

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

IN RE RESTASIS (CYCLOSPORINE  
OPHTHALMIC EMULSION) ANTITRUST  
LITIGATION

Case No. 18-MD-2819 (NG) (LB)

THIS DOCUMENT APPLIES TO:  
ALL END-PAYOR PLAINTIFF CLASS  
ACTIONS

**COMPENDIUM OF END-PAYOR CLASS COUNSEL DECLARATIONS**

In connection with End-Payor Class Counsel's Motion for an Award of Attorneys' Fees, Expenses, and Service Awards, each class counsel firm has submitted a declaration in support of the motion. In addition to the Joint Declaration of Co-Lead Counsel submitted in connection with today's filings, the individual firm declarations are attached as exhibits hereto as follows:

1. Loeff, Cabraser, Heimann, & Bernstein, LLP (Co-Lead Counsel);
2. Girard Sharp LLP (Co-Lead Counsel);
3. Joseph Saveri Law Firm, LLP (Co-Lead Counsel);
4. Zwerling, Schachter & Zwerling, LLP (Liaison Counsel);
5. Cafferty Clobes Meriether & Sprengel (Executive Committee);
6. Edelson & Associates, LLC;
7. Grant & Eisenhofer P.A.;
8. Gustafson Gluek PLLC;
9. Heins Mills & Olson P.L.C. (Executive Committee);
10. Hilliard & Shadowen LLP;
11. Kroub, Silbersher & Kolmykov, PLLC;
12. Miller Shah LLP;
13. Safirstein Metcalf LLP; and
14. Wexler Boley & Elgersma LLP.

Dated: May 17, 2022

Respectfully submitted,

/s/ Dena C. Sharp

Dena C. Sharp  
Scott Grzenczyk  
Tom Watts  
GIRARD SHARP LLP  
601 California Street, Suite 1400  
San Francisco, CA 94108

Telephone: (415) 981-4800  
Facsimile: (415) 981-4846  
dsharp@girardsharp.com  
scottg@girardsharp.com  
tomw@girardsharp.com

/s/ David T. Rudolph

Eric B. Fastiff  
Dan Drachler  
David T. Rudolph  
LIEFF CABRASER HEIMANN & BERNSTEIN,  
LLP  
275 Battery Street, 29th Floor  
San Francisco, CA 94111-3339  
Tel: (415) 956-1000  
Fax: (415) 956-1008  
efastiff@lchb.com  
ddrachler@lchb.com  
drudolph@lchb.com  
agitlin@lchb.com

/s/ Joseph R. Saveri

Joseph R. Saveri  
JOSEPH SAVERI LAW FIRM, INC.  
601 California Street, Suite 1000  
San Francisco, CA 94108  
Tel: (415) 500-6800  
Fax: (415) 395-9940  
jsaveri@saverilawfirm.com

*End-Payor Co-Lead Counsel*

/s/Robert S. Schachter

Robert S. Schachter (RS 7243)  
ZWERLING, SCHACHTER  
& ZWERLING, LLP  
41 Madison Avenue, 32nd Floor  
New York, NY 10010  
Tel: (212) 223-3900  
Fax: (212) 371-5969  
rschachter@zsz.com

*End-Payor Liaison Counsel*

**CERTIFICATE OF SERVICE**

I hereby certify that on May 17, 2021, I served the foregoing document via electronic mail in accordance with the Federal Rules of Civil Procedure, and/or the Eastern District's Local Rules, and/or Item 3.C of your Honor's Individual Motion Practices.

/s/ Dena C. Sharp  
Dena C. Sharp

**EXHIBIT 1**

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

IN RE RESTASIS (CYCLOSPORINE OPHTHALMIC EMULSION) ANTITRUST LITIGATION
THIS DOCUMENT APPLIES TO:  ALL END-PAYOR PLAINTIFF CLASS ACTIONS

Case No. 18-MD-2819 (NG) (LB)

**DECLARATION OF ERIC B. FASTIFF IN SUPPORT OF END-PAYOR PLAINTIFFS’  
MOTION FOR ATTORNEYS’ FEES, EXPENSES, AND SERVICE AWARDS**

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

I am a partner at Lief, Cabraser, Heimann, and Bernstein LLP and am admitted *pro hac vice* in this matter. I submit this Declaration in support of End-Payor Plaintiffs’ (EPPs) motion for attorneys’ fees, expenses, and service awards.

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

2. Lief Cabraser has prosecuted some of the largest antitrust cases in history. In just the last 14 years these cases include the following, with (including this case) over \$2 billion recovered for 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-payors.
<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.

Case	Role	Result
<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.
<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.

### Work Performed in Connection with the Litigation

3. As court-appointed co-lead counsel, Lieff Cabraser was involved in every aspect of this litigation on behalf of the EPPs and took the lead in numerous critical aspects of the case.

Work in the litigation was generally divided among subject matter teams. Lieff Cabraser



lawyers played leading roles in economics, patent, and regulatory teams. In those roles the firm's lawyers reviewed documents, contributed to detailed analyses of technical issues, and prepared for and took depositions. They also served as the primary or secondary lawyers working with numerous experts, defended those experts' depositions, and conducted cross-examination at the class certification evidentiary hearing. Lieff Cabraser researched, drafted, and filed the original complaint in this matter, which became the template for subsequent filings by both the direct-payor plaintiffs and other end-payor plaintiffs. Lieff Cabraser conducted the original pre-filing investigation, including extensive review and analysis of the underlying patent litigation docket as well as the patent prosecution histories. After filing the first complaint, Lieff Cabraser drafted consolidation motions before the Judicial Panel on Multidistrict Litigation, and argued the consolidation and transfer motion before the Panel, advocating for the Eastern District of New York.

4. Lieff Cabraser played a central role in numerous briefing projects over the course of the litigation. The firm researched and wrote the entire briefs or sections of the motion to dismiss opposition, discovery motions, class certification briefing, and certain related *Daubert* motions, opposition to Allergan's summary judgment motion, EPPs' summary judgment motion on patent issues, and several related *Daubert* motions. We were primarily responsible for opposing Allergan's Federal Rule 23(g) petition. Our attorneys led and/or attended numerous meet and confer discussions with Allergan's counsel, drafted and reviewed written discovery, vetted plaintiffs, and conducted settlement discussions.

5. Additional details on the work performed by Lieff Cabraser attorneys and staff are below.

**Lodestar Summary**

6. In performing the work above, Lief Cabraser attorneys and staff expended 7,563.50 hours for a total lodestar of \$ 4,851,366.25. The firm's lodestar does not include any time spent on proceedings before the Judicial Panel on Multidistrict Litigation or related to the appointment of class counsel.

7. In accordance with the Court's and Co-Lead Counsel's direction concerning time and expense reporting, the firm's attorneys and staff kept contemporaneous records of the time they spent on this litigation. In reporting their time, Lief Cabraser exercised billing judgment to eliminate inefficiency and duplication, and then submitted its daily time records to Co-Lead Counsel for review and audit. The firm is prepared to submit its time records for *in camera* review if the Court requests.

8. Below is a summary of the individuals who worked on this matter for Lief Cabraser, their roles (Partner, Associate, Staff Attorney, Paralegal, Litigation Staff), the total number of hours they worked, their current hourly billing rates, and their total lodestar. Later in this Declaration I detail the specific work performed by the principal timekeepers.

<b>Attorney/Staff</b>	<b>Role</b>	<b>Hours</b>	<b>Rate<sup>1</sup></b>	<b>Lodestar</b>
Dan Drachler	Partner	1.30	\$910	\$1,170.00
Bruce Leppla	Partner	29.20	\$910	\$26,572.00
Eric Fastiff	Partner	1,803.50	\$900	\$1,592,685.00
Kathleen Konopka	Partner	742.80	\$775	\$555,133.75
David Rudolph	Partner	1,250.20	\$750	\$930,637.50
Adam Gitlin	Partner	181.30	\$610	\$110,593.00
Andrew Kaufman	Partner	32.70	\$585	\$19,129.50
Adam Gitlin	Associate	1,156.20	\$560	\$647,332.00
Kelly McNabb	Associate	18.40	\$510	\$8,109.00
Jeremy Pilaar	Associate	177.60	\$395	\$69,243.50

<sup>1</sup> Time spent on case-related travel was billed at ½ of the timekeeper's normal hourly rate. (See ECF No. 62 at ¶ 12.)

<b>Attorney/Staff</b>	<b>Role</b>	<b>Hours</b>	<b>Rate<sup>1</sup></b>	<b>Lodestar</b>
Rick Anthony	Litigation Staff	72.80	\$420	\$30,576
Margie Calangian	Litigation Staff	46.90	\$420	\$19,698.00
Anthony Grant	Litigation Staff	20.40	\$420	\$8,568.00
Major Mugrage	Litigation Staff	2.70	\$420	\$1,134.00
Renee Mukherji	Litigation Staff	1.40	\$420	\$588
Fawad Rahimi	Litigation Staff	23.30	\$420	\$9,786.00
Karen Jones	Staff Attorney	480.10	\$415	\$199,241.50
Victoria Chinn	Staff Attorney	82.00	\$415	\$34,030.00
Yun Swenson	Staff Attorney	839.20	\$415	\$348,268.00
Nikki Belushko Barrows	Litigation Staff	15.40	\$405	\$6,237.00
Elizabeth Keenley	Paralegal	4.00	\$405	\$1,620.00
Sarah Soogrim-Dass	Paralegal	10.50	\$405	\$4,252.50
Jle Tarpeh	Paralegal	2.50	\$405	\$1,012.50
Brian Troxel	Paralegal	333.00	\$405	\$134,865.00
Hannah Selhorst	Paralegal	31.80	\$395	\$12,561.00
Madelyne Trione	Paralegal	23.10	\$395	\$9,124.50
Ellison Lee	Paralegal	4.70	\$390	\$1,833.00
Nabilla Siddiqi	Paralegal	6.20	\$390	\$2,418.00
Omar Rivera	Paralegal	113.40	\$385	\$43,659.00
Katrina Uy	Paralegal	17.40	\$385	\$6,699.00
Rami Bata	Paralegal	1.80	\$370	\$666.00
Amelia Haselkorn	Contract Attorney	35.30	\$370	\$13,061.00

9. The historical hourly rates submitted by Lief Cabraser are the firm's usual and customary rates that were charged by the firm in similar matters in which the firm is paid on a contingent basis, as well as the firm's non-contingent matters. The firm's hourly rates have been approved by courts in other, similar matters. Lief Cabraser's customary rates, used for purposes of calculating the lodestar here, have been approved by federal courts in this District and elsewhere in this Circuit. *See, e.g., Patti's Pitas v. Wells Fargo Merchant Servs., LLC*, No. 1:17-cv-04583 (AKT), Dkt. 70 (E.D.N.Y. July 22, 2021) (Tomlinson, J.) (awarding requested attorneys' fees); *Dover v. British Airways, PLC*, No. 12-cv-05567-RJD-CLP, Dkt. 321, 323 (E.D.N.Y. 2018) (Dearie, J.) (same); *Calibuso v. Bank of America Corp.*, No. 10-cv-01413-PKC-AKT, Dkt. 202 (E.D.N.Y. Dec. 27, 2013) (Tomlinson, J.) (same); *In re Gen. Motors LLC*

*Ignition Switch Litig.*, No. 14-MC-2543 (JMF), 2020 WL 7481292, at \*3 n.3 (S.D.N.Y. Dec. 18, 2020) (Furman, J.); *In Re: The Bank of New York Mellon ADR FX Litigation*, No. 16- 00212, Dkt. No. 161 (S.D.N.Y. June 17, 2019) (Oetken, J.) (awarding requested attorneys’ fees as “fair and reasonable and consistent with awards in similar cases”); *In Re: Bank of New York Mellon Corp. Forex Transactions Litigation*, No. 12-MD-2335, Dkt. 637 (S.D.N.Y. Sept. 24, 2015) (Kaplan, J.) (awarding requested attorneys’ fees).

**Staffing and Tasks Performed in This Matter**

10. Lief Cabraser staffed this matter with attorneys and staff who performed tasks based on their skills, expertise, and experience.

11. Although a number of Lief Cabraser attorneys contributed to the case over the past three years, the principal Lief Cabraser timekeepers were myself, David Rudolph (Partner), Adam Gitlin (Associate and then Partner in 2021), Kate Konopka (Of Counsel), Andrew Kaufman (Partner), and Jeremy Pilaar (Associate). In addition, Karen Jones (Staff Attorney), Victoria Chinn (Staff Attorney), and Yun Swenson (Staff Attorney) assisted with review and analysis of the documentary evidence produced by Defendant, as well as responsiveness-review of voluminous electronically-stored information collected from the Plaintiffs. More detailed information about the roles and contributions of each attorney (including their dates of law school graduation) and staff member is set forth below:

12. **Eric B. Fastiff:** I received my received his Juris Doctor degree from Cornell Law School in 1995. As Co-Lead counsel, I oversaw all aspects of the case, from filing the original complaint, coordinating with other counsel during MDL proceedings, including the briefing and argument, filing of the amended complaint, discovery and related motion practice, class certification, summary judgment briefing, settlement discussions, and settlement and notice

briefing. I attended the majority of hearings and conferences in the case personally, oversaw or was familiar with every expert report, and was involved in drafting and reviewing the substantive motions, including the extensive class certification and reply briefing, the related *Daubert* briefing, the Rule 23(f) opposition, and summary judgment.

13. In addition to overseeing the work of Lieff Cabraser's attorneys and staff, I oversaw substantial expert work, including assisting Dr. David Kessler, and deposed and cross-examined Dr. Ken Mandadakis, one of Allergan's experts at the class certification evidentiary hearing, and also handled related argument at the *Daubert* hearing. I assisted other attorneys in their analysis, depositions, and briefing regarding other experts, especially the economists and Allergan's Canadian ophthalmology experts.

14. I was involved in every aspect of the official and unofficial settlement discussions, and oversaw and continue to oversee settlement and notice briefing and administration.

15. **Adam Gitlin:** Mr. Gitlin received his Juris Doctor degree from the University of Michigan Law School in 2007. Mr. Gitlin participated in all phases of the litigation, including the investigation and factual research regarding the potential claims and the drafting of the original complaint that served as the template for the follow-on complaints that were consolidated into this MDL. Mr. Gitlin assisted in the drafting of the amended complaints, researched and drafted motions including class certification, summary judgment, *Daubert* and settlement. Mr. Gitlin also worked directly with named plaintiff DC 37 in its production of documents and preparing for its deposition. He attended weekly EPPs calls, meet and confers, status conferences, privilege team calls, and Court hearings.

16. Mr. Gitlin was Lieff Cabraser's lead attorney with respect to Citizens' Petition issues, and oversaw related brief drafting and expert work, and prepared for, attended, and defended related depositions. Mr. Gitlin was the primary drafter of oppositions to *Daubert* motions regarding Dr. Frank Dr. Kessler, and Ms. Craft

17. Additionally, Mr. Gitlin was EPP lead with respect to preliminary approval issues, including developing the notice program, motion drafting, and liaising with the notice administrator, as well as handling related argument before the Court.

18. **David Rudolph:** Mr. Rudolph received his Juris Doctor degree from the University of California, Berkeley School of Law in 2004. Mr. Rudolph participated in all phases of the litigation, including the investigation and factual research regarding the potential claims, as well as drafting the initial complaint and amended complaints, including extensive review of the underlying patent litigation and patent prosecution histories. He also researched and contributed to motions related to summary judgment, *Daubert*, and settlement. He attended weekly EPPs calls and regularly liaised with Co-Lead counsel on expert issues.

19. Mr. Rudolph was Lieff Cabraser's lead attorney with respect to patent law issues, and oversaw related brief drafting and expert work. Mr. Rudolph prepared for, attended, and defended related depositions, including defending the depositions of Dr. Calman and Mr. Lentz. Mr. Rudolph also conferred with DPP counsel regarding preparation for, and attend the depositions of, patent-related witnesses, including Ms. Wine, Ms. Condino, and Mr. Chang.

20. Mr. Rudolph also made substantial research and drafting contributions to EPP's patent-related summary judgment and related *Daubert* briefing, and was the primary drafter of EPP's *Daubert* motion with respect to Dr. Linck.

21. **Katherine Konopka:** Ms. Konopka received her Juris Doctor degree from Northeastern University School of Law in 1997. Upon her joining Lieff Cabraser when the case was underway, Ms. Konopka participated in all phases of the litigation, researching and drafting various motions including, but not limited to, class certification, summary judgment, and *Daubert* briefing. Ms. Konopka was extensively involved in class certification-related expert work. Ms. Konopka also deposed InnoPharma's corporate representative.

22. **Bruce Leppla:** Mr. Leppla received his Juris Doctor degree from the University of California, Berkeley School of Law in 1976. Mr. Leppla was Lieff Cabraser's primary liaison with respect to named plaintiff DC 37, and participated in strategic and preparatory discussions regarding plaintiff discovery and depositions.

23. **Andrew Kaufman:** Mr. Kaufman received his Juris Doctor degree from Harvard Law School in 2012. Mr. Kaufman researched and was the primary author of the EPP's briefing opposing Allergan's Rule 23(f) petition.

24. **Jeremy Pillar:** Mr. Pilaar received his Juris Doctor from Yale Law School in 2018. Mr. Pillar assisted with researching and drafting related to EPP's class certification motion and reply briefing, as well as deposition preparation related to patent experts Dr. Calman and Mr. Lentz.

25. **Karen Jones:** Ms. Jones received her Juris Doctor degree from University of California, Davis School of Law, in 1989. Ms. Jones reviewed documents related to summary judgment and patent issues, and performed research related to patent expert reports. Ms. Jones also assisted with preparation for the deposition of expert David LeCause.

26. **Victoria Chinn:** Ms. Chinn received her Juris Doctor degree from the University of San Francisco School of Law in 1999. Ms. Chinn reviewed documents related to patent

issues, and performed research related to patent expert reports. Ms. Chinn also assisted with preparation for the deposition of expert Martin Lee.

27. **Yun Swenson:** Ms. Swenson received her Juris Doctor degree from Cornell Law School in 2003. Ms. Swenson reviewed documents related to patent issues, and performed research related citizen's petition issues.

28. **Brian Troxel:** Mr. Troxel is Lief Cabraser's paralegal assigned to this case.. Mr. Troxel handled filings, deposition materials, and provided legal administrative assistance.

**Expenses Incurred in the Prosecution of the Litigation**

49. In connection with its efforts in this matter, Lief Cabraser incurred a variety of out-of-pocket expenses. Below is an itemized list of the unreimbursed expenses the firm incurred prosecuting this litigation. These expenses are reflected in the firm's books and records that are regularly maintained in the ordinary course of the firm's business and are based on the receipts and data maintained by the firm.

<b>Expense Category</b>	<b>Amount</b>
Commercial Copies	\$114.25
Internal Reproduction / Copies	\$15,058.20
Court Fees (Filing costs, etc.)	\$2,870.00
Court Reporters / Transcripts	\$2,654.11
Computer Research	\$6,908.64
Telephone/Fax/E-mail	\$5,046.53
Postage/Express Delivery/Messenger	\$2,721.96
Air Transportation	\$24,718.13
Ground Transportation	\$7,109.54
Meals	\$6,095.64
Lodging	\$20,247.83
Miscellaneous/Other (Books/Subscriptions)	\$351.43
Miscellaneous/Other (Electronic Database)	\$7,950.83
Miscellaneous/Other (Medical Records)	\$118.95



Miscellaneous/Other (In-Flight Internet)	\$167.95
TOTAL:	\$102,133.99

50. Loeff Cabraser also contributed \$870,000 to the litigation fund for the payment of shared expenses on behalf of the EPPs. Loeff Cabraser's unreimbursed costs, excluding those for which it is not seeking reimbursement, are \$972,133.99.

51. Loeff Cabraser lawyers attended numerous in-person hearings before the Court that required travel between San Francisco or Chicago and New York, as well as depositions of fact and expert witnesses throughout the country. The hearings and depositions at which the firm's lawyers appeared included:

- March 22, 2018, Status Conference
- July 26, 2018, Motion to Dismiss Hearing
- September 26, 2018, Motion to Compel Hearing
- November 5, 2018, Status Conference and Motion to Quash Hearing
- December 19, 2018, Motion to Compel Hearing and Status Conference
- January 23, 2019 Deposition of named plaintiff DC 37
- January 22-23, 2019 Depositions of Laura Wine and James Chang
- January 30, 2019, Deposition Preparation and Deposition of David LeCause
- February 6, 2019, Deposition Preparation and Deposition of Dr. Andrew Calman
- February 14, 2019, Status Conference and Motion to Compel Hearing
- March 21, 2019, Status Conference and Hearing Regarding Privilege Issues
- April 2, 2019, Strategy Meeting (With Co-Counsel and Experts)
- April 4, 2019, Deposition of InnoPharma
- April 16, 2019, Deposition of Deborah Condino
- June 7, 2019, Deposition Preparation and Deposition of Sesha Neervannan
- June 12, 2019, Deposition Preparation and Deposition of Dr. Kyriakos Mandadakakis
- June 13, 2019, Status Conference
- July 17-19, 2019, Status Conference and Deposition of Todd Clark
- August 9, 2019, Mediation
- September 9-10, 2019, Hearing Preparation with Dr. Richard Frank
- September 22-27, 2019, Mediation, Evidentiary Hearing Preparation, and Evidentiary Hearing
- October 22-23, 2019, Class Certification Preparation and Hearing
- February 12, 2020, Deposition Preparation and Deposition of Todd Clark

- February 25, 2020, Deposition Preparation and Deposition of Dr. David Kessler
- February 28, 2020 Deposition Preparation and Deposition of Edward Lentz.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on May 17, 2022, at San Francisco, California.

/s/ Eric B. Fastiff  
Eric B. Fastiff

# **EXHIBIT A**

**Lieff  
Cabraser  
Heimann &  
Bernstein**  
Attorneys at Law

275 Battery Street, 29th Floor  
San Francisco, CA 94111-3339  
Telephone: 415.956.1000  
Facsimile: 415.956.1008

250 Hudson Street, 8th Floor  
New York, NY 10013-1413  
Telephone: 212.355.9500  
Facsimile: 212.355.9592

222 2nd Avenue South, Suite 1640  
Nashville, TN 37201  
Telephone: 615.313.9000  
Facsimile: 615.313.9965

Frauenplatz 2  
80331 Munich, GERMANY  
Telephone: 49.89.25.55.2361  
Facsimile: 49.89.25.55.2359

Email: [mail@lchb.com](mailto:mail@lchb.com)  
Website: [www.lieffcabraser.com](http://www.lieffcabraser.com)

***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**

0. ***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.
  
1. ***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.
  
2. ***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. Loeff 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. Loeff Cabraser is a member of the End-Payer Plaintiffs' Steering Committee.

3. ***In re Lithium-Ion Batteries Antitrust Litigation***, MDL No. 2420 (N.D. Cal.). Loeff 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. Loeff Cabraser and co-counsel have reached settlements totaling \$113.45 million with all defendants. Approval is pending.

4. ***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.

5. ***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. Lief 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.

6. ***In re Disposable Contact Lens Antitrust Litigation***, MDL No. 2626 (M.D. Fla.). Lief 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.
7. ***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**

8. ***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. Lief 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.). Lief 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. Lief Cabraser attorneys played key roles in negotiating the settlement and defending it on appeal. Discussing the DeBeers case, The National Law Journal noted that Lief 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.). Lief 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.

**DAVID RUDOLPH**, Admitted to practice in California, 2004; U.S. District Court, Northern District of California, 2008; U.S. District Court, Southern District of California, 2008; U.S. Court of Appeals for the Ninth Circuit, 2009; U.S. Court of Appeals for the Federal Circuit, 2012. *Education*: University of California, Berkeley, School of Law (Berkeley Law) (J.D. 2004); Moot Court Board; Appellate Advocacy Student Advisor; Berkeley Technology Law Journal; Berkeley Journal of International Law; Rutgers University (Ph.D. Program, 1999-2001); University of California, Berkeley (B.A. 1998). *Awards & Honors*: "Lawdragon 500 Leading Plaintiff Financial Lawyers in America," Lawdragon, 2019-2021; "Outstanding Private Practice Antitrust Achievement," American Antitrust Institute, 2020; "Outstanding Private Practice Antitrust Achievement," American Antitrust Institute, 2017. *Prior Employment*: Associate, Quinn Emanuel Urquhart & Sullivan, LLP, 2008-2012; Law Clerk to the Honorable Sandra Brown Armstrong, U.S. District Court for the Northern District of California, 2007-2008.

**ANDREW KAUFMAN**, Admitted to practice in New York, 2013; Tennessee, 2015; U.S. District Court, Middle District of Tennessee, 2015. *Education*: Harvard Law School (J.D. *cum laude*, 2012); Executive Editor, *Harvard Law and Policy Review*; Dean's Scholar Prizes in Federal Courts, Civil Procedure, and Legislation & Regulation. Carleton College (B.A. *magna cum laude*, Political Science, 2007). *Professional Associations & Memberships*: Law360 Editorial Advisory Board, Product Liability, 2021; Member, Nashville Bar Foundation

Leadership Forum, 2017 – 2018. *Publications*: “Spokeo Still Standing: No Sign of a Circuit Split” (with Nicholas Diamand), *Law360*, 2016; “Spotlight on Spokeo: A Win for Consumers” (with Nicholas Diamand), *Law360*, 2016; “Lochner for the Executive Branch: The Torture Memo as Anticanon,” *7 Harv. L. & Pol’y Rev.* 199 (2013); “American Foreign Policy Opinion in 2004: Exploring Underlying Beliefs,” *27 Am. Rev. of Pol.* 295 (2007). *Awards*: “Outstanding Private Practice Antitrust Achievement,” American Antitrust Institute, 2020. *Prior Employment*: Law clerk to the Honorable Martha Craig Daughtrey, U.S. Court of Appeals, Sixth Circuit (2014-15); Law Clerk to the Honorable Stephen Glickman, D.C. Court of Appeals (2013-14); Fellow, Public Citizen Litigation Group (2012-13).

## **OF COUNSEL**

**DAN DRACHLER**, Admitted to practice in New Jersey; New York; Washington; U.S. Court of Appeals for the Second Circuit; U.S. Court of Appeals for the Ninth Circuit; U.S. Court of Appeals for the Federal Circuit; U.S. District Court, Eastern District of Washington; U.S. District Court, Western District of Washington; U.S. District Court, Eastern District of New York; U.S. District Court, Southern District of New York; U.S. District Court, District of New Jersey; U.S. Court of Federal Claims. *Education*: New York Law School (J.D., *cum laude*); Law Review; John Ben Snow Merit Scholar; University of South Carolina (B.A., *cum laude*). *Publications & Presentations*: 2020 Litigating Class Actions; 2015 Antitrust Pay-for-Delay Litigation Conference; 2014 County Attorneys’ Association of the State of New York Mid-Winter Meeting; 1997 Pace University Conference on Tobacco and Public Health. *Member*: American Antitrust Institute, Advisory Board; Committee to Support the Antitrust Laws, Chair, State Attorney General Outreach; King County Bar Association; Washington State Bar Association.

**EXHIBIT 2**

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

IN RE RESTASIS (CYCLOSPORINE  
OPHTHALMIC EMULSION) ANTITRUST  
LITIGATION

Case No. 18-MD-2819 (NG) (LB)

THIS DOCUMENT APPLIES TO:

ALL END-PAYOR PLAINTIFF CLASS  
ACTIONS

**DECLARATION OF DENA SHARP OF GIRARD SHARP LLP IN SUPPORT OF END-  
PAYOR PLAINTIFFS' MOTION FOR ATTORNEYS' FEES, EXPENSES, AND  
SERVICE AWARDS**

I, Dena Sharp, hereby declare as follows:

I am a partner at Girard Sharp LLP and am admitted *pro hac vice* in this matter. I submit this declaration in support of End-Payor Plaintiffs' ("EPPs") motion for attorneys' fees, expenses, and service awards.

1. Girard Sharp is a national plaintiffs' firm that has successfully led complex antitrust class actions and gained favorable results for clients and the classes they represent. The firm is distinguished as a Tier 1 law firm for plaintiffs' mass tort and class action litigation by *U.S. News & World Report* and has been included on its list of "Best Law Firms" since 2013. *The National Law Journal (NLJ)* named Girard Sharp to its elite "Plaintiffs' Hot List," a selection of top U.S. plaintiffs' firms recognized for wins in high-profile cases. Among other accolades, the firm was recognized by Law360 as a Practice Group of the Year in Product Liability Litigation in 2022, received the *Daily Journal's* 2021 "Top Plaintiff Verdicts: Impact" award, and in 2020, Girard Sharp was honored with the *Daily Journal's* "Top Boutiques in California" award. Nine of the firm's attorneys have been recognized as Northern California Super Lawyers and Rising Stars. Name partners Daniel Girard and Dena Sharp have been selected by their peers as among the *Best Lawyers in America*. Ms. Sharp has been recognized as one of the Top 50 Women Attorneys in Northern California.

2. Recent antitrust matters handled by the firm include *In re Lidoderm Antitrust Litigation*, MDL No. 2521 (N.D. Cal.), which yielded a precedent-setting \$104.75 million settlement on the eve of trial. Girard Sharp also currently serves as interim co-lead class counsel in *In re Xyrem (Sodium Oxybate) Antitrust Litigation*, MDL No. 2966 (N.D. Cal.), which involves allegations of anticompetitive conduct to delay entry of generic versions of the drug Xyrem and *In re California Gasoline Spot Market Antitrust Litigation*, No. 3:20-cv-03131-JSC

(N.D. Cal.), where plaintiffs allege consumers overpaid at the pump because oil companies engaged in manipulative spot market trading to maintain high prices after a supply disruption. The firm also serves on the end-payer plaintiffs' steering committee in *In re Generic Pharmaceuticals Pricing Antitrust Litigation*, MDL No. 2724 (E.D. Pa.), where the firm's lawyers, acting alongside state attorneys general, play a key role in managing discovery from over 30 defendants and preparing the bellwether conspiracy cases for trial.

3. The firm has also served in leadership roles in other complex, multidistrict litigations. Girard Sharp was co-lead counsel in *In re Lehman Brothers Holdings Securities and ERISA Litigation*, MDL No. 2017 (S.D.N.Y.), arising out of the collapse of Lehman Brothers Holdings, Inc., the largest bankruptcy in American history. The Lehman litigation generated recoveries of over \$735 million. The firm also currently serves as co-lead counsel in *In re JUUL Labs, Inc. Marketing, Sales Practices, and Products Liability Litigation*, MDL No. 2913 (N.D. Cal.), and has primary responsibility for the plaintiffs' class action claims.

#### **Work Performed in Connection with the Litigation**

4. As court-appointed co-lead counsel, Girard Sharp was involved in every aspect of this litigation on behalf of the EPPs and took the lead in several critical aspects of the case. The firm was at the forefront of plaintiffs' overall case strategy, and I frequently served as a spokesperson for the plaintiffs generally in conferences with the Court.

5. Work in the litigation was generally divided among subject matter issues. Girard Sharp lawyers played leading roles on the economics, patent, and causation teams, and also led EPPs' efforts with respect to privilege issues. In those roles the firm's lawyers reviewed documents, authored detailed summaries and "white papers," and prepared for and took depositions. They also served as the primary or secondary lawyers working with numerous

experts in the litigation, defending those experts' depositions, and presenting their examination at the class certification evidentiary hearings.

6. Girard Sharp also played a leading role in numerous briefing projects over the course of the litigation. The firm contributed to the motion to dismiss opposition, prepared numerous discovery motions, and took the lead on class certification briefing for the EPPs and certain related *Daubert* motions. The firm took the lead on EPPs' opposition to Allergan's summary judgment motion, EPPs' summary judgment motion, and several related *Daubert* motions.

7. Additional details on the work performed by Girard Sharp's attorneys and staff are below.

#### **Lodestar Summary**

8. In performing the work above, Girard Sharp's attorneys and staff expended 9,736.2 hours for a total lodestar of \$5,190,696.75. The firm's lodestar does not include any time spent on proceedings before the Judicial Panel on Multidistrict Litigation or related to the appointment of class counsel. Also not included in the firm's reported lodestar is the significant time spent by Girard Sharp, along with co-counsel at Lief Cabraser, to conduct an audit of class counsel's time and expenses in advance of the motion for fees, expenses, and service awards included in the firm's requested lodestar.

9. In accordance with firm practice and the Court's direction concerning time and expense reporting, the firm's attorneys and staff kept contemporaneous records of the time they spent on this litigation. In reporting their time, Girard Sharp exercised billing judgment to eliminate inefficiency and duplication, and submitted its daily time records for review and audit.

Among other things, the firm removed all time for timekeepers who billed fifteen hours or less. The firm is prepared to submit its time records for *in camera* review if requested by the Court.

10. Below is a summary of the individuals who worked on this matter for Girard Sharp, their roles (Partner, Associate, Paralegal, Litigation Staff), the total number of hours they worked, their historic hourly billing rates, and their total lodestar. Later in this declaration we detail the specific work performed by each individual.

Attorney	Role	Hours	Rate <sup>1</sup>	Lodestar
Dena Sharp	Partner	0.4	\$ 665	\$ 266.00
		507.9	\$ 695	\$ 338,638.75
		1431.8	\$ 710	\$ 961,411.00
		235.1	\$ 750	\$ 176,325.00
		44.5	\$ 800	\$ 35,600.00
		5.1	\$ 825	\$ 4,207.50
Scott Grzenczyk	Associate / Partner	1.4	\$ 525	\$ 735.00
		579.1	\$ 575	\$ 330,280.00
		1865.3	\$ 580	\$ 1,045,653.00
		411.2	\$ 600	\$ 246,720.00
		30.9	\$ 625	\$ 19,312.50
		8.6	\$ 675	\$ 5,805.00
Tom Watts	Associate	883.0	\$ 400	\$ 350,060.00
		2312.1	\$ 450	\$ 1,011,465.00
		985.1	\$ 475	\$ 467,922.50
		110.1	\$ 500	\$ 55,050.00
		0.5	\$ 650	\$ 325.00
Natalie Attar	Litigation Assistant	0.6	\$ 225	\$ 135.00
		25.1	\$ 275	\$ 6,902.50
Jessica Cook	Law Clerk	59.2	\$ 200	\$11,840.00
		34.3	\$ 225	\$ 7,717.50
		0.4	\$ 275	\$ 110.00
Jordan Elias	Partner	39.7	\$ 695	\$ 27,591.50
		1.4	\$ 700	\$ 980.00
		1.2	\$ 725	\$ 870.00

<sup>1</sup> Time spent on case-related travel was billed at ½ of the timekeeper’s normal hourly rate. (See ECF No. 62 at ¶ 12.)



Attorney	Role	Hours	Rate <sup>1</sup>	Lodestar
Daniel Girard	Managing Partner	0.6	\$ 900	\$ 540.00
		17.3	\$ 925	\$ 16,002.50
		18.4	\$ 950	\$ 17,480.00
		16.0	\$ 975	\$ 15,600.00
Michael Marchese	Associate	47.6	\$ 400	\$ 19,040.00
Adam Polk	Partner	6.7	\$ 550	\$ 1,897.50
		12.8	\$ 565	\$ 7,232.00
		0.1	\$ 650	\$ 65.00
Anne-Michelle von Goetz	Case Manager	16.3	\$ 140	\$ 2,282.00
		25.8	\$ 175	\$ 4,515.00
		0.6	\$ 200	\$ 120.00
<b>TOTAL:</b>		9,736.2		\$5,190,696.75

11. The historical hourly rates submitted by Girard Sharp in this matter are the firm's usual and customary rates that were charged by the firm in similar matters in which the firm is paid on a contingent basis, as well as the firm's noncontingent matters. The firm's hourly rates have been approved by courts in other complex class actions. Representative examples include:

- *In re Lidoderm Antitrust Litig.*, No. 14-MD-02521-WHO, 2018 WL 4620695, at \*2 (N.D. Cal. Sept. 20, 2018) (approving rates between \$190 and \$925 per hour).
- *In re Nexus 6P Products Liability Litigation* — Partners (\$600-\$950); Associates (\$420-\$500); Litigation Assistant (\$225). No. 17-cv-02185-BLF, ECF 225 at 22 (N.D. Cal. November 12, 2019) (order finding rates reasonable); *id.*, ECF 214-2 (July 26, 2019) (chart with the firm's hourly rates).
- *Weeks v. Google LLC* – Partners (\$700-\$950); Associates (\$390-\$600); Litigation Assistants (\$140-\$225). No. 18-cv-00801, ECF 184 at 7 (N.D. Cal. August 30, 2019) (order finding rates reasonable); *id.*, ECF 172-2 at 2 (chart listing billing rates for Girard Sharp attorneys).
- *In re High Tech Employee Antitrust Litigation*—Partners (\$565-\$845); Associates (\$350-\$385); Paralegals (\$190). No. 11-cv-02509, 2015 WL 5158730, at \*9 (N.D. Cal. Sept 2, 2015) (order approving the firm's billing rates); ECF 1069 (May 7, 2015) (Girard Declaration with the firm's hourly billing rates).

**Staffing and Tasks Performed in This Matter**

12. Girard Sharp staffed this matter efficiently. Nearly all of the work—97% of the firm’s total hours—was billed by three lawyers with varying degrees of experience: senior partner Dena Sharp, senior associate (and in the later stages of the litigation, junior partner) Scott Grzenczyk, and associate Tom Watts. The staffing continuity allowed the firm to avoid unnecessary billing while training new lawyers and ensured that case-specific expertise developed at the start of the litigation progressed throughout the course of the proceedings and carried through until settlement.

13. The firm allocated work among Ms. Sharp, Mr. Grzenczyk, and Mr. Watts based on their skills and experience. Ms. Sharp was responsible for overall case strategy, most of the appearances before the Court, taking key corporate and expert depositions, conducting evidentiary hearing examinations, and settlement strategy. Mr. Grzenczyk drafted briefs and other pleadings, played a central role in developing the economic evidence in the case, worked with EPPs’ class certification experts, took expert depositions, conducted the direct examination of one of EPPs’ experts in the evidentiary hearings before this Court, assisted with discovery of named plaintiff Sergeants Benevolent Fund, and provided high level input into discovery and other matters. Mr. Watts drafted briefs, worked with patent and causation experts, played an instrumental role in preparing his colleagues for hearings and depositions, reviewed documents produced in the litigation, conducted extensive reviews of Allergan’s privilege claims, and coordinated many of plaintiffs’ challenges to those claims.

14. More detailed information about the roles and contributions of each attorney (including their dates of law school graduation) and staff member follows:

15. **Dena Sharp (senior partner; 2006 University of California Hastings College of the Law)**: Ms. Sharp led several aspects of this case. She oversaw EPPs' strategy on liability and class certification issues, which importantly included devising a plan to certify the first pharmaceutical consumer class in the wake of the First Circuit's *Asacol* decision, in which certification of a consumer class was denied in very similar litigation. Ms. Sharp worked closely with Mr. Grzenczyk of her firm to ensure that the economic and substantive record was developed to support certification of a class that included both consumers and third-party payers. Ms. Sharp also served as a liaison to counsel for the direct purchaser plaintiffs and retailer plaintiffs to ensure a coordinated approach to discovery, hearings, and development of liability evidence.

16. Ms. Sharp took the lead for the EPPs, and often for all plaintiffs, in Court appearances. She argued numerous issues, including relating to leadership, aspects of the motions to dismiss, a variety of discovery and cutting-edge privilege issues, and EPP class certification and related *Daubert* motions. Of the six experts whose testimony was taken in evidentiary hearings on EPPs' motion for class certification, Ms. Sharp conducted the cross-examination of two of Allergan's experts (its economist, Dr. Hughes, and one of its physician-experts, Dr. Hatch) and the direct examination of EPPs' economist, Dr. Richard Frank. She worked closely with her colleagues to develop the other expert examinations and overall strategy for those proceedings, and she collaborated closely with her co-counsel on the class certification oral argument as well.

17. Discovery in the case was active, and Ms. Sharp played a consistent role. In addition to taking several key depositions (including of Allergan's past CEO, David Pyott, key third-party witnesses, and several experts), Ms. Sharp oversaw discovery strategy for the EPPs

and focused closely on privilege issues. Together with Mr. Grzenczyk and Mr. Watts of her firm, as well as counsel for the direct purchasers, Ms. Sharp worked on privilege challenges and motion practice that ultimately led to Allergan's re-review and production of thousands of documents—a process most recently chronicled in submissions to the Federal Civil Rules Advisory Committee in a call for submissions concerning privilege issues.<sup>2</sup>

18. On summary judgment and *Daubert*, Ms. Sharp oversaw strategy and provided input on key evidentiary and pre-trial issues. She took the lead in defending the deposition of causation expert Dr. Roger Williams, took depositions of Allergan's causation expert, and assisted in determining the strategy concerning depositions of other experts. At the time the EPPs' settlement was reached, the parties had fully briefed summary judgment and *Daubert* motions and were preparing for trial.

19. Ms. Sharp also was proactive in settlement negotiations, working closely with her co-counsel to explore opportunities for resolution of this complex matter. The settlement before the Court was reached after nearly two years of arm's-length negotiations, beginning with a mediation session in September 2019 before the Hon. Magistrate Judge Lois Bloom. The parties again attempted to reach resolution with the assistance of Hon. Edward A. Infante (Ret.), former Chief Magistrate Judge of the U.S. District Court, Northern District of California, first in March 2020 and later in April 2021, with extensive negotiations between mediation sessions. In the interim, EPPs litigated class certification, resulting in a May 5, 2020, class certification

---

<sup>2</sup> [https://www.uscourts.gov/sites/default/files/comments\\_on\\_privilege\\_log\\_practice.pdf](https://www.uscourts.gov/sites/default/files/comments_on_privilege_log_practice.pdf) at PRIV-0094 (pages 438-41 of the PDF)

order, the denial of a Rule 23(f) petition, and distribution of notice to the class, and the parties also briefed summary judgment and *Daubert* motions.

20. Since the settlement was announced in May 2021, Ms. Sharp and the firm have worked with their co-counsel on EPPs' proposed method of notice, preliminary settlement approval, and now final approval.

21. **Scott Grzencyk (senior associate and junior partner; 2011 University of California Davis School of Law)**: Mr. Grzencyk played a leading role in numerous aspects of the litigation. He was the primary EPP lawyer working on economic issues, *i.e.* the expected price and penetration when a generic version of Restasis enters the market and EPPs' market power showing. In that role, he coordinated EPPs' strategy regarding potential benchmark products to use for projecting the performance of generic Restasis, analyzed relevant documents, prepared summary memos, and investigated numerous issues that relate to the economic issues in the case (such as Allergan's argument that the performance of generic Restasis in Canada was relevant to the drug's expected market performance in the United States). Mr. Grzencyk also took the deposition of key witnesses related to economic matters.

22. Mr. Grzencyk also took the lead in working with EPPs' economic experts—Dr. Richard Frank, Dr. Tom McGuire, Laura Craft, and Todd Clark—to prepare their reports (at both the class certification and merits phases). He prepared Dr. Frank, Dr. McGuire, and Ms. Craft for their depositions, defended them at the depositions, and took the depositions of two of Allergan's economic experts.

23. As a result of his work on the economic issues in the case and his experience from other matters, Mr. Grzencyk took the lead in EPPs' class certification strategy and briefing. He was the primary drafter of the numerous class-certification related briefs filed by

the parties (not including the *Daubert* motions, which he assisted with), coordinated input and work from co-counsel, and negotiated subpoenas with pharmacy benefit managers. He assisted in the preparation of all of EPPs' direct and cross examinations at the class certification evidentiary hearing and conducted the direct examination of Ms. Craft. He also worked closely with Ms. Sharp and co-counsel to prepare EPPs' presentation during the class certification oral argument. Mr. Grzenczyk also worked on EPPs' successful opposition to Allergan's Rule 23(f) petition for appellate review of the Court's class certification order.

24. Mr. Grzenczyk played a significant role in many other aspects of the litigation as well. He was one of the primary drafters of EPPs' consolidated complaint and worked on the opposition to the motion to dismiss. Once discovery commenced, Mr. Grzenczyk was heavily involved in responding to discovery served by Allergan, including being the primary author of briefing related to Allergan's motion to compel and numerous meet and confer letters between the parties. He also worked with co-counsel Safirstein Metcalf to respond to discovery on behalf of named plaintiffs Sergeants Benevolent Fund.

25. With respect to discovery of Allergan, Mr. Grzenczyk worked with other co-lead counsel to prepare the discovery requests and meet and confer on the production of documents related to the economic issues in the case. Along with Ms. Sharp and Mr. Watts, he was heavily involved in analyzing Allergan's privilege claims and developing an overall strategy on privilege issues that ultimately led to Allergan re-reviewing over 15,000 documents and withdrawing its privilege claims from thousands of documents.

26. During summary judgment, Mr. Grzenczyk was the primary author of EPPs' affirmative motion for summary judgment as to market power and other discrete issues. He also

led the briefing opposing numerous of Allergan's *Daubert* motions (particularly those filed against Dr. Frank, Ms. Craft, and Mr. Clark).

27. Mr. Grzenczyk also worked with Ms. Sharp on settlement strategy and damages analyses. Since the settlement was announced, Mr. Grzenczyk has been actively involved in motion practice related to EPPs' proposed method of notice, preliminary settlement approval, and final approval.

