

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

IN RE: CARDIZEM CD ANTITRUST :
LITIGATION : MASTER FILE
: (No. 99-MD-1278)
: MDL No. 1278
: Honorable Nancy G. Edmunds
This document relates to: :
: :
ALL ACTIONS :
: :
: :

**AFFIDAVIT OF R. SCOTT PALMER IN SUPPORT
OF JOINT PETITION FOR ATTORNEYS' FEES AND
DISBURSEMENT FILED ON BEHALF OF
BURT & PUCILLO, LLP**

STATE OF FLORIDA)
) SS
COUNTY OF PALM BEACH)

R. Scott Palmer being first duly sworn, deposes and says:

1. I am a member of the law firm of Burt & Pucillo, LLP (now known as Berman DeValerio Pease Tabacco Burt & Pucillo). I submit this Affidavit in 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 as well as local counsel. The tasks undertaken by my firm can be summarized as follows:

- a. Assisted in the drafting and filing of the original and amended complaints.
- b. Participated in the drafting of the Pretrial Motion and Order.

- c. Participated in the drafting and reviewing of the Memorandum in Support of Class Certification.
- d. Prepared plaintiffs' class certification experts for deposition.
- e. Defended plaintiffs' experts' depositions on class certification.
- f. Participated in preparation for depositions taken of defendants' experts on class certification.
- g. Participated in the development of litigation strategy.

3. The schedule attached hereto as Exhibit 1 is a summary indicating the amount of time spent by each attorney and paralegal of my firm who was involved in this litigation, and the lodestar calculation is based on my firm's historic billing rates. For attorneys and paralegals that 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. The 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 report.

4. The hourly rates for the attorneys and paralegals in my firm, as set forth in Exhibit 1, are the same as the rates charged for their services which have been accepted and approved in other antitrust class action litigation.

5. The total number of hours expended on this litigation by my firm is 183.80, and the total lodestar for my firm is \$57,813.00, consisting of \$54,783.00, for attorneys' time and \$3,030.00, for paralegals' time.

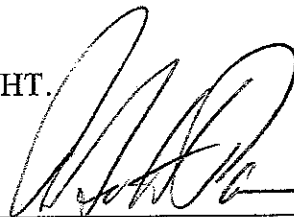
6. My firm's lodestar figure is based upon the firm's billing rates, which do not include charges for expense items. Expense items are billed separately and such charges are not duplicated in my firm's billing rates.

7. As detailed in Exhibit 2, my firm has incurred a total of \$30,521.67, in unreimbursed expenses in connection with the prosecution of this litigation.

8. 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 are an accurate recordation of the expenses incurred.

9. With respect to the standing of counsel in this case, attached hereto as Exhibit 3 is a brief biography of my firm and the attorneys in my firm who were principally involved in this litigation.

FURTHER AFFIANT SAYETH NAUGHT.



R. Scott Palmer

The foregoing instrument was acknowledged before me this 31st day of October, 2002, by R. Scott Palmer, who is personally known to me and who did take an oath.



Notary Public (SEAL)

My Commission Expires:



Judith L. Putnam
Commission # CG 863989
Expires Sep. 14, 2003
Bonded Thru
Atlantic Bonding Co., Inc.

