

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**PLAINTIFFS' MOTION FOR (1) AN AWARD OF ATTORNEYS'  
FEES, (2) REIMBURSEMENT OF LITIGATION EXPENSES, AND  
(3) SERVICE AWARDS FOR THE CLASS REPRESENTATIVES**

Plaintiffs F. Baragaño Pharmaceuticals, Inc., Community Medical Center Health Care System, Professional Resources Management of Crenshaw LLC d/b/a Crenshaw Community Hospital, Douglas County Hospital, Health Network Laboratories L.P., Larkin Community Hospital, Legacy Health System, Mary Hitchcock Memorial Hospital, Inc., Regional Medical Center Board d/b/a Northeast Alabama Regional Medical Center, Hospital Sisters Health System,<sup>1</sup> Schuylkill Medical Center,<sup>2</sup> and Warren General Hospital (collectively, "Plaintiffs"), hereby move for an Order (a) awarding Plaintiffs' Counsel

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<sup>1</sup> Hospital Sisters Health System ("HSHS") is comprised of the following hospitals: Sacred Heart Hospital of the Hospital Sisters of the Third Order of St. Francis, St. Anthony's Memorial Hospital, of the Hospital Sisters of the Third Order of St. Francis, St. Elizabeth's Hospital of the Hospital Sisters of the Third Order of St. Francis, St. Francis Hospital, of the Hospital Sisters of the Third Order of St. Francis, St. John's Hospital of the Hospital Sisters of the Third Order of St. Francis, St. Joseph's Hospital, Breese, of the Hospital Sisters of the Third Order of St. Francis, St. Joseph's Hospital of the Hospital Sisters of the Third Order of St. Francis (Chippewa Falls), St. Joseph's Hospital, of the Hospital Sisters of the Third Order of St. Francis (Highland), St. Mary's Hospital Medical Center of Green Bay, Inc., St. Mary's Hospital, Streator, of the Hospital Sisters of the Third Order of St. Francis, St. Mary's Hospital, Decatur, of the Hospital Sisters of the Third Order of St. Francis, St. Nicholas Hospital of the Hospital Sisters of the Third Order of St. Francis, and St. Vincent Hospital of the Hospital Sisters of the Third Order of St. Francis. However, Plaintiffs request a single service award for HSHS.

<sup>2</sup> Schuylkill Medical Center ("SMC") is comprised of Schuylkill Medical Center – East Norwegian Street and Schuylkill Medical Center – South Jackson Street, but Plaintiffs request a single service award for SMC.

(Class Counsel and supporting firms) one-third of the Combined Settlement Fund<sup>3</sup> as attorneys' fees, (b) reimbursing Class Counsel's \$1,886,200.80 in litigation costs and expenses, and (c) awarding each Class Representative a service award of \$25,000 from the Combined Settlement Fund for its contributions to the litigation. In support of this Motion, Plaintiffs rely upon the accompanying memorandum of law.

**DATED:** September 12, 2018

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<sup>3</sup> The "Combined Settlement Fund" includes the settlement funds from both settlements (\$41,500,000), plus accrued interest.

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**MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFFS' MOTION FOR (1) AN  
AWARD OF ATTORNEYS' FEES, (2) REIMBURSEMENT OF LITIGATION  
EXPENSES, AND (3) SERVICE AWARDS FOR THE CLASS REPRESENTATIVES**

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Plaintiffs F. Baragaño Pharmaceuticals, Inc., Community Medical Center Health Care System, Professional Resources Management of Crenshaw LLC d/b/a Crenshaw Community Hospital, Douglas County Hospital, Health Network Laboratories L.P., Larkin Community Hospital, Legacy Health System, Mary Hitchcock Memorial Hospital, Inc., Regional Medical Center Board d/b/a Northeast Alabama Regional Medical Center, Hospital Sisters Health System,<sup>1</sup> Schuylkill Medical Center,<sup>2</sup> and Warren General Hospital, as representatives of the Class (“Plaintiffs” or “Class Representatives”<sup>3</sup>), respectfully move the Court for an Order (1) awarding Plaintiffs’ Counsel (Class Counsel and supporting firms) one-third of the Combined Settlement Fund as attorneys’ fees, (2) reimbursing Plaintiffs’ Counsel’s \$1,886,200.80 in litigation costs and expenses, and (3) awarding each Class Representative a service award of \$25,000 for its contributions to the litigation, to be paid from the Combined Settlement Fund.

### **INTRODUCTION**

Through more than nine years of litigation, Plaintiffs’ Counsel devoted tremendous effort and expended well over one million dollars of unreimbursed out-of-pocket expenses to pursue

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<sup>1</sup> Hospital Sisters Health System (“HSHS”) is comprised of the following hospitals: Sacred Heart Hospital of the Hospital Sisters of the Third Order of St. Francis, St. Anthony's Memorial Hospital, of the Hospital Sisters of the Third Order of St. Francis, St. Elizabeth's Hospital of the Hospital Sisters of the Third Order of St. Francis, St. Francis Hospital, of the Hospital Sisters of the Third Order of St. Francis, St. John's Hospital of the Hospital Sisters of the Third Order of St. Francis, St. Joseph's Hospital, Breese, of the Hospital Sisters of the Third Order of St. Francis, St. Joseph's Hospital of the Hospital Sisters of the Third Order of St. Francis (Chippewa Falls), St. Joseph's Hospital, of the Hospital Sisters of the Third Order of St. Francis (Highland), St. Mary's Hospital Medical Center of Green Bay, Inc., St. Mary's Hospital, Streator, of the Hospital Sisters of the Third Order of St. Francis, St. Mary's Hospital, Decatur, of the Hospital Sisters of the Third Order of St. Francis, St. Nicholas Hospital of the Hospital Sisters of the Third Order of St. Francis, and St. Vincent Hospital of the Hospital Sisters of the Third Order of St. Francis. However, Plaintiffs request a single service award for HSHS.

<sup>2</sup> Schuylkill Medical Center (“SMC”) is comprised of Schuylkill Medical Center – East Norwegian Street and Schuylkill Medical Center – South Jackson Street, but Plaintiffs request a single service award for SMC.

<sup>3</sup> The Court appointed Plaintiffs as representatives of the Class. ECF No. 263, Class Certification Order, ¶ 2, and also appointed them as class representatives for the Immucor Settlement Class. ECF No. 204, Immucor Settlement Final Judgment Order, ¶ 5.

antitrust claims on behalf of direct purchasers of Traditional Blood Reagents (“TBR”).<sup>4</sup> This work included:

- ***Claim Development.*** The initial complaint was filed on May 19, 2005, following Plaintiffs’ Counsel’s investigation after Immucor’s announcement that the Department of Justice (“DOJ”) had opened a criminal investigation on April 24, 2009 and Johnson & Johnson’s announcement that it received a grand jury subpoena on May 5, 2009. Following the appointment of Interim Class Counsel and a continuing investigation by Plaintiffs’ Counsel, including consultation with expert economists, Plaintiffs filed the Consolidated Amended Class Action Complaint (“CAC”) on February 16, 2010. ECF No. 48.
- ***Motions to Dismiss.*** Defendant Immucor, Inc. (“Immucor”) filed its own motion to dismiss the CAC on March 17, 2010, while Defendant Ortho-Clinical Diagnostics, Inc. (“Ortho”) and Johnson & Johnson Healthcare Systems, Inc. (“JJHCS”) filed their own joint motion that same day. Plaintiffs filed their opposition to those motions on June 23, 2010, and Defendants and JJHCS filed replies on July 9, 2010. The Court held oral argument on the motions to dismiss on July 28, 2010, and subsequently denied those motions as to Defendants but granted JJHCS’ motion. Defendants then filed a motion for reconsideration or for certification of an interlocutory appeal on September 7, 2010, which Plaintiffs opposed on October 5, 2010. Defendants filed a reply on October 13, 2010, and Plaintiffs filed a sur-reply on October 19, 2010. The Court denied Defendants’ motion on December 14, 2010.
- ***Discovery.*** Plaintiffs engaged in substantial merits discovery, including the review of voluminous business records from both Defendants and various third parties, and the taking of 18 depositions, as well as reviewing and producing the Class Representatives’ documents and responses to interrogatories and defending their depositions. Plaintiffs also drafted and supplemented extensive responses to Ortho’s contention interrogatories and requests for admission following the close of fact discovery.
- ***Class Certification.*** Plaintiffs prevailed (twice) in a hotly-contested class certification process. As part of that process, Plaintiffs’ Counsel worked with Plaintiffs’ economics expert, who produced two reports on class certification issues, as well as an industry expert, who also produced two reports. Plaintiffs’ Counsel deposed Defendants’ expert and defended its own experts’ depositions. Initially, in 2012, the Court also held oral argument, including live expert testimony from the parties’ expert economists, and ultimately granted class certification in August 2012. After the Supreme Court granted *certiorari* and

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<sup>4</sup> Plaintiffs’ Counsel includes Spector Roseman & Kodroff, P.C., appointed by the Court as Class Counsel, as well as the other firms representing plaintiffs who contributed to the class litigation. See Plaintiffs’ Counsel’s Fee and Expense Declarations (“Plaintiffs’ Counsel’s Decls.”), attached hereto as Exhibit 1. The extensive efforts of Plaintiffs’ Counsel are detailed more fully in the Declaration of Jeffrey J. Corrigan (“Corrigan Decl.”) attached hereto as Exhibit 2.

reversed the Third Circuit's decision in the *Comcast* case, which this Court partly relied on in its class certification decision, the Third Circuit vacated the Court's decision. On remand, after an additional round of briefing on both class certification and *Daubert* issues, and after a two-day oral argument, the Court again certified the class in October 2015. Plaintiffs' Counsel successfully opposed Ortho's petition for interlocutory appeal of the Court's second class certification decision.

- **Expert Discovery.** After class certification, Plaintiffs' Counsel again worked with Plaintiffs' economics expert, who produced four reports regarding merits (including supplemental reports on impact and damages after the Court's summary judgment decision), and Plaintiffs' Counsel took and defended a combined 8 expert depositions regarding the merits.
- **Summary Judgment and Daubert.** Following extensive summary judgment and *Daubert* briefing, including hundreds of exhibits, the Court denied Ortho's *Daubert* motion, and granted in part and denied in part Ortho's summary judgment motion, thereby permitting Plaintiffs' case to move forward to trial.
- **Trial Preparation.** Prior to the successful Ortho Settlement negotiations, which occurred on the eve of trial, Plaintiffs' Counsel had nearly completed all trial preparation, including, *inter alia*, taking the trial deposition of Michael Poynter, Immucor VP of Sales, conducting a mock trial exercise with a jury research firm, exchanging with Ortho witness lists, exhibit lists, marked copies of exhibits, and deposition designations and counter designations, completeness designations, and objections. Plaintiffs' Counsel had also fully briefed Plaintiffs' motions *in limine*, opposed Ortho's motion *in limine*, and negotiated stipulated facts, stipulated exhibits, and other evidentiary stipulations. In addition, Plaintiffs' Counsel negotiated with Ortho and ultimately submitted to the Court jury materials, including a jury questionnaire, *voir dire* questions, a joint statement of the case, a verdict sheet, and jury instructions, including specifying their bases for any disputed instructions.

As a result of the efforts of Plaintiffs' Counsel and the initiative and participation of the Class Representatives, substantial settlements with both Defendants, totaling \$41.5 million plus interest, have now been achieved. The settlements were obtained after prolonged and difficult negotiations with Defendants, both of which had significant resources at their disposal and were represented by highly capable and experienced counsel. For both settlements, Class Counsel prepared the settlement agreement and the attendant notices, orders, and preliminary and final approval documents, and supervised the work of the settlement administrator. The work is, of

course, not over, as Class Counsel are preparing for the October 24, 2018 final approval hearing on the Ortho Settlement, and will oversee the claims processing and the distribution of settlement funds to Class Members.

Despite over nine years of litigation and tens of millions of dollars in accrued lodestar, and despite an earlier settlement of \$22 million, Class Counsel have waited until now—the conclusion of the litigation—to request an award of attorneys’ fees, reimbursement of Plaintiffs’ Counsel’s out-of-pocket litigation expenses, and service awards for the Class Representatives. The record in this case and the law of this Circuit fully support Plaintiffs’ Counsel’s request for a fee award of one-third of the Combined Settlement Fund, a request that is reasonable and well within the range of approval in the Third Circuit. *See, e.g., Kirsch v. Delta Dental*, 534 Fed. Appx. 113, 116 (3d Cir. 2013) (upholding fee of “roughly 36% of the District Court’s conservative valuation” of the settlement value); *In re Domestic Drywall Antitrust Litig.*, No. 13-md-2437, 2018 WL 3439454, at \*19-20 (E.D. Pa. July 17, 2018) (Baylson, J.) (awarding one-third of settlement funds as attorneys’ fees); *Marchbanks Truck Serv. v. Comdata Network, Inc.*, No. 07-1078-JKG, 2014 WL 12738907, at \*2-3 (E.D. Pa. July 14, 2014); *In re Fasteners Antitrust Litig.*, No. 08-md-1912, 2014 WL 296954, at \*7 (E.D. Pa. Jan. 27, 2014); *see also* § III.B.7, *infra*. Moreover, this fee request represents a negative multiple of approximately 0.48 of Plaintiffs’ Counsel’s lodestar, based on historical hourly rates and time expended through May 18, 2018. Accordingly, Plaintiffs respectfully request that the Motion be granted.

## **BACKGROUND**

### **A. Prosecution of the Case**

This litigation began in 2009, when Plaintiffs filed lawsuits against Defendants on behalf of a class of direct purchasers of TBR. The filings followed the announcement of the DOJ investigation (later closed without any legal action) and Class Counsel’s subsequent investigation,

which included analysis of economic conditions, historical pricing, and the particular conduct that formed the gravamen of the claims. On August 17, 2009, the Action was transferred to this Court by the Judicial Panel on Multidistrict Litigation, and on December 23, 2009, the Court appointed the undersigned law firm to serve as Interim Class Counsel for the Plaintiffs. On January 20, 2010, the Court entered Case Management Order No. 1, which, among other things, ordered Plaintiffs to file a consolidated amended complaint by February 15, 2010.<sup>5</sup>

For over nine years, Class Counsel, along with other Plaintiffs' Counsel working under their supervision, have devoted nearly 70,000 hours developing and advancing Plaintiffs' claims, without the benefit of any criminal indictment.<sup>6</sup> The work done by Plaintiffs' Counsel included, but was not limited to:

- Investigating the blood reagents industry generally, and the TBR market specifically, and working with the Class Representatives to draft and file a comprehensive consolidated amended class action complaint, Ex. 2 (Corrigan Decl.) ¶¶ 5, 6, 12;
- Negotiating with Defendants on discovery matters and case scheduling issues, *id.* ¶¶ 11, 14, 16, 19 n.6, 65;
- Negotiating a protocol for the preservation of electronically stored information, *id.* ¶ 11;
- Drafting and negotiating a Protective Order governing confidential information, *id.*;
- Drafting and negotiating a stipulation regarding expert discovery, *id.*;
- Responding to a multitude of written discovery requests (including several sets of interrogatories, requests for production of documents, and requests for admission), negotiating the scope of that discovery, and processing, reviewing, and analyzing document productions from 12 Class Representatives for potential production to Defendants, *id.* ¶¶ 18-19;

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<sup>5</sup> ECF No. 31, Case Management Order No. 1.

<sup>6</sup> The preceding DOJ investigation into the blood reagents industry was closed early in the class case without any charges. *See* April 20, 2011 letter from Paul Saint-Antoine to Hon. Jan E. DuBois.



- Drafting discovery requests directed to Defendants, followed by extensive meet-and-confer negotiations with Ortho counsel, *id.* ¶¶ 14, 16;
- Processing more than 300,000 documents (nearly 1.8 million pages) produced by Defendants and third parties, and reviewing, analyzing and coding those documents, *id.* ¶¶ 15-17;
- Briefing and arguing discovery motions, *e.g.*, *id.* ¶ 19;
- Consulting with expert economists to analyze Defendants’ transactional data, cost data, and other information produced in discovery to develop opinions relating to the TBR market, antitrust impact, and damages, for purposes of class certification, summary judgment, and trial, and consulting with an industry expert regarding the TBR market and class certification, *e.g.*, *id.* ¶¶ 30, 36, 49, 53, 66, 69;
- Deposing 18 defense fact witnesses, *id.* ¶ 20;
- Deposing 3 defense expert witnesses, a total of six times, *id.* ¶¶ 34, 52, 55, 69;
- Defending 17 depositions of corporate representatives of the 12 Class Representatives,<sup>7</sup> *id.* ¶ 21;
- Defending 4 depositions of Dr. John C. Beyer, Plaintiffs’ expert economist, and the deposition of Teresa Harris, Plaintiffs’ industry expert, *id.* ¶¶ 31, 50, 54, 67;
- Successfully briefing and arguing Plaintiffs’ motion for class certification in 2012, including preparing for and participating in oral argument with live expert testimony over two days, *id.* ¶¶ 29-39;
- Selecting a mediator, and preparing for and attending a full-day mediation, which ultimately (three years later, with the additional assistance of the same mediator) resulted in the Ortho Settlement, *id.* ¶¶ 78, 80;
- Successfully briefing and arguing Plaintiffs’ second motion for class certification on remand in 2015, after the Third Circuit vacated the Court’s 2012 decision due to the Supreme Court’s reversal of the Third Circuit’s *Comcast* decision, including participating in a two-day oral argument, *id.* ¶¶ 41-46;
- Successfully opposing Ortho’s Rule 23(f) petition for appeal of the Court’s 2015 decision certifying the Class, *id.* ¶¶ 45-46;

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<sup>7</sup> In addition, the third party deposition noticed and taken by Ortho was of a representative of an absent Class Member, St. Joseph’s Healthcare System, and Class Counsel also helped prepare and also deposed that witness, Michael Conway. Ex. 2 (Corrigan Decl.) ¶ 22.

- Working with Ortho, Immucor and the claims administrator to design and send notices to potential members of the certified Class, and seeking and receiving Court approval to disseminate that notice, *id.* ¶ 47;
- Preparing and supplementing extensive responses to Ortho’s contention interrogatories and requests for admission, including a case narrative and the identification of hundreds of documents and a substantial amount of deposition testimony, *id.* ¶ 19;
- Briefing and arguing Ortho’s motion for summary judgment, which the Court partly denied, as well as Ortho’s associated *Daubert* motion, which the Court completely denied, *id.* ¶¶ 56-64;
- Nearly completing preparations for trial against Ortho, including, *inter alia*, meeting and conferring with Ortho in an attempt to develop a procedure for trying Plaintiffs’ fraudulent concealment claims and submitting competing proposals to the Court when those negotiations were unsuccessful; taking the trial deposition of a top Immucor executive; a full-day jury research exercise and other extensive work with jury consultants; and exchanging witness lists, exhibit lists, marked copies of exhibits, and deposition designations and counter designations, completeness designations, and objections with Ortho. Plaintiffs’ Counsel had also fully briefed their motions *in limine*, opposed Ortho’s motion *in limine*, and negotiated stipulated facts, stipulated exhibits, and other evidentiary stipulations. In addition, Plaintiffs’ Counsel negotiated with Ortho and later submitted to the Court jury materials, including a jury questionnaire, *voir dire* questions, joint statement of the case, a verdict sheet, and jury instructions, specifying their basis for any disputed instruction, *id.* ¶¶ 28, 74-77;
- Negotiating settlements with both Defendants and preparing the settlement agreements and attendant notices, orders, and preliminary and final approval briefs; obtaining approval from the Court; and working with the claims administrator to design and send notices to members of the Class, members of the Immucor settlement class, and to create and maintain a settlement website, *id.* ¶¶ 23-28, 78-83; and
- Class Counsel’s directing and supervising the participation of numerous law firms to assist in Class Counsel’s prosecution of the case, including efficiently managing all firms’ assignments, *e.g.*, *id.* ¶¶ 16, 88.<sup>8</sup> Class Counsel performed these duties in accordance with Exhibit A to the Court’s Order dated December 23, 2009, which included collecting time and expense reports from all Plaintiffs’ Counsel on a monthly basis and submitting those reports to the Court on a quarterly basis. ECF No. 31 (Case Management Order No. 1) at 3-4.

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<sup>8</sup> On December 23, 2009, the Court appointed now-designated Class Counsel as “interim class counsel,” which allowed them to begin managing plaintiffs’ firms’ assignments. *See* ECF No. 23.

## **B. The Settlements and the Combined Settlement Fund**

Plaintiffs' settlement with Immucor, for \$22 million and valuable cooperation, was reached in January 2012 and granted final approval by the Court on September 6, 2012.<sup>9</sup> While Class Counsel have not yet sought any fees or full reimbursement of their substantial out-of-pocket costs from this first settlement, the Court did authorize the use of (1) funds from the Immucor and Ortho settlement funds for Taxes, Tax Expenses and Notice and Administration Costs,<sup>10</sup> and (2) \$2,500,000 from the Immucor settlement fund to pay ongoing pretrial litigation expenses.<sup>11</sup>

On July 12, 2018, the Court preliminarily approved the \$19.5 million Ortho Settlement and authorized dissemination of notice to the class.<sup>12</sup> If the Ortho Settlement is finally approved, the combined settlements in this case will total \$41.5 million. This total, plus accrued interest, constitutes the "Combined Settlement Fund" from which Class Counsel now seek an award of attorneys' fees, reimbursement of reasonable litigation expenses, and service awards to the Class Representatives.

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<sup>9</sup> ECF No. 204, Immucor Settlement Final Judgment Order.

<sup>10</sup> ECF No. 168, Order Granting Preliminary Approval of Proposed Settlement with Immucor, Inc., Preliminary Certification of Immucor Settlement Class, and Permission to Disseminate Immucor Settlement Class Notice ("Immucor Settlement Preliminary Approval Order"), ¶ 18; ECF No. 452, Order Granting Plaintiffs' Motion for Preliminary Approval of Proposed Settlement with Ortho-Clinical Diagnostics, Inc., Preliminary Approval of the Distribution Plan, and Authorization to Disseminate Notice ("Ortho Settlement Preliminary Approval Order"), ¶ 22. As of September 6, 2018, \$132,104.12 has been spent on Taxes, Tax Expenses and Notice and Administration Costs as authorized, including \$99,874.33 in Taxes. Interest earned on the funds as of that date was \$570,896.93.

<sup>11</sup> ECF No. 206, Order Re Class Counsel's Motion for Award of \$500,000 from the Immucor Settlement Funds for Ongoing Litigation Expenses; ECF No. 308, Order Re Class Counsel's Motion for Award of \$2,000,000 from the Immucor Settlement Funds for Ongoing Litigation Expenses.

<sup>12</sup> ECF No., 452, Ortho Settlement Preliminary Approval Order.

**C. Notice Regarding Class Counsel's Request for Attorneys' Fees, Reimbursement of Litigation Expenses, and Service Awards**

In its Ortho Settlement Preliminary Approval Order, the Court approved the dissemination of notice to Class members (the "Notice").<sup>13</sup> As required by Fed. R. Civ. P. 23(h), the Notice (copy attached as Exhibit A to the Sherwood Declaration) informed Class members that Class Counsel would request attorneys' fees, reimbursement of litigation expenses, and service awards for the Class Representatives, and explained how Class members could object to these requests:

**3.4 *How will the lawyers be paid?***

Since they filed this case, the attorneys representing the Class and the Immucor Settlement Class have not received any payment for their services in prosecuting the lawsuit, nor have they been reimbursed for any out-of-pocket expenses. Consistent with disclosures in the prior notices, the Court previously approved payments totaling approximately \$2.5 million from the Immucor settlement fund to cover ongoing pretrial litigation expenses.

If the Court approves the proposed Ortho Settlement, Class Counsel will ask the Court to award attorneys' fees of up to one-third of the Combined Settlement Fund, plus reimbursement of expenses that they incurred in the litigation and administering the settlement funds (not to exceed \$2.75 million). Class Counsel will file their petition for attorneys' fees and reimbursement of expenses with the Court by September 12, 2018. A copy of the petition will be posted on [www.bloodreagentsantitrustlitigation.com](http://www.bloodreagentsantitrustlitigation.com) or can be obtained by calling 1-855-231-9423.

Any attorneys' fees and reimbursement of litigation expenses will be awarded only as approved by the Court in amounts determined to be fair and reasonable. If you wish to object to the petition for attorneys' fees and reimbursement of litigation expenses, you may do so, but only by following the instructions in Section 3.6 below.

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<sup>13</sup> In accordance with the Court's Ortho Settlement Preliminary Approval Order, the Notice was sent to more than 15,000 Class members on August 2, 2018 and banner advertisements were published in the August 6, 2018 and August 10, 2018 editions of the *AABB News Smart Brief*, an industry newsletter that focuses on the blood banking industry. See Declaration of Markham Sherwood Regarding Dissemination of Notice of Proposed Settlement with Ortho-Clinical Diagnostics, Inc. and Proposed Distribution Plan ("Sherwood Declaration"), attached hereto as Exhibit 3.

The deadline for objections is September 27, 2018, and Class Counsel will provide the Court with a final report on any objections and responses thereto on October 9, 2018.

**THE REQUESTED ATTORNEYS' FEES ARE REASONABLE**

Plaintiffs' Counsel now respectfully request an award of attorneys' fees of one-third of the Combined Settlement Fund (\$41,500,000, plus accrued interest). Plaintiffs' Counsel's fee request is well within the range of awards regularly approved by courts in this Circuit, particularly in light of the length and complexity of this case, the nature and extent of Class Counsel's efforts in negotiating substantial settlements, and the litigation risks assumed. Moreover, cross-checking this fee request against Plaintiffs' Counsel's lodestar of \$28,832,581.20 (based upon historical rates) validates its reasonableness.

**D. A Reasonable Percentage of the Fund Recovered Is the Appropriate Method for Awarding Plaintiffs' Counsel's Attorneys' Fees in this Common Fund Settlement**

In this Circuit, district courts have discretion to award fees in common fund cases based on either the lodestar/multiplier method or the percentage-of-the-fund method. *See In re Diet Drugs Prod. Liab. Litig.*, 582 F.3d 524, 539 (3d Cir. 2009); *In re AT&T Corp. Sec. Litig.*, 455 F.3d 160, 164 (3d Cir. 2006). However, as recently noted by Judge Baylson in the *Domestic Drywall* litigation, “[t]he percentage-of-recovery method is favored in class action settlements involving a common fund ...” *Domestic Drywall*, 2018 WL 3439454, at \*2. This is true both in this Circuit and throughout the United States. *See, e.g., Kirsch*, 534 Fed. Appx. at 115 (“The percentage of recovery method is generally favored in common fund cases.”) (quoting *In re Ins. Brokerage Antitrust Litig.*, 579 F.3d 241, 280 (3d Cir. 2009)); *Diet Drugs*, 582 F.3d at 540 (“the percentage-of-recovery method is generally favored.”); *In re Prudential Ins. Co. Am. Sales Practice Litig. Agent Actions*, 148 F.3d 283, 333 (3d Cir. 1998) (“percentage-of-recovery method preferred in

common fund cases”).<sup>14</sup> Courts have long recognized that “‘a private plaintiff, or plaintiff’s attorney, whose efforts create, discover, increase, or preserve a fund to which others also have a claim, is entitled to recover from the fund the costs of his litigation, including attorneys’ fees.’” *In re Cendant Corp. Sec. Litig.*, 404 F.3d 173, 187 (3d Cir. 2005) (quoting *In re GMC Pick-Up Truck Fuel Tank Prods. Liab. Litig.*, 55 F.3d 768, 820 n.39 (3d Cir. 1995)). The purpose of compensating counsel in this manner means that “those who benefit from the creation of the fund should share the wealth with the lawyers whose skill and effort helped create it.” *In re Washington Pub. Power Supply Sys. Sec. Litig.*, 19 F.3d 1291, 1300 (9th Cir. 1994). Furthermore, the Supreme Court has consistently endorsed awarding attorneys’ fees using the percentage-of-the-fund method. *See, e.g., Blum v. Stenson*, 465 U.S. 886, 900 n.16 (1984).<sup>15</sup> Thus, the percentage-of-the-fund method is properly applied here.

**E. A Fee Award of One-Third of the Combined Settlement Fund Is Fair and Reasonable**

In determining what constitutes a reasonable percentage fee award, a district court must consider the ten factors identified by the Third Circuit in *Gunter v. Ridgewood Energy Corp.*, 223 F.3d 190 (3d Cir. 2000), and *Prudential*, 148 F.3d at 283. As the Third Circuit explained in *Diet Drugs*, the *Gunter/Prudential* factors for which this Court must conduct a “robust assessment” are:

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<sup>14</sup> *See also Report of Third Circuit Task Force: Court Awarded Attorney Fees*, 108 F.R.D. 237, 255-56 (1985); *Report of Third Circuit Task Force: Selection of Class Counsel*, 208 F.R.D. 340, 355 (2002) (“A percentage fee, tailored to the realities of the particular case, remains superior to any other means of determining a reasonable fee for class counsel.”); *Castro v. Sanofi Pasteur Inc.*, Civ. No. 11-7178, 2017 WL 4776626, at \*7 (D. N.J. Oct. 23, 2017) (“In common fund cases such as this one, attorneys’ fees are typically awarded through the percentage-of-recovery method.”); *In re Viropharma Inc. Sec. Litig.*, No. 12-2714, 2016 WL 312108, at \*15 (E.D. Pa. Jan. 25, 2016) (“The percentage-of-recovery method is ‘generally favored’ in cases involving a settlement that creates a common fund.”); *In re Linerboard Antitrust Litig.*, MDL 1261, 2004 WL 1221350, at \*3 (E.D. Pa. June 2, 2004) (“the percentage of recovery method is the proper one to calculate attorneys’ fees.”); *Manual for Complex Litigation*, § 14.121 (4th ed. 2004) (reporting that “the vast majority of courts of appeals now permit or direct district courts to use the percentage method in common-fund cases”).

<sup>15</sup> *See also Boeing Co. v. Van Gemert*, 444 U.S. 472, 478-79 (1980); *Sprague v. Ticonic Nat’l Bank*, 307 U.S. 161, 165-67 (1939).

(1) the size of the fund created and the number of beneficiaries, (2) the presence or absence of substantial objections by members of the class to the settlement terms and/or fees requested by counsel, (3) the skill and efficiency of the attorneys involved, (4) the complexity and duration of the litigation, (5) the risk of nonpayment, (6) the amount of time devoted to the case by plaintiffs' counsel, (7) the awards in similar cases, (8) the value of benefits attributable to the efforts of class counsel relative to the efforts of other groups, such as government agencies conducting investigations, (9) the percentage fee that would have been negotiated had the case been subject to a private contingent fee arrangement at the time counsel was retained, and (10) any innovative terms of settlement.

582 F.3d at 541 (internal citations omitted). Applying these factors clearly demonstrates that Plaintiffs' Counsel's request for one-third of the Combined Settlement Fund as a fee award is reasonable.

**1. An award of one-third is reasonable based on the size of the Combined Settlement Fund and the number of entities benefitted.**

The total recovery achieved in this case—\$41.5 million—is substantial, particularly in light of the complexity, duration, and expense of ongoing litigation and the potential 15,000-plus Class members who may benefit. A one-third fee is routinely awarded for settlement funds in antitrust litigation.<sup>16</sup> Establishing liability and damages at trial and securing recovery for those Class members would have been risky and uncertain, and at the time of the Ortho Settlement (which constitutes almost half of the Combined Settlement Fund), the Court had limited Plaintiffs' damages at trial by 1) dismissing claims based on Defendants' 2005 and 2008 price increases, and

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<sup>16</sup> See, e.g., *Domestic Drywall*, 2018 WL 3439454, at \*19-20 (awarding requested one-third of \$190 million settlement fund as attorneys' fees); *McDonough v. Toys R Us, Inc.*, 80 F. Supp. 3d 626, 657 (E.D. Pa. 2015) (awarding one-third fee from \$35.5 million settlement fund and dividing that award between class counsel and counsel for a successful objector); *In re Neurontin Antitrust Litig.*, No. 02-1830, ECF 114 (D.N.J. Aug. 6, 2014) (awarding one-third fee of \$191 million settlement); *Marchbanks Truck Serv. v. Comdata Network, Inc.*, No. 07-1078-JKG, 2014 WL 12738907 (E.D. Pa. July 14, 2014) (awarding requested one-third of \$130 million settlement fund); *In re Flonase Antitrust Litig.*, 951 F. Supp. 2d 739, 746, 748 (E.D. Pa. 2013) ("*Flonase Direct Purchasers*") (approving requested one-third of \$150 million settlement fund); *In re OSB Antitrust Litig.*, 2:06-cv-00826-PD, Order, ECF 947, at \*5 (E.D. Pa. Dec. 9, 2008) (approving requested one-third of \$120 million settlement fund). See also § III.B.7 & ns.22-23, *infra* (citing numerous cases awarding one-third fee).

2) eliminating “lingering effects” damages beyond 2004. Plaintiffs and Class members also faced significant uncertainty as a result of the fraudulent concealment issues awaiting them had they successfully established liability during the Phase 1 trial. Accordingly, this factor weighs in favor of the requested fee award.

**2. Analysis of any potential objections to the fee request is premature.**

The Notice advised Class members that Class Counsel would apply for an award of attorneys’ fees, reimbursement of litigation expenses, and service awards for the Class Representatives. It also advised Class members that they could object to Class Counsel’s application or the Ortho Settlement, and provided instructions on how to do so. Because the deadline for objections is September 27, 2018, Class Counsel will address this factor, and any objections to their application or the Ortho Settlement, in their responsive filing due on October 9, 2018. As of September 11, 2018, no objections have been filed.

**3. Plaintiffs’ Counsel are skilled and efficient litigators.**

Plaintiffs’ Counsel are highly experienced in litigating complex class actions and antitrust cases. Plaintiffs’ Counsel combed through over 1.7 million pages of documents and took numerous depositions to build the necessary evidentiary record, successfully moved for class certification, defeated Ortho’s 23(f) petition for appeal of the Court’s second class certification decision, and partially defeated Ortho’s summary judgment motion. Indeed, “[t]he result achieved is the clearest reflection of petitioners’ skill and expertise.” *Linerboard*, 2004 WL 1221350, at \*5.<sup>17</sup> Here, the

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<sup>17</sup> See also *In re OSB Antitrust Litig.*, No. 2:06-cv-00826-PD, Order, ECF 947 at \*5 (“[T]he most significant factor [in evaluating claims for counsel fees] . . . is the quality of representation, as measured by the quality of the result achieved, the difficulties faced, the speed and efficiency of the recovery, the standing, experience and expertise of the counsel, the skill and professionalism with which counsel prosecuted the case and the performance and quality of opposing counsel.”) (quoting *In re Ikon Office Solutions, Inc.*, 194 F.R.D. 166, 194 (E.D. Pa. 2000)); *Cullen v. Whitman Medical Corp.*, 197 F.R.D. 136 at 149 (E.D. Pa. 2000) (“[t]he single clearest factor reflecting the quality of class counsel’s services to the class are the results obtained.”).



total recovery achieved over a span of nine years – \$41.5 million – is substantial, thus further evidencing the skill and efficiency of Plaintiffs’ Counsel. Plaintiffs’ Counsel achieved this result despite a vigorous defense by Ortho (and, earlier in the case, Immucor), which was represented by skilled counsel at two of the leading defense law firms in the United States. Accordingly, this factor weighs in favor of the requested fee award.

#### **4. The complexity and duration of the litigation**

“[C]omplex and/or novel legal issues, extensive discovery, acrimonious litigation, and tens of thousands of hours spent on the case by class counsel” are the “factors which increase the complexity of class litigation.” *In re Cendant Corp. Prides Litig.*, 243 F.3d 722, 741 (3d Cir. 2001). This case involved extensive efforts by Plaintiffs’ Counsel (as well as this Court) over a period of nine years, as reflected in the over 450 entries in MDL Docket No. 2081.

During the course of the action, Plaintiffs were faced with several rounds of intense briefing, including two hard-fought class certification proceedings (including an appeal of one class certification decision) that included 5 separate expert submissions, two oral arguments, one of which included live testimony; summary judgment (including hundreds of exhibits); two separate rounds of *Daubert* briefing, including a hearing with two days of live testimony; and nearly complete pre-trial proceedings, including the exchange of witness lists, exhibits, objections, and deposition designations, negotiations regarding stipulated facts, exhibits and evidentiary issues, motions *in limine*, and a complete set of jury materials, including many agreed-upon jury instructions and some with pending disputes. Moreover, the parties had long previously completed discovery, which included production of over 300,000 documents (amounting to over 1.7 million pages) from Defendants and third parties (plus extensive document productions from the Class Representatives); 36 depositions of fact witnesses, including depositions of corporate designees for each of the 12 Class Representatives, but not including the trial deposition of Michael Poynter,

a former Immucor VP; Plaintiffs' extensive responses to Ortho's contention interrogatories and requests for admission; 11 expert depositions; and the production by the parties of a combined 14 expert reports (class and merits).

As to the complexity of the case, "[a]n antitrust class action is arguably the most complex action to prosecute. . . . The legal and factual issues involved are always numerous and uncertain in outcome.'" *Linerboard*, 2004 WL 1221350, at \*10 (quoting *In re Motorsports Merch. Antitrust Litig.*, 112 F. Supp. 2d 1329, 1337 (N.D. Ga. 2000)). This case is no exception. Regarding duration, the case, now pending for more than nine years, could continue for substantial additional time if it were to go to trial, particularly given the unsettled procedure for Phase 2 of the trial and for absent Class members to address any fraudulent concealment issues.<sup>18</sup> Accordingly, this factor weighs in favor of finding the fee request reasonable.

#### **5. Plaintiffs' Counsel faced a risk of nonpayment.**

Plaintiffs' Counsel undertook this case on a wholly contingent basis and ran a substantial risk of no recovery whatsoever. Plaintiffs' Counsel have devoted enormous time and resources to the vigorous prosecution of this case for more than nine years, while deferring all compensation for their time during that lengthy period (and risking receipt of little or no compensation if the case was not successful). *See Domestic Drywall*, 2018 WL 3439454, at \*20 (In a recent case in which Class Counsel here was Co-Lead Counsel, Judge Baylson awarded one-third of the Combined Settlement Fund as attorneys' fees, stating, "A significant factor in awarding the full one-third requested is the delay in payment. Class counsel have labored for approximately six years, including pre-suit investigation, without any payment."); *In re Flonase Antitrust Litig.*,

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<sup>18</sup> *See Linerboard*, 2004 WL 1221350, at \*10 (noting "there is authority for approving a 30 percent fee in litigation that concluded much earlier in the proceeding.").

291 F.R.D. 93, 104 (E.D. Pa. 2013) (“*Flonase Indirect Purchasers*”) (“as a contingent fee case, counsel faced a risk of nonpayment in the event of an unsuccessful trial. Throughout this lengthy litigation, Plaintiffs’ Counsel have not received any payment. This factor supports approval of the requested fee.”).<sup>19</sup> Plaintiffs’ Counsel advanced over \$1.3 million in unreimbursed expenses to prosecute the litigation,<sup>20</sup> which would not have been reimbursed absent a successful result. *See In re Rent-Way Sec. Litig.*, 305 F. Supp. 2d 491, 516 (W.D. Pa. 2003) (“Aside from investing their time, counsel had to front copious sums of money . . . Thus, the risks that counsel incurred in prosecuting this case were substantial and further support the requested fee award.”). Accordingly, this factor weighs in favor of the requested fee award.

**6. Plaintiffs’ Counsel devoted nearly 70,000 hours to prosecuting this action.**

Plaintiffs’ Counsel devoted considerable time and effort to prosecuting Plaintiffs’ antitrust claims during this lengthy, hard-fought litigation.<sup>21</sup> As set forth in the declarations submitted with this application, from December 23, 2009 through May 18, 2018, Plaintiffs’ Counsel devoted 68,614.78 hours to prosecuting this case, resulting in a total lodestar of \$28,832,581.20. Plaintiffs’ Counsel could have spent those attorney hours litigating other matters, which counsels in favor of awarding the requested fees. *See, e.g., Domestic Drywall*, 2018 WL 3439454, at \*19 (“Although Plaintiffs’ counsel spent many hours working on this case, the Court finds that the amount of time was warranted and if Plaintiffs’ counsel had not worked as many hours as they did, this case may

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<sup>19</sup> *See also Hall v. Best Buy Co.*, 274 F.R.D. 154, 173 (E.D. Pa. 2011) (“while this case has been pending, Class Counsel have not received any payment, and, by proceeding on a contingent-fee basis, ran substantial risk of nonpayment....”).

<sup>20</sup> *See* Ex. 2 (Corrigan Decl.) ¶¶ 86, 92.

<sup>21</sup> These totals do not include the time and effort devoted by Plaintiffs’ Counsel before the appointment of Class Counsel, including, *inter alia*, the investigation that led to the initial complaints and the proceedings before the Judicial Panel on Multidistrict Litigation, which led to the centralization and consolidation of these cases in this Court.

have resulted in summary judgment being granted for all Defendants, or Plaintiffs being unable to proceed to trial.”); *Flonase Direct Purchasers*, 951 F. Supp. 2d at 748 (finding factor weighed in favor of 33% fee award where class counsel devoted more than 40,000 combined hours to prosecuting the antitrust class action); *Lazy Oil Co. v. Wotco Corp.*, 95 F. Supp. 2d 290, 323 (W.D. Pa. 1997) (“In addition to noting the vast amount of work which was required in prosecuting this case, we also note Class Counsels’ representation that their involvement in this litigation required them to abstain from working on other matters.”).

**7. One-third of the Combined Settlement Fund is a typical and reasonable fee award for cases like this one.**

A one-third fee is typical, reasonable, and justified by extensive authority from courts in this District and Circuit. *See, e.g., Castro v. Sanofi Pasteur Inc.*, 2:11-cv-07178, 2017 WL 4776626, at \*9 (D. N.J. Oct. 23, 2017) (“The one-third fee is within the range of fees typically awarded within the Third Circuit through the percentage-of-recovery method; the Circuit has observed that fee awards generally range from 19% to 45% of the settlement fund...Thus, the requested fee in this matter [of one-third of the settlement fund] is within the normal range.” (internal citation omitted)); *Domestic Drywall*, 2018 WL 3439454, at \*19-20 (awarding one-third of settlement funds as attorneys’ fees); *In re K-Dur Antitrust Litig.*, No. 01-cv-1652, ECF 1058 (D.N.J. Oct. 5, 2017) (awarding 33⅓% of settlement). *See also Fasteners*, 2014 WL 296954, at \*7 (“Counsel’s request for one third of the settlement fund is consistent with other direct purchaser antitrust actions.”) (internal citation omitted); *Flonase Direct Purchasers*, 951 F. Supp. 2d at 746, 748 (approving requested one-third of \$150 million settlement fund (plus interest), and noting that “in the last two-and-a-half years, courts in eight direct purchaser antitrust actions approved one-third fees”); *Flonase Indirect Purchasers*, 291 F.R.D. at 104 (“A one-third fee award is standard in complex antitrust cases of this kind.”); *Marchbanks Truck Serv., Inc. v. Comdata Network, Inc.*,

No. 07-1078-JKG, 2014 WL 12738907, at \*2 (E.D. Pa. July 14, 2014) (“fee awards of one-third of the settlement amount are commonly awarded in this Circuit”); *In re Wellbutrin XL Antitrust Litig.*, No. 08-cv-2431, ECF 485 (E.D. Pa. Nov. 7, 2012) (awarding fee of 33⅓% of settlement); *In re Wellbutrin SR Antitrust Litig.*, No. 04-5525, 2011 U.S. Dist. LEXIS 158833, \*14-15 (E.D. Pa. Nov. 21, 2011) (same); *In re Auto. Refinishing Paint Antitrust Litig.*, No. 1426, 2008 WL 63269, at \*1, \*8 (E.D. Pa. Jan. 3, 2008) (same); *OSB*, No. 2:06-cv-00826-PD, Order, ECF 947, at \*3 (finding fee award of one-third of \$120 million in settlement funds “reasonable and well-earned”); *Bradburn Parent Teacher Store, Inc. v. 3M*, 513 F. Supp. 2d 322, 342 (E.D. Pa. 2007) (approving a percentage of recovery of 35%, plus reimbursement of expenses).<sup>22</sup> Moreover, a one-third fee award is consistent with awards nationwide.<sup>23</sup> A fee that fully compensates counsel for

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<sup>22</sup> See also *Steele v. Welch*, No. 03-6596, 2005 WL 3801469, at \*2 (E.D. Pa. May 20, 2005) (finding requested fee of 33%, plus expenses, to be reasonable); *Mylan Pharms., Inc. v. Warner Chilcott Public Ltd., Co.*, No. 12-3824, 2014 WL 12778314 (E.D. Pa. Sept. 15, 2014) (“*Doryx*”) (awarding 33⅓% of settlement); *In re Neurontin Antitrust Litig.*, No. 02-1830 (D.N.J. Aug. 6, 2014) (same); *In re Hypodermic Prods. Antitrust Litig.*, No. 05-1602, ECF 461 (D.N.J. Apr. 10, 2013) (same); *Rochester Drug Co-Operative, Inc. v. Braintree Labs., Inc.*, No. 1:07-cv-00142, ECF 243 (D. Del. May 31, 2012) (“*Miralax*”) (same); *In re Metoprolol Succinate Antitrust Litig.*, No. 06-52, ECF 193 (D. Del. Feb. 21, 2012) (same); *In re Tricor Direct Purchaser Antitrust Litig.*, No. 05-cv-340, 2009 U.S. Dist. LEXIS 133251, \*17 (D. Del. April 23, 2009) (same); *In re Corel Corp. Sec. Litig.*, 293 F. Supp. 2d 484, 497-98 (E.D. Pa. 2003) (awarding 33⅓% of settlement fund and noting, “[t]his District has observed that fee awards frequently range between nineteen and forty-five percent of the common fund.”); *In re Ravisent Techs., Inc. Sec. Litig.*, No. Civ.A.00-CV-1014, 2005 WL 906361, at \*11 (E.D. Pa. Apr. 18, 2005) (“courts within this Circuit have typically awarded attorneys’ fees of 30% to 35% of the recovery, plus expenses”); *In re AremisSoft Corp. Sec. Litig.*, 210 F.R.D. 109, 134 (D.N.J. 2002) (“Scores of cases exist where fees were awarded in the one-third to one-half of the settlement fund.”) (citations omitted); *In re Gen. Instrument Sec. Litig.*, 209 F. Supp. 2d 423, 433-34 (E.D. Pa. 2001) (approving one-third fee request).

<sup>23</sup> See, e.g., *In re Mego Fin. Corp. Sec. Litig.*, 213 F.3d 454, 460 (9th Cir. 2000) (affirming award of fees equal to one-third of total recovery); *In re U.S. Foodservice, Inc. Pricing Litig.*, No. 07-md-01894, ECF 521 (D. Conn. Dec. 9, 2014) (attorneys awarded one-third of a \$297 million settlement fund); *Standard Iron Works v. ArcelorMittal*, No. 08 C 5214, 2014 WL 7781572 (N.D. Ill. Oct. 22, 2014) (attorneys awarded 33% of a \$163.9 million settlement fund); *Shaw v. Interthinx, Inc.*, No. 13-cv-01229-REB-NYW, 2015 WL 1867861 at \*6 (D. Colorado Apr. 21, 2015) (“The customary fee awarded to class counsel in a common fund settlement is approximately one-third of the total economic benefit bestowed on the class.”); *Menkes v. Stolt-Nielsen S.A.*, No. 3:03CV00409 (DJS), 2011 WL 13234815 (D. Conn. Jan. 25, 2011) (granting fee request of 33⅓ percent of common fund in class action settlement); *In re Universal Service Fund Telephone Billing Practices Litig.*, No. 02-MD-1468-JWL, 2011 WL 1808038 at \*2 (D. Kan. May 12, 2011) (“an award of one-third of the fund falls within the range of awards deemed reasonable by courts”); *Mohney v. Shelly’s Prime Steak, Stone Crab & Oyster Bar*, No. 06 Civ. 4270 (PAC), 2009 WL 5851465, at \*5 (S.D.N.Y. Mar. 31, 2009) (holding that “Class Counsel’s request for 33% of the Settlement Fund is typical in class action settlements in the Second Circuit” and collecting cases); *Maley v. Del Global Techs. Corp.*, 186 F. Supp. 2d 358, 369 (S.D.N.Y. 2002) (33.33% fee award); *In re Blech Sec. Litig.*, No. 94 Civ. 7696 (RWS), 2002 WL 31720381, at \*1 (S.D.N.Y. Dec. 4, 2002) (finding fee request of 33-1/3% reasonable); see also Denise N. Martin, Vinita M. Juneja, Todd S. Foster

their time and the inherent risk posed by antitrust litigation of this magnitude and complexity is also strongly supported by the policies favoring private enforcement of the antitrust laws.<sup>24</sup> Accordingly, this factor supports the requested fee.

**8. Plaintiffs' Counsel prosecuted the litigation without help from government agencies.**

Courts in this Circuit are instructed to consider whether counsel benefitted from “the efforts of other groups, such as government agencies conducting investigations.” *AT&T*, 455 F.3d at 165 (citation omitted). As in *In re Diet Drugs Prods. Liab. Litig.*, “this case is quite different from the typical antitrust or securities litigation” in which the *Gunter/Prudential* factors are often considered, “where government prosecutions frequently lay the groundwork for private litigation.” 553 F. Supp. 2d 442, 481 (E.D. Pa. 2008). Here, Plaintiffs’ Counsel did not rely on “the Government or other public agencies to do their work for them as has occurred in some cases.” *Id.* at 481-82. While there was a brief government investigation into Defendants’ conduct, that investigation concluded very early in the litigation without any charges, which not only did not benefit Plaintiffs, but may well have emboldened Defendants. While the DOJ dropped its investigation, Plaintiffs’ Counsel conducted their own comprehensive investigation of the TBR industry, developed their own theory of liability and damages, and reviewed millions of pages of documents, without the assistance of government indictments. Accordingly, “the benefit to the

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& Frederick C. Dunbar, *Recent Trends IV: What Explains Filings and Settlements in Shareholder Class Actions?* 2 STAN. J.L. BUS. & FIN. (1996) (“Regardless of case size, fees average approximately 32 percent of the settlement.”).

<sup>24</sup> See, e.g., *In re Southeastern Milk Antitrust Litig.*, No. 2:07-CV 208, 2013 WL 2155387, at \*5 (E.D. Tenn. May 17, 2013) (“[F]ailing to fully compensate class counsel for the excellent work done and the various substantial risks taken would undermine society’s interest in the private litigation of antitrust cases. Society’s interests are clearly furthered by the private prosecution of civil cases which further important public policy goals, such as vigorous competition by marketplace competitors. Simply put, anti-competitive conduct such as that alleged in this case would likely go unchallenged absent the willingness of attorneys to undertake the risks associated with such expensive and complex litigation.”).

Class is directly and entirely attributable to Class Counsel's efforts," *OSB*, No. 2:06-cv-00826-PD, Order, ECF 947, at \*7, and this factor weighs in favor of the requested fee award.<sup>25</sup>

**9. The requested fee is consistent with the percentage fee that would have been negotiated in a private contingent fee arrangement.**

"What the market would pay" for fees in a similar litigation is "significant because...the goal of the fee setting process it [sic] to 'determine what the lawyer would receive if he were selling his services in the market rather than being paid by Court Order.'" *Linerboard*, 2004 WL 1221350, at \*15 (citing *In re Continental Ill. Sec. Litig.*, 962 F.2d 566, 568 (7th Cir. 1992)). There is widespread consensus that "a 33 1/3% contingent fee is [what is] commonly negotiated in the private market." *OSB*, No. 2:06-cv-00826-PD, Order, ECF 947, at \*7 (citing *Linerboard*, 2004 WL 1221350, at \*15); *see also* Eisenberg & Miller, *Attorney Fees in Class Action Settlements: An Empirical Study*, 1 J. Empirical Legal Stud. 27 (2004), at 35 ("Substantial empirical evidence indicates that a one-third fee is a common benchmark in private contingency fee cases.").<sup>26</sup> Indeed, "a one-third contingency fee arrangement is not out of the ordinary in a complex [antitrust] case like this one." *Fasteners*, 2014 WL 296954, at \*7.<sup>27</sup> Therefore, this factor weighs in favor of approval of the fee request.

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<sup>25</sup> Given the early closure of the grand jury investigation, at a minimum, this factor should be considered neutral in the Court's analysis.

<sup>26</sup> *Accord In re Remeron Direct Purchaser Antitrust Litig.*, No. Civ. 03-0085, 2005 WL 3008808, at \*16 (D.N.J. Nov. 9, 2005) ("Attorneys regularly contract for contingent fees between 30% and 40% with their clients in non-class, commercial litigation."); *Montague v. Dixie Nat. Life Ins. Co.*, No. 3:09-00687-JFA, 2011 WL 3626541, at \*2 & \*3 (D.S.C. Aug. 17, 2011) ("In non-class contingency fee litigation, a 30% to 40% contingency fee is typical.").

