

# **EXHIBIT K**

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13 *Interim Co-Lead Counsel for Direct Purchaser Plaintiffs*  
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15 UNITED STATES DISTRICT COURT  
16 NORTHERN DISTRICT OF CALIFORNIA  
17 OAKLAND DIVISION

18 IN RE: LITHIUM ION BATTERIES  
ANTITRUST LITIGATION  
19

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

20 This Document Relates to:

21 ALL DIRECT PURCHASER CLASS  
22 ACTIONS  
23

DECLARATION OF DOUGLAS A. MILLEN  
IN SUPPORT OF DIRECT PURCHASER  
PLAINTIFFS MOTION FOR AN AWARD  
OF ATTORNEYS' FEES,  
REIMBURSEMENT OF EXPENSES, AND  
INCENTIVE AWARDS

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1 I, Douglas A. Millen, declare and state as follows:

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

8 2. My firm has served as counsel to Ron Nelson, Jr. and as counsel for the Direct  
9 Purchaser Class ("Class") throughout the course of this litigation. The background and experience  
10 of Freed Kanner London & Millen LLC and its attorneys are summarized in the *curriculum vitae*  
11 attached hereto as Exhibit 1.

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

17 4. During the pendency of the litigation, Freed Kanner London & Millen LLC  
18 performed the following work: Conducted an extensive pre-filing investigation of the facts giving  
19 rise to this litigation, including a thorough pre-filing economic analysis achieved in consultation  
20 with an antitrust economist; created the original ESI protocol initially proposed to defendants and  
21 then participated in the negotiations culminating in the agreed upon ESI protocol; managed, in  
22 conjunction with Co-Lead Counsel of all aspects of the massive, multi-language document review  
23 in this case which encompassed both the Grand Jury productions and further productions made for  
24 the purposes of this litigation including, drafting of the document review manual and supporting  
25 background materials, selection of document review platform and compatible analytical packages  
26 designed to assist in the early identification of valuable evidence, developed the document review  
27 protocol for both English and foreign language documents; training of document reviewers and

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1 continued feedback on analytical issues; quality control and management of attorneys performing  
2 document review, helped administer the review so as to optimize efficiency and quality of work  
3 product, helped assess and distill the key evidence gleaned from the document review; leveraged  
4 key evidence uncovered by the document review into key pleadings such as Direct Purchaser  
5 Plaintiffs' First Amended Complaint and their Opposition to the Motions to Dismiss; identified  
6 deposition witnesses and prepared deposition files; helped craft Requests for Production and  
7 conducted negotiations with the individual defendants with respect to document productions made  
8 pursuant to same, including the negotiation of search terms in English, Japanese and Korean;  
9 managed, with co-counsel, Named Plaintiffs', including, but not limited to, Circuit City and Ritz  
10 Camera, document and ESI preservation efforts, document and ESI collection, conducted myriad  
11 discovery negotiations with Defendants regarding their Requests for Production, co-managed  
12 Named Plaintiff responsiveness reviews; oversaw the ultimate document and transactional data  
13 productions made to Defendants; conferred with Co-Lead Counsel on litigation strategy and case  
14 management throughout the course of the litigation.

15         5. Attached hereto as Exhibit 2 is my firm's total hours and lodestar, computed at  
16 historical rates, for the period of June 1, 2013 through August 31, 2017. This period reflects the  
17 time spent after the appointment of Interim Co-Lead Counsel and Liaison Counsel for Direct  
18 Purchased Plaintiffs ("DPP") in this litigation. The total number of hours spent by Freed Kanner  
19 London & Millen LLC during this period of time was 6,824.55, with a corresponding lodestar of  
20 \$3,341,728.50. My firm's lodestar figures are based on the firm's historical billing rates which do  
21 not include charges for expense items. Expense items are billed separately, and such charges are  
22 not duplicated in my firm's billing rates. This summary was prepared from contemporaneous,  
23 daily time records regularly prepared and maintained by my firm. The lodestar amount reflected in  
24 Exhibit 2 is for work assigned by DPP Co-Lead Counsel and was performed by professionals at  
25 my law firm for the benefit of the Class.

26         6. Freed Kanner London & Millen LLC has reviewed the time and expense records  
27 that form the basis of this declaration to correct any billing errors. In addition, my firm has

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1 removed all time entries and expenses related to the following:

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

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

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

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

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

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

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

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

24 e. the highest hourly rates for Paralegals and investigators is capped at \$175  
25 per hour.

26 8. My firm has expended a total of \$6,282.53 in unreimbursed costs and expenses in  
27 connection with the prosecution of this litigation. These costs and expenses are broken down in

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1 the chart attached hereto as Exhibit 3. They were incurred on behalf of Direct Purchaser Plaintiffs  
2 by my firm on a contingent basis and have not been reimbursed. The expenses incurred in this  
3 action are reflected on the books and records of my firm. These books and records are prepared  
4 from expense vouchers, check records and other source materials and represent an accurate  
5 recordation of the expenses incurred.

