

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION

IN RE: CARDIZEM CD ANTITRUST
LITIGATION

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MDL DOCKET NO. 1278

This document relates to:

INDIVIDUAL FILE NO.
99-CV-73259
99-CV-73870

Honorable Nancy G. Edmunds
Honorable Nancy G. Edmunds

**AFFIDAVIT OF SUSAN LaCAVA IN SUPPORT OF
JOINT PETITION FOR ATTORNEYS' FEES AND DISBURSEMENTS
FILED ON BEHALF OF SUSAN LaCAVA, S.C.**

STATE OF WISCONSIN)
) ss.:
COUNTY OF DANE)

Susan LaCava, being first duly sworn, deposes and says:

1. I am a member of the law firm of Susan LaCava, S.C.. I submit this affidavit support of my firm's application for an award of attorneys' fees in connection with services rendered in this case, as well as the reimbursement of expenses incurred by my firm in connection with this litigation.

2. My firm acted as one of plaintiffs' counsel. The tasks undertaken by my firm can be summarized as follows:

- Researching legal theories, and drafting pleadings;
- Researching payment and distribution systems for federally certified community health centers;

- Interviewing potential clients and reviewing their pharmaceutical contracts, such as dispensing agreements and pharmacy service agreements;
- Preparing discovery responses; and
- Witness interviews.

3. The schedule attached hereto as Exhibit 1 is a detailed summary indicating the amount of time, by category, spent by each attorney and paralegal of my firm who was involved in this litigation, and the lodestar calculation based on my firm's current billing rates. For attorneys and paralegals who are no longer employed by my firm, the lodestar calculation is based upon the billing rates for such attorneys and paralegals in his or her final year of employment by my firm. This schedule was prepared from contemporaneous daily time records regularly prepared and maintained by my firm, which are available at the request of the Court. Time expended in preparing this application for fees and reimbursement of expenses has not been included in this request.

4. The hourly rates for the attorneys and paralegals in my firm included in Exhibit 1 are the same as the regular current rates charged for their services in non-contingent matters and which have been accepted and approved in other securities or shareholder litigation.

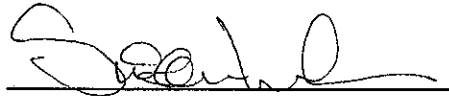
5. The total number of hours expended on this litigation by my firm is 85.65 hours. The total lodestar for my firm is \$31,785.00, consisting of \$30,960.00 for attorneys' time and \$825.00 for paralegals' time.

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

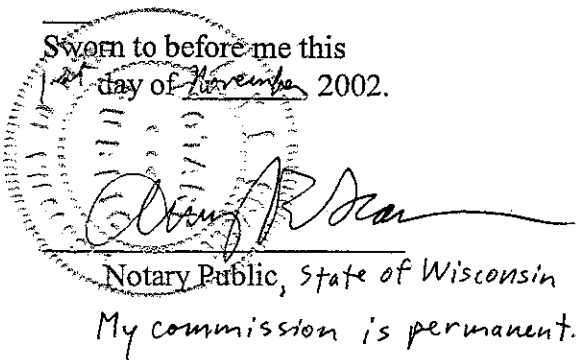
7. My firm has incurred no expenses in connection with the prosecution of this

litigation.

8. With respect to the standing of counsel in this case, attached hereto as Exhibit 2 a brief biography of my firm and attorneys in my firm who were principally involved in the litigation.



Sworn to before me this
1st day of November 2002.



Notary Public, State of Wisconsin
My commission is permanent.

CARDIZEM LITIGATION
Attorney Time Report From Inception Thru Present

Categories:

- | | |
|--|--|
| (1) Preparing Pleadings and Briefs, Class Certification, Appeal, MDL | (4) Working with our experts (includes preparing expert reports) |
| (2) Discovery and Factual Investigation | (5) Court Appearances and Preparation |
| (3) Mediation/Settlement | (6) Case Management |

Name (Status)	1	2	3	4	5	6	Total Hours	Hourly Rate	Cumulative Lodestar
Susan LaCava, attorney	16.40	61.00					77.40	\$400	\$ 30,960.00
Michael Solomon, paralegal		8.25					8.25	\$100	\$ 825.00
							85.65		\$ 31,785.00

* = Database Clerk

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RESUME

SUSAN LaCAVA, S.C.

