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14 *Chairman of the Executive Committee*
 15 *for the Direct Purchaser Plaintiffs*

16 UNITED STATES DISTRICT COURT
 17 NORTHERN DISTRICT OF CALIFORNIA
 18 SAN FRANCISCO DIVISION

19 IN RE OPTICAL DISK DRIVE
 20 ANTITRUST LITIGATION

Case No. 3:10-md-02143 RS

MDL No. 2143

21 This Document Relates to:
 22 ALL DIRECT PURCHASER ACTIONS

**DECLARATION OF R. ALEXANDER
 SAVERI IN SUPPORT OF DIRECT
 PURCHASER PLAINTIFFS' SECOND
 MOTION FOR AN AWARD OF
 ATTORNEYS' FEES, REIMBURSEMENT OF
 EXPENSES, AND CLASS
 REPRESENTATIVE INCENTIVE AWARDS**

Date: April 14, 2016
 Time: 1:30 p.m.
 Judge: Honorable Richard Seeborg
 Courtroom: 3, 17th Floor

1 I, R. ALEXANDER SAVERI, declare:

2 1. I am the managing partner at Saveri & Saveri, Inc. (the “Saveri Firm”). I submit this
3 declaration in support of Direct Purchaser Plaintiffs’ Second Motion for an Award of Attorneys’
4 Fees, Reimbursement of Expenses, and Class Representative Incentive Awards. Except as
5 otherwise noted, I make this declaration of my own personal knowledge, and if called upon to do
6 so, could and would testify competently to the facts contained herein.

7 2. I, or members of my firm, have been involved in almost every aspect of this case
8 since its inception. On May 7, 2010, the Court appointed founding partner Guido Saveri Chairman
9 of the Executive Committee (“Chairman”) for the Direct Purchaser Plaintiffs (“DPPs” or
10 “Plaintiffs”). The Saveri Firm’s curriculum vitae was previously submitted to the Court in
11 connection with Direct Purchaser Plaintiffs’ prior motion for an award of attorneys’ fees,
12 reimbursement of expenses and class representative awards on March 16, 2015 (Dkt. No. 1535).

13 3. The Saveri Firm has prosecuted this litigation solely on a contingent-fee basis, and
14 has been at risk that it would not receive any compensation for prosecuting claims against the
15 Defendants. While the Saveri Firm devoted its time and resources to this matter, it has foregone
16 other legal work for which it would have been compensated.

17 4. On March 16, 2015, I submitted a declaration in support of DPPs’ first motion for
18 attorneys’ fees and expenses (ECF No. 1535-1), which described in detail the work performed by
19 the Saveri Firm since the inception of the case in October 2009 until December 31, 2014.
20 Accordingly, this declaration provides a description of work performed during the period of
21 January 1, 2015 through December 31, 2015 (the “Relevant Period”).

22 **LEADERSHIP AND CASE MANAGEMENT**

23 5. Since its appointment as Chairman of the Executive Committee, the Saveri Firm has
24 faithfully carried out its role and effectively and efficiently overseen the prosecution of all aspects
25 of this litigation. The Saveri Firm assigned work to DPP Counsel to ensure the efficient
26 prosecution of the litigation, and it coordinated all pleadings, discovery, motion practice and
27 settlement on behalf of the Class. The Saveri Firm also regularly collected contemporaneous time
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1 records of DPP Counsel and took steps to ensure that work done on behalf of the Class was not
2 duplicative.

3 **CLASS CERTIFICATION**

4 6. The Saveri Firm took the lead role in coordinating the renewed Motion for Class
5 Certification that DPPs anticipated filing in July 2015. In support of the renewed motion for class
6 certification, the Saveri Firm took primary responsibility for coordinating the document review and
7 searches for documents relevant to the renewed motion for class certification; worked with the
8 other DPP Counsel to draft the renewed motion and supporting papers; obtained declarations from
9 several Class Representatives in support of DPPs' renewed motion for class certification; and
10 coordinated with the DPPs' expert economist, Dr. Gary L. French, regarding his new expert report
11 in support of the renewed motion for class certification.

