

EXHIBIT 5

1 *Counsel for Indirect Purchaser Plaintiffs*

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

**IN RE: LITHIUM ION BATTERIES
ANTITRUST LITIGATION**

Case No. 13-MD-02420 YGR (DMR)
MDL NO. 2420

**This Document Relates to:
ALL INDIRECT PURCHASER ACTIONS**

**DECLARATION OF ERIC J. PICKAR IN
SUPPORT OF INDIRECT PURCHASER
PLAINTIFFS' MOTION FOR AN
AWARD OF ATTORNEYS' FEES AND
REIMBURSEMENT OF EXPENSES ON
BEHALF OF BANGS MCCULLEN LAW
FIRM**

1 I, Eric J. Pickar, declare:

2 1. I am a Partner of Bangs McCullen Law Firm, Counsel for Indirect Purchaser
3 Plaintiffs (“IPPs” or “Plaintiffs”) in this action. I submit this declaration in support of IPPs’
4 Motion for an Award of Attorneys’ Fees and Reimbursement of Expenses. I make this declaration
5 based on my personal knowledge and if called as a witness, I could and would competently testify
6 to the matters stated herein.

7 2. My firm has served as counsel to Christopher Bessettee and as counsel for IPPs
8 throughout the course of this litigation. The background and experience of Bangs McCullen Law
9 Firm and its attorneys are summarized in the curriculum vitae attached hereto as **Exhibit A**.

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

14 4. During the pendency of the litigation, Bangs McCullen Law Firm performed the
15 following work: representing the South Dakota Class Representative in all aspects of this
16 litigation, including but not limited to the preparation of discovery responses and defending of the
17 Class Representative’s deposition, reviewing various settlement proposals and explaining the
18 terms to the Class Representative, and assisting lead counsel in various tasks related to the
19 discovery responses and preparation for the Class Representative’s deposition.

20 5. Attached hereto as **Exhibit B** is a billing summary of Bangs McCullen Law Firm’s
21 total hours and lodestar, computed at current billing rates, from June 1, 2013 to February 28, 2017.
22 Counsel for Plaintiffs are not seeking attorneys’ fees for any time billed prior to the appointment
23 of lead counsel. *See* Order dated May 17, 2013 (ECF No. 194). The total number of hours spent
24 by Bangs McCullen Law Firm during this period of time was 58.50, with a corresponding lodestar
25 based on current rates of \$13,162.50. The lodestar amount reflected in Exhibit B is for work
26 assigned by Lead Counsel, and was performed by professional staff at my law firm. This
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1 summary was prepared from contemporaneous, daily time records regularly prepared and
2 maintained by Bangs McCullen Law Firm.

3 6. Attached hereto as **Exhibit C** is a list of the various billing rates each attorney and
4 staff member at my firm has billed at in this case.

5 7. Attached hereto as **Exhibit D** is a compilation of my firm's detailed records at
6 historical billing rates. The entries in **Exhibit D** have been redacted per the Court's Order in ECF
7 No. 1803.

8 8. Attached hereto as **Exhibit E** is a summary of the expenses Bangs McCullen Law
9 Firm has incurred during the course of this litigation. Bangs McCullen Law Firm expended a total
10 of \$70.96 in unreimbursed costs and expenses in connection with the prosecution of this case.
11 These expenses were incurred on behalf of IPPs by Bangs McCullen Law Firm on a contingent
12 basis and have not been reimbursed. The expenses reflected in **Exhibit E** were prepared from
13 expense vouchers, receipts, and bank records, and thus represent an accurate recordation of the
14 expenses incurred.

15 9. I have reviewed the time and expenses reported by Bangs McCullen Law Firm in
16 this case which are included in this declaration, and I affirm that they are true and accurate.

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

20 Executed on May 24, 2017 at Rapid City, South Dakota.

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/s/ Eric J. Pickar

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ERIC J. PICKAR

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EXHIBIT A

**BANGS MCCULLEN BUTLER FOYE & SIMMONS
CURRICULUM VITAE**

The Bangs McCullen Law Firm began over 130 years ago, when South Dakota was still part of the Dakota Territory. A. W. Bangs began practicing law when wagon trains still traversed the prairie. While the legal landscape has changed over the last 100 years, our commitment to hard work, advocacy and excellence has not. From its roots in the 1880s, the Bangs McCullen law firm has grown from a small “store front” practice to a law firm with offices in Rapid City and Sioux Falls. Our partners, associates and support staff serve clients throughout South Dakota, North Dakota, Wyoming, Nebraska, Minnesota, and Iowa, as well as national clients.

The Bangs McCullen Law Firm is a full service firm that brings an unrivaled passion to its work – and to the clients it serves. To that end, we believe that knowledge and experience matter. Whether we are serving national insurance defense clients, health care institutions, banks, corporations, local businesses, or individuals, we believe that our clients deserve a trusted legal team. Our attorneys bring dedication to all of our work, and this is reflected in the results we achieve.

Our Firm is rated by Martindale-Hubble as preeminent.

The Firm’s Attorneys

Charles L. Riter

Chuck Riter attended Northwestern University and graduated from the University of South Dakota and the University of South Dakota School of Law. Prior to joining Bangs McCullen, Chuck practiced as an attorney with the Office of District Counsel of the Internal Revenue Service in St. Paul, Minnesota. He has lectured extensively on wills, trust and estate matters as well as tax matters to a wide range of organizations and groups, including the South Dakota Bar Association. Chuck is listed in The Best Lawyers in America and Chambers Leading Lawyers. He is a fellow of the American College of Trust and Estate Counsel and the American Bar Foundation. He is a member of the Pennington County Bar, State Bar of South Dakota and the American Bar Association as well as a member of the IRS Liaison Committee (1971-1977, 1978-1983). He is admitted to practice in all South Dakota state and federal courts, and the United States Tax Court. His practice concentrates on wills, trusts, estate planning, probate, charitable giving, tax matters and business law. He is rated AV-PREEMINENT by Martindale-Hubble.

