

EXHIBIT U

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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 FRANCIS O.
SCARPULLA IN SUPPORT OF DIRECT-
PURCHASER PLAINTIFFS' MOTION
FOR AN AWARD OF ATTORNEYS'
FEES, REIMBURSEMENT OF
EXPENSES, AND INCENTIVE AWARDS**

1 I, Francis O. Scarpulla, declare and state as follows:

2 1. From the inception of this case until March 21, 2015, I was the senior antitrust
3 partner at the firm of Zelle Hoffman Voelbel & Mason (now known as Zelle); subsequent to
4 March 21, 2015, I have owned the Law Offices of Francis O. Scarpulla (“LOFOS”). Upon my exit
5 from the Zelle firm, I retained one-half of my lodestar in this case which, at the time I departed,
6 amounted to \$259,660.00, computed at historical rates. Since March 21, 2015, I have worked on
7 this matter on behalf of LOFOS exclusively and have a lodestar totaling \$28,685.00, computed at
8 historic rates. These total lodestars have been revised in accordance with the provisions of
9 Paragraphs 6 and 7, below. I submit this declaration in support of Direct-Purchaser Plaintiffs
10 (“DPP”) application for an award of attorneys’ fees and reimbursement of expenses in connection
11 with the services rendered in this litigation. I make this Declaration based on my own personal
12 knowledge, and if called as a witness, I could and would competently testify to the matters stated
13 herein.

14 2. My firm has served as counsel to The Stereo Shop and as counsel for the Direct-
15 Purchaser Class (“Class”) throughout the course of this litigation. My background and experience
16 are summarized in my *Curriculum Vitae* attached hereto as Exhibit 1.

17 3. While I was the senior antitrust partner at the Zelle firm, that firm prosecuted this
18 litigation solely on a contingent-fee basis, and was at-risk that it would not receive any
19 compensation for prosecuting claims against the defendants. That is also true during the period of
20 time I prosecuted this case on behalf of LOFOS. My former firm, Zelle, had lawyers who devoted
21 their time and resources to this matter and therefore had to forgo other legal work for which it
22 could have been compensated.

23 4. During the pendency of this litigation, I personally preformed the following work,
24 while at the Zelle firm and on behalf of LOFOS: At the beginning of this case, I performed due
25 diligence of the factual basis for preparing the original complaint. I worked on the preparation of
26 the consolidated amended complaint, as well. As the case progressed, I discussed certain issues
27 with an expert economist, Janet Netz. I reviewed newly-decided class opinions for input on the

1 class pleaded in this action. I had conversations with Lead Counsel regarding settlement proposals
2 from Panasonic. I attended meetings of counsel to discuss strategies for the efficient prosecution
3 of this case, including responses to motions to dismiss, and to prepare for oral arguments on
4 various motions.

5 5. Attached hereto as Exhibit 2 is my firm's total hours and lodestar, computed at
6 historical rates, for the period of June 1, 2013 through August 31, 2017. This period reflects the
7 time spent after the appointment of Interim Co-Lead Counsel and Liaison Counsel for Direct-
8 Purchaser Plaintiffs ("DPP") in this litigation. The total number of hours spent by me, without
9 any subsequent deductions, while I was at Zelle is 44.7, of which I am entitled to claim 22.35
10 hours with a corresponding lodestar of \$27,937.50, at historical rates. The total number of hours
11 spent on this by LOFOS during this period of time was 81.7 hours, with a corresponding lodestar
12 of \$31,915.00, at historical rates. My firm's lodestar figures are based on the firm's historical
13 billing rates which do not include charges for expense items. Expense items are billed separately,
14 and such charges are not duplicated in my firm's billing rates. This summary was prepared from
15 contemporaneous, daily time records regularly prepared and maintained by my firm. The lodestar
16 amount reflected in Exhibit 2 is for work assigned by DPP Co-Lead Counsel, and was performed
17 by professionals at my law firm for the benefit of the Class; the lodestars are reduced in
18 accordance with Paragraphs 6 and 7, below.

19 6. I have reviewed the time and expense records for LOFOS that form the basis of this
20 declaration to correct any billing errors. In addition, my firm has removed all time entries and
21 expenses related to the following:

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

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

27 c. billing for time connected with creating timekeeping records or for the time

1 of attorneys or staff expended in preparation of audited time records and expenses in support of
2 DPPs' application for an award of attorneys' fees and reimbursement of expenses.

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

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

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

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

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

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

19 8. Once I reviewed my time and applied the criteria in Paragraphs 6 and 7 above, the
20 respective lodestars for the period of time I was at Zelle is \$14,152.50; for the LOFOS time it is
21 \$15,715.00. Thus, my total lodestar amounts to \$29,867.50. My firm should be awarded the same
22 multiplier that Zelle receives.

23 9. LOFOS has no significant costs to claim.

24 10. LOFOS paid a total of \$10,000.00 in assessments for the joint prosecution of the
25 litigation against the Defendants.

26 11. My firm has carefully reviewed the time and expenses that comprise its reported
27 lodestar and out of pocket expenses and represents that such lodestar and expenses comply with all

1 material applicable terms of the May 21, 2013 letter from Co-Lead Counsel regarding Protocols
2 for Maintaining and Reporting Time and Expense as well as Modified Pretrial Order No. 1 with
3 Exhibit A (Dkt. No. 202, May 24, 2013).

4 I declare under penalty of perjury under the laws of the United States of America that the
5 foregoing is true and correct. Executed on this 31st day of January, 2018 at San Francisco,
6 California.

