

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 99-MDL-1317 - SEITZ/KLEIN

IN RE TERAZOSIN HYDROCHLORIDE
ANTITRUST LITIGATION

THIS DOCUMENT RELATES TO:

*Louisiana Wholesale Drug Co., Inc. v. Abbott
Laboratories, et al.*

S.D. Fla. Case No. 98-3125

Valley Drug Co. v. Abbott Laboratories, et al.

S.D. Fla. Case No. 99-7143

**AFFIDAVIT OF STUART E. DES ROCHES, ESQ., IN SUPPORT OF
JOINT PETITION FOR ATTORNEY'S FEES AND DISBURSEMENTS
FILED ON BEHALF OF ODOM & DES ROCHES, LLP**

STATE OF LOUISIANA)
) ss.: 433-23-6752
PARISH OF ORLEANS)

STUART E. DES ROCHES, ESQ., being first duly sworn, deposes and says:

1. I am a member of the law firm of Odom & Des Roches, LLP (hereinafter "the firm"). I submit this affidavit in support of the firm's application for an award of attorney's fees in connection with services rendered in this case, as well as the reimbursement of costs and expenses incurred by the firm in connection with this litigation.
2. The firm's compensation for the services rendered is wholly contingent. Any fees and reimbursement of expenses will be limited to such amounts as may be awarded by the Court.

3. The firm has actively participated in this case as co-counsel for Louisiana Wholesale Drug Company, Inc. (hereinafter "Louisiana Wholesale"), a named class representative. The firm actively participated in the initial investigation into the facts and circumstances giving rise to this lawsuit and has continued to actively participate throughout the prosecution of this matter. For instance, the firm was involved in the following activities: (a) intimately involved in all facets of organizing and preparing this case for the trial on the merits; (b) tendered and responded to written discovery on behalf of Louisiana Wholesale; (c) prepared and defended Louisiana Wholesale in its Fed.R.Civ.P. 30(b)(6) deposition; (d) worked with various of plaintiffs' experts; (e) reviewed and outlined extensive document productions received from Geneva Pharmaceuticals, Inc. ("Geneva"), Zenith Goldline Pharmaceuticals, Inc. ("Zenith"), and Abbott Laboratories ("Abbott"); (f) assisted in the formation and creation of a detailed database containing all discovery in this case; (g) opposed defendants' motion for summary judgment as to earliest date that Mylan could have entered the market; (h) deposed the defendants' class certification expert, Dr. Richard Rozek; (i) deposed Abbott's in-house counsel and assisted in the deposition of Geneva's in-house counsel, both of whom were intimately involved in the formation of the agreement at issue; (j) deposed the 30(b)(6) witnesses of Abbott and Geneva on issues surrounding the forecasted and actual impact of the entry of generic competition to Abbott's branded products, including Hytrin; (k) deposed defendants' expert in the area of patent/Hatch-Waxman policy; (l) procured and studied documents from Geneva's active ingredient supplier/agent, Byron

Chemicals, Inc.; (m) assisted in the opposition to Zenith's motion for summary judgment; (n) assisted in the opposition to Zenith's motion for a protective order from further discovery; (o) assisted in the opposition to a motion to compel filed against Louisiana Wholesale; (p) assisted in the drafting of the memoranda in support of class certification; and (q) assisted in deposing Geneva's current and former personnel concerning Geneva's ability to validate and manufacturer commercial quantities of generic Hytrin. The above is only a representative sample of the work performed by the firm in this case.

4. Contained below is a chart demonstrating the time spent on this case by each attorney and other employee involved on behalf of the firm through March 20, 2005, and the lodestar calculation based on the firm's current billing rates for complex commercial litigation. The hourly rates for the attorneys and other employees are the same as the current rates actually charged to clients for services in non-contingent fee matters of a similar nature. The schedule was prepared from contemporaneous daily time records regularly prepared and maintained by the firm, which are available for inspection 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. The total number of hours expended on this litigation by my firm is 4,500.25 as of March 20, 2005. The total lodestar for the firm for this time period is \$1,928,891.25.