28. **Tom Watts (associate; 2015 Harvard Law School):** Mr. Watts contributed substantially to many aspects of the litigation. He worked extensively on discovery of Allergan, including negotiating search terms and custodians for Allergan's custodial productions and helping to draft the related briefing before the Court. He also worked closely with Ms. Sharp and Mr. Grzenczyk to challenge many of Allergan's privilege assertions, including contributing to all related letters and briefing.

29. In addition, Mr. Watts focused on a range of scientific and regulatory issues related to Allergan's patents, Allergan's citizen petitions, and the generic companies' ANDAs. He reviewed and analyzed a wide range of relevant documents and drafted white papers and summary memos, spreadsheets, and other documents addressing the relevant facts and law. He assisted with the depositions of numerous fact witnesses related to these issues, including taking the lead at the deposition of Frederick Defesche and asking follow-up questions at the depositions of Laura Wine and Sesha Neervannan. He played a key role assisting with the preparation for the depositions of David Pyott, Rhett Schiffman, and others.

30. Mr. Watts also took the lead in working with EPPs' expert witnesses on these scientific and regulatory issues. He assisted Dr. Justin Hanes and Dr. Daniel Bloch with portions of their reports, and together with Ms. Sharp, he worked with Dr. Roger Williams on his

causation analysis. Mr. Watts also took the lead in working with Dr. Kenneth Roberts on his rebuttal report. He defended the depositions of Drs. Hanes, Bloch, and Roberts, and he second-chaired the defense of Dr. Williams's deposition. He also second-chaired the depositions of Allergan's experts Dr. D. Bruce Burlington and Dr. Frederic Lallemand.

31. At class certification, Mr. Watts took the lead on drafting and arguing the *Daubert* motion directed at Dr. Kathryn M. Hatch. He also assisted with other portions of the class certification briefing, including EPPs' analysis of state law variations, and with preparation for the evidentiary hearing.

32. At summary judgment, Mr. Watts was the primary author of EPPs' affirmative motion for summary judgment on patent fraud and one of the primary contributors to EPPs' opposition to Allergan's summary judgment motion (which was 100 pages in length), as well as the primary author of EPPs' *Daubert* motion directed at Dr. Jonca Bull and Dr. Lallemand, EPPs' *Daubert* motion directed at Dr. Kathryn M. Hatch, and EPPs' opposition to Allergan's *Daubert* motion directed at Dr. Williams, in addition to portions of several other *Daubert* motions or oppositions.

33. **Natalie Attar (litigation assistant):** Ms. Attar was a litigation assistant at Girard Sharp and assisted with preparing filings, cite checking briefs and other pleadings, and preparing the evidentiary record for summary judgment.

34. **Jessica Cook (law clerk; 2021 Golden Gate University School of Law):** Ms. Cook was a law clerk and litigation assistant with the firm during the litigation. She assisted Mr. Watts with the review of Allergan's privilege claims and the preparation of privilege challenges. She also worked closely with Ms. Sharp and Mr. Watts to prepare for key depositions, identify documents to use during the depositions, and revise deposition outlines. Ms. Cook also assisted



with the preparation of the evidentiary record for summary judgment and cite checked various briefs throughout the course of the litigation.

35. **Jordan Elias (partner; 2003 Stanford Law School)**: Mr. Elias is a partner at the firm who focuses on complex legal issues impacting class actions and appeals. He assisted with the preparation of the consolidated complaint, plaintiffs' motion to dismiss strategy, and EPPs' response to Allergan's Rule 23(f) petition.

36. **Daniel Girard (managing partner; 1984 University of California Davis School of Law)**: Mr. Girard is the firm's managing partner with nearly three decades of experience litigating complex class actions. He provided input into overall case strategy, particularly with respect to class certification and settlement matters.

37. **Michael Marchese (associate; 2015 University of California Hastings College of the Law)**: Mr. Marchese was an associate with Girard Sharp and assisted with the preparation of and negotiations concerning the protective order, as well as the identification and retention of document hosting and other vendors.

38. **Adam Polk (partner; 2010 University of California Hastings College of the Law)**: Mr. Polk is a partner with the firm and played an active role in early case management efforts and the analysis of the pending complaints in preparation for the drafting of the consolidated complaint.

39. **Anne-Michele von Goetz (case manager)**: Ms. von Goetz is a senior case manager with the firm. Although liaison counsel generally filed pleading in this matter, when Girard Sharp was responsible for filings Ms. von Goetz would prepare the briefs and other pleadings for filing and effectuate the filing.

**Expenses Incurred in the Prosecution of the Litigation**

40. In connection with its efforts in this matter, Girard Sharp incurred a variety of out-of-pocket expenses. Below is an itemized list of the unreimbursed expenses the firm incurred during the prosecution of this litigation. Those expenses are reflected in the firm's books and records that are regularly maintained in the ordinary course of the firm's business and are based on the receipts and data maintained by the firm.

<b>Expense Category</b>	<b>Amount</b>
Commercial Copies	\$517.08
Internal Reproduction / Copies	\$3,860.80
Court Fees (Filing costs, etc.)	\$901.00
Court Reporters / Transcripts	\$3,568.95
Computer Research	\$41,471.91
Telephone/Fax/E-mail	\$2,466.64
Postage/Express Delivery/Messenger	\$4,211.31
Professional Fees (expert, investigator, accountant, etc.)	
Witness/Service Fees	\$1,939.00
Air Transportation	\$23,271.25
Ground Transportation	\$10,824.99
Meals	\$4,456.97
Lodging	\$35,169.38
Miscellaneous/Other (Describe in detail)	
TOTAL:	\$132,659.28

41. The firm's expenses were incurred in connection with work necessary for the prosecution of EPPs' claims. Computer research expenses were, for example, incurred regarding numerous legal research and briefing projects in which the firm was directly involved, including: opposing Allergan's motion to dismiss, opposing Allergan's motion to compel premium-related information, numerous discovery disputes, EPPs' motion for class certification

briefing and related *Daubert* motions, motions for summary judgment, *Daubert* motions at the merits phase of the litigation, and settlement-related motions.

42. Girard Sharp lawyers attended numerous in-person hearings before the Court that required travel, as well as depositions of fact and expert witnesses throughout the country. The hearings and depositions at which the firm's lawyers appeared included:

- March 22, 2018, Status Conference
- July 26, 2018, Motion to Dismiss Hearing
- September 26, 2018, Motion to Compel Hearing
- November 5, 2018, Status Conference and Motion to Quash Hearing
- December 19, 2018, Motion to Compel Hearing and Status Conference
- January 8, 2019, Deposition of Aziz Mottiwala
- January 14, 2019, Deposition of named plaintiff SISC
- Late January 2019 Depositions of Laura Wine, Rhett Schiffman, and Apotex
- February 14, 2019, Status Conference and Motion to Compel Hearing
- March 21, 2019, Status Conference and Hearing Regarding Privilege Issues
- March 21, 2019, Deposition of Syneos Health
- April 2, 2019, Strategy Meeting (With Co-Counsel and Experts)
- May 1, 2019, Deposition of Third-Party Mylan
- May 9, 2019, Deposition of Dr. Richard Frank
- May 17, 2019, Deposition of Laura Craft
- June 7, 2019, Deposition of Dr. James Hughes
- June 12, 2019, Deposition of David Pyott
- June 13, 2019, Status Conference
- June 14, 2019, Deposition of Kathryn Hatch
- July 1-2, 2019, Strategy Meeting (With Co-Counsel and Experts)
- July 17-19, Status Conference and Deposition of Todd Clark
- August 9, 2019, Mediation
- September 9-10, 2019, Hearing Preparation With Dr. Richard Frank
- September 22-27, 2019, Mediation, Evidentiary Hearing Preparation, and Evidentiary Hearing
- October 22-23, 2019, Class Certification Preparation and Hearing
- December 3, 2019, Deposition of Celeste Saravia
- December 5, 2019, Deposition of Frederic Lallemand
- December 18, 2019, Deposition of Sumanth Addanki
- December 20, 2019, Deposition of B. Burlington
- January 19-20, 2020, Deposition Preparation and Deposition of Uwe Christians

43. Girard Sharp also contributed \$870,000 to the litigation fund for the payment of shared expenses on behalf of the EPPs.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on May 17, 2022, at San Francisco, CA.

/s/ Dena C. Sharp

# **EXHIBIT A**

# GIRARD SHARP

## Firm Resume

---

Girard Sharp is a national litigation firm representing plaintiffs in class and collective actions in federal and state courts. The firm serves individuals, institutions and business clients in cases involving consumer protection, securities, antitrust, privacy, and whistleblower laws.

Our clients range from individual consumers and small businesses to Fortune 100 corporations and public pension funds. We have recovered over a billion dollars on behalf of our clients in class actions and non-class cases. In addition to litigation, our firm also provides consulting and strategic counseling services to institutional clients and professionals in securities litigation and corporate governance. We are committed to achieving favorable results for all of our clients in the most expeditious and economical manner possible.

Girard Sharp is distinguished as a Tier 1 law firm for plaintiffs' mass tort and class action litigation by *U.S. News & World Report* and has been included on its list of "Best Law Firms" from 2013 to 2022. *The National Law Journal (NLJ)* named Girard Sharp to its elite "Plaintiffs' Hot List," a selection of top U.S. plaintiffs' firms recognized for wins in high-profile cases. In 2020, Girard Sharp was honored with the *Daily Journal's* "Top Boutiques in California" award. Girard Sharp also was honored as the 2019 Elite Trial Lawyers winner in the category of Insurance Litigation, and was recognized by Law360 in 2022 as a Practice Group of the Year in Product Liability Litigation. In 2021, the *Daily Journal* awarded Girard Sharp attorneys the "Top Plaintiff Verdicts: Impact" award.

Nine of the firm's attorneys have been recognized as Northern California Super Lawyers and Rising Stars. Name partners Daniel Girard and Dena Sharp have been selected by their peers as among the *Best Lawyers in America*. Daniel Girard has been recognized as among the "Top 100 Super Lawyers" in Northern California, and Dena Sharp as one of the Top 50 Women Attorneys in Northern California. *Best Lawyers* also designated Mr. Girard as the 2013 "Lawyer of the Year" in San Francisco for class action litigation. Mr. Girard has earned an *AV-Preeminent* rating from Martindale-Hubbell, placing him in the highest class of attorneys for professional ethics and legal skills.

## ATTORNEYS

### Partners

<a href="#"><u>Daniel Girard</u></a>	p. 2
<a href="#"><u>Dena Sharp</u></a>	p. 3
<a href="#"><u>Adam Polk</u></a>	p. 4
<a href="#"><u>Jordan Elias</u></a>	p. 5
<a href="#"><u>Scott Grzenczyk</u></a>	p. 6
<a href="#"><u>Simon Grille</u></a>	p. 7

### Associates

<a href="#"><u>Makenna Cox</u></a>	p. 7
<a href="#"><u>Mani Goehring</u></a>	p. 7
<a href="#"><u>Trevor Tan</u></a>	p. 8
<a href="#"><u>Peter Tuschner</u></a>	p. 8
<a href="#"><u>Tom Watts</u></a>	p. 9
<a href="#"><u>Erika Garcia</u></a>	p. 9
<a href="#"><u>Nina Gliozzo</u></a>	p. 9
<a href="#"><u>Mikaela Bock</u></a>	p. 10
<a href="#"><u>Sean Greene</u></a>	p. 10
<a href="#"><u>Kyle Quackenbush</u></a>	p. 10
<a href="#"><u>Jessica Cook</u></a>	p. 11
<a href="#"><u>Jordan Isern</u></a>	p. 11
<a href="#"><u>Kimberly Macey</u></a>	p. 11

### Of Counsel

<a href="#"><u>Michael Danko</u></a>	p. 12
<a href="#"><u>Kristine Meredith</u></a>	p. 13

## SIGNIFICANT RECOVERIES

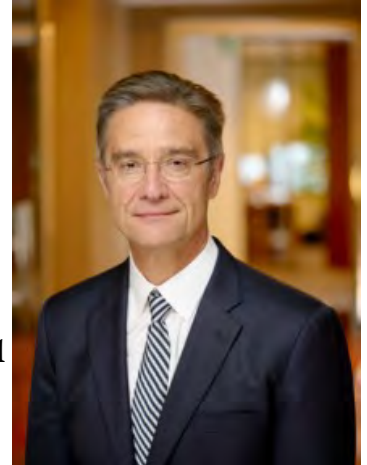
<a href="#"><u>Sexual Abuse &amp; Women's Advocacy</u></a>	p. 14
<a href="#"><u>Antitrust</u></a>	p. 14
<a href="#"><u>Securities &amp; Financial Fraud</u></a>	p. 15
<a href="#"><u>Deceptive Trade Practices</u></a>	p. 18
<a href="#"><u>Defective Products</u></a>	p. 19
<a href="#"><u>Privacy Violations</u></a>	p. 21
<a href="#"><u>Other Consumer Matters</u></a>	p. 23
<a href="#"><u>Mass Tort</u></a>	p. 26
<a href="#"><u>Government Reform</u></a>	p. 26

## ATTORNEYS

### Partners

---

**Daniel Girard** founded Girard Sharp in 1995 to offer dedicated, professional representation to everyday Americans. Dan believes that individuals who work hard and play by the rules deserve the same focused, dedicated representation enjoyed by corporations, banks, and insurance companies. Under Dan's leadership, Girard Sharp has become one of the most respected and experienced class action law firms in the United States.



Dan has been appointed by federal courts to lead class actions brought under a range of federal and state laws, often involving investments and consumer financial services matters. Most recently, he served as counsel for investors in the Woodbridge Investments, Jay Peak EB-5 Investments, Peregrine Financial Group and Provident Royalties cases, all of which involved parallel bankruptcy and criminal or regulatory proceedings against investment promoters. He has led successful class actions in such areas as securities, corporate governance, telecommunications, unfair competition, federal statutory rights, predatory lending, sexual abuse, product liability, and constitutional law.

In addition to individuals, Dan's past and present clients include municipal and state employee retirement systems, public employee unions, financial institutions, property and casualty insurers, and NYSE companies.

Dan has been privileged to serve the federal court system through his work on federal rule-making committees. He was appointed by Chief Justice William H. Rehnquist to the United States Judicial Conference Advisory Committee on Civil Rules in 2004 and served on the Civil Rules Committee through 2010. Chief Justice John G. Roberts appointed Dan to the Standing Committee on Rules of Practice and Procedure in 2015 and reappointed him to a second term in 2018. Dan's article, "Limiting Evasive Discovery: A Proposal for Three Cost-Saving Amendments to the Federal Rules," 87 *Denver University Law Review* 473 (2010), proposed several rule amendments that were ultimately adopted in Federal Rule of Civil Procedure 34(b)(2).

Dan also serves as a member of the Council of the American Law Institute, where he chairs the Audit Committee, and serves on the Membership and Development Committees.

He is a long-standing member of the American Bar Association, Section on Business Law, Corporate and Business Litigation Committee.



**Dena Sharp** is a problem-solver who gets results for her clients in even the most complex litigation. She currently serves as co-lead counsel in the *In re Juul Labs Inc.* multidistrict litigation, *In re Xyrem Antitrust Litigation*, and *In re California Gasoline Spot Market Antitrust Litigation*. She is co-lead counsel for a certified class of end-payers in the *In re Restasis Antitrust Litigation*, and a member of the End-Payer Steering Committee in *In re Generic Pharmaceuticals Pricing Antitrust Litigation*, a massive case alleging that the world's largest makers of generic drugs conspired to raise prices and prevent price competition for years. Dena is also privileged to represent clients of a fertility center whose eggs and embryos were compromised by a freezer tank malfunction. In June 2021, Dena and her team tried the first *In re Pacific Fertility Center Litigation* case in federal court in San Francisco, and won a groundbreaking \$15 million jury verdict for the loss of four families' eggs and embryos.



As co-lead counsel in *In re Lidoderm Antitrust Litigation*, a “pay-for delay” antitrust case that settled for \$104.75 million on the eve of trial, Dena worked with her team to win class certification, defeat summary judgment, and obtain the largest recovery for a class of end-payers in similar federal litigation in more than a decade. She has also played a key role in a variety of other high-profile cases, including work on behalf of the direct purchasers in the *In re Capacitors Antitrust Litigation*, and representing investors in litigation arising from Lehman Brothers' bankruptcy and in matters involving Ponzi schemes and accounting fraud.

Outside the courtroom, Dena is the current co-chair of the Lawyer Representatives to the Ninth Circuit Judicial Conference for the Northern District of California, and was elected to the American Law Institute in 2018. She sits on the board of directors of the Impact Fund, a public interest nonprofit, and has served as co-chair and faculty member of the annual Judicial Training Symposium for Federal Judges, hosted by the Federal Judicial Center and the Electronic Discovery Institute. She also sits on the board of advisors for the Center for Litigation and the Courts at UC Hastings. Dena co-authored a chapter in the ABA's “Class Action Strategy and Practice Guide,” and the widely-cited *Sedona Principles: Best Practices and Principles for Electronic Document Production (Third Edition)*.

The *National Law Journal* has recognized Dena as an “Elite Woman of the Plaintiffs' Bar” for two consecutive years, honoring her as one of only a handful of lawyers nationwide who has “consistently excelled in high-stakes matters on behalf of plaintiffs” over the course of her career. Dena was named one of the “Best Lawyers in America” for both 2021 and 2022, one of the “Top 50 Women Attorneys in Northern California” by *San Francisco* magazine in 2021, and one of the *Daily Journal's* “Top Women Lawyers” in 2021. In 2022, the *Daily Journal* recognized Dena and her colleagues for their work on *In re Pacific Fertility Center Litigation* with the award for “Top Plaintiffs Verdicts” in the “Impact” category. Dena has also been recognized as a Northern California Super Lawyer or Rising Star every year since 2009.

Dena is a graduate, *cum laude*, of the University of California, Hastings College of Law, where she was a member of the Thurston Society and received the Best Oral Advocate and Witkin awards. She graduated magna cum laude from Brown University. During law school, Dena externed for the Honorable Phyllis J. Hamilton of the Northern District of California, and the Honorable John E. Munter of the San Francisco Superior Court. A first-generation American, Dena is fluent in Spanish and German.



**Adam Polk** is a partner at Girard Sharp who takes a client-focused approach to each matter he handles. A devoted advocate, Adam rolls up his sleeves and does whatever it takes to give each of his clients the high-quality representation they deserve. Concentrating his practice on complex consumer, securities, and antitrust class actions, Adam's experience covers all aspects of civil litigation, from initial case investigation and complaint preparation through discovery and trial.



Adam currently serves as co-lead counsel in *In re Subaru Battery Drain Litigation* (an ongoing consumer protection action concerning defective batteries in Subaru vehicles); and *In re Maxar Technologies Inc. Shareholder Litigation* (an action alleging violations of the Securities Act of 1933). He also serves as part of the co-lead counsel teams in *In re California Gasoline Spot Market Antitrust Litigation* (an antitrust class action alleging manipulation of the spot market for gasoline in California); *In re Pacific Fertility Center Litigation* (a product defect related to the alleged failure of an IVF tank holding human eggs and embryos); and *In re PFA Insurance Marketing Litigation* (a consumer protection class action alleging the unfair and deceptive sale of life insurance). Adam also serves as a court-appointed executive committee member in *In re Allergan Biocell Textured Breast Implant Products Liability Litigation* (a multidistrict litigation centering on allegedly defective breast implants and pending in the District of New Jersey).

Recently, Adam served as part of the trial team in the first *In re Pacific Fertility Center Litigation* trial. In a landmark result, the jury awarded approximately \$15 million for the loss of four families' eggs and embryos. Adam also served on the lead counsel teams in several recent cases that resolved favorably for his clients, including *Bentley v. LG Electronics U.S.A., Inc.* and *Sosenko v. LG Electronics U.S.A., Inc.* (class actions alleging that LG's refrigerators are defective and prone to premature failure); and *In re Nexus 6P Products Liability Litigation* and *Weeks v. Google LLC* (two consumer class actions against Google relating to defective mobile phones, which resolved for a combined \$17 million). Adam was also instrumental in achieving substantial settlements for his clients in *In re Sears Holdings Corporation Stockholder and Derivative Litigation* (\$40 million settlement) and *Daccache v. Raymond James Financial, Inc.* (\$150 million partial settlement).

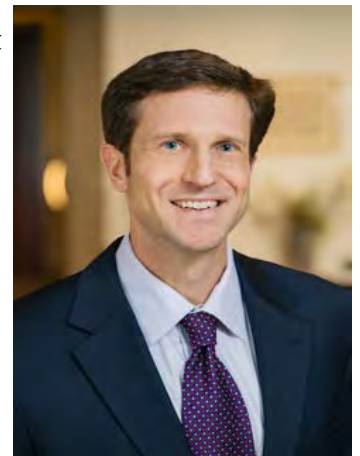
Before joining the firm, Adam externed for the Honorable Sandra Brown Armstrong and the Honorable Claudia Wilken, of the U.S. District Court for the Northern District of California.

Adam is chair of the American Bar Association's Class Action and Derivative Suits committee, for which he is a frequent contributor of content regarding emerging issues in class action litigation. As of 2021 he is a member of the Fellows of the American Bar Foundation. His articles include: *Ninth Circuit: Central District of California's 90-Day Deadline to Move for Class Certification Incompatible with Rule 23*, ABA Practice Points, October 2018, *Fourth Circuit, No Presumption of Timeliness Where One Class Action Plaintiff Moves to Intervene in Another Class Action Prior to the Opt-Out Deadline*, ABA Practice Points, July 2018, *California Supreme Court: Unnamed Class Members Must Intervene or Move to Vacate to Gain Right to Appeal Class Settlements*, ABA Practice Points, May 2018, *Tilting at Windmills: Nationwide Class Settlements After In re Hyundai and Kia Fuel Economy Litigation*, ABA Section of Litigation, Class Actions & Derivative Suits, February 2018 (co-author), "Ninth Circuit." *Survey of Federal Class Action Law*, ABA 2018 (co-author), *Ninth Circuit: No Formal Motion for Reconsideration Needed to Toll 23(f) Deadline*, ABA Practice

Points, September 2017, *Eighth Circuit Clarifies CAFA's Local-Controversy Exception Applies to Local Citizens, Not Mere Residents*, ABA Practice Points, May 2017, *Shrink-Wrap Arbitration Clauses Must Be Conspicuously Displayed: Ninth Circuit*, ABA Practice Points, April 2017, *Predispute Arbitration Clauses Targeting Public Injunctive Relief Are Unenforceable: CA Supreme Court*, ABA Practice Points, April 2017, *Ninth Circuit: Cy Pres Awards Must be Tailored to Plaintiffs' Claims to Justify a Class Action Release*, ABA Practice Points, February 2017, *Rule 23 Does Not Include an 'Administrative Feasibility Requirement: Ninth Circuit*, ABA Practice Points, January 2017.

Adam was elected in 2021 as a Fellow of the American Bar Foundation. He has been selected by his peers as a Northern California Super Lawyer, Rising Star every year since 2013. Adam has been named to the National Trial Lawyers' "Top 40 Under 40" for three consecutive years. He was named to *Best Lawyers'* "Ones to Watch" list in 2021 and 2022.

**Jordan Elias**, a partner in the firm, represents consumers and small businesses harmed by corporate violations. He has pursued civil claims against monopolists, price-fixing cartels, oil and tobacco companies, and the nation's largest banks. Over the past decade, Jordan has also taken on pharmaceutical companies for collusion leading to inflated prescription drug prices.



Jordan argued the first substantive motion in the digital advertising monopoly litigation against Google. He previously served as head writer for the plaintiffs in the wrongful death cases arising from sudden unintended acceleration of Toyota vehicles. He was the primary author of the plaintiffs' briefs in the California Supreme Court in the landmark Cipro "pay-for-delay" antitrust case, and gained a reversal for the plaintiff in *Pavoni v. Chrysler Group, LLC*, 789 F.3d 1095 (9th Cir. 2015). Jordan also led the appeal in *In re U.S. Office of Personnel Management Data Security Breach Litigation*, 928 F.3d 42 (D.C. Cir. 2019), where the court reversed the dismissal of a case brought on behalf of 21.5 million federal government employees whose sensitive private information was hacked. More recently, Jordan represented the League of Women Voters in an amicus brief urging the Ninth Circuit to preserve an extension of the State of Arizona's voter registration deadline in light of the Covid-19 pandemic and the remote location of many Native American voters. He also argued the successful appeal in *Velasquez-Reyes v. Samsung Electronics America, Inc.*, No. 17-56556 (9th Cir. Sept. 17, 2019), where the Ninth Circuit held that Samsung could not compel individual arbitration of fraud claims even though its smartphone packaging had an arbitration clause. Federal judges have described his advocacy as "very thorough" and "clearly in the public interest."

Jordan received a California Lawyer Attorney of the Year (CLAY) award in 2016. He has been recognized as a Northern California Super Lawyer, Appellate, since 2014. A former chief arbitrator for the San Francisco Bar Association's attorney-client fee disputes program, Jordan now serves as the program's vice-chair.

In 2017, Jordan was elected to the American Law Institute. He is also a Fellow of the American Bar Foundation. He authored the Supreme Court chapter, and co-authored the Ninth Circuit chapter, in the American Bar Association's *Survey of Federal Class Action Law*. He also co-authored the chapter on antitrust standing, causation and remedies in *California State Antitrust and Unfair Competition Law* (Matthew Bender 2019), the chapter on CAFA exceptions in *The Class Action Fairness Act: Law and*

*Strategy* (ABA 2d ed. 2021), and the chapter on jurisdiction and preemption in *California Class Actions and Coordinated Proceedings* (Matthew Bender 2015). Jordan wrote the law review articles “*More Than Tangential*”: *When Does the Public Have a Right to Access Judicial Records?*, 29 J. Law & Pol’y 367 (2021); *Course Correction—Data Breach as Invasion of Privacy*, 69 Baylor L. Rev. 574 (2018), *Cooperative Federalism in Class Actions*, 86 Tenn. L. Rev. 1 (2019), and *The Ascertainability Landscape and the Modern Affidavit*, 84 Tenn. L. Rev. 1 (2017). His bar journal articles include “*Putting Cipro Meat on Actavis Bones*,” 24 No. 2 Competition 1, *State Bar of California* (2015), “*Does Bristol-Myers Squibb Co. v. Superior Court Apply to Class Actions?*” *ABA Section of Litigation, Class Actions & Derivative Suits* (Feb. 25, 2020) (co-author), and “*Tilting at Windmills: Nationwide Class Settlements After In re Hyundai and Kia Fuel Economy Litigation*,” *ABA Section of Litigation, Class Actions & Derivative Suits* (Feb. 28, 2018) (co-author).

Jordan was awarded the Field Prize in the humanities at Yale College, where he was an all-Ivy League sprinter. While attending Stanford Law School, he served on the law review and externed for the Honorable Charles R. Breyer of the Northern District of California. After law school, Jordan clerked for the late Judge Cynthia Holcomb Hall of the Ninth Circuit Court of Appeals. He then defended technology companies in securities and intellectual property cases at Wilson Sonsini Goodrich & Rosati, which honored him with the John Wilson Award for winning asylum for refugees from Haiti and Indonesia. Before joining Girard Sharp in 2015, Jordan practiced for seven years at Lieff Cabraser Heimann & Bernstein.

**Scott Grzenczyk** dedicates his practice to representing plaintiffs in antitrust and consumer protection matters. He has wide-ranging experience in all aspects of complex litigation and has served as a member of leadership teams that have recovered hundreds of millions of dollars for the firm’s clients. Scott brings a tireless work ethic and a practical, results-oriented approach to his cases.

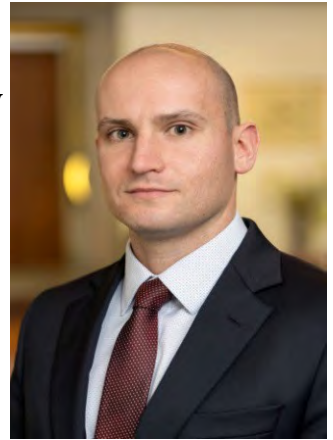
For several years, Scott has represented union health and welfare funds in cases alleging that large, multinational drug companies illegally inflated the price of prescription drugs. Scott has helped achieve precedent-setting recoveries, including a \$104.75 million settlement shortly before trial in a case concerning the prescription drug Lidoderm. He also plays a key role in the firm’s work in the *In re Restasis Antitrust Litigation* and *In re Generic Pharmaceuticals Antitrust Litigation* matters.



Scott led the firm’s litigation efforts in a class action filed by native inhabitants of Guam bringing due process and equal protection claims against the government of Guam. He also has a track record of successfully representing consumers, including car and cell phone purchasers, in cases involving fraud and unfair business practices. During law school, Scott successfully argued a precedent-setting immigration case before the U.S. Court of Appeals for the Ninth Circuit. He has been honored as a Rising Star by Northern California Super Lawyers every year since 2013. In 2020, Scott was honored as a recipient of the American Antitrust Institute’s “Outstanding Antitrust Litigation Achievement by a Young Lawyer” award. Scott was named to *Best Lawyers’* “Ones to Watch” list in 2022.



**Simon Grille**, a partner in the firm, is committed to seeking justice for individuals harmed by corporate wrongdoing. He represents plaintiffs in class and complex litigation concerning consumers' rights and financial fraud. He has taken a lead role in consumer class actions against some of the largest technology companies in the world. Simon has been named a Rising Star by Super Lawyers since 2017, and was named to *Best Lawyers'* "Ones to Watch" list in 2021 and 2022.



Simon approaches each case with an unwavering commitment to obtaining the best possible outcome for his clients. A creative problem-solver, Simon welcomes challenges and has substantial experience in all aspects of civil litigation—from case intake through trial or settlement.

Before joining Girard Sharp, Simon worked at a prominent Bay Area law firm, where he represented victims of toxic exposure in complex civil litigation. He also has experience working in-house at a multinational company and as an extern for the Honorable Arthur S. Weissbrodt of the United States Bankruptcy Court for the Northern District of California.

## Associates

---

**Makenna Cox** handles all aspects of complex class action litigation, including securities and consumer protection cases against some of the nation's largest corporations. She was the primary associate responsible for handling the *Woodbridge Investments Litigation*, involving Comerica Bank's alleged abetting of a large Ponzi scheme. The court approved a \$54.2 million settlement with Comerica benefiting the defrauded investors.



Before joining Girard Sharp, Makenna advocated for musicians' rights and co-authored comments filed with the FCC. She worked during law school at an appellate firm in Los Angeles.

Makenna served as Senior Production Editor on the *Loyola of Los Angeles Entertainment Law Review*. She received her B.A. with honors from the University of San Francisco.

**Mani Goehring** strives to provide clients with prompt attention, reliable guidance, and excellent outcomes. She represents consumers in class action and other complex litigation seeking to hold companies and institutions accountable for misconduct. From intake to resolution, Mani knows that responsiveness and tenacity are key to obtaining favorable results.



Mani previously worked on criminal matters at the Antitrust Division of the U.S. Department of Justice. She also interned for the U.S. Attorney's Office, the San Francisco District Attorney's Office, and the American Civil Liberties Union of Northern California.

**Trevor Tan** focuses on consumer protection class actions and other complex civil litigation, specializing in legal research and writing. He was honored as a Rising Star by Super Lawyers beginning in 2019 and was named to *Best Lawyers*' "Ones to Watch" list in 2022.

Trevor has considerable experience working in judicial chambers. Before joining Girard Sharp, he clerked for the Honorable Fernando M. Olguin of the U.S. District Court for the Central District of California. Trevor also clerked for Judges of the Los Angeles County Superior Court and the court's Appellate Division.

Trevor received his J.D. from the University of Chicago Law School in 2011. During law school, he was an extern for the Honorable George H. Wu in the Central District of California and a law clerk with the Illinois Attorney General. In addition, he served as a child advocate with the school's immigrant child advocacy clinic and worked on behalf of immigrant children from China. After law school, Trevor represented unaccompanied minors in removal proceedings as a fellow at the Young Center for Immigrant Children's Rights.

Trevor received his undergraduate degree with honors in political science from the University of California, Irvine in 2006.

**Peter Touschner** handles complex class action e-discovery matters for the firm. Before joining Girard Sharp, Peter represented class members harmed by Volkswagen's emissions-related fraud, as well as insureds who were charged inflated premiums due to the anticompetitive practices of a hospital conglomerate.

Peter previously worked as a Research Attorney at the Center for Democracy and Technology, where he investigated deceptive online advertising practices and evaluated proposed cybersecurity legislation. During law school, Peter externed for U.S. District Judge Charles R. Breyer and served as Senior Articles Editor for the *Hastings Science and Technology Law Journal*.

**Tom Watts** focuses his practice on complex antitrust litigation against monopolists and other wrongdoers. Before joining the firm, Tom clerked for the Honorable Jane Roth on the Third Circuit and the Honorable Robert McDonald of the Maryland Court of Appeals, assisting in a wide variety of appellate and state supreme court matters.

Tom earned a J.D. and master's in public policy *magna cum laude* from Harvard Law School and Harvard Kennedy School. During law school, he gained experience in litigation, appeals, and policy advocacy by interning with the U.S. Department of Justice's Civil Appellate Section, Santa Clara County's Impact Litigation and Social Justice Section, and Public Advocates.



Tom received his B.A. from the University of California, Berkeley, with High Distinction in General Scholarship. He double majored in Classical Languages, in which he received High Honors, and Astrophysics, for which he was the undergraduate commencement speaker.

**Erika Garcia** handles complex e-discovery matters for the firm. She is admitted to practice in California and New York.

Before joining Girard Sharp, Erika worked at a large international law firm with a focus on class action and commercial litigation as well as regulatory investigations. She has negotiated and drafted numerous confidentiality agreements in the mergers and acquisitions setting.

Erika is fluent in Spanish and previously served as a volunteer advocate in Ecuador for refugees from other Latin American countries.



**Nina Gliozzo** works to seek justice for plaintiffs in complex litigation nationwide. Before joining Girard Sharp, Nina clerked for the Honorable Marsha S. Berzon of the U.S. Court of Appeals for the Ninth Circuit.

Nina earned her J.D., *magna cum laude*, from the University of California, Hastings College of Law. During law school she externed for the Honorable Charles R. Breyer, U.S. District Judge for the Northern District of California. She also served as Executive Symposium Editor for the *Hastings Law Journal*, organizing a symposium featuring a conversation with former Supreme Court Justice Anthony M. Kennedy.



**Mikaela Bock** advocates for injured consumers and other purchasers in complex civil litigation.

During law school, Mikaela externed in the Northern District of California and was the national champion of the Evan A. Evans Constitutional Law Moot Court Competition. She previously worked for Teach for America, teaching 7th graders in East Palo Alto, California.





**Sean Greene** advocates for injured consumers and policyholders. He brings a unique perspective to his work, as he defended insurance companies before joining Girard Sharp.

During law school, Sean earned Moot Court Honorable Mention in Oral Advocacy and was an Officer of the Hastings Health Law Organization. Before law school, he gained extensive knowledge of insurance from working on public health initiatives to provide health care to underprivileged schoolchildren in Northeast Pennsylvania.



**Kyle Quackenbush** prosecutes class actions and other complex civil litigation, with a focus on antitrust. He has participated in all stages of litigation, including drafting pleadings, coordinating document discovery, taking depositions, preparing dispositive motions, and trial. Among other work, Kyle has contributed his skills to several antitrust cases involving the pharmaceutical industry, focusing on the interplay between antitrust and intellectual property law as well as market concentration within payor and provider networks. He was named a Northern California Super Lawyers “Rising Star” in 2020 and 2021.



Kyle also volunteers with the Federal Pro Bono Project of the Bar Association of San Francisco. In one case, he represented a plaintiff who alleged employees at Salinas Valley State Prison were deliberately indifferent to the plaintiff’s serious medical needs, in violation of the Eighth Amendment. In another case, he represented a homeowner plaintiff in settlement negotiations with Wells Fargo.

During law school, Kyle was a Summer Honors Legal Intern at the Federal Trade Commission’s San Francisco office, and a Legal Extern at the Washington State Attorney General’s Office. While at the FTC, he co-authored *The Efficiencies Defenestration, Are Regulators Throwing Valid Healthcare Efficiencies Out The Window?*, published in the winter 2017 issue of the Journal of the Antitrust and Unfair Competition Law Section of the California Lawyers Association.

In addition to his membership in the American Bar Association and the Bar Association of San Francisco, Kyle participates in the Barristers Association of San Francisco, working to provide information and resources to lawyers in their first ten years of practice.

**Jessica Cook** focuses on a variety of class actions and other complex litigation matters. Jessica is a graduate of Golden Gate University School of Law. She attended the law school evening program while working full-time at Girard Sharp.



During law school Jessica competed on multiple moot court teams and in her last year she was co-chair of the Moot Court Board. She also served as an elected representative on the Student Bar Association.

**Jordan Isern** advocates for plaintiffs in class actions and other complex litigation, with a focus on antitrust. Jordan is a graduate of Harvard Law School. There, she served as Executive Technical Editor of the Civil Rights–Civil Liberties Law Review and published several articles for the Covid-19 and the Law Series Blog.

Before joining Girard Sharp, Jordan worked for the Department of Justice, Antitrust Division, and externed for the Honorable Michael Baylson of the Eastern District of Pennsylvania. She also interned at several nonprofit legal organizations, including the Asian American Legal Defense and Education Fund and the Pennsylvania Innocence Project.



Outside of the courtroom, Jordan is an avid outdoor enthusiast. She enjoys rock climbing and has backpacked parts of the Appalachian, Continental Divide, and Pacific Crest trails.

**Kimberly Macey** advocates for clients in consumer, antitrust, and other complex civil cases.

Kimberly graduated from the University of California, Hastings in 2021. During law school, she competed on and coached multiple Moot Court teams, and during her third year, she served as Co-Chair for the UC Hastings Moot Court team.



Before law school, Kimberly worked as a legal assistant at a full-service law firm. She received her B.S. in Criminal Justice from Northern Arizona University in 2016.



## Of Counsel

---

**Michael S. Danko** is a renowned trial lawyer with more than 25 years of legal experience. Mike represents individuals who have suffered catastrophic personal injuries, as well as families of wrongful death victims in cases involving product defects, defective medications and medical devices, airplane and helicopter accidents, and dangerous structures. He has tried cases in state and federal courts throughout the country and has won numerous eight-figure verdicts on behalf of his clients.



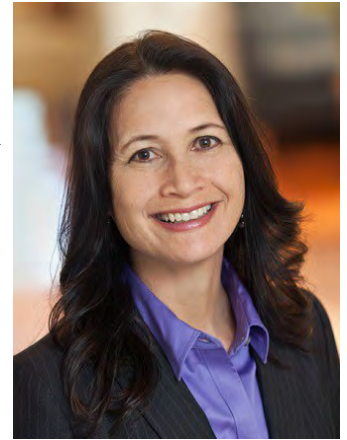
Mike represents dozens of victims of a Pacific Gas & Electric gas line explosion and serves on the Plaintiffs' Steering Committee in a California state coordinated proceeding *San Bruno Fire Cases*, JCCP No. 4648. He also serves on the Science Committee for Plaintiffs in *In re Yasmin and Yaz (Drospirenone) Marketing, Sales Practices and Products Liability Litigation*, MDL No. 2100.

In 2009, Mike won a \$15 million jury verdict for a client injured by a defective aircraft part, which earned him a nomination for 2009 California Trial Lawyer of the Year by the Consumer Attorneys of California.

Mike's trial advocacy has helped bring about significant reforms and changes to corporate policies. As lead counsel in *In re Deep Vein Thrombosis Litigation*, MDL No. 1606 (N.D. Cal.), he represented more than one hundred air travelers who suffered strokes, pulmonary emboli, or heart attacks as a result of airline-induced blood clots. He developed theories of liability and proof regarding the cause of his clients' injuries that led to virtually every major air carrier advising air travelers of the risks of deep vein thrombosis and measures to mitigate those risks. Mike also represented parents of children who were injured or killed by a popular candy made by a foreign manufacturer. His work in proving that the candy's unusual ingredients and consistency made it a choking hazard resulted in the candy being removed from Costco and Albertson's stores nationwide, and helped persuade the FDA to ban the candy from further import into the United States.

Mike has been named a Northern California Super Lawyer each year since the award's inception in 2004. He is a *Lawdragon 500* finalist. In 2010, Mike was named one of the Best Lawyers in America. He is a member of the American Association for Justice, the Lawyer Pilots Bar Association and the Consumer Attorneys of California, where he serves on the board of governors. Mike received his A.B. degree from Dartmouth College, *magna cum laude*, in 1980, and earned his J.D. from the University of Virginia School of Law in 1983.

**Kristine Keala Meredith** is a trial attorney specializing in product liability litigation. Kristine served as co-lead counsel with Michael Danko representing more than one hundred air travelers who suffered strokes, pulmonary emboli, or heart attacks as a result of airline-induced blood clots in *In re Deep Vein Thrombosis Litigation*, MDL No. 1606.



Kristine served on the Law and Motion committee in *In re Yasmin and Yaz (Drospirenone) Marketing, Sales Practices and Products Liability Litigation*, MDL No. 2100, where she assisted in the successful opposition to 15 *Daubert* motions in fewer than three weeks. Before she began representing plaintiffs, Kristine worked on the national defense counsel teams for medical device manufacturers in multi-district litigation including *In re Silicone Gel Breast Implants Product Liability Litigation*, MDL No. 926, and *In re Orthopedic Bone Screw Product Liability Litigation*, MDL No. 1014. She also represented doctors and hospitals in defense of medical malpractice actions, where she worked with some of the world's leading medical experts.

In 2010, Kristine was named a Northern California Super Lawyer. She is currently an officer of the American Association for Justice and the San Mateo County Trial Lawyers Association. She is also a member of the San Francisco Trial Lawyers Association and the Consumer Attorneys of California. She is a former chair of the Minority Issues Committee of the San Francisco Bar Association Barrister Club.

Kristine obtained her B.S. with honors from the University of California at Davis and was awarded a scholarship to attend Brigham Young University's J. Reuben Clark Law School. While in law school, she was awarded the Distinguished Student Service Award and spent a semester at Howard University Law School in Washington, D.C., as a member of the faculty/student diversity exchange.

## Favorable Outcomes and Significant Recoveries

### Sexual Abuse & Women's Advocacy

---

*In re Pacific Fertility Center Litigation*, No. 3:18-cv-01586-JSC (N.D. Cal.). Girard Sharp represented IVF patients of Pacific Fertility Center whose eggs and embryos were damaged or destroyed in a cryopreservation tank failure. On June 11, 2021, after a three-week trial, a jury found the tank manufacturer, Chart Industries Inc., liable for a defect in the tank and for its negligent failure to recall a part that malfunctioned—a “controller” meant to monitor liquid nitrogen levels. The jury awarded more than \$14 million in damages to three women who lost eggs and a married couple who lost embryos in the catastrophic March 2018 tank failure. The three women were each awarded between \$2 million and \$3 million, and the couple was awarded \$7.2 million. Girard Sharp represents over 80 families who lost reproductive material in the tank failure.

*In re USC Student Health Center Litigation*, No. 2:18-cv-06115 (C. D. Cal.). Girard Sharp served as co-lead counsel in a class action against the University of Southern California and campus gynecologist Dr. George Tyndall on behalf of women who were sexually abused by

Tyndall during his long tenure at USC. A federal judge approved a class action settlement with USC that establishes a \$215 million fund and gives every survivor a choice in how to participate. The claims process received wholehearted praise from class members for the compassionate and generous approach. The settlement also requires USC to adopt and implement procedures for identification, prevention and reporting of sexual and racial misconduct, as well as to recognize the harm done to all of Tyndall's patients.

*A.B. v. The Regents of the University of California*, No. 2:20-cv-09555-RGK-E (C.D. Cal.). Girard Sharp lawyers filed and successfully resolved a class action lawsuit against UCLA on behalf of women treated by UCLA gynecologist Dr. James Heaps. Heaps was charged with sexual battery and exploitation of patients while working as a staff gynecologist at UCLA—a position he held for almost 30 years. The UC Regents agreed to resolve the claims for \$73,000,000, plus substantial injunctive-relief measures, and the District Court granted final approval of the settlement.

## Antitrust

---

*In re Restasis Antitrust Litigation*, No. 1:18-md-02819 (E.D.N.Y.). Girard Sharp serves as co-lead counsel in this indirect purchaser class action alleging suppression of generic competition to the dry-eye prescription drug Restasis. The plaintiffs alleged that Allergan fended off more affordable generic alternatives through a multi-faceted scheme; among other conduct, Allergan sold Restasis patent rights to the St. Regis Mohawk Tribe, which licensed them back to Allergan, which then invoked tribal sovereign immunity in response to a patent challenge. After certifying both third-party payer and consumer classes against headwinds stirred up by the First Circuit's *Asacol* decision, Girard Sharp helped secure a \$30 million settlement, which is pending final approval, for the end-payer class. U.S. District Judge Nina Gershon found that Girard Sharp and its co-counsel were "extremely qualified and able to represent the certified class."

*In re Lidoderm Antitrust Litigation*, No. 14-md-02521 (N.D. Cal.). Girard Sharp lawyers were appointed co-lead counsel in a class action on behalf of end-purchasers of the prescription drug Lidoderm who alleged that two drug companies, Endo Pharmaceuticals and Teikoku Pharma, unlawfully paid a third, Watson Pharmaceuticals, to delay the launch of more affordable generic Lidocaine patches. The firm secured a \$104.75 million settlement on the eve of trial.

