

**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 ERIC B. FASTIFF IN
SUPPORT OF APPLICATION FOR
ATTORNEYS' FEES AND EXPENSES**

I, Eric B. Fastiff, declare as follows:

1. I am a member of the law firm of Lief Cabraser Heimann & Bernstein, LLP (“Lief Cabraser”), 275 Battery Street, 29th Floor, San Francisco, California 94111-3339, and a member of the Plaintiffs’ Steering Committee in the above-captioned action (“Action”). In such capacity, I am fully familiar with the facts contained herein based upon my personal knowledge concerning Lief Cabraser’s involvement in this litigation, and the books and records kept in the ordinary course of Lief Cabraser’s business. I submit this declaration in support of Class Counsel’s application for an award of attorneys’ fees, as well as for reimbursement of expenses incurred by my firm, both in connection with the Action.

2. As a member of the Plaintiffs’ Steering Committee (“PSC”), I have been involved in all aspects of this Action from its beginning. Under my supervision, Lief Cabraser was among the firms that first filed a complaint alleging illegal behavior concerning the sale of liquid aluminum sulfate, and researched the factual bases and legal theories set forth in the consolidated complaint. After this case was consolidated as a multi-district litigation in this Court, I was part of the team that drafted and filed an amended consolidated complaint. As the parties prepared for discovery, I was also involved in organizing a document review strategy, drafting written discovery, the addition of new defendants, and in the retention of experts. I have also been

involved in efforts at resolution, including written mediation statements. Throughout this case, I have also regularly participated in PSC calls and meetings.

3. In addition, under my supervision, my firm has undertaken a variety of tasks in this Action. Members of my firm have reviewed a large volume of the document production from defendants, drafted a complaint against an additional defendant, drafted an opposition to a motion to dismiss, drafted written discovery requests, participated in meet-and-confers concerning discovery issues, attended status conferences, assisted with a mediation statement, and contributed factual and legal research memoranda and information on various topics.

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 from May 1, 2016 through August 31, 2018 (“Time Period”), 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 rate 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.

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 class action settlements.

6. The total number of hours expended on this Action by my firm during the Time Period is 2,566.30. The total lodestar for my firm for that period is \$1,205,864, consisting of \$1,160,773 for attorneys’ time and \$45,091 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 \$213,673.09 in unreimbursed expenses in connection with the prosecution of this Action. Of that amount, \$200,000 represents Lieff Cabraser's contributions to a litigation cost fund administered by Interim Lead Counsel.

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 Lieff Cabraser's firm resume, which includes biographies of attorneys who have been principally involved in this Action.

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

Executed on September 14, 2018, in San Francisco, California.

/s/ Eric B. Fastiff

Eric B. Fastiff

Lieff Cabraser Heimann & Bernstein, LLP

275 Battery Street, 29th Floor

San Francisco, California 94111-3339

Telephone: 415.956.1000

Facsimile: 415.956.1008

efastiff@lchb.com

EXHIBIT 1

EXHIBIT 1
In re: Liquid Aluminum Sulfate Antitrust Litigation
Case No. 2:16-md-2687

Lieff Cabraser Heimann & Bernstein, LLP
Summary of Lodestar

TIMEKEEPER	RATE	HOURS	LODESTAR
Partner			
ERIC FASTIFF	800.00	243.00	194,400.00
KATHERINE LUBIN BENSON	535.00	27.50	14,712.50
DAVID RUDOLPH	650.00	39.10	25,415.00
DANIEL SELTZ	655.00	129.20	84,626.00
Associate			
KATHERINE LUBIN BENSON	485.00	97.70	47,384.50
Document Review Attorney			
JAY MCKIBBEN	415.00	1,458.00	605,070.00
ALEX WU	415.00	451.00	187,165.00
Paralegal/Clerk			
RAMI BATA	355.00	2.60	923.00
TAYLOR EVANS	330.00	2.00	660.00
NINA GLIOZZO	335.00	4.80	1,608.00
REBECCA TAYLOR	355.00	1.10	390.50
BRIAN TROXEL	375.00	102.20	38,325.00
Lit. Support/Research			
SIOBHAN INNES-GAWN	360.00	5.20	1,872.00
NICOLAS MENARD	375.00	3.50	1,312.50
TOTAL		2,566.9	1,205,864.00