EXHIBIT 1

CARDIZEM LITIGATION

Attorney Time Report From Inception Thru October 30, 2002

BURT & PUCILLO, LLP

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

Name (Status)	1	2	3	4	5	6	Total Hours	Hourly Rate	Cumulative Lodestar
C. Oliver Burt (P)	4.70	0.70	0.00	0.00	0.00	7.50	12.90	\$450	\$ 5,805.00
Michael J. Pucillo (P)	0.00	0.00	0.00	0.00	0.00	0.70	0.70	\$445	\$ 311.50
Michael J. Pucillo (P)	0.00	0.00	0.00	0.00	0.00	0.20	0.20	\$495 ¹	\$ 99.00
R. Scott Palmer (P)	20.00	74.80	0.00	8.10	0.00	21.30	124.20	\$375	\$ 46,575.00
R. Scott Palmer (P)	1.50	0.00	0.00	0.00	0.00	1.90	3.40	\$395 ²	\$ 1,343.00
R. Scott Palmer (P)	0.00	0.00	0.40	0.00	0.00	0.70	1.10	\$435 ³	\$ 478.50
Manual J. Dominguez (A)	0.00	0.00	0.00	0.00	0.00	0.90	0.90	\$190	\$ 171.00
Nicole G. Moody (PL)	0.70	0.00	0.00	0.00	0.00	0.00	0.70	\$75	\$ 52.50
J.R. Peck (PL)	0.00	0.20	0.00	0.00	0.00	0.00	0.20	\$75	\$ 15.00
Lou Ann Kelly (PL)	0.00	0.00	0.00	0.00	0.00	37.50	37.50	\$75	\$ 2,812.50
E. Avila (PL)	0.00	2.00	0.00	0.00	0.00	0.00	2.00	\$75	\$ 150.00
	26.90	77.70	0.40	8.10	0.00	70.70	183.80		\$ 57,813.00

(P) = Partner
(A) = Associate
(PL) = Paralegal

¹Rate changed January 2002.

²Rate changed January 2001.

³Rate changed January 2002.

EXHIBIT 2

CARDIZEM LITIGATION

EXPENSE REPORT FROM INCEPTION THROUGH OCTOBER 30, 2002

BURT & PUCILLO, LLP

CATEGORY (Break Down by Category)	CUMULATIVE EXPENSES
Postage/Express Mail	\$15.82
Telephone/Facsimile	\$182.89
Travel/Food	\$2,198.29
Photocopy/Firm	\$2,700.75
Photocopy/Outside	\$101.38
Messenger/Courier	\$119.45
Clerical Overtime	\$15.00
Escrow Contribution	\$25,000.00
Computer Research/ Lexis/Westlaw/Pacer	\$188.09
TOTAL:	\$30,521.67

EXHIBIT 3

BERMAN DEVALERIO PEASE TABACCO BURT & PUCILLO

WEST PALM BEACH OFFICE

Partners

C. Oliver Burt, III

C. Oliver Burt graduated from Swarthmore College in 1964 with a Bachelor of Arts Degree in History. In 1967 he graduated from the Law School of the University of Pennsylvania. After working as an associate with a major Philadelphia law firm, he served as Assistant U.S. Attorney for the Eastern District of Pennsylvania from 1971 to 1973, prosecuting white-collar criminal cases. In May 1973, Mr. Burt was appointed Chief of the Civil Division of the United States Attorney's Office. He returned from private practice briefly to serve as a Special Assistant U.S. Attorney in January 1977.

Previously, Mr. Burt was a partner in a Philadelphia law firm where he was primarily engaged in commercial litigation including antitrust, securities litigation, unfair competition, white-collar criminal cases, and general business litigation. Since 1985, Mr. Burt has participated actively in securities and class action litigation. He is a member of the Florida and Pennsylvania Bars and is admitted to practice before the Supreme Court of the United States, the Third Circuit Court of Appeals, the Eighth Circuit Court of Appeals, the Ninth Circuit Court of Appeals, the District Court for the Eastern District of Pennsylvania, the District Court for the Northern District of New York, the District Court for the District of Arizona and the Middle and Southern Districts of Florida.

Mr. Burt has also served as an author and lecturer on various legal topics. He has co-authored materials on punitive damages in the class-action context and lectured on that subject at the 1995 American Conference Institute seminar, "Litigating Punitive Damages," in New York.

Michael J. Pucillo

Michael Pucillo has been a member of the Florida Bar since 1978 and is admitted to practice before the United States Court of Appeals for the Fifth and Eleventh Circuits and the United States District Courts for the Southern and Middle Districts of Florida and the District of Arizona.

