

Corrected Version of ECF No. 240-1

**Corrected Declaration of Steve W.
Berman in Support of Developer
Plaintiffs' Motion for Attorneys' Fees,
Reimbursement of Expenses, and Service
Awards, and Exhibits 4, 5 and 6 thereto**

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[Additional Counsel Listed on Signature Page]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE GOOGLE PLAY DEVELOPER
ANTITRUST LITIGATION

Case No. 3:20-CV-05792-JD

**CORRECTED DECLARATION OF
STEVE W. BERMAN IN SUPPORT
OF DEVELOPER PLAINTIFFS'
NOTICE OF MOTION AND MOTION
FOR ATTORNEYS' FEES,
REIMBURSEMENT OF EXPENSES,
AND SERVICE AWARDS**

Date: May 18, 2023
Time: 10:00 a.m.
Judge: Hon. James Donato
Location: Courtroom 11, 19th Floor

1 I, STEVE W. BERMAN, declare as follows:

2 1. I am an attorney duly licensed to practice law before this Court. I am a member of
3 the Washington Bar, and I have been admitted to this Court *pro hac vice*. I am the managing partner
4 of the law firm Hagens Berman Sobol Shapiro LLP (“Hagens Berman”), co-lead Interim Class
5 Counsel for Developer Plaintiffs (ECF No. 79) and co-lead Class Counsel for the Settlement Class
6 (ECF No. 233). Based on personal knowledge or discussions with counsel in my firm of the matters
7 stated herein, if called upon, I could and would competently testify thereto.

8 2. In this declaration, the term “Class Counsel” refers collectively to Hagens Berman
9 and the other co-lead Class Counsel—namely, Sperling & Slater, LLC (“Sperling & Slater”) and
10 Hausfeld LLP (“Hausfeld”)—as well as the Lewis Firm, which assisted on this matter.¹ Lead
11 Counsel for Sperling & Slater and Hausfeld have submitted separate declarations attaching relevant
12 billing and expense records for their firms, as has the administrator for the estate of Michael Lewis
13 (for the Lewis Firm). *See* Kelly Decl.; Coolidge Decl.; Lewis Decl. This declaration provides the
14 same information for my firm and, for the convenience of the Court, summarizes the combined
15 lodestar and expense information for all three firms serving as Class Counsel. This declaration also
16 provides an overview of (a) the action, (b) the work performed by Class Counsel, (c) the steps Class
17 Counsel took to ensure effective management of this complex litigation; and (d) the work
18 performed by the class representatives in support of this action.

19 I. PROCEDURAL HISTORY

20 3. Class Counsel filed initial pleadings in August and September 2020 and, after
21 consolidation, *see* ECF No. 53, their first Consolidated Class Action Complaint on October 21,
22 2020. *See* ECF No. 56. Asserting claims under the Sherman Act and California’s Unfair
23 Competition Law, Developer Plaintiffs alleged that Google monopolizes (or attempted to
24 monopolize) markets related to the distribution of Android OS apps and in-app products. Developer
25 Plaintiffs further alleged that Google unlawfully tied products in these two markets.

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¹ References to Class Counsel in this declaration refer to Class Counsel collectively, without
distinguishing between the work performed by the three firms serving as Class Counsel.

1 4. On November 10, 2020, the Court ordered that discovery in this action be
2 coordinated with similar lawsuits brought by Epic Games (Case No. 20-cv-5671) and Consumer
3 Plaintiffs (Case Nos. 20-cv-5761 & 20-cv-7079). *See* ECF No. 70. With discovery underway,
4 Google moved to dismiss the First Consolidated Class Action Complaint on November 13, 2020.
5 *See* ECF No. 71. After Developer Plaintiffs submitted joint (with Epic) and individual opposition
6 briefs, *see* ECF Nos. 80 & 81, Developer Plaintiffs amended their Complaint, mooted the motion
7 to dismiss. *See* ECF No. 129. Google did not renew its motion to dismiss as to the First Amended
8 Consolidated Class Action Complaint, and instead Google filed an answer on October 11, 2021. *See*
9 ECF No. 156.

10 5. Attorneys General from 37 states also brought comparable monopolization and tying
11 claims against Google on July 7, 2021, and their action was later coordinated with this one for
12 pretrial purposes.

13 6. Developer Plaintiffs filed the Second Amended Consolidated Class Action
14 Complaint (“SAC”)—the operative pleading—on December 3, 2021. *See* ECF Nos. 167, 179.
15 Google again did not renew its motion to dismiss as to the Second Amended Consolidated Class
16 Action Complaint. Google filed an answer on December 11, 2022. *See* ECF No. 189.

17 7. On May 24, 2022, after extensive discovery detailed below, including the exchange
18 of expert reports, Developer Plaintiffs and Google reached agreement on the principal terms of a
19 settlement. The settlement was finalized on October 3, 2022 and preliminarily approved by this
20 Court on December 1, 2022. *See* ECF No. 233.