<sup>27</sup> *See also Mylan Pharms. Inc. v. Warner Chilcott Public Ltd. Co.*, 2014 WL 12778314 at \*7 ("[A] one-third contingency is standard in individual litigation; in antitrust litigation, a higher contingency would be reasonable, given the complexities and risks involved. In these circumstances, the requested 33 1/3% fee award is fair and reasonable."); *Mehling v. New York Life Ins. Co.*, 248 F.R.D. 455, 464 n.18 (E.D. Pa. 2008) (citing *Bradburn Parent Teacher Store, Inc.*, 513 F. Supp. 2d at 340 (finding a fee of 35% to be consistent with private contingent fee arrangements)); *In re Ikon*, 194 F.R.D. at 194 ("[I]n private contingency fee cases ... plaintiffs' counsel routinely negotiate agreements providing for between thirty and forty percent of any recovery.").

**10. The factor of any innovative terms is neutral.**

This factor neither weighs in favor of nor detracts from a decision to award the requested fee. *See, e.g., In re Merck & Co. Vytorin ERISA Litig.*, Civ. No. 08-CV-285, 2010 WL 547613, at \*12 (D.N.J. Feb. 9, 2010) (finding factor neutral when no innovative terms are highlighted).

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In sum, at least seven of the ten *Prudential/Gunter* factors strongly support Plaintiffs' Counsel's request for one-third of the Combined Settlement Fund as a fee award, and none of those factors counsels against that request.

**F. A Cross-Check of Plaintiffs' Counsel's Lodestar Confirms the Reasonableness of the Requested Fee**

Courts in the Third Circuit often examine the lodestar calculation as a cross-check on the percentage fee award. *See, e.g., Domestic Drywall*, 2018 WL 3439454, at \*\*3, 20; *Linerboard*, 2004 WL 1221350, at \*4. The cross-check is not designed to be a "full-blown lodestar inquiry," but rather an estimation of the value of counsel's investment in the case. *Report of Third Circuit Task Force, Selection of Class Counsel*, 208 F.R.D. 340, 422-23 (2002) (noting that "[t]he lodestar remains difficult and burdensome to apply"); *In re Rite Aid Corp. Securities Litig.*, 396 F.3d 294 at 307 n.17 (3d Cir. 2005) ("[T]he lodestar cross-check does not trump the primary reliance on the percentage of common fund method."). The Third Circuit recommends the use of the lodestar cross-check "as a means of assessing whether the percentage-of-recovery award is too high or too low," not as a substitute for the percentage-of-the-fund method. *Diet Drugs*, 582 F.3d at 545 n.42 (citing *Rite Aid*, 396 F.3d at 306-07).

The cross-check analysis is a two-step process. First, the lodestar is determined by multiplying the number of hours reasonably expended by the reasonable rates requested by the



attorneys.<sup>28</sup> Second, the court determines the multiplier required to match the lodestar to the percentage-of-the-fund request made by counsel, and determines whether the multiplier falls within the accepted range for such a case. Here, the lodestar cross-check confirms that the one-third fee request is eminently reasonable.

**1. Plaintiffs' Counsel's lodestar is reasonable.**

As of May 18, 2018, Plaintiffs' Counsel had spent 68,614.78 hours working on this case on behalf of the class.<sup>29</sup> As explained in the Declaration of Jeffrey J. Corrigan and Plaintiffs' Counsel's Fee and Expense Declarations, the stated hours were incurred by, among other things,<sup>30</sup> preparing the Consolidated Amended Class Action Complaint; conducting necessary legal research; conducting extensive discovery; briefing and presenting Plaintiffs' motion for class certification at a two-day hearing with live testimony in the summer of 2012, and, again briefing and presenting Plaintiffs' motion for class certification on remand, at a two-day oral argument in July 2015; briefing Ortho's motion for summary judgment and two rounds of *Daubert* motions, argued at a full day hearing in January 2017; working with experts to prepare and submit Rule 26(a)(2) reports; engaging in extensive trial preparation; participating in a mediation and follow up negotiations for the Ortho Settlement, and extensive negotiations for the initial Immucor settlement; and preparing the necessary agreements and pleadings related to both settlements.<sup>31</sup> Given this effort, the complexity of the legal issues involved, and the intensity of the defense

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<sup>28</sup> See *Caudle v. Bristow Optical Co., Inc.*, 224 F.3d 1014, 1028 (9th Cir. 2000).

<sup>29</sup> See Ex. 1 (Plaintiffs' Counsel's Decls.); Ex. 2 (Corrigan Decl.).

<sup>30</sup> The stated hours do not include, *inter alia*, the initial investigation of the claims against Defendants or the preparation of the initial complaints, nor do they include preparation of this motion and the motion for final approval of the Ortho Settlement.

<sup>31</sup> "The lodestar cross-check calculation need entail neither mathematical precision nor bean-counting. The district courts may rely on summaries submitted by the attorneys and need not review actual billing records." *Rite Aid*, 396 F.3d at 306-307. See also *Prudential*, 148 F.3d at 341 (finding no abuse of discretion where district court "reli[ed] on time summaries, rather than detailed time records"). Of course, Class Counsel will make detailed billing records available to the Court *in camera* upon request.

mounted by skillfully-represented Defendants, the hours incurred by Plaintiffs' Counsel are reasonable. Further, Class Counsel has excluded from this petition time incurred in this litigation that did not provide a common benefit to the Class. Class Counsel also audited and confirmed the validity of Plaintiffs' Counsels' time and expense submissions. Last, Class Counsel anticipate expending substantial additional hours to bring this case to a close, for which Class Counsel will not seek additional compensation; these additional hours should be considered in evaluating the reasonableness of the fee request.

The historical hourly rates charged by Plaintiffs' Counsel are reasonable based on each person's position, experience level, and location. Moreover, Class Counsel capped the hourly billing rate for attorneys conducting first-level document review. Taking into account the several factors discussed above, including the result achieved, the complexity and risk of the litigation, and the skill and experience of counsel, Plaintiffs' Counsel's rates are reasonable and appropriate. These reasonable rates resulted in a total lodestar of \$28,832,581.20.

## **2. The multiplier mitigates in favor of the requested fee.**

Courts may increase or decrease the lodestar amount by applying a multiplier. "Consideration of multipliers used in comparable cases may be appropriate" to gauge the reasonableness of a percentage fee award." *Rite Aid*, 396 F.3d at 307 n.17. Multipliers of up to four are frequently awarded in common fund cases. *See Domestic Drywall*, 2018 WL 3439454, at \*20 ("A cross-check with the lodestar confirms that this award of attorneys' fees is reasonable. Dividing the net amount of attorneys' fees . . . by the lodestar . . . yields a lodestar multiplier of 1.66, which is reasonable and lower than in some of the cases described above. Applying a reasonable multiplier of the lodestar, for judicial factors such as contingency, delay and payment risk, etc., the Court finds there is a reasonable correlation between an award of fees of one-third of

the Combined Settlement Fund plus costs.”).<sup>32</sup> Here, there is a negative multiplier of approximately 0.48, produced by cross-checking the requested one-third fee award (\$13,833,333, plus accrued interest) against the reported lodestar of \$28,832,581.20 (based upon historical hourly rates), which is well *below* the accepted range in the Third Circuit.<sup>33</sup> The settlements achieved here resolved this litigation before trial and other steps in the proceedings that would have generated a substantially larger lodestar than presented at this point. Accordingly, a lodestar cross-check further evidences the reasonableness of the requested fee.

**PLAINTIFFS’ COUNSEL SHOULD BE REIMBURSED FOR THEIR  
REASONABLE LITIGATION EXPENSES**

Plaintiffs’ Counsel also request reimbursement for the reasonable and necessary expenses they advanced to prosecute this litigation since Class Counsel was appointed on December 23, 2009. “Attorneys who create a common fund for the benefit of a class are entitled to reimbursement of reasonable litigation expenses from the fund.” *Nichols*, 2005 WL 950616, at \*24 (quoting *In re Aetna Inc. Securities Litig.*, No. CIV. A. MDL 1219, 2001 WL 20928 at \*13 (E.D. Pa. Jan. 4, 2001)); *see also Rent-Way*, 305 F. Supp. 2d at 519 (“There is no doubt that an attorney who has created a common fund for the benefit of the class is entitled to reimbursement of . . . reasonable

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<sup>32</sup> *See, e.g., Steele*, 2005 WL 3801469, at \*2 (finding multiplier of two reasonable, “given the complexity of the case, the risk of undertaking a case of this nature, and the delay in payment following the performance of services”). *See also Meijer, Inc. v. 3M*, No. 04-5871, 2006 WL 2382718, at \*24 (E.D. Pa. Aug. 14, 2006) (4.77 multiplier); *Nichols v. SmithKline Beecham Corp.*, No. Civ.A.00-6222, 2005 WL 950616, at \*24 (E.D. Pa. April 22, 2005) (3.15 multiplier); *Ravisent*, 2005 WL 906361, at \*12 (3.1 multiplier); *Varacallo v. Mass. Mut. Life Ins. Co.*, 226 F.R.D. 207, 256 (D.N.J. 2005) (2.83 multiplier); *In re Automotive Refinishing Paint Antitrust Litig.*, MDL Docket No. 1426, 2004 U.S. Dist. LEXIS 29162, \*35 (E.D. Pa. Oct. 13, 2004) (2.3 multiplier is within an acceptable range); *Linerboard*, 2004 WL 1221350, at \*16 (2.66 multiplier); *Rent-Way*, 305 F. Supp. 2d at 517 (2.36 multiplier).

<sup>33</sup> *See, e.g., Diet Drugs*, 582 F.3d at 542 n.42 (finding that a multiplier, in a lodestar crosscheck, in the range of “2.6, 3.4, or somewhere in that neighborhood, [] is not problematically high. It is either below or near the average multiplier....”); *Cendant Prides*, 243 F.3d at 735-36, 742 (“strongly suggest[ing]” a multiplier of 3 as the ceiling for an award in a simple case where “no risks pertaining to liability or collection were pertinent”); *Prudential*, 148 F.3d at 341 (“[M]ultiples ranging from one to four are frequently awarded in common fund cases when the lodestar method is applied.”) (internal quotation and citation omitted).

litigation expenses from that fund.”); *In re Corel Corp. Inc. Sec. Litig.*, 293 F. Supp. 2d 484, 498 (E.D. Pa. 2003) (same) (quoting *Ikon*, 194 F.R.D. at 192).<sup>34</sup>

Since December 23, 2009, Plaintiffs’ Counsel have incurred \$1,356,154.50 in unreimbursed expenses.<sup>35</sup> Plaintiffs have also incurred an additional \$530,046.30 in expenses in preparing for trial, primarily resulting from Dr. Beyer’s supplemental reports on damages, Dr. Beyer’s deposition and Dr. Beyer’s preparation for and attendance at the Court’s *Daubert* hearing on April 10, 2018.<sup>36</sup> Altogether, Plaintiffs’ Counsel are now seeking the reimbursement of \$1,886,200.80 in expenses from the Combined Settlement Fund.<sup>37</sup> The categories of expenses for which reimbursement is now sought are the type of expenses routinely charged to hourly clients, such as expert costs, on-line document repository, document management, travel, photocopying, overnight mail, deposition services and transcripts, legal research, and jury research costs, among others. *See* Ex. 4 (Corrigan Lit. Fund Decl.). These expenses, while costly, were essential to the successful prosecution of this case.

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<sup>34</sup> *See also Meijer*, 2006 WL 2382718 at \*18 (granting plaintiffs’ motion for approval of expenses “incurred in connection with the prosecution and settlement of the litigation, and include costs related to the following: travel; computerized legal research; copying; postage; telephone and fax; transcripts; retention of a mediator; the document database; expert services; and claims administration.”).

<sup>35</sup> These expenses are detailed in the Declaration of Jeffrey J. Corrigan Regarding Expenses Paid by Plaintiffs from the Blood Reagents Litigation Fund (“Corrigan Lit. Fund Decl.”), attached hereto as Exhibit 4 and Plaintiffs’ Counsel’s Fee and Expense Declarations. The Court previously (1) approved payments totaling approximately \$2.5 million from the Immucor settlement fund to cover ongoing pretrial litigation expenses, and (2) authorized the use of additional funds from the Immucor settlement for taxes, tax expenses and notice and administration costs, resulting in an additional \$132,104.12 being spent. Additionally, certain common expenses were paid from the common litigation fund, which was funded with assessments paid by Plaintiffs’ Counsel. *See* Ex. 4 (Corrigan Lit Fund Decl.).

There are additional expenses relating to settlement administration and the claims process that will necessarily be incurred if the Court grants final approval of the settlement. While Class Counsel have sought to ascertain and minimize these expenses, the exact amount will not be known until it is time to complete the distribution. Class Counsel anticipate seeking approval for these expenses when they seek authority to distribute the settlement funds to class members, at the conclusion of the claim submission and evaluation process.

<sup>36</sup> While the vast majority of these additional expenses are due to Dr. Beyer’s supplemental reports and testimony, a relatively small percentage of these outstanding expenses are from Plaintiffs’ trial consultant.

<sup>37</sup> If the Court approves reimbursement of these expenses, total expenses for the case paid out of the Combined Settlement Fund (e.g., including the approximately \$2.6 million previously authorized by the Court) will total approximately \$4,518,304.92. *See* Ex. 4 (Corrigan Lit. Fund Decl.); Ex. 1 (Plaintiffs’ Counsel’s Decls.).

**CLASS REPRESENTATIVES SHOULD BE AWARDED THE REQUESTED  
SERVICE AWARDS**

Plaintiffs also request approval for a \$25,000 service award for each of the twelve Class Representatives to be paid from the Combined Settlement Fund. Such awards are common in class actions resulting in a common fund for distribution to the class, because the Class Representatives “have conferred benefits on all other class members and they deserve to be compensated accordingly.” *In re Linerboard Antitrust Litig.*, No. 98-5055, 2004 WL 1221350, at \*18 (E.D. Pa. June 2, 2004), amended, 2004 WL 1240775 (E.D. Pa. June 4, 2004). As the Third Circuit has noted, such awards exist “to compensate named plaintiffs for the services they provided and the risks they incurred during the course of class action litigation.” *Sullivan v. DB Invs., Inc.*, 667 F.3d 273, 333 n.65 (3d Cir. 2011) (citation omitted). Factors that courts consider in determining service awards include the risks to the plaintiffs in commencing the litigation (financially and otherwise), the extent of the plaintiffs’ personal involvement in the lawsuit, the duration of the litigation, and the plaintiffs’ personal benefits (or lack thereof) purely in their capacity as members of the class. *See McGee v. Ann’s Choice, Inc.*, No. 12-2664, 2014 WL 2514582, at \*3 (E.D. Pa. June 4, 2014) (citing *In re Plastic Tableware Antitrust Litig.*, No. 94-3564, 1995 WL 723175, at \*2 (E.D. Pa. Dec. 4, 1995)).

Here, each of the twelve Class Representatives spent a significant amount of time assisting the litigation of this case: 1) each responded to written discovery and produced documents relating to its claims; at least one individual representing each was examined at deposition by defense counsel for a full day; each reviewed and approved the Consolidated Amended Complaint and other substantive pleadings; and each reviewed and approved the settlements.<sup>38</sup> Individuals

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<sup>38</sup> See Class Representative Declarations, attached hereto as Exhibit 5.

representing several Class Representatives also spent significant time meeting with Class Counsel in preparation for trial.

The requested service awards are also substantially less than the amounts approved in other class action litigations in this Circuit and around the country. *See, e.g., Domestic Drywall*, 2018 WL 3439454, at \*20 (awarding incentive awards of \$50,000 to four class representatives); *Marchbanks Truck Serv. v. Comdata Network, Inc.*, No. 07-1078-JKG, 2014 WL 12738907, at \*3-4 (E.D. Pa. July 14, 2014) (awarding \$150,000 to one class representative and \$75,000 each to two others); *Bradburn Parent Teacher Store, Inc. v. 3M*, 513 F. Supp. 2d 322, 342 (E.D. Pa. 2007) (awarding \$75,000 to class representative); *In re Graphite Electrodes Antitrust Litig.*, No. 2:10-md-01244-NS, ECF 527 (E.D. Pa. Sep. 8, 2003) (awarding \$80,000 each to three class representative); *McCoy v. Health Net, Inc.*, 569 F. Supp. 2d 448, 480 (D.N.J. 2008) (awarding \$60,000 to each class representative); *Nitsch v. DreamWorks Animation SKG Inc.*, No. 14-CV-04062, 2017 WL 2423161, at \*14-16 (N.D. Cal. June 5, 2017) (awarding each of three class representatives \$100,000 total for all settlements); *In re High-Tech Employee Antitrust Litig.*, No. 11-CV-02509, 2015 WL 5158730, at \*16-18 (N.D. Cal. Sept. 2, 2015) (awarding \$100,000 to each of four original class representatives); *Velez v. Novartis Pharm. Corp.*, No. 04 Civ. 09194, 2010 WL 4877852, at \*8, 25-28 (S.D.N.Y. Nov. 30, 2010) (awarding \$125,000 each to multiple named plaintiffs); *In re Revco Securities Litig.*, Nos. 851 & 89CV593, 1992 WL 118800 (N.D. Ohio May 6, 1992) (awarding \$200,000 to single class representative).

## **CONCLUSION**

For the reasons discussed above, Plaintiffs' Counsel respectfully request that the Court: (1) award Plaintiffs' Counsel one-third of the Combined Settlement Fund as reasonable attorney fees; (2) order reimbursement of litigation expenses incurred by Plaintiffs' Counsel in the amount of \$1,886,200.80; and (3) award each Class Representative a service award of \$25,000.

**DATED:** September 12, 2018

**BY:** /s/ Jeffrey J. Corrigan

Eugene A. Spector

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*Class Counsel*

# **EXHIBIT 1**



**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**DECLARATION OF JEFFREY J. CORRIGAN  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

I, Jeffrey J. Corrigan, declare as follows:

1. I am a partner with Spector Roseman & Kodroff, P.C. I submit this declaration in support of Plaintiffs' motion for an award of attorneys' fees and expenses in connection with the services rendered, and costs and expenses incurred, in *In re Blood Reagents Antitrust Litigation* (the "Action").

2. My firm is Class Counsel for the Plaintiffs in the Action.

3. As Class Counsel, on February 1, 2010, I sent an email to all Plaintiffs' Counsel requiring the submission of monthly time and expense reports, noting the quarterly time and expense submissions to the Court, and instructing firms to refrain from engaging in any work that was not directed and/or approved by Class Counsel. By keeping track of these monthly reports, my firm has sought to ensure the efficient conduct of the Action, to avoid duplication of effort by delegation of assignments and division of responsibilities among Plaintiffs' Counsel, and to manage litigation expenses.

4. The schedule attached as Exhibit A sets forth my firm's total hours and lodestar, computed at historical rates, for the period from December 23, 2009 through and including May

18, 2018. The total number of hours spent by my firm during this period of time was 35,333.35, with a corresponding lodestar of \$15,726,068. This schedule was prepared from contemporaneous, daily time records prepared and maintained by my firm. In connection with our role as Class Counsel, my firm was intimately involved in all aspects of this litigation from inception to the present, including fact and expert discovery, summary judgment, class certification, and settlement negotiation and administration. The lodestar amount reflected in Exhibit A was performed by attorneys and professional staff at or affiliated with my firm for the benefit of the Class. The hourly rates for the attorneys and professional staff in my firm reflected in Exhibit A are the usual and customary hourly rates historically charged by my firm in similar matters.

5. My firm has spent a total of \$373,641.80 in unreimbursed costs and expenses in connection with the prosecution of the Action from December 23, 2009 through and including May 18, 2018. These costs and expenses are set forth in the schedule attached as Exhibit B and are reflected on the books and records of my firm. They were incurred on behalf of Plaintiffs by my firm and have not been reimbursed.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 11<sup>th</sup> day of September, 2018, in Philadelphia, PA

/s/ Jeffrey J. Corrigan  
Jeffrey J. Corrigan

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**EXHIBIT A TO THE DECLARATION OF JEFFREY J. CORRIGAN  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

**Reported Hours and Historical Lodestar  
December 23, 2009 through May 18, 2018**

<b>Name</b>	<b>Role</b>	<b>Year</b>	<b>Hours</b>	<b>Rate</b>	<b>Lodestar</b>
E. Spector	P	2009	1.75	\$700	1225.00
J. Corrigan	P	2009	4.75	625	2968.75
J. Jagher	A	2009	8.25	385	3176.25
J. Cohen	P	2009	.5	600	300.00
W. Caldes	P	2009	.25	550	137.50
E. Spector	P	2010	66.9	710	47,499.00
J. Macoretta	P	2010	.5	590	295.00
J. Corrigan	P	2010	520.25	640	332,960.00
J. Kodroff	P	2010	32.0	670	21,440.00
J. Jagher	A	2010	51.85	400	20,740.00
J. Cohen	P	2010	269.75	615	165,896.25
G. DeMarshall	PL	2010	9.0	190	1710.00
K. Omolchuk	PL	2010	3.5	140	490.00
R. Roseman	P	2010	1.75	690	1207.50
W. Caldes	P	2010	8.5	575	4887.50
M. Geppert	A	2010	294.75	375	110,531.25
C. Srey	PL	2010	63.5	185	11,747.50
R. Briones	PL	2010	153.0	160	24,480.00
E. Spector	P	2011	16.5	725	11962.50
J. Corrigan	P	2011	1104.25	650	717,762.50

<b>Name</b>	<b>Role</b>	<b>Year</b>	<b>Hours</b>	<b>Rate</b>	<b>Lodestar</b>
J. Kodroff	P	2011	27.25	690	18,802.50
J. Cohen	P	2011	1051.25	625	657,031.25
J. Spector	A	2011	812.25	350	284,287.50
C. Briglia	PL	2011	1.75	195	341.25
G. DeMarshall	PL	2011	800.0	200	160,000.00
R. Kopp	A	2011	560.5	375	210,187.50
W. Caldes	P	2011	6.25	590	3687.50
M. Geppert	A	2011	5.00	400	2000.00
N. Noronha	PL	2011	155.00	135	20925.00
R. Brionos	PL	2011	5.0	160	800.00
V. Strother	PL	2011	298.5	135	40,297.50
E. Spector	P	2012	20.05	740	14,837.00
J. Corrigan	P	2012	1370.65	660	904,629.00
J. Kodroff	P	2012	74.75	700	52,325.00
J. Jagher	A	2012	36.5	450	16,425.00
J. Cohen	P	2012	1207.75	635	766,921.25
J. Spector	A	2012	1153.15	365	420,899.75
C. Briglia	PL	2012	32.1	200	6420.00
G. DeMarshall	PL	2012	803.25	205	164,666.25
R. Kopp	A	2012	968.50	390	377,715.00
R. Roseman	P	2012	23.5	710	16,685.00
W. Caldes	P	2012	4.25	600	2550.00
N. Noronha	PL	2012	82.75	140	11,585.00
V. Strother	PL	2012	416.55	140	58,317.00
E. Spector	P	2013	24.5	750	18,375.00
J. Corrigan	P	2013	316.25	675	213,468.75
J. Kodroff	O	2013	9.0	710	6390.00
J. Cohen	P	2013	227.0	650	147,550.00
J. Spector	A	2013	399.9	380	151,962.00
G. DeMarshall	PL	2013	309.25	210	64,942.50
R. Kopp	A	2013	12.25	405	4961.25
W. Caldes	P	2013	2.0	625	1250.00
N. Noronha	PL	2013	79.0	145	11,455.00
V. Strother	PL	2013	282.0	145	40,890.00
E. Spector	P	2014	3.5	775	2712.50
J. Corrigan	P	2014	103.25	695	71,758.75
J. Cohen	P	2014	58.5	670	39,195.00

<b>Name</b>	<b>Role</b>	<b>Year</b>	<b>Hours</b>	<b>Rate</b>	<b>Lodestar</b>
J. Spector	A	2014	33.0	395	13,035.00
G. DeMarshall	PL	2014	7.0	215	1505.00
R. Kopp	A	2014	.75	420	315.00
R. Roseman	P	2014	.25	250	187.50
W. Caldes	P	2014	.50	645	322.50
N. Noronha	PL	2014	40.5	150	6075.00
D. Zinser	A	2015	8.6	400	3440.00
E. Spector	P	2015	38.45	810	31,144.50
J. Corrigan	P	2015	480.5	730	350,765.00
J. Kodroff	P	2015	37.75	765	28,878.75
J. Jagher	P	2015	.5	530	265.00
J. Cohen	P	2015	174.4	705	122,952.00
J. Spector	A	2015	431.0	415	178,865.00
C. Briglia	PL	2015	24.25	220	5335.00
G. DeMarshall	PL	2015	116.25	225	26,156.25
R. Kopp	A	2015	323.5	440	142,340.00
R. Roseman	P	2015	.25	785	196.25
W. Caldes	P	2015	.25	675	168.75
D. Zinser	A	2016	19.1	410	7831.00
E. Spector	P	2016	27.75	835	23,171.25
J. Corrigan	P	2016	1227.50	755	926,762.50
J. Kodroff	P	2016	41.25	790	32,587.50
J. Spector	A	2016	1035.7	425	440,172.50
K. Heistor	A	2016	123.8	400	49,520.00
L. Fisher	A	2016	674.8	375	253,050.00
C. Briglia	PL	2016	181.25	225	40,781.25
C. Shray	PL	2016	23.0	150	3450.00
G. DeMarshall	PL	2016	353.5	235	83,072.50
R. Kopp	A	2016	424.50	460	195,270.00
R. Roseman	P	2016	.25	810	202.50
W. Caldes	P	2016	2.75	695	1911.25
E. Spector	P	2017	9.15	875	8006.25
J. Corrigan	P	2017	580.0	795	461,100.00
J. Kodroff	P	2017	27.0	830	22,410.00
J. Jagher	P	2017	1.3	570	741.00
J. Spector	A	2017	506.0	445	225,170.00
L. Fisher	A	2017	568.55	395	224,577.25

<b>Name</b>	<b>Role</b>	<b>Year</b>	<b>Hours</b>	<b>Rate</b>	<b>Lodestar</b>
C. Briglia	PL	2017	1.25	235	293.75
G. DeMarshall	PL	2017	81.0	245	19,845.00
R. Kopp	A	2017	52.75	485	25,583.75
R. Roseman	P	2017	2.25	850	1912.50
E. Spector	P	2018	2.5	900	2250.00
J. Corrigan	P	2018	1024.5	820	840,090.00
J. Kodroff	P	2018	78.75	855	67,331.25
J. Jagher	P	2018	2.1	585	1,228.50
J. Spector	P	2018	770.5	460	354,430.00
L. Fisher	A	2018	712.25	405	288,461.25
C. Briglia	PL	2018	6.0	240	1,440.00
G. DeMarshall	PL	2018	197.0	250	49,250.00
R. Kopp	A	2018	8.5	500	4,250.00
R. Roseman	P	2018	30.75	875	26,906.25
C. Rogers	CA	2010-2014	4921.05	350	1,722,367.50
P. McCann	CA	2012	1812.90	350	634,515.00
R. Huxen	CA	2013	627.25	350	219,537.50
S. Gallagher	CA	2013-2015	3102.80	350	1,085,980.00
<b>Total</b>			35,333.35		\$15,726,068.00

P Partner  
 OC Of Counsel  
 A Associate  
 LC Law Clerk  
 PL Paralegal  
 I Investigator  
 CA Contract Attorney

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**EXHIBIT B TO THE DECLARATION OF JEFFREY J. CORRIGAN  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

**Reported Expenses on Behalf of Plaintiffs  
December 23, 2009 through May 18, 2018**

<b>Category</b>	<b>Amount</b>
Litigation Fund	\$110,000.00
Commercial Copies	\$4,795.80
Internal Reproduction/Copies	\$42,808.25
Computer Research	\$139,793.00
Court Fees (filing, etc.)	\$30.00
Court Reporters/Transcripts	\$2,285.75
Telephone/Fax	\$4,314.91
Postage/Express Delivery/Messenger	\$6,174.31
Professional Fees (expert, investigator, accountant, etc.)	\$4,510.00
Witness/Service Fees	\$160.00
Travel: Air Transportation, Ground Travel, Meals, Lodging, etc.	\$50,621.61
Miscellaneous	\$8,148.17
<b>Total</b>	<b>\$373,641.80</b>

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**DECLARATION OF JEFFREY B. GITTLEMAN  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

I, Jeffrey B. Gittleman, declare as follows:

1. I am a partner with Barrack, Rodos & Bacine. I submit this declaration in support of Plaintiffs' motion for an award of attorneys' fees and expenses in connection with the services rendered, and costs and expenses incurred, in *In re Blood Reagents Antitrust Litigation* (the "Action").

2. My firm is one of the Plaintiffs' Counsel in the Action.

3. My firm received correspondence from Class Counsel on February 1, 2010, requiring the submission of monthly time and expense reports, noting the quarterly time and expense submissions to the Court, and instructing firms to refrain from engaging in any work that was not directed and/or approved by Class Counsel. My firm has tried to comply with those instructions throughout the course of the Action.

4. The schedule attached as Exhibit A sets forth my firm's total hours and lodestar, computed at historical rates, for the period from December 23, 2009 through and including May 18, 2018. The total number of hours spent by my firm during this period of time was 512.75, with a corresponding lodestar of \$183,840.00. This schedule was prepared from



contemporaneous, daily time records prepared and maintained by my firm. In connection with representing the Plaintiffs in the Action my firm did the following:

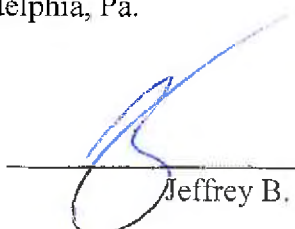
Attorneys at Barrack, Rodos & Bacine performed important discovery work in this litigation. Among other things, the attorneys reviewed, analyzed and coded batches of documents as assigned by Co-Lead Counsel. The firm prepared memorandum for Co-Lead Counsel regarding significant and hot documents identified during the document review. The firm participated in conference calls with Co-Lead Counsel, and prepared memorandum regarding discrete issues such as fungibility of products.

The lodestar amount reflected in Exhibit A is for work assigned by Class Counsel, and was performed by attorneys at my firm for the benefit of the Class. The hourly rates for the attorneys in my firm reflected in Exhibit A are the usual and customary hourly rates historically charged by my firm in similar matters.

5. My firm has expended a total of \$20,645.78 in unreimbursed costs and expenses in connection with the prosecution of the Action from December 23, 2009 through and including May 18, 2018. These costs and expenses are set forth in the schedule attached as Exhibit B and are reflected on the books and records of my firm. They were incurred on behalf of Plaintiffs by my firm and have not been reimbursed.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 8th day of August, 2018, in Philadelphia, Pa.

  
\_\_\_\_\_  
Jeffrey B. Gittleman

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**EXHIBIT A TO THE DECLARATION OF JEFFREY B. GITTLEMAN  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

**Reported Hours and Historical Lodestar  
December 23, 2009 through May 18, 2018**

<b>Name</b>	<b>Role</b>	<b>Year</b>	<b>Hours</b>	<b>Rate</b>	<b>Lodestar</b>
Gerald J. Rodos	P	2010	0.75	\$715	\$536.25
Gerald J. Rodos	P	2011	1.25	\$730	\$912.50
Jeffrey B. Gittleman	P	2010	9.75	\$575	\$5,606.25
Jeffrey B. Gittleman	P	2011	4.50	\$590	\$2,655.00
Jeffrey B. Gittleman	P	2012	0.50	\$625	\$312.50
Jeffrey B. Gittleman	P	2013	0.50	\$640	\$320.00
Jeffrey B. Gittleman	P	2014	0.25	\$640	\$160.00
William J. Ban	P	2011	464.00	\$350	\$162,400.00
William J. Ban	P	2012	<u>31.25</u>	\$350	<u>\$10,937.50</u>
<b>Totals:</b>			<b><u>512.75</u></b>		<b><u>\$183,840.00</u></b>

P Partner  
OC Of Counsel  
A Associate  
LC Law Clerk  
PL Paralegal  
I Investigator  
CA Contract Attorney

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**EXHIBIT B TO THE DECLARATION OF JEFFREY B. GITTLEMAN  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

**Reported Expenses on Behalf of Plaintiffs  
December 23, 2009 through May 18, 2018**

<b>Category</b>	<b>Amount</b>
Litigation Fund	\$20,000.00
Commercial Copies	\$0.00
Internal Reproduction/Copies	\$1.75
Computer Research	\$0.00
Court Fees (filing, etc.)	\$0.00
Court Reporters/Transcripts	\$0.00
Telephone/Fax	\$33.75
Postage/Express Delivery/Messenger	\$5.28
Professional Fees (expert, investigator, accountant, etc.)	\$0.00
Witness/Service Fees	\$0.00
Travel: Air Transportation, Ground Travel, Meals, Lodging, etc.	\$605.00
Miscellaneous	<u>\$0.00</u>
<b>Total</b>	<b><u>\$20,645.78</u></b>

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**DECLARATION OF RUTHANNE GORDON  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

I, Ruthanne Gordon, declare as follows:

1. I am a shareholder with Berger & Montague, P.C. I submit this declaration in support of Plaintiffs' motion for an award of attorneys' fees and expenses in connection with the services rendered, and costs and expenses incurred, in *In re Blood Reagents Antitrust Litigation* (the "Action").

2. My firm is one of the Plaintiffs' Counsel in the Action.

3. My firm received correspondence from Class Counsel on February 1, 2010, requiring the submission of monthly time and expense reports, noting the quarterly time and expense submissions to the Court, and instructing firms to refrain from engaging in any work that was not directed and/or approved by Class Counsel. My firm has tried to comply with those instructions throughout the course of the Action.

4. The schedule attached as Exhibit A sets forth my firm's total hours and lodestar, computed at historical rates, for the period from December 23, 2009 through and including May 18, 2018. The total number of hours spent by my firm during this period of time was 2,689.45, with a corresponding lodestar of \$1,113,850.00. This schedule was prepared from

contemporaneous, daily time records prepared and maintained by my firm. In connection with representing the Plaintiffs in the Action my firm did the following: represented named Plaintiff F. Baragaño Pharmaceuticals, Inc., including assisting in its responses to discovery, production of documents and defending Plaintiff Baragaño's deposition; prepared for and reviewed documents produced by defendants; discussions and analysis regarding litigation strategy; working with lead counsel and experts concerning issues relating to damages and trial preparation. The lodestar amount reflected in Exhibit A is for work assigned by Class Counsel, and was performed by attorneys and professional staff at or affiliated with my firm for the benefit of the Class. The hourly rates for the attorneys and professional staff in my firm reflected in Exhibit A are the usual and customary hourly rates historically charged by my firm in similar matters.

5. My firm has expended a total of \$60,354.91 in unreimbursed costs and expenses in connection with the prosecution of the Action from December 23, 2009 through and including May 18, 2018. These costs and expenses are set forth in the schedule attached as Exhibit B and are reflected on the books and records of my firm. They were incurred on behalf of Plaintiffs by my firm and have not been reimbursed.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 8th day of August 2018, in Philadelphia, PA.



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Ruthanne Gordon

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**EXHIBIT A TO THE DECLARATION OF RUTHANNE GORDON  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

**Reported Hours and Historical Lodestar  
December 23, 2009 through May 18, 2018**

<b>Name</b>	<b>Role</b>	<b>Year</b>	<b>Hours</b>	<b>Rate</b>	<b>Lodestar</b>
Cramer, Eric L.	P	2017	18.00	\$935.00	\$16,830.00
Cramer, Eric L.	P	2018	100.00	\$945.00	\$94,500.00
Gordon, Ruthanne	P	2010	14.70	\$575.00	\$8,452.50
Gordon, Ruthanne	P	2010	4.30	\$650.00	\$2,795.00
Gordon, Ruthanne	P	2011	2.30	\$650.00	\$1,495.00
Gordon, Ruthanne	P	2011	52.80	\$660.00	\$34,848.00
Gordon, Ruthanne	P	2012	5.90	\$660.00	\$3,894.00
Gordon, Ruthanne	P	2012	6.30	\$675.00	\$4,252.50
Gordon, Ruthanne	P	2013	.20	\$675.00	\$135.00
Gordon, Ruthanne	P	2014	1.30	\$720.00	\$936.00
Gordon, Ruthanne	P	2015	4.00	\$760.00	\$3,040.00
Gordon, Ruthanne	P	2016	3.10	\$770.00	\$2,387.00
Gordon, Ruthanne	P	2017	2.20	\$780.00	\$1,716.00
Gordon, Ruthanne	P	2018	2.50	\$795.00	\$1,987.50
Enders, Candice J.	P	2016	2.50	\$615.00	\$1,537.50
Enders, Candice J.	P	2017	34.10	\$625.00	\$21,312.50
Enders, Candice J.	P	2018	234.4	\$635.00	\$149,479.00
Huxen, R.	CA	2014	865.75	\$350.00	\$303,012.50
Huxen, R.	CA	2015	45.00	\$350.00	\$15,750.00
Gallagher, Shannon	CA	2011	1,171.00	\$350.00	\$409,850.00

<b>Name</b>	<b>Role</b>	<b>Year</b>	<b>Hours</b>	<b>Rate</b>	<b>Lodestar</b>
Gallagher, Shannon	CA	2012	72.00	\$350.00	\$25,200.00
Ebbesen, Anne N.	PL	2010	31.00	\$215.00	\$6,665.00
Ebbesen, Anne N.	PL	2011	13.40	\$250.00	\$3,350.00
Ebbesen, Anne N.	PL	2012	1.70	\$250.00	\$425.00
<b>Total</b>			<b>2,689.45</b>		<b>\$1,113,850.00</b>

P Partner  
 OC Of Counsel  
 A Associate  
 LC Law Clerk  
 PL Paralegal  
 I Investigator  
 CA Contract Attorney

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**EXHIBIT B TO THE DECLARATION OF RUTHANNE GORDON  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

**Reported Expenses on Behalf of Plaintiffs  
December 23, 2009 through May 18, 2018**

<b>Category</b>	<b>Amount</b>
Litigation Fund	\$55,000.00
Internal Reproduction/Copies	\$2,198.25
Computer Research	\$882.38
Telephone/Fax	\$205.10
Postage/Express Delivery/Messenger	\$109.82
Travel: Air Transportation, Ground Travel, Meals, Lodging, etc.	\$1,959.36
<b>Total</b>	<b>\$60,354.91</b>



**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**DECLARATION OF TODD A. SEAVER  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

I, Todd A. Seaver, declare as follows:

1. I am a Partner with Berman Tabacco. I submit this declaration in support of Plaintiffs' motion for an award of attorneys' fees and expenses in connection with the services rendered, and costs and expenses incurred, in *In re Blood Reagents Antitrust Litigation* (the "Action").

2. My firm is one of the Plaintiffs' Counsel in the Action.

3. My firm received correspondence from Class Counsel on February 1, 2010, requiring the submission of monthly time and expense reports, noting the quarterly time and expense submissions to the Court, and instructing firms to refrain from engaging in any work that was not directed and/or approved by Class Counsel. My firm has tried to comply with those instructions throughout the course of the Action.

4. The schedule attached as Exhibit A sets forth my firm's total hours and lodestar, computed at historical rates, for the period from December 23, 2009 through and including May 18, 2018. The total number of hours spent by my firm during this period of time was 1,386.00, with a corresponding lodestar of \$455,279.00. This schedule was prepared from

contemporaneous, daily time records prepared and maintained by my firm. In connection with representing the Plaintiffs in the Action my firm did the following: in conjunction with and at the direction of lead counsel, contributed to a motion to dismiss opposition, and assigned one associate attorney and one contract attorney to perform document review for a combined period of nine months under the direction of lead counsel. The lodestar amount reflected in Exhibit A is for work assigned by Class Counsel, and was performed by attorneys and professional staff at or affiliated with my firm for the benefit of the Class. The hourly rates for the attorneys and professional staff in my firm reflected in Exhibit A are the usual and customary hourly rates historically charged by my firm in similar matters.

5. My firm has expended a total of \$20,291.88 in unreimbursed costs and expenses in connection with the prosecution of the Action from December 23, 2009 through and including May 18, 2018. These costs and expenses are set forth in the schedule attached as Exhibit B and are reflected on the books and records of my firm. They were incurred on behalf of Plaintiffs by my firm and have not been reimbursed.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 10th day of August, 2018, in San Francisco, California.



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Todd A. Seaver

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**EXHIBIT A TO THE DECLARATION OF TODD SEAVER  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

**Reported Hours and Historical Lodestar  
December 23, 2009 through May 18, 2018**

<b>Name</b>	<b>Role</b>	<b>Year</b>	<b>Hours</b>	<b>Rate</b>	<b>Lodestar</b>
DeValerio, Glen	P	2011	.40	\$750.00	\$300.00
Didrickson, Karen	CA	2011	822.00	\$345.00	\$283,590.00
Dominguez, Manuel	P	2010	1.40	\$540.00	\$756.00
Dominguez, Manuel	P	2011	2.10	\$565.00	\$1,186.50
Heffelfinger, Christopher	P	2011	1.20	\$705.00	\$846.00
McGrath, Sarah	A	2011	550.00	\$300.00	\$165,000.00
Pease, Peter	P	2011	.70	\$750.00	\$525.00
Pease, Peter	P	2010	.20	\$730.00	\$146.00
Ruan, Matthew	A	2010	1.20	\$310.00	\$372.00
Seaver, Todd	P	2012	.20	\$595.00	\$119.00
Seaver, Todd	P	2011	2.10	\$565.00	\$1,186.50
Seaver, Todd	P	2010	.70	\$540.00	\$378.00
Vanore, Deborah	PL	2010	3.80	\$230.00	\$874.00
<b>Total</b>			<b>1,386.00</b>		<b>\$455,279.00</b>

P Partner  
A Associate  
PL Paralegal  
CA Contract Attorney

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**EXHIBIT B TO THE DECLARATION OF TODD A. SEAVER  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

**Reported Expenses on Behalf of Plaintiffs  
December 23, 2009 through May 18, 2018**

<b>Category</b>	<b>Amount</b>
Litigation Fund	\$20,000.00
Commercial Copies	
Internal Reproduction/Copies	\$160.76
Computer Research	\$1.10
Court Fees (filing, etc.)	
Court Reporters/Transcripts	
Telephone/Fax	\$100.96
Postage/Express Delivery/Messenger	\$29.06
Professional Fees (expert, investigator, accountant, etc.)	
Witness/Service Fees	
Travel: Air Transportation, Ground Travel, Meals, Lodging, etc.	
Miscellaneous	
<b>Total</b>	<b>\$20,291.88</b>

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**DECLARATION OF MICHAEL J. BONI  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

I, Michael J. Boni, declare as follows:

1. I am a partner with Boni, Zack & Snyder LLC. I submit this declaration in support of Plaintiffs' motion for an award of attorneys' fees and expenses in connection with the services rendered, and costs and expenses incurred, in *In re Blood Reagents Antitrust Litigation* (the "Action").

2. My firm is one of the Plaintiffs' Counsel in the Action.

3. My firm received correspondence from Class Counsel on February 1, 2010, requiring the submission of monthly time and expense reports, noting the quarterly time and expense submissions to the Court, and instructing firms to refrain from engaging in any work that was not directed and/or approved by Class Counsel. My firm has tried to comply with those instructions throughout the course of the Action.

4. The schedule attached as Exhibit A sets forth my firm's total hours and lodestar, computed at historical rates, for the period from December 23, 2009 through and including May 18, 2018. The total number of hours spent by my firm during this period of time was 430, with a corresponding lodestar of \$157,743.75. This schedule was prepared from contemporaneous,

daily time records prepared and maintained by my firm. In connection with representing the Plaintiffs in the Action my firm did the following: work with Class Counsel on client questionnaire and document retention issues, perform market research, undergo in-person, web-based and telephonic document review training and review case files in preparation for document review work, review and code documents, and prepare batch memoranda. The lodestar amount reflected in Exhibit A is for work assigned by Class Counsel, and was performed by attorneys and professional staff at or affiliated with my firm for the benefit of the Class. The hourly rates for the attorneys and professional staff in my firm reflected in Exhibit A are the usual and customary hourly rates historically charged by my firm in similar matters.

5. My firm has expended a total of \$25,050.80 in unreimbursed costs and expenses in connection with the prosecution of the Action from December 23, 2009 through and including May 18, 2018. These costs and expenses are set forth in the schedule attached as Exhibit B and are reflected on the books and records of my firm. They were incurred on behalf of Plaintiffs by my firm and have not been reimbursed.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 14th day of August, 2018, in Bala Cynwyd, Pennsylvania.

  
\_\_\_\_\_  
Michael J. Boni

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**EXHIBIT A TO THE DECLARATION OF MICHAEL J. BONI  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

**Reported Hours and Historical Lodestar  
December 23, 2009 through May 18, 2018**

<b>Name</b>	<b>Role</b>	<b>Year</b>	<b>Hours</b>	<b>Rate</b>	<b>Lodestar</b>
Boni, Michael	P	2010	4.25	\$675	\$2,868.75
Boni, Michael	P	2011	7.50	\$700	\$5,250.00
Boni, Michael	P	2013	.25	\$725	\$181.25
Boni, Michael	P	2015	.50	\$750	\$375.00
Fuchs, Julie	OC	2011	143.25	\$350	\$50,731.25
Noble, Joanne	OC	2011	264.50	\$350	\$92,575.00
Snyder, Joshua	P	2009	.25	\$450	\$112.50
Snyder, Joshua	P	2010	1.50	\$500	\$750.00
Snyder, Joshua	P	2011	4.00	\$525	\$2,100.00
Zack, Joanne	P	2011	4.00	\$700	\$2,800.00
<b>Total</b>			<b>430.00</b>		<b>\$157,743.75</b>

P Partner  
 OC Of Counsel  
 A Associate  
 LC Law Clerk  
 PL Paralegal  
 I Investigator  
 CA Contract Attorney

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**EXHIBIT B TO THE DECLARATION OF MICHAEL J. BONI  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

**Reported Expenses on Behalf of Plaintiffs  
December 23, 2009 through May 18, 2018**

<b>Category</b>	<b>Amount</b>
Litigation Fund	\$25,000.00
Commercial Copies	\$0.00
Internal Reproduction/Copies	\$50.80
Computer Research	\$0.00
Court Fees (filing, etc.)	\$0.00
Court Reporters/Transcripts	\$0.00
Telephone/Fax	\$0.00
Postage/Express Delivery/Messenger	\$0.00
Professional Fees (expert, investigator, accountant, etc.)	\$0.00
Witness/Service Fees	\$0.00
Travel: Air Transportation, Ground Travel, Meals, Lodging, etc.	\$0.00
Miscellaneous	\$0.00
<b>Total</b>	<b>\$25,050.80</b>



**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**DECLARATION OF JENNIFER W. SPRENGEL  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

I, Jennifer W. Sprengel, declare as follows:

1. I am the managing partner with Cafferty Clobes Meriwether & Sprengel LLP. I submit this declaration in support of Plaintiffs' motion for an award of attorneys' fees and expenses in connection with the services rendered, and costs and expenses incurred, in *In re Blood Reagents Antitrust Litigation* (the "Action").

2. My firm is one of the Plaintiffs' Counsel in the Action.

3. My firm received correspondence from Class Counsel on February 1, 2010, requiring the submission of monthly time and expense reports, noting the quarterly time and expense submissions to the Court, and instructing firms to refrain from engaging in any work that was not directed and/or approved by Class Counsel. My firm has tried to comply with those instructions throughout the course of the Action.

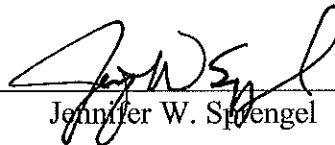
4. The schedule attached as Exhibit A sets forth my firm's total hours and lodestar, computed at historical rates, for the period from December 23, 2009 through and including May 18, 2018. The total number of hours spent by my firm during this period of time was 1,435.4, with a corresponding lodestar of \$508,014.00. This schedule was prepared from

contemporaneous, daily time records prepared and maintained by my firm. In connection with representing the Plaintiffs in the Action my firm primarily reviewed and analyzed documents as assigned by Class Counsel. The lodestar amount reflected in Exhibit A is for work assigned by Class Counsel, and was performed by attorneys and professional staff at or affiliated with my firm for the benefit of the Class. The hourly rates for the attorneys and professional staff in my firm reflected in Exhibit A are the usual and customary hourly rates historically charged by my firm in similar matters.

5. My firm has expended a total of \$20,000.44 in unreimbursed costs and expenses in connection with the prosecution of the Action from December 23, 2009 through and including May 18, 2018. These costs and expenses are set forth in the schedule attached as Exhibit B and are reflected on the books and records of my firm. They were incurred on behalf of Plaintiffs by my firm and have not been reimbursed.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 8<sup>th</sup> day of August, 2018, in Chicago, Illinois.

  
Jennifer W. Sprengel

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**EXHIBIT A TO THE DECLARATION OF JENNIFER E. SPRENGEL  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

**Reported Hours and Historical Lodestar  
December 23, 2009 through May 18, 2018**

<b>Name</b>	<b>Role</b>	<b>Year</b>	<b>Hours</b>	<b>Rate</b>	<b>Lodestar</b>
Clobes, Bryan	P	2010	2.2	\$625	\$1,375.00
Clobes, Bryan	P	2011	15.9	\$650	\$10,335.00
Clobes, Bryan	P	2012	0.6	\$665	\$399.00
Sprengel, Jennifer	P	2011	0.2	\$650	\$130.00
Morris, Andy	CA	2011	1416.5	\$350	\$495,775.00
<b>Total</b>			<b>1435.4</b>		<b>\$508,014.00</b>

P Partner  
OC Of Counsel  
A Associate  
LC Law Clerk  
PL Paralegal  
I Investigator  
CA Contract Attorney

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**EXHIBIT B TO THE DECLARATION OF JENNIFER W. SPRENGEL  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

**Reported Expenses on Behalf of Plaintiffs  
December 23, 2009 through May 18, 2018**

<b>Category</b>	<b>Amount</b>
Litigation Fund	\$20,000.00
Commercial Copies	\$0.00
Internal Reproduction/Copies	\$0.00
Computer Research	\$0.00
Court Fees (filing, etc.)	\$0.00
Court Reporters/Transcripts	\$0.00
Telephone/Fax	\$0.00
Postage/Express Delivery/Messenger	\$0.44
Professional Fees (expert, investigator, accountant, etc.)	\$0.00
Witness/Service Fees	\$0.00
Travel: Air Transportation, Ground Travel, Meals, Lodging, etc.	\$0.00
Miscellaneous	\$0.00
<b>Total</b>	<b>\$20,000.44</b>

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**DECLARATION OF JAMES J. ROSEMERGY  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

I, James J. Rosemergy, declare as follows:

1. I am a Partner with Carey, Danis & Lowe. I submit this declaration in support of Plaintiffs' motion for an award of attorneys' fees and expenses in connection with the services rendered, and costs and expenses incurred, in *In re Blood Reagents Antitrust Litigation* (the "Action").

2. My firm is one of the Plaintiffs' Counsel in the Action.

3. My firm received correspondence from Class Counsel on February 1, 2010, requiring the submission of monthly time and expense reports, noting the quarterly time and expense submissions to the Court, and instructing firms to refrain from engaging in any work that was not directed and/or approved by Class Counsel. My firm has tried to comply with those instructions throughout the course of the Action.

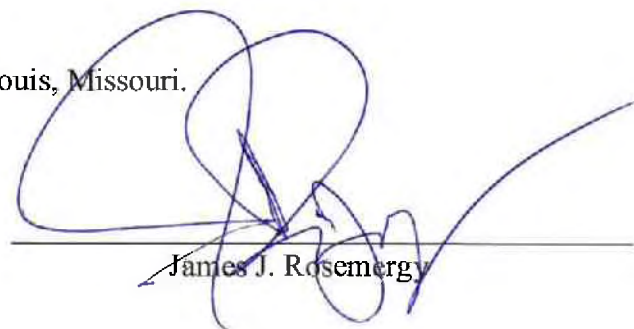
4. The schedule attached as Exhibit A sets forth my firm's total hours and lodestar, computed at historical rates, for the period from December 23, 2009 through and including May 18, 2018. The total number of hours spent by my firm during this period of time was 185.1, with a corresponding lodestar of \$83,852.50. This schedule was prepared from contemporaneous,

daily time records prepared and maintained by my firm. In connection with representing the Plaintiffs in the Action my firm did the following: worked with my clients to respond to written discovery requests, prepare and present a corporate designee for deposition, and otherwise assist Lead Counsel and my clients in complying with obligations and responsibilities related to this litigation. The lodestar amount reflected in Exhibit A is for work assigned by Class Counsel, and was performed by attorneys and professional staff at or affiliated with my firm for the benefit of the Class. The hourly rates for the attorneys and professional staff in my firm reflected in Exhibit A are the usual and customary hourly rates historically charged by my firm in similar matters.

5. My firm has expended a total of \$8,429.81 in unreimbursed costs and expenses in connection with the prosecution of the Action from December 23, 2009 through and including May 18, 2018. These costs and expenses are set forth in the schedule attached as Exhibit B and are reflected on the books and records of my firm. They were incurred on behalf of Plaintiffs by my firm and have not been reimbursed.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 16th day of August 2018, in St. Louis, Missouri.



