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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: CAPACITORS ANTITRUST LITIGATION

Master Docket No.: 3:17-md-2801-JD

Hon. James Donato

Case No.: 3:14-cv-3264-JD

THIS DOCUMENT RELATES TO:

ALL DIRECT PURCHASER ACTIONS

**DECLARATION OF BARRY REED
LUBMAN ON BEHALF OF DIRECT
PURCHASER PLAINTIFF CHIP-TECH
LTD. (n/k/a PRIDE)**

I, Barry Reed Lubman, declare and state as follows:

1. I am the former Chief Operating Officer (“COO”) of Chip-Tech, Ltd. (“Chip-Tech”), and am currently the COO of both Pride Electronics, Inc. (“Pride”) and Pride’s owner, Pridelite LLC. (Pride is also a d/b/a of Pridelite LLC.) I submit this Declaration in support of the Direct Purchaser Class’s Motion for Attorney Fees and Reimbursement of Costs. I have personal knowledge of the facts set forth herein and, if called as a witness, could and would testify competently to them.

2. This case was brought to my attention in 2014 by Cera LLP, a law firm that had represented Pride (Chip-Tech at that time) before in connection with antitrust class action cases in the electronics industry. After reviewing the draft complaint, I recommended to my colleagues that Chip-Tech file a lawsuit as a plaintiff because I believed in the allegations and the merits of the case based on my experience in the industry. Chip-Tech had bought capacitors from many of the defendants during

1 2002-2013—the time period during which the price-fixing was alleged to have occurred. We
2 understood that price fixing by the giant manufacturers in our industry could do irreparable harm to a
3 small business like ours. In July 2014, Chip-Tech filed the first direct purchaser complaint in this
4 litigation. In addition to reviewing the draft complaint, I also provided information to Cera LLP before
5 the complaint was filed, including information about Chip-Tech’s purchases of capacitors from several
6 defendants.

7 **Company Background**

8 3. Pride Electronics was founded in approximately 1955. Back then, and until Pride was
9 acquired by Chip-Tech in 1999, Pride’s business was primarily buying and selling whatever electronic
10 parts were needed by companies that operated in the aviation industry. Chip-Tech was founded in 1989
11 by Rob Silverman, who co-owns Pride with me today. Chip-Tech’s business is the distribution of
12 electronic components. Chip-Tech bought and sold electronic parts for use in basically any electronic
13 product. Generally, from 1999-2013, Chip-Tech and Pride were largely owned and managed by the
14 same people in the same offices. Pride typically only had a few employees. Chip-Tech typically had at
15 least a dozen employees. After merging, Pride continued to specialize in buying and selling electronic
16 parts to companies in the aviation industry including military customers, and Chip-Tech continued
17 selling electronic components to anyone who wanted them in any industry that needed parts.

18 4. In July 2014, at the time Chip-Tech filed its direct purchaser complaint, both Pride and
19 Chip-Tech were owned and operated by the same people: my brother Alan Lubman, Ivy Raffe, Robert
20 Silverman, and myself. In 2015, we made the decision to run as a single business, and to continue
21 operations as Pride and not Chip-Tech. In November 2015, Pridelite LLC was formed for accounting
22 purposes and in order to bring on a new investor, Robert Kravitz. At the time of its formation, Pridelite
23 was owned by Alan Lubman, Ivy Raffe, Robert Silverman, Robert Kravitz, and me. From then on,
24 Pride conducted business, and continues to conduct business, as a d/b/a of Pridelite, which continues to
25 be owned by the same owners as at its formation in November 2015. Pride Electronics is thus a
26 continuation of both Pride’s and Chip-Tech’s businesses.

1 **Compliance with Discovery Obligations**

2 5. Consistent with its obligations under the Federal Rules as a potential class
3 representative, and to comply with discovery orders of the Court, Pride provided its counsel, Andrew
4 Dirksen and Cera LLP, who worked closely with Lead Class Counsel, with all necessary access to its
5 employees, its computers and network, and its storage facilities. This access was provided not only to
6 identify employees with potentially relevant information, but also to collect all potentially relevant
7 records, including archived records on hard drives stored in a box in a storage closet.

8 6. Pride employees—in addition to myself—who assisted Mr. Dirksen in the effort to
9 collect records included Pride co-owners Rob Silverman and Ivy Raffe. Rob, Ivy, a few other
10 employees, and I spent considerable time between 2014 and 2016 assisting Mr. Dirksen—as well as an
11 outside vendor hired to assist with collecting electronically stored information—in finding and
12 collecting capacitors-related documents as far back in time as we had records. The amount of time spent
13 by my colleagues and me on efforts to locate and collect relevant documents, and to speak with Dirksen
14 and the ESI vendor about the records, was significant, and diverted our attention from our normal job
15 duties. I do not know exactly how much time we spent on document location and collection efforts, but
16 at times, Ms. Raffe spent many hours for days in a row trying to obtain purchasing data from a legacy
17 transaction system that was slow and complex, and Mr. Silverman spent many hours, including
18 evenings, trying to find records, as did I. Based in part on Mr. Dirksen’s time-keeping records and his
19 refreshing my recollection, I conservatively estimate that my colleagues and I, especially Ivy because
20 she had the ability to access our legacy purchasing database, spent at least 110 hours on these efforts
21 (combined) during the 2014-2016 period.

