

Exhibit 5

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26 IN THE UNITED STATES DISTRICT COURT
27 FOR THE NORTHERN DISTRICT OF CALIFORNIA
28 SAN FRANCISCO DIVISION

29 *IN RE HIV ANTITRUST LITIGATION*

Case No. 3:19-cv-02573-EMC (lead case)

30 This Document Relates to:
31 *KPH Healthcare Services, Inc. v. Gilead*
32 *Sciences, Inc. et al.*, 3:20-cv-06961-EMC

**DECLARATION OF FRANCIS O.
SCARPULLA IN SUPPORT OF DIRECT
PURCHASER CLASS PLAINTIFFS'
MOTION FOR AWARD OF ATTORNEYS'
FEES, REIMBURSEMENT OF COSTS AND
EXPENSES, AND CLASS
REPRESENTATIVE SERVICE AWARD**

Judge: Honorable Edward M. Chen

1 I, Francis O. Scarpulla, declare as follows:

2 1. I am a member of the bar of the United States Supreme Court, several United States
3 Courts of Appeal, several United States District Courts, including the United States District Court
4 for the Northern District of California, as well as the California Supreme Court and all inferior
5 courts in that State. I am the owner and Senior Class Action Attorney of the Law Offices of Francis
6 O. Scarpulla (“LOFOS”). As this Court’s appointed Liaison Counsel for the Direct-Purchaser
7 Classes (“DPPs”), I was actively involved in, and oversaw, LOFOS’s participation in this litigation.
8 The *Curricula Vitae* for those individuals from the LOFOS’s who actively worked on this matter
9 are attached hereto as Exhibit 1.

10 2. I submit this declaration in support of Direct Purchaser Class Plaintiffs’ Motion for
11 Award of Attorneys’ Fees, Reimbursement of Costs and Expenses, and Representative Plaintiffs
12 Service Award (“Fee Petition”).

13 3. LOFOS prosecuted this case on a contingent-fee basis with no guarantee of
14 recovery. LOFOS’s involvement in this case, which began prior to the filing of the first complaint
15 and which continued to the present, was extensive. Attorneys and a paralegal from LOFOS engaged
16 in the following tasks: Francis Scarpulla discussed the factual issues pre-filing with one of the Co-
17 lead counsel, Michael Roberts, after which conversation, LOFOS engaged in its own due-diligence.
18 After the operative complaint was filed and served, LOFOS participated in editing and commenting
19 on essentially all pleadings, including dispositive, as well as ordinary motions prevalent in complex
20 litigation class actions. Moreover, LOFOS participated in the preparation and finalization of all
21 aspects of the class motion up to and including the preparation with many co-counsel for the oral
22 argument, as well as following through with the class certification order until it became final.
23 LOFOS provided cogent litigation strategy and analysis, as well as case management suggestions,
24 based on the experience that its senior antitrust class action lawyer had accumulated over 56 years
25 of practice. LOFOS attended substantially all of the court appearances. When the time was
26 appropriate, LOFOS participated in both the Bristol Meyers Squibb settlement process, ADR with
27 Professor Eric Green, as well as providing advice for the settlement negotiations with the Gilead
28 defendants. Once these two settlements were achieved, LOFOS worked on the necessary papers to

1 finalize them, including the settlement agreements, specifically the release language, and motions
2 for preliminary and final approval. Prior to the Gilead settlement, which occurred on the day the
3 jury trial was to begin, LOFOS participated in trial preparation, including attending all of the mock
4 jury trials. And, as stated above, once the Gilead defendants settled, LOFOS worked on the
5 settlement agreement and pleadings necessary to obtain preliminary and final approval. When the
6 end-payor plaintiffs (“EPPs”) lost their jury trial and moved this Court for an order requiring the
7 DPPs to pay for certain work the EPPs did in the case, LOFOS participated in the question of
8 whether a mediation was appropriate and, if so, what was a reasonable amount for the DPPs to offer
9 the EPPs. The decision was made to mediate that dispute and it was eventually resolved. Once the
10 settlement agreement with Gilead was completed (which occurred only after further mediated
11 negotiations followed a fully-executed memorandum of understanding resolved the outstanding
12 issue) and finalized, LOFOS worked on the preliminary approval motion, as well as the preparation
13 for oral argument. Once this Court granted preliminary approval of the Gilead settlement, LOFOS
14 participated in drafting and finalizing the motion for final approval. In short, LOFOS was actively
15 involved in every aspect of this litigation.

16 4. From inception to October 31, 2023, LOFOS spent 1,418.2 hours advancing the
17 litigation. The total lodestar for LOFOS is \$1,401.870.00. The summary below includes the name,
18 position, years of experience, current hourly rate, time expended, and total lodestar of each person
19 from LOFOS who worked on the litigation. The hourly rates shown are the current, usual-and-
20 customary rates set by LOFOS. The information in this declaration regarding the time LOFOS
21 attorneys and other professionals spent advancing the litigation was prepared from
22 contemporaneous, daily time records maintained by the firm and submitted to, reviewed by, and
23 approved by Co-Lead Class Counsel.

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Name	Position	Years of Experience	Hourly Rate	Hours Expended	Lodestar
Francis O. Scarpulla	Owner Senior Class Action Attorney	56	\$1250.00	911.4	\$1,139,250.00
Patrick B. Clayton	Class Action Attorney	18	\$650.00	373.2	\$242,580.00
Catherine P. Cusick	Senior Paralegal	30	\$150.00	133.6	\$20,040.00
Total				1,418.2	\$1,401,870.00

5. Pursuant to the instruction of Co-Lead Class Counsel, the above summary does not include time spent administering the BMS Settlement or working on the DPPs' Fee Petition. A summary including each timekeeper's name, position, current billing rate, and total lodestar broken down by activity codes is attached as Exhibit 2.

6. LOFOS incurred \$153,775.57 in unreimbursed out-of-pocket costs and litigation expenses in relation to the litigation, of which \$43,775.57 remains unpaid after a court-ordered reimbursement of \$110,000.00 from the BMS settlement fund. The summary below includes an itemized description of the costs and litigation expenses incurred by my firm. These costs and litigation expenses were necessary for the efficient and effective prosecution of the litigation and submitted to and approved by Co-Lead Class Counsel. The costs and litigation expenses records were prepared from receipts, expense vouchers, check records, and other documents and are an accurate record of the costs and litigation expenses. All of the costs and litigation expenses are of a type that, in my view, would normally be charged to a fee-paying client in the private legal marketplace.

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Description	Amount
Travel (airfare, ground transportation, parking, etc.)	None
Hotels	None
Meals (during travel)	None
Electronic Research	None
Transcripts and Deposition Costs	\$7,485.60
Service of Process	None
Telephone/Teleconference	None
Court Fees	\$400.00
Postage/FedEx	\$87.25
Photocopies	None
Litigation Fund Contributions	\$145,802.72
Miscellaneous Expenses	None
BMS Settlement Reimbursement	\$110,000.00
Total Unreimbursed Costs and Expenses	\$ 43,775.57

7. As the summary shows, LOFOS made \$145,802.72 in litigation fund contributions to cover shared litigation expenses, such as expert fees and deposition costs. LOFOS was reimbursed \$110,000.00 in connection with the BMS Settlement.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 17th day of November, 2023, at San Francisco, California.

