

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

In Re: LIQUID ALUMINUM SULFATE
ANTITRUST LITIGATION

Civil Action No. 16-md-2687 (JLL) (JAD)

**DECLARATION OF BARBARA J. HART
IN SUPPORT OF APPLICATION FOR
ATTORNEY'S FEES AND EXPENSES**

I, BARBARA J. HART, ESQ. declare as follows:

1. I am President and CEO and a shareholder of the law firm Lowey Dannenberg, P.C., counsel for Hazelton City Authority ("HCA") and Chester Water Authority ("CWA") in the above captioned matter. In such capacity, I am fully familiar with the facts contained herein based upon my personal knowledge and the books and records kept in the ordinary course HCA and CWA's business. I submit this declaration in support of Class Counsel's application for an award of attorneys' fees in above-captioned action (the "Action"), as well as for reimbursement of expenses incurred by my firm in connection with the Action.

2. My firm served as counsel for HCA and CWA in this Action as well as for the Class. My firm was involved in the action as one of the law firms assigned certain specific duties by Lead Counsel and by other members of the Steering Committee, as well as working with Nussbaum Law Group PC and other firms in responding to discovery requests and performing duties of the Named Plaintiffs.

3. My firm also worked internally and with co-counsel in researching, drafting, and briefing numerous issues for this Court, including issues surrounding the MDL transfer process and Oppositions to Motions to Dismiss. Specifically, my firm was responsible for drafting Plaintiff's Motion to Transfer and the subsequent reply briefs. My firm also worked directly with

the Nussbaum Law Group, PC and others in conducting extensive, detailed, and thorough document analysis of materials obtained from various Defendants during the Discovery process.

4. The schedule attached hereto as Exhibit 1 is a summary indicating the amount of time spent by each attorney and professional support staff employee of my firm who was involved in the Action, and the lodestar calculation based on my firm's current billing rates. For personnel who are no longer employed by my firm, the lodestar calculation is based upon the billing rates for such personnel in his or her final year of employment by my firm. The schedule was prepared from contemporaneous daily time records regularly prepared and maintained by my firm, which are available at the request of the Court. The records of our client's local counsel are also in our offices and have been reviewed for accuracy. Time expended in preparing this application for fees and reimbursement of expenses has not been included in this request.

5. The hourly rates for the attorneys and professional support staff in my firm included in Exhibit 1 are the same as the regular rates that would be charged for their services in non-contingent matters and/or which have been accepted in other antitrust litigation.

6. The total number of hours expended on this Action by my firm during the Time Period is 506.30. The total lodestar for my firm for that period is \$300,226.00 consisting of \$297,627 for attorneys' time and \$2,599 for professional support staff time.

7. My firm's lodestar figures are based upon the firm's billing rates, which rates do not include charges for expense items. Expense items are billed separately, and such charges are not duplicated in my firm's billing rates.

8. As detailed in the schedule attached hereto as Exhibit 2, my firm has incurred a total of \$6,462.10 in unreimbursed expenses in connection with the prosecution of this Action.

9. The expenses incurred in this Action are reflected on the books and records of my

firm. These books and records are prepared from expense vouchers, check records and other source materials and are an accurate record of the expenses incurred.

10. With respect to the standing of my firm, attached hereto as Exhibit 3 is a brief biography of my firm and attorneys in my firm who were principally involved in this Action.

I hereby declare under penalty of perjury that the foregoing facts are true and correct.



Barbara J. Hart

Dated: March 20, 2019

EXHIBIT 1

IN RE LIQUID ALUMINUM SULFATE ANTITRUST LITIGATION
Civil Action No. 16-md-2687 (JLL) (JAD)

CHART OF TIME EXPENDED BY
LOWEY DANNENBERG, P.C.
Inception through February 28, 2019

