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9 *Lead Counsel for Direct Purchaser Plaintiffs*

10  
 11 **UNITED STATES DISTRICT COURT**  
 12 **NORTHERN DISTRICT OF CALIFORNIA**  
 13 **SAN FRANCISCO DIVISION**

14 IN RE: CATHODE RAY TUBE (CRT)  
 ANTITRUST LITIGATION

Master File No. 07-CV-5944-JST

MDL No. 1917

16 This Document Relates to:

17 **DECLARATION OF STEVEN F. BENZ IN**  
**SUPPORT OF DIRECT PURCHASER**  
**PLAINTIFFS' APPLICATION FOR**  
**ATTORNEYS' FEES AND EXPENSES AND**  
**INCENTIVE AWARDS**

18 *Crago, d/b/a Dash Computers, Inc., et al. v.*  
*Mitsubishi Electric Corporation, et al., Case*  
 19 *No. 14-CV-2058-JST.*

20 Date: June 8, 2017  
 Time: 2:00 p.m.  
 Judge: Honorable Jon S. Tigar  
 21 Courtroom: 9

1 I, Steven F. Benz, declare:

2 1. I am a partner at Kellogg, Hansen, Todd, Figel & Frederick, P.L.L.C., Counsel for  
3 Direct Purchaser Plaintiffs (“DPPs” or “Plaintiffs”) in this action. I submit this declaration in  
4 support of DPPs’ joint Application for Attorneys’ Fees and Expenses and Incentive Awards (“Fees  
5 and Expense Application”) in connection with the services rendered in this litigation. I make this  
6 declaration based on my personal knowledge and if called as a witness, I could and would  
7 competently testify to the matters stated herein.

8 2. My firm has served as counsel to Class Representative Studio Spectrum, Inc. and as  
9 counsel for the Class throughout the course of this litigation. The background and experience of  
10 Kellogg, Hansen, Todd, Figel & Frederick, P.L.L.C, hereinafter referred to as (“Kellogg Hansen”)  
11 and its attorneys are summarized in the curriculum vitae attached hereto as **Exhibit A**.

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

16 4. During the pendency of the litigation, Kellogg Hansen performed the following  
17 work:

- 18 • Overall case strategy.
- 19 • Coordination of second depositions of named class representatives.
- 20 • Work with experts and oversee several expert reports for trial.
- 21 • Trial planning and preparation.
- 22 • Legal and factual research relevant to liability and damages.
- 23 • Responses to defendants’ discovery requests.
- 24 • Mediation and settlement.

25 Steven F. Benz, Kellogg Hansen's lead partner, was assigned to be one of the lead trial  
26 counsel in the case against the defendants. In addition, he participated in class-wide strategy  
27 sessions and briefing of key pleadings as a member of the trial team. Kellogg Hansen prepared and  
28 defended our client, class representative Studio Spectrum, for its deposition. He reviewed antitrust

1 expert reports and worked directly with several experts. He participated in mediation and  
2 settlement negotiations.

3 K. Chris Todd, a name partner, joined the litigation at the deposition phase and prepared for  
4 and participated in the 30(b)(6) deposition of Arch Electronics and reviewed Class expert's  
5 damages report.

6 Collin White, the associate assigned to this portion of the case, performed legal research,  
7 communicated with co-counsel and opposing counsel, prepared for and attended class  
8 representative depositions. He reviewed antitrust expert reports and proof of claim materials.

9 Kellogg Hansen hired Oliver Hennigan, former in-house counsel to a Japanese corporation,  
10 for his significant experience and Japanese translation skills. Mr. Hennigan was dedicated to  
11 review of defendants' Japanese documents for legal content to support the work of class counsel.

12 Tom Samuels, a staff attorney, performed fact research throughout the case and reviewed  
13 documents to prepare for class representative and Mitsubishi depositions. Tom served as the  
14 primary contact for our client class representative, Studio Spectrum, Inc., and prepared Mr.  
15 Buckowski, its president, for his deposition.

