

**CONFIDENTIAL ATTORNEY WORK PRODUCT  
UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

**IN RE: CARDIZEM CD  
ANTITRUST LITIGATION**

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**MASTER FILE NO. 99-MD-1278**

**This document relates to:**

**ALL ACTIONS**

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**AFFIDAVIT OF ANGELA K. GREEN IN SUPPORT OF JOINT PETITION FOR  
ATTORNEYS' FEES AND DISBURSEMENTS FILED ON BEHALF OF NIEWALD,  
WALDECK & BROWN AND LOWTHER JOHNSON, LLC**

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STATE OF MISSOURI     )  
ss.                             )  
COUNTY OF GREENE     )

I, ANGELA K. GREEN, being first duly sworn, deposes and says:

1.       Since the inception of this lawsuit through June 14, 2002, I was a shareholder in the law firm of Niewald, Waldeck & Brown, PC. Thereafter, I immediately commenced employment at Lowther Johnson, LLC. I submit this affidavit in support of these firms' applications for an award of attorneys' fees in connection with my services rendered in this litigation as well as further reimbursement of expenses incurred by these firms in connection with the case.

2.       My involvement with the Sherman Act Plaintiffs litigation began when Richard Drubel contacted me to serve as local counsel for Duane Reade in a lawsuit to be filed in federal court in Kansas. This was ultimately transferred by order of the Judicial Panel on Multi-District Litigation to the Eastern District of Michigan.

3. Although initially serving as liaison counsel for Duane Reade in the District of Kansas, after the case was transferred to Michigan, I served as co-counsel of the discovery committee with the Odom & DesRoches firm. William Sellers, an associate at Niewald, Waldeck & Brown at the time I was there, also worked many hours on this matter. With respect to discovery, we coordinated on an almost daily basis with Odom & DesRoches ("ODR") and reviewed and supervised the document productions. We also spearheaded the discovery drive as to Aventis, while ODR focused on Andrx. We participated in the weekly conference calls with lead counsel to advise the Executive Committee of our progress.

4. In addition to discovery, Niewald, Waldeck & Brown (through William Sellers and the undersigned) assisted in significant respects in drafting the Response to the Defendants' Motion to Dismiss. We also did the initial drafting and subsequent revisions on the per se motion at both the trial court level and before the 6<sup>th</sup> Circuit.

5. In addition, we did substantial work on the §1292(b) motion and successfully opposed amicus briefs filed by Pharma (the Defendants' industry lobby) in the 6<sup>th</sup> Circuit.

6. For purposes of this affidavit, my firm's contributions, including the diligent work of those I had the opportunity to litigate with at Niewald, Waldeck & Brown, can be summarized as follows:

Liaison counsel for Duane Reade in Kansas; drafting of papers before the Judicial Panel on Multi-District Litigation ("JPMDL"), including argument before the JPMDL, working on the original class certification brief that was filed in the District of Kansas, preparation of the omnibus discovery plan requested by lead counsel in this case, preparation of the coding sheets and the establishment of the document handling in this matter, document review as well as overall supervisory activity over the document review in this matter, depositions of

the following individuals [except as noted, the undersigned took the depositions]: Peter Ladell (taken by William Sellers); Douglas Randall; Kelly Blinzler; Karen Rice; Steve Duncan (taken by William Sellers); Christian Boswell; Carolyn Pang; Edward Stratemeier; James M. Spears; Xiu-Xiu Chang (taken by William Sellers); Stuart Rahr.

7. Although my role on discovery was primarily with respect to the Aventis witnesses, we did assist as needed with respect to overall discovery and attended depositions where it was more convenient from a scheduling perspective.

8. The total number of hours on this litigation by Niewald, Waldeck & Brown is 4,620. The total lodestar for the Niewald firm is \$833,659.50 consisting of \$761,605 for attorneys' time and \$72,054.50 for paralegals' and law clerks' time. The total number of hours on this litigation by Lowther Johnson is 30. The total lodestar for Lowther Johnson is \$7,500, all of which is attorney time.

