

EXHIBIT D

**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 DAVID F. SORENSEN ON BEHALF OF BERGER
MONTAGUE PC IN SUPPORT OF CLASS COUNSEL’S MOTION FOR
ATTORNEYS’ FEES, REIMBURSEMENT OF EXPENSES AND
SERVICE AWARDS FOR THE NAMED PLAINTIFFS**

I, David F. Sorensen, hereby declare as follows:

1. I am an Executive Shareholder at the law firm of Berger Montague PC (“BMPC”). 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. During the course of this litigation, BMPC has been involved in various litigation activities on behalf of Plaintiffs and the Class, including: (1) overarching litigation strategy; (2) overseeing and guiding various aspects of fact and expert discovery, including fact and expert depositions and related motion practice; (3) dispositive and *Daubert* motion briefing; (4) oral argument, including concerning the Plaintiffs’ motion for partial summary judgment; (5) class certification briefing in the District Court and on appeal in the Third Circuit; (6) trial preparation; and (7) settlement negotiations.

3. BMPC attorneys have developed specialized knowledge and experience in economic issues that arise in pharmaceutical antitrust cases such as this one, including relating to analysis and proof of monopoly power and the relevant antitrust market, class certification, and

the calculation of damages. BMPC attorneys utilized this specialized knowledge and experience on behalf of the Class in this case, to great success. BMPC attorneys led efforts to obtain discovery relevant to proving Indivior, Inc.'s ("Indivior") monopoly power, damages, and class certification, including testimony, forecasting documents, sales data, and documents showing Indivior's expectations concerning how the market would have taken shape in the but-for world free of Indivior's alleged misconduct.

4. BMPC attorneys played a significant role in reviewing, analyzing, and digesting relevant documents and data produced by Indivior and third parties, and took several fact depositions.

5. BMPC attorneys also played an active role in expert discovery, supporting Plaintiffs' economic experts, Dr. Russell E. Lamb and Dr. Ernst R. Berndt, and deposing Indivior's economic expert Dr. Parker M. Normann.

6. BMPC attorneys were among the primary drafters of Plaintiffs' motion for class certification and reply in support thereof, and of the appellate briefing when Indivior unsuccessfully appealed this Court's class certification decision. BMPC attorneys also significantly contributed to summary judgment and *Daubert* briefing, including opposing Indivior's motion for summary judgment and both *Daubert* motions to exclude Dr. Lamb. BMPC attorneys were also among the primary drafters of Plaintiffs' motion for partial summary judgment as to the relevant antitrust market (a motion argued by a BMPC attorney).

7. BMPC attorneys were actively involved in settlement efforts, including mediation discussions related to damages, "chargebacks," and other issues.

8. BMPC attorneys were actively working to prepare for trial at the time of settlement. For example, BMPC attorneys contributed significantly to the jury instruction and

motion *in limine* briefing and were preparing to present and cross-examine economic expert witnesses at trial.

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

10. The schedule below reports the time spent by BMPC 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 time relating to this motion. All hourly rates are BMPC's usual and customary rates, for this and other similar matters.¹

Professional	Position	Total Hours	Hourly Rate	Total Lodestar
Sorensen, David F.	Executive Shareholder	166.3	\$1,160.00	\$192,908.00
Arteaga, Alexandra*	Paralegal	21.0	\$330.00	\$6,930.00
Boman, Laurel	Associate	10.5	\$520.00	\$5,460.00
Brew, Grace Ann	Associate	18.4	\$500.00	\$9,200.00
Brinn, Hope	Associate	1.8	\$525.00	\$945.00
Bucher, Matthew K.*	Contract Attorney	567.0	\$420.00	\$238,140.00
Caplan, Zachary	Shareholder	119.5	\$720.00	\$86,040.00
Chaudhury, Aurelia*	Associate	326.9	\$470.00	\$153,643.00
Choe, Caroline	Paralegal	269.7	\$405.00	\$109,228.50
Coslett, Caitlin G	Shareholder	3,019.0	\$770.00	\$2,324,630.00
Curley, Andrew C.	Shareholder	9.2	\$785.00	\$7,222.00
DiMaggio, James*	Contract Attorney	38.5	\$345.00	\$13,282.50
Filbert, David	Paralegal	2.6	\$420.00	\$1,092.00
Fox, Barry*	Other Staff	13.2	\$83.49	\$1,102.07
Frohbergh, Patricia L.*	Paralegal	492.3	\$390.00	\$191,997.00

¹ Former BMPC employees and former contract attorneys are identified with an asterisk. For those individuals, the rates shown were their rates at the time of their departure. All other rates are rates as of October 4, 2023.

