

# **EXHIBIT 42**

*Counsel for Indirect Purchaser Plaintiffs*

**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 JAMES F. WYATT,  
III IN SUPPORT OF INDIRECT  
PURCHASER PLAINTIFFS' MOTION  
FOR AN AWARD OF ATTORNEYS'  
FEES AND REIMBURSEMENT OF  
EXPENSES ON BEHALF OF WYATT &  
BLAKE, LLP**

DECLARATION OF JAMES F. WYATT, III IN SUPPORT OF IPPS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND REIMBURSEMENT OF EXPENSES ON BEHALF  
OF WYATT & BLAKE, LLP; No. 13-md-02420-YGR (DMR)

1 I, James F. Wyatt, III, declare:

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

7 2. My firm has served as counsel to Kay Tawney and as counsel for IPPs throughout  
8 the course of this litigation. The background and experience of Wyatt & Blake, LLP and its  
9 attorneys are summarized in the curriculum vitae attached hereto as **Exhibit A**.

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

14 4. During the pendency of the litigation, Wyatt & Blake, LLP performed the  
15 following work: investigated facts and claims to be brought on behalf of North Carolina class  
16 representative; meetings with North Carolina class representative and client, Kay Tawney;  
17 analysis of complaint; gathering facts and relevant documents relating to North Carolina class  
18 representative’s purchases; communications with co-counsel concerning facts relevant to North  
19 Carolina class representative and status of litigation; meetings with Kay Tawney and  
20 communications with co-counsel regarding preparation of discovery responses on behalf of Kay  
21 Tawney; analysis of relevant discovery documents; meetings with Kay Tawney regarding  
22 qualifying purchases; and preparation of Kay Tawney for her deposition.

23 5. Attached hereto as **Exhibit B** is a billing summary of Wyatt & Blake, LLP’s total  
24 hours and lodestar, computed at current billing rates, from June 1, 2013 to February 28, 2017.  
25 Counsel for Plaintiffs are not seeking attorneys’ fees for any time billed prior to the appointment  
26 of lead counsel. *See* Order dated May 17, 2013 (ECF No. 194). The total number of hours spent  
27 by Wyatt & Blake, LLP during this period of time was 21.70, with a corresponding lodestar based

28  
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1 on current rates of \$14,210.00. The lodestar amount reflected in Exhibit B is for work assigned by  
2 Lead Counsel, and was performed by professional staff at my law firm. This summary was  
3 prepared from contemporaneous, daily time records regularly prepared and maintained by Wyatt  
4 & Blake, LLP.

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

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

10 8. Attached hereto as **Exhibit E** is a summary of the expenses Wyatt & Blake, LLP  
11 has incurred during the course of this litigation. Wyatt & Blake, LLP expended a total of \$9.20 in  
12 unreimbursed costs and expenses in connection with the prosecution of this case. These expenses  
13 were incurred on behalf of IPPs by Wyatt & Blake, LLP on a contingent basis and have not been  
14 reimbursed. The expenses reflected in **Exhibit E** were prepared from expense vouchers, receipts,  
15 and bank records, and thus represent an accurate recordation of the expenses incurred.

16 9. I have reviewed the time and expenses reported by Wyatt & Blake, LLP in this case  
17 which are included in this declaration, and I affirm that they are true and accurate.

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

21 Executed on May 24, 2017 at Charlotte, North Carolina.

22  
23 */s/ James F. Wyatt, III*

24 \_\_\_\_\_  
James F. Wyatt, III

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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

# **EXHIBIT A**

**EXHIBIT A**

**WYATT & BLAKE, LLP**

Please see our website at [www.wyattandblakelaw.com](http://www.wyattandblakelaw.com). James F. Wyatt, III is a member of the International Academy of Trial Lawyers, American College of Trial Lawyers, is listed in Best Lawyers in America and Martindale Hubbell's list of Pre-Eminent Lawyers.

Regarding class action cases, Wyatt & Blake, LLP has represented numerous plaintiffs in class action litigation filed in both federal and state courts. For example, in Nicholson v. F. Hoffman-Laroche, Ltd., Wyatt & Blake was co-counsel for a class of plaintiffs suing vitamin manufacturers. A class action settlement of more than \$225 million was achieved in this case on behalf of the plaintiff class. Wyatt & Blake also served as counsel for the North Carolina class representative for liquid crystal display (LCD) products. A nationwide settlement of approximately \$1.1 billion was achieved in that case. It is believed to be the largest antitrust indirect purchaser class action settlement in the United States. Wyatt & Blake currently represents a number of other North Carolina class representatives in pending class action litigation.

