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16 Attorneys for Plaintiff Alan Preis

17 **UNITED STATES DISTRICT COURT**
18 **NORTHERN DISTRICT OF CALIFORNIA**

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

Master File No. M-02-1486PJH
MDL No. 1486

**DECLARATION OF GUIDO SAVERI IN
SUPPORT OF MOTION FOR AN AWARD
OF ATTORNEYS' FEES AND
REIMBURSEMENT OF EXPENSES FILED
ON BEHALF OF SAVERI & SAVERI, INC.**

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25 This Document Relates to:

Preis v. Hitachi, Ltd., et al.,
Case No. CV 10-0346 PHJ

Date: October 27, 2010
Time: 9:00 a.m.
Judge: Hon. Phyllis J. Hamilton
Ctrm: 3

1 I, Guido Saveri, declare and state as follows:

2 1. I am the senior partner at the law firm of Saveri & Saveri, Inc. I submit this
3 declaration in support of Class Counsels' motion for an award of attorneys' fees in connection with
4 services rendered in this case and the reimbursement of expenses incurred by my firm in
5 connection with this litigation.

6 2. My firm has acted as counsel to Plaintiff Alan Preis and the class in this action.
7 During the course of this litigation, my firm has been involved in every aspect of the litigation on
8 behalf of the Plaintiff Class.

9 3. From the beginning of the litigation, the Saveri firm investigated the involvement
10 and participation of Mitsubishi, Toshiba, and Hitachi ("MTH") in the conspiracy by memory
11 manufacturers to fix the prices of DRAM sold in the United States. Based on plaintiff's
12 investigation, the Saveri Firm negotiated and drafted tolling agreements with each defendant that
13 had not been joined in *In Re Dynamic Random Access Memory (DRAM) Antitrust Litigation*, MDL
14 1486 (hereinafter "DRAM I"). Once the three companies entered tolling agreements, the MTH
15 defendants became a separate action from DRAM I.

16 4. The Saveri firm negotiated with the DRAM I defendants for access to confidential
17 document and deposition information in order to prosecute the separate *Preis* action. The Saveri
18 firm reviewed the voluminous DRAM I documents for the involvement of MTH in the DRAM
19 conspiracy. It also reviewed deposition testimony from the opt-out cases (individual DRAM
20 actions) and the indirect purchaser class actions. It monitored the opt-out litigation and the
21 criminal trial of Gary Swanson for information involving the MTH defendants in the DRAM
22 conspiracy.

23 5. The Saveri firm negotiated and reviewed informal discovery from Hitachi and
24 Mitsubishi. This included tens of thousands of pages of documentary evidence. Information
25 gathered from the informal discovery of Hitachi and Mitsubishi was then added to the information
26 culled from DRAM I to create a database of information in preparation for depositions and
27 litigation in the *Preis* action.

1 6. From at least the middle of 2007, plaintiff's counsel and the MTH defendants began
2 lengthy and contentious settlement discussions. The Saveri firm was involved in all aspects of the
3 settlement negotiation process from the beginning to the end. Based on the information gathered in
4 formal and informal discovery, the Saveri firm, along with co-counsel Hagens Berman Sobol
5 Shapiro LLP ("HBSS"), had numerous in person and telephonic meetings with counsel for each of
6 the MTH defendants. After lengthy negotiations, settlements were reached with Mitsubishi and
7 Hitachi. Counsel were unable to reach agreement with Toshiba. The Tolling Agreement with
8 Toshiba was terminated and the Saveri firm along with HBSS gave notice of its intent to file a
9 detailed complaint setting forth Toshiba's involvement in the DRAM price fixing conspiracy.
10 Shortly thereafter, the Saveri firm and HBSS re-engaged settlement discussions with Toshiba and
11 were able to finalize a settlement. The Saveri firm along with HBSS drafted, negotiated, finalized,
12 and executed each of the settlement agreements with Mitsubishi, Toshiba, and Hitachi.

13 7. The Saveri firm negotiated and drafted each of the escrow agreements with the three
14 settling defendants and the escrow agent Union Bank.

15 8. The Saveri firm drafted and edited, along with HBSS, both of the class action
16 complaints for violation of the federal antitrust laws. Plaintiff prepared two complaints in this
17 action. The first complaint was a detailed complaint prepared following the termination of the
18 Tolling Agreement with Toshiba. The second complaint was a much less detailed complaint which
19 was filed after negotiations with the settling MTH defendants.

20 9. The Saveri firm worked with the MTH defendants in relating this matter to the
21 DRAM I litigation, including preparing and filing a related case motion. It also, coordinated
22 service of the complaint by stipulation with each defendant.

23 10. The Saveri firm drafted plaintiff's Motion for preliminary Approval of the
24 settlements, including the individual notice to each class member and the summary notice
25 published in the *Wall Street Journal*, the proposed claim form and instructions. In this connection,
26 the Saveri firm had extensive discussions with defense counsel in fashioning an appropriate notice
27 to the settlement class in light of prior settlements in DRAM I. This included issues relating to
28 prior notice in DRAM I, prior opt-outs in DRAM I, claims having been made in DRAM I,

1 definition of each different settlement class, discussions regarding the allocation of the settlement
2 funds and other administrative issues.