6 9. Freed Kanner London & Millen LLC paid a total of \$125,000.00 in assessments for  
7 the joint prosecution of the litigation against the Defendants.

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

13 I declare under penalty of perjury under the laws of the United States of America that the  
14 foregoing is true and correct. Executed on this 30<sup>th</sup> day of January, 2018 at Bannockburn, IL.

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Douglas A. Millen

# EXHIBIT

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FREED KANNER LONDON & MILLEN **LLC**

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FREED KANNER LONDON & MILLEN LLC

Freed Kanner London & Millen LLC (“FKLM”) is one of the nation’s premier plaintiffs’ class action practices. The firm’s attorneys are among the pioneers and leaders in the class action field, having played leadership roles in major antitrust, consumer fraud, securities, unlawful business practices and insurance fraud cases for decades.

FKLM was founded on January 1, 2007. The founding partners of FKLM, formerly principals and partners of Much Shelist Freed Denenberg Ament & Rubenstein, P.C., have successfully prosecuted class actions for over 40 years, including as lead or co-lead counsel in dozens of cases, resulting in recoveries for class members of more than \$2 billion.

#### **APPOINTMENTS AS LEAD OR CO-LEAD COUNSEL**

➤ ***In re Automotive Parts Antitrust Litigation, MDL 2311 (E.D. Mich.)***

FKLM is serving as interim co-lead counsel on behalf of direct purchasers of automotive parts in multiple concurrently active nationwide, antitrust price-fixing cases relating to the following products: wire harnesses; instrument panel clusters; heater control panels; occupant safety parts; fuel senders; bearings; air conditioning systems; windshield wiper systems; starters; windshield washer systems; spark plugs; oxygen and air fuel ratio sensors; fuel injection systems; brake hoses; alternators; ignition coils; power window motors; shock absorbers; and electric power steering assemblies.

➤ ***In re Opana ER Antitrust Litigation, MDL 2580 (N.D. Ill.)***

FKLM is serving as interim co-lead counsel on behalf of indirect purchasers (end-payors) of brand or generic Opana ER, an opioid painkiller, in this antitrust “pay-for-delay” case brought under the laws of 30 states.

➤ ***Kleen Products, Inc. et al. v. International Paper, et al., 10-CV-5711 (N.D. Ill.) (“Containerboard Antitrust Litigation”)***

FKLM is serving as co-lead counsel on behalf of direct purchasers of containerboard and related products in this antitrust price-fixing case. In August 2016, the Seventh Circuit Court of Appeals affirmed the district court’s order certifying a nationwide class.



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➤ ***Daniel Gordon, et al. v. Amadeus IT Group S.A., et al.*, 1:15-cv-05457 (S.D.N.Y.) (“GDS Antitrust Litigation”)**

FKLM is serving as interim co-lead counsel on behalf of airline ticket purchasers seeking injunctive relief in this antitrust case brought against the three major Global Distribution Systems alleging collusion in their dealings with 9 major U.S. Air Carriers.

➤ ***In re Pharmacy Benefit Managers Antitrust Litigation*, MDL No. 1782 (E.D. Pa.)**

FKLM is serving as co-lead counsel in these consolidated class actions brought on behalf of retail pharmacies against prescription benefit managers for fixing at artificially low levels the prices paid to pharmacies for pharmaceuticals sold, and reimbursement for services rendered, to the members of plans created by the prescription benefit managers. The complaints allege that the prescription benefit managers illegally aggregate the purchases of their members in order to effectuate the underpayment.

➤ ***In re Hydrogen Peroxide Antitrust Litigation*, MDL 1682 (E.D. Pa.)**

FKLM attorneys served as co-lead counsel in this antitrust price-fixing action against hydrogen peroxide producers. The case resulted in settlements of over \$97 million for the class. In approving the Plaintiffs' motion for an award of attorneys' fees and expenses, Judge Stewart Dalzell lauded co-lead counsel:

[t]he “skill and efficiency of the attorneys involved” is of a very high order indeed, and as we noted at the fairness hearing yesterday, we have been impressed that these attorneys have prosecuted this matter vigorously against seasoned opponents without needlessly distracting the Court with discovery disputes.

➤ ***In re Brand Name Prescription Drugs Antitrust Litigation*, MDL 997 (N.D. Ill.)**

FKLM attorneys served as co-lead counsel in this antitrust price-fixing class action. Settlements totaling approximately \$715 million were recovered on behalf of the plaintiff class.

➤ ***In re Clozapine Antitrust Litigation*, MDL No. 874 (N.D. Ill.)**

FKLM as attorneys served as co-lead counsel in this antitrust class action against Caremark and Sandoz Pharmaceuticals alleging that the defendants entered into an illegal agreement to distribute a drug



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known as Clozaril by tying it to the purchase of a blood testing system, by fixing the price of the packaged sale, and by conspiring to monopolize the relevant market. More than \$20 million was recovered for the class.

