

EXHIBIT 46

1 Steve W. Berman (*Pro Hac Vice*)
HAGENS BERMAN SOBOL SHAPIRO LLP
2 715 Hearst Avenue, Suite 202
Berkeley, CA 94710
3 Telephone: (510) 725-3000
Facsimile: (510) 725-3001
4 steve@hbsslaw.com

5 Elizabeth J. Cabraser (083151)
LIEFF CABRASER HEIMANN & BERNSTEIN, LLP
6 275 Battery Street, 29th Floor
San Francisco, CA 94111-3339
7 Telephone: (415) 956-1000
Facsimile: (415) 956-1008
8 ecabraser@lchb.com

9 Steven N. Williams (175489)
COTCHETT, PITRE & McCARTHY, LLP
10 840 Malcolm Road
Burlingame, CA 94010
11 Telephone: (650) 697-6000
Facsimile: (650) 697-0577
12 swilliams@cpmlegal.com

13 *Indirect Purchaser Plaintiffs*
14 *Interim Co-Lead Class Counsel*

15 [Additional Counsel Listed on Signature Page]

16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA
18 OAKLAND DIVISION

19 IN RE LITHIUM ION BATTERIES
20 ANTITRUST LITIGATION,

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

21
22 This Documents Relates to:
23 ALL ACTIONS

DECLARATION OF PLAINTIFF
CINDY BOOZE IN SUPPORT OF
INDIRECT PURCHASER PLAINTIFFS'
MOTION FOR ATTORNEYS' FEES,
COSTS AND SERVICE AWARDS

Date: August 1, 2017
Time: 2:00 p.m.
Dept: Courtroom 1, 4th Floor
Judge: Hon. Yvonne Gonzalez Rogers

DATE ACTION FILED: Oct. 3, 2012

1 I, CINDY BOOZE, declare as follows:

2 1. I am an individual over the age of 18. I have personal knowledge of the matters
3 stated herein and, if called upon, I could and would competently testify thereto.

4 2. I am a class representative in *In re Lithium Ion Batteries Antitrust Litigation*, No.
5 13-md-02420, filed in the United States District Court for the Northern District of California. I
6 submit this affidavit, on behalf of myself and the settlement class, in support of plaintiffs' motion
7 for attorneys' fees, expenses, and service awards and in support of final approval of the settlements
8 with Hitachi Maxell, Ltd. and Maxell Corporation of America (collectively, Hitachi Maxell), LG
9 Chem, Ltd. and LG Chem America, Inc. (collectively, LG Chem), and NEC Corporation (NEC).

10 3. As a class representative, I understand that it is my responsibility to be informed of
11 the work done by my attorneys on the case and make my own judgment about the fairness of any
12 settlement proposed by the lawyers. I also understand that in evaluating the fairness of the
13 settlement, I am required to consider the interests of all members of the Class, as well as my own. I
14 am free to disagree with my attorneys about the merits of a settlement and make my views known
15 to the court.

16 4. Over the past one and one-half years, I have diligently performed my duty to assist
17 counsel in prosecuting this case, investing significant time and effort to fulfill my role as a class
18 representative. Throughout this litigation, I have remained informed regarding the status of the
19 litigation by communicating with my attorneys, including reviewing periodic update
20 correspondence from my counsel and key case documents. Since the outset of the litigation, I have
21 also diligently retained all papers or electronic information that could be relevant to the litigation
22 and provided these to my attorneys.

23 5. Throughout the case I have also assisted in responding to discovery. This included
24 reviewing discovery requests from defendants, discussing them with my counsel, reviewing
25 proposed responses, making any corrections, and signing off on the responses. In total, I assisted
26 counsel in responding to a total of 22 interrogatories, 37 requests for production of documents, and
27 4 requests for admission. I also spent a significant amount of time locating purchase receipts and
28 the other documents requested by the defendants in this litigation.

1 6. I have also contributed to the discovery process by sitting for a deposition. In total,
2 my deposition lasted four hours and 30 minutes of record time, where I was questioned by counsel
3 in this case. To ensure the accuracy of my transcript, I spent one and one-half hours reviewing it
4 for errors.

5 7. In total, I estimate that I have spent about 60 hours performing all of the above-
6 described duties on behalf of the class over the past one and one-half years. My attorneys have not
7 made any promises regarding compensation for my service, and I willingly agreed to participate in
8 this case with no guarantee of personal benefit. I believe that the time, effort, and information I
9 provided helped to make the settlement possible. I ask that the Court approve my service award in
10 the amount of \$1,500.

11 8. I have reviewed the terms of the settlements with the Hitachi Maxell, LG Chem and
12 NEC defendants, discussed those terms with my attorneys, and I am aware of and approve all terms
13 of the proposed settlements, as it affects me and the members of the Class. Based upon this reading
14 and my discussions with Class Counsel, I understand that these defendants agree to pay \$44.95
15 million into a fund to be distributed to the Settlement Class. I understand in general terms that the
16 monies will be distributed on a *pro rata* basis to class members based on: (1) the number of
17 approved purchases per class member of products containing cylindrical LIBs during the settlement
18 class period; and (2) the number of valid claims filed. There will be no reversion of unclaimed
19 funds to any defendant. To the extent that money is not able to be reasonably distributed to class
20 members, IPPs propose that the money escheat to state governments.

21 9. I believe that the proposed settlement achieves significant recovery for the Class and
22 is an excellent result considered in light of the risks associated with a complex and costly trial. I
23 recognize the uncertainty of success on any or all of the claims presented in this litigation if this
24 case were to go to trial. I understand that after these settlements were reached, this Court denied
25 class certification. This denial highlights the risks that plaintiffs face in collective actions such as
26 this. I believe that litigation of this case on my own behalf, and not on behalf of a class, would not
27 be financially prudent given my damages in this case versus the resources available to the
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