

# **EXHIBIT 6**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

*In re K-Dur Antitrust Litigation*

This document relates to:

All Direct Purchaser Class Actions

Civil Action No. 01-cv-1652(SRC)(CLW)  
MDL Docket No. 1419

**DECLARATION OF DAVID P. SMITH AND SUSAN SEGURA ON BEHALF OF  
SMITH SEGURA & RAPHAEL, LLP IN SUPPORT OF CLASS COUNSEL’S MOTION  
FOR AN AWARD OF ATTORNEYS’ FEES, REIMBURSEMENT OF EXPENSES AND  
INCENTIVE AWARDS TO CLASS REPRESENTATIVES**

We, David P. Smith and Susan Segura, under penalty of perjury under the laws of the United States of America, declare as follows:

1. David P. Smith, Attorney at Law, LLC, appearing herein through its duly-authorized sole member, David P. Smith, and Susan Segura are partners of the law firm Smith Segura & Raphael, LLP. We submit this declaration in support of Class Counsel’s motion for attorneys’ fees and reimbursement of expenses in connection with services rendered by Smith Segura & Raphael, LLP in the above-captioned litigation. A copy of our firm’s resume is attached hereto as Exhibit 1. The factual matters set forth and the assertions made herein are true and correct to the best of our knowledge, information and belief.

2. Smith Segura & Raphael, LLP has been significantly involved in this litigation from its inception to the present day. At the commencement of the litigation in 2001, our firm negotiated and consummated an engagement agreement with longstanding client Louisiana Wholesale Drug Company, Inc. (“LWD”); and we have regularly communicated with the

principals of LWD throughout the litigation to keep them informed of all developments. The firm's extensive involvement in the development and prosecution of the Direct Purchasers' claims in the case included performing investigation and factual research regarding potential claims; investing extensive attorney and paralegal resources reviewing, analyzing, and coding defendant document productions (including establishing the database and preparing the documents for review); conducting targeted searches of defendant document productions; drafting initial disclosures and coordinating production of purchase data by LWD in conjunction with initial disclosures; drafting responses by LWD to defendants' discovery requests; managing and coordinating discovery and document production by LWD, including the manual collection and review of thousands of pages of hard copy business records maintained by LWD; scheduling, preparing for (including preparing the designated witness), and defending the 30(b)(6) deposition of LWD; participating in numerous conference calls and frequently corresponding with co-counsel regarding case management, litigation strategies, and all aspects of the litigation; performing legal research; reviewing and summarizing dozens of transcripts from the FTC proceeding and depositions in the present case; preparing for and participating in several mediation sessions; coordinating with LWD representative(s) for attendance and participation at mediation sessions; reviewing, analyzing, and designating the depositions of defendant fact witnesses in preparation for trial; conducting extensive research to locate fact witnesses to be subpoenaed for trial; and participating in and conferring with class representative LWD in connection with settlement negotiations.

3. All attorneys and paralegals at our firm were instructed to keep contemporaneous time records reflecting their time spent on this case.

4. As detailed in the schedule below, the amount of time expended by our firm's attorneys and paralegals from the inception of the litigation through the date on which the settlement with Defendants was agreed to in principal, is 5,798.50 hours. Our firm expended an additional 1.30 attorney hours reviewing and finalizing the settlement documents. Thus, the total hours expended by our firm in this litigation is 5,799.80 hours, which includes 3,254.00 attorney hours and 2,545.80 hours spent by paralegals.

5. The schedule was prepared from contemporaneous, daily time records regularly prepared and maintained by our firm. Time expended in preparing this application for fees and reimbursement of expenses has not been included in this request.