*In re Capacitors Antitrust Litigation*, No. 3:17-md-02801-JD (N.D. Cal.). Girard Sharp serves on the plaintiffs' executive committee for the certified direct purchaser class in this MDL against a large group of defendant manufacturers that allegedly conspired to raise, fix, maintain and stabilize prices of aluminum, tantalum and film capacitors—products commonly found in computers, vehicles, smart devices and other electronics. The defendants' global conspiracy was centered in East Asia. Girard Sharp was responsible for developing the case against U.S. defendant KEMET, which ultimately agreed to pay \$62 million—over 12% of non-trebled damages.

*In re TFT-LCD (Flat Panel) Antitrust Litigation*, MDL No. 1827 (N.D. Cal.). The firm served as liaison counsel for the direct purchaser plaintiffs and certified direct purchaser class in this multidistrict antitrust litigation against makers of LCD screens alleging a far-reaching conspiracy to raise, fix, maintain and stabilize prices. The direct purchasers achieved settlements of more than

\$400 million.

*In re Aggrenox Antitrust Litigation*, No. 14-md-2516 (D. Conn.). Girard Sharp served on the Plaintiffs' Executive Committee in this "pay-for-delay" litigation accusing Teva Pharmaceuticals USA, Inc. and Boehringer Ingelheim Pharmaceuticals, Inc. of illegally agreeing to keep generic Aggrenox off the market. The case settled for \$54 million.

*In re Solodyn Antitrust Litigation*, No. 14-md-2503 (D. Mass.). The firm served on the Plaintiffs' Executive Committee in this action alleging that Medicis Pharmaceuticals and several generic drug manufacturers conspired to monopolize the market for the acne drug Solodyn. The case settled for over \$40 million in cash.

*In re Natural Gas Antitrust Cases I, II, III and IV*, J.C.C.P. No. 4221 (Cal. Super. Ct. San Diego Cty.). Girard Sharp served on the leadership team in coordinated antitrust litigation against numerous natural gas companies for manipulating the California natural gas market. The firm helped achieve settlements of nearly \$160 million.

## Securities and Financial Fraud

---

*In re Woodbridge Investments*, No. 2:18-cv-00103 (C.D. Cal.). Girard Sharp served as lead counsel representing investors in securities issued by the Woodbridge Group of Companies. Woodbridge and its founder Robert Shapiro operated a massive Ponzi scheme from 2012 through 2017; Shapiro is currently serving a 25-year sentence at Lompoc federal prison. Plaintiffs alleged that Comerica Bank, which serviced all the Woodbridge accounts, knew of and substantially assisted the fraud. Acting as lead counsel, Girard Sharp worked closely with the Woodbridge bankruptcy trustee and prevailed in large part against Comerica's motion to dismiss. After substantial discovery, and with class certification fully briefed, the parties (including the trustee) negotiated a \$54.2 million settlement, which U.S. District Judge Dolly M. Gee approved in 2021.

*Magowski v. The Parking REIT, Inc.*, No. 24-C-19-003125; *Barene v. The Parking REIT, Inc.*, No. 24-C-19-003527 (Circuit Court for Baltimore City). Girard Sharp and co-counsel sued The Parking REIT's CEO and Chairman, Michael Shustek, along with the REIT's directors, on behalf of investors who faced a complete loss on their investments after Shustek carried out a series of alleged self-dealing transactions in connection with internalizing the company's external manager. After deposing whistleblowers, Girard Sharp coordinated negotiations among The Parking REIT, the individual defendants, plaintiffs in a separate suit in federal court in Nevada, and a potential acquirer to arrive at a settlement that provided for cash payments to the stockholders, an injection of new capital into the company, and forfeiture of Shustek's right to receive additional shares. The court described this result as "well more than adequate" as it delivered more than half the maximum potential recovery in the case.

*Daccache v. Raymond James Financial, Inc.*, No. 1:16-cb-21575-FAM (S.D. Fla.). Girard Sharp served as a member of the leadership team representing investors in various Jay Peak EB-5 Immigrant Investor Program project offerings. The investors' funds were diverted and misappropriated instead of being applied to the intended project to develop the area surrounding the Jay Peak Ski Resort. In June 2017, the court approved a settlement of \$150 million for the investors.



*In re Oppenheimer Rochester Funds Group Securities Litigation*, No. 09-md-02063-JLK (D. Colo). Girard Sharp represented investors who were misled by the Oppenheimer California Municipal Bond Fund about the investment risks associated with the fund's holdings. On November 6, 2017, the Honorable John L. Kane approved a \$50.75 million settlement for the investors.

*In re Sears Holdings Corporation Stockholder and Derivative Litigation*, Consolidated C.A. No. 11081-VCL (Del. Ch.). Girard Sharp served as co-lead counsel on behalf of the company in this derivative suit charging CEO and majority owner Edward S. Lampert and other directors with depriving stockholders of the full value of 266 of Sears Holdings' most valuable properties. Girard Sharp obtained a \$40 million settlement for Sears Holdings Corporation in the Court of Chancery.

*In re Digex, Inc. Shareholder Litigation*, Consol. No. 18336 (Del. Ch.). Girard Sharp represented the Kansas Public Employees Retirement System, one of two institutional lead plaintiffs in this lawsuit; minority stockholders of Digex, Inc. sued to enjoin MCI WorldCom's planned acquisition of a controlling interest in Digex via a merger with Intermedia Communications, Inc. A settlement approved by the Delaware Chancery Court secured \$165 million in MCI WorldCom stock and \$15 million in cash for Digex shareholders, as well as non-cash benefits valued at \$450 million.

*Billitteri v. Securities America, Inc.*, No. 3:09-cv-01568-F (N.D. Tex.). Girard Sharp served as lead counsel in an action against broker-dealer Securities America, Inc. and its corporate parent, Ameriprise, Inc. in connection with sales of investments in the Provident Royalties and Medical Capital investment schemes. Daniel Girard coordinated negotiations resulting in a \$150 million settlement, with \$80 million allocated to class plaintiffs represented by Girard Sharp and \$70 million allocated to individual investors who had initiated arbitration proceedings. The settlements returned over 40% of investment losses. In approving the settlement, the court found that Girard Sharp attorneys "possess great competence and experience, and the result reached in this case perfectly exemplifies their abilities. The Court has been extremely impressed with the conduct, skill, and accomplishment of Class Counsel throughout this litigation."

*In re Lehman Brothers Equity/Debt Securities Litigation*, No. 08-Civ-5523 (S.D.N.Y.). Girard Sharp was appointed class counsel for a certified class of retail investors in structured products sold by UBS Financial Services, Inc., following the collapse of Lehman Brothers Holdings, Inc. in the largest bankruptcy in American history. The plaintiffs alleged that UBS misrepresented Lehman's financial condition and failed to disclose that the "principal protection" feature of many of the notes depended upon Lehman's solvency. Girard Sharp negotiated a settlement that established a \$120 million fund to resolve these claims.

*In re Prison Realty Securities Litigation*, No. 3:99-0452 (M.D. Tenn.). Girard Sharp served as co-lead counsel in this securities class action brought against a real estate investment trust and its officers and directors relating to a merger between Corrections Corporation of America and CCA Prison Realty Trust. The court approved a settlement for over \$120 million in cash and stock.

*In re American Express Financial Advisors Securities Litigation*, No. 04-cv-01773-DAB (S.D.N.Y.). Girard Sharp served as co-lead counsel in this class action on behalf of individuals who bought financial plans and invested in mutual funds from American Express Financial Advisors. The case alleged that American Express steered its clients into underperforming "shelf

space funds” to reap kickbacks and other financial benefits. The court granted final approval of a settlement providing \$100 million in cash and other relief.

*Scheiner v. i2 Technologies, Inc.*, No. 3:01-CV-418-H (N.D. Tex.). Girard Sharp represented the lead plaintiff—the Kansas Public Employees Retirement System—and served as co-lead counsel on behalf of investors in i2 Technologies. The Honorable Barefoot Sanders approved cash settlements for \$88 million from the company, its officers, and its former auditor Arthur Andersen. As part of the settlement, i2 agreed to significant corporate governance reforms.

*In re Peregrine Financial Group Customer Litigation*, No. 1:12-cv-5546 (N.D. Ill.). As one of two co-lead counsel, Girard Sharp prosecuted this litigation under the Commodities Exchange Act and state law on behalf of investors who lost millions in the collapse of a commodities futures merchant. The litigation generated recoveries of more than \$75 million. The court wrote that counsel “conferred an impressive monetary benefit on the Settlement Class: the funds recovered from U.S. Bank are substantial—both in absolute terms and when assessed in light of the risks of establishing liability and damages” [ECF No. 441].

*CalSTRS v. Qwest Communications*, No. 415546 (Cal. Super. Ct. S.F. Cty.). Girard Sharp represented the California State Teachers Retirement System in this opt-out securities fraud case against Qwest Communications, Inc. and certain of its officers and directors, as well as its outside auditor Arthur Andersen. The case resulted in a precedent-setting \$45 million settlement for California schoolteachers.

*In re SLM Corp. Securities Litigation*, No. 08-Civ-1029-WHP (S.D.N.Y.). Girard Sharp served as lead counsel representing investors of SLM Corporation who alleged Sallie Mae, the leading provider of student loans in the United States, misled the public about its financial performance in order to inflate the company’s stock price. After achieving nationwide class certification, Girard Sharp negotiated a settlement that established a \$35 million fund to resolve the investors’ claims.

*In re Winstar Communications Securities Litigation*, No. 01 Civ. 11522 (S.D.N.Y.). Girard Sharp represented Allianz of America, Inc., Fireman’s Fund and other large private institutional investors against Grant Thornton and other defendants on claims arising out of plaintiffs’ investments in Winstar Communications, Inc. The firm achieved a settlement on the eve of trial that provided a recovery rate over 30 times higher than what class members received in a related class action. After deduction of attorneys’ fees, the fund returned 78.5% of potentially recoverable losses.

*In re Oxford Tax Exempt Fund Securities Litigation*, No. WMN-95-3643 (D. Md.). Girard Sharp served as co-lead counsel in class and derivative litigation brought on behalf of a real estate limited partnership with assets of over \$200 million. The parties reached a settlement providing for exempt issuance of securities under section 3(a)(10) of the Securities Act of 1933, public listing of units, and additional benefits valued at over \$10 million.

*Calliott v. HFS, Inc.*, No. 3:97-CV-0924-L (N.D. Tex.). Girard Sharp intervened on behalf of an institutional client in this securities class action arising out of the bankruptcy of Amre, Inc., a seller of home remodeling and repair services. After being designated lead counsel under the Private Securities Litigation Reform Act, Girard Sharp negotiated and obtained court approval of

settlements totaling \$7.3 million.

*In re Towers Financial Corporation Noteholders Litigation*, MDL No. 994 (S.D.N.Y.). This class action was brought against promoters and professionals linked to a failed investment scheme that the SEC described at the time as being the “largest Ponzi scheme in U.S. history.” The case resulted in \$6 million in partial settlements and a \$250 million judgment entered against four senior Towers executives. Girard Sharp served as liaison counsel and as a Plaintiffs’ Executive Committee member. The court stated that “class counsel—particularly plaintiffs’ liaison counsel, Daniel Girard—has represented the plaintiffs diligently and ably in the several years that this litigation has been before me.” 177 F.R.D. 167, 171 (S.D.N.Y. 1997).

## Deceptive Trade Practices

---

*In re Hyundai and Kia Horsepower Litigation*, No. 02CC00287 (Cal. Super. Ct. Orange Cty.). Girard Sharp served as lead counsel in this coordinated nationwide class action against Hyundai for falsely advertising the horsepower ratings of more than 1 million vehicles over a ten-year period. The case was aggressively litigated on both sides over several years. In all, over 850,000 Hyundai vehicle owners received notice of the settlement, which was valued at \$125 million and which provided cash and other benefits to class members.

*In re Chase Bank USA, N.A. “Check Loan” Contract Litigation*, No. 09-2032 (N.D. Cal.). Girard Sharp and several other firms led this nationwide class action alleging deceptive marketing and loan practices by Chase Bank USA, N.A. After certifying a nationwide class, the Honorable Maxine M. Chesney granted final approval of a \$100 million settlement benefiting Chase cardholders.

*In re Hyundai and Kia Fuel Economy Litigation*, No. 2:13-ml-2424 (C.D. Cal.). In a lawsuit alleging false advertising in connection with the fuel efficiency of various Hyundai and Kia models, the firm served as liaison counsel and in that capacity regularly reported to the court and coordinated a wide-ranging discovery process. The case resulted in a nationwide class action settlement with an estimated value of up to \$120 million.

*In re Providian Credit Card Cases*, J.C.C.P. No. 4085 (Cal. Super. Ct. San Francisco Cty.). Girard Sharp served as court-appointed co-lead counsel in this nationwide class action brought on behalf of Providian credit-card holders. The suit alleged that Providian engaged in unlawful, unfair and fraudulent business practices in connection with marketing and assessing fees for its credit cards. The Honorable Stuart Pollack approved a \$105 million settlement, plus injunctive relief—one of the largest class action recoveries in consumer credit-card litigation.

*In re MCI Non-Subscriber Telephone Rates Litigation*, MDL No. 1275 (S.D. Ill.). Girard Sharp served as co-lead counsel and recovered an \$88 million settlement for MCI telephone subscribers who were charged rates and surcharges applicable to non-subscribers instead of the lower advertised rates. In approving the settlement, the Honorable David Herndon highlighted “the complexity of the issues involved; the vigorous opposition Plaintiffs’ counsel faced from sophisticated and well-funded Defendants represented by skilled counsel; the achievement of a very large cash settlement fund under these conditions”; and the “design and implementation of a computerized claims process,

which appears to have been highly successful.” Daniel Girard argued the key motions in the case and designed the claim procedure.

*Skold v. Intel Corp.*, No. 1-05-CV-039231 (Cal. Super. Ct., Santa Clara Cty.). Girard Sharp represented Intel consumers through a decade of hard-fought litigation, ultimately certifying a nationwide class under an innovative “price inflation” theory and negotiating a settlement that provided refunds and \$4 million in cy pres donations. In approving the settlement, Judge Peter Kirwan wrote: “It is abundantly clear that Class Counsel invested an incredible amount of time and costs in a case which lasted approximately 10 years with no guarantee that they would prevail. . . . Simply put, Class Counsel earned their fees in this case.”

*Steff v. United Online, Inc.*, No. BC265953, (Los Angeles Super. Ct.). This nationwide class action was brought against NetZero, Inc. and its parent, United Online, Inc. by former NetZero customers. Plaintiffs alleged that defendants falsely advertised their internet service as unlimited and guaranteed for a specific period of time. The Honorable Victoria G. Chaney of Los Angeles Superior Court granted final approval of a settlement that provided full refunds to customers whose services were cancelled, and which also placed restrictions on Defendants’ advertising.

*Stoddard v. Advanta Corp.*, No. 97C-08-206-VAB (Del. Super. Ct.). This nationwide class action was brought on behalf of cardholders who were promised a fixed APR for life in connection with balance transfers, but whose APR was then raised pursuant to a notice of change in terms. The Honorable Vincent A. Bifferato appointed the firm as co-lead counsel and approved a \$7.25 million settlement.

*Khaliki v. Helzberg’s Diamond Shops, Inc.*, No. 11-0010-CV-W-NKL (W.D. Mo.). Girard Sharp and co-counsel represented consumers who alleged deceptive marketing in connection with the sale of princess-cut diamonds. The court approved a favorable settlement, recognizing “that Class Counsel provided excellent representation” and obtained “a favorable result relatively early in the case, which benefits the Class while preserving judicial resources.” The court further recognized that “Class Counsel faced considerable risk in pursuing this litigation on a contingent basis, and obtained a favorable result for the class given the legal and factual complexities and challenges presented.”

*In re Tyson Foods Inc., Chicken Raised Without Antibiotics Consumer Litigation*, No. RDB- 08-1982 (D. Md.). Girard Sharp served as Class Counsel on behalf of consumers who purchased chicken products misleadingly labeled as having been “raised without antibiotics.” After discovery, counsel negotiated a cash settlement that required Tyson Foods to pay class members and make substantial cy pres contributions to food banks.

## Defective Products

---

*Bentley v. LG Electronics U.S.A., Inc.*, No. 2:19-cv-13554-MCA-MAH (D.N.J.). Girard Sharp served as co-lead counsel representing consumers who paid premium prices for LG refrigerators prone to stop cooling, resulting in spoiled food and medicine, due to a malfunctioning linear compressor part. The plaintiffs reached a settlement under which every refrigerator owner could receive several thousand dollars in compensation, and those without documentation could recover



up to \$450. The class members also received a five-year extended warranty covering the full cost of repairs for cooling failures. In approving the settlement, U.S. District Judge Madeline Cox Arleo noted that “the settlement is available to over a million and a half Americans who purchased allegedly defective refrigerators; there is absolutely no -- there is no cap on the award that a claimant can get. Claimants will be made whole, plus the additional warranty.”

*Weeks v. Google LLC*, No. 18-cv-00801-NC (N.D. Cal.). Girard Sharp served as co-lead counsel representing owners of Google Pixel and Pixel XL smartphones. The lawsuit alleged that a defect in the Google phones caused the microphones to fail; as a result, users were unable to make calls, dictate texts, record audio, search the web with voice command, or use the advertised Google Assistant feature. On December 6, 2019, the court approved a \$7.25 million settlement for the class that it deemed “excellent.”

*In re Nexus 6P Products Liability Litigation*, No. 5:17-cv-02185-BLF (N.D. Cal.). Girard Sharp was appointed as co-lead counsel in a class action alleging that Nexus 6P smartphones suffer from a defect that renders the phones inoperable through an endless boot-loop cycle and an accelerated battery drain that causes the phones to shut off prematurely. On November 11, 2019, the Honorable Beth L. Freeman approved a \$9.75 million class settlement, stating in part that “Class counsel has extensive experience representing plaintiffs and classes in complex litigation and consumer class actions.... [T]he quality of their work is reflected in the results achieved for the class.” 2019 WL 6622842, at \*10, \*12 (N.D. Cal. Nov. 12, 2019).

*In re iPod Cases*, JCCP No. 4355 (Cal. Super. Ct. San Mateo Cty.). Girard Sharp, as court-appointed co-lead counsel, negotiated a settlement that provided warranty extensions, battery replacements, cash payments, and store credits for class members who experienced battery failure. In approving the settlement, the Honorable Beth L. Freeman wrote that Girard Sharp attorneys are “extremely well qualified” and negotiated a “significant and substantial benefit” for the class.

*Sugarman v. Ducati North America, Inc.*, No. 5:10-cv-05246-JF (N.D. Cal.). The firm served as class counsel on behalf of owners of Ducati motorcycles whose fuel tanks degraded and deformed due to incompatibility with the motorcycles’ fuel. In January 2012, the Honorable Jeremy D. Fogel approved a settlement that provided an extended warranty and repairs, commenting: “The Court recognizes that class counsel assumed substantial risks and burdens in this litigation. Representation was professional and competent; in the Court’s opinion, counsel obtained an excellent result for the class.” 2012 WL 113361, at \*6 (N.D. Cal. Jan. 12, 2012).

*Parkinson v. Hyundai Motor America*, No. CV 8:06-0345 (C.D. Cal.). Girard Sharp served as class counsel in this class action involving allegations that the flywheel and clutch system in certain Hyundai vehicles was defective. After achieving nationwide class certification, Girard Sharp negotiated a settlement that provided from 50% to 100% in reimbursement to class members for their repairs, depending on their vehicle’s mileage at the time of repair. The settlement also provided full reimbursement for rental car expenses for class members who rented a vehicle while flywheel or clutch repairs were being performed. After approving the settlement, the court wrote, “Perhaps the best barometer of . . . the benefit obtained for the class . . . is the perception of class members themselves. Counsel submitted dozens of letters from class members sharing their joy, appreciation, and relief that someone finally did something to help them.” 796 F. Supp. 2d 1160, 1175 (C.D. Cal. 2010).

*In re Medtronic, Inc. Implantable Defibrillators Products Liability Litigation*, MDL No. 1726 (D. Minn.). Girard Sharp served on the discovery and law committees and performed briefing, discovery, and investigative work in this lawsuit that followed a February 2005 recall of certain models of Medtronic implantable cardioverter defibrillator devices. The controversy was resolved for \$75 million.

*Browne v. American Honda Motor Co., Inc.*, No. CV 09-06750 (C.D. Cal.). Girard Sharp served as co-lead counsel representing plaintiffs who alleged that about 750,000 Honda Accord and Acura TSX vehicles had brake pads that wore out prematurely. Girard Sharp negotiated, and the court approved, a settlement valued at \$25 million that provided reimbursements to class members and made improved brake pads available.

*In re General Motors Dex-Cool Cases*, No. HG03093843 (Cal. Super Ct. Alameda Cty.). These class actions alleged that General Motors' Dex-Cool engine coolant damaged certain vehicles' engines and formed a rusty sludge that caused vehicles to overheat. After consumer classes were certified in both Missouri and California, General Motors agreed to pay cash to class members nationwide. On October 27, 2008, the California court granted final approval of the settlement.

*Roy v. Hyundai Motor America*, No. SACV 05-483-AHS (C.D. Cal.). Girard Sharp served as court-appointed co-lead counsel in this nationwide class action alleging a defect in the air-bag system in Hyundai Elantra vehicles. Girard Sharp helped negotiate a settlement under which Hyundai agreed to repair the air-bag systems in the vehicles it sold and leased to class members. Hyundai also agreed to reimburse class members for transportation expenses and administer an alternative dispute resolution program for trade-ins and buy-backs. In approving the settlement, the Honorable Alicemarie H. Stotler described the settlement as "pragmatic" and a "win-win" for all concerned.

## Privacy Violations

---

*In re Lenovo Adware Litigation*, MDL No. 2624 (N.D. Cal.). Girard Sharp is co-lead counsel for a class of computer purchasers whose online activities were surreptitiously monitored by pre-installed software. The undisclosed spyware degraded the computers' performance, operating continuously in the background as it analyzed browsing activity and injected ads into visited webpages. The Honorable Ronald M. Whyte certified a nationwide indirect purchaser class for trial. 2016 WL 6277245 (N.D. Cal. Oct. 27, 2016). After the defendants agreed to a non-reversionary cash settlement, Girard Sharp helped design a claims process that allowed each participating class member to choose between (1) completing a short online claim form to receive an estimated \$40 cash payment for every purchased computer, or (2) submitting receipts or other documentation to recover sums actually expended as a result of the spyware being on the computer, up to \$750. The Honorable Haywood S. Gilliam granted final approval of the settlement, *see* 2019 WL 1791420 (N.D. Cal. Apr. 24, 2019), and Girard Sharp continues to supervise distribution of the fund.

*Corona v. Sony Pictures Entertainment*, No. 2:14-cv-09600-RGK-SH (C.D. Cal.). Girard Sharp served as co-lead counsel in a class action brought on behalf of 15,000 current and former employees of Sony Pictures Entertainment following a cyberattack attributed to North Korean

intelligence as retaliation for release of the film *The Interview*. In April 2016, the court approved a class settlement that reimbursed actual losses in full and provided extended credit monitoring—a structure adopted in many subsequent data breach settlements.

*In re Yahoo Mail Litigation*, No. 5:13-cv-04980-LHK (N.D. Cal.). Girard Sharp represented non-Yahoo email subscribers whose emails with Yahoo email subscribers were illegally intercepted and scanned by Yahoo. The court, in a widely-cited opinion, certified a nationwide class for injunctive-relief purposes. 308 F.R.D. 577 (N.D. Cal. 2015). With cross-motions for summary judgment fully briefed, the parties settled. Yahoo agreed to restructure its email delivery architecture to ensure that incoming and outgoing email would no longer be intercepted while in transit—bringing its email scanning practices into compliance with applicable law—and to disclose its email scanning practices on its website. The court noted that “Class Counsel achieved these benefits only after several years of litigation,” which was conducted “in an effective and cost-efficient manner.” 2016 WL 4474612, at \*10 (N.D. Cal. Aug. 25, 2016).

*In re The Home Depot, Inc. Customer Data Security Breach Litigation*, MDL No. 2583 (N.D. Ga.). The Honorable Thomas W. Thrash, Jr. appointed Girard Sharp to the Plaintiffs’ Executive Committee in this MDL arising from a breach of Home Depot customers’ credit and debit card information. Under the court-approved settlement, class members with documented claims could receive up to \$10,000, and the defendant paid an additional \$6.5 million to provide 18 months of identity monitoring services for the benefit of class members. 2016 WL 6902351, at \*4 (N.D. Ga. Aug. 23, 2016). Judge Thrash described the settlement as “an outstanding result for the Class in a case with a high level of risk,” *id.* at \*5, and further noted that “Class Counsel obtained an exceptional result . . . .” 2017 WL 9605208, at \*1 (N.D. Ga. Aug. 1, 2017).

*In re Target Corp. Customer Data Security Breach Litigation*, MDL No. 2522 (D. Minn.). Girard Sharp served on the Plaintiffs’ Steering Committee representing consumers whose personal and financial information was compromised in a breach of Target’s point-of-sale systems. After plaintiffs defeated Target’s motion to dismiss, *see* 66 F. Supp. 3d 1154 (D. Minn. 2014), the parties agreed to a class settlement that was approved by the MDL court and upheld on appeal, *see* 892 F.3d 968 (8th Cir. 2018). The settlement requires changes to Target’s information security practices and delivered cash recoveries to class members under a simplified claim procedure.

*In re Experian Data Breach Litigation*, No. 15-01592 (C.D. Cal.). Girard Sharp served on the Plaintiffs’ Steering Committee in this litigation arising out of a breach of Experian’s electronic systems that compromised names, addresses, and social security numbers of T-Mobile subscribers. The Honorable Andrew J. Guilford in 2019 granted final approval of a settlement that established a \$22 million fund and provided identity theft protection services for the benefit of class members, commenting in part: “You folks have truly done a great job, both sides. I commend you.”

*In re Adobe Systems, Inc. Privacy Litigation*, No. 5:13-cv-05226-LHK (N.D. Cal.). Girard Sharp was appointed as lead counsel in this consolidated litigation on behalf of consumers asserting privacy and consumer fraud claims arising from a 2013 data breach. Girard Sharp obtained a pivotal ruling when the court denied Adobe’s motion to dismiss for lack of standing, ruling that the Supreme Court’s decision in *Clapper v. Amnesty International USA*, 133 S. Ct. 1138 (2013), did not change existing standing jurisprudence. 66 F. Supp. 3d 1197 (N.D. Cal. 2014). Before this ruling, many data breach defendants had obtained dismissals for lack of standing based on *Clapper*. The *Adobe* ruling has been followed by a number of courts, including the Seventh Circuit Court of

Appeals in *Remijas v. Neiman Marcus Group, LLC*, 794 F.3d 688, 693–94 (7th Cir. 2015).

*Prather v. Wells Fargo Bank, N.A.*, No. 17-cv-00481 (N.D. Ill.). Girard Sharp served as co-lead counsel in an action alleging that Wells Fargo used an automatic telephone dialing system to repeatedly call the cellular phone numbers of persons with no prior affiliation with Wells Fargo. On December 10, 2019, the Honorable Manish S. Shah of the Northern District of Illinois granted final approval of a settlement that established a fund of \$17,850,000 for class members.

*Whitaker v. Health Net of California, Inc.*, No. 2:11-cv-00910-KJM-DAD (E.D. Cal.); *Shurtleff v. Health Net of California, Inc.*, No. 34-2012-00121600-CU-CL (Cal. Super Ct. Sacramento Cty.). Girard Sharp served as co-lead counsel in this patient privacy action. On June 24, 2014, the court granted final approval of a settlement that provided class members with credit monitoring, established a \$2 million fund to reimburse consumers for related identity theft incidents, and required material upgrades to and monitoring of Health Net’s information security protocols.

*In re Sony BMG CD Technologies Litigation*, No.1:05-cv-09575-NRB (S.D.N.Y.). Girard Sharp served as co-lead counsel for a class of consumers who alleged that Sony BMG incorporated “Digital Rights Management” software into its music CDs, violating the Computer Fraud and Abuse Act, 18 U.S.C. § 1030 *et seq.*, and rendering the consumers’ computers vulnerable to viruses and spyware. The firm negotiated a settlement that required Sony BMG to promptly recall all affected CDs and provide “clean” CDs and cash to class members.

*In re Countrywide Financial Corp. Customer Data Security Breach Litigation*, MDL No. 1988 (W.D. Ky.). Girard Sharp served on the Plaintiffs’ Executive Committee representing a class of millions of actual and potential customers of Countrywide whose personal information was stolen by a former Countrywide employee and then sold to other mortgage lenders. The class settlement approved by the court provided for free credit monitoring, reimbursement of out-of-pocket expenses incurred as a result of the theft, and reimbursement of up to \$50,000 per class member for identity theft losses.

*Smith v. Regents of the University of California, San Francisco*, No. RG-08-410004 (Cal. Super Ct. Alameda Cty.). Girard Sharp represented a patient who alleged that UCSF’s disclosure of its patients’ medical data to outside vendors violated California’s medical privacy law. The firm succeeded in negotiating improvements to UCSF’s privacy procedures on behalf of a certified class of patients of UCSF Medical Center. In approving the stipulated permanent injunction, the Honorable Stephen Brick found that “Smith has achieved a substantial benefit to the entire class and the public at large.”

## Other Consumer Protection Matters

---

*Spegele v. USAA Life Insurance Co.*, No. 5:17-cv-967-OLG (W.D. Tex.). After obtaining nationwide class certification under Texas law, Girard Sharp and co-counsel reached a \$90 million settlement of claims that USAA Life Insurance systematically overcharged policyholders under their policies’ “cost of insurance” terms. The settlement was approved as fair, reasonable, and adequate in 2021 and benefited owners of 122,000 universal life insurance policies in effect since March 1, 1999.



*Larson v. John Hancock Life Insurance Company (U.S.A.)*, No. RG16813803 (Cal. Super. Ct. Alameda Cty.). Girard Sharp served as liaison counsel in this certified class action on behalf of universal life insurance policyholders alleging John Hancock overcharged more than 100,000 of its insureds, depriving them of the full value of the premiums they paid over time. On May 8, 2018, the Honorable Brad Seligman granted final approval of a \$59 million settlement.

*In re America Online Spin-Off Accounts Litigation*, MDL No. 1581 (C.D. Cal.). Girard Sharp served as court-appointed co-lead counsel in this nationwide class action on behalf of America Online subscribers who were billed for a second account without their knowledge or consent. The litigation settled for \$25 million and changes in AOL's billing and account practices.

*Mitchell v. American Fair Credit Association*, No. 785811-2 (Cal. Super. Ct. Alameda Cty.); *Mitchell v. Bankfirst, N.A.*, No. C-97-1421-MMC (N.D. Cal.). This class action was brought on behalf of California members of the American Fair Credit Association (AFCA). Plaintiffs alleged that AFCA operated an illegal credit repair scheme. The Honorable James Richman certified the class and appointed the firm as class counsel. In February 2003, the Honorable Ronald Sabraw of Alameda County Superior Court and the Honorable Maxine Chesney of the Northern District of California granted final approval of settlements valued at over \$40 million.

*In re Mercedes-Benz Tele Aid Contract Litigation*, MDL No. 1914, CV No. 07-2720-DRD (D.N.J.). Girard Sharp served as co-lead class counsel on behalf of consumers whose vehicles' navigation systems were on the verge of becoming obsolete. Counsel obtained nationwide class certification before negotiating a settlement valued at up to \$50 million. In approving the settlement, the court acknowledged that the case "involved years of difficult and hard-fought litigation by able counsel on both sides" and that "the attorneys who handled the case were particularly skilled by virtue of their ability and experience." 2011 WL 4020862, at \*4, \*8 (D.N.J. Sept. 9, 2011).

*In re LookSmart Litigation*, No. 02-407778 (Cal. Super. Ct. San Francisco Cty.). This nationwide class action was brought against LookSmart, Ltd. on behalf of consumers who paid an advertised "one time payment" to have their websites listed in LookSmart's directory, only to be charged additional fees to continue service. The court granted final approval of a class settlement valued at approximately \$20 million that provided cash and other benefits.

*In re America Online, Inc. Version 5.0 Software Litigation*, MDL No. 1341 (S.D. Fla.). Girard Sharp served as co-lead counsel in this MDL involving 45 centralized actions. The case alleged violations of state consumer protection statutes, the Computer Fraud and Abuse Act, and federal antitrust laws arising from AOL's distribution of its Version 5.0 software upgrade. The Honorable Alan S. Gold granted final approval of a \$15.5 million settlement.

*In re PayPal Litigation*, No. C-02-1227-JF (PVT) (N.D. Cal.). Girard Sharp served as co-lead counsel in this nationwide class action alleging violations of California consumer protection statutes and the Electronic Funds Transfer Act (EFTA). Plaintiffs alleged that PayPal unlawfully restricted access to consumers' PayPal accounts. On September 24, 2004, Judge Fogel granted final approval of a settlement valued at \$14.35 million in cash and returned funds, plus injunctive relief to ensure compliance with the EFTA.

*Powers Law Offices, P.C. v. Cable & Wireless USA, Inc.*, No. 99-CV-12007-EFH (D. Mass.). Girard Sharp prosecuted this class action on behalf of cable and wireless subscribers who were overcharged for recurring fees. The court granted final approval of an \$8 million settlement, and the bankruptcy court approved a 30% distribution from the unsecured creditors' fund of bankruptcy liquidation proceeds.

*Lehman v. Blue Shield of California*, No. CGC-03-419349 (Cal. Super. Ct. San Francisco Cty.). In this class action charging Blue Shield with having illegally modified the risk-tier structure of its individual and family health care plans, Girard Sharp negotiated a \$6.5 million settlement on behalf of current and former Blue Shield subscribers in California. The Honorable James L. Warren granted final approval of the settlement in March 2006.

*Telestar v. MCI, Inc.*, No. C-05-Civ-10672-JGK (S.D.N.Y.). This class action was brought on behalf of MCI commercial subscribers who were charged both interstate and intrastate fees for the same frame relay on prorate line service during the same billing period. On April 17, 2008, the Honorable John G. Koeltl approved a favorable cash settlement.

*Wixon v. Wyndham Resort Development Corp.*, No. C-07-02361 JSW (BZ) (N.D. Cal.). Girard Sharp served as class and derivative counsel in this litigation against a timeshare developer and the directors of a timeshare corporation for violations of California law. Plaintiffs alleged that the defendants violated their fiduciary duties by taking actions for the financial benefit of the timeshare developer to the detriment of the owners of timeshare interests. On September 14, 2010, the district court approved a settlement of the derivative claims.

*Berrien v. New Raintree Resorts, LLC*, No. CV-10-03125 CW (N.D. Cal.); *Benedict v. Diamond Resorts Corporation*, No. CV 12-00183-DAE (D. Hawaii). Girard Sharp pursued these actions on behalf of timeshare owners, challenging the imposition of unauthorized "special assessment" fees. The court in each case approved a favorable settlement of the claims asserted on behalf of class members who were charged the fee.

*Allen Lund Co., Inc. v. AT&T Corporation*, No. C 98-1500-DDP (C.D. Cal.). This class action was brought on behalf of small businesses whose long-distance service was switched to Business Discount Plan, Inc. The Honorable Dean D. Pregerson appointed Girard Sharp as class counsel, and thereafter approved a settlement providing full cash refunds and free long-distance telephone service.

*Mackouse v. The Good Guys – California, Inc.*, No. 2002-049656 (Cal. Super Ct. Alameda Cty.). This nationwide class action against The Good Guys and its affiliates alleged violations of the Song-Beverly Consumer Warranty Act and other California consumer protection laws. Plaintiff alleged that The Good Guys failed to honor contracts that it offered for sale to customers in exchange for protection of a purchase after the manufacturer's warranty expired. On May 9, 2003, the Honorable Ronald M. Sabraw granted final approval of a settlement providing cash refunds or services at a class member's election.

*In re H&R Block Express IRA Litigation*, MDL No. 1786 (W.D. Mo.). Girard Sharp served as co-lead counsel in this MDL involving H&R Block's marketing and sale of its "Express IRA" investment products. The firms negotiated a settlement in coordination with the New York Attorney General that delivered more than \$19 million in cash to class members—resulting in a full

recovery for consumers—as well as non-cash benefits entitling Express IRA holders to convert their investments to alternative IRAs with lower fees.

## Mass Tort

---

*In re USC Student Health Center Litigation*, No. 2:18-cv-04258-SVW-GJS (C.D. Cal.). Girard Sharp served as co-lead counsel for a class of women who alleged they were sexually assaulted or molested by a USC gynecologist. The court in February 2020 approved a settlement for \$215 million that also secured comprehensive injunctive relief at the university.

*In re Actos (Pioglitazone) Products Liability Litigation*, MDL No. 2299 (W.D. La.). Girard Sharp lawyers were appointed to the Plaintiffs' Steering Committee and served on the *Daubert* and Legal Briefing Committees in this MDL. A \$2.37 billion global settlement was achieved.

*In re Yasmin and Yaz (Drospirenone) Marketing, Sales, Practices and Products Liability Litigation*, MDL No. 2385 (S.D. Ill.). Girard Sharp lawyers were appointed to the Plaintiffs' Steering Committee and served as Co-Chair of the Plaintiffs' Law and Briefing Committee in this MDL that produced settlements worth approximately \$1.6 billion.

*In re Pradaxa (Dabigatran Etexilate) Products Liability Litigation*, MDL No. 2385 (S.D. Ill.). Girard Sharp lawyers were appointed to the Plaintiffs' Steering Committee in mass tort litigation that culminated in settlements worth approximately \$650 million.

## Government Reform

---

*Paeste v. Government of Guam*, No. 11-cv-0008 (D. Guam) (Marshall, J.). Girard Sharp and co-counsel served as class counsel in litigation against the Government of Guam on behalf of Guam taxpayers for chronic late payment of income tax refunds. After obtaining certification of a litigation class, the plaintiffs prevailed at summary judgment and obtained a permanent injunction reforming Guam's administration of tax refunds. The Ninth Circuit affirmed the injunction. 798 F.3d 1228 (9th Cir. 2015), *cert. denied*, 136 S. Ct. 2508 (2016).

*Ho v. San Francisco Unified School District*, No. C-94-2418-WHO (N.D. Cal.). This civil rights action was brought on behalf of a certified class of San Francisco public school students of Chinese descent to terminate racial and ethnic quotas imposed under a 1983 desegregation consent decree. *See Ho v. San Francisco Unified Sch. Dist.*, 965 F. Supp. 1316 (N.D. Cal. 1997), *aff'd*, 147 F.3d 854 (9th Cir. 1998); *see also* 143 Cong. Rec. S6097, 6099 (1997) (statement of Senator Hatch noting testimony of a class representative before the Senate Judiciary Committee).



**EXHIBIT 3**

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

IN RE RESTASIS (CYCLOSPORINE  
OPHTHALMIC EMULSION) ANTITRUST  
LITIGATION

Case No. 18-MD-2819 (NG) (LB)

THIS DOCUMENT APPLIES TO:

ALL END-PAYOR PLAINTIFF CLASS  
ACTIONS

**DECLARATION OF JOSEPH R. SAVERI OF JOSEPH SAVERI LAW FIRM, LLP IN  
SUPPORT OF END-PAYOR PLAINTIFFS' MOTION FOR ATTORNEYS' FEES,  
EXPENSES, AND SERVICE AWARDS**

I, Joseph R. Saveri, hereby declare as follows:

I am the Founding Partner of Joseph R. Saveri, LLP ("JSLF") and am admitted *pro hac vice* in this matter. I submit this Declaration in support of End-Payor Plaintiffs' Motion for attorneys' fees, expenses, and service awards (the "Motion"). I have personal knowledge of the facts set forth in this Declaration. If called as a witness, I could and would testify competently to them.

**Work Performed in Connection with the Litigation**

1. JSLF served as one of the Court appointed Co-Lead Counsel for End-Payor Plaintiffs ("EPPs") in the above captioned action (the "Action"). JSLF represents Self-Insured Schools of California ("SISC"), one of the named class representatives in the action. JSLF participated in all phases of the litigation, including but not limited to, investigating the facts and laws giving rise to the claims in this litigation; consulting with SISC regarding its Restasis purchases and its knowledge of the facts giving rise to the claims in this litigation; the preparation and filing of the original and amended complaints; organizing and managing

Plaintiffs' counsel; and appearing for case management conferences in person, by telephone and by zoom. JSLF drafted and argued the opposition to the motions to dismiss. JSLF drafted and argued the motion for class certification, including the preparation, presentation of evidence and legal argument in October 2019. JSLF retained expert witnesses and participated in the expert disclosures required by Rule 26 and expert depositions. JSLF directed and participated in all aspects of discovery including: the drafting of request for production of documents; responding to requests for production and meeting and conferring regarding discovery disputes; gathering and reviewing documents in the possession of SISC and other class representatives; review and analysis of documents produced by Defendants and third parties; review of privilege claims; preparing for and defending the depositions of SISC; and preparing for and taking the deposition of percipient and expert witnesses. JSLF developed the settlement strategy in this case and participated in mediation under the auspices of Magistrate Judge Bloom and Hon. Edward Infante (ret.) through JAMS which resulted in the resolution of the claims in this matter. JSLF drafted and reviewed settlement documents and retained and hired the settlement administrator. JSLF drafted and reviewed motions for settlement approval. JSLF worked collaboratively with the other Court-appointed Co-Lead counsel and Liaison Counsel, including regularly scheduled meetings and conference calls with counsel which were necessary to plan and prosecute this litigation on behalf of Plaintiffs. JSLF managed the other counsel for Plaintiffs in this matter and collaborated with counsel for the direct purchasers and other plaintiffs' counsel.

**Lodestar Summary**

2. In performing the work above, JSLF's attorneys and staff expended 5,600.5 hours for a total historic lodestar of \$3,329,726.50 (adjusted for travel time as set forth in footnote 1 below). The Firm's lodestar does not include any time spent on proceedings before the Judicial Panel on Multidistrict Litigation or related to the appointment of class counsel or preparation of the Motion.

3. In accordance with the Court's and Co-Lead Counsel's direction concerning time and expense reporting, the Firm's attorneys and professional staff kept contemporaneous records of the time they spent on this Action. In reporting their time, JSLF exercised billing judgment to eliminate inefficiency and duplication, and then submitted its daily time records to Co-Lead Counsel for review and audit. The Firm is prepared to submit its time records for *in camera* review if requested by the Court.

4. Below is a summary of the individuals who worked on this matter for JSLF, their roles (Partner, Counsel, Associate, Law Clerk, Paralegal, and Other), the total number of hours worked, historic hourly billing rates, and total lodestar. Later in this Declaration details of the specific work performed by each individual are described.

<b>Timekeeper</b>	<b>Title</b>	<b>Hours</b>	<b>Rate<sup>1</sup></b>	<b>Lodestar</b>
Joseph Saveri	Partner	11.8	\$995.00	\$11,741.00
Joseph Saveri	Partner	345.1	\$1,000.00	\$313,350.00
Joseph Saveri	Partner	674.2	\$1,050.00	\$610,575.00
Joseph Saveri	Partner	87.1	\$1,100.00	\$95,810.00
Joseph Saveri	Partner	42.3	\$1,150.00	\$48,645.00
Steven Williams	Partner	32.6	\$1,000.00	\$30,350.00
Steven Williams	Partner	6.5	\$1,050.00	\$6,825.00
Steven Williams	Partner	26.5	\$1,100.00	\$29,150.00
Steven Williams	Partner	7.5	\$1,150.00	\$8,625.00
Joshua Davis	Counsel	9.5	\$875.00	\$8,312.50
Joshua Davis	Counsel	504.7	\$900.00	\$427,500.00
Elissa Buchanan	Associate	113.6	\$375.00	\$42,600.00
Elissa Buchanan	Associate	128.4	\$350.00	\$44,922.50
Kyla Gibboney	Associate	26.2	\$475.00	\$12,445.00
Nicomedes S Herrera	Associate	17.4	\$575.00	\$10,005.00
Nicomedes S Herrera	Associate	160.7	\$625.00	\$96,093.80
Brian Lowry	Attorney	2.1	\$375.00	\$787.50
Brian Lowry	Attorney	1.5	\$350.00	\$525.00
Ryan J McEwan	Associate	4.9	\$550.00	\$ 2,695.00
Ryan J McEwan	Associate	685.8	\$575.00	\$374,181.30
Ryan J McEwan	Associate	464.8	\$600.00	\$271,800.00
V Chai Oliver Prentice	Associate	149.6	\$425.00	\$59,219.30
V Chai Oliver Prentice	Associate	164.4	\$400.00	\$65,760.00
Kyle Quackenbush	Associate	211.7	\$375.00	\$79,380.00
Kyle Quackenbush	Associate	720.5	\$400.00	\$278,580.00
Kyle Quackenbush	Associate	412.6	\$425.00	\$175,355.00

<sup>1</sup> Time spent on case-related travel was billed at ½ of the timekeeper's normal hourly rate. (See ECF No. 62 at ¶ 12.).