James J. Rosemergy

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**EXHIBIT A TO THE DECLARATION OF JAMES J. ROSEMERGY  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

**Reported Hours and Historical Lodestar  
December 23, 2009 through May 18, 2018**

<b>Name</b>	<b>Role</b>	<b>Year</b>	<b>Hours</b>	<b>Rate</b>	<b>Lodestar</b>
Flannery, Michael J.	P	2009-10	4.3	\$500	\$2,150
Rosemergy, James J.	A	2010	20.5	\$325	\$6,662.50
Rosemergy, James J.	A	2011	126.2	\$425	\$53,635
Rosemergy, James J.	P	2012	15.2	\$600	\$9,120
Rosemergy, James J.	P	2012-18	18.9	\$650	\$12,285
<b>Total</b>			<b>185.1</b>		<b>\$83,852.50</b>

P Partner  
OC Of Counsel  
A Associate  
LC Law Clerk  
PL Paralegal  
I Investigator  
CA Contract Attorney

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**EXHIBIT B TO THE DECLARATION OF JAMES J. ROSEMERGY  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

**Reported Expenses on Behalf of Plaintiffs  
December 23, 2009 through May 18, 2018**

<b>Category</b>	<b>Amount</b>
Litigation Fund	\$5,000
Commercial Copies	\$0.00
Internal Reproduction/Copies	\$2,199.94
Computer Research	\$11.05
Court Fees (filing, etc.)	\$32.30
Court Reporters/Transcripts	\$0.00
Telephone/Fax	\$32.66
Postage/Express Delivery/Messenger	\$0.00
Professional Fees (expert, investigator, accountant, etc.)	\$0.00
Witness/Service Fees	\$0.00
Travel: Air Transportation, Ground Travel, Meals, Lodging, etc.	\$1,153.86
Miscellaneous	\$0.00
<b>Total</b>	<b>\$8,429.81</b>



**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**DECLARATION OF CHRISTIAN SANDE  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

I, Christian Sande, declare as follows:

1. I am a Principal with Christian Sande LLC. I submit this declaration in support of Plaintiffs' motion for an award of attorneys' fees and expenses in connection with the services rendered, and costs and expenses incurred, in *In re Blood Reagents Antitrust Litigation* (the "Action").

2. Prior to my appointment to the bench in June 2016, my firm was one of the Plaintiffs' Counsel in the Action. Pursuant to the Code of Judicial Conduct, I am no longer engaged in the practice of law, but all of the time and expense reflected in this Declaration and its exhibits took place prior to my becoming a District Court Judge.

3. My firm received correspondence from Class Counsel on February 1, 2010, requiring the submission of monthly time and expense reports, noting the quarterly time and expense submissions to the Court, and instructing firms to refrain from engaging in any work that was not directed and/or approved by Class Counsel. My firm has tried to comply with those instructions throughout the course of the Action.

4. The schedule attached as Exhibit A sets forth my firm's total hours and lodestar, computed at historical rates, for the period from December 23, 2009 through and including May 18, 2018. The total number of hours spent by my firm during this period of time was 99.75, with a corresponding lodestar of \$39,988.75. This schedule was prepared from contemporaneous, daily time records prepared and maintained by my firm. In connection with representing the Plaintiffs in the Action my firm did the following: interviewed and obtained information from my client and class representative Douglas County Hospital (Alexandria, Minnesota), participated in discovery involving my client/class representative, and kept my client/class representative informed of case developments. The lodestar amount reflected in Exhibit A is for work assigned by Class Counsel, and was performed by me. My hourly rate reflected in Exhibit A is the usual and customary hourly rates historically charged by my firm in similar matters.

5. My firm has expended a total of \$461.20 in unreimbursed costs and expenses in connection with the prosecution of the Action from December 23, 2009 through and including May 18, 2018. These costs and expenses are set forth in the schedule attached as Exhibit B and are reflected on the books and records of my firm. They were incurred on behalf of Plaintiffs by my firm and have not been reimbursed.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 13<sup>th</sup> day of August 2018, in Minnetonka, Minnesota.

  
Christian Sande

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**EXHIBIT A TO THE DECLARATION OF CHRISTIAN SANDE  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

**Reported Hours and Historical Lodestar  
December 23, 2009 through May 18, 2018**

<b>Name</b>	<b>Role</b>	<b>Year</b>	<b>Hours</b>	<b>Rate</b>	<b>Lodestar</b>
Sande, Christian	P	2010	11.5	\$375	\$4,312.50
Sande, Christian	P	2011	38	\$375	\$14,250.00
Sande, Christian	P	2012	49.25	\$425	\$20,931.25
Sande, Christian	P	2014	1	\$495	\$495.00
<b>Total</b>			<b>99.75</b>		<b>\$39,988.75</b>

P Partner  
OC Of Counsel  
A Associate  
LC Law Clerk  
PL Paralegal  
I Investigator  
CA Contract Attorney

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**EXHIBIT B TO THE DECLARATION OF CHRISTIAN SANDE  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

**Reported Expenses on Behalf of Plaintiffs  
December 23, 2009 through May 18, 2018**

<b>Category</b>	<b>Amount</b>
Litigation Fund	\$0.00
Commercial Copies	\$0.00
Internal Reproduction/Copies	\$251.55
Computer Research	\$0.00
Court Fees (filing, etc.)	\$0.00
Court Reporters/Transcripts	\$0.00
Telephone/Fax	\$0.00
Postage/Express Delivery/Messenger	\$73.99
Professional Fees (expert, investigator, accountant, etc.)	\$0.00
Witness/Service Fees	\$0.00
Travel: Air Transportation, Ground Travel, Meals, Lodging, etc.	\$135.66
Miscellaneous	\$0.00
<b>Total</b>	<b>\$461.20</b>

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**DECLARATION OF DAVID L. CLEARY  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

I, David L. Cleary, declare as follows:

1. I am a partner with Cleary Shahi & Aicher, P.C. I submit this declaration in support of Plaintiffs' motion for an award of attorneys' fees and expenses in connection with the services rendered, and costs and expenses incurred, in *In re Blood Reagents Antitrust Litigation* (the "Action").

2. My firm is one of the Plaintiffs' Counsel in the Action.

3. My firm received correspondence from Class Counsel on February 1, 2010, requiring the submission of monthly time and expense reports, noting the quarterly time and expense submissions to the Court and instructing firms to refrain from engaging in any work that was not directed and/or approved by Class Counsel. My firm has tried to comply with those instructions throughout the course of the Action.

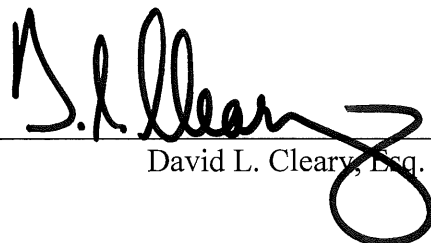
4. The schedule attached as Exhibit A sets forth my firm's total hours and lodestar, computed at historical rates, for the period from December 23, 2009 through and including May 18, 2018. The total number of hours spent by my firm during this period of time was , with a corresponding lodestar of \$10,095.50. This schedule was prepared from contemporaneous, daily

time records prepared and maintained by my firm. In connection with representing the Plaintiffs in the Action my firm did the following: Worked with Class Counsel and client's employees to provide responses to defendants' discovery requests; attended meetings with client's employees/representatives to formulate discovery responses; met with and prepared client's former purchasing agent (Nancy Matthews) for defendant's deposition of Ms. Matthews; contact with client to update on Class Action litigation progress and court decisions during the litigation. The lodestar amount reflected in Exhibit A is for work assigned by Class Counsel, and was performed by attorneys and professional staff at or affiliated with my firm for the benefit of the Class. The hourly rates for the attorneys and professional staff in my firm reflected in Exhibit A are the usual and customary hourly rates historically charged by my firm in similar matters.

5. My firm has expended a total of \$2,875.80 in unreimbursed costs and expenses in connection with the prosecution of the Action from December 23, 2009 through and including May 18, 2018. These costs and expenses are set forth in the schedule attached as Exhibit B and are reflected on the books and records of my firm. They were incurred on behalf of Plaintiffs by my firm and have not been reimbursed.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 9<sup>th</sup> day of August, 2018, in Rutland, Vermont.

  
\_\_\_\_\_  
David L. Cleary, Esq.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**EXHIBIT A TO THE DECLARATION OF DAVID L. CLEARY  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

**Reported Hours and Historical Lodestar  
December 23, 2009 through May 18, 2018**

<b>Name</b>	<b>Role</b>	<b>Year</b>	<b>Hours</b>	<b>Rate</b>	<b>Lodestar</b>
Cleary, David L.	P	2010	4.6	\$225	\$1,035
Cleary, David L.	P	2011	17.6	\$225	\$3,960
Cleary, David L.	P	2012	1.9	\$250	\$475
Cleary, David L.	P	2015	4.4	\$300	\$1,320
Cleary, David L.	P	2016	9.3	\$310	\$2,883
Cleary, David L.	P	2018	1.3	\$325	\$422.50
<b>Total</b>			<b>39.1</b>		<b>\$10,095.50</b>

P Partner  
 OC Of Counsel  
 A Associate  
 LC Law Clerk  
 PL Paralegal  
 I Investigator  
 CA Contract Attorney

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**EXHIBIT B TO THE DECLARATION OF DAVID L. CLEARY  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

**Reported Expenses on Behalf of Plaintiffs  
December 23, 2009 through May 18, 2018**

<b>Category</b>	<b>Amount</b>
Litigation Fund	\$0.00
Commercial Copies	\$0.00
Internal Reproduction/Copies	\$0.00
Computer Research	\$0.00
Court Fees (filing, etc.)	\$0.00
Court Reporters/Transcripts	\$0.00
Telephone/Fax	\$0.00
Postage/Express Delivery/Messenger	\$24.10
Professional Fees (expert, investigator, accountant, etc.)	\$0.00
Witness/Service Fees	\$2,788.00
Travel: Air Transportation, Ground Travel, Meals, Lodging, etc.	\$63.70
Miscellaneous	\$0.00
<b>Total</b>	<b>\$2,875.80</b>



**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E.DUBOIS**

**DECLARATION OF SHARON K. ROBERTSON  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

I, Sharon K. Robertson, declare as follows:

1. I am a Partner with Cohen Milstein Sellers & Toll, PLLC ("Cohen Milstein"). I submit this declaration in support of Plaintiffs' motion for an award of attorneys' fees and expenses in connection with the services rendered, and costs and expenses incurred, in *In re Blood Reagents Antitrust Litigation* (the "Action").

2. My firm is one of the Plaintiffs' Counsel in the Action.

3. My firm received correspondence from Class Counsel on February 1, 2010, requiring the submission of monthly time and expense reports, noting the quarterly time and expense submissions to the Court, and instructing firms to refrain from engaging in any work that was not directed and/or approved by Class Counsel. My firm has tried to comply with those instructions throughout the course of the Action.

4. The schedule attached as Exhibit A sets forth my firm's total hours and lodestar, computed at historical rates, for the period from December 23, 2009 through and including May 18, 2018. The total number of hours spent by my firm during this period of time was 1,109.25 hours, with a corresponding lodestar of \$525,060.00. This schedule was prepared from

contemporaneous, daily time records prepared and maintained by my firm. In connection with representing the Plaintiffs in the Action my firm did the following:

- Cohen Milstein attorneys Doug Richards and Emmy Levens assisted in preserving, collecting, and producing documents from and in drafting interrogatory responses for class representative Mary Hitchcock Memorial Hospital. Doug Richards also kept Mary Hitchcock Memorial Hospital abreast of case developments.
- Cohen Milstein's Richard Wolfram served as a dedicated reviewer of the defendants' document productions at the request of lead counsel.
- Cohen Milstein was part of the team of attorneys that was preparing to try the Action before a jury. In connection with this role, Cohen Milstein: took the lead in preparing several class representatives to give live trial testimony and prepared direct examinations of those class representatives; began preparations to have Cohen Milstein partner Sharon Robertson cross-examine at trial several defense witnesses; drafted motions in limine seeking to exclude evidence and argument concerning whether parallel price increases were sufficient to trigger inquiry notice and regarding the 2005 and 2008 price increases and GPO contract cancellations; reviewed and edited several additional motions in limine; assisted with drafting and editing several other pretrial submissions, including proposed jury instructions; assisted with designating and counter-designating deposition testimony for trial and selecting potential trial exhibits; participated in mock jury exercises; participated in trial strategy meetings and conference calls; and reviewed potential defense exhibits for objections.

The lodestar amount reflected in Exhibit A is for work assigned by Class Counsel, and was performed by attorneys and professional staff at or affiliated with my firm for the benefit of the Class. The hourly rates for the attorneys and professional staff in my firm reflected in Exhibit A are the usual and customary hourly rates historically charged by my firm in similar matters.

5. My firm has expended a total of \$53,618.92 in unreimbursed costs and expenses in connection with the prosecution of the Action from December 23, 2009 through and including May 18, 2018. These costs and expenses are set forth in the schedule attached as Exhibit B and are reflected on the books and records of my firm. They were incurred on behalf of Plaintiffs by my firm and have not been reimbursed.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 13th day of August, 2018, in New York, New York.

/s/ Sharon K. Robertson

Sharon K. Robertson

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**EXHIBIT A TO THE DECLARATION OF SHARON K. ROBERTSON  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

**Reported Hours and Historical Lodestar  
December 23, 2009 through May 18, 2018**

<b>Name</b>	<b>Role</b>	<b>Year</b>	<b>Hours</b>	<b>Rate</b>	<b>Lodestar</b>
Abetti, Jonathan	PL	2016	1.00	\$280	\$280.00
Abetti, Jonathan	PL	2017	1.00	\$290	\$290.00
Abetti, Jonathan	PL	2018	106.50	\$300	\$31,950.00
Braun, Robert A.	A	2018	92.50	\$530	\$49,025.00
Brown, Benjamin, D.	P	2010	0.25	\$530	\$132.50
Clayton, Jay	PL	2018	7.25	\$290	\$2,102.50
Cormier, Christopher, J.	P	2015	0.75	\$625	\$468.75
Dominguez, Manuel	P	2018	0.25	\$780	\$195.00
Gassman, Seth	A	2010	2.00	\$435	\$870.00
Kitzman, Tracey	OC	2016	5.75	\$690	\$3,967.50
Koffman, Richard, A.	P	2010	0.50	\$615	\$307.50
Koffman, Richard, A	P	2015	1.50	\$745	\$1,117.50
Levens, Emmy	A	2011	20.50	\$350	\$7,175.00
Levens, Emmy	A	2012	1.75	\$395	\$691.25
Richards, John, D.	P	2010	33.25	\$725	\$24,106.25
Richards, John, D.	P	2011	41.25	\$750	\$30,937.50
Richards, John, D.	P	2012	12.00	\$775	\$9,300.00
Richards, John, D.	P	2015	9.50	\$855	\$8,122.50
Richards, John, D.	P	2016	3.50	\$885	\$3,097.50
Robertson, Sharon	P	2015	0.50	\$540	\$270.00

<b>Name</b>	<b>Role</b>	<b>Year</b>	<b>Hours</b>	<b>Rate</b>	<b>Lodestar</b>
Robertson, Sharon	P	2016	7.50	\$575	\$4,312.50
Robertson, Sharon	P	2017	19.50	\$615	\$11,992.50
Robertson, Sharon	P	2018	252.75	\$645	\$163,023.75
Small, Daniel	P	2011	1.50	\$700	\$1,050.00
Wolfram, Richard	CA	2011	486.50	\$350	\$170,275.00
<b>Total</b>			<b>1,109.25</b>		<b>\$525,060.00</b>

P Partner  
 OC Of Counsel  
 A Associate  
 LC Law Clerk  
 PL Paralegal  
 I Investigator  
 CA Contract Attorney

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**EXHIBIT B TO THE DECLARATION OF SHARON K. ROBERTSON  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

**Reported Expenses on Behalf of Plaintiffs  
December 23, 2009 through May 18, 2018**

<b>Category</b>	<b>Amount</b>
Litigation Fund	\$45,000.00
Commercial Copies	\$0.00
Internal Reproduction/Copies	\$1.90
Computer Research	\$1,252.40
Court Fees (filing, etc.)	\$0.00
Court Reporters/Transcripts	\$0.00
Telephone/Fax	\$31.62
Postage/Express Delivery/Messenger	\$431.58
Professional Fees (expert, investigator, accountant, etc.)	\$0.00
Witness/Service Fees	\$0.00
Travel: Air Transportation, Ground Travel, Meals, Lodging, etc.	\$6,172.63
Miscellaneous	\$728.79
<b>Total</b>	<b>\$53,618.92</b>

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**DECLARATION OF MICHAEL COREN  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

I, Michael Coren, declare as follows:

1. I am a Member with Cohen, Placitella & Roth, P.C. I submit this declaration in support of Plaintiffs' motion for an award of attorneys' fees and expenses in connection with the services rendered, and costs and expenses incurred, in *In re Blood Reagents Antitrust Litigation* (the "Action").

2. My firm is one of the Plaintiffs' Counsel in the Action.

3. My firm received correspondence from Class Counsel on February 1, 2010, requiring the submission of monthly time and expense reports, noting the quarterly time and expense submissions to the Court, and instructing firms to refrain from engaging in any work that was not directed and/or approved by Class Counsel. My firm has tried to comply with those instructions throughout the course of the Action.

4. The schedule attached as Exhibit A sets forth my firm's total hours and lodestar, computed at historical rates, for the period from December 23, 2009 through and including May 18, 2018. The total number of hours spent by my firm during this period of time was 49.8 hours, with a corresponding lodestar of \$30,370.00 This schedule was prepared from contemporaneous,

daily time records prepared and maintained by my firm. In connection with representing the Plaintiffs in the Action my firm did the following: obtain, review and analyze client data, review and analyze consolidated amended complaint and obtain client approval for filing, review information regarding ESI preservation and productions and communicate with client to ensure compliance, participate in discovery by obtaining and reviewing documents from clients and preparing and producing client's representative for deposition, draft new disclosure statements for Rule 23f opposition, communicate with client regarding testifying at trial, communicate with client regarding proposed settlements and obtain consent to settle. The lodestar amount reflected in Exhibit A is for work assigned by Class Counsel, and was performed by attorneys and professional staff at or affiliated with my firm for the benefit of the Class. The hourly rates for the attorneys and professional staff in my firm reflected in Exhibit A are the usual and customary hourly rates historically charged by my firm in similar matters.

5. My firm has expended a total of \$20,792.28 in unreimbursed costs and expenses in connection with the prosecution of the Action from December 23, 2009 through and including May 18, 2018. These costs and expenses are set forth in the schedule attached as Exhibit B and are reflected on the books and records of my firm. They were incurred on behalf of Plaintiffs by my firm and have not been reimbursed.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 8th day of August, 2018, in Philadelphia, PA.

/s/ Michael Coren  
MICHAEL COREN



**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**EXHIBIT A TO THE DECLARATION OF MICHAEL COREN  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

**Reported Hours and Historical Lodestar  
December 23, 2009 through May 18, 2018**

<b>Name</b>	<b>Role</b>	<b>Year</b>	<b>Hours</b>	<b>Rate</b>	<b>Lodestar</b>
Amesbury, Elizabeth	A	2017-2018	7.2	\$375	\$2,700
Cohen, Stewart	P	2010	.7	\$500	\$350
Coren, Michael	P	2010-2012	6.6	\$600	\$3,960
Coren, Michael	P	2015-2016	6.3	\$825	\$5,197.50
Coren, Michael	P	2017-2018	3.6	\$850	\$3,060
Guber, Stuart	P	2010-2012	14.4	\$600	\$8,640
Marvin, William	P	2010	10.5	\$600	\$6,300
Smith, Jillian	A	2010	.5	\$325	\$162.50
<b>Total</b>			<b>49.8</b>		<b>\$30,370</b>

P Partner  
OC Of Counsel  
A Associate  
LC Law Clerk  
PL Paralegal  
I Investigator  
CA Contract Attorney

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**EXHIBIT B TO THE DECLARATION OF MICHAEL COREN  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

**Reported Expenses on Behalf of Plaintiffs  
December 23, 2009 through May 18, 2018**

<b>Category</b>	<b>Amount</b>
Litigation Fund	\$20,000.00
Commercial Copies	\$717.89
Internal Reproduction/Copies	\$0.00
Computer Research	\$0.00
Court Fees (filing, etc.)	\$0.00
Court Reporters/Transcripts	\$0.00
Telephone/Fax	\$0.00
Postage/Express Delivery/Messenger	\$20.39
Professional Fees (expert, investigator, accountant, etc.)	\$0.00
Witness/Service Fees	\$0.00
Travel: Air Transportation, Ground Travel, Meals, Lodging, etc.	\$54.00
Miscellaneous	\$0.00
<b>Total</b>	<b>\$20,792.28</b>

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**DECLARATION OF KEVIN B. LOVE  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

I, Kevin B. Love, declare as follows:

1. I am a Partner with Criden & Love, P.A. I submit this declaration in support of Plaintiffs' motion for an award of attorneys' fees and expenses in connection with the services rendered, and costs and expenses incurred, in *In re Blood Reagents Antitrust Litigation* (the "Action").

2. My firm is one of the Plaintiffs' Counsel in the Action.

3. My firm received correspondence from Class Counsel on February 1, 2010, requiring the submission of monthly time and expense reports, noting the quarterly time and expense submissions to the Court, and instructing firms to refrain from engaging in any work that was not directed and/or approved by Class Counsel. My firm has tried to comply with those instructions throughout the course of the Action.

4. The schedule attached as Exhibit A sets forth my firm's total hours and lodestar, computed at historical rates, for the period from December 23, 2009 through and including May 18, 2018. The total number of hours spent by my firm during this period of time was 341.00, with a corresponding lodestar of \$150,462.50. This schedule was prepared from

contemporaneous, daily time records prepared and maintained by my firm. In connection with representing the Plaintiffs in the Action my firm did the following: Represented Plaintiff Larkin Community Hospital; Prepared Larkin's questionnaire responses; Assisted in Larkin's Initial Disclosures; Reviewed and produced Larkin's documents and other information; Responded to Interrogatories; Reviewed and Coded Defendants' documents; Conveyed settlement terms to Larkin; Defended two Larkin depositions; Prepared Larkin principal for Trial; and Kept Larkin updated about the case. The lodestar amount reflected in Exhibit A is for work assigned by Class Counsel, and was performed by attorneys and professional staff at or affiliated with my firm for the benefit of the Class. The hourly rates for the attorneys and professional staff in my firm reflected in Exhibit A are the usual and customary hourly rates historically charged by my firm in similar matters.

5. My firm has expended a total of \$6,083.36 in unreimbursed costs and expenses in connection with the prosecution of the Action from December 23, 2009 through and including May 18, 2018. These costs and expenses are set forth in the schedule attached as Exhibit B and are reflected on the books and records of my firm. They were incurred on behalf of Plaintiffs by my firm and have not been reimbursed.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 14th day of August, 2018, in Miami, Florida

  
KEVIN B. LOVE

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**EXHIBIT A TO THE DECLARATION OF KEVIN B. LOVE  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

**Reported Hours and Historical Lodestar  
December 23, 2009 through May 18, 2018**

Name	Role	Year	Hours	Rate	Lodestar
Andrew, Jason	A	2010	6.50	\$275	\$1,787.50
		2011	174.75	\$300	\$52,425.00
		2012	16.00	\$350	\$5,600.00
Criden, Michael	P	2010	5.75	\$600	\$3,450.00
		2011	1.00	\$625	\$625.00
		2012	1.25	\$625	\$781.25
		2016	.25	\$700	\$175.00
Grossman, Lindsey	A	2018	5.75	\$375	\$2,156.25
Love, Kevin	P	2010	15.00	\$600	\$9,000.00
		2011	41.75	\$625	\$26,093.75
		2012	41.00	\$625	\$25,625.00
		2013	.50	\$650	\$325.00
		2014	.50	\$675	\$337.50
		2015	3.00	\$700	\$2,100.00
		2016	10.75	\$700	\$7,525.00
		2017	1.50	\$700	\$1,050.00
		2018	15.75	\$725	\$11,418.75
Total			341.00		\$150,462.50

P Partner  
A Associate

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**EXHIBIT B TO THE DECLARATION OF KEVIN B. LOVE  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

**Reported Expenses on Behalf of Plaintiffs  
December 23, 2009 through May 18, 2018**

<b>Category</b>	<b>Amount</b>
Litigation Fund	\$5,000.00
Commercial Copies	\$0.00
Internal Reproduction/Copies	\$793.75
Computer Research	\$36.64
Court Fees (filing, etc.)	\$0.00
Court Reporters/Transcripts	\$0.00
Telephone/Fax	\$74.67
Postage/Express Delivery/Messenger	\$28.00
Professional Fees (expert, investigator, accountant, etc.)	\$0.00
Witness/Service Fees	\$0.00
Travel: Air Transportation, Ground Travel, Meals, Lodging, etc.	\$0.00
Miscellaneous	\$150.30
<b>Total</b>	<b>\$6,083.36</b>

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**DECLARATION OF DANIEL COHEN IN SUPPORT OF PLAINTIFFS' MOTION FOR  
AN AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

I, Daniel Cohen declare as follows:

1. I am a partner with Cuneo Gilbert & LaDuca, LLP. I submit this declaration in support of Plaintiffs' motion for an award of attorneys' fees and expenses in connection with the services rendered, and costs and expenses incurred, in *In re Blood Reagents Antitrust Litigation* (the "Action").

2. My firm is one of the Plaintiffs' Counsels in the Action.

3. My firm received correspondence from Class Counsel on February 1, 2010, requiring the submission of monthly time and expense reports, noting the quarterly time and expense submissions to the Court, and instructing firms to refrain from engaging in any work that was not directed and/or approved by Class Counsel. My firm has tried to comply with those instructions throughout the course of the Action.

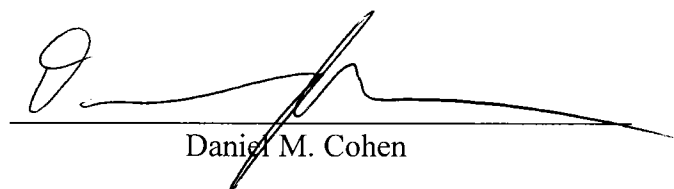
4. The schedule attached as Exhibit A sets forth my firm's total hours and lodestar, computed at historical rates, for the period from December 23, 2009 through and including May 18, 2018. The total number of hours spent by my firm during this period of time was 659.25, with a corresponding lodestar of \$237,876.25. This schedule was prepared from contemporaneous, daily time records prepared and maintained by my firm. In connection with

representing the Plaintiffs in the Action my firm did the following: document review and research as directed by lead counsel. The lodestar amount reflected in Exhibit A is for work assigned by Class Counsel, and was performed by attorneys and professional staff at my firm for the benefit of the Class. The hourly rates for the attorneys and professional staff in my firm reflected in Exhibit A are the usual and customary hourly rates historically charged by my firm in similar matters.

5. My firm has expended a total of \$25,322.80 in unreimbursed costs and expenses in connection with the prosecution of the Action from inception through and including May 18, 2018. These costs and expenses are set forth in the schedule attached as Exhibit B and are reflected on the books and records of my firm. They were incurred on behalf of Plaintiffs by my firm and have not been reimbursed.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 21 day of August, 2018, in Washington, DC.



Daniel M. Cohen



**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**EXHIBIT A TO THE DECLARATION OF DANIEL COHEN  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

**Reported Hours and Historical Lodestar**

December 23, 2009 through May 18, 2018

<b>Name</b>	<b>Role</b>	<b>Year</b>	<b>Hours</b>	<b>Rate</b>	<b>Lodestar</b>
Cohen, Daniel	P	2010-11	7.50	\$575	\$4,312.50
		2012	1.00	\$595	\$595.00
			406.00	\$350	\$142,100.00
Cuneo, Jonathan	P	2011	1.25	\$800	\$1,000.00
Davidow, Joel	P	2011- 2012	12.25	\$750	\$9,187.50
Miller, Monica	P	2011	0.25	\$650	\$162.50
Reiner, Annie	LC	2011	1.75	\$200	\$350.00
Romanenko, Victoria	A	2011	0.25	\$375	\$93.75
Stutman, Gabe	LC	2011	0.50	\$200	\$100.00
Yakubu, Beatrice	A	2011	228.50	\$350	\$79,975.00
<b>Total</b>			659.25		\$237,876.25

P Partner  
 OC Of Counsel  
 A Associate  
 LC Law Clerk  
 PL Paralegal  
 I Investigator  
 CA Contract Attorney

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**EXHIBIT B TO THE DECLARATION OF DANIEL COHEN IN SUPPORT OF  
PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

**Reported Expenses on Behalf of Plaintiffs  
December 23, 2009 through May 18, 2018**

<b>Category</b>	<b>Amount</b>
Litigation Fund	\$25,000.00
Commercial Copies	\$0.00
Internal Reproduction/Copies	\$0.00
Computer Research	\$15.68
Court Fees (filing, etc.)	\$0.00
Court Reporters/Transcripts	\$0.00
Telephone/Fax	\$0.00
Postage/Express Delivery/Messenger	\$10.91
Professional Fees (expert, investigator, accountant, etc.)	\$0.00
Witness/Service Fees	\$0.00
Travel: Air Transportation, Ground Travel, Meals, Lodging, etc.	\$296.21
Miscellaneous	\$0.00
<b>Total</b>	<b>\$25,322.80</b>

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**DECLARATION OF THE DAMPIER, LAW FIRM, P.C.  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

I, M. Stephen Dampier, declare as follows:

1. I am a Shareholder of The Dampier Law Firm, P.C. I submit this declaration in support of Plaintiffs' motion for an award of attorneys' fees and expenses in connection with the services rendered, and costs and expenses incurred, in *In re Blood Reagents Antitrust Litigation* (the "Action").

2. My firm is one of the Plaintiffs' Counsel in the Action.

3. My firm received correspondence from Class Counsel on February 1, 2010, requiring the submission of monthly time and expense reports, noting the quarterly time and expense submissions to the Court, and instructing firms to refrain from engaging in any work that was not directed and/or approved by Class Counsel. My firm has tried to comply with those instructions throughout the course of the Action.

4. The schedule attached as Exhibit A sets forth my firm's total hours and lodestar, computed at historical rates, for the period from December 23, 2009 through and including May 18, 2018. The total number of hours spent by my firm during this period of time was 1197.93, with a corresponding lodestar of \$491,494.95. This schedule was prepared from

contemporaneous, daily time records prepared and maintained by my firm. In connection with representing the Plaintiffs in the Action my firm did the following:

Worked with two class representatives, Crenshaw Community Hospital and Bullock County Hospital over years of litigation; kept the class representatives updated and informed on the status of the litigation over the years; communicated with clients regarding same, as well as regarding numerous issues in connection with the class representatives direct role in this litigation; reviewed motions and orders of court in connection with same; met with executives, lab managers, and other hospital personnel numerous times concerning many issues over the years; communicated and worked with the hospital personnel regarding litigation holds, confidentiality issues, protective orders, document retention policies, ESI, initial disclosures, the complaints, discovery and discovery responses, deposition, class certification, orders of the court, etc.; oversaw the identification, collection and gathering of discovery from each hospital class representative and the many issues regarding same; worked on responses to defendants' interrogatories and requests for production with hospital class representatives; coordinated, communicated, and worked with lead counsel and class counsel regarding numerous issues over the years; reviewed discovery produced from the hospitals; conducted significant document review and analysis of antitrust discovery produced by the defendants; researched and drafted memos in connection with antitrust discovery; coordinated with lead counsel and class counsel regarding same; identified appropriate class representative Rule 30b6 deponent and prepared the corporate deponent for deposition; defended the Rule 30(b)(6) deponent/class representative at deposition; and

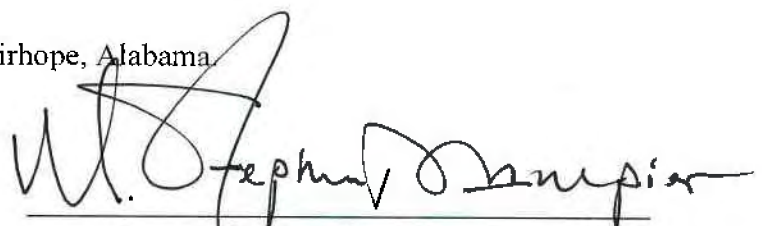
reviewed numerous motions, briefs and orders of the court to keep up with the litigation for which no time was charged.

5. The lodestar amount reflected in Exhibit A is for work assigned by Class Counsel, and was performed by attorneys and professional staff at or affiliated with my firm for the benefit of the Class. The hourly rates for the attorneys and professional staff in my firm reflected in Exhibit A are the usual and customary hourly rates historically charged by my firm in similar matters.

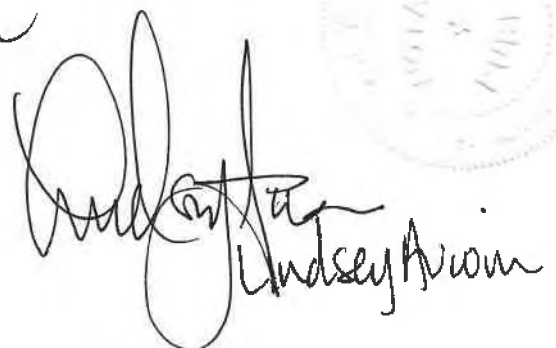
6. My firm has expended a total of \$42,319.36 in unreimbursed costs and expenses in connection with the prosecution of the Action from December 23, 2009 through and including May 18, 2018. These costs and expenses are set forth in the schedule attached as Exhibit B and are reflected on the books and records of my firm. They were incurred on behalf of Plaintiffs by my firm and have not been reimbursed.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 15<sup>TH</sup> day of August, 2018, in Fairhope, Alabama.

  
M. Stephen Dampier

  
MY COMMISSION EXPIRES JANUARY 11, 2020

  
Lindsey Brown

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**EXHIBIT A TO THE DECLARATION OF THE DAMPIER LAW FIRM P.C.  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

**Reported Hours and Historical Lodestar  
December 23, 2009 through May 18, 2018**

<b>Name</b>	<b>Role</b>	<b>Year</b>	<b>Hours</b>	<b>Rate</b>	<b>Lodestar</b>
Dampier, M. Stephen	P	2009	330.33	\$565	186,636.45
Dampier, M. Stephen	P	2016	5.10	\$585	\$2,983.50
Huxen, Raymond	CA	2011	862.50	\$350	\$301,875

<b>Total</b>			<b>1197.93</b>		<b>\$491,494.95</b>
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P Partner  
 OC Of Counsel  
 A Associate  
 LC Law Clerk  
 PL Paralegal  
 I Investigator  
 CA Contract Attorney

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**EXHIBIT B TO THE DECLARATION OF THE DAMPIER LAW FIRM, P.C.  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

**Reported Expenses on Behalf of Plaintiffs  
December 23, 2009 through May 18, 2018**

<b>Category</b>	<b>Amount</b>
Litigation Fund	\$35,000.00
Commercial Copies	\$305.33
Internal Reproduction/Copies	\$0.00
Computer Research	\$0.00
Court Fees (filing, etc.)	\$0.00
Court Reporters/Transcripts	\$0.00
Telephone/Fax	\$610.29
Postage/Express Delivery/Messenger	\$823.70
Professional Fees (expert, investigator, accountant, etc.)	\$0.00
Witness/Service Fees	\$0.00
Travel: Air Transportation, Ground Travel, Meals, Lodging, etc.	\$4,655.25
Miscellaneous	\$924.79
<b>Total</b>	<b>\$42,319.36</b>

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**DECLARATION OF MARC H. EDELSON, ESQ.  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

I, Marc H. Edelson, declare as follows:

1. I am a Partner with Edelson & Associates, LLC. I submit this declaration in support of Plaintiffs' motion for an award of attorneys' fees and expenses in connection with the services rendered, and costs and expenses incurred, in *In re Blood Reagents Antitrust Litigation* (the "Action").

2. My firm is one of the Plaintiffs' Counsel in the Action.

3. My firm received correspondence from Class Counsel on February 1, 2010, requiring the submission of monthly time and expense reports, noting the quarterly time and expense submissions to the Court, and instructing firms to refrain from engaging in any work that was not directed and/or approved by Class Counsel. My firm has tried to comply with those instructions throughout the course of the Action.

4. The schedule attached as Exhibit A sets forth my firm's total hours and lodestar, computed at historical rates, for the period from December 23, 2009 through and including May 18, 2018. The total number of hours spent by my firm during this period of time was 1,116.1 with a corresponding lodestar of \$392,695.00. This schedule was prepared from



contemporaneous, daily time records prepared and maintained by my firm. In connection with representing the Plaintiffs in the Action my firm did the following: Document Review. The lodestar amount reflected in Exhibit A is for work assigned by Class Counsel, and was performed by attorneys and professional staff at or affiliated with my firm for the benefit of the Class. The hourly rates for the attorneys and professional staff in my firm reflected in Exhibit A are the usual and customary hourly rates historically charged by my firm in similar matters.

5. My firm has expended a total of \$30,000.00 in unreimbursed costs and expenses in connection with the prosecution of the Action from December 23, 2009 through and including May 18, 2018. These costs and expenses are set forth in the schedule attached as Exhibit B and are reflected on the books and records of my firm. They were incurred on behalf of Plaintiffs by my firm and have not been reimbursed.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 8th day of August, 2018, in Newtown, Pennsylvania

A handwritten signature in black ink, appearing to read 'M. Edelson', is written over a horizontal line.

Marc H. Edelson

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**EXHIBIT A TO THE DECLARATION OF MARC H. EDELSON, ESQ.  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

**Reported Hours and Historical Lodestar  
December 23, 2009 through May 18, 2018**

<b>Name</b>	<b>Role</b>	<b>Year</b>	<b>Hours</b>	<b>Rate</b>	<b>Lodestar</b>
Edelson, Marc	P	2010	6.4	\$625	\$4,000.00
Edelson, Marc	P	2011	1.0	\$650	\$650.00
Klein, Joseph	A	2011	1,078.2	\$350	\$377,370.00
Klein, Joseph	A	2012	30.5	\$350	\$10,675.00
<b>Total</b>			<b>1116.1</b>		<b>\$392,695.00</b>

P Partner  
 OC Of Counsel  
 A Associate  
 LC Law Clerk  
 PL Paralegal  
 I Investigator  
 CA Contract Attorney

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**EXHIBIT B TO THE DECLARATION OF MARC H. EDELSON, ESQ.  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

**Reported Expenses on Behalf of Plaintiffs  
December 23, 2009 through May 18, 2018**

<b>Category</b>	<b>Amount</b>
Litigation Fund	\$30,000.00
Commercial Copies	\$0.00
Internal Reproduction/Copies	\$0.00
Computer Research	\$0.00
Court Fees (filing, etc.)	\$0.00
Court Reporters/Transcripts	\$0.00
Telephone/Fax	\$0.00
Postage/Express Delivery/Messenger	\$0.00
Professional Fees (expert, investigator, accountant, etc.)	\$0.00
Witness/Service Fees	\$0.00
Travel: Air Transportation, Ground Travel, Meals, Lodging, etc.	\$0.00
Miscellaneous	\$0.00
<b>Total</b>	<b>\$30,000.00</b>

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**DECLARATION OF PETER R. KOHN  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

I, Peter R. Kohn, declare as follows:

1. I am a Partner with Faruqi & Faruqi, LLP. I submit this declaration in support of Plaintiffs' motion for an award of attorneys' fees and expenses in connection with the services rendered, and costs and expenses incurred, in *In re Blood Reagents Antitrust Litigation* (the "Action").

2. My firm is one of the Plaintiffs' Counsel in the Action.

3. My firm received correspondence from Class Counsel on February 1, 2010, requiring the submission of monthly time and expense reports, noting the quarterly time and expense submissions to the Court, and instructing firms to refrain from engaging in any work that was not directed and/or approved by Class Counsel. My firm has tried to comply with those instructions throughout the course of the Action.

4. The schedule attached as Exhibit A sets forth my firm's total hours and lodestar, computed at historical rates, for the period from December 23, 2009 through and including May 18, 2018. The total number of hours spent by my firm during this period of time was 486.90, with a corresponding lodestar of \$261,699.50. This schedule was prepared from contemporaneous,

daily time records prepared and maintained by my firm. As part of counsel's work representing Plaintiffs on this matter, firm lawyers and personnel worked on the following tasks: drafting responses to document requests; analyzing client documents and records in connection with their relevance to and use in the litigation, including for use in drafting the amended complaint; working with the client to gather documents in response to discovery requests; reviewing the client's internal documents for responsiveness to discovery request and for privilege; compiling a privilege log for client documents; preparing the client for its 30(b)(6) deposition; defending the client at its 30(b)(6) deposition; and assisting in the drafting of the amended complaint. The lodestar amount reflected in Exhibit A is for work assigned by Class Counsel, and was performed by attorneys and professional staff at or affiliated with my firm for the benefit of the Class. The hourly rates for the attorneys and professional staff in my firm reflected in Exhibit A are the usual and customary hourly rates historically charged by my firm in similar matters.

5. My firm has expended a total of \$10,301.16 in unreimbursed costs and expenses in connection with the prosecution of the Action from December 23, 2009 through and including May 18, 2018. These costs and expenses are set forth in the schedule attached as Exhibit B and are reflected on the books and records of my firm. They were incurred on behalf of Plaintiffs by my firm and have not been reimbursed.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 8th day of August, 2018



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Peter R. Kohn

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**EXHIBIT A TO THE DECLARATION OF PETER R. KOHN  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

**Reported Hours and Historical Lodestar  
December 23, 2009 through May 18, 2018**

<b>Name</b>	<b>Role</b>	<b>Year</b>	<b>Hours</b>	<b>Rate</b>	<b>Lodestar</b>
Kendall Zylstra	P	1991	178.1	\$665.00 (2009-2011) \$685.00 (2012-2013)	\$ 119,642.50
Richard Schwartz	A	2004	283.7	\$475.00 (2009-2011) \$495.00 (2012-2013)	\$ 136,143.50
Stephen Connolly	A	2000	1.9	\$525.00 (2010) \$535.00 (2012)	\$ 1,008.50
Jessica Jenks	PL	n/a	23.2	\$210.00 (2011) \$225.00 (2012)	\$ 4,905.00
<b>Total</b>			<b>486.9</b>		<b>\$261,699.50</b>

P Partner  
OC Of Counsel  
A Associate  
LC Law Clerk  
PL Paralegal  
I Investigator  
CA Contract Attorney

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**EXHIBIT B TO THE DECLARATION OF PETER R. KOHN  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

**Reported Expenses on Behalf of Plaintiffs  
December 23, 2009 through May 18, 2018**

<b>Category</b>	<b>Amount</b>
Litigation Fund	\$10,000.00
Commercial Copies	\$0.00
Internal Reproduction/Copies	\$0.00
Computer Research	\$0.00
Court Fees (filing, etc.)	\$0.00
Court Reporters/Transcripts	\$0.00
Telephone/Fax	\$0.00
Postage/Express Delivery/Messenger	\$0.00
Professional Fees (expert, investigator, accountant, etc.)	\$185.07
Witness/Service Fees	\$0.00
Travel: Air Transportation, Ground Travel, Meals, Lodging, etc.	\$116.09
Miscellaneous	\$0.00
<b>Total</b>	<b>\$10,301.16</b>

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**DECLARATION OF ROBERTA D. LIEBENBERG  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

I, Roberta D. Liebenberg, declare as follows:

1. I am a Partner with Fine, Kaplan and Black, RPC. I submit this declaration in support of Plaintiffs' motion for an award of attorneys' fees and expenses in connection with the services rendered, and costs and expenses incurred, in *In re Blood Reagents Antitrust Litigation* (the "Action").

2. My firm is one of the Plaintiffs' Counsel in the Action.

3. My firm received correspondence from Class Counsel on February 1, 2010, requiring the submission of monthly time and expense reports, noting the quarterly time and expense submissions to the Court, and instructing firms to refrain from engaging in any work that was not directed and/or approved by Class Counsel. My firm has complied with those instructions throughout the course of the Action.

4. The schedule attached as Exhibit A sets forth my firm's total hours and lodestar, computed at historical rates, for the period from December 23, 2009 through and including May 18, 2018. The total number of hours spent by my firm during this period of time was 2,268.40 hours, with a corresponding lodestar of \$805,992.50. This schedule was prepared from



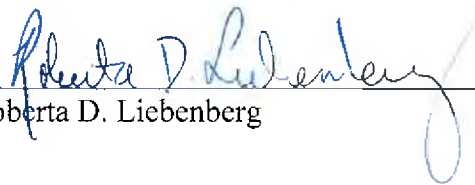
contemporaneous, daily time records prepared and maintained by my firm. In connection with representing the Plaintiffs in the Action my firm did the following: substantively edited plaintiffs' trial court and appellate memoranda of law in support of class certification; evaluated expert witness testimony and conferred with lead counsel as to trial strategy; evaluated claims and evidence of potential representative plaintiffs; drafted complaints; assisted with representative plaintiffs' responses to defendants' request for production of documents, including obtaining responsive documents for production; extensive review and analysis of documents produced by defendants and third parties, including documents related to expert witness testimony.

5. The lodestar amount reflected in Exhibit A is for work assigned by Class Counsel, and was performed by attorneys and professional staff at or affiliated with my firm for the benefit of the Class. The hourly rates for the attorneys and professional staff in my firm reflected in Exhibit A are the usual and customary hourly rates historically charged by my firm in similar matters.

6. My firm has expended a total of \$30,086.40 in unreimbursed costs and expenses in connection with the prosecution of the Action from December 23, 2009 through and including May 18, 2018. These costs and expenses are set forth in the schedule attached as Exhibit B and are reflected on the books and records of my firm. They were incurred on behalf of Plaintiffs by my firm and have not been reimbursed.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 13<sup>th</sup> day of August, 2018, in Philadelphia, Pennsylvania.

  
\_\_\_\_\_  
Roberta D. Liebenberg

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**EXHIBIT A TO THE DECLARATION OF ROBERTA D. LIEBENBERG  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

**Reported Hours and Historical Lodestar  
December 23, 2009 through May 18, 2018**

<b>Name</b>	<b>Role</b>	<b>Year</b>	<b>Hours</b>	<b>Rate</b>	<b>Lodestar</b>
Dever, Gerard	P	2011	0.20	\$525	\$105.00
Dever, Gerard	P	2016	3.20	\$650	\$2,080.00
Duncan, Matthew	P	2011	8.40	\$450	\$3,780.00
Duncan, Matthew	P	2013	19.00	\$525	\$9,975.00
Duncan, Matthew	P	2016	1.70	\$600	\$1,020.00
Liebenberg, Roberta	P	2010	11.50	\$650	\$7,475.00
Liebenberg, Roberta	P	2011	0.50	\$700	\$350.00
McCann, Peter	CA	2011	1,197.50	\$350	\$419,125.00
McCann Peter	CA	2012	965.80	\$350	\$338,030.00
McCann Peter	CA	2013	50.50	\$350	\$17,675.00
Momblanco, Ria	A	2011	1.60	\$400	\$640.00
Perelman, Don	P	2011	7.50	\$675	\$5,062.50
Perelman, Don	P	2012	1.00	\$675	\$675.00
<b>Total</b>			<b>2,268.40</b>		<b>\$805,992.50</b>

P Partner  
OC Of Counsel  
A Associate  
LC Law Clerk  
PL Paralegal  
I Investigator  
CA Contract Attorney

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**EXHIBIT B TO THE DECLARATION OF ROBERTA D. LIEBENBERG  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

**Reported Expenses on Behalf of Plaintiffs  
December 23, 2009 through May 18, 2018**

<b>Category</b>	<b>Amount</b>
Litigation Fund	\$30,000.00
Commercial Copies	\$0.00
Internal Reproduction/Copies	\$86.40
Computer Research	\$0.00
Court Fees (filing, etc.)	\$0.00
Court Reporters/Transcripts	\$0.00
Telephone/Fax	\$0.00
Postage/Express Delivery/Messenger	\$0.00
Professional Fees (expert, investigator, accountant, etc.)	\$0.00
Witness/Service Fees	\$0.00
Travel: Air Transportation, Ground Travel, Meals, Lodging, etc.	\$0.00
Miscellaneous	\$0.00
<b>Total</b>	<b>\$30,086.40</b>

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**DECLARATION OF CHRISTOPHER M. HOOD, FLAHERTY & HOOD, P.A.  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

I, Christopher M. Hood, declare as follows:

1. I am a senior partner and principal with Flaherty & Hood, P.A. I submit this declaration in support of Plaintiffs' motion for an award of attorneys' fees and expenses in connection with the services rendered, and costs and expenses incurred, in *In re Blood Reagents Antitrust Litigation* (the "Action").

2. My firm is one of the Plaintiffs' Counsel in the Action.

3. My firm received correspondence from Class Counsel on February 1, 2010, requiring the submission of monthly time and expense reports, noting the quarterly time and expense submissions to the Court, and instructing firms to refrain from engaging in any work that was not directed and/or approved by Class Counsel. My firm has tried to comply with those instructions throughout the course of the Action.

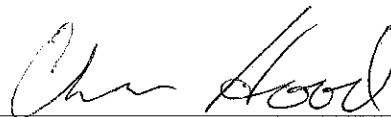
4. The schedule attached as Exhibit A sets forth my firm's total hours and lodestar, computed at historical rates, for the period from December 23, 2009 through and including May 18, 2018. The total number of hours spent by my firm during this period of time was 131.5, with a corresponding lodestar of \$34,190.00. This schedule was prepared from contemporaneous,

daily time records prepared and maintained by my firm. In connection with representing the Plaintiffs in the Action my firm did the following: reviewed and participated in drafting complaints and motions; engaged in discovery and participated in depositions; reviewed and evaluated settlement proposals; and engaged in case management and strategy discussions. The lodestar amount reflected in Exhibit A is for work assigned by Class Counsel, and was performed by attorneys and professional staff at or affiliated with my firm for the benefit of the Class. The hourly rates for the attorneys and professional staff in my firm reflected in Exhibit A are the usual and customary hourly rates historically charged by my firm in similar matters.

5. My firm has expended a total of \$272.86 in unreimbursed costs and expenses in connection with the prosecution of the Action from December 23, 2009 through and including May 18, 2018. These costs and expenses are set forth in the schedule attached as Exhibit B and are reflected on the books and records of my firm. They were incurred on behalf of Plaintiffs by my firm and have not been reimbursed.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 15th day of August, 2018, in St. Paul, Minnesota

A handwritten signature in black ink, appearing to read "Chris Hood", is written over a horizontal line.

[Declarant]

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**EXHIBIT A TO THE DECLARATION OF CHRISTOPHER M. HOOD  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

**Reported Hours and Historical Lodestar  
December 23, 2009 through May 18, 2018**

<b>Name</b>	<b>Role</b>	<b>Year</b>	<b>Hours</b>	<b>Rate</b>	<b>Lodestar</b>
Nyhus, Steve	A	2010	45.25	\$260	\$11,765
Nyhus, Steve	A	2011	67.5	\$260	\$17,550
Nyhus, Steve	A	2012	16.5	\$260	\$4,290
Nyhus, Steve	A	2013	1.25	\$260	\$325
Nyhus, Steve	A	2014	1	\$260	\$260
<b>Total</b>			<b>131.5</b>		<b>\$34,190.00</b>

P Partner  
OC Of Counsel  
A Associate  
LC Law Clerk  
PL Paralegal  
I Investigator  
CA Contract Attorney

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**EXHIBIT B TO THE DECLARATION OF CHRISTOPHER M. HOOD  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

**Reported Expenses on Behalf of Plaintiffs  
December 23, 2009 through May 18, 2018**

<b>Category</b>	<b>Amount</b>
Litigation Fund	\$0.00
Commercial Copies	\$0.00
Internal Reproduction/Copies	\$58.95
Computer Research	\$0.00
Court Fees (filing, etc.)	\$0.00
Court Reporters/Transcripts	\$0.00
Telephone/Fax	\$53.02
Postage/Express Delivery/Messenger	\$1.05
Professional Fees (expert, investigator, accountant, etc.)	\$0.00
Witness/Service Fees	\$0.00
Travel: Air Transportation, Ground Travel, Meals, Lodging, etc.	\$159.84
Miscellaneous	\$0.00
<b>Total</b>	<b>\$272.86</b>



**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**DECLARATION OF WILLIAM H. LONDON  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

I, William H. London, declare as follows:

1. I am a Partner with Freed Kanner London & Millen LLC. I submit this declaration in support of Plaintiffs' motion for an award of attorneys' fees and expenses in connection with the services rendered, and costs and expenses incurred, in *In re Blood Reagents Antitrust Litigation* (the "Action").

2. My firm is one of the Plaintiffs' Counsel in the Action.

3. My firm received correspondence from Class Counsel on February 1, 2010, requiring the submission of monthly time and expense reports, noting the quarterly time and expense submissions to the Court, and instructing firms to refrain from engaging in any work that was not directed and/or approved by Class Counsel. My firm has tried to comply with those instructions throughout the course of the Action.


4. The schedule attached as Exhibit A sets forth my firm's total hours and lodestar, computed at historical rates, for the period from December 23, 2009 through and including May 18, 2018. The total number of hours spent by my firm during this period of time was 1,898.20, with a corresponding lodestar of \$817,927.50 This schedule was prepared from

contemporaneous, daily time records prepared and maintained by my firm. In connection with representing the Plaintiffs in the Action my firm did the following: (1) oversaw the preservation and collection of documents on behalf of our client, Douglas County Hospital, and assisted lead counsel in the production of same to defendants; (2) analyzed and coded documents produced by defendants; (3) took the depositions of defendants' employees; (4) prepared the 30(b)(6) designee from Douglas County Hospital for deposition and defended same; (5) prepared former employee of Douglas County Hospital for deposition and defended same; and (6) assisted lead counsel in preparing the case for trial. The lodestar amount reflected in Exhibit A is for work assigned by Class Counsel, and was performed by attorneys and professional staff at or affiliated with my firm for the benefit of the Class. The hourly rates for the attorneys and professional staff in my firm reflected in Exhibit A are the usual and customary hourly rates historically charged by my firm in similar matters.

