer* as "one of the nation's premier plaintiffs' firms," Lieff Cabraser enjoys a national reputation for professional integrity and the successful prosecution of our clients' claims. We possess sophisticated legal skills and the financial resources necessary for the handling of large, complex cases, and for litigating against some of the nation's largest corporations. We take great pride in the leadership roles our firm plays in many of this country's major cases, including those resulting in landmark decisions and precedent-setting rulings.

Lieff Cabraser has litigated and resolved thousands of individual lawsuits and hundreds of class and group actions, including some of the most important civil cases in the United States over the past four decades. We have assisted our clients in recovering over \$127 billion in verdicts and settlements. Thirty-one cases have been resolved for over \$1 billion; another 57 have resulted in verdicts or settlements at or in excess of \$100 million.

*The National Law Journal* has recognized Lieff Cabraser as one of the nation's top plaintiffs' law firms for fourteen years, and we are a member of its Plaintiffs' Hot List Hall of Fame, "representing the best qualities of the plaintiffs' bar and demonstrating unusual dedication and creativity." *The National Law Journal* separately recognized Lieff Cabraser as one of the "50 Leading Plaintiffs Firms in America."

In January of 2021, *The American Lawyer* named Lieff Cabraser its "Boutique/Specialty Litigation Firm of the Year." We saw six partners named to *Lawdragon's* "500 Leading Lawyers" for 2021, along with our second partner named to the publication's "Hall of Fame." *Best Lawyers' 2021* rankings include thirty individual "Best Lawyer" lawyer listings as well as thirteen tier one placements (including national mass tort/class actions) and three California "Lawyer of the Year" rankings for antitrust, product liability, and mass tort class actions.

In April of 2021, *Benchmark Litigation* named Lieff Cabraser its "California Plaintiff Firm of the Year" for the third year in a row, and we were 2019 finalists for the publication's national "Plaintiff Law Firm of the Year" award. In December 2019, *The American Lawyer* included Lieff Cabraser in its "Top 50 Litigation Departments in the U.S.," the only all-plaintiff-side litigation firm included among the firms recognized.

In September of 2019, *Law360* named Lieff Cabraser a "California Powerhouse" for litigation after naming our firm its "Class Action Firm of the Year" in January 2019. In July of 2019, Public Justice awarded Lieff Cabraser its "Trial Lawyer of the Year" award. *The National Law Journal* awarded our firm its 2019 "Elite Trial Lawyer" awards in the fields of Consumer Protection and Cybersecurity/Data Breach.

*U.S. News and Best Lawyers* has selected Lieff Cabraser as a national "Law Firm of the Year" six times in the last twelve years, in categories including Mass Torts Litigation/Class Actions – Plaintiffs and Employment Law – Individuals. In 2017, Lieff Cabraser's Digital Privacy and Data Security practice group was named "Privacy Group of the Year" by *Law360*, and the firm's Consumer Protection practice group was named the publication's "Consumer Protection Group of the Year" as well.

In 2016, *Benchmark Litigation* named Lieff Cabraser to its "Top 10 Plaintiff Firms in America" list, *The National Law Journal* chose our firm as one of nine "Elite Trial Lawyers" nationwide, and *Law360* selected Lieff Cabraser as one of the "Top 50 Law Firms Nationwide for Litigation." The publication separately noted that our firm "persists as a formidable agency of change, producing world class legal work against some of the most powerful corporate players in the world today."

## **CASE PROFILES:**

### **I. Antitrust/Trade Regulation/Intellectual Property**

#### **A. Current Cases**

1. ***In re California Bail Bond Antitrust Litig.***, 3:19-cv-00717-JST (N.D. Cal.). Lief Cabraser serves as Interim lead Class Counsel for a proposed class of purchasers of bail bonds in California. This first-of-its-kind case alleges a conspiracy among sureties and bail agents to inflate bail bond prices.
2. ***Schwab Short-Term Bond Market Fund, et al. v. Bank of America Corp., et al.***, No. 11 CV 6409 (S.D.N.Y.); ***Charles Schwab Bank, N.A., et al. v. Bank of America Corp., et al.***, No. 11 CV 6411 (S.D.N.Y.); ***Schwab Money Market Fund, et al. v. Bank of America Corp., et al.***, No. 11 CV 6412 (S.D.N.Y.); ***The Charles Schwab Corp., et al. v. Bank of America Corp., et al.***, No. 13 CV 7005 (S.D.N.Y.); and ***Bay Area Toll Authority v. Bank of America Corp., et al.***, No. 14 CV 3094 (S.D.N.Y.) (collectively, “LIBOR”). Lief Cabraser serves as counsel for The Bay Area Toll Authority (“BATA”), as well as The Charles Schwab Corporation (“Charles Schwab”), its affiliates Charles Schwab Bank, N.A., and Charles Schwab & Co., Inc., which manages the investments of the Charles Schwab Bank, N.A. (collectively “Schwab”), several series of The Charles Schwab Family of Funds, Schwab Investments, and Charles Schwab Worldwide Funds plc (“Schwab Fund Series”), in individual lawsuits against Bank of America Corporation, Credit Suisse Group AG, JPMorgan Chase & Co., Citibank, Inc., and additional banks for allegedly manipulating the London Interbank Offered Rate (“LIBOR”). The complaints allege that beginning in 2007, the defendants conspired to understate their true costs of borrowing, causing the calculation of LIBOR to be set artificially low. As a result, Schwab, the Schwab Fund Series, and BATA received less than their rightful rates of return on their LIBOR-based investments. The complaints assert claims under federal antitrust laws, the federal Racketeer Influenced and Corrupt Organizations Act (“RICO”), and the statutory and common law of California. The actions were transferred to the Southern District of New York for consolidated or coordinated proceedings with the LIBOR multidistrict litigation pending there.
3. ***In Re: Generic Pharmaceuticals Pricing Antitrust Litigation***, MDL No. 2724 (E.D. Pa.). Beginning in February 2015, Lief Cabraser conducted an extensive investigation into dramatic price increases of certain generic prescription drugs. Lief Cabraser worked alongside economists and industry experts and interviewed industry participants to evaluate possible misconduct. In December of 2016, Lief Cabraser, with co-counsel, filed the first case alleging price-fixing of Levothyroxine, the

primary treatment for hypothyroidism, among the most widely prescribed drugs in the world. Lief Cabraser also played a significant role in similar litigation over the drug Propranolol, and the drug Clomipramine. These cases, and other similar cases, were consolidated and transferred to the Eastern District of Pennsylvania as *In Re: Generic Pharmaceuticals Pricing Antitrust Litigation*, MDL No. 2724. Lief Cabraser is a member of the End-Payer Plaintiffs' Steering Committee.

4. ***In re Lithium-Ion Batteries Antitrust Litigation***, MDL No. 2420 (N.D. Cal.). Lief Cabraser serves as Interim Co-Lead Counsel representing indirect purchasers in a class action filed against LG, GS Yuasa, NEC, Sony, Sanyo, Panasonic, Hitachi, LG Chem, Samsung, Toshiba, and Sanyo for allegedly conspiring from 2002 to 2011 to fix and raise the prices of lithium-ion rechargeable batteries. The defendants are the world's leading manufacturers of lithium-ion rechargeable batteries, which provide power for a wide variety of consumer electronic products. As a result of the defendants' alleged anticompetitive and unlawful conduct, consumers across the U.S. paid artificially inflated prices for lithium-ion rechargeable batteries. Lief Cabraser and co-counsel have reached settlements totaling \$113.45 million with all defendants. Approval is pending.
5. ***In Re: Restasis Antitrust Litigation***, MDL No. 2819 (E.D.N.Y.). Lief Cabraser serves as interim co-lead counsel for indirect purchasers (i.e., third-party payors and consumers) of Restasis, a blockbuster drug used to treat dry-eye disease, in multidistrict litigation alleging a broad-based and ongoing anticompetitive scheme by pharmaceutical giant Allergan, Inc. ("Allergan"). The goal of the alleged scheme was and is to maintain Allergan's monopoly.

Lief Cabraser, together with co-counsel, filed the first two class actions on behalf of indirect purchasers. The complaints allege that Allergan (1) fraudulently procured patents it knew were invalid, (2) caused those invalid patents to be listed in the FDA's "Orange Book" as being applicable to Restasis, (3) used the improper Orange Book listings as grounds for filing baseless patent-infringement litigation, (4) abused the FDA's "citizen petition" process, and (5) used a "sham" transfer of the invalid patents to the Saint Regis Mohawk Tribe to obtain tribal sovereign immunity and protect the patents from challenge. This alleged scheme of government petitioning delayed competition from generic equivalents to Restasis that would have been just as safe and cheaper for consumers. The complaints assert claims under federal and state law, including the Sherman Act and the statutory and common law of numerous states.

In late 2018, plaintiffs successfully defeated defendant's motion to dismiss the case. In May of 2020, the Court granted plaintiffs' class

certification motion and plaintiffs' motion to exclude two of the defendant's experts. The Second Circuit Court of Appeals denied defendant's appeal, and the litigation is ongoing.

6. ***International Antitrust Cases.*** Loeff Cabraser has significant experience and expertise in antitrust litigation in Europe. Loeff Cabraser partner, Dr. Katharina Kolb, head of the firm's Munich office, has experience in all aspects of German and European competition law, particularly antitrust litigation matters following anti-competitive behavior established by European competition authorities including German Federal Cartel Office and the European Commission.

Currently, one of the firm's major international antitrust cases involves the European truck cartel, which the European Commission fined more than €3.8 billion for colluding on prices and emission technologies for more than 14 years. Loeff Cabraser is working with a range of funders to prosecute the claims of persons damaged by the European truck cartel, including many municipalities in Europe which purchased trucks for street cleaning, fire brigades, waste disposal, and other purposes.

Loeff Cabraser is also prosecuting other cartel damages cases in the EU, including the German quarto steel cartel, the German plant pesticides cartel and the French meal voucher cartel, each of which have likely caused significant damages to customers.

7. ***In re Capacitors Antitrust Litigation,*** No. 3:14-cv-03264 (N.D. Cal.). Loeff Cabraser is a member of the Plaintiffs' Steering Committee representing indirect purchasers in an electrolytic and film price-fixing class action lawsuit filed against the world's largest manufacturers of capacitors, used to store and regulate current in electronic circuits and computers, phones, appliances, and cameras worldwide. The defendants include Panasonic Corp., Elna Co. Ltd., Hitachi Chemical Co., Ltd., Nitsuko Electronics Corp., NEC Tokin Corp., SANYO Electric Co., Ltd., Matsuo Electric Co., Okaya Electric Industries Co., Nippon Chemi-con Corp., Nichicon Corp., Rubycon Corp., Taitso Corp., and Toshin Kogyo Co., Ltd. Loeff Cabraser has played a central role in discovery efforts, and assisted in opposing Defendants' motions to dismiss and in opposing Defendants' motions for summary judgment.

Settlements with defendants NEC Tokin Corp., Nitsuko Electronics Corp., and Okaya Electric Industries Co., Ltd. have received final approval, and a settlement with Hitachi Chemical and Soshin Electric Co., Ltd. has received preliminary approval. Discovery continues with respect to the remaining defendants.

8. ***In re Disposable Contact Lens Antitrust Litigation,*** MDL No. 2626 (M.D. Fla.). Loeff Cabraser represents consumers who purchased

disposable contact lenses manufactured by Alcon Laboratories, Inc., Johnson & Johnson Vision Care, Inc., Bausch + Lomb, and Cooper Vision, Inc. The complaint challenges the use by contact lens manufacturers of minimum resale price maintenance agreements with independent eye care professionals (including optometrists and ophthalmologists) and wholesalers. These agreements, the complaint alleges, operate to raise retail prices and eliminate price competition and discounts on contact lenses, including from “big box” retail stores, discount buying clubs, and online retailers. As a result, the consumers across the United States have paid artificially inflated prices.

9. ***In re Domestic Airline Travel Antitrust Litigation***, 1:15-mc-01404 (District of Columbia). Lief Cabraser represents consumers in a class action lawsuit against the four largest U.S. airline carriers: American Airlines, Delta Air, Southwest, and United. These airlines collectively account for over 80 percent of all domestic airline travel. The complaint alleges that for years the airlines colluded to restrain capacity, eliminate competition in the market, and increase the price of domestic airline airfares in violation of U.S. antitrust law. The proposed class consists of all persons and entities who purchased domestic airline tickets directly from one or more defendants from July 2, 2011 to the present. In February 2016, Judge Kollar-Kotelly appointed Lief Cabraser to the three-member Plaintiffs’ Executive Committee overseeing this multidistrict airline price-fixing litigation. Defendants filed a motion to dismiss, which was denied in October 2016. Subsequently, a settlement with Southwest Airlines was granted preliminary approval. Discovery as to the remaining defendants is underway.

## **B. Successes**

1. ***In Re: Railway Industry Employee No-Poach Antitrust Litigation***, MDL No. 2850 (W.D. Pa.). In late 2018, Lief Cabraser was selected as interim Co-Lead Counsel for plaintiffs in the consolidated “no-poach” employee antitrust litigation against rail equipment companies Knorr-Bremse and Wabtec, the world’s dominant rail equipment suppliers. The complaint charged that the companies entered into unlawful agreements with one another not to compete for each other’s employees. Plaintiffs alleged that these agreements spanned several years, were monitored and enforced by Defendants’ senior executives, and achieved their desired goal of suppressing employee compensation and mobility below competitive levels. Plaintiffs’ vigorous prosecution of the case led to settlements with both defendants of \$48.95 million, which was approved on August 26, 2020.
1. ***Nashville General v. Momenta Pharmaceuticals, et al.***, No. 3:15-cv-01100 (M.D. Tenn.). Lief Cabraser represents AFCSME DC 37 and the

Nashville General Hospital (the Hospital Authority of Metropolitan Government of Nashville) in a class-action antitrust case against defendants Momenta Pharmaceuticals and Sandoz, Inc., for their alleged monopolization of enoxaparin, the generic version of the anti-coagulant blood clotting drug Lovenox. Lovenox, developed by Sanofi-Aventis, is a highly profitable drug with annual sales of more than \$1 billion. The drug entered the market in 1995 and its patent was invalidated by the federal government in 2008, making generic production possible. The complaint alleged that defendants colluded to secretly bring the official batch-release testing standard for generics within the ambit of their patent, delaying the entry of the second generic competitor—a never-before-tried theory of liability. In 2019, the court certified a class of hospitals, third-party payors, and uninsured persons in 29 states and DC, appointing Lief Cabraser sole lead counsel. In 2019, the parties agreed to a proposed settlement totaling \$120 million, the second largest indirect-purchaser antitrust pharmaceutical settlement fund in history, after Cipro. On May 29, 2020, the Court granted final approval to the settlement.

2. ***Seaman v. Duke University***, No. 1:15-cv-00462 (M.D. N.C.). Lief Cabraser represented Dr. Danielle M. Seaman and a certified class of over 5,000 academic doctors at Duke and UNC in a class action lawsuit against Duke University and Duke University Health System. The complaint charged that Duke and UNC entered into an express, secret agreement not to compete for each other's faculty. The lawsuit sought to recover damages and obtain injunctive relief, including treble damages, for defendants' alleged violations of federal and North Carolina antitrust law.

On February 1, 2018, U.S. District Court Judge Catherine C. Eagles issued an order certifying a faculty class.

On September 24, 2019, Judge Eagles granted final approval to the proposed settlement of the case, valued at \$54.5 million.

The settlement includes an unprecedented role for the United States Department of Justice to monitor and enforce extensive injunctive relief, which will ensure that neither Duke nor UNC will enter into or enforce any unlawful no-hire agreements or similar restraints on competition. Assistant Attorney General Delrahim remarked: "Permitting the United States to become part of this settlement agreement in this private antitrust case, and thereby to obtain all of the relief and protections it likely would have sought after a lengthy investigation, demonstrates the benefits that can be obtained efficiently for the American worker when public and private enforcement work in tandem."

3. ***In re High-Tech Employee Antitrust Litigation***, No. 11 CV 2509 (N.D. Cal.). Lief Cabraser served as Co-Lead Class Counsel in a consolidated class action charging that Adobe Systems Inc., Apple Inc.,

Google Inc., Intel Corporation, Intuit Inc., Lucasfilm Ltd., and Pixar violated antitrust laws by conspiring to suppress the pay of technical, creative, and other salaried employees. The complaint alleged that the conspiracy among defendants restricted recruiting of each other's employees. On October 24, 2013, U.S. District Court Judge Lucy H. Koh certified a class of approximately 64,000 persons who worked in Defendants' technical, creative, and/or research and development jobs from 2005-2009. On September 2, 2015, the Court approved a \$415 million settlement with Apple, Google, Intel, and Adobe. Earlier, on May 15, 2014, the Court approved partial settlements totaling \$20 million resolving claims against Intuit, Lucasfilm, and Pixar. The Daily Journal described the case as the "most significant antitrust employment case in recent history," adding that it "has been widely recognized as a legal and public policy breakthrough."

4. ***Cipro Cases I and II***, JCCP Nos. 4154 and 4220 (Cal. Supr. Ct.). Lief Cabraser represented California consumers and third party payors in a class action lawsuit filed in California state court charging that Bayer Corporation, Barr Laboratories, and other generic prescription drug manufacturers conspired to restrain competition in the sale of Bayer's blockbuster antibiotic drug Ciprofloxacin, sold as Cipro. Between 1997 and 2003, Bayer paid its would-be generic drug competitors nearly \$400 million to refrain from selling more affordable versions of Cipro. As a result, consumers were forced to pay inflated prices for the drug -- frequently prescribed to treat urinary tract, prostate, abdominal, and other infections.

The trial court granted defendants' motion for summary judgment, which the California Court of Appeal affirmed in October 2011. Plaintiffs sought review before the California Supreme Court. Following briefing, the case was stayed pending the U.S. Supreme Court's decision in *FTC v. Actavis*. After the U.S. Supreme Court in *Actavis* overturned lower federal court precedent that pay-for-delay deals in the pharmaceutical industry are generally legal, plaintiffs and Bayer entered into settlement negotiations. In November 2013, the Trial Court approved a \$74 million settlement with Bayer.

On May 7, 2015, the California Supreme Court reversed the grant of summary judgment to Defendants and resoundingly endorsed the rights of consumers to challenge pharmaceutical pay-for-delay settlements under California competition law. Working to the brink of trial, the plaintiffs reached additional settlements with the remaining defendants, bringing the total recovery to \$399 million (exceeding plaintiffs' damages estimate by approximately \$68 million), a result the trial court described as "extraordinary." The trial court granted final approval on April 21, 2017, adding that it was "not aware of any case" that "has taken roughly 17

years,” where, net of fees, end-payor “claimants will get basically 100 cents on the dollar[.]”

In 2017, the American Antitrust Institute honored Lieff Cabraser’s Cipro team with its Outstanding Private Practice Antitrust Achievement Award for their extraordinary work on the Cipro price-fixing and exclusionary drug-pricing agreements case. In addition, their work on the Cipro case led Lieff Cabraser partners Eric B. Fastiff, Brendan P. Glackin, and Dean M. Harvey to recognition by California Lawyer and the Daily Journal with a 2016 California Lawyer of the Year Award.

5. ***In re Municipal Derivatives Litigation***, MDL No. 1950 (S.D.N.Y.). Lieff Cabraser represented the City of Oakland, the County of Alameda, City of Fresno, Fresno County Financing Authority, along with East Bay Delta Housing and Finance Agency, in a class action lawsuit brought on behalf of themselves and other California entities that purchased guaranteed investment contracts, swaps, and other municipal derivatives products from Bank of America, N.A., JP Morgan Chase & Co., Piper Jaffray & Co., Societe Generale SA, UBS AG, and other banks, brokers and financial institutions. The complaint charged that defendants conspired to give cities, counties, school districts, and other governmental agencies artificially low bids for guaranteed investment contracts, swaps, and other municipal derivatives products, which are used by public entities to earn interest on bond proceeds.

The complaint further charged that defendants met secretly to discuss prices, customers, and markets for municipal derivatives sold in the U.S. and elsewhere; intentionally created the false appearance of competition by engaging in sham auctions in which the results were pre-determined or agreed not to bid on contracts; and covertly shared their unjust profits with losing bidders to maintain the conspiracy.

6. ***Natural Gas Antitrust Cases***, JCCP Nos. 4221, 4224, 4226 & 4228 (Cal. Supr. Ct.). In 2003, the Court approved a landmark of \$1.1 billion settlement in class action litigation against El Paso Natural Gas Co. for manipulating the market for natural gas pipeline transmission capacity into California. Lieff Cabraser served as Plaintiffs’ Co-Lead Counsel and Co-Liaison Counsel in the *Natural Gas Antitrust Cases I-IV*. In June 2007, the Court granted final approval to a \$67.39 million settlement of a series of class action lawsuits brought by California business and residential consumers of natural gas against a group of natural gas suppliers, Reliant Energy Services, Inc., Duke Energy Trading and Marketing LLC, CMS Energy Resources Management Company, and Aquila Merchant Services, Inc. Plaintiffs charged defendants with manipulating the price of natural gas in California during the California energy crisis of 2000-2001 by a variety of means, including falsely

reporting the prices and quantities of natural gas transactions to trade publications, which compiled daily and monthly natural gas price indices; prearranged wash trading; and, in the case of Reliant, “churning” on the Enron Online electronic trading platform, which was facilitated by a secret netting agreement between Reliant and Enron. The 2007 settlement followed a settlement reached in 2006 for \$92 million partial settlement with Coral Energy Resources, L.P.; Dynegy Inc. and affiliates; EnCana Corporation; WD Energy Services, Inc.; and The Williams Companies, Inc. and affiliates.

7. ***In the Matter of the Arbitration between CopyTele and AU Optronics***, Case No. 50 117 T 009883 13 (Internat’l Centre for Dispute Resolution). Lief Cabraser successfully represented CopyTele, Inc. in a commercial dispute involving intellectual property. In 2011, CopyTele entered into an agreement with AU Optronics (“AUO”) under which both companies would jointly develop two groups of products incorporating CopyTele’s patented display technologies. CopyTele charged that AUO never had any intention of jointly developing the CopyTele technologies, and instead used the agreements to fraudulently obtain and transfer licenses of CopyTele’s patented technologies. The case required the review of thousands of pages of documents in Chinese and in English culminating in a two week arbitration hearing. In December 2014, after the hearing, the parties resolved the matter, with CopyTele receiving \$9 million.
8. ***Wholesale Electricity Antitrust Cases I & II***, JCCP Nos. 4204 & 4205 (Cal. Supr. Ct.). Lief Cabraser served as Co-Lead Counsel in the private class action litigation against Duke Energy Trading & Marketing, Reliant Energy, and The Williams Companies for claims that the companies manipulated California’s wholesale electricity markets during the California energy crisis of 2000-2001. Extending the landmark victories for California residential and business consumers of electricity, in September 2004, plaintiffs reached a \$206 million settlement with Duke Energy Trading & Marketing, and in August 2005, plaintiffs reached a \$460 million settlement with Reliant Energy, settling claims that the companies manipulated California’s wholesale electricity markets during the California energy crisis of 2000-01. Lief Cabraser earlier entered into a settlement for over \$400 million with The Williams Companies.
9. ***In re TFT-LCD (Flat Panel) Antitrust Litigation***, MDL No. 1827 (N.D. Cal.). Lief Cabraser served as Court-appointed Co-Lead Counsel for direct purchasers in litigation against the world’s leading manufacturers of Thin Film Transistor Liquid Crystal Displays. TFT-LCDs are used in flat-panel televisions as well as computer monitors, laptop computers, mobile phones, personal digital assistants, and other devices. Plaintiffs charged that defendants conspired to raise and fix the prices of TFT-LCD

panels and certain products containing those panels for over a decade, resulting in overcharges to purchasers of those panels and products. In March 2010, the Court certified two nationwide classes of persons and entities that directly purchased TFT-LCDs from January 1, 1999 through December 31, 2006, one class of panel purchasers, and one class of buyers of laptop computers, computer monitors, and televisions that contained TFT-LCDs. Over the course of the litigation, the classes reached settlements with all defendants except Toshiba. The case against Toshiba proceeded to trial. In July 2012, the jury found that Toshiba participated in the price-fixing conspiracy. The case was subsequently settled, bringing the total settlements in the litigation to over \$470 million. For his outstanding work in the precedent-setting litigation, California Lawyer recognized Richard Heimann with a 2013 California Lawyer of the Year award.

10. ***Sullivan v. DB Investments***, No. 04-02819 (D. N.J.). Lieff Cabraser served as Class Counsel for consumers who purchased diamonds from 1994 through March 31, 2006, in a class action lawsuit against the De Beers group of companies. Plaintiffs charged that De Beers conspired to monopolize the sale of rough diamonds in the U.S. In May 2008, the District Court approved a \$295 million settlement for purchasers of diamonds and diamond jewelry, including \$130 million to consumers. The settlement also barred De Beers from continuing its illegal business practices and required De Beers to submit to the jurisdiction of the Court to enforce the settlement. In December 2011, the Third Circuit Court of Appeals affirmed the District Court's order approving the settlement. 667 F.3d 273 (3rd Cir. 2011). The hard-fought litigation spanned several years and nations. Despite the tremendous resources available to the U.S. Department of Justice and state attorney generals, it was only through the determination of plaintiffs' counsel that De Beers was finally brought to justice and the rights of consumers were vindicated. Lieff Cabraser attorneys played key roles in negotiating the settlement and defending it on appeal. Discussing the DeBeers case, The National Law Journal noted that Lieff Cabraser was "among the plaintiffs' firms that weren't afraid to take on one of the business world's great white whales."
11. ***Haley Paint Co. v. E.I. Dupont De Nemours and Co. et al.***, No. 10-cv-00318-RDB (D. Md.). Lieff Cabraser served as Co-Lead Counsel for direct purchasers of titanium dioxide in a nationwide class action lawsuit against Defendants E.I. Dupont De Nemours and Co., Huntsman International LLC, Kronos Worldwide Inc., and Cristal Global (fka Millennium Inorganic Chemicals, Inc.), alleging these corporations participated in a global cartel to fix the price of titanium dioxide. Titanium dioxide, a dry chemical powder, is the world's most widely used pigment for providing whiteness and brightness in paints, paper, plastics, and other products. Plaintiffs charged that defendants coordinated

increases in the prices for titanium dioxide despite declining demand, decreasing raw material costs, and industry overcapacity.

Unlike some antitrust class actions, Plaintiffs proceeded without the benefit of any government investigation or proceeding. Plaintiffs overcame attacks on the pleadings, discovery obstacles, a rigorous class certification process that required two full rounds of briefing and expert analysis, and multiple summary judgment motions. In August 2012, the Court certified the class. Plaintiffs prepared fully for trial and achieved a settlement with the final defendant on the last business day before trial. In December 2013, the Court approved a series of settlements with defendants totaling \$163 million.

12. ***In re Lupron Marketing and Sales Practices Litigation***, MDL No. 1430 (D. Mass.). In May 2005, the Court granted final approval to a settlement of a class action lawsuit by patients, insurance companies and health and welfare benefit plans that paid for Lupron, a prescription drug used to treat prostate cancer, endometriosis and precocious puberty. The settlement requires the defendants, Abbott Laboratories, Takeda Pharmaceutical Company Limited, and TAP Pharmaceuticals, to pay \$150 million, inclusive of costs and fees, to persons or entities who paid for Lupron from January 1, 1985 through March 31, 2005. Plaintiffs charged that the defendants conspired to overstate the drug's average wholesale price ("AWP"), which resulted in plaintiffs paying more for Lupron than they should have paid. Lief Cabraser served as Co-Lead Plaintiffs' Counsel.
  
13. ***Marchbanks Truck Service v. Comdata Network***, No. 07-cv-01078 (E.D. Pa.). In July 2014, the Court approved a \$130 million settlement of a class action brought by truck stops and other retail fueling facilities that paid percentage-based transaction fees to Comdata on proprietary card transactions using Comdata's over-the-road fleet card. The complaint challenged arrangements among Comdata, its parent company Ceridian LLC, and three national truck stop chains: defendants TravelCenters of America LLC and its wholly owned subsidiaries, Pilot Travel Centers LLC and its predecessor Pilot Corporation, and Love's Travel Stops & Country Stores, Inc. The alleged anticompetitive conduct insulated Comdata from competition, enhanced its market power, and led to independent truck stops' paying artificially inflated transaction fees. In addition to the \$130 million payment, the settlement required Comdata to change certain business practices that will promote competition among payment cards used by over-the-road fleets and truckers and lead to lower merchant fees for the independent truck stops. Lief Cabraser served as Co-Lead Class Counsel in the litigation.

14. ***California Vitamins Cases***, JCCP No. 4076 (Cal. Supr. Ct.). Lief Cabraser served as Co-Liaison Counsel and Co-Chairman of the Plaintiffs' Executive Committee on behalf of a class of California indirect vitamin purchasers in every level of the chain of distribution. In January 2002, the Court granted final approval of a \$96 million settlement with certain vitamin manufacturers in a class action alleging that these and other manufacturers engaged in price fixing of particular vitamins. In December 2006, the Court granted final approval to over \$8.8 million in additional settlements.
15. ***In re Buspirone Antitrust Litigation***, MDL No. 1413 (S.D.N.Y.). In November 2003, Lief Cabraser obtained a \$90 million cash settlement for individual consumers, consumer organizations, and third party payers that purchased BuSpar, a drug prescribed to alleviate symptoms of anxiety. Plaintiffs alleged that Bristol-Myers Squibb Co. (BMS), Danbury Pharmacal, Inc., Watson Pharmaceuticals, Inc. and Watson Pharma, Inc. entered into an unlawful agreement in restraint of trade under which BMS paid a potential generic manufacturer of BuSpar to drop its challenge to BMS' patent and refrain from entering the market. Lief Cabraser served as Plaintiffs' Co-Lead Counsel.
16. ***Meijer v. Abbott Laboratories***, Case No. C 07-5985 CW (N.D. Cal.). Lief Cabraser served as co-counsel for the group of retailers charging that Abbott Laboratories monopolized the market for AIDS medicines used in conjunction with Abbott's prescription drug Norvir. These drugs, known as Protease Inhibitors, have enabled patients with HIV to fight off the disease and live longer. In January 2011, the Court denied Abbott's motion for summary judgment on plaintiffs' monopolization claim. Trial commenced in February 2011. After opening statements and the presentation of four witnesses and evidence to the jury, plaintiffs and Abbott Laboratories entered into a \$52 million settlement. The Court granted final approval to the settlement in August 2011.
17. ***In re Carpet Antitrust Litigation***, MDL No. 1075 (N.D. Ga.). Lief Cabraser served as Class Counsel and a member of the trial team for a class of direct purchasers of twenty-ounce level loop polypropylene carpet. Plaintiffs, distributors of polypropylene carpet, alleged that Defendants, seven manufacturers of polypropylene carpet, conspired to fix the prices of polypropylene carpet by agreeing to eliminate discounts and charge inflated prices on the carpet. In 2001, the Court approved a \$50 million settlement of the case.
18. ***In re Lasik/PRK Antitrust Litigation***, No. CV 772894 (Cal. Supr. Ct.). Lief Cabraser served as a member of Plaintiffs' Executive Committee in class actions brought on behalf of persons who underwent Lasik/PRK eye surgery. Plaintiffs alleged that defendants, the

manufacturers of the laser system used for the laser vision correction surgery, manipulated fees charged to ophthalmologists and others who performed the surgery, and that the overcharges were passed onto consumers who paid for laser vision correction surgery. In December 2001, the Court approved a \$12.5 million settlement of the litigation.

19. ***Methionine Cases I and II***, JCCP Nos. 4090 & 4096 (Cal. Supr. Ct.). Lief Cabraser served as Co-Lead Counsel on behalf of indirect purchasers of methionine, an amino acid used primarily as a poultry and swine feed additive to enhance growth and production. Plaintiffs alleged that the companies illegally conspired to raise methionine prices to super-competitive levels. The case settled.
20. ***In re Electrical Carbon Products Antitrust Litigation***, MDL No. 1514 (D.N.J.). Lief Cabraser represented the City and County of San Francisco and a class of direct purchasers of carbon brushes and carbon collectors on claims that producers fixed the price of carbon brushes and carbon collectors in violation of the Sherman Act.

## **FIRM BIOGRAPHY:**

### **PARTNERS**

**ERIC B. FASTIFF**, Admitted to practice in California, 1996; District of Columbia, 1997; U.S. Courts of Appeals for the Third, Ninth and Federal Circuits; U.S. District Courts for the Northern, Southern, Eastern, and Central Districts of California, District of Columbia; U.S. District Court, Eastern District of Wisconsin; U.S. Court of Federal Claims. *Education*: Cornell Law School (J.D., 1995); Editor-in-Chief, *Cornell International Law Journal*; London School of Economics (M.Sc.(Econ.), 1991); Tufts University (B.A., *cum laude, magno cum honore in thesi*, 1990). *Prior Employment*: Law Clerk to Hon. James T. Turner, U.S. Court of Federal Claims, 1995-1996; International Trade Specialist, Eastern Europe Business Information Center, U.S. Department of Commerce, 1992. *Awards & Honors*: Selected for inclusion by peers in *The Best Lawyers in America* in the field of "Litigation - Antitrust," 2013-2022; "Lawdragon 500 Leading Lawyers in America," Lawdragon, 2019-2022; "Lawyer of the Year for Antitrust Litigation," Northern California, Best Lawyers, 2021; "Lawdragon 500 Leading Plaintiff Financial Lawyers in America," Lawdragon, 2019-2021; "Northern California Super Lawyer," *Super Lawyers*, 2010-2021; "Top 100 Super Lawyers of Northern California," *Super Lawyers*, 2020, 2021; "Top Plaintiff Lawyers," *Daily Journal*, 2016-2017; "Plaintiffs' Law Trailblazer," *National Law Journal*, 2018; "Leader in the Field" for Antitrust (California), Antitrust (National), *Chambers USA*, 2017; "Outstanding Private Practice Antitrust Achievement," American Antitrust Institute, 2017; "California Litigation Star," *Benchmark Litigation*, 2013-2015; Legal 500 recommended lawyer, *LegalEase*, 2013; "Top 100 Lawyers in California," *Daily Journal*, 2013; "Top Attorneys in Business Law," *Super Lawyers Corporate Counsel Edition*, 2012; "Lawdragon Finalist," *Lawdragon*, 2009. *Publications & Presentations*: General Editor, *California Class Actions Practice and Procedures*, (2003-2009); Coordinating Editor and Co-Author of California section of the *ABA State Class Action Survey* (2003-2008); Author, "US Generic Drug Litigation Update," 1 *Journal of Generic Medicines* 212 (2004); Author, "The Proposed Hague Convention

on the Recognition and Enforcement of Civil and Commercial Judgments: A Solution to Butch Reynolds's Jurisdiction and Enforcement Problems," 28 *Cornell International Law Journal* 469 (1995). *Member*: American Antitrust Institute (Advisory Board, 2012-Present); Committee to Support the Antitrust Laws, President, 2017; Association of Business Trial Lawyers (Northern California) Board of Governors; Bar Association of San Francisco; Children's Day School (Board of Trustees); District of Columbia Bar Association; *Journal of Generic Medicines* (Editorial Board Member, 2003-Present); State Bar of California; U.S. Court of Federal Claims Bar Association.

**MICHELLE LAMY**, Admitted to practice in California, 2015; U.S. Court of Appeals for the Ninth Circuit, 2017; U.S. District Court, Northern District of California, 2017; U.S. District Court, Western District of Wisconsin, 2016. *Education*: Stanford Law School (J.D., 2015); Gerald Gunther Prize for Outstanding Performance in Research and Legal Writing; Gerald Gunther Prize for Outstanding Performance in Statutory Interpretation; Executive Board, Stanford Journal of Civil Rights & Civil Liberties. College of Arts & Sciences, Boston College (B.A. *summa cum laude*, 2009); Phi Beta Kappa; Dean's List First Honors, Dean's Scholar - Economics; Rev. Robert Cheney Economics Scholar. *Prior Employment*: Law Clerk to the Honorable Thelton E. Henderson, U.S. District Court for the Northern District of California. *Member*: American Bar Association; Bar Association of San Francisco, Litigation Section Executive Committee; State Bar of California. *Honors & Awards*: "Lawdragon 500 Leading Plaintiff Employment & Civil Rights Lawyers in America," Lawdragon, 2022; "Rising Star for Northern California," Super Lawyers, 2019-2022; "Outstanding Private Practice Antitrust Achievement," American Antitrust Institute, 2020.

## OF COUNSEL

**WILLIAM BERNSTEIN**, Admitted to practice in California, 1975; U.S. Court of Appeals, Ninth Circuit, 1987; U.S. District Court, Northern District of California, 1975; New York and U.S. Supreme Court, 1985; U.S. District Court, Central and Eastern Districts of California, 1991; U.S. District Court, Southern District of California, 1992; U.S. Court of Appeals, Third Circuit, 2008. *Education*: University of San Francisco (J.D., 1975); *San Francisco Law Review*, 1974-75; University of Pennsylvania (B.A., general honors, 1972). *Community Service*: Adjunct Professor of Law, University of San Francisco, Settlement Law, 2006-present; Judge Pro Tem for San Francisco Superior Court, 2000-present; Marin Municipal Court, 1984; Discovery Referee for the Marin Superior Court, 1984-89; Arbitrator for the Superior Court of Marin, 1984-1990. *Awards & Honors*: AV Preeminent Peer Review Rated, Martindale-Hubbell; "California Litigation Star," *Benchmark Plaintiff* (ranked as one of California's leading litigators in antitrust law); Selected for inclusion by peers in *The Best Lawyers in America* in field of "Litigation - Antitrust," 2013-2022; "Northern California Super Lawyer," *Super Lawyers*, 2004-2021; "Consumer Attorney of the Year Finalist," Consumer Attorneys of California, 2014; "Lawdragon Finalist," *Lawdragon*, 2009-2011; "Top Attorneys In Antitrust Law," *Super Lawyers Corporate Counsel Edition*, 2010, 2012; Princeton Premier Registry, Business Leaders and Professionals, 2008-2009; "Top 100 Trial Lawyers in California," American Trial Lawyers Association, 2008; *Who's Who Legal*, 2007; Unsung Hero Award, Appleseed, 2006. *Publications & Presentations*: "The Rise and Fall of Enron's One-To-Many Trading Platform," American Bar Association Antitrust Law Section, Annual Spring Meeting (2005); Co-Author

with Donald C. Arbitblit, "Effective Use of Class Action Procedures in California Toxic Tort Litigation," *Hastings West-Northwest Journal of Environmental and Toxic Torts Law and Policy*, No. 3 (Spring 1996). *Member*: Board of Governors, Association of Business Trial Lawyers; Bar Association of San Francisco; Marin County Bar Association (Admin. of Justice Committee, 1988); State Bar of California.

# **EXHIBIT B**

1 Joseph R. Saveri (State Bar No. 130064)  
2 Michele C. Jackson (State Bar No. 090807)  
3 Jordan Elias (State Bar No. 228731)  
LIEFF CABRASER HEIMANN & BERNSTEIN, LLP  
4 275 Battery Street, 29th Floor  
San Francisco, CA 94111-3339  
5 Telephone: (415) 956-1000  
Facsimile: (415) 956-1008

6 Attorneys for Plaintiffs and the Class  
7

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **COUNTY OF SAN FRANCISCO**  
10 **UNLIMITED JURISDICTION**  
11

12 COORDINATION PROCEEDINGS SPECIAL  
13 TITLE (RULE 1550(b))

14 AUTOMOBILE ANTITRUST CASES I AND II  
15

16 This Document Relates to:  
17 All Actions

Judicial Council Coordination Proceeding  
Nos. 4298 and 4303

**DECLARATION OF MICHELE C.  
JACKSON OF LIEFF CABRASER  
HEIMANN & BERNSTEIN, LLP IN  
SUPPORT OF PLAINTIFFS' MOTION  
FOR ATTORNEYS' FEES AND COSTS**

Date: January 5, 2011  
Time: 9:30 a.m.  
Dept.: 304  
Honorable Richard A. Kramer  
Coordination Trial Judge

1 I, Michele C. Jackson, declare as follows:

2 1. I am a member in good standing of the State Bar of California, and a partner of  
3 Lieff Cabraser Heimann & Bernstein, LLP (“Lieff Cabraser”), 275 Battery Street, 29th Floor, San  
4 Francisco, California 94111-3339. I have personal knowledge of the facts set forth in this  
5 declaration and, if called as a witness, I could and would testify to them, except where I specify  
6 that I am declaring on information and belief, in which case I am informed and believe the facts  
7 to be true. I submit this declaration in support of plaintiffs’ motion for attorneys’ fees and costs.

8 2. This firm is counsel of record for Plaintiffs and the Class. Lieff Cabraser’s  
9 underlying cases, prior to coordination with the J.C.C.P. proceedings, were filed in San Francisco  
10 County Superior Court and assigned case numbers CGC-03-417-814 and CGC-03-417-902.

11 3. Lieff Cabraser has prosecuted this litigation solely on a contingent-fee basis and  
12 has been completely at risk that it would not receive any compensation for prosecuting claims  
13 against the defendants. While Lieff Cabraser devoted its time and resources to this matter, it has  
14 foregone other legal work for which it would have been compensated.

15 4. Our firm is highly experienced in actions of this nature. The background and  
16 experience of the firm and its attorneys is summarized in the firm resume attached hereto as  
17 Exhibit 1.

18 5. Lieff Cabraser has participated in this litigation and has performed work on behalf  
19 of plaintiffs since the inception of this litigation.

20 6. Lieff Cabraser has performed, among other things, the following specific tasks  
21 related to this matter:

22 a. Initially investigating and evaluating the case; drafting complaints;  
23 preparing for coordination proceedings; reviewing discovery documents; and appearing at case  
24 management conferences.

25 b. Briefing motions; analyzing evidence; appearing at hearings; devising  
26 overall litigation strategy as a member of the Executive Committee; and devising settlement  
27 strategies as a member of the Executive Committee.

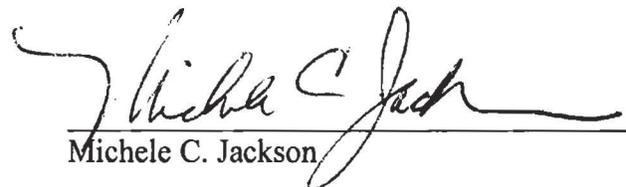
28 7. As a Lieff Cabraser partner, I have supervised the work performed on this case by

1 other members of the firm. I also have knowledge of the firm's policies regarding assigning  
2 work, recording time, and keeping expense records.

3 8. All attorneys, paralegals, investigators, and law clerks at Lieff Cabraser are  
4 instructed to maintain contemporaneous time records reflecting the time spent on this and other  
5 matters. The total number of hours spent on this litigation by my firm's professional staff is  
6 2,398.5 hours through November 22, 2011. The lodestar calculation is based on my firm's billing  
7 rates in effect at the time services were performed. The total lodestar amount for my firm,  
8 calculated at historical rates through November 22, 2011, is \$1,133,400.50. A summary report of  
9 my firm's lodestar, including individuals' names, their hourly rates, and hours incurred by each of  
10 the time keepers is attached as Exhibit 2 and incorporated here. I declare on information and  
11 belief that the rates charged are the same as those charged by our firm in other cases of this  
12 nature, including charges to our hourly clients. None of the time included in this fee application  
13 represents any work done in connection with the application for fees.

14 9. Lieff Cabraser has expended a total of \$465,248.02 in unreimbursed costs and  
15 expenses in connection with the prosecution of this litigation. These costs and expenses are  
16 categorized in the chart attached as Exhibit 3 and incorporated here. My firm made its usual and  
17 customary charges for costs and expenses it incurred in this litigation, and added no surcharge to  
18 any cost or expense. The expenses incurred pertaining to this case are reflected in the books and  
19 records of the firm. These books and records are prepared from expense vouchers, check records,  
20 and other records, and are an accurate record of the expenses incurred.

21 I declare under penalty of perjury under the laws of the State of California that the  
22 foregoing is true and correct, and that this declaration was executed this 23rd day of November  
23 2011 at San Francisco, California.

24   
25 Michele C. Jackson

# **EXHIBIT C**

**Automobile Antitrust Cases I and II**  
**Time and Lodestar Report**  
**Lieff Cabraser Heimann & Bernstein, LLP**  
**Period: December 1, 2011 to June 30, 2022**

<b>NAME</b>	<b>RATE</b>	<b>HOURS</b>	<b>LODESTAR</b>
<b>PARTNERS</b>			
MICHELE JACKSON (2012)	\$775.00	2.20	\$1,705.00
ERIC FASTIFF (2016)	\$750.00	0.40	\$300.00
ERIC FASTIFF (2017)	\$775.00	43.10	\$33,402.50
ERIC FASTIFF (2018)	\$800.00	4.40	\$3,520.00
ERIC FASTIFF (2019)	\$825.00	15.30	\$12,622.50
ERIC FASTIFF (2020)	\$850.00	8.90	\$7,565.00
ERIC FASTIFF (2021)	\$875.00	29.70	\$25,987.50
ERIC FASTIFF (2022)	\$1,035.00	47.60	\$49,266.00
BRENDAN GLACKIN (2017)	\$725.00	1.00	\$725.00
MICHELLE LAMY (2022)	\$590.00	33.00	\$19,470.00
<b>TOTAL PARTNERS</b>		<b>185.60</b>	<b>\$154,563.50</b>
<b>OF COUNSEL</b>			
WILLIAM BERNSTEIN (2016)	\$1,000.00	12.40	\$12,400.00
WILLIAM BERNSTEIN (2017)	\$1,025.00	46.20	\$47,355.00
WILLIAM BERNSTEIN (2018)	\$1,050.00	8.90	\$9,345.00
WILLIAM BERNSTEIN (2019)	\$1,075.00	9.20	\$9,890.00
WILLIAM BERNSTEIN (2020)	\$1,100.00	3.60	\$3,960.00
WILLIAM BERNSTEIN (2021)	\$1,125.00	20.70	\$23,287.50
WILLIAM BERNSTEIN (2022)	\$1,325.00	8.50	\$11,262.50
<b>TOTAL OF COUNSEL</b>		<b>109.50</b>	<b>\$117,500.00</b>
<b>ASSOCIATES</b>			
MICHELLE LAMY (2017)	\$370.00	139.70	\$51,689.00
MICHELLE LAMY (2018)	\$420.00	75.10	\$31,542.00
MICHELLE LAMY (2019)	\$440.00	27.10	\$11,924.00
MICHELLE LAMY (2020)	\$465.00	7.30	\$3,394.50
MICHELLE LAMY (2021)	\$485.00	136.30	\$66,105.50
<b>TOTAL ASSOCIATES</b>		<b>385.50</b>	<b>\$164,655.00</b>
<b>RESEARCHERS</b>			
NIKKI BELUSHKO BARROWS (2017)	\$360.00	10.10	\$3,636.00
NABILA SIDDIQI (2019)	\$390.00	1.90	\$741.00
<b>TOTAL RESEARCHERS</b>		<b>10.10</b>	<b>\$3,636.00</b>
<b>PARALEGALS</b>			
CORRIE ANDERSON (2017)	\$360.00	1.50	\$540.00
RAMI BATA (2017)	\$340.00	15.30	\$5,202.00
RAMI BATA (2018)	\$355.00	10.40	\$3,692.00
EILEEN BELTRAN (2016)	\$345.00	1.00	\$345.00
TODD CARNAM (2017)	\$360.00	0.80	\$288.00
PABLO CHONG HERRERA (2022)	\$415.00	0.50	\$207.50

**Automobile Antitrust Cases I and II**  
**Time and Lodestar Report**  
**Lieff Cabraser Heimann & Bernstein, LLP**  
**Period: December 1, 2011 to June 30, 2022**

<b>NAME</b>	<b>RATE</b>	<b>HOURS</b>	<b>LODESTAR</b>
TERENCE DESOUZA (2012)	\$240.00	0.20	\$48.00
ELLISON LEE (2019)	\$390.00	2.50	\$975.00
OMAR RIVERA (2019)	\$345.00	3.50	\$1,207.50
OMAR RIVERA (2020)	\$360.00	1.00	\$360.00
OMAR RIVERA (2021)	\$385.00	1.00	\$385.00
STEVEN SHIN (2011)	\$250.00	1.70	\$425.00
STEVEN SHIN (2012)	\$265.00	5.30	\$1,404.50
REBECCA TAYLOR (2018)	\$355.00	1.60	\$568.00
MADELYNE TRIONE (2018)	\$355.00	0.30	\$106.50
MADELYNE TRIONE (2019)	\$380.00	1.60	\$608.00
KATRINA UY (2020)	\$360.00	3.90	\$1,404.00
KATRINA UY (2022)	\$445.00	0.30	\$133.50
<b>TOTAL PARALEGALS</b>		<b>52.40</b>	<b>\$17,899.50</b>
<b>LAW CLERKS</b>			
JENNA FORSTER (2021)	\$370.00	15.00	\$5,550.00
<b>TOTAL LAW CLERKS</b>		<b>15.00</b>	<b>\$5,550.00</b>
<b>TOTALS</b>			
		<b>760.00</b>	<b>\$464,545.00</b>

# **EXHIBIT D**

**Automobile Antitrust Cases I and II**  
**Expense Report**  
**Lieff Cabraser Heimann & Bernstein, LLP**  
**Period: December 1, 2011 to June 30, 2022**

<b>Expense Description</b>	<b>Cumulative Expenses</b>
Litigation Fund Assessment	\$45,000.00
Computer Research	\$581.10
Court Fees	\$79.50
Court Reporters/Transcripts/Videographer	\$0.00
Miscellaneous (Travel)	\$226.59
Postage/Express Delivery/Messenger	\$61.34
Photocopying	\$891.00
Service of Process Fees	\$0.00
Telephone/Facsimile	\$3.86
Witness Fees	\$0.00
<b>TOTAL EXPENSES</b>	<b>\$46,843.39</b>

1 Tracy R. Kirkham (69913)  
2 Cooper & Kirkham, P.C.  
3 357 Tehama Street, Second Floor  
4 San Francisco, CA 94103  
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8 *Attorneys for Plaintiffs*

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF SAN FRANCISCO  
UNLIMITED JURISDICTION**

COORDINATION PROCEEDING SPECIAL )  
TITLE (Cal. R. Ct. 1550(b)) )  
AUTOMOBILE ANTITRUST CASES I, II )

Judicial Council Coordination  
Proceeding Nos. No. 4298 and 4303

CJC-03-004298 and CJC-03-004303

**CLASS ACTION**

\_\_\_\_\_  
This document relates to:  
All Actions

**DECLARATION OF TRACY R.  
KIRKHAM OF COOPER & KIRKHAM  
IN SUPPORT OF MOTION FOR  
AWARD OF ATTORNEYS' FEES,  
REIMBURSEMENT OF EXPENSES,  
AND PROVISION OF SERVICE  
AWARDS**

Date: October 5, 2022

Time: 10:00 a.m.

Dept: 306

Judge: Honorable Anne-Christine Massullo

Date Complaint Filed: October 6, 2003  
(Consolidated Amended Class Action  
Complaint)

1 I, TRACY R KIRKHAM, declare as follows:

2 1. I am the managing partner of Cooper & Kirkham, P.C. I submit this declaration in  
3 support of the Plaintiffs' Motion for an Award of Attorneys' Fees, Reimbursement of Expenses, and  
4 Provision of Service Awards.

5 2. My firm represents Plaintiffs Joshua Chen and the estate of the late Laurence deVries. A  
6 brief description of my firm and the attorneys who worked on this litigation is attached as Exhibit A  
7 and incorporated herein by reference.

8 3. During the course of this litigation, my firm has been involved to various degrees in all  
9 activities undertaken on behalf of Plaintiffs and the Class. Previously, in connection with the settlement  
10 reached with General Motors of Canada, Ltd., Josef D. Cooper submitted a declaration to this Court on  
11 behalf of my firm, describing the work we accomplished for the Plaintiffs and the Class from inception  
12 of the case to November 30, 2011. A copy of Mr. Cooper's declaration, without exhibits, is attached  
13 hereto as Exhibit B and incorporated herein.

