

EXHIBIT 12

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 BRYAN L. CLOBES
IN SUPPORT OF INDIRECT
PURCHASER PLAINTIFFS' MOTION
FOR AN AWARD OF ATTORNEYS'
FEES AND REIMBURSEMENT OF
EXPENSES ON BEHALF OF CAFFERTY
CLOBES MERIWETHER & SPRENGEL
LLP**

1 I, Bryan L. Clobes, declare:

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

7 2. My firm has served as counsel to Krista Lepore and as counsel for IPPs throughout
8 the course of this litigation. The background and experience of Cafferty Clobes Meriwether &
9 Sprengel LLP and its attorneys are summarized in the curriculum vitae attached hereto as **Exhibit**
10 **A**.

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

16 4. During the pendency of the litigation, Cafferty Clobes Meriwether & Sprengel LLP
17 performed the following work: research, draft and file complaint on behalf of our client and
18 coordinate with co-lead counsel.

19 5. Attached hereto as **Exhibit B** is a billing summary of Cafferty Clobes Meriwether
20 & Sprengel LLP’s total hours and lodestar, computed at current billing rates, from June 1, 2013 to
21 February 28, 2017. Counsel for Plaintiffs are not seeking attorneys’ fees for any time billed prior
22 to the appointment of lead counsel. *See* Order dated May 17, 2013 (ECF No. 194). The total
23 number of hours spent by Cafferty Clobes Meriwether & Sprengel LLP during this period of time
24 was 3.5 with a corresponding lodestar based on current rates of \$2,712.50. The lodestar amount
25 reflected in Exhibit B is for work assigned by Lead Counsel, and was performed by professional
26 staff at my law firm. This summary was prepared from contemporaneous, daily time records
27 regularly prepared and maintained by Cafferty Clobes Meriwether & Sprengel LLP.

28 DECLARATION OF BRYAN L. CLOBES IN SUPPORT OF IPPS’ MOTION FOR AN
AWARD OF ATTORNEYS’ FEES AND REIMBURSEMENT OF EXPENSES ON BEHALF
OF CAFFERTY CLOBES MERIWETHER & SPRENGEL LLP; Case No. 13-md-02420-YGR
(DMR)

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

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

6 8. Attached hereto as **Exhibit E** is a summary of the expenses Cafferty Clobes
7 Meriwether & Sprengel LLP has incurred during the course of this litigation. Cafferty Clobes
8 Meriwether & Sprengel LLP expended a total of \$309.80 in unreimbursed costs and expenses in
9 connection with the prosecution of this case. These expenses were incurred on behalf of IPPs by
10 Cafferty Clobes Meriwether & Sprengel LLP on a contingent basis and have not been reimbursed.
11 The expenses reflected in **Exhibit E** were prepared from expense vouchers, receipts, and bank
12 records, and thus represent an accurate recordation of the expenses incurred.

13 9. I have reviewed the time and expenses reported by Cafferty Clobes Meriwether &
14 Sprengel LLP in this case which are included in this declaration, and I affirm that they are true and
15 accurate.

16
17 I declare under penalty of perjury under the laws of the United States that the foregoing is
18 true and correct.

19 Executed on May 23, 2017 at Chicago, Illinois.

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/s/ Bryan L. Clobes

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Bryan L. Clobes

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DECLARATION OF BRYAN L. CLOBES IN SUPPORT OF IPPS' MOTION FOR AN
AWARD OF ATTORNEYS' FEES AND REIMBURSEMENT OF EXPENSES ON BEHALF
OF CAFFERTY CLOBES MERIWETHER & SPRENGEL LLP; Case No. 13-md-02420-YGR
(DMR)

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ATTESTATION

I, Steven N. Williams, hereby attest, pursuant to United States District Court, Northern District of California Civil Local Rule 5-1(i)(3), that concurrence to the filing of this document has been obtained from the signatory hereto.

By:
 /s/ Steven N. Williams

Steven N. Williams

DECLARATION OF BRYAN L. CLOBES IN SUPPORT OF IPPS' MOTION FOR AN AWARD OF ATTORNEYS' FEES AND REIMBURSEMENT OF EXPENSES ON BEHALF OF CAFFERTY CLOBES MERIWETHER & SPRENGEL LLP; Case No. 13-md-02420-YGR (DMR)

EXHIBIT A



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I. Overview

Cafferty Clobes Meriwether & Sprengel LLP, which has offices in Chicago, Philadelphia, and Ann Arbor, 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 major positions in complex multidistrict or consolidated litigation. As the cases listed below demonstrate, these attorneys have taken a leading role in numerous important actions on behalf of investors, employees, consumers, businesses, and others. In addition, CCMS attorneys are currently involved in a number of pending class actions, as described on the Firm's web page.

