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2 R. Alexander Saveri (Bar No. 173102)
3 Geoffrey C. Rushing (Bar No. 126910)
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10 *Interim Lead Counsel for the*
11 *Direct Purchaser Plaintiffs*

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE: CRT ANTITRUST LITIGATION

Master File No. CV-07-5944-SC
MDL No. 1917

This Document Relates to:

ALL DIRECT PURCHASER CLASS
ACTIONS

CLASS ACTION

DECLARATION OF DANIEL D. OWEN IN
SUPPORT OF MOTION FOR
ATTORNEYS' FEES, REIMBURSEMENT
OF EXPENSES, AND INCENTIVE
AWARDS

1 I, Daniel D. Owen, declare and state as follows:

2 1. I am a member of the law firm of Polsinelli PC. I submit this Declaration in
3 support of Direct Purchaser Plaintiffs' (DPPs') joint application for an award of attorney fees in
4 connection with the services rendered in this litigation. I make this Declaration based on my
5 personal knowledge and if called as a witness, I could and would competently testify to the
6 matters stated herein.

7 2. My firm has served as counsel to plaintiff Crago, Inc., d/b/a Dash Computers
8 ("Crago") and as counsel for the class throughout the course of this litigation. The background
9 and experience of Polsinelli PC and its attorneys are summarized in the *curriculum vitae* attached
10 hereto as Exhibit 1.

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

15 4. During the pendency of the litigation, Polsinelli PC performed the following work
16 with efficiency and for the benefit of the class:

- 17 a. Assisted in preparing pleadings, motions, and supporting briefs with legal
18 authority;
- 19 b. Participated in depositions of fact witnesses and the preparation for same;
- 20 c. Made appearances in court on behalf of Crago and the DPPs;
- 21 d. Participated in meetings and conference calls with clients, co-defense
22 counsel, and opposing counsel;
- 23 e. Built a database of information contained in deposition transcriptions and
24 deposition exhibits for use in cross-examination at trial in and fact and
25 expert witness depositions;
- 26 f. Prepared responses to written discovery requests propounded by opposing
27 parties;
- 28 g. Studied and analyzed documents produced by defendants for use at trial or
in depositions as documentary proof of facts in support of the DPPs' claims;

1 h. Participated in the selection, study, analysis, and creation of deposition and
2 trial exhibits; and

3 i. Studied all pleadings, motions, briefs, and documents filed with the court by
4 the parties.

5 5. Attached hereto as Exhibit 2 is my firm's total hours and lodestar, computed at
6 historical rates, from May 9, 2008 through July 31, 2014. This period reflects the time spent after
7 the appointment of Lead Counsel in the litigation. The total number of hours spent by the
8 Polsinelli PC during this period of time was 1,330.90 with a corresponding lodestar of
9 \$573,624.00. This summary was prepared from contemporaneous, daily time records regularly
10 prepared and maintained by my firm. The lodestar amount reflected in Exhibit 2 is for work
11 assigned by Lead Class Counsel, and was performed by professional staff at my law firm for the
12 benefit of the Direct Purchaser Plaintiff (DPP) Class.

13 6. The hourly rates for the attorneys and professional support staff in my firm
14 included in Exhibit 2 are the usual and customary hourly rates charged by Polsinelli PC.

15 7. My firm has expended a total of \$13,273.49¹ in unreimbursed costs and expenses in
16 connection with the prosecution of this litigation. These costs and expenses are broken down in
17 the chart attached hereto as Exhibit 3. The expenses were incurred on behalf of Direct Purchaser
18 Plaintiffs by my firm on a contingent basis, and have not been reimbursed. The expenses incurred
19 in this action are reflected on the books and records of my firm. These books and records are
20 prepared from expense vouchers, check records and other source materials and represent an
21 accurate recordation of the expenses incurred.

22 8. Polsinelli PC paid a total of \$20,000.00 in assessments for the joint prosecution of
23 the litigation against the defendants. Specifically, my firm paid a \$20,000 assessment to the
24 Litigation Fund for the DPPs on 11/18/2011.

25 9. I have reviewed the time and expenses reported by my firm in this case which are
26 included in this declaration, and I affirm that they are true and accurate.

27 ¹ The \$13,273.49 figure does not include the assessment levied on 11/18/2011 and discussed in ¶8.
28

1 I declare under penalty of perjury under the laws of the United States of America that the
2 foregoing is true and correct. Executed on January 22, 2015 in Kansas City, Missouri.