➤ ***In re High Fructose Corn Syrup Antitrust Litigation, MDL 1087 (C.D. Ill.)***

FKLM attorneys served as co-lead counsel in this antitrust price-fixing class action against major manufacturers of high fructose corn syrup. The case was settled for \$531 million for the class. At the close of the hearing where counsel fees were approved, Judge Michael M. Mihm stated:

I've said many times during this litigation that you and the attorneys who represent the defendants here are as good as it gets. Very professional. At least in my presence or in my contacts with you, you've always been civil. You've always been cutting to the chase and not wasting my time or each other's time or adding to the cost of the litigation.

➤ ***In re Linerboard Antitrust Litigation, MDL 1261 (E.D. Pa.)***

FKLM attorneys served as co-lead counsel in this antitrust price-fixing case, which resulted in settlements of over \$200 million for the plaintiff class.

➤ ***SchagrinGas Co. v. BP Products North America, et al., No. 1:06-cv-3621 (N.D. Ill.)***

FKLM served as co-lead counsel on behalf of direct purchaser plaintiffs in this nationwide class action involving monopolization claims under Section 2 of the Sherman Act. The case resulted in a settlement of over \$50 million.

➤ ***In re Aftermarket Filters Antitrust Litigation, MDL 1957 (N.D. Ill.)***

FKLM served as interim co-lead counsel on behalf of direct purchasers of replacement automobile air and oil filters in this nationwide, antitrust price-fixing case. The case resulted in settlements of nearly \$18 million.

➤ ***In re Flat Glass Antitrust Litigation (No. II), MDL 1942 (W.D. Pa.)***

FKLM served as co-lead counsel on behalf of direct purchaser plaintiffs of construction flat glass in this nationwide, antitrust price-fixing case. The case resulted in settlements exceeding \$22 million.

➤ ***In re Urethane Chemicals Antitrust Litigation, MDL 1616 (D. Kan.)***



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FKLM attorneys served as co-lead counsel in this antitrust price-fixing action. The case resulted in settlements of \$33 million for the class.

➤ ***In re Methyl Methacrylate (MMA) Antitrust Litigation, MDL 1768 (E.D. Pa.)***

FKLM served as co-lead counsel in this antitrust price-fixing action against producers of methyl methacrylate and polymethyl methacrylate. The case resulted in a settlement of over \$15 million for the class.

➤ ***In re Infant Formula Antitrust Litigation, MDL 878 (N.D. Fla.)***

FKLM attorneys served as co-lead counsel in this antitrust price-fixing class action against the major manufacturers of infant formula. The case settled for over \$125 million.

➤ ***In re Chubb Drought Insurance Litigation, MDL 782 (S.D. Ohio)***

FKLM attorneys served as co-lead counsel in this class action filed on behalf of farmers who purchased drought insurance that Chubb refused to honor. The settlement exceeded \$110 million and was achieved in less than 9 months. This sum, together with \$8 million recovered at trial against Chubb's general agent, resulted in complete recovery for the affected farmers.

➤ ***In re Ocean Shipping Antitrust Litigation, MDL 395 (S.D.N.Y.)***

FKLM attorneys served as co-lead counsel in this antitrust price-fixing class action, which resulted in a \$79 million recovery for thousands of U.S. and European shippers. Distributions were made to claimants in the United States and throughout a number of European countries.

➤ ***In re Isostatic Graphite Antitrust Litigation, Master File 00-CV-1857 (E.D. Pa.)***

FKLM attorneys served as co-lead counsel in this antitrust price-fixing class action. The case resulted in combined settlements of over \$11 million for the class.

➤ ***In re Carbon Dioxide Antitrust Litigation, MDL 940 (M.D. Fla.)***

FKLM attorneys served as co-lead counsel in this antitrust price-fixing class action in which the plaintiff class recovered \$53 million and achieved significant therapeutic relief for the class.



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➤ ***In re Morrison Knudson Securities Litigation, CA No. 94-CV-3345 (D. Idaho)***

FKLM attorneys served as co-lead counsel in this securities class action where the plaintiff class received \$43 million and approximately 3 million shares of Morrison Knudson common stock in settlement of their claims.

➤ ***In re M-L Lee Acquisition Fund Securities Litigation (D. Del.)***

FKLM attorneys served as co-lead counsel in this securities class action case against a syndicate of partnerships and its general partners, involving Merrill Lynch and its affiliates, and a leveraged buy-out specialty firm overseen by Thomas H. Lee. The case resulted in a \$33 million settlement on behalf of the limited partners.

➤ ***In re Public Service Company of New Mexico (S.D. Cal.)***

FKLM attorneys served as lead counsel in this derivative action and obtained \$33 million dollars in a joint settlement with class plaintiffs in a related securities fraud class action. Judge Harry R. McCue, District Court Judge for the Southern District of California stated:

The petitioners in this case are members of respected law firms which specialize in class action litigation. These attorneys brought considerable legal talents together, and were able to achieve the successful completion of this litigation. They are entitled to fair and reasonable compensation.

➤ ***Piggly Wiggly Antitrust Litigation (E.D. Tex.)***

FKLM attorneys served as co-lead counsel in this statewide (Texas) antitrust price-fixing action, which resulted in total settlements of approximately \$32 million for class members.

