

# **EXHIBIT 10**

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

In re: NEXIUM (ESOMEPRAZOLE)  
ANTITRUST LITIGATION

MDL No. 2409

Civil Action No. 1:12-md-02409-WGY

This Document Relates To:

All Actions

**DECLARATION OF ANDREW W. KELLY IN SUPPORT OF  
PLAINTIFFS' MOTION FOR REIMBURSEMENT OF EXPENSES AND  
CREATION OF A FUND FOR FUTURE LITIGATION EXPENSES**

I, Andrew W. Kelly, declare as follows:

1. I am a partner at the law firm of Odom & Des Roches, LLP. I submit this Declaration in support of Plaintiffs' Motion for Reimbursement of Expenses in connection with services rendered in prosecuting this action through trial.

2. My firm has acted as counsel to the Direct Class Plaintiffs in this litigation.

During the course of this litigation, my firm has been involved in the following activities:

- Pre-filing research
- Legal research
- Motion practice, including oppositions to: a) motions for summary judgment; b) *Daubert* motions; and c) motion for directed verdict
- Discovery, including: a) negotiations over and review of documents; and b) preparation for and taking of three fact depositions
- Working with experts, including supporting the preparation of multiple reports by three experts and preparing the defense of two expert depositions
- Preparing for trial
- Trial, including, but not limited to preparing for the examination of multiple fact and expert witnesses

3. The total number of hours expended by my firm from inception of the litigation through November 24, 2014, the date on which the settlement with Teva was agreed to in

principal, is 8611.50 hours, which includes 6743.25 attorney hours and 1868.25 hours spent by paralegals.

4. This firm has incurred a total of \$289,007.78 in non-reimbursed expenses in connection with the prosecution of this litigation through the end of trial, including return travel from trial. These expenses are summarized as follows:

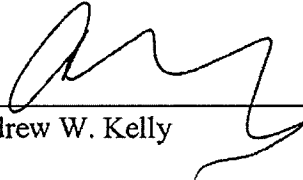
<b>EXPENSE</b>	<b>AMOUNT</b>
Litigation Fund Contribution(s)	\$220,000.00
Travel/Hotel/Meals	\$54,645.43
Copying Services	\$13,948.50
Research Services	\$72.20
Telephone/Teleconference/Fax	\$0.00
FedEx/Messengers/Postage	\$341.65
Court Fees	\$0.00
Other (describe)	\$0.00
<b>TOTAL</b>	<b>\$289,007.78</b>

5. The expenses incurred in this action are reflected on my firm's books and records, which are maintained in the ordinary course of business and prepared from invoices, receipts, credit card bills, cancelled checks and wire transfer notices, expense vouchers, check records, and other source materials, and they represent an accurate recordation of the expenses incurred.

6. This firm's practice emphasizes antitrust class actions and this firm has substantial experience in pharmaceutical antitrust class action cases. A firm biography and the biography of each attorney currently employed with the firm who has worked on this case is available upon request or on Odom & Des Roches, LLP's website. See [www.odrlaw.com](http://www.odrlaw.com).

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge, information, and belief.

Odom & Des Roches, LLP

  
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Andrew W. Kelly

Dated: 9/8, 2015