

# **EXHIBIT X**

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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 DANIEL J. MOGIN  
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, Daniel J. Mogin, declare and state as follows:

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

7 2. My firm has served as counsel to Michael S. Wilson and as counsel for the Direct  
8 Purchaser Class (“Class”) throughout the course of this litigation. The background and experience  
9 of MoginRubin and its attorneys are summarized in the *curriculum vitae* attached hereto as  
10 Exhibit 1.

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

15 4. During the pendency of the litigation, MoginRubin performed the following work:  
16 tasks relating to experts including initial search for potential market and technical experts,  
17 communication with retained experts and preparation and detailed analysis of expert reports;  
18 participation in discovery including examination and coding of multiple batches of documents as  
19 assigned, participation in weekly reviewer conference calls and preparation of pertinent  
20 information and reports for document review team.

21 5. Attached hereto as Exhibit 2 is my firm’s total hours and lodestar, computed at  
22 historical rates, for the period of June 1, 2013 through August 31, 2017. This period reflects the  
23 time spent after the appointment of Interim Co-Lead Counsel and Liaison Counsel for Direct  
24 Purchased Plaintiffs (“DPP”) in this litigation. The total number of hours spent by MoginRubin  
25 during this period of time was 491.10, with a corresponding lodestar of \$184,091.50. My firm’s  
26 lodestar figures are based on the firm’s historical billing rates which do not include charges for  
27 expense items. Expense items are billed separately and such charges are not duplicated in my

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1 firm's billing rates. This summary was prepared from contemporaneous, daily time records  
2 regularly prepared and maintained by my firm. The lodestar amount reflected in Exhibit 2 is for  
3 work assigned by DPP Co-Lead Counsel, and was performed by professionals at my law firm for  
4 the benefit of the Class.

5 6. MoginRubin has reviewed the time and expense records that form the basis of this  
6 declaration to correct any billing errors. In addition, my firm has removed all time entries and  
7 expenses related to the following:

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

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

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

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

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

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

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

26 d. the highest hourly rates for Attorneys at the Associate level engaged in  
27 English-language document review is capped at \$350 per hour; a cap of \$400 per hour is permitted

1 where the reviewer has special skill set, such as foreign language translation, and Lead Counsel  
2 has approved that work performed; and

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

5 8. My firm has expended a total of \$401.30 in unreimbursed costs and expenses in  
6 connection with the prosecution of this litigation. These costs and expenses are broken down in  
7 the chart attached hereto as Exhibit 3. They were incurred on behalf of Direct Purchaser Plaintiffs  
8 by my firm on a contingent basis, and have not been reimbursed. The expenses incurred in this  
9 action are reflected on the books and records of my firm. These books and records are prepared  
10 from expense vouchers, check records and other source materials and represent an accurate  
11 recordation of the expenses incurred.

12 9. MoginRubin paid a total of \$15,000.00 in assessments for the joint prosecution of  
13 the litigation against the Defendants.

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

19 I declare under penalty of perjury under the laws of the United States of America that the  
20 foregoing is true and correct. Executed on this 30th day of January, 2018 at San Diego, California.

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23 Daniel J. Mogin  
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# **Exhibit 1**



**MoginRubin LLP** is a competition law boutique specializing in national, state, and international antitrust and competition litigation, with a significant portion of the practice devoted to antitrust class actions. We represent businesses, entrepreneurs, consumers and investors in antitrust, unfair competition, complex business and investment cases. With offices in Washington D.C. and San Diego, the firm builds upon the named partners' deep experience in antitrust cases, uniting the competition law practices of The Mogin Law Firm, P.C. and Rubin PLLC. Our Partners have represented plaintiffs in several hundred antitrust and class action cases in federal and state courts throughout the United States. Our core team of experienced antitrust attorneys and professional staff have worked together for many years and their backgrounds include AMLAW 200 law firms, prestigious litigation boutiques, the Federal Trade Commission, the Antitrust Division of the U.S. Department of Justice and the California Attorney General's Antitrust Section.

**MoginRubin LLP** attorneys have participated in some of the largest antitrust class actions in the United States. We are frequently invited to participate in these cases by other law firms and often consult with firms engaged in antitrust cases.

