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2 MOSCONE EMBLIDGE & OTIS LLP  
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7 *Attorney for Direct Purchaser Plaintiffs*

8 **UNITED STATES DISTRICT COURT**  
9 **NORTHERN DISTRICT OF CALIFORNIA**  
10 **SAN FRANCISCO DIVISION**

11 IN RE: OPTICAL DISK DRIVE  
12 ANTITRUST LITIGATION

Case No. 3:10-md-2143-RS  
MDL No. 2143

13 This Document Relates to:  
14 ALL DIRECT PURCHASER CLASS  
15 ACTIONS

**DECLARATION OF G. SCOTT  
EMBLIDGE IN SUPPORT OF MOTION  
FOR ATTORNEYS' FEES,  
REIMBURSEMENT OF EXPENSES, AND  
INCENTIVE AWARDS**

1 I, G. Scott Emblidge, declare and state as follows:

2 1. I am a Partner of the law firm of Moscone Emblidge & Otis LLP (formerly  
3 Moscone Emblidge & Quadra LLP). I submit this declaration in support of Direct Purchaser  
4 Plaintiffs (“DPP”) joint application for an award of attorneys’ fees in connection with the services  
5 rendered in this litigation. I make this Declaration based on my own personal knowledge, and if  
6 called as a witness, I could and would competently testify to the matters stated herein.

7 2. My firm has served as counsel to the Direct Purchaser Plaintiffs and as counsel for  
8 the Direct Purchaser Class (“Class”) throughout the course of this litigation. The background and  
9 experience of Moscone Emblidge & Otis LLP and its attorneys are summarized in Exhibit 1.

10 3. Moscone Emblidge & Otis LLP has prosecuted this litigation solely on a  
11 contingent-fee basis, and has been at risk that it would not receive any compensation for  
12 prosecuting claims against the Defendants. While Moscone Emblidge & Otis LLP devoted its  
13 time and resources to this matter, it has foregone other legal work for which it would have been  
14 compensated.

15 4. During the pendency of the litigation, Moscone Emblidge & Otis LLP performed  
16 the following work: participated in the drafting of the consolidated complaint, researched issues  
17 raised by a motion to dismiss including *Twombly* issues and subsidiary liability questions, drafted  
18 the opposition papers to a motion to dismiss, and participated in dealing with discovery objections  
19 and responses.

20 5. Attached hereto as Exhibit 2 is my firm’s total hours and lodestar, computed at  
21 historical rates, for the period of May 7, 2010 through December 31, 2014. This period reflects  
22 the time spent after the appointment of the Chairman of the Executive Committee for the DPPs  
23 (the “Chairman”) in this litigation. The total number of hours spent by Moscone Emblidge & Otis  
24 LLP during this period of time was 76.70 with a corresponding lodestar of \$32,207.50. This  
25 summary was prepared from contemporaneous, daily time records regularly prepared and  
26 maintained by my firm. The lodestar amount reflected in Exhibit 2 is for work assigned by the  
27 Chairman, and was performed by professional staff at my law firm for the benefit of the Class.

1           6.       The hourly rates for the attorneys and professional support staff in my firm  
2 included in Exhibit 2 are the usual and customary hourly rates charged by Moscone Emblidge &  
3 Otis LLP.

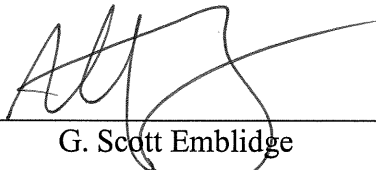
4           7.       My firm has expended a total of \$616.74 in unreimbursed costs and expenses in  
5 connection with the prosecution of this litigation. These costs and expenses are broken down in  
6 the chart attached hereto as Exhibit 3. They were incurred on behalf of Direct Purchaser Plaintiffs  
7 by my firm on a contingent basis, and have not been reimbursed. The expenses incurred in this  
8 action are reflected on the books and records of my firm. These books and records are prepared  
9 from expense vouchers, check records and other source materials and represent an accurate  
10 recordation of the expenses incurred.