7 
8 FRANCIS O. SCARPULLA
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EXHIBIT 1

CURRICULUM VITAE OF FRANCIS O. SCARPULLA

Mr. Scarpulla specializes in prosecuting complex civil cases, primarily antitrust lawsuits, most of which are class actions.

Over his almost 50 years of practice, Mr. Scarpulla has participated in many federal antitrust class actions which have served to develop both state and federal law. The federal antitrust class actions include the *Gypsum Wallboard Antitrust Litigation*, *Sugar Antitrust Litigation*, *Folding Cartons Antitrust Litigation*, *Fine Paper Antitrust Litigation*, *Corrugated Container Antitrust Litigation*, *Pharmaceutical Antitrust Litigation*, *Microsoft Monopolization Antitrust Litigation*, *Cosmetics Antitrust Litigation*, and more recently in the *DRAM*, *SRAM*, and *LCD MDL* cases.

In addition to practicing law, Mr. Scarpulla was the past Chair of the Antitrust and Trade Regulation Section of the California State Bar. He has participated in both ABA and CEB panels on competitive business practices, as well as having served as a guest lecturer in MBA programs. Mr. Scarpulla also was an instructor at The University of California Hastings School of Law, teaching legal writing classes during 1985 and 1988. He was an adjunct professor of Antitrust Law at Golden Gate University Law School. Mr. Scarpulla taught Antitrust Law at The University of San Francisco School of Law during the Fall of 2015.

Mr. Scarpulla has been recognized by his peers as one of the outstanding antitrust practitioners in the country, including:

- Antitrust Lawyer of the Year” for 2005 by the Antitrust Section of the California State Bar
- Band 1 Plaintiffs’ Antitrust Attorney by Chambers & Partners U.S.A.
- AV Preeminent in Martindale for 35 years
- Best Lawyers in America
- *California Lawyer* Attorney of the Year (“CLAY”) for Antitrust, 2013
- Super Lawyer
- Top 100 Lawyers in California
- Titan of the Bar 2014
- Finance Monthly Antitrust & Competition Law Firm of the Year (USA)
- Global Leading Lawyers – 2017 Competition U.S. Plaintiffs Law Firm of the Year
- Lawyers of Distinction 2017

- America's Most Honored Professionals 2017
- Who's Who Legal: Plaintiff's' Antitrust Lawyer 2017
- Top Lawyer in Northern California 2017

In 2010, Mr. Scarpulla was admitted to the Rolls of Solicitors in the United Kingdom, as well as to the Roll of Solicitors in the Republic of Ireland in 2017.

Mr. Scarpulla is admitted to practice before the following courts:

- United States Supreme Court
- United States Circuit Courts of Appeals for the Fifth, Seventh and Ninth Circuits
- United States District Courts: Northern, Central, and Eastern Districts of California; Northern District of Illinois; Eastern District of Pennsylvania
- Supreme Court of the State of California and all inferior courts of the State of California
- Solicitor, United Kingdom
- Solicitor, Republic of Ireland

For a detailed list of cases in which Mr. Scarpulla has participated, see the attached Appendix 1.

APPENDIX

COMPLEX LITIGATION CASES

- (1) *Plumbing Fixtures Antitrust Litigation* (E.D. Pa.) – price-fixing case brought on behalf of classes of public bodies and various private clients. See *Lindy Bros. v. American Radiator & Standard Sanitary Corp.*, 487 F.2d 161 (3rd Cir. 1973).
- (2) *Asphalt Antitrust Litigation* (N.D. Cal., D. New Mex., D. Idaho, D. Colo.) – price-fixing case brought on behalf of various public bodies. See *State of New Mexico v. American Petrofina, et al.*, 501 F.2d 363 (9th Cir. 1974).
- (3) *Newspaper Publishing Monopolization Litigation* (N.D. Cal.) – brought on behalf of competing newspaper. See *San Francisco Bay Guardian v. San Francisco Chronicle, et al.*, 344 F.Supp. 1155 (N.D. Cal. 1972).
- (4) *Gypsum Wallboard Antitrust Litigation* (N.D. Cal.) – price-fixing case brought on behalf of a national class of governmental bodies. See *In re: Gypsum Cases*, 1974-2 Trade Cases &74,272 (N.D. Cal. 1974).
- (5) *Albacore Monopolization Litigation* (N.D. Cal.) – Sherman 1 and 2 case brought on behalf of a class of albacore fishermen. See *Western Fishboat Owners Association v. Castle & Cooke, Inc., et al.*, C-74-1784 (N.D. Cal. 1974).
- (6) *Processed Potato Price Fixing Litigation* (S.D. Cal.) – brought on behalf of a class of restaurants. See *Love's Wood Pit Barbecue v. Bell Brand Foods, Inc., et al.*, 1974 Trade Cases &74,905 (S.D. Cal. 1974).
- (7) *Boise City, Idaho v. Monroe, Inc., et al.*, Civil Action No. 1-76-127 (D. Idaho) – price-fixing action brought on behalf of the municipality of Boise City, Idaho, against certain ready-mix concrete companies.
- (8) *In re: Arizona Bakery Products Litigation*, Civil No. 74-208A PHX CAM (D. Ariz.) – antitrust price-fixing action brought on behalf of five classes of Arizona purchasers of bakery products.
- (9) *Spinetti, et al. v. Atlantic Richfield Company*, C-75-0324-RFP (N.D. Cal.) – claims of 80 petroleum wholesale distributors against their suppliers for violations of antitrust and federal energy laws.
- (10) *Presidio Golf Club of San Francisco, Inc., et al. v. National Service Industries, Inc.*, C-71-945-SW (N.D. Cal.) – price-fixing action brought on behalf of class of linen service users against linen suppliers.
- (11) *In re: Arizona Dairy Products Litigation*, Civil No. 74-569A PHX CAM (D. Ariz.) – antitrust price-fixing action brought on behalf of five classes of Arizona purchasers of dairy products.
- (12) *Folding Cartons Antitrust Litigation*, MDL 250 (N.D. Ill.) – antitrust price-fixing action brought on behalf of direct purchaser nationwide class of folding carton users.
- (13) *In re: Hawaii Beer Litigation*, Civil No. 77-0294A (D. Ha.) – antitrust price-fixing class action brought on behalf of a class of purchasers of beer in the State of Hawaii.