Allen G. Nelson

Upon graduating from Sioux Falls College in 1964, Allen Nelson served as a First Lieutenant in the United States Army in Vietnam. Al received his law degree from the University of South Dakota School of Law and served as the Editor-in-Chief of the South Dakota Law Review. He was admitted to practice in 1972 and served for one

year as a law clerk in the United States District Court in Rapid City, South Dakota. His practice emphasizes Condemnation Litigation, Will and Estate Contests, Cooperative Law and Municipal Land Development Issues. Al is a member of the American Bar Association, South Dakota Bar Association and the Cooperative Bar Association. His current practice emphasis is Cooperative Law, Condemnation, Land Development, Zoning Issues and Will and Estate Contests. He is rated AV-PREEMINENT by Martindale-Hubble.

James P. Hurley

James Hurley, a South Dakota native, is a 1974 graduate of the University of South Dakota School of Law. He joined the firm in 1976. Jim is a Past President of the University of South Dakota Moot Court Board, and he served as a law clerk in the United States District Court in Rapid City. Prior to law school, Jim served as an infantry Captain with the United States Army in Vietnam. Jim is a member of the Order of Barristers, the National Academy of Trial Lawyers, the South Dakota Trial Lawyers Association, and the Association of Trial Lawyers of America. He is a Past President of the Pennington County Bar Association. He concentrates his practice in areas of litigation involving commercial law, bankruptcy law, agricultural law, banking law, and personal injury law. Jim is regularly listed in the publication entitled The Best Lawyers in America. He is rated AV-PREEMINENT by Martindale-Hubble.

Michael M. Hickey

Mike Hickey, a Rapid City native, is a graduate of Creighton University and the University of South Dakota School of Law. He was a Senior Editor of the South Dakota Law Review and authored an article on water law. Following law school, Mike served as a law clerk for the judges of the Sixth Judicial Circuit in Pierre, South Dakota. Mike is a Great Plains Super Lawyer and is listed in the Best Lawyers of America in the areas of Administrative Law, Labor and Employment Law and Workers Compensation. He is also listed in Chambers, U.S.A. and carries an A rating from Martindale-Hubbell. Since joining the firm in 1977, Mike concentrates his practice on trials, employment law, administrative law, water law, and mineral and natural resources law. He is rated AV-PREEMINENT by Martindale-Hubble.

Terry L. Hofer

Terry Hofer graduated from the University of South Dakota Law School in 1982 as a Sterling Honor Graduate. He served two years as a law clerk in the United States District Court with the Honorable Andrew W. Bogue. Terry's practice concentrates in the areas of construction, personal injury, products liability, civil litigation, and trial practice. Terry is a member of the American Bar Association, American Board of Trial Advocates, American Association for Justice, the State Bar of South Dakota, the South Dakota Trial Lawyers Association, the South Dakota Defense Lawyers

Association, and the Pennington County Bar Association. He is rated AV-PREEMINENT by Martindale-Hubbe.

Rodney W. Schlauger

Rod graduated Magna Cum Laude from Bethel College in 1987 and the University of South Dakota School of Law in 1990. He has been practicing with the firm since graduation and is a member of the South Dakota, Minnesota, North Dakota, and Nebraska State Bars. He is also a member of the Order of the Barrister and has been elected to the Board of Governors of the South Dakota Trail Lawyers Association. Rod's practice focuses on commercial and construction litigation, personal injury, banking, and real estate law, including real property litigation.

Daniel F. Duffy

Dan Duffy is a partner in the Litigation Department in our Rapid City Office. He concentrates his practice in the defense areas of medical and hospital malpractice, nursing home litigation, healthcare litigation, legal malpractice and general litigation. Dan has extensive litigation and trial experience in medical and hospital malpractice, as he has represented major hospitals, medical clinics, physicians, nurses and other allied health professionals involved in litigation. He has also represented attorneys involved in litigation, as well as other major businesses and companies involved in commercial and products liability litigation. Dan is a member of the Defense Research Institute, including its healthcare subsection, as well as the Association of Defense Trial Attorneys, The International Association, the South Dakota Trial Lawyers Association, and the State Bar of South Dakota. In addition, he became a fellow of the International Society of Barristers in 2006. A 1983 graduate of Dakota Wesleyan University, Dan was a two-time Academic All-American basketball player. He spent the following year playing professional basketball in Limerick, Ireland. Dan is a 1990 graduate of the University of South Dakota School of Law, where he served as President of the Moot Court Board. Following his law school graduation, he served as a law clerk for the United States District Court for the District of South Dakota. Dan has an AV-PREEMINENT rating from Martindale-Hubbel, the highest rating given to attorneys. He is also listed in *Best Lawyers in America*, and *Chambers USA* lists him as an "excellent trial lawyer." He is rated AV-PREEMINENT by Martindale-Hubbe.