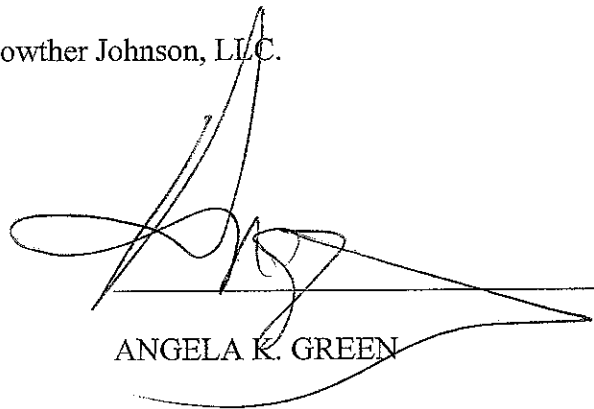
9. The schedule, attached as Exhibit 1, is a true and accurate summary of the amount of time spent from inception through present by each attorney, paralegal and law clerk involved in the litigation, and the lodestar calculation is based on current billing rates for commercial litigation for which I am responsible. This schedule was prepared from contemporaneous time records regularly prepared and maintained by Niewald, Waldeck & Brown and Lowther Johnson, which are available at the request of the Court. Time expended in preparing this application for fees and reimbursement for expenses has not been included.

10. The lodestar figures are based upon billing rates which do not include charges for expense items. Expense items are billed by each firm separately and such charges are not duplicated in the firms' billing rates.

11. The Niewald, Waldeck & Brown firm incurred a total of \$96,630.00 in unreimbursed expenses in connection with the prosecution of this litigation. These expenses are categorized and attached in Exhibit 2. Similarly, Lowther Johnson incurred a total of \$1862.15 in unreimbursed expenses, and they are similarly categorized on Exhibit 2.

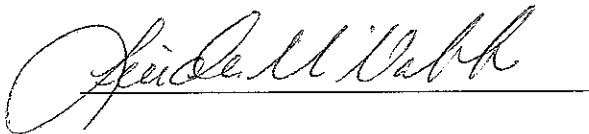
12. The expenses incurred in this action are also reflected on the books and records of Niewald, Waldeck & Brown and Lowther Johnson. These books and records are prepared from expense vouchers, check records and other source materials and are an accurate recordation of the expenses incurred.

13. With the respect to the standing of my firms, attached as Exhibit 3 is a brief biography of the Niewald, Waldeck & Brown website relating to highlights in complex litigation, as well as my current resume and that of my current firm at Lowther Johnson, LLC.



ANGELA K. GREEN

SWORN TO before me, Notary Public, this 31<sup>st</sup> day of October, 2002.



Notary Public

LINDA McNABB Notary Public  
Greene County State of Missouri  
My Commission Expires Feb. 23, 2003

**Exhibit 1**

**Niewald, Waldeck & Brown Attorney, Paralegal and Law Clerk Time Report**

<b>Name</b>	<b>Total Hours</b>	<b>Hourly Rate</b>	<b>Cumulative Lodestar</b>
Angela K. Green	1352.70	\$250.00	\$338,175.00
William W. Sellers	2389.20	\$175.00	\$418,110.00
Michael L. Belancio	25.00	\$175.00	\$4,375.00
John Drake Falvey	5.40	\$175.00	\$945.00
Susan F. Meagher	328.20	\$85.00	\$27,897.00
Kelly D. Fenner	134.50	\$85.00	\$11,432.50
Pamela D. McNeely	240.80	\$85.00	\$20,468.00
Kyle J. Hommes	20.50	\$85.00	\$1742.50
Christy Henry	123.70	\$85.00	\$10,514.50
	<b>4620.00</b>		<b>\$833,659.50</b>

**NWB time broken into categories requested by lead counsel:**

Category 1:	1,701
Category 2:	2413
Category 3:	26
Category 5:	173
Category 6:	333

**Lowther Johnson Total Attorney Time**

<b>Name</b>	<b>Total Hours</b>	<b>Hourly Rate</b>	<b>Cumulative Lodestar</b>
Angela K. Green	30.00	\$250.00	\$7,500.00
	<b>30.00</b>		<b>\$7,500.00</b>