Mr. Pucillo has been active in numerous class actions and shareholder derivative actions throughout the United States since 1989. He recently acted as sole lead counsel in In re UCAR International, Inc. Securities Litigation, Case No. 98-CV-0600-JBA (D. Conn.), an action in which the Florida State Board of Administration was the lead plaintiff. That action recently settled for a \$40 million cash payment and the right to appoint a new member to UCAR's Board of Directors, one of the first times such significant corporate governance relief was achieved as part of a securities class action.

A graduate of Williams College (1975) and Georgetown University Law School (1978), Mr. Pucillo worked as law clerk to two federal judges before serving as an enforcement attorney with the U.S. Securities and Exchange Commission in Washington.

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Mr. Pucillo has lectured frequently on class actions and litigation. In 1994, he became a member of the faculty of the College of Advanced Judicial Studies ("AJS"), where he taught, "Managing the Complex Civil Case" to Florida circuit court judges in 1994 and in 1996. He is scheduled to teach again in the 2001 AJS. He is a member of the Academy of Florida Trial Lawyers, and has lectured for the Academy on class actions and on recent developments in commercial and business tort litigation. He served as President of the Gold Coast Chapter of the Federal Bar Association during 1989-1990, and served from 1994 to 1997 as Chairman of the Palm Beach County Bar Association Federal Court Practice Committee. He also appeared on the PBS Nightly Business Report on issues relating to investor fraud.

Wendy H. Zoberman

Wendy Zoberman is admitted to practice before the United States District Court for the Middle and Southern Districts of Florida, as well as all Florida State Courts. Ms. Zoberman is a 1981 graduate of Wellesley College, where she was a Durant Scholar, and was elected to the Phi Beta Kappa Society. She received her law degree from Columbia University in 1984. At Columbia she served as an Articles Editor of the Columbia University-Volunteer Lawyers for the Arts Journal of Art and the Law and is a co-author of "An Introduction to the New York Artists' Authorship Rights Act," appearing at Vol. 8, No. 3 Columbia - VLA Journal of Art and the Law 369.

Ms. Zoberman has practiced law in Florida since 1984, originally concentrating on First Amendment litigation and commercial litigation. Since 1990, Ms. Zoberman has prosecuted numerous securities class actions and shareholder derivative actions both throughout Florida and in other jurisdictions, including In Re John Alden Financial Corp. Securities Litigation, Ehrenreich, et al. v. Sensormatic Electronics Corp. and In Re Brothers Gourmet Coffees, Inc. Securities Litigation. She was also instrumental in the prosecution of In re UCAR International, Inc. Securities Litigation.

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R. Scott Palmer

Scott Palmer graduated from the University of Michigan in 1966 with a Bachelor of Arts Degree in English Literature. After a brief teaching career, he attended the University of Miami School of Law, graduating with honors in 1976. Upon his graduation, he became an Assistant State Attorney in the Ninth Judicial Circuit, Orlando, Florida.

From 1976 to 1979 Mr. Palmer served as a misdemeanor and felony trial attorney as well as legal advisor to the Organized Crime Strike Force. In January 1980, Mr. Palmer was appointed Chief Field Counsel for the Florida Department of Law Enforcement and in 1981 he became Director of Executive Investigations, responsible for the security of the Governor of the State of Florida and internal affairs at the Department of Law Enforcement. In June 1982, then-Governor Bob Graham appointed Mr. Palmer Chief Prosecutor of the Statewide Grand Jury, a post he held until 1986.

After two years in private practice, Mr. Palmer was appointed an Assistant Attorney General for the Antitrust Section of the Economics Crimes Litigation Unit in 1988. He was later promoted to the post of Special Counsel and was responsible for all major litigation in the Economic Crime Section.

Mr. Palmer has been a member of the Florida Bar since 1976 and is also a member of the bars of the Eleventh Circuit Court of Appeals, Northern, Middle and Southern Districts of Florida. He is a certified Circuit Court mediator and has authored a law review article on statewide prosecution and a chapter on unfair trade practices in Matthew Bender's "Florida Forms of Jury Instruction." In addition, Mr. Palmer has taught litigation skills at the Florida State University College of Law and has studied antitrust law under Philip Areeda at Harvard Law School.

