

Francis O. Scarpulla (Cal. Bar 41059)  
**LAW OFFICES OF FRANCIS O. SCARPULLA**  
3708 Clay Street  
San Francisco, CA 94118  
Telephone: (415) 751-4193  
Facsimile: (415) 788-0706  
fos@scarpullalaw.com

*Liaison Counsel for the Direct Purchaser Classes*

Michael L. Roberts  
**ROBERTS LAW FIRM US, PC**  
1920 McKinney Avenue, Suite 700  
Dallas, TX 75201  
Telephone: (501) 821-5575  
mikeroberts@robertslawfirm.us

Dianne M. Nast  
**NASTLAW LLC**  
1101 Market Street, Suite 2801  
Philadelphia, PA 19107  
Telephone: (215) 923-9300  
Facsimile: (215) 923-9302  
dnast@nastlaw.com

*Co-Lead Counsel for the Direct Purchaser Classes*

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

*IN RE HIV ANTITRUST LITIGATION*

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

THIS DOCUMENT RELATES TO :

KPH Healthcare Services, Inc. v. Gilead Sciences, Inc. *et al.*, 3:20-cv-06961-EMC

**THIRD DECLARATION OF MICHAEL L. ROBERTS IN SUPPORT OF DIRECT PURCHASER CLASS PLAINTIFFS' MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT WITH GILEAD AND ATTORNEYS' FEES, COSTS AND EXPENSES, AND SERVICE AWARD**

Date: January 18, 2024  
Time: 1:30 p.m.  
Ctrm: 5 – 17th Floor  
Judge: Honorable Edward M. Chen

1 I, Michael L. Roberts, declare as follows:

2 1. I am the managing partner of Roberts Law Firm US, PC. The Court appointed me as  
3 Co-Lead Counsel for the Direct Purchaser Classes in this case. I submit this declaration in further  
4 support of Direct Purchaser Class Plaintiffs' Motion for Final Approval of Class Action Settlement  
5 with Gilead and Attorneys' Fees, Costs and Expenses, and Service Award. I have personal  
6 knowledge of the information set forth in this declaration.

7 2. Attached as Exhibit 1 is the Declaration of Russell L. Lamb Regarding Humana  
8 Pharmacy Inc. and Kaiser Foundation Hospital Relative Share of Direct Purchaser Plaintiffs' Gilead  
9 Settlement.

10 3. One additional Class Member has submitted its claim bringing the total number of  
11 submitted claims to 65.

12 4. On January 13, 2024, a Joint Stipulation and Proposed Order was filed regarding  
13 Direct Purchaser Plaintiff Class Members Kaiser and Humana's request to rescind their exclusion  
14 request, in light of the Claims Administrator's failure to communicate their exclusion requests to  
15 DPP and Gilead counsel. If the Court grants the request to re-include Kaiser and Humana in the  
16 Classes, the number of Class Members is 81. Kaiser and Humana confirm that they will file their  
17 claims immediately. With their claims, the claim rate would be 82.7% (67/81). Without the claims  
18 of Kaiser and Humana, the current claims rate is 82.3% (65/79).

19 5. Website notice to the entire class of the file-marked copy of the Joint Stipulation and  
20 Proposed Order referenced above was immediately posted on January 13, 2024. The Second  
21 Roberts Declaration and the accompanying exhibit have also been posted to the settlement website.

22 6. In addition, direct email notice to each Class Member of the following file-marked  
23 documents was provided: (1) Second Declaration of Michael L. Roberts and the attached exhibit;  
24 and (2) the above referenced Joint Stipulation and Proposed Order.