**Exhibit 1 Continued**

**Lowther Johnson time broken into categories requested by lead counsel:**

Category 1:	13.3
Category 2:	5.1
Category 3:	1.1
Category 6:	10.5

**Exhibit 2**

**Niewald, Waldeck & Brown Unreimbursed Expenses**

<b>Expense</b>	<b>Amount</b>
Charges for Litigation Fund Assessments	\$25,000.00
Airfare cost	\$14,259.83
Lexis-Nexis & Westlaw Charges	\$11,358.28
Lodging Expense	\$10,772.86
Photocopy expense - In-house	\$9,143.10
Postage, express mail and delivery expenses	\$4,771.14
Photocopy expenses - out of house	\$3,647.60
Meal expenses	\$3,331.17
Mileage and travel expenses	\$3,196.29
Long distance charges	\$2,897.20
Document production expense	\$803.75
Litigation support	\$587.50
Charges for banquet room, telephone and refreshments for deposition of Steve Duncan in Indianapolis, IN	\$547.79
Charges for AT&T teleconference service during deposition of Steve Duncan of Indianapolis, IN	\$473.41
Service of subpoena	\$322.00
Charges for room rental at Ft. Lauderdale, FL Marriot for deposition of Xiu Xiu Chang	\$236.65
Supplies	\$127.85
Charges for Clerk of Court of Appeals	\$100.00
Charges for teleconference with Messrs. Clark and Cook	\$53.58
<b>Total</b>	<b>\$91,630.00</b>

**Exhibit 2 continued**

**Lowther Johnson, LLC Unreimbursed Expenses**

<b>Expense</b>	<b>Amount</b>
Facsimile transmissions	\$12.10
Photocopying	\$48.80
Postage	\$8.75
Westlaw research relating to objection and release issues	\$1,792.50
<b>Total</b>	<b>\$1,862.15</b>

**Lowther Johnson,  
Attorneys At Law, L.L.C.**  
901 St. Louis Street  
20th Floor Springfield, Missouri 65806 (Greene Co.)  
Telephone: 417-866-7777  
Telecopier: 417-866-1752

Contact us: Web Site: <http://www.lowtherjohnson.com> (Main Office)

**Statement of Practice:**

General civil trial and appellate practice, banking, commercial, personal injury, products liability, insurance, real estate, probate, estate planning, health care and hospital law, creditor bankruptcy, corporations, business, entertainment law, employment law, immigration law, multi district and complex litigation, securities fraud, antitrust litigation, class actions.

**Year Established:** 1975

**Rating:** AV

**Firm Profile:**

Lowther Johnson Attorneys at Law, LLC is a Springfield, Missouri based law firm. Lowther Johnson is a multi-service firm representing the interests of individuals and businesses throughout a four-state region for over a quarter of a century.

Lowther Johnson is proud to serve as the legal advisor for various companies, organizations and individuals. The members of Lowther Johnson dedicate themselves to identifying legal issues and creating effective solutions to those issues unique to their clients.

In an era when national firms are moving into small communities, it is easy for local clients to get lost. The attorneys at Lowther Johnson understand life in Southwest Missouri and are attuned to the needs of their clients.

**Firm size:** 16

**Clients:**

REPRESENTATIVE CLIENTS: Axa ReAssurance, Cox Medical Centers, Commerce Bank, Forest Institute, KO Manufacturing, Killian Construction Company, Great American Land Title, Zurich American Insurance Company, General District Counsel for Sears & Roebuck & Co., Yakov Smirnoff, Greene County.

**Angela K. Green. (Of Counsel)**

Born Sheridan, Wyoming, June 10, 1960; admitted to bar, 1985, Missouri; 1998, Kansas.

**Education:** College of St. Thomas (B.A., 1982); University of Minnesota (J.D., 1985).

**Practice Areas:** Multi-District and Complex Litigation; Securities Fraud; Antitrust Litigation.

Angela K. Green joined the firm in 2002 after relocating to Springfield from Kansas City.

