

# **EXHIBIT R**

1 R. Alexander Saveri (Bar No. 173102)  
Geoffrey C. Rushing (Bar No. 126910)  
2 **SAVERI & SAVERI, INC.**  
706 Sansome Street  
3 San Francisco, CA 94111  
Telephone: (415) 217-6810  
4 Facsimile: (415) 217-6813

5 Bruce L. Simon (Bar No. 96241)  
Benjamin E. Shiftan (Bar No. 265767)  
6 **PEARSON, SIMON & WARSHAW, LLP**  
44 Montgomery Street, Suite 2450  
7 San Francisco, CA 94104  
Telephone: (415) 433-9000  
8 Facsimile: (415) 433-9008

9 Joseph J. Tabacco, Jr. (Bar No. 75484)  
Todd A. Seaver (Bar No. 271067)  
10 Jessica Moy (Bar No. 272941)  
**BERMAN TABACCO**  
11 44 Montgomery Street, Suite 650  
San Francisco, CA 94104  
12 Telephone: (415) 433-3200  
Facsimile: (415) 433-6382

13 *Interim Co-Lead Counsel for Direct Purchaser Plaintiffs*

14  
15 UNITED STATES DISTRICT COURT  
16 NORTHERN DISTRICT OF CALIFORNIA  
17 OAKLAND DIVISION

18 IN RE: LITHIUM ION BATTERIES  
ANTITRUST LITIGATION

Case No. 13-md-02420-YGR  
MDL No. 2420

19  
20 This Document Relates to:  
21 ALL DIRECT PURCHASER CLASS  
22 ACTIONS

**DECLARATION OF DENNIS STEWART  
IN SUPPORT OF DIRECT PURCHASER  
PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES,  
REIMBURSEMENT OF EXPENSES, AND  
INCENTIVE AWARDS**

23  
24  
25  
26  
27  
28

1 I, Dennis Stewart, declare and state as follows:

2 1. I am a Partner in the law firm of Hulett Harper Stewart. I submit this declaration in  
3 support of Direct Purchaser Plaintiffs (“DPP”) application for an award of attorneys’ fees and  
4 reimbursement of expenses in connection with the services rendered in this litigation. I make this  
5 Declaration based on my own personal knowledge, and if called as a witness, I could and would  
6 competently testify to the matters stated herein.

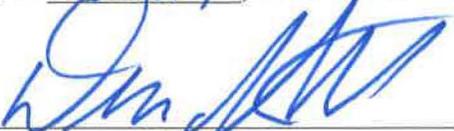
7 2. My firm has served as counsel to The Stereo Shop and as counsel for the Direct  
8 Purchaser Class (“Class”) throughout the course of this litigation. The background and experience  
9 of Hulett Harper Stewart and its attorneys are summarized in the *curriculum vitae* attached hereto  
10 as Exhibit 1.

11 3. Hulett Harper Stewart has participated in the prosecution of this litigation solely on  
12 a contingent-fee basis, and has been at risk that it would not receive any compensation or  
13 reimbursement of advanced costs for prosecuting claims against the Defendants.

14 4. During the pendency of the litigation, Hulett Harper Stewart was not called upon to  
15 perform work on behalf of the class and thus does not seek compensation for attorneys’ fees.  
16 Hulett Harper Stewart did, however, participate in the advancement of costs to prosecute the  
17 Action in the form of a contribution to the litigation fund which was requested of it by lead  
18 counsel and seeks reimbursement of that contribution. As reflected in the firm’s financial records  
19 maintained in the ordinary course of its business, Hulett Harper Stewart paid a total of \$5,000.00  
20 in assessments for the joint prosecution of the litigation against the Defendants.

21 5. Hulett Harper Stewart has reviewed the expense records that form the basis of this  
22 declaration to assure the accuracy of this request.

23 I declare under penalty of perjury under the laws of the United States of America that the  
24 foregoing is true and correct. Executed on this 26<sup>th</sup> day of January, 2018 at San Diego,  
25 California.

  
DENNIS STEWART

**EXHIBIT 1**

# HULETT HARPER STEWART

LLP

550 West C Street, Suite 1500  
San Diego, CA 92101  
Tel: (619) 338-1133  
Fax: (619) 338-1139  
[www.hulett.harper.stewart.com](http://www.hulett.harper.stewart.com)

## FIRM RESUME

Hulett Harper Stewart LLP was established in July 2000 to provide quality representation to individual and corporate clients in the areas of complex business, securities, antitrust, consumer, and class litigation and arbitration. Our three partners bring to the firm more than 80 years of experience as counsel in numerous large, high-visibility cases.

