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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

**IN RE: EFFEXOR XR ANTITRUST
LITIGATION**

THIS DOCUMENT RELATES TO:

All Direct Purchaser Class Actions

**Master Docket No. 3:11-cv-05479
(PGS/JBD)**

**DECLARATION OF PETER S. PEARLMAN IN SUPPORT OF CLASS
COUNSEL’S MOTION FOR AN AWARD OF ATTORNEYS’ FEES,
REIMBURSEMENT OF EXPENSES, AND SERVICE AWARDS FOR THE
CLASS REPRESENTATIVES**

I. INTRODUCTION

I, Peter S. Pearlman, senior counsel of the law firm of Cohn Lifland
Pearlman Herrmann & Knopf LLP (“CLPHK”) and Interim Liaison Counsel for

Direct Purchaser Class Plaintiffs (“Plaintiffs” or the “Class”), together with Hagens Berman Sobol Shapiro LLP (“HBSS”), Berger Montague PC (“BMPC”), Faruqi & Faruqi LLP (“FF”), Taus, Cebulash & Landau, LLP (“TCL”), Nastlaw LLC (“Nast”) and Barrett Law Group, P.A. (“Barrett”) (HBSS, BMPC, FF, TCL, Nast and Barret are collectively “Lead Class Counsel”) for the Class respectfully submit this declaration in support of Class Counsels’¹ application for:

- (1) an award of attorneys’ fees totaling 33⅓% of Plaintiffs’ settlement with Wyeth² (the “Settlement”) plus a proportionate amount of any interest accrued since the Settlement was escrowed;
- (2) reimbursement of expenses that were incurred in the prosecution of Plaintiffs’ claims; and
- (3) service awards to each of the class representatives Rochester Drug Co-Operative, Inc. (“RDC”), Stephen L. LaFrance Holdings, Inc. (“LaFrance”), and Uniondale Chemists, Inc. (“Uniondale”).

Lead Class Counsel have been involved in all aspects of this litigation from the pre-complaint investigation beginning in 2011 through the filing of the Settlement with the Court (and continuing), and therefore are fully familiar with the litigation, the most significant aspects of which are outlined below for the Court’s convenience.

¹ “Class Counsel” include the firms listed in the chart at pp. 34-35, *infra*.

² Wyeth LLC, Wyeth Pharmaceuticals, Inc., Wyeth-Whitehall Pharmaceuticals LLC, and Wyeth Pharmaceuticals Company are, collectively, “Wyeth”).

II. COMMENCEMENT OF THE CASE AND INITIAL PROCEEDINGS

1. Plaintiffs allege that Wyeth violated Sections 1 and 2 of the Sherman Act through an overarching anticompetitive scheme, and that Wyeth together with Teva Pharmaceuticals USA, Inc. and Teva Pharmaceutical Industries Ltd. (collectively, “Teva”) (Wyeth and Teva are, together, “Defendants”) violated Section 1 of the Sherman Act by entering into an agreement in restraint of trade in violation of the Sherman Act, 15 U.S.C. § 1, and that Wyeth willfully and unlawfully maintained its monopoly power in violation of the Sherman Act 15 U.S.C. § 2, with respect to brand and generic Effexor XR (extended release venlafaxine hydrochloride capsules), delaying the entry of generic Effexor XR and causing Plaintiffs to pay supracompetitive prices and incur injury in the form of overcharge damages.

2. On May 2, 2011, certain Class Counsel firms filed the first antitrust lawsuit on behalf of a putative class of direct purchasers challenging Defendants’ conduct with respect to Effexor XR as violative of the antitrust laws. *See Professional Drug Co., Inc. v. Wyeth, Inc.*, Case No. 11-cv-00196 (S.D. Miss. May 2, 2011). Shortly thereafter, similar direct purchaser complaints were filed by Class Counsel.

3. On June 21, 2011, the Southern District of Mississippi entered an order consolidating three direct purchaser actions, including those filed by LaFrance and RDC. Case No. 11-cv-00196 (S.D. Miss.), ECF No. 18.

4. On June 22, 2011, a consolidated direct purchaser complaint was filed in the Southern District of Mississippi. Case No. 11-cv-00196 (S.D. Miss.), ECF No. 19.

5. Plaintiffs' complaints did not follow, or build upon, any pre-existing government investigation or enforcement action. Rather, Class Counsel filed their respective complaints based upon their own prefiling investigation. Class Counsel's prefiling investigation included, *inter alia*, reviewing and analyzing the market availability of generic versions of Effexor XR, including Abbreviated New Drug Applications ("ANDAs") filed with the Food and Drug Administration ("FDA") seeking approval to market generic versions of Effexor XR; publicly available regulatory filings for Effexor XR, publicly available patent litigation records concerning Effexor XR; Pfizer's and Teva's securities filings, including annual and quarterly reports; public statements made by Wyeth and Teva concerning Effexor XR; publicly available materials concerning Effexor XR; Wyeth's promotional materials related to Effexor XR; and information related to Effexor XR product packaging.

6. Class Counsel filed the respective direct purchaser class complaints (and the subsequent consolidated amended complaint), on a fully contingent basis, with the real risk of nonpayment and without the heightened chance of establishing liability that may arise when a private civil action follows an earlier-filed governmental action. Class Counsel took that risk knowing it could take years to fully prosecute the case and that millions of dollars and tens of thousands of attorney hours would be required to properly litigate the case.

7. On September 21, 2011, the court for the Southern District of Mississippi granted Wyeth's motion to transfer venue to this Court. *See* Case No. 11-cv-00196 (S.D. Miss.), ECF No. 44.

8. After transfer, this Court entered two case management orders on December 13, 2011. ECF Nos. 85 (CMO #2) & 86 (CMO #1).

9. CMO #1 consolidated all direct purchaser cases for all purposes, directed that all indirect purchaser cases be coordinated with the direct purchaser cases for certain purposes and set a schedule for the filing of consolidated complaints, and deferred ruling on a defense motion to stay discovery pending resolution of motions to dismiss. *See* ECF No. 86.

10. CMO #2 appointed HBSS, BMPC, FF, TCL, Nast, Barrett and HBSS as the Interim Executive Committee for the direct purchaser class, and CLPHK as Interim Liaison Counsel for same. *See* ECF No. 85.

III. INITIAL ROUND OF MOTIONS TO DISMISS AND MOTIONS TO STAY

11. On December 14, 2011, Class Counsel filed a consolidated amended direct purchaser class complaint in this Court. ECF No. 91.

12. On February 8, 2012, the Court set a briefing schedule as to motions to dismiss. ECF No. 121.

13. On February 24, 2012, the Court denied Plaintiffs' request to commence limited discovery. ECF No. 126.

14. On April 6, 2012, Defendants filed motions to dismiss the direct purchaser class complaint. ECF Nos. 136 (Teva) & 138 (Wyeth). In briefing totaling nearly 130 pages, Defendants advanced a broad swath of arguments, including that the Plaintiffs lacked standing to pursue their patent fraud theories, the Plaintiffs failed to properly plead their fraud allegations, the challenged settlement was entitled to *Noerr-Pennington* immunity, and the so-called "scope of the patent" test doomed Plaintiffs' claims. *Id.*

15. On May 30, 2012, Class Counsel filed an 84-page consolidated opposition to the motions to dismiss. ECF No. 152. Class Counsel argued, *inter alia*, that the complaint alleged an unlawful scheme to monopolize the market for extended release venlafaxine that included enforcing three fraudulently obtained patents in seventeen lawsuits. Class counsel specifically addressed the Defendants' challenge to the *Walker Process* allegations, laying out the factual details for three

distinct frauds, and providing legal support for the claims. Class counsel also defended against standing challenges brought by the Defendants, as well as challenges to the reverse payment claims.

16. On September 10, 2012, Wyeth filed a motion to stay the action pending the Supreme Court's decision on whether to grant *certiorari* in *In re K-Dur Antitrust Litig.*, 686 F.3d 197 (3d Cir. 2012), which was then one of many district and appellate court decisions addressing the appropriate legal framework under which to analyze reverse payment agreements alleged to violate the antitrust laws. *See* ECF No. 184.

17. Class Counsel filed their opposition to the motion to stay on October 1, 2012. ECF No. 186. Plaintiffs argued that, *inter alia*, a stay pending Supreme Court review was unwarranted because non-reverse payment theories in the complaint, such as the sham litigation and patent fraud theories alleged, would not be impacted by *K-Dur. Id.*

18. On October 10, 2012, Defendants filed reply briefs in support of their motions to dismiss. *See, e.g.*, ECF No. 190.

19. On October 23, 2012, the Court granted Wyeth's motion to stay the action through "the conclusion of the proceedings in the United States Supreme Court *In re K-Dur Antitrust Litigation.*" ECF No. 191.

20. On March 25, 2013, the Supreme Court held oral argument in *FTC v. Actavis, Inc.*, in which the Federal Trade Commission (“FTC”) appealed the Eleventh Circuit’s dismissal of the FTC’s complaint alleging a reverse payment agreement. *See generally FTC v. Actavis, Inc.*, 570 U.S. 136 (2013) (noting date argument held).

21. On June 17, 2013, the Supreme Court issued its landmark *Actavis* decision. *See FTC v. Actavis*, 570 U.S. 136 (2013). Broadly speaking, in *Actavis*, the Supreme Court concluded that the appropriate legal framework for analyzing reverse payment agreements alleged to violate the antitrust laws was the traditional antitrust rule of reason analysis. *Id.* The Supreme Court left it to the lower courts to implement its ruling. *Id.*

22. On June 24, 2013, the Supreme Court concluded its proceedings with regard to *K-Dur*, and remanded *K-Dur* to the Third Circuit, “for further consideration in light of” *Actavis*. *Merck & Co. v. Louisiana Wholesale Drug Co.*, 570 U.S. 913 (2013).

IV. FOLLOWING THE SUPREME COURT’S DECISION IN ACTAVIS, THIS COURT IS ASSIGNED THE CASE AND LIMITED DISCOVERY OPENS

23. On June 27, 2013, this case was re-assigned to The Honorable Peter G. Sheridan. ECF No. 198.

24. On July 17, 2013, this Court entered an order setting a supplemental briefing schedule on the still-pending motions to dismiss. ECF No. 210. On that

same day Magistrate Judge Goodman entered an order lifting the stay on discovery. ECF No. 211. A case conference was set for August 23, 2012. ECF No. 212.

25. On July 25, 2013, this Court entered an order vacating the stays and directing the Clerk to reopen the matter. ECF No. 221.

26. On August 7, 2013, supplemental briefing on the motions to dismiss was submitted by the parties to address the *Actavis* decision. *See, e.g.*, ECF Nos. 229 (direct purchaser class), 230 (Teva), 231 (Wyeth). Defendants argued that in light of the *Actavis* decision, the settlement at issue simply did not contain any “reverse payment” since it purportedly resulted in early market entry. Class Counsel argued that, following *Actavis*, the so-called “scope of the patent” test upon which Defendants relied was no longer the law, and that reverse payments were unlawful even if the payment took the form of something other than cash.

27. On August 9, 2013, the Court entered Pretrial Order No. 2 establishing a master docket for the case. ECF No. 233.

28. Throughout this time period, Class Counsel and defense counsel spent substantial time negotiating detailed discovery protocols for the litigation.

29. On August 23, 2013, the Court entered a discovery confidentiality order and ESI protocol. ECF Nos. 244 (Discovery Confidentiality Order) and 245 (Agreement Establishing Protocol For Discovery Of Electronically Stored Information “ESI”).

30. On September 10, 2013, the Court conducted oral argument on the motions to dismiss, as well as an amicus motion filed by the Federal Trade Commission. *See, e.g.*, ECF Nos. 257 (Order denying end payor request to adjourn motion to dismiss hearing), 265 (Minute Entry).

31. On October 23, 2013, Class Counsel filed a second amended complaint. ECF No. 287. On December 5, 2013, the Court set a schedule for motion to dismiss briefing as to this complaint. ECF No. 303.

32. On December 13, 2013, the Defendants filed new motions to dismiss as to the direct purchasers' second amended complaint. *See, e.g.*, ECF No. 305. In these 24 pages of additional briefing, the Defendants once again argued that the purported "early entry" negated any antitrust claims and pushed *Noerr-Pennington* immunity as another basis to shield their conduct.

33. Class Counsel filed their opposition on January 24, 2014. ECF No. 316.

34. The Defendants filed a reply brief on February 14, 2014. ECF No. 317.

35. On April 3, 2014, the Court held oral argument on the Defendants' renewed motions to dismiss. *See, e.g.*, ECF No. 322.

36. On May 7, 2014 the Court notified the parties that it would be conducting an additional hearing as to the *Walker Process* allegations on June 5, 2014. ECF Nos. 328 (notice of hearing), 342 (Minute Order).

V. THE COURT’S DISMISSAL ORDER AND SUBSEQUENT APPEAL TO THE THIRD CIRCUIT

37. On October 6, 2014, the Court granted in part the Defendants’ motion to dismiss. ECF Nos. 353, 354. The Court dismissed the reverse payment allegations but upheld the *Walker Process* allegations. The Court also directed the defendants to submit additional briefing as to the effect of that dismissal order. ECF No. 355.

38. On October 21, 2014, Class Counsel filed a motion for reconsideration of the Court’s dismissal order as well as a motion for entry of judgment under Rule 54(b) or, in the alternative, certification of appeal pursuant to 28 U.S.C. §1292(b). ECF Nos. 365, 366 (reconsideration), 367 (Rule 54(b) judgment). Class Counsel argued that it was error to dismiss the complaint “with prejudice” and that they should be given a chance to replead the reverse payment allegations to provide the level of detail as to the payment that the Court found lacking; alternatively, Class Counsel sought the entry of a partial final judgment so that the issue could be promptly appealed.

39. On November 14, 2014, the Defendants filed oppositions to the direct purchaser class motions. ECF Nos. 377 (Teva), 379 (Wyeth), 380 (Teva). While

opposing Class Counsel's request to replead, Defendants agreed with seeking entry of partial final judgment.

40. Class Counsel responded on November 24, 2014. ECF No. 384.

41. On December 8, 2014, this Court held oral argument on the pending motions. ECF No. 386 (Minute Entry). On January 13, 2015, the Court entered an order of final judgment under Rule 54(b) as to the claim under Count II of the complaint. ECF No. 396.

42. On January 23, 2015, following the entry of formal orders, Class Counsel filed an appeal to the Third Circuit Court of Appeals. ECF Nos. 406, 410.

43. On February 27, 2015, the Defendants filed a motion seeking to transfer the appeal to the Federal Circuit. *In re Effexor XR Antitrust Litig.*, No. 15-1274, Doc. No. 003111890960 (3d Cir. Feb. 27, 2015). Defendants argued for transfer of the Plaintiffs' appeal to the Federal Circuit on the basis that the *Walker-Process* and related allegations purportedly required resolving questions of patent law.

44. On March 20, 2015, Class Counsel opposed this motion. *In re Effexor XR Antitrust Litig.*, No. 15-1274, Doc. No. 003111910251 (3d Cir. Mar. 20, 2015).