II. Antitrust Class Actions and Litigation

Kamakahi v. American Society for Reproductive Medicine, No.3:11-cv-01781 (N.D. Cal.). CCMS served as Co-Lead Counsel in a cutting edge antitrust case challenging the legality of ethical guidelines promulgated by two professional associations that limited the compensation members were permitted to pay to women providing donor services for in-vitro fertilization procedures. Without the benefit of a parallel government case or investigation, CCMS achieved a groundbreaking settlement (approved on August 26, 2016) that requires the defendants to eliminate the compensation caps, and to refrain from imposing similar caps in the future. *See Kamakahi v. Amer. Soc. for Reproductive Medicine*, No. 11-1781, 2013 WL 1768706 (N.D. Cal. Mar. 29, 2013) (denying motion to dismiss); *Kamakahi v. Amer. Soc. for Reproductive Medicine*, 305 F.R.D. 164 (N.D. Cal. 2015) (granting class certification).

In re Prandin Direct Purchaser Antitrust Litig., Civ. No. 10-12141 (E.D. Mich.). CCMS served as Co-Lead counsel for a plaintiff class of direct purchasers of the prescription drug repaglinide, which is manufactured and marketed by Novo Nordisk under the brand-name Prandin. Plaintiffs alleged that Novo Nordisk blocked FDA approval of generic versions of the drug by wrongfully manipulating the language of the "use code" filed with the FDA in connection with a method of use patent. On January 20, 2015, the court granted final approval to a \$19 million settlement. *See In re Prandin Direct Purchaser Antitrust Litig.*, No. 10-12151, 2015 WL 8335997 (E.D. Mich. Jan. 20, 2015).

In re Insurance Brokerage Antitrust Litig., MDL No. 1663 (D.N.J.). CCMS was appointed Co-Lead Counsel for plaintiffs who alleged that insurance brokers and insurers conspired to allocate customers in a complicated scheme to maximize their own revenues at the expense of class members. The litigation concluded in August 2013 with final approval of last of five separate settlements that, in aggregate, exceeded \$270 million. *See*: (1) *In re Insurance Brokerage Antitrust Litig.*, MDL No. 1663, 2007 WL 542227, (D.N.J. Feb. 16, 2007) (approving \$121.8 million settlement with the Zurich Defendants), *aff'd*, 579 F.3d 241(3d Cir. 2009); (2) *In re Insurance Brokerage Antitrust Litig.*, MDL No. 1663, 2007 WL 2589950 (D.N.J. Sept. 4, 2007) (approving \$28 million settlement with the Gallagher Defendants), *aff'd*, 579 F.3d 241(3d Cir. 2009); (3) *In re Insurance Brokerage Antitrust Litig.*, MDL No. 1663, 2009 WL 411877 (D.N.J. Feb. 17, 2009) (approving \$69 million settlement with Marsh & McLennan Cos. Inc.); (4) *In re Insurance Brokerage Antitrust Litig.*, MDL No. 1663, 2012 WL 1071240



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(D.N.J. Mar. 30, 2012) (approving \$41 million settlement with several defendants, including AIG, Hartford, Fireman’s Fund and Travelers); and (5) *In re Insurance Brokerage Antitrust Litig.*, MDL No. 1663, 297 F.R.D. 136 (D.N.J. 2013) (approving \$10.5 million settlement with ACE defendants, Chubb defendants and Munich Re defendants). Judge Claire C. Cecchi observed that “Class counsel include notably skilled attorneys with experience in antitrust, class actions and RICO litigation.” *Id.* at *17; *see also In re Insurance Brokerage Antitrust Litig.*, MDL No. 1663, 2007 WL 1652303, at *6 (D.N.J. June 5, 2007).

In re New Motor Vehicles Canadian Export Antitrust Litig., MDL No. 1532 (D. Me.). CCMS was appointed Class Counsel, together with other firms, in multidistrict litigation alleging that automobile manufacturers and other parties conspired to prevent lower priced new motor vehicles from entering the American market during certain periods, thereby artificially inflating prices. *See, e.g., In re New Motor Vehicles Canadian Export Antitrust Litig.*, 270 F.R.D. 30, 35 (D. Me. 2010). On February 3, 2012, the court approved a \$37 million settlement with Toyota and the Canadian Automobile Dealers’ Association. *In re New Motor Vehicles Canadian Export Antitrust Litig.*, MDL 1532, 2012 WL 379947 (D. Me. Feb. 3, 2012).

In re TriCor Indirect Purchaser Antitrust Litig., No. 05-360 (D. Del.). CCMS was appointed Co-Lead Counsel for consumer and third-party payor plaintiffs who alleged that defendants engaged in unlawful monopolization in the market for fenofibrate products, which are used to treat high cholesterol and high triglyceride levels. *See Abbott Laboratories v. Teva Pharmaceuticals, Inc.*, 432 F. Supp. 2d 408 (D. Del. 2006) (denying defendants’ motions to dismiss). On October 28, 2009, the court granted final approval to a \$65.7 million settlement (an amount that excludes an initial payment to opt-out insurance companies).

