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7 *Counsel for JLK Systems Group, Inc. and the*  
 8 *Direct Purchaser Plaintiffs*

9 **IN THE UNITED STATES DISTRICT COURT**  
 10 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
 11 **SAN FRANCISCO DIVISION**  
 12

13 IN RE: OPTICAL DISK DRIVE  
 14 ANTITRUST LITIGATION

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

15  
 16 This Document Relates to:  
 17 ALL DIRECT PURCHASER CLASS  
 18 ACTIONS

**DECLARATION OF MICHAEL P.  
 LEHMANN IN SUPPORT OF MOTION  
 FOR ATTORNEYS' FEES,  
 REIMBURSEMENT OF EXPENSES,  
 AND INCENTIVE AWARDS**

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1 I, Michael P. Lehmann, declare and state as follows:

2 1. I am a partner of the law firm of Hausfeld LLP. I submit this declaration in  
3 support of Direct Purchaser Plaintiffs' ("DPPs") joint application for an award of attorneys'  
4 fees, expenses, and incentive awards in connection with the services rendered in this  
5 litigation. I make this Declaration based on my own personal knowledge, and if called as a  
6 witness, I could and would competently testify to the matters stated herein. My firm has  
7 served as counsel for JLK Systems Group, Inc. and as counsel for the Direct Purchaser Class  
8 ("Class") throughout the course of this litigation. My firm's curriculum vitae was previously  
9 submitted to the Court in connection with Direct Purchaser Plaintiffs' prior motion for an  
10 award of attorneys' fees, reimbursement of expense and class representative incentive awards  
11 on March 16, 2015. ("Prior Request for Attorneys' Fees"). (Dkt. No. 1535).

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

16 3. During the pendency of the litigation, Hausfeld LLP performed work  
17 throughout all phases of the litigation, including the following work: (a) drafting and editing  
18 of amended consolidated complaints; (b) drafting and editing of oppositions to motions to  
19 dismiss; (c) drafting and editing of motion and reply on the initial class certification brief (and  
20 the renewed motion for class certification) and work with experts to prepare same; (d)  
21 preparation for and examination of Toshiba affiliated witness depositions; (e) preparation of  
22 clients for deposition; (f) consulted on and attended settlement discussions and consultation  
23 on and strategy sessions concerning the same topics; (g) preparation of and argument on  
24 motions to compel against Toshiba; (h) preparation of discovery and meeting and conferring  
25 with counsel for Toshiba regarding discovery responses and document production; (i)  
26 assisting client respond to discovery; (j) drafting of the opposition to Rule 11 motion filed by  
27 defendants and participated in strategy on the same; (k) review of Toshiba documents  
28 produced electronically and at offsite storage facility; (l) drafting of the opposition to motions

1 for summary judgment and participation in strategy on the same; (m) research and drafting of  
2 oppositions to certification pursuant to 28 U.S.C. §1292(b) opposition; (n) research and  
3 drafting of a petition and reply pursuant to Fed. R. Civ. P. 23(f); (o) review of Korean  
4 language and other documents produced in the litigation; and (p) attend and otherwise  
5 participate in the settlement discussions with the various defendants.

6 4. Attached hereto as Exhibit 1 is my firm's hours and lodestar, computed at  
7 historical rates, for the period of January 1, 2015 through October 31, 2015. This period does  
8 not reflect any time previously submitted to the Court in connection with the Prior Request for  
9 Attorneys' Fees in this litigation. The total number of hours spent by Hausfeld LLP during  
10 this period of time was 501.70, with a corresponding lodestar of \$399,919.00. This summary  
11 was prepared from contemporaneous, daily time records regularly prepared and maintained by  
12 my firm. The lodestar amount reflected in Exhibit 1 is for work assigned by the Chairman of  
13 the Executive committee, and was performed by professional staff at my law firm for the  
14 benefit of the Class.

15 5. The hourly rates for the attorneys and professional support staff in the firm  
16 included in Exhibit 1 are the usual and customary hourly rates charged by Hausfeld LLP.

17 6. My firm has expended a total of \$142.48 in unreimbursed costs and expenses  
18 in connection with the prosecution of this litigation from January 1, 2015 to the present. None  
19 of the costs reflected in Exhibit 2 have been previously submitted to the Court for  
20 reimbursement in connection with the Prior Request for Attorneys' Fees in this matter. These  
21 costs and expenses are broken down in the chart attached hereto as Exhibit 2. They were  
22 incurred on behalf of the class by my firm on a contingent basis, and have not been  
23 reimbursed. The expenses incurred in this action are reflected on the books and records of my  
24 firm. These books and records are prepared from expense vouchers, check records and other  
25 source materials and represent an accurate recordation of the expenses incurred.

26 7. Hausfeld LLP paid an additional \$20,000 in assessments for the joint  
27 prosecution of the litigation against the Defendants after the Prior Request for Attorneys'

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Fees. This assessment was not included in the previous Declaration submitted to the Court in connection to the Prior Request for Attorneys' Fees.

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

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 28<sup>th</sup> day of January, 2016 at San Francisco, California.

By:           /s/ Michael P. Lehmann            
Michael P. Lehmann

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# **EXHIBIT 1**

**EXHIBIT 1**

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

**HAUSFELD LLP**

Reported Hours and Lodestar  
 January 1, 2015 through November 3, 2015

**TIME REPORT**

NAME	TOTAL HOURS	HOURLY RATE	LODESTAR
ATTORNEYS			
Arthur N. Bailey, Jr. (P)	9.70	\$630	\$6,111.00
Christopher L. Lebsock (P)	6.00	\$690	\$4,140.00
Michael P. Lehmann (P)	366.50	\$950	\$348,175.00
Stephanie Cho (A)	111.20	\$350	\$38,920.00
NON-ATTORNEYS			
Candice Elder (PL)	8.30	\$310	\$2,573.00
<b>TOTAL:</b>			<b>\$399,919.00</b>

- (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**HAUSFELD LLP**Reported Unreimbursed Expenses Incurred on Behalf of Direct Purchaser Class  
January 1, 2015 through November 3, 2015**EXPENSE REPORT**

<b>CATEGORY</b>	<b>AMOUNT INCURRED</b>
Court Fees (filing, etc.)	
Experts/Consultants	
Federal Express	
Transcripts (Hearing, Deposition, etc.)	
Computer Research	61.50
Messenger Delivery	10.00
Photocopies – In House	70.98
Photocopies – Outside	
Postage	
Service of Process	
Telephone/Telecopier	
Travel (Airfare, Ground Travel, Meals, Lodging, etc.)	
<b>TOTAL:</b>	\$142.48