14 4. Since November 30, 2011, my firm has continued its work on behalf of Plaintiffs and the  
15 Class in a general supervisory role in the distribution of the settlement funds from General Motors of  
16 Canada, as an active participant in the briefing and argument in the Court of Appeals, and later, in the  
17 post-remand trial preparations and proceedings, including the summary judgment and *in limine* motion  
18 practice before this Court. In addition, during the post-appeal trial preparation, I was responsible for  
19 preparing the trial testimony of Plaintiffs' new expert economist, Dr. Janet Netz. I also participated in  
20 the settlement mediation with Ford Canada, in the preparation of the settlement documents, and in the  
21 submission of the settlement, plan of distribution and notice for the approval of this Court.

22 5. The schedule attached as Exhibit C, and incorporated herein, is a summary of the amount  
23 of time spent by the attorneys at my firm who were involved in this litigation since December 1, 2011.  
24 Unlike the time covered by the 2011 Cooper Declaration, the firm has not been compensated at all for  
25 the time shown on Exhibit C. The lodestar calculation there is based on my firm's billing rates in effect  
26 at the time the services were performed. Exhibit C was prepared from contemporaneous time records  
27 regularly prepared and maintained by my firm, and personally reviewed by me. The hourly rates for my  
28

1 firm's partners and associate shown on Exhibit C are the time the usual and customary hourly rates  
2 charged for their services during each year indicated in similar complex class actions and to the firm's  
3 hourly clients.

4 6. As stated above, Exhibit C presents my firm's lodestar from December 1, 2011 to June  
5 30, 2022. Josef Cooper's Declaration, attached as Exhibit B, attests to my firm's lodestar from  
6 inception of this case to November 30, 2011.

7 7. The total number of hours expended on this litigation by my firm and total lodestar are  
8 set forth below:

<b>Time Period:</b>	<b>Hours:</b>	<b>Lodestar:</b>
Inception to Nov. 30, 2011	6317.7	\$3,279,451.00
Dec. 1, 2011 to June 30, 2022	1335.8	\$1,152,752.50
<b>Total:</b>	7653.5	\$4,432,203.5

14  
15 8. My firm's lodestar is calculated by multiplying the hours expended by the firm's hourly  
16 billing rates. No addition to the lodestar is made for expense items. Expense items are billed separately  
17 or are considered part of the firm's general overhead.

18 9. My firm expended a total of \$53,925.58 in unreimbursed necessary expenses in  
19 connection with the prosecution of this litigation. These expenses are described in Exhibit D, which is  
20 attached hereto and incorporated herein. My firm does not bill clients for telephone, postage or  
21 photocopying or for parking or meals in the Bay Area. The expenses my firm incurred in litigating this  
22 action are reflected in the firm's contemporaneous books and records. These books and records are  
23 prepared from expense vouchers, receipts, check records and other source materials and have been  
24 reviewed by me to ensure that they accurately reflect the expenses incurred.

25 10. I also conducted a review of the contemporaneous time records of two of my co-counsel  
26 firms, Berman Tabacco and Zelle LLP. I reviewed the time records generally to ensure that the tasks  
27



# **EXHIBIT A**

## **Cooper & Kirkham, P.C.**

357 Tehama Street  
Second Floor  
San Francisco, California 94111  
Telephone: (415) 788-3030  
Facsimile: (415)882-7040

### **FIRM PROFILE**

Cooper & Kirkham, P.C. is a small AV-rated litigation firm, nationally regarded as an expert in antitrust and class action litigation. The firm has extensive experience representing both plaintiffs and defendants in complex commercial cases, with an emphasis on antitrust, unfair competition, securities fraud and class action litigation. Cooper & Kirkham has participated in the litigation of many of the nation's major cases in these areas of the law, which have resulted in precedent-setting decisions and landmark recoveries for plaintiffs and class members.

Senior partner **Josef D. Cooper** (1938-2018) began his career in complex litigation immediately upon his graduation from The University of Chicago Law School in June 1964, when he became a staff attorney for the Coordinating Committee for Multiple Litigation of the United States Courts. During that time, he participated in drafting the first edition of the *Manual for Complex Litigation* and the legislation to permit the transfer of related actions among federal districts for pretrial purposes, which was enacted as 28 U.S.C. §1407. In 1966, the Committee assigned him to serve as a Special Assistant to the Honorable Martin Pence, United States District Court Judge, District of Hawaii, who was presiding over the *West Coast Pipe Litigation*, the first consolidated pre-trial proceedings conducted by a single judge for a group of related actions pending in numerous federal district courts.

Upon leaving Judge Pence in March 1969, Mr. Cooper entered private practice. Since then, he has specialized in complex business and class action litigation, particularly in the antitrust, securities fraud and energy regulation areas of practice. Upon entering private practice, he was first associated with the Chicago law firm of Freidman & Koven. In August 1972, he relocated to San Francisco, California and at all times thereafter he has either been the sole principal or the senior partner of the firm which is now known as Cooper & Kirkham, A Professional Corporation.

Mr. Cooper has been listed in the California Business Litigation section of *The Best Lawyers in America* for twenty-five years, and has been recognized as "one of a distinguished

groups of attorneys” who has been listed in *Best Lawyers* for more than twenty years. Mr. Cooper is also listed as a Northern California Super Lawyer. Mr. Cooper is the past chairman of the Private Litigation Committee of the Antitrust Section of the American Bar Association (“A.B.A.”), and a past member of the A.B.A. Antitrust Section Monograph Committee. He has testified before the Judiciary Committee of the United States Senate on proposed legislation to reverse the Supreme Court's decision in *Illinois Brick Company v. State of Illinois*, 431 U.S. 720 (1977), and on proposed legislation to establish a right to contribution among antitrust defendants. He has lectured before the A.B.A.'s Antitrust and Litigation Sections, The Practising Law Institute, the *New York Law Journal*, the Association of Trial Lawyers of America and the California Trial Lawyers' Association. He has participated in American Bar Association National Institutes on "Preventative Antitrust" and the "Use of Computers in Litigation." He is the author of: "Structuring the Antitrust Case," 15 *Trial* 30 (April, 1979); co-author with Kirk A. McKinney of "Fifth Amendment Rights in Private Treble Damage Litigation," 48 *Antitrust L.J.* 1381 (1980); co-author with Tracy R. Kirkham of "Class Action Conflicts," 7 *Litigation*, No. 2, Winter, 1981; and author of "Settlement Considerations and Attorneys' Fees in Class Actions," 50 *Antitrust L.J.* (1981). He also authored and recorded "How To Recognize An Antitrust Case" for the ATLA Cassette-of-the-Month series in 1981.

Partner **Tracy R. Kirkham** graduated *cum laude* from the Washington College of Law of the American University in 1975, where she received American Jurisprudence awards in Evidence and Civil Procedure, and was admitted to practice in the States of Pennsylvania and New Jersey that year. She has also been admitted to practice in the State of California (1976) and before numerous federal courts including the Northern District of California (1976), Ninth Circuit Court of Appeals (1980), the Third Circuit Court of Appeals (2009) and the Central District of California (1981). After graduating from law school, Ms. Kirkham worked briefly as a staff attorney at the United States Department of Energy. Since entering private practice, she has specialized in complex business and class action litigation, particularly in antitrust, securities and energy regulation. Ms. Kirkham joined Cooper & Scarpulla, a predecessor to Cooper & Kirkham, as an associate in 1975, and practiced as an associate and later as a partner with Mr. Cooper until 1986. She then joined the Los Angeles firm of Hennigan & Mercer. In January 1992, Ms. Kirkham returned to San Francisco to form Cooper & Kirkham, P.C.

Ms. Kirkham participated in the writing of "Alternatives to Conventional Adjudication," Volumes I, II and III, by the Institute of Studies in Justice and Social Behavior, The American University, which was published as a report of The National Institute for Law Enforcement, United States Department of Justice. She assisted Mr. Cooper in writing "Structuring

the Antitrust Case," 15 *Trial* 30, April, 1979, is the co-author with him of "Class Action Conflicts," 7 *Litigation*, No. 2, Winter, 1981, and authored "Taming Documents in Complex Litigation," 5 *The Practical Litigator*, No. 4, July 1994. Ms. Kirkham is recognized as a leader in the area of electronic discovery and electronic document management in large commercial cases. She has lectured on the subject of computerized document management in litigation before the Association of Trial Lawyers of America and the American Bar Association, Young Lawyer's Division.

Partner **John D. Bogdanov** was admitted to the bar of the State of California in 2001 and is admitted to practice before the Ninth Circuit Court of Appeals and the U.S. District Courts for the Northern and Southern Districts of California. He holds a degree in journalism from the University of Missouri (*magna cum laude*, 1991) and a law degree from the University of California, Hastings College of Law (2001) where he received the American Jurisprudence/Witkin Award for Legal Writing and Research, Negotiation and Settlement. Mr. Bogdanov's entire legal practice has been in the area of antitrust and consumer class actions.

### **LITIGATION PROFILE**

Cooper & Kirkham, P.C. is nationally regarded as an expert in antitrust and class action litigation, and has held leadership positions in dozens of class actions that have resulted in billions of dollars in recovery for class members. For example, beginning in the 1970's, Cooper & Kirkham served as: (1) Plaintiffs' Liaison Counsel in *In re Sugar Industry Antitrust Litig.*, M.D.L. No. 201 (N.D. Cal.), price-fixing actions brought on behalf of private classes of sugar purchasers in the Western United States; (2) Chairman of the Plaintiffs' Briefing Committee in *In re Folding Carton Antitrust Litig.*, M.D.L. No. 250 (N.D. Ill.), litigation brought on behalf of a national class of folding cardboard box purchasers; and (c) Plaintiffs' Co-Lead Counsel in *In re Cement and Concrete Antitrust Litig.*, M.D.L. No. 296 (D. Ariz.), price-fixing litigation brought on behalf of a national class of cement purchasers and an Arizona class of ready-mix purchasers. Each of these cases resulted in multi-million dollar recoveries for the classes.

More recently, Cooper & Kirkham was: (1) Plaintiffs' Liaison Counsel in *In re California X-ray Film Antitrust Litig.*, (San Francisco Super. Ct.), price-fixing action brought on behalf of purchasers of x-ray film products; (2) a member of Plaintiffs' Executive Committee in *Vitamin Cases*, J.C.C.P. No. 4076 (San Francisco Super. Ct.), a price-fixing action brought on behalf of a classes of California purchasers of vitamin products; actions settled for \$96 million; and (3) a member of the Executive Committee in *Microsoft I-V Cases*, J.C.C.P. No. 4106 (San Francisco Super. Ct.), where a California class of indirect purchasers of Microsoft operating system and applications software settled for over \$1.1 billion.

Cooper & Kirkham was also one of the chief counsel prosecuting *Sullivan et. al. v. DeBeers*, C.A. No. 3:05-516 (D.N.J.), a class action against the world's leading supplier of diamonds, alleging that it violated various federal and state antitrust and unfair competition laws. Following the settlement of the action for \$295 million and injunctive relief, Cooper & Kirkham was appointed to represent the consumer subclass in allocating and distributing the settlement proceeds. The firm was instrumental in securing a rehearing *en banc* by the Third Circuit Court of Appeals which resulted in an opinion affirming the district court's approval of the settlement and setting out comprehensive guide lines for the certification of settlement classes in multi-state antitrust and consumer protection class actions.

Cooper & Kirkham is currently serving as Co-Lead Counsel for Indirect Purchaser plaintiffs in *In Re Dynamic Access Memory (DRAM) Antitrust Litigation*, MDL 1486 (N.D.Cal.), price-fixing litigation against the major international manufacturers of DRAM. The indirect purchasers there entered into settlements of over \$300 million, the proceeds of which has been distributed and the case will be closed shortly pending the *cy pres* distribution of the residual from stale-dated checks remaining in the settlement fund. Cooper & Kirkham is also serving as Co-Lead Counsel for Indirect Purchaser Plaintiffs in *In re Parking Heaters Antitrust Litigation*, Case No. 15-MC-0940 (DLI) (JO) (E.D.N.Y.), a relatively small case involving a price-fixing conspiracy between two defendants, who manufacture virtually all of the commercial vehicle cab heaters in the United States. Final approval of settlements, totaling \$7.7 million, is pending.

### **REPRESENTATIVE CLIENTS**

In its non-class action complex litigation and hourly commercial litigation practice, Cooper & Kirkham has represented many substantial businesses and governmental entities, including: Safeway Stores, Inc., the Oakland Tribune, Inc., Bandag, Inc., MacFARMS International, Inc., Gold Fields Mining Company, The Bank of New England, The Gas Company (Honolulu, Hawaii), Pankow Builders, Inc., The San Francisco Bay Guardian, Yeung Chi Shing Estates, Ltd. (Hong Kong), the States of Nevada, Arizona and Oregon (Public Employees' Pension Fund), the City and County of Honolulu, Hawaii, the City of Austin, Texas, and Contra Costa County, California.

### **PAST LITIGATION**

The following is a list of some of the major commercial actions (class and non-class) in which the firm (or its predecessors) represented the plaintiffs, a plaintiff class or the defendant(s) since Mr. Cooper opened his practice in San Francisco in 1972:

1. *San Francisco Bay Guardian v. San Francisco Chronicle, et al.*, 344 F. Supp. 1155 (N.D.

- Cal. 1971) – Represented plaintiff in action brought against competing newspapers for alleged monopolistic practices. Settlement obtained for plaintiff.
2. *In re Gypsum Wallboard Cases*, 1974-2 Trade Cases ¶¶75, 272 (N.D. Cal. 1974) – Represented national class of governmental bodies in multidistrict price-fixing action. Settlement achieved for class.
  3. *Love's WoodPit Barbecue v. Bell Brand Foods, Inc., et al.*, 1974 (CCH) Trade Cases ¶¶74,905 (S.D. Cal. 1974) – Represented plaintiff class of restaurants in price-fixing litigation brought against potato processors. Settlement achieved for class.
  4. *Prescottano v. Koracorp Industries, Inc.* (N.D. Cal.) - Co-lead Counsel representing class of shareholders alleging securities fraud. Settlement achieved for class.
  5. *Spinetti, et al. v. Atlantic Richfield Company* (N.D. Cal.) – Represented plaintiffs in action brought by petroleum wholesale distributors against their supplier for violations of the federal energy laws. Settlement achieved for plaintiffs.
  6. *In re Folding Carton Antitrust Litigation* M.D.L. 250 (N.D. Ill.) – Represented national class of folding cardboard box purchasers in price-fixing action. Settlement achieved for class.
  7. *In re THC Financial Litigation*, 86 F.R.D. 721 (D. Hawaii 1980) - Co-lead Counsel in securities fraud class action brought on behalf of the holders of investment certificates and debentures in THC Financial Corporation. Settlement achieved for class.
  8. *In re Hawaii Beer Litigation* (D. Hawaii) – Co-lead Counsel in price-fixing action brought on behalf of private classes of beer purchasers in the State of Hawaii. Settlement achieved for class.
  9. *In re Sugar Industry Antitrust Litigation*, M.D.L. 201 (N.D. Cal.) – Plaintiffs' Liaison Counsel in price-fixing action brought on behalf of private classes of sugar purchasers in the Western United States. Settlement achieved for classes.
  10. *Standard Glass Co. v. Universal Waste Control, et al.* (Sup. Ct., Maricopa County, Arizona) – Co-Lead Counsel in price-fixing class action brought on behalf of Phoenix area users of refuse services. Settlement achieved for class.
  11. *Carr v. Toyota Motor Sales, Inc.* (N.D. Cal.) – Represented plaintiff class in price-fixing class action brought on behalf of purchasers of Toyota motor vehicles in five states. Settlement achieved for class.
  12. *Presidio Golf Club of S.F. v. National Linen Supply Corp.*, 1976-2 (CCH) Trade Cases ¶¶61,221 (N.D. Cal. 1976) – Represented class in action for antitrust violations in the rental of linen supplies. Settlement achieved for class.
  13. *Bulzan v. Atlantic Richfield Co.* (620 F.2d 278 (T.E.C.A. 1980) – Represented plaintiff in action brought by wholesale petroleum distributor against its supplier for violations of

- federal energy laws. Settlement achieved for plaintiff.
14. *City and County of Honolulu v. Hawaii Newspaper Agency, Inc., et al.* (D. Hawaii) – Represented Honolulu and plaintiff class in price-fixing action brought on behalf of all purchasers of advertising in Honolulu daily newspapers.
  15. *Van Vranken, et al. v. The Atlantic Richfield Company*, (N.D. Cal.) – Lead Counsel in action brought on behalf of a class of purchasers of refined petroleum products for price overcharges in violation of federal energy laws. Trial verdict and settlement of \$75 million achieved for class.
  16. *Muller, et al. v. Sambo's Restaurants Inc., et al.* (C.D. Cal.) - Co-lead Counsel in securities fraud action on behalf of class of investors in general partnership restaurant joint ventures. Settlement achieved for class.
  17. *Evans, et al. v. Circle S Ranch, Inc., et al.* (Sup. Ct., Maricopa County, Ariz.) – Represented class of emotionally disturbed children committed by State to treatment facility in action for violations of their civil rights, assault, and intentional infliction of emotional distress. Settlement obtained for class during jury trial.
  18. *Richards v. American Veterinary Medical Association, et al.*, SAW (N.D. Cal.) - Represented eleven defendants in a group boycott antitrust action. Defense verdict obtain at trial.
  19. *In re Arizona Escrow Fee Antitrust Litigation* (D. Ariz.) – Represented plaintiff class in escrow rate-fixing action brought on behalf of purchasers of escrow services in Arizona. Settlement achieved for class.
  20. *Andersen Construction Co. v. The Prescon Corp., et al.* (D. Colo.) – Represented plaintiff class price-fixing action brought on behalf of purchasers of post-tension concrete construction in the Rocky Mountain States. Settlement achieved for class.
  21. *Safeway Stores, Inc. v. Roblin Industries, Inc., et al.* (N.D. Cal.) – Represented plaintiff price-fixing action brought against manufacturers of shopping carts. Settlement achieved for plaintiff.
  22. *Burlingame Imports Inc. v. Alfa Romeo, Inc.* (San Mateo, California, Municipal Ct.) – Represented defendant Alfa Romeo for alleged breach of contract and warranty.
  23. *Autopacific, Inc. v. Alfa Romeo, Inc.* (San Francisco Municipal Court) – Represented defendant Alfa Romeo for alleged fraud and breach of warranty.
  24. *In re Cement and Concrete Antitrust Litigation*, M.D.L. 296 (D. Ariz.) – Co-Lead Counsel in price-fixing action brought on behalf of a national class of cement purchasers and an Arizona class of ready-mix purchasers. Settlements achieved for classes.
  25. *In re Chicken Antitrust Litigation* (N.D. Ga.) - Represented class members Safeway Stores,

- Inc., The Great Atlantic and Pacific Tea Company, Inc., The Grand Union Company, Jewel Companies, Inc., Winn-Dixie Stores, Inc., and Giant Foods, Inc. in price fixing action against producers of poultry products. Settlement achieved for class.
26. *In re Corn Derivatives Antitrust Litigation*, M.D.L. 414, (D.N.J.) - Represented class members Safeway Stores, Inc., Lucky Stores, Inc., Great Atlantic and Pacific Tea Co., Carnation Co., The Jewel Companies, Fred Meyer, Inc., and Bonneau Products Co., Inc. in price fixing action against manufacturers of corn derivative products. Settlement achieved for class.
  27. *In the Matter of Safeway Stores, Inc.* (Board of Agriculture, State of Hawaii, and D. Ha.) - Represented Safeway Stores, Inc. in application for a license to sell fresh milk in Hawaii and in related Federal Court action challenging constitutionality of Hawaii regulatory statute. Statute declared unconstitutional and license obtained.
  28. *Contra Costa Medical Systems, Inc. v. County of Contra Costa, et al.* (N.D. Cal.) - Represented defendant county in action alleging that ordinance regulating ambulance services violates the antitrust laws.
  29. *Tom Lazio Fish Co. Inc. v. Castle & Cooke, Inc., et al.* (Superior Court San Francisco) - Represented defendant Western Fishboat Owners Association in action for alleged price fixing conspiracy.
  30. *Isabel E. Masket v. United States Surgical Corporation, et al.* (Superior Court County of Marin) - Represented defendant U.S. Surgical Corporation in action for breach of contract resulting from dealer termination.
  31. *Oakland Tribune, Inc. v. Chronicle Publishing Company, et al.* (N.D. Cal.) - Represented plaintiff newspaper in antitrust monopolization action against competing daily newspapers. Settlement achieved for plaintiff.
  32. *In Re Convergent Technologies Securities Litigation* (N.D. Cal.) - Co-lead Counsel in representation of shareholders in class action alleging fraud in the sale of securities. Settlement achieved for class.
  33. *In re Crocker Shareholder Litigation* (N.D. Cal.) - Plaintiffs' Liaison Counsel in securities fraud action by shareholders of Crocker National Bank. Settlement achieved for class.
  34. *In Re UniOil Securities Litigation* (C.D. Cal.) - Represented officer and director defendants in securities fraud action by shareholder class. Summary judgment granted for clients.
  35. *In Re Castle & Cooke Derivative Shareholder Litigation* (N.D. Cal.) – Represented shareholders in class action alleging violations of federal securities laws and breach of fiduciary duties of directors arising from stock repurchase and merger agreement. Settlement achieved for class.
  36. *Byrum v. Amerco* (D. Ariz.) - Co-lead Counsel in representation of class of purchasers of

- investment contracts in U-Haul recreational vehicle partnerships. Settlement achieved for class.
37. *National Union Fire Insurance Bond Cases* (Los Angeles Superior Court) - Represented class of investors in action alleging violations of federal securities laws and state laws arising out of alleged "ponzi" scheme. Settlement achieved for class.
  38. *In re MiniScribe Securities Litigation* (D. Colo.) - Co-lead Counsel in securities fraud action by shareholders of MiniScribe Corporation. Settlement achieved for class.
  39. *Specialty Food Distributors, Inc. v. MacFARMS International, Inc., et al.* (N.D., Cal.), and *Doris Sternberg, v. MacFARMS International, Inc., et al.* (California Superior Court) - Represented defendant producer of macadamia nuts in federal and state class actions brought by purchasers of nut products for alleged price-fixing conspiracy; and *McCaffrey v. MacFARMS International, Inc., et al.* (California Superior Court), related suit by ex-employee for wrongful termination.
  40. *In re California X-ray Film Antitrust Litigation* (California Superior Court) -Plaintiffs' Liaison Counsel in price-fixing action brought on behalf of class of California purchasers of x-ray film products. Settlement of approximately \$4 million achieved for the class.
  41. *In re: Industrial Diamonds Antitrust Litigation* (S.D.N.Y.) - Represented nationwide class of purchasers of industrial diamond products alleging price-fixing conspiracy. Settlement of approximately \$25 million in cash plus in kind distribution achieved for the class.
  42. *Sullivan et.al. v. DB Investments, Inc., et. al.*, Civil Action Index No. 04-02819 (SRC) (D. N.J.) and *Anco Industrial Diamond Corp. v. DB Investments, Inc.* (D.N.J.) Representing class of gem-quality diamond purchasers in actions against De Beers for monopolization and price fixing. Settlement of over \$295 million achieved for the class.
  43. *Millar v. Pearce Systems, et al.* (California Superior Court) – Lead counsel for class of purchasers of securities in initial public offering for alleged violations of state securities laws. Settlement achieved for the class.
  44. *Cloverdale Meadows v. Kaiser Sand & Gravel Company, Inc., et al.* (California Superior Court) - Represented class of Northern California purchasers of concrete and rock products alleging price-fixing conspiracy. Settlement achieved for the class.
  45. *Azizian et. al. v. Federated Department Stores, et. al.* Civ. No. C 03 3359 SBA (N.D. Ca.) and *Coordination Proceeding Special Title (Rule 1550(b)) COSMETICS CASES* (California Superior Court) – Member of Plaintiffs' Executive Committee in an action on behalf of a nationwide class of purchasers of cosmetics products alleging a conspiracy among manufacturers and retailers of department store cosmetics, including Federated Department Stores and Estee Lauder Corporation, to prevent discounting from list prices. Settlement valued at \$175 million, plus \$24 million in attorneys' fees and costs given final approval by District Court.

46. *Coordination Proceeding Special Title (Rule 1550(b)) VITAMIN CASES* (California Superior Court) – Member of Plaintiffs’ Executive Committee in price-fixing action brought on behalf of a class of California purchasers of vitamin products. Settlement of over \$100 million achieved for the classes.
47. *In Re Sorbates Direct Purchaser Antitrust Litigation*, Master File No. C 98-4886 CAL (N.D. Cal.) – Represented class of sorbates purchasers in price-fixing action. Settlement of approximately \$92 million achieved for the class.
48. *The State Of Oregon, By And Through The Oregon Public Employees Retirement Board v. McKesson HBOC, Inc., et. al.*, Master File No. 307619 (California Superior Court) – Representing governmental entity plaintiff in securities fraud case arising from merger of the McKesson Corporation with HBOC, Inc. Settlement achieved.
49. *Coordination Proceedings Special Title (Rule 1550(B), MICROSOFT CASES*, Case No. J.C.C.P. No. 4106 (California Superior Court) – Member of Plaintiffs’ Executive Committee in monopolization case brought on behalf of a certified class of indirect purchasers of Microsoft operating system and applications software. Settlement of \$1.1 billion plus \$101 million in attorneys’ fees and costs approved by Superior Court.
56. *Coordination Proceedings Special Title (Rule 1550(B), DRAM CASES*, Case No. J.C.C.P. No. 4265 (California Superior Court) – Liaison Counsel in price-fixing case brought on behalf of a nationwide class of indirect purchasers of random access memory chips. Settlements of approximately \$300 million achieved pending court approval (see, no. 62, below.)
57. *Coordination Proceedings Special Title (Rule 1550(B), POLYESTER STAPLE CASES*, Case No. J.C.C.P. No. 4278 (California Superior Court) – Member of Plaintiffs’ Executive Committee in price-fixing case brought on behalf of a California class of indirect purchasers of polyester staple. Settlement achieved.
58. *Coordination Proceedings Special Title (Rule 1550(B), AUTOMOBILE ANTITRUST CASES, I, II*, Case No. J.C.C.P. Nos. 4298 and 4303 (California Superior Court) – Member of Plaintiffs’ Executive Committee in price-fixing case brought on behalf of a California class of indirect purchasers.
59. *Hayward Area Planning Association, et. al. v. Gale Norton, as Secretary of the Interior, et. al.*, Case No. c 00-04211 SI (N.D.Ca.) - Represented real party in interest Hayward 1900, Inc., the owner and developer of a approximately 2000 acre tract of land on Walpert Ridge in an action brought under the Environmental Protection Act challenging the biological opinion and incidental take permits for the project.
60. *Hayward Area Planning Association et. al. v. City of Hayward et. al.*, Case No. 2002069185 (Alameda County Superior Court) - Represented real party in interest Hayward 1900, Inc., the owner and developer of a approximately 2000 acre tract of land on Walpert Ridge in an action brought under the California Environmental Quality Act challenging the City of Hayward’s EIR and development agreement with Hayward 1900.

61. *Fairhaven Power Company v. Encana Corporation, et.al.*, Civ. F-04-6256 OWW LJO (E.D. Cal.) – Representing class of purchasers of natural gas in price-fixing action. Settlement achieved.
62. *In Re Dynamic Access Memory (DRAM) Antitrust Litigation*, MDL 1486 (N.D.Cal.), Plaintiffs’ Co-Lead Counsel in price-fixing litigation against the major international manufacturers of DRAM. The indirect purchasers have entered into settlements of approximately \$300 million with defendants.
63. *In Re Static Random Access Memory (SRAM) Antitrust Litigation*, MDL 1819 (N.D. Cal.), member of Plaintiffs’ Executive Committee in indirect purchaser price-fixing class action against the major international manufacturers of SRAM.
64. *In Re TFT-LCD (Flat Panel) Antitrust Litigation*, MDL 1827 (N.D. Cal.), member of Plaintiffs’ Executive Committee in indirect purchaser price-fixing class action litigation against the major international manufacturers of TFT-LCD Flat Panel screens.
65. *In Re Flash Memory Antitrust Litigation*, MDL 1852 (N.D. Cal.), member of Plaintiffs’ Executive Committee in indirect purchaser price-fixing class action litigation against the major international manufacturers of Flash Memory devices.
66. *Stonebrae L.P. v. Toll Bros, Inc., et al.*, Case No. 08-CV-00221 EMC (N.D. Cal.), representing plaintiff in litigation involving real estate development of over 2,000 acres overlooking San Francisco Bay.

## **EXHIBIT B**

Zelle Hofmann Voelbel & Mason LLP  
44 Montgomery Street - Suite 3400  
San Francisco, CA 94104

1 Josef D. Cooper (53015)  
Tracy R. Kirkham (66913)  
2 John D. Bogdanov (215830)  
COOPER & KIRKHAM, P.C.  
3 357 Tehama Street, Second Floor  
San Francisco, CA 94103  
4 Telephone: (415) 788-3030  
Facsimile (415) 882-7040  
5 E-mail: jdc@coopkirk.com  
trk@coopkirk.com  
6 jdb@coopkirk.com

7 Attorneys for Plaintiffs and the Class

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 CITY AND COUNTY OF SAN FRANCISCO  
10 UNLIMITED JURISDICTION

11 COORDINATION PROCEEDING  
12 SPECIAL TITLE (RULE 1550(b))

13 AUTOMOBILE ANTITRUST  
14 CASES I AND II

15 This Document Relates to:  
16 All Actions

) Judicial Council Coordination  
) Proceeding Nos. 4298 and 4303

) **DECLARATION OF JOSEF D.  
) COOPER OF COOPER &  
) KIRKHAM, P.C. IN SUPPORT OF  
) PLAINTIFFS' MOTION FOR  
) ATTORNEYS' FEES AND COSTS**

) Date: January 5, 2012  
) Time: 9:30 a.m.  
) Dept.: 304  
) Honorable Richard A. Kramer  
) Coordination Trial Judge

1 I, JOSEF D. COOPER, declare as follows:

2 1. I am a member in good standing of the State Bar of California, and a partner  
3 of COOPER & KIRKHAM, P.C. I have personal knowledge of the facts set forth in this  
4 declaration and, if called as a witness, I could and would testify to them, except where I  
5 specify that I am declaring on information and belief, in which case I am informed and  
6 believe the facts to be true. I submit this declaration in support of plaintiffs' motion for  
7 attorneys' fees and costs.

8 2. This firm is counsel of record for plaintiffs Laurance De Vries and Joshua  
9 Chen. The underlying case, prior to coordination in the J.C.C.P. proceedings, was filed in  
10 San Francisco County Superior Court and assigned case number 03-418405.

11 3. Cooper & Kirkham, P.C. has prosecuted this litigation solely on a contingent-  
12 fee basis, and has been completely at risk that it would not receive any compensation for  
13 prosecuting claims against the defendants. While Cooper & Kirkham, P.C. devoted its time  
14 and resources to this matter, it has foregone other legal work for which it would have been  
15 compensated.

16 4. Cooper & Kirkham serves as a member of the Executive Committee in the  
17 California litigation and as a member of the Federal and State Coordinating Committee,  
18 which coordinated all activity with the plaintiffs' counsel in the MDL litigation. A brief  
19 description of the background and experience of my firm, and the attorneys who worked on  
20 this matter, is contained in the firm resume attached hereto as Exhibit 1 and incorporated  
21 herein by this reference.

22 5. During the course of this litigation, my firm took a leading role and has been  
23 involved in all aspects of the coordinated activities in this Court and before the Hon. D.  
24 Brock Hornby in the MDL proceeding. I was one of only three counsel from the California  
25 litigation to represent the California plaintiffs by appearing before Judge Hornby.  
26 Specifically, my firm played a leading role in the following activities on behalf of the  
27 plaintiffs:

28 \_\_\_\_\_  
J.C.C.P. Nos. 4298 and 4303

- 1 • Establishing an overall strategy for the conduct and settlement of the litigation, and  
2 participating directly in all federal and state court settlement negotiations and  
3 settlement approval process.
- 4 • The design and implementation of the computerized document review system used by  
5 plaintiffs to organize, review, code and annotate all of the documents produced by the  
6 defendants in the coordinated discovery.
- 7 • The negotiation with the defendants regarding the production of documents and e-  
8 discovery and the preparation for and taking of depositions pursuant to Rule 30(b)(6),  
9 F.R.Civ.P., covering, among other things, defendants' document depositories,  
10 retention policies and electronic document storage systems.
- 11 • Leading all aspects of litigating against defendant Nissan North America, Inc.  
12 ("Nissan"), including document review and depositions, as well as resisting Nissan's  
13 various federal and state motions for summary judgment.
- 14 • Plaintiffs' motion practice, including working with plaintiffs' experts, drafting  
15 plaintiffs' motions for class certification and notice, both in this Court and the MDL  
16 Court, and plaintiffs' opposition to defendants' motions for summary judgment and  
17 *Daubert* motions.

18  
19  
20  
21 6. All attorneys and paralegals at Cooper & Kirkham, P.C. are instructed to  
22 maintain contemporaneous time records reflecting the time spent on this and other matters.  
23 The total number of hours spent on this litigation by my firm is 6,317.70 hours through  
24 November 22, 2011. The total lodestar amount for my firm calculated at the firm's billing  
25 rates in effect at the time the services were performed, through November 22, 2011, is  
26 \$3,279,451.00. A summary report of my firm's lodestar, prepared from the contemporaneous  
27 records kept in the ordinary course of business, including individuals' names, hourly rates,



## **EXHIBIT C**

**Automobile Antitrust Cases I and II**

**Time and Lodestar Report**

**COOPER & KIRKHAM, P.C.**

**Period: December 1, 2011 to June 30, 2022**

<b>NAME</b>	<b>Hourly Rate</b>	<b>Total Cumulative Hours</b>	<b>Total Cumulative Lodestar</b>
<b>PARTNERS</b>			
JOSEF D. COOPER (2011)	\$950.00	3.70	\$3,515.00
JOSEF D. COOPER (2012)	\$950.00	27.60	\$26,220.00
JOSEF D. COOPER (2013)	\$975.00	0.60	\$585.00
JOSEF D. COOPER (2014)	\$1,000.00	0.00	\$0.00
JOSEF D. COOPER (2015)	\$1,025.00	1.90	\$1,947.50
JOSEF D. COOPER (2016)	\$1,025.00	28.70	\$29,417.50
JOSEF D. COOPER (2017)	\$1,050.00	83.00	\$87,150.00
JOSEF D. COOPER (2018)	\$1,075.00	15.60	\$16,770.00
TRACY R. KIRKHAM (2011)	\$825.00	0.00	\$0.00
TRACY R. KIRKHAM (2012)	\$825.00	4.10	\$3,382.50
TRACY R. KIRKHAM (2013)	\$875.00	0.10	\$87.50
TRACY R. KIRKHAM (2014)	\$900.00	0.00	\$0.00
TRACY R. KIRKHAM (2015)	\$925.00	0.50	\$462.50
TRACY R. KIRKHAM (2016)	\$925.00	5.80	\$5,365.00
TRACY R. KIRKHAM (2017)	\$950.00	7.50	\$7,125.00
TRACY R. KIRKHAM (2018)	\$975.00	5.80	\$5,655.00
TRACY R. KIRKHAM (2019)	\$1,000.00	3.30	\$3,300.00
TRACY R. KIRKHAM (2020)	\$1,000.00	6.10	\$6,100.00
TRACY R. KIRKHAM (2021)	\$1,050.00	301.80	\$316,890.00
TRACY R. KIRKHAM (2022)	\$1,075.00	114.20	\$122,765.00

JOHN D. BOGDANOV (2017)	\$700.00	376.00	\$263,200.00
JOHN D. BOGDANOV (2018)	\$725.00	22.30	\$16,167.50
JOHN D. BOGDANOV (2019)	\$750.00	10.00	\$7,500.00
JOHN D. BOGDANOV (2020)	\$750.00	27.40	\$20,550.00
JOHN D. BOGDANOV (2021)	\$775.00	203.20	\$157,480.00
<b>Total Partners</b>		<b>1,249.20</b>	<b>1,101,635.00</b>

<b>ASSOCIATES</b>			
JOHN D. BOGDANOV (2011)	\$550.00	7.30	\$4,015.00
JOHN D. BOGDANOV (2012)	\$550.00	32.10	\$17,655.00
JOHN D. BOGDANOV (2013)	\$600.00	2.10	\$1,260.00

**Automobile Antitrust Cases I and II**

**Time and Lodestar Report**

**COOPER & KIRKHAM, P.C.**

**Period: December 1, 2011 to June 30, 2022**

<b>NAME</b>	<b>Hourly Rate</b>	<b>Total Cumulative Hours</b>	<b>Total Cumulative Lodestar</b>
JOHN D. BOGDANOV (2014)	\$610.00	0.00	\$0.00
JOHN D. BOGDANOV (2015)	\$625.00	0.40	\$250.00
JOHN D. BOGDANOV (2016)	\$625.00	44.70	\$27,937.50
<b>Total Associates</b>		<b>86.60</b>	<b>\$51,117.50</b>
<b>TOTALS</b>		<b>1,335.80</b>	<b>\$1,152,752.50</b>

## **EXHIBIT D**

**Automobile Antitrust Cases I and II**  
**Expense Report**  
**[FIRM NAME]**

**Period: December 1, 2011 to June 30, 2022**

<b>Expense Description</b>	<b>Cumulative Expenses</b>
Litigation Fund Assessment	\$45,000.00
Computer Research	\$8,875.88
Court Fees	\$49.70
Court Reporters/Transcripts/Videographer	
Miscellaneous	
Postage/Express Delivery/Messenger	
Photocopying	
Service of Process Fees	
Telephone/Facsimile	
Witness Fees	
<b>TOTAL EXPENSES</b>	<b>\$53,925.58</b>

1 R. Alexander Saveri (173102)  
2 Geoffrey C. Rushing (126910)  
3 SAVERI & SAVERI, INC.  
4 706 Sansome Street  
5 San Francisco, CA 94111  
6 Telephone: (415) 217-6810  
7 Facsimile: (415) 217-6813

8 *Attorneys for Plaintiffs*

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
10 **FOR THE COUNTY OF SAN FRANCISCO**  
11 **UNLIMITED JURISDICTION**

12 COORDINATION PROCEEDING SPECIAL )  
13 TITLE (Cal. R. Ct. 1550(b)) )

Judicial Council Coordination  
Proceeding Nos. No. 4298 and 4303

14 AUTOMOBILE ANTITRUST CASES I, II )

CJC-03-004298 and CJC-03-004303

15 **CLASS ACTION**

16 \_\_\_\_\_ )  
17 This document relates to: )  
18 All Actions )

**DECLARATION OF R. ALEXANDER  
SAVERI IN SUPPORT OF MOTION  
FOR AWARD OF ATTORNEYS' FEES,  
REIMBURSEMENT OF EXPENSES,  
AND PROVISION OF SERVICE  
AWARDS**

19 Date: October 5, 2022

20 Time: 10:00 a.m.

21 Dept: 306

22 Judge: Honorable Anne-Christine Massullo

23 Date Complaint Filed: October 6, 2003  
24 (Consolidated Amended Class Action  
25 Complaint)

1 I, R. Alexander Saveri, declare as follows:

2 1. I am the Managing Partner of Saveri & Saveri, Inc. (the "Saveri Firm"). I submit this  
3 declaration in support of the Plaintiffs' Motion for an Award of Attorneys' Fees, Reimbursement of  
4 Expenses, and Provision of Service Awards.

5 2. My firm represents plaintiff W. Scott Young. A brief description of my firm is attached  
6 as Exhibit A and incorporated herein by reference.

7 3. During the course of this litigation, my firm has been involved in numerous activities on  
8 behalf of Plaintiffs and the Class. Previously, in connection with the settlement reached with General  
9 Motors of Canada, Ltd., my firm submitted a declaration describing the work we accomplished on  
10 behalf of Plaintiffs and the Class from inception of the case to November 30, 2011. A copy of my  
11 firm's prior declaration, without exhibits, is attached hereto as Exhibit B and incorporated herein.

12 4. Since November 30, 2011, my firm has continued its work on behalf of Plaintiffs and the  
13 Class. The Saveri Firm has continuously participated in the litigation of this case and the  
14 representation of W. Scott Young. The Saveri Firm prepared and defended plaintiff W. Scott Young's  
15 deposition – one of a few class representatives who has remained during the entirety of the case. The  
16 Saveri Firm participated in settlement discussions with Ford, as well as mediations leading to the final  
17 Ford settlement. The Saveri Firm reviewed and edited numerous briefs, motions and appeals. The  
18 Saveri firm participated in the trial preparations of Ford and was solely responsible for the preparing  
19 and deposing of Ford's two testifying experts – Professors Murphy and Marvel.

20 5. The schedule attached as Exhibit C, and incorporated herein, is a detailed summary of the  
21 amount of time spent by my firm's partners, attorneys and professional support staff who were involved  
22 in this litigation. The lodestar calculation is based on my firm's billing rates in effect at the time  
23 services were performed. Exhibit C was prepared from contemporaneous time records regularly  
24 prepared and maintained by my firm. The hourly rates for my firm's partners, attorneys and  
25 professional support staff included in Exhibit C are or were at the time the usual and customary hourly  
26 rates charged for their services in similar complex class actions.



# EXHIBIT A

**SAVERI & SAVERI, INC.**  
706 SANSOME STREET  
SAN FRANCISCO, CALIFORNIA 94111  
Telephone: (415) 217-6810  
Facsimile: (415) 217-6813  
Website: www.saveri.com

**SAVERI & SAVERI, INC.**, an AV-rated law firm, was established in 1959. The firm engages in antitrust and securities litigation, product defect cases, and in general civil and trial practice. For over sixty years the firm has specialized in complex, multidistrict, and class action litigation.

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The Saveri Firm has extensive experience in antitrust class action litigation and trial experience, including leadership roles in many of the major antitrust class actions in the Northern District of California. In the last twenty-five years, representative leadership positions include: *In re Citric Acid Antitrust Litig.*, MDL No. 1092, Case No. C-95-2963 FMS (N.D. Cal.) (Smith, J.) (appointed Co-Lead Counsel); *In re Methionine Antitrust Litigation*, MDL No. 1311, Case No. C-99-3491-CRB (N.D. Cal.) (Breyer, J.) (appointed Co-Lead Counsel); *In re Dynamic Random Access Memory Antitrust Litigation*, MDL No. 1486, Case No. 02-md-01486-PHJ (N.D. Cal.) (Hamilton, J.) (“*DRAM P*”) (appointed Co-Lead Counsel); *In re Tableware Antitrust Litigation*, Case No. C-04-3514 VRW (N.D. Cal.) (Walker, J.) (appointed Chair of Plaintiffs’ Counsel); *In re Static Random Access Memory (SRAM) Antitrust Litigation*, MDL No. 1819, Case No. 07-cv-01819-CW (N.D. Cal.) (Wilken, J.) (appointed to Steering Committee); *In re Flash Memory Antitrust Litigation*, No. 4:07-CV-00086 SBA (N.D. Cal.) (Armstrong, J.) (appointed Co-Lead Counsel); *In re TFT-LCD (Flat Panel) Antitrust Litigation*, MDL No. 1827, Case No. 07-md-01827 (N.D. Cal.) (Illston, J.) (member of plaintiffs’ executive committee); *In re Cathode Ray Tube (CRT) Antitrust Litigation*, MDL No. 1917, Case No. 07-cv-5944-JST (N.D. Cal.) (Tigar, J.) (appointed Lead Counsel); *In re California Title Insurance Antitrust Litigation*, Case No. 08-01341-JSW (N.D. Cal.) (White, J.) (appointed Co-Lead Counsel); *In re Optical Disk Drive (ODD) Antitrust Litigation*, MDL No. 2143, Case No. 10-md-02143-RS (N.D. Cal.) (Seeborg, J.) (appointed Chair of Plaintiffs’ Executive Committee); *In re Lithium Ion Batteries Antitrust Litigation*, MDL No. 2420, Case No. 13-md-2420-YGR (N.D. Cal.) (Gonzalez Rogers, J.) (appointed Co-Lead Counsel); *In re Dynamic Random Access Memory (DRAM) Direct Purchaser Antitrust Litigation*, No. 18-cv-3805-JSW-KAW (N.D. Cal.) (White, J.) (“*DRAM IP*”) (appointed Co-Lead Counsel); *Cameron v. Apple Inc.*, No. 4:19-cv-03074-YGR (N.D. Cal.) (Gonzalez Rogers, J.) (appointed to Plaintiffs’ Executive Committee).

In addition to these cases, the Saveri Firm has been appointed to lead major antitrust class actions in federal courts throughout the country. The Saveri Firm is known for its antitrust class action experience, dedication to vigorously prosecuting its cases, and working collaboratively and efficiently with other counsel.

## PARTNERS

**R. ALEXANDER SAVERI**, born San Francisco, California, July 22, 1965; admitted to bar, 1994, California and U.S. District Court, Northern District of California; 1995, U.S. Court of Appeals, Ninth Circuit; 2000, U.S. District Court, Southern District of California and U.S. District Court, Central District of California; 2012, U.S. Court of Appeals, Third Circuit. *Education*: University of Texas at Austin (B.B.A., Finance 1990); University of San Francisco School of Law (J.D., 1994), University of San Francisco Maritime Law Journal 1993–1994. *Member*: State Bar of California; American Bar Association (Member, Antitrust Section); Association of Trial Lawyers of America; University of San Francisco Inn of Court; National Italian American Bar Association; University of San Francisco Board of Governors (2003–2006); Legal Aid Society (Board of Directors).

Mr. Saveri is the managing partner of Saveri & Saveri, Inc. After graduating from law school, he began working for his father and uncle at Saveri & Saveri, P.C. on antitrust and complex litigation. The current practice of Saveri & Saveri, Inc. emphasizes class action antitrust litigation.

He has an AV Preeminent Peer Review Rating on Martindale-Hubbell and was named a “Super Lawyer for Northern California” in 2019 and 2020.

Mr. Saveri has served or is serving as court-appointed Co-Lead or Liaison Counsel in the following cases:

*In re Lithium Ion Batteries Antitrust Litigation*, MDL No. 2420, Case No. 13-md-2420-YGR, United States District Court, Northern District of California (antitrust class action on behalf of direct purchasers of lithium ion batteries).

*In re California Title Insurance Antitrust Litigation*, Case No. 08-01341 JSW, United States District Court, Northern District of California (antitrust class action involving federal antitrust laws and California statutory law for unlawful practices concerning payments for title insurance in California).

*In re Intel Corp. Microprocessor Antitrust Litigation*, MDL No. 1717, United States District Court, District of Delaware (antitrust class action on behalf of all consumers in the United States that indirectly purchased Intel x86 microprocessors).

*In re Vitamin C Antitrust Litigation*, MDL No. 1738, United States District Court, Eastern District of New York (antitrust class action on behalf of all California indirect purchasers of Vitamin C).

*In re Polychloroprene Antitrust Cases*, J.C.C.P. No. 4376, Los Angeles Superior Court (antitrust class action on behalf of all California indirect purchasers of polychloroprene rubber).

*In re NBR Cases*, J.C.C.P. No. 4369, San Francisco Superior Court (antitrust class action on behalf of all California indirect purchasers of acrylonitrile-butadiene rubber (“NBR”)).

*Carpinelli v. Boliden AB*, Master File No. CGC-04-435547, San Francisco Superior Court (antitrust class action on behalf of all California indirect purchasers of copper tubing).

***Competition Collision Center, LLC v. Crompton Corporation***, Case No. CGC-04-431278, San Francisco Superior Court (antitrust class action on behalf of all California indirect purchasers of plastic additives).

***In re Urethane Cases***, J.C.C.P. No. 4367, San Francisco Superior Court (antitrust class action on behalf of all California indirect purchasers of urethane and urethane chemicals).

***The Harman Press v. International Paper Co.***, Master File No. CGC-04-432167, San Francisco Superior Court (antitrust class action on behalf of all California indirect purchasers of publication paper).

***In re Label Stock Cases***, J.C.C.P. No. 4314, San Francisco Superior Court (antitrust class action on behalf of all California indirect purchasers of high pressure label stock).

***Richard Villa v. Crompton Corporation***, Master File No. CGC-03-419116, San Francisco Superior Court (antitrust class action on behalf of California indirect purchasers of EPDM).

***Russell Reidel v. Norfalco LLC***, Master File No. CGC-03-418080, San Francisco Superior Court (antitrust class action on behalf of California indirect purchasers of sulfuric acid).

***Smokeless Tobacco Cases I-IV***, J.C.C.P. Nos. 4250, 4258, 4259 and 4262, San Francisco Superior Court (certified antitrust class action on behalf of California consumers of smokeless tobacco products).

***Electrical Carbon Products Cases***, J.C.C.P. No. 4294, San Francisco Superior Court (Private Entity Cases) (antitrust class action on behalf of California indirect purchasers of electrical carbon products).

***The Vaccine Cases***, J.C.C.P. No. 4246, Los Angeles Superior Court (medical monitoring class action on behalf of children exposed to mercury laden vaccines).

***In re Laminate Cases***, J.C.C.P. No. 4129, Alameda Superior Court (antitrust class action on behalf of California indirect purchasers of high pressure laminate).

***Compact Disk Cases***, J.C.C.P. No. 4123, Los Angeles Superior Court (antitrust class action on behalf of California consumers of prerecorded compact disks).

***Sorbate Prices Cases***, J.C.C.P. No. 4073, San Francisco Superior Court (antitrust class action on behalf of California indirect purchasers of sorbate).

***In re Flat Glass Cases***, J.C.C.P. No. 4033, San Francisco Superior Court (antitrust class action on behalf of California indirect purchasers of flat glass products).

***Vitamin Cases***, J.C.C.P. No. 4076, San Francisco Superior Court (antitrust class action on behalf of California indirect purchasers of vitamins).

***California Indirect Purchaser MSG Antitrust Cases***, Master File No. 304471, San Francisco Superior Court (antitrust class action on behalf of California indirect purchasers of Monosodium Glutamate).

***In re Aspartame Indirect Purchaser Antitrust Litigation***, Master Docket No. 06-1862-LDD, United States District Court, Eastern District of Pennsylvania (antitrust class action on behalf of California indirect purchasers of aspartame).

**GM Car Paint Cases**, J.C.C.P. No. 4070, San Francisco Superior Court (class action on behalf of all California owners of General Motors vehicles suffering from paint delamination).

**In re TelexFree Securities Litigation**, Master Docket No. 4:14-md-02566-TSH (appointed to the executive committee in one of the largest pyramid scheme cases in history).

**GEOFFREY C. RUSHING**, born San Jose, California, May 21, 1960; admitted to bar, 1986, California and U.S. District Court, Northern District of California; 2017, U.S. Court of Appeals, Ninth Circuit. *Education*: University of California, Berkeley (A.B. with honors, 1982); University of California, Berkeley, Boalt Hall (J.D., 1986). *Member*: State Bar of California. *Honors & Distinctions*: Named a “Super Lawyer for Northern California” in 2020-2022.

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### ASSOCIATES

**MATTHEW D. HEAPHY**, born Hartford, Connecticut, December 4, 1974, admitted to bar, 2003, California and U.S. District Court, Northern District of California; 2017, U.S. Court of Appeals, Ninth Circuit. *Education*: Wesleyan University (B.A., 1997); University of San Francisco School of Law (J.D., *cum laude*, 2003), University of San Francisco Law Review, International & Comparative Law Certificate, with Honors. *Publications*: Comment: The Intricacies of Commercial Arbitration in the United States and Brazil: A Comparison of Two National Arbitration Statutes, 37 U.S.F. L. Rev. 441 (2003); M. Heaphy & Co-Author, Does the United States Really Prosecute its Servicemembers for War Crimes? Implications for Complementarity Before the ICC, 21 Leiden J. Int’l L. 165 (March 2008); M. Heaphy, The United States and the 2010 Review Conference of the Rome Statute of the ICC, 81 Int’l Rev. Penal L. 77 (2010). *Member*: State Bar of California. *Languages*: French, Italian.