Nichols v. SmithKline Beecham Corp., No. Civ.A.00-6222 (E.D. Pa.). CCMS served as Co-Lead Counsel for consumers and third-party payors who alleged that the manufacturer of the brand-name antidepressant Paxil misled the U.S. Patent Office into issuing patents that protected Paxil from competition from generic substitutes. On April 22, 2005, Judge John R. Padova granted final approval to a \$65 million class action settlement for the benefit of consumers and third-party payors who paid for Paxil. *Nichols v. SmithKline Beecham Corp.*, No. Civ.A.00-6222, 2005 WL 950616, 2005-1 Trade Cas. (CCH) ¶74,762 (E.D. Pa. April 22, 2005). *See also Nichols v. SmithKline Beecham Corp.*, No. Civ.A.00-6222, 2003 WL 302352, 2003-1 Trade Cas. (CCH) ¶ 73,974 (E.D. Pa. Jan. 29, 2003) (denying defendant’s motion to strike expert testimony).

In re Relafen Antitrust Litig. No. 01-12239 (D. Mass.). On September 28, 2005, Judge William G. Young of the United States District Court for the District of Massachusetts granted final approval to a \$75 million class action settlement for the benefit of consumers and third-party payors who paid for branded and generic versions of the arthritis medication Relafen. In certifying an exemplar class of end-payors, the court singled out our Firm as experienced and vigorous advocates. *See In re Relafen Antitrust Litig.*, 221 F.R.D. 260, 273 (D. Mass. 2004). In the opinion granting final approval to the settlement, the court commented that “Class counsel here exceeded my expectations in these respects [*i.e.*, experience, competence, and vigor] in every way.” *In re Relafen Antitrust Litig.*, 231 F.R.D. 52, 85



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(D. Mass. 2005); *see also id.* at 80 (“The Court has consistently noted the exceptional efforts of class counsel.”). The litigation resulted in many significant decisions including: 286 F. Supp. 2d 56 (D. Mass. 2003) (denying motion to dismiss); 346 F. Supp. 2d 349 (D. Mass. 2004) (denying defendant’s motion for summary judgment).

VisaCheck/MasterMoney Antitrust Litig., Master File No. 96-5238 (E.D.N.Y.). CCMS’s client, Burlington Coat Factory Warehouse, and the other plaintiffs alleged that Visa and MasterCard violated the antitrust laws by forcing retailers to accept all of their branded cards as a condition of acceptance of their credit cards. On June 4, 2003, the parties entered into settlement agreements that collectively provided for the payment of over \$3.3 billion, plus widespread reforms and injunctive relief. On December 19, 2003, the Settlement was finally approved by Judge John Gleeson. On January 4, 2005, the Second Circuit Court of Appeals affirmed Judge Gleeson’s decision.

In re Warfarin Sodium Antitrust Litig., MDL 98-1232 (D. Del.). Multidistrict class action on behalf of purchasers of Coumadin, the brand-name warfarin sodium manufactured and marketed by DuPont Pharmaceutical Company. Plaintiffs alleged that the defendant engaged in anticompetitive conduct that wrongfully suppressed competition from generic warfarin sodium. On August 30, 2002, the Court granted final approval to a \$44.5 million settlement. *See In re Warfarin Sodium Antitrust Litig.*, 212 F.R.D. 231 (D. Del. 2002). On December 8, 2004, the Third Circuit upheld approval of the settlement. 391 F.3d 516 (3d Cir. 2004).

In re Cardizem CD Antitrust Litig., MDL No. 1278 (E.D. Mich.). Multidistrict class action on behalf of purchasers of Cardizem CD, a brand-name heart medication. Plaintiffs alleged that an agreement between the brand manufacturer and a generic manufacturer unlawfully stalled generic competition. On October 1, 2003, Judge Nancy Edmunds granted final approval to an \$80 million settlement for the benefit of consumers, third-party payors and state attorneys general. *In re Cardizem CD Antitrust Litig.*, 218 F.R.D. 508 (E.D. Mich. 2003), *app. dismissed*, 391 F.3d 812 (6th Cir. 2004). The litigation resulted in several significant decisions, including: 105 F. Supp. 618 (E.D. Mich. 2000) (denying motions to dismiss); 105 F. Supp. 2d 682 (E.D. Mich. 2000) (granting plaintiffs’ motions for partial summary judgment and holding agreement *per se* illegal under federal and state antitrust law); 200 F.R.D. 326 (E.D. Mich. 2001) (certifying exemplar end-payor class); 332 F.3d 896 (6th Cir. 2003) (upholding denial of motion to dismiss and grant of partial summary judgment).

Blevins v. Wyeth-Ayerst Labs., No. 324380 (Sup. Ct. San Francisco Cty. CA). Plaintiff alleged that Wyeth-Ayerst unlawfully monopolized the market for conjugated estrogen drug products through exclusive contracts with health benefit providers and pharmacy benefit managers. On October 30, 2007, the court approved a \$5.2 million settlement for a class of California purchasers of Wyeth-Ayerst’s conjugated estrogen drug product.