➤ ***Koch Gathering Systems, Inc. Oil Spill Litigation (Dist. Ct. of Nueces County, Tex.)***

FKLM attorneys served as co-lead counsel in this case concerning a marine oil spill in which a class consisting of commercial fisherman and shrimpers recovered over \$10 million.



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### **OTHER LEADERSHIP ROLES**

In addition to serving as lead or co-lead counsel, FKLM attorneys regularly play key roles as members of executive or steering committees, negotiating ESI issues, taking and defending depositions, working with expert witnesses, and managing all aspects of pre-trial discovery.

➤ ***Mulhern, et al. v. Pepperidge Farm, 16-CV-32199 (N.D. Ill.)***

FKLM is serving as liaison counsel and managing discovery efforts in this class action alleging that drivers/distributors are improperly classified by Pepperidge Farm as “independent contractors” in order to wrongfully deny them certain compensation and other benefits.

➤ ***In re Lithium Ion Batteries Antitrust Litigation, MDL No. 2420 (N.D. Cal.)***

FKLM is serving as a member of the Direct Purchaser Plaintiff Direct Purchaser Plaintiffs’ Steering Committee in this case on behalf of direct purchasers of Lithium-Ion Battery products in this nationwide price fixing case.

➤ ***In re Rail Freight Fuel Surcharge Antitrust Litigation, MDL 1869 (DC)***

FKLM is serving as co-chair of the Executive Committee in this case on behalf of direct purchasers of rail freight services that paid fuel surcharges in this nationwide, antitrust price-fixing case.

➤ ***Standard Iron Works v. ArcelorMittal et al., 08-CV-5214 (N.D. Ill.)***

FKLM is serving as liaison counsel on behalf of direct purchasers of steel in this nationwide supply manipulation and price-fixing case.

➤ ***In re Blood Reagents Antitrust Litigation, MDL 2081 (E.D. Pa.)***

FKLM is serving as a member of the Executive Committee in this nationwide antitrust class action brought on behalf of direct purchasers of blood reagents.

➤ ***In re NCAA Student-Athlete Name & Likeness Licensing Litigation, 4:09-CV-1967 (N.D. Cal.)***

FKLM attorneys managed a variety of critical discovery matters in this antitrust case brought on behalf of former collegiate athletes.



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➤ ***In re Fresh and Process Potatoes Antitrust Litigation, MDL 2186 (D. Idaho)***

In addition to handling all aspects of discovery concerning two defendants, FKLM attorneys worked closely with lead counsel in drafting the consolidated complaint and successfully opposing a motion to dismiss in this nationwide antitrust class action brought on behalf of direct purchasers of fresh and process potatoes.

➤ ***In re Processed Egg Products Antitrust Litigation, MDL 2002 (E.D. Pa.)***

FKLM attorneys worked closely with lead counsel in drafting the original complaint and successfully opposing a motion to dismiss in this nationwide antitrust class action brought on behalf of direct purchasers of eggs and egg products.

➤ ***In re Cathode Ray Tube (CRT) Antitrust Litigation, MDL 1917 (N.D. Cal.)***

FKLM served as Chair of Discovery and worked closely with lead counsel to manage a variety of top level matters, including negotiating ESI issues and taking key depositions in this nationwide price-fixing class action with over \$100 million in partial settlements.

➤ ***In re Optical Disk Drive (ODD) Antitrust Litigation, MDL 2143 (N.D. Cal.)***

FKLM was one of several firms that assisted lead counsel with discovery and briefing in this nationwide price-fixing class action brought on behalf of direct purchasers of optical disk drives.

➤ ***In re Municipal Derivatives Antitrust Litigation, MDL 1940 (S.D.N.Y.)***

FKLM oversaw discovery of a key defendant and worked closely with lead counsel on a variety of other pre-trial matters in this nationwide class action brought on behalf of purchasers of municipal derivatives.

➤ ***In re American Express Anti-Steering Rules Antitrust Litigation (No. II), MDL 2221 (E.D.N.Y.)***

FKLM managed discovery of independent merchant (opt-out) plaintiffs in this nationwide antitrust case.

➤ ***In re Air Cargo Shipping Services Antitrust Litigation, MDL 1775 (E.D.N.Y.)***

FKLM attorneys served as co-chairs of discovery in this antitrust class action involving claims under Section 1 of the Sherman Act. Settlements in the case totaled nearly \$600 million.



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➤ ***In re Intel Corp. Microprocessor Antitrust Litigation*, MDL 1717 (D. Del.)**

FKLM attorneys managed discovery from dozens of named plaintiffs in this nationwide antitrust action. Among other things, the firm played a key role in overseeing document production and coordinating, managing and defending over 50 depositions.

➤ ***In re Vitamins Antitrust Litigation*, MDL 1285 (D.D.C.)**

FKLM attorneys served as co-chairs of discovery in this antitrust price-fixing action, which resulted in over \$1.3 billion in settlements.