Attorney	Hours	Hourly Billing Rate	Amount
Barbara J. Hart (P)	126.7	\$ 945	\$119,731.50
Gerald Lawrence (P)	29.40	\$ 945	\$ 27,783.00
Sung-Min Lee (A)	131.90	\$ 600	\$ 79,140.00
Deborah Rogozinski (A)	3.10	\$ 550	\$ 1,705.00
Christina McPhaul (A)	.20	\$ 365	\$ 73.00
Anthony Christina (A)	4.40	\$ 365	\$ 1,606.00
William Olson (A)	130.90	\$ 365	\$ 47,778.50
Matthew Acocella (A)	29.90	\$ 375	\$ 11,212.50
Matthew Guarnero (A)	4.30	\$ 325	\$ 1,397.50
Katherine Vogel (P/L)	8.30	\$ 290	\$ 2,407.00
Kemly Bracero (P/L)	1.20	\$ 160	\$ 192.00
Peter O'Donnell O'Donnell Law Office*	36.00	\$200	\$ 7,200.00
TOTAL	506.30		\$ 300,226.00

“P” – Partner

“A” – Associate

“P/L” – Paralegal

* denotes local counsel

EXHIBIT 2

IN RE LIQUID ALUMINUM SULFATE ANTITRUST LITIGATION
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EXPENSES
LOWEY DANNENBERG, P.C.
Inception through February 28, 2019

Expense Category	Amount
Filing Fees	\$ 764.00
Travel	\$ 953.52
Computer Research (Lexis, Westlaw, PACER)	\$ 2,861.73
Court Reporter	\$ 10.80
Federal Express, UPS	\$ 70.94
In-House Copying	\$ 1,628.00
Postage	\$ 125.47
Telephone/Facsimile	\$ 47.64
TOTAL	\$ 6,462.10

Exhibit 3



LOWEY DANNENBERG_{P.C.}

Firm Résumé

Since the 1960s, Lowey Dannenberg Cohen & Hart, P.C. (“Lowey Dannenberg”) has recovered billions of dollars through antitrust, commodities, securities, and healthcare litigation. Lowey Dannenberg has the privilege of serving the most diverse blue-chip and institutional clientele of any plaintiffs’ law firm in the nation, including Fortune 100 companies (e.g., Anthem Inc., Verizon, Inc., Aetna, Inc.); large public pension funds (e.g., New York State Common Retirement Fund, New York City Pension Funds); and private institutional investors (e.g., Federated Investors, Inc. with \$361.1 billion in AUM). Repeatedly, Corporate Counsel magazine identified Lowey Dannenberg as a “Go-To Law Firm” by “In House Law Departments at the Top 500 Companies.”

In February 2019, Lowey Dannenberg was appointed as interim class counsel in the consolidated class action *In re JPMorgan Precious Metals Spoofing*, 18-cv-10356 (S.D.N.Y.). The case alleges that JPMorgan manipulated the prices of platinum and palladium futures and options traded on the New York Mercantile Exchange (“NYMEX”) and gold and silver futures and options contracts traded on Commodity Exchange, Inc. (“COMEX”) from least as early as January 1, 2009 through at least December 31, 2015. Lowey Dannenberg was appointed co-lead counsel in *In re Apple Processor Litigation*, 18-cv-00147-EJD (N.D. Cal.), a proposed class action against Apple for defects in the design of central processing units (CPUs); and as interim co-lead counsel in the consolidated class action *In Re: Papa John’s Employee and Franchisee Employee Antitrust Litigation*, 3:18-cv-825 (W.D. Ky.). The case alleges that Papa John’s and its franchisees conspired to suppress the wages of Papa John’s restaurant employees between at least 2008 through the present. In November 2018, Lowey Dannenberg achieved preliminary approval for a \$7 million settlement for U.S. investors who traded in or held Australian Bank Bill Swap Reference Rate (BBSW) based derivatives (*Dennis, et al. v. JPMorgan Chase & Co., et al.* No. 1:16-cv-06496 (S.D.N.Y.)). Additionally, Lowey Dannenberg is serving as Lead Counsel in *Sonterra Capital Master Fund Ltd. v. Credit Suisse Group AG, et al.*, No. 15-cv-0871 (S.D.N.Y.), an action against numerous global financial institutions responsible for setting the London Interbank Offered Rate (“LIBOR”) for the Swiss Franc; and Lead Counsel in *Laydon v. Mizuho Bank, Ltd., et al.*, No. 12-cv-3419 (S.D.N.Y.), an action alleging that over 30 financial institutions colluded to unlawfully manipulate the LIBOR for the Japanese Yen and the Euroyen Tokyo Interbank Offered Rate. To date, Lowey Dannenberg has recovered \$236 million for investors. Lowey Dannenberg is also leading the prosecution of a class action alleging manipulative and anticompetitive conduct in the setting the Euro Interbank Offered Rate (“Euribor”) in *Sullivan v. Barclays PLC et al.*, Case No. 13-cv-2811 (S.D.N.Y.). To date Lowey Dannenberg has recovered \$491.5 million in settlements. The firm is Court-Appointed Allocation Counsel for settlements of over \$2 billion in *In re: Foreign Exchange Benchmark Rates Antitrust Litigation*, No. 1:13-cv-07789 (S.D.N.Y.) involving allegations that the world’s largest financial institutions conspired to manipulate prices paid in the \$5.3-trillion-per-day foreign exchange market from 2003 to present. Lowey Dannenberg is also Co-Lead Counsel in *In re London Silver Fixing Ltd., Antitrust Litigation*, No. 1:14-md-02573 (S.D.N.Y.), a case alleging collusion among the world’s largest financial institutions to manipulate the price of silver; and, is also prosecuting a securities fraud class action against Community Health Systems, Inc. on behalf of the New York City Pension Funds in *Norfolk Retirement Sys. v. Community Health Sys.*, No. 3:11-cv-00433 (M. Tenn.).