In re DDAVP Indirect Purchaser Antitrust Litig., No. 05-2237 (S.D.N.Y.). CCMS was appointed Co-Lead Counsel for consumer and third-party payor plaintiffs who alleged that defendants the defendant pharmaceutical manufacturers relied upon sham patents and sham patent litigation to



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preclude generic competition. On December 18, 2013, the court entered an order approving a \$4.75 million settlement.

In re Synthroid Marketing Litig., MDL No. 1182 (N.D. Ill.). This multidistrict action arises out of alleged unlawful activities with respect to the marketing of Synthroid, a levothyroxine product used to treat thyroid disorders. On August 4, 2000, the court granted final approval of a consumer settlement in the amount of \$87.4 million. *See* 188 F.R.D. 295 (N.D. Ill. 1999). On August 31, 2001, approval of the settlement was upheld on appeal. *See* 264 F.3d 712 (7th Cir. 2001).

III. Commodities and Securities Class Actions and Derivative Litigation

In re Kaiser Group International, Case No. 00-2263 (Bankr. D. Del.). On December 7, 2005, Chief Judge Mary F. Walrath of the United States Bankruptcy Court for the District of Delaware granted final approval to a settlement that produced 175,000 shares of common stock for a class of former shareholders of ICT Spectrum Constructors, Inc. (a company that merged with ICF Kaiser Group International and ICF Kaiser Advanced Technology in 1998). The settlement followed Judge Joseph J. Farnan's ruling which upheld the Bankruptcy Court's decision to award common stock of the new Kaiser entity (Kaiser Group Holdings, Inc.) to the Class of former Spectrum shareholders based on contractual provisions within the merger agreement. *See Kaiser Group International, Inc. v. James D. Pippin (In re Kaiser Group International)*, 326 B.R. 265 (D. Del. 2005).

Danis v. USN Communications, Inc., No. 98 C 7482 (N.D. Ill.). Securities fraud class action arising out of the collapse and eventual bankruptcy of USN Communications, Inc. On May 7, 2001, the court approved a \$44.7 million settlement with certain control persons and underwriters. Reported decisions: 73 F. Supp. 2d 923 (N.D. Ill. 1999); 189 F.R.D. 391 (N.D. Ill. 1999); 121 F. Supp. 2d 1183 (N.D. Ill. 2000).

In re Exide Corp. Sec. Litig., No. 98-CV-60061 (E.D. Mich.). Securities fraud class action arising out of sales and financial practices of leading battery manufacturer. On September 2, 1999, Judge George Caram Steeh approved a settlement in the amount of \$10.25 million.

Hoxworth v. Blinder Robinson & Co., No. 88-0285 (E.D. Pa.). Securities fraud and RICO class action resulting from alleged manipulative practices and boiler-room operations in the sale of "penny stocks." *See* 903 F.2d 186 (3rd Cir. 1990). Judgment in excess of \$70 million was obtained in February, 1992. The judgment was affirmed by the Third Circuit Court of Appeals, 980 F.2d 912 (3rd Cir. 1992). *See also Hoxworth v. Blinder*, 74 F.3d 205 (10th Cir. 1996).

IV. Employee Benefits Class Actions

Polk v. Hecht, No. 92-1340 (D.N.J.). Class action brought under the Employee Retirement Income Act of 1974 on behalf of all participants or beneficiaries under the Mutual Benefit Life Savings and Investment Plan for Employees on July 16, 1991, when Mutual Benefit Life Insurance Corporation



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was placed in rehabilitation. On April 12, 1995, Judge Harold A. Ackerman approved a \$4.55 million settlement, noting that “[c]ounsel did a darn good job, and the record should be clear on that point, that that is the opinion, for what it's worth, of this Court.”

In re Unisys Retiree Medical Benefits ERISA Litig., MDL No. 969 (E.D. Pa). Class action on behalf of over 25,000 retirees of Unisys Corporation concerning entitlement to retiree medical benefits. After trial, in November 1994, Chief Judge Cahn approved a partial settlement in the amount of \$72.9 million. *See* 57 F.3d 1255 (3d Cir. 1995).

V. Consumer and Other Class Actions

Beattie v. CenturyTel, Inc., Civ. No. 02-10277 (E.D. Mich.). A class action on behalf of telephone customers in numerous states who were billed for an inside wire maintenance program improperly described in bills as “Non-Regulated Services.” Plaintiffs alleged violation of the truth-in-billing requirements of the Federal Telecommunications Act. A litigation class was certified and upheld on appeal. *See Beattie v. CenturyTel, Inc.*, 511 F.3d 554 (6th Cir. 2007). On July 9, 2010, the court granted final approval to a \$13 million cash settlement.