**MELISSA SHAPIRO**, born Los Angeles, California, May 27, 1980, admitted to bar, 2006, California and U.S. District Court, Northern and Central Districts of California. *Education*: University of Southern California (B.A., 2002); Pepperdine University School of Law (J.D., 2005), Pepperdine Law Review. *Publication*: Comment: Is Silica the Next Asbestos? An Analysis of the Sudden Resurgence of Silica Lawsuit Filings, 32 Pepp. L. Rev. 983 (2005).

**DAVID HWU**, born Stanford, California, November 20, 1985; admitted to bar, 2012, California and U.S. District Court, Northern District of California. *Education*: University of California, Berkeley (B.A., 2008); University of San Francisco School of Law (J.D., 2011). *Member*: State Bar of California. *Languages*: Chinese, Japanese. *Honors & Distinctions*: Named to the Super Lawyers Northern California Rising Stars List, 2018–2020.

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### LEGAL ASSISTANTS

**ALYSSA WEAVER** (Paralegal), born San Mateo, California, August 10, 1989. *Education*: City College of San Francisco (A.S. 2015).44

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## **FOUNDING PARTNERS**

From the firm's founding in 1959, Saveri & Saveri, Inc. activity participated in numerous antitrust and class action cases.

**GUIDO SAVERI**, born San Francisco, California, June 10, 1925; admitted to bar, 1951, California; died October 18, 2021. *Education*: University of San Francisco (B.S., *summa cum laude*, 1947; LL.B., *summa cum laude*, 1950). *Member*: Bar Association of San Francisco; State Bar of California; American Bar Association (Member, Antitrust Section); Lawyers Club of San Francisco.

Mr. Saveri was a senior partner of Saveri & Saveri, Inc. He started the firm in 1959 and associated with Joseph L. Alioto, Esq. in the practice of antitrust and other corporate litigation. Between completing law school in 1951 and until forming his firm in 1959 he was associated with the law firm of Pillsbury, Madison & Sutro in San Francisco, California.

Mr. Saveri testified before the Federal Judiciary Committee on antitrust matters and lectured on antitrust matters before The Association of Trial Lawyers of America, the Federal Practice Institute, and other lawyer associations. Mr. Saveri also wrote various periodicals on antitrust topics. Mr. Saveri was named the 2007 Antitrust Lawyer of the Year by the State Bar of California's Antitrust and Unfair Competition Law Section. He has the highest rating in Martindale Hubbell, namely, "AV" and was named a "Super Lawyer for Northern California" in 2010.

From the time he started his firm in 1959, Mr. Saveri devoted practically all of his time to antitrust and other corporate and complex litigation. He actively participated in antitrust cases involving myriad industries: electronics, electrical, water meter, scrap metal, liquid asphalt, dairy products, typewriter, vanadium, pipe-fitting, grocery business, liquor, movie, animal-raising business, chemical, snack food, paper label, chrysanthemum, drug, sugar, records, industrial gas, wheelchair, rope, copper tubing, folding cartons, ocean shipping, pancreas gland, corrugated container, glass container, fine paper, food additives, prescription drugs, medical x-ray film, computer chips, and many others.

**RICHARD SAVERI**, Partner, 1951–1999.

## **CLASS ACTION LITIGATION**

The following are some additional class action cases in which Saveri & Saveri, Inc. actively participated as class counsel:

*In re NASDAQ Market-Makers Antitrust Litigation*, MDL No. 1023, United States District Court, Southern District of New York. A nationwide class action on behalf of purchasers of securities on the NASDAQ market alleging a violation of the Sherman Act for fixing the spread between the quoted buy and sell prices for the securities sold on the NASDAQ market.

***In re Potash Antitrust Litigation***, MDL No. 981, United States District Court, District of Minnesota, Third Division. A class action on behalf of all direct purchasers of potash throughout the United States alleging a horizontal price fix.

***In re Airline Ticket Commission Antitrust Litigation***, MDL No. 1058, United States District Court, District of Minnesota. A class action alleging that the major airlines conspired to fix travel agents' commission rates.

***Pharmaceutical Cases I, II & III***, J.C.C.P. Nos. 2969, 2971 & 2972, San Francisco Superior Court. A certified class action on behalf of all California consumers against the major drug manufacturers for fixing the price of all brand name prescription drugs sold in California.

***Perish v. Intel Corp.***, Civ. No. 755101, Santa Clara Superior Court. A nationwide class action on behalf of purchasers of Intel Pentium chips alleging consumer fraud and false advertising.

***In re Carpet Antitrust Litigation***, MDL No. 1075, United States District Court, Northern District of Georgia, Rome Division. A nationwide class action on behalf of all direct purchasers of polypropylene carpet alleging a horizontal price fix.

***In re California Indirect-Purchaser Plasticware Antitrust Litigation***, Civ. Nos. 961814, 963201, 963590, San Francisco Superior Court. A class action on behalf of indirect purchasers of plasticware alleging price-fixing.

***In re Worlds of Wonder Securities Litigation***; No.C-87-5491 SC, United States District Court, Northern District of California.

***Pastorelli Food Products, Inc. v. Pillsbury Co., et al.***, No. 87C 20233, United States District Court, Northern District of Illinois.

***Red Eagle Resources Corp., et al. v. Baker Hughes Incorporated, et al.***, No. 91-627 (NWB) (Drill Bits Litigation), United States District Court, Southern District of Texas, Houston Division.

***In re Wirebound Boxes Antitrust Litigation***, MDL No. 793, United States District Court, District of Minnesota, Fourth Division. A nationwide class action on behalf of purchasers of wirebound boxes alleging a horizontal price fix.

***In re Bulk Popcorn Antitrust Litigation***, No. 3-89-710, United States District Court, District of Minnesota, Third Division. A nationwide class action on behalf of direct purchasers of bulk popcorn alleging price-fixing.

***Nancy Wolf v. Toyota Sales, U.S.A. and Related Cases***, No. C 94-1359, United States District Court, Northern District of California.

***Mark Notz v. Ticketmaster - Southern, and Related Cases***, No. 943327, San Francisco Superior Court. A consumer class action alleging a territorial allocation in violation of the Cartwright Act.

***Neve Brothers v. Potash Corp.***, No. 959867, San Francisco Superior Court. A class action alleging price-fixing on behalf of indirect purchasers of potash in California.

***In re Chrysler Corporation Vehicle Paint Litigation***, MDL No. 1239. Nationwide class action on behalf of owners of delaminating Chrysler vehicles.

*Miller v. General Motors Corp.*, Case No. 98 C 7836, United States District Court, Northern District of Illinois. Nationwide class action alleging a defective paint process which causes automobile paint to peel off when exposed to ordinary sunlight.

### ANTITRUST LITIGATION

The following list outlines some of the antitrust litigation in which the firm of Saveri & Saveri has been involved:

1. *Union Carbide & Carbon Corp. v. Nisley*, 300 F. 2d 561 (10th Cir. 1960)
2. *Continental Ore. Co. v. Union Carbide and Carbon Corp.*, 370 U.S. 690 (1962)
3. *Public Service C. of N.M. v. General Elec. Co.*, 315 F.2d 306 (10th Cir. 1963)
4. *State of Washington v. General Elec. Co.*, 246 F. Supp. 960 (W.D. Wash. 1965)
5. *Nurserymen's Exchange v. Yoder Brothers, Inc.*, No. 70-1510 (N.D. Cal. 1970)
6. *Bel Air Markets v. Foremost Dairies Inc.*, 55 F.R.D. 538 (N.D. Cal. 1972)
7. *In re Western Liquid Asphalt Case*, 487 F.2d 191 (9th Cir. 1973)
8. *In re Gypsum Cases*, 386 F. Supp. 959 (N.D. Cal. 1974)
9. *City of San Diego v. Rockwell Manufacturing Co.*
10. *In re Private Civil Treble Damage Actions Against Certain Snack Food Companies*, Civil No. 70-2121-R (C.D. Cal. 1970)
11. *In re Sugar Antitrust Litigation*, MDL No. 201, 559 F.2d 481 (9th Cir. 1977)
12. *Sun Garden Packing Co. v. International Paper Co.*, No. C-72-52 (N.D. Cal. 1972)
13. *In re Folding Carton Antitrust Litigation*, MDL No. 250 (E.D. Ill.)
14. *In re Coordinated Pretrial Proceedings in Antibiotic Antitrust Actions*, No. 4-72 Civ 435, 410 F. Supp. 706 (D. Minn. 1972)
15. *Building Service Union Health & Welfare Trust Fund v. Chas. Pfizer & Company*, Nos. 4-71 Civ. 435, 4-71 Civ. 413 (D. Minn. 1971)
16. *In re Fine Paper Antitrust Litigation*, MDL No. 323 (E.D. Pa.)
17. *In re Armored Car Antitrust Litigation*, CA No. 78-139A, 472 F. Supp. 1357 (N.D. Ga. 1978)
18. *In re Ocean Shipping Antitrust Litigation*, MDL No. 395, 500 F. Supp. 1235 (3d Cir. 1984)
19. *In re Corn Derivatives Antitrust Litigation*, MDL No. 414 (D.N.J. 1980)
20. *In re Coconut Oil Antitrust Litigation*, MDL No. 474 (N.D. Cal.)
21. *Garside v. Everest & Jennings Intern.*, No. S-80-82 MLS, 586 F. Supp. 389 (E.D. Cal. 1984)
22. *Lorries Travel & Tours, Inc. v. SFO Airporter Inc.*, 753 F.2d 790 (9th Cir. 1985)

23. *O'Neill Meat Co. v. Eli Lilly and Company*, No. 30 C 5093 (N.D. Ill.)
24. *In re Records and Tapes Antitrust Litigation*, No.82 C 7589, 118 F.R.D. 92 (N.D. Ill. 1987)
25. *In re Industrial Gas Antitrust Litigation*, No. 80 C 3479, 100 F.R.D. 280 (N.D. Ill. 1987)
26. *Matter of Superior Beverages/Glass Container Consolidated Pretrial*, No. 83-C512, 137 F.R.D. 119 (N.D. Ill. 1990)
27. *Big D. Building Corp. v. Gordon W. Wattles*, MDL No. 652
28. *In re Insurance Antitrust Litigation*, MDL No. 767 (N.D. Cal.)
29. *In re Wirebound Boxes Antitrust Litigation*, MDL No. 793 (D. Minn.)
30. *In re Domestic Air Transp. Antitrust Litigation*, MDL No. 861, 144 F.R.D. 421 (N.D. Ga. 1992)
31. *In re Infant Formula Antitrust Litigation*, MDL No. 878 (N.D. Fla.)
32. *Finnegan v. Campeau Corp.*, 915 F.2d 824 (2d Cir. 1990)
33. *In re Carbon Dioxide Industry Antitrust Litigation*, MDL No. 940, 155 F.R.D. 209 (M.D. Fla.)
34. *In re Medical X-Ray Film Antitrust Litigation*, No. CV 93-5904 (E.D.N.Y. 1993)
35. *In re Bulk Popcorn Antitrust Litigation*, 792 F. Supp. 650 (D. Minn. 1992)
36. *In re Baby Food Antitrust Litigation*, No. 92-5495 (NHP) (D.N.J. 1992)
37. *In re Potash Antitrust Litigation*, MDL No. 981 (D. Minn.)
38. *In re Brand Name Prescription Drugs Antitrust Litigation*, MDL No. 997, 94 C 897 (N.D. Ill.)
39. *In re Citric Acid Antitrust Litigation*, MDL No. 1092 (N.D. Cal.)
40. *In re NASDAQ Market-Makers Antitrust Litigation*, MDL No. 1023 (S.D.N.Y.)
41. *In re Airline Ticket Commission Antitrust Litigation*, MDL No. 1058 (D. Minn.)
42. *Pharmaceutical Cases I, II & III*, J.C.C.P. Nos. 2969, 2971 & 2972, San Francisco Superior Court
43. *In re Carpet Antitrust Litigation*, MDL No. 1075 (N.D. Ga.)
44. *In re California Indirect-Purchaser Plastic Ware Antitrust Litigation*, Nos. 961814, 963201, 963590, San Francisco Superior Court
45. *Pastorelli Food Products, Inc. v. Pillsbury Co.*, No. 87C 20233 (N.D. Ill.)
46. *Red Eagle Resources Corp. v. Baker Hughes Inc.*, No. 91-627 (NWB) (Drill Bits Litigation) (S.D. Tex.)
47. *Mark Notz v. Ticketmaster - Southern, and Related Cases*, No. 943327, San Francisco Superior Court
48. *Neve Brothers. v. Potash Corp.*, No. 959867, San Francisco Superior Court

49. *Food Additives (Citric Acid) Cases*, J.C.C.P. No. 3625, Master File No. 974-120
50. *Biljac Associates v. First Interstate Bank*, No. 824-289, San Francisco Superior Court
51. *Diane Barela v. Ralph's Grocery Co.*, No. BC070061, Los Angeles Superior Court
52. *Leslie K. Bruce v. Gerber Products Co.*, No. 948-857, San Francisco Superior Court
53. *In re California Indirect Purchaser Medical X-Ray Film Antitrust Litigation*, Master File No. 960886
54. *Lee Bright v. Kanzaki Specialty Papers, Inc.*, No. 963-598, San Francisco Superior Court
55. *Neve Brothers v. Potash Corporation of America*, No. 959-767, San Francisco Superior Court
56. *Gaehwiler v. Sunrise Carpet Industries Inc.*, No. 978345, San Francisco Superior Court
57. *In re Commercial Tissue Products Antitrust Litigation*, MDL No. 1189 (N.D. Fla.)
58. *Sanitary Paper Cases I and II*, J.C.C.P. Nos. 4019 & 4027, San Francisco Superior Court
59. *Gaehwiler v. Aladdin Mills, Inc.*, No. 300756, San Francisco Superior Court
60. *In re Flat Glass Antitrust Litigation*, MDL No. 1200 (3d Cir.)
61. *Flat Glass Cases*, J.C.C.P. No. 4033, San Francisco Superior Court
62. *Sorbate Prices Cases*, J.C.C.P. No. 4073, San Francisco Superior Court
63. *In re Stock Options Trading Antitrust Litigation*, MDL No. 1283 (S.D.N.Y.)
64. *In re Vitamin Antitrust Litigation*, MDL No. 1285 (D.D.C.)
65. *In re Sorbates Direct Purchaser Antitrust Litigation*, Master File No. C 98-4886 CAL (N.D. Cal. 1998)
66. *Vitamin Cases*, J.C.C.P. No. 4076, San Francisco Superior Court
67. *In re PRK/Lasik Consumer Litigation*, Master File No. CV 772894, Santa Clara Superior Court
68. *In re Nine West Shoes Antitrust Litigation*, Master File No. 99-CV-0245 (BDP) (S.D.N.Y. 1999)
69. *Food Additives (HFCS) Cases*, J.C.C.P. No. 3261, Stanislaus County Superior Court
70. *In re Toys "R" Us Antitrust Litigation*, MDL No. 1211 (E.D.N.Y.)
71. *Cosmetics Cases*, J.C.C.P. No. 4056, Marin County Superior Court
72. *In re Methionine Antitrust Litigation*, MDL No. 1311 (N.D. Cal.)
73. *Bromine Cases*, J.C.C.P. No. 4108
74. *Fu's Garden Restaurant v. Archer-Daniels-Midland*, No. 304471, San Francisco Superior Court

75. *Thomas & Thomas Rodmakers, Inc. v. Newport Adhesives and Composites, Inc.*, No. CV 99-07796 GHK (C.D. Cal. 1999)
76. *In re Monosodium Glutamate Antitrust Litigation*, MDL No. 1328 (D. Minn.)
77. *California Indirect Purchaser Auction House Cases*, Master Case No. 310313, San Francisco Superior Court
78. *In re Cigarette Antitrust Litigation*, MDL No. 1342 (N.D. Ga.)
79. *Cigarette Price Fixing Cases*, J.C.C.P. No. 4114, Alameda County Superior Court
80. *Microsoft Cases*, J.C.C.P. No. 4106, San Francisco Superior Court
81. *Compact Disk Cases*, J.C.C.P. No. 4123, Los Angeles Superior Court
82. *In re Compact Disc Minimum Advertised Price Antitrust Litigation*, MDL No. 1361 (D. Me.)
83. *In re Ciprofloxacin Hydrochloride Antitrust Litigation*, MDL No. 1383 (E.D.N.Y.)
84. *In re Buspirone Antitrust Litigation*, MDL No. 1413 (S.D.N.Y.)
85. *In re K-Durr Prescription Drug Antitrust Litigation*, MDL No. 1419
86. *Carbon Cases*, J.C.C.P. Nos. 4212, 4216 and 4222, San Francisco Superior Court
87. *In re Polychloroprene Antitrust Cases*, J.C.C.P. No. 4376, Los Angeles Superior Court
88. *In re Urethane Cases*, J.C.C.P. No. 4367, San Francisco Superior Court
89. *The Harman Press v. International Paper Co.*, Master File No. CGC-04-432167, San Francisco Superior Court
90. *In re Label Stock Cases*, J.C.C.P. No. 4314, San Francisco Superior Court
91. *Richard Villa v. Crompton Corp.*, Master File No. CGC-03- 419116, San Francisco Superior Court
92. *Russell Reidel v. Norfalco LLC*, Master File No. CGC-03-418080, San Francisco Superior Court
93. *Smokeless Tobacco Cases I-IV*, J.C.C.P. Nos. 4250, 4258, 4259, & 4262, San Francisco Superior Court
94. *Natural Gas Antitrust Cases*, J.C.C.P. No. 4312
95. *In re Western States Wholesale Natural Gas Litigation*, MDL No. 1566 (D. Nev.)
96. *In re Automotive Refinishing Paint Cases*, J.C.C.P. No. 4199, Alameda County Superior Court
97. *In re Tableware Antitrust Litigation*, Master File No. C-04-3514 VRW (N.D. Cal. 2004)
98. *In re Credit/Debit Card Tying Cases*, J.C.C.P. No. 4335, San Francisco Superior Court
99. *In re NBR Cases*, J.C.C.P. No. 4369, San Francisco Superior Court
100. *Competition Collision Center, LLC v. Crompton Corp.*, No. CGC-04-431278, San Francisco Superior Court

101. *In re Urethane Chemicals Antitrust Litigation*, MDL No. 1616 (D. Kan.)
102. *In re Rubber Chemicals Antitrust Litigation*, MDL No. 1648 (N.D. Cal.)
103. *Carpinelli v. Boliden AB*, Master File No. CGC-04-435547, San Francisco Superior Court
104. *Automobile Antitrust Cases I and II*, J.C.C.P. Nos. 4298 and 4303, San Francisco Superior Court
105. *In re Currency Conversion Fee Antitrust Litigation*, MDL No. 1409 (S.D.N.Y.)
106. *In re Dynamic Random Access Memory (DRAM) Antitrust Litigation*, MDL No. 1486 (N.D. Cal.)
107. *In re Publication Paper Antitrust Litigation*, MDL No. 1631 (D. Conn.)
108. *In re Insurance Brokerage Antitrust Litigation*, MDL No. 1663 (D.N.J.)
109. *In re Hydrogen Peroxide Antitrust Litigation*, MDL No. 1682 (E.D. Pa.)
110. *In re Intel Corp. Microprocessor Antitrust Litigation*, MDL No. 1717 (D. Del.)
111. *In re Air Cargo Shipping Services Antitrust Litigation*, MDL No. 1775 (E.D.N.Y.)
112. *In re International Air Transportation Surcharge Antitrust Litigation*, MDL No. 1793 (N.D. Cal.)
113. *Carbon Black Cases*, J.C.C.P. No. 4323, San Francisco Superior Court
114. *Madani v. Shell Oil Co.*, No. 07-CV-04296 MJJ (N.D. Cal.)
115. *In re Static Random Access Memory (SRAM) Antitrust Litigation*, MDL No. 1819 (N.D. Cal.)
116. *In re Flash Memory Antitrust Litigation*, No. 07-CV-00086-SBA (N.D. Cal.)
117. *In re TFT-LCD (Flat Panel) Antitrust Litigation*, MDL No. 1827 (N.D. Cal.)
118. *In re Korean Air Lines Co., Ltd., Antitrust Litigation*, MDL No. 1891 (C.D. Cal.)
119. *In re Fasteners Antitrust Litigation*, MDL No. 1912 (E.D. Pa.)
120. *In re Transpacific Passenger Air Transportation Antitrust Litigation*, MDL No. 1913 (N.D. Cal.)
121. *In re Cathode Ray Tube (CRT) Antitrust Litigation*, MDL No. 1917 (N.D. Cal.)
122. *In re Chocolate Confectionary Antitrust Litigation*, MDL No. 1935 (M.D. Pa.)
123. *In re Flat Glass Antitrust Litigation (II)*, MDL No. 1942 (W.D. Pa.)
124. *In re Municipal Derivatives Antitrust Litigation*, MDL No. 1950 (S.D.N.Y.)
125. *In re Aftermarket Filters Antitrust Litigation*, MDL No. 1957 (N.D. Ill.)
126. *In re Puerto Rican Cabotage Antitrust Litigation*, MDL No. 1960 (D.P.R.)
127. *In re Hawaiian and Guamanian Cabotage Antitrust Litigation*, MDL No. 1972 (W.D. Wash.)
128. *In re California Title Insurance Antitrust Litigation*, No. 08-01341 JSW (N.D. Cal.)

129. *In re Optical Disk Drive (ODD) Antitrust Litigation*, MDL No. 2143 (N.D. Cal.)
130. *Kleen Products LLC v. Packaging Corporation of America*, No. 10-5711 (N.D. Ill.)
131. *In re Automotive Parts Antitrust Litigation*, MDL No. 2311 (E.D. Mich.)
132. *In re On-Line Travel Company (OTC)/Hotel Booking Antitrust Litigation*, MDL No. 2405 (N.D. Tex.)
133. *In re Lithium Ion Batteries Antitrust Litigation*, MDL No. 2420 (N.D. Cal.)
134. *In re Capacitors Antitrust Litigation*, Master File No. 14-cv-03264 JD (N.D. Cal.)
135. *In re Resistors Antitrust Litigation*, Master File No. 15-cv-03820 JD (N.D. Cal.)
136. *In re Domestic Airline Travel Antitrust Litigation*, MDL No. 2656 (D.D.C.)
137. *In re Inductors Antitrust Litigation*, Master File No. 18-cv-00198 EJD (N.D. Cal.)
138. *In re Dynamic Random Access Memory (DRAM) Direct Purchaser Antitrust Litigation*, No. 18-cv-3805-JSW-KAW (N.D. Cal.)
139. *Cameron v. Apple Inc.*, No. 4:19-cv-03074-YGR (N.D. Cal.)

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# EXHIBIT B

Zelle Hofmann Voelbel & Mason LLP  
44 Montgomery Street - Suite 3400  
San Francisco, CA 94104

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Guido Saveri (22349)  
R. Alexander Saveri (173102)  
**SAVERI & SAVERI, INC.**  
706 Sansome Street  
San Francisco, CA 94111  
Telephone: (415) 217-6810  
Facsimile: (415) 217-6813

Attorneys for Plaintiffs and the Class

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
CITY AND COUNTY OF SAN FRANCISCO  
UNLIMITED JURISDICTION

COORDINATION PROCEEDING SPECIAL  
TITLE (RULE 1550(b))

) Judicial Council Coordination  
) Proceeding Nos. 4298 and 4303

AUTOMOBILE ANTI-TRUST CASES I  
AND II

) **DECLARATION OF SAVERI & SAVERI,  
) INC. IN SUPPORT OF PLAINTIFFS'  
) MOTION FOR ATTORNEYS' FEES AND  
) COSTS**

This Document Relates to:  
All Actions

) Date: January 5, 2011  
) Time: 9:30 a.m.  
) Dept.: 304  
) Honorable Richard A. Kramer  
) Coordination Trial Judge

1 I, Guido Saveri, declare as follows:

2 1. I am a member in good standing of the State Bar of California, and a partner of Saveri  
3 & Saveri, Inc. I have personal knowledge of the facts set forth in this declaration and, if called as a  
4 witness, I could and would testify to them, except where I specify that I am declaring on information  
5 and belief, in which case I am informed and believe the facts to be true. I submit this declaration in  
6 support of plaintiffs' motion for attorneys' fees and costs.

7 2. This firm is counsel of record for plaintiff W. Scott Young and Melodie Levy. The  
8 underlying cases, prior to coordination with the J.C.C.P. proceedings, were filed in the San Francisco  
9 County Superior Court and assigned case numbers CGC 03418289 and CGC 3420012, respectively.

10 3. My firm has prosecuted this litigation solely on a contingent-fee basis, and has been  
11 completely at risk that it would not receive any compensation for prosecuting claims against the  
12 defendants. While my firm devoted its time and resources to this matter, it has foregone other legal  
13 work for which it would have been compensated.

14 4. My firm is highly experienced in actions of this nature. The background and  
15 experience of the firm and its attorneys is summarized in the firm resume attached as Exhibit A to  
16 Exhibit 1 attached hereto.

17 5. My firm has participated in this litigation and has performed work on behalf of  
18 plaintiffs since the inception of this litigation.

19 6. I was selected Chairman of the Plaintiffs' Executive Committee in the California  
20 State cases and participated in all aspects of the litigation. My firm has performed, among other  
21 things, an initial investigation of the case, preparation of several of the initial complaints,  
22 organization of the numerous state cases filed and coordination with the federal MDL cases, acted as  
23 Chairman of the Executive Committee and participated in all conferences of the Committee;  
24 participated in the coordination proceedings, participated in plaintiffs' document review and  
25 analyses of the evidence, appeared at all case management conferences, hearings and presentations to  
26 the court, attended numerous conferences with the experts and participated in settlement discussions.  
27 The activities in which my firm participated are detailed in my firm's daily time records.  
28

1           7.       As a partner, I have supervised the work performed on this case by other members of  
2 the firm. I also have knowledge of the firm's policies regarding the assignment of work and the  
3 recording of time and expense records. All attorneys, paralegals, and law clerks at my firm are  
4 instructed to maintain contemporaneous time records reflecting the time spent on this and other  
5 matters.

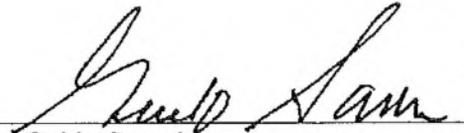
6           8.       Attached hereto as Exhibit 1 is a copy of the Declaration of Saveri & Saveri, Inc. In  
7 Support of Application For Amount of Attorneys Fees, Reimbursement of Expenses, and Provision  
8 Of Incentive Awards" filed in the MDL proceedings pending in the United States District Court for  
9 the District of Maine. It describes the activities performed by my firm, the hours spent, the lodestar  
10 and the expenses incurred by my firm from the inception of the case through November 30, 2010.  
11 The total lodestar based on historical rates is \$1,268,300.00 and the total expenses are \$386,508.78.

12           9.       This Declaration reflects the total hours spent, the lodestar, and the expenses incurred  
13 by my firm from December 1, 2010 through November 22, 2011. The total number of hours spent on  
14 this litigation by my firm from December 1, 2010 through November 22, 2011 is 155.00 hours. The  
15 total lodestar amount for my firm calculated at the firm's historical rates through November 22, 2011  
16 is \$143,762.50. A summary report of my firm's lodestar, including individuals' names, hourly rates,  
17 and hours incurred by each of the time keepers is attached as Exhibit 2. The rates charged are the  
18 same as those charged by our firm in other cases of this nature. None of the time included in this fee  
19 application represents any work done in connection with the application for fees.

20           10.       Since December 1, 2010, my firm has expended a total of \$20,299.07 in  
21 unreimbursed costs and expenses in connection with the prosecution of this litigation. These costs  
22 and expenses are categorized in the chart attached as Exhibit 3. My firm made its usual and  
23 customary charges for costs and expenses it incurred in this litigation, and added no surcharge to any  
24 cost or expense. The expenses incurred pertaining to this case are reflected in the books and records  
25 of the firm. These books and records are prepared from expense vouchers and check records and are  
26 an accurate record of the expenses incurred.

27  
28

1 I declare under penalty of perjury under the laws of the State of California that the  
2 foregoing is true and correct, and that this declaration was executed this 28 day of November 2011  
3 at San Francisco, California.

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7 Guido Saveri

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Zelle Hofmann Voelbel & Mason LLP  
44 Montgomery Street - Suite 3400  
San Francisco, CA 94104

# EXHIBIT 1



I was selected Chairman of the Plaintiffs' Executive Committee in the California State cases. I participated in all conferences of Plaintiffs' Executive Committee, many of which also included MDL counsel. My firm participated in all phases of these coordinated cases, including preparing pleadings and reports, discovery, appearances before Judge Kramer, and numerous conferences with Plaintiffs' experts.

I actively participated in numerous settlement discussions with various defendants. In this connection, I was one of the principal negotiators of the \$35,000,000 settlement with Toyota, and worked on all aspects of the settlement.

The activities in which my firm participated are detailed in my firm's daily time records.

4. The schedule attached as Exhibit B, and incorporated herein, is a detailed summary of the amount of time spent by my firm's partners, attorneys and professional support staff who were involved in this litigation. The lodestar calculation is based on my firm's billing rates in effect at the time services were performed. Exhibit B was prepared from contemporaneous time records regularly prepared and maintained by my firm. The hourly rates for my firm's partners, attorneys and professional support staff included in Exhibit B are or were at the time the usual and customary hourly rates charged for their services in similar complex class actions.

5. The total number of hours expended on this litigation by my firm from inception to November 30, 2010 is 2,712.00 hours. The total lodestar for my firm is \$1,268,300.00.

6. My firm's lodestar is based on the firm's billing rates, which do not include charges for expense items. Expense items are billed separately and are not duplicated in my firm's lodestar.

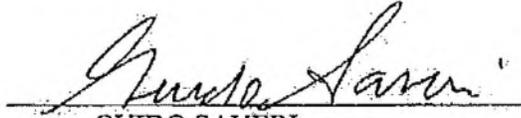
7. My firm expended a total of \$386,508.78 in unreimbursed expenses necessary in

connection with the prosecution of this litigation. These expenses are described in Exhibit C, which is attached hereto and incorporated herein.

8. The expenses my firm incurred in litigating this action are reflected in the books and records of my firm. These books and records are prepared from expense vouchers, receipts, check records and other source materials and accurately reflect the expenses incurred.

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

Executed this 30 day of December, 2010, at San Francisco, California.

  
GUIDO SAVERI

# **EXHIBIT A**

## **SAVERI & SAVERI, INC.**

*706 Sansome Street  
San Francisco, California 94111  
Telephone: (415) 217-6810  
Facsimile: (415) 217-6813*

*SAVERI & SAVERI, INC.*, an AV-rated law firm, was established in 1959. The firm engages in Antitrust and Securities litigation, Product Defect cases, and in general civil and trial practice. For more than forty-five years the firm has specialized in complex, multi-district and class action litigation.

**GUIDO SAVERI**, born San Francisco, California, June 10, 1925; admitted to bar, 1951, California. *Education:* University of San Francisco (B.S., summa cum laude, 1947; LL.B., summa cum laude, 1950). *Member:* Bar Association of San Francisco; State Bar of California; American Bar Association (Member, Antitrust Section); Lawyers Club of San Francisco.

Mr. Saveri is a senior partner in the firm of Saveri & Saveri, Inc. He started the firm in 1959 and associated with Joseph L. Alioto, Esq., San Francisco, California, in the practice of antitrust and other corporate litigation. After law school in 1951 and up until the forming of his firm in 1959 he was associated with the law firm of Pillsbury, Madison & Sutro, San Francisco, California.

He has the highest rating in Martindale Hubbell, namely, "AV".

Mr. Saveri has testified before the Federal Judiciary Committee on antitrust matters and has lectured on antitrust matters before The Association of Trial Lawyers of America, the Federal Practice Institute, and other lawyer associations. Mr. Saveri has also written various periodicals on antitrust topics.

From the time he started his firm in 1959, he has devoted practically all of his time to antitrust and other corporate and complex litigation. He has actively participated in antitrust cases involving the electrical industry, the water meter industry, scrap metal industry, liquid asphalt industry, dairy products industry, typewriter industry, vanadium industry, pipe-fitting industry, grocery business, liquor industry, movie industry, animal-raising business, chemical industry, snack food industry, paper label industry, chrysanthemum industry, drug industry, sugar industry, records industry, industrial gas industry, wheelchair industry, rope industry, copper tubing industry, folding cartons industry, ocean shipping industry, pancreas gland industry, corrugated container industry, glass container industry, fine paper industry, food additives industry, prescription drugs industry, medical x-ray film industry, computer chips and many others.

The following are some of the class action cases in which Mr. Saveri actively participated:

*Nisley v. Union Carbide and Carbon Corp.*, 300 F. 2d 561 (10th Cir. 1960), and *Continental Ore. Co. v. Union Carbide and Carbon Corp.*, 370 U.S. 690 (1962). In 1960, Mr. Saveri was one of the trial attorneys in the above cases which are the forerunners of present class action litigation and are responsible not only for Rule 23 as it exists today but also for some of the more important rulings in the field of antitrust law.

The *Nisley* case was a class action tried before a jury both on liability and damages and resulted in a verdict for the named plaintiffs and the entire class. It is considered one of the leading cases on class actions, is often referred to as a model for the trial of class actions, and has been followed in those antitrust class action cases which have gone to trial.

*Sacramento Municipal Utility District v. Westinghouse Elec. Corp.*, 1962 Trade Cas. ¶ 70,552 (N.D. Cal. 1962). Mr. Saveri was one of the principal attorneys in several cases which have come to be known as the *Electrical Equipment* cases. In 1961-1965, Mr. Saveri represented such clients as the State of Washington, Sacramento Municipal Utility District and Modesto Irrigation District. Mr. Saveri was one of the attorneys who tried several of these cases and did very extensive work under a coordinated program instituted by the Murrah Committee under the direction of the then Chief Justice of the United States. This Committee later became the Judicial Panel for Multi-District Litigation. As a result of his experience in these cases, he participated in drafting proposed legislation creating the Panel on Multi-District Litigation.

*Nurserymen's Exchange v. Yoda Brothers, Inc.*, before Judge George R. Harris in San Francisco. Mr. Saveri was the sole attorney for a class of 10,000 chrysanthemum growers. This case was settled for substantial sums.

*City of San Diego, et al. v. Rockwell Manufacturing Company*, before Judge George H. Boldt of San Francisco. Mr. Saveri was liaison and lead counsel in the above case involving water meters. This case was settled for substantial sums.

*In Re Private Civil Treble Damage Actions Against Certain Snack Food Companies*, Civil No. 70-2121-R, in the United States District Court, Central District of California. Mr. Saveri was the lead attorney for the retail grocers' class comprised of all retail grocers in the States of California, Nevada and Arizona certified by Judge Real involving the snack food. The case was settled for a substantial sum.

*In Re Sugar Antitrust Litigation*, MDL 201, in the United States District Court for the Northern District of California, before Judges Boldt and Cahn. Mr. Saveri was the lead attorney for the retail grocer classes in the Western Sugar litigation. In this litigation, he was a member of the Executive Committee, Steering Committee and Settlement Committee. This case settled for more than \$35,000,000.

*Sun Garden Packing Co. v. International Paper Co., et al.*, C-72-52, U.S. District Court in San Francisco. In 1972 Mr. Saveri filed the first price fixing class action against the paper

industry. He was the sole attorney representing all purchasers of lithograph paper labels in the United States. The lithograph paper labels case was settled at a substantial figure. The lithograph paper labels case was responsible for subsequent government indictments in lithograph paper labels, folding cartons, small paper bags and corrugated containers.

*In Re Folding Carton Antitrust Litigation*, MDL 250, Eastern District of Illinois, Judges Will and Robson. Mr. Saveri was a member of the Executive Committee, Vice Chairman of Discovery and a member of the Trial Team in this action involving a horizontal conspiracy to fix prices for folding cartons. The case was settled for more than \$200,000,000.

*In Re Coordinated Pretrial Proceedings in Antibiotic Antitrust Actions*, MDL 10, 4-72 Civ 435; Judge Lord, United States District Court, District of Minnesota, Fourth Division. Mr. Saveri was the attorney for the institutional class and consumer class for the States of Utah and Hawaii. These actions were settled for substantial sums.

*Building Services and Union Health and Welfare Trust Fund, Plaintiff, v. Charles Pfizer Company, et al.*, No. 4-71 Civ. 435; No. 4-71 Civ. 413, before Judge Lord in Minneapolis, Minnesota. Mr. Saveri was the sole attorney for a class of 9,000 health and welfare trust funds in the United States in this antitrust action against the drug companies. In 1974-1975 this class action went to trial before two juries at the same time and in the same court on liability and damages for the entire class and lasted ten months. It was settled for a substantial sum. Mr. Saveri was the sole attorney representing the plaintiff health and welfare trust fund class at trial.

*In Re Corrugated Container Antitrust Litigation*, MDL 310, Southern District of Texas. Horizontal price fixing action. The case was settled for more than \$400,000,000.

*In Re Fine Paper Antitrust Litigation*, MDL 325, Eastern District of Pennsylvania. Mr. Saveri was a member of the Executive Committee and the trial team. The case was settled for approximately \$80,000,000.

*In Re Ocean Shipping Antitrust Litigation*, MDL 395, Southern District of New York. Mr. Saveri was a member of the Steering Committee and the Negotiating Committee. The firm understands this case was the first class action settlement involving claims by foreign companies. Mr. Saveri was appointed an officer of the New York Federal District Court to audit foreign claims in Europe. The case was settled for approximately \$79,000,000.

*In Re Corn Derivatives Antitrust Litigation*, MDL 414, United States District Court for the District of New Jersey. Mr. Saveri was Chairman of the Steering Committee and Executive Committee.

*In Re Coconut Oil Antitrust Litigation*, MDL 474, Northern District of California. Mr. Saveri was co-lead counsel.

*In Re Intel Securities Litigation*, No. C-79-2168A, Northern District of California, Judge Aguilar. Mr. Saveri was a member of the Steering Committee.

***O'Neill Meat Co. v. Eltilly and Company, et al.***, No. 30 C 5093, United States District Court for the Northern District of Illinois, Judge Holderman. Mr. Saveri was Co-Lead Counsel for the class in this antitrust litigation involving pancreas glands.

***United National Records, Inc. v. MCA, Inc., et al.***, No.82 C 7589, United States District Court for the Northern District of Illinois; Mr. Saveri was a member of the Steering Committee in this records antitrust litigation. The class recovered \$26,000,000 in cash and assignable purchase certificates.

***In re Industrial Gas Antitrust Litigation***, 80 C 3479, United States District Court for the Northern District of Illinois. Mr. Saveri was a member of the Steering Committee. The class recovered more than \$50,000,000.

***Superior Beverages, Inc. v. Owens-Illinois, et al.***, No. 83-C512, United States District Court for the Northern District of Illinois; Mr. Saveri was a member of the Executive Committee in this antitrust litigation involving the price fixing of glass containers. The class recovered in excess of \$70,000,000 in cash and coupons.

***In Re Washington Public Power Supply Securities Litigation***, MDL 551, (W.D. Wash.). Mr. Saveri was one of the court appointed attorneys for the class.

***In Re Ask Computer Systems Securities Litigation***, No. C-85-20207 (A) RPA, United States District Court for the Northern District of California. Mr. Saveri was Co-Lead Counsel for the class.

***Big D. Building Corp. v. Gordon W. Wattles, et al.***, MDL 652, United States District Court for the Middle District of Pennsylvania. Mr. Saveri was a member of the Steering Committee and Settlement Committee in this price fixing class action involving the rope industry.

***In Re Insurance Antitrust Litigation***, MDL 767, Judge Schwarzer, United States District Court for the Northern District of California. Mr. Saveri was Administrative Liaison Counsel and a member of the Steering Committee.

***In Re Sun Microsystems Securities Litigation***, No. C-89-20351, RMW, U.S. District Court for the Northern District of California; Mr. Saveri was Co-Lead Counsel.

***In Re Infant Formula Antitrust Litigation***, MDL 878, United States District Court for the Northern District of Florida, Tallahassee Division. Mr. Saveri was one of the principal attorneys. The case was settled for \$125,760,000.

***In Re Carbon Dioxide Industry Antitrust Litigation***, MDL 878, Case No. 92-940, PHB, United States District Court for the Middle District of Florida, Orlando Division. Mr. Saveri was a member of the Steering Committee. The class recovered \$53,000,000 and achieved significant therapeutic relief for the class.

*In Re Medical X-Ray Film Antitrust Litigation*, CV 93-5904, FB, United States District Court for the Eastern District of New York. Mr. Saveri was a member of the Steering Committee.

*In Re Baby Food Antitrust Litigation*, 92-5495, NHP, in the United States District Court for the District of New Jersey. Mr. Saveri was a member of the Steering Committee.

*In Re Brand Name Prescription Drugs Antitrust Litigation*, MDL 997,94C 897, CPK, United States District Court, Northern District of Illinois, Eastern Division. Mr. Saveri was Co-Lead Counsel on behalf of approximately 50,000 retail pharmacies nationwide alleging an illegal cartel between 17 drug manufacturers and 6 drug wholesalers in preventing discounts to retail pharmacies. The case was tried for eight weeks. The case was settled for \$700,000,000 in cash and \$25,000,000 in product. Mr. Saveri was one of four lead trial lawyers.

*In re Citric Acid Antitrust litigation*, MDL 1092, C-95-2963, FMS, United States District Court, Northern District of California. Mr. Saveri was Co-Lead counsel representing a certified class of purchasers of citric acid throughout the United States against the citric acid manufacturers for violations of the Sherman Act for fixing the price of citric acid in the United States and around the world. The case was settled for \$86,000,000.

*In Re Methionine Antitrust Litigation*, MDL 1311, CRB, United States District Court, Northern District of California. A nationwide class action on behalf of direct purchasers of methionine alleging price-fixing. Saveri & Saveri, Inc. served as Co-lead counsel in this litigation. The case was settled for \$107,000,000.

*In Re Managed Care Litigation*, MDL 1334, Master File No. 00-1334-MD (Judge Moreno) United States District Court, Southern District of Florida. Mr. Saveri serves as a member of the Executive Committee representing the California Medical Association, Texas Medical Association, Georgia Medical Association and other doctors against the nation's HMOs for violations of the Federal RICO Act. The case was partially settled with benefits approximating \$1 billion dollars.

*In Re Dynamic Random Access Memory Antitrust Litigation*, MDL 1486 (Judge Hamilton) United States District Court, Northern District of California. Mr. Saveri serves as Co-Lead Counsel on behalf of direct purchasers of dynamic random access memory (DRAM) alleging a nationwide class for price-fixing. The case settled for more than \$325 million in cash.

*In Re Flash Memory Antitrust Litigation*, Case No. C 07-0086 SBA (Judge Armstrong) United States District Court, Northern District of California. Mr. Saveri serves as Co-Lead Counsel on behalf of direct purchasers of flash memory (Flash) alleging a nationwide class for price-fixing.

*In re Cathode Ray Tube (CRT) Antitrust Litigation*, MDL 1917, Case No. C 07-5944 SC (Judge Conti) United States district Court, Northern District of California. Mr. Saveri serves as Lead Counsel on behalf of direct purchasers of cathode ray tubes (CRT's) alleging a nationwide class for price fixing.

Mr. Saveri also has been and is involved in numerous other major class action litigation in the antitrust and securities fields.

**RICHARD SAVERI**, Partner, 1951-1999.

**R. ALEXANDER SAVERI**, born San Francisco, California, July 22, 1965; admitted to bar, 1994, California and U.S. District Court, Northern District of California; 1995, U.S. Court of Appeals, Ninth Circuit; 2000, U.S. District Court, Southern District of California; 2000, U.S. District Court, Central District of California. *Education*: University of Texas at Austin (B.B.A. Finance 1990); University of San Francisco (J.D., 1994) University of San Francisco Maritime Law Journal 1993-1994. *Member*: State Bar of California, American Bar Association (Member, Antitrust Section), Association of Trial Lawyers of America, University of San Francisco Inn of Court, National Italian American Bar Association, University of San Francisco Board of Governors (2003 - 2006), Legal Aid Society (Board of Directors).

Mr. Saveri is the managing partner of Saveri & Saveri, Inc. After graduating from law school, he began working for his father and uncle at Saveri & Saveri, P.C. on antitrust and complex litigation. The current practice of Saveri & Saveri, Inc. emphasizes class action antitrust litigation.

He has the highest rating in Martindale Hubbell, namely, "AV."

Mr. Saveri has served or is serving as court appointed Co-Lead or Liaison Counsel in the following cases:

***In Re California Title Insurance Antitrust Litigation***, Case No. 08-01341 JSW, Northern District of California (antitrust class action involving federal antitrust laws and California statutory law for unlawful practices concerning payments for title insurance in California)

***In Re Intel Corp. Microprocessor Antitrust Litigation***, MDL 05-1717 (JJF) USDC, District of Delaware (antitrust class action on behalf of all consumers in the United States that indirectly purchased Intel x86 microprocessors)

***In Re Vitamin C Antitrust Litigation***, MDL 06-1738 (DTG)(JO), USDC, Eastern District Of New York (antitrust class action on behalf of all California indirect purchasers of vitamin c)

***In Re Polychloroprene Antitrust Cases***, J.C.C.P. No. 4376, Los Angeles Superior Court (antitrust class action on behalf of all California indirect purchasers of polychloroprene rubber);

***In Re NBR Cases***, J.C.C.P. No. 4369, San Francisco Superior Court (antitrust class action on behalf of all California indirect purchasers of NBR)

*Carpinelli et al. v. Boliden AB et al.*, Master File No. CGC-04-435547, San Francisco Superior Court (antitrust class action on behalf of all California indirect purchasers of copper tubing)

*Competition Collision Center, LLC v. Crompton Corporation et al.*, Case No. CGC-04-431278, San Francisco Superior Court (antitrust class action on behalf of all California indirect purchasers of plastic additives);

*In Re Urethane Cases*, J.C.C.P. No. 4367, San Francisco Superior Court (antitrust class action on behalf of all California indirect purchasers of urethane and urethane chemicals);

*The Harman Press et al. v. International Paper Co. et al.*, (Consolidated Cases) Master File No. CGC-04-432167, San Francisco Superior Court (antitrust class action on behalf of all California indirect purchasers of publication paper);

*In Re Label Stock Cases*, J.C.C.P. No. 4314, San Francisco Superior Court (antitrust class action on behalf of all California indirect purchasers of high pressure label stock)

*Richard Villa et al. v. Crompton Corporation et al.*, Consolidated Case No. CGC-03-419116, San Francisco Superior Court (antitrust class action on behalf of California indirect purchasers of EPDM);

*Russell Reidel et al. v. Norfalco LLC et al.*, Consolidated Case No. CGC-03-418080, San Francisco Superior Court (antitrust class action on behalf of California indirect purchasers of sulfuric acid);

*Smokeless Tobacco Cases I-IV*, J.C.C.P. Nos. 4250, 4258, 4259 and 4262, San Francisco Superior Court (certified antitrust class action on behalf of California consumers of smokeless tobacco products);

*Electrical Carbon Products Cases*, J.C.C.P. No. 4294, San Francisco Superior Court (Private Entity Cases) (antitrust class action on behalf of California indirect purchasers of electrical carbon products);

*The Vaccine Cases*, J.C.C.P. No. 4246, Los Angeles Superior Court (medical monitoring class action on behalf of children exposed to mercury laden vaccines);

*In Re Laminate Cases*, J.C.C.P. No. 4129, Alameda Superior Court (antitrust class action on behalf of California indirect purchasers of high pressure laminate);

*Compact Disk Cases*, J.C.C.P. No. 4123, Los Angeles Superior Court (antitrust class action on behalf of California consumers of prerecorded compact disks);

*Sorbate Prices Cases*, J.C.C.P. No. 4073, San Francisco Superior Court (antitrust class action on behalf of California indirect purchasers of sorbate);

*In Re Flat Glass Cases*, J.C.C.P. No. 4033, San Francisco Superior Court (antitrust class action on behalf of California indirect purchasers of flat glass products);

*Vitamin Cases*, J.C.C.P. No. 4076, San Francisco Superior Court (antitrust class action on behalf of California indirect purchasers of vitamins);

*California Indirect Purchaser MSG Antitrust Cases*, Master File No. 304471, San Francisco Superior Court (antitrust class action on behalf of California indirect purchasers of Monosodium Glutamate);

*In re Aspartame Indirect Purchaser Antitrust Litigation*, Master Docket No. 06-1862-LDD, United States District Court Eastern District of Pennsylvania (antitrust class action on behalf of California indirect purchasers of aspartame); and

*GM Car Paint Cases*, J.C.C.P. No. 4070, San Francisco Superior Court (class action on behalf of all California owners of General Motors vehicles suffering from paint delamination).

**CADIO ZIRPOLI**, born Washington D.C., September 1, 1967; admitted to bar 1995, California and U.S. District Court, Northern District of California. *Education*: University of California, Berkeley (B.A. 1989); University of San Francisco (J.D., *Cum Laude*, 1995), U.S.F. Law Review 1992-1993. *Member*: State Bar of California; Assistant District Attorney, City and County of San Francisco 1996-2000. He has the highest rating in Martindale Hubbell, namely, "AV."

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**WILLIAM J. HEYE**, born Boston, Massachusetts, April 14, 1975 admitted to bar, 2004, California, and U.S. District Court, Northern and Central District of California. *Education*: Brown University (B.A. 1997); University Of California, Hastings College Of The Law (J.D. *Cum Laude* 2004) Hastings International and Comparative Law Review.

**MELISSA SHAPIRO**, born Los Angeles, California, May 27, 1980, admitted to bar 2006, California, and U.S. District Court, Northern and Central District of California. *Education*: University of Southern California (B.A. 2002); Pepperdine University School Of Law (J.D. 2005) Pepperdine Law Review, *Publication*: Comment: Is Silica the Next Asbestos? An Analysis of the Sudden Resurgence of Silica Lawsuit Filings, 32 Pepp. L. Rev. 983 (2005).

**DAVID NATHAN-ALLEN SIMS**, born in Fayetteville, North Carolina, March 2, 1978; admitted to the bar 2006, California, and U.S. District Court, Northern and Central District of California. *Education*: Wake Forest University (B.A. 2000); University of San Francisco School of Law (J.D. 2006). U.S.F. Moot Court Advocate of the Year (2005).

**ROBERT EDMONDS**, born Winona, MN December 22, 1978, admitted to bar 2006, California. *Education*: Loyola Marymount University (B.A. 2001); University of San Francisco School of Law (J.D. 2006).

**CHARLOTTE WESTFALL**, born P.R. China, September 2, 1972, admitted to bar 2006, California and U.S. District Court, Northern District of California. *Education*: Shanxi Normal University (B.A. in Chinese Law, 1994); University of San Francisco School of Law (J.D., 2006). *Publication*: "Chinese Monopoly Law: A Practical Guide," *Competition*, Volume 18, No. 1, Spring 2009, co-author. *Language*: Fluent in Chinese.

**DAVID DORR**, (Paralegal) born Philadelphia, Pennsylvania. *Education*: Arizona State University (B.S. 1987); Thunderbird, The American Graduate School of International Management, (MBA 1998); The Chase Manhattan Bank, N.A. New York, New York, Senior Institutional Trust Administrator, 1990-1995; Charles Schwab Company, San Francisco, Trust Associate, 1996; Independent Corporate Marketing and Personal Finance consultant 1998-2002.