- (14) *In re: Sugar Industry Antitrust Litigation*, MDL 201 (N.D. Cal.) – antitrust price-fixing action brought on behalf of three private classes of sugar purchasers in the Western United States.
- (15) *Danielson v. Union Oil Company of California* (N.D. Cal.) – brought by petroleum wholesale distributor against his supplier for violation of federal antitrust and energy laws.
- (16) *Boardwalk Markets, Inc., et al. v. Associated Foods Stores, et al.* (N.D. Cal.) – brought by minority shareholders in wholesale grocery cooperative alleging violations of federal securities laws.
- (17) *National Super Spuds v. Gearhart Farms, Inc., et al.* (S.D. N.Y.) – commodities futures fraud action alleging manipulation of May 1976 Maine Potato Futures Contract.
- (18) *Fine Paper Antitrust Litigation (State of Arizona v. Boise Cascade, et al.)*, MDL 235 – antitrust price-fixing action by state agencies who purchased fine paper products.
- (19) *In re: California Armored Cars Litigation*, MDL 387 – antitrust price-fixing action brought on behalf of private class of purchasers in California.
- (20) *Busy Boy Markets, Inc., et al. v. A.R.A. Services, Inc., et al.*, Civil Action No. C-79-2156-SW (N.D. Cal. 1980) – antitrust price-fixing action brought on behalf of purchasers of publications.
- (21) *In re: California Wiring Devices Antitrust Litigation*, Civil Action No. 759-734 (S.F. Sup. Ct. 1981) – antitrust indirect-purchaser action on behalf of California consumers of wiring devices.
- (22) *In re: Concrete Antitrust Litigation*, MDL 296 – antitrust action for Arizona ready-mix purchasers.
- (23) *Marks v. San Francisco Real Estate Board*, Civil Action No. C-71-369-MHP – antitrust, class action on behalf of Bay Area class of home sellers who paid fixed real estate commission rates.
- (24) *Solvoil Company v. Lamplight Farms, Inc.*, Civil Action No. 755-503 (S.F. Sup. Ct.) – antitrust/fraud action by terminated distributor against manufacturer-supplier.
- (25) *THC Financial Litigation*, Civil No. 76-0448C (D. Ha.) – securities fraud class action brought on behalf of the depositors and holders of investment certificates and debentures in THC Financial Corporation.
- (26) *Buffalo Whole Food and Grain Co. v. The Fleming Companies, et al.*, Civil Action No. C-81-927-THE – nationwide antitrust, class action on behalf of purchasers of health foods.
- (27) *In re: Olympic Oil Securities Litigation*, Civil Action No. C-81-3441-RPA (N.D. Cal.) – 10b-5 action on behalf of defrauded shareholders.
- (28) *Prescottano v. Koracorp Industries, Inc.*, C-74-1704 (N.D. Cal.) – class of shareholders alleging securities fraud.
- (29) *Espirit de Corp. v. Alton Box Board Co., et al.*, Civil Action No. 750-975 (S.F. Sup. Ct. 1982) – state-wide, antitrust class action for indirect purchasers of corrugated boxes.

- (30) *Greenberg v. Leviton Manufacturing Co., Inc., et al.* (S.F. Sup. Ct. 1980) – state-wide class action for indirect purchases of wiring devices.
- (31) *Busy Boy Markets, Inc., et al. v. Roblin Industries, Inc., et al.*, Civil Action No. 772-241 – antitrust price-fixing case for class of indirect purchasers of shopping carts.
- (32) *U.F.C.W., Local 1288 v. Allied Finance Adjusters Conference*, Civil Action No. 777-670 (S.F. Sup. Ct.) – antitrust price-fixing action by California class against repossession firms.
- (33) *In re Petroleum Products Antitrust Litigation (Retail Clerks Union, Local 648, et al. v. Exxon Corp., et al.)*, MDL 150 – indirect purchaser, antitrust class action on behalf of California consumers of gasoline.
- (34) *In re: Airport Rent-A-Car Antitrust Litigation*, MDL 338 – antitrust action by independent car rental companies against major car rental companies; appeal pending before the Ninth Circuit.
- (35) *Tom Lazio Fish Co., Inc. v. Castle & Cooke, Inc., et al.* (S.F. Sup. Ct.) – antitrust, predatory pricing action brought by competitor against major tuna packers.
- (36) *In re: Records and Tapes Antitrust Litigation* (N.E. Ill. 1983) – nationwide, price-fixing, class action for direct purchasers of records and tapes.
- (37) *Alexander v. Cambridge-Lee Industries, Inc., et al.* (S.F. Sup. Ct. 1983) – indirect-purchaser, antitrust class action by California purchasers of copper tubing.
- (38) *B.W.I. Custom Kitchens v. Owens-Illinois, et al.* (S.F. Sup. Ct. 1983) – indirect-purchaser, antitrust class action by California wholesale purchasers of glass containers.
- (39) *Highland Park Liquor, Inc., et al. v. ARA Services, Inc., et al.* (L.A. Sup. Ct. 1983) – antitrust, price-fixing class action by wholesale purchasers of magazines.
- (40) *Biljac v. Bank of America, et al.* (S.F. Sup. Ct. 1984) – Unfair Competition Act case for antitrust price-fixing involving the prime rate to commercial borrowers.
- (41) *Biogenesis Research, Inc. v. The Hertz Corporation, et al.* (S.F. Sup. Ct. 1984) – Unfair Competition Act for fixing car-rental rates to California consumers.
- (42) *Alexander v. American Savings & Loan Association, et al.* (S.F. Sup. Ct. 1984) – Unfair Competition Act for fixing pre-payment and association fees.
- (43) *Tyre Treds, Inc. v. The Firestone Tire & Rubber Company*, Civil No. 70-236-SC (N.D. Cal. 1976) – distributor termination, antitrust action.
- (44) *Reno-West Coast Distributing Company, Inc. v. The Mead Corporation*, Civil Action No. 73-0250-SW (N.D. Cal. 1976) – distributor termination, antitrust action.
- (45) *Unique Factory Outlet v. Espirit de Corp.*, Civil No. C-78-2336-WTS (N.D. Cal. 1980) – distributor termination, antitrust action.
- (46) *California Indirect-Purchaser Infant Formula Antitrust Litigation*, Judicial Council Coordination Proceeding No. 2557 (L.A. Sup. Ct.) – state-wide, Cartwright Act, class action for consumers who purchased infant formula.