<b>Timekeeper</b>	<b>Title</b>	<b>Hours</b>	<b>Rate<sup>1</sup></b>	<b>Lodestar</b>
Kyle Quackenbush	Associate	35.8	\$450.00	\$18,560.00
Kevin Rayhill	Associate	28.3	\$515.00	\$14,574.50
Kevin Rayhill	Associate	0.3	\$525.00	\$157.50
Anupama Reddy	Associate	0.8	\$400.00	\$320.00
Christopher Young	Associate	1.2	\$400.00	\$480.00
Linda Szabados	Law Clerk	5.5	\$375.00	\$2,062.50
Gurjit Aulkh	Paralegal	12.3	\$400.00	\$4,900.00
Gurjit Aulkh	Paralegal	32.5	\$350.00	\$11,375.00
Gurjit Aulkh	Paralegal	34.0	\$375.00	\$12,750.00
Jenel Day	Paralegal	9.3	\$375.00	\$3,487.50
Jenel Day	Paralegal	50.9	\$395.00	\$20,105.50
Katana Gifford	Paralegal	0.3	\$400.00	\$100.00
Heaven Haile	Paralegal	12.0	\$250.00	\$2,987.50
Heaven Haile	Paralegal	12.3	\$275.00	\$3,382.50
Monica La	Paralegal	3.0	\$225.00	\$675.00
Benjamin Lang	Paralegal	5.1	\$350.00	\$1,785.00
Benjamin Lang	Paralegal	4.2	\$340.00	\$1,428.00
Dwayne Lockett	Paralegal	124.2	\$375.00	\$46,556.30
Dwayne Lockett	Paralegal	152.2	\$385.00	\$58,577.80
Ryan Malhan	Paralegal	19.5	\$250.00	\$4,875.00
Ryan Malhan	Paralegal	18.0	\$300.00	\$5,400.00
Ruby Ponce	Paralegal	12.9	\$385.00	\$4,966.50
Sean Robertson	Paralegal	0.9	\$375.00	\$337.50
Edward Rowell	Paralegal	9.0	\$350.00	\$3,150.00
Reed McCalmon	CFO	4.0	\$375.00	\$1,500.00
	<b>TOTAL</b>	<b>5,600.5</b>		<b>\$3,329,726.50</b>

5. The hourly rates submitted by the JSLF are the Firm's usual and customary rates that were charged by the Firm in similar matters in which the Firm is paid on a contingent basis,

as well as the Firm's non-contingent matters. JSLF's hourly rates have been approved by courts in other, similar matters, including the following:

- *In re Capacitors Antitrust Litig.*, Case No. 3:17-md-02801 (N.D. Cal.);
- *In re Cipro Cases I and II*, JCCP, Nos. 4154 and 4220 (Cal. Super. Ct.);
- *In re Interior Molded Doors Antitrust Litig.*, No. 3-18-cv-00850-JAG (E.D. Va.);
- *In re Lidoderm Antitrust Litig.*, Case No. 3:14-md-02521 (N.D. Cal.);
- *In re Titanium Dioxide Antitrust Litig.*, 10-cv-00318-RDB (D. Md.); and
- *Scola v. Facebook Inc.*, 18-CIV-05135 (Cal. Super. Ct.).

#### **Staffing and Tasks Performed in This Matter**

6. JSLF staffed this matter with attorneys and staff who performed tasks based on their skills, expertise, and experience.

7. JSLF has been involved in the litigation of this Action since its inception. Its timekeepers provided legal services that supported the prosecution to the case. More detailed information about the roles and contributions of each attorney (including their dates of law school graduation) and members of JSLF's professional staff is set forth below.

8. **Joseph R. Saveri:** Mr. Saveri received his Juris Doctor degree from the University of Virginia Law School in 1987. Mr. Saveri's services, at the partner-level, included participation in all phases of the litigation. JSLF was involved in all aspects of the prosecution and settlement of the Action, including but not limited to: investigating the facts and law giving rise to the claims in this litigation; consulting with SISC regarding its Restasis purchases and its knowledge of the facts giving rise to the claims in this litigation; consulting with Co-Lead Counsel in connection with the preparation and filing of the original and amended complaints;



organizing and managing Plaintiffs' counsel; and appearing for case management conferences in person, by telephone and by zoom. Mr. Saveri drafted and argued the opposition to the motions to dismiss. Mr. Saveri drafted and argued the motion for class certification, including the preparation, presentation of evidence, and legal argument at the October 2019 evidentiary hearing. Mr. Saveri retained expert witnesses, participated in the expert disclosures required by Rule 26 and expert depositions. Mr. Saveri directed and participated in all aspects of discovery, including: the drafting of request for production of documents and other written discovery; responding to requests for production and meeting and conferring regarding discovery disputes; gathering and reviewing documents in the possession of SISC and other class representatives; review and analysis of documents produced by Defendants and third parties; reviewed privilege claims; preparing for and defending the depositions of SISC; and preparing for and taking the deposition of percipient and expert witnesses. Mr. Saveri developed the settlement strategy in this case and participated in mediation under the auspices of Magistrate Judge Bloom and Hon. Edward Infante (ret.) through JAMS which resulted in the resolution of the claims in this matter. Mr. Saveri drafted and reviewed settlement documents and retained and hired the settlement administrator. Mr. Saveri drafted and reviewed motions for settlement approval and class certification motions. Mr. Saveri worked collaboratively with the other Court-appointed Co-Lead counsel and Liaison Counsel, including regularly scheduled meetings and conference calls with counsel which were necessary to plan and prosecute this litigation on behalf of Plaintiffs. JSLF managed the other counsel for Plaintiffs in this matter and collaborated with counsel for the direct purchasers and other plaintiffs.

9. **Steven N. Williams:** Mr. Williams received his Juris Doctor degree from Fordham University School of Law in 1992. Mr. Williams participated in the organization and management of the litigation, including coordination with Co-Lead counsel and other Plaintiff firms.

10. **Joshua P. Davis:** Mr. Davis received his Juris Doctor degree from the New York University School of Law in 1997. Mr. Davis participated in the investigation of facts and legal theories giving rise to the claims in this litigation. Mr. Davis participated in law and motion matters in this litigation, as well as development of expert testimony and other analysis in connection with Plaintiffs' motion for class certification and briefing regarding class certification. Mr. Davis prepared for the October 2019 evidentiary hearing on class certification and participated in that hearing, including handling portions of the legal argument and responding to inquiries of the Court. Mr. Davis participated in the expert disclosures required by Rule 26 and expert depositions.

11. **Elissa A. Buchanan:** Ms. Buchanan received her Juris Doctor from the University of San Francisco School of Law in 2006. Ms. Buchanan participated in the investigation of the facts and law giving rise to the legal claims in this litigation, provided analysis of facts at trial and other documents, and assisted in deposition preparation.

12. **Kyla Gibboney:** Ms. Gibboney received her Juris Doctor degree *cum laude* from University of California Hastings, College of the Law in 2014. Ms. Gibboney participated in the investigation of the facts and law giving rise to the claims in this litigation and participated in meet and confers regarding discovery.

13. **Nicomedes S. Herrera:** Mr. Herrera received his Juris Doctor degree from Columbia Law School in 1997. Mr. Herrera participated in the investigation of the facts and legal issues giving rise to the claims in this litigation and discovery matters, including preparation of requests of production of documents and other written discovery, review of documents produced by Defendant and other parties, and deposition preparation. Mr. Herrera participated in review and analysis of dispositive motions and other law and motion matters.

14. **Brian Lowry:** Mr. Lowry received his Juris Doctor from the University of California Hastings, College of the Law in 2015. Mr. Lowry performed legal research and performed initial case investigation and assisted in the preparation of depositions.

15. **Ryan J. McEwan:** Mr. McEwan received his Juris Doctor degree *magna cum laude* from University of California Hastings, College of the Law in 2012. Mr. McEwan participated in the investigation of the facts and legal issues giving rise to the claims in this litigation and discovery matters, including preparation of requests of production of documents and other written discovery, review of documents produced by Defendant and other parties, and deposition preparation. Mr. McEwan drafted and argued portions of the opposition to the motion to dismiss. Mr. McEwan participated in review and analysis of dispositive motions and other law and motion matters.

16. **V Chai Oliver Prentice:** Mr. Prentice received his Juris Doctor degree from Yale Law School in 2015. Mr. Prentice participated in the investigation of the facts and legal issues giving rise to the claims in this litigation and discovery matters, including preparation of requests of production of documents and other written discovery, review of documents

produced by Defendant and other parties, and deposition preparation. Mr. Prentice participated in review and analysis of dispositive motions and other law and motion matters.

17. **Kyle Quackenbush:** Mr. Quackenbush received his Juris Doctor degree from the University of Washington School of Law in 2018. Mr. Quackenbush assisted in the investigation of the facts and legal issues giving rise to the claims in this litigation, consulting and communicating with SISC, and discovery matters. Mr. Quackenbush participated in discovery, including reviewing documents produced by Defendants and other parties, as well as preparing and taking depositions, and reviewing privilege claims. Mr. Quackenbush prepared for and participated in the October 2019 evidentiary hearing regarding class certification. Mr. Quackenbush further assisted in the review of evidentiary materials in response to Defendants' motion for summary judgment, including a review and analysis of Defendants' statement of unopposed facts and drafting a resulting opposition.

18. **Kevin Rayhill:** Mr. Rayhill received his Juris Doctor degree the University of California Hastings College of Law in 2009. Mr. Rayhill participated in the investigation of the facts and legal issues giving rise to the claims in this litigation, consulting and communicating with SISC, and discovery matters.

19. **Anupama Reddy** Ms. Reddy received her Master of Laws from the University of California, Berkley, School of Law in 2017. Ms. Reddy provided assistance in the preparation of expert depositions.

20. **Christopher Young:** Mr. Young received his Juris Doctor from the University of California, Los Angeles School of Law in 2017. Mr. Young participated in drafting the class certification motion.

21. **Linda Szabados:** Ms. Szabados received her Juris Doctor from the University of San Francisco School of Law in 2020. Ms. Szabados performed legal research.

22. **Gurjit Aulkh:** Mr. Aulkh provided paralegal support and administrative assistance for JSLF, including preparation for depositions and preparation and finalization of Court filings.

23. **Jenel Day:** Ms. Day provided paralegal support and administrative assistance for JSLF, including participating in the preparation and finalization of Court filings.

24. **Katana Gifford:** Ms. Gifford provided paralegal support and administrative assistance and support for JSLF, including participating in the investigation of the facts and law giving rise to the claims in this litigation.

25. **Heaven Haile:** Ms. Haile provided paralegal support and administrative assistance for JSLF, including participating in the preparation and finalization of Court filings.

26. **Monica La:** Ms. La provided paralegal support and administrative assistance for JSLF, including participating in the investigation of the facts and laws giving rise to the claims in this litigation and in the preparation and finalization of Court filings.

27. **Benjamin Lang:** Mr. Lang provided paralegal support and administrative assistance for JSLF, including participating in the preparation and finalization of Court filings.

28. **Dwayne Lockett:** Mr. Lockett provided paralegal support and administrative assistance for JSLF, including participating in the preparation and finalization of Court filing and providing support for depositions.

29. **Ryan Malhan:** Mr. Malhan provided paralegal support and administrative assistance for JSLF, including participating in the preparation and finalization of Court filings.

30. **Ruby Ponce:** Ms. Ponce provided paralegal support and administrative assistance for JSLF, including participating in the preparation and finalization of Court filings.

31. **Sean Robertson:** Mr. Robertson provided paralegal support and administrative assistance for JSLF, including participating in the preparation and finalization of Court filings.

32. **Edward Rowell:** Mr. Rowell provided paralegal support and administrative assistance for JSLF, including participating in the preparation and finalization of Court filings. including participating in the preparation and finalization of Court filings.

33. **Reed McCalmon:** Mr. McCalmon provided administrative assistance for the preparation of accounting and financial reports in this litigation.

**Expenses Incurred in the Prosecution of the Litigation**

34. In connection with its efforts in this matter, JSLF incurred out-of-pocket expenses on behalf of the plaintiff class. JSLF incurred such expenses on a wholly contingent basis. Below is an itemized list of the unreimbursed expenses JSLF incurred during the prosecution of this Action. Those expenses are reflected in the firm's books and records that are regularly maintained in the ordinary course of the firm's business and are based on the receipts and data maintained by JSLF.

Expense Category	Amount
Assessment Payment to Plaintiffs' Common Fund	\$870,000.00
Commercial Copies	\$6,139.23
Internal Reproduction / Copies (\$0.10/page)	\$3,063.00
Court Fees (Filing costs, etc.)	\$1,804.44
Court Reporters / Transcripts	\$3,445.25
Computer Research	\$6,115.17
Telephone/Fax/E-mail (Fax max of \$1/page)	\$0.00
Postage/Express Delivery/Messenger	\$1,510.15
Professional Fees (expert, investigator, accountant, etc.)	\$18,476.22
Witness/Service Fees	\$1,121.67
Air Transportation	\$28,177.82
Ground Transportation	\$15,529.15
Meals	\$5,649.95
Lodging	\$22,191.43
Miscellaneous/Other (Describe in detail)	\$0.00
<b>TOTAL:</b>	<b>\$983,223.48</b>

35. JSLF's expenses were incurred in connection with legal research performed on various motions, travel and meal expenses relating to depositions conferences, meet and confer sessions and Court hearings, investigating the facts and law giving rise to the claims in this litigation, telephone conferences between and among counsel, filing of *pro hac vice* application, and FedEx deliveries to the Court.



36. JSLF also made contributions to the litigation fund for the EPPs in the amount of \$870,000.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on May 17, 2022 at San Francisco, California.

**JOSEPH SAVERI LAW  
FIRM, LLP**

/s/ Joseph R. Saveri

Joseph R. Saveri  
jsaveri@saverilawfirm.com  
601 California Street, Suite 1000  
San Francisco, California 94108  
Tel: (415) 500-6800  
Fax: (415) 395-9940

# **EXHIBIT A**



JOSEPH SAVERI  
LAW FIRM

SAN FRANCISCO, CA  
NEW YORK, NY

2022

## FIRM HISTORY AND BACKGROUND

Joseph Saveri Law Firm, LLP, is one of the country's most acclaimed and successful boutique firms. It achieves ground-breaking results for plaintiffs in antitrust law, class actions, complex business disputes, securities litigation, consumer protection, intellectual property, and *qui tam*/whistleblower cases, in federal and state courts throughout the United States and across the globe.



The Firm was founded in 2012 by Joseph Saveri. Since then, it has led several groundbreaking and precedent-setting cases. It has served as lead and co-counsel on diverse cases involving: challenges to price-fixing; monopolization; illegal reverse payments; “pay-for-delay” agreements involving the drugs Cipro, Lidoderm, Restasis, and others; the “no-poach” agreements restricting hiring and recruiting at major corporations. These cases cover a wide range of industries including pharmaceuticals, high-technology, electronics, banking and financial services, transportation, and sports.

The Firm is widely regarded as one of the nation’s leading law firms. It has established a track record leading and prosecuting some of the most significant cases across the United States. Its attorneys have recovered over \$4.5 billion in settlements and successful resolutions for their clients, and the Firm has received many honors, including:

### ★ Firm Awards ★



#### AMERICAN ANTITRUST INSTITUTE

In 2020, one of the Firm’s young lawyers was recognized by the American Antitrust Institute for “Outstanding Antitrust Litigation Achievement by a Young Lawyer” for work performed on *In re Capacitors Antitrust Litigation*. In 2017, the Firm was an honoree for “Outstanding Antitrust Litigation Achievement in Private Law Practice” for its success in *In re Cipro Cases I and II*. In 2015, the Firm was a finalist for this award for its success in *In re High-Tech Employee Antitrust Litigation*. The awards are part of the American Antitrust Institute’s Antitrust Enforcement Awards, which recognize achievements in antitrust litigation by legal practitioners and economists.



#### BENCHMARK LITIGATION

The Firm has been recognized as one of the best in California in the “competition/antitrust” and “dispute resolution” practice areas. Partners Joseph Saveri and Steven Williams have been honored in the same field as “National Practice Area Stars” and “Local Litigation Stars.”

Benchmark Litigation, based in the United Kingdom, New York City, and Hong Kong, researches and ranks law firms and lawyers based on transactional advice. Research is conducted through extensive interviews with litigators, dispute resolution specialists, and their clients to identify the leading litigators and firms. During these interviews, it examines recent casework handled by law firms and asks individual litigators to provide their professional opinions on peers and practitioners within their jurisdiction or practice area. Each annual research process culminates in the publication of law firm rankings, individual lawyer ratings, and firm editorial content.

★ Firm Awards *Con't*

Joseph Saveri Law Firm, LLP

**BEST LAWYERS/U.S. NEWS & WORLD REPORT**

Since 2013, the Firm has been annually selected for inclusion in *Best Law Firms*, an annual publication by *U.S. News & World Report* and *Best Lawyers*. It is ranked among the top firms in "Litigation—Antitrust" and "Mass Tort Litigation/Class Actions" nationwide and in San Francisco. Firms included in the *Best Law Firms* list are recognized for professional excellence with persistently impressive ratings from clients and peers. Achieving a tiered ranking signals a unique combination of quality law practice and breadth of legal expertise. To be eligible for a ranking, a firm must have a lawyer selected by *Best Lawyers* to *The Best Lawyers in America*, a publication which recognizes the top five percent of practicing attorneys in the United States. Joseph Saveri and Steven Williams have been meritoriously selected.

**CHAMBERS AND PARTNERS**

Chambers and Partners has ranked The Firm "Band 1" (highest ranking) in its "Antitrust: Mainly Plaintiff—California" category: currently the only firm in California to receive this honor. Chambers has also ranked the Firm as one of the top 16 U.S. firms in its "Antitrust: Mainly Plaintiff-Nationwide" category. In 2021, it shortlisted the Firm as an "Outstanding Firm for Pro Bono" for its Diversity & Inclusion Awards: North America 2021.

Firm partners Joseph Saveri and Steven Williams are currently ranked "Band 1" attorneys by Chambers in its "Antitrust: Plaintiff—USA—Nationwide" and "Antitrust: Mainly Plaintiff—California" categories. Their dual "Band 1" rankings make the Firm one of only two nationwide to contribute multiple "Band 1" designees to these categories. Joseph Saveri has been ranked a "Band 1" attorney in these categories since 2014. Chambers reports him as "smart, fair, and zealous in his advocacy," and as a "great lawyer" who is "hard-working and possesses excellent judgment about how to prosecute antitrust and consumer protection cases." Steven Williams has been ranked "Band 1" or "Band 2" in one or both categories since 2015. Chambers regards him as "a real force in antitrust" who is "dogged in the pursuit of justice for his clients and exercises great judgment in complex litigation." "He is smart, easy to work with, and professional in all aspects of the practice," it added.

London-based Chambers ranks law firms and individual lawyers in bands from 1-6, with 1 being the best. The qualities on which rankings are assessed include technical legal ability, client service, commercial vision and business understanding, diligence, value for money (cost-effective staffing and organization), depth of team, professional conduct, and other factors important to clients.

**DAILY JOURNAL (CALIFORNIA)**

The Firm has been recognized for its growth and leadership by being selected three times as one of the "Top Boutiques in California," a contest that honors the top 20 boutique law firms in California. In 2022, it also received the prestigious CLAY (California Lawyer Attorneys of the Year) award for the successful settlement and workplace improvements achieved in *Scola v. Facebook, Inc.* Joseph Saveri and Steven Williams have likewise received several *Daily Journal* "Top in California" individual awards in various categories.

The Daily Journal Corporation, a Los Angeles-based publishing and technology company, features interview-based profiles covering judicial philosophy, representative decisions, and recent cases.

★ Firm Awards *Con't***GLOBAL COMPETITION REVIEW**

In 2022, the Firm was shortlisted for two awards by Global Competition Review: Joseph Saveri for "Lawyer of the Year" and *In re Capacitors Antitrust Litigation* for "Litigation of the Year." Also in 2022, in its "GCR 100," GCR selected and featured the firm as "highly regarded" for its commercial litigation and competition practice. It also praised partners Joseph Saveri, Steven Williams, and Ronnie Seidel Spiegel for taking the reins of a team that "stands out for its diversity." GCR is a leading global provider of competition law, regulation, and enforcement information, combining data, deep market insight, and a user-centric platform to provide their clients with powerful legal solutions. Its unique global coverage gives shape and form to current affairs, providing insight on the direction of trends in competition and how they affect the market.

**LAW360**

Joseph Saveri and Steven Williams have been selected by Law360 as Titans of the Plaintiffs Bar. Those selected for this award represent the finest work of holding corporations accountable and protecting consumers' rights. Winners are determined by a review and recognition of significant wins scored over the past year, as well as by the awardees' distinguishing qualities and influence in their practice areas. Law360 is a subscription-based daily current awareness tool for attorneys and business leaders at law firms, corporations, and government agencies. It publishes breaking news and analysis, with a particular focus on high-stakes litigation, legislation, regulation, and corporate transactions across more than 50 practice area, industry, and state sections.

**LAWDRAGON**

Joseph Saveri, Steven Williams, and Ronnie Seidel Spiegel have been selected 2019-present for Lawdragon legal media company's "500 Leading Plaintiff Financial Lawyers" online guide. In 2021, Joseph Saveri was likewise named in the "500 Leading Lawyers in America" online guide. These guides, first published in 2007, present Lawdragon's recognition of the best of the U.S. bar. Lawdragon, based in New York City, provides free online news and editorial features—including its well-known guides to the nation's leading lawyers—as well as content, marketing, and branding services for lawyers and firms.

**THE LEGAL 500**

From 2019-present, the Firm was one of a select few nationwide recognized for excellence in the United Kingdom-based research and ranking service's "United States Antitrust Civil Litigation/Class Actions: Plaintiff" category. Its attorneys have also received distinguished commendation. The Legal 500 assesses the strengths of law firms in over 150 jurisdictions. Its rankings are based on feedback from 300,000 clients worldwide, detailed submissions from law firms, interviews with leading private practice lawyers, and a team of researchers with unrivaled experience in the legal market.

**MARTINDALE HUBBELL**

Three Firm partners have achieved Martindale Hubbell's highest rating—"AV Preeminent." Joseph Saveri has achieved this ranking since 2008, Steven Williams since 2002, and Cadio Zirpoli for over a decade. Martindale-Hubbell's Peer Review Ratings are an objective indicator of a lawyer's high ethical standards and professional ability. Attorneys receive Peer Review Ratings based on evaluations by other members of the bar and the judiciary in the United States and Canada.



★ Firm Awards *Con't*

 The logo for Super Lawyers, featuring the words "Super" and "Lawyers" in a stylized, serif font.
**SUPER LAWYERS**

Several of the Firm's attorneys have been recognized by *Super Lawyers*, part of Thomson Reuters, which rates outstanding lawyers from more than 70 practice areas who have attained a high-degree of peer recognition, professional achievement, and excellence. The *Super Lawyers* list recognizes no more than five percent of attorneys in each state. Joseph Saveri is a "Super Lawyer" (2006-present) and among the "Top 100 Northern California Super Lawyers" (2015-2016, 2019-present). Steven Williams is a "Super Lawyer" (2005-present) and among the "Top 100 Northern California Super Lawyers" (2016-present). And Cadio Zirpoli is a "Super Lawyer" (2010, 2014-present) and among the "Top 100 Northern California Super Lawyers" (2018-present).

**WHO'S WHO LEGAL/GLOBAL COMPETITION REVIEW**

Firm partners Joseph Saveri and Steven Williams have been consistently selected as two of the top plaintiff attorneys worldwide in *Who's Who Legal: Competition*, a publication of Who's Who Legal and Global Competition Review. Mr. Saveri has been praised as "a distinguished antitrust practitioner on the plaintiff side." Mr. Williams has been commended as a "top-notch competition lawyer" and a "highly intelligent strategic thinker." Mr. Saveri has been selected for this honor since 2015, as has Mr. Williams since 2014. Since 2019, Joseph Saveri and Steven Williams have also been profiled in *Thought Leaders: Competition*, a publication of Who's Who Legal.

Who's Who Legal, a prestigious United Kingdom-based legal ranking service, has identified the foremost legal practitioners and consulting experts in business law based upon comprehensive, independent research. It is dedicated to identifying the world's leading lawyers across multiple practice areas and publishes a series of guides throughout the year. Global Competition Review provides a subscription-based news and resource service (both online and print) and yearly hosts several live events.

# \$4.5B+

In settlements and  
resolutions for our  
clients

---

# 100+

Combined Years of  
Civil Litigation  
Experience

---

# 19

Leadership  
Positions in Cases  
Nationwide

With 30 years of civil litigation experience, Mr. Saveri has handled cases involving numerous industries, including: banking and financial services, insurance, energy, pharmaceuticals, agricultural products, computer hardware, computer software, manufacturing inputs, travel and transportation, paper products, cosmetics, and consumer electronics. He has established himself as one of the country's top litigators in the antitrust field.

Mr. Saveri has investigated, prosecuted, and successfully resolved numerous antitrust class actions and other complex cases. He has served both as a court-appointed leader of such efforts and as a valued member of the teams operating under the leadership of others. As lead or co-lead counsel in many of these cases, he has taken a personal leadership role in organizing litigation, setting strategy, establishing and directing teams of lawyers, and assigning specific tasks to teams of attorneys in a way that ensures the efficient use of resources and maximizes the talents of the litigation team. Throughout these cases, he has displayed the energy, vision, and commitment that leadership requires, combined with the ability to listen, share, and work cooperatively so that the litigation team operates equitably, efficiently, and without friction.

Mr. Saveri and the Firm serve or have served as lead counsel in many high-profile cases, including most recently *Capacitors*, *Titanium Dioxide*, *High-Tech Employees*, *Scola v. Facebook, Inc.*, and California's *Cipro* litigation. Over the past decade, his fellow partner Steven Williams has played a lead role in many of the most prominent antitrust class cases and been named lead or co-lead counsel more often than perhaps any other attorney in the United States. Overall, the Firm's attorneys are accomplished and successful in all phases of litigation and have been awarded by the American Antitrust Institute, Chambers and Partners, Martindale Hubbell, The Legal 500, Who's Who Legal, and *Super Lawyers* for their distinguished leadership. They lecture and write on many topics, are actively involved in numerous legal organizations, and are multi-lingual and from diverse backgrounds.

The Firm has a strong commitment to pro bono representation. It frequently works with the Northern District of California's Federal Pro Bono Project, which operates in conjunction with the Bar Association of San Francisco's Justice and Diversity Center. The JDC provides pro bono services to underserved San Francisco residents and communities, and the organizations that serve them. Many Firm attorneys participate in this project and have received Court praise for their successful results achieved for their clients.

## CASE PROFILES

The Firm has been a successful leader in cases covering antitrust, class actions, complex business disputes, consumer protection, and other practice areas, on behalf of national and international consumers, purchasers, and employees across diverse industries.

The Firm handles antitrust cases, class actions, and complex litigation in federal and state courts throughout the United States. Prominent past and current cases in which the Firm or Mr. Saveri serves or has served include:



### IN RE CAPACITORS ANTITRUST LITIGATION

No. 3:14-cv-03264-JD, 3:17-md-02801-JD (N.D. Cal.)

The Firm is **sole Lead Counsel** for a class of direct purchasers of capacitors used in electronic devices. Plaintiffs allege that defendants—over twenty corporations and corporate families—formed a cartel and conspired to fix, raise, and stabilize prices in the multi-billion-dollar market for aluminum, tantalum, and film capacitors. The Firm represents the class as plaintiffs in a civil class action.

**Settlements totaling \$604.55 million were reached over a five-year period**, \$165 million of which occurred during a December 2021 trial against the case's remaining defendants. This settlement amount exceeded calculated single damages of \$427 million: a competition law rarity. In the criminal case, **eight capacitors manufacturers and two individual executives have pleaded guilty and been sentenced** for violating federal antitrust laws.



### IN RE CIPRO CASES I AND II

J.C.C.P. Nos. 4154, 4220 (San Diego County Sup. Ct.)

The Firm is **Co-Lead Counsel** for consumers who purchased Cipro, a blockbuster antibiotic drug. Plaintiffs alleged that Bayer Corporation, Barr Laboratories, two other generic drug companies, and other defendants entered into an unlawful agreement to keep a generic version of the drug off the market, which allowed Bayer to sell Cipro at inflated prices. In 2013, the California Superior Court for the County of San Diego approved a **\$74 million class action settlement** between Bayer and the class. In 2015, the California Supreme Court reversed the judgment of the Court of Appeal and remanded the case for further proceedings. In that decision, the California Supreme Court ruled in plaintiffs' favor and adopted a "structured" rule of reason as the standard for adjudicating reverse payment antitrust cases. Following remand to the Superior Court, plaintiffs reached a **\$100 million settlement** agreement with defendants Hoechst Marion Roussel, The Rugby Group, Inc., and Watson Pharmaceuticals, which the Court approved in 2016. In 2017, on the eve of trial, plaintiffs **settled** with Barr, the sole remaining defendant, **for \$225 million**, bringing the **total class recovery to \$399 million: a record for this type of case.**



### SCOLA V. FACEBOOK, INC.

No. 18CIV05135 (San Mateo County Sup. Ct.)

The Firm is co-counsel in an action against Facebook alleging that a plaintiff class of content moderators responsible for viewing and removing offensive and disturbing content from Facebook users are suffering from post-traumatic stress disorder and other trauma-related injuries because they were not being properly protected by the social media company. In 2021, the class reached a ground-breaking **final settlement for \$52 million and workplace improvements**. The settlement provides significant relief to over 14,000 content moderators who worked for Facebook's vendors in California, Arizona, Texas, and Florida. The case has paved the way for similar content moderator suits against YouTube, Inc. and TikTok, Inc.



### IN RE HIGH-TECH EMPLOYEES ANTITRUST LITIGATION

No. 5:11-cv-02509-LHK (N.D. Cal.)

The Firm served as **Co-Lead Class Counsel** for a certified class of over 64,000 employees of leading technology companies against their employers for their alleged agreements to restrict recruiting to suppress wages. In this highly publicized case, defendants Google Inc., Apple Inc., Adobe Systems Inc., and Intel Corporation agreed in 2015 to **\$415 million in settlements**. Prior to that, Intuit Inc., Lucasfilm, Ltd., and Pixar agreed to **separate settlements totaling \$20 million**. The suit, brought by former employees of the companies involved, exposed the practice by major tech industry players which allegedly collaborated to not poach each other's employees. The plaintiff employees argued that such "no-poach" agreements limited their ability to obtain career advancement and restricted their attempts to earn higher salaries. This ground-breaking, landmark case serves as the standard and reference point for virtually all other litigated no-poach cases.



### IN RE TITANIUM DIOXIDE ANTITRUST LITIGATION

No. 1:10-cv-00318-RDB (D. Md.)

The Firm served as **Co-Lead Counsel** to a class of direct purchasers of titanium dioxide who alleged that several primary suppliers engaged in an unlawful conspiracy to raise, maintain, or stabilize prices for titanium dioxide in the United States. The Court certified the class. Plaintiffs prepared for trial and achieved a settlement with the final defendant on the last business day before trial. In 2013, a **\$163.5 million settlement** was finalized.





### IN RE RESTASIS (CYCLOSPORINE OPHTHALMIC EMULSION) ANTITRUST LITIGATION

No. 1:18-md-02819-NG-LB (E.D.N.Y.)

The Firm is **Co-Lead Counsel** for End-Payor Plaintiffs in an antitrust class action filed against Allergan, Inc. for an alleged scheme to delay generic competition to Allergan's blockbuster Restasis drug (used primarily for the treatment of chronic dry eyes). The Firm brought suit on behalf of its client and named class representative, the Self-Insured Schools of California, a Joint Powers Authority providing health benefits to over 300,000 public school district employees and their family members. Plaintiffs allege that Allergan unlawfully extended its monopoly in the market for Restasis through a series of fraudulent and anticompetitive acts. Class certification has been granted. In 2021, the parties reached an agreement on a **\$30 million settlement, pending Court approval.**



### IN RE: XYREM (SODIUM OXYBATE) ANTITRUST LITIGATION

No. 5:20-MD-02966-LHK (N.D. Cal.)

The Firm represents plaintiff, purchaser Self-Insured Schools of California, in a multi-district litigation antitrust suit in which it serves on the **Plaintiffs' Steering Committee**. Plaintiff and a potential class of other purchasers are insurers, health and welfare plans, and consumers seeking relief from indirectly paying for and/or providing reimbursement for purchases of Xyrem (an oral narcolepsy drug) at supra-competitive prices. Facing the impact of competitive market forces, defendant Jazz (Xyrem manufacturer) allegedly turned to an anticompetitive scheme to delay generic entry and maintain its monopoly. Plaintiffs seek class certification, damages, and other injunctive and equitable relief.



### IN RE LIDODERM ANTITRUST LITIGATION

No. 3:14-md-02521-WHO (N.D. Cal.)

The Firm served as End-Payers' **Liaison Counsel** in a class action lawsuit brought by indirect purchasers of Lidoderm against Endo Pharmaceuticals, Teikoku, and Actavis Inc. Plaintiffs claimed that defendants entered into an illegal reverse payment agreement in which Endo provided nearly \$100 million worth of branded Lidoderm and additional consideration to Actavis to keep generic lidocaine patches off the market. Plaintiffs alleged that the agreement delayed generic competition and caused plaintiffs to pay higher prices. In 2017, the Court granted plaintiffs' motion to certify a class of Lidoderm End-Payers. The **case settled** in early 2018, shortly before trial, **for \$105 million.**



### IN RE OPANA ER ANTITRUST LITIGATION

No. 1:14-cv-10150 (N.D. Ill.)

The Firm represents plaintiffs in a proposed class action brought by indirect purchasers against brand and generic manufacturers of Opana ER. Plaintiffs allege that defendants Endo Pharmaceuticals Inc. and Impax Laboratories entered an illegal “pay-for-delay” or reverse payment agreement whereby Endo provided Impax over \$100 million in cash, as well as other valuable consideration, in exchange for Impax’s promise to keep generic versions of Opana ER off the market. Plaintiffs allege that this prevented generic competition and resulted in higher prices. In 2021, the Court granted class certification to Direct Purchaser Plaintiffs and End-Payor Plaintiffs.



### MEIJER V. ABBOTT LABORATORIES

Nos. 4:07-cv-5470, 4:07-cv-5702, 4:07-cv-5985 (N.D. Cal.)

Mr. Saveri served as **Liaison Counsel** on behalf of the class of Direct Purchaser Plaintiffs in the Norvir Antitrust Litigation. The case involved claims under Section One and Section Two of the Sherman Act in connection with the sale, marketing, and pricing of the bundled drugs Norvir and Kaletra by Abbott Laboratories. Mr. Saveri participated in all phases of the litigation, including trial. Among other highlights, his work during jury selection of the case resulted in the landmark decision by the Ninth Circuit Court of Appeals in *SmithKline Beecham Corp. v. Abbott Laboratories*, 740 F.3d 471 (9th Cir. 2014), confirming that equal protection prohibits discrimination based on sexual orientation in jury selection and that the Supreme Court’s decision in *Batson v. Kentucky*, 476 U.S. 79 (1986), applies in civil cases. Following jury selection, the Direct Purchasers **settled their claims in full for \$52 million**.



### CUNG LE V. ZUFFA, LLC

No. 2:15-cv-01045-RFB-BNW (D. Nev.)

The Firm is **Co-Lead Counsel** for professional mixed martial arts (MMA) fighters in a class action against MMA promoter Ultimate Fighting Championship (UFC) and its parent company Zuffa LLC involving up to \$5 billion in alleged damages. Plaintiffs allege that the UFC illegally acquired and maintained monopoly power in the market for promoting Professional MMA Bouts and monopsony power in the market for Professional MMA Fighters’ Services and used that monopoly and monopsony power to suppress compensation for MMA fighters who fought for the UFC. Motions for class certification and summary judgment are fully briefed. The Court stated at a December 2020 hearing that it would be certifying the class.





### JONES V. VARSITY BRANDS

No. 2:20-cv-02892 (W.D. Tenn.)

The Firm represents a class of competitive cheer families against Varsity Brands, LLC; Varsity Spirit, LLC; Varsity Spirit Fashion & Supplies, LLC; U.S. All Star Federation, Inc.; and other co-conspirators. Plaintiffs allege defendants have abused Varsity's market power to raise, fix, and stabilize the prices charged and associated with competitive cheer. As a result, cheer athletes, together with their parents, friends, and families, have been overcharged by the defendants, who have obtained millions of dollars in supracompetitive illegal profits.



### GIORDANO V. SAKS INCORPORATED

No. 1:20-cv-00833-MKB-CLP (E.D.N.Y.)

The Firm is **Interim Co-Lead Class Counsel** in a "no-poach" class action, alleging that defendants Saks Incorporated; Saks & Company LLC; Saks Fifth Avenue LLC; Louis Vuitton USA Inc.; Fendi North America, Inc.; Loro Piana & C. Inc.; Gucci America, Inc.; Prada USA Corp.; and Brunello Cucinelli, USA, Inc. agreed not to hire one another's luxury retail employees. Plaintiffs are former sales professionals who sought employment opportunities with other defendants. Plaintiffs allege the illegal agreements restrain competition for luxury retail employees working for defendants. Plaintiffs seek damages and injunctive relief.



### JESSICA ROBINSON V. JACKSON HEWITT, INC. AND TAX SERVICES OF AMERICA, INC.

No. 2:19-cv-9066 (D. N.J.)

The Firm is **Interim Co-Lead Counsel** for plaintiffs in an antitrust class action against defendants Jackson Hewitt, Inc. and Tax Services of America, Inc. Plaintiffs are individuals who work or have worked for Jackson Hewitt, a tax preparation services provider and franchisor, and for franchise locations of Jackson Hewitt. From approximately January 2000 through December 2018, defendants and other co-conspirators agreed not to compete for employees and potential employees, including agreements not to solicit, recruit, or hire without prior approval each other's personnel. Plaintiffs seek injunctive relief and recovery of damages arising from defendants' violations of Section 1 of the Sherman Act.



### JANE DOE V. YOUTUBE, INC.

No. 20-CV-07493-YGR (N.D. Cal.)

The Firm represents plaintiff and a nation-wide class of content moderators. The suit alleges that content moderators responsible for viewing and removing offensive and disturbing videos and images posted by YouTube users are suffering from psychological trauma and post-traumatic stress disorder, and are not being protected properly by the social media company. Plaintiffs seek workplace improvements and compensation for exposure to objectionable content on YouTube's platform.



### IN RE JANUARY 2021 SHORT SQUEEZE TRADING LITIGATION

No. 3:21-cv-00781 (N.D. Cal.), No. 1:21-md—02989-ALTONAGA/Torres (S.D. Fla.)

The Firm is **Plaintiffs' Co-Lead Counsel** in a suit on behalf of a proposed class of retail investors against Robinhood Markets, Inc. and various brokerages, investment funds, and other co-conspirators who allegedly entered into an illegal scheme designed to shield themselves from massive industry losses they had incurred due to their highly speculative short selling strategies. Plaintiffs allege that they and other retail investors continue to be injured due to a large, overarching conspiracy among defendants to stop them from buying stocks in open and fair public securities markets. Plaintiffs seek damages recovery and injunctive relief. The Firm is Co-Lead Counsel in the antitrust tranche (group) of claims.



### IN RE DENTAL SUPPLIES ANTITRUST LITIGATION

No. 1:16-cv-00696-BMC-GRB (E.D.N.Y.)

The Firm served as a **member of the Plaintiffs' Executive Committee** in a class action of direct purchasers against the primary dental product distributors in the United States. Plaintiffs allege that Patterson Companies, Inc., Henry Schein, Inc., and Benco Dental Supply Company illegally boycotted competitor dental product distributors to maintain and extend their dominant position in the market for dental supplies and equipment. As a result, plaintiffs (and similarly situated dental practices) paid inflated prices for important dental products, including imaging devices, dental chairs, high-tech equipment, sterilization products, and other related materials. **Final judgment and a Court order granting an \$80 million settlement** were reached in 2019.



### IN RE EPIPEN MARKETING, SALES PRACTICES, AND ANTITRUST LITIGATION

No. 17-md-02785-DDC-TJJ (D. Kan)

The Firm is on the **Plaintiffs' Steering Committee** in this multidistrict litigation case alleging that Mylan, Pfizer, and their related companies engaged in federal and state antitrust violations, RICO violations, and violations of state consumer protection laws with regard to the EpiPen autoinjector drug device. Defendants raised their prices by hundreds of percent and forced consumers to buy two EpiPens at a time instead of one in order to maximize their profits. The Court has denied most claims of defendants' motions to dismiss. Class certification was granted in 2020. A final 2021 **\$345 million settlement** has received Court approval. Mylan (now Viatris Inc.) agreed to a **\$264 million preliminary settlement** in February 2022.



### PASKENTA BAND OF NOMLAKI INDIANS V. CROSBY

No. 2:15-cv-00538-MCE-CMK (E.D. Cal.)

The Firm is **Co-Lead Counsel** in a suit in which it represents the Paskenta Band of Nomlaki Indians pursuing the recovery millions of dollars converted by former tribal officials. The Tribe brings civil RICO and various state law claims alleging that these former tribal officials—with a number of associated individuals, banks, and benefit providers—operated a RICO enterprise that facilitated the looting of tribal moneys. These former tribal officials spent the Tribe's funds on luxury homes, expensive cars, private jet travel, and other personal expenses. In September 2021, the Court allowed Paskenta to seize California properties of its former economic development director due to his misuse of the tribe's money. In 2022 in a parallel criminal case, three tribal officials received prison sentences.



### IN RE GENERIC PHARMACEUTICALS PRICING ANTITRUST LITIGATION

No. 2:16-md-02724-CMR (E.D. Pa.)

The Firm is on the **Plaintiffs' Steering Committee** for End-Payor Plaintiffs and its client, the Self-Insured Schools of California, and similarly situated U.S. consumers and insurers, against dozens of generic drug manufacturers in this broad multidistrict litigation. The antitrust suit charges the defendants with conspiring to fix and raise prices for over 30 different generic pharmaceutical drugs, forcing consumers to pay inflated prices for medication to treat a wide variety of illnesses and diseases. In 2019, the Court denied defendants' joint motion to dismiss plaintiffs' overarching conspiracy claims. In 2020, the Court selected two bellwether cases for the private plaintiffs, including the Firm's End-Payor Plaintiff clients, concerning the drugs Clobetasol and Clomipramine.



### IN RE OUTPATIENT MEDICAL CENTER EMPLOYEE ANTITRUST LITIGATION

No. 21-cv-00305 (N.D. Ill.)

As **Interim Co-Lead Counsel**, the Firm represents a potential class of senior-level employees in an antitrust suit filed against defendants Surgical Care Affiliates, LLC; United Health Group; United Surgical Partners Holding Company, Inc.; Tenet Healthcare Corporation; DaVita, Inc.; and other co-conspirators. Plaintiffs allege defendants entered into “no-poach” agreements not to compete for senior-level employees in the United States. These agreements allegedly accomplished their purpose by reducing competition for defendants’ senior-level employees and suppressing defendants’ senior-level employees’ compensation below competitive levels. They also denied their senior-level employees’ access to job opportunities, restricted their mobility, and deprived them of significant information that they could have used to negotiate for better compensation and employment terms. Plaintiffs seek damages recovery and injunctive relief to prevent defendants from retaining the benefits of their alleged antitrust violations.



### IN RE JUUL LABS, INC. ANTITRUST LITIGATION

3:20-cv-02345-WHO (N.D. Cal.)

The Firm is **Interim Lead Counsel** for Direct Purchaser Plaintiffs in e-cigarette antitrust lawsuits against Altria Group, Inc. (Altria) and Juul Labs, Inc. (JLI) on behalf of individuals and businesses who purchased JUUL e-cigarette devices directly from JLI. Plaintiffs and the class seek damages recovery for violations of the Sherman and Clayton Acts. The e-cigarette antitrust claims stem from an allegedly anticompetitive agreement between Altria and JLI, whereby Altria agreed to acquire an ownership interest in JLI in exchange for over \$12 billion. Altria also allegedly agreed not to compete with JLI and to provide JLI valuable retail shelf space in the e-cigarette market. Through this agreement, JLI was able to maintain its dominance in the e-cigarette market and earn monopoly profits. Altria then shared these profits through its ownership stake in JLI.



### FOND DU LAC BUMPER EXCHANGE INC. V. JUI LI ENTERPRISE COMPANY LTD.

No. 2:09-cv-00852-LA (E.D. Wisc.)

The Firm represents a class of auto parts distributors who allege that Taiwanese manufacturers of aftermarket sheet metal auto parts colluded to artificially raise prices and eliminate competition. The Court has granted final approval to **settlements by two defendants totaling \$25 million** and has granted plaintiffs’ motion for class certification.





### MICROSOFT PRIVATE ANTITRUST LITIGATION

Representing businesses and consumers, Mr. Saveri prosecuted multiple private antitrust cases against Microsoft Corporation in state courts across the country, including Florida, New York, North Carolina, and Tennessee. Plaintiffs alleged that Microsoft engaged in anticompetitive conduct and/or violated state deceptive and unfair business practices statutes to harm competition and monopolize the markets for Intel-compatible, personal computer operating system software, as well as word processing and spreadsheet software. In 2006, the New York Supreme Court granted final approval to a **settlement that made available up to \$350 million in benefits** for New York businesses and consumers. In 2004, the Court in the North Carolina action granted final approval to a **settlement valued at over \$89 million**, and the Court in the Tennessee action granted final approval to a **\$64 million settlement**. In 2003, in the Florida Microsoft litigation, the Court granted final approval to a **\$202 million settlement**, one of the largest antitrust settlements in Florida history. Mr. Saveri served as **Co-Lead Counsel** in the New York, North Carolina, and Tennessee cases, and held leadership roles in the Florida case.



