

Exhibit 4

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

IN RE: PEANUT FARMERS ANTITRUST
LITIGATION

Case No. 2:19-cv-00463-RAJ-LRL

Honorable Raymond A. Jackson
Honorable Lawrence R. Leonard

**DECLARATION OF CO-LEAD COUNSEL KIMBERLY A. JUSTICE IN SUPPORT OF
PLAINTIFFS' MOTION FOR AN AWARD OF ATTORNEYS' FEES AND EXPENSES
FILED ON BEHALF OF FREED KANNER LONDON & MILLEN LLC**

I, Kimberly A. Justice, declare and state as follows:

1. I am a partner of the law firm of Freed Kanner London & Millen LLC ("FKLM").

I submit this Declaration in support of Plaintiffs' motion for an award of attorneys' fees and reimbursement of costs and expenses in connection with services rendered and expenses incurred by my firm in connection with this litigation.

2. On December 20, 2019, the Court appointed Lockridge Grindal Nauen P.L.L.P. ("LGN") and FKLM as Interim Co-Lead Class Counsel for the putative class in this litigation (ECF No. 80). On April 23, 2021, the Court further appointed LGN and FKLM as Co-Lead Counsel for the certified class (ECF No. 595). Co-Lead Counsel, with the assistance of four other firms (collectively, "Class Counsel"), have vigorously and efficiently prosecuted this complex antitrust case. At all times, Co-Lead Counsel directed and authorized the work of Class Counsel.

3. This Declaration is intended to supplement the Declaration of Co-Lead Counsel Brian D. Clark in Support of Plaintiffs' Motion for Payment of Attorneys' Fees, Reimbursement of Expenses, and Class Representative Incentive Awards ("Clark Decl.") to describe FKLM's work and the unreimbursed expenses FKLM has incurred in this case.

4. LGN initiated the investigation into this matter. Based on that investigation, LGN partnered with FKLM to prosecute this complex, antitrust litigation. Since the Court appointed FKLM as Co-Lead Counsel, we have co-led the prosecution of this matter in all regards, supervised the activities of all Class Counsel, and strategized and executed all litigation decisions. More specifically, our efforts consisted of the following:

- a. In collaboration with LGN, we thoroughly researched the Peanuts industry and the factual and legal claims underlying the initial complaint. We interviewed industry participants and economic consultants to analyze Plaintiffs' claims.
- b. Since filing this litigation in September 2019, we have conducted factual and legal research not only to prepare and finalize two comprehensive amended complaints but also fully to understand Defendants' asserted defenses and, as necessary, to bring affirmative motions on behalf of the Class and defend Defendants' motions.
- c. In collaboration with Class Counsel, we dedicated significant effort to seek Defendants' discovery and respond to Defendants' discovery requests, including working with and obtaining Plaintiffs' documents. We drafted and issued discovery requests and interrogatories to Defendants and conducted numerous meet-and-confer discussions with Defendants' counsel to understand Defendants' document and data sources and the availability of responsive information needed to prosecute this litigation. For example, we worked with Defendants' Counsel to identify and negotiate custodial sources,

to develop and negotiate search terms, and to understand and obtain structured data productions.

- d. We also diligently pursued discovery of relevant third parties to further investigate and support the Class's claims in this litigation. We participated in the process to obtain phone records of Defendants' employees pursuant to subpoenas of phone service providers, including AT&T, Windstream, and Verizon. We reviewed and analyzed the phone-record information as part of our discovery efforts to prove Defendants engaged in unlawful conduct. We also prepared, issued, and negotiated subpoena requests to 22 third parties to further investigate the case. We also prepared, issued, and discussed Freedom of Information Act requests to various agencies within the United States Department of Agriculture, and we submitted Open Record requests to the University of Georgia and Abraham Baldwin Agricultural College.
- e. Along with LGN, we designed the document-review program and implemented appropriate review guidelines, resulting in the identification of relevant documents from more than 1,7400,000 documents and other records produced by Defendants and various third parties. We participated in this review; and we reviewed, analyzed, and otherwise used the results of other Class Counsel's review of these productions to further develop and prosecute Plaintiffs' and the Class's claims.
- f. We worked with LGN and Class Counsel to defend various motions, including Defendants' motions to dismiss, discovery motions (including Defendant Birdsong's motion for a protective order, Defendants' motions to

compel discovery responses and depositions, and Defendant Olam's motions to quash third party subpoenas), and Defendants' motions for summary judgment.