➤ ***In re Dynamic Random Access Memory (DRAM) Antitrust Litigation*, MDL 1486 (N.D. Cal.)**

FKLM attorneys served as co-chairs of discovery in this nationwide, antitrust price-fixing action, which resulted in settlements of over \$300 million for class members.

➤ ***In re Rubber Chemicals Antitrust Litigation*, MDL 1648 (N.D. Cal.)**

FKLM attorneys served on the executive committee in this nationwide, antitrust price-fixing action, which resulted in settlements of over \$300 million for class members.

➤ ***In re Ethylene Propylene Diene Monomer (EPDM) Antitrust Litigation*, MDL 1542 (D. Conn.)**

FKLM attorneys served as co-chairs of discovery in this nationwide antitrust price-fixing action, which has resulted in settlements of over \$87 million for class members.

➤ ***In re Static Random Access Memory (SRAM) Antitrust Litigation*, MDL 1819 (N.D. Cal.)**

FKLM was a member of the executive committee representing direct purchaser plaintiffs in this antitrust price-fixing case which resulted in settlements exceeding \$76 million.

➤ ***In re Waste Management, Inc. Securities Litigation*, Master File 97-CV-7709 (N.D. Ill.)**

FKLM attorneys were actively involved in litigating the case and served as liaison counsel. A settlement for the plaintiff class of \$220 million was obtained.





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➤ ***Blinder Robinson Securities Litigation (E.D. Pa.)***

FKLM attorneys served as members of the Steering Committee in this securities fraud action in which an injunction was obtained preventing a transfer of assets; judgment of \$71 million was later entered.

➤ ***In re Drill Bits Antitrust Litigation, CA No. H-91-627 (S.D. Tex.)***

FKLM attorneys served as members of the Steering Committee in this antitrust price-fixing class action and were instrumental in achieving a settlement for the class in excess of \$52 million.

➤ ***In re Industrial Gas Antitrust Litigation, CA No. 80 C. 3479 (N.D. Ill.)***

FKLM attorneys served as members of the executive committee in this antitrust price-fixing class action, which ultimately recovered more than \$50 million dollars for the class. The settlement included assignable purchase certificates, which the court found increased the competitive value of the settlement.

➤ ***In re Records and Tapes Antitrust Litigation (N.D. Ill.)***

FKLM attorneys served as members of the executive committee in this antitrust price-fixing class action. The class recovered \$26 million dollars in settlement in cash and assignable purchase certificates.

➤ ***Kaufman v. Motorola, Inc. (N.D. Ill.)***

FKLM attorneys served as actively involved in litigating the case and served as liaison counsel. A settlement of \$25 million was obtained for the plaintiff class.

➤ ***In re Unisys Securities Litigation, CA No. 99-5333 (E.D. Pa.)***

FKLM attorneys served as members of the executive committee in this derivative action in which Plaintiffs recovered \$20 million for corporation.

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Other large class action cases in which FKLM attorneys were involved in a leadership position include *In re Folding Cartons Antitrust Litigation*, *In re Plywood Antitrust Litigation*, *In re Standard Screws Antitrust Litigation*, *In re Cotton Yarn Antitrust Litigation*, *In re Glass Containers Antitrust Litigation*, *In re Aluminum Siding Antitrust Litigation*, *Rusty Jones Warranty Litigation*, *NPA Securities Litigation*, *In re Chlor-alkali and Caustic Soda Antitrust Litigation*, and *In re Potash Antitrust Litigation*.



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FKLM frequently serves as local counsel for a variety of cases, working closely with law firms located outside of Illinois. Some examples include *North Miami General Employees Retirement Fund et al. v. Parkinson et al.*, Case No. 1:10-cv-06514 (N.D. Ill.) (pending), *Marvin H. Maurras Revocable Trust v. Bronfman Jr. et al.*, Case No. 1:12-cv-03395 (N.D. Ill.) (pending), and *St. Lucie County Fire District Firefighters' Pension Trust Fund v. Motorola, Inc. et al.*, Case No. 1:10-cv-00427 (N.D. Ill.) actions where FKLM was appointed as liaison counsel.

### **ATTORNEY PROFILES**

#### **Michael J. Freed**

After leaving the Department of Justice Antitrust Division, Mr. Freed has engaged in private antitrust class action litigation for 50 years. He has served as co-lead counsel in many prominent antitrust and securities fraud class action cases. Presently, Mr. Freed is serving as co-lead counsel in the *Kleen Products v. International Paper/Containerboard Antitrust* case and *In re Opana ER Antitrust Litigation*. Prior antitrust class actions in which Mr. Freed served as co-lead counsel include *In re Aftermarket Filters Antitrust Litigation*, *In re Brand Name Prescription Drugs Antitrust Litigation*, *In re High Fructose Corn Syrup Antitrust Litigation*, *In re Linerboard Antitrust Litigation*, *In re Carbon Dioxide Antitrust Litigation*, *In re Infant Formula Antitrust Litigation*, and *In re Ocean Shipping Antitrust Litigation*. More than \$2 billion has been recovered for the plaintiff classes in cases in which Mr. Freed has served as co-lead counsel.

