

EXHIBIT I

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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 ROBERTA D.
LIEBENBERG IN SUPPORT OF DIRECT
PURCHASER PLAINTIFFS MOTION
FOR AN AWARD OF ATTORNEYS'
FEES, REIMBURSEMENT OF
EXPENSES, AND INCENTIVE AWARDS**

1 I, Roberta D. Liebenberg, declare and state as follows:

2 1. I am a Member of the law firm of Fine, Kaplan and Black, R.P.C. I submit this
3 declaration in support of Direct Purchaser Plaintiffs' application for an award of attorneys' fees
4 and reimbursement of expenses in connection with the services rendered in this litigation. I make
5 this Declaration based on my own personal knowledge, and if called as a witness, I could and
6 would competently testify to the matters stated herein.

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

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

15 4. During the pendency of the litigation, Fine, Kaplan and Black performed the
16 following work: (a) analyzed opt-out related issues; (b) conducted legal research regarding
17 permissible affirmative defenses, assisted in drafting an omnibus motion to strike improper
18 defenses, negotiated with the defendants, and analyzed the propriety of the remaining affirmative
19 defenses in defendants' amended answers; (c) researched and then conferred with defendants
20 regarding plaintiffs' discovery obligations; (d) developed discovery plans relating to affirmative
21 defenses and to Toshiba's participation in the conspiracy; and (e) researched and prepared the
22 successful opposition to Toshiba's early motion for summary judgment based on withdrawal. My
23 firm's work on the summary judgment opposition included extensive legal and factual research
24 (including conferring with attorneys simultaneously reviewing documents), development of
25 strategy and legal arguments, resolving evidence authentication issues, selection and preparation
26 of exhibits, drafting the memorandum of law and Responsive Statement of Facts in opposition to
27 the motion, and assisting in preparation for oral argument. Throughout, my firm communicated

1 frequently with co-lead counsel to provide updates, discuss issues, and plan courses of action.

2 5. Attached hereto as Exhibit 2 is my firm's total hours and lodestar, computed at
3 historical rates, for the period of June 1, 2013 through August 31, 2017. This period reflects the
4 time spent after the appointment of Interim Co-Lead Counsel and Liaison Counsel for Direct
5 Purchased Plaintiffs ("DPP") in this litigation. The total number of hours spent by Fine, Kaplan
6 and Black during this period of time was 1,751.10, with a corresponding lodestar of \$756,925.00.
7 My firm's lodestar figures are based on the firm's historical billing rates which do not include
8 charges for expense items. Expense items are billed separately and such charges are not
9 duplicated in my firm's billing rates. This summary was prepared from contemporaneous, daily
10 time records regularly prepared and maintained by my firm. The lodestar amount reflected in
11 Exhibit 2 is for work assigned by DPP Co-Lead Counsel, and was performed by professionals at
12 my law firm for the benefit of the Class.

13 6. Fine, Kaplan and Black has reviewed the time and expense records that form the
14 basis of this declaration to correct any billing errors. In addition, my firm has removed all time
15 entries and expenses related to the following:

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

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

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

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

- 1 a. the highest hourly rates for Attorneys at the highest Partner level is capped
2 at \$850 per hour;
- 3 b. the highest hourly rates for Attorneys at the Of-counsel/Special counsel
4 level for substantive work is capped at \$650 per hour, which excludes document review;
- 5 c. the highest hourly rates for Attorneys at the highest Associate level for
6 substantive work is capped at \$450 per hour, which excludes document review;
- 7 d. the highest hourly rates for Attorneys at the Associate level engaged in
8 English-language document review is capped at \$350 per hour; a cap of \$400 per hour is permitted
9 where the reviewer has a special skill set, such as foreign language translation, and Lead Counsel
10 has approved that work performed; and
- 11 e. the highest hourly rates for Paralegals and investigators is capped at \$175
12 per hour.

