

# **EXHIBIT B**

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7 *Interim Lead Counsel for the Putative Indirect Purchaser Classes*

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 9 **UNITED STATES DISTRICT COURT**  
 10 **NORTHERN DISTRICT OF CALIFORNIA**  
 11 **SAN FRANCISCO DIVISION**

12 **IN RE CAPACITORS ANTITRUST**  
 13 **LITIGATION**

**MDL No. 3:17-md-02801-JD**  
**Case No. 3:14-cv-03264-JD**

14 **This Documents Relates to:**  
 15 **ALL INDIRECT PURCHASER ACTIONS**

**DECLARATION OF BEN BARENZ IN**  
**SUPPORT OF INDIRECT PURCHASER**  
**PLAINTIFFS' NOTICE OF MOTION**  
**AND MOTION FOR ATTORNEYS'**  
**FEES, EXPENSES, AND SERVICE**  
**AWARDS**

1 I, Ben Barenz, declare as follows:

2 1. I am an individual over the age of 18. I have personal knowledge of the matters stated  
3 herein and, if called upon, I could and would competently testify thereto.

4 2. I am the owner of Nebraska Dynamics, Inc., one of the class representatives for the  
5 Indirect Purchaser Plaintiffs (“IPPs”) in the above-captioned litigation (“Action”). I have been  
6 authorized to provide this Declaration on behalf of Nebraska Dynamics, Inc.

7 3. I am a class representative in *In re Capacitors Antitrust Litigation*, MDL No. 3:17-md-  
8 02801-JD, Case No. 3:14-cv-03264-JD, filed in the United States District Court for the Northern  
9 District of California. I submit this Declaration on behalf of myself and the classes in support of  
10 Indirect Purchaser Plaintiffs’ Motion for Attorneys’ Fees, Expenses, and Service Awards in  
11 connection with the proposed settlements with Elna Corporation, Ltd. and Elna America, Inc. (“Elna”),  
12 Matsuo Electric Corporation, Ltd. (“Matsuo”), Nichicon Corporation and Nichicon America  
13 Corporation (“Nichicon”), and Panasonic Corporation (“Panasonic”).

14 4. To pursue this matter effectively, I hired lawyers with extensive experience litigating  
15 antitrust class actions. Prior to serving as a class representative, I was not asked to condition, nor did  
16 I condition, my participation upon receiving a service award. Additionally, I was not asked to  
17 condition, nor did I condition, my approval of any of the proposed settlements upon the promise or  
18 expectation of receiving a service award.

19 5. As a class representative, I understand that it is my responsibility to be informed about  
20 the work performed by my attorneys in the Action and make my own judgment about the fairness of  
21 any settlement proposed by the attorneys.

22 6. I also understand that in evaluating the fairness of the settlements, I am required to  
23 consider the interests of all class members as well as my own.

24 7. Over the past four and a half years, I have diligently performed my duties as a Class  
25 Representative to assist Class Counsel in prosecuting this Action, investing significant time and  
26 effort to fulfill my role. To that end, I have read the complaints filed, including the operative  
27 complaint on file, and generally understand the nature of the claims asserted as well as the bases for  
28 them. Throughout this Action, I have remained informed about the status of the litigation by

1 communicating with my attorneys about litigation strategies, reviewing periodic updates from Class  
2 Counsel, and becoming apprised of key case documents. Since the outset of the Action, I have also  
3 diligently retained all papers or electronic information that could be relevant to the litigation and  
4 provided these to my attorneys.

5 8. Throughout the Action, I have also assisted in responding to discovery. This included  
6 reviewing discovery requests from Defendants, discussing them with Class Counsel, reviewing  
7 proposed responses, making any corrections, and signing off on the responses. I also spent a  
8 significant amount of time locating purchase receipts and the other documents requested by the  
9 Defendants in this Action.

10 9. I have also contributed to the discovery process by preparing and sitting for a  
11 deposition. In total, my deposition lasted three hours and four minutes of record time, where I was  
12 questioned by counsel in this Action. To ensure the accuracy of my transcript, I spent approximately  
13 2 hours reviewing it for errors.

14 10. In total, I estimate that I have spent approximately 40 hours performing all the above-  
15 described duties on behalf of the classes over the past four and a half years. My attorneys have not  
16 made any promises regarding compensation for my service, and I willingly agreed to participate in  
17 this Action with no guarantee of personal benefit. I believe that the time, effort, and information I  
18 provided helped to make the settlements possible and therefore ask that the Court approve my service  
19 award in the amount of \$5,000. I believe such an award is reasonable considering the assistance  
20 provided and poses no risk of undermining my ability to adequately represent the Classes.

21 I declare under penalty of perjury under the laws of the United States of America that the  
22 foregoing is true and correct. Executed October 30, 2019, in Louisville, NE.

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24   
25 BEN BARENZ