45. On April 6, 2015, the Third Circuit denied the motion to transfer. *In re Effexor XR Antitrust Litig.*, No. 15-1274, Doc. No. 003111924080 (3d Cir. Apr. 6, 2015).

46. On November 10, 2015, Class Counsel filed their opening appellate brief, along with a 6-volume appendix. Brief of Plaintiffs-Appellants, *In re Effexor XR Antitrust Litig.*, No. 15-1274, Doc. No. 003112126252 (3d Cir. Nov. 10, 2015).

47. On February 16, 2016, Defendants filed their oppositions. Briefs of Appellees Wyeth and Teva, *In re Effexor XR Antitrust Litig.*, No. 15-1274, Doc. Nos. 003112208081, 003112208399 (3d Cir. Feb. 16, 2016).

48. On April 14, 2016, Class Counsel filed their appellate reply brief. Joint Reply Brief of Plaintiffs-Appellants, *In re Effexor XR Antitrust Litig.*, No. 15-1274, Doc. No. 003112264071 (3d Cir. Apr. 14, 2016). On September 27, 2016, a first round of oral argument was held before the Third Circuit Court of Appeals limited to the issue of appellate jurisdiction. *See* Court Minutes of Argued Cases, *In re Effexor Antitrust Litig.*, No. 15-1274 (3d Cir. Sept. 27, 2016).

49. On April 13, 2017, the Third Circuit Court of Appeals held that it had jurisdiction to hear the merits of the appeal. *In re Lipitor Antitrust Litig.*, 855 F.3d 126, 152 (3d Cir. 2017) (“[W]e have jurisdiction to reach the merits”).

50. On May 19, 2017, a second round of oral argument was held before the Third Circuit Court of Appeals addressing the remaining issues appealed. *See* Court Minutes of Argued Cases, *In re Effexor Antitrust Litig.*, No. 15-1274 (3d Cir. May 19, 2017).

51. On August 21, 2017, the Third Circuit Court of Appeals entered judgment reversing the Court's motion to dismiss decision and remanding the case for further proceedings. ECF Nos. 436, 438-2; *In re Lipitor and Effexor XR Antitrust Litig.*, 868 F.3d 231 (3d Cir. 2017). The Third Circuit concluded that Plaintiffs' complaint plausibly alleged a large, unexplained reverse payment. ECF No. 438-2 at 68-75. And it rejected the Defendants' *Noerr-Pennington* arguments. *Id.* at 75-85. The Third Circuit reversed and remanded the case to this Court for further proceedings consistent with its opinion. ECF No. 436.

52. On November 20, 2017, Pfizer filed a petition for writ of *certiorari* to the Supreme Court. *See generally Wyeth LLC v. Rite Aid Corp.*, 583 U.S. 1150 (2018). On February 20, 2018, Pfizer's petition was denied.

VI. FOLLOWING REMAND, THE LITIGATION RE-STARTS WITH FACT DISCOVERY AND MOTIONS PRACTICE

53. On January 5, 2018, the parties filed a supplemental Rule 16 Conference report. ECF No. 455.

54. Shortly thereafter, discovery began. On January 12, 2018, Wyeth served its initial request for production of documents on Plaintiffs. On January 19, 2018, Class Counsel served their first set of requests for production of documents on Defendants, covering all aspects of the case, including the process by which Wyeth obtained the patents at issue, the details concerning the challenged settlement, the impacts of market entry of generic Effexor XR, and a variety of

other issues. On that same day Teva served similarly broad discovery requests on Plaintiffs.

55. In February 2018, Defendants filed answers to the Plaintiffs' complaint. *See, e.g.*, ECF Nos. 469 (Teva), 475 (Wyeth).

56. On February 26, 2018, Class Counsel served comprehensive responses and objections to Defendants' documents requests.

57. During this time, the parties were also discussing a variety of discovery-related issues, including the number of depositions each side would be entitled to take as a matter of right, and a privilege log protocol. *See, e.g.*, ECF No. 483 (March 23, 2018, status report).

58. In the Spring of 2018, the parties engaged in briefing concerning an appropriate privilege log protocol. *See, e.g.*, ECF Nos. 483, 499, 500, 516.

59. On May 3, 2018, Class Counsel served a second set of requests for documents upon Wyeth, consisting of focused requests on the issue of Wyeth's history with authorized generic product launches, as well as Wyeth's manufacturing of Effexor XR.

60. On May 14, 2018, the Court entered an order as to numerous pending discovery disputes, directing the parties to file a single letter, not to exceed 30 pages, outlining all outstanding issues. ECF Nos. 518, 526. This letter brief was filed on June 6, 2018. ECF No. 528.

61. At the Court's suggestion (made during a March 28, 2014 status conference), an "economics tutorial" was conducted in the Spring of 2018. *See, e.g.*, ECF Nos. 502, 517 (Minute Order). Counsel for all parties spent considerable time preparing and presenting their competing views on the regulatory and economic landscape that would shape their later briefing and, eventually, the Court's assessment of the claims.

62. On July 13, 2018, the Court entered an amended scheduling order providing for, *inter alia*, fact discovery to be completed by April 22, 2019, class certification to be fully briefed by January 7, 2020, and summary judgment briefing to be completed by April 10, 2020. ECF No. 548.

63. On October 10, 2018, Class Counsel served a third request for production of documents on Wyeth. These sought documents from a non-ANDA related patent litigation that Wyeth had engaged in concerning the patents at issue.

64. On February 21, 2019, a joint discovery letter was filed detailing discovery disputes between Plaintiffs and Teva. ECF No. 576.

65. On March 4, 2019, the parties submitted a proposed amended scheduling order. ECF No. 578. This second amended scheduling order was adopted by the Court on April 10, 2019. ECF No. 585.

66. In March 2019 motions were filed with respect to subpoenas served on non-party generic manufacturers. *See, e.g.*, ECF No. 581.

67. In April 2019, Class Counsel served initial sets of interrogatories on Wyeth and Teva. These sought, *inter alia*, the identities of potentially relevant document custodians, details on anticipated defenses, and the identification of any issues (patents or otherwise) that Defendants contended would have impacted generic entry. The Defendants responded in May 2019.

68. On May 23, 2019, the Court entered an order as to various discovery disputes. ECF No. 590.

69. During this time, Class Counsel also undertook efforts to obtain discovery from more than a dozen non-parties who possessed relevant information, including many other generic manufacturers who filed ANDAs for Effexor XR.

70. All told, Class Counsel obtained and reviewed over 7 million pages of discovery documents (including over 850,000 pages from Teva and more than 6.7 million pages from Wyeth) from Defendants and various non-parties.

71. Based on Class Counsel's review of discovery documents, Plaintiffs identified deponents and requested that Defendants provide dates for depositions before discovery was stayed for mediation.

72. Specifically, in letters to Defendants dated January 16, 2020, Plaintiffs requested initial deposition dates and locations for seven Teva-affiliated witnesses and sixteen Wyeth-affiliated witnesses. In addition, Plaintiffs stated that an additional twenty Wyeth-affiliated witnesses that Wyeth identified in its Initial

Disclosures could either be deposed or Defendants could commit to not relying on testimony in the case from these additional Wyeth witnesses.

VII. THE COURT APPOINTS A SPECIAL MASTER TO HANDLE THE ONGOING DISCOVERY DISPUTES

73. On June 20, 2019, the Court provided the parties with a form of order by which to appoint a Special Master. ECF No. 594. On July 10, 2019, the Court appointed Jonathan J. Lerner as Special Master. ECF No. 603.

74. On June 27, 2019, Plaintiffs and Teva submitted a joint letter concerning privilege disputes. ECF No. 598. This dispute was resolved by Special Master Lerner on July 31, 2019. ECF No. 609.

75. Throughout this time, the parties were continuing to engage in extensive meet-and-confers concerning the appropriate scope of discovery as to the relevant antitrust market. *See, e.g.*, ECF Nos. 605, 617. During this time the Plaintiffs were also conducting extensive meet-and-confers with more than a dozen non-parties.

76. On September 19, 2019, the Court entered a third amended scheduling order. ECF No. 623.

77. On January 6, 2020, Special Master Lerner issued an order as to Plaintiffs' motion to compel. ECF No. 633.

78. Plaintiffs also initiated motion practice to resolve disputes over discovery requests directed to non-parties. In particular, Plaintiffs filed a motion to

compel the production of documents from non-parties Zydus Pharmaceuticals USA and Cadila Healthcare Limited. ECF No. 581. On September 5, 2019, Special Master Lerner issued an order granting Plaintiffs' motion to compel Zydus. ECF No. 617.

VIII. THE COURT APPOINTS A MEDIATOR, AND ONCE AGAIN STAYS THE CASE

79. On March 2, 2020, the Court entered an order directing the parties to provide a status report concerning efforts to select a mediator. ECF No. 645. On March 12, 2020, the Court appointed The Honorable Faith Hochberg to serve as a mediator. ECF No. 648.

80. On March 18, 2020, Mediator Hochberg entered an order providing for a 'staged' mediation due to the COVID-19 situation. ECF No. 651. This staged mediation took the form of a series of *ex parte* telephone calls with counsel for the parties to be followed by an in-person (and/or zoom) mediation session. *Id.*

81. On July 21, 2020, a motion was filed to stay proceedings. ECF No. 659. The Court granted this motion on August 21, 2020, staying discovery until September 15, 2020, and extending all case deadlines by another 4 months. ECF No. 660.

82. On September 30, 2020, another motion to stay was filed. ECF No. 663. The Court granted this motion on October 6, 2020, staying discovery until the

later of November 16, 2020, or the date on which the parties' mediation is concluded. ECF No. 667.

83. Mediation continued through 2020, with the parties participating in telephonic/Zoom mediation sessions with Judge Hochberg in light of COVID-19.

84. In August of 2021, the parties began submitting a series of mediation briefs. In total, over the next seven months, the parties each submitted opening brief, response briefs, and reply briefs on five (5) substantive issues identified by the mediator.

85. Briefing these substantive issues required extensive review of the relevant case law and discovery record. The parties began their briefing on these five issues in September 2021 and completed it in March 2022, filing opening and responsive briefs on each of the five subjects, along with significant exhibits.

86. On December 7, 2021, the Court held a status conference. ECF No. 687 (minute entry). Following that hearing, the Court directed the parties to submit reports concerning any motions they proposed to file, as well as what discovery would be necessary to support or respond to such motions. ECF No. 689 (text order).

87. On January 7, 2021, the parties filed letters setting forth their respective views on potential motions. *See, e.g.*, ECF Nos. 692 (Plaintiffs), 693

(Wyeth), 694 (Teva). The parties responded to these filings on January 18, 2022. *See, e.g.*, ECF Nos. 699 (Wyeth), 700 (Plaintiffs), 701 (Teva).

IX. THE SETTLEMENT

88. The Settlement that was eventually reached was the product of the parties' multi-year litigation and negotiation efforts. Class Counsel guided the case through a successful appeal and into complex discovery practice. From there, Class Counsel was well-equipped to engage in a continuous multi-year mediation with Judge Hochberg starting in March 2020. This included marshalling evidence and legal arguments for briefing covering numerous key issues in the case. At all times up through March 21, 2024 – the date that the Settlement was executed – Class Counsel and Wyeth engaged in hard fought, arm's-length negotiations concerning settlement, both as to general structure and specific terms.

89. On April 9, 2024, Class Counsel filed a motion for preliminary approval of its settlement with Wyeth. ECF Nos. 729, 730.³ In its motion, Class Counsel requested that the Court certify a settlement class, preliminarily approve the proposed Settlement, approve a proposed form of notice to the Class, approve the appointment of an escrow agent and claims administrator and set a schedule leading up to and including a Fairness Hearing

³ The Settlement is not with Teva and does not release Plaintiffs' claims against Teva.

90. On April 25, 2024, the Court entered an order preliminarily approving the settlement, certifying a settlement class, approving an escrow agent and the proposed escrow agreement, approving the appointment of an escrow agent and claims administrator, authorizing notice to the Class, and setting a schedule through the Fairness Hearing on June 28, 2024. *See* ECF No. 732.

91. Thereafter, Wyeth deposited the settlement fund into the approved interest bearing escrow account, and Co-Lead Counsel posted all relevant documents on their websites, including the notice to the Class, which was duly mailed by the claims administrator on May 3, 2024

92. Class members have until June 17, 2024, to request exclusion from the Class or to object to the Settlement or any of its terms and/or to Class Counsel's request for attorneys' fees, reimbursement of expenses and service awards for the class representatives. As of the date of this Declaration, no requests for exclusion or objections have been received by Class Counsel. If any are received, Class Counsel will notify the Court and address any such objections in Plaintiffs' forthcoming submission for final approval of the Settlement, due on June 25, 2024.

X. SUMMARY OF ATTORNEYS' FEES AND UNREIMBURSED EXPENSES

93. Class Counsel are nationally reputed law firms with decades of experience representing direct purchaser classes in antitrust cases, many of which involved the same class members as those here.

94. Antitrust cases are well known to be complex, and jury trials can involve a high degree of risk. Prosecuting pharmaceutical antitrust cases requires a mastering of not just antitrust law, but also an understanding of intricate FDA regulations governing the approval of brand and generic prescription pharmaceutical products, antitrust economics for purposes of establishing a relevant market and evaluating the contours of monopoly power, the processes and procedures involved in manufacturing and supplying the market for brand and generic pharmaceuticals (including Authorized Generic products), the development of one or more causation models to demonstrate what would have occurred in a world free of the anticompetitive behavior, and the development of one or more damages models to calculate damages to class members. Such cases, as here, require substantial attorney (and support staff) hours and substantial out-of-pocket cash outlays, including significant expert expenses. At all junctures of the litigation, Class Counsel faced a substantial risk.

95. As an initial matter, as described *supra*, the litigation was filed in an era of rapidly evolving antitrust law during which a split in authority over the

appropriate legal standard for evaluating antitrust challenges to reverse payment agreements led to the Supreme Court granting *certiorari* and issuing its landmark decision in *Actavis*. Moreover, because the Supreme Court specifically left it to lower courts to apply *Actavis*, even after its issuance courts reached differing interpretations, as evidenced by, *inter alia*, the motion to dismiss briefing and resulting appeal in this case.

96. A number of pharmaceutical antitrust cases have been dismissed at summary judgment or lost at trial after significant outlays of time and money by class counsel in those cases. *See, e.g., In re Wellbutrin XL Antitrust Litig.*, 868 F.3d 132 (3d Cir. 2017) (affirming summary judgment in favor of Defendants); *In re Nexium (Esomeprazole) Antitrust Litig.*, 842 F.3d 34 (1st Cir. 2016) (upholding jury verdict for defendant); *In re Opana ER Antitrust Litig.*, Case No. 1:14-cv-10150 (N.D. Ill. Aug. 22, 2022), ECF No. 1067 (jury verdict for defendant); *In re HIV Antitrust Litig.*, Case No. 19-cv-02573 (N.D. Cal. Jun. 30, 2023) (jury verdict for defendant); *Louisiana Wholesale Drug Co., Inc. v. Sanofi-Aventis*, Case No. 07-cv-07343 (S.D.N.Y. Nov. 20, 2008) (jury verdict for defendant).

