

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

IN RE REMERON ANTITRUST LITIGATION )  
----- ) Master Docket No. 02 CV 2007  
THIS DOCUMENT RELATES TO: )  
)  
MEIJER, INC., )  
)  
Plaintiff, )  
)  
v. ) No. 2:03cv00085  
)  
ORGANON, INC. and AKZO-NOVEL, NV, )  
)  
Defendants. )

**DECLARATION OF PAUL E. SLATER ON BEHALF OF SPERLING & SLATER, P.C.  
IN SUPPORT OF CLASS COUNSEL'S MOTION FOR AN AWARD OF ATTORNEYS'  
FEES AND REIMBURSEMENTS OF EXPENSES**

I, Paul E. Slater, under penalty of perjury under the laws of the State of United States of America, declare as follows:

1. I am a partner of the firm Sperling & Slater, P.C. I am submitting this declaration in support of Class Counsel's motion for attorneys' fees and reimbursement of expenses in connection with services rendered by my firm in the above-entitled actions. A copy of my resume is attached hereto as Exhibit 1.

2. The factual matters set forth and the assertions made herein are true and correct to the best of my knowledge, information and belief.

3. The total number of hours expended by my firm on this litigation is 51.50. The total lodestar amount based on the firm's current rates is \$33,217.50.

4. The following schedule is a summary of the amount of time 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. The schedule was prepared from contemporaneous daily time records regularly prepared and maintained by my firm, which are available to the Court. Time expended in preparing this application for fees and expenses have not been included in this request.

<b>Attorneys</b>	<b>TOTAL HOURS</b>	<b>CURRENT HOURLY RATE</b>	<b>TOTAL LODESTAR</b>
Paul E. Slater (P)	51.5	\$645.00	\$33,217.50
<b>TOTALS</b>			\$33,217.50

P = Partner  
A = Associate  
PL = Paralegal

5. All of the work performed by the above-referenced attorneys in this case was performed at the direction of Co-Lead Counsel or in the drafting and preparation of the original complaint prior to the appointment of Co-Lead Counsel, and was conducted effectively, efficiently, and economically and to avoid unnecessary expenditures of time and expense.

6. My firm expended a total of \$1,359.37 in unreimbursed expenses in connection with the prosecution of this litigation. These expenses, from inception to date, are categorized in the following chart.


Litigation Expenses:

Photocopying	39.85
Telephone/ Facsimile	921.19
Postage/Messengers	18.33
Court Filing Fees	380.00
Other (describe)	0.00
<b>Total</b>	<b>1,359.37</b>

Total Expenses ..... \$1,359.37

7. The expenses incurred pertaining to this case are reflected in the books and records of this firm. These books and records are prepared from expense vouchers and check records and are an accurate record of the expenses incurred.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 29<sup>th</sup> day of September, 2005.

  
Paul E. Slater

**Exhibit 1**  
**Resume of Paul E. Slater**  
**September 2005**

Paul E. Slater has been a partner at Sperling & Slater since 1976. Mr. Slater graduated from Columbia University in 1967 and attended Northwestern University School of Law where he graduated *magna cum laude* with a Juris Doctorate degree in 1970. Mr. Slater was the valedictorian of his law school class and a member of the Order of the Coif. He was also a member of the editorial board of the Northwestern University Law Review.

Upon graduation from Law School, Mr. Slater took a faculty position at the University of California School of Law (Boalt Hall), Berkeley, California. In September 1972, Mr. Slater returned to the Northwestern University School of Law as an Associate Professor of law, where he taught Antitrust I, an antitrust seminar, and supervised senior research student projects in antitrust law. In 1977, Mr. Slater resigned from his position at Northwestern to engage in the full-time practice of law. Mr. Slater has continued to teach Antitrust II at Northwestern Law School as an Adjunct Professor of Law. Since that time, Mr. Slater's practice has been exclusively complex commercial litigation or counseling with a heavy emphasis on antitrust, patents and unfair competition. Mr. Slater devotes approximately 70% of his time to antitrust matters.

Mr. Slater is a member of the ABA Antitrust Section, the Chicago Bar Association Antitrust Committee, and is a member of the Advisory Board of the Loyola Antitrust Institute. He has been a frequent speaker at national antitrust conferences, including the ABA Antitrust Section annual meeting, the Corporate Counsel Institute, the New York Antitrust Law Symposium, the Indiana Continuing Legal Education seminar, and the antitrust and patent committees of the Chicago Bar Association.