After graduating from the University of Minnesota School of Law in 1985, Ms. Green earned her AV rating practicing in complex litigation, class action suits, antitrust, securities and consumer cases. She has served as an executive committee member in large national class actions and traveled throughout the country in connection with her antitrust and securities practice. She is experienced in complex litigation from a defense perspective as well.

Ms. Green has substantial trial and appellate experience. She has tried class actions in federal court to conclusion and has defense jury trial experience in complex cases as well. Ms. Green also has extensive litigation experience in Kansas and Missouri state trial courts. She has argued appeals in complex cases before the 8<sup>th</sup> Circuit Court of Appeals and the Missouri Court of Appeals and briefed in numerous other Courts of Appeals from the 5<sup>th</sup> Circuit to the United States Supreme Court. Representative cases include the following: In Re Midwestern Securities Litigation (W.D.Mo), In Re Taxable Municipal Bonds (E.D. La), In Re High Fructose Corn Syrup Litigation (D.Ill), In Re Brand Name Pharmaceutical Drugs (Johnson County, KS), In Re Cardizem CD Antitrust Litigation (E.D.Mi), Centennial Life Insurance Company v. Axa Re, et al. (D.Ks), In the Matter of Professional Medical Insurance Company (Jackson County, MO).

She is a member of the Springfield Metropolitan Bar Association and past president of the Stop Violence Coalition. Ms. Green is admitted to practice in Missouri and Kansas State Courts, the U.S. District Court for the Western District of Missouri and the District of Kansas, U.S. Courts of Appeals in the 5<sup>th</sup>, 6<sup>th</sup>, 9<sup>th</sup>, 10<sup>th</sup> and Federal Circuits, and the U.S. Supreme Court.

Ms. Green lives in the small, nearby town of Stockton, Missouri, where she attempts to manage her three sons and menagerie.



## Law Offices

## HIGHLIGHTS

### Class Action Litigation

Business  
Class Action Litigation  
General Litigation  
Insurance Coverage  
Tower/Telecommunications

▶ The firm currently represents consumers and purchasers and serves on the Plaintiffs' Steering Committee for claims brought by direct purchasers of Cardizem. This is an antitrust action, alleging illegal conduct arising from the branded manufacturer's payments to the generic manufacturer, and is presently pending as a multidistrict litigation proceeding in the Eastern District of Michigan.

▶ The firm currently represents a national insurer in a putative class action where plaintiffs allege that the payments of claims under replacement cost policies violate Missouri law

▶ The firm currently represents a class representative in an antitrust case alleging that ADM and others conspired to fix the price of high fructose corn syrup.

▶ NWB represented shareholders of Kansas City Power & Light Company in class action litigation which prevented a proposed merger between KCP&L and UtiliCorp, resulting in significant financial benefits to KCP&L shareholders

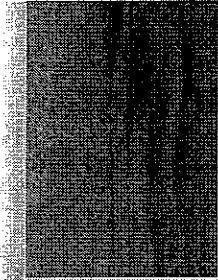
▶ The firm represented Kansas consumers who allegedly overpaid for brand name pharmaceutical drugs. The Kansas cases were coordinated with cases from several other states which resulted in a global settlement of \$65 million. The proceeds of this settlement will benefit community health centers which serve the uninsured working poor

▶ NWB represented a class of direct purchasers of a pesticide in antitrust settlements with indicted defendants and tried the case against non-settling defendants.

▶ NWB represented Farm Bureau Federation and over a dozen community banks in the Midwest in this national litigation involving taxable municipal bonds. The firm served on the national steering committee. At the time, the case was one of the largest securities fraud settlements in the nation, bringing in \$110 million following five years of complex litigation.

▶ The firm represented a class of military retirees wrongfully taxed on their federal retirement benefits by the state of Kansas. Following a successful appeal to the United States Supreme Court, the case was settled by the State of Kansas, resulting in \$50 million in tax refunds to Kansas retirees.

▶ The firm represented direct purchasers of drill bits who bought the equipment at prices inflated by a conspiracy. The settlements with all defendants exceeded \$50 million.



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