

# **EXHIBIT 34**

1 *Counsel for Indirect Purchaser Plaintiffs*

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**UNITED STATES DISTRICT COURT**

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**NORTHERN DISTRICT OF CALIFORNIA**

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**OAKLAND DIVISION**

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**IN RE: LITHIUM ION BATTERIES  
ANTITRUST LITIGATION**

Case No. 13-MD-02420 YGR (DMR)

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MDL NO. 2420

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**DECLARATION OF JASON H. KIM IN  
SUPPORT OF INDIRECT PURCHASER  
PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND  
REIMBURSEMENT OF EXPENSES ON  
BEHALF OF SCHNEIDER WALLACE  
COTTRELL KONECKY WOTKYNS**

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**This Document Relates to:**

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**ALL INDIRECT PURCHASER ACTIONS**

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**DECLARATION OF JASON H. KIM IN SUPPORT OF IPPS' MOTION FOR AN AWARD OF  
ATTORNEYS' FEES AND REIMBURSEMENT OF EXPENSES ON BEHALF OF  
SCHNEIDER WALLACE COTTRELL KONECKY WOTKYNS; Case No. 13-md-02420-YGR  
(DMR)**

1 I, Jason H. Kim, declare:

2 1. I am a partner of Schneider Wallace Cottrell Konecky Wotkyns, Counsel for  
3 Indirect Purchaser Plaintiffs (“IPPs” or “Plaintiffs”) in this action. I submit this declaration in  
4 support of IPPs’ Motion for an Award of Attorneys’ Fees and Reimbursement of Expenses  
5 Submitted for *In Camera* Review. I make this declaration based on my personal knowledge and if  
6 called as a witness, I could and would competently testify to the matters stated herein.

7 2. My firm has served as counsel to KCN Services LLC (“KCN”) and as counsel for  
8 IPPs throughout the course of this litigation. The background and experience of Schneider Wallace  
9 Cottrell Konecky Wotkyns and its attorneys are summarized in the curriculum vitae attached  
10 hereto as **Exhibit A**.

11 3. Schneider Wallace Cottrell Konecky Wotkyns has prosecuted this litigation solely  
12 on a contingent-fee basis, and has been at risk that it would not receive any compensation for  
13 prosecuting claims against the defendants. While Schneider Wallace Cottrell Konecky Wotkyns  
14 devoted its time and resources to this matter, it has foregone other legal work for which it would  
15 have been compensated.

16 4. During the pendency of the litigation, Schneider Wallace Cottrell Konecky  
17 Wotkyns performed the following work: (a) monitored the various complaints to ensure that  
18 KCN’s claims, as the sole representative of the Hawaii indirect purchaser class, were properly  
19 asserted; (b) worked closely with KCN and lead counsel to respond to written discovery requests  
20 to KCN; and (c) followed up on various meet-and-confer agreements with respect to KCN.

21 5. Attached hereto as **Exhibit B** is a billing summary of Schneider Wallace Cottrell  
22 Konecky Wotkyns’ total hours and lodestar, computed at current rates, from June 1, 2013 to  
23 February 28, 2017. Counsel for Plaintiffs are not seeking attorneys’ fees for any time billed prior  
24 to the appointment of lead counsel. *See* Order dated May 17, 2013 (ECF No. 194). The total  
25 number of hours spent by Schneider Wallace Cottrell Konecky Wotkyns during this period of time  
26 was 6.8, with a corresponding lodestar of \$ 5,100. The lodestar amount reflected in Exhibit B is  
27 for work assigned by Lead Counsel, and was performed by professional staff at my law firm. This

28 DECLARATION OF JASON H. KIM IN SUPPORT OF IPPS’ MOTION FOR AN AWARD OF  
ATTORNEYS’ FEES AND REIMBURSEMENT OF EXPENSES ON BEHALF OF  
SCHNEIDER WALLACE COTTRELL KONECKY WOTKYNS; Case No. 13-md-02420-YGR  
(DMR)

1 summary was prepared from contemporaneous, daily time records regularly prepared and  
2 maintained by Schneider Wallace Cottrell Konecky Wotkyns.

3 6. Attached hereto as **Exhibit C** is a list of the various billing rates for each attorney  
4 and staff member at my firm has billed at in this case.

5 7. Attached hereto as **Exhibit D** is a compilation of my firm's detailed records at  
6 historical billing rates. The entries in **Exhibit D** have been redacted per the Court's Order in ECF  
7 No. 1803.

