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Superior Court of California
County of Los Angeles

FEB 02 2018

*Sherri R. Carter, Executive Officer/Clerk
By: Maria Aguirre, Deputy*

7 *Attorneys for Plaintiff and the Plaintiff Classes*

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF LOS ANGELES, CENTRAL CIVIL WEST**

11 STANLEY DONEN FILMS, INC.,

12 Plaintiff,

13 vs.

14 TWENTIETH CENTURY FOX FILM
CORPORATION, and DOES 1-100,

15 Defendants.

CASE NO. BC499181

Related to BC499179, BC499180, BC499182,
BC500040

CLASS ACTION

**DECLARATION OF DANIEL L.
WARSHAW IN SUPPORT OF
PLAINTIFF'S MOTION FOR FINAL
APPROVAL OF TWENTIETH CENTURY
FOX FILM CORPORATION CLASS
ACTION SETTLEMENT AND
ATTORNEYS' FEES, COSTS AND
SERVICE AWARDS**

Date: April 9, 2018
Time: 11:00 a.m.
Dept.: 323

Assigned to the Honorable Elihu M. Berle
(Dept. CCW-323)

28 875041.1

DECLARATION IN SUPPORT OF PLAINTIFF'S MOTION FOR FINAL APPROVAL OF TWENTIETH
CENTURY FOX FILM CORPORATION CLASS ACTION SETTLEMENT AND ATTORNEYS' FEES, COSTS
AND SERVICE AWARDS

1 I, Daniel L. Warshaw hereby declare:

2 1. I am an attorney duly admitted to practice before this Court. I am a partner in the
3 firm of Pearson, Simon & Warshaw, LLP (“PSW”), one of the law firms representing Plaintiff
4 Concourse Productions, Inc. (“Plaintiff”) and the Class in this action.

5 2. PSW associated with co-counsel from Johnson & Johnson LLP, Kiesel Law LLP,
6 and Boucher LLP (together with PSW, “Class Counsel”) in this action.

7 3. I submit this Declaration in support of Plaintiff’s Motion for Final Approval of
8 Twentieth Century Fox Entertainment Corporation’s Class Action Settlement and Plaintiff’s
9 Motion for Attorneys’ Fees, Costs and Service Awards. I am personally familiar with the facts set
10 forth in this Declaration. If called as a witness I could and would competently testify to the
11 matters stated herein.

12 **A. Investigation, Filing, Litigation and Settlement**

13 4. PSW has been involved in all aspects of this class action lawsuit since its inception
14 on January 16, 2013. This was a hard fought adversarial litigation that was only settled after
15 Plaintiff and Defendant Twentieth Century Fox Film Corporation (“Fox”) engaged in substantial
16 motion practice, discovery and extended arm’s-length negotiations. Plaintiff entered into the
17 settlement only after conducting a thorough investigation into the factual and legal issues raised in
18 this case and intensive settlement negotiations with Fox.

19 5. During the course of this action, PSW’s attorneys vigorously litigated this action in
20 furtherance of the interests of the Class Members through strategy meetings, extensive discovery
21 and document review, and settlement strategy and mediation.

22 6. In response to Plaintiff’s complaint, Fox filed a demurrer and motion to strike
23 which the Court denied on June 14, 2013. PSW worked with its co-counsel to prepare the
24 opposition and handle the hearing on Fox’s demurrer and motion to strike.

25 7. Plaintiff and Defendant Fox conducted extensive discovery that focused on class
26 certification issues, the merits of Plaintiff’s claims, and damages issues. The parties exchanged
27 written discovery, including multiple sets of Form Interrogatories, Special Interrogatories and
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1 Requests for Admissions, relating to each of these aforementioned issues. In response, the parties
2 provided written responses regarding the key legal and factual issues in the case. Fox also
3 produced more than 22,000 pages of documents relating to all contracts, profit participation
4 statements, correspondence and other documents related to the named Plaintiff's films and a court
5 ordered random sample of other films in the putative class. Fox further disclosed information
6 regarding the revenues for the Class Films and profit participation paid to the Class Members
7 during the class period. PSW worked with its co-counsel to draft this written discovery, meet and
8 confer regarding Fox's responses and objections, handle the briefing and motion practice
9 regarding discovery disputes, and review the documents produced by Fox.

10 8. The parties both deposed the person most qualified from the opposing party
11 regarding a number of relevant topics. PSW defended the deposition of Plaintiff's person most
12 qualified, Amy Rydell, which took place on April 8, 2014. PSW took the deposition of Fox's
13 person most qualified, Steven Kaplan, which took place on November 5, 2014.

14 9. On June 6, 2014, Fox filed a motion for summary adjudication as to Plaintiff's
15 conversion cause of action, and summary judgment as to the entire action on grounds that Plaintiff
16 was not injured because its film, *The Rose*, had not reached net profits and was unrecouped. On
17 December 17, 2014, the Court denied Fox's motion for summary judgment, and found that
18 Plaintiff had standing to pursue its claims based on allegations that Fox failed to accurately
19 account for and credit Home Video Revenues on *The Rose*. The Court granted summary
20 adjudication as to Plaintiff's conversion cause of action. PSW opposed Fox's motion and handled
21 the oral argument thereon.

22 10. The settlement negotiations in this case were at arm's-length and initiated after
23 several years of adversarial litigation. After substantial discovery and motion practice the parties
24 agreed to attend an initial mediation on June 8, 2016, with the Honorable Carl J. West (Ret.). This
25 mediation ended at an impasse and did not result in a settlement of the case. After this initial
26 mediation, the parties engaged in further discussions and exchange of information regarding the
27 merits of Plaintiff's claims and the damages and exposure suffered by class members. These

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1 further discussions resulted in an agreement to attend a second full day mediation with the
2 Honorable Terry B. Friedman (Ret.) on May 2, 2017. The parties reached an agreement in
3 principle the terms of a class action settlement agreement during the second mediation. PSW
4 drafted the mediation briefs, attended both mediations, and handled related settlement negotiations
5 with Fox.

6 11. In the months following this mediation session, PSW and its co-counsel continued
7 to negotiate the terms of the final Settlement Agreement with Fox. The drafting of the Settlement
8 Agreement was an arm's-length adversarial process, involving the exchange of multiple drafts
9 before the Settlement was finalized, on September 22, 2017.

10 12. The Settlement calls for *cy pres* distribution, pursuant to California Code of Civil
11 Procedure section 384(b)(3)(A), of twenty-five percent to the Trial Court Improvement and
12 Modernization Fund, twenty-five percent to the State Treasury for the Equal Access Fund of the
13 Judicial Branch, and fifty percent to the Motion Picture & Television Fund, if the amount of
14 uncashed settlement checks does not justify the cost of a second distribution. My co-counsel and I
15 have carefully considered the proposed *cy pres* remedy and the goal in formulating this proposal
16 was to make a grant to an organization that represents the interests of absent class members. Here,
17 those class members are individuals who were alleged to not have been paid the amounts due them
18 for their work in the film industry over a period of decades. It is my understanding that the
19 Motion Picture & Television Fund is a nonprofit organization that provides members of the
20 entertainment industry with benefits such as: health care services, retirement residences, financial
21 aid to offset care and living expenses, social services and charitable assistance programs. My firm
22 has no interests or involvement, by any attorney, in the governance or work of the proposed *cy*
23 *pres* recipient in this action.

24 13. My firm was active in reviewing and revising all papers relating to the settlement
25 that is now being presented for final approval. Similarly, my firm also took the lead in drafting
26 the papers relating to preliminary approval, and appearing at the preliminary approval hearing.

27 14. Globally, the firms representing Plaintiff and the Class took an active role in
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1 splitting up their duties so that the litigation was prosecuted as efficiently as possible. In
2 particular, due to the number of studios that have been named in the related actions, the firms
3 made sure to divide the tasks at hand so as to minimize any overlap and handle the cases in an
4 efficient and effective manner. These firms assigned individual tasks to the attorneys who were
5 needed to handle the project. Also, tasks were assigned depending on the nature of the work to be
6 performed to maximize the working knowledge relative to the work to be performed.

7 **B. Fee Splitting Agreements**

8 15. Class Counsel have entered into a confidential Joint Prosecution Agreement
9 (“JPA”) which sets forth how Class Counsel will be paid, including the proposed fee split by and
10 amongst Class Counsel. The confidential JPA has been reviewed, approved, and consented to by
11 the Plaintiff.

12 16. As part of the Motion for Preliminary Approval, Plaintiff filed declaration of Amy
13 Rydell, President of Concourse Productions, Inc. confirming that she has reviewed, approved, and
14 consented to the confidential JPA.

15 17. In light of the confidential and proprietary nature of the JPA, Class Counsel believe
16 that the terms should not be filed in the public record or disclosed to any third parties, including
17 Defendant Fox or its counsel.

18 18. Therefore, Class Counsel is lodging the JPA for an *in camera* review.

19 **C. The Attorneys’ Fees and Costs Incurred by PSW**

20 19. Attached hereto as Exhibit “A” is a true and correct summary of the hours worked
21 by attorneys and other staff at PSW during the course of this litigation. This summary was
22 prepared based on contemporaneous time records of all work performed, which are being lodged
23 with the Court. All of the tasks performed, and the time expended, were reasonable and necessary
24 for the prosecution and ultimate settlement of the claims of Plaintiffs and the Class. Exhibit “A”
25 indicates a total lodestar of \$780,243.63 which was calculated based on the hourly rate in effect at
26 the time the work was performed. These rates have been approved by this Court in *Colin Higgins*
27 *Prods., Ltd. v. Universal City Studios, LLC*, Los Angeles Superior Court Case No. BC499180, and
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1 *Colin Higgins Prods., Ltd. v. Paramount Pictures Corp.*, Los Angeles Superior Court Case No.
 2 BC499179. The rates have also recently been approved in federal court. *See e.g. Eashoo v. Iovate*
 3 *Health Sciences U.S.A, Inc.*, Case No. 2:15-cv-01726-BRO-PJW (C.D. Cal.). I anticipate that my
 4 firm will spend many hours and incur additional expenses through the conclusion of the case
 5 relating to final approval, fielding and responding to questions from Class Members and work
 6 relating to the ultimate distribution of the settlement.