16 5. Attached hereto as **Exhibit B** is my firm's total hours and lodestar, computed at  
17 historical rates, from the inception of DPPs' case against the Mitsubishi Electric Defendants and  
18 the Thomson Defendants (Case No. 14-CV-2058-JST, filed May 5, 2014) through October 31,  
19 2016. The total number of hours spent by Kellogg Hansen during this period of time was 1,459.80,  
20 with a corresponding lodestar of \$778,548.00. This summary was prepared from contemporaneous,  
21 daily time records regularly prepared and maintained by Kellogg Hansen. The lodestar amount  
22 reflected in Exhibit B is for work assigned by Lead Counsel, and was performed by professional  
23 staff at my law firm for the benefit of the DPP Class. None of these hours were included in  
24 connection with DPPs' first fee and expense application (ECF No. 4055).

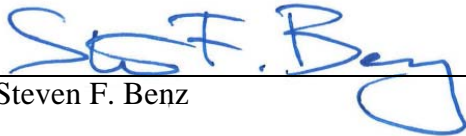
25 6. The hourly rates for the attorneys and professional support staff in my firm included  
26 in Exhibit B are the usual and customary hourly rates charged by Kellogg Hansen. Kellogg Hansen  
27 has expended a total of \$4,876.40 in unreimbursed costs and expenses in connection with the  
28 prosecution of DPPs' case against the Mitsubishi Electric Defendants and the Thomson

1 Defendants. These costs and expenses are broken down in the chart attached hereto as **Exhibit C**.  
2 They were incurred on behalf of DPPs by Kellogg Hansen on a contingent basis and have not been  
3 reimbursed. The expenses incurred in this action are reflected on the books and records of my firm.  
4 These books and records are prepared from expense vouchers, check records and other source  
5 materials and represent an accurate recordation of the expenses incurred. None of these expenses  
6 were included in connection with DPPs' first fee and expense application (ECF No. 4055).

7 7. I have reviewed the time and expenses reported by Kellogg Hansen in this case  
8 which are included in this declaration, and I affirm that they are true and accurate.

9 I declare under penalty of perjury under the laws of the United States of America that the  
10 foregoing is true and correct.

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13 Executed on March 16, 2017 at Washington D.C.

14   
15 Steven F. Benz

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**ATTESTATION**

I, R. Alexander Saveri, 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/ R. Alexander Saveri      
R. Alexander Saveri

# **Exhibit A**

**KELLOGG, HANSEN, TODD, FIGEL & FREDERICK, P.L.L.C.**  
**Summer Square**  
**Suite 400**  
**1615 M Street, N.W.**  
**Washington, D.C. 20036**  
**(202) 326-7900**

Kellogg, Hansen, Todd, Figel & Frederick P.L.L.C. was formed in the spring of 1993 by law school classmates Michael Kellogg, Peter Huber, and Mark Hansen (Harvard '82). The firm has grown rapidly since then. It now includes 32 Partners, 31 Associates, 2 Of Counsel, 12 Staff Attorneys, and 12 Paralegals and Researchers.

Our practice is focused on trials and appeals in federal and state courts across the United States and before federal agencies. This litigation builds on the experience of the firm's partners as lawyers at the Department of Justice and elsewhere in the federal government and in other endeavors. Michael Kellogg, Mark Hansen, Chris Todd, Reid Figel, Jim Webster, and Wan Kim served as Assistant United States Attorneys; Michael Kellogg and David Frederick served as Assistants to the Solicitor General; Rebecca Beynon served as Deputy General Counsel at the Office of Management and Budget and as a Special Assistant to the President; Wan Kim served as the Assistant Attorney General for the Civil Rights Division; Mike Guzman served as Principal Deputy Assistant Attorney General for the Environment and Natural Resources Division, and Courtney Simmons Elwood served as an Associate Counsel to the President, Deputy Counsel to the Vice President, and Deputy Chief of Staff to the Attorney General. Geoff Klineberg served as the Counselor on International Law in the Office of the Legal Adviser at the Department of State. And Sean Lev recently returned to the firm after serving as General Counsel of the Federal Communications Commission as well as Acting General Counsel and Deputy General Counsel for Environment & Nuclear Programs at the Department of Energy.

Michael Kellogg and Peter Huber wrote a leading treatise on federal telecommunications law; Peter Huber wrote the landmark Department of Justice report on the breakup of AT&T and is a leading author and speaker on telecommunications and tort reform; David Frederick wrote a leading treatise on Supreme Court advocacy; Chris Todd served as a member of the Iran-Contra prosecution team; John Thorne was Senior Vice President and Deputy General Counsel at Verizon Communications Inc. where he headed Verizon's competition and intellectual property practice groups.