8 8. Attached hereto as **Exhibit E** is a summary of the expenses Schneider Wallace  
9 Cottrell Konecky Wotkyns has incurred during the course of this litigation. Schneider Wallace  
10 Cottrell Konecky Wotkyns expended a total of \$526 in unreimbursed costs and expenses in  
11 connection with the prosecution of this case. These expenses were incurred on behalf of IPPs by  
12 Schneider Wallace Cottrell Konecky Wotkyns on a contingent basis and have not been  
13 reimbursed. The expenses reflected in **Exhibit E** were prepared from expense vouchers, receipts,  
14 and bank records, and thus represent an accurate recordation of the expenses incurred.

15 9. I have reviewed the time and expenses reported by Schneider Wallace Cottrell  
16 Konecky Wotkyns in this case which are included in this declaration, and I affirm that they are  
17 true and accurate.

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

20 Executed on May 25, 2017 at Los Angeles, California.

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*/s/ Jason H. Kim*

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Jason H. Kim

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DECLARATION OF JASON H. KIM IN SUPPORT OF IPPS' MOTION FOR AN AWARD OF  
ATTORNEYS' FEES AND REIMBURSEMENT OF EXPENSES ON BEHALF OF  
SCHNEIDER WALLACE COTTRELL KONECKY WOTKYNS; Case No. 13-md-02420-YGR  
(DMR)

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**ATTESTATION**

I, Demetrius X. Lambrinos, hereby attest, pursuant to United States District Court, Northern District of California Civil Local Rule 5-1(i)(3), that concurrence to the filing of this document has been obtained from the signatory hereto.

By: */s/ Steven N. Williams*

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Steven N. Williams

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DECLARATION OF JASON H. KIM IN SUPPORT OF IPSS' MOTION FOR AN AWARD OF ATTORNEYS' FEES AND REIMBURSEMENT OF EXPENSES ON BEHALF OF SCHNEIDER WALLACE COTTRELL KONECKY WOTKYNS; Case No. 13-md-02420-YGR (DMR)

# **EXHIBIT A**

## **SCHNEIDER WALLACE COTTRELL KONECKY WOTKYNS LLP – FIRM PROFILE**

Schneider Wallace Cottrell Konecky Wotkyns (“SWCKW”) is one of the nation’s premier plaintiffs’ law firms. A sixteen-lawyer firm, SWCKW is also one of the largest plaintiffs’ law firms in the western United States.

With offices in California, Texas and Arizona, SWCKW and its attorneys have litigated in nearly every state in the country. In most of these cases, the firm has served as Lead or Co-Lead Counsel.

SWCKW’s clients have enjoyed the firm’s record of success. The firm has for a long time and successfully represented clients against the largest corporations in the country. The firm has won verdicts and procured settlements collectively worth hundreds of millions of dollars.

SWCKW has a thriving class action practice representing workers, consumers and investors. At the same time, the firm represents institutional clients such as private investment funds, community and regional banks, Fortune 100 insurance companies, cities, public financing districts, hospitals, and educational institutions as plaintiffs.

In carrying out its mission to help its clients combat large-scale injustice, unfairness, and other wrongful conduct, SWCKW provides a level of sophistication and service traditionally available only to large corporate defendants. The firm has particular expertise in cases involving financial services fraud, antitrust violations, and other complex litigation, among other practice areas. SWCKW and its attorneys have litigated hundreds of such cases, including the following:

- *In re Cox Enterprises Inc., Set-Top Cable Television Box Antitrust Litigation*, (pending): Obtained class certification and appointed class counsel in this consolidated antitrust putative class action alleging that one of the nation’s largest cable providers impermissibly tied sales of set-top boxes to sales of premium cable services.
- *McCananey v. GlaxoSmithKline, LLC* (pending): Appointed steering committee member for interim class counsel in this ongoing antitrust putative class action alleging that the defendants engaged in an illegal conspiracy to delay the entry of generic versions of pharmaceuticals resulting in higher prices for consumers and health care payors.
- *Rosa v. Morrison Homes*: Statewide construction-defect case, alleging that Morrison Homes failed to build homes in compliance with applicable laws, resulting in a \$6 million settlement.
- *Lopez v. SFUSD*: Disability access class action, resulting in a judgment that required defendant to implement remedies valued at more than \$300 million.