7 20. A summary of PSW's lodestar calculation is set forth as follows:

TIMEKEEPER AND POSITION	TIME	BLENDED HOURLY RATE	LODESTAR
Daniel L. Warshaw - Partner	378.4	\$879.92	\$332,962.49
Alexander R. Safyan - Associate	183.3	\$381.72	\$69,970.13
Bobby Pouya – Associate	617.6	\$583.91	\$360,619.73
Meredith C. Doyle - Associate	26.9	\$350.00	\$9,415.00
Michael H. Pearson - Associate	5.0	\$375.00	\$1,875.00
Alexander L. Simon - Law Clerk	3.7	\$173.82	\$643.13
Ellovene J. Grant - Paralegal	25.7	\$185.29	\$4,761.88
TOTAL	1,240.50		\$780,243.63

17 21. A summary of PSW's lodestar calculation sorted by categories of work performed
 18 is set forth as follows:

WORK PERFORMED	TIME	LODESTAR
Analysis/Strategy/Attorney Meetings	60.9	\$34,511.13
Case Management	102.6	\$59,529.08
Deposition	127.0	\$66,916.25
Court Appearance	39.2	\$33,560.33
Discovery	230.0	\$111,267.13
Document Review	65.7	\$29,871.00
Experts – Work or Consult	12.8	\$10,516.00
Factual Investigation / Development	0.7	\$491.33
Research	13.9	\$7,708.50
Pleadings/Motions	296.6	\$184,997.88

Settlement	291.1	\$240,875.00
TOTAL	1,240.5	\$780,243.63

22. The attorneys' fees incurred by Johnson & Johnson LLP, Kiesel Law LLP, and Boucher LLP are set forth in the concurrently filed declarations of Neville L. Johnson, Jeffrey A. Koncius, and Raymond P. Boucher. Pursuant to these declarations the amount of attorneys' fees incurred by Class Counsel through January 19, 2018 is listed below. I estimate that Class Counsel will collectively incur an additional \$100,000 in attorneys' fees after January 19, 2018 barring any appeal of the Court's final approval order.

FIRM	Hours	LODESTAR
Pearson, Simon & Warshaw, LLP	1,240.50	\$780,243.63
Kiesel Law LLP	531.60	\$344,882.50
Johnson & Johnson LLP	269.44	\$205,471.82
Boucher LLP ¹	244.80	\$203,244.50
TOTAL	2,286.34	\$1,533,842.45

23. Attached hereto as Exhibit "B" is a true and correct summary of expenses incurred by PSW during the course of this litigation. The expenses pertaining to this case are reflected in the books and records of my firm. This expense summary was prepared based on expense vouchers, check records and other documents and is an accurate record of the expenses. Exhibit "B" indicates a total of \$6,960.22 in expenses incurred by PSW to date in connection with the prosecution of this litigation, none of which have been reimbursed as of the time of the execution of this Declaration. In addition to these costs directly incurred, PSW has contributed to the litigation fund maintained by its co-counsel Johnson & Johnson, LLP to pay for certain joint litigation expenses, which are set forth in the Declaration of Neville L. Johnson.

24. The litigation costs incurred by Johnson & Johnson LLP, Kiesel Law LLP, and Boucher LLP are set forth in the concurrently filed declarations of Neville L. Johnson, Jeffrey A.

¹ Total includes lodestar for Law Office of Raymond Boucher, APC, Khorrami Boucher Sumner Sanguinetti, LLP and Khorrami Boucher, LLP.

1 Koncius, and Raymond P. Boucher. Pursuant to these declarations the amount of costs incurred
2 by Class Counsel through January 19, 2018 is listed below.

3 FIRM	Costs
4 Pearson, Simon & Warshaw, LLP	\$6,960.22
5 Kiesel Law LLP	\$1,291.56
6 Johnson & Johnson LLP	\$4,500.36
7 Boucher LLP	\$441.09
8 Joint Litigation Fund ²	\$39,403.10
TOTAL	\$52,596.33

9 **C. PSW's Experience, Qualifications and Views on the Settlement**

10 25. As a result of the activities set out above, I am intimately familiar with this
11 litigation so as to support the proposed settlement. My firm and our co-counsel are Class Counsel
12 in four related cases pending before this Court against other major movie studios involving
13 identical factual and legal issues, which helped inform the settlement negotiations in this case. In
14 addition, Class Counsel previously favorably negotiated the approved settlement in the related
15 cases, *Colin Higgins Prods., Ltd. v. Universal City Studios, LLC*, Los Angeles Superior Court
16 Case No. BC499180, and *Colin Higgins Prods., Ltd. v. Paramount Pictures Corp.*, Los Angeles
17 Superior Court Case No. BC499179 in which my firm, and my co-counsel, were appointed
18 counsel for the class.

19 26. The attorneys at PSW have represented a wide range of clients in complex
20 litigation and class actions. A complete profile of PSW's attorneys and summary of the numerous
21 complex litigation matters in which they have obtained successful results, is set forth in PSW's
22 firm resume attached hereto as Exhibit "C."

23 27. PSW's firm resume reflects that the attorneys in this case have successfully
24 adjudicated some of the largest and most important class action lawsuits in the United States and
25 have obtained approximately *three billion dollars* in settlements and verdicts in a wide range of
26 _____

27 ² Maintained by Johnson & Johnson LLP.

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1 complex cases.

2 28. For example, PSW served as Co-Lead Counsel in *In re Credit Default Swaps*
3 *Antitrust Litigation*, MDL No. 2476 (S.D.N.Y.), an antitrust class action alleging an
4 anticompetitive conspiracy by the largest international banks and financial institutions in the world
5 to fix the price of credit default swaps. That case recently resulted in \$1.86 billion in settlements
6 that are pending approval by the trial court, making it one of the largest civil lawsuit settlements in
7 history.

8 29. PSW also served as Co-Lead Counsel on behalf of the Direct Purchaser Plaintiffs in
9 *In re TFT-LCD (Flat Panel) Antitrust Litigation*, MDL No. 1827 (N.D. Cal.). In that case, we
10 helped secure a settlement of over \$400 million for the Class and obtained an \$87 million verdict,
11 before trebling, following a five-week trial against the only remaining defendant in the case,
12 Toshiba Corporation and its related entities. The court in that case approved PSW's hourly rates
13 and granted their full request for a 30% fee award, which was higher than the Ninth Circuit's
14 benchmark of 25%.

15 30. PSW attorneys served as class counsel in *James v. UMG Recordings, Inc.*, Case
16 No. 11-cv-01613-SI (N.D. Cal.) and *In re Warner Music Group Corp. Digital Downloads*
17 *Litigation*, Case No. CV 12-0559-RS (N.D. Cal.) ("WMG"), nationwide class actions brought on
18 behalf of recording artists and producers who alleged that they were systematically underpaid
19 royalties by the record companies UMG and Warner Music Group. In groundbreaking class
20 action settlements, PSW helped secure both past relief and future relief in perpetuity for eligible
21 class members who receive royalties from the defendant record companies.

22 31. In addition to those listed above, PSW has served as lead or co-lead counsel in
23 some of the most advanced and cutting-edge class actions in the country, including: *In re Lithium*
24 *Ion Batteries Antitrust Litigation*, MDL No. 2420 (N.D. Cal.); *In re Potash Antitrust Litigation*
25 *(II)*, MDL No. 1996 (N.D. Ill.); and *In re Carrier IQ Consumer Privacy Litigation*, MDL No.
26 2330 (N.D. Cal.).

27 32. The parties entered into the Settlement Agreement for the benefit of the Class

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1 without negotiating, or agreeing to, the amounts of attorneys' fees and costs.

2 33. To the best of my knowledge, no conflicts of interest exist between the Plaintiff and
3 the Class.

4 34. Based upon my experience in similar class action litigation and this case, I believe
5 that the proposed settlement is fair, reasonable and adequate and in the best interests of the Class
6 Members.

7 35. Attached hereto as Exhibit D is a true and correct copy of the Notice of Ruling on
8 Plaintiffs' Motion for Attorneys' Fees Costs and Incentive Awards filed in the related action *Colin*
9 *Higgins Prods., Ltd. v. Universal City Studios, LLC*, Los Angeles Superior Court Case No.
10 BC499180.

11 I declare under penalty of perjury under the laws of the State of California that the
12 foregoing is true and correct.

