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10 *Liaison Counsel for the*  
11 *Indirect Purchaser Plaintiffs*

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13  
14 **UNITED STATES DISTRICT COURT**  
15 **NORTHERN DISTRICT OF CALIFORNIA**  
16 **SAN FRANCISCO DIVISION**  
17

18 IN RE: TFT-LCD (FLAT PANEL)  
19 ANTITRUST LITIGATION

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

20 This Document Relates To:  
21 ALL INDIRECT PURCHASER ACTIONS  
22

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

Date: August 22, 2014  
Time: 9:00 AM  
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' Third Motion for  
5 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 \$192,718.30 at this time. This  
9 Motion is the IPPs' third request for an award of litigation expenses in this case. Class Counsel  
10 litigated this matter for six years on a strictly contingency-fee basis and assumed the risk that they  
11 would not be reimbursed for millions of dollars in out-of-pocket costs expended.

12 3. I collected regular monetary contributions from certain law firms representing the  
13 IPPs and placed those contributions in a "Litigation Costs Fund." The majority of joint litigation  
14 costs and expenses incurred by the IPPs were paid out of this Litigation Cost Fund. Individual law  
15 firms also paid for certain litigation costs and expenses separately. Class Counsel advanced and  
16 incurred approximately \$9 million in costs and expenses during the course of the litigation.

17 4. On March 14, 2012, I submitted an expense summary and declaration on behalf of  
18 the IPPs entitled Declaration of Jack W. Lee in Support of the Indirect Purchaser Plaintiffs' and  
19 States Attorneys General's Motion for Interim Reimbursement of Expenses ("Motion for Interim  
20 Expenses"). See Docket No. 5158. In the Motion for Interim Expenses, the IPPs sought  
21 reimbursement of \$7,509,134.53 in costs incurred through December 31, 2011. On or about July  
22 27, 2012, I submitted a Supplemental Declaration in Support of the Motion for Expenses that  
23 included copies of invoices and other supporting documents, and revised the IPPs' request for  
24 reimbursement to \$7,506,816.54.

25 5. On September 7, 2012, Class Counsel filed their Second Motion for Reimbursement  
26 of Expenses ("Second Motion for Expenses"). Dkt. # 6664. In this Motion, Class Counsel sought  
27 reimbursement of \$1,234,314.89 in expenses incurred through September 7, 2012.

1           6.       Attached hereto as **Exhibit 1** is a list of litigation costs and expenses for which the  
2 IPPs seek reimbursement at this time. These expenses are reflected on the books and records of  
3 my firm and other Class Counsel. These books and records are prepared from expense vouchers,  
4 check records, and other source materials and represent an accurate recordation of the expenses  
5 incurred.

6           7.       At this time, the IPPs seek reimbursement of additional costs associated with  
7 experts and consultants, the notice program and media placement strategy, deposition transcripts,  
8 hearing transcripts, document reproduction, mediators, the Special Master, and translators. None  
9 of these costs were included in the IPPs' March 2012 Motion for Expenses or the September 2012  
10 Motion for Expenses.

11           8.       In its August 29, 2012 Order, the Court appointed Martin Quinn, Esq. of JAMS to  
12 prepare reports and issue recommendations on the subjects of reimbursement of expenses and  
13 awards of attorneys' fees. Dkt. # 6580. Class Counsel have incurred net total costs of \$86,852.55  
14 for these services from September 7, 2012 to the present. Attached hereto as **Exhibit 2** are true  
15 and correct copies of the invoices received for Special Master services.<sup>1</sup>

16           9.       Class Counsel retained Stanford Consulting Group to review and analyze  
17 investment guidelines and investment options for the IPP settlement fund. Class Counsel retained  
18 Balancing Element Incorporated to review competing proposals from numerous financial  
19 institutions offering escrow agent services in this matter. Class Counsel also retained Evidentia  
20 Consulting to perform an independent audited accounting of the litigation cost fund for complete  
21 transparency of the fund. Class Counsel request reimbursement of a total of \$54,193.00 in IPP  
22 expert economist and consultant costs incurred from September 7, 2012 to the present. Attached  
23 hereto as **Exhibit 3** are true and correct copies of invoices and statements supporting Class  
24 Counsel's request for reimbursement of expert costs.

25           10.      Class Counsel incurred costs of \$20,000.00 for media placement efforts provided by  
26 Halpin House West ("Halpin"). The purpose of this effort was to increase media coverage of the  
27

28  
<sup>1</sup> Class Counsel received refund checks in the amount of \$4,020.08 from JAMS for prior Special Master services paid by Class Counsel. This amount has been subtracted from the total amount billed by the Special Master (\$90,872.63), leaving a balance of \$86,852.55.

