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12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**
14 **SAN FRANCISCO DIVISION**

15 IN RE: TFT-LCD (FLAT PANEL)
16 ANTITRUST LITIGATION

Case No. 3:07-md-1827 SI
MDL No. 1827

18 This Document Relates To:
19 ALL INDIRECT PURCHASER ACTIONS
20 *State of Missouri, et al. v. AU Optronics*
Corporation, et al.,
21 Case No. 10-cv-03619 SI; and
22 *State of Florida v. AU Optronics*
Corporation, et al.,
23 Case No. 10-cv-3517 SI.
24 *State of New York v. AU Optronics*
Corporation, et al.,
25 Case No. 11-cv-0711.

**SUPPLEMENTAL DECLARATION OF
JACK W. LEE IN SUPPORT OF INDIRECT
PURCHASER PLAINTIFFS' AND STATES
ATTORNEYS GENERAL'S JOINT
MOTION FOR INTERIM
REIMBURSEMENT OF EXPENSES**

Date: May 18, 2012
Time: 9:00 a.m.
Dept.: Courtroom 10, 19th Floor
Judge: The Hon. Susan Illston

1 I, JACK W. LEE, hereby declare as follows:

2 1. I am a member in good standing of the State Bar of California and admitted to
3 appear before the Northern District of California. I have served as the Liaison Counsel for the
4 Indirect Purchaser Plaintiffs in this matter since appointment by this Court on July 13, 2007. I
5 have personal knowledge of the facts in this Declaration and, if called as a witness, I could and
6 would testify competently to the matters stated herein.

7 2. On or about March 14, 2012, I submitted an expense summary and declaration on
8 behalf of the Indirect Purchaser Plaintiff class (“IPPs”) and their counsel (“Class Counsel”) entitled
9 Declaration of Jack W. Lee in Support of the Indirect Purchaser Plaintiffs’ and States Attorneys
10 General’s Motion for Interim Reimbursement of Expenses (“Motion for Expenses”). See Docket
11 No. 5158.

12 3. In response to the Court’s July 11, 2012 Order (Docket No. 6128), I submit this
13 Supplemental Declaration in Support of the Motion for Expenses.

14 4. In the Motion for Expenses, the IPPs requested reimbursement of \$7,509,134.53 in
15 expenses incurred through December 2011. Since filing the Motion for Expenses, \$2,317.99 of
16 this amount has been waived or voided. Class Counsel thus now request reimbursement of
17 \$7,506,816.54 in expenses incurred through December 2011. After extensive review of relevant
18 invoices, Class Counsel have also recategorized one expense incurred on behalf of the IPPs. The
19 lesser amount now requested and the recategorization of expenses are explained in further detail at
20 Paragraphs 11 through 13, *infra*.

21 5. Attached hereto as **Exhibit 1** are true and correct copies of invoices totaling
22 \$1,083,623.39 for creating, maintaining, and servicing the Autonomy Zantaz web-based electronic
23 document management system through December 2011.

24 6. Attached hereto as **Exhibit 2** are true and correct copies of invoices totaling
25 \$4,654,834.10 for IPP expert Janet Netz, Ph.D. and her staff at ApplEcon, LLC through December
26 2011.

27 7. Attached hereto as **Exhibit 3** are true and correct copies of invoices, statements, and
28 receipts for other IPP expert economists and consultants through December 2011. These invoices

1 total \$967,018.11 for services provided through December 2011. However, \$86,621.65 of this
2 amount was waived or deferred by these expert economists and consultants as of the date on which
3 the IPPs filed the Motion for Expenses. Thus, Class Counsel request reimbursement in the
4 adjusted amount of \$880,396.46 for these services through December 2011, which is the same
5 amount requested in the Motion for Expenses. Class Counsel will request reimbursement for any
6 further disbursements to these expert economists and consultants for these services at the time that
7 the IPPs seek an award of attorneys' fees and costs.

8 8. Attached hereto as **Exhibit 4** are true and correct copies of invoices for mediators
9 and mediation-related costs incurred by Class Counsel in the amount of \$248,781.32 through
10 December 2011.

11 9. Attached hereto as **Exhibit 5** are true and correct copies of JAMS invoices and
12 credit memoranda totaling \$50,309.60 for the services of private Special Masters. \$3,225.00 of
13 this amount was paid by the Alioto Law Firm directly to JAMS. The Alioto Law Firm has not
14 been reimbursed for this payment out of the litigation fund, and Class Counsel do not request
15 reimbursement for this payment at this time. Class Counsel will request reimbursement for this
16 amount of \$3,225.00 at the time that the IPPs seek an award of attorneys' fees and costs. Class
17 Counsel thus request reimbursement of \$47,084.60 for the services of private Special Masters
18 through December 2011, which is the same amount requested in the Motion for Expenses.

