

# **EXHIBIT 5**

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 DON BARRETT IN SUPPORT OF PLAINTIFFS'  
MOTION FOR REIMBURSEMENT OF EXPENSES AND CREATION OF  
A FUND FOR FUTURE LITIGATION EXPENSES**

I, DON BARRETT, declare as follows:

1. I am a partner at the law firm of BARRETT LAW GROUP, P.A. 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 American Sales Company, LLC an on behalf of itself and all others similarly situated in this litigation. During the course of this litigation, my firm has been involved in the following activities:

- Document review
- Litigation Strategy
- Discovery

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 622.1 hours, which includes 574.2 attorney hours and 47.9 hours spent by paralegals.

4. This firm has incurred a total of \$15,213.47 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:

{2254-000: Settlement Expenses Declaration :00321721.DOCX : 8/17/2015 09:11 PM}


<b>EXPENSE</b>	<b>AMOUNT</b>
Litigation Fund Contribution(s)	
Travel/Hotel/Meals	15,031.9
Copying Services	
Research Services	179.29
Telephone/Teleconference/Fax	2.28
FedEx/Messengers/Postage	
Court Fees	
Other (describe)	
<b>TOTAL</b>	<b>\$15,213.47</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 and on BARRETT LAW GROUP, P.A. website. *See* [www.barrettlawgroup.com](http://www.barrettlawgroup.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.

BARRETT LAW GROUP, P.A.

  
\_\_\_\_\_  
John W. (Don) Barrett

Dated: August 24, 2015