13 8. My firm has expended a total of \$3,970.16 in unreimbursed costs and expenses in
14 connection with the prosecution of this litigation. These costs and expenses are broken down in
15 the chart attached hereto as Exhibit 3. They were incurred on behalf of Direct Purchaser Plaintiffs
16 by my firm on a contingent basis, and have not been reimbursed. The expenses incurred in this
17 action are reflected on the books and records of my firm. These books and records are prepared
18 from expense vouchers, check records and other source materials and represent an accurate
19 recordation of the expenses incurred.

20 9. Fine, Kaplan and Black paid a total of \$65,000.00 in assessments for the joint
21 prosecution of the litigation against the Defendants.

22 10. My firm has carefully reviewed the time and expenses that comprise its reported
23 lodestar and out-of-pocket expenses and represents that such lodestar and expenses comply with
24 all material applicable terms of the May 21, 2013 letter from Co-Lead Counsel regarding
25 Protocols for Maintaining and Reporting Time and Expense as well as Modified Pretrial Order No.
26 1 with Exhibit A (Dkt. No. 202, May 24, 2013).

27 I declare under penalty of perjury under the laws of the United States of America that the

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foregoing is true and correct. Executed on this 21st day of January, 2018 at Philadelphia, Pennsylvania.



ROBERTA D. LIEBENBERG

EXHIBIT 1

ABOUT THE FIRM

FINE, KAPLAN AND BLACK, RPC

One South Broad Street, 23rd Floor
Philadelphia, Pennsylvania 19107
(215) 567-6565

Fine, Kaplan and Black is a nationally recognized firm located in Philadelphia, Pennsylvania, which devotes its practice entirely to litigation, with particular emphasis on antitrust, class actions, complex commercial litigation, consumer protection and white collar criminal defense.

Fine, Kaplan and Black has consistently been highly ranked as one of the premier antitrust practices in Pennsylvania by the *Chambers USA Client Guide*. The *Guide* praises the Firm as an “excellent boutique firm” that is composed of “erudite and capable attorneys.” In the *Guide*, clients praised the Firm for its “absolutely fantastic service” and “superb attorneys.”

In addition, many of Fine, Kaplan and Black’s litigation attorneys have been named Pennsylvania Super Lawyers or Rising Stars by *Philadelphia Magazine*.

Since its formation in 1975, the Firm has been involved in many of the most significant antitrust and class action cases in federal and state courts. A few examples of these cases include:

In re Urethane Antitrust Litigation (Polyether Polyols), 768 F.3d 1245 (10th Cir. 2014). The firm served as co-lead counsel in this antitrust class action alleging price fixing of certain urethane chemical products. After a four-week trial in early 2013, Plaintiffs obtained a jury verdict in excess of \$400,000,000 against The Dow Chemical Company. The Court entered judgment for \$1.06 billion after trebling—the largest antitrust judgment in 2013 and the largest price-fixing verdict ever. While on appeal to the Supreme Court of the United States, Plaintiffs reached an agreement to settle the case against Dow for \$835 million. Combined with earlier settlements, the total settlements reached in the case are \$974 million.

In re Generic Pharmaceuticals Pricing Antitrust Litigation, M.D.L. No. 2724 (E.D. Pa.), a case in which the firm has been appointed Lead Counsel for a putative class of end-payer plaintiffs pursuing price-fixing claims against dozens of generic drug manufacturers in one of the largest multidistrict antitrust litigations ever established.

In re Domestic Airline Travel Antitrust Litigation, M.D.L. No. 2656 (D.D.C.), in which the firm is defending Southwest Airlines against allegations of an unlawful conspiracy to limit capacity.

Standard Iron Works v. ArcelorMittal, 639 F. Supp. 2d 877 (N.D. Ill. 2009), a pending price-fixing class action in which the Firm was appointed Co-Lead Counsel for a putative class of direct purchasers of steel products, alleging a conspiracy among manufacturers to restrict supply. Settlements have been reached with all eight defendants, totaling \$193.9 million.

