

EXHIBIT 15-C

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

In re: NEXIUM (ESOMEPRAZOLE)
ANTITRUST LITIGATION

MDL No. 2409

C.A. No. 1:12-md-02409-WGY

This Document Relates To:

ALL DIRECT PURCHASER ACTIONS

**DECLARATION OF PETER KOHN IN SUPPORT OF
DIRECT PURCHASER PLAINTIFFS' MOTION FOR SERVICE AWARDS**

Peter Kohn, being sworn, declares as follows:

1. I am a partner at the law firm of Faruqi & Faruqi, LLP. I was specially admitted to practice before the bar of this Court in this case *pro hac vice* in light of its transfer via 28 U.S.C. § 1407. I submit this declaration in support of Direct Purchaser Plaintiffs' Motion for Issuance of Service Awards and, in particular, the issuance of an award to direct purchaser class representative Rochester Drug Co-Operative, Inc. ("RDC").

2. My firm is counsel to RDC in this action, together with Berger & Montague, P.C. RDC is a full-line drug wholesaler and a direct purchaser of Nexium. RDC's principal operations are located in Rochester, New York and now also in Fairfield, New Jersey. It is currently the seventh-largest drug wholesaler in the nation.

3. In the course of this action, RDC devoted extensive time, effort, and resources to fulfilling its duties as a named plaintiff and class representative.

4. RDC filed its complaint on August 27, 2012 in the Eastern District of Pennsylvania, and pursued the case as a class representative through trial.

5. In the course of discovery in this case, RDC searched for, retrieved, and produced documents and data responsive to defendants' Rule 34 requests, ultimately producing close to

32,000 pages of documents and over 200,000 lines of electronic transaction data. This effort consumed many hours over the course of several months and during that time diverted the attention of RDC's information technology professionals from RDC's day-to-day business activities.

6. In addition, the CEO of RDC, Laurence F. Doud, III, appeared for a full-day deposition and was examined by counsel for defendants. Because the deposition was noticed pursuant to Rule 30(b)(6), Mr. Doud was required to invest substantial time preparing for the deposition, which diverted his attention from RDC's operations.

7. Although ultimately not called as a witness at trial, Mr. Doud made travel plans to appear and give testimony before the jury, and invested time in preparation to give that testimony, both in advance of the original trial date and again in advance of the continued date.

8. Throughout the litigation, RDC, including in particular Mr. Doud, monitored case developments through receipt of regular reports of counsel, special reports as needed, and key pleadings and decisions of the Court, to discharge its duty to the absent class members whom it represented.

9. Accordingly, the service awards requested to be issued to RDC and all direct purchaser class representatives is reasonable and well-deserved.

10. I declare under penalty of perjury that the foregoing is true and correct. Executed on September 14, 2015.



PETER KOHN