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10 *Counsel for the Direct Purchaser Plaintiff Class*

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

13 IN RE: PACKAGED SEAFOOD
14 PRODUCTS ANTITRUST
15 LITIGATION

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

**DECLARATION OF C. ANDREW
DIRKSEN IN SUPPORT OF DIRECT
PURCHASER PLAINTIFFS’
OPENING FEE AND COSTS BRIEF**

16 This document relates to:
17 DIRECT PURCHASER CLASS
18 PLAINTIFFS TRACK

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1 I, C. Andrew Dirksen, declare as follows:

2 1. I am a partner at Cera LLP, one of the firms that represents the Direct
3 Purchaser Plaintiffs (“DPPs”) in the above-captioned action (the “Action”). I submit
4 this declaration in support of Lead Counsel’s application for an award of attorneys’
5 fees for services rendered in the Action, for reimbursement of expenses incurred in
6 connection with the Action, and for Service Awards for Class Representatives. I make
7 this declaration based on my personal knowledge and, if called, could testify hereto
8 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 represents class representative plaintiffs Piggly Wiggly
22 Alabama Distributing Company Inc. (“PWADC”) and Gregg Szilagyi as Trustee in
23 Bankruptcy for Central Grocers, Inc., who recently was appointed to replace Howard
24 Samuels as Trustee upon Mr. Samuels’ passing in July (*see* Dkt. 3311, Order Granting
25 DPPs’ Unopposed Motion to Substitute Party). As their counsel, my firm performed

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.

1 pre-filing investigative work, including on their initial complaints. My firm also
2 represented Associated Grocers of Florida (“AGFLA”) in this case for almost two
3 years, including through a lot of discovery, before AGFLA’s participation in this case
4 as a class representative plaintiff (and our representation of it) ceased; during the
5 litigation, AGFLA was acquired by another company that opted to pursue its and its
6 subsidiaries’ seafood antitrust claims on a direct action basis. As counsel for the DPPs,
7 my firm has:

8 • Performed legal and factual research and work in connection with
9 amendments to and drafting of the consolidated complaint, certain sections within
10 DPPs’ opposition to defendants’ motions to dismiss, and other legal briefs filed by
11 plaintiffs (e.g., plaintiffs’ motion for class certification, opposition to summary
12 judgment, etc.);

13 • discovery work with clients PWADC, AGFLA and Central Grocers (and
14 the Central Grocers Bankruptcy Trustee Howard Samuels), including research of the
15 seafood industry, responding and objecting to defendants’ discovery directed to the
16 named plaintiffs, collection and organization of thousands of records responsive to
17 Defendants’ document requests, and assisting co-counsel in preparing for the
18 depositions of other representative plaintiffs;

19 • prepared for and defended depositions of PWADC and the Trustee;
20 • prepared for and attended Court hearings on case dispositive issues,
21 including conferring about issues regarding same with Lead Counsel and co-counsel,
22 and reporting about same to clients;

23 • conducted discovery of the defendants and third parties, including
24 drafting of third party subpoenas, and analysis and synthesis of records produced by
25 the defendants and third parties, including for use at depositions, for use by experts,
26 and for use in support of or opposition to various case-dispositive motions, and also
27 for possible use at trial;

28 • prepared for and conducted the deposition of a percipient witness

1 employed at the time by defendant Bumble Bee, and worked with Lead Counsel
2 regarding issues in connection with preparing for the deposition and other
3 depositions;

- 4 • conferred with clients PWADC and the Trustee about the status of the
5 case (including settlement discussions), and other work as requested by Lead Counsel.

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

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

21 6. The total number of hours reflected in Exhibit 1 is 1635.9. The total
22 lodestar reflected in Exhibit 1 is \$599,515, consisting of \$542,115 for attorneys' time
23 and \$57,400 for professional support staff time.

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

27 8. As detailed in Exhibit 2, my firm is seeking reimbursement for a total of
28 \$158.58 in litigation expenses incurred in connection with the prosecution of this

1 Action from January 1, 2021 through and including August 23, 2024 (this does not
2 include contributions to the Litigation Fund, which are described in Lead Counsel’s
3 supporting declaration).

4 9. The litigation expenses reflected in Exhibit 2 are the actual incurred
5 expenses.

6 10. The expenses incurred in this Action are reflected on the books and
7 records of my firm. These books and records are prepared from expense vouchers,
8 check records, and other source materials and are an accurate record of the expenses
9 incurred.

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

15 I declare under penalty of perjury under the laws of the United States of
16 America that the foregoing is true and correct. Executed this 2nd day of October, 2024.

17 By: 
18 C. Andrew Dirksen

Exhibit 1

In re Packaged Seafood Products Antitrust Litigation, MDL 2670
Cera LLP - Summary Time Report

Name	Title	Hourly Rate	Total Hours	Total Amount
SBC	Attorney	\$700	58.70	\$41,090.00
CAD	Attorney	\$500	310.90	\$155,450.00
KAF	Attorney	\$450*	568.50	\$201,795.00
CLC	Attorney	\$350	410.80	\$143,780.00
JRL	Attorney	\$200	287.00	\$57,400.00
TOTAL			1,635.90	\$599,515.00
*Denotes fluctuation in hourly rate during earlier reporting period				

Exhibit 2

In re Packaged Seafood Products Antitrust Litigation

CERA LLP

Expense Report

January 1, 2021 through August 23, 2024

CATEGORY	AMOUNT INCURRED
FedEx/courier	79.08
Internal copies	27.00
Telephone	20.24
Pacer/Westlaw	7.20
Electronic Discovery	25.06
TOTAL:	\$ 158.58