/s/ Francis O. Scarpulla
Francis O. Scarpulla

EXHIBIT 1

Law Offices of Francis O. Scarpulla
Curricula Vitae

CURRICULUM VITAE OF FRANCIS O. SCARPULLA

Mr. Scarpulla specializes in prosecuting complex civil cases, primarily antitrust lawsuits, most of which are class actions.

Throughout his over 55 years of practice, Mr. Scarpulla has participated in many federal antitrust class actions which have served to develop both state and federal law. The federal antitrust class actions include the *Gypsum Wallboard Antitrust Litigation*, *Sugar Antitrust Litigation*, *Folding Cartons Antitrust Litigation*, *Fine Paper Antitrust Litigation*, *Corrugated Container Antitrust Litigation*, *Pharmaceutical Antitrust Litigation*, *Microsoft Monopolization Antitrust Litigation*, *Cosmetics Antitrust Litigation*, and more recently in the *DRAM*, *SRAM*, and *LCD MDL* cases, as well as *Parking Heaters Antitrust Litigation*, *Generic Pharmaceuticals Pricing Antitrust Litigation*, and *National Prescription Opiate Litigation*.

In addition to practicing law, Mr. Scarpulla was the past Chair of the Antitrust and Trade Regulation Section of the California State Bar. He has participated in both ABA and CEB panels on competitive business practices, as well as having served as a guest lecturer in MBA programs. Mr. Scarpulla also was an instructor at The University of California Hastings School of Law, teaching legal writing classes during 1985 and 1988. He was an adjunct professor of Antitrust Law at Golden Gate University Law School. Mr. Scarpulla taught Antitrust Law at The University of San Francisco School of Law during the Fall of 2015.

Mr. Scarpulla has been recognized by his peers as one of the outstanding antitrust practitioners in the country, including:

- Antitrust Lawyer of the Year, California State Bar
- Band 1 Plaintiffs' Antitrust Attorney by Chambers & Partners U.S.A.
- AV Preeminent Martindale Hubbell
- Best Lawyers in America
- California Lawyer Attorney of the Year ("CLAY")
- Super Lawyer
- Top 100 Lawyers in California
- Titan of the Bar
- Finance Monthly Antitrust & Competition Law Firm of the Year (USA)
- Global Leading Lawyers – Competition U.S. Plaintiffs Law Firm of the Year
- Lawyers of Distinction – Top 10% (USA)
- America's Most Honored Professionals – Top 1%

- Who's Who Legal: Plaintiff's' Antitrust Lawyer
- Top Lawyer in Northern California
- AI – Most Outstanding Law Firm of the Year
- ACQ5 Global Award
 - US (CA) Antitrust Attorney of the Year;
 - America's Top 100 High Stakes Litigators;
 - Federal Antitrust Law Firm of the Year;
 - Civil Antitrust Law Firm of the Year;
 - Niche Law Firm of the Year; and
 - Game-Changer of the Year
- National Law Journal Trailblazers, M&A Antitrust
- Lawyers Worldwide Awards – Five Star Lawyers
- Global Awards – Best in Class Action Law Services
- Global Law Experts – Antitrust Class Actions Law Firm of the Year 2021
- M&A Today: Global Awards – Competition: U.S. Law Firm of the Year -- USA

In 2010, Mr. Scarpulla was admitted to the Rolls of Solicitors in England and Wales, as well as to the Roll of Solicitors in the Republic of Ireland in 2017.

Mr. Scarpulla is admitted to practice in the United States before the following Federal and State Courts both in the United States and abroad:

- United States Supreme Court
- United States Circuit Courts of Appeals for the Fifth, Seventh and Ninth Circuits
- United States District Courts: Northern, Central, and Eastern Districts of California; Northern District of Illinois; Eastern District of Pennsylvania; Eastern District of New York
- Supreme Court of the State of California and all inferior courts of the State of California
- Solicitor, England and Wales
- Solicitor, Republic of Ireland

For a detailed list of cases in which Mr. Scarpulla has participated, see the attached Appendix 1.

APPENDIX

COMPLEX LITIGATION CASES

- (1) *Plumbing Fixtures Antitrust Litigation* (E.D. Pa.) – price-fixing case brought on behalf of classes of public bodies and various private clients. See *Lindy Bros. v. American Radiator & Standard Sanitary Corp.*, 487 F.2d 161 (3rd Cir. 1973).
- (2) *Asphalt Antitrust Litigation* (N.D. Cal., D. New Mex., D. Idaho, D. Colo.) – price-fixing case brought on behalf of various public bodies. See *State of New Mexico v. American Petrofina, et al.*, 501 F.2d 363 (9th Cir. 1974).
- (3) *Newspaper Publishing Monopolization Litigation* (N.D. Cal.) – brought on behalf of competing newspaper. See *San Francisco Bay Guardian v. San Francisco Chronicle, et al.*, 344 F.Supp. 1155 (N.D. Cal. 1972).
- (4) *Gypsum Wallboard Antitrust Litigation* (N.D. Cal.) – price-fixing case brought on behalf of a national class of governmental bodies. See *In re: Gypsum Cases*, 1974-2 Trade Cases &74,272 (N.D. Cal. 1974).
- (5) *Albacore Monopolization Litigation* (N.D. Cal.) – Sherman 1 and 2 case brought on behalf of a class of albacore fishermen. See *Western Fishboat Owners Association v. Castle & Cooke, Inc., et al.*, C-74-1784 (N.D. Cal. 1974).
- (6) *Processed Potato Price Fixing Litigation* (S.D. Cal.) – brought on behalf of a class of restaurants. See *Love's Wood Pit Barbecue v. Bell Brand Foods, Inc., et al.*, 1974 Trade Cases &74,905 (S.D. Cal. 1974).
- (7) *Boise City, Idaho v. Monroe, Inc., et al.*, Civil Action No. 1-76-127 (D. Idaho) – price-fixing action brought on behalf of the municipality of Boise City, Idaho, against certain ready-mix concrete companies.
- (8) *In re: Arizona Bakery Products Litigation*, Civil No. 74-208A PHX CAM (D. Ariz.) – antitrust price-fixing action brought on behalf of five classes of Arizona purchasers of bakery products.
- (9) *Spinetti, et al. v. Atlantic Richfield Company*, C-75-0324-RFP (N.D. Cal.) – claims of 80 petroleum wholesale distributors against their suppliers for violations of antitrust and federal energy laws.
- (10) *Presidio Golf Club of San Francisco, Inc., et al. v. National Service Industries, Inc.*, C-71-945-SW (N.D. Cal.) – price-fixing action brought on behalf of class of linen service users against linen suppliers.
- (11) *In re: Arizona Dairy Products Litigation*, Civil No. 74-569A PHX CAM (D. Ariz.) – antitrust price-fixing action brought on behalf of five classes of Arizona purchasers of dairy products.
- (12) *Folding Cartons Antitrust Litigation*, MDL 250 (N.D. Ill.) – antitrust price-fixing action brought on behalf of direct purchaser nationwide class of folding carton users.
- (13) *In re: Hawaii Beer Litigation*, Civil No. 77-0294A (D. Ha.) – antitrust price-fixing class action brought on behalf of a class of purchasers of beer in the State of Hawaii.

