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

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

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

18 This Document Relates To:
19 ALL INDIRECT PURCHASER ACTIONS
20

**DECLARATION OF JACK W. LEE IN
SUPPORT OF INDIRECT PURCHASER
PLAINTIFFS' SECOND MOTION FOR
REIMBURSEMENT OF EXPENSES**

21 Date: November 29, 2012
22 Time: 3:30 p.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 the Northern
3 District of California, and am the Liaison Counsel for the Indirect Purchaser Plaintiffs in this
4 matter. I make this Declaration in Support of Indirect Purchaser Plaintiffs' Second Motion for
5 Interim Reimbursement of Expenses (the "Motion"). I have personal knowledge of the facts in this
6 Declaration and, if called as a witness, I could and would testify competently thereto.

7 2. The Indirect Purchaser Plaintiffs ("IPPs") and their counsel ("Class Counsel") seek
8 reimbursement of litigation costs and expenses in the amount of \$1,234,314.89 at this time. This
9 Motion is the IPPs' second request for an award of litigation expenses in this case. Class Counsel
10 have litigated this matter for nearly six years on a strictly contingency-fee basis and assumed the
11 risk that they would not be reimbursed for millions of dollars in out-of-pocket costs expended.

12 3. I have collected regular monetary contributions from certain law firms representing
13 the IPPs and placed those contributions in a "Litigation Costs Fund." The overwhelming majority
14 of joint litigation costs and expenses incurred by the IPPs have been paid out of this Litigation Cost
15 Fund. Individual law firms have also paid for certain litigation costs and expenses separately.
16 Class Counsel have advanced and incurred well over \$8 million in litigation costs and expenses.

17 4. On or about March 14, 2012, I submitted an expense summary and declaration on
18 behalf of the IPPs entitled Declaration of Jack W. Lee in Support of the Indirect Purchaser
19 Plaintiffs' and States Attorneys General's Motion for Interim Reimbursement of Expenses
20 ("Motion for Interim Expenses"). *See* Docket No. 5158. In the Motion for Interim Expenses, the
21 IPPs sought reimbursement of \$7,509,134.53 in costs incurred through December 31, 2011. On or
22 about July 27, 2012, I submitted a Supplemental Declaration in Support of the Motion for
23 Expenses that included copies of invoices and other supporting documents, and revised the IPPs'
24 request for reimbursement to \$7,506,816.54. As of the date of this filing, the Court has not yet
25 ruled on the Motion for Expenses.

26 5. Attached hereto as **Exhibit 1** is a list of litigation costs and expenses for which the
27 IPPs seek reimbursement at this time. These expenses are reflected on the books and records of
28 my firm and other Class Counsel. These books and records are prepared from expense vouchers,

1 check records, and other source materials and represent an accurate recordation of the expenses
2 incurred.

3 6. At this time, the IPPs seek reimbursement of additional costs incurred since January
4 1, 2012 associated with expert economists and consultants, the electronic document database,
5 deposition costs and court reporters, mediators, the discovery Special Masters, and translators and
6 interpreters. None of these costs were included in the IPPs' March 2012 Motion for Expenses.

7 7. The IPPs also seek reimbursement for certain categories of expenses not included in
8 the prior Motion for Expenses. These expenses include costs incurred for foreign service of
9 process, conference calls, document reproduction, technicians, trial consultants, and trial
10 preparation.

11 8. The IPPs have continued to incur costs for expert economists and consultants since
12 January 2012. IPP experts Janet Netz, Ph.D. of ApplEcon and William Comanor, Ph.D. of
13 Economic Associates have devoted time since January 2012 to opposing Defendants' motion to
14 exclude the IPP experts, preparing damages reports, preparing for trial testimony, and providing
15 analysis regarding the distribution of settlement funds. IPP expert James T. McClave, Ph.D. of
16 InfoTech Inc. has also assisted in these efforts since January 2012. Class Counsel retained
17 Hemming Morse, LLP to review and analyze Defendants' financial documents in preparation for
18 settlement negotiations. Class Counsel also retained Stanford Consulting Group to review and
19 analyze investment guidelines and investment options for the IPP settlement fund. Class Counsel
20 also request reimbursement for work performed by IPP experts George A. Hay, Ph.D. and Stephen
21 A. Degnan, Ph.D. prior to January 2012 that Class Counsel paid for during this calendar year.
22 These payments to Dr. Hay and Dr. Degnan, totaling \$86,621.66, were not included in the Motion
23 for Interim Expenses. Class Counsel request reimbursement of a total of \$440,547.32 in IPP expert
24 economist and consultant costs at this time. Attached hereto as **Exhibit 2** are true and correct
25 copies of invoices and statements supporting Class Counsel's request for reimbursement of expert
26 economist and consultant costs.

27 9. Defendants produced over 7.8 million documents, consisting of over 40 million
28 pages, during the course of this litigation. Class Counsel loaded these documents into a web-based

1 electronic document management system for review and analysis. This document management
2 system allowed Class Counsel to review, analyze, and code these documents for use at depositions,
3 in numerous motions, and in preparation for trial. Class Counsel were able to do this work from
4 their respective offices because they had access to the database. Third party vendors and technical
5 staff have been utilized in the translation, analysis, and electronic coding of these documents
6 produced by Defendants. Attached hereto as **Exhibit 3** are true and correct copies of invoices
7 totaling \$128,283.46 for maintaining and servicing the Autonomy Zantaz web-based electronic
8 document management system since January 2012.