In re Midway Moving & Storage, Inc.’s Charges to Residential Customers, No. 03 CH 16091 (Cir. Ct. Cook Cty., Ill.). A class action on behalf of customers of Illinois’ largest moving company whose final moving charges exceeded their pre-move written estimates. Plaintiffs alleged violation of the Illinois Consumer Fraud Act, breach of contract and breach of the covenant of good faith and fair dealing. A litigation class was certified and upheld on appeal. *See Ramirez v. Midway Moving and Storage, Inc.*, 880 N.E.2d 653 (Ill. App. 2007). On the eve of trial, the case settled on a class-wide basis. On October 12, 2012, the Court (Judge Richard J. Elrod) granted final approval and stated that CCMS is “highly experienced in complex and class action litigation, vigorously prosecuted the Class’ claims, and achieved an excellent Settlement for the Class under which Class members will receive 100% of their alleged damages.”

Apple iPhone Warranty Litigation (N.D. Cal.) On January 29, 2010, CCMS first of its kind class action against Apple in the Superior Court of Santa Clara County, with the goal of achieving a nationwide recovery for all similarly situated Apple consumers. The suit challenged Apple’s policy of denying warranty claims based on liquid contact indicators located in headphone jacks and dock connector ports of iPhones and iPod touches. Similar class actions were subsequently filed in federal courts on behalf of Apple consumers. Our firm, together with other counsel representing the state and federal plaintiffs, achieved a \$53 million global settlement of the state and federal cases. On May 8, 2014, the Honorable Judge Richard Seeborg granted final approval to the settlement.

PrimeCo Personal Communications, L.P. v. Illinois Commerce Commission, No. 98 CH 5500 (Circuit Court of Cook County, Ill.). This class action sought recovery of an unconstitutional infrastructure maintenance fee imposed by municipalities on telephone and other telecommunications customers in the State of Illinois. On August 1, 2002, the court granted final approval to a settlement of wireless telephone and pager customers' claims against the City of Chicago worth over \$31 million.



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VI. Individual Biographies

PARTNERS

PATRICK E. CAFFERTY graduated from the University of Michigan, with distinction, in 1980 and obtained his J.D., *cum laude*, from Michigan State University College of Law in 1983. From 1983 to 1985, he served as a prehearing attorney at the Michigan Court of Appeals and as a Clerk to Judge Glenn S. Allen, Jr. of that Court. Mr. Cafferty is an experienced litigator in matters involving antitrust, securities, commodities, and the pharmaceutical industry. In 2002, Mr. Cafferty was a speaker at a forum in Washington D.C. sponsored by Families USA and Blue Cross/Blue Shield styled “Making the Drug Industry Play Fair.” At the Health Action 2003 Conference in Washington D.C., Mr. Cafferty was a presenter at a workshop titled “Consumers’ Access to Generic Drugs: How Brand Manufacturers Can Derail Generic Drugs and How to Make Them Stay on Track.” In 2010, Mr. Cafferty made a presentation on indirect purchaser class actions at the American Antitrust Institute’s annual antitrust enforcement conference. *See Indirect Class Action Settlements* (Am. Antitrust Inst., Working Paper No. 10-03, 2010). Mr. Cafferty is admitted to the state bars of Michigan and Illinois, and holds several federal district and appellate court admissions. Mr. Cafferty has attained the highest rating, AV®, from Martindale-Hubbell and is a top rated SuperLawyer®.

BRYAN L. CLOBES is a 1988 graduate of the Villanova University School of Law and received his undergraduate degree from the University of Maryland. While in law school, Mr. Clobes clerked for Judge Arlin M. Adams of the United States Court of Appeals for the Third Circuit and Judge Mitchell H. Cohen of the United States District Court for the District of New Jersey. In 1988, after graduating from law school, Mr. Clobes served as a law clerk to Judge Joseph Kaplan of the Maryland Circuit Court in Baltimore. From 1989 through June, 1992, Mr. Clobes served as Trial Counsel to the Commodity Futures Trading Commission in Washington, D.C. Mr. Clobes authored *In the Wake of Varity Corp. v. Howe: An Affirmative Duty to Disclose Under ERISA*, 9 DePaul Bus. L.J. 221 (1997). Mr. Clobes is also a member of the Amicus Committee of the National Association of Securities and Commercial Law Attorneys and he has authored briefs filed with the Supreme Court in a number of ERISA cases, including *Varity Corp. v. Howe* and *Schoonejongen v. Curtiss-Wright Corp.* Mr. Clobes has attained the highest rating, AV®, from Martindale-Hubbell and has been named a “Pennsylvania Super Lawyer” in each of the past three years. Mr. Clobes has been admitted to the bar in New Jersey and Pennsylvania, the Supreme Court of the United States, the United States Court of Appeals for the Third Circuit and the United States District Court for the Eastern District of Pennsylvania.