Over his 37-year career, **Dan Mogin** has been appointed as lead or liaison counsel many times and has also frequently served on Steering and Executive committees charged with overall responsibility for direction of complex Multi-District Litigation and Judicial Council Coordination Proceedings. Mr. Mogin served as a Lawyer Representative to the Ninth Circuit Conference for the United States District Court for the Southern District of California. He chaired the Antitrust & Unfair Competition Law Section of the California State Bar, taught antitrust law at the University of San Diego as an Adjunct Professor for ten years, served as Editor-in-Chief of the treatise, *California Antitrust & Unfair Competition Law (Third)* and is an emeritus member of the Advisory Board of the American Antitrust Institute. Dan Mogin has been named as a "Best Lawyer in America" and a "Super Lawyer" for Antitrust Litigation as well as one of San Diego's "Top Attorneys" for Corporate and Business Litigation.

**Jonathan Rubin** is an experienced trial attorney who also has a Ph.D. in economics. Mr. Rubin was formerly an antitrust partner at Patton Boggs LLP in Washington, D.C and a Senior Fellow of the American Antitrust Institute. As a litigator, Mr. Rubin has led trial teams in major antitrust cases in courts throughout the country. He has served as appellate counsel in major cases and as counsel for *amici* in several significant Supreme Court antitrust cases.

As a policy advocate in competition law, Mr. Rubin has published work in influential academic journals and has spoken to numerous professional groups, including the Directorate General for Competition of the European Commission, the Antitrust Section of the American Bar Association, the University of Wisconsin, and the American Antitrust Institute. Mr. Rubin has also made several appearances before Congressional committees on topics related to antitrust and competition law.

Some examples of our cases are listed below.



## **ANTITRUST**

### **1. *Containerboard Products Antitrust Litigation***

Co-lead counsel (Rule 23(g)) in Sherman Act case representing a certified nationwide class of direct purchasers alleging price-fixing and supply restriction claims against the largest integrated manufacturers of containerboard and corrugated packaging. Partial settlements: \$378 million. Reported: 775 F. Supp. 2d 1071 (N.D. Ill. 2011); 306 F.R.D. 585 (N.D. Ill. 2015) \_\_ F3d. \_\_; 2016 U.S. App. LEXIS 14282; 2016 WL 4137371 (7th Cir. 2016). Pending ND-IL (10-cv-05711).

### **2. *Dynamic Random Access Memory (DRAM) Antitrust Litigation***

Co-lead counsel (Rule 23(g)) for indirect purchaser class alleging Sherman Act and multi-state price-fixing claims against an international cartel of major manufacturers of computer memory. MDL 1486 (ND-CA). Reported: 516 F. Supp. 2d 1072 (N.D. Cal. 2007); 536 F. Supp. 2d 1129 (N.D. Cal. 2008). Settled: \$315 million.

### **3. *Automated Teller Machine (ATM) Surcharge Antitrust Litigation***

Lead counsel (Rule 23(g)) in Sherman Act case representing the National ATM Council and independent ATM operators alleging price-fixing of surcharge fees by Visa and MasterCard. Reported: 797 F.3d 1057 (D.C. Cir., 2015); 137 S.Ct. 289 (Mem) (2016). Pending D-DC (11-cv-01803)

### **4. *California CARB Gasoline Antitrust Litigation***

Co-lead counsel for a certified statewide class of over 24 million end-payers, in this Cartwright Act and Unfair Competition Law case alleging price-fixing and supply restriction claims against nine major refiners, distributors and retailers of California's "CARB" gasoline. CA-SD. Reported: 1998-1 Trade Cas. (CCH) ¶72,080; 25 Cal 4th 826 (2001).

### **5. *Smokeless Tobacco Antitrust Cases***

Co-liaison counsel (CRC 3.506) representing certified statewide class of indirect purchaser end-payers alleging monopolization. JCCP 4250, 4258, 4259 & 4260 (CA-SF). Settled: \$96 million.

### **6. *Circular Thermostat Antitrust Litigation***

Co-lead counsel in MDL 1673 (ND-CA) (remanded) and multi-state actions on behalf of indirect purchaser end-payers alleging monopolization by abuse of intellectual property claims. 25 year indirect purchaser class certified. Reported: 241 Cal. App. 4th 1472 & 989 A.2d 539. Settled: \$8.75 Million (78% of damages).

### **7. *Foreign Exchange Benchmark Rates Antitrust Litigation***

Represent proposed direct purchaser class in Sherman Act case alleging conspiracy to fix spreads and benchmark prices in the foreign exchange market. Expert witness, class certification and econometrics issues. Reported: 74 F. Supp. 3d 581. Partial settlements: \$2.1 billion pending final approval. Pending in SD-NY (13-cv-07789).