Associates

Anne F. Jacobs

Anne Jacobs was admitted to the New York Bar and to the Southern and Eastern Districts of New York in 1987, and to the Florida Bar in 1995. She graduated summa cum laude and Phi Beta Kappa upon earning her B.A. from the University of Pennsylvania in 1983. She received her J.D. in 1986 from New York University School of Law, where she was an articles editor on the Annual Survey of American Law and authored an article on prisoner's rights. During and after law school, she served as a law clerk in the Southern District of New York, the District of New Jersey, and the United States Court of Appeals for the Third Circuit.

Ms. Jacobs then worked as a research and teaching associate at the University of Pennsylvania, where she co-authored a law review article on slavery jurisprudence. From 1988 to 1991, she was a litigation associate with a major New York law firm, where she concentrated in the areas of complex commercial litigation and corporate law. Upon moving to Tallahassee, Florida, she engaged in state and federal death penalty litigation

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and then served as co-director of an agency representing battered women seeking executive clemency. She then served as an adjunct professor at St. Thomas University Law School and, just prior to joining the firm, as a career staff attorney at the Fourth District Court of Appeal in West Palm Beach, Florida.

Manuel J. Dominguez

Manuel Dominguez graduated with honors from the Florida State University Law School in 1995 and was a member of the *Transnational Journal of Law and Policy*. He received his undergraduate degree from Florida International University in 1991. Mr. Dominguez is admitted to practice law in the State of Florida as well as the United States District Courts for the Northern, Middle and Southern Districts of Florida.

Mr. Dominguez served as an assistant attorney general with the State of Florida from 1995 to 1997 in the Department of Economic Crimes. He participated in the prosecution and investigation of corporations and business entities for violations of Florida's RICO statute, Florida's antitrust statute and Florida's Unfair and Deceptive Trade Practices Act. In private practice from 1997 through 2000 Mr. Dominguez litigated and tried cases involving Florida's Unfair and Deceptive Trade Practices Act, the Florida Consumer Collection Practices Act, Federal Debt Collection Practices Act and Truth In Lending.

Jay W. Eng

Jay W. Eng graduated from Florida State University in 1994 with a B.S. in Economics. In 1998, he graduated from Tulane Law School with a J.D. and certificate of specialization in maritime law. He was awarded the book award for the top grade in Contracts II - the Uniform Commercial Code. He also served as a Notes and Comments Editor to the *Tulane Maritime Law Journal* and authored a note entitled, "The 'Something More' Requirement under Section 5(b) of the Longshore Act: Singleton v. Guangzhou Ocean Shipping Co.," 21 Tul. M. L.J. 205 (1996). Jay is a member of the Florida Bar, the Southern District of Florida, Middle District of Florida, Northern District of Florida, and the Eleventh Circuit Court of Appeals.

Prior to joining the Firm, Jay was a commercial litigation associate at Carlton Fields, P.A. He also served a judicial law clerk to Magistrate Judge Ann E. Vitunac, United States District Court for the Southern District of Florida, and as a trial court law clerk to the Fifteenth Judicial Circuit Court in and for the State of Florida.

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Of Counsel

Lauren S. Dadario

Lauren Dadario joined the firm in 1994. She received her law degree in 1981 from St. John's University. She is admitted to practice in the States of New York and Florida, and for the United States District Court in the Southern and Eastern Districts of New York, the Middle and Southern Districts of Florida and the U.S. Court of Appeals, Eleventh Circuit. Ms. Dadario previously served as an Assistant District Attorney for the Brooklyn District Attorney's Office, where she was assigned to the Rackets Bureau, and was Compliance Counsel for the Commodity Exchange, Inc. She concentrates her activities in the firm's securities and consumer law practices.