

1 Guido Saveri (22349)
R. Alexander Saveri (173102)
2 Cadio Zirpoli (179108)
SAVERI & SAVERI, INC.
3 706 Sansome Street
San Francisco, California 94111
4 Telephone: (415) 217-6810
5 Facsimile: (415) 217-6813

6 *Chairman of the Executive Committee*
for the Direct Purchaser Plaintiffs
7

8
9 **UNITED STATES DISTRICT COURT**
10 **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 This Document Relates to:
16 ALL DIRECT PURCHASER CLASS
17 ACTIONS
18

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

19
20
21
22
23
24
25
26
27
28

1 I, David P. Germaine, declare and state as follows:

2 1. I am a partner of the law firm of Vanek, Vickers and Masini, P.C. I submit this
3 declaration in support of Direct Purchaser Plaintiffs' ("DPPs") joint application for an award of
4 attorneys' 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.

7 2. My firm has served as counsel to Meijer, Inc. and as counsel for the Direct
8 Purchaser Class ("Class") throughout the course of this litigation. A summary of the background
9 and experience of the Attorneys from my firm who were principally responsible for this matter
10 was previously submitted to the Court in connection with Direct Purchaser Plaintiffs' prior motion
11 for an award of attorneys' fees, reimbursement of expenses and class representative incentive
12 awards on March 16, 2015 (Prior Request for Attorneys' Fees"). (Dkt. No. 1535).

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

17 4. During the pendency of the litigation, Vanek, Vickers and Masini performed the
18 following work:

- 19 • Drafting of the amended complaint and other pleadings
20 • Drafting and responding to discovery requests
21 • Collecting, review, and preparation of document productions
22 • Deposition preparation and defense, including the preparation and presentation
of a corporate designee for Meijer

23 5. Attached hereto as Exhibit 1 is my firm's hours and lodestar, computed at historical
24 rates, for the period of January 1, 2015 through November 3, 2015. This period does not reflect
25 any time previously submitted to the Court in connection with the Prior Request for Attorneys'
26 Fees in this litigation. The total number of hours spent by Vanek, Vickers and Masini during this
27

1 period of time was 21.1 hours, with a corresponding lodestar of \$10,471.50. This summary was
2 prepared from contemporaneous, daily time records regularly prepared and maintained by my
3 firm. The lodestar amount reflected in Exhibit 1 is for work assigned by the Chairman of the
4 Executive Committee, and was performed by professional staff at my law firm for the benefit of
5 the Class.

6 6. The hourly rates for the attorneys and professional support staff in my firm
7 included in Exhibit 1 are the usual and customary hourly rates charged by Vanek, Vickers and
8 Masini.

9 7. My firm has expended a total of \$165.97 in unreimbursed costs and expenses in
10 connection with the prosecution of this litigation from January 1, 2015 to the present. None of the
11 costs reflected in Exhibit 2 have been previously submitted to the Court for reimbursement in
12 connection with the Prior Request for Attorneys' Fees in this matter. These costs and expenses are
13 broken down in the chart attached hereto as Exhibit 2. They were incurred on behalf of the Class
14 by my firm on a contingent basis, and have not been reimbursed. The expenses incurred in this
15 action are reflected on the books and records of my firm. These books and records are prepared
16 from expense vouchers, check records and other source materials and represent an accurate
17 recordation of the expenses incurred.

18 8. Vanek, Vickers and Masini paid \$5,000.00 in assessments for the joint prosecution
19 of the litigation against the Defendants after the Prior Request for Attorneys' Fees. This
20 assessment was not included in the previous Declaration submitted to the Court in connection to
21 the Prior Request for Attorneys' Fees.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

9. 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 15th day of January, 2016 at Chicago, IL.

David P. Germaine

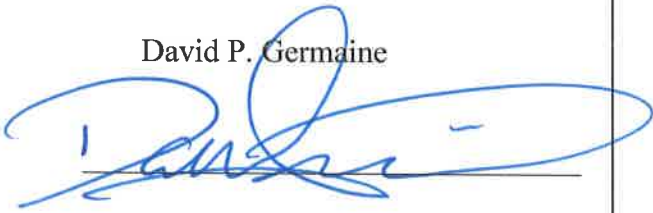


EXHIBIT 1

EXHIBIT 1*In re Optical Disk Drive Antitrust Litigation*, Case No. 3:10-md-2143-RS**Vanek, Vickers and Masini, P.C.**

Reported Hours and Lodestar

January 1, 2015 through November 3, 2015

TIME REPORT

NAME	TOTAL HOURS	HOURLY RATE	LODESTAR
ATTORNEYS			
David Germaine (P)	6.70	\$645	\$4,321.50
John Bjork (A)	8.30	\$425	\$3,527.50
Alberto Rodriguez (A)	5.1	\$475	\$2,422.50
NON-ATTORNEYS			
Diane Fan (PL)	.70	\$200	\$140.00
Chelsey Parrot-Sheffer (PL)	.3	\$200	\$60.00
TOTAL:	21.1		\$10,471.50

(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**Vanek, Vickers and Masini, P.C.**

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	
Transcripts (Hearing, Deposition, etc.)	
Computer Research	\$128.50
Messenger Delivery	
Photocopies – In House	\$29.80
Photocopies – Outside	
Postage	\$7.67
Service of Process	
Telephone/Telecopier	
Travel (Airfare, Ground Travel, Meals, Lodging, etc.)	
TOTAL:	\$165.97