3
4 
5 Daniel D. Owen

EXHIBIT 1



Firm Curriculum Vitae

Table of Contents

- 1 About the Firm
- 2 Antitrust Practice
- 3 Attorney Biographies



1 About the Firm



real challenges.
real answers. SM



firm facts

A full-service firm with more than **170 services/industries**

740+ attorneys nationwide

19 offices spanning the country from Los Angeles to New York

6 focus areas Health Care, Financial Services, Real Estate, Science & Technology, Energy, and Business Litigation

our clients say

direct and practical

"There is a definite distinction in style that you can identify from firm to firm. Some firms are shrouded with exceptions, caveats and legal speak. I want direct statements, practical help, and I get that at Polsinelli."

understanding clients' real world situations

"Polsinelli is excellent at that. They do a great job at deeply understanding what we do and are trying to accomplish. When negotiating, they know what's important to us and the right trade-offs, and they apply their legal knowledge based on that."

Polsinelli is very proud of the results we obtain for our clients, but you should know that past results do not guarantee future results; that every case is different and must be judged on its own merits; and that the choice of a lawyer is an important decision and should not be based solely upon advertisements. Polsinelli PC. Polsinelli LLP in California.

You expect lawyers to be good legal technicians. Shouldn't you also expect legal advice grounded in strong business acumen? We understand your functional challenges and how your industry orientation shapes your strategic objectives. That is why we organize our experience logically around your business needs.

| services | industries |
|--|-----------------------------|
| Antitrust | Construction |
| Corporate and Transactional | Energy and Utilities |
| Employee Benefits and Executive Compensation | Family Owned Businesses |
| Environmental and Natural Resources | Financial Services |
| Financial Services | Food and Agriculture |
| Government Contracts | Franchises and Distributors |
| Government Investigations: | Health Care |
| Civil and Criminal | Insurance |
| Health Care | Life Sciences |
| Immigration | Manufacturing |
| Intellectual Property | Nonprofit Organizations |
| International | Pharmaceuticals |
| Labor and Employment | Professional Services |
| Litigation | Public Sector |
| Pro Bono | Real Estate |
| Public Policy | Retail and Hospitality |
| Real Estate | Startup Ventures |
| Securities and Corporate Finance | Technology |
| Tax | Telecommunications |
| Technology Services | |
| Wealth Planning / Administration | |



2 Antitrust Practice



Polsinelli's Antitrust practice solves antitrust problems on matters ranging from mergers and acquisitions to intellectual property to complex litigation and consumer protection matters.

Our practice includes both experienced litigators and transactional lawyers. As a result, we have the experience to provide solutions across the spectrum of antitrust law. Because antitrust issues often are critical to our clients' businesses, we work closely with clients to develop a strategy that is consistent with their goals and objectives.

Antitrust Litigation and Government Investigations

- We understand antitrust litigation from all angles. Polsinelli has successfully represented plaintiffs and defendants in antitrust trials and appeals in class actions, Bet-The-Company lawsuits, multidistrict litigation, and government civil and criminal enforcement actions.
- We represent clients whose conduct is being investigated under the antitrust laws by the Federal Trade Commission, the United States Department of Justice, and State Attorneys General.

Mergers and Acquisitions

- We work with clients at all steps of their transactions to minimize antitrust exposure during contract formation, negotiation of terms, exchanges of sensitive information, pre-closing operations, and closing.
- We counsel clients about all aspects of their reporting obligations under the Hart-Scott-Rodino Act, and guide them through the merger review process.
- Our lawyers have defended multi-billion-dollar mergers of competitors. We have responded to numerous Second Requests and other discovery demands, prepared and presented facts and economic expert testimony to antitrust enforcers and courts, and (where necessary) negotiated consent decrees to allow the deal to close.

Antitrust Counseling, Audits and Compliance Training

- Our team counsels clients on structuring business operations to minimize antitrust risks.
- We conduct custom-designed, comprehensive antitrust audits of business operations to identify risks, prevent violations, and address problems before they surface in litigation.
- We train executives and management to recognize and avoid antitrust violations.

Protecting your Rights under the Antitrust Laws

- We aggressively represent plaintiffs who have been injured by antitrust violations. Our goal is to end the violation and recover compensation for injured clients.
- We represent parties bringing complaints to antitrust enforcement agencies and often persuade the agency to take corrective action to stop anti-competitive conduct.



3 Attorney Biographies



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real perspective.™



P. John Brady

Shareholder | Practice Chair

Kansas City
816.374.0515

Areas of Focus

- Antitrust
- Antitrust - Health Care
- Class Action Litigation
- Commercial Litigation
- Contingent Fee
- Corporate Directors & Officers Liability Litigation
- Health Care Litigation
- Litigation

Education

- J.D. , Creighton University, 1980, *cum laude*
- B.S. , University of Nebraska-Lincoln, 1976

Bar Jurisdictions

- Missouri, 1980
- Kansas, 1987

Overview

Jack Brady represents both individuals and corporations, as well as both plaintiffs and defendants.