United States v. Stolt-Nielsen, et al., 524 F. Supp. 2d 586 (E.D. Pa. 2007), a criminal prosecution brought after the Antitrust Division rescinded an Amnesty Agreement that promised immunity from prosecution to the Company and its executives. This represented the first case in which the Government had rescinded an Amnesty Agreement and attempted to maintain a criminal prosecution against the parties to such an Agreement. After a four-week trial on a Motion to Dismiss the Indictment and extensive briefing by the parties, the Court found that the Government had “no reasonable basis” for revoking the Amnesty Agreement, and dismissed the indictment.

In re NASDAQ Market-Makers Antitrust Litigation, 187 F.R.D. 465 (S.D.N.Y. 1998), a case in which defendants and others successfully conspired to increase the fix and “spreads” paid by plaintiffs and the members of the class in connection with purchases and sales of class securities, one of the country’s largest and most complex multidistrict price-fixing class actions. The Firm served as one of Plaintiffs’ Co-Lead Counsel, on behalf of a class of more than a million class members. The case was certified and ultimately settled for more than one billion dollars.

Love Terminal Partners v. City of Dallas, 527 F. Supp. 2d 538 (N.D. Tex. 2007), a complex antitrust litigation arising out of the Wright Amendment Reform Act of 2006, in which the Firm successfully defended Southwest Airlines, and the Court granted its motion to dismiss the complaint.

In re Terrapin Express, Inc. v. Airborne Express, Inc., No. 11-199-01536-05 (AAA 2007), a class-wide arbitration in which the Firm represented a class of independent contractors alleging systematic underpayment and breach of contract. In June 2008, a panel of arbitrators approved a \$24.75 million settlement.

In re Copper Antitrust Litigation, 528 F. Supp. 2d 908 (W.D. Wis. 2007), an antitrust case in which the Firm represented a group of large purchasers of copper in litigation alleging price manipulation in the copper market which settled favorably in 2007.

In re Remeron End-Payer Antitrust Litigation, 2005 WL 2230314 (D.N.J. Sept. 13, 2005), an antitrust class action in which the Firm was Co-Lead counsel, and achieved a settlement of \$36 million for the class of end users of a prescription drug.

In re TriCor Indirect Purchasers Antitrust Litigation, Civil Action No. 05-360 (SLR) (D. Del.). The firm represented a plaintiff class of indirect purchasers of TriCor® and other prescription drugs containing fenofibrate. The class obtained a settlement of \$65.7 million.

In re Linerboard Antitrust Litigation, 305 F.3d 145 (3d Cir. 2002) and 2004 WL 1221350 (E.D. Pa. June 2, 2004), a horizontal price-fixing class action against the major manufacturers of corrugated containers, in which the Firm was a member of Plaintiffs' Executive Committee. Settlements in the fall of 2003 resulted in a recovery in excess of \$202.5 million for the benefit of the class.

A number of courts have commented favorably on the quality of our Firm's work in antitrust and other class actions. For example, in In re Urethane Antitrust Litig., M.D.L. No. 1616, 2016 WL 4060156, at *4 (D. Kan. July 29, 2016), in which Fine Kaplan served as Co-Lead Counsel, in approving plaintiffs' \$835 million settlement with The Dow Chemical Company, the District Court stated that "counsel achieved **incredible success** on the merits of the claims, earning a verdict of over \$400 million that would be trebled and eventually obtaining settlements totaling over \$974 million (much more than double the amount of damages)....**In almost 25 years of service on the bench, this Court has not experienced a more remarkable result.**" (Emphasis added.) In In re Linerboard Antitrust Litig., 2004 WL 1221350, at *6 (E.D. Pa. June 2, 2004), in which our Firm was a member of Plaintiffs' Executive Committee, the Court approved a settlement of \$202.5 million for the benefit of the class, and stated, "the lawyering in the case at every stage was superb...." In In re Lorazepam and Clorazepate Antitrust Litig., M.D.L. No. 1290, 2003 WL 22037741, *6 (D.D.C. June 16, 2003), in which our