12 **SETTLEMENTS**

13 7. The Saveri Firm, along with members of the Executive Committee, participated in
14 Court-ordered settlement conferences before Magistrate Judge Corley with all remaining
15 Defendants. The Saveri Firm took the lead in all settlement negotiations. Its attorneys participated
16 in every negotiation, attended every settlement conference, and were the primary authors of every
17 settlement conference statement. Each settlement conference statement required substantial review
18 and analysis of liability evidence against each Defendant as well as additional expert information.
19 Over the seven-month period of negotiations, the Saveri Firm successfully negotiated favorable
20 settlement agreements with seven remaining Defendant families. The Saveri Firm drafted the
21 settlement agreements with each of the Defendants and prepared the escrow agreements with
22 Citibank, the escrow holder.

23 8. The Saveri Firm had primary responsibility for drafting and arguing Plaintiffs'
24 motion for preliminary approval of the seven remaining settlements.

25 9. The Saveri Firm spent considerable time working with the claims administrator
26 (Gilardi and Co. LLP ("Gilardi")). The Saveri Firm was the primary contact with Gilardi in matters
27 relating to notice, lists of class members, responses to class members, and all activities related to
28 the class notice and claims process.

DISCOVERY

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2 10. The Saveri Firm, in connection with its duties and responsibilities as Chairman,
3 continued to take the lead role in coordinating every aspect of the DPPs’ discovery efforts. The
4 Saveri Firm, in consultation with the Executive Committee, assigned specific work to other DPP
5 Counsel to avoid duplication and for the sake of efficiency. The Saveri Firm has also taken the lead
6 role in coordinating discovery efforts with counsel for Indirect Purchaser Plaintiffs (“IPPs”) and
7 Direct Action Plaintiffs (“DAPs”) to reduce expenses and avoid duplication of work. During
8 discovery, the Saveri Firm coordinated with IPP counsel regarding document reviews, foreign
9 language translations, meeting and conferring with counsel for Defendants, and briefing and
10 arguing discovery disputes. The Saveri Firm also took the lead role in coordinating similar
11 discovery efforts with DAP counsel.

12 11. The Saveri Firm led efforts on behalf of DPPs and other plaintiffs to obtain FBI
13 recordings of ODD conspirators by issuing a subpoena to the U.S. Department of Justice (“DOJ”)
14 Antitrust Division in July 2014. In support of these efforts, the Saveri Firm, along with IPP
15 Counsel, engaged in extensive motion practice before Magistrate Judge Spero, this Court, and the
16 U.S. Court of Appeals for the Ninth Circuit during the Relevant Period.

17 12. The Saveri Firm managed the day-to-day oversight of the document review—held at
18 the Saveri Firm offices—that it organized for the renewed motion for class certification. In
19 addition, Saveri Firm attorneys and staff performed the following document review tasks in
20 connection with DPPs’ renewed motion for class certification: (1) assigned and coordinated the
21 work to other DPP Counsel; (2) developed and ran targeted searches; (3) managed foreign
22 language reviewers and in-house translations of documents; (4) obtained certified translations of
23 foreign language documents; and (5) coordinated the transmission of relevant documents to brief
24 writers and experts.

25 13. The Saveri Firm worked with an outside IT consultant to load, manage, and
26 maintain all of the document productions—totaling over sixteen million pages—as well as
27 metadata and English translations on servers located at the Saveri Firm. By hosting the documents
28 on the Saveri Firm’s servers, the expense to the Class of loading documents and maintaining the

1 database was significantly less than if it had paid a document management vendor to load and then
2 host the documents over the course of the litigation. The IT consultant, in conjunction with DPP
3 Counsel and Saveri Firm paralegals, has successfully managed the document review database,
4 despite the complexity of each Defendant's electronically stored information.

5 **SAVERI FIRM ATTORNEYS' FEES AND EXPENSES**

6 14. Attached hereto as Exhibit 1 is my firm's total hours and lodestar, computed at
7 historical rates, for January 1, 2015 through December 31, 2015. This period reflects the time spent
8 since the DPPs' first motion for attorneys' fees and expenses (ECF No. 1535). The total number of
9 hours spent by the Saveri Firm during this period of time was 2,042.75, with a corresponding
10 lodestar of \$1,161,726.25. This summary was prepared from contemporaneous, daily time records
11 regularly prepared and maintained by my firm. The lodestar amount reflected in Exhibit 1 is for
12 work performed by my law firm for the benefit of the Class.

13 15. The hourly rates for the attorneys, paralegals and law clerks at my firm included in
14 Exhibit 1 are the usual and customary historical hourly rates charged by the Saveri Firm.