21 **II. THE WORK PERFORMED BY CLASS COUNSEL**

22 8. Class Counsel litigated this matter entirely on a contingency basis with no assurance
23 of payment. Even for antitrust class actions, this was a factually and legally complex matter that
24 demanded substantial attorney and staff resources. Class Counsel forwent other profitable work to
25 ensure this matter was sufficiently staffed and vigorously prosecuted.

26 **A. Class Counsel Conducted a Thorough Investigation to Prepare Detailed Pleadings.**

27 9. Class Counsel’s consolidated pleadings were predicated on extensive analysis of
28 Google’s conduct and applicable antitrust law. While Class Counsel filed the initial Consolidated

1 Complaint on October 2021, the underlying investigation dates to at least November 2018.

2 10. Unlike Apple, which openly bars all competing app stores from operating on its
3 devices, Google purports to operate an “open” Android platform on which apps can be readily
4 obtained from stores that compete with its own Google Play store. The mechanisms through which
5 Google has allegedly monopolized Android app and in-app product distribution are more subtle,
6 sophisticated, and factually complex. Developing antitrust claims against Google thus required
7 thorough investigation and analysis.

8 11. The operative SAC leverages Class Counsel’s investigation to walk methodically
9 through the “thicket of contracts, incentive payments, and technological impediments” Google
10 allegedly implemented to insulate itself from competition and secure monopolies in the markets for
11 Android app and in-app product distribution. *See* ECF No. 179 at 19. Developer Plaintiffs’
12 allegations are detailed, spanning nearly 100 pages, and leverage the discovery record that Class
13 Counsel developed during the pleading stage.

14 12. As a testament to its viability, Google elected to answer the SAC rather than renew a
15 previously filed 12(b)(6) motion targeting the initial Complaint.

16 **B. Class Counsel Engaged in Substantial Case Coordination to Achieve Efficiencies.**

17 13. From the beginning of the case, Class Counsel sought to maximize efficiency and
18 avoid duplication by coordinating discovery efforts with other plaintiff groups, including Epic,
19 Consumer Plaintiffs and (later) litigating Attorneys General.² While the plaintiff groups shared
20 many of the same overarching legal theories, there were points of departure and differing views on
21 case strategy. Moving the case forward required active coordination and compromise, and Class
22 Counsel worked diligently to broker solutions that would progress the case with minimal court
23 intervention.

24 14. To lay the groundwork for discovery, Class Counsel worked with co-plaintiffs and
25 Google to negotiate a set of detailed protocols, including ESI Protocols (ECF NO. 69), Coordinated
26

27 ² Match Group joined the action after Developer Plaintiffs and Google had reached a
28 settlement.

1 Discovery Protocols (ECF No. 70), a Protective Order and amendments thereto (ECF Nos. 111, 162
2 177, 211), a Supplemental Protective Order and amendments thereto (ECF Nos. 117, 163, 210),
3 Expert Discovery Protocols (ECF No. 125), a Supplemental Protective Order Governing Source
4 Code and amendments thereto (ECF Nos. 199, 209), Deposition Protocols (ECF No. 176), as well
5 as a Privilege Log Agreement that was not filed in the case. While these protocols were generally
6 submitted to the Court in stipulated form, reaching stipulations often required prolonged
7 negotiation.

8 15. Class Counsel also played an active role in submitting more than 8 joint status
9 submissions, while participating in at least ten case management conferences with the Court.

10 **C. Class Counsel Obtained Substantial Discovery on Behalf of the Settlement Class.**

11 16. Often over initial Google objections, Class Counsel succeeded in obtaining broad
12 discovery and devoted substantial resources to analyzing the terabytes of information produced.

13 **1. Written and Document Discovery**

14 17. Working collaboratively with other plaintiff groups, Class Counsel propounded
15 detailed discovery, including 253 document requests, interrogatories, and approximately 45 third-
16 party subpoenas for documents and/or testimony. This case also involved substantial written
17 discovery of named plaintiffs represented by Class Counsel. Specifically, Google served 71
18 document requests on three named plaintiffs, and 91 on another. Google also served 18 substantive
19 interrogatories and 13 interrogatories concerning document preservation. Class representatives
20 produced more than 46,000 documents in total, spanning more than 74,000 pages. All parties'
21 discovery requests were extensively negotiated to avoid burdening the Court with unnecessary
22 discovery motions.

23 18. Data discovery was also critical to this antitrust matter. Working with consultants,
24 Class Counsel extensively negotiated the parameters of Google's transactional and revenue data
25 productions.

26 19. Class Counsel engaged in substantial efforts to review Google's privilege logs
27 regarding documents withheld from the productions, and ultimately challenged large swaths of
28 privilege log entries, including numerous entries that were later revised by Google or for which the

1 documents were later produced.

2 20. All told, the parties' extensive written discovery requests yielded a massive
3 discovery record, even for a case of this size and complexity. At the filing of Developer Plaintiffs'
4 preliminary approval motion, more than 5.7 million documents and 28 million pages had been
5 produced. Google's transactional and revenue datasets, essential for expert analyses, encompassed
6 nearly 11 terabytes. Class Counsel devoted thousands of attorney hours to reviewing and analyzing
7 this body of written discovery. In order to accomplish such a massive review on an expedited
8 timeline, Class Counsel managed a large document review team and led regular meetings to ensure
9 reviewers received adequate guidance and critical issues were promptly identified and elevated to
10 appropriate team members.

