

**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 LINDA P.  
NUSSBAUM  
IN SUPPORT OF APPLICATION FOR  
ATTORNEY'S FEES AND EXPENSES**

I, Linda P. Nussbaum, declare as follows:

1. I am the Managing Director of Nussbaum Law Group, P.C., counsel for the direct purchaser class in the above 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 of Nussbaum Law Group'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 a member of the court appointed Plaintiff Steering Committee. My firm was involved in the Action as described below.

3. NLG filed one of the first complaints in this matter, and then worked closely with court-appointed lead counsel on drafting the direct purchaser plaintiffs' (DPPs) consolidated amended complaint. As part of that process, NLG led the review, identification, and ultimate selection of the proposed class representatives, class period and class definition. NLG further assisted in analyzing and opposing the motions to dismiss and, as a member of the Plaintiffs' Steering Committee, has undertaken (and continues to undertake) numerous tasks under lead counsel's (Mr. James Cecchi) direction.

4. NLG played a significant role in the discovery process and supervised plaintiffs

and defendants document review and analysis. NLG met and conferred with defense counsel on an ongoing basis; these meet and confers spanned a wide array of discovery matters, including exhaustive document custodian negotiations, search string negotiations related to document collection, particularizing and specifying purchase data issues, and negotiating a joint deposition protocol. NLG also attended, as appropriate, court status conferences, drafted court-filed letter-briefs and presented oral argument on numerous discovery issues (most notably custodial designation and search string disputes).

5. In addition, NLG has led the oversight and management of both defendant and plaintiff document productions and reviews. NLG coordinated DPP document collection from all of the named plaintiffs and managed the main document review, analyzed documents, and has finalized and served document productions with respect to the named plaintiffs.

6. NLG also oversaw, coordinated, managed, and reviewed hundreds of thousands of defendant-produced documents. In the course of that work, NLG has identified critical documents, provided work product for and worked with DPPs' experts, and created work product for use in depositions, settlement discussions and motion practice.

7. 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. Time expended in preparing this application for fees and reimbursement of expenses has not been included in this request.

8. 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 class action litigation.

9. The total number of hours expended on this Action by my firm during the Time Period is 7,671.35. The total current lodestar for my firm for that period is \$4,620,592.50 consisting of \$4,536,652.50 for attorneys' time and \$83,940.00 for professional support staff time.

10. My firm's lodestar figures are based upon the firm's current 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.

11. As detailed in the schedule attached hereto as Exhibit 2, my firm has incurred a total of \$8,428.95 in unreimbursed expenses in connection with the prosecution of this Action. We were previously reimbursed \$196,660.00 for additional expenses that were incurred in the prosecution of this Action.

12. 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.

13. 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.

  
Linda P. Nussbaum

Dated: March 19, 2019

**EXHIBIT 1**  
**Liquid Aluminum Sulfate**  
**NUSSBAUM LAW GROUP, PC.**  
 Reported Hours and Current Rates.  
 Inception through March 18, 2019

NAME	TOTAL HOURS	CURRENT HOURLY RATE	LODESTAR
Linda P. Nussbaum (P)	549.5	\$ 995.00	\$ 546,752.50
Bart Cohen (P)	22.8	\$ 925.00	\$ 21,090.00
Bradley J. Demuth (P)	313.2	\$ 850.00	\$ 266,220.00
Brett Leopold (CA)	1622.1	\$ 525.00	\$ 851,602.50
Armond J. Faris (CA)	798.55	\$ 400.00	\$ 319,420.00
Seye B. Aluko (CA)	526.7	\$ 400.00	\$ 210,680.00
Abraham Schmilowitz (CA)	8.5	\$ 525.00	\$ 4,462.50
Colleen M. Delaney (CA)	199.1	\$ 525.00	\$ 104,527.50
Daniel Alex McRae (LC)	38.8	\$ 325.00	\$ 12,610.00
Donald Roper (LC)	45.4	\$ 325.00	\$ 14,755.00
Hoyoung Yang (A)	353.4	\$ 425.00	\$ 150,195.00
Hugh D. Sandler (P)	763.2	\$ 825.00	\$ 629,640.00
Joshua Alpert (CA)	436.4	\$ 525.00	\$ 229,110.00
Lauren M. Kostman (LA)	7.5	\$ 150.00	\$ 1,125.00
Megan Whitney (CA)	68.1	\$ 525.00	\$ 35,752.50
Omri Gildor (LA)	304.6	\$ 175.00	\$ 53,305.00
Peter Moran (A)	1183.2	\$ 700.00	\$ 828,240.00
Susan R. Schwaiger (OC)	423.7	\$ 800.00	\$ 338,960.00
Zachary Shutran (LC)	6.6	\$ 325.00	\$ 2,145.00
TOTAL	7671.35		\$ 4,620,592.50

