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Lead Counsel for Direct Purchaser Plaintiffs

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

IN RE: CATHODE RAY TUBE (CRT) ANTITRUST LITIGATION

This Document Relates to:

Crago, d/b/a Dash Computers, Inc., et al. v. Mitsubishi Electric Corporation, et al., Case No. 14-CV-2058-JST.

Master File No. 07-CV-5944-JST

MDL No. 1917

DECLARATION OF DAVID P. GERMAINE IN SUPPORT OF DIRECT PURCHASER PLAINTIFFS' APPLICATION FOR ATTORNEYS' FEES AND EXPENSES AND INCENTIVE AWARDS

Date: June 8, 2017
Time: 2:00 p.m.
Judge: Honorable Jon S. Tigar
Courtroom: 9

I, David P. Germaine, declare:

1. I am a Partner at Vanek, Vickers & Masini, Counsel for Direct Purchaser Plaintiffs ("DPPs" or "Plaintiffs") in this action. I submit this declaration in support of DPPs' joint Application for Attorneys' Fees and Expenses and Incentive Awards ("Fees and Expense Application") in connection with the services rendered in this litigation. I make this declaration based on my personal knowledge and, if called as a witness, I could and would competently testify to the matters stated herein.

2. My firm has served as counsel to Meijer, Inc. and as counsel for the DPPs throughout the course of this litigation. The background and experience of Vanek, Vickers & Masini and its attorneys are summarized in the curriculum vitae attached hereto as **Exhibit A**.

3. Vanek, Vickers & Masini has prosecuted this litigation solely on a contingent-fee basis, and has been at risk that it would not receive any compensation for prosecuting claims against the defendants. While Vanek, Vickers & Masini devoted its time and resources to this matter, it has foregone other legal work for which it would have been compensated.

4. During the pendency of the litigation, Vanek, Vickers & Masini performed the following work: background investigation; drafting of the complaint and other pleadings; drafting and responding to discovery requests; collecting, reviewing, and preparing of document productions; deposition preparation and defense, including the preparation and presentation of a corporate designee for Meijer.

5. Attached hereto as **Exhibit B** is my firm's total hours and lodestar, computed at historical rates, from the inception of DPPs' case against the Mitsubishi Electric Defendants and the Thomson Defendants (Case No. 14-CV-2058-JST, filed May 5, 2014) through October 31, 2016. The total number of hours spent by Vanek, Vickers & Masini during this period of time was 144.10 with a corresponding lodestar of $75,941.00. This summary was prepared from contemporaneous, daily time records regularly prepared and maintained by Vanek, Vickers & Masini. The lodestar amount reflected in **Exhibit B** is for work assigned by Lead Counsel, and was performed by attorneys and professional staff at my law firm for the benefit of DPPs. None of these hours were included in connection with DPPs' first fee and expense application (ECF No. 4055).

6. The hourly rates for the attorneys and professional support staff in my firm included in **Exhibit B** are the usual and customary hourly rates charged by Vanek, Vickers & Masini.

7. Vanek, Vickers & Masini has expended a total of $679.03 in unreimbursed costs and expenses in connection with the prosecution of DPPs' case against the Mitsubishi Electric Defendants and the Thomson Defendants. These costs and expenses are broken down in the chart attached hereto as **Exhibit C**. They were incurred by Vanek, Vickers & Masini on behalf of DPPs and on a contingent basis and have not been reimbursed. The expenses incurred in this action are reflected on the books and records of my firm. These books and records are prepared from expense vouchers, check records, and other source materials and represent an accurate recordation of the expenses incurred. None of these expenses were included in connection with DPPs' first fee and expense application (ECF No. 4055).

8. I have reviewed the time and expenses reported by Vanek, Vickers & Masini in this case which are included in this declaration, and I affirm that they are true and accurate.

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

Executed on March 24, 2017 at Chicago, IL.

David P. Germaine

ATTESTATION

I, R. Alexander Saveri, 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/ R. Alexander Saveri*
R. Alexander Saveri

EXHIBIT A

EXHIBIT A

In re: Cathode Ray Tube (CRT) Antitrust Litigation
VANEK, VICKERS & MASINI PC
Principal Attorney Biographies

Joseph M. Vanek

Mr. Vanek earned his Juris Doctor from Boston College in May, 1987 where he graduated with honors. Mr. Vanek received his undergraduate degree, Magna Cum Laude, from Creighton University in 1984.

Upon graduating from law school, Mr. Vanek became a member of the bar in the State of Illinois and the Commonwealth of Massachusetts. Mr. Vanek is also admitted to practice before the Supreme Court of the United States, as well as the United States Court of Appeals for the Third, Fifth and Ninth Federal Circuits and the United States District Court for the Northern and Central Districts of Illinois. In addition, Mr. Vanek has practiced on a pro hac vice basis throughout the country.