- (47) *Stead Industries, Inc. v. State Industries, Inc.* (N.D. Cal.) – Sherman 2 monopolization case involving water heater industry.
- (48) *Airport Hub Antitrust Litigation* (N.D. Ga.) – nationwide class action for price-fixing of domestic airline ticket prices.
- (49) *Duke Development Company v. The Stanley Works, et al.* (S.F. Sup. Ct.) – state-wide, price-fixing, Cartwright Act, class action for indirect purchasers of hinges.
- (50) *Exxon Valdez Spill Litigation* (L.A. Sup. Ct.) – state-wide class action for economic damages suffered by California motorists caused by Exxon Valdez spill.
- (51) *Dombek v. Humboldt Petroleum, Inc., et al.* (H.C. Sup. Ct.) – price-fixing, Cartwright Act class action for purchasers of petroleum products in Humboldt County.
- (52) *First Executive Life Insurance Litigation* (S.F. Sup. Ct.) – nationwide class of defrauded life insurance purchasers.
- (53) *Abbott v. Genentech, Inc.* (N.D. Cal.) – nationwide securities class action for security fraud violations.
- (54) *Abbott/Morse v. Nintendo of America, Inc.* (S.M. Sup. Ct.) – state-wide class action for unfair business practices in Cartwright Act violations.
- (55) *Los Angeles Waste Antitrust Litigation* (L.A. Sup. Ct.) – county-wide, price-fixing, Cartwright Act class action.
- (56) *In re: Macadamia Nuts Antitrust Litigation* (N.D. Cal.) – nationwide class action on behalf of direct purchasers of macadamia nuts for price-fixing.
- (57) *Weinberg/Friedman v. The B. Manischewitz Co.* (S.F. Sup. Ct.) – state-wide, Cartwright Act, price-fixing class action for indirect purchasers of matzo products.
- (58) *Movie 1 & 2 v. United Artists, et al.* (N.D. Cal.) – competitor case for alleged group boycott and monopolization.
- (59) *Wirebound Box Antitrust Litigation* (D. MN.) – nationwide class action for price-fixing of wirebound boxes.
- (60) *Orlando & Jones, Inc., et al. v. Nautilus Sports/Medical Industries, Inc., et al.* (D. FL.) – distributor claiming unfair business practices by manufacturer.
- (61) *James R. Benefiel and Edward D. Taylor v. Exxon Corporation, et al.* (L.A. Sup. Ct. 1989) – California class action for economic damages due to Exxon oil spill.
- (62) *Syufy Enterprises v. Vogel Popcorn Company, et al.*, File No. CV. 3-89-664, Master File No. 3-89-710 – class action involving bulk raw popcorn price-fixing case on behalf of direct purchasers.
- (63) *Renaissance Rialto, Inc., et al. v. Vogel Popcorn Company, et al.*, Civil No. 909-893 (S.F. Sup. Ct.) – class action involving bulk raw popcorn price-fixing case, on behalf of indirect purchasers.
- (64) *Arthur M. Stone Company and Tree of Life, Inc. v. Mauna Loa Macadamia Nut Corporation, et al.* - (N.D. Cal. 1990) – direct-purchaser, class action for price-fixing macadamia nuts.