1 Executed on January 15, 2024.

*/s/ Michael L. Roberts*

2 ROBERTS LAW FIRM US, PC  
3 MICHAEL L. ROBERTS (*pro hac vice*)  
4 mikeroberts@robertslawfirm.us  
5 1920 McKinney Avenue, Suite 700  
6 Dallas, TX 75204  
7 Telephone: (501) 821-5575

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
*Co-Lead Counsel for the Direct Purchaser  
Plaintiff Classes*

1 Francis O. Scarpulla (Cal. Bar 41059)  
 2 Patrick B. Clayton (Cal. Bar 240191)  
 3 LAW OFFICES OF  
 4 FRANCIS O. SCARPULLA  
 5 3708 Clay Street  
 6 San Francisco, CA 94118  
 7 Telephone: (415) 751-4193  
 8 Facsimile: (415) 751-0889  
 9 fos@scarpullalaw.com  
 10 pbc@scarpullalaw.com  
 11  
 12 *Liaison Counsel for the Direct Purchaser*  
 13 *Plaintiff Classes*

14 Michael L. Roberts (*pro hac vice*)  
 15 ROBERTS LAW FIRM, PA  
 16 mikeroberts@robertslawfirm.us  
 17 1920 McKinney Avenue, Suite 700  
 18 Dallas, Texas 75204  
 19 Telephone: (501) 952-8558

20 Dianne M. Nast (*pro hac vice*)  
 21 NASTLAW LLC  
 22 dnast@nastlaw.com  
 23 1101 Market Street, Suite 2801  
 24 Philadelphia, PA 19107  
 25 Telephone: (215) 923-9300