8. ***National Credit Reporting Association v. Equifax***

Represented trade association and individual association members in antitrust action challenging the acquisition of FIS by Equifax. Settled with conduct restrictions. D-MD (08-cv-2322).

9. ***Standfacts Credit v. Experian (monopolization)***

Represented mortgage credit reporting agencies in monopolization and price fixing action against consumer credit reporting agencies.

10. ***FreeConference.com v. AT&T (monopolization)***

Represented telephone conferencing company in antitrust action against AT&T for denial of service. Settled with conduct restrictions.

11. ***TFT-LCD (Flat Panel) Antitrust Litigation***

Represented certified indirect purchaser end-payers classes alleging Sherman Act and multi-state price-fixing of flat screen video panels and computer screens by international cartel. MDL No. 1827 (ND-CA). Settled: \$1.2 billion.

12. ***Vitamin Cases Antitrust Litigation***

Court-appointed Executive Committee in price-fixing action on behalf of a statewide indirect purchaser end-payer class against an international cartel. JCCP 4076 (CA-SF). Reported: 107 Cal. App. 4th 820. Settled: \$96 million.

13. ***Microsoft Antitrust Litigation***

Court-appointed Executive Committee representing certified class of indirect purchaser end-payers of Windows and other Office applications alleging monopolization. JCCP 4106, 4107, 4109, 4110 & 4112 (CA-SF). Reported: 135 Cal. App. 4th 706. Settled: \$1.1 billion.

14. ***Brand Name Prescription Drug Antitrust Litigation***

Represented certified national class of retail pharmacies under the Sherman Act challenging pricing policies and practices of over 30 of the largest manufacturers and distributors of brand name prescription drugs. MDL 997 (ND-IL). Reported: 123 F. 3d 599 (7<sup>th</sup> Cir. 1997); 186 F.3d 781 (7<sup>th</sup> Cir 1999). Settled: \$715 million and injunction.

15. ***San Diego MLS Antitrust Litigation***

Lead counsel (Rule 23(g)) in this Sherman Act case alleging price-fixing by the San Diego real estate multiple listing service. SD-CA (04-cv-1495). Reported: 225 F.R.D. 616. Settled: \$7.5 million.



16. ***Department Store Cosmetics Cases Antitrust Litigation***

Court-appointed Executive Committee representing nationwide class of end-payers alleging Sherman Act and multi-state price-fixing claims against the nation's largest department store chains and the major manufacturers of prestige beauty products. ND-CA (03-cv-3359). Reported: 243 Fed. Appx. 311; 499 F.3d 950. Settled: \$200 million in precedent-setting nationwide distribution of free prestige cosmetic products.

17. ***Compact Disc Antitrust Cases***

Lead counsel for statewide class of indirect purchaser end-payers alleging minimum advertised price-fixing conspiracy. JCCP 4123 (CA-LA). Reported: 216 FRD 197. Jointly settled with MDL 1361 for \$67 million, \$5.6 million product distributions and injunctive relief.

18. ***Hart Intercivic Inc. v. Diebold Inc. and ESS***

Represented voting machine manufacturer challenging merger of two rival manufacturers. Settled favorably with negotiated divestitures.

19. ***In Re Drill Bits Antitrust Litigation***

Court-appointed Steering Committee and plaintiffs' pretrial group in Sherman Act price fixing action on behalf of a certified nationwide class of direct purchasers of tri-cone "rock bits" used in oil and gas drilling. SD-TX (H 91-627). Settled: \$53 million.

20. ***Los Angeles Retail Milk Price-Fixing Litigation***

Steering Committee and one of four court-appointed Plaintiffs' Settlement Counsel representing a certified class of consumers in this price-fixing case against the 7 largest supermarket chains in the Los Angeles area. CA-LA (BC 70061). Settled: \$19 million.

21. ***In Re Citric Acid Antitrust Litigation***

Represented American Antitrust Institute as *amicus curiae* before the United States Court of Appeals for the Ninth Circuit. MDL 1092 (ND-CA).

22. ***Children's Ibuprofen Oral Suspension Antitrust Litigation***

Lead counsel for statewide class of indirect purchaser end-payers alleging market allocation conspiracy in over-the-counter generic store-brand versions of children's liquid ibuprofen. JCCP 4395 and 4398 (CA-SD). Jointly settled with parallel federal actions with California class receiving highest *per capita* relief.