13 Executed on February 2, 2018, at Sherman Oaks, California.

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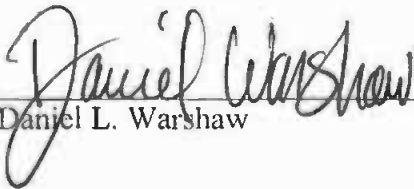

Daniel L. Warshaw

EXHIBIT A

Donen v. Twentieth Century Fox Film Corporation
TIME REPORT

FIRM NAME: Pearson, Simon & Warshaw, LLP
REPORTING PERIOD: Case Inception through January 19, 2018

Categories:

- | | |
|---|------------------------------------|
| (1) Analysis/Strategy/Attorney Meetings | (8) Fact Investigation/Development |
| (2) Case Management | (9) Research |
| (3) Deposition | (10) Pleadings / Motions |
| (4) Court Appearance | (11) Settlement |
| (5) Discovery | |
| (6) Document Review | |
| (7) Experts- Work or Consult | |

Status:

- (P) Partner
(A) Associate
(LC) Law Clerk
(PL) Paralegal

NAME	STATUS	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	Total Hours	Hourly Rate	Amount
Daniel L. Warshaw	P	13.0	6.3	42.1	6.6	7.2		0.8		1.2	13.9		91.0	\$ 715.00	\$ 65,086.45
Daniel L. Warshaw	P	3.1	3.5	0.5	1.5	8.5	0.6				14.1		31.7	\$ 775.00	\$ 24,548.13
Daniel L. Warshaw	P	4.8	4.4		4.0	3.0	2.2			0.1	2.6	56.0	77.2	\$ 870.00	\$ 67,127.75
Daniel L. Warshaw	P	3.2	5.5		21.0			6.1		1.5	16.8	119.7	173.8	\$ 985.00	\$ 171,160.17
Daniel L. Warshaw	P		1.4								3.4		4.8	\$ 1,050.00	\$ 5,040.00
Alexander R. Safyan	A	17.5	4.3	32.3		61.0				6.2	6.4		127.5	\$ 375.00	\$ 47,803.13
Alexander R. Safyan	A	5.5	2.2	8.2		29.7	0.1				2.5		48.2	\$ 385.00	\$ 18,557.00
Alexander R. Safyan	A	0.2				4.6						2.8	7.6	\$ 475.00	\$ 3,610.00
Bobby Pouya	A	7.3	10.0		1.9	8.5					22.4		50.0	\$ 475.00	\$ 23,752.38
Bobby Pouya	A	4.6	22.9	41.8		38.5	24.7			0.2	77.3	10.6	220.5	\$ 495.00	\$ 109,159.88
Bobby Pouya	A	1.7	19.0	0.3	4.1	48.5	6.2	0.5		2.7	37.6	16.5	137.1	\$ 635.00	\$ 87,032.06
Bobby Pouya	A		13.8			6.1		5.4	0.7	1.6	97.0	85.3	210.0	\$ 670.00	\$ 140,675.41
Meredith C. Doyle	A						26.9						26.9	\$ 350.00	\$ 9,415.00
Michael H. Pearson	A						5.0						5.0	\$ 375.00	\$ 1,875.00
Alexander L. Simon	LC					3.2				0.5			3.7	\$ 175.00	\$ 643.13
Ellowene Grant	PL		7.1	1.8		11.4							20.3	\$ 175.00	\$ 3,552.50
Ellowene Grant	PL		2.4		0.2						2.6	0.2	5.4	\$ 225.00	\$ 1,209.38
TOTALS		60.9	102.6	127.0	39.2	230.0	65.7	12.8	0.7	13.9	296.6	291.1	1240.5		\$ 780,243.63*

* Due to rounding the calculated total was decreased from \$780,247.34 to \$780,243.63 to match the actual lodestar.

EXHIBIT B

PEARSON, SIMON & WARSHAW, LLP

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Tax I.D. # 04-3832496

Statement Date: January 29, 2018
Account No.: 5410.00001

Donen v. Twentieth Century Fox

Category	Total
Photocopies	\$594.20
Telephone Conference Calls	\$43.96
Online Research - Westlaw	\$268.35
Delivery Service / Messengers	\$28.91
Postage	\$2.76
Travel / Parking	\$4,372.61
Meals	\$175.09
Court Fees	\$1,474.34
TOTAL	\$6,960.22

EXHIBIT C



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Pearson, Simon & Warshaw, LLP (“PSW”) is an AV-rated civil litigation firm with offices in Los Angeles and San Francisco. The firm specializes in complex litigation, including state coordination cases and federal multi-district litigation. Its attorneys have extensive experience in antitrust, securities, consumer protection, and unlawful employment practices. The firm handles national and multi-national class actions that present cutting edge issues in both substantive and procedural areas. PSW attorneys understand how to litigate difficult and large cases in an efficient and cost-effective manner, and they have used these skills to obtain outstanding results for their clients, both through trial and negotiated settlement. They are recognized in their field for excellence and integrity, and are committed to seeking justice for their clients.

CASE PROFILES

PSW attorneys currently hold, or have held, a leadership role in the following representative cases:

- *In re Credit Default Swaps Antitrust Litigation*, Southern District of New York, MDL No. 2476. PSW attorneys recently served as co-lead counsel and represented the Los Angeles County Employee Retirement Association (“LACERA”) in a class action on behalf of all purchasers and sellers of Credit Default Swaps (“CDS”) against twelve of the world’s largest banks. The lawsuit alleged that the banks, along with other defendants who controlled the market infrastructure for CDS trading, conspired for years to restrain the efficient trading of CDS, thereby inflating the cost to trade CDS. The alleged antitrust conspiracy resulted in billions of dollars in economic harm to institutional investors such as pension funds, mutual funds, and insurance companies who used CDS to hedge credit risks on their fixed income portfolios. After nearly three years of litigation and many months of intensive settlement negotiations, PSW helped reach a settlement with the defendants totaling \$1.86 billion plus injunctive relief. On April 15, 2016, the Honorable Denise L. Cote granted final approval to the settlement, which is one of the largest civil antitrust settlements in history.
- *In re TFT-LCD (Flat Panel) Antitrust Litigation*, Northern District of California, MDL No. 1827. PSW served as co-lead counsel for the direct purchaser plaintiffs in this multidistrict litigation arising from the price-fixing of thin film transistor liquid crystal display (“TFT-LCD”) panels. Worldwide, the TFT-LCD industry is a multi-billion dollar industry, and many believe that this was one of the largest price-fixing cases in the United States. PSW

helped collect over \$405 million in settlements before the case proceeded to trial against the last remaining defendant, Toshiba Corporation and its related entities. PSW partner Bruce L. Simon served as co-lead trial counsel, successfully marshaled numerous witnesses, and presented the opening argument. On July 3, 2012, PSW obtained a jury verdict of \$87 million (before trebling) against Toshiba. PSW later settled with Toshiba and AU Optronics to bring the total to \$473 million in settlements. In 2013, California Lawyer Magazine awarded Mr. Simon a California Lawyer of the Year Award for his work in the *TFT-LCD* case.

- *In re Potash Antitrust Litigation (No. II)*, Northern District of Illinois, MDL No. 1996. PSW partner Bruce L. Simon served as interim co-lead counsel for the direct purchaser plaintiffs in this multidistrict litigation arising from the price-fixing of potash sold in the United States. After the plaintiffs defeated a motion to dismiss, the defendants appealed, and the Seventh Circuit Court of Appeals agreed to hear the case *en banc*. Mr. Simon presented oral argument to the *en banc* panel and achieved a unanimous 8-0 decision in his favor. The case resulted in \$90 million in settlements for the direct purchaser plaintiffs, and the Court's opinion is one of the most significant regarding the scope of international antitrust conspiracies. See *Minn-Chem, Inc. v. Agrium Inc.*, 683 F. 3d 845 (7th Cir. 2012).
- *In re National Collegiate Athletic Association Athletic Grant-in-Aid Cap Antitrust Litigation*, Northern District of California, MDL No. 2451. PSW attorneys currently serve as interim co-lead counsel in this multidistrict litigation that alleges the NCAA and its member conferences violate the antitrust laws by restricting the value of grant-in-aid athletic scholarships and other benefits that college football and basketball players can receive. PSW settled the damages case, recently obtaining final approval to a \$208 million dollar settlement. The injunctive portion of the case is still pending.
- *In re German Auto Manufacturers Antitrust Litigation*, Northern District of California, MDL No. 2796. Bruce L. Simon is serving as chairman of the Plaintiffs' Steering Committee and co-lead counsel for the Indirect Purchaser Plaintiffs in this multidistrict antitrust litigation. The complaint alleges that certain German car manufacturers unlawfully coordinated on several key car components, actively limiting the pace and extent of innovation, while also acting to promote consumers' perception of German cars as commanding a price premium.
- *In re Broiler Chicken Antitrust Litigation*, Northern District of Illinois, Case No. 1:16-cv-08637. PSW attorneys currently serve as interim co-lead counsel on behalf of direct purchaser plaintiffs. The complaint alleges that the nation's largest broiler chicken producers violated antitrust laws by limiting production and manipulating the price indices.
- *Greg Kihn, et al. v. Bill Graham Archives, LLC, et al.*, Northern District of California Case No. 4:17-cv-05343-JSW. PSW attorneys currently serve as Plaintiffs' counsel in this copyright class action alleging that Defendants broadcasted, continue to broadcast, or otherwise make available to the public, copyrighted musical works of Plaintiffs and the Class without proper licenses, as required under the Copyright Act.
- *Grace v. Apple, Inc.*, Northern District of California, 5:17-CV-00551. PSW partner Daniel L. Warshaw currently serves as counsel in this putative nationwide class action on behalf of

consumers who allege Apple intentionally broke its “FaceTime” video conferencing feature for Apple iPhone 4 or iPhone 4S users operating on iOS 6 or earlier.