EXHIBIT 2

EXHIBIT 2
In re: Liquid Aluminum Sulfate Antitrust Litigation
Case No. 2:16-md-2687

Lieff Cabraser Heimann & Bernstein, LLP
Summary of Expenses

In-House Copies	\$0.60
Postage	26.12
Print	1,608.15
Telephone	411.79
Computer Research	377.01
Federal Express/Messenger	20.68
Travel	7,958.74
Cost Funds Assessments	200,000.00
Filing, pro hac vice, and admission fees	<u>3,281.00</u>
Total	<u>\$213,673.09</u>

EXHIBIT 3

Lieff Cabraser Heimann & Bernstein

Attorneys at Law

275 Battery Street, 29th Floor
San Francisco, CA 94111-3339
Telephone: 415.956.1000
Facsimile: 415.956.1008

250 Hudson Street, 8th Floor
New York, NY 10013-1413
Telephone: 212.355.9500
Facsimile: 212.355.9592

222 2nd Avenue South, Suite 1640
Nashville, TN 37201
Telephone: 615.313.9000
Facsimile: 615.313.9965

2101 Fourth Avenue
Suite 1900
Seattle, WA 98121-2315
Telephone: 206.739.9059

Email: mail@lchb.com
Website: www.lieffcabraser.com

FIRM PROFILE:

Lieff Cabraser Heimann & Bernstein, LLP, is a seventy attorney, AV-rated law firm founded in 1972 with offices in San Francisco, New York, Nashville, and Seattle. We have a diversified practice, successfully representing plaintiffs in the fields of personal injury and mass torts, securities and financial fraud, employment discrimination and unlawful employment practices, product defect, consumer protection, antitrust and intellectual property, environmental and toxic exposures, False Claims Act, digital privacy and data security, and human rights. Our clients include individuals, classes or groups of persons, businesses, and public and private entities.

Lieff Cabraser has served as Court-appointed Plaintiffs' Lead or Class Counsel in state and federal coordinated, multi-district, and complex litigation throughout the United States. With co-counsel, we have represented clients across the globe in cases filed in American courts.

Lieff Cabraser is among the largest firms in the United States that only represent plaintiffs. Described by *The American Lawyer* as "one of the nation's premier plaintiffs' firms," Lieff Cabraser enjoys a national reputation for professional integrity and the successful prosecution of our clients' claims. We possess sophisticated legal skills and the financial resources necessary for the handling of large, complex cases, and for litigating against some of the nation's largest corporations. We take great pride in the leadership roles our firm plays in many of this country's major cases, including those resulting in landmark decisions and precedent-setting rulings.

Lieff Cabraser has litigated and resolved thousands of individual lawsuits and hundreds of class and group actions, including some of the most important civil cases in the United States over the past four decades. We have assisted our clients in recovering over \$118 billion in verdicts and settlements. Twenty-six cases were resolved for over \$1 billion; another 42 have resulted in verdicts or settlements at or in excess of \$100 million.

The National Law Journal has recognized Lieff Cabraser as one of the nation's top plaintiffs' law firms for fourteen years through 2016 (the last year their "Hot List" awards were given), and we are a member of its "Plaintiffs' Hot List Hall of Fame." In compiling its list, *The National Law Journal* examines recent verdicts and settlements and looks for firms "representing the best qualities of the plaintiffs' bar and that demonstrated unusual dedication and creativity." In 2014, *The National Law Journal* separately recognized Lieff Cabraser as one of the 50 Leading Plaintiffs Firms in America.

From 2011 through 2016, *U.S. News* and *Best Lawyers* selected Lieff Cabraser as a national "Law Firm of the Year." For 2011, 2012, 2014, and 2015, we were recognized in the category of Mass Torts Litigation/Class Actions – Plaintiffs. For 2013, the publications selected our firm as the nation's premier plaintiffs' law firm in the category of Employment Law – Individuals. For 2016, we were again recognized in the category of Mass Torts Litigation/Class Actions – Plaintiffs. Only one law firm in each practice area receives the "Law Firm of the Year" designation.

