

Exhibit 4

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7 *Class Counsel for the Direct Purchaser Class*

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 IN RE CAPACITORS ANTITRUST LITIGATION

Master File No. 3:17-md-02801-JD

Case No. 3:14-cv-03264-JD

11 THIS DOCUMENT RELATES TO:
12 ALL DIRECT PURCHASER ACTIONS

**DECLARATION OF ERIC L. CRAMER,
ESQ. IN SUPPORT OF CLASS
COUNSEL’S APPLICATION FOR
ATTORNEYS’ FEES AND
REIMBURSEMENT OF EXPENSES
SUBMITTED ON BEHALF OF BERGER
MONTAGUE PC**

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17 I, ERIC L. CRAMER, ESQ. declare as follows:

18 1. I am the Chairman of Berger Montague PC (the “Firm”). I submit this declaration in
19 support of class counsel’s application for attorneys’ fees for services rendered to the class and for
20 reimbursement of expenses reasonably incurred in the course of such representation. I make this
21 declaration pursuant to 28 U.S.C. § 1746. The time expended in preparing this declaration is not
22 included in the application for attorneys’ fees.

23 2. I have reviewed the Court’s October 31, 2014 Order Appointing Interim Lead Class
24 Counsel (ECF No. 319) (“Order”), including in particular the Order’s provisions regarding fees, costs,
25 and expenses. The Firm has adhered to those provisions.

26 3. The Firm has acted as class counsel to the Direct Purchaser Class (the “Class”) in this
27 class action. Since January 2020, the Firm has been involved in the following activities on behalf of the
28 Class at the request and under the direction of Lead Counsel: assisting with trial preparation for both

1 trials, including discussions and analyses regarding trial strategy and review and designation of exhibits
2 and deposition transcripts; assisting with briefing class and expert related issues; assisting with trial
3 briefing, including briefing regarding expert testimony, motions *in limine*, proposed jury instructions,
4 and Fifth Amendment and co-conspirator testimony; assisting with negotiating and drafting of business
5 record authentication declarations from settled defendants; helping to prepare the direct examination of
6 several of the Class's trial witnesses at both trials, including the representative Plaintiffs; working with
7 other class counsel and Lead Counsel on trial strategy during both trials; helping to prepare all of
8 Plaintiffs' expert witnesses for testifying at both trials and conducting direct and redirect examinations
9 of Dr. McClave and Dr. Singer at the second trial; preparing for and conducting the depositions of
10 Defendants' expert witnesses Dr. Israel and Dr. Hausman during the first trial; preparing for cross-
11 examinations of nine of Defendants' expert witnesses at both trials; and cross-examining Dr. Israel and
12 Dr. Hausman at the second trial.

13 4. During the period from January 1, 2020 through March 31, 2022, the Firm performed
14 2962.9 hours of work in connection with this litigation. Based upon the historical hourly rates charged
15 by the Firm, the lodestar value of the time is \$2,132,843.25. Attached as **Exhibit A** is a chart that
16 indicates the attorneys, paralegals, and staff who worked on this litigation, the number of hours worked,
17 the categories of their work, and their respective lodestar values. Exhibit A was prepared from
18 contemporaneous, daily time records regularly prepared and maintained by the Firm, and they have
19 been provided to Lead Counsel for review.

20 5. All of the services performed by the Firm in connection with this litigation were
21 reasonably necessary in the prosecution of this case. There has been no unnecessary duplication of
22 services for which the Firm now seeks compensation. The lodestar calculations exclude time spent
23 reading or reviewing work prepared by others or other information concerning this case unless related
24 to preparation for, or work on, a matter specifically assigned to the Firm by Lead Counsel. The rates at
25 which the Firm seeks compensation are its usual and customary hourly rates charged for similar work.

26 6. Attached as **Exhibit B** is a chart summarizing \$123,421.57 of reasonable and necessary
27 expenses the Firm has incurred during the period January 1, 2020 through March 31, 2022 in
28

1 connection with this litigation for which it has not yet been reimbursed. Expense documentation has
2 been provided to Lead Counsel for audit and review.