15 16. Attached hereto as Exhibit 2 is a chart outlining the itemized expenses of the Saveri
16 Firm. My firm incurred a total of \$9,161.43 in expenses in connection with the prosecution of this
17 litigation during the Relevant Period. They were incurred on behalf of DPPs by my firm on a
18 contingent basis, and have not been reimbursed. The expenses in this action are reflected on the
19 books and records of my firm. These books and records are prepared from expense vouchers, check
20 records, and other source materials and represent an accurate recordation of the expenses.

21 17. I have reviewed my firm's time and expenses in this case. I affirm that they are true
22 and accurate.

23 **DPP COUNSEL ATTORNEYS' FEES AND EXPENSES**

24 18. Attached hereto as Exhibit 3 is a summary of the total hours, lodestar, and expenses
25 of all DPP Counsel that participated in the joint prosecution of this litigation during the Relevant
26 Period. The total number of hours spent by all DPP Counsel, including the Saveri Firm, during the
27 Relevant Period was 4,017.45, with a corresponding lodestar of \$2,209,289.50. All firms (other
28 than the Saveri Firm) were instructed to only submit time and lodestar for work done during the

1 period January 1, 2015 through November 3, 2015. All document review work was capped at \$350
2 per hour. The declarations of all counsel seeking reimbursement are filed with this motion.

3 19. Exhibit 3 contains a compilation of each firm's unreimbursed expenses in the
4 amount of \$14,213.40. These expenses are supported by each firm's separate declaration in support
5 of fees and expenses. The separate categories and totals are as follows:

CATEGORY	AMOUNT
Federal Express	\$330.15
Transcripts (Hearing, Deposition, etc.)	\$600.00
Computer Research	\$4,090.29
Messenger Delivery	\$128.46
Photocopies – In House	\$7,316.28
Postage	\$39.34
Telephone/Telecopier	\$1,048.02
Travel (Airfare, Ground Travel, Meals, Lodging, etc.)	\$608.76
TOTAL:	\$14,161.30

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14 20. In addition to the expenses set forth in Exhibit 3, Class Counsel have incurred
15 \$306,790 in necessary litigation expenses. Attached hereto as Exhibit 4 is an accounting of these
16 additional expenses. They include \$300,000 for Experts, \$5,715 for electronic document database,
17 and \$1,075 for translation services. ($\$300,000 + \$5,715 + \$1,075 = \$306,790$) These expenses were
18 reasonable and necessary for the prosecution of this action and are customarily approved by courts
19 as proper litigation expenses. None of these expenditures has been included for reimbursement in
20 DPPs' prior request for attorneys' fees or in any of the individual fee and expense declarations of
21 any individual DPP Counsel.

22 21. Total expenses for the prosecution of this case during the Relevant Period are
23 \$321,003.40. These expenses are calculated from the total of: (1) \$14,161.30 in expenses by each
24 firm (Exhibit 3); and (2) \$306,790 in Class Counsel expenses (Exhibit 4). ($\$14,161.30 + \$306,790$
25 $= \$320,951.30$)

26 22. As set forth above, the total expenses incurred by Counsel in this litigation during
27 the Relevant Period are \$320,951.30 and reflect: (i) document management system and database
28 expenses of \$5,715.00; (ii) translation services of \$1,075.00; (iii) expert fees of \$300,000; (iv)

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Federal Express expenses of \$330.15; (v) transcript expenses of \$600.00; (vi) online legal and factual research (e.g., PACER and LexisNexis) of \$4,090.29; (vii) messenger and delivery expenses of \$128.46; (viii) in-house copy charges (capped at 20 cents per page) of \$7,316.28; (ix) postage charges of \$39.34; (x) telephone and facsimile charges of \$1,048.02; and (xi) travel and meal charges of \$608.76. These expenses were reasonable and necessary for the prosecution of this action and are customarily approved by courts as proper litigation expenses.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on this 18th day of February, 2016 at San Francisco, California.