97. Thus, Class Counsel were acutely aware of the risks that come with prosecuting a complex antitrust case, particularly one that was filed at a unique point in time with regard to important developments in the substantive law governing the case. Class Counsel were aware that Plaintiffs' claims could have

been dismissed in their entirety at the pleading stage (as indeed initially occurred, before the Third Circuit reversed), at summary judgment (again, as Defendants sought), and at all times have been aware of the risks of an adverse jury verdict had the settlement with Wyeth not been reached. Class Counsel also were aware that Wyeth would almost certainly appeal, potentially even to the Supreme Court, a jury verdict in favor of Plaintiffs. Consequently, absent the proposed Settlement, if a jury had found in favor of Wyeth at trial or if a jury verdict in favor of Plaintiffs were vacated on appeal, Class Counsel's twelve-plus year efforts on behalf of the Class, undertaken on a purely contingent basis at great expense, would have been for naught.

98. In the face of these risks, Class Counsel diligently prosecuted this case for more than twelve years (and continue to do so, as to the case against Teva, which continues). In doing so, as outlined herein, Class Counsel, *inter alia*: (a) investigated, identified and filed this case; (b) filed multiple complaints and opposed multiple rounds of motions to dismiss amidst rapidly evolving law and the *Actavis* decision; (c) prevailed both on a jurisdictional argument and on the merits in an appeal to the Third Circuit; (d) obtained and reviewed millions of pages of documents; (e) engaged in extensive discovery-related motion practice cutting across numerous topics; (f) engaged in extensive motion practice concerning the discovery stay, including appeals; (g) engaged in substantial and lengthy

mediation; and (h) engaged in extensive negotiations concerning the execution of the Settlement with Wyeth.

99. Litigating this case for more than twelve years has involved significant effort on Class Counsel's part, both in terms of time and monetary expenditures. Both Wyeth and Teva have been represented by well-known law firms who vigorously defended against the Plaintiffs' claims at all junctures.

100. Class Counsel believe that the Settlement with Wyeth represents an excellent result for the Class, particularly given the length of the litigation, the obstacles overcome, and its unique procedural history.

101. The following chart summarizes the aggregate time and necessary expenses (*not* including litigation fund contributions) of all of Class Counsel, as set forth in more detail in the individual firm declarations of Class Counsel, annexed here as Exhibits A through J:

Ex.	Firm	Hours	Lodestar (Historical)	Lodestar (Current)	Expenses (non litigation fund)
A	Hagens Berman Sobol Shapiro LLP	10,388.8	\$5,141,944.50	\$7,633,374.25	\$65,146.84
B	Berger Montague P.C.	8,868.3	\$4,387,969.50	\$6,965,910.00	\$354,947.25
C	Faruqi & Faruqi LLP	6,319.9	\$4,115,271.50	\$5,268,699.90	\$15,755.94

D	Taus, Cebulash & Landau, LLP	4,485.8	\$3,002,646.25	\$3,603,095.50	\$28,839.10
E	Nast Law	2,276.9	\$1,102,447.00	\$1,716,933.50	\$17,876.73
F	Barrett Law Group, P.A.	808.0	\$492,751.00	\$680,765.00	\$21,114.23
G	Kirby McInerney LLP	4,604.8	\$2,498,482.00	\$3,080,170.50	\$42,391.93
H	Roberts Law Firm	2,405.6	\$1,586,003.50	\$1,985,624.50	\$41,187.78
I	Radice Law Firm, P.C.	2,732.8	\$1,394,324.00	\$1,852,640.50	\$2,738.21
J	Cohn Lifland Pearlman Hermann & Knopf LLP	929.5	\$721,401.00	\$815,647.00	\$7,095.00

102. The expenses paid from the litigation fund were as follows:

Category	Amount
Experts & consultants	\$694,548.70
Document hosting	\$563,237.40
Mediation/Settlement	\$111,953.22
Data (IQVIA)	\$89,000.00
Transcripts	\$2,961.41
Telephone	\$968.72
Travel	\$250.00
Total:	\$1,462,919.45

103. The litigation fund has a current balance of \$26,819.95, which is being deducted from the total expenses sought by Class Counsel.

104. In addition, there are a total of \$128,151.00 in invoices due for services rendered which have not yet been paid, but that Class Counsel will pay from the requested expenses being sought and which is being included in the total expenses sought by Class Counsel.

105. The expenses paid from the litigation fund throughout the course of the litigation were examined by a Certified Public Account, who determined that all such expenses were supported by receipt, were reasonable, and were not excessive. *See* Exhibit J annexed hereto.

106. Class Counsel respectfully request attorneys' fees in the amount of \$13 million, representing one-third (33 $\frac{1}{3}$ %) of the settlement amount plus a proportionate amount of any interest accrued since the settlement was escrowed, and unreimbursed expenses in the amount of \$2,161,343.51 (reflecting expenses paid, or to be paid, from the litigation fund as well as those expenses incurred by the individual firms).

107. Under current billing rates, Class Counsel's lodestar is \$33,602,860.65, yielding a negative multiplier of 0.39.

108. Under historical billing rates, Class Counsel's lodestar is \$24,443,240.25, yielding a multiplier of 0.53.

XI. EFFORTS OF THE CLASS REPRESENTATIVES ON BEHALF OF THE CLASS

109. The three class representatives – RDC, LaFrance and Uniondale – all made a significant contribution in prosecuting the Plaintiffs’ claims against Wyeth for the benefit of all class members. The class representatives each actively protected the Class’s interests by filing suit on behalf of the Class and undertaking all the responsibilities involved in being a named plaintiff, including monitoring the progress of the case and responding to discovery requests.

110. Discovery was a significant burden to the class representatives in this case. Specifically, each class representative executed broad document searches and collections based on keywords negotiated with the Defendants, which resulted in document productions of thousands of pages, as well as purchase and chargeback data. These discovery efforts required employees of the class representatives to take time away from their regular job functions in order to comply. The class representatives were not compensated over the decade-plus that Class Counsel prosecuted the Plaintiffs’ claims.

111. In recognition of their time and efforts expended for the benefit of the Class, Class Counsel request a service award of \$100,000.00 for each of the three class representatives.

I, Peter S. Pearlman, on this 7th day of June 2024, declare under penalty of perjury that the above is true and correct.

/s/ Peter S. Pearlman
PETER S. PEARLMAN

EXHIBIT "A"

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

**IN RE: EFFEXOR XR ANTITRUST
LITIGATION**

THIS DOCUMENT RELATES TO:

All Direct Purchaser Class Actions

**Master Docket No. 3:11-cv-05479
(PGS/JBD)**

**DECLARATION OF GREGORY T. ARNOLD ON BEHALF OF HAGENS
BERMAN SOBOL SHAPIRO LLP IN SUPPORT OF DIRECT PURCHASER
CLASS COUNSEL'S MOTION FOR ATTORNEYS' FEES,
REIMBURSEMENT OF EXPENSES AND SERVICE AWARDS FOR THE
NAMED PLAINTIFFS**

I, Gregory T. Arnold, subject to the penalties of perjury provided by 18 U.S.C. § 1746, hereby declare as follows:

1. I am a partner at the law firm of Hagens Berman Sobol Shapiro, LLP (HBSS). I submit this declaration in support of Direct Purchaser Class Counsel's Motion for Attorneys' Fees, Reimbursement of Expenses and Service Awards for the Named Plaintiffs.

2. During the course of this litigation, HBSS been involved in a leadership role in virtually every major aspect of the litigation on behalf of the Direct Purchaser Class, including:

- Individuals at HBSS undertook an extensive factual investigation beginning in early 2011. This investigation included obtaining and reviewing litigation records from the numerous underlying patent litigations between Wyeth and the generic ANDA filers, analyzing those facts that could be obtained from the public record and assessing them

against potential legal theories. This work culminated in HBSS drafting and filing some of the initial complaints filed in this action.

- Organizing plaintiffs' counsel in the consolidated action before this Court, culminating in the appointment of HBSS as one of six firms on the plaintiffs' executive committee in the matter.
- Working cooperatively with counsel for all plaintiff groups (end payors and retailers) while playing a major role in all strategic decisions in the litigation.
- Managing the litigation fund on behalf of the direct purchaser class, gathering, organizing, and ensuring payment of case-related shared expenses.
- Playing a major role in leading all aspects of the prosecution of this case, from drafting and arguing major motions such as the motions to dismiss, the appeal to the Third Circuit, and various other discovery-related motions throughout the case.
- Appearing at virtually every case conference and hearing throughout the nearly 12 years of litigation, oftentimes serving as a main spokesperson on behalf of the direct purchaser class.
- Assessing, leading, and implementing litigation strategy, appellate strategy, and mediation efforts.
- Playing a lead role in negotiating discovery protocols with defense counsel, spending months hammering out an ESI protocol, protective order, and privilege log protocol. This included motions practice before the Court, which HBSS attorneys played a leading role in briefing and arguing.
- Participating in, and often leading many discovery efforts, including the initial review of documents obtained from the defendants concerning the underlying litigation, assessing those documents and drafting comprehensive follow-up discovery that was served on the defendants.
- Drafting white papers and detailed factual summaries based on the documents produced in discovery, particularly on patent issues relating to the *Walker Process* fraud claims.
- Researching and drafting multiple motions filed in connection with the mediation.
- Played a lead role in mediation and settlement efforts throughout the case, culminating in the settlement with Wyeth.

3. In accordance with the Proposed Procedures and Guidelines for Direct Purchaser Plaintiffs' Counsel's Time and Expense Submissions submitted to the Court on June 20, 2018 (ECF No. 534-1) ("Time and Expense Protocol"), all attorneys, paralegals and other support staff at my firm were instructed to keep contemporaneous time records reflecting their time spent on this case, and did so. My firm also kept books and records concerning the expenses my firm necessarily incurred in the prosecution of this litigation, prepared from receipts and other source material.

4. The schedule below reports the time spent by my firm's attorneys, paralegals and other support staff from inception until March 21, 2024 (the date that the settlement was executed) and time thereafter related only to the settlement. This submission does not include time relating to this motion. In accordance with the Time and Expense Protocol, all hourly rates are reported below at both then-current (*i.e.*, historical) billing rates and at current billing rates, and contract attorneys have been billed at no more than \$250 per hour.¹

Professional	Position	Hours	Lodestar Historical Rates	Lodestar Current Rates²
Addanki, Srinidhi	Co-Op	8.3	\$207.50	\$249.00
Arnold, Greg	Partner	2,785.6	\$1,882,888.00	\$2,646,320.00
Arnold, Michael	Staff	29.9	\$897.00	\$897.00
Barker, Michael	Paralegal	43.9	\$6,787.50	\$11,620.25

¹ Former employees are identified with an asterisk.

² When calculating the Current Lodestar, timekeepers who are no longer with the firm have been counted at the hourly rate they were charged at as of the date they left the firm.

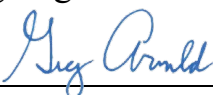
Professional	Position	Hours	Lodestar Historical Rates	Lodestar Current Rates²
Barnes, Lauren	Partner	604.5	\$470,391.60	\$574,275.00
Bruns, Cameron B	Paralegal	530.8	\$79,620.00	\$79,620.00
Cruseaden, John A	Attorney	92.0	\$23,000.00	\$23,000.00
Downey, Rachel	Attorney	144.7	\$27,272.00	\$72,350.00
Evans, Donna	Attorney	8.0	\$3,600.00	\$3,600.00
Falcon, Linaris	Staff	52.1	\$12,430.00	\$18,235.00
Flexer, Carrie	Staff	3.0	\$750.00	\$750.00
Gannon, Catherine	Attorney	1.8	\$765.00	\$765.00
Gao, Ray	Paralegal	1.5	\$480.00	\$480.00
Gaw, Debra	Attorney	150.6	\$47,439.00	\$47,439.00
Hayes, Laura	Attorney	1,003.7	\$422,140.00	\$602,220.00
Jackson, Marcella	Paralegal	3.0	\$90.00	\$1,125.00
James, Keiana	Paralegal	621.2	\$199,075.00	\$201,890.00
Johnson, Kristen	Partner	916.5	\$342,668.90	\$870,675.00
Kavanah, Matthew	Paralegal	24.6	\$4,920.00	\$6,150.00
Khan, Iman	Paralegal	7.3	\$1,537.50	\$2,555.00
Largmann, Taylor	Paralegal	63.5	\$2,130.00	\$20,637.50
LaSalle, Kristie	Attorney	141.4	\$50,780.50	\$77,770.00
Mann, Benjamin	Co-Op	5.8	\$145.00	\$174.00
McGarry, Daniel J	Paralegal	204.2	\$30,726.00	\$35,735.00
Nalven, David	Partner	187.0	\$132,062.00	\$177,650.00
Nicklaus, James	Attorney	5.4	\$2,932.50	\$3,915.00
Pelles, Emily	Staff	3.4	\$920.00	\$935.00
Penza, Vittorio	Staff	17.0	\$510.00	\$510.00
Portney, Joshua	Attorney	1,396.1	\$488,635.00	\$593,342.50
Rosenthal, Phoebe	Co-Op	11.8	\$590.00	\$590.00
Shumate, Sage	Co-Op	0.2	\$10.00	\$10.00
Silva, Achebe	Paralegal	57.6	\$18,383.00	\$18,720.00
Snyder, Dakota R	Paralegal	1.0	\$150.00	\$150.00
Sobol, Thomas	Partner	1,101.3	\$840,236.50	\$1,486,755.00
Swiec, Nicole E	Paralegal	31.0	\$4,650.00	\$4,650.00
Tierney, Christine	Paralegal	19.2	\$6,720.00	\$8,160.00
Vasicek, Andrew J	Attorney	90.0	\$27,000.00	\$31,050.00
Vettraino, Bradley	Attorney	17.9	\$8,055.00	\$8,055.00
Waggoner, Heidi	Staff	2.0	\$350.00	\$350.00
	Totals:	10,388.8	\$5,141,944.50	\$7,633,374.25

5. My firm incurred a total of \$\$350,146.84 in unreimbursed expenses, as set forth in the following table³:

Expense	Amount
Filing fees	\$2,079.61
Litigation Fund Contributions	\$285,000.00
Postage/Fed Ex	\$611.22
Telephone	\$1,639.10
Photocopying	\$2,224.00
Travel/hotel/meals	\$31,321.86
Legal research and datasets	\$13,037.19
Online time management platform	\$14,233.86
Total:	\$350,146.84

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

Executed this 5th day of June, 2024



 Gregory T. Arnold

³ In accordance with the Proposed Time and Expense Protocol, postage/FedEx are reported at actual cost; the above telephone expenses do not include general subscription or monthly lease costs associated with long-distance services and cellular phones; the maximum charge for photocopying is \$0.25 per page; and for any travel mileage, the IRS rules for mileage maximums were applied.

