

EXHIBIT D

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

IN RE NAMENDA DIRECT PURCHASER ANTITRUST LITIGATION	Case No. 1:15-cv-07488-CM-RWL
THIS DOCUMENT RELATES TO: All Direct Purchaser Actions	

**DECLARATION OF RUSSELL A. CHORUSH ON BEHALF OF HEIM, PAYNE &
CHORUSH, LLP IN SUPPORT OF CLASS COUNSEL’S MOTION FOR ATTORNEYS’
FEES, REIMBURSEMENT OF EXPENSES AND INCENTIVE AWARDS FOR THE
NAMED PLAINTIFFS**

I, Russell A. Chorush, subject to the penalties of perjury provided by 18 U.S.C. § 1746, do hereby declare as follows:

1. I am a partner in the law firm Heim, Payne & Chorush, LLP (“HPC”), attorneys for Plaintiff J M Smith Corporation and one of the firms representing the Direct Purchaser Class in the above-captioned case. I am admitted to practice *pro hac vice* in this matter. I submit this declaration in support of Class Counsel’s Motion for Attorneys’ Fees, Reimbursement of Expenses, and Incentive Awards for the Named Plaintiffs.

2. HPC is the law firm primarily responsible for patent-related issues in the above-captioned case. During the course of this litigation, HPC was involved in various activities on behalf of the Direct Purchaser Class related to patents and patent law. Chief among those activities were:

- Drafting discovery requests (*e.g.*, requests for production, and interrogatories) that involved patent issues;
- Reviewing documents and other materials, and assisting in preparing for and taking depositions of fact witnesses, as they pertained to patent issues;

- Researching, retaining, and assisting experts Mr. George Johnston, Dr. Nathan Herrmann and Dr. Lon Schneider in preparing their expert reports;
- Preparing for and defending the depositions of Mr. Johnston and Drs. Herrmann and Schneider;
- Preparing for and taking the deposition of Defendants' patent experts, Dr. Martin Farlow, Dr. Roberto Malinow, Hon. Roderick McKelvie, and Mr. David Rosen;
- Drafting and assisting in drafting briefing (1) in opposition to Defendants' motion to dismiss; (2) in opposition to Defendants' motion to disqualify Dr. Schneider; (3) in support of Plaintiffs' motions for partial summary judgment; (4) in opposition to Defendants' motion for summary judgment; (5) in support of Plaintiffs' motions *in limine*; (6) in opposition to Defendants' motions *in limine*; and (7) in support of Plaintiffs' positions in various trial briefing disputes;
- Designating deposition testimony, identifying and assembling trial exhibits, drafting proposed jury instructions, reviewing and objecting to Defendants' designated testimony and proposed trial exhibits, and preparing other materials in connection with the original and amended pretrial order; and
- Preparing for trial including (1) working with and drafting trial examinations, preparing demonstratives, and selecting trial exhibits for Mr. Johnston and Drs. Herrmann and Schneider; and (2) drafting cross examination outlines for Drs. Malinow and Farlow, Hon. Roderick McKelvie and Mr. Rosen.

3. All attorneys, paralegals and legal assistants at my firm were instructed to keep contemporaneous time records reflecting their time spent on this case, and did so.

4. The schedule below reports the time spent by my firm's attorneys, paralegals and legal assistants in this case from inception until the time of this motion, excluding time relating to this motion:

Professional's Name	Position/Status	Total Hours	2019 Hourly Rate	Total Lodestar
Russell A. Chorush	Partner	1,879.00	\$865.00	\$1,625,335.00
Michael F. Heim	Partner	369.75	\$915.00	\$338,321.25
Eric J. Enger	Partner	269.75	\$650.00	\$175,337.50

Professional's Name	Position/Status	Total Hours	2019 Hourly Rate	Total Lodestar
Miranda Y. Jones	Former Partner	514.70	\$650.00	\$334,555.00
Blaine A. Larson	Partner	161.15	\$450.00	\$72,517.50
Alden G. Harris	Partner	2.50	\$450.00	\$1,125.00
Chris M. First	Partner	3.00	\$435.00	\$1,305.00
Carlos R. Ruiz	Associate	21.00	\$295.00	\$6,195.00
Emma W. Perry	Former Associate	271.00	\$275.00	\$74,525.00
Carrie J. Anderson	Paralegal	56.75	\$250.00	\$14,187.50
Amber L. Branum	Legal Assistant/Paralegal	663.95	\$210.00	\$139,429.50
Natasha M. Baudoin	Legal Assistant/Paralegal	30.25	\$200.00	\$6,050.00
Ericka Torres	Former Legal Assistant	1.00	\$200.00	\$200.00
Totals:		4,243.8		\$2,789,083.25

5. My firm has also incurred a total of \$951,166.79 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:

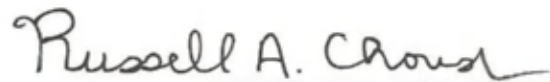
Expense	Amount
Payments to experts	\$186,642.47
Filing fees/court costs	\$1,254.08
Litigation fund assessments	\$659,422.53
Postage/air Express/messengers	\$4,384.89
Process server and subpoena expenses	\$440.00
Reproduction costs (outside vendor)	\$1,299.56

Expense	Amount
Research and datasets	\$6,961.07
Telephone/teleconference/facsimile	\$193.67
Travel/hotel/meals	\$89,395.96
Miscellaneous	\$1,172.56
Total:	\$951,166.79

6. 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, receipts and other source material and accurately record the expenses incurred.

7. Pursuant to 28 U.S.C. § 1746, I declare under the penalties of perjury that the foregoing is true and correct.

Executed this 9th day of March, 2020.



Russell A. Chorush
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