- *Trepte v. Bionaire, Inc.*, Los Angeles County Superior Court, Case No. BC540110. PSW attorneys currently serve as Class Counsel in this certified class action alleging that the defendant sold defective space heaters. The complaint alleges that defendant breached the warranty and falsely advertised the safety of the heaters due to design defects that cause the heaters to fail. As a result of the failure, the heaters may spark, smoke and catch fire. PSW continues to vigorously litigate this important lawsuit.
- *In re Santa Fe Natural Tobacco Company Marketing, Sales Practices, and Products Liability Litigation*, District of New Mexico, Case No. 1:16-md-02695-JB-LF. PSW partner Daniel L. Warshaw serves on the executive committee. This class action alleges that Defendants’ “natural” and “additive free” claims on their tobacco products were false and misleading to consumers. PSW continues to vigorously litigate this important lawsuit.
- *In re Keurig Green Mountain Single-Serving Coffee Antitrust Litigation*, Southern District of New York, MDL No. 2542. In June 2014, Judge Vernon S. Broderick appointed PSW to serve as interim co-lead counsel on behalf of indirect purchaser plaintiffs in this multidistrict class action litigation. The case arises from the alleged unlawful monopolization of the United States market for single-serve coffee packs by Keurig Green Mountain, Inc. Keurig’s alleged anticompetitive conduct includes acquiring competitors, entering into exclusionary agreements with suppliers and distributors to prevent competitors from entering the market, engaging in sham patent infringement litigation, and redesigning the single-serve coffee pack products in the next version of its brewing system to lock out competitors’ products.
- *Senne, et al. v. Office of the Commissioner of Baseball, et al.*, Northern District of California, Case No. 14-cv-0608. PSW attorneys currently serve as interim co-lead counsel in this putative nationwide class action and FLSA collective action on behalf of minor league baseball players who allege that Major League Baseball and its member franchises violate the FLSA and state wage and hour laws by failing to pay minor league baseball players minimum wage and overtime.
- *In re KIND LLC “Healthy and All Natural” Litigation*, Southern District of New York, MDL No. 2645. PSW partner Daniel L. Warshaw currently serves as interim co-lead counsel in this putative nationwide class action on behalf of consumers who allege that they purchased KIND snack bars that were falsely advertised as “all natural,” “non-GMO,” and/or “healthy.”
- *In re Carrier IQ Consumer Privacy Litigation*, Northern District of California, MDL No. 2330. PSW attorneys currently serve as interim co-lead counsel in this putative nationwide class action on behalf of consumers who allege privacy violations arising from software installed on their mobile devices that was logging text messages and other sensitive information.
- *Sciortino, et al. v. PepsiCo, Inc.*, Northern District of California, Case No. 14-cv-0478. PSW attorneys served as interim co-lead counsel in this putative California class action

on behalf of consumers who allege that PepsiCo failed to warn them that certain of its sodas contain excess levels of a chemical called 4-Methylimidazole in violation of Proposition 65 and California consumer protection statutes.

- *James v. UMG Recordings, Inc.*, Northern District of California, Case No. 11-cv-01613. PSW partner Daniel L. Warshaw served as interim co-lead counsel in this putative nationwide class action on behalf of recording artists and music producers who alleged that they had been systematically underpaid royalties by the record company UMG.
- *In re Warner Music Group Corp. Digital Downloads Litigation*, Northern District of California, Case No. 12-cv-00559. PSW attorneys served as interim co-lead counsel, with partner Bruce L. Simon serving as chairman of a five-firm executive committee, in this putative nationwide class action on behalf of recording artists and music producers who alleged that they had been systematically underpaid royalties by the record company Warner Music Group.
- *In re Dynamic Random Access Memory (DRAM) Antitrust Litigation*, Northern District of California, MDL No. 1486. PSW partner Bruce L. Simon served as co-chair of discovery and as a member of the trial preparation team in this multidistrict litigation arising from the price-fixing of DRAM, a form of computer memory. Mr. Simon was responsible for supervising and coordinating the review of almost a terabyte of electronic documents, setting and taking depositions, establishing and implementing protocols for cooperation between the direct and indirect plaintiffs as well as the Department of Justice, presenting oral arguments on discovery matters, working with defendants on evidentiary issues in preparation for trial, and preparation of a comprehensive pretrial statement. Shortly before the scheduled trial, class counsel reached settlements with the last remaining defendants, bringing the total value of the class settlements to over \$325 million.
- *In re Methionine Antitrust Litigation*, Northern District of California, MDL No. 1311. PSW partner Bruce L. Simon served as co-lead counsel in this nationwide antitrust class action involving a conspiracy to fix prices of, and allocate the markets for, methionine. Mr. Simon was personally responsible for many of the discovery aspects of the case including electronic document productions, coordination of document review teams, and depositions. Mr. Simon argued pretrial motions, prepared experts, and assisted in the preparation of most pleadings presented to the Court. This action resulted in over \$100 million in settlement recovery for the Class.
- *In re Sodium Gluconate Antitrust Litigation*, Northern District of California, MDL No. 1226. PSW partner Bruce L. Simon served as class counsel in this consolidated antitrust class action arising from the price-fixing of sodium gluconate. Mr. Simon was selected by Judge Claudia Wilken to serve as lead counsel amongst many other candidates for that position, and successfully led the case to class certification and settlement.
- *In re Citric Acid Antitrust Litigation*, Northern District of California, MDL No. 1092. PSW partner Bruce L. Simon served as class counsel in antitrust class actions against Archer-Daniels Midland Co. and others for their conspiracy to fix the prices of citric acid, a food

additive product. Mr. Simon was one of the principal attorneys involved in discovery in this matter. This proceeding resulted in over \$80 million settlements for the direct purchasers.

- *Olson v. Volkswagen of America, Inc.*, Central District of California, Case No. CV07-05334. PSW attorneys brought this class action lawsuit against Volkswagen alleging that the service manual incorrectly stated the inspection and replacement intervals for timing belts on Audi and Volkswagen branded vehicles equipped with a 1.8 liter turbo-charged engine. This case resulted in a nationwide class settlement.
- *Swain et al. v. Eel River Sawmills, Inc. et al.*, California Superior Court, DR-01-0216. Bruce L. Simon served as lead trial counsel for a class of former employees of a timber company whose retirement plan was lost through management's investment of plan assets in an Employee Stock Ownership Plan. Mr. Simon negotiated a substantial settlement on the eve of trial resulting in a recovery of approximately 40% to 50% of plaintiffs' damages after attorneys' fees and costs.
- *In re Hawaiian and Guamanian Cabotage Antitrust Litigation*, Western District of Washington, MDL No. 1972. PSW partner Bruce L. Simon served as interim co-lead counsel for the plaintiffs in this multidistrict litigation arising from violations of the federal antitrust laws with respect to domestic ocean shipping services between the continental United States and Hawaii and/or between the continental United States and the Territory of Guam.
- *In re Homestore Litigation*, Central District of California, Master File No. 01-11115. PSW attorneys served as liaison counsel and class counsel for plaintiff CalSTRS in this securities class action. The case resulted in over \$100 million in settlements to the Class.
- *In re MP3.Com, Inc., Securities Litigation*, Southern District of California, Master File No. 00-CV-1873. PSW attorneys served as defense counsel in this class action involving alleged securities violations under Rule 10b-5.
- *In re Automotive Refinishing Paint Cases*, Alameda County Superior Court, Judicial Council Coordination Proceeding No. 4199. PSW attorneys served as class counsel with other law firms in this coordinated antitrust class action alleging a conspiracy by defendants to fix the price of automotive refinishing products.
- *In re Beer Antitrust Litigation*, Northern District of California, Case No. 97-20644 SW. PSW partner Bruce L. Simon served as primary counsel in this antitrust class action brought on behalf of independent micro-breweries against Anheuser-Busch, Inc., for its attempt to monopolize the beer industry in the United States by denying access to distribution channels.
- *In re Commercial Tissue Products Public Entity Indirect Purchaser Antitrust Litigation*, San Francisco Superior Court, Judicial Council Coordination Proceeding No. 4027. PSW partner Bruce L. Simon served as co-lead counsel for the public entity purchaser class in this antitrust action arising from the price-fixing of commercial sanitary paper products.

PEARSON, SIMON & WARSHAW, LLP

- *Hart v. Central Sprinkler Corporation*, Los Angeles County Superior Court, Case No. BC176727. PSW attorneys served as class counsel in this consumer class action arising from the sale of nine million defective fire sprinkler heads. This case resulted in a nationwide class settlement valued at approximately \$37.5 million.
- *Rueda v. Schlumberger Resources Management Services, Inc.*, Los Angeles County Superior Court, Case No. BC235471. PSW attorneys served as class counsel with other law firms representing customers of the Los Angeles Department of Water & Power (“LADWP”) who had lead leaching water meters installed on their properties. The Court granted final approval of the settlement whereby defendant would pay \$1.5 million to a *cy pres* fund to benefit the Class and to make grants to LADWP to assist in implementing a replacement program to the effected water meters.
- *In re Louisiana-Pacific Corp. Inner-Seal OSB Trade Practices Litigation*, Northern District of California, MDL No. 1114. PSW partner Bruce L. Simon worked on this nationwide product defect class action brought under the Lanham Act. The proposed class was certified, and a class settlement was finally approved by Chief Judge Vaughn Walker.
- *In re iPod nano Cases*, Los Angeles County Superior Court, Judicial Counsel Coordination Proceeding No. 4469. PSW attorneys were appointed co-lead counsel for this class action brought on behalf of California consumers who own defective iPod nanos. The case resulted in a favorable settlement.
- *Unity Entertainment Corp. v. MP3.Com*, Central District of California, Case No. 00-11868. PSW attorneys served as defense counsel in this class action alleging copyright infringement.
- *Vallier v. Jet Propulsion Laboratory*, Central District of California, Case No. CV97-1171. PSW attorneys served as lead counsel in this toxic tort action involving 50 cancer victims and their families.
- *Nguyen v. First USA N.A.*, Los Angeles County Superior Court, Case No. BC222846. PSW attorneys served as class counsel on behalf of approximately four million First USA credit card holders whose information was sold to third party vendors without their consent. This case ultimately settled for an extremely valuable permanent injunction plus disgorgement of profits to worthy charities.
- *Morales v. Associates First Financial Capital Corporation*, San Francisco Superior Court, Judicial Council Coordination Proceeding No. 4197. PSW attorneys served as class counsel in this case arising from the wrongful sale of credit insurance in connection with personal and real estate-secured loans. This case resulted in an extraordinary \$240 million recovery for the Class.
- *In re AEFA Overtime Cases*, Los Angeles County Superior Court, Judicial Council Coordination Proceeding No. 4321. PSW attorneys served as class counsel in this overtime class action on behalf of American Express Financial Advisors, which resulted in an outstanding classwide settlement.