In 2017, Lieff Cabraser's Digital Privacy and Data Security practice group was named "Privacy Group of the Year" by *Law360*, and the firm's Consumer Protection practice group was named "Consumer Protection Group of the Year" by the publication as well.

In 2016, *Benchmark Litigation* named Lieff Cabraser to its "Top 10 Plaintiff Firms in America" list, the *National Law Journal* chose our firm as one of nine "Elite Trial Lawyers" nationwide, and *Law360* selected Lieff Cabraser as one of the "Top 50 Law Firms Nationwide for Litigation." The publication separately noted that our firm "persists as a formidable agency of change, producing world class legal work against some of the most powerful corporate players in the world today." In 2017, *Law360* named Lieff Cabraser one of six "California Powerhouse" firms for litigation, the only plaintiffs' firm so honored. *Law360* also singled out Lieff Cabraser for 2017 Practice Group of the Year awards in the categories of Consumer Protection and Digital Privacy/Data Protection.

For a list of current and past cases covering Antitrust, Consumer Protection, Economic Injury Product Defects, Personal Injury and Product Liability Litigation, Securities and Financial Fraud, Employment Discrimination and Unfair Employment Practices, and for a complete list of our firm's attorney's biographies, please see www.lieffcabraser.com.

ATTORNEY BIOGRAPHIES:

PARTNERS

ERIC B. FASTIFF, Admitted to practice in California, 1996; District of Columbia, 1997; U.S. Courts of Appeals for the Third, Ninth and Federal Circuit; U.S. District Courts for the Northern, Southern, Eastern, and Central Districts of California, District of Columbia; U.S. District Court, Eastern District of Wisconsin; U.S. Court of Federal Claims. *Education*: Cornell Law School (J.D., 1995); Editor-in-Chief, *Cornell International Law Journal*; London School of Economics (M.Sc.(Econ.), 1991); Tufts University (B.A., *cum laude, magno cum honore in thesi*, 1990). *Prior Employment*: Law Clerk to Hon. James T. Turner, U.S. Court of Federal Claims, 1995-1996; International Trade Specialist, Eastern Europe Business Information Center, U.S. Department of Commerce, 1992. *Awards & Honors*: Selected for inclusion by peers in *The Best Lawyers in America* in the field of "Litigation - Antitrust," 2013-2019; "Top Plaintiff Lawyers," *Daily Journal*, 2016-2017; "Plaintiffs' Law Trailblazer," *National Law Journal*, 2018; "Leader in the Field" for Antitrust (California), Antitrust (National), *Chambers USA*, 2017; "Outstanding Private Practice Antitrust Achievement," American Antitrust Institute, 2017; "California Litigation Star," *Benchmark Litigation*, 2013-2015; Legal 500 recommended lawyer, *LegalEase*, 2013; "Northern California Super Lawyer," *Super Lawyers*, 2010-2018;"Top 100 Lawyers in California," *Daily Journal*, 2013; "Top Attorneys in Business Law," *Super Lawyers Corporate Counsel Edition*, 2012; "Lawdragon Finalist," *Lawdragon*, 2009. *Publications & Presentations*: General Editor, *California Class Actions Practice and Procedures*, (2003-2009); Coordinating Editor and Co-Author of California section of the *ABA State Class Action Survey* (2003-2008); Author, "US Generic Drug Litigation Update," 1 *Journal of Generic Medicines* 212 (2004); Author, "The Proposed Hague Convention on the Recognition and Enforcement of Civil and Commercial Judgments: A Solution to Butch Reynolds's Jurisdiction and Enforcement Problems," 28 *Cornell International Law Journal* 469 (1995). *Member*: American Antitrust Institute (Advisory Board, 2012-Present); Committee to Support the Antitrust Laws, President, 2017; Bar Association of San Francisco; Children's Day School (Board of Trustees); District of Columbia Bar Association; *Journal of Generic Medicines* (Editorial Board Member, 2003-Present); State Bar of California; U.S. Court of Federal Claims Bar Association.

