

# **EXHIBIT E**

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

**IN RE: LIPITOR ANTITRUST  
LITIGATION**

**THIS DOCUMENT RELATES TO:**

*All Direct Purchaser Class Actions*

**MDL No. 2332**

**Master Docket No. 3:12-cv-2389  
(PGS/JBD)**

**DECLARATION OF PETER KOHN ON BEHALF OF FARUQI & FARUQI  
LLP IN SUPPORT OF DIRECT PURCHASER CLASS COUNSEL'S  
MOTION FOR ATTORNEYS' FEES, REIMBURSEMENT OF EXPENSES  
AND SERVICE AWARDS FOR THE NAMED PLAINTIFFS**

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

1. I am a partner at the law firm of Faruqi & Faruqi LLP, attorneys for the successor to plaintiff Rochester Drug Co-Operative, Inc. ("RDC"). I submit this declaration in support of Direct Purchaser Class Counsel's Motion for Attorneys' Fees, Reimbursement of Expenses and Service Awards for the Named Plaintiffs.

2. Since 2009 and all throughout the course of this litigation, my firm has been involved in the following activities on behalf of the Direct Purchaser Class:

- Investigation of the case and preparing original complaints;
- Preparation of amended and consolidated complaints;
- Extensive pre-answer motion practice briefing and court tutorial preparation;

- Drafting discovery requests directed to Defendants;
- Discovery motion practice;
- Prosecuting FOIA litigation to obtain relevant documents from FDA;
- Analysis of Defendants' document productions;
- Analysis of nonparty document productions pursuant to subpoena;
- Responding to discovery requests from Defendants;
- Producing discovery from the successor to plaintiff Rochester Drug Co-Operative, Inc.;
- Meeting and conferring with Defendants about discovery;
- Defending Rochester Drug Co-Operative, Inc.'s successor at deposition; and
- Contributing to case strategy and theory.

3. In accordance with the Court's Order on Procedures and Guidelines for Direct Purchaser Plaintiffs' Counsel's Time and Expense Submissions (ECF No. 806) ("Time and Expense Order"), 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.

4. The schedule below reports the time spent by my firm's attorneys, paralegals and other support staff from inception until February 7, 2024 (the date that the settlement was executed) and time thereafter related only to the settlement. This submission does not include time relating to this motion. In accordance with the Time and Expense Order, all hourly rates are reported below at both then-

current (*i.e.*, historical) billing rates and at current billing rates, and contract attorneys have been billed at no more than \$250 per hour.<sup>1</sup>

<b>Professional</b>	<b>Position</b>	<b>Hours</b>	<b>Lodestar Historical Rates</b>	<b>Lodestar Current Rates</b>
Peter Kohn	Partner	707.7	\$544,201.50	\$842,163.00
Joseph Lukens	Partner	6.3	\$5,859.00	\$7,402.50
Adam Steinfeld	Partner	580.7	\$441,397.00	\$551,665.00
Bradley Demuth	Partner	20.1	\$15,075.00	\$19,597.50
David Calvello	Partner	1.8	\$970.00	\$1,206.00
Raymond Barto	Partner	78.4	\$45,602.50	\$54,096.00
Stephen Doherty	Counsel	597.6	\$388,127.00	\$478,080.00
Neill Clark	Counsel	1,153.9	\$830,249.00	\$1,096,205.00
Christopher Hayes*	Counsel	2.5	\$1,875.00	\$1,875.00
Elizabeth Silva*	Associate	66.7	\$25,012.50	\$25,012.50
Richard Schwartz*	Associate	224.5	\$124,606.50	\$126,842.50
Sarah Westby*	Associate	415.6	\$164,170.00	\$197,410.00
Luke Smith*	Associate	571.1	\$259,411.00	\$282,694.50
Stephen Connolly*	Associate	33.1	\$17,107.50	\$17,377.50
<b>Total:</b>		<b>4,460.0</b>	<b>\$2,863,663.50</b>	<b>\$3,701,627.00</b>

5. My firm incurred a total of \$269,434.56 in unreimbursed expenses, as set forth in the following table<sup>2</sup>:

<b>Expense</b>	<b>Amount</b>
Filing fees	\$2,264.84
Litigation Fund Contributions	\$250,000.00

<sup>1</sup> Former employees are identified with an asterisk. “Current Rate” for a former employee is calculated at the last rate for that employee at the time of his or her last work performed on this matter.

<sup>2</sup> In accordance with the Time and Expense Order, postage/FedEx are reported at actual cost; the above telephone expenses do not include general subscription or monthly lease costs associated with long-distance services or cellular phones; the maximum charge for photocopying is \$0.25 per page; and for any travel mileage, the IRS rules for mileage maximums were applied.

Postage/FedEx	\$244.71
Telephone	\$96.80
Photocopying	\$1,162.89
Travel/hotel/meals	\$4,375.56
Legal research and datasets	\$11,289.76
<b>Total</b>	<b>\$269,434.56</b>

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 19th day of April, 2024

*/s/ Peter Kohn*  
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Peter Kohn