- (65) *Gary Kaplan/Frank Holminski v. Southern Pacific Transportation Company, et al.*, Civil No. 935-732 (S.F. Sup. Ct.) – class action suit for damages due to toxic spill.
- (66) *John R. Travis v. Deloitte & Touche, et al.*, Civil No. 933-393 (S.F. Sup. Ct.) – class action suit representing persons who purchased life insurance products, who were damaged by fraudulent investments.
- (67) *In re: Potash Antitrust Litigation*, Civil File No. 3-93-197, MDL 981, U.S. District Court, District of Minnesota, Third Division – class action suit on behalf of direct purchasers of potash alleging horizontal price-fixing.
- (68) *Neve Brothers v. Potash Corporation of America, et al.*, Civil Case No. 959-767 (S.F. Sup. Ct.) – indirect-purchaser antitrust class action for potash purchasers.
- (69) *Diane Barela, et al. v. Ralph's Grocery Company, et al.*, Civil Case No. BC070061 (L.A. Sup. Ct.) – consumer class action alleging a milk price-fixing conspiracy in Los Angeles County.
- (70) *In re: Baby Food Antitrust Litigation*, Master File No. 92-5495 (NHP), United States District Court for the District of New Jersey – class action of direct purchasers against baby food manufacturers.
- (71) *Leslie K. Bruce, et al. v. Gerber Products Company, et al.*, Civil Case No. 948-857 (S.F. Sup. Ct.) – indirect-purchaser, price-fixing action against baby food manufacturers.
- (72) *Mark Notz, et al. v. Ticketmaster-Southern California, Inc., et al.*, Civil Case No. 943-327 (S.F. Sup. Ct.) – consumer class action alleging a territorial allocation in violation of the Cartwright Act.
- (73) *Nancy Wolf v. Toyota Motor Sales, U.S.A., Inc., et al.*, Civil Action No. C94-1359-MHP – nationwide, consumer class action alleging that the TDA Assessment on the dealer invoice was raised pursuant to an antitrust agreement.
- (74) *Lee Bright v. Kanzaki Specialty Papers, Inc., et al.*, Civil Action No. 963-598 (S.F. Sup. Ct.) – indirect-purchaser, consumer class action alleging a price-fixing conspiracy on fax paper.
- (75) *In re: Media Vision Technology Securities Litigation*, Civil Action No. C-94-1015-EFL (U.S. District Court - Northern District of CA) – securities fraud class action.
- (76) *Tortola Restaurants, L.P. v. Comet Products, Inc., et al.*, Civil Action No. 961-814 (S.F. Super Ct.) – indirect-purchaser, class action alleging a price-fixing conspiracy on plastic dinnerware.
- (77) *In re: California X-Ray Antitrust Litigation*, Civil Action No. 960-886 (S.F. Sup. Ct.) – indirect-purchaser, class action alleging price-fixing in X-ray film.
- (78) *Dianne Castano, et al. v. The American Tobacco Company, et al.*, Civil Action No. 94-1044, Section "S"(5) (U.S. District Court - Eastern District of Louisiana) – class action alleging that the tobacco companies formulated cigarettes to addict consumers.

- (79) *In re: Brand Name Prescription Drugs Antitrust Litigation*, Civil Action No. 94-C-897, MDL 997 (U.S. District Court - Northern District of Illinois, Eastern Division) – direct-purchaser class action alleging that the prescription drug manufacturers and wholesalers combined to keep prices unreasonably high to retail pharmacies.
- (80) *Pharmaceutical Cases I, II and III*, Judicial Council Proceeding Nos. 2969, 2971, 2972 (S.F. Sup. Ct.) – indirect-purchaser, consumer class action alleging that prescription drug manufacturers and wholesalers kept prices unreasonably high to retail pharmacies who passed on the overcharges to consumers.
- (81) *In re: Carbon Dioxide Antitrust Litigation*, MDL 940, United States District Court, Middle District of Florida, Orlando Division – direct purchaser class action alleging price-fixing on carbon dioxide.
- (82) *In re: Liquid Carbon Dioxide Cases*, Judicial Council Coordination Proceeding No. 3012 (San Diego Sup. Ct.) – indirect-purchaser class action alleging price-fixing on carbon dioxide.
- (83) *Jack Davis v. Microsoft Corporation*, Civil Action No. 963597 (S.F. Sup. Ct.) – consumer class action alleging that Microsoft's 6.0 system was flawed and should be corrected.
- (84) *In re: Airline Ticket Commission Antitrust Litigation*, MDL 1058 (Judicial Panel on Multidistrict Litigation) – class action alleging that the airlines conspired to fix travel agents' commission rates.
- (85) *Cosmetics Antitrust Litigation*; JCCP No. 4056 – class action alleging that manufacturers of prestige cosmetics and retail department stores conspired to prevent discounting of cosmetics.
- (86) *In re: Sorbate Price-Fixing Cases*; JCCP 4073 – class action alleging that certain manufacturers of sorbate fixed prices for product sold indirectly to California.
- (87) *In re: Methionine Antitrust Litigation*, MDL 1311 – class action alleging that certain manufacturers of methionine fixed prices to direct purchasers throughout the United States.
- (88) *In re: Methionine Cases*, JCCP 4090 – class action alleging that certain manufacturers of methionine fixed prices to indirect purchasers of that product in California
- (89) *Gaehwiler, Sr., et al. v. Sunrise Carpet Industries, et al.*, SF Sup. Ct. Action No. 978345 – class action alleging that manufacturers of certain types of carpets fixed prices to indirect purchasers in California.
- (90) *Chrysler Paint Cases*; JCCP 4038 – nationwide class action alleging defect in Chrysler paint.
- (91) *Sanitary Paper Cases I & II*, JCCP 4019, 4027 – class action alleging that manufacturers of certain types of sanitary paper fixed prices to indirect purchasers in California.
- (92) *In re: Dura Lube Corporation Fraud Actions*, SF Sup. Ct. Action No. 304186 – class action alleging certain practices and false advertising by Dura Lube.