19 10. Attached hereto as **Exhibit 6** are true and correct copies of invoices and supporting
20 documents regarding expenses incurred for translator and interpreter services provided to IPPs
21 through December 2011. For clarification for the Court, I note that **Exhibit 6** contains an invoice
22 from interpreter Ms. Grace Wen-Wen Liu totaling \$671.31. After Ms. Liu issued this invoice, the
23 parties in this matter determined that the IPPs' share of this interpreter cost was the lesser amount
24 of \$503.48. Class Counsel paid this amount of \$503.48 to Ms. Liu and requested this same amount
25 in their Motion for Expenses. Included at **Exhibit 6** is a copy of Class Counsel's payment to Ms.
26 Liu in the amount of \$503.48. Thus, Class Counsel respectfully request \$88,525.98 in translator
27 and interpreter costs, which is the same amount requested in the Motion for Expenses.

28

1 11. In the Motion for Expenses, Class Counsel requested reimbursement of \$5,060.95
2 for transcripts of Court proceedings through December 2011. For clarification for the Court, after
3 an additional review of copies of the invoices and supporting documentation, requested by the
4 Court, our firm has determined that a May 26, 2009 invoice from Kathy Townsend Court
5 Reporters in the amount of \$1,100.40 that was previously categorized as a hearing transcript cost
6 should instead be categorized as a deposition court reporter cost. Thus, Class Counsel now
7 respectfully request reimbursement of a lesser amount of \$3,960.55 for hearing transcript costs
8 incurred through December 2011.

9 12. Attached hereto as **Exhibit 7** are true and correct copies of invoices and other
10 supporting documentation from the books and records of our firm and other firms in the amount of
11 \$3,960.55, for transcripts of proceedings before this Court through December 2011. At this time,
12 after a diligent search, our firm is unable to provide the Court with invoices for each and every one
13 of these hearing transcripts because Class Counsel were not provided with invoices by the court
14 reporters on each and every occasion. Class Counsel did, however, pay for all of the transcripts.
15 As such, in order to provide the Court with a complete record of the amounts actually spent for
16 these transcripts, I submit herewith at **Exhibit 7** copies of checks paid to the Court reporters for
17 court transcripts where we were not provided with an invoice.

18 13. In Motion for Expenses, Class Counsel requested reimbursement of \$500,827.73 for
19 court reporters, videographers, and transcripts for depositions through December 2011. For
20 clarification for the Court, I note that \$2,317.99 in charges were subsequently waived or voided by
21 the court reporters after the filing of the Motion for Expenses. Accordingly, Class Counsel now
22 deduct this amount from their request for reimbursement. Also, as stated above at Paragraph 11,
23 Class Counsel submits that the May 26, 2009 invoice from Kathy Townsend Court Reporters in the
24 amount of \$1,100.40 is reimbursable as a deposition court reporter cost rather than as a hearing
25 transcript cost. Thus, Class Counsel now respectfully request reimbursement of the adjusted
26 amount of \$499,610.14 for court reporters, videographers, and transcripts for depositions through
27 December 2011. This request includes \$1,437.70 in court reporting costs for hearings before the
28 Special Masters, and \$489.75 for recording a trial preparation session. Attached hereto as **Exhibit**

1 **8** are true and correct copies of invoices totaling \$499,610.14 for court reporters, videographers,
2 and deposition transcripts incurred by Class Counsel through December 2011.

3 14. The following charts reflect the adjusted amounts requested by Class Counsel:

COURT HEARING TRANSCRIPTS	
Amount sought in Motion for Expenses.....	\$5,060.95
Adjusted amount now sought	\$3,960.55

COURT REPORTERS, DEPOSITION TRANSCRIPTS, VIDEOGRAPHERS	
Amount sought in Motion for Expenses.....	\$500,827.73
Adjusted amount now sought	\$499,610.14

TOTAL EXPENSES	
Amount sought in Motion for Expenses.....	\$7,509,134.53
Adjusted amount now sought	\$7,506,816.54
SUMMARY OF DIFFERENCE BETWEEN ADJUSTED AMOUNT AND AMOUNT IN MOTION FOR EXPENSES.....	- < \$2,317.99 >

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10
11
12 15. Attached hereto as **Exhibit 9** is a summary list of litigation costs and expenses for
13 which the IPPs seek reimbursement at this time. This summary list reflects the revised expenses
14 incurred for hearing transcripts, court reporters, videographers, and deposition transcripts, as
15 detailed at Paragraphs 11 through 14 of this Declaration. A revised proposed order granting the
16 Motion for Expenses and awarding reimbursement of \$7,506,816.54 is being filed herewith.

17 16. As indicated in my earlier March 14, 2012 declaration, the Motion for Expenses did
18 not seek reimbursement of hard costs incurred by the IPPs after December 31, 2011. The IPPs did
19 in fact expend such costs after December 31, 2011, and the remainder of those costs, as well as
20 reimbursement of other costs that were reasonable and necessary in the prosecution of the action
21 will be requested at the time that the IPPs seek an award of attorneys' fees and costs.

22
23 I declare under penalty of perjury of the laws of the United States of America that the
24 foregoing is true and correct.

25
26 Executed this 27th day of July, 2012 at San Francisco, California.

27
28 /s/ Jack W. Lee

JACK W. LEE

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