26 *Co-Lead Counsel for the Direct Purchaser*  
 27 *Plaintiff Classes*

28  
 29  
 30  
 31  
 32  
 33  
 34  
 35  
 36  
 37  
 38  
 39  
 40  
 41  
 42  
 43  
 44  
 45  
 46  
 47  
 48  
 49  
 50  
 51  
 52  
 53  
 54  
 55  
 56  
 57  
 58  
 59  
 60  
 61  
 62  
 63  
 64  
 65  
 66  
 67  
 68  
 69  
 70  
 71  
 72  
 73  
 74  
 75  
 76  
 77  
 78  
 79  
 80  
 81  
 82  
 83  
 84  
 85  
 86  
 87  
 88  
 89  
 90  
 91  
 92  
 93  
 94  
 95  
 96  
 97  
 98  
 99  
 100  
 101  
 102  
 103  
 104  
 105  
 106  
 107  
 108  
 109  
 110  
 111  
 112  
 113  
 114  
 115  
 116  
 117  
 118  
 119  
 120  
 121  
 122  
 123  
 124  
 125  
 126  
 127  
 128  
 129  
 130  
 131  
 132  
 133  
 134  
 135  
 136  
 137  
 138  
 139  
 140  
 141  
 142  
 143  
 144  
 145  
 146  
 147  
 148  
 149  
 150  
 151  
 152  
 153  
 154  
 155  
 156  
 157  
 158  
 159  
 160  
 161  
 162  
 163  
 164  
 165  
 166  
 167  
 168  
 169  
 170  
 171  
 172  
 173  
 174  
 175  
 176  
 177  
 178  
 179  
 180  
 181  
 182  
 183  
 184  
 185  
 186  
 187  
 188  
 189  
 190  
 191  
 192  
 193  
 194  
 195  
 196  
 197  
 198  
 199  
 200  
 201  
 202  
 203  
 204  
 205  
 206  
 207  
 208  
 209  
 210  
 211  
 212  
 213  
 214  
 215  
 216  
 217  
 218  
 219  
 220  
 221  
 222  
 223  
 224  
 225  
 226  
 227  
 228  
 229  
 230  
 231  
 232  
 233  
 234  
 235  
 236  
 237  
 238  
 239  
 240  
 241  
 242  
 243  
 244  
 245  
 246  
 247  
 248  
 249  
 250  
 251  
 252  
 253  
 254  
 255  
 256  
 257  
 258  
 259  
 260  
 261  
 262  
 263  
 264  
 265  
 266  
 267  
 268  
 269  
 270  
 271  
 272  
 273  
 274  
 275  
 276  
 277  
 278  
 279  
 280  
 281  
 282  
 283  
 284  
 285  
 286  
 287  
 288  
 289  
 290  
 291  
 292  
 293  
 294  
 295  
 296  
 297  
 298  
 299  
 300  
 301  
 302  
 303  
 304  
 305  
 306  
 307  
 308  
 309  
 310  
 311  
 312  
 313  
 314  
 315  
 316  
 317  
 318  
 319  
 320  
 321  
 322  
 323  
 324  
 325  
 326  
 327  
 328  
 329  
 330  
 331  
 332  
 333  
 334  
 335  
 336  
 337  
 338  
 339  
 340  
 341  
 342  
 343  
 344  
 345  
 346  
 347  
 348  
 349  
 350  
 351  
 352  
 353  
 354  
 355  
 356  
 357  
 358  
 359  
 360  
 361  
 362  
 363  
 364  
 365  
 366  
 367  
 368  
 369  
 370  
 371  
 372  
 373  
 374  
 375  
 376  
 377  
 378  
 379  
 380  
 381  
 382  
 383  
 384  
 385  
 386  
 387  
 388  
 389  
 390  
 391  
 392  
 393  
 394  
 395  
 396  
 397  
 398  
 399  
 400  
 401  
 402  
 403  
 404  
 405  
 406  
 407  
 408  
 409  
 410  
 411  
 412  
 413  
 414  
 415  
 416  
 417  
 418  
 419  
 420  
 421  
 422  
 423  
 424  
 425  
 426  
 427  
 428  
 429  
 430  
 431  
 432  
 433  
 434  
 435  
 436  
 437  
 438  
 439  
 440  
 441  
 442  
 443  
 444  
 445  
 446  
 447  
 448  
 449  
 450  
 451  
 452  
 453  
 454  
 455  
 456  
 457  
 458  
 459  
 460  
 461  
 462  
 463  
 464  
 465  
 466  
 467  
 468  
 469  
 470  
 471  
 472  
 473  
 474  
 475  
 476  
 477  
 478  
 479  
 480  
 481  
 482  
 483  
 484  
 485  
 486  
 487  
 488  
 489  
 490  
 491  
 492  
 493  
 494  
 495  
 496  
 497  
 498  
 499  
 500  
 501  
 502  
 503  
 504  
 505  
 506  
 507  
 508  
 509  
 510  
 511  
 512  
 513  
 514  
 515  
 516  
 517  
 518  
 519  
 520  
 521  
 522  
 523  
 524  
 525  
 526  
 527  
 528  
 529  
 530  
 531  
 532  
 533  
 534  
 535  
 536  
 537  
 538  
 539  
 540  
 541  
 542  
 543  
 544  
 545  
 546  
 547  
 548  
 549  
 550  
 551  
 552  
 553  
 554  
 555  
 556  
 557  
 558  
 559  
 560  
 561  
 562  
 563  
 564  
 565  
 566  
 567  
 568  
 569  
 570  
 571  
 572  
 573  
 574  
 575  
 576  
 577  
 578  
 579  
 580  
 581  
 582  
 583  
 584  
 585  
 586  
 587  
 588  
 589  
 590  
 591  
 592  
 593  
 594  
 595  
 596  
 597  
 598  
 599  
 600  
 601  
 602  
 603  
 604  
 605  
 606  
 607  
 608  
 609  
 610  
 611  
 612  
 613  
 614  
 615  
 616  
 617  
 618  
 619  
 620  
 621  
 622  
 623  
 624  
 625  
 626  
 627  
 628  
 629  
 630  
 631  
 632  
 633  
 634  
 635  
 636  
 637  
 638  
 639  
 640  
 641  
 642  
 643  
 644  
 645  
 646  
 647  
 648  
 649  
 650  
 651  
 652  
 653  
 654  
 655  
 656  
 657  
 658  
 659  
 660  
 661  
 662  
 663  
 664  
 665  
 666  
 667  
 668  
 669  
 670  
 671  
 672  
 673  
 674  
 675  
 676  
 677  
 678  
 679  
 680  
 681  
 682  
 683  
 684  
 685  
 686  
 687  
 688  
 689  
 690  
 691  
 692  
 693  
 694  
 695  
 696  
 697  
 698  
 699  
 700  
 701  
 702  
 703  
 704  
 705  
 706  
 707  
 708  
 709  
 710  
 711  
 712  
 713  
 714  
 715  
 716  
 717  
 718  
 719  
 720  
 721  
 722  
 723  
 724  
 725  
 726  
 727  
 728  
 729  
 730  
 731  
 732  
 733  
 734  
 735  
 736  
 737  
 738  
 739  
 740  
 741  
 742  
 743  
 744  
 745  
 746  
 747  
 748  
 749  
 750  
 751  
 752  
 753  
 754  
 755  
 756  
 757  
 758  
 759  
 760  
 761  
 762  
 763  
 764  
 765  
 766  
 767  
 768  
 769  
 770  
 771  
 772  
 773  
 774  
 775  
 776  
 777  
 778  
 779  
 780  
 781  
 782  
 783  
 784  
 785  
 786  
 787  
 788  
 789  
 790  
 791  
 792  
 793  
 794  
 795  
 796  
 797  
 798  
 799  
 800  
 801  
 802  
 803  
 804  
 805  
 806  
 807  
 808  
 809  
 810  
 811  
 812  
 813  
 814  
 815  
 816  
 817  
 818  
 819  
 820  
 821  
 822  
 823  
 824  
 825  
 826  
 827  
 828  
 829  
 830  
 831  
 832  
 833  
 834  
 835  
 836  
 837  
 838  
 839  
 840  
 841  
 842  
 843  
 844  
 845  
 846  
 847  
 848  
 849  
 850  
 851  
 852  
 853  
 854  
 855  
 856  
 857  
 858  
 859  
 860  
 861  
 862  
 863  
 864  
 865  
 866  
 867  
 868  
 869  
 870  
 871  
 872  
 873  
 874  
 875  
 876  
 877  
 878  
 879  
 880  
 881  
 882  
 883  
 884  
 885  
 886  
 887  
 888  
 889  
 890  
 891  
 892  
 893  
 894  
 895  
 896  
 897  
 898  
 899  
 900  
 901  
 902  
 903  
 904  
 905  
 906  
 907  
 908  
 909  
 910  
 911  
 912  
 913  
 914  
 915  
 916  
 917  
 918  
 919  
 920  
 921  
 922  
 923  
 924  
 925  
 926  
 927  
 928  
 929  
 930  
 931  
 932  
 933  
 934  
 935  
 936  
 937  
 938  
 939  
 940  
 941  
 942  
 943  
 944  
 945  
 946  
 947  
 948  
 949  
 950  
 951  
 952  
 953  
 954  
 955  
 956  
 957  
 958  
 959  
 960  
 961  
 962  
 963  
 964  
 965  
 966  
 967  
 968  
 969  
 970  
 971  
 972  
 973  
 974  
 975  
 976  
 977  
 978  
 979  
 980  
 981  
 982  
 983  
 984  
 985  
 986  
 987  
 988  
 989  
 990  
 991  
 992  
 993  
 994  
 995  
 996  
 997  
 998  
 999  
 1000