ELLEN MERIWETHER received her law degree from George Washington University, *magna cum laude*, in 1985. She was a member of the *George Washington Law Review* and was elected to the Order of the Coif. Ms. Meriwether received a B.A. degree, *with highest honors*, from LaSalle University in 1981. She was an adjunct professor at LaSalle University teaching a course in the University's honors program from 1988-1993. Ms. Meriwether is a member of the Bar of the Commonwealth of Pennsylvania and is admitted to practice before the United States Supreme Court, the United States Courts of Appeals for the First, Second, Third, Seventh, Tenth and Eleventh Circuits, and the United



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States District Court for the Eastern District of Pennsylvania. In 2012 Ms. Meriwether was Chair of the Federal Courts Committee of the Philadelphia Bar Association, and has chaired several of its subcommittees. Ms. Meriwether is a member of the Board of the Public Interest Law Center, the Advisory Board of the American Antitrust Institute and is Articles Editor of ANTITRUST, a publication by the section of Antitrust Law of the American Bar Association. She is a frequent presenter on topics relating to complex, class action and antitrust litigation and has been a faculty member at The George Mason Institute of Law and Economics for Judges, lecturing on the topic of How Lawyers use Economic Evidence in Antitrust Litigation. Ms Meriwether has published a number of articles on subjects relating to class actions and antitrust litigation, including: “The Fiftieth Anniversary of Rule 23: Are Class Actions on the Precipice?,” *Antitrust*, (Vol. 30, No. 2, Spring 2016); “Motorola Mobility and the FTAIA: If Not Here, Then Where?,” *Antitrust*, Vo. 29, No.2 Spring 2015); “Comcast Corp. v. Bebrend: Game Changing or Business as Usual?,” *Antitrust*, (Vol. 27, No. 3, Summer 2013); “Class Action Waiver And the Effective Vindication Doctrine At the Antitrust/Arbitration Crossroads,” *Antitrust*, (Vol. 3, Summer 2012); “The Hazards of *Dukes*: Antitrust Plaintiffs Need Not Fear the Supreme Court’s Decision,” *Antitrust*, (Vol. 26, No. 1, Fall 2011); “Economic Experts: The Challenges of Gatekeepers and Complexity,” *Antitrust*, (Vol. 25, No. 3 Summer 2011); “Putting the ‘Squeeze’ on Refusal to Deal Cases: Lessons from *Trinko* and *linkLine*,” (Vol. 24, No. 2, Spring 2010) and “Rigorous Analysis in Certification of Antitrust Class Actions: A Plaintiff’s Perspective.” (Vol. 21, No. 3, Summer 2007). Since 2010, Ms. Meriwether has been included in the US News and World Report Publication of “Best Lawyers in America” in the field of Antitrust Law. She has been named a “Pennsylvania Super Lawyer” for the past ten years and has attained the highest rating, “AV”, from Martindale-Hubbell.

JENNIFER WINTER SPRENGEL received her law degree from DePaul University College of Law, where she was a member of the DePaul University Law Review. Her undergraduate degree was conferred by Purdue University. Ms. Sprengel is an experienced litigator in matters involving commodities, antitrust, insurance and the financial industries. In addition, Ms. Sprengel is a committee member of the Seventh Circuit Electronic eDiscovery Pilot Program and is a frequent speaker on panels regarding issues of discovery. She also serves as co-chair of the Antitrust Law subcommittee of the ABA Class Action and Derivative Suits committee. She is admitted to practice law in Illinois, holds several federal district and appellate court admissions, and has attained the highest rating, AV®, from Martindale-Hubbell. Ms. Sprengel serves as the managing partner of the Firm.

ANTHONY F. FATA graduated *with honors* from The Ohio State University College of Law (J.D. 1999), where he: was elected to the Order of the Coif; served as Managing Editor of The Ohio State Journal on Dispute Resolution; earned, among other honors, the Albert A. Levin Award for Professional Responsibility, CALI award for Consumer Law, and CALI Excellence for the Future Award; and was selected based on outstanding academic achievement to serve as a research assistant to faculty in the areas of professional responsibility, civil procedure, and contracts. Mr. Fata received his undergraduate degree from Miami University in 1995, where he was selected to serve on the Miami University Student Foundation. Mr. Fata began his legal career in the trial and white collar practice groups at McDermott Will & Emery where he defended SEC enforcement actions as well as securities, consumer and product defect class actions. Since joining CCMS, Mr. Fata has successfully prosecuted