- (14) *In re: Sugar Industry Antitrust Litigation*, MDL 201 (N.D. Cal.) – antitrust price-fixing action brought on behalf of three private classes of sugar purchasers in the Western United States.
- (15) *Danielson v. Union Oil Company of California* (N.D. Cal.) – brought by petroleum wholesale distributor against his supplier for violation of federal antitrust and energy laws.
- (16) *Boardwalk Markets, Inc., et al. v. Associated Foods Stores, et al.* (N.D. Cal.) – brought by minority shareholders in wholesale grocery cooperative alleging violations of federal securities laws.
- (17) *National Super Spuds v. Gearhart Farms, Inc., et al.* (S.D. N.Y.) – commodities futures fraud action alleging manipulation of May 1976 Maine Potato Futures Contract.
- (18) *Fine Paper Antitrust Litigation (State of Arizona v. Boise Cascade, et al.)*, MDL 235 – antitrust price-fixing action by state agencies who purchased fine paper products.
- (19) *In re: California Armored Cars Litigation*, MDL 387 – antitrust price-fixing action brought on behalf of private class of purchasers in California.
- (20) *Busy Boy Markets, Inc., et al. v. A.R.A. Services, Inc., et al.*, Civil Action No. C-79-2156-SW (N.D. Cal. 1980) – antitrust price-fixing action brought on behalf of purchasers of publications.
- (21) *In re: California Wiring Devices Antitrust Litigation*, Civil Action No. 759-734 (S.F. Sup. Ct. 1981) – antitrust indirect-purchaser action on behalf of California consumers of wiring devices.
- (22) *In re: Concrete Antitrust Litigation*, MDL 296 – antitrust action for Arizona ready-mix purchasers.
- (23) *Marks v. San Francisco Real Estate Board*, Civil Action No. C-71-369-MHP – antitrust, class action on behalf of Bay Area class of home sellers who paid fixed real estate commission rates.
- (24) *Solvoil Company v. Lamplight Farms, Inc.*, Civil Action No. 755-503 (S.F. Sup. Ct.) – antitrust/fraud action by terminated distributor against manufacturer-supplier.
- (25) *THC Financial Litigation*, Civil No. 76-0448C (D. Ha.) – securities fraud class action brought on behalf of the depositors and holders of investment certificates and debentures in THC Financial Corporation.
- (26) *Buffalo Whole Food and Grain Co. v. The Fleming Companies, et al.*, Civil Action No. C-81-927-THE – nationwide antitrust, class action on behalf of purchasers of health foods.
- (27) *In re: Olympic Oil Securities Litigation*, Civil Action No. C-81-3441-RPA (N.D. Cal.) – 10b-5 action on behalf of defrauded shareholders.
- (28) *Prescottano v. Koracorp Industries, Inc.*, C-74-1704 (N.D. Cal.) – class of shareholders alleging securities fraud.
- (29) *Espirit de Corp. v. Alton Box Board Co., et al.*, Civil Action No. 750-975 (S.F. Sup. Ct. 1982) – state-wide, antitrust class action for indirect purchasers of corrugated boxes.

- (30) *Greenberg v. Leviton Manufacturing Co., Inc., et al.* (S.F. Sup. Ct. 1980) – state-wide class action for indirect purchases of wiring devices.
- (31) *Busy Boy Markets, Inc., et al. v. Roblin Industries, Inc., et al.*, Civil Action No. 772-241 – antitrust price-fixing case for class of indirect purchasers of shopping carts.
- (32) *U.F.C.W., Local 1288 v. Allied Finance Adjusters Conference*, Civil Action No. 777-670 (S.F. Sup. Ct.) – antitrust price-fixing action by California class against repossession firms.
- (33) *In re Petroleum Products Antitrust Litigation (Retail Clerks Union, Local 648, et al. v. Exxon Corp., et al.)*, MDL 150 – indirect purchaser, antitrust class action on behalf of California consumers of gasoline.
- (34) *In re: Airport Rent-A-Car Antitrust Litigation*, MDL 338 – antitrust action by independent car rental companies against major car rental companies; appeal pending before the Ninth Circuit.
- (35) *Tom Lazio Fish Co., Inc. v. Castle & Cooke, Inc., et al.* (S.F. Sup. Ct.) – antitrust, predatory pricing action brought by competitor against major tuna packers.
- (36) *In re: Records and Tapes Antitrust Litigation* (N.E. Ill. 1983) – nationwide, price-fixing, class action for direct purchasers of records and tapes.
- (37) *Alexander v. Cambridge-Lee Industries, Inc., et al.* (S.F. Sup. Ct. 1983) – indirect-purchaser, antitrust class action by California purchasers of copper tubing.
- (38) *B.W.I. Custom Kitchens v. Owens-Illinois, et al.* (S.F. Sup. Ct. 1983) – indirect-purchaser, antitrust class action by California wholesale purchasers of glass containers.
- (39) *Highland Park Liquor, Inc., et al. v. ARA Services, Inc., et al.* (L.A. Sup. Ct. 1983) – antitrust, price-fixing class action by wholesale purchasers of magazines.
- (40) *Biljac v. Bank of America, et al.* (S.F. Sup. Ct. 1984) – Unfair Competition Act case for antitrust price-fixing involving the prime rate to commercial borrowers.
- (41) *Biogenesis Research, Inc. v. The Hertz Corporation, et al.* (S.F. Sup. Ct. 1984) – Unfair Competition Act for fixing car-rental rates to California consumers.
- (42) *Alexander v. American Savings & Loan Association, et al.* (S.F. Sup. Ct. 1984) – Unfair Competition Act for fixing pre-payment and association fees.
- (43) *Tyre Treds, Inc. v. The Firestone Tire & Rubber Company*, Civil No. 70-236-SC (N.D. Cal. 1976) – distributor termination, antitrust action.
- (44) *Reno-West Coast Distributing Company, Inc. v. The Mead Corporation*, Civil Action No. 73-0250-SW (N.D. Cal. 1976) – distributor termination, antitrust action.
- (45) *Unique Factory Outlet v. Espirit de Corp.*, Civil No. C-78-2336-WTS (N.D. Cal. 1980) – distributor termination, antitrust action.
- (46) *California Indirect-Purchaser Infant Formula Antitrust Litigation*, Judicial Council Coordination Proceeding No. 2557 (L.A. Sup. Ct.) – state-wide, Cartwright Act, class action for consumers who purchased infant formula.