9 10. The parties have incurred significant costs for the services of several highly
10 qualified class action mediators who successfully negotiated the Proposed Settlements in this
11 matter. These mediators include Professor Eric D. Green, the Hon. Daniel Weinstein (Ret.), and
12 the Hon. Vaughn Walker (Ret.). The mediators conducted numerous mediation sessions, as well as
13 numerous calls and conference calls with the parties. Attached hereto as **Exhibit 4** are true and
14 correct copies of invoices for mediators and mediation-related costs incurred by Class Counsel
15 since January 2012 in the amount of \$88,012.54.

16 11. Class Counsel have incurred costs of \$825.00 for Special Master Services in 2012.
17 Attached hereto as **Exhibit 5** is a true and correct copy of the invoice received for Special Master
18 services. Class Counsel anticipate that they will continue to incur costs for Special Master fees
19 going forward and will request reimbursement for these additional costs at a later date.

20 12. Over 180 depositions have been taken by the parties in this case. Many of these
21 depositions were multiple days. These depositions were necessary to obtain information from key
22 witnesses and experts regarding the conspiracy and damages to the class. Class Counsel request
23 reimbursement of \$122,426.47 in deposition costs (including finance charges) incurred at this time.
24 \$5,627.69 of this amount was paid to Hitachi counsel, by agreement of the parties, to reimburse
25 Hitachi for transportation costs for depositions taken in the United States in 2009. Attached hereto
26 as **Exhibit 6** are true and correct copies of invoices, statements, and other supporting documents
27 for the deposition costs incurred by Class Counsel.

28

1 13. Class Counsel have ordered and paid for transcripts of numerous Court proceedings
2 before this Court and before the Special Masters. These transcripts were necessary to review Court
3 proceedings, to keep track of developments in the AUO criminal trial and the Toshiba-DPP trial,
4 and to ensure that Class Counsel followed the Court's specific requests. Attached hereto as
5 **Exhibit 7** are true and correct copies of invoices and other supporting documentation from the
6 books and records of our firm and other firms in the amount of \$12,635.94 for transcripts of
7 proceedings before this Court and the Special Masters since January 2012.

8 14. Many, if not most, of the witnesses deposed by Class Counsel required the services
9 of professional interpreters during their depositions. Moreover, millions of pages of documents in
10 this litigation were produced in Chinese, Japanese, and Korean. As a result, Class Counsel have
11 incurred costs in translator and interpreter services for these depositions and documents. Attached
12 hereto as **Exhibit 8** are true and correct copies of invoices and supporting documents totaling
13 \$39,580.55 for translator and interpreter services provided to IPPs since January 2012. Payment
14 for a portion of the Translation by Design charges was divided amongst the IPPs, the DPPs, and
15 the Direct Action Plaintiffs ("DAPs") by agreement of the parties.

16 15. Class Counsel incurred costs in serving the class action complaint in this matter on
17 the defendants in Japan, Korea, and Taiwan. Attached hereto as **Exhibit 9** are true and correct
18 copies of invoices totaling \$24,287.47 for foreign service of process costs.

19 16. Class Counsel incurred costs for conference calls, during which Class Counsel
20 discussed strategy, case management, the online document review, settlement negotiations, and
21 trial preparation. All of the costs are for conference calls hosted by outside vendors; none of these
22 costs are for Class Counsel law firm internal telephone services. Attached hereto as **Exhibit 10** are
23 true and correct copies of invoices totaling \$8,803.29 for conference calls since inception.

24 17. Class Counsel incurred costs for document reproduction in both electronic and hard-
25 copy format. This consisted primarily of documents produced by the parties and third-parties in
26 response to discovery requests, and exhibits used by Class Counsel at depositions and in
27 preparation for trial. All requests for reimbursement for hard copies are for payments to outside
28 vendors who completed voluminous document reproduction requests. In some instances,

1 documents were produced, by agreement of the parties, to co-lead counsel for the Direct Purchaser
2 Plaintiffs (“DPPs”) for distribution to IPP Class Counsel. In these instances, Class Counsel
3 reimbursed DPP counsel for the cost of copies of these documents. Attached hereto as **Exhibit 11**
4 are true and correct copies of invoices totaling \$27,586.78 for document reproduction costs paid
5 out of the litigation cost fund.

6 18. Class Counsel incurred costs for hosting IPP class representative and counsel
7 meetings. These national meetings were necessary in order to provide updates to the class
8 representatives on case status, prepare them for deposition, and prepare for testimony at trial. Due
9 to the number of class representatives and Class Counsel, these meetings could not be held at Class
10 Counsel offices. Class Counsel hosted these meetings at hotel conference rooms in the San
11 Francisco bay area. Attached hereto as **Exhibit 12** are true and correct copies of invoices totaling
12 \$7,150.93 for IPP meeting costs.

13 19. Class Counsel incurred costs for technicians who analyzed the products purchased
14 by IPP class representatives that contained LCD panels. The IPPs retained these technicians to
15 provide information regarding class representative purchases in response to Defendants’ discovery
16 requests. Attached hereto as **Exhibit 13** are true and correct copies of invoices totaling \$997.78 for
17 IPP technician costs.

18 20. Class Counsel incurred costs in preparing for trial in this matter. These costs
19 included payments for jury consultant work, trial graphics support, and trial presentation support.
20 The IPP jury consultants conducted two separate focus groups, each with three mock jury panels,
21 over three full days. The jury consultants also assisted Class Counsel in developing trial strategy
22 and themes. Class Counsel also utilized trial graphics and trial presentation support to prepare
23 demonstrative aids, excerpts of deposition testimony, and key exhibits to be shown to the jury at
24 trial. Attached hereto as **Exhibit 14** are true and correct copies of invoices totaling \$333,177.36
25 for trial consultant and support costs.