EXHIBIT "B"

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

IN RE EFFEXOR XR
ANTITRUST LITIGATION

THIS DOCUMENT RELATES
TO:

Direct Purchaser Class Actions

Master Docket No. 3:11-cv-05479
(PGS/JBD)

**DECLARATION OF DAVID F. SORENSEN ON BEHALF OF BERGER
MONTAGUE PC IN SUPPORT OF DIRECT PURCHASER CLASS
COUNSEL'S MOTION FOR ATTORNEYS' FEES, REIMBURSEMENT OF
EXPENSES AND SERVICE AWARDS FOR THE NAMED PLAINTIFFS**

I, David F. Sorensen, subject to the penalties of perjury provided by 28
U.S.C. § 1746, hereby declare as follows:

1. I am an Executive Shareholder at the law firm of Berger Montague PC. I submit this declaration in support of Direct Purchaser Class Counsel's Motion for Attorneys' Fees, Reimbursement of Expenses and Service Awards for the Named Plaintiffs.
2. During the course of this litigation, and while serving as Co-Lead Counsel for the Class, my firm has been extensively involved in the litigation, including participating in the following activities on behalf of the Direct Purchaser Class: (1) developing the overarching litigation strategy; (2) drafting pleadings; (3) drafting and editing briefing related to Defendants' motion to dismiss, both to the District Court and to the Third Circuit Court of Appeals; (4) preparing for and

handling oral argument, including arguments before the Third Circuit Court of Appeals; (5) overseeing and guiding various aspects of fact and expert discovery, including overseeing and coordinating extensive document and data discovery from third-parties, and overseeing negotiations with Defendants for documents and transactional data; (6) drafting joint discovery dispute letters and motions to compel, and arguing discovery motions before the Special Discovery Master; and (7) participating in mediation and settlement negotiations, including drafting mediation briefing.

3. In accordance with the Proposed Procedures and Guidelines for Direct Purchaser Plaintiffs' Counsel's Time and Expense Submissions submitted to the Court on June 20, 2018 (ECF No. 534-1) ("Time and Expense Protocol"), all attorneys, paralegals and other support staff at my firm were instructed to keep contemporaneous time records reflecting their time spent on this case, and did so. My firm also kept books and records concerning the expenses my firm necessarily incurred in the prosecution of this litigation, prepared from receipts and other source material.

4. The schedule below reports the time spent by my firm's attorneys, paralegals and other support staff from inception until March 21, 2024 (the date that the settlement was executed) and time thereafter related only to the settlement. This submission does not include time relating to this motion. In accordance with

the Time and Expense Protocol, all hourly rates are reported below at both then-current (i.e., historical) billing rates and at current billing rates, and contract attorneys have been billed at no more than \$250 per hour.¹

Professional	Position	Hours	Lodestar Historical Rates	Lodestar Current Rates²
Sorensen, David F.	Executive Shareholder	744.20	\$587,911.50	\$1,034,438.00
Cramer, Eric L.	Executive Shareholder	59.00	\$40,087.50	\$82,010.00
Coslett, Caitlin G.	Shareholder	1,005.30	\$608,041.50	\$980,167.50
Curley, Andrew C.	Shareholder	41.00	\$17,410.50	\$40,180.00
Lambiras, Jon *	Shareholder	7.60	\$5,624.00	\$6,536.00
Noteware, Ellen	Shareholder	11.20	\$7,702.00	\$12,320.00
Parker, Phyllis *	Shareholder	21.00	\$11,317.50	\$15,540.00
Twersky, Yechiel	Shareholder	61.90	\$21,522.50	\$51,996.00
Urban, Nick *	Shareholder	111.50	\$41,525.00	\$71,360.00
Wallin, Michaela L.	Shareholder	348.00	\$149,098.50	\$287,100.00
Klein, Joseph P.	Senior Counsel	1,770.80	\$765,590.00	\$1,505,180.00
Langer, David	Senior Counsel	190.20	\$119,664.00	\$165,474.00
Schwartz, Richard D.	Senior Counsel	1,532.90	\$809,618.00	\$1,302,965.00
Simons, Daniel C. *	Senior Counsel	519.50	\$307,989.00	\$342,870.00
Listwa, Daniel E.	Counsel	73.50	\$22,050.00	\$51,450.00

¹ Former employees are identified with an asterisk (*).

² When calculating the Current Lodestar, timekeepers who are no longer with the firm have been counted at the hourly rate they were charged at as of the date they left the firm.

Professional	Position	Hours	Lodestar Historical Rates	Lodestar Current Rates²
Schneider-Thomas, Susan	Of Counsel	23.10	\$15,477.00	\$19,635.00
Boman, Laurel	Associate	14.00	\$8,470.00	\$8,470.00
Chaudhury, Aurelia *	Associate	26.90	\$11,788.00	\$12,643.00
MacNaughton, Jenna E. *	Senior Counsel	555.60	\$284,755.50	\$311,136.00
McGrath, Julia R.	Associate	81.10	\$54,342.50	\$54,742.50
Parron, John D. *	Associate	16.50	\$8,304.00	\$8,580.00
Ripley, Josh *	Associate	4.70	\$1,410.00	\$2,256.00
Sauder, Karissa *	Associate	3.30	\$1,237.50	\$1,485.00
Bucher, Matthew K.	Counsel	96.00	\$24,000.00	\$24,000.00
Margiano, Richard *	Contract Attorney	77.00	\$19,250.00	\$19,250.00
Moyer, Kevin X. *	Contract Attorney	342.00	\$85,500.00	\$85,500.00
Arteaga, Alexandra C. *	Paralegal	3.00	\$930.00	\$990.00
Choe, Caroline J.	Paralegal	47.30	\$19,990.50	\$20,812.00
Filbert, David	Paralegal	5.40	\$1,863.00	\$2,430.00
Frohbergh, Patricia *	Paralegal	504.20	\$151,917.50	\$196,638.00
Matteo, Shawn L. *	Paralegal	21.30	\$4,752.00	\$7,029.00
Shappell, David D. *	Paralegal	4.50	\$1,395.00	\$1,395.00
Werwinski, Diane	Paralegal	540.80	\$176,095.50	\$237,952.00
Stein, Mark R. *	Other	4.00	\$1,340.00	\$1,380.00
Total:		8,868.30	\$4,387,969.50	\$6,965,910.00

5. My firm incurred a total of \$594,947.25 in unreimbursed expenses, as set forth in the following table³:

³ In accordance with the Time and Expense Protocol, postage/FedEx are reported at actual cost; the above telephone expenses do not include general

Expense	Amount
Court reporting/transcription services	\$330.00
Filing fees	\$3,260.00
Litigation Fund Contributions	\$240,000.00
Postage/FedEx	\$347.11
Telephone	\$727.90
Photocopying	\$8,438.20
Travel/hotel/meals	\$10,582.58
Legal research and datasets	\$38,484.47 ⁴
Document database vendor	\$287,096.99
Consulting/Expert fees	\$5,680.00
Total	\$594,947.25

I declare under penalty of perjury that the foregoing is true and correct. (28 U.S.C. § 1746).

Executed this 7th day of June, 2024



David F. Sorensen

subscription or monthly lease costs associated with long-distance services and cellular phones; the maximum charge for black and white photocopying is \$0.25 per page; and for any travel mileage, the IRS rules for mileage maximums were applied.

⁴ This includes \$14,909.83 in expenses for legal research on Westlaw and \$11,040.46 in expenses for legal research on LexisNexis that were allocated to the case based on research done in this case. The allocated charges for Westlaw and LexisNexis were less than the actual cost of the research conducted due to our contracts with Westlaw and LexisNexis.

EXHIBIT "C"

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

**IN RE: EFFEXOR XR ANTITRUST
LITIGATION**

THIS DOCUMENT RELATES TO:

All Direct Purchaser Class Actions

**Master Docket No. 3:11-cv-05479
(PGS/JBD)**

**DECLARATION OF PETER KOHN ON BEHALF OF FARUQI & FARUQI
LLP IN SUPPORT OF DIRECT PURCHASER CLASS COUNSEL'S
MOTION FOR ATTORNEYS' FEES, REIMBURSEMENT OF EXPENSES
AND SERVICE AWARDS FOR THE NAMED PLAINTIFFS**

I, Peter Kohn, subject to the penalties of perjury provided by 28 U.S.C. § 1746, hereby declare as follows:

1. I am a partner at the law firm of Faruqi & Faruqi LLP., attorneys for the successor to plaintiff Rochester Drug Co-Operative, Inc. ("RDC"). I submit this declaration in support of Direct Purchaser Class Counsel's Motion for Attorneys' Fees, Reimbursement of Expenses and Service Awards for the Named Plaintiffs.

2. Since 2011 and all throughout the course of this litigation, my firm has been involved in the following activities on behalf of the Direct Purchaser Class:

- Investigation of the case and preparing original complaints;
- Preparation of amended and consolidated complaints;
- Extensive pre-answer motion practice briefing;
- Prosecuting a successful appeal to the Third Circuit;
- Drafting discovery requests directed to Defendants;
- Discovery motion practice;
- Prosecuting FOIA litigation to obtain relevant documents from FDA;

- Analysis of Defendants' document productions;
- Leading the attorney team responsible for synthesizing evidence concerning Defendant Wyeth's motivation and ability to launch an authorized generic but-for the unlawful agreement;
- Participating on the attorney team responsible for synthesizing evidence concerning generic competitors' ability to enter the extended-release venlafaxine capsule market absent the unlawful agreement;
- Negotiation of discovery from third parties pursuant to subpoena;
- Analysis of nonparty document productions pursuant to subpoena;
- Responding to discovery requests from Defendants;
- Producing discovery from the successor to plaintiff Rochester Drug Co-Operative, Inc.;
- Meeting and conferring with Defendants about discovery;
- Defending Rochester Drug Co-Operative, Inc.'s successor at deposition;
- Participating in an extensive mediation process, including drafting position papers on key aspects of the case to guide the mediator; and
- Contributing to case strategy and theory.

3. In accordance with the Court's Order on Proposed Procedures and Guidelines for Direct Purchaser Plaintiffs' Counsel's Time and Expense Submissions (ECF No. 534-1) ("Time and Expense Protocol"), all attorneys, paralegals and other support staff at my firm were instructed to keep contemporaneous time records reflecting their time spent on this case, and did so. My firm also kept books and records concerning the expenses my firm necessarily incurred in the prosecution of this litigation, prepared from receipts and other source material.

4. The schedule below reports the time spent by my firm's attorneys, paralegals and other support staff from inception until February 7, 2024 (the date that the settlement was executed) and time thereafter related only to the settlement.

This submission does not include time relating to this motion. In accordance with the Time and Expense Protocol, all hourly rates are reported below at both then-current (*i.e.*, historical) billing rates and at current billing rates, and contract attorneys have been billed at no more than \$250 per hour.¹

Professional	Position	Hours	Lodestar Historical Rates	Lodestar Current Rates
Peter Kohn	Partner	916.6	\$711,052.00	\$1,090,754.00
Joseph Lukens	Partner	60.5	\$54,731.00	\$71,087.50
Adam Steinfeld	Partner	1214.8	\$913,223.00	\$1,154,060.00
Bradley Demuth	Partner	10.9	\$8,175.00	\$10,627.50
David Calvello	Partner	157.1	\$74,697.50	\$105,257.00
Kristyn Fields	Partner	107.3	\$51,197.50	\$74,037.00
Stephen Doherty	Counsel	67.0	\$38,875.00	\$53,600.00
Neill Clark	Counsel	1539.2	\$1,127,836.50	\$1,462,240.00
Christopher Hayes*	Associate	55.3	\$41,475.00	\$41,475.00
Elizabeth Silva*	Associate	165.7	\$62,190.00	\$82,850.00
Richard Schwartz*	Associate	1279.3	\$714,393.00	\$754,787.00
Sarah Westby*	Associate	275.8	\$98,950.00	\$131,005.00
Luke Smith*	Associate	374.8	\$169,854.00	\$185,526.00
Stephen Connolly*	Associate	92.6	\$48,622.00	\$51,393.00
Total:		6316.9	\$4,115,271.50	\$5,268,699.00

5. My firm incurred a total of \$255,755.94 in unreimbursed expenses, as set forth in the following table²:

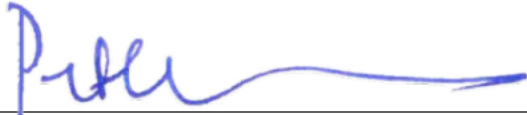
¹ Former employees are identified with an asterisk. “Current Rate” for a former employee is calculated as the last rate for that employee at the time of his or her last work performed on this matter.

² In accordance with the Time and Expense Protocol, postage/delivery fees are reported at actual cost; the above telephone expenses do not include general subscription or monthly lease costs associated with long-distance services and cellular phones; the maximum charge for photocopying is \$0.25 per page; and for any travel mileage, the IRS rules for mileage maximums were applied.

Expense	Amount
Filing fees	\$2,751.26
Litigation Fund Contributions	\$240,000.00
Service of Process	\$778.55
Postage/Delivery	\$391.98
Telephone	\$297.24
Photocopying	\$339.06
Travel/hotel/meals	\$5,327.72
Legal research and datasets	\$5,870.13
Total	\$255,755.94

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

Executed this 22nd day of May, 2024



PETER KOHN

EXHIBIT "D"

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

**IN RE: EFFEXOR XR ANTITRUST
LITIGATION**

THIS DOCUMENT RELATES TO:

All Direct Purchaser Class Actions

**Master Docket No. 3:11-cv-05479
(PGS/JBD)**

**DECLARATION OF BARRY S. TAUS ON BEHALF OF TAUS, CEBULASH
& LANDAU, LLP IN SUPPORT OF DIRECT PURCHASER CLASS
COUNSEL’S MOTION FOR ATTORNEYS’ FEES, REIMBURSEMENT OF
EXPENSES AND SERVICE AWARDS FOR THE NAMED PLAINTIFFS**

I, Barry S. Taus, Esq., subject to the penalties of perjury provided by 18
U.S.C. § 1746, hereby declare as follows:

1. I am a partner at the law firm of Taus, Cebulash & Landau, LLP. I
submit this declaration in support of Direct Purchaser Class Counsel’s Motion for
Attorneys’ Fees, Reimbursement of Expenses and Service Awards for the Named
Plaintiffs.

2. My firm was one of the Co-Lead Counsel for the Direct Purchaser
Class. During the course of this 12+ year litigation, my firm has been involved in
every substantive aspect of this litigation. The primary activities in which my firm
was involved include the following:

- a. Researching and developing the liability theories of the case, including the “reverse payment” and “no AG” theories upon which the Direct Purchaser Class’s case were primarily based.
- b. Drafting the complaint and amended complaints reflecting those theories.
- c. Taking a leading role in researching and drafting the numerous briefs relating to the legal sufficiency of the Direct Purchaser Class’s claims and theories, including:
 - i. oppositions to multiple motions to dismiss.
 - ii. motions for leave to file amended complaints.
 - iii. a motion for reconsideration of the dismissal of plaintiffs’ reverse payment claims and in the alternative entry of judgment under Federal Rule of Civil Procedure 54(b) or certification of appeal pursuant to 28 U.S.C. Section 1292(b).
 - iv. appellate briefs to the Third Circuit seeking reversal of orders dismissing plaintiffs’ complaints.
 - v. opposition to Pfizer’s motion to transfer the appeal to the Federal Circuit. and

- vi. supplemental briefs regarding the impact and implementation of the Supreme Court's decision regarding reverse payments in *FTC v. Actavis*.
- d. Opposing multiple motions to stay discovery.
- e. Developing plans to obtain discovery necessary to prove the Direct Purchaser Class's allegations, including drafting requests for the production of relevant documents, interrogatories and requests for admission.
- f. Developing, implementing and supervising plans to analyze the millions of pages of documents and other evidence obtained in response to these discovery requests.
- g. Negotiating with Defendants and non-parties regarding the sufficiency of their document productions, analyzing Defendants' privilege logs and redactions.
- h. Drafting and arguing motions to compel challenging the sufficiency of document productions and the propriety of privilege claims and redactions.
- i. Drafting subpoenas to numerous non-parties, negotiating the scope of the non-parties' document productions, drafting and arguing

motions to compel against non-parties, and analyzing the document productions obtained from non-parties.