- g. We strategized with LGN and Class Counsel to develop and file affirmative motions on behalf of the Class, including both class certification and non-dispositive motions such as requests to extend the case's trial schedule because of COVID-19 challenges, challenges to Defendants' privilege assertions for certain relevant documents, and a motion to quash Defendant Golden Peanut's third-party deposition subpoena. In preparation for class certification, we worked extensively with economic and industry expert Dr. Michael A. Williams and his team at Berkeley Research Group, LLC. We assisted their review and analysis of Defendants' data and Dr. Williams' preparation of his expert report on liability and class certification issues. We drafted Plaintiffs' motion for class certification, prepared Dr. Williams for his deposition by Defendants' counsel, and drafted the reply brief in support of class certification. After the Court granted class certification on December 2, 2020, we litigated Defendant Golden Peanut's Rule 23(f) appeal of the Court's decision.
- h. We prepared for and took (or assisted LGN or Class Counsel in preparing for and taking) numerous depositions, including Rule 30(b)(1) and 30(b)(6) depositions of Defendants, as well as depositions of Defendants' experts and third parties, such as representatives from the United States Department of Agriculture. Additionally, we assisted in preparing the Class Representatives

for their depositions, both for testimony in their individual capacities and as corporate representatives. Before commencing the intensive deposition process, we worked with Defendants' counsel to develop a deposition protocol, including remote deposition provisions to account for the unique challenges from the global COVID-19 pandemic.

- i. We also conducted extensive preparation for trial, including identifying exhibits, witnesses, and deposition designations; drafted and defended numerous *in limine* motions; drafted the pre-trial statement, which included a report of final factual contentions and legal issues; extensively analyzed trial exhibit lists and deposition designations; and we exchanged and negotiated trial materials with Golden Peanut's counsel. We also worked with LGN and Class Counsel to prepare *voir dire* and jury instructions and strategize trial direction.
- j. Before the Court rescheduled the trial from January 19, 2021 to June 15, 2021, we retained the services of a jury consultant and a trial-graphics vendor to work with Class Counsel to prepare for the approaching January 19, 2021 trial. We oversaw an extensive mock-jury process that took place in Norfolk, Virginia, and continued to work with our jury consultant to refine our case.
- k. Additionally, we worked with Class Counsel to prepare for and engage in a mediation session with Defendant Golden Peanut, including drafting materials to submit to the mediator before the session.
- l. Finally, we participated in all settlement negotiations and finalized the settlement papers. We prepared motions for preliminary and final approval of

settlements, and we helped prepare and execute the class notice and claims administration program for the settlements. During the class-notice period, we have conferred with LGN to respond to inquiries from Class members regarding the proposed settlements as well as settlement and claims administration.

5. The schedule attached hereto as Exhibit 1 is a detailed summary indicating the amount of time spent by the partners, attorneys, and other professional support staff of my firm who were involved in this litigation, and the lodestar calculation is based on my firm's historic hourly billing rates from case inception through May 31, 2021. The schedule was prepared from contemporaneous, daily time records regularly prepared and maintained by my firm.

6. The total number of hours expended on this litigation by my firm from inception through May 31, 2021, is 5,427.40 hours. The total lodestar for my firm is \$ 4,008,873.50. My firm's lodestar figures are based on the firm's historic hourly billing rates.

7. The hourly rates for the partners, attorneys and professional support staff in my firm included in Exhibit 1 are our usual hourly rates customarily charged and routinely awarded in litigation of this nature.

8. As detailed in Exhibit 2, my firm has incurred a total of \$ 2,425.48 in unreimbursed expenses in connection with the prosecution of this litigation.

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 represent an accurate recordation of the expenses incurred.

10. In December 2019, shortly after this litigation was commenced, Interim Co-Lead Counsel implemented the Court's approved time and expense reporting protocol. Throughout this

litigation, my firm has followed this protocol as we have performed work, incurred expenses, and submitted monthly reports of our time and expenses. My firm's submission of its compensable time and reimbursable expenses in this declaration and its exhibits comports with these Court-approved time and expense reporting protocol.

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

Executed on this 7th day of June, 2021 at Conshohocken, Pennsylvania.

A handwritten signature in black ink, appearing to read "Kimberly A. Justice", written in a cursive style.