5. My firm has expended a total of \$73,052.30 in unreimbursed costs and expenses in connection with the prosecution of the Action from December 23, 2009 through and including May 18, 2018. These costs and expenses are set forth in the schedule attached as Exhibit B and are reflected on the books and records of my firm. They were incurred on behalf of Plaintiffs by my firm and have not been reimbursed.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 9th day of August, 2018, in Bannockburn, Illinois



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William H. London

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**EXHIBIT A TO THE DECLARATION OF WILLIAM H. LONDON  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

**Reported Hours and Historical Lodestar  
December 23, 2009 through May 18, 2018**

<b>Name</b>	<b>Role</b>	<b>Year</b>	<b>Hours</b>	<b>Rate</b>	<b>Lodestar</b>
Michael J. Freed	P	2010	.60	\$695	\$417.00
Steven A. Kanner	P	2009	1.60	\$625	\$1,000.00
Steven A. Kanner	P	2010	9.50	\$640	\$6,080.00
Steven A. Kanner	P	2011	2.90	\$655	\$1,899.50
Steven A. Kanner	P	2011	.40	\$690	\$276.00
Steven A. Kanner	P	2012	.80	\$710	\$568.00
William H. London	P	2010	1.50	\$560	\$840.00
William H. London	P	2011	2.20	\$570	\$1,254.00
William H. London	P	2011	59.20	\$605	\$35,816.00
William H. London	P	2012	300.10	\$615	\$184,561.50
William H. London	P	2012	5.80	\$625	\$3,625.00
William H. London	P	2013	.40	\$635	\$254.00
William H. London	P	2014	.40	\$660	\$264.00
William H. London	P	2015	1.10	\$700	\$770.00
William H. London	P	2016	5.70	\$710	\$4,047.00
William H. London	P	2017	5.30	\$745	\$3,948.50
William H. London	P	2018	6.80	\$760	\$5,168.00
Douglas A. Millen	P	2009	1.30	\$540	\$702.00
Douglas A. Millen	P	2010	25.00	\$555	\$13,875.00
Douglas A. Millen	P	2011	18.50	\$565	\$10,452.50

<b>Name</b>	<b>Role</b>	<b>Year</b>	<b>Hours</b>	<b>Rate</b>	<b>Lodestar</b>
<b>Douglas A. Millen</b>	P	2011	6.10	\$590	\$3,599.00
<b>Douglas A. Millen</b>	P	2012	.80	\$605	\$484.00
<b>Douglas A. Millen</b>	P	2017	1.40	\$740	\$1,036.00
<b>Michael E. Moskovitz</b>	P	2010	3.20	\$515	\$1,648.00
<b>Michael E. Moskovitz</b>	P	2011	.50	\$525	\$262.50
<b>Robert J. Wozniak</b>	P	2011	.30	\$495	\$148.50
<b>Donald L. Sawyer</b>	A	2010	7.20	\$325	\$2,340.00
<b>Donald L. Sawyer</b>	A	2011	38.20	\$340	\$12,988.00
<b>Donald L. Sawyer</b>	A	2011	7.10	\$350	\$2,485.00
<b>Donald L. Sawyer</b>	A	2012	1.30	\$360	\$468.00
<b>Michael L. Silverman</b>	A	2012	32.70	\$325	\$10,627.50
<b>Steve Serdikoff</b>	OC	2011	1116.50	\$350	\$390,775.00
<b>Bradley Dirks</b>	OC	2018	228.40	\$500	\$114,200.00
<b>Marlene S. Khamoo</b>	PL	2010	1.00	\$190	\$190.00
<b>Marlene S. Khamoo</b>	PL	2011 – 2012	4.40	\$195	\$858.00
<b>Total</b>			<b>1898.20</b>		<b>\$817,927.50</b>

P Partner  
 OC Of Counsel  
 A Associate  
 LC Law Clerk  
 PL Paralegal  
 I Investigator  
 CA Contract Attorney

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**EXHIBIT B TO THE DECLARATION OF WILLIAM H. LONDON  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

**Reported Expenses on Behalf of Plaintiffs  
December 23, 2009 through May 18, 2018**

<b>Category</b>	<b>Amount</b>
Litigation Fund	\$65,000.00
Commercial Copies	\$
Internal Reproduction/Copies	\$1,306.60
Computer Research	\$30.20
Court Fees (filing, etc.)	\$
Court Reporters/Transcripts	\$
Telephone/Fax	\$142.99
Postage/Express Delivery/Messenger	\$273.43
Professional Fees (expert, investigator, accountant, etc.)	\$
Witness/Service Fees	\$
Travel: Air Transportation, Ground Travel, Meals, Lodging, etc.	\$6,299.08
Miscellaneous	\$
<b>Total</b>	<b>\$73,052.30</b>

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**DECLARATION OF JEFFREY S. GOLDENBERG  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

I, Jeffrey S. Goldenberg, declare as follows:

1. I am a Partner with Goldenberg Schneider, LPA. I submit this declaration in support of Plaintiffs' motion for an award of attorneys' fees and expenses in connection with the services rendered, and costs and expenses incurred, in *In re Blood Reagents Antitrust Litigation* (the "Action").

2. My firm is one of the Plaintiffs' Counsel in the Action.

3. My firm received correspondence from Class Counsel on February 1, 2010, requiring the submission of monthly time and expense reports, noting the quarterly time and expense submissions to the Court, and instructing firms to refrain from engaging in any work that was not directed and/or approved by Class Counsel. My firm has tried to comply with those instructions throughout the course of the Action.

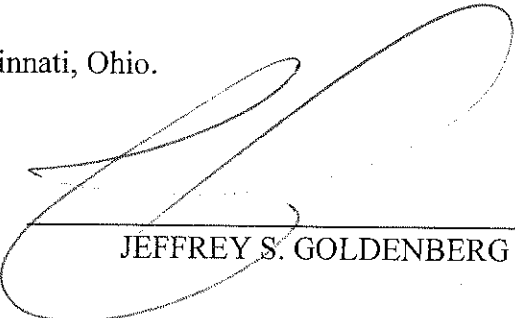
4. The schedule attached as Exhibit A sets forth my firm's total hours and lodestar, computed at historical rates, for the period from December 23, 2009 through and including May 18, 2018. The total number of hours spent by my firm during this period of time was 1546.6, with a corresponding lodestar of \$508,807.50. This schedule was prepared from

contemporaneous, daily time records prepared and maintained by my firm. In connection with representing the Plaintiffs in the Action my firm did the following: document review at the request of Lead Counsel; communicated with Lead Counsel as necessary; made significant financial contributions to help fund the litigation. The lodestar amount reflected in Exhibit A is for work assigned by Class Counsel, and was performed by attorneys and professional staff at or affiliated with my firm for the benefit of the Class. The hourly rates for the attorneys and professional staff in my firm reflected in Exhibit A are the usual and customary hourly rates historically charged by my firm in similar matters.

5. My firm has expended a total of \$31,025.65 in unreimbursed costs and expenses in connection with the prosecution of the Action from December 23, 2009 through and including May 18, 2018. These costs and expenses are set forth in the schedule attached as Exhibit B and are reflected on the books and records of my firm. They were incurred on behalf of Plaintiffs by my firm and have not been reimbursed.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 8<sup>th</sup> day of August, 2018, in Cincinnati, Ohio.



JEFFREY S. GOLDENBERG

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**EXHIBIT A TO THE DECLARATION OF JEFFREY S. GOLDENBERG  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

**Reported Hours and Historical Lodestar  
December 23, 2009 through May 18, 2018**

<b>Name</b>	<b>Role</b>	<b>Year</b>	<b>Hours</b>	<b>Rate</b>	<b>Lodestar</b>
Dugalic, Vanya	CA	2011-12	1431.6	\$325	\$465,270
Goldenberg, Jeffrey S.	P	2011-16	13.7	\$450	\$6,165.00
Naylor, Todd B.	P	2011-16	79.8	\$400	\$31,920
Pence, Cheryl	PL	2012	.5	\$125	\$62.50
Sherwood, Robert B.	A	2011-16	11.2	\$350	\$3,920
Vaaler, Stephanie	PL	2011-12	9.8	\$150	\$1,470
<b>Total</b>			<b>1546.6</b>		<b>\$508,807.50</b>

P Partner  
 OC Of Counsel  
 A Associate  
 LC Law Clerk  
 PL Paralegal  
 I Investigator  
 CA Contract Attorney



**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**EXHIBIT B TO THE DECLARATION OF JEFFREY S. GOLDENBERG  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

**Reported Expenses on Behalf of Plaintiffs  
December 23, 2009 through May 18, 2018**

<b>Category</b>	<b>Amount</b>
Litigation Fund	\$30,000.00
Commercial Copies	\$0.00
Internal Reproduction/Copies	\$24.00
Computer Research	\$101.31
Court Fees (filing, etc.)	\$0.00
Court Reporters/Transcripts	\$0.00
Telephone/Fax	\$26.06
Postage/Express Delivery/Messenger	\$161.47
Professional Fees (expert, investigator, accountant, etc.)	\$0.00
Witness/Service Fees	\$712.81
Travel: Air Transportation, Ground Travel, Meals, Lodging, etc.	\$0.00
Miscellaneous	\$0.00
<b>Total</b>	<b>\$31,025.65</b>

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**DECLARATION OF GOLDMAN SCARLATO & PENNY, P.C.  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

I, Mark S. Goldman, declare as follows:

1. I am a Partner with Goldman Scarlato & Penny, P.C. I submit this declaration in support of Plaintiffs' motion for an award of attorneys' fees and expenses in connection with the services rendered, and costs and expenses incurred, in *In re Blood Reagents Antitrust Litigation* (the "Action").

2. My firm is one of the Plaintiffs' Counsel in the Action.

3. My firm received correspondence from Class Counsel on February 1, 2010, requiring the submission of monthly time and expense reports, noting the quarterly time and expense submissions to the Court, and instructing firms to refrain from engaging in any work that was not directed and/or approved by Class Counsel. My firm has tried to comply with those instructions throughout the course of the Action.

4. The schedule attached as Exhibit A sets forth my firm's total hours and lodestar, computed at historical rates, for the period from December 23, 2009 through and including May 18, 2018. The total number of hours spent by my firm during this period of time was 1,086.75 with a corresponding lodestar of \$357,797.50. This schedule was prepared from

contemporaneous, daily time records prepared and maintained by my firm. In connection with representing the Plaintiffs in the Action my firm did the following: discovery, document review and we also collected the time and expenses from all firms involved in the litigation and generated reports on a quarterly basis to submit to lead counsel. The lodestar amount reflected in Exhibit A is for work assigned by Class Counsel, and was performed by attorneys and professional staff at or affiliated with my firm for the benefit of the Class. The hourly rates for the attorneys and professional staff in my firm reflected in Exhibit A are the usual and customary hourly rates historically charged by my firm in similar matters.

5. My firm has expended a total of \$20,284.76 in unreimbursed costs and expenses in connection with the prosecution of the Action from December 23, 2009 through and including May 18, 2018. These costs and expenses are set forth in the schedule attached as Exhibit B and are reflected on the books and records of my firm. They were incurred on behalf of Plaintiffs by my firm and have not been reimbursed.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 16<sup>th</sup> day of August, 2018, in Conshohocken, Pennsylvania.

A handwritten signature in blue ink, appearing to read "Mark S. Goldman", is written over a horizontal line.

Mark S. Goldman, Esq.

P	Partner
OC	Of Counsel
A	Associate
LC	Law Clerk
PL	Paralegal
I	Investigator
CA	Contract Attorney

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**EXHIBIT A TO THE DECLARATION OF GOLDMAN SCARLATO & PENNY, P.C.  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

**Reported Hours and Historical Lodestar  
December 23, 2009 through May 18, 2018**

<b>Name</b>	<b>Role</b>	<b>Year</b>	<b>Hours</b>	<b>Rate</b>	<b>Lodestar</b>
DeChristoforo, Claudia	PL	2017	3.4	\$200	\$680.00
Goldman, Mark	P	2009	0.2	\$575	\$115.00
Goldman, Mark	P	2010	1.8	\$595	\$1,071.00
Goldman, Mark	P	2011	1.1	\$615	\$ 676.50
Goldman, Mark	P	2012	0.4	\$650	\$260.00
Goldman, Mark	P	2013	0.3	\$680	\$204.00
McLaughlin, Leigh	PL	2010	26.5	\$170	\$ 4,505.00
McLaughlin, Leigh	PL	2011	29.7	\$180	\$ 5,346.00
McLaughlin, Leigh	PL	2012	28.2	\$190	\$5,358.00
McLaughlin, Leigh	PL	2013	22.1	\$195	\$4,309.50
McLaughlin, Leigh	PL	2014-2017	22.7	\$200	\$4,540.00
Murray, Paige	PL	2018	10.5	\$170	\$1,785.00
Taichman-Robins, Susan	CA	2011	939.85	\$350	\$328,947.50
<b>Total</b>			<b>1,086.75</b>		<b>\$357,797.50</b>

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**EXHIBIT B TO THE DECLARATION OF GOLDMAN SCARLATO & PENNY, P.C.  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

**Reported Expenses on Behalf of Plaintiffs  
December 23, 2009 through May 18, 2018**

<b>Category</b>	<b>Amount</b>
Litigation Fund	\$20,000.00
Commercial Copies	\$255.33
Internal Reproduction/Copies	\$11.00
Computer Research	\$1.64
Court Fees (filing, etc.)	\$0.00
Court Reporters/Transcripts	\$0.00
Telephone/Fax	\$0.00
Postage/Express Delivery/Messenger	\$16.79
Professional Fees (expert, investigator, accountant, etc.)	\$0.00
Witness/Service Fees	\$0.00
Travel: Air Transportation, Ground Travel, Meals, Lodging, etc.	\$0.00
Miscellaneous	\$0.00
<b>Total</b>	<b>\$20,284.76</b>

P	Partner
OC	Of Counsel
A	Associate
LC	Law Clerk
PL	Paralegal
I	Investigator
CA	Contract Attorney

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**DECLARATION OF SETH R. GASSMAN  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

I, Seth R. Gassman, declare as follows:

1. I am a Of Counsel with Hausfeld LLP. I submit this declaration in support of Plaintiffs' motion for an award of attorneys' fees and expenses in connection with the services rendered, and costs and expenses incurred, in *In re Blood Reagents Antitrust Litigation* (the "Action").

2. My firm is one of the Plaintiffs' Counsel in the Action.

3. My firm received correspondence from Class Counsel on February 1, 2010, requiring the submission of monthly time and expense reports, noting the quarterly time and expense submissions to the Court, and instructing firms to refrain from engaging in any work that was not directed and/or approved by Class Counsel. My firm has tried to comply with those instructions throughout the course of the Action.

4. The schedule attached as Exhibit A sets forth my firm's total hours and lodestar, computed at historical rates, for the period from December 23, 2009 through and including May 18, 2018. The total number of hours spent by my firm during this period of time was 3,736.80, with a corresponding lodestar of \$1,649,044. This schedule was prepared from



contemporaneous, daily time records prepared and maintained by my firm. In connection with representing the Plaintiffs in the Action my firm did the following: worked with our clients through the years as the case progressed, including by collecting discovery and keeping them informed about the status of the litigation; performed document review, at the request of lead counsel; drafted or revised various filings, including motions for class certification, summary judgment, and motions to strike expert testimony pursuant to Fed. R. Evid. 702; took and defended depositions; assisted with the preparation of Plaintiffs' experts' testimony, including with respect to expert reports and depositions for both class certification and merits phases of the Action; assisted with critical hearings, including hearings for class certification, on summary judgment, and for the class certification appeal; and preparing for trial, including, but not limited to, analyzing evidence, attending trial preparation sessions, drafting and responding to motions *in limine*, and preparing to participate in trial. The lodestar amount reflected in Exhibit A is for work assigned by Class Counsel, and was performed by attorneys and professional staff at or affiliated with my firm for the benefit of the Class. The hourly rates for the attorneys and professional staff in my firm reflected in Exhibit A are the usual and customary hourly rates historically charged by my firm in similar matters.

5. My firm has expended a total of \$83,297.10 in unreimbursed costs and expenses in connection with the prosecution of the Action from December 23, 2009 through and including May 18, 2018. These costs and expenses are set forth in the schedule attached as Exhibit B and are reflected on the books and records of my firm. They were incurred on behalf of Plaintiffs by my firm and have not been reimbursed.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 14th day of August, 2018, in San Francisco, CA



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Seth R. Gassman

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**EXHIBIT A TO THE DECLARATION OF HAUSFELD LLP  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

**Reported Hours and Historical Lodestar  
December 23, 2009 through May 18, 2018**

<b>Name</b>	<b>Role</b>	<b>Year</b>	<b>Hours</b>	<b>Rate</b>	<b>Lodestar</b>
Bailey, Jr., Arthur N.	A	2009	0.30	\$420	126.00
Bailey, Jr., Arthur N.	A	2010	17.20	\$460	7,912.00
Bailey, Jr., Arthur N.	P	2011	13.90	\$460	6,394.00
Bailey, Jr., Arthur N.	P	2011	34.50	\$550	18,975.00
Bailey, Jr., Arthur N.	P	2012	4.60	\$550	2,530.00
Bone, Diane	PL	2009	0.20	\$275	55.00
Eisler, Robert G.	P	2010	14.00	\$850	11,900.00
Gassman, Seth	OC	2012	388.50	\$500	194,250.00
Gassman, Seth	OC	2013	23.00	\$510	11,730.00
Gassman, Seth	OC	2014	27.70	\$550	15,235.00
Gassman, Seth	OC	2015	35.90	\$570	20,463.00
Gassman, Seth	OC	2016	100.60	\$590	59,354.00
Gassman, Seth	OC	2017	144.70	\$620	89,714.00
Gassman, Seth	OC	2018	293.70	\$730	214,401.00
Gosselin, Sathya	A	2010	0.20	\$325	65.00
Hausfeld, Michael D.	P	2014	0.30	\$985	295.50
Huxen, Ray	PL	2011	314.80	\$350	110,180.00
Huxen, Ray	PL	2012	1,987.30	\$350	695,555.00
Kenney, Jeannine	A	2011	27.30	\$350	9,555.00
Kenney, Jeannine	A	2012	73.20	\$350	25,620.00
Kenney, Jeannine	A	2013	0.20	\$390	78.00
Kenney, Jeannine	A	2016	3.70	\$450	1,665.00
Landau, Brent W.	P	2010	10.40	\$470	4,888.00

<b>Name</b>	<b>Role</b>	<b>Year</b>	<b>Hours</b>	<b>Rate</b>	<b>Lodestar</b>
Landau, Brent W.	P	2011	0.50	\$470	235.00
Landau, Brent W.	P	2011	26.60	\$550	14,630.00
Landau, Brent W.	P	2012	34.40	\$550	18,865.00
Landau, Brent W.	P	2014	9.60	\$590	5,664.00
Landau, Brent W.	P	2015	0.30	\$610	183.00
Landau, Brent W.	P	2016	10.10	\$630	6,363.00
Landau, Brent W.	P	2017	11.30	\$690	7,797.00
Landau, Brent W.	P	2018	11.50	\$800	9,200.00
Lebsock, Christopher L.	P	2010	4.70	\$575	2,702.50
Lebsock, Christopher L.	P	2011	1.00	\$650	650.00
Martin, Scott	P	2017	0.50	\$965	482.50
Martin, Scott	P	2018	59.30	\$1,100	65,230.00
Mitchell, James	PL	2010	2.60	\$275	715.00
Robinson, Elliot	PL	2012	28.50	\$275	7,837.50
Robinson, Elliot	PL	2014	1.50	\$300	450.00
Robinson, Elliot	PL	2017	3.00	\$270	810.00
Smith, Gary	A	2013	0.40	\$350	140.00
Smith, Gary	A	2015	4.50	\$390	1,755.00
Smith, Gary	A	2016	8.40	\$410	3,444.00
Smith, Gary	A	2018	1.90	\$500	950.00
<b>Totals:</b>			<b>3,736.80</b>		<b>\$1,649,044</b>

P Partner  
 OC Of Counsel  
 A Associate  
 LC Law Clerk  
 PL Paralegal  
 I Investigator  
 CA Contract Attorney

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**EXHIBIT B TO THE DECLARATION OF HAUSFELD LLP  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

**Reported Expenses on Behalf of Plaintiffs  
December 23, 2009 through May 18, 2018**

<b>Category</b>	<b>Amount</b>
Litigation Fund	\$65,000.00
Commercial Copies	\$0.00
Internal Reproduction/Copies	\$215.51
Computer Research	\$2,533.73
Court Fees (filing, etc.)	\$0.00
Court Reporters/Transcripts	\$0.00
Telephone/Fax	\$65.91
Postage/Express Delivery/Messenger	\$269.99
Professional Fees (expert, investigator, accountant, etc.)	\$0.00
Witness/Service Fees	\$0.00
Travel: Air Transportation, Ground Travel, Meals, Lodging, etc.	\$15,061.90
Miscellaneous	\$150.06
<b>Total</b>	<b>\$83,297.10</b>

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES  
TO ALL ACTIONS**

**HON. JAN E. DUBOIS**

**DECLARATION OF VINCENT J. ESADES  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

I, Vincent J. Esades, declare as follows:

1. I am a Partner with Heins Mills & Olson, P.L.C. I submit this declaration in support of Plaintiffs' motion for an award of attorneys' fees and expenses in connection with the services rendered, and costs and expenses incurred, in *In re Blood Reagents Antitrust Litigation* (the "Action").

2. My firm is one of the Plaintiffs' Counsel in the Action.

3. My firm received correspondence from Class Counsel on February 1, 2010, requiring the submission of monthly time and expense reports, noting the quarterly time and expense submissions to the Court, and instructing firms to refrain from engaging in any work that was not directed and/or approved by Class Counsel. My firm has tried to comply with those instructions throughout the course of the Action.

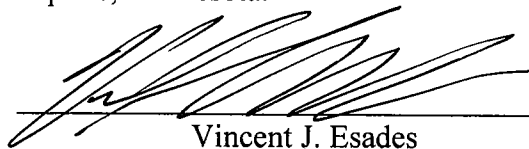
4. The schedule attached as Exhibit A sets forth my firm's total hours and lodestar, computed at historical rates, for the period from December 23, 2009 through and including May 18, 2018. The total number of hours spent by my firm during this period of time was 1,543.75, with a corresponding lodestar of \$547,637.50. This schedule was prepared from contemporaneous, daily time records prepared and maintained by my firm. In connection with

representing the Plaintiffs in the Action my firm did the following: As assigned by Class Counsel, reviewed, analyzed and coded documents, and prepared memoranda regarding documents obtained through the discovery process from Defendants. Performed quality control review of coded Defendants' documents. Reviewed Plaintiff Legacy Health System's documents and prepared summaries. Assisted with a document redaction project. Pursuant to Class Counsel's request, prepared for the interviews of Immucor executives, Bill Weiss and Scott Warden. Attended Weiss interview and conducted Warden interview. Drafted the declaration of Bill Weiss. Also, made substantial financial contributions to fund the continued prosecution of the litigation. The lodestar amount reflected in Exhibit A is for work assigned by Class Counsel, and was performed by attorneys and professional staff at or affiliated with my firm for the benefit of the Class. The hourly rates for the attorneys and professional staff in my firm reflected in Exhibit A are the usual and customary hourly rates historically charged by my firm in similar matters.

5. My firm has expended a total of \$47,698.95 in unreimbursed costs and expenses in connection with the prosecution of the Action from December 23, 2009 through and including May 18, 2018. These costs and expenses are set forth in the schedule attached as Exhibit B and are reflected on the books and records of my firm. They were incurred on behalf of Plaintiffs by my firm and have not been reimbursed.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 13th day of August, 2018, in Minneapolis, Minnesota.

  
\_\_\_\_\_  
Vincent J. Esades

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**EXHIBIT A TO THE DECLARATION OF VINCENT J. ESADES  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

**Reported Hours and Historical Lodestar  
December 23, 2009 through May 18, 2018**

<b>Name</b>	<b>Role</b>	<b>Year</b>	<b>Hours</b>	<b>Rate</b>	<b>Lodestar</b>
Vincent J. Esades	P	2009-2012	8.00	\$560	\$4,480.00
Renae D. Steiner	P	2011	5.50	\$560	\$3,080.00
Jessica N. Servais	A	2009-2010	13.75	\$390	\$5,362.50
Jessica N. Servais	A	2011-2012	35.75	\$405	\$14,478.75
Katherine T. Kelly	A	2011-2012	150.75	\$365	\$55,023.75
John B. Lough	CA	2011-2012	1,328.50	\$350	\$464,975.00
Marguerite E. O'Brien	PL	2010	.25	\$200	\$50.00
Mandee M. Kuglin	PL	2011	.25	\$150	\$37.50
Sarah L. Maurer	PL	2012	1.00	\$150	\$150.00
<b>Total</b>			<b>1,543.75</b>		<b>\$547,637.50</b>

P Partner  
A Associate  
PL Paralegal  
CA Contract Attorney



**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**EXHIBIT B TO THE DECLARATION OF VINCENT J. ESADES  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

**Reported Expenses on Behalf of Plaintiffs  
December 23, 2009 through May 18, 2018**

<b>Category</b>	<b>Amount</b>
Litigation Fund	\$40,000.00
Internal Reproduction/Copies	\$294.75
Computer Research	\$100.47
Telephone/Fax	\$1.68
Postage/Express Delivery/Messenger	\$0.44
Travel: Air Transportation, Ground Travel, Meals, Lodging, etc.	\$7,301.61
<b>Total</b>	<b>\$47,698.95</b>

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>IN RE: BLOOD REAGENTS ANTITRUST LITIGATION</b>	<b>MDL Docket No. 09-2081</b>
<b>THIS DOCUMENT RELATES TO ALL ACTIONS</b>	<b>HON. JAN E. DUBOIS</b>

**DECLARATION OF R. SETH CROMPTON  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

I, R. Seth Crompton, declare as follows:

1. I am a Partner with Holland Law Firm. I submit this declaration in support of Plaintiffs' motion for an award of attorneys' fees and expenses in connection with the services rendered, and costs and expenses incurred, in *In re Blood Reagents Antitrust Litigation* (the "Action").

2. My firm is one of the Plaintiffs' Counsel in the Action.

3. My firm received correspondence from Class Counsel on February 1, 2010, requiring the submission of monthly time and expense reports, noting the quarterly time and expense submissions to the Court, and instructing firms to refrain from engaging in any work that was not directed and/or approved by Class Counsel. My firm has tried to comply with those instructions throughout the course of the Action.

4. The schedule attached as Exhibit A sets forth my firm's total hours and lodestar, computed at historical rates, for the period from December 23, 2009 through and including May 18, 2018. The total number of hours spent by my firm during this period of time was 170.7 hours, with a corresponding lodestar of \$88,515.00. This schedule was prepared from

contemporaneous, daily time records prepared and maintained by my firm. In connection with representing the Plaintiffs in the Action, a summary of my firm's work includes but is not limited to reviewing and drafting pleadings, meetings and consultations with named Plaintiff HSHS, responding to discovery, including meetings and preparation of documents with named Plaintiff HSHS, trial preparation including with representative for named Plaintiff HSHS, and settlement discussions with named Plaintiff HSHS. The lodestar amount reflected in Exhibit A is for work assigned by Class Counsel, and was performed by attorneys and professional staff at or affiliated with my firm for the benefit of the Class. The hourly rates for the attorneys and professional staff in my firm reflected in Exhibit A are the usual and customary hourly rates historically charged by my firm in similar matters.

5. My firm has expended a total of \$16,295.76 in unreimbursed costs and expenses in connection with the prosecution of the Action from December 23, 2009 through and including May 18, 2018. These costs and expenses are set forth in the schedule attached as Exhibit B and are reflected on the books and records of my firm. They were incurred on behalf of Plaintiffs by my firm and have not been reimbursed.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 13<sup>th</sup> day of August, 2018, in St. Louis, Missouri.

/s/ R. Seth Crompton  
R. Seth Crompton

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**EXHIBIT A TO THE DECLARATION OF R. SETH CROMPTON  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

**Reported Hours and Historical Lodestar  
December 23, 2009 through May 18, 2018**

<b>Name</b>	<b>Role</b>	<b>Year</b>	<b>Hours</b>	<b>Rate</b>	<b>Lodestar</b>
Holland, Eric	P	2009-2013	90.2	\$550.00	\$49,610.00
Holland, Eric	P	2014-2018	.8	\$850.00	\$680.00
Stolze, Steven	P	2009-2018	5	\$550.00	\$2,750.00
Wilkins, Kevin	A	2011-2012	7.5	\$250.00	\$1,875.00
Crompton, R. Seth	P	2016-2018	67.2	\$500.00	\$33,600.00
<b>Total</b>			<b>170.7</b>		<b>\$88,515.00</b>

P Partner  
OC Of Counsel  
A Associate  
LC Law Clerk  
PL Paralegal  
I Investigator  
CA Contract Attorney

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**EXHIBIT B TO THE DECLARATION OF R. SETH CROMPTON IN SUPPORT OF  
PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

**Reported Expenses on Behalf of Plaintiffs  
December 23, 2009 through May 18, 2018**

<b>Category</b>	<b>Amount</b>
Litigation Fund	\$15000.00
Commercial Copies	\$0.00
Internal Reproduction/Copies	\$82.00
Computer Research	\$104.30
Court Fees (filing, etc.)	\$0
Court Reporters/Transcripts	\$0.00
Telephone/Fax	\$17.19
Postage/Express Delivery/Messenger	\$30.57
Professional Fees (expert, investigator, accountant, etc.)	\$0.00
Witness/Service Fees	\$0.00
Travel: Air Transportation, Ground Travel, Meals, Lodging, etc.	\$1061.70
Miscellaneous	\$0
<b>Total</b>	<b>\$16295.76</b>

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**DECLARATION OF INDIANO & WILLIAMS, PSC  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

I, Jeffrey M. Williams, declare as follows:

1. I am a Partner with Indiano & Williams, PSC, I submit this declaration in support of Plaintiffs' motion for an award of attorneys' fees and expenses in connection with the services rendered, and costs and expenses incurred, in *In re Blood Reagents Antitrust Litigation* (the "Action").

2. My firm is one of the Plaintiffs' Counsel in the Action.

3. My firm received correspondence from Class Counsel on February 1, 2010, requiring the submission of monthly time and expense reports, noting the quarterly time and expense submissions to the Court, and instructing firms to refrain from engaging in any work that was not directed and/or approved by Class Counsel. My firm has tried to comply with those instructions throughout the course of the Action.

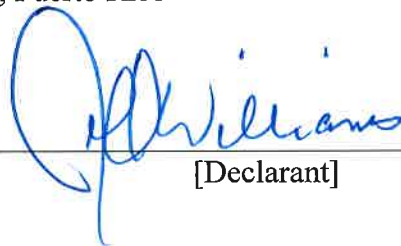
4. The schedule attached as Exhibit A sets forth my firm's total hours and lodestar, computed at historical rates, for the period from December 23, 2009 through and including May 18, 2018. The total number of hours spent by my firm during this period of time was twelve hours (12), with a corresponding lodestar of \$6,000.00. This schedule was prepared from

contemporaneous, daily time records prepared and maintained by my firm. In connection with representing the Plaintiffs in the Action my firm did the following: Multiple telephone conferences and communications via emails with counsel R. Gordon, J. Corrigan and plaintiff representative A. Rosario. Obtained required information from representative client, A. Rosario, examined multiple motions, including dismissal, scheduling, reconsideration. Examined multiple orders during case litigation. Examined status reports and conferred regarding discovery and preparation for deposition of plaintiff representative A. Rosario. The lodestar amount reflected in Exhibit A is for work assigned by Class Counsel, and was performed by attorneys and professional staff at or affiliated with my firm for the benefit of the Class. The hourly rates for the attorneys and professional staff in my firm reflected in Exhibit A are the usual and customary hourly rates historically charged by my firm in similar matters.

5. My firm has expended a total of \$ 73.00 in unreimbursed costs and expenses in connection with the prosecution of the Action from December 23, 2009 through and including May 18, 2018. These costs and expenses are set forth in the schedule attached as Exhibit B and are reflected on the books and records of my firm. They were incurred on behalf of Plaintiffs by my firm and have not been reimbursed.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 22 day of August, 2018, in San Juan, Puerto Rico

  
[Declarant]

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**EXHIBIT A TO THE DECLARATION OF INDIANO & WILLIAMS, PSC  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

**Reported Hours and Historical Lodestar  
December 23, 2009 through May 18, 2018**

<b>Name</b>	<b>Role</b>	<b>Year</b>	<b>Hours</b>	<b>Rate</b>	<b>Lodestar</b>
David C. Indiano	P	2010	7.75	\$500	\$3,875
David C. Indiano	P	2011	4.25	\$500	\$2,150
<b>Total</b>			<b>12</b>		<b>\$6,000</b>

P Partner  
OC Of Counsel  
A Associate  
LC Law Clerk  
PL Paralegal  
I Investigator  
CA Contract Attorney



**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**EXHIBIT B TO THE DECLARATION OF INDIANO & WILLIAMS, PSC  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

**Reported Expenses on Behalf of Plaintiffs  
May 18, 2009 through May 18, 2018**

<b>Category</b>	<b>Amount</b>
Litigation Fund	\$0.00
Commercial Copies	\$0.00
Internal Reproduction/Copies	\$33.25
Computer Research	\$0.00
Court Fees (filing, etc.)	\$0.00
Court Reporters/Transcripts	\$0.00
Telephone/Fax	\$29.75
Postage/Express Delivery/Messenger	\$10.00
Professional Fees (expert, investigator, accountant, etc.)	\$0.00
Witness/Service Fees	\$0.00
Travel: Air Transportation, Ground Travel, Meals, Lodging, etc.	\$0.00
Miscellaneous	\$0.00
<b>Total</b>	<b>\$73.00</b>

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**DECLARATION OF GREGORY S. ASCIOLLA IN SUPPORT OF  
PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

I, GREGORY S. ASCIOLLA, declare as follows:

1. I am a partner with Labaton Sucharow LLP. I submit this declaration in support of Plaintiffs' motion for an award of attorneys' fees and expenses in connection with the services rendered, and costs and expenses incurred, in *In re Blood Reagents Antitrust Litigation* (the "Action").

2. My firm is one of the Plaintiffs' Counsel in the Action.

3. My firm received correspondence from Class Counsel on February 1, 2010, requiring the submission of monthly time and expense reports, noting the quarterly time and expense submissions to the Court, and instructing firms to refrain from engaging in any work that was not directed and/or approved by Class Counsel. My firm has tried to comply with those instructions throughout the course of the Action.

4. The schedule attached as Exhibit A sets forth my firm's total hours and lodestar, computed at historical rates, for the period from December 23, 2009 through and including May 18, 2018. The total number of hours spent by my firm during this period of time was 1,180.30, with a corresponding lodestar of \$665,770.50. This schedule was prepared from

contemporaneous, daily time records prepared and maintained by my firm. In connection with representing the Plaintiffs in the Action, my firm did the following: assisted in drafting the consolidated amended complaint, including performing fact research and discussing strategy; participated in executive committee discussions on numerous strategic issues, including client communications, court conferences, experts and settlement; worked with our clients on discovery matters, including initial disclosures, document review and production, interrogatories, and depositions; participated in the review and analysis of defendants' discovery production, including drafting fact memoranda and participating in strategy discussions; participated in plaintiffs' class certification motion, including performing legal research, discussing strategy and preparing exhibits; and prepared for and participated in interviews of non-party witnesses. The lodestar amount reflected in Exhibit A is for work assigned by Class Counsel, and was performed by attorneys and professional staff at or affiliated with my firm for the benefit of the Class. The hourly rates for the attorneys and professional staff in my firm reflected in Exhibit A are the usual and customary hourly rates historically charged by my firm in similar matters.

5. My firm has expended a total of \$51,099.54 in unreimbursed costs and expenses in connection with the prosecution of the Action from December 23, 2009 through and including May 18, 2018. These costs and expenses are set forth in the schedule attached as Exhibit B and are reflected on the books and records of my firm. They were incurred on behalf of Plaintiffs by my firm and have not been reimbursed.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 15th day of August, 2018, in New York, New York



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GREGORY S. ASCIOLLA

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**EXHIBIT A TO THE DECLARATION OF GREGORY S. ASCIOLLA  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

**Reported Hours and Historical Lodestar  
December 23, 2009 through May 18, 2018**

<b>Name</b>	<b>Role</b>	<b>Year</b>	<b>Hours</b>	<b>Rate</b>	<b>Lodestar</b>
Persky, Bernard	P	2010	61.7	\$840	\$51,828.00
Persky, Bernard	P	2011	65.1	\$840	\$54,684.00
Persky, Bernard*	P	2011	21.1	\$860	\$18,146.00
Persky, Bernard	P	2012	134.7	\$925	\$124,597.50
Salzman, Hollis	P	2010	10.4	\$690	\$7,176.00
Salzman, Hollis	P	2011	2.9	\$690	\$2,001.00
Salzman, Hollis*	P	2011	0.5	\$710	\$355.00
Salzman, Hollis	P	2012	2.4	\$790	\$1,896.00
Reiss, William	A	2012	130.7	\$665	\$86,915.50
Gassman, Seth	A	2011	273.7	\$490	\$134,113.00
Gassman, Seth	A	2012	70.1	\$580	\$40,658.00
Kruger, Ryan	A	2009	0.5	\$475	\$237.50
Kruger, Ryan	A	2010	102.8	\$490	\$50,372.00
Nathan, Steven	CA	2011	153.0	\$325	\$49,725.00
Baum, Jeff	PL	2012	53.5	\$295	\$15,782.50
Krasner, Stephen	PL	2011	77.2	\$280	\$21,616.00
Krasner, Stephen	PL	2012	4.5	\$295	\$1,327.50
Morano, Stephanie	PL	2012	15.5	\$280	\$4,340.00
<b>Total</b>			<b>1,180.3</b>		<b>\$665,770.50</b>

**\* 2011 Rates for Bernard Persky and Hollis Salzman increased on 7/1/11.**

Partner	(P)
Associate	(A)
Contract Attorney	(CA)
Paralegal	(PL)

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**EXHIBIT B TO THE DECLARATION OF GREGORY S. ASCIOLLA  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

**Reported Expenses on Behalf of Plaintiffs  
December 23, 2009 through May 18, 2018**

<b>Category</b>	<b>Amount</b>
Litigation Fund	\$30,000.00
Internal Reproduction/Copies	\$4,468.00
Computer Research	\$210.95
Telephone/Fax	\$340.60
Postage/Express Delivery/Messenger	\$276.82
Travel: Air Transportation, Ground Travel, Meals, Lodging, etc.	\$15,803.17
<b>Total</b>	<b>\$51,099.54</b>

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**DECLARATION OF HOWARD J. SEDRAN  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

I, Howard J. Sedran, declare as follows:

1. I am Of Counsel to Levin Sedran & Berman LLP. I submit this declaration in support of Plaintiffs' motion for an award of attorneys' fees and expenses in connection with the services rendered, and costs and expenses incurred, in *In re Blood Reagents Antitrust Litigation* (the "Action").

2. My firm is one of the Plaintiffs' Counsel in the Action.

3. My firm received correspondence from Class Counsel on February 1, 2010, requiring the submission of monthly time and expense reports, noting the quarterly time and expense submissions to the Court, and instructing firms to refrain from engaging in any work that was not directed and/or approved by Class Counsel. My firm has tried to comply with those instructions throughout the course of the Action.

4. The schedule attached as Exhibit A sets forth my firm's total hours and lodestar, computed at historical rates, for the period from December 23, 2009 through and including May 18, 2018. The total number of hours spent by my firm during this period of time was 1047.25, \$366,877.50. This schedule was prepared from contemporaneous, daily time records prepared



and maintained by my firm. In connection with representing the Plaintiffs in the Action my firm did the following: Substantially all our work involved the review and coding of defendants' documents as assigned by Co-Lead Counsel. Our document review work also included the preparation of memoranda setting forth an analysis of the reviews performed. We also reviewed some of plaintiffs' documents with respect to production to defendants. The lodestar amount reflected in Exhibit A is for work assigned by Class Counsel, and was performed by attorneys and professional staff at or affiliated with my firm for the benefit of the Class. The hourly rates for the attorneys and professional staff in my firm reflected in Exhibit A are the usual and customary hourly rates historically charged by my firm in similar matters.

5. My firm has expended a total of \$25,116.61 in unreimbursed costs and expenses in connection with the prosecution of the Action from December 23, 2009 through and including May 18, 2018. These costs and expenses are set forth in the schedule attached as Exhibit B and are reflected on the books and records of my firm. They were incurred on behalf of Plaintiffs by my firm and have not been reimbursed.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 8<sup>th</sup> day of August, 2018, in Philadelphia, Pennsylvania.

  
HOWARD J. SEDRAN

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JANE E. DUBOIS**

**EXHIBIT A TO THE DECLARATION OF HOWARD J. SEDRAN  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

**Reported Hours and Historical Lodestar  
December 23, 2009 through May 18, 2018**

<b>Name</b>	<b>Role</b>	<b>Year</b>	<b>Hours</b>	<b>Rate</b>	<b>Lodestar</b>
Howard J. Sedran	P	2010	1.00	\$690	\$690.00
Miranda Petrillo	PL	2011	1046.25	\$350	\$366,187.50
<b>Total</b>			<b>1047.25</b>		<b>\$366,877.50</b>

P Partner  
OC Of Counsel  
A Associate  
LC Law Clerk  
PL Paralegal  
I Investigator  
CA Contract Attorney

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**EXHIBIT B TO THE DECLARATION OF HOWARD J. SEDRAN  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

**Reported Expenses on Behalf of Plaintiffs  
December 23, 2009 through May 18, 2018**

<b>Category</b>	<b>Amount</b>
Litigation Fund	\$25,000.00
Commercial Copies	\$0.00
Internal Reproduction/Copies	\$94.25
Computer Research	\$22.36
Court Fees (filing, etc.)	\$0.00
Court Reporters/Transcripts	\$0.00
Telephone/Fax	\$0.00
Postage/Express Delivery/Messenger	\$0.00
Professional Fees (expert, investigator, accountant, etc.)	\$0.00
Witness/Service Fees	\$0.00
Travel: Air Transportation, Ground Travel, Meals, Lodging, etc.	\$0.00
Miscellaneous	\$0.00
<b>Total</b>	<b>\$25,116.61</b>

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**DECLARATION OF W. JOSEPH BRUCKNER  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

I, W. Joseph Bruckner, declare as follows:

1. I am a Partner with Lockridge Grindal Nauen P.L.L.P. I submit this declaration in support of Plaintiffs' motion for an award of attorneys' fees and expenses in connection with the services rendered, and costs and expenses incurred, in *In re Blood Reagents Antitrust Litigation* (the "Action").

2. My firm is one of the Plaintiffs' Counsel in the Action.

3. My firm received correspondence from Class Counsel on February 1, 2010, requiring the submission of monthly time and expense reports, noting the quarterly time and expense submissions to the Court, and instructing firms to refrain from engaging in any work that was not directed and/or approved by Class Counsel. My firm has tried to comply with those instructions throughout the course of the Action.

4. The schedule attached as Exhibit A sets forth my firm's total hours and lodestar, computed at historical rates, for the period from December 23, 2009 through and including May 18, 2018. The total number of hours spent by my firm during this period of time was 1,920.50, with a corresponding lodestar of \$747,490.00. This schedule was prepared from

contemporaneous, daily time records prepared and maintained by my firm. In connection with representing the Plaintiffs in the Action my firm did the following:

- Communicated with client regarding consolidated complaint allegations, approval to file, discovery obligations, and responses to plaintiff questionnaire;
- Coordinated preservation of client documents;
- Coordinated, processed and prepared client documents for production to defendants;
- Participated in executive committee conference calls regarding case schedule, case planning, consolidated amended complaint, research assignments, discovery projects, and motions to dismiss;
- Reviewed and revised draft opposition to motions to dismiss in coordination with co-lead counsel;
- Reviewed and coded documents produced by defendants;
- Reviewed and coded Legacy documents;
- Drafted summary memos for co-lead counsel regarding document reviews;
- Reviewed, organized, and analyzed documents and case filings in preparation for defendant depositions;
- Deposed defendant witnesses;
- Summarized deposition transcripts;
- Researched and summarized defendant experts' backgrounds and online presence in preparation for depositions;
- Researched and summarized legal issues regarding conspiracy proof in oligopoly setting, parallel pricing and collusion in a conspiracy;

- Reviewed and analyzed plaintiffs' expert deposition to assess trial presentation as requested by co-lead counsel;
- Participated in trial preparations;
- Reviewed and analyzed jury instructions and questionnaires;
- Participated in mock jury and mock trial exercises and consultations;
- Reviewed, analyzed and drafted summary memos regarding themes and evidence in preparation for trial preparation exercises with co-lead counsel;
- Researched and designated deposition testimony in preparation for trial;
- Researched and assessed defendant's summary judgment, expert exhibits, and trial exhibits regarding admissibility and in preparation for plaintiffs' objections to same;
- Reviewed and analyzed documents to be admitted at trial through an expert;
- Reviewed and assessed defendant's objections to plaintiff trial exhibits and witness designations in preparation for response to same;
- Researched and draft motions in limine in preparation for trial; and
- Participate in conference with co-lead counsel regarding opening statements, plaintiff evidence for case in chief, and damages documents in preparation for trial.


The lodestar amount reflected in Exhibit A is for work assigned by Class Counsel, and was performed by attorneys and professional staff at or affiliated with my firm for the benefit of the Class. The hourly rates for the attorneys and professional staff in my firm reflected in Exhibit A are the usual and customary hourly rates historically charged by my firm in similar matters.

5. My firm has expended a total of \$77,375.11 in unreimbursed costs and expenses in connection with the prosecution of the Action from December 23, 2009 through and including May 18, 2018. These costs and expenses are set forth in the schedule attached as Exhibit B and

are reflected on the books and records of my firm. They were incurred on behalf of Plaintiffs by my firm and have not been reimbursed.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 13<sup>th</sup> day of August, 2018, in Minneapolis, Minnesota.

A handwritten signature in black ink, appearing to read "W. Joseph Bruckner", written over a horizontal line.

W. Joseph Bruckner

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**EXHIBIT A TO THE DECLARATION OF W. JOSEPH BRUCKNER  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

**Reported Hours and Historical Lodestar  
December 23, 2009 through May 18, 2018**

<b>Name</b>	<b>Role</b>	<b>Year</b>	<b>Hours</b>	<b>Rate</b>	<b>Lodestar</b>
Richard A. Lockridge	P	2018	.50	\$925	\$462.50
Richard A. Lockridge	P	2017	1.50	\$900	\$1,350.00
Richard A. Lockridge	P	2016	.75	\$900	\$675.00
Richard A. Lockridge	P	2015	2.25	\$825	\$1,856.25
Richard A. Lockridge	P	2014	.25	\$775	\$193.75
Richard A. Lockridge	P	2012	.25	\$675	\$168.75
Richard A. Lockridge	P	2011	.25	\$650	\$162.50
Richard A. Lockridge	P	2010	1.75	\$625	\$1,093.75
W. Joseph Bruckner	P	2018	1.50	\$875	\$1,312.50
W. Joseph Bruckner	P	2017	4.50	\$850	\$3,825.00
W. Joseph Bruckner	P	2016	3.00	\$850	\$2,550.00
W. Joseph Bruckner	P	2015	1.00	\$800	\$800.00
W. Joseph Bruckner	P	2012	68.50	\$650	\$44,525.00
W. Joseph Bruckner	P	2011	35.25	\$625	\$22,031.25
W. Joseph Bruckner	P	2010	9.50	\$600	\$5,700.00
Robert J. Schmit	P	2015	.75	\$725	\$543.75
Robert J. Schmit	P	2012	101.00	\$600	\$60,600.00
Karen H. Riebel	P	2012	2.00	\$600	\$1,200.00
Karen H. Riebel	P	2011	5.25	\$575	\$3,018.75
Heidi M. Siltan	P	2011	.25	\$550	\$137.50



<b>Name</b>	<b>Role</b>	<b>Year</b>	<b>Hours</b>	<b>Rate</b>	<b>Lodestar</b>
Elizabeth R. Odette	P	2018	133.50	\$600	\$80,100.00
Elizabeth R. Odette	P	2017	36.25	\$575	\$20,843.75
Elizabeth R. Odette	P	2016	1.00	\$550	\$550.00
Elizabeth R. Odette	A	2012	55.50	\$375	\$20,812.50
Elizabeth R. Odette	A	2011	40.25	\$375	\$15,093.75
Elizabeth R. Odette	A	2010	10.50	\$350	\$3,675.00
Elizabeth R. Odette	A	2009	.75	\$325	\$243.75
Anna M. Horning Nygren	P	2016	15.50	\$550	\$8,525.00
Craig S. Davis	A	2016	49.25	\$525	\$25,856.25
Simeon A. Morbey	A	2018	70.75	\$445	\$31,483.75
Sahr A.M. Brima	A	2016	26.25	\$450	\$11,812.50
Matthew R. Salzwedel	A	2012	60.75	\$450	\$27,337.50
Rachel J. Christiansen	CA	2011	1,129.00	\$300	\$338,700.00
Valerie K. Hoiness	CA	2012	8.00	\$300	\$2,400.00
Elizabeth M. Sipe	PL	2018	.75	\$275	\$206.25
Elizabeth M. Sipe	PL	2017	.50	\$200	\$100.00
Elizabeth M. Sipe	PL	2016	7.75	\$200	\$1,550.00
Elizabeth M. Sipe	PL	2012	18.75	\$175	\$3,281.25
Elizabeth M. Sipe	PL	2011	8.00	\$175	\$1,400.00
Elizabeth M. Sipe	PL	2010	7.50	\$175	\$1,312.50
<b>Total</b>			<b>1,920.50</b>		<b>\$747,490.00</b>

P Partner  
 OC Of Counsel  
 A Associate  
 LC Law Clerk  
 PL Paralegal  
 I Investigator  
 CA Contract Attorney

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**EXHIBIT B TO THE DECLARATION OF W. JOSEPH BRUCKNER  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

**Reported Expenses on Behalf of Plaintiffs  
December 23, 2009 through May 18, 2018**

<b>Category</b>	<b>Amount</b>
Litigation Fund	\$65,000.00
Commercial Copies	\$0.00
Internal Reproduction/Copies	\$373.35
Computer Research	\$2,832.58
Court Fees (filing, etc.)	\$0.00
Court Reporters/Transcripts	\$0.00
Telephone/Fax	\$3.62
Postage/Express Delivery/Messenger	\$58.98
Professional Fees (expert, investigator, accountant, etc.)	\$0.00
Witness/Service Fees	\$0.00
Travel: Air Transportation, Ground Travel, Meals, Lodging, etc.	\$9,106.58
Miscellaneous	\$0.00
<b>Total</b>	<b>\$77,375.11</b>

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**DECLARATION OF ANDREW MANITSKY  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

I, Andrew Manitsky, declare as follows:

1. I am a partner with Lynn, Lynn, Blackman & Manitsky, P.C. and former partner with Gravel & Shea, P.C. I submit this declaration in support of Plaintiffs' motion for an award of attorneys' fees and expenses in connection with the services rendered, and costs and expenses incurred, in *In re Blood Reagents Antitrust Litigation* (the "Action").

2. My firm is one of the Plaintiffs' Counsel in the Action.

3. My firm received correspondence from Class Counsel on February 1, 2010, requiring the submission of monthly time and expense reports, noting the quarterly time and expense submissions to the Court, and instructing firms to refrain from engaging in any work that was not directed and/or approved by Class Counsel. My firm has tried to comply with those instructions throughout the course of the Action.

4. The schedule attached as Exhibit A sets forth my firms total hours and lodestar, computed at historical rates, for the period from December 23, 2009 through and including May 18, 2018. The total number of hours spent by my firms during this period of time was 11.2, with a corresponding lodestar of \$3,594.50. This schedule was prepared from contemporaneous, daily

time records prepared and maintained by my firms. In connection with representing the Plaintiffs in the Action my firms did the following: review discovery demands; review documents for production; and communicate with co-counsel regarding document discovery, depositions, and settlement. The lodestar amount reflected in Exhibit A is for work assigned by Class Counsel, and was performed by attorneys and professional staff at or affiliated with my firms for the benefit of the Class. The hourly rates for the attorneys and professional staff in my firms reflected in Exhibit A are the usual and customary hourly rates historically charged by my firm in similar matters.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 9<sup>th</sup> day of August, 2018, in Burlington, Vermont

/s/ Andrew Manitsky

Andrew Manitsky

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**EXHIBIT A TO THE DECLARATION OF ANDREW MANITSKY  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

**Reported Hours and Historical Lodestar  
December 23, 2009 through May 18, 2018**

<b>Name</b>	<b>Role</b>	<b>Year</b>	<b>Hours</b>	<b>Rate</b>	<b>Lodestar</b>
Manitsky, Andrew	P	2010	.3	\$285	\$ 85.50
Manitsky, Andrew	P	2010	.5	\$295	\$ 147.50
Manitsky, Andrew	P	2011	7.6	\$315	\$2,394.00
Manitsky, Andrew	P	2012	.5	\$325	\$ 162.50
Manitsky, Andrew	P	2015	.3	\$350	\$ 105.00
Manitsky, Andrew	P	2016	2.0	\$350	\$ 700.00
<b>Total</b>			<b>11.2</b>		<b>\$3,594.50</b>

P Partner  
OC Of Counsel  
A Associate  
LC Law Clerk  
PL Paralegal  
I Investigator  
CA Contract Attorney

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**DECLARATION OF LEE ALBERT  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

I, Lee Albert, declare as follows:

1. I was a partner of the law firm of Murray Frank LLP ("the Firm"). On December 31, 2012 the Firm dissolved. I submit this declaration in support of Plaintiffs' motion for an award of attorneys' fees and expenses in connection with the services rendered, and costs and expenses incurred, in *In re Blood Reagents Antitrust Litigation* (the "Action").

