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10 *Counsel for the Direct Purchaser Plaintiff Class*  
11 [Additional Counsel Listed on Signature Page]

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**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

IN RE: PACKAGED SEAFOOD  
PRODUCTS ANTITRUST  
LITIGATION

Case No. 3:15-md-02670-DMS-MSB  
MDL No. 2670

**DECLARATION OF ARTHUR N.  
BAILEY IN SUPPORT OF DIRECT  
PURCHASER PLAINTIFFS'  
OPENING FEE AND COSTS BRIEF**

This document relates to:  
DIRECT PURCHASER CLASS  
PLAINTIFFS TRACK

1 I, Arthur N. Bailey, declare as follows:

2 1. I am a partner at Rupp Pfalzgraf, LLC one of the firms that represents  
3 the Direct Purchaser Plaintiffs (“DPPs”) in the above-captioned action (the “Action”).  
4 I submit this declaration in support of Lead Counsel’s application for an award of  
5 attorneys’ fees for services rendered in the Action, for reimbursement of expenses  
6 incurred in connection with the Action, and for Service Awards for Class  
7 Representatives. I make this declaration based on my personal knowledge and, if  
8 called, could testify hereto the following information.

9 2. The DPPs represent a proposed class of direct purchasers for violations  
10 of the antitrust laws by the three largest domestic producers of packaged tuna  
11 products—Bumble Bee Foods LLC (“Bumble Bee”), Tri-Union Seafoods LLC d/b/a  
12 Chicken of the Sea (“COSI”), and StarKist Company (“StarKist”), and the relevant  
13 parent companies<sup>1</sup> (collectively, “Defendants”). The Judicial Panel on Multidistrict  
14 Litigation centralized the cases before the Southern District of California in December  
15 of 2015 (*see* MDL No. 2670), after which the Honorable Janis L. Sammartino  
16 appointed interim lead counsel for the DPPs, Hausfeld LLP (“Lead Counsel”), as well  
17 as members of a Plaintiffs’ Steering Committee. ECF No. 119. As part of the Court’s  
18 order appointing counsel, Lead Counsel was ordered to “[t]o call meetings of the law  
19 firms representing the class of DPPs when deemed appropriate and to assign work to  
20 these law firms[.]” *Id.*

21 3. My firm, as counsel for the DPPs, participated in the discovery portion  
22 of the case, including coordinating meetings with clients and counsel, analysis of  
23 documents produced both by plaintiffs and defendants as part of the document review  
24 team, client retention, preparation for and participation in client depositions, including  
25 travel thereto, and other various activities assigned by lead counsel.

26 <sup>1</sup> Defendant Dongwon Industries Co. Ltd. owns StarKist; Defendant Thai Union  
27 Group owns COSI; and Defendants Lion Capital LLP, Lion Capital (Americas) Inc.,  
28 and Big Catch Cayman LP (together, the “Lion Defendants”) owned Bumble Bee.

1           4.     The schedule attached hereto as Exhibit 1 is a detailed summary  
2 indicating the amount of time spent by attorneys and professional support staff of my  
3 firm who were involved in, and billed ten or more hours to, this Action, and the  
4 lodestar calculation for those individuals based on my firm's then-current billing rates  
5 (including historical rates). For personnel who are no longer employed by my firm,  
6 the lodestar calculation is based on the billing rates for such personnel at the time they  
7 conducted work on behalf of the DPPs. The schedule was prepared from  
8 contemporaneous daily time records regularly prepared and maintained by my firm.  
9 Time expended on the Action after August 23, 2024 has not been included in this  
10 request. Time expended on the application for attorneys' fees and reimbursement of  
11 litigation expenses has also been excluded.

12           5.     The hourly rates for the attorneys and professional support staff of my  
13 firm included in Exhibit 1 are set by lead counsel due to the circumstances of this  
14 particular matter and are rates which have been accepted in other complex or class  
15 action litigation.

16           6.     The total number of hours reflected in Exhibit 1 is 2,383.80. The total  
17 lodestar reflected in Exhibit 1 is \$838,639.00 consisting of \$838,389.00 for attorneys'  
18 time and \$275.00 for professional support staff time.

19           7.     My firm's lodestar figures are based on billing rates, which do not  
20 include charges for expense items. Expense items are billed separately and such  
21 charges are not duplicated in my firm's billing rates.

22           8.     As detailed in Exhibit 2, my firm is seeking reimbursement for a total of  
23 \$1,299.54 in litigation expenses incurred in connection with the prosecution of this  
24 Action from January 1, 2021 through and including August 23, 2024 (this does not  
25 include contributions to the Litigation Fund, which are described in Lead Counsel's  
26 supporting declaration).

27           9.     The litigation expenses reflected in Exhibit 2 are the actual incurred  
28 expenses.



# Exhibit 1

**In re Packaged Seafood Products Antitrust Litigation, MDL 2670**  
**Rupp Baase Pfalzgraf - Summary Time Report**

<b>Name</b>	<b>Title</b>	<b>Hourly Rate</b>	<b>Total Hours</b>	<b>Total Amount</b>
Anthony G. Marecki	Attorney	\$325	60.2	\$19,565.00
Adam M. Brasky	Attorney	\$320	110.9	\$35,488.00
Arthur N. Bailey	Attorney	\$495*	450	\$201,932.00
E. Gruschow	Attorney	\$320	47.5	\$15,200.00
Jennifer M. Cameron	Attorney	\$320	36.9	\$11,808.00
Jill R. Roloff	Attorney	\$320	33.1	\$10,592.00
Marco Cercone	Attorney	\$475*	253.4	\$95,118.00
Nicholas A. Vona	Attorney	\$320	699.6	\$223,872.00
Patrick D. Leavy	Attorney	\$325	681.5	\$221,487.50
R. Anthony Rupp, III	Attorney	\$450*	2.2	\$947.50
Robert C. Singer	Attorney	\$250	0.2	\$50.00
Stephen J. Stachowski	Attorney	\$320	7.2	\$2,304.00
Theresa Hobbs	Paralegal	\$250	1.1	\$275.00
<b>TOTAL</b>			<b>2,383.80</b>	<b>\$838,639.00</b>
*Denotes fluctuation in hourly rate during earlier reporting period				

# Exhibit 2

**In re Packaged Seafood Products Antitrust Litigation, MDL 2670**  
**Rupp Baase Pfalzgraf - Summary Expense Report**  
**Jan. 1, 2021- Aug. 23, 2024**

<b>Category</b>	<b>Amount</b>
Copying	\$52.80
Travel	\$1,246.74
<b>TOTAL</b>	<b>\$1,299.54</b>