### **Our Lawyers**

The firm's partners have been lead counsel in more than 100 federal and state trials and appeals, and have argued more than 45 cases before the Supreme Court of the United States. The firm was founded with the conviction that able young lawyers can assume substantial responsibility at an early point in their careers for matters at both the trial and the appellate stages. We believe that this benefits both our clients, who receive cost-effective service from highly motivated attorneys, and the attorneys, who experience the satisfaction of practice.

### **Partners**

*Michael K. Kellogg,*

Stanford University '76, Oxford University, St. Catherine's College '79,  
Harvard Law School '82  
Law Clerk to Judge Malcolm Wilkey and Justice William H. Rehnquist

*Mark C. Hansen,*

Dartmouth College '78, Harvard Law School '82  
Law Clerk to Judge William H. Timbers

*K. Chris Todd,*

Texas Tech University '69, University of Texas Law School, Austin '72,  
Cambridge University, Darwin College '74  
Law Clerk to Judge William M. Taylor, Jr.



*Reid M. Figel,*

Middlebury College '78, New York University School of Law '82  
Law Clerk to Judges George C. Pratt and James R. Browning

*David C. Frederick,*

University of Pittsburgh '83, Oxford University, University College '87,  
University of Texas Law School, Austin '89  
Law Clerk to Judge Joseph T. Sneed and Justice Byron R. White

*Peter W. Huber,*

Barker Fellowship in Mechanical Engineering '74, Massachusetts Institute of  
Technology '76, Harvard Law School '82  
Law Clerk to Judge Ruth Bader Ginsburg and Justice Sandra Day O'Connor

*Steven F. Benz,*

Johns Hopkins University '83, Stanford Law School '90

*Geoffrey M. Klineberg,*

Princeton University '85, Oxford University, Balliol College '87, Yale Law School '90  
Law Clerk to Judge José A. Cabranes, Judge Patricia M. Wald, and  
Justice Harry A. Blackmun

*Evan T. Leo,*

University of California, Los Angeles '90, George Washington University Law Center '93

*Aaron M. Panner,*

Yale University '86, Harvard Law School '95  
Law Clerk to Judge Michael Boudin and Justice Stephen G. Breyer

*Silvija A. Strikis,*

University of Maryland '85, Georgetown University Law Center '95  
Law Clerk to Chief Judge Harry T. Edwards and Justice Sandra Day O'Connor

*William J. Conyngham, Jr.,*

Georgetown University '78, University of Texas, Austin '84, The Catholic  
University of America, Columbus School of Law '85

*Kevin B. Huff,*

University of Utah '93, Columbia University Law School '96  
Law Clerk to Judge Denise Cote, Judge Douglas H. Ginsburg, and Justice Antonin Scalia

*Michael J. Guzman,*

Brigham Young University '88, Harvard Law School '91  
Law Clerk to Judge Douglas H. Ginsburg

*James M. Webster III,*

University of Virginia '90, Columbia University Law School '94  
Law Clerk to Judge Paul V. Niemeyer

*Scott H. Angstreich,*

Princeton University '93, Oxford University, Balliol College '95, Harvard Law School '98  
Law Clerk to Judge Douglas H. Ginsburg

*David L. Schwarz,*

Harvard College '93, Oxford University, New College '95, Harvard Law School '98  
Law Clerk to Judge Patricia M. Wald

*Rebecca A. Beynon,*

University of Texas '84, University of California '87, University of Texas  
Law School, Austin '94  
Law Clerk to Judge Raymond Randolph and Justice Sandra Day O'Connor

*Kevin J. Miller,*

University of Georgia '93, University of Chicago Law School '99  
Law Clerk to Judge Jerry E. Smith and Justice Anthony M. Kennedy

*Joseph S. Hall,*

Duke University '95, Georgetown University Law Center '99  
Law Clerk to Judges Fred I. Parker and James Robertson

*Wan J. Kim,*

Johns Hopkins University '90, University of Chicago Law School '93  
Law Clerk to Judge James L. Buckley

*Courtney Simmons Elwood,*

Washington and Lee University '90, Yale Law School '94  
Law Clerk to Judge J. Michael Luttig and Chief Justice William H. Rehnquist

*Derek T. Ho,*

Harvard College '96, Yale University '98, Harvard Law School '01  
Law Clerk to Chief Judge Michael Boudin and Justice David H. Souter