# **EXHIBIT B**



**EXHIBIT B****IN RE: LITHIUM ION BATTERIES INDIRECT  
REPORTED HOURS AND LODESTAR AT CURRENT HOURLY RATES****Firm Name:** Wyatt & Blake, 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

- (P) Partner
- (A) Associate
- (LC) Law Clerk
- (PL) Paralegal
- (L) Librarian

ATTORNEYS	1	2	3	4	5	6	7	8	9	10	11	12	13	14	TOTAL HOURS	CURRENT HOURLY RATE	TOTAL LODESTAR
James F. Wyatt, III (P)	0.70	0.30	8.70		5.60				3.40		0.40				19.10	\$700.00	\$13,370.00
Robert A. Blake, Jr. (P)			1.00												1.00	\$600.00	\$600.00
Name (P)															0.00	\$0.00	\$0.00
Name (OC)															0.00	\$0.00	\$0.00
Name (A)															0.00	\$0.00	\$0.00
															0.00	\$0.00	\$0.00
<b>SUB-TOTAL</b>	<b>0.70</b>	<b>0.30</b>	<b>9.70</b>	<b>0.00</b>	<b>5.60</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>3.40</b>	<b>0.00</b>	<b>0.40</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>20.10</b>		<b>\$13,970.00</b>
<b>NON-ATTORNEYS</b>																	
Ginny Wooten (PL)			1.60												1.60	\$150.00	\$240.00
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
<b>SUB-TOTAL</b>	<b>0.00</b>	<b>0.00</b>	<b>1.60</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>1.60</b>		<b>\$240.00</b>
<b>GRAND TOTAL:</b>	<b>0.70</b>	<b>0.30</b>	<b>11.30</b>	<b>0.00</b>	<b>5.60</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>3.40</b>	<b>0.00</b>	<b>0.40</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>21.70</b>		<b>\$14,210.00</b>

# EXHIBIT C

**EXHIBIT C**

## In re Lithium Ion Batteries Antitrust Litigation

**WYATT & BLAKE, LLP**

[illegible]

# **EXHIBIT D**

**(REDACTED)**

## EXHIBIT D

## IN RE LITHIUM ION BATTERY LITIGATION

<b>FIRM:</b>	Wyatt & Blake, LLP
<b>PERIOD:</b>	July 2013

Date	Timekeeper	Narrative	Task Code	Hours
7/2/2013	James F. Wyatt, III (P)	[REDACTED]	9	3.0
7/2/2013	James F. Wyatt, III (P)	Communications with co-counsel concerning draft complaint and allegations related to NC and [REDACTED]	9	0.4
7/2/2013	James F. Wyatt, III (P)	[REDACTED]	1	0.3
<b>TOTAL</b>				3.7

## IN RE LITHIUM ION BATTERY LITIGATION

FIRM:		Wyatt & Blake, LLP			
PERIOD:		September 2013			
Date	Timekeeper	Narrative		Task Code	Hours
9/10/2013	James F. Wyatt, III (P)				

11 0.4

TOTAL

0.4

## IN RE LITHIUM ION BATTERY LITIGATION

<b>FIRM:</b>	Wyatt & Blake, LLP
<b>PERIOD:</b>	September 2014

Date	Timekeeper	Narrative	Task Code	Hours
9/30/2014	Robert Blake (P)	[REDACTED]	3	1.0
<b>TOTAL</b>				<b>1.0</b>
9/29/2014	Ginny Wooten (PL)	[REDACTED]	3	0.3
<b>TOTAL</b>				<b>0.3</b>

## IN RE LITHIUM ION BATTERY LITIGATION

FIRM:	Wyatt & Blake, LLP
PERIOD:	April 2015
Date	Timekeeper

		Narrative	Task Code	Hours
4/24/2015	James F. Wyatt, III (P)	[REDACTED]	3	0.6
4/24/2015	James F. Wyatt, III (P)	[REDACTED]	3	0.3
4/27/2015	James F. Wyatt, III (P)	Analysis of [REDACTED] purchase information and documents	3	0.4
4/27/2015	James F. Wyatt, III (P)	[REDACTED]	3	0.4
4/27/2015	James F. Wyatt, III (P)	Conference call with [REDACTED] and co-counsel concerning discovery responses and additional information needed	3	0.8
4/27/2015	James F. Wyatt, III (P)	Communications with [REDACTED] concerning discovery requests and additional information needed	3	0.3
4/28/2015	James F. Wyatt, III (P)	Communications with [REDACTED] and co-counsel concerning additional documents needed to respond to discovery requests; review and analysis of documents provided by [REDACTED]	3	0.8
4/28/2015	James F. Wyatt, III (P)	Analysis of discovery requests and responses to ensure complete responsiveness of information and documents provided to co-counsel	3	0.6
<b>TOTAL</b>				<b>4.2</b>
4/24/2015	Ginny Wooten (PL)	[REDACTED]	3	0.2
4/30/2015	Ginny Wooten (PL)	[REDACTED]	3	0.4
<b>TOTAL</b>				<b>0.6</b>



