

# **EXHIBIT G**

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13 *Interim Co-Lead Counsel for Direct Purchaser Plaintiffs*

14  
15 UNITED STATES DISTRICT COURT  
16 NORTHERN DISTRICT OF CALIFORNIA  
17 OAKLAND DIVISION

18 IN RE: LITHIUM ION BATTERIES  
ANTITRUST LITIGATION

Case No. 13-md-02420-YGR  
MDL No. 2420

19  
20 This Document Relates to:

21 ALL DIRECT PURCHASER CLASS  
22 ACTIONS

**DECLARATION OF MICHAEL J. BONI  
IN SUPPORT OF DIRECT PURCHASER  
PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES,  
REIMBURSEMENT OF EXPENSES, AND  
INCENTIVE AWARDS**

1 I, Michael J. Boni, declare and state as follows:

2 1. I am a partner of the law firm of Boni & Zack LLC. I submit this declaration in  
3 support of Direct Purchaser Plaintiffs' ("DPP") application for an award of attorneys' fees and  
4 reimbursement of expenses in connection with the services rendered in this litigation. I make this  
5 Declaration based on my own personal knowledge, and if called as a witness, I could and would  
6 competently testify to the matters stated herein.

7 2. My firm has served as counsel to First Choice Marketing, Inc. and as counsel for  
8 the Direct Purchaser Class ("Class") throughout the course of this litigation. The background and  
9 experience of Boni & Zack LLC and its attorneys are summarized in the *curriculum vitae* attached  
10 hereto as Exhibit 1.

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

15 4. During the pendency of the litigation, Boni & Zack LLC performed the following  
16 work: Translation of documents produced by Defendants from Japanese to English, and ongoing  
17 coordination and communication with lead counsel in connection with such translation work.

18 5. Attached hereto as Exhibit 2 is my firm's total hours and lodestar, computed at  
19 historical rates, for the period of June 1, 2013 through August 31, 2017. This period reflects the  
20 time spent after the appointment of Interim Co-Lead Counsel and Liaison Counsel for Direct  
21 Purchased Plaintiffs ("DPP") in this litigation. The total number of hours spent by Boni & Zack  
22 LLC during this period of time was 708.30, with a corresponding lodestar of \$183,380.00. My  
23 firm's lodestar figures are based on the firm's historical billing rates which do not include charges  
24 for expense items. Expense items are billed separately and such charges are not duplicated in my  
25 firm's billing rates. This summary was prepared from contemporaneous, daily time records  
26 regularly prepared and maintained by my firm. The lodestar amount reflected in Exhibit 2 is for  
27 work assigned by DPP Co-Lead Counsel, and was performed by professionals at my law firm for  
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1 the benefit of the Class.

2 6. Boni & Zack LLC has reviewed the time and expense records that form the basis of  
3 this declaration to correct any billing errors. In addition, my firm has removed all time entries and  
4 expenses related to the following:

5 a. time spent reading or reviewing pleadings, ECF notices or other papers  
6 unless a necessary part of performing a specific assignment from Co-Lead Counsel;

7 b. travel time unless the attorney or professional was actively engaged in  
8 preparation or work in connection with a particular assignment made by Co-Lead Counsel which  
9 necessitated travel;

10 c. billing for time connected with creating timekeeping records or for the time  
11 of attorneys or staff expended in preparation of audited time records and expenses in support of  
12 DPPs' application for an award of attorneys' fees and reimbursement of expenses.

13 7. The hourly rates for the attorneys and professional support staff in my firm  
14 included in Exhibit 2 are the same as the regular rates charged for their services in non-contingent  
15 matters and/or which have been accepted in other complex or class action litigation subject to the  
16 hourly rate caps established by DPP Co-Lead Counsel, including:

17 a. the highest hourly rates for Attorneys at the highest Partner level is capped  
18 at \$850 per hour;

19 b. the highest hourly rates for Attorneys at the Of-counsel/Special counsel  
20 level for substantive work is capped at \$650 per hour, which excludes document review;

21 c. the highest hourly rates for Attorneys at the highest Associate level for  
22 substantive work is capped at \$450 per hour, which excludes document review;

23 d. the highest hourly rates for Attorneys at the Associate level engaged in  
24 English-language document review is capped at \$350 per hour; a cap of \$400 per hour is permitted  
25 where the reviewer has special skill set, such as foreign language translation, and Lead Counsel  
26 has approved that work performed; and

27 e. the highest hourly rates for Paralegals and investigators is capped at \$175

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1 per hour.