Jeffrey G. Hurd

Jeff Hurd is a partner in the Litigation Department in our Rapid City office. He concentrates his practice in business litigation, health care law and litigation, and representing religious entities and clergy. Jeff has extensive experience in complex cases involving disputes between shareholders and partners, breach of contract and fraud claims. Jeff also has a broad spectrum of experience defending malpractice claims against nursing homes and hospitals, as well as general health care issues, including Medicare and Medicaid reimbursement issues. He represents some of the

region's largest businesses, as well as small start-up businesses, hospitals, nursing homes, physicians, and clinics. In addition to considerable trial experience, Jeff also has experience arbitrating, mediating, and negotiating disputes to resolution. He is a 1990 graduate of the University of South Dakota School of Law, where he served as Articles Editor of the South Dakota Law Review. Following Graduation, he served as a law clerk to the Chief Judge of the United States District Court for the District of South Dakota, and has practiced with Bangs McCullen since 1992. He is rated AV-PREEMINENT by Martindale-Hubble.

John H. Raforth

John Raforth graduated from the University of South Dakota School of Law in 1985. He also has a Master's Degree in Accounting from the University of South Dakota Graduate Business School and a Master's in Law (L.L.M.) in Taxation Degree from the University of Denver Law School. He holds an undergraduate degree in Business Administration with an accounting emphasis from Concordia College in Moorhead, Minnesota. John's practice focuses on federal, state, and local tax planning and controversy issues, business transactions, strategic business planning and advice, and estate and trust matters, including perpetuities (dynasty) trust formation and planning issues. He is a Certified Public Accountant and has practiced as a tax specialist with Deloitte Haskins & Sells (presently Deloitte & Touche), both domestically and in Saudi Arabia. Prior to joining Bangs McCullen, John practiced law with national and regional firms, including San Francisco-based Heller, Ehrman, White & McAuliffe. He also has been a state law author of chapters in State Limited Partnership Laws and State Limited Liability Company Statutes published by Aspen. John is a frequent presenter to the State Bar of South Dakota on tax and probate matters. He is rated AV-PREEMINENT by Martindale-Hubble.

Terry G. Westergaard

Terry Westergaard is a partner in the Litigation Department in our Rapid City Office. He concentrates his practice in the areas of insurance law and litigation and construction litigation. Terry has extensive experience in insurance coverage claims and complex insurance litigation. Terry is a member of the Defense Research Institute, the South Dakota Trial Lawyers Association, and the State Bar of South Dakota. He is a 1990 graduate of the University of South Dakota School of Law and has practiced with Bangs McCullen since 1998.

Steven R. Nolan

Steven R. Nolan, a Rapid City native, practices in the areas of personal injury, family law, workers compensation, real estate, and insurance law. Steve obtained his undergraduate degree from the University of South Dakota. While attending law school, he was a member of the Client Counseling and Negotiations Board. After graduation, Steve served as a law clerk for the judges of South Dakota's Fourth Judicial Circuit Court. Professionally, Steve is a member of the South Dakota Bar

Association, South Dakota Trial Lawyers Association, American Bar Association, and the Pennington County Bar Association. Mr. Nolan is admitted to practice law in state and federal courts in South Dakota. In the community, he is a member of the Rapid City Chamber of Commerce; Junior Achievement of the Black Hills; and is actively involved in several youth athletic associations in Rapid City.

Gregory J. Erlandson

Greg Erlandson graduated from the University of South Dakota School of Law in 1997. Prior to attending law school, Greg served in the United States Marine Corps and was then employed with a lobbying association during the State's legislative session. While attending the Law School, he served as the President of the Client Counseling and Negotiations Board and as a member of the Law School Disciplinary Committee. Upon graduation from law school, Greg served as the law clerk for the Chief Justice of the South Dakota Supreme Court. He is active in the South Dakota and American Bar Association and a member of several committees on a State and national level. He is admitted to practice in South Dakota State and Federal Courts, the Sicangu Oyate (Rosebud Sioux Tribe) Courts, the Eighth Circuit Court of Appeals, and the United States Supreme Court. He has been named in The Best Lawyers in America, Top Great Plains Lawyers, and is rated AV-PREEMINENT by Martindale-Hubble.

Victoria M. Duehr

Victoria M. Duehr graduated from South Dakota State University in 1991. She attended the University of South Dakota School of Law and graduated in 1995 with Sterling Honors. Following graduation, she clerked for Judges in the Second Judicial Circuit of South Dakota. She practiced in Brookings, South Dakota, until joining Bangs McCullen law firm in 2003. Her practice concentrates in the areas of family law and civil litigation.

Eric J. Pickar

Eric Pickar received a Bachelor of Science in Psychology from South Dakota State University, graduating with high honors in 2000. In 2003, he graduated from the University of South Dakota School of Law. While attending law school, Eric was a published editor of the Volume 48 South Dakota Law Review, a member of the USD School of Law Trial Team, and also a teacher for the USD English Department. Additionally, he served as an editor for Moot Court, as President of the Delta Theta Phi Law fraternity, and as a member of the School of Law Disciplinary Board. Eric joined Bangs McCullen immediately after graduating from the USD School of Law. Eric is a member of the Pennington County Bar Association, the South Dakota Trial Lawyers Association, the Association of Trial Lawyers of America, and the American Bar Association. His practice primarily focuses on antitrust litigation, criminal defense, family law, and civil litigation.

Sarah E. Baron Houy

Sarah received her undergraduate degree in Business Administration, Marketing Emphasis, from the University of South Dakota. She received her Juris Doctorate from the University of Missouri-Columbia in 2006, graduating in the top 25% of her class. While at Mizzou, Sarah received several awards in recognition of her outstanding academic performance. Upon graduation, she spent one year clerking for the Fifth Judicial Circuit in Aberdeen, South Dakota. Sarah is licensed to practice law in South Dakota and Missouri and is admitted in the District Court for the District of South Dakota, the Eighth Circuit Court of Appeals, and the United States Supreme Court.