PEARSON, SIMON & WARSHAW, LLP

- *Khan v. Denny's Holdings, Inc.*, Los Angeles County Superior Court, Case No. BC177254. PSW attorneys settled a class action lawsuit against Denny's for non-payment of overtime wages to its managers and general managers.
- *Kosnik v. Carrows Restaurants, Inc.*, Los Angeles County Superior Court, Case No. BC219809. PSW attorneys settled a class action lawsuit against Carrows Restaurants for non-payment of overtime wages to its assistant managers and managers.
- *Castillo v. Pizza Hut, Inc.*, Los Angeles County Superior Court, Case No. BC318765. PSW attorneys served as lead class counsel in this California class action brought by delivery drivers who claimed they were not adequately compensated for use of their personally owned vehicles. This case resulted in a statewide class settlement.
- *Baker v. Charles Schwab & Co., Inc.*, Los Angeles County Superior Court, Case No. BC286131. PSW attorneys served as class counsel for investors who were charged a fee for transferring out assets between June 1, 2002 and May 31, 2003. This case resulted in a nationwide class settlement.
- *Eallonardo v. Metro-Goldwyn-Mayer, Inc.*, Los Angeles County Superior Court, Case No. BC286950. PSW attorneys served as class counsel on behalf a nationwide class of consumers who purchased DVDs manufactured by defendants. Plaintiffs alleged that defendants engaged in false and misleading advertising relating to the sale of its DVDs. This case resulted in a nationwide class settlement.
- *Gaeta v. Centinela Feed, Inc.*, Los Angeles County Superior Court, Case No. BC342524. PSW attorneys served as defense counsel in this class action involving alleged failures to pay wages, overtime, employee expenses, waiting time penalties, and failure to provide meal and rest periods and to furnish timely and accurate wage statements.
- *Leiber v. Consumer Empowerment Bv A/K/A Fasttrack*, Central District of California, Case No. CV 01-09923. PSW attorneys served as defense counsel in this class action involving copyrighted music that was made available through a computer file sharing service without the publishers' permission.
- *Higgs v. SUSA California, Inc.*, Los Angeles County Superior Court Case No. BC372745. PSW attorneys are serving as co-lead class counsel representing California consumers who entered into rental agreements for the use of self-storage facilities owned by defendants. In this certified class action, plaintiffs allege that defendants wrongfully denied access to the self-storage facility and/or charged excessive pre-foreclosure fees.
- *Fournier v. Lockheed Litigation*, Los Angeles County Superior Court. PSW attorneys served as counsel for 1,350 residents living at or near the Skunks-Works Facility in Burbank. The case resolved with a substantial confidential settlement for plaintiffs.
- *Nasseri v. CytoSport, Inc.*, Los Angeles County Superior Court, Case No. 439181. PSW attorneys served as class counsel on behalf of a nationwide class of consumers who purchased CytoSport's popular protein powders, ready to drink protein beverages, and

other “supplement” products. Plaintiffs alleged that these supplements contain excessive amounts of lead, cadmium and arsenic in amounts that exceed Proposition 65 and negate CytoSport’s health claims regarding the products. The case resulted in a nationwide class action settlement which provided monetary relief to the class members and required the reformulation of CytoSport supplement products.

ATTORNEY PROFILES

PARTNERS

CLIFFORD H. PEARSON

Clifford H. Pearson is a civil litigator and business lawyer focusing on complex litigation, class actions, and business law. In 2013 and 2016, Mr. Pearson was named by the *Daily Journal* as one of the Top 100 lawyers in California. He was instrumental in negotiating a landmark settlement totaling \$1.86 billion in *In re Credit Default Swaps Antitrust Litigation*, a case alleging a conspiracy among the world's largest banks to maintain opacity of the credit default swaps market. Mr. Pearson also negotiated settlements totaling \$208 million in *In re National Collegiate Athletic Association Athletic Grant-in-Aid Cap Antitrust Litigation*, an antitrust class action alleging that the NCAA and its member conferences violated the antitrust laws by restricting the value of grant-in-aid athletic scholarships and other benefits that college football and basketball players can receive, \$473 million in combined settlements in *In re TFT-LCD (Flat Panel) Antitrust Litigation*, an antitrust case in the Northern District of California that alleged a decade-long conspiracy to fix the prices of TFT-LCD panels, and over \$90 million in *In re Potash Antitrust Litigation*, an antitrust case in the Northern District of Illinois that alleged price fixing by Russian, Belarusian and North American producers of potash, a main ingredient used in fertilizer.

Before creating the firm in 2006, Mr. Pearson was a partner at one of the largest firms in the San Fernando Valley, where he worked for 22 years. There, he represented aggrieved individuals, investors and employees in a wide variety of contexts, including toxic torts, consumer protection and wage and hour cases. Over his 30-plus year career, Mr. Pearson has successfully negotiated substantial settlements on behalf of consumers, small businesses and companies. In recognition of his outstanding work on behalf of clients, Mr. Pearson has been regularly selected by his peers as a Super Lawyer (representing the top 5% of practicing lawyers in Southern California). He has also attained Martindale-Hubbell's highest rating (AV) for legal ability and ethical standards.

Mr. Pearson is an active member of the American Bar Association, Canadian Bar Association, Los Angeles County Bar Association, Consumer Attorneys of California, Consumer Attorneys Association of Los Angeles, Association of Business Trial Lawyers and a Practitioner of Foreign Law in British Columbia, Canada.

Current Cases:

- *In re Lithium Ion Batteries Antitrust Litigation* (N.D. Cal.)
- *In re National Collegiate Athletic Association Athletic Grant-in-Aid Cap Antitrust Litigation* (N.D. Cal.)
- *Tami Trepte v. Bionaire, Inc.* (Cal. Sup. Ct.)

Education:

- Whittier Law School, Los Angeles, California – J.D. – 1981
- University of Miami, Miami, Florida – M.B.A. – 1978

PEARSON, SIMON & WARSHAW, LLP

- Carleton University, Ontario, Canada – B.A. – 1976

Bar Admissions:

- California
- Ninth Circuit Court of Appeals
- U.S. District Court, Central District of California
- U.S. District Court, Eastern District of California
- U.S. District Court, Northern District of California
- U.S. District Court, Southern District of California

Professional Associations and Memberships:

- American Bar Association
- Association of Business Trial Lawyers
- Consumer Attorneys Association of Los Angeles
- Consumer Attorneys of California
- Los Angeles County Bar Association

BRUCE L. SIMON

Bruce L. Simon has led Pearson, Simon & Warshaw, LLP to national prominence. Mr. Simon specializes in complex cases involving antitrust, consumer fraud, and securities laws. He has served as lead counsel in many business cases with national and global impact.

In 2018, Mr. Simon was awarded “Antitrust Lawyer of the Year” by the California Lawyers Association. In 2013 and 2016, Mr. Simon was chosen by the *Daily Journal* as one of the Top 100 attorneys in California. In 2013, he received the California Lawyer of the Year award from *California Lawyer Magazine* and was selected as one of seven finalists for Consumer Attorney of the Year by Consumer Attorneys of California for his work in *In re TFT-LCD (Flat Panel) Antitrust Litigation*, MDL No. 1827 (N.D. Cal.). That year, Mr. Simon was included in the Top 100 of California’s “Super Lawyers” and has been named a “Super Lawyer” every year since 2003. He has attained Martindale-Hubbell’s highest rating (AV) for legal ability and ethical standards.

Mr. Simon was co-lead class counsel in *In re TFT-LCD (Flat Panel) Antitrust Litigation*, a case that lasted over five years and resulted in \$473 million recovered for the direct purchaser plaintiffs. Mr. Simon served as co-lead trial counsel and was instrumental in obtaining an \$87 million jury verdict (before trebling). He presented the opening argument and marshalled numerous witnesses during the six-week trial.

More recently, Mr. Simon was co-lead class counsel in *In re Credit Default Swaps Antitrust Litigation*, a case alleging a conspiracy among the world’s largest banks to maintain opacity of the credit default swaps market as a means of maintaining supracompetitive prices of bid/ask spreads. After three years of litigation and many months of intensive settlement negotiations, the parties in *CDS* reached a landmark settlement amounting to \$1.86 billion. It is one of the largest civil antitrust settlements in history.

PEARSON, SIMON & WARSHAW, LLP

Mr. Simon was also co-lead class counsel in *In re Potash Antitrust Litigation (II)*, MDL No. 1996 (N.D. Ill.), where he successfully argued an appeal of the district court's order denying the defendants' motions to dismiss to the United States Court of Appeals for the Seventh Circuit. Mr. Simon presented oral argument during an *en banc* hearing before the Court and achieved a unanimous 8-0 decision in his favor. The case resulted in \$90 million in settlements for the direct purchaser plaintiffs, and the Court's opinion is one of the most significant regarding the scope of international antitrust conspiracies.

Current Cases:

- *In re Keurig Green Mountain Single-Serving Coffee Antitrust Litigation* (S.D.N.Y.)
- *In re Lithium Ion Batteries Antitrust Litigation* (N.D. Cal.)
- *In re National Collegiate Athletic Association Athletic Grant-in-Aid Cap Antitrust Litigation* (N.D. Cal.)
- *Senne, et al. v. Office of the Commissioner of Baseball, et al.* (N.D. Cal.)