2 8. My firm has expended a total of \$40.10 in unreimbursed costs and expenses in  
3 connection with the prosecution of this litigation. These costs and expenses are broken down in  
4 the chart attached hereto as Exhibit 3. They were incurred on behalf of Direct Purchaser Plaintiffs  
5 by my firm on a contingent basis, and have not been reimbursed. The expenses incurred in this  
6 action are reflected on the books and records of my firm. These books and records are prepared  
7 from expense vouchers, check records and other source materials and represent an accurate  
8 recordation of the expenses incurred.

9 9. The Boni & Zack LLC paid a total of \$30,000.00 in assessments for the joint  
10 prosecution of the litigation against the Defendants.

11 10. My firm has carefully reviewed the time and expenses that comprise its reported  
12 lodestar and out of pocket expenses and represents that such lodestar and expenses comply with all  
13 material applicable terms of the May 21, 2013 letter from Co-Lead Counsel regarding Protocols  
14 for Maintaining and Reporting Time and Expense as well as Modified Pretrial Order No. 1 with  
15 Exhibit A (Dkt. No. 202, May 24, 2013).

16 I declare under penalty of perjury under the laws of the United States of America that the  
17 foregoing is true and correct. Executed on this 24<sup>th</sup> day of JANUARY, 2018 at Bala Cynwyd,  
18 Pennsylvania.

19   
20 MICHAEL J. BONI

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# **Exhibit 1**

## EXHIBIT 1

### **BONI & ZACK LLC** ATTORNEYS AT LAW

#### **Firm Resume**

Boni & Zack LLC is a law firm in Bala Cynwyd, Pennsylvania. Boni & Zack focuses on class action and complex litigation under antitrust, consumer protection, intellectual property, and securities laws. Our attorneys have experience in litigating, among other things, antitrust cases alleging price fixing, monopolization, and other restraints of trade; copyright and other intellectual property claims (representing both plaintiffs and defendants) involving publisher agreements, publishing and infringement in the digital age, and fair use; consumer protection claims (representing both plaintiffs and a defendant) involving defective products, website violations and other unfair and deceptive trade practices; and securities cases involving corporate abuse of shareholders. We are committed to obtaining the best litigation outcome for each client, whether by motion, trial, or settlement.

Boni & Zack has served as lead counsel or on plaintiffs' Executive Committee in the following cases: *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litig.*, MDL No. 1720 (E.D.N.Y.); *Keiler, et al. v. Harlequin Enterprises Ltd., et al.*, No. 12 Civ. 5558(WHP) (S.D.N.Y.); *In re Freelance Works in Literary Databases Copyright Litig.*, MDL No. 1379 (S.D.N.Y.); *In re Apple In-App Purchase Litig.*, No. 11-CV-1758-EJD (N.D. Cal.); *Authors Guild, et al. v. Google Inc.*, No. 05-CV-8136 (S.D.N.Y.); *In re Yahoo! Litig.*, CV06-2737-CAS (C.D. Cal.).

In addition, Boni & Zack represents or has recently represented plaintiffs in the following actions, among others: *In re: Domestic Drywall Antitrust Litig.*, MDL No. 2437, 13-MD-2437 (E.D. Pa.); *In re: Foreign Exchange Benchmark Rates Antitrust Litig.*, No. 1:13-cv-07789-LGS (S.D.N.Y.); *In re Rail Freight Fuel Surcharge Antitrust Litig.*, MDL No. 1869 (D.D.C.); *In re Urethane Antitrust Litig. (Polyether Polyols)*, MDL No. 1616 (D. Kan.); *In re: Lithium Ion Batteries Antitrust Litig.*, MDL No. 2420, Case No.: 13-MD-02420 (YGR) (N.D. Cal.); *Garber, et al. v. Office of the Commissioner of Baseball, et al.*, No. 12-cv-3704 (SAS) (S.D.N.Y.); *Laumann, et al. v. National Hockey League, et al.*, No. 12-cv-1817 (SAS) (S.D.N.Y.); *In re: Generic Pharmaceuticals Pricing Antitrust Litig.*, 16-md-02724 (E.D. Pa.); *In re LIBOR Based Financial Instruments Antitrust Litig.*, No. 11-MD-2262 (NRB) (S.D.N.Y.); *MERSCORP, Inc., et al. v. Delaware County, Pennsylvania, Recorder Of Deeds, et al.*, No. 67 MAP 2017 (Pa.).

