

EXHIBIT

23

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*Liaison Counsel for the
Direct Purchaser Class Plaintiffs*

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW JERSEY

IN RE NEURONTIN ANTITRUST
LITIGATION

MDL Docket No. 1479
Master Civil Action No. 02-1390
(FSH)

THIS FILING RELATES TO:
DIRECT PURCHASER CLASS CASES

Civil Action Nos.
02-1830 (FSH)
02-2731 (FSH)

**DECLARATION OF DAVID P. SMITH AND DAVID C. RAPHAEL, JR.,
ON BEHALF OF
SMITH SEGURA & RAPHAEL, LLP IN SUPPORT OF DIRECT
PURCHASER CLASS
PLAINTIFFS' APPLICATION FOR AN AWARD OF ATTORNEYS'
FEEES AND REIMBURSEMENT OF EXPENSES**

We, David P. Smith and David C. Raphael, Jr., declare as follows:

1. David P. Smith's professional law corporation and David C. Raphael, personally, are partners in the law firm of Smith Segura & Raphael, LLP. We submit this Declaration in support of Direct Purchaser Class Plaintiffs' ("Class

Plaintiffs”) application for an award of attorneys’ fees and reimbursement of expenses in connection with services rendered in prosecuting this action.

2. Louisiana Wholesale Drug Company, Inc. (“LWD”) is our long-standing client. Smith Segura & Raphael, LLP, has acted as liaison for LWD and constantly communicated with LWD to keep it fully informed of all developments and aspects throughout this twelve-year litigation. Smith Segura & Raphael, LLP has additionally been significantly involved in all aspects of the litigation, from inception to present day. Among other things, Smith Segura & Raphael, LLP drafted and entered into the engagement agreement with LWD for the commencement of this action; conducted conferences with Gayle R. White, President and General Manager of LWD in early 2002, leading to the development of this case; collaborated with Steve Schwartz, Garwin, Bronzaft and others to develop this case; performed investigations and factual research leading to the filing of the complaint; performed research regarding relevant patents; performed research regarding relevant FDA documents, including abusive Orange Book listings with the FDA; assisted in the drafting of the complaint; drafted the initial disclosures for LWD; drafted responses by LWD and the Meijer plaintiffs to defendants’ First Set of Interrogatories and Requests for Production of Documents; participated in numerous conference calls with co-counsel regarding case management, litigation strategies, and all aspects of the litigation; reviewed, coded,

and indexed documents in the electronic litigation management database; led the but-for generic entry team; participated in numerous regular conference calls with co-counsel regarding deposition scheduling and coverage during the final five months of fact discovery; reviewed and analyzed documents regarding regulatory, litigation and manufacturing issues pertaining to generic challengers Apotex, Purepac, Ivax, Teva, Eon and Watson; created regulatory and litigation timelines for generic challengers Apotex, Ivax, Teva, Eon and Watson; negotiated and arranged with U.S. and Canadian counsel for Apotex for 30(b)(6) deposition in Toronto; scheduled, prepared for, and deposed the following fact witnesses on generic entry issues: Pat Jaworski (Ivax), Joseph Carrado (Eon), Uri Hillel (Teva), Jeff Bauer (Eon), Douglas Boothe (Purepac), Gordon Fahner (Apotex), Linda O'Connor (Ivax), George Svokos (Plantex), Edward Schwartz (Teva), Mechael Pesachovich (Teva API), Sarah Isaacs (Teva Tech); assisted in preparation for and attended the deposition of Mark Babcock on generic entry issues; worked extensively with opt-out counsel on various potential generic entry scenarios; formulated primary generic entry theory involving Apotex court decision trigger and December 2002 entry with generic gabapentin capsules; worked extensively with opt-out counsel on privilege log objections and review of documents obtained as a result of those objections; assisted in the preparation for and attended the deposition of Simon Davidson on global API supply issues; reviewed and