22 7. Over the course of 2015 to 2018, I had to assist Mr. Dirksen in answering written
23 questions (interrogatories) sent to us by the defendants. I also spoke with Mr. Dirksen at least once
24 every two or three months about the status of the case against the defendants. In order to answer some
25 of the questions from the defendants, I would sometimes need to discuss them with Rob and/or Ivy, or
26 review documents that we had collected relating to our capacitors purchases from the defendants and
27 other suppliers. I recall spending, conservatively, at least seven (7) hours doing work specific to
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1 answering defendants' interrogatories, but I spent at least five (5) hours speaking with Mr. Dirksen
2 about the status of the case off and on between 2015 and 2018.

3 8. I also spent time with Mr. Dirksen concerning a declaration I submitted in connection
4 with the Plaintiffs' motion for class certification concerning Chip-Tech's becoming Pride Electronics
5 and Pridelite LLC. I estimate that I spent approximately one (1) hour on this work.

6 9. I also served as Pride's corporate representative at a deposition requested by defendants
7 pursuant to Fed. R. Civ. P. 30(b)(6). In preparing for the deposition, I spent several hours with Mr.
8 Dirksen and at least another hour or so speaking about the topics with Mr. Silverman and Ms. Raffe in
9 preparation for the deposition. My deposition lasted all day.

10 10. Defendants asked for the deposition of my colleague and Pride co-owner Rob
11 Silverman. Mr. Silverman spent at least five hours preparing for his deposition mostly with Mr.
12 Dirksen, but I spoke with him for at least twenty minutes about topics likely to arise at his deposition
13 and to help refresh his recollection about certain capacitors-related matters. Mr. Silverman's deposition
14 lasted all day.

15 **Trial Preparation and Testimony**

16 11. As the Court is aware, even though I was concerned about the COVID-19 pandemic, I
17 testified as a representative of the direct purchaser class plaintiffs at the first March 2020 trial in this
18 case and again at the trial that began in late November 2021. I chose to testify because I thought it was
19 important to provide my testimony to the jury in order to prosecute the case.

20 12. In advance of the March 2020 trial, I spent over four hours in February preparing to
21 testify with counsel. This preparation was both in-person and over the telephone. I also reviewed
22 questions on my own that I might be asked during the trial and reviewed documents concerning Pride's
23 capacitors purchases from the defendants. I estimate that I spent at least four hours preparing for my
24 testimony at the first trial, on my own and in person with counsel (not including the time I spent
25 thinking about the trial and talking about the trial with my wife when we flew from New York to San
26 Francisco to attend). I also attended the first few days of trial, up until the time I testified. In total, I
27 estimate that I spent over sixteen (16) hours to prepare for, attend, and testify at the March 2020 trial,
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1 not including my time spent traveling from New York. My testimony at the March 2020 trial is attached
2 to this declaration as Exhibit A.

3 13. After the March 2020 trial was terminated, I was asked to testify at the trial that began in
4 late November 2021. Due to the ongoing COVID pandemic, traveling to San Francisco from New York
5 was riskier than it had been back in March 2020. It was even more complicated for me because I was,
6 and still am, the primary caregiver for my brother Alan Lubman, who has cancer, and I was concerned
7 about leaving him to provide my testimony at trial. However, I decided that testifying was important
8 given the stakes of the case. I wanted the remaining defendants to be held to account for their actions. I
9 did not like the idea that defendants could possibly escape accountability for price-fixing that caused
10 small mom and pop shops like Pride to pay more for capacitors than we should have.

11 14. To prepare for the November/December 2021 trial, I spent at least four hours speaking
12 with Mr. Dirksen, meeting and speaking with Lead Class Counsel and Mr. Dirksen via Zoom and
13 telephone, and also reviewing my trial testimony from the March 2020 trial and possible questions that
14 I might be asked at the trial. I also prepared for the trial by speaking via Zoom with Lead Class Counsel
15 for at least fifteen minutes on the evening before I testified at the trial. While I did not observe the trial
16 before being called to testify, I had to be available at a moment's notice in the courthouse. I was in the
17 courthouse for more than four hours prior to being called to the stand on December 1, 2021. Not
18 including my travel time to San Francisco from New York, I estimate that I spent over eight (8) hours
19 preparing for and testifying at the November 2021 trial. My testimony at the November 2021 trial is
20 attached to this declaration as Exhibit B.

21 15. In total, my best estimate is that me and my Pride colleagues spent at least 173 hours
22 performing work for the benefit of the direct purchaser class plaintiffs in this litigation. This is a very
23 conservative estimate, in that I sincerely believe my colleagues and I likely spent a total of over 200
24 hours discussing or working on this case since it started in July 2014.

25 16. Although this case has been a very long, drawn-out experience that took many hours of
26 my life and hours of my co-owners' lives, I am proud of my work and the work of my colleagues and
27 that we've seen this case from its very start in July 2014 to the end. I believe that justice has been
28 served, not only because of the many guilty pleas and fines in the criminal case, but also because of the

1 recoveries of damages for companies like Pride. I am glad that the defendants seem to have accepted at
2 least some responsibility for their illegal price fixing.

3 17. To date, Pride has received \$113,564.60 from prior settlements as a direct purchaser
4 based on claim forms submitted to the Claims Administrator.

5 18. While we were not aware of the amount Class Counsel would request on our behalf until
6 the Class's Motion for Preliminary Approval, in light of Pride's extensive efforts which have
7 significantly benefited the Class, including testifying twice at trial despite the COVID-19 pandemic, we
8 respectfully suggest that a service award in the amount Class Counsel requests would be fair.

9 I declare under penalty of perjury that the foregoing is true and correct and to the best of my
10 knowledge and that this declaration was executed in Lindenhurst, New York, on June 15, 2022.

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12 By: /s/ Barry Reed Lubman
13 Barry Reed Lubman
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