Firm was Co-Counsel for the class of direct purchasers, in approving the settlement the Court characterized counsel as "among the best and most experienced antitrust litigators in the country." In In re NASDAQ Market-Makers Antitrust Litig., 187 F.R.D. 465, 474 (S.D.N.Y. 1998), the Firm served as one of Plaintiffs' Co-Lead Counsel, and the Court approved a settlement of over \$1 billion, complimenting the Firm by noting that, "[i]t is difficult to conceive of better representation than the parties to this action achieved."

ROBERTA D. LIEBENBERG

Roberta D. Liebenberg, a member, is a graduate of the University of Michigan and the Catholic University Columbus School of Law, *magna cum laude*, where she was the Notes Editor of the Law Review. Thereafter, she served as a law clerk for the United States Court of Appeals for the Fourth Circuit.

Ms. Liebenberg was one of four trial counsel for the plaintiff class in In re Urethane Antitrust Litigation (Polyether Polyols), M.D.L. No. 1616 (D.Kan.), a price-fixing case which, after a four week jury trial, resulted in a record-setting judgment against The Dow Chemical Company in excess of \$400 million, prior to trebling. The Court entered a final judgment for the class in the amount of \$1.06 billion, that was later unanimously affirmed by the Tenth Circuit. Dow agreed to a settlement of \$835 million, one of the largest settlements ever recovered in a price-fixing case from a single defendant.

Ms. Liebenberg has been appointed by the Court as Lead Counsel for the End-Payer Plaintiff Class in In re Generic Pharmaceuticals Pricing Antitrust Litigation, M.D.L. No. 2724 (E.D. Pa.).

In addition, Ms. Liebenberg has served in leadership roles in a number of other antitrust and consumer class actions: In re Aftermarket Filters Antitrust Litigation, M.D.L. No. 1957

(N.D. Ill.) (Co-Lead Counsel for direct purchasers) (\$18 million settlement); In re Providian Financial Corp. Credit Card Terms Litigation, M.D.L. No. 1301 (E.D. Pa.) (Co-Lead Counsel) (\$105 million settlement); In re Linerboard Antitrust Litigation, M.D.L. No. 1261 (E.D. Pa.) (Executive Committee) (\$202.5 million settlement); In re Capacitors Antitrust Litigation, M.D.L. No. 2574 (N.D. Cal.) (Expert Committee); In re Vitamins Antitrust Litigation, M.D.L. No. 1285 (D.D.C.) (Expert Committee) (approximately \$325 million settlement); In re MSG Antitrust Litigation, M.D.L. No. 1328 (D. Minn.) (Co-Chair, Expert Committee) (\$123 million settlement); In re Automotive Paint Antitrust Litigation, M.D.L. No. 1426 (E.D. Pa.) (Executive Committee) (\$105.75 million settlement); Thomas & Thomas Rodmakers, Inc. v. Newport Adhesives & Composites, Inc. (Carbon Fibers), No. CV-99-07796 (C.D. Cal.) (Expert Committee) (\$68 million settlement); In re Polypropylene Carpet Antitrust Litigation, M.D.L. No. 1075 (N.D. Ga.) (Co-Chair, Expert Committee) (approximately \$50 million settlement); In re Commercial Explosives Antitrust Litigation, M.D.L. 1093 (D. Utah) (Co-Chair, Discovery Committee) (\$71 million settlement); United States v. Stolt-Nielsen, 524 F. Supp. 2d 586 (E.D. Pa. 2007); and Love Terminal Partners, L.P. v. City of Dallas, Texas, 527 F. Supp. 2d 538 (N.D. Tex. 2007).