Susan LaCava founded Susan LaCava, S.C. in 1992. The firm concentrates its practice in the areas of antitrust and consumer class actions and business litigation. Before founding the firm, Susan LaCava was with Quarles & Brady, Milwaukee, Wisconsin, where she concentrated her practice in antitrust, intellectual property, and business litigation

SUSAN LACAVA

J.D., Indiana University Law School, Magna Cum Laude, 1983

HONORS

Order of the Coif
Note Editor, Indiana University Law Journal

Law Clerk to The Honorable John L. Coffey
United States Court of Appeals for the Seventh Circuit
Milwaukee, Wisconsin 1984-1986

REPRESENTATIVE CASES

In Re Vitamin Product Antitrust Litigation: This antitrust action concerns price fixing and market allocation in the sale of vitamins. The case has been litigated in conjunction with companion cases in several states. The parties have agreed to a nationwide, partial settlement of the case for \$187 million. The firm serves as the Wisconsin Liaison Counsel.

J&R Ventures v. Rhone-Poulenc, S.A., et al.: Indirect purchasers of methionine, an animal food additive, are suing for price-fixing and market allocation. The firm serves as co-lead counsel.

Scholfield v. Abbot Laboratories, et a.: This consumer class action alleged price-fixing and price-discrimination in the prescription drug industry. The Wisconsin portion of the case settled for approximately \$10 million dollars. The damages were distributed through community health centers, whose primary clients are the working poor.

Scenic Bluffs Community Health Center v. Mylan Laboratories, Inc.: Purchasers of Lorazepam and Clorazepate allege that the defendants cornered the market for the raw ingredients of these drugs, allowing them to drive other manufacturers out of the business of making these drugs, allowing the defendants to charge monopoly prices. The case settled.

In Re Cardizem Antitrust Litigation: Purchasers of Cardizem CD, a heart medication, allege in a federal antitrust action that Hoechst conspired with Andrx Pharmaceuticals to keep Andrx's generic version of Cardizem bottled up in the regulatory approval process, thereby keeping other generic forms of Cardizem off the market and allowing Hoechst to continue to enjoy monopoly prices.

In re Ciprofloxacin Hydrochloride Antitrust Litigation: This antitrust case alleges that Bayer, along with Barr Laboratories, Inc. ("Barr") and the Rugby Group, Inc. ("Rugby"), entered into an unlawful agreement under which Bayer paid Barr (and Rugby) a total of \$49 million, plus additional payments of \$24.5 million per year (to Barr), not to market a generic version of Cipro.

Southview Farms v. Aventis CropScience USA Holding, Inc. The firm represents farmers who did not

plant Starlink, a genetically modified corn. Starlink corn, which was not approved for human consumption, contaminated the corn distribution system and other farmers' crops of non-Starlink corn. As a result, several foreign countries banned the importation of US corn, causing a drop in corn prices.

Rebenstock v. Fruehauf Corp., et al: The firm represented purchasers of stock in the Fruehauf Corporation against Deloitte and Touche for failure to conduct a proper audit. This portion of the case settled for \$4.8 million.

Sleweon v. America Online: The firm brought this consumer fraud case on behalf of Indiana members of America Online against America Online concerning AOL's failure to deliver unlimited access to the service as promised.

Karr Food Service Distribution, Inc. v. Chesapeake Corp., et al: In this case, distributors alleged price fixing in commercial and industrial paper products.

Noll v. Kraft Foods, Inc., et al: The firm is representing Wisconsin milk producers in a state antitrust class action concerning the manipulation of the price of cheese purchased and sold on the National Cheese Exchange, Inc.

Cicarell v. Provident Mutual Life Ins. Co.: The firm represented purchasers of permanent life insurance products marketed as private pension plans.

Chase v. Northwest Airlines, et al: Purchasers of airline travel allege a conspiracy between Northwest and the Airline Reporting Corporation as well as individual actions taken by Northwest to illegally preserve or expand a monopoly by prohibiting "hidden city" ticketing.

Lief, et al v. Nine West Group, Inc.: Purchasers of ladies shoes manufactured by defendant, alleged that defendant conspired with department stores and Nine West stores to fix the minimum price of certain shoes.

Wildin v. American Family Insurance Co.: This insurance bad faith case challenges an insurer's practice of opting to "repair" automobiles that are not repairable.

Selig v. Heartland Short Duration High-Yield Municipal Fund, Heartland Advisors, Inc. and Conlin: This is a federal securities class action involving misrepresentation of a mutual fund's net asset value.

Forgue v. Wyeth-Ayerst Laboratories, Inc. and American Home Products Corp.: This antitrust action alleges that Wyeth, which manufactures Premarin and has 99% of the market for conjugated estrogens, blocked market access by other drug manufacturers by entering into exclusive and "disguised" exclusive contracts with managed care organizations, self-insurance plans, and pharmacy benefit managers.