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7 *Counsel for the Direct Purchaser Plaintiffs*

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

11
12 IN RE: OPTICAL DISK DRIVE
13 ANTITRUST LITIGATION

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

14 This Document Relates to:

15 ALL DIRECT PURCHASER CLASS
16 ACTIONS

**DECLARATION OF MARVIN L. FRANK
IN SUPPORT OF MOTION FOR
ATTORNEYS' FEES, REIMBURSEMENT
OF EXPENSES, AND INCENTIVE
AWARDS**

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1 I, Marvin L. Frank, declare and state as follows:

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

7 2. My firm has served as counsel to Ashley Tremblay, the named plaintiff
8 representing the class of direct purchasers of defendant Sony’s products and as counsel for the
9 Direct Purchaser Class (“Class”) throughout the course of this litigation. My firm’s curriculum
10 vitae was previously submitted to the Court in connection with Direct Purchaser Plaintiffs’ prior
11 motion for an award of attorneys’ fees, reimbursement of expenses and class representative
12 incentive awards on March 16, 2015 (Prior Request for Attorneys’ Fees”). (Dkt. No. 1535).

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

17 4. During the pendency of the litigation, Frank & Bianco LLP performed the
18 following work: reviewed all motions, orders, communications, and other documents on behalf of
19 Plaintiff Tremblay; reviewed Plaintiff Tremblay’s documents; kept Plaintiff Tremblay up to date
20 with phone calls and emails, including answering Plaintiff’s questions and concerns; coordinated
21 with co-counsel regarding Plaintiff Tremblay through emails and telephone calls; prepared
22 Plaintiff Tremblay for deposition; defended Plaintiff Tremblay’s deposition in Seattle; reviewed
23 Chinese language documents produced by Chinese defendants; reviewed the amended complaint
24 on behalf of Plaintiff Tremblay.

25 5. My firm has expended a total of \$20.89 in unreimbursed costs and expenses in
26 connection with the prosecution of this litigation. These costs and expenses are broken down in
27 the chart attached hereto as Exhibit 1. They were incurred on behalf of Direct Purchaser Plaintiffs

1 by my firm on a contingent basis, and have not been reimbursed. The expenses incurred in this
2 action are reflected on the books and records of my firm. These books and records are prepared
3 from expense vouchers, check records and other source materials and represent an accurate
4 recordation of the expenses incurred.

5 6. Frank & Bianco LLP also paid a total of \$2,500.00 in assessments for the joint
6 prosecution of the litigation against the Defendants.

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

9 I declare under penalty of perjury under the laws of the United States of America that the
10 foregoing is true and correct. Executed on this 15th day of January, 2016 at New York, New York.

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13 MARVIN L. FRANK

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EXHIBIT 1

In re Optical Disk Drive Antitrust Litigation, Case No. 3:10-md-2143-RS
FRANK & BIANCO LLP
 Reported Unreimbursed Expenses Incurred on Behalf of Direct Purchaser Class
 January 1, 2015 through November 3, 2015

EXPENSE REPORT

CATEGORY	AMOUNT INCURRED
Court Fees (filing, etc.)	
Experts/Consultants	
Federal Express	20.89
Transcripts (Hearing, Deposition, etc.)	
Computer Research	
Messenger Delivery	
Photocopies – In House	
Photocopies – Outside	
Postage	
Service of Process	
Telephone/Telecopier	
Travel (Airfare, Ground Travel, Meals, Lodging, etc.)	
TOTAL:	\$20.89