1 settlements and the claims process in this matter. These efforts were focused on the states in which  
2 indirect purchaser classes were certified, and the cities in which the Class Representatives resided.  
3 Halpin devoted approximately 240 hours to this effort from approximately October 30, 2012 to  
4 December 2012. During this period, Halpin contacted approximately 151 media outlets. Halpin's  
5 media placement work included:

- 6 • Interviewing local Class Counsel and their individual Class Representative clients to  
7 gather background information and further detail regarding their work throughout the litigation;
- 8 • Drafting press releases and disseminating them to local media outlets;
- 9 • Arranging Class Counsel and Class Representative interviews with local media  
10 outlets; and
- 11 • Providing media training and interview preparation for Class Representatives.

12 Attached hereto as **Exhibit 4** are true and correct copies of invoices and statements  
13 supporting Class Counsel's request for reimbursement of expenses paid to Halpin.

14 11. The parties have incurred significant costs for the services of several highly  
15 qualified class action mediators who successfully negotiated the Proposed Settlements in this  
16 matter. These mediators included Professor Eric D. Green of Resolutions, LLC and Hon. Daniel  
17 Weinstein (Ret.) of JAMS. The mediators conducted numerous mediation sessions, as well as  
18 numerous calls and conference calls with the parties. Class Counsel request reimbursement of  
19 \$13,954.00 in mediator costs at this time. While these mediator services were provided prior to  
20 submission of the Second Motion for Expenses on September 7, 2012, they were not billed and/or  
21 paid until after September 7, 2012. Thus, these expenses have not been included in any prior  
22 request for reimbursement of expenses. Attached hereto as **Exhibit 5** are true and correct copies of  
23 invoices for mediator costs incurred by Class Counsel since September 7, 2012 in the amount of  
24 \$13,954.00.

25 12. Class Counsel request reimbursement for \$13,279.96 in deposition transcripts  
26 (including finance charges) at this time. \$12,907.71 of this amount was for transcripts of the  
27 depositions of objectors to the Settlements. \$372.25 of this amount was for transcripts of a class  
28 representative deposition that occurred in 2011, but for which no invoices were received by Co-

1 Lead and Liaison counsel until after September 7, 2012. Attached hereto as **Exhibit 6** are true and  
2 correct copies of invoices, statements, and other supporting documents for the deposition costs  
3 incurred by Class Counsel.

4 13. Class Counsel have incurred net total costs of \$2,130.25 for transcripts of Court  
5 proceedings before this Court and the Special Master since September 7, 2012. These transcripts  
6 were necessary to ensure that Class Counsel followed the Court's specific requests and to monitor  
7 developments in the AUO criminal matter. Attached hereto as **Exhibit 7** are true and correct copies  
8 of invoices and other supporting documentation for transcripts of proceedings before this Court  
9 and the Special Master since September 7, 2012.<sup>2</sup>

10 14. Class Counsel request reimbursement of \$1,299.79 for document reproduction costs  
11 paid out of the litigation fund. This request is for payment to an outside vendor who completed  
12 provided copies of voluminous documents in preparation for trial. Utilization of this outside  
13 vendor was reasonable and necessary because of the volume of documents involved. These costs  
14 are not normally absorbed as part of law firm overhead and are also allowed by statute as taxable  
15 costs. *See* 28 U.S.C. § 1920(4). This document reproduction service was provided prior to Class  
16 Counsel filing the Second Motion for Expenses on September 7, 2012, but this invoice was not  
17 paid until after September 7, 2012. This expense was not included in any previous motion for  
18 reimbursement of expenses. *Id.* Attached hereto as **Exhibit 8** is a true and correct copy of an  
19 invoice for Document Reproduction services incurred since September 7, 2012.

20 15. Millions of pages of documents in this litigation were produced in Chinese,  
21 Japanese, and Korean. As a result, Class Counsel were required to utilize the services of third  
22 party vendors and technical staff to translate these documents. Attached hereto as **Exhibit 9** are  
23 true and correct copies of invoices and supporting documents totaling \$1,008.75 for translator  
24 services provided to Class Counsel. While these translation services were provided prior to Class  
25 Counsel filing the Second Motion for Expenses on September 7, 2012, the invoices for these  
26

27 <sup>2</sup> In some instances, Class Counsel were required to pay deposits prior to receiving these  
28 transcripts. When the amount of these deposits exceeded the actual cost of the transcripts, the  
court reporters issued refund checks for the difference between the deposit paid and the actual cost.  
These refunds are reflected on the invoices attached hereto as **Exhibit 7**, *supra*.

1 services were not received by Liaison Counsel, and thus were not paid, until after September 7,  
2 2012. These costs were not included in any previous motions for reimbursement of costs.

3 16. The Third Motion for Reimbursement of Expenses will be made publicly available  
4 both through the Court's ECF system, and posted at <https://lcdclass.com>.

5  
6 I declare under penalty of perjury that the foregoing is true and correct to the best of my  
7 knowledge.

8  
9 Executed on this 11th day of July, 2014, at San Francisco, California.

10  
11 MINAMI TAMAKI LLP

12 By: /s/ Jack W. Lee  
13 Jack W. Lee

14 *Liaison Counsel for the Indirect Purchaser*  
15 *Plaintiffs*