11           8.       Moscone Emblidge & Otis LLP paid a total of \$5,000 in assessments for the joint  
12 prosecution of the litigation against the Defendants.

13           9.       I have reviewed the time and expenses reported by my firm in this case which are  
14 included in this declaration, and I affirm that they are true and accurate.

15           I declare under penalty of perjury under the laws of the United States of America that the  
16 foregoing is true and correct. Executed on this 2<sup>nd</sup> day of February, 2015 at San Francisco,  
17 California.

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G. Scott Emblidge

**Exhibit 1**

## **Moscone Emblidge & Otis LLP**

Moscone Emblidge & Otis (formerly Moscone Emblidge & Quadra and Moscone Emblidge & Sater) has been involved in a wide variety of class actions representing consumers, public entities and the general public victimized by wage and hour violations, price fixing, false advertising and other unfair business practices. The class action lawsuits include:

*California Indirect Purchaser Microsoft I-V Cases, J.C.C.P. 4106; AO/NET v. Microsoft.* MEO represented indirect purchasers of Microsoft software who alleged violations of the Cartwright Act and unfair competition laws; class obtained settlement worth over \$1 billion for California purchasers; MEO was class counsel and a member of the plaintiffs' steering committee.

*California Methionine II Litigation, J.C.C.P. Nos. 4096 and 4090; Hunt & Behrens v. Degussa-Huls AG, et al.* MEO represented indirect purchasers of animal feed supplements who alleged violations of the Cartwright and Unfair Competition Acts; MEO served on the Executive Committee and was class counsel; class obtained a \$3,600,000 settlement.

*California Vitamin Cases, J.C.C.P. 4076; Vignoles v. Lonza A.G, et al.* MEO represented a class of California indirect vitamin purchasers in every level of the chain of distribution alleging violations of Cartwright Act and unfair competition laws by manufacturers of vitamins; class members have secured a nationwide settlement of close to \$1 billion.

*In re Carbon Brushes Antitrust Litigation, United States District Court - District of New Jersey, MDL No. 1514; City and County of San Francisco v. Morganite, Inc., et al.* MEO was counsel for a putative class of public entities who purchased carbon products allegedly at artificially inflated prices. The federal matter settled for \$24 million. The state court settlements totaled \$1,935,000.

*Jefferson v. Chase Home Finance Group, USDC No. C0606510* - Represented a class of borrowers throughout California who made mid-monthly prepayments of principal after Chase represented that it would apply such payments promptly to mortgage accounts. Plaintiff alleged violations of the Consumer Legal Remedies Act, False Advertising Law, Unfair Competition Law, and Conversion. The lawsuit settled, with Chase agreeing to stop making misrepresentations about the application of prepayments to mortgage accounts and to provide monetary relief representing the total amount of loss resulting from its practice.

The attorneys at Moscone Emblidge & Otis have been involved in many of the most important antitrust class actions of the past decade, protecting consumers and businesses from price fixing conspiracies and unfair business practices, including:

*In Re Municipal Derivatives Antitrust Litigation, MDL No. 1950, Master Docket No. 08-cv-2516 (VM) (GWG)* - Served as co-lead counsel for the City of Oakland, City of Fresno, County of Alameda, and the Fresno County Financing Authority in a federal antitrust lawsuit alleging that financial companies, insurance companies, and brokers engaged in widespread price-fixing and bid-rigging in the multi-billion dollar municipal derivatives industry dating back to 1992.

*In re: TFT LCD (Flat Panel) Antitrust Litigation, MDL No. 1872* - Represented a class of indirect purchasers of flat computer screens, alleging anti-trust violations of the Sherman Act and Clayton Act against computer screen manufacturers.

*In re Musical Instruments and Equipment Antitrust Litigation (S.D. Cal.)*: This lawsuit alleged that Guitar Center and the National Association of Music Merchants conspired to maintain, implement, and/or enforce Minimum Advanced Pricing policies that had the purpose and effect of fixing prices, securing higher price levels, restricting retail price competition, and eliminating price discounting in the musical products market.