His successful business litigation trial experience includes cases involving class action, breach of warranty, breach of contract, breach of fiduciary duty, director and officer liability, fraud, tortious interference, antitrust, accounting malpractice, lender liability, product liability, adversary bankruptcy proceedings, and insurance bad faith litigation.

Jack's successful tort litigation trial experience includes cases involving product defects of farm implements, auto crashworthiness, medical devices, and construction machinery. He also has experience in matters involving negligence in auto/truck collisions, wrongful death, medical malpractice, and hotel security and premises liability.

Jack's experience on either side of the courtroom provides a diverse perspective and valuable insight into his opponents' trial strategy, which allows for successful and efficient resolutions.

Distinctions

- Selected for inclusion in *Missouri & Kansas Super Lawyers*, Business Litigation, 2005-2014
- Selected for inclusion in *The Best Lawyers in America*® 2007-2014
 - Commercial Litigation
 - Litigation - Antitrust
 - Medical Malpractice Law - Defendants
 - Personal Injury Litigation - Defendants

Key Matters

- Co-lead counsel and lead trial counsel for several consumer class action cases against General Motors. Case successfully settled in for confidential amount.
- Successfully represented at trial ANUHCO, Inc., et. al. in a breach of contract lender liability case against Westinghouse Business Credit. After a six-week jury trial, verdict was returned for plaintiffs in the amount of \$70 million. Judgment was affirmed on appeal and paid in the amount of \$81 million including interest. This case represents the largest verdict ever affirmed in the State of Missouri.
- Successfully represented at trial Block Financial Corporation, a subsidiary of H&R Block, in a breach of contract case against America Online (AOL) in a transaction involving the sale of CompuServe, Inc. to AOL. Case tried for three weeks with verdict for Block Financial Corporation and against AOL in the amount of \$21 million.

- Successfully represented the trustee of the bankruptcy estate of Mountain Energy Corporation in numerous adversary proceedings resulting in a reduction of total claims and set-offs valued at \$59.3 million to the creditors of the estate.
- Successfully arbitrated MEZ, Inc.'s claim against SPX, a large British conglomerate, in an eight-day arbitration. The breach of "earn out" provision contained in a purchase and sale of assets agreement claim resulted in an award of the full amount of the contingent "earn out" — \$6.5 million, plus prejudgment interest in the amount of \$495,000 and an award of attorneys' fees and expenses.
- Successfully represented a 9-year-old boy with permanent brain injury in a product defect case against Ford Motor Company. Case settled after three weeks of trial, prior to closing argument, for confidential amount.
- Successfully represented a 19-year-old woman in a negligent hotel security case against Marriott International and another defendant. Case settled after one week of trial for \$2.725 million.
- Successfully represented a 25-year-old woman in a Federal Torts Claim Act case against the U.S. Government and another defendant for medical malpractice. Case settled before trial for in excess of \$2 million.
- Successfully tried a medical malpractice failure to diagnose cancer case in Omaha, Neb. After one-week trial, verdict of \$500,000 was obtained.
- Successfully represented a young woman and her family in an anesthesia negligence case in Memphis, Tennessee. Settlement of \$1.5 million was secured after a year of preparation and pre-trial discovery.
- Represented a class of direct purchasers of thin film transistor liquid crystal display panels that sued numerous Japanese, Korean and Taiwanese based manufacturers for price-fixing. Settlements of almost \$500 million were obtained and a jury verdict against Toshiba was also obtained.
- Represented with two other firms a class of direct purchasers of potash in a price-fixing case against an international cartel. Obtained a unanimous en banc opinion from the 7th Circuit on the non-applicability of the Foreign Trade Anti-Trust Improvements Act (FTIA) and a \$90 million dollar settlement for the Class.



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Daniel D. Owen
Shareholder

Kansas City
816.395.0671

Areas of Focus

- Antitrust
- Antitrust - Health Care
- Commercial Litigation
- Contingent Fee
- Litigation

Education

- J.D. , University of Kansas, 1990
- B.S. , University of Kansas, 1987

Bar Jurisdictions

- Kansas, 1990
- Missouri, 1991

Overview

Over more than 20 years, Daniel Owen has developed extensive jury trial experience in state and federal courts. He's tried a wide variety of civil and criminal matters in Kansas, Missouri, and California.

Much of Daniel's jury trial work has involved technical subjects, such as:

- Computer software
- Bridges
- Cranes
- Building design
- Automotive engines
- Agricultural machinery

He is a former computer programmer, who has extensive experience preparing and trying computer-related cases, and has represented both software companies and their customers. Daniel also has extensive class action experience, particularly in antitrust cases.

