

**DUNCAN FIRM, P.A.**

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*Class Counsel for Indirect Purchaser Plaintiffs*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

**IN RE: CAPACITORS ANTITRUST  
LITIGATION**

**THIS DOCUMENT RELATES TO:  
ALL INDIRECT PURCHASER ACTIONS**

**MASTER FILE NO. 14-cv-03264-JD**

**DECLARATION OF PHILLIP DUNCAN  
IN SUPPORT OF CLASS COUNSEL'S  
APPLICATION FOR ATTORNEYS'  
FEES AND REIMBURSEMENT OF  
EXPENSES SUBMITTED ON BEHALF  
OF DUNCAN FIRM, P.A.**

**Date: July 6, 2017  
Time: 10:00 a.m.  
Place: Courtroom 11, 19<sup>th</sup> Floor**

Judge: Hon. James Donato

1 I, Phillip Duncan, declare and state as follows:

2 1. I am President of Duncan Firm, P.A., Counsel for Indirect Purchaser Plaintiffs  
3 (“IPPs” or “Plaintiffs”), in this action. I submit this declaration in support of Class Counsel’s  
4 interim application for attorneys’ fees and reimbursement of expenses reasonably incurred in  
5 connection with the services rendered in this litigation on behalf of the class. I make this  
6 declaration based on my personal knowledge and if called as a witness, I could and would  
7 competently testify to the matters stated herein. The time expended preparing this Declaration is  
8 not included.

9 2. I have reviewed the Court’s October 31, 2014 Order Appointing Interim Lead Class  
10 Counsel (Dkt. 319) (“Order”), including in particular the Order’s provisions regarding fees, costs  
11 and expenses. The Firm has adhered to those provisions.

12 3. During the pendency of the litigation, Duncan Firm, P.A., acted as class counsel to  
13 IPPs. The Duncan Firm, P.A. has prosecuted this litigation solely on a contingent-fee basis, and  
14 has been at risk that it would not receive any compensation for prosecuting claims against the  
15 defendants. While Duncan Firm, P.A. devoted its time and resources to this matter, it has foregone  
16 other legal work for which it would have been compensated.

17 4. During the course of this litigation, Duncan Firm, P.A. has been involved in the  
18 following activities on behalf of IPPs at the request and under the direction of Lead Counsel:

- 19 (a) Engaging in briefing responses to motions by request, direction and supervision of Lead  
20 Counsel, (b) contacting potential class representatives, (c) obtaining documentation from  
21 potential class representatives, (d) preparing initial disclosure and discovery documents for  
22 responding to discovery requests, and (e) reviewing documents, filings, orders and  
23 decisions pertaining to development of the main and significant issues relating to discovery,  
24 class certification and merits of the case.

25 5. Attached hereto as **Exhibit A** is my firm’s total hours and lodestar, computed at  
26 historical rates, from November 1, 2014 through September 30, 2016. This period reflects the time  
27 spent after the appointment of Interim Lead Counsel in this litigation. The total number of hours  
28 spent by Duncan Firm, P.A. during this period of time was 28.5 hours with a corresponding

1 historical lodestar of \$14,682.50. This summary was prepared from contemporaneous, daily time  
2 records regularly prepared and maintained by Duncan Firm, P.A. The lodestar amount reflected in  
3 Exhibit A is for work assigned by Lead Counsel, and was performed by professional staff at my  
4 law firm for the benefit of the IPP Class.

5 6. All of the services performed by Duncan Firm, P.A. in connection with this  
6 litigation were reasonably necessary in the prosecution of this case. There has been no unnecessary  
7 duplication of services for which Duncan Firm, P.A. now seeks compensation. The lodestar  
8 calculations exclude time spent reading or reviewing work prepared by others or other information  
9 relating to the case unless related to preparation for or work on a matter specifically assigned to  
10 Duncan Firm, P.A. by Lead Counsel. The hourly rates for the attorneys and professional support  
11 staff in my firm included in Exhibit A are the usual and customary hourly rates charged by Duncan  
12 Firm, P.A.

13 7. Duncan Firm, P.A. has expended a total of \$100,000, in unreimbursed costs and  
14 expenses in connection with the prosecution of this litigation from November 1, 2014 through  
15 September 30, 2016. These costs and expenses are broken down in the chart attached hereto as  
16 **Exhibit B**. They were incurred on behalf of IPPs by Duncan Firm, P.A. on a contingent basis and  
17 have not been reimbursed. The expenses incurred in this action are reflected on the books and  
18 records of my firm. These books and records are prepared from expense vouchers, check records  
19 and other source materials and represent an accurate recordation of the expenses incurred. Expense  
20 documentation has been provided to Lead Counsel for review.

21 8. I have reviewed the time and expenses reported by my firm in this case which are  
22 included in this declaration, and I affirm that they are true and accurate to the best of my  
23 knowledge.

24 I declare under penalty of perjury under the laws of the United States of America that the  
25 foregoing is true and correct.

26 Executed on May 12, 2017 at Little Rock, Arkansas.

27 /s/ Phillip Duncan  
Phillip Duncan

**ATTESTATION**

I, Steven N. Williams, hereby attest, pursuant to United States District Court, Northern District of California Civil Local Rule 5-1(i)(3), that concurrence to the filing of this document has been obtained from the signatory hereto.

By: /s/ Steven N. Williams  
Steven N. Williams

*In re Capacitors Antitrust Litigation*  
Case No. 14-cv-03264-JD

**EXHIBIT A**

**DUNCAN FIRM, P.A.**

Hours Reported and Lodestar on a Historical Basis

November 1, 2014 – September 30, 2016

<b>Timekeeper</b>	<b>Professional Status</b>	<b>Hours</b>	<b>Rate</b>	<b>Total Lodestar</b>
Phillip Duncan	Partner - Principal	22.3	\$575	\$12,822.50
Richard Quintus	Senior Associate	6.2	\$300	\$1,860.00
<b>Grand Total:</b>		<b>28.5</b>		<b>\$14,682.50</b>

*In re Capacitors Antitrust Litigation*

Case No. 14-cv-03264-JD

**EXHIBIT B****DUNCAN FIRM, P.A.**

Expenses Incurred

November 1, 2014 – September 30, 2016

<b>EXPENSE CATEGORY</b>	<b>AMOUNT INCURRED</b>
Assessments	\$100,000
Court Costs / Filing Fees	\$
Experts / Consultants	\$
Federal Express / UPS / Ontrac	\$
Postage / U.S. Mail	\$
Service of Process	\$
Messenger / Delivery	\$
Hearing Transcripts	\$
Investigation	\$
Lexis / Westlaw	\$
Photocopies – In House	\$
Photocopies – Outside	\$
Telephone / Telecopier	\$
Travel – Transportation	\$
Travel - Hotels	\$
Travel – Meals	\$
<b>TOTAL:</b>	\$100,000