Mr. Vanek's practice has focused primarily on trial work in the areas of intellectual property, anti-trust litigation, and commercial litigation. The clients represented by Mr. Vanek in these matters have resided throughout the United States, as well as a number of other countries such as France, Canada, Taiwan, Bermuda, Japan, and Argentina.

An example of a case Mr. Vanek recently tried involved the infringement of a copyright for the developer of a video amusement game. The court awarded both damages and attorney's fees to Mr. Vanek's client. Mr. Vanek also has also represented the inventor of critical functions to the DVD technology which has resulted in a successful licensing campaign that has yielded an economic recovery exceeding $200,000,000.00. In addition, Mr. Vanek represented the inventors of ergonomic keyboards which, through both licensing and litigation, resulted in a multi-million dollar recovery, and enforced a portfolio of patents relating to digital broadcast technology against an industry leading supplier which, again, resulted in a multi-million dollar recovery.

Mr. Vanek has also focused quite heavily in the area of trademark law. In this regard, Mr. Vanek has presented numerous multi-national corporations in the selection and registration of their service marks and trade marks. He has also acted as counsel in several lawsuits involving trade marks and has been repeatedly retained to evaluate the level of professional services rendered by counsel in trade mark and patent matters.

In the anti-trust area, Mr. Vanek has successfully represented a number of individual plaintiffs in price fixing claims, including cases involving territorial allocation, as well as horizontal price conspiracy. In the past decade, the price fixing claims in which he has participated have included some of the largest and best known cases, including the In Re Vitamin Litigation, both rounds of the Visa and Mastercard Litigation, the In Re Transparent Tape Litigation, the In Re Children's Ibuprofen claim, and In Re American Express Anti-Steering Rules Antitrust Litigation.

Additionally, Mr. Vanek has been involved in several pharmaceutical claims involving anti-trust violations arising from the misuse of patents.

David P. Germaine

Mr. Germaine became a licensed attorney in the State of Illinois in 2001. His practice focuses primarily on the fields of Antitrust and Intellectual Property, where his involvement includes litigation, licensing, prosecution and domain name disputes.

In his antitrust practice, Mr. Germaine represents a number of individual plaintiffs in a vast array of federal and state antitrust disputes. Additionally, Mr. Germaine has served as class counsel for plaintiffs coming from a variety of industries. In this capacity, he has served as class liaison counsel in one of the largest antitrust cases in history.

Mr. Germaine earned his Juris Doctorate with a certificate in Intellectual Property from DePaul University's College of Law in 2001. At DePaul, Mr. Germaine participated on the national appellate moot court team, serving as the organization's vice-president from 2000 to 2001. He also authored the Case Note and Comment, Regulating Rap Music: It Doesn't Melt in Your Mouth, published in DePaul's *Journal of Art and Entertainment Law* in the spring of 2001. Mr. Germaine received a Bachelor of Arts, Magna Cum Laude, from John Carroll University in 1997.

EXHIBIT B

EXHIBIT B

In re Cathode Ray Tube (CRT) Antitrust Litigation
Vanek, Vickers, & Masini
Reported Hours and Lodestar
Inception through October 31, 2016 - Mitsubishi/Thomson Only

TIME REPORT

NAME	TOTAL HOURS	HISTORICAL HOURLY RATE	LODESTAR
ATTORNEYS			
David Germaine (P)	67.30	$645.00	$43,408.50
Joseph Vanek (P)	4.30	$700.00	$3,010.00
Martin Amaro (A)	6.10	$475.00	$2,897.50
John Bjork (A)	1.50	$425.00	$637.50
Alberto Rodriguez (A)	47.30	$475.00	$22,467.50
NON-ATTORNEYS			
Diane Fan (PL)	1.00	$200.00	$200.00
Chelsey Sheffer (PL)	16.60	$200.00	$3,320.00
TOTAL:	**144.10**		**$75,941.00**

(P) Partner
(OC) Of Counsel
(A) Associate
(PL) Paralegal
(LC) Law Clerk

EXHIBIT C

EXHIBIT C

In re Cathode Ray Tube (CRT) Antitrust Litigation
Vanek, Vickers & Masini
Reported Expenses Incurred on Behalf of DPPs - Mitsubishi/Thomson Only

EXPENSE REPORT

CATEGORY	AMOUNT INCURRED
Court Fees (Filing, etc.)	
Experts/Consultants	
Federal Express	
Transcripts (Hearing, Deposition, etc.)	$583.65
Messenger Delivery	
Photocopies – In House (capped at $0.20 per copy)	$79.60
Photocopies – Outside	
Postage	$15.78
Service of Process	
Telephone/Telecopier	
Out of Town Travel	
Online Research	
TOTAL:	$679.03