<b>Name</b>	<b>Status</b>	<b>Total Hours</b>	<b>Current Hourly Rate</b>	<b>Total Lodestar</b>
David P. Smith, LLC	P	990.10	\$750.00	\$742,575.00
David C. Raphael, Jr.	P	264.80	\$605.00	\$160,204.00
Susan C. Segura	P	90.90	\$600.00	\$54,540.00
Brian D. Brooks	P	806.30	\$565.00	\$455,559.50
Erin R. Leger	P	167.20	\$525.00	\$87,780.00
Mittie J. Bolton	A	160.00	\$425.00	\$68,000.00
Nancy Blackwell	PL	50.70	\$155.00	\$7,858.50
Donna Thompson	PL	35.00	\$135.00	\$4,725.00
David Cannon	PL	.30	\$135.00	\$40.50
Ross Foote	P*	252.00	\$600.00	\$151,200.00
Betty Owens	CA*	22.80	\$475.00	\$10,830.00
Adair Williams	A*	3.50	\$350.00	\$1,225.00

Mayme Holt Brown	A*	325.50	\$350.00	\$113,925.00
Kerry W. Cockrell	A*	3.60	\$350.00	\$1,260.00
Elisa Tubbs	A*	11.00	\$350.00	\$3,850.00
Jason Harrington	CA*	8.30	\$350.00	\$2,905.00
Jerry Honigman	CA*	148.00	\$300.00	\$44,400.00
Mark Windham	PL*	421.70	\$200.00	\$84,340.00
Jessica Chiasson	PL*	326.10	\$185.00	\$60,328.50
Allison Kramer	PL*	81.50	\$125.00	\$10,187.50
Christine Evans	PL*	24.50	\$135.00	\$3,307.50
Carolee Neal	PL*	18.90	\$150.00	\$2,835.00
Margaret Long	PL*	36.40	\$135.00	\$4,914.00
Pamela Davis	PL*	251.50	\$135.00	\$33,952.50
Aruna Patel	PL*	27.90	\$165.00	\$4,603.50
James A. Sams	CPL*	.50	\$135.00	\$67.50
Martha Braun	CPL*	42.00	\$165.00	\$6,930.00
Karen Woodard	PL*	1.30	\$135.00	\$175.50
Randall Thiels	PL*	218.10	\$135.00	\$2,9443.50
Contract Paralegals	CPL	1,009.40	\$135.00	\$136,269.00
<b>TOTALS</b>		<b>5,799.80</b>		<b>\$2,288,231.50</b>


\* Denotes former employees and/or former Partner.

6. Our firm has also incurred a total of \$371,884.64 in unreimbursed expenses in connection with the prosecution of the litigation. These expenses were reasonably and necessarily incurred in connection with this litigation and include:

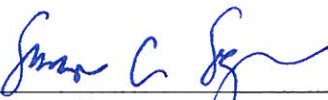
EXPENSES	AMOUNT
Litigation Fund Assessments	\$283,120.00
Photocopies	\$34,843.71
Postage / Courier Services	\$2,588.04
Travel Expenses	\$39,414.87
Long Distance Telephone/Facsimile	\$7,199.99
Computer Research (at costs)	\$1,264.06
Filing Fees or Other Court Costs	\$382.60
Other	\$71.37
<b>TOTAL EXPENSES</b>	<b>\$371,884.64</b>

7. The expenses incurred in this action are also reflected on the books and records of our firm. These books and records are prepared from expense vouchers, receipts and other source material and accurately record the expenses incurred.

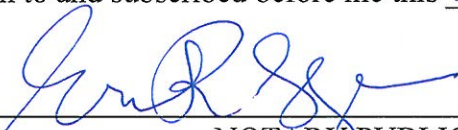
Dated: June 21, 2017

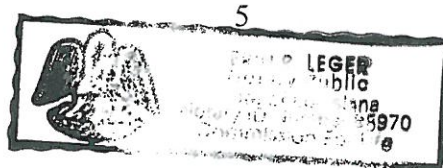
  
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**David P. Smith, Sole Member**  
 David P. Smith, Attorney at Law, LLC

Dated: June 21, 2017

  
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**Susan Segura**

Sworn to and subscribed before me this 21 day of June, 2017.