Reported Cases:

- *Minn-Chem, Inc. et al. v. Agrium Inc., et al.*, 683 F.3d 845 (7th Cir. 2012)

Education:

- University of California, Hastings College of the Law, San Francisco, California – J.D. – 1980
- University of California, Berkeley, California – A.B. – 1977

Bar Admissions:

- California
- Supreme Court of the United States
- Ninth Circuit Court of Appeals
- Seventh Circuit Court of Appeals
- U.S. District Court, Central District of California
- U.S. District Court, Eastern District of California
- U.S. District Court, Northern District of California
- U.S. District Court, Southern District of California

Recent Publications:

- Class Certification Procedure, Ch. V, ABA Antitrust Class Actions Handbook (3d ed.), (forthcoming)
- Reverse Engineering Your Antitrust Case: Plan for Trial Even Before You File Your Case, *Antitrust*, Vol. 28, No. 2, Spring 2014
- *The Ownership/Control Exception to Illinois Brick in Hi-Tech Component Cases: A Rule That Recognizes the Realities of Corporate Price Fixing*, ABA International Cartel Workshop February 2014
- *Matthew Bender Practice Guide: California Unfair Competition and Business Torts*, LexisNexis, with Justice Conrad L. Rushing and Judge Elia Weinbach (Updated 2013)

PEARSON, SIMON & WARSHAW, LLP

- *The Questionable Use of Rule 11 Motions to Limit Discovery and Eliminate Allegations in Civil Antitrust Complaints in the United States*, ABA International Cartel Workshop February 2012

Professional Associations and Memberships:

- California State Bar Antitrust and Unfair Competition Section, Advisor and Past Chair
- ABA Global Private Litigation Committee, Co-Chair
- ABA International Cartel Workshop, Steering Committee
- American Association for Justice, Business Torts Section, Past Chair
- Business Torts Section of the American Trial Lawyers Association, Past Chair
- Hastings College of the Law, Board of Directors (2003-2015), Past Chair (2009-2011)

DANIEL L. WARSHAW

Daniel L. Warshaw is a civil litigator and trial lawyer who focuses on complex litigation, class actions, and consumer protection. Mr. Warshaw has held a lead role in numerous state and federal class actions, and obtained significant recoveries for class members in many cases. These cases have included, among other things, antitrust violations, high-technology products, automotive parts and false and misleading advertising. Mr. Warshaw has also represented employees and employers in a variety of class actions, including wage and hour, misclassification and other Labor Code violations.

Mr. Warshaw played an integral role in *In re TFT-LCD (Flat Panel) Antitrust Litigation*, where he negotiated the ESI protocol and managed a document review process that featured nearly 8 million documents in multiple languages and 136 reviewers. He currently serves as interim co-lead counsel in a series of groundbreaking class actions involving the alleged underpayment of royalties to artists, producers and directors in the music and film industries. These cases have received significant attention in the press, and Mr. Warshaw has been profiled by the *Daily Journal* for his work in the digital download music cases. In recognition of his outstanding work, Mr. Warshaw has been selected by his peers as a Super Lawyer (representing the top 5% of practicing lawyers in Southern California) every year since 2005. He has also attained Martindale-Hubbell's highest rating (AV) for legal ability and ethical standards.

Mr. Warshaw has assisted in the preparation of two Rutter Group practice guides: *Federal Civil Trials & Evidence* and *Civil Claims and Defenses*. Since 2012, Mr. Warshaw has served as the Chair of the Plaintiffs' Class Action Forum sponsored by Cambridge International Forums, Inc. The purpose of the Forum is to facilitate a high-level exchange of ideas and in-depth dialogue on class action litigation.

Current Cases:

- *Senne, et al. v. Office of the Commissioner of Baseball, et al.* (N.D. Cal.)
- *In re KIND LLC "Healthy and All Natural" Litigation* (S.D.N.Y.)
- *In re Carrier IQ, Inc., Consumer Privacy Litigation* (N.D. Cal.)
- *Higgins v. Paramount Pictures Corp.* (and related cases) (LA Sup. Ct.)
- *In re German Auto Manufacturers Antitrust Litigation* (N.D. Cal.)
- *Greg Kihn, et al. v. Bill Graham Archives, LLC, et al.* (N.D. Cal.)

PEARSON, SIMON & WARSHAW, LLP

- *In re. Santa Fe Natural Tobacco Company Marketing, Sales Practices, and Products Liability Litigation* (D. N.M.)
- *Grace v. Apple, Inc.* (N.D. Cal.)
- *Trepte v. Bionaire, Inc.* (Cal. Sup. Ct.)

Education:

- Whittier Law School, Los Angeles, California – J.D. – 1996
- University of Southern California – B.A. – 1992

Bar Admissions:

- California
- Ninth Circuit Court of Appeals
- U.S. District Court, Central District of California
- U.S. District Court, Eastern District of California
- U.S. District Court, Northern District of California
- U.S. District Court, Southern District of California

Professional Associations and Memberships:

- American Bar Association
- Association of Business Trial Lawyers
- Consumer Attorneys Association of Los Angeles
- Consumer Attorneys of California
- Los Angeles County Bar Association, Executive Committee of the Litigation Section
- Plaintiffs' Class Action Forum, Chair

OF COUNSEL

NEIL SWARTZBERG

Neil Swartzberg, Of Counsel to Pearson, Simon & Warshaw, LLP, has significant litigation and counseling experience, with a track record of providing advice and representation to individuals and companies on a variety of technology, consumer and finance related matters. He has expertise in complex and commercial litigation, including in the intellectual property, consumer protection, antitrust, securities and class action context. Practicing in both federal and state courts, he has litigated price-fixing class actions, securities fraud suits and other consumer protection cases, as well as patent infringement, trade secret misappropriation and related intellectual property matters. Mr. Swartzberg also has experience negotiating licenses and similar agreements to resolve disputes in technology areas such the Internet, online banking, and telecommunications.

Mr. Swartzberg was a leading attorney in the Direct Purchaser Plaintiff class action *In re Static Random Access Memory (SRAM) Antitrust Litigation (N.D. Cal.)*. He was also actively involved in several other antitrust class actions, such as *In re International Air Transportation Surcharge Antitrust Litigation (N.D. Cal.)*, *Air Cargo Shipping Services Antitrust Litigation (E.D.N.Y.)*, *In re Cathode Ray Tube (CRT) Antitrust Litigation (N.D. Cal.)*, and *In re Optical Disk Drive (ODD) Antitrust Litigation (N.D. Cal.)*. He has represented patent owners and companies in infringement cases for patents covering video game controllers, Internet search functionality, secure mobile banking transactions, and telecommunications switches.

Current Cases:

- *In re Lithium Ion Batteries Antitrust Litigation (N.D. Cal.)*
- *In re Broiler Chicken Antitrust Litigation (N.D. Ill.)*
- *In re German Auto Manufacturers Antitrust Litigation (N.D. Cal.)*
- *In re: Santa Fe Natural Tobacco Company Marketing, Sales Practices, and Products Liability Litigation (D. N.M.)*

Education:

- University of California, Davis, School of Law, Davis, California – J.D. – 2001
- State University of New York, Buffalo, Buffalo, New York – M.A. – 1994
- Duke University, Durham, North Carolina – A.B. – 1991

Bar Admissions:

- California
- Ninth Circuit Court of Appeals
- Federal Circuit Court of Appeals
- U.S. District Court, Central District of California
- U.S. District Court, Eastern District of California
- U.S. District Court, Eastern District of Missouri
- U.S. District Court, Western District of Pennsylvania

Publications and Presentations:

PEARSON, SIMON & WARSHAW, LLP

- *The Hard Cell, Mobile banking and the Federal Circuit's "divided infringement" decisions*, Feb. 2013, Intellectual Property magazine, with Robert D. Becker.

Professional Associations and Memberships:

- American Bar Association

Languages:

- German (proficient)

ASSOCIATES

BOBBY POUYA

Bobby Pouya is a civil litigator and trial lawyer in the firm's Los Angeles office, focusing on complex litigation, class actions, and consumer protection. Mr. Pouya has been an attorney with Pearson, Simon & Warshaw since 2006, and has extensive experience in representing clients in a variety of contexts. He has served as a primary member of the litigation team in multiple cases that resulted in class certification or a classwide settlement, including cases that involved high-technology products, consumer safety and false and misleading advertising. Mr. Pouya's success has earned him recognition by his peers as a Super Lawyers Rising Star (representing the top 2.5% of lawyers in Southern California age 40 or younger or in practice for 10 years or less) every year since 2008.

Mr. Pouya has served as one of the attorneys representing direct purchaser plaintiffs in several MDL antitrust cases, including *In re Polyurethane Foam Antitrust Litigation* (N.D. Ohio) and *In re Fresh and Processed Potatoes Antitrust Litigation* (D. Idaho). Mr. Pouya is actively involved in the prosecution of *Senne, et al. v. Office of the Commissioner of Baseball, et al.* (N.D. Cal.), and works closely with lead counsel on all aspects of litigation strategy. Mr. Pouya earned his Juris Doctorate from Pepperdine University School of Law in 2006, where he received a certificate in dispute resolution from the prestigious Straus Institute for Dispute Resolution and participated on the interschool trial and mediation advocacy teams, the Dispute Resolution Law Journal and the Moot Court Board.

Current Cases:

- *Senne, et al. v. Office of the Commissioner of Baseball, et al.* (N.D. Cal.)
- *Higgins v. Paramount Pictures Corp.* (and related cases) (L.A. Sup. Ct.)
- *In re Broiler Chicken Antitrust Litigation* (N.D. Ill)
- *Greg Kihn, et al. v. Bill Graham Archives, LLC, et al.* (N.D. Cal.)

Education:

- Pepperdine University School of Law, Malibu, California – J.D. – 2006
- University of California, Santa Barbara, California – B.A., with honors – 2003

Recent Publications:

- *Should Offers Moot Claims?*, Daily Journal, Oct. 10, 2014
- *Central District Local Rules Hinder Class Certification*, Daily Journal, April 9, 2013

Bar Admissions:

- California
- Ninth Circuit Court of Appeals
- U.S. District Court, Central District of California
- U.S. District Court, Eastern District of California
- U.S. District Court, Northern District of California
- U.S. District Court, Southern District of California

Professional Associations and Memberships:

- Consumer Attorneys Association of Los Angeles
- Consumer Attorneys of California
- Los Angeles County Bar Association
- San Fernando Valley Bar Association

VERONICA W. GLAZE

Veronica W. Glaze is an associate in the firm’s Los Angeles office, focusing on antitrust, consumer, and business litigation. Ms. Glaze was a member of the trial team in *In re TFT-LCD (Flat Panel) Antitrust Litigation*, and was actively involved in representing the direct purchaser plaintiffs at all stages of the case. In 2013, Ms. Glaze was recognized by Consumer Attorneys of California as a finalist for its “Consumer Attorney of the Year” award for her work in the case. Ms. Glaze also worked on key aspects of the direct purchaser plaintiffs’ case in *In re Potash Antitrust Litigation (II)*, an MDL antitrust case that alleged price fixing by Russian, Belarusian and North American producers of potash. While at Pearson, Simon, & Warshaw, Ms. Glaze has become particularly adept at managing the electronic review of documents at all stages of litigation. She has also gained extensive experience managing the review of foreign language documents and resolving discovery issues concerning the use of translations throughout the litigation process.