Mr. Freed has been named an Illinois Super Lawyer by Chicago Magazine, an Illinois Leading Lawyer by the Leading Lawyer's Network, and one of the top plaintiffs' antitrust lawyers in Illinois by Chambers and Partners. In March 2007, Mr. Freed was honored by the Chicago Appleseed Fund for Justice for his exceptional pro bono efforts.

Mr. Freed was formerly a trial and appellate attorney with the United States Department of Justice, Antitrust Division (Honors Program). He is a graduate of the University of Pennsylvania (B.S., 1959) and University of Chicago Law School (J.D., 1962).



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**Steven A. Kanner**

Mr. Kanner has over 30 years' experience in complex antitrust litigation and previously led the class action practice at Much Shelist Freed. His experience includes investigation, discovery, trial and appeal of antitrust, securities and other complex cases. Mr. Kanner has been designated an Illinois Super Lawyer by *Chicago Magazine* for the past 5 years and is a frequent lecturer both domestically and internationally on antitrust and trade regulation.

With respect to antitrust matters, Mr. Kanner has been involved in a leadership capacity in many of the cases described above. Cases in which Mr. Kanner is currently serving as co-lead counsel or interim co-lead counsel include *In re Automotive Parts Antitrust Litigation*, MDL 2311 (E.D. Mich.), (an international price fixing conspiracy of historic proportions which currently includes individual cases for Wire Harnesses, Instrument Panel Clusters, Fuel Senders, Heater Control Panels, Occupant Safety Systems, Ball Bearings, Air Conditioning Systems, Windshield Wiper Systems, Starters, Alternators, Windshield Washer Systems), *Kleen Products, et al. v. International Paper, et al.*, 10-CV-5711 (N.D. IL) ("*Containerboard Antitrust Litigation*"), *In re Vehicle Carrier Antitrust Litigation*, MDL 2471 N.D. NJ). Mr. Kanner is also Co-Chair of the Executive Committee in *In re Rail Freight Fuel Surcharge Antitrust Litigation* MDL 1869 (DC).

A 1979 graduate of DePaul University Law School, Mr. Kanner is admitted to the Bars of Illinois, the Northern District of Illinois (member of the trial bar), the United States Court of Appeals (Second, Third, Fourth, Fifth, Seventh and Tenth Circuits) and the United States Supreme Court. He is also a member of the Chicago Bar Association (Committees on Litigation and Antitrust Law), the Illinois State Association (Sections on Antitrust Law and Litigation), the American Bar Association (Sections on Antitrust Law and Litigation), the Illinois Trial Lawyers Association, and the Decalogue Society where he previously served on the Editorial Board of the Society's Law Journal. Prior to entering private practice, Mr. Kanner was employed by the Federal Trade Commission as a consumer affairs specialist.



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### **Douglas A. Millen**

Mr. Millen devotes his practice to prosecuting direct purchaser, price-fixing class actions and has played a key role in many of the most successful price-fixing cases in the United States. Most recently, in the Southern District of New York, Mr. Millen was appointed of the co-lead counsel in the *Daniel Gordon, et al. v. Amadeus IT Group S.A., et al.*, 1:15-cv-05457 (S.D.N.Y.) (“GDS Antitrust Litigation”) by Judge Katherine Polk Failla.

Northern District of California, Judge Yvonne Gonzalez Rogers appointed Mr. Millen to the Direct Purchaser Plaintiffs’ Steering Committee in *In re Lithium Ion Batteries Antitrust Litigation*, MDL No. 2420 (N.D. Cal.). He has extensive experience litigating complex commercial matters, with an emphasis on cases involving antitrust, consumer protection, securities and contract law claims. Mr. Millen also has substantial experience in electronic discovery matters and the leveraging of technology to achieve effective and efficient client advocacy. He formerly chaired the Technology Committee at Much Shelist Freed and has handled many complicated electronic discovery issues.

Mr. Millen has played a prominent role in many of the largest antitrust cases in recent history – including *In re Dynamic Random Access Memory (DRAM) Antitrust Litigation*, MDL 1486 (N.D. Cal.), *In re Vitamins Antitrust Litigation*, MDL 1285 (D.D.C.), and *In re Rubber Chemicals Antitrust Litigation*, MDL 1648 (N.D. Cal.) – and his efforts have assisted in the recovery of billions of dollars for class members. Among other cases, Mr. Millen is presently involved in *In re Cathode Ray Tube (CRT) Antitrust Litigation*, MDL 1917 (N.D. Cal.), *In re American Express Anti-Steering Rules Antitrust Litigation (No. II)*, MDL 2221 (E.D.N.Y.), and *In re Rail Freight Fuel Surcharge Antitrust Litigation*, MDL 1869 (D.D.C.) He has also provided antitrust compliance consultation for large, multi-national companies.