  
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 NOTARY PUBLIC



# SMITH SEGURA & RAPHAEL, LLP

A LAW FIRM INCLUDING A LIMITED LIABILITY COMPANY

DAVID P. SMITH, LLC\*  
SUSAN C. SEGURA  
DAVID C. RAPHAEL, JR.  
BRIAN D. BROOKS†  
ERIN R. LEGER  
MITTIE J. BOLTON‡  
MICHAEL MARTIN

POST OFFICE BOX 1632  
ALEXANDRIA, LOUISIANA 71309-1632

3600 JACKSON STREET, SUITE 111  
ALEXANDRIA, LOUISIANA 71303-3000

\*Also Admitted in Tennessee  
†Also Admitted in New York  
‡Also Admitted in Georgia

TELEPHONE: 318-445-4480  
FACSIMILE: 318-487-1741

## FIRM RESUME

June 2017

Smith Segura & Raphael, LLP, is a law firm headquartered in Alexandria, Louisiana. The firm's principal area of practice is class action antitrust litigation. The clients of the firm include local businesses, national and international companies, and private individuals.

The firm's attorneys have been extensively involved in numerous complex multi-party lawsuits, including *In Re: Brand Name Prescription Drugs Antitrust Litigation*, MDL 996 (N.D. Ill.); complex and diverse class actions such as *Northwest Airlines, Inc., et al., Antitrust Litigation* (S.D. Mich.); *Cardizem Antitrust Litigation*, MDL 1278 (S.D. Mich.); *Hytrin Antitrust Litigation*, MDL 1317 (S.D. Fla.); *Cipro Antitrust Litigation*, MDL 1382 (E.D.N.Y.); *Bupirone Antitrust Litigation*, MDL 1410 (D.D.C.); *K-Dur Antitrust Litigation*, MDL 1419 (D.N.J.); *In Re: Relafen Antitrust Litigation*, 01-cv-12239 (D. Mass.); *Neurontin Antitrust Litigation*, MDL 1479 (D.N.J.); *Remeron Antitrust Litigation*, 03-cv-0085 (D.N.J.); *Independent Drug Co. v. Biovail Corporation, et al (Adalat CC Antitrust Litigation)* (D.D.C.); *In re: OxyContin Antitrust Litigation*, MDL 04-md-1603 (S.D. N.Y.); *Louisiana Wholesale Drug Company, Inc, et a. v. Biovail Corporation et al (Tiazac Antitrust Litigation)* (D.D.C.); *Louisiana Wholesale Drug Company, Inc. v. Abbott Laboratories, et al (TriCor Antitrust Litigation)*, 05-cv-340 (D. Del.); *In re: Hypodermic Products Antitrust Litigation*, MDL No. 1730 (D.N.J.); *Louisiana Wholesale Drug Company, Inc. v. Ferring B.V., et al (DDAVP Antitrust Litigation)* (S.D.N.Y.); *Natchitoches Parish Hospital Service District v. Tyco International, LTD, et al (Pulse Oximeter Antitrust Litigation)* (C.D. Cal.); *Natchitoches Parish Hospital Service District v. Tyco International, LTD, et al (Sharps Containers Antitrust Litigation)*, 05-cv-12024 (D. Mass.); *Louisiana Wholesale Drug Company, Inc. v. Warner Chilcott Limited Company, et al (Ovcon 35 Antitrust Litigation)* (D.D.C.); *King Drug Company of Florence, Inc. v. Cephalon, Inc., et al (Modafinil Antitrust Litigation)*, 06-cv-1797 (E.D. Pa.); *William Rosenstein & Sons, et al v. Eastern Mushroom Marketing Cooperative, Inc., et al (Mushrooms Antitrust Litigation)*, 06-cv-620 (E.D. Pa.); *Texas Grain Storage, Inc., et al v. Monsanto Company*, 07-cv-0673 (W.D. Tex.); *In re: Nexium Antitrust Litigation*, MDL 12-md-2409 (D.Mass.); *Rochester Drug Co-Operative, Inc., et al v. Braintree Laboratories, Inc. (Miralax Antitrust Litigation)* (D. Del.); *Delaware Valley Surgical Supply Co., Inc., et al v. Ethicon, Inc. et al (Endosurgical Antitrust Litigation)*, 05-cv-8809 (C.D. Cal.); *Louisiana Wholesale Drug Co., Inc. v. Sanofi Aventis, et al (Arava Antitrust Litigation)* (S.D.N.Y.); *Meijer, Inc., et al v. Abbott Laboratories, et al (Norvir Antitrust Litigation)*, 07-cv-5985 (N.D. Cal.); *Dik Drug Co., et al v. Altana Pharma Ag, et al (Protonix Antitrust Litigation)* (D.N.J.); *Meijer, Inc., et al v. Unimed Pharmaceuticals, Inc. et al (Androgel Antitrust Litigation)* (N.D. Ga.); *In re: Prograf Antitrust Litigation*, 11-cv-2242 (D. Mass.); *Burlington Drug Company, Inc., et al v. Pfizer, Inc., et al (In re Lipitor Antitrust Litigation)*, 12-cv-2389 (D.N.J.); *Louisiana Wholesale Drug Company, Inc., et al v. SmithKline Beecham, et al (Lamictal Antitrust Litigation)*, 12-cv-0995 (D.N.J.); *Louisiana Wholesale Drug Company, Inc. v. Shire LLC, and Shire U.S., Inc. (Adderall XR Antitrust Litigation)*, 12-cv-3711 (S.D.N.Y.); *In re: Niaspan Antitrust Litigation*, MDL 13-md-2460 (E.D. Pa.); *In re: Suboxone Antitrust Litigation*, MDL 13-md-2445 (E.D.