(P)	Partner
(OC)	Of Counsel
(C)	Counsel
(A)	Associate
(LC)	Law Clerk
(CA)	Contract Attorney
(LA)	Legal Assistant

**EXHIBIT 2**

Liquid Aluminum Sulfate

**NUSSBAUM LAW GROUP, PC.**

Inception through March 18, 2019

**EXPENSE REPORT**

<b>CATEGORY</b>	<b>AMOUNT INCURRED</b>
Assessments (Litigation Fund Contributions)	\$200,000.00
Court Fees (Filing, etc.)	\$936.00
Photocopies – In House (capped at \$0.20 per copy)	\$863.50
Computer Research	\$1,712.31
Telephone/Telecopier	\$768.50
Travel (Airfare, Ground Travel, Meals, Lodging)	\$773.98
Supplies	\$34.66
<b>Total Expenses To Date:</b>	<b>\$205,088.95</b>
<b>Reimbursed Expenses</b>	<b>\$196,660.00</b>
<b>Total Unreimbursed Expenses</b>	<b>\$8,428.95</b>

### EXHIBIT 3

#### NUSSBAUM LAW GROUP, P.C.

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1211 Avenue of the Americas, 40th Floor  
New York, New York 10036  
Telephone: (917) 438-9189  
[www.nussbaumlawgroup.com](http://www.nussbaumlawgroup.com)

#### FIRM BIOGRAPHY

Nussbaum Law Group, P.C. ("NLG") is a boutique litigation firm specializing in the prosecution of antitrust and other complex litigation. Linda Nussbaum, the firm's founder, has been at the forefront of landmark fair competition cases for over 30 years. The firm's experienced litigators have played leading roles in recovering billions of dollars for their clients from some of the world's largest corporations, and have developed wide-ranging expertise litigating actions involving, among others, the pharmaceutical industry, the commodities markets and the banking and financial services industry.

#### MANAGING DIRECTOR: LINDA P. NUSSBAUM

Linda Nussbaum is the managing director of the Nussbaum Law Group, P.C. She is nationally recognized for her representation of class and individual plaintiffs in complex litigation. She has served as sole or co-lead counsel in many significant class actions which have resulted in substantial recoveries, many in the realm of hundreds of millions of dollars. She has also represented large corporate clients including, among others, Hewlett-Packard Company, Kaiser Foundation Health Plan, Inc., Meijer, Inc., Bed Bath & Beyond Inc., Burlington Coat Factory Warehouse Corporation, and Wegmans Food Markets, Inc. in complex litigation.

Ms. Nussbaum was selected "Litigator of the Week" by the AMLAW LITIGATION DAILY on April 2, 2010 for her lead counsel role in *Kaiser Foundation Health Plan, Inc. and Kaiser Foundation Hospitals v. Pfizer*, where, after a six-week trial, a jury returned a RICO verdict for her clients. She was also co-lead counsel for a class of antitrust plaintiffs at the trial of *Meijer, Inc. v. Abbott Laboratories* (N.D. Cal.). She was named as a finalist for Public Justice Foundation's 2011 Trial Lawyer of the Year award. She has repeatedly been elected by Global Competition Review's as being among the world's leading competition lawyers. Ms. Nussbaum has lectured extensively about various aspects of antitrust and class action law. She has also authored numerous publications.