2. The firm was one of the Plaintiffs' Counsel in the Action.

3. The firm received correspondence from Class Counsel on February 1, 2010, requiring the submission of monthly time and expense reports, noting the quarterly time and expense submissions to the Court, and instructing firms to refrain from engaging in any work that was not directed and/or approved by Class Counsel. The firm has tried to comply with those instructions throughout the course of the Action.


4. The schedule attached as Exhibit A sets forth the Firm's total hours and lodestar, computed at historical rates, for the period from December 23, 2009 through and including the dissolution of the Firm. The total number of hours spent by the firm during this period of time was 1,306.3, with a corresponding lodestar of \$465,935.00. This schedule was prepared from

contemporaneous, daily time records prepared and maintained by the Firm. In connection with representing the Plaintiffs in the Action the firm did the following: meetings with client and review of client records; calls with lead counsel re client records and documents; reviewed, analyzed, coded discovery documents produced by Defendants at the request of lead counsel, including those produced by Ortho Clinical; and drafted memoranda summarizing document relevance and case-specific issues. The lodestar amount reflected in Exhibit A is for work assigned by Class Counsel, and was performed by attorneys and professional staff at or affiliated with the Firm for the benefit of the Class. The hourly rates for the attorneys and professional staff in my firm reflected in Exhibit A are the usual and customary hourly rates historically charged by my firm in similar matters.

5. Ty firm has expended a total of \$20,404.22 in unreimbursed costs and expenses in connection with the prosecution of the Action from December 23, 2009 through and including the dissolution of the Firm. These costs and expenses are set forth in the schedule attached as Exhibit B and are reflected on the books and records of the firm. They were incurred on behalf of Plaintiffs by the Firm and have not been reimbursed.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 9th day of August, 2018, in New York, NY

  
\_\_\_\_\_  
Lee Albert

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**EXHIBIT A TO THE DECLARATION OF LEE ALBERT  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

**Reported Hours and Historical Lodestar  
December 23, 2009 through May 18, 2018**

<b>Name</b>	<b>Role</b>	<b>Year</b>	<b>Hours</b>	<b>Rate</b>	<b>Lodestar</b>
Albert, Lee	P	2010	4	\$800	\$3,200
Albert, Lee	P	2011	15.4	\$800	\$12,320
Carroll, Charles Clay	OC	2011	1,286.9	\$350	\$450,415
<b>Total</b>			<b>1,306.3</b>		<b>\$465,935</b>

P Partner  
OC Of Counsel  
A Associate  
LC Law Clerk  
PL Paralegal  
I Investigator  
CA Contract Attorney



**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**EXHIBIT B TO THE DECLARATION OF LEE ALBERT  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

**Reported Expenses on Behalf of Plaintiffs  
December 23, 2009 through May 18, 2018**

<b>Category</b>	<b>Amount</b>
Litigation Fund	\$20,000.00
Commercial Copies	\$0.00
Internal Reproduction/Copies	\$0.00
Computer Research	\$0.00
Court Fees (filing, etc.)	\$0.00
Court Reporters/Transcripts	\$0.00
Telephone/Fax	\$0.00
Postage/Express Delivery/Messenger	\$36.22
Professional Fees (expert, investigator, accountant, etc.)	\$0.00
Witness/Service Fees	\$0.00
Travel: Air Transportation, Ground Travel, Meals, Lodging, etc.	\$368.00
Miscellaneous	\$0.00
<b>Total</b>	<b>\$20,404.22</b>

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**DECLARATION OF JEREMY A. LIEBERMAN  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

I, Jeremy A. Lieberman, declare as follows:

1. I am a Partner with Pomerantz LLP. I submit this declaration in support of Plaintiffs' motion for an award of attorneys' fees and expenses in connection with the services rendered, and costs and expenses incurred, in *In re Blood Reagents Antitrust Litigation* (the "Action").

2. My firm is one of the Plaintiffs' Counsel in the Action.

3. My firm received correspondence from Class Counsel on February 1, 2010, requiring the submission of monthly time and expense reports, noting the quarterly time and expense submissions to the Court, and instructing firms to refrain from engaging in any work that was not directed and/or approved by Class Counsel. My firm has tried to comply with those instructions throughout the course of the Action.

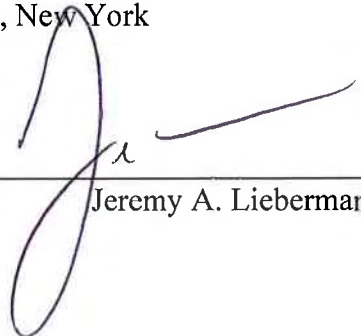
4. The schedule attached as Exhibit A sets forth my firm's total hours and lodestar, computed at historical rates, for the period from December 23, 2009 through and including May 18, 2018. The total number of hours spent by my firm during this period of time was 3 hours, with a corresponding lodestar of \$2,050. This schedule was prepared from contemporaneous, daily time

records prepared and maintained by my firm. In connection with representing the Plaintiffs in the Action my firm did the following: Meetings with client regarding discovery; conferences with co-lead counsel regarding leadership. The lodestar amount reflected in Exhibit A is for work assigned by Class Counsel, and was performed by attorneys and professional staff at or affiliated with my firm for the benefit of the Class. The hourly rates for the attorneys and professional staff in my firm reflected in Exhibit A are the usual and customary hourly rates historically charged by my firm in similar matters.

5. My firm has expended a total of \$186.98 in unreimbursed costs and expenses in connection with the prosecution of the Action from December 23, 2009 through and including May 18, 2018. These costs and expenses are set forth in the schedule attached as Exhibit B and are reflected on the books and records of my firm. They were incurred on behalf of Plaintiffs by my firm and have not been reimbursed.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 16<sup>th</sup> day of August, 2018, in New York, New York



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Jeremy A. Lieberman

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**EXHIBIT A TO THE DECLARATION OF JEREMY A. LIEBERMAN  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

**Reported Hours and Historical Lodestar  
December 23, 2009 through May 18, 2018**

<b>Name</b>	<b>Role</b>	<b>Year</b>	<b>Hours</b>	<b>Rate</b>	<b>Lodestar</b>
Michael M. Buchman	P	2009	1	650	650.00
Michael M. Buchman	P	2010	2	700	1400.00
<b>Total</b>			<b>3</b>		<b>2,050.00</b>

P Partner  
OC Of Counsel  
A Associate  
LC Law Clerk  
PL Paralegal  
I Investigator  
CA Contract Attorney

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**EXHIBIT B TO THE DECLARATION OF JEREMY A. LIEBERMAN  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

**Reported Expenses on Behalf of Plaintiffs  
December 23, 2009 through May 18, 2018**

<b>Category</b>	<b>Amount</b>
Litigation Fund	
Internal Reproduction/Copies	5.20
Computer Research	
Court Fees (filing, etc.)	
Court Reporters/Transcripts	
Telephone/Fax	40.86
Postage/Express Delivery/Messenger	140.92
Professional Fees (expert, investigator, accountant, etc.)	
Witness/Service Fees	
Travel: Air Transportation, Ground Travel, Meals, Lodging, etc.	
Miscellaneous	
<b>Total</b>	<b>\$186.98</b>

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**DECLARATION OF GARETT D. BLANCHFIELD, JR.  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

I, Garrett D. Blanchfield, Jr., declare as follows:

1. I am a Partner with Reinhardt Wendorf & Blanchfield. I submit this declaration in support of Plaintiffs' motion for an award of attorneys' fees and expenses in connection with the services rendered, and costs and expenses incurred, in *In re Blood Reagents Antitrust Litigation* (the "Action").

2. My firm is one of the Plaintiffs' Counsel in the Action.

3. My firm received correspondence from Class Counsel on February 1, 2010, requiring the submission of monthly time and expense reports, noting the quarterly time and expense submissions to the Court, and instructing firms to refrain from engaging in any work that was not directed and/or approved by Class Counsel. My firm has tried to comply with those instructions throughout the course of the Action.

4. The schedule attached as Exhibit A sets forth my firm's total hours and lodestar, computed at historical rates, for the period from December 23, 2009 through and including May 18, 2018. The total number of hours spent by my firm during this period of time was 1,039.85, with a corresponding lodestar of \$367,544.50. This schedule was prepared from

contemporaneous, daily time records prepared and maintained by my firm. In connection with representing the Plaintiffs in the Action my firm performed a significant amount of document review. The lodestar amount reflected in Exhibit A is for work assigned by Class Counsel, and was performed by attorneys and professional staff at or affiliated with my firm for the benefit of the Class. The hourly rates for the attorneys and professional staff in my firm reflected in Exhibit A are the usual and customary hourly rates historically charged by my firm in similar matters.

5. My firm has expended a total of \$31,875.03 in unreimbursed costs and expenses in connection with the prosecution of the Action from December 23, 2009 through and including May 18, 2018. These costs and expenses are set forth in the schedule attached as Exhibit B and are reflected on the books and records of my firm. They were incurred on behalf of Plaintiffs by my firm and have not been reimbursed.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 13 day of August 2018, in St. Paul, Minnesota.

A handwritten signature in black ink, appearing to read "Garrett D. Blanchfield, Jr.", is written over a horizontal line.

Garrett D. Blanchfield, Jr.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**EXHIBIT A TO THE DECLARATION OF GARRETT D. BLANCHFIELD, JR.  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

**Reported Hours and Historical Lodestar  
December 23, 2009 through May 18, 2018**

<b>Name</b>	<b>Role</b>	<b>Year</b>	<b>Hours</b>	<b>Rate</b>	<b>Lodestar</b>
Blanchfield, Garrett	P	2010	2.2	\$585	\$1,287.00
Blanchfield, Garrett	P	2010	2.1	\$615	\$1,291.50
Blanchfield, Garrett	P	2011	3.9	\$620	\$2,418.00
Blanchfield, Garrett	P	2012	1.4	\$645	\$903.00
Blanchfield, Garrett	P	2013	.2	\$660	\$132.00
Blanchfield, Garrett	P	2015	1.2	\$695	\$834.00
Blanchfield, Garrett	P	2016	.2	\$695	\$139.00
Reinhardt, Mark	P	2010	1.25	\$660	\$825.00
Reinhardt, Mark	P	2011	.4	\$725	\$290.00
Reinhardt, Mark	P	2016	.8	\$825	\$660.00
Wendorf, Mark	P	2011	17.8	\$675	\$12,015.00
Wendorf, Mark	P	2012	2.2	\$705	\$1,551.00
Wendorf, Mark	P	2016	7.6	\$775	\$5,890.00
Shannon, Gerard	A	2011	997.0	\$340	\$338,980.00
Kosek, Shirley	PL	2011	.9	\$195	\$175.50
Kosek, Shirley	PL	2012	.2	\$205	\$41.00
Kosek, Shirley	PL	2016	.5	\$225	\$112.50
<b>Total</b>			<b>1,039.85</b>		<b>\$367,544.50</b>



P	Partner
OC	Of Counsel
A	Associate
LC	Law Clerk
PL	Paralegal
I	Investigator
CA	Contract Attorney

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**EXHIBIT B TO THE DECLARATION OF GARRETT D. BLANCHFIELD, JR.  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

**Reported Expenses on Behalf of Plaintiffs  
December 23, 2009 through May 18, 2018**

<b>Category</b>	<b>Amount</b>
Litigation Fund	\$30,000.00
Commercial Copies	\$0.00
Internal Reproduction/Copies	\$49.80
Computer Research	\$47.88
Court Fees (filing, etc.)	\$0.00
Court Reporters/Transcripts	\$0.00
Telephone/Fax	\$0.00
Postage/Express Delivery/Messenger	\$0.00
Professional Fees (expert, investigator, accountant, etc.)	\$0.00
Witness/Service Fees	\$0.00
Travel: Air Transportation, Ground Travel, Meals, Lodging, etc.	\$1,777.35
Miscellaneous	\$0.00
<b>Total</b>	<b>\$31,875.03</b>

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**DECLARATION OF T. CHRISTOPHER TUCK  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

I, T. CHRISTOPHER TUCK, declare as follows:

1. I am a Member with Richardson, Patrick, Westbrook and Brickman. I submit this declaration in support of Plaintiffs' motion for an award of attorneys' fees and expenses in connection with the services rendered, and costs and expenses incurred, in *In re Blood Reagents Antitrust Litigation* (the "Action").

2. My firm is one of the Plaintiffs' Counsel in the Action.

3. My firm received correspondence from Class Counsel on February 1, 2010, requiring the submission of monthly time and expense reports, noting the quarterly time and expense submissions to the Court, and instructing firms to refrain from engaging in any work that was not directed and/or approved by Class Counsel. My firm has tried to comply with those instructions throughout the course of the Action.

4. The schedule attached as Exhibit A sets forth my firm's total hours and lodestar, computed at historical rates, for the period from December 23, 2009 through and including May 18, 2018. The total number of hours spent by my firm during this period of time was 1.5, with a corresponding lodestar of \$750.00. This schedule was prepared from contemporaneous, daily

time records prepared and maintained by my firm. In connection with representing the Plaintiffs in the Action my firm reviewed a brief and corresponded with counsel regarding any proposed edits to that brief. The lodestar amount reflected in Exhibit A is for work assigned by Class Counsel, and was performed by attorneys and professional staff at or affiliated with my firm for the benefit of the Class. The hourly rates for the attorneys and professional staff in my firm reflected in Exhibit A are the usual and customary hourly rates historically charged by my firm in similar matters.

5. My firm has expended a total of \$5,254.37 in unreimbursed costs and expenses in connection with the prosecution of the Action from December 23, 2009 through and including May 18, 2018. These costs and expenses are set forth in the schedule attached as Exhibit B and are reflected on the books and records of my firm. They were incurred on behalf of Plaintiffs by my firm and have not been reimbursed.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 14<sup>th</sup> day of August, 2018, in Mount Pleasant, South Carolina

  
T. CHRISTOPHER TUCK

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**EXHIBIT A TO THE DECLARATION OF T. CHRISTOPHER TUCK  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

**Reported Hours and Historical Lodestar  
December 23, 2009 through May 18, 2018**

<b>Name</b>	<b>Role</b>	<b>Year</b>	<b>Hours</b>	<b>Rate</b>	<b>Lodestar</b>
Tuck, T. Christopher	P	2010	1.5	\$500	\$750

<b>Total</b>			<b>1.5</b>		<b>\$750</b>
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P Partner  
OC Of Counsel  
A Associate  
LC Law Clerk  
PL Paralegal  
I Investigator  
CA Contract Attorney

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**EXHIBIT B TO THE DECLARATION OF T. CHRISTOPHER TUCK  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

**Reported Expenses on Behalf of Plaintiffs  
December 23, 2009 through May 18, 2018**

<b>Category</b>	<b>Amount</b>
Litigation Fund	\$0.00
Commercial Copies	\$0.00
Internal Reproduction/Copies	\$254.37
Computer Research	\$0.00
Court Fees (filing, etc.)	\$0.00
Court Reporters/Transcripts	\$0.00
Telephone/Fax	\$0.00
Postage/Express Delivery/Messenger	\$0.00
Professional Fees (expert, investigator, accountant, etc.)	\$5,000.00
Witness/Service Fees	\$0.00
Travel: Air Transportation, Ground Travel, Meals, Lodging, etc.	\$0.00
Miscellaneous	\$0.00
<b>Total</b>	<b>\$5,254.37</b>

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**DECLARATION OF HOLLIS SALZMAN  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

I, Hollis Salzman, declare as follows:

1. I am a Partner with Robins Kaplan LLP. I submit this declaration in support of Plaintiffs' motion for an award of attorneys' fees and expenses in connection with the services rendered, and costs and expenses incurred, in *In re Blood Reagents Antitrust Litigation* (the "Action").

2. My firm is one of the Plaintiffs' Counsel in the Action.

3. My firm received correspondence from Class Counsel on February 19, 2013, requiring the submission of monthly time and expense reports, noting the quarterly time and expense submissions to the Court, and instructing firms to refrain from engaging in any work that was not directed and/or approved by Class Counsel. My firm has tried to comply with those instructions throughout the course of the Action.

4. The schedule attached as Exhibit A sets forth my firm's total hours and lodestar, computed at historical rates, for the period from February 19, 2013 through and including May 18, 2018. The total number of hours spent by my firm during this period of time was 362.4, with a corresponding lodestar of \$198,273.50. This schedule was prepared from contemporaneous,

daily time records prepared and maintained by my firm. In connection with representing the Plaintiffs in the Action my firm did the following: assisted with preparation of summary judgment memoranda, including by researching relevant case law; communicated with named Plaintiff regarding the status of the case and other matters; consulted with lead counsel regarding trial strategy; drafted objections to deposition designations for trial; and drafted motions in limine to exclude certain materials at trial. The lodestar amount reflected in Exhibit A is for work assigned by Class Counsel, and was performed by attorneys and professional staff at or affiliated with my firm for the benefit of the Class. The hourly rates for the attorneys and professional staff in my firm reflected in Exhibit A are the usual and customary hourly rates historically charged by my firm in similar matters.

5. My firm has expended a total of \$36,787.02 in unreimbursed costs and expenses in connection with the prosecution of the Action from February 19, 2013 through and including May 18, 2018. These costs and expenses are set forth in the schedule attached as Exhibit B and are reflected on the books and records of my firm. They were incurred on behalf of Plaintiffs by my firm and have not been reimbursed.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 15th day of August, 2018, in New York, NY

  
Hollis Salzman



**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**EXHIBIT A TO THE DECLARATION OF HOLLIS SALZMAN  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

**Reported Hours and Historical Lodestar**  
February 19, 2013 through May 18, 2018

<b>Name</b>	<b>Role</b>	<b>Year</b>	<b>Hours</b>	<b>Rate</b>	<b>Lodestar</b>
Audra M. Norris	PL	n/a	0.6	\$250	\$150.00
Benjamin D. Steinberg	A	2013	4.4	\$475	\$2,090.00
Bernard Persky	OC	1969	67.0	\$925	\$61,975.00
Bernard Persky	OC	1969	6.2	\$950	\$5,890.00
Bridget S. Stubblefield	A	2017	10.1	\$465	\$4,696.50
David B. Rochelson	A	2012	17.4	\$515	\$8,961.00
David B. Rochelson	A	2012	69.6	\$580	\$40,368.00
Hollis Salzman	P	1992	0.2	\$790	\$158.00
Hollis Salzman	P	1992	0.4	\$830	\$332.00
Hollis Salzman	P	1992	0.6	\$890	\$534.00
Hollis Salzman	P	1992	0.2	\$900	\$180.00
Ivan Chaykovskiy	A	2017	7.1	\$465	\$3,301.50
Jeffrey D. Baum	PL	n/a	1.7	\$295	\$501.50
Jeffrey D. Baum	PL	n/a	1.0	\$310	\$310.00
Jeffrey D. Baum	PL	n/a	4.8	\$325	\$1,560.00
Kellie C. Lerner	P	2006	0.5	\$760	\$380.00
Mabel Marte	PL	n/a	1.0	\$250	\$250.00
Michael Turitto	PL	n/a	85.4	\$325	\$27,755.0
Michelle C. Zolnoski	A	2010	13.2	\$450	\$5,940.00
Michelle C. Zolnoski	A	2010	3.1	\$465	\$1,441.50

<b>Name</b>	<b>Role</b>	<b>Year</b>	<b>Hours</b>	<b>Rate</b>	<b>Lodestar</b>
Nahid A. Shaikh	A	2014	1.8	\$465	\$837.00
Noelle Feigenbaum	A	2017	50.3	\$445	\$22,383.50
Ryan S. Willoughby	PL	n/a	1.2	\$325	\$390.00
Sherli M. Furst	A	2010	13.0	\$525	\$6,825.00
William V. Reiss	P	2002	1.6	\$665	\$1,064.00
<b>Total</b>			<b>362.4</b>		<b>\$198,273.50</b>

P Partner  
 OC Of Counsel  
 A Associate  
 LC Law Clerk  
 PL Paralegal  
 I Investigator  
 CA Contract Attorney

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**EXHIBIT B TO THE DECLARATION OF HOLLIS SALZMAN  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

**Reported Expenses on Behalf of Plaintiffs  
February 19, 2013 through May 18, 2018**

<b>Category</b>	<b>Amount</b>
Litigation Fund	\$35,000.00
Commercial Copies	\$0.00
Internal Reproduction/Copies	\$196.39
Computer Research	\$774.99
Court Fees (filing, etc.)	\$0.00
Court Reporters/Transcripts	\$0.00
Telephone/Fax	\$4.82
Postage/Express Delivery/Messenger	\$0.00
Professional Fees (expert, investigator, accountant, etc.)	\$0.00
Witness/Service Fees	\$0.00
Travel: Air Transportation, Ground Travel, Meals, Lodging, etc.	\$810.82
Miscellaneous	\$0.00
<b>Total</b>	<b>\$36,787.02</b>

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**DECLARATION OF PATRICK HOWARD  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

I, Patrick Howard, declare as follows:

1. I am a Partner with Saltz, Mongeluzzi, Barrett & Bendesky, PC. I submit this declaration in support of Plaintiffs' motion for an award of attorneys' fees and expenses in connection with the services rendered, and costs and expenses incurred, in *In re Blood Reagents Antitrust Litigation* (the "Action").
2. My firm is one of the Plaintiffs' Counsel in the Action.
3. My firm received correspondence from Class Counsel on February 1, 2010, requiring the submission of monthly time and expense reports, noting the quarterly time and expense submissions to the Court, and instructing firms to refrain from engaging in any work that was not directed and/or approved by Class Counsel. My firm has tried to comply with those instructions throughout the course of the Action.
4. The schedule attached as Exhibit A sets forth my firm's total hours and lodestar, computed at historical rates, for the period from December 23, 2009 through and including May 18, 2018. The total number of hours spent by my firm during this period of time was 233.35, with a corresponding lodestar of \$102,900.75. This schedule was prepared from

contemporaneous, daily time records prepared and maintained by my firm. In connection with representing the Plaintiffs in the Action my firm did the following: responded to Defendants' discovery requests, including interrogatories and document requests, collecting, preserving, reviewing and producing both electronically stored information and hard-copy documents, preparing for and defending a witness designated pursuant to Rule 30(b)(6). The lodestar amount reflected in Exhibit A is for work assigned by Class Counsel, and was performed by attorneys and professional staff at or affiliated with my firm for the benefit of the Class. The hourly rates for the attorneys and professional staff in my firm reflected in Exhibit A are the usual and customary hourly rates historically charged by my firm in similar matters.

5. My firm has expended a total of \$11,378.05 in unreimbursed costs and expenses in connection with the prosecution of the Action from December 23, 2009 through and including May 18, 2018. These costs and expenses are set forth in the schedule attached as Exhibit B and are reflected on the books and records of my firm. They were incurred on behalf of Plaintiffs by my firm and have not been reimbursed.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 13th day of August, 2018, in Horsham, Pennsylvania.



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Patrick Howard

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**EXHIBIT A TO THE DECLARATION OF PATRICK HOWARD  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

**Reported Hours and Historical Lodestar  
December 23, 2009 through May 18, 2018**

<b>Name</b>	<b>Role</b>	<b>Year</b>	<b>Hours</b>	<b>Rate</b>	<b>Lodestar</b>
Durkin, Patrick	PL	2011	5.80	\$225	\$1,305.00
Dwyer-Fonda, Cynthia	PL	2010	4.75	\$225	\$1,068.75
Howard, Patrick	P	2010	8.40	\$425	\$3,570.00
Howard, Patrick	P	2011	130.10	\$425	\$55,292.50
Howard, Patrick	P	2012	49.30	\$450	\$22,185.00
Howard, Patrick	P	2015	11.40	\$565	\$6,441.00
Howard, Patrick	P	2016	4.70	\$585	\$2,749.50
Howard, Patrick	P	2017	1.00	\$595	\$595.00
Howard, Patrick	P	2018	2.90	\$610	\$1,769.00
Paris, Simon	P	2010	12.10	\$525	\$6,352.50
Paris, Simon	P	2011	2.40	\$525	\$1,260.00
Paris, Simon	P	2015	.30	\$615	\$184.50
Paris, Simon	P	2016	.10	\$635	\$63.50
Paris, Simon	P	2017	.10	\$645	\$64.50
<b>Total</b>			<b>233.35</b>		<b>\$102,900.75</b>

P	Partner	I	Investigator
OC	Of Counsel	CA	Contract Attorney
A	Associate		
LC	Law Clerk		
PL	Paralegal		

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**EXHIBIT B TO THE DECLARATION OF PATRICK HOWARD  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

**Reported Expenses on Behalf of Plaintiffs  
December 23, 2009 through May 18, 2018**

<b>Category</b>	<b>Amount</b>
Litigation Fund	\$10,000.00
Commercial Copies	\$279.62
Internal Reproduction/Copies	\$.25
Computer Research	
Court Fees (filing, etc.)	
Court Reporters/Transcripts	
Telephone/Fax	\$20.09
Postage/Express Delivery/Messenger	\$11.88
Professional Fees (expert, investigator, accountant, etc.)	
Witness/Service Fees	
Travel: Air Transportation, Ground Travel, Meals, Lodging, etc.	\$994.76
Miscellaneous	\$71.45
<b>Total</b>	<b>\$11,378.05</b>

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**DECLARATION OF NATALIE FINKELMAN BENNETT  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

I, Natalie Finkelman Bennett, declare as follows:

1. I am a partner with Shepherd, Finkelman, Miller & Shah, LLP. I submit this declaration in support of Plaintiffs' motion for an award of attorneys' fees and expenses in connection with the services rendered, and costs and expenses incurred, in *In re Blood Reagents Antitrust Litigation* (the "Action").

2. My firm is one of the Plaintiffs' Counsel in the Action.

3. My firm received correspondence from Class Counsel on February 1, 2010, requiring the submission of monthly time and expense reports, noting the quarterly time and expense submissions to the Court, and instructing firms to refrain from engaging in any work that was not directed and/or approved by Class Counsel. My firm has tried to comply with those instructions throughout the course of the Action.

4. The schedule attached as Exhibit A sets forth my firm's total hours and lodestar, computed at historical rates, for the period from December 23, 2009 through and including May 18, 2018. The total number of hours spent by my firm during this period of time was 984.4, with a corresponding lodestar of \$352,635.00 This schedule was prepared from contemporaneous,



daily time records prepared and maintained by my firm. In connection with representing the Plaintiffs in the Action my firm did the following: research and filing complaint in New Jersey in July 2009, participating in substantive document review of targeted custodians and issues, including analyzing documents and information, team calls and drafting weekly batch memos regarding documents; communications with Class Counsel regarding status and hearings; discovery and deposition preparation. The lodestar amount reflected in Exhibit A is for work assigned by Class Counsel, and was performed by attorneys and professional staff at or affiliated with my firm for the benefit of the Class. The hourly rates for the attorneys and professional staff in my firm reflected in Exhibit A are the usual and customary hourly rates historically charged by my firm in similar matters.

5. My firm has expended a total of \$15,453.54 in unreimbursed costs and expenses in connection with the prosecution of the Action from December 23, 2009 through and including May 18, 2018. These costs and expenses are set forth in the schedule attached as Exhibit B and are reflected on the books and records of my firm. They were incurred on behalf of Plaintiffs by my firm and have not been reimbursed.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 13 day of August, 2018, in Media, PA.



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Natalie Finkelman Bennett

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**EXHIBIT A TO THE DECLARATION OF NATALIE FINKELMAN BENNETT IN  
SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

**Reported Hours and Historical Lodestar  
December 23, 2009 through May 18, 2018**

<b>Name</b>	<b>Role</b>	<b>Year</b>	<b>Hours</b>	<b>Rate</b>	<b>Lodestar</b>
Finkelman Bennett Natalie	P	2009	.5	\$550	\$275
Finkelman Bennett Natalie	P	2010	2.3	\$550	\$1,265
Finkelman Bennett Natalie	P	2011	19.4	\$650	\$12,610
Finkelman Bennett Natalie	P	2012	1.3	\$650	\$845
Finkelman Bennett Natalie	P	2013	.2	\$650	\$130
Finkelman Bennett Natalie	P	2015	.80	\$725	\$580
Fitzgerald, Edward	OC	2011	949.2	\$350	\$332,220
Fitzgerald, Edward	OC	2012	7.1	\$350	\$2,485
Miller, James E.	P	2011	.7	\$725	\$507.50
Shah, James C.	P	2009	.3	\$575	\$172.50
Shah, James C.	P	2010	2.2	\$575	\$1,265
Shah, James C.	P	2011	.4	\$700	\$280
<b>Total</b>			<b>984.4</b>		<b>\$352,635.00</b>

P	Partner
OC	Of Counsel
A	Associate
LC	Law Clerk
PL	Paralegal
I	Investigator
CA	Contract Attorney

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**EXHIBIT B TO THE DECLARATION OF NATALIE FINKELMAN BENNETT  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

**Reported Expenses on Behalf of Plaintiffs  
December 23, 2009 through May 18, 2018**

<b>Category</b>	<b>Amount</b>
Litigation Fund	\$15,000
Internal Reproduction/Copies	\$11.25
Postage/Express Delivery/Messenger	\$4.95
Travel: Air Transportation, Ground Travel, Meals, Lodging, etc.	\$437.34
<b>Total</b>	<b>\$15,453.54</b>

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**DECLARATION OF THOMAS A. MUZILLA  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

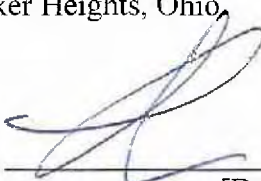
I, Thomas A. Muzilla, declare as follows:

1. I am a the Managing Member with The Muzilla Law Firm, LLC. I submit this declaration in support of Plaintiffs' motion for an award of attorneys' fees and expenses in connection with the services rendered, and costs and expenses incurred, in *In re Blood Reagents Antitrust Litigation* (the "Action").
2. My firm is one of the Plaintiffs' Counsel in the Action.
3. My firm received correspondence from Class Counsel on February 1, 2010, requiring the submission of monthly time and expense reports, noting the quarterly time and expense submissions to the Court, and instructing firms to refrain from engaging in any work that was not directed and/or approved by Class Counsel. My firm has tried to comply with those instructions throughout the course of the Action.
4. My firm has expended a total of \$5,000.00 in unreimbursed costs and expenses in connection with the prosecution of the Action from December 23, 2009 through and including May 18, 2018. These costs and expenses are set forth in the schedule attached as Exhibit A and

are reflected on the books and records of my firm. They were incurred on behalf of Plaintiffs by my firm and have not been reimbursed.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 8<sup>th</sup> day of August, 2018, in Shaker Heights, Ohio.

  
[Declarant]

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**EXHIBIT A TO THE DECLARATION OF THE MUZILLA LAW FIRM, LLC  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

**Reported Expenses on Behalf of Plaintiffs**  
December 23, 2009 through May 18, 2018

<b>Category</b>	<b>Amount</b>
Litigation Fund	\$5,000.00
<b>Total</b>	<b>\$5,000.00</b>

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**DECLARATION OF TRUJILLO RODRIGUEZ & RICHARDS, LLC  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

I, Ira N. Richards, declare as follows:

1. I am a member of Trujillo Rodriguez & Richards, LLC. I submit this declaration in support of Plaintiffs' motion for an award of attorneys' fees and expenses in connection with the services rendered, and costs and expenses incurred, in *In re Blood Reagents Antitrust Litigation* (the "Action").

2. My firm is one of the Plaintiffs' Counsel in the Action.

3. My firm received correspondence from Class Counsel on February 1, 2010, requiring the submission of monthly time and expense reports, noting the quarterly time and expense submissions to the Court, and instructing firms to refrain from engaging in any work that was not directed and/or approved by Class Counsel. My firm has tried to comply with those instructions throughout the course of the Action.

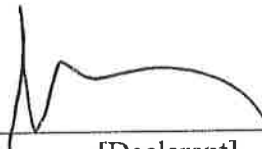
4. The schedule attached as Exhibit A sets forth my firm's total hours and lodestar, computed at historical rates, for the period from December 23, 2009 through and including May 18, 2018. The total number of hours spent by my firm during this period of time was 2.1, with a corresponding lodestar of \$1,260.00. This schedule was prepared from contemporaneous, daily



time records prepared and maintained by my firm. In connection with representing the Plaintiffs in the Action my firm responded to and review communications from Class Counsel. The lodestar amount reflected in Exhibit A is for work assigned by Class Counsel, and was performed by attorneys and professional staff at or affiliated with my firm for the benefit of the Class. The hourly rates for the attorneys and professional staff in my firm reflected in Exhibit A are the usual and customary hourly rates historically charged by my firm in similar matters.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 17 day of August 2018, in Philadelphia, PA

  
\_\_\_\_\_  
[Declarant]

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**EXHIBIT A TO**

**THE DECLARATION OF TRUJILLO RODRIGUEZ & RICHARDS, LLC  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

**Reported Hours and Historical Lodestar  
December 23, 2009 through May 18, 2018**

<b>Name</b>	<b>Role</b>	<b>Year</b>	<b>Hours</b>	<b>Rate</b>	<b>Lodestar</b>
Rodriguez, Lisa	P	2010	1.3	\$600.00	\$780.00
Richards, Ira	P	2010	0.8	\$600.00	\$480.00
<b>Total</b>			<b>2.1</b>		<b>\$1,260.00</b>

P	Partner
OC	Of Counsel
A	Associate
LC	Law Clerk
PL	Paralegal
I	Investigator
CA	Contract Attorney

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**DECLARATION OF KIMBERLY R. WEST  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

I, Kimberly R. West, declare as follows:

1. I am a partner with the law firm of Wallace, Jordan, Ratliff & Brandt LLC. I submit this declaration in support of Plaintiffs' motion for an award of attorneys' fees and expenses in connection with the services rendered, and costs and expenses incurred, in *In re Blood Reagents Antitrust Litigation* (the "Action").

2. My firm is one of the Plaintiffs' Counsel in the Action.

3. My firm received correspondence from Class Counsel on February 1, 2010, requiring the submission of monthly time and expense reports, noting the quarterly time and expense submissions to the Court, and instructing firms to refrain from engaging in any work that was not directed and/or approved by Class Counsel. My firm has tried to comply with those instructions throughout the course of the Action.

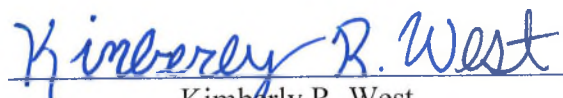
4. The schedule attached as Exhibit A sets forth my firm's total hours and lodestar, computed at historical rates, for the period from December 23, 2009 through and including May 18, 2018. The total number of hours spent by my firm during this period of time was 179.75 hours, with a corresponding lodestar of \$68,171.25. This schedule was prepared from

contemporaneous, daily time records prepared and maintained by my firm. In connection with representing the Plaintiffs in the Action my firm did the following, as requested by lead counsel: worked with plaintiff NARMC's in-house personnel to discover, review and produce documents and testimony; reviewed and drafted pleadings as to plaintiff NARMC; worked with NARMC's corporate representative Judy Gould in preparing for and giving deposition testimony; prepared Ms. Gould for trial testimony; participated in strategy and negotiations for settlement as requested by lead counsel . The lodestar amount reflected in Exhibit A is for work assigned by Class Counsel, and was performed by attorneys and professional staff at or affiliated with my firm for the benefit of the Class. The hourly rates for the attorneys and professional staff in my firm reflected in Exhibit A are the usual and customary hourly rates historically charged by my firm in similar matters.

5. My firm has expended a total of \$28,729.49 in unreimbursed costs and expenses in connection with the prosecution of the Action from December 23, 2009 through and including May 18, 2018. These costs and expenses are set forth in the schedule attached as Exhibit B and are reflected on the books and records of my firm. They were incurred on behalf of Plaintiffs by my firm and have not been reimbursed.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 13th day of August, 2018, in Birmingham, Alabama,

  
Kimberly R. West

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**EXHIBIT A TO THE DECLARATION OF KIMBERLY R. WEST  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

**Reported Hours and Historical Lodestar  
December 23, 2009 through May 18, 2018**

<b>Name</b>	<b>Role</b>	<b>Year</b>	<b>Hours</b>	<b>Rate</b>	<b>Lodestar</b>
West, Kimberly	P	2010	19.25	\$375.00	\$7218.75
West, Kimberly	P	2011	60.00	\$375.00	\$22,500.00
West, Kimberly	P	2012	43.00	\$375.00	\$16,125.00
West, Kimberly	P	2013	1.00	\$375.00	\$375.00
West, Kimberly	P	2015	4.00	\$400.00	\$1600.00
West, Kimberly	P	2016	18.00	\$425.00	\$7650.00
West, Kimberly.	P	2017	5.50	\$425.00	\$2337.50
West, Kimberly	P	2018	15.75	\$450.00	\$7087.50
Stewart, William	P	2011	1.00	\$310.00	\$310.00
Stewart, William	P	2012	2.00	\$325.00	\$650.00
Stewart, William	P	2016	0.25	\$400.00	\$100.00
Stewart, William	P	2018	2.50	\$400.00	\$1,000.00
Hogewood, Mark	P	2012	1.00	\$275.00	\$275.00
Hogewood, Mark	P	2015	0.75	\$290.00	\$217.50
Anderson, April	PL	2011	1.50	\$115.00	\$172.50
Eiland, Whitney	PL	2016	4.25	\$130.00	\$552.50
<b>Total</b>			<b>179.75</b>		<b>68,171.25</b>

P Partner  
PL Paralegal

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**EXHIBIT B TO THE DECLARATION OF KIMBERLY R. WEST  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

**Reported Expenses on Behalf of Plaintiffs  
December 23, 2009 through May 18, 2018**

<b>Category</b>	<b>Amount</b>
Litigation Fund	\$25,000.00
Postage/Express Delivery/Messenger	\$201.29
Internal Reproduction/Copies	\$55.40
Telephone/Fax	\$4.50
Travel: Air Transportation, Meals, Lodging, etc.	\$3468.30
<b>Total</b>	<b>\$28,729.49</b>

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS  
ANTITRUST LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO:  
ALL ACTIONS**

**HON. JAN E. DUBOIS**

**DECLARATION OF ROBERT S. KITCHENOFF  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

I, Robert S. Kitchenoff, declare as follows:

1. I am a member of Weinstein Kitchenoff & Asher LLC. I submit this declaration in support of Plaintiffs' motion for an award of attorneys' fees and expenses in connection with the services rendered, and costs and expenses incurred, in *In re Blood Reagents Antitrust Litigation* (the "Action").

2. My firm is one of the Plaintiffs' Counsel in the Action.

3. My firm received correspondence from Class Counsel on February 1, 2010, requiring the submission of monthly time and expense reports, noting the quarterly time and expense submissions to the Court, and instructing firms to refrain from engaging in any work that was not directed and/or approved by Class Counsel. My firm has tried to comply with those instructions throughout the course of the Action.

4. The schedule attached as Exhibit A sets forth my firm's total hours and lodestar, computed at historical rates, for the period from December 23, 2009 through and including May 18, 2018. The total number of hours spent by my firm during this period of time was 864.75, with a corresponding lodestar of \$305,027.50. This schedule was prepared from contemporaneous,

daily time records prepared and maintained by my firm. In connection with representing the Plaintiffs in the Action my firm was actively involved in the discovery process, helping lead counsel build the case. The lodestar amount reflected in Exhibit A is for work assigned by Class Counsel, and was performed by attorneys and professional staff at my firm for the benefit of the Class. The hourly rates for the attorneys and professional staff in my firm reflected in Exhibit A are the usual and customary hourly rates historically charged by my firm in similar matters.

5. My firm has expended a total of \$25,217.46 in unreimbursed costs and expenses in connection with the prosecution of the Action from inception through and including May 18, 2018. These costs and expenses are set forth in the schedule attached as Exhibit B and are reflected on the books and records of my firm. They were incurred on behalf of Plaintiffs by my firm and have not been reimbursed.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 16<sup>th</sup> day of August, 2018, in Philadelphia, Pennsylvania.

  
Robert S. Kitchenoff



**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS  
ANTITRUST LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO:  
ALL ACTIONS**

**HON. JAN E. DUBOIS**

**EXHIBIT A TO THE DECLARATION OF ROBERT S. KITCHENOFF  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

**Reported Hours and Historical Lodestar  
December 23, 2009 through May 18, 2018**

<b>Name</b>	<b>Role</b>	<b>Year</b>	<b>Hours</b>	<b>Rate</b>	<b>Lodestar</b>
Asher, Steven A.	P	2010	2.50	\$660	\$1,650.00
Asher, Steven A.	P	2011	1.30	\$660	\$858.00
Asher, Steven A.	P	2012	1.00	\$675	\$675.00
Kitchenoff, Robert S.	P	2011	1.20	\$625	\$750.00
Reuben, Mindee J.	P	2010	2.30	\$560	\$1,288.00
Reuben, Mindee J.	P	2011	0.20	\$580	\$116.00
Spiegel, Jeremy S.	A	2015	0.10	\$380	\$38.00
Weisblatt, Roseann E.	CA	2011	842.65	\$350	\$294,927.50
Weisblatt, Roseann E.		2012	13.50	\$350	\$4,725.00
<b>Total</b>			<b>864.75</b>		<b>\$305,027.50</b>

P Partner  
 OC Of Counsel  
 A Associate  
 LC Law Clerk  
 PL Paralegal  
 I Investigator  
 CA Contract Attorney

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS  
ANTITRUST LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO:  
ALL ACTIONS**

**HON. JAN E. DUBOIS**

**EXHIBIT B TO THE DECLARATION OF ROBERT S. KITCHENOFF  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

**Reported Expenses on Behalf of Plaintiffs  
December 23, 2009 through May 18, 2018**

<b>Category</b>	<b>Amount</b>
Litigation Fund	\$25,000.00
Commercial Copies	\$0.00
Internal Reproduction/Copies	\$2.40
Computer Research	\$203.06
Court Fees (filing, etc.)	\$0.00
Court Reporters/Transcripts	\$0.00
Telephone/Fax	\$0.00
Postage/Express Delivery/Messenger	\$12.00
Professional Fees (expert, investigator, accountant, etc.)	\$0.00
Witness/Service Fees	\$0.00
Travel: Air Transportation, Ground Travel, Meals, Lodging, etc.	\$0.00
Miscellaneous	\$0.00
<b>Total</b>	<b>\$25,217.46</b>

# **EXHIBIT 2**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**DECLARATION OF JEFFREY J. CORRIGAN IN SUPPORT OF (1) PLAINTIFFS'  
MOTION FOR FINAL APPROVAL OF THE SETTLEMENT WITH ORTHO-  
CLINICAL DIAGNOSTICS, INC.; AND (2) PLAINTIFFS' MOTION FOR AN AWARD  
OF ATTORNEYS' FEES, REIMBURSEMENT OF EXPENSES, AND SERVICE  
AWARDS FOR THE CLASS REPRESENTATIVES**

Jeffrey J. Corrigan, being duly sworn, deposes and says as follows:

1. I, Jeffrey J. Corrigan, am a partner at the firm of Spector Roseman & Kodroff, P.C. ("SRK"), which was appointed as Interim Class Counsel pursuant to the Court's Order dated December 23, 2009. ECF No. 23. Shortly thereafter, on January 19, 2010, I was also appointed to serve as liaison counsel for the class pursuant to the Court's Case Management Order No. 1. ECF No. 31. In its October 19, 2015 Order certifying the Class, the Court appointed SRK as Class Counsel. ECF No. 263.

2. I submit this declaration on behalf of Class Counsel and other counsel for the Class (collectively, "Plaintiffs' Counsel"),<sup>1</sup> in support of: (1) Plaintiffs' Motion for Final Approval of (a) the Settlement with Ortho-Clinical Diagnostics, Inc. ("Ortho") and (b) the Plan of Distribution, and (2) Plaintiffs' Motion for an Award of Attorney's Fees, Reimbursement of Expenses, and

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<sup>1</sup> The Class refers to all members of the certified class, which includes all members of the Immucor Settlement Class.

Service Awards for the Class Representatives. I make this declaration based on personal knowledge, and also based on the contemporaneously filed declarations of Plaintiffs' Counsel.

3. The purpose of this Declaration is to summarize the factual and procedural history of this litigation, including, but not limited to: (1) the initial investigation and filing of this action; (2) consolidation of the action and pre-discovery issues; (3) fact discovery; (4) the settlement with Immucor, Inc. ("Immucor"); (5) Plaintiffs' motion for class certification and related expert discovery; (6) merits expert discovery; (7) Ortho's motion for summary judgment and motion to exclude the testimony of Dr. John Beyer; (8) post-summary judgment merits expert discovery regarding "lingering effects" damages and the parties' *Daubert* motions regarding that expert testimony; (9) trial preparation; and (10) the settlement with Ortho. As Class Counsel, my firm has been intimately involved in all aspects of this litigation from its inception through the present.

4. As detailed below, Class Counsel and other counsel for the Class have efficiently expended large amounts of time, energy, and money in the litigation of Plaintiffs' and the Class's antitrust claims against Defendants. As a result of these efforts, settlements totaling \$41.5 million have been achieved for the benefit of the Class, despite sizable obstacles and considerable litigation risks.

## **SUMMARY OF THE CASE**

### **A. Initial Investigation and Filing of Complaints**

5. This antitrust action began shortly after the announcement of a grand jury investigation into the blood reagents industry. However, this case was nevertheless developed through the independent investigation of Plaintiffs' Counsel. This investigation included the engagement of economic consultants and numerous contacts with individuals knowledgeable about the industry and the price actions being investigated. The investigation revealed that starting in 2000, shortly after Immucor consolidated the blood reagents market by buying its competitors for the purpose of raising prices, Defendants announced a series of significant price increases for traditional blood reagents ("TBR"), leading to increasing profit margins for Immucor from 45% in 2001 to nearly 80% by 2009. The investigation also highlighted the nearly simultaneous cancellation of group purchasing organization ("GPO") contracts in late 2004 for the purpose of raising prices in 2005. The initial investigation also identified characteristics of the TBR industry—including the commodity nature of TBR, the inelastic demand for the product, the duopoly nature of the market, and high barriers to entry—that are conducive to collusion, as well as trade association meetings attended by Defendants' executives that provided opportunities to conspire, and the inter-competitor hiring between the two companies. This initial investigation was integral to the prosecution of the case, which resulted in significant compensation to the Class.

6. As a result of this investigation, the first complaint in this action, captioned *Warren General Hospital v. Immucor, Inc., et al.*, No. 09-2391, was filed in the United States District Court for the District of New Jersey on May 18, 2009. In the next several weeks, additional class action cases were filed in various federal courts, including the District of New Jersey, the Eastern District of Pennsylvania, the Southern District of New York, the Southern District of California, the Southern District of Illinois, the Western District of Pennsylvania, the District of South

Carolina, the Eastern District of Tennessee, the Eastern District of Texas, and the Eastern District of Wisconsin.

**B. Centralization and Consolidation of the Actions, Pre-Discovery Issues and Motions to Dismiss**

7. On June 5, 2009, a motion for transfer and consolidation of the actions in the District of New Jersey was filed with the United States Judicial Panel on Multidistrict Litigation (“JPML”). Responsive filings sought transfer and consolidation in the Eastern District of Pennsylvania, the Western District of Pennsylvania, the Eastern District of Texas, the District of South Carolina and the Southern District of Illinois.

8. On August 17, 2009, the JPML found that the pending antitrust actions involved common questions of fact and that centralization under 28 U.S.C. § 1407 in the Eastern District of Pennsylvania would serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. ECF No. 1.

9. On December 23, 2009, this Court issued an Order appointing SRK as Interim Class Counsel and liaison counsel. ECF No. 23. That same day, the Court issued its Practice and Procedure Order Upon Transfer Pursuant to 28 U.S.C. § 1407(a) and scheduled an initial pretrial conference on January 19, 2010. ECF No. 24.

10. After this Court’s January 19, 2010 pretrial conference, this Court issued Case Management Order No. 1 on January 20, 2010, *inter alia* (1) appointing liaison counsel for the parties; (2) setting a schedule for the filing of a consolidated complaint and a briefing schedule for motions to dismiss that complaint; and (3) setting a deadline for the parties to submit proposed stipulations regarding service, expert discovery and the retention of electronically stored information (“ESI”), as well as a proposed protective order. ECF No. 31.

11. The parties engaged in extensive negotiations regarding initial discovery matters and were able to reach agreement in several instances. On February 2, 2010, the Court entered the stipulation concerning expert discovery (ECF No. 42); on March 2, 2010, the Court entered the stipulation regarding the preservation of ESI (ECF No. 55); and on April 7, 2010, the Court entered the stipulated protective order (ECF No. 65).

12. On February 16, 2010, in accordance with Case Management Order No. 1, Plaintiffs F. Baragaño Pharmaceuticals, Inc., Community Medical Center Health Care System, Professional Resources Management of Crenshaw LLC d/b/a Crenshaw Community Hospital (“Crenshaw Community Hospital”), Professional Resources Management d/b/a Bullock County Hospital,<sup>2</sup> Douglas County Hospital, Health Network Laboratories L.P., Larkin Community Hospital, Legacy Health System, Mary Hitchcock Memorial Hospital Inc., Regional Medical Center Board d/b/a Northeast Alabama Regional Medical Center (“North Alabama Regional Medical Center”), Hospital Sisters Health System,<sup>3</sup> Schuylkill Medical Center,<sup>4</sup> and Warren General Hospital filed the Consolidated Amended Class Action Complaint. ECF No. 48.

13. On March 17, 2010, Defendants filed separate motions to dismiss (one on behalf of Immucor, ECF No. 59, and the other on behalf of Ortho and Johnson & Johnson Health Care

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<sup>2</sup> Professional Resources Management d/b/a Bullock County Hospital was voluntarily dismissed from the case on May 4, 2012. ECF No. 178.

<sup>3</sup> Hospital Sisters Health System (“HSHS”) is comprised of the following hospitals: Sacred Heart Hospital of the Hospital Sisters of the Third Order of St. Francis, St. Anthony's Memorial Hospital, of the Hospital Sisters of the Third Order of St. Francis, St. Elizabeth's Hospital of the Hospital Sisters of the Third Order of St. Francis, St. Francis Hospital, of the Hospital Sisters of the Third Order of St. Francis, St. John's Hospital of the Hospital Sisters of the Third Order of St. Francis, St. Joseph's Hospital, Breese, of the Hospital Sisters of the Third Order of St. Francis, St. Joseph's Hospital of the Hospital Sisters of the Third Order of St. Francis (Chippewa Falls), St. Joseph's Hospital, of the Hospital Sisters of the Third Order of St. Francis (Highland), St. Mary's Hospital Medical Center of Green Bay, Inc., St. Mary's Hospital, Streator, of the Hospital Sisters of the Third Order of St. Francis, St. Mary's Hospital, Decatur, of the Hospital Sisters of the Third Order of St. Francis, St. Nicholas Hospital of the Hospital Sisters of the Third Order of St. Francis, St. Vincent Hospital of the Hospital Sisters of the Third Order of St. Francis.

<sup>4</sup> Schuylkill Medical Center (“SMC”) is comprised of Schuylkill Medical Center – East Norwegian Street, Schuylkill Medical Center – South Jackson Street.



Systems, Inc. (“JJHCS”), ECF No. 58), and also filed a joint motion to stay discovery pending the outcome of both those motions and the completion of the government’s criminal investigation. ECH No. 57. Plaintiffs opposed the motion for a stay of discovery on April 16, 2010 (ECF No. 67), Defendants filed a reply on May 6, 2010 (ECF No. 71), and Plaintiffs a sur-reply on June 23, 2010 (ECF No. 81), as ordered by the Court on May 19, 2010. ECF No. 76. Pursuant to that same Order, Plaintiffs filed their opposition to Defendants’ motions to dismiss on June 23, 2010 (ECF No. 82), and Defendants filed replies in support of their motions on July 9, 2010. ECF Nos. 85-85. On July 28, 2010, the Court held oral argument on Defendants’ motions to dismiss (ECF No. 96), and the Court denied Ortho’s and Immucor’s motions on August 24, 2010, though it granted JJHCS’s, and also denied Defendants’ motion for a stay of discovery. ECF Nos. 99-100. Ortho and Immucor filed for reconsideration or for interlocutory appeal on September 7, 2010 (ECF No. 102), which Plaintiffs opposed on October 5, 2010 (ECF No. 108), with Defendants’ reply filed on October 13, 2010 (ECF No. 109) and Plaintiffs’ sur-reply on October 19, 2010 (ECF No. 111). The Court denied Defendants’ motion on December 14, 2010. ECF Nos. 114-115. Defendants answered Plaintiffs’ Consolidated Amended Complaint on January 14, 2011. ECF Nos. 120-121.

14. The parties also engaged in negotiations regarding a proposed case schedule, resulting in the joint submission of proposed Case Management Order No. 2 on September 10, 2010, and the Court issued Case Management Order No. 2 on September 27, 2010. ECF No. 106. Case Management Order No. 2 included, *inter alia*, schedules for Phase 1 and Phase 2 discovery, reflecting the parties’ agreement to initially rely on Defendants’ document productions to the government, as well as transactional data. Phase 2 discovery included depositions, interrogatories and supplemental document requests. Case Management Order No. 2 also included initial

schedules for class certification proceedings, expert discovery, amending the complaint and resolution of discovery disputes and dispositive motions.