Pa.); *In re: Aggrenox Antitrust Litigation*, MDL 14-md-2516 (D.Conn.); *In re: Lidoderm Antitrust Litigation*, MDL 14-md-2521 (N.D. Ca.); *In re: In re: Opana ER Antitrust Litigation*, MDL-2580 (N.D. IL); *In re Namenda Antitrust Litigation*, 15-cv-7488 (S.D.N.Y.); and *In re Asacol Antitrust Litigation*, 1:15-cv-12730 (D. Mass.).

## PARTNERS OF THE FIRM

**DAVID P. SMITH, LLC**, born in Lecompte, Louisiana; admitted to bar, 1968, Tennessee; 1971, Louisiana; U.S. Court of Military Appeals and U.S. Tax Court; 1974, U.S. Supreme Court. Education: Louisiana State University and A. and M. College (B.A., 1964); University of Tennessee at Knoxville (J.D., 1967). Capt., JAGC, USMCR, 1968-1971. Tax Attorney, Office of the Chief Counsel, Internal Revenue Service, 1971-1976. Member: Louisiana State and American Bar Associations. Committees: Louisiana Bar Association Committees, including service on the Multi-Jurisdictional Practice Committee. Areas of Practice: Diverse state and federal litigation, including complex multi-party litigation, as well as commercial and business torts.

E-mail: [dsmith@ssrllp.com](mailto:dsmith@ssrllp.com)

**SUSAN C. SEGURA**, born in Loreauville, Louisiana; admitted to bar, 1993, Louisiana; also admitted to practice before U.S. Court of Appeals Fifth Circuit, U.S. District Court, Eastern and Western Districts of Louisiana. Education: University of Southwestern Louisiana (B.S., Suma Cum laude, 1987), Louisiana State University (J.D., 1993). Member: Alexandria, Louisiana State and American Bar Associations; Louisiana Association of Defense Counsel. Areas of Practice: Diverse state and federal litigation, including complex multi-party and/or class action litigation and commercial litigation.