Distinctions

- Received Martindale-Hubbell highest "AV" rating
- Continuing Legal Education presentations on antitrust, class actions, litigation support software, and trial techniques
- Law school lecturer on class actions



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Areas of Focus

- Insurance Recovery
- Litigation
- Products Liability

Cary W. Miller Of Counsel

Kansas City
816.374.0511

Education

- J.D. , University of Iowa, 1988, *Journal of Corporation Law*
- B.B.A. , Iowa State University, 1985, Management; College of Sciences & Humanities Dean's List and honors program; Phi Delta Theta; National Education Foundation Scholarship

Overview

Cary Miller has more than 20 years' experience in civil litigation at the trial and appellate court levels. He has tried cases to a jury and a bench in multiple jurisdictions both alone and as part of a team.

Cary's primary practice areas include insurance recovery, antitrust, personal injury, premises liability, products liability, trucking, construction, and design liability.

Distinctions

- Barrister, Ross T. Roberts Inn of Court, Jackson County, Missouri

Bar Jurisdictions

- Missouri, 1988

Key Matters

- Persuaded an insurance company to issue a defense to the clients in a lawsuit arising out of the sale of their home. At issue was the applicability of the clients' homeowner's policy to the transaction.
- Achieved the dismissal of a premises liability case against the client, a major airline, arising out of an incident that allegedly occurred mid-flight.
- Negotiated a five-figure settlement of claims alleging commercial real estate waste against a client wherein the plaintiffs' liquidated damages approached \$1 million.
- Analyzed numerous layers of liability insurance coverage and fidelity bond coverage in connection with claims asserted against the officers and directors of a major federal credit union.
- Represented multiple plaintiffs in antitrust class actions in multi-district litigation.

EXHIBIT 2

EXHIBIT 2

In re Cathode Ray Tube (CRT) Antitrust Litigation
Polsinelli, PC
Reported Hours and Lodestar
May 9, 2008 through July 31, 2014

| NAME | TOTAL HOURS | HOURLY RATE | LODESTAR |
|---------------------------------|----------------|----------------|--------------|
| ATTORNEYS | | | |
| Cary Miller (P) | 820.20 | \$400 | \$328,080.00 |
| Robert E. Fitzgerald (P) | 11.90 | \$500 | \$5,950.00 |
| Christopher P. Sobba (P) | 1.90 | \$500 | \$950.00 |
| Daniel D. Owen (P) | 43.00 | \$500 | \$21,500.00 |
| Daniel D. Owen (P) | 271.7 | \$600 | \$163,020.00 |
| P. Jack Brady (P) | 22.70 | \$600 | \$13,620.00 |
| P. Jack Brady (P) | 24.40 | \$650 | \$15,860.00 |
| Andrew J. Ennis (A) | 1.50 | \$400 | \$600.00 |
| Amy D. Fitts (A) | 0.80 | \$400 | \$320.00 |
| Gabrielle B. Ilaria (A) | 26.60 | \$400 | \$10,640.00 |
| | | | |
| | | | |
| | | | |
| NON-ATTORNEYS | | | |
| Celena Fuson (PL) | 50.10 | \$150 | \$7,515.00 |
| Nicole M. Burkdoll Johnson (PL) | 1.50 | \$150 | \$225.00 |
| Rose T. Brann (LC) | 11.60 | \$90 | \$1,044.00 |
| Rose T. Brann (LC) | 43.00 | \$100 | \$4,300.00 |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| TOTAL: | 1,330.90 | | \$573,624.00 |

(P) Partner
(OC) Of Counsel
(A) Associate
(PL) Paralegal
(LC) Law Clerk

EXHIBIT 2

EXHIBIT 3

EXHIBIT 3

In re Cathode Ray Tube (CRT) Antitrust Litigation

POLSINELLI PC

Reported Expenses Incurred on Behalf of DPPs

May 9, 2008 through July 31, 2014

| CATEGORY | AMOUNT INCURRED |
|---|----------------------------|
| Court Fees (filing, etc.) | |
| Experts/Consultants (see Assessments, below) | |
| Federal Express | \$65.65 |
| Transcripts (Hearing, Deposition, etc.) | \$3,354.64 |
| Computer Research | \$63.68 |
| Messenger Delivery | \$16.62 |
| Photocopies – In House | \$1.70 |
| Photocopies – Outside | |
| Postage | |
| Service of Process | |
| Telephone/Telecopier | |
| Travel (Airfare, Ground Travel, Meals, Lodging, etc.) | \$9,771.20 |
| | |
| TOTAL EXPENSES NOT INCLUDING ASSESSMENT: | \$13,273.49 |

EXHIBIT 3