*Gregory G. Rapawy,*

Stanford University '97, Harvard University, Kennedy School of Government '01,  
Harvard Law School '01  
Law Clerk to Judge Sandra L. Lynch and Justice David H. Souter

*Kenneth M. Fetterman,*

Gettysburg College '94, The Catholic University of America, Columbus School of Law '97,  
Georgetown University Law Center '00

*Andrew C. Shen,*

Cornell University '00, Columbia University Law School '04  
Law Clerk to Judge Dolores K. Sloviter

*John Thorne,*

Kenyon College '78, Northwestern University Law School '81  
Law Clerk to Chief Judge Walter J. Cummings

*Daniel G. Bird,*

University of Maryland '01, Yale Law School '05  
Law Clerk to Judge A. Raymond Randolph

*Sean A. Lev,*

Williams College '88, Harvard Law School '92  
Law Clerk to Judge Patricia M. Wald

*Michael N. Nemelka,*

Brigham Young University '03, University of Virginia School of Law '06  
Law Clerk to Judge Paul V. Niemeyer

*Andrew E. Goldsmith,*

Brown University '99, Harvard Law School '04  
Law Clerk to Judge Reena Raggi

*Joshua D. Branson,*

Northwestern University '06, Harvard Law School '10  
Law Clerk to Judge Diana Gribbon Motz

#### **Associates\***

*Thomas B. Bennett,*

Swarthmore College '07, New York University School of Law '12  
Law Clerk to Judges Gerald E. Lynch and Jesse M. Furman

*Katherine C. Cooper,*

Duke University '07, Harvard Law School '13  
Law Clerk to Judge Allyson K. Duncan

*Daniel V. Dorris,*

University of Illinois '06, University of Chicago Law School '10  
Law Clerk to Judges Gary Feinerman and Pamela Rymer

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\* Not admitted in D.C.; practicing under supervision of the partners of the firm.

*Matthew M. Duffy,*

University of Notre Dame '09, Pace University '09, University of Notre Dame  
Law School '13  
Law Clerk to Judge Kim W. Wardlaw

*Ethan P. Fallon,*

The Pennsylvania State University '09, UCLA School of Law '14  
Law Clerk to Judges Denny Chin and John Gleeson

*Amelia I. Frenkel,*

Georgetown University '08, New York University, School of Law '14  
Law Clerk to Judge Donald H. Ginsberg

*Hilary P. Gerzhoy,*

University of Chicago '10, University of California, Berkeley, School of Law '14  
Law Clerk to Judge Kermit Lipetz

*Julian J. Ginos,*

Binghamton University '07, New York University School of Law '14  
Law Clerk to Judge Royce C. Lamberth

*Benjamin J. Gottesman,*

University of Miami '12, George Washington University Law Center '15

*Josh Hafenbrack,*

University of Charleston '03, Georgetown University Law Center '13  
Law Clerk to Judge M. Margaret McKeown

*Frederick G. Hall,*

Princeton University '09, Georgetown University Law Center '13  
Law Clerk to Judges James S. Gwin and Michael Fisher

*Minsuk Han,*

Seoul National University Business School '10, Cornell Law School '14  
Law Clerk to Judge Andrew J. Kleinfield

*Jacob E. Hartman,*

Duke University '06, Perelman School of Medicine at the University of Pennsylvania '15,  
University of Pennsylvania Law School '15  
Law Clerk to Judge Kent A. Jordan

*Stefan J. Hasselblad,*

Columbia University '07, Harvard Law School '15  
Law Clerk to Judge Neil M. Gorsuch

*Cody Herche,*

University of the Pacific '10, Cornell Law School '13  
Law Clerk to Judges Richard M. Berman and Richard C. Wesley

*T. Dietrich "Deke" Hill\**

Cornell University '11; Columbia Law School '14  
Law Clerk to Judge Amalya L. Kears

*Nicholas O Hunter,*

University of Michigan '01, Harvard Law School '13  
Law Clerk to Judge William C. Bryson

*Matthew R. Huppert,*

Georgetown University '08, Columbia Law School '11  
Law Clerk to Judges Beryl A. Howell and Judith W. Rogers

*Jeffrey A. Love,*

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*Benjamin D. Margo,*

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*Rachel P. May,*

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Harvard Law School '14

*Jeremy S. Newman,*

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Law Clerk to Judge Sandra L. Lynch