3 7. The expenses incurred are reflected on the books and records of the Firm. These books
4 and records are prepared from checks and expense vouchers that are regularly kept and maintained by
5 the Firm and accurately reflect the expenses incurred.

6 8. The Firm's compensation for the services rendered on behalf of the Class is wholly
7 contingent. Any fees and reimbursement of expenses will be limited to such amounts as approved by
8 the Court.

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

11
12 Executed on:

13 Date: June 22, 2022

By: /s/ Eric L. Cramer

Exhibit A

EXHIBIT A**Berger Montague PC
January 1, 2020 through March 31, 2022**

<u>Timekeeper</u>	<u>Professional Status</u>	<u>Hourly Rate</u>	<u>Category</u>	<u>Hours</u>	<u>Amount</u>
Cramer, Eric L.	Partner	\$990.00	Trial Preparation and Support	399.5	\$395,505.00
Cramer, Eric L.	Partner	\$980.00	Trial Preparation and Support	520.4	\$509,992.00
			Expert Witnesses	4.4	\$4,312.00
			Research	22.2	\$21,756.00
			Communicate (other outside counsel)	1.8	\$1,764.00
			Other	7.5	\$7,350.00
Gordon, Ruthanne	Partner	\$825.00	Trial Preparation and Support	38.2	\$31,515.00
Kane, Michael J.	Partner	\$720.00	Expert Witnesses	39.7	\$28,584.00
Kane, Michael J.	Partner	\$710.00	Trial Preparation and Support	5.4	\$3,834.00
			Expert Witnesses	520	\$369,200.00
			Other	11.5	\$8,165.00
Simons, Daniel C.	Associate	\$655.00	Trial Preparation and Support	134.9	\$88,359.50
			Written Motions and Submissions	207.5	\$135,912.5
			Other	16.5	\$10,807.50
Langer, David A.	Senior Counsel	\$635.00	Trial Preparation and Support	97	\$61,595.00
			Written Motions and Submissions	25.6	\$16,256.00
Richard D. Schwartz	Senior Counsel	\$610.00	Trial Preparation and Support	17.4	\$10,614.00
Suter, Mark R.	Associate	\$470.00	Trial Preparation and Support	125.9	\$59,173.00
			Expert Witnesses	46.1	\$21,667.00
			Written Motions and Submissions	1.2	\$564.00

<u>Timekeeper</u>	<u>Professional Status</u>	<u>Hourly Rate</u>	<u>Category</u>	<u>Hours</u>	<u>Amount</u>
			Other	22	\$10,340.00
Suter, Mark R.	Associate	\$440.00	Trial Preparation and Support	185.2	\$105,468.00
			Expert Witnesses	315.2	\$150,568.00
			Written Motions and Submissions	29.6	\$18,832.00
			Other	32.2	\$14,168.00
Julia R. McGrath	Associate	\$470.00	Trial Preparation and Support	.9	\$423.00
York, Mary Elizabeth	Paralegal	\$370.00	Trial Preparation and Support	19.3	\$7,141.00
York, Mary Elizabeth	Paralegal	\$345.00	Trial Preparation and Support	108.4	\$37,398.00
Sue Leo	Paralegal	\$275.00	Trial Preparation and Support	4.6	\$1,265.00
Magnus, Eleanor	Paralegal	\$220.00	Document/File Management	1.3	\$286.00
Sandy McCollum	IT	\$57.50	Document/File Management	.5	\$28.75
Grand Total				2,961.9	\$2,132,843.25

Exhibit B

EXHIBIT B

**Berger Montague PC
January 1, 2020 through March 31, 2022**

<u>Expenses</u>	<u>Amount</u>
Assessments	\$75,750.00
Computer Research	\$5,428.39
Delivery and Freight	\$868.96
Internal Copies/Commercial Copies	\$15,510.10
Telephone	\$40.85
Travel	\$24,778.27
Court Fees	\$1,005.00
Total	\$123,421.57