11 **2. Fact and 30(b)(6) Depositions.**

12 21. At the time of Developer Plaintiffs' motion for preliminary approval, the parties had
13 taken 45 depositions, with Class Counsel taking or defending 26 of these. The deponents included
14 high-level Google officials with responsibilities for the Google Play store. Three of the four
15 Developer Plaintiff class representatives were deposed, both in an individual capacity and as
16 30(b)(6) representatives for their respective companies. Class Counsel defended these depositions
17 and spent substantial time preparing the witnesses. Working collaboratively with other plaintiff
18 groups, Class Counsel also served a 30(b)(6) notice on Google with 35 detailed topics. Google
19 spread these topics over several witnesses, who Class Counsel deposed both in individual and in a
20 30(b)(6) capacity.

21 **3. Expert Discovery**

22 22. Over the course of this litigation, Developer Plaintiffs' experts provided critical
23 support. Developer Plaintiffs' testifying experts included two distinguished economists (David S.
24 Sibley, Professor of Economics at the University of Texas, and Dr. Michael A. Williams, Managing
25 Director at Berkeley Research Group), one accounting expert (Kevin Kreitzman), and one
26 technology expert (Douglas C. Schmidt, Professor of Engineering and Computer Science at
27 Vanderbilt University).

28 23. These experts' work culminated in comprehensive opening and rebuttal reports

1 served in connection with class certification. The reports totaled 723 pages, exclusive of backups.
2 Professor Sibley addressed liability issues, including the relevant antitrust market and common
3 evidence of Google's market power and monopolization conduct. Dr. Williams addressed antitrust
4 impact and constructed two classwide damages models. Mr. Kreitzman analyzed Google's financial
5 records to estimate Google Play's economic profits, a building block of Dr. Williams's work.
6 Finally, Professor Schmidt analyzed the technological aspects of Google's alleged monopolization
7 conduct and proffered defenses. After reports were submitted, three of Developer Plaintiffs' experts
8 were deposed by seasoned antitrust counsel. Class Counsel defended those depositions and
9 conducted numerous preparation sessions in advance.

10 24. Over the course of the litigation, Developer Plaintiffs' experts provided insights into
11 the cutting-edge technology markets at issue, informing Plaintiffs' legal analyses and the discovery
12 (written and via deposition) taken.

13 III. HAGENS BERMAN'S LODESTAR AND EXPENSES

14 25. Hagens Berman's total lodestar for professional and attorney time billed to this case
15 from November 26, 2018 to December 30, 2022, measured at current rates, is \$5,260,068.50.
16 During this period, professionals at Hagens Berman devoted 10,916.6 hours in total to this
17 litigation. Class Counsel are not seeking attorneys' fees for any time billed in connection with
18 drafting this motion.

19 26. In accordance with this Court's December 11, 2020 Order, my colleagues Rob
20 Lopez and Ben Harrington reviewed monthly time invoices of billing professionals to ensure that
21 Hagens Berman's entries complied with this Court's guidance. Entries for potentially duplicative,
22 less efficient, or non-compensable time were removed and are not included in the lodestar figure set
23 forth immediately above, or in Hagens Berman's contemporaneous billing records submitted in
24 connection with this application.

25 27. Hagens Berman's hourly rates are based on regular and ongoing monitoring of
26 prevailing market rates in the San Francisco Bay Area for attorneys of comparable skill, experience,
27 and qualifications. Hagens Berman's hourly rates and rate structure have been approved by
28 numerous courts, including in the Northern District of California. On February 21, 2017, Judge

1 Wilken held, in approving of the rates of Hagens Berman, that the firm’s “rates are well within the
2 range of \$200 to \$1,080 charged by attorneys in California in 2015.” *In re Nat’l Collegiate Athletic*
3 *Ass’n Athletic Grant-in-Aid Cap Antitrust Litig.*, No. 4:14-MD-2541-CW, 2017 WL 6040065, at
4 *8-*9 (N.D. Cal. Dec. 6, 2017), *aff’d*, 768 F. App’x 651 (9th Cir. 2019); *see also In re Animation*
5 *Workers Antitrust Litig.*, 2016 WL 6663005, at *6 (N.D. Cal. Nov. 11, 2016) (hourly rates for firms
6 including Hagens Berman that ranged from \$275 to \$1,200 were “fair, reasonable, and market-
7 based, particularly for the ‘relevant community’ in which counsel work”).

8 28. A summary of the Hagens Berman timekeepers who worked on this litigation
9 between November 26, 2018 to December 30, 2022, the number of hours dedicated to particular
10 tasks in this litigation, their total hours, and their total lodestar based on current and historical
11 billing rates, is attached as **Exhibit 1**.