### IN RE LUPRON MARKETING AND SALES PRACTICES LITIGATION

MDL No. 1430 (D. Mass.)

In 2005, the Court approved a **settlement** of a class action brought 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** to persons or entities that 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, which resulted in plaintiffs paying more for Lupron than they should have paid. Mr. Saveri served as **Co-Lead Plaintiffs' Counsel**.



### IN RE BUSPIRONE ANTITRUST LITIGATION

MDL No. 1413 (S.D.N.Y.)

In 2003, Mr. Saveri obtained a **\$90 million cash settlement** for individual consumers, consumer organizations, and third-party payors 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's patent and refrain from entering the market.



### CALIFORNIA VITAMIN CASES

J.C.C.P. No. 4076 (San Francisco County Sup. Ct.)

Mr. Saveri 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) against vitamin manufacturers alleged to have engaged in price fixing of particular vitamins. In 2002, the Court granted final approval of a **\$96 million settlement** with certain vitamin manufacturers. In 2006, the Court granted final approval to over **\$8.8 million in additional settlements**.



### PHARMACEUTICAL CASES I, II, AND III

J.C.C.P. Nos. 2969, 2971, and 2972 (San Francisco County Sup. Ct.)

Mr. Saveri served as **Co-Lead and Co-Liaison Counsel** representing a certified class of indirect purchasers (consumers) on claims against the major pharmaceutical manufacturers for violations of the Cartwright Act and the Unfair Competition Act. The class alleged that defendants unlawfully fixed discriminatory prices on prescription drugs to retail pharmacists in comparison with the prices charged to certain favored purchasers, including HMOs and mail order houses. In 1999, the Court approved a **settlement providing \$148 million in free, brand-name prescription drugs** to health agencies that serve California's poor and uninsured. In 2001, the Court approved a **settlement** with the remaining defendants in the case, which provided **an additional \$23 million in free, brand-name prescription drugs** to these agencies.



### IN RE BRAND NAME PRESCRIPTION DRUGS

MDL No. 997 (N.D. Ill.)

Mr. Saveri served as **Class Counsel** for a class of tens of thousands of retail pharmacies against the leading pharmaceutical manufacturers and wholesalers of brand name prescription drugs for alleged price-fixing from 1989 to 1995 in violation of the federal antitrust laws. Class plaintiffs charged that defendants engaged in price discrimination against retail pharmacies by denying those discounts provided to hospitals, health maintenance organizations, and nursing homes. In 1996 and 1998, the Court approved **settlements** with certain manufacturers **totaling \$723 million**.



### IN RE TRAVEL AGENCY COMMISSION ANTITRUST LITIGATION

MDL No. 1058 (D. Minn.)

Mr. Saveri served as **Co-Lead Counsel** for a certified class of U.S. travel agents on claims against the major U.S. air carriers, who allegedly violated the federal antitrust laws by fixing the commissions paid to travel agents. In 1997, the Court approved an **\$82 million settlement**.





Judicial Praise for the  
Joseph Saveri Law Firm



“

Through my extensive observations of counsel, I am assured that they are well qualified to litigate this class action.... I have no hesitation that these lawyers will ‘fairly and adequately represent the interests of the class.’”

**JUDGE NINA GERSHON,**  
*In Re Restasis (Cyclosporine Ophthalmic Emulsion) Antitrust Litigation,*  
Master File No. 1:17-cv-06684-NG-LB (E.D.N.Y.)

“

The MDL litigation has been hard-fought by both sides, and required an enormous amount of work to collect evidence in the United States and several overseas countries, bring and defend complex motions, and prepare a sprawling case for a jury trial. Class Counsel prosecuted the case with skill and vigor, and achieved strongly positive results. The Court also appreciated the professionalism and spirit of cooperation that Class Counsel brought to the proceedings.”

**JUDGE JAMES DONATO,**  
*In re Capacitors Antitrust Litigation,* Master File No. 3:14-cv-03264-JD (N.D. Cal.)

“

Direct Purchaser Plaintiffs’ Counsel vigorously and effectively pursued the Direct Purchasers’ claims. These efforts included factual investigation, drafting complaints, briefing and arguing motions to dismiss and for summary judgment, reviewing and analyzing documents, interviewing witnesses and taking dozens of depositions in the United States and abroad, negotiating the terms of the settlements, and preparing the settlement documents.”

**JUDGE MARIANNE O. BATTANI,**  
*In re Automotive Parts Antitrust Litigation/In re Wire Harness Cases,* Master File No. 12-md-02311  
(E.D. Mich.)

“

The Joseph Saveri Law Firm invested a great deal of time and effort to investigate and develop the potential claims in this action, and it filed the first complaint in this case as a result. . . . The Joseph Saveri Law Firm also has the support of many of the plaintiffs’ counsel, which the Court does find to be a significant factor in the Saveri Firm’s favor [for appointment to Interim Lead Class Counsel].”

**JUDGE JAMES DONATO,**

*In re Capacitors Antitrust Litigation, Master File No. 3:14-cv-03264-JD (N.D. Cal.)*

“

As noted by the plaintiffs: ‘Since their initial appointment, [the Joseph Saveri Law Firm and other interim co-lead and liaison counsel, and the Plaintiffs’ Executive Committee] . . . have devoted substantial time and resources to this case, including complex legal matters on a variety of motions, case management, discovery planning, and extensive meetings and conferrals with defendants regarding ongoing discovery. Moreover, proposed Class Counsel have demonstrated their extensive experience and expertise prosecuting antitrust, class action, and complex civil litigation cases and have successfully litigated antitrust class actions and other similar cases in courts throughout the United States.’ Defendants do not object or disagree with the plaintiffs’ characterization of their representation. This Court has reviewed the [Federal Rules of Civil Procedure] Rule 23(g)(1) requirements, and concludes that plaintiffs’ proposed co-lead counsel are well qualified to represent the class in this case.’”

**JUDGE RICHARD D. BENNETT,**

*In re Titanium Dioxide Antitrust Litigation, Civil Action No. RDB –10–0318, 284 F.R.D. 328 (D. Md. 2012), amended, 962 F. Supp. 2d 840 (D. Md.)*

## OUR TEAM

The Firm's attorneys are well-regarded for their integrity, experience, and success in all phases of litigation. They have received multiple awards from the American Antitrust Institute, Chambers and Partners, Martindale Hubbell, The Legal 500, Who's Who Legal, and *Super Lawyers*. Partners Joseph Saveri, Steven Williams, and Ronnie Seidel Spiegel are recognized as three of the country's top lawyers and leaders in federal antitrust and class action litigation.

## Joseph R. Saveri



### PRACTICE AREAS

Antitrust  
Class Actions  
Complex Business Disputes  
Commercial Litigation  
Intellectual Property  
*Qui Tam* and Whistleblower

### ADMISSIONS

State of California  
US Supreme Court  
US Court of Appeals – Federal Circuit  
US Court of Appeals – First Circuit  
US Court of Appeals – Second Circuit  
US Court of Appeals – Fourth Circuit  
US Court of Appeals – Fifth Circuit  
US Court of Appeals – Seventh Circuit  
US Court of Appeals – Eighth Circuit  
US Court of Appeals – Ninth Circuit  
US District Court – Central District of California  
US District Court – Eastern District of California  
US District Court – Northern District of California  
US District Court – Southern District of California  
US District Court – Northern District of Illinois  
US District Court – Eastern District of Michigan  
US District Court – Eastern District of Wisconsin

### EDUCATION

University of Virginia Law School, J.D.  
University of California, Berkeley, B.A. History  
and Economics (double major), with Honors



Joseph R Saveri



Mr. Saveri began his career performing general litigation work at the San Francisco law firm of McCutchen, Doyle, Brown & Enersen. In 1992, he joined the plaintiffs' firm Lief Cabraser Heimann & Bernstein (LCHB), where he was the firm's Managing Partner and established its antitrust and intellectual property practice, which was recognized in 2012 as one of the top five practice groups in California. He left LCHB in May 2012 to start his own firm.

Mr. Saveri has performed virtually every aspect of complex and class action litigation, including factual and economic analysis of market conditions and pricing practices, drafting of pleadings, law and motion matters, organizing e-discovery, creating a discovery plan, administering and directing on-line review of documents requiring coordination of dozens of lawyers fluent in English and foreign languages, propounding written discovery, taking and defending percipient and expert witness depositions, organizing the factual record, briefing and arguing summary judgment, and leading trial and appellate work.

From 2010 through 2013, Mr. Saveri was chosen to serve as a Lawyer Representative for the United States District Court for the Northern District of California and the Ninth Circuit Court of Appeals. He has served and serves on several court committees charged with developing rules and programs regarding complex litigation, e-discovery, and a variety of other matters. He was chosen to serve as a member of the Northern District's Civil Rules Advisory Committee from 2009-2012, the committee to establish rules and procedures for expedited trials (which the Court adopted as General Order No. 64, "Expedited Trial Procedures"), and the committee which crafted new e-discovery rules and procedures later adopted by the Court. He is a member of the American Bar Association and the Bar Association of San Francisco.

Mr. Saveri is also a frequent author of articles on antitrust and complex litigation issues, and a frequent lecturer on a variety of matters, including antitrust, complex litigation, class action practice, and discovery. He serves as an author of *California Antitrust and Unfair Competition Law*, the legal treatise published by the State Bar of California's Antitrust and Unfair Competition Section. He is also a member of the Advisory Board of the American Antitrust Institute and a Fellow of the Litigation Counsel of America. In 2019, he was a speaker at the U.S. Department of Justice Antitrust Division's public roundtable to discuss the Antitrust Criminal Penalty Enhancement & Reform Act.

Mr. Saveri has received numerous **ACCOLADES** from an array of legal entities, including:

**Benchmark Litigation:** Honored as National Practice Area Star" and "Local Litigation Star" in competition/antitrust (2020-present)

**Best Lawyers:** *Best Lawyers in America* (2012-present)

**Chambers and Partners:** Band 1 (top-ranked) plaintiffs' antitrust attorney for California and nationwide (2014-present)



con't Joseph R. Saveri



**Daily Journal (California):** CLAY Award—California Lawyer Attorneys of the Year (2016, 2022); Top Plaintiff Lawyers in California (2018-present); Top 100 Lawyers in California (2016, 2018-2019, 2021); Top Antitrust Lawyers in California (2020); One of California's Leading Labor & Employment Lawyers (2014)

**Global Competition Review:** Shortlisted for "Lawyer of the Year" (2022)

**Law 360:** Titan of the Plaintiffs Bar (2014)

**Lawdragon:** 500 Leading Lawyers in America (2022); 500 Leading Plaintiff Financial Lawyers (2019-present)

**Legal 500:** Leading Lawyer - "United States Antitrust Civil Litigation/Class Actions: Plaintiff" category (2021-present)

**Martindale-Hubbell:** AV Preeminent rating—Top Rated Lawyers (2008-present)

**National Law Journal:** Trailblazers—Mergers & Acquisitions and Antitrust (2015)

**Super Lawyers:** *Super Lawyers Northern California*—Antitrust Litigation (2006-present); *Super Lawyers Top 100 Northern California* (2015-2016, 2019-present)

**Who's Who Legal:** One of the top plaintiffs' attorneys worldwide via *Who's Who Legal: Competition* (publication of *Who's Who Legal* and *Global Competition Review* (2015-present)); profiled in *Thought Leaders: Competition*, a publication of *Who's Who Legal* (2019-present)

## Steven N. Williams



### PRACTICE AREAS

Antitrust  
Class Actions  
Commercial Litigation  
Consumer Protection  
*Qui Tam* and Whistleblower  
Pro Bono

### ADMISSIONS

State of California  
State of New Jersey  
State of New York  
US Supreme Court  
US Court of Appeals – Second Circuit  
US Court of Appeals – Third Circuit  
US Court of Appeals – Fifth Circuit  
US Court of Appeals – Sixth Circuit  
US Court of Appeals – Ninth Circuit  
US Court of Appeals – District of Columbia Circuit  
US District Court – Eastern District of California  
US District Court – Central District of California  
US District Court – Northern District of California  
US District Court – Southern District of California  
US District Court – Eastern District of Michigan  
US District Court – District of New Jersey  
US District Court – Eastern District of New York  
US District Court – Southern District of New York

### EDUCATION

Fordham University School of Law, J.D.  
New York University, B.A., Russian & Slavic  
Studies



Steven N Williams



In over twenty-five years of practice, Mr. Williams has handled successfully and with distinction all aspects of litigation and trial in state and federal courts and in private arbitration.

Mr. Williams has played a lead role in many of the most prominent antitrust class cases litigated in the United States in recent years, including *In re Automotive Parts Antitrust Litigation*, *In re Static Random Access Memory Litigation*, *Precision Associates v. Panalpina World Transport*, and *In re Transpacific Air Transportation Litigation*. Over the last decade he has been named lead or co-lead counsel in more antitrust cases than perhaps any other attorney in the United States. He has helped recover more than \$2 billion and has been responsible for new law including ground-breaking decisions narrowing the scope of the Filed Rate Doctrine and permitting civil damage claims in *E. & J. Gallo Winery v. EnCana Corp.*, 503 F.3d 1027 (2007) and *Wortman v. All Nippon Airways*, 854 F.3d 606 (2017), and a ruling that “umbrella damages” are available under California state law. *County of San Mateo v. CSL, Ltd.*, 2014 U.S. Dist. LEXIS 116342 (N.D. Cal. Aug. 20, 2014).

Mr. Williams—previously a long-time partner at Cotchett, Pitre & McCarthy, LLP—practices in the fields of litigation, trial, and client counseling, with an emphasis on representation of civil plaintiffs in antitrust matters. He has served in leadership positions in more than a dozen antitrust class cases throughout the United States. During his career, he has represented claimants in cases involving memory chips, pharmaceuticals, air passenger transportation, air cargo transportation, cathode ray tubes, capacitors, resistors, flash memory, lithium-ion batteries, financial products and services, poultry, and water. He has been appointed to represent both classes and individuals. In non-class cases he has represented the Chief Justice of California, the Judicial Council of California, Consumers Union of United States, Inc., the United Farm Workers, Dolores Huerta, public pension funds, private investment funds, many cities and counties of California, public utilities including water districts, and individual consumers.

Among recent highlights, Mr. Williams represented a plaintiff class of content moderators, responsible for viewing and removing offensive and disturbing content from Facebook users, who allegedly suffered from PTSD and other trauma-related injuries because they were not being properly protected by the social media company. In 2021, the class reached a ground-breaking final settlement for \$52 million and workplace improvements. The case—*Scola v. Facebook, Inc.*—has paved the way for similar content moderator suits against YouTube, Inc. and TikTok, Inc.

Mr. Williams has written and lectured on various topics including antitrust, multidistrict litigation, complex litigation, e-discovery, MTBE litigation, regulatory developments in environmental law, contractual issues in environmental cleanups, and habeas corpus. He has spoken at many venues, including the American Bar Association Antitrust Section Spring Meeting, the California State Bar Antitrust, UCL and Privacy Section, the New York State Bar Association Antitrust Section, and yearly presentations on civil discovery topics to the Consumer Attorneys of California.



## con't Steven N. Williams



Mr. Williams is the author or co-author of several publications, including: "A Practitioner's Perspective: Why The Supreme Court Should Not Overturn *Illinois Brick* in *Apple v. Pepper*," *Competition*, The Journal of the Antitrust and Unfair Competition Law Section of the California Lawyers Association; "Should United States Courts Defer to Foreign Governments?," Chambers and Partners' *Cartels 2019* global practice guide; "'Apple v. Pepper' Will Enhance Private Antitrust Enforcement by Confirming Bright-Line Rule of 'Illinois Brick,'" May 2019 *The Recorder*; "'Pepper' as a Back Door to 'Illinois Brick' (and 'ARC America')?" and "Should 'Hanover Shoe' and 'Illinois Brick' Be Discarded?," August 2018 *The Recorder*; *Antitrust Law Developments (Eighth)*, American Bar Association (2017); "Federal and State Class Antitrust Actions Should Not Be Tried in a Single Trial," *The Journal of the Antitrust and Unfair Competition Law Section of the State Bar of California*, Fall 2014; "Recoveries for Violations of Federal and California Antitrust Statutes Should Not Be Apportioned," *Competition*, Antitrust and Unfair Competition Law Section, California State Bar, Fall 2014; "Antitrust Whistleblowers Get Clarity," Los Angeles and San Francisco *Daily Journal*, 2013; and many others.

Mr. Williams was appointed by the Consumer Attorneys of California as a member of the California Discovery Subcommittee for revision of California discovery rules and statutes relating to e-discovery and electronically stored information, 2007-2008. He is currently in leadership for the American Bar Association Antitrust Section and is a member of the International Cartel Task Force and the Executive Committee of the Committee to Support the Antitrust Laws. He is an advisor to the Executive Committee of the California Lawyers Association Section on Antitrust, Unfair Competition Law, and Privacy Law, and was chair of the 2017 Golden State Antitrust Institute.

Mr. Williams passionately donates his time to volunteer activities and pro bono representation. He is a Board Member of Public Justice and past Chairman of the Board of Community Gatepath, an organization dedicated to serving the needs of developmentally disabled children and adults. Through his initiative, the Firm frequently works with the Northern District of California's Federal Pro Bono Project, which operates in conjunction with the Bar Association of San Francisco's Justice and Diversity Center. The JDC provides pro bono services to underserved San Francisco residents and communities, and the Firm has successfully handled several cases referred to it by the JDC. For his efforts, Mr. Williams received the JDC's 2020 Crystal Award for "Outstanding Volunteer of the Year" and its 2018 recognition as an "Outstanding Volunteer." He and the Firm's pro bono program have also been praised by Chambers and Partners and *Super Lawyers* magazine.

Mr. Williams has received numerous professional **ACCOLADES**, including:

**American Antitrust Institute:** Honoree for Antitrust Enforcement Awards for "Outstanding Antitrust Litigation Achievement in Private Law Practice" for his key role in *In re Automotive Parts Antitrust Litigation* (2019)

**Benchmark Litigation:** Honored as National Practice Area Star" and "Local Litigation Star" in competition/antitrust (2020-present)

con't Steven N. Williams



**Best Lawyers:** *Best Lawyers in America* (2020-present)

**Chambers and Partners:** Band 1 or Band 2 plaintiffs' antitrust attorney for California (2015-present) and nationwide (2017-present)

**Daily Journal (California):** CLAY Award—California Lawyer Attorneys of the Year (2022); Top Plaintiff Lawyers in California (2018-present); Top Antitrust Lawyers in California (2020-present)

**Law360:** Titan of the Plaintiffs Bar (2022)

**Lawdragon:** 500 Leading Plaintiff Financial Lawyers (2019-present)

**Martindale-Hubbell:** AV Preeminent rating—Top Rated Lawyers (2002-present)

**Super Lawyers:** *Super Lawyers Northern California*—Antitrust Litigation Super Lawyer (2005-present); *Super Lawyers Top 100 Northern California* (2016-present); Firm pro bono program profiled in *Super Lawyers* magazine (2021)

**Who's Who Legal:** One of the top plaintiffs' attorneys worldwide via *Who's Who Legal: Competition* (publication of Who's Who Legal and Global Competition Review (2014-present)); profiled in *Thought Leaders: Competition*, a publication of Who's Who Legal (2019-present); selected to *Who's Who Legal: Commercial Litigation* (2021)

## Ronnie Seidel Spiegel



### PRACTICE AREAS

Antitrust  
Class Action  
Consumer Protection  
Securities Litigation and Shareholder Disputes

### ADMISSIONS

State of Pennsylvania  
State of Washington  
Washington Supreme Court  
US District Court – Eastern District of Michigan  
US District Court – Eastern District of Pennsylvania  
US District Court – Western District of Washington

### EDUCATION

Temple University Beasley School of Law, J.D.  
(*Temple Law Review* – Editorial Board)

Boston University, B.A., International Relations



Ms. Spiegel has over two decades of experience litigating and managing all phases of complex antitrust litigation from filing through trial, with a special focus on e-discovery negotiation and case management. She is also a go-to person in the industry regarding translation issues and the use of foreign-language evidence. Her approach to complex case litigation is both substantive and pragmatic. She has a deep understanding of the legal issues and facts involved in her cases, but also strives to set up an efficient framework at the outset of each case so that the case can run smoothly and the best possible result for clients and plaintiff-classes can be achieved.

Ms. Spiegel comes to the Firm after 16 years at Hagens Berman Sobol Shapiro LLP, where she was a partner since 2013. While there, she focused on representing direct purchasers and end-consumers, and played key roles in some of the largest price-fixing, monopolization, and complex litigation cases in the country. Some of her most notable cases included leadership and management of: *In re DRAM Antitrust Litigation*, *In re SRAM Antitrust Litigation*, *In re Cathode Ray Tube Antitrust Litigation*, *In re TFT-LCD (Flat Panel) Antitrust Litigation*, *In re Automotive Parts Antitrust Litigation*, *In re Containerboard Antitrust Litigation*, *In re McKesson Corp. Shareholder Derivative Litigation*, *In re Apple iPhone Litigation*, and *In re Google Android Litigation*.

Ms. Spiegel also previously worked as an associate at Spector, Roseman & Kodroff, where she helped develop the firm's antitrust practice and managed its North Carolina office. While there, she played a significant role in several landmark cases, including: *In re Brand Name Prescription Drugs Antitrust Litigation*, *In re Vitamins Antitrust Litigation*, *In re NASDAQ Market-Makers Antitrust Litigation*, *In re High Fructose Corn Syrup Antitrust Litigation*, *In re Commercial Tissue Paper Antitrust Litigation*, and *In re Flat Glass Antitrust Litigation*.

Ms. Spiegel has received many accolades during her legal career, including being selected as The National Trial Lawyers: Top 100 and by Lawdragon as one of its 500 Leading Plaintiff Financial Lawyers (2019-present).

Ms. Spiegel is a member of the American Bar Association's Antitrust Section, the Sedona Conference, Working Group 1, and was a member of the drafting team for the Sedona Conference's revised Rule 45 Commentary (published October 2020). She is a current participant in Ladder Down, a networking, mentoring, and executive training program for women leaders in the Seattle legal community. She is also a former Board Member of the MAMAS organization, a resource and networking organization in Seattle for those trying to balance motherhood and a legal career.

## Cadio Zirpoli



### PRACTICE AREAS

Antitrust  
Class Action  
Commercial Litigation  
Complex Business Disputes  
Criminal Defense

### ADMISSIONS

State of California  
US Court of Appeals – Ninth Circuit  
US District Court – Central District of California  
US District Court – Eastern District of California  
US District Court – Northern District of California  
US District Court – Southern District of California

### EDUCATION

University of San Francisco School of Law, J.D.,  
*cum laude*

University of California, Berkeley, B.A.



Mr. Zirpoli is a proud member of the San Francisco legal community, with roots going back generations. He does his heritage proud with a reputation for tenacity, an unrivaled work ethic, and the skill to bring numerous high-profile cases to conviction.

Mr. Zirpoli's relationships with firm founder Joseph Saveri and partners Steven Williams and Ronnie Seidel Spiegel go back decades, when all were at separate firms and worked on many cases together, sometimes as co-counsel, others in tandem but representing separate classes or clients. As their personal lives and legal careers diverged, the group found themselves working together on the landmark *Capacitors* case. As it became evident that they all worked well together, the natural progression resulted in Mr. Zirpoli joining the firm in 2022.

Mr. Zirpoli's work ethic has always been strong; he worked full time and attended law school at night as but one early example. This work ethic informs his legal career and how he approaches client service. After graduating with honors from the University of San Francisco School of Law, he joined the San Francisco District Attorney's Office, distinguishing himself by working under a federal grant to prosecute repeat offenders of domestic violence, elder abuse, and child abuse.

At his former firm, Saveri & Saveri, Inc., Mr. Zirpoli specialized in complex civil and class action litigation in both federal and state courts, focusing primarily on antitrust suits. His work covered various industries, including electronics, pharmaceuticals, banking, financial institutions, paper products, agriculture, travel, transportation, insurance, and the protein market. He has been instrumental in resolving some of the largest electronics antitrust cases, including *In re DRAM Antitrust Litigation*, *In re Cathode Ray Tube (CRT) Antitrust Litigation*, *In re Optical Disk Drive Products Antitrust Litigation*, and *In re Lithium Ion Batteries Antitrust Litigation*.

Mr. Zirpoli is currently at the forefront of the "protein" cases: a series of price-fixing investigations and collusion in the meat industry, such as broiler chickens and pork. He actively takes executives' depositions, bringing his renowned investigative mind to the table.

In addition to his impressive court record, Mr. Zirpoli is an AV Preeminent-rated lawyer on Martindale-Hubbell. He has been named to Northern California *Super Lawyers* 2010 and 2014-present, and named to the Top 100 Northern California *Super Lawyers* since 2018.

Outside of his legal practice, Mr. Zirpoli is deeply committed to the community, serving as a volunteer judge with the YMCA Marin County Youth Court, an alternative to the traditional juvenile justice system based on restorative justice principles. Additionally, he has served as a Ferry Passenger Advisory Committee member.

Mr. Zirpoli argued and won an appeal before the Ninth Circuit Court of Appeals in *Bozzio v. EMI Group, Ltd.*, 811 F.3d 1144 (9th Cir. 2016), a breach of contract case raising issues of first impression.

## Abraham Maggard



### PRACTICE AREAS

Antitrust  
Class Action  
Consumer Protection

### ADMISSIONS

State of California

### EDUCATION

Georgetown University Law Center, J.D.

University of New Mexico, B.A., Political Science,  
Economics (*summa cum laude*), Dean's List

Abraham Maggard joined the Firm in 2021 as an associate. He currently plays a key role in drafting pleadings, conducting legal research, and responding to public inquiries for legal assistance. Believing in a client first mentality, he approaches his practice with an open mind and flexibility to make sure he works with compassion. He played a key role on the 2021 *In Re Capacitors Antitrust Litigation* trial, which resulted in \$165 total preliminary settlements with the case's remaining defendants.

Prior to becoming an associate, for the past two years in two separate stints, Mr. Maggard was a law clerk and legal intern at the Firm. In those roles, he successfully:

- Drafted legal memoranda researching antitrust case law and statutory precedent
- Drafted and prepared court motions for filing
- Researched and presented potential antitrust cases, and worked with potential clients
- Drafted documents for pro bono cases, such as an opposition for motion for summary judgment on a 42 U.S.C. §1983 (civil action for deprivation of rights) claim
- Researched and drafted articles for publication in antitrust law periodicals

Prior to joining the Firm, Mr. Maggard was a student attorney at the Washington, D.C.-based Rising for Justice, where he represented disadvantaged clients in the landlord and tenant branch of the D. C. Superior Court, led a mediation for a client, and interviewed potential clients. In 2019, he was a legal intern at a New York City-based bond rating agency, where he worked with United States' regulations on credit ranking agencies embodied by Dodd-Frank and Securities and Exchange Commission 17g rules (disclosures required from nationally recognized statistical ratings organizations) to assist with regulatory compliance. He also drafted a project comparing the California Consumer Privacy Act and other states' privacy laws and reviewed and modified non-disclosure agreements. Before that, in 2016-2017, he was a legal intern at a small Albuquerque, New Mexico law office where he summarized depositions, drafted, and composed court documents, and reorganized and compiled a filing system for the office's documents database.

While in law school at Georgetown University Law Center, Mr. Maggard was the articles editor for the *Georgetown Journal of Legal Ethics* and section member for the American Civil Liberties Union. As an undergraduate at the University of New Mexico (UNM), he was a project leader of Nourish International UNM chapter's summer project in Pueblo Nuevo, Nicaragua, where he coordinated students from the University of California at Berkeley and UNM to construct a maternity clinic with the help of the local community.



## Kevin Rayhill



### PRACTICE AREAS

Antitrust  
Class Actions

### ADMISSIONS

State of California  
US Court of Appeals – Ninth District  
US District Court – Central District of California  
US District Court – Eastern District of California  
US District Court – Northern District of California

### EDUCATION

University of California Hastings College of the Law, J.D.

Oberlin College, B.A., Religion

Berklee College of Music, Professional Diploma

Mr. Rayhill specializes in antitrust class actions and other complex litigation. He advocates for the rights of workers, taking on some of the biggest employers in professional sports, social media, defense contracting, and luxury retail to fight for competitive wages and safe working conditions. He also fights on behalf of consumers, bringing antitrust claims against manufacturers of pharmaceuticals, laptop computers, car parts, and titanium dioxide, among others. To date, these cases have resulted in settlements exceeding \$300 million.

Prior to joining the Firm, Mr. Rayhill worked as a Legal Research Attorney at the Superior Court of San Francisco (Criminal Division). While in law school, he held internships at the California Attorney General's Office (Environment, Land Use, and Natural Resources Division) and the San Francisco City Attorney's Office (Energy and Telecommunications Team), and an externship with Justice Stuart R. Pollak of the California Court of Appeal (First District).

Mr. Rayhill is a member of the American Bar Association and the Bar Association of San Francisco.



## Christopher Young



### PRACTICE AREAS

Antitrust  
Class Action

### ADMISSIONS

State of California  
US District Court – Central District of California  
US District Court – Eastern District of California  
US District Court – Northern District of California  
US District Court – Southern District of California  
US District Court – Northern District of Illinois

### EDUCATION

UCLA School of Law, J.D. (specialization in International and Comparative Law)

University of Minnesota Law School (first-year coursework), Dean's List, Dean Distinguished Scholarship, Richardson Scholarship

UCLA, B.A., Economics and Sociology

### LANGUAGES

Cantonese (conversational)  
French (basic)  
German (basic)



Mr. Young specializes in antitrust and class action litigation. He approaches his practice with a diligent and creative attitude while providing clients with high-quality legal representation.

Mr. Young's professional qualifications are exemplified by his invaluable work on the *Capacitors* trial. As a leading associate (the firm is sole Lead Counsel), he played a vital role in coordinating this massive price-fixing litigation as the firm litigated summary judgment, tried the case in 2020 for two weeks (before the pandemic caused a mistrial), and then commenced a November-December 2021 retrial. Mr. Young had primary responsibilities for drafting and negotiating pretrial filings such as jury instructions and motions *in limine*, presenting evidence to the jury, and playing critical roles in nearly all other aspects of both trials. He has also been a leader in achieving final approval of settlements taking place from 2020 to date

In addition to his duties for the Firm, Mr. Young volunteers for the Federal Pro Bono Project of the Bar Association of San Francisco. In a recent pro bono civil rights matter, he briefed and argued motions for summary judgment which led to a settlement that included significant monetary consideration and nonmonetary consideration that would have been unavailable as relief if the Firm had prevailed at trial. In 2021, he was one of the speakers at a webinar co-sponsored by the Bar Association of San Francisco's Justice and Diversity Center, the Asian Law Alliance, and the U.S. District Court for the Northern District of California: "What Can I Do as a Pro Bono Attorney in the Northern District?"

Before joining the Firm, Mr. Young was a law clerk for Associate Justice Lamar W. Baker of the California Second District Court of Appeal, Division Five. Prior to this, he was a post-bar fellow at the Los Angeles County Public Defender's Office.

While attending law school at UCLA, Mr. Young was an Associate Editor of the *UCLA Law Review* and participated in the 2016 American Red Cross Clara Barton International Humanitarian Law Competition, where his team was awarded "Best Overall Team Research and Writing." In addition, he worked as a certified legal intern for the San Diego County Public Defender's Office and focused on complex securities fraud cases, represented clients at arraignment, and participated heavily in a trial, including examination of witnesses.

Mr. Young is a member of the American Bar Association, the Bar Association of San Francisco, and the Los Angeles County Bar Association. As an ABA Young Lawyer Representative, in 2022 he was a panelist in the "Career Conversations & Diversity Dialogues" program at the ABA Antitrust Section Spring Meeting aimed towards giving lawyers perspectives in possible career paths. He also donates his time to the local San Francisco community, speaking with local organizations to youth interested in a future legal career and volunteering as an essay reviewer for students currently applying to colleges.

In 2021, Mr. Young was selected by *Super Lawyers* as a Northern California "Rising Star" in the antitrust litigation practice area. In 2022, he was honored as one of the "Rising Stars of the Plaintiffs Bar" in the *National Law Journal's* 2022 Elite Trial Lawyer Awards.

## Elissa A. Buchanan



### PRACTICE AREAS

Antitrust  
Intellectual Property

### ADMISSIONS

State of California

### EDUCATION

University of San Francisco School of Law, J.D.

Mills College, B.A., French Studies

### LANGUAGES

French (conversational reading and speaking)

Ms. Buchanan's legal expertise focuses on antitrust, construction defect, and corporate securities and shareholder litigation. She plays an active role in deposition and trial preparation and manages a team of document reviewers tasked with analyzing and organizing extensive e-discovery. She works primarily on antitrust drug cases involving pay-for-delay, PBM (pharmacy benefit management or manager) kickbacks, and generic drug company collusion. She takes pride in providing positive outcomes for consumers and overall fairness in the healthcare system.

Ms. Buchanan also has taken the lead role in forming the Firm's "Green Team," a group of employees who have organized personnel and implemented policy changes to ensure that the Firm is environmentally responsible. They have successfully achieved the Firm's designation as a Certified Green Business by the San Francisco Green Business Program.

Prior to joining the Firm, Ms. Buchanan worked as a contract attorney on construction defect litigation and antitrust and personal injury class actions. During law school, she interned at California Lawyers for the Arts, where she worked with clients to find solutions to copyright and trademark issues. She also was a technical editor for the *Journal of Law and Social Justice* and volunteered for Law in Motion, a program that provides opportunities for the law school community to reflect on issues of social justice and access to equal justice through various activities and events.

Ms. Buchanan is a member of the American Bar Association.

## Julie Han



### PRACTICE AREAS

Antitrust  
Class Actions

### ADMISSIONS

State of California

### EDUCATION

University of the Pacific, McGeorge School of Law, J.D.

San Francisco State University, B.S., Business Administration (concentration in International Business)

Chung-Ang University (Seoul), B.A., Architectural Engineering

### LANGUAGES

Japanese (professional level)  
Korean (native level)

Ms. Han focuses on antitrust and consumer class actions, while representing plaintiffs through each phase of antitrust litigation from pre-trial investigation, discovery, dispositive motions, witness selection and interviews, to trial preparation. She understands the goals that need to be reached beyond the complex disputes over antitrust matters. Focused on serving her clients in the best way possible, she aggressively approaches every issue developed during litigation and effectively tackles it to grant her clients a successful resolution.

Prior to joining the Firm, Ms. Han was a project managing attorney for a major international law firm in the San Francisco Bay Area, where she supervised discovery review teams and assisted the firm's intellectual property litigation.

During law school, as a legal intern at the Office of Legislation and Policy of the California Department of Corporations, Ms. Han reviewed legislation proposals on California finance and mortgage lending law and drafted analysis of the state lending issues.

Ms. Han is a member of the American Bar Association and the Bar Association of San Francisco.

## Sean Bockover



### PRACTICE AREAS

Antitrust  
Class Action  
Intellectual Property

### ADMISSIONS

State of California

### EDUCATION

Indiana University Maurer School of Law, J.D.,  
*cum laude*

Cornell-Heidelberg Exchange, Universität  
Heidelberg, Germany

Cornell University, B.A., Biology and German  
Literature, Dean's List

### LANGUAGES

German (fluent)  
Japanese (basic)

Mr. Bockover specializes in antitrust, class action, and intellectual property. He uses his excellent English and German communication abilities and attention to detail to efficiently process evidence in complex litigation. Then, using analytical skill earned in the sciences, plus tenacity and a thirst for justice honed in public defender work, he turns those insights into action.

For his junior year of college, Mr. Bockover studied at the University of Constance in southwestern Germany, where he became fluent in German. After receiving a B.A. from Cornell University, he returned to Germany for a non-degree year at the University of Heidelberg. After attending the Indiana University Maurer School of Law (where he was active in the *Indiana Law Journal*) he spent two years as an associate at a boutique Indiana-based firm, practicing mostly criminal law in indigent defense cases. Mr. Bockover then left Indiana for a career in e-discovery (in English and German) in the Bay Area. For more than a dozen years, he has been reviewing documents for top-tier firms, preparing depositions, reviewing contracts, and other tasks in German for intellectual property and commercial law cases and investigations covering pharmaceuticals, semiconductor, co-location, software, and automotive disputes.

Mr. Bockover is a member of the American Bar Association.

## Heather Du



### PRACTICE AREAS

Antitrust  
Class Action

### ADMISSIONS

State of California  
US District Court – Northern District of California

### EDUCATION

University of San Francisco School of Law, J.D.

University of San Francisco, B.A., Politics, *cum laude*

### LANGUAGES

Vietnamese (reading and writing)  
Cantonese (basic)

Ms. Du specializes in antitrust and class action litigation. She has more than 10 years of e-discovery experience that focuses on complex discovery and document review projects using a variety of e-discovery technologies. She also assists in other aspects litigation, including legal research, interview/deposition preparation, and other analytical assignments to support the Firm in providing the best representation to its clients.

Before joining the Firm, Ms. Du was a contract attorney/document reviewer at several San Francisco top tier law firms, where she reviewed documents in securities, patent litigation, class action, civil investigation, and other related practice areas.

Previously, Ms. Du served as a volunteer attorney for the Volunteer Homeless Advocacy Project (HAP), where she provided limited scope representation at court-mandated settlement conferences and assisted with trial preparation. She assisted individuals and families at the Volunteer Legal Service Program of the Bar Association of San Francisco. She was a law clerk for the Asian Pacific Islander Legal Outreach and performed a clinical internship for the San Francisco-based Eviction Defense Collaborative. She also interned at the San Francisco based Court House Project and HAP.

Ms. Du is a member of the American Bar Association and the Bar Association of San Francisco.

## Nanci Murdock



### PRACTICE AREAS

Antitrust  
Class Action  
Complex Business Disputes

### ADMISSIONS

State of California  
State of New York  
State of Massachusetts  
US Supreme Court  
US Court of Appeals – Ninth Circuit  
US District Court – Central District of California

### EDUCATION

Loyola University Law School, J.D., Dean's List

University of Southern California, B.A.,  
English/Humanities

Ms. Murdock specializes in class action, antitrust, and business litigation. She brings her extensive litigation experience to her current position with the Firm where she performs an integral role in analyzing probative documents of clients and participants to identify merits of claims, potential witnesses, and key evidence in complex class actions.

Prior to joining the Firm, Ms. Murdock was a litigator at two major law firms and of counsel at a Los Angeles boutique litigation firm. She has a successful appellate and business litigation background and has crafted winning motions and appeals throughout her career. Her respondents' brief for United States Supreme Court case *Musick, Peeler & Garrett v. Employers Insurance of Wausau*, 508 U.S. 286 (1993), was affirmed in favor of her clients. Another appeal was also affirmed with the California Court of Appeal, which adopted, in entirety, the arguments proffered in her respondent's brief. She won an appeal in a case that had been ongoing for nine years and had been before the California Supreme Court three times. And she had a new trial motion and a judgment notwithstanding the verdict motion granted, overturning a \$3.7 million verdict in a case of first impression interpreting a California statute.

Ms. Murdock also has a substantial intellectual property background. As an IP associate, she worked on various copyright matters and won a partial summary judgment in the Ninth Circuit in a "work for hire" case involving a major rock star. She had a temporary restraining order granted in a trademark dispute involving a well-known leisure-wear manufacturer, and successfully opposed a preliminary injunction in a trade secrets/submission of ideas case before the Second Circuit.

While attending law school, Ms. Murdock was named to the Moot Court Team and won both the Moot Court Best Brief Award and the West Publishing Company Award for Outstanding Brief Writing. She thereafter honed her writing skills clerking for Presiding Justice Joan Dempsey Klein of the California Court of Appeal. Although she originally had a one-year clerkship, after seven months she was asked to stay on as senior attorney and became one of the most junior attorneys ever selected for that position.

Prior to attending law school, Ms. Murdock worked in the Mayor's Office of Los Angeles and the City Community Development Department. In those positions she researched and analyzed city ordinances and federal HUD proposals; authored reports for proposed city legislation; and made legislation recommendations to the city council.

Ms. Murdock is a member of the American Bar Association.



## Esther Oh



### PRACTICE AREAS

Antitrust  
Class Action

### ADMISSIONS

State of California  
State of New York

### EDUCATION

University of the District of Columbia, David A.  
Clark School of Law, J.D., Dean's Fellow

New York University, B.S., Social Work

### LANGUAGES

Korean (native level)

Ms. Oh pursues justice for her clients in a wide range of industries, including health care, employment contracts, and consumer products, specifically concerning horizontal and vertical price fixing, monopolization, and price discrimination. She maintains a passion in ensuring fair competition and maximizing consumer welfare by unearthing the hidden unlawful schemes and highlighting the harms suffered by plaintiffs. This tireless and effective effort helps fight against powerful corporate interests that attempt to restrict the free flow of commerce..

Ms. Oh uses her knowledge of trial advocacy to identify the merits of potential claims, draft and respond to motions and discovery requests, and conduct depositions to ensure clients receive the best and most cost-effective solutions.

Prior to joining the Firm, Ms. Oh clerked for the Honorable Gerald Lebovits of the New York State Supreme Court and was a trial attorney at a boutique New York City law firm. Throughout law school, she was a judicial intern to the Honorable Richard Ringell, Karen Howze, Andrea Harnett, and Marisa Demeo of the Superior Court of the District of Columbia. She was also a student attorney at the Took Crowell Institute for At-Risk Youth Clinic in Washington, D.C.

Ms. Oh is a member of the American Bar Association and the Bar Association of San Francisco.

## Randy S. Salenfriend



### PRACTICE AREAS

Antitrust  
Class Action  
Complex Business Disputes

### ADMISSIONS

State of California  
US Court of Appeals – Ninth Circuit  
US District Court – Central District of California  
US District Court – Eastern District of California  
US District Court – Northern District of California  
US District Court – Southern District of California

### EDUCATION

Thomas Jefferson School of Law, J.D./B.S.L.

### LANGUAGES

Spanish (conversing, reading and writing)

Mr. Salenfriend specializes in antitrust, class action, business litigation, and research. His passion for assisting those in need of outstanding legal representation drove him to pursue a law career. As a result, he is guided by the principles of ethics, confidentiality, compassion, and loyalty in the practice of law.

In his current role with the Firm, Mr. Salenfriend has played an integral role in analyzing critically important documents, including the communications of participants and others in complex class action cases against dozens of generic drug manufacturers who are accused of fixing the prices of numerous generic drugs.

Mr. Salenfriend has practiced law for several years in the San Francisco Bay Area before countless Federal and State Courts, in both the Northern District and Southern District. He specializes in antitrust, class action, and complex business disputes.

Before joining the Firm, Mr. Salenfriend served as counsel for Attorneys in Motion, working on various legal matters ranging from law and motion hearings, workers' compensation, and status and settlement conferences to taking and defending depositions. He accumulated extensive document review experience as a contract attorney for Fronteo, a publicly traded global technology and services company, and assorted legal staffing agencies.

For many years, Mr. Salenfriend was General Counsel and Vice-President & Manager of Legal Affairs for CrossCheck, Inc. (Petaluma, California), a check approval and financial services corporation, and its subsidiary, Optio Solutions. Prior to that, he worked in civil practice for various Bay Area firms and made regular appearances before numerous California courts.

While in law school, Mr. Salenfriend was a Graduate Legal Intern in the Correctional Law Section of the California Attorney General's Office, where he conducted extensive research and drafted memoranda and appellate briefs on behalf of the People of California. In his first year of law school, he also earned the prestigious American Jurisprudence Award for Contracts.

Mr. Salenfriend is a member of the Bar Association of San Francisco. While a resident of San Francisco, he was appointed President of the San Francisco Drug Abuse Advisory Board by unanimous vote of the Board of Supervisors.

Prior to working in law, Mr. Salenfriend was a sportswriter for the *Atlanta Journal-Constitution* and other publications.

## Regan Yamasaki



### PRACTICE AREAS

Antitrust  
Class Action  
Complex Business Disputes

### ADMISSIONS

State of California

### EDUCATION

Santa Clara University School of Law, J.D.

Claremont McKenna College, B.S., Economics-  
Accounting

Mr. Yamasaki specializes in antitrust, class action, and complex business disputes. His ongoing pursuit of learning, self-improvement, and solving perplexing challenges led him to the practice of law and guides him to this day.

In his current role with the Firm, Mr. Yamasaki has identified critically important evidence by leveraging metadata to pinpoint pivotal documents otherwise buried in voluminous document productions. This includes key support for class certification and communications between alleged co-conspirators in complex class action cases against major chemical manufacturers accused of price collusion and anti-competitive practices.

Mr. Yamasaki's review experience encompasses a broad spectrum, including patent and securities litigation, antitrust and government investigations, corporate accounting and financial disclosures, product defect litigation, and assorted intellectual property matters.