**REAMONN STYNES**, (Paralegal) born San Mateo, California. *Education*: The George Washington University, Washington D.C. (B.A., International Affairs, 2005 with Honors)

#### OF COUNSEL

**GEOFFREY C. RUSHING**, born San Jose, California, May 21, 1960; admitted to bar, 1986, California and U.S. District Court, Northern District of California. *Education*: University of California, Berkeley, California (A.B. 1982 with honors); University of California, Berkeley, California, Boalt Hall (J.D. 1986). *Member*: State Bar of California.

**LISA SAVERI**, born San Francisco, California, April 10, 1956; admitted to bar, 1983, California and U.S. District Court, Northern District of California; 1987, U.S. District Court, Eastern District of California; 2002, U.S. Court of Appeals, Ninth Circuit and U.S. District Court, Central District of California. *Education*: Stanford University (A.B., Economics, 1978); University of San Francisco (J.D. 1983), U.S.F. Law Review. *Member*: State Bar of California. Associate, Pillsbury Madison & Sutro, 1983-1992; Legal Extern, Hon. Eugene F. Lynch, Judge, United States District Court, Northern District of California (1982); San Francisco Public Defender's Office (Summer 1989). *Publications*: Saveri & Saveri, Pleading Fraudulent Concealment In An Antitrust Price Fixing Case: Rule 9(b) v. Rule 8, 17 U.S.F.L.Rev. 631 (1983); Lisa Saveri, Implications of the Class Action Fairness Act for Antitrust Cases: From Filing Through Trial, 15 *Competition: The Journal of the Antitrust and Unfair Competition Law Section of the State Bar of California* 23 (2006). *Professional Affiliations*: State Bar of California, Antitrust and Unfair Competition Law Section, Executive Committee, Member

(2005- ), Secretary (2007-2008).

The following are additional class action cases in which the firm of Saveri & Saveri actively participated as class counsel:

***In Re NASDAQ Market-Makers Antitrust Litigation***, MDL 1023, United States District Court, Southern District of New York. A nationwide class action on behalf of purchasers of securities on the NASDAQ market alleging a violation of the Sherman Act for fixing the spread between the quoted buy and sell prices for the securities sold on the NASDAQ market.

***In Re Potash Antitrust Litigation***, MDL 981, United States District Court, District of Minnesota, Third Division. A class action on behalf of all direct purchasers of potash throughout the United States alleging a horizontal price fix.

***In Re Airline Ticket Commission Antitrust Litigation***, MDL 1058, United States District Court, District of Minnesota. A class action alleging that the major airlines conspired to fix travel agents' commission rates.

***Pharmaceutical Cases I, II, and III***, Judicial Council Coordination Proceeding Nos. 2969, 2971, and 2972 (San Francisco Superior Court). A certified class action on behalf of all California consumers against the major drug manufacturers for fixing the price of all brand name prescription drugs sold in California.

***Perish et. al. v. Intel Corporation***, Civ. No. 755101 (Santa Clara Superior Court). A nationwide class action on behalf of purchasers of Intel Pentium chips alleging consumer fraud and false advertising.

***In Re Carpet Antitrust Litigation***, MDL 1075, United States District Court, Northern District of Georgia, Rome Division. A nationwide class action on behalf of all direct purchasers of polypropylene carpet alleging a horizontal price fix.

***In Re California Indirect-Purchaser Plasticware Antitrust Litigation***, Civ. Nos. 961814, 963201, 963590 (San Francisco Superior Court). A class action on behalf of indirect purchasers of plasticware alleging price-fixing.

***In Re Worlds of Wonder Securities Litigation***; C-87-5491 SC, Northern District of California.

***Pastorelli Food Products, Inc. v. Pillsbury Co., et al.***, No. 87C 20233, Northern District of Illinois.

***Red Eagle Resources Corp., et al. v. Baker Hughes Incorporated, et al.***, No. 91-627 (NWB) (Drill Bits Litigation) United States District Court, Southern District of Texas, Houston Division.

***In Re Wirebound Boxes Antitrust Litigation***, MDL 793, District of Minnesota, Fourth Division. A nationwide class action on behalf of purchasers of wirebound boxes alleging a horizontal price fix.

***In Re Bulk Popcorn Antitrust Litigation***, No. 3-89-710, District of Minnesota, Third Division. A nationwide class action on behalf of direct purchasers of bulk popcorn alleging price-fixing.

***Nancy Wolf v. Toyota Sales, U.S.A. and Related Cases***, C 94-1359, MHP, 1997 WL 602445 (N.D. Cal. 1997) United States District Court for the Northern District of California. A nationwide class action on behalf of Toyota car purchasers alleging consumer fraud.

***Mark Notz v. Ticketmaster - Southern, and Related Cases***, No. 943327, San Francisco Superior Court. A consumer class action alleging a territorial allocation in violation of the Cartwright Act.

***Neve Brothers, et al. v. Potash Corporation, et al.***, No. 959867, San Francisco Superior Court. A class action on behalf of indirect purchasers of potash in California for price-fixing.

***In re Chrysler Corporation Vehicle Paint Litigation***, MDL 1239. Nationwide class action on behalf of owners of delaminating Chrysler vehicles.

***Miller v. General Motors Corporation***, Case No. 98 C 7836 (N.D. Ill. 1998) Nationwide class action alleging a defective paint process which causes automobile paint to peel off when exposed to ordinary sunlight.

### **ANTITRUST LITIGATION**

The following list outlines some of the Antitrust litigation in which the Saveri firm has been involved:

1. ***Union Carbide & Carbon Corp. v. Nisley***, 300 F. 2d 561 (10th Cir. 1960)
2. ***Continental Ore. Co. v. Union Carbide and Carbon Corp.***, 370 U.S. 690 (1962)
3. ***Public Service C. of N.M. v. General Elec. Co.***, 315 F.2d 306 (10<sup>th</sup> Cir. 1963)
4. ***State of Washington v. General Elec. Co.***, 246 F.Supp. 960 (D.C. Wash. 1965)
5. ***Nurserymen's Exchange v. Yoda Brothers, Inc.***
6. ***Bel Air Markets v. Foremost Dairies Inc.***, 55 F.R.D. 538 (N.D. Cal. 1972)
7. ***In Re Western Liquid Asphalt Case***, 487 F.2d 191 (9<sup>th</sup> Cir. 1973)
8. ***In Re Gypsum Cases***, 386 F.Supp. 959 (N.D. Cal. 1974)

9. *City of San Diego, et al. v. Rockwell Manufacturing Company*
10. *In Re Private Civil Treble Damage Actions Against Certain Snack Food Companies*, Civil No. 70-2121-R
11. *In Re Sugar Antitrust Litigation*, MDL 201, 559 F.2d 481 (9<sup>th</sup> Cir. 1977)
12. *Sun Garden Packing Co. v. International Paper Co., et al.*, C-72-52,
13. *In Re Folding Carton Antitrust Litigation*, MDL 250
14. *In Re Coordinated Pretrial Proceedings in Antibiotic Antitrust Actions, 4-72 Civ 435 et al.*, 410 F. Supp. 706 (D.Minn. 1975)
15. *Building Services and Union Health and Welfare Trust Fund, Plaintiff, v. Charles Pfizer Company, et al.*, No. 4-71 Civ. 435; No. 4-71 Civ. 413
16. *In Re Fine Paper Antitrust Litigation*, MDL 325
17. *In Re Armored Car Antitrust Litigation*, CA No. 78-139A, 472 F.Supp. 1357 (N.D. Ga. 1979)
18. *In Re Ocean Shipping Antitrust Litigation*, MDL 395, 500 F.Supp. 1235 (3<sup>rd</sup> Cir. 1984)
19. *In Re Corn Derivatives Antitrust Litigation*, MDL 414, 500 F.Supp. 1235 (1980)
20. *In Re Coconut Oil Antitrust Litigation*, MDL 474
21. *Garside v. Eywerest & Jennings Intern.*, 586 F.Supp. 389 (D.C. Cal. 1984)
22. *Lorries Travel & Tours, Inc. v. SFO Airporter Inc.*, 753 F.2d 790 (9<sup>th</sup> Cir. 1985)
23. *O'Neill Meat Co. v. Elitilly and Company, et al.*, No. 30 C 5093
24. *In Re Records and Tapes Antitrust Litigation*, No.82 C 7589, 118 F.R.D. 92 (N.D. Ill 1987)
25. *In re Industrial Gas Antitrust Litigation*, 80 C 3479, 100 F.R.D. 280 (N.D. Ill 1987)
26. *Matter of Superior Beverages/Glass Container Consolidated Pretrial*, No. 83-C512, 137 F.R.D. 119 (N.D. Ill 1990)
27. *Big D. Building Corp. v. Gordon W. Wattles, et al.*, MDL 652
28. *In Re Insurance Antitrust Litigation*, MDL 767

29. *In Re Wirebound Boxes Antitrust Litigation*, MDL 793
30. *In Re Domestic Air Transp. Antitrust Litigation*, MDL 861, 144 F.R.D. 421 (ND Ga 1992)
31. *In Re Infant Formula Antitrust Litigation*, MDL 878
32. *Finnegan v. Campeau Corp.*, 915 F.2d 824 (2<sup>nd</sup> Cir. 1990)
33. *In Re Carbon Dioxide Industry Antitrust Litigation*, MDL 940, 155 F.R.D. 209
34. *In Re Medical X-Ray Film Antitrust Litigation*, CV 93-5904, FB
35. *In Re Bulk Popcorn Antitrust Litigation*, 792 F.Supp. 650 (D.Minn. 1992)
36. *In Re Baby Food Antitrust Litigation*, 92-5495, NHP
37. *In Re Potash Antitrust Litigation*, MDL 981
38. *In Re Brand Name Prescription Drugs Antitrust Litigation*, MDL 997
39. *In re Citric Acid Antitrust litigation*, MDL 1092, FMS
40. *In Re NASDAQ Market-Makers Antitrust Litigation*, MDL 1023
41. *In Re Airline Ticket Commission Antitrust Litigation*, MDL 1058
42. *Pharmaceutical Cases I, II, and III*, J.C.C.P. Nos. 2969, 2971, and 2972 (San Francisco Superior Court)
43. *In Re Carpet Antitrust Litigation*, MDL 1075
44. *In Re California Indirect-Purchaser Plasticware Antitrust Litigation*, Civ. Nos. 961814, 963201, 963590 (San Francisco Superior Court)
45. *Pastorelli Food Products, Inc. v. Pillsbury Co., et al.*, No. 87C 20233
46. *Red Eagle Resources Corp., et al. v. Baker Hughes Incorporated, et al.*, No. 91-627 (NWB) (Drill Bits Litigation)
47. *Mark Notz v. Ticketmaster - Southern, and Related Cases*, No. 943327, San Francisco Superior Court.
48. *Neve Brothers, et al. v. Potash Corporation, et al.*, No. 959867, San Francisco Superior Court

49. *Food Additives (Citric Acid) Cases*, J.C.C.P. No. 3625, Master File No. 974-120.
50. *Biljac v. Bank of America, et al.*
51. *Diane Barela, et al v. Ralph's Grocery Company, et al.*, Civil Case No. BC070061 (L.A. Super. Ct.)
52. *Leslie K. Bruce, et al v. Gerber Products Company, et al.*, Civil Case No 948-857 (S.F. Super Ct.)
53. *In Re California Indirect Purchaser Medical X-Ray Film Antitrust Litigation*, Master File No. 960886
54. *Lee Bright v. Kanzaki Specialty Papers, Inc., et al.*, Civil Action No. 963-598 (S.F. Superior CT.)
55. *Neve Brothers v. Potash Corporation of America, et al.*, Civil Action No. 959-767 (S.F. Super. Ct.)
56. *Gaehwiler v. Sunrise Carpet Industries Inc., et al.*, Civil Action No. 978345 (S.F. Super. Ct.)
57. *In Re Commercial Tissue Products Antitrust Litigation*, MDL 1189
58. *Sanitary Paper Cases I and II*, Judicial Council Coordination Proceedings Nos. 4019 & 4027
59. *Gaehwiler v. Aladdin Mills, Inc., et al.*, Civil Action No. 300756 ( S.F. Super. Ct.)
60. *In Re Flat Glass Antitrust Litigation*, MDL 1200
61. *Flat Glass Cases*, J.C.C.P. No. 4033
62. *Sorbate Prices Cases*, J.C.C.P. No. 4073
63. *In Re Stock Options Trading Antitrust Litigation*, MDL 1283
64. *In Re Vitamin Antitrust Litigation*, MDL 1285
65. *In Re Sorbates Direct Purchaser Antitrust Litigation*, Master File No. C 98-4886 CAL
66. *Vitamin Cases*, J.C.C.P. No. 4076
67. *In Re PRK/Lasik Consumer Litigation*, Master File No. CV 772894 (Santa Clara Sup. Ct.)

68. *In Re Nine West Shoes Antitrust Litigation*, Master File No. 99-CV-0245 (BDP)
69. *Food Additives (HFCS) Cases*, J.C.C.P. No. 3261
70. *In Re Toys "R" Us Antitrust Litigation*, MDL 1211
71. *Cosmetics Cases*, J.C.C.P. No. 4056
72. *In Re Methionine Antitrust Litigation*, MDL 1311
73. *Bromine Cases*, J.C.C.P. No. 4108
74. *Fu's Garden Restaurant v. Archer-Daniels-Midland, et al.*, Civil Action No. 304471 (S.F. Super. Ct.)
75. *Thomas & Thomas Rodmakers, Inc., et al. v. Newport Adhesives and Composites, Inc., et al.*, CV 99-07796 GHK
76. *In Re Monosodium Glutamate Antitrust Litigation*, MDL 1328
77. *California Indirect Purchaser Auction House Cases*, Master Case No. 310313
78. *In Re Cigarette Antitrust Litigation*, MDL 1342
79. *Cigarette Price Fixing Cases*, J.C.C.P. No. 4114
80. *Microsoft Cases*, J.C.C.P. No. 4106
81. *Compact Disk Cases*, J.C.C.P. No. 4123
82. *In Re Compact Disc Minimum Advertised Price Antitrust Litigation*, MDL 1361
83. *In Re Ciprofloxacin Hydrochloride Antitrust Litigation*, MDL 1383
84. *In Re Buspirone Antitrust Litigation*, MDL 1413
85. *In Re K-Durr Prescription Drug Antitrust Litigation*, MDL 1419
86. *Carbon Cases*, J.C.C.P. Nos. 4212, 4216 and 4222
87. *In Re Polychloroprene Antitrust Cases*, J.C.C.P. No. 4376
88. *In Re Urethane Cases*, J.C.C.P. No. 4367
89. *The Harman Press et al. v. International Paper Co. et al.*, (Consolidated Cases) Master

File No. CGC-04-432167

90. *In Re Label Stock Cases*, J.C.C.P. No. 4314
91. *Richard Villa et al. v. Crompton Corporation et al.*, Consolidated Case No. CGC-03-419116, San Francisco Superior Court
92. *Russell Reidel et al. v. Norfalco LLC et al.*, Consolidated Case No. CGC-03-418080, San Francisco Superior Court
93. *Smokeless Tobacco Cases I-IV*, J.C.C.P. Nos. 4250, 4258, 4259 and 4262, San Francisco Superior Court
94. *Natural Gas Antitrust Cases*, J.C.C.P. No. 4312
95. *In Re Western States Wholesale Natural Gas Litigation*, MDL 1566
96. *In Re Automotive Refinishing Paint Cases*, J.C.C.P. No. 4199
97. *Young et al. v. Federated Department Stores, Inc.*, Case No. C-04-3514-VRW, United States District Court for the Northern District of California
98. *In Re Credit/Debit Card Tying Cases*, J.C.C.P. No. 4335
99. *In Re NBR Cases*, J.C.C.P. No. 4369
100. *Competition Collision Center, LLC v. Crompton Corporation et al.*, San Francisco Superior Court, Case No. CGC-04-431278
101. *In Re Urethane Chemicals Antitrust Litigation*, MDL 1616
102. *In Re Rubber Chemicals Antitrust Litigation*, MDL 1648
103. *Carpinelli et al. v. Boliden AB et al.*, Master File No. CGC-04-435547, San Francisco Superior Court
104. *Automobile Antitrust Cases I and II*, J.C.C.P. Nos. 4298 and 4303
105. *In Re Currency Conversion Fee Antitrust Litigation*, MDL 1409
106. *In Re Dynamic Random Access Memory Antitrust Litigation*, MDL 1486
107. *In Re Publication Paper Antitrust Litigation*, MDL 1631
108. *In re Insurance Brokerage Antitrust Litigation*, MDL No. 1663
109. *In re Hydrogen Peroxide Antitrust Litigation*, MDL No. 1682

110. *In Re Intel Corp. Microprocessor Antitrust Litigation*, MDL No. 1717
111. *In re International Air Transportation Surcharge Antitrust Litigation*, MDL No. 1793
112. *Carbon Black Cases*, J.C.C.P. No. 4323
113. *Madani, et al. v. Shell Oil Co., et al.*, Case No. 07-CV-04296 MJJ
114. *In re Static Random Access Memory (SRAM) Antitrust Litigation*, MDL No. 1819
115. *In re Flash Memory Antitrust Litigation*, Case No. 4:07-CV-00086 SBA
116. *In re TFT-LCD (Flat Panel) Antitrust Litigation*, MDL No. 1827
117. *In re Korean Air Lines Co., Ltd., Antitrust Litigation*, MDL No. 1891
118. *In re Fasteners Antitrust Litigation*, MDL No. 1912
119. *In re Transpacific Passenger Air Transportation Antitrust Litigation*, MDL No. 1913
120. *In re Cathode Ray Tube (CRT) Antitrust Litigation*, MDL No. 1917
121. *In re Chocolate Confectionary Antitrust Litigation*, MDL No. 1935
122. *In re Flat Glass Antitrust Litigation (II)*, MDL No. 1942
122. *In re Aftermarket Filters Antitrust Litigation*, MDL No. 1957
123. *In re Puerto Rican Cabotage Antitrust Litigation*, MDL No. 1960
124. *In re Hawaiian and Guamanian Cabotage Antitrust Litigation*, MDL No. 1972
125. *In re California Title Insurance Antitrust Litigation*, Case No. 08-01341 JSW

Inc.B1016

# **EXHIBIT B**

**In re New Motor Vehicles Canadian Export Antitrust Litigation**

**Time and Lodestar Report**

**SAVERI & SAVERI, INC.**

**Period: Inception to November 30, 2010**

<b>NAME</b>	<b>Hourly Rate</b>	<b>Total Cumulative Hours</b>	<b>Total Cumulative Lodestar</b>
<b>PARTNERS</b>			
Guldo Saveri (P) (2003)	\$595.00	231.25	\$137,593.75
Guldo Saveri (P) (2004)	\$650.00	254.50	\$165,425.00
Guldo Saveri (P) (2005)	\$695.00	315.25	\$219,098.75
Guldo Saveri (P) (2006-2007)	\$795.00	216.25	\$171,918.75
Guldo Saveri (P) (2008-2010)	\$895.00	243.00	\$217,485.00
R. Alexander Saveri (P) (2003)	\$395.00	24.25	\$9,578.75
R. Alexander Saveri (P) (2004)	\$425.00	10.25	\$4,356.25
R. Alexander Saveri (P) (2005)	\$450.00	12.75	\$5,737.50
R. Alexander Saveri (P) (2006)	\$490.00	1.75	\$857.50
R. Alexander Saveri (P) (2008-2010)	\$650.00	2.75	\$1,787.50
<b>Total Partners</b>		<b>1,312.00</b>	<b>933,838.75</b>
<b>ASSOCIATES</b>			
Cadio Zirpoll (A) (2003)	\$375.00	27.50	\$10,312.50
Cadio Zirpoll (A) (2004)	\$385.00	1.25	\$481.25
Cadio Zirpoll (A) (2005)	\$425.00	0.50	\$212.50
Cadio Zirpoll (A) (2006)	\$460.00	0.50	\$230.00
William Heye (A) (2005-2006)	\$225.00	1,128.50	\$253,912.50
William Heye (A) (2007)	\$250.00	106.00	\$26,500.00
William Heye (A) (2008-2010)	\$350.00	28.25	\$9,887.50
Glanna Gruenwald (A) (2004)	\$200.00	9.75	\$1,950.00
Glanna Gruenwald (A) (2009)	\$425.00	2.00	\$850.00
Mathew Heaphy (A) (2005)	\$200.00	1.00	\$200.00
<b>Total Associates</b>		<b>1,305.25</b>	<b>304,536.25</b>
<b>OTHER ATTORNEYS</b>			
Geoffrey C. Rushing (OC) (2003)	\$425.00	12.75	\$5,418.75
Geoffrey C. Rushing (OC) (2004)	\$450.00	2.25	\$1,012.50
Geoffrey C. Rushing (OC) (2005)	\$485.00	0.75	\$363.75
Geoffrey C. Rushing (OC) (2006)	\$500.00	13.00	\$6,500.00
Geoffrey C. Rushing (OC) (2008-2010)	\$650.00	2.25	\$1,462.50
Lisa Saveri (OC) (2003)	\$425.00	1.25	\$531.25
Lisa Saveri (OC) (2004)	\$450.00	15.25	\$6,862.50
Lisa Saveri (OC) (2005)	\$485.00	0.50	\$242.50
Lisa Saveri (OC) (2006)	\$500.00	0.25	\$125.00
<b>Total Other Attorneys</b>		<b>48.25</b>	<b>22,518.75</b>

In re New Motor Vehicles Canadian Export Antitrust Litigation

Time and Lodestar Report

SAVERI & SAVERI, INC.

Period: Inception to November 30, 2010

NAME	Hourly Rate	Total Cumulative Hours	Total Cumulative Lodestar
<b>PARALEGALS</b>			
John Webb (2003)	\$150.00	29.75	\$4,462.50
Katherin McLean (2003)	\$150.00	8.00	\$1,200.00
David Dorr (2003)	\$150.00	3.00	\$450.00
David Dorr (2008)	\$225.00	5.75	\$1,293.75
<b>Total Paralegals</b>		<b>46.50</b>	<b>7,406.25</b>
<b>TOTALS</b>			
		<b>2,712.00</b>	<b>\$1,268,300.00</b>

# **EXHIBIT C**

**In re New Motor Vehicles Canadian Export Antitrust Litigation**

**Expense Report  
Saveri & Saveri, Inc.**

**Period: Inception to November 30, 2010**

<b>Expense Description</b>	<b>Cumulative Expenses</b>
Litigation Fund Assessment	\$371,000.00
Computer Research	\$2,444.87
Court Fees	\$848.80
Court Reporters/Transcripts/Videographer	\$25.50
Miscellaneous	\$0.00
Postage/Express Delivery/Messenger	\$148.95
Photocopying	\$6,642.00
Service of Process Fees	\$364.00
Telephone/Facsimile	\$2,643.80
Travel/Meals/Lodging	\$2,390.86
Witness Fees	
<b>TOTAL EXPENSES</b>	<b>\$386,508.78</b>

# EXHIBIT 2

Automobile Antitrust Cases I and II, J.C.C.P. Nos. 4298 and 4303

Time and Lodestar Report

SAVERI & SAVERI, INC.

Period: December 1, 2010 to November 22, 2011

Name	Hourly Rate	Total Cumulative Hours	Total Cumulative Lodestar
<b>PARTNERS</b>			
Guido Saveri (2011)	\$950.00	147.25	\$139,887.50
R. Alexander Saveri (2011)	\$700.00	0.75	\$525.00
			\$0.00
			\$0.00
<b>Total Partners</b>		<b>148.00</b>	<b>140,412.50</b>
<b>ASSOCIATES</b>			
William Heye (2011)	\$425.00	5.50	\$2,337.50
			\$0.00
			\$0.00
<b>Total Associates</b>		<b>5.50</b>	<b>2,337.50</b>
<b>OTHER ATTORNEYS</b>			
Lisa Saveri Waste	\$675.00	1.50	\$1,012.50
			\$0.00
			\$0.00
			\$0.00
<b>Total Other Attorneys</b>		<b>1.50</b>	<b>1,012.50</b>
<b>INVESTIGATORS</b>			
			\$0.00
<b>Total Investigators</b>		<b>0.00</b>	<b>0.00</b>
<b>PARALEGALS</b>			
			\$0.00
<b>Total Paralegals</b>		<b>0.00</b>	<b>0.00</b>
<b>LAW CLERKS</b>			
			\$0.00
<b>Total Law Clerks</b>		<b>0.00</b>	<b>0.00</b>
<b>TOTALS</b>		<b>155.00</b>	<b>\$143,762.50</b>

# EXHIBIT 3

Automobile Antitrust Cases I and II, J.C.C.P. Nos. 4298 and 4303

Expense Report

Saveri & Saveri, Inc.

Period: December 1, 2010 to November 22, 2011

Expense Description	Cumulative Expenses
Litigation Fund Assessment	\$20,000.00
Computer Research	
Court Fees	
Court Reporters/Transcripts/Videographer	
Miscellaneous	
Postage/Express Delivery/Messenger	\$1.07
Photocopying	\$298.00
Service of Process Fees	
Telephone/Facsimile	
Travel/Meals/Lodging	
Witness Fees	
<b>TOTAL EXPENSES</b>	<b>\$20,299.07</b>

# EXHIBIT C

Automobile Antitrust Cases I and II , J.C.C.P. Nos. 4298 and 4303

Time and Lodestar Report

SAVERI & SAVERI, INC.

Period: December 01, 2011 to June 30th, 2022

Name	Hourly Rate	Total Cumulative Hours	Total Cumulative Lodestar
<b>PARTNERS</b>			
Guido Saveri (2011-2021)	\$950.00	488.25	\$463,837.50
R. Alexander Saveri (2018-2022)	\$800.00	220.85	\$176,680.00
R. Alexander Saveri (2011-2017)	\$700.00	0.80	\$560.00
Cadio Zirpoli (2018-2022)	\$775.00	49.00	\$37,975.00
Cadio Zirpoli (2011-2017)	\$650.00	2.50	\$1,625.00
<b>Total Partners</b>		<b>761.40</b>	<b>680,677.50</b>
<b>ASSOCIATES</b>			
Matthew Heaphy (A) (2020-2021)	\$600.00	2.00	\$1,200.00
Sarah Van Culin (A) 2018-2022	\$475.00	95.30	\$45,267.50
Sarah Van Culin (A) 2017	\$400.00	0.50	\$200.00
<b>Total Associates</b>		<b>97.80</b>	<b>46,667.50</b>
<b>OTHER ATTORNEYS</b>			
Lisa Saveri Waste (OC) 2018-2021	\$775.00	20.85	\$16,158.75
Lisa Saveri Waste (OC) 2011-2017	\$675.00	9.00	\$6,075.00
Geoffrey C Rushing (OC) 2017	\$700.00	1.00	\$700.00
<b>Total Other Attorneys</b>		<b>30.85</b>	<b>22,933.75</b>
<b>INVESTIGATORS</b>			
			\$0.00
<b>Total Investigators</b>		<b>0.00</b>	<b>0.00</b>
<b>PARALEGALS</b>			
			\$0.00
<b>Total Paralegals</b>		<b>0.00</b>	<b>0.00</b>
<b>LAW CLERKS</b>			
			\$0.00
<b>Total Law Clerks</b>		<b>0.00</b>	<b>0.00</b>
<b>TOTALS</b>		<b>890.05</b>	<b>\$750,278.75</b>

# EXHIBIT D

Automobile Antitrust Cases I and II  
Expense Report  
Saveri & Saveri, Inc.

Period: December 1, 2011 to June 30, 2022

Expense Description	Cumulative Expenses
Litigation Fund Assessment	\$45,000.00
Computer Research	
Court Fees	
Court Reporters/Transcripts/Videographer	\$761.00
Miscellaneous	\$447.29
Postage/Express Delivery/Messenger	\$270.27
Photocopying	
Service of Process Fees	
Telephone/Facsimile	\$94.00
Witness Fees	
<b>TOTAL EXPENSES</b>	<b>\$46,572.56</b>

1 Francis O. Scarpulla (SBN 41059)  
Law Offices of Francis O. Scarpulla  
2 **3708 Clay Street**  
San Francisco, CA 94118  
3 Telephone: 1(415)751-4193  
Facsimile: 1(415)751-0889  
4 Email: fos@scarpullalaw.com

5 *Attorneys for Plaintiffs*

6  
7 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
8 **FOR THE COUNTY OF SAN FRANCISCO**  
9 **UNLIMITED JURISDICTION**

10 COORDINATION PROCEEDING SPECIAL )  
TITLE (Cal. R. Ct. 1550(b)) )

Judicial Council Coordination  
Proceeding Nos. No. 4298 and 4303

11 AUTOMOBILE ANTITRUST CASES I, II )

CJC-03-004298 and CJC-03-004303

12 **CLASS ACTION**

13 This document relates to:  
14 All Actions )

**DECLARATION OF FRANCIS O.  
SCARPULLA IN SUPPORT OF  
MOTION FOR AWARD OF  
ATTORNEYS' FEES,  
REIMBURSEMENT OF EXPENSES,  
AND PROVISION OF SERVICE  
AWARDS**

15 )  
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28 )

Date: October 5, 2022

Time: 10:00 a.m.

Dept: 306

Judge: Honorable Anne-Christine Massullo

Date Complaint Filed: October 6, 2003  
(Consolidated Amended Class Action  
Complaint)

1 I, Francis O. Scarpulla, declare as follows:

2 1. I am the sole owner of the Law Offices of Francis O. Scarpulla. I submit this declaration  
3 in support of the Plaintiffs' Motion for an Award of Attorneys' Fees, Reimbursement of Expenses, and  
4 Provision of Service Awards.

5 2. My firm represents plaintiff, United Food & Commercial Workers Union. A brief  
6 description of my firm is attached as Exhibit A and incorporated herein by reference.

7 3. During the course of this litigation, my firm has been involved in numerous activities on  
8 behalf of Plaintiffs and the Class. Previously, in connection with the settlement reached with General  
9 Motors of Canada, Ltd., my firm submitted a declaration describing the work we accomplished on  
10 behalf of Plaintiffs and the Class from inception of the case to November 30, 2011. A copy of my  
11 firm's prior declaration, without exhibits, is attached hereto as Exhibit B and incorporated herein.

12 4. Since November 30, 2011, my firm has continued its work on behalf of Plaintiffs and the  
13 Class, which has included the following activities: 1) preparing for and attending arguments in the  
14 Superior Court and in the District Court of Appeals; 2) meeting and strategizing with plaintiffs' counsel  
15 throughout the prosecution of this case; 3) review and edit various motions and or responses thereto,  
16 such as the summary judgement motions, cost motion, res judicata motions, as well as all of the  
17 appellate briefs, including the briefs before the California Supreme Court, and subsequently the  
18 motions to exclude the plaintiffs' expert; 4) telephone conferences with the expert, Janet Netz; 5)  
19 extended discussions and negotiations with Ford Canada's new attorney, Michael Tubach, regarding  
20 settlement of the class action, eventually resulting in an agreement that Ford Canada would pay \$35  
21 million if the plaintiffs demanded that amount; 6) preparing and participating in the mediation sessions  
22 with Jams Mediator Infante, including separate conversations with Judge Infante regarding the progress  
23 with the Ford Canada settlement amount. In all, I spent a total of 176.9 hours during the period May  
24 12, 2016 through February 25, 2022. My time reports are attached hereto as Exhibit C.

25 5. During that same period of time, Patrick B. Clayton from my firm spent a total of 66  
26 hours on this case. Mr. Clayton's time reports are attached hereto as part of Exhibit C.

1  
2           6.       The schedule attached as Exhibit C, and incorporated herein, is a detailed summary of the  
3 amount of time spent by me and my firm's attorneys and professional support staff who were involved  
4 in this litigation. The lodestar calculation, which is based on my billing rates in effect at the time  
5 services were performed, total \$213,164.50. Exhibit C was prepared from contemporaneous time  
6 records regularly prepared and maintained by my firm. The hourly rates for my firm's partners,  
7 attorneys and professional support staff included in Exhibit C are or were at the time the usual and  
8 customary hourly rates charged for their services in similar complex class actions. Mr. Clayton's  
9 lodestar for the period amounts to \$33,000.00.

10           7.       Exhibit C represents my firm's lodestar from December 1, 2011 to June 30, 2022. My  
11 firm's prior declaration attached as Exhibit B attests to my firm's lodestar from inception of this case to  
12 November 30, 2011.

13           8.       The total number of hours expended on this litigation by my firm and total lodestar are  
14 set forth below:

15

<b>Time Period:</b>	<b>Hours:</b>	<b>Lodestar:</b>
Inception to Nov. 30, 2011	635.5	\$511,800.00
Dec. 1, 2011 to June 30, 2022	242.9	\$246,164.50
<b>Total: Inception to June 30, 2022</b>	<b>878.4</b>	<b>\$757,964.50</b>

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22           9.       My firm's lodestar is based on the firm's billing rates, which do not include charges for  
23 expense items. Expense items are billed separately and are not duplicated in my firm's lodestar.

24           10.      My firm expended a total of \$28,537.79 in expenses necessary in connection with the  
25 prosecution of this litigation. These expenses were paid from the previous General Motors settlement  
26 and are described in Exhibit D, which is attached hereto and incorporated herein.



# **EXHIBIT A**

## CURRICULUM VITAE OF FRANCIS O. SCARPULLA

Mr. Scarpulla specializes in prosecuting complex civil cases, primarily antitrust lawsuits, most of which are class actions.

Throughout his over 50 years of practice, Mr. Scarpulla has participated in many federal antitrust class actions which have served to develop both state and federal law. The federal antitrust class actions include the *Gypsum Wallboard Antitrust Litigation*, *Sugar Antitrust Litigation*, *Folding Cartons Antitrust Litigation*, *Fine Paper Antitrust Litigation*, *Corrugated Container Antitrust Litigation*, *Pharmaceutical Antitrust Litigation*, *Microsoft Monopolization Antitrust Litigation*, *Cosmetics Antitrust Litigation*, and more recently in the *DRAM*, *SRAM*, and *LCD MDL* cases, as well as *Parking Heaters Antitrust Litigation*, *Generic Pharmaceuticals Pricing Antitrust Litigation*, and *National Prescription Opiate Litigation*.

In addition to practicing law, Mr. Scarpulla was the past Chair of the Antitrust and Trade Regulation Section of the California State Bar. He has participated in both ABA and CEB panels on competitive business practices, as well as having served as a guest lecturer in MBA programs. Mr. Scarpulla also was an instructor at The University of California Hastings School of Law, teaching legal writing classes during 1985 and 1988. He was an adjunct professor of Antitrust Law at Golden Gate University Law School. Mr. Scarpulla taught Antitrust Law at The University of San Francisco School of Law during the Fall of 2015.

Mr. Scarpulla has been recognized by his peers as one of the outstanding antitrust practitioners in the country, including:

- Antitrust Lawyer of the Year, California State Bar
- Band 1 Plaintiffs' Antitrust Attorney by Chambers & Partners U.S.A.
- AV Preeminent Martindale Hubbell
- Best Lawyers in America
- California Lawyer Attorney of the Year ("CLAY")
- Super Lawyer
- Top 100 Lawyers in California
- Titan of the Bar
- Finance Monthly Antitrust & Competition Law Firm of the Year (USA)
- Global Leading Lawyers – Competition U.S. Plaintiffs Law Firm of the Year
- Lawyers of Distinction – Top 10% (USA)
- America's Most Honored Professionals – Top 1%

- Who's Who Legal: Plaintiff's' Antitrust Lawyer
- Top Lawyer in Northern California
- AI – Most Outstanding Law Firm of the Year
- ACQ5 Global Award
  - US (CA) Antitrust Attorney of the Year;
  - America's Top 100 High Stakes Litigators;
  - Federal Antitrust Law Firm of the Year;
  - Civil Antitrust Law Firm of the Year;
  - Niche Law Firm of the Year; and
  - Game-Changer of the Year
- National Law Journal Trailblazers, M&A Antitrust
- Lawyers Worldwide Awards – Five Star Lawyers
- Global Awards – Best in Class Action Law Services
- Global Law Experts – Antitrust Class Actions Law Firm of the Year 2021
- M&A Today: Global Awards – Competition: U.S. Law Firm of the Year -- USA

In 2010, Mr. Scarpulla was admitted to the Rolls of Solicitors in England and Wales, as well as to the Roll of Solicitors in the Republic of Ireland in 2017.

Mr. Scarpulla is admitted to practice in the United States before the following Federal and State Courts:

- United States Supreme Court
- United States Circuit Courts of Appeals for the Fifth, Seventh and Ninth Circuits
- United States District Courts: Northern, Central, and Eastern Districts of California; Northern District of Illinois; Eastern District of Pennsylvania
- Supreme Court of the State of California and all inferior courts of the State of California
- Solicitor, England and Wales
- Solicitor, Republic of Ireland

For a detailed list of cases in which Mr. Scarpulla has participated, see the attached Appendix 1.

## APPENDIX

### COMPLEX LITIGATION CASES

- (1) *Plumbing Fixtures Antitrust Litigation* (E.D. Pa.) – price-fixing case brought on behalf of classes of public bodies and various private clients. See *Lindy Bros. v. American Radiator & Standard Sanitary Corp.*, 487 F.2d 161 (3<sup>rd</sup> Cir. 1973).
- (2) *Asphalt Antitrust Litigation* (N.D. Cal., D. New Mex., D. Idaho, D. Colo.) – price-fixing case brought on behalf of various public bodies. See *State of New Mexico v. American Petrofina, et al.*, 501 F.2d 363 (9<sup>th</sup> Cir. 1974).
- (3) *Newspaper Publishing Monopolization Litigation* (N.D. Cal.) – brought on behalf of competing newspaper. See *San Francisco Bay Guardian v. San Francisco Chronicle, et al.*, 344 F.Supp. 1155 (N.D. Cal. 1972).
- (4) *Gypsum Wallboard Antitrust Litigation* (N.D. Cal.) – price-fixing case brought on behalf of a national class of governmental bodies. See *In re: Gypsum Cases*, 1974-2 Trade Cases & 74,272 (N.D. Cal. 1974).
- (5) *Albacore Monopolization Litigation* (N.D. Cal.) – Sherman 1 and 2 case brought on behalf of a class of albacore fishermen. See *Western Fishboat Owners Association v. Castle & Cooke, Inc., et al.*, C-74-1784 (N.D. Cal. 1974).
- (6) *Processed Potato Price Fixing Litigation* (S.D. Cal.) – brought on behalf of a class of restaurants. See *Love's Wood Pit Barbecue v. Bell Brand Foods, Inc., et al.*, 1974 Trade Cases & 74,905 (S.D. Cal. 1974).
- (7) *Boise City, Idaho v. Monroe, Inc., et al.*, Civil Action No. 1-76-127 (D. Idaho) – price-fixing action brought on behalf of the municipality of Boise City, Idaho, against certain ready-mix concrete companies.
- (8) *In re: Arizona Bakery Products Litigation*, Civil No. 74-208A PHX CAM (D. Ariz.) – antitrust price-fixing action brought on behalf of five classes of Arizona purchasers of bakery products.
- (9) *Spinetti, et al. v. Atlantic Richfield Company*, C-75-0324-RFP (N.D. Cal.) – claims of 80 petroleum wholesale distributors against their suppliers for violations of antitrust and federal energy laws.
- (10) *Presidio Golf Club of San Francisco, Inc., et al. v. National Service Industries, Inc.*, C-71-945-SW (N.D. Cal.) – price-fixing action brought on behalf of class of linen service users against linen suppliers.
- (11) *In re: Arizona Dairy Products Litigation*, Civil No. 74-569A PHX CAM (D. Ariz.) – antitrust price-fixing action brought on behalf of five classes of Arizona purchasers of dairy products.
- (12) *Folding Cartons Antitrust Litigation*, MDL 250 (N.D. Ill.) – antitrust price-fixing action brought on behalf of direct purchaser nationwide class of folding carton users.
- (13) *In re: Hawaii Beer Litigation*, Civil No. 77-0294A (D. Ha.) – antitrust price-fixing class action brought on behalf of a class of purchasers of beer in the State of Hawaii.

- (14) *In re: Sugar Industry Antitrust Litigation*, MDL 201 (N.D. Cal.) – antitrust price-fixing action brought on behalf of three private classes of sugar purchasers in the Western United States.
- (15) *Danielson v. Union Oil Company of California* (N.D. Cal.) – brought by petroleum wholesale distributor against his supplier for violation of federal antitrust and energy laws.
- (16) *Boardwalk Markets, Inc., et al. v. Associated Foods Stores, et al.* (N.D. Cal.) – brought by minority shareholders in wholesale grocery cooperative alleging violations of federal securities laws.
- (17) *National Super Spuds v. Gearhart Farms, Inc., et al.* (S.D. N.Y.) – commodities futures fraud action alleging manipulation of May 1976 Maine Potato Futures Contract.
- (18) *Fine Paper Antitrust Litigation (State of Arizona v. Boise Cascade, et al.)*, MDL 235 – antitrust price-fixing action by state agencies who purchased fine paper products.
- (19) *In re: California Armored Cars Litigation*, MDL 387 – antitrust price-fixing action brought on behalf of private class of purchasers in California.
- (20) *Busy Boy Markets, Inc., et al. v. A.R.A. Services, Inc., et al.*, Civil Action No. C-79-2156-SW (N.D. Cal. 1980) – antitrust price-fixing action brought on behalf of purchasers of publications.
- (21) *In re: California Wiring Devices Antitrust Litigation*, Civil Action No. 759-734 (S.F. Sup. Ct. 1981) – antitrust indirect-purchaser action on behalf of California consumers of wiring devices.
- (22) *In re: Concrete Antitrust Litigation*, MDL 296 – antitrust action for Arizona ready-mix purchasers.
- (23) *Marks v. San Francisco Real Estate Board*, Civil Action No. C-71-369-MHP – antitrust, class action on behalf of Bay Area class of home sellers who paid fixed real estate commission rates.
- (24) *Solvoil Company v. Lamplight Farms, Inc.*, Civil Action No. 755-503 (S.F. Sup. Ct.) – antitrust/fraud action by terminated distributor against manufacturer-supplier.
- (25) *THC Financial Litigation*, Civil No. 76-0448C (D. Ha.) – securities fraud class action brought on behalf of the depositors and holders of investment certificates and debentures in THC Financial Corporation.
- (26) *Buffalo Whole Food and Grain Co. v. The Fleming Companies, et al.*, Civil Action No. C-81-927-THE – nationwide antitrust, class action on behalf of purchasers of health foods.
- (27) *In re: Olympic Oil Securities Litigation*, Civil Action No. C-81-3441-RPA (N.D. Cal.) – 10b-5 action on behalf of defrauded shareholders.
- (28) *Prescottano v. Koracorp Industries, Inc.*, C-74-1704 (N.D. Cal.) – class of shareholders alleging securities fraud.
- (29) *Espirit de Corp. v. Alton Box Board Co., et al.*, Civil Action No. 750-975 (S.F. Sup. Ct. 1982) – state-wide, antitrust class action for indirect purchasers of corrugated boxes.

- (30) *Greenberg v. Leviton Manufacturing Co., Inc., et al.* (S.F. Sup. Ct. 1980) – state-wide class action for indirect purchases of wiring devices.
- (31) *Busy Boy Markets, Inc., et al. v. Roblin Industries, Inc., et al.*, Civil Action No. 772-241 – antitrust price-fixing case for class of indirect purchasers of shopping carts.
- (32) *U.F.C.W., Local 1288 v. Allied Finance Adjusters Conference*, Civil Action No. 777-670 (S.F. Sup. Ct.) – antitrust price-fixing action by California class against repossession firms.
- (33) *In re Petroleum Products Antitrust Litigation (Retail Clerks Union, Local 648, et al. v. Exxon Corp., et al.)*, MDL 150 – indirect purchaser, antitrust class action on behalf of California consumers of gasoline.
- (34) *In re: Airport Rent-A-Car Antitrust Litigation*, MDL 338 – antitrust action by independent car rental companies against major car rental companies; appeal pending before the Ninth Circuit.
- (35) *Tom Lazio Fish Co., Inc. v. Castle & Cooke, Inc., et al.* (S.F. Sup. Ct.) – antitrust, predatory pricing action brought by competitor against major tuna packers.
- (36) *In re: Records and Tapes Antitrust Litigation* (N.E. Ill. 1983) – nationwide, price-fixing, class action for direct purchasers of records and tapes.
- (37) *Alexander v. Cambridge-Lee Industries, Inc., et al.* (S.F. Sup. Ct. 1983) – indirect-purchaser, antitrust class action by California purchasers of copper tubing.
- (38) *B.W.I. Custom Kitchens v. Owens-Illinois, et al.* (S.F. Sup. Ct. 1983) – indirect-purchaser, antitrust class action by California wholesale purchasers of glass containers.
- (39) *Highland Park Liquor, Inc., et al. v. ARA Services, Inc., et al.* (L.A. Sup. Ct. 1983) – antitrust, price-fixing class action by wholesale purchasers of magazines.
- (40) *Biljac v. Bank of America, et al.* (S.F. Sup. Ct. 1984) – Unfair Competition Act case for antitrust price-fixing involving the prime rate to commercial borrowers.
- (41) *Biogenesis Research, Inc. v. The Hertz Corporation, et al.* (S.F. Sup. Ct. 1984) – Unfair Competition Act for fixing car-rental rates to California consumers.
- (42) *Alexander v. American Savings & Loan Association, et al.* (S.F. Sup. Ct. 1984) – Unfair Competition Act for fixing pre-payment and association fees.
- (43) *Tyre Treds, Inc. v. The Firestone Tire & Rubber Company*, Civil No. 70-236-SC (N.D. Cal. 1976) – distributor termination, antitrust action.
- (44) *Reno-West Coast Distributing Company, Inc. v. The Mead Corporation*, Civil Action No. 73-0250-SW (N.D. Cal. 1976) – distributor termination, antitrust action.
- (45) *Unique Factory Outlet v. Espirit de Corp.*, Civil No. C-78-2336-WTS (N.D. Cal. 1980) – distributor termination, antitrust action.
- (46) *California Indirect-Purchaser Infant Formula Antitrust Litigation*, Judicial Council Coordination Proceeding No. 2557 (L.A. Sup. Ct.) – state-wide, Cartwright Act, class action for consumers who purchased infant formula.

- (47) *Stead Industries, Inc. v. State Industries, Inc.* (N.D. Cal.) – Sherman 2 monopolization case involving water heater industry.
- (48) *Airport Hub Antitrust Litigation* (N.D. Ga.) – nationwide class action for price-fixing of domestic airline ticket prices.
- (49) *Duke Development Company v. The Stanley Works, et al.* (S.F. Sup. Ct.) – state-wide, price-fixing, Cartwright Act, class action for indirect purchasers of hinges.
- (50) *Exxon Valdez Spill Litigation* (L.A. Sup. Ct.) – state-wide class action for economic damages suffered by California motorists caused by Exxon Valdez spill.
- (51) *Dombek v. Humboldt Petroleum, Inc., et al.* (H.C. Sup. Ct.) – price-fixing, Cartwright Act class action for purchasers of petroleum products in Humboldt County.
- (52) *First Executive Life Insurance Litigation* (S.F. Sup. Ct.) – nationwide class of defrauded life insurance purchasers.
- (53) *Abbott v. Genentech, Inc.* (N.D. Cal.) – nationwide securities class action for security fraud violations.
- (54) *Abbott/Morse v. Nintendo of America, Inc.* (S.M. Sup. Ct.) – state-wide class action for unfair business practices in Cartwright Act violations.
- (55) *Los Angeles Waste Antitrust Litigation* (L.A. Sup. Ct.) – county-wide, price-fixing, Cartwright Act class action.
- (56) *In re: Macadamia Nuts Antitrust Litigation* (N.D. Cal.) – nationwide class action on behalf of direct purchasers of macadamia nuts for price-fixing.
- (57) *Weinberg/Friedman v. The B. Manischewitz Co.* (S.F. Sup. Ct.) – state-wide, Cartwright Act, price-fixing class action for indirect purchasers of matzo products.
- (58) *Movie 1 & 2 v. United Artists, et al.* (N.D. Cal.) – competitor case for alleged group boycott and monopolization.
- (59) *Wirebound Box Antitrust Litigation* (D. MN.) – nationwide class action for price-fixing of wirebound boxes.
- (60) *Orlando & Jones, Inc., et al. v. Nautilus Sports/Medical Industries, Inc., et al.* (D. Fl.) – distributor claiming unfair business practices by manufacturer.
- (61) *James R. Benefiel and Edward D. Taylor v. Exxon Corporation, et al.* (L.A. Sup. Ct. 1989) – California class action for economic damages due to Exxon oil spill.
- (62) *Syufy Enterprises v. Vogel Popcorn Company, et al.*, File No. CV. 3-89-664, Master File No. 3-89-710 – class action involving bulk raw popcorn price-fixing case on behalf of direct purchasers.
- (63) *Renaissance Rialto, Inc., et al. v. Vogel Popcorn Company, et al.*, Civil No. 909-893 (S.F. Sup. Ct.) – class action involving bulk raw popcorn price-fixing case, on behalf of indirect purchasers.
- (64) *Arthur M. Stone Company and Tree of Life, Inc. v. Mauna Loa Macadamia Nut Corporation, et al.* - (N.D. Cal. 1990) – direct-purchaser, class action for price-fixing macadamia nuts.

- (65) *Gary Kaplan/Frank Holminski v. Southern Pacific Transportation Company, et al.*, Civil No. 935-732 (S.F. Sup. Ct.) – class action suit for damages due to toxic spill.
- (66) *John R. Travis v. Deloitte & Touche, et al.*, Civil No. 933-393 (S.F. Sup. Ct.) – class action suit representing persons who purchased life insurance products, who were damaged by fraudulent investments.
- (67) *In re: Potash Antitrust Litigation*, Civil File No. 3-93-197, MDL 981, U.S. District Court, District of Minnesota, Third Division – class action suit on behalf of direct purchasers of potash alleging horizontal price-fixing.
- (68) *Neve Brothers v. Potash Corporation of America, et al.*, Civil Case No. 959-767 (S.F. Sup. Ct.) – indirect-purchaser antitrust class action for potash purchasers.
- (69) *Diane Barela, et al. v. Ralph's Grocery Company, et al.*, Civil Case No. BC070061 (L.A. Sup. Ct.) – consumer class action alleging a milk price-fixing conspiracy in Los Angeles County.
- (70) *In re: Baby Food Antitrust Litigation*, Master File No. 92-5495 (NHP), United States District Court for the District of New Jersey – class action of direct purchasers against baby food manufacturers.
- (71) *Leslie K. Bruce, et al. v. Gerber Products Company, et al.*, Civil Case No. 948-857 (S.F. Sup. Ct.) – indirect-purchaser, price-fixing action against baby food manufacturers.
- (72) *Mark Notz, et al. v. Ticketmaster-Southern California, Inc., et al.*, Civil Case No. 943-327 (S.F. Sup. Ct.) – consumer class action alleging a territorial allocation in violation of the Cartwright Act.
- (73) *Nancy Wolf v. Toyota Motor Sales, U.S.A., Inc., et al.*, Civil Action No. C94-1359-MHP – nationwide, consumer class action alleging that the TDA Assessment on the dealer invoice was raised pursuant to an antitrust agreement.
- (74) *Lee Bright v. Kanzaki Specialty Papers, Inc., et al.*, Civil Action No. 963-598 (S.F. Sup. Ct.) – indirect-purchaser, consumer class action alleging a price-fixing conspiracy on fax paper.
- (75) *In re: Media Vision Technology Securities Litigation*, Civil Action No. C-94-1015-EFL (U.S. District Court - Northern District of CA) – securities fraud class action.
- (76) *Tortola Restaurants, L.P. v. Comet Products, Inc., et al.*, Civil Action No. 961-814 (S.F. Super Ct.) – indirect-purchaser, class action alleging a price-fixing conspiracy on plastic dinnerware.
- (77) *In re: California X-Ray Antitrust Litigation*, Civil Action No. 960-886 (S.F. Sup. Ct.) – indirect-purchaser, class action alleging price-fixing in X-ray film.
- (78) *Dianne Castano, et al. v. The American Tobacco Company, et al.*, Civil Action No. 94-1044, Section "S"(5) (U.S. District Court - Eastern District of Louisiana) – class action alleging that the tobacco companies formulated cigarettes to addict consumers.