Ginis, Haroula	Paralegal	162.0	\$405.00	\$65,610.00
Hollinger, J. Taylor	Associate	12.8	\$515.00	\$6,592.00
Kabacinski, Jeffrey R.*	Paralegal	2.1	\$150.00	\$315.00
Kerr, Joseph R.*	Paralegal	12.0	\$305.00	\$3,660.00
Klein, Joseph K.	Senior Counsel	2,423.8	\$690.00	\$1,672,422.00
Langer, David	Senior Counsel	140.8	\$735.00	\$103,488.00
Leo, Susan L.	Paralegal	17.0	\$375.00	\$6,375.00
Listwa, Daniel	Counsel	440.6	\$600.00	\$264,360.00
McCollum, Sandy*	Other Staff	6.5	\$57.50	\$373.75
McGrath, Julia R.	Associate	29.2	\$575.00	\$16,790.00
Moyer, Kevin X.*	Contract Attorney	389.4	\$285.00	\$110,979.00
Noteware, Ellen T.	Shareholder	1,454.9	\$825.00	\$1,200,292.50
Parker, Phyllis M.*	Shareholder	468.2	\$740.00	\$346,468.00
Parron, John D.*	Associate	97.4	\$520.00	\$50,648.00
Rajendran, Arun*	Other Staff	0.9	\$43.00	\$38.70
Rivera, Nathaniel*	Contract Attorney	36.0	\$345.00	\$12,420.00
Sauder, Karissa*	Associate	139.8	\$450.00	\$62,910.00
Schwartz, Richard D.	Senior Counsel	2,803.6	\$690.00	\$1,934,484.00
Shappell, David D.*	Paralegal	14.5	\$310.00	\$4,495.00
Simons, Daniel C.*	Senior Counsel	25.7	\$660.00	\$16,962.00
Stein, Mark*	Other Staff	2.5	\$345.00	\$862.50
Twersky, Shoshana M.*	Associate	67.6	\$550.00	\$37,180.00
Twersky, Yechiel Michael	Associate	310.4	\$645.00	\$200,208.00
Tyson, Steven G.*	Contract Attorney	51.4	\$430.00	\$22,102.00
Urban, Nick*	Shareholder	85.8	\$640.00	\$54,912.00
Valance, Nikos*	Contract Attorney	328.0	\$310.00	\$101,680.00
Wallin, Michaela	Shareholder	32.8	\$685.00	\$22,468.00
Weisblatt, Roseann E.*	Contract Attorney	22.4	\$490.00	\$10,976.00
Werwinski, Diane R.	Paralegal	1,398.6	\$410.00	\$573,426.00
Wilson, Andrea*	Contract Attorney	12.2	\$425.00	\$5,185.00
York, Mary Elizabeth	Paralegal	1.5	\$420.00	\$630.00
Totals:		16,066.3		\$10,251,132.52

11. The schedule below reports a total of \$1,076,436.96 in unreimbursed expenses that BMPC incurred.

Expense	Amount
Court reporting/transcription services	\$180.50
Filing fees	\$237.25
Litigation Fund Contributions	\$960,000.00
Postage/FedEx/Delivery/Freight	\$702.90
Consulting/Expert fees	\$7,845.83
Telephone	\$593.43
Photocopying/Reproduction	\$19,966.58
Travel/hotel/meals	\$17,746.17
Research fees (including legal research, data, and business entity search fees for class certification)	\$69,164.30
Total	\$1,076,436.96

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

Executed this 20th day of December, 2023


/s/ _____
David F. Sorensen