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a wide range of commodities, securities, antitrust and consumer class actions, including multiple cases resulting in 100% recoveries for class members. In addition to his class action practice, Mr. Fata has successfully represented clients in securities arbitrations, corporate investigations, securities/commodities regulatory proceedings, commercial litigation and transactional matters. Among other publications, Mr. Fata has authored: *The Investigation is Internal, but Is this Document Privileged?* (PLI 2016); *The SEC's Whistleblower Bounty Program, Emerging Trends and their Impact on Internal Investigations* (PLI 2015); *The CFTC's Whistleblower Program* (PLI 2014); *Untangling the Seamless Web: Seven Critical Assumptions when Planning Internal Investigations* (PLI 2013); *Doomsday Delayed: How the Court's Party-Neutral Clarification of Class Certification Standards in Wal-Mart v. Dukes Actually Helps Plaintiffs*, 62 DePaul Law Review 401 (Spring 2013); *Class Actions: Attaining Settlement Class Certification Under Amchem and Ortiz*, 19 *Product Liability Law & Strategy* 1 (2001); and *IICLE Securities Law*, Chapter 15 – Civil Remedies (2003) (contributing author). Mr. Fata's speaking engagements include the 22nd Annual DePaul Law Review Symposium, *Class Action Rollback? Wal-Mart v. Dukes and the Future of Class Action Litigation* (2012), the Practising Law Institute's *Internal Investigations Seminar* (2013-2016), as well as other lectures on federal class action practice and other topics. Mr. Fata serves as an investigator on the Chicago Bar Association's Judicial Evaluation Committee. He is admitted to the bar in Illinois, as well as the Sixth, Seventh and Ninth Circuit Courts of Appeals, the Northern District of Illinois (including its Trial Bar), the District of Colorado and the Eastern District of Michigan.

NYRAN ROSE RASCHE received her undergraduate degree *cum laude* from Illinois Wesleyan University in 1995, and earned her law degree from the University of Oregon School of Law in 1999. Following law school, Ms. Rasche served as a clerk to the Honorable George A. Van Hoomissen of the Oregon Supreme Court. She is the author of *Protecting Agricultural Lands: An Assessment of the Exclusive Farm Use Zone System*, 77 *Oregon Law Review* 993 (1998). Ms. Rasche is admitted to practice in the state courts of Oregon and Illinois, as well as the United States District Courts for the Northern District of Illinois and the Southern District of Illinois. She is also a member of the American and Chicago Bar Associations.

ASSOCIATES

DANIEL O. HERRERA received his law degree, *magna cum laude*, and his MBA, with a concentration in finance, from the University of Illinois at Urbana-Champaign in 2008. Mr. Herrera received his bachelor's degree in economics from Northwestern University in 2004. Mr. Herrera joined CCMS as an associate in 2011 and is resident in its Chicago, Illinois Office. Prior to joining CCMS, Mr. Herrera was an associate in the trial practice of a Chicago-based national law firm, where he defended corporations in securities and antitrust class actions, as well as SEC and DOJ investigations and enforcement actions. Mr. Herrera also routinely handled commercial matters on behalf of corporate clients. Mr. Herrera is licensed to practice in Illinois and before the U.S. District Court for the Northern District of Illinois.

CHRISTOPHER P.T. TOUREK received his law degree, *cum laude*, from the University of Illinois College of Law in 2013. In law school, he was a member of the Federal Civil Rights Clinic. Mr. Tourek earned his bachelors from Lafayette College. Mr. Tourek joined CCMS in 2017 and is resident in its



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Chicago, Illinois Office. Prior to joining CCMS, Mr. Tourek was an associate at a consumer protection class action firm for three years, during which time he earned the distinction of *Super Lawyers Illinois Rising Star—Class Action/Mass Torts* for 2016 and 2017. Mr. Tourek is licensed to practice in the state courts of Illinois and Washington, D.C., as well as the United States District Courts for the Northern District of Illinois, the Southern District of Illinois, and the Eastern District of Michigan.

JOHN SCHEFLOW received his law degree from the University of Wisconsin in 2014, and his bachelor's degree from Miami University in 2009. Mr. Schefflow, who joined CCMS's Chicago office in 2015, is currently representing plaintiffs in actions against financial advisors and commodities manipulation class actions. Prior to joining CCMS, Mr. Schefflow represented individuals in personal injury and mass tort cases. Mr. Schefflow is licensed to practice in Illinois and Wisconsin and before the U.S. District Court for the Western District of Wisconsin.

BRIAN O'CONNELL received his law degree in 2013 from Northwestern University Pritzker School of Law, where he served as Executive Articles Editor for the *Journal of International Human Rights* and was a teaching assistant at the Center on Negotiation and Mediation. In 2009, Mr. O'Connell received B.A. from Stanford University, where he served as a staff writer, feature editor and, finally, Editor-in-Chief of *The Stanford Review*. Following law school, Mr. O'Connell served a legal fellowship in the chambers of Judge Marvin E. Aspen of the United States District Court for the Northern District of Illinois. Prior to joining CCMS, Mr. O'Connell was an associate at a firm specializing in securities and commodities litigation. Mr. O'Connell is licensed to practice in Illinois, as well as the United States District Court for the Northern District of Illinois. He is also a member of the Illinois State and Chicago Bar Associations.