- (47) *Stead Industries, Inc. v. State Industries, Inc.* (N.D. Cal.) – Sherman 2 monopolization case involving water heater industry.
- (48) *Airport Hub Antitrust Litigation* (N.D. Ga.) – nationwide class action for price-fixing of domestic airline ticket prices.
- (49) *Duke Development Company v. The Stanley Works, et al.* (S.F. Sup. Ct.) – state-wide, price-fixing, Cartwright Act, class action for indirect purchasers of hinges.
- (50) *Exxon Valdez Spill Litigation* (L.A. Sup. Ct.) – state-wide class action for economic damages suffered by California motorists caused by Exxon Valdez spill.
- (51) *Dombek v. Humboldt Petroleum, Inc., et al.* (H.C. Sup. Ct.) – price-fixing, Cartwright Act class action for purchasers of petroleum products in Humboldt County.
- (52) *First Executive Life Insurance Litigation* (S.F. Sup. Ct.) – nationwide class of defrauded life insurance purchasers.
- (53) *Abbott v. Genentech, Inc.* (N.D. Cal.) – nationwide securities class action for security fraud violations.
- (54) *Abbott/Morse v. Nintendo of America, Inc.* (S.M. Sup. Ct.) – state-wide class action for unfair business practices in Cartwright Act violations.
- (55) *Los Angeles Waste Antitrust Litigation* (L.A. Sup. Ct.) – county-wide, price-fixing, Cartwright Act class action.
- (56) *In re: Macadamia Nuts Antitrust Litigation* (N.D. Cal.) – nationwide class action on behalf of direct purchasers of macadamia nuts for price-fixing.
- (57) *Weinberg/Friedman v. The B. Manischewitz Co.* (S.F. Sup. Ct.) – state-wide, Cartwright Act, price-fixing class action for indirect purchasers of matzo products.
- (58) *Movie 1 & 2 v. United Artists, et al.* (N.D. Cal.) – competitor case for alleged group boycott and monopolization.
- (59) *Wirebound Box Antitrust Litigation* (D. MN.) – nationwide class action for price-fixing of wirebound boxes.
- (60) *Orlando & Jones, Inc., et al. v. Nautilus Sports/Medical Industries, Inc., et al.* (D. Fl.) – distributor claiming unfair business practices by manufacturer.
- (61) *James R. Benefiel and Edward D. Taylor v. Exxon Corporation, et al.* (L.A. Sup. Ct. 1989) – California class action for economic damages due to Exxon oil spill.
- (62) *Syufy Enterprises v. Vogel Popcorn Company, et al.*, File No. CV. 3-89-664, Master File No. 3-89-710 – class action involving bulk raw popcorn price-fixing case on behalf of direct purchasers.
- (63) *Renaissance Rialto, Inc., et al. v. Vogel Popcorn Company, et al.*, Civil No. 909-893 (S.F. Sup. Ct.) – class action involving bulk raw popcorn price-fixing case, on behalf of indirect purchasers.
- (64) *Arthur M. Stone Company and Tree of Life, Inc. v. Mauna Loa Macadamia Nut Corporation, et al.* - (N.D. Cal. 1990) – direct-purchaser, class action for price-fixing macadamia nuts.

- (65) *Gary Kaplan/Frank Holminski v. Southern Pacific Transportation Company, et al.*, Civil No. 935-732 (S.F. Sup. Ct.) – class action suit for damages due to toxic spill.
- (66) *John R. Travis v. Deloitte & Touche, et al.*, Civil No. 933-393 (S.F. Sup. Ct.) – class action suit representing persons who purchased life insurance products, who were damaged by fraudulent investments.
- (67) *In re: Potash Antitrust Litigation*, Civil File No. 3-93-197, MDL 981, U.S. District Court, District of Minnesota, Third Division – class action suit on behalf of direct purchasers of potash alleging horizontal price-fixing.
- (68) *Neve Brothers v. Potash Corporation of America, et al.*, Civil Case No. 959-767 (S.F. Sup. Ct.) – indirect-purchaser antitrust class action for potash purchasers.
- (69) *Diane Barela, et al. v. Ralph's Grocery Company, et al.*, Civil Case No. BC070061 (L.A. Sup. Ct.) – consumer class action alleging a milk price-fixing conspiracy in Los Angeles County.
- (70) *In re: Baby Food Antitrust Litigation*, Master File No. 92-5495 (NHP), United States District Court for the District of New Jersey – class action of direct purchasers against baby food manufacturers.
- (71) *Leslie K. Bruce, et al. v. Gerber Products Company, et al.*, Civil Case No. 948-857 (S.F. Sup. Ct.) – indirect-purchaser, price-fixing action against baby food manufacturers.
- (72) *Mark Notz, et al. v. Ticketmaster-Southern California, Inc., et al.*, Civil Case No. 943-327 (S.F. Sup. Ct.) – consumer class action alleging a territorial allocation in violation of the Cartwright Act.
- (73) *Nancy Wolf v. Toyota Motor Sales, U.S.A., Inc., et al.*, Civil Action No. C94-1359-MHP – nationwide, consumer class action alleging that the TDA Assessment on the dealer invoice was raised pursuant to an antitrust agreement.
- (74) *Lee Bright v. Kanzaki Specialty Papers, Inc., et al.*, Civil Action No. 963-598 (S.F. Sup. Ct.) – indirect-purchaser, consumer class action alleging a price-fixing conspiracy on fax paper.
- (75) *In re: Media Vision Technology Securities Litigation*, Civil Action No. C-94-1015-EFL (U.S. District Court - Northern District of CA) – securities fraud class action.
- (76) *Tortola Restaurants, L.P. v. Comet Products, Inc., et al.*, Civil Action No. 961-814 (S.F. Super Ct.) – indirect-purchaser, class action alleging a price-fixing conspiracy on plastic dinnerware.
- (77) *In re: California X-Ray Antitrust Litigation*, Civil Action No. 960-886 (S.F. Sup. Ct.) – indirect-purchaser, class action alleging price-fixing in X-ray film.
- (78) *Dianne Castano, et al. v. The American Tobacco Company, et al.*, Civil Action No. 94-1044, Section "S"(5) (U.S. District Court - Eastern District of Louisiana) – class action alleging that the tobacco companies formulated cigarettes to addict consumers.

- (79) *In re: Brand Name Prescription Drugs Antitrust Litigation*, Civil Action No. 94-C-897, MDL 997 (U.S. District Court - Northern District of Illinois, Eastern Division) – direct-purchaser class action alleging that the prescription drug manufacturers and wholesalers combined to keep prices unreasonably high to retail pharmacies.
- (80) *Pharmaceutical Cases I, II and III*, Judicial Council Proceeding Nos. 2969, 2971, 2972 (S.F. Sup. Ct.) – indirect-purchaser, consumer class action alleging that prescription drug manufacturers and wholesalers kept prices unreasonably high to retail pharmacies who passed on the overcharges to consumers.
- (81) *In re: Carbon Dioxide Antitrust Litigation*, MDL 940, United States District Court, Middle District of Florida, Orlando Division – direct purchaser class action alleging price-fixing on carbon dioxide.
- (82) *In re: Liquid Carbon Dioxide Cases*, Judicial Council Coordination Proceeding No. 3012 (San Diego Sup. Ct.) – indirect-purchaser class action alleging price-fixing on carbon dioxide.
- (83) *Jack Davis v. Microsoft Corporation*, Civil Action No. 963597 (S.F. Sup. Ct.) – consumer class action alleging that Microsoft's 6.0 system was flawed and should be corrected.
- (84) *In re: Airline Ticket Commission Antitrust Litigation*, MDL 1058 (Judicial Panel on Multidistrict Litigation) – class action alleging that the airlines conspired to fix travel agents' commission rates.
- (85) *Cosmetics Antitrust Litigation*; JCCP No. 4056 – class action alleging that manufacturers of prestige cosmetics and retail department stores conspired to prevent discounting of cosmetics.
- (86) *In re: Sorbate Price-Fixing Cases*; JCCP 4073 – class action alleging that certain manufacturers of sorbate fixed prices for product sold indirectly to California.
- (87) *In re: Methionine Antitrust Litigation*, MDL 1311 – class action alleging that certain manufacturers of methionine fixed prices to direct purchasers throughout the United States.
- (88) *In re: Methionine Cases*, JCCP 4090 – class action alleging that certain manufacturers of methionine fixed prices to indirect purchasers of that product in California
- (89) *Gaehwiler, Sr., et al. v. Sunrise Carpet Industries, et al.*, SF Sup. Ct. Action No. 978345 – class action alleging that manufacturers of certain types of carpets fixed prices to indirect purchasers in California.
- (90) *Chrysler Paint Cases*; JCCP 4038 – nationwide class action alleging defect in Chrysler paint.
- (91) *Sanitary Paper Cases I & II*, JCCP 4019, 4027 – class action alleging that manufacturers of certain types of sanitary paper fixed prices to indirect purchasers in California.
- (92) *In re: Dura Lube Corporation Fraud Actions*, SF Sup. Ct. Action No. 304186 – class action alleging certain practices and false advertising by Dura Lube.