Lowey Dannenberg is first among antitrust firms in generic pay for delay actions representing end- payer indirect purchasers. The launch of this long fight for fair pharmaceutical pricing was the *In re Cardizem CD Antitrust Litigation*, MDL No. 1278 (E.D. Mich.) action where Lowey Dannenberg, served as Lead Counsel and achieved an \$80 million settlement. Lowey

Dannenberg also lead *In re Terazosin Hydrochloride Antitrust Litigation*, MDL No. 1317 (S.D. Fla.) (17-state settlement for \$28.7 million); and *In re Wellbutrin XL Antitrust Litigation*, Civ. No. 08-2433 (E.D. Pa.) (partial settlement for \$11.75 million to date) Lowey served in significant roles in numerous other end-payer drug litigations; e.g. *In re: Skelaxin (Metaxalone) Antitrust Litigation*, Case No. 12-md-02343, MDL No. 2343 (E.D. Tenn.) (TPP allocation counsel), *New England Carpenters Health Benefit Fund, et al. v. First DataBank, Inc. and McKesson Corp.*, No. 05-cv-11148 (D. Mass.) (TPP allocation counsel for \$285 million TPP share of \$350 million settlement), *Medical Mutual of Ohio v. Merck & Co., Inc.*, N.J. Superior Ct. (Atlantic County), Docket No. ATL-L-07319-06-MT, Case No. 619 (non-class plaintiffs in \$65 million Vioxx settlement).

As Lead Counsel Lowey Dannenberg's other recoveries include: *In re Natural Gas Commodity Litigation*, No. 03-cv-06186 (S.D.N.Y.) (settlements totaling over \$100 million, the third largest recovery in the history of the Commodity Exchange Act ("CEA")); *In re Amaranth Natural Gas Commodity Litigation*, No. 07-cv-06377 (S.D.N.Y.) (\$77.1 million settlement, the fourth largest class action recovery in the history of the CEA); and *In re Optiver Commodities Litigation*, No. 08-cv-06842 (S.D.N.Y.) (\$16.75 million settlement). Lowey Dannenberg served as Allocation Counsel in *In re: Dairy Farmers of America, Inc. Cheese Antitrust Litigation*, No. 09-cv-03690 (N.D. Ill.) and *In re: Platinum and Palladium Commodities Litigation*, No. 10-cv-03617 (S.D.N.Y.).

Barbara Hart is President and CEO of Lowey Dannenberg, with over 20 years of experience in antitrust and securities litigation. Notably, in February 2016, at the Eleventh International Cartel Workshop held in Tokyo, hosted by the ABA Section of Antitrust Law and the International Bar Association, she presented on antitrust litigation and on settlement negotiations. In 2014, Ms. Hart served as the Chair of the Executive Committee of the New York State Bar Association's Antitrust Law Section. She is AV rated, and she has been recognized repeatedly by Super Lawyers®, including in the "Top Women Attorneys in the New York Metro Area" featured in New York Times Magazine.