SENIOR COUNSEL

DOM J. RIZZI received his B.S. degree from DePaul University in 1957 and his J.D. from DePaul University School of Law in 1961, where he was a member of the *DePaul University Law Review*. From 1961 through 1977, Judge Rizzi practiced law, tried at least 39 cases, and briefed and argued more than 100 appeals. On August 1, 1977, Judge Rizzi was appointed to the Circuit Court of Cook County by the Illinois Supreme Court. After serving as circuit court judge for approximately one year, Judge Rizzi was elevated to the Appellate Court of Illinois, First District, where he served from 1978 to 1996. Judge Rizzi also teaches at both the undergraduate and graduate level: since 1980, he has been a part-time faculty member of the Loyola University School of Law and, since 1992, he has been a part-time faculty member at the University of Illinois-Chicago. Judge Rizzi became counsel to the firm in October 1996.

Dated: February 13, 2017

EXHIBIT B

IN RE: LITHIUM ION BATTERIES INDIRECT
REPORTED HOURS AND LODestar AT CURRENT HOURLY RATES

Firm Name: Cafferty Clobes Meriwether & Sprengel LLP

Reporting Period: June 1, 2013 through February 28, 2017

- | | |
|---|--|
| Categories:
(1) Investigations, Factual Research
(2) Drafting Discovery Requests
(3) Drafting Discovery Answers/Responses
(4) Deposition Taking
(5) Deposition Defending
(6) Discovery Meet & Confer
(7) Document Review | (8) Drafting Pleadings, Briefs & Pretrial Motions
(9) Reading/Reviewing Pleadings, Briefs, Discovery, Transcripts, etc.
(10) Class Certification/Experts
(11) Litigation Strategy, Analysis & Case Management
(12) Negotiating Settlements
(13) Trial and Trial Preparation
(14) Court Appearance and Prep |
|---|--|

ATTORNEYS	1	2	3	4	5	6	7	8	9	10	11	12	13	14	TOTAL HOURS	CURRENT HOURLY RATE	TOTAL LODestar
Bryan L. Clobes	1.10								2.40						3.50	\$775.00	\$2,712.50
Name (P)															0.00	\$0.00	\$0.00
Name (P)															0.00	\$0.00	\$0.00
Name (OC)															0.00	\$0.00	\$0.00
Name (A)															0.00	\$0.00	\$0.00
SUB-TOTAL	1.10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2.40	0.00	0.00	0.00	0.00	0.00	3.50		\$2,712.50

NON-ATTORNEYS																	
Name (PL)																	
Name (LC)																	
															0.00	\$0.00	\$0.00
															0.00	\$0.00	\$0.00
															0.00	\$0.00	\$0.00
															0.00	\$0.00	\$0.00
															0.00	\$0.00	\$0.00
SUB-TOTAL	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00	\$0.00
GRAND TOTAL:	1.10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2.40	0.00	0.00	0.00	0.00	0.00	3.50		\$2,712.50

EXHIBIT C

EXHIBIT D

Cafferty Clobes Meriwether & Sprengel LLP

Lithium Ion Batteries

Page: 1
05/23/2017
FILE NO: 2336-001
STATEMENT NO: 1

Investigations, Factual Research

DRAFT STATEMENT

		HOURS	
10/10/2013			
BLC	Correspond and discuss with Kelly Tucker and co-lead counsel regarding status of proceedings	0.60	
01/18/2016			
BLC	Correspond with co-lead counsel regarding case status	<u>0.50</u>	
	FOR CURRENT SERVICES RENDERED	1.10	
	BALANCE DUE		<u>\$0.00</u>

Cafferty Clobes Meriwether & Sprengel LLP

Lithium Ion Batteries

Page: 1
05/23/2017
FILE NO: 2336-009
STATEMENT NO: 1

Reading/Reviewing Pleadings, Briefs, Discovery

DRAFT STATEMENT

		HOURS	
07/02/2013			
BLC	Correspond w/co lead counsel re amended complaint and pleading issues.	1.40	
01/21/2014			
BLC	Correspond with co-lead counsel regarding dismissal decisions.	<u>1.00</u>	
	FOR CURRENT SERVICES RENDERED	2.40	
	BALANCE DUE		<u>\$0.00</u>

EXHIBIT E

EXHIBIT E

In re Lithium Ion Batteries Antitrust Litigation
CAFFERTY CLOBES MERIWETHER & SPRENGEL LLP
 Reported Expenses Incurred on Behalf of IPPs

EXPENSE REPORT

CATEGORY	AMOUNT INCURRED
Attorney Service	
Litigation Assessment	
Court Fees (Filing, etc.)	305.00
Document Production	
Experts/Consultants	
Federal Express	
Transcripts (Hearing, Deposition, etc.)	
Investigation	
Lexis/Westlaw	4.80
Messenger/Delivery	
Photocopies – In House (capped at \$0.20 per copy)	
Photocopies – Outside	
Postage	
Service of Process	
Supplies	
Telephone/Telecopier	
Travel	
Miscellaneous	
TOTAL:	\$309.80