### **C. Fact Discovery**

15. As described below, discovery in this litigation was voluminous and time-intensive. In total, over 300,000 documents (amounting to nearly 1.8 million pages) were electronically produced by Defendants and third parties.<sup>5</sup> In addition, Defendants produced large transactional data files. Dozens of fact depositions were also taken by the parties. These efforts laid the foundation for Plaintiffs' extensive factual presentations in opposition to Defendants' motions for summary judgment and in support of Plaintiffs' motion for class certification. Information learned through document discovery and fact depositions was also instrumental in negotiating and obtaining settlements with Defendants.

#### **1. Document Discovery**

16. As a result of the negotiated schedule for Phase 1 discovery, in or about February and March of 2011, Defendants produced documents that were previously produced to the U.S. Department of Justice ("DOJ") and the Federal Trade Commission as part of their investigations. In all, Defendants' combined Phase 1 productions comprised well over 150,000 documents and over 1.2 million pages. Plaintiffs assembled a team of attorneys to review these productions, which identified key documents and issues. This review process began with an orientation meeting in Philadelphia to ensure that all attorneys participating in the review understood the claims at issue and the relevant facts developed to date. While the review was ongoing, Phase 2 discovery began and Plaintiffs served supplemental discovery requests on Defendants. In response, after meeting and conferring with Plaintiffs' Counsel regarding the scope of the requests and interrogatories,

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<sup>5</sup> Plaintiffs produced more than 10,000 additional documents (totaling over 65,000 pages).

Defendants produced additional documents which were added to the review, ultimately resulting in total productions from Defendants totaling nearly 300,000 documents and more than 1.5 million pages. The months-long document review process was integral in developing theories—including those put forward in support of class certification and in opposition to summary judgment—and identifying important documents and deponents.

17. This case also involved significant document discovery from third parties. Between April 2011 and March 2012, Plaintiffs issued seven subpoenas to consultant firms (including Norbridge, Inc. and Trinity Partners, LLC), an industry trade association (the American Association of Blood Banks (“AABB”)) and a late market entrant (Bio-Rad Laboratories, which had acquired Biotest Diagnostics Corporation). These subpoenas resulted in the production of over 20,000 pages of responsive documents, which yielded evidence that was used to support class certification and defeat Ortho’s motion for summary judgment with regard to the 2001 price increase.

18. In addition to the efforts expended in analyzing Defendants’ and third parties’ documents, Plaintiffs’ Counsel also coordinated the collection, review and production of relevant documents from the twelve class representatives. In accordance with the deadlines established in Case Management Order No. 2, between August 9, 2011 and February 1, 2012, Plaintiffs produced over 60,000 pages of documents from Plaintiffs F. Baragaño Pharmaceuticals, Inc., Community Medical Center Health Care System, Professional Resources Management of Crenshaw LLC d/b/a Crenshaw Community Hospital, Douglas County Hospital, Health Network Laboratories L.P., Larkin Community Hospital, Legacy Health System, Mary Hitchcock Memorial Hospital, Inc., Regional Medical Center Board d/b/a Northeast Alabama Regional Medical Center, HSHS, SMC, and Warren General Hospital. Plaintiffs also responded to many of Defendants’ interrogatories,

though they deferred responding to those seeking information about the alleged conspiracy and Defendants' fraudulent concealment until after the close of discovery and the completion of class certification proceedings.

19. In accordance with Case Management Order No. 4 (ECF No. 273), on February 5, 2016, Plaintiffs responded to Ortho's requests for admission and interrogatories seeking information about the alleged conspiracy and Defendants' fraudulent concealment, including a narrative response, hundreds of documents, and relevant deposition testimony. Subsequently, after a dispute with Ortho regarding those responses, Plaintiffs updated their responses.<sup>6</sup>

## **2. Fact Depositions**

20. Plaintiffs deposed 18 of Defendants' employees. Using the information obtained from the document review process, Plaintiffs carefully identified deponents and selected documents to use as deposition exhibits. The fact depositions, held between December 13, 2011 and March 4, 2013 at various locations throughout the United States, yielded significant evidence that was later deployed in opposition to Ortho's motion for summary judgment and in support of Plaintiffs' motion for class certification. Plaintiffs took the following depositions:

<b>Deponent</b>	<b>Defendant</b>	<b>Date</b>	<b>Location</b>
Irene DeMezzo	Immucor	12/13/11	Washington, DC
Robert Bolger	Ortho	12/20/11	Philadelphia, PA
Todd Bennett	Immucor	1/11/12	Atlanta, GA

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<sup>6</sup> There were very limited discovery disputes brought before the Court due to the efforts of Plaintiffs' Counsel and defense counsel to resolve disagreements. Among those limited disputes were Plaintiffs' motion for sanctions due to Ortho's failure to produce its cost data, Ortho's motion to compel more complete responses to its requests for admission and contention interrogatories, Ortho's request for discovery from absent class members (denied by the Court, ECF No. 193) and Plaintiffs' motion to quash Ortho's subpoena to absent class member representative, Michael Conway (also denied, ECF No. 201). Both Ortho's motion regarding discovery responses and Plaintiffs' motion regarding Ortho's cost data were resolved by stipulation after additional negotiation between the parties. ECF No. 304.

<b>Deponent</b>	<b>Defendant</b>	<b>Date</b>	<b>Location</b>
John Hakanson	Ortho	1/24/12	Philadelphia, PA
Catherine Burzik	Ortho	2/7/12	Washington, DC
Judy Thorne (Cangiamilla)	Immucor	2/9/12	Washington, DC
Anthony Zezzo	Ortho	2/9/12	Philadelphia, PA
Edward Gallup	Immucor	2/22/12	Atlanta, GA
Clifford Holland	Ortho	2/23/12	Philadelphia, PA
Richard Kastenschmidt	Ortho	4/3/12	Philadelphia, PA
Fran Kleinbard	Ortho	4/3/12	Princeton, NJ
John Kingsbury	Ortho	4/26/12	Philadelphia, PA
Elizabeth O'Connell (Fields)	Ortho	5/4/12	Princeton, NJ
Gioacchino (Nino) DeChirico	Immucor	5/10/12	Atlanta, GA
Timothy Orr	Ortho	5/17/12	Philadelphia, PA
David Gendusa	Ortho	5/30/12	Washington, DC
Roy Davis	Ortho	6/8/12	Philadelphia, PA
Elizabeth Sorenson	Ortho	3/4/13	Florham Park, NJ

21. In addition, Defendants took, and Plaintiffs defended, 17 depositions of the class representatives and their employees:

<b>Deponent</b>	<b>Plaintiff</b>	<b>Date</b>	<b>Location</b>
Diane Avenoso	Legacy Health System	2/15/12	New York, NY
Fernando Baragano	F. Baragaño Pharmaceuticals, Inc.	12/7/11	San Juan, PR
Robert Beyer	Hospital Sisters Health System	12/15/11	Philadelphia, PA

<b>Deponent</b>	<b>Plaintiff</b>	<b>Date</b>	<b>Location</b>
Georgiana Bush	Crenshaw Community Hospital	1/17/12	Philadelphia, PA
H. Lloyd Carbaugh	Health Network Laboratories L.P.	1/18/12	Philadelphia, PA
Nicholas Demopolus	Schuylkill Medical Center	5/18/12	Philadelphia, PA
Maria Fennema	Larkin Community Hospital	1/13/12	Miami, FL
Judith Gould	Northeast Alabama Regional Medical Center	1/11/12	Philadelphia, PA
John Graves	Warren General Hospital	12/16/11	Philadelphia, PA
Coleen Hoeschen	Douglas County Hospital	4/25/12	Alexandria, MN
Nancy Matthews	Mary Hitchcock Memorial Hospital, Inc.	1/6/12	Philadelphia, PA
Jennifer Reedy	Schuylkill Medical Center	12/21/11	Philadelphia, PA
Cindy Schroeder	Larkin Community Hospital	1/13/12	Miami, FL
Wilda Stratton	Legacy Health System	6/5/12	Portland, OR
Karen Tucker	Community Medical Center Health Care System	1/19/12	Philadelphia, PA
Jill Urke	Douglas County Hospital	1/20/12	Philadelphia, PA
Craig Wywadis	Schuylkill Medical Center	5/15/12	Philadelphia, PA

22. Defendants also deposed an absent class member. Plaintiffs assisted in preparing the witness and questioned him as well:

<b>Deponent Name</b>	<b>Company</b>	<b>Deposition Date</b>	<b>Location</b>
Michael Conway	St. Joseph's Healthcare System	12/4/13	Paterson, NJ

#### **D. The Immucor Settlement**

23. Having developed a substantial factual record based on a thorough review of Defendant and third party documents, having begun the process of deposing Defendants'

witnesses, and having filed their motion for class certification, Plaintiffs had a clear understanding of the strengths and weaknesses of their claims. On January 11, 2012, Plaintiffs executed a Settlement Agreement with Immucor, the result of extensive negotiations, which were found by this Court to be vigorous in nature and conducted at arm's length. ECF No. 204.

24. Plaintiffs settled their claims against Immucor in exchange for \$22 million and substantial cooperation in the ongoing litigation against Ortho.

25. On March 5, 2012, this Court preliminarily approved the Immucor settlement and authorized dissemination of Notice of the settlement to the Settlement Class by mail and publication. ECF No. 168.

26. On April 19, 2012, Notice of the settlement was mailed to nearly 16,000 potential members of the Immucor Settlement Class, which Notice expressly informed them that Class Counsel would seek to use up to \$500,000 from the settlement funds to pay ongoing litigation expenses. The Summary Notice was published in the April 2012 edition of *AABB News*, a trade publication for the blood banking industry. Plaintiffs also worked with the Claims Administrator ("KCC") to establish a website, [www.immucorsettlement.com](http://www.immucorsettlement.com), which provided information regarding the settlement and access to the Notice and other relevant documents. There were no objections to the Immucor settlement.

27. On June 15, 2012, the Court held a Fairness Hearing regarding the Immucor settlement. ECF Nos. 182, 187. On September 6, 2012, this Court granted final approval of the Immucor settlement. ECF No. 204. The Court also approved the use of \$500,000 from the settlement funds to pay ongoing litigation expenses in the continuing case against Ortho. ECF No. 206.

28. As a result of the cooperation provisions in the settlement, Class Counsel conducted a series of initial interviews with Immucor personnel in January, March, May and June 2012 (resulting in five declarations from Immucor personnel), and took two additional depositions of Immucor personnel (Messrs. Gallup and DeChirico). That cooperation (particularly the declarations of Messrs. Poynter and Weiss, as well as Ms. Heflin) was instrumental to Plaintiffs' motion for class certification and opposition to summary judgment. In addition, in advance of trial, Class Counsel took the trial deposition of Michael Poynter in January 2018.

**E. Plaintiffs' Motion for Class Certification, Ortho's Appeal, and Plaintiffs' Renewed Motion on Remand from the Third Circuit**

29. On September 16, 2011, Plaintiffs moved for certification of a class of direct purchasers of TBR from January 1, 2000 through the present. ECF No. 147. Plaintiffs asserted that the three elements of Plaintiffs' claim for violation of Section 1 of the Sherman Act—antitrust violation, impact, and damages—were capable of proof at trial with class-wide evidence. As to proof of the antitrust violation, Plaintiffs noted that the massive factual record, which tended to exclude the possibility of independent action, was wholly comprised of evidence common the Class. Plaintiffs also offered five elements of common proof of class-wide impact: (1) the *Bogosian* Shortcut; (2) the market structure analysis performed by Dr. John Beyer, Plaintiffs' expert economist; (3) Dr. Beyer's pricing analysis; (4) Defendants' documents; and (5) Dr. Beyer's benchmark damages model. Dr. Beyer's benchmark model was also offered as proof that damages were measurable on a class-wide basis. *Id.*

30. Plaintiffs' motion for class certification was accompanied by Dr. Beyer's expert report regarding class certification issues, which set forth Dr. Beyer's quantitative and qualitative economic analyses, including his benchmark model, pricing analysis, and market structure analysis. In addition, Plaintiffs' motion was accompanied by Teresa Harris' expert report on the



blood reagents industry, which included basic background on TBR and supported Dr. Beyer's conclusions regarding the interchangeable nature of TBR, the lack of substitutes for TBR and the inelastic demand for TBR.

31. On January 4, 2012, Defendants deposed Dr. Beyer regarding his class certification report, and on January 19, 2012, Defendants deposed Ms. Harris regarding her report.

32. On March 2, 2012, Ortho filed its brief in opposition to Plaintiffs' motion for class certification. Ortho argued that 1) Plaintiffs could not satisfy Rule 23(b)(3)'s predominance requirement with respect to antitrust impact, 2) Dr. Beyer had not performed an adequate application of his damages model, and 3) Plaintiffs' fraudulent concealment claims created too many individualized issues. ECF No. 165.

33. In support of its opposition to class certification, Ortho submitted the expert report of Dr. Peter Bronsteen. Dr. Bronsteen opined that Dr. Beyer's analyses did not demonstrate the existence of the alleged cartel, did not establish that prices were elevated as a result of the alleged cartel, or that all or nearly all members of the proposed class paid higher prices as a result of the alleged cartel.

34. On April 10, 2012, Plaintiffs deposed Dr. Bronsteen, which produced admissions that Plaintiffs relied on in support of their motion for class certification.

35. On May 24, 2012, Plaintiffs filed their reply brief in support of class certification. Plaintiffs noted that Ortho could not dispute that evidence of the conspiracy—evidence that would be the central focus of any trial in this case—was common to the class, that Ortho sought to impose an incorrect legal standard under Supreme Court and Third Circuit precedent, that Ortho's attacks on Plaintiffs' proof of common impact, including Dr. Beyer's market structure and pricing analyses, were unavailing, that Dr. Beyer's damages methodology provided a reliable means for

calculating class-wide damages, and that under *Linerboard*, fraudulent concealment issues could not preclude class certification. ECF No. 180.

36. In support of Plaintiffs' reply brief, Plaintiffs submitted Dr. Beyer's reply report regarding class certification. Dr. Beyer reaffirmed the conclusions in his initial class report, finding that nothing in Dr. Bronsteen's report or testimony caused him to change his opinions. Dr. Beyer also further refined his damages methodology based upon the developing evidentiary record (his initial report was submitted before a single deposition in the case had taken place). Plaintiffs' reply also included the reply report of Teresa Harris, which reinforced her prior conclusions regarding the interchangeability of TBR, the lack of substantial changes in Defendants' TBR during the class period, and that price was the primary purchasing factor.

37. On June 11, 2012, the Court granted Ortho's request to file a sur-reply brief in opposition to Plaintiffs' motion for class certification, and on July 2, 2012, Ortho filed its sur-reply, which focused its attacks on Dr. Beyer's refined damages methodology and on Plaintiffs' fraudulent concealment claims. ECF No. 184.

38. On July 26, 2012, the Court held the first day of its two-day class certification hearing, which featured oral argument and live testimony from Dr. Bronsteen, Ortho's expert. ECF No. 194. On August 6, 2012, the hearing continued with live testimony from Dr. Beyer, which testimony was taken remotely. ECF No. 197, at 266:6-20.

39. On August 22, 2012, the Court certified the following Class:

All individuals and entities who purchased traditional blood reagents in the United States directly from Defendants Immucor, Inc., and Ortho-Clinical Diagnostics, Inc. at any time from January 1, 2000 through the present. Excluded from the Class are Defendants, and their respective parents, subsidiaries and affiliates, as well as any federal government entities.

ECF No. 200.

40. In its 45-page Opinion granting the class certification motion, after concluding that the Rule 23(a) elements were satisfied, the Court found, “plaintiffs have shown, by a preponderance of the evidence, that they will be able to demonstrate antitrust impact using predominantly common proof.” ECF No. 199 at p. 30. The Court similarly concluded that “plaintiffs have satisfied the predominance requirement with respect to the amount of damages,” *id.* at 41, and that Plaintiffs had also “satisfied the Rule 23(b)(3) predominance requirement with respect to fraudulent concealment.” *Id.* at 44. However, the Court relied, in part, on the Third Circuit’s most recent jurisprudence on class certification in an antitrust case, *Behrend v. Comcast*, a decision that the Supreme Court later agreed to review. Likely as a result, the Third Circuit agreed to accept Ortho’s appeal of the Court’s decision under Rule 23(f). ECF No. 215. On April 30, 2015, after extensive briefing and oral argument, based largely on the Supreme Court’s reversal of the *Behrend* decision, the Third Circuit vacated and remanded this Court’s class certification decision. ECF No. 240.

41. On June 26, 2015, the parties submitted simultaneous briefs regarding Plaintiffs’ motion for class certification on remand. ECF Nos. 245, 246. While Plaintiffs focused on the entire Rule 23 analysis, ECF No. 246, Ortho focused primarily on whether or not Dr. Beyer’s testimony satisfied the *Daubert* standard for admissibility. ECF No. 245.

42. On July 10, 2015, the parties submitted simultaneous replies to each other’s opening class certification brief on remand, with Plaintiffs responding to Ortho’s *Daubert* arguments and Ortho reiterating those same attacks. ECF Nos. 247, 248.

43. On July 21 and July 22, 2015, the Court held a two-day oral argument regarding Plaintiffs’ motion for class certification on remand, instructing the parties to address the areas about which the Court was most concerned. ECF Nos. 251, 252.

44. On October 19, 2015, the Court rejected Ortho's *Daubert* arguments and granted Plaintiffs' motion for class certification on remand:

All individuals and entities who purchased traditional blood reagents in the United States directly from defendants Immucor, Inc., and Ortho-Clinical Diagnostics, Inc. at any time from November 4, 2000 through the present. Excluded from the Class are defendants, and their respective parents, subsidiaries and affiliates, as well as any federal government entities.

ECF No. 263.

45. On November 2, 2015, Ortho filed a Rule 23(f) petition to appeal the Court's class certification decision. Plaintiffs opposed Ortho's petition on November 12, 2015, arguing that this Court's exhaustive analysis and detailed, 72-page opinion (ECF No. 262) were more than sufficient. As such, appellate review was unnecessary, and Defendants' petition should be denied.

46. On December 21, 2015, the Third Circuit denied Ortho's Rule 23(f) petition. ECF No. 267.

47. After the Court certified the Class on October 19, 2015, Class Counsel worked with KCC and counsel for Ortho and Immucor to reach an agreed upon form of Notice which was submitted to the Court on November 17, 2015. After Ortho's Rule 23(f) petition was denied, Class Counsel again worked with KCC and Defendants to update and finalize the Notice, and the Court approved the form of Notice and proposed notice plan on January 26, 2016. ECF No. 274. On February 19, 2016, Notice of the Court's class certification order was mailed to over 15,000 potential Class members. In addition to informing potential Class members of the status of the case and their right to exclude themselves from the Class (and the deadline to exercise that right, which no member of the Class did), the Notice also expressly informed members of the Immucor Settlement Class that Class Counsel would seek to use up to an additional \$2,000,000 from the Immucor settlement to pay ongoing litigation expenses. Banner advertisements were published in the March 25, 2016 and March 30, 2016 editions of the *AABB News Smart Brief*, an industry

newsletter that focuses on the blood banking industry.<sup>7</sup> The Notice was also posted on [www.bloodreagentsantitrustlitigation.com](http://www.bloodreagentsantitrustlitigation.com), the website dedicated to this litigation.

48. On April 14, 2016, this Court approved the use of \$2,000,000 from the Immucor settlement funds to pay ongoing litigation expenses. ECF No. 308.

#### **F. Merits Expert Discovery**

49. On August 14, 2012, Plaintiffs served the corrected merits expert report of Dr. John Beyer, in which he opined, *inter alia*, that: (1) structural characteristics of the TBR market—including high market concentration, high barriers to entry, inelastic demand and the commodity nature of TBR—indicate that it was susceptible to a cartel; (2) Defendants' conduct was consistent with the existence of a cartel and contrary to each firm's unilateral self-interests in the absence of a cartel; and (3) evidence of economic performance in the TBR industry, including a benchmark analysis, demonstrated that the substantial price increases from 2001 to 2010 could not be explained by supply and demand conditions or market structure alone, and thus are consistent with the presence of an effective cartel.

50. Defendants deposed Dr. Beyer regarding his merits expert report on October 17, 2012.

51. On October 26, 2012, Ortho submitted the merits expert reports of economists Drs. John Bigelow and Lawrence Wu. Dr. Wu concluded that Defendants' behavior was consistent with unilateral behavior among rival firms. Dr. Bigelow concluded that Dr. Beyer's analysis and the evidence he relied upon did not support his conclusion that prices were inflated by the alleged cartel or that there were any damages.

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<sup>7</sup> These banner advertisements were utilized *in lieu* of publication of the Summary Notice in the March edition of the *AABB News* after the *AABB News* forgot to run the Summary Notice. ECF No. 289.

52. Plaintiffs deposed Dr. Wu on February 24, 2016 and Dr. Bigelow on March 4, 2016. Plaintiffs obtained helpful admissions from Ortho's experts, which supported Plaintiffs' arguments in opposition to Ortho's summary judgment and *Daubert* motions.

53. On March 25, 2016, Plaintiffs served Dr. Beyer's reply merits expert report, in which he explained that the reports of Dr. Wu and Dr. Bigelow did not cause him to change his opinions that the economic evidence was consistent with the existence of a cartel, that each Defendant behaved in a manner contrary to its own unilateral self-interest in the absence of a cartel, and that Defendants' conduct caused Plaintiffs to suffer damages. Ortho then requested, and the Court granted, the opportunity to file supplemental expert reports of its own.

54. Defendants deposed Dr. Beyer regarding his reply merits expert report on April 22, 2016.

55. On April 25, 2016, Ortho submitted the supplemental merits expert reports of Drs. Bigelow and Wu reiterating and expanding upon their previous criticisms of Dr. Beyer's opinions. Plaintiffs then deposed Dr. Bigelow on May 24, 2016 and Dr. Wu on June 2, 2016 regarding their supplemental reports.

**G. Ortho's Motion for Summary Judgment and Motion to Exclude Dr. Beyer's Testimony**

56. On July 15, 2016, Ortho filed a motion for summary judgment and a related motion to exclude Dr. Beyer's testimony on liability. ECF Nos. 319, 320. Ortho's primary arguments at summary judgment were: (1) Plaintiffs had no direct evidence of an agreement to increase prices; (2) Plaintiffs had no evidence of an agreement between Defendants regarding TBR prices or GPO contract cancellations; (3) Defendants' price increases were not parallel; (4) Plaintiffs had no traditional evidence of a conspiracy regarding the 2005 and 2008 price increases; and (5) Plaintiffs' Section 1 claims were time barred by the statute of limitations. ECF No. 323. Ortho's primary

*Daubert* arguments were: (1) Dr. Beyer's OCV benchmark was unreliable; (2) Dr. Beyer's Rho(D) yardstick market was insufficiently similar to the TBR market; (3) Dr. Beyer's damages analysis was inconsistent with Plaintiffs' theory of liability; and (4) Dr. Beyer's testimony regarding Defendants' GPO cancellations was nothing more than a recitation of the documentary evidence and did not meet the standard for expert testimony. ECF No. 322.

57. While the Court had limited Ortho's summary judgment brief to 50 pages, Ortho incorporated a substantial statement of undisputed facts setting forth 715 individual facts and more than 450 exhibits. *See* ECF Nos. 323.

58. Plaintiffs submitted their oppositions to Ortho's motion for summary judgment (limited to 30 pages) and motion to exclude Dr. Beyer's testimony on September 16, 2016 (ECF Nos. 328, 329). Plaintiffs' principal arguments in opposition to summary judgment were:

- Defendants' pricing was sufficiently parallel between 2001 and 2010.
- Defendants' price increases were not justified by supply and demand conditions.
- Defendants' shift in pricing strategy from 2000 to 2001 was a radical shift in behavior that immediately followed direct communications about pricing.
- Defendants did not withdraw from the price-fixing conspiracy they started in November 2000 at any time, and therefore the 2005 and 2008 price increases were also conspiratorial.
- Defendants had a clear motive to conspire given the structure of the industry and Defendants' recent poor economic performance.
- Defendants engaged in multiple actions against their own individual self-interest, including: (1) Ortho's shift from the relatively modest 25% price increase planned for 2001 to much more substantial 200% price increase despite its own extensive research and analysis which identified such an increase as unreasonably risky; and (2) Defendants' simultaneous cancellations of important GPO contracts in order to raise prices.
- Plaintiffs presented traditional evidence of conspiracy, including evidence that Defendants engaged in a common scheme and exchanged assurances regarding that scheme and evidence of foreknowledge of rival pricing actions.

- There were several questions of material fact relating to Plaintiffs' fraudulent concealment claims, including whether or not Defendants affirmatively concealed their conduct, whether or not Plaintiffs engaged in reasonable diligence, and whether or not there were "storm warnings" to put Plaintiffs on notice.

59. Plaintiffs' principal arguments in response to Ortho's motion to exclude Dr. Beyer's testimony were that: (1) its arguments regarding the reliability of Dr. Beyer's model had all been considered and rejected by the Court at class certification; (2) Dr. Beyer's damages model was entirely consistent with Plaintiffs' theory of liability; and (3) Dr. Beyer's review and analysis of materials relating to Defendants' GPO cancellations required economic expertise and was therefore admissible.

60. In addition to the 30-page brief, Plaintiffs' opposition to Ortho's motion for summary judgment included: (1) over 200 accompanying exhibits; (2) a separate statement of material facts setting forth 355 individual facts; and (3) a counterstatement in opposition to Ortho's statement of undisputed facts. ECF No. 329.

61. On October 14, 2016, Ortho filed its reply in support of its *Daubert* motion and its reply in support of its summary judgment motion, including additional accompanying exhibits and its response to Plaintiffs' separate statement of facts. In its summary judgment reply, Ortho argued that (1) Plaintiffs offered no traditional evidence of conspiracy as to the 2005 and 2008 price increases, (2) Ortho was not claiming it withdrew because it asserted there was no ongoing conspiracy, (3) Plaintiffs were aware of facts supporting their claims prior to May 18, 2005 and offered no evidence of due diligence, and (4) Plaintiffs misstated the case law and mischaracterized the evidence. ECF Nos. 332. Ortho's *Daubert* reply reiterated its prior attacks on Dr. Beyer's OCV benchmark and Rho(D) yardstick damages methodologies and re-asserted there was a disconnect between Dr. Beyer's damages model and Plaintiffs' theory of liability.



62. On January 20, 2017, the Court held a full day of oral argument regarding Ortho's motion for summary judgment and its motion to exclude Dr. Beyer's testimony. ECF No. 344.

63. On July 19, 2017, the Court issued a 62-page opinion denying in part and granting in part Ortho's motion for summary judgment, and a 22-page opinion denying Ortho's motion to exclude Dr. Beyer's testimony. After an exhaustive analysis of the prevailing case law and relevant evidence, the Court found that Plaintiffs' proof of conspiracy regarding the 2001 price increase includes, *inter alia*: (1) evidence that senior executives communicated regarding TBR pricing in November 2000; (2) that Ortho undertook a radical and abrupt shift from the OCV pricing plan to the BBLP pricing plan; and (3) that Ortho provided Immucor pricing information. ECF No. 351. Based on this and other evidence, the Court concluded: "plaintiffs' evidence raises an inference of conspiracy as to the 2001 price increase..." ECF No. 351 at p. 45. However, the Court concluded Plaintiffs offered insufficient evidence to exclude the possibility that the 2005 and 2008 price increases were the result of interdependent behavior, and therefore the Court dismissed Plaintiffs' claims regarding those increases. With regard to Plaintiffs' fraudulent concealment claims, the Court concluded that Plaintiffs had (1) offered sufficient evidence that they did not know, nor should they have known, about the facts underlying their Section 1 claim prior to May 18, 2005, and (2) offered evidence precluding summary judgment on the question of reasonable diligence as well. ECF No. 351. In its *Daubert* opinion, the Court concluded that Dr. Beyer's opinions were reliable and fit the facts of the case, and were therefore admissible *in toto*. ECF No. 349.

64. On August 2, 2017, Plaintiffs asked the Court to reconsider its decision with regard to the 2005 price increase, arguing that the Court appeared to misinterpret a critical piece of evidence that tied Defendants' conduct at least through April 2007 to the November 2000 conduct.

ECF No. 354. On August 10, 2017, Ortho opposed Plaintiffs' motion, ECF No. 356, and, on August 11, 2017, the Court denied Plaintiffs' motion. ECF No. 358.

#### **H. Supplemental Expert Discovery and *Daubert* Proceedings**

65. Following the Court's summary judgment decision, the parties engaged in supplemental expert testimony to address the implications of the decision on post-2004 damages and class certification issues, and the Court included supplemental expert reports and depositions in Case Management Order No. 5. ECF No. 357.

66. On September 15, 2017, Plaintiffs served Dr. Beyer's supplemental merits expert report, in which Dr. Beyer opined, *inter alia*, that: (1) damages from Defendants' alleged conspiratorial conduct surrounding the 2001 TBR price increase would have continued beyond December 31, 2004; (2) that those damages persisted until the government investigations became public and TBR prices began to stabilize; and (3) that the removal of the 2005 and 2008 TBR price increases from the alleged conspiracy did not affect his conclusions regarding the common impact of the conspiracy.

67. Defendants deposed Dr. Beyer regarding his supplemental merits expert report on October 17, 2017.

68. On October 27, 2017, Ortho submitted Dr. Bigelow's reply to Dr. Beyer's supplemental merits expert report. Dr. Bigelow concluded that Dr. Beyer's analysis, the economic literature, and the evidence he relied upon did not support his conclusion that damages from the alleged conspiracy would linger until April 2009.

69. Plaintiffs deposed Dr. Bigelow on November 14, 2017, and on November 17, 2017, Plaintiffs served Dr. Beyer's supplemental reply merits expert report. Dr. Beyer explained that Dr. Bigelow's report did not cause him to change his opinions that damages would linger beyond 2004,

that the length of the lingering effects period was appropriate, and that his conclusions about common impact applied even if the class period extended through April 30, 2009.

70. On December 13, 2017, Ortho moved to exclude Dr. Beyer's testimony regarding lingering effects damages, and Plaintiffs moved to exclude Dr. Bigelow's reply testimony on the same subject. ECF Nos. 387, 388. While Ortho claimed Dr. Beyer's opinions were not consistent with economic theory, Plaintiffs argued Dr. Bigelow's testimony did not fit the facts of this case.

71. On January 3, 2018, Plaintiffs' opposed Ortho's *Daubert* motion regarding Dr. Beyer's lingering effects testimony, and Ortho opposed Plaintiffs' motion regarding Dr. Bigelow's. ECF Nos. 389, 390. Plaintiffs argued Dr. Beyer appropriately applied economic theory to the facts of the case, while Ortho argued Dr. Bigelow's testimony was sufficiently tied to this case because it purportedly responded to Dr. Beyer's lingering effects testimony.

72. On January 12, 2018, Plaintiffs filed a reply in support of their motion to exclude Dr. Bigelow's lingering effects testimony, while Ortho filed its reply in support of its motion to exclude Dr. Beyer's. ECF Nos. 393, 394.

73. The Court held a two-day hearing on the parties' *Daubert* motions on April 10 and April 11, 2018, featuring live testimony from both Dr. Beyer and Dr. Bigelow. Following the hearing, during a telephone conference with the parties on May 4, 2018, the Court granted Ortho's motion to exclude Dr. Beyer's lingering effects testimony and denied Plaintiffs' motion to exclude Dr. Bigelow's. ECF No. 448.

## **I. Trial Preparation**

74. Following the Court's summary judgment decision, Plaintiffs focused on their trial preparation. First, the parties grappled with the procedure for trying Plaintiffs' fraudulent concealment claims, which potentially involved some individualized evidence. Initially, on September 1, 2017, Plaintiffs submitted a proposed procedure. ECF No. 362. Ortho submitted a

counter-proposal on September 15, 2017, ECF No. 366, to which Plaintiffs responded on September 22, 2017. ECF No. 368. After a scheduling conference with the Court, ECF No. 372, the parties met and conferred in an effort to resolve the differences between the two procedures. However, the parties were unable to come to an agreement, resulting in the submission of a joint letter brief with competing proposals on October 16, 2017. The need to address these complicated trial procedure issues, which would have resulted in at least a two-phase trial (and potentially additional proceedings for absent class members' claims), factored heavily into Plaintiffs' settlement decision.

75. As part of their trial preparation, Plaintiffs engaged a trial consulting firm and began identifying key themes and evidence. This included in-person planning sessions, as well as a mock jury exercise in February 2018 in Philadelphia. The purpose of this exercise was to evaluate how potential jurors would respond to the facts and issues in this case, including fraudulent concealment issues. The exercise was designed to help prepare for trial, but was also very useful in ultimately evaluating the settlement with Ortho.

76. In what was in many ways the start of the trial, Plaintiffs conducted the trial deposition of Michael Poynter, Immucor's former V.P. of Sales, on January 25, 2018 in Atlanta, GA. Mr. Poynter's testimony was likely to be critical at trial, as he identified key inter-Defendant contacts in and around November 2000 and served to corroborate Judy Thorne's testimony regarding the exchange of pricing information between Immucor and Ortho. Through this deposition, Plaintiffs obtained critical trial testimony.

77. At the time of settlement, Plaintiffs and Ortho had completed almost all pre-trial preparation, including, *inter alia*, (1) the exchange of witness lists, (2) the exchange of exhibit lists and objections to exhibits, as well as a meet and confer process on those objections, (3) the

exchange of deposition designations and objections, and had engaged in a meet and confer process on those items as well, (4) negotiations regarding potential evidentiary issues, the filing of motions *in limine* regarding issues about which the parties could not agree, and the filing of oppositions to each other's motions, (5) the proposal, negotiation and agreement to a set of stipulated facts, (6) the exchange of jury instructions, jury questionnaires, *voir dire* questions, verdict sheets, and a statement of the case for reading to the jury, about which the parties met and conferred extensively, resulting in agreed-upon jury questionnaire, *voir dire* questions, verdict sheets, and a statement of the case for reading to the jury, as well as many agreed-upon proposed jury instructions (the parties submitted the disputed instructions with justifications to the Court), (7) the exchange of marked copies of trial exhibits, and (8) the submission to the Court of disputed evidence for use in openings and with experts.<sup>8</sup> This extensive trial preparation took place over several months and required thousands of hours on the part of Plaintiffs' Counsel.

#### **J. The Ortho Settlement**

78. In August 2015, Ortho and Plaintiffs engaged in mediation in an effort to resolve the litigation. The parties selected the Hon. Diane Welsh (Ret.) of JAMS as the mediator, submitted mediation statements, and took part in a full-day mediation session in Philadelphia on October 5, 2015. The mediation was attended by Class Counsel, and outside counsel for Ortho and in-house counsel for Johnson & Johnson. The mediation was preceded by separate, unsuccessful attempts to settle. The parties were unable to reach an agreement at that time.

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<sup>8</sup> Plaintiffs engaged in substantial additional trial preparation, including drafting and practicing an opening statement, identifying and preparing trial witnesses, preparing to cross-examine Ortho's fact and expert witnesses, and preparing Dr. Beyer for his direct and cross examinations.

79. In August 2017, after the Court's summary judgment decision, the parties again attempted settlement negotiations, this time without the assistance of a mediator. That attempt was also unsuccessful.

80. In May 2018, however, on the eve of trial and after the Court granted Ortho's motion to exclude Dr. Beyer's testimony regarding lingering effects damages, the parties again engaged Judge Welsh, this time *via* a series of telephone calls and conferences. This time, the parties were successful in settling the case, reaching an agreement in principal on May 18, 2018. The parties executed the settlement agreement on June 13, 2018.

81. On July 12, 2018, this Court: (1) preliminarily approved the Ortho Settlement and Plaintiffs' proposed distribution plan; and (2) authorized dissemination of Notice of the settlement to the Class by mail and banner advertisement. ECF No. 452.

82. On August 2, 2018, Notice of the Ortho Settlement was mailed to over 15,000 potential members of the Class. The Notice expressly informed potential Class members that Class Counsel would seek an award of attorneys' fees not to exceed one-third of the Combined Settlement Funds, reimbursement of expenses not to exceed \$2.75 million, and service awards for each of the twelve class representatives up to \$25,000 each. The Notice also advised potential Class members regarding the proposed plan of distribution, including that 1) potential Class members that only made purchases between January 1, 2005 and April 30, 2009 will be compensated at a set amount of \$250, and 2) potential Class members that only made purchases after April 30, 2009 would not be eligible to receive compensation.<sup>9</sup> The banner advertisements were published in the August 6, 2018 and August 10, 2018 editions of the *AABB News Smart Brief*,

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<sup>9</sup> This is because the Immucor Settlement Class includes purchases through February 23, 2012 and the Class includes purchases through October 19, 2015, but 1) the Court's summary judgment and *Daubert* decisions substantially diminished the value of claims based on post-2004 purchases, and 2) even Plaintiffs' expert concluded that any lingering damages resulting from Defendants' conspiracy would not have persisted beyond April 30, 2009.

an industry newsletter that focuses on the blood banking industry. The Notice was also posted on [www.bloodreagentsantitrustlitigation.com](http://www.bloodreagentsantitrustlitigation.com), the website dedicated to this litigation.

83. The \$19.5 million settlement represents 1) 27.6% of single damages for the period January 1, 2001 through December 31, 2004 (*see* Supplemental Report of John C. Beyer, Ph.D., Regarding Damages and Class Certification at Table 4), and 2) 24.2% of Ortho's total TBR sales during the period January 1, 2001 through December 31, 2004. *See* Corrected Report of John C. Beyer, Ph.D., Regarding Liability and Damages at Table 2.

#### **THE RISKS OF CONTINUING LITIGATION AND PROPRIETY OF ATTORNEYS' FEES AND EXPENSES**

84. Despite securing class certification and partly defeating Ortho's motion for summary judgment, substantial risks remained in this case. These risks included an adverse verdict during Phase 1 at trial, adverse verdict(s) during Phase 2 of the trial, or, even if Plaintiffs prevailed in both phases, the risks associated with post-trial motions and protracted appeals. In short, Plaintiffs faced a multitude of risks in continuing this complex, costly, and lengthy litigation.

85. Plaintiffs respectfully submit that the \$19.5 million Ortho Settlement, after 9 years of litigation, is an outstanding result for the Class in light of the relative strengths and weaknesses of Plaintiffs' claims. In total, \$41.5 million in settlements provide the Class with substantial and immediate benefits, rather than subjecting the Class to further risky proceedings that could cost the parties substantial additional expense and delay.

86. Class Counsel seek an award of attorneys' fees of one-third (33⅓%) of the Combined Settlement Funds (\$13,833,333), including the *pro rata* share of earned interest. This percentage is within the range of fees awarded by other courts in highly complex class actions of this nature. That fee request can be compared to Plaintiffs' Counsel's total aggregate lodestar

through May 18, 2018 of \$28,832,581.20, which is based on historical rates.<sup>10</sup> Class Counsel also request to be reimbursed \$1,356,154.50 for the necessary litigation expenses they paid for since 2009, and an additional \$530,046.30 for expenses they incurred in preparing for trial. Last, Class Counsel also ask the Court to award each of the twelve class representatives—all of whom assisted in the litigation, produced documents, responded to interrogatories, and sat for at least one deposition—\$25,000 as a service award for their efforts on behalf of the Class.

87. Throughout this case, Class Counsel sought to ensure the efficient conduct of this litigation. Class Counsel's extensive experience in prosecuting complex antitrust class actions proved invaluable in enabling them to identify key issues, to marshal important evidence, and to devise strategies to guide the litigation to a successful conclusion. Class Counsel believe that the settlements achieved for the Class were the result of their persistence, skill, and mastery of the evidence. Class Counsel also faced formidable opposition from defense counsel from nationally recognized law firms, with decades of antitrust and class action experience who vigorously defended their clients.

88. Class Counsel sought to avoid duplication of effort by delegation of assignments and division of responsibilities among Plaintiffs' Counsel. For example, the review and analysis of documents produced by Defendants and third parties was conducted with considerable assistance from many firms. Class Counsel also sought to prepare for depositions and draft pleadings and briefs, among many other tasks, in an efficient and organized fashion.

89. Even now, the work on this litigation continues and will not end until the settlement funds are finally distributed to Class members. Class Counsel will continue to expend many

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<sup>10</sup> Class Counsel audited and confirmed the validity of Plaintiffs' Counsels' time and expense submissions, and excluded from this lodestar time that did not provide a common benefit to the Class.



additional hours preparing for the Fairness Hearing scheduled on October 24, 2018, and in connection with the settlement administration process.

90. Plaintiffs' Counsel have received no compensation during the nine years that this case has been litigated, but have been permitted to use a portion of the settlement funds to pay a portion of their expenses. Their fees and reimbursement of expenses are totally contingent and dependent on the awards by this Court.

91. Class Counsel also sought to manage litigation expenses, including through negotiations with experts and vendors.

92. Class Counsel needed to raise and ensure that sufficient resources and funds existed at all times, not only to prosecute the litigation but also to compensate experts and vendors. Indeed, firms in a contingent litigation practice involving predominantly complex, multi-district cases against well-funded defendants must not only pay regular overhead, but also advance the expenses of litigation. With an average lag time of several years for these types of cases to conclude, the financial burden on contingent counsel is far greater than it is on firms that are paid on an ongoing basis during litigation.

93. In sum, when Class Counsel undertook the lead role to act for the Class, it understood that many millions of dollars in professional time and expenses would likely be spent litigating against some of the best defense attorneys in the United States, with no assurance of ever obtaining any recovery for the Class or compensation for ourselves. The combined settlements in this case totaling over \$41.5 million represent an outstanding result for the Class, despite the existence of substantial litigation risks and a vigorous defense mounted by Defendants and their counsel.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge, information, and belief.

Dated: September 12, 2018

/s/ Jeffrey J. Corrigan  
Jeffrey J. Corrigan  
**SPECTOR ROSEMAN &  
KODROFF, P.C.**  
1818 Market Street, Suite 2500  
Philadelphia, PA 19103  
Tel.: (215) 496-0300  
Fax: (215) 496-6611  
Email: jcorrigan@srkattorneys.com

# **EXHIBIT 3**

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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION

MDL Docket No. 09-2081

THIS DOCUMENT RELATES TO ALL  
ACTIONS

**DECLARATION OF MARKHAM  
SHERWOOD REGARDING  
DISSEMINATION OF NOTICE OF  
PROPOSED SETTLEMENT WITH  
ORTHO-CLINICAL DIAGNOSTICS, INC.  
AND PROPOSED DISTRIBUTION PLAN**

**HON. JAN E. DUBOIS**

I, **MARKHAM SHERWOOD**, declare:

1. I am a Director of Class Action Services at Kurtzman Carson Consultants LLC ("KCC"), located at 3301 Kerner Boulevard, San Rafael, CA 94901. I am over 21 years of age and am not a party to this action. I have personal knowledge of the facts set forth herein and, if called as a witness, could and would testify competently thereto.

2. The purpose of this declaration is to provide the Parties and the Court with a summary of the work performed by KCC related to the class action notice plan in the above case, following the Court's Order Granting Plaintiffs' Motion for Preliminary Approval of Proposed Settlement with Ortho-Clinical Diagnostics, Inc., Preliminary Approval of the Proposed Distribution Plan, and Authorization to Disseminate Notice, dated July 12, 2018 ("the Preliminary Approval Order").

3. KCC was retained by Plaintiffs' Counsel to, among other tasks, mail the Settlement Notice (the "Notice") to potential Settlement Class Members (see Order, ¶ 13) and to publish banner advertisements in the *AABB SmartBrief* (see Order, ¶ 14). A copy of the Notice is attached hereto as Exhibit A.

4. On February 29, 2012, KCC received from Plaintiffs' economic expert, who compiled it from Defendants' transactional sales data, a computerized list of 18,919 names and addresses, characterized as the Class Member List, *i.e.*, all individuals or entities who purchased traditional blood

1 reagents in the United States on or after January 1, 2000 directly from Immucor, Inc. and Ortho-Clinical  
2 Diagnostics, Inc. This list was updated using the National Change of Address system (“NCOA”) on file  
3 with the United States Postal System (“USPS”), and analyzed for incomplete and duplicate addresses  
4 prior to the April 19, 2012 mailing of Notice to the Immucor Settlement Class. This list has been  
5 maintained and updated by KCC as necessary, including an NCOA update in January, 2016 prior to the  
6 class certification notice mailing. As part of that process, on or before July 25, 2018, KCC again caused  
7 the addresses in the Class Member List to be updated using the NCOA system, which updates addresses  
8 for all people and other entities who had moved during the previous four years and filed a change of  
9 address with the USPS. New addresses were found for 275 class members. The Class Member List was  
10 updated with these new addresses.

11 5. Also on or before January 18, 2016, KCC again analyzed the list for duplicate and  
12 incomplete addresses. As a result, a total of 3,116 addresses were removed from the list, decreasing the  
13 total number of names and addresses to 15,803.

14 6. Pursuant to the court-approved Class Definition, KCC also analyzed the list for entities  
15 that did not meet the definition of a Class Member (federal government entity, Defendants, and previous  
16 exclusion requests). As a result, a total of 634 addresses were removed from the mailing list, decreasing  
17 the total number of names and addresses to 15,169.

18 7. Back on or before April 19, 2012, KCC had caused a toll-free telephone number to be  
19 established at (855) 231-9423, which KCC has maintained since. On or before August 1, 2018, staff  
20 members of the KCC Call Center were provided with the Settlement Notice and updated on the details  
21 of this Settlement, so that they could provide updated information about the Settlement and respond to  
22 requests for Notices.

23 8. On or before February 19, 2016, KCC caused a website to be established at  
24 [www.bloodreagentsantitrustlitigation.com](http://www.bloodreagentsantitrustlitigation.com) to provide information about the litigation and to allow Class  
25 Members to download a copy of the Notice. The website also contains a page setting forth important  
26 Dates and Deadlines, copies of Court Documents including, but not limited to, the Consolidated  
27 Amended Class Action Complaint and the Notice Order, and a page of Frequently Asked Questions. On  
28 or before August 2, 2018, the website was updated to include the Settlement Notice, updated Dates and

1 Deadlines, the Ortho Settlement Agreement and the Preliminary Approval Order, and an updated page  
2 of Frequently Asked Questions regarding the Settlement and Proposed Distribution Plan. All of the  
3 pertinent settlement information was available by August 3, 2018. In addition, the information on the  
4 website established on or before April 19, 2012 ([www.ImmucorSettlement.com](http://www.ImmucorSettlement.com)) to provide information  
5 about the Immucor settlement has continued to be made available through the new website at  
6 [www.bloodreagentsantitrustlitigation.com](http://www.bloodreagentsantitrustlitigation.com).

7 9. On or before August 2, 2018, KCC caused the Notice to be printed and mailed by First  
8 Class Postage to each of the 15,169 Settlement Class Members (the "Notice Packets").

9 10. In accordance with the Court-approved notice plan, KCC caused banner advertisements  
10 to be placed in the August 6, 2018 and August 10, 2018 editions of the *AABB SmartBrief* daily e-  
11 newsletter. The August 6, 2018 *AABB News SmartBrief* e-newsletter was issued to 9,876 subscribers.  
12 The August 10, 2018 *AABB News SmartBrief* e-newsletter was issued to 9,879 subscribers. The banner  
13 advertisements consisted of the Summary Notice publication headline and contained embedded links to  
14 the website. A copy of the banner advertisement as it appeared in the August 6, 2018 edition of the  
15 *AABB SmartBrief* is attached hereto as Exhibit B, and a copy of the banner advertisement as it appeared  
16 in the August 10, 2018 edition of the *AABB SmartBrief* is attached hereto as Exhibit C.

17 11. During the period August 2, 2018 through September 5, 2018, 56 Notice Packets were  
18 returned to KCC by the USPS with forwarding addresses. KCC caused the Class Member List to be  
19 updated with the new addresses and Notice Packets to be re-mailed to the Class Members at each of  
20 these new addresses.

21 12. During the period August 2, 2018 through September 5, 2018, 2,319 Notice Packets were  
22 returned to KCC by the USPS without forwarding addresses. KCC conducted address searches using  
23 credit and other public source databases to attempt to locate new addresses for these Class Members. Of  
24 the addresses searched, 20 new addresses were found. Notice packets were re-mailed to each of these  
25 new addresses.

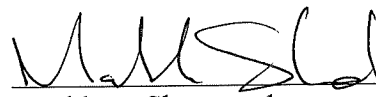
26 13. Altogether, there are 2,309 Class Members with known bad addresses, having been  
27 searched without a new address being found.

28 14. During the period August 2, 2018 through September 5, 2018, 16 calls have been handled

1 by the KCC Call Center. Of these callers, zero (0) requested a Notice Packet.

2 15. The Notice informed Class Members that written objections must be sent to the Clerk of  
3 the Court, received and filed no later than September 27, 2018. As of the date of this declaration, KCC  
4 has received zero (0) objections.

5  
6 I declare under penalty of perjury pursuant to the laws of the State of California that the foregoing is true  
7 and correct to the best of my knowledge and that this declaration was executed this 11<sup>th</sup> day of  
8 September, 2018 at San Rafael, California.

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11 Markham Sherwood

12 ©2018 KCC LLC  
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# Exhibit A



## If you purchased Traditional Blood Reagents between November 4, 2000 and October 19, 2015, a class action settlement and distribution of two class action settlement funds may affect you.

*This Notice is being sent to you pursuant to an Order of the United States District Court for the Eastern District of Pennsylvania. This is not a solicitation from a lawyer. You are not being sued.*

- This Notice describes a class action lawsuit (*In re Blood Reagents Antitrust Litigation*, MDL No. 2081 and 09-MD-2081), pending in the United States District Court for the Eastern District of Pennsylvania, in which Plaintiffs allege that certain manufacturers conspired to fix Traditional Blood Reagents prices in violation of federal antitrust law.
- The lawsuit claims that, as a result of Defendants' alleged conduct, the prices paid by individuals and entities for Traditional Blood Reagents were higher than they otherwise would have been. The lawsuit seeks treble damages (triple the amount of actual damages), attorneys' fees and costs from Defendants. Defendants have denied the allegations of price fixing. Defendants have also denied that they are liable for any damages, attorneys' fees, or costs. The Court has dismissed Plaintiffs' claims regarding Defendants' Traditional Blood Reagents price increases in 2005 and 2008, but it found that Plaintiffs offered sufficient evidence regarding Defendants' alleged conspiracy to fix prices starting in 2001 for Traditional Blood Reagents to proceed to trial against the remaining defendant in the case, Ortho-Clinical Diagnostics, Inc. ("Ortho").
- You may have received prior notices regarding this lawsuit. The purpose of this Notice is to inform you of **two new developments**:
  - A **Settlement** has been entered into with Ortho for \$19.5 million. This Notice provides information about the right to object to that settlement.
  - If the Ortho Settlement is approved, it will **conclude the litigation** and funds from this settlement and a prior settlement with Defendant Immucor, Inc. ("Immucor") will be distributed. This Notice provides information about the **Proposed Distribution** of those funds.

This Notice advises you of your rights – **and the deadline to exercise them** – in connection with the above developments and Class Counsel's petition for an award of attorneys' fees and expenses and service awards to the Class Representatives. Your rights and options with regard to the Ortho Settlement and the Proposed Distribution – **and the deadlines to exercise them** – are explained in this Notice.

Please visit [www.bloodreagentsantitrustlitigation.com](http://www.bloodreagentsantitrustlitigation.com) or call 1-885-231-9423 for more information about this lawsuit, including access to court documents about the lawsuit, the prior settlement, and this settlement.

### **DO NOT CONTACT THE COURT OR DEFENDANTS IF YOU HAVE QUESTIONS REGARDING THIS NOTICE**

#### **PART 1: GENERAL INFORMATION**

##### **WHAT IS THIS NOTICE ABOUT?**

##### ***1.1 Why did I receive this Notice?***

You received this Notice because you have been identified as a direct purchaser of Traditional Blood Reagents from Ortho and/or Immucor (collectively, the "Defendants") or their subsidiaries. The Court authorized this Notice because you have a right to know about the Ortho Settlement and the Proposed Distribution described below, and your options regarding these matters. This Notice explains the lawsuit, the Ortho Settlement, and your legal rights and options with respect to the Ortho Settlement and the Proposed Distribution.

The Court in charge of this case is the United States District Court for the Eastern District of Pennsylvania, Judge Jan E. DuBois. This case is known as *In re: Blood Reagents Antitrust Litigation*, MDL No. 2081 and 09-MD-2081. The direct purchasers of Traditional Blood Reagents who are named in the lawsuit are the Plaintiffs and are also called the Class Representatives.