Ms. Nussbaum's successful prosecution of complex litigation has been recognized and commended by judges in matters in which she has served as lead counsel.

Chief Judge Hogan of the District of Columbia commented in *In re Lorazepam & Clorazepate Antitrust Litigation*, No. 99-cv-00276 (D.D.C.), in which Ms. Nussbaum was lead counsel:

**"Obviously, the skill of the attorneys, and I'm not going to spend the time reviewing it, I'm familiar with counsel, and they, as I said, are among the best antitrust litigators in the country."**

From Judge Faith S. Hochberg of the District of New Jersey in the Remeron Antitrust Case in which Ms. Nussbaum served as lead counsel:

**"[W]e sitting here don't get to see such fine lawyering, and it's really wonderful for me both to have tough issues and smart lawyers. On behalf of the entire federal judiciary I want to thank you for the kind of lawyering we wish everybody would do."**

Following the trial in *In re Neurontin Marketing and Sales Practices Litigation*, No. 04cv10981 (D. Mass.), in which Ms. Nussbaum served as one of the lead trial counsel, Judge Patti Saris commented that:

**"[this was] a fabulous trial[.] [I]t's the kind of thing that you become a judge to sit on."**

Ms. Nussbaum is presently serving in the following leadership positions:

- *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation* (E.D.N.Y.) (Lead)
- *In re Aluminum Warehousing Antitrust Litigation* (S.D.N.Y.) (Lead)
- *In re Actos Direct Purchaser Antitrust Litigation* (S.D.N.Y.) (Lead)
- *Washington County Health Care Authority Inc. v. Baxter International Inc., et al.* (N.D. Ill.) (Lead)
- *In re Foreign Exchange Benchmark Antitrust Litigation* (S.D.N.Y.) (Allocation counsel)
- *In re Generic Drugs* (E.D.P.A.) (Plaintiff Steering Committee)
- *In re Liquid Aluminum Sulfate Litigation* (D.N.J.) (Executive Committee)

Ms. Nussbaum has been a member of the American Law Institute (ALI) for over 15 years and is a long-time board member of the American Antitrust Institute. She is also on the Board of Savvy Ladies, a not-for-profit women's financial and legal resource organization.

**DIRECTOR: BART D. COHEN**

Bart Cohen has over 20 years' experience in class actions and other complex litigation. Mr. Cohen was part of a group of senior attorneys responsible for leading the prosecution of *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation* (E.D.N.Y.), which resulted in the district court's approval of a settlement providing for \$5.7 billion in cash payments and injunctive relief worth billions more. In *Univac Dental Co. v. Dentsply, Int'l, Inc.* (M.D. Pa.), Mr. Cohen was solely responsible for the day-to-day prosecution of claims alleging monopolization on behalf of one of the defendant's former competitors. The case settled shortly before the trial date, after surviving dismissal, summary judgment and *Daubert* motions. Mr. Cohen was also a member of the trial team representing a class of antitrust plaintiffs in *Fears v. Wilhelmina Modeling Agency, Inc.* (S.D.N.Y.)

Mr. Cohen's writing as to antitrust issues has been widely published. His writing as to other issues has appeared in the Legal Intelligencer and publications of the Philadelphia Bar Association.

**DIRECTOR: HUGH D. SANDLER**

Prior to joining Nussbaum Law Group, Mr. Sandler spent seven years working for two international law firms in New York City. His litigation experience, which is both international and domestic in scope, focuses on class actions and other complex disputes.

In July 2015, Mr. Sandler (along with his trial co-counsel) was awarded Public Justice's Trial Lawyer of the Year award for his trial work in *David v. Signal* (E.D. La.). Additionally, Mr. Sandler has been recognized as a "Rising Star" by Thomson Reuters's *Super Lawyers* publication in both 2014 and 2015.