Ms. Glaze matriculated at Pomona College in Claremont, California and received her Bachelor of Arts in English Literature, with minors in Black Studies and Politics. She earned her Juris Doctorate in 2008 from Pepperdine University School of Law. While in law school, Ms. Glaze was a member of Pepperdine’s Moot Court Board and worked as a research assistant to Professor Carol A. Chase. Ms. Glaze is also a former law clerk for the Legal Aid Foundation of Los Angeles.

Current Cases:

- *In re Lithium Ion Batteries Antitrust Litigation* (N.D. Cal.)
- *In re Broiler Chicken Antitrust Litigation* (N.D. Ill)
- *In re Keurig Green Mountain Single-Serve Coffee Antitrust Litigation* (N.D. Cal.)
- *In re Santa Fe Natural Tobacco Company Marketing, Sales Practices, and Products Liability Litigation* (D. N.M.)
- *Christina Grace v. Apple, Inc.* (N.D. Cal.)

Education:

- Pepperdine University School of Law, Malibu, California – J.D. – 2008
- Pomona College, Claremont, California – B.A. – 2004

Bar Admissions:

- California
- U.S. District Court, Northern District of California
- U.S. District Court, Central District of California

Professional Associations and Memberships:

PEARSON, SIMON & WARSHAW, LLP

- John M. Langston Bar Association, Board Member
- Black Women Lawyers Association of Los Angeles, Scholarship Committee Member
- Consumer Attorneys of California, Member
- Los Angeles County Bar Association, Member
- Consumer Attorneys Association of Los Angeles, Member
- San Fernando Valley Bar Association, Member

Honors and Awards:

- Consumer Attorneys of California's Consumer Attorney of the Year, award finalist, 2013
- John M. Langston Bar Association's President's Award, 2013

MICHAEL H. PEARSON

Michael H. Pearson is an associate in the firm's Los Angeles office, focusing on antitrust, personal injury, and business litigation. Mr. Pearson has represented clients in high-stakes personal injury, mass tort, and product liability cases.

Mr. Pearson received his Bachelor of Science degree from Tulane University in 2008, majoring in Finance with an Energy Specialization. He received his Juris Doctorate from Loyola Law School Los Angeles in 2011. Mr. Pearson is an active member in a number of legal organizations, including the American, Los Angeles County and San Fernando Valley Bar Associations, Consumer Attorneys of California, the Consumer Attorneys Association of Los Angeles and the Association of Business Trial Lawyers.

Current Cases:

- *Senne, et al. v. Office of the Commissioner of Baseball, et al.* (N.D. Cal.)
- *In re Broiler Chicken Antitrust Litigation* (N.D. Ill)
- *In re German Auto Manufacturers Antitrust Litigation* (N.D. Cal.)
- *Tami Trepte v. Bionaire, Inc.* (Cal. Sup. Ct.)

Education:

- Loyola Law School Los Angeles, Los Angeles, California – J.D. – 2011
- Tulane University, New Orleans, Louisiana – B.S., *magna cum laude* – 2008

Bar Admissions:

- California
- Ninth Circuit Court of Appeals
- U.S. District Court, Central District of California
- U.S. District Court, Eastern District of California
- U.S. District Court, Northern District of California
- U.S. District Court, Southern District of California

Professional Associations and Memberships:

- American Bar Association
- Association of Business Trial Lawyers
- Consumer Attorneys Association of Los Angeles

PEARSON, SIMON & WARSHAW, LLP

- Consumer Attorneys of California
- Los Angeles County Bar Association
- San Fernando Valley Bar Association

BENJAMIN E. SHIFTAN

Benjamin E. Shiftan is a litigator in the firm's San Francisco office. Since joining the firm in 2014, Mr. Shiftan has focused on complex class action litigation, including antitrust, product defect, and consumer protection cases.

Prior to joining the firm, Mr. Shiftan litigated complex bad faith insurance cases for a national law firm. Before that, Mr. Shiftan served as a law clerk to the Honorable Peter G. Sheridan, United States District Court for the District of New Jersey, and worked for a mid-sized firm in San Diego.

Mr. Shiftan graduated from the University of San Diego School of Law in 2009. While in law school, he served as Lead Articles Editor of the San Diego International Law Journal and competed as a National Team Member on the Moot Court Board. Mr. Shiftan won the school's Paul A. McLennon, Sr. Honors Moot Court Competition. At graduation, he was one of ten students inducted into the Order of the Barristers. Mr. Shiftan graduated from the University of Virginia in 2006.

Current Cases:

- *In re National Collegiate Athletic Association Athletic Grant-in-Aid Cap Antitrust Litigation* (N.D. Cal.)
- *Senne, et al. v. Office of the Commissioner of Baseball, et al.* (N.D. Cal.)
- *In re Keurig Green Mountain Single-Serve Coffee Antitrust Litigation* (N.D. Cal.)

Education:

- University of San Diego School of Law, San Diego, CA – J.D. – 2009
- University of Virginia, Charlottesville, VA – B.A. – 2006

Bar Admissions:

- California
- Ninth Circuit Court of Appeals
- U.S. District Court, Central District of California
- U.S. District Court, Eastern District of California
- U.S. District Court, Northern District of California
- U.S. District Court, Southern District of California

Professional Associations and Memberships:

- San Francisco County Bar Association

MATTHEW A. PEARSON

Matthew A. Pearson is an associate in the firm's Los Angeles office focusing on antitrust, consumer protection, copyright, and business litigation. Mr. Pearson has represented clients in a

PEARSON, SIMON & WARSHAW, LLP

variety of different matters and works closely with clients, co-counsel, and opposing counsel on all aspects of litigation.

Mr. Pearson received his Bachelor of Science degree from the University of Arizona in 2010, majoring in Business Management. He received his Juris Doctorate from Whittier Law School in 2013. Mr. Pearson is an active member in a number of legal organizations, including the American Bar Association, American Association for Justice, Association of Business Trial Lawyers, Consumer Attorneys Association of Los Angeles, Consumer Attorneys of California, and the Los Angeles County Bar Association.

Current Cases:

- *In re KIND LLC “Healthy and All Natural” Litigation* (S.D.N.Y.)
- *In re Keurig Green Mountain Single-Serving Coffee Antitrust Litigation* (S.D.N.Y.)
- *In re Lithium Ion Batteries Antitrust Litigation* (N.D. Cal.)
- *Greg Kihn, et al. v. Bill Graham Archives, LLC, et al.* (N.D. Cal.)
- *Grace v. Apple, Inc.* (N.D. Cal.)

Education:

- Whittier Law School, California – J.D. – 2013
- University of Arizona: Eller College of Management – B.S.– 2010

Bar Admissions:

- California
- Ninth Circuit Court of Appeals
- U.S. District Court, Central District of California
- U.S. District Court, Eastern District of California
- U.S. District Court, Northern District of California
- U.S. District Court, Southern District of California

Professional Associations and Memberships:

- American Bar Association
- American Association for Justice
- Association of Business Trial Lawyers
- Consumer Attorneys Association of Los Angeles
- Consumer Attorneys of California
- Los Angeles County Bar Association

ALEXANDER L. SIMON

Alexander L. Simon is a litigator in the firm’s San Francisco office. Since joining the firm as a law clerk in 2013 and an attorney in 2015, Mr. Simon has focused on complex class action litigation, including antitrust, product defect, and consumer protection cases.

Mr. Simon graduated from Loyola Law School in 2015. While in law school, he served as the Chief Production Editor of the *Loyola of Los Angeles Entertainment Law Review* from 2014-2015. His comment titled *With Great Power Comes Great Responsibility: Gary*

PEARSON, SIMON & WARSHAW, LLP

Friedrich's Battle with Marvel For Artist Rights was published by the law review that same year. In 2014, Mr. Simon also participated in Loyola Law School's Copyright Moot Court. Mr. Simon graduated from the University of California, Berkeley in 2009 where he was a member of Freshman Men's Crew during the 2005-2006 season. During his senior year of high school, he was the "two" seat of the Saint Ignatius College Preparatory Varsity 8 boat that won the US Rowing Youth Invitational National Championship.

Current Cases:

- *Senne, et al. v. Office of the Commissioner of Baseball, et al.* (N.D. Cal.)
- *In re Lithium Ion Batteries Antitrust Litigation* (N.D. Cal.)
- *Grace v. Apple, Inc.* (N.D. Cal.)

Education:

- Loyola Law School, Los Angeles, California – J.D. – 2015
- University of California, Berkeley, Berkeley, California – B.A. – 2009

Recent Publications:

- *With Great Power Comes Great Responsibility: Gary Friedrich's Battle with Marvel For Artist Rights*, 35 Loy. L.A. Ent. L. Rev. 211 (2015)

Bar Admissions:

- California
- U.S. District Court, Southern District of California
- U.S. District Court, Central District of California
- U.S. District Court, Northern District of California
- U.S. District Court, Eastern District of California

Professional Associations and Memberships:

- San Francisco County Bar Association
- California Young Lawyers Association

Community Service:

- Prime Time Mock Trial Coach at Ralph Waldo Emerson Middle School in Los Angeles (2014)
- Volunteer at the Theatre of Terror (2013) and Raymond Hill Mortuary (2014) Haunted Houses benefiting the South Pasadena Arts Council and South Pasadena Educational Foundation

MEREDITH C. DOYLE

Meredith C. Doyle is an associate in the firm's San Francisco office, focusing on antitrust, consumer, and business litigation.

