

# Exhibit 5

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7 *Class Counsel for the Direct Purchaser Plaintiffs*

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA

10  
11 IN RE CAPACITORS ANTITRUST LITIGATION

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

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

13 THIS DOCUMENT RELATES TO:

14 ALL DIRECT PURCHASER ACTIONS

15 **DECLARATION OF C. ANDREW**  
16 **DIRKSEN IN SUPPORT OF CLASS**  
17 **COUNSELS' APPLICATION FOR**  
18 **ATTORNEYS' FEES AND**  
19 **REIMBURSEMENT OF EXPENSES**  
20 **SUBMITTED ON BEHALF OF CERA**  
21 **LLP**

22 I, C. Andrew Dirksen declare as follows:

23 1. I am a member of Cera LLP (the "Firm"). I submit this declaration in support of class  
24 counsels' application for attorneys' fees for services rendered to the proposed class and for  
25 reimbursement of expenses reasonably incurred in the course of such representation. I make this  
26 declaration pursuant to 28 U.S.C. § 1746. The time expended in preparing this declaration is not  
27 included in the application for attorneys' fees.

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

1           3.       The Firm has acted as class counsel to the Direct Purchaser Class (the “Class”) in this  
2 class action. Since we submitted our last declaration in support of an award of attorneys’ fees and  
3 reimbursement of expenses, the Firm has been involved in the following activities on behalf of the  
4 Class at the request and under the direction of Lead Counsel:

- 5           •       pre-trial work, including analysis and synthesis of records produced by certain  
6 defendants, and certain third parties, for possible use at trial; conferring with Lead Counsel  
7 about evidence to be used at trial and how to best proffer and admit evidence, trial strategy, and  
8 settlement strategy; supervision of preparation of summaries of voluminous evidence;  
9 designations of depositions to be used at trial; and preparation of client class representative  
10 plaintiff Barry Lubman (Pride/Chip-Tech) for testifying at trial;
- 11           •       trial work with respect to both the March 2020 and November/December 2021 trials that  
12 included obtaining FRE 803(6)/902 declarations from settling defendants to assist in admission  
13 of record evidence at each trial; legal research and motion practice in connection with  
14 admission of FRE 1006 summary evidence, and preparing summary witness for possible trial  
15 testimony; legal research and motion drafting in connection with proffers in support of  
16 admissibility of adverse inferences from Fifth Amendment invocations at depositions; attending  
17 the first trial in March 2020, and attending the first few days of the second trial, and preparing  
18 client class representative plaintiff Barry Lubman (Pride/Chip-Tech) for testifying at both trials;
- 19           •       conferring with client class representative plaintiff Barry Lubman about the status of the  
20 case, including court status conferences and settlement negotiations, and performing other work  
21 as requested by Lead Counsel for DPPs.  
22  
23  
24

25           4.       During the period from January 1, 2020, through March 31, 2022, the Firm performed  
26 346.2 hours of work in connection with this litigation. Based upon the historical hourly rates charged  
27 by the Firm, the lodestar value of the time is \$251,860. Attached as **Exhibit A** is a chart that indicates  
28 the attorneys, paralegals, and staff who worked on this litigation, the number of hours worked, the

1 categories of their work, and their respective lodestar values. Exhibit A was prepared from  
2 contemporaneous, daily time records regularly prepared and maintained by the Firm, and they have  
3 been provided to Lead Counsel for review.

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

10 6. Attached as **Exhibit B** is a chart summarizing \$107,847.27 of reasonable and necessary  
11 expenses the firm has incurred during the period January 1, 2020, through March 31, 2022, in  
12 connection with this litigation for which it has not yet been reimbursed. Expense documentation has  
13 been provided to Lead Counsel for audit and review.

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

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

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

22  
23 Executed on:

24 Date: June 16, 2022.

By: C. Andrew Dirksen /s/

# Exhibit A

Exhibit A

## In re Capacitors Antitrust Litigation

CERA LLP

## TIME REPORT

January 1, 2020 through March 31, 2022

Professional Status: Partner Of Counsel Associate Law Clerk ParaLegal

ATTORNEYS	Professional Status	Hourly Rate	Factual Research & Investigations	Discovery of Plaintiffs	Discovery of Defendants/ Third Parties	Trial and Trial Preparation	Pleading, Briefs & Pre-Trial Case Filings and Motions	Case Management & Case Planning	Court Appearance & Preparation	Settlement	Fee/Expense Proceedings	Cumulative Hours	Cumulative Lodestar
Solomon B. Cera	P	\$ 1,000.00				10.4						10.40	10,400.00
Charles A. Dirksen	P	\$ 725.00				331.7	0.20			0.10		332.00	240,700.00
<b>SUB-TOTAL</b>				-	-	<b>342.10</b>	<b>0.20</b>	-	-	<b>0.10</b>		<b>342.40</b>	<b>251,100.00</b>
<b>NON-ATTORNEYS</b>													
John R. Leibee	PL	\$ 200.00				1.50				2.30		3.80	760.00
<b>SUB-TOTAL</b>			-	-	-	<b>1.50</b>	-	-	-	<b>2.30</b>		<b>3.80</b>	<b>760.00</b>
<b>GRAND TOTAL:</b>			-	-	-	<b>343.60</b>	<b>0.20</b>	-	-	<b>2.40</b>		<b>346.20</b>	<b>251,860.00</b>

# Exhibit B

**Exhibit B**

**In re Capacitors Antitrust Litigation**

**CERA LLP**

**EXPENSE REPORT**

**January 1, 2020 through March 31, 2022**

Assessments	\$ 100,000.00
Commercial Copies/Internal Copies	\$ 583.00
Computer Research	\$ 385.24
Postage/Express Delivery	\$ 172.82
Telephone	\$ 350.65
Travel	<u>\$ 6,355.56</u>
<b>TOTAL</b>	<b>\$107,847.27</b>