- (93) *In re: Flat Glass Indirect Purchaser Antitrust Litigation*, JCCP 4033 – class action alleging that manufacturers of certain types of flat glass fixed prices to indirect purchasers in California.
- (94) *Verges, et al. v. Old Republic Title Co.*, SF Sup. Ct. Action No. 996929 – statewide class action alleging fraudulent schemes by title insurance companies.
- (95) *In re: Toys R Us Antitrust Litigation*, MDL 1211 – nationwide class action alleging anticompetitive activities in the children’s toy market.
- (96) *NASDAQ Market Makers Antitrust Litigation*, MDL 1023 94 Civ. 3996 (RWS) – nationwide class action alleging that commissions were illegally fixed.
- (97) *In re: Vitamin Antitrust Litigation*, JCCP 4076 – statewide class action by indirect purchasers alleging a price-fixing conspiracy.
- (98) *Sanders v. Great Spring Water of America d/b/a Calistoga Mineral Water Co. and d/b/a Arrowhead Mountain Spring Water Co., et al*, S.F. Sup. Ct. 303549 – nationwide class action alleging deceptive advertising in the sale of so-called “spring water.”
- (99) *In re: Providian Credit Card Litigation*, JCCP 4085 – a consumer fraud class action alleging a credit card company imposes fraudulent fees on its customers.
- (100) *GM Car Paint Cases*; JCCP 4070 – nationwide class action alleging defect in GM paint.
- (101) *Lopez v. Nissan North America, Inc.*, S.F. Sup. Ct. Action No. 305810 – nationwide class action alleging defect in Nissan paint.
- (102) *Judy v. Ford Motor Company*, S.F. Sup. Ct. Action No. 305722 – nationwide class action alleging defect in Ford paint.
- (103) *In re: Auctions House Antitrust Litigation*, JCCP 4145 – indirect-purchaser antitrust class action alleging that major auction houses fixed buyer commissions.
- (104) *In re: Microsoft I-V Cases*; JCCP 4106 – California Cartwright Act class action on behalf of all natural persons and businesses that purchased Microsoft operating systems and applications.
- (105) *In re: Cigarette Price-Fixing Cases*, JCCP 4114 – California Cartwright Act class action alleging that the tobacco companies fixed prices of cigarettes to pay state settlements.
- (106) *Weyerhaeuser Siding Cases*, S.F. Sup. Ct. Action No. 995787 – nationwide class action alleging that home siding was defective.
- (107) *In re: Carbon Fiber Cases I, II, and III*, JCCP 4212, 4216, and 4222 – statewide class action by indirect purchasers alleging a price-fixing conspiracy.
- (108) *In re: Microcrystalline Celluloid (MCC) Cases I, II, and III*, JCCP 4173, 4178 and 4181 – statewide class action by indirect purchasers alleging a price-fixing conspiracy.
- (109) *In re: Methionine Cases and Methionine Cases II*, JCCP 4090 and 4096 – statewide class action by indirect purchasers alleging a price-fixing conspiracy.
- (110) *Cintas Technologies, Inc., v. ISK Magnetics, et al.*, S.F. Sup. Ct. Action No. 323321 – statewide class action by indirect purchasers alleging a price-fixing conspiracy.

- (111) *In re: Carbon Black Cases*, JCCP 4323 – statewide class action by indirect purchasers alleging a price-fixing conspiracy.
- (112) *Sullivan, et al. v. DB Investments, Inc., et al.*, USDC, NDNJ No. 3:04- cv-02819 – nationwide class action by direct purchasers alleging a price-fixing conspiracy.
- (113) *DRAM Cases*, JCCP 4265 – statewide class action by indirect purchasers alleging a price-fixing conspiracy.
- (114) *Automobile Antitrust Cases I, II*, JCCP 4298 and 4303 – statewide class action by indirect purchasers alleging a price-fixing conspiracy.
- (115) *In re: Natural Gas Anti-Trust Cases I, II, III & IV*, JCCP 4221, 4224, 4226 and 4228 – statewide class action by indirect purchasers alleging a price-fixing conspiracy.
- (116) *In re: Laminate Cases*, JCCP 4129 – statewide class action by indirect purchasers alleging a price-fixing conspiracy.
- (117) *In re: Lupron Drug Cases*, JCCP 4238 – statewide class action by indirect purchasers alleging a price-fixing conspiracy.
- (118) *Alameda Drug Co., et al. v. Medco Health Solutions, Inc., et al.*, S.F. Sup. Ct. Action No. CGC-04-428109 – statewide class action by indirect purchasers alleging a price-fixing conspiracy.
- (119) *Polyester Staple Cases*, JCCP 4278 – statewide class action by indirect purchasers alleging a price-fixing conspiracy.
- (120) *Food Additives (HFCS) Cases*, JCCP 3261 – statewide class action by indirect purchasers alleging a price-fixing conspiracy.
- (121) *In re: Insurance Brokerage Antitrust Litigation*, MDL 1663 – nationwide class action by direct purchasers alleging a price-fixing conspiracy.
- (122) *Schreiner and Gustin, Inc. v. Crompton Corporation, et al.*, Sup. Ct. Action No. CGC-04-429323 – statewide class action by indirect purchasers alleging a price-fixing conspiracy.
- (123) *Leola Loots v. Crompton Corp., et al.*, Sup. Ct. Action No. CGC-04-431247 – statewide class action by indirect purchasers alleging a price-fixing conspiracy.
- (124) *Kim, et al. v. SONY Computer Entertainment, America, Inc.*, Sup. Ct. Action No. CIV 427336 – statewide class action by indirect purchasers alleging a price-fixing conspiracy.
- (125) *Schneider v. Autobahn Motors, et al.*, Sup. Ct. Action No. 315111 – statewide class action by indirect purchasers alleging a price-fixing conspiracy.
- (126) *Sullivan v. Union Oil Company of California*, Dist. Ct. Action No. 04-5236 – nationwide class action by direct purchasers alleging a price-fixing conspiracy.
- (127) *In re: Intel Corporation Microprocessor Antitrust Litigation*, MDL 1717 – nationwide class action by purchasers of computers with Intel systems.
- (128) *In re: TFT-LCD (Flat Panel) Antitrust Litigation*, MDL 1827 – indirect-purchaser class action for LCD price-fixing.

