

ROBINS KAPLAN LLP

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Class Counsel for Indirect Purchaser Plaintiffs

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

**IN RE: CAPACITORS ANTITRUST
LITIGATION**

MASTER FILE NO. 14-cv-03264-JD

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

**DECLARATION OF KELLIE LERNER
IN SUPPORT OF CLASS COUNSEL'S
APPLICATION FOR ATTORNEYS'
FEES AND REIMBURSEMENT OF
EXPENSES SUBMITTED ON BEHALF
OF ROBINS KAPLAN LLP**

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

Judge: Hon. James Donato

1 I, Kellie Lerner, declare and state as follows:

2 1. I am a Partner of Robins Kaplan, LLP, Counsel for Indirect Purchaser Plaintiffs
3 (“IPPs” or “Plaintiffs”) in this action. I submit this declaration in support of Class Counsel’s
4 interim application for attorneys’ fees and reimbursement of expenses reasonably incurred in
5 connection with the services rendered in this litigation on behalf of the class. I make this
6 declaration based on my personal knowledge and if called as a witness, I could and would
7 competently testify to the matters stated herein. The time expended preparing this Declaration is
8 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, Robins Kaplan LLP, acted as class counsel to
13 IPPs. Robins Kaplan LLP has prosecuted this litigation solely on a contingent-fee basis, and has
14 been at risk that it would not receive any compensation for prosecuting claims against the
15 defendants. While Robins Kaplan LLP devoted its time and resources to this matter, it has foregone
16 other legal work for which it would have been compensated.

17 4. During the course of this litigation, Robins Kaplan LLP has been involved in the
18 following activities on behalf of IPPs at the request and under the direction of Lead Counsel:
19 drafted party allegations for Indirect Purchaser Plaintiffs’ Consolidated Amended Complaints;
20 drafted and prepared responses to multiple sets of Defendants’ Requests for Production and
21 Interrogatories; Conducted numerous interviews with proposed class representative to collect and
22 process responsive discovery; met and conferred with Defendants regarding scope of responsive
23 discovery and the use of appropriate search terms, performed legal research in connection with
24 Defendants’ motions to dismiss; and prepared for and examined Defendant Rubycon’s Fed. R. Civ.
25 P. 30(b)(6) witness.

26 5. Attached hereto as **Exhibit A** is my firm’s total hours and lodestar, computed at
27 historical rates, from November 1, 2014 through September 30, 2016. This period reflects the time
28 spent after the appointment of Interim Lead Counsel in this litigation. The total number of hours

1 spent by Robins Kaplan LLP during this period of time was 640.9, with a corresponding historical
2 lodestar of \$260,026.00. This summary was prepared from contemporaneous, daily time records
3 regularly prepared and maintained by Robins Kaplan LLP. The lodestar amount reflected in
4 Exhibit A is for work assigned by Lead Counsel, and was performed by professional staff at my
5 law firm for the benefit of the IPP Class.

6 6. All of the services performed by Robins Kaplan LLP in connection with this
7 litigation were reasonably necessary in the prosecution of this case. There has been no unnecessary
8 duplication of services for which Robins Kaplan LLP now seeks compensation. The lodestar
9 calculations exclude time spent reading or reviewing work prepared by others or other information
10 relating to the case unless related to preparation for or work on a matter specifically assigned to
11 Robins Kaplan LLP by Lead Counsel. The hourly rates for the attorneys and professional support
12 staff in my firm included in Exhibit A are the usual and customary hourly rates charged by Robins
13 Kaplan LLP.

14 7. Robins Kaplan LLP has expended a total of \$153,883.20 in unreimbursed costs and
15 expenses in connection with the prosecution of this litigation from November 1, 2014 through
16 September 30, 2016. These costs and expenses are broken down in the chart attached hereto as
17 **Exhibit B**. They were incurred on behalf of IPPs by Robins Kaplan LLP on a contingent basis and
18 have not been reimbursed. The expenses incurred in this action are reflected on the books and
19 records of my firm. These books and records are prepared from expense vouchers, check records
20 and other source materials and represent an accurate recordation of the expenses incurred. Expense
21 documentation has been provided to Lead Counsel for review.

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

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

1 Executed on May 15, 2017 at New York, NY.

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/s/Kellie Lerner
KELLIE LERNER

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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

ROBINS KAPLAN LLP

Hours Reported and Lodestar on a Historical Basis

November 1, 2014 – September 30, 2016

Timekeeper	Professional Status	Hours	Rate	Total Lodestar
Hollis Salzman	P	4.8	\$830.00	\$3,984.00
Kellie C. Lerner	P	63.8	\$760.00	\$48,488.00
Kellie C. Lerner	P	2.9	\$780.00	\$2,262.00
Scott F. Gautier	P	1.8	\$675.00	\$1,215.00
Bernard Persky	OC	11.5	\$925.00	\$10,637.50
Benjamin Steinberg	A	23.6	\$375.00	\$8,850.00
Benjamin Steinberg	A	175.9	\$390.00	\$68,601.00
Benjamin Steinberg	A	1.7	\$475.00	\$807.50
Dinah Reese	A	66.9	\$450.00	\$30,105.00
Dinah Reese	A	49.3	\$350.00	\$17,255.00
Elizabeth Friedman	A	0.9	\$425.00	\$382.50
Michelle Zolnoski	A	57.5	\$450.00	\$25,875.00
Audra M. Norris	PL	0.2	\$310.00	\$62.00
Elizabeth W. Omodt	PL	1.7	\$150.00	\$255.00
Jeffrey D. Baum	PL	10.7	\$310.00	\$3,317.00
Jeffrey D. Baum	PL	8.0	\$325.00	\$2,600.00
Lisl Fuhrken	PL	0.2	\$185.00	\$37.00
Lynn M. Brinkman	PL	11.6	\$130.00	\$1,508.00
Michael D. Dirksen	PL	61.4	\$295.00	\$18,113.00
Robert M. Crumley	PL	42.2	\$185.00	\$7,807.00
Ross E. Lawrence	PL	29.8	\$150.00	\$4,470.00
Ryan S. Willoughby	PL	4.4	\$325.00	\$1,430.00
Sarah A. Leete	PL	7.0	\$150.00	\$1,050.00
Vivian M. Enck	PL	3.1	\$295.00	\$914.50
Grand Total:		640.9		\$260,026.00

In re Capacitors Antitrust Litigation
Case No. 14-cv-03264-JD

EXHIBIT B

ROBINS KAPLAN LLP

Expenses Incurred

November 1, 2014 – September 30, 2016

EXPENSE CATEGORY	AMOUNT INCURRED
Assessments	\$150,000.00
Court Costs / Filing Fees	\$610.00
Experts / Consultants	\$0.00
Federal Express / UPS / Ontrac	\$61.09
Postage / U.S. Mail	\$0.00
Service of Process	\$0.00
Messenger / Delivery	\$0.00
Hearing Transcripts	\$0.00
Investigation	\$538.00
Lexis / Westlaw	\$724.37
Photocopies – In House	\$200.85
Photocopies – Outside	\$0.00
Telephone / Telecopier	\$44.59
Travel – Transportation	\$1,134.03
Travel - Hotels	\$537.49
Travel – Meals	\$32.78
TOTAL:	\$153,883.20