3 11. The Saveri firm had continuous discussions with the Claims Administrator in the
4 processing of notice to more than one million class members, reviewing and revising declarations
5 and exhibits prepared by the Claims Administrator in support of the Motion for Preliminary
6 Approval of the Settlement.

7 12. The Saveri firm drafted the Motion for Final Approval of the Settlements with the
8 MTH defendants and all the supporting documents.

9 13. The Saveri firm appeared at all Court hearings related to this matter.

10 14. The Saveri firm worked with the Claims Administrator in responding to class
11 member questions involving the MTH settlements.

12 15. I anticipate significant work will be necessary in resolving this matter. As is the case
13 in class action antitrust litigation, significant work related to claims auditing, claims negotiations,
14 and claims distribution and resolution of numerous disputes will be required to distribute the
15 settlement funds. In DRAM I the Saveri firm devoted approximately 1,500 hours to this endeavor.
16 In this case more than 8,000 claims have already been filed.

17 16. The schedule attached hereto as Exhibit 1 is a detailed summary indicating the
18 amount of time spent by the partners, attorneys and other professional support staff of my firm who
19 were involved in this litigation, and the lodestar calculation based on my firm's current billing rates
20 from inception of the case through September 13, 2010. For personnel who are no longer
21 employed by my firm, the lodestar calculation is based upon the billing rates for such personnel in
22 his or her final year of employment by my firm. The schedule was prepared from
23 contemporaneous, daily time records regularly prepared and maintained by my firm.

24 17. The hourly rates for the partners, attorneys and professional support staff included
25 in Exhibit 1 are the same as the usual and customary hourly rates charged for their services in
26 similar complex class action litigation.

27 18. The total number of hours expended on this litigation by my firm from inception
28 through September 13, 2010, is 1,803.50 hours. The total lodestar for my firm is \$ \$1,049,763.75.

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19. My firm's lodestar figures are based upon the firm's billing rates, which rates do not include charges for expense items. Expense items are billed separately and such charges are not duplicated in my firm's billing rates.

20. As detailed in Exhibit 2, my firm has incurred a total of \$12,478.77 in unreimbursed expenses in connection with the prosecution of this litigation.

21. The expenses incurred in this action are reflected on the books and records of my firm. These books and records are prepared from expense vouchers, check records and other source materials and represent an accurate recordation of the expenses incurred.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 20th day of September, 2010 at San Francisco, California.

/s/ Guido Saveri
Guido Saveri

EXHIBIT 1

DRAM ANTITRUST LITIGATION

TIME REPORT

FIRM NAME: Saveri & Saveri, Inc. **Inception - September 13, 2010**

[P] Partner
 [A] Associate
 [LC] Law Clerk
 [PL] Paralegal
 [L] Librarian
 [OC] Of Counsel

Attorney or Paralegal	HOURS	HOURLY	LODESTAR
		RATE	
Guido Saveri (P)	611.00	895.00	546,845.00
R. Alexander Saveri (P)	163.25	650.00	106,112.50
Cadio Zirpoli (P)	327.25	575.00	188,168.75
Geoffrey C. Rushing (OC)	15.50	650.00	10,075.00
Gianna Gruenwald (A)	67.75	425.00	28,793.75
William Heye (A)	73.50	350.00	25,725.00
Jane Zirpoli (A)	107.75	400.00	43,100.00
Melissa Shapiro (A)	23.00	325.00	7,475.00
David Sims (A)	189.75	250.00	47,437.50
Robert Edmonds	7.75	250.00	1,937.50
Dana Collins (A)	0.50	250.00	125.00
Andrew Woodruff (A)	15.00	250.00	3,750.00
David Dorr (PL)	133.25	225.00	29,981.25
Ella Wagner (PL)	32.50	150.00	4,875.00
Erica Schwartz (PL)	2.75	150.00	412.50
Reamonn Stynes (PL)	2.00	150.00	300.00
Shannon Crane (PL)	19.00	150.00	2,850.00
Megan Gardner (PL)	12.00	150.00	1,800.00
TOTALS:	1803.50		1,049,763.75

EXHIBIT 2

NAME: Saveri & Saveri, Inc.

**IN RE: DRAM-II
COSTS REPORT**

CATEGORY	DESCRIPTION (if necessary)	CUMULATIVE COSTS
Court Costs		\$350.00
Federal Express		\$66.39
Hearing Transcripts		\$37.80
Lexis/westlaw		\$3,741.11
Photocopies - in House		\$3,110.63
Postage		\$36.49
Telephone/telecopier		\$1,498.80
Travel		\$75.05
Technology Services		\$3,562.50
TOTAL		\$12,478.77