Some of the firm's notable clients include the City of Philadelphia, the Pennsylvania counties of Chester, Berks and Bucks, Sealy Mattress Co. (now Tempur-Sealy), Parkway Corporation, RosettaBooks, Open Road Integrated Media, noted authors Jim Bouton and Joseph Goulden, and the Authors Guild.

**Michael J. Boni** founded Boni & Zack in March 2007 after practicing complex commercial litigation for nearly 19 years. He specializes in antitrust, copyright, consumer, shareholder, and class action litigation.

Mr. Boni graduated from the University of Pennsylvania Law School, received an M.A. degree in psychology from the University of Connecticut, and received an A.B. degree from Albright College.

Mr. Boni has served as lead counsel in a number of complex matters, including *Keiler, et al. v. Harlequin Enterprises Ltd., et al.*, No. 12 Civ. 5558(WHP) (S.D.N.Y.) (class action settlement involving underpaid e-book royalties); *In re Literary Works in Electronic Databases Copyright Litig.*, MDL No. 1379 (S.D.N.Y.) (copyright class action settlement); *Authors Guild, et al. v. Google Inc.*, No. 05-CV-8136 (S.D.N.Y.); *Random House, Inc. v. Rosetta Books, LLC, et al.*, No. 01-Civ-1728 (S.D.N.Y.) (successful defense against copyright infringement claims brought by Random House against e-book publisher Rosetta Books); *RF Tags Antitrust Litig.*, No. 02-CV-3730 (D.N.J.) (Irenas, J.) (antitrust class action settlement); *In re Pillar Point Partners Antitrust & Patent Litig.*, MDL No. 1202 (D. Ariz.) (antitrust class action settlement); *In re Western States Wholesale Natural Gas Antitrust Litig.*, MDL No. 1566 (D. Nev.) (antitrust class action settlement).

Mr. Boni served on the Executive Committee in *In re OSB Antitrust Litig.*, Master File No. 06-CV-00826 (E.D. Pa.) (antitrust class action settlement), and has played an integral role in the presentation of other complex matters, including: *In re Relafen Antitrust Litig.*, Master File No. 01-12239 (D. Mass.) (antitrust class action settlement); *In re Disposable Contact Lens Antitrust Litig.*, MDL No. 1030 (M.D. Fla.) (antitrust class action settlement); *Schwab v. America Online, Inc.*, No. 96 CH 13732 (Cook County, Ill.) (consumer class action settlement); *In re Intelligent Electronics, Inc. Securities Litig.*, Master File No. 92-CV-1905 (E.D. Pa.) (securities class action settlement); *In re Lockheed Securities Litig.*, Master File No. CV89-6745-TJH (Bx) (C.D. Ca.) (securities class action settlement); *In re Orion Securities Litig.*, Civil Action No. 91-3304 DT (JRx) (E.D.N.Y.); *In re Budd Pension Plan Litig.*, Master File No. 91-4082 (E.D. Pa.) (ERISA class action settled); and *In re Toys "R" Us Antitrust Litig.*, MDL No. 1211 (E.D.N.Y.) (antitrust class action settlement).

In addition, Mr. Boni has represented Victim No. 1 (Aaron Fisher) and numerous other child sexual abuse victims of Jerry Sandusky.

**Joshua D. Snyder** has been with Boni & Zack LLC since it opened in March 2007 and became a partner in 2008. His practice focuses on complex litigation, including antitrust, consumer protection, copyright, ERISA, and securities class actions.