- (79) *In re: Brand Name Prescription Drugs Antitrust Litigation*, Civil Action No. 94-C-897, MDL 997 (U.S. District Court - Northern District of Illinois, Eastern Division) – direct-purchaser class action alleging that the prescription drug manufacturers and wholesalers combined to keep prices unreasonably high to retail pharmacies.
- (80) *Pharmaceutical Cases I, II and III*, Judicial Council Proceeding Nos. 2969, 2971, 2972 (S.F. Sup. Ct.) – indirect-purchaser, consumer class action alleging that prescription drug manufacturers and wholesalers kept prices unreasonably high to retail pharmacies who passed on the overcharges to consumers.
- (81) *In re: Carbon Dioxide Antitrust Litigation*, MDL 940, United States District Court, Middle District of Florida, Orlando Division – direct purchaser class action alleging price-fixing on carbon dioxide.
- (82) *In re: Liquid Carbon Dioxide Cases*, Judicial Council Coordination Proceeding No. 3012 (San Diego Sup. Ct.) – indirect-purchaser class action alleging price-fixing on carbon dioxide.
- (83) *Jack Davis v. Microsoft Corporation*, Civil Action No. 963597 (S.F. Sup. Ct.) – consumer class action alleging that Microsoft's 6.0 system was flawed and should be corrected.
- (84) *In re: Airline Ticket Commission Antitrust Litigation*, MDL 1058 (Judicial Panel on Multidistrict Litigation) – class action alleging that the airlines conspired to fix travel agents' commission rates.
- (85) *Cosmetics Antitrust Litigation*; JCCP No. 4056 – class action alleging that manufacturers of prestige cosmetics and retail department stores conspired to prevent discounting of cosmetics.
- (86) *In re: Sorbate Price-Fixing Cases*; JCCP 4073 – class action alleging that certain manufacturers of sorbate fixed prices for product sold indirectly to California.
- (87) *In re: Methionine Antitrust Litigation*, MDL 1311 – class action alleging that certain manufacturers of methionine fixed prices to direct purchasers throughout the United States.
- (88) *In re: Methionine Cases*, JCCP 4090 – class action alleging that certain manufacturers of methionine fixed prices to indirect purchasers of that product in California
- (89) *Gaehwiler, Sr., et al. v. Sunrise Carpet Industries, et al.*, SF Sup. Ct. Action No. 978345 – class action alleging that manufacturers of certain types of carpets fixed prices to indirect purchasers in California.
- (90) *Chrysler Paint Cases*; JCCP 4038 – nationwide class action alleging defect in Chrysler paint.
- (91) *Sanitary Paper Cases I & II*, JCCP 4019, 4027 – class action alleging that manufacturers of certain types of sanitary paper fixed prices to indirect purchasers in California.
- (92) *In re: Dura Lube Corporation Fraud Actions*, SF Sup. Ct. Action No. 304186 – class action alleging certain practices and false advertising by Dura Lube.

- (93) *In re: Flat Glass Indirect Purchaser Antitrust Litigation*, JCCP 4033 – class action alleging that manufacturers of certain types of flat glass fixed prices to indirect purchasers in California.
- (94) *Verges, et al. v. Old Republic Title Co.*, SF Sup. Ct. Action No. 996929 – statewide class action alleging fraudulent schemes by title insurance companies.
- (95) *In re: Toys R Us Antitrust Litigation*, MDL 1211 – nationwide class action alleging anticompetitive activities in the children’s toy market.
- (96) *NASDAQ Market Makers Antitrust Litigation*, MDL 1023 94 Civ. 3996 (RWS) – nationwide class action alleging that commissions were illegally fixed.
- (97) *In re: Vitamin Antitrust Litigation*, JCCP 4076 – statewide class action by indirect purchasers alleging a price-fixing conspiracy.
- (98) *Sanders v. Great Spring Water of America d/b/a Calistoga Mineral Water Co. and d/b/a Arrowhead Mountain Spring Water Co., et al.*, S.F. Sup. Ct. 303549 – nationwide class action alleging deceptive advertising in the sale of so-called “spring water.”
- (99) *In re: Providian Credit Card Litigation*, JCCP 4085 – a consumer fraud class action alleging a credit card company imposes fraudulent fees on its customers.
- (100) *GM Car Paint Cases*; JCCP 4070 – nationwide class action alleging defect in GM paint.
- (101) *Lopez v. Nissan North America, Inc.*, S.F. Sup. Ct. Action No. 305810 – nationwide class action alleging defect in Nissan paint.
- (102) *Judy v. Ford Motor Company*, S.F. Sup. Ct. Action No. 305722 – nationwide class action alleging defect in Ford paint.
- (103) *In re: Auctions House Antitrust Litigation*, JCCP 4145 – indirect-purchaser antitrust class action alleging that major auction houses fixed buyer commissions.
- (104) *In re: Microsoft I-V Cases*; JCCP 4106 – California Cartwright Act class action on behalf of all natural persons and businesses that purchased Microsoft operating systems and applications.
- (105) *In re: Cigarette Price-Fixing Cases*, JCCP 4114 – California Cartwright Act class action alleging that the tobacco companies fixed prices of cigarettes to pay state settlements.
- (106) *Weyerhaeuser Siding Cases*, S.F. Sup. Ct. Action No. 995787 – nationwide class action alleging that home siding was defective.
- (107) *In re: Carbon Fiber Cases I, II, and III*, JCCP 4212, 4216, and 4222 – statewide class action by indirect purchasers alleging a price-fixing conspiracy.
- (108) *In re: Microcrystalline Celluloid (MCC) Cases I, II, and III*, JCCP 4173, 4178 and 4181 – statewide class action by indirect purchasers alleging a price-fixing conspiracy.
- (109) *In re: Methionine Cases and Methionine Cases II*, JCCP 4090 and 4096 – statewide class action by indirect purchasers alleging a price-fixing conspiracy.
- (110) *Cintas Technologies, Inc., v. ISK Magnetics, et al.*, S.F. Sup. Ct. Action No. 323321 – statewide class action by indirect purchasers alleging a price-fixing conspiracy.

- (111) *In re: Carbon Black Cases*, JCCP 4323 – statewide class action by indirect purchasers alleging a price-fixing conspiracy.
- (112) *Sullivan, et al. v. DB Investments, Inc., et al.*, USDC, NDNJ No. 3:04- cv-02819 – nationwide class action by direct purchasers alleging a price-fixing conspiracy.
- (113) *DRAM Cases*, JCCP 4265 – statewide class action by indirect purchasers alleging a price-fixing conspiracy.
- (114) *Automobile Antitrust Cases I, II*, JCCP 4298 and 4303 – statewide class action by indirect purchasers alleging a price-fixing conspiracy.
- (115) *In re: Natural Gas Anti-Trust Cases I, II, III & IV*, JCCP 4221, 4224, 4226 and 4228 – statewide class action by indirect purchasers alleging a price-fixing conspiracy.
- (116) *In re: Laminate Cases*, JCCP 4129 – statewide class action by indirect purchasers alleging a price-fixing conspiracy.
- (117) *In re: Lupron Drug Cases*, JCCP 4238 – statewide class action by indirect purchasers alleging a price-fixing conspiracy.
- (118) *Alameda Drug Co., et al. v. Medco Health Solutions, Inc., et al.*, S.F. Sup. Ct. Action No. CGC-04-428109 – statewide class action by indirect purchasers alleging a price-fixing conspiracy.
- (119) *Polyester Staple Cases*, JCCP 4278 – statewide class action by indirect purchasers alleging a price-fixing conspiracy.
- (120) *Food Additives (HFCS) Cases*, JCCP 3261 – statewide class action by indirect purchasers alleging a price-fixing conspiracy.
- (121) *In re: Insurance Brokerage Antitrust Litigation*, MDL 1663 – nationwide class action by direct purchasers alleging a price-fixing conspiracy.
- (122) *Schreiner and Gustin, Inc. v. Crompton Corporation, et al.*, Sup. Ct. Action No. CGC-04-429323 – statewide class action by indirect purchasers alleging a price-fixing conspiracy.
- (123) *Leola Loots v. Crompton Corp., et al.*, Sup. Ct. Action No. CGC-04-431247 – statewide class action by indirect purchasers alleging a price-fixing conspiracy.
- (124) *Kim, et al. v. SONY Computer Entertainment, America, Inc.*, Sup. Ct. Action No. CIV 427336 – statewide class action by indirect purchasers alleging a price-fixing conspiracy.
- (125) *Schneider v. Autobahn Motors, et al.*, Sup. Ct. Action No. 315111 – statewide class action by indirect purchasers alleging a price-fixing conspiracy.
- (126) *Sullivan v. Union Oil Company of California*, Dist. Ct. Action No. 04-5236 – nationwide class action by direct purchasers alleging a price-fixing conspiracy.
- (127) *In re: Intel Corporation Microprocessor Antitrust Litigation*, MDL 1717 – nationwide class action by purchasers of computers with Intel systems.
- (128) *In re: TFT-LCD (Flat Panel) Antitrust Litigation*, MDL 1827 – indirect-purchaser class action for LCD price-fixing.

- (129) *In re: Static Random Access Memory (SRAM) Antitrust Litigation*, MDL 1819 – indirect-purchaser class action for SRAM price-fixing.
- (130) *In re: Optical Disk Drive (ODD) Antitrust Litigation*, MDL 2143 – indirect-purchaser class action for ODD price-fixing.
- (131) *In re: Flash Memory Antitrust Litigation*, MDL 1852 – indirect-purchaser class action for Flash price-fixing.
- (132) *In re: Cathode Ray Tube (CRT) Antitrust Litigation*, MDL 1917 – indirect-purchaser class action for CRT price-fixing.
- (133) *In re: Lithium Ion Batteries Antitrust Litigation*, MDL 2420 – indirect-purchaser class action for LIB price-fixing.
- (134) *In re: Automotive Parts Antitrust Litigation*, MDL 2311 – class action for automotive parts price-fixing.
- (135) *Automotive Parts Cases – Wire Harness*, Dist. Ct. Action No. 12-00100 – class action for wire harness price-fixing.
- (136) *Automotive Parts Cases – Instrument Panel Clusters*, Dist. Ct. Action No. 12-00200 – class action for instrument panel clusters price-fixing.
- (137) *Automotive Parts Cases – Fuel Senders*, Dist. Ct. Action No. 12-00300 – class action for fuel senders price-fixing.
- (138) *Automotive Parts Cases – Heater Control Panels*, Dist. Ct. Action No. 12-00400 – class action for heater control panels price-fixing.
- (139) *Automotive Parts Cases – Bearings*, Dist. Ct. Action No. 12-00500 – class action for wire harness price-fixing.
- (140) *Automotive Parts Cases – Occupant Safety Systems*, Dist. Ct. Action No. 12-00600 – class action for occupant safety systems price-fixing.
- (141) *Automotive Parts Cases – Alternators*, Dist. Ct. Action No. 13-00700 – class action for alternators price-fixing.
- (142) *Automotive Parts Cases – Anti-Vibrational Rubber Parts*, Dist. Ct. Action No. 13-00800 – class action for anti-vibrational rubber parts price-fixing.
- (143) *Automotive Parts Cases – Windshield Wipers*, Dist. Ct. Action No. 13-00900 – class action for windshield wipers price-fixing.
- (144) *Automotive Parts Cases – Radiators*, Dist. Ct. Action No. 13-01000 – class action for radiators price-fixing.
- (145) *Automotive Parts Cases – Starters*, Dist. Ct. Action No. 13-01100 – class action for starters price-fixing.
- (146) *Automotive Parts Cases – Automotive Lamps*, Dist. Ct. Action No. 13-01200 – class action for automotive lamps price-fixing.
- (147) *Automotive Parts Cases – Switches*, Dist. Ct. Action No. 13-01300 – class action for switches price-fixing.

- (148) *Automotive Parts Cases – Ignition Coils*, Dist. Ct. Action No. 13-01400 – class action for ignition coils price-fixing.
- (149) *Automotive Parts Cases – Motor Generator*, Dist. Ct. Action No. 13-01500 – class action for motor generator price-fixing.
- (150) *Automotive Parts Cases – Steering Angle Sensors*, Dist. Ct. Action No. 13-01600 – class action for steering angle sensors price-fixing.
- (151) *Automotive Parts Cases – HID Ballasts*, Dist. Ct. Action No. 13-01700 – class action for HID ballasts price-fixing.
- (152) *Automotive Parts Cases – Inverters*, Dist. Ct. Action No. 13-01800 – class action for inverters price-fixing.
- (153) *Automotive Parts Cases – Electronic Powered Steering Assemblies*, Dist. Ct. Action No. 13-01900 – class action for electronic powered steering assemblies price-fixing.
- (154) *Automotive Parts Cases – Air Flow Meters*, Dist. Ct. Action No. 13-02000 – class action for air flow meters price-fixing.
- (155) *Automotive Parts Cases – Fan Motors*, Dist. Ct. Action No. 13-02100 – class action for fan motors price-fixing.
- (156) *Automotive Parts Cases – Fuel Injection Systems*, Dist. Ct. Action No. 13-02200 – class action for fuel injection systems price-fixing.
- (157) *Automotive Parts Cases – Power Window Motors*, Dist. Ct. Action No. 13-02300 – class action for power window motors price-fixing.
- (158) *Automotive Parts Cases – Automatic Transmission Fluid Warmers*, Dist. Ct. Action No. 13-02400 – class action for automatic transmission fluid warmers price-fixing.
- (159) *Automotive Parts Cases – Valve Timing Control Devices*, Dist. Ct. Action No. 13-02500 – class action for valve timing control devices price-fixing.
- (160) *Automotive Parts Cases – Electronic Throttle Bodies*, Dist. Ct. Action No. 13-02600 – class action for electronic throttle bodies price-fixing.
- (161) *Automotive Parts Cases – Air Conditioning Systems*, Dist. Ct. Action No. 13-02700 – class action for air conditioning systems price-fixing.
- (162) *Automotive Parts Cases – Windshield Washer Systems*, Dist. Ct. Action No. 13-02800 – class action for windshield washer systems price-fixing.
- (163) *Automotive Parts Cases – Automotive Constant Velocity Joint Boot Products*, Dist. Ct. Action No. 14-02900 – class action for automotive constant velocity joint boot products price-fixing.
- (164) *In re: Vehicle Carrier Services Antitrust Litigation*, MDL 2471 – indirect-purchaser class action for vehicle carrier services price-fixing.
- (165) *In re: Cast Iron Soil Pipe Antitrust Litigation*, MDL 2508 – indirect-purchaser class action for cast iron soil pipe price-fixing.

- (166) *Pierce-Nunes v. Toshiba America Information Systems, Inc.*, Dist. Ct. Action No. 14-00796 – class action for intentionally mislabeling LCD televisions as LED televisions.
- (167) *Wheitz v. Vizio, Inc.*, Sup. Ct. Action No. CGC-14-537610 – class action for intentionally mislabeling LCD televisions as LED televisions.
- (168) *Rabinowitz v. Samsung Electronics America, Inc.*, Dist. Ct. Action No. 14-00801 – class action for intentionally mislabeling LCD televisions as LED televisions.
- (169) *Ferrari v. Best Buy Co., Inc. et al.*, Dist. Ct. Action No. 14-02956 – class action for intentionally mislabeling LCD televisions as LED televisions.
- (170) *Popejoy et al v. Sharp Electronics Corporation*, Dist. Ct. Action No. 14-03495 – class action for intentionally mislabeling LCD televisions as LED televisions.
- (171) *Four in One Company, Inc. v. SK Foods, L.P. et al.*, Dist. Ct. Action No. 08-03017 – direct-purchaser class action for tomatoes price-fixing.
- (172) *In re: Processed Egg Products Antitrust Litigation*, MDL 2002 – class action for processed egg products price-fixing.
- (173) *In re: Aftermarket Automotive Lighting Products Antitrust Litigation*, MDL 2007 – indirect-purchaser class action for aftermarket automotive lighting products price-fixing.
- (174) *In re: Transpacific Passenger Air Transportation Antitrust Litigation*, MDL 1913 – indirect-purchaser class action for transpacific passenger air transportation price-fixing.
- (175) *In re Parking Heaters Antitrust Litigation*, MDL 904, EDNY – indirect-purchaser class action for truck heaters price-fixing.
- (176) *In re: Disposable Contact Lens Antitrust Litigation*, MDL 2626, MDL – indirect-purchaser class action for vertical price-fixing by manufacturers of disposable contact lenses.
- (177) *In re: Packaged Seafood Products Antitrust Litigation*, MDL 2670, SDCA – indirect-purchaser class action for price-fixing by processors of packaged seafood products.
- (178) *In re: Volkswagen “Clean Diesel” Marketing, Sales Practices, and Products Liability Litigation*, MDL 2672, NDCA – class action brought on behalf of consumers against manufacturers of European diesel engines fraudulently promoted as environmentally “clean.”
- (179) *In re: Chrysler-Dodge-Jeep EcoDiesel Marketing, Sales Practices and Products Liability Litigation*, MDL 2777, NDCA – class action brought on behalf of consumers against manufacturers of American diesel engines fraudulently promoted as environmentally “clean.”
- (180) *Gumbs, et al. v. Aurobindo Pharma USA, Inc., et al.*, USDC/NDCA Case No. 17-02084 – class action brought on behalf of independent pharmacists alleging pharmacies selling generic glyburide tablets of conspiring to fix, raise, maintain and stabilize the price of said tablets.

- (181) *County of San Joaquin, et al. v. Purdue Pharma L.P., et al.*; San Joaquin County Superior Court Case No. STK-CV-UBT-2017-5325 – action by city and county governments against pharmaceutical manufacturers to recover costs of responding to opioid epidemic caused by defendants’ failure to disclose adequately the risks of addiction and abuse.
- (182) *GER Hospitality, LLC, et al. v. PG&E Corporation, et al.*, Sonoma County Superior Court Case No. SCV-261723 – action by business operator against PG&E Corporation and Pacific Gas & Electric Company for damages suffered due to the Wine Country Wildfires which commenced in early October 2017.
- (183) *Steel, et al. v. PG&E Corporation, et al.*, Napa County Superior Court Case No. 18-CV-000030 – class action by residents of veterans’ home against PG&E Corporation and Pacific Gas & Electric Company for damages suffered due to the Wine Country Wildfires which commenced in early October 2017.
- (184) *Carpeneti v. PG&E Corporation, et al.*, San Francisco County Superior Court Case No. CGC-18-563823 – action by landowner against PG&E Corporation and Pacific Gas & Electric Company for damages suffered due to the Wine Country Wildfires which commenced in early October 2017.
- (185) *Wahidullah Medical Corp. v. St. Joseph Hospital of Eureka, et al.*, USDC/NDCA Case No. 3:18-cv-02074 – action by medical laboratory against medical providers alleging group boycott and monopolization, in violation of federal and California law.
- (186) *Smylie, et al. v. PG&E Corporation, et al.*, Sonoma County Superior Court Case No. SCV-262539 – class action by evacuees of Santa Rosa against PG&E Corporation and Pacific Gas & Electric Company for damages suffered due to the Wine Country Wildfires which commenced in early October 2017.
- (187) *In re PG&E Corporation*, USBC/NDCA Case No. 19-30088 – Counsel for fire victims asserting claims against bankruptcy estate of PG&E.

# **EXHIBIT B**

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

_____x	)	MDL Docket No. 03-md-1532
IN RE: NEW MOTOR VEHICLES	)	ALL CASES
CANADIAN EXPORT ANTITRUST	)	
LITIGATION	)	
_____x		

**DECLARATION OF THE LAW OFFICES OF FRANCIS O. SCARPULLA  
IN SUPPORT OF APPLICATION FOR AWARD OF ATTORNEYS' FEES,  
REIMBURSEMENT OF EXPENSES, AND PROVISION OF INCENTIVE AWARDS**

I, FRANCIS O. SCARPULLA, declare as follows:

1. I was the owner and sole practitioner of the Law Offices of Francis O. Scarpulla ("LOFOS") until June 1, 2006, when I joined the firm of Zelle Hofmann Voelbel & Mason LLP ("Zelle"). I submit this declaration in support of the Plaintiffs' Application for an Award of Attorneys' Fees, Reimbursement of Expenses, and Provision of Incentive Awards for the period from the inception of this case to June 1, 2006.

2. LOFOS represented plaintiff, United Food and Commercial Workers, Local 588 ("UFCW"), which was a named plaintiff in the coordinated actions pending in the Superior Court of the State of California, City and County of San Francisco. My *curricula vita* is attached as Exhibit A and incorporated herein by reference.

3. During the period of time LOFOS was involved in this litigation, I participated in all major aspects of the case on behalf of the plaintiffs, including investigating the claims eventually made in UFCW's complaint; drafting pleadings; participating in the coordination proceedings; preparing motions and briefs with my co-counsel; engaging in discovery procedures, including taking depositions of key witnesses; participating in hearings and oral arguments before the court; participating in settlement negotiations and conferences with my co-

counsel; and generally participating in the leadership structure of the coordinated actions.

4. The schedule attached as Exhibit B, and incorporated herein, is a detailed summary of the amount of time spent by me. The lodestar calculation is based on my billing rates in effect at the time services were performed. Exhibit B was prepared from contemporaneous time records regularly prepared and maintained by my firm. My hourly rates included in Exhibit B or were at the time the usual and customary hourly rates charged for their services in similar complex class actions, as well as to *per diem* clients.

5. The total number of hours expended on this litigation by my firm from inception to November 30, 2010 is 635.50 hours. The total lodestar for my firm is \$511,800.

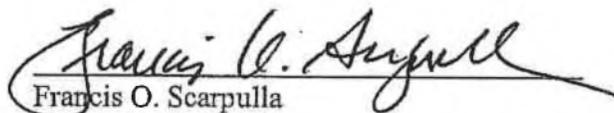
6. My lodestar is based on my billing rates, which do not include charges for expense items. Expense items are billed separately and are not duplicated in my firm's lodestar.

7. My firm expended a total of \$28,537.79 in unreimbursed expenses necessary in connection with the prosecution of this litigation. These expenses are described in Exhibit C, which is attached hereto and incorporated herein.

8. The expenses LOFOS incurred in litigating this action are reflected in the firm's books and records, which were prepared from expense vouchers, receipts, check records and other source materials and accurately reflect the expenses incurred.

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

Executed this 30th day of December, 2010, at San Francisco, California.

  
Francis O. Scarpulla

# **EXHIBIT C**

In re New Motor Vehicles Canadian Export Antitrust Litigation

Time and Lodestar Report

[FIRM NAME]

Period: Inception to November 30, 2010

NAME	Hourly Rate	Total Cumulative Hours	Total Cumulative Lodestar
<b>PARTNERS</b>			
Francis O. Scarpulla (2006)	\$900.00	58.75	\$52,875.00
Francis O. Scarpulla (2005)	\$850.00	154.50	\$131,325.00
Francis O. Scarpulla (2004)	\$800.00	222.50	\$178,000.00
Francis O. Scarpulla (2003)	\$750.00	199.50	\$149,625.00
<b>Total Partners</b>		<b>635.50</b>	<b>511,800.00</b>
<b>ASSOCIATES</b>			
			\$0.00
<b>Total Associates</b>		<b>0.00</b>	<b>0.00</b>
<b>OTHER ATTORNEYS</b>			
			\$0.00
<b>Total Other Attorneys</b>		<b>0.00</b>	<b>0.00</b>
<b>INVESTIGATORS</b>			
			\$0.00
<b>Total Investigators</b>		<b>0.00</b>	<b>0.00</b>
<b>PARALEGALS</b>			
			\$0.00
<b>Total Paralegals</b>		<b>0.00</b>	<b>0.00</b>
<b>LAW CLERKS</b>			
			\$0.00
<b>Total Law Clerks</b>		<b>0.00</b>	<b>0.00</b>
<b>TOTALS</b>		<b>635.50</b>	<b>\$511,800.00</b>

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5/12/2016	1.6	Prepare for DCA argument (1.6);	FOS
5/13/2016	1.7	Prepare for strategy session on 5/16 (1.7);	FOS
5/14/2016	2.3	Prepare for strategy session (2.3);	FOS
5/16/2016	5	Strategy session (5.0); prepare for and attend;	FOS
5/17/2016	4	Prepare for and attend DCA hearing (4.);	FOS
5/17/2016	0.6	Review SPOKEO (U.S. S.C.) for injury in fact (.6);	FOS
7/5/2016	0.2	Confer w/ J.D. Cooper, T.R. Kirkham, P.B. Clayton re status and strategies (.2);	FOS
7/6/2016	1.3	Review SJ opinion from DCA (1.3);	FOS
8/8/2016	1.5	Confer w/ J. Tabacco, <i>et al.</i> (1.5);	FOS
8/9/2016	1	Confer w/ J.D. Cooper re JPA federal court cases (.2) Telephone conference w/ G. Saveri re agreement on fees, etc. (.8);	FOS
8/18/2016	0.4	Confer w/ J.D. Cooper re status; telephone conference w/ G. Saveri re same (.4);	FOS
11/29/2016	0.3	Confer w/ J.D. Cooper re status, strategies, etc. (.3);	FOS
11/30/2016	0.1	Confer w/ J.D. Cooper re trial preparation (.1);	FOS
12/15/2016	0.6	Various emails re cost motion; review same, etc. (.6);	FOS
2/8/2017	0.5	Emails re status of conference re strategies; replies (.5);	FOS
2/9/2017	1.2	Prepare for and attend conference call re status and strategies for case w/ J. Karnow, etc. (1.2);	FOS
3/4/2017	0.6	Email from and to T. Seaver, J. Bogdanov re contacting class members, etc.; replies (.6);	FOS
3/6/2017	1	Emails from and to G. Saveri re status (.4); confer w/ J.D. Cooper and J. Bogdanov re new plaintiffs (.6);	FOS
3/13/2017	0.1	Telephone conference w/ J.D. Cooper re open issues for CMC;	FOS
3/22/2017	0.7	Telephone conference w/ G. Saveri re status, strategies (.7);	FOS
3/29/2017	0.3	Emails and telephone conference w/ J.D. Cooper re trial preparation (.3)	FOS
4/4/2017	1.8	Prepare for and attend conference w/ W. Bernstein, J.D. Cooper re status and strategies for SJ motion and trial (1.8);	FOS
4/6/2017	0.9	Prepare for and attend conference w/ J. Tabacco re Can Cars (.9);	FOS
4/6/2017	0.8	Prepare for and attend telephone conference w/ J.D. Cooper, W Bernstein re status, strategies, etc. (.8);	FOS
4/7/2017	0.6	Emails to and from co-counsel re status and strategies (.6);	FOS
4/12/2017	3.5	Email to and from J.D. Cooper re pre-conference meeting; prepare for and attend J.D. Cooper meeting and meeting with other co-counsel (3.5);	FOS
4/13/2017	0.7	Emails from and to co-counsel re schedule meeting, strategies, etc.; replies (.4); review counsel agreement (.3);	FOS
4/14/2017	0.4	Emails re case schedule and counsel meeting; replies (.4);	FOS
4/20/2017	0.1	Telephone conference w/ J.D. Cooper re scheduling and strategies (.1);	FOS
4/24/2017	0.4	Emails to and from co-counsel re SJ meeting for hearing, etc.; replies (.4);	FOS

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4/26/2017	0.2	Confer w/ C.Corbitt re meeting for SJ hearing (.2);	FOS
4/28/2017	0.4	Email to and from co-counsel re preparation for SJ hearing; replies (.4);	FOS
5/2/2017	1.1	Prepare for and attend strategy session for Summary judgment motion (1.1);	FOS
5/4/2017	2.1	Prepare for and attend hearing on Summary Judgment (2.1; including travel);	FOS
5/4/2017	0.5	Emails to J.D. Cooper re hearing (.20; telephone conference w/ G. Saveri re same (.3);	FOS
5/8/2017	0.3	Confer w/ J.D. Cooper re summary judgment argument (.3)	FOS
5/10/2017	0.2	Emails re CMC meeting; replies (.2);	FOS
5/16/2017	2.7	Prepare for and attend pre-CMC meeting (2.7);	FOS
5/17/2017	0.4	Order on summary judgment (.4);	FOS
5/17/2017	2.2	Edits to <i>res judicata</i> brief (1.1); emails re writs of execution; replies re strategies (1.1);	FOS
5/18/2017	3	Telephone conference w/ J.D. Cooper re writs of execution and Karnow hearing, docs., etc. (.2); review and edit T. Seaver agenda re same ; emails to J. Tabacco and J.D. Cooper re same; emails from J.D. Bogdanov re same (1.); additional comments on agenda (1.8);	FOS
5/18/2017	2	Edits to <i>Res Judicata</i> brief (1.30; emails re same w/ co-counsel (.7);	FOS
5/22/2017	0.7	Review <i>res judicata</i> brief; edits (.6); telephone conference w/ J.D. Cooper re same (.1);	FOS
5/26/2017	0.7	Edits re cost brief (.7);	FOS
5/2/2017	0.7	Emails from and to co-counsel re cost brief; sanctions issue, etc.; replies thereto, etc. (.7);	FOS
5/29/2017	0.7	Email from and to J. Moy re cost brief and review same (.7);	FOS
5/30/2017	3	Cost bill brief; emails from and to co-counsel re sanctions section and strategies re same; replies to email re same (1.6); telephone conference w/ J.D. Cooper re same (.2); further edits to the cost brief; confer w/ P.B. Clayton re same and email from and to J. Tabacco re same (1.2);	FOS
5/31/2017	0.3	Telephone conference w/ J.D. Cooper, J.D. Bogdanov, P.B. Clayton re status, strategies (.3);	FOS
6/1/2017	1.2	Multiple emails re reply brief; review same; replies, etc. ; strategies for brief arguments (1.2);	FOS
6/2/2017	0.8	Multiple emails from and to co-counsel re content of reply brief; replies (.3); review brief and comment (.5);	FOS
6/6/2017	0.8	Email to and from co-counsel re mediators; replies, etc. (.8);	FOS
6/7/2017	0.4	Status and strategies for mediation (.4);	FOS
6/12/2017	2.6	Multiple emails from and to co-counsel re preparation for Res Judicata motion; replies (.4); telephone conference w/ J.D. Cooper re same (.2); telephone conference w/ J. Tabacco re same (.2); prepare for <i>Res Judicata</i> moot court session (.7); participate in Res Judicata moot court session (1.1);	FOS

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6/13/2017	1.7	Multiple emails and telephone conference re Ford <i>res judicata</i> hearing on 6/15 (.9); emails and telephone conference w/ co-counsel re Ford cost order, etc. (.8);	FOS
6/14/2017	0.5	Edits to letter re <i>res judicata</i> TN order; emails re same (.5);	FOS
6/15/2017	1.8	Report on hearing (.2); emails from and to T. Seaver re strategies for opposing cost memo, etc. (.6); email re same (.5); review court documents (.5);	FOS
6/15/2017	0.3	Update on hearing (.3);	FOS
6/16/2017	2.7	Cost bill issues; replies, etc. (1.8); review <i>res judicata</i> order (.7); telephone conference w/ W. Bernstein re ruling strategies (.2);	FOS
6/17/2017	0.6	Telephone conference w/ W. Bernstein re dismissal for <i>certiorari</i> (.3); confer w/ J.D. Cooper re same (.3);	FOS
6/18/2017	1.7	Emails re cost bill, etc.; replies; strategies, etc. (1.1); <i>res judicata</i> issues (.6);	FOS
6/21/2017	1.2	Emails re edits to judgment; replies (.6); emails re motion to tax costs; replies (.6);	FOS
6/23/2017	0.8	Opposition to costs; edit and emails re same; review new case <i>Monster</i> for application to Canadian cars/Ford (.8);	FOS
7/12/2017	0.6	Telephone conference w/ J. D. Cooper re discovery issues; emails re same (.2); confer w/ C. Corbitt re status, strategies after order, etc. (.4);	FOS
7/19/2017	0.1	Telephone conference w/ J.D. Cooper re plaintiffs' conference (.1);	FOS
7/28/2017	1.1	Email re further proceedings; replies (.5); review decs and further emails (.6);	FOS
8/2/2017	0.1	Telephone conference w/ J.D. Cooper re appeal record (.1);	FOS
8/4/2017	0.2	Email from and to T. Seaver re website, etc. (.2);	FOS
8/7/2017	0.5	Review new <i>res judicata</i> case from DCA (.3); email to and from co-counsel re same (.2);	FOS
8/8/2017	0.3	Email re motion to tax costs; replies (.3);	FOS
8/9/2017	1.8	Emails to and from J.D. Cooper re reply brief; review motion to tax costs; review defendants' response; reply brief (1.8);	FOS
8/14/2017	0.8	Email and telephone conference w/ J.D. Cooper re settlement offer re Ford to waive costs, etc.; replies (.8);	FOS
8/17/2017	2.1	Prepare for and attend telephone conference w/ co-counsel re settlement master (.3); revise, edit DCA motion to expedite appeal (1.4); emails re same (.4);	FOS
8/17/2017	0.6	Emails re cost bill and motion to tax; replies (.6);	FOS
8/18/2017	0.8	Multiple emails from and to co-counsel re cost hearing, etc. (.8);	FOS
8/24/2017	1	Emails re rejection Ford settlement (.4); emails re appeal from court order and implications of paying for costs (.6);	FOS
8/25/2017	0.3	Emails to and from R. Walker re appellate issue (.3);	FOS
8/28/2017	0.8	Emails to and from co-counsel re appeal of costs and payment thereof (.4); email to and from R. Walker re cost issues (.4);	FOS
8/31/2017	1.4	Multiple emails to and from co-counsel re cost issues; review prior briefs, orders (1.4);	FOS

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9/1/2017	3.2	Multiple emails to and from co-counsel re Ford cost motion, memo; edits to brief; reply emails, etc. (3.2);	FOS
9/5/2017	0.1	Confer w/ J.D. Cooper re motion to pay judgment (.1);	FOS
9/11/2017	0.4	Confer w/ J.D. Cooper, T.R. Kirkham re status of cost order, briefing (.4);	FOS
9/14/2017	0.1	Telephone conference w/ J.D. Cooper re appeal (.1);	FOS
9/19/2017	0.4	Telephone conference w/ J.D. Cooper re reply brief (.4);	FOS
9/21/2017	1.5	Emails and telephone conference w/ J.D. Cooper and G. Saveri re reply brief, etc. (1.5);	FOS
9/25/2017	0.3	Confer w/ J.D. Cooper re satisfaction of judgment (.3);	FOS
9/28/2017	1.1	Telephone conference re preparation and attendance for 9/29 hearing (1.1);	FOS
9/29/2017	0.4	Emails re hearing on costs (.4);	FOS
10/3/2017	0.1	Telephone conference w/ J.D. Cooper re Ford accept costs (.1);	FOS
12/5/2017	0.3	Confer w/ J.D. Cooper, J. Tabacco re expedited appeal (.3)	FOS
12/15/2017	0.2	Appellate transcript (read) (.2);	FOS
1/23/2018	2.9	Edits to opening brief on appeal (2.6); email from G. Saveri (.2); email to co-counsel re same (.1);	FOS
1/25/2018	0.1	Confer w/ J.D. Cooper re <i>res judicata</i> brief (.1);	FOS
4/12/2018	1.3	Edits to Opening Brief re costs; email to co-counsel re same (1.3);	FOS
4/14/2018	0.3	Emails from and to co-counsel re Opening Brief (.3);	FOS
4/15/2018	0.6	Emails w/ attachment re Opening brief; review, edits (.6);	FOS
4/16/2018	0.8	Edits to Opening Brief (.8);	FOS
4/18/2018	0.8	Opening Brief on appeal (.8);	FOS
4/26/2018	0.1	Confer w/ J.D. Cooper re filing for preference (.1);	FOS
5/16/2018	0.9	Edits re reply brief (.9);	FOS
5/19/2018	1.7	Review and edit reply brief (1.7);	FOS
7/17/2018	0.6	Review responsive brief and comment (.6);	FOS
8/21/2018	0.5	Read new <i>res judicata</i> 9th Cir. Cal law opinion (.5);	FOS
8/23/2018	0.8	Review, edit reply brief (.8);	FOS
9/12/2018	0.5	Email to and from co-counsel re oral argument on appeal (.5);	FOS
8/13/2019	0.4	Emails re status, strategies; replies, telephone conference w/ G. Saveri re same (.4);	FOS
8/14/2019	1.5	Prepare for and attend conference w/ J. Tabacco and T. Seaver re strategies (1.5);	FOS
8/20/2019	1.3	Confer w/ J. Tabacco, W. Bernstein, T. Seaver re status and strategies re appeal hearing, settlement (1.3);	FOS
8/21/2019	0.5	Prepare for and attend telephone conference w/ all counsel (.5); email co-counsel re strategies for Ford appeal reply (.4)	FOS
9/11/2019	0.1	Email to J. Tabacco, <i>et al.</i> re hearing (.1)	FOS
9/12/2019	0.5	Email from J. Tabacco re hearing (.1); email from T. Seaver re same (.1); email to J. Tabacco, T. Seaver re same (.1); email from T. Seaver re challenge to J. Streeter by Ford (.1); reply (.1);	
11/5/2019	1.2	Petition for hearing in CA Superior Court (.8); emails re same to and from co-counsel (.4);	FOS

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11/19/2019	0.9	Review answer to Petition (.9);	FOS
1/17/2020	0.6	Motion to stay; emails re same (.6);	FOS
10/1/2020	0.4	Email to co-counsel re status of Ford appeal; replies (.4);	FOS
10/5/2020	0.3	<i>Cert.</i> denied (.1); emails re same (.2);	FOS
10/28/2020	0.2	Emails re conference call scheduling (.1); replies (.1);	FOS
11/20/2020	0.8	Email to J. Tabacco re update (.1); reply (.1); email re expert Netz (.1); replies (.5);	FOS
11/30/2020	0.8	Edits to joint CMC statement (.4); emails re same (.1); additional edits (.3);	FOS
12/2/2020	0.3	Joint CMC statement (.3);	FOS
12/10/2020	0.7	Email to J. Tabacco re Netz as expert (.1); replies (.6);	FOS
12/17/2020	0.8	Email from J. Tabacco re Netz conference w/ attached joint CMC extension (.3); replies (.3); telephone conference w/ Netz (.2);	FOS
12/18/2020	0.2	Email from T. Seaver to Netz w/ attachments (.2);	FOS
1/6/2021	0.8	Email from T. Seaver w/ attached motions from Ford; review same (.8);	FOS
1/12/2021	0.3	Netz retainer w/ email (.3);	FOS
1/20/2021	0.4	Netz work plans (.4);	FOS
1/29/2021	1.1	Opposition to Ford motions; review and comment (1.1);	FOS
2/1/2021	0.3	Final draft of opposition to Ford motions (.3);	FOS
2/2/2021	0.1	Email from L. Cuesta re opposition brief (.1);	FOS
3/11/2021	0.3	Email re Netz work (.1); replies (.1); email from T. Seaver re Netz work plan (.1);	FOS
3/16/2021	0.3	Email re CMC and addition request for mediation; replies (.3);	FOS
3/19/2021	0.2	Netz retainer agreement (.1); emails re same (.1);	FOS
3/22/2021	1.3	Canadian Cars hearing, preparation and attendance (1.2); email to T. Seaver re same (.1);	FOS
3/23/2021	1	Telephone conference w/ Netz, <i>et al.</i> , preparation and attendance (.8); emails re same (.2);	FOS
3/24/2021	0.5	Email re possible mediator; reply (.3); email to co-counsel re M. Tubach taking over for Ford; replies (.2);	FOS
3/25/2021	1	Emails re conference call information ; replies (.4); prepare for and attend telephone conference (.6);	FOS
3/31/2021	0.2	Email re hearing schedule; reply (.2);	FOS
4/1/2021	1	Canadian Cars CMC, preparation and attendance (1);	FOS
4/2/2021	0.8	Prepare for and attend telephone conference w M. Tubach, J. Tabacco, T. Seaver, M. Pearson (.8);	FOS
4/8/2021	0.9	Emails re defendants' expert reports (.1); peruse same (.6); Hall deposition transcript to Netz (.1); plaintiffs' experts to Netz (.1);	FOS
4/10/2021	0.2	Email to J. Tabacco re list of mediators (.1); reply (.1);	FOS
4/23/2021	0.3	Email from ApplEcon to co-counsel re administrative items (.3);	FOS
6/9/2021	0.5	Email to co-counsel re Ford financing (.1); replies (.4);	FOS
6/11/2021	0.8	Email from J.D. Bogdanov re Ford reports and attachments re same (.8);	FOS

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6/13/2021	1.2	Email from T. Seaver re mediation statement and review comments on same (1.2);	FOS
6/15/2021	0.6	Review Ford mediation statement and exhibits (.6);	FOS
6/21/2021	0.3	Email to M. Tubach; reply (.3);	FOS
6/22/2021	3.9	Prepare for and attend Zoom mediation (3.9);	FOS
6/23/2021	0.6	Email from T.R. Kirkham re motions <i>in limine</i> re "grey market"; replies (.1);	FOS
6/25/2021	0.6	Email and telephone conference w/ M. Tubach re Ford mediation/settlement issues (.6);	FOS
6/30/2021	0.7	Email to T. Seaver, <i>et al.</i> , re ApplEcon ind. contractor (.1); prepare for and attend conference w/ co-counsel (.6);	FOS
7/21/2021	0.2	ApplEcon email re retention letters (.2);	FOS
8/4/2021	0.1	Email from T. Seaver re Zoom w/ Netz (.1);	FOS
8/13/2021	0.4	Email the UFCW plaintiff (.1); email from O'Melveny re Ford's expert witness declaration and review same (.3);	FOS
8/23/2021	0.1	Email from S. Grossman-Swenson re UFCW plaintiff (.1);	FOS
8/24/2021	0.4	Emails to and from M. Tubach re Ford settlement issues (.2); email to and from E. Lawrence re UFCW (.2);	FOS
8/25/2021	0.3	Email to and from M. Tubach re Ford settlement issues (.1); reply (.2);	FOS
8/25/2021	0.3	Email from J.D. Bogdanov re UFCW as trial witness (.1); reply (.1); email from J.D. Bogdanov re E. Kenna's client as trial witness (.1);	FOS
8/25/2021	0.4	Telephone conference w/ M. Tubach re trial and possible Ford mediation/settlement (.3); email to co-counsel re same (.1);	FOS
8/30/2021	0.6	Email from T. Seaver re fact discussion w/ attached mediation briefs and appellate discussion (.6);	FOS
8/31/2021	2.6	Prepare for and attend conference call w/ co-counsel; multiple emails from co-counsel re documents from Toyota settlement and conference attendees; email re Ford Canada answer to complaint (2.4); email from M. Tubach re Ford considering settlement (.1); email to J. Zahid re Ford payment Toyota amount; reply (.1);	FOS
9/3/2021	0.3	Email from M. Tubach re Ford settlement issues (.1); replies (.1);	FOS
9/4/2021	0.2	Email to T. Seaver re Zoom link (.1); reply (.1);	FOS
9/7/2021	1.5	Email to M. Tubach re Ford settlement (.1); reply (.1); email to co-counsel re telephone conference to discuss Ford possible settlement; replies (.3); email from S. Chan (JAMS) re telephone conference w/ Judge Infante (.1); reply (.1); telephone conference w/ co-counsel, prepare for and attend (.8);	FOS
9/8/2021	1.6	Email from J. Tabacco re Netz invoice; reply (.2); Zoom court hearing, prepare for and attend (.8); telephone conference w/ J. Tabacco re status strategies, etc., prepare for and attend (.6);	FOS

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9/9/2021	1.9	Telephone conference w/ Judge Infante re possible Ford settlement of Toyota amount, prepare for and attend (.6); telephone conference w/ co-counsel re status, strategies for Ford settlement (.6); email from J.D. Bogdanov re UCFW as a witness; reply (.2); email to M. Tubach re Ford settlement (.1); reply (.1); telephone conference w/ M. Tubach re possible settlement (.3);	FOS
9/10/2021	0.6	Email w/ Ford witness list, exhibits (.4); email re plaintiffs' lists, etc. (.2);	FOS
9/13/2021	0.4	Email from T.R. Kirkham re strategies for going forward (.3); reply (.1);	FOS
9/13/2021	0.2	Email to M. Tubach re Ford settlement , etc . (.1); reply (.2);	FOS
9/15/2021	0.7	Telephone conference w/ co-counsel re Ford settlement, etc., prepare for and attend (.5); email M. Tubach re Ford settlement (.1); reply (.1);	FOS
9/16/2021	0.3	Email to J. Zahid re going forward (.1); replies (.2);	FOS
9/17/2021	1.3	Telephone conference w/ M. Tubach re Ford settlement (.3); email co-counsel re same and what to demand (.1); replies (.4); email to Sandra Chan (JAMS) re telephone conference w/ Judge Infante (.1); reply (.1); telephone conference w/ Judge Infante re status of discussions w/ Tubach (.3);	FOS
9/20/2021	1.7	Email to co-counsel re Tubach's authority of \$30MM (.1); replies (.5); telephone conference w/ co-counsel re same (.5); email to M. Tubach re Ford settlement (.1); reply (.1); telephone w/ M. Tubach re Ford settlement (.4);	FOS
9/21/2021	0.1	Email from M. Pearson re Netz deposition (.1);	FOS
9/23/2021	0.6	Email from S. Chan re telephone conference w/ Judge Infante (.1); reply (.1); prepare for and attend telephone conference w/ Judge Infante (.5);	FOS
9/24/2021	0.4	Email from K. Moen re Ford motions <i>in limine</i> w/ attachment (.4);	FOS
9/25/2021	0.1	Email to Steve Stemerman re UCFW as a trial witness (.1);	FOS
9/27/2021	0.8	Email to co-counsel re telephone conference scheduling (.1); replies (.2); email from S. Chan re telephone conference w/ Judge Infante (.1); reply (.1); prepare for and attend telephone conference w/ Judge Infante (.3);	FOS
9/29/2021	1.4	Email to co-counsel re telephone conference re strategies (.1); replies (.6); email from S. Chan re telephone conference w/ Judge Infante (.1); reply (.1); prepare for and attend telephone conference w/ Judge Infante (.5);	FOS

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9/30/2021	3.5	Email to Netz re telephone conference (.1); reply (.1); email to co-counsel re requesting Zoom w/ J. Tabacco, <i>et al.</i> and strategies re Ford settlement (.1); replies (.6); email to J. Tabacco re same (.1); reply (.1); email to co-counsel setting up Tabacco telephone conference; replies (.7); telephone conference w/ Netz re settlement amount (.3); email re Ford conspiracy period (.1); replies (.2); email to co-counsel re Federal time no included in state fees (.1); T.R. Kirkham reply w/ attachment of 2011 fee application data (.2); J. Zahid reply (.1); email to co-counsel re Paulson case (.1); email to E. Fastiff re Cipro opinion (.1); replies (.2); email to co-counsel re <i>per se</i> in Cartwright Act (.3);	FOS
10/5/2021	0.6	O'Melveny firm's motion for summary adjudication, MPA, etc. (.6);	FOS
10/6/2021	0.1	Email to M. Tubach re Ford settlement amount (.1);	FOS
10/7/2021	0.1	Email re scheduling a telephone conference w/ M. Tubach re Ford settlement (.1);	FOS
10/8/2021	0.2	Email from M. Tubach re Ford settlement and telephone conference to discuss (.1); reply (.1);	FOS
10/10/2021	0.3	Email from T.R. Kirkham re going forward and split w/ J. Tabacco (.3);	FOS
10/11/2021	0.1	Email to M. Tubach re status of Ford settlement amount (.1);	FOS
10/14/2021	0.3	Telephone conference w/ M. Tubach re Ford at \$35MM (.3);	FOS
10/14/2021	0.7	Email to co-counsel re telephone conference scheduling (.1); replies (.3); email S. Chan re telephone conference w/ Judge Infante (.1); reply (.1); email to S. Chan re Ford at \$35MM (.1);	FOS
10/19/2021	0.5	Email from T.R. Kirkham re status of Tabacco deal (.1); reply (.4);	FOS
10/23/2021	1.4	Email to T.R. Kirkham re Tabacco deal on splitting fees (.2); replies (.2); emails re Ford offering \$35MM; replies (.6); email to M. Tubach re Ford settlement (.1); replies (.3);	FOS
10/28/2021	0.1	Email to co-counsel re new case that might effect Canadian Cars (.1);	FOS
10/29/2021	0.7	Email re plaintiffs' motions; review same (.7);	FOS
11/8/2021	0.6	Email w/ Ford reply to exclude Netz, etc., and review same (.6);	FOS
11/16/2021	0.2	Email from M. Tubach re Ford settlement (.1); reply (.1);	FOS
11/29/2021	0.5	Email from M. Tubach re Ford settlement (.1); replies (.4);	FOS
11/30/2021	0.8	Email re scheduling telephone conference w/ M. Tubach (.1); replies (.3); telephone conference w/ M. Tubach re Ford settlement (.3);	FOS
12/2/2021	0.5	Email w/ Court tentative rulings; reply (.1); review same (.4);	FOS
12/6/2021	0.5	Court email w/ tentatives (.4); email to co-counsel re <i>per se</i> ruling (.2);	FOS
12/14/2021	0.8	Court email w/ tentative rulings (.1); reply (.1); review same (.6);	FOS
1/5/2022	0.5	Email to co-counsel re mediation schedule (.1); replies (.4);	FOS
1/13/2022	0.2	Email to T.R. Kirkham re mediation (.1); reply (.1);	FOS
1/14/2022	7.1	Prepare for and attend mediation w/ Ford (6.7); emails re successful mediation; replies (.4);	FOS

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2/15/2022	0.2	Email co-counsel re status of Ford settlement agreement and motion for preliminary approval (.1); reply (.1);	FOS
2/25/2022	0.2	Email from M. Pearson w/ letter to Judge Infante (.1); review same (.1);	FOS
	176.9		
5/17/2016	2	Attend DCA hearing on summary judgment appeal (2.0);	PBC
9/15/2016	0.7	per FOS request, review draft answering petition (.7);	PBC
5/16/2017	1.7	Attend meeting at LCHB re case status and strategy (1.7);	PBC
5/17/2017	0.8	Review opposition to <i>res judicata</i> motion (.8);	PBC
5/18/2017	0.5	Review edits to agenda on Karnow motion hearing (.5);	PBC
5/19/2017	1.2	Email to J.D. Cooper and from J.D. Cooper (.1); attend court hearing (.3); review <i>res judicata</i> draft (.6); email re same (.2);	PBC
5/23/2017	4	Research and draft motion re bill of costs (4.);	PBC
5/24/2017	4	Research and draft motion re bill of costs (4.);	PBC
5/25/2017	6.5	Research and draft motion re bill of costs (6.5);	PBC
5/26/2017	0.5	Review commends and edits from co-counsel re bill of costs motion (.5);	PBC
5/30/2017	6	Revise bill of costs motion and supporting declaration; direct CPCusick re filing and service of same (6);	PBC
5/31/2017	2.5	Review defense brief; draft reply (2.5);	PBC
6/1/2017	3.5	Draft reply brief (3.5);	PBC
6/2/2017	2.5	Review comments on reply brief; revise accordingly and circulate to co-counsel; file and serve same (2.5);	PBC
6/13/2017	1.5	Review order re bill of costs; confer w/ counsel re same; follow-up emails re same (1.5);	PBC
6/16/2017	1	Review order granting Ford entity of judgment (1.);	PBC
7/28/2017	1	Attend conference call w/ co-counsel re status and strategy (1.0);	PBC
8/8/2017	1.5	Confer w/ M. Lamy re reply brief; research and draft re same (1.5);	PBC
8/9/2017	7.5	Reply brief re motion to tax costs (7.5);	PBC
8/10/2017	4	Reply brief re motion to tax costs (4.);	PBC
8/11/2017	2	Finalize reply brief; forward same to co-counsel for filing (2.);	PBC
8/17/2017	0.5	Attend telephone conference re hearing and settlement status (.5);	PBC
8/29/2017	0.5	Research re advancing client costs; summarize and forward same to F.O. Scarpulla, et al. (.5);	PBC
9/1/2017	0.5	Review draft motion re costs and emails re filing and editing of same (.5);	PBC
9/21/2017	0.5	Review emails re brief re payment of costs; confer w/ F.O. Scarpulla re same (.5)	PBC
9/28/2017	1.5	Prepare for and attend conference call re hearing preparation and strategy (1.5);	PBC
11/21/2019	1	Review Cal SC answer to petition; comment re same (1.);	PBC

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3/30/2021	0.5	research and obtain order re class definition amendment; circulate same	PBC
6/9/2021	2.5	per FOS request, research Ford Motor SEC Filings re establishment of litigation reserves re case; further email discussions re same	PBC
8/4/2021	2.5	Review documents and attend Canadian Cars meeting re experts and trial prep; email FOS re same;	PBC
11/26/2021	0.4	per FOS request, obtain upcoming hearing dates	PBC
1/17/2022	0.7	per FOS request, research re GM settlement and supporting documents; emails re same	PBC
	66		
	176.9	Total Time for Francis O. Scarpulla	
	66	Total Time for Patrick B. Clayton	
	242.9	GRAND TOTAL	

# **EXHIBIT D**

**In re New Motor Vehicles Canadian Export Antitrust Litigation**  
**Expense Report**  
**Law Offices of Francis O. Scarpulla**

**Period: Inception to November 30, 2010**

<b>Expense Description</b>	<b>Cumulative Expenses</b>
Litigation Fund Assessment	\$25,000.00
Computer Research	
Court Fees	\$224.50
Court Reporters/Transcripts/Videographer	
Miscellaneous	
Postage/Express Delivery/Messenger	\$242.76
Photocopying	\$620.75
Service of Process Fees	
Telephone/Facsimile	\$1,078.97
Travel/Meals/Lodging	\$1,370.81
Witness Fees	
<b>TOTAL EXPENSES</b>	<b>\$28,537.79</b>

1 Judith A. Zahid (SBN 215418)  
2 **ZELLE LLP**  
3 555 12<sup>th</sup> Street, Suite 1230  
4 Oakland, CA 94607  
5 Telephone: (415) 693-0700  
6 Facsimile: (415) 693-0770  
7 Email: jzahid@zellelaw.com

8 *Attorneys for Plaintiff George Bell*

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
10 **FOR THE COUNTY OF SAN FRANCISCO**  
11 **UNLIMITED JURISDICTION**

12 COORDINATION PROCEEDING SPECIAL )  
13 TITLE (Cal. R. Ct. 1550(b)) )

14 AUTOMOBILE ANTITRUST CASES I, II )

15 \_\_\_\_\_ )  
16 This document relates to: )  
17 All Actions )

Judicial Council Coordination  
Proceeding Nos. No. 4298 and 4303

CJC-03-004298 and CJC-03-004303

**CLASS ACTION**

**DECLARATION OF JUDITH A. ZAHID IN  
SUPPORT OF MOTION FOR AWARD OF  
ATTORNEYS' FEES, REIMBURSEMENT  
OF EXPENSES, AND PROVISION OF  
SERVICE AWARDS**

Date: October 5, 2022

Time: 10:00 a.m.