The partners at Hulett Harper Stewart LLP have considerable experience acting as lead trial and principal counsel in numerous antitrust, securities and consumer class and individual actions. Hulett Harper Stewart has obtained a number of multi-million dollar verdicts and settlements for its individual and class clients, including a \$127.5 million settlement with Edward Jones & Co. involving an alleged unlawful “revenue sharing” program; a \$60 million settlement of a class action against A.G. Edwards for breach of fiduciary duty claims; a \$336 million settlement with Visa, MasterCard and major credit card issuing banks relating to foreign currency conversion practices; a \$30 million settlement in *Stenovich v. Eccles*, a breach of fiduciary duty class action challenging the fairness of a bank acquisition; an \$11 million settlement after trial commenced in an action by a bankruptcy trustee against a debtor’s former outside auditors; a full recovery for an elderly individual who lost over \$40 million as part of what was then Wall Street’s largest single-broker fraud in history; and a \$22.5 million settlement for individual clients from WorldCom and the officers and directors of a WorldCom controlled company. The firm also played substantial roles in the successful prosecution of securities fraud class actions against Broadcom, Inc., which was settled for \$150 million on the eve of trial, and against Quest Software, which was settled for \$29.4 million.

The key strengths of our firm include:

**Attorney Experience** – Our partners have decades of collective practice in significant complex litigation, arbitration, and class action representation, and have been recognized for diligence, energy, skill, and imagination.

**Case Success** – As lead or co-lead counsel, we have both litigated cases to verdict and secured or participated in securing hundred of millions of dollars in class action and other settlements in both the courts and in arbitration.

**Client Focus** – Actions we have brought have benefited businesses, classes of consumers, investors, and employees – and addressed financial fraud and anticompetitive market practices.

**Practice Depth** – Our litigation practice combines a solid understanding of antitrust law, consumer and investor protection, and corporate governance.

Our mission is to provide high quality legal services and personal attention to our clients in a select number of cases. We place our clients' interests first and employ legal strategies designed to achieve for them the most favorable outcome possible.

Here is a sample of some of the results we have achieved, and significant cases in which we are currently involved:

***Currency Conversion Cases***

In *Schwartz v. Visa*, Dennis Stewart was principal trial counsel in a California consumer action seeking to recover inadequately disclosed currency conversion fees charged by Visa and MasterCard. After a six-month trial, judgments worth hundreds of millions of dollars were entered. Hulett Harper Stewart was also one of the principal counsel for certified classes prosecuting a separate federal court case in New York.

A \$336 million dollar settlement was reached. A similar nationwide consumer class action against American Express also litigated by Hulett Harper Stewart was successfully resolved, resulting in a settlement of \$75 million.

***Enriquez v. Edward D. Jones & Co.***  
**(St. Louis City Circuit Court, Missouri):**

Hulett Harper Stewart was co-lead class counsel against Edward Jones & Co., one of the largest brokerage firms in the United States in a case which sought the recovery of funds Edward Jones received from mutual funds in exchange for Edward Jones agreeing to recommend those funds as its "preferred funds." A settlement of \$127 million was achieved.

***In re Broadcom Corp. Securities Litigation***  
**(C.D. Cal.):**

Hulett Harper Stewart played a significant role in the prosecution of this large federal securities class action, which settled within weeks of trial for \$150 million.

***Bachman v. A.G. Edwards, Inc.***  
**(St. Louis Circuit Court, Missouri)**

Hulett Harper Stewart was co-lead counsel on behalf of a class of persons who maintained brokerage accounts at A.G. Edwards in a case which claimed that the Defendant breached its fiduciary duties by receiving payments from mutual fund companies whose fund shares were held by the Class. A proposed settlement of \$60 million was reached and is awaiting Court approval.

***In re Conseco Life Insurance Company Cost of Insurance Litigation***  
**(C.D. Cal.):**

Hulett Harper Stewart represented lead-plaintiff and former U.S. Senator Jake Garn and other life insurance policy holders, and was on the executive committee prosecuting this nationwide consumer class action. A settlement valued at more than \$300 million was obtained.

***Stenovich v. Eccles***  
**(3d Dist. Utah):**

The firm represented a class of shareholders in asserting breach of fiduciary duty claims in connection with a proposed merger, which were settled within days of trial for nearly \$30 million.

***Guy F. Atkinson, Inc. v. PricewaterhouseCoopers LLP***  
**(N.D. Cal.):**

The firm was co-lead trial counsel on behalf of one of the then largest construction companies in America. The case was successfully settled for \$11 million after trial commenced.

***Abbott, et al. v. John D. (“Jack”) Phillips, et al.***  
**(San Francisco Superior Court):**

The firm represented several individuals in a securities fraud action against World Access and Worldcom. A settlement of \$22.5 million was achieved.

***Middlesex Retirement System v. Quest Software, Inc.***  
**(C.D. Cal.):**

Hulett Harper Stewart was liaison counsel in this securities class action alleging improper backdating of stock option grants. The case was settled for \$29.4 million.

***In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation***  
**(E.D.N.Y.)**

Hulett Harper Stewart is one of the principal counsel working closely with co-lead counsel prosecuting litigation on behalf of a nationwide class of merchants alleging antitrust violations against Visa, MasterCard, and affiliated banks involving interchange fee and related practices.

***Shames v. Hertz Corp., et al.***  
**(S.D. Cal.):**

Hulett Harper Stewart served as principal counsel in this antitrust class action concerning rental car fees. An approved settlement was reached and fully approved and executed. In the course of the District Court’s opinion approving the settlement the Court, referring to Hulett Harper Stewart and their co-counsel, stated that “the quality of representation was exceptional. Class counsel fought hard for the class....”