In recognition of Ms. Liebenberg's legal skills and accomplishments, she has received a number of awards and honors. For example, in June 2017, Ms. Liebenberg received the "Distinguished Leader Award" from *The Legal Intelligencer*. In February 2017, she received the Martha Fay Africa Golden Hammer Award from the American Bar Association's Law Practice Division, in recognition of professional excellence in her career and her commitment to diversity. Ms. Liebenberg was awarded the American Bar Association's Margaret Brent Women Lawyers of Achievement Award in August, 2016 and is the recipient of the 2008 Sandra Day

O'Connor Award by The Philadelphia Bar Association. Ms. Liebenberg has been named several times as one of the "Top Ten Super Lawyers" in Pennsylvania by *Philadelphia Magazine*, the only woman ever to receive that honor. In 2015, the *National Law Journal* named Ms. Liebenberg as one of the country's 75 most "Outstanding Women Lawyers." Previously, in 2007, the *National Law Journal* listed her as one of the "50 Most Influential Women Lawyers in America." Every year since 2004, Ms. Liebenberg has been recognized by *Philadelphia Magazine* as one of the "Top 50 Female Super Lawyers in Pennsylvania" and one of the "Top 100 Super Lawyers in Pennsylvania." She is listed in the highest band-level as one of the leading antitrust lawyers in Pennsylvania by the *Chambers USA Client Guide: America's Leading Business Lawyers*. The *Chambers Guide* states that she "always impresses with her deep knowledge, experience and vital understanding of the economic aspects of a case." Since 2006, she has been listed in *Best Lawyers in America* in the field of Antitrust, and serves as a member of the Best Lawyers Advisory Board.

DONALD L. PERELMAN

Donald L. Perelman, a member, is a graduate of the University of Michigan Law School (J.D. *magna cum laude*, 1980), and has extensive experience in the conduct of antitrust, class action and other complex litigation. Mr. Perelman is a senior member of the co-lead counsel team in the In re Urethane Antitrust Litigation (Polyether Polyols), M.D.L. No. 1616 (D. Kan.). He served as a member of the Plaintiffs' Executive Committee in the In re Linerboard Antitrust Litig., 321 F. Supp. 2d 619 (E.D. Pa. 2004), and 2004 WL 1221350 (E.D. Pa. June 2, 2004). He was part of the core team that litigated this case until a settlement was reached in late 2003 resulting in a recovery for the class in excess of \$202 million. In the In re OSB Antitrust Litig., Master File No. 06-826 (E.D. Pa.), which was settled shortly before trial for more than \$125

million, Mr. Perelman served as a member of the Plaintiffs' Executive Committee and played an integral role in the factual and theoretical development of this complex conspiracy case. In the In re Polypropylene Carpet Antitrust Litig., M.D.L. No. 1075 (N.D. Ga.), he was a key member of the team that defeated defendants' summary judgment and Daubert motions. Mr. Perelman is currently a member of the Executive Committee in the In re Payment Card Interchange Fee & Merchant Discount Antitrust Litigation, M.D.L. No. 1720 (E.D.N.Y.). He also served as Co-Discovery Chair in the Commercial Explosives Antitrust Litigation, MDL 1093 (D. Utah), and he was principally responsible for the management of the discovery programs in Lawrence v. Phillip Morris, Civ. 94-1494 (E.D.N.Y.) and Transamerican v. Dravo, Civ. H-88-789 (S.D.N.Y.).

JEFFREY S. ISTVAN

Jeffrey S. Istvan, a member, received his law degree from the University of Virginia School of Law in 1992, where he was a Hardy Cross Dillard Scholar. He received his undergraduate education at the University of Rochester, from which he graduated *summa cum laude* and was elected to Phi Beta Kappa. He clerked for The Honorable Robert S. Gawthrop, III, United States District Court for the Eastern District of Pennsylvania (1992-93), before joining Fine, Kaplan and Black in October 1993.