Ms. Doyle earned her Bachelor of Arts degree, *cum laude*, from Claremont McKenna College in 2011, majoring in Government with a Leadership focus. She was a member of the varsity women's soccer team all four years, and contributed to two SCIAC League

Championship wins. She received her Juris Doctorate from Pepperdine Law School in 2014. In law school, Ms. Doyle served as an Executive Editor of Pepperdine's *Dispute Resolution Law Journal* from 2013 to 2014. The Journal published her article, *Circles of Trust: Using Restorative Justice to Repair Organizations Marred by Sex Abuse*, in 2014. Ms. Doyle was also co-chair of Pepperdine Law School's Honor Board from 2013 to 2014. Ms. Doyle is an active member in a number of legal organizations, including the American Bar Association, Los Angeles County Bar Association, and the Association of Business Trial Lawyers.

Current Cases:

- *Senne, et al. v. Office of the Commissioner of Baseball, et al.* (N.D. Cal.)
- *In re Lithium Ion Batteries Antitrust Litigation* (N.D. Cal.)

Education:

- Pepperdine University School of Law, Los Angeles, California – J.D. – 2014
- Claremont McKenna College, Claremont, California – B.A., *cum laude* – 2011

Bar Admissions:

- California
- U.S. District Court, Southern District of California (pending)
- U.S. District Court, Central District of California
- U.S. District Court, Northern District of California
- U.S. District Court, Eastern District of California (pending)

Professional Associations and Memberships:

- American Bar Association
- Association of Business Trial Lawyers
- Los Angeles County Bar Association
- San Francisco County Bar Association (forthcoming)

EXHIBIT D

1 Clifford H. Pearson (Bar No. 108523)
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3 Bobby Pouya (Bar No. 245527)
bpouya@pswlaw.com
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5 15165 Ventura Boulevard, Suite 400
Sherman Oaks, California 91403
6 Telephone: (818) 788-8300
Facsimile: (818) 788-8104
7 *not counsel in BC500040

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9 Douglas L. Johnson (Bar No. 209216)
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10 James T. Ryan (Bar No. 210515)
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14 Paul R. Kiesel (Bar No. 119854)
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16 Mariana Aroditis (Bar No. 2732250)
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17 **KIESEL LAW LLP**
8648 Wilshire Boulevard
18 Beverly Hills, California 9011-2910
Telephone: (310) 854-4444
19 Facsimile: (310) 854-0812

20 *Attorneys for Plaintiff and the Plaintiff Classes*

21 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
22 **COUNTY OF LOS ANGELES, CENTRAL CIVIL WEST**

24 COLIN HIGGINS PRODUCTIONS, LTD.,

25 Plaintiff,

26 vs.

27 UNIVERSAL CITY STUDIOS, LLC, and
28 DOES 1-100,

CASE NO. BC499180 (related to BC499179,
BC499181, BC499182, BC500040)

**NOTICE OF RULING ON PLAINTIFFS'
MOTION FOR ATTORNEYS' FEES,
COSTS AND INCENTIVE AWARDS**

CLASS ACTION

PEARSON, SIMON & WARSHAW, LLP
15165 VENTURA BOULEVARD, SUITE 400
SHERMAN OAKS, CALIFORNIA 91403

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Defendant.

AND RELATED CASES

Assigned to the Honorable Hon. Elihu M. Berle (Dept. CCW-323)
[Complaint Filed: January 16, 2013]

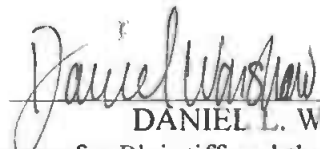
Trial Date: None

TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on December 28, 2015 the Court entered an Order granting Plaintiffs' Motion for Attorneys' Fees, Costs and Incentive Awards. A true and correct copy of the Order granting Plaintiffs' Motion for Attorneys' Fees, Costs and Incentive Awards is attached hereto as Exhibit "A."

DATED: December 29, 2015

PEARSON, SIMON & WARSHAW, LLP
CLIFFORD H. PEARSON
DANIEL L. WARSHAW
BOBBY POUYA
ALEXANDER R. SAFYAN

By: 
DANIEL L. WARSHAW
Attorneys for Plaintiff and the Plaintiff Classes

-and-

JOHNSON & JOHNSON LLP
Neville L. Johnson
Douglas L. Johnson
James T. Ryan

-and-

KIESEL LAW LLP
Paul R. Kiesel
Jeffrey A. Koncius
Mariana Aroditis

-and-

BOUCHER LLP
Raymond P. Boucher
Shehnaz M. Bhujwala
Maria L. Weitz
Attorneys for Plaintiff and the Plaintiff Classes

EXHIBIT A

CONFIRMED COPY
ORIGINAL FILED
Superior Court of California
County of Los Angeles
DEC 28 2015

Sherril R. Carter, Executive Officer/Clerk
By: B. Burns Tucker, Deputy

~~FILED~~
Superior Court of California
County of Los Angeles
DEC 28 2015
Sherril R. Carter, Executive Officer/Clerk
By: B. Burns Tucker, Deputy

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL CIVIL WEST

COLIN HIGGINS PRODUCTIONS, LTD.,

Plaintiff,

vs.

UNIVERSAL CITY STUDIOS, LLC, and
DOES 1-100,

Defendant.

CASE NO. BC499180 (related to BC499179,
BC499181, BC499182, BC500040, and
BC540146)

CLASS ACTION

~~[PROPOSED]~~ ORDER GRANTING
PLAINTIFFS' MOTION FOR
ATTORNEYS' FEES, COSTS AND
INCENTIVE AWARDS

Assigned to the Honorable Hon. Elihu M.
Berle (Dept. CCW-323)

[Complaint Filed: January 16, 2013]

1 This matter came on for review on December 11, 2015. The Court, having considered the
2 proposed Settlement Agreement; Plaintiffs' Motion for Attorneys' Fees, Costs and Incentive
3 Awards; the points and authorities and declarations in support thereof as well as the arguments of
4 counsel; and good cause appearing, HEREBY ORDERS THE FOLLOWING:

5 1. The Court, for purposes of this Order, adopts the terms and definitions set forth in
6 the Settlement Agreement, as modified herein.

7 2. The Court finds that Pearson, Simon & Warshaw, LLP, Johnson & Johnson LLP,
8 Kiesel Law LLP and Boucher LLP's ("Class Counsel") lodestar, based on their historical hourly
9 rates, is \$1,278,122.03. The Court finds that this amount is reasonable based upon the amount of
10 work performed by Class Counsel, In light of the novelty and difficulty of this action; Class
11 Counsel's skill and effort in dealing with the complex issues presented by this case; and the
12 substantial benefit obtained for the Class, the Court finds that Class Counsel is entitled to a
13 lodestar multiplier of 3.39 for an award of attorneys' fees in this case of \$4,333,333.33.

14 3. The Court also finds that Class Counsel have incurred \$19,893.20 in litigation costs
15 in connection with this litigation. These costs were reasonably incurred in the ordinary course of
16 prosecuting this case and necessary given the complex nature and scope of the case. The Court
17 finds that Class Counsel are entitled to be reimbursed for these costs.

18 4. The Court further approves an incentive award of \$10,000.00 to each of the class
19 representatives, Colin Higgins Productions, Ltd., Indigo, Inc. and Lynn Unger Children's Trust
20 (collectively, "Plaintiffs"). These incentive awards are justified by: (1) the risks Plaintiffs faced in
21 bringing this lawsuit, financial and otherwise; (2) the amount of time and effort spent on this case
22 by Plaintiffs; and (3) the benefits Plaintiffs helped obtain for the Class Members under the
23 Settlement Agreement,

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5. The attorneys' fees, costs and incentive awards set forth in this Order shall be paid and distributed in accordance with the terms of the Settlement Agreement.

IT IS SO ORDERED.

DATED: Dec 28, 2015

ELTHU M. BERLE

HONORABLE ELIHU M. BERLE
Judge of the Superior Court

PEARSON, SIMON & WARSHAW, LLP
15165 VENTURA BOULEVARD, SUITE 400
SHERMAN OAKS, CALIFORNIA 91403

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PROOF OF SERVICE

COLIN HIGGINS PRODUCTIONS, LTD. V. UNIVERSAL CITY STUDIOS, LLC.

Case No. BC499180

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of LOS ANGELES, STATE OF CALIFORNIA. My business address is 15165 Ventura Boulevard, Suite 400, Sherman Oaks, California 91403. I am over the age of eighteen years and am not a party to the within action;

On December 16, 2015, I served the following document(s) entitled **[PROPOSED] ORDER GRANTING PLAINTIFFS' MOTION FOR ATTORNEYS' FEES, COSTS AND INCENTIVE AWARDS** on ALL INTERESTED PARTIES in this action by the method(s) described below:

BY ELECTRONIC MAIL VIA CASE ANYWHERE: In accordance with the Court's ruling governing Los Angeles Superior Court Case No. BC499179 and related actions requiring all documents to be served upon interested parties via Case Anywhere Service system. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on December 16, 2015, at Sherman Oaks, California.



Melissa S. Williams

PEARSON, SIMON & WARSHAW, LLP
15165 VENTURA BOULEVARD, SUITE 400
SHERMAN OAKS, CALIFORNIA 91403

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PROOF OF SERVICE

COLIN HIGGINS PRODUCTIONS, LTD. V. UNIVERSAL CITY STUDIOS, LLC.

Case No. BC499180


STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of LOS ANGELES, STATE OF CALIFORNIA. My business address is 15165 Ventura Boulevard, Suite 400, Sherman Oaks, California 91403. I am over the age of eighteen years and am not a party to the within action;

On December 29, 2015, I served the following document(s) entitled **NOTICE OF RULING ON PLAINTIFFS' MOTION FOR ATTORNEYS' FEES, COSTS AND INCENTIVE AWARDS** on ALL INTERESTED PARTIES in this action by the method(s) described below:

BY ELECTRONIC MAIL VIA CASE ANYWHERE: In accordance with the Court's ruling governing Los Angeles Superior Court Case No. BC499179 and related actions requiring all documents to be served upon interested parties via Case Anywhere Service system. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on December 29, 2015, at Sherman Oaks, California.


Melissa S. Williams