- (93) *In re: Flat Glass Indirect Purchaser Antitrust Litigation*, JCCP 4033 – class action alleging that manufacturers of certain types of flat glass fixed prices to indirect purchasers in California.
- (94) *Verges, et al. v. Old Republic Title Co.*, SF Sup. Ct. Action No. 996929 – statewide class action alleging fraudulent schemes by title insurance companies.
- (95) *In re: Toys R Us Antitrust Litigation*, MDL 1211 – nationwide class action alleging anticompetitive activities in the children’s toy market.
- (96) *NASDAQ Market Makers Antitrust Litigation*, MDL 1023 94 Civ. 3996 (RWS) – nationwide class action alleging that commissions were illegally fixed.
- (97) *In re: Vitamin Antitrust Litigation*, JCCP 4076 – statewide class action by indirect purchasers alleging a price-fixing conspiracy.
- (98) *Sanders v. Great Spring Water of America d/b/a Calistoga Mineral Water Co. and d/b/a Arrowhead Mountain Spring Water Co., et al*, S.F. Sup. Ct. 303549 – nationwide class action alleging deceptive advertising in the sale of so-called “spring water.”
- (99) *In re: Providian Credit Card Litigation*, JCCP 4085 – a consumer fraud class action alleging a credit card company imposes fraudulent fees on its customers.
- (100) *GM Car Paint Cases*; JCCP 4070 – nationwide class action alleging defect in GM paint.
- (101) *Lopez v. Nissan North America, Inc.*, S.F. Sup. Ct. Action No. 305810 – nationwide class action alleging defect in Nissan paint.
- (102) *Judy v. Ford Motor Company*, S.F. Sup. Ct. Action No. 305722 – nationwide class action alleging defect in Ford paint.
- (103) *In re: Auctions House Antitrust Litigation*, JCCP 4145 – indirect-purchaser antitrust class action alleging that major auction houses fixed buyer commissions.
- (104) *In re: Microsoft I-V Cases*; JCCP 4106 – California Cartwright Act class action on behalf of all natural persons and businesses that purchased Microsoft operating systems and applications.
- (105) *In re: Cigarette Price-Fixing Cases*, JCCP 4114 – California Cartwright Act class action alleging that the tobacco companies fixed prices of cigarettes to pay state settlements.
- (106) *Weyerhaeuser Siding Cases*, S.F. Sup. Ct. Action No. 995787 – nationwide class action alleging that home siding was defective.
- (107) *In re: Carbon Fiber Cases I, II, and III*, JCCP 4212, 4216, and 4222 – statewide class action by indirect purchasers alleging a price-fixing conspiracy.
- (108) *In re: Microcrystalline Celluloid (MCC) Cases I, II, and III*, JCCP 4173, 4178 and 4181 – statewide class action by indirect purchasers alleging a price-fixing conspiracy.
- (109) *In re: Methionine Cases and Methionine Cases II*, JCCP 4090 and 4096 – statewide class action by indirect purchasers alleging a price-fixing conspiracy.
- (110) *Cintas Technologies, Inc., v. ISK Magnetics, et al.*, S.F. Sup. Ct. Action No. 323321 – statewide class action by indirect purchasers alleging a price-fixing conspiracy.

- (111) *In re: Carbon Black Cases*, JCCP 4323 – statewide class action by indirect purchasers alleging a price-fixing conspiracy.
- (112) *Sullivan, et al. v. DB Investments, Inc., et al.*, USDC, NDNJ No. 3:04- cv-02819 – nationwide class action by direct purchasers alleging a price-fixing conspiracy.
- (113) *DRAM Cases*, JCCP 4265 – statewide class action by indirect purchasers alleging a price-fixing conspiracy.
- (114) *Automobile Antitrust Cases I, II*, JCCP 4298 and 4303 – statewide class action by indirect purchasers alleging a price-fixing conspiracy.
- (115) *In re: Natural Gas Anti-Trust Cases I, II, III & IV*, JCCP 4221, 4224, 4226 and 4228 – statewide class action by indirect purchasers alleging a price-fixing conspiracy.
- (116) *In re: Laminate Cases*, JCCP 4129 – statewide class action by indirect purchasers alleging a price-fixing conspiracy.
- (117) *In re: Lupron Drug Cases*, JCCP 4238 – statewide class action by indirect purchasers alleging a price-fixing conspiracy.
- (118) *Alameda Drug Co., et al. v. Medco Health Solutions, Inc., et al.*, S.F. Sup. Ct. Action No. CGC-04-428109 – statewide class action by indirect purchasers alleging a price-fixing conspiracy.
- (119) *Polyester Staple Cases*, JCCP 4278 – statewide class action by indirect purchasers alleging a price-fixing conspiracy.
- (120) *Food Additives (HFCS) Cases*, JCCP 3261 – statewide class action by indirect purchasers alleging a price-fixing conspiracy.
- (121) *In re: Insurance Brokerage Antitrust Litigation*, MDL 1663 – nationwide class action by direct purchasers alleging a price-fixing conspiracy.
- (122) *Schreiner and Gustin, Inc. v. Crompton Corporation, et al.*, Sup. Ct. Action No. CGC-04-429323 – statewide class action by indirect purchasers alleging a price-fixing conspiracy.
- (123) *Leola Loots v. Crompton Corp., et al.*, Sup. Ct. Action No. CGC-04-431247 – statewide class action by indirect purchasers alleging a price-fixing conspiracy.
- (124) *Kim, et al. v. SONY Computer Entertainment, America, Inc.*, Sup. Ct. Action No. CIV 427336 – statewide class action by indirect purchasers alleging a price-fixing conspiracy.
- (125) *Schneider v. Autobahn Motors, et al.*, Sup. Ct. Action No. 315111 – statewide class action by indirect purchasers alleging a price-fixing conspiracy.
- (126) *Sullivan v. Union Oil Company of California*, Dist. Ct. Action No. 04-5236 – nationwide class action by direct purchasers alleging a price-fixing conspiracy.
- (127) *In re: Intel Corporation Microprocessor Antitrust Litigation*, MDL 1717 – nationwide class action by purchasers of computers with Intel systems.
- (128) *In re: TFT-LCD (Flat Panel) Antitrust Litigation*, MDL 1827 – indirect-purchaser class action for LCD price-fixing.

