

1 GUIDO SAVERI (22349)  
R. ALEXANDER SAVERI (173102)  
2 GEOFFREY C. RUSHING (126910)  
CADIO ZIRPOLI (179108)  
3 SAVERI & SAVERI, INC.  
706 Sansome Street  
4 San Francisco, CA 94111-5619  
Telephone: (415) 217-6810  
5 Facsimile: (415) 217-6813  
*guido@saveri.com*  
*rick@saveri.com*  
6

7 ANTHONY D. SHAPIRO (*pro hac vice*)  
8 GEORGE W. SAMPSON (*pro hac vice*)  
HAGENS BERMAN SOBOL SHAPIRO LLP  
1301 Fifth Avenue, Suite 2900  
9 Seattle, Washington 98101  
Telephone: (206) 623-7292  
10 Facsimile No.: (206) 623-0594

11 FRED TAYLOR ISQUITH (*pro hac vice*)  
MARY JANE FAIT (*pro hac vice*)  
12 WOLF, HALDENSTEIN, ADLER,  
FREEMAN & HERZ  
270 Madison Avenue  
13 New York, NY 10016  
Telephone: (212) 545-4600  
14 Facsimile: (212) 545-4653

15 Co-Lead Counsel for Plaintiffs

16  
17 UNITED STATES DISTRICT COURT  
18 NORTHERN DISTRICT OF CALIFORNIA

19 IN RE DYNAMIC RANDOM ACCESS  
20 MEMORY (DRAM) ANTITRUST  
LITIGATION

Master File No. M-02-1486 PJH

MDL No. 1486

21 **DECLARATION OF R. ALEXANDER**  
22 **SAVERI IN SUPPORT OF DIRECT**  
23 **PURCHASER PLAINTIFFS'**  
**MOTION FOR AN ORDER**  
**AUTHORIZING DISTRIBUTION OF**  
**SETTLEMENT FUND**

24 This Document Relates To:

25 All Direct Purchaser Actions  
26

Time: October 28, 2009

Date: 9:00 a.m.

Judge: Hon. Phyllis J. Hamilton

Courtroom: 3, 3rd Floor

1 I, R. Alexander Saveri, declare:

2 1. I am the managing partner of Saveri & Saveri, Inc., Co-Lead Counsel for  
3 Plaintiffs in this action. I am a member in good standing of the State Bar of California and the  
4 Northern District of California. I have personal knowledge of the facts set forth in this Declaration,  
5 and, if called as a witness, I could and would testify to them. I submit this Declaration in support  
6 of Direct Purchaser Plaintiffs' Motion for an Order Authorizing Distribution of Settlement Fund.

7 2. As of August 31, 2009, the Net Settlement Fund in this action amounts to  
8 approximately \$245,472,196.10, which includes the settlement proceeds plus interest through that  
9 date, less Court-ordered attorneys' fees, costs and expenses, and incentive benefits to Class  
10 Representatives.

11 3. Notice of the settlements reached in this action occurred in three phases  
12 based on the timing of the settlements. The first notice informed class members about Plaintiffs'  
13 settlements with defendants Infineon, Hynix, and Samsung. The second notice informed class  
14 members about Plaintiffs' settlements with Elpida, NEC, Winbond, and Micron. The third notice  
15 informed class members of Plaintiffs' settlements with Mosel and Nanya USA. Each of the three  
16 Notices informed class members that the plan of allocation provides for distribution of the Net  
17 Settlement Fund on a *pro rata* basis, based on the dollar amount each class member paid to  
18 defendants for direct purchases of DRAM from April 1, 2009, to June 30, 2002. The notices  
19 required that any objections to the settlement, including the plan of allocation, be filed with the  
20 Court and served on counsel. No objections to a *pro rata* plan of allocation were received.

21 4. It is necessary to reserve a portion of the Net Settlement Fund for the  
22 payment of state and federal taxes as they become due during the claims distribution period. In  
23 addition, on or around September 11, 2009, the Claims Administrator informed me that  
24 approximately \$165,000 should be reserved for costs incurred since August 1, 2009, and for future  
25 claims administration costs. Included in this estimate are costs for distributing, printing, and  
26 mailing approximately 20,000 checks, processing undeliverable checks, trace processing, reissuing  
27 checks, claimant communications, Call Center fees and expenses, account reconciliation, website

1 updates, website fees, mail processing, any wire and/or Federal Express fees for larger checks, and  
2 FDIC charges.

3 I swear under penalty of perjury under the laws of the United States of America that  
4 the foregoing is true and correct. Executed this 15<sup>th</sup> day of September, 2009, in San Francisco,  
5 California.

6  
7 /s/ R. Alexander Saveri

8 R. Alexander Saveri  
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