- j. Developing, implementing and supervising a plan to form issue teams to analyze critical aspects of the case, including teams that focused on the relevant agreements, economics, patent issues, authorized generics, causation and damages.
- k. Taking a leading role in the efforts of the patent and causation teams to develop evidence to support the Direct Purchaser Class's claims and refute Defendants' patent and causation related defenses.
- l. Identifying, retaining and working closely with experts on important issues related to patent law, statistics, FDA regulatory issues, pharmaceutical manufacturing, authorized generics and causation-related issues.
- j. Drafting, researching and numerous briefs in connection with the extensive mediation proceedings conducted by Judge Hochberg, including opening and reply briefs related to the existence and magnitude of the reverse payments set forth in the challenged agreements, the purported procompetitive justifications for those reverse payments, patent issues and causation issues.

k. Participating in numerous oral arguments and negotiating sessions in connection with the mediation.

3. In accordance with the Proposed Procedures and Guidelines for Direct Purchaser Plaintiffs' Counsel's Time and Expense Submissions submitted to the Court on June 20, 2018 (ECF No. 534-1) ("Time and Expense Protocol"), all attorneys, paralegals and other support staff at my firm were instructed to keep contemporaneous time records reflecting their time spent on this case, and did so. My firm also kept books and records concerning the expenses my firm necessarily incurred in the prosecution of this litigation, prepared from receipts and other source material.

4. The schedule below reports the time spent by my firm's attorneys, paralegals and other support staff from inception until March 21, 2024 (the date that the settlement was executed) and time thereafter related only to the settlement. This submission does not include time relating to this motion. In accordance with the Time and Expense Protocol, all hourly rates are reported below at both then-current (*i.e.*, historical) billing rates and at current billing rates, and contract attorneys have been billed at no more than \$250 per hour.¹

¹ Former employees are identified with an asterisk.

Professional	Position	Hours	Lodestar Historical Rates	Lodestar Current Rates²
Barry Taus	Partner	2,387.2	\$1,852,219.50	\$2,148,480.00
Brett Cebulash	Partner	74.6	\$49,950.00	\$70,870.00
Kevin Landau	Partner	960.3	\$702,517.50	\$816,255.00
Archana Tamoshunas	Partner	120.3	\$66,190.00	\$99,247.50
Miles Greaves	Partner	427.9	\$158,662.00	\$288,832.50
Evan Rosin	Associate	32.1	\$13,963.50	\$16,050.00
Gwendolyn Nelson	Associate	0.5	\$267.50	\$300.00
Neisha Brown	Paralegal	39.9	\$6,973.75	\$11,158.00
Tess Bonoli*	Associate	415.3	\$145,355.00	\$145,355.00
Charles Goulding*	Associate	4.2	\$1,260.00	\$1,260.00
Nathan Hennagin*	Law Clerk	11	\$2,475.00	\$2,475.00

² When calculating the Current Lodestar, timekeepers who are no longer with the firm have been counted at the hourly rate they were charged at as of the date they left the firm.

Professional	Position	Hours	Lodestar Historical Rates	Lodestar Current Rates²
Alex Goldman*	Law Clerk	9	\$2,025.00	\$2,025.00
Alex Cohen*	Law Clerk	3.5	\$787.50	\$787.50
Total:		4,485.8	\$3,002,646.25	\$3,603,095.50

5. My firm incurred a total of \$178,839.10 in unreimbursed expenses, as set forth in the following table³:

Expense	Amount
Court reporting/transcription services	
Expert Consulting fees	\$16,900.00
Subpoenas	\$1,285.00
Filing fees	
Litigation Fund Contributions	\$150,000.00
Postage/FedEx	
Telephone	

³ In accordance with the Time and Expense Protocol, postage/FedEx are reported at actual cost; the above telephone expenses do not include general subscription or monthly lease costs associated with long-distance services and cellular phones; the maximum charge for photocopying is \$0.25 per page; and for any travel mileage, the IRS rules for mileage maximums were applied.

Photocopying	\$2,326.39
Travel/hotel/meals	\$2,262.60
Legal research and datasets	\$6,065.11
Total	\$178,839.10

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

Executed this 3rd day of May, 2024

/s/Barry S. Taus

Barry S. Taus

EXHIBIT "E"

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

**IN RE: EFFEXOR XR ANTITRUST
LITIGATION**

THIS DOCUMENT RELATES TO:

All Direct Purchaser Class Actions

**Master Docket No. 3:11-cv-05479
(PGS/JBD)**

**DECLARATION OF DIANNE M. NAST IN SUPPORT OF DIRECT
PURCHASER CLASS COUNSEL’S MOTION FOR AN AWARD OF
ATTORNEYS’ FEES, REIMBURSEMENT OF COSTS AND EXPENSES,
AND CLASS REPRESENTATIVE SERVICE AWARDS**

I, Dianne M. Nast, hereby declare as follows:

1. I am admitted to practice before Courts in the Commonwealth of Pennsylvania and the State of New Jersey; the Eastern District of Pennsylvania; the Courts of Appeals for the Third, Fifth, Sixth, Seventh, Eighth, and Eleventh Circuits; the Supreme Court of the United States; and other various federal district courts. I was actively involved in and oversaw my firm’s participation in this litigation.

1. I am the founder and firm manager of NastLaw LLC (“NastLaw”). I submit this declaration in support of Direct Purchaser Class Plaintiffs’ Motion for an award of Attorneys’ Fees, Reimbursement of Costs and Expenses, and Class Representative Service Awards. NastLaw’s firm biography is attached as Exhibit 1.

2. During the course of this litigation, NastLaw has been involved in the following activities on behalf of the Direct Purchaser Class:

As a court-appointed member of the Executive Committee, I participated in multiple meetings and planning sessions, including discussions related to case strategy, research projects, pleadings, responses to pleadings, and settlement discussions. Also, I or another NastLaw attorney attended status conferences with the Honorable Peter G. Sheridan either in-person or telephonically.

In addition to myself, NastLaw attorneys Erin C. Burns, Matthew A. Reid, and Michael D. Ford, were directly involved with this litigation.

By way of example, I and the NastLaw attorneys conducted extensive research and drafted or assisted with drafting the initial class complaint and the initial Case Management Order. Prior to drafting the consolidated class complaint, Ms. Burns and Mr. Reid analyzed the Effexor XR patent litigation pleadings and settlement documents and drafted a detailed memorandum of their findings. This information was then used when preparing the consolidated class complaint.

Further, NastLaw attorneys researched Fifth Circuit law related to Rule 1404(a) change of venue, Wright Miller Authority on 1404(a) transfer, and assisted with drafting a response in opposition to Defendants' motion to transfer venue. Moreover, NastLaw attorneys drafted or assisted with drafting the Rule 26

disclosures, drafted and edited discovery requests, drafted and frequently updated the causation white paper, and drafting the response to Defendants' Motion to Dismiss.

Additionally, Ms. Burns and Mr. Ford served as members of the privilege log group. As group members, Ms. Burns and Mr. Ford analyzed Defendants' numerous privilege logs containing entries for thousands of redacted and withheld documents, identified documents where Defendants inappropriately asserted privilege, met and conferred with Defendants to challenge the assertions of privilege, and successfully litigated the unresolved disputes before Special Discovery Master Lerner.

These are just some examples of the work undertaken by NastLaw. A full description of the work performed by NastLaw professionals is listed in detail in the monthly fee and expense reports submitted by the firm.

3. In accordance with the Proposed Procedures and Guidelines for Direct Purchaser Plaintiffs' Counsel's Time and Expense Submissions submitted to the Court on June 20, 2018 (ECF No. 534-1) ("Time and Expense Protocol"), all attorneys and paralegals at NastLaw were instructed to keep contemporaneous time records reflecting their time spent on this case and did so. Also, NastLaw kept books and records concerning the expenses the firm necessarily incurred in the prosecution of this litigation, prepared from receipts and other source material.

4. The schedule below reports the time spent by NastLaw attorneys and paralegals from inception until March 21, 2024 (the date that the settlement was executed) and time thereafter related only to the settlement. NastLaw's time submission does not include time relating to this motion. In accordance with the Time and Expense Protocol, all hourly rates are reported below at both then-current (*i.e.*, historical) billing rates and at current billing rates. NastLaw did not employ or use the services on any contract attorneys for this litigation.¹

Professional	Position	Hours	Lodestar Historical Rates	Lodestar Current Rates²
Dianne M. Nast	Managing Shareholder	383.1	\$308,817.50	\$450,142.50
Erin C. Burns*	Attorney	616.4	\$320,985.00	\$400,660.00
Michael S. Tarringer	Attorney	7.1	\$4,257.50	\$6,532.00
Joanne E. Matusko	Attorney	0.4	\$358.00	\$358.00
Matthew A. Reid	Attorney	35.5	\$14,110.50	\$25,560.00
Joseph N. Roda	Attorney	15.9	\$7,525.50	\$12,640.50
Michael D. Ford	Attorney	1167.4	\$437,974.00	\$811,343.00
Cathryn Roberts*	Paralegal	31.5	\$4,749.00	\$5,355.00
Emily C. Bell*	Paralegal	13.6	\$2,187.50	\$2,380.00
Christy Linder*	Paralegal	4.1	\$1,035.00	\$1,435.00
Darlene Justance*	Paralegal	1.1	\$247.50	\$247.50
David Kesselman *	Paralegal	0.8	\$200.00	\$280.00
Total:		2,276.9	\$1,102,447.00	\$1,716,933.50

¹ Former employees are identified with an asterisk.

² When calculating the Current Lodestar, timekeepers who are no longer with the firm have been counted at the hourly rate they were charged at as of the date they left the firm.

5. NastLaw incurred a total of \$142,876.73 in unreimbursed expenses, as set forth in the following table:³

Expense	Amount
Filing fees	\$779.00
Litigation Fund Contributions	\$125,000.00
Postage/FedEx	\$133.67
Telephone	\$3.99
Photocopying	\$2,113.25
Travel/hotel/meals	\$4,197.46
Legal research and datasets	\$10,649.36
Total	\$142,876.73

I declare that the foregoing is true and correct.

Executed this 30th day of May, 2024.

*/s/ Dianne M. Nast*_____

*Co-Counsel for Steven L. LaFrance
Holdings, Inc. and Steven L.*

³ In accordance with the Time and Expense Protocol, postage/FedEx are reported at actual cost; the above telephone expenses do not include general subscription or monthly lease costs associated with long-distance services and cellular phones; the maximum charge for photocopying is \$0.25 per page; and for any travel mileage, the IRS rules for mileage maximums were applied.

*LaFrance Pharmacy, Inc. d/b/a SAJ
Distributors and the Class*

EXHIBIT 1

NastLaw LLC
1101 Market Street
Suite 2801
Philadelphia, Pennsylvania 19107
(215) 923-9300
(215) 923-9302 (facsimile)
www.nastlaw.com

FIRM BIOGRAPHY

Led by Dianne M. Nast, NastLaw LLC attorneys combine over 100 years of complex civil litigation experience. We provide our clients with experienced, confident representation to guide them in the most difficult cases.

Our Firm's focus is on complex civil litigation, including pharmaceutical litigation and antitrust litigation. Firm founder, Dianne Nast, brings decades of complex litigation experience to the firm. Ms. Nast is one of the most accomplished attorneys in the country and has been recognized by Courts across the country for her skill and leadership in complex litigation.

ATTORNEYS

Dianne M. Nast is a *magna cum laude* graduate of Rutgers University School of Law. From 1976 to 1995, she was a shareholder with the Philadelphia law firm of Kohn, Nast & Graf, P.C. (now Kohn, Swift & Graf, P.C.) and then a senior shareholder at RodaNast, P.C. from 1995 to 2012.

Ms. Nast holds an AV Martindale-Hubbell rating and has been selected to be listed in *The Best Lawyers in America* (Antitrust Law, Mass Tort Litigation/Class Actions, Personal Injury Lawyer), included in each edition since 2003. The *National Law Journal* has selected Ms. Nast as one of the nation's top fifty women litigators. Ms. Nast was also selected by *Philadelphia Magazine* as one of Philadelphia's Best Complex Litigation Lawyers. She has been named as one of Pennsylvania's Top Fifty Women Lawyers. She appears in numerous *Who's Who* publications.

Ms. Nast was appointed in 1998 by then Chief Justice William H. Rehnquist to a five-year term as Chair of the Board of Directors of the Federal Judicial Center Foundation. She served as a Director of the Federal Judicial Center Foundation for eleven years, from 1991 until 2002.

Judge Edward Becker, then Chief Judge of the United States Court of Appeals for the Third Circuit, appointed Ms. Nast to serve as a member of the fifteen-member Third Circuit Task Force on Selection of Class Counsel. The Task Force issued a report, *Selection of Class Counsel*, 208 F.R.D. 340 (2002), cited over 100 times in court opinions. She was selected by The American Law Institute to serve on the ALI's Principles of the Law of Aggregate Litigation.

Ms. Nast chaired the Lawyers Advisory Committee for the United States Court of Appeals for the Third Circuit and served on that Committee. She served for eight years on the Third Circuit's Committee on Revision of Judicial Conduct Rules of the Judicial Council and on the Judicial Conference Long Range Planning Committee.

Ms. Nast has served as Lawyer Chair of the Judicial Conference of the United States Court of Appeals for the Third Circuit. She is a member of the Historical Society of the Third Circuit and chaired the Circuit's Centennial Celebration.

She was appointed by the late Chief Judge Alfred L. Luongo to Chair the Eastern District of Pennsylvania's Lawyers Advisory Committee and served for four years in that position. She served for three years as President of The Historical Society for the United States District Court for the Eastern District of Pennsylvania and as Editor of the Society's Annual Historical Calendar.

She is a member of the American Bar Association Litigation Section, where she has served on the Task Force on State Justice Initiatives, the Task Force on the State of the Justice System and the Task Force on Strategic Planning. She served a three-year term on the Section's Council, served as a Section Division Director, and co-chaired the Section's Antitrust Committee. On May 12, 2015, Ms. Nast received the Pursuit of Justice Award from the American Bar Association Tort, Trial and Insurance Practice section. She served as a Delegate to the American Bar Association House of Delegates and the Pennsylvania Bar Association House of Delegates. She served as a member of the Philadelphia Bar Association Board of Governors. She is a member of the Public Justice Foundation.