## IN RE LITHIUM ION BATTERY LITIGATION

<b>FIRM:</b>	Wyatt & Blake, LLP
<b>PERIOD: May 2015</b>	

<b>Date</b>	<b>Timekeeper</b>	<b>Narrative</b>	<b>Task Code</b>	<b>Hours</b>
5/6/2015	James F. Wyatt, III (P)	Communications with [REDACTED] and co-counsel regarding discovery responses	3	0.3
5/6/2015	James F. Wyatt, III (P)	Analysis of draft discovery responses for [REDACTED] and supporting documents	3	1.0
5/11/2015	James F. Wyatt, III (P)	[REDACTED]	3	0.7
<b>TOTAL</b>				<b>2.0</b>
5/4/2015	Ginny Wooten (PL)	Communications with [REDACTED] and J. Wyatt regarding discovery responses	3	0.4
5/11/2015	Ginny Wooten (PL)	Meeting with J. Wyatt and [REDACTED] regarding finalizing discovery responses and verification	3	0.3
<b>TOTAL</b>				<b>0.7</b>

## IN RE LITHIUM ION BATTERY LITIGATION

FIRM:	Wyatt & Blake, LLP
PERIOD:	September 2015

Date	Timekeeper	Narrative	Category	Hours
9/15/2015	James F. Wyatt, III (P)	Communications with co-counsel [REDACTED] regarding discovery responses	3	0.8
9/18/2015	James F. Wyatt, III (P)	Meeting [REDACTED] to update her on litigation status and discovery issues and requests from Toshiba	1	0.4
9/18/2015	James F. Wyatt, III (P)	Conference [REDACTED] and co-counsel concerning responses to Toshiba discovery requests and [REDACTED]	2	0.3
TOTAL				1.5

## IN RE LITHIUM ION BATTERY LITIGATION

FIRM: Wyatt &amp; Blake, LLP

PERIOD: November 2015


Date	Timekeeper	Narrative	Task Code	Hours
11/5/2015	James F. Wyatt, III	Analysis of second set of interrogatory answers [REDACTED] [REDACTED]	3	0.4

TOTAL

0.4

## IN RE LITHIUM ION BATTERY LITIGATION

<b>FIRM:</b>	Wyatt & Blake, LLP				
<b>PERIOD:</b> March 2016					
<b>Date</b>	<b>Timekeeper</b>	<b>Narrative</b>		<b>Task Code</b>	<b>Hours</b>
3/9/2016	James F. Wyatt, III (P)	Communications with [REDACTED] and co-counsel re documents produced by K. Tawney in discovery and whether additional documents exist that relate to business vs personal use and tax deductions		3	0.5
3/10/2016	James F. Wyatt, III (P)	Communications with [REDACTED] and co-counsel re scheduling client deposition as class representative		5	0.3
3/10/2016	James F. Wyatt, III (P)	Analysis of [REDACTED] purchases of lithium ion products and communications with her regarding additional qualifying purchases		3	0.8
3/10/2016	James F. Wyatt, III (P)	Communications with [REDACTED] regarding scheduling of deposition as class representative and preparation sessions		5	0.3
3/10/2016	James F. Wyatt, III (P)	Analysis of [REDACTED] discovery responses in order to evaluate qualifying purchases and to prepare client for deposition		5	0.7
3/10/2016	James F. Wyatt, III (P)	Analysis of amended complaint and discovery responses in order to prepare [REDACTED] for deposition as class representative		5	1.4
3/11/2016	James F. Wyatt, III (P)	Analysis of interrogatory answers in order to prepare for deposition of [REDACTED] as class representative		5	0.7
3/11/2016	James F. Wyatt, III (P)	[REDACTED]		5	1.8
3/11/2016	James F. Wyatt, III (P)	[REDACTED]		5	0.2
3/14/2016	James F. Wyatt, III (P)	Communications with co-counsel re [REDACTED] information about qualifying purchases and the search for documents conducted by her		5	0.2
<b>TOTAL</b>					<b>6.9</b>

# EXHIBIT E

**EXHIBIT E****In re: Lithium Ion Batteries Antitrust Litigation****Firm Name: Wyatt & Blake, LLP****Reporting Period: June 1, 2013 through February 28, 2017**

<b>Disbursement</b>	<b>Amount</b>
Litigation Fund Contribution	
Electronic Research	\$2.80
Filing / Misc. Fees	
Overnight Delivery/Messengers	
Photocopying (57 x .10)	\$6.40
Postage	
Service of Process Fees	
Telephone / Fax	
Transportation / Meals / Lodging	
Co-Counsel Fees	
Expert Fees	
Secretarial OT / Word Processing	
Court Reporter Service/Transcript Fees	
Microfilm / Video / Disks Duplication	
<b>TOTAL</b>	<b>\$9.20</b>