Ms. Hart served as Co-Lead Counsel in *In re Air Cargo Antitrust Litigation*, Master File No. 06-MD-1775 (E.D.N.Y.) (2006-2008), one of the largest collusion cases in history involving most of the world's major airlines. Other antitrust cases in which she served as Lead or Co-Lead Counsel include: *In re Stock Exchange Options Trading Antitrust Litigation* (\$47 million settlement); *In re Brand Name Drug Litigation* (\$65 million settlement); *In re Augmentin Antitrust Litigation* (\$29 million settlement); *In re Paxil Antitrust Litigation* (\$65 million settlement); *In re Sodium Erythorbate and Maltol Antitrust Litigation* (\$18.45 million settlement); *In re Synthroid Marketing and Antitrust Litigation* (\$87.4 million settlement); and *In re Warfarin Sodium Antitrust Litigation* (\$44.5 million settlement).

In 2013, the Honorable Colleen McMahon granted final approval to a \$219.9 million Madoff Feeder Fund Settlement 09 Civ. 0777 (LBS) (AJP) (S.D.N.Y.). Judge McMahon commended Ms. Hart (Lead and Liaison Counsel) on the "unprecedented global settlement" and specifically credited that Ms. Hart "carried the laboring oar." Ms. Hart was Lead Counsel in *In re Waste Management Securities Litigation* (\$457 million settlement - then the third-largest securities class action settlement in history); *In re El Paso Corporation Securities Litigation* (\$285 million settlement); and *Juniper Networks Securities Litigation* (\$169.5 million settlement).

Ms. Hart's commitment to the field of antitrust law extends beyond her efforts in the courtroom. She has worked with regulators and legislators to improve enforcement powers for plaintiffs. For example, she pushed for amendment of the Donnelly Act, New York's antitrust statute. Her efforts ultimately contributed to an amendment, making New York an *Illinois Brick* repealer state - a move followed by similar amendments in other states. She has co-authored and/or co-edited numerous antitrust publications.

Gerald Lawrence is Chief Operating Officer and Head of Pennsylvania Office. Mr. Lawrence is sought after by clients for a range of complex litigation matters in the areas of healthcare and investor litigation. He is shareholder and the firm's chief operating officer. He has a long history of political and community involvement.

Mr. Lawrence represented health benefits plan providers in antitrust litigation that recovered hundreds of millions of dollars on their behalf. He successfully represented Aetna in a case that held drug manufacturers accountable to health insurers for damages attributable to marketing fraud, and represents a certified class in antitrust claims against another drug maker. Mr. Lawrence also heads the firm's mass tort lien recovery practice.

He has a long history of political and community involvement. As a member of the Democratic National Committee, he has four times served as a Delegate to the Democratic National Convention, including in 2016, and is Caucus Chairman of the Pennsylvania Democratic State Committee. In 2016, Governor Tom Wolf appointed him as one of 12 members of the Pennsylvania Judicial Selection Commission. He is Vice-Chairman of the Pennsylvania Board of Law Examiners and previously served two terms, including as Vice-Chairman, on the Disciplinary Board of the Supreme Court of Pennsylvania which regulates the conduct of Pennsylvania's attorneys.

Mr. Lawrence serves on several nonprofit boards. He is president of the James A. Finnegan Fellowship Foundation, which supports Pennsylvania students interested in state government. He is a trustee of the Agnes Irwin School and a member of the Chairman's Council of the Mann Music Center.

William J. Olson is an associate with the firm. His practice focuses on a variety of matters in federal and state court, including representing health insurers and institutional investors in complex commercial litigation.

During law school, Mr. Olson represented low-income clients as a student attorney in the Civil Justice, Farmworkers Legal Aid, and Health Law clinics. Additionally, Mr. Olson served as a Judicial Extern for The Honorable Arnold L. New in the Philadelphia Court of Common Pleas and was a Managing Editor of Outside Articles as a member of the Jeffrey S. Moorad Sports Law Journal.

Prior to joining Lowey Dannenberg, Mr. Olson served a Judicial Fellowship with The Honorable Mark A. Kearney in the United States District Court for the Eastern District of Pennsylvania.