Before joining the Firm, Mr. Yamasaki was corporate counsel for the Napa, California-based JY Law Firm PC, where he managed work product and law enforcement compliance matters for a well-known international advertising company. He also trained the firm's corporate finance team regarding intellectual property, privacy, and compliance matters.

Prior to his corporate counsel position, Mr. Yamasaki was a successful contract attorney for several prestigious law firms, including Cooley LLP and Morrison & Foerster LLP. Highlights included:

- Co-coordinated review workflow and logistics for a team of over 20 review attorneys
- Employed forensic data analysis tools—including author domain reports, document metadata filters, and concept clusters—to isolate and review substantial volumes of responsive data in an efficient and cost-effective manner
- Supported litigation partners and associates for various needs, including rolling document productions, privilege and redaction logging, deposition preparation, expert discovery, and trial exhibit selection and compilation

Mr. Yamasaki has participated in the Bar Association of San Francisco's Volunteer Legal Services Program.

**EXHIBIT 4**

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

IN RE RESTASIS (CYCLOSPORINE  
OPHTHALMIC EMULSION) ANTITRUST  
LITIGATION

Case No. 18-MD-2819 (NG) (LB)

THIS DOCUMENT APPLIES TO:

ALL END-PAYOR PLAINTIFF CLASS  
ACTIONS

**DECLARATION OF ROBERT S. SCHACHTER OF ZWERLING, SCHACHTER &  
ZWERLING, LLP IN SUPPORT OF END-PAYOR PLAINTIFFS' MOTION FOR  
ATTORNEYS' FEES, EXPENSES, AND SERVICE AWARDS**

I, Robert S. Schachter, hereby declare as follows:

I am a partner at Zwerling, Schachter & Zwerling, LLP (the “Zwerling Firm” or “Firm”) and am admitted *pro hac vice* in this matter. I submit this declaration in support of End-Payor Plaintiffs’ motion for attorneys’ fees, expenses, and service awards (the “Motion”).

The Zwerling Firm has substantial experience in class action litigation including pharmaceutical related antitrust matters. In its thirty-seven-year history, the Firm has been approved by federal courts in the Second Circuit and elsewhere to serve as lead or class counsel or has acted as a member of an executive committee in numerous class action litigations involving, for example, deceptive trade practices, antitrust, and securities claims. Attached as Exhibit 1 is a true and correct copy of the Zwerling Firm’s resume.

**Work Performed in Connection with the Litigation**

1. The Firm served as End-Payor Plaintiffs (“EPPs”) Liaison Counsel in the above captioned action (the “Action”). In that role, the Zwerling Firm was involved in most aspects of the prosecution and settlement the Action, including but not limited to, consulting with Co-Lead Counsel in connection with the preparation and filing of: the original and amended complaints; the opposition to the motions to dismiss; and class certification motions. The Firm participated in all aspects of discovery; participated in Court hearings, conferences and meet and confers; communicated with the Court; participated in mediations; and the settlement of the Action.

**Lodestar Summary**

2. In performing the work above, Zwerling Firm’s attorneys and staff expended 6,784.2 hours for a total historic lodestar of \$4,084,372.25 (adjusted for travel time as set forth in footnote 1 below). The Firm’s lodestar does not include any time spent on proceedings before the



Judicial Panel on Multidistrict Litigation or related to the appointment of class counsel or preparation of the Motion.

3. In accordance with the Court's and Co-Lead Counsel's direction concerning time and expense reporting, the Firm's attorneys and professional staff kept contemporaneous records of the time they spent on this Action. In reporting their time, the Zwerling Firm exercised billing judgment to eliminate inefficiency and duplication, and then submitted its daily time records to Co-Lead Counsel for review and audit. The Firm is prepared to submit its time records for *in camera* review if requested by the Court.

4. Below is a summary of the individuals who worked on this matter for the Zwerling Firm, their roles (Partner, Associate, Paralegal, and Litigation Staff), the total number of hours they worked, their historic hourly billing rates, and their total lodestar. Later in this Declaration details of the specific work performed by each individual is described.

<b>Attorney</b>	<b>Role</b>	<b>Hours</b>	<b>Rate<sup>1</sup></b>	<b>Lodestar</b>
Robert S. Schachter	Partner ("P")	46.2	\$875	\$40,425.00
Robert S. Schachter	P	36.0	\$950	\$34,200.00
Jeffrey C. Zwerling	P	20.7	\$875	\$18,112.50
Jeffrey C. Zwerling	P	7.5	\$950	\$7,125.00
Robin C. Zwerling	P	1.4	\$875	\$1,225.00
Susan Salvetti	P	1.0	\$875	\$875.00
Dan Drachler	OC (Of Counsel")	1,333.9	\$775	\$938,021.25
Dan Drachler	OC	430.2	\$875	\$371,175.00
Hillary Sobel	SC ("Senior Counsel")	49.1	\$775	\$38,052.50
Sona R. Shah	SC	2,018.7	\$650	\$1,308,092.50
Sona R. Shah	SC	996.2	\$725	\$722,245.00
Donatella Keohane	Associate ("A")	124.9	\$475	\$59,327.50
Henry Avery	A	792.2	\$300	\$237,660.50
Henry Avery	A	35.8	\$395	\$14,141.00

<sup>1</sup> Time spent on case-related travel was billed at ½ of the timekeeper's normal hourly rate. (See ECF No. 62 at ¶ 12.).

Attorney	Role	Hours	Rate <sup>1</sup>	Lodestar
Ryan Weller	A	177.3	\$300	\$53,190.00
Ryan Weller	A	326.4	\$350	\$114,240.00
Jayne C. Nykolyn	Paralegal (“PL”)	131.6	\$295	\$38,822.00
Jayne C. Nykolyn	PL	81.1	\$375	\$30,412.50
Willy T. Gonzalez	PL	102.0	\$295	\$30,090.00
Willy T. Gonzalez	PL	70.8	\$375	\$26,550.00
Jennifer Ross	PL	1.2	\$325	\$390.00
	<b>TOTAL:</b>	6784.2		\$4,084,372.25

5. The historical hourly rates submitted by the Zwerling Firm are the Firm’s usual and customary rates that were charged by the Firm in similar matters in which the Firm is paid on a contingent basis, as well as the Firm’s non-contingent matters. The Zwerling Firm’s hourly rates have been approved by courts in other, similar matters.

- *Anwar, et al., v. Fairfield Greenwich Limited*, Master File No. 1:09-cv-118 (VM). (S.D.N.Y.);
- *In re Atossa Genetics Inc., 2:13-cv-01836-RSM* (W. D. Wash.);
- *Billitteri v. Securities America, Inc.*, No. 3:09-cv-1568-F (N.D. Tex.);
- *In re Cipro Cases I and II*, JCCP, Nos. 4154 and 4220 (Cal. Super.);
- *Frank K. Cooper Real Estate, et al. v. Cendant Corporation, et al.*, MRS-L-377-02 (N.J. Super. Ct.);
- *In Re IMH Secured Loan Fund Unitholders Litigation, Consol. C.A. No. 5516-CB* (Del. Ch. Ct.);
- *In re: Insurance Brokerage Antitrust Litigation*, MDL No. 1663 (D.N.J.);
- *In Re Penford Corp. Shareholders Litigation*, No. 14-2-29641-0 SEA (Wash. Super. Ct.);

- *In Re: Steel Antitrust Litigation*, No. 08-cv-5214 (N.D. Ill.);
- *In re TFT-LCD (Flat Panel) Antitrust Litigation*, No. M 07-1827 SI MDL. No. 1827 (N.D. Cal);
- *Kaithi Troy, et al. v. Aegis Senior Communities LLC*, No. 4:16-cv-03991-JSW (N.D. Cal.); and
- *Clifford Zucker, as Chapter 11 Plan Administrator of R&G Financial Corp. v. Rolando Rodriguez*, No. 3:12-cv-01408-PAD (D.P.R.).

#### **Staffing and Tasks Performed in This Matter**

6. The Zwerling Firm staffed this matter with attorneys and staff who performed tasks based on their skills, expertise, and experience.

7. The Zwerling Firm has been involved in the litigation of this Action since its inception; and its timekeepers provided legal services that supported the prosecution to the case. Among other things, as liaison counsel the Zwerling Firm was generally responsible for filings on behalf of end-payors (and often all plaintiff groups), which included significant work related to sealing and redaction issues. As a result, the Firm's work included substantial contributions from paralegals and other support staff, in addition to the substantive work provided by attorneys throughout the case.

8. More detailed information about the roles and contributions of each attorney (including their dates of law school graduation) and staff member is set forth below:

9. **Robert S. Schachter:** Mr. Schachter received his Juris Doctor degree from Brooklyn Law School in 1971. Mr. Schachter's services, at the partner-level, included research, review and revisions to the complaint, review of information regarding potential claims, as well

as news releases and articles regarding the defendants; conferences with Dan Drachler regarding claims and prevailing-plaintiff provisions, mediation negotiations, the amended complaint, class certification, potential settlement issues and litigation strategy. Since Mr. Drachler's departure from the Zwerling Firm, Mr. Schachter has served as the lead attorney in this Action for the Zwerling Firm. He has been involved in discussion with co-counsel regarding settlement issues including the settlement agreement, escrow agreement and Orders.

10. **Jeffrey C. Zwerling:** Mr. Zwerling received his Juris Doctor degree from Columbia University School of Law in 1971. Mr. Zwerling involvement included analysis of the claims in consideration of commencing the Action as well provided case strategy on motions to dismiss and discovery issues.

11. **Robin F. Zwerling:** Ms. Zwerling received her Juris Doctor degree from Georgetown University Law Center in 1975. Ms. Zwerling participated in the Zwerling Firm's decision on whether to prosecute the Action.

12. **Susan Salvetti:** Ms. Salvetti received her Juris Doctor degree from Fordham University School of Law in 1979. Ms. Salvetti participated in the Zwerling Firm's decision on whether to prosecute this Action as well as discovery issues.

13. **Dan Drachler:** Mr. Drachler received his Juris Doctor degree *cum laude* from New York Law School in 1981. Mr. Drachler served until his departure from the Firm in July 2021, as the lead attorney supervising work by the Zwerling Firm's personnel in the Action. He participated in all phases of the Action, including taking an active role in all strategic conversations and decisions regarding the case from its inception until his departure from the Firm. In this role, Mr. Drachler attended numerous conferences, court appearances, meet and

confers, mediation negotiations and depositions, and played an active role in major briefing submitted on behalf of the end-payors. In particular, Mr. Drachler participated in the end-payors' class certification efforts, worked directly with Dr. Richard Frank and Laura Craft on their expert reports, prepared and defended the deposition of Dr. Frank and Ms. Craft, and provided significant input into the overall class certification strategy and briefing.

14. Mr. Drachler also advised lead counsel for the end-payors and other plaintiff groups regarding local practices and procedures and was frequently the point of contact with the Court on such issues. Mr. Drachler also was responsible for overseeing the case management of this Action for all firms which included the reporting of time and expense reports by all firms and the litigation fund, as well as overseeing the filing responsibilities of the Zwerling Firm in its capacity as liaison counsel.

15. **Hillary Sobel:** Ms. Sobel received her Juris Doctor degree from Benjamin N. Cardozo School of Law of Yeshiva University in 1988. Ms. Sobel was involved in researching class certification and Daubert motions and assisted in drafting of the memorandum of laws relating to such.

16. **Sona R. Shah:** Ms. Shah received her Juris Doctor degree from Fordham University School of Law in 1997. Ms. Shah participated in all phases of the litigation, including the investigation and factual research regarding the potential claims for this Action; assisted in the drafting of the complaints and amended complaints; plaintiff vetting and questionnaires; drafting of 26(a) disclosure statements; researching and drafting (in whole or in part) various motions including, but not limited to, motions to compel, class certification, Allergan's Rule 23(f) petition, class notice, summary judgment, Daubert and settlement. In particular, Ms. Shah was

heavily involved in the strategy related to Allergan's eyecare experts, deposed Dr. Reis and Dr. Choremis, oversaw the drafting of the successful class certification *Daubert* motion of Allergan's expert Dr. Mandadakis, and oversaw the preparation of the merits *Daubert* motion regarding Allergan's eyecare experts. She also took the lead for the end-payors (and often all plaintiffs) on issues related to sealing, including overseeing the preparation of redacted versions of filings, conferring with all parties regarding the same, and drafting oppositions to certain of Allergan's motions to seal. Given the extensive confidentiality designations Allergan asserted and the need to coordinate sealing issues with third parties, Ms. Shah spent a substantial amount of time on these matters. Ms. Shah also participated in establishing document review protocol including review guidelines, search terms and ESI protocols as well as overseeing document production issues. Ms. Shah drafted discovery responses, privilege logs, prepared for, and took depositions.

17. Ms. Shah worked directly with the Firm's client, 1199SEIU Funds ("1199"), in its production of documents. She attended weekly EPPs calls, meet and confers, status conferences, privilege team calls and Court hearings. Ms. Shah assisted Mr. Drachler in establishing time and expense reporting protocols and prepared the reporting forms templates.

18. **Donatella Keohane:** Ms. Keohane received a Master of Law degree from Fordham University School of Law in 2002. Ms. Keohane reviewed documents and Daniel Ryan (UCFW) transcripts to assist in the preparation of 1199's deposition.

19. **Henry Avery:** Mr. Avery received his Juris Doctor degree from New York University School of Law in 2018. Mr. Avery was involved in research, drafting and analysis of legal issues on motions to dismiss, potential experts and *Daubert* motions. Mr. Avery reviewed documents for the Citizen Petition Team (in particular for custodians Sesha Neervannan, Richard



Spivey and Sharon Standerwick). He also assisted in deposition strategies as well as assisting in the preparation of 1199's deposition. Mr. Avery participated in numerous conference calls, meet and confers as well as the weekly EPPs calls. Mr. Avery also assisted Mr. Drachler in various tasks, i.e., vendor issues, in connection with the litigation fund.

20. **Ryan Weller:** Mr. Weller received his Juris Doctor degree from New York University School of Law in 2019. Mr. Weller researched consumer protection claims in connection with class certification as well as other class certification issues. He also researched various issues regarding summary judgment, motions to seal, clawback provisions and jury instructions. Mr. Weller researched and drafted Daubert motions of Drs. Mandadakis and Choremis. Mr. Weller also analyzed numerous expert reports.

21. **Jayne C. Nykolyn:** Ms. Nykolyn provided paralegal support and administrative assistance for the Zwerling Firm. Ms. Nykolyn worked with Mr. Drachler on varies case management issues. This included overseeing the submission of end-payor counsel's time and expense submissions and payment of case-related expenses; tasks assigned to the Zwerling Firm as liaison counsel. In that capacity Ms. Nykolyn reviewed counsel's time records as they were submitted and, in consultation with Mr. Drachler, followed up with counsel to correct any deficiencies. Ms. Nykolyn's efforts helped ensure the accuracy and completeness of the time records submitted by end-payor counsel.

22. **Willy T. Gonzalez:** Mr. Gonzalez provided paralegal support for the Zwerling Firm's legal services in this Action. Mr. Gonzalez handled filings in the Action (which, as discussed above, the Zwerling Firm was primarily responsible for), prepared *pro hac vice* applications and notices of appearance, and provided administrative assistance.

23. **Jennifer Ross:** Mr. Ross provided paralegal support and administrative assistance for the Zwerling Firm.

**Expenses Incurred in the Prosecution of the Litigation**

24. In connection with its efforts in this matter, the Zwerling Firm incurred a variety of out-of-pocket expenses. Below is an itemized list of the unreimbursed expenses the Zwerling Firm incurred during the prosecution of this Action. Those expenses are reflected in the Zwerling Firm's books and records that are regularly maintained in the ordinary course of the firm's business and are based on the receipts and data maintained by the Zwerling Firm.

<b>Expense Category</b>	<b>Amount</b>
Commercial Copies	
Internal Reproduction / Copies	\$2,010.30
Court Fees (Filing costs, etc.)	\$155.00
Court Reporters / Transcripts	
Computer Research	\$32,688.18
Telephone/Fax/E-mail	\$3,491.24
Postage/Express Delivery/Messenger	\$1,057.30
Professional Fees (expert, investigator, accountant, etc.)	
Witness/Service Fees	
Air Transportation	\$10,265.52
Ground Transportation	\$6,254.74
Meals	\$1,198.35
Lodging	\$15,395.11
Miscellaneous/Other – Secretarial Overtime	\$491.73
TOTAL:	\$73,007.47

25. The Zwerling Firm expenses were incurred in connection with legal research performed on various motions; travel expenses relating to depositions conferences, meet and

confers and Court hearings; telephone conferences amongst counsel; filing of *pro hac vice* application and FedEx deliveries to the Court and Signature Bank.

26. The Zwerling Firm also made contributions to the litigation fund for the EPPs in the amount of \$975,000.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on May 16, 2022 at Boca Raton, Florida.

**ZWERLING, SCHACHTER &  
ZWERLING, LLP**

/s/ Robert S. Schachter  
Robert S. Schachter  
rschachter@zsz.com  
41 Madison Avenue  
New York, New York 10010  
Tel: (212) 223-3900  
Fax: (212) 371-5969

# **EXHIBIT 1**

## EXHIBIT 1

### FIRM RESUME OF ZWERLING, SCHACHTER & ZWERLING, LLP

Zwerling, Schachter & Zwerling, LLP was formed on January 1, 1985 (the “Zwerling Firm”), and is currently involved in numerous class actions in the areas of securities fraud, consumer fraud, and antitrust litigation.

#### Antitrust / Consumer Litigation

The Zwerling Firm has acted or is presently acting as a lead counsel or member of an executive committee in numerous class actions involving antitrust claims and deceptive trade practices, including: *In re Restasis (Cyclosporine Ophthalmic Emulsion) Antitrust Litigation*, 18-MD-2819 (E.D.N.Y.); *In re Cipro Cases I and II*, JCCP Nos. 4154 and 4220 (Cal. Super.); *In re Ciprofloxacin Hydrochloride Antitrust Litigation*, MDL No. 1383 (E.D.N.Y.); *In re OxyContin Litigation*, MDL No. 1603 (S.D.N.Y.); *In re Insurance Brokerage Antitrust Litigation*, MDL No. 1663 (D.N.J.) (“*Insurance Brokers*”); *In re Neurontin Antitrust Litigation*, MDL No. 1479 (D.N.J.); *In re Tamoxifen Citrate Antitrust Litigation*, MDL No. 1408 (E.D.N.Y.); *Karofsky v. Abbott Laboratories*, No. CV-95-1009 (Me. Super. Ct. Cumberland County) (as well as in 10 related cases in other state courts); *In re Lorazepam and Clorazepate Antitrust Litigation*, MDL No. 1290 (D.D.C.) (as well as in 11 related cases in state courts); *Newman v. DuPont Merck Pharmaceutical Company*, No. 788358 (Cal. Super. Ct. Orange County); *Pickett v. Holland America Line-Westours, Inc.*, 6 P.3d 63 (Wash. Ct. App. 2000); *Latman v. Costa Cruise Lines, N.V.*, 758 So. 2d 699 (Fla. Dist. Ct. App. 2000); *Renaissance Cruises, Inc. v. Glassman*, 738 So. 2d 436 (Fla. Dist. Ct. App. 1999) (as well as in 7 related cases in other state courts); *Garcia v. General Motors Corporation*, No. L-4394-95 (N.J. Super. Ct.); *In re Playmobil Antitrust Litigation*, No. 9:95-cv-2896 (JS) (E.D.N.Y.); and *Boni v. America Online Inc.*, C.A. No. 95-C-07 (Del. Ch.) and *Feige v. America Online Inc.*, Index No. 118333/95 (N.Y. Sup. Ct. N.Y. County) (as well as other related cases in state courts).

In the antitrust area, the Zwerling Firm is currently Liaison Counsel for end-payor plaintiffs in the *Restasis Antitrust Litigation*. In that capacity, the Zwerling Firm participates in all decision-making in connection with the prosecution of the litigation and serves as the direct liaison with the Court and other parties. The Firm is also currently Co-Lead Counsel in: (1) *Lincoln Adventures, LLC v. Those Certain Underwriters at Lloyd’s, London Members of Syndicates*, No. 2:08 –CV-00235 (D.N.J.); *Wood Mountain Fish LLC, et al. v. Mowi ASA, et. al.*, No. 19-22128, (S.D.Fla.); and *In Re Juul Labs, Inc. Antitrust Litigation*, Master File No. 3:20 –cv -02345 (N.D.Cal.)

The Zwerling Firm has represented union health and welfare funds in litigation to recover damages for price-fixing and other anti-competitive behavior for over 20 years. Such actions have included the *Norvir Antitrust Litigation*, the *Tamoxifen Antitrust Litigation*, the *Lorazepam and Clorazepate Antitrust Litigation*, and the *Ciprofloxacin Hydrochloride Antitrust Litigation*. In both the federal MDL and the California *Cipro* cases, the Zwerling Firm served as Co-Lead

Counsel challenging pay-for-delay pharmaceutical agreements on behalf of a class of indirect purchasers of the drug ciprofloxacin. As Co-Lead Counsel in California, the Zwerling Firm was able to revive a case that had been dismissed by numerous courts and abandoned by most of plaintiffs' counsel. In the process, California Co-Lead Counsel were able to reverse a significant error in the application of antitrust law to pharmaceutical reverse payment agreements and achieve a total settlement of \$399.1 million; a total in excess of plaintiffs' expert's estimate of single damages.

In *In re Abbott Laboratories Norvir Antitrust Litigation*, the Zwerling Firm represented the SEIU International Health Fund ("SEIU") against Abbott Laboratories in an action for monopoly leveraging under Section 2 of the Sherman Antitrust Act, as well as the California Unfair Competition law and state law unjust enrichment. In August, 2008, the parties reached a settlement whereby thirteen not-for-profit organizations shared almost \$5 million in Cy Pres funds.

The Zwerling Firm was appointed co-lead counsel for plaintiffs in numerous related indirect purchase actions brought against Mylan Laboratories, Inc. regarding injury to competition and monopolization, as well as price fixing. Those actions included an action in federal court, *In re Lorazepam & Clorazepate Antitrust Litigation*, and resulted in settlements of over \$100 million. The plaintiffs represented by the Zwerling Firm included several institutions, such as union health funds and private insurers.

The Zwerling Firm was co-lead counsel and a member of the Executive Committee in eleven actions filed against the major pharmaceutical manufacturers alleging violations of state antitrust laws for charging higher prices to consumers who purchased brand name prescription drugs from retail pharmacies. Those cases resulted in a \$65 million settlement. The courts presiding over those cases have commented on the Zwerling Firm's expertise:

- I think the lawyering in this case is most commendable. I think that both sides have accorded themselves in a manner that allows us to be proud of the profession. . . .

Transcript of Hearing at 16-17, *Kerr v. Abbott Laboratories*, No. 96-2837 (Minn. Dist. Ct. Nov. 24, 1998).

- [T]his Court, in particular, has been helped along every step of the way by some outstanding lawyering . . . . You can hardly say that there's been anything but five star attorneys involved in this case.

Transcript of Hearing at 31 & 33, *Scholfield v. Abbott Laboratories*, No. 96 CV 460 (Wis. Cir. Ct. Oct. 5, 1998).

- I think the quality of counsel is excellent.

Transcript of Hearing at 28, *McLaughlin v. Abbott Laboratories*, No. CV 95-628 (Ariz. Super. Ct. Oct. 28, 1998).



- I'll join my learned colleagues from this and other jurisdiction[s] in commending counsel in arriving at something that represents a great deal of hard work and a great deal of ingenuity in putting together a settlement of this magnitude and complexity, and especially the cost effective way in which this settlement is proposed to be distributed.

Transcript of Hearing at 17, *Karofsky v. Abbott Laboratories*, No. CV-95-1009 (Me. Super. Ct. Dec. 2, 1998).

In *Insurance Brokers*, settlements totaling over \$198 million were reached with three of the many defendant groups. The Zwerling Firm was also one of the three class counsel in *Rodriguez v. West Publishing Corporation*, No. 2:05-cv-3222 R(MCx) (C.D. Cal.), where a \$49 million settlement of antitrust claims was approved by the Court and affirmed by the Ninth Circuit Appeals on behalf of a class of law graduates enrolled in the BAR/BRI bar review courses.

In addition, the Zwerling Firm represented consumers who were victims of overcharging in the sale of toys in *In re Playmobil Antitrust Litigation*. Judge Seybert complimented the work of Class Counsel, including the Zwerling Firm, stating in her opinion certifying the Class:

As set forth in greater detail in the firm resumes...: (1) Zwerling, Schachter & Zwerling, LLP [and three other firms]...all have extensive familiarity with the prosecution of complex litigations, class actions and specifically, antitrust litigations. This is further borne out by counsels' submissions and conduct to date before this Court.

*In re Playmobil Antitrust Litigation*, 35 F. Supp. 2d 231, 245 (E.D.N.Y. 1998) (citation omitted).

In the area of deceptive trade practices, the Zwerling Firm was lead counsel in coordinated nationwide actions against the world's leading passenger cruise lines regarding their advertising practices concerning "port charges." (*Cicogna v. Royal Caribbean Cruises, Ltd.*, No. 96-8075 (Fla. Cir. Ct. Dade County); *Espinet v. Kloster Cruise Ltd.*, No. 96-8076 (Fla. Cir. Ct. Dade County); *Bellikoff v. Celebrity Cruises Inc.*, No. 96-8077 (Fla. Cir. Ct. Dade County); *Hackbarth v. Carnival Cruise Lines Inc.*, No. 96-8078 (Fla. Cir. Ct. Dade County); *Glassman v. Renaissance Cruises, Inc.*, No. 96-5490 (Fla. Cir. Ct. Broward County); *Pickett v. Holland America Line-Westours, Inc.*, No. 96-2-10831 (Wash. Super. Ct. King County) ("*Pickett*"), *Barton v. Princess Cruises Inc.*, No. BC 148448 (Cal. Super. Ct. Los Angeles County); *Millheiser v. Dolphin Cruise Line*, No. 96-18146 (Fla. Cir. Ct. Dade County); *Latman v. Costa Cruise Lines N.V.*, No. 96-18139 (Fla. Cir. Ct. Dade County); and *Cronin v. Cunard Cruise Line Ltd.*, Index No. 115899/96 (N.Y. Sup. Ct. N.Y. County)). These cases resulted in settlements in excess of \$100 million. In *Pickett*, the Court complimented the Zwerling Firm by declaring that "[t]his has been litigated very professionally from the beginning to the end."

In addition, the Zwerling Firm was involved in cases regarding defective automobile brakes (*McGill v. General Motors Corporation*, Index No. 15525/95 (N.Y. Sup. Ct. Bronx County) (related to *Garcia v. General Motors Corporation*, No. L-4394-95 (N.J. Super. Ct.)).

The Zwerling Firm was appointed Administrator for the General Motors Diesel Litigation Fund under the direction of Judge Henry Bramwell, District Judge, United States District Court, Eastern District of New York.

### **Other Complex Litigation**

The Zwerling Firm represented numerous Indian Tribes and Native Villages seeking relief from pharmaceutical manufacturers and distributors of prescription opioid drugs in *In re: National Prescription Opiate Litigation*, MDL No. 2804 (N.D. Ohio). The Zwerling Firm served on the Tribal settlement committee; and helped organize and draft an amicus brief submitted on behalf of over 450 Tribes throughout the United States.

In *County of Nassau v. Hotels.com, L.P.*, No. 2:06-cv-5724 (ADS) (E.D.N.Y.), the Zwerling Firm represents Nassau County (NY) in a class action seeking to recover unpaid taxes from internet-based hotel reservation companies on behalf of a class consisting of all New York counties and municipalities.

In addition, the Zwerling Firm has also represented union health and welfare funds in litigation against the tobacco industry. Those claims were for the excess costs incurred by the funds in providing health care to the members of their unions as a result of the fraudulent and deceptive practices of the tobacco companies (*Eastern States Health & Welfare Fund v. Philip Morris, Inc.*, Index No. 603869/97 (N.Y. Sup. Ct. N.Y. County)).

The Zwerling Firm has been counsel in high profile constitutional and civil rights actions. In *Haley v. Pataki*, No. 3:95-cv-550 (TJM) (N.D.N.Y.), the firm obtained an order forcing the Governor of the State of New York to stop withholding salaries from legislative employees in an attempt to coerce members of the State Legislature to vote on his State budget. In a related case, *Dugan v. Pataki*, Index No. 16341/95 (N.Y. Sup. Ct. Kings County), the Zwerling Firm obtained the same relief for the elected members of the State Legislature.

The Zwerling Firm has represented the New York City Council in *Mayor of New York v. Council of New York*, Index No. 402354/95 (N.Y. Sup. Ct. N.Y. County), an action in which the Mayor challenged the legislative powers of the City Council in connection with the establishment of a board to review allegations of police corruption.

The Zwerling Firm also represented the Straphangers Campaign, a mass transit advocacy group, in *New York Urban League, Inc. v. Metropolitan Transportation Authority*, No. 1:95-cv-9001 (RPP) (S.D.N.Y.), an action to compel the State of New York and the MTA to allocate transit subsidies in a manner which does not have a discriminatory impact on minority ridership in New York City.

The Zwerling Firm was an active member of the 9/11 Union Project where it provided legal representation *pro bono* for low-income victims of the World Trade Center attacks and their families.

## Securities Litigation

The Zwerling Firm has acted or is presently acting as a lead counsel or as a member of an executive committee for plaintiffs in many securities related lawsuits, including: *McCoy v. Cullum & Burks Securities, Inc.*, No. 8:09-cv-1084-DOC (RNBx) (C.D. Cal.) (“*Medical Capital Securities Litigation*”); *Billitteri v. Securities America, Inc.*, No. 3:09-cv-1568-F (N.D. Tex.) (“*Provident Royalties Litigation*”); *Anwar v. Fairfield Greenwich Limited*, Master File No. 1:09-cv-118 (VM) (S.D.N.Y.) which obtained a recovery on behalf of investors in “feeder funds” that in turn invested with Bernard L. Madoff Securities, LLC.; *In re Citigroup Auction Rate Securities Litigation*, No. 1:08-cv-3139 (LTS) (S.D.N.Y.); *In re NYMEX Holdings Shareholder Litigation*, C.A. No. 3621 (VCN) (Del. Ch.); *In re Vonage Initial Public Offering (IPO) Securities Litigation*, No. 3:07-cv-177 (FLW) (D.N.J.); *In re BP Prudhoe Bay Royalty Trust Securities Litigation*, No. C06-1505 MJP (W.D. Wash.); *Diana Allen Life Insurance Trust v. BP plc*, No. 1:06-cv-14209 (PAC) (S.D.N.Y.); *In re First BanCorp Securities Litigation*, No. 3:05-cv-2148 (GAG) (D.P.R.); *Fox v. Levis*, No. 1:07-cv-3252 (RO) (S.D.N.Y.); *In re Silicon Image, Inc. Securities Litigation*, Master File No. C 05-456 (MMC) (N.D. Cal.); *In re Old Banc One Shareholders Securities Litigation*, No. 00C2100 (N.D. Ill.); *In re Network Associates Derivative Litigation*, No. CV 781854 (Cal. Super. Ct. Santa Clara County); *In re Telxon Corporation Securities Litigation*, No. 5:98-cv-2876 (KMO) (N.D. Ohio); *Hayman v. PricewaterhouseCoopers LLP*, No. 1:01-cv-1078 (KMO) (N.D. Ohio); *In re Corrections Corporation of America Shareholder Litigation*, Master File No. 98-1257-iii (Tenn. Ch.); *In re Adaptec Inc. Derivative Litigation*, No. CV 772590 (Cal. Super. Ct. Santa Clara County); *In re Pacific Scientific Securities Litigation*, No. SACV-96-1106-LHM(EEEx) (C.D. Cal.); *Kaplan v. Prins Recycling Corporation*, No. 2:96-cv-2444 (WHW) (D.N.J.); *In re Health Management Inc. Securities Litigation*, No. 9:96-cv-889 (ADS) (E.D.N.Y.); *Weikel v. Tower Semiconductor, Ltd.*, No. 2:96-cv-3711 (AJL) (D.N.J.); *In re Bennett Funding Group, Inc. Securities Litigation*, No. 1:96-cv-2583 (JES) (S.D.N.Y.); *In re Horizon/CMS Healthcare Corporation Securities Litigation*, Master File No. 1:96-cv-442 BB/LCS (D.N.M.); *Rosenberg v. Stauth*, No. 5:96-cv-1808-M (W.D. Okla.); *Solomon v. Armstrong*, C.A. No. 13515 (Del. Ch.) (the “*GM/EDS Split-off Litigation*”); *In re Archer Daniels Midland Company Derivative Litigation*, C.A. No. 14403 (Del. Ch.); *In re American Pacific Securities Litigation*, No. CV-S-93-576-PMP (D. Nev.); *McNeil v. Austin*, Index No. 33189/91 (N.Y. Sup. Ct. N.Y. County); *In re Foodmaker/Jack-in-the-Box Securities Litigation*, No. C93-517 WDL (W.D. Wash.); *In re Ames Department Stores, Inc. Stock Litigation*, No. 2:90-cv-27 (PCD) (D. Conn.); *In re General Development Corporation Securities Litigation*, No. 1:90-cv-691 (SM) (S.D. Fla.); *In re Republic Pictures Corporation Shareholders Litigation*, C.A. No. 13122 (Del. Ch.); *In re Blockbuster Entertainment Corporation Shareholders Litigation*, C.A. No. 13319 (Del. Ch.); *In re First Capital Holdings Corporation Financial Products Securities Litigation*, MDL No. 901 (C.D. Cal.); *In re New World Entertainment Securities Litigation*, Master File No. CV 88-6260-MRP(Kx) (C.D. Cal.); *In re Anchor Securities Litigation*, No. 1:88-cv-3024 (CPS) (E.D.N.Y.); *In re 3Com Corporation Securities Litigation*, No. C-89-20480 (WAI) (N.D. Cal.); *In re Par Pharmaceutical, Inc. Derivative Litigation*, No. 1:89-cv-5497 (RPP) (S.D.N.Y.); *Fishbein v. Resorts International Inc.*, No. 1:89-cv-6043 (MGC) (S.D.N.Y.); *In re Bank of Boston Securities Litigation*, Master File No. 89-2269-H (D. Mass.); *In re Howard Savings Bank Securities Litigation*, No. 2:89-cv-5131 (WGB) (D.N.J.); *Merrit v. Gulf States Utilities Co.*, No. B-86-574-

CA (E.D. Tex.).

In addition, the Zwerling Firm represents or has represented public employee pension funds and union pension funds in securities litigations, including: *In re MGIC Investment Corporation Securities Litigation*, No. 2:08-cv-458-LA (E.D. Wis.); *In re American International Group, Inc. Securities Litigation*, No. 1:08-cv-4772 (LTS) (S.D.N.Y.); *In re Doral Financial Corporation Securities Litigation*, MDL No. 1706 (S.D.N.Y.); and *Clinton Charter Township Police and Fire Retirement System v. Reckler*, No. 2:03-cv-5008 (TCP) (E.D.N.Y.).

The following is a representative sample of the complex securities claims which the Zwerling Firm has litigated:

- *In re First BanCorp Securities Litigation*, No. 3:05-cv-2148 (GAG) (D.P.R.) - co-lead counsel in securities fraud class action involving sham mortgage sales transactions between Puerto Rico banks. The Zwerling Firm achieved a \$74.25 million settlement in less than eighteen months of litigation, which is pending court approval.

- *Hayman v. PricewaterhouseCoopers, LLP*, No. 1:01-cv-1078 (KMO) (N.D. Ohio) - brought on behalf of investors in Telxon Corp. securities against the company's auditors for issuing false opinions on the company's financial statements. The Zwerling Firm obtained a recommendation for a default judgment against PricewaterhouseCoopers, LLP and subsequently settled the action for \$27.9 million.

- *In re Telxon Corp. Securities Litigation*, No. 5:98-cv-2876 (KMO) (N.D. Ohio) - a securities fraud class action where the Zwerling Firm, as sole lead counsel obtained a settlement of \$40 million on behalf of investors. Class members in the *PricewaterhouseCoopers* and *Telxon* actions received over 70% of their losses in the two settlements.

- *In re Corrections Corporation of America Shareholder Litigation*, Master File No. 98-1257-iii (Tenn. Ch.) - shareholder class action challenging a management-led buyout of public shareholders in exchange for shares in a publicly held REIT.

- *In re Bennett Funding Group, Inc. Securities Litigation*, No. 1:96-cv-2583 (S.D.N.Y.) - securities fraud class action involving the single largest alleged Ponzi scheme in the United States. The Zwerling Firm has been on the Executive Committee which has successfully prosecuted the accountants, insurers, and sellers of the alleged fraudulent securities.

- *In re Health Management Inc. Securities Litigation*, No. 9:96-cv-889 (ADS) (E.D.N.Y.) - securities fraud class action alleging accounting fraud by the company and its auditors. The Zwerling Firm was co-lead trial counsel in the first case tried pursuant to the Private Securities Litigation Reform Act of 1995.

- *Rosenberg v. Stauth*, No. 5:96-cv-1808-M (W.D. Okla.) - shareholders' derivative action involving alleged improper business practices at Fleming Companies, Inc. in which the demand futility defense was successfully defeated.

· *In re ICN/Viratek Securities Litigation*, No. 1:87-cv-4296 (S.D.N.Y.) - securities fraud class action involving FDA sought approval of an HIV drug.

· *McNeil v. Austin*, Index No. 33189/91 (N.Y. Sup. Ct. N.Y. County) - shareholders' derivative action regarding the sale of defective nuclear containment systems by General Electric.

· *In re Adaptec Inc. Derivative Litigation*, Master File No. CV 772590 and *In re Network Associates Derivative Litigation*, Master File No. CV 781854 (Cal. Super. Ct. Santa Clara County) – shareholders' derivative lawsuits pursuant to California's insider trading statute to recover profits from the company's officers and directors.

· *In re Ames Department Stores, Inc. Stock Litigation*, No. 2:90-cv-27 (PCD) (D. Conn.) - securities fraud class action in which the Second Circuit reaffirmed the scope of the "in connection with" requirement of the Securities Exchange Act § 10(b).

Courts have commented favorably upon the expertise of the Zwerling Firm. In appointing the Firm as lead counsel in *In re Old Banc One Shareholders Securities Litigation*, No. 00C2100 (N.D. Ill.), the Court noted that the "attorneys have extensive experience, many successes on their resumes, and have obtained sizable recoveries on behalf of their clients." Minute Order dated December 21, 2000.

In appointing it as lead counsel in *In re Telxon Corporation Securities Litigation*, No. 5:98-cv-2876 (KMO) (N.D. Ohio), the Court determined that the Zwerling Firm has "the requisite ability and expertise to prosecute and manage this litigation effectively." Memorandum and Order at 39, August 25, 1999.

As a member of a team of plaintiffs' trial counsel in *In re ICN/Viratek Securities Litigation*, No. 1:87-cv-4296 (S.D.N.Y.), the Zwerling Firm was complimented by Judge Kimba Wood as having done a "superb job on behalf of the class.... This was a very hard fought case. You had very able, superb opponents, and they put you to your task.... The trial work was beautifully done and I believe very efficiently done...."

In *In re Par Pharmaceutical, Inc. Derivative Litigation*, No. 1:89-cv-5742 (RPP) (S.D.N.Y.), Judge Patterson, in commenting on the Zwerling Firm, said "[they] acted skillfully and resourcefully.... [The Zwerling Firm] exercised wisdom and judgment and negotiated a skillful settlement with the defending company and with the officer and director/defendants." Slip opinion dated June 15, 1992.

Chief Judge Weinstein, in the *Jack Eckerd Corporation* litigation (E.D.N.Y. 1986), and Judge Charles P. Sifton in both *Golden v. Shulman*, [1988 Transfer Binder] Fed. Sec. L. Rep. (CCH) ¶ 94,060 (E.D.N.Y. Sept. 30, 1988) and *Cagan v. Anchor Savings Bank, FSB*, [1990 Transfer Binder] Fed. Sec. L. Rep. (CCH) ¶ 95,324 (E.D.N.Y. May 22, 1990) also commented favorably upon the Zwerling Firm.

One of the partners of the Zwerling Firm was appointed by former Chief Judge Browning



as Proof-of-Claim Counsel in connection with the loss analysis in *In re Washington Public Power Supply System Securities Litigation*, MDL No. 551 (D. Ariz.). In that matter, former United States District Judge Nicholas J. Bua, as Special Master appointed by the Court, in commenting on one of the partners in the Zwerling Firm, said: “I...find that the services of Mr. Schachter were efficiently and reasonably performed by him personally....Mr. Schachter specifically was appointed by the District Court to serve as Claims Counsel....It was not unreasonable for a senior partner like Mr. Schachter, with his vast knowledge of the case, to directly oversee the claims administration process rather than relying upon less knowledgeable junior attorneys. The class received its money’s worth for Mr. Schachter’s services....”

### **Members of the Firm**

#### **Jeffrey C. Zwerling**

Jeffrey C. Zwerling was admitted to the bar of the State of New York in 1972 and to the bar of the State of Arizona in 1981; he is admitted to the following federal courts: the United States District Court for the Southern and Eastern Districts of New York, and the United States Court of Appeals for the Second Circuit. He received a Bachelor of Science degree with Honors from Lehigh University in 1968 and a Juris Doctor degree from Columbia University School of Law in 1971. He was Articles Editor of the Columbia Journal of Transnational Law. His professional affiliations include: New York State Bar Association, Association of the Bar of the City of New York, Nassau County Bar Association, and State Bar of Arizona.

On July 1, 1977, Mr. Zwerling founded the Law Offices of Jeffrey C. Zwerling; on January 1, 1985 that firm became Zwerling, Schachter & Zwerling, LLP. Prior to 1977, Mr. Zwerling was associated with the firms of Gasperini, Koch & Savage; Koch & Gluck; and Murray A. Gordon, P.C., with emphasis on civil litigation, real estate, and general corporate and commercial matters. Mr. Zwerling has represented and advised the Uniformed Fire Officers Association in regard to its pension funds and annuity plans.

Mr. Zwerling has extensive experience in all phases of complex litigation, including jury and non-jury trials, mediation, expert discovery, and settlement negotiations. He has negotiated several innovative corporate governance and structural changes in the resolution of shareholders' complaints. He is highly knowledgeable about economic and finance issues. Mr. Zwerling co-authored “The Dell Case: The Doors To The Courts Close Further For Investors” in the Aspatore Special Report (Thomson Reuters/Aspatore 2008).

#### **Robert S. Schachter**

Robert S. Schachter was admitted to the bar of the State of New York in 1972; he is admitted to the following federal courts: the United States District Court for the Southern and Eastern Districts of New York, the Central District of California the Eastern District of Wisconsin, the United States Court of Appeals for the Federal Circuit, the Second, Fifth, Seventh, Ninth and Eleventh Circuits, and the Supreme Court of the United States. He received a Bachelor of Arts



degree from Syracuse University in 1968 and a Juris Doctor degree from Brooklyn Law School in 1971. His professional affiliations include: The American Bar Association (Lecturer, Panels in Class Actions, 1980 and 1998) and the Second Circuit Federal Bar Council. Mr. Schachter was a panelist at the Public Funds Summit (2002-2004), Investment Education Symposium sponsored by the Council of Louisiana Trustees (2002), and Fire & Police Pension Summit (2002). Mr. Schachter is a panelist for a series of seminars moderated by the late Professor Francis McGovern of the Duke University Law School concerning “Distribution of Securities Litigation Settlements—Improving the Process.” These seminars are aimed to develop solutions to improve the efficiency and effectiveness of securities litigation settlement distributions. Participants in the conference include attorneys, judges, regulators, institutional filers and claims administrators. The purpose of the seminars is to prepare a report for presentation to the Federal Judicial Conference.

Mr. Schachter has extensive experience in all phases of complex litigation. He has been involved in many settlement negotiations, as well as the drafting of complex settlement documents, and has particular expertise in the administration of class settlements. Mr. Schachter has been instrumental in crafting novel settlements which have been applauded by courts in securities, as well as antitrust matters, including corporate governance issues.

### **Robin F. Zwerling**

Robin F. Zwerling was admitted to the bar of the State of New York in 1976; she is admitted to the following federal courts: the United States District Court for the Southern and Eastern Districts of New York, the United States Court of Appeals for the Second, Fourth, Sixth, Seventh and Ninth Circuits, and the Supreme Court of the United States. She received a Bachelor of Arts degree *cum laude* from Jackson College of Tufts University in 1972, and a Juris Doctor degree from Georgetown University Law Center in 1975. Her memberships include: the American Bar Association, the National Institute of Trial Advocacy, the National Association of Securities and Commercial Law Attorneys, and the Second Circuit Federal Bar Council. As a member of the Program Committee of the Second Circuit Federal Bar Council, Ms. Zwerling plans and coordinates Continuing Legal Education programs.

Ms. Zwerling has concentrated in litigation since her graduation from law school. At that time, she became associated with Martin, Clearwater & Bell, becoming a partner in 1982 and remained there until the formation of the Zwerling Firm in 1985. Ms. Zwerling has extensive experience in all phases of litigation, including trials and appellate arguments. She has tried cases in both state and federal courts. Ms. Zwerling successfully completed the National Institute of Trial Advocacy’s Advanced Trial Practice course after having tried a number of cases.

