

# **EXHIBIT FF**

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

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

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

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1 I, Harry Shulman, declare and state as follows:

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

7 2. My firm has served as counsel to Ron Nelson, Jr. and as counsel for the Direct  
8 Purchaser Class (“Class”) throughout the course of this litigation. The background and experience  
9 of Shulman Law is summarized in the *curriculum vitae* attached hereto as Exhibit 1.

10 3. Shulman Law has prosecuted this litigation solely on a contingent-fee basis, and  
11 has been at risk that it would not receive any compensation for prosecuting claims against the  
12 Defendants. While Shulman Law devoted its time and resources to this matter, it has foregone  
13 other legal work for which it could have been compensated.

14 4. During the pendency of the litigation, Shulman Law performed the following work:  
15 Senior level quality control review of Maxell documents, and strategy determinations arising out  
16 of same.

17 5. Attached hereto as Exhibit 2 is my firm’s total hours and lodestar, computed at  
18 historical rates, for the period of June 1, 2013 through August 31, 2017. This period reflects the  
19 time spent after the appointment of Interim Co-Lead Counsel and Liaison Counsel for Direct  
20 Purchased Plaintiffs (“DPP”) in this litigation. The total number of hours spent by Shulman Law  
21 during this period of time was 38.8 hours, with a corresponding lodestar of \$25,220. My firm’s  
22 lodestar figures are based on the firm’s historical billing rates, which do not include charges for  
23 expense items. Expense items are billed separately and such charges are not duplicated in my  
24 firm’s billing rates. This summary was prepared from contemporaneous, daily time records  
25 regularly prepared and maintained by my firm. The lodestar amount reflected in Exhibit 2 is for  
26 work assigned by DPP Co-Lead Counsel, and was performed by me for the benefit of the Class.

27 6. I have reviewed the time and expense records that form the basis of this declaration

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1 to correct any billing errors. In addition, my firm has removed all time entries and expenses  
2 related to the following:

- 3 a. time spent reading or reviewing pleadings, ECF notices or other papers  
4 unless a necessary part of performing a specific assignment from Co-Lead Counsel;
- 5 b. travel time unless the attorney or professional was actively engaged in  
6 preparation or work in connection with a particular assignment made by Co-Lead Counsel which  
7 necessitated travel;
- 8 c. billing for time connected with creating timekeeping records or for the time  
9 of attorneys or staff expended in preparation of audited time records and expenses in support of  
10 DPPs' application for an award of attorneys' fees and reimbursement of expenses.

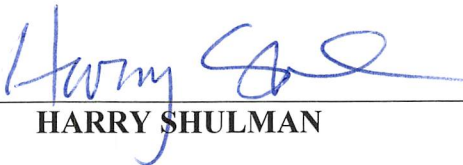
11 7. My hourly rate is the same as I charge for my services in non-contingent matters  
12 and/or which have been accepted in other complex or class action litigation subject to the hourly  
13 rate caps established by DPP Co-Lead Counsel, including:

- 14 a. the highest hourly rates for Attorneys at the highest Partner level is capped  
15 at \$850 per hour;
- 16 b. the highest hourly rates for Attorneys at the Of-counsel/Special counsel  
17 level for substantive work is capped at \$650 per hour, which excludes document review;
- 18 c. the highest hourly rates for Attorneys at the highest Associate level for  
19 substantive work is capped at \$450 per hour, which excludes document review;
- 20 d. the highest hourly rates for Attorneys at the Associate level engaged in  
21 English-language document review is capped at \$350 per hour; a cap of \$400 per hour is permitted  
22 where the reviewer has special skill set, such as foreign language translation, and Lead Counsel  
23 has approved that work performed; and
- 24 e. the highest hourly rates for Paralegals and investigators is capped at \$175  
25 per hour.

26 8. Shulman Law paid a total of \$5,000 in assessments for the joint prosecution of the  
27 litigation against the Defendants.

1           9.       I have carefully reviewed the time and expenses that comprise my reported lodestar  
2 and out of pocket expenses and represent that such lodestar and expenses comply with all material  
3 applicable terms of the May 21, 2013 letter from Co-Lead Counsel regarding Protocols for  
4 Maintaining and Reporting Time and Expense as well as Modified Pretrial Order No. 1 with  
5 Exhibit A (Dkt. No. 202, May 24, 2013).