Kathryn J. Hoskins

Kathryn works as a trial lawyer and litigation attorney in the firm's Sioux Falls Office, but represents clients throughout the State of South Dakota, where she is licensed to practice in State and Federal Courts. Her educational background and training is in Nursing. She earned her Bachelor's Degree in Nursing from Augustana College in Sioux Falls and worked as a full-time critical care nurse both before, and during, law school. The character traits that made her an excellent nurse (a strong work ethic, compassion and kindness, and a meticulous attention to detail) have also provided the foundation for her successful litigation practice that has involved defending medical malpractice cases and representing medical professionals in regulatory and professional licensing matters.

Jeff L. Bratkiewicz

Jeff attended South Dakota State University and earned his law degree from the University of South Dakota in 2000. After completing law school, he spent two years as a law clerk to the Honorable Lyle E. Strom, a Senior U.S. District Court Judge in Omaha, Nebraska. Jeff joined Bangs McCullen in 2015. Before joining the firm, Jeff was a litigation attorney and partner in an established Sioux Falls law firm. Jeff has civil jury trial experience in state and federal trial and appeal courts. Jeff has an AV rating from Martindale-Hubbell and was recognized as a Great Plains Super Lawyer in 2014 and 2015.

Benjamin Tronnes

Benjamin Tronnes, an Associate in our Rapid City office, graduated from the University of South Dakota School of Law in 2013. In law school, Ben received the 2013 International Academy of Trial Lawyers Student Advocate Award for his work on the Trial Team. Ben holds a Bachelor's Degree in English from Northern State University (magna cum laude). Ben is licensed to practice in South Dakota and is a member of the American Bar Association.

Mark Marshall

Mark F. Marshall grew up in Huron, South Dakota, and was admitted to the practice of law in 1981. The breadth of his work since that time has given him insights from what are usually opposite sides of the spectrum – representing both plaintiffs and defendants, in both civil and criminal matters, and on both sides of the state. He has also experienced the courtroom on both sides of the bench, having served as a United States magistrate judge and a state court magistrate. A skilled and compassionate mediator, Mark also has the broad vision of one who has been in the neutral position. Mark is a fellow of the American Academy of Appellate Lawyers

Kelsey Parker

Kelsey, an associate in our Rapid City office, was born and raised in Rapid City. She obtained her Bachelor's Degree in Health Care Administration from the University of Nevada-Las Vegas (2010) and her Juris Doctorate degree from the University of South Dakota School of Law (2014). In law school, Kelsey was a member of the USD Moot Court Board. She participated in Duberstein Bankruptcy Competition in Queens, New York and Pepperdine University Entertainment Law Tournament in Malibu, California. During her final year of law school, she worked as a research assistant for the South Dakota Board of Regents. After law school, Kelsey served as a law clerk for the Seventh Judicial Circuit Court. She is a member of the South Dakota Bar Association and the American Bar Association.

Emily Swanson

Emily Swanson joined our Rapid City office as an associate in 2016. She is a 2014 sterling academic graduate of the University of South Dakota School of Law. In law school, Emily was Vice President of the Trial Team and a member of the Alternative Dispute Resolution Board. After law school, she worked as a law clerk for the Seventh Judicial Circuit Court in Rapid City. Emily holds Bachelor's Degrees from USD in Political Science and English.

Rachel Taylor

Rachel is a 1999 graduate of the USD School of Law, where she served as Editor-in-Chief of the South Dakota Law Review and a teaching assistant. Prior to law school, Rachel worked as a CPA in the areas of personal and business tax return preparation and for-profit and non-profit auditing. She also spent some time in the private sector, working in the finance department of a hospital in Durango, Colorado.

Rachel interned at Bangs McCullen during law school and joined the firm as an associate after graduation, where she provided business/estate planning legal services for six years. Rachel retired from private practice in 2005 to focus on her family and her small business. Much to the firm's delight, she returned in 2015 and

has resumed her practice in the areas of wills, trusts, estate planning, probate, and business law.

Bangs McCullen Law Firm has represented South Dakota class representatives in prosecuting the following price-fixing antitrust matters:

In re Aspartame Antitrust Litigation, United States District Court for the Eastern District of Pennsylvania, No. 06-CV-1732.

In re Cathode Ray Tube (CRT) Antitrust Litigation, United States District Court for the Northern District of California, Case No. 07-cv-5944.

In re Dynamic Random Access Memory (DRAM) Antitrust Litigation, United States District Court for the Northern District of California, MDL No. 1486.

In re Flash Memory Antitrust Litigation, United States District Court for the Northern District of California, Case No. 07-cv-086.

In re Graphics Processing Units Antitrust Litigation, United States District Court for the Northern District of California, Case No. 06-cv-7417.

In re OSB Antitrust Litigation, United States District Court for the Eastern District of Pennsylvania, Case No. 06-826.

In re Static Random Access Memory (SRAM) Antitrust Litigation, United States District Court for the Northern District of California, Oakland Division, Case No. 07-cv-1819.

In re TFT-LCD (Flat Panel) Antitrust Litigation, United States District Court for the Northern District of California, San Francisco Division, Case No. 07-cv-1827.