23. ***California Indirect Purchaser Infant Formula Antitrust Litigation***

Court-appointed Executive Committee in price-fixing action brought on behalf of a statewide class of infant formula end-payers. JCCP 2557 (CA-LA). Settled: \$19.8 million including \$13.9 million in nutritional products to be distributed free of charge to needy families throughout California.



24. ***Automotive Refinishing Paint Cases***

Court-appointed Executive Committee in price-fixing action brought on behalf of a statewide class of indirect purchaser end-payers. JCCP 4199 (CA-SF). Settled: \$9.4 million.

25. ***Polyester Staple Cases***

Court-appointed Executive Committee in this statewide price-fixing class action by indirect purchasers of polyester staple and polyester staple products. JCCP 4278 (CA-SF). Settled: \$5.25 Million.

26. ***7 West 57<sup>th</sup> Street Realty Company, LLC v. Citigroup, Inc., et al.***

Lead counsel in direct action representing individual borrower alleging LIBOR manipulation seeking over \$450 million. Pending SD-NY (13-cv-0981).

27. ***Automotive Parts Antitrust Litigation***

Represent multiple proposed direct purchaser classes in a series of Sherman Act cases alleging conspiracy to fix prices numerous of automotive parts. MDL 2311 Pending ED-MI.

- *Wire Harnesses*: 12-cv-00101
- *Instrument Panel Clusters*: 12-cv-00201
- *Heater Control Panels*: 12-cv-00401
- *Ball Bearings*: 12-cv-00501
- *Windshield Washer Systems*: 12-cv-02801

28. ***In re Lithium Ion Batteries Antitrust Litigation***

Represent proposed direct purchaser class in Sherman Act price-fixing conspiracy matter. MDL No. 2420. Partial settlements \$64 Million. Pending ND-CA.

29. ***Domestic Airlines Travel Antitrust Litigation***

Represent proposed direct purchaser class in Sherman Act case alleging conspiracy to restrict capacity and fix prices of air travel. MDL 2656. Pending D-DC.

30. ***Disposable Contact Lens Antitrust Litigation***

Represent proposed nationwide Sherman Act end-payer class alleging minimum advertised price-fixing conspiracy. MDL No. 2626 Pending MD-FL.31. ***Rechister v. Oticon, Inc.***  
Counsel for public company in private antitrust action by distributor alleging violations of California Cartwright Act. CA-R. Settled: Confidential.

32. ***Flagship Theatres***

Represented independent movie theater in direct action against large exhibitor alleging boycott and circuit-dealing. CA-LA. Reported: 198 Cal.App.4th 1366. Settled: Confidential



33. ***PVC Antitrust Litigation***

Represented independent manufacturer of PVC plumbing fixtures against Fortune 1000 supplier/franchisor in arbitration. Settled: confidential.

34. ***Natural Gas Antitrust Cases II***

Represented certified statewide class of indirect purchaser end-payers alleging price-fixing during the California energy crisis of 2000-2001, including manipulation of price indices and engaging in phony trading. JCCP 4226 (CA-SD). Settled: \$159 million.

35. ***Static Random Access Memory (SRAM) Antitrust Litigation***

Represented certified indirect purchaser class alleging Sherman Act and multi-state price-fixing claims against an international cartel among major manufacturers of computer memory. MDL 1819 (ND-CA). Settled: \$40 million.

36. ***California Copper Tubing Antitrust Litigation***

Represented statewide class of indirect purchaser end-payers. CA-SF. Settled: \$6.5 million.

37. ***California X-Ray Antitrust Litigation***

Represented statewide class of indirect purchasers alleging price-fixing of X-Ray film. CA-SF. Settled: \$7.5 million.

38. ***In Re Ticket Service Charge Antitrust Litigation***

Plaintiffs' class counsel in this action brought on behalf of a statewide class of purchasers of tickets to various events, such as concerts, sporting events, theaters, etc. CA-SF Settled: \$4.5 million, including \$3 million in event tickets for charitable purposes, and significant injunctive relief.



## **UNFAIR COMPETITION AND DECEPTIVE TRADE PRACTICES**

1. ***Intel Benchmark Litigation***

Co-lead counsel in national class action alleging false advertising, unfair competition and consumer protection statute violations against the world's largest manufacturer of computer chips in connection with benchmark test results. CA-SC (755101). Settlement valued more than \$25 million.