summarized dozens of depositions in the present case, the related patent infringement case, and/or the Franklin whistleblower case re: generic entry, authorized generic launch, and API supply issues; prepared/developed the causation evidence outline on generic entry, authorized generic launch, and API supply issues; engaged and coordinated discussions with potential causation expert, Cheryl Blume; compiled and delivered information to Cheryl Blume for review and analysis; drafted initial outlines for Cheryl Blume report; participated in strategy decisions regarding ultimate use of Cheryl Blume as expert witness; engaged and coordinated discussions with potential rebuttal causation expert, Martha Bennett; prepared initial drafts of Martha Bennett reply report on causation issues; assisted with the drafting of the reports of plaintiffs' damages expert, Gary French; prepared Gary French for deposition and defended French deposition with co-counsel, Eric Cramer; prepared for and deposed Pfizer witness Avanish Mishra on off-label marketing issues; assisted with the preparation for and attended the depositions of the following Pfizer off-label marketing witnesses: James Gibney, Chris Gaenzle, Rady Johnson (deposed twice); prepared for and deposed the following Pfizer expert witnesses: Michael McLean, Andrew Slaby; assisted with the preparation of causation and off-label marketing portions of the trial plan, mediation statements and summary judgment briefs; assisted with preparation of the Statement of Facts in support of Plaintiffs' Motion for Summary Judgment;

drafted Daubert motions to strike defendant experts Hutt and Sipes; attended numerous mediations with representatives from LWD; held meetings and conferences with Gayle R. White, President of LWD, in preparation for his deposition as a 30(b)(6) representative of LWD; drafted objections of LWD and Meijer plaintiffs to Defendants' 30(b)(6) Notices of Deposition; and defended the deposition of LWD representative, Gayle R. White.

3. The total number of hours expended on this litigation by our firm from inception through the present is 12,607.40. The total lodestar for our firm is \$5,549,824.50.

4. The following schedule is a detailed summary showing the time spent by our firm's attorneys and professional support staff who were involved in this litigation, and the lodestar calculation based on our firm's current billing rates from the inception of the case through the present. 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.

Attorneys and Staff	Status	Total Hours	Current Hourly Rate	Total Lodestar
David P. Smith, APLC	P	956.30	\$675	\$645,502.50
David C. Raphael, Jr.	P	2782.40	\$575	\$1,599,880.00

Erin R. Leger	P	2391.40	\$495	\$1,183,743.00
Brian D. Brooks	P	327.50	\$550	\$180,125.00
Betty Owens	CA	741.10	\$475	\$352,022.50
Adair Williams	A*	110.90	\$350	\$38,815.00
Elisa Tubbs	A*	1245.30	\$350	\$435,855.00
Cynthia Jordan	CA	182.00	\$350	\$63,700.00
Mittie Jones	CA	736.10	\$350	\$257,635.00
Jason Harrington	CA	158.10	\$350	\$55,335.00
Jerry Honigman	CA	1090.50	\$300	\$327,150.00
Kristel Horne	CA	263.30	\$350	\$92,155.00
Mark Windham	PL	190.40	\$185	\$35,224.00
Aruna Patel	PL*	882.70	\$165	\$145,645.50
Jessica Chiasson	PL*	22.20	\$185	\$4,107.00
Brigid Deloach	CP	303.30	\$185	\$56,110.50
Nancy Blackwell	PL	43.80	\$135	\$5,913.00
Donna Thompson	PL	79.90	\$135	\$10,786.50
Ross Foote	P*	100.20	\$600	\$60,120.00
TOTALS		12,607.40		5,549,824.50

* Denotes former employees and/or Partner.

5. The hourly rates for the partners, attorneys and professional support staff included in the summary above are the usual and customary hourly rates charged for their services in non-contingent matters and/or which have been

accepted and approved in other complex class action litigations. Attached as Exhibit 1 are biographies of the principal attorneys from our firm who were involved in this case.