She served six years as a Director on the Board of the Public Defender's Office of Philadelphia. Ms. Nast was selected as one of a small group of Philadelphia attorneys to

be appointed Judge Pro Tempore, serving as presiding Judge in major civil jury cases in the Court of Common Pleas.

Ms. Nast is a Fellow of the American Bar Foundation. She is a member of the American Law Institute, has served as a member of the Board of Directors of the Sedona Conference, a member of the American Antitrust Institute, and the Public Justice Foundation.

Ms. Nast was appointed as Lead and Liaison Counsel by the Honorable Cynthia M. Rufe for the Direct Purchaser Plaintiffs in the *Generic Pharmaceuticals Pricing Antitrust Litigation*, MDL No. 2724 (E.D. Pa.).

Michele S. Burkholder has represented plaintiffs in class actions and multidistrict litigation throughout the country for more than two decades. She has worked with NastLaw since its inception in 2012, and prior to that, she practiced for fourteen years with a predecessor firm.

Ms. Burkholder currently focuses on antitrust and complex class action litigation. She served as the court-appointed Plaintiffs' Liaison Counsel in *Darvocet, Darvon and Propoxyphene Products Liability Litigation*, MDL No. 2226 (E.D. Ky.). She has briefed and argued motions in state and federal courts, developed and negotiated pretrial procedures for multidistrict litigation, coordinated large-scale discovery in complex class actions, taken and defended depositions, and led administration planning and implementation for statewide, regional, and nationwide class action settlements. Her expertise lies in getting to the bottom of problems and finding workable solutions.

Ms. Burkholder is licensed to practice in Pennsylvania and New Jersey. She also is admitted to practice in the United States District Courts for the Eastern, Middle, and Western Districts of Pennsylvania; the United States District Court for the District of New Jersey, and the Third Circuit Court of Appeals. She has been recognized in Who's Who in American Law and Who's Who in Emerging Leaders

Ms. Burkholder graduated with Distinction from the Pennsylvania State University with dual degrees in Journalism and Sociology. She received her Juris Doctorate, *cum laude*, from the Dickinson School of Law, where she graduated seventh in her class and was a member of the Woolsack Honor Society. During law school, she

served as an intern with the Pennsylvania Human Relations Commission, provided free tax services to members of the community through the Volunteer Income Tax Assistance program, served as Vice-President of the International Law Society, and was a member of Amnesty International. She received CALI Awards for Excellence in the studies of Corporate Taxation and Remedies and the James S. Bowman Memorial Award. Following law school, she served for two years as a law clerk to the Honorable Ronald E. Vican, President Judge of Monroe County, Pennsylvania.

Daniel N. Gallucci received his Bachelor of Arts in History from Gettysburg College and his Juris Doctorate from the Dickinson School of Law of the Pennsylvania State University, where he was a member of the Woolsack Honor Society and the National Trial Moot Court Team. He was Articles Editor of *The Dickinson Law Review* and received the Best Case Note Award in the 1996-97 Law Review Competition. He also received the Conrad A. and Rocco C. Falvello Memorial Award for Diligence and Progress and was named to the Order of Barristers for Excellence in Courtroom Advocacy.

He was a law clerk to the Honorable Michael A. Georgelis, President Judge of the Court of Common Pleas of Lancaster County.

Currently, Mr. Gallucci serves as a member of the consulting faculty for Rabiej Litigation Law Center. He is a frequent speaker for the Rabiej Litigation Law Center.

Mr. Gallucci has tried jury cases involving medical malpractice and wrongful death and won the third largest jury verdict in the history of Lancaster County, Pennsylvania.

Most recently, Mr. Gallucci was appointed to the Plaintiffs Steering Committee by the Honorable Claire C. Cecchi in *In re Proton Pump Inhibitor Products Liability Litigation*, MDL No. 2789 (D. N.J.). Additionally, Mr. Gallucci served as Co-Lead Counsel in the *Heparin Products Liability Litigation*, MDL No. 1953 (N.D. Ohio) and was appointed as Co-Liaison Counsel for the Pennsylvania Plaintiffs in the *YAZ Products Liability Litigation* (Phila. C.C.P.). He was appointed as Co-Liaison Counsel by The Honorable Arnold L. New in the *Xarelto Products Liability Litigation*, January Term, 2015, No. 2349 (Phila. C.C.P.), and a member of the State Liaison Committee by the

Honorable Eldon E. Fallon in the *Xarelto (Rivaroxaban) Products Liability Litigation* (MDL No. 2592 (E.D. La.)). Additionally, he served on the Science and Case-Specific Committees in *Zoloft (Sertraline Hydrochloride) Products Liability Litigation*, MDL No. 2342 (E.D. Pa.).

Joanne E. Matusko received her Bachelor of Science from Beaver College and her Juris Doctorate from the Widener University School of Law. While at Widener, Ms. Matusko was a member of the Moot Court team and received a Certificate of Achievement Award for Insurance Law. She also holds a Master of Business Administration degree from Lebanon Valley College and an Associate of Science degree in medical technology from Hahnemann University College of Allied Health Professions.

Additionally, Ms. Matusko is a member of the Clinical Laboratory Management Association and of the American Society of Clinical Pathologists.

She worked as Director of Laboratory Services at a local hospital and was an Adjunct Instructor of Laboratory Sciences at Thomas Jefferson University College of Allied Health Professions and Harrisburg Area Community College. She is currently an Adjunct Professor at Central Penn College teaching business and legal classes.

Ms. Matusko is licensed to practice law in Pennsylvania. Additionally, she is admitted to practice in the United States District Courts for the Eastern and Middle Districts of Pennsylvania.

Ms. Matusko received a Prominent listing on Martindale-Hubbell in June 2011. She was selected by *Super Lawyers* as a Rising Star lawyer in 2010 and 2013 and as a Super Lawyer each year from 2014 to present. Additionally, she was honored by *Super Lawyers* as one of the Top 50 Women Lawyers in Pennsylvania in 2018.

Ms. Matusko currently serves as a member of the Discovery Committee in the *Direct Purchaser Insulin Pricing Litigation*, 20-cv-03426 (D. N.J., 2020). Previously, she was a member of the Economics Committee in the *HIV Antitrust Litigation*, 19-cv-02573 (N.D. Ca., 2019) and the Trial Committee in *Yaz, Yasmin, Ocella Gianvi Product Liability Litigation*, September Term 2009, No. 1307 (Phila. C.C.P.). Additionally, she served on the Case-Specific Committees in *Zoloft (Sertraline Hydrochloride) Products Liability*

Litigation, MDL No. 2342 (E.D. Pa.), and *Xarelto Products Liability Litigation*, January Term, 2015, No. 2349 (Phila. C.C.P.).

Matthew A. Reid graduated from Widener University - Delaware Law School with the dual degree of Juris Doctorate and Master of Business Administration. He is also a graduate of Ursinus College (Bachelor of Arts in International Business) and holds an Honors Certificate in Business Organizations Law.

Mr. Reid is a member of the Pennsylvania Bar Association and the Philadelphia Trial Lawyers Association. His practice includes both antitrust and mass tort complex litigation. He has served as a discovery committee member in *Testosterone Replacement Therapy Products Liability Litigation*, MDL No. 2545 (N.D. Ill.) (Auxilium Defendant), and *Zoloft (Sertraline Hydrochloride) Products Liability Litigation*, MDL No. 2342 (E.D. Pa.)

Joseph N. Roda received his Juris Doctorate from the University of Pennsylvania, and his undergraduate degree from Brown University.

Prior to joining NastLaw, Mr. Roda worked for several years at Robinson Calcagnie Robinson Shapiro Davis, Inc. in California. He practices in the field of Antitrust law and most recently has been heavily involved with the *Generic Pharmaceuticals Pricing Antitrust Litigation* pending in the Eastern District of Pennsylvania.

Michael S. Tarringer received his Juris Doctorate from Villanova University School of Law, where he was one of the student-founders of the Family Law Society. Mr. Tarringer also holds a Bachelor of Science in Marketing from Philadelphia University, where he graduated summa cum laude and received the American Marketing award, the Sara Tyler Wister Prize and membership in the Delta Mu Delta Business Honor Society.

Mr. Tarringer has over 25 years of class action experience, and he has concentrated his law practice in the fields of Antitrust, Consumer Protection, Products Liability, and Pharmaceutical litigation.

Mr. Tarringer is admitted to practice before the Supreme Court of Pennsylvania, the United States District Court for the Eastern District of Pennsylvania, and the United States Court of Appeals for the Third Circuit.

Prior to joining NastLaw, Mr. Tarringer served as a Federal Judicial Law Clerk to the Honorable Robert F. Kelly, in the United States District Court for the Eastern District of Pennsylvania. In addition, Mr. Tarringer served in key litigation roles in *In re Kaiser Group Int'l*, Case No. 00-2263 (Bankr. D. Del.). *See* 326 B.R. 265 (D. Del. 2005) and 278 B.R. 58 (Bankr. D. Del. 2002); and *Walter Cwietniewicz, d/b/a Ellis Pharmacy, et al v. Aetna U.S. Healthcare*, June Term, 1998, No. 423 (Pa. Comm. Pl., Phila. Cty.). Mr. Tarringer also served on the Plaintiffs' Legal Committee in the Orthopedic Bone Screw Products Liability Litigation.

Mr. Tarringer has chaired the Discovery Committee in *In re Direct Purchaser Insulin Pricing Litigation*, 20-cv-03426 (D.N.J.). Mr. Tarringer also has served in key litigation roles in *First Impressions Salon, Inc., et al. v. National Milk Producers Federation, et al.* Case No. 3:13-cv-00454 (S.D. Ill.) and authored and argued dispositive motions in *In re: HIV Antitrust Litigation (KPH Healthcare Servs. v. Gilead Sciences et al., 20-cv-06961)* (N.D. Cal.).

Michael D. Ford received his Juris Doctor, *cum laude*, from Villanova University School of Law and his Bachelor of Arts, *magna cum laude*, from Rutgers University. At Villanova, Mr. Ford served as Managing Editor of Student Works for the Moorad Sports Law Journal, publishing an article about class action certification. He also interned with the Clinic for Asylum, Refugee & Emigrant Services (CARES), helping multiple clients successfully secure asylum in the United States.

Mr. Ford is admitted to practice before the Pennsylvania Supreme Court, the Eastern District of Pennsylvania and is a member of the Philadelphia Bar Association. His practice focuses on antitrust litigation.

CASES

NastLaw LLC has an extensive product liability and personal injury practice focusing on pharmaceutical matters, in addition to its class action practice focusing on

antitrust matters. An exemplar listing of some of the class actions in which Ms. Nast has served as Lead Counsel or Executive Committee Member includes the following:

Actos (Pioglitzaone) Products Liability Litigation, MDL No. 2299 (W.D. La.), before The Honorable Rebecca F. Doherty.

Augmentin Antitrust Litigation (SAJ Distributors, Inc. and Stephen L. LaFrance Holdings, Inc. v. SmithKline Beecham Corp., d/b/a GlaxoSmithKline, Civil Action No. 04-CV-23 (E.D. Va.)), before The Honorable Henry C. Morgan, Jr.

Avandia Marketing, Sales Practices and Products Liability Litigation, MDL No. 1871 (E.D. Pa.), before The Honorable Cynthia M. Rufe.

Castano Tobacco Litigation, Civil Action No. 94-1044 (E.D. La.), before The Honorable Okla Jones II.

Chocolate Confectionery Antitrust Litigation, MDL No. 1935 (M.D. Pa.), before The Honorable Christopher C. Conner.

Children's' Ibuprofen Oral Suspension Antitrust Litigation, Misc. No. 04mc0535 (D.D.C.), before The Honorable Ellen S. Huvelle.

Darvocet, Darvon and Propoxyphene Products Liability Litigation, MDL No. 2226 (E.D. Ky.), before The Honorable Danny C. Reeves.

Diet Drug Product Liability Litigation, MDL No. 1203 (E.D. Pa.), before The Honorable Harvey Bartle III.

Direct Purchaser Insulin Pricing Litigation, No. 20-cv-03426 (D. N.J.), before the Honorable Brian R. Martinotti.

Effexor XR Antitrust Litigation, Civil Action No. 11-5479 (D. N.J.), before The Honorable Peter J. Sheridan.

Generic Pharmaceuticals Pricing Antitrust Litigation, MDL No. 2724 (E.D. Pa.), before The Honorable Cynthia M. Rufe.

Heparin Products Liability Litigation, MDL No. 1953 (N.D. Ohio), before The Honorable James G. Carr.

HIV Antitrust Litigation, 19-cv-02573 (N.D. Ca.) before the Honorable Edward M. Chen.

Hypodermics Products Antitrust Litigation, MDL No. 1730 (D.N.J.), before The Honorable Jose L. Linares.

Lipitor (Atorvastatin Calcium) Marketing, Sales Practices and Products Liability Litigation, MDL No. 2502 (D. S.C.), before The Honorable Richard Mark Gergel.

Medtronic, Inc. Implantable Defibrillators Products Liability Litigation, MDL No. 1726 (D. Minn.), before The Honorable James M. Rosenbaum.

Medtronic, Inc. Sprint Fidelis Leads Products Liability Litigation, MDL No. 1905 (D. Minn.), before The Honorable Richard H. Kyle.

Mirena IUD Products Liability Litigation, MDL No. 2434 (S.D. N.Y.), before The Honorable Cathy Seibel.

Modafinil Antitrust Litigation, Civil Action No. 06-CV-1797, (E.D. Pa.), before The Honorable R. Barclay Surrick and, subsequently, The Honorable Mitchell S. Goldberg.

National Football League Players' Concussion Injury Litigation, MDL No. 2323 (E.D. Pa.), before The Honorable Anita B. Brody.

Nifedipine Antitrust Litigation, MDL No. 1515 (D.D.C.), before The Honorable Richard J. Leon.

Ovcon Antitrust Litigation (SAJ Distributors, Inc., et al. v. Warner Chilcott Holdings Company III, Ltd., et al., Civil Action No. 1:05cv02459 (D. D.C.)), before The Honorable Colleen Kollar-Kotelly.

Paxil Antitrust Litigation (Nichols, et al. v. SmithKline Beecham Corp., Civil Action No. 00-6222 (E.D. Pa.)), before The Honorable John R. Padova.

Pelvic Repair Systems (S.D. W.V.), before The Honorable Joseph R. Goodwin, including *Ethicon, Inc.* MDL No. 2327, *Boston Scientific Corp.*, MDL No. 2326 and *American Medical Systems, Inc.* MDL No. 2325.

Serzone Products Liability Litigation, MDL No. 1477 (S.D. W.Va.), before The Honorable Joseph R. Goodwin.

Testosterone Replacement Therapy Products Liability Litigation, MDL No. 2545 (N.D. Ill.), before The Honorable Matthew F. Kennelly.

Tylenol (Acetaminophen) Marketing, Sales Practices and Products Liability Litigation, MDL No. 2436 (E.D. Pa.), before The Honorable Lawrence F. Stengel.

Wellbutrin SR Antitrust Litigation (SAJ Distributors, Inc., et al. v. Smithkline Beecham Corp., Civil Action No. 04-5525 (E.D. Pa.)), before The Honorable Bruce W. Kauffman and, subsequently, The Honorable Lawrence F. Stengel.