- *Satchell v. FedEx Express, Inc.*: Class action on behalf of approximately 20,000 current and former employees of FedEx, resulting in a \$54.9 million settlement.
- *Holliman v. Kaiser Foundation Health Plan*: Claims on behalf of Kaiser employees, resulting in a \$9 million settlement.
- *National Federation of the Blind v. Target Corporation*: Nationwide lawsuit against Target, resulting in broad injunctive relief and \$6 million in damages, which is the largest damages fund in any lawsuit brought on behalf of blind plaintiffs.
- *Labrador v. Seattle Mortgage Co.*: Statewide consumer fraud case alleging that the defendant systematically violated the federal reverse mortgage program consumer protection regulations by charging improper loan-related fees, resulting in a \$4 million settlement.

**SCHNEIDER WALLACE COTTRELL KONECKY WOTKYNS LLP  
ATTORNEY PROFILES**

SWCKW's attorneys are passionately devoted to seeking justice for their clients. The firm's attorneys are nationally recognized experts—winning groundbreaking cases, obtaining record judgments, and, in the process, garnering praise from their peers, courts and clients. The attorneys below, among others, will work on this matter:

**Todd M. Schneider** – Mr. Schneider founded the firm in 1993. Having received his J.D. degree in 1990, Mr. Schneider has spent his entire career representing plaintiffs in complex litigation. He has litigated cases successfully around the country, in both trial and appellate courts. He recently argued a case in the United States Supreme Court, and he has tried numerous consumer class actions to verdict.

Mr. Schneider is a national leader in the plaintiff's bar. Named by his peers as a Trial Lawyer of the Year in California and a two-time finalist for Consumer Attorney of the Year, he is past President and serves on the Board of Directors of the San Francisco Trial Lawyers Association, and has served on the Board of Governors and was the Vice President of the Consumer Attorneys of California.

Mr. Schneider is a frequent lecturer and regularly appears as a panelist at continuing legal education seminars. For each year that the list has been published, Mr. Schneider was named a Super Lawyer in the area of "class actions and mass torts" by Northern California *Super Lawyers* magazine.

**Jason H. Kim** – Mr. Kim graduated *magna cum laude* from Harvard Law School and Phi Beta Kappa from Harvard College. Prior to joining SWCKW, he was an associate and counsel at O'Melveny & Myers LLP in Los Angeles and Alston Hunt Floyd & Ing in Honolulu, Hawai'i. He also served as a Deputy Prosecuting Attorney for the City and County of Honolulu.



Mr. Kim represents plaintiffs in complex civil litigation, including class actions and actions against financial institutions. He has substantial trial experience in securities fraud, health care, and civil rights matters and has argued several appeals before the Ninth Circuit. He has served as class counsel in several class actions against the State of Hawai'i to vindicate the rights of disabled individuals, public benefit recipients, and public housing tenants that led to substantial settlements. He is also the co-author of the Hawai'i section of the American Bar Association's Practitioner's Guide to Class Actions.

# **EXHIBIT B**

**IN RE: LITHIUM ION BATTERIES INDIRECT  
TIME REPORT- SUMMARY CURRENT RATES**

Firm Name: Schneider Wallace Cottrell Konecky Wotkins

Reporting Period:

Categories:

- (1) Investigations, Factual Research
- (2) Drafting Discovery Requests
- (3) Drafting Discovery Answers/Responses
- (4) Deposition Taking
- (5) Deposition Defending
- (6) Discovery Meet & Confer
- (7) Document Review

- (8) Drafting Pleadings, Briefs & Pretrial Motions
- (9) Reading/Reviewing Pleadings, Briefs, Discovery, Transcripts, etc.
- (10) Class Certification/Experts
- (11) Litigation Strategy, Analysis & Case Management
- (12) Negotiating Settlements
- (13) Trial and Trial Preparation
- (14) Court Appearance and Prep