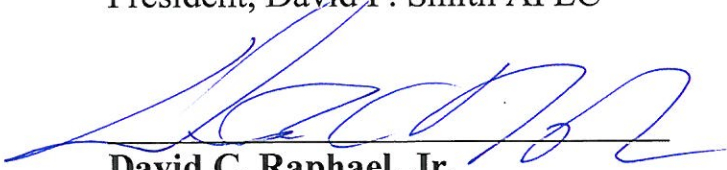
6. Our firm also has incurred a total of \$413,444.42 in unreimbursed expenses in connection with the prosecution of this litigation. These expenses were reasonably and necessarily incurred in connection with this litigation and include:

EXPENSE	AMOUNT
Assessments/Litigation Fund	\$300,000.00
Travel/Means	\$75,977.48
Telephone/Facsimile	\$7,797.71
Photocopies – In-House	\$17,746.20
Photocopies – Outside	\$379.03
Postage/Air Express/Messengers	\$2,240.48
Filing Fees	\$2,044.60
Computer Research (at costs)	\$7,240.92
TOTAL EXPENSES	\$413,444.42

7. The expenses incurred in this action are reflected on our firm's books and records, which are prepared from expense vouchers, check records and other source materials and represent an accurate recordation of the expenses incurred.

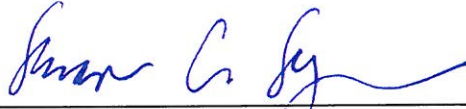
Dated: June 11, 2012


David P. Smith
President, David P. Smith APLC

Dated: June 11, 2012


David C. Raphael, Jr.

Sworn to and subscribed before me this 11th day of June, 2014.



NOTARY PUBLIC

SUSAN C. SEGURA
Notary Public ID # 22611
Rapides Parish, Louisiana

SMITH SEGURA & RAPHAEL, LLP
A LAW FIRM INCLUDING A PROFESSIONAL LAW CORPORATION

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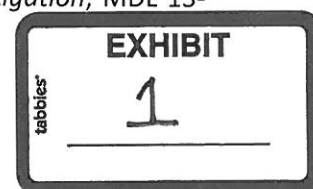
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FIRM RESUME
June 2014

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 five partners of the firm 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.); *Buspirone 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: Neurontin Antitrust Litigation*, MDL 1479 (D.N.J.); *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: Nexium Antitrust Litigation*, MDL 12-md-2409 (D. Mass.); *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.); and *In re: Lidoderm Antitrust Litigation*, MDL 14-md-2521 (N.D. Ca.).

PARTNERS OF THE FIRM

DAVID P. SMITH, APLC, born in Lecompte, Louisiana, January 28, 1942; 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.
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SUSAN C. SEGURA, born in Loreauville, Louisiana, March 5, 1965; 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., Summa 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.
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DAVID C. RAPHAEL, JR., born in New Orleans, Louisiana, April 22, 1968; 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.
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BRIAN D. BROOKS, born in Houston, Texas, October 25, 1974; 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.
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ERIN R. LEGER, born in Lake Charles, Louisiana, February 08, 1981; 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 America 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.
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LEGAL ASSISTANTS OF THE FIRM

MARK L. WINDHAM, born in Natchez, Mississippi, January 31, 1972. Education: Louisiana Tech University (B.S., Business Administration with a specialization in Human Resource Management, 1997); Louisiana Tech University and University of Louisiana at Lafayette (Graduate Studies in Business Administration). Notary Public for the State of Louisiana; dual commissions in the Parishes of Ouachita and Rapides. Seventeen years experience in the legal field with an emphasis in the areas of complex commercial litigation, class action antitrust litigation, trial support, contracts, estate planning/successions and law firm administration.

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NANCY A. BLACKWELL, born in Taipei, Taiwan, August 23, 1963. 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.

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DONNA G. THOMPSON, born in Alexandria, Louisiana, March 16, 1959. Education: Delta Business College (Certificate in Legal Secretary studies). Legal experience includes areas of complex commercial litigation and class action antitrust litigation.

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