DAVID RUDOLPH, Admitted to practice in California, 2004; U.S. District Court, Northern District of California, 2008; U.S. District Court, Southern District of California, 2008; U.S. Court of Appeals for the Ninth Circuit, 2009; U.S. Court of Appeals for the Federal Circuit, 2012. *Education*: University of California, Berkeley, School of Law (Berkeley Law) (J.D. 2004); Moot Court Board; Appellate Advocacy Student Advisor; Berkeley Technology Law Journal; Berkeley Journal of International Law; Rutgers University (Ph.D. Program, 1999-2001); University of California, Berkeley (B.A. 1998). *Awards & Honors*: "Outstanding Private Practice Antitrust Achievement," American Antitrust Institute, 2017. *Prior Employment*: Associate, Quinn Emanuel Urquhart & Sullivan, LLP, 2008-2012; Law Clerk to the Honorable Sandra Brown Armstrong, U.S. District Court for the Northern District of California, 2007-2008.

DANIEL E. SELTZ, Admitted to practice in New York, 2004; U.S. District Court, Southern District of New York, 2005; U.S. District Court, Eastern District of New York, 2011; U.S. Court of Appeals for the First Circuit, 2011; U.S. Court of Appeals for the Fourth Circuit, 2013; U.S. Court of Appeals for the Ninth Circuit, 2011. *Education*: New York University School of Law (J.D., 2003); *Review of Law and Social Change*, Managing Editor; Hiroshima University (Fulbright Fellow, 1997-98); Brown University (B.A., *magna cum laude*, Phi Beta Kappa, 1997). *Awards & Honors*: Super Lawyers, 2016-2017. *Prior Employment*: Law Clerk to Honorable John T. Nixon, U.S. District Court, Middle District of Tennessee, 2003-04. *Publications & Presentations*: Co-Author with Jordan Elias, "The Limited Scope of the Ascertainability Requirement," American Bar Association, Section of Litigation, March 2013; Panelist, "Taking and Defending Depositions," New York City Bar, May 20, 2009; Contributing Author, *California Class Actions Practice & Procedures* (Elizabeth J. Cabraser, Editor-in-Chief, 2008); "Remembering the War and the Atomic Bombs: New Museums, New Approaches," in *Memory and the Impact of Political Transformation in Public Space* (Duke University Press, 2004), originally published in *Radical History Review*, Vol. 75 (1998); "Issue Advocacy in the 1998 Congressional Elections," with Jonathan S. Krasno (Urban Institute, 2001); *Buying Time: Television Advertising in the 1998 Congressional Elections*, with Jonathan S. Krasno (Brennan Center for Justice, 2000); "Going Negative," in *Playing Hardball*, with Kenneth Goldstein, Jonathan S. Krasno and Lee Bradford (Prentice-Hall, 2000). *Member*: American Association for Justice; State Bar of New York.

KATHERINE LUBIN BENSON, Admitted to practice in California, 2008; Ninth Circuit Court of Appeals; U.S. District Court, Northern District of California; U.S. District Court, Southern District of California; U.S. District Court, Central District of California. *Education*: University of California, Berkeley, School of Law (Berkeley Law) (J.D., 2008); University of California, Berkeley, School of Law (Berkeley Law) Mock Trial Team, 2006-2008; *First Place*, San Francisco Lawyer's Mock Trial Competition. University of California Los Angeles (B.A., Political Science, minor in Spanish, *cum laude*); Phi Beta Kappa; UCLA Honors Program; Political Science Departmental Honors; GPA 3.8. Universidad de Sevilla (2003). *Awards & Honors*: "Rising Star for Northern California," Super Lawyers, 2016-2018. *Prior Employment*: Associate, Orrick, Herrington & Sutcliff, LLP, 2008-2013; Summer Associate, Orrick, Herrington & Sutcliff, LLP, 2007; Judicial Extern to Honorable Dean D. Pregerson, 2006. *Member*: American Bar Association; State Bar of California; Board of Directors, Northern District Court Practice Program; Board of Directors, East Bay Community Law Center.