2. ***Bayer Corp. Combination Aspirin Products Marketing and Sales Practices Litigation***

Plaintiffs' counsel in national class action against major international drug manufacturer alleging deceptive sales and marketing practices in connection with women's and heart health combination aspirin products. MDL No. 2023 (ED-NY). Settled: \$15 million.

3. ***Old Republic Title Escrow Practices Litigation***

Executive Committee in this class action alleging false advertising, unfair competition and consumer protection statute violations against the one of the nation's largest title and escrow companies in connection with its policy of retaining interest earned on customer escrow accounts and other escrow practices. CA-SF (9930507). Reported: 125 Cal. App. 4th 1219. Verdict of \$14 million sustained on appeal.

4. ***Business Voicemail Marketing and Sales Practices Litigation***

Co-lead counsel representing a certified class of business subscribers to Pacific Bell voicemail services in this class action alleging false advertising and unfair competition in connection with the alleged imposition of hidden charges. CA-SF (997136). Settled: \$42 million value

5. ***Sears-Consolidated Defective Furnaces Litigation***

Lead counsel on behalf of a certified statewide class of consumers alleging numerous false advertising, unfair competition and consumer protection statute violations in connection with the sale of defective furnaces. CA-SD (735554). Settled: \$14 million valuation.

## **SECURITIES/INVESTMENT**

1. ***Private Equity Litigation***

Lead counsel investment banking and warrant-holder clients in securities and fiduciary duty action against Wall Street private equity firm. CA-LA. Settled: confidential.

2. ***Medical Device Shareholder Litigation***

Lead Counsel in minority shareholder fiduciary duty action against medical device company. Pending CD-CA (16-cv-01532).



3. ***MetLife PERCS Litigation***

Engaged by law firm with national reputation in securities and insurance investment matters in this mass action case alleging a Ponzi scheme in the sale of non-qualified deferred compensation plans. CA-SD Settled: confidential.

4. ***Drexel/Milken Daisy Chain Securities Litigation***

Mr. Mogin initiated, litigated and coordinated prosecution of 11 separate class and derivative actions involving the investment banking firm of Drexel Burnham Lambert and the head of its junk bond operations, Michael Milken, including MDL 834, MDL 871, MDL 880 and MDL 901. These actions were filed in state and federal courts throughout California and some were later joined by the Federal Deposit Insurance Corporation and the Resolution Trust Corporation. The cases were ultimately resolved in the SD-NY. Mr. Mogin served as one of a core group of "Pooled Claims Counsel." The Pooled Claims resulted in settlements valued at over \$2.5 billion. Approximately \$100 million was also recovered from other defendants, including the alleged "auditor of choice" of the Drexel Daisy Chain as well as directors and officers of the many companies involved. (Prior firm).

5. ***In Re Alco International Group, Inc. Securities Litigation***

Co-lead counsel in this class action involving claims under the Securities Exchange Act of 1934 against directors and officers of a medical technology company involving allegations of stock manipulation and financial reporting fraud. SD-CA. Judgment of over \$27 million.

6. ***In Re Cousins Securities Litigation***

Class action involving claims under the Securities Exchange Act of 1934 and the Securities Act of 1933 against directors and officers arising from initial public offering. Over \$13.5 million recovered on behalf of purchasers of the company's common stock. SD-CA. This case was the underlying action in the Supreme Court's decision in *Music, Peeler & Garrett v. Employers Insurance of Wausau*, 113 S. Ct. 2085. (Prior firm).

7. ***Newhall Land and Farming Co. Class and Derivative Litigation***

State and federal actions related to proxy fight, "poison pill" and lock-up option. The lawsuits forced a corporate restructuring valued to the plaintiff class at over \$100 million. CD-CA and CA-LA. (Prior firm).

8. ***PLM Roll-up Litigation***

Co-trial counsel in these state and federal actions alleging breach of fiduciary duty arising from "roll-up" or consolidation of limited partnerships in exchange for stock. This action also involved bankruptcy proceedings and insurance coverage actions. ND-CA and CA-SF. Over \$15 million recovered for the plaintiff class on the eve of trial. (Prior firm)



## **HUMAN RIGHTS**

### **1. *Japanese POWS Slave Labor Litigation***

Engaged in these multi-venue combined class and mass action cases by several prestigious national law firms to assist them with class certification and appeals on behalf of former U.S. military survivors of the Bataan Death March who were captured in the Philippines during WWII, shipped to Japan and forced into slave labor in mines for private companies.