12 29. Detailed and contemporaneously prepared time records from November 26, 2018 to
13 December 30, 2022 supporting this summary are attached as **Exhibit 2** to this declaration. The time
14 records included in Exhibit 2 are arranged chronologically, with all time entries postdating the
15 Court’s December 11, 2020 Order included as monthly invoices in accordance with the Court’s
16 instructions. Time entries predating the Court’s December 11, 2020 Order were also audited to
17 eliminate any duplicative, inefficient or non-compensable time, and are included in Exhibit 2
18 chronologically.

19 30. A summary of the costs and expenses that Hagens Berman has paid to date in this
20 litigation is attached as **Exhibit 3**. Apart from contributions to the Litigation Fund, Hagens
21 Berman’s separate expenses total \$31,577.22. The expenses reflected in **Exhibit 3** are prepared
22 from expense vouchers, receipts, and bank records, and thus represent an accurate recordation of
23 the expenses incurred. Hagens Berman can produce a copy of these expense vouchers, receipts, and
24 bank records upon request of the Court.

25 31. I have reviewed the time and expenses reported by Hagens Berman in this case that
26 are included in this declaration and its exhibits, and I affirm that they are true and accurate.

27 32. In addition to the separate expenses of Hagens Berman for which we seek
28 reimbursement, Hagens Berman also contributed \$1,886,000.00 to a Litigation Fund maintained in

1 this case. See **Exhibit 3**. The expenses paid from this Litigation Fund for which Class Counsel seek
2 reimbursement are described *infra*, in Section V.A.1.

3 **IV. CLASS COUNSEL'S COMBINED LODESTAR**

4 33. Class Counsel collectively invested 34,430.9 hours in this matter for a combined
5 lodestar of \$18,469,866.75. See **Exhibit 4**.

6 34. These combined totals are based on the hours and hourly rates identified in this
7 Declaration (for Hagens Berman), the Kelly Declaration (for Sperling & Slater), the Coolidge
8 Declaration (for Hausfeld), and the Lewis Declaration (for the Lewis Firm). Class Counsel's
9 combined lodestar for attorney and professional time billed to this case is calculated based on the
10 current hourly rates of each firm.

11 **V. SUMMARY OF CLASS COUNSEL'S COMBINED EXPENSES**

12 **A. Summary of Expenses.**

13 35. In the accompanying motion, Class Counsel respectfully request reimbursement of
14 litigation costs and expenses they incurred on behalf of Developer Plaintiffs in the amount of
15 \$5,916,010.30. Class Counsel's unreimbursed expenses were reasonably incurred, necessary for the
16 litigation of the case, and Class Counsel advanced these expenses interest free with no assurance
17 that they would ever be reimbursed.

18 36. Throughout the litigation, Class Counsel has prosecuted this case on a contingent
19 basis, funding the case out-of-pocket, without the use of outside litigation funders.

20 37. The total amount of expenses requested are based on amounts (a) paid from the
21 Litigation Fund and (b) paid directly by Class Counsel. These categories are addressed below.

22 **1. Expense Paid from The Litigation Fund.**

23 38. The Litigation Fund was 100% financed by the law firms prosecuting this case
24 (Class Counsel) and was maintained by Hagens Berman.

25 39. As reflected in **Exhibit 5**, the litigation costs and expenses paid from the Litigation
26 Fund total \$5,672,463.89.

27 40. Because the Litigation Fund constitutes a large portion of the total expenses for
28 which Class Counsel seek reimbursement, and in the interests of transparency, Class Counsel has

1 provided invoices for all categories of expenses in the Litigation Fund. These are compiled
2 chronologically in **Exhibit 6** (expert invoices) and **Exhibit 7** (all other Litigation Fund invoices).

3 41. The largest expense category in the Litigation Fund was testifying and consulting
4 experts, including economists at the Berkeley Research Group, who provided essential assistance
5 throughout the litigation, prepared extensive reports supporting class certification, and testified at
6 deposition. As addressed above in Section II.C.3, the work of Developer Plaintiffs' experts was
7 instrumental in progressing this case and positioning Developer Plaintiffs to secure a substantial
8 settlement. In total, Class Counsel paid \$5,316,743.07 in expert fees from the Litigation Fund.

9 42. Another large category of expenses paid from the Litigation Fund was document and
10 data hosting services. After comparing pricing and services across vendors, Class Counsel selected
11 Everlaw as its document vendor for this matter. Class Counsel also utilized Berkeley Research
12 Group's services to store certain data produced in this matter in the most cost-effective manner. In
13 total, Class Counsel has paid \$355,720.82 in document and data storage services from the Litigation
14 Fund.

15 **2. Expenses Paid Directly by Class Counsel.**

16 43. Of the total expenses incurred, \$243,546.41 of those expenses were paid directly by
17 individual Class Counsel firms to vendors, as shown in **Exhibit 8**, which breaks down the expenses
18 sought by Class Counsel by the individual firm that paid the expense. These are separate from the
19 funds each firm contributed to the Litigation Fund.

