

# **EXHIBIT 54**

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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 JOHN  
KOPP 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, JOHN KOPP, 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 1 and 1/2 years, I have diligently performed my duty to assist counsel  
17 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 8 hours and 0 minutes of record time, where I was questioned by counsel in  
3 this case. To ensure the accuracy of my transcript, I spent 2 hours reviewing it for errors.

4           7.       In total, I estimate that I have spent about 50 hours performing all of the above-  
5 described duties on behalf of the class over the past 1 and 1/2 years. My attorneys have not made  
6 any promises regarding compensation for my service, and I willingly agreed to participate in this  
7 case with no guarantee of personal benefit. I believe that the time, effort, and information I  
8 provided helped to make the settlement possible. I ask that the Court approve my service award in  
9 the amount of \$1,500.

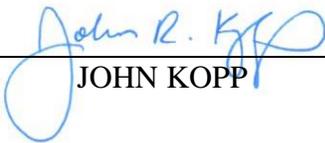
10          8.       I have reviewed the terms of the settlements with the Hitachi Maxell, LG Chem and  
11 NEC defendants, discussed those terms with my attorneys, and I am aware of and approve all terms  
12 of the proposed settlements, as it affects me and the members of the Class. Based upon this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

20          9.       I believe that the proposed settlement achieves significant recovery for the Class and  
21 is an excellent result considered in light of the risks associated with a complex and costly trial. I  
22 recognize the uncertainty of success on any or all of the claims presented in this litigation if this  
23 case were to go to trial. I understand that after these settlements were reached, this Court denied  
24 class certification. This denial highlights the risks that plaintiffs face in collective actions such as  
25 this. I believe that litigation of this case on my own behalf, and not on behalf of a class, would not  
26 be financially prudent given my damages in this case versus the resources available to the  
27 international defendants who formed this cartel. The proposed settlements also permit an  
28 immediate recovery to class members without the risk, delay, and expense of trial.

1           10. I believe the settlement agreements between the Settling Defendants and Class  
2 Counsel were reached at arms' length, and that the terms of the settlement reflect the independent  
3 evaluation of these Settling Defendants and Class Counsel of their respective best interests. Based  
4 upon my understanding of the class claims asserted in this litigation, and my understanding of the  
5 terms of the settlement agreement, I believe the proposed settlements are fair, adequate and  
6 reasonable, and in the best interests of class members, and should therefore be granted final  
7 approval.

8           I declare under penalty of perjury under the laws of the United States of America that the  
9 foregoing is true and correct. Executed May 23, 2017, in Aurora, Illinois.

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JOHN KOPP