## **Sylvia Sokol**

Sylvia Sokol is now a partner in the Antitrust and Competition Law Practice at Scott & Scott LLP, where she focuses on representing national and international clients in litigation involving domestic and international cartels (see <https://www.scott-scott.com/attorney-sylvia-sokol.html>).

While at Moscone Emblidge & Otis, Ms. Sokol's practice focused on consumer and antitrust litigation. She worked on *In re Municipal Derivatives* (S.D.N.Y.), a class action lawsuit on behalf of Californians against financial brokers and institutions, alleging widespread price-fixing and bid rigging in the multibillion dollar municipal derivatives industry. She was also involved in other nationwide antitrust actions, including *In re Fretted Musical Instruments* (S.D. Cal.); *In re Optical Disk Drives* (N.D. Cal.); and *In re TFT-LCD* (N.D. Cal.) In addition to antitrust litigation, Sylvia represented clients in disputes involving unfair and unlawful business practices, consumer violations, and civil rights violations.

Prior to joining Moscone Emblidge & Otis, Sylvia worked as an attorney at The Sturdevant Law Firm and Morrison & Foerster. Following law school, she was awarded a Soros Justice Fellowship to assist the Capital Habeas Unit of the Federal Public Defender in its defense of people facing the death penalty, and in developing training materials for the capital defense bar in Nevada. From 1999-2000, she served as a judicial law clerk for the Honorable Warren J. Ferguson in the United States Court of Appeals for the Ninth Circuit.

Sylvia graduated cum laude from New York University School of Law in 1998. She is a bilingual English and French speaker. She has been selected to Northern California Super Lawyers 2011.

## **Matt Yan**

Matt Yan has a broad and diverse background in all areas of civil litigation, including commercial and contract litigation, employment law, intellectual property and trade secrets, environmental and land use law, class actions, and civil rights and defamation. Matt has defended a local business in a trade-secret misappropriation and municipal contract lawsuit, defended a major international corporation against allegations of environmental groundwater contamination, represented a limited partner in an internal partnership dispute, and negotiated a settlement for a start-up technology company in a wrongful termination lawsuit.

Before joining Moscone Emblidge & Otis in 2010, Matt was a litigation associate at Pillsbury Winthrop Shaw Pittman. During law school, Matt represented indigent criminal defendants with both the San Francisco Public Defender and Boston University Criminal Defender Program. Matt has also won several Moot Court awards in both writing and oral advocacy. In 2007, Matt published a note in the Boston University Public Interest Law Journal entitled: "What's In A Name": Why the New Jersey Equal Protection Guarantee Requires Full Recognition of Same-Sex Marriage, 17 B.U. Pub. Int. L.J. 179 (2007). In his spare time, Matt volunteers as a coach for the Balboa High School Mock Trial Team, which has reached the final round of county competition in two of the past four years.

Matt graduated with honors from the University of California, Berkeley in 2005, and *cum laude* from the Boston University School of Law in 2008.

# Exhibit 2



**EXHIBIT 2***In re Optical Disk Drive Antitrust Litigation*, Case No. 3:10-md-2143-RS**MOSCONE EMBLIDGE & OTIS**

Reported Hours and Lodestar

May 7, 2010 through December 31, 2014

**TIME REPORT**

<b>NAME</b>	<b>TOTAL HOURS</b>	<b>HOURLY RATE</b>	<b>LODESTAR</b>
ATTORNEYS			
Sylvia Sokol (A)	42.9	\$475.00	20,377.50
Mathew Yan (A)	33.8	\$350.00	11,830.00
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<b>TOTAL:</b>	76.70		\$32,207.50

(A) Associate

**Exhibit 3**

**EXHIBIT 3**

*In re Optical Disk Drive Antitrust Litigation*, Case No. 3:10-md-2143-RS

**MOSCONE EMBLIDGE & OTIS**

Reported Unreimbursed Expenses Incurred on Behalf of Direct Purchaser Class

May 7, 2010 through December 31, 2014

**EXPENSE REPORT**

<b>CATEGORY</b>	<b>AMOUNT INCURRED</b>
Computer Research	\$335.54
Photocopies – In House	\$281.20
<b>TOTAL:</b>	\$616.74