Mr. Millen is a graduate of the University of Michigan (B.G.S., 1991) and University of Illinois College of Law (J.D. *magna cum laude*, 1994). In 1994, he was admitted to the New York and Connecticut State Bars; and in 1995 he was admitted to the Illinois State Bar. He is also admitted to practice in the Northern and



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Southern Districts of Illinois. Mr. Millen is a member of the American Bar Association, Antitrust Section and the Chicago Bar Association. Prior to founding FKLM, Mr. Millen was a partner at Much Shelist Freed, where he practiced with the class action group from November 1995 through December 31, 2006.

**William H. London**

Mr. London has been litigating class action cases for over 25 years. He served as trial counsel for the plaintiff class in *In re High Pressure Laminates Antitrust Litigation*, a case that was tried before a jury in the Southern District of New York. He was actively involved in several cases in which FKLM was serving in a leadership capacity, including *In re Flat Glass Antitrust Litigation (No. II)*, MDL No. 1942 (W.D. Pa.); *In re Static Random Access Memory (SRAM) Antitrust Litigation*, MDL No. 1819 (N.D.Cal); and *In re Hydrogen Peroxide Antitrust Litigation*, MDL 1682 (E.D. Pa.). Mr. London presently has significant involvement in *In re Automotive Parts Antitrust Litigation*, MDL 2311 (E.D. Mich.) and *In re Optical Disk Drive Products Antitrust Litigation*, No. 3:10-md-2143 (N.D. Cal.).

Mr. London graduated *Magna Cum Laude* from Syracuse University in 1984 and received his law degree in 1987 from IIT Chicago-Kent College of Law. In 1987, he was admitted to the Illinois Bar and the Federal Bar; and in 1988, he was admitted to practice before the United States Court of Appeals for the Seventh Circuit. Mr. London is a member of the American Bar Association and is a past-Chairman of the Chicago Bar Association Class Litigation Committee. He was formerly an Assistant Attorney General for the State of Illinois, during which time he argued cases in the United States Court of Appeals for the Seventh Circuit and the Illinois Supreme Court. Since 1990, Mr. London has concentrated on complex and commercial litigation, with an emphasis on class action litigation involving antitrust claims. Mr. London practiced with Much Shelist Freed from March 1993 through December 31, 2006.

**Michael E. Moskovitz**

Michael E. Moskovitz is a partner at Freed Kanner London & Millen LLC and has been involved in trial and appellate litigation for more than 15 years. Since 2000, he has concentrated on complex commercial



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litigation, with a primary emphasis on class action litigation involving antitrust, securities fraud, and consumer fraud claims. Mr. Moskowitz previously played a key role in the class action practice of Much Shelist Freed. He is significantly involved in several pending antitrust class actions, *In re Automotive Parts Antitrust Litigation*, MDL 2311 (E.D. Mich.), and *In re Vehicle Carrier Services Antitrust Litigation*, MDL No. 2471. Mr. Moskowitz is also a member of The Sedona Conference's Working Group 1 (Electronic Document Retention and Production) and has spoken at The Sedona Conference's Midyear meeting and has co-written papers published by The Sedona Conference.

Mr. Moskowitz is a graduate of Indiana University (B.A., 1993) and New York University School of Law (J.D., 1996).

#### **Robert J. Wozniak**

Robert J. Wozniak is a partner at Freed Kanner London & Millen LLC. Since 2001, Mr. Wozniak has been involved in complex commercial litigation, with a primary emphasis on antitrust and consumer class action cases. Prior to engaging in private law practice, Mr. Wozniak worked as a trial attorney for the United States Department of Justice, Antitrust Division (Honors Program). Mr. Wozniak was then employed by Cohen Milstein Hausfeld & Toll, a Washington, D.C. class action firm, before joining Much Shelist Freed in 2004.

The complex antitrust class actions in which Mr. Wozniak has had significant involvement include: *In re Opana ER Antitrust Litigation* (N.D. Ill.); *Mulhern, et al. v. Pepperidge Farm* (N.D. Ill.); *Kleen Products, et al. v. International Paper, et al.* (N.D. Ill.) ("*Containerboard Antitrust Litigation*"); *In re NCAA Student-Athlete Names & Likeness Licensing Litigation* (N.D. Cal.); *In re Fresh and Process Potatoes Antitrust Litigation* (D. Idaho); *In re Municipal Derivatives Antitrust Litigation* (S.D.N.Y.); *In re Flat Glass Antitrust Litigation (II)* (W.D. Pa.); *In re TFT-LCD (Flat Panel) Antitrust Litigation* (N.D. Cal.); *In re Static Random Access Memory (SRAM) Antitrust Litigation* (N.D. Cal.); *In re Hydrogen Peroxide Antitrust Litigation* (E.D. Pa.); *In re Intel Corp. Microprocessor Antitrust Litigation* (D. Del.); *In re Dynamic Random Access Memory (DRAM) Litigation* (N.D. Cal.); *In re Buspirone Antitrust Litigation* (S.D.N.Y.); and *In re Terazosin Hydrochloride Antitrust Litigation* (S.D. Fla.).