- (129) *In re: Static Random Access Memory (SRAM) Antitrust Litigation*, MDL 1819 – indirect-purchaser class action for SRAM price-fixing.
- (130) *In re: Optical Disk Drive (ODD) Antitrust Litigation*, MDL 2143 – indirect-purchaser class action for ODD price-fixing.
- (131) *In re: Flash Memory Antitrust Litigation*, MDL 1852 – indirect-purchaser class action for Flash price-fixing.
- (132) *In re: Cathode Ray Tube (CRT) Antitrust Litigation*, MDL 1917 – indirect-purchaser class action for CRT price-fixing.
- (133) *In re: Lithium Ion Batteries Antitrust Litigation*, MDL 2420 – indirect-purchaser class action for LIB price-fixing.
- (134) *In re: Automotive Parts Antitrust Litigation*, MDL 2311 – class action for automotive parts price-fixing.
- (135) *Automotive Parts Cases – Wire Harness*, Dist. Ct. Action No. 12-00100 – class action for wire harness price-fixing.
- (136) *Automotive Parts Cases – Instrument Panel Clusters*, Dist. Ct. Action No. 12-00200 – class action for instrument panel clusters price-fixing.
- (137) *Automotive Parts Cases – Fuel Senders*, Dist. Ct. Action No. 12-00300 – class action for fuel senders price-fixing.
- (138) *Automotive Parts Cases – Heater Control Panels*, Dist. Ct. Action No. 12-00400 – class action for heater control panels price-fixing.
- (139) *Automotive Parts Cases – Bearings*, Dist. Ct. Action No. 12-00500 – class action for wire harness price-fixing.
- (140) *Automotive Parts Cases – Occupant Safety Systems*, Dist. Ct. Action No. 12-00600 – class action for occupant safety systems price-fixing.
- (141) *Automotive Parts Cases – Alternators*, Dist. Ct. Action No. 13-00700 – class action for alternators price-fixing.
- (142) *Automotive Parts Cases – Anti-Vibrational Rubber Parts*, Dist. Ct. Action No. 13-00800 – class action for anti-vibrational rubber parts price-fixing.
- (143) *Automotive Parts Cases – Windshield Wipers*, Dist. Ct. Action No. 13-00900 – class action for windshield wipers price-fixing.
- (144) *Automotive Parts Cases – Radiators*, Dist. Ct. Action No. 13-01000 – class action for radiators price-fixing.
- (145) *Automotive Parts Cases – Starters*, Dist. Ct. Action No. 13-01100 – class action for starters price-fixing.
- (146) *Automotive Parts Cases – Automotive Lamps*, Dist. Ct. Action No. 13-01200 – class action for automotive lamps price-fixing.
- (147) *Automotive Parts Cases – Switches*, Dist. Ct. Action No. 13-01300 – class action for switches price-fixing.

- (148) *Automotive Parts Cases – Ignition Coils*, Dist. Ct. Action No. 13-01400 – class action for ignition coils price-fixing.
- (149) *Automotive Parts Cases – Motor Generator*, Dist. Ct. Action No. 13-01500 – class action for motor generator price-fixing.
- (150) *Automotive Parts Cases – Steering Angle Sensors*, Dist. Ct. Action No. 13-01600 – class action for steering angle sensors price-fixing.
- (151) *Automotive Parts Cases – HID Ballasts*, Dist. Ct. Action No. 13-01700 – class action for HID ballasts price-fixing.
- (152) *Automotive Parts Cases – Inverters*, Dist. Ct. Action No. 13-01800 – class action for inverters price-fixing.
- (153) *Automotive Parts Cases – Electronic Powered Steering Assemblies*, Dist. Ct. Action No. 13-01900 – class action for electronic powered steering assemblies price-fixing.
- (154) *Automotive Parts Cases – Air Flow Meters*, Dist. Ct. Action No. 13-02000 – class action for air flow meters price-fixing.
- (155) *Automotive Parts Cases – Fan Motors*, Dist. Ct. Action No. 13-02100 – class action for fan motors price-fixing.
- (156) *Automotive Parts Cases – Fuel Injection Systems*, Dist. Ct. Action No. 13-02200 – class action for fuel injection systems price-fixing.
- (157) *Automotive Parts Cases – Power Window Motors*, Dist. Ct. Action No. 13-02300 – class action for power window motors price-fixing.
- (158) *Automotive Parts Cases – Automatic Transmission Fluid Warmers*, Dist. Ct. Action No. 13-02400 – class action for automatic transmission fluid warmers price-fixing.
- (159) *Automotive Parts Cases – Valve Timing Control Devices*, Dist. Ct. Action No. 13-02500 – class action for valve timing control devices price-fixing.
- (160) *Automotive Parts Cases – Electronic Throttle Bodies*, Dist. Ct. Action No. 13-02600 – class action for electronic throttle bodies price-fixing.
- (161) *Automotive Parts Cases – Air Conditioning Systems*, Dist. Ct. Action No. 13-02700 – class action for air conditioning systems price-fixing.
- (162) *Automotive Parts Cases – Windshield Washer Systems*, Dist. Ct. Action No. 13-02800 – class action for windshield washer systems price-fixing.
- (163) *Automotive Parts Cases – Automotive Constant Velocity Joint Boot Products*, Dist. Ct. Action No. 14-02900 – class action for automotive constant velocity joint boot products price-fixing.
- (164) *In re: Vehicle Carrier Services Antitrust Litigation*, MDL 2471 – indirect-purchaser class action for vehicle carrier services price-fixing.
- (165) *In re: Cast Iron Soil Pipe Antitrust Litigation*, MDL 2508 – indirect-purchaser class action for cast iron soil pipe price-fixing.