Mr. Slater has authored a number of law review articles which have been favorably cited by the United States Supreme Court on three different occasions in *Hospital Building Co. v. Trustees of Rex Hospital, et al.*, 425 U.S. 738, 743 (1976); *Cantor v. Detroit Edison Co.*, 428 U.S. 579, 632 (1976); *City of Lafayette, Louisiana, et al. v. Louisiana Power & Light Co.*, 435 U.S. 389, 401 (1978). At the request of the Department of Justice Antitrust Division, Mr. Slater testified before the National Commission for the Revision of Antitrust Laws with regard to the need and proposals for amending the antitrust laws of the United States. Mr. Slater has also authored amicus briefs on behalf of antitrust organizations. Most recently, he authored an amicus brief on behalf of the American Antitrust Institute in *In Re Cardizem* on the subject of the overlap between the patent and antitrust laws.

Mr. Slater has received favorable judgments on behalf of numerous antitrust plaintiffs and defendants in both private treble-damage actions and in class action cases. Among them are the following:

- *Fishman v. Estate of Wirtz*, 807 F.2d 520 (7th Cir. 1986) - obtained treble-damage verdict at trial, which was sustained on appeal, against the owners of the Chicago Bulls NBA basketball franchise and the Chicago Stadium for violations of §§ 1 and 2 of the Sherman Act.
- *Hewitt v. Joyce Beverages of Wisconsin, Inc., et al.*, 721 F.2d 625 (7th Cir. 1983) - successfully defended class action price-fixing claim against the largest Seven-Up bottler in the United States.
- *Wilk v. American Medical Association*, 895 F.2d 352 (7th Cir. 1990) - successfully obtained verdict at trial for injunctive and monetary relief, which was sustained on appeal, against nine medical associations including the AMA, American College of Surgeons, American College of Radiologists, American Hospital Association, and American College of Physicians, on behalf of chiropractic plaintiffs, for violations of §§ 1 and 2 of the Sherman Act.
- *T. Harris Young and Associates, Inc. v. Marquette Electronics, Inc.*, 931 F.2d 816 (11th Cir. 1991) - successfully obtained reversal of treble-damage judgment issued pursuant to §1 of the Sherman Act and §3 of the Clayton Act against

medical equipment manufacturer and subsequently obtained dismissal of the claim upon remand.

- *Chicago Ridge Theatre Limited Partnership v. M&R Amusement Corp.*, 855 F.2d 465 (7th Cir. 1988) - successfully obtained reversal of judgment for defendant in §1 and §2 Sherman Act case pertaining to "split" agreements allocating first-run films.
- *In re Brand Name Prescription Drug Litigation*, 123 F.3d 599 (7th Cir. 1997) - successfully represented chain retailer of prescription pharmaceutical drugs in obtaining substantial monetary relief in §1 price-fixing claim against all of the major brand name prescription drug manufacturers in the United States.
- *C.R. Bard v. M3 Systems, Inc.*, 157 F.3d 1340 (Fed. Cir. 1998) - successfully obtained, and sustained on appeal, treble-damage and injunctive relief for a patent defendant/antitrust counterclaimant on basis of fraud on the Patent Office, bad faith prosecution of infringement claim and predatory product modification under §2 of the Sherman Act. This case represents the first time in the history of the Sherman Act that a plaintiff prevailed on the basis of a predatory product modification claim under §2 of the Sherman Act in a fully litigated case (*i.e.*, successfully tried and sustained on appeal).
- *Rybarczyk, et al. v. TRW, Inc.*, 235 F.3d 975 (6th Cir. 2000) - successfully litigated as co-lead counsel, at trial and appeal, ERISA class action on behalf of class of TRW retirees, recovering \$52,000,000 for the plaintiff class.
- *Bering Truck Corporation v. Hyundai Motor Co. and DaimlerChrysler Corp.*, District Court for the Western District of Virginia, Case No. 5:01 CV 56 - successfully tried in an international arbitration breach of contract and Sherman Act §§ 1 and 2 claims on behalf of importer and distributor of commercial vehicles into the United States, obtaining substantial monetary relief.
- *In re Lease Oil Antitrust Litigation (II), Randolph Energy, Inc. v. Amerada Hess, et al.*, No. C-98-48, United States District Court for the Southern District of Texas, Corpus Christi Division - obtained substantial monetary and injunctive relief as co-lead counsel for plaintiff class of land owners in Alabama who leased mineral rights associated with their land to oil company defendants who unlawfully fixed the royalty rate paid to land owners in violation of the antitrust laws.
- *Westinghouse Corp. v. Southwestern Engineering Co.*, District Court for the District of Delaware (1986) - successfully defended at trial accused patent infringer and obtained substantial monetary relief based on §1 Sherman Act and §3 Clayton Act counterclaims, asserting that counterdefendant, Westinghouse, tied the purchase of replacement heat exchangers used in nuclear energy plants

(*i.e.*, moisture separator reheater tube bundles) to the purchase of enriched uranium (*i.e.*, "yellowcake").