- (129) *In re: Static Random Access Memory (SRAM) Antitrust Litigation*, MDL 1819 – indirect-purchaser class action for SRAM price-fixing.
- (130) *In re: Optical Disk Drive (ODD) Antitrust Litigation*, MDL 2143 – indirect-purchaser class action for ODD price-fixing.
- (131) *In re: Flash Memory Antitrust Litigation*, MDL 1852 – indirect-purchaser class action for Flash price-fixing.
- (132) *In re: Cathode Ray Tube (CRT) Antitrust Litigation*, MDL 1917 – indirect-purchaser class action for CRT price-fixing.
- (133) *In re: Lithium Ion Batteries Antitrust Litigation*, MDL 2420 – indirect-purchaser class action for LIB price-fixing.
- (134) *In re: Automotive Parts Antitrust Litigation*, MDL 2311 – class action for automotive parts price-fixing.
- (135) *Automotive Parts Cases – Wire Harness*, Dist. Ct. Action No. 12-00100 – class action for wire harness price-fixing.
- (136) *Automotive Parts Cases – Instrument Panel Clusters*, Dist. Ct. Action No. 12-00200 – class action for instrument panel clusters price-fixing.
- (137) *Automotive Parts Cases – Fuel Senders*, Dist. Ct. Action No. 12-00300 – class action for fuel senders price-fixing.
- (138) *Automotive Parts Cases – Heater Control Panels*, Dist. Ct. Action No. 12-00400 – class action for heater control panels price-fixing.
- (139) *Automotive Parts Cases – Bearings*, Dist. Ct. Action No. 12-00500 – class action for wire harness price-fixing.
- (140) *Automotive Parts Cases – Occupant Safety Systems*, Dist. Ct. Action No. 12-00600 – class action for occupant safety systems price-fixing.
- (141) *Automotive Parts Cases – Alternators*, Dist. Ct. Action No. 13-00700 – class action for alternators price-fixing.
- (142) *Automotive Parts Cases – Anti-Vibrational Rubber Parts*, Dist. Ct. Action No. 13-00800 – class action for anti-vibrational rubber parts price-fixing.
- (143) *Automotive Parts Cases – Windshield Wipers*, Dist. Ct. Action No. 13-00900 – class action for windshield wipers price-fixing.
- (144) *Automotive Parts Cases – Radiators*, Dist. Ct. Action No. 13-01000 – class action for radiators price-fixing.
- (145) *Automotive Parts Cases – Starters*, Dist. Ct. Action No. 13-01100 – class action for starters price-fixing.
- (146) *Automotive Parts Cases – Automotive Lamps*, Dist. Ct. Action No. 13-01200 – class action for automotive lamps price-fixing.
- (147) *Automotive Parts Cases – Switches*, Dist. Ct. Action No. 13-01300 – class action for switches price-fixing.

- (148) *Automotive Parts Cases – Ignition Coils*, Dist. Ct. Action No. 13-01400 – class action for ignition coils price-fixing.
- (149) *Automotive Parts Cases – Motor Generator*, Dist. Ct. Action No. 13-01500 – class action for motor generator price-fixing.
- (150) *Automotive Parts Cases – Steering Angle Sensors*, Dist. Ct. Action No. 13-01600 – class action for steering angle sensors price-fixing.
- (151) *Automotive Parts Cases – HID Ballasts*, Dist. Ct. Action No. 13-01700 – class action for HID ballasts price-fixing.
- (152) *Automotive Parts Cases – Inverters*, Dist. Ct. Action No. 13-01800 – class action for inverters price-fixing.
- (153) *Automotive Parts Cases – Electronic Powered Steering Assemblies*, Dist. Ct. Action No. 13-01900 – class action for electronic powered steering assemblies price-fixing.
- (154) *Automotive Parts Cases – Air Flow Meters*, Dist. Ct. Action No. 13-02000 – class action for air flow meters price-fixing.
- (155) *Automotive Parts Cases – Fan Motors*, Dist. Ct. Action No. 13-02100 – class action for fan motors price-fixing.
- (156) *Automotive Parts Cases – Fuel Injection Systems*, Dist. Ct. Action No. 13-02200 – class action for fuel injection systems price-fixing.
- (157) *Automotive Parts Cases – Power Window Motors*, Dist. Ct. Action No. 13-02300 – class action for power window motors price-fixing.
- (158) *Automotive Parts Cases – Automatic Transmission Fluid Warmers*, Dist. Ct. Action No. 13-02400 – class action for automatic transmission fluid warmers price-fixing.
- (159) *Automotive Parts Cases – Valve Timing Control Devices*, Dist. Ct. Action No. 13-02500 – class action for valve timing control devices price-fixing.
- (160) *Automotive Parts Cases – Electronic Throttle Bodies*, Dist. Ct. Action No. 13-02600 – class action for electronic throttle bodies price-fixing.
- (161) *Automotive Parts Cases – Air Conditioning Systems*, Dist. Ct. Action No. 13-02700 – class action for air conditioning systems price-fixing.
- (162) *Automotive Parts Cases – Windshield Washer Systems*, Dist. Ct. Action No. 13-02800 – class action for windshield washer systems price-fixing.
- (163) *Automotive Parts Cases – Automotive Constant Velocity Joint Boot Products*, Dist. Ct. Action No. 14-02900 – class action for automotive constant velocity joint boot products price-fixing.
- (164) *In re: Vehicle Carrier Services Antitrust Litigation*, MDL 2471 – indirect-purchaser class action for vehicle carrier services price-fixing.
- (165) *In re: Cast Iron Soil Pipe Antitrust Litigation*, MDL 2508 – indirect-purchaser class action for cast iron soil pipe price-fixing.
- (166) *Pierce-Nunes v. Toshiba America Information Systems, Inc.*, Dist. Ct. Action No. 14-00796 – class action for intentionally mislabeling LCD televisions as LED televisions.

- (167) *Wheitz v. Vizio, Inc.*, Sup. Ct. Action No. CGC-14-537610 – class action for intentionally mislabeling LCD televisions as LED televisions.
- (168) *Rabinowitz v. Samsung Electronics America, Inc.*, Dist. Ct. Action No. 14-00801 – class action for intentionally mislabeling LCD televisions as LED televisions.
- (169) *Ferrari v. Best Buy Co., Inc. et al.*, Dist. Ct. Action No. 14-02956 – class action for intentionally mislabeling LCD televisions as LED televisions.
- (170) *Popejoy et al v. Sharp Electronics Corporation*, Dist. Ct. Action No. 14-03495 – class action for intentionally mislabeling LCD televisions as LED televisions.
- (171) *Four in One Company, Inc. v. SK Foods, L.P. et al.*, Dist. Ct. Action No. 08-03017 – direct-purchaser class action for tomatoes price-fixing.
- (172) *In re: Processed Egg Products Antitrust Litigation*, MDL 2002 – class action for processed egg products price-fixing.
- (173) *In re: Aftermarket Automotive Lighting Products Antitrust Litigation*, MDL 2007 – indirect-purchaser class action for aftermarket automotive lighting products price-fixing.
- (174) *In re: Transpacific Passenger Air Transportation Antitrust Litigation*, MDL 1913 – indirect-purchaser class action for transpacific passenger air transportation price-fixing.
- (175) *In re Parking Heaters Antitrust Litigation*, MDL 904, EDNY – indirect-purchaser class action for truck heaters price-fixing.
- (176) *In re: Disposable Contact Lens Antitrust Litigation*, MDL 2626, MDFL – indirect-purchaser class action for vertical price-fixing by manufacturers of disposable contact lenses.
- (177) *In re: Packaged Seafood Products Antitrust Litigation*, MDL 2670, SDCA – indirect-purchaser class action for price-fixing by processors of packaged seafood products.
- (178) *In re: Volkswagen “Clean Diesel” Marketing, Sales Practices, and Products Liability Litigation*, MDL 2672, NDCA – class action brought on behalf of consumers against manufacturers of European diesel engines fraudulently promoted as environmentally “clean.”
- (179) *In re: Chrysler-Dodge-Jeep EcoDiesel Marketing, Sales Practices and Products Liability Litigation*, MDL 2777, NDCA – class action brought on behalf of consumers against manufacturers of American diesel engines fraudulently promoted as environmentally “clean.”
- (180) *Gumbs, et al. v. Aurobindo Pharma USA, Inc., et al.*, USDC/NDCA Case No. 17-02084 – class action brought on behalf of independent pharmacists alleging pharmacies selling generic glyburide tablets of conspiring to fix, raise, maintain and stabilize the price of said tablets.
- (181) *County of San Joaquin, et al. v. Purdue Pharma L.P., et al.*; San Joaquin County Superior Court Case No. STK-CV-UBT-2017-5325 – action by city and county governments against pharmaceutical manufacturers to recover costs of responding to opioid epidemic caused by defendants’ failure to disclose adequately the risks of addiction and abuse.