Dept: 306

Judge: Honorable Anne-Christine Massullo

Date Complaint Filed: October 6, 2003  
(Consolidated Amended Class Action  
Complaint)

1 I, Judith A. Zahid, declare as follows:

2 1. I am a partner of Zelle LLP. I submit this declaration in support of the Plaintiffs' Motion  
3 for an Award of Attorneys' Fees, Reimbursement of Expenses, and Provision of Service Awards.

4 2. My firm represents plaintiff George Bell in this California state action (*Automobile*  
5 *Antitrust Cases I and II*, San Francisco Super. Ct., J.C.C.P. Nos. 4298 and 4303). A brief description of  
6 my firm is attached as Exhibit A and incorporated herein by reference.

7 3. During the course of this litigation, my firm has been involved in numerous activities on  
8 behalf of Plaintiffs and the Class. Previously, in connection with the settlement reached with General  
9 Motors of Canada, Ltd., my firm submitted a declaration describing the work we accomplished on  
10 behalf of Plaintiffs and the Class from inception of the case to October 31, 2011. A copy of my firm's  
11 prior declaration, without exhibits, is attached hereto as Exhibit B and incorporated herein.

12 4. Since October 31, 2011, my firm has continued its work on behalf of Plaintiffs and the  
13 Class, which has included the following activities: assisting with case strategy; conducting extensive  
14 legal research and analysis of case law and record facts; analyzing and drafting pleadings in response to  
15 summary judgment, res judicata, entry of judgment, and other dispositive motions; helping prepare for  
16 dispositive motion hearings and expert testimony; researching and drafting appellate briefs; assisting  
17 with cost motion, preparation of fee application, and distribution of settlement funds; assisting with trial  
18 plan; and appearing at hearings and case management conferences.

19 5. The schedule attached as Exhibit C, and incorporated herein, is a detailed summary of the  
20 amount of time spent by my firm's partners, attorneys and professional support staff who were involved  
21 in this litigation. The lodestar calculation is based on my firm's billing rates in effect at the time services  
22 were performed. Exhibit C was prepared from contemporaneous time records regularly prepared and  
23 maintained by my firm. The hourly rates for my firm's partners, attorneys and professional support staff  
24 included in Exhibit C are or were at the time the usual and customary hourly rates charged for their  
25 services in similar complex class actions.

1 6. Exhibit C presents my firm's lodestar from November 1, 2011 to June 30, 2022. My  
2 firm's prior declaration attached as Exhibit B attests to my firm's lodestar from inception of this case to  
3 October 31, 2011.

4 7. The total number of hours expended on this litigation by my firm and total lodestar are  
5 set forth below:

6 <b>Time Period:</b>	7 <b>Hours:</b>	8 <b>Lodestar:</b>
9 Inception to Oct. 31, 2011	10 11,220.25	11 \$4,863,913.75
12 Nov. 1, 2011 to June 30, 2022	13 2,589.70	14 \$1,462,872.50
15 <b>Total: Inception to June 30, 2022</b>	16 13,809.95	17 \$6,326,786.25

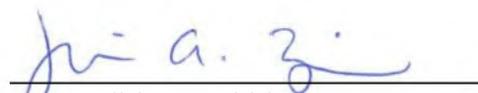
18 8. My firm's lodestar is based on the firm's billing rates, which do not include charges for  
19 expense items. Expense items are billed separately and are not duplicated in my firm's lodestar.

20 9. My firm expended a total of \$25,635.81 in unreimbursed expenses necessary in  
21 connection with the prosecution of this litigation. These expenses are described in Exhibit D, which is  
22 attached hereto and incorporated herein.

23 10. The expenses my firm incurred in litigating this action are reflected in the books and  
24 records of my firm. These books and records are prepared from expense vouchers, receipts, check  
25 records and other source materials and accurately reflect the expenses incurred.

26 I declare under penalty of perjury under the laws of the State of California that the  
27 foregoing is true and correct.

28 Executed this 8th of August, 2022, at Oakland, California.

29   
30 Judith A. Zahid

# EXHIBIT A



## Firm Overview

Zelle attorneys represent clients in their most challenging insurance-related disputes, antitrust/competition and other complex business litigation in venues across the United States and around the world. Our experience in successfully resolving high-profile, high-exposure cases and our commitment to efficient and responsive service supports everything we do.

Because we represent both defendants and plaintiffs, our attorneys have developed keen insights and experience from practicing on both sides of the aisle. We can better understand and anticipate the objectives and tactics of opposing counsel, giving our clients a number of distinct advantages. Since our contingency practice obligates us to fund many of our clients' cases, we are particularly adept in avoiding unnecessary tasks and expenses while doing everything to achieve the most favorable outcomes. Our clients appreciate this ability to efficiently staff cases while still delivering exceptional service and consistent results.

We believe – and our clients agree – that the way we approach litigation is key to our success in building solid relationships and implementing effective strategies. Our attorneys offer experience and in-depth knowledge across a wide range of industries, and probe to determine our clients' specific needs and the broader implications of any dispute. Zelle attorneys quickly assess the facts, balance the intangibles, and deliver legal counsel that is creative and realistic.

While the scope of our practice is focused, the diverse talents, intellectual knowledge and technological resources we offer are vast. Zelle's collaborative teams of attorneys, multiple offices and international presence assure that we are always prepared to meet your needs, even in the most challenging, sensitive or catastrophic of circumstances.

## PRACTICE CONTACTS

- Matthew Gonzalez
- G. Brian Odom

There are few firms with Zelle's breadth and depth of experience in insurance law. Our attorneys have been on the cutting-edge of insurance law and litigation for decades, including first- and third-party property and liability coverage, reinsurance, and subrogation, and extending across a wide range of industries and natural and man-made catastrophes.

Solidifying the Firm's long-standing reputation as a key ally of the insurance industry, Zelle attorneys have represented major clients at the forefront of monumental cases arising from the destruction of the World Trade Center on 9/11, Hurricanes Katrina and Harvey, and significant matters involving environmental and asbestos coverage litigation.

## REPRESENTATIVE MATTERS

Retained as national coordinating counsel by international commercial property insurers to analyze claims and defend litigation worldwide concerning losses attributed to the COVID-19 pandemic.

Obtained dismissal of lawsuit against commercial property insurer arising from alleged ammonia leaks at food processing facility, and successfully defended appeal of dismissal to United States Court of Appeals for the Fifth Circuit.

Obtained "no pay" award on behalf of commercial property insurer following ten-day insurance coverage arbitration in \$75 million claim by Fortune 100 company arising out of Hurricane Katrina.

Successfully resolved \$120 million insurance coverage dispute arising from tornado damage to high-rise office tower.

Represented commercial property insurer in \$4.5 million property and boiler and machinery insurance coverage dispute arising from boiler failure at syngas production facility.

Represented property insurer in \$400 million property insurance coverage dispute arising from damage to production facilities caused by Hurricane Katrina.

Successfully defended liability insurer in \$160 million commercial general liability insurance coverage dispute arising from asbestos exposures.

## Insurance

Obtained summary judgment in \$11 million commercial general liability coverage dispute arising from construction defects at apartment complex.

Obtained mediated settlement of liability claim against project engineer arising from alleged construction defects at major international airport.

Represented commercial property insurer in \$178 million reinsurance coverage matter arising from sabotage of supercomputer.

## Corporate Plaintiff Affirmative Recovery

### PRACTICE CONTACTS

- James Robertson Martin
- Judith A. Zahid

Zelle attorneys were at the forefront of the affirmative recovery “opt-out” practice as it was first developing. In 1999, Zelle attorneys filed individual Sherman Act claims on behalf of over 150 individual plaintiffs in the *In re Vitamins Antitrust Litigation*, MDL No. 1285, and ultimately secured them settlements of \$2 billion. Since then, our team has successfully represented, through trial, numerous individual plaintiffs that have opted out of the class action to aggressively pursue single damages in the tens to hundreds of millions each. Zelle’s clients operate across a broad range of markets, including packaged foods, paper products, industrial products, financial instruments, and pharmaceuticals.

With a robust corporate recovery practice, we help clients recover losses suffered because of antitrust violations by their suppliers, competitors or other industry participants. We identify and assess the anticompetitive conduct, determine the scope of a client’s injury and the value of a potential claim, and recommend strategies to maximize recovery. In some cases, that might mean monitoring an existing class action and working with the claims administrator to maximize the value of the client’s claim in the settlement distribution process. In other situations, we might recommend that clients file individual actions (by “opting out” of the class action) when it is cost-effective to do so. The opt-out plaintiffs we represent typically recover two to three times what they would have recovered had they stayed in the class action and shared in the class recovery.

### REPRESENTATIVE MATTERS

United HealthCare Services, Inc. v. Jazz Pharmaceuticals plc, et al., No. 5:21-cv-02710-RS (N.D. Cal.)

Represents United HealthCare Services, Inc. in an individual antitrust matter against the manufacturers of the branded pharmaceutical drug, Xyrem, and its generic equivalents, alleging they entered into unlawful pay-for-delay and market share-allocation agreements to maintain artificially inflated supracompetitive prices of Xyrem for several years. (*United HealthCare Services, Inc. v. Jazz Pharmaceuticals plc, et al.*, No. 5:21-cv-02710-RS (N.D. Cal.)

*El Pollo Loco, Inc. v. Tyson Foods, Inc., et al.*, No. 1:20-cv-01943 (N.D. ILL.)



## Corporate Plaintiff Affirmative Recovery

Represented El Pollo Loco, Inc. in an individual antitrust matter against the nation's major broiler chicken suppliers, alleging a capacity-reduction and price-fixing conspiracy; this matter has been consolidated with *In re Broiler Chicken Antitrust Litigation*, No. 1:16-cv-08637.

*United HealthCare Services, Inc. v. Actavis Holdco U.S., Inc., et al.*, No. 2:19-cv-00629-CMR (E.D. Pa.).

Represents United HealthCare Services, Inc. in three individual antitrust matters against the makers of more than 200 generic pharmaceutical drugs, alleging a widespread price-fixing and market allocation conspiracy; this matter has been consolidated with *In re: Generic Pharmaceuticals Pricing Antitrust Litigation*, MDL No. 2724. (*United HealthCare Services, Inc. v. Actavis Holdco U.S., Inc., et al.*, No. 2:19-cv-00629-CMR (E.D. Pa.))

*In re LIBOR-Based Financial Instruments Antitrust Litigation*, MDL No. 2262, No. 1:11-md-02262 (S.D.N.Y.).

Representing Freddie Mac and the FDIC as Receiver for 39 Closed Banks and serves as liaison counsel for more than two dozen DAPs). Freddie Mac and the FDIC allege, among other things, that defendants' horizontal conspiracy reduced product quality in the market for interest-rate benchmarks.

*United HealthCare Services, Inc. v. Celgene Corp.*, 0:20-cv-00686-DSD-ECW (D.N.J.)

Represents United HealthCare Services, Inc. in an individual antitrust matter against Celgene, alleging it engaged in generic exclusion tactics to maintain its monopoly pricing of the drugs Revlimid and Thalomid.

*United HealthCare Services, Inc. v. Cephalon, Inc., et al.*, No. 2:17-cv-00555(E.D. Pa.).

Represented United HealthCare Services, Inc. in an individual antitrust matter against the makers of the branded pharmaceutical drug Provigil and its generic equivalents. The suit alleged a successful pay-for-delay scheme that kept lower-priced generics off the market for several years, allowing the brand manufacturer to continue charging inflated monopoly prices that caused United HealthCare Services, Inc. substantial damages.

*In re Vitamins Antitrust Litigation*, MDL No. 1285, Misc. No. 99-197 (D.D.C.).

## Corporate Plaintiff Affirmative Recovery

Represented more than 150 direct action plaintiffs, including Kraft Foods and GNC, alleging a 15-year international cartel covering more than a dozen vitamins. The case involved German Defendants BASF, Degussa, and Merck. Recoveries exceeded \$2 billion. Served as liaison counsel for DAPs.

*ZF Meritor LLC v. Eaton Corp.*, No. 06-623-SLR (D. Del.).

Represented a manufacturer of heavy-duty transmissions in a case alleging the dominant producer excluded it from the relevant market. The case went to trial and resulted in a liability verdict for violations of Sections 1, 2, and 3 of the Sherman Act. The Third Circuit upheld the verdict and the case settled for \$500 million prior to the damages trial.

*In re Urethane Antitrust Litigation*, MDL No. 1616, No. 2:08-cv-05169 (D.N.J.). Represented 11 plaintiff families in an international price-fixing case involving three chemicals. The case involved German Defendants BASF and Bayer. Despite a lack of direct evidence, successfully defeated summary judgment motions challenging the existence of a conspiracy and its duration (the parallel class action alleged a shorter conspiracy period). Defeated three *Daubert* motions and handled all experts at trial. Defendant Dow settled during the defense case for \$400 million.

*In re Methionine Antitrust Litigation*, MDL No. 1311, No. 3:00-md-01311 (N.D. Cal.).

Represented, as liaison counsel, more than three dozen DAPs, including Tyson Foods, alleging an international cartel involving, *inter alia*, German Defendant Degussa AG. Recoveries exceed \$400 million.

*In re Linerboard Antitrust Litigation*, MDL No. 1261, No. CIV.A. 98-5055 (E.D. Pa.).

Represented more than 50 Fortune 500 companies, including names such as PepsiCo and Coca-Cola, in a conspiracy among containerboard producers to take “market downtime” to restrict output and cause price increases. Successfully defeated summary judgment motions despite the lack of direct evidence. Served as liaison counsel for direct action plaintiffs. Recoveries exceeded \$200 million.

## Antitrust Counseling & Compliance

### PRACTICE CONTACTS

- James Robertson Martin
- Judith A. Zahid

Zelle attorneys are highly experienced in counseling companies on the antitrust implications of proposed mergers and other combinations, as well as handling Hart-Scott-Rodino (“HSR”) filings on behalf of acquiring and acquired entities. Our lawyers have also represented industry participants before regulatory agencies to confidentially express their views about the potential competitive effects of a merger.

### Antitrust Compliance Policies, Programs, and Training

We work closely with our clients’ in-house counsel, managers, and staff to:

- Craft effective antitrust compliance policies and programs tailored to their needs, concerns, and industries
- Respond to individual circumstances by analyzing the legality and structure of pricing, supply, distribution, and licensing practices and agreements for potential antitrust risks
- Conduct antitrust compliance training programs to executives and employees, typically senior management and sales or distribution staff, to limit antitrust exposure
- Provide tools for monitoring and enforcing compliance policies and programs

We are available to conduct internal investigations and antitrust audits and to provide customized training and solution-focused advice for managers and non-managers on-site at their company offices or through webinars on pricing and commercial strategies, on structuring arrangements and agreements (including those involving IP licensing, distribution, or supply), and on avoiding antitrust issues.

### HSR and Foreign Transaction Counseling and Filings

Zelle attorneys bring substantial experience to bear on analyzing HSR and foreign transaction filing obligations and are committed to finding ways to align the costs of pre-merger review with the scope of the merger and its expected complications. We also use our extensive experience to advocate on behalf of competitors, consumers, and other third parties before the FTC, the DOJ, and foreign competition authorities (through consultation with local counsel) about the potential effects of a merger on competition.



## Antitrust Counseling & Compliance

Ultimately, our goal is to form partnerships with good companies to build long-term mutually beneficial relationships. We are dedicated to providing excellent service for competitive rates in order to achieve that goal. Through the use of discounted and alternative-fee arrangements, we search for ways to “get to yes” in proposed mergers with minimum business disruption and cost-efficiency.

### **Presentations**

Clients often call upon Zelle attorneys to provide advice on a full spectrum of antitrust issues, including HSR filings and antitrust compliance. [Click here](#) to receive information about the antitrust counseling and compliance services we can provide your company or trade association.

### PRACTICE CONTACTS

- James W. Holbrook, III
- Elizabeth Kniffen

Zelle attorneys think smart, dig deep and talk straight. We focus on the end game – understanding our clients’ goals and the most efficient ways to achieve them.

When clients ask for advice, we give them our candid evaluation and recommendations – not a raft of disclaimers. Our approach typically involves comprehensive early case assessment and development of an overall strategy. Whether the goal is victory in trial or arbitration, or negotiation of a favorable resolution before or after litigation begins, the client’s needs and objectives come first. We partner with our clients in all phases of a case, keeping them up-to-date and involved.

Our attorneys offer extensive trial experience in state and federal courts and regularly represent clients in arbitrations and other alternative dispute resolution proceedings. A substantial portion of our cases involve class actions and/or multi-district litigation. Our clients range from large Fortune 100 corporations to smaller businesses and individuals.

Our cases are staffed efficiently by core teams. We offer flexible fee arrangements, including blended rates, reduced hourly rates with a contingent fee component, project-based fees, and in appropriate cases, contingent fee arrangements. Because we work on both sides of the docket, we bring efficiencies honed in our plaintiff’s cases to enhance the value we provide in defense matters.

### REPRESENTATIVE MATTERS

#### *Motor Fuel Temperature Sales Practices Litigation.*

Zelle is defending a major integrated oil company in a case involving claimed violations of consumer protection statutes and various common law claims under the laws of 25 states. The core allegation is that it is deceptive to sell motor fuel at retail in uniform volumetric gallons without adjusting for the effect of temperature on the energy content of the fuel.

#### *ABA 2000, ABA Founders LLC, ABA Operations LLC v. Mizlou Television Network, Inc. (C.D. Cal.).*

Zelle attorneys represented the professional basketball organization in a suit filed against an alleged independent television network for breach of contract

and intentional interference with prospective business relationships. The case included allegations that Mizlou Television Network interfered with the ABA plaintiffs' negotiations for the national television broadcast of their playoff games. This case was settled favorably for our clients.

*Weyerhaeuser Co. v. Thermogas Co., 620 N.W.2d 819 (Iowa).*

Zelle attorneys represented Weyerhaeuser Co. in this action for negligence, strict liability, breach of contract and breach of express and implied warranties based upon allegation that a liquid petroleum fuel tank exploded prematurely. Weyerhaeuser asserted that the tank was defective, and that were it not defective, the tank would have withstood a fire at its facility for the three minutes it took the fire fighters to arrive on scene. Over Weyerhaeuser's objection, the trial court permitted the jury to consider Weyerhaeuser's comparative fault, and the jury found Weyerhaeuser 70% at fault for the damages it suffered. On appeal, the Iowa Supreme court reversed, agreeing with Weyerhaeuser that the district court erred in (1) directing a verdict for the tank distributor on Weyerhaeuser's claims of strict liability and breach of implied warranty of merchantability, (2) refusing to instruct the jury that the cause of the fire was legally irrelevant with respect to the negligence of Weyerhaeuser, and (3) refusing to give the jury a *res ipsa loquitur* instruction on Weyerhaeuser's negligence claim against the tank distributor.

*Business tort, breach of contract, unfair competition action (N.D.Cal., Cal. Super. Ct., San Francisco Cty., Cal. Super. Ct., Contra Costa Cty.).*

Zelle attorneys represent a corporate client in a number of cases involving claims for breach of fiduciary duties, fraud, fraudulent concealment, breach of contract, malicious prosecution, interference with prospective economic advantage, unfair competition and conspiracy to breach fiduciary duties. They are also defending the same client against claims by the defendant and other parties, which include allegations of unfair competition, private nuisance, interference with prospective economic advantage and business relations, and wrongful termination of employment.

*Breach of contract, licensing agreement (N.D.Cal.).*

Zelle attorneys represented a Silicon Valley company in a contractual dispute arising out of certain licensing agreements. This case was settled on terms favorable to our client.

## Commercial Litigation

*Business tort and other claims arising out of sale of business (N.D. Cal. and American Arbitration Association, San Francisco, California).*

Zelle attorneys represented a party in an arbitration proceeding and in a federal court proceeding involving disputes surrounding the sale of part of a business. The case includes allegations of fraud, negligent misrepresentation, breach of fiduciary duty and securities violations.

*Chrysler Corporation v. Iacocca (Mich. Cir. Ct., Oakland Cty.); Iacocca v. Chrysler Corporation (Cal. Super. Ct., Los Angeles Cty.).*

Zelle attorneys represented Chrysler Corporation in disputes concerning Lee Iacocca's alliance with Kirk Kerkorian in alleged corporate control matters, as they related to litigation concerning Mr. Iacocca's Chrysler stock options. Shortly after Zelle attorneys succeeded in obtaining the dismissal of Mr. Iacocca's California action against Chrysler, the matter was settled.

*Business tort, breach of contract, unfair competition action (Cal. Super. Ct., San Francisco Cty.).*

Zelle attorneys represented a plaintiff food company in a complex action for breach of contract, fraud, negligence and interference with business relations. The plaintiff alleged that various defendants failed to promote its food products as required by certain contractual, fiduciary and other obligations, and that they interfered with ongoing and prospective business relationships of the plaintiff. The matter settled prior to trial.

*Breach of contract - arbitration action (American Arbitration Association, Dallas, Tex.).*

Zelle attorneys represented a party in a binding arbitration before a single arbitrator of the American Arbitration Association. This arbitration arose out of the sale of the stock of a company by our client and others to another company. The latter company sought to recover a portion of an escrow fund that was created pursuant to the stock purchase agreement.

*Fiduciary duty claims (U.S. Bankr. E.D.N.Y.).*

Zelle attorneys represented a former chief executive officer and directors of a company in this action against them for, among other claims, breach of fiduciary duty in connection with a leveraged buy-out.

## Commercial Litigation

*Breach of contract, noncompetition clause action (M.D.Tenn.).*

Zelle attorneys represented a manufacturer of sewing machines in a suit involving contractual disputes arising out of its purchase of defendant's business. A preliminary injunction was obtained concerning the parties' non-competition clauses. The case settled.

*Trade secret theft, trade disparagement action (Ill. Cir. Ct., Cook Cty., N.D.Ill., 7th Cir., C.D.Cal.).*

Zelle attorneys represented one of the top financial printers in various litigation involving competitors in the same business category. The disputes concerned allegations of stealing trade secrets and employees, as well as trade disparagement and other violations. Settlements were reached in all cases.



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**PRACTICE AREAS**

- Antitrust and Unfair Competition
- Antitrust Counseling & Compliance
- Breach of Contract
- Class Actions
- Commercial Litigation
- Corporate Plaintiff Affirmative Recovery
- Indirect and Direct Purchaser Class Actions
- International Competition

**BAR AND COURT ADMISSIONS**

- State Court: California
- U.S. Circuit Court of Appeals: Ninth Circuit
- U.S. District Court: Northern District of California; Central District of California

Judith is Managing Partner of the Oakland office and co-chair of the Firm's Antitrust group. Judith's practice is focused on assessing complex antitrust claims and pursuing recoveries on behalf of individual corporate clients in many different industries, with a growing expertise in the pharmaceutical and healthcare sectors. She has represented plaintiffs in numerous high-stakes price-fixing and monopolization cases, with recoveries from those cases totaling well over \$2 billion. While Judith is involved in all aspects of the cases she litigates, she places particular emphasis on her work with industry and damages experts.

Judith also has substantial experience helping corporate clients respond to Civil Investigative Demands (CIDs), subpoenas, European Commission's Requests for Information (RFIs), and other third-party discovery obligations.

Judith is a frequent speaker on several aspects of plaintiff antitrust recovery and active in the leadership of the ABA Antitrust Section.

**REPRESENTATIVE MATTERS****Antitrust and Unfair Competition**

Represents United HealthCare Services, Inc. in three individual antitrust matters against the makers of more than 200 generic pharmaceutical drugs, alleging a widespread price-fixing and market allocation conspiracy; this matter has been consolidated with *In re: Generic Pharmaceuticals Pricing Antitrust Litigation*, MDL No. 2724. (*United HealthCare Services, Inc. v. Actavis Holdco U.S., Inc., et al.*, No. 2:19-cv-00629-CMR (E.D. Pa.))

Represents United HealthCare Services, Inc. in an individual antitrust matter against Celgene, alleging it engaged in generic exclusion tactics to maintain its monopoly pricing of the drugs Revlimid and Thalomid. (*United HealthCare Services, Inc. v. Celgene Corp.*, No. 0:20-cv-00686-DSD-ECW (D.N.J.))

Represents United HealthCare Services, Inc. in an individual antitrust matter against the manufacturers of the branded pharmaceutical drug, Zetia, and its generic equivalents, alleging they entered into an unlawful pay-for-delay agreement that prevented lower-priced generics from entering the market for several years. (*United HealthCare Services, Inc. v. Merck & Co., Inc., et*

## EDUCATION

- UC Berkeley School of Law, J.D., Environmental Specialization Certificate, 2001; Prosser Prize in Torts; *Berkeley Women's Law Journal*, Article Editor
- University of California, Berkeley, B.A. Environmental Science, *high honors*, 1995

*al.*, No. 20-cv-01909 (E.D. Va.))

Represents United HealthCare Services, Inc. in an individual antitrust matter against the manufacturers of the branded pharmaceutical drug, Xyrem, and its generic equivalents, alleging they entered into unlawful pay-for-delay and market share-allocation agreements to maintain artificially inflated supracompetitive prices of Xyrem for several years. (*United HealthCare Services, Inc. v. Jazz Pharmaceuticals plc, et al.*, No. 5:21-cv-02710-RS (N.D. Cal.))

Represents United HealthCare Services, Inc. in an individual antitrust matter against Gilead, the branded manufacturer of several HIV cART pharmaceutical drugs, alleging it entered into unlawful pay-for-delay agreements with Teva to maintain artificially inflated supracompetitive prices of multiple drugs (including Viread, Truvada, and Atripla), and for entering into other anticompetitive agreements to prevent generic competition. (*United HealthCare Services, Inc. v. Gilead Sciences, Inc., et al.*, 3:21-cv-9202-EMC (N.D. Cal.))

Represented El Pollo Loco, Inc. in an individual antitrust matter against the nation's major broiler chicken suppliers, alleging a capacity-reduction and price-fixing conspiracy; this matter has been consolidated with *In re Broiler Chicken Antitrust Litigation*, No. 1:16-cv-08637-TMD (N.D. Ill.))

Represented PABCO Building Products LLC in its defense of claims filed by several individual builders that accuse the domestic suppliers of drywall of engaging in a price-fixing conspiracy. (*Ashton Woods Holdings L.L.C., et al. v. USG Corp., et al.*, No. 4:15-cv-01247-HSG (N.D. Cal.))

Appointed to the Executive Committee and made Liaison to the California Attorney General's Office in a class antitrust matter brought on behalf of California consumers of gasoline, alleging that certain unlawful spot market trading and reporting tactics succeeded in manipulating the spot market pricing and driving up gas prices in the retail market. (*In re California Gasoline Spot Market Antitrust Litigation*, No. 3:20-cv-03131-JSC (N.D. Cal.))

Retained as co-counsel on behalf of SC Innovations (formerly d/b/a as Sidecar Technologies) in an individual competitor suit against Uber, alleging that Uber stifled competition in the market for ride-hailing applications and drove Sidecar

– then one of Uber’s most significant competitors – out of business. (*SC Innovations, Inc. v. Uber Technologies, Inc., et al.*, No. 3:18-cv-07440-JCS (N.D. Cal.))

Represented United HealthCare Services, Inc. and resolved on confidential terms an individual antitrust matter against the makers of the branded pharmaceutical drug, Provigil, and its generic equivalents, alleging a successful pay-for delay scheme that kept the lower priced generics off the market for several years. (*United HealthCare Services, Inc. v. Cephalon, Inc., et al.*, No. 2:17-cv-00555-MSG (E.D. Pa.))

Defended several Bay Area restaurants accused of engaging in a nationwide no-tipping conspiracy to drive up prices, helping get the case dismissed with prejudice. (*Brown v. 140 NM LLC, et al.*, No. 4:17-cv-05782-JSW (N.D. Cal.))

Appointed by the Multidistrict Litigation Court as Interim Liaison Counsel for the direct-purchaser plaintiffs and represented the direct-purchaser businesses and other members of the proposed plaintiff class and assisted the co-lead counsel team by holding primary responsibility for the industry experts and consultants. The case settled for nearly \$140 million in cash to the direct-purchaser settlement class. (*In re Lithium Ion Batteries Antitrust Litigation*, MDL No. 2420 (N.D. Cal.))

Represented the end-user plaintiffs and closely assisted lead counsel on class certification, opposing the *Daubert* motion, working closely with plaintiffs’ economic experts, and taking multiple defense expert and merits depositions of executives to help reach a \$576.75 million all-cash settlement for the end-user plaintiffs. (*In re Cathode Ray Tubes (CRT) Antitrust Litigation*, MDL No. 1917 (N.D. Cal.))

Represented the end-user plaintiffs and served on the lead counsel team to help secure a record-breaking \$1.1 billion all-cash settlement, in one of the nation’s largest antitrust cartel cases, having managed all day-to-day aspects of the litigation, working with experts, opposing the *Daubert* motion, taking several merits depositions of executives, and providing substantial support for getting and keeping the classes certified. (*In re TFT-LCD (Flat Panel) Antitrust Litigation*, MDL No. 1827 (N.D. Cal.))

**ARTICLES & PRESENTATIONS**

"Private Enforcement on the Rise," Informa's Antitrust West Coast conference, May 12, 2022, co-presenter

"The State of Global Cartel Enforcement," 22nd Annual Policy Conference: Competition Enforcement in the International Arena hosted by the American Antitrust Institute, June 15-16, 2021, moderator

"Eureka! Foreign Evidence in U.S. Antitrust Litigation," ABA 2021 Antitrust Law Spring Meeting, March 26, 2021, moderator

"Leading Voices in Private Enforcement: Insights on Bringing and Litigating Successful Antitrust Cases," AAI's 14th Annual Private Antitrust Enforcement Conference, November 20, 2020, moderator

"American Bar Association's quarterly Women.Connected Spotlight," May 29, 2020, interview

"Celebrating Women in Competition Law in California," California Lawyers Association, March 5, 2020, panelist

"Perspectives from the Plaintiff's Bar," 2019 Antitrust & Consumer Protection In-House Institute, Devil's Thumb Ranch, CO, October 13-15, 2019, panelist

"Thinking Critically About Pass-On and Contribution," American Bar Association Global Private Litigation Conference, Berlin, Germany, June 16-17, 2019, moderator and conference co-chair

"Resolving Class Actions," Northern District of California District Conference, April 12-14, 2019, panelist

"Global Class Action Developments," ABA Section of Antitrust Law Annual Spring Meeting, Washington, DC, March 26-29, 2019, panelist

"Will Apple's App Store Lead to the end of *Illinois Brick*?," California Lawyers Association, July 26, 2018, panelist

"Self-Advocacy, Career Development & Personal Negotiation," Women in Law & Leadership Summit, April 19, 2018, panelist

"Mastering Negotiation: Negotiating for Yourself," Women In Law Empowerment Forum (WILEF), San Francisco, CA, November 9, 2016, panelist

"Global Private Settlements: Preferred Paths to Resolution," ABA Section of Antitrust Law Annual Spring Meeting, April 6-8, 2016, moderator

"The Un-Usual Suspects: Maximizing Value Out of Little-Known Bankruptcy Assets," 2016 Bankruptcy Battleground West Conference, March 11, 2016, panelist

"So Now You've Pleaded Guilty: Implications of Criminal Pleas in Civil Litigation," American Bar Association Section of Antitrust Law, December 16, 2015, co-presenter

"The Use of Experts at Class Certification," Class Action Litigation Conference, September 25, 2015, presenter

"International Collective Actions: What Is And Isn't Working?," American Bar Association Section of Antitrust Law Spring Meeting, April 16, 2015

"Opt-Out Litigation: Practical Considerations for Corporate and Outside Counsel," American Bar Association Section of Antitrust Law, February 25, 2015, panelist

"How States Can Effectively Analyze and Pursue Recovery Opportunities," National Association of Attorneys General Antitrust Litigation Training Seminar, October 9, 2014, panelist

"Why Antitrust," American Bar Association Section of Antitrust Law, University of California, Berkeley, School of Law, November 14, 2014, co-presenter

"How States Can Effectively Analyze and Pursue Recovery Opportunities," Women In Law Empowerment Forum (WILEF), San Francisco, CA, November 9, 2016, panelist

"Behind the Scenes with In-House Antitrust Counsel," Bar Association of San Francisco's Antitrust Section, October 3, 2014, moderator

"How States Can Effectively Analyze and Pursue Recovery Opportunities," National Association of Attorneys General Antitrust Litigation Training Seminar, Madison, WI, October 8-10, 2014, panelist

"Finding Peace When Settling U.S. and EU Price-Fixing Claims," *Competition Law360*, April 28, 2014, co-author

"Corporations & Cartels: When Should You Be A Plaintiff?", 62nd ABA Section of Antitrust Law Spring Meeting, March 26-28, 2014, moderator

"Where To Bring Damages Claims In EU Int'l Cartel Cases?" *Competition Law360*, February 28, 2014, co-author

"*Who Can Make the Claim?* The Who, What, and Where of International Private Antitrust Actions," Antitrust Section of the American Bar Association, February 13, 2014, moderator

"Unique Discovery Challenges In International Cartel Cases," *Competition Law360*, January 31, 2014, co-author

"Survival of the Fittest: Thriving in a Culture of Change," Women in Law Empowerment Forum (WILEF), March 20, 2013, moderator

"Hypothetical in Action – Class Certification, FTAIA and CAFA," CLE International Group's Antitrust Conference, February 22, 2013, co-presenter

"Selecting and Working with Experts in Antitrust," Antitrust Section of the American Bar Association, January 14, 2013, co-presenter

#### **PROFESSIONAL AFFILIATIONS**

United States District Court, Northern District of California, Civil Local Rules Attorney Advisory Committee (2020-present)

American Bar Association, Antitrust Section, Council, Member (2020-present)

American Bar Association, Antitrust Section, Nominations Committee, Member (2020-present)

American Bar Association, Antitrust Section, Global Private Litigation

Conference, Co-Chair (Copenhagen, June 2021)

American Bar Association, Antitrust Section, Global Private Litigation Committee, Vice-Chair (2014-2017), Co-Chair (2017-2020)

American Bar Association, Antitrust Section, Global Private Litigation Conference, Co-Chair (Berlin, June 2019)

American Bar Association, Antitrust Section, International Civil Redress Task Force, Vice-Chair (2011-2014)

Bar Association of San Francisco, Antitrust Section, Chair (2011-2014)

California Bar Association, Antitrust and Unfair Competition Law Section, Member

Women in Law Empowerment Forum (WILEF), National Advisory Board Member

Women Antitrust Plaintiffs' Attorneys (WAPA), Advisory Board Member

American Antitrust Institute (AAI), Antitrust Private Enforcement Awards Judging Committee (2016-2017)

Cambridge Forum on Antitrust Litigation Forum, Steering Committee Member (2017-present)

#### **NOTEWORTHY**

Ranked by *Chambers & Partners USA* in Band 1 in Antitrust: Mainly Plaintiff – California and Band 2 in USA-Nationwide, Judith is recognized as a "very smart and capable" plaintiffs' antitrust lawyer, according to market commentators. One source said: "*She is able to tackle any complex task and work with experts to come back with a clear and well-written product.*" (2018) Judith is "*well respected by peers for her extensive experience litigating antitrust matters on behalf of plaintiffs. She regularly handles large class actions as well as individual lawsuits.*" (2019) Judith is recommended for her representation of large plaintiff classes in complex damages cases. She also lends her expertise to corporate plaintiffs in significant individual actions.

Peers attest that *"Judith is spectacular and well respected. She's your secret weapon if you're going to trial."* (2020) *"She is a top-drawer attorney who is very good at strategy, anticipating problems and creating solutions. She is sharp, down-to-earth and pleasant to work with."* (2021) *"One of the top minds in antitrust. Judith is not only a fantastic litigator but also extraordinarily thoughtful and develops strong relationships with her clients and co-counsel. Judith is an outstanding attorney across the board."* (2022)

Who's Who Legal: Competition by *Global Competition Review* named Judith as a "Thought Leader" in Competition 2018, 2019, 2020 and 2021: Plaintiff (noting that *"Thought Leaders are those individuals who received the highest number of nominations from peers, corporate counsel and other market sources this year [and that GCR's] research has identified them as being truly outstanding practitioners and the very best in their field"*). Judith was also listed by Who's Who Legal: Competition in 2015, 2016, 2017, 2018, 2019, 2020 and 2021.

*The Best Lawyers in America*® listed Judith for Litigation – Antitrust in 2018-2022.

*The Legal 500* has recognized Judith several times in the antitrust class action field as "one to watch" (2012), an "up-and-comer," "great case organizer and determined advocate" (2013), and a "first-rate case manager," "up-and-comer who does much of the actual work needed in big cartel cases" (2014), "thoughtful" in representing consumers and businesses affected by price-fixing agreements between various electronics manufacturers, including Samsung, Panasonic and Hitachi (2015), *"able to bring people together on both sides of a case to get things done"* (2016), and noted for her representation of United HealthCare Services, Inc. (2017). She was named a "Leading Lawyer" in the 2019, 2020, 2021 and 2022 editions. *San Francisco* magazine has named Judith among the Top 50 Women Northern California "Super Lawyers" for 2014-2022; and among the Top 100 Northern California "Super Lawyers" for 2015-2022. Judith was named a Northern California "Super Lawyer" in antitrust litigation for 2012-2022, and had been a "Rising Star" for 2009-2011. *Benchmark Litigation* recognized Judith as a Benchmark California Star for 2019-2022.

Named among the 2019, 2020, 2021 and 2022 Lawdragon "500 Leading

Plaintiff Financial Lawyers."

Named among *Daily Journal's* 2020 list of 'Top Antitrust Lawyers' in California.  
Judith A. Zahid

**NEWS**

Zelle Attorneys Recognized as Benchmark Litigation Stars for 2021



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**PRACTICE AREAS**

- Antitrust and Unfair Competition
- Breach of Contract
- Class Actions
- Commercial Litigation
- Corporate Plaintiff Affirmative Recovery
- Financial Services Litigation
- Indirect and Direct Purchaser Class Actions
- Property Insurance

**BAR AND COURT ADMISSIONS**

- State Court: California
- U.S. Circuit Court of Appeals: Sixth, Seventh and Ninth Circuits
- U.S. District Court: Northern District of California; Central District of California

**EDUCATION**

- University of San Francisco, J.D., 1988; Recipient, American Jurisprudence Award for Remedies

Chris is a commercial litigator with extensive experience in the areas of antitrust, class actions, property insurance coverage actions and intellectual property. In the antitrust area, Chris has represented individuals and businesses in class actions, and has defended corporate clients in individual actions. Chris has played central roles in the successful prosecution of numerous California state and nationwide antitrust class actions. In this area, Chris has been described as a “determined and highly skilled litigator” in the Legal 500.

Chris also has significant litigation experience in the property insurance area, having handled complex matters involving a wide variety of coverage and other issues, including the extent of construction defects, their cause, damage allegedly resulting from the defects and its manifestation, and calculation of the reasonable repair costs and business interruption losses.

In the intellectual property area, Chris has extensive experience in all aspects of trademark, trade dress and trade secrets litigation, representing both plaintiffs and defendants.

**REPRESENTATIVE MATTERS**

*In re: Hard Disk Drive Suspension Assemblies Antitrust Litigation* (class action on behalf of indirect purchasers of suspension assemblies; Zelle is co-lead counsel; Chris and the plaintiffs’ team defeated defendants’ efforts to dismiss the end-user plaintiffs’ complaint, 2021 WL 4306018, N.D. Cal. Sept. 22, 2021)

*In re Cathode Ray Tubes (CRT) Antitrust Litigation* (class action on behalf of indirect purchasers of CRTs in multiple states; case settled for \$547,750,000; Chris played a central role in briefing and arguing class certification resulting in certification of 22 state-wide damages classes)

*Adco Group et al. v. Travelers et al.* (complex coverage action involving the coordination of multiple lawsuits with over 25 parties, claims of \$250 million in construction defects and damage at a luxury resort in Southern California; Chris and the Zelle team litigated the case through dispositive motions, settling during jury selection)

- University of California at Berkeley, B.A., 1983

*In re Static Random Access Memory (SRAM) Antitrust Litigation* (class action on behalf of indirect purchasers of SRAM in multiple states; Zelle was lead counsel and Chris led the plaintiffs' team in the litigation of this complex, price-fixing action, resulting in settlements of \$41,322,000)

*California Smokeless Tobacco Antitrust Litigation* (\$96,000,000 settlement on behalf of a class of California indirect purchasers of moist smokeless tobacco products; as a member of the Plaintiffs' Executive Committee, Chris had a central role in litigating and settling this monopolization claim on behalf of the class)

#### **ARTICLES & PRESENTATIONS**

'All Natural' False Advertising Claims Begin Legal Evolution

#### ***Antitrust and Class Actions***

"Indirect Purchaser Antitrust Standing Heads In New Direction," *Competition Law360*, July 2, 2020, co-author

"Indirect Purchaser Cases in 2017: Key District Court Rulings," *Competition Law360*, January 8, 2018, co-author

"Indirect Purchaser Cases in 2017: Key Appeals Court Rulings," *Competition Law360*, January 5, 2018, co-author

"False Advertising Class Actions: Practitioner's Guide to Class Certification, Damages and Trial," Bar Association of San Francisco seminar, June 14, 2017, moderator

"2016 Highlights From Indirect Purchaser Class Actions," *Competition Law360*, December 23, 2016, co-author

ABA Section of Antitrust Law, *Indirect Purchaser Litigation Handbook*, Second Edition (2016), contributing author

"2 Years After *Comcast*, Little Has Changed," *Competition Law360*, March 18, 2015, co-author

"The California Difference: Why California Really Matters – A Symposium –

Indirect Purchaser Standing Under California Antitrust Law and Federal Antitrust Law – Plaintiff Perspective,” *The Journal of the Antitrust and Unfair Competition Law Section of the State Bar of California*, Competition Vol. 22, No. 2, Fall 2013, author

"Incentive Award Guidance From Recent Class Actions," *Competition Law360*, September 6, 2013, co-author

Class Actions and Other Aggregate Litigation - New Supreme Court Cases on Evidentiary Standards: When do Plaintiffs Need to Prove What, and How Do They Need to Do That? Law Seminars International 9th Annual Conference, Seattle, WA, May 13, 2013, co-panelist

"Indirect-Purchaser Exceptions To Illinois Brick Continue," *Competition Law360*, January 25, 2013, co-author

"Why Class Counsel Should Obtain Discovery From Objectors," *Competition Law360*, November 6, 2012, co-author

"Coordinating Direct And Indirect Purchaser Cases," *Competition Law360*, July 9, 2012, co-author

"Emerging Trends In Indirect-Purchaser Antitrust Cases," *Competition Law360*, January 20, 2012, co-author

***Intellectual Property, Unfair Competition and False Advertising***

Food Labeling and False Advertising Class Actions panel presentation, Bar Association of San Francisco - Continuing Legal Education, San Francisco, CA, May 13, 2015, moderator

"In Search of BIGFOOT: Corrective Advertising Remedies in U.S. Trademark Infringement Actions—Part 2," *INTA Bulletin*, January 15, 2015, author

"In Search of BIGFOOT: Corrective Advertising Remedies in U.S. Trademark Infringement Actions—Part 1," *INTA Bulletin*, January 1, 2015, author

Food Labeling and False Advertising Class Actions panel presentation, Bar Association of San Francisco - Continuing Legal Education, San Francisco,

CA, May 14, 2014, moderator

Trademark Protection: Best practices for trademark selection, use, maintenance and protection, Law Seminars International Telebriefing, March 6, 2013, moderator and presenter

"False Advertising: Skinny Girl Wriggles Free, While Pom and Arizona Beverages Fizzle," *Supermarket News - Refresh Blog*, February 5, 2013, co-author

#### **PROFESSIONAL AFFILIATIONS**

Bar Association of San Francisco

- Antitrust and Litigation Section

- Intellectual Property Section

American Bar Association

- Antitrust Law Section

Committee to Support the Antitrust Laws (COSAL), Member, Executive Committee

Member, Executive Committee of the Litigation Section of the Bar Association of San Francisco, 2014-2017

Member, International Trademark Association Bulletin Committee, Features Subcommittee 2014-2015

Member, Editorial Board of the International Trademark Association's Trademark Reporter Committee, 2002-2007 and 2010-2013

#### **COMMUNITY SERVICE**

Legal Aid At Work, Member, Board of Directors, 2011-present; Member, Development Committee, 2013 - present

**NOTEWORTHY**

Selected for inclusion in the 2014 - 2022 editions of *The Best Lawyers in America*®.

Selected for inclusion in Who's Who Legal: Competition among attorneys specializing in representing plaintiffs in complex competition litigation in 2019, 2020 and 2021.

Named a Northern California "Super Lawyer" in Antitrust, Business and/or Intellectual Property Litigation in 2004, 2005, 2010, 2014-2022.

Named a "California Litigation Star" in Antitrust and General Commercial litigation for 2019 - 2022 in Benchmark Litigation.

Recognized as a "pragmatic . . . , determined and highly skilled litigator" in *The Legal 500*.

Named among the 2019, 2020, 2021 and 2022 Lawdragon "500 Leading Plaintiff Financial Lawyers."

Named among *Daily Journal's* 2020 list of 'Top Antitrust Lawyers' in California.

**NEWS**

Zelle Attorneys Recognized as Benchmark Litigation Stars for 2021

**PAST PROFESSIONAL EXPERIENCE**

Furth, Fahrner & Mason, San Francisco, 1988-2000



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**PRACTICE AREAS**

- Antitrust and Unfair Competition
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- Class Actions
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- Corporate Plaintiff Affirmative Recovery
- eDiscovery
- Indirect and Direct Purchaser Class Actions
- International Competition
- Pandemic Claims and Litigation
- Products Liability

**BAR AND COURT ADMISSIONS**

- State Court: California
- U.S. Circuit Court of Appeals: Ninth Circuit
- U.S. District Court: Northern District of California
- Chinese Bar

Qianwei has handled a wide variety of litigation matters, with an emphasis on representing consumers and opt-out claimants in antitrust cartel and monopolization cases. Her antitrust experience covers a wide array of industries such as energy, automotive, transportation, and technology. Qianwei has played a primary role in all critical stages of litigation in some of the nation's largest antitrust cases. She routinely works with economic and industry experts on damages and pass-on issues. Qianwei also has expertise in assessing and pursuing antitrust claims with international components and has collaborated with co-counsel in Canada, China and Europe to obtain recovery for multinational corporations. Her international background and training give her the broad scope and a sophisticated mix of skills necessary to navigate the unique legal and practical challenges that arise in cross-border antitrust and complex commercial disputes. Qianwei is Immediate Past Chair of the California Lawyers Association Antitrust and Unfair Competition Law Section. In addition to her antitrust practice, Qianwei specializes in complex commercial litigation and insurance class action defense.

**REPRESENTATIVE MATTERS****Antitrust and Unfair Competition**

Represents end users in the *Hard Disk Drive Suspension Assemblies* antitrust litigation as part of the leadership team and is heavily involved in discovery, case management, and overall strategies (*In re: Hard Disk Drive Suspension Assemblies Antitrust Litig.*, No. 19-md-02918-MMC (N.D. Cal.)).

Represented end users in the *Cathode Ray Tube* antitrust litigation and worked closely with lead counsel on case discovery, management, prosecution and settlement strategies, resulting in a \$576.8 million cash settlement (*In re: Cathode Ray Tube (CRT) Antitrust Litig.*, No. C-07-5944-SC (N.D. Cal.)).

Represented direct purchasers of lithium-ion batteries and assisted co-lead counsel by managing document review on critical elements of proof and by holding primary responsibility for industry expert's discovery and *Daubert* briefing. The case settled for nearly \$140 million in cash (*In re Lithium Ion Batteries Antitrust Litigation*, No. 13-md-02420 YGR (N.D. Cal.)).

Played a primary role in key aspects of the *TFT-LCD* antitrust litigation as part

**EDUCATION**

- U.C. Davis, School of Law, J.D., 2005; Articles Editor, *U.C. Davis Law Review*
- University of Maryland, M.A. in Criminology and Criminal Justice, 2002
- Xiamen University, School of Law, China, LL.B. (with honor), 1996

of the core team that represented consumer class members, which resulted in a record-breaking \$1.082 billion all-cash settlement (*In re TFT-LCD (Flat Panel) Antitrust Litig.*, No. M 07-1827 SI (N.D. Cal.)).

Represented indirect purchasers of rough and polished diamonds against De Beers for fixing diamond wholesale prices, which resulted in a \$295 million cash settlement (*Sullivan v. DB Investments, Inc.*, 667 F.3d 273 (3d Cir. 2011), *cert. denied*, 132 S. Ct. 1876 (U.S. 2012)).