- (P) Partner
- (A) Associate
- (LC) Law Clerk
- (PL) Paralegal
- (L) Librarian

ATTORNEYS	1	2	3	4	5	6	7	8	9	10	11	12	13	14	CURRENT HOURS	HOURLY RATE	CURRENT LODESTAR	CUMULATIVE HOURS	CUMULATIVE LODESTAR
Jason Kim (P) 2017			4.60			0.70					1.50				6.80	\$750.00	\$5,100.00		
															0.00	\$0.00	\$0.00		
															0.00	\$0.00	\$0.00		
															0.00	\$0.00	\$0.00		
															0.00	\$0.00	\$0.00		
<b>SUB-TOTAL</b>	<b>0.00</b>	<b>0.00</b>	<b>4.60</b>	<b>0.00</b>	<b>0.00</b>	<b>0.70</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>1.50</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>6.80</b>	<b>\$750.00</b>	<b>\$5,100.00</b>		
<b>NON-ATTORNEYS</b>																			
															0.00	\$0.00	\$0.00		
															0.00	\$0.00	\$0.00		
															0.00	\$0.00	\$0.00		
															0.00	\$0.00	\$0.00		
															0.00	\$0.00	\$0.00		
<b>SUB-TOTAL</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>		
<b>GRAND TOTAL:</b>	<b>0.00</b>	<b>0.00</b>	<b>4.60</b>	<b>0.00</b>	<b>0.00</b>	<b>0.70</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>1.50</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>6.80</b>	<b>\$750.00</b>	<b>\$5,100.00</b>		

# **EXHIBIT C**





# **EXHIBIT D**

**(REDACTED)**

## TIME RECORD FOR SCHNEIDER WALLACE COTTRELL KONECKY WOTKYNs

*Lithium Ion Batteries Antitrust Litigation*

## No. 13-MD-02420 YGR (DMR)

Timekeeper	Date	Duration	Description	Hourly Rate	Code	Total
JHK	7/24/13	.30	Email to J. Jasnoch re inclusion of [REDACTED] in consolidated indirect purchaser complaint	\$750(current)	11	\$225
JHK	8/17/13	.30	Review court order re administrative closure of [REDACTED] action and email to J. Jasnoch re same	\$750 (current)	11	\$225
JHK	8/22/13	.20	Review and reply to email from J. Jasnoch re inclusion of [REDACTED] in consolidated indirect purchaser complaint	\$750 (current)	11	\$150
JHK	6/6/14	.50	Review and reply to email from J. Anderson re termination of complaint and review docket re same	\$750 (current)	11	\$375
JHK	6/9/14	.20	Review and reply to email from J. Anderson re status of complaint	\$750 (current)	11	\$150
JHK	4/25/15	.30	Review discovery requests to [REDACTED]	\$750 (current)	3	\$225
JHK	4/30/15	.20	Emails to J. Jasnoch and [REDACTED]	\$750 (current)	3	\$150



			scheduling conference call to discuss discovery responses			
JHK	5/1/15	1.50	Prepare for and attend conference call with J. Jasnoch and [REDACTED] re response to requests for production	\$750 (current)	3	\$1,125
JHK	5/8/15	.30	Review and reply to email from J. Jasnoch re possession of products and email to client re same	\$750 (current)	3	\$225
JHK	5/9/15	.20	Review email from [REDACTED] re photographs of products and email to J. Jasnoch re same	\$750 (current)	3	\$150
JHK	5/13/15	.30	Review and comment on draft [REDACTED] interrogatory responses	\$750 (current)	3	\$225
JHK	5/22/15	.10	Email to J. Jasnoch re comments and questions on draft [REDACTED] discovery responses	\$750 (current)	3	\$75
JHK	5/26/15	.40	Revise and finalize [REDACTED] interrogatory responses and [REDACTED] and co-counsel re same	\$750 (current)	3	\$300
JHK	9/15/15	.80	Review and reply to emails from J. Jasnoch re information to obtain from [REDACTED]	\$750 (current)	3	\$600

			same			
JHK	9/28/15	.20	[REDACTED]	\$750 (current)	3	\$150
JHK	11/18/15	.30	Review supplemental interrogatory response from [REDACTED] and J. Jasnoch re same	\$750 (current)	3	\$225
JHK	3/11/16	.30	Review email from K. Pachman and call with D. Lambrinos re verifications from [REDACTED]	\$750 (current)	6	\$225
JHK	3/14/16	.40	[REDACTED]	\$750 (current)	6	\$300
TOTALS		6.8		\$750 (current)		\$5,100

# **EXHIBIT E**

**EXPENSE RECORD FOR SCHNEIDER WALLACE COTTRELL KONECKY WOTKYNS**

***Lithium Ion Batteries Antitrust Litigation***

**No. 13-MD-02420 YGR (DMR)**

Payee	Date	Description	Amount
USDC Hawaii	3/12/13	Filing fee	\$372
USDC Hawaii	4/24/13	Fee by court for certified copies of complaint for service	\$154
Total			\$526