IN RE HIV ANTITRUST LITIGATION

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

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

**DECLARATION OF RUSSELL L. LAMB REGARDING HUMANA PHARMACY INC AND KAISER FOUNDATION HOSP RELATIVE SHARE OF DIRECT PURCHASER PLAINTIFFS' GILEAD SETTLEMENT**

Ctrm: 5-17th Floor  
 Judge: Honorable Edward M. Chen


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

I, RUSSELL L. LAMB, declare as follows:

1. I am the President and co-founder of Monument Economics Group, an economic consulting firm based in Arlington, Virginia. I am retained as an expert for direct purchaser class plaintiffs in *In re HIV Antitrust Litigation*, Case No. 19-cv-02573-EMC (N.D. Cal.). I submit this declaration in connection with direct purchaser plaintiffs' Plan of Allocation regarding the proposed class action settlement with Gilead Sciences, Inc., Gilead Holdings, LLC, Gilead Sciences, LLC, and Gilead Sciences Ireland UC (together, "Gilead").

2. Based on the Allocation Plan I described in my August 9, 2023 declaration, I calculated the total relative Class Pro Rata Share for Humana Pharmacy Inc and Kaiser Foundation Hosp as 1.15%.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief. Executed this 15<sup>TH</sup> day of January, 2024 in Knoxville, TN.

  
Russell L. Lamb