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Mr. Wozniak is a graduate of the University of Michigan (B.A., 1988), University of Minnesota (M.A., 1994), and Wayne State University Law School (J.D., 2000, *cum laude*, Order of the Coif). He has been admitted to practice law in Illinois, Michigan and the District of Columbia.

**Brian M. Hogan**

Brian M. Hogan is an associate attorney at Freed Kanner London & Millen LLC. He specializes in class action litigation and has a wide range of experience successfully handling product liability, mass tort, toxic and environmental exposure, consumer protection and antitrust cases. He has litigated cases in numerous state and federal courts nationwide, including multidistrict litigation. Mr. Hogan has tried over a dozen cases to verdict.

Currently, Mr. Hogan has significant involvement litigating *In re Automotive Parts Antitrust Litigation* (E.D. Mich.), where Freed Kanner London & Millen is court-appointed co-lead counsel representing direct purchasers of automotive parts who were overcharged as a result of price-fixing and bid-rigging conspiracies by various sets of defendants throughout the automotive parts industry. The litigation follows the largest United States Department of Justice criminal antitrust investigation in history.

Mr. Hogan received a B.A. from Indiana University and his J.D. from Chicago-Kent College of Law.

# EXHIBIT

2



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

Freed Kanner London &amp; Millen 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>					
William H. London	P	2017	0.10	\$730.00	\$73.00
William H. London	P	2015	0.10	\$700.00	\$70.00
William H. London	P	2015	0.20	\$690.00	\$138.00
Douglas A. Millen	P	2017	11.00	\$740.00	\$8,140.00
Douglas A. Millen	P	2017	26.20	\$725.00	\$18,995.00
Douglas A. Millen	P	2016	266.30	\$700.00	\$186,410.00
Douglas A. Millen	P	2015	405.30	\$690.00	\$279,657.00
Douglas A. Millen	P	2015	403.55	\$680.00	\$274,414.00
Douglas A. Millen	P	2014	225.80	\$670.00	\$151,286.00
Douglas A. Millen	P	2014	359.90	\$650.00	\$233,935.00
Douglas A. Millen	P	2013	93.60	\$635.00	\$59,436.00
Douglas A. Millen	P	2013	105.60	\$625.00	\$66,000.00
Michael E. Moskovitz	P	2013	1.00	\$590.00	\$590.00
Robert J. Wozniak	P	2016	1.00	640.00	\$640.00
Robert J. Wozniak	P	2016	154.30	350.00	\$54,005.00
Robert J. Wozniak	P	2015	1.50	\$630.00	\$945.00
Robert J. Wozniak	P	2015	108.80	\$350.00	\$38,080.00
Donald L. Sawyer	A	2016	951.10	\$450.00	\$427,995.00
Donald L. Sawyer	A	2015	876.00	\$450.00	\$394,200.00
Donald L. Sawyer	A	2015	666.60	\$440.00	\$293,304.00
Donald L. Sawyer	A	2014	479.60	\$430.00	\$206,228.00
Donald L. Sawyer	A	2014	702.00	\$410.00	\$287,820.00
Donald L. Sawyer	A	2013	387.60	\$395.00	\$153,102.00
Donald L. Sawyer	A	2013	149.20	\$385.00	\$57,442.00
Michael L. Silverman	A	2014	1.00	\$395.00	\$395.00
Michael L. Silverman	A	2014	1.00	\$375.00	\$375.00
Michael L. Silverman	A	2014	173.30	\$350.00	\$60,655.00

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

Freed Kanner London &amp; Millen 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>
Michael L. Silverman	A	2013	2.90	\$360.00	\$1,044.00
Heather M. Bessinger	A	2015	7.20	\$395.00	\$2,844.00
Heather M. Bessinger	A	2015	105.30	\$385.00	\$40,540.50
Brian M. Hogan	A	2016	1.30	\$450.00	\$585.00
Brian M. Hogan	A	2016	86.00	\$350.00	\$30,100.00
					\$0.00
					\$0.00
<b>NON-ATTORNEYS</b>					
Marlene S. Khamoo	PL	2016	2.50	\$175.00	\$437.50
Marlene S. Khamoo	PL	2015	43.90	\$175.00	\$7,682.50
Marlene S. Khamoo	PL	2014	15.30	\$175.00	\$2,677.50
Marlene S. Khamoo	PL	2013	8.50	\$175.00	\$1,487.50
<b>TOTAL:</b>			<b>6,824.55</b>		<b>\$3,341,728.50</b>

(P) Partner

(A) Associate

(INV) Investigator

# EXHIBIT

3

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

Freed Kanner London &amp; Millen 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.)	\$625.40
Document Production	
Experts / Consultants	
Messenger Delivery	
Photocopies - In House	\$2,244.20
Photocopies - Outside	
Postage	\$73.64
Service of Process	
Overnight Delivery (Federal Express, etc.)	
Telephone / Facsimile	\$661.10
Transcripts (Hearings, Depositions, etc.)	
Travel (Airfare, Ground Travel)	\$1,626.14
Travel (Meals and Lodging)	\$1,052.05
<b>TOTAL</b>	<b>\$6,282.53</b>