20 44. Each firm has also provided a separate summary of the expenses it incurred and paid
21 individually. *See* Exhibit 3 to this declaration (for Hagens Berman); Kelly Declaration Exhibit C
22 (for Sperling & Slater) and Coolidge Declaration Exhibit D (for Hausfeld). These summaries were
23 created from receipts, invoices and other records that can be provided to the Court on request.

24 **VI. CLASS REPRESENTATIVE SERVICE AWARDS**

25 45. The four Class Representatives in this litigation—Pure Sweat Basketball,
26 LittleHoots LLC, Peekya App Services, and Scalisco, LLC—have remained actively involved
27 throughout the litigation of this case.

28 46. Plaintiffs request service awards for these class representatives in the amount of

1 \$10,000 each (\$40,000 in total).

2 47. In this case, the \$10,000 service awards are well-deserved. The class representatives
3 are current Android app developers who took a significant risk by bringing an action in their names
4 against one of the largest corporations in the world. As the operator of the largest Android app
5 store, Google wields enormous power over Android app developers. Standing up to serve as a class
6 representative in this matter took courage. The settlement, and the benefits it secures for the larger
7 Settlement Class, could not have been achieved without the efforts of the class representatives.

8 48. Each class representative devoted substantial time to this case. Google served 71
9 document requests on three of the representatives, and 91 on another. Because the class
10 representatives operate businesses, and given the extent of Google's requests, the representatives'
11 document productions were unusually large, spanning more than 74,000 pages collectively. Three
12 of the four class representatives were deposed, both in an individual and 30(b)(6) capacity, and
13 spent substantial time with Class Counsel preparing for their depositions. The class representatives
14 also provided valuable input throughout the case, including by reviewing pleadings.

15 49. Given that this settlement will deliver relatively large payments to individual class
16 members, service fees of \$10,000 would not result in the class representatives receiving an outsized
17 portion of the entire settlement fund. In combination with the distributions they are entitled to
18 receive under the settlement's pro rata distribution scheme, the class representatives would receive
19 (with \$10,000 service fees) total awards ranging from \$10,250 to approximately \$11,000. By
20 contrast, some class members stand to receive payments exceeding \$200,000 from the settlement
21 fund. Hundreds will receive payments above \$20,000. These large awards, and the benefits of the
22 settlement as a whole, were brought about through the service of the class representatives.

23 **VII. EXPERTISE AND EXPERIENCE OF CORE HAGENS BERMAN TEAM**
24 **MEMBERS WORKING ON THIS LITIGATION**

25 50. The expertise and experience of lead counsel is another important factor in setting a
26 fair fee. As demonstrated by our firm résumé, attached hereto as **Exhibit 9**, Hagens Berman is
27 among the most experienced and skilled practitioners in the complex litigation field, and has a long
28 and successful track record in such cases. Hagens Berman is a nationally recognized law firm, with

1 offices in Berkeley, Seattle, Boston, Chicago, Los Angeles, Washington D.C., and Phoenix. We
2 have been consistently rated by the National Law Journal in the top ten of plaintiffs' firms in the
3 country. The firm has extensive experience litigating complex class actions asserting claims of
4 securities, investment fraud, product liability, tort, antitrust, consumer fraud, employment,
5 environmental, and ERISA cases. Moreover, the fact that Hagens Berman has demonstrated a
6 willingness and ability to prosecute complex cases such as this was undoubtedly a factor that
7 encouraged Google to engage in settlement discussions, and added valuable leverage in the
8 negotiations, ultimately resulting in the recovery for the Class. My team paid attention to ensuring
9 that each Hagens Berman attorney on the file had specific areas of focus; that there was not
10 duplication of efforts, especially among higher billers; and that projects were assigned to
11 experienced lawyers with depth in the field who could effectively and efficiently execute the
12 amount of work this case demanded.

13 51. Among other complex antitrust matters, Hagens Berman served as lead
14 counsel in *Cameron v. Apple Inc.*, 19-cv-3074 (N.D. Cal.), which involved comparable app
15 developer claims against Apple. The *Cameron* matter resulted in a \$100 million settlement coupled
16 with injunctive relief for a class of iOS app developers. Hagens Berman's work on the *Cameron*
17 matter was honored with the American Antitrust Institute's 2022 award for Outstanding Antitrust
18 Litigation Achievement in Private Law Practice.

19 52. In addition to biographies included in the attached firm résumé, below is a summary
20 of the experience of the core team members:

21 53. *Steve Berman*, one of the founding partners of Hagens Berman, is widely regarded
22 as one of the most effective class action attorneys in the country. In *In re NCAA Grant-in-Aid Cap*
23 *Antitrust Litigation*, Mr. Berman led Hagens Berman's trial team in a 10-day trial in September
24 2019 before former Chief Judge Claudia Wilken of the Northern District of California, successfully
25 obtaining an injunction against the NCAA relating to caps on compensation available to college
26 student-athletes. Mr. Berman questioned numerous witnesses and gave the closing argument at trial.
27 The decision and injunction was upheld, unanimously, by the Supreme Court. *See NCAA v. Alston*,
28 141 U.S. 1241 (2021). Prior to trial, Mr. Berman recovered a \$208 million settlement for the class,

