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9 *Class Counsel for Indirect Purchaser Plaintiffs*

10 **UNITED STATES DISTRICT COURT**
 11 **NORTHERN DISTRICT OF CALIFORNIA**
 12 **SAN FRANCISCO DIVISION**

13
14 **IN RE: CAPACITORS ANTITRUST
LITIGATION**

MASTER FILE NO. 14-cv-03264-JD

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17 **THIS DOCUMENT RELATES TO:**
 18 **ALL INDIRECT PURCHASER ACTIONS**

**DECLARATION OF KATHERINE C.
 LUBIN IN SUPPORT OF CLASS
 COUNSEL’S APPLICATION FOR
 ATTORNEYS’ FEES AND
 REIMBURSEMENT OF EXPENSES
 SUBMITTED ON BEHALF OF LIEFF
 CABRASER HEIMANN & BERNSTEIN,
 LLP**

Date: July 6, 2017
Time: 10:00 a.m.
Place: Courtroom 11, 19th Floor

Judge: Hon. James Donato

1 I, Katherine C. Lubin, declare and state as follows:

2 1. I am a Partner of Lief Cabraser Heimann & Bernstein, LLP (“Lief Cabraser”),
3 Counsel for Indirect Purchaser Plaintiffs (“IPPs” or “Plaintiffs”) in this action. I am a member of
4 the bar of this Court. I submit this declaration in support of Class Counsel’s interim application for
5 attorneys’ fees and reimbursement of expenses reasonably incurred in connection with the services
6 rendered in this litigation on behalf of the class. I make this declaration based on my personal
7 knowledge and if called as a witness, I could and would competently testify to the matters stated
8 herein. The time expended preparing this Declaration is not included.

9 2. I have reviewed the Court’s October 31, 2014 Order Appointing Interim Lead Class
10 Counsel (Dkt. 319) (“Order”), including in particular the Order’s provisions regarding fees, costs
11 and expenses. The Firm has adhered to those provisions.

12 3. During the pendency of the litigation, Lief Cabraser acted as class counsel to IPPs.
13 Lief Cabraser has prosecuted this litigation solely on a contingent-fee basis, and has been at risk
14 that it would not receive any compensation for prosecuting claims against the defendants. While
15 Lief Cabraser devoted its time and resources to this matter, it has foregone other legal work for
16 which it would have been compensated.

17 4. During the course of this litigation, Lief Cabraser has been involved in the
18 following activities on behalf of IPPs at the request and under the direction of Lead Counsel: Lief
19 Cabraser was involved in working with IPP Lead Counsel to develop the theory of the IPP case and
20 to draft the Complaint. Thereafter, Lief Cabraser participated in drafting the opposition to
21 Defendants’ motion to dismiss the Complaint in early 2015, as well as drafting the opposition to
22 individual Defendants’ motions to dismiss in mid-2015. Throughout 2015 and 2016, Lief
23 Cabraser attorneys were the principal IPP contacts in handling discovery meet and confer with
24 eight Defendant families (Panasonic-Sanyo, Nichicon, ELNA, NEC Tokin, Hitachi, Rubycon,
25 Nippon Chemi-Con (“NCC”)/United Chemi-Con (“UCC”), and Matsuo). These meet and confer
26 discussions included negotiation of custodians, search terms, responses to requests for production
27 of documents and interrogatory responses. Attorneys from Lief Cabraser took several depositions
28 of Defendants’ witnesses on behalf of IPPs relating to Defendants’ Foreign Trade Antitrust

1 Improvements Act (“FTAIA”) motion in late 2015, and took several 30(b)(6) pricing depositions of
2 Defendants’ witnesses and fact witness depositions on behalf of IPPs throughout 2016. Lief
3 Cabraser researched and drafted the motion for adverse inferences against Matsuo and NCC.
4 Throughout 2015 and 2016, Lief Cabraser staff attorneys reviewed Japanese-language documents
5 and served as co-lead liaison reviewers for document review and deposition preparation. In
6 addition, throughout the pendency of the litigation, Lief Cabraser has been involved in strategy
7 discussions with IPP Lead Counsel.

8 5. Attached hereto as **Exhibit A** is my firm’s total hours and lodestar, computed at
9 historical rates, from November 1, 2014 through September 30, 2016. This period reflects the time
10 spent after the appointment of Interim Lead Counsel in this litigation. The total number of hours
11 spent by Lief Cabraser during this period of time was 4,686.30, with a corresponding historical
12 lodestar of \$1,704,816.00. This summary was prepared from contemporaneous, daily time records
13 regularly prepared and maintained by Lief Cabraser. The lodestar amount reflected in Exhibit A is
14 for work assigned by Lead Counsel, and was performed by professional staff at my law firm for the
15 benefit of the IPP Class.

16 6. All of the services performed by Lief Cabraser in connection with this litigation
17 were reasonably necessary in the prosecution of this case. There has been no unnecessary
18 duplication of services for which Lief Cabraser now seeks compensation. The lodestar
19 calculations exclude time spent reading or reviewing work prepared by others or other information
20 relating to the case unless related to preparation for or work on a matter specifically assigned to
21 Lief Cabraser by Lead Counsel. The hourly rates for the attorneys and professional support staff in
22 my firm included in Exhibit A are the usual and customary hourly rates charged by Lief Cabraser.