Mr. Istvan has had wide-ranging experience in many complex cases, including antitrust, securities fraud, RICO, legal malpractice, corporate mismanagement, consumer protection, commercial and civil rights cases. Mr. Istvan has been named a Pennsylvania Super Lawyer by *Philadelphia Magazine*.

In recent years, Mr. Istvan has served as lead or co-lead counsel in several class actions resulting in excellent – and sometimes unprecedented – recoveries for the class. He currently is Co-Lead Counsel in Standard Iron Works v. ArcelorMittal, 639 F. Supp. 2d 877 (N.D. Ill. 2009),

where settlements have been reached with all defendants totaling \$193.9 million. Mr. Istvan was Lead Counsel in Parsky v. First Union Corp., No. 771, Feb. Term 2001 (C.C.P. Phila. Cty.), which in the fall of 2003 resulted in a recovery of more than \$23 million for a class of trust customers of a bank. He was Co-Lead counsel in In re Remeron Antitrust Litigation, No. 02-cv-2007 (D.N.J.), in which a \$36 million dollar settlement for end users of a prescription drug was approved by the court in the fall of 2005. He was counsel for the plaintiff class of indirect purchasers of TriCor® and other prescription drugs containing fenofibrate in In re TriCor Indirect Purchasers Antitrust Litigation, Civil Action No. 05-360 (SLR) (D. Del.), which settled for \$65.7 million. He was co-lead counsel for the plaintiff class of indirect purchasers of the pharmaceutical Toprol-XL® in In re Metoprolol Succinate Antitrust Litigation, 2010 WL 1485328 (D. Del. Apr. 13, 2010).

Mr. Istvan was one of the principal counsel to a group of large purchasers of copper in In re Copper Antitrust Litigation, 436 F.3d 782 (7th Cir. Feb. 6, 2006), in which the Seventh Circuit reversed the district court's entry of summary judgment, and following intense discovery, defendant JP Morgan Chase settled on confidential terms that were very favorable to Mr. Istvan's clients. He was co-lead counsel in Terrapin Express, Inc. v. Airborne Express, Inc., No. 11-199-01536-05 (AAA 2007) in which a panel of AAA arbitrators approved a \$24.75 million dollar settlement in favor of a class of independent contractors who were allegedly underpaid by defendant DHL. That settlement is believed to be the largest class action settlement in AAA arbitration.

GERARD A. DEVER

Gerard A. Dever, a member, received his law degree from Temple University School of Law in 2000, from which he graduated *magna cum laude*. He received his undergraduate

education at American University from which he graduated *cum laude*. Prior to joining Fine Kaplan in January 2002, he was an associate at Pepper Hamilton LLP. Mr. Dever has been named a “Super Lawyer” by *Philadelphia Magazine*. Mr. Dever is also ranked in *The Chambers USA Client Guide*, which described him as “a strong attorney with excellent analytical abilities.”

Mr. Dever has represented both plaintiffs and defendants in antitrust matters, including class actions, criminal matters and merger reviews. In addition, Mr. Dever has litigated a variety of other cases in both federal and state courts, including contract disputes, legal malpractice matters and consumer class actions. Mr. Dever served as trial counsel in United States v. Stolt-Nielsen, S.A., a complex criminal matter in which the firm successfully represented an executive charged with criminal antitrust violations. The charges were dismissed after a three-week bench trial. United States v. Stolt-Nielsen, S.A., 524 F. Supp. 2d 609 and 524 F. Supp. 2d 586 (E.D. Pa. 2007). Mr. Dever also served as part of the co-lead counsel team for the plaintiff class in In re Urethane Antitrust Litigation, M.D.L. No. 1616 (D. Kan.). After a four week jury trial, the class obtained a judgment in excess of \$1 billion in that case. While the case was on appeal to the United States Supreme Court, the parties reached an agreement to settle the case against Dow for \$835 million.