Mr. Snyder is participating or has participated in the following cases, among others: *In re Apple In-App Purchase Litig.*, No. 11-CV-1758-EJD (N.D. Cal.) (co-lead counsel); *Authors Guild, et al. v. Google Inc.*, No. 05-CV-8136 (S.D.N.Y.); *In re: Foreign Exchange Benchmark Rates Antitrust Litig.* No. 1:13-cv-07789-LGS (S.D.N.Y.); *Garber, et al. v. Office of the Commissioner of Baseball, et al.*, No. 12-cv-3704 (SAS) (S.D.N.Y.); *In re: Generic Pharmaceuticals Pricing Antitrust Litig.*, 16-md-02724 (E.D. Pa.); *Laumann, et al. v. National Hockey League, et al.*, No. 12-cv-1817 (SAS) (S.D.N.Y.); *In re LIBOR Based Financial Instruments Antitrust Litig.*, No. 11-MD-2262 (NRB)(S.D.N.Y.); *In re OSB Antitrust Litig.*, Civ. A. No. 06-0826 (E.D. Pa.); *In re Payment Card Interchange Fee & Merchant Discount Antitrust Litig.*, No. 05-md-17204 (E.D.N.Y.); *In re Rail Freight Fuel Surcharge Antitrust Litig.*, MDL No. 1869 (D.D.C.); *In re Urethane Antitrust Litig. (Polyether Polyols)*, MDL No. 1616 (D. Kan.); and *MERSCORP, Inc., et al. v. Delaware County, Pennsylvania, Recorder Of Deeds, et al.*, No. 67 MAP 2017 (Pa.).

Following law school, Mr. Snyder served as a law clerk to the Honorable Berle M. Schiller of the United States District Court for the Eastern District of Pennsylvania and to the Honorable Thomas L. Ambro of the United States Court of Appeals for the Third Circuit. Mr.



Snyder is a graduate of the Pennsylvania State University (B.A., History, B.A. Philosophy 1998) and the Harvard Law School (J.D. 2001).

**John E. Sindoni**, a partner, joined the firm in 2012. He has extensive experience in commercial litigation, including cases involving the antitrust laws, breach of contract, business torts, and intellectual property. He has also advised clients on compliance with antitrust and trade regulation laws. Mr. Sindoni is a graduate of the University of Pennsylvania Law School (J.D., *cum laude* 2003, Order of the Coif), where he served as Executive Editor of the Law Review and a member of the Moot Court Board, and a graduate of the University of Pennsylvania School of Arts and Sciences (B.A., *cum laude* 2000).

Mr. Sindoni is participating or has participated in the following cases, among others: *American Express Travel Related Services, Inc. v. Visa U.S.A., Inc.*, No. 04-CV-08967-BSJ-DFE (S.D.N.Y.); *Authors Guild, et al. v. Google Inc.*, No. 05-CV-8136 (S.D.N.Y.); *In re: Domestic Drywall Antitrust Litig.*, MDL No. 2437, 13-MD-2437 (E.D. Pa.); *In re: Generic Pharmaceuticals Pricing Antitrust Litig.*, 16-md-02724 (E.D. Pa.); *In re: Foreign Exchange Benchmark Rates Antitrust Litig.* No. 1:13-cv-07789-LGS (S.D.N.Y.); *Keiler, et al. v. Harlequin Enterprises Ltd., et al.*, No. 12 Civ. 5558(WHP) (S.D.N.Y.); *In re LIBOR Based Financial Instruments Antitrust Litig.*, No. 11-MD-2262 (NRB)(S.D.N.Y.); and *In re Literary Works in Electronic Databases Copyright Litig.*, MDL No. 1379 (S.D.N.Y.).

Prior to joining Boni & Zack, Mr. Sindoni was an associate at Duane Morris LLP and served as a Staff Attorney for the United States Court of Appeals for the Third Circuit.

**Joanne G. Noble** is counsel to the firm. Prior to joining Boni & Zack, Ms. Noble was an associate at Schnader Harrison Segal & Lewis, LLP, as well as its Director of Pro Bono Services. She has extensive experience in complex litigation at both the trial and appellate levels.

At Boni & Zack, Ms. Noble has participated in the following cases: *In re: Foreign Exchange Benchmark Rates Antitrust Litig.* No. 1:13-cv-07789-LGS (S.D.N.Y.); *In re Rail Freight Fuel Surcharge Antitrust Litig.*, MDL No. 1869 (D.D.C.); *In re Urethane Antitrust Litig. (Polyether Polyols)*, MDL No. 1616 (D. Kan.); *The Authors Guild, et al. v. Google Inc.*, No. 05-CV-8136 (S.D.N.Y.); and *In re Yahoo Litig.*, No. 06-2737-CAS (C.D. Cal.).

