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Counsel for the Direct Purchaser Plaintiff Class

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

IN RE: PACKAGED SEAFOOD
PRODUCTS ANTITRUST
LITIGATION

This document relates to:
DIRECT PURCHASER CLASS
PLAINTIFFS TRACK

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

**DECLARATION OF STANLEY D.
BERNSTEIN IN SUPPORT OF
DIRECT PURCHASER PLAINTIFFS'
OPENING FEE AND COSTS BRIEF**

1 I, Stanley D. Bernstein, declare as follows:

2 1. I am a partner at Bernstein Liebhard LLP, 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 to 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 companies¹ (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, of which my firm was included. ECF
18 No. 119. As part of the Court’s order appointing counsel, Lead Counsel was ordered
19 to “[t]o call meetings of the law firms representing the class of DPPs when deemed
20 appropriate and to assign work to these law firms[.]” *Id.*

21 3. My firm, as counsel for the DPPs, researched the claims alleged in, and
22 edited, the consolidated complaint; drafted and edited portions of the opposition to
23 Defendants’ motion to dismiss the consolidated complaint; drafted numerous
24 discovery requests; reviewed thousands of documents in discovery; participated in
25 numerous meetings relating to discovery; drafted a motion to compel; participated in

26 ¹ 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.

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1 meet and confers on discovery requests; produced documents from our client, named
2 plaintiff and Class Representative Benjamin Foods LLC; worked with Benjamin
3 Foods on discovery responses; defended Benjamin Foods' class certification
4 deposition; reviewed the motion for class certification and subsequent appeal;
5 discussed settlement negotiations with Benjamin Foods; and prepared Benjamin
6 Foods to testify at trial.

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

18 5. The hourly rates for the attorneys and professional support staff of my
19 firm included in Exhibit 1 are set by Lead Counsel due to the circumstances of this
20 particular matter and are rates which have been accepted in other complex or class
21 action litigation.

22 6. The total number of hours reflected in Exhibit 1 is 639.96. The total
23 lodestar reflected in Exhibit 1 is \$336,634.50, consisting of \$318,187 for attorneys'
24 time and \$18,447.50 for professional support staff time.

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

28 8. My firm has reviewed the time records that form the basis of this
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1 declaration to correct any billing errors. In addition, my firm has removed all time
2 entries and expenses related to the following activities if not specifically authorized
3 by Lead Counsel: reading or reviewing correspondence or pleadings, appearances at
4 hearings or depositions, and travel time and expenses related thereto.

5 I declare under penalty of perjury under the laws of the United States of
6 America that the foregoing is true and correct. Executed this 1st day of October, 2024.

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8 By: /s/ Stanley D. Bernstein
9 STANLEY D. BERNSTEIN

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Exhibit 1

**In re Packaged Seafood Products Antitrust Litigation, MDL 2670
Bernstein Liebhard LLP - Summary Time Report**

Name	Title	Hourly Rate	Total Hours	Total Amount
Blake H. Yagman	Attorney	\$550*	192.40	\$72,865.00
Dana S. Smith	Attorney	\$500	135.10	\$67,550.00
Janna Birkeland	Attorney	\$500	21.60	\$10,800.00
Joseph Beige	Attorney	\$500	73.00	\$36,500.00
Joseph Seidman	Attorney	\$700	114.56	\$80,232.00
Ronald Aranoff	Attorney	\$700	75.90	\$53,130.00
Stanley D. Bernstein	Attorney	\$700	11.30	\$7,910.00
Teresa Maloney	Attorney	\$475	16.10	\$7,647.50
TOTAL			639.96	\$336,634.50
*Denotes fluctuation in hourly rate during earlier reporting period				