## **1.2 What is the lawsuit about?**

This lawsuit was filed by F. Baragaño Pharmaceuticals, Inc.; Community Medical Center Health Care System; Professional Resources Management of Crenshaw LLC d/b/a Crenshaw Community Hospital; Douglas County Hospital; Health Network Laboratories, L.P.; Larkin Community Hospital; Legacy Health System; Mary Hitchcock Memorial Hospital, Inc.; Regional Medical Center Board d/b/a Northeast Alabama Regional Medical Center; Hospital Sisters Health System (including Sacred Heart Hospital of the Hospital Sisters of the Third Order of St. Francis, St. Anthony's Memorial Hospital, of the Hospital Sisters of the Third Order of St. Francis, St. Elizabeth's Hospital of the Hospital Sisters of the Third Order of St. Francis, St. Francis Hospital of the Hospital Sisters of the Third Order of St. Francis, St. John's Hospital of the Hospital Sisters of the Third Order of St. Francis, St. Joseph's Hospital, Breese, of the Hospital Sisters of the Third Order of St. Francis, St. Joseph's Hospital of the Hospital Sisters of the Third Order of St. Francis (Chippewa Falls), St. Joseph's Hospital, of the Hospital Sisters of the Third Order of St. Francis (Highland), St. Mary's Hospital Medical Center of Green Bay, Inc., St. Mary's Hospital, Streator, of the Hospital Sisters of the Third Order of St. Francis, St. Mary's Hospital, Decatur, of the Hospital Sisters of the Third Order of St. Francis, St. Nicholas Hospital of the Hospital Sisters of the Third Order of St. Francis, and St. Vincent Hospital of the Hospital Sisters of the Third Order of St. Francis); Schuylkill Medical Center (including Schuylkill Medical Center - East Norwegian Street and Schuylkill Medical Center - South Jackson Street); and Warren General Hospital (collectively, "Plaintiffs" or "Class Representatives") individually and as representatives of all persons in the United States who purchased Traditional Blood Reagents directly from the Defendants. The lawsuit asserts that, as a result of Defendants' alleged conduct, the prices paid for Traditional Blood Reagents were higher than they otherwise would have been. Plaintiffs seek to recover three times the actual damages that they allege Defendants' conduct caused, as well as attorneys' fees and costs. Defendants have denied Plaintiffs' allegations of price fixing. Defendants have also denied that they are liable for any damages, attorneys' fees, or costs. The Court found that Plaintiffs have submitted sufficient evidence in opposition to summary judgment to allow their claims regarding Defendants' Traditional Blood Reagents price increases in 2001 to proceed to trial against the remaining defendant, Ortho. However, the Court also concluded that Plaintiffs did not have sufficient evidence to allow claims regarding Traditional Blood Reagents price increases in 2005 and 2008 to move forward to trial.

## **1.3 What is a class action lawsuit?**

In a class action, people or entities called class representatives sue on behalf of people or entities that have similar claims. All these entities make up the class and are called class members. The Court then resolves the issues for all class members in a single proceeding, except for those who exclude themselves from the class.

## **1.4 What is the current status of the lawsuit?**

Several lawsuits were originally filed beginning in May 2009, and the cases were consolidated before Judge DuBois in the Eastern District of Pennsylvania. The Court certified this lawsuit as a class action on August 22, 2012 for all purposes, including trial and any future settlements, and appointed the named Plaintiffs and the law firm of Spector Roseman & Kodroff, PC to represent the class. On October 25, 2012, the Third Circuit Court of Appeals accepted Ortho's appeal of the District Court's class certification decision, and on April 8, 2015, the Third Circuit vacated the District Court's decision because it relied, in part, on a Third Circuit decision that the Supreme Court reversed in 2013. On remand from the Third Circuit, the District Court re-certified the lawsuit as a class action on October 19, 2015. Notice of the Court's decision to certify the Class was provided in early 2016.

Plaintiffs previously reached a settlement with Immucor in the amount of \$22,000,000 on January 11, 2012, which was granted final approval by the Court on September 6, 2012. As a result of this settlement, Immucor was dismissed from the case. Notice was provided about the Immucor settlement in 2012; copies of those notices are available at [www.bloodreagentsantitrustlitigation.com](http://www.bloodreagentsantitrustlitigation.com) or by calling 1-855-231-9423. More information regarding the proposed distribution of the funds from that settlement can be found in Part 3 below.

The Court has not resolved the merits of all of Plaintiffs' claims, or determined whether Plaintiffs' or Ortho's contentions are true. In July 2017, the Court granted in part and denied in part Ortho's motion for summary judgment. It dismissed Plaintiffs' claims as to the 2005 and 2008 price increases for Traditional Blood Reagents, but it found that Plaintiffs offered

sufficient evidence regarding Defendants' alleged conspiracy to fix prices starting in 2001 for Traditional Blood Reagents 2001 to allow that aspect of their claims to proceed to trial against Ortho.

As described in Part 2, subsequent to the Court's decision, on the eve of trial, Plaintiffs reached a settlement with Ortho to end the litigation.

### **1.5 What is the case caption?**

The caption (or title) of the lawsuit is provided here. You need to include the caption with any objection you file to the Ortho Settlement Agreement or the Proposed Distribution.

## **IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**THIS NOTICE IS NOT TO BE UNDERSTOOD AS AN EXPRESSION OF ANY OPINION BY THE COURT AS TO THE MERITS OF ANY OF THE CLAIMS OR DEFENSES ASSERTED BY PLAINTIFFS OR DEFENDANTS.**

### **PART 2: THE ORTHO SETTLEMENT**

<b>YOUR LEGAL RIGHTS AND OPTIONS WITH RESPECT TO THE ORTHO SETTLEMENT ARE DESCRIBED IN THIS SECTION</b>	
<b>YOU ARE A MEMBER OF THE CLASS IF YOU DID NOT EXCLUDE YOURSELF PRIOR TO APRIL 6, 2016</b>	If you did not exclude yourself prior to April 6, 2016, you are a member of the Class. Your interests will be represented by the Class Representatives and Class Counsel listed below. As a member of the Class, you will be bound by any judgment dismissing the lawsuit against Ortho, and you will not be able to file or maintain your own lawsuit against Ortho regarding the subject of this lawsuit. By remaining in the Class, you are eligible to receive a share of the Ortho Settlement amount once it is paid out, after payment for attorneys' fees, costs and other expenses as approved by the Court.
<b>YOU ARE NOT A MEMBER OF THE CLASS IF YOU EXCLUDED YOURSELF FROM THE CLASS PRIOR TO APRIL 6, 2016</b>	You previously had the right to exclude yourself from the Class. Notice was sent in February 2016 and published in two editions of the <i>AABB SmartBrief</i> e-bulletin in March 2016. If you had excluded yourself from the Class, you would not have been bound by the Ortho Settlement and would not be entitled to receive any money from the Ortho Settlement. Excluding yourself from the Class would have had no effect on your rights with respect to the prior settlement with Immucor. Plaintiffs and Ortho agree that no members of the Class asked to be excluded.

<b>HIRE YOUR OWN LAWYER</b>	You may, but are not required to, hire your own lawyer at your own expense to advise you of your rights under the Ortho Settlement. You may also, but are not required to, enter an appearance in the lawsuit through your attorney.
<b>OBJECT TO THE ORTHO SETTLEMENT</b>	Because you did not previously exclude yourself from the Class, you may write to the Court to object to the terms of the Ortho Settlement, as described below.

## **2.1     *The Proposed Settlement with Ortho.***

Plaintiffs have agreed with Ortho to settle the lawsuit on behalf of the Class. The proposed settlement is only with Ortho. Defendant Immucor was previously dismissed as a result of its prior settlement.

The settlement with Ortho provides that Ortho will pay \$19.5 million.

Class Counsel believe that the Ortho settlement is fair and in the best interests of the Class Members.

## **2.2     *How do I know if I am a member of the Class?***

The Class includes all persons or entities that purchased Traditional Blood Reagents in the United States during the period November 4, 2000 through October 19, 2015 directly from a Defendant.

Even if you meet these requirements, you are not a member of the Class if you are (a) a federal governmental entity, (b) a Defendant or a Defendant's parent, subsidiary, or affiliate, or (c) you excluded yourself from the Class prior to April 6, 2016.

## **2.3     *Will I receive money from the Ortho Settlement?***

As described in Part 3 below, Class Counsel will ask the Court to distribute the funds from the Ortho Settlement (and the Immucor settlement). Except as provided elsewhere in this Notice, it is Class Counsel's intention to hold the funds received in an interest-bearing account until the Court orders the funds to be distributed. Class Counsel will also be asking for an award of attorneys' fees, reimbursement of litigation expenses, and service awards for Class Representatives for their service to the Class and the Immucor settlement class. As further described in Part 3 below, Class Counsel will file with the Court a plan of distribution of the settlement funds, after reduction for any court-approved attorneys' fees, expense reimbursements, or service awards to the Class Representatives.

## **2.4     *The Settlement Hearing and objecting to the Ortho Settlement.***

The Court will hold a hearing on October 24, 2018 at 2:00 p.m. at the James A. Byrne United States Courthouse, 601 Market Street, Philadelphia, PA 19106, Courtroom 12-B, to consider whether the Ortho Settlement is fair and should be approved. The Court may also consider whether to approve Plaintiffs' Proposed Distribution of the settlement funds as described in Part 3 below. The hearing may be continued or rescheduled without further notice.

Because you did not exclude yourself from the Class prior to April 6, 2016, you may object to the terms of the Ortho Settlement Agreement. Your objection must be in writing, include the caption of this litigation (provided on page 3 of this Notice), state the nature and grounds for your objection, be signed by you, and be **filed no later than September 27, 2018** with the Clerk of Court, United States District Court for the Eastern District of Pennsylvania, James A. Byrne United States Courthouse, 601 Market Street, Philadelphia, PA 19106, with copies mailed to Class Counsel (address provided in Section 2.5 below). If you do not object to the Ortho Settlement or Plaintiffs' Proposed Distribution of the settlement funds (*see* Section 3.3 below), you do not need to appear at the hearing or take any other action at this time.

## **THE LAWYERS REPRESENTING THE CLASS**

## **2.5     *Do I have a lawyer in this case?***

The Court appointed the following law firm to represent the Class:

Eugene A. Spector  
Jeffrey J. Corrigan  
Rachel E. Kopp  
Jeffrey L. Spector  
Len A. Fisher  
SPECTOR ROSEMAN &  
KODROFF, P.C.  
1818 Market Street, Ste. 2500  
Philadelphia, PA 19103  
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[lfisher@srkattorneys.com](mailto:lfisher@srkattorneys.com)

This law firm is called Class Counsel. You will not be personally charged for the services of these attorneys in litigating this case. If you want to be represented by your own lawyer, you may hire one at your own expense. You have the right to enter an appearance in the case through your lawyer if you wish.

If you have questions concerning this Notice or the lawsuit, you may contact the law firm listed above.

**2.6 *How will the lawyers be paid?***

Attorneys for the Class are litigating this case on a completely contingent fee basis, meaning that you are not personally responsible for the attorneys' fees, costs, or expenses in the case. As described below in Part 3, Class Counsel intend to ask the Court for attorneys' fees and reimbursement of litigation expenses from the Ortho Settlement and the earlier Immucor settlement. The Court can approve or deny any such a request.

**2.7 *May I enter an appearance in the litigation through an attorney at my own expense?***

You may, but do not have to, enter an appearance in the lawsuit through an attorney at your own expense.

<b>TAKING NO ACTION</b>
-------------------------

**2.8 *What happens if I do nothing at all?***

If you are a member of the Class and you choose to take no action, your interests as a member of the Class will be represented by Plaintiffs and Class Counsel and you will be bound by any decision or judgment entered by the Court with regard to the Ortho Settlement. You will not be able to start or continue with a lawsuit against Ortho regarding the claims described herein. If the Ortho Settlement is approved by the Court, you will be entitled to submit evidence of your qualifying Traditional Blood Reagents purchases in order to potentially recover any overcharges you may have paid. As a member of the Class, you will not be personally responsible for attorneys' fees, costs or litigation expenses; any attorneys' fees, costs and expenses will be awarded by the Court, and paid out of the total recovery, as described in Part 3.

**PART 3: DISTRIBUTION OF THE SETTLEMENT FUNDS**

**3.1 *What settlement funds are to be distributed?***

Plaintiffs in this case previously reached a settlement with Immucor for \$22,000,000. With respect to that settlement, notice was mailed to potential class members, was published in the *AABB News*, and was made available at [www.bloodreagentsantitrustlitigation.com](http://www.bloodreagentsantitrustlitigation.com). Class Counsel have not previously asked the Court to distribute any of the funds from the prior settlement to settlement class members and the settlement funds are being held in an interest-bearing account. If the Court approves the Ortho Settlement, Class Counsel will now ask the Court to distribute the funds from both settlements to members of the Class, after deduction of attorneys' fees, litigation expenses and any service awards to Class Representatives.

The funds from both settlements in the litigation (that is, the Immucor and Ortho Settlements), including any accrued interest, will be combined in a single **Combined Settlement Fund**. Any entity that is a member of the Immucor Settlement Class is also a Member of the Class and, upon submission of a valid claim, may be eligible to receive a portion of the Combined Settlement Fund.

### **3.2     *How do I know if I am a member of the Class?***

As described in Section 2.2 above, this Class includes all persons or entities that purchased Traditional Blood Reagents in the United States during the period November 4, 2000 through October 19, 2015 directly from Ortho or Immucor that did not choose to exclude themselves. The Class also includes any entity that is a member of the Immucor Settlement Class. Because no entity asked to be excluded from the Class prior to the deadline, if you previously excluded yourself from the Immucor settlement class, you are still be a member of the Class.

### **3.3     *How will the settlement funds be distributed?***

The substantial majority of the Net Combined Settlement Fund (the Combined Settlement Fund less any Court-awarded attorneys' fees, expenses, and service awards) will be distributed pro-rata in accordance with each Class Member's Traditional Blood Reagents purchases from January 1, 2001 through December 31, 2004 (the "Damages Period"). The Court's decisions (a) not to allow claims based on the 2005 and 2008 price increases to proceed to trial and (b) to grant Ortho's *Daubert* motion, have at least substantially diminished, if not eliminated, the value of claims after this Damages Period. Each Class Member that files a timely claim will be allocated a share of the funds available for distribution, such that its share will be in proportion to the total of all Claimants' Traditional Blood Reagents purchases during the Damages Period, with a minimum guaranteed distribution to each such Claimant of \$250. Class Counsel anticipate using Defendants' transactional data produced in the litigation to provide Class Members a proposed calculation of their Traditional Blood Reagents purchases during the Damages Period. Class Members will have the option of accepting this calculation, or alternatively providing their own calculation of purchases during the Damages Period (with supporting documentation), which will then be subject to review by the claims administrator.

If a Class Member opted out of the Immucor settlement, its purchases during the Damages Period will be reduced accordingly. Because approximately 53% of the Combined Settlement Fund is attributable to the Immucor Settlement, if a Class Member opted out of the Immucor settlement, its purchases would be valued at approximately \$0.47 (i.e., \$1 minus \$0.53) on the dollar.

The remainder of the Net Combined Settlement Fund will be distributed to Class Members who only purchased Traditional Blood Reagents directly from a Defendant from January 1, 2005 through April 30, 2009. The Immucor settlement and the Class specified class periods extending after the Damages Period, with the Immucor Settlement Class including purchases through February 23, 2012 and the Class including purchases through October 19, 2015. Thus, the certified classes include some entities that only purchased Traditional Blood Reagents after 2004 (and not during the Damages Period). Subsequent events in the litigation, however, have substantially diminished the value of claims after the Damages Period. First, the Court's summary judgment decision dismissed claims based upon the 2005 and 2008 price increases. The Court later concluded, in granting Ortho's *Daubert* motion, that Plaintiffs' expert's testimony did not provide a reliable basis to estimate any damages from the 2001 price increase that may have continued after 2004. Nevertheless, Class Counsel believe it is appropriate to allocate some recovery based on purchases for the period January 1, 2005 through and including April 30, 2009, to reflect the release provided by these Class Members and Plaintiffs' expert's opinion that, to the extent damages from the 2001 price increase did continue, they would have stopped at that point. Accordingly, each Class Member who purchased TBR from January 1, 2005 through and including April 30, 2009, but not during the Damages Period, will receive \$250.

Class Counsel will file briefs and material in support of their Distribution Plan by **September 12, 2018**, including a sample claim form. A copy of that material will be posted on [www.bloodreagentsantitrustlitigation.com](http://www.bloodreagentsantitrustlitigation.com) or can be obtained by calling 1-855-231-9423. Once the Court grants final approval to the Ortho Settlement and the Distribution Plan, the Claims Administrator will distribute claim forms to the members of the Class. The distribution will take place as soon as practicable after review, determination, and audit of the Claim Forms by the Claims Administrator and approval by the Court of the Claims Administrator's recommendations as to the specific amounts to be paid to claimants.

### **3.4     *How will the lawyers be paid?***

Since they filed this case, the attorneys representing the Class and the Immucor Settlement Class have not received any payment for their services in prosecuting the lawsuit, nor have they been reimbursed for any out-of-pocket expenses. Consistent with disclosures in the prior notices, the Court previously approved payments totaling approximately \$2.5 million from the Immucor settlement fund to cover ongoing pretrial litigation expenses.

If the Court approves the proposed Ortho Settlement, Class Counsel will ask the Court to award attorneys' fees of up to one-third of the Combined Settlement Fund, plus reimbursement of expenses that they incurred in the litigation and administering the settlement funds (not to exceed \$2.75 million). Class Counsel will file their petition for attorneys' fees and reimbursement of expenses with the Court by **September 12, 2018**. A copy of the petition will be posted on [www.bloodreagentsantitrustlitigation.com](http://www.bloodreagentsantitrustlitigation.com) or can be obtained by calling 1-855-231-9423.

Any attorneys' fees and reimbursement of litigation expenses will be awarded only as approved by the Court in amounts determined to be fair and reasonable. If you wish to object to the petition for attorneys' fees and reimbursement of litigation expenses, you may do so, but only by following the instructions in Section 3.6 below.

### **3.5     *Will the Plaintiffs receive anything for the time and effort they contributed to the lawsuit?***

This lawsuit was filed by Plaintiffs F. Baragaño Pharmaceuticals, Inc.; Community Medical Center Health Care System; Professional Resources Management of Crenshaw LLC d/b/a Crenshaw Community Hospital; Douglas County Hospital; Health Network Laboratories, L.P.; Larkin Community Hospital; Legacy Health System; Mary Hitchcock Memorial Hospital, Inc.; Regional Medical Center Board d/b/a Northeast Alabama Regional Medical Center; Hospital Sisters Health System (comprising Sacred Heart Hospital of the Hospital Sisters of the Third Order of St. Francis, St. Anthony's Memorial Hospital, of the Hospital Sisters of the Third Order of St. Francis, St. Elizabeth's Hospital of the Hospital Sisters of the Third Order of St. Francis, St. Francis Hospital of the Hospital Sisters of the Third Order of St. Francis, St. John's Hospital of the Hospital Sisters of the Third Order of St. Francis, St. Joseph's Hospital, Breese, of the Hospital Sisters of the Third Order of St. Francis, St. Joseph's Hospital of the Hospital Sisters of the Third Order of St. Francis (Chippewa Falls), St. Joseph's Hospital, of the Hospital Sisters of the Third Order of St. Francis (Highland), St. Mary's Hospital Medical Center of Green Bay, Inc., St. Mary's Hospital, Streator, of the Hospital Sisters of the Third Order of St. Francis, St. Mary's Hospital, Decatur, of the Hospital Sisters of the Third Order of St. Francis, St. Nicholas Hospital of the Hospital Sisters of the Third Order of St. Francis, and St. Vincent Hospital of the Hospital Sisters of the Third Order of St. Francis); Schuylkill Medical Center (comprising Schuylkill Medical Center - East Norwegian Street and Schuylkill Medical Center - South Jackson Street); and Warren General Hospital, also referred to as the Class Representatives. If the Court approves the proposed Joint Settlement, Class Counsel will ask the Court to award the Class Representatives (with the Hospital Sisters and Schuylkill Medical Center plaintiffs each counting as a single Class Representative) up to \$25,000 each for the time and effort they contributed to the prosecution of this litigation. These service awards would be paid from the Combined Settlement Fund.

Any service awards will be awarded only as approved by the Court in amounts determined to be fair and reasonable. If you wish to object to the proposed service awards, you may do so, but only by following the instructions in Section 3.6 below.

### **3.6     *How do I object to the Distribution Plan, Class Counsel's request for attorneys' fees and reimbursement of litigation expenses, or service awards for the Class Representatives?***

If you wish to object to the proposed distribution (including the Distribution Plan, request for attorneys' fees, request for reimbursement of litigation expenses, and/or request for service awards), you must specify in writing all of your objections to the proposal and the basis for those objections, as well as: (i) the caption of this litigation (provided on page 3 of this Notice); (ii) the name, address, and telephone number of the person or entity objecting and, if represented by a lawyer, of his or her lawyer; and (iii) a statement describing any purchases of Traditional Blood Reagents you made directly from Defendants from November 4, 2000 through October 19, 2015, including the dates and amounts of such purchases.

Your objection must be **filed no later than September 27, 2018** with the Clerk of Court, United States District Court for the Eastern District of Pennsylvania, James A. Byrne United States Courthouse, 601 Market Street, Philadelphia, PA 19106, with copies mailed to Class Counsel (address provided in Section 2.5 above).

At the Settlement Hearing described in Section 2.4 above, the Court will also consider whether Class Counsel's proposed distribution (including the Distribution Plan, request for attorneys' fees, request for reimbursement of litigation expenses, and/or request for service awards) is fair and should be approved.

#### **PART 4: GETTING MORE INFORMATION**

##### ***4.1 How can I get more information?***

This Notice is only a summary of the Court's decision. You may obtain more information by visiting [www.bloodreagentsantitrustlitigation.com](http://www.bloodreagentsantitrustlitigation.com) or by calling 1-855-231-9423.

**PLEASE DO NOT CONTACT THE COURT, THE CLERK OF THE COURT OR DEFENDANTS.  
IF YOU HAVE ANY QUESTIONS REGARDING THIS NOTICE, PLEASE DIRECT THEM  
ONLY TO THE BLOOD REAGENTS ANTITRUST LITIGATION ADMINISTRATOR.**



# Exhibit B

If you purchased Traditional Blood Reagents on or after November 4, 2000, class action settlements may affect you.

**Learn More**

[www.bloodreagentsantitrustlitigation.com](http://www.bloodreagentsantitrustlitigation.com)

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August 6, 2018

# AABB SmartBrief



News for the transfusion medicine and cellular therapy community

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## TOP STORY

### FDA warns against long-term azithromycin after stem cell transplant

The FDA issued an alert concerning the long-term use of azithromycin, or Zithromax, for the prevention of bronchiolitis obliterans syndrome in patients with certain cancers who have received an allogeneic stem cell transplant. A clinical trial showed an increased rate of relapse, including death, in patients with cancers of the blood or lymph nodes that led researchers to stop the trial early

[Specialty Pharmacy Times](#) (8/3)



## SCIENCE & HEALTH

### Study evaluates HBV reactivation risk with direct-acting antivirals

A study in the Journal of Viral Hepatitis found that five of 15 patients with both hepatitis B and hepatitis C and compensated liver cirrhosis experienced HBV virological reactivation after treatment with direct-acting antivirals.

[Medscape \(free registration\)](#) (8/3)



### Congo health ministry says 13 Ebola cases confirmed

The health ministry of the Democratic Republic of Congo said 13 cases of Ebola virus infection have been confirmed, including three deaths. The ministry is investigating an additional 33 possible cases and is following over 875 people who may have had contact with people with the illness.

[The Washington Post \(tiered subscription model\)/The Associated Press](#) (8/4)



## HOT TOPICS

### ■ Irish transfusion service encourages more blood typing

The Irish Times (Dublin)

- **Umbilical cord blood transplantation study gets grant worth \$5.4M**  
Inside Indiana Business
- **Researchers look at postoperative clot risk after transfusions**  
Healio (free registration)
- **Researchers: Transport time may affect results of plasma studies**  
Medscape (free registration)
- **Study looks at mortality risk after childhood allogeneic BMT**  
MedPage Today (free registration)

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## EMERGING TRENDS

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### Study compares CRISPR-Cas12a, CRISPR-Cas9

University of Texas at Austin researchers found that the Cas12a enzyme used with CRISPR technology had increased precision compared with the Cas9 enzyme and strongly discriminated against mismatches in most of the DNA target sequence despite its functionally irreversible binding, which suggests that Cas12a's bonds during R-loop formation are reversible. However, the findings in the journal *Molecular Cell* showed that Cas12a was blind to certain RNA and genomic target mispairings, said researcher Ilya Finkelstein.

[Genetic Engineering & Biotechnology News](#) (8/3)



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## INDUSTRY NEWS & PRACTICE

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### Merck reports positive results of HIV study



(Kena Betancur/Getty Images)

The most recent data on Merck's doravirine demonstrated that at 96 weeks, 73.1% of patients who received once-daily doravirine achieved HIV viral suppression, compared with 66% who took once-daily ritonavir-boosted darunavir. Results were presented in July at the International AIDS Conference in Amsterdam.

[MD Magazine online](#) (8/4)



### US testing of Chinese CAR T-cell gene therapy to begin soon

An experimental form of chimeric antigen receptor T-cell gene therapy developed by China's Nanjing Legend Biotech is expected to begin trials in the US this month. Legend is being backed by Johnson & Johnson, which provided \$350 million in funding in exchange for co-development and marketing rights.

[The Wall Street Journal \(tiered subscription model\)](#) (8/5)



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## GOVERNMENT & REGULATORY

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## Siemens Healthineers' BRAHMS PCT assay wins FDA clearance

The FDA has granted Siemens Healthineers clearance to market its Atellica IM BRAHMS PCT Assay for sepsis evaluation, mortality risk assignment and antibiotic therapy decision-making in intensive care units and emergency departments.

[360Dx \(tiered subscription model\)](#) (8/3)



## CMS OKs add-on hospital payments for Kymriah, Yescarta

The CMS has granted new technology add-on payment reimbursement status to chimeric antigen receptor T-cell therapies Kymriah from Novartis and Yescarta from Kite Pharma. The additional payments will take effect next year, and the maximum NTAP will be \$186,500 per use for each treatment, about half of the drugs' estimated average cost per dose.

[BioCentury](#) (8/3)



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## ASSOCIATION NEWS

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### Margaret Boraz joins AABB as director, Business Development

AABB is pleased to announce the hiring of Margaret "Margie" Boraz as director, Business Development. Boraz will identify opportunities that will foster stronger relationships with AABB members and clients and will assist members and institutions to utilize the full range of AABB products and services. Boraz joins AABB with more than 24 years of development and sales experience. Boraz can be reached via phone at 636-851-7981 and email at [mboraz@aabb.org](mailto:mboraz@aabb.org). She will report to Christine Bales, vice president, Consulting and Global Services.



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*The game of life is a game of boomerangs. Man's thoughts, deeds and words  
return to him sooner or later, with astounding accuracy.*

Florence Scovel Shinn,  
artist and writer





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# Exhibit C

If you purchased Traditional Blood Reagents on or after November 4, 2000, class action settlements may affect you.

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August 10, 2018

# AABB SmartBrief



News for the transfusion medicine and cellular therapy community

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TOP STORY



## Genomic analysis explores history of hepatitis B virus

Researchers in Greece analyzed genomes of more than 1,400 samples of the hepatitis B virus to learn about its development and geographic spread over time, according to a report in the journal eLife. Data indicated that the HBV-D strain originated in North Africa or the Middle East, while HBV-A may have originated in the Middle East or Central Asia, then followed two separate paths to different regions of Africa.

[Specialty Pharmacy Times](#) (8/9)



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## SCIENCE &amp; HEALTH

**WHO's recommended hepatitis C guidelines now include ravidasvir**

Ravidasvir has been included as a pangenotypic direct-acting antiviral by the World Health Organization on its list of endorsed therapies in the Guidelines for the Care and Treatment of Persons Diagnosed with Chronic Hepatitis C. Several studies have shown that ravidasvir, when combined with other HCV drugs such as sofosbuvir and danoprevir, have produced extremely high sustained virologic response rates within the range of 97% and 98%.

[Healio \(free registration\)/HCVnext](#) (8/9)



## EMERGING TRENDS

**CDC: Opioid use disorder prevalence up 333% among pregnant women**

CDC researchers found that the rate of US pregnant women with opioid use disorder rose from 1.5 per 1,000 deliveries in 1999 to 6.5 in 2014. The findings in the agency's Morbidity and Mortality Weekly Report also showed that OUD among pregnant women was most prevalent in Vermont and least prevalent in the District of Columbia.

[CNN](#) (8/9), [United Press International](#) (8/9)



## INDUSTRY NEWS &amp; PRACTICE

**Study of cancer-linked blood clots awarded \$4.7M grant**

The National Heart, Lung and Blood Institute has awarded a \$4.7 million grant to the Cleveland Clinic to study blood clots associated with cancer treatment. Researchers will examine data from colorectal, lung and pancreatic cancer patients taking part in clinical trials, then develop a tool to help assess the risk for blood clots.

[Crain's Cleveland Business \(tiered subscription model\)](#) (8/9)

**Funding rounds raise \$73M for immuno-oncology firm Apexigen**

A pair of funding rounds brought in \$73 million for biotech firm Apexigen, which will be used to advance clinical testing for its immuno-oncology candidate that targets CD40 receptors and also to expand its product pipeline.

[BioCentury](#) (8/8)







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## GOVERNMENT & REGULATORY

### FDA OKs tafenoquine for the prevention of malaria in adults

The prophylactic drug Arakoda, or tafenoquine, made by 60 Degrees Pharmaceuticals, has been approved by the FDA to prevent malaria in patients age 18 and older. This once-weekly medication, the first to be approved for malaria prevention in nearly two decades, protects users from Plasmodium vivax and P. falciparum by wiping out the parasites in their blood and liver.

[MD Magazine online](#) (8/9)



### NICE reverses decision, recommends Pfizer's leukemia drug

Pfizer's Besponsa, or inotuzumab ozogamicin, was recommended by the National Institute for Health and Care Excellence as a treatment for adult patients with relapsed or refractory CD22-positive B-cell precursor acute lymphoblastic leukemia, reversing a draft decision. Data from the INO-VATE trial demonstrated that the drug more than doubled complete remission rates, enabling more patients to receive a stem cell transplant and go into remission versus those receiving standard care.

[PharmaTimes online \(UK\)](#) (8/9)



## ASSOCIATION NEWS

### AABB accepting questions for "Ask the FDA" session at the 2018 Annual Meeting

AABB encourages members to submit questions for the "Ask the FDA" session at the 2018 AABB Annual Meeting using an [online form](#). This popular session provides an opportunity for members to ask questions of FDA representatives regarding the agency's current thinking on policies, regulations, guidance documents and inspection programs relevant to the oversight of blood and cellular therapies. Questions are presented to the panel anonymously. Only questions submitted in advance will be considered for inclusion.





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*Perfection is finally attained not when there is no longer anything to add, but when there is no longer anything to take away.*

Antoine de Saint-Exupery,  
writer and aviator



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# **EXHIBIT 4**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL No. 2081  
09-MD-2081**

**THIS DOCUMENT RELATES TO:  
  
ALL DIRECT PURCHASER ACTIONS**

**Hon. Jan E. DuBois**

**DECLARATION OF JEFFREY J. CORRIGAN REGARDING EXPENSES PAID BY  
PLAINTIFFS FROM THE BLOOD REAGENTS LITIGATION FUND**

I, JEFFREY J. CORRIGAN, DECLARE AS FOLLOWS:

1. I am a partner with the firm of Spector Roseman & Kodroff, P.C. (“Spector Roseman”). I am the lead attorney representing Plaintiffs and the direct purchaser class (the “Class”) in the above-entitled action. My firm is Class Counsel in this matter.
2. At the outset of the litigation, Class Counsel agreed to establish and jointly fund, along with other Plaintiffs’ Counsel, a common fund, called the Blood Reagents Litigation Fund (“the Fund”), to finance the larger common costs of prosecuting this litigation. From February 11, 2011 through the present, Plaintiffs’ Counsel deposited \$1,005,512.57 into the Fund.<sup>1</sup> Each Plaintiffs’ firm has submitted a separate declaration herewith detailing its expenses, including the amount it contributed to the Fund.
3. As Class Counsel, Spector Roseman maintained the checkbook and account statements for the Fund. All payments made through the Fund were incurred during the course of

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<sup>1</sup> The Court approved Class Counsel’s use \$2,500,000 from the Immucor Settlement fund for ongoing litigation expenses. *See* ECF No. 206, Order granting Class Counsel’s Motion for Award of \$500,000 from the Immucor Settlement Funds for Ongoing Litigation Expenses, and ECF No. 308, Order granting Class Counsel’s Motion for Award of \$2,000,000 from the Immucor Settlement Funds for Ongoing Litigation Expenses. This declaration specifies how those funds were spent as well.

the prosecution of this action and were authorized by Spector Roseman. This declaration provides the Court with a summary of these expenses. I can also provide the Court with the backup documentation for each such expense at its request.

4. The expenses Class Counsel paid through the Fund and for which Plaintiffs' Counsel now seek reimbursement can be divided into eight specific categories: (1) Professional Experts and Consulting Services (\$482,264.14); (2) Document Collection, Processing and Review, and Repository Management (\$265,691.91); (3) Deposition Transcript, Video and Other Related Costs (\$66,613.10); (4) Court Hearing Preparation, Expenses, Transcripts and Related Costs (\$3,708.47); (5) Copying, Printing, and Other Office Services (\$21,384.58); (6) Trial Preparation Services (including jury research costs), Expenses, and Trial Exhibits Hosting and Management (\$164,494.12); and (7) Mediation Costs (\$1,356.25).<sup>2</sup> Through August 28, 2018, Class Counsel directed that \$1,005,512.57 be paid through the Fund for the above expenses. The balance in the Fund is \$0.<sup>3</sup>

**A. Expenses Incurred for Professional Experts and Consulting Services**

5. Plaintiffs incurred \$482,264.14 for professional consultants and experts, which was paid out of the Fund and not previously reimbursed.<sup>4</sup> Plaintiffs retained the following consultants and/or experts throughout this litigation: (a) Nathan Associates, Inc. ("Nathan"); (b) Teresa Harris Consulting; and (c) Kurtzman Carson Consultants ("KCC").

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<sup>2</sup> Spector Roseman paid the mediator, Hon. Diane Welsh (Ret.) of JAMS, an additional \$4,150 for her work in this matter. Those funds are accounted for in Spector Roseman's separate declaration and exhibits.

<sup>3</sup> There remain outstanding invoices for Expert Expenses and Trial Preparation Costs and Expenses totaling \$530,046.30, which are itemized *infra* in Sections A and F.

<sup>4</sup> Of the \$530,046.30 in outstanding expenses identified in n.3, *supra*, \$514,529.16 are for Expert Expenses incurred but not yet paid.

6. The services of these experts, with the exception of KCC, recounted below, were necessary to Plaintiffs' (and the Court's) understanding of the complex issues in the case, and played a vital role in achieving both settlements approved by the Court. The services of KCC, Plaintiffs' notice expert, were necessary to ensure that Class members received adequate notice of the previously approved Immucor Settlement and of the Court's class certification decision.

**a. Nathan Associates, Inc.**

7. Plaintiffs retained Nathan and its former chairman and chief executive officer, Dr. John Beyer, to assist in their initial investigation of this antitrust action and to serve as their expert economist on liability and damages issues for purposes of class certification, summary judgment, and trial. Dr. Beyer obtained his Ph.D. in economics in 1966, and has consulted on issues related to the economics of markets and prices for more than 45 years. Dr. Beyer prepared for Plaintiffs six expert reports – (1) an expert report in support of Plaintiffs' successful motion for class certification, which set forth Dr. Beyer's quantitative and qualitative economic analyses, including his analysis of the traditional blood reagents ("TBR") duopoly market structure, his damages model based on Defendants' historical business practices, proposed business models, and other various economic factors; (2) a reply report in further support of class certification and in response to criticism leveled against his analysis by Dr. Peter Bronsteen, Defendant Ortho-Clinical Diagnostics, Inc.'s ("Ortho") class expert; (3) a merits expert report, which analyzed the economic evidence in connection with the alleged cartel; (4) a reply merits expert report to address the reports of Dr. John Bigelow and Dr. Lawrence Wu, Ortho's merits experts; (5) a supplemental expert report in support of "lingering effects" damages; and (6) a reply report in further support of lingering effects damages and in response to criticism leveled against his analysis by Dr. Bigelow. Dr. Beyer was deposed four times in this litigation. He also assisted Plaintiffs in preparing for the summary judgment and *Daubert* hearings on lingering

effects, and testified at the class certification hearing and at the *Daubert* hearing on lingering effects. Plaintiffs incurred and paid Nathan \$452,782.28 from the Fund for services rendered in this matter, for which Plaintiffs' Counsel have not yet been reimbursed.<sup>5</sup> In addition, as noted *supra*, there remains a current outstanding invoice for services rendered by Nathan in the amount of \$514,529.16.

**b. Teresa Harris Consulting**

8. Plaintiffs retained Teresa Harris of Teresa Harris Consulting as a blood bank industry expert. Ms. Harris received her B.A. from Oregon Health Sciences University/University of Oregon in 1976. Ms. Harris is a Medical Technologist with a Specialist in Blood Banking certification. She is also an American Society of Quality Certified Auditor, and a Certified Quality Improvement Associate. She has extensive experience in the blood bank industry, and has worked as a laboratory generalist in a hospital, in a physician laboratory, and in a blood center and immunohematology reference laboratory as a blood bank specialist. Ms. Harris prepared for Plaintiffs two expert reports – (1) an expert report in support of Plaintiffs' successful motion for class certification in which she addressed, *inter alia*, the interchangeability of the Ortho and Immucor TBR, the lack of any meaningful substitutes, and how hospitals and blood banks must use TBR in the course of their operations; and (2) a reply report in further support of class certification. Ms. Harris was also deposed by Ortho. Plaintiffs incurred and paid Teresa Harris Consulting \$26,805.02 from the Fund for services rendered in this matter, for which Plaintiffs' Counsel have not yet been reimbursed.<sup>6</sup>

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<sup>5</sup> Nathan has been paid an additional \$2,103,221.25 from the funds awarded from the Immucor Settlement for litigation expenses.

<sup>6</sup> Harris Consulting was paid an additional \$250 from the funds awarded from the Immucor Settlement for litigation expenses.

**c. Kurtzman Carson Consultants**

9. Plaintiffs retained KCC to assist them in media placements and the notice program with regard to both settlements and class certification. Plaintiffs paid KCC \$2,676.84 from the Fund for services performed with regard to the Immucor Settlement, for which Plaintiffs' Counsel have not yet been reimbursed.<sup>7</sup> That work provided a foundation for the work done on class notice, as well as for the subsequent Ortho Settlement.

**B. Document Collection, Processing, and Review, and Repository Management**

10. Plaintiffs incurred and paid out of the Fund \$265,691.91 for services relating to collecting, reviewing, and producing the Class Representatives' documents; processing and reviewing documents produced by Defendants and third parties; and maintaining the document review on-line website.<sup>8</sup>

**C. Deposition Transcript, Video and Other Related Costs**

11. Plaintiffs incurred and paid out of the Fund \$66,613.10 to prepare for and obtain transcripts and videotapes of depositions taken in this litigation.<sup>9</sup>

**D. Court Hearing Preparation, Expenses, and Related Costs**

12. Plaintiffs incurred and paid out of the Fund \$3,708.47 to prepare materials and documents that were used at hearings and to obtain transcripts of hearings in this litigation.<sup>10</sup>

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<sup>7</sup> KCC was paid an additional \$32,888.10 from the funds awarded from the Immucor Settlement relating to class notice, and has also been paid \$32,229.79 for notice and administration expenses relating to the Immucor Settlement as previously approved by this Court. *See* ECF No. 168, Order Granting Preliminary Approval of Proposed Settlement with Immucor, Inc.

<sup>8</sup> Plaintiffs incurred and paid an additional \$181,056.10 from the funds awarded from the Immucor Settlement for expenses relating to document collection, processing and review.

<sup>9</sup> Plaintiffs incurred and paid an additional \$78,499.36 from the funds awarded from the Immucor Settlement for expenses relating to deposition transcripts, videos and preparation.

<sup>10</sup> Plaintiffs incurred and paid an additional \$1,584.46 from the funds awarded from the Immucor Settlement for expenses relating to hearing transcripts and preparation.



**E. Copying, Printing, and Other Office Services**

13. Plaintiffs incurred and paid out of the Fund \$21,384.58 for copying, printing, binding, and other office services for depositions, hearings, filings, and other functions.<sup>11</sup>

**F. Trial Preparation Services, Expenses, and Trial Exhibits Hosting and Management**

14. Plaintiffs incurred and paid out of the Fund \$164,494.12 for trial preparation services, expenses, and trial exhibit hosting and management services.<sup>12, 13</sup> After research and analysis, Plaintiffs selected Nextpoint, Inc. as the technology vendor for trial. Nextpoint offered a cost-effective and functional platform for which Plaintiffs could store pleadings, expert reports and materials, deposition transcripts, videos, and designation, and hundreds of thousands of potential trial exhibits. Plaintiffs incurred and paid out of the Fund \$16,987.50 for trial preparation services rendered by Nextpoint.<sup>14</sup> Plaintiffs also used Howard Schlesinger of Schlesinger Associates as a trial and jury consultant. Mr. Schlesinger has served as a trial and jury consultant for over 25 years, and he played a crucial role in Plaintiffs' preparation of jury instructions, jury verdict sheet, and interim opening statements. Plaintiffs incurred and paid out of the Fund \$122,174.86 for trial preparation services rendered by Schlesinger Associates.<sup>15</sup> These expenses included a mock jury exercise in Philadelphia in order to understand how potential jurors would respond to the facts and issues in this case, including the complex issue of

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<sup>11</sup> Plaintiffs incurred and paid an additional \$13,108.16 from the funds awarded from the Immucor Settlement for expenses relating to copying, printing and other office services.

<sup>12</sup> Plaintiffs incurred and paid an additional \$89,392.57 from the funds awarded from the Immucor Settlement for expenses relating to trial preparation services and expenses.

<sup>13</sup> Of the \$530,046.30 in outstanding expenses identified in n.3, *supra*, \$15,517.14 are for Trial Preparation Expenses incurred but not yet paid

<sup>14</sup> NextPoint was paid an additional \$44,081.25 from the funds awarded from the Immucor Settlement for litigation expenses.

<sup>15</sup> Schlesinger Associates was paid an additional \$40,000 from the funds awarded from the Immucor Settlement for litigation expenses.

fraudulent concealment. The exercise was designed to help prepare for trial, but was also very useful in evaluating and ultimately reaching the settlement with Ortho. In addition, there remains a current outstanding invoice for services rendered by Schlesinger Associates in the amount of \$15,517.14. Plaintiffs also retained Diane Suzuki of Lucid CGI, Inc. to consult on visuals aids for trial. Ms. Suzuki is an accomplished trial graphics consultant, and she played a crucial role in designing, making, and implementing potential visuals and graphics for trial. Plaintiffs incurred and paid out of the Fund \$24,761.26 for services rendered by Lucid CGI, Inc.<sup>16</sup>

**G. Mediation-Related Costs**

15. On October 5, 2015, Plaintiffs and Ortho jointly selected the Hon. Diane Welsh (Ret.), a member of JAMS Arbitration, Mediation, and ADR Services, for mediation. After the Court informed the parties of its *Daubert* decision on lingering effects damages, the parties once again engaged in mediation with Judge Welsh, through which the parties reached a settlement. Plaintiffs incurred and paid out of the Fund \$1,356.25 relating to the services of Judge Welsh.<sup>17</sup>

As of today's date, there is a zero dollar balance in the Fund.

Dated: September 12, 2018

/s/ Jeffrey J. Corrigan  
Jeffrey J. Corrigan  
SPECTOR ROSEMAN & KODROFF P.C.  
1818 Market Street, Suite 2500  
Philadelphia, PA 19103  
Tel: (215) 496-0300  
Email: jcorrigan@srkattorneys.com

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<sup>16</sup> Lucid CGI was paid an additional \$5,000 from the funds awarded from the Immucor Settlement for litigation expenses.

<sup>17</sup> As noted *supra*, Spector Roseman paid Judge Welsh and JAMS an additional \$4,150 for her work in this matter. Judge Welsh and JAMS were paid an equivalent amount (\$5,506.25) by Ortho pursuant to the parties' agreement to split the costs of mediation.

# **EXHIBIT 5**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>IN RE: BLOOD REAGENTS ANTITRUST LITIGATION</b>	<b>MDL Docket No. 09-2081</b>
<b>THIS DOCUMENT RELATES TO ALL ACTIONS</b>	<b>HON. JAN E. DUBOIS</b>

**DECLARATION OF FERNANDO BARAGAÑO**

I, Fernando Baragaño, declare as follows:

1. I am an individual over the age of 18 who resides in San Juan, Puerto Rico. I have personal knowledge of the matters stated herein and, if called upon, I could and would competently testify thereto.

2. I am the owner of F. Baragaño Pharmaceuticals, Inc., a named plaintiff and class representative in *In re Blood Reagents Antitrust Litigation*, No. 09-MD-2081, in the United States District Court for the Eastern District of Pennsylvania. I submit this affidavit, on behalf of F. Baragaño Pharmaceuticals, Inc. and the class, in support of Plaintiffs' Motion for Attorneys' Fees, Expenses, and Service Awards.

3. As a class representative, I understand that it is my responsibility to be apprised of the work done by my attorneys on the case and make my own judgment about the fairness of any settlement proposed by the lawyers. In evaluating the fairness of a settlement, I am required to consider the interests of all members of the class. I am free to disagree with my attorneys about the merits of a settlement and make my views known to the court.

4. I have reviewed the terms of the prior settlement Immucor, Inc. ("Immucor"). I have also reviewed the terms of the pending settlement with Ortho-Clinical Diagnostics, Inc. ("Ortho"). I have discussed the settlement terms with my attorneys, and I am aware of and approve all terms of the prior settlements and the proposed settlement, as it affects F. Baragaño Pharmaceuticals, Inc. and the other members of the class. I understand that if the pending settlement is approved, it will bring an end to this litigation.

5. Based upon my reading of the settlements and court-ordered notices, and discussions with my attorneys, I understand that if the pending settlement and plan of allocation are approved, there will be a combined settlement fund of approximately \$41.5 million from which members of the class will receive payments. I understand that court-approved costs of notice and settlement administration, attorneys' fees, litigation expenses, and service awards will be deducted from the combined settlement fund.

6. I believe that the prior settlement and proposed settlement achieve significant relief for the class and are a great result compared to the risks and delay associated with a complex and costly trial. In addition, I recognize that if a trial were held, there is no guarantee that the class would succeed. Thus, the settlements permit an immediate and certain recovery to class members without the risk, delay, and expense of trial. Based upon my understanding of the class claims asserted in this litigation, and my understanding of the terms of the settlement agreements, I believe the settlements are fair, adequate and reasonable, and in the best interests of the class.

7. Since F. Baragaño Pharmaceuticals, Inc. first filed its case in the Eastern District of Pennsylvania, on June 5, 2009, we have diligently performed our duty to assist our attorneys in prosecuting this lawsuit, investing significant effort to complete requested tasks to benefit the class and fulfill F. Baragaño Pharmaceuticals, Inc.'s role as a class representative.

8. F. Baragaño Pharmaceuticals, Inc. responded to Defendants' document requests by searching our digital and paper files for responsive documents. This included searching through physical hard copy information in storage such as invoices and reviewing them with our attorneys; working with our attorneys to collect the hard copy and electronic documents; and producing the documents and transactional data to Defendants. I and others associated with F. Baragaño Pharmaceuticals, Inc. spent hours searching for and collecting documents and information for the litigation and/or communicating with counsel about the document requests.

9. In addition, F. Baragaño Pharmaceuticals, Inc. assisted in preparing, reviewing, and verifying our responses to Defendants' interrogatories.

10. I also prepared and sat for a full-day deposition in this case, which caused me to be away from my managerial duties at F. Baragaño Pharmaceuticals, Inc. In preparing for my deposition, I reviewed documents, including F. Baragaño Pharmaceuticals, Inc.'s purchase information, and met with our attorneys for several hours. On December 8, 2011, I spent 7 hours

at my deposition being questioned by Defendants.

11. Throughout the litigation, F. Baragaño Pharmaceuticals, Inc. has been responsive to Class Counsel's requests for information and remained in regular contact with our attorneys by phone and email to discuss various aspects of the litigation, including updates on the progress of any material events in the case. I have reviewed and commented on documents, received case updates, asked questions, and provided information, assistance and documentation as needed.

12. On behalf of F. Baragaño Pharmaceuticals, Inc., I have also reviewed the settlements in this case and discussed the settlements with my attorneys.

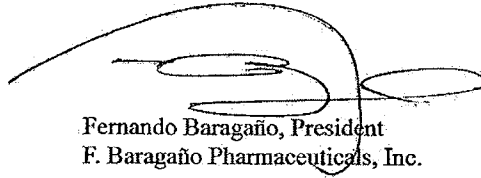
13. In addition, I conferred with my attorneys to prepare for the trial against Ortho and I was prepared to testify at that trial.

14. In total, I and others on behalf of F. Baragaño Pharmaceuticals, Inc. have spent dozens of hours over the past nine years performing duties on behalf of the class.

15. I understand that by filing this lawsuit against the largest (and in some cases, only) manufacturers of blood reagents and serving as a class representative, F. Baragaño Pharmaceuticals, Inc. undertook a risk that Defendants would retaliate against it.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 30 day of August 2018, in San Juan, Puerto Rico.



Fernando Baragaño, President  
F. Baragaño Pharmaceuticals, Inc.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**DECLARATION OF PATRICK HOWARD, ESQ.**

I, Patrick Howard, declare as follows:

1. I am an individual over the age of 18 who resides in Pennsylvania. I have personal knowledge of the matters stated herein and, if called upon, I could and would competently testify thereto.

2. I am the attorney for the original named plaintiff, Community Medical Center, Scranton, PA and its successor Geisinger Community Medical Center (“G-CMC”) the substituted named plaintiff and class representative in *In re Blood Reagents Antitrust Litigation*, No. 09-MD-2081, in the United States District Court for the Eastern District of Pennsylvania. I submit this affidavit, on behalf of both Community Medical Center and the entity name under which it now does business G-CMC and the class, in support of Plaintiffs’ Motion for Attorneys’ Fees, Expenses, and Service Awards.

3. I make this declaration on behalf of both Community Medical Center and the entity name under which it now does business G-CMC because during the nine years of litigation, the original Plaintiff, Community Medical Center, was integrated into Geisinger Health. At some point after the integration, the employee who was the day-to-day contact with respect to the litigation and who served as the Rule 30(b)(6) designee for Community Medical

Center, retired and moved to Florida. None of the current employees of G-CMC have first-hand knowledge about Community Medical Center's discovery efforts in the litigation. As counsel for both the former and current entity, I possess first-hand knowledge of all those details, and therefore, submit this Declaration on G-CMC's behalf.

4. G-CMC at all times understood that it had a responsibility to be apprised of the work done by its attorneys on the case and make its own judgment about the fairness of any settlement proposed by the lawyers. In evaluating the fairness of a settlement, G-CMC understood that it was to consider the interests of all members of the class and was free to disagree with the attorneys about the merits of a settlement and make its views known to the court.

5. Geisinger-Community Medical Center and its counsel reviewed the terms of the prior settlement Immucor, Inc. ("Immucor"). G-CMC has reviewed the terms of the pending settlement with Ortho-Clinical Diagnostics, Inc. ("Ortho"). I have discussed the settlement terms with G-CMC, and G-CMC is aware of and approves all terms of the prior settlements and the proposed settlement, as it affects G-CMC and the other members of the class. G-CMC understands that if the pending settlement is approved, it will bring an end to this litigation.

6. G-CMC understands that if the pending settlement and plan of allocation are approved, there will be a combined settlement fund of approximately \$41.5 million from which members of the class will receive payments. G-CMC understands that court-approved costs of notice and settlement administration, attorneys' fees, litigation expenses, and service awards will be deducted from the combined settlement fund.

7. G-CMC believes that together, the prior settlement and proposed settlement achieve significant relief for the class and are a great result compared to the risks and delay

associated with a complex and costly trial. In addition, G-CMC recognizes that if a trial were held, there is no guarantee that the class would succeed. Thus, the settlements permit an immediate and certain recovery to class members without the risk, delay, and expense of trial. G-CMC believes the settlements are fair, adequate and reasonable, and in the best interests of the class.

8. Since Community Medical Center first filed its case in the Eastern District of Pennsylvania in August 2009, both the original entity and entity name under which it now does business G-CMC diligently performed their duties to assist the attorneys in prosecuting this lawsuit, investing significant effort to complete requested tasks to benefit the class and fulfill G-CMC's role as a class representative.

9. Community Medical Center responded to Defendants' document requests by searching its digital and paper files for responsive documents. This included searching through numerous boxes of hard copy information in storage such as invoices; searching several email accounts and system folders for electronic documents and reviewing them with the attorneys; preserving information on our computer drives and in our email system; working with the attorneys to collect the hard copy and electronic documents (including information from Community Medical Center's accounting software); and producing the documents and transactional data to Defendants. Community Medical Center representative and I spent at least 50 hours searching for and collecting documents and information for the litigation and/or communicating about the document requests.

10. In addition, Community Medical Center assisted in preparing, reviewing, and verifying our responses to Defendants' interrogatories, on which we collectively spent at least 10 hours.



11. Community Medical Center's former employee, Karen Tucker, also prepared and sat for a full-day deposition in this case, which caused her to be away from my managerial duties at Community Medical Center. In preparing for her deposition, Ms. Tucker reviewed documents, including Community Medical Center's purchase information, and met with me for a total of approximately 25 hours. On January 19, 201, Ms. Tucker spent 5 hours at her deposition being questioned by Defendants. Ms. Tucker traveled both to and from Philadelphia from Scranton both to prepare with counsel for her deposition and participate in the deposition.