Ms. Noble is a graduate of Cornell University (with distinction in all areas) and Georgetown University Law Center (*cum laude*), where she was a member of The Tax Lawyer. She is admitted to practice in the courts of Pennsylvania, the Eastern and Western District of Pennsylvania, and the Third Circuit Court of Appeals.

**Julie Fuchs** is counsel to the firm and is a graduate of George Washington University and Widener University School of Law.

Ms. Fuchs has participated in the following cases: *In re: Domestic Drywall Antitrust Litig.*, MDL No. 2437, 13-MD-2437 (E.D. Pa.); *In re: Foreign Exchange Benchmark Rates Antitrust Litig.* No. 1:13-cv-07789-LGS (S.D.N.Y.); *Harris, et al v. Experian Information Solutions Inc., Equifax Information Services LLC, TransUnion LLC*, Nos.: 6:06-CV-01808, 01810 and 01811 (D.S.C.); *Clark, et al v. Experian Information Solutions, Inc., Equifax Inc. and Equifax Information Services, Inc., Trans Union Corp. and Trans Union L.L.C.*, No. 8:00-1217-24; No. 8:00-1218-24 and No. 8:00-1219-24 (D.S.C.); *In re Blood Reagents Antitrust Litigation*, MDL No. 2081 (E.D. Pa.); *In re Packaged Ice Antitrust Litigation*, MDL No. 1952 (E.D. Mich.);

*In re Payment Card Interchange Fee And Merchant Discount Antitrust Litigation*, MDL No. 1720(JG)(JO) (E.D.N.Y.).

Prior to joining Boni & Zack, Ms. Fuchs worked independently on antitrust and consumer class actions. She was also an associate at Klehr Harrison Harvey Branzburg LLP, where her practice focused on commercial litigation.

# **Exhibit 2**

**EXHIBIT 2*****In re Lithium Ion Batteries Antitrust Litigation, Case No. 13-MD-2420 YGR***

Boni &amp; Zack LLC

Reported Hours and Lodestar on a Historical Basis

June 1, 2013 through August 31, 2017

<b>NAME</b>	<b>STATUS</b>	<b>YEAR</b>	<b>TOTAL HOURS</b>	<b>HISTORICAL HOURLY RATE</b>	<b>LODESTAR</b>
<b>ATTORNEYS</b>					
Michael J. Boni	P	2017	0.30	\$800.00	\$240.00
Michael J. Boni	P	2016	2.30	\$750.00	\$1,725.00
Michael J. Boni	P	2015	5.80	\$750.00	\$4,350.00
Michael J. Boni	P	2014	0.20	\$725.00	\$145.00
Michael J. Boni	P	2013	4.20	\$725.00	\$3,045.00
<b>NON-ATTORNEYS</b>					
Yo Shiina	T	2016	127.50	\$250.00	\$31,875.00
Yo Shiina	T	2015	568.00	\$250.00	\$142,000.00
<b>TOTAL:</b>			<b>708.30</b>		<b>\$183,380.00</b>

(P) Partner

(A) Associate

(INV) Investigator

(PL) Paralegal

(T) Translator

# **Exhibit 3**

*In re Lithium Ion Batteries Antitrust Litigation, Case No. 13-MD-2420 YGR***EXHIBIT 3**

Boni &amp; Zack LLC

Expenses Incurred

June 1, 2013 through August 31, 2017

<b>CATEGORY</b>	<b>AMOUNT INCURRED</b>
Court Fees (filing, etc.)	
Computer Research (Lexis, Westlaw, PACER, etc.)	\$40.10
Document Production	
Experts / Consultants	
Messenger Delivery	
Photocopies - In House	
Photocopies - Outside	
Postage	
Service of Process	
Overnight Delivery (Federal Express, etc.)	
Telephone / Facsimile	
Transcripts (Hearings, Depositions, etc.)	
Travel (Airfare, Ground Travel)	
Travel (Meals and Lodging)	
<b>TOTAL</b>	<b>\$40.10</b>