

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

JAN HARRISON; LEE RANALLI;
MORGAN TANNER; SPENCER
HATHAWAY; TODD TURLEY; DEBBIE
HALE; KELI ANNO; JOHN ZULLO;
CHRISTOPHER KUON-TSEN LEE; JIM
BUCKINGHAM; TANDA SAXTON;
JOHN WOZNAK; JEROME SHERMAN;
BEVERLY JENKINS; DAVID
PETERSEN; TOM STEVER; BRIAN
BAWOL; RANSOME FOOSE; and,
STACY FRANKLIN.

Plaintiffs,

v.

E.I. DUPONT DE NEMOURS AND
COMPANY; HUNTSMAN
INTERNATIONAL, LLC; KRONOS
WORLDWIDE, INC.; and, MILLENNIUM
INORGANIC CHEMICALS, INC.;

Defendants.

Case No. 5:13-cv-01180-BLF

**DECLARATION OF JONATHAN W.
CUNEO IN SUPPORT OF MOTION
FOR ATTORNEYS' FEES,
REIMBURSEMENT OF EXPENSES,
AND SERVICE AWARDS**

Date: August 16, 2018

Time: 1:30 p.m.

Dept: Courtroom 3, 5th Floor

Judge: Honorable Beth Labson Freeman

I, Jonathan W. Cuneo, hereby declare as follows:

1. I am a partner in the law firm of Cuneo Gilbert & LaDuca, LLP ("CGL").

This Declaration is provided in support of Plaintiffs' Motion for Award of Attorneys' Fees, Reimbursement of Expenses, and Service Awards. I make this Declaration of my own personal knowledge, and if called to do so, I could testify competently to the matters stated herein.

2. On October 18, 2013, the Court granted Plaintiffs' motion to appoint Don Barrett of Barrett Law Group, P.A. and me as Interim Co-Lead Class Counsel and Ben F. Pierce Gore as Liaison Counsel. This Court further designated CGL and Barrett Law

1 Group as Class Counsel when it granted preliminary approval of the Settlement on
2 December 13, 2017.

3 3. Class Counsel have extensive experience representing consumers and other
4 plaintiffs in class actions and antitrust litigation. For a summary of Class Counsel's
5 qualifications, I refer the Court to Plaintiffs' previously filed Motion to Appoint Interim
6 Lead Counsel and the Motion for Preliminary Approval. Dkts. 49, 215.

7 4. Since our appointment as Interim Co-Lead Class Counsel, our firms have
8 together supervised the activities of all counsel in prosecuting this litigation. From the
9 outset, our firms have diligently worked to advance the claims of the putative class
10 members and have performed the services described below on behalf of the putative
11 classes.

12 5. From the inception of this litigation through May 15, 2018, CGL has
13 expended 2,009.05 hours of work in connection with this litigation. Based upon our
14 customary rates in this type of litigation, the lodestar value of that time is
15 \$1,382,834.50.

16 6. CGL's work on this case was performed on a wholly contingent basis. CGL
17 has not received any amounts in connection with this case.

18 7. Shown below is a true and correct summary identifying the attorneys,
19 paralegals, and other staff who have worked on this litigation, the number of hours those
20 individuals worked, their regular hourly billing rates, and their respective lodestar values.

21 8. The hourly rates shown below are the usual and customary rates charged in
22 this District for each individual doing the type of work performed on this litigation. These
23 rates are not adjusted, notwithstanding the complexity of this litigation, the skill and
24 tenacity of the opposition, the preclusion of other employment, the delay in payment, or
25 any other factors that could be used to justify a higher hourly compensation.
26
27

Name	Position	Hourly Rate	Cumulative Hours	Cumulative Amount
Jonathan Cuneo	Partner	\$ 895.00	543.00	\$ 485,985.00
Joel Davidow	Partner	\$ 895.00	113.60	\$ 101,672.00
David Stanley	Partner	\$ 800.00	19.75	\$ 15,800.00
Monica Miller	Partner	\$ 775.00	12.25	\$ 9,493.75
Sandra Cuneo	Partner	\$ 725.00	5.75	\$ 4,168.75
Daniel Cohen	Partner	\$ 695.00	50.25	\$34,923.75
Katherine Van Dyck	Partner	\$ 675.00	719.95	\$ 485,966.25
Victoria Romanenko	Partner	\$ 675.00	57.25	\$ 38,643.75
Jennifer Kelly	Partner	\$ 625.00	41.00	\$ 25,625.00
Taylor Asen	Partner	\$ 550.00	22.50	\$ 12,375.00
Evelyn Li	Partner	\$ 550.00	64.00	\$ 35,200.00
Ben Elga	Associate	\$ 450.00	251.00	\$ 112,950.00
Tim Powell	Law Clerk	\$ 225.00	20.00	\$ 4,500.00
Daniel Black	Paralegal	\$ 175.00	3.25	\$ 568.75
Nadia Belkin	Paralegal	\$ 175.00	28.75	\$ 5,031.25
Melisa Azak	Paralegal	\$ 175.00	25.00	\$ 4,375.00
Dasha Gorlove	Paralegal	\$ 175.00	4.50	\$ 787.50
Alexandra Peck	Paralegal	\$ 175.00	2.00	\$ 350.00
Marie Schenk	Paralegal	\$ 175.00	24.25	\$ 4,243.75
Aaron Zoellick	Paralegal	\$ 175.00	1.00	\$ 175.00
TOTALS			2,009.05	\$ 1,382,834.50

9. These amounts were derived from daily time records CGL compiled on this matter, which are recorded in our computerized database. They reflect the extensive factual and legal research conducted by Class Counsel in preparation for and throughout the litigation and settlement of this Action, including but not limited to the following:

- a. Actively monitoring the Director Purchaser Litigation, including studying the record and attending multiple factually intensive hearings in the District

1 of Maryland on motions for summary judgment, motions in limine, and settlement
2 approval and meeting with lead counsel for direct purchasers.¹

3 b. Researching and preparing the original complaint and the three
4 subsequent amended complaints detailing Defendants' alleged decade-long antitrust
5 conspiracy and anti-competitive conduct;

6 c. Consulting with experts regarding the scope of the alleged conspiracy
7 and the economic impact of the same on consumers to assist in crafting and revising
8 the proposed class definition and negotiating a settlement;

9 d. Responding to four motions to dismiss in this Action through the
10 research and preparation of opposing memoranda totaling 116 pages and appendices
11 and exhibits totaling 263 pages as well as preparing for and attending three hearings in
12 this District;

13 e. Negotiating early settlement of this Action through attendance at a series
14 of in-depth settlement conferences in Washington, D.C. and multiple telephonic
15 conferences with defense counsel and Class Counsel Don Barrett;

16 f. Drafting the settlement agreement, motion for preliminary approval,
17 supplemental brief, long- and short-form notices, and claim form; and

18 g. Coordinating implementation of the notice and distribution plans with
19 defense counsel and the settlement administrator.

20
21 10. The lodestar summary reflects CGL'S experience in the field, the
22 complexity of the matters involved in this litigation, and the prevailing rate for providing
23 such services.

24 11. In my opinion, the time expended and expenses incurred in prosecuting this
25 action were reasonable and necessary for the diligent litigation of the matter

26
27 ¹ See *Haley Paint Co. v. E.I. DuPont de Nemours & Co., et al.*, No. 1:10-cv-00318-RDB (D.
28 Md.) (filed Feb. 9, 2010)

1 12. CGL has advanced a total of \$23,351.48 in expenses reasonably and
2 necessarily incurred in connection with the prosecution of this litigation. They are broken
3 down as follows:

Description	Amount
Federal Express, Local Courier, etc.	\$409.96
Long Distance	\$437.05
Travel (transportation, lodging, meals, etc.)	\$17,157.04
Court Fees (filing, etc.)	\$1,305.00
Court Reporter/Transcripts	\$1,419.05
Computer Research	\$2,623.38
TOTAL	\$23,351.48

16 13. These expenses are reflected in the books and records regularly kept and
17 maintained by CGL.

18 14. Class Counsel Don Barrett, Liaison Counsel Pierce Gore, and other
19 attorneys representing the Class Representatives in this Action (“Supporting Counsel”),
20 have assisted in prosecuting this Action and reported the lodestar information contained in
21 the following chart.

FIRM	CUMULATIVE HOURS	CUMULATIVE LODESTAR	CUMULATIVE EXPENSES	TOTAL
Cuneo Gilbert & LaDuca, LLP	2,009.05	\$1,382,834.50	\$23,351.48	\$1,406,185.98
Barrett Law Group P.A.	309.00	\$213,055.00	\$48,775.17	\$261,830.17
Pratt & Associates	163.50	\$128,555.00	\$0.00	\$128,555.00
Lovelace & Associates, P.A.	255.60	\$82,930.00	\$1,329.25	\$84,259.25

28
DECLARATION OF JONATHAN W. CUNEO IN SUPPORT OF
MOTION FOR ATTORNEYS’ FEES, REIMBURSEMENT
OF EXPENSES, AND SERVICE AWARDS
Case No. 13-cv-01180 (BLF)

1	Mantese Honigman, P.C.	74.80	\$50,606.00	\$90.15	\$50,696.15
2	Larson • King, LLP	75.40	\$28,021.50	\$5,720.19	\$33,741.69
3	Thrash Law Firm P.A.	277.15	\$205,377.50	\$547.30	\$205,924.80
4	COMBINED TOTALS	3,164.50	\$2,091,379.50	\$79,813.54	\$2,171,193.04

5
6 15. Expenses incurred by Barrett Law Group include payments to consulting
7 experts, which were dispensed from a separately maintained account funded by
8 assessments from Class Counsel and Supporting Counsel. The expenses summarized
9 above were necessary and reasonable when viewed in light of the length of this case, which
10 has spanned over 5 years, and its complexity.

11 16. Class Counsel Don Barrett, Liaison Counsel, and Supporting Counsel (“Co-
12 Counsel”) have provided separate declarations, attached hereto as Exhibits A-1 through
13 A-6, in support of their individual lodestar information. Co-Counsel performed this work
14 on a contingent basis. The bulk of the time spent by Supporting Counsel involved handling
15 issues specific to the Class Representatives they represent. My firm has reviewed their
16 time entries and expenses to avoid incorrect, inefficient, and/or duplicative claims.

17 17. Attached hereto as Exhibit A-7 is the 2015 National Law Journal Billing
18 Survey. The hourly rates charged by Class Counsel, Liaison Counsel, and Supporting
19 Counsel are in accordance with the reasonable prevailing rates in this District.

20 I declare under penalty of perjury under the laws of the United States of America
21 that the foregoing is true and correct, and was executed in Washington, D.C. on May 24,
22 2018.

23
24 *s/ Jonathan W. Cuneo*
25 Jonathan W. Cuneo

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ATTESTATION

Pursuant to Civil Local Rule 5-1(i)(3) regarding signatures, I attest that concurrence in the filing of the attached declarations has been obtained from their signatories.

Dated: May 24, 2018

s/ Jonathan W. Cuneo
Jonathan W. Cuneo