Mr. Dever also has been part of the trial team in cases that settled just before trial. See In re Cathode Ray Tube (CRT) Antitrust Litigation, No. CV-07-5944 (N.D. Cal.) (an indirect purchaser antitrust class action); Gratz College v. Synergis Education, Inc., No. 14-6966 (E.D. Pa.) (a breach of contract case).

PAUL COSTA

Paul Costa, a member, received his undergraduate degree from the University of Pennsylvania, where he graduated *cum laude*. He received his law degree from Georgetown

University Law Center, where he graduated *magna cum laude* and was elected to the Order of the Coif. Following law school, he worked as an associate in the Washington, D.C. offices of Akin, Gump, Strauss, Hauer & Feld, L.L.P. Prior to joining Fine, Kaplan and Black in October 2004, he served as a law clerk to the Honorable Cynthia M. Rufe of the United States District Court for the Eastern District of Pennsylvania. For several years running, Mr. Costa has been named a "Pennsylvania Super Lawyer" by *Philadelphia Magazine* in its annual listing of the top lawyers in Pennsylvania.

Mr. Costa has represented plaintiffs and defendants in complex matters in federal and state courts and in arbitration. His practice focuses on antitrust, breach of contract, and consumer class actions. He has extensive experience in all aspects of commercial litigation, including new matter investigations, document discovery, depositions, and, like many of the firm's attorneys, he has authored numerous prevailing briefs during nearly every stage of litigation. Mr. Costa also was a member of the trial team in In re Urethane Antitrust Litigation, M.D.L. No. 1616 (D. Kan.), is part of the lead counsel team in In re Generic Pharmaceuticals Pricing Antitrust Litigation, M.D.L. No. 2724 (E.D. Pa.), and one of the principal attorneys representing a plaintiff class of indirect purchasers of the pharmaceutical Toprol-XL® in In re Metoprolol Succinate Antitrust Litigation, 2010 WL 1485328 (D. Del. Apr. 13, 2010).

MATTHEW H. DUNCAN

Matthew H. Duncan, Of Counsel, received his law degree from the University of Pennsylvania Law School in 2003, from which he graduated *cum laude*, and won the Dolores Sloviter Award for best paper in the field of judicial administration. He received his undergraduate degree from Bucknell University in 1996 with a degree in Civil Engineering. Prior to joining Fine, Kaplan and Black, R.P.C., Mr. Duncan served as a law clerk to the

Honorable Anthony J. Scirica, Chief Judge of the United States Court of Appeals for the Third Circuit. Mr. Duncan's practice focuses on antitrust and other complex litigation, as well as representing children pro bono in family court proceedings. He is an elected member of the American Law Institute, an adjunct professor of appellate advocacy at the University of Pennsylvania Law School, and in 2014, received the American Antitrust Institute's award for Outstanding Antitrust Litigation Achievement by a Young Lawyer for his role in the *Steel Antitrust Litigation*.

ADAM J. PESSIN

Adam J. Pessin, a member, received his law degree from the University of Pennsylvania Law School *magna cum laude* in 2003, where he was research assistant for Professor Stephen Burbank, teaching assistant for Judge Alison Whitmer Tumas, and an editor of the Law Review. He received an undergraduate degree in English from Yale with distinction in 1996, and a diploma in Hebrew and Jewish studies from Oxford University in 1997. Prior to joining Fine, Kaplan and Black in 2007, Adam clerked for The Honorable Maryanne Trump Barry of the United States Court of Appeals for the Third Circuit and was an associate at Patterson, Belknap, Webb and Tyler in New York City.

