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8
9 *Member of the Executive Committee for the Direct*
10 *Purchaser Plaintiffs and Attorneys for JLK Systems Group,*
11 *Inc.*

12
13 **UNITED STATES DISTRICT COURT**
14 **NORTHERN DISTRICT OF CALIFORNIA**
15 **SAN FRANCISCO DIVISION**

16 IN RE: OPTICAL DISK DRIVE
17 ANTITRUST LITIGATION

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

18 This Document Relates to:
19
20 ALL DIRECT PURCHASER CLASS
21 ACTIONS

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

1 I, Bruce L. Simon, declare and state as follows:

2 1. I am a founding partner of the law firm of Pearson, Simon & Warshaw, LLP. I
3 submit this declaration in support of Direct Purchaser Plaintiffs' ("DPPs") joint application for an
4 award of attorneys' fees, expenses, and incentive awards in connection with the services rendered
5 in this 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.

7 2. My firm has served as counsel to JLK Systems Group, Inc., as a member fo the
8 Executive Committee for the DPPs, and as counsel for the Direct Purchaser Class ("Class")
9 throughout the course of this litigation. My firm's curriculum vitae was previously submitted to
10 the Court in connection with Direct Purchaser Plaintiffs' prior motion for an award of attorneys'
11 fees, reimbursement of expenses and class representative incentive awards on March 16, 2015
12 (Prior Request for Attorneys' Fees"). (Dkt. No. 1535).

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

18 4. PSW has substantial experience in complex antitrust litigation involving price-
19 fixing of high-technology components, having served as co-lead class counsel on behalf of the
20 direct purchaser plaintiff class in *In re TFT-LCD (Flat Panel) Antitrust Litigation*, 07-md-1827 SI
21 (N.D. Cal.). PSW litigated and tried that class action before the Hon. Susan Illston of the United
22 States District Court for the Northern District of California. The expertise that PSW developed
23 from the *TFT-LCD* litigation (for example, in areas involving direct purchaser standing under
24 *Illinois Brick* as well as liability issues) was called-upon regularly by the Executive Committee in
25 the prosecution of this litigation.

26 5. PSW has actively participated in the prosecution of this case. Throughout the
27 course of the litigation, PSW, in its role as a member of the Executive Committee, advised and

1 consulted on all significant strategic decisions. In 2011, PSW attended the proffer of the
2 cooperating defendant, and reviewed and analyzed the documents that provided an outline of the
3 critical liability evidence in this case.

4 6. PSW drafted and edited numerous pleadings and motions including the operative
5 complaints, case management conference statements, oppositions to motions to dismiss, and
6 DPPs' motion for class certification. PSW also prepared for and argued at several hearings before
7 Judge Walker, Judge Seeborg, and Magistrate Judge Spero on discovery matters, case
8 management conferences, and substantive motions.

9 7. PSW was responsible for many aspects of discovery pertaining to the defendants as
10 a whole. In particular, PSW attended the Rule 26(f) conference; assisted in preparing a discovery
11 plan; engaged in negotiations and discussions with other counsel concerning the ESI protocol, the
12 protective order, and the deposition protocol; spearheaded negotiations with defendants over the
13 production of their transactional data; and drafted Rule 30(b)(6) deposition notices concerning
14 defendants' corporate organizational structures, manufacturing and sales processes, and
15 conspiratorial conduct.

16 8. PSW also drafted voluminous, detailed responses to defendants' contention
17 discovery requests. PSW litigated several discovery motions including a successful motion for a
18 protective order which established substantive limits on the topics over which defendants could
19 take discovery. In addition, PSW worked with experts and consultants retained by DPPs
20 concerning the discovery, data, and analyses necessary to prepare a class certification report.

21 9. PSW engaged in numerous meet and confers with several defendants over their
22 custodians from whom documents would be produced, and then reviewed document productions
23 in both English and Japanese. PSW prepared for and took the deposition of one of the first critical
24 witnesses, J.C. Lim.

25 10. PSW actively participated in settlement strategy and settlement negotiations
26 including the settlement with Panasonic. My partner, Clifford H. Pearson, and I had numerous
27 discussions with the Executive Committee concerning settlement strategy, and we reviewed

1 certain defendants' confidential sales data to formulate proper and fair settlement demands. The
2 settlements obtained were in the best interests of the Class.

3 11. Attached hereto as Exhibit 1 is my firm's hours and lodestar, computed at historical
4 rates, for the period of January 1, 2015 through November 3, 2015. This period does not reflect
5 any time previously submitted to the Court in connection with the Prior Request for Attorneys'
6 Fees in this litigation. The total number of hours spent by Pearson, Simon & Warshaw, LLP
7 during this period of time was 16.50 hours, with a corresponding lodestar of \$12,200.50. This
8 summary was prepared from contemporaneous, daily time records regularly prepared and
9 maintained by my firm. The lodestar amount reflected in Exhibit 1 is for work assigned by the
10 Chairman of the Executive Committee, and was performed by professional staff at my law firm for
11 the benefit of the Class.

12 12. The hourly rates for the attorneys and professional support staff in my firm
13 included in Exhibit 1 are the usual and customary hourly rates charged by Pearson, Simon &
14 Warshaw, LLP.

15 13. Pearson, Simon & Warshaw, LLP paid \$20,000.00 in assessments for the joint
16 prosecution of the litigation against the Defendants after the Prior Request for Attorneys' Fees.
17 This assessment was not included in the previous Declaration submitted to the Court in connection
18 to the Prior Request for Attorneys' Fees.

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

21 I declare under penalty of perjury under the laws of the United States of America that the
22 foregoing is true and correct. Executed on this 28th day of January, 2016 at San Francisco,
23 California.

24
25 
26 _____
27 Bruce L. Simon

EXHIBIT 1

EXHIBIT 1*In re Optical Disk Drive Antitrust Litigation*, Case No. 3:10-md-2143-RS**PEARSON, SIMON & WARSHAW, LLP**

Reported Hours and Lodestar

January 1, 2015 through November 3, 2015

TIME REPORT

NAME	TOTAL HOURS	HOURLY RATE	LODESTAR
ATTORNEYS			
Bruce L. Simon (P)	8.80	\$985	\$8,668.00
Aaron M. Sheanin (SC)	3.00	\$825	\$2,475.00
NON-ATTORNEYS			
Ellovene Grant (PL)	4.70	\$225	\$1,057.50
TOTAL:			
	16.50		\$12,200.50

(P) Partner

(PL) Paralegal

(SC) Special Counsel