Name and position	Hourly rate	Number of hours	Total lodestar
John G. Odom (partner)	\$550	837.50	\$460,625.00
Stuart E. Des Roches (partner)	\$465	1,922	\$893,730.00
Andrew W. Kelly (partner)	\$405	86	\$ 34,830.00
Randall S. Acree (of counsel)	\$400	264.50	\$105,800.00
Charles F. Zimmer (senior associate)	\$350	903	\$316,050.00
Ryan Long (associate)	\$275	361.75	\$ 99,481.25
Adelaide J. Ferchmin (law clerk)	\$150	35.5	\$ 5,325.00
Chris Letter (paralegal)	\$145	90	\$ 13,050.00

5. In addition to the above, the firm has incurred a total of \$294,329.02 in unreimbursed expenses and costs in connection with the prosecution of this case. The expenses and costs incurred in this action are reflected on the books and records of the firm. These books and records are prepared from expense vouchers, check records and other source materials and are an accurate recordation of the actual expenses and costs incurred. No "premium" or other additional charge has been added to these figures. The categorical breakdown of the unreimbursed costs and expenses is as follows:

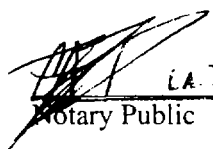
(a) Travel/hotel/meals:	\$ 44,513.78
(b) Photocopies:	\$ 8,259.65
(c) Postage/courier	\$ 3,374.91
(d) Telephone/telecopier	\$ 8,677.53
(e) Computer research	\$ 812.63
(f) Court costs/depositions	\$ 3,690.52
(g) Litigation fund contribution	\$225,000.00

6. With respect to the standing of counsel in this case, attached hereto as Exhibit "1" is a brief biography of the firm and attorneys who were principally involved in this case.

SO SWORN, this 24th day of March, 2005, at New Orleans, Louisiana.


Stuart E. Des Roches, Esq.

Sworn to before me, this 24 ✓
day of ~~November~~, 2005.
~~NOVEMBER~~
MARCH


Cary A. Des Roches
LA. Bar Roll No. 19550
Notary Public

CARY A. DES ROCHES
Attorney at Law and Notary Public
New Orleans, Louisiana
His commission is issued for life.

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March 2005

Odom & Des Roches, LLP engages in multi-party litigation of complex civil matters throughout the United States. The firm's clients include local businesses, national and international companies, and private individuals.

The lawyers of Odom & Des Roches, LLP, have particular depth of experience in corporate litigation, financial transactions litigation, antitrust litigation, and pharmaceutical industry litigation. The firm maintains an active defense practice, and regularly represents an international accounting firm and other business interests. At the request of several nationally prominent law firms, the firm expanded its practice to represent plaintiffs in antitrust contingency fee class action and Multi-District Litigation matters, particularly in the pharmaceutical industry. The firm has been involved in the following national antitrust class action and non-class action cases: *In re Buspirone Antitrust Litig.*, MDL Docket No. 1410, U.S.D.C., S.D.N.Y. (district court appointment to steering committee representing Sherman Act Class Plaintiffs) (district court approved settlement of \$220,000,000); *In re Cardizem CD Antitrust Litig.*, MDL Docket No. 1278, U.S.D.C., E.D.Mich. (district court appointment to discovery committee representing Sherman Act Class Plaintiffs) (district court approved settlement of \$110,000,000); *In re Relafen Antitrust Litig.*, Master File No. 01-12239, U.S.D.C., D.Mass. (district court approved settlement of \$175,000,000); *In re Brand Name Prescription Drugs Antitrust Litig.*, No. 94 C 897, U.S.D.C., E.D.N.Y. (representation of 3,800 non-class independent retail pharmacy operations) (private settlements reached with many defendants; case pending as to remaining defendants); *In re Terazosin Hydrochloride Antitrust Litig.*, MDL Docket No. 1317, U.S.D.C., S.D. Fla. (counsel for Sherman Act Plaintiffs) (case pending); *In re K-Dur Antitrust Litig.*, MDL Docket No. 1419, U.S.D.C., D.N.J. (district court appointment to executive committee representing Sherman Act Class Plaintiffs) (case pending); *In re Ciprofloxacin Hydrochloride Antitrust Litig.*, 00-MDL-1383, U.S.D.C., E.D.N.Y. (district court appointment to executive committee representing Sherman Act Class Plaintiffs) (case pending); *In re Northwest Airlines Corp., et al., Antitrust Litig.*, Master File No. 96-74711, U.S.D.C., E.D.Mich. (case pending); *In re Neurontin Antitrust Litig.*, MDL No. 1479, U.S.D.C., D.N.J. (case pending); *In re Remeron Antitrust Litig.*, Civil Action No. 03-cv-323, U.S.D.C., D.N.J. (case pending), and *In re Oxycontin Antitrust Litig.*, Civil Action No. 1:04-CV-00229-SHS, U.S.D.C., S.D.N.Y. (case pending).