### **Susan Salvetti**

Susan Salvetti was admitted to the bar of the State of New York in 1980; she is admitted to the following federal courts: the United States District Court for the Southern and Eastern

Districts of New York and the United States Court of Appeals for the Second and Sixth Circuits. She received a Bachelor of Arts degree *summa cum laude* from Thomas More College of Fordham University in 1976 and a Juris Doctor degree from Fordham University School of Law in 1979. Her memberships include: the Second Circuit Federal Bar Council, Who's Who in American Women, and Phi Beta Kappa. Ms. Salvetti authored the published *Report on Class Certification for Particular Issues Pursuant to Federal Rules of Civil Procedure 23(C)(4)(A)*, 12 NYLitigator 63 (2007).

Ms. Salvetti has concentrated in litigation throughout her career, becoming a partner of the Zwerling Firm on January 1, 1992. Prior to her association with the firm in 1985, she was associated with Martin, Clearwater & Bell. Prior to that time, Ms. Salvetti was associated with Newman, Tannenbaum, Helpen & Hirschtritt, a general practice firm.

Ms. Salvetti has extensive experience in all phases of complex litigation, including as trial counsel; she has taken and defended numerous depositions, argued motions before trial and appellate courts, and negotiated complicated settlements in both securities and consumer matters.

### **Senior Counsel**

#### **Justin M. Tarshis**

Justin M. Tarshis was admitted to the bar of the State of New York in 2003; he is also admitted to the United States District Court for the Southern and Eastern Districts of New York and the United States Court of Appeals for the Second Circuit. He received a Bachelor of Science degree from the University of Wisconsin in 1999, and a Juris Doctor degree *cum laude* from Brooklyn Law School in 2002. While in law school, Mr. Tarshis was the recipient of the Samuel L. Sporn Academic Achievement Scholarship and the CALI Excellence for the Future Award in Civil Practice. In addition, Mr. Tarshis served as an intern to the Honorable Shira A. Scheindlin of the Southern District of New York, as well as an intern in the New York State Attorney General's Office.

### **Associates of the Firm**

#### **Donatella P. Keohane**

Donatella P. Keohane was admitted to the bar of the State of New York in 2003; she is also admitted to the Brazilian bar (State of Rio de Janeiro chapter). She received a Bachelor of Laws degree from Universidade Federal do Rio de Janeiro in 1998, and a Master of Laws degree from Fordham University School of Law in 2002. Prior to her association with the Zwerling firm, Ms. Keohane had been associated with Clifford Chance US LLP.

**Jessica C. Hermes**

Jessica C. Hermes was admitted to the bar of the State of New York in 2016. She received a Bachelor of Arts degree from Villanova University in 2012 and a Juris Doctor degree from New York University School of Law in 2015, where she was Notes Editor and Staff Editor for the *Journal of Legislation & Public Policy*.

**Of Counsel**

**Fred T. Isquith, Sr.**

Fred Taylor Isquith, Sr. is Of Counsel – National Litigation to the Zwerling Firm. He graduated from Columbia University Law School in 1971. Since then, Mr. Isquith has concentrated in antitrust and securities litigation, often as lead counsel in large, complex, class actions across the country. Clients have included businesses and investors with claims for wrongdoing against the largest corporations in America.

Mr. Isquith has extensive experience in complex market and financial areas representing institutional investors, such as public and labor pension funds, labor health and welfare benefit funds, and private institutional investors. He has recovered over \$7 billion. Prior to the Zwerling Firm, Mr. Isquith was Chair of the Antitrust Department of Wolf Haldenstein. There, he was lead counsel in, among others, the *Package Seafood Antitrust Litigation*, (S.D. Cal.), the *Keurig Coffee Antitrust Litigation* (S.D.N.Y.), *Salmon Antitrust* (S.D. Fla.) and *Viega Plumbing Antitrust* (M.D. Pa).

Mr. Isquith is currently Chair of the Antitrust Committee of the New York City Bar Association. He was the President of the National Association of Securities and Commercial Law Attorneys. He has lectured before bar associations and at law schools, has authored more than 50 published articles and 1000 columns and as recently as 2019 participated in a CLE program for the ABA. He is the author of a chapter in a Bar Association book on Federal Civil Practice and is often cited by legal industry media and the general press regarding complex litigation. Other activities include the New York State Bar Association President's Committee on Access to Justice and its Committee on Evidence. He is also a Fellow of the American Bar Foundation.

Mr. Isquith was co-lead in *Panzier v. Wolf*, which established the fraud on the market theory in the Second Circuit, later affirmed by the United States Supreme Court.

*In the Genetically Modified Rice Litigation* (E.D. Mo.), Mr. Isquith represented U.S. rice farmers in a landmark action against Bayer A.G., achieving a recovery of \$750 million.

Courts have often commented favorably about Mr. Isquith where he was in a leadership position. For example:

*K.J. Egleston, L.P. v. Heartland Industrial Partners* (E.D. Mich.), Judge Rosen stated in June 2010, of the “outstanding job of representing clients” and further commented that “the conduct of all counsel in this case and the result they have achieved for all of the parties confirms that they deserve the national recognition they enjoy.”

*Parker Friedland v. Iridium World Communicans Led* (D.D.C.), Judge Laughrey said “I really appreciate the quality of work that we had in our chambers as a result of this case.”

*In re: Comdisco Sec Litigation* (N.D. Ill.), Judge Shadur commented upon the “kind of professionalism that the critics of class actions...are never willing to recognize. I really cannot speak too highly of the services rendered by class counsel in an extraordinarily difficult situation.”

*In re Dynamic Random Access Memory Antitrust Litigation* (N.D. Cal.), Judge Hamilton said: “...the results are exceptional.... The percentages as you have outlined them, do put this [case] in one of the upper categories of results of this kind of [antitrust class action]. I am aware of the complexity.... You did an exceptionally good job at organizing and managing the case, assisting me in management of the case....”

Mr. Isquith is among the nation’s top securities class action attorneys, as recognized in *Venture* magazine. Mr. Isquith has been elected as among the top 5% of attorneys in the New York City area chosen as a “Super Lawyer” since 2006; *Avenue Magazine* has listed him among the legal elite; and he is listed in Martindale Hubbell as a “Preeminent Lawyer”, as well as in *Who’s Who in America*.

### **Fred T. Isquith, Jr.**

Fred T. Isquith, Jr. was admitted to the bar of the State of New York in 2010; he is also admitted to the following federal courts: The United States District Court for the Southern and Eastern Districts of New York. He received a Bachelor of Science degree from Cornell University in 2004, and a Juris Doctor degree from Syracuse University College of Law in 2009, where he served as an editor on the *Journal of International Law and Commerce* and as an executive board member for the Moot Court Honors Society. Mr. Isquith also has a Master’s degree in Public Administration from the Syracuse University Maxwell School of Citizenship and Public Affairs in 2009.

Mr. Isquith has handled all phases of class action litigation with a concentration in antitrust, commodities, market manipulation, and consumer class actions. He has served on the New York County Lawyers’ Association’s Federal Courts Committee and currently serves on the New York City Bar Association’s Antitrust and Trade Regulation Committee. He has published articles in the National Association of Shareholder and Consumer Attorneys (“NASCAT”) weekly newsletter regarding some of his notable cases. In 2018 – 2020, Mr. Isquith was named one of Super Lawyers' Rising Stars in the antitrust field.

# EXHIBIT 5

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

IN RE RESTASIS (CYCLOSPORINE  
OPHTHALMIC EMULSION) ANTITRUST  
LITIGATION

Case No. 18-MD-2819 (NG) (LB)

THIS DOCUMENT APPLIES TO:

ALL END-PAYOR PLAINTIFF CLASS  
ACTIONS

**DECLARATION OF ELLEN MERIWETHER OF CAFFERTY CLOBES  
MERIWETHER AND SPRENGEL LLP IN SUPPORT OF END-PAYOR PLAINTIFFS'  
MOTION FOR ATTORNEYS' FEES, EXPENSES, AND SERVICE AWARDS**



I, Ellen Meriwether, hereby declare as follows:

I am a partner at Cafferty Clobes Meriwether and Sprengel LLP (“CCMS”) and I am admitted *pro hac vice* in this matter. I submit this declaration in support of End-Payor Plaintiffs’ motion for attorneys’ fees, expenses, and service awards.

**Overview of the Firm**

Founded in 1992, Cafferty Clobes Meriwether & Sprengel LLP combines the talents of attorneys with a wide range of experience in complex civil litigation. The skill and experience of CCMS attorneys has been recognized on repeated occasions by courts that have appointed these attorneys to leadership positions in complex class action and multidistrict litigation. CCMS attorneys have held major roles in numerous cases, including the following antitrust cases, among others: *In re Cattle Antitrust Litig.*, (D. Minn.); *In re Insurance Brokerage Antitrust Litig.*, (D.N.J.); *Kamakahi v. American Society for Reproductive Medicine*, (N.D. Cal.); *In re Prandin Direct Purchaser Antitrust Litig.*, (E.D. Mich.); and *In re Automotive Parts Antitrust Litig.*(E.D. Mich.).

I have been a partner with the Firm since its inception in 1992, and have concentrated my specific practice in antitrust matters. In addition to having a major role in the firm’s antitrust matters, I am a Director of the American Antitrust Institute (AAI) and I have served on the Editorial Board of ANTITRUST, a magazine published by the Antitrust Law Section of American Bar Association, for the past 12 years. I have also published a number of articles on topics relating to complex, class action and antitrust litigation, as described on the firm’s website.

**Work Performed in Connection with the Litigation**

1. By Order of the Court dated April 4, 2018, (ECF. No. 52), I was appointed to the Executive Committee in this matter. In that position, and as instructed by Co-Lead Counsel, I

was assigned the responsibility of managing and executing the Named Plaintiffs' responses to Defendant's discovery directed to them. In carrying this work, I performed the following tasks, among others:

- I oversaw the collection of information necessary to respond to Defendant's interrogatories directed to the seven Named Plaintiffs and had a major role drafting their responses and objections to those interrogatories;
- I managed the process whereby Plaintiffs' pharmaceutical purchasing data was collected and produced to Defendant;
- I participated in the preparation sessions for the Plaintiffs' depositions and attended and defended most of the depositions.
- Where disputes arose over the sufficiency of Plaintiffs' responses, I coordinated the research of the relevant issues, and participated in meet and confers regarding the disputes.

2. In addition, as requested by Co-Lead Counsel, I played a role in the class certification proceedings by assisting in those aspects of the briefing relating to the typicality and adequacy of the proposed class representatives. In addition, I assisted more generally in the briefing process when requested by Co-Lead Counsel.

**Lodestar Summary**

3. In performing the work above, CCMS's attorneys and staff expended 700.6 hours for a total lodestar of \$552,957.50. The firm's lodestar does not include any time spent on proceedings before the Judicial Panel on Multidistrict Litigation or related to the appointment of class counsel.

4. In accordance with the Court's and Co-Lead Counsel's direction concerning time and expense reporting, the firm's attorneys and staff kept contemporaneous records of the time they spent on this litigation. I reviewed the firm's time reports, exercised billing judgment to eliminate inefficiency and duplication, and then directed staff to submit the daily time records to Co-Lead Counsel for review and audit. We did not bill for any of the time spent preparing or submitting our monthly time reporting. The firm is prepared to submit its time records for *in camera* review if requested by the Court.

5. Below is a summary of the individuals who worked on this matter for CCMS, their roles (Partner, Associate, Paralegal, Litigation Staff), the total number of hours they worked, their historic hourly billing rates, and their total lodestar. Because the bulk of the time in this matter was billed by me, I have provided a separate chart for my time.

**Time billed by me:**

<b>Attorney</b>	<b>Role</b>	<b>Hours</b>	<b>Rate</b>	<b>Lodestar</b>
Ellen Meriwether	Partner	16.5	\$775	\$12,787.50
Ellen Meriwether	Partner	375.3	\$800	\$30,0240.00
Ellen Meriwether	Partner	215.2	\$875	\$18,8300.00
Ellen Meriwether	Partner	18.4	\$925	\$17,020.00
Ellen Meriwether	Partner	2.2	\$1000	\$2,200.00
Ellen Meriwether	Partner	9	\$400*	\$3,600.00
Ellen Meriwether	Partner	19	\$437.50*	\$8,312.50
	<b>TOTAL:</b>	655.6		\$532,460.00

\* Time spent on case-related travel was billed at ½ of the timekeeper's normal hourly rate. (See ECF No. 62 at ¶ 12.)

**Time billed by other CCMS Attorneys and Staff:**

<b>Attorney</b>	<b>Role</b>	<b>Hours</b>	<b>Rate</b>	<b>Lodestar</b>
Patrick Cafferty	Partner	4.4	\$800	\$3520.00
Patrick Cafferty	Partner	8.4	\$875	\$7350.00
Jennifer Sprengel	Partner	1	\$800	\$800.00
Nyran Rasche	Partner	0.4	\$725	\$290
Christopher Tourek	Associate	0.3	\$500	\$150.00
Olivia Hester	Paralegal	0.2	\$275	\$55.00
Kathy Hollenstine	Paralegal	4.9	\$275	\$1347.50
Kelly McDonald	Paralegal	25.4	\$275	\$6985.00
	<b>TOTAL:</b>	45		\$20,497.50

6. The historical hourly rates submitted by CCMS in this matter are the firm's usual and customary rates that were charged by the firm in similar matters in which the firm is paid on a contingent basis, as well as the firm's non-contingent matters. The firm's hourly rates have been approved by courts in other, similar matters.

**Staffing and Tasks Performed in This Matter**

7. CCMS staffed this matter with attorneys and staff who performed tasks based on their skills, expertise, and experience. As is clear from the above charts, almost all of the time billed to this matter was billed by me, with associate and paralegal support as needed to perform research, keep track of the documents and data of the Named Plaintiffs and to prepare for their depositions. Mr. Cafferty provided strategic advice on matters assigned to the firm by Co-Lead Counsel.

**Expenses Incurred in the Prosecution of the Litigation**

8. In connection with its efforts in this matter, CCMS incurred a variety of out-of-pocket expenses. Below is an itemized list of the unreimbursed expenses the firm incurred during the prosecution of this litigation. Those expenses are reflected in the firm's books and records

that are regularly maintained in the ordinary course of the firm's business and are based on the receipts and data maintained by the firm.

<b>Expense Category</b>	<b>Amount</b>
Internal Reproduction / Copies	\$596.40
Court Fees (Filing costs, etc.)	\$175.00
Computer Research	\$838.10
Postage/Express Delivery/Messenger	\$373.00
Air Transportation	\$830.31
Ground Transportation	\$831.59
Meals	\$319.65
Lodging	\$1,141.16
<b>TOTAL:</b>	<b>\$5,105.21</b>

9. As shown above, the bulk of the firm's out-of-pocket expenses related to the travel necessary to defend the Named Plaintiffs depositions, which were held in various cities in the U.S., including New York, Miami, and Chicago.

10. CCMS also made contributions to the litigation fund for the End-Payor Plaintiffs in the amount of \$40,000.00.

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

Executed on May 16, 2022, at Media, Pennsylvania.

/s/ Ellen Meriwether

# EXHIBIT 6



**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

IN RE RESTASIS (CYCLOSPORINE  
OPHTHALMIC EMULSION) ANTITRUST  
LITIGATION

Case No. 18-MD-2819 (NG) (LB)

THIS DOCUMENT APPLIES TO:

ALL END-PAYOR PLAINTIFF CLASS  
ACTIONS

**DECLARATION OF MARC H. EDELSON OF EDELSON & ASSOCIATES, LLC IN  
SUPPORT OF END-PAYOR PLAINTIFFS' MOTION FOR ATTORNEYS' FEES,  
EXPENSES, AND SERVICE AWARDS**

I, Marc H. Edelson, hereby declare as follows:

I am a partner at Edelson & Associates, LLC and am admitted in this matter. I submit this declaration in support of End-Payor Plaintiffs' motion for attorneys' fees, expenses, and service awards.

1. Mr. Edelson's MDL experience in pharmaceutical cases includes an appointment in *In re Pharmaceutical Industry Average Wholesale Price Litig.*, MDL No. 1456, as one of the four lead counsel firms. Mr. Edelson was one of the first attorneys to initiate a series of class actions on behalf of end-payors against numerous pharmaceutical defendants which were eventually consolidated into MDL 1456. The case involved an in-depth analysis of pharmaceutical pricing and resulted in numerous settlements totaling \$341,000,000.

2. Additionally, Mr. Edelson served as co-lead counsel in *New England Carpenters Health Benefit Fund v. First DataBank, Inc. and McKesson Corp.*, C.A. No. 05-11148 (D. Mass), and *District 37 Health and Securities Fund v. Medi-Span*, C.A. No. 07-10988 (D. Mass).

This case was against pharmaceutical wholesaler McKesson Corporation and pharmaceutical publishers First DataBank and Medi-Span. The case focused on unlawful drug pricing markups of various drugs resulting in overpayments by end payors. The case settled for \$350,000,000 in addition to an agreement to roll back drug prices by five percent (5%) resulting in additional end payor cost savings totaling hundreds of millions of dollars.

3. Mr. Edelson has also served as co-lead counsel in additional pharmaceutical cases including *In re Ciprofloxacin Hydrochloride Antitrust Litig.*, MDL 1383 (EDNY), *Sandhaus v. Bayer AG*, No. 00-cv-6193 (Kansas State Court), *In re Premarin Antitrust Litigation*, No. 1:01-cv-00447 (SD Ohio), and *Blevins v. Wyeth Ayerst Laboratories, Inc.*, No. 324380 (Superior Court State of California).

4. Mr. Edelson was appointed one of the co-lead counsel in *In re Western States Wholesale Natural Gas Antitrust Litig.*, MDL 1566 (D Nevada) and *In re HELOC Minimum Payment Calculation Litig.*, No. 15-cv-00267 (EDPA).

5. Mr. Edelson has served as a member of the Executive Committee in *In re Copper Antitrust Litig.*, MDL 1301 (WD Wisc), *In re Certainteed Corp. Roofing Shingle Product Litig.*, MDL 1817 (EDPA), and *In re HP Inkjet Printer Litig.*, No. C053580JF (N.D. Cal.).

**Work Performed in Connection with the Litigation**

6. The firm performed an in depth review of documents in the underlying patent litigation as well as assisted in all phases of defensive discovery including gathering and reviewing all plaintiff documents, creating a privilege log and participating in meet and confers with co-counsel and defense counsel.

**Lodestar Summary**

7. In performing the work above, Edelson & Associates, LLC's attorneys and staff expended 788.20 hours for a total lodestar of 467,317.50. The firm's lodestar does not include any time spent on proceedings before the Judicial Panel on Multidistrict Litigation or related to the appointment of class counsel.

8. In accordance with the Court's and Co-Lead Counsel's direction concerning time and expense reporting, the firm's attorneys and staff kept contemporaneous records of the time they spent on this litigation. In reporting their time, Edelson & Associates, LLC exercised billing judgment to eliminate inefficiency and duplication, and then submitted its daily time records to Co-Lead Counsel for review and audit. The firm is prepared to submit its time records for *in camera* review if requested by the Court.

9. Below is a summary of the individuals who worked on this matter for Edelson & Associates, LLC, their roles, the total number of hours they worked, their historic hourly billing rates, and their total lodestar. Later in this declaration we detail the specific work performed by each individual.

<b>Attorney</b>	<b>Role</b>	<b>Hours</b>	<b>Rate<sup>1</sup></b>	<b>Lodestar</b>
Marc H. Edelson	Partner	216.30	\$800	\$173,040.00
Marc H. Edelson	Partner	7.50	\$400	\$3000.00
Liberato P. Verderame	Senior Counsel	353.90	\$600	\$212,340.00
Liberato P. Verderame	Senior Counsel	210.50	\$375	\$78,937.50
	<b>TOTAL:</b>	788.20		\$467,317.50

<sup>1</sup> Time spent on case-related travel was billed at ½ of the timekeeper's normal hourly rate. (See ECF No. 62 at ¶ 12.)

10. The historical hourly rates submitted by Edelson & Associates, LLC in this matter are the firm's usual and customary rates that were charged by the firm in similar matters in which the firm is paid on a contingent basis, as well as the firm's noncontingent matters. The firm's hourly rates have been approved by courts in other, similar matters.

**Staffing and Tasks Performed in This Matter**

11. Edelson & Associates, LLC staffed this matter with attorneys and staff who performed tasks based on their skills, expertise, and experience.

12. Marc H. Edelson and Liberato P. Verderame have decades of experience in class action litigation generally and antitrust class actions specifically. More detailed information about the roles and contributions of each attorney is set forth below:

13. Marc H. Edelson is the Managing Partner of Edelson Lechtzin LLP, and leads the firm's practices in the areas of antitrust law, defective drugs & medical devices, and property insurance litigation. Mr. Edelson received his J.D. from the University of California, Los Angeles School of Law, in 1987 and his B.S. in Economics from the Wharton School of The University of Pennsylvania, *cum laude* in 1984. He has practiced class action litigation for over 34 years and has been appointed to leadership roles in many MDL cases. In this matter, Mr. Edelson responded to discovery requests on behalf of all Class Representatives and worked extensively on defensive discovery, including overall strategy, meet and confers with defendants, and briefing discovery disputes.

14. Liberato Verderame, Senior Counsel, attended Villanova University (B.A., 1994) and Villanova University School of Law (J.D., 1997). Since then he has litigated cases in federal courts nationwide and has litigated successful appeals in both Pennsylvania's Commonwealth and Superior Courts and New Jersey's Appellate Division. Mr. Verderame has

represented plaintiffs in several national class action cases including *In Re: Generic Pharmaceuticals Pricing Antitrust Litig.*, MDL No. 2724 (E.D. Pa.); *Pharmaceutical Industry Average Wholesale Price Litig.*, MDL No. 1456 (D. Mass.); *In Re: Refrigerant Compressors Antitrust Litig.*, MDL 2042 (E.D. Mich.); *In Re: Western Areas Wholesale Natural Gas Antitrust Litig.*, MDL-1566 (D. Nev.); *In Re: Yahoo! Litig.*, 06-cv-2737 (C.D. Cal.); *Kent v. Hewlett-Packard Company*, 5:09-cv-05341 (N.D. Cal.); *New England Carpenters Health Benefits Fund v. First Databank, Inc.*, 1:05-cv-11148 (D. Mass.); *OSB Antitrust Litig.*, 06-CV-00826 (E.D. Pa.); and *Leeds v. IKO Manufacturing, Inc.*, No: 2:17-cv-00339 (E.D. Pa.). In this matter, Mr. Verderame examined Innopharma documents, reviewed Allergan and other documents related to citizen petition issues, analyzed claims data, drafted objections to deposition notices and drafted research memos. The time Mr. Verderame spent generally reviewing documents was billed at a rate significantly below his normal rate, while other work (including targeted review of documents in connection with deposition preparation or other specific tasks) was billed at a higher rate.

#### **Expenses Incurred in the Prosecution of the Litigation**

15. In connection with its efforts in this matter, Edelson & Associates, LLC incurred a variety of out-of-pocket expenses. Below is an itemized list of the unreimbursed expenses the firm incurred during the prosecution of this litigation. Those expenses are reflected in the firm's books and records that are regularly maintained in the ordinary course of the firm's business and are based on the receipts and data maintained by the firm.

<b>Expense Category</b>	<b>Amount</b>
Commercial Copies	
Internal Reproduction / Copies	\$61.20
Court Fees (Filing costs, etc.)	\$400.00

Court Reporters / Transcripts	
Computer Research	
Telephone/Fax/E-mail	
Postage/Express Delivery/Messenger	\$42.00
Professional Fees (expert, investigator, accountant, etc.)	
Witness/Service Fees	
Air Transportation	
Ground Transportation	\$113.00
Meals	\$25.50
Lodging	
Miscellaneous/Other (Describe in detail)	
TOTAL:	\$641.70

16. All travel expenses were incurred to attend hearings in the United States District Court for the Eastern District of New York.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on May 12th, 2022 at Newtown, Pennsylvania.

/s/ Marc H. Edelson



# EXHIBIT 7

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

IN RE RESTASIS (CYCLOSPORINE  
OPHTHALMIC EMULSION) ANTITRUST  
LITIGATION

Case No. 18-MD-2819 (NG) (LB)

THIS DOCUMENT APPLIES TO:

ALL END-PAYOR PLAINTIFF CLASS  
ACTIONS

**DECLARATION OF ROBERT G. EISLER OF GRANT & EISENHOFER, P.A. IN  
SUPPORT OF END-PAYOR PLAINTIFFS' MOTION FOR ATTORNEYS' FEES,  
EXPENSES, AND SERVICE AWARDS**

I, Robert G. Eisler, hereby declare as follows:

I am a Principal at Grant & Eisenhofer, P.A. and am admitted in the U.S. District Court for the Eastern District of New York. I entered my appearance on behalf of the End-Payor Plaintiffs and the Plaintiffs' class in this class action. I submit this declaration in support of End-Payor Plaintiffs' motion for attorneys' fees, expenses, and service awards. I lead my firm's antitrust class action group.

**Work Performed in Connection with the Litigation**

During the period from case inception through July 2021, and at the request of Co-Lead Counsel for the End-Payor Plaintiffs, my firm has performed work in an efficient manner on behalf of the named representative clients and the absent Class members. My firm has been involved in the following activities on behalf of the Plaintiffs: Factual research; legal research to draft complaint; collect, review, and produce client documents; and reviewed Defendants' documents.

**Lodestar Summary**

1. In performing the work above, Grant & Eisenhofer's attorneys and staff expended 41.1 hours for a total lodestar of \$37,590.00. The firm's lodestar does not include any time spent on proceedings before the Judicial Panel on Multidistrict Litigation or related to the appointment of class counsel.

2. In accordance with the Court's and Co-Lead Counsel's direction concerning time and expense reporting, the firm's attorneys and staff kept contemporaneous records of the time they spent on this litigation. In reporting their time, Grant & Eisenhofer exercised billing judgment to eliminate inefficiency and duplication, and then submitted its daily time records to

Co-Lead Counsel for review and audit. The firm is prepared to submit its time records for *in camera* review if requested by the Court.

3. Below is a summary of the individuals who worked on this matter for Grant & Eisenhofer, their roles (Partner, Associate, Paralegal, Litigation Staff), the total number of hours they worked, their hourly billing rates, and their total lodestar.

<b>Attorney</b>	<b>Role</b>	<b>Hours</b>	<b>Rate<sup>1</sup></b>	<b>Lodestar</b>
Robert G. Eisler	Partner	15.70	1,100.00	17,270.00
Deborah Elman	Partner	25.40	800.00	20,320.00
<b>TOTAL:</b>		41.10		37,590.00

4. The historical hourly rates submitted by Grant & Eisenhofer in this matter are the firm's usual and customary rates that were charged by the firm in similar matters in which the firm is paid on a contingent basis, as well as the firm's noncontingent matters. The firm's hourly rates have been approved by courts in other, similar matters, most recently in *In re London Silver Fixing Ltd. Antitrust Litigation*, 14-02573 (S.D.N.Y. June 15, 2021) (fee rates approved June 15, 2021).

#### **Staffing and Tasks Performed in This Matter**

5. Grant & Eisenhofer staffed this matter with attorneys and staff who performed tasks based on their skills, expertise, and experience.

6. As the director of the antitrust group at Grant & Eisenhofer, I, Robert Eisler, graduated from Villanova Law School in 1989 and led my firm's work on the case. I conducted factual and legal research into the allegations against defendants and assisted in drafting the

---

<sup>1</sup> Time spent on case-related travel was billed at ½ of the timekeeper's normal hourly rate. (See ECF No. 62 at ¶ 12.)

complaint. I also reviewed plaintiff documents to ensure their records satisfied any discovery obligations to be a representative plaintiff.

7. Deborah Elman, a partner at Grant & Esienhofer during her work on the case, graduated from the University of Pittsburgh School of Law, *cum laude*, in 2001 and also assisted in the initial case starter investigation and early discovery obligations.

**Expenses Incurred in the Prosecution of the Litigation**

8. In connection with its efforts in this matter, Grant & Eisenhofer incurred a variety of out-of-pocket expenses. Below is an itemized list of the unreimbursed expenses the firm incurred during the prosecution of this litigation. Those expenses are reflected in the firm's books and records that are regularly maintained in the ordinary course of the firm's business and are based on the receipts and data maintained by the firm.

<b>Expense Category</b>	<b>Amount</b>
Commercial Copies	\$11.25
Internal Reproduction / Copies	
Court Fees (Filing costs, etc.)	\$400
Court Reporters / Transcripts	
Computer Research	\$8.62
Telephone/Fax/E-mail	
Postage/Express Delivery/Messenger	
Professional Fees (expert, investigator, accountant, etc.)	
Witness/Service Fees	
Air Transportation	
Ground Transportation	\$20.94
Meals	\$99.16
Lodging	
Miscellaneous/Other (Describe in detail)	
TOTAL:	\$539.97

9. These expenses were incurred in connection with the initial case investigation, including legal research into the allegations, drafting the complaint and meeting with co-counsel to discuss litigation strategy.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on May 16, 2022, in New York, New York.

A handwritten signature in black ink, appearing to read 'R. Eisler', with a long horizontal flourish extending to the right.

---

Robert G. Eisler



# EXHIBIT 8

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

IN RE RESTASIS (CYCLOSPORINE  
OPHTHALMIC EMULSION) ANTITRUST  
LITIGATION

Case No. 18-MD-2819 (NG) (LB)

THIS DOCUMENT APPLIES TO:

ALL END-PAYOR PLAINTIFF CLASS  
ACTIONS

**DECLARATION OF MICHELLE J. LOOBY OF GUSTAFSON GLUEK PLLC IN  
SUPPORT OF END-PAYOR PLAINTIFFS' MOTION FOR ATTORNEYS' FEES,  
EXPENSES, AND SERVICE AWARDS**

I, Michelle J. Looby, hereby declare as follows:

I am a member at Gustafson Gluek PLLC (“Gustafson Gluek”) and am admitted *pro hac vice* in this matter. I submit this declaration in support of End-Payor Plaintiffs’ motion for attorneys’ fees, expenses, and service awards.

Gustafson Gluek is a 19-attorney law firm with a national practice specializing in complex litigation. The firm was named in the Top 25 Lead Counsel in Antitrust Complaints from 2009-2019 in the 2019 Antitrust Annual Report produced by the University of San Francisco Law School and The Huntington National Bank. The firm has been appointed lead counsel in numerous antitrust and other complex actions, recovering more than a billion dollars for its clients. The firm is currently serving as lead counsel in numerous antitrust class actions, including: *In re Broiler Chicken Antitrust Litigation*, No. 1:16-cv-08637 (N.D. Ill.) (partial settlements totaling approximately \$104 million); *In re Pork Antitrust Litigation*, No. 0:18-cv-1776 (D. Minn.) (partial settlements totaling \$20 million); and *In re Interior Molded Doors Indirect Purchaser Antitrust Litigation*, No. 3:18-cv-00850 (E.D. Va.) (settlements totaling \$19.5 million). The firm is currently also actively litigating multiple pharmaceutical antitrust actions, including: *In re Generic Pharmaceuticals Pricing Antitrust Litigation*, No. 2:16-md-02724 (E.D. Pa.); *In re Remicade Antitrust Litigation*, No. 2:17-cv-04326 (E.D. Pa.); and *In re Opana ER Antitrust Litigation*, No. 1:14-cv-10150 (N.D. Ill.).

**Work Performed in Connection with the Litigation**

1. Gustafson Gluek represents class representative Ironworkers Local 383 Health Care Plan (“Ironworkers”) in this litigation. The firm has assisted lead counsel throughout this litigation, including: assisting in researching and drafting the complaint; drafting Rule 26(a) disclosures; working with Ironworkers to preserve, gather, and produce responsive data and

documents; drafting responses and objections to multiple sets of interrogatories; preparing for and defending Ironworkers 30(b)(6) deposition; legal research and analysis on discovery issues; reviewing, analyzing, and coding defendants' documents; assisting with information for plaintiffs' opposition to defendants' Rule 26(f) petition; consulting with lead counsel and Ironworkers regarding settlement discussions and ultimate resolution of the case; and generally staying apprised of all aspects of the litigation in order to keep Ironworkers updated on the status of the litigation and advise it on its duties as a class representative.

**Lodestar Summary**

2. In performing the work above, Gustafson Gluek's attorneys and staff expended 432.80 hours for a total lodestar of \$204,672.50. The firm's lodestar does not include any time spent on proceedings before the Judicial Panel on Multidistrict Litigation or related to the appointment of class counsel.

3. In accordance with the Court's and Co-Lead Counsel's direction concerning time and expense reporting, the firm's attorneys and staff kept contemporaneous records of the time they spent on this litigation. In reporting their time, Gustafson Gluek exercised billing judgment to eliminate inefficiency and duplication, and then submitted its daily time records to Co-Lead Counsel for review and audit. The firm is prepared to submit its time records for *in camera* review if requested by the Court.

4. Below is a summary of the individuals who worked on this matter for Gustafson Gluek, their roles (Partner, Associate, Paralegal, Litigation Staff), the total number of hours they worked, their historic hourly billing rates, and their total lodestar. Later in this declaration we detail the specific work performed by each individual.

Attorney	Role	Hours	Rate <sup>1</sup>	Lodestar
Daniel E. Gustafson	P	0.2	\$1,025	\$205
Daniel E. Gustafson	P	3.30	\$1,050	\$3,465
Daniel E. Gustafson	P	0.5	\$1,100	\$550.00
Karla M. Gluek	P	0.5	\$900	\$450
Karla M. Gluek	P	5.8	\$925	\$5,365
Karla M. Gluek	P	0.5	\$975	\$487.50
Jason S. Kilene	P	2	\$850	\$1,700
Jason S. Kilene	P	15.10	\$875	\$13,212.50
Jason S. Kilene	P	0.2	\$900	\$180
Jason S. Kilene	P	0.3	\$925	\$277.50
Amanda M. Williams	P	0.3	\$675	\$202.50
Michelle J. Looby	P	4	\$600	\$2,400
Michelle J. Looby	P	93.10	\$625	\$58,187.50
Michelle J. Looby	P	21.40	\$650	\$13,910
Michelle J. Looby	P	10.80	\$675	\$7,290.00
Michelle J. Looby	P	1.20	\$775	\$930
Joshua J. Rissman	P	0.2	\$450	\$90
Joshua J. Rissman	P	61.10	\$475	\$29,022.50
Joshua J. Rissman	P	12.30	\$500	\$6,150
Joshua J. Rissman	P	1.2	\$525	\$630.00
Joshua J. Rissman	P	0.3	\$600	\$180.00
Brittany N. Resch	A	0.3	\$350	\$105
Brittany N. Resch	A	8.4	\$375	\$3,150
Brittany N. Resch	A	0.2	\$400	\$80.00
Brittany N. Resch	A	0.2	\$425	\$85.00
Brittany N. Resch	A	1.30	\$500	\$650.00
Brittany N. Resch	A	0.10	\$550	\$55.00
Kaitlyn L. Dennis	A	12.70	\$350	\$4,445
Kaitlyn L. Dennis	A	6.10	\$375	\$2,287.50
Ling S. Wang	A	151.90	\$300	\$45,570
Ling S. Wang	A	0.2	\$325	\$65
Sarah A. Moen	PL	1	\$225	\$225
Diana Jakubauskiene	PL	11.90	\$200	\$2,380.00
Diana Jakubauskiene	PL	0.40	\$300	\$120.00
Chelsea M. Noble	PL	3.8	\$150	\$570.00
	<b>TOTAL:</b>	432.80		\$204,672.50

<sup>1</sup> Time spent on case-related travel was billed at ½ of the timekeeper's normal hourly rate. (See ECF No. 62 at ¶ 12.)

5. The historical hourly rates submitted by Gustafson Gluek in this matter are the firm's usual and customary rates that were charged by the firm in similar matters in which the firm is paid on a contingent basis, as well as the firm's noncontingent matters. The firm's hourly rates have been approved by courts in other, similar matters, including recently in *In re Broiler Chicken Antitrust Litigation*, No. 16-cv-08637 (N.D. Ill.), ECF No. 5543 (April 19, 2022 order granting motion for payment of attorneys' fees, reimbursement of expenses, and class representative service awards) and *In re Interior Molded Doors Antitrust Litigation*, No. 18-cv-00850 (July 27, 2021 order granting motion for payment of attorneys' fees, reimbursement of expenses, and class representative service awards) .

#### **Staffing and Tasks Performed in This Matter**

6. Gustafson Gluek staffed this matter with attorneys and staff who performed tasks based on their skills, expertise, and experience.

7. As set forth in the chart above, the majority of the work was done by a handful of attorneys who were advised, as needed, by more senior partners in order to minimize expense to the class while taking advantage of the knowledge of those most experienced. More detailed information about the roles and contributions of each attorney (including their dates of law school graduation) and staff member is set forth below:

8. **Daniel E. Gustafson (1989)**: Mr. Gustafson provided counsel to the other attorneys at the firm handling the day-to-day work on the case.

9. **Karla M. Gluek (1993)**: Ms. Gluek provided counsel to the other attorneys at the firm handling the day-to-day work on the case.

10. **Jason S. Kilene (1994)**: Mr. Kilene worked on client matters, including related to Ironworkers role as a class representative in this matter.

11. **Amanda M. Williams (2004)**: Ms. Williams provided counsel regarding the merits of the case during its inception.

12. **Michelle J. Looby (2007)**: Ms. Looby worked with the Ironworkers on multiple aspects of the litigation from document preservation, Rule 26(a) disclosures, document collection, and deposition preparation among others things. In addition, she consulted with lead counsel regarding the status and strategy of the litigation and settlement discussions, as well as, advised the Ironworkers regarding the same.

13. **Joshua R. Rissman (2010)**: Mr. Rissman worked extensively with the Ironworkers on multiple aspects of the litigation, including document and data preservation, collection, and production, Rule 26(a) disclosures, and interrogatory responses among other things.

14. **Brittany N. Resch (2015)**: Ms. Resch primarily assisted with plaintiff vetting and plaintiff discovery projects, including document and data collection and production for the Ironworkers.

15. **Kaitlyn L. Dennis (2015)**: Ms. Dennis researched and drafted a complaint on behalf of the Ironworkers.

16. **Ling S. Wang (2017)**: Ms. Wang assisted in reviewing, analyzing, and coding documents related to two Allergan executives, Dave LeCause and Aziz Mottiwala.

17. **Sarah A. Moen (paralegal)**: Ms. Moen assisted with factual investigation related to the investigation of the case and drafting of the initial complaint.

18. **Diana Jakubauskiene (paralegal)**: Ms. Jakubauskiene was the primary paralegal on this case and assisted the attorneys on the projects described above, in addition to overall case management and organizational issues.



19. **Chelsea M. Noble (paralegal):** Ms. Noble assisted with factual investigation related to the investigation of the case and drafting of the initial complaint.

**Expenses Incurred in the Prosecution of the Litigation**

20. In connection with its efforts in this matter, Gustafson Gluek incurred a variety of out-of-pocket expenses. Below is an itemized list of the unreimbursed expenses the firm incurred during the prosecution of this litigation. Those expenses are reflected in the firm's books and records that are regularly maintained in the ordinary course of the firm's business and are based on the receipts and data maintained by the firm.

<b>Expense Category</b>	<b>Amount</b>
Internal Reproduction / Copies	\$6.60
Court Fees (Filing costs, etc.)	\$178.15
Computer Research	\$245.80
Telephone/Fax/E-mail	\$28.80
Miscellaneous/Other (Describe in detail) Epiq eDiscovery Solutions – Document Review Hosting Services	\$16,897.78
TOTAL:	\$17,357.13

As reflected in the chart above, the majority of expenses incurred by Gustafson Gluek were for document review and hosting services provided by a third-party vendor related to documents for class representative Ironworkers. The remaining expenses were minimal fees related to legal research, filing fees, copying costs, and conference call charges associated with a variety of projects performed by the firm throughout the litigation.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on May 13, 2022, at Plymouth, MN.

/s/ Michelle J. Looby

**EXHIBIT 9**

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

IN RE RESTASIS (CYCLOSPORINE  
OPHTHALMIC EMULSION) ANTITRUST  
LITIGATION

Case No. 18-MD-2819 (NG) (LB)

THIS DOCUMENT APPLIES TO:

ALL END-PAYOR PLAINTIFF CLASS  
ACTIONS

**DECLARATION OF RENAE D. STEINER OF HEINS MILLS & OLSON, P.L.C. IN  
SUPPORT OF END-PAYOR PLAINTIFFS' MOTION FOR ATTORNEYS' FEES,  
EXPENSES, AND SERVICE AWARDS**

I, Renae D. Steiner, hereby declare as follows:

1. I am a partner at the law firm of Heins Mills & Olson, P.L.C. and am admitted *pro hac vice* in this matter. I am counsel for class representative St. Paul Electrical Workers' Health Plan ("St. Paul Electrical Workers") and was appointed by the Court to serve on the End-Payor Plaintiffs' Executive Committee. I submit this declaration in support of End-Payor Plaintiffs' motion for attorneys' fees, expenses, and service awards.

2. Heins Mills has many decades of experience in complex litigation and has successfully handled hundreds of class actions, primarily in a leadership role, including cases tried to verdict in actions alleging antitrust violations in industries as diverse as telephone services surcharges, high-pressure laminates and NCAA Division I rules restrictions. We have served as lead or co-lead counsel in dozens of cases representing plaintiff classes alleging price fixing, vertical trade restraints, monopolization and other anticompetitive conduct in various markets such as automotive filters, concrete, aftermarket automotive sheet metal, infant formulas, hunting gear, global airline ticketing systems, ocean shipping, prescription drugs, paper products, polyester staple fiber, small engines, high-pressure laminates, food additives, financial products, travel agency air travel commissions and cable television systems. We have recovered for classes in cases where we were lead counsel collectively over \$3 billion in settlements or judgments.

3. In addition to serving on the Executive Committee in this matter, I have served as lead counsel in two other prescription drug antitrust cases, *In re Lidoderm Antitrust Litig.* (\$104.75 million settlement) and *In re Aggrenox Antitrust Litig.* (\$54 million settlement) and am currently co-lead counsel in *In re Lipitor Antitrust Litig.*

**Work Performed in Connection with the Litigation**

4. Heins Mills, in its role in this case as a member of the Executive Committee, worked on projects as assigned by the Lead Counsel. The major projects assigned by Lead Counsel to my firm are detailed below.

5. My firm filed a complaint on behalf of St. Paul Electrical Workers. After St. Paul Electrical Workers was included in the consolidated amended complaint as a plaintiff and proposed class representative, my firm was responsible for responding to document requests from Defendant Allergan directed to it. Partner Jessica Servais worked with the client to develop search terms and locate the electronic and paper documents responsive to Defendant's requests. She reviewed those documents for relevance and privilege issues and compiled them for production. I prepared my client's business manager, as its Rule 30(b)(6) designee, for deposition and defended that deposition.

6. Lead Counsel further tasked my firm with document review and analysis of Defendant's documents related to three issues. First, associate Teresa Jones reviewed Allergen documents for evidence that the Citizens Petition was baseless and an attempt to delay generic entry, specifically focusing on issues of bioequivalence. Second, she reviewed Defendant's documents and those of third parties to compile a comprehensive chart of PBM contracts, summarizing the rebate and generic substitution provisions of those contracts. Third, associate Ian McFarland was assigned to review Allergen's profit and loss statement documents. He also was assigned to review, analyze, and code potential generic entrant, third-party Mylan's production documents. Jones and McFarland participated in the weekly scheduled team calls to discuss these same issues.

7. Because of my past work on the economic issues raised in pay-for-delay cases, such as the timing and form of generic entry, the volume and speed of market penetration by the generic entrants, and the brand manufacturer's efforts thru rebates, coupons, multidose substitution and formulary blocks to forestall generic erosion of the market, I was asked to work on those issues in this case. That assignment led me to work with the attorneys assigned to conduct the Rule 30(b)(6) deposition of David LeCause, Allergan's Vice President of U.S. Eye Care Sales, on the topics of Allergan's historical projections for generic entry and penetration rates. I also worked with Lead Counsel, primarily Scott Grzenczyk and Dena Sharp, to assist them and our economist, Professor Frank, in the preparation of his class and merits reports. I conducted the deposition of Defendants' economist, Professor Hughes on his class certification report and assisted Ms. Sharp with lines of questioning for Professor Hughes' subsequent deposition.

#### **Lodestar Summary**

8. In performing the work above, Heins Mills & Olson, P.L.C. attorneys and staff expended 892.90 hours for a total lodestar of \$461,905.00. The firm's lodestar does not include any time spent on proceedings before the Judicial Panel on Multidistrict Litigation or related to the appointment of class counsel.

9. In accordance with the Court's and Co-Lead Counsel's direction concerning time and expense reporting, the firm's attorneys and staff kept contemporaneous records of the time they spent on this litigation. In reporting their time, Heins Mills & Olson, P.L.C. exercised billing judgment to eliminate inefficiency and duplication, and then submitted its daily time records to Co-Lead Counsel for review and audit. The firm is prepared to submit its time records for *in camera* review if requested by the Court.

10. Below is a summary of the individuals who worked on this matter for Heins Mills & Olson, P.L.C. their roles (Partner, Associate, Paralegal, Litigation Staff), the total number of hours they worked, their historic hourly billing rates, and their total lodestar. Later in this declaration we detail the specific work performed by individuals.