### **2. *Hopi Village of Shungopavi***

Mr. Mogin has represented members of the Hopi Native American tribe (the Hopi Village of Shungopavi) in litigation related to tribal sovereignty and the tribal constitution. He has appeared in Hopi Tribal Court as well as in federal District Court and the Ninth Circuit on their behalf.

## **INTERNATIONAL BUSINESS AND ENERGY**

Mr. Mogin's clients have included a former President of Mexico and his associates in connection with international antitrust litigation and their energy business activities in the United States including electricity swaps and brokerage.



## **PROFESSIONALS**

**DANIEL J. MOGIN** (Managing Partner) received his B.A. (Economics) from Indiana University and his J.D. from the University of San Diego. Mr. Mogin was admitted to the State Bar of California in 1980. He is also admitted in The Supreme Court of the United States, the United States Court of Appeals for the Ninth, Seventh and Second Circuits and the United States District Courts for the Southern, Central and Northern Districts of California.

Mr. Mogin's practice concentrates on antitrust, unfair competition and complex and investment business litigation. He has been selected as lead or liaison counsel in numerous cases and has also frequently served on Steering and Executive committees charged with overall responsibility for direction of complex Multi-District Litigation and Judicial Council Coordination Proceedings. He has participated in some of the largest antitrust class actions in the United States. Mr. Mogin is frequently invited to participate in these cases by other law firms and often consults with law firms engaged in antitrust cases. He has also provided expert testimony in cases and before the California State Senate Judiciary Committee.

Dan Mogin served as a Lawyer Representative for the United States District Court for the Southern District of California to the Ninth Circuit Conference. Mogin is a past Chair of the Antitrust and Unfair Competition Law Section of the California State Bar (2002-2003). He taught antitrust law for ten years as an Adjunct Professor at the University of San Diego. Dan is an emeritus member of the Advisory Board and contributed to its *Report to the Antitrust Modernization Committee* (2007) and its *Antitrust Presidential Transition Report* (2008).

Mr. Mogin was Editor-in-Chief and an author of *California Antitrust & Unfair Competition Law (Third)*, published by the Antitrust and Unfair Competition Law Section of the California State Bar. He has contributed to a number of other legal treatises, and is the author of many articles on litigation and antitrust issues. He has been a panelist and lecturer for numerous organizations on complex litigation, antitrust, unfair competition, mergers and acquisitions and civil procedure.

Mr. Mogin has been selected as a "Best Lawyer in America" and a "Super Lawyer" for Antitrust Litigation and has been repeatedly chosen as one of San Diego's "Top Attorneys". He has been referred to in the national media and legal journals including American Lawyer, SF Recorder, LA Daily Journal, SD Daily Transcript, Wall Street Journal, NY Times, LA Times, Washington Post, CNN, CBS, NBC, Forbes, Barron's, FTC Watch, The O'Reilly Factor and Stein, *A License to Steal: The Untold Story of Michael Milken and the Conspiracy to Bilk the Nation* (Simon & Schuster 1992).





**JONATHAN L. RUBIN** (Partner) Mr. Rubin was formerly an antitrust partner at Patton Boggs LLP in Washington, D.C. For the past 15 years, he focused his legal practice exclusively on antitrust and competition law and policy. As a litigator, Mr. Rubin has led trial teams in major antitrust cases in courts throughout the country. As a thought-leader in competition law, he has published in influential academic journals and has spoken to numerous professional groups, including the Directorate General for Competition of the European Commission, the Antitrust Section of the American Bar Association, the University of Wisconsin, and the American Antitrust Institute. Mr. Rubin has also made several appearances before Congressional committees.

Mr. Rubin is a graduate of the University of Wisconsin-Madison, the University of Florida College of Law, and hold a Ph.D. from the University of Copenhagen in Denmark.

**JODIE M. WILLIAMS** (Counsel) Ms. Williams' practice focuses on antitrust, unfair competition, and complex business litigation. She manages significant portions of MoginRubin's complex cases, including discovery, experts, and motion practice through to resolution. She is part of the trial teams for some of the firm's largest cases, and has facilitated negotiations resulting in multi-million dollar settlements on behalf of her clients. She tries cases in federal and state courts around the country.