The core of the firm's practice is its commitment and ability to try jury cases, and its lawyers structure their strategy from the outset of an engagement with an eye towards eventual appearance in the courtroom. It is the firm's philosophy and experience that being prepared for the rigors of trial maximizes the opportunities for the client to obtain favorable results. In addition to its active jury trial practice, the firm has extensive appellate experience, and its senior partner argued and won the unanimous reversal of a federal circuit court of appeals before the United States Supreme Court. Odom & Des Roches, LLP, which is rated "AV" by Martindale-Hubbell, maintains offices in New Orleans, Louisiana and Hahira, Georgia. The firm is listed in Martindale-Hubbell's "Bar Register of Preeminent Lawyers".

PARTNERS

John Gregory Odom, PLC. Mr. Odom was born in Hahira, Lowndes County, Georgia on November 29, 1951, and was admitted to the bar of the State of Georgia in 1978, the District of Columbia in 1982, and the State of Louisiana in 1983. He is also admitted to the bars of numerous United States District Courts and Courts of Appeals throughout the country, as well as the United States Supreme Court. He practiced with a leading Savannah firm for several years, and was a business litigation partner in the second-largest firm in Louisiana for seven years before leaving to form his own firm in 1990.

Mr. Odom was educated at Yale University (B.A., cum laude, 1973); The Queen's College, Oxford University (B.A. (hons.), 1975; M.A., 1981); and the University of Virginia School of Law (J.D., 1978). He is the author of "Recent Developments in Litigation Under the Racketeer Influenced and Corrupt Organizations Act and Federal Securities Law," Manual of Recent Developments in the Law, Louisiana State Bar Association, 1987-1990, and "Creative Applications of Civil RICO," 11 Am. J. Trial Adv. 245, Fall, 1987. His regular areas of practice include corporate litigation; healthcare industry litigation; securities litigation; RICO litigation; professional liability litigation; class action litigation; and antitrust litigation.

Stuart E. Des Roches. Mr. Des Roches was born in New Orleans, Louisiana on August 12, 1966, was admitted to the bar for the State of Louisiana in 1992. He has practiced continuously with Mr. Odom since 1992 and was made a partner in the firm in 1998. He is admitted to practice in numerous United States District Courts and Courts of Appeals throughout the country, as well as the United States Supreme Court. Mr. Des Roches was educated at Louisiana State University; University of New Orleans (B.A., 1989); and Tulane University Law School (J.D., 1992), and is a member of the New Orleans, Louisiana, Federal and American Bar Associations. He has routinely practiced antitrust law in the pharmaceutical sector for the past eleven years. His other regular areas of practice include general business litigation and accountant's liability defense litigation.

Andrew W. Kelly. Mr. Kelly was born in Bellefont, Pennsylvania on December 6, 1966, and was admitted to the bar for the States of California and Louisiana in 1994. He is admitted to practice in the United States District Courts for the Eastern, Middle, and Western Districts of Louisiana, and the Southern District of California; and the United States Court of Appeals for the Fifth Circuit. Mr. Kelly was educated at the University of California at Berkeley (B.A., 1988); and the University of San Diego School of Law (J.D., 1994), and is a member of the California and Louisiana Bar Associations. He served as law clerk to the Honorable John Minor Wisdom, of the United States Court of Appeals for the Fifth Circuit. His regular areas of practice include business litigation; class action litigation; and antitrust litigation. He is also available for counseling on criminal defense matters.

ASSOCIATES

Charles F. Zimmer II. Mr. Zimmer was born in New Iberia, Louisiana, on October 29, 1973. He was educated at Louisiana State University (B.S., 1996); and Tulane University School of Law (J.D., 1999). Mr. Zimmer studied business and accounting in college, and has passed all parts of the Uniform Certified Public Accounting Examination. He is a member of the Louisiana bar and the bars of the United States District Court for the Eastern, Middle, and Western Districts of Louisiana. Mr. Zimmer joined the firm upon graduation from law school, and actively participates in all phases of the firm's litigation practice, particularly in accounting liability defense matters and class action antitrust matters involving the pharmaceutical industry.

OF COUNSEL

Randall S. Acree. Mr. Acree was born in Augusta, Georgia on August 4, 1959, and was admitted to the bar for the State of Georgia in 1987. He is admitted to practice in the United States District Courts for the Northern and Southern Districts of Georgia. Mr. Acree was educated at Valdosta State College (B.A., 1981); did graduate work at the University of Georgia; and received his legal education at Mercer University (J.D., 1986), and Georgetown University (L.L.M. in Securities, 1987). Mr. Acree has extensive hospital industry experience, and his regular areas of practice include healthcare industry litigation; business tort litigation; securities litigation; class action litigation; and antitrust litigation.