Wellbutrin XL Antitrust Litigation, Civil Action No. 08-2431 (E.D. Pa.), before The Honorable Mary A. McLaughlin.

Xarelto (Rivaroxaban) Products Liability Litigation, MDL No. 2592 (E.D. La.) before The Honorable Eldon E. Fallon.

Xarelto Products Liability Litigation, January Term, 2015, No. 2349 (Phila. C.C.P.) before The Honorable Arnold L. New.

Yasmin and Yaz (Drospirenone) Marketing Sales Practices and Products Liability Litigation MDL No. 2100 (S.D. Ill.), before The Honorable David R. Herndon.

Yaz, Yasmin, Ocella Gianvi Product Liability Litigation, September Term 2009, No. 1307 (Phila. C.C.P.), before The Honorable Sandra Mazer Moss.

Zoloft (Sertraline Hydrochloride) Products Liability Litigation, MDL No. 2342 (E.D. Pa.), before The Honorable Cynthia M. Rufe.

EXHIBIT "F"

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

**IN RE: EFFEXOR XR ANTITRUST
LITIGATION**

THIS DOCUMENT RELATES TO:

All Direct Purchaser Class Actions

**Master Docket No. 3:11-cv-05479
(PGS/JBD)**

**DECLARATION OF DON BARRETT ON BEHALF OF BARRETT LAW
GROUP, P.A. IN SUPPORT OF DIRECT PURCHASER CLASS
COUNSEL’S MOTION FOR ATTORNEYS’ FEES, REIMBURSEMENT OF
EXPENSES AND SERVICE AWARDS FOR THE NAMED PLAINTIFFS**

I, Don Barrett, subject to the penalties of perjury provided by 18 U.S.C. § 1746, hereby declare as follows:

1. I am Partner at the law firm of Barrett Law Group, P.A. I submit this declaration in support of Direct Purchaser Class Counsel’s Motion for Attorneys’ Fees, Reimbursement of Expenses and Service Awards for the Named Plaintiffs.

2. During the course of this litigation, my firm has been involved in the following activities on behalf of the Direct Purchaser Class:

CATEGORY CODES											
[1] Factual Investigation/Development				[8] Discovery - Doc. Production and Review				[15] Settlement and ADR			[22] Trial - Post-trial motions and submissions
[2] Pleadings				[9] Discovery - Depositions				[16] Class Certification and Notice			[23] Appeals - Motions and other submissions
[3] Litigation Strategy and Analysis				[10] Discovery - Expert Discovery				[17] Trial Prep. - Fact Witnesses			[24] Appeals - Oral argument
[4] Pretrial Motions - Dispositive				[11] Discovery - Other				[18] Trial Prep. - Expert Witnesses			[25] Case Management and Admin.
[5] Pretrial Motions - Discovery				[12] Expert/Consultants				[19] Trial Prep. - Written Submissions			[26] Travel Time
[6] Pretrial Motions - Other				[13] Pretrial Court Appr. - attendance at hearing				[20] Trial Prep. - Other Trial Prep. and Support			
[7] Discovery - Written Discovery				[14] Pretrial Court Appr. - participation in arg.				[21] Trial - Attendance			

3. In accordance with the Proposed Procedures and Guidelines for Direct Purchaser Plaintiffs' Counsel's Time and Expense Submissions submitted to the Court on June 20, 2018 (ECF No. 534-1) ("Time and Expense Protocol"), all attorneys, paralegals and other support staff at my firm were instructed to keep contemporaneous time records reflecting their time spent on this case, and did so. My firm also kept books and records concerning the expenses my firm necessarily incurred in the prosecution of this litigation, prepared from receipts and other source material.

4. The schedule below reports the time spent by my firm's attorneys, paralegals and other support staff from inception until February 7, 2024 (the date that the settlement was executed) and time thereafter related only to the settlement. This submission does not include time relating to this motion. In accordance with the Time and Expense Protocol, all hourly rates are reported below at both then-current (*i.e.*, historical) billing rates and at current billing rates, and contract attorneys have been billed at no more than \$250 per hour.¹

¹ Former employees are identified with an asterisk.

Professional	Position	Hours	Lodestar Historical Rates	Lodestar Current Rates²
Don Barrett	Partner	237.3	\$218,157.50	\$332,220.00
Brian Herrington*		39.4	\$18,715.00	\$18,715.00
Katherine Barrett Riley		3.3	\$1567.50	\$3,135.00
Charles Barrett		129.4	\$61,465.00	\$61,465.00
Sterling Aldridge		61.0	\$32,405.00	\$53,375.00
Brandi Hamilton*		292.3	\$153,556.00	\$204,610.00
Chris Hammett*		20.0	\$3,000.00	\$3,000.00
Nanci-Taylor Maddux		1.8	\$360.00	\$720.00

² When calculating the Current Lodestar, timekeepers who are no longer with the firm have been counted at the hourly rate they were charged at as of the date they left the firm.

Professional	Position	Hours	Lodestar Historical Rates	Lodestar Current Rates²
Dawn Garrison*		23.5	\$3,525.00	\$3525.00
Total:		808.0	\$492,751.00	\$680,765.00

5. My firm incurred a total of \$261,114.23 in unreimbursed expenses, as set forth in the following table³:

Expense	Amount
Court reporting/transcription services	
Filing fees	\$2,553.00
Litigation Fund Contributions	\$240,000.00
Postage/FedEx	\$196.43
Telephone	\$152.74
Photocopying	\$2.20
Travel/hotel/meals	\$16,814.10
Legal research and datasets	\$1395.76
Total	\$261,114.23

³ In accordance with the Time and Expense Protocol, postage/FedEx are reported at actual cost; the above telephone expenses do not include general subscription or monthly lease costs associated with long-distance services and cellular phones; the maximum charge for photocopying is \$0.25 per page; and for any travel mileage, the IRS rules for mileage maximums were applied.

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

Executed this 20th day of May, 2024

/s/ 
Don Barrett
Barrett Law Group, P.A.

EXHIBIT "G"

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

**IN RE: EFFEXOR XR ANTITRUST
LITIGATION**

THIS DOCUMENT RELATES TO:

All Direct Purchaser Class Actions

**Master Docket No. 3:11-cv-05479
(PGS/JBD)**

**DECLARATION OF DAVID E. KOVEL ON BEHALF OF KIRBY
McINERNEY LLP IN SUPPORT OF DIRECT PURCHASER CLASS
COUNSEL'S MOTION FOR ATTORNEYS' FEES, REIMBURSEMENT OF
EXPENSES AND SERVICE AWARDS FOR THE NAMED PLAINTIFFS**

I, David E. Kovel, subject to the penalties of perjury provided by 28 U.S.C. § 1746, hereby declare as follows:

1. I am a Partner at the law firm of Kirby McInerney LLP. I submit this declaration in support of Direct Purchaser Class Counsel's Motion for Attorneys' Fees, Reimbursement of Expenses and Service Awards for the Named Plaintiffs.

2. During the course of this litigation, my firm has been involved in the following activities on behalf of the Direct Purchaser Class:

- a. Researching and investigating the alleged antitrust violations;
- b. Analyzing transaction records for Named Plaintiff Uniondale Chemists, Inc.;
- c. Drafting and filing a complaint;

- d. Working with Direct Purchaser Class Counsel to prepare the consolidated complaint;
- e. Researching, drafting, and editing various memoranda, pre-motion letters, motions and briefs, discovery correspondence, and other documents;
- f. Corresponding with Direct Purchaser Class Counsel concerning major case developments and communicating these developments to Named Plaintiff Uniondale Chemists, Inc.;
- g. Processing and preparing client documents for production;
- h. Assisting with discovery including preparing memoranda, conducting legal research, issuing subpoenas, drafting discovery correspondence, and leading meet-and-confers;
- i. Conducting document review of the discovery produced by Defendants and various non-parties;
- j. Conferring and collaborating with Direct Purchaser Class Counsel with respect to litigation strategy, case management, mediation, and settlement efforts; and
- k. Providing other assistance at the direction of Direct Purchaser Class Counsel.

3. In accordance with the Proposed Procedures and Guidelines for Direct Purchaser Plaintiffs' Counsel's Time and Expense Submissions submitted to the Court on June 20, 2018 (ECF No. 534-1) ("Time and Expense Protocol"), all attorneys, paralegals and other support staff at my firm were instructed to keep contemporaneous time records reflecting their time spent on this case, and did so. My firm also kept books and records concerning the expenses my firm necessarily incurred in the prosecution of this litigation, prepared from receipts and other source material.

4. The schedule below reports the time spent by my firm's attorneys, paralegals and other support staff from inception until March 21, 2024 (the date that the settlement was executed) and time thereafter related only to the settlement. This submission does not include time relating to this motion. In accordance with the Time and Expense Protocol, all hourly rates are reported below at both then-current (*i.e.*, historical) billing rates and at current billing rates, and contract attorneys have been billed at no more than \$250 per hour.¹

¹ Former employees are identified with an asterisk.

Professional	Position	Hours	Lodestar Historical Rates	Lodestar Current Rates²
Gralewski, Robert	Partner	7.2	\$600 (3.2 hours); \$750 (3.2 hours); \$810 (0.8 hours)	\$1,200
Hume, Daniel	Partner	2.0	\$985	\$1,250
Kovel, David	Partner	161.3	\$600 (70.0 hours); \$800 (20.2 hours); \$985 (46.0 hours); \$995 (21.5 hours); \$1,250 (3.6 hours)	\$1,250
Lerner, Karen	Partner	732.6	\$900 (278.1 hours); \$950 (452.5 hours); \$1,100 (2.0 hours)	\$1,200
Maneiro, Anthony	Partner	202.7	\$400 (112.4 hours); \$425 (58.4 hours); \$475 (19.5 hours); \$525 (12.4 hours)	\$900
*Studebaker, Christopher	Partner	20.3	\$400 (19.5 hours) \$800 (0.8 hours)	\$900
Kosharskyy, Karina	Of Counsel	30.6	\$325 (8.5 hours); \$475 (14.1 hours); \$500 (7.2 hours); \$575 (0.8 hours)	\$850
Mirza, Beverly	Of Counsel	47.1	\$550	\$850
Nagano, Sawa	Of Counsel	524.1	\$650	\$800
*Walsh, Kenneth	Of Counsel	0.8	\$600	\$600
*Brehm, Elizabeth	Associate	1,320.1	\$250 (13.8 hours); \$575 (199.5 hours); \$600 (635.3 hours); \$650 (406.0 hours); \$675 (65.5 hours)	\$675 (13.8 hours at \$250)
*Lopez, Sarah	Associate	16.0	\$550	\$550

² When calculating the Current Lodestar, timekeepers who are no longer with the firm have been counted at the hourly rate they were charged at as of the date they left the firm.

Professional	Position	Hours	Lodestar Historical Rates	Lodestar Current Rates²
Radisavljevic, Marko	Staff Attorney (now Associate)	1,093.4	\$250	\$250
*Brueggen, Peter	Staff Attorney	124.8	\$250	\$250
*Mallett, Douglas	Staff Attorney	36.2	\$250	\$250
*Watt, Andrew	Staff Attorney	60.8	\$375	\$600
*Linetskaya, Anna	Law Clerk	5.5	\$200	\$200
*Meador, Matthew	Law Clerk	0.8	\$300	\$300
*Yin, Jing	Analyst	14.0	\$250	\$350
*Bial, Miriam	Paralegal	3.5	\$250	\$250
*Carroll, Margaret	Paralegal	74.2	\$250 (9.8 hours); \$275 (59.4 hours); \$300 (5.0 hours)	\$300
*Cunningham, Elizabeth	Paralegal	32.8	\$210	\$210
*Ely, Elizabeth	Paralegal	6.2	\$275	\$300
*Familiar, Robert	Paralegal	1.5	\$275	\$300
Flohr, Sarah	Paralegal (now Associate)	1.5	\$200	\$200
Jureidini, Marya	Paralegal	2.0	\$275	\$275
*Kelley, Jessica	Paralegal	4.0	\$210	\$210
*Lynch, Sarah	Paralegal	44.5	\$250	\$250
*Ortiz, Elizabeth	Paralegal	1.0	\$275	\$300
*Park, Ji-Su	Paralegal	2.0	\$210	\$210
*Sohn, Isabelle	Paralegal	2.5	\$275	\$275
Wright, Ricardo	Managing Clerk	25.4	\$125	\$175
*Edmonds, Stacey	Admin Clerk	1.3	\$65	\$150
*King, Avril	Admin Clerk	1.3	\$65	\$125
*Miller, Andrew	Admin Clerk	0.8	\$65	\$125

Professional	Position	Hours	Lodestar Historical Rates	Lodestar Current Rates²
Total:		4,604.8	\$2,498,482.00	\$3,080,170.50

5. My firm incurred a total of \$117,391.93 in unreimbursed expenses, as set forth in the following table³:

Expense	Amount
Process Servers	\$5,199.16
Filing Fees	\$2,241.00
Litigation Fund Contributions	\$75,000.00
Postage/FedEx	\$178.56
Telephone	\$1,214.68
Travel/Hotel/Meals	\$3,064.79
Legal Research and Datasets	\$4,615.72
Document Management	\$15,700.76
Third-Party Discovery Legal Fees	\$10,177.26
Total	\$117,391.93

³ In accordance with the Time and Expense Protocol, postage/FedEx are reported at actual cost; the above telephone expenses do not include general subscription or monthly lease costs associated with long-distance services and cellular phones; the maximum charge for photocopying is \$0.25 per page; and for any travel mileage, the IRS rules for mileage maximums were applied.

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

Executed this 30th day of May 2024 in New York, New York.

/s/ David E. Kovel_____

EXHIBIT "H"

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

**IN RE: EFFEXOR XR ANTITRUST
LITIGATION**

THIS DOCUMENT RELATES TO:

All Direct Purchaser Class Actions

**Master Docket No. 3:11-cv-05479
(PGS/JBD)**

**DECLARATION OF MICHAEL L. ROBERTS ON BEHALF OF ROBERTS
LAW FIRM US, PC IN SUPPORT OF DIRECT PURCHASER CLASS
COUNSEL'S MOTION FOR ATTORNEYS' FEES, REIMBURSEMENT OF
EXPENSES AND SERVICE AWARDS FOR THE NAMED PLAINTIFFS**

I, Michael L. Roberts, subject to the penalties of perjury provided by 18 U.S.C. § 1746, hereby declare as follows:

1. I am Managing Partner of Roberts Law Firm US, PC. I submit this declaration in support of Direct Purchaser Class Counsel's Motion for Attorneys' Fees, Reimbursement of Expenses and Service Awards for the Named Plaintiffs.

2. During the course of this litigation, my firm has been involved in the following activities on behalf of the Direct Purchaser Class:

- Completed factual and legal research and developed strategy supporting the claims filed on behalf of the Direct Purchaser Class;
- Participated in the drafting of the complaints filed on behalf of the Direct Purchaser Class;

- Drafted discovery requests to be propounded on defendants;
- Coordinated and managed defensive discovery on behalf of named plaintiff Stephen L. LaFrance Holdings, Inc., including document production and written discovery;
- Analyzed and coded documents produced by defendants;
- Participated on the teams handling patent and privilege issues;
- Assisted in preparation for depositions; and
- Analyzed and edited pleadings and settlement documents.