KIMBERLY A. JUSTICE

IN RE PEANUT FARMERS ANTITRUST LITIGATION																											
TIME REPORT - (To be submitted on the 20th of every month)																											
Firm Name: Freed Kanner London & Millen LLC					Reporting Period: Inception - May 31, 2021																						
Categories: P1) Legal Research P2) Investigation / Factual Research P3) Discovery (Written / Deposition Taking & Defending / Meet & Confer / etc.) P4) Document Review Tier 1 - Subject to rate cap					P5) Document Review Tier 2 & Deposition Preparation - Subject to rate cap P6) Pleadings, Briefs & Motions (Drafting, Research, Serving & Filing) P7) Class Certification & Class Notice P8) Summary Judgment					P9) Appeals P10) Court Appearances & Preparation P11) Experts P12) Settlements & Mediation P13) Case Management					P14) Trial Prep (Exhibit & Witness List/Jury Instructions/Vior Dire/Opening & Closing Statements/Arguments/ Demonstratives/etc.) P15) Trial					TITLE: (P) Partner (A) Associate (LC) Law Clerk (SPL) Senior Paralegal (PL) Paralegal							
ATTORNEYS (P,A)	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	PREVIOUS HOURS	CURRENT HOURS	CUMULATIVE HOURS	HOURLY RATE	PREVIOUS LODESTAR	CURRENT LODESTAR	CUMULATIVE LODESTAR					
William H. London (P)					70.90											0.00	70.90	70.90	\$500.00	\$0.00	\$35,450.00	\$35,450.00					
William H. London (P)						0.10							0.10			0.00	0.20	0.20	\$790.00	\$0.00	\$158.00	\$158.00					
William H. London (P)			306.50			0.20	41.90				0.20	0.30	2.00			0.00	351.10	351.10	\$810.00	\$0.00	\$284,391.00	\$284,391.00					
William H. London (P)		0.80	8.50			5.90	0.50				0.20	266.20	10.40	15.10		0.00	307.60	307.60	\$885.00	\$0.00	\$272,226.00	\$272,226.00					
Douglas A. Millen (P)			1.20			5.50							5.50			0.00	12.20	12.20	\$785.00	\$0.00	\$9,577.00	\$9,577.00					
Douglas A. Millen (P)			4.70			5.30	2.30						6.40			0.00	18.70	18.70	\$805.00	\$0.00	\$15,053.50	\$15,053.50					
Douglas A. Millen (P)						8.30						5.10	4.90	4.20		0.00	22.50	22.50	\$875.00	\$0.00	\$19,687.50	\$19,687.50					
Michael E. Moskovitz (P)			47.30			88.70							3.00			0.00	139.00	139.00	\$750.00	\$0.00	\$104,250.00	\$104,250.00					
Michael E. Moskovitz (P)			454.20			66.10	1.50				17.70		25.10			0.00	564.60	564.60	\$770.00	\$0.00	\$434,742.00	\$434,742.00					
Michael E. Moskovitz (P)			93.60			76.80	2.00		2.00				20.10	53.80		0.00	248.30	248.30	\$825.00	\$0.00	\$204,847.50	\$204,847.50					
Robert J. Wozniak (P)						23.70							2.50			0.00	26.20	26.20	\$720.00	\$0.00	\$18,864.00	\$18,864.00					
Robert J. Wozniak (P)													0.50			0.00	0.50	0.50	\$750.00	\$0.00	\$375.00	\$375.00					
Robert J. Wozniak (P)														19.00		0.00	19.00	19.00	\$800.00	\$0.00	\$15,200.00	\$15,200.00					
Kimberly A. Justice (P)		1.50	49.60			58.10				12.90			20.90			0.00	143.00	143.00	\$820.00	\$0.00	\$117,260.00	\$117,260.00					
Kimberly A. Justice (P)		4.60	443.80			164.90	5.40			2.30	47.10	11.60	188.30	4.40		0.00	872.40	872.40	\$840.00	\$0.00	\$732,816.00	\$732,816.00					
Kimberly A. Justice (P)		0.70	75.40			277.20	20.20			4.60	2.80	196.60	8.90	166.80		0.00	753.20	753.20	\$875.00	\$0.00	\$659,050.00	\$659,050.00					
Jonathan M. Jagher (P)		15.70	39.80			69.20							6.60			0.00	131.30	131.30	\$640.00	\$0.00	\$84,032.00	\$84,032.00					
Jonathan M. Jagher (P)			63.90			77.30	2.00					13.50	17.50			0.00	174.20	174.20	\$700.00	\$0.00	\$121,940.00	\$121,940.00					
Jonathan M. Jagher (P)						12.50			0.90			13.40	1.50	32.50		0.00	60.80	60.80	\$775.00	\$0.00	\$47,120.00	\$47,120.00					
Brian M. Hogan (P)		31.80	24.60			61.30							22.90			0.00	140.60	140.60	\$560.00	\$0.00	\$78,736.00	\$78,736.00					
Brian M. Hogan (P)		2.00	103.40			83.50					3.80		76.00			0.00	268.70	268.70	\$600.00	\$0.00	\$161,220.00	\$161,220.00					
Brian M. Hogan (P)		13.00	6.80			146.40	1.10		0.80			7.30	16.10	114.30		0.00	305.80	305.80	\$650.00	\$0.00	\$198,770.00	\$198,770.00					
Steve Serdikoff (OC)					779.00											0.00	779.00	779.00	\$500.00	\$0.00	\$389,500.00	\$389,500.00					
SUB-TOTAL	0.00	70.10	1,723.30	0.00	849.90	1,231.00	76.90	0.00	0.00	23.50	85.30	500.50	439.20	373.20	36.90	0.00	5,409.80	5,409.80		\$0.00	\$4,005,265.50	\$4,005,265.50					
NON-ATTORNEYS (LC, SPL, PL)	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	PREVIOUS HOURS	CURRENT HOURS	CUMULATIVE HOURS	HOURLY RATE	PREVIOUS LODESTAR	CURRENT LODESTAR	CUMULATIVE LODESTAR					
Marlene S. Khamoo (PL)													5.00			0.00	5.00	5.00	\$205.00	\$0.00	\$1,025.00	\$1,025.00					
Natalie Lazaritt (PL)			1.30			8.90							2.40			0.00	12.60	12.60	\$205.00	\$0.00	\$2,583.00	\$2,583.00					
SUB-TOTAL	0.00	0.00	1.30	0.00	0.00	8.90	0.00	0.00	0.00	0.00	0.00	0.00	7.40	0.00	0.00	0.00	17.60	17.60		\$0.00	\$3,608.00	\$3,608.00					
GRAND TOTAL:	0.00	70.10	1724.60	0.00	849.90	1239.90	76.90	0.00	0.00	23.50	85.30	500.50	446.60	373.20	36.90	0.00	5427.40	5,427.40		\$0.00	\$4,008,873.50	\$4,008,873.50					