- (182) *GER Hospitality, LLC, et al. v. PG&E Corporation, et al.*, Sonoma County Superior Court Case No. SCV-261723 – action by business operator against PG&E Corporation and Pacific Gas & Electric Company for damages suffered due to the Wine Country Wildfires which commenced in early October 2017.
- (183) *Steel, et al. v. PG&E Corporation, et al.*, Napa County Superior Court Case No. 18-CV-000030 – class action by residents of veterans’ home against PG&E Corporation and Pacific Gas & Electric Company for damages suffered due to the Wine Country Wildfires which commenced in early October 2017.
- (184) *Carpeneti v. PG&E Corporation, et al.*, San Francisco County Superior Court Case No. CGC-18-563823 – action by landowner against PG&E Corporation and Pacific Gas & Electric Company for damages suffered due to the Wine Country Wildfires which commenced in early October 2017.
- (185) *Wahidullah Medical Corp. v. St. Joseph Hospital of Eureka, et al.*, USDC/NDCA Case No. 3:18-cv-02074 – action by medical laboratory against medical providers alleging group boycott and monopolization, in violation of federal and California law.
- (186) *Smylie, et al. v. PG&E Corporation, et al.*, Sonoma County Superior Court Case No. SCV-262539 – class action by evacuees of Santa Rosa against PG&E Corporation and Pacific Gas & Electric Company for damages suffered due to the Wine Country Wildfires which commenced in early October 2017.
- (187) *European Commission Case AT.39824 – Trucks*. Retained by Stitching Truck Cartel Recovery as consultant to Dezso & Partners Law Firm in connection with potential litigation in relation to six truck manufacturers that allegedly entered into collusive arrangements in violation of Article 101 of the Treaty on the Functioning of the European Union and Article 53 of the EEA Agreement.
- (188) *In re PG&E Corporation*, USBC/NDCA Case No. 19-30088 – Counsel for fire victims asserting claims against bankruptcy estate of PG&E.
- (189) *KPH Healthcare Services, Inc., et al. v. Gilead Sciences, Inc., et al.*, USDC/NDCA Case No. 3:20-cv-00880 – class action by direct purchasers of combination antiretroviral therapy drugs against pharmaceutical companies allegedly conspiring to extend patent protections, delay entry of generic competition, and charge anticompetitive prices for cART regimen drugs.
- (190) *Kirschner, et al. v. PG&E Corporation, et al.*, San Francisco County Superior Court Case No. CGC-20-587339 – action by property owners of Sonoma County against PG&E Corporation and Pacific Gas & Electric Company for economic damages suffered due to the Kincade Fire which commenced in early October 2019.
- (191) *Bendich, et al. v. PG&E Corporation, et al.*, San Francisco County Superior Court Case No. CGC-20-587825 – action by property owners of Sonoma County against PG&E Corporation and Pacific Gas & Electric Company for economic damages suffered due to the Kincade Fire which commenced in early October 2019.

PATRICK B. CLAYTON

Curriculum Vitae

Mr. Clayton is a graduate of the University of California, Berkeley, with a B.A. degree in English Literature. He is also a graduate of the University of California, Davis, King Hall School of Law, with a J.D. degree. Mr. Clayton is admitted to the State Bar of California, as well as various federal district courts and courts of appeal.

Upon graduation from law school, Mr. Clayton was employed as an associate attorney at the firm then known as Zelle Hofmann in San Francisco, working on complex litigation, primarily plaintiff's antitrust class action cases. His representative matters during this time include *TFT-LCD (Flat Panel) Antitrust Litigation* (MDL No. 1827), in which he drafted multi-state class certification motions and summary judgment oppositions on behalf of LCD consumer classes in global price-fixing case. In *Transpacific Passenger Air Transportation Antitrust Litigation* (MDL No. 1913), Mr. Clayton deposed foreign-based executives and corporate representatives, and led document and expert discovery of an airline defendant on behalf of consumer ticket purchasers.

Mr. Clayton joined the Law Offices of Francis O. Scarpulla in 2015 and has continued to handle complex litigation and antitrust cases in state and federal courts throughout the country. Representative matters include *Parking Heaters Antitrust Litigation* (E.D.N.Y.), in which Mr. Clayton led document discovery, class certification briefing, and settlement approval on behalf of purchasers of specialized truck add-on components. In *Wahidullah Medical Corp. v. St. Joseph Hospital of Eureka* (N.D. Cal.), he led the factual investigation of alleged anti-competitive behavior by a local hospital group and participated in mediation leading to settlement of the case on behalf of an independent lab services provider.

Mr. Clayton has contributed to several leading antitrust treatises and practice guides. He is a chapter co-author of "Pre-complaint activities," in Private Enforcement of Antitrust Law in the United States: A Handbook, published by the American Antitrust Institute. Mr. Clayton co-authored the chapter "Exemptions, Immunities, and Other Defenses To Antitrust Liability," in California Antitrust and Unfair Competition Law, published by Antitrust and Unfair Competition Law Section of the State Bar of California. He served as the annual update editor for the chapter through 2022.

Below is a list of representative complex litigation cases in which Mr. Clayton has been and is currently involved.

