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9 *Counsel for Plaintiff L. E. Hoover Co.*

10 **UNITED STATES DISTRICT COURT**  
11 **NORTHERN DISTRICT OF CALIFORNIA**  
12 **SAN FRANCISCO DIVISION**

13 IN RE: OPTICAL DISK DRIVE  
14 ANTITRUST LITIGATION

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

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

**DECLARATION OF FRED A. SILVA IN  
SUPPORT OF MOTION FOR  
ATTORNEYS' FEES, REIMBURSEMENT  
OF EXPENSES, AND INCENTIVE  
AWARDS**

1 I, Fred A. Silva, declare and state as follows:

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

7 2. My firm has served as counsel to L. E. Hoover Co. and as counsel for the Direct  
8 Purchaser Class (“Class”) throughout the course of this litigation. The background and experience  
9 of Damrell, Nelson, Schrimp, Pallios, Pacher & Silva and its attorneys are summarized in the  
10 *curriculum vitae* attached hereto as Exhibit 1.

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

16 4. During the pendency of the litigation, Damrell, Nelson, Schrimp, Pallios, Pacher &  
17 Silva performed the following work:

- 18 a. Researched additional direct purchasers
- 19 b. Reviewed case documents provided by Mr. David Sims

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 Damrell, Nelson, Schrimp,  
24 Pallios, Pacher & Silva during this period of time was 14.7 hours, with a corresponding lodestar of  
25 \$3,170.50. This summary was prepared from contemporaneous, daily time records regularly  
26 prepared and maintained by my firm. The lodestar amount reflected in Exhibit 2 is for work  
27 assigned by the Chairman, and was performed by professional staff at my law firm for the benefit

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1 of the Class.

2 6. The hourly rates for the attorneys and professional support staff in my firm  
3 included in Exhibit 2 are the usual and customary hourly rates charged by Damrell, Nelson,  
4 Schrimp, Pallios, Pacher & Silva.

5 7. My firm has expended a total of \$702.94 in unreimbursed costs and expenses in  
6 connection with the prosecution of this litigation. These costs and expenses are broken down in  
7 the chart attached hereto as Exhibit 3. They were incurred on behalf of Direct Purchaser Plaintiffs  
8 by my firm on a contingent basis, and have not been reimbursed. The expenses incurred in this  
9 action are reflected on the books and records of my firm. These books and records are prepared  
10 from expense vouchers, check records and other source materials and represent an accurate  
11 recordation of the expenses incurred.

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

14 I declare under penalty of perjury under the laws of the United States of America that the  
15 foregoing is true and correct. Executed on this 5th day of February 2015, at Modesto, CA.

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18 **FRED A. SILVA**

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# **EXHIBIT 1**

***Damrell, Nelson, Schrimp, Pallios, Pacher & Silva***

For more than 45 years, the law firm of Damrell, Nelson, Schrimp, Pallios, Pacher & Silva has served the legal needs of Northern California businesses, individuals, and families with its Main Office in Modesto and branch offices in Sacramento and Oakdale. The firm owes its longevity and success to our dedicated attorneys who provide consistently excellent representation across a spectrum of practice areas, from complex corporate litigation to estate planning. We maintain an AV Preeminent rating from Martindale-Hubbell, the national directory of attorneys, which is the highest ranking available to members of the legal community.

With an established reputation among attorneys in Northern California, our group of exceptionally qualified and skilled lawyers is capable of handling even the most complicated matters, saving many clients the trouble of seeking legal counsel outside of Stanislaus County. For Central Valley businesses of all sizes, the Damrell firm can assist in entity formation, franchising and licensing, employment and labor, and other general corporate matters. The firm is ideally situated to represent clients in the agricultural industry, handling not only real estate matters on behalf of agribusinesses, but also legal issues related to livestock sales and purchases, farm employment, and agricultural cooperatives. In addition, we provide comprehensive legal services to many vineyards and wine makers in the region.

Beyond transactional work, the Damrell firm regularly engages in major commercial litigation in California state and federal courts. Our attorneys have successfully tried cases involving multiple parties and novel issues, including class actions, antitrust litigation, and business disputes with industry-impacting outcomes. In some instances, we partner with other lawyers, Modesto-based and from elsewhere in California, to handle especially complex cases.

The Damrell firm also represents clients in the areas of personal injury, family law, and estate planning. For accident victims and their families, our attorneys have obtained numerous high dollar financial recoveries, establishing the firm's reputation for jury trial victories in injury lawsuits. In family law matters and estate planning, we provide highly particularized legal services tailored to each client's unique needs and goals.

EXHIBIT 1

# **EXHIBIT 2**

**EXHIBIT 2**

*In re Optical Disk Drive Antitrust Litigation*, Case No. 3:10-md-2143-RS  
**DAMRELL, NELSON, SCHRIMP, PALLIOS, PACHER & SILVA**  
 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>
<b>ATTORNEYS</b>			
Roger M. Schrimp (P)	4.00	\$375.00	\$1500.00
Fred A. Silva (P)	1.30	\$285.00	\$370.50
Clinton P. Walker (A)	2.40	\$250.00	\$600.00
<b>NON-ATTORNEYS</b>			
Troy K. Spears (PL)	7.00	\$100.00	\$700.00
<b>TOTAL:</b>	<b>14.70</b>		<b>\$3,170.50</b>

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

EXHIBIT 2

# **EXHIBIT 3**



**EXHIBIT 3**

*In re Optical Disk Drive Antitrust Litigation*, Case No. 3:10-md-2143-RS  
**DAMRELL, NELSON, SCHRIMP, PALLIOS, PACHER & SILVA**  
 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>
Court Fees (filing, etc.)	\$0
Experts/Consultants	\$0
Federal Express	\$0
Transcripts (Hearing, Deposition, etc.)	\$0
Computer Research – Pacer	\$702.94
Messenger Delivery	\$0
Photocopies – In House	\$0
Photocopies – Outside	\$0
Postage	\$0
Service of Process	\$0
Telephone/Telecopier	\$0
Travel (Airfare, Ground Travel, Meals, Lodging, etc.)	\$0
<b>TOTAL:</b>	\$702.94

EXHIBIT 3