IN RE PEANUT ANTITRUST LITIGATION**EXPENSE REPORT - (To be submitted on the 20th of each month)****FIRM NAME: Freed Kanner London & Millen LLC****REPORTING PERIOD: January 1, 2021 - May 31, 2021**

CATEGORY	DESCRIPTION (If necessary)	PRIOR COSTS	CURRENT COSTS	CUMULATIVE COSTS
Litigation Assessment		\$0.00	\$0.00	\$0.00
Court Costs - Filing Fees		\$0.00	\$303.00	\$303.00
Experts/consultants		\$0.00	\$0.00	\$0.00
Federal Express / UPS /Ontrac		\$0.00	\$0.00	\$0.00
Postage / U.S. Mail		\$0.00	\$0.00	\$0.00
Service of Process		\$0.00	\$0.00	\$0.00
Messenger/delivery		\$0.00	\$0.00	\$0.00
Hearing Transcripts		\$0.00	\$0.00	\$0.00
Investigation		\$0.00	\$0.00	\$0.00
Lexis/westlaw		\$0.00	\$1,973.63	\$1,973.63
Photocopies - in House		\$0.00	\$109.20	\$109.20
Photocopies - Outside		\$0.00	\$0.00	\$0.00
Telephone/telecopier		\$0.00	\$39.65	\$39.65
Travel - Transportation (Airplanes - Coach Fares Only)		\$0.00	\$0.00	\$0.00
Travel - Meals (\$75 per person / day cap)		\$0.00	\$0.00	\$0.00
Travel - Hotels		\$0.00	\$0.00	\$0.00
Miscellaneous		\$0.00	\$0.00	\$0.00
TOTAL EXPENSES		\$0.00	\$2,425.48	\$2,425.48
TOTAL LODESTAR		\$0.00	\$4,008,873.50	\$4,008,873.50
TOTAL EXPENSES & LODESTAR		\$0.00	\$4,011,298.98	\$4,011,298.98