*Leslie V. Pope,*

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Law Clerk to Judge Judith W. Rogers

*Peter S. Ratner,*

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Law Clerk to Judge Steven M. Colloton

*Benjamin L. Rudofsky,*  
Northwestern University '11, Cornell Law School '14  
Law Clerk to Judge Rya W. Zobel

*Thomas G. Schultz,*  
University of Minnesota '09, Cornell Law School '13  
Law Clerk to Judge Roger Wollman

*Benjamin S. Softness,*  
Amherst College '06, University of Pennsylvania Law School '13  
Law Clerk to Judge A. Raymond Randolph

*Collin R. White,*  
Rice University '09, University of Texas Law '13  
Law Clerk to Judges James O. Browning and Neil M. Gorsuch

*Joanna T. Zhang,*  
University of Pennsylvania '09, Yale Law School '13  
Law Clerk to Judges Gary Feinerman and Alex Kozinski

#### **Of Counsel**

*Scott K. Attaway,*  
Berklee College of Music '93, Boston University Law School '97  
Law Clerk to Judges Catherine C. Blake and Douglas H. Ginsburg

*Andrew M. Hetherington,*  
Cambridge University '91, Tulane University '95 and '99,  
Georgetown University Law Center '03  
Law Clerk to Judge Danny J. Boggs

We encourage our associates to consider public service. We have seen our attorneys become judges and agency general counsels, as others have advanced to positions in the White House, the Justice Department, the Congress, the FCC, and the SEC. Still others are now professors at the nation's top law schools.

### **Our Matters**

Our matters include antitrust, contract, fraud, product liability, and intellectual property actions, federal grand jury and SEC investigations, as well as telecommunications litigation for several industry leaders. These matters range from a complex 500-party interpleader action to relatively straightforward commercial disputes. We have matters throughout the country, including state court actions in the District of Columbia, Virginia, Maryland, Massachusetts, and Louisiana; federal district court cases in Texas, Kentucky, Illinois, the District of Columbia, Virginia, Maryland, and Massachusetts; all districts of the federal courts of appeals, as well as before the Supreme Court of the United States. A list of representative matters can be found on our website at <http://www.khhte.com/matters.php>.

### **Our Clients**

Our clients include more than a dozen Fortune 100 corporations (in industries ranging from telecommunications, petroleum, computer manufacture and electrical controls, to entertainment and recreation), emerging biotechnology and telecommunications companies, a major health care company, and a leading economics consulting firm.

# **Exhibit B**



In re Cathode Ray Tube (CRT) Antitrust Litigation  
**KELLOGG, HANSEN, TODD, FIGEL & FREDERICK, P.L.L.C.**  
 Reported Hours and Lodestar  
 Inception through October 31, 2016 – Mitsubishi/Thomson Only

**TIME REPORT**

NAME	TOTAL HOURS	HISTORICAL HOURLY RATE	LODESTAR
ATTORNEYS			
Steven F. Benz (P)	478.50	\$850	\$406,725.00
K Chris Todd (P)	33.30	\$900	\$29,970
Colin White (A)	223.40	\$395	\$88,243
Thomas Samuels (SA)	269.65	\$350	\$94,377.50
Oliver Hennigan (SA)	454.95	\$350	\$159,232.50
NON-ATTORNEYS			
	0.00	\$	\$
<b>TOTAL:</b>	<b>1459.8</b>		<b>\$778,548.00</b>

(P) Partner  
 (A) Associate  
 (SA) Staff Attorney

# **Exhibit C**

In re Cathode Ray Tube (CRT) Antitrust Litigation  
**KELLOGG, HANSEN, TODD, FIGEL & FREDERICK, P.L.L.C.**  
 Reported Expenses Incurred on Behalf of DPPs – Mitsubishi/Thomson Only

**EXPENSE REPORT**

CATEGORY	AMOUNT INCURRED
Court Fees (Filing, etc.)	\$305.00
Experts/Consultants	\$1,000.00
Federal Express	\$164.04
Transcripts (Hearing, Deposition, etc.)	\$1,163.12
Messenger Delivery	\$0
Photocopies – In House (capped at \$0.20 per copy)	\$2,009.12
Photocopies – Outside	\$0
Postage	\$0
Service of Process	\$0
Telephone/Telecopier	\$235.12
<b>TOTAL:</b>	<b>\$4,876.40</b>