6           I declare under penalty of perjury under the laws of the United States of America that the  
7 foregoing is true and correct. Executed on this 29th day of January, 2018 at San Francisco,  
8 California.

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10 **HARRY SHULMAN**

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# **EXHIBIT 1**

## SHULMAN LAW

Shulman Law was formed in October, 2010, to represent consumers in claims alleging unfair and deceptive acts and practices and of other consumer protection statutes. Shulman Law is a sole proprietorship owned and managed by Harry Shulman.

### Harry Shulman:

- Graduated from Dartmouth College, *cum laude*, in 1980.
- Graduated from University of Virginia School of Law in 1985.
- Was admitted to practice before all state courts in Colorado in 1986.
- Was admitted to practice before all state courts in California in 2000.
- Has been admitted to practice the United States District Court for the District of Colorado, the United States District Court for the Northern, Eastern and Central Districts of California, and the United States Courts of Appeals for the Ninth and Tenth Circuits.
- Has been admitted *pro hac vice* in numerous other jurisdictions.
- Has never been sanctioned in any court.
- Has never been accused of a disciplinary violation.
- Has been practicing in the field of litigation for the entire 30+ years of his legal career. For the first fourteen of those years, he was an associate and then a partner in the national law firm Holland & Hart LLP (main office in Denver, Colorado). Since then, he has have practiced exclusively in the fields of commercial and consumer litigation.
- Has tried many cases to verdict, before both judges and juries.

Billing rate: Shulman's billing rate is \$650/hour, which he has been awarded many times.

### Representative cases:

- Served as principal counsel in *Amador v. California Culinary Academy* ("CCA"), a class action on behalf of approximately 4,000 former students of CCA. The case settled for \$40 million and created a wave of change in the for-profit school industry.

- Served as co-lead counsel in *Boltz v. Buena Vista Home Entertainment, Inc.*, a 2006 class action in which plaintiff challenged the major manufacturers and distributors of DVDs in the United States for labeling their DVDs as “captioned” where only the main feature, but not the special features, were actually captioned. The settlement required the major studios to fully caption more than one billion DVDs.
- Served as lead counsel in *Aragachi v. Panasonic North America, Inc.*, a class action involving lamps in 60,000 DLP television sets that failed prematurely. As a result of the settlement, thousands of consumers received new television sets delivered to their homes, thousands more received free replacement lamps, and still thousands more received refunds for lamps they had purchased.
- Served as lead counsel in *Campbell v. Blood Bank of San Bernardino and Riverside Counties*, a wage and hour class action brought by mobile employees of the Blood Bank of San Bernardino and Riverside Counties. The case settled for \$2.6 million; class members received substantial awards, including one of more than \$40,000.
- Served as co-lead counsel in *Klussman v. Cross Country Bank*, a class action against a subprime credit card issuer that was litigated over the course of six years, and resulted in a \$20 million settlement for hundreds of thousands of class members.
- In addition to the foregoing, Shulman has litigated numerous individual claims against for-profit schools for violation of state UDAP statutes.



# **EXHIBIT 2**

**EXHIBIT 2*****In re Lithium Ion Batteries Antitrust Litigation, Case No. 13-MD-2420 YGR***

Shulman Law

Reported Hours and Lodestar on a Historical Basis

June 1, 2013 through August 31, 2017

<b>NAME</b>	<b>STATUS</b>	<b>YEAR</b>	<b>TOTAL HOURS</b>	<b>HISTORICAL HOURLY RATE</b>	<b>LODESTAR</b>
<b>ATTORNEYS</b>					
Harry Shulman	P	2017	0.00	\$650.00	\$0.00
Harry Shulman	P	2016	2.00	\$650.00	\$1,300.00
Harry Shulman	P	2015	36.20	\$650.00	\$23,530.00
Harry Shulman	P	2014	0.00	\$650.00	\$0.00
Harry Shulman	P	2013	0.60	\$650.00	\$390.00
					\$0.00
<b>TOTAL:</b>			<b>38.80</b>		<b>\$25,220.00</b>

(P) Partner

(A) Associate

(INV) Investigator