1 but continued to litigate on behalf of the class for the injunction affirmed by the Supreme Court. He
2 served as lead counsel for 13 states in the tobacco litigation, leading to a settlement of \$206 billion
3 – the largest in history. He, along with Marc Seltzer, was appointed *sua sponte* by Judge James V.
4 Selna of the Central District of California to serve as co-lead counsel in *In re Toyota Motor Corp.*
5 *Unintended Acceleration*. The \$1.6 billion settlement was then the largest auto settlement, both in
6 terms of class members and recovery, in U.S. history. Mr. Berman was sole lead class counsel in *In*
7 *re: Stericycle, Inc., Steri-Safe Contract Litigation*, Case No. 13 C 5795, MDL No. 2455 (D. N.D.
8 Ill.) where the class obtained \$295 million in settlements and injunctive relief. Judge Shadur stated
9 in his preliminary approval order that the settlement demonstrated the “type of high quality work
10 product that this Court anticipated when it designated Hagens Berman and its lead partner Steve
11 Berman as class counsel.” Memorandum and Order, *In re: Stericycle, Inc.*, MDL No. 2455 (October
12 26, 2017), ECF No. 310 at 3. He has served as lead or co-lead counsel in antitrust, securities,
13 consumer, and products liability litigation, as well as other complex litigation, including MDL
14 actions, throughout the country. In addition, Mr. Berman was appointed to the plaintiffs’ steering
15 committee by Judge Breyer in the *In re Volkswagen “Clean Diesel” Mktg., Sales Practices, and*
16 *Prods. Liability Litig.*, No. 15-md-02672-CRB (N.D. Cal.) and lead counsel for the franchise VW
17 dealers who settled for \$1.2 billion. Mr. Berman has received countless awards and recognition for
18 his work, including the National Law Journal’s 2021 recognition of him as a Sports &
19 Entertainment Law Trailblazer, the American Antitrust Institute recognizing him in 2021, 2019,
20 and 2018 as an Honoree for Outstanding Antitrust Litigation Achievement, and being named as a
21 Class Action MVP of the Year for 2016 through 2020 by Law360. Mr. Berman was also recently
22 named to the Lawdragon Hall of Fame for his career achievements. Mr. Berman graduated from the
23 University of Chicago Law School in 1980.

24 54. *Robert Lopez* is a partner with Hagens Berman. He has almost three decades of
25 experience in complex commercial and consumer litigation. With a keen interest in matters
26 involving technology, Mr. Lopez has been a key team member in the firm’s *Carrier iQ* MDL,³

27
28 ³ Hagens Berman was Co-Lead Class Counsel in this very complicated matter, wherein MDL
proceedings followed from the filing of 70+ cases in districts around the country against numerous

1 Google AdSense ex-publisher,⁴ and Tesla Autopilot matters,⁵ all of which settled on nationwide
 2 classwide bases, to name a recent few. Mr. Lopez also played a leading role in *Cameron v. Apple*
 3 *Inc.*, 19-cv-3074 (N.D. Cal.), which involved comparable app developer claims against Apple and
 4 resulted in a \$100 million settlement coupled with injunctive relief. All of these matters involved
 5 the production of highly sensitive and complex material, which Mr. Lopez took the lead in
 6 discovering and analyzing. Also, the former two matters also entailed intensive legal and factual
 7 analysis more broadly, together with commensurately complicated briefing and hearings.

8 55. *Ben Harrington* is a partner with Hagens Berman specializing in antitrust and class
 9 action matters. Mr. Harrington has experience representing both plaintiffs and defendants in all
 10 stages of litigation, including in *Cameron v. Apple Inc.*, 19-cv-3074, (N.D. Cal.), *In Re Rail Freight*
 11 *Fuel Surcharge Antitrust Litigation*, 07-mc-00489 (D.D.C.), *Mackmin v. Visa Inc.*, 11-cv-01831
 12 (D.D.C), and *Laumann v. National Hockey League et al.*, 12-cv-2065 (S.D.N.Y.). Mr. Harrington
 13 was named a 2020 “Rising Star” by Super Lawyers. After graduating summa cum laude from
 14 Hastings College of the Law, Mr. Harrington completed clerkships with the Honorable Harris Hartz
 15 (Tenth Circuit) and the Honorable Nina Gershon (Eastern District of New York).

16 56. *Christopher O’Hara* is a partner with Hagens Berman with a long history in working
 17 on antitrust class actions and settlements. Mr. O’Hara plays a key role in working with and
 18 overseeing notice and claims administrators on the firm’s class settlements and class notice
 19 programs, including antitrust actions such as *Cameron v. Apple Inc.*, 19-cv-3074 (N.D. Cal. 2022);
 20 *In re Electronic Books Antitrust Litig.*, No. 11-mc-02293 (S.D.N.Y.); *In re Optical Disk Drive*
 21 *Antitrust Litig.*, No. 10-md-2143 RS (N.D. Cal.); and *In re Animation Workers Antitrust Litig.*, No.
 22 14-CV-04062-LHK (N.D. Cal.). An active member of the firm’s Microsoft defense team, Mr.