<b>Attorney</b>	<b>Role</b>	<b>Hours</b>	<b>Rate<sup>1</sup></b>	<b>Lodestar</b>
Rena D. Steiner (travel rate)	Partner	9.30	\$400.00	\$ 3,720.00
Rena D. Steiner	Partner	20.40	\$700.00	\$ 14,280.00
Rena D. Steiner	Partner	151.90	\$800.00	\$121,520.00
Vincent J. Esades	Partner	.90	\$700.00	\$ 630.00
Jessica N. Servais	Partner	45.40	\$550.00	\$ 24,970.00
Jessica N. Servais	Partner	41.80	\$650.00	\$ 27,170.00
Teresa M. Jones	Associate	467.90	\$450.00	\$210,555.00
Ian F. McFarland	Associate	33.60	\$375.00	\$ 12,600.00
Ian F. McFarland	Associate	108.50	\$400.00	\$ 43,400.00
Irene M. Kovarik	Paralegal	7.90	\$225.00	\$ 1,777.50
Irene M. Kovarik	Paralegal	3.50	\$275.00	\$ 962.50
Sarah Maurer	Paralegal	1.60	\$175.00	\$ 280.00
Sarah Maurer	Paralegal	.20	\$200.00	\$ 40.00
	<b>TOTAL:</b>	892.90		\$461,905.00

11. The historical hourly rates submitted by Heins Mills & Olson, P.L.C. in this matter are the firm's usual and customary rates that were charged by the firm in similar matters in which the firm is paid on a contingent basis, as well as the firm's noncontingent matters. The firm's hourly rates have been approved by courts in other, similar matters:

- *O'Bannon v. NCAA*, Case No. C-09-3329 (N.D. Cal.)
- *In re Capacitors Antitrust Litig.*, Case No. 14-cv-03264 (N.D. Cal.)
- *In re Lithium Batteries Antitrust Litig.*, Case No. 13-md-02420 (N.D. Cal.)
- *In re Aggrenox Antitrust Litig.*, No. 3:14-md-2516(SRU)(D. Ct.) (July 19, 2018 hearing transcript; approving fee request at the same Heins Mills' rates,

<sup>1</sup> Time spent on case-related travel was billed at 1/2 of the timekeeper's normal hourly rate. (See ECF No. 62 at ¶ 12.)



stating “I think that the result here was quite good for a reasonable rate. I think a reasonable client would have paid these rates to obtain the outcome.”)

**Staffing and Tasks Performed in This Matter**

12. Heins Mills & Olson, P.L.C. staffed this matter with attorneys and staff who performed tasks based on their skills, expertise, and experience.

13. My firm’s primary responsibilities in this case, as assigned by Lead Counsel, were to locate and produce class representative St. Paul Electrical Workers’ documents responsive to Defendant’s document requests and to prepare and defend the Fund’s designee at its deposition; to review defendant and third-party documents as assigned; and to work on expert economist issues, including depositing Defendant’s economist. More detailed information about the roles and contributions of each attorney (including their dates of bar admission) and staff member<sup>2</sup> is set forth below.

14. **Renae Steiner (1991):** As also detailed in para. 4s and 6, I prepared and defended our client’s Rule 30(b)(6) designee at its class representative deposition. I was asked by Lead Counsel to work on the economic issues raised in pay-for-delay cases, such as reviewing the various manufacturers’ (brand and potential generic entrants) view of when they would enter the market, their projected penetration rates and their likely per unit pricing. We also analyzed the pricing and penetration rates of other drugs that the manufacturers’ considered to be relevant to their analysis in this case. Key to any class certification predominance argument is the common injury analysis—whether each class member suffered injury by

---

<sup>2</sup> Attorney Vince Esades and paralegals Irene Kovarik and Sarah Deutl collectively billed 14.10 hours to this case. Their work is not detailed above.

delayed generic entry. To that end, I and other worked on assessing the brand manufacturers' efforts thru rebates, coupons, multidose substitution and formulary blocks to forestall generic erosion of the market. That assignment led me to work with the attorneys assigned to conduct the Rule 30(b)(6) deposition of David LeCause, Allergan's Vice President of U.S. Eye Care Sales, on the topics of Allergan's historical projections for generic entry and penetration rates. I also worked with Lead Counsel, primarily Scott Grzenczyk and Dena Sharp, to assist them and our economist, Professor Frank, in the preparation of his class and merits reports. I conducted the deposition of Defendants' economist, Professor Hughes on his class certification report and assisted Ms. Sharp with lines of questioning for subsequent depositions.

15. **Jessica Servais (2002):** Jessica Servais, a partner at Heins Mills, was primarily responsible for drafting the complaint filed on behalf of our client, St. Paul Electrical Workers. As also detailed in para. 4, St. Paul Electrical Workers was selected by Lead Counsel to serve as a proposed class representative. As such, Defendant Allergan directed document requests to it. Partner Jessica Servais developed search terms and located the electronic and paper documents responsive to Defendant's requests. She reviewed those documents for relevance and privilege issues and compiled them for production. Ms. Servais prepared relevant documents into a deposition kit so that I could prepare my client's business manager, as St. Paul Electrical Workers' Rule 30(b)(6) designee, for deposition.

16. **Teresa Jones (1996):** As also detailed in para. 5, Associate Teresa Jones was a member of the Citizens Petition/causation document review team. That team was assigned documents obtained primarily from Allergen and reviewed those documents for evidence that the Citizens Petition was baseless and an attempt to delay generic entry, specifically focusing on issues of bioequivalence. Each week, Ms. Jones summarized her findings, and added the

appropriate entries to the ongoing cast of character group document. The CP/causation team held regularly scheduled team calls to discuss their finds and to develop additional search inquiries. Ms. Jones also reviewed Defendant's documents and those of third parties to compile a comprehensive chart of PBM contracts, the rebates and generic substitution provisions of those contracts. This chart was used by those working on common injury to class members (that both insurers and individual class members would pay less in the but-for world of generic entry).

17. **Ian McFarland (2011):** As also detailed in para. 5, Associate Ian McFarland assisted in drafting our client's complaint, as well as later being assigned with reviewing, analyzing, and coding Mylan's (a potential generic entrant) third-party production documents. He also reviewed Allergen profit and loss statement documents. McFarland participated in the scheduled team calls to discuss these same issues.

**Expenses Incurred in the Prosecution of the Litigation**

18. In connection with its efforts in this matter, Heins Mills & Olson, P.L.C. incurred a variety of out-of-pocket expenses. Below is an itemized list of the unreimbursed expenses the firm incurred during the prosecution of this litigation. Those expenses are reflected in the firm's books and records that are regularly maintained in the ordinary course of the firm's business and are based on the receipts and data maintained by the firm.

<b>Expense Category</b>	<b>Amount</b>
Commercial Copies	\$ 20.71
Internal Reproduction / Copies	\$ 23.80
Court Fees (Filing costs, etc.)	\$ 359.30
Court Reporters / Transcripts	\$ 0.00
Computer Research	\$1,074.61

Telephone/Fax/E-mail	\$ 0.01
Postage/Express Delivery/Messenger	\$ 3.03
Professional Fees (expert, investigator, accountant, etc.)	\$ 67.50
Witness/Service Fees	\$ 0.00
Air Transportation	\$ 903.60
Ground Transportation	\$ 142.06
Meals	\$ 82.61
Lodging	\$ 311.94
Miscellaneous/Other (airport parking, parking at class rep depo)	\$ 76.00
TOTAL:	\$3,065.17

19. Travel to New York from Minnesota to conduct the deposition of Dr. Hughes was the largest part of our firm's non-litigation fund expenses (airfare, ground transportation, hotel, meals, and deposition prep book copies). Additional expenses of note include complaint and pro hac vice filing fees, and computerized research charges.

20. Heins Mills & Olson, P.L.C. also made contributions to the litigation fund for the End-Payor Plaintiffs in the amount of \$40,000.00.

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

Executed on this 29th day of April 2022 at Minneapolis, Minnesota.

*/s/ Renae D. Steiner*  
Renae D. Steiner

**EXHIBIT 10**

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

IN RE RESTASIS (CYCLOSPORINE  
OPHTHALMIC EMULSION) ANTITRUST  
LITIGATION

Case No. 18-MD-2819 (NG) (LB)

THIS DOCUMENT APPLIES TO:

ALL END-PAYOR PLAINTIFF CLASS  
ACTIONS

**DECLARATION OF STEVE D. SHADOWEN OF HILLIARD SHADOWEN LLP IN  
SUPPORT OF END-PAYOR PLAINTIFFS' MOTION FOR ATTORNEYS' FEES,  
EXPENSES, AND SERVICE AWARDS**

I, Steve D. Shadowen, hereby declare as follows:

I am a partner at Hilliard Shadowen LLP and I submit this declaration in support of End-Payor Plaintiffs' motion for attorneys' fees, expenses, and service awards. This declaration is based on my personal knowledge or discussions with counsel at my firm of the matters stated herein.

I have been representing plaintiffs in antitrust litigation for more than 25 years. Over the course of my career, I have been hired to represent some of the nation's largest pharmaceutical purchasers, including CVS Caremark, Inc., and Rite Aid Corp., as plaintiffs in pharmaceutical antitrust cases, and have been appointed by courts to represent classes of end-payor plaintiffs and direct-purchaser plaintiffs. I have been the lead or co-lead counsel on behalf of purchaser plaintiffs in multiple groundbreaking pharmaceutical antitrust cases, including, inter alia:

- *In re Relafen Antitrust Litig.*, Master File No. 01-cv-12239 (D. Mass. Sept. 28, 2005) (challenging scheme to mislead the U.S. Patent and Trademark Office and prosecute sham litigation against potential generic competitors regarding the non-steroidal anti-inflammatory drug Relafen);
- *In re Brand Name Prescription Drug Litig.*, MDL No. 997 (N.D. Ill. Apr. 9, 2003) (challenging price discrimination and price-fixing agreements by every major pharmaceutical manufacturer selling prescription drugs in the U.S.);
- *In re Cardizem CD Antitrust Litig.*, No. 99-md-1278 (E.D. Mich. May 11, 2000) (challenging reverse payment agreements regarding the hypertension drug Cardizem CD);



- *In re Ciprofloxacin Hydrochloride Antitrust Litig.*, No. 00-md-1383 (E.D.N.Y. Mar. 31, 2005) (challenging reverse payment agreements regarding the antibiotic Cipro);
- *In re K-Dur Antitrust Litig.*, MDL No. 1419 (D.N.J. Sept. 29, 2004) (challenging reverse payment agreements regarding the potassium supplement drug K-Dur);
- *King Drug Co. of Florence, Inc. v. Cephalon, Inc.*, Master File No. 07-cv-1797 (E.D. Pa. Mar. 29, 2010) (challenging reverse payment agreements between Cephalon and four generic manufacturers regarding the wakefulness drug Provigil);
- *Louisiana Wholesale Drug Co., Inc. v. Abbott Labs.*, Master File No. 05-cv- 340 (D. Del. Aug. 18, 2008) (challenging exclusionary scheme to block generic versions of the cholesterol drug Tricor by successively reformulating the drug in a manner that provided no medical benefit);
- *Meijer, Inc. v. Barr Pharm., Inc.*, Master File No. 06-cv-795 (D.D.C. Aug. 11, 2008) (challenging exclusive supply agreement that prohibited generic competitor from launching a generic version of the contraceptive Ovcon);
- *In re Nifedipine Antitrust Litig.*, MDL No. 1515 (D.D.C. Sept. 1, 2004) (challenging conspiracy among potential competitors that prevented generic versions of the hypertension drug Adalat CC from entering the market);
- *In re Neurontin Antitrust Litig.*, MDL No. 1479 (D.N.J. Aug. 28, 2009 ) (challenging scheme to prevent generic competition to epilepsy drug Neurontin by obtaining patents through misconduct before the U.S. Patent and Trademark Office, improperly listing patents in the Orange Book, filing sham patent

litigation suits against potential generic competitors, and marketing Neurontin for off-label uses);

- *In re Remeron Antitrust Litig.*, Master File No. 03-cv-85 (D.N.J. Nov. 9, 2005) (challenging brand manufacturer's improper Orange Book listing and use of sham litigation to delay generic competition);  
*Safeway, Inc. v. Abbott Labs.*, Master File No. 07-cv-5470 (N.D. Cal. Jan. 12, 2010) (challenging bundled pricing and refusal to deal regarding protease inhibitors used to treat HIV);
- *In re Terazosin Hydrochloride Antitrust Litig.*, No. 99-MDL-1317 (S.D. Fla. Jan. 5, 2005) (challenging reverse payment agreements regarding the drug Hytrin);  
*In re Nexium (Esomeprazole Magnesium) Antitrust Litig.*, No. 12-md-2409-WGY (D. Mass. Sept. 11, 2013) (challenging reverse payment agreements used to suppress generic competition for Nexium);
- *In re Suboxone (Buprenorphine Hydrochloride and Nalaxone) Antitrust Litig.*, No. 13-MDL-2445 (E.D. Pa. Dec. 3, 2014) (challenging brand manufacturer's scheme involving product hopping and a sham citizen's petition regarding the drug Suboxone); *In re Solodyn (Minocycline Hydrochloride) Antitrust Litig.*, No. 14-md-02503 (D. Mass. Sept. 16, 2016) (challenging reverse payment agreements used to suppress generic competition for Solodyn);
- *In re Loestrin Antitrust Litig.*, MDL No. 13-md-02472 (D.R.I. Sept. 4, 2014) (challenging reverse payment agreements and a product hop used to suppress generic competition for Loestrin);

- *In re Actos End-Payor Antitrust Litig.*, No. 12-cv-09244 (S.D.N.Y. Feb. 12, 2018) (challenging brand manufacturer’s improper Orange Book listing to delay generic competition);
- *In re Ranbaxy Generic Drug Application Antitrust Litig.*, MDL No. 2878 (D. Mass. Feb. 11, 2019) (challenging generic manufacturer’s use of fraudulent FDA filings to exclude competition).

I presented the appellate arguments on behalf of the purchaser plaintiffs in all three of the cases in which the appellate panels held that “reverse payment” agreements are subject to substantial antitrust scrutiny. *In re K-Dur Antitrust Litig.*, 686 F.3d 197 (3d Cir. 2012); *Arkansas Carpenters Health & Welfare Fund v. Bayer AG*, 604 F.3d 98, 110 (2d Cir. 2010); *In re Cardizem CD Antitrust Litig.*, 332 F.3d 896, 908 (6th Cir. 2003). The Supreme Court subsequently confirmed the antitrust standard that I and others had been advocating for more than a decade. *FTC v. Actavis, Inc.*, 570 U.S. 136 (2013).

I was a lead trial counsel in numerous pharmaceutical antitrust cases in various district courts. *See, e.g., Safeway, Inc. v. Abbott Labs.*, 761 F. Supp. 2d 874 (N.D. Cal. 2011); *In re Solodyn (Minocycline Hydrochloride) Antitrust Litig.*, No. 14-md-02503 (D. Mass. Sept. 16, 2016); *In re Nexium (Esomeprazole Magnesium) Antitrust Litig.*, No. 12-md-2409-WGY (D. Mass. Sept. 11, 2013); *Abbott Labs. v. Teva Pharm., U.S.A., Inc.*, 432 F. Supp. 2d 408 (D. Del. 2006).

I have served on the advisory boards of the American Antitrust Institute and the Institute for Consumer Antitrust Studies. I regularly publish scholarly articles on antitrust issues as well as civil and human rights.

Additional information regarding my background and experience and Hilliard &

Shadowen is available at the firm’s website: <https://www.hilliardshadowenlaw.com/>.

**Work Performed in Connection with the Litigation**

1. Hilliard Shadowen primarily conducted document review of Defendants’ production assigned by Co-Lead Counsel.

**Lodestar Summary**

2. In performing the work above, Hilliard Shadowen’s attorneys and staff expended 62.8 hours for a total lodestar of \$23,457.50. The firm’s lodestar does not include any time spent on proceedings before the Judicial Panel on Multidistrict Litigation or related to the appointment of class counsel.

3. In accordance with the Court’s and Co-Lead Counsel’s direction concerning time and expense reporting, the firm’s attorneys and staff kept contemporaneous records of the time they spent on this litigation. In reporting their time, Hilliard Shadowen LLP exercised billing judgment to eliminate inefficiency and duplication, and then submitted its daily time records to Co-Lead Counsel for review and audit. The firm is prepared to submit its time records for *in camera* review if requested by the Court.

4. Below is a summary of the individuals who worked on this matter for Hilliard Shadowen LLP, their roles (Partner, Associate, Paralegal, Litigation Staff), the total number of hours they worked, their historic hourly billing rates, and their total lodestar.

<b>Attorney</b>	<b>Role</b>	<b>Hours</b>	<b>Rate</b>	<b>Lodestar</b>
Steve D. Shadowen	Partner	1.00	\$900	\$900.00
D. Sean Nation	Associate	3.8	\$600/\$700	\$2,550.00
Matthew Weiner	Associate	7.4	\$450	\$3,420.00
Frazar Thomas	Associate	1.9	\$400	\$760.00
Nicholas W. Shadowen	Associate	48.7	\$325	\$15,827.50
	<b>TOTAL:</b>	62.8		\$23,457.50

5. The historical hourly rates submitted by Hilliard Shadowen in this matter are the firm's usual and customary rates that were charged by the firm in similar matters in which the firm is paid on a contingent basis, as well as the firm's noncontingent matters. The firm's hourly rates have been approved by courts in other, similar matters.<sup>1</sup>

**Staffing and Tasks Performed in This Matter**

6. Hilliard Shadowen staffed this matter with attorneys who performed tasks based on their skills, expertise, and experience.

7. Partner Steve D. Shadowen and associates D. Sean Nation, Matthew Weiner, Frazar Thomas, and Nicholas Shadowen performed various tasks at the direction of co-lead counsel, as well as other projects for which recovery of fees is not sought. The hours in connection with those reported above relate primarily to the work performed during discovery. Nicholas Shadowen was actively involved in the early stages of the plaintiffs' document review process. In this role, he worked with co-counsel and was primarily responsible for the firm's document review concerning Aziz Mottiwala and issues regarding Defendant's strategies involving citizen petitions and bioequivalence, such as (1) creating and implementing a document review strategy, (2) conducting an initial review of Defendants' production to determine their general content (3) participation in weekly conference calls with the review team to discuss progress and key issues, (4) conferring with co-counsel on substantive issues uncovered during the review, and (5) conducting in-depth document review and annotation of thousands of documents.

---

<sup>1</sup> See, e.g., *In re Solodyn (Minocycline Hydrochloride) Antitrust Litig.*, 1:14-md-2503-DJC (D. Mass.), order Awarding Attorneys' Fees, ECF No. 1159-2 (Ju.y 19, 2018); *In re Lidoderm Antitrust Litig.*, 3:14-md-02521-WHO (Sep. 20, 2018), ECF No. 1055.

**Expenses Incurred in the Prosecution of the Litigation**

8. In connection with its efforts in this matter, Hilliard Shadowen did not incur any expenses.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on May 13, 2022, in Austin, Texas.

/s/ Steve D. Shadowen

# EXHIBIT 11



**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

IN RE RESTASIS (CYCLOSPORINE  
OPHTHALMIC EMULSION) ANTITRUST  
LITIGATION

Case No. 18-MD-2819 (NG) (LB)

THIS DOCUMENT APPLIES TO:

ALL END-PAYOR PLAINTIFF CLASS  
ACTIONS

**DECLARATION OF ZACHARY D. SILBERSHER OF KROUB, SILBERSHER &  
KOLMYKOV, PLLC IN SUPPORT OF END-PAYOR PLAINTIFFS' MOTION FOR  
ATTORNEYS' FEES, EXPENSES, AND SERVICE AWARDS**

I, Zachary D. Silbersher, hereby declare as follows:

I am a partner at Kroub, Silbersher & Kolmykov, PLLC and am admitted in this matter. I submit this declaration in support of End-Payor Plaintiffs' motion for attorneys' fees, expenses, and service awards.

Kroub, Silbersher & Kolmykov, PLLC is an intellectual-property litigation firm located in New York and founded in 2013. Since its inception, Kroub, Silbersher & Kolmykov, PLLC has appeared as lead counsel in numerous patent litigations located throughout the country on behalf of both patent-holders and accused infringers. Kroub, Silbersher & Kolmykov, PLLC has also appeared as lead counsel in *inter partes* review (IPR) proceedings at the Patent Office on behalf of both petitioners and patent holders—including in proceedings involving pharmaceutical patents. Given that this litigation involved numerous patent issues, including patent issues arising out of IPR proceedings, Kroub, Silbersher & Kolmykov, PLLC acted on this matter based upon its expertise on these issues. In particular, Zachary D. Silbersher, a partner at Kroub, Silbersher & Kolmykov, PLLC who acted on this matter, published an article in IAM Media before this case was commenced that addressed potential problems with Allergan's contract with the St. Regis Mohawk Tribe in connection with a pending IPR against a Restasis patent.<sup>1</sup>

**Work Performed in Connection with the Litigation**

1. Kroub Silbersher & Kolmykov, PLLC researched and analyzed specific patent issues of relevance to this case, including research related to Allergan's contract with the St.

---

<sup>1</sup> See "The biggest problem with Allergan's St. Regis Mohawk deal is that the tribe may not own the patents," IAM Media, Sep. 18, 2017 (available at <https://www.lexology.com/library/detail.aspx?g=2c01ee83-55a3-4830-ad87-ddf3a00115e3>)

Regis Mohawk tribe in connection with a pending *inter partes* proceeding for a Restasis patent, and potentially anticompetitive conduct therefrom, research regarding the prior Hatch-Waxman patent litigation involving the patents, research of the district court decision by Judge Bryson invalidating the patents, research regarding Teva's claim that the patents are unenforceable due to inequitable conduct and potentially the basis of an anticompetitive claim, review of the petitions for *inter partes* review (IPRs) related to the patents, revisions to the draft complaint in this action, review and addition of draft document requests related to patent issues, review and revisions of overview of factual record (White Paper) related to the validity of the patents, review of articles for addition to White Paper that are prior art to the patents, draft section of White Paper regarding these articles, review of depositions from the Hatch-Waxman litigation regarding invalidity of the patents, review of trial testimony from the Hatch-Waxman litigation for addition to White Paper, review of bates-numbers for addition to White Paper, identification of trial exhibits from the Hatch-Waxman litigation, review of the Hatch-Waxman district court opinion and prosecution histories for patents to draft topics for Laura Wine deposition.

**Lodestar Summary**

2. In performing the work above, Kroub, Silbersher & Kolmykov, PLLC attorneys expended 65.15 hours for a total lodestar of \$50,491.25. The firm's lodestar does not include any time spent on proceedings before the Judicial Panel on Multidistrict Litigation or related to the appointment of class counsel.

3. In accordance with the Court's and Co-Lead Counsel's direction concerning time and expense reporting, the firm's attorneys and staff kept contemporaneous records of the time they spent on this litigation. In reporting their time, Kroub, Silbersher & Kolmykov, PLLC exercised billing judgment to eliminate inefficiency and duplication, and then submitted its

daily time records to Co-Lead Counsel for review and audit. The firm is prepared to submit its time records for *in camera* review if requested by the Court.

4. Below is a summary of the individual who worked on this matter for Kroub, Silbersher & Kolmykov, PLLC, their role (Partner, Associate, Paralegal, Litigation Staff), the total number of hours they worked, their historic hourly billing rates, and their total lodestar. Later in this declaration we detail the specific work performed by each individual.

Attorney	Role	Hours	Rate <sup>2</sup>	Lodestar
Zachary D. Silbersher	Partner	65.15	\$775.00	\$50,491.25
	<b>TOTAL:</b>	65.15		\$50,491.25

5. The historical hourly rates submitted by Kroub, Silbersher & Kolmykov, PLLC in this matter are the firm’s usual and customary rates that were charged by the firm in similar matters in which the firm is paid on a contingent basis, as well as the firm’s noncontingent matters.

6. Kroub, Silbersher & Kolmykov, PLLC did not incur any expenses in relation to this matter.

**Staffing and Tasks Performed in This Matter**

7. Kroub, Silbersher & Kolmykov, PLLC staffed this matter with the attorney who performed tasks based on their skills, expertise, and experience.

8. Kroub, Silbersher & Kolmykov, PLLC staffed Zachary D. Silbersher as the only attorney from this firm working on this matter. Mr. Silbersher (Fordham Law School 2002) has acted as lead counsel in multiple patent proceedings, including petitions for *inter partes* review.

---

<sup>2</sup> Time spent on case-related travel was billed at ½ of the timekeeper’s normal hourly rate. (See ECF No. 62 at ¶ 12.)

Mr. Silbersher researched and analyzed specific patent issues of relevance to this case, including research related to Allergan's contract with the St. Regis Mohawk tribe in connection with a pending *inter partes* proceeding for a Restasis patent, and potentially anticompetitive conduct therefrom, research regarding the prior Hatch-Waxman patent litigation involving the patents, research of the district court decision by Judge Bryson invalidating the patents, research regarding Teva's claim that the patents are unenforceable due to inequitable conduct and potentially the basis of an anticompetitive claim, review of the petitions for *inter partes* review (IPRs) related to the patents, revisions to the draft complaint in this action, review and addition of draft document requests related to patent issues, review and revisions of overview of factual record (White Paper) related to the validity of the patents, review of articles for addition to White Paper that are prior art to the patents, draft section of White Paper regarding these articles, review of depositions from the Hatch-Waxman litigation regarding invalidity of the patents, review of trial testimony from the Hatch-Waxman litigation for addition to White Paper, review of bates-numbers for addition to White Paper, identification of trial exhibits from the Hatch-Waxman litigation, review of the Hatch-Waxman district court opinion and prosecution histories for patents to draft topics for Laura Wine deposition.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on May 12, 2022, at Larchmont, New York.

/s/ Zachary D. Silbersher  
Zachary D. Silbersher

**EXHIBIT 12**

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

IN RE RESTASIS (CYCLOSPORINE  
OPHTHALMIC EMULSION) ANTITRUST  
LITIGATION

Case No. 18-MD-2819 (NG) (LB)

THIS DOCUMENT APPLIES TO:

ALL END-PAYOR PLAINTIFF CLASS  
ACTIONS

**DECLARATION OF JAYNE A. GOLDSTEIN OF MILLER SHAH LLP IN SUPPORT  
OF END-PAYOR PLAINTIFFS' MOTION FOR ATTORNEYS' FEES, EXPENSES,  
AND SERVICE AWARDS**



I, Jayne A. Goldstein, hereby declare as follows:

I am a partner at Miller Shah LLP and have appeared in this matter. I submit this declaration in support of End-Payor Plaintiffs' motion for attorneys' fees, expenses, and service awards.

Miller Shah attorneys have broad experience in dealing with complex legal and economic issues that antitrust, competition and trade regulation questions can present. Our lawyers have successfully represented plaintiffs and defendants in major civil antitrust matters throughout the United States. Our firm has served and is currently serving as co-lead counsel in numerous pharmaceutical antitrust matters throughout the United States.

**Work Performed in Connection with the Litigation**

1. Our firm worked with our client and coordinated with co-lead counsel in this matter responding to extensive discovery requests by: (1) obtaining numerous responsive documents, assisting with performing targeted searches of the client's network and email, and obtaining transactional data from the client's Pharmacy Benefits Manager; (2) assisting the client with responding to interrogatories; and (3) preparing and defending the client at deposition. Our firm also worked with co-lead counsel in reviewing and checking citations and documents produced by the client in connection with class certification.

**Lodestar Summary**

2. In performing the work above, Miller Shah LLP's attorneys and staff expended 90.4 hours for a total lodestar of \$71,386. The firm's lodestar does not include any time spent on proceedings before the Judicial Panel on Multidistrict Litigation or related to the appointment of class counsel.

3. In accordance with the Court's and Co-Lead Counsel's direction concerning time and expense reporting, the firm's attorneys and staff kept contemporaneous records of the time they spent on this litigation. In reporting its time, Miller Shah LLP exercised billing judgment to eliminate inefficiency and duplication, and then submitted its daily time records to Co-Lead Counsel for review and audit. The firm is prepared to submit its time records for *in camera* review if requested by the Court.

4. Below is a summary of the individuals who worked on this matter for Miller Shah LLP, their roles (Partner, Associate, Paralegal, Litigation Staff), the total number of hours they worked, their historic hourly billing rates, and their total lodestar. Later in this declaration we detail the specific work performed by each individual.

<b>Attorney</b>	<b>Role</b>	<b>Hours</b>	<b>Rate<sup>1</sup></b>	<b>Lodestar</b>
Jayne A. Goldstein	Partner	56.7	\$775	\$43,942.50
Jayne A. Goldstein	Partner	18.5	\$875	\$16,187.50
Jayne A. Goldstein	Partner	.4	\$950	\$380.00
Natalie Finkelman Bennett	Partner	9.7	\$750	\$7,275.00
Nathan Zipperian	Partner	5.3	\$650	\$3,445.00
Sue Moss	Paralegal	.4	\$195	\$78.00
Alexa White	Paralegal	.4	\$195	\$78.00
	<b>TOTAL:</b>	91.4		\$71,386.00

5. The historical hourly rates submitted by Miller Shah LLP in this matter are the firm's usual and customary rates that were charged by the firm in similar matters in which the firm is paid on a contingent basis, as well as the firm's noncontingent matters. The firm's hourly rates have been approved by courts in other, similar matters.

---

<sup>1</sup> Time spent on case-related travel was billed at ½ of the timekeeper's normal hourly rate. (See ECF No. 62 at ¶ 12.)

- Aggrenox [*International Union of Operating Engineers Local 132 Health and Welfare Fund v. Teva Pharmaceuticals USA, Inc., et al. Case No. 2:13-cv-006579-MSG*]
- Solodyn [*In re Solodyn (Minocycline Hydrochloride) Antitrust Litigation, Case No. 1:14-md-2503 (D. Mass.)*]

**Staffing and Tasks Performed in This Matter**

6. Miller Shah LLP staffed this matter with attorneys and staff who performed tasks based on their skills, expertise, and experience.

7. Jayne A. Goldstein was the attorney who had direct communication with the client. She graduated law school in 1986. Natalie Finkelman Bennet, an attorney who graduated law school in 1989, assisted Ms. Goldstein responding to discovery requests. Mr. Zipperian graduated law school in 1988 and assisted with the electronic searches of the client’s network and email. Ms. Moss and Ms. White, both paralegals, assisted in the productions of the documents and transactional data.

**Expenses Incurred in the Prosecution of the Litigation**

8. In connection with its efforts in this matter, Miller Shah LLP incurred a variety of out-of-pocket expenses. Below is an itemized list of the unreimbursed expenses the firm incurred during the prosecution of this litigation. Those expenses are reflected in the firm’s books and records that are regularly maintained in the ordinary course of the firm’s business and are based on the receipts and data maintained by the firm.

<b>Expense Category</b>	<b>Amount</b>
Commercial Copies	
Internal Reproduction / Copies	\$2.50
Court Fees (Filing costs, etc.)	
Court Reporters / Transcripts	
Computer Research	\$4.30

Telephone/Fax/E-mail	
Postage/Express Delivery/Messenger	
Professional Fees (expert, investigator, accountant, etc.)	
Witness/Service Fees	
Air Transportation	
Ground Transportation	
Meals	
Lodging	
Miscellaneous/Other (Travel and Related Expenses)	\$637.81
TOTAL:	\$644.61

9. The expenses were incurred in connection with travel to court hearing, travel to deposition, and responding to discovery and research.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on May 12, 2022 at Delray Beach, Florida.

/s/ Jayne A. Goldstein

# EXHIBIT 13

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

IN RE RESTASIS (CYCLOSPORINE  
OPHTHALMIC EMULSION) ANTITRUST  
LITIGATION

Case No. 18-MD-2819 (NG) (LB)

THIS DOCUMENT APPLIES TO:

ALL END-PAYOR PLAINTIFF CLASS  
ACTIONS

**DECLARATION OF PETER SAFIRSTEIN ON BEHALF OF SAFIRSTEIN METCALF  
LLP (IN DISSOLUTION) IN SUPPORT OF END-PAYOR PLAINTIFFS' MOTION  
FOR ATTORNEYS' FEES, EXPENSES, AND SERVICE AWARDS**

I, Peter Safirstein, hereby declare as follows:

I am a partner at Safirstein Law LLC and former partner of Safirstein Metcalf LLP (in dissolution) (“Safirstein Metcalf” or “the Firm”) and am admitted in this matter as a member of the New York bar. I submit this declaration in support of End-Payor Plaintiffs’ motion for attorneys’ fees, expenses, and service awards.

Safirstein Metcalf had extensive experience representing plaintiffs in antitrust class actions. Safirstein Metcalf also served as counsel in securities, commodities, and consumer class actions. The firms antitrust class action practice includes the following representation:

- *In re Namenda Indirect Purchaser Antitrust Litig.*, Nos. 15 Civ. 6549 (S.D.N.Y) (appointed co-lead counsel);
- *In re Disposable Contact Lens Antitrust Litig.*, No. 3:15-md-02626 (M.D. Fla.);
- *In re Packaged Seafood Products Antitrust Litig.*, No. 15-MD-2670 JLS (MDD) (S.D.Cal.);
- *In re Aggrenox Antitrust Litig.*, No. 14-md-2516 (D. Conn.) (settled for \$54 million);
- *In re Lidoderm Antitrust Litig.*, No. 14-md- 2521(N.D. Cal.) (settled for \$104.7 million);
- *In Re: Zetia (Ezetimibe) Antitrust Litig.*, No 2:18-md-02836 (E.D.Va.); and
- *In re Generic Pharmaceuticals Pricing Antitrust Litigation*, MDL No. 2724 (E.D. PA); (consolidation of antitrust cases alleging conspiracies to increase the prices of various generic medications)

### **Work Performed in Connection with the Litigation**

Safirstein Metcalf, as counsel to one of the named plaintiffs in this litigation, Sergeants Benevolent Association Health and Welfare Fund, was involved from the inception of this



litigation in the investigation and pleadings. Safirstein Metcalf provided input throughout the litigation with respect to the various motions, regularly consulted with co-lead counsel on case strategy and settlement, prepared and defended a client deposition, prepared legal memoranda on specific research issues and reviewed and analyzed documents produced in discovery.

**Lodestar Summary**

1. In performing the work above, Safirstein Metcalf attorneys and staff expended 252.50 hours for a total lodestar of \$144,030.50 . The firm’s lodestar does not include any time spent on proceedings before the Judicial Panel on Multidistrict Litigation or related to the appointment of class counsel.

2. In accordance with the Court’s and Co-Lead Counsel’s direction concerning time and expense reporting, the firm’s attorneys and staff kept contemporaneous records of the time they spent on this litigation. In reporting their time, Safirstein Metcalf exercised billing judgment to eliminate inefficiency and duplication, and then submitted its daily time records to Co-Lead Counsel for review and audit. The firm is prepared to submit its time records for *in camera* review if requested by the Court.

3. Below is a summary of the individuals who worked on this matter for Safirstein Metcalf, their roles (Partner, Associate, Paralegal, Litigation Staff), the total number of hours they worked, their historic hourly billing rates, and their total lodestar. Later in this declaration we detail the specific work performed by each individual.

Attorney/Staff	Role	Hours	Rate	Lodestar
Peter Safirstein	Partner	68.90	850.00	58,565.00
Peter Safirstein	Partner	3.20	895.00	2,864.00
Elizabeth Metcalf	Partner	1.30	750.00	975.00
Ruth Susnick	Of Counsel	124.50	425.00	52,912.50
Sheila Feerick	Litigation Assistant	53.90	525.00	28,297.50
Sheila Feerick	Litigation Assistant	0.70	595.00	416.50
	<b>TOTAL:</b>	252.50		\$144,030.50

4. The historical hourly rates submitted by Safirstein Metcalf in this matter are the firm's usual and customary rates that were charged by the firm in similar matters in which the firm is paid on a contingent basis, as well as the firm's noncontingent matters. The firm's hourly rates have been approved by courts in other, similar matters.

- *In re McKesson Corp. Shareholder Derivative Litig.*, No. 4:17-cv-1850-CW (N.D. Cal.)
- *In re Aggrenox Antitrust Litig.*, No. 14-md-2516 (D. Conn.)
- *In re Saks Inc. Shareholder Litig.*, No. 652724/2013 (Sup Ct, New York County)
- *In re Gateway Plaza Residents' Litig.*, No. 651023/2014 (Sup Ct, New York County)

#### **Staffing and Tasks Performed in This Matter**

5. Safirstein Metcalf staffed this matter with attorneys and staff who performed tasks based on their skills, expertise, and experience.

6. More detailed information about the roles and contributions of each attorney (including their dates of law school graduation) and staff member is set forth below:

**Peter Safirstein:** Peter communicated regularly with co-lead counsel regarding the investigation, prosecution and settlement of this matter. Peter reviewed and commented on draft filings, conducted legal research and communicated with the client. Peter also assisted with the review of documents. Peter graduated from law school in 1985.

**Elizabeth Metcalf:** Elizabeth worked on a legal memorandum. Elizabeth graduated from law school in 2008.

**Ruth Susnick:** Ruth worked with co-lead counsel in reviewing documents and bringing certain documents to the attention of co-lead counsel. Ruth provided various synopsis of the documents. Ruth, a member of the New York bar, graduated law school in 1985.

**Sheila Feerick:** Sheila graduated with a Masters in Business Administration in 2000. Sheila served as a financial analyst at the firm and was in charge of client communications. Sheila assisted with a review of the documents, communicated with the client on a regular basis and assisted in the client deposition.

**Expenses Incurred in the Prosecution of the Litigation**

1. In connection with its efforts in this matter, Safirstein Metcalf incurred the below listed out-of-pocket expense. Below is the unreimbursed expense the firm incurred during the prosecution of this litigation. This expense is reflected in the firm's books and records that are regularly maintained in the ordinary course of the firm's business and are based on the receipts and data maintained by the firm.

<b>Expense Category</b>	<b>Amount</b>
Commercial Copies	
Internal Reproduction / Copies	
Court Fees (Filing costs, etc.)	400.00
Court Reporters / Transcripts	
Computer Research	
Telephone/Fax/E-mail	
Postage/Express Delivery/Messenger	
Professional Fees (expert, investigator, accountant, etc.)	
Witness/Service Fees	
Air Transportation	
Ground Transportation	
Meals	
Lodging	
Miscellaneous/Other (Describe in detail)	
<b>TOTAL:</b>	<b>\$ 400.00</b>

2. On December 14, 2017, Safirstein Metcalf LLP incurred a filing fee of \$400.00.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on May 16, 2022 at Ridgewood, NJ.

/s/ Peter Safirstein



# EXHIBIT 14

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

IN RE RESTASIS (CYCLOSPORINE  
OPHTHALMIC EMULSION) ANTITRUST  
LITIGATION

Case No. 18-MD-2819 (NG) (LB)

THIS DOCUMENT APPLIES TO:

ALL END-PAYOR PLAINTIFF CLASS  
ACTIONS

**DECLARATION OF KENNETH A. WEXLER OF WEXLER BOLEY & ELGERSMA  
LLP IN SUPPORT OF END-PAYOR PLAINTIFFS' MOTION FOR ATTORNEYS'  
FEES, EXPENSES, AND SERVICE AWARDS**

I, Kenneth A. Wexler, hereby declare as follows:

1. I am the Managing Partner at Wexler Boley & Elgersma LLP (“WBE”) and am admitted *pro hac vice* in this matter. I submit this declaration in support of End-Payor Plaintiffs’ motion for attorneys’ fees, expenses, and service awards.

**I. FIRM BACKGROUND**

2. WBE is a national leader in private antitrust litigation, unfair competition, and consumer protection. Our firm has brought a wide variety of class action cases in state and federal courts to address antitrust violations in the pharmaceutical, entertainment, service rental, transportation, manufacturing, lumber, energy, electronics, and finance industries. Since its founding, the firm has recovered over a billion dollars for its clients and consumers.

**II. OVERVIEW OF WOK PERFORMED BY WEXLER BOLEY & ELGERSMA LLP**

**A. Work Performed in Connection with the Litigation**

3. WBE worked on almost every aspect of this case from complaint drafting and editing to class certification briefing and strategy.

4. WBE’s client, United Food and Commercial Workers Union and Employers Midwest Health Benefit Fund, is a named plaintiff in the case and WBE played a central role in collecting documents, preparing and defending UFCW’s deposition, and strategizing with lead counsel.

**B. Lodestar Summary**

5. In performing the work above, WBE attorneys and staff expended 401.70 hours for a total lodestar of \$154,623.50. The firm’s lodestar does not include any time spent on proceedings before the Judicial Panel on Multidistrict Litigation or related to the appointment of class counsel.



6. In accordance with the Court's and Co-Lead Counsel's direction concerning time and expense reporting, the firm's attorneys and staff kept contemporaneous records of the time they spent on this litigation. In reporting their time, WBE exercised billing judgment to eliminate inefficiency and duplication, and then submitted its daily time records to Co-Lead Counsel for review and audit. The firm is prepared to submit its time records for *in camera* review if requested by the Court.

7. Below is a summary of the individuals who worked on this matter for WBE, their roles (Partner, Associate, Paralegal, Litigation Staff), the total number of hours they worked, their historic hourly billing rates, and their total lodestar. Later in this declaration we detail the specific work performed by each individual.

<b>Attorney</b>	<b>Role</b>	<b>Total Hours</b>	<b>Billing Rate</b>	<b>Lodestar</b>
Kenneth A. Wexler	Partner	2.9	\$850.00	\$2,465.00
	Partner	0.4	\$900.00	\$360.00
	Partner	0.3	\$925.00	\$277.50
Justin N. Boley	Partner	2	\$475.00	\$950.00
	Partner	40.1	\$675.00	\$27,067.50
	Partner	35.9	\$750.00	\$26,925.00
	Partner	4.8	\$770.00	3,696.00
Kara A. Elgersma	Partner	1	\$675.00	\$675.00
Bethany R. Turke	Partner	32.7	\$675.00	\$22,072.50
	Partner	1.2	\$750.00	\$900.00
	Partner	0.2	\$770.00	\$154.00
	Partner	0.1	\$800.00	\$80.00
Bradley A. Dirks	Associate	40.00	\$141.00	\$5,640.00
	Associate	203.9	\$250.00	\$50,975.00
Bryan D. Pasciak	Associate	11.5	\$475.00	\$5,462.50
Tyler J. Story	Associate	0.6	\$450.00	\$270.00
Christopher Bogusch	Paralegal	0.9	\$275.00	\$247.50
Amy Catena	Paralegal	5.7	\$275.00	\$1,567.50

<b>Attorney</b>	<b>Role</b>	<b>Total Hours</b>	<b>Billing Rate</b>	<b>Lodestar</b>
Ashtin Otto	Paralegal	16.2	\$275.00	\$4,455.00
	Paralegal	1.3	\$295.00	\$383.50
	<b>Totals</b>	<b>401.7</b>		<b>\$154,623.50</b>

**C. Staffing and Tasks Performed in This Matter**

8. WBE staffed this matter with attorneys and staff who performed tasks based on their skills, expertise, and experience.

9. I, Managing Partner of the firm, supervised all aspects of the WBE workload, including liaison work with named plaintiff and client UFCW. I also helped edit key substantive briefs and provided input into big-picture case strategic issues.

10. Justin N. Boley, Partner, supervised and managed document collection from the named plaintiff, UFCW, prepared for and defended deposition of same, and consulted regularly with co-lead counsel regarding major class certification and settlement issues. Mr. Boley also helped edit key substantive briefs.

11. Kara A. Elgersma, Partner, assisted with preparing the UFCW named plaintiff questionnaire.

12. Bethany R. Turke, Partner, also supervised and managed plaintiff document collection and discovery, including working in tandem with Mr. Boley to prepare for and defend the UFCW deposition.

13. Brian D. Pasciak and Tyler J. Story, Associates, conducted document collection, review, and research for both plaintiff and defendant discovery.

14. Bradley A. Dirks, Associate, primarily reviewed documents in support of the economics team at the direction of Co-Lead Counsel and helped prepare the UFCW deposition defense.

15. Paralegals Chris Bogusch, Amy Catena, and Ashtin Otto helped primarily with UFCW named plaintiff document collection and logistics management.

**III. EXPENSES INCURRED IN THE PROSECUTION OF THE LITIGATION**

16. In connection with its efforts in this matter, WBE incurred a variety of out-of-pocket expenses. Below is an itemized list of the unreimbursed expenses the firm incurred during the prosecution of this litigation. Those expenses are reflected in the firm’s books and records that are regularly maintained in the ordinary course of the firm’s business and are based on the receipts and data maintained by the firm.

<b>Expense Category</b>	<b>Amount</b>
Commercial Copies	
Internal Reproduction / Copies	
Court Fees (Filing costs, etc.)	\$550.00
Court Reporters / Transcripts	
Computer Research	\$566.21
Telephone/Fax/E-mail	
Postage/Express Delivery/Messenger	\$40.06
Professional Fees (expert, investigator, accountant, etc.)	
Witness/Service Fees	
Air Transportation	
Ground Transportation	\$145.60
Meals	\$80.30
Lodging	
Miscellaneous/Other (Describe in detail)	
<b>TOTAL:</b>	<b>\$1,382.17</b>

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on May 17, 2022, at Chicago, IL.

/s/ Kenneth A. Wexler