Ms. Williams was a Staff Attorney with the Federal Trade Commission, Bureau of Competition, from 2006 to 2011 where she investigated and litigated mergers, acquisitions and anticompetitive practices in a wide array of industries, with an emphasis in the oil and gas industry. Some of her investigations included acquisitions involving petroleum products pipelines, bulk petroleum products storage terminals, transportation and storage of natural gas, national travel centers, and the sale of home improvement products. Ms. Williams also investigated oil and gas industry pricing practices at the request of Congress. Representative matters include *In the Matter of Pilot Corporation, et al.* (FTC 2010); *In the Matter of CRH plc et al.* (FTC 2009); and *FTC v. Paul L. Foster, et al.* (D.N.M. 2007; FTC 2007).

Prior to joining the firm, Ms. Williams was an associate with a prominent Southern California law firm focusing on complex business litigation. She represented clients before the Orange County, Los Angeles, and San Diego Superior Courts as well as in the Southern District of California.

Jodie Williams has been a speaker and author on antitrust issues. She guest-hosted a podcast for the Legal Talk Network, interviewing several distinguished women in the antitrust bar on what it is like to be a Women in Antitrust. She also co-authored the article entitled "*LIBOR (Gelboim) and the Implications of its Unwritten Rule*" with Daniel J. Mogin of MoginRubin LLP, published in *The Antitrust Lawyer* presented by the Federal Bar Association, was a panelist for the webinar entitled "Identifying and Analyzing Antitrust Red Flags in Business Transactions" and co-authored the article entitled "Should Federal Antitrust Standing Rules Apply to State Antitrust Indirect Claims? Plaintiff Perspective: The Misapplication of Associated General Contractors to



Cartwright Act Claims” with Kristen Anderson, Partner at Scott & Scott, LLP, which was published in Competition, The Journal of the Antitrust & Unfair Competition Law Section of the State Bar of California.

Jodie also specializes in issues pertaining to E-Discovery. She is a member of Women in eDiscovery and was appointed to the 2017 Steering Committee for the Complex Litigation E-Discovery Forum (“CLEF”), where she will also serve as a panelist.

Ms. Williams is an active member of the California Bar Association and the American Bar Association, and regularly contributes to the ABA Section of Antitrust Law Annual Review of Antitrust Law Developments. She was the Young Lawyer Representative to the Antitrust Section’s Mergers & Acquisitions Committee in 2016.

Jodie earned her B.S in Finance and Entrepreneurship from the University of Arizona in 2003, with honors and her J.D. from California Western School of Law in 2006. She is admitted to practice in California and Arizona.

**JENNIFER M. OLIVER** (Counsel) Jennifer joined MoginRubin LLP in 2017 after nearly ten years practicing in New York at the international firm of Weil, Gotshal & Manges. Her previous clients include General Electric, Lehman Brothers, Bridgestone, Washington Mutual, The Walt Disney Company, ESPN, Dow Chemical Company, General Motors, The Port Authority of New York and New Jersey, Forbes, and American Airlines.

Ms. Oliver’s practice is focused on antitrust work as well as complex commercial litigation, and has included taking active roles in high-profile jury trials, serving as lead counsel in complex mediations, and arguing before courts at both the trial and appellate levels. She is experienced in merger and cartel work, as well as litigating claims related to breaches of contract, trade secrets, RICO conspiracies, securities fraud, unfair trade practices, and privacy issues.

Jennifer also believes strongly in the importance of pro bono work. She was a member of the pro bono team that represented Javaid Iqbal in the seminal Supreme Court case *Ashcroft v. Iqbal* and was the recipient of the Sanctuary for Families Above and Beyond Achievement Award for her pro bono work on behalf of victims of domestic violence.

An alumna of The University at Buffalo, Jennifer earned her JD/MBA in 2007 and her undergraduate degree in Business in 2003, where she graduated with honors and was an editor of the Buffalo Law Review. Jennifer has also lived and worked in Tokyo, where she studied international law and worked as a clerk at one of Japan’s largest law firms. She is admitted to practice law in New York, New Jersey, and California, and is an IAPP Certified Information Privacy Professional.



**JOY M. SIDHWA** (Senior Attorney) Ms. Sidhwa concentrates on antitrust and other complex litigation for MoginRubin LLP, and leads our document discovery team. She received her B.S. from the University of Michigan in 1996, and her J.D. from California Western School of Law in 2006.

Ms. Sidhwa's prior experience includes working for national law firms in electronic document discovery and trial preparation in patent infringement, trademark, contract and intellectual property cases and SEC investigations. Ms. Sidhwa received the Pan Asian Lawyers of San Diego's President's Award for Outstanding Service in 2009 and 2010 for serving on the Board of Directors and participating in various community services. She currently serves on the Board of Director of the Filipino-American Lawyers of San Diego, and was recently named to the "Best of the Bar 2017" list by the San Diego Business Journal.