23
 24
 25 big-tech companies including HTC, Samsung, Motorola, and LG. *See, e.g., In re Carrier IQ, Inc.,*
 26 *Consumer Privacy Litig.*, Case No. 14-md-02330 (N.D. Cal.), ECF Nos. 99 and 100 (appointing
 27 Hagens Berman co-lead counsel in multidistrict litigation).

28 ⁴ *See, e.g., Free Range Content, Inc. v. Google LLC*, Case No. 14-cv-02329 (N.D. Cal.), ECF
 No. 286 (Order Granting Plaintiffs’ Motion for Final Approval of Settlement).

⁵ *See, e.g., Sheikh v. Tesla, Inc.*, Case No. 17-cv-02193 (N.D. Cal.), ECF No. 71 (Order
 Granting Plaintiffs’ Motion for Final Approval of Class Action Settlement).

1 O'Hara has spent the past 17 years working for and advising Microsoft in 20 state antitrust class
2 action lawsuits and settlements around the country. Mr. O'Hara began his career with the firm as a
3 Special Assistant Attorney General for 13 states, working on consumer protection and antitrust
4 claims in the landmark State Tobacco Litigation, which resulted in the \$206 billion Tobacco Master
5 Settlement Agreement, the largest settlement in world history. Named a Rising Star in 2003, Mr.
6 O'Hara graduated from Seattle University School of Law, *cum laude*, in 1993.

7 57. *Ronnie Spiegel* was a partner with Hagens Berman with extensive expertise in
8 antitrust class actions and foreign language discovery. Ms. Spiegel worked as a key member of the
9 litigation and trial teams in a number of successful cases in the Northern District of California,
10 including *In re Dynamic Random Access Memory (DRAM) Antitrust Litig.*, No. 02-md-01486-PHJ
11 (N.D. Cal.); *In re Static Random Access Memory (SRAM) Antitrust Litig.*, No. 07-md-01819-CW
12 (N.D. Cal.); *In re TFT Flat Panel (LCD) Antitrust Litig.*, No. 07-md-01827-SI (N.D. Cal.); and *In*
13 *re Cathode Ray Tube (CRT) Antitrust Litig.*, No. 07-cv-05944-SC (N.D. Cal.). She has particular
14 expertise in managing large-scale foreign discovery and foreign language review teams, as well as
15 in managing document translation and the translation objection process. Ms. Spiegel is also a key
16 member of the litigation team for *In re Automotive Parts Antitrust Litigation*, which is comprised of
17 over 40 separate antitrust actions and has generated nearly \$1 billion in collective settlements for the
18 end-payor plaintiff classes to date. Ms. Spiegel graduated from Temple University's Beasley
19 School of Law in 1994, where she was a member of the Temple Law Review, and Temple Law
20 Review editorial board.

21 58. *Benjamin Siegel* is Of Counsel in Hagens Berman's Berkeley office with significant
22 experience in antitrust class actions. He is a 2007 graduate of The University of Texas School of
23 Law, where he was an Articles Editor of the Texas Law Review, and the University of Texas
24 Lyndon B. Johnson School of Public Affairs, graduating first in his class. After law school, Mr.
25 Siegel was a judicial law clerk to the Honorable Thomas M. Reavley of the United States Court of
26 Appeals for the Fifth Circuit. He was admitted to the State Bar of California in 2008 and has been
27 admitted to practice before the courts of the State of California, the Northern District of California,
28 the Eastern District of California, and the Ninth Circuit Court of Appeals. Since joining the firm,

1 Mr. Siegel has had a practice focused on antitrust class actions and is a member of the Hagens
 2 Berman teams in *Cameron v. Apple Inc.*, 19-cv-3074 (N.D. Cal.); *In re Resistors Antitrust*
 3 *Litigation*, No. 15-cv-03820 (N.D. Cal.); *In re Optical Disk Drive Antitrust Litigation*, No. 10-md-
 4 02143 (N.D. Cal.); *Mackmin v. Visa Inc.*, No. 11-cv-1831 (D.D.C.); *In re College Athlete NIL*
 5 *Litigation*, No. 20-cv-03919 (N.D. Cal.); and *In re NCAA Grant-In-Aid Cap Antitrust Litigation*,
 6 No. 14-md-02541 (N.D. Cal.). In the latter case, Mr. Siegel was part of the team that successfully
 7 defended its trial win before the Supreme Court and received the American Law Institute’s award
 8 for Outstanding Antitrust Litigation Achievement in Private Law Practice. In 2018, he was named
 9 one of Super Lawyers’ “Rising Stars.”

10 59. *Ted Wojcik* is an associate at Hagens Berman who has worked on a number of
 11 antitrust and complex class action matters, including *Cameron v. Apple Inc.*, 19-cv-3074 (N.D.
 12 Cal.) and *Snow v. Align Tech.*, No. 21-cv-3269 (N.D. Cal.). Mr. Wojcik is a 2015 graduate of Yale
 13 Law School. He clerked for Judge Marjorie Allard of the Alaska Court of Appeals and the
 14 Honorable Mark H. Cohen of the Northern District of Georgia.