12. Throughout the litigation, both Community Medical Center and the entity name under which it now does business, G-CMC were, and have been responsive to Class Counsel's requests for information and remained in regular contact with the attorneys by phone and email to discuss various aspects of the litigation, including updates on the progress of and material events in the case. Community Medical Center reviewed and commented on documents (including the consolidated amended class action complaint), read case updates, asked questions, and provided information, assistance and documentation as needed.

13. G-CMC and I have spent time reviewing and discussing the settlements in this case.

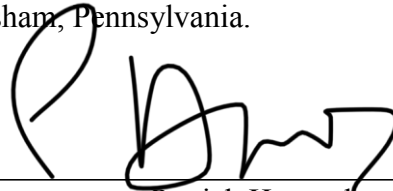
14. In total, I and others on behalf of Community Medical Center have spent at least 100 hours over the past nine years, performing duties on behalf of the class.

15. I understand that by filing this lawsuit against the largest (and in some cases, only) manufacturers of blood reagents and serving as a class representative, Community Medical Center undertook a risk that Defendants would retaliate against it by no longer selling blood reagents to Community Medical Center or selling blood reagents to Community Medical Center on less favorable terms than they had prior to initiation of this litigation. A portion of

Community Medical Center's revenue came from performing blood transfusions, and thereby utilizing blood reagents for patients and donors. Therefore, if Defendants or other sources no longer sold blood reagents to Community Medical Center or sold Community Medical Center blood reagents on less favorable terms, it could have had a negative impact on Community Medical Center's revenue and business operations, and, more importantly, on Community Medical Center's ability to perform necessary medical procedures thereby endangering patient safety.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 10th day of September, 2018, in Horsham, Pennsylvania.



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Patrick Howard

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**DECLARATION OF BRAD EISEMANN**

I, Brad Eisemann, declare as follows:

1. I am an individual over the age of 18 who resides in Alabama. I have personal knowledge regarding the matters stated herein and, if called upon, I could and would competently testify thereto.

2. I am the Chief Operating Officer of Professional Resource Management of Crenshaw, L.L.C. d/b/a Crenshaw Community Hospital ("Crenshaw Hospital"), a named plaintiff and class representative in *In re Blood Reagents Antitrust Litigation*, No. 09-MD-2081, in the United States District Court for the Eastern District of Pennsylvania. I submit this declaration on behalf of Crenshaw Hospital and the class in support of the Settlement and Plaintiffs' Motion for Attorneys' Fees, Expenses, and Service Awards to the Class Representatives.

3. As a class representative, I understand that it is my responsibility to be apprised of the work done by my attorneys on the case and make my own judgment about the fairness of the proposed settlement. In evaluating the fairness of a settlement, I am required to consider the interests of the class. I am free to disagree with my attorneys about the merits of a settlement and make my views known to the court.

4. I have reviewed the terms of the prior settlement with Immucor, Inc. (“Immucor”). I have also reviewed the terms of the pending settlement with Ortho-Clinical Diagnostics, Inc. (“Ortho”). I have discussed the settlements with my attorneys, and I am aware of and approve all terms of the prior settlement and the proposed settlement, as it affects Crenshaw Hospital and other members of the class. I understand that if the pending settlement is approved, it will bring an end to this hard-fought litigation after many years.

5. Based upon my reading of the settlements and court-ordered notices, and discussions with my attorneys, I understand that if the pending settlement and plan of allocation are approved, there will be a combined settlement fund of approximately \$41.5 million from which members of the class will receive payments. I understand that court-approved costs of the settlement notice and administration, attorneys’ fees, litigation expenses, and service awards to the class representatives will be deducted from the combined settlement fund.

6. I believe that together, the prior settlement and proposed settlement achieve significant relief for the class and are a great result compared to the risks and delay associated with a complex and costly trial, especially in light of the recent rulings by the Court. In addition, I recognize that if a jury trial were held, there is no guarantee of success on behalf of the class. Thus, the combined settlements permit an immediate and certain recovery to the class without the inherent risk, delay, and expense of a jury trial. Based upon my understanding of the class claims asserted in this litigation, and my understanding of the terms of the settlement agreements, I believe the settlements are fair, reasonable, and adequate and in the best interests of the class.

7. Crenshaw Hospital first filed its case as a class representative on behalf of the class approximately nine (9) years ago and has diligently performed its duties to assist our

attorneys in prosecuting this lawsuit, investing significant efforts to complete the requested tasks to benefit the class and fulfill Crenshaw Hospital's role as a class representative.

8. Crenshaw Hospital responded to Defendants' document requests by searching digital and paper files for responsive documents. This included searching through numerous files and boxes of paper in storage such as invoices and other purchasing information; searching email accounts and systems for electronic documents and reviewing them with our attorneys; preserving digital information on our computer drives and on our email system; working with our attorneys to collect the paper and electronic documents from Crenshaw Hospital's computer or software systems; and producing those documents and transactional data to Defendants. Crenshaw Hospital has spent or estimates to have spent at least 80 hours searching for and collecting documents and information on behalf of the class in this litigation and/or communicating with counsel regarding the document requests.

9. In addition, Crenshaw Hospital personnel or affiliated staff assisted in preparing, reviewing, and verifying Crenshaw Hospital's responses to Defendants' interrogatories and spent or estimates to have spent at least 10 hours doing so.

10. Crenshaw Hospital's corporate representative (Georgiana Bush) also prepared and sat for a full-day deposition in this case on behalf of the class, which caused her to be away from her hospital duties and responsibilities. This is in addition to spending approximately two days traveling to and from Philadelphia, respectively, for Crenshaw Hospital's corporate deposition on behalf of the Class and preparing for the deposition with the class attorneys the day before the deposition, in addition to other preparation days prior to traveling to Philadelphia. In preparing for her corporate deposition, Ms. Bush reviewed numerous corporate documents, including but not limited to Crenshaw Hospital's purchase information, documents responsive to Defendants'

requests for production, and responses to Defendants' interrogatories. This is in addition to meeting with Crenshaw Hospital's attorneys several times in preparation for the deposition. On January 17, 2012, Mrs. Bush spent a full or nearly a full day at the corporate deposition being deposed by Defendants.

11. Throughout the litigation, Crenshaw Hospital has been responsive to Class Counsel's requests for information and remained in regular contact with its attorneys by phone and email to discuss various aspects of the litigation, including updates on the progress of and material events in the litigation. Hospital executives or staff have reviewed and commented on many documents (including the consolidated amended class action complaint), read case updates, asked questions, and provided information, assistance and documentation as needed or requested.

12. On behalf of Crenshaw Hospital and the class, we have also spent a few hours reviewing the settlements in this case and discussing the settlements with our attorneys.

13. In addition, prior to the Ortho settlement, Crenshaw Hospital staff also spent time with our attorneys beginning preparation for the trial against Ortho.

14. In total, Crenshaw Hospital has spent or estimates to have spent at least 200-250 hours over the past nine years, performing duties on behalf of the class.

15. I understand that by filing this lawsuit against the largest and in some cases only manufacturers of blood reagents for the alleged overcharges in the costs of blood reagents, and serving as a class representative, Crenshaw Hospital undertook risks on behalf of the class.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 5th day of September, 2018, in Montgomery, Alabama.

A handwritten signature in blue ink is written over a horizontal line. The signature appears to be "B. L. E." followed by a flourish.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**DECLARATION OF JILL URKE**

I, Jill Urke, declare as follows:

1. I am an individual over the age of 18 who resides in Minnesota. I have personal knowledge of the matters stated herein and, if called upon, I could and would competently testify thereto.

2. I am the Director of Laboratory Services of Alomere Health (previously known as Douglas County Hospital), a named plaintiff and class representative in *In re Blood Reagents Antitrust Litigation*, No. 09-MD-2081, in the United States District Court for the Eastern District of Pennsylvania. I submit this affidavit, on behalf of Alomere Health and the class, in support of Plaintiffs' Motion for Attorneys' Fees, Expenses, and Service Awards.

3. As a class representative, I understand that it is my responsibility to be apprised of the work done by my attorneys on the case and make my own judgment about the fairness of any settlement proposed by the lawyers. In evaluating the fairness of a settlement, I am required to consider the interests of all members of the class. I am free to disagree with my attorneys about the merits of a settlement and make my views known to the court.

4. I have reviewed the terms of the prior settlement Immucor, Inc. ("Immucor"). I have also reviewed the terms of the pending settlement with Ortho-Clinical Diagnostics, Inc.



(“Ortho”). I have discussed the settlement terms with my attorneys, and I am aware of and approve all terms of the prior settlements and the proposed settlement, as it affects Alomere Health and the other members of the class. I understand that if the pending settlement is approved, it will bring an end to this litigation.

5. Based upon my reading of the settlements and court-ordered notices, and discussions with my attorneys, I understand that if the pending settlement and plan of allocation are approved, there will be a combined settlement fund of approximately \$41.5 million from which members of the class will receive payments. I understand that court-approved costs of notice and settlement administration, attorneys’ fees, litigation expenses, and service awards will be deducted from the combined settlement fund.

6. I believe that together, the prior settlement and proposed settlement achieve significant relief for the class and are a great result compared to the risks and delay associated with a complex and costly trial. In addition, I recognize that if a trial were held, there is no guarantee that the class would succeed. Thus, the settlements permit an immediate and certain recovery to class members without the risk, delay, and expense of trial. Based upon my understanding of the class claims asserted in this litigation, and my understanding of the terms of the settlement agreements, I believe the settlements are fair, adequate and reasonable, and in the best interests of the class.

7. Since Alomere Health first filed its case in the District Court of Pennsylvania in September 2009, we have diligently performed our duty to assist our attorneys in prosecuting this lawsuit, investing significant effort to complete requested tasks to benefit the class and fulfill Alomere Health’s role as a class representative.

8. Alomere Health responded to Defendants' document requests by searching our digital and paper files for responsive documents. This included searching through both hard copy documents such as invoices and product literature, as well as electronic files such as emails and transactional data and reviewing them with our attorneys; preserving information on our computer drives and in our email system; working with our attorneys to collect the hard copy and electronic documents (including information from Alomere Health's accounting software); and producing the documents and transactional data to Defendants. I and others associated with Alomere Health spent at least 50 hours searching for and collecting documents and information for the litigation and/or communicating with counsel about the document requests.

9. In addition, Alomere Health assisted in preparing, reviewing, and verifying our responses to Defendants' interrogatories, on which I spent at least 5 hours.

10. I also prepared and sat for a deposition in this case, which caused me to be away from my managerial duties at Alomere Health. In preparing for my deposition, I reviewed documents, including Alomere Health's purchase information, and met with our attorneys for a total of approximately 10 hours. On January 20, 2012, I spent approximately 7 hours at my deposition being questioned by Defendants.

11. Throughout the litigation, Alomere Health has been responsive to Class Counsel's requests for information and remained in regular contact with our attorneys by phone and email to discuss various aspects of the litigation, including updates on the progress of and material events in the case. I have reviewed and commented on documents (including the consolidated amended class action complaint), read case updates, asked questions, and provided information, assistance and documentation as needed.

12. On behalf of Alomere Health, I have also spent approximately 2 hours reviewing the settlements in this case and discussing the settlements with our attorneys.

13. In total, I and others on behalf of Alomere Health have spent at least 100 hours over the past nine years, performing duties on behalf of the class.

14. I understand that by filing this lawsuit against the largest (and in some cases, only) manufacturers of blood reagents and serving as a class representative, Alomere Health undertook a risk that Defendants would retaliate against it by no longer selling blood reagents to Alomere Health or selling blood reagents to Alomere Health on less favorable terms than they had prior to initiation of this litigation. A portion of Alomere Health's revenue came from performing blood transfusions, and thereby utilizing blood reagents for patients and donors. Therefore, if Defendants or other sources no longer sold blood reagents to Alomere Health or sold Alomere Health blood reagents on less favorable terms, it could have had a negative impact on Alomere Health's revenue and business operations, and, more importantly, on Alomere Health's ability to perform necessary medical procedures thereby endangering patient safety.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 29th day of August, 2018, in Alexandria, Minnesota.

  
\_\_\_\_\_  
Jill Urke

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**DECLARATION OF THOMAS RIEGER, CMRP**

I, Thomas Rieger, CMRP, declare as follows:

1. I am an individual over the age of 18 who resides in Pennsylvania. I have personal knowledge of the matters stated herein and, if called upon, I could and would competently testify thereto.

2. I am the Director of Materials Management of Health Network Laboratories, L.P. ("HNL"), a named plaintiff and class representative in *In re Blood Reagents Antitrust Litigation*, No. 09-MD-2081, in the United States District Court for the Eastern District of Pennsylvania. I submit this affidavit, on behalf of HNL and the class, in support of Plaintiffs' Motion for Attorneys' Fees, Expenses, and Service Awards. I am authorized by HNL to act on its behalf and make this declaration.

3. As a class representative, I understand that it is my and HNL's responsibility to be apprised of the work done by our attorneys on the case and make our own judgment about the fairness of any settlement proposed by the lawyers. In evaluating the fairness of a settlement, I am required to consider the interests of all members of the class. I am free to disagree with our attorneys about the merits of a settlement and make my views known to the court.

4. I and others at HNL have reviewed the terms of the prior settlement with Immucor, Inc. ("Immucor"). I and others at HNL have also reviewed the terms of the pending settlement with Ortho-Clinical Diagnostics, Inc. ("Ortho"). I, and/or others at HNL, have discussed the settlement terms with my attorneys, and I am aware of and approve all terms of the prior settlements and the proposed settlement, as it affects HNL and the other members of the class. I understand that if the pending settlement is approved, it will bring an end to this litigation.

5. Based upon my reading of the settlements and court-ordered notices, and discussions with my attorneys, I understand that if the pending settlement and plan of allocation are approved, there will be a combined settlement fund of approximately \$41.5 million from which members of the class will receive payments. I understand that court-approved costs of notice and settlement administration, attorneys' fees, litigation expenses, and service awards will be deducted from the combined settlement fund.

6. I believe that together, the prior settlement and proposed settlement achieve significant relief for the class and are a great result compared to the risks and delay associated with a complex and costly trial. In addition, I recognize that if a trial were held, there is no guarantee that the class would succeed. Thus, the settlements permit an immediate and certain recovery to class members without the risk, delay, and expense of trial. Based upon my understanding of the class claims asserted in this litigation, and my understanding of the terms of the settlement agreements, I believe the settlements are fair, adequate and reasonable, and in the best interests of the class.

7. Since HNL first filed its case in the United States District Court for the District of New Jersey, in June of 2009, we have diligently performed our duty to assist our attorneys in

prosecuting this lawsuit, investing significant effort to complete requested tasks to benefit the class and fulfill HNL's role as a class representative.

8. HNL responded to Defendants' document requests by searching our digital and paper files for responsive documents. This included searching through hundreds of hard copy documents retained at HNL's office and archived offsite, searching H. Lloyd Carbaugh's (hereinafter "Lloyd Carbaugh" or "Mr. Carbaugh") email account, including his inbox and the emails archived on his hard drive, and searching HNL's electronic database and system folders for electronic documents such as price lists and letters and reviewing them with our attorneys; preserving information on our computer drives and in our email system; working with our attorneys to collect the hard copy and electronic documents (including information from HNL's accounting software); and producing the documents and transactional data to Defendants. Mr. Carbaugh and others associated with HNL spent at least 30 hours searching for and collecting documents and information for the litigation and/or communicating with counsel about the document requests.

9. In addition, HNL assisted in preparing, reviewing, and verifying our responses to Defendants' interrogatories, on which Mr. Carbaugh spent at least 5 hours.

10. Mr. Carbaugh also prepared and sat for a full-day deposition in this case, which caused him to be away from his duties as purchasing director at HNL. In preparing for his deposition, he reviewed documents, including HNL's purchase information, and met with our collective attorneys for a total of approximately 5 hours. On January 18, 2012, he spent approximately 6 hours at his deposition being questioned by Defendants. He additionally traveled several times to Philadelphia to meet with counsel and attend his deposition.

11. Throughout the litigation, HNL has been responsive to Class Counsel's requests for information and remained in regular contact with our attorneys by phone and email to discuss various aspects of the litigation, including updates on the progress of and material events in the case. Lloyd Carbaugh, Richard Cardona, Beth Rokus, and/or I have reviewed and commented on documents (including the consolidated amended class action complaint), read case updates, asked questions, and provided information, assistance and documentation as needed.

12. On behalf of HNL, Lloyd Carbaugh, Richard Cardona, Beth Rokus and/or I have also spent approximately 6 hours reviewing the settlements in this case and discussing the settlements with our attorneys.

13. In total, I and others at HNL, including but not limited to Lloyd Carbaugh, Richard Cardona, and Beth Rokus, on behalf of HNL have spent at least 52 hours over the past nine years, performing duties on behalf of the class.

14. I understand that by filing this lawsuit against the largest (and in some cases, only) manufacturers of blood reagents and serving as a class representative, HNL undertook a risk that Defendants would retaliate against it by no longer selling blood reagents to HNL or selling blood reagents to HNL on less favorable terms than they had prior to initiation of this litigation. A portion of HNL's revenue came from performing blood transfusions, and thereby utilizing blood reagents for patients and donors. Therefore, if Defendants or other sources no longer sold blood reagents to HNL or sold HNL blood reagents on less favorable terms, it could have had a negative impact on HNL's revenue and business operations, and, more importantly, on HNL's ability to perform necessary medical procedures thereby endangering patient safety.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 10 day of September, 2018, in Lehigh County, PA.



**THOMAS RIEGER, CMRP**



**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**DECLARATION OF HOSPITAL SISTERS HEALTH SYSTEM, BY, ROBERT W.  
(BOB) BEYER, HSHS VICE PRESIDENT, SUPPLY CHAIN SERVICES**

I, Robert W. Beyer, declare as follows:

1. I am an individual over the age of 18 who resides in Illinois. I have personal knowledge of the matters stated herein and, if called upon, I could and would competently testify thereto.

2. I am the Vice President, Supply Chain Services of Hospital Sisters Health System (hereafter "HSHS"), a named plaintiff and class representative in *In re Blood Reagents Antitrust Litigation*, No. 09-MD-2081, in the United States District Court for the Eastern District of Pennsylvania. I submit this affidavit, on behalf of HSHS and the class, in support of Plaintiffs' Motion for Attorneys' Fees, Expenses, and Service Awards.

3. As a class representative, I understand that it is my responsibility to be apprised of the work done by my attorneys on the case and make my own judgment about the fairness of any settlement proposed by the lawyers. In evaluating the fairness of a settlement, I am required to consider the interests of all members of the class. I am free to disagree with my attorneys about the merits of a settlement and make my views known to the court.

4. I have reviewed the terms of the prior settlement Immucor, Inc. ("Immucor"). I have also reviewed the terms of the pending settlement with Ortho-Clinical Diagnostics, Inc.

(“Ortho”). I have discussed the settlement terms with my attorneys, and I am aware of and approve all terms of the prior settlements and the proposed settlement, as it affects HSHS and the other members of the class. I understand that if the pending settlement is approved, it will bring an end to this litigation.

5. Based upon my reading of the settlements and court-ordered notices, and discussions with my attorneys, I understand that if the pending settlement and plan of allocation are approved, there will be a combined settlement fund of approximately \$41.5 million from which members of the class will receive payments. I understand that court-approved costs of notice and settlement administration, attorneys’ fees, litigation expenses, and service awards will be deducted from the combined settlement fund.

6. I believe that together, the prior settlement and proposed settlement achieve significant relief for the class and are a great result compared to the risks and delay associated with a complex and costly trial. In addition, I recognize that if a trial were held, there is no guarantee that the class would succeed. Thus, the settlements permit an immediate and certain recovery to class members without the risk, delay, and expense of trial. Based upon my understanding of the class claims asserted in this litigation, and my understanding of the terms of the settlement agreements, I believe the settlements are fair, adequate and reasonable, and in the best interests of the class.

7. Since HSHS first filed its case in the United States District Court for the Eastern District of Texas in June 2009, we have diligently performed our duty to assist our attorneys in prosecuting this lawsuit, investing significant effort to complete requested tasks to benefit the class and fulfill HSHS’s role as a class representative.

8. HSHS responded to Defendants' document requests by searching our digital and paper files for responsive documents. This included searching through numerous boxes of hard copy information, searching email accounts, and searching system folders and databases for electronic documents; reviewing them with our attorneys; preserving information on our computer drives and in our email system; working with our attorneys to collect the hard copy and electronic documents (including information from HSHS's accounting software); and producing the documents and transactional data to Defendants. I and others associated with HSHS spent at least 40-50 hours searching for and collecting documents and information for the litigation and/or communicating with counsel about the document requests.

9. In addition, HSHS assisted in preparing, reviewing, and verifying our responses to Defendants' interrogatories, on which I spent at least 10 hours.

10. I also prepared and sat for a near full-day deposition in this case, which caused to be away from my duties at HSHS. In preparing for my deposition, I reviewed documents, including HSHS's purchase information, and met with our attorneys, for a total of approximately 20 hours, including travel. On December 15, 2011, I spent 5.5 hours at my deposition being questioned by Defendants.

11. Throughout the litigation, HSHS has been responsive to Class Counsel's requests for information and remained in regular contact with our attorneys by phone and email to discuss various aspects of the litigation, including updates on the progress of and material events in the case. I have reviewed and commented on documents (including the consolidated amended class action complaint), read case updates, asked questions, and provided information, assistance and documentation as needed.

12. On behalf of HSHS, I have also spent approximately 5 hours reviewing the settlements in this case and discussing the settlements with our attorneys.

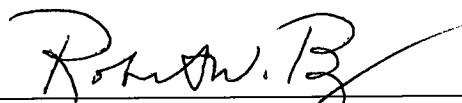
13. In addition, I also spent approximately 15 hours meeting with my attorneys and reviewing numerous documents to prepare for the trial against Ortho.

14. In total, I and others on behalf of HSHS have spent at least 105.5 hours over the past nine years, performing duties on behalf of the class.

15. I understand that by filing this lawsuit against the largest (and in some cases, only) manufacturers of blood reagents and serving as a class representative, HSHS undertook a risk that Defendants would retaliate against it by no longer selling blood reagents to HSHS or selling blood reagents to HSHS on less favorable terms than they had prior to initiation of this litigation. A portion of HSHS's revenue came from performing blood transfusions, and thereby utilizing blood reagents for patients and donors. Therefore, if Defendants or other sources no longer sold blood reagents to HSHS or sold HSHS blood reagents on less favorable terms, it could have had a negative impact on HSHS's revenue and business operations, and, more importantly, on HSHS's ability to perform necessary medical procedures thereby endangering patient safety.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 7th day of September 2018, in Springfield, Illinois.

  
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ROBERT W. BEYER

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**DECLARATION OF MARIA FENNEMA**

I, Maria Fennema, declare as follows:

1. I am an individual over the age of 18 who resides in Florida. I have personal knowledge of the matters stated herein and, if called upon, I could and would competently testify thereto.

2. I am the Director of Laboratory and Cardiopulmonary Services at Larkin Community Hospital, a named plaintiff and class representative in *In re Blood Reagents Antitrust Litigation*, No. 09-MD-2081, in the United States District Court for the Eastern District of Pennsylvania. I submit this affidavit, on behalf of Larkin Community Hospital and the class, in support of Plaintiffs' Motion for Attorneys' Fees, Expenses, and Service Awards.

3. As a class representative, I understand that it is my responsibility to be apprised of the work done by my attorneys on the case and make my own judgment about the fairness of any settlement proposed by the lawyers. In evaluating the fairness of a settlement, I am required to consider the interests of all members of the class. I am free to disagree with my attorneys about the merits of a settlement and make my views known to the court.

4. I have discussed the Immucor, Inc. ("Immucor") and Ortho-Clinical Diagnostics, Inc. ("Ortho") settlements with my attorneys, and I approve of them, as it affects Larkin

Community Hospital and the other members of the class. I understand that if the pending settlement is approved, it will bring an end to this litigation.

5. Based upon discussions with my attorneys, I understand that if the pending settlement and plan of allocation are approved, there will be a combined settlement fund of approximately \$41.5 million from which members of the class will receive payments. I understand that court-approved costs of notice and settlement administration, attorneys' fees, litigation expenses, and service awards will be deducted from the combined settlement fund.

6. I believe that together, the prior settlement and proposed settlement achieve significant relief for the class and are a great result compared to the risks and delay associated with a complex and costly trial. In addition, I recognize that if a trial were held, there is no guarantee that the class would succeed. Thus, the settlements permit an immediate and certain recovery to class members without the risk, delay, and expense of trial. Based upon my understanding of the class claims asserted in this litigation, and my understanding of the settlements, I believe the settlements are fair, adequate and reasonable, and in the best interests of the class.

7. Since Larkin Community Hospital first filed its case in federal court in New Jersey, in May 2009, we have diligently performed our duty to assist our attorneys in prosecuting this lawsuit, investing significant effort to complete requested tasks to benefit the class and fulfill Larkin Community Hospital's role as a class representative.

8. Larkin Community Hospital responded to Defendants' document requests by searching our digital and paper files for responsive documents. This included searching through numerous boxes of hard copy information found in several custodian offices and in storage; searching several email accounts and system folders for electronic documents and reviewing

them with our attorneys; preserving information on our computer drives and in our email system; working with our attorneys to collect the hard copy and electronic documents (including information from Larkin Community Hospital's accounting software); and producing the documents and transactional data to Defendants. My best estimate is that I and others associated with Larkin Community Hospital spent at least 9 hours searching for and collecting documents and information for the litigation and/or communicating with counsel about the document requests.

9. In addition, Larkin Community Hospital assisted in preparing, reviewing, and verifying our responses to Defendants' interrogatories, on which I estimate that Larkin Community Hospital spent at least 2 hours.

10. I also prepared and sat for a half-day deposition in this case, which caused me to be away from my managerial duties at Larkin Community Hospital. In preparing for my deposition, I reviewed documents, including Larkin Community Hospital's purchase information, and met with our attorneys for a total of approximately 5 hours. On January 13, 2012, I spent 3 hours at my deposition being questioned by Defendants.

11. Cindy Schroeder, Director of Insurance Management at Larkin Community Hospital, also sat for a half-day deposition in this case, which caused her to be away from her managerial duties at Larkin Community Hospital. In preparing for her deposition, she reviewed documents, including Larkin Community Hospital's purchase information, and met with our attorneys for a total of approximately 5 hours. On January 13, 2012, she spent 3 hours at her deposition being questioned by Defendants.

12. Throughout the litigation, Larkin Community Hospital has been responsive to Class Counsel's requests for information and remained in regular contact with our attorneys by

phone and email to discuss various aspects of the litigation, including updates on the progress of and material events in the case. I and Ms. Schroeder have reviewed and commented on documents, read case updates, asked questions, and provided information, assistance and documentation as needed.

13. On behalf of Larkin Community Hospital, I estimate that I and Ms. Schroeder also spent approximately 2 hours discussing the settlements with our attorneys.

14. In addition, I also spent approximately 8 hours meeting with my attorneys and reviewing numerous documents to prepare for the trial against Ortho.

15. In total, I estimate that I and others on behalf of Larkin Community Hospital have spent at least 32 hours over the past nine years, performing duties on behalf of the class.

16. I understand that by filing this lawsuit against the largest (and in some cases, only) manufacturers of blood reagents and serving as a class representative, Larkin Community Hospital undertook a risk that Defendants would retaliate against it by no longer selling blood reagents to Larkin Community Hospital or selling blood reagents to Larkin Community Hospital on less favorable terms than they had prior to initiation of this litigation. A portion of Larkin Community Hospital's revenue came from performing blood transfusions, and thereby utilizing blood reagents for patients and donors. Therefore, if Defendants or other sources no longer sold blood reagents to Larkin Community Hospital or sold Larkin Community Hospital blood reagents on less favorable terms, it could have had a negative impact on Larkin Community Hospital's revenue and business operations, and, more importantly, on Larkin Community Hospital's ability to perform necessary medical procedures thereby endangering patient safety.



I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 31 day of August, 2018, in Miami, Florida.

  
MARIA FENNEMA

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**DECLARATION OF JOSEPH O'BRIEN III**

I, Joseph E. O'Brien III, declare as follows:

1. I am an individual over the age of 18 who resides in Brush Prairie, Washington. I have personal knowledge of the matters stated herein and, if called upon, I could and would competently testify thereto.

2. I am the Assistant General Counsel of Legacy Health (f/k/a Legacy Health System), a named plaintiff and class representative in *In re Blood Reagents Antitrust Litigation*, No. 09-MD-2081, in the United States District Court for the Eastern District of Pennsylvania. I submit this affidavit, on behalf of Legacy Health and the class, in support of Plaintiffs' Motion for Attorneys' Fees, Expenses, and Service Awards.

3. As a class representative, I understand that it is my responsibility to be apprised of the work done by my attorneys on the case and make my own judgment about the fairness of any settlement proposed by the lawyers. In evaluating the fairness of a settlement, I am required to consider the interests of all members of the class. I am free to disagree with my attorneys about the merits of a settlement and make my views known to the court.

4. I have reviewed the terms of the prior settlement with Immucor, Inc. ("Immucor"). I have also reviewed the terms of the pending settlement with Ortho-Clinical

Diagnostics, Inc. (“Ortho”). I have discussed the settlement terms with my attorneys, and I am aware of and approve all terms of the prior settlement and the proposed settlement, as it affects Legacy Health and the other members of the class. I understand that if the pending settlement is approved, it will bring an end to this litigation.

5. Based upon my reading of the settlements and court-ordered notices, and discussions with my attorneys, I understand that if the pending settlement and plan of allocation are approved, there will be a combined settlement fund of approximately \$41.5 million from which members of the class will receive payments. I understand that court-approved costs of notice and settlement administration, attorneys’ fees, litigation expenses, and service awards will be deducted from the combined settlement fund.

6. I believe that together, the prior settlement and proposed settlement achieve significant relief for the class and are a great result compared to the risks and delay associated with a complex and costly trial. In addition, I recognize that if a trial were held, there is no guarantee that the class would succeed. Thus, the settlements permit an immediate and certain recovery to class members without the risk, delay, and expense of trial. Based upon my understanding of the class claims asserted in this litigation, and my understanding of the terms of the settlement agreements, I believe the settlements are fair, adequate and reasonable, and in the best interests of the class.

7. Since Legacy Health first filed its case in the United States District Court for the District of New Jersey in June 2009, we have diligently performed our duty to assist our attorneys in prosecuting this lawsuit, investing significant effort to complete requested tasks to benefit the class and fulfill Legacy Health’s role as a class representative.

8. Legacy Health responded to Defendants' document requests by searching our digital and paper files for responsive documents. This included searching through boxes of hard copy information in storage such as invoices, contract documents, and other supply chain documentation; searching several email accounts and system folders for electronic documents, and reviewing them with our attorneys; preserving information on our computer drives and in our email system; working with our attorneys to collect the hard copy (when available) and electronic documents (including information from Legacy Health's accounting software); and producing the documents and transactional data to Defendants. I and others associated with Legacy Health spent at least 50 hours searching for and collecting documents and information for the litigation and/or communicating with counsel about the document requests.

9. In addition, Legacy Health assisted in preparing, reviewing, and verifying our responses to Defendants' interrogatories, on which I spent at least three hours.

10. My colleague Diane Avenoso also prepared and sat for a full-day deposition in this case, which caused her to be away from her duties at Legacy Health. In preparing for her deposition, Ms. Avenoso reviewed documents, including Legacy Health's purchase information, and met and communicated with our attorneys for a total of approximately six hours. On February 16, 2012, Ms. Avenoso spent eight hours at her deposition being questioned by Defendants.

11. My colleague Wilda Stratton also prepared and sat for a full-day deposition in this case, which caused her to be away from her duties at Legacy Health. In preparing for her deposition, Ms. Stratton reviewed documents, including Legacy Health's purchase information, and met and communicated with our attorneys for a total of approximately five hours. On June 5, 2012, Ms. Stratton spent six hours at her deposition being questioned by Defendants.

12. Throughout the litigation, Legacy Health has been responsive to Class Counsel's requests for information and remained in regular contact with our attorneys by phone and email to discuss various aspects of the litigation, including updates on the progress of and material events in the case. I have reviewed and commented on documents (including the consolidated amended class action complaint), read case updates, asked questions, and provided information, assistance and documentation as needed.

13. On behalf of Legacy Health, I have also spent approximately three hours reviewing the settlements in this case and discussing the settlements with our attorneys.

14. In addition, I also spent approximately two hours meeting with my attorneys and reviewing numerous documents to prepare for the trial against Ortho.

15. In total, I and others on behalf of Legacy Health have spent at least 90 hours over the past nine years, performing duties on behalf of the class.

16. I understand that by filing this lawsuit against the largest (and in some cases, only) manufacturers of blood reagents and serving as a class representative, Legacy Health undertook a risk that Defendants would retaliate against it by no longer selling blood reagents to Legacy Health or selling blood reagents to Legacy Health on less favorable terms than they had prior to initiation of this litigation. A portion of Legacy Health's revenue came from performing blood transfusions, and thereby utilizing blood reagents for patients and donors. Therefore, if Defendants or other sources no longer sold blood reagents to Legacy Health or sold Legacy Health's blood reagents on less favorable terms, it could have had a negative impact on Legacy Health's revenue and business operations, and, more importantly, on Legacy Health's ability to perform necessary medical procedures thereby endangering patient safety.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 7th day of September, 2018, in Portland, Oregon.



Joseph O'Brien III

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**DECLARATION OF JOHN P. KACAVAS**

I, John P. Kacavas, declare as follows:

1. I am an individual over the age of 18 who resides in New Hampshire. I have personal knowledge of the matters stated herein and, if called upon, I could and would competently testify thereto.

2. I am the Chief Legal Officer and General Counsel of Mary Hitchcock Memorial Hospital, a named plaintiff and class representative in *In re Blood Reagents Antitrust Litigation*, No. 09-MD-2081, in the United States District Court for the Eastern District of Pennsylvania. I submit this affidavit, on behalf of Mary Hitchcock Memorial Hospital and the class, in support of Plaintiffs' Motion for Attorneys' Fees, Expenses, and Service Awards.

3. As a class representative, I understand that it is my responsibility to be apprised of the work done by my attorneys on the case and make my own judgment about the fairness of any settlement proposed by the lawyers. In evaluating the fairness of a settlement, I am required to consider the interests of all members of the class. I am free to disagree with my attorneys about the merits of a settlement and make my views known to the court.

4. I have reviewed the terms of the prior settlement Immucor, Inc. ("Immucor"). I have also reviewed the terms of the pending settlement with Ortho-Clinical Diagnostics, Inc.

("Ortho"). I have discussed the settlement terms with my attorneys, and I am aware of and approve all terms of the prior settlements and the proposed settlement, as it affects Mary Hitchcock Memorial Hospital and the other members of the class. I understand that if the pending settlement is approved, it will bring an end to this litigation.

5. Based upon my reading of the settlements and court-ordered notices, and discussions with my attorneys, I understand that if the pending settlement and plan of allocation are approved, there will be a combined settlement fund of approximately \$41.5 million from which members of the class will receive payments. I understand that court-approved costs of notice and settlement administration, attorneys' fees, litigation expenses, and service awards will be deducted from the combined settlement fund.

6. I believe that together, the prior settlement and proposed settlement achieve significant relief for the class and are a great result compared to the risks and delay associated with a complex and costly trial. In addition, I recognize that if a trial were held, there is no guarantee that the class would succeed. Thus, the settlements permit an immediate and certain recovery to class members without the risk, delay, and expense of trial. Based upon my understanding of the class claims asserted in this litigation, and my understanding of the terms of the settlement agreements, I believe the settlements are fair, adequate and reasonable, and in the best interests of the class.

7. Since Mary Hitchcock Memorial Hospital first filed its case in the United States District Court for the Southern District of New York, in May 2009, we have diligently performed our duty to assist our attorneys in prosecuting this lawsuit, investing significant effort to complete requested tasks to benefit the class and fulfill Mary Hitchcock Memorial Hospital's role as a class representative.



8. Mary Hitchcock Memorial Hospital responded to Defendants' document requests by searching our digital and paper files for responsive documents. This included searching through numerous boxes of hard copy information in storage, such as invoices, and searching several email accounts and system folders for electronic documents and reviewing them with our attorneys; preserving information on our computer drives and in our email system; working with our attorneys to collect the hard copy and electronic documents (including information from Mary Hitchcock Memorial Hospital's accounting software); and producing the documents and transactional data to Defendants. David W. Coombs, CSCP, Matthew R. Rauschkolb and others associated with Mary Hitchcock Memorial Hospital spent at least 45 hours searching for and collecting documents and information for the litigation and/or communicating with counsel about the document requests.

9. In addition, Mary Hitchcock Memorial Hospital assisted in preparing, reviewing, and verifying our responses to Defendants' interrogatories, on which David W. Coombs and others spent at least 8 hours.

10. Nancy Matthews (newly retired from Mary Hitchcock Memorial Hospital at the time of her deposition) also prepared and sat for a full-day deposition in this case. In preparing for her deposition, she reviewed documents, including Mary Hitchcock Memorial Hospital's purchase information, and met with Mary Hitchcock Memorial Hospital's attorneys for a total of approximately 10 hours. On January 6, 2012, Nancy Matthews spent 8.5 hours at her deposition being questioned by Defendants.

11. Throughout the litigation, Mary Hitchcock Memorial Hospital has been responsive to Class Counsel's requests for information and remained in regular contact with our attorneys by phone and email to discuss various aspects of the litigation, including updates on the

progress of and material events in the case. I (and previous General Counsel) have reviewed and commented on documents (including the consolidated amended class action complaint), read case updates, asked questions, and provided information, assistance and documentation as needed.

12. On behalf of Mary Hitchcock Memorial Hospital, I have also spent approximately 4 hours reviewing the settlements in this case and discussing the settlements with our attorneys.

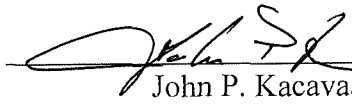
13. In addition, Nancy Matthews spent approximately 3 hours meeting with attorneys and reviewing numerous documents to prepare for the trial against Ortho.

14. In total, I and others on behalf of Mary Hitchcock Memorial Hospital have spent at least 70 hours over the past nine years, performing duties on behalf of the class.

15. I understand that by filing this lawsuit against the largest (and in some cases, only) manufacturers of blood reagents and serving as a class representative, Mary Hitchcock Memorial Hospital undertook a risk that Defendants would retaliate against it by no longer selling blood reagents to Mary Hitchcock Memorial Hospital or selling blood reagents to Mary Hitchcock Memorial Hospital on less favorable terms than they had prior to initiation of this litigation. A portion of Mary Hitchcock Memorial Hospital's revenue came from performing blood transfusions, and thereby utilizing blood reagents for patients and donors. Therefore, if Defendants or other sources no longer sold blood reagents to Mary Hitchcock Memorial Hospital or sold Mary Hitchcock Memorial Hospital blood reagents on less favorable terms, it could have had a negative impact on Mary Hitchcock Memorial Hospital's revenue and business operations, and, more importantly, on Mary Hitchcock Memorial Hospital's ability to perform necessary medical procedures thereby endangering patient safety.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 10<sup>th</sup> day of September, 2018, in Lebanon, New Hampshire.

  
John P. Kacavas, Esq.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**DECLARATION OF LOUIS A. BASS**

I, Louis A. Bass, declare as follows:

1. I am an individual over the age of 18 who resides in Alabama. I have personal knowledge of the matters stated herein and, if called upon, I could and would competently testify thereto.

2. I am the President and Chief Executive Officer of the Regional Medical Center ("RMC"), also known as the Regional Medical Center Board of the City of Anniston d/b/a Northeast Alabama Regional Medical Center ("NARMC"), a named plaintiff and class representative in *In re Blood Reagents Antitrust Litigation*, No. 09-MD-2081, in the United States District Court for the Eastern District of Pennsylvania. For purposes of this Declaration, I refer to RMC by the name referenced in the complaint - NARMC. I submit this affidavit on behalf of NARMC and the class, in support of Plaintiffs' Motion for Attorneys' Fees, Expenses, and Service Awards.

3. As a class representative, I understand that it is my responsibility to be apprised of the work done by my attorneys on the case and make my own judgment about the fairness of any settlement proposed by the lawyers. In evaluating the fairness of a settlement, I am required to

consider the interests of all members of the class. I am free to disagree with my attorneys about the merits of a settlement and make my views known to the court.

4. I have reviewed the terms of the prior settlement with Immucor, Inc. (“Immucor”). I have also reviewed the terms of the pending settlement with Ortho-Clinical Diagnostics, Inc. (“Ortho”). I have discussed the settlement terms with my attorneys, and I am aware of and approve all terms of the prior settlements and the proposed settlement, as it affects NARMC and the other members of the class. I understand that if the pending settlement is approved, it will bring an end to this litigation.

5. Based upon my reading of the settlements and court-ordered notices, and discussions with my attorneys, I understand that if the pending settlement and plan of allocation are approved, there will be a combined settlement fund of approximately \$41.5 million from which members of the class will receive payments. I understand that court-approved costs of notice and settlement administration, attorneys’ fees, litigation expenses, and service awards will be deducted from the combined settlement fund.

6. I believe that together the prior settlement and proposed settlement achieve significant relief for the class and are a great result compared to the risks and delay associated with a complex and costly trial. In addition, I recognize that if a trial were held, there is no guarantee that the class would succeed. Thus, the settlements permit an immediate and certain recovery to class members without the risk, delay, and expense of trial. Based upon my understanding of the class claims asserted in this litigation, and my understanding of the terms of the settlement agreements, I believe the settlements are fair, adequate and reasonable, and in the best interests of the class.

7. Since NARMC first filed its case in the District of New Jersey, in May, 2009, we have diligently performed our duty to assist our attorneys in prosecuting this lawsuit, investing significant effort to complete requested tasks to benefit the class and fulfill NARMC's role as a class representative.

8. NARMC responded to Defendants' document requests by searching our digital and paper files for responsive documents. This search was conducted under the supervision of Judy Gould, NARMC's Vice President of Public and Professional Relations. The search involved numerous employees at NARMC and included searching through hard copy information in storage such as invoices and contracts; searching numerous email accounts and system folders for electronic documents and reviewing them with our attorneys; preserving information on our computer drives and in our email system; working with our attorneys to collect the hard copy and electronic documents (including information from NARMC's multiple prior and present purchasing systems and software); and producing the documents and transactional data to Defendants. Judy Gould and others associated with NARMC spent at least 100 hours searching for and collecting documents and information for the litigation and/or communicating with counsel about the document requests.

9. In addition, NAMRC assisted in preparing, reviewing, and verifying our responses to Defendants' interrogatories, on which Judy Gould and others at NARMC spent at least 40 hours.

10. Judy Gould also prepared and sat for a full-day deposition in this case, which caused her to be away from her managerial duties at NARMC. In preparing for her deposition, she reviewed documents, including the class complaint and pleadings, NARMC's purchase information, NARMC's productions and met with our attorneys for a total of approximately 5

hours. On January 11, 2012, Ms. Gould spent approximately 4 hours at her deposition being questioned by Defendants.

11. Throughout the litigation, NARMC has been responsive to Class Counsel's requests for information and remained in regular contact with our attorneys by phone and email to discuss various aspects of the litigation, including updates on the progress of and material events in the case. I have reviewed and commented on documents (including the consolidated amended class action complaint), read case updates, asked questions, and provided information, assistance and documentation as needed.

12. On behalf of NARMC, I have also spent approximately 5 hours reviewing the settlements in this case and discussing the settlements with our attorneys.

13. In addition, Judy Gould also spent approximately 12 hours meeting with our attorneys and reviewing numerous documents to prepare for the trial against Ortho.

14. In total, I and others on behalf of NARMC have spent at least 300 – 400 hours over the past nine years, performing duties on behalf of the class.

15. I understand that by filing this lawsuit against the largest (and in some cases, only) manufacturers of blood reagents and serving as a class representative, NARMC undertook a risk that Defendants would retaliate against it by no longer selling blood reagents to NARMC or selling blood reagents to NARMC on less favorable terms than they had prior to initiation of this litigation. A portion of NARMC's revenue came from performing blood transfusions, and thereby utilizing blood reagents for patients and donors. Therefore, if Defendants or other sources no longer sold blood reagents to NARMC or sold NARMC blood reagents on less favorable terms, it could have had a negative impact on NARMC's revenue and business

operations, and, more importantly, on NARMC's ability to perform necessary medical procedures thereby endangering patient safety.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 10<sup>th</sup> day of September, 2018, in Anniston, Alabama.



[Declarant]



**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**DECLARATION OF JEFFREY L. SPECTOR, ESQ.**

I, Jeffrey L. Spector, declare as follows:

1. I am an individual over the age of 18 who resides in Pennsylvania. I have personal knowledge of the matters stated herein and, if called upon, I could and would competently testify thereto.
2. I am a partner with Spector Roseman & Kodroff, PC, Class Counsel in the above case. I submit this affidavit on behalf of the named plaintiffs and class representatives, Schuylkill Medical Center – East Norwegian Street and South Jackson Street, Pottsville, PA (together, “SMC”), in support of Plaintiffs’ Motion for Attorneys’ Fees, Expenses, and Service Awards.
3. As Class Counsel, I possess first-hand knowledge of SMC’s efforts on behalf of the Class, and therefore, submit this Declaration on SMC’s behalf.
4. Since SMC first filed its case in the Eastern District of Pennsylvania in June 2009, SMC invested significant effort to complete requested tasks to benefit the class and fulfill SMC’s role as a class representative.
5. SMC responded to Defendants’ document requests by searching its digital and paper files for responsive documents and producing the documents and transactional data to Defendants.
6. SMC also assisted in preparing, reviewing, and verifying Plaintiffs’ responses to Defendants’ interrogatories.

7. In addition, SMC hosted Plaintiffs' economic expert, Dr. John Beyer, for a facility tour of SMC's blood testing laboratory in 2011, which aided Dr. Beyer in understanding the blood testing process and procedure and contributed to Dr. Beyer's expert reports. SMC employees further assisted Dr. Beyer by answering any additional questions about the blood testing process.

8. SMC's employees, Jennifer Reedy, Nicholas Demopoulos, and Craig Wywadis, all prepared for and sat for depositions in this case. In preparing for their Rule 30(b)(1) and/or 30(b)(6) depositions, all three SMC employees reviewed documents, including SMC's purchase information, and each employee met with Plaintiffs' counsel to prepare. On December 21, 2011, Ms. Reedy spent 6.5 hours at her deposition being questioned by Defendants. On May 31, 2012, Mr. Demopoulos spent more than 3 hours at his deposition being questioned by Defendants. On May 15, 2012, Mr. Wywadis spent approximately 2 hours at his deposition being questioned by Defendants. Ms. Reedy, Mr. Demopoulos, and Mr. Wywadis all traveled both to and from Philadelphia from Pottsville both to prepare with counsel for their depositions and participate in the depositions.

9. SMC and its counsel reviewed and approved the terms of the prior Immucor settlement.

10. I understand that by filing this lawsuit against the largest (and in some cases, only) manufacturers of blood reagents and serving as a class representative, SMC undertook a risk that Defendants would retaliate against it by no longer selling blood reagents to SMC or selling blood reagents to SMC on less favorable terms than they had prior to initiation of this litigation. A portion of SMC's revenue came from performing blood transfusions, and thereby utilizing blood reagents for patients and donors. Therefore, if Defendants or other sources no longer sold blood reagents to SMC or sold SMC blood reagents on less favorable terms, it could have had a negative impact on SMC's revenue and business operations, and, more importantly, on SMC's ability to perform necessary medical procedures thereby endangering patient safety.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 12th day of September, 2018, in Philadelphia, Pennsylvania.



Jeffrey L. Spector

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BLOOD REAGENTS ANTITRUST  
LITIGATION**

**MDL Docket No. 09-2081**

**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

**HON. JAN E. DUBOIS**

**DECLARATION OF JOHN GRAVES**

I, John Graves, declare as follows:

1. I am an individual over the age of 18 who resides in Pennsylvania. I have personal knowledge of the matters stated herein and, if called upon, I could and would competently testify thereto.

2. I am the Chief Tech of Warren General Hospital, a named plaintiff and class representative in *In re Blood Reagents Antitrust Litigation*, No. 09-MD-2081, in the United States District Court for the Eastern District of Pennsylvania. I submit this affidavit, on behalf of Warren General Hospital and the class, in support of Plaintiffs' Motion for Attorneys' Fees, Expenses, and Service Awards.

3. As a class representative, I understand that it is my responsibility to be apprised of the work done by my attorneys on the case and make my own judgment about the fairness of any settlement proposed by the lawyers. In evaluating the fairness of a settlement, I am required to consider the interests of all members of the class. I am free to disagree with my attorneys about the merits of a settlement and make my views known to the court.

4. I have reviewed the terms of the prior settlement Immucor, Inc. ("Immucor"). I have also reviewed the terms of the pending settlement with Ortho-Clinical Diagnostics, Inc.

(“Ortho”). I have discussed the settlement terms with my attorneys, and I am aware of and approve all terms of the prior settlements and the proposed settlement, as it affects Warren General Hospital and the other members of the class. I understand that if the pending settlement is approved, it will bring an end to this litigation.

5. Based upon my reading of the settlements and court-ordered notices, and discussions with my attorneys, I understand that if the pending settlement and plan of allocation are approved, there will be a combined settlement fund of approximately \$41.5 million from which members of the class will receive payments. I understand that court-approved costs of notice and settlement administration, attorneys’ fees, litigation expenses, and service awards will be deducted from the combined settlement fund.

6. I believe that together, the prior settlement and proposed settlement achieve significant relief for the class and are a great result compared to the risks and delay associated with a complex and costly trial. In addition, I recognize that if a trial were held, there is no guarantee that the class would succeed. Thus, the settlements permit an immediate and certain recovery to class members without the risk, delay, and expense of trial. Based upon my understanding of the class claims asserted in this litigation, and my understanding of the terms of the settlement agreements, I believe the settlements are fair, adequate and reasonable, and in the best interests of the class.

7. Since Warren General Hospital first filed its case in the United States District Court for the Eastern District of Pennsylvania in May 2009, we have diligently performed our duty to assist our attorneys in prosecuting this lawsuit, investing significant effort to complete requested tasks to benefit the class and fulfill Warren General Hospital’s role as a class representative.

8. Warren General Hospital responded to Defendants' document requests by searching our digital and paper files for responsive documents. This included searching through various sources, including several email accounts and hard copy information such as invoices, and reviewing them with our attorneys; preserving information on our computer drives and in our email system; working with our attorneys to collect the hard copy and electronic documents (including information from Warren General Hospital's accounting software); and producing the documents and transactional data to Defendants. I and others associated with Warren General Hospital spent at least 30 hours searching for and collecting documents and information for the litigation and/or communicating with counsel about the document requests.

9. In addition, Warren General Hospital assisted in preparing, reviewing, and verifying our responses to Defendants' interrogatories, on which I and others associated with Warren General Hospital spent at least 16 hours.

10. I also prepared and sat for a full-day deposition in this case, which caused me to be away from my managerial duties at Warren General Hospital. In preparing for my deposition, I reviewed documents, including Warren General Hospital's purchase information, and met with our attorneys for a total of approximately seven hours. On December 16, 2011, I spent over eight hours at my deposition (including breaks) being questioned by Defendants. I also drove seven hours each way to and from Philadelphia for my deposition.

11. Throughout the litigation, Warren General Hospital has been responsive to Class Counsel's requests for information and remained in regular contact with our attorneys by phone and email to discuss various aspects of the litigation, including updates on the progress of and material events in the case. I and others associated with Warren General Hospital have reviewed and commented on documents (including the consolidated amended class action complaint), read

case updates, asked questions, and provided information, assistance and documentation as needed.

12. On behalf of Warren General Hospital, Jodi Bevevino, Warren General Hospital's Compliance Officer and General Counsel, and I have also spent approximately 4 hours reviewing the settlements in this case and discussing the settlements with our attorneys.

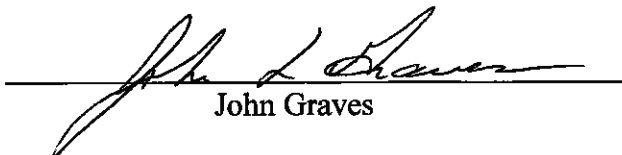
13. In addition, I also spent approximately 6 hours meeting with my attorneys and reviewing numerous documents to prepare for the trial against Ortho.

14. In total, I and others on behalf of Warren General Hospital have spent at least 80 hours over the past nine years, performing duties on behalf of the class.

15. I understand that by filing this lawsuit against the largest (and in some cases, only) manufacturers of blood reagents and serving as a class representative, Warren General Hospital undertook a risk that Defendants would retaliate against it by no longer selling blood reagents to Warren General Hospital or selling blood reagents to Warren General Hospital on less favorable terms than they had prior to initiation of this litigation. A portion of Warren General Hospital's revenue came from performing blood transfusions, and thereby utilizing blood reagents for patients and donors. Therefore, if Defendants or other sources no longer sold blood reagents to Warren General Hospital or sold Warren General Hospital blood reagents on less favorable terms, it could have had a negative impact on Warren General Hospital's revenue and business operations, and, more importantly, on Warren General Hospital's ability to perform necessary medical procedures thereby endangering patient safety.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 6th day of September, 2018, in Warren, Pennsylvania.

  
John Graves