

EXHIBIT 63

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Class 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 Documents Relates to:
ALL ACTIONS**

**DECLARATION OF PLAINTIFF
BRADLEY VAN PATTEN 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, BRADLEY VAN PATTEN 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 Class Counsel's
7 motion for attorneys' fees, expenses, and service awards and in support of final approval of the
8 settlements with Hitachi Maxell, Ltd. and Maxell Corporation of America ("Hitachi Maxell"), LG
9 Chem, Ltd. and LG Chem America, Inc. ("LG Chem"), and NEC Corporation
10 ("NEC")(collectively, the "Settling Defendants").¹

11 3. As a class representative, I understand that it is my responsibility to be informed of
12 the work done by my attorneys on the case and make my own judgment about the fairness of any
13 settlement proposed by the lawyers.

14 4. I also understand that in evaluating the fairness of the settlement, I am required to
15 consider the interests of all members of the Class, as well as my own. I am free to disagree with
16 my attorneys about the merits of a settlement and make my views known to the court.

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

24
25 ^{1 1} Throughout this declaration, the term "Co-Lead Counsel" refers to the law firms of
26 Cotchett, Pitre & McCarthy, LLP, Hagens Berman Sobol Shapiro LLP, and Lieff Cabraser
27 Heimann & Bernstein, LLP. The term "Supporting Counsel" refers to the law firms that assisted
28 Co-Lead Counsel in litigating this case. The term "Class Counsel" refers to all the attorneys and
law firms that represented IPPs in this case, including Co-Lead Counsel and Supporting Counsel.

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

7 7. I have also contributed to the discovery process by sitting for a deposition. In total,
8 my deposition lasted approximately 7.5 hours of record time, where I was questioned by counsel in
9 this case. To ensure the accuracy of my transcript, I spent 1.5 hours reviewing it for errors.

10 8. In total, I estimate that I have spent about 45 hours performing all of the above-
11 described duties on behalf of the class over the past 4 years. My attorneys have not made any
12 promises regarding compensation for my service, and I willingly agreed to participate in this case
13 with no guarantee of personal benefit. I believe that the time, effort, and information I provided
14 helped to make the settlement possible. I ask that the Court approve my service award in the
15 amount of \$1,500.

16 9. I have reviewed the terms of the settlements with the Hitachi Maxell, LG Chem and
17 NEC defendants, discussed those terms with my attorneys, and I am aware of and approve all terms
18 of the proposed settlements, as it affects me and the members of the Class.

19 10. Based upon this reading and my discussions with Class Counsel, I understand that
20 these defendants agree to settlements totaling \$44.95 million. I understand in general terms that
21 the monies will be distributed on a *pro rata* basis to class members based on: (1) the number of
22 LIBs purchased by the class member; and (2) the number of valid claims filed. I understand that
23 there will be no reversion of unclaimed funds to any defendant. To the extent that money is not
24 able to be reasonably distributed to class members, I understand that the money may escheat to
25 federal or state governments.