In re: Lithium Ion Batteries Antitrust Litigation, United States District Court, Northern District of California, Oakland Division, Case No. 13-MD-02420 YGR (DMR)

EXHIBIT B

EXHIBIT C

EXHIBIT D

(REDACTED)

Bangs, McCullen, Butler, Foye & Simmons, L.L.P.
333 West Blvd. Suite 400; Rapid City, SD 57701
Tax Id No. 46-0108128

In Re: Lithium Ion Battery

June 2013

Date	TK	Task Codes	Hours Worked	Work Performed
6/30/2013	EJP	9	0.10	Receipt and review of email from Jacqueline Verducci regarding the need to have [REDACTED]
6/30/2013	EJP	9	0.30	Review of Order and Exhibit A.
6/30/2013	EJP	9	0.10	Forwarded the email on to [REDACTED] for his review.
Total Hours Billed			0.50	

Bangs, McCullen, Butler, Foye & Simmons, L.L.P.
 333 West Blvd. Suite 400; Rapid City, SD 57701
 Tax Id No. 46-0108128

In Re: Lithium Ion Battery

September 2014

Date	TK	Task Codes	Hours Worked	Work Performed
9/20/2014	EJP	9	0.10	Receipt and review of correspondence and attachments from Lasha Garcia regarding status update and request for completed responsive documents.
9/20/2014	EJP	9	0.40	Call to [REDACTED] to discuss and advise, and set up a time to review and sign the declaration of document preservation.
9/23/2014	EJP	9	0.80	[REDACTED]
9/23/1014	EJP	9	0.50	[REDACTED]
9/23/2014	EJP	9	0.10	Prepared correspondence to Ms. Verducci and Ms. Garcia to transmit the requested documents.
Total Hours Billed			1.90	

Bangs, McCullen, Butler, Foye & Simmons, L.L.P.
333 West Blvd. Suite 400; Rapid City, SD 57701
Tax Id No. 46-0108128

In Re: Lithium Ion Battery

April 2015

Date	TK	Task Codes	Hours Worked	Work Performed
4/30/2015	EJP	11	0.50	Call to Attorney Nate Cihlar - discussed status of this matter and the upcoming discovery issues to address with [REDACTED]
4/30/2015	EJP	11	0.50	[REDACTED]
Total Hours Billed			1.00	

Bangs, McCullen, Butler, Foye & Simmons, L.L.P.
 333 West Blvd. Suite 400; Rapid City, SD 57701
 Tax Id No. 46-0108128

In Re: Lithium Ion Battery

May 2015

Date	TK	Task Codes	Hours Worked	Work Performed
5/6/2015	EJP	3	0.20	Review of and reply to email from Carla Voight regarding additional information needed from [REDACTED] to respond to discovery requests.
5/6/2015	EJP	3	0.20	Call to [REDACTED] to discuss the additional information needed.
5/7/2015	EJP	3	0.20	Receipt and review of email from [REDACTED] with answers to the questions we discussed yesterday.
5/7/2015	EJP	3	0.10	Forwarded the same email on to Carla Voight and Nate Cihlar at Straus & Boies.
5/7/2015	EJP	3	0.50	[REDACTED]
5/13/2015	EJP	3	0.10	Receipt and review of email from Carla Voight of Straus & Boies regarding the interrogatory response for [REDACTED]
5/13/2015	EJP	3	0.70	Review of draft Responses to Defendants' First Set of Interrogatories.
5/13/2015	EJP	3	0.10	Forwarded the email on to [REDACTED] with instructions.
5/13/2013	EJP	3	0.10	Email to Carla regarding the receipt [REDACTED] received from Verizon.
5/21/2015	EJP	3	0.20	Call to [REDACTED] to discuss status of the signed Verification. Receipt of faxed Verification from [REDACTED]
5/21/2015	EJP	3	0.10	Emailed the signed Verification to Carla Voight.
Total Hours Billed			2.50	

Bangs, McCullen, Butler, Foye & Simmons, L.L.P.
 333 West Blvd. Suite 400; Rapid City, SD 57701
 Tax Id No. 46-0108128

In Re: Lithium Ion Battery

September 2015

Date	TK	Task Codes	Hours Worked	Work Performed
9/15/2015	EJP	11	0.10	Review of email from Carla Voigt regarding setting up a conference call with [REDACTED] pursuant to the latest discovery requests.
9/15/2015	EJP	11	0.10	Replied to Ms. Voigt's email regarding a conference call.
9/15/2015	EJP	11	0.10	Email to [REDACTED] to determine his availability for the conference call to discuss discovery issues.
9/18/2015	EJP	11	0.10	Call to [REDACTED] to discuss his availability for a conference call to discuss discovery issues.
9/18/2015	EJP	11	0.10	Email to Carla Voigt to advise.
9/21/2015	EJP	11	0.20	Email correspondence with [REDACTED] and Carla Voigt regarding scheduling of a conference call to discuss issues.
9/21/2015	EJP	11	0.30	Conference call with Carla, Angeline, and [REDACTED] to discuss and search Chris' email accounts.
9/24/2015	EJP	11	0.20	Call from [REDACTED] provided him with a status update on the litigation.
Total Hours Billed			1.20	

Bangs, McCullen, Butler, Foye & Simmons, L.L.P.
 333 West Blvd. Suite 400; Rapid City, SD 57701
 Tax Id No. 46-0108128

In Re: Lithium Ion Battery

November 2015

Date	TK	Task Codes	Hours Worked	Work Performed
11/7/2015	EJP	3	0.20	Review of email from Carla Voigt regarding the Indirect Purchaser Plaintiffs' Supplemental Objections and Responses to Defendants' 2nd Set of Interrogatories to IPP, and the need for a verification from [REDACTED] of the same.
11/7/2015	EJP	3	0.10	Contacted [REDACTED] to discuss discovery and the verification form; emailed him the documents for his review.
11/12/2015	EJP	3	0.10	Email to [REDACTED] to follow up on my last email regarding the need for the verification form.
11/12/2015	EJP	3	0.10	Call from [REDACTED], he will review the documents and fax me the verification form tomorrow.
11/12/2015	EJP	3	0.10	Review of and reply to email from Carla Voigt regarding status.
11/13/2015	EJP	3	0.10	Receipt of the signed Verification Form from [REDACTED]
11/13/2015	EJP	3	0.10	Emailed the same to Carla Voigt.
Total Hours Billed			0.80	

