

EXHIBIT A

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE SUBOXONE (BUPRENORPHINE
HYDROCHLORIDE AND NALOXONE)
ANTITRUST LITIGATION**

MDL No. 2445

Master File No. 2:13-MD-2445-MSG

THIS DOCUMENT RELATES TO:

All Direct Purchaser Class Actions

**DECLARATION OF BRUCE E. GERSTEIN ON BEHALF OF GARWIN GERSTEIN &
FISHER LLP IN SUPPORT OF CLASS COUNSEL’S MOTION FOR ATTORNEYS’
FEES, REIMBURSEMENT OF EXPENSES AND SERVICE AWARDS FOR THE
NAMED PLAINTIFFS**

I, Bruce E. Gerstein, subject to the penalties of perjury provided by 28 U.S.C. § 1746, hereby declare as follows:

1. I am the managing partner at the law firm of Garwin Gerstein & Fisher LLP (“GGF”). I submit this declaration in support of Class Counsel’s Motion for Attorneys’ Fees, Reimbursement of Expenses and Service Awards for the Named Plaintiffs.

2. As lead counsel, GGF has been responsible for all aspects of the prosecution of this case, including the investigation and filing of an initial complaint, managing discovery, managing experts, litigation strategy, trial preparation and mediation/settlement.

3. Attorneys at my firm, including with certain other of Class Counsel, identified this cause of action and thoroughly vetted it in 2012. This included conducting a complete pre-filing investigation and analyzing the facts known against the legal elements of an antitrust claim under Section 2 of the Sherman Act.

4. My firm then took the lead, with significant input from certain other of Class Counsel, in drafting a complaint on behalf of plaintiff Burlington Drug Company, Inc., which

was the first complaint filed on behalf of any plaintiff group, and filed it on December 21, 2012. *See* Case No. 2:12-cv-282 (D. Vt.). GGF attorneys were also centrally involved in drafting the two subsequent amended complaints that were filed in this District.

5. In August 2013, GGF, along with two other law firms, was appointed Lead Counsel for the direct purchaser class (the “Class”). *See* ECF No. 44. As Lead Counsel for the Class, GGF attorneys worked cooperatively with counsel for the other plaintiff groups (*i.e.*, End Payor Plaintiffs and the State-Plaintiffs) while simultaneously being involved in every strategic decision concerning the instant litigation and leading the efforts of Class Counsel in managing the large workload necessary to aggressively prosecute the claims of the Class in an efficient manner.

6. GGF Attorneys were involved in drafting the responses to the two motions to dismiss that Indivior filed against Plaintiffs’ complaints, both in the District of Vermont and in this District.

7. GGF attorneys organized and led regularly scheduled conference calls with other Class Counsel throughout the course of the litigation.

8. GGF attorneys took the lead role in negotiations with Indivior concerning the Protective Order and ESI protocol that governed discovery.

9. A GGF attorney directed, and participated with other Class Counsel, in conducting targeted searches of 3 million pages of documents (produced from the files of 39 current and former Indivior employees) that Indivior produced to the Federal Trade Commission (“FTC”).

10. After overseeing and participating in the targeted review of the 3 million pages in the FTC production, a GGF attorney supervised and helped draft the preparation of 108 document requests for supplemental “gap-filling” materials.

11. A GGF attorney spent months negotiating Indivior’s objections to Plaintiffs’ 108 document requests, and the scope of Indivior’s supplemental production. This included numerous letters and phone calls negotiating which document requests Indivior would respond to and revising the sub-set of requests that Indivior agreed to respond to. Once the parties negotiated the substantive scope of Indivior’s supplemental production, a GGF attorney led negotiations over: (a) the identities of the custodians whose files would be searched for responsive documents, (b) the different time frames for searches for different sets of documents requests, and (c) the electronic search terms that would be used to select documents for review and production based on several rounds of “hit” reports.

12. Upon receiving Indivior’s rolling production of an additional 1.6 million pages, a GGF attorney supervised, and participated in, the document review and analysis of Indivior’s supplemental production.

13. GGF attorneys composed several lengthy and detailed “white papers” and memoranda on several issues for the purpose of guiding strategic decisions concerning the overall prosecution of the case.

14. A GGF attorney was involved in identifying key Indivior and third-party witnesses to depose and supervised the drafting of numerous 30(b)(6) deposition topics. GGF attorneys also coordinated with other Class Counsel in drafting and issuing subpoenas to non-parties.

15. Based on the Court's order concerning the depositions of witnesses who asserted their Fifth Amendment rights, a GGF attorney was centrally involved in the drafting of targeted written questions for those witnesses.

16. A GGF attorney served as the primary questioning attorney for 7 fact depositions in the case (Timothy Baxter, Lee Marks, Rob Philo, Frank Preziosi twice, Sandra Reinhardt and Patti Weston). In addition, a GGF attorney was the primary questioner for third-party witness Doug Brown.

17. In addition to directly taking 7 depositions, a GGF attorney directed the strategy for the depositions of other witnesses (such as Richard Powers), provided assistance and information to co-counsel regarding the depositions of various other witnesses, and attended depositions of several other witnesses (such as Sarah Marche, Sean Thaxter, and Vickie Seeger).

18. GGF attorneys were centrally involved in reviewing and analyzing depositions for purposes of summary judgment and to make strategic decisions concerning the prosecution of the case.

19. A GGF attorney was centrally involved in working with several experts regarding the preparation of their reports, and the preparation for their depositions (including Yvonne Tso, Dr. Lawrence Westreich, Russell Lamb, Ernst Berndt and Patricia Zettler). A GGF attorney was the primary questioning attorney in deposing one of Indivior's experts (Dr. Andrew Kwait) and served as the defending attorney for one of the Class's expert witnesses (Yvonne Tao). In addition, a GGF attorney assisted co-counsel in preparing for the deposition of Indivior expert Dolores Curtis, and Aquestive expert Amy Harrington (whose deposition a GGF attorney attended).