Represented consumer class members in the *Static Random Access Memory* antitrust litigation as part of the lead counsel team, resulting in settlements of \$41.3 million (*In re: Static Random Access Memory (SRAM) Antitrust Litig.*, No. C 07-01819 CW (N.D. Cal.)).

**Business & Commercial Disputes**

Currently represents property insurers in multi-state class action coverage disputes arising from COVID-19.

Advised a multinational food company in an antitrust recovery action on litigation and settlement strategies in the European Union.

Represented a multinational energy corporation in an environmental dispute involving remediation cost allocation and obtained favorable result in arbitration.

Consulted on cash-out settlement strategies in a dispute involving environmental remediation liabilities between two multinational energy companies.

**ARTICLES & PRESENTATIONS**

*Competition*, The Journal of the Antitrust, UCL and Privacy Section of the California Lawyers Association, Vol. 30, Nos. 1-2 (2020), Editor-in-Chief

California State Antitrust & Unfair Competition Law (Matthew Bender 2019), Editor-in-Chief and co-author

California State Antitrust & Unfair Competition Law (Matthew Bender

2016-2018), Executive Editor and co-author

“Diversity in the Antitrust Bar: Is It Truly A Pipeline Problem?”, 31st Annual Golden State Antitrust and Unfair Competition Law Institute, May 5, 2022, presenter

“Demystifying the Mystery: China-related Disputes and Investigations Update”, California Lawyers Association, May 17, 2019, presenter

“Look Back, Look Forward: China’s Anti-Monopoly Law Enforcement”, California Lawyers Association, July 25, 2018, moderator

“Has the Clock Run? – Tolling Rules in Private Antitrust Litigation in the US, EU, and China”, American Bar Association, June 28, 2018, presenter

“Judges Panel: Managing Antitrust and Complex Business Trials”, 27th Annual Golden State Antitrust, UCL and Privacy Law Institute, October 2017, moderator

“Private Antitrust Actions in China: Statute of Limitations”, *ABA Antitrust Section Global Private Litigation Bulletin*, July 2017, co-author

“Understanding and Navigating Cross-Border Privilege Issues”, State Bar of California, May 18, 2017, presenter

“Cross-Border Discovery – A Big Chess Game?”, American Bar Association, April 27, 2017, panelist

“Discovery in International Antitrust Litigation – How to Cross the Border?”, State Bar of California, March 30, 2016, panelist

ABA Section of Antitrust Law, *Indirect Purchaser Litigation Handbook*, Second Edition (2016), contributing author

“Insurance Chain Reaction from the Tianjin Port Explosion,” *Insurance Law360*, September 29, 2015, author

“A Primer on Insurance Dispute Resolution in China,” *Insurance Law360*, July 14, 2015, co-author

“A Primer on Insurance Underwriting in China,” *Insurance Law360*, June 10, 2015, co-author

“Thinking Globally about Recovery Actions in International Cartel Cases,” *Journal of Antitrust Enforcement*, 3, 363-390 (Oxford University Press 2015), co-author

“Finding Peace When Settling U.S. and EU Price-Fixing Claims,” *Competition Law360*, April 28, 2014, co-author

“Recent Developments: CAFA, Class Certification, and Class Arbitration,” paper for the Second Annual Judicial Education Conference, Dana Point, California, March 16-18, 2014, co-author

“Where to Bring Damages Claims in EU Int’l Cartel Cases?” *Competition Law360*, February 28, 2014, co-author

“International Cooperation in Private Antitrust Litigation,” paper for the 10th International Cartel Workshop, Rome, Italy, February 19-21, 2014, co-author

“Unique Discovery Challenges in International Cartel Cases,” *Competition Law360*, January 31, 2014, co-author

“Ongoing Tension between Filed-Rate and State-Action Doctrines,” *Competition Law360*, July 10, 2013, co-author

#### **PROFESSIONAL AFFILIATIONS**

California Lawyers Association Antitrust and Unfair Competition Law Section, Vice Chair (2016-2020), Chair (2020-2021), Advisor (2022)

American Bar Association, Antitrust Section

All China Lawyers Association (inactive)

#### **NOTEWORTHY**

Appointed as Chair, Antitrust and Unfair Competition Law Section of the California Lawyers Association (2020-2021 term)

Recognized as a “Next Generation Lawyer” by Legal 500 in 2019-2022

Named among the Lawdragon “500 Leading Plaintiff Financial Lawyers” in 2019-2022

Named a Northern California “Rising Star” in 2011–2016 and “Super Lawyer” in 2017-2022

A member of the core litigation team in *TFT-LCD* that received the 2013 AAI Honorable Mention for Outstanding Antitrust Litigation Achievement in Private Law Practice

**NEWS**

Qianwei Fu Appointed Chair of the CLA Antitrust, UCL and Privacy Section Executive Committee



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**PRACTICE AREAS**

- Antitrust and Unfair Competition
- Class Actions
- Corporate Plaintiff Affirmative Recovery
- Financial Services Litigation
- Indirect and Direct Purchaser Class Actions
- International Competition

**BAR AND COURT ADMISSIONS**

- State Court: California
- U.S. District Court: Northern District of California
- U.S. Court of Appeals: Ninth Circuit

**EDUCATION**

- University of Washington School of Law, J.D., 2009; Editor-in-Chief, *Shidler Journal of Law, Commerce & Technology*
- Middlebury College, B.A., *cum laude*, 2003

Heather's practice is devoted to complex civil litigation, with a focus on recovery for class plaintiffs and corporate clients who are victims of antitrust and unfair competition violations. Heather has played a vital role in some of the nation's largest antitrust class cases, from pre-complaint investigation through litigation and resolution, and is particularly adept at addressing challenging discovery, damages, and pass-on issues. She has also briefed and argued complex issues at the appellate level. Heather brings a steadfast commitment to achieving the best result for each client, and attention to the details vital to successful resolutions of high stakes matters.

Heather is active in bar association leadership at both the national and local level, including with the ABA Antitrust Section.

**REPRESENTATIVE MATTERS**

*TFT-LCD (Flat Panel) Antitrust Litigation* (U.S. District Court, Northern District of California) — lead counsel team in multidistrict litigation on behalf of nationwide class of indirect purchasers involving claims of price fixing in the TFT-LCD panel market, resulting in a record-breaking \$1.1 billion in all-cash settlements with ten defendants

*Lithium Ion Batteries Antitrust Litigation* (U.S. District Court, Northern District of California) — liaison counsel team in multidistrict litigation on behalf of nationwide class of direct purchasers involving claims of price fixing in the lithium ion battery market

*Credit/Debit Card Tying Cases* (California Superior Court, San Francisco) — lead counsel team in coordinated class action lawsuit on behalf of California consumers involving antitrust and unfair competition claims arising from the defendants' rules regarding acceptance of their credit and debit cards

*Transpacific Air Passenger Antitrust Litigation* (U.S. District Court, Northern District of California) — litigation team in multidistrict litigation on behalf of a nationwide putative class involving claims of price fixing in the transpacific air passenger market

**PUBLICATIONS & PRESENTATIONS**

"Pathways to Leadership," American Bar Association's 70<sup>th</sup> Antitrust Law Spring Meeting, April 5, 2022, panelist

"Reflections On Consumer Class Action Litigation," ABA Antitrust Law Section's Consumer Protection Conference, July 12-13, 2021, panelist

"The Fix Is In! How to Investigate and Litigate Price Fixing Cases," American Bar Association, December 8, 2020, panelist

**PROFESSIONAL AFFILIATIONS**

Co-Chair, American Bar Association, Antitrust Section, Competition Torts Committee (2021–present)

Vice Chair, American Bar Association, Antitrust Section, Competition Torts Committee (2019–2021)

Executive Committee, Bar Association of San Francisco, Antitrust and Business Regulation Section (2017–present)

Steering Committee, Bar Association of San Francisco, Wellness 2020 Initiative (2019–2020)

**PRO BONO ACTIVITIES**

Heather represents a class of deaf and hard of hearing individuals in a disability discrimination action challenging inconsistent, unreliable, and increasingly scrutinized access to sign language interpreting services, co-counseling with the civil rights association the National Association of the Deaf.

Heather has also served as a mentor with an organization serving immigrant, refugee, and asylee lawyers and other professionals seeking employment in the Bay Area. She has also represented plaintiffs in pro bono litigation to secure rights for low-wage workers' and for disabled youth.

**NOTEWORTHY**

Named a Northern California Super Lawyer 2020-2022, and a Rising Star 2017-2019, as a top-rated antitrust litigation attorney, by Super Lawyers, a list issued by Thomson Reuters.

Received Honorable Mention in 2013 from the American Antitrust Institute (AAI) for “outstanding antitrust litigation achievement in private law practice” along with the other members of the Zelle litigation team for work in *In re TFT-LCD Antitrust Litigation* at AAI’s first annual Antitrust Enforcement Awards.

Heather T. Rankie Rated by Super Lawyers

loading ...



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**PRACTICE AREAS**

- Antitrust and Unfair Competition
- Antitrust Counseling & Compliance
- Breach of Contract
- Class Actions
- Commercial Litigation
- Corporate Plaintiff Affirmative Recovery
- Indirect and Direct Purchaser Class Actions
- Products Liability

**BAR AND COURT ADMISSIONS**

- State Court: California
- U.S. Court of Appeals: Ninth Circuit
- U.S. District Court: Northern District of California

**EDUCATION**

- University of California, Hastings College of the Law, J.D., *magna cum laude*, 2007: *Order of the Coif*, Thurston Society, Hastings Law Journal

Eric's practice focuses on complex litigation, primarily in antitrust, competition, and consumer protection matters. This includes frequently counseling large commercial clients in pursuing affirmative recoveries. Since joining the firm in 2007, Eric has represented both plaintiffs and defendants in multidistrict litigation involving claims of anticompetitive conduct, unfair business practices, and products liability. Eric has also represented various parties on both sides of the aisle in an array of commercial disputes, including cases arising from allegations of trademark infringement, trade secret misappropriation, price discrimination, and breach of licensing agreements. Eric's experience includes pre-trial motion practice, discovery, trials, as well as appellate advocacy.

**REPRESENTATIVE MATTERS****Antitrust, Unfair Competition, and Consumer Protection**

Represents United HealthCare Services, Inc. in its antitrust actions against the makers of more than 100 generic pharmaceutical drugs and alleging a widespread price-fixing and market allocation conspiracy; this matter has been consolidated with *In re: Generic Pharmaceuticals Pricing Antitrust Litigation*, MDL No. 2724. (*United HealthCare Services, Inc. v. Actavis Holdco U.S., Inc., et al.*)

Represented United HealthCare Services, Inc. in its antitrust action against the makers of the branded pharmaceutical drug, Provigil, and its generic equivalents. The suit alleged a successful pay-for delay scheme that kept the lower priced generics off the market for several years, allowing the brand manufacturer to continue charging inflated monopoly prices that caused United HealthCare Services, Inc. substantial damages. (*United HealthCare Services, Inc. v. Cephalon, Inc., et al.*)

Represented multinational defendants through trial in antitrust class action implicating foreign sovereign compulsion and state action immunity issues (*In re Vitamin C Antitrust Litigation*)

Represented large integrated energy company in multidistrict consumer protection litigation challenging industrywide sales practices (*In re: Motor Fuel Temperature Sales Practices Litigation*)

- University of California, Santa Barbara, B.A., *highest honors*, 2003

Represented franchisor in California class action concerning personal identification information and fraud protection in retail transactions (*Flores v. ConocoPhillips Company*)

### **Other Complex Commercial Disputes**

Represented major transit company in software licensing dispute before the Ninth Circuit Court of Appeals, as well as in subsequent petitions to the U.S. Supreme Court (*Education Logistics, Inc. v. Laidlaw Transit, Inc.*)

Represented entrepreneurial and philanthropic technology company in trade secret misappropriation action against gaming and entertainment corporation (*The Just Game Company, LLC v. Sony Computer Entertainment America, LLC, et al.*)

### **ARTICLES & PRESENTATIONS**

"Patent Prosecution History Key to FTC Summary Judgment Win Against Abbvie on Claim of Sham Patent Litigation Delaying Generic," *The State Bar of California Antitrust, UCL and Privacy Section*, November 2017, author

"Discovery Rule is Better Accrual Standard for Antitrust Claims," *Competition Law360*, February 8, 2017, co-author

"Competitors Push Back With False Advertising Laws," *Competition Law360*, August 31, 2015, author

"California State Antitrust & Unfair Competition Law," 2009, co-author

### **PROFESSIONAL AFFILIATIONS**

American Bar Association

San Francisco Bar Association

### **NOTEWORTHY**

Eric was named a Northern California "Rising Star" in 2017 (Antitrust Litigation, Intellectual Property, Class Action/Mass Torts, and Business

Litigation) by *San Francisco* magazine.



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**PRACTICE AREAS**

- Commercial Litigation
- Construction
- Bad Faith and Extra-Contractual Liability
- Breach of Contract
- Climate Change
- Contingency Insurance
- Engineering and Construction
- General Liability Coverage and Defense
- Insurance
- Pandemic Claims and Litigation
- Products Liability
- Property Insurance
- Subrogation

**BAR AND COURT ADMISSIONS**

- State Bar of Minnesota
- Federal District Court of Minnesota
- U.S. Court of Appeals: Eighth Circuit

Nick is a partner in the Minneapolis office of Zelle where he represents clients in litigation matters involving commercial disputes, construction and real estate disputes, insurance coverage and liability issues, class actions, and product liability. He also advises clients on an ongoing basis concerning contract, risk management and other general business issues.

Nick has experience in jury trials, court trials, and arbitration proceedings in a broad range of areas.

**REPRESENTATIVE MATTERS****Insurance Coverage**

Represented insurer in coverage matters regarding a claims-made liability policy (*Ritrama, Inc. v. HDI-Gerling Am. Ins. Co.*).

Represented insurer in defense of bad faith and breach of contract claims (*Peterson v. The Travelers Indemnity Co.*)

**Business Disputes and Commercial Litigation**

Represented large financial institution in a bad faith insurance coverage dispute against a title insurer (*U.S. Bank National Association v. First American Title Ins. Co.*).

**Construction and Real Estate**

Represented general contractor in defense of construction defect and breach of warranty claims (*Oxford Hill Association, Inc. of Minnesota v. Frana Companies, Inc., et al.*).

Defense of breach of contract actions brought by contractors against developer of commercial property (*Langford Tool v. The 401 Group, LLC, District Court of Minnesota*).

Represented homeowner in misrepresentation case against seller for failure to disclose material defects (*Roers v. Pierce*).

Represented general contractor in defense of ERISA claims alleging under-payment of fringe benefits (*Nelson v. Frana Companies, Inc.*).

**EDUCATION**

- Hamline Law School, J.D., *cum laude*, 2009
- University of Kansas, B.S., Finance, 2006

Represented insurers in subrogation matters for recovery of damages caused by defective equipment and construction.

**Products and Premises Liability**

Represented consumer of powdered infant formula in a products liability action under an alternative liability theory (*Burks v. Abbott Laboratories, et al.*).

Defended nightclub under a liability policy against allegations of premises liability.

**ARTICLES & PRESENTATIONS**

"Opioid Case May Guide Climate Change Insurance Suits," *Law360 Insurance Authority*, May 11, 2022, co-author

"Why Climate Plaintiffs Are Filing Securities, Consumer Suits," *Law360*, March 15, 2022, co-author

"Complex CAT Claims: Differing Policies in Paradise Webinar (Commercial Lines Property)," PLRB, January 28, 2021, co-presenter

"Construction Delays and Coronavirus," Zelle Webinar, April 16, 2020, presenter

"Builder's Risk Coverage for Construction Defects and Accidents Caused by Defective Workmanship," Stafford webinar, June 27, 2018, co-presenter

"Legal Matters: Potential defense to construction defect claims," *Finance & Commerce*, January 26, 2017, author

**NOTEWORTHY**

Named *Rising Star* by *Minnesota Super Lawyers*® from 2013-2022.



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**PRACTICE AREAS**

- Antitrust and Unfair Competition
- Class Actions
- Commercial Litigation
- Corporate Plaintiff Affirmative Recovery
- eDiscovery
- Indirect and Direct Purchaser Class Actions

**BAR AND COURT ADMISSIONS**

- State Court: California
- U.S. District Court, Northern District of California

**EDUCATION**

- University of California, Irvine, B.A., Political Science and Government; Minor: Psychology & Social Behavior, 2014
- University of San Francisco School of Law, J.D., *cum laude*, 2018

Anjalee's practice focuses on complex, multidistrict and class action litigation, primarily in antitrust law. Anjalee has worked on product defect and price-fixing cases, including pre-suit investigation, discovery, settlement, and appeal.

Prior to joining Zelle, Anjalee was an attorney at Saveri & Saveri, Inc., a boutique law firm in San Francisco that specializes in complex civil litigation. While in law school, Anjalee served as a judicial extern to the Honorable Edward M. Chen of the U.S. District Court, Northern District of California. She also participated in University of San Francisco Law Review and USF's Moot Court Program as well as served as President of the If/When/How: Lawyering for Reproductive Justice chapter.

**REPRESENTATIVE MATTERS****Indirect and Direct Purchaser Class Actions**

Represented direct purchaser plaintiffs in a consolidated class action lawsuit involving diminished performance of iPhone devices. (*In Re: Apple Inc. Device Performance Litigation*)

Represented a nationwide class of direct purchaser plaintiffs in the Cathode Ray Tube antitrust litigation alleging price-fixing. (*In re Cathode Ray Tube (CRT) Antitrust Litigation*)

**ARTICLES & PRESENTATIONS**

Trump's Ruthless Expansion of the Mexico City Policy Threatens Reproductive Health Abroad, 53 U.S.F. L. Rev. 117 (2019), author

**PROFESSIONAL AFFILIATIONS**

American Bar Association, Young Lawyer Representative for the ABA Antitrust Section's Joint Conduct Committee

Asian American Bar Association, Civil Rights Committee

National Lawyers Guild, S.F. Bay Area Chapter

The Bar Association of San Francisco, Antitrust and Business Regulation

Section

**NOTEWORTHY**

Named to the Super Lawyers Northern California Rising Stars List 2020-2022 as a top-rated antitrust litigation attorney.



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**PRACTICE AREAS**

- Antitrust and Unfair Competition
- Antitrust Counseling & Compliance
- Class Actions
- Indirect and Direct Purchaser Class Actions
- Securities/Securities Lending

**BAR AND COURT ADMISSIONS**

- State Court: California

**EDUCATION**

- UC Berkeley School of Law, J.D., 2018
- University of Nebraska Omaha, B.S., *summa cum laude*, 2014

James is an attorney in Zelle's Oakland office. His practice focuses on complex litigation, primarily in the antitrust field. James joined Zelle after working as a summer associate for the firm during law school.

While in law school, James was a co-leader of a student-initiated legal services project. James also spent time during his third year of school working as a law clerk for Root and Rebound, a reentry legal resource center based in Oakland, California.

**ARTICLES & PRESENTATIONS**

"The Unique Challenges of Obtaining Foreign Discovery", ABA Section of Antitrust Law Annual Spring Meeting, Virtual, March 23-26, 2021, co-author

"Indirect Purchaser Antitrust Standing Heads In New Direction," *Competition Law360*, July 2, 2020, co-author

"ACPERA: Reauthorization or Final Curtain?", ABA Section of Antitrust Law Annual Spring Meeting, Virtual, April of 2020, co-author

"Who's in Your Class? 2019 Hot Issues in Antitrust Class Action Litigation: Ascertainability and Uninjured Class Members", ABA Section of Antitrust Law Annual Spring Meeting, Washington, DC, March 26-29, 2019, co-author

**PROFESSIONAL AFFILIATIONS**

American Bar Association, Antitrust Section, Young Lawyer Representative to the Agriculture and Food Committee (2021-2022)

National Lawyers Guild—S.F. Bay Area Chapter

**NOTEWORTHY**

Named to the Super Lawyers Northern California Rising Stars List 2022 as a top-rated antitrust litigation attorney.

# EXHIBIT B

# **Exhibit 50**

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

_____	x	
	)	<b>MDL Docket No. 03-md-1532</b>
<b>IN RE: NEW MOTOR VEHICLES</b>	)	<b>ALL CASES</b>
<b>CANADIAN EXPORT ANTITRUST</b>	)	
<b>LITIGATION</b>	)	
_____	x	

**DECLARATION OF ZELLE HOFMANN VOELBEL & MASON LLP IN SUPPORT OF APPLICATION FOR AWARD OF ATTORNEYS' FEES, REIMBURSEMENT OF EXPENSES, AND PROVISION OF INCENTIVE AWARDS**

I, CRAIG C. CORBITT, declare as follows:

1. I am a partner of Zelle Hofmann Voelbel & Mason LLP. I submit this declaration in support of the Plaintiffs' Application for an Award of Attorneys' Fees, Reimbursement of Expenses, and Provision of Incentive Awards.

2. My firm represents named plaintiffs George Bell and United Food & Commercial Workers, Local 588, and unnamed plaintiffs Luz Maria Pena, Patrick Sheehan, and Brian Toups in the California state action (*Automobile Antitrust Cases I and II*, San Francisco Super. Ct., J.C.C.P. Nos. 4298 and 4303); named plaintiffs Ken Schaefer, Stacy Cannon, Barbara Kain, Deborah Babb, Elizabeth Bainbridge, Charles Bumpilori, Marquette Joelson, Don Austin, and Diane Depken in the Iowa state action (*Schaefer v. General Motors Corp., et al.*, Polk Cty. Dist. Ct., No. CL93947); named plaintiff William Dinkel in the Kansas state action (*Dinkel v. General Motors Corp., et al.*, Douglas Cty. Dist. Ct., No. 2005CV10005), and named plaintiffs Paul Melangagio, William Wurgler, Pamela Wurgler, Paul Elsome, Dan Ozaydin, and DeAnn Ozaydin in the case that was filed in Nebraska state court, subsequently removed to federal court, and then transferred to this MDL proceeding (*Melangagio, et al. v. General Motors Corp., et al.*, D. Neb., No. 05-CV-00451). A brief description of my firm is attached as Exhibit A and

incorporated herein by reference.

3. I and my firm are the court-appointed Liason Counsel and Class Counsel in *Automobile Antitrust Cases*, pending in the California Superior Court before Judge Richard A. Kramer. I am also a member of the Plaintiffs' Coordinating Committee, which determines the plaintiffs' overall strategy in the MDL and the various state cases. I have appeared on several occasions before this Court as the representative of the California action. My firm also filed state court cases in Iowa, Kansas and Nebraska. All of these state causes of action would be settled and released by the pending settlement agreements with Toyota and CADA. The time and expenses reported by my firm and the other firms in the state court actions were incurred for the benefit of the settlement classes as a whole in this case.

4. During the course of this litigation, my firm has been involved the following activities on behalf of the plaintiffs, among others:

- We filed the initial complaints in the California state action in March 2003. After many more cases had been filed in various California state courts, the cases were coordinated and assigned to Judge Kramer for pretrial and trial. My firm subsequently organized and hosted a meeting of all plaintiffs' counsel to discuss organization and strategy, as a result of which an agreed organizational pretrial order, establishing an Executive Committee and designating my firm as Liaison Counsel, was submitted to and entered by Judge Kramer on August 21, 2003.
- We participated in the briefing and argument on the defendants' demurrer (motion to dismiss) and motion to strike the Consolidated Amended Complaint, which were overruled by Judge Kramer on April 28, 2004.
- We presented the position of the California plaintiffs on coordination of discovery

between the state and MDL cases to both the California and MDL courts, and successfully resisted the defendants' attempt to stay the California case. The Joint Coordination Order signed by Judges Hornby and Kramer was entered in the California case on June 18, 2004.

- We negotiated and entered into a cooperation agreement with the MDL plaintiffs' counsel (described more fully in Mr. Tabacco's submission), as a result of which we became a member of Plaintiffs' Coordinating Committee. We worked closely with MDL Lead Counsel on all aspects of this case, including coordinating overall strategy. We participated in the settlement negotiations with Toyota, and signed that settlement agreement on behalf of the California and Iowa plaintiffs.
- We participated fully in joint discovery, including the review of millions of documents and responses to contention interrogatories. We were principally responsible for discovery from Honda, and also participated extensively in discovery from Chrysler. We participated directly in briefing the MDL class certification motions. We were directly involved in working with plaintiffs' experts in the MDL case, and defended several days of the deposition of Dr. Hall, plaintiffs' expert in the MDL and California cases. We directly participated in responding to the defendants' MDL summary judgment motions.
- We successfully briefed and argued the motion for class certification in the California case, which was granted by Judge Kramer after a two day hearing, and entered by written order on May 18, 2009. We successfully briefed the opposition to the defendants' petition for a writ of mandamus on this issue to the California Court of Appeal, which denied the petition by order dated August 19, 2009. We

arranged for the publication of class notice in California, which has been completed.

- We coordinated the opposition briefing to the defendants' motions for summary judgment and motion to strike expert testimony in the California case. These motions are scheduled to be argued on January 18 and March 9-11, 2011.

5. The schedule attached as Exhibit B, and incorporated herein, is a detailed summary of the amount of time spent by my firm's partners, attorneys and professional support staff who were involved in this litigation. The lodestar calculation is based on my firm's billing rates in effect at the time services were performed. Exhibit B was prepared from contemporaneous time records regularly prepared and maintained by my firm. The hourly rates for my firm's partners, attorneys and professional support staff included in Exhibit B are or were at the time the usual and customary hourly rates charged for their services in similar complex class actions.

6. The total number of hours expended on this litigation by my firm from inception to November 30, 2010 is 10,207.85 hours. Of this total, 9,579.45 hours are from the California case, 139.70 hours are from the Iowa case, 205.75 hours are from the Kansas case, and 282.95 hours are from the Nebraska case. The total lodestar for my firm is \$4,188,985.75. Of this total, \$3,955,621.25 is from the California case, \$60,089.50 is from the Iowa case, \$68,026.00 is from the Kansas case, and \$105,249.00 is from the Nebraska case.

7. My firm's lodestar is based on the firm's billing rates, which do not include charges for expense items. Expense items are billed separately and are not duplicated in my firm's lodestar.

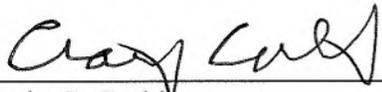
8. My firm expended a total of \$685,923.33 in unreimbursed expenses necessary in

connection with the prosecution of this litigation. Of this amount, \$471,000.00 were for assessment payments, and an additional \$214,923.33 were for non-common expenses incurred by my firm, such as travel, copying, telephone, etc. Of the \$685,923.33 total, \$674,830.63 was from the California case, \$2,299.03 from the Iowa case, \$3,305.76 from the Kansas case, and \$5,487.91 from the Nebraska case. These expenses are described in Exhibit C, which is attached hereto and incorporated herein.

9. The expenses my firm incurred in litigating this action are reflected in the books and records of my firm. These books and records are prepared from expense vouchers, receipts, check records and other source materials and accurately reflect the expenses incurred.

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

Executed this 30th day of December, 2010, in San Francisco, California.

  
\_\_\_\_\_  
Craig C. Corbitt

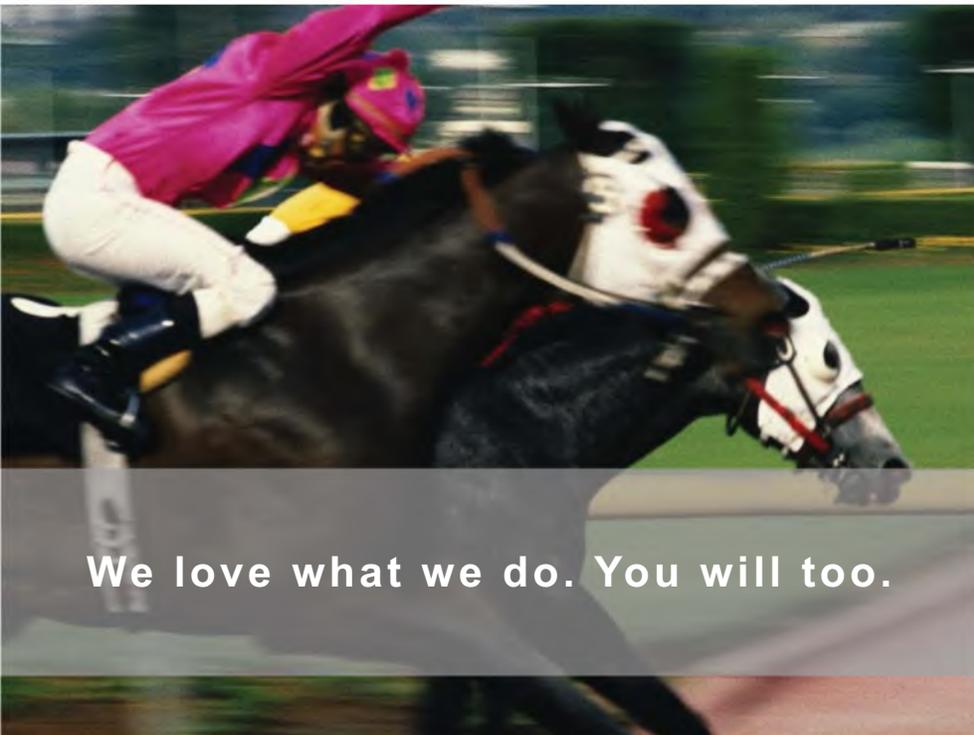
**EXHIBIT A**



INSURANCE

ANTITRUST/  
COMPETITION

COMPLEX  
LITIGATION



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Boston Dallas Minneapolis San Francisco Washington, DC Beijing\*

\*In association with ZY & Partners

[zelle.com](http://zelle.com)



# SNAPSHOT

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We are a national complex litigation boutique with an emphasis on resolving high dollar, complex problems.

70 Litigators - National and International coverage, with offices in Boston, Dallas, Minneapolis, San Francisco, Washington DC, and Beijing/Shanghai affiliated office (ZY & Partners)

Our attorneys practice in jurisdictions across the country, and are involved in:

- 9/11 World Trade Center coverage
- BP oil spill
- Chinese Drywall
- Hurricane losses
- Microsoft anti-competition disputes
- Securities lending/derivatives

E-Discovery In-House – Our advanced technology and experienced staff increase efficiencies and reduce E-Discovery costs to clients

60% Defense / 40% Plaintiff

Defense: Commercial disputes (e.g., contract disputes)  
 Complex insurance coverage (e.g., 9/11 World Trade Center coverage)  
 Securities litigation (e.g., securities lending/derivatives)  
 Insurance/reinsurance recovery  
 Antitrust / Competition  
 International trade (China vitamin C antitrust class action)  
 Class action defense  
 Trademark / Copyright

Plaintiff: Antitrust / Competition (e.g., price-fixing, anti-competitive business)  
 Subrogation (e.g., 9/11 Recovery)  
 Uninsured loss recovery

Industries:	Banking	Manufacturing
	Construction	Oil and Gas
	Consumer Goods	Pharmaceuticals
	Food	Securities
	Household Products	Technology
	Industrial Goods	Telecommunications
	Insurance	Transportation

Clients (sample list):

Allianz	Emerson Electric	Kellogg	Shijiahuang Pharmaceutical	US Bank
Bridgestone/Firestone	FM Global	Liberty Mutual Group	Smithfield Foods	Wells Fargo & Co.
Carlisle	General Mills	Nationwide	Swiss Re	
ConocoPhillips	Hartford	Sara Lee	Travelers	



## Firm Overview

Zelle Hofmann attorneys are proud to represent clients in their most challenging insurance-related disputes, antitrust claims and other complex litigation in venues across the United States and around the world. Our experience in successfully resolving high-profile, high-exposure cases and our commitment to efficient and responsive service supports everything we do.

Because we represent both defendants and plaintiffs, our attorneys have developed keen insights and experience from practicing on both sides of the aisle. We can better understand and anticipate the objectives and tactics of opposing counsel, giving our clients a number of distinct advantages. Since our contingency practice obligates us to fund many of our clients' cases, we are particularly adept in avoiding unnecessary tasks and expenses while doing everything to achieve the most favorable outcomes. Our clients appreciate this ability to efficiently staff cases while still delivering exceptional service and consistent results.

We believe – and our clients agree – that the way we approach litigation is key to our success in building solid relationships and implementing effective strategies. Our attorneys offer experience and in-depth knowledge across a wide range of industries, and probe to determine our clients' specific needs and the broader implications of any dispute. Zelle Hofmann attorneys quickly assess the facts, balance the intangibles, and deliver legal counsel that is creative and realistic.

While the scope of our practice is focused, the diverse talents, intellectual knowledge and technological resources we offer are vast. Zelle Hofmann's collaborative teams of attorneys, multiple offices and international presence assure that we are always prepared to meet your needs, even in the most challenging, sensitive or catastrophic of circumstances.

We appreciate your interest and invite you to learn more about Zelle Hofmann.



## Complex Litigation

### Partners

- Steven J. Badger
- Joseph W. Bell
- Roger D. Branigin
- Brad E. Brewer
- Kerry K. Brown
- Michael R. Cashman
- Thomas B. Caswell, III
- Eric E. Caugh
- Catherine M. Colinvaux
- Thomas H. Cook, Jr.
- Craig C. Corbitt
- Mark J. Feinberg
- Rolf E. Gilbertson
- Richard M. Hagstrom
- Lawrence T. Hofmann
- Jiangxiao Hou
- Michael E. Jacobs
- Daniel S. Mason
- John B. Massopust
- Wm. Gerald McElroy, Jr.
- Terrence C. McRea
- Christopher T. Micheletti
- Dan Millea
- Shannon M. O'Malley
- G. Brian Odom
- Christopher R. Paar
- M. Anthony Parsons II
- James S. Reece
- Stephen M. Rogers
- Francis O. Scarpulla
- Patricia St. Peter
- Paul Sullivan
- Richard G. Urquhart
- Karl S. Vasiloff
- Richard L. Voelbel
- Brett A. Wallingford
- Durwood J. Zaelke
- Judith A. Zahid
- Lawrence Zelle

Zelle Hofmann attorneys think smart, dig deep and talk straight. We focus on the end game – understanding our clients' goals and the most efficient ways to achieve them.

When clients ask for advice, we give them our candid evaluation and recommendations – not a raft of disclaimers. Our approach typically involves comprehensive early case assessment and development of an overall strategy. Whether the goal is victory in trial or arbitration, or negotiation of a favorable resolution before or after litigation begins, the client's needs and objectives come first. We partner with our clients in all phases of a case, keeping them up-to-date and involved.

Examples of the types of complex litigation matters we handle include:

- Appellate Advocacy
- Banking & Financial Institutions
- China - Business and Litigation
- Class Actions
- Construction
- Director & Officer
- Dispute Resolution
- Employment
- Environmental
- Intellectual Property
- Products Liability
- Public Interest
- Real Estate
- Securities
- Trade Regulation

Our attorneys offer extensive trial experience in state and federal courts and regularly represent clients in arbitrations and other alternative dispute resolution proceedings. A substantial portion of our cases involve class actions and/or multi-district litigation. Our clients range from large Fortune 100



## Complex Litigation

corporations to smaller businesses and individuals.

Our cases are staffed efficiently by core teams. We offer flexible fee arrangements, including blended rates, reduced hourly rates with a contingent fee component, project-based fees, and in appropriate cases, contingent fee arrangements. Because we work on both sides of the docket, we bring efficiencies honed in our plaintiff's cases to enhance the value we provide in defense matters.



## Antitrust/Competition

### Partners

- Joseph W. Bell
- Michael R. Cashman
- Catherine M. Colinvaux
- Thomas H. Cook, Jr.
- Craig C. Corbitt
- Richard M. Hagstrom
- Jiangxiao Hou
- Michael E. Jacobs
- Daniel S. Mason
- John B. Massopust
- Christopher T. Micheletti
- James S. Reece
- Francis O. Scarpulla
- Paul Sullivan
- Richard L. Voelbel
- Judith A. Zahid

Our approach to antitrust matters is decidedly different from other firms because we commonly represent clients – multi-national corporations, small businesses and consumers – on either side of the docket. We are selective in the litigation we pursue and consistently position that litigation for success in the courtroom. We have found this approach yields the best results for our clients, whether at the settlement table or at trial. We carefully consider the objectives and economic realities of each client, looking for the best way to achieve an outcome that meets those needs.

The experience and track record of Zelle Hofmann attorneys in antitrust is recognized in courts across the nation every day. We have recovered billions of dollars for our clients who are plaintiffs, and we have successfully mitigated other clients' most significant exposures. We have substantial experience not just settling antitrust matters, but trying them. Martindale-Hubbell consistently ranks Zelle Hofmann as one of the most active antitrust firms in the United States. Our lawyers are often named to lead counsel positions in class action and multi-district matters, but we are also highly effective in representing antitrust defendants and opt-out plaintiffs.

Zelle Hofmann recognizes that many antitrust matters are increasingly international in scope. We routinely work with clients and foreign counsel in the United Kingdom, European Union, Canada and China to coordinate and fully protect our clients' legal and business interests in a global context.

Because of the breadth and depth of our litigation experience, clients often call on us in counseling situations – including consultation on antitrust compliance programs, mergers and acquisitions, and the formation of joint ventures.



## International Competition

In today's global economy, anti-competitive activities are occurring on a worldwide basis. As a result, focus on cartel activity by regulatory agencies has expanded globally in recent years. In particular, the European Commission has become increasingly aggressive in its investigation and assessment of penalties against cartels, and there have been a number of significant developments in the European Union aimed at facilitating private damages actions for violations of Community competition law. In addition, China's Anti-Monopoly Law, the country's first antitrust legislation, came into effect in 2008.

In this context, Zelle Hofmann is uniquely positioned to represent victims of global cartels in private actions to recover damages from the cartelists. We have over 35 years of successful antitrust experience, particularly in litigating against price-fixing cartels, and have represented major United States and foreign companies in antitrust and competition cases. Furthermore, we have substantial international experience, and have partnered with international law firms in the United Kingdom, European Union, China and Canada in competition law cases.

For example, Zelle Hofmann attorneys represented the British subsidiary of a Fortune 500 company in the first-ever private antitrust action brought in the courts of the United Kingdom. We have participated in competition and antitrust litigation in other European countries, and are currently involved in several "follow-on" matters, seeking to recover the damages our clients suffered at the hands of cartelists in cases where the European Commission has found an antitrust infringement. We have also been very active in China, where we counseled the Chinese government with respect to its newly-enacted antitrust law. In Canada, we are actively involved in competition and antitrust litigation with a network of Canadian co-counsel.

The increasingly global nature of trade calls for the need to achieve global resolution of competition and price-fixing claims. Zelle Hofmann, in concert with co-counsel, is aggressively pursuing private actions on a global basis and has achieved global recovery for victims of cartels.



## China - Business and Litigation

For more than 16 years, Zelle Hofmann has represented U.S. entities and individuals in China and Chinese companies in the United States. For example, we successfully represented the Kellogg Company's Chinese subsidiary in a trademark litigation in Guangzhou Province. We also currently represent one of China's largest pharmaceutical groups in the first antitrust litigation involving Chinese companies in the United States.

We have also served as special counsel to China's Ministry of Commerce, the government agency charged with drafting and issuing trade-related laws and regulations, overseeing mergers and acquisitions, and overseeing Chinese antitrust matters. Over many years, Zelle Hofmann has built a strong relationship with the Ministry, providing advice on its trade-related matters and China's recently enacted antitrust litigation.

Zelle Hofmann has established affiliated offices with Chinese law firms of the highest caliber and reputation, which are well suited to assist Western clients with their Chinese operations. Our affiliate counsel have represented the Chinese government on numerous commercial and trade matters, are fluent in English, and are extremely familiar with the requirements of U.S. businesses in China.

Our firm's in-depth experience and numerous working relationships in China have sensitized us to the legal, political and cultural intricacies often entailed with doing business there. One of our partners, Athena Hou, is a Chinese-born and U.S. trained attorney who has advised both U.S. and Chinese companies on business and litigation matters.

We invite you to talk to us about your needs related to US/China business and litigation matters.



## Antitrust Cases

### Examples of Antitrust Cases

**Microsoft Antitrust Litigation.** Indirect purchaser antitrust class actions in California, Minnesota, Iowa and Wisconsin alleging that Microsoft has illegally maintained a monopoly in the market for personal computer operating system, word processing and spreadsheet software.

**Cosmetics Antitrust Litigation (U.S. District Court, N.D. Cal.; California Superior Court, Marin County).** A consumer class action on behalf of California purchasers seeking redress for alleged price-fixing by department stores and manufacturers of high-end cosmetics and beauty products. The case settled for injunctive relief and consideration valued at \$175 million.

**Chinese Vitamin C Antitrust Litigation (U.S. District Court, California and Massachusetts State Courts).** Zelle Hofmann represents a major Chinese manufacturer of Vitamin C in connection with federal and state antitrust actions filed on behalf of putative classes of direct and indirect purchasers. The federal direct purchaser case was filed in the Eastern District of New York. Indirect purchaser cases have been filed in California and Massachusetts. All of the complaints allege a price-fixing conspiracy among four Chinese manufacturers.

**DRAM Antitrust Litigation (U.S. District Court, N.D. Cal.; California Superior Court, San Francisco).** Zelle Hofmann is the Court-appointed Liaison Counsel and a member of plaintiffs' Executive Committee, in a nationwide class action brought by indirect purchasers of DRAM. Plaintiffs allege that DRAM manufacturers conspired to fix the prices from April 1, 1999 through December 31, 2002. The class includes purchasers of computers and other products containing DRAM, and seeks injunctive relief and damages under state and federal laws.

**Intel Corp. Microprocessor Antitrust Litigation (U.S. District Court, D. Del.).** Zelle Hofmann represents consumers in a nationwide class action against Intel on behalf of consumer and business purchasers of x86 microprocessors used in personal computers and other products. The complaint alleges that Intel abused its dominant position in the x86 microprocessor market by, among other things, engaging in exclusive dealing arrangements with various Original Equipment Manufacturers such as Dell,



HP, IBM/Lenovo, and NEC in an effort to lock AMD out of several key market segments. The complaint alleges that as a result of these practices consumers and businesses paid artificially high prices for products containing Intel's x86 microprocessors.

***Natural Gas Antitrust Cases (U.S. District Court, D. Nev.; California Superior Court, San Diego).*** Zelle Hofmann is Co-Lead Counsel in the federal class action and a member of the Executive Committee in the state class action. against marketers of natural gas in California, alleging violations of the Sherman Act, California Cartwright Act and the Unfair Competition Act. The actions are brought on behalf of direct and indirect persons and entities in California who purchased natural gas between January 1, 2000 and December 31, 2001, i.e., during the California Energy Crisis. The actions allege that, among other things, the defendants and their co-conspirators engaged in a variety anticompetitive practices which raised interstate natural gas transportation prices, the bundled price of natural gas, spot natural gas prices, and natural gas market basis swap derivative settlement amounts in and for California.

***New Motor Vehicles Canadian Export Antitrust Litigation (U.S. District Court, D. Maine).*** Zelle Hofmann represents plaintiff new car buyers against the major new car manufacturers, alleging a conspiracy to prevent lower-cost new cars from being exported from Canada to the United States, thereby causing higher prices for new cars in the United States. The firm is Liaison Counsel in the California state court action, which is coordinated with a nationwide federal action pending in the United States District Court in Portland, Maine.

***Diamonds - Sullivan et al. v. DeBeers et al. (U.S. District Court, D.N.J.).*** Zelle Hofmann represents consumers in a class action lawsuit brought on behalf of purchasers of diamonds and diamond jewelry in the United States, alleging that the De Beers group of companies unlawfully monopolized the gem diamonds market. The court approved a class action settlement on April 14, 2008. The settlement created a \$295 million Settlement Fund for resellers and consumers who purchased diamonds from January 1, 1994 through March 31, 2006. In addition, as part of the settlement, De Beers agreed to a stipulated injunction, which provides that De Beers will abide by federal and state antitrust laws, will not engage in certain specific conduct to control prices or restrict supply, and will submit to the Court's jurisdiction for the purpose of



enforcement of the injunction.

***TFT-LCD (Flat Panel) Antitrust Litigation (U.S. District Court, N.D. Cal.).***

Zelle Hofmann serves as the court-appointed Co-Lead Counsel representing a nationwide class of indirect purchasers of LCD products, such as flat panel televisions and computer monitors, in this multi-district antitrust class action filed against the world's leading manufacturers of thin-film transistor liquid crystal display (TFT-LCD), and alleging that these companies engaged in a conspiracy to artificially inflate the prices of their LCD products.

***Linerboard Antitrust Litigation (U.S. District Court, E.D. Pa.).*** Zelle Hofmann represented, as opt-outs, three major international food manufacturers in this federal antitrust action against integrated manufacturers of linerboard, corrugated medium, and corrugated containers. Recoveries exceeded the class action settlement value.

***Smokeless Tobacco Antitrust Litigation (California Superior Court, San Francisco).*** Plaintiffs have obtained final approval of a \$96,000,000 settlement in the Smokeless Tobacco Antitrust Litigation pending in the California Superior Court in San Francisco, California. Zelle Hofmann served on the Executive Committee, and was extensively involved in all aspects of this case. The settlement provides \$96 million in cash to pay to a class of California indirect purchasers of moist snuff products which alleged that U.S. Smokeless Tobacco monopolized the moist snuff market and engaged in restrictive and exclusionary acts during the time period 1990 to the present in violation of California state antitrust laws.

***EPDM Antitrust Litigation (U.S. District Court, D. Conn.)*** Zelle Hofmann represented a large corporate plaintiff which opted out of a class settlement and pursued separate litigation in connection with an alleged conspiracy to fix prices and allocate market shares by manufacturers of EPDM, a synthetic rubber product.

***Brand Name Prescription Drugs Antitrust Litigation (U.S. District Court, N.D. Ill.).*** A federal antitrust action by plaintiff classes of retail pharmacists alleging price fixing of brand name prescription drugs by two dozen of the world's largest pharmaceutical manufacturers and wholesalers. The class obtained over \$700 million in settlements, plus commitments with respect to future pricing practices.



***Carbon Black Antitrust Litigation (U.S. District Court, C.D. Cal., California Superior Court, San Francisco).*** A class action brought against producers of carbon black, an engineered carbon compound, alleging violations of the California Cartwright Act and the Unfair Competition Act. The action alleges that, among other things, the defendants and their co-conspirators conspired and engaged in price-fixing, market allocation and other anticompetitive practices which raised carbon black prices in California. Zelle Hofmann was the court-appointed Co-Liaison counsel for the state court plaintiff class and a member of the plaintiffs' executive committee.

***Vitamins Antitrust Litigation (U.S. District Court, D.D.C.).*** Zelle Hofmann represented a major international food manufacturer in a federal antitrust action against domestic and foreign manufacturers of bulk vitamins, vitamin premixes and other vitamin products used in the manufacture of food products. The complaint alleged that the manufacturers violated U.S. antitrust laws by, among other things, conspiring to fix prices, allocate sales and allocate customers. The matter was settled on a highly favorable basis to our client, for significantly more money than could have been achieved through the class action.

***UK Cartonboard Matter (High Court of Justice, London).*** A private antitrust action in the United Kingdom on behalf of an international food manufacturer alleging price fixing by suppliers of packaging materials. Kellogg of Great Britain's claims related to the defendants' participation from mid-1986 until at least April 1991 in a European Community-wide price-fixing conspiracy, as a result of which Kellogg alleged that it was charged excessive prices for cartonboard. Zelle Hofmann negotiated a favorable settlement on its client's behalf.

***Air Cargo Shipping Services Antitrust Litigation (U.S. District Court, E.D.N.Y.).*** Zelle Hofmann represents a nationwide class of indirect purchasers of Air Cargo shipping services in this multidistrict class action.



## Our Litigation Technology Strategy

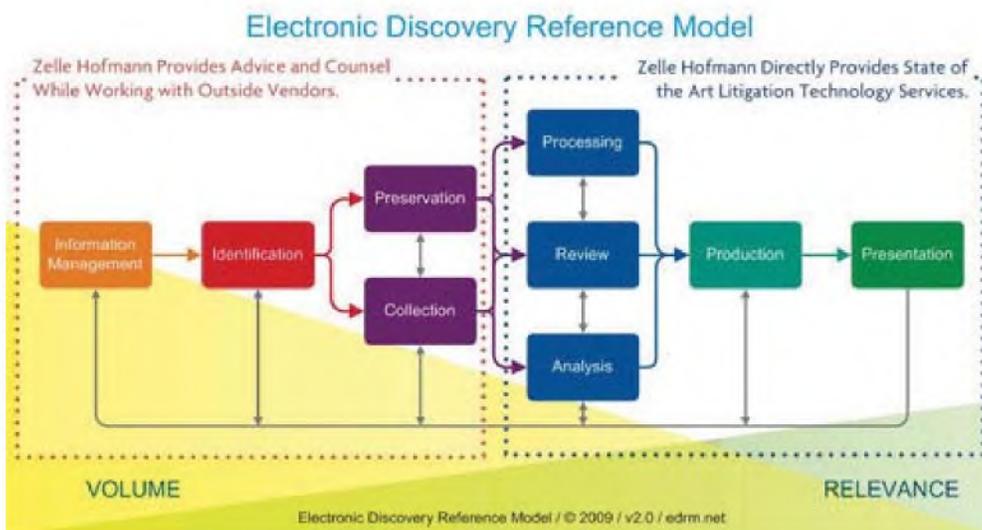
### Quality Litigation Technology Services at a Substantial Savings

E-Discovery is not just a buzzword. E-Discovery is Discovery, and at Zelle Hofmann we know that providing our clients the highest quality legal services includes harnessing state of the art litigation technology to sift through massive volumes of electronically stored information (ESI) during discovery and trial preparation.

Traditionally, clients and law firms have turned to E-Discovery vendors for ESI processing and hosting services. Enormous vendor costs and the inefficiencies inherent in vendor services led Zelle Hofmann to build a better mousetrap. By investing in experienced E-Discovery professionals and innovative systems, Zelle Hofmann now offers a highly cost-effective litigation technology service alternative to the traditional dependence on vendors.

### Scope of Services

While Zelle Hofmann works with its clients and co-counsel in handling all aspects of E-Discovery, as shown in the Electronic Discovery Reference Model (EDRM) below, the firm focuses its internal litigation technology on handling ESI after it has been identified, preserved and collected.





In addition to offering in-house litigation technology solutions, Zelle Hofmann works with clients and co-counsel to engage the best litigation service providers in the industry for outsourcing whenever appropriate. Zelle Hofmann's Director of E-Discovery and Litigation Support, Eric Mandel, provides leadership and practical guidance with advanced workflows to take the greatest advantage of all available technology as a case moves through the discovery lifecycle.

### **Best of Breed Litigation Technology + Continuous Improvement**

Zelle Hofmann has implemented a best of breed model for litigation technology, supported by a continuous improvement process. In simple terms, we find the best tools on the market for performing specific tasks, we provide ongoing training to our litigation support staff, we implement industry best practices, and we continuously seek out ways to improve.

### **Zelle Hofmann's Current Litigation Technology Primary Tool Set**

#### **LAW PreDiscovery™**

LAW PreDiscovery is an imaging and electronic discovery application that allows litigation teams to pre-review and cull hundreds of E-Discovery and scanned documents prior to reviewing and processing.

#### **Relativity®**

Relativity is a web-based, electronic discovery software solution for the review and management of ESI and paper-based data. Relativity provides law firms powerful, easy-to-use features to streamline workflows and create cost efficiencies.