3. In accordance with the Proposed Procedures and Guidelines for Direct Purchaser Plaintiffs' Counsel's Time and Expense Submissions submitted to the Court on June 20, 2018 (ECF No. 534-1) ("Time and Expense Protocol"), all attorneys, paralegals and other support staff at my firm were instructed to keep contemporaneous time records reflecting their time spent on this case, and did so. My firm also kept books and records concerning the expenses my firm necessarily incurred in the prosecution of this litigation, prepared from receipts and other source material.

4. The schedule below reports the time spent by my firm's attorneys, paralegals and other support staff from inception until March 21, 2024 (the date that the settlement was executed) and time thereafter related only to the settlement. This submission does not include time relating to this motion. In accordance with

the Time and Expense Protocol, all hourly rates are reported below at both then-current (*i.e.*, historical) billing rates and at current billing rates, and contract attorneys have been billed at no more than \$250 per hour.¹

Professional	Position	Hours	Lodestar Historical Rates	Lodestar Current Rates²
Burton, April	Paralegal	3.2	\$485.50	\$544.00
DeLoach, Sarah	Partner	113.4	\$62,370.00	\$85,050.00
Halbert, Karen	Partner	270.8	\$192,268.00	\$257,260.00
Isclaw, Angelicia	Paralegal	10.8	\$1,836.00	\$1,836.00
Josephson, Debra	Partner	1022.8	\$701,777.00	\$777,328.00
Law, Jana*	Partner	38.5	\$17,442.50	\$23,292.50
Neal, Emily*	Partner	6.3	\$3,811.50	\$3,811.50
Olson, Will*	Associate	29.5	\$14,012.50	\$14,012.50
Roberts, Mike	Partner	32.8	\$24,560.50	\$34,112.00
Smith, Stephanie	Partner	874.7	\$566,292.00	\$787,230.00
Wells, Jennifer*	Associate	2.8	\$1,148.00	\$1,148.00
Total:		2,405.6	\$1,586,003.50	\$1,985,624.50

¹ Former employees are identified with an asterisk.

² When calculating the Current Lodestar, timekeepers who are no longer with the firm have been counted at the hourly rate they were charged at as of the date they left the firm.

5. My firm incurred a total of \$116,187.78 in unreimbursed expenses, as set forth in the following table³:

Expense	Amount
Court reporting/transcription services	
Doc Data Vendor	\$26,707.70
Filing fees	\$1,137.11
Litigation Fund Contributions	\$75,000.00
Misc (software for doc management)	\$384.96
Postage/FedEx	
Telephone	
Photocopying	
Travel/hotel/meals	\$11,576.91
Legal research and datasets	\$1,381.10
Total	\$116,187.78

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

³ In accordance with the Time and Expense Protocol, postage/FedEx are reported at actual cost; the above telephone expenses do not include general subscription or monthly lease costs associated with long-distance services and cellular phones; the maximum charge for photocopying is \$0.25 per page; and for any travel mileage, the IRS rules for mileage maximums were applied.

Executed this 4th day of June, 2024

/s/Michael L. Roberts

EXHIBIT "I"

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

**IN RE: EFFEXOR XR ANTITRUST
LITIGATION**

THIS DOCUMENT RELATES TO:

All Direct Purchaser Class Actions

**Master Docket No. 3:11-cv-05479
(PGS/JBD)**

**DECLARATION OF JOHN RADICE ON BEHALF OF RADICE LAW
FIRM, P.C. IN SUPPORT OF DIRECT PURCHASER CLASS COUNSEL'S
MOTION FOR ATTORNEYS' FEES, REIMBURSEMENT OF EXPENSES
AND SERVICE AWARDS FOR THE NAMED PLAINTIFFS**

I, John Radice, subject to the penalties of perjury provided by 18 U.S.C. § 1746, hereby declare as follows:

1. I am the founding partner at the law firm of Radice Law Firm, P.C. I submit this declaration in support of Direct Purchaser Class Counsel's Motion for Attorneys' Fees, Reimbursement of Expenses and Service Awards for the Named Plaintiffs.

2. During the course of this litigation, my firm has been involved in the following activities on behalf of the Direct Purchaser Class:

- Drafting, serving, and conducting extensive meet-and-conferrals regarding various non-party document and deposition subpoenas.

- Drafting and filing two motions to compel compliance with non-party subpoenas.
- Assisting economic experts in ascertaining the meaning of non-party transactional data.
- Drafting and negotiating non-party declarations establishing document authenticity and substantiating relevant facts.
- Preparing and submitting various requests under the Freedom of Information Act to relevant federal agencies, conducting negotiations regarding scope, and analyzing responsive productions for causation-related issues.
- Analyzing the terms of the generic patent settlement agreements.
- Preparing for depositions by creating chronologies and indexes/binders for witnesses.
- Drafting chronologies of settlement agreement negotiations of third-party generic entrants and other work product for term sheet draft evolution.
- Drafting chronologies of regulatory filings, forecasts, and IPA/manufacturing capabilities for causation team.
- Identifying custodians for further document collection.

- Drafting sections of white paper for agreements, economics, and causation teams.
- Legal research and drafting for Apotex and Zydus motions to transfer/compel and declarations re same.
- Reviewing and analyzing documents used to respond to deficiency letters and interrogatories.
- Creating regulatory timeline for generic manufacturers as part of causation team project.
- Searching for and compiling documents related to communications regarding settlement efforts between Impax and Wyeth for agreements team.
- Drafting initial requests for production from defendants for agreements team.
- Participating in litigation strategy meetings and regular involvement in litigation strategy teleconferences.

3. In accordance with the Proposed Procedures and Guidelines for Direct Purchaser Plaintiffs' Counsel's Time and Expense Submissions submitted to the Court on June 20, 2018 (ECF No. 534-1) ("Time and Expense Protocol"), all attorneys, paralegals and other support staff at my firm were instructed to keep contemporaneous time records reflecting their time spent on this case, and did so.

My firm also kept books and records concerning the expenses my firm necessarily incurred in the prosecution of this litigation, prepared from receipts and other source material.

4. The schedule below reports the time spent by my firm's attorneys, paralegals and other support staff from inception until March 21, 2024 (the date that the settlement was executed) and time thereafter related only to the settlement. This submission does not include time relating to this motion. In accordance with the Time and Expense Protocol, all hourly rates are reported below at both then-current (*i.e.*, historical) billing rates and at current billing rates, and contract attorneys have been billed at no more than \$250 per hour.¹

Professional	Position	Hours	Lodestar Historical Rates	Lodestar Current Rates²
John Radice	Partner	17.2	\$11,888	\$16,254
April Lambert	Partner	283.9	\$163,242.50	\$222,861.50
Clark Craddock	Partner	9.5	\$5,462.50	\$7,457.50
Daniel Rubenstein	Partner	4.0	\$2,297	\$3,140
Kenneth Pickle	Partner	55.1	\$26,534.50	\$41,325

¹ Former employees are identified with an asterisk.

² When calculating the Current Lodestar, timekeepers who are no longer with the firm have been counted at the hourly rate they were charged at as of the date they left the firm.

Professional	Position	Hours	Lodestar Historical Rates	Lodestar Current Rates²
Luke Smith	Partner	860.5	\$479,189.50	\$675,492.50
Natasha Fernandez-Silber*	Partner	299.6	\$172,270	\$208,222
Eva Kane	Of Counsel	668.4	\$347,568	\$347,568
Eric Blanco	Of Counsel	197.0	\$68,451	\$102,440
Rishi Raithatha	Of Counsel	337.6	\$117,421	\$227,880
Total:		2,732.8	\$1,394,324	\$1,852,640.50

5. My firm incurred a total of \$2,738.27 in unreimbursed expenses, as set forth in the following table³:

Expense	Amount
Court reporting/transcription services	
Filing fees	
Litigation Fund Contributions	
Subpoenas/process server	\$1,445.96
Postage/FedEx	

³ In accordance with the Time and Expense Protocol, postage/FedEx are reported at actual cost; the above telephone expenses do not include general subscription or monthly lease costs associated with long-distance services and cellular phones; the maximum charge for photocopying is \$0.25 per page; and for any travel mileage, the IRS rules for mileage maximums were applied.

Telephone	
Photocopying	
Travel/hotel/meals	\$1,292.31
Legal research and datasets	
Total	

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

Executed this 2nd day of June, 2024

/s/ John Radice

EXHIBIT "J"

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

**IN RE: EFFEXOR XR ANTITRUST
LITIGATION**

THIS DOCUMENT RELATES TO:

All Direct Purchaser Class Actions

**Master Docket No. 3:11-cv-05479
(PGS/JBD)**

**DECLARATION OF PETER S. PEARLMAN, ESQ. ON BEHALF OF COHN
LIFLAND PEARLMAN HERRMANN & KNOPF LLP IN SUPPORT OF
DIRECT PURCHASER CLASS COUNSEL'S MOTION FOR ATTORNEYS'
FEES, REIMBURSEMENT OF EXPENSES AND SERVICE AWARDS FOR
THE NAMED PLAINTIFFS**

I, PETER S. PEARLMAN, ESQ., subject to the penalties of perjury
provided by 18 U.S.C. § 1746, hereby declare as follows:

1. I am Senior Counsel at the law firm of Cohn Lifland Pearlman
Herrmann & Knopf LLP. I submit this declaration in support of Direct Purchaser
Class Counsel's Motion for Attorneys' Fees, Reimbursement of Expenses and
Service Awards for the Named Plaintiffs.

2. During the course of this litigation, my firm has been involved in the
following activities on behalf of the Direct Purchaser Class which services
commenced upon transfer of this action from the Southern District of Mississippi
to the District of New Jersey:

- Participated in negotiation of and submission of Case Management Orders 1 and 2, which: consolidated all direct purchaser actions, coordinated them with the indirect purchaser action for certain purposes, and established scheduling (CMO 1); and established the organization of plaintiff counsel, including the appointment of this firm as interim liaison counsel for the Direct Purchaser Class Plaintiffs (DPCPs).
- Reviewed, revised, and filed Complaints, Amended Complaints, and related documents for the DPCPs.
- Prepared and filed *pro hac vice* applications for DPCP counsel, and monitor, generally, the conduct of DPCP *pro hac vice* counsel in accordance with my firm's responsibility under L. Civ. R. 101.1(c).
- Prepared and filed *pro hac vice* applications for DPCP counsel, and monitor, generally, the conduct of DPCP *pro hac vice* counsel in accordance with my firm's responsibility under L. Civ. R. 101.1(c).
- Reviewed defendants' motions to stay the action and to stay discovery; participated in the preparation of and filing of oppositions.
- Reviewed, commented on, and filed ESI Protocol and Discovery Confidentiality Orders.
- Prepared for, attended, and participated in numerous status conferences with the Court.
- Reviewed motions to dismiss; reviewed, revised, and filed oppositions thereto.
- Reviewed further motions to dismiss—including supplemental and revised motions--reviewed, revised, and filed oppositions thereto.
- Attended argument of motions to dismiss.
- Reviewed Order of dismissal; prepared, revised, and filed motion for reconsideration of order of dismissal or, in the alternative, judgment under Fed. R. Civ. P. 54(b) or for certification to appeal under 28 U.S.C. 1292(b);

reviewed order denying reconsideration and leave to appeal and entering judgment under Rule 54(b).

- Prepared Notice of Appeal and reviewed notices from other parties.
- Reviewed defendants' motion to transfer appeal to Federal Circuit and opposition thereto; attended argument of jurisdiction motion; reviewed opinion and order denying motion to transfer.
- Reviewed briefing on 12(b)(6) appeal and attended argument.
- Reviewed Third Circuit opinion and order reversing dismissal; reviewed and dealt with district court order implementing mandate.
- Drafted and submitted DPCP position re Rule 16 conference.
- Participated in briefing and presentation of numerous party and third-party discovery motions.
- Attended economics tutorial.
- Attended conference re mediation; considered mediators and arguments re issue of stay.
- Participated in preparation and filing of motion for preliminary approval of partial settlement.

3. In accordance with the Proposed Procedures and Guidelines for Direct Purchaser Plaintiffs' Counsel's Time and Expense Submissions submitted to the Court on June 20, 2018 (ECF No. 534-1) ("Time and Expense Protocol"), all attorneys, paralegals and other support staff at my firm were instructed to keep contemporaneous time records reflecting their time spent on this case and did so. My firm also kept books and records concerning the expenses my firm necessarily

incurred in the prosecution of this litigation, prepared from receipts and other source material.

4. The schedule below reports the time spent by my firm's attorneys, paralegals, and other support staff from inception until March 21, 2024 (the date that the settlement was executed), and time thereafter related only to the settlement. This submission does not include time relating to this motion. In accordance with the Time and Expense Protocol, all hourly rates are reported below at both then-current (*i.e.*, historical) billing rates and at current billing rates, and contract attorneys have been billed at no more than \$250 per hour.¹

Professional	Position	Hours	Lodestar Historical Rates	Lodestar Current Rates²
Peter S. Pearlman	Senior Counsel	851.70	\$681,360.00	\$766,530.00
Matthew F. Gately	Partner	19.2	\$11,520.00	\$14,400.00
Jeffrey W. Herrmann	Partner	27.3	\$19,792.50	\$24,570.00
Audra DePaolo	Partner	5.1	\$2,422.50	\$3,825.00
Melinda Lugo	Paralegal	.4	\$74	\$90.00
Kory Ann Ferro*	Associate	8.7	\$3,045.00	\$3,045.00
Kelly M. Purcaro*	Partner	5.9	\$2,065.00	\$2,065.00

¹ Former employees are identified with an asterisk.

² When calculating the Current Lodestar, timekeepers who are no longer with the firm have been counted at the hourly rate they were charged at as of the date they left the firm.

Professional	Position	Hours	Lodestar Historical Rates	Lodestar Current Rates²
Massiel D. Suarez*	Paralegal	1.7	\$314.50	\$314.50
Thomas R. Kenny*	Investigator	9.5	\$807.50	\$807.50
Total:		929.50	\$721,401.00	\$815,647.00

5. My firm incurred a total of \$7,095.60 in unreimbursed expenses, as set forth in the following table³:

Expense	Amount
Court reporting/transcription services	\$1,856.26
Filing fees	\$ 552.00
Sheriff's Fee	\$ 525.00
After Actavis Symposium	\$1,000.00
Postage/FedEx	\$ 243.19
Telephone	\$ 168.70
Photocopying	\$ 183.04
Travel/Mileage/Tolls/Parking	\$2,218.97

³ In accordance with the Time and Expense Protocol, postage/FedEx are reported at actual cost; the above telephone expenses do not include general subscription or monthly lease costs associated with long-distance services and cellular phones; the maximum charge for photocopying is \$0.25 per page; and for any travel mileage, the IRS rules for mileage maximums were applied.

Legal research and datasets	\$ 348.44
Total	\$7,095.60

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

Executed this 30th day of May, 2024

/s/Peter S. Pearlman
Peter S. Pearlman