20. GGF attorneys were centrally involved in drafting oppositions to Indivior's summary judgment and *Daubert* motions. This included not only helping to draft the briefs in response to those motions, but also helping to comb through a voluminous evidentiary record to: (a) respond to Indivior's Statement of Facts containing 288 paragraphs; and (b) preparing Plaintiffs' Additional Statement of Facts In Opposition Indivior's Summary Judgment motion, which contained 286 paragraphs.

21. In December 2022, when a trial date was set and a pretrial schedule ordered, GGF attorneys participated fully in all pretrial tasks. This included appointing a GGF attorney as trial team lead to oversee all trial preparation tasks, and having GGF attorneys (and as appropriate, staff) work on, *inter alia*, (a) deposition designations; (b) exhibits; (c) *voir dire*; (d) juror questionnaires; (e) jury instructions and verdict slips; (f) Rule 1006 summaries; (g) a pretrial order; (h) motions *in limine*; and (i) numerous pretrial motions. During this time period, GGF attorneys also regularly communicated with defense counsel, including participating in meet-and-confers, concerning numerous substantive and logistical pretrial matters.

22. GGF attorneys, led by me, were integrally involved in all three mediations that took place during the course of the litigation, including taking the lead role the third and final mediation that resulted in settlement. GGF attorneys took the lead in preparing for, and conducting, negotiations, making continuous assessments regarding the merits of the Class's claims and Indivior's defenses while doing so.

23. Once a settlement-in-principle was agreed to, GGF attorneys took the lead role in negotiating the terms of a formal settlement agreement and other supporting papers and preparing briefing for preliminary approval of the settlement. In addition, GGF attorneys will

take the lead role in drafting the forthcoming papers in support of final approval of the settlement.

24. All attorneys, paralegals and other support staff at my firm were instructed to keep contemporaneous time records reflecting their time spent on this case, and did so. My firm also kept books and records concerning the expenses my firm necessarily incurred in the prosecution of this litigation, prepared from receipts and other source material.

25. The schedule below reports the time spent by my firm’s attorneys, paralegals and other support staff from inception until October 4, 2023 (the date that the settlement-in-principle was reached) and time thereafter through October 31, 2023 related only to the settlement. This submission does not include any time relating to this motion. All hourly rates are my firm’s usual and customary rates, for this and other similar matters.¹

Professional	Position	Hourly Rate	Total Hours	Total Lodestar
Carl Baker	Paralegal*	475.00	39.25	\$18,643.75
Samuel Bonderoff	Partner	915.00	25.75	\$23,561.25
Elena Chan	Partner*	840.00	1174.50	\$986,580.00
Claire Cimino	Paralegal	505.00	2,501.75	\$1,263,383.75
Deborah Elman	Partner	915.00	8.25	\$7,548.75

¹ Former partners/employees are identified with an asterisk. For former partners/employees, the rates shown were the partners’/employees’ rates at the time they left the firm. All other rates are rates as of October 4, 2023.

Professional	Position	Hourly Rate	Total Hours	Total Lodestar
Bruce E. Gerstein	Partner	1550.00	853.25	\$1,322,537.50
Ephraim Gerstein	Associate*	775.00	17.00	\$13,175.00
Jonathan Gerstein	Partner	915.00	54.25	\$49,638.75
Kimberly Hennings	Partner	915.00	1,601.00	\$1,464,915.00
Dan Litvin	Partner	915.00	360.25	\$329,628.75
Katie McGee	Paralegal*	350.00	27.75	\$9,712.50
Rimma Neman	Clerk	325.00	95.75	\$31,118.75
Joseph Opper	Partner	1300.00	179.25	\$233,025.00
David Rochelson	Partner	915.00	13.75	\$12,581.25
Susan Roth	Paralegal	505.00	553.50	\$279,517.50
Janet Seidman	Paralegal*	275.00	65.50	\$18,012.50
Noah Silverman	Partner	1,250.00	7,730.00	\$9,662,500.00
Anna Tydniouk	Associate	875.00	817.00	\$714,875.00
Apolinar Uriarte	Paralegal	475.00	484.50	\$230,137.50

Professional	Position	Hourly Rate	Total Hours	Total Lodestar
Aakruti Vakharia	Associate*	435.00	58.75	\$25,556.25
Avery Wolff	Paralegal*	125.00	101.75	\$12,718.75
Alfred G. Yates	Of Counsel	690.00	265.00	\$182,850.00
Gerald R. Rutledge	Of Counsel	690.00	2,231.90	\$1,540,011.00
Total			19,259.65	\$18,432,228.50

26. The schedule below reports a total of \$1,241,864.54 in unreimbursed expenses that my firm incurred. These expenses are also reflected on the books and records of my firm. These books and records and prepared from expense vouchers, receipts and other source material and accurately record the expenses incurred.

Expense	Amount
Court reporting/transcription services	\$932.07
Filing fees	\$5.00
Litigation Fund Contributions	\$1,120,000.00
Postage/FedEx	\$2,622.55
Telephone	\$2,822.36
Photocopying	\$4,889.00
Travel/hotel/meals	\$38,805.81
Legal research and databases	\$56,825.25

Consulting/Expert Fees (Laurence M. Westreich)	\$14,962.50
Total	\$1,241,864.54

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

Executed this 29th day of December, 2023

/s/ Bruce E. Gerstein

Bruce E. Gerstein