23 7. Lief Cabraser has expended a total of \$158,686.56 in unreimbursed costs and
24 expenses in connection with the prosecution of this litigation from November 1, 2014 through
25 September 30, 2016. These costs and expenses are broken down in the chart attached hereto as
26 **Exhibit B**. They were incurred on behalf of IPPs by Lief Cabraser on a contingent basis and have
27 not been reimbursed. The expenses incurred in this action are reflected on the books and records of
28

1 my firm. These books and records are prepared from expense vouchers, check records and other
2 source materials and represent an accurate recordation of the expenses incurred. Expense
3 documentation has been provided to Lead Counsel for review.

4 8. I have reviewed the time and expenses reported by my firm in this case which are
5 included in this declaration, and I affirm that they are true and accurate to the best of my
6 knowledge.

7 I declare under penalty of perjury under the laws of the United States of America that the
8 foregoing is true and correct.

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10 Executed on May 15, 2017 at San Francisco, California.

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12 /s/ Katherine C. Lubin
13 Katherine C. Lubin
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ATTESTATION

I, Steven N. Williams, hereby attest, pursuant to United States District Court, Northern District of California Civil Local Rule 5-1(i)(3), that concurrence to the filing of this document has been obtained from the signatory hereto.

By: /s/ Steven N. Williams
Steven N. Williams

In re Capacitors Antitrust Litigation

Case No. 14-cv-03264-JD

EXHIBIT A

LIEFF CABRASER HEIMANN & BERNSTEIN, LLP

Hours Reported and Lodestar on a Historical Basis

November 1, 2014 – September 30, 2016

Timekeeper	Professional Status	Hours	Rate	Total Lodestar
Eric Fastiff (2014)	Partner	0.10	\$700.00	\$ 70.00
Eric Fastiff (2015)	Partner	12.40	\$725.00	\$ 8,990.00
Eric Fastiff (2016)	Partner	5.10	\$750.00	\$ 3,825.00
Dean Harvey (2014)	Partner	2.30	\$490.00	\$ 1,127.00
Dean Harvey (2015)	Partner	55.80	\$515.00	\$ 28,737.00
Dean Harvey (2016)	Partner	0.30	\$540.00	\$ 162.00
Brendan Glackin (2015)	Partner	0.40	\$675.00	\$ 270.00
Brendan Glackin (2016)	Partner	0.30	\$700.00	\$ 210.00
Katherine Lubin-Benson (2014)	Associate	1.70	\$415.00	\$ 705.50
Katherine Lubin-Benson (2015)	Associate	275.70	\$435.00	\$ 119,929.50
Katherine Lubin-Benson (2016)	Associate	187.80	\$485.00	\$ 91,083.00
Lin Chan (2014)	Associate	11.80	\$465.00	\$ 5,487.00
Lin Chan (2015)	Associate	0.70	\$490.00	\$ 343.00
Karen Jones (2015)	Associate	535.80	\$350.00	\$ 187,530.00
Karen Jones (2016)	Associate	1,204.60	\$350.00	\$ 421,610.00
Pamela Owens (2015)	Associate	57.00	\$350.00	\$ 19,950.00
Tom Tanaka (2015)	Associate	788.00	\$350.00	\$ 275,800.00
Tom Tanaka (2016)	Associate	1,424.50	\$350.00	\$ 498,575.00
Todd Carnam (2014)	Paralegal	0.20	\$305.00	\$ 61.00
Sera Tajima (2014)	Paralegal	2.20	\$260.00	\$ 572.00
Sera Tajima (2015)	Paralegal	4.60	\$280.00	\$ 1,288.00
Brian Troxel (2015)	Paralegal	55.70	\$325.00	\$ 18,102.50
Brian Troxel (2016)	Paralegal	43.60	\$345.00	\$ 15,042.00
Siobhan Innes-Gawn (2015)	Paralegal	3.50	\$325.00	\$ 1,137.50
Eileen Beltran (2016)	Paralegal	4.30	\$345.00	\$ 1,483.50
Nikki Belushu-Barrows (2016)	Paralegal	0.30	\$345.00	\$ 103.50
Richard Texier (2016)	Paralegal	7.30	\$345.00	\$ 2,518.50
Richard Anthony (2016)	Paralegal	0.30	\$345.00	\$ 103.50
Grand Total:		4,686.30		\$ 1,704,816.00

In re Capacitors Antitrust Litigation

Case No. 14-cv-03264-JD

EXHIBIT B

LIEFF, CABRASER, HEIMANN & BERNSTEIN, LLP

Expenses Incurred

November 1, 2014 – September 30, 2016

EXPENSE CATEGORY	AMOUNT INCURRED
Assessments	\$ 150,000.00
Court Costs / Filing Fees	\$ 30.00
Experts / Consultants	\$
Federal Express / UPS / Ontrac	\$ 103.40
Postage / U.S. Mail	\$
Service of Process	\$
Messenger / Delivery	\$
Hearing Transcripts	\$
Investigation	\$
Lexis / Westlaw	\$ 842.83
Photocopies – In House	\$ 7,160.00
Photocopies – Outside	\$
Telephone / Telecopier	\$ 321.43
Travel – Transportation	\$ 166.41
Travel - Hotels	\$
Travel – Meals	\$ 62.49
TOTAL:	\$ 158,686.56