15 60. *Stephanie Verdoia* is an associate at Hagens Berman who specializes in class actions
 16 and sports litigation. Ms. Verdoia is a member of the Hagens Berman team litigating *In re College*
 17 *Athlete NIL Litigation*, No. 20-cv-03919 (N.D. Cal.) and *In re Insulin Pricing Litigation*, No. 17-
 18 cv-00699 (D.N.J.). Ms. Verdoia is a 2021 graduate of the University of Washington School of Law,
 19 where she was a member of The Order of the Barristers.

20 61. *Brian Miller* has been a paralegal in Hagens Berman’s Berkeley office since 2009,
 21 managing complex antitrust class actions in this district including *Pecover v. Electronic Arts, Inc.*,
 22 No. 08-cv-02820 CW (N.D. Cal.); *In re Optical Disk Drive Antitrust Litig.*, No. 3:10-md-2143 RS
 23 (N.D. Cal.); *In re Nat’l Collegiate Athletic Ass’n Athletic Grant-in-Aid Cap Antitrust Litig.*, No. 14-
 24 md-2541-CW (N.D. Cal.); *In re Animation Workers Antitrust Litig.*, No. 14-cv-4062-LHK (N.D.
 25 Cal.); *Edwards v. National Milk Producers Federation*, No. 11-cv-4766-JSW (N.D. Cal.); *In re*
 26 *Resistors Antitrust Litig.*, No. 15-cv-3820-JD (N.D. Cal.); *In re Lithium-Ion Batteries Antitrust*
 27 *Litig.*, No. 13-md-02420 (N.D. Cal.); *In re College Athlete NIL Litigation*, No. 20-cv-03919 (N.D.
 28 Cal.); as well as *In re Electronic Books Antitrust Litig.*, No. 11-mc-02293 (S.D.N.Y.). Prior to

1 joining Hagens Berman, he was a case manager at an intellectual property litigation firm for twelve
2 years, specializing in complex patent litigation and amassed extensive trial experience in districts
3 across the country and the International Trade Commission.

4 62. *Chan (Chanyarak) Lovell* has been a Paralegal Assistant at Hagens Berman since
5 2012. Her duties include gathering documents and preparing deposition files, and organizing key
6 document charts, folders, and data entries for antitrust class actions including *In re Cathode Ray*
7 *Tube (CRT) Antitrust Litig.*, No. 07-md-1917-SC (N.D. Cal.); *In re Optical Disk Drive Antitrust*
8 *Litig.*, No. 10-md-2143 RS (N.D. Cal.); *In re Resistors Antitrust Litig.*, No. 15-cv-3820-JD (N.D.
9 Cal.); and *In re Automotive Parts Antitrust Litig.* No. 12-md-02311 (E.D. Mich.). She also assists in
10 searching for, gathering, organizing, indexing document sets and collections for use by attorneys,
11 and formatting documents for use as exhibits which includes Excel originals and foreign language
12 documents. Prior to joining Hagens Berman, she was an Instructional Technician at Edmonds
13 Community College for three years and IT/AT/Database Coordinator at Disability Resource
14 Connection for three and a half years. She graduated in B.B.A, Business Computer Administration
15 at the University of Bangkok, Thailand.

16
17 I declare under penalty of perjury under the laws of the United States that the foregoing is
18 true and correct. Executed this 1st day of March, 2023, at Seattle, Washington.

19
20 *s/ Steve W. Berman*
21 _____
22 STEVE W. BERMAN
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CORRECTED EXHIBIT 4

**to Declaration of Steve W. Berman in
Support of Developer Plaintiffs' Motion
for Attorneys' Fees, Reimbursement of
Expenses, and Service Awards**

EXHIBIT 4 [Corrected]
Lodestar Summary – All Firms

Firm	Hours	Lodestar
Hagens Berman Sobol Shapiro LLP	10,916.60	\$5,260,068.50
Sperling & Slater, LLC	11,272.40	\$5,160,438.25
Hausfeld LLP	11,796.90	\$7,688,910.00
Lewis Law Firm	445.00	\$360,450.00
Total	34,430.90	\$18,469,866.75

CORRECTED EXHIBIT 5

**to Declaration of Steve W. Berman in
Support of Developer Plaintiffs' Motion
for Attorneys' Fees, Reimbursement of
Expenses, and Service Awards**

EXHIBIT 5 [Corrected]

Litigation Fund Expenses – Summary

Expense	Amount
Expert Fees	\$5,316,743.07
Document Hosting Fees (Everlaw)	\$355,720.82
Total	\$5,672,463.89

CORRECTED EXHIBIT 6

**To Declaration of Steve W. Berman in
Support of Developer Plaintiffs' Motion
for Attorneys' Fees, Reimbursement of
Expenses, and Service Awards**

[submitted for *in camera* review]