- (166) *Pierce-Nunes v. Toshiba America Information Systems, Inc.*, Dist. Ct. Action No. 14-00796 – class action for intentionally mislabeling LCD televisions as LED televisions.
- (167) *Wheitz v. Vizio, Inc.*, Sup. Ct. Action No. CGC-14-537610 – class action for intentionally mislabeling LCD televisions as LED televisions.
- (168) *Rabinowitz v. Samsung Electronics America, Inc.*, Dist. Ct. Action No. 14-00801 – class action for intentionally mislabeling LCD televisions as LED televisions.
- (169) *Ferrari v. Best Buy Co., Inc. et al.*, Dist. Ct. Action No. 14-02956 – class action for intentionally mislabeling LCD televisions as LED televisions.
- (170) *Popejoy et al v. Sharp Electronics Corporation*, Dist. Ct. Action No. 14-03495 – class action for intentionally mislabeling LCD televisions as LED televisions.
- (171) *Four in One Company, Inc. v. SK Foods, L.P. et al.*, Dist. Ct. Action No. 08-03017 – direct-purchaser class action for tomatoes price-fixing.
- (172) *In re: Processed Egg Products Antitrust Litigation*, MDL 2002 – class action for processed egg products price-fixing.
- (173) *In re: Aftermarket Automotive Lighting Products Antitrust Litigation*, MDL 2007 – indirect-purchaser class action for aftermarket automotive lighting products price-fixing.
- (174) *In re: Transpacific Passenger Air Transportation Antitrust Litigation*, MDL 1913 – indirect-purchaser class action for transpacific passenger air transportation price-fixing.
- (175) *In re Parking Heaters Antitrust Litigation*, MDL 904, EDNY – indirect-purchaser class action for truck heaters price-fixing.
- (176) *In re: Disposable Contact Lens Antitrust Litigation*, MDL 2626, MDL – indirect-purchaser class action for vertical price-fixing by manufacturers of disposable contact lenses.
- (177) *In re: Packaged Seafood Products Antitrust Litigation*, MDL 2670, SDCA – indirect-purchaser class action for price-fixing by processors of packaged seafood products.
- (178) *In re: Volkswagen “Clean Diesel” Marketing, Sales Practices, and Products Liability Litigation*, MDL 2672, NDCA – class action brought on behalf of consumers against manufacturers of European diesel engines fraudulently promoted as environmentally “clean.”
- (179) *In re: Chrysler-Dodge-Jeep EcoDiesel Marketing, Sales Practices and Products Liability Litigation*, MDL 2777, NDCA – class action brought on behalf of consumers against manufacturers of American diesel engines fraudulently promoted as environmentally “clean.”
- (180) *Gumbs, et al. v. Aurobindo Pharma USA, Inc., et al.*, USDC/NDCA Case No. 17-02084 – class action brought on behalf of independent pharmacists alleging pharmacies selling generic glyburide tablets of conspiring to fix, raise, maintain and stabilize the price of said tablets.

- (181) *County of San Joaquin, et al. v. Purdue Pharma L.P., et al.*; San Joaquin County Superior Court Case No. STK-CV-UBT-2017-5325 – action by city and county governments against pharmaceutical manufacturers to recover costs of responding to opioid epidemic caused by defendants’ failure to disclose adequately the risks of addiction and abuse.
- (182) *GER Hospitality, LLC, et al. v. PG&E Corporation, et al.*, Sonoma County Superior Court Case No. SCV-261723 – action by business operator against PG&E Corporation and Pacific Gas & Electric Company for damages suffered due to the Wine Country Wildfires which commenced in early October 2017.
- (183) *Steel, et al. v. PG&E Corporation, et al.*, Napa County Superior Court Case No. 18-CV-000030 – class action by residents of veterans’ home against PG&E Corporation and Pacific Gas & Electric Company for damages suffered due to the Wine Country Wildfires which commenced in early October 2017.
- (184) *Carpeneti v. PG&E Corporation, et al.*, San Francisco County Superior Court Case No. CGC-18-563823 – action by landowner against PG&E Corporation and Pacific Gas & Electric Company for damages suffered due to the Wine Country Wildfires which commenced in early October 2017.

EXHIBIT 2

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

Firm's Name: Law Offices of Francis O. Scarpulla

Reported Hours and Lodestar on a Historical Basis

June 1, 2013 through August 31, 2017

NAME	STATUS	YEAR	TOTAL HOURS	CAPPED HOURLY RATE	LODESTAR
ATTORNEYS					
Francis O. Scarpulla	P	2017	0.30	\$850.00	\$255.00
Francis O. Scarpulla	P	2016	0.40	\$850.00	\$340.00
Francis O. Scarpulla	P	2015	1.40	\$850.00	\$1,190.00
Francis O. Scarpulla	P	2014	4.85	\$850.00	\$4,122.50
Francis O. Scarpulla	P	2013	11.80	\$850.00	\$10,030.00
NON-ATTORNEYS					
Mamiko Roten	PL	2015	79.60	\$175.00	\$13,930.00
TOTAL:			98.35		\$29,867.50

(P) Partner

(A) Associate

(INV) Investigator