Bangs, McCullen, Butler, Foye & Simmons, L.L.P.
 333 West Blvd. Suite 400; Rapid City, SD 57701
 Tax Id No. 46-0108128

In Re: Lithium Ion Battery

December 2015

Date	TK	Task Codes	Hours Worked	Work Performed
12/3/2015	EJP	11	0.10	Review of email from Carla voight regarding the Defendant's desire to take the deposition of [REDACTED]
12/3/2015	EJP	11	0.70	Call to Chris to advise, discussed the status of the case and the deposition.
12/4/2015	EJP	11	0.20	Review of email from [REDACTED] replied to the same.
12/4/2015	EJP	11	0.10	Email to Carla Voight and Nathan Cihlar to coordinate dates for Chris' deposition preparation and deposition.
12/7/2015	EJP	11	0.10	Review of and reply to email from Carla Voigt regarding the scheduling of [REDACTED] deposition.
12/18/2015	EJP	11	0.10	Review of and reply to email from Carla Voigt regarding scheduling of the deposition and deposition preparation.
Total Hours Billed			1.30	

Bangs, McCullen, Butler, Foye & Simmons, L.L.P.
 333 West Blvd. Suite 400; Rapid City, SD 57701
 Tax Id No. 46-0108128

In Re: Lithium Ion Battery

January 2016

Date	TK	Task Codes	Hours Worked	Work Performed
1/4/2016	EJP	5	0.10	Review of email from Carla Voigt regarding the upcoming deposition of [REDACTED] and the deposition preparation sessions.
1/4/2016	EJP	5	0.10	Forwarded this email on to [REDACTED] review of his response requesting a later time for the preparation session on January 7th.
1/4/2016	EJP	5	0.20	Email correspondence with Carla Voigt regarding the same.
1/4/2016	EJP	5	1.10	Began review of the pleadings in preparation for the deposition preparation session.
1/5/2016	EJP	5	0.20	Review of letter from Heather Abrams to IPP regarding depositions of [REDACTED] in preparation for the deposition of [REDACTED]
1/5/2016	EJP	5	0.80	Review of Indirect Purchase Plaintiffs' Response to Defendants' First Set of Requests for Production of Documents, in preparation for the deposition of [REDACTED]
1/5/2016	EJP	5	1.00	Reread the Complaint in preparation for [REDACTED] deposition.
1/6/2016	EJP	5	0.10	Email correspondence with Carla Voigt regarding scheduling of the first preparation session with [REDACTED]
1/6/2016	EJP	5	0.70	Phone conference with [REDACTED] to answer his questions pertaining to deposition preparation.
1/7/2016	EJP	5	0.50	Conference call with [REDACTED] and attorneys Nate Cihlar and Lindsey Godfrey Eccles to discuss deposition preparation.
1/7/2016	EJP	5	1.00	Call from [REDACTED] engaged in additional phone conference with Chris to answer his questions, address his concerns, and further prepare him for his deposition.
1/8/2016	EJP	5	0.20	Email correspondence with Lindsey Godfrey Eccles and Nate Cihlar regarding the deposition preparation for [REDACTED]
1/8/2016	EJP	5	2.30	Reviewed [REDACTED] [REDACTED] the purchase receipts, and the Indirect Purchaser Plaintiffs' Third Consolidated Amended Class Action Complaint (filed 10/22/14).
1/11/2016	EJP	5	1.50	Review of discovery documents.
1/11/2016	EJP	5	4.00	Office meeting with [REDACTED] and attorney Lindsey Godfrey Eccles to begin the preparation session for [REDACTED] deposition tomorrow; [REDACTED]

[REDACTED]

1/11/2016	EJP	5	1.00	Reviewed with [REDACTED] a copy of the deposition transcript from a previous deposition to further prepare him for the types of questions that might be asked.
1/12/2016	EJP	5	1.10	Meeting with [REDACTED] for a final review of issues prior to his deposition.
1/12/2016	EJP	5	7.20	Attended and assisted in the defense of the deposition of [REDACTED]
1/12/2016	EJP	5	0.60	Conference with attorney Lindsey Godfrey Eccles and [REDACTED] following his deposition.
1/12/2016	EJP	5	0.20	Review of and reply to email from Carla Voigt to advise her of the deposition.
1/12/2016	EJP	5	0.70	Phone call from [REDACTED] answered his questions regarding his deposition.
1/13/2016	EJP	5	0.20	Email correspondence with Carla Voigt regarding the same.
1/13/2016	EJP	5	0.80	[REDACTED]
1/21/2016	EJP	5	0.10	Email correspondence with attorney Lindsey Godfrey Eccles regarding [REDACTED] signing the Protective Order.
1/21/2016	EJP	5	0.20	Review of the Protective Order.
1/21/2016	EJP	5	0.20	Call from [REDACTED] - discussed the Protective Order.
1/25/2016	EJP	5	0.20	[REDACTED]
1/28/2016	EJP	5	0.10	Review of email from attorney Lindsey Godfrey Eccles requesting a copy of the Verizon documents discussed at the deposition.
1/28/2016	EJP	5	0.10	Replied to her email to forward her a copy of the same and additional email regarding issues raised at the deposition.
1/28/2016	EJP	5	0.50	Completed full review of entire file to ensure no other documents existed beyond what had been provided.
1/29/2016	EJP	5	0.20	[REDACTED]
1/29/2016	EJP	5	0.60	[REDACTED]
1/29/2016	EJP	5	0.20	Emailed the signed Exhibit A to attorney Lindsey Godfrey Eccles.
Total Hours Billed			28.00	