Mr. Sandler served as law clerk to the Judge Arthur Gans of the Ontario Superior Court. Mr. Sandler graduated from McGill University Faculty of Law, 2007, B.C.L. and LL.B., with great distinction, and obtained a joint honors B.A. in economics and political science from the University of Waterloo in 2003. He is proficient in French and is a member of the New York Public Library Young Lions Association.

**OF COUNSEL: SUSAN R. SCHWAIGER**

Susan Schwaiger practices in the area of antitrust and commodities litigation, with experience in cases involving a wide variety of industries including



banking and financial services, pharmaceuticals and chemicals. Ms. Schwaiger has played a significant role in a number of major antitrust cases in which Ms. Nussbaum previously served as lead counsel including:

- *In re Lorazepam & Clorazepate Antitrust Litigation* (D.D.C.)
- *In re Microcrystalline Cellulose Antitrust Litigation* (E.D.P.A.)
- *In re Plastics Additives Antitrust Litigation* (E.D.P.A.)
- *In re Foundry Resins Antitrust Litigation* (S.D. Ohio)
- *In re Rubber Chemicals Antitrust Litigation* (N.D. Cal.)

In addition, Ms. Schwaiger has, with Ms. Nussbaum, represented individual plaintiffs in *In re Payment Card Interchange Fee and Merchant Antitrust Litigation* (E.D.N.Y.) and *In re American Express Anti-Steering Rules Antitrust Litigation (No. II)* (E.D.N.Y.).

#### **COUNSEL: FRED T. ISQUITH**

Mr. Isquith is principally responsible for antitrust, market manipulation, and commodity cases. He has been involved in complex litigation and class actions since 2009. His practice experience includes drafting and arguing pre-trial motions, deposing witnesses (lay and expert), defending depositions, and briefing memoranda of law for appellate matters in various federal circuit courts.

Mr. Isquith has served on the New York County Lawyers' Association's Federal Courts Committee and currently serves on the New York City Bar Association's Antitrust and Trade Regulation Committee. He has published articles for the National Association of Shareholders and Consumer Attorneys' ("NASCAT") weekly newsletter. In 2018, Mr. Isquith was named one of Super Lawyers' Rising Stars in the antitrust field.

Mr. Isquith is a graduate of Cornell University, with a Bachelor of Science. He also graduated from Syracuse University's Maxwell School with a master's degree in public administration in 2009. He graduated from Syracuse University's College of Law with a J.D. in 2009. There he was an editor on the *Journal of International Law and Commerce* and served on the executive board of the Moot Court Honor Society.

**ASSOCIATE: PETER MORAN**

Prior to joining the Nussbaum Law Group, Mr. Moran was an associate in the Global Competition Group of an international law firm in New York City where he represented commercial clients on a variety of antitrust and complex commercial litigation issues, including violations of the federal and state antitrust and consumer protection laws, antitrust compliance, internal investigations, individual civil and criminal liability and responding to federal and foreign regulators.

Mr. Moran has also represented pro bono clients before the New York Court of Appeals and Appellate Division, First Department and was a recipient of the 2011 Legal Aid Society Pro Bono Public Award for outstanding service.

Mr. Moran graduated *cum laude* from Brooklyn Law School in 2009, where he was a member of the Brooklyn Law School Journal of International Law and Moot Court Honor Society and recipient of several academic awards.

**ASSOCIATE: HOYOUNG YANG**

Prior to joining the firm, Mr. Yang was associated with another prominent plaintiffs class action firm in New York focusing on commodities manipulation and antitrust actions.

Mr. Yang previously worked at the enforcement division of the CFTC and served as a judicial extern to the Honorable Danny K. Chun, a Justice of the Supreme Court of the State of New York.

Mr. Yang graduated *cum laude* from Fordham University School of Law in 2016 and obtained a B.A. in political science from New York University in 2013. Upon graduation, Mr. Yang received the Archibald R. Murray Public Service Award in recognition of his pro bono service. He is fluent in Korean.

**LAW CLERK: ZACHRY SHUTRAN**

Mr. Shutran is a 2018 graduate of Brooklyn Law School and earned a B.A. at Colgate University.