**KRISTY F. GREENBERG** (Senior Attorney) Ms. Greenberg concentrates on antitrust, investment and intellectual property matters for MoginRubin LLP, and also has an extensive background in securities and general business litigation. Ms. Greenberg received her J.D. from the University of San Diego in 2004, where she was comment editor for the San Diego International Law Journal and a member of the Pro Bono Law Society. Kristy received her B.A. in English (cum laude) from the University of San Diego in 2000.

Before joining the firm she first worked for one of the premier securities defense firms on the West Coast, and later one of California's top commercial litigation firms where she defended commercial and environmental claims. Ms. Greenberg is also experienced in managing large electronic document review projects where she has supervised numerous attorneys.

**GINA KIM** (Attorney) Ms. Kim focuses on antitrust, securities, and intellectual property litigation. She has litigated multi-district class actions in the technology, internet commerce, and pharmaceutical sectors as well as regulatory investigations by the Department of Justice.

Prior to joining MoginRubin LLP, Ms. Kim was a staff attorney with a leading New York-based plaintiff securities litigation firm where she concentrated her practice on written and oral discovery. Ms. Kim is an active member of the California State Bar, the San Diego County Bar Association, and the Lawyers Club of San Diego. She is the current Vice President of the Korean American Bar Association of San Diego, serves on the board of the Princeton Club of San Diego, and is a lifelong member of Mensa. She earned her J.D. from the University of San Diego School of Law in 2007 and her B.A from Princeton University.



**PETER CHOI** (Associate) Mr. Choi concentrates on antitrust and unfair competition litigation. Prior to joining Mogin Rubin LLP, Mr. Choi interned at the California Attorney General's Office, Public Rights Division, Antitrust Section; where he assisted in investigations of mergers, acquisitions, and anticompetitive practices in several industries, including the pharmaceutical industry. He also worked for a prominent California boutique antitrust firm and, prior to law school, worked as a legal assistant for one of California's largest plaintiff construction defect litigation firms.

Mr. Choi is admitted to practice in California state court and U.S. District Courts for the Northern, Central, and Southern District of California. He serves as a board member for the Korean-American Bar Association of San Diego, and was recently appointed as the Young Lawyer Representative for the Competition Torts committee of the Antitrust Section of the American Bar Association.

Mr. Choi earned his B.A. from the University of California, Los Angeles and his J.D. from the University of California, Hastings College of the Law, where he served as the Executive Internal Editor for the Hastings Constitutional Law Quarterly and the President of the Korean-American Law Student Association.

# **Exhibit 2**

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

MoginRubin LLP

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>					
Daniel Mogin	P	2016	13.10	\$850.00	\$11,135.00
Daniel Mogin	P	2015	15.70	\$850.00	\$13,345.00
Kristy Greenberg	A	2016	375.70	\$350.00	\$131,495.00
Kristy Greenberg	A	2015	0.50	\$350.00	\$175.00
Kristy Greenberg	A	2014	56.80	\$350.00	\$19,880.00
Gina Kim	A	2016	16.80	\$350.00	\$5,880.00
<b>NON-ATTORNEYS</b>					
Jennie (Gates) Chatfield	PL	2017	2.10	\$175.00	\$367.50
Jennie (Gates) Chatfield	PL	2016	3.50	\$175.00	\$612.50
Jennie (Gates) Chatfield	PL	2015	0.20	\$175.00	\$35.00
Steve Ejercito	PL	2015	6.50	\$175.00	\$1,137.50
Norma Geraci	PL	2017	0.20	\$145.00	\$29.00
<b>TOTAL:</b>			<b>491.10</b>		<b>\$184,091.50</b>

(P) Partner

(A) Associate

(INV) Investigator

# **Exhibit 3**

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

MoginRubin LLP

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.)	\$401.30
Document Production	
Experts / Consultants	
Messenger Delivery	
Photocopies - In House	
Photocopies - Outside	
Postage	
Service of Process	
Overnight Delivery (Federal Express, etc.)	
Telephone / Facsimile	
Transcripts (Hearings, Depositions, etc.)	
Travel (Airfare, Ground Travel)	
Travel (Meals and Lodging)	
<b>TOTAL</b>	<b>\$401.30</b>