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In Re: Lithium Ion Battery

February 2016

Date	TK	Task Codes	Hours Worked	Work Performed
2/19/2016	EJP	5	0.10	Review of email from Lindsey Godfrey Eccles requesting that I review the deposition transcript of Chris Bessette and return the Errata Sheet.
2/19/2016	EJP	5	0.10	Forwarded the transcript to [REDACTED] with instructions.
2/19/2016	EJP	5	1.10	Completed review of the transcript.
2/23/2016	EJP	5	0.10	Email to [REDACTED] to follow up on the previously sent email regarding the transcript and the errata sheet.
2/25/2016	EJP	5	0.10	Call from [REDACTED] - he has no changes to make to the deposition transcript.
2/25/2016	EJP	5	0.10	Email to Lindsey Godfrey Eccles to advise.
2/26/2016	EJP	5	0.10	Review of and reply to email from attorney Lindsey Godfrey Eccles regarding the errata sheet.
2/29/2016	EJP	5	0.10	Review of email from attorney Lindsey Godfrey Eccles regarding the errata sheet to be signed by [REDACTED]
2/29/2016	EJP	5	0.20	Review of email from Krysta Kauble Pachman regarding additional discovery issues.
2/29/2016	EJP	5	0.10	Began review of file so as to be able to respond.
Total Hours Billed			2.10	

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In Re: Lithium Ion Battery

March 2016

Date	TK	Task Codes	Hours Worked	Work Performed
3/1/2016	EJP	3	0.10	Review of the correspondence from attorney Mark Rizik regarding document requests made with respect to [REDACTED] deposition.
3/1/2016	EJP	3	0.30	Review of the cited portions of [REDACTED] deposition transcript.
3/1/2016	EJP	3	0.10	[REDACTED]
3/1/2016	EJP	1	0.20	Replied to the email from attorney Krysta Pachman to address all issues.
3/1/2016	EJP	1	0.10	Review of and reply to her response.
3/1/2016	EJP	1	0.10	Review of the response email from Carla Voigt; replied to the same.
3/1/2016	EJP	1	0.10	Forwarded these emails onto [REDACTED]
3/2/2016	EJP	1	0.10	Review of and reply to email from Krysta Pachman confirming that I was not ware of any photos of the Toshiba laptop.
3/4/2016	EJP	1	0.10	Review and reply of email from attorney Krysta Pachman, advising that Defendants were seeking details regarding [REDACTED]
3/4/2016	EJP	1	0.20	Email to Chris requesting additional details.
3/8/2016	EJP	1	0.10	[REDACTED]
3/8/2016	EJP	1	0.10	Email to Krysta Kauble Pachman, Lindsey Godfrey Eccles, and Carla Voigt to advise.
3/8/2016	EJP	3	0.10	Review of email from attorney Pachman regarding the updated discovery responses to be signed by [REDACTED]
3/8/2016	EJP	3	0.10	Review of the discovery.
3/8/2016	EJP	3	0.10	Email to [REDACTED] regarding the discovery.
3/11/2016	EJP	3	0.20	Review of email from attorney Pachman, regarding the magistrate judge's recent rulings regarding discovery.
3/11/2016	EJP	3	0.50	Review of the discovery responses and verification forms attached to attorney Pachman's email.
3/11/2016	EJP	3	0.20	Replied to attorney Pachman's email.
3/11/2016	EJP	3	0.20	Forwarded attorney Pachman's email onto [REDACTED] with instructions.

3/11/2016	EJP	3	0.40	[REDACTED]
3/14/2016	EJP	3	0.10	Follow up email correspondence with [REDACTED] regarding the verification forms.
3/15/2016	EJP	3	0.20	[REDACTED]
3/15/2016	EJP	3	0.10	Call from Demetrius Lambrinos - advised him of the status of the signed Verification forms.
3/15/2016	EJP	3	0.10	Receipt of the Verification forms via fax from [REDACTED]
3/15/2016	EJP	3	0.10	Scanned and emailed the Verification forms to co-counsel.
3/16/2016	EJP	3	0.40	Engaged in email correspondence with attorney Demetrius Lambrinos regarding the verification forms completed by [REDACTED]
3/16/2016	EJP	3	0.40	[REDACTED]
3/16/2016	EJP	3	0.10	Received the revised Verification forms via fax from [REDACTED]
3/16/2016	EJP	3	0.10	Send the revised Verification forms to attorney Lambrinos.
3/18/2016	EJP	12	0.20	Review of correspondence from attorney Demetrius Lambrinos, regarding the proposed Settlement Agreement with the Sony defendants.
3/18/2016	EJP	12	0.70	Examined the proposed Settlement Agreement so as to be able to discuss and explain the same with [REDACTED]
3/18/2016	EJP	12	0.10	[REDACTED]
3/21/2016	EJP	1	0.10	Review of email from Demetrius Lambrinos regarding additional searches to be conducted with [REDACTED]
3/21/2016	EJP	1	0.10	Forwarded the same to [REDACTED] with instructions.
3/21/2016	EJP	1	0.60	[REDACTED]
3/21/2016	EJP	1	0.10	Review of email from attorney Colleen Cleary, distributing the indirect Purchaser Plaintiffs' Fourth Consolidated Amended Complaint in In re Lithium Ion Batteries Litigation.
3/21/2016	EJP	1	1.00	Review of the Amended Class Action Complaint, prior to contacting [REDACTED] regarding the same, so as to be able to [REDACTED]
3/21/2016	EJP	1	0.10	Email to [REDACTED] to provide him with a copy of the Fourth Consolidated Amended Complaint.
3/23/2016	EJP	1	0.40	[REDACTED]
3/24/2016	EJP	1	0.30	Call to Demetrius Lambrinos - discussed the search term meeting with