E-mail: [ssegura@ssrllp.com](mailto:ssegura@ssrllp.com)

**DAVID C. RAPHAEL, JR.**, born in New Orleans, Louisiana; admitted to bar, 1994, Louisiana; also admitted to practice U.S. Supreme Court, U.S. Court of Appeals Third Circuit, U.S. Court of Appeals Fifth Circuit, U.S. Court of Appeals Federal Circuit, U.S. District Court, Eastern, Middle and Western Districts of Louisiana. Education: Louisiana State University (B.S., 1989, J.D., 1993). Member: Louisiana State and American Bar Associations. Areas of Practice: Diverse state and federal litigation, including complex multi-party and/or class action litigation, as well as business transactions; commercial and business torts; successions and estate planning.

E-mail: [draphael@ssrllp.com](mailto:draphael@ssrllp.com)

**BRIAN D. BROOKS**, born in Houston, Texas; admitted to bar, 2003 (Louisiana), 2006 (New York); also admitted to practice in the U.S. District Court for the Southern District of New York. Education: Northwestern State University (B.A., 1998); Washington and Lee University School of Law (J.D., 2002). Member: Louisiana, New York, and American Bar Associations. Areas of Practice: Diverse state and federal litigation, including complex multi-party litigation, as well as commercial and business torts.

E-mail: [bbrooks@ssrllp.com](mailto:bbrooks@ssrllp.com)

**ERIN R. LEGER**, born in Lake Charles, Louisiana; admitted to bar, 2006, Louisiana. Education: Louisiana State University (B.S., 2003; J.D., 2006). Admitted to practice in the U.S. District Court for the Western District of Louisiana. Member: Louisiana and American Bar Associations. Areas of Practice: Diverse state and federal litigation, including complex multi-party litigation and/or complex and diverse class actions, as well as commercial and business torts.

E-mail: [eleger@ssrllp.com](mailto:eleger@ssrllp.com)



## ASSOCIATES OF THE FIRM

**MITTIE J. BOLTON**, born in Alexandria, Louisiana; admitted to bar, 2008, Georgia; 2009, Louisiana. Education: University of North Carolina at Chapel Hill (B.A., 1998); University of Texas at Austin School of Law (J.D., 2007). Clerked for the Honorable Tom Stagg of the Western District of Louisiana, 2007-2008. Member: Louisiana State Bar Association and the State Bar of Georgia. Areas of Practice: Diverse state and federal litigation, including complex multi-party litigation, as well as insurance coverage issues.  
E-mail: [mbolton@ssrllp.com](mailto:mbolton@ssrllp.com)

**MICHAEL MARTIN**, born in Charleston, West Virginia; admitted to bar, 2012, Louisiana. Education: Marymount University (B.A., 2000); Tulane University Law School (J.D., 2012). Member: Louisiana State Bar Association. Areas of Practice: Diverse state and federal litigation, including complex multi-party litigation, with experience in state, local, and federal legislation and regulatory matters.  
E-mail: [mmartin@ssrllp.com](mailto:mmartin@ssrllp.com)

## LEGAL ASSISTANTS OF THE FIRM

**NANCY A. BLACKWELL**, born in Taipei, Taiwan. Education: Delta Business College, Louisiana State University at Alexandria. Experience: Over 20 years experience in all areas of law with a present emphasis in complex commercial litigation and class action antitrust litigation.  
E-mail: [nblackwell@ssrllp.com](mailto:nblackwell@ssrllp.com)

**DONNA G. THOMPSON**, born in Alexandria, Louisiana. Education: Delta Business College (Certificate in Legal Secretary studies). Legal experience includes areas of complex commercial litigation and class action antitrust litigation.  
E-mail: [dthompson@ssrllp.com](mailto:dthompson@ssrllp.com)