**Michael S. Christian**  
Of Counsel

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**PRACTICE AREAS**

- Antitrust/Competition
- Complex Litigation
- Employment
- Intellectual Property

**BAR AND COURT ADMISSIONS**

- State Courts: California and Arizona
- U.S. Circuit Courts of Appeal: Ninth Circuit and Federal Circuit
- U.S. District Courts: District of Arizona, Northern District of California, Central District of California, Western District of Tennessee

Mike's practice includes litigation, business counseling and transactional work. As a litigator, he focuses on complex matters in the areas of labor and employment, antitrust law, intellectual property protection and commercial disputes. Mike has significant federal and state court litigation experience, including dozens of arbitrations, mediations and trials. He recently served as trial counsel in a class action where he represented over 115,000 Wal-Mart employees in the matter of *Savaglio, et al. v. Wal-Mart Stores, Inc. et al.* Following a three and a half month trial, the *Savaglio* jury awarded a \$172 million verdict based on Wal-Mart's violations of California's Labor Code. Mike has also counseled numerous Fortune 500 energy companies, financial institutions, retailers, manufacturers and other businesses in a variety of matters. In one such matter, he represented a major energy company in connection with California's 2000-2001 electricity crisis. His transactional experience includes intellectual property prosecution, intellectual property protection and the drafting and negotiation of related licenses and agreements. Mike is also experienced in practicing before the Trademark Trial and Appeals Board of the United States Patent and Trademark Office.

Mike received his J.D., *magna cum laude*, from the University of Arizona College of Law in 1997. He served as executive note editor for the *University of Arizona Law Review*, received the Dean's Achievement Award and was awarded membership in the *Order of the Coif*. Mike received his B.S., *with honors*, from Southern Oregon University in 1990.

**ARTICLES & PRESENTATIONS**

Quoted in *California Lawyer* re: the 2009 CLAY Awards, Employment Law section, Spring 2009

Lecture, *Savaglio v. Wal-Mart – Anatomy of a Wage & Hour /UCL Class Action Trial as Told by Counsel for the Parties* (16th Annual Litigation & Resolution of Complex Class Actions Institute, January 17, 2007)

Article, *Twice Bitten: Violations of Ethical Rules as Evidence of Legal Malpractice, The Brief* (American Bar Association Tort & Insurance Practice Section, Spring 1999); republished in *GP Solo*, Best of ABA Sections, March 2000 (co-author)



## Michael S. Christian

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### PAST PROFESSIONAL EXPERIENCE

The Furth Firm LLP, Principal, San Francisco, CA 2002-2008

Pillsbury Winthrop Shaw Pittman LLP, Associate, San Francisco, CA  
2000-2002

Lewis & Roca LLP, Associate, Phoenix, AZ 1997-2000



**Craig C. Corbitt**  
Partner

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San Francisco, CA 94104  
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Craig specializes in complex commercial litigation for both plaintiffs and defendants at the trial and appellate levels, particularly antitrust, trade regulation, intellectual property, securities, and contracts. Recently, among other matters he has represented Fortune 500 companies as plaintiffs in the Vitamins Antitrust Litigation in the District of Columbia federal court, the EPDM, CR and Rubber Chemicals synthetic rubber price fixing cases in various federal district courts, a national class of consumers in antitrust litigation against De Beers in the District of New Jersey concerning the diamond industry, and classes of California and Minnesota consumers and businesses in Microsoft Antitrust Litigation in state courts. These are among the largest antitrust cases in the country. Over the past twenty years, Craig has had a central role in dozens of major antitrust cases, including *Brand Name Prescription Drugs*, *ETSI v. Burlington Northern*, and *Southern Pacific Communications v. AT&T*.

**RECENT COURT-APPOINTED POSITIONS**

Co-Lead Counsel, *Intel Antitrust Litigation*, District of Delaware

Liaison Counsel and Chair of Executive Committee, *Microsoft Antitrust Litigation*, California Superior Court

Co-Lead Counsel, *Pharmaceutical Antitrust Litigation*, California Superior Court

Co-Lead Counsel, *In re Western States Wholesale Natural Gas Antitrust Litigation*, District of Nevada

Co-Lead Counsel, *Initial Public Offering Fees Antitrust Litigation*, Southern District of New York

Executive Committee, *Smokeless Tobacco Antitrust Litigation*, California Superior Court

Executive Committee, *DRAM Antitrust Litigation*, Northern District of California

Liaison Counsel, *Automobile Antitrust Cases*, California Superior Court, San Francisco

Lead Counsel, *Credit-Debit Card Antitrust Litigation*, California Superior Court, San Francisco

**PRACTICE AREAS**

- Antitrust/Competition
- Appellate Advocacy
- Class Actions
- Complex Litigation
- Intellectual Property
- International Competition
- Securities
- Trade Regulation

**EDUCATION**

- University of San Francisco, J.D., cum laude, 1978
- University of California at Davis, A.B., 1973

**BAR AND COURT ADMISSIONS**

- U.S. Supreme Court
- State Court: California
- U.S. Circuit Court of Appeals: Fifth, Seventh, Ninth, and D.C. Circuits
- U.S. District Court: Northern, Eastern, Central and Southern Districts of California, District of Arizona



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**REPRESENTATIVE MATTERS**

*Southern Pacific Communications Co. v. AT&T*, 740 F.2d 980, 1011 (D.C. Cir. 1984)

*Longden v. Sunderman*, 737 F.Supp. 968 (N.D. Tex. 1990)

*Anderson v. Deloitte & Touche*, 56 Cal.App.4th 1468 (1997)

*In re Vitamins Antitrust Litigation*, 120 F.Supp.2d 58 (D. D.C. 2000)

*In re Vitamins Antitrust Litigation*, 2001 WL755852 (D. D.C. 2001)

*In re Automobile Antitrust Cases I and II*, 135 Cal.App. 4<sup>th</sup> 100 (2005)

**ARTICLES & PRESENTATIONS**

"Pre-claim Activities," The American Antitrust Institute's International Handbook on Private Enforcement of Competition Law, December 2010, chapter co-author

"High Court Antitrust Trends - Sans Stevens," *Competition Law360*, June 9, 2010, author

*California State Antitrust & Unfair Competition Law*, 2009, co-author

"Does The Cartwright Act Have A Future?", *Competition*, Vol. 17, No. 2, Fall 2008, co-author with Lisa Saveri

"New Practitioner Series - Happy Birthday Cartwright Act," Golden State Antitrust and Unfair Competition Law Institute, October 24, 2008, panelist

"Filling The Regulatory Gap: California Natural Gas Antitrust Litigation," *Competition*, Volume 16, No. 2, Fall/Winter 2007, co-author

*CAFA From a Plaintiff Lawyer's Perspective*, ABA Tort Trial and Insurance Practice Section's Business Litigation Committee Newsletter (Fall 2006), co-author (J. Zahid)

*CAFA From a Plaintiff Lawyer's Perspective*, ABA Tort Trial and Insurance Practice Section's Symposium: "The Future of Class Action Litigation in America," November 2005



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**PROFESSIONAL AFFILIATIONS**

Association of Business Trial Lawyers

American Association for Justice

American Bar Association

State Bar of California, Executive Committee, Antitrust and Trade Regulation Section

Bar Association of San Francisco

American Antitrust Institute, Advisory Board

Federal Bar Association

American Judicature Society

**NOTEWORTHY**

Named a Northern California "Super Lawyer" for 2004, 2005, 2006, 2007, 2009, and 2010 (Antitrust Litigation)

AV rated by Martindale-Hubbell

**NEWS**

Corbitt, Zahid and Clayton Author Chapter for the AAI's International Handbook on Private Enforcement of Competition Law

Court Approves Settlement in Credit/Debit Card Tying Cases

Craig Corbitt Named 2011 "Best Lawyer"

Zelle Hofmann Attorneys Named 2010 "Super Lawyers" and "Rising Stars"

Class Notice of Settlement Published in Credit/Debit Card Tying Cases

Zelle Hofmann Announces Summary Notice of Pendency of SRAM Class Action Settlement and Settlement Fairness Hearing

Preliminary Approval of \$25 Million Settlement Granted in SRAM Indirect Purchaser Class Action



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Settlement in DRAM Antitrust Litigation

The Ninth Circuit Denies Defendants Request to Appeal Class Certification in SRAM Price-Fixing Case

Indirect Purchaser Class Action Against SRAM Manufacturers Certified by California Federal Court

Court Approves Distribution of \$40 Million From Smokeless Tobacco Settlement to Non-Profit Organizations

Natural Gas Plaintiffs Win Approval of \$14.65 Million Antitrust Settlement

Court Orders Flash Memory Defendants to Disclose International Sales Data in Antitrust Action

Zelle Hofmann Attorneys Named 2009 Super Lawyers and Rising Stars

Class Action Against Automakers Certified in California State Court



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rhagstrom@zelle.com



Rick handles a variety of complex litigation matters in state and federal courts across the country. These matters, primarily in the areas of antitrust, financial institutions, insurance coverage, commercial and securities litigation, involve high dollar exposure, and often multiple parties.

In the antitrust arena, Rick has defended and prosecuted numerous antitrust actions. He has been co-lead counsel in the only two indirect purchaser antitrust lawsuits against Microsoft Corporation that went to trial. In 2004, after seven weeks of trial, Rick reached a \$182 million settlement with Microsoft Corporation on behalf of Minnesota businesses and consumers. In November 2006, Rick was co-lead counsel in another class action trial against Microsoft in Des Moines, Iowa, which settled in February 2007 for \$180 million. Rick also led a third consumer class action against Microsoft in Wisconsin, which settled in 2007 for \$224 million.

In the insurance coverage arena, Rick has been national litigation counsel for environmental claims for a major property and casualty insurer. Rick has successfully handled dozens of multi-party and class action cases for his insurer clients involving environmental, product, mass tort, and bad faith claims. In addition, Rick has advised insurers on regulatory matters.

In the commercial arena, Rick has represented both plaintiffs and defendants in banking, RICO, unfair trade practices, securities, securities lending, and intellectual property litigation.

Rick has been named a Minnesota Attorney of the Year. Rick is on the Board and the Vice-Chair of the Fund for the Legal Aid Society. Rick also serves on the Board of Trustees for the S.J. Quinney College of Law, University of Utah.

**REPRESENTATIVE MATTERS**

*A.Y. McDonald Industries, Inc. v. Ins. Co. of North America* (summary judgment for insurer in environmental insurance coverage claim)

*Acme Printing Ink Company v. Menard, Inc.* (environmental insurance coverage)

*Alexander v. National Farmers Organization* (antitrust)

*Cherne Contracting Corporation v. Wausau Insurance Companies* (summary judgment for insurer in workers compensation/bad faith insurance coverage)

**PRACTICE AREAS**

- Antitrust/Competition
- Appellate Advocacy
- Banking & Financial Institutions
- Class Actions
- Complex Litigation
- Environmental
- Insurance Coverage
- Intellectual Property
- Securities
- Trade Regulation

**EDUCATION**

- University of Utah Law School, J.D., 1976
- University of Minnesota, B.S., *with distinction*, 1973

**BAR AND COURT ADMISSIONS**

- State Court: Minnesota, Utah
- U.S. Circuit Court of Appeals: Federal, Third, Sixth, Eighth, and Tenth Circuits
- U.S. Supreme Court



## Richard M. Hagstrom

500 Washington Avenue South  
Suite 4000  
Minneapolis, MN 55415  
TEL: (612) 336-9145  
FAX: (612) 336-9100  
rhagstrom@zelle.com

- U.S. District Court: Districts of Minnesota, Utah, Eastern District of Wisconsin, Eastern District of Michigan, Colorado, Southern District of Illinois, Northern District of Illinois, Eastern District of Texas, Nebraska

claim)

*City of Richland Center v. M&I Bank Southwest* (summary judgment for insurer in bad faith claim)

*Comes v. Microsoft Corporation* (Iowa) (antitrust)

*Community Nutrition Institute v. Block* (federal milk market order)

*COPIC Insurance Company v. Wells Fargo Bank, N.A.* (Colorado) (securities lending)

*Daley v. Farm Credit Administration* (summary judgment for plaintiff in age discrimination case)

*Detrex Chemical Industries, Inc. v. Employers Insurance of Wausau* (environmental insurance coverage)

*Dico, Inc. v. Employers Ins. of Wausau* (environmental insurance coverage)

*Employers Ins. of Wausau v. Ehlco Liquidating Trust* (environmental insurance coverage)

*Employers Ins. of Wausau v. Jostens, Inc.* (environmental insurance coverage)

*Erickson v. Fullerton* (health insurance subrogation)

*Gencorp, Inc. v. AIU Ins. Co.* (environmental insurance coverage)

*Gordon v. Microsoft Corporation* (Minnesota) (antitrust)

*Green v. Associated Milk Producers, Inc.* (summary judgment in antitrust case)

*Group Health Plan, Inc. v. Philip Morris Incorporated* (antitrust and trade regulation claims)

*Hoechst-Celanese Corp. v. National Union Fire Ins. Co.* (product liability insurance coverage)

*Kohler Company v. Employers Ins. of Wausau* (summary judgment in environmental insurance coverage case)



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*LaSalle Nat'l Trust, N.A. v. Schaffner* (environmental insurance coverage)

*McGraw-Edison Co. v. Speed Queen Co.* (environmental insurance coverage)

*Regent Ins. Co. v. City of Manitowoc* (summary judgment in environmental insurance coverage case)

*Sauk County v. Employers Ins. of Wausau* (summary judgment in environmental insurance coverage case)

*Sentry Foods, Inc. v. Associated Milk Producers, Inc.* (summary judgment in antitrust case)

*State of Illinois v. Associated Milk Producers, Inc.* (summary judgment in antitrust case)

*State of Utah v. Fletcher* (criminal RICO/antitrust conviction affirmed)

*State of Utah v. Thompson* (criminal RICO/antitrust conviction affirmed)

*Utah Assoc. Municipal Power Systems v. Public Service Comm. of Utah* (regulatory/antitrust)

*Utah Attorney General Opinion*, 1985-2 Trade Cas. ¶ 66,882 (1985) (antitrust)

*Utah Attorney General Opinion*, 1988-2 Trade Cas. ¶ 68,234 (1988) (antitrust)

*Workers Compensation Reinsurance Association v. Wells Fargo Bank, N.A.* (Minnesota) (securities lending)

### ARTICLES & PRESENTATIONS

"The Jury Consultant's Role in Preparing Antitrust Witnesses," ABA Antitrust Spring Meeting, Washington, DC, March 2008, presenter

"International Commercial Arbitration, Mediation and Dispute Resolution," Center for International Studies, Steamboat Springs, CO, February 2005, presenter

"Legal Liabilities and the Year 2000 Crisis," Year 2000 Computer Liability Conference, Chicago, IL, June 1998, presenter



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### PROFESSIONAL AFFILIATIONS

American Bar Association; Antitrust Section; Torts and Insurance Practice Section

Utah State Bar Association

Minnesota State Bar Association; Antitrust Section

Hennepin County Bar Association

### NEWS

Rick Hagstrom Quoted in Bench & Bar of Minnesota

Wisconsin Schools to Share \$80 Million Microsoft Settlement

Iowa Schools to Receive \$60 Million for New Technology

Iowa Supreme Court Gives Canadian Plaintiffs Access to Massive Discovery Record in Microsoft Litigation

Minnesota Schools Receive More Than \$59 Million to Purchase New Computer Hardware and Software

Zelle Hofmann Named Co-Lead Counsel in Aftermarket Filters Antitrust Litigation

Richard Hagstrom - Minnesota Attorney of the Year!



**Jiangxiao Hou**  
Partner

44 Montgomery Street  
Suite 3400  
San Francisco, CA 94104  
TEL: (415) 633-1920  
FAX: (415) 693-0770  
ahou@zelle.com



Athena is a Chinese-born U.S. trained attorney. Athena's practice focuses on international and antitrust matters. She has experience in large antitrust class action cases involving price fixing and conspiracy allegations. Athena also assists U.S. companies doing business in China. She represents and advises Chinese clients on U.S. litigation, corporate transactions, and international trade matters. Athena is fluent in both Chinese and English.

#### ARTICLES & PRESENTATIONS

"A Comment on Private Antitrust Litigation in China," *Competition Law* 360, April 8, 2010, author

*Effectuating Private Antitrust Enforcement under China's Anti-Monopoly Law*, presentation to Chinese Supreme Court, Beijing and Shanghai Supreme Courts and Intermediate Courts and China International Economic Law Society, Beijing, China, February 2, 2010

*U.S. Private Antitrust Litigation Practice*, lecture to L.L.M students at the Law School of University of International Business and Economics, Beijing, China, June 12, 2009

"U.S. Antitrust Extraterritorial Jurisdiction -- A Useful Reference for China," 2009 Annual Meeting of China International Economic Law Society, May 15, 2009, Ningbo, China, presenter

"Filling The Regulatory Gap: California Natural Gas Antitrust Litigation," *Competition*, Volume 16, No. 2, Spring/Summer 2007, co-author

"China's Proposed Anti-Monopoly Law: The U.S. and European Perspectives," *Asian Law & Practice*, Vol. II, Issue 6, November 2004, co-author

#### PROFESSIONAL AFFILIATIONS

California Bar Association

National Asian Pacific American Bar Association

China International Economic Law Society, Director, 2009

#### NEWS

Zelle Hofmann Forms Joint Diversity Initiative with Upwardly Global

#### PRACTICE AREAS

- Antitrust/Competition
- China - Business and Litigation
- Class Actions
- Complex Litigation
- Trade Regulation

#### EDUCATION

- University of New York at Buffalo, J.D., 2001
- University of New York at Buffalo, M.A. Sociology, 1997



## Jiangxiao Hou

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ahou@zelle.com

Natural Gas Plaintiffs Win Approval of \$14.65 Million Antitrust Settlement

### **PAST PROFESSIONAL EXPERIENCE**

Lehman, Lee & Xu, Beijing, China, Summer 1999-2000

Rich Product Corporation, Legal Department, 1999-2000



## Francis O. Scarpulla Partner

44 Montgomery Street  
Suite 3400  
San Francisco, CA 94104  
TEL: (415) 693-0700  
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fscarpulla@zelle.com



Fran specializes in complex civil cases, primarily antitrust lawsuits, many of which are class actions. He has represented plaintiffs in many federal antitrust class actions, including among others, the Gypsum Wallboard Antitrust Litigation, Sugar Antitrust Litigation, Folding Cartons Antitrust Litigation, Fine Paper Antitrust Litigation, Corrugated Container Antitrust Litigation, Pharmaceutical Antitrust Litigation, Microsoft Monopolization Antitrust Litigation, De Beers Diamond Antitrust Litigation, Canadian Automobile Antitrust Litigation, and the Cosmetics Antitrust Litigation. In addition to federal antitrust class actions, Fran has acted as lead counsel in many class actions in California.

### PRACTICE AREAS

- Antitrust/Competition
- Class Actions
- Complex Litigation

### EDUCATION

- University of California, Hastings College of Law, J.D., 1967
- University of California, Berkeley, B.A., 1963

### BAR AND COURT ADMISSIONS

- State Court: California
- U.S. Circuit Court of Appeals: Fifth, Seventh and Ninth Circuits
- U.S. Supreme Court
- U.S District Court: Northern, Central, and Eastern Districts of California, Northern District of Illinois
- Solicitor, United Kingdom

### REPRESENTATIVE MATTERS

*St. Joe Paper Company v. Superior Court* (state-court antitrust jurisdiction)

*Union Carbide Corporation v. Superior Court* (joinder of parties and fraudulent concealment)

*Crown Oil Corporation v. Superior Court* (federal pre-emption policies)

*B.W.I. Custom Kitchen v. Owens-Illinois, Inc.* (propriety of class action certification)

### ARTICLES & PRESENTATIONS

"Aggression in Mediation," International Bar Association's e-book *Mediation Techniques*, chapter author

"Plaintiffs' strategies for pursuing private damage claims," 2010 International Cartel Workshop, Paris, February 10-12, 2010, panelist

*California State Antitrust & Unfair Competition Law*, 2009, co-author

"B.W.I., California's Favorable Class Action Jurisprudence, and Their Post-CAFA Application," *Competition*, Vol. 17, No. 2, Fall 2008, co-author

*California Class Actions and Procedures* (LexisNexis), co-author

*California Antitrust Law* (California State Bar publication), co-author



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### PROFESSIONAL AFFILIATIONS

Golden Gate University Law School; Adjunct Professor

University of California, Hastings School of Law; Instructor - Legal Writing, 1985, 1988

California State Bar Association - Antitrust and Trade Regulation Section Past Chair

### NOTEWORTHY

Named the "Antitrust Lawyer of the Year" for 2005 (Antitrust Section of the California State Bar)

Named a Northern California "Super Lawyer" for 2009 and 2010 (Antitrust Litigation)

Nominated by fellow lawyers to the Best Lawyers In America listing

Fran is AV rated by Martindale-Hubbell

### NEWS

Zelle Hofmann Attorneys Named 2010 "Super Lawyers" and "Rising Stars"

Plaintiffs' Lead Counsel Announce Settlements of DRAM Indirect Purchaser Antitrust Litigation

Zelle Hofmann Announces Summary Notice of Pendency of SRAM Class Action Settlement and Settlement Fairness Hearing

Hydrogen Peroxide Defendants Agree to Settle Indirect Purchaser Claims

Preliminary Approval of \$25 Million Settlement Granted in SRAM Indirect Purchaser Class Action

Settlement in DRAM Antitrust Litigation

Zelle Hofmann Attorneys Defeat Summary Judgment Motion On "Secret Rebate" Counterclaim

Indirect Purchaser Class Action Against SRAM Manufacturers Certified by California Federal Court



## Francis O. Scarpulla

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Natural Gas Plaintiffs Win Approval of \$14.65 Million Antitrust Settlement

Zelle Hofmann Attorneys Named 2009 Super Lawyers and Rising Stars

Francis Scarpulla, 2005 Antitrust Attorney of the Year, Joins Zelle Hofmann in San Francisco

### **PAST PROFESSIONAL EXPERIENCE**

Law Offices of Francis O. Scarpulla, San Francisco, CA 1970-2006

Law Offices of Joseph L. Alioto, San Francisco, CA 1967-1970



**Judith A. Zahid**  
Partner

44 Montgomery Street  
Suite 3400  
San Francisco, CA 94104  
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FAX: (415) 633-0770  
jzahid@zelle.com



Judith's practice is devoted to complex commercial litigation in the areas of antitrust and unfair competition, having represented both plaintiffs and defendants in actions involving claims of price-fixing, monopolization, price discrimination, and product tying.

Judith has helped lead and manage some of the nation's largest antitrust class actions, including *In re TFT-LCD (Flat Panel) Antitrust Litigation* (N.D. Ca.), and has significantly contributed to the defense of individual plaintiff cases. Her experience includes electronic discovery issues and assisting industry experts and economists.

Judith serves on the firm's Diversity Committee and is the Hiring Partner for the firm's San Francisco office. She is a National Advisory Board member of the Women In Law Empowerment Forum (WILEF) and serves on the Executive Committee of the Bar Association of San Francisco's Antitrust Section.

**ARTICLES & PRESENTATIONS**

"Pre-claim Activities," *The American Antitrust Institute's International Handbook on Private Enforcement of Competition Law*, December 2010, chapter co-author

*CAFA From a Plaintiff Lawyer's Perspective*, ABA Tort Trial and Insurance Practice Section's Business Litigation Committee Newsletter (Fall 2006), co-author (C. Corbitt)

*CAFA From a Plaintiff Lawyer's Perspective*, ABA Tort Trial and Insurance Practice Section's Symposium: "The Future of Class Action Litigation in America" (November 2005)

**PROFESSIONAL AFFILIATIONS**

San Francisco Bar Association; Antitrust Section, Executive Committee Member

American Bar Association

Women in Law Empowerment Forum, Advisory Board Member

**PRACTICE AREAS**

- Antitrust/Competition
- Class Actions
- Complex Litigation

**EDUCATION**

- Boalt Hall School of Law, Berkeley, J.D., Environmental Specialization Certificate, 2001; Prosser Prize in Torts; *Berkeley Women's Law Journal*, Article Editor
- University of California, Berkeley, B.A. Environmental Science, *high honors*, 1995

**BAR AND COURT ADMISSIONS**

- State Court: California
- U.S. Circuit Court of Appeals: Ninth Circuit
- U.S. District Court: Northern District of California; Central District of California



## Judith A. Zahid

44 Montgomery Street  
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jzahid@zelle.com

### NOTEWORTHY

Judith was named a Northern California "Rising Star" for 2009 and 2010 (Antitrust Litigation) by *San Francisco* magazine.

### NEWS

Corbitt, Zahid and Clayton Author Chapter for the AAI's International Handbook on Private Enforcement of Competition Law

Court Approves Settlement in Credit/Debit Card Tying Cases

Zelle Hofmann Attorneys Named 2010 "Super Lawyers" and "Rising Stars"

Judith Zahid Named to Women in Law Empowerment Forum Board

Zelle Hofmann Attorneys Defeat Summary Judgment Motion On "Secret Rebate" Counterclaim

Court Orders Flash Memory Defendants to Disclose International Sales Data in Antitrust Action

Zelle Hofmann Attorneys Named 2009 Super Lawyers and Rising Stars



## **Zelle Hofmann Locations**

Our legal practice and expertise extends throughout the United States and around the world. We have offices and affiliates in the following cities:

### **BOSTON**

950 Winter Street  
Suite 1300  
Waltham, MA 02451  
Tel: 800-229-5294 (781-466-0700 local)  
Fax: 781-466-0701

### **DALLAS**

901 Main Street  
Suite 4000  
Dallas, TX 75202  
Tel: 800-229-5292 (214-742-3000 local)  
Fax: 214-760-8994

### **MINNEAPOLIS**

500 Washington Avenue South  
Suite 4000  
Minneapolis, MN 55415  
Tel: 800-899-5291 (612-339-2020 local)  
Fax: 612-336-9100

### **SAN FRANCISCO**

44 Montgomery Street  
Suite 3400  
San Francisco, CA 94104  
Tel: 800-229-5293 (415-693-0700 local)  
Fax: 415-693-0770

### **WASHINGTON, DC**

2300 Wisconsin Avenue N.W.  
Suite 100A  
Washington, DC 20007  
Tel: 202-498-2457  
Fax: 866-794-2651



**BEIJING, CHINA - AFFILIATED OFFICE**

Suite 2606, Kuntai International Plaza, No. 12 Chaowai Street  
Chaoyang District  
Beijing, 100020  
Tel: 011 8610 6468 9128

**EXHIBIT B**

**In re New Motor Vehicles Canadian Export Antitrust Litigation**

**Time and Lodestar Report**

**Zelle Hofmann Voelbel & Mason LLP**

**California Case**

**Period: Inception to November 30, 2010**

<b>NAME</b>	<b>Hourly Rate</b>	<b>Total Cumulative Hours</b>	<b>Total Cumulative Lodestar</b>
<b>PARTNERS</b>			
Craig C. Corbitt (2010)	\$850.00	92.20	\$78,370.00
Craig C. Corbitt (2009)	\$850.00	104.40	\$88,740.00
Craig C. Corbitt (2008)	\$800.00	113.00	\$90,400.00
Craig C. Corbitt (2007)	\$750.00	127.30	\$95,475.00
Craig C. Corbitt (2006)	\$700.00	185.30	\$129,710.00
Craig C. Corbitt (2005)	\$650.00	303.20	\$197,080.00
Craig C. Corbitt (2004)	\$550.00	453.40	\$249,370.00
Craig C. Corbitt (2003)	\$520.00	231.50	\$120,380.00
Francis O. Scarpulla (2010)	\$975.00	24.20	\$23,595.00
Francis O. Scarpulla (2009)	\$975.00	45.70	\$44,557.50
Francis O. Scarpulla (2008)	\$950.00	51.70	\$49,115.00
Francis O. Scarpulla (2008)	\$900.00	37.80	\$34,020.00
Francis O. Scarpulla (2007)	\$850.00	1.90	\$1,615.00
Francis O. Scarpulla (2007)	\$800.00	171.00	\$136,800.00
Francis O. Scarpulla (2006)	\$775.00	129.75	\$100,556.25
Richard L. Voelbel (2010)	\$850.00	0.50	\$425.00
Richard L. Voelbel (2009)	\$850.00	1.00	\$850.00
Richard L. Voelbel (2008)	\$800.00	1.10	\$880.00
Daniel S. Mason (2010)	\$850.00	1.00	\$850.00
Daniel S. Mason (2008)	\$800.00	0.20	\$160.00
Daniel S. Mason (2006)	\$700.00	4.50	\$3,150.00
Daniel S. Mason (2005)	\$650.00	10.00	\$6,500.00
Daniel S. Mason (2004)	\$550.00	11.50	\$6,325.00
Jiangxio (Athena) Hou (2010)	\$600.00	229.40	\$137,640.00
Jiangxio (Athena) Hou (2009)	\$570.00	0.80	\$456.00
Jiangxio (Athena) Hou (2008)	\$510.00	34.30	\$17,493.00
Jiangxio (Athena) Hou (2007)	\$455.00	246.70	\$112,248.50
Jiangxio (Athena) Hou (2006)	\$375.00	673.70	\$252,637.50
Jiangxio (Athena) Hou (2005)	\$320.00	245.40	\$78,528.00
Jiangxio (Athena) Hou (2004)	\$275.00	257.00	\$70,675.00
Jiangxio (Athena) Hou (2003)	\$240.00	15.30	\$3,672.00
Judith A. Zahid (2010)	\$590.00	5.20	\$3,068.00
Judith A. Zahid (2009)	\$570.00	45.30	\$25,821.00
Judith A. Zahid (2008)	\$510.00	192.40	\$98,124.00
Judith A. Zahid (2007)	\$455.00	243.60	\$110,838.00
Judith A. Zahid (2006)	\$375.00	269.40	\$101,025.00
Judith A. Zahid (2005)	\$320.00	689.30	\$220,576.00
Judith A. Zahid (2004)	\$275.00	547.90	\$150,672.50
Judith A. Zahid (2003)	\$240.00	277.30	\$66,552.00
Troy J. Seibert (2008)	\$590.00	2.30	\$1,357.00
Scott Campbell (2007)	\$625.00	27.30	\$17,062.50

**In re New Motor Vehicles Canadian Export Antitrust Litigation**

**Time and Lodestar Report**

**Zelle Hofmann Voelbel & Mason LLP**

**California Case**

**Period: Inception to November 30, 2010**

<b>NAME</b>	<b>Hourly Rate</b>	<b>Total Cumulative Hours</b>	<b>Total Cumulative Lodestar</b>
Matthew R. Schultz (2007)	\$475.00	87.20	\$41,420.00
Matthew R. Schultz (2006)	\$400.00	119.00	\$47,600.00
Matthew R. Schultz (2005)	\$375.00	2.90	\$1,087.50
			\$0.00
			\$0.00
<b>Total Partners</b>		<b>6,313.85</b>	<b>3,017,477.25</b>
<b>ASSOCIATES</b>			
Michael S. Christian (2010)	\$610.00	344.30	\$210,023.00
Michael S. Christian (2009)	\$590.00	374.00	\$220,660.00
Qianwei Fu (2008)	\$410.00	20.20	\$8,282.00
Qianwei Fu (2007)	\$370.00	18.40	\$6,808.00
Qianwei Fu (2006)	\$315.00	4.50	\$1,417.50
Qianwei Fu (2005)	\$260.00	23.00	\$5,980.00
Eric W. Buetzow (2009)	\$420.00	9.70	\$4,074.00
Eric W. Buetzow (2008)	\$370.00	39.50	\$14,615.00
Demetrius Lambrinos (2007)	\$345.00	4.10	\$1,414.50
Demetrius Lambrinos (2006)	\$300.00	1.20	\$360.00
Patrick Clayton (2006)	\$315.00	21.1	\$6,646.50
Henry Cirillo (2008)	\$675.00	0.2	\$135.00
Anna Conley (2004)	\$240.00	34.60	\$8,304.00
Traviss Galloway (2004)	\$240.00	4.40	\$1,056.00
Jeffrey Topor (2003)	\$305.00	1.40	\$427.00
			\$0.00
<b>Total Associates</b>		<b>900.60</b>	<b>490,202.50</b>
<b>OTHER ATTORNEYS</b>			
			\$0.00
<b>Total Other Attorneys</b>		<b>0.00</b>	<b>0.00</b>
<b>INVESTIGATORS</b>			
			\$0.00
<b>Total Investigators</b>		<b>0.00</b>	<b>0.00</b>
<b>PARALEGALS</b>			
Robert Newman (2010)	\$260.00	169.50	\$44,070.00
Robert Newman (2009)	\$260.00	161.10	\$41,886.00
Robert Newman (2008)	\$250.00	36.40	\$9,100.00
Ivy Zabala (2010)	\$290.00	40.50	\$11,745.00
Ivy Zabala (2008)	\$250.00	12.90	\$3,225.00

**In re New Motor Vehicles Canadian Export Antitrust Litigation**

**Time and Lodestar Report**

**Zelle Hofmann Voelbel & Mason LLP**

**California Case**

**Period: Inception to November 30, 2010**

<b>NAME</b>	<b>Hourly Rate</b>	<b>Total Cumulative Hours</b>	<b>Total Cumulative Lodestar</b>
Ivy Zabala (2007)	\$225.00	8.30	\$1,867.50
Ivy Zabala (2006)	\$195.00	0.60	\$117.00
Marie Babione (2010)	\$220.00	6.10	\$1,342.00
Marie Babione (2009)	\$220.00	16.90	\$3,718.00
Marie Babione (2008)	\$210.00	8.20	\$1,722.00
Marie Babione (2007)	\$195.00	142.80	\$27,846.00
Marie Babione (2006)	\$165.00	164.60	\$27,159.00
Monica Steele (2010)	\$220.00	7.50	\$1,650.00
Monica Steele (2009)	\$220.00	27.70	\$6,094.00
Monica Steele (2008)	\$210.00	16.50	\$3,465.00
Monica Steele (2007)	\$195.00	3.90	\$760.50
Denise Lamb (2010)	\$220.00	31.50	\$6,930.00
Denise Lamb (2008)	\$210.00	0.70	\$147.00
Denise Lamb (2007)	\$195.00	11.70	\$2,281.50
Denise Lamb (2006)	\$165.00	67.60	\$11,154.00
Janet Rongitsch (2008)	\$220.00	0.40	\$88.00
Catherine Cusick (2007)	\$195.00	9.50	\$1,852.50
Catherine Cusick (2006)	\$195.00	18.60	\$3,627.00
Leethea Lentz (2006)	\$195.00	270.10	\$52,669.50
Leethea Lentz (2005)	\$165.00	805.00	\$132,825.00
Leethea Lentz (2004)	\$150.00	249.40	\$37,410.00
Nancy Martinez (2004)	\$175.00	12.60	\$2,205.00
David Chi (2003)	\$165.00	2.60	\$429.00
			\$0.00
			\$0.00
<b>Total Paralegals</b>		<b>2,303.20</b>	<b>437,385.50</b>
<b>LAW CLERKS</b>			
Demetrius Lambrinos (2005)	\$180.00	5.00	\$900.00
Demetrius Lambrinos (2004)	\$170.00	32.70	\$5,559.00
Qianwe Fu (2004)	\$170.00	24.10	\$4,097.00
			\$0.00
			\$0.00
<b>Total Law Clerks</b>		<b>61.80</b>	<b>10,556.00</b>
<b>TOTALS</b>			
		<b>9,579.45</b>	<b>\$3,955,621.25</b>

**In re New Motor Vehicles Canadian Export Antitrust Litigation**

**Time and Lodestar Report**

**Zelle Hofmann Voelbel & Mason LLP**

**Iowa Case**

**Period: Inception to November 30, 2010**

<b>NAME</b>	<b>Hourly Rate</b>	<b>Total Cumulative Hours</b>	<b>Total Cumulative Lodestar</b>
<b>PARTNERS</b>			
Craig C. Corbitt (2004)	\$550.00	0.40	\$220.00
Richard M. Hagstrom (2008)	\$800.00	1.40	\$1,120.00
Richard M. Hagstrom (2007)	\$750.00	0.40	\$300.00
Richard M. Hagstrom (2006)	\$700.00	2.80	\$1,960.00
Richard M. Hagstrom (2005)	\$650.00	3.40	\$2,210.00
Richard M. Hagstrom (2004)	\$525.00	60.50	\$31,762.50
Richard M. Hagstrom (2003)	\$500.00	9.50	\$4,750.00
Judith A. Zahid (2003)	\$240.00	10.10	\$2,424.00
Troy J. Seibert (2006)	\$500.00	1.30	\$650.00
			\$0.00
<b>Total Partners</b>		<b>89.80</b>	<b>45,396.50</b>
<b>ASSOCIATES</b>			
Bryan S. Geon (2005)	\$360.00	4.20	\$1,512.00
Bryan S. Geon (2004)	\$290.00	43.90	\$12,731.00
Bryan S. Geon (2003)	\$250.00	1.80	\$450.00
			\$0.00
<b>Total Associates</b>		<b>49.90</b>	<b>14,693.00</b>
<b>OTHER ATTORNEYS</b>			
			\$0.00
<b>Total Other Attorneys</b>		<b>0.00</b>	<b>0.00</b>
<b>INVESTIGATORS</b>			
			\$0.00
<b>Total Investigators</b>		<b>0.00</b>	<b>0.00</b>
<b>PARALEGALS</b>			
			\$0.00
<b>Total Paralegals</b>		<b>0.00</b>	<b>0.00</b>
<b>LAW CLERKS</b>			
			\$0.00
<b>Total Law Clerks</b>		<b>0.00</b>	<b>0.00</b>
<b>TOTALS</b>		<b>139.70</b>	<b>\$60,089.50</b>

**In re New Motor Vehicles Canadian Export Antitrust Litigation**

**Time and Lodestar Report**

**Zelle Hofmann Voelbel & Mason LLP**

**Kansas Case**

**Period: Inception to November 30, 2010**

<b>NAME</b>	<b>Hourly Rate</b>	<b>Total Cumulative Hours</b>	<b>Total Cumulative Lodestar</b>
<b>PARTNERS</b>			
Richard M. Hagstrom (2008)	\$800.00	0.20	\$160.00
Richard M. Hagstrom (2006)	\$700.00	1.90	\$1,330.00
Richard M. Hagstrom (2005)	\$650.00	24.30	\$15,795.00
Troy J. Seibert (2006)	\$500.00	3.20	\$1,600.00
Troy J. Seibert (2005)	\$380.00	30.90	\$11,742.00
			\$0.00
<b>Total Partners</b>		<b>60.50</b>	<b>30,627.00</b>
<b>ASSOCIATES</b>			
Bryan S. Geon (2005)	\$360.00	38.40	\$13,824.00
Wilbert Farrell (2005)	\$260.00	2.70	\$702.00
Wilbert Farrell (2004)	\$240.00	13.15	\$3,156.00
Aaron McParlan (2005)	\$260.00	41.90	\$10,894.00
			\$0.00
<b>Total Associates</b>		<b>96.15</b>	<b>28,576.00</b>
<b>OTHER ATTORNEYS</b>			
			\$0.00
<b>Total Other Attorneys</b>		<b>0.00</b>	<b>0.00</b>
<b>INVESTIGATORS</b>			
			\$0.00
<b>Total Investigators</b>		<b>0.00</b>	<b>0.00</b>
<b>PARALEGALS</b>			
Mark Trollope (2005)	\$180.00	2.30	\$414.00
David Bowen (2005)	\$180.00	6.30	\$1,134.00
Janice Vochoska (2005)	\$150.00	0.50	\$75.00
Janet Rongitsch	\$180.00	0.90	\$162.00
			\$0.00
<b>Total Paralegals</b>		<b>10.00</b>	<b>1,785.00</b>
<b>LAW CLERKS</b>			
Patrick Caron (2005)	\$180.00	25.00	\$4,500.00
Kathryn Hoffman (2005)	\$180.00	14.10	\$2,538.00
			\$0.00
<b>Total Law Clerks</b>		<b>39.10</b>	<b>7,038.00</b>
<b>TOTALS</b>		<b>205.75</b>	<b>\$68,026.00</b>

**In re New Motor Vehicles Canadian Export Antitrust Litigation**

**Time and Lodestar Report  
 Zelle Hofmann Voelbel & Mason LLP  
 Nebraska Case  
 Period: Inception to November 30, 2010**

<b>NAME</b>	<b>Hourly Rate</b>	<b>Total Cumulative Hours</b>	<b>Total Cumulative Lodestar</b>
<b>PARTNERS</b>			
Craig C. Corbitt (2006)	\$700.00	0.30	\$210.00
Richard M. Hagstrom (2006)	\$700.00	1.40	\$980.00
Richard M. Hagstrom (2005)	\$650.00	30.60	\$19,890.00
Troy J. Seibert (2007)	\$530.00	1.50	\$795.00
Troy J. Seibert (2006)	\$500.00	7.00	\$3,500.00
Troy J. Seibert (2005)	\$380.00	114.60	\$43,548.00
			\$0.00
<b>Total Partners</b>		<b>155.40</b>	<b>68,923.00</b>
<b>ASSOCIATES</b>			
Bryan S. Geon (2005)	\$360.00	38.40	\$13,824.00
Wilbert Farrell (2005)	\$260.00	5.50	\$1,430.00
Wilbert Farrell (2004)	\$240.00	13.05	\$3,132.00
Aaron McParlan (2005)	\$260.00	65.40	\$17,004.00
			\$0.00
<b>Total Associates</b>		<b>122.35</b>	<b>35,390.00</b>
<b>OTHER ATTORNEYS</b>			
			\$0.00
<b>Total Other Attorneys</b>		<b>0.00</b>	<b>0.00</b>
<b>INVESTIGATORS</b>			
			\$0.00
<b>Total Investigators</b>		<b>0.00</b>	<b>0.00</b>
<b>PARALEGALS</b>			
David Bowen (2005)	\$180.00	0.80	\$144.00
Janet Rongitsch	\$180.00	4.00	\$720.00
			\$0.00
<b>Total Paralegals</b>		<b>4.80</b>	<b>864.00</b>
<b>LAW CLERKS</b>			
Kathryn Hoffman (2005)	\$180.00	0.40	\$72.00
			\$0.00
<b>Total Law Clerks</b>		<b>0.40</b>	<b>72.00</b>
<b>TOTALS</b>		<b>282.95</b>	<b>\$105,249.00</b>

**EXHIBIT C**

**In re New Motor Vehicles Canadian Export Antitrust Litigation**

**Expense Report**

**Zelle Hofmann Voelbel & Mason LLP**

(California Case)

**Period: Inception to November 30, 2010**

<b>Expense Description</b>	<b>Cumulative Expenses</b>
Litigation Fund Assessment	\$471,000.00
Computer Research	\$18,938.59
Court Fees	\$265.00
Court Reporters/Transcripts/Videographer	\$2,122.86
Miscellaneous	
Postage/Express Delivery/Messenger	\$6,672.24
Photocopying	\$129,191.37
Service of Process Fees	\$2,750.65
Telephone/Facsimile	\$9,275.22
Travel/Meals/Lodging	\$34,614.70
Witness Fees	
<b>TOTAL EXPENSES</b>	<b>\$674,830.63</b>

**In re New Motor Vehicles Canadian Export Antitrust Litigation**

**Expense Report**

**Zelle Hofmann Voelbel & Mason LLP**

(Iowa Case)

**Period: Inception to November 30, 2010**

<b>Expense Description</b>	<b>Cumulative Expenses</b>
Litigation Fund Assessment	
Computer Research	\$190.83
Court Fees	\$144.45
Court Reporters/Transcripts/Videographer	
Miscellaneous	
Postage/Express Delivery/Messenger	\$29.09
Photocopying	\$764.00
Service of Process Fees	
Telephone/Facsimile	\$44.17
Travel/Meals/Lodging	\$1,126.49
Witness Fees	
<b>TOTAL EXPENSES</b>	<b>\$2,299.03</b>

**In re New Motor Vehicles Canadian Export Antitrust Litigation**

**Expense Report**

**Zelle Hofmann Voelbel & Mason LLP**

(Kansas Case)

**Period: Inception to November 30, 2010**

<b>Expense Description</b>	<b>Cumulative Expenses</b>
Litigation Fund Assessment	
Computer Research	\$872.89
Court Fees	
Court Reporters/Transcripts/Videographer	
Miscellaneous (Other Attorney Charges)	\$1,807.79
Postage/Express Delivery/Messenger	
Photocopying	\$492.50
Service of Process Fees	
Telephone/Facsimile	\$132.58
Travel/Meals/Lodging	
Witness Fees	
<b>TOTAL EXPENSES</b>	<b>\$3,305.76</b>

**In re New Motor Vehicles Canadian Export Antitrust Litigation**

**Expense Report**

**Zelle Hofmann Voelbel & Mason LLP**

(Nebraska Case)

**Period: Inception to November 30, 2010**

<b>Expense Description</b>	<b>Cumulative Expenses</b>
Litigation Fund Assessment	
Computer Research	\$1,505.17
Court Fees	
Court Reporters/Transcripts/Videographer	
Miscellaneous (Other Attorney Charges)	\$1,894.06
Postage/Express Delivery/Messenger	\$49.48
Photocopying	\$1,209.25
Service of Process Fees	
Telephone/Facsimile	\$829.95
Travel/Meals/Lodging	
Witness Fees	
<b>TOTAL EXPENSES</b>	<b>\$5,487.91</b>

# EXHIBIT C

**Automobile Antitrust Cases I and II**  
**Time and Lodestar Report**  
**ZELLE LLP**  
**Period: November 1, 2011 to June 30, 2022**

NAME	Hourly Rate	Total Cumulative Hours	Total Cumulative Lodestar
<b>PARTNERS</b>			
Buetzow, Eric (2021)	\$ 650.00	1.50	\$ 975.00
Christian, Michael (2011)	\$ 640.00	123.00	\$ 78,720.00
Christian, Michael (2012)	\$ 650.00	533.10	\$ 346,515.00
Christian, Michael (2013)	\$ 650.00	51.70	\$ 33,605.00
Christian, Michael (2014)	\$ 650.00	0.60	\$ 390.00
Christian, Michael (2015)	\$ 650.00	62.20	\$ 40,430.00
Christian, Michael (2016)	\$ 650.00	245.30	\$ 159,445.00
Christian, Michael (2017)	\$ 650.00	1.50	\$ 975.00
Christian, Michael (2017)	\$ 695.00	6.50	\$ 4,517.50
Corbitt, Craig (2011)	\$ 900.00	4.70	\$ 4,230.00
Corbitt, Craig (2012)	\$ 875.00	59.80	\$ 52,325.00
Corbitt, Craig (2013)	\$ 875.00	2.70	\$ 2,362.50
Corbitt, Craig (2014)	\$ 875.00	3.90	\$ 3,412.50
Corbitt, Craig (2015)	\$ 875.00	1.00	\$ 875.00
Corbitt, Craig (2016)	\$ 875.00	14.50	\$ 12,687.50
Dolejsi, Nicholas (2020)	\$ 660.00	3.30	\$ 2,178.00
Fu, Qianwei (2017)	\$ 615.00	377.90	\$ 232,408.50
Fu, Qianwei (2018)	\$ 630.00	1.60	\$ 1,008.00
Fu, Qianwei (2021)	\$ 680.00	4.10	\$ 2,788.00
Fu, Qianwei (2021)	\$ 695.00	0.70	\$ 486.50
Hou, Athena (2011)	\$ 640.00	16.50	\$ 10,560.00
Hou, Athena (2012)	\$ 660.00	16.60	\$ 10,956.00
Hou, Athena (2013)	\$ 675.00	2.00	\$ 1,350.00
Hou, Athena (2015)	\$ 675.00	0.90	\$ 607.50
Hou, Athena (2016)	\$ 675.00	2.10	\$ 1,417.50
Mason, Dan (2011)	\$ 900.00	1.10	\$ 990.00
Mason, Dan (2012)	\$ 875.00	3.20	\$ 2,800.00
Micheletti, Chris (2017)	\$ 840.00	0.70	\$ 588.00
Micheletti, Chris (2021)	\$ 925.00	3.20	\$ 2,960.00
Scarpulla, Francis (2012)	\$ 950.00	1.20	\$ 1,140.00
Zahid, Judith (2017)	\$ 750.00	29.50	\$ 22,125.00
Zahid, Judith (2020)	\$ 875.00	1.10	\$ 962.50
Zahid, Judith (2021)	\$ 875.00	0.20	\$ 175.00
Zahid, Judith (2021)	\$ 900.00	12.90	\$ 11,610.00
<b>Total Partners</b>		<b>1,590.80</b>	<b>\$ 1,048,575.50</b>
<b>ASSOCIATES</b>			
Behti, Anjalee (2020)	\$ 465.00	6.90	\$ 3,208.50
Behti, Anjalee (2021)	\$ 465.00	31.80	\$ 14,787.00
Behti, Anjalee (2021)	\$ 485.00	4.90	\$ 2,376.50
Dugan, James (2021)	\$ 465.00	8.70	\$ 4,045.50
Rankie, Heather (2012)	\$ 455.00	52.90	\$ 24,069.50
Tabacco, Christina (2016)	\$ 395.00	3.00	\$ 1,185.00
Tabacco, Christina (2017)	\$ 435.00	246.60	\$ 107,271.00
Tabacco, Christina (2017)	\$ 580.00	1.20	\$ 696.00
Tabacco, Christina (2018)	\$ 445.00	13.80	\$ 6,141.00
<b>Total Associates</b>		<b>369.80</b>	<b>\$ 163,780.00</b>

**Automobile Antitrust Cases I and II**  
**Time and Lodestar Report**  
**ZELLE LLP**  
**Period: November 1, 2011 to June 30, 2022**

NAME	Hourly Rate	Total Cumulative Hours	Total Cumulative Lodestar
<b>OTHER ATTORNEYS</b>			
Cheolas, Nicholas (2017)	\$ 550.00	2.00	\$ 1,100.00
Peterson, Woody (2017)	\$ 840.00	135.60	\$ 113,904.00
Peterson, Woody (2018)	\$ 860.00	0.10	\$ 86.00
<b>Total Other Attorneys</b>		<b>137.70</b>	<b>\$ 115,090.00</b>
<b>PARALEGALS</b>			
Newman, Robert (2011)	\$ 275.00	51.60	\$ 14,190.00
Newman, Robert (2012)	\$ 275.00	214.10	\$ 58,877.50
Newman, Robert (2013)	\$ 275.00	22.80	\$ 6,270.00
Newman, Robert (2015)	\$ 275.00	36.50	\$ 10,037.50
Newman, Robert (2016)	\$ 275.00	54.70	\$ 15,042.50
Newman, Robert (2017)	\$ 290.00	73.00	\$ 21,170.00
Newman, Robert (2018)	\$ 295.00	0.10	\$ 29.50
Newman, Robert (2019)	\$ 300.00	0.20	\$ 60.00
Newman, Robert (2020)	\$ 310.00	0.40	\$ 124.00
Newman, Robert (2021)	\$ 320.00	3.70	\$ 1,184.00
Steele, Monica (2011)	\$ 220.00	3.50	\$ 770.00
Steele, Monica (2012)	\$ 220.00	18.00	\$ 3,960.00
<b>Total Paralegals</b>		<b>478.60</b>	<b>\$ 131,715.00</b>
<b>LAW CLERKS</b>			
Dugan, James (2017)	\$ 290.00	12.80	\$ 3,712.00
<b>Total Law Clerks</b>		<b>12.80</b>	<b>\$ 3,712.00</b>
<b>TOTALS</b>		<b>2,589.70</b>	<b>\$ 1,462,872.50</b>

# EXHIBIT D

**Automobile Antitrust Cases I and II**  
**Expense Report**  
**ZELLE LLP**

**Period: November 1, 2011 to June 30, 2022**

<b>Expense Description</b>	<b>Cumulative Expenses</b>
Litigation Fund Assessment	\$ -
Computer Research	\$ 2,601.99
Court Fees	\$ 3,078.45
Court Reporters/Transcripts/Videographer	\$ 368.00
Miscellaneous	\$ 414.98
Postage/Express Delivery/Messenger	\$ 1,397.43
Photocopying	\$ 17,676.00
Service of Process Fees	\$ -
Telephone/Facsimile	\$ 48.57
Witness Fees	\$ -
Parking/Cabs	\$ 50.39
<b>TOTAL EXPENSES</b>	<b>\$ 25,635.81</b>