COMPLEX LITIGATION CASES

- (1) *Western States Wholesale Natural Gas Antitrust Litigation*, MDL No. 1566 – class action on behalf of natural gas purchasers.
- (2) *In re: Static Random Access Memory (SRAM) Antitrust Litigation*, MDL No. 1819 – indirect-purchaser class action for SRAM price-fixing.
- (3) *In re: TFT-LCD (Flat Panel) Antitrust Litigation*, MDL No. 1827 – indirect-purchaser class action for LCD price-fixing.
- (4) *In re: Flash Memory Antitrust Litigation*, MDL 1852 – indirect-purchaser class action for Flash price-fixing.
- (5) *In re: Cathode Ray Tube (CRT) Antitrust Litigation*, MDL No. 1917 – indirect-purchaser class action for CRT price-fixing.
- (6) *In re: Optical Disk Drive (ODD) Antitrust Litigation*, MDL No. 2143 – indirect-purchaser class action for ODD price-fixing.
- (7) *In re: Lithium Ion Batteries Antitrust Litigation*, MDL No. 2420 – indirect-purchaser class action for LIB price-fixing.
- (8) *Automobile Antitrust Cases I, II*, JCCP 4298 and 4303 – statewide class action by indirect purchasers alleging a price-fixing conspiracy.
- (9) *Wheitz v. Vizio, Inc.*, Sup. Ct. Action No. CGC-14-537610 – class action for intentionally mislabeling LCD televisions as LED televisions.
- (10) *In re: Transpacific Passenger Air Transportation Antitrust Litigation*, MDL No. 1913 – indirect-purchaser class action for transpacific passenger air transportation price-fixing.
- (11) *In re Parking Heaters Antitrust Litigation* (E.D.N.Y.) – indirect-purchaser class action for truck heaters price-fixing.
- (12) *In re: Volkswagen “Clean Diesel” Marketing, Sales Practices, and Products Liability Litigation*, MDL No. 2672 – class action brought on behalf of consumers against

manufacturers of European diesel engines fraudulently promoted as environmentally “clean.”

- (13) *In re: Chrysler-Dodge-Jeep EcoDiesel Marketing, Sales Practices and Products Liability Litigation*, MDL No. 2777 – class action brought on behalf of consumers against manufacturers of American diesel engines fraudulently promoted as environmentally “clean.”
- (14) *Gumbs, et al. v. Aurobindo Pharma USA, Inc., et al.*, (N.D. Cal.) – class action brought on behalf of independent pharmacists alleging pharmacies selling generic glyburide tablets of conspiring to fix, raise, maintain and stabilize the price of said tablets.
- (15) *County of San Joaquin, et al. v. Purdue Pharma L.P., et al.*; San Joaquin County Superior Court Case No. STK-CV-UBT-2017-5325 – action by city and county governments against pharmaceutical manufacturers to recover costs of responding to opioid epidemic caused by defendants’ failure to disclose adequately the risks of addiction and abuse.
- (16) *GER Hospitality, LLC, et al. v. PG&E Corporation, et al.*, Sonoma County Superior Court Case No. SCV-261723 – action by business operator against PG&E Corporation and Pacific Gas & Electric Company for damages suffered due to the Wine Country Wildfires which commenced in early October 2017.
- (17) *Wahidullah Medical Corp. v. St. Joseph Hospital of Eureka, et al.*, (N.D. Cal.) – action by medical laboratory against medical providers alleging group boycott and monopolization, in violation of federal and California law.
- (18) *In re PG&E Corporation*, (N.D. Cal. Bankr.) – Counsel for fire victims asserting claims against bankruptcy estate of PG&E.
- (19) *KPH Healthcare Services, Inc., et al. v. Gilead Sciences, Inc., et al.*, (N.D. Cal.) – class action by direct purchasers of combination antiretroviral therapy drugs against pharmaceutical companies allegedly conspiring to extend patent protections, delay entry of generic competition, and charge anticompetitive prices for cART regimen drugs.
- (20) *Kirschner, et al. v. PG&E Corporation, et al.*, San Francisco County Superior Court Case No. CGC-20-587339 – action by property owners of Sonoma County against PG&E Corporation and Pacific Gas & Electric Company for economic damages suffered due to the Kincade Fire which commenced in early October 2019.

Catherine P. Cusick

Curriculum Vitae

Catherine P. Cusick is a graduate of SUNY Potsdam, having majored in Art History. Upon graduation, she took courses at Katharine Gibbs Secretarial School in New York City which emphasized business communication. After working for several years at Cornell University's English Department in Ithaca, New York, she made her way to San Francisco to endeavor to enter into the legal profession. There, she was hired as a paralegal by the insurance company defense firm of Kinder & Wuerfel, APC where she was given on-the-job training. At Kinder & Wuerfel she was trained in page/line summaries of depositions, drafting discovery, including *Subpoenae Duces Tecum*, Requests for Admission, Requests for Production of Documents, Form and Special Interrogatories, as well as Contention Interrogatories.

Ms. Cusick then became temporary through the auspices of Sally Walters Placement Agency. Through assignments in a variety of practices, Ms. Cusick expanded her knowledge of legal processes and was often requested for long-term assignments. One of which was supervising the document management of the Rocky Mountain Arsenal litigation whose parties included Shell Oil Company, the United States Army, as well as several hundred insurers and subrogation insurers of the Rocky Mountain Arsenal property. This litigation was led by the now-disbanded Brobeck, Phleger & Harrison, which organized and supervised dozens of attorneys. Ms. Cusick supervised an around-the-clock team to keep well-organized all documents associated with that litigation.

Ms. Cusick began working with the Law Offices of Francis O. Scarpulla in approximately 1990, and has continued in her association with that firm for the past 30 plus years. Ms. Cusick has served as an administrative assistant, as well as a paralegal at the firm, where she organized, drafted, edited, finalized, and maintained case files in the firm's antitrust litigation practice. Ms. Cusick also had case-management duties at the firm, which included communications with court personnel, co-counsel's staff and paralegals, as well as those from opposing counsel's firms.

EXHIBIT 2

**Law Offices of Francis O. Scarpulla
Activity Billing Code Summaries**

Law Offices of Francis O. Scarpulla Activity Billing Code Summary

Activity Codes	
L110 – Factual Investigation / Development L120 – Litigation Strategy and Analysis L130 – Experts / Consultants (Retaining, Communicating with Experts) L160 – Settlement and ADR L190 – Case Management and Administration L210 – Pleadings L240 – Pretrial Motions Dispositive (MTD, MSJ, etc.) L250 – Pretrial Motions Other (CMO, PO, Status Conference, etc.)	L260 – Class Certification and Notice L270 – Pretrial Court Appearances - Attendance L280 - Pretrial Court Appearances – Participation L310 – Written Discovery L320 – Discovery Document Production and Review L330 – Discovery Depositions L340 – Discovery Expert Discovery L350 – Pretrial Motions Discovery L390 – Discovery Other
L410 – Trial Preparation Fact Witnesses L420 – Trial Preparation Expert Witnesses L430 – Trial Preparation Written Motions and Submissions L440 – Other Trial Preparation & Support L450 – Trial Attendance L460 – Trial and Post-Trial Motions and Submissions L510 – Appeals, Motions, Briefs, and Other Submissions L530 – Appeals Oral Argument*	

Name	Title	110	120	130	160	190	240	250	260	270	320	330	390	410	430	440	510	Total Time	Hourly Rate	Lodestar
Francis O. Scarpulla	P	1.6	171.5	37.8	91	75.9	5.7	111.5	27.9	1.5	1.1	8.3	117	1.1	3.1	255.4	1.	911.4	\$1,250	\$1,139,250.
Patrick B. Clayton	OC	1	55.3	21.8	36.9	4		172.8	39.8	16	25.1					0.5		373.2	\$ 650	\$ 242,580.
Catherine P. Cusick	P					133.6												133.6	\$ 150	\$ 20,040.
Totals		2.7	226.8	59.6	127.9	213.5	5.7	284.3	67.7	17.5	26.2	8.3	117	1.1	3.1	255.9	1	1418.2		\$1,401,870

Title Key

- P – Partner
- OC – Of Counsel
- A – Associate
- S – Staff Attorney
- P – Paralegal

* Omitted – No Appellate Oral Argument Occurred in the Litigation