 /s/ R. Alexander Saveri
R. Alexander Saveri

EXHIBIT 1

EXHIBIT 1*In re Optical Disk Drive Antitrust Litigation*, Case No. 3:10-md-2143-RS**SAVERI & SAVERI, INC.**

Reported Hours and Lodestar

January 1, 2015 through December 31, 2015

TIME REPORT

NAME	TOTAL HOURS	HOURLY RATE	LODESTAR
ATTORNEYS			
Guido Saveri (P)	297.50	\$950	\$282,625.00
R. Alexander Saveri (P)	238.40	\$700	\$166,880.00
Cadio Zirpoli (P)	549.10	\$650	\$356,915.00
Geoffrey C. Rushing (OC)	64.25	\$700	\$44,975.00
David Hwu (A)	33.75	\$400	\$13,500.00
Matthew Heaphy (A)	169.75	\$475	\$80,631.25
Melissa Shapiro (A)	64.00	\$450	\$28,800.00
Travis Manfredi (A)	287.25	\$400	\$114,900.00
William Heye (A)	47.75	\$475	\$22,681.25
NON-ATTORNEYS			
David Dorr (PL)	82.25	\$225	\$18,506.25
Michaela Ogden (PL)	208.75	\$150	\$31,312.50
TOTAL:	2,042.75		\$1,161,726.25

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

EXHIBIT 2

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

Reported Unreimbursed Expenses Incurred on Behalf of Direct Purchaser Class

EXPENSE REPORT

CATEGORY	AMOUNT INCURRED
Court Fees (filing, etc.)	
Experts/Consultants	
Federal Express	\$167.97
Transcripts (Hearing, Deposition, etc.)	
Computer Research	\$1,826.62
Messenger Delivery	
Photocopies – In House	\$5,931.80
Photocopies – Outside	
Postage	\$13.44
Service of Process	
Telephone/Telecopier	\$1,044.65
Travel (Airfare, Ground Travel, Meals, Lodging, etc.)	\$176.95
TOTAL:	\$9,161.43

EXHIBIT 3

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

<u>FIRM</u>	HOURS	LODESTAR	EXPENSES
Executive Committee			
1 Saveri & Saveri, Inc. (Chairman)	2,042.75	\$1,161,726.25	\$9,161.43
2 Kaplan Fox & Kilsheimer, LLP	27.00	\$12,352.50	\$27.30
3 Hausfeld LLP	501.70	\$399,919.00	\$142.48
4 Berman DeValerio	391.50	\$161,206.50	\$947.46
5 Pearson Simon & Warshaw, LLP	16.50	\$12,200.50	\$0.00
6 Lief Cabraser Heimann & Bernstein, LLP	62.90	\$18,117.00	\$1,580.93
7 Cotchett, Pitre & McCarthy	69.60	\$56,037.50	\$69.40
8 Steyer Lowenthal Boodrookas Alvarez & Smith LLP	369.25	\$181,175.00	\$1,533.40
9 Freed Kanner London & Millen LLC	2.40	\$1,638.00	\$0.00
10 Gustafson Gluek PLLC	0.00	\$0.00	\$160.77
11 Spector Roseman Kodroff & Willis, P.C.	0.00	\$0.00	\$0.00
12 The Kralowec Law Group	4.00	\$2,215.00	\$117.27
13 Lockridge Grindal Nauen PLLP	12.25	\$6,331.25	\$24.00
14 Cohen Milstein Sellers & Toll, PLLC	0.00	\$0.00	\$0.00
15 Saltz Mongeluzzi Barrett & Bendesky, P.C.	12.30	\$7,539.50	\$59.22
16 Frank & Bianco, LLP	0.00	\$0.00	\$20.89
17 Vanek, Vickers & Masini	21.10	\$10,471.50	\$165.97
18 Reinhardt Wendorf & Blanchfield	0.00	\$0.00	\$0.00
19 Murray Frank LLP	0.00	\$0.00	\$0.00
20 Grant & Eisenhofer PA	0.00	\$0.00	\$0.00
21 The Walner Firm Ltd.	34.30	\$15,435.00	\$0.00
22 Heins Mills & Olsen, PLC	0.00	\$0.00	\$150.78
23 NastLaw LLC	0.00	\$0.00	\$0.00
24 Damrell Nelson Schrimp Pallios Pacher & Silva	0.00	\$0.00	\$0.00
25 Bonsignore Trial Lawyers, PLLC	449.90	\$162,925.00	\$0.00
TOTALS	4,017.45	\$2,209,289.50	\$14,161.30

EXHIBIT 4

EXHIBIT 4

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

**SAVERI & SAVERI, INC.
OPTICAL DISK DRIVE PRODUCTS ANTITRUST COMMON
FUND EXPENSES**

Expenses

Nathan Associates	\$300,000.00
Action Uptime	\$5,437.50
Golden State Legal	\$277.50
Divergent Language Solutions	<u>\$1,075.00</u>
Total Expenses	<u><u>\$306,790.00</u></u>