EXHIBIT

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UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

IN RE NEURONTIN ANTITRUST LITIGATION

THIS FILING RELATES TO: DIRECT PURCHASER CLASS CASES MDL Docket No. 1479 Master Civil Action No. 02-1390 (FSH)

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

DECLARATION OF DAVID P. GERMAINE IN SUPPORT OF DIRECT PURCHASER CLASS COUNSEL'S MOTION FOR AN AWARD OF ATTORNEYS' FEES AND REIMBURSEMENT OF EXPENSES

- I, David P. Germaine, under penalty of perjury under the laws of the United States of America, declare as follows:
- 1. I am a partner of the law firm Vanek, Vickers & Masini PC ("VVM"). I am submitting this declaration in support of Class Counsel's motion for attorney fees and reimbursement of expenses in connection with services rendered by VVM in the above-entitled actions. The biographies of the attorneys principally involved in the case are attached hereto as Exhibit 1. The factual matters set forth and the assertions made herein are true and correct to the best of my knowledge, information and belief.
- 2. As a counsel of record in this case for the Direct Purchaser Plaintiffs, my firm has been integrally involved in many aspects of this litigation for more than 12 years, including 2002-2014.
- 3. Organization of counsel is critical to the efficient management of complex litigation such as this case. My firm coordinated assignments with Class Counsel through email

and regular conference calls. All attorneys, paralegals, and law clerks in my firm were instructed to keep contemporaneous time records reflecting their time spent on this case.

- 4. From the inception of this litigation to the present, my firm expended the total of 218.63 hours in this litigation. The total lodestar for my firm is \$95,083.83.
- 5. The schedule below is a summary of the amount of time spent, from inception through present, by my firms' attorneys and its support staff in this litigation, and the lodestar calculation based on current billing rates. The schedule was prepared from contemporaneous, daily time records regularly prepared and maintained by our firm, which are available at the request of the Court. 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
Joseph Vanek	P	81.5	\$700.00	\$39,902.50
David Germaine	P	83.1	\$645.00	\$40,479.50
Sarah Dale	A	10.8	\$425.00	\$2,970.00
John Bjork	A	.4	\$425.00	\$170.00
Michelle Ethier	A	1.6	\$425.00	\$680.00
Alexa Johnson	A	14.8	\$425.00	\$6,290.00
Lindsay Jansen	SA	.2	\$275.00	\$55.00
Jonathan Friedman	SA	.8	\$275.00	\$220.00
Andrew Daar	SA	3.33	\$185.00	\$483.33
Lisa Harkins	PL	16.10	\$185.00	\$2,978.50
Ernie S.	PL	.8	\$185.00	\$100.00
Chelsey Parrott-Sheffer	PL	3.4	\$185.00	\$539.00

Simon Feng	PL	1.8	\$185.00	\$216.00
TOTAL		218.63		\$95,083.83

6. My firm also has incurred a total of \$4,014.76 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		
Photocopies-In House	\$366.00		
Postage/Messengers	\$66.68		
Filing Fees	\$1,686.00		
Computer Research	\$124.88		
Travel/Meals	\$1,771.20		
TOTAL	\$4,014.76		

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

Dated: 17th June, 2014

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Sworn to and subscribed before me this <u>/////</u> day of June, 2014.

OFFICIAL SEAL
ALICIA ANN PISTILLI
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES:02/27/15

EXHIBIT 1 PRINCIPAL ATTORNEY BIOGRAPHIES

Joseph M. Vanek

Mr. Vanek earned his Juris Doctor from Boston College in May, 1987 where he graduated with honors. Mr. Vanek received his undergraduate degree, Magna Cum Laude, from Creighton University in 1984.

Upon graduating from law school, Mr. Vanek became a member of the bar in the State of Illinois and the Commonwealth of Massachusetts. Mr. Vanek is also admitted to practice before the Supreme Court of the United States, as well as the United States Court of Appeals for the Third, Fifth and Ninth Federal Circuits and the United States District Court for the Northern and Central Districts of Illinois. In addition, Mr. Vanek has practiced on a pro hac vice basis throughout the country.

Mr. Vanek's practice has focused primarily on trial work in the areas of intellectual property, anti-trust litigation, and commercial litigation. The clients represented by Mr. Vanek in these matters have resided throughout the United States, as well as a number of other countries such as France, Canada, Taiwan, Bermuda, Japan, and Argentina.

An example of a case Mr. Vanek recently tried involved the infringement of a copyright for the developer of a video amusement game. The court awarded both damages and attorney's fees to Mr. Vanek's client. Mr. Vanek also has also represented the inventor of critical functions to the DVD technology which has resulted in a successful licensing campaign that has yielded an economic recovery exceeding \$200,000,000.00. In addition, Mr. Vanek represented the inventors of ergonomic keyboards which, through both licensing and litigation, resulted in a multi-million dollar recovery, and enforced a portfolio of patents relating to digital broadcast technology against an industry leading supplier which, again, resulted in a multi-million dollar recovery.

Mr. Vanek has also focused quite heavily in the area of trademark law. In this regard, Mr. Vanek has presented numerous multi-national corporations in the selection and registration of their service marks and trade marks. He has also acted as counsel in several lawsuits involving trade marks and has been repeatedly retained to evaluate the level of professional services rendered by counsel in trade mark and patent matters.

In the anti-trust area, Mr. Vanek has successfully represented a number of individual plaintiffs in price fixing claims, including cases involving territorial allocation, as well as horizontal price conspiracy. In the past decade, the price fixing claims in which he has participated have included some of the largest and best known cases, including the In Re Vitamin Litigation, both rounds of the Visa and Mastercard Litigation, the In Re Transparent Tape Litigation, the In Re Children's Ibuprofen claim, and In Re American Express Anti-Steering Rules Antitrust Litigation. Additionally, Mr. Vanek has been involved in several pharmaceutical claims involving anti-trust violations arising from the misuse of patents.

David P. Germaine

Mr. Germaine became a licensed attorney in the State of Illinois in 2001. He concentrates his practice on complex commercial litigation and antitrust litigation, as well as intellectual property issues including trademark, patent, and copyright matters.

Mr. Germaine has successfully represented individual plaintiffs in a vast array of antitrust disputes in various industries, including pharmaceuticals, payment cards, electronics, and Capper-Volstead matters. He regularly manages complex commercial litigation matters on behalf of opt-out/individual plaintiffs and counsels clients on price fixing, tying, monopolization, and market allocations schemes. He represented several large retailers as part of *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation*, the largest antitrust case in U.S. history.

In his intellectual property practice, Mr. Germaine works with clients—both domestically and internationally—to protect, evaluate, license, and litigate their intellectual property rights. He has conducted and analyzed thousands of potential trademarks and copyrights and has registered and maintained trademarks, copyrights, design marks, and domain names.

Mr. Germaine earned his Juris Doctorate with a certificate in Intellectual Property from DePaul University's College of Law in 2001 and received a Bachelor of Arts, Magna Cum Laude, from John Carroll University in 1997.