***In re Cathode Ray Tube (CRT) Antitrust Litigation***  
**(N.D. Cal.)**

Hulett Harper Stewart worked closely with lead and trial counsel in the final stages of this antitrust class action which resulted in proposed settlements totaling over \$550 million which are pending approval.

**Partners**

**BLAKE MUIR HARPER**, retired.

**KIRK B. HULETT** graduated from the University of California San Diego in 1978. Mr. Hulett graduated *cum laude* from the University of San Diego School of Law in 1983, where he was Managing Editor of the University of San Diego Law Reporter. Since 1984, Mr. Hulett has specialized in the representation of plaintiffs in securities and consumer class actions, participating as lead or co-lead counsel in dozens of class actions throughout the country, including *Lincoln Savings* (D. Az.); *Media Vision* (N.D. Cal.); *Home Fed* (S.D. Cal.); and *Gensia Pharmaceuticals* (S.D. Cal.). After a nearly six-month trial in the *Lincoln Savings* case, the jury returned a verdict exceeding \$250 million. Mr. Hulett was co-lead trial counsel in a multimillion dollar auditor liability action against *PriceWaterhouseCoopers, LLP* and was lead counsel on behalf of a class against Edward Jones & Company, which recently settled for \$127.5 million. He testified before the California Assembly Business and Professions Committee on the topic of potential regulatory and auditor liability reforms following the Enron financial collapse.

**DENNIS STEWART** received his Bachelor of Arts from the College of the Holy Cross in 1976 and his Juris Doctor with distinction from Hofstra University in 1981, where he was a member of the Law Review. Between 1981 and 1985 he worked for a major San Diego law firm and engaged in general commercial litigation practice. Between 1985 and 1988, Mr. Stewart served as a trial attorney with the Antitrust Division of the United States Department of Justice. While at the Antitrust Division, Mr. Stewart participated in investigations and trials involving alleged criminal violations of the antitrust and related laws and was lead counsel in the successful prosecution through trial of *United States v. Saft America, Inc.*, No. CD88-99(DRD) (D.N.J.). Mr. Stewart has served as lead counsel, principal counsel and/or trial counsel in numerous antitrust, consumer, and securities cases. He was lead trial counsel in *Knapp v. Ernst & Whinney*, 90 F.3d 1431 (9th Cir. 1996), in which a plaintiffs' verdict was returned in a Rule 10b-5 securities fraud class action, and *Hall v. NCAA*, No. 94-2392-KHV (D. Kan.), in which a plaintiffs' verdict of \$30 million was returned in an antitrust class action. He also served as co-lead trial counsel in *In re Airline Ticket Commission Antitrust Litigation*, MDL 1058, an antitrust class action which settled for \$85 million, *In re Contact Lens Antitrust Litigation*, which settled for \$90 million, and in *In re Lifescan Consumer Litigation*, a consumer class action which settled for \$45 million. He has served as co-lead counsel in the *Carbon Fiber Antitrust Litigation* which resulted in a pre-trial settlement of \$67.5 million, and in the *In re Currency Conversion Litigation*, and trial counsel in *Schwartz v. Visa*. He also played a significant role in prosecuting *In re Broadcom Securities Litigation*, No. SACV 01-275 (GLT) (MLGx ) (C.D. Cal.), settled for \$150 million. He is a member of the California and New York bars and continues to specialize in antitrust, consumer, and other complex litigation. He has served on the Executive Committee of the State Bar of California Antitrust and Unfair Competition Section and of the Association of Business Trial Lawyers, and has lectured on antitrust and class action topics for the Practicing Law Institute, The American Bar Association Antitrust Section, and the California State Bar Antitrust and Trade Regulation Section.

\* \* \* \*

**KAREN THOMAS STEFANO (of Counsel)** is a JD/MBA with more than twenty years of litigation experience. She has litigated complex commercial cases in state and federal courts throughout the United States, emphasizing securities class actions, consumer class actions, and intellectual property disputes, and has tried more than twenty-five cases as sole lead trial counsel. She served as a Judicial Extern to the Honorable J. Lawrence Irving, United States District Court, Southern District of California. Prior to attending law school, Ms. Stefano served as a Legislative Aide to Congressman Robert T. Matsui in Washington, D.C.

Ms. Stefano received her B.A. from the University of California, Berkeley in 1985, a J.D. from the University of California, Davis in 1990, and an M.B.A. with an emphasis in corporate finance from the University of San Diego in 2004. She is also a licensed real estate broker. Ms. Stefano has made substantial contributions to the San Diego legal community, serving as a Commissioner on the City of San Diego Ethics Commission from 2003 to 2007, serving on the Board of Directors of the San Diego Volunteer Lawyer Program from 2003 to 2007, and serving on the Board of Directors for the San Diego County Bar Association from 1996-1999. She also served on the State Bar of California's Committee on Professional Responsibility and Conduct. In 2005 she received the San Diego Volunteer Lawyer Program's Annual Award for Pro Bono Service, and in 1995 received the Annual Award for Outstanding Service to the San Diego County Bar Association.