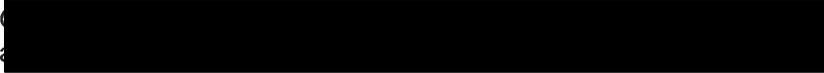
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In Re: Lithium Ion Battery

April 2016

Date	TK	Task Codes	Hours Worked	Work Performed
4/5/2016	EJP	3	0.20	[REDACTED] [REDACTED] Email to attorney Demetrius
4/5/2016	EJP	3	0.10	Email to attorney Demetrius Lambrinos regarding [REDACTED] availability.
4/5/2016	EJP	3	0.30	Called in for the meeting that had been set up by Bryan Kim. This meeting will need to be rescheduled due to the failure of several others to attend.
4/5/2016	EJP	3	0.10	Email correspondence with attorney Lambrinos to advise.
4/5/2016	EJP	3	0.10	Engaged in email correspondence with [REDACTED] to reschedule the meeting.
4/6/2016	EJP	3	0.20	Engaged in email correspondence regarding the records search meeting to be held later today.
4/6/2016	EJP	3	0.60	Participated in the Go To Meeting records search meeting, discussed discovery issues.
4/11/2016	EJP	3	0.90	Review of email and attachments from attorney Lambrinos regarding the first draft of the Interrogatory responses to Defendants' Third Set of Interrogatories we had discussed on Wednesday.
4/11/2016	EJP	3	0.10	Forwards the first draft of interrogatory responses onto [REDACTED]
4/11/2016	EJP	3	0.20	Prepared reline revisions of the draft responses for the information I had already.
4/11/2016	EJP	3	0.30	[REDACTED]
4/13/2016	EJP	3	0.10	[REDACTED]
4/13/2016	EJP	3	0.20	Completed the necessary reline revisions to the Objections and Responses to Defendant's 3rd Set of Interrogatories to Indirect Purchaser Plaintiffs.
4/13/2016	EJP	3	0.10	Followed up with [REDACTED] regarding receipt of the signed verification; he will fax today.
4/13/2016	EJP	3	0.10	Receipt and review of the same.
4/13/2016	EJP	3	0.10	Review of and reply to emails from attorney Lambrinos regarding photos produced in discovery.

4/13/2016	EJP	3	0.10	Engaged in further email correspondence on this issue with attorney Carla Voigt.
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4/21/2016	EJP	3	0.30	
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Total Hours Billed			4.10	
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In Re: Lithium Ion Battery

November 2016

Date	TK	Task Codes	Hours Worked	Work Performed
11/22/2016	EJP	11	0.10	[REDACTED]
11/22/2016	EJP	11	0.60	[REDACTED]
11/22/2016	EJP	11	0.20	[REDACTED]
11/22/2016	EJP	11	0.20	Review of and replied to his response to answer his questions.
11/22/2016	EJP	11	0.10	[REDACTED]
11/23/2016	EJP	11	0.10	Review of, and reply to, email from Colleen Cleary regarding status of the case.
11/23/2016	EJP	11	0.10	Forwarded Colleen Cleary's email to Christopher Bessette re status.
Total Hours Billed			1.40	

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In Re: Lithium Ion Battery

December 2016

Date	TK	Task Codes	Hours Worked	Work Performed
12/19/2016	EJP	11	0.10	[REDACTED]
12/19/2016	EJP	11	0.70	[REDACTED]
12/19/2016	EJP	11	0.10	[REDACTED]
12/19/2016	EJP	11	0.50	[REDACTED]
12/19/2016	EJP	11	0.10	[REDACTED]
Total Hours Billed			1.50	

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In Re: Lithium Ion Battery

January 2017

Date	TK	Task Codes	Hours Worked	Work Performed
1/4/2017	EJP	11	0.10	[REDACTED]
1/4/2017	EJP	11	0.70	[REDACTED]
1/4/2017	EJP	11	0.20	Email to [REDACTED] to provide him with a copy and advise.
1/5/2017	EJP	11	0.40	Call to [REDACTED] - discussed the draft agreement and answered his questions; confirmed his approval of the same.
1/5/2017	EJP	11	0.10	[REDACTED]
Total Hours Billed			1.50	

EXHIBIT E

EXHIBIT E

In re Lithium Ion Batteries Antitrust Litigation
BANGS MCCULLEN LAW FIRM
 Reported Expenses Incurred on Behalf of IPPs

EXPENSE REPORT

CATEGORY	AMOUNT INCURRED
Attorney Service	
Litigation Assessment	
Court Fees (Filing, etc.)	
Document Production	
Experts/Consultants	
Federal Express	
Transcripts (Hearing, Deposition, etc.)	
Investigation	
Lexis/Westlaw	
Messenger/Delivery	
Photocopies – In House (capped at \$0.20 per copy)	
Photocopies – Outside	
Postage	
Service of Process	
Supplies	
Telephone/Telecopier	
Travel	
Miscellaneous	70.96
TOTAL:	\$70.96