MARY L. RUSSELL

Mary L. Russell, an associate, received her law degree *cum laude* from Georgetown University Law Center, where she was an editor of the American Criminal Law Review. She was a United States Senate staff person before obtaining her law degree. She received her undergraduate education at Kalamazoo College, where she was a Stone Honor Scholarship recipient. She was previously associated with Winthrop, Stimson, Putman & Roberts in New

York City and Ballard, Spahr, Andrews & Ingersoll in Philadelphia, and was Of Counsel at Liebenberg & White.

RIA C. MOMBLANCO

Ria C. Momblanco, an associate, received her law degree from the University of Pennsylvania Law School in 2002, where she was a senior editor and the technology editor for the Law Review. She received her undergraduate degree in chemical engineering from the University of California, Los Angeles. She is admitted to practice before the U.S. Patent and Trademark Office as well as in Pennsylvania and California. Prior to joining Fine, Kaplan and Black in 2006, Ms. Momblanco was an associate at Jones Day in Orange County, California where she practiced complex commercial litigation in the fields of health care and consumer credit reporting.

JESSICA D. KHAN

Jessica D. Khan, an associate, received her law degree from Villanova University School of Law, *magna cum laude*, where she was an associate editor of the Villanova Law Review. She received her undergraduate degree from Haverford College. Prior to joining Fine, Kaplan and Black, Ms. Khan served as an Assistant District Attorney in the Law Division of the Philadelphia District Attorney's Office, and as a commercial litigator at Drinker Biddle & Reath, LLP. Ms. Khan also clerked in both state and federal courts.

We invite you to learn more about Fine, Kaplan and Black on our website (www.finekaplan.com) or by contacting us at (215) 567-6565.

EXHIBIT 2

EXHIBIT 2***In re Lithium Ion Batteries Antitrust Litigation, Case No. 13-MD-2420 YGR*****Fine, Kaplan and Black, RPC**

Reported Hours and Lodestar on a Historical Basis

June 1, 2013 through August 31, 2017

NAME	STATUS	YEAR	TOTAL HOURS	HISTORICAL HOURLY RATE	LODESTAR
ATTORNEYS					
Donald L. Perelman	P	2013	12.0	\$725.00	\$8,700.00
Roberta D. Liebenberg	P	2016	5.0	\$795.00	\$3,975.00
Roberta D. Liebenberg	P	2015	52.0	\$750.00	\$39,000.00
Roberta D. Liebenberg	P	2014	15.3	\$750.00	\$11,475.00
Roberta D. Liebenberg	P	2013	2.5	\$750.00	\$1,875.00
Gerard A. Dever	P	2013	2.2	\$575.00	\$1,265.00
Mary L. Russell	P	2016	99.6	\$450.00	\$44,820.00
Mary L. Russell	A	2015	726.1	\$450.00	\$326,745.00
Mary L. Russell	A	2014	53.0	\$450.00	\$23,850.00
Ria C. Momblanco	A	2016	84.5	\$450.00	\$38,025.00
Ria C. Momblanco	A	2015	462.5	\$450.00	\$208,125.00
Ria C. Momblanco	A	2014	28.0	\$450.00	\$12,600.00
NON-ATTORNEYS					
Nancy M. Blakeslee	PL	2015	100.9	\$175.00	\$17,657.50
Nancy M. Blakeslee	PL	2014	0.3	\$175.00	\$52.50
Nancy M. Blakeslee	PL	2013	0.7	\$175.00	\$122.50
Allyson L. Katzman	PL	2015	32.8	\$175.00	\$5,740.00
Susan J. Hufnagel	PL	2015	73.7	\$175.00	\$12,897.50
TOTAL:			1,751.1		\$756,925.00

(P) Partner

(A) Associate

(INV) Investigator

EXHIBIT 3

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

Fine, Kaplan and Black, RPC

Expenses Incurred

June 1, 2013 through August 31, 2017

CATEGORY	AMOUNT INCURRED
Court Fees (filing, etc.)